

North York Moors Local Plan

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

MATTER 5 – THE HISTORIC ENVIRONMENT – STRATEGIC POLICY I. POLICIES ENV9-ENV15 (REF. EXMIQ/005)

Strategic Policy I

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

5.1.1 Modifications to the policy have been suggested to the Pre-Submission version of the Local Plan. Taking these changes into account it is felt that the proposed policy, as amended as per the Proposed Modifications table [LP003] and in particular MM7 to MM11 is consistent with the NPPF in terms of the conservation and enhancement of heritage assets and their setting within the National Park. As the strategic policy for the historic environment the policy sets out a positive strategy for the conservation and enjoyment of historic assets (NPPF, 185) and the overarching approach to considering the impact of development in particular the substantial vs less than substantial tests (NPPF, 193-195) and also the approach to non-designated heritage assets (NPPF, 197). It also requires the submission of a Heritage Statement (NPPF, 198) on all applications affecting heritage assets.

5.1.2 We would like to request a minor modification to SPI so that the bullet pointed criteria are replaced with numbers (points 1 – 3) for consistency throughout the Plan

Policy ENV9

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

5.2.1 The historic environment contributes significantly to the landscape quality of the National Park and as such the preferred approach is always to seek to preserve features in situ which contribute to the landscape in their present form. This could be individual features such as ridge and furrow field patterns, burgage plots, garths, trods or the relationship traditional farmsteads have with the wider landscape. Many of these features are interrelated and include both designated and non-designated heritage assets and as such it is important to retain this historic relationship wherever possible. Where a proposal would result in loss or harm (NPPF, 193) this loss or harm is permanent.

5.2.2 If the Inspector is of the opinion that the policy should be more stringent given the designation of the National Park, we would agree to amend wording to the final paragraph along the lines of:

5.2.3 **“When a proposal affecting features which contribute to the historic landscape is acceptable in principle, the Authority will ~~seek to preserve~~ require preservation of the features in situ”.**

5.2.4 We would like to request a minor modification to SPI so that the bullet pointed criteria are replaced with numbers (points 1 – 14) for consistency throughout the Plan

Policy ENV10

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

assets?

- 5.3.1 The National Park has more Scheduled Monuments than any other local planning authority in Yorkshire and these elements, together with the considerable number of non-designated remains help to give the National Park its distinct identity. It is important, therefore that the plan sets out a robust Policy framework for the management of this resource.
- 5.3.2 A modification to the wording of ENV10 has been proposed (MM10) [[LP003](#)] which seeks to resist harm to the significance of an archaeological feature unless it can be demonstrated that there are public benefits, in accordance with NPPF paragraphs 195 and 196 and the less than substantial/substantial harm tests.
- 5.3.3 Mulgrave Estate have raised specific concerns with how non-designated heritage assets will be treated under Policy ENV10; however this is dealt with through Strategic Policy I which sets out the approach to non-designated heritage assets, in line with paragraph 197 of the NPPF. As the overarching policy which sets out the Authority's approach to the historic environment, all proposals and decisions should comply with this approach. It is considered that repeating this approach through the development policies is unnecessary and repetitious.
- 5.3.4 We would however like to proposed a modification to the opening paragraph of ENV10 to include the word "wholly exceptional circumstances" in order follow the wording of NPPF, 194 (b) and the footnote 63.
- 5.3.5 **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 wholly ~~other~~ exceptional circumstances".**

Policy ENV11

- 5.4 **Is it clear what the policy will achieve in promoting high standards of design? Is this wording effective?**
- 5.4.1 [Paragraph 003](#) of the Planning Practice Guidance on Historic Environment identifies that in order to deliver a positive strategy for the historic environment policies can include specific mention to the design of new development. New development in an historic setting should always be of the highest quality and should demonstrate the use of good quality and sustainable design and materials. The intention of the policy is that new development does not simply have to replicate the past or stifle innovation or originality. What is important is that proposals promote and reinforce local distinctiveness and seek to add variety to the National Park's cultural heritage by enhancing and enriching it.
- 5.4.2 Seeking "high standards of design" is in recognition of the positive contribution that good design can make to the quality of the local environment. Criterion 3 of the policy reiterates this by seeking to reinforce locally distinctive qualities of settlements through the consideration of scale, height, massing, alignment, design detailing, materials and finishes. As such the policy is considered to provide flexibility for applicants and developers whilst ensuring that development is of a high standard, appropriate for its context.
- 5.4.3 Should the Inspector is of the opinion that the wording needs strengthening we would suggested that the word 'promoted; at paragraph 1 is replaced with 'required'.
- 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?**
- 5.5.1 Policy ENV11 is aimed at development relating to the built heritage of the National Park which includes buildings, structures and also villages. Criterion 2 follows on the same vein as Section

72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Authority's general duty in exercising planning functions relating to development within Conservation Areas and the "desirability of preserving or enhancing the character or appearance of that area." The criterion provides further clarity on what could contribute to the special character of the settlement such as buildings, open spaces, trees and other important features.

