

**Proposed Modifications - post Submission  
November 2019  
By Policy Order**

This set of modifications has been prepared subsequent to the Inspector's Matters, Issues and Questions. It requests or suggests changes in light of the Inspector's questions and some additional LPA modifications.

The original set of modifications submitted alongside the draft Plan can be found at:

<https://www.northyorkmoors.org.uk/planning/framework/local-plan-submission-draft/submission-documents/Proposed-Modifications.pdf>

Page No.	Policy / Paragraph	Suggested Modification	Reason for Modification
29	SPB Botton Village	Development which is necessary to meet the <u>functional</u> needs of the supported community.	See MIQ 3.8.4
29	SPB Criterion 1	1. Where development reuses a building of architectural or historic <del>importance</del> <u>interest</u> in a way that supports the economic use or meets local housing needs..."	See MIQ 3.7.1
29	SPB New criterion	<u>4. It meets the requirements set out at Policy UE1 (Small Scale Tourism Accommodation);</u> <del>5. 4.</del> Where development proposals are part of a Whole Estate Plan that has been endorsed by the National Park Authority.	See MIQ 3.6.8
33	SPC Criterion 2	2. The proposal incorporates good quality construction materials and design details that reflect and complement the architectural character <u>and form</u> of the original building..."	See MIQ 3.9.3
33	SPC Criterion 5	<del>5. In the case of conversions, the design and detailing respects the architectural form and character of the existing building and surrounding area.</del>	See MIQ 3.9.4
33	SPC Criterion 8	8. <del>Opportunities are taken to</del> <u>Proposals</u> enhance local wildlife and biodiversity, for example through the inclusion of nesting boxes and bat roosts;	See MIQ 3.12.2
33	SPC Criterion 10	10. <del>The proposal ensures the creation of an accessible, safe and secure environment for all potential users</del> <u>Where appropriate,</u> cycling facilities and car parking <del>provision and</del> <u>are provided</u> without compromising local highway safety, traffic flow or Public Rights of Way.	See MIQ 3.13.1
	Criterion 11	<u>11.</u> The proposal ensures the creation of an accessible, safe and secure environment for all potential users, <u>including the elderly, children and those with a health condition or impairment.</u>	See MIQ 3.14.2
37	SPE 2 <sup>nd</sup> sentence	Development which has an <u>unacceptable</u> <del>potential adverse</del> impact on the natural environment, the wildlife it supports and the environmental benefits it provides will not be permitted.	See MIQ 4.2.2
37	SPE 3 <sup>rd</sup> sentence	All development <del>should</del> <u>will be expected to:</u>	See MIQ 4.1.1

