

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 be used for the purpose of informing the Authority of the level of demand for Custom and Self-Build Housing within the National Park, and for bringing together those on the list with those with suitable land (consent would be requested before details are passed on).

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/altered 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: | Steve |
| Surname: | Wilson |
| Job Title (where relevant) | Forward Planning Manager |
| Address: | Town Hall, St Nicholas Street, Scarborough, YO11 2HG |
| Organisation or Group: | Scarborough Borough Council |
| Postcode: | YO11 2HG |
| Telephone no: | 01723 383510 |
| Email Address: | Steve.wilson@scarborough.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? | Click here to enter text. | Policy? | ENV2 - Tranquillity | Policies Map? | Click here to enter text. |
|------------|---------------------------|---------|--------------------------------|---------------|---------------------------|

4. Do you consider the Local Plan is:

| | | | | |
|--|-----|---------------------------|----|---------------------------|
| a) Legally compliant? | Yes | Yes | No | Click here to enter text. |
| b) Sound? | Yes | Click here to enter text. | No | No – only ENV2 |
| c) Complies with the Duty to Co-operate? | Yes | Yes | 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.

Policy ENV2 is not considered to be a sound policy and is neither justified, effective or consistent with national policy. Please see the attached report from Scarborough Borough Council that sets out comments on the Plan as a whole (sound) and Policy ENV2.

(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).

The attached report sets out the issues with the policy. It is suggested that the policy be modified to be more joined up with other policies in the Plan and national policy. It also needs to give a clear direction in what is being considered in terms of tranquillity and what would constitute an unacceptable impact. As drafted almost any proposal could be refused on the grounds of tranquillity as there is no distinction on proposal types or locational settings.... Other than modest householder extensions almost any development could be argued to have an impact on tranquillity if it covers the entire National Park including a single house or an agricultural building. There is also the concern that this policy could have an impact on built up areas beyond the Park's boundary. It is therefore suggested that the policy needs tightening up more akin to the PPG (Para 180(b)) that seeks to ensure that decisions and policy should ensure that new developments are appropriate for their locations taking into account its likely effects and specifically 'identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value'. Based on this it is suggested that the modified policy should either identify specific areas of tranquillity or be clearer in acknowledging that not all parts of the National Park could be characterized as tranquil.

(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, unless requested to do so I suggest this can be considered by the Inspector in light of the written response.

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.

N/A

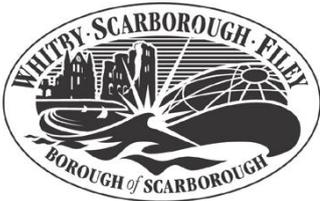
Please Note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Signature

S Wilson

Date

1/5/19



**REPORT TO PLANNING &
DEVELOPMENT COMMITTEE**
**TO BE HELD ON THURSDAY, 23
MAY 2019**

REPORT OF THE PLANNING SERVICES MANAGER – PSM/19/112

WARDS AFFECTED: ALL WARDS

**SUBJECT: RESPONSE OF THE BOROUGH COUNCIL ON THE
NORTH YORK MOORS NATIONAL PARK AUTHORITY LOCAL
PLAN (PRE-SUBMISSION DRAFT)**

RECOMMENDATION (S): To note the contents of the North York Moors National Park Pre-Submission Local Plan and to submit a response generally supporting the documents in relation to their legal compliance, soundness and the duty to co-operate.

REASON FOR RECOMMENDATION (S): To ensure that Scarborough Borough Council works with its adjoining neighbours in meeting its responsibilities under the Duty to Co-operate as set out in the Localism Bill, thereby ensuring 'cross boundary' planning policy is formulated in a joined-up manner.

HIGHLIGHTED RISKS: If the Borough Council does not consider the implications of the emerging plans from adjoining authorities there may be unsatisfactory consideration of cross boundary issues and potential criticism from any appointed Planning Inspector both in respect of the North York Moors National Park Local Plan and future reviews of the Borough Council's Local Plan.

