

# North York Moors National Park Authority

## Local Plan – Pre-Submission Draft Representation Form.

[www.northyorkmoors.org.uk/localplan](http://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 24<sup>th</sup> 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](mailto:policy@northyorkmoors.org.uk)

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

### Office Use Only:

<b>Parish:</b>		<b>Reference no:</b>	
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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](mailto: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](mailto:policy@northyorkmoors.org.uk) or 01439 772700.

## PART A – Personal Contact Details

<b>Title:</b>	Click here to enter text.
<b>First Name:</b>	Fiona
<b>Surname:</b>	Tiplady
<b>Job Title (where relevant)</b>	Click here to enter text.
<b>Address:</b>	Rural Solutions, Canalside House, Brewery Lane, Skipton, North Yorkshire BD23 1DR
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## 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?	Strategic Policies, B, D, J and K Policies UE1, UE2, BL1, BL3, C012 and ENV3
		Policies Map?	8 – Remote Areas: policy ENV3.

### 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	<b>X</b>
c) Complies with the Duty to Co-operate?	Yes	<b>X</b>	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.

This representation is made on behalf of the Spaunton Estate (herein referred to as ‘the Estate’). Spaunton Quarry forms part of the Spaunton Estate. The Estate itself encompasses over 2600 hectares (7000 acres) of moorland which forms a key part of the North York Moors Special Protection Area (SPA), Special Area of Conservation (SAC) and numerous Sites of Special Scientific Interest (SSSI). Three full time staff are employed to manage this habitat including looking after the Estate’s in hand flock of moor sheep.

These areas of sensitivity which are located to the north of Spaunton Quarry, are proactively managed by the Estate to ensure conservation and enhancement of the natural environment within this part of the North York Moors National Park.

The Local Plan is not sound. It is not positively prepared and fails the test of being justified, effective and consistent with national policy in respect of:

**Policy ENV3 – A Strong Sense of Remoteness**

The Spaunton Estate strongly opposes the proposal to designate that head of the existing Spaunton Quarry as a Remote Area.

This area is currently used for environmental conservation and agricultural purposes. Additional purposes of the land will also be considered holistically within the Whole Estate Plan which is being brought forward for Spaunton Estate.

The policy states that development will only be permitted where it can be demonstrated that it is essential for environment conservation and agricultural development. In this particular location, these limitations will severely and unduly curtail existing activities and management of the area. It will preclude the unique conservation activities and the education of those activities to the wider public and visitors to the NPA.

## **Strategic Policy B – The Spatial Strategy**

The changes to the spatial strategy are welcome in the fact that Criteria 4 has been changed to state that:

**4. Where development proposals are part of a Whole Estate Plan that has been endorsed by the National Park Authority.**

There is however still no definition of what a Whole Estate Plan (WEP) is or any reference made to any supplementary guidance which might provide definition.

We consider that a WEP is a non-statutory plan which demonstrates the overall position and aspirations of an organisation. Such plans do not have to cover a specific time period and can be updated to reflect changes in circumstance or withdrawn if appropriate.

The suggested definition should be as follows:

Whole Estate Plans are documents prepared by individual landowning organisations. They set out the assets of the organisations and the opportunities and threats which the organisation may encounter, and describes their plans for the future. Whole Estate Plans should include environmental and social assets and issues as well as economic development projects. The concept is to encourage open dialogue between land owning organisations and the National Park, to look at land holding in their entirety in order to be as holistic as possible. The intentions are to provide clear baseline information which can then be used to identify opportunities and aid decision making for both land owners and the National Park Authority. Whole Estate Plans should help to identify mutually acceptable and proactive solutions which serve the wider purposes of the National Park.

Further to the comments above, there is also a need to provide for the following text within the Spatial Strategy which mean that WEPs will be endorsed by the North York Moors planning authority. In addition, due to the significant resource Spaunton Quarry can provide to bring forward economic and tourism development which promotes the understanding and enjoyment of the special qualities of the National Park whilst still conserving and enhancing the natural beauty, wildlife and cultural heritage of the North York Moors National Park, an additional criterion to the Spatial Strategy is required at bullet point 5.

