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**North York Moors National Park Authority
Scarborough Borough Council**

Proposed Submission Whitby Business Park Area Action Plan

Statement of Consultation

**Prepared under Section 22(c) of the Town and Country Planning (Local Planning)
(England) Regulations 2012**

November 2013

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1. Introduction

- 1.1 The Whitby Business Park Area Action Plan is being produced by the North York Moors National Park Authority and Scarborough Borough Council. The Plan is being prepared in accordance with the Planning and Compulsory Purchase Act 2008 (as amended) and the Town and County Planning (Local Planning) (England) Regulations 2012. The 2011 Localism Act has also introduced requirements relating to the Duty to Cooperate.
- 1.2 For the purposes of the 2012 Regulations, the Area Action Plan is a 'Local Plan' as defined under Regulation 5(1)(a). The 2012 Regulations prescribe the process for producing a Local Plan, including stipulating when and how consultation should be carried out. Both authorities recognise the benefits of consultation and have sought to engage thoroughly with interested parties and key stakeholders throughout production of the Plan in accordance with the requirements of their respective Statements of Community Involvement (SCI).
- 1.3 Regulation 22(c) of the 2012 Regulations require a statement to be produced which sets out:
- (i) which bodies and persons the local planning authority invited to make representations under regulation 18,
 - (ii) how those bodies and persons were invited to make representations under regulation 18,
 - (iii) a summary of the main issues raised by the representations made pursuant to regulation 18,
 - (iv) how any representations made pursuant to regulation 18 have been taken into account;
 - (v) if representations were made pursuant to regulation 20, the number of representations made and a summary of the main issues raised in those representations; and
 - (vi) if no representations were made in regulation 20, that no such representations were made'.

This statement must be submitted to the Secretary of State alongside the Plan (and other documentation) for Examination.

2. Consultation Stages

- 2.1 Whilst the 2012 Regulations require formal stages of consultation at Regulation 18 (Preparation of a Local Plan) and Regulation 19 (Publication of a Local Plan), consultation has been undertaken at three stages, as set out below:
1. First Consultation (was Regulation 25, now Regulation 18) – a Discussion Paper was produced for consultation to obtain views on what the Area Action Plan should contain and the issues it should address – August and September 2009
 2. Consultation on Draft Plan (Regulation 18) – to set out the draft policies and site allocations for consultation – April and May 2013
 3. Publication (Regulation 19) – the Proposed Submission Plan – 6th November to 18th December 2013.
- 2.2 The Planning and Compulsory Purchase Act 2004 requires planning authorities to produce a Statement of Community Involvement which sets out how they will consult

as part of the production of plans and in considering planning applications. The SCIs seek to use a wide range of consultation methods appropriate to the content and scale of the document under preparation. The status of each of the Statements of Community Involvement is set out below:

- North York Moors National Park Authority – adopted 2006 (addendums added 2012 and 2013)
www.northyorkmoors.org.uk/data/assets/pdf_file/0019/320338/Final-SCI-with-addendum-March-2013.pdf.
- Scarborough Borough Council
<http://www.scarborough.gov.uk/sci>

3. Preparation of Evidence Base

- 3.1 The development of the Area Action Plan has involved a number of background studies as well as working with key stakeholders and organisations to ensure that the Plan can be delivered. Some of this work has been commissioned jointly by the National Park Authority and Scarborough Borough Council and details of the evidence base and supporting studies can be found in the Evidence Base List. The Borough Council has been preparing its Local Plan alongside the preparation of the Whitby Business Park Area Action Plan and has compiled a substantial evidence base which includes an Employment Land Review (2006). This concluded that the retention and expansion of Whitby Business Park is important to ensure that there are a range of opportunities for new businesses to locate in the area in the future and to maintain its importance as a source of employment in the northern part of the Borough.
- 3.2 During 2010, a Feasibility Study was commissioned by Scarborough Borough Council to investigate the infrastructure and other improvements needed to facilitate further development at the Business Park. The Feasibility Study has been an important evidence base from which to develop the Area Action Plan.

4. Joint Member Working Group

- 4.1 A Joint Member Working Group was established in 2009 to ensure that discussions on the Area Action Plan could take place between Members of the two authorities on a regular and informal basis. Three Members from each Authority sit on the Group with a rotating chair. The aims of the Group were agreed as follows:
1. To provide a forum at which Members from the National Park Authority and Scarborough Borough Council together can jointly discuss matters relating to Whitby Business Park and how these will be addressed through the Area Action Plan.
 2. To provide a forum for discussion prior to formal consideration of matters relating to the Whitby Business Park Area Action Plan including draft documents, arrangements for consultation and consideration of comments received during consultation.
 3. To consider issues at Whitby Business Park in relation to other organisations who will be invited to attend the meetings where they have a specific area of interest or expertise relating to issues that need to be addressed eg Highway Authority, Environment Agency.

4. To ask officers to prepare notes of the joint meetings and put forward matters for decision to the relevant Committees of the respective authorities when they are considering items relating to the Area Action Plan.
- 4.2 The Group has met regularly throughout the preparation of the Area Action Plan. However, formal decisions at the key stages of the preparation process have been made by the relevant Committees of Scarborough Borough Council and the National Park Authority respectively.

5. Duty to Co operate

- 5.1 The Duty to Co operate requires local planning authorities to co-operate with specified bodies (including other planning authorities, environmental bodies, transport bodies etc) on strategic matters. The first stage of consultation on the Area Action Plan took place in August and September 2009 before the Duty to Cooperate was introduced in the 2011 Localism Act. By its very nature, the preparation of the Plan has involved close co operation between the two authorities and the technical process of resolving infrastructure issues and improving the environment at the Business Park has involved close co operation with infrastructure providers. In terms of more strategic cross boundary issues, discussion with the authorities adjoining Scarborough Borough has been undertaken. Further details of how the Duty to Co operate has been met will be outlined in the Duty to Cooperate Statement which will be made available on the Scarborough Borough Council web site when the Area Action Plan is submitted to the Secretary of State for examination.

