

North York Moors Local Plan

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

MATTER 3 – STRATEGIC APPROACH - STRATEGIC POLICIES A TO D (REF. EX/NYMNPA/MIQ/003)

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?**
- 3.1.1 Yes. The rationale for this policy was to include a ‘presumption in favour of sustainable development’ policy.’ The policy is in effect in two parts – the first part is policy explaining the approach that will be taken – i.e. set out that the Authority will take a positive approach to new development in line with NPPF 11 whilst also meeting the statutory purposes and Sandford principle.
- 3.1.2 The second part (criteria a - g) contains policy relating to what will be expected in terms of new development proposals. It was felt important that the strategic policies in the Plan should indicate what is meant by ‘sustainable development’ in a National Park context. In other words, any development proposal that does not deliver policy in criterion a-g will not be considered to meet the test.
- 3.1.3 The criteria are consistent with subsequent policies. There are on occasions different phraseologies used – for example language in criterion (a) ‘to respect and reinforce’ may differ from similar policies in Strategic Policies C, G and I which uses ‘maintains’ or ‘conserves on occasions and ‘enhance’ rather than reinforce. We are of the opinion that there is no material difference between ‘respect’, ‘maintain’ and ‘conserve, and in the case of ‘reinforce’ vs ‘enhance’ whilst there is a difference Strategic Policy A does require enhancement under point 1 of the policy (as does Strategic Policy C). The variation in terminology does therefore not undermine policy elsewhere. A similar point can be made in respect of criterion (c) and the first line of Strategic Policy E.
- 3.1.4 Regarding comments made by others at Regulation 20 stage, the Mulgrave Estate requested that the definition should include reference to supporting businesses and providing employment opportunities. This is achieved through Strategic Policy K and Policy BL1 and reference to employment opportunities at criterion (b). Strategic Policy A has been written around the statutory purposes and it should be noted the statutory duty (as set out at paragraph 1.15 (1) of the Plan concerns the economic wellbeing of local communities rather than businesses per se. Sirius Minerals request wording along the lines of the Peak District National Park. This is similar to Core Policy A in that both require a ‘positive approach’ and are couched around statutory purposes, however it includes two lines over working proactively with applicants and approving applications without delay, which were included in the former PINS ‘model wording’ policy that was introduced alongside the 2012 NPPF and which has since been removed from the PINS website. We are of the opinion that both of these activities are ones which are routinely undertaken, and as activities they are not land use planning policies that will affect the stance on whether permission is granted or not, rather they describe working practices. We do not therefore consider inclusion would add anything to policy or practice.

- 3.1.5 We do not think this is essential since para 1.18 says that throughout the Plan, unless stated otherwise, where policies contain separate criteria all criteria are intended to apply. It could be interpreted that adding “and” implies that it is only the last two criteria that must apply together.

Strategic Policy B

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?

- 3.2.1 Detail on how the spatial strategy for the new Local Plan is set out in more detail in the [Spatial Strategy and Settlement Hierarchy Topic Paper](#) (TP002).
- 3.2.2 The thinking around the division of settlements into a hierarchy has been driven by a combination of :
- Existence of existing policy and experience of its operation and implementation
 - National policy and legislation around National Parks
 - The desire to meet identified policy objectives, particularly around stabilising population levels and supporting existing services
 - Feedback for public consultation exercises
 - Discussion with Members on the Development Plan Working Group
 - Testing through Sustainability Appraisal
- 3.2.3 The starting point is that national policy states that great weight should be given to conserving and enhancing landscape and scenic beauty [\[NPPF 172\]](#) and that National Parks are not suitable locations (DEFRA National Park Circular) [\[NPG003\]](#) and that National Park Authorities should focus on delivery of affordable and local needs housing. This, together with the overriding first statutory purpose meant the strategy needs to be based on provision to meet mostly local need.
- 3.2.4 Set against this was demographic evidence of a declining population and a [SHMA recommendation](#) [EB003] that around 29 dwellings per year would be needed to stabilise population levels. This is slightly higher than the anticipated rate set out in the Core Strategy and pointed to a need for more flexible and ambitious (within a National Park context) housing strategy.
- 3.2.5 The existing hierarchy and policies within the adopted development plan were then reviewed (see section 8 of the [Housing Topic Paper](#) [RP007] for full details). This:
- Identifies a **Local Service Centre** – Helmsley, which has its own already [adopted Plan](#) [CP003] which anticipates a significant amount of housing growth in the town, including market and affordable housing to meet long term needs in both the National Park and in Ryedale District.
 - Identifies **7 Service Villages** – [Core Strategy and Development Policies](#) Core Policy J [CP001] allows for unrestricted market housing and 40% affordable housing on sites of 2 houses or 0.1 hectares or more, and affordable housing on ‘exception’ sites adjacent (Core Policy K)
 - Identifies **6 Local Service Villages** and **70 Other Villages** – [Core Strategy and Development Policies](#) Core Policy J [CP001] allows for local needs housing which must be subject to a local occupancy restriction and limited to development of a single dwelling on

