



Report to North York Moors National Park Authority

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO THE AUTHORITY'S CORE
STRATEGY AND DEVELOPMENT POLICIES
DEVELOPMENT PLAN DOCUMENT**

Document submitted for examination on 11 January 2008

Examination hearings held between July 1st and 9th 2008

1 Introduction and Overall Conclusion

- 1.1 Under the terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a development plan document (DPD) is to determine:
- (a) whether it satisfies the requirements of s19 and s24(1) of the 2004 Act, the regulations under s17(7), and any regulations under s36 relating to the preparation of the document.
 - (b) whether it is sound.
- 1.2 This report contains my assessment of the North York Moors National Park Authority's Core Strategy and Development Policies DPD in terms of the above matters, along with my recommendations and the reasons for them, as required by s20(7) of the 2004 Act.
- 1.3 As the DPD was submitted on 11 January 2008 it falls to be considered under the tests of soundness set out in the 2004 version of Planning Policy Statement 12 (PPS12). My role is to consider the soundness of the submitted DPD against each of these tests of soundness. In line with national policy, the starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The changes I have specified in this binding report are made only where there is a clear need to amend the document in the light of the tests of soundness in PPS12. None of these changes should materially alter the substance of the overall plan and its policies, or undermine the sustainability appraisal and participatory processes already undertaken.
- 1.4 My report firstly considers the procedural tests, and then deals with the relevant matters and issues considered during the examination in terms of the tests of conformity, coherence, consistency and effectiveness. My overall conclusion is that the DPD is sound, provided it is changed in the ways specified. The principal changes which are required are, in summary:
- a) Clarification of housing policy and its reasoned justification*
 - b) Additional reasoned justification of Core Policy M*
 - c) Clarifying the coverage of policies governing building conversion*

The report sets out all the detailed changes required, including those suggested by the Authority, to ensure that the plan meets all the tests of soundness.

2 Procedural Tests

- 2.1 The DPD is contained within the Authority's Local Development Scheme (LDS), the updated version being approved in September 2007. There, it is shown as having an examination date of June 2008, with receipt of the Inspector's report in December 2008. As this report has been submitted to the Authority in autumn 2008, the programme has been bettered.
- 2.2 The Authority decided to produce a DPD which combined strategic policies for the future development of the National Park with more detailed development policies for specific topic areas. This reflected the satisfaction of parties

responding to the initial consultation on the DPD with the policies of the recently adopted Local Plan, the unlikelihood of significant change in the Park, and considerations of efficiency. In view of the low levels of new development in the Park, and the inclusion of development control policies in the DPD, the DPD is accompanied by a Proposals Map. These matters are generally explained in the LDS.

- 2.3 Test i of paragraph 4.24 of PPS12 is met.
- 2.4 An Inspector's report on the Authority's Statement of Community Involvement (SCI) was received by the Authority in July 2006. The report contained recommendations which were binding on the Authority. The SCI, revised in accordance with the Inspector's report, was adopted by the Authority before the examination hearings. It is clear from the documents submitted by the Authority, including the Regulation 28 and 31 Statements and its Self Assessment Paper, that the Authority has met the requirements as set out in the Regulations.
- 2.5 Alongside the preparation of the DPD it is evident that the Authority has carried out a parallel process of sustainability appraisal. The DPD, at paragraph 1.8, and the sustainability appraisal of the preferred options (Document LCD31), explain the selection of the strategy.

Appropriate Assessment

- 2.6 In accordance with the Habitats Directive, the Authority carried out an Appropriate Assessment of the Interim DPD. This found that several policies had the potential to have a significant negative effect on Natura 2000 sites. Actual, as opposed to potential, effects would depend on the scale, location and exact nature of individual proposals. As a result of the findings of the Appropriate Assessment, changes were made to the submitted DPD to highlight that impacts upon the Natura 2000 sites will be a consideration. Also, decisions upon planning applications will be based on the plan as a whole, including Core Policy C, which ensures that the appropriate level of protection will be applied to Natura 2000 sites. The submitted DPD is unlikely to give rise to significant effects that would harm the integrity of Natura 2000 sites.
- 2.7 Overall, I am satisfied that test iii has been met.
- 2.8 It seems to me that the procedural tests i, ii and iii have all been satisfied.
- 2.9 It is appropriate to deal here with 2 aspects of the conformity tests, namely tests 4c and 5. The Yorkshire and Humber Assembly has indicated that the DPD is in general conformity with the approved Regional Spatial Strategy (RSS), The Yorkshire and Humber Plan. The North East Assembly has indicated that the DPD is in general conformity with The North East of England Plan. National Park Authorities are not 'local authorities' and thus are not required to prepare Sustainable Community Strategies (SCS) under the Local Government Act 2000. This remains the duty of the County and District Councils which encompass the National Park, and each Authority has confirmed that the DPD has had proper regard to their SCS. Tests 4a and 5 are satisfied.

3 Conformity, Coherence, Consistency and Effectiveness Tests (tests 4-9)

- 3.1 The principal areas of concern considered during the examination were the effectiveness and appropriateness of the housing and climate change provisions of the DPD.

