



The Helmsley Plan (January 2014)

Guidance Notes for Making Representations at Publication Stage.

1. Introduction

- 1.1 The Helmsley Plan is published in order for representations to be made prior to submission. The representations will be considered alongside the published Helmsley Plan when submitted, which will be examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004 (as amended) states that the purpose of the examination is to consider whether the Helmsley Plan complies with the legal requirements, the duty to co-operate and is sound.
- 1.2 These guidance notes are based on the guidance notes as prepared by the Planning Inspectorate (December 2013). It would be helpful if representations are made on the form provided or follow its format as a guide.

2. Legal compliance and Duty to Co-operate

- 2.1 The Inspector will first check that the Helmsley Plan meets the legal requirements under s20(5) (a) and the duty to co-operate under s20(5)(c) of the Planning and Compulsory Purchase Act 2004 before moving on to test for soundness.
- 2.2 You should consider the following before making a representation on legal compliance:
 - The Helmsley Plan should be included within the current Local Development Scheme for each Authority and the key stages should have been followed. The Local Development Scheme is effectively a programme of work prepared by the Local Planning Authority, setting out the Local Development Documents it proposes to produce. It will set out the key stages in the production of any Plans which the Local Planning Authority proposes to bring forward for independent examination. If the Helmsley Plan is not in the current Local Development Schemes it should not have been published for representations. Ryedale District Council's Local Development Scheme is available at Ryedale House, Malton and on the Council's website at <http://extranet.ryedale.gov.uk/default.aspx?page=7088> The Local Development Scheme of the North York Moors National Park Authority is available at the Authority Offices in Helmsley and on the Authority's website at http://www.northyorkmoors.org.uk/data/assets/pdf_file/0011/339491/LDS-2013-2016.pdf
 - The process of community involvement for the Helmsley Plan should be in general accordance with the Statement of Community Involvement of both Authorities. The Statement of Community Involvement is a document which sets out the Local Planning Authority's strategy for involving the community in the preparation and revision of Local Development Documents (including Plans) and the consideration of planning applications. Ryedale District Council's Statement of Community Involvement is available at Ryedale House, Malton and can be viewed on the Council's website at <http://extranet.ryedale.gov.uk/default.aspx?page=7089> The North York Moors National Park Authority's Statement of Community Involvement is

available at the Authority Offices in Helmsley or on the Authority's website at http://www.northyorkmoors.org.uk/data/assets/pdf_file/0019/320338/Final-SCI-with-addendum-March-2013.pdf

- The Helmsley Plan should comply with the Town and Country Planning (Local Development) (England Regulations) 2012¹ (the Regulations). On publication the Local Planning Authorities must publish the documents prescribed in the Regulations. The documents prescribed in the Regulations can be viewed at Ryedale House, Malton and The National Park Offices, Malton. They are also available to view on Ryedale District Council's website at <http://extranet.ryedale.gov.uk/default.aspx?page=7144> and the National Park's website at <http://www.northyorkmoors.org.uk>. The Local Planning Authorities must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The Local Planning Authorities are required to provide a Sustainability Appraisal Report when the Helmsley Plan is published. 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. A Sustainability Appraisal has informed the drafting of the Helmsley Plan and is available to view at Ryedale House, Malton and the National Park Offices in Helmsley. The Appraisal can also be viewed on Ryedale District Council's website site at <http://extranet.ryedale.gov.uk/default.aspx?page=7144> and the National Park's website at <http://www.northyorkmoors.org.uk>
- The Helmsley Plan must have regard to the two Sustainable Community Strategies (SCS) which cover Helmsley (i.e. county and district). The "Sustainable Community Strategy for North Yorkshire" and "Imagine Ryedale" are prepared by the "Local Government North Yorkshire and York Chief Executives Group North Yorkshire and York" and the "Ryedale Local Strategic Partnership" respectively, which are representative of a range of interests in the North Yorkshire and Ryedale areas. The SCS are subject to consultation but not to an independent examination. The "Sustainable Community Strategy for North Yorkshire" can be viewed at: <http://www.northyorks.gov.uk/index.aspx?articleid=11683>. "Imagine Ryedale" is available at Ryedale House, Malton and can be viewed on the Council's website: <http://www.imagineryedale.org.uk/>

2.3 You should consider the following 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. Local Planning Authorities will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The Planning and Compulsory Purchase Act 2004 (as amended) establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the Helmsley Plan. Therefore the Inspector has no power to 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 Helmsley Plan.

¹ The 2012 changes can be viewed at <http://www.legislation.gov.uk/uksi/2012/767/made>

3. Soundness

3.1 Soundness is explained in paragraph 182 of the National Planning Policy Framework <http://planningguidance.planningportal.gov.uk> The Inspector has to be satisfied that the Helmsley Plan is positively prepared, justified, effective and consistent with national policy.

- **Positively prepared**

This means that the Helmsley 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 Helmsley 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 National Planning Policy Framework

3.2 If you think that the content of the Helmsley 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 policy? If so it does not need to be included.
- Is what you are concerned with covered by any other policies in the Helmsley Plan or the Ryedale Plan: Local Plan Strategy or the North York Moors National Park Authority Core Strategy and Development Policies Document?
- If the policy is not covered elsewhere, in what way is the Helmsley Plan unsound without the policy?
- If the Helmsley 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 change to the Helmsley Plan or part of the Helmsley Plan you should make clear in what way the Helmsley Plan or what part of the Helmsley Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above. You should try to support your representation by evidence showing why the Helmsley Plan should be modified. It will be helpful if you also say precisely how you think the Helmsley 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 subsequent 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 the Helmsley Plan modified, it would be very helpful for that group to send a single presentation 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.
- 4.3 Please complete separate copies of Part B of the Representations Form for each paragraph, policy or appendix about which you wish to comment
- 4.4 If you believe that a paragraph, policy or the policies map is unsound with regard to more than one test of soundness, please provide a separate representation for each test.
- 4.5 Further detailed guidance on the preparation, publication and examination of Development Plan Documents is provided on the Planning Advisory Service website at http://www.pas.gov.uk/local-planning/-/journal_content/56/332612/15045/ARTICLE
- 4.5 Please return completed form(s) by 4.30pm on Friday 7th March 2014 to:

North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
North Yorkshire
YO62 5BP

Or an electronic version of the form is available at <http://www.northyorkmoors.org.uk> which can be emailed to policy@northyorkmoors.org.uk

Further information can be found at:
<http://ldf.ryedale.gov.uk> or <http://www.northyorkmoors.org.uk>