

Statement to Inform Habitats Regulation Assessment of the Main Modifications Proposed for the draft North York Moors Local Plan.

February 2020

1. It is a legal requirement under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) to carry out a 'Habitats Regulations Assessment' (HRA) of a draft Local Plan to test the impact of the proposed policies and allocations on the Special Protection Areas, Special Areas of Conservation and Ramsar sites in and around the National Park. An [HRA Report on the draft Plan was prepared in June 2019.](#)
2. This HRA assessed whether any of the suggested policies would have potential 'likely significant effects' (LSE) alone or in-combination on these protected areas. In the event that any were identified, further scrutiny (known as 'appropriate assessment') would then be required. The report concluded that LSE could be ruled out alone for all 64 policies. There was therefore no need for an in-combination assessment, no need for an 'Appropriate Assessment' and no need for any mitigation to be incorporated into the Plan.
3. Subsequently, the draft Plan was then tested at independent examination in November 2019. This has resulted in a series of suggested 'Main Modifications' to the draft Plan, that are considered necessary to make the Plan 'sound'. The purpose of this document is to assess whether any of these modifications would alter the conclusion of the June 2019 HRA that no LSEs had been identified, and that no further assessment was required.
4. Overall 66 modifications are suggested. The following table summarises each one and then assesses whether it would change to conclusions reached in the draft HRA. In conclusion none of the modifications are considered to alter the conclusion on the June 2019 HRA that no LSEs are identified, and no further work is needed.
5. The full set of modifications, together with the reason for their suggestion can be found on the Authority's website.

Table 1 Main modifications to policies – Test of Likely Significant Effects. Page/paragraph numbers refer to the Pre-Submission Draft version of the Plan.

Requested Modification number	Policy / Paragraph (Pre-submission Draft)	Summary of Modification	Likely Significant Effects Test
MM1	Various	Adds the word ' and ' at the end of the penultimate criterion at policies: Strategic Policy A, Strategic Policy C, Strategic Policy H, ENV2, ENV3, ENV5, ENV6, ENV7, ENV8, ENV13, Strategic Policy J, UE1, UE4, BL3, BL4, BL5, BL6, BL7, BL10, BL11, BL12, CO1, CO2, CO3, CO10, CO11, CO12, CO14, CO15, CO17, CO18, CO19, CO20.	Minor textual changes to make clear that all criteria apply. The draft already confirmed this at para 1.18, change made for clarity only. Changes do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.
MM2	Various	The word ' only ' is inserted after the word 'will' in the following policies: ENV8, ENV11, ENV13, ENV15, UE1, BL1, BL3, BL4, BL5, BL6, BL7,	Minor textual changes for clarity. Changes do not change policy on new development.



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		BL8, BL9, BL10, BL11, BL12, Strategic Policy L, CO3, CO6, CO7, CO8, CO9, CO12, CO17, CO18, CO19.	This modification does not alter the outcome of the June 2018 HRA.
MM3	Various	Changes from 'granted' to 'permitted' in policies UE1, BL9	Minor textual changes for clarity. Changes do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.
MM4	Various	Changes from 'permitted' to 'supported' in policies SPC, SPG, SPJ, SPK.	Minor textual changes for clarity. Changes do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.
MM5	SPA Achieving National Park Purposes and Sustainable Development	<p>Inserts a reference to scale at criterion a):</p> <p>- is of a high quality design and scale which respects and reinforces the character of the local landscape and the built and historic environment;</p> <p>Adds supporting text at 3.3 stating that all development in a National Park setting should be small in scale.</p>	Clarification of existing policy and included to avoid repeating references to scale in numerous policies. Changes do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.
MM6	SPB Spatial Strategy	<p>Minor changes which twice delete the word 'including' – changes made to provide additional for clarity on which tenures apply).</p> <p>Adds word 'functional' before 'needs' in Botton section (for consistency with policy CO9)</p> <p>Other changes to regularise wording around historic 'interest' (rather than 'approved') and to add cross reference to Policies CO12 and UE2.</p> <p>Supporting text now clear that new development should be within</p>	Minor changes to improve policy and wording consistency. Changes do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.



