

EXAMINATION OF THE NORTH YORK MOORS LOCAL PARK AUTHORITY LOCAL PLAN

INSPECTOR'S MATTERS, ISSUES AND QUESTIONS FOR EXAMINATION

N.B. PLEASE REFER TO THE 'EXAMINATION GUIDANCE NOTE' FOR ADVICE ON HOW YOU MAY WISH TO RESPOND TO THOSE QUESTIONS RELEVANT TO YOUR PREVIOUSLY SUBMITTED REPRESENTATIONS.

Matter 1: Legal Compliance

- 1.1 In preparing the plan did the Park Authority engage constructively, actively and on an on-going basis with neighbouring authorities and other relevant organisations on cross-boundary issues, in respect of the Duty to Co-operate?
- 1.2 Has the plan been prepared in accordance with the adopted Local Development Scheme?
- 1.3 Has consultation on the plan been carried out in accordance with the Council's Statement of Community Involvement and the requirements of the 2004 Act (as amended) and the 2012 Regulations?
- 1.4 Is the Sustainability Appraisal (SA) adequate in terms of its assessment of the likely effects of the plan's policies and allocations and its consideration of reasonable alternatives?
- 1.5 Is the Habitats Regulations Assessment (HRA) robust and does the plan include all of the recommendations identified in this document as necessary to ensure compliance with the Habitats Regulations?
- 1.6 Does the plan include policies designed to ensure that the development and use of land in the National Park contributes to the mitigation of, and adaptation to, climate change?
- 1.7 Does the plan comply with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations?

Matter 2: Communities - Strategic Policy M (Housing) / policies CO6-CO20

- 2.1 Does the plan set out an appropriate strategy for addressing the National Park's falling population levels and aging resident population, along with the need to support the local economy?

Strategic Policy M

- 2.2 Is the housing requirement figure, including the figure for affordable housing, based on robust and up-to-date evidence? Is the approach taken to establishing a requirement figure reasonable having regard to national planning policy and guidance?
- 2.3 Is the strong reliance upon continued delivery from windfall sites and affordable housing schemes reasonable and soundly based, having particular regard to the apparent lack of appropriate development sites identified during the plan's production?
- 2.4 Is the plan effective in setting out what is meant by paragraph 3 of the policy and what is expected of development proposals in this regard?
- 2.5 To be effective, and to allow for robust monitoring and for compliance with national planning policy, should the plan contain a housing trajectory and indicators of action to be taken if housing deliver is not being achieved?

Housing Policies Diagram

- 2.6 Is the content of the text boxes effective in setting out what is specified by the plan policies (as opposed to what is mentioned in the supporting text and which is not policy)?

Policy CO6

- 2.7 Is it effective for policy to suggest that development "*will be permitted*" where it meets the specified criteria?¹
- 2.8 Is the policy justified and necessary given that the Helmsley Local Plan 2015 is still in place?
- 2.9 If it is justified, is the policy consistent with the Helmsley Local Plan 2015, with particular regard to internal floor area requirements, affordable housing provision and reference to "*the main built up area*" rather than a Development Limit?
- 2.10 Is the policy's approach to internal floor area limits justified and positively prepared?²
- 2.11 Is the policy correct in appearing to set out that no development other than conversions of six or more dwellings is subject to affordable housing provision?
- 2.12 Is the plan clear how the "*main built up area*" is to be defined?³

¹ N.B. This point also applies to the following policies (Strategic Policy C, J, K; CO1; CO3; CO7; CO8; BL1; BL3-BL5; BL8; BL10; UE1)

² N.B. This point also applies to the following policies (CO7; CO8)

Policy CO7

- 2.13 Is it effective to locate in the supporting text (paragraph 7.47) what appears to be worded as policy, in relation to the number of dwellings permitted on windfall sites?
- 2.14 Is this supporting text's aim to restrict windfall sites to no more than five dwellings justified and positively prepared? What is the rationale for this number?

Policy CO8

- 2.15 Is it effective to locate in the supporting text (paragraph 7.48) what appears to be worded as policy, in relation to the number of dwellings permitted on windfall sites?
- 2.16 Is this supporting text's aim to restrict windfall sites to no more than two dwellings justified and positively prepared? What is the rationale for this number?
- 2.17 Is the policy's approach to affordable housing provision justified and effective?
- 2.18 Is the policy's approach to the type of housing that may be permitted in Smaller Villages justified and positively prepared?