6. Strategic Environmental Assessment and Habitats Regulations Assessment

- 6.1 Strategic Environmental Assessment is required under the Strategic Environmental Assessment Directive¹ and Sustainability Appraisal (which incorporates the requirements for SEA) is required under the Planning and Compulsory Purchase Act 2004. There are specific consultation requirements relating to SEA and SA and these are detailed within the relevant sections below. Habitats Regulations Assessment is required under the Habitats Directive² and although there are less specific requirements for consultation the relevant reports have been published as part of consultations throughout the production of the Area Action Plan.

7. Regulation 25 (now Regulation18) Consultation (August/September 2009)

- 7.1 The first stage of consultation on the Area Action Plan took place from 10th August to 18th September 2009 under Regulation 25 of the Town and Country Planning (Local Development) (England) (Amendments) Regulations 2008. This pre dated the current Town and Country Planning (Local Planning) (England) Regulations 2012 under which the first stage of consultation in the preparation of a Local Plan is now Regulation 18. However, the requirements of the previous regulations were the same as the current ones – to invite comments on the subject matter of the Plan.

Regulation 25 set out the following requirements:

25.—(1) A local planning authority must—

¹ 2001/42/EC

² 92/43/EEC

(a) notify each of the bodies specified in paragraph (2) of the subject of a DPD which they propose to prepare; and

(b) invite each of those bodies to make representations to them about what a DPD with that subject ought to contain.

(2) The bodies referred to in paragraph (1) are—

(a) such of the specific consultation bodies as the local planning authority consider may have an interest in the subject of the proposed DPD; and

(b) such of the general consultation bodies as the local planning authority consider appropriate.

(3) If a local planning authority proposes to prepare a DPD, they must also consider whether it is appropriate to invite representations from persons who are resident or carrying on business in their area.

(4) If a local planning authority decides that it is appropriate to invite representations under paragraph (3) they must make arrangements for the purposes of inviting representation from such persons of the descriptions in paragraph (3) as they think appropriate.

(5) In preparing the DPD, the local planning authority must take into account any representations made to them in response to invitations under paragraph (1) or (4).

7.2 Scarborough Borough Council organised and hosted the first stage consultation using its Local Development Framework consultation software, however a link from the North York Moors web site to the Borough Council's was also set up so the documents could be accessed via both web sites. Relevant 'specific' and 'general' consultees as identified in the 2008 Regulations were contacted either by letter or by email. A full list of those contacted at the different stages of consultation on the Area Action Plan is contained in Appendix 1. The first stage of consultation in 2009 pre dated the 2102 Regulations and Duty to Co operate. In addition to the specific and general consultation bodies, the two authorities have a large number of other organisations and individuals contained on their consultation databases and each of these were also contacted by either letter or email. Existing businesses on the Business Park were contacted individually by letter.

7.3 To facilitate the consultation, a Discussion Paper was produced outlining the background to the Area Action Plan and suggesting the issues that should be dealt with in the Plan. All consultees were sent details of the consultation arrangements along with either a paper or electronic copy of the Discussion Paper. Details of how to access other documents on the authorities' websites were provided in the letter or email. Copies of the Discussion Paper were also made available for inspection at:

- Scarborough Town Hall, St Nicholas St, Scarborough YO11 2HG
- Whitby Town Council office, Pannett Park, Whitby YO21 1RE
- Whitby Library
- North York Moors National Park Authority, Bondgate, Helmsley YO62 5BP
- The Moors National Park Centre, Danby

A questionnaire was included with the consultation documents which sought comments on:

- The suggested content of the Area Action Plan
- Whether there were any other matters that it should include

- The proposed objectives for the Area Action Plan and whether there were any other objectives that it should be aiming to achieve
- Suggested sites or areas that should be considered for possible expansion of the Business Park.

Comments could be made using Scarborough Borough Council's online consultation system, returning the questionnaire by post or email or 'free form' comments by post or email.

- 7.4 The Authorities have been proactive in engaging with the businesses on the site throughout the preparation of the Area Action Plan and have contacted businesses individually with details of the consultations. A meeting with the Whitby Business Park Management Association took place on 2nd September 2009 hosted by Whitby Seafoods at the company's offices. Although the number of businesses represented was small, it provided very useful feedback. The meeting helped to confirm that the businesses agreed with the issues raised in the Discussion Paper but it also brought out other points about the site that needed to be addressed. The key points from the meeting are outlined in Appendix 2.

8. Key Issues Arising from Discussion Paper Consultation (First Stage)

- 8.1 A total of 27 responses were received during the Regulation 25 consultation containing 56 individual comments. These are listed in Appendix 3 which is available as a separate document on Scarborough Borough Council's web site. The key overall points arising from the consultation were as follows:

- Overall support for the preparation of an Area Action Plan to enhance and develop the Business Park and support the role of Whitby and provide a balance and diversity of jobs in the Borough for different skill sets.
- Queries about the amount and type of employment land that will be appropriate and whether further retail uses should be permitted on the site.
- Strong support for improving the appearance and amenity of the site and comments that the enforcement of planning conditions relating to landscaping and management of individual units should be pursued more rigorously.
- Mixed response to the question of retail uses on the site, with some respondents considering that this could help to contribute to highway and other improvements on the Business Park and others pointing to the potential harm to the vitality of the town centre and the potential increase in land values on the site, putting the cost of land beyond the reach of businesses wishing to locate there.
- Alternative site at Broomfield Farm suggested to provide employment land, retail and park and ride opportunities.