37 38	SPE Criterion 1 and 2	1. Ensure that natural <u>capital is resources</u> are used in efficient and sustainable ways; 2. Demonstrate, where appropriate, how <u>they it</u> makes a positive contribution to <u>the</u> natural <u>capital environment</u> and its ability to provide ecosystem services.	See MIQ 4.3.5
39	SPG 3 <sup>rd</sup> paragraph	<del>All relevant proposals will be assessed in terms of their impact on landscape character and sensitivity as described in the North York Moors Landscape Assessment.</del>	See MIQ 4.11.2
39	SPG Final paragraph	Development that would have an unacceptable <u>adverse</u> impact on the natural beauty, character and special qualities of the areas of moorland, woodland, coast and foreshore as defined by the Section 3 Conservation Map or on the setting of the Howardian Hills AONB or local seascape will not be permitted.	See MIQ 4.10.4
42	SPH Criterion 2	All development and activities <del>should</del> <u>will be expected to</u> :	See MIQ 4.12.2
43	SPH	National Sites and Protected Species:  Proposals that would adversely affect the <u>notified</u> special interest features of an <del>existing or proposed</del> Site of Special Scientific Interest or National Nature Reserve...  Regional and Local Sites and other valuable habitats and species:  Proposals that would adversely affect any <u>existing or proposed</u> locally designated site such as...	See MIQ 4.15.3
50	ENV6 Criterion 1	1. There is a clear and demonstrable short term threat of coastal erosion leading to the loss of a <u>permanent</u> building or structure <del>in permanent use</del> ;	See MIQ 4.29.2
51	ENV7 Final paragraph	Where necessary, remediation work <u>must</u> <del>should</del> be undertaken to remove any contamination and pollutants to ensure safe development.	See MIQ 4.33
52	ENV8 1 <sup>st</sup> sentence	<del>Where appropriate, d</del> Development proposals for small scale schemes for the generation of renewable energy will be permitted where:	See MIQ 4.34.1
54	SPI 3 <sup>rd</sup> paragraph	Harm to an element which contributes to the significance of a designated heritage asset ( <u>or to non-designated archaeology of national importance</u> ) will require clear and convincing justification and...	Response from Historic England to make reference to non-designated archaeology of national importance.
54	SPI Formatting	For consistency and clarity we would like to request a minor modification so that the bullet points are replaced with <u>1. 2. 3.</u>	See MIQ 5.2.4
56	ENV9 Final paragraph	<u>Where a development will impact on</u> <del>When a proposal affecting</del> features which contribute to the historic landscape ( <u>and our understanding and appreciation of it</u> ) <del>is acceptable in principle</del> , the Authority will <del>seek to preserve</del> <u>require preservation of</u> the features in situ. When in situ preservation is not justified the applicant will be required to make adequate provision for recording <u>and analysis</u> in advance of the development, secured through an <u>approved</u> Written Scheme of Investigation.	See MIQ 5.2.3 and response from Historic England to return to previous wording with a minor addition.
56	ENV9	For consistency and clarity we would like to request a minor modification so that the bullet	See MIQ 5.2.4

	<b>Formatting</b>	points are replaced with <u>1. 2. 3.</u>	
57	<b>ENV10 1<sup>st</sup> paragraph</b>	Development that would result in harm to the significance of a Scheduled Monument or other national important archaeological sites will not be permitted, unless it can be demonstrated that there are substantial public benefits that outweigh the harm, or there are <del>wholly other</del> exceptional circumstances.	See MIQ 5.3.5
63	<b>ENV14 Formatting</b>	For consistency and clarity we would like to request a minor modification so that the bullet points are replaced with <u>1. 2. 3.</u>	See MIQ 5.10.2
64	<b>ENV15 Para 4.116</b>	Careful re-development of these sites <del>in accordance with a planning brief agreed between the Authority and the landowner</del> will bring significant community benefits as well as <u>an</u> environmental enhancement and it is for these reasons that they are included in the Policy. <u>A planning brief will be prepared between the Landowner and the Authority, in consultation with the local Parish Council, to outline the general approach to re-development of the sites which will be used to inform and determine any future planning application.</u>	See MIQ 5.13.2
67	<b>SPJ Point b)</b>	b) <u>Where development involves the reuse of a building it uses existing building in Open Countryside</u> or involves the adaptation or small scale extension of an existing building or complies with UE1. <u>Proposals to convert buildings in the Open Countryside will also need to comply with Policy CO12.</u>	See MIQ 6.15.5 and also LPA modification to address representations made by Edwardson Associate that the policy as worded shuts down development that doesn't involve the reuse of a building.
68	<b>UE1 2<sup>nd</sup> paragraph</b>	<u>In order to respect the sensitivity of the local landscape character type all</u> All sites must be screened by existing topography, buildings or adequate well established vegetation which is within the applicant's control and where arrangements for its long term maintenance can be demonstrated, <del>in order to provide a setting for the proposed development whilst respecting the sensitivity of the local landscape character type.</del>	See MIQ 6.7.2
68	<b>UE1 3<sup>rd</sup> paragraph</b>	The following criteria <u>will be expected to</u> <del>should also</del> be met:	See MIQ 6.8.1
68	<b>UE1 Point a)</b>	Accommodation has a <del>low environmental impact through</del> limited physical connection with the ground, <u>will be removed without harm to the landscape</u> and avoids extensive alteration to ground levels;	See MIQ 6.10.2
68	<b>UE1 Point c)</b>	<del>e) It is not sited within a residential curtilage;</del>	See MIQ 6.11.3
68	<b>UE1 Point e)</b>	<del>The accommodation can be removed without harm to the landscape and any woodland when no longer required;</del>	See MIQ 6.10.2
69	<b>Para 5.8 Final sentence</b>	This is to ensure active management of the site to prevent any local amenity issues such as noise or other disturbance from occurring. Applicants will be expected to provide details of proposed management arrangements. <u>The term 'physically and functionally linked' is intended to make clear that parcels of land isolated from the managing unit are not considered suitable</u>	See MIQ 6.11.6