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		Villages only in Larger and Smaller Villages and changes to further explain Whole Estate Plans.	
MM7	SPC Quality and Design of New Development	Modification combines criteria 2 & 5 (thought to duplicate), strengthens policy on enhancing biodiversity, simplifies and improves language on accessibility.	Minor changes to improve policy and wording consistency. Changes do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.
MM8	SPD - Major Development	<p>Changes to make clear that wider local economy will be not be dismissed in the consideration of major development proposals at criterion 2 - The impact of permitting it, or refusing it, upon the local economy <u>which includes that</u> of the National Park;</p> <p>Changes concerning requirements for restoring land in line with National Park purposes at end of policy: the land will be required to be <u>appropriately restored or enhanced to a condition in line with National Park purposes.</u></p>	Further accords with National Policy (other safeguards round mitigation and compensation still present) plus policy strengthened in regard to restoration against national Park purposes. Changes do not change policy on new development as now regularized with the NPPF wording. This modification does not alter the outcome of the June 2018 HRA.



Requested Modification number	Policy / Paragraph (Pre-submission Draft)	Summary of Modification	Likely Significant Effects Test
MM9	SPE The Natural Environment	<p>Minor changes to language – ‘potential adverse impact’ replaced with ‘unacceptable impact’ i.e. Development which has an unacceptable potential adverse impact on the natural environment,</p> <p>Policy strengthened to use of ‘will be expected to’ rather than ‘should’. Further amendments around consistency of language around natural capital:</p> <p>Ensure that natural capital is resources are used in efficient and sustainable ways;</p> <p>Demonstrate, where appropriate, how they it makes a positive contribution to the natural capital environment and its ability to provide ecosystem services.</p>	<p>Policy strengthened/minor wording changes for consistency. Changes do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.</p>
MM10	SPF Climate Change and Mitigation	<p>First part of policy strengthened:</p> <p>New development in the National Park will be expected to be resilient to and mitigate the effects of climate change. Where appropriate, tThis will be achieved by requiring development to supporting development which:</p> <p>One other minor change to improve readability.</p>	<p>Policy strengthened/minor wording changes to improve readability. Changes do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.</p>



Requested Modification number	Policy / Paragraph (Pre-submission Draft)	Summary of Modification	Likely Significant Effects Test
MM11	SPG Landscape	<p>Policy amended to read: development will only be permitted <u>supported</u> where...</p> <p>Further reference to landscape assessment removed as superfluous.</p> <p>One further modification made for clarity/consistency::</p> <p>Development that would have an unacceptable adverse impact on the natural beauty, character and special qualities... will not be permitted.</p>	<p>Policy strengthened/minor wording changes to improve readability. Changes do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.</p>
MM12	SPH Habitats, Wildlife, Biodiversity and Geodiversity Criterion 2	<p>Policy is proposed to be strengthened in first sentence: All development and activities should <u>will be expected to:</u></p> <p>Other changes remove superfluous references to notified/proposed sites and includes new supporting text on scale of recreational development and how demonstration of how impacts on habitats will be avoided/mitigated are now included.</p>	<p>Specific policy on habitats. Policy is considered to be strengthened. Changes do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.</p>
MM13	ENV2 Tranquillity	<p>Policy is proposed to be amended so that there is no longer a requirement to 'enhance' tranquillity (considered to be too onerous) and to remove 'positive' criteria in policy to avoid mixing positive and negative considerations in decision-making. As follows:</p> <p>Tranquillity in the National Park will be maintained and enhanced. Development proposals will only be permitted where they conserve and/or enhance tranquillity <u>there is no unacceptable impact on the tranquillity of the surrounding area.</u></p> <p>All proposals will be considered in relation to:</p>	<p>Policy amended to avoid being too onerous and improve implementation. It is not considered that changes will lead to likely significant effects. Changes do not significantly change policy on new development. This modification does not alter the outcome of the June 2018 HRA.</p>