9. How the Issues Were Addressed

- 9.1 Table 1 below shows how the key issues identified in paragraph 8.1 arising from the comments made during the first stage of consultation in response to the Discussion Paper were addressed. These are listed in order of the topics outlined in the Discussion Paper.

Table 1 – Issues Arising from Regulation 25 (now Regulation 18) Consultation

Key Comments	How They Were Addressed in Preparing the Area Action Plan
Proposed Content of Area Action Plan	
<p>General support for Plan and consensus that it should deal with the possible expansion of the site, highway layout and environmental improvements with following additional suggestions:</p>	<p>The indication of support for the general content of the Plan indicated that the authorities had identified the correct issues and meant that it could be taken forward from the Discussion Paper stage without significant additional content.</p>
General/Context	
<p>Develop a clear understanding of the role of the Park with a strong vision of how it will develop.</p> <p>Plan should facilitate economic development as defined by draft PPS4 that generates employment, provides services to residents and improves the environment.</p> <p>Assess opportunities for future expansion to meet/stimulate demand and allocate land of the appropriate type.</p>	<p>This is the main purpose of the Area Action Plan and was taken forward into the Draft version of the Plan.</p> <p>The Spatial Vision includes reference to improving the Business Park to meet the needs of the local economy and community. Objective 1 seeks to provide more employment opportunities in the town and Objective 3 seeks to improve vehicle and pedestrian movement.</p> <p>Objective 1 seeks to facilitate expansion of the site to support Whitby’s role as an employment centre and provide more employment opportunities.</p>
Additional Employment Land Allocations	
<p>Type & amount of land for expansion must be assessed in context of meeting local need and not competing with other employment sites eg Scarborough and need to ensure mix complies with principle of sequentiality.</p> <p>Need to protect existing employment sites and provide more land for B1b and B2 uses.</p> <p>Any review of employment land supply</p>	<p>The type and amount of land allocated for employment has been based on the evidence in the Scarborough Borough Council Employment Land Review (2006). Discussions with adjoining authorities as part of the Duty to Cooperate have sought to clarify that the expansion of Whitby Business Park will not undermine the provision of employment land in adjoining Districts.</p> <p>The draft Plan includes a Policy that allocates land for B1, B2 and B8 uses and elsewhere on the Business Park seeks to ensure that other proposals are also within these uses with other uses only to be permitted where they are in accordance with other policies in the Plan or would be ancillary and complementary to the overall commercial use of the Business Park.</p> <p>The type and amount of land allocated for</p>

Key Comments	How They Were Addressed in Preparing the Area Action Plan
<p>should not be conducted through the Area Action Plan in isolation but through a comprehensive review of employment land.</p> <p>Need larger units to allow businesses to expand and allow for relocation to improved premises.</p> <p>Reflect land allocated in previous Local Plans.</p> <p>Do not limit site appraisals to former Local Plan allocations – consider land at Broomfield Farm on the opposite side of the A171.</p>	<p>employment has been based on the evidence in the Scarborough Borough Council Employment Land Review (2006).</p> <p>The allocation of additional land for employment uses was taken forward in the Draft version of the Plan. It will allow for the expansion and relocation of existing businesses on the site as well as attracting new businesses to the towns.</p> <p>The allocations taken forward in the Draft Plan are based on those contained in the former North York Moors Local Plan (2003) and the existing allocation in Policy I2 of the Scarborough Borough Local Plan (1999) with additional allocations of land for the hotel/pub development and an area that will be considered for retail development in the event of a proposal meeting the sequential test set out in the NPPF.</p> <p>The Broomfield Farm site has been assessed through the Sustainability Appraisal process. The Sustainability Appraisal Report indicates that whilst there are no significant sustainability issues or other constraints to development on the site, it is on the opposite side of the road from the existing Business Park and forms a less logical extension for employment uses compared with other sites immediately on the edge of the existing area. It would also not enable the problems with the highway layout on the existing Business Park to be resolved. It is for these reasons that this site was not progressed in the Draft Area Action Plan.</p>
<p>Retail Uses</p>	
<p>Plan should recognise the role that retail can play in regenerating the Business Park, complementing the 'B' uses and improving the frontage of the site.</p> <p>Premature to explore potential of non B Class Uses eg retail – Plan should go no further than setting out national, regional</p>	<p>Two options for further retail uses were discussed during the preparation of the Draft Plan – the first to not allocate any retail uses on the site and the second to establish a 'plan led' approach by identifying a specific area for retail uses at the Business Park. Evidence from Scarborough Borough Council's Retail</p>