		<u>locations for development.</u>	
70	UE2 1 <sup>st</sup> paragraph	<del>Development of new</del> <u>Proposals to develop an existing</u> permanent tourism and recreational <u>development business</u> will be permitted where <del>it is</del> <u>they are</u> small in scale and <del>where it is</del> subservient to the existing use taking place on site.	See MIQ 6.15.3
70	UE2 Points 1 and 2	1. It uses an existing building; <u>or</u> 2. The development forms an extension to an existing building;	See MIQ 6.17.2
70	UE3 1 <sup>st</sup> paragraph	Development that would lead to the loss of an existing tourism or recreation facility will not be permitted unless it can be demonstrated that the business is no longer viable or that the new use would result in a significant improvement to the immediate environment <u>or highway safety</u> <del>would bring about improvements to the access and highway arrangements</del> which outweighs the loss of the tourism use.	See MIQ 6.18.5
71	UE4 Point 1	It makes use of an existing building which is of architectural or historic <u>interest</u> <del>importance</del> and makes a positive contribution to the character of the surrounding area;	See MIQ 6.20.2
74	BL1	<p>Development for new or existing small scale employment and training purposes will be permitted:</p> <p>A. Within the main built up areas of Helmsley and the Larger Villages:</p> <ol style="list-style-type: none"> <li>1. Where it reuses existing permanent buildings, <u>or</u>;</li> <li>2. Where it <del>involves the expansion</del> <u>forms a small extension</u> of an existing <u>building, or;</u> <del>facility or business;</del></li> <li>3. In the case of new buildings, <u>where</u> there is no other suitable accommodation available in the locality.</li> </ol> <p>B. Within the main built up area of Smaller Villages:</p> <ol style="list-style-type: none"> <li>1. Where a site in Helmsley or a Larger Village would not meet the requirements of the proposed enterprise and there is no existing suitable accommodation in the immediate area, <u>or</u>;</li> <li>2. <u>Where it reuses existing permanent buildings, or;</u></li> <li>3. Where <del>the proposal relates to the expansion</del> <u>it forms a small extension</u> of an existing building <del>facility or business.</del></li> </ol> <p>C. Within Open Countryside <del>and is physically and functionally linked to an existing business:</del></p> <ol style="list-style-type: none"> <li>1. Where it reuses existing permanent buildings in accordance with the requirements of Policy CO12, Conversion of Existing Buildings in Open Countryside; <del>and is physically and functionally linked to an existing business., or</del></li> <li>2. <u>Where it forms a small extension of an existing building.</u></li> </ol> <p>D. Where development proposals are part of a Whole Estate Plan that has been endorsed by</p>	<p>See MIQ 7.4.2</p> <p>LPA modification to remove physically and functionally linked to an existing business as it is felt to be too onerous.</p>