Main Matter 1 – Definitions of countryside and settlements

- 3.2 The question arises as to whether the DPD should include development boundaries around the settlements in the National Park, to indicate where development would generally be permitted in settlements, and not permitted in the open countryside outside settlements.
- 3.3 Many local planning authorities, including those adjacent to the Park, do define settlement boundaries in their adopted or draft development plans. However there is no requirement for the National Park Authority (NPA) to do this, and several other National Park Authorities do not use them. It has been the NPA's practice since before the 1992 Local Plan not to define boundaries. The practice will therefore be well understood.
- 3.4 Both approaches are valid, depending in part on the circumstances applicable to a particular local planning authority's area. RSS does not impose on the National Park any requirement for particular amounts of housing or employment land provision, and the pace of development is slow. There are no development allocations in the DPD. These factors reduce the need for development boundaries.
- 3.5 In the National Park, the purposes of National Parks are particularly important. Assessment of the effects of a development on the natural beauty, wildlife and cultural heritage has greater prominence in the Park than in other types of local planning authority. It is also the case that a very limited amount of development is likely.
- 3.6 In this situation it is not surprising that the NPA has chosen to consider proposals, and whether they are located within the main built up area of settlements or in the open countryside, on their merits rather than drawing development boundaries. As in many other parts of the country, there are areas of sporadic and straggling development which will be judged to lie in the open countryside.
- 3.7 A defined boundary would appear to provide sure guidance to developers and other users of the DPD, but could be misleading if site specific considerations like views and effects on the historic pattern of the settlement militated against a grant of planning permission. The existence of a boundary could lead to pressure to build on sites inside the boundary which are valuable as open land in the context of Park purposes. The importance of the purposes of the National Park also explains why Core Policy J, for example, does

not specify that housing will be located "next to" (the terminology used in national policy - PPS7 paragraph 4) settlements.

- 3.8 Judgement is necessary in the consideration of proposals on their merits, but similar judgements would have to be made in order to delineate boundaries around settlements for development control purposes. The exercise would be very time consuming and resource intensive. It would involve a conclusion that the DPD is unsound, and the need to undertake further sustainability assessment and public consultation. In all the circumstances, I give greater weight to the advantages of having an adopted DPD in place as soon as possible.
- 3.9 From what I have seen, it seems to me that, with a few exceptions, it would be possible to draw sensible boundaries around the settlements in the Park, but this does not alter my conclusion that the DPD approach represents the most appropriate in all the circumstances, and meets the requirements of test vii. Also, the considerations I outline above are weightier than the apparent greater certainty and clarity which might be achieved by defining settlement boundaries. The document is not unsound in terms of test iv (consistency with national policy).
- 3.10 As for the settlement hierarchy itself, this is derived from that used in the North York Moors Local Plan, but the hierarchy, and the terminology used, have been refined during the process of preparation of the DPD. Following consultation comments, and with the objective of achieving a sustainable pattern of development, a multi-level hierarchy is contained in the DPD. The definition of each level in the hierarchy reflects the evidence base provided by the Community Facilities survey (CSD6/7). Again, the hierarchy accords with test vii.
- 3.11 **No change to the submitted DPD is needed.**

Main Matter 2 – Housing – What Should be the Respective Roles of Open Market Housing, Local Needs Housing, and Affordable Housing?

The Principle of Permitting Open Market Housing

- 3.12 The Yorkshire and Humber Plan states that all new housing in the National Park is to meet local needs only. There is nevertheless some provision for open market housing in the DPD. This, and development for local needs and affordable housing, will assist towards meeting demand arising in the Park, achieving a mix of house types and tenures, and maintaining the vitality of local communities.
- 3.13 I consider that the statement from the Yorkshire and Humber Plan quoted above should not be interpreted to mean that there is a complete ban on open market housing in the National Park. The statement is made in the context of a strategic regional level document concerned with meeting large scale needs arising over a

wide area. Bearing in mind the small number of new build housing completions in the Park, and the general lack of substantial housing sites, it seems to me that it is open to the NPA to apply some flexibility to the RSS statement. I note that Yorkshire Forward has not objected to the open market housing element of the Core Strategy. I conclude that the conformity test, test iv, is met.

- 3.14 Open market housing will be permitted in the local service centre of Helmsley and in the 7 service villages. These are the most sustainable settlements, and allowing some open market housing, alongside local needs and affordable housing, will help to maintain the viability of the communities.
- 3.15 Some of the settlements where open market housing is to be permitted are split by the National Park boundary, such that parts of each settlement fall within other local planning authority areas, where open market housing is allowed as a matter of course. Others of these settlements are located close to the Park boundary. It would be incongruous to operate different policies for housing development types in small settlements, and allowing open market housing in these circumstances is consistent with the policies of neighbouring local planning authorities (test vi).
- 3.16 These settlements form parts of housing market areas which are wider than the portions of the National Park within which the villages are situated. Helmsley is recognised as a local service centre in the RSS and as such has a role wider than catering for needs arising in the Park. These circumstances support the DPD's provisions for open market housing.
- 3.17 Allowing some open market housing could also secure cross subsidisation of an element of affordable housing through the application of Core Policy J. This will be, for the Park, a new and valuable method of securing affordable housing. Thus open market housing provides an additional route to providing for the housing needs identified in the DPD's assessment of the challenges facing the National Park. Furthermore, not all open market housing is taken by wealthy non-local buyers. In Helmsley, for example, the cheapest open market housing can provide for some lower income public sector employees.

