

# North York Moors Draft Local Plan

## North York Moors National Park Authority's Response to Inspector's Matters, Issues and Questions.

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### MATTER 1 – LEGAL COMPLIANCE (REF. EXMIQ/1)

- 1.1 **In preparing the plan did the Council 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?**
- 1.1.1. Yes. A [Duty to Co-operate Statement](#) [DTC001] has been prepared which details the cross boundary working and liaison that has taken place with other organisations. [Statements of Common Ground](#) (DTC002-0005) with neighbouring planning authorities have been prepared and agreed. No cross boundary issues were identified that required a joint approach to their solution.
- 1.1.2. The National Park Authority is an active member of a number of local and county-wide groups that help to facilitate working across administrative boundaries. These include a Directors of Development Group, the York, North Yorkshire and East Riding Housing (YNYER) Forum and YNYER Spatial Framework Technical Officers Group. The Authority also has a strong track record of joint working – adopted plans for Helmsley and Whitby Business Park were jointly produced with neighbouring local planning authorities and will remain part of the development plan whilst the Local Plan will be in operation. These plans allocate housing and employment land for development.
- 1.1.3. For planning policy and Local Plan development, joint working is co-ordinated through the York, North Yorkshire, East Riding and Hull Development Plan Officer's Group (DPOG). This meets quarterly, and comprises officers from all local authorities.
- 1.1.4. The twenty Members who made up the Authority during Plan preparation also include four members appointed by North Yorkshire County Council; two appointed by Redcar & Cleveland Borough Council; two appointed by Ryedale District Council, two appointed by Scarborough Borough Council and; and one appointed by Hambleton District Council.
- 1.2 **Has the plan been prepared in accordance with the adopted Local Development Scheme?**
- 1.2.1 The Local Plan has been prepared in accordance with the Local Development Scheme (LDS) [\[PD001\]](#). The LDS was first produced in March 2016 and updated in July 2017 and July 2018. A work programme for 2016-20 is set out at [paragraph 5.5 of that document](#). There has been a slippage of around two months on the reported schedule.
- 1.2.2 The following table sets out the LDS milestones together with the actual dates of Local Plan preparation:

Stage of Consultation		Local Development Scheme milestones	Actual preparation date
Regulation 18	Public consultation – First Steps	September 2016.	The consultation period ran for an eleven week period from 2 September to 18 November 2016.
	Public consultation – Current Thinking	October 2017	The consultation ran for a seven week period from 6 October to 24 November 2017.
	Public Consultation - A Sense of Tranquillity, a Strong Feeling of Remoteness and Dark Night Skies	Additional consultation not recorded in the LDS.	The consultation period ran from 7 December 2017 to 26 January 2018.
	Public Consultation – Preferred Options	30 July 2018 to 12 October 2018.	Consultation ran from 30 July 2018 to 12 October 2018.
Regulation 19	Formal publication consultation on the Local Plan	February 2019	The consultation period ran from 10 April to 24 May 2019
Regulation 22	Submission of the Local Plan to the Secretary of State	May 2019	2 July 2019
Regulation 24	Examination of the Local Plan	July 2019	November 2019
Regulation 26	Adoption of the Local Plan	January 2020	

**1.3 Has consultation on the plan been carried out in accordance with the Authority’s Statement of Community Involvement and the requirements of the 2004 Act (as amended) and the 2012 Regulations?**

1.3.1 Yes, consultation on the Local Plan has been carried out in accordance with the Authority’s [Statement of Community Involvement](#) (SCI) [PD002] and the requirements of the 2004 Act (as amended) and 2012 Local Planning Regulations. The latest version of the Authority’s SCI was adopted in December 2018 and was updated in 2018 in order to reflect new legislation brought in by the Neighbourhood Planning Act 2017.

1.3.2 The table at paragraph 3.3 of the SCI sets out how and when the Authority will consult with the community in each stage of the preparation of the Local Plan. This is in line with section 18 & 19 (3) of the Planning and Compulsory Purchase Act 2004 (as amended) and Town and Country Planning Regulations 2012. How public consultation and involvement was undertaken is detailed in the submitted [Statement of Consultation \(June 2019\)](#). The Authority has taken steps to present easily understood summary documents – for example at the [Current Thinking](#) [LPH007] and [Preferred Options](#) [LPH004] stage and ran a series of drop in events at key stages of consultation, as detailed in consultation response reports.