		<p>the National Park Authority.</p> <p>All proposals for employment and training development will be expected to demonstrate that:</p> <ol style="list-style-type: none"> <li>1. The scale and location of the proposal would not individually or cumulatively be detrimental to the character and appearance of the local and wider landscape;</li> <li>2. The site can be safely accessed by the existing road network;</li> <li>3. There is sufficient land and storage space attached for the functional needs of the proposed use, including parking space and space for maneuvering vehicles <u>and that</u>;</li> <li>4. There is no unacceptable harm in terms of noise, activity or traffic generation on the immediate neighbourhood, either individually or cumulatively with other development.</li> </ol>	
74	<b>BL1 Final paragraph</b>	<p>Development <u>for new large warehousing or storage proposals or development</u> where the open storage of materials or products will be the sole or principal use will not be permitted.</p> <p><u>The change of use of an educational or training facility to residential use will not be permitted unless it can be demonstrated that the current use is no longer viable.</u></p>	See MIQ 7.5.2
74	<b>BL1 New paragraph</b>	<p>New paragraph at end of policy (moved from para 6.33)</p> <p><u>Proposals resulting in the loss of retail development will only be permitted if it can be demonstrated robustly that the facility is no longer suitable for retail use, in accordance with the viability and marketing tests set out at Appendix 2.</u></p>	See MIQ 7.19.2
	<b>Para 6.8</b>	<p>Within Open Countryside the reuse of an existing building for employment and training provision will be supported <del>provided it forms part of an existing business and</del> where it meets the requirements of Policy CO12.</p>	LPA modification to align with changes made to Policy BL1.
75	<b>Para 6.9</b>	<p>Move to BL2, new paragraph:</p> <p><u>The Authority will not permit the conversion of an educational or training facility to residential use unless it can be demonstrated that the current use is no longer economically viable, meaning that there is insufficient demand that would allow the facility to keep functioning. In this event the Authority will require that the viability and marketing tests set out in Appendix 2 are met. References to training facilities within this Plan include outdoor pursuit centres.</u></p>	See MIQ 7.6.2
76	<b>BL2</b>	<p>Proposals that would lead to the loss of existing employment and training sites or premises will only be permitted where the site or premises are incapable of beneficial reuse for economic purposes or where the new use would result in a significant improvement to the environment, <u>or highway safety</u> <del>or to access and highway arrangements</del>, which outweighs the loss of employment and training facility land.</p>	See MIQ 7.8.4
78	<b>BL5 Point 3.</b>	<p>It can be demonstrated that there are no suitable existing buildings available to support the existing business <del>and no disposal of suitable buildings has taken place in the recent years;</del></p>	See MIQ 7.11.2
79	<b>Para 6.21</b>	<p>Applicants will need to demonstrate that <del>very special</del> <u>specific and justifiable</u> circumstances</p>	See MIQ 7.13.2