Housing Need

- 3.18 Housing needs surveys undertaken by the 4 district authorities which make up the Park have identified a need for an additional 943 affordable dwellings in the Park between April 2007 and March 2012. However this figure is approximately 10% of the existing dwellings in the Park. Meeting the whole of the need within the Park would have a considerable impact on the character of the Park, contrary to National Park purposes.

- 3.19 There is also reliable evidence that the above need figure is too high. More local surveys, carried out where there are exception site proposals, have higher response rates and produce more accurate figures. These surveys show considerably lower levels of need.
- 3.20 Nevertheless, exception sites for affordable housing, under the terms of Core Policy K, and the affordable housing requirements of Core Policy J, will assist in meeting needs. The NPA is working with Rural Housing Enablers and other parties to bring forward affordable housing proposals.
- 3.21 The scale of the need for local occupancy housing is not known.
- 3.22 The NPA accepts that it will not be able to meet all of the needs for affordable and local needs housing, but on balance I conclude, for reasons set out above, that the DPD is justified in permitting open market housing in the way in which Core Policy J does. This policy element is the most appropriate response to the circumstances considered as a whole. In this respect the DPD is sound and conforms with test vii.
- 3.23 However, permitting open market housing on a larger scale would attract non-residents, including retired people and second home owners. Affordable and local needs housing caters for a combination of age groups. Increasing the amount of housing in smaller settlements would be likely to harm the character of the settlements and the landscape, contrary to the purposes of the National Park. It would also result in a more dispersed settlement pattern and reduce the sustainability of the DPD.
- 3.24 It seems to me that the document strikes an appropriate balance between allowing for some open market housing, and providing for those who cannot afford such housing.

Affordable Housing Policy

- 3.25 Core Policy J requires that open market housing sites above a certain size (0.1ha or proposing 2 or more residential units) should provide 50% affordable housing. There is evidence to justify this proportion, including the levels of need discussed above, but the policy provision is not supported by the type of viability assessment sought in national policy.
- 3.26 The Yorkshire and Humber Plan Policy H4 identifies a need for the Region to increase its provision of affordable housing. North Yorkshire as a whole is an area of high demand for housing, and Policy H4 allocates to it (and to East Yorkshire) the highest proportion of affordable housing, namely over 40%. The Strategic Housing Market Assessments which have been prepared for areas relating to the National Park show that there is strong demand in the area.

- 3.27 The demand data is supported by house price evidence. The National Park average house price in 2007 was £276,313, compared with a County average of £222,910. The available evidence suggests that in 2007 the average house price in the National Park was as high as anywhere within North Yorkshire.
- 3.28 In a strong housing market, with high prices, higher proportions of affordable housing are more likely to be viable. Overall, the evidence that is available suggests that a 50% proportion of affordable housing on open market sites may well be viable, but this is not certain. Without a full viability assessment this element of Core Policy J should be given interim status, for a period of 3 years, to give the Authority the opportunity to assemble robust evidence to justify the Policy for the long term. This is necessary to meet tests iv and vii.
- 3.29 The viability assessment should feed into the annual monitoring with a commitment to change the interim policy if the viability testing shows that there are problems with the target.
- 3.30 Test iv also requires that the Policy allows for the character of specific sites to be taken into account in assessing affordable housing quotas for individual proposals. In other respects the Policy accords with national policy, or responds to particular local circumstances. In particular, as the great majority of housing sites in the Park are very small, a threshold lower than that normally envisaged in national policy is justified. The Authority's approach to seeking developer contributions is likely to be for the provision of affordable housing on the application site. In the absence of housing targets for the National Park (see above), targets for affordable housing cannot be set. The size and type of affordable housing will depend on the circumstances of those in need in a particular parish, to be identified in parish based surveys.

Other Matters

- 3.31 PPS3 advises that Local Development Documents should identify broad locations and specific sites that will enable continuous delivery of housing for at least 15 years, and that a housing trajectory should be produced. Given that the RSS does not impose a housing requirement on the NPA, and in view of the small scale of development and the paucity of substantial potential housing sites, I conclude that it is appropriate for the DPD not to identify housing sites or a trajectory. In this respect too the document does not fall foul of test vii.
- 3.32 However, there are parts of the housing section of the DPD which are unclear or confusing. Local occupancy conditions have been applied to new build properties in the Park since 1992, and the use of the concept was extended in the existing Local Plan. The restrictions are well understood and widely accepted locally. The DPD attempts to bring together in one policy several different policies from the Local Plan, but has lost clarity regarding the

application of local occupancy restrictions: the topic is mentioned in the reasoned justification rather than being a requirement of the Policy itself. Core Policy J in this respect is unsound and does not meet test iv. The promotion of the requirement from the reasoned justification to the Policy will make the DPD sound.

