

Matter 4 Hearing Statement – The Environment

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

Subject **North York Moors National Park Authority Local Plan - Public Examination**
Matter 4 The Environment - Hearing Statement on behalf of Sirius Minerals

1.0 Introduction

1.1 This Hearing Statement has been prepared by Lichfields on behalf of Sirius Minerals and responds to questions 4.2, 4.5, 4.10, 4.11, 4.18, 4.19, 4.20, 4.21 and 4.24 set by the Inspector in relation to Matter 4.

2.0 Matters, Issues and Questions

Strategic Policy E

Q 4.2 – Is the policy justified in not permitting development that has “potential adverse impacts on the natural environment...”, given that most, if not all, greenfield development has such “potential”?

2.1 No, the policy is not justified and representations to that effect have been made on behalf of Sirius as part of earlier drafts of the Local Plan.

2.2 Sirius recognises the importance of conserving and enhancing the natural environment of the North York Moors National Park but believes that this should be done in such a way that allows beneficial economic development to be delivered, whilst acknowledging that most – if not all – forms of development presents potentially adverse impacts on the natural environment.

2.3 As currently drafted, Strategic Policy E does not refer to the ability to moderate the impact of proposals to make development acceptable or the ability to provide compensation where on-site moderation (not minimisation) is not achievable. The policy should be amended to reflect this potential, bringing it in line with Strategic Policy H and paragraph 175 of the NPPF.

Q 4.5 – Is this policy justified given the requirements of Strategic Policy H?

2.4 No. As per our response to Q 4.2, Strategic Policy E should be reworded to bring it in alignment with Strategic Policy H.

Strategic Policy G

Q 4.10 – Is this policy justified, given that it essentially repeats criterion a) of Strategic Policy A and could be reinforced by an additional criterion in Strategic Policy C (as necessary?)

2.5 No, the policy is not justified and representations to that effect have been made on behalf of Sirius as part of earlier drafts of the Local Plan.

- 2.6 Sirius recognises the importance of conserving and enhancing the high quality, diverse and distinctive landscapes of the North York Moors but believes that this should be done in such a way that allows beneficial economic development to be delivered, whilst acknowledging that most – if not all – forms of development presents potentially adverse impacts on the existing landscape.
- 2.7 As currently drafted, Strategic Policy G does not refer to the ability to moderate the impact of proposals to make development acceptable or the ability to provide compensation where on-site moderation (not minimisation) is not achievable. The policy should be amended this to reflect this potential.

Q 4.11 – If it is felt to be justified, are paragraphs three and four necessary for the policy to be effective?

- 2.8 To be effective, a sentence should be added to the end of the third paragraph to reflect how the ability for a proposal to moderate its impacts on the landscape will be taken into account in terms of its assessment on landscape character and sensitivity.

Policy ENV2

Q 4.18 - Is the policy justified in permitting development proposals only where they “conserve and / or enhance tranquillity”, given that most, if not all development is likely to impact upon tranquillity?

- 2.9 No, the policy is not justified and representations to that effect have been made on behalf of Sirius as part of earlier drafts of the Local Plan.
- 2.10 Sirius agree that most – if not all – development is likely to impact on tranquillity and in this context, has concerns as to how this policy would be applied to individual proposals when the concept of tranquillity is a such a subjective matter. This is evident in the terminology used in the supporting text that seeks to define tranquillity:
- “A sense of tranquillity is an increasingly precious resource. Tranquillity is about a feeling of peace and remoteness...” “Tranquillity is a state of peace and calm”.*
- 2.11 In the absence of a clear definition of tranquillity, it is difficult to see how Policy ENV2 could be applied to all development in a consistent and effective manner.

Q 4.19 - Is it clear how criteria 1, 4 and 5 are of relevance to tranquillity?

- 2.12 Whilst para. 4.38 of the draft Local Plan goes some way in explaining why the criteria are considered to be of relevance to tranquillity, this is an entirely subjective view that is unlikely to be shared by all users and inhabitants of the National Park. This underlines the difficulties the draft Local Plan faces in attempting to define the concept of tranquillity in a universal manner. For many, matters such as ‘visual intrusion’ would not be a relevant consideration to tranquillity. Similarly, whilst the presence of natural and semi-natural habitats may be of relevance to one person’s concept of tranquillity, a quiet space within a built-up environment could present an equally valid concept for another.

Q 4.20 – Is the policy effective in setting out how the stated criteria will be taken into account?

- 2.13 No. Notwithstanding the responses made to Q 4.18 and 4.19, the draft policy does not explain how the criteria will be taken into account. In the absence of a methodology, it is assumed that

each of the criteria would be considered in a subjective manner, based on site-specific circumstances. This, coupled with the subjective concept of ‘tranquillity’ overall, makes it difficult to see how Policy ENV2 could ever be implemented in a consistent and effective way.

- 2.14 On the basis of the above, Policy ENV2 is considered to be ineffective and, thus, unsound against paragraph 35 of the NPPF.

Policy ENV3

Q 4.21 - Is this policy justified given that the matters it covers are addressed by other policies, in relation to e.g. tranquillity and development in open countryside?

- 2.15 Whilst Sirius has no particular opinion as to whether the topic of remoteness should be addressed by Policy ENV3 or other policies, Figure 4 – “Remote Areas”, should be retained to provide useful clarification as to which areas within the National Park these matters apply to.

Policy ENV4

Q 4.24 – Should the focus of the policy be on preventing light pollution from the ground, rather than in maintaining “the darkness...above the National Park”?

- 2.16 Paragraph 8 of the NPPF states that the planning system has three overarching objectives. These include those relating to economic, social and environmental objectives, “*which are independent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)*”. The wording of Policy ENV4 is currently unevenly balanced, such that it places the protection of dark skies ahead of enabling growth and diversification within the economy and has, as a result, the potential to impact on the long-term sustainability of the Park.
- 2.17 On the basis of the above, Sirius considers that the focus of Policy ENV4 should be to balance the protection of dark skies within the National Park (from both ground and above-ground sources) with the enabling of growth and diversification of the existing economy, as well as wider social objectives.