		exist for proposals for new buildings in isolated locations in the open countryside.	
81	BL8 Point 1.	<u>1. Where the proposal is in accordance with policies in the Helmsley Local Plan; <del>Within the defined commercial area of Helmsley unless the proposal is primarily for and of benefit to the local community</del></u>	See MIQ 7.18.3
81	BL8 Point 3.	3. Within the main built up area of Smaller Villages where they are compatible with the character of the area and are of a scale that is appropriate to the community in which they are located, <u>or</u> ; 4. <u>In the Open Countryside</u> where new proposals are ancillary to an existing enterprise...	See MIQ 7.18.4 and LPA modification to clarify that point 4 relates to Open Countryside.
87	SPL 1 <sup>st</sup> paragraph	Development that would result in the loss of or unacceptable <del>adverse</del> impact on a community facility will not be permitted, unless it can be demonstrated that the facility is no longer suitable or viable in that location or that it is no longer needed.	See MIQ 8.1.1
88	CO1 2 <sup>nd</sup> paragraph	Developer contributions will be required where they are considered <del>reasonable, necessary and appropriate</del> <u>necessary and directly, fairly and reasonably related to the development,</u> to:	See MIQ 8.2.1
89	CO2 Policy Title	<del>Transport</del> <u>Highways</u>	See MIQ 8.5.1
91	CO5	New paragraph to Policy CO5 (para 7.21) <u>Permission resulting in the of loss of Community Spaces will only be granted if it can be demonstrated robustly that the space is no longer suitable or viable for its community use, in accordance with the viability and marketing tests set out at Appendix 2.</u>	See MIQ 8.9.2
92	Para 7.21	Where a Community Space is no longer needed for its intended purpose often the space could be re-used for some other community function. This is particularly the case for churches or chapels as they could still serve the local community as a village or parish hall for example, especially in villages where there <u>may be no existing provision.</u> <del>maybe isn't this provision already. Permission resulting in the of loss of Community Spaces will only be granted if it can be demonstrated robustly that the space is no longer suitable or viable for a community use, in accordance with the viability and marketing tests set out at Appendix 2.</del>	See MIQ 8.9.3 and 8.9.5
94	Diagram	<del>Local Plan –</del> Housing Policies <u>Diagram Guide.</u>	See MIQ 2.6.1
94	Diagram	Helmsley (New Build) <del>Where 6+ units or 0.2 ha+, 40% to be affordable.</del>	See MIQ 2.6.3
94	Diagram	Larger Villages (New Build) <u>100% affordable on</u> Rural Exception Sites adjacent to the village. <u>On</u> <del>or on</del> larger sites (6+ units) within the main built up area of the village, 100% affordable but will accept an element of Principal Residence for viability reasons.	See MIQ 2.6.4
98	CO6 Criterion 2	2. On suitable <del>small</del> sites <u>capable of accommodating no more than five dwellings</u> brought forward under Policy H2 of the Helmsley Local Plan as Windfall Development.	See MIQ 2.9.4
98	CO6 Criterion 3	3. As conversion of an existing building which lies within the <del>main built up area</del> <u>defined Development Limit</u> and makes a positive contribution to the character of the settlement.	See MIQ 2.9.3
99	CO7	1. On suitable <del>small</del> sites <u>capable of accommodating no more than five dwellings</u> within the	See MIQ 2.13.1

	<b>Criterion 1</b>	main built up area of the village.	
99	<b>CO8 Criterion 1</b>	1. On suitable <del>small</del> sites <u>capable of accommodating no more than two dwellings</u> within the main built up area of the village.	See MIQ 2.15.1
100	<b>Para 7.48</b>	<u>Applications to vary a local connection condition will be assessed under Policy CO13.</u>	See MIQ 2.18.3
100	<b>CO9 Point 7</b>	7. All development should respect the existing character of the neighbourhood and its landscape setting as set out in any <del>future</del> <u>adopted</u> Botton Village character appraisal.	See MIQ 2.19.1
102	<b>CO11</b>	<ol style="list-style-type: none"> <li>1. Adjacent to the main built up area of Helmsley or a Larger Village;</li> <li>2. <del>Within the main built up area of a Larger Village where the site is capable of accommodating more than five dwellings;</del> <u>Adjacent to the main built up area of a Smaller Village, provided a Sustainability Appraisal demonstrates that the homes will contribute to the environmental, social and economic sustainability of the settlement.</u></li> <li>3. <del>Within or adjacent to the main built up area of a Smaller Village provided a Sustainability Appraisal demonstrates that the homes will contribute to the environmental, social and economic sustainability of the settlement.</del> <u>Within the main built up area of a Larger Village where the site is capable of accommodating more than five dwellings;</u></li> <li>4. <u>Within the main built up area of a Smaller Village where the site is capable of accommodating more than two dwellings, provided a Sustainability Appraisal demonstrates that the homes will contribute to the environmental, social and economic sustainability of the settlement.</u></li> </ol>	See MIQ 2.22.2
104	<b>CO12 Criterion 1</b>	1. The building is of architectural or historic <del>importance</del> <u>interest</u> and makes a positive contribution to the landscape and special qualities of the National Park;	See MIQ 2.25.1
105	<b>CO12 Criterion 6</b>	6. The proposed use does not lead to changes, <u>for example</u> , in the building's curtilage or <u>in relation to</u> <del>the creation of</del> any new vehicular access or parking area, that would adversely affect the character and appearance of the building or the surrounding landscape;	See MIQ 2.28.1
105	<b>CO12 New criterion d)</b>	<ol style="list-style-type: none"> <li>d. <u>Community facilities, in exceptional circumstances and where the proposal meets the requirements of Strategic Policy L;</u></li> <li>e. Purposes incidental to.....</li> </ol>	See MIQ 2.27.2
106	<b>Para 7.72</b>	Add to the end of para 7.72: <u>In the case of holiday accommodation the Authority will impose a condition or secure a legal agreement to control the occupancy of the unit and also ensure that it is not sold of separately from the existing residential unit.</u>	LPA modification for clarification
106	<b>Policy CO13</b>	<ol style="list-style-type: none"> <li>3. Having an essential need to live close to relative(s) who are currently living in the National Park, <del>have resided in the National Park for at least the previous 3 years and require substantial support;</del></li> <li>4. Having an essential requirement for substantial support from relatives who are currently</li> </ol>	LPA modification to introduce more flexibility into the Policy