- 3.33 The second sentence of paragraph 9.6 is actually a paraphrase of RSS material but appears to be a justification for Core Policy J, which in fact has a different emphasis. The sentence is also a repetition of information given in paragraph 3.6 of the DPD. For the sake of a clear and concise DPD, as required by national policy (test iv), the sentence should be deleted.
- 3.34 **The following changes are required to make the DPD sound:**
- a) **Add after the second sentence of criterion 1 of Core Policy J "The 50% target may be varied in the light of the viability of the development, and is an interim figure for a period of 3 years, pending the completion of a general affordable housing viability assessment."**
 - b) **Delete the final sentence of paragraph 9.12.**
 - c) **Delete the first part of paragraph 9.13, up to and including the words "regional guidance and", and substitute with "The Authority has been unable to undertake a full general viability assessment of the affordable housing target in criterion 1 of Core Policy J, but will carry out such an assessment within 3 years of the adoption of this DPD and then review the 50% figure if necessary in the light of the results of the assessment. In the interim period, the 50% quota will be applied. This figure is based on Policy H4 of The Yorkshire and Humber Plan and on the high price of housing in the National Park, which will support the viability of housing developments providing 50% affordable housing. It also takes into account-----".**
 - d) **Replace the sentence after criterion 4 in Core Policy J, which currently reads "For the purposes of this policy 'local need' is defined as:", with "The occupancy of local needs housing will be restricted to:".**
 - e) **Delete the second sentence of paragraph 9.6.**

Main Matter 3 –Is Adequate Provision Made for the Elderly?

- 3.35 Chapter 2 of the DPD recognises that there is an imbalance in the population of the Park, with more adults over the age of 65 than the national and regional average. This is seen as a challenge for the LDF. Population data shows that a high proportion of over 65s will continue to characterise the area. The vision for promoting healthy and sustainable communities is for a range of provision of housing types and tenures to meet the needs of, *inter alia*, older people.

- 3.36 Core Policies J and K provide the tools for implementing this part of the vision. The former Policy seeks a mix of housing types and tenures, including open market and local needs housing. Such development is directed as appropriate to the different levels of the settlement hierarchy. Core Policy K supports the provision of affordable housing on exceptions sites where policy would not normally allow housing development.
- 3.37 The operation of these Policies can be seen in the Abbeyfields scheme near Castleton, providing dwellings for the elderly, warden's accommodation, and a day centre. This will meet the needs of all 5 parishes in the Esk Valley.
- 3.38 The exceptions policy requires need to be demonstrated by means of a current housing needs survey.
- 3.39 Bigger schemes, such as retirement villages, would be larger than would be justified by local needs in particular parts of the Park, and the evidence suggests that affordability would be a problem for local people. They would be likely to attract residents from outside the Park, to be in the open countryside outside settlements, and as a result to be unsustainable in terms of environmental effects and transport.
- 3.40 There is no evidence of particular pressure on the other forms of provision for the elderly, such as would suggest a substantial need for one or more retirement villages in the Park. It is also noteworthy that, despite the number of older people living in the Park, the Housing Authorities have not indicated that there is a particular problem. There are existing care homes, and a policy of replacing these over the coming years with extra care provision to maximise the independence of occupants.
- 3.41 In respect of provision for the elderly, the DPD meets tests vii and xi. It is an appropriate response to the evidence and to local circumstances, and is reasonably flexible to enable it to deal with changing circumstances.

3.42 **No change to the submitted DPD is needed.**

Main Matter 4 – Are the Climate Change Provisions of the DPD Sufficiently Strong and Effective?

- 3.43 The DPD settlement hierarchy and policies controlling development in the open countryside will prevent dispersed development which would increase emissions of greenhouse gases. Core Policy D requires on-site energy generation from schemes above certain sizes, and provides for renewable energy proposals and for mitigation of the impacts of climate change. Development Policies 3 and 23 contain complementary provisions to guard against increased climate change. The aims of the DPD in this regard will be achieved by the control of development using the Policies, and by forward planning.

- 3.44 Minimisation of climate change and its effects is an underlying theme of the DPD. In the light of national policy, requiring new development now to achieve a net reduction in greenhouse gases, or to be zero carbon development, would be unrealistic. Requiring occupants of local needs housing to achieve net reductions, for example by working locally, would be onerous and difficult to enforce. Nor should the NPA set its own standards for carbon emissions or its own timetable for reaching zero carbon emissions from new homes, given the small amounts of new development taking place in the Park and the absence of development areas.
- 3.45 RSS Policy ENV5 aims to maximise renewable energy capacity. DPDs should set ambitious but viable proportions of the energy supply for new development to be required to come from such sources. The Core Strategy requires on-site energy generation from smaller developments than RSS policy does. This is a robust approach, demanding but consistent with regional policy.
- 3.46 Bearing in mind the purposes of National Parks, and national policy, care is necessary in developing renewable energy projects. The criteria of Core Policy D, part 2, are appropriate, but for the sake of increased clarity (test iv – consistency with national planning policy) location should be added to them.
- 3.47 The evidence base for the Policy provisions is found in national and regional policy, and in locally produced documents, including the Development Plan Working Group Report on renewable energy (Document CSD18). Overall, the Policies are written in a general form which will enable them to cope with changing circumstances. Tests vii and ix are met.
- 3.48 A major element in helping to achieve Part 1 of Core Policy D will be the locational criteria for development, contained in the DPD. The monitoring chapter of the DPD includes several indicators related to climate change. There are difficulties in monitoring by other means. For example, the Audit Commission does not provide data on energy use and carbon emissions at the National Park level.
- 3.49 I conclude that tests vi and viii are met.
- 3.50 **The following change is needed to make the DPD sound:**
a) In part 2 of Core Policy D, add "location" between "of a" and "scale".