Policy CO9

- 2.19 Is it effective to seek compliance with a document that does not exist? Is this requirement justified given that this issue is addressed by other policies?

Policy CO10

- 2.20 Does the list of criteria require an "and" after criterion c) to be effective?

Policy CO11

- 2.21 Is it clear what "adjacent" to the main built up area means?
- 2.22 Are criteria 2 and 3 effective and justified, given that affordable housing is already permitted within Larger Villages and Smaller Villages (under policies CO7 and CO8 respectively) and, as such, would not be an exception to the hierarchy policies?
- 2.23 Are criteria b) and c) justified given that they are matters covered by other plan policies?
- 2.24 Does the second set of criteria require an "and" after criterion d) to be effective?

Policy CO12

- 2.25 Should criterion 1 refer to historic "interest" to ensure internal consistency and to reflect the terminology of national planning policy and guidance?

³ N.B. This point also applies to the following policies (CO7; CO11; Strategic Policy J; BL1; BL8)

- 2.26 Does the policy require an "and" after criterion 7) to be effective?
- 2.27 Is there a sound justification for the exclusion of community facilities from the final list of criteria?
- 2.28 Is it sufficiently clear from criterion 6 whether all of the factors mentioned bear upon character and appearance / landscape, or whether only parking areas are relevant in this regard?
- 2.29 Is criterion 7 justified and positively prepared? What is the rationale for it, given that standalone buildings are often perfectly suitable for conversion?
- 2.30 Is criterion b justified and positively prepared? What is the rationale for requiring that there is an existing residential use?

Policy CO13

- 2.31 Is this policy justified and effective given that it refers to a planning condition, the scope or aims of which could change, perhaps substantially, over the life of the plan?
- 2.32 Is the policy positively prepared having particular regard to the three year time requirement and potential public sector equality implications? What impacts could it have, for example, upon those in need of care, or in need of becoming carers, within three years of moving into the National Park?

Policy CO14

- 2.33 Is this policy justified and positively prepared, having particular regard to criteria 2 (issues of architectural or historic interest excepted), 3 and 5?
- 2.34 Should criterion 2 refer to historic "interest" to ensure internal consistency and to reflect the terminology of national planning policy and guidance??
- 2.35 Does the policy require an "and" after criterion 4 to be effective?

Policy CO15

- 2.36 Is it clear what is meant by "two units" under criterion 4, given the focus of national planning policy and guidance upon numbers of "pitches"?
- 2.37 Does the policy require an "and" after criterion 5 to be effective?

Policy CO17

- 2.38 Does the policy require an "and" after criteria 2, b) and d) to be effective?
- 2.39 Are both the first criterion a) and criterion c) justified and positively prepared? What is the rationale for the 30% and proximity requirements given that proposals would need to address criterion 1 in any case?
- 2.40 Is criterion d) justified and positively prepared? What is the rationale for it given that new build outbuildings are permitted under this policy?

Policy CO18

- 2.41 Does the policy require an "and" after criterion 3 to be effective?

2.42 Is criterion 3 justified and positively prepared? What is the rationale for it given the requirements of criterion 1?

2.43 Is the policy justified at all, given the content of CO17?

Policy CO19

2.44 Does the policy require an "and" or "or" after criterion 3 to be effective?

2.45 Is it clear from criterion 2 whether "the land" is that into which a domestic curtilage is proposed to extend?

2.46 Is criterion 4 justified? What is the rationale for requiring the incorporation of an "environmental enhancement"? Is it clear what is meant by an "environmental enhancement"?

Policy CO20

2.47 Would the policy be more effective with an "and" after criterion 5?

2.48 Is criterion 2 justified and positively prepared? What is the rationale for requiring any new facilities to be closely associated with existing buildings, given the requirements of criteria 1 and 3?

Matter 3: Strategic Approach – Strategic Policies A to D

Strategic Policy A

- 3.1 Are criteria a) to g) of Strategic Policy A consistent with the requirements of subservient policies? Does this list of criteria require an "and" after criterion f) to be effective?

Strategic Policy B

- 3.2 Are the types of housing proposed for each settlement tier justified and soundly based having regard to the size and nature of the settlements and the housing needs of the National Park?
- 3.3 Is the use of "including", with reference to additional housing in larger villages, ambiguous given the apparent restriction on open market housing in such settlements?
- 3.4 Is it clear what is meant by "small scale" housing developments in Smaller Villages? Is it clear what is meant by such housing being "to meet local... needs" (referred to as meeting "local housing needs" in the supporting text)?
- 3.5 Is the distinction between "employment" and "training" premises justified and effective?
- 3.6 Are criteria 1-4 justified and consistent with national planning policy and guidance?
- 3.7 Should criterion 1 refer to historic "interest" to ensure internal consistency and to reflect the terminology of national planning policy and guidance?
- 3.8 Is it clear what the supporting text means by expecting development to be "adjacent to these areas"? Is it effective to have such a requirement in the supporting text rather than the policy?

