



Historic England

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

Our ref: HD/P5416/06

Your ref:

Telephone 01904 601977

26 April 2019

Dear Sir or Madam,

**re: North York Moors National Park Authority Local Plan: Pre-Submission Draft**

Thank you for consulting Historic England about the Pre-Submission Draft of the North York Moors National Park Authority Local Plan. Our detailed comments are set out in Appendix A, attached.

If you have any queries about any of the matters raised or wish to discuss anything further, please do not hesitate to contact me.

[Redacted]

[Redacted]

**[Redacted] Smith**

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Correspondence or information which you send us may therefore become publicly available.



## Appendix A: Table of Historic England’s comments on the Pre-Submission Draft of the North York Moors National Park Authority Local Plan

Page	Section	Sound/ Unsound	Comments	Suggested Change
17	Paragraph 2.14	Sound	This Paragraph sets out a good summary of the settlement character of the National Park	-
18	Paragraph 2.15 -2.16	Sound	These Paragraphs set out a good summary of the rich archaeological resource of the Plan area	-
18	Paragraph 2.18	Sound	This Paragraph sets out a good summary of the legacy of historic abbeys and churches found across the National Park, a distinctive feature of the plan area.	-
23	Paragraph 2.32	Sound	We would endorse the identification of reconciling tourism (a key component of the Park’s economy) with conserving and enhancing the assets which make it such an attractive place to visit as being one of the key challenges that this Local Plan needs to address.	-
22	Paragraph 2.35	Sound	We would endorse the identification of meeting the development needs of the Park in a manner which not only conserves its character, the significance of its heritage assets, and also helps to reinforce the distinct identity of the area as being one of the key challenges that this Local Plan needs to address.	-
22	Paragraph 2.37, Vision	Sound	We support the Vision especially the intention that the Park will be a place where:- <ul style="list-style-type: none"> <li>• The diversity and distinctiveness of the landscape, villages and buildings is cherished</li> <li>• Biological and cultural diversity, and other special qualities are conserved and enhanced</li> <li>• The environment and way of life is respected and understood</li> </ul>	-
23	Paragraph 2.38, Criterion 1	Sound	We support the intention that all new development will be carefully managed to ensure that the distinctive character of settlements and landscapes is maintained and that the special	

Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>qualities of the Park are conserved and enhanced for the future.</p> <p>This will help to ensure that the special qualities of the National Park and its distinctive character are conserved.</p>	
23	Paragraph 2.38, Criterion 2	Sound	<p>We support the intention that the distinctive North York Moors landscape will be conserved and enhanced and, especially, that awareness of the value of the historic environment and its contribution to the character of the North York Moors will be maintained and increased. We also warmly welcome the aspiration that there will be a greater number of Scheduled Monuments and Listed Buildings in good condition together with continuing enhancement of Conservation Areas and increased appreciation of the value of important open spaces within settlements.</p> <p>These measures will help to ensure that the special qualities of the National Park and, in particular, its heritage assets, are conserved.</p>	-
24	Paragraph 2.39, Objective 4	Sound	<p>We support this Objective. This will help to ensure that new development safeguards those elements which contribute towards the special qualities of the National Park and the distinctive character of its settlements.</p>	-
24	Paragraph 2.39, Objective 7	Sound	<p>We support this Objective. This will help to ensure that new development safeguards the historic environment of the Park – a key element of the character of the plan area.</p>	-
27	Strategic Policy A	Sound	<p>We support the intention that, within the Park there will be a presumption in favour of sustainable development which is consistent with the statutory purpose of the National Park of conserving and enhancing its natural beauty, wildlife and cultural heritage. We also support the intention that, where there is an irreconcilable conflict between the statutory</p>	-

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			<p>purposes, the Sandford Principle will be applied.</p> <p>We also welcome the definition of sustainable development especially that it means development which is of a high quality design which respects and reinforces the character of the local landscape and built and historic environment.</p> <p>This Policy will help to ensure that new development safeguards those elements which contribute towards the special qualities of the National Park and the distinctive character of its settlements and landscapes.</p>	
29	Strategic Policy B, Open Countryside, Criterion 1	Sound	We support the addition to the Glossary which explains when a building would be considered to be of 'architectural or historic importance'. This will help to avoid any uncertainties for those using the plan	-
33	Strategic Policy C	Sound	We support this Policy which will help to ensure that any new development is of a high quality and respects the distinctive character of the part of the Park in which it is being proposed.	-
35	Strategic Policy D	Sound	<p>We support this Policy which will help to ensure that any Major Development Proposals are only allowed in exceptional circumstances and where the need for that development in that particular location is fully justified. We also welcome the requirement that such developments should minimise adverse effects upon the environment.</p> <p>This will help to safeguard the special qualities of the National Park and the distinctive character of its settlements and landscapes.</p>	-
39	Strategic Policy G	Sound	We support this Policy which will help to ensure that any development proposals conserve the distinctive landscape character of the Park and the surrounding areas.	-
45	Policy ENV1	Sound	We support this Policy which will help to safeguard a number of important landscape elements of the Park.	-
52	Policy ENV8,	Sound	We support the inclusion of 'where appropriate' at the	-