Key Comments	How They Were Addressed in Preparing the Area Action Plan
<p>and local policy considerations that would apply.</p> <p>Concern about exploration of retail at the Business Park and that 'jobs at any cost' will increase pressure to allow retail. Site should be either retail or business, not current 'halfway house'.</p>	<p>Study 2012 shows that there is limited capacity for further retail development in the Whitby area, therefore the approach taken forward in the Draft Plan was to identify a limited area adjacent to the existing retail uses on the A171. However, reference was made to the need to ensure that any retail proposal at the Business Park would need to meet the sequential tests set out in the NPPF which seeks to protect the vitality and viability of town centres such as Whitby.</p>
Access/Highways	
<p>Plan should minimise traffic into site by increasing public transport.</p> <p>Consider the development of an Area Travel Plan for the Business Park. Parking on access roads should be forbidden. Current speed limit on A171 too high.</p>	<p>A policy on Sustainable Travel (Policy 7) was taken forward into the Draft version of the Plan. Development proposals for the expansion of the Business Park and for the development of individual sites will be required to make provision for more sustainable modes of travel to and from the site. Improved pedestrian and cycle facilities are proposed as part of the changes to the road layout including new footpaths. Additional permissive footpaths through and around the Business Park will be sought as part of any proposal for the development of the allocated sites.</p>
Infrastructure	
<p>Need to avoid contamination of watercourses and encourage use of Sustainable Drainage Systems and address surface water drainage which is inadequate.</p>	<p>A policy to require development proposals to be accompanied by drainage strategies and encourage the use of Sustainable Drainage solutions was included in the Draft version of the Plan (Policy 9).</p>
<p>Consider more than 10% CO2 reduction.</p> <p>Introduction of '3 phase' electricity</p>	<p>A policy requiring developments of 200 square metres or more to meet the highest BREEAM standard that is feasible and viable was included in the Draft version of the Plan (Policy 10).</p> <p>This is beyond the scope of the Area Action Plan.</p>
Environment and Appearance	
<p>A more corporate image for the Business Park could help to encourage more inward investment.</p>	<p>Objective 4 of the Area Action Plan is to improve the quality of the environment at the Business Park, including a better corporate image through new signs and street furniture. This was taken forward in Policy 4 of the Draft Plan. The intention is to produce a Design Brief for the site which will set out these requirements in more detail.</p>

Key Comments	How They Were Addressed in Preparing the Area Action Plan
<p>Improve appearance of entrance to site.</p> <p>Minimise visual/environmental impact on habitats.</p>	<p>Policy 4 which was included in the Draft Plan refers to the need to establish a higher quality and more cohesive environment, in particular the frontage of the A171.</p> <p>A policy on Biodiversity and Green Infrastructure was included in the Draft version of the Plan which refers to the need to provide an appropriate level of protection to legally protected species and maintain and where appropriate enhance conditions for priority habitats and species identified in the Scarborough and North York Moors Biodiversity Action Plans.</p>
Other Matters	
<p>Create new training opportunities</p> <p>Funding opportunities for new businesses</p> <p>Direct consultation needed to take account of public opinion and close cooperation with businesses.</p>	<p>The allocation of land for employment uses will enable the expansion of existing businesses and will attract new businesses to the site, with associated jobs and training opportunities and this was taken forward in the Draft Area Action Plan.</p> <p>Funding opportunities for individual businesses are beyond the scope of the Area Action Plan.</p> <p>The authorities have engaged extensively with the businesses on the Business Park, local residents and organisations and other key stakeholders, as detailed in this Statement of Consultation.</p>

8. Consultation on Sustainability Appraisal Scoping Report

8.1 The Scoping Report for the Sustainability Appraisal identified the sustainability issues for the Business Park and sustainability objectives and a methodology for assessing the sustainability impacts of the Area Action Plan. Consultation with the 'consultation bodies' is required on the Scoping Report for the Sustainability Appraisal under the Strategic Environmental Assessment Directive. The consultation bodies for the purpose of Strategic Environmental Assessment are English Heritage, the Environment Agency and Natural England. Each consultee identified in Appendix 1 was therefore also made aware of the consultation on the Scoping Report.

The documents produced as part of the consultation on the Scoping Report were:

- Scoping Report (including two annexes containing the Appendices)
- Scoping Report Comments Form (separate to the general comments form)

These were made available on Scarborough Borough Council's web site alongside the Discussion Paper consultation documents from 10th August to 18th September 2009.

9. Consultation on Draft Area Action Plan

- 9.1 This stage of consultation represented an additional stage of consultation and constituted part of the preparation of the Plan under Regulation 18. It was considered necessary to consult on a full Draft version of the Plan before proceeding to Publication given the time that had elapsed since the consultation on the Discussion Paper in 2009.
- 9.2 Changes to the Regional Development Agency and public funding for infrastructure works needed at the Business Park caused significant delay to progress on the Area Action Plan between 2009 and 2013. During this period, funding was secured to appoint consultants to undertake feasibility studies into a range of infrastructure issues including transport, environmental improvements, energy generation and ecological issues. Alternative sources of funding from the Regional Growth Fund and Coastal Communities Fund were also investigated and bid for during this period.
- 9.3 The draft Area Action Plan was published for consultation from 30th April until 14th June 2013. Scarborough Borough Council hosted the consultation on its web site using its Local Development Framework consultation software however a link from the North York Moors web site to the Borough Council's was also set up so the draft Area Action Plan and supporting documents could be accessed via both web sites. Paper copies were made available on request and copies of the draft Plan were made available for inspection at:
- Scarborough Town Hall, St Nicholas St, Scarborough
 - Whitby Town Council office, Pannett Park, Whitby
 - Whitby Library
 - North York Moors National Park Authority, Bondgate, Helmsley
 - The Moors National Park Centre, Danby

All the businesses on the Business Park were contacted individually by letter.

- 9.4 During the consultation period, a mobile unit with a display about the Draft Area Action Plan was parked at Whitby Seafoods Car Park on 23rd May from 12.30 to 6.30 and officers were available to discuss the proposals for the Business Park with anyone interested. The event was well attended with 25 people coming during the day and providing useful feedback which is summarised at the end of Appendix 3 which is available as a separate document on Scarborough Borough Council's web site.
- 9.5 A joint press release outlining the main points of the Plan and details of the consultation arrangements was sent from both authorities and an article was published in the Whitby Gazette on 19th May 2013.
- 9.6 Prior to the start of the consultation period, officers attended a meeting of Whitby Town Council to outline the contents of the Area Action Plan and seek comments. A presentation to Scarborough Borough Council's Northern Area Committee was made on 14th May 2013.