Strategic Policy C

- 3.9 Is it effective to have two criteria (2 and 5) that, to all intents and purposes, repeat each other?
- 3.10 Would the policy be more effective if it just directed applicants to the Design Guide? Do criteria 2-10 merely repeat what is with the Design Guide or do they add to it?
- 3.11 Does the list of criteria require an "and" after criterion 9 to be effective?
- 3.12 Is it effective to require no more than that "opportunities are taken" under criterion 8?
- 3.13 Will applicants be clear what is meant by "appropriate cycling facilities" under criterion 10?
- 3.14 Is it effective to have what reads as an additional policy requirement, relating to accessibility, in the supporting text only (paragraph 3.19)?

Strategic Policy D

- 3.15 Is it effective for the policy to quote national planning policy in stating that proposals for major development "*should*" be refused?
- 3.16 Does the list of criteria require an "*and*" after criterion 3 to be effective?
- 3.17 Is it clear what criterion 4 means by "*moderated*"?
- 3.18 Is it effective for the policy to state only that harm "*should*", rather than "*will be required to*", be minimised?
- 3.19 Is the policy clear about what is meant by "*appropriately restored*"?

Matter 4: The Environment - Strategic Policies E-H / policies ENV1-ENV8

Strategic Policy E

- 4.1 Is it clear what this policy is seeking to achieve and how it will achieve it, particularly given the use of "should" (rather than e.g. "will be expected to") before the list of criteria?
- 4.2 Is the policy justified in not permitting development that has "potential adverse impacts on the natural environment...", given that most, if not all, greenfield development has such "potential"?
- 4.3 Is it clear which natural resources are meant by criterion 1, and where they are assumed to be located? Can such a criterion be assessed effectively?
- 4.4 Is it clear who decides when it is "appropriate" for development to demonstrate a "positive contribution"?
- 4.5 Is this policy justified given the requirements of Strategic Policy H?

Strategic Policy F

- 4.6 Is the policy effective in only "supporting" development? Would it be more effective if it required compliance with the criteria?
- 4.7 Does the list of criteria need an "and" or "or" after criterion 6 to be effective?
- 4.8 What is "sustainable design and construction" and how is it to be "incorporated"?
- 4.9 To be effective, would the plan benefit from the inclusion of criteria a) and b) of policy ENV8 (and their excision from ENV8) in this policy?

Strategic Policy G

- 4.10 Is this policy justified, given that it essentially repeats criterion a) of Strategic Policy A and could be reinforced by an additional criterion in Strategic Policy C (As necessary)?
- 4.11 If it is felt to be justified, are paragraphs three and four necessary for the policy to be effective?

Strategic Policy H

- 4.12 Is the policy effective in only seeking that developments and activities "should" rather than, for example, "will be expected to"?
- 4.13 Does the policy need an "and" or "or" after criteria 2b) and 3c) to be effective?
- 4.14 Is it clear how a "net gain in biodiversity" is to be agreed?
- 4.15 Is the policy justified in seeking to protect "proposed" sites? If so, how is a "proposed" site defined?

4.16 Is it clear how a "*significant number*" of additional visitors to an area is defined?

Policy ENV1

4.17 Is it clear how the specified features will be deemed to be "*of value*"?

Policy ENV2

4.18 Is the policy justified in permitting development proposals only where they "*conserve and/or enhance tranquillity*", given that most, if not all development is likely to impact upon tranquillity?

4.19 Is it clear how criteria 1, 4 and 5 are of relevance to tranquillity?

4.20 Is the policy effective in setting out how the stated criteria will be taken into account?

Policy ENV3

4.21 Is this policy justified given that the matters it covers are addressed by other policies, in relation to e.g. tranquillity and development in open countryside?

4.22 If the policy's subject matter is felt to be justified, would the plan be more focussed and effective if "*remoteness*" was encapsulated by another policy?

4.23 If the policy is considered to be justified, does it require an "*and*" after criterion 2 to be effective?

Policy ENV4

4.24 Should the focus of the policy be on preventing light pollution from the ground, rather than in maintaining "*the darkness ... above the National Park*"?