Main Matter 5 – Accessibility and Inclusion

- 3.51 The principal issues under this matter are whether the DPD deals effectively with reducing the need to travel, and with rail travel.
- 3.52 Criterion 7 of Core Policy M uses phraseology (reducing the need to travel) derived directly from national policy, and consistent with the Core Strategies of neighbouring authorities. Experience suggests that it is likely that, with increasing development and tourism, it is

a reduction in the potential travel which is likely to be achievable in the near term, rather than a reduction in actual travel. However, the use of a term used in national policy is appropriate, and in my opinion the wording is well understood. In this very rural area a realistic approach has to be taken, while at the same time seeking the most sustainable travel patterns.

- 3.53 A major tool in reducing the need to travel is provided by the locational and settlement hierarchy policies of the DPD. These can reduce journey length and also increase the use of non-car modes of travel. Other policy elements in the DPD protect existing services, and also protect existing, and provide for new, routes for relatively sustainable travel modes. There are many other policies in the DPD which will assist in achieving the plan's travel objectives. I conclude that the other Policies of the DPD are consistent with criterion 7 of Core Policy M.
- 3.54 The monitoring table at the end of Chapter 10 includes 4 indicators related to criterion 7. Deriving more indicators, and targets for all of the existing indicators, is difficult. Information for the NPA area is scarce, and the travel decisions of individuals and organisations are influenced by many factors besides spatial planning. The DPD includes those indicators that can be assessed. The NPA should, in its review of the DPD, develop further indicators if this is possible. What these possibilities are will not be known until the Authority's Traffic and Transport Strategy has been reviewed.
- 3.55 Taking a realistic view, it seems to me that the DPD does deal effectively with reducing the need to travel, within the limits imposed by the circumstances of the National Park. Test vi (coherence and consistency within the document), test vii (appropriateness in all the circumstances) and test viii (clear mechanisms for implementation and monitoring) are all met.
- 3.56 There is rather little mention of rail travel in the DPD, given the importance to the Park of this form of travel. The railway lines improve accessibility and choice, and provide opportunities for more sustainable travel. They also bring in visitors, employment, and economic benefits. Criterion 4 of Core Policy M is unsupported by reasoned justification which illustrates the importance of the content of the criterion. As it stands, the DPD is unsound in terms of clarity (test iv – conformity with national policy) and test vii (robust evidence base). Addition of suitable explanatory text would render the document sound.
- 3.57 **The following change is needed to make the DPD sound:**
a) Insert after paragraph 10.5 "As a form of transport, rail has a valid contribution to make in terms of improving accessibility and widening travel choices within the National Park by connecting the more remote communities and providing an alternative

means of travel, particularly in the context of sustainable tourism.

As one of only seven in the country, the Authority recognises the particular value of the Esk Valley Community Rail Partnership (CRP) and has actively supported it for a number of years. Having CRP status enables the Authority, through the Partnership, to work effectively with communities to promote the line and improve its use and accessibility."

Main Matter 6 – What Should be the Role of Helmsley?

- 3.58 Hemsley is a small market town, providing services and facilities for a limited area within and outside the National Park. It is also an important attraction for tourists, with qualities which should be conserved.
- 3.59 The town is identified as a local service centre in the Yorkshire and Humber Plan. Work at the regional and sub-regional levels allocates to market towns generally, including Helmsley, the task of strengthening and diversifying the rural economy, bearing in mind, at least in the case of Helmsley, the cultural and natural heritage.
- 3.60 In general the Policies in the DPD reflect these characteristics and the developing role for the town identified in policy documents. In Core Policy B Helmsley has a unique status as the Local Service Centre. In addition to providing for housing and employment development, it is to have improved facilities to serve local residents, strengthen its role as a Local Service Centre and support its role as a visitor destination. These functions are wider than those given to other settlements.
- 3.61 The housing and employment policy criteria for Helmsley are the same as for Service Villages. In view of its size and functions, Helmsley might provide more of these types of development than other settlements will. A DPD is to be prepared for the town, jointly with Ryedale District Council, and this will provide the mechanism to investigate opportunities for development in various locations around the town. In particular, the potential for mixed employment and housing development in the south-eastern part of the town (within Ryedale District) will be assessed. However, it is not necessarily the case that the National Park part of Helmsley will provide more development than other settlements in the Park: sites in that part of the town might prove unacceptable for development in the light of the National Park purposes.
- 3.62 Amending the DPD to boost the role of Helmsley runs the risk of over-emphasising the importance of the town. Helmsley has a lesser role in the sub-region, and in relation to the provision of facilities like employment for National Park residents, than towns such as Pickering and Whitby outside the Park. Too much emphasis

on Helmsley would not accord with the emerging settlement hierarchy in the Ryedale Core Strategy, which is under preparation. It could also impose too great a commitment on the proposed DPD for the town.

