

North York Moors National Park Authority

Local Plan – Pre-Submission Draft Representation Form.

www.northyorkmoors.org.uk/localplan

Please fill out this form if you want to provide your views on our Local Plan 'Pre-Submission' draft.
Please read the Guidance Notes at the end of this document before completing this form.

[Note: This formal response form is based on the template Model Representation Form prepared by the Planning Inspectorate]

Please return the completed form by 5.00pm on Friday 24th May 2019 to:

North York Moors National Park
Authority
The Old Vicarage
Bondgate, Helmsley, York
YO62 5BP

or an electronic version of the form is available online at

<http://www.northyorkmoors.org.uk/localplan>

which can be e-mailed to: policy@northyorkmoors.org.uk

This form is available in Large Print or other formats on request.

Office Use Only:

Parish:

Reference no:

Your personal details will not be passed on to anyone else or published although we may publish aggregated data. This will not include individual contact details.

Privacy Statement:

North York Moors National Park Authority is a 'Data Controller' as defined by Article 4(7) of the General Data Protection Regulations (GDPR). This means that the Authority has a duty of care towards the personal data that it collects and uses.

The Authority is committed to ensuring the responsible collection and use of personal data in the course of its business. We will ensure that personal data is processed fairly and lawfully, and that the rights of data subjects are properly respected. When collecting personal information from you, we will tell you how this information is to be used, and will not use your details for other purposes without your consent. The Authority has appointed Alison Johnson to be its Data Protection Officer, contact details are: Alison Johnson – Audit and Fraud Manager, Telephone No: 01723 (384431) E-mail address: dataprotection@scarborough.gov.uk

A full Privacy statement can be found at <http://www.northyorkmoors.org.uk/about-us/termsandconditions>

The data collected will only be used for the purpose of informing development of the Local Plan.

This form has two parts:

- Part A – Personal Contact Details.
- Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make. This form is editable, meaning the only parts that can be filled in/changed are those indicated by 'click to enter text'. It is important that personal contact details are included for each representation. If you are having difficulties filling out the form please contact us at policy@northyorkmoors.org.uk or 01439 772700.

PART A – Personal Contact Details

Title:	Secretary of State for Defence
First Name:	c/o Stephen
Surname:	Barrington Harness MSc MRTPI FWCMT
Job Title (where relevant)	Chartered Town Planner
Address:	Base Support Wing Headquarters, Building S24, Rm24 RAF Brize Norton Carterton Oxfordshire OX18 3LX
Organisation or Group:	Defence Infrastructure Organisation
Postcode:	OX18 3LX
Telephone no:	07500105537
Email Address:	Stephen.harness848@mod.gov.uk

PART B – Your representation(s)

Please use a separate sheet for each representation

3. To which part of the Local Plan does this representation relate?

Paragraph?	Please see attached letter	Policy?	Please see attached letter	Policies Map?	Please see attached letter
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4. Do you consider the Local Plan is:

a) Legally compliant?	Yes	Click here to enter text.	No	Click here to enter text.
b) Sound?	Yes	Click here to enter text.	No	Not Sound
c) Complies with the Duty to Co-operate?	Yes	Click here to enter text.	No	Click here to enter text.

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance, soundness of the Local Plan or its compliance with the duty to co-operate, please use this box to set out your comments.

Please see attached letter

(Continue on a separate sheet / expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at question 5 above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination).

Please see attached letter

(Continue on a separate sheet / expand box if necessary)

Please Note: *Your representation should cover succinctly all the information, evidence and supporting information necessary to support / justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he / she identifies for the Examination.

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

Written Representations only

No, I do not wish to participate at the oral Examination

NO

Yes, I wish to participate at the oral Examination

8. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary.

Not applicable

Please Note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Signature

By email

Date

21/05/2019

Jackie Clarke

From: Harness, Stephen Mr (DIO Estates-AD Sr TownPlanner 5) <Stephen.Harness848@mod.gov.uk>
Sent: 22 May 2019 12:00
To: Policy
Cc: Ellis, Matthew C1 (DIO Estates-AD Sr TownPlanner 3)
Subject: 20190520 NYM - Pre Submission Draft Plan
Attachments: 201905 NYM Response-Form-Pre-Submission.docx

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Filed, Paul

Please acknowledge receipt, by return. Thanks.

The Planning Policy Team, North York Moors National Park Authority, The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP

By email only to: policy@northyorkmoors.org.uk

Dear NYM Policy Team,

Further to Mr Fellow's email of 09 April (copied below) on the above matter, please see below the analysis of the LPA's responses on behalf of the Secretary of State for Defence. Also attached is the associated representations form. As you will recall, at the earlier stage of the Plan preparation DIO submitted two representations (only one with a representation form). For avoidance of confusion, and going forward, please can you amend your contact system so that only one contact name is included (mine – as below) on behalf of Secretary of State for Defence, Defence Infrastructure Organisation ie the 'specific consultation body' under Regulation 2(1) of the 2012 Local Plan (England) Regulations. As you'll see I have cc'd Mr Ellis into this email, discussed and agreed the above approach with him.