4.25 Is criterion 4 effective in seeking only to encourage?

Policy ENV5

4.26 Does the list of criteria require an "*and*" after criterion 2 to be effective?

4.27 Would the policy be more effective if it was clear to what "*a certain scale*" referred?

Policy ENV6

4.28 Does the list of criteria require an "*and*" after criterion 3 to be effective?

4.29 Is it clear what is meant in criterion 1 by "*permanent use*" and why this is requirement justified?

4.30 Is the policy justified in requiring an alternative location to make a "*positive contribution*" to the character and form of a settlement, having particular regard to the requirements of other character policies in the plan?

Policy ENV7

- 4.31 Is it clear what criterion 4 means by "*significant areas*"?
- 4.32 Does the list of criteria require an "*and*" after criterion 6 to be effective?
- 4.33 Does the policy need to "require" remediation, where necessary, in order to be effective?

Policy ENV8

- 4.34 Is the policy clear what it means by "where appropriate"?
- 4.35 Is the plan effective enough in defining what is meant by "small scale" schemes?

Matter 5: The Historic Environment – Strategic Policy I / policies ENV9-ENV15

Strategic Policy I

- 5.1 Is the policy consistent with national planning policy and guidance in relation to heritage assets?

Policy ENV9

- 5.2 Is the policy effective in merely seeking to preserve features in situ?

Policy ENV10

- 5.3 Is the policy consistent with national planning policy and guidance in relation to heritage assets?

Policy ENV11

- 5.4 Is it clear what the policy will achieve in promoting high standards of design? Is this wording effective?
- 5.5 Is criterion 2 sufficiently clear in what it requires, and are criteria 2 and 3 effective in repeating general design requirements that are set out elsewhere including, in essence, the policy's first paragraph?

Policy ENV12

- 5.6 Is the policy consistent with national planning policy and guidance in relation to heritage assets?

Policy ENV13

- 5.7 Does the list of criteria require an "and" after criterion 1 to be effective?

Policy ENV14

- 5.8 Can this policy be effective if "undeveloped spaces" are not identified anywhere?
- 5.9 Is this policy justified given that its criteria are addressed by other policies?
- 5.10 If the policy is justified, does it require an "and" after the fourth bullet point to be effective?

Policy ENV15

- 5.11 Is it sufficiently clear from the policy whether planning briefs have a) been agreed or b) need to be agreed?
- 5.12 If a), is it clear what status the planning briefs have? Is the need for the policy justified?
- 5.13 If b), is the policy effective in setting out what is expected of any planning brief and with whom it should be agreed?

Matter 6: Understanding and Enjoyment – Strategic Policy J / policies UE1–UE4

Strategic Policy J

- 6.1 Can the policy be effective in the absence of any clarity about "*the principles of sustainable tourism*"?
- 6.2 Is the policy clear why particular emphasis is placed upon "*ecological or archaeological assets*"?
- 6.3 Are criteria a) and b) consistent with Strategic Policy B and Policy UE1?
- 6.4 Is it clear what is meant by "*facilities development*"?

Policy UE1

- 6.5 Is the policy clear enough about what is meant by "*small scale tourism accommodation*"? Is this a helpful distinction?
- 6.6 Is it justified for criterion 2 to expect a proposal to be "*physically linked*" to an existing unit?
- 6.7 Is it effective for a policy to consider granting planning permission for development that "*must be screened*"? Is it clear what is meant by "*in order to provide a setting*" for proposed development?
- 6.8 Is it effective to use "*should*" (rather than e.g. "*will be expected to*") before the list of criteria?
- 6.9 If the policy is justified, does the list of criteria require an "and" after criterion e) to be effective?
- 6.10 Is criterion a) a helpful means of assessing "*low environmental impact*"? How is one to interpret what is meant by "*limited physical connection with the ground*"?
- 6.11 Are criteria 2 and c) consistent with each other?
- 6.12 Is it necessary to have both criteria d) and f)?
- 6.13 Is the distinction between criteria i and ii justified and effective?

Policy UE2

- 6.14 Is this policy justified given the coverage of Strategic Policy I?
- 6.15 How would the plan deal with applications for *new* tourism and recreational businesses?
- 6.16 How would subservience be assessed and is such a requirement justified if the requirements of the penultimate paragraph could be achieved by the proposed development?
- 6.17 Does the policy require an "or" after criterion 1 to be effective?