1. INTRODUCTION

- 1.1 All Local Planning Authorities are required to prepare a statutory development plan for their area. This comprises adopted local plans and neighbourhood plans. The Borough Council adopted its own Local Plan in 2017 and is looking to review it over the coming years in line with current Government guidance. It is important that the Borough Council pays close regard to – and where appropriate seeks to influence - the plans and strategies being developed by other Local Planning Authorities, in order to assess the implications for the Borough's own plans and aspirations, and to and ensure consistency on key planning matters, especially those of a strategic nature that have cross-boundary implications

1.2 The North York Moors National Park Local Plan has formally been published. This document represents the version that the North York Moors National Park Authority propose to submit to the Secretary of State for independent examination. Prior to this, the document has been published for consultation for a 6-week period. The deadline for comments is 24 May 2019.

1.3 The plan documents can be viewed at:

<https://www.northyorkmoors.org.uk/planning/framework/draft-local-plan-preferred-options2>

2. CORPORATE AIMS

2.1 The North York Moors National Park Local Plan will not relate specifically to the Corporate Aims of Scarborough Borough Council.

3. BACKGROUND AND ISSUES

3.1 The issues for Members' consideration and attention are:

- (a) whether the documents have been produced in a manner which satisfies the Duty to Co-operate, in particular with Scarborough Borough Council;
- (b) whether the policies contained within the North York Moors National Park Local Plan have cross-boundary implications; and
- (c) the extent to which its contents aligns with the Scarborough Borough Local Plan as adopted and any emerging policy context for future reviews of the Plan.

4. CONSULTATION

4.1 This is a document produced by North York Moors National Park Authority and is undergoing public consultation. In this instance the Borough Council is a consultee and comments will be fed back to North York Moors National Park Authority.

5. ASSESSMENT

5.1 The North York Moors National Park Local Plan addresses a wide range of issues for the National Park, some of which have may cross-boundary implications and should be taken into account when preparing or reviewing the Scarborough Borough Local Plan. Both authorities have engaged in ongoing dialogue and discussion throughout the formulation of their respective Local Plans to ensure that the wider planning issues are identified and to meet the Duty to Co-operate. This consultation exercise is the Pre-Submission stage and is the 'Local Plan' that North York Moors National Park Authority wish to submit to Government for formal examination.

5.2 This stage of the process is different to previous consultative stages and is focussed upon whether the plan is legally compliant, sound in terms of its

content and prepared in accordance with the responsibilities of the Duty to Co-operate.

5.3 It is the conclusion of your officers that the documents have, in general, been prepared in a manner consistent with the above requirements. However, for completeness, the following is a short precis of the main points of the North York Moors National Park Local Plan and any strategic cross-boundary issues identified to be of relevance to Scarborough Borough Local Plan area.

5.4 The North York Moors National Park Local Plan refers to the need to ensure the document relates to other relevant plans and strategies. The document has been produced in accordance with the Localism Act and the 'Duty to Co-operate' and has therefore been carried out in in close partnership with adjoining districts and other partners.

5.5 Scarborough Borough Council is one of these partners as it shares a common border, however, owing to the distance between main settlements and the very different purpose of the respective plans there are few strategic cross-boundary issues to note. The following highlights the relevant issues:

- Housing and the Spatial Strategy – Scarborough Borough Council previously commented that the housing policy in villages was too restrictive; limiting it to Helmsley and to very limited infil in some villages (to meet local needs only). This has been relaxed to allow additional housing in the larger villages whilst also allowing local and affordable needs housing in the smaller villages. Of most relevance to Scarborough Borough is the fact that East and West Ayton and Sleights have been identified as “Larger Villages”, which closely aligns with their designations as “Service Villages” in the Scarborough Borough Local Plan.
- Landscape – The National Park is by definition a highly important area which is protected in its own right. The main aim of the Plan is to conserve and enhance the National Park’s natural beauty, wildlife and cultural heritage, and to protect special areas and features within it from harmful development. Detailed policies seek to protect amongst other things important views, tranquillity, remoteness and dark skies.

The Scarborough Borough Local Plan specifically refers to the importance of the landscape setting of the National Park and its sensitivity. The Scarborough Borough Local Plan states that high importance will be given to protecting the landscape setting and scenic beauty of the North York Moors National Park, by ensuring inappropriate development that would result in a significant adverse impact on these features does not take place within the Local Plan area.