For your reference, DIO for and behalf of the SoSD have two consultation email addresses one for each of the above purposes for Planning Authorities to use from across the UK (and wider), these are:

- DIO Safeguarding-Statutory: DIO-Safeguarding-Statutory@mod.gov.uk
- DIO Town Planning: DIOODC-TownPlanning@mod.gov.uk

We have taken note of the Authorities responses referenced in the [Appendix 1 of the summary of responses](#) on the issues raised (extracts below). But consider they fail to fully address the issues raised as explained below so have maintained our representations to the plan accordingly.

Kind regards,

Stephen

Stephen J Barrington Harness FWCMT MRTPI Chartered Town & Country Planner

Defence Infrastructure Organisation Base Support Wing Headquarters, Building S24, Rm24 RAF Brize Norton Carterton Oxfordshire OX18 3LX

Mobile: 07500-105537

Email: stephen.harness848@mod.gov.uk

Avoid waste - do you need to print this email?

SUMMARY OF REPRESENTATIONS AND NYM LPA Responses with DIO's Analysis

Dark Night Skies – Policy ENV4

DIO REPRESENTATION - Environment Chapter – Policy ENV4

We note the aspirations contained in the Environment Chapter, and particularly in emerging policy ENV4 – Dark Night Skies to enhance “dark skies” at night across the area. It is our general approach to seek to ensure that as light fittings are replaced across MOD sites that the new fittings comply with approaches which seek to minimise their impact on dark skies taking into account national guidance on such matters.

As you will be aware MOD operational sites are within the area identified in the emerging plan as “remote / open countryside areas”. As such as part of ongoing and new operations it may be necessary to install external lighting. In line with the above approach, it is our general practice to seek to ensure that any such new lighting is assessed as a whole across the site, to seek to ensure that net impacts are reduced or not significantly increased. We would suggest that is a more appropriate response to such major developed sites than the proposed “blanket ban” included under item 1 in the emerging policy; and as the associated guidance referred to in item 2 of the policy is not available, we note that the supporting evidence base for the policy appears not to be available in the Environment Topic Paper. Accordingly, we would welcome seeing a modification to the emerging policy to recognise the importance and appropriate strategy for such major developed sites.

Extract from Mr Fellow's email of Tue 07/05/2019 14:39

...The policy is not intended as a blanket ban and essential lighting would be permissible. The Authority is carrying out a variety of work and promotion around dark skies, including a lighting audit of major light emitters in the National Park. I understand from the RAF Fylingdales Liaison Group that discussion has been taking place around minimising light pollution and the Authority remains keen to work with the base to reduce light pollution whilst recognising the lighting needs of the base.

Appendix 1 response:

The proposed Remote Areas for the National Park are defined as areas 1km away from the nearest address point and A or B road. RAF Fylingdales lies outside this boundary so would be covered by point 2 of the policy which sets out the approach for Open Countryside locations outside the Remote Area. The wording does not propose a blanket ban but allows for external lighting that is essential for safety or security reasons. Para 114 of the English National Parks and the Broads Vision and Circular 2010 says 'The MOD will continue to work with the relevant Authorities to minimise the impact of defence use consistent with the operational defence requirement.' It should be possible to negotiate appropriate lighting for RAF Fylingdales if needed within the wording of Policy ENV4. No change proposed.

DIO Analysis for Pre-Submission Draft: Whilst the DIO welcomes some of the above statements, the Plan needs to be evidence based. The Planning Authority has not provided the evidence to support the statements it has made. The Policy therefore remains unclear and therefore could be misinterpreted. Our earlier representation therefore needs to be maintained.

Policy BL1 – Employment and Training Development

DIO Representation: Regarding the aspiration to “reduce landscape impact” of the base through the “removal and consolidation of any unused buildings”. It is not considered appropriate to include such unsupported statements within the plan, it does not recognise the wider factors that should be considered as part of any such proposals. We therefore seek an amendment to recognise the following approach. Where buildings are identified as surplus, their refurbishment for new uses / replacement or demolition that is undertaken as part of an Estate Development Strategy for such sites and is part of an assessment of wider considerations such as landscape impacts. DIO standard practice is to consult the Local Planning Authority as part of such assessments.

Appendix 1 response BL1:

The National Park Authority has no powers to require the removal of existing buildings (except where required by a planning permission). The Authority also recognises that decisions on the future use of buildings and whether they remain surplus will be made through the Estate Management Strategy. The text is intended to be supportive of the modernisation and improvement of existing accommodation, however if buildings are identified as surplus as part of any Estate review the Authority would wish to encourage the MOD to consider their removal as part of its Section 62 duty (the duty on public bodies to have regard to National Park purposes (set out in the 1995 Environment Act.) The Authority does however recognise that this may not be possible and the phrase 'if possible' is inserted into the supporting text.

DIO Analysis for Pre-Submission Draft: Whilst the DIO welcomes the stated intention to support the “modernisation and improvement” of the base, the wording used in the Plan remains unclear, open to interpretation and unsupported by evidence. The above Appendix 1 response should be reflected in the Policy itself, not in the supporting text. The representation therefore needs to be maintained.