Development will only be permitted in Open Countryside in the following cases:

**5. The development proposals are in accordance with an adopted masterplan for the former Spaunton Quarry or support an economic/tourism use within the former Spaunton Quarry.**

**Justification:** Estates in the National Park have an important role to play in the conservation of the landscape, the development of a sustainable rural economy and ecosystem. There needs to be recognition that Whole Estate Plans could demonstrate particular material considerations which relation to the purposes and special qualities of the National Park that justify development outside of settlement boundaries.

The landscape at Spaunton Quarry is a detracting feature within the district character and development of the site is seen as a beneficial effect upon localised character improving the quality and condition of the former quarry landscape and enhancing calcareous grassland habitats. Re-using the quarry site in a positive way will contribute to the wider character of the North York Moors Park.

## **Strategic Policy D – Major Development**

It is acknowledged that changes have been to strategic policy D seeking to narrow down what could constitute major development. However, it is considered that the term 'large scale recreation or commercial development' is undefined, imprecise and open to different interpretations.

At bullet point 3 of the proposed policy there is imprecision as to which is meant by the words 'the proposal can viably and technically be located elsewhere outside the National Park'. Clearly the proposal may be able to be located somewhere in the UK which is completely away from the NYMPA. There is no geographical basis as to where a proposed applicant would need to assess where a scheme could be viably and technically located.

There is a failure of the policy to state that where development proposals are part of a WEP that has been endorsed by the NPA. These words should be provided as bullet point 4 with the current bullet point 4 becoming bullet point 5 as WEP can provide comprehensive holistic solutions as part of their role as a key land owning organisation.

#### **Strategic Policy J – Sustainable Tourism and Recreational Development**

This policy requires that in the open countryside the expectation is that proposals use existing buildings or form small extensions. Policies UE1 provides a prohibitive limitation on sustainable tourism.

Indeed, the explanation text specifically prejudices the fact that 'new sites or extension to current sites resulting in more than twelve cabins, chalets or touring caravan pitches will rarely be considered acceptable'. This restrictive limitation is given without consideration of the merits of how the development can positively contribute to the natural beauty, wildlife and cultural heritage of the national park or whether they are part of an endorsed WEP.

Policy J and or Policy UE1 (Small Scale Tourism Accommodation) should state at bullet C (SPJ) and at bullet 3 (UE1) – or proposals which form part of a Whole Estate Plan that has been endorsed by the National Park Authority.

#### **Policy UE2 – Development of Existing Tourism and Recreational Businesses**

The policy is not positively prepared or justified. It fails to take into consideration Whole Estate Plans and development opportunities at Spaunton Quarry (refer to Spatial Strategy comment above).

The policy should insert the words:

Exceptions may be considered for new build development where there is sufficient justification for this approach. Such justification can be brought forward via a Whole Estate Plan approach.

#### **Strategic Policy K – The Rural Economy**

##### **Policy BL1 – Employment and Training Development.**

The inclusion of amendments to the policy at bullet point D which state: 'Where development proposals are part of a Whole Estate Plan that has been endorsed by the National Park Authority' are welcomed and wholeheartedly supported.

##### **Policy BL3 – Rural Diversification**

This policy is not positively prepared and justified and fails to take into consideration Whole Estate Plans and development at Spaunton Quarry (refer to Spatial Strategy comments above) which have an important role to play in the conservation of the landscape, the development of a sustainable rural economy and ecosystem. The policy is unsound.

##### **Policy CO12 – Conversion and Change of Use of Buildings in Open Countryside**

The policy is not positively prepared or justified. It fails to take into consideration Whole Estate Plans and development opportunities at Spaunton Quarry (refer to Spatial Strategy comment above).

(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).

See above wording provided as part of paragraph 5 above.  
(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

X

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.

To articulate the importance of Whole Estate Plans (WEPs) and to highlight the necessity of providing for flexibility in the plan to accommodate WEPs as these documents provide holistic solutions over significant areas of the National Park. Spaunton Estate encompasses over 2600 hectares (7000 acres) of moorland which forms a key part of the North York Moors Special Protection Area (SPA), Special Area of Conservation (SAC) and numerous Sites of Special Scientific Interest (SSSI).

*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

Fiona Tiplady

Date

24/05/2019