1.3.3 The Authority also produced a document summarising responses made at each stage in line with the SCI page 4 paragraph 2 – Core documents [LPH08a](#) (First Steps), [LPH07a](#) (Current Thinking), [LPH06a](#) (A Sense of Tranquillity, a Strong Feeling of Remoteness and Dark Night Skies), [LPH005](#) (Preferred Options) and [LPH005](#) and [LPH006](#) (Pre-Submission Statement of Consultation, and Summary of Representations).

1.3.4 All the methods of consultation detailed in the table on page 4 of the SCI are covered in the Statement of Consultation. The ‘First Steps’ and ‘Current Thinking’ consultations were publicised in the ‘Moors Messenger’, a free newsletter which is distributed to around 14,000

households in and around the National Park, it was however not possible to do this for the Preferred Options and Publication versions as consultation (and the run up to it) fell outside the biannual publication cycle.

**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?**

- 1.4.1 Yes. An SA Report [\[SD001\]](#) has been prepared in respect of, and submitted alongside, the Local Plan. Prepared in accordance with the requirements set out in the 2004 Planning and Compulsory Purchase Act and the EU Directive on Strategic Environmental Assessment (SEA), the SA is an essential part of the plan making process, and has been undertaken alongside plan preparation in order to help inform decisions made on what policies and allocations to include within the Local Plan.
- 1.4.2 The SA has assessed the likely significant effects associated with the draft Local Plan as well as a range of reasonable alternatives.
- 1.4.3 [Appendix 1](#) of the SA details how the prepared SA has met the requirements of the SEA Directive.
- 1.4.4 A decision was made for the Sustainability Appraisal to be undertaken by the National Park Authority's Policy team rather than sent out to consultants. Good practice in SEA/SA emphasises the value of integrating the assessment with the plan-making process and the decision to undertake an in-house approach to Sustainability Appraisal has enabled the National Park Authority to maintain control of the process ensuring that it is integral and not divorced from the plan making process. The Authority has also been able to develop distinct appraisal criteria that both conform with and reflect the statutory purposes of the National Park Authority's work. The in-house approach has meant that policies have been written and have evolved in response to an ongoing testing procedure through the Sustainability Appraisal. The SA process is an iterative one. The main stages of the SA (in order) were:
1. [The Scoping Report](#) [\[SD001f\]](#) and [appendices](#) [\[SD001g\]](#) (September 2016). Consultation was undertaken on the initial Scoping Report for 11 weeks during September/October 2016 with the three Statutory Consultees (Historic England, the Environment Agency and Natural England) and other relevant organisations (a statutory requirement). Their responses are set out at Appendix 3 of the main [SA Report](#). [\[SD001\]](#)
  2. A [main SA report](#) (plus [appendices 1 – 4](#) and [appendix 5](#) [\[SD001\]](#)) was prepared and consulted on at the Regulation 18 Preferred Options stage in July 2018. This report gathered together information in the scoping report and appraised policies against SA objectives. It also appraised the vision and objectives and the cumulative effects of policies. A summary of results is at paragraph 1.4.7 of the report.
  3. [An updated SA Report](#) [\[SD001\]](#) accompanied the Regulation 19 Pre-Submission draft Plan. This was submitted alongside the draft Plan in March 2019, together with:
  4. [The Sustainability Appraisal Report - Addendum \(June 2019\)](#). [\[SD001e\]](#). This was an assessment of the effects of the Main Modifications proposed by the Authority, should they be included in the final Plan. It concluded that there would be no additional significant effects if the policies were adopted as proposed to be amended.
- 1.4.5 Policies have been amended in light of the SA's findings at each stage. These are included in the 'audit trail' of policy evolution in the SA tables for each policy ([Appendix 5](#)). This Appendix also details the alternative options considered which were included at the end of each policy in the [Preferred Options draft](#).