- 3.63 Further emphasis on the Renaissance Market Towns initiative being progressed by Yorkshire Forward would not be appropriate as the evidence at this examination is that the initiative has not yet resulted in any action 'on the ground' in Helmsley, and might not survive in its present form.
- 3.64 It seems to me that the Core Strategy strikes the correct balance between allowing the proposed DPD for Helmsley to take account of the opportunities and needs for development, on the one hand, and itself reflecting appropriately the intentions of the RSS and other strategic documents. There is compliance with tests iv and vii.
- 3.65 **No change to the submitted DPD is needed.**

Main Matter 7 – A Spatial Plan

- 3.66 The Core Strategy and Development Policies DPD differs from similar documents prepared by non-National Park Authorities. It does not include allocations for development, although, as discussed above, it does incorporate a settlement hierarchy to guide the location of new development. The vision does not anticipate much change, many of the objectives are of a fairly general nature which could apply to other parts of the country, and the DPD includes a number of policies which bear a close resemblance to national policies.
- 3.67 The above characteristics are in large part the result of the area's status as a National Park. As stated above, there are no housing or employment land requirements arising from the RSS, development is small scale in overall terms and in respect of individual sites, and both settlements and the landscape have a character which it is imperative to protect. It is therefore not surprising that there are no allocations. In view also of the purposes of National Parks, a vision which does not involve substantial change is appropriate. The National Park does not have areas which need, or offer opportunities for, development or regeneration.
- 3.68 The methodology adopted by the NPA in deriving the vision, objectives and policies was to develop a clear 'audit trail' from the challenges which have to be met, through the vision and objectives, to the policies. In this context, and in that established by the considerations set out in the 2 preceding paragraphs, the objectives and policies are realistically and accurately those which matter to this National Park.
- 3.69 Policies which appear to duplicate national policy are deliberately included in the DPD, following careful consideration, wide consultation, discussion with concerned parties such as English

Heritage, and, in some cases, revision following consultation. Some of these Policies, for example those dealing with listed buildings (Development Policy 5) and archaeology (Development Policy 7), are of particular relevance to the National Park. The listed buildings and important archaeological remains in the Park are key elements in the cultural heritage of the Park. In the case of Development Policy 7 a reference to national policy is required.

- 3.70 Similarly Development Policy 25, on telecommunications, deals with a form of development with substantial potential impacts on the widely visible upland edges, moorland landscapes and exposed coastal areas of the Park.
- 3.71 The Policy on flood risk (Development Policy 2) is needed because there have been significant floods in recent years and there is a particular problem controlling the flow of water from upland areas. This Policy, as with some others, is shorter and easier to use than national policy. It also includes criterion 4, which is not part of national policy but reflects the local context.
- 3.72 I conclude that, in the particular circumstances of the National Park, the DPD is 'spatial enough', to adopt the words used by my colleague Inspector in the examination of the soundness of the Dartmoor National Park Authority's Core Strategy. The North York Moors National Park Authority Core Strategy and Development Policies DPD complies with tests iv and vii, and is sound, with the change detailed below.
- 3.73 **The following change is needed to make the DPD sound:**
a) Add a new sentence to follow immediately after Policy DP7, to read "Applicants should refer to Planning Policy Guidance 16 – Archaeology and Planning".

Other Matters

- 3.74 Policy DP8, dealing with the conversion of traditional rural buildings, is confusing. It is a lengthy policy, intended to cover both listed and unlisted buildings, but reference to listed buildings does not appear in the Policy until the tenth and final sub-paragraph, and comes as a surprise in the light of the earlier listed buildings Policy DP5. Both policies control the change of use of listed buildings.
- 3.75 In the interests of a succinct and clear plan (test iv – conformity with national policy), Policy DP8 should be concerned with unlisted buildings only, leaving Policy DP5 as the Development Policy to cover listed buildings. The form of potential changes to the Policies and reasoned justification was agreed during the hearings. The changes involve, *inter alia*, a reference to national policy (see 3.69 above).
- 3.76 Core Policy G encourages the reuse of buildings of architectural and historic importance. Policy DP8 provides for a range of uses where

buildings are located in existing groups, which is the usual situation in the Park. It is undesirable for policies to cover all eventualities, and the number of churches becoming redundant over the plan period is likely to be small, as is the number of valuable buildings in isolated locations. I conclude that Policy DP8 is not over-restrictive, but is a balanced response to local circumstances.

- 3.77 Conversion of traditional rural buildings to other than commercial uses is unlikely to harm the economy of the National Park and Region, in the light of the small amounts of commercial floorspace gained in the Park from conversions. On the other hand, there is a need for local needs housing, and conversions can assist in meeting this. Under the terms of the existing Local Plan, buildings of this type in the open countryside can be converted for holiday lets but not for letting to family members in need, for example, although the sustainability effects might well be similar. National policy in PPS7 allows for circumstances where residential conversions may be more appropriate than re-use for economic development purposes. Such circumstances exist in the National Park to justify the residential conversion elements of Core Policies B and J, and Policy DP8, and therefore there is not a conflict with national policy in this respect (test iv). These elements of policy are also appropriate in the light of local circumstances (test vii).
- 3.78 In Policy DP2 and its supporting text, regarding flood risk, there is sufficient reference to the sequential approach and to national policy in PPS25. Additional text would basically repeat national policy. Paragraph 6.3 contains a comprehensive list of types of site which would include sites of local wildlife significance, existing or likely to be identified in the future. No addition to the paragraph is necessary.
- 3.79 Criterion a of Development Policy 10 continues a long-established approach in the National Park of allowing for employment development on the edges of villages. The purpose of the criterion is to facilitate purpose-built development where there is not space for new employment uses in the settlement. The criterion also reflects the consideration that much-needed employment development can be difficult to secure in the National Park, as this type of development is less lucrative than housing development. Employment uses often have specific needs and effects which reduce the suitability of sites in villages. The Policy criterion meets the requirements of soundness test iv. Any development of this type would be subject to DPD policies to protect valuable features.
- 3.80 It is one of the purposes of National Parks to promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public. These opportunities often arise outside settlements, wherever the sites associated with a particular quality are located. Policy DP14 is over-restrictive in insisting that there should be an existing building where tourism and recreation development is to take place. The Policy fails tests of

appropriateness and flexibility (tests vii and ix). The remedy is to add a provision which allows for new buildings where there is no satisfactory existing building.

