

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:	
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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 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?	Click here to enter text.	Policy?	Policy ENV14 - Important Undeveloped Spaces (Previously ENV13- Visually Important Spaces)	Policies Map?	Click here to enter text.
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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	NO
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.

The policy for Important Undeveloped Spaces is categorically unsound in terms of its preparation, effectiveness and justification. Most significantly (and worryingly) despite amending the policy title, there is ***no substantive change*** in criteria from the heavily criticized Visually Important Spaces proposal. This is evident even in brief comparison of the two sets of criteria, which read almost identical, as demonstrated below.

Original Criteria: Visually Important Spaces Topic Paper (p.7)

Where a space forms a small gap in a continuously built up frontage the following criteria have been used to assess whether the space forms a visually important space:

1. The space makes a positive contribution to the overall **form, character and appearance of the settlement;**
2. The space makes a positive contribution to the **setting of a building or groups of buildings either listed or of historical or architectural interest;**
3. The space provides **a vista/viewpoint into the surrounding countryside;**
4. The space provides a visual relief in a settlement where there is a change in the pattern or character of development
5. The site has **archaeological or historic interest;**
6. The space provides an open setting for **a visually important tree(s) or is important for biodiversity.**

New Criteria: Policy ENV14 - Important Undeveloped Spaces (North York Moors National Park Authority, Local Plan Pre-Submission Draft, April 2019, p.63)

“Proposals for the development of undeveloped spaces within or adjacent to settlements will only be permitted where there is no unacceptable impact on the visual, historical or cultural value of the space. When considering the impact of a proposed development

consideration will be given to:

1. The contribution the space makes to the **historical form, character and appearance of the settlement or its setting**, especially in or adjacent to Conservation Areas;
2. The **setting of important buildings of architectural or historical importance**;
3. The importance of **views through the site into the surrounding countryside**;
4. The **archaeological or historic interest of the site**;
5. The **importance of the space for biodiversity, including the setting of visually important tree(s).**”

These criteria have been heavily criticized by members of the public, as is seen from the summary of responses, particularly in reference to reasons g, l, m, n, p, and s. ENV14 has therefore been very badly prepared. The Authority has made no attempt in the redrafting of this policy to address the challenges brought against this ‘fundamentally flawed’ policy, as several of the responses state. Why has the name been changed if the policy has made no attempt to adapt in line with the public’s concerns? This not only indicates a superficial preparation and poor practice on behalf of the Authority, but also an insidious attempt to conceal their original preferred policy with no change apart from a new title. This bad faith by the Authority in attempting to obscure and misrepresent the poorly prepared VIS policy is also emphasized where in the original preferred options, the Authority stated only one alternative to the proposed VIS policy- to maintain the current approach:

“One alternative option was considered: Keep the existing approach. The emerging Local Plan would adopt a similar approach and wording to the current Core Strategy. The importance of the space would then need to be made on a case by case basis and be reactive rather than proactive.”

(NYMNP, 2018, Local Plan Preferred Options, p.65).

Reason A from the responses, which identifies that the current policy is sufficient, indicates that this is undoubtedly the public’s preferred choice: reason A is recorded 16 times in your own responses account, this reason was therefore cited more than either the number of positive or neutral responses you received. It is therefore irresponsible and assuredly unsound practice for the NYMNP to carry on with this policy, changed in name only, rather than returning to the original alternative that you outlined in your preferred options plan, which is to keep the existing wording from the current Core Strategy. It is not a positive step to be “proactive” in preemptively restricting all small scale development, it is a more effective, sound and robust approach to consider each site and each individual proposal for a site in turn. Not all proposals are of the same benefit, and some will surely outweigh the benefit of a pretty view from a gap between houses.

Also related to the badly prepared policy, the new draft plan provides even less documentation than the original policy to describe and outline the methods through which these criteria are to be assessed and the aims achieved. It is therefore also an ineffective policy. The policy indicates that “applicants give consideration to the importance of these spaces when designing their proposal” but makes no mention of how these criteria will be assessed by the planning officers, other than to state that “Areas of undeveloped space which are considered to be of visual, historical, archaeological, and cultural or biodiversity value will be protected and development which would adversely affect the character or appearance or value of a particular site or that of the wider settlement will not be permitted.” Presumably this also hasn’t changed, and the designation of an Important Undeveloped Space will be decided by two officers in a vehicle from the highway? In which case, the policy will still inevitably be inconsistently and subjectively applied, where there are still no clear and objective criteria or explanations of their application within the policy. The policy methods are therefore not easily replicable and most definitely not transparent. The lack of objective criteria, and complete removal of all potential plots from the policy map means that there is also now no evidence base or precedent/example spaces on which to even attempt to consistently apply this policy. It is therefore unrealistic that the aims of this policy can be consistently achieved.

As well as being so thoroughly objected to and deemed unnecessary by the public, the NYMNP itself also indicated that the existing policy of Core Strategy was sufficient with regards to housing, as they have been “generally successful” and already made clear that “not every gap will be considered as an appropriate infill site”. The lack of public support, or even significant amount of public objection, and the existence or sufficient policy already makes ENV14 a completely unjustified addition to the Local Plan.

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).

To make the Local Plan sound, **the entirety of the badly prepared, unjustified and ineffective ENV14 'Important Undeveloped Spaces' should be removed from the Local Plan.** The existing wording of the Core Strategy should remain the relevant policy, as originally indicated by the National Parks Authority that this would be the proposed alternative to their flawed 'Visually Important Spaces' Policy in the Preferred Options Plan. These existing policies are sufficient, indicated by yourselves with regards to housing, as they have been "generally successful" and already made clear that "not every gap will be considered as an appropriate infill site".

As indicated above: the NYMNPA stated that: "One alternative option [to Visually Important Spaces] was considered: **Keep the existing approach.** The emerging Local Plan would adopt a similar approach and wording to the current Core Strategy. The importance of the space would then need to be made on a case by case basis and be reactive rather than proactive." (NYMNPA, 2018, Local Plan Preferred Options, p.65). The NYMNP should keep to their word and adopt this approach.

Keeping the existing approach will make the Local Plan sound by removing a badly and inappropriately prepared policy proposal, which outlines inconsistent and insufficient means to achieve its aims and lack of evidence base respectively.

(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?

NO

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

Click here to enter text.

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.

Click here to enter text.

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

W I Dodsworth

Date

24/05/2019