10. Key Issues Arising from Draft Area Action Plan Consultation

10.1 A total of 19 responses were received during the Regulation 25 consultation containing 80 individual comments. These are listed in Appendix 4 which is available as a separate document on Scarborough Borough Council's web site. The key overall points arising from the consultation were as follows:

- Additional text needed to ensure the setting of Whitby Abbey and the National Park are safeguarded and not harmed by new development on the allocated sites.
- Support for a wider variety of businesses at the Business Park including IT and specialist food businesses
- Mixed views on identifying a site for retail uses – concerns about the impact on the businesses in the town centre and that the Business Park is becoming an out of town retail centre but some support for a planned and managed approach to future retail uses.
- Concern that hotel would be detrimental to existing businesses in the town centre and concern about impact on highway network from the pub/hotel proposal especially Cholmley Way/A171 junction as well as noise and visual impact. Query whether it is acceptable to locate a pub next to schools but more general support for the pub as a community facility.
- A number of concerns about linking Cholmley Way and Fairfield Way – Cholmley Way is of restricted width and not designed for 2 way HGV traffic, linking it up with Fairfield Way will mean it is used as the main entrance to the Business Park. This will have an adverse impact on the businesses on Cholmley Way as customers and staff tend to use the road for parking because they have no on site provision.
- General support for improvements to cycle and footway provision.
- Parking on footpaths and road junctions causes obstructions to pedestrians and vehicular traffic and has become more of a problem as the Business Park has expanded and more retail uses have located on the site.
- Public realm and environment needs improving.

11. How the Issues Were Addressed

11.1 Table 2 below shows how the key issues identified in paragraph 10.1 arising from the consultation on the draft Area Action Plan were addressed in taking the Plan forward. They are set out in the chapter order of the Draft Area Action Plan. A number of the responses relate to the Sustainability Appraisal and Habitats Regulations Assessment and have been taken on board in preparing the final Sustainability Report but are also referenced in Table 2 below.

Table 2 – Issues Arising from Regulation 25 (now Regulation 18) Consultation

Key Comments	How They Were Addressed in Preparing the Area Action Plan
Spatial Vision and Objectives	
Appropriate strategy and mix of uses for the Business Park.	Continued with the overall strategy and objectives for the Business Park as set out in the Draft Area Action Plan and carried this forward into the Proposed Submission version.

<p>Support objective for high quality design.</p> <p>Objective 3 should include reference to flood risk and documents such as the Strategic Flood Risk Assessment.</p>	<p>Policy 4 which requires high quality design has been taken forward into the Proposed Submission Area Action Plan.</p> <p>SFRA was already referenced in the Draft Area Action Plan but amended paragraph 9.5 in the Proposed Submission version also includes reference to the need to address any localised issues arising from the development of individual sites.</p>
<p>Developing the Business Park</p>	
<p>Overall support.</p>	<p>Continued with the overall strategy and objectives for the Business Park as set out in the Draft Area Action Plan and carried this forward into the Proposed Submission version.</p>
<p>Business and Industrial Land</p>	
<p>Guidance for site 1 and site 2 should also include reference to any new buildings being appropriately sited to retain long distance views and setting of Whitby Abbey.</p> <p>Guidance for site 2 should include further reference to need for discussions with mast operator to ensure buildings do not interfere with transmission.</p> <p>Guidance for sites 1 and 2 should include advice about need to maintain access to watercourses in layout of any new development.</p> <p>Support mix of uses including childcare, gym, specialist food, IT and maintenance businesses to provide jobs across a range of skill bases.</p>	<p>Reference to this now included in the guidance for sites 1 and 2 in the Proposed Submission version.</p> <p>Reference to this has been included in the guidance for site 2 in the Proposed Submission Area Action Plan.</p> <p>Reference to this has been included in the guidance for sites 1 and 2 in the Proposed Submission Area Action Plan.</p> <p>The site allocations in the Proposed Submission Area Action Plan will support a range of industrial and office uses in the B1/B2/B8 Use Classes. Other uses such as gyms and crèches will be permitted in accordance with other specific policies in the Plan or where they would be ancillary and complementary to the overall function of the Business Park.</p>
<p>Retail and Pub/Hotel</p>	
<p>Spread of retail should be limited to prevent land prices escalating beyond reach of businesses, don't agree with earmarking a particular site.</p> <p>General support for assessment and identifying specific site, will provide jobs.</p> <p>Do not support any more retail units as this will draw trade away from the town</p>	<p>The principle of retail development at the Business Park together with its scale and location has been carefully considered by both authorities in taking the Area Action Plan forward to the Publication stage. It was agreed that restricting retail uses to within a defined area adjacent to the existing Sainsburys and Homebase stores would enable a controlled approach to retail proposals so that</p>