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			beginning of this Policy. Some renewable energy generation measures have the potential to harm elements which contribute to the significance of heritage assets. It is important, therefore, that this Policy ensures that anybody proposing a new development are not forced into incorporating renewable energy measures which would harm the Park's heritage assets (and conflict with Criterion 8 of Policy ENV11)	
54	Strategic Policy I	Unsound	<p>The National Park has a rich and diverse historic environment. Its heritage assets are a key component of the distinctive character of its landscapes and settlements, contribute to the quality of life of its communities, and help to sustain the economic wellbeing of the area. Consequently it is essential that the plan sets out a robust Policy for its future management.</p> <p>Whilst we support much of the thrust of this Strategic Policy for the historic environment, it would benefit from a number of amendments to more properly reflect national policy guidance. It would also help if it set out, more specifically, those elements of the historic environment which are considered to be of especial importance to the distinct character of the Park.</p>	See below
54	Strategic Policy I, first Paragraph	Unsound	<p>This Paragraph needs would benefit from a few amendments in order to properly reflect the requirements and terminology of national policy guidance including the weight that will be given to different assets in determining development proposals.</p> <p>Also, it is not simply 'new' development which need to conserve the Park's heritage assets – a change of use, for example, could also result in harm to elements which contribute to the significance of a heritage asset.</p> <p>Rather than the somewhat generic list of assets that are set out in the bullet-points, it might also be more appropriate if</p>	<p>Strategic Policy I, first Paragraph amend to read:-</p> <p><i>“All developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate, enhancement of the historic environment. Development</i></p>

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			<p>some of the key elements which are considered to be of especial importance to the distinct character of the Park were set out in this Policy (rather than Policy ENV9) and leaving Policy ENV9 to simply set out more general landscape features.</p>	<p><i>should conserve heritage assets in a manner appropriate to their significance especially those assets which contribute most to the distinctive character of the area including:-</i></p> <ul style="list-style-type: none"> <li>• <i>The legacy of buildings and infrastructure associated with the area's quarrying, coal mining, iron working, and lead smelting industries</i></li> <li>• <i>The remains of medieval monasticism such as the Abbeys at Rievaulx, Mount Grace and Byland</i></li> <li>• <i>The Neolithic barrows and Bronze Age cairns, tumuli and stone circles.</i></li> <li>• <i>The traditional farmsteads and their relationship with the surrounding agricultural landscapes</i></li> <li>• <i>The tight-knit fishing villages and the associated features such as harbours, harbour walls, former lighthouses, and slipways.</i></li> </ul>
54	Strategic Policy I, third Paragraph	Unsound	<p>This Paragraph needs to include reference to the approach which will be taken to non-designated archaeological remains (reflecting the guidance in Footnote 63 of the NPPF). It also needs to reflect the advice that, in the case of substantial harm to a designated heritage asset, there may be other</p>	<p>(a) Strategic Policy I, third Paragraph amend to read:-</p> <p><i>"Harm to an element which contributes to the significance of a</i></p>

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			considerations which may justify a development proposal (NPPF Paragraph 195). However, rather than simply repeating the advice in the NPPF, this could be addressed by including reference to 'other exceptional circumstances' and, in a Footnote, refer to the considerations which are set out in NPPF Paragraph 195.	<p><i>designated heritage asset (or to non-designated archaeology of national importance) will require clear and convincing justification and will only be permitted where this is outweighed by the public benefits. Substantial harm will only be permitted where it can be demonstrated that the proposal would bring substantial public benefits that outweigh the harm or there are other exceptional circumstances"</i></p> <p>(b) Insert the following accompanying Footnote:-</p> <p><i>"As detailed in NPPF, Paragraph 195"</i></p>
54	Strategic Policy I, final Paragraph	Unsound	As worded, this does not reflect the advice in the NPPF	<p>Strategic Policy I, final Paragraph, line 2 amend to read:-</p> <p><i>".. having regard to the scale of any harm or loss and the significance of the heritage asset..."</i></p>
55	Paragraph 4.71	Unsound	It would be helpful to users of the document to explain the approach to non-designated archaeological remains which are of national importance.	<p>Insert the following on the end of Paragraph 4.71:-</p> <p><i>"It should be noted that some non-designated archaeological remains could be of national importance. In such cases,</i></p>