This demonstrates a co-ordinated approach to protecting the National Park and recognises that development outwith the Park boundary can have an impact on the setting of the Park.

5.6 These issues have all been identified at previous stages of the plan and have been reflected in the now adopted Scarborough Borough Local Plan and

where appropriate has resulted in changes to the North York Moors National Park Local Plan.

- 5.7 The only issue that the Borough Council would wish to explore further at this point is in relation to Policy ENV2: Tranquillity. For Member's convenience the policy is shown in full below.

Policy ENV2 - Tranquillity

Tranquillity in the National Park will be maintained and enhanced. Development proposals will only be permitted where they conserve and/or enhance tranquillity.

All proposals will be considered in relation to:

1. Visual intrusion;
2. Noise and activity levels;
3. Traffic generation;
4. Presence of natural and semi-natural habitats;
5. Presence of historic assets.

- 5.8 The Borough Council was previously consulted on such matters as tranquillity, remoteness and dark skies. It responded in early 2018, stating that such principles were supported and that there were no objections to the overall aims and ambitions set out in this regard. This position remains the same in principle, however, it is considered that the translation of these issues into planning policy has resulted in wording that is potentially ambiguous and onerous.
- 5.9 Firstly, the respective topic paper suggests that this is the chosen option out of four, and that it constitutes a criteria-based policy. It is the view of the officers that this is not a criteria-based policy but simply a statement that sets out matters against which proposals will be considered. There is no definition of the 'test' in relation to any of the five listed considerations and it is unclear as to how applicants could respond to, nor how it would be implemented successfully by Development Management officers when considering planning proposals.
- 5.10 It is also a policy that could, in its current form, be utilised to run counter to much of the rest of the Local Plan. The wording itself, i.e. that *'tranquillity... will be maintained and enhanced'*, is definitive, as is *'...will only be permitted where they conserve and/or enhance tranquillity'*. By definition, almost any form of development, other than householder developments (extensions and alterations), will likely have a negative impact on tranquillity to some degree, however minor. For example, a single dwelling and or agricultural building will generate some localised disturbance and associated increased traffic generation, albeit on a small scale. Whilst it is likely that this policy is not

intended to prevent such minor forms of development, it could be used to restrict most forms of development throughout the National Park Area and be cited by parties to resist otherwise appropriate forms of development, both within established towns and villages (including Helmsley) and in remote areas.

- 5.11 Although a following paragraph of the Plan (4.37) states that “...*most development proposals will be expected to take tranquillity into account*”, it should be noted that the plan does not identify specific areas of tranquility, and therefore, as drafted, the policy would apply to all parts of the National Park, from the remote deep rural locations, to the centre of communities (and within small parcels of industry within the National Park). In this regard it is noted that National Planning Policy Guidance paragraph states at paragraph 180 (b) that planning policies and decisions should ensure that new development is appropriate for its location taking into account its likely effects, and in so doing should:

‘identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for the recreational and amenity value for this reason’

Based on the above, it is suggested that the policy needs to either identify specific areas of tranquility and/or be clearer in acknowledging that not all parts of the National Park could be characterised as tranquil.

- 5.12 Other than the above, the policy could potentially be used across the National Park to limit development (including housing), and this is also of some concern, as there are a small number of settlements on the edge of the National Park with a shared boundary between the two authorities. These areas include East and West Ayton and Sleights, both of which are classified as Service Villages within the Scarborough Borough Local Plan and are therefore expected to see a level of development associated with their status in the Settlement Hierarchy. These locations already have a number of housing allocations and may see further development if such a requirement is identified in future Scarborough Borough Local Plan reviews. This policy provides the opportunity for the National Park Authority (or other objectors) to potentially object to development sites within the Scarborough Borough plan area (e.g. in such locations as referred to above) if it is shown that development, albeit within a more urban location, could directly or indirectly be argued to neither conserve or enhance the tranquillity of the National Park. In isolated areas such a stance could be justified where it is determined that a development within the Borough’s planning area had an adverse effect on tranquillity within the National Park area. By virtue of the the policy being non-specific and thus too ‘broad brush’ in its direction (locationally), officers would suggest that it cannot be supported by the Borough Council in its current form.