<p>centre and have an adverse impact on it. Business Park is becoming an out of town retail park.</p> <p>No need for a hotel on this site, existing town centre establishments are struggling. Business Park is easily accessible from town centre hotels and guest houses.</p> <p>Pub and hotel will lead to light, noise & visual pollution for existing residents. Support for pub which will be a facility for both businesses and the community but prefer it to be away from the school.</p>	<p>speculative proposals on other parts of the Business Park can be resisted. Policy 3 in the Proposed Submission Area Action Plan requires that any retail application will be expected to meet the 'sequential' test set out in the NPPF which maintains primacy for town centre locations and requires developers to demonstrate that there are no suitable alternative sites in the town centre. This reference has been strengthened in the Proposed Submission Area Action Plan in response to the concerns about the impact on the town centre expressed during the consultation on the Draft Area Action Plan.</p> <p>This issue has also been carefully considered by both authorities in taking the Area Action Plan forward to the Proposed Submission stage. Whilst it is acknowledged that it could be used by visitors, the hotel proposal is primarily to serve the Business Park and its businesses and their customers and is a typical facility on a modern Business Park. A detailed planning application will deal with the issues of the impact on the amenity of nearby residents. The pub proposal has received some support as there is no facility of this type on the east side of Whitby. The site allocation for the hotel and pub has therefore been carried forward into the Proposed Submission Area Action Plan, although the size of the site has been reduced compared with that in the Draft Plan in order to ensure that the scale of the proposal is appropriate in relation to the scale of development in the surrounding area.</p>
<p>Environment and Appearance</p>	
<p>Policy on Design and Appearance needs to include reference to safeguarding the setting of Whitby and its Abbey.</p> <p>Support for good design of new buildings and reinforcing green infrastructure and enhancements for habitats and species. Public realm requires significant improvement.</p>	<p>The wording of Policy 5 in the Proposed Submission Area Action Plan has been amended to include reference to the need to ensure that proposals for new development on the Business Park do not harm the historic setting of the town, Whitby Abbey or the setting of the National Park.</p> <p>This is one of the objectives of the Area Action Plan and is covered by Policies 5 and 6 in the Proposed Submission Area Action Plan which require high quality design for new development on the site</p>

	<p>and a linked network of green infrastructure. A Design Brief will be prepared setting out key principles to ensure a consistent approach across the Business Park.</p>
<p>Accessibility</p>	
<p>Concern that increase in size of Business Park will mean more vehicles including HGVs on A171.</p> <p>Cholmley Way is of restricted width and not designed for 2 way HGV traffic, businesses rely on it for customer parking. Linking it with Fairfield Way will create a 'rat run' and more pressure on A171/Cholmley Way junction as it will be used as the main access to the Business Park for traffic travelling south from Whitby town centre. Could encourage anti social driving behaviour. This should be a cycle/footway link only.</p> <p>Concern about access to pub and hotel and more congestion at A171/Cholmley Way junction.</p>	<p>To follow up these concerns discussions were held with the businesses on Cholmley Way who responded to the consultation and also with the Highway Authority. Some of the difficulties with vehicle movements along the road are caused by parked cars belonging to staff and customers which restricts the width and visibility along the road, particularly for HGVs. After discussions and consideration by both authorities, it was concluded that some sort of link and improvement on the existing situation is needed but that this could be a one way road from the existing end of Cholmley Way to link with Fairfield Way incorporating a footpath and cycleway or alternatively just a cycleway and footpath and this proposal has been carried forward into the Proposed Submission version of the Area Action Plan. This will enable traffic travelling on the A171 from the north to enter the Business Park using the Cholmley Way junction. Traffic from businesses located beyond the existing end of Cholmley Way will, however, have to use the Fairfield Way or Enterprise Way junctions on the A171 to exit the site.</p> <p>Exiting the A171/Cholmley Way junction has become more problematic since the traffic lights were installed in conjunction with the Sainsbury's development. However, modelling of all junctions has been undertaken taking into account additional traffic from the potential development sites and background traffic and even in future years the three right turn lanes were found to operate within capacity.</p> <p>This option was assessed as part of the Feasibility Study but ruled out due to cost – the topography of the area would require extensive engineering to achieve a road link.</p>

<p>Access road to tip and Fairfield Way should be joined up as an alternative. Support for connecting up the existing estate roads.</p> <p>Look at cycle track/footpath improvements to and within the Business Park.</p> <p>Review public transport availability and positioning of bus stops/entrances to prevent blockages to main road.</p> <p>Need road link between Fairfield Way and Enterprise Way.</p> <p>Parking on access roads and paths is a significant problem. New business units should have sufficient parking, access and turning facilities.</p>	<p>The revised proposals for the Cholmley Way/Fairfield Way link incorporate a footpath and cycleway and this together with other footpath improvements and links have been carried forward into the Proposed Submission Area Action Plan.</p> <p>A general review of public transport availability was considered to be beyond the scope of the AREA ACTION PLAN. It is hoped that the highway improvements and connections put forward in the AREA ACTION PLAN will enable buses to run into the Business Park, however there is no evidence of buses blocking the A171.</p> <p>A general review of public transport availability was considered to be beyond the scope of the AAP. It is hoped that the highway improvements and connections put forward in the Area Action Plan will enable buses to run into the Business Park, however there is no evidence of buses blocking the A171.</p> <p>This has always been a proposal within the text of the Area Action Plan but was not shown on the Policies Map. It is carried forward under Policy 7 of the Proposed Submission Area Action Plan and also shown on the Policies Map.</p> <p>This is acknowledged in paragraph 8.18 of the Proposed Submission Area Action Plan and Policy 9 requires all proposals for new development to provide dedicated parking in line with current standards so that the existing situation is not exacerbated. Provision of a general off street parking area has been discussed but no site or funding has been earmarked for this at the present time. However, the supporting text to Policy 9 indicates that further discussions will take place with the businesses on the site to identify actions to deal with some of the existing problems.</p>
<p>Infrastructure</p>	
<p>Need to ensure industrial use of water does not jeopardise domestic water supply and that water/effluent/drainage is available for recycling/food businesses.</p>	<p>Yorkshire Water confirmed that development will not jeopardise domestic water supplies.</p>

High speed broadband needed for businesses.	The fibre optic infrastructure is being upgraded by BT.
Other	
Suggestions for improved/additional monitoring indicators in Sustainability Appraisal.	These have been included in the Sustainability Appraisal Report accompanying the Proposed Submission version of the AREA ACTION PLAN, in particular a new indicator to monitor the impact of new development on the setting of Whitby Abbey.
Need to add 'model' policy on Presumption in Favour of Sustainable Development	This has been included as Policy 1 in the Proposed Submission Area Action Plan.

