

# North York Moors Local Plan

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

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### MATTER 7 – BUSINESS AND LAND MANAGEMENT – STRATEGIC POLICY K / POLICIES BL1-BL12 (REF. EXMIQ/007)

#### *Strategic Policy K*

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

7.1.1 The Authority accepts that there is an element of aspiration in the policy; however, it is intended as a 'scene setting' policy which explains the types of development that would be an asset to the National Park. The intention was to translate the statutory *duty* ("to seek to foster the economic and social wellbeing of local communities") into a policy commitment in a way that helped inform applicants of the types of development that are likely to be supported.

7.1.2 The Policy is expressed positively i.e. it states the types of development that would be permitted, therefore the policy is capable of being used as a contributor to the decision making process. As a strategic policy it would also form the general conformity test of neighbourhood plan basic conditions.

#### *Policy BL1*

#### **7.2 Is the plan clear enough about what is meant by "small scale" in this context?**

7.2.1 The intention is to make clear that large scale developments of the types mentioned in paragraph 6.5 (large warehousing or storage) are not appropriate in the context of a National Park. A floor size limit has not been set as the appropriateness of a particular development will depend on its character and impact on the surrounding area, and because we consider that the context for 'small scale' is best considered on a case by case basis.

#### **7.3 Is the distinction between "employment" and "training" premises justified and effective?**

7.3.1 The term 'training premises' is included as the National Park has a number of outdoor pursuit 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.

7.3.2 (The same answer was given at MIQ 3.5)

#### **7.4 Is it clear, in each case, whether some or all of the criteria must be met?**

7.4.1 The format of this policy is taken from existing policy (Policy DP10 in the Core Strategy and Development Policies Document); however, we accept that it could be made clearer. A modification is suggested to insert the word 'or' at the end of criteria A1, A2, B1, B2 and C1 and the word 'where' at first (3) and the words 'and that' at the end of final criterion 3: (The following text also incorporates modifications suggested at the submission stage

7.4.2 Development for new or existing small scale employment and training purposes will be

permitted:

A Within the main built up areas of Helmsley and the Larger Villages:

1. Where it reuses existing permanent buildings, or;
2. Where it ~~involves the expansion~~ forms a small extension of an existing building, or; facility or business;
3. In the case of new buildings, **where** there is no other suitable accommodation available in the locality.

B Within the main built up area of Smaller Villages:

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, or;
2. Where it reuses existing permanent buildings, or;
3. Where ~~the proposal relates to the~~ it forms a small extension ~~expansion~~ of an existing building ~~facility or business~~;

~~Where it reuses existing permanent buildings~~

C Within Open Countryside and is physically and functionally linked to an existing business:

1. Where it reuses existing permanent buildings in accordance with the requirements of Policy CO12, Conversion of Existing Buildings in Open Countryside; ~~and is physically and functionally linked to an existing business~~, or
2. Where it forms a small extension of an existing building.

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

All proposals for employment and training development will be expected to demonstrate that:

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;
2. The site can be safely accessed by the existing road network;
3. There is sufficient land and storage space attached for the functional needs of the proposed use, including parking space and space for manoeuvring vehicles and that;
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.

Development where the open storage of materials or products will be the sole or principal use will not be permitted.

7.5 Is it effective to locate in the supporting text (paragraphs 6.5 and 6.9) what appears to be worded as policy?

7.5.1 Elements of this text could be included in Policy BL1. Suggested modifications to insert at the end of Policy BL1:

7.5.2 **Development for new large warehousing or storage proposals or development where the open storage of materials or products will be the sole or principal use will not be permitted. 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.**

7.6 **Is paragraph 6.9 more relevant to the content of policy BL2, which is about the re-use of existing training facilities rather than, as policy B1 is, new employment development?**

7.6.1 Yes. Suggested modification to move paragraph 6.9 to after (current) 6.11. New 6.11:

7.6.2 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.

7.7 **Would it be more effective if policy BL2 rather than policy BL1 was listed in Appendix 2?**

7.7.1 Yes. Suggested modification to replace Policy BL1 with BL2 at paragraph 4(c) on page 124.

#### **4. C) Policy BL1~~2~~**

##### *Policy BL2*

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

7.8.1 This text is taken from Policy DP11 in the existing Core Strategy and Development Policies document. We would prefer to retain this text. Circumstances may exist where the loss of employment facilities could improve access and highway arrangements, for example by removing or reconfiguring buildings to open up new sites or improve traffic flow and access.

7.8.2 The wording at the end of the policy is the same as in the first paragraph as Policy UE3 and was inserted following a recommendation on Policy UE3 from the [Sustainability Appraisal](#) carried out prior to the Preferred Options Stage (Appendix 5).