Policy UE3

- 6.18 Why should improvements to access and highway arrangements weigh in favour of the loss of tourism and recreation facilities? Is it clear in what location(s) such improvements would be expected?

Policy UE4

- 6.19 Is this policy justified given that Strategic Policy C and Policies CO6-CO9 and CO12 appear to address the same issues?
- 6.20 Should criterion 1 refer to historic "*interest*" to ensure internal consistency and to reflect the terminology of national planning policy and guidance?
- 6.21 Is it justified to require such development to make use of an existing building?
- 6.22 Having regard to national planning policy and guidance, is the policy justified in stating that permitted development rights will be removed?
- 6.23 If the policy is justified, does the list of criteria require an "*and*" after criterion 3 to be effective?

Matter 7: Business and Land Management – Strategic Policy K / policies BL1-BL12

Strategic Policy K

- 7.1 Is the policy effective and justified or is it, really, merely a list of aspirations?

Policy BL1

- 7.2 Is the plan clear enough about what is meant by “small scale” in this context?
- 7.3 Is the distinction between “employment” and “training” premises justified and effective?
- 7.4 Is it clear, in each case, whether some or all of the criteria must be met?
- 7.5 Is it effective to locate in the supporting text (paragraphs 6.5 and 6.9) what appears to be worded as policy?
- 7.6 Is paragraph 6.9 more relevant to the content of policy BL2, which is about the re-use of existing training facilities rather than, as policy B1 is, new employment development?
- 7.7 Would it be more effective if policy BL2 rather than policy BL1 was listed in Appendix 2?

Policy BL2

- 7.8 Why should improvements to access and highway arrangements weigh in favour of the loss of employment and training sites? Is it clear in what location(s) such improvements would be expected?

Policy BL3

- 7.9 Does the list of criteria require an “and” after criterion 4 to be effective?

Policy BL4

- 7.10 Is this policy justified given that such extensions are, or could be, addressed by other policies?

Policy BL5

- 7.11 Is it clear what is meant by “in recent years” in criterion 3? Is this requirement reasonable, having regard to the potential need for flexibility and the changing needs of farming enterprises?
- 7.12 Does the list of criteria require an “and” after criterion 6 to be effective?
- 7.13 Is the plan justified in using the national Green Belt test (albeit that this wording is within supporting text (paragraph 6.21) not the policy) for new buildings in isolated locations in the countryside?

Policy BL6

7.14 Does the list of criteria require an "and" after criterion 5 to be effective?

Policy BL7

7.15 Is this policy justified, effective and consistent with national planning policy and guidance for rural areas? Is it clear what it is seeking to achieve?

7.16 Should the policy address circumstances where "bad neighbour" impacts may favour the relocation of a farming enterprise?

7.17 Does the list of criteria require an "and" after criterion 1 to be effective?

Policy BL8

7.18 Is criterion 1 consistent with the Helmsley Local Plan 2015?

7.19 Is it effective to locate in the supporting text (paragraph 6.33) what appears to be worded as policy?

7.20 What bearing does paragraph 6.33 have on policy BL8, which is about new retail development rather than the loss of retail facilities?

Policy BL10

7.21 Is it clear what is meant by the first criterion?

7.22 Does the list of criteria require an "and" after criterion 4 to be effective?

Policy BL11

7.23 Does the list of criteria require an "and" after criterion 4 to be effective?

Policy BL12

7.24 Does the plan need this policy was located with the other housing policies to be effective?

Matter 8: Communities – Strategic Policy L / policies CO1-CO5

Strategic Policy L

- 8.1 What is to be understood by the term “*unacceptable adverse impact*” on a community facility?

Policy CO1

- 8.2 Should the wording of the second sentence of this policy be consistent with that of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as set out in the National Planning Policy Framework)?
- 8.3 Is the policy effective in articulating what criterion a) is seeking to achieve? “*The least harmful option*” when compared with what?
- 8.4 Does the list of criteria require an “*and*” after criterion b) to be effective?

Policy CO2

- 8.5 Is the title of the policy justified given that the content is about highways, not transport?
- 8.6 Does the list of criteria require an “*and*” after criterion 2 to be effective?

Policy CO3

- 8.7 Is the plan clear about by whom the “*parking problems*” should be identified?
- 8.8 Does the list of criteria require an “*and*” after criterion 3 to be effective?

Policy CO5

- 8.9 Is it effective to locate in the supporting text (paragraph 7.21) what appears to be worded as policy, having particular regard to the fact that the policy itself does not talk about suitability or viability?