3.81 In recent times there has been little quarrying activity in the National Park, but Core Policy E controls mineral extraction proposals. Stone for important buildings in the Park can be provided from existing and potential quarries, but again the scale is small and the NPA has not had problems finding suitable building stone for repairs to significant structures. At present there is insufficient information to provide the basis for a policy safeguarding significant stone resources, but neither is there a present need for such a policy, bearing in mind also that the levels of development in the Park are not such as to threaten these resources.

- 3.82 **The following changes are required to make the DPD sound.**
- b) Add after Policy DP5 a sentence to read "Applicants should refer to Planning Policy Guidance 15 – Planning and the Historic Environment".**
 - c) In the second line of Policy DP8, add "unlisted" between the words "traditional" and "rural".**
 - d) At the beginning of criterion 7 of Policy DP8, replace "The buildings are" with "The building is".**
 - e) Delete criterion 10 from Policy DP8, and paragraph 7.25.**
 - f) Reword the second sentence of paragraph 7.22 to read "They can include chapels, schools, mill buildings and agricultural buildings.".**
 - g) Add a new sentence to criterion 4 of Policy DP14, to read "Proposals for new buildings will be expected to demonstrate that the facility cannot be satisfactorily accommodated within an existing building in that location.".**

4 Minor Changes

4.1 The Authority wishes to make several minor changes to the submitted DPD in order to clarify, correct and update various parts of the text. Although these changes do not address key aspects of soundness, I endorse them on a general basis in the interests of clarity and accuracy. These changes are shown in Annexe 1. It is also necessary to identify in the Core Strategy the Policies of the existing Local Plan which will be superseded by those in the DPD. Annexe 2 lists these Policies and needs to be incorporated in the DPD.

5 Overall Conclusions

5.1 I conclude that, with the amendments I recommend, the North York Moors National Park Authority Core Strategy and Development Policies DPD satisfies the requirements of s20(5) of the 2004 Act

and the associated Regulations, is sound in terms of s20(5)(b) of the 2004 Act, and meets the tests of soundness in PPS12.

Cliff Hughes

INSPECTOR

Annexe 1

Schedule of minor changes put forward by the Authority

	Policy/paragraph	Amendment
1	Core Policy A, criterion 7	Criterion 7 should read 'Strengthening and diversifying the rural economy, including new tourism based opportunities for the understanding and enjoyment of the Park's special qualities'.
2	Paragraph 6.17	Amend first sentence of paragraph 6.17 to read 'The draft Regional Spatial Strategy (The Yorkshire and Humber Plan) sets a target for the North Yorkshire sub-region for a total of 209MW of installed renewable energy capacity by 2010 and 428MW of installed grid connected renewable energy capacity by 2020. It is acknowledged that the contribution of the National Park to meeting this target is likely to be relatively small as many of the installations coming forward in the National Park, due to their smaller scale, and potentially their remote location, will not be for the purpose of grid connection but to serve a local need. ' Re-word next sentence, "The majority of this the renewable energy to meet the targets is expected to be provided....."
3	Core Policy E, paragraph 6.34	Third sentence of paragraph 6.34 should read 'After-use could include uses which would benefit the wider community such as for education, recreational or flood storage purposes,..... '
4	Paragraph 8.17	Paragraph 8.17 should be corrected to read 'The Regional Economic Strategy for Yorkshire and Humber 2006 – 2015' .
5	Core Policy J Monitoring Table	The 2 nd column under Core Policy J should be replaced with: <ul style="list-style-type: none"> a) Helmsley – 0% (0 units) b) Service Villages – 21% (14 units) c) Local Service Villages – 7% (5 units) d) Other Villages – 72% (48 units) (2006/7)

Annexe 2**List of North York Moors Local Plan Policies that will be Superseded by the Core Strategy and Development Policies DPD**

Note: all of the Policies in the North York Moors Local Plan are being replaced by the Policies in the Core Strategy and Development Policies DPD

Policy in Core Strategy and Development Policies Document	Local Plan Policy that will be superseded
CP A – Delivering National Park Purposes and Sustainable Development	GP 3 – General Development Policy
CP B – Spatial Strategy	GP 1 – Strategic Policy
CP C – Natural Environment, Biodiversity and Geodiversity	NE 1 Special Protection Area and Special Areas of Conservation NE 2 – Sites of Special Scientific Interest NE 3 – Section 3 Conservation Map NE 4 – Protected Species NE 5 – Protection of Other Sites, Species and Habitats NE 6 – Trees, Woodland, Hedgerows and Walls NE 7 – Regionally Important Geological/Geomorphological Sites NE 8 – Rivers, Streams, Ponds and Wetland Habitats
CP D – Climate Change	U2 – Electricity Generation
CP E - Minerals	M1 – Boulby Potash M2 – Large Scale Mineral Extraction M3 – Oil and Gas M4 – Local Building Stone M6 – Effects of Extraction M7 – Reclamation and After Use M8 – Secondary and Recycled Materials
CP F – Sustainable Waste Management	U8 – Small Scale Waste Disposal and Recycling Facilities
CP G – Landscape, Design and Historic Assets	
CP H – Rural Economy	Policy E8 – Whitby Business Park
CP I – Community Facilities	Policy C2 – Provision of Community Facilities Policy C3 – Protection of Community Facilities
CP J - Housing	Policy BE13 – Conversion of Traditional Rural Buildings to