1.4.6 The following table lists policies where alternative options were generated and appraised, and which policies were amended in light of the conclusions of the SA:

Policy	Alternative Options generated and Appraised?	Recommendations from the SA and conclusions.
Strategic Policy A – Achieving National Park Purposes and Sustainable Development	Yes.	-
Strategic Policy B - The Spatial Strategy	Yes	-
Strategic Policy C - Quality and Design of New Development	-	Concluded the policy would be strengthened by the need to enhance wildlife and biodiversity at Preferred Options stage.
Strategic Policy D - Major Development	Yes	
Strategic Policy E – The Natural Environment	-	-
Strategic Policy F - Climate Change Mitigation and Adaption	-	-
Strategic Policy G - Landscape	-	-
Strategic Policy H - Habitats, Wildlife, Biodiversity and Geodiversity	-	-
Policy ENV1 - Trees, Woodland, Traditional Orchards and Hedgerows	-	The policy/Plan could be clarified with a definition of what constitutes an 'aged or veteran tree' – Preferred Options stage – definition now in glossary.
Policy ENV2 - Tranquillity	Yes	-
Policy ENV3 - A Strong Sense of Remoteness	Yes	-
Policy ENV4 - Dark Night Skies	-	-
Policy ENV5- Flood Risk	-	-
Policy ENV6 - Land Instability	-	The policy could be strengthened by reference to 'community facilities' to cover any community buildings/recreation facilities that may be affected by coastal erosion – Preferred Options stage. Plan amended.
Policy ENV7 - Environmental Protection	-	-
Policy ENV8 - Renewable Energy	-	Policy text may need some reference to the possible impact of turbines on birds, bats and their habitats (during construction and after) and that assessments/mitigation will be required. Plan amended.
Strategic Policy I – The Historic Environment	-	-
Policy ENV9 - Historic Landscape Assets	-	-
Policy ENV10 - Archaeological Heritage	-	-
Policy ENV11 Historic Settlements and Built Heritage	-	-
Policy ENV12 - Supporting the Conservation and Reuse of Designated Heritage Assets 'At	-	-

Policy	Alternative Options generated and Appraised?	Recommendations from the SA and conclusions.
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Policy ENV13 – Shop Fronts	-	-
Policy ENV14 - Important Undeveloped Spaces	Yes	-
Policy ENV15 - Environmental Enhancement Sites	Yes	-
Strategic Policy J Sustainable Tourism and Recreational Development	-	-
Policy UE1 – Small Scale Tourism Accommodation	Yes	The policy may benefit from wording to the effect that it should only allow new proposals where it is of a scale which the road network has the capacity to accommodate, especially as the policy allows for up to 12 – Preferred Options stage. Plan amended.
Policy UE2 - Development of Existing Tourism and Recreational Businesses	-	Yes. The draft policy would benefit from a reference to requiring a high standard of design to ensure that the form and character of existing buildings is protected and enhanced and to ensure that good quality development takes place. Recommendations accepted.
Policy UE3 - Loss of Existing Tourism and Recreation Facilities	-	Explanatory text should include reference to protecting the character and appearance of the landscape in terms of future domestic extension/alteration etc in the light of the implications of local occupancy dwellings. Draft policy could be strengthened to ensure that the adequacy of the existing highway is taken into account. Recommendations accepted and wording amended accordingly.
Policy UE4 – New Holiday Accommodation Within Residential Curtilages		The explanatory text could be strengthened to state that where a proposed development would have implications for biodiversity, for example the asset is a derelict or vacant building; the proposal will be expected to provide appropriate protection in line with the habitats, wildlife, biodiversity and geodiversity policies within the Plan. Considered that these matters are adequately covered by Strategic Policies C and H. Policy needs wording to indicate that any units created will be tied to main dwelling to avoid the division of the curtilage which can lead to amenity issues (preferred option stage). Plan amended.
Strategic Policy K - The Rural Economy	-	-