an infill plot in a continuous frontage. Rural exception sites supported within and outside these settlements.

3.2.6 The review revealed that although housing was being generally delivered as anticipated no affordable housing had come forward in in the seven Service Villages other than on rural exception sites – suggesting that the ‘cross subsidy’ model of funding affordable housing through market housing was not working in these locations.

3.2.7 The first iteration of the settlement hierarchy and housing strategy was then set out in the October 2017 [‘Current Thinking’](#) document [LPH008]. This was supported by topic papers on settlement hierarchy and housing. This initial thinking was that:

- Helmsley should remain as a Local Service Centre. This is effectively ‘set’ policy through its own Local Plan to 2025. It is the only town in the National Park and a review of services and facilities in next three biggest settlements (Thornton le Dale, Sleights, West and East Ayton and Castleton which revealed that Helmsley has around three times as many shops, cafes and other facilities as the next biggest settlement (Thornton le Dale) as well as a market, arts centre, swimming pool and industrial estate. It is therefore fulfilling a service centre function for a wider catchment which cannot be said to be so for other settlements.
- As the ‘cross subsidy’ model of providing affordable housing in Service Villages has not been working with no affordable housing delivered on green field sites (other than on exception sites) of three or more dwellings this removed the distinction in terms of what has been delivered between Service Villages other Villages tiers. This led the Authority to conclude that if the delivery model was to continue to rely on infill and exception sites in the Villages then only a single ‘Villages’ category would be needed for settlements outside Helmsley.
- Settlements were therefore suggested as ‘Villages’ if there are at least thirty-five address points in a coherent or ‘nuclear’ group. This cut-off point has been chosen to protect the very smallest settlements (which often have a dispersed form where it is difficult to integrate new development) and give priority to landscape and tranquillity considerations in these locations. The choice of 35 address points was based on local knowledge and professional judgement. Officers considered both higher and lower cut-off points, looking at the form of villages close to the threshold and the desirability of their having new development.
- With a view to widening the availability of infill sites and make the best use of land policy would be changed so that two (rather than one) dwellings would then be allowed on an infill plot.
- Finally, a widening of local occupation (now connection) criteria was suggested. In particular this would allow occupancy for anyone in permanent or substantial employment. The intention was to make the construction of new units a more attractive proposition and to retain existing workers and allow new people to move into the National Park.

3.2.8 The strategy was therefore initially based on an existing strategy that we knew was delivering, based on a continuation of a housing at Helmsley and infill sites/rural exception sites approach elsewhere, with some additional flexibility around infill sites and local occupancy to help stimulate additional supply on the grounds that there may be a finite supply of single unit infill sites.

3.2.9 [Consultation](#) on this strategy [results at LP007a] revealed that there was some support for a recognition that some larger villages did provide a broader range of services (question 1) and there were objections to the fact that the approach was seen as too restrictive outside Helmsley and this could lead to a decline in villages. This theme was also picked up by many at drop in sessions, with people generally being comfortable with some new housing for local people in Villages, particularly for younger generations.