12. Consultation on the Proposed Submission Whitby Business Park Area Action Plan

- 12.1 The publication of the Proposed Submission Area Action Plan will run from 6th November to 18th December. This is an opportunity for the businesses, residents and other key stakeholders to comment on the Proposed Submission version of the Plan which the authorities intend to submit to the Secretary of State in early 2014. The Statement of Representations Procedure sets out details of how the Plan and accompanying documents, including the Sustainability Appraisal can be viewed and how comments can be made.
- 12.2 After the Publication period has finished, a further addendum will be added to this Statement of Consultation to outline the responses received to the Proposed Submission Area Action Plan and its associated Sustainability Appraisal Report. Both authorities will then consider the representations received, consider the need for any changes to the Plan and will prepare it for Submission to the Secretary of State. This is likely to be in early 2014. It is hoped that an Examination will take place in early Spring 2014 when an Inspector will consider whether the Plan has been positively prepared and that its policies are justified, effective and in conformity with the NPPF. Following this, the Inspector will produce a report and the authorities will adopt the Area Action Plan later in 2014.

Appendix 1 – List of Consultees

Below is a list of the organisations that have been consulted during the preparation of the Proposed Submission Area Action Plan via email or letter (individuals are not listed).

Specific Consultation Bodies

CE Electric UK
English Heritage, Yorkshire and the Humber Region (Duty to Co operate body)
Environment Agency (Duty to Co operate body)
Homes & Communities Agency (Leeds) (Duty to Co operate body)
Internal Drainage Board (Muston & Yedingham)
Marine Management Organisation (Duty to Co operate body)
Mobile Operators Association, C/o Mono Consultants Ltd
Network Agreements and Acquisitions Cable and Wireless Global
Natural England (Duty to Co operate body)
Network Rail
NHS North Yorkshire and York Primary Care Trust (ceased 31.3.13) (Duty to Co operate body)
Scarborough and NE Yorkshire NHS Trust
North Yorkshire Clinical Commissioning Group (Duty to Cooperate body)
Yorkshire and Humber NHS Strategic Health Authority (ceased 31.3.13) (Duty to Co operate body)
The Coal Authority
Transco
Yorkshire Water Services Ltd
North Yorkshire Police
Yorkshire Electricity Distribution PLC

Hambleton District Council
Ryedale District Council
Redcar & Cleveland Borough Council
North Yorkshire County Council

All 56 Parish Councils within Scarborough Borough (includes all those within the Scarborough Borough area of the National Park)

Duty to Co operate Bodies

In addition to the Duty to Co operate bodies identified in the ‘Specific Consultation Bodies’ list, the following were also consulted;

York, North Yorkshire and East Riding Local Enterprise Partnership
Tees Valley Unlimited
Civil Aviation Authority
North Yorkshire County Council as the Highway Authority

22 National Park Authority Members

50 Scarborough Borough Council Members

2 Members of Parliament
All businesses on the Business Park

General Consultation Bodies

Airy Hill CP School
Alan Campbell Chartered Architects
Area Youth Worker North Yorkshire Youth Support Service
Alan Wood & Partners, Consulting Engineers
Archaeology CgMs Ltd
Atkins Global
AMEC Environment & Infrastructure UK Ltd
AW Joinery
Arqiva Services Ltd
The Planning Bureau Ltd
DLP Planning Ltd.
Bairstow Eves
Barratt Homes
Barry Denton Chartered Architect
Beanland Illingworth
Barton Willmore
Bell Cornwell LLP
Bell-Snoxell Associates
BHD Partnership
Blue Land Action Group
Boulton Cooper
British Holiday Park Association
British Horse Society
Building Plans Drawing Service
Building Design Services
Business Partnership Manager
C.P.R.E. Coastal Branch
Caedmon School
Caldecotte Consultants
Campaign for Real Ale
Campaign for National Parks
Carter Jonas LLP
C.P.R.E. Coastal Branch
Chairman Whitby Hospitality Association
Chartered Architect
Chartered Architect R Peter Belt Chartered Architect
Cleveland Police
Cleveland Fire
Cleveland Potash
Coastal and Country Coaches Ltd
Colliers
Concept Town Planning
Costello Planning Consultancy
Country Land & Business Association
Cranswicks
Crease Strickland Parkins
Crown Castle UK Limited
Crown Properties
Dawnay Estates (Wykeham Estate)

DEC Design
Defra
Denton Architects
Department for Transport
Department of Work and Pensions
Department for Education
Department of Health
Development Planning Partnership
Dewjoc Partnership
Director Cloughton Beeches Ltd
Kirkwells Town Planning Consultants
Director storeys:
Disability Advisory Group
E Botham and Sons
East Ayton Parish Council
East Riding of Yorkshire Council
East Whitby CP School
Eastfield Parish Council
Edgar Allen Partnership
Edward G Astin & Associates
Edwardson Associates
Ellis & Co.
England & Lyle
Esk Valley Railway Development Company
Eskdale School
Eskdaleside-Cum-Ugglebarnby Parish Council
Friends of the Earth
Fusion Online Ltd
Fylingdales Parish Council
G L Hearn Holdings Ltd
George F White
GL Hearn
Good Neighbours Community Transport
Goodalls
GVA Grimley
Halcrow
Harrisons
Hayes Associates
Hayes & Lazenby
Helredale Neighbourhood Council
House Builders Federation
Humberts Leisure
Hunters Estate Agents
Hutchinson
Ian Pick Associates
Irtton Parish Council
IUS Electricity
Jacksons Property Service
John Church Planning Consultancy Limited
Lambert Smith Hampton
Lawrence Hannah and Skelton
LDA Design
Leddon Thompson Associates
Leeds and Yorkshire Housing Association
Leeds, York and North Yorkshire Chamber of Commerce