7.8.3 In line with the suggested modification to Policy UE3 (MIQ 6.18) we would suggest the same wording change in this policy to simplify the text:

7.8.4 **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, or highway safety ~~or to access and highway arrangements~~, which outweighs the loss of employment and training facility land.**

##### *Policy BL3*

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

7.9.1 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.

##### *Policy BL4*

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

7.10.1 Yes. The policy covers more than just extensions – criterion 3b allows for the installation of small scale lodges, cabins or chalets in appropriate circumstances. It also sets out what these circumstances would be at criteria 1, 2 and 3. In addition, we feel it is important to include a standalone policy to make it clear that the Authority is receptive to such applications, given issues of staff recruitment and retention in the National Park.

*Policy BL5*

7.11 **Is it clear what is meant by “in recent years” in criterion 3? Is this requirement reasonable, having regard to the potential need for flexibility and the changing needs of farming enterprises?**

7.11.1 It is agreed that this could be made more flexible.

7.11.2 A modification is suggested: **It can be demonstrated that there are no suitable existing buildings available to support the existing business and no disposal of suitable buildings has taken place in the recent years;**

7.12 **Does the list of criteria require an “and” after criterion 6 to be effective?**

7.12.1 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.

7.13 **Is the plan justified in using the national Green Belt test (albeit that this wording is within supporting text (paragraph 6.21) not the policy) for new buildings in isolated locations in the countryside?**

7.13.1 The use of the phrase ‘very special circumstances’ was not inserted with the intention of using national green belt policy and it is a coincidence that the phrases are the same. The phrase is already found at paragraph 8.14 of the [Core Strategy and Development Policies document DP18 \[CP001\]](#) and was carried over. For the avoidance of confusion a modification is suggested:

7.13.2 **Applicants will need to demonstrate that ~~very special~~ specific and justifiable circumstances exist for proposals for new buildings in isolated locations in the open countryside.**

*Policy BL6*

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

7.14.1 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.

*Policy BL7*

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

7.15.1 We think that the outcome the policy is trying to achieve is fully explained at paragraph 6.28.

7.15.2 Again we would state that it is crucial that the Plan is effective at 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. As well as being a rural area the National Park is a

protected landscape and NPPF 172 requires that great weight should be given to conserving and enhancing landscape and scenic beauty. The Authority accepts that relocation in some cases may be warranted, however given the contribution that small farmsteads can make to the character and cultural identity of a village we think this policy is justified.

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

7.16.1 This issue of ‘significant amenity benefits to residents’ is mentioned at paragraph 6.29, however it is not included in the policy.

7.16.2 In practice this is a difficult area – it must be recognised by residents (particularly new residents) that farming operations have often operated in villages for decades if not centuries and are ‘part of rural life’. It may be the case that on site management may be capable of reducing ‘bad neighbour’ impacts, rather than farms needing to be relocated. There is also a small risk that adverse amenity could be created in order to justify a proposal. We are of the view that such a circumstance should be rare and not the preferred approach. We would therefore prefer that the policy remained as written, with paragraph 6.29 recognising that such circumstances may exist which justify relocation.

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

7.17.1 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.

*Policy BL8*

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

7.18.1 The text of this Policy was originally taken from [Core Strategy and Development Policies document](#) DP18 [CP001]. Policy H5 of the [Helmsley Local Plan](#) [CP003] refers to commercial limits as defined on the Proposal Map rather than ‘commercial areas’ and does not refer to a proposal outside being acceptable where it is primarily of benefit to the local community.

7.18.2 A major modification is suggested:

7.18.3 **1) Where the proposal is in accordance with policies in the Helmsley Local Plan: ~~Within the defined commercial area of Helmsley unless the proposal is primarily for and of benefit to the local community~~**

7.18.4 A minor modification is also suggested at the end of criterion 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, or;**

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

7.19.1 We agree that this text would be better located in policy. Main modification suggested - Policy BL1, new final paragraph (and delete paragraph 6.33):

7.19.2 **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.**

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

- 7.20.1 This point is addressed through the suggestion main modification to Policy BL8 suggested at [MIQ 7.9](#) above.

*Policy BL10*

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

- 7.21.1 This text is taken from Policy DP25 of the current [Core Strategy and Development Policies Document](#) [CP001]. Paragraph 6.43 describes the scenarios (mast sharing, using existing structures) that would be considered.

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

- 7.22.1 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.

*Policy BL11*

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

- 7.23.1 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.

*Policy BL12*

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

- 7.24.1 The policy was placed in this chapter as it is intended as a policy that supports an economic use. We would prefer that the policy remained in this chapter, to make clear it is not a general ‘housing’ policy and applies to a specific circumstance.