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				<i>proposals will be considered against the plan's Policies for designated heritage assets"</i>
56	Policy ENV9, first Paragraph	Unsound	The Glossary to the NPPF makes it clear that 'conservation' is the process of managing change to a heritage asset which sustains and, where appropriate, enhances its significance. This should be reflected in this Paragraph	Policy ENV9, first Paragraph, line 2 amend to read:-  <i>".. to conserve and, where appropriate, enhance its landscape quality .. etc"</i>
56	Policy ENV9, list of landscape assets	Unsound	If Strategic Policy I is amended as suggested above, then the list of landscape features detailed in Policy ENV9 will need some consequential amendments. There are, in addition, a number of other landscape elements which may be worth giving some thought about also including within the Policy	Policy ENV9, list of landscape assets amend as follows:- <ul style="list-style-type: none"> <li>• <i>Registered Historic Parks and Gardens of Arncliffe Hall, Duncombe Park, Mulgrave Castle and Rievaulx Terrace and Temples ;</i></li> <li>• <i>Other designed landscapes of regional or local significance;</i></li> <li>• <i>Ridge and furrow and other evidence of past field systems and farming practices (including isolated features such as sheepfolds and limekilns);</i></li> <li>• <i>The early enclosure landscapes of the 12th and late 16th Centuries and the Parliamentary enclosures of the late 18th and 19th Centuries.</i></li> </ul>

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				<ul style="list-style-type: none"> <li>• <i>Other landscape features such as mature or veteran trees, hedges and historic boundaries and enclosures, trods, historic pavements, milestones and boundary stones, fords and watercourses and other important historic elements;</i></li> <li>• <i>The open, unenclosed character of Common Land;</i></li> <li>• <i>The 18th century water races of the southern Moors such as at the Duncombe Estate;</i></li> <li>• <i>The networks of extant trenches, bombing decoys, anti-tank defences and radar installations from the First and Second World Wars,;</i></li> <li>• <i>The remains of the structures associated with rabbit-farming along the southern edges of the Moors</i></li> </ul>
57	Policy ENV10	Unsound	Subject to the amendment set out below, we support this Policy for the consideration of development proposals affecting the archaeological resource of the Park's. The National Park has more Scheduled Monuments than any other local planning authority in Yorkshire and these elements, together with the considerable number of non-designated remains help to give the Park its distinct identity. It is important, therefore that the plan sets out a robust Policy framework for the management of this resource	See below
57	Policy ENV10,	Unsound	A local planning authority cannot have a Local Plan Policy	Policy ENV10, first Paragraph

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	first Paragraph		which would, as a matter of course, rule out any development which would harm a Scheduled Monument since this does not reflect the public benefits tests set out in the NPPF.	amend to read:-  <i>“The greatest weight will be given to the conservation of those elements which contribute to the significance of a Scheduled Monument or an archaeological site of national importance”.</i>
58	Policy ENV11	Sound	We support this Policy for the consideration of development proposals affecting the built heritage of the Plan area. The National Park has a rich built heritage which contributes to the distinct identity of Park its distinct identity. It is important, therefore that the plan sets out a robust Policy framework for the management of this resource.	-
61	Policy ENV12	Unsound	<p>Without wishing to venture too much into the realms of existentialism, we have some concerns about the principle of the inclusion of a Local Plan Policy for something which is, by definition, contrary to the Planning Policies of the area.</p> <p>As proposed, other than the fact that it only relates to heritage assets at risk, the Policy is, actually, little different to the guidance that is set out in the Historic England advice. Whilst your neighbouring authority, Ryedale, may have also included a Policy on Enabling Development in its Adopted Local Plan, that Policy was considered appropriate because it expanded upon the guidance in the Historic England document to set out how any proposals would relate to settlement character and the landscape. Certainly, there is growing consensus that a Policy which, essentially, simply reiterates the Historic England guidance for something which is, by definition, contrary to the Local Plan, should not be included in a Local Plan.</p> <p>On that basis, the Policy needs to be either:-</p>	Amend accordingly

