

# 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/local plan](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/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](mailto:policy@northyorkmoors.org.uk) or 01439 772700.

### PART A – Personal Contact Details

<b>Title:</b>	Mr
<b>First Name:</b>	John
<b>Surname:</b>	Freeman
<b>Job Title (where relevant)</b>	Chairman Whitby & District Tourism Association
<b>Address:</b>	

<b>Organisation or Group:</b>	Whitby & District Tourism Association (Approx 50 members. This representation sanctioned by Committee meeting on 23 May 2019)
<b>Postcode:</b>	██████
<b>Telephone no:</b>	██████████
<b>Email Address:</b>	████████████████████

## 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 Policy J - Sustainable Tourism and Recreational Development**

Policies Map? [Click here to enter text.](#)

4. Do you consider the Local Plan is:

Legally compliant? **Yes** *Probably* **No** [Click here to enter text.](#)

Sound? **Yes** [Click here to enter text.](#) **No** **No**

Complies with the Duty to Co-operate? **Yes** [Click here to enter text.](#)  
**No** **No**

**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.**

Whitby is not within the National Park boundary but, as stated in the NPA supporting papers for the Plan, *“its tourism function means that there is a strong interdependence between the town and the surrounding parts of the National Park.”*

STEAM figures estimate that there were 6.19M day visitors to the Park in 2017. All day visitors to Whitby are included in the Nat Park visitor numbers, since they must cross at least 15-25 miles of the Park to reach the town. The vast majority travel by road.

In relation to the Sirius planning application, a STEAM report was produced for the Whitby enclave only, covering 2012 and 2013. That report estimated that 59% of Park day visitors included Whitby in their itinerary. Applying the same percentage would suggest that some 3.65M day visits were made to Whitby in 2017 - leading to very high levels of traffic on roads within the Park that lead to Whitby.

Strategic Policy J is designed to support *“appropriate tourism and recreational development that does not generate detrimental levels of recreational activity or traffic and does not detract from the National Park special qualities.”*

The Draft Local Plan makes no mention of Whitby in relation to the visitor economy and Policy J. Yet the Park Visitor Survey 2016 showed that 35% of those surveyed had visited a beach and that 53% rated ‘beaches and seaside resorts’ as ‘very important’ motivators for visiting the Park. Though outside the Park boundary, the beach from Whitby to Sandsend is by far the largest and most accessible along the Heritage Coast - and it is the only Blue Flag beach in Yorkshire.

The Nat Park website includes Whitby among its Top 10 list of *“truly special places and awesome landmarks that should be on anyone’s bucket list”*. Whitby also features in five of the Top 10 list of Coastal Experiences, and provides all of the ‘Top Five Ways to Enjoy the North York Moors Coast’. <https://www.northyorkmoors.org.uk/visiting/see-and-do/icons> <https://www.northyorkmoors.org.uk/visiting/north-york-moors-coast/top-10-coastal-experiences>  
<https://www.northyorkmoors.org.uk/visiting/north-york-moors-coast/fish-and-ships>

In our view, the NYM Local Plan cannot be considered sound without an agreed Joint Plan in place to address strategic cross-boundary issues relating to sustainable tourism and recreational development. During the life of this plan, National Parks in general are likely to be required to consider road pricing and the inclusion of marine protected areas - both of which are of critical importance to the Whitby enclave and the surrounding parts of the National Park.

Given our past experience, Statements of Common Ground are insufficient. The Duty to Co-operate must be enforced. Far more effective cross-boundary cooperation and planning is needed for Whitby, if the NPA is to achieve its Plan objectives within the Park boundary.

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).

An agreed Joint Plan for the Whitby enclave which addresses strategic cross-boundary issues relating to sustainable tourism and recreational development.

(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  
enter text. Yes, I wish to participate at the oral Examination

[Click here to](#)

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

*John Freeman*

Date

*24 May 2019*

## 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 2004<sup>1</sup> (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)<sup>2</sup> 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)<sup>3</sup>. 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

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

<sup>2</sup> LDDs are defined in regulation 5 – see link below.

<sup>3</sup> View at [http://www.legislation.gov.uk/uksi/2012/767/pdfs/ukxi\\_20120767\\_en.pdf](http://www.legislation.gov.uk/uksi/2012/767/pdfs/ukxi_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.