3.2.10 This, together with further sustainability work and liaison with Members led to a revised strategy (in the Pre-Submission draft at Strategic Policy B) based on:

1. A Local Service Centre at Helmsley
2. Larger Villages – 16 larger villages which have a reasonable range of facilities and serve the immediate community and surrounding smaller settlements
3. Smaller Villages – 45 smaller villages with limited or no facilities
4. Botton Village – dispersed settlement
5. Open Countryside

3.2.11 Settlements are included as Larger Villages based on their size and range of facilities and the group includes the four larger settlements in the Esk Valley as well as Robin Hood's Bay and Lythe. The rationale for selection of individual settlements is at [Appendix 7 of the topic paper](#).

3.2.12 All other settlements with 35 address points or more are then categorised as Smaller Villages. Following consultation, Easington was then moved for the Smaller to Larger Village Category within the ['Pre-Submission'](#) draft Plan.

3.2.13 In housing policy terms the differences of approach between proposals at the Current Thinking stage and current stage are that:

- The definition of infill sites (up to two dwellings in a continuous frontage) has been replaced with a more flexible 'suitable sites' policy where proposals are expected to fit in with the 'form and grain' of a settlement. The intention is to 'free up' additional sites.
- To draw a two-fold distinction between Larger and Smaller Villages. A new 'Principal Residence' restriction can operate on schemes in Larger Villages and up to five units would be allowable in these Larger Villages rather than two units. This is to address consultation concerns that these Larger Villages perform a wider service function, that new homes are needed to address ongoing vitality and that more 'market' housing should be allowed in Larger Villages. Housing in Smaller Villages would then be limited to housing subject to a local connection restriction so they benefit existing residents and worker with 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?

3.3.1 We consider that Policy CO7 sets out expectations clearly. The lack of any reference to open market housing in this sentence compared to the inclusion of the phrase at Helmsley also makes this clear. There is therefore no risk that officers, Members and applicants could and this policy is there to set out a settlement hierarchy which would be used as a generally conformity test in neighbourhood planning.

3.3.2 However, should the Inspector be minded to propose a modification to remove the word 'including' or replace it with 'through' or 'in the form of' the Authority would not disagree.

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)?

3.4.1 The term 'small scale' in supporting text cross refers to Policy CO8 which explains 'small scale', as being up to two new dwellings or a conversion. A modification has been suggested to Policy CO8 (MIQ 2.15) to include this figure in the policy.

The term 'local housing needs' is taken from the [2010 English National Parks and the Broads circular](#) [NPG003], (paragraph 78) and is meant to refer to meeting the housing needs of the local community i.e. housing to support local employment opportunities and key services. If the Inspector feels users would be unclear we would suggest replacing 'local housing needs' with *'the housing needs of the local community'*.

3.5 **Is the distinction between “employment” and “training” premises justified and effective?**

3.5.1 The term 'training premises' was included as the National Park has a number of outward bounds premises and premises offering environmental education, which are very much in line with delivering the second statutory purpose. We included it to make clear that uses such as these that would fall into the C or D use classes were acceptable rather than just use the term 'employment' as defined under the B1-B8 uses classes.

3.6 **Are criteria 1-4 justified and consistent with national planning policy and guidance?**

3.6.1 These criteria limit development in the open countryside to reuse buildings of architectural or historic importance (NPPF 79c), there is an essential need to house a rural worker (NPPF 79a), where it is to meet an essential social or community need (existing Core Strategy Policy B5c and in line with NPPF 92a) or where it is part of a Whole Estate Plan.

3.6.2 The criteria are considered justified as they serving the purposes of the National Park, which are set out in the National Parks and Access to Countryside Act 1949, as amended by the Environment Act, 1995. It is important to note that national legislation sits above all local and national policies including the NPPF. In any event the protection given to the landscape of national parks is mirrored in the NPPF. National legislation sits above all local and national policies including the NPPF.