- 5.13 It is therefore suggested that the policy in its current form does not meet the tests of soundness (as set out in the National Planning Policy Framework), specifically in terms of:

- Justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence; and
- Effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- Consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in this Framework

Conclusion

- 5.14 Overall, it is recommended that the Borough Council express general support toward the North York Moors National Park Local Plan. The only matter of any concern is that of Policy ENV2: Tranquillity, as referred above. It is considered that this policy requires amending to ensure it is more joined up with the other policies of the Local Plan, and national planning policy and is effective, in that it gives a clear direction as to what is being considered in terms of tranquillity and what would constitute an unacceptable impact.
- 5.15 Otherwise, Scarborough Borough Council has no objections to the Plan and agrees that they are legally compliant, sound in content and comply with the Duty to Co-operate.

6. IMPLICATIONS

(a) Policy

- 6.1 The North York Moors National Park Local Plan will eventually become a statutory part of the development plan for the National Park. Whilst this has limited implications for Borough policy, the Localism Act places a duty on adjoining authorities to co-operate and ensure a consistency across local plan boundaries in terms of strategic planning policy.

(b) Financial

- 6.2 There are no financial implications.

(c) Legal

- 6.3 The Borough is a statutory consultee under the associated guidance.

(d) Planning Implications

- 6.4 The implications for planning are to ensure that both the North York Moors National Park Local Plan and the Scarborough Borough Local Plan are aligned and deal with strategic cross-boundary issues in a consistent manner.

(e) Communications

- 6.5 This is not relevant in this case as this is a document of another Local Authority; namely the North York Moors National Park.
- 6.6 I have considered whether the following implications arise from this report and I am satisfied that there is no identified implications will arise from this decision in relation to Staffing Implications, Crime and Disorder Implications, Health and Safety implications, Co-operation with Health Authorities, Equality implications, Human Rights Act or Environmental implications.

7. ACTION PLAN

- 7.1 Submit comments to National Park Authority by 24 May 2019.



David Walker – Planning Services Manager

Author: Steve Wilson – Forward Planning Manager

Telephone No: 01723 383510

E-mail address: steve.wilson@scarborough.gov.uk

Background Papers:

Please give details of all publicly accessible (non private) background papers applicable to the report.

The North York Moors National Park Local Plan and associated supporting documents:

<https://www.northyorkmoors.org.uk/planning/framework/draft-local-plan-preferred-options2>

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT THE AUTHOR.

North York Moors Local Plan

Topic Paper: Housing

Comments from Scarborough Borough Council: Housing

Proposed housing delivery figures: Suggested minimum figure of 29 per annum sounds low, when SHMA figures are taken into consideration. Scarborough Borough Council (SBC) SHMA in 2015 came out with an affordable need of 26 per annum for SBC area alone. NYMNP SHMA in 2016 showed affordable need of 21 per annum.

Pleased to see though that the figure is a minimum delivery target and there is scope for exceeding this figure.

Providing homes for older people: Pleased to see this is recognised particularly in light of ageing population and SBC SHMA which showed an annual need of 13 “over 65 year olds” in NYMNP (SBC area). Pleased to see recognised need for range of older persons accommodation. Within SBC area need for bungalows comes up frequently on local housing needs surveys.

Size limit: Note that the size limit will not apply to affordable housing developed on exception sites. However, it should not apply to any affordable housing that is developed and we would expect NDSS to be applied to all affordable housing. Note that NDSS for 3 bed 6 person and virtually all 4 bed units is greater than 93 sqm.

Principal Residences on Exception Sites: This should be applied to all exception sites including those in smaller villages. Reason being that smaller sites with a lower number of homes will be less viable and more likely to require principal residences as cross subsidy. RP’s are reluctant to develop 6 or less units on a site due to viability.

It’s also unlikely that Homes England would appreciably increase the level of grant per unit on such schemes compared to larger schemes.

Local occupancy criteria: Agree with the proposal to reduce the residency criteria from 5 to 3 years and to widen the employment criteria.

John Burroughs

Colin Huby

Housing Strategy and Development Officer

Rural Housing Enabler

Scarborough Borough Council

Scarborough Borough Council