	<p>Permanent Residential Use in Settlements Policy H1 – Local Needs Settlements Policy H3 – Larger Settlements Policy H4 – Housing in the Countryside Policy H7 – Botton Village</p>
CP K – Affordable Housing on Exception Sites	Policy H5 – Affordable Housing
CP L – Gypsies and Travellers	
CP M – Accessibility and Inclusion	
DP 1 – Environmental Protection	<p>U12 – Environmental Protection Policy U13 – Existing Sources of Pollution and New Development F4 – Development of Best and Most Versatile Agricultural Land</p>
DP 2 – Flood Risk	Policy U5 - Flooding
DP 3 - Design	<p>Policy BE6 – Design of New Development Policy BE10 – Landscaping Policy BE12 – Important Undeveloped Space</p>
DP 4 – Conservation Areas	Policy BE1 Conservation Areas
DP 5 – Listed Buildings	<p>Policy BE2 – Demolition of Listed Buildings Policy BE3 – Changes to Listed Buildings Policy BE4 – Development Affecting the Setting of a Listed Building</p>
DP 6 – Historic Parks and Gardens	Policy BE5 – Historic Parks and Gardens
DP 7 – Archaeological Assets	<p>Policy AR1 – Sites of National Archaeological Importance Policy AR2 – Other Sites of Archaeological Importance</p>
DP 8 – Conversion of Traditional Rural Buildings	<p>Policy BE14 – Conversion of Traditional Rural Buildings to Permanent Residential Use Outside Settlements Policy BE15 – Conversion of Traditional Rural Buildings to Tourist Accommodation</p>
DP 9 - Advertisements	<p>Policy BE8 – Advertisements and Fascial Signs Policy T12 – Advance Directional Advertisements</p>
DP 10 – New Employment and	E1 – New Building

Training Development	Policy E2 – Re-Use of Rural Buildings for Economic Use
DP 11 – Re Use of Existing Employment and Training Facilities	Policy E3 – Existing Economic Uses
DP 12 - Agriculture	Policy F6 – New Agricultural Buildings, Structures and Associated Works
DP 13 – Rural Diversification	Policy F5 – Farm Diversification
DP14 – Tourism and Recreation	Policy TM1 – Serviced Accommodation Policy TM10 – Visitor Attractions Policy R1 - Recreation
DP 15 – Loss of Existing Tourism and Recreation Facilities	
DP16 – Chalet and Camping Sites	TM4 – Self Catering Accommodation Outside Settlements TM7 – Backpackers Campsites
DP 17 – Commercial Horse Related Development	Policy R3 – Equestrian Centres and Livery Developments
DP 18 – Retail Development	Policy C1 - Retailing
DP 19 – Householder Development	Policy H8 – Extensions to Dwellings Policy H9 – Curtilage Buildings Policy H10 – Annexe Accommodation
DP 20 – Extensions to Residential Curtilages	Policy H12 – Extensions to Curtilages
DP 21 – Replacement Dwellings	Policy H6 – Replacement Dwellings
DP 22 – Removal of Agricultural Occupancy Conditions	Policy F3 – Removal of Occupancy Conditions
DP 23 – New Development and Transport	Policy T2 – Development Affecting the Public Rights of Way Network Policy T4 – Protection of Linear Routes Policy T11 – Highway Detailing and Road Improvements
DP 24 – Transport Infrastructure	Policy T3 – Creation or Improvement of Public Access Routes Policy T8 – Public Car Parks Policy T10 – Park and Ride
DP 25 - Telecommunications	Policy U1 - Telecommunications

Local Plan policies with no replacement policy in the Core Strategy and Development Policies DPD

GP2 – Major Development
BE7 – Shop Fronts
TM2 – Visitor Hostels
TM3 – New Build Self Catering Accommodation Within Settlements
TM5 – Environmental Improvements to Existing Camping and Caravan Sites
TM8 – Bunkhouses and Camping Barns
TM9 – Refreshment Facilities
R2 – Domestic Horse Related Development
H2 – Larger Infill Development
H11 – Sub Division of Curtilages/Infilling
E4 – Open Storage
E5 – Warehousing
F1 – Agricultural and Other Essential Rural Workers Dwellings
F2 – Temporary Agricultural Workers Dwellings
C5 – Protection of Fuel Filling Stations
U3 – Transmission Lines
U4 – Water and Sewerage
U6 – Gas
U9 – Coastal Protection
U10 – Development Near to Coastal and Other Cliff Edges
U11 – Unstable Land
M5 – Minerals Transportation
M9 – Review of Minerals Consent

Note – although these policies are not being 'replaced' in the Core Strategy and Development Policies DPD, where appropriate reference has been made to the relevant national or regional planning policies.