3.6.3 This part of the policy relates to 'Open Countryside'. NPPF only uses the term 'open countryside' at paragraph 79 so covers residential uses only. Elsewhere (for example on tourism and employment uses) it uses the term 'rural' which can also include rural settlements.

3.6.4 Regarding NPPF paragraph 79, (a) is in line with criterion (2). NPPF (b) is covered by Policy ENV11 (5). NPPF 79 (c) is covered to an extent, however criteria 1 restricts reuse to buildings of architectural and historic importance, rather than a building where its setting is enhanced. This is due to the National Park designation and the first purpose of 'conserving and enhancing the cultural heritage of the National Park. A fuller explanation of the reason for this is set out in the answer to MIQ 2.29 regarding Policy CO12.

3.6.5 The policy does not directly provide for sub-dividing (NPPF 79 d)) as this circumstance is rare in the National Park, however the Plan does not prevent it (and indeed subdivision could expand the variety of the housing stock). Any proposals for subletting would be assessed against material considerations including this part of the NPPF.

3.6.6 Regarding NPPF 79 (e) of the NPPF proposals for isolated new dwellings justified on exceptional quality are very rare in National Parks and it is not considered necessary (or desirable) to have a specific policy in the Plan. If a proposal arose, it would be dealt with on its merits, drawing on national policy guidance in NPPF 79.

3.6.7 Community needs are then allowed by criterion 3 in some circumstances. This is not explicitly covered by national policy and guidance. Current criterion 4 covers Whole Farm Estates. This has been included as the National Park includes a number of large country estates where there may need to be a strategic overview on land and asset management across a wide area. The concept is to encourage open dialogue between land owning organisations and the National Park, to look at land holdings in their entirety. The policy arose following discussions with some of the Estates and a precedent for such an approach exists within the [South Downs National Park](#) who also have a similar policy 'hook' in their Local Plan.

- 3.6.8 We do note, following questioning by the Inspector (MIQ 6.3) an inconsistency between this policy and Policy UE1 (Small Scale Tourism Accommodation as this policy does not allow for tourism uses in the Open Countryside. This would be in line with NPPF 83c. A modification to Strategic Policy B is also suggested to insert a new criterion (4) between current (3) and (4) of the policy and re-number criterion 4 to 5: **4) It meets the requirements set out at Policy UE1 (Small Scale Tourism Accommodation);**

5. 4. Where development proposals are part of a Whole Estate Plan that has been endorsed by the National Park Authority.

- 3.6.9 We would also like to suggest a minor modification to criterion 2 to replace the word 'or' with 'and' as rural enterprise and land management activities may both be undertaken in connection with a proposal:

- 3.6.10 Minor modification to Strategic Policy B: **2) Where there is an essential need for development to meet the needs of farming, forestry and other rural enterprise and ~~or~~ land management activities;**

- 3.7 **Should criterion 1 refer to historic “interest” to ensure internal consistency and to reflect the terminology of national planning policy and guidance?**

- 3.7.1 Yes. It is agreed that the policy wording would be improved by use of the word 'interest' rather than 'importance'. Major modification to Policy CO12 proposed: **1. Where development reuses a building of architectural or historic ~~importance~~ interest in a way that supports the economic use or meets local housing needs...**

- 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?**

- 3.8.1 The phrase 'in or adjacent to' was subject to two [proposed modifications](#) [LP003] at submission stage (MM1 & MM2).

- 3.8.2 We do not consider it necessary to put this into the text as a) it would result in a convoluted and lengthy policy as different uses may have different policy requirements – for example whilst rural exception housing may be permitted, business uses (under Policy BL1) would not. It is felt better to retain this policy as the place where the spatial strategy is set out in one place as simply as possible, and leave detail of the circumstances where development may or may not be permitted to subsequent policy (for example Policies CO7 & 8).

- 3.8.3 We would also like to request a main modification to ensure that Strategic Policy B is consistently worded with Policy CO9 (Botton Village)

- 3.8.4 Suggested main modification to Strategic Policy B:

Botton Village

Development which is necessary to meet the functional needs of the supported community.