Policy	Alternative Options generated and Appraised?	Recommendations from the SA and conclusions.
Policy BL1 - Employment & Training Development	Yes	-
Policy BL2 - Re - Use of Existing Employment and Training Facilities	-	UE3 Question whether the policy should also say ...'or where it would result in a significant improvement to the environment or to highway safety'. (similar wording to UE3) – preferred options stage. Policy amended.
Policy BL3 - Rural Diversification	-	The policy could be strengthened by only allowing new proposals where it is of a scale which the road network has the capacity to accommodate and by ensuring that there is sufficient off street parking available to accommodate additional visitor vehicles. (Preferred Options stage – not accepted).
Policy BL4 - Managers and Staff Accommodation	Yes	-
Policy BL5– Agricultural Development	-	Consideration to be given to making reference to reducing impacts on climate change. No changes considered necessary as matters raised are considered to be covered under SPF and ENV8.
Policy BL6 - Tracks	-	Policy could be strengthened by reference to mitigation for adverse impact to biodiversity and reference to no adverse impacts on archaeology – (Preferred Options stage), accepted.
Policy BL7- Relocation of Agricultural Businesses	-	The policy could be strengthened by reference to new developments being environmentally friendly and reference to mitigation to improve biodiversity (preferred options stage, not accepted).
Policy BL8 - Shops, Offices and Food and Drink Services	-	The policy could be amended by consideration being given to the scale of development permitted in the smaller villages to generally reflect the settlement hierarchy and to bridge the policy gap in terms of new food and drink developments – Preferred Options stage, accepted.
Policy BL9 - Advertising and Signposting	-	The policy has been strengthened by discouraging illuminated signage which can have an urbanising impact on the character of the street scene and the landscape and cause light pollution – Preferred Options stage, accepted.
Policy BL10 - Communications Infrastructure	-	-
Policy BL11 - Commercial Horse Related Development	-	There is no reference to development not having an adverse impact on the landscape i.e.it could be well related to existing buildings but could still have an adverse landscape impact. Policy could

Policy	Alternative Options generated and Appraised?	Recommendations from the SA and conclusions.
		also be strengthened if it was worded such that no development can take place unless there is an existing dwelling to manage the development from, rather than saying it should not require a new dwelling to manage the site from. (This could this lead to new liverys being set up close to existing farm buildings but then there be a subsequent need for a dwelling which may then be hard to resist) - Preferred Options stage, accepted.
Policy BL12 - Temporary Workers' dwellings	-	-
Strategic Policy L –Community Facilities	-	-
Policy CO1 - Supporting New Development	-	-
Policy CO2 - Transport	Yes	-
Policy CO3 - Car Parks	-	-
Policy CO4 - Public Rights of Way and Linear Routes	Yes	-
Policy CO5 - Community Spaces	Yes	-
Strategic Policy M - Housing to meet local needs	Yes	-
Policy CO6– Housing in Helmsley	-	-
Policy CO7– Housing in Larger Villages	Yes	Query whether the conversion element of the policy need a reference to SPC, as the former CO12 (Conversions in Settlements) has been deleted in order to ensure good quality design etc. Change to explanatory text recommended to ensure good quality design in conversions.
Policy CO8– Housing in Smaller Villages	Yes	Query whether the conversion element of the policy need a reference to SPC, as the former CO12 (Conversions in Settlements) has been deleted in order to ensure good quality design etc. Change to explanatory text recommended to ensure good quality design in conversions.
Policy CO9 – Botton Village	Yes	In the current absence of the character appraisal does the policy require strengthening in terms of protecting the quality and character of the landscape? Officers consider that no changes are necessary as SPG provides sufficient landscape protection.
Policy CO10 - Housing in the Open Countryside	-	-
Policy CO11 - Affordable Housing on Rural Exceptions Sites	Yes	-
Policy CO12 - Conversion of Existing Buildings in Open Countryside	Yes.	The explanatory text could be strengthened to state that where a proposed development would have

Policy	Alternative Options generated and Appraised?	Recommendations from the SA and conclusions.
		implications for biodiversity, for example the asset is a derelict or vacant building; the proposal will be expected to provide appropriate protection in line with the habitats, wildlife, biodiversity and geodiversity policies within the Plan. Wording added to the supporting text.
Policy CO13 - Local Connection Criteria for Local Needs Housing	Yes	-
Policy CO14- Replacement Dwellings	Yes	-
Policy CO15 Gypsy, Roma and Traveller Accommodation	Yes	-
Policy CO16 - Removal of Agricultural Occupancy Conditions	-	-
Policy CO17 - Householder Development	Yes	The policy or supporting text would be strengthened by a reference to incorporating sustainable design and construction techniques where feasible. (Strategic Policy F requires new development to adapt and mitigate the effects of climate change). - Preferred Options stage, not accepted.
Policy CO18 Residential Annexes	-	-
Policy CO19 - Extensions to Residential Curtilages	-	-
Policy CO20 - Equestrian Development for Private Use	Yes	-