DIO Representation on Safeguarding: The North York Moors National Park is home to RAF Fylingdales, which provides a continuous ballistic missile early warning service and in accordance with paragraph 95 of the NPPF (2018) there is an ongoing need to safeguard this facility in the interests of national defence and to allow for further development by the MOD to meet operational defence requirements.

The preferred options draft plan includes Policy BL1 - Employment and Training Development which includes supporting text that refers specifically to development at Fylingdales as follows;

“6.11 At RAF Fylingdales development to modernise and improve existing accommodation and facilities to support and service the existing use will be permitted in recognition of its role as a military base and employment use. Within the lifetime of this Plan where consistent with its current function opportunities should be taken to reduce the impact of existing lighting on the dark night skies of the National Park, and to reduce landscape impact through the removal and consolidation of any unused buildings.”

MOD is pleased to see the above wording and is supportive of the text contained within para 6.11 with regard to RAF Fylingdales but would suggest that it would carry more weight if the text were contained within the body of policy BL-1. MOD would also suggest that the need to safeguard the function of RAF Fylingdales is also included within the wording and that this might be better served by a separate policy.

Appendix 1 – safeguarding:

No amendment. Policies in the plan do not name individual developments and the supporting text does acknowledge the particular role of Fylingdales. It is not considered there is a need to 'safeguard' RAF Fylingdales as the development has consent and any proposals for changes on site would come from Defence Estates as landowner.

Paragraph 6.11 (now 6.10)

The DIO Planning response considered this paragraph to be a unsupported statement that parts on landscape should be removed whereas the DIO Safeguarding response supported it and felt it would be better as policy. We've effectively gone with the 'middle ground' – it hasn't been included as policy as we are not aware of any particular of any development proposals so it wasn't considered necessary. The approach is a continuation of the currently policy approach (see 8.3 of the Core Strategy and Development Policies Document). See explanation in the document for the reasoning for other changes.

The response asked that 'the need to safeguard the function of RAF Fylingdales is also included in the wording and that this might be better served by a separate policy'. We could not find any particular policy or legislation that requires a safeguarding policy in plans and am aware there are requirements on safeguarding relating to windfarms e.g. the 2002 Circular and this guidance, with the requirement being that the LPA has to consult the DIO on any development proposals within a safeguarding zone (and we have a zone for Fylingdales on our policy constraints map which would trigger consultation if a planning application came in). My limited understanding is therefore that the safeguarding function comes in at planning application stage rather than policy stage.

We're however assuming the comment is asking for a general policy protecting the 'function' i.e. the need to protect the function of RAF Fylingdales from all potential land uses, not just windfarms. The policies (together with National Park designation) would not allow for any development that would compromise the function of RAF Fylingdales in any event, and DIO would be consulted for any proposals within the zone. Hence in the absence of any know policy/legislative requirements and the given the need to justify policy as part of the soundness tests we took the view that a safeguarding policy was not necessary.

DIO Analysis for Pre-Submission Draft: My colleague Matthew Ellis has reviewed the response from the LPA above and did not wish to add at this stage to the earlier representation which is therefore maintained.

From: Policy <policy@northyorkmoors.org.uk>

Sent: 09 April 2019 16:39

To: Policy <policy@northyorkmoors.org.uk>

Subject: North York Moors National Park Authority Local Plan - Publication of the Pre-Submission Draft Local Plan

Dear Sir/madam

I am writing to let you know that the latest version of the draft Local Plan has now been published. This follows consultation on the 'Preferred Options' version of the Plan during the summer and autumn of 2018. I would like to pass on my thanks to those who provided comments.

This document - 'the Pre-Submission Draft' - is the version of the Local Plan which the National Park Authority proposes to submit to the Secretary of State for independent examination. Prior to this, we are asking for any comments on the plan over a six week period, running from **Wednesday 10 April 2019 to Friday 24 May 2019**, so that these can be submitted to the Secretary of State alongside the draft Plan.

Any representations should relate to the tests of soundness and/or its legal compliance. A representation form, accompanied by background notes explaining the process of making representation and the tests of soundness is available to assist in this process. The form is available to download from the Authority's website <http://www.northyorkmoors.org.uk/localplan> or alternatively if you would like a hard copy sending out to you please let us know.

Details of where you can view documents and background information can be found on the Statement of Representations Procedure attached.

The document is supported by a range of information all of which is available on the National Park Authority's website at <http://www.northyorkmoors.org.uk/localplan> including the "Pre-Submission Statement of Consultation" paper which includes a summary of the key messages received from the consultation stages.

Accompanying the Pre-Submission Draft Local Plan are updated Sustainability Appraisal and Habitats Regulations Assessment documents. These can also be viewed via the link above.

Please note that this is a formal stage in the preparation of the Local Plan. Representations must be received at the National Park Authority Office **no later than 5.00pm on Friday 24 May 2019**.

Should you require any further assistance or further information please contact me at the above address.

Yours faithfully



Paul Fellows
Head of Strategic Policy