		living in the National Park <del>and have resided in the National Park for at least the previous 3 years;</del>	
106	CO13 Additional para to end of Policy	<u>Applications to remove a local connection condition will only be permitted if it is clearly demonstrated that the property has been adequately marketed at a suitable price and for an appropriate period. In such circumstances the Authority will apply a principal residence.</u>	See MIQ 2.32.6
		Note – Plan as submitted resets paragraph numbers after 7.76 to 7.73. Renumber. Following paragraph references refer to the Plan as submitted.	
106	Para 7.74	<del>Only if it is clearly demonstrated that the property has been adequately marketed at a suitable price and for an appropriate period, will the Authority consider changing a local connection condition to a principal residence condition.</del> <u>The replacement of a local connection condition with a principal residence condition will only be allowed where a property has been marketed at a suitable price for a period of 12-18 months.</u>	See MIQ 2.32.7
107	CO14 Criterion 2	2. The dwelling is in an unsatisfactory state of repair or lacks basic amenities and is not of architectural or historic <del>importance</del> <u>interest</u> ;	See MIQ 2.34.1
108	Para 7.76	In considering applications under this policy, the Authority will have regard to the <del>2018</del> North York Moors Landscape Assessment.	See MIQ 2.33.4
108	CO15 Criterion 4	4. The proposed site is for no more than two <del>units</del> <u>pitches</u> and is in close proximity to the highway network in a position that is appropriate to the locality with existing screening.	See MIQ 2.36.1
110	CO17 Formatting	For consistency and clarity we would like to request a minor modification so that the numbering of the final set of criteria <del>a), b), c), d), e)</del> are replaced with <u>i. ii. iii. iv. v.</u>	See MIQ 2.40.2
113	CO19 Criterion 2	2. The land <u>to be incorporated into the domestic curtilage</u> does not form part of a Community Space or a valuable local habitat or heritage asset;	See MIQ 2.45.1
113	CO19 Criterion 4	<del>4. The proposal will incorporate an environmental enhancement.</del>	See MIQ 2.46.3
113	Para 7.98 Between 5 <sup>th</sup> and 6 <sup>th</sup> sentences	<u>Where possible and appropriate, proposals should include environmental enhancements such as re-building or re-instatement of dry-stone walling, tree or orchard planting or the creation of wildflower areas.</u>	See MIQ 2.46.4
114	CO20 Criterion 1	1. There is no unacceptable <del>adverse</del> impact on the local landscape character or the special qualities of the National Park;	See MIQ 2.48.2
117	Appendix 2 Point 4. c)	c) Policy BL <del>12</del> <u>(New and Reuse of Existing Educational Employment and Training Facilities)</u>	See MIQ 7.7.1