**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?**

1.5.1 The [HRA](#) [SD002] is considered robust and has been prepared in accordance with The Conservation of Habitats and Species Regulations 2017 and in consultation with Natural England. Versions were published for consultation alongside the Preferred Options and Regulation 19 Pre-submission version of the draft Local Plan. The final HRA reflects the judgment by the Court of Justice of the European Union (CJEU) People Over Wind and Sweetman v Coillte Teoranta. This judgment ruled that mitigation measures should be assessed within the framework of an Appropriate Assessment and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan on a European site at the screening stage. In accordance with this ruling, the submission HRA does not consider any mitigation within the screening process.

1.5.2 The Inspector may note that in [their response](#) to the Regulation 19 'Pre-Submission' version of the Plan [LP008-24] Natural England (NE) stated that it '*had a number of concerns with the July 2018 draft of the Habitats Regulations Assessment, as set out in our letter dated 12 October 2018 which were satisfied in the updated version dated November 2018. We recommend that the November 2018 draft of the Habitats Regulations Assessment should assess for any updates to the Plan itself which may have bearing on the assessment, and that version should be submitted with the plan as opposed to the version provided with this consultation dated March 2019.*



- 1.5.3 Natural England's comments in respect of the Regulation 18 Preferred Options version of the HRA are detailed on page 111 of the [Summary of Responses](#) to the Preferred Options draft. An amended version of the HRA was produced and sent to NE for comments and agreed (as can be seen from [their response](#) to the Pre-Submission Draft). The draft HRA published alongside the Pre-Submission Local Plan (version 2) however, in error did not include all the amendments required by Natural England, hence the request for the Authority to submit the draft agreed with them. A version 3 was instead created incorporating all their requested changes along with other changes. It was this version that has been submitted for examination.
- 1.6 **Does the plan include policies designed to ensure that the development and use of land in the North York Moors contributes to the mitigation of, and adaptation to, climate change?**
- 1.6.1 Yes. Objective 10 within the [Pre-Submission Draft Local Plan](#) [LP001] requires the plan to reduce the causes of climate change and assist in the adaptation to and mitigation of its effects including through promotion of sustainable design and efficient energy use in new buildings.
- 1.6.2 The plan includes many policies with provisions designed to ensure that development and the use of land contributes to climate change mitigation. Of note there is a specific policy on climate change mitigation and adaptation (Strategic Policy F).
- a) Strategic Policy A (Achieving National Park Purposes and Sustainable Development) requires new development to conserve and enhance wildlife, to protect or enhance natural capital and the ecosystem services they provide, build resilience to climate change, make sustainable use of resources and not reduce the quality of soil, air and water;
  - b) Strategic Policy B (Spatial Strategy) focuses new development into the most sustainable locations within the National Park;
  - c) Strategic Policy C (Quality of Design and Development) requires sustainable design and construction techniques and enhanced wildlife biodiversity to be incorporated into new development;
  - d) Strategic Policy E (The Natural Environment) requires sustainable use of resources and a positive contribution to the natural environment and ecosystem services;
  - e) Strategic Policy H (Habitats, Wildlife, Biodiversity and Geodiversity) includes policy on the protection and enhancement of all habitats;
  - f) Policy ENV1 (Trees, Woodlands, Traditional Orchards and Hedgerows) protects against tree loss;
  - g) Policy ENV5 (Flood Risk) sets out to manage flood risk and requires the use of sustainable drainage systems;
  - h) Policy ENV7 (Environmental Protection) includes criteria to protect against loss of soils;
  - i) Policy ENV8 (Renewable Energy) encourages the use of non-conventional energy generation and requires a proportion of carbon offsetting in new development.
- 1.7 **Does the plan comply with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations?**
- 1.7.1 Yes. This is demonstrated by the [Legal Compliance Checklist](#) which has been submitted with the Plan [LP011].