

# Matter 3 Hearing Statement – Strategic Approach

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**Our ref** 50303/19/JG/JCx  
**Date** October 2019

**Subject** **North York Moors National Park Authority Local Plan - Public Examination**  
**Matter 3 Strategic Approach - Hearing Statement on behalf of Sirius Minerals**

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## **1.0 Introduction**

1.1 This Hearing Statement has been prepared by Lichfields on behalf of Sirius Minerals and responds to questions 3.1, 3.15, 3.16, 3.17, 3.18 and 3.19 set by the Inspector in relation to Matter 3.

## **2.0 Matters, Issues and Questions**

**Q 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?**

2.1 Yes, criteria a) to g) are considered to be consistent.

2.2 In order to maintain a broader interpretation as to what can be considered to be sustainable development (in accordance with para 8 of the NPPF), the word “and” should not be added to criterion (f). That is to say, whilst a development may not be able to meet all of the criteria set out in Strategic Policy A, it could still be sustainable if it were able to demonstrate an appropriate balance of other economic, social and environmental benefits against the other criteria set out in the policy.

**Q 3.15 – Is it effective for the policy to quote national planning policy in stating that proposals for major development “should” be refused?**

2.3 Whilst Sirius Minerals has no particular view on this matter, the proposed main modification (ref. 29/2) to the wording of the policy - which clarifies that the wider local economy should be taken into account in the determination of major development – is welcomed insofar as making it align with para. 172 of the NPPF.

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

2.4 Yes, so as to be consistent with the equivalent criteria set out in paragraph 172 of the NPPF.

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

2.5 Yes. The preceding text makes clear the meaning of this word in context i.e. the ability to manage the impacts of a proposal to make it acceptable. This wording is also consistent with paragraph 172, c) of the NPPF.

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

- 2.6 Yes, as the following sentence rightly acknowledges that there may be circumstances where it may not be possible to implement appropriate mitigation measures (and which, in such circumstances, would require appropriate and practicable compensation to be implemented instead). The use of ‘should’ also mirrors the tone of wording used in paragraph 173 of the NPPF: “*planning permission should be refused....*”.

**Q 3.19 Is the policy clear about what is meant by “appropriately restored”?**

- 2.7 Yes. Its meaning is clear in the context of the policy and avoids being overly prescriptive. This is considered appropriate to reflect site-specific circumstances.