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			<p>(a) tailored to set out more specifically the other Policy considerations for any Enabling Development (as has been done by Ryedale), or</p> <p>(b) be amended to a Policy which simply deals with Heritage at Risk, or</p> <p>(c) the Policy should be deleted.</p>	
62	Policy ENV13	Sound	We support this Policy particularly the final Paragraph regarding historic shopfronts or those of a high-quality design. The Park's retail areas have numerous examples of historic shopfronts which make an important contribution to the distinctive character to the heart of those settlements.	-
63	Policy ENV14	Unsound	<p>Whilst we wholeheartedly support the Policy as proposed, the deletion of the specific sites which would fall under the provisions of this Policy seems a retrogressive step. The identification of Important Undeveloped Areas greatly assisted users of the document ascertain where this Policy might apply. Several of the areas which had been identified for protection under the provisions of this Policy contributed to the character of the Park's Conservation Areas or to the setting of its heritage assets.</p> <p>Whilst the Policy could still include these Criteria for identifying any other sites which may come forward after the plan is adopted, the Policies Map should identify the locations of those sites which are considered important to the character or appearance of its settlements.</p>	Amend accordingly
67	Strategic Policy J	Sound	We support this Policy especially Criteria 1 and 2. These will help to ensure that any tourism and recreational facilities are delivered in a manner consistent with the conservation of the character of the Plan area. We also welcome the inclusion of	-

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			Criterion 3 which will help to encourage tourism developments which celebrate the elements which contribute to the distinctive character of the Park.	
79	Policy BL6, Criteria 1 and 4	Sound	Subject to the amendment set out below, we support this Policy especially the requirement that proposals would be required to demonstrate that any new or altered tracks should not have an unacceptable adverse impact upon the landscape or known historic or architectural features	-
79	Policy BL6, Criterion 4	Unsound	<p>The NPPF makes it clear that development proposals should conserve heritage assets in a manner appropriate to their significance [Paragraph 184] and that, in the case of designated heritage assets, 'great weight' should be given to their conservation [Paragraph 193].</p> <p>As worded, this Criterion implies that a degree of harm to the heritage assets of the National Park would be acceptable. Such an approach does not comply with the requirements of national policy guidance.</p>	<p>Policy BL6, Criterion 4 amend to read:-</p> <p><i>".. that there will not be an adverse impact on any .."</i></p>
82	Policy BL9	Sound	We support this Policy especially the Paragraph relating to Conservation Areas and historic buildings. This will help to ensure that any new signs or advertisements do not harm the Park's historic environment.	-
83	Policy BL10	Sound	<p>We support this Policy especially the intention that the provision of infrastructure for broadband and other telecommunications will be supported only where there is no adverse impact upon the character of the locality and wider landscape, that it makes use of the least environmentally-intrusive option available and, where there would be unacceptable harmful impact which cannot be mitigated by alternative siting or design, permission will not be granted.</p> <p>These measures will help to ensure that such developments are delivered in a manner which safeguards the character of</p>	-

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			the National Park.	
104	Policy CO11, Criteria (b) and (c)	Sound	We support these Criteria. This will help to ensure that any affordable housing on rural exception sites does not harm the character of the settlement or important views.	-
104	Policy CO12	Sound	We support this Policy. This will help to ensure that the conversion of any building in the open countryside does not harm the character of the building itself or that of the surrounding landscape.	-
107	Policy CO14, Criterion 2	Sound	We support this Criterion. This will help to ensure that those buildings which contribute to the distinctive character of the Park are not lost.	-
108	Policy CO15, Criterion 3	Sound	We support this Criterion. This will help to ensure that the needs of Gypsy, Traveller and Roma communities are met in a manner which does not compromise the character of the Park	-
109	Policy CO17	Sound	We support this Policy which will help to ensure that any householder developments are delivered in a manner which safeguards those elements which contribute to the special qualities of the National Park.	
117	Monitoring, Strategic Policy I, first Indicator (Monuments on the 'At Risk' Register	Object	It is not clear whose 'at risk' Register you will be using to monitor the impact of Policy I upon the Parks Monuments.	Amend accordingly
117	Monitoring, Strategic Policy I, third Indicator (Buildings on Historic	Object	The Historic England annual <i>Heritage at Risk Register</i> provides details not just on buildings, but on a whole range of designated heritage assets. It would be preferable to amend this Indicator accordingly.	Monitoring, Strategic Policy I, , third Indicator amend to read:-  "Number of designated heritage assets on the Historic England 'Heritage at Risk Register'"

<b>Page</b>	<b>Section</b>	<b>Sound/ Unsound</b>	<b>Comments</b>	<b>Suggested Change</b>
	England's 'At Risk' Register			