Strategic Policy C

- 3.9 **Is it effective to have two criteria (2 and 5) that, to all intents and purposes, repeat each other?**

- 3.9.1 Criterion 2 principally concerns construction materials whereas criterion 5 concerns design and detailing, and each was written with these separate things in mind. The genesis of having two criteria was to ensure that a criterion 5 specifically covered conversions and was drafted to

help prevent conversions where the resultant use is detrimental to the design and detailing of the rest of the building and its surrounds

3.9.2 However we accept that there is an overlap in the policy (in that it does refer to design and detailing in both and both cover form and character). Although we do not consider that this overlap would render the policy unsound it would be amenable to combining the two criteria into a single criterion 2 which includes the form of the building.

3.9.3 **2. The proposal incorporates good quality construction materials and design details that reflect and complement the architectural character and form of the original building...**

3.9.4 ~~5. In the case of conversions, the design and detailing respects the architectural form and character of the existing building and surrounding area.~~

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?**

3.10.1 We consider that it is important that design issues are given the weight of the development plan in decision-making, and that a design policy is included as a strategic policy within the plan. A design policy is a continuation of the approach taken in the current [Core Strategy and Development Policies Document](#) [CP001] which includes a design policy at Policy DP3. Criteria 2, 3, 4, 6, 9 & 10 are similar to those in existing policy, and this policy is routinely used in decision-making. Of the other three criteria the first is present to raise awareness of the design guide. Criterion 8 (local wildlife and biodiversity) also reflects the raised profile and need to tackle the nature recovery agenda, and also helps implement recent changes to [Government planning guidance](#) (paragraph 23) on the natural environment (July 2019) which states that “*relatively small features can often achieve important benefits for wildlife, such as incorporating ‘swift bricks’ and bat boxes in developments and providing safe routes for hedgehogs between different areas of habitat*”. One further criterion (5) relates to architectural form and character.

3.10.2 We are aware that this is a duplication of policy elsewhere (most notably Policies CO12 which covers conversions and CO17 which covers householder development only), however it was considered that a policy covering all development was necessary to reinforce the importance of considering good design in the formulation of new development schemes.

3.11 **Does the list of criteria require an “and” after criterion 9 to be effective?**

3.11.1 We do not think this is essential since para 1.18 says that throughout the Plan, unless stated otherwise, where policies contain separate criteria all criteria are intended to apply. It could be interpreted that adding “and” implies that it is only the last two criteria that must apply together.

3.12 **Is it effective to require no more than that “opportunities are taken” under criterion 8?**

3.12.1 We consider that the text as formulated makes clear that there is an expectation that developers will take such matters into account, however given the Government’s recent move towards nature recovery and a net gain agenda (including the [July revisions to the NPPG](#)) this policy could be strengthened. A modification is proposed to criterion 8:

3.12.2 ~~Opportunities are taken to~~ **Proposals enhance local wildlife and biodiversity, for example through the inclusion of nesting boxes and bat roosts;**

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)?**

3.14.1 These questions are answered together. It was felt important that new development should incorporate cycling facilities, however we accept that in a deeply rural context this may not always be possible or feasible. The policy does also refer to accessibility for all potential users in new development at criterion 10, however it is accepted that the needs of those with a health condition or with some form of impairment could be more explicitly referenced in policy. Two modifications are suggested including a new criterion 11:

3.13.1 **10) ~~The proposal ensures the creation of an accessible, safe and secure environment for all potential users~~ Where appropriate, cycling facilities and car parking provision and are provided without compromising local highway safety, traffic flow or Public Rights of Way.**

3.13.2 **11) The proposal ensures the creation of an accessible, safe and secure environment for all potential users, including elderly, children and those with a health condition or impairment.**

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?**

3.15.1 This question could be interpreted as a query as to whether policy should be stronger (e.g. replace ‘should’ with ‘will’ or whether it is too restrictive).

