

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:	Mr.
First Name:	Clive
Surname:	Walley
Job Title (where relevant)	Chairman
Address:	Parish Clerk [REDACTED]
Organisation or Group:	Ingleby Arncliffe Parish Council
Postcode:	[REDACTED]
Telephone no:	Click here to enter text.
Email Address:	[REDACTED]

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?	<input type="text" value="Click here to enter text."/>	Policy?	<input type="text" value="Click here to enter text."/>	Policies Map?	<input type="text" value="Click here to enter text."/>
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4. Do you consider the Local Plan is:

a) Legally compliant?	Yes	<input type="text" value="Click here to enter text."/>	No	<input type="text" value="Click here to enter text."/>
b) Sound?	Yes	<input type="text" value="Click here to enter text."/>	No	<input type="text" value="See below"/>
c) Complies with the Duty to Co-operate?	Yes	<input type="text" value="Click here to enter text."/>	No	<input type="text" value="See below"/>

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.

It's our understanding that all representations made by outside bodies should have been included in your supporting responses documents. We can find no reference to our letter dated the 13th November addressed to your Mr Fellows and no reference to your emailed reply dated 28th November 2017 from your Ms. Clair Shields. Should this response have been included?.

Further we can find no evidence that Ms. Shields comments "we will take on board when progressing policies further" have indeed been reflected in the document.

The Duty to Co-operate document shows that your authority and HDC agreed their respective position but only at a "District" level, there was no constructive efforts directed at looking at the position at the Parish level.

Our Parish is a cross-boundary Parish with over 90% plus of its population in the HDC LPA. Our Parish has a defined and supported housing need (as evidenced by its developing Neighbourhood Plan) but where a centrally located potential housing site lies within the NYMPA LPA area.

The Parish is excluded from the NYMPA settlement hierarchy because of where the vast majority of its population is based, but this surely strengthens the point that Parish housing policies should be driven by HDC or the very least, agreed collectively between all concerned parties.

This site ("Grain Store", NYMPA site) in spite of our representations has been classified in your plan as open countryside, and with the attended NYMPA planning restrictions. These policies directly and adversely effect the viability of the site for future housing development, driven as they are by NYMPA criteria rather than the Parish's needs.

Your CEO, Mr. A. Wilson asks the question in the latest "Moors Messenger", "we would be interested to hear any further thoughts on the subject of the boundary"? It's looking at the

specifics of cross boundary Parishes requirements and their particular housing needs rather than taking a “tops-down” approach to the “Duty to Co-operate” that we feel should be followed in preparing NYMPA plans.

A less restrictive planning approach such as we consider our “Grain Store” site merits could we feel be agreed between the Parish Council and the two LPA’s, NYMPA and HDC which would (one hope) improve the viability of the site in the future.

If our Parish’s primary school had not unfortunately closed, the only immediately available housing site in the Parish would have been the NYMPA Grain store site. Under NYMPA’s present planning regulation, the site has limited scope on it being other than a rural exception site. Its viability a “non-starter” and in any event affordbale housing alone would not have met the Parish’s housing needs.

(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).

Amend the Duty to Co-operate policy to reflect the needs of cross-boundray Parishes, rather than determine such polices at a District or major town level.

(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?

Click here to enter text.

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

Clive Walley

Date

23/05/19

Notes to Accompany the Representation Form

1. Introduction

- 1.1 The plan is published in order for representations to be made prior to submission. The representations will be considered alongside the published plan when submitted, which will be examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004¹ (as amended) (PCPA) states that the purpose of the examination is to consider whether the plan complies with the legal requirements, the duty to co-operate and is sound.

2. Legal Compliance and Duty to Co-operate

- 2.1. The Inspector will first check that the plan meets the legal requirements under s20(5)(a) and the duty to co-operate under s20(5)(c) of the PCPA before moving on to test for soundness.
- 2.2. You should consider the following before making a representation on legal compliance:
- The plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the Local Development Documents (LDDs)² it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for independent examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
 - The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI) (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including plans) and the consideration of planning applications.
 - The plan should comply with the Town and County Planning (Local Planning) Regulations 2012 (the Regulations)³. The LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must notify the various persons and organisations set out in Regulations and any persons who have requested to be notified.
 - The LPA is required to provide a Sustainability Appraisal Report when it publishes a plan. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
- 2.3. You should consider the following before making a representation on compliance with the duty to co-operate:
- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
 - The PCPA establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore the Inspector has no power to

¹ View at <http://www.legislation.gov.uk/ukpga/2004/5/contents>

² LDDs are defined in regulation 5 – see link below.

³ View at http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf

recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the plan.

3. Soundness

3.1. Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the plan is positively prepared, justified, effective and consistent with national policy:

- **Positively prepared:** This means that the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- **Justified:** The plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.
- **Effective:** The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
- **Consistent with national policy:** The plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

3.2 If you think the content of the plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning? If so it does not need to be included?
- Is what you are concerned with covered by any other policies in the plan on which you are seeking to make representations or in any other plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

4. General advice

4.1. If you wish to make a representation seeking a modification to a plan or part of a plan you should make clear in what way the plan or part of the plan is inadequate having regard to legal compliance, the duty to cooperate and the four requirements of soundness set out above. Try to support your representation by evidence showing why the plan should be modified. It will be helpful if you also say precisely how you think the plan should be modified. Representations 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 opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

4.2. Where there are groups who share a common view on how they wish to see a plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.