M & D Minicoaches
M S Architects
Managing Director Burgess Group Plc
Managing Director Signet Planning
Maughan Associates
Mayfield Residents Action Group
Mc Beath Property
M S Architects
Mickleby Group
Ministry of Defence (Fylingdales Estate Manager)
Mulgrave Estate
Nathaniel Lichfield & Partners
Nathaniel Lichfield & Partners Ltd
National Transcommunications Estates Group
Northallerton and District Voluntary Service Association
NLP Planning
North East Yorkshire Geology Trust
North York Moors Association
North Yorkshire Fire and Rescue Service
North Yorkshire and Cleveland Heritage Coast
North Yorkshire Youth Support Service
North Yorkshire Coast Community Partnership
North Yorkshire Moors Railway
N Power
NYNET
Ofcom
Office of Government Commerce
O2 Estates Management Telecom Securicor Cellular Radio
(O2)
O'Neills
Partner Colin Ellis Property Services
Partner R+JP
Peacock and Smith
Peter Belt Architects
Peter Greenwood & Co
Peter Rayment
Philip Parker Planning Services
Planning DTZ
P&HS Architects
PPH Commercial
Probus Club
Redcar and Cleveland Voluntary Development Agency
Redcar & Cleveland Partnership
RMC Aggregates
Robin Hoods Bay Tourism Association
Robin Hoods Bay and Fylingdales Village Trust
RSPB
Ruswarp CofE Voluntary Controlled Primary School
Ryedale Strategic Partnership
Ryedale Voluntary Action
Seaview Property Developments
Peacock & Smith
Reeds Rains
Residents of Cloughton Association
Salt Architects

Savills
Scarborough Hospital Health Trust
Seachange
Signet Planning Ltd
Walker Morris
Signet Planning
Simon Armistead
Sleights Church of England Voluntary Controlled Primary
School
Smiths Gore
Social Enterprise
Solicitor Walker Morris
Sport England
Spraymain
St. Hildas Rc Primary School
Staintondale Parish Council
Stakesby CP School
Stephenson and Son
Studio Stead
The Church Commissioners
Trades Council (Whitby)
Turley Associates
W A Fairhurst & Partners
Ward Hadaway
Welcome to Yorkshire
West Cliff Primary School
Whitby and District Disablement Action Group
Whitby and District Voluntary Action Group
Whitby Civic Society
Whitby Community College
Whitby Community Education
Whitby Network (Resource Centre Ltd.- Whitby)
Whitby District Lions Club
Whitby Rugby Club
Whitby Yacht Club
Whitby and District Chamber of Trade
Whitby and District Tourism Association
Whitby Round Table
Whitby Coblemen's Association
Whitby West Side Tenants and Residents Association
Whitby Sub Aqua Club
Whitby East Side Housing Residents Association
Whitby Naturalists Club
Whitby Volunteer Centre
Whitby Rural Renaissance Executive
Whitby Castleton Group National Farmers Union
Whitby Citizens Advice Bureau
Ward Hadaway
White Young Green Planning & Design
York Potash
Yorkshire Wildlife Trust

Appendix 2 – Key Points from Meeting with Whitby Business Park Management Association 2nd September 2009

- Trend for businesses to move out of the town centre and onto the Business Park – tends to be those that have visiting customers eg Harrison’s tyres, Coverdales. This has created more problems with on street parking and manoeuvring difficulties for other vehicles. Double yellow lines may be needed on some parts of the site.
- Potential for further retail development on the site was a key concern for businesses. There were mixed views - some concern that more retail uses could harm the town centre and push land values beyond the reach of businesses on the site. Others felt that this had happened on other Business Parks and that retailing should be allowed on some parts of the site. There was concern that the development of leisure facilities such as gyms, restaurants and hotels on the site could have a very harmful effect on the town centre. There was consensus that if any retail uses are allowed, developers should be contributing to highway and other improvements on the site.
- Non car access to the site is poor. There are no cycle lanes/facilities, bus services are infrequent and do not meet the needs of shift workers, no paths in some areas. A Green Travel Plan needs to be prepared for the site and for individual proposals. This could form part of the Feasibility Study being commissioned by the Borough Council (see paragraph 6.1)
- Highway layout – agree with issues identified in the Discussion Paper, improvements to the junctions with the A171 and linking up of the estate roads must be addressed if any further expansion is to take place.
- Agreed that serviced employment land must be available on the site – it is not viable for individual businesses to bear the costs of new infrastructure such as roads and drainage.
- Needs to be a range of unit sizes and types to encourage different types of businesses and jobs onto the site and to give existing employers the choice of relocating within the site when they have outgrown their premises.
- Agreed that the site would benefit from better signage, landscaping and other environmental improvements. Some of the problems have been caused by a lack of enforcement of planning conditions.

Appendix 3 – Regulation 25 (now 18) Consultation on Discussion Paper – Comments Made by Respondents and Response of Scarborough Borough Council and the National Park Authority

Available as a separate document on the Scarborough Borough web site and portal.

Appendix 4 – Regulation 18 Consultation on Draft Area Action Plan – Comments Made by Respondents and Response of Scarborough Borough Council and the National Park Authority.

Available as a separate document on the Scarborough Borough Council web site and portal.