- 5.5.2 Criteria 2 and 3 relate to two different aspects of development. Criterion 2 seeks to preserve or enhance existing features which contribute to the character and appearance of an area, whereas criterion 3 seeks to ensure new development reinforces local distinctiveness in order to respect or enhance the character and appearance of the area. Whilst these elements are referred to in the opening paragraph of the policy, the criteria are considered to expand on these elements further, in order to provide clarity to the reader.
- 5.5.3 Because this policy relates to all aspects of the built environment, each criterion is aimed at a certain aspect of the environment, i.e. criterion 1 relates to heritage assets such as buildings and listed buildings; criterion 2 is wider settlements and conservation areas; criterion 3 is design principles etc. and as such each criterion serves a specific purpose.

Policy ENV12

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

- 5.6.1 Having revisited this policy in light of comments made at the Regulation 19 stage, and in particular Historic England's comments that the policy does not add anything further to national policy and guidance, it is felt that the most appropriate action would be to delete this policy altogether ([MM22](#)). It is recognised that in the limited circumstances where this type of policy would be appropriate, applications should be considered on their merits and if needed approved contrary to policy in order to pursue the National Park's first purpose of conserving the built heritage of the National Park. Further text has been proposed as a modification to the explanation of SPI at paragraph 4.78 ([MM13](#)) to set out the Authority's approach to the assessment of enabling development which would be in line with Historic England guidance.

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

- 5.7.1 Not applicable if the policy is deleted.

Policy ENV14

5.8 Can this policy be effective if "undeveloped spaces" are not identified anywhere?

- 5.8.1 Specific spaces were identified in villages listed in the settlement hierarchy at Regulation 19 stage, however this resulted in a significant number of objections as summarised in the [responses spreadsheet](#). In response to this, it has been proposed to not identify individual spaces but instead have a non-site specific generic policy which allows a responsive and flexible approach to be taken on planning applications on a case by case basis. It is considered that this approach would still allow a site's value to be assessed against the listed criteria. This more generic policy will allow development opportunities to be considered at the time of the application, rather than being pre-empted by prior designation, and this will allow any other aspects of a proposed development to also be taken into account at the time of the application. The policy requires the development's impact to be assessed and this allows the nature/scale of the proposal to be assessed individually.
- 5.8.2 This approach is not new for the Authority. Core Policy J of the Core Strategy and Development Policies Document [[CP001](#)] identifies at para.9.16 when outlining what an infill housing site is, that "it is important to recognise the amenity value of certain open spaces within the main built up area of settlements and therefore not every gap will be considered as an appropriate infill site". In addition, the previous [Local Plan](#) (2003) [[LP003](#)] had a similar policy approach, Policy

BE12 Important Undeveloped Space, and a similar approach has been proposed when developing Policy ENV14.

5.8.3 We therefore believe the policy as proposed will be effective.

5.9 Is this policy justified given that its criteria are addressed by other policies?

5.9.1 It still remains important to protect certain undeveloped spaces from development as such spaces are fundamental to the distinctive character and form of many of the National Park villages. It is accepted that Strategic Policy C (3) includes reference to preserving the form of a settlement and ENV11 seeks to protect open spaces however ENV14 provides further guidance on how important undeveloped spaces will be identified. As such, we consider the policy is justified, especially in the context of a protected landscape.

5.10 If the policy is justified, does it require an “and” after the fourth bullet point to be effective?

5.10.1 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.

5.10.2 We would like to request a minor modification to SPI so that the bullet pointed criteria are replaced with numbers (points 1 – 5) for consistency throughout the Plan

Policy ENV15

5.11 Is it sufficiently clear from the policy whether planning briefs have a) been agreed or b) need to be agreed?

5.11.1 No. It is acknowledged that as written, the policy and the supporting text is not clear on the status of the briefs as they have not yet been agreed. In order to be proactive and in response to local support to see these sites re-developed, the policy is seeking to support their careful re-development in a manner which, whilst not strictly in line with general policy, would still be considered acceptable.

5.11.2 Both landowners of these sites and the relevant local Parish Councils have been contacted during the Local Plan process and support has given for re-development. Officers have also met with each landowner and discussed options for the site and general principles which would still fulfill National Park duties in terms of landscape impact. While a draft planning brief has been prepared for the Sneaton site, this has not been consulted on, and the brief has not yet been drafted for the Osmotherley site (although positive discussions have taken place).

5.11.3 It is however noted that these briefs have not formally been agreed and as such it is felt that the supporting text to the policy requires amending to make this clear, see below.

5.12 If a), is it clear what status the planning briefs have? Is the need for the policy justified?

5.12.1 At present the briefs have no status or weight. See point b) below.

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?

5.13.1 Any planning brief would be carried out and agreed with the Landowner, in consultation with the local Parish Council and this has been carried out to some degree. It is acknowledged however that more clarity could be provided in the supporting text to make this point clearer.

5.13.2 Suggested minor modification to the final sentence of paragraph 4.116:

Careful re-development of these sites ~~in accordance with a planning brief agreed between the Authority and the landowner~~ will bring significant community benefits as well as an environmental enhancement and it is for these reasons that they are included in the Policy. 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.