3.15.2 To take the first interpretation, in terms of using the word ‘should’ the policy has been written to reflect both national policy ([NPPF 172](#)) and draft wording in the [Minerals and Waste Joint Plan](#). The latter [publication draft](#), (Policy D04, November 2016) included the phrase ‘will be refused’. The Inspector’s [MIQs \(157\)](#) questioned whether the word ‘will’ was too restrictive. This, and discussion and examination has resulted in a post-hearing proposed modification to replace ‘will’ with ‘should’ ([MM90](#)) in Policy D04. We would like to ensure consistency between the two plans and with national policy.

3.15.3 On the issue that the policy is too restrictive, the origins of the ‘major development test’ lie in the ‘Silkin’ test dating back to 1949 and since this time there have been a number of ‘policy tests’ that need to be considered when questioning whether there is sufficient justification for major development within a National Park. As the policy reflects national policy it is not considered to be too restrictive.

3.16 **Does the list of criteria require an “and” after criterion 3 to be effective?**

3.15.1 We do not think this is essential since para 1.18 says that throughout the Plan, unless stated otherwise, where policies contain separate criteria all criteria are intended to apply. It could be interpreted that adding “and” implies that it is only the last two criteria that must apply together.

3.17 **Is it clear what criterion 4 means by “moderated”?**

3.16.1 The Plan uses the word ‘moderated’ as that is the word that has been used in national policy over many years and that is the word proposed to be used in the draft Joint Minerals and Waste Plan.

3.16.2 The phrase needs to be read in the round i.e. “require justification of...the extent to which effect(s)...can be moderated.” What the policy is saying is that if the decision-making authority decides something is ‘major development’ the expectation is that the applicant will need to demonstrate ‘the extent to which effects can be ‘moderated’ in order for an evidence based decision be made. ‘Moderated’ in this case can be defined as ‘reduced’ or ‘made less’, i.e. there should be an assessment of how much any detrimental effect can be reduced.

3.16.3 The policy (as in National Policy) is therefore acknowledging that the very nature of a major

development in a National Park means that it is highly likely that some harm is produced (this is the reason for the series of policy tests to warrant justification) and the 'moderation' test allows assessment of whether residual harm is acceptable when assessed in the general planning balance.

3.16.4 The [Preferred Options draft](#) of the Local Plan [LPH003] used the phrase 'minimised' which was changed partly for consistency of wording with the latest proposed modifications to the [draft Joint Minerals and Waste Plan](#) [CP005d] and because of comments from Sirius Minerals and Spaulton Estate on the grounds of inconsistency with NPPF wording.

3.16.5 Alternatives could be mitigated, avoided, minimised or reduced. In the case of the first two (mitigated and avoided) the major development test acknowledged that harm will be caused hence these words would be too onerous. The policy goes on to set out a clear policy expectation that any identified adverse impacts will then need to be minimised or compensated for.

3.18 **Is it effective for the policy to state only that harm "should", rather than "will be required to", be minimised?**

3.17.1 This is a similar question to 3.14. This paragraph is the same as the one at the end of Part 1 of Policy D04 of the [Joint Minerals and Waste Plan](#) [CP005] as [proposed to be modified](#) [CP005d]. For consistency the Authority would prefer to have the same wording in each policy. The intention behind repeating the wording of the Joint Minerals and Waste Draft Plan Policy D04 was to make sure that other potential non-minerals and waste major developments were assessed in an equivalent manner.

3.19 **Is the policy clear about what is meant by "appropriately restored"?**

3.19.1 This is intended to mean that the expectation is that works will usually be required to restore the physical characteristics of the site to a condition consistent with the National Park first purpose. The precise nature of restoration will depend on the characteristics of the development in question. It is not meant to mean 'put back to its former use' as it is possible that a major development could have been on a brownfield site. It could also result in a 'net gain' (for example through tree planting) The policy wording therefore uses the word 'enhanced'.

3.19.2 For these reasons we think a precise definition is inadvisable and that this will need to be assessed on a case by case basis. If the Inspector does however wish to see further clarity we would suggest *'in line with the National Park's first purpose'* could be added to the end of the policy.