Requested Modification number	Policy / Paragraph (Pre-submission Draft)	Summary of Modification	Likely Significant Effects Test
		<ol style="list-style-type: none"> 1. Visual intrusion; 2. Noise; and 3. Activity activity levels; and 4. Traffic generation. 5. Presence of natural and semi-natural habitats; 6. Presence of heritage historic assets. 	
MM14	ENV3 A Strong Sense of Remoteness	<p>Policy title amended - ENV3 - A Strong Sense of Remoteness Areas</p> <p>Third criterion deleted as considered to duplicate ENV2.</p>	<p>Policy title amended for clarity, deletion of criterion 3 is covered under Policy ENV2. Changes do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.</p>
MM15	ENV4 Dark Night Skies	<p>Criterion 4 deleted as cannot apply to existing development, applicants now encouraged to upgrade existing development in supporting text:</p> <p>Where proposals involve works to an existing building, applicants will be encouraged to bring all existing external lighting up to the standards set out in any lighting guidelines adopted by the Authority.</p>	<p>Minor change clarifying operation of policy – plan can only influence new development. This modification does not alter the outcome of the June 2018 HRA.</p>
MM16	ENV5 Flood Risk	<p>Delete the final criterion:</p> <p>3. A Sustainable Drainage System to manage surface water run-off is incorporated in new developments above a certain scale.</p>	<p>Amended as duplicates other statutory requirements. Changes do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.</p>
MM17	ENV6 Land Instability	<p>Criterion 1 amended for clarity.</p> <p>There is a clear and demonstrable short term threat of coastal erosion leading to the loss of a <u>permanent</u> building or structure in permanent use;</p>	<p>Amended for clarity. Changes do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.</p>



Requested Modification number	Policy / Paragraph (Pre-submission Draft)	Summary of Modification	Likely Significant Effects Test
MM18	ENV7 Environmental Protection	Policy amended to replace word 'significant' with 'sizeable' at criterion 4 (for clarity) and to strengthen policy in the final paragraph by making clear remediation work <i>must</i> be undertaken	Amended for clarity/strengthens policy. Changes do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.
MM19	ENV8 Renewable Energy	<p>First paragraph amended to strengthen:</p> <p>Where appropriate, d <u>Development proposals for small scale schemes</u> for the generation of renewable energy will <u>only</u> be permitted where:</p> <p>Reference to 'small scale' removed in policy and replaced with reference in supporting text to appropriate scale to add some flexibility – text elsewhere also refers to all development needing to be small in scale:</p> <p>For the purposes of this policy 'small <u>appropriate</u> scale' is defined as:</p> <ul style="list-style-type: none"> • Wind <u>turbine</u> developments <u>which are appropriate in scale to the of one turbine and of a height which is visually related to</u> landscape, landform, structures and buildings in the immediate vicinity. 	Minor changes to strengthen policy and provide additional clarity on scale. Changes do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.



Requested Modification number	Policy / Paragraph (Pre-submission Draft)	Summary of Modification	Likely Significant Effects Test
MM20	SPI - The Historic Environment	<p>Various language changes following further discussion with Historic England – reference to heritage assets replaced with historic environment.</p> <p>Policy amended in two places in regard to treatment of ‘significance’:</p> <p>dDevelopment must safeguard should conserve heritage assets and their setting and avoid cumulative erosion of the character of the area or the special interest of any heritage asset and/or its setting whether designated or non-designated, in a manner appropriate to their significance, especially those assets which contribute most to the distinctive character of the area, including:</p> <p>....Harm to an element which contributes to the significance of a designated heritage asset (or to non-designated archaeology of national importance) will require clear and convincing justification and will only be permitted... Substantial harm will only be permitted where it can be demonstrated that the proposal would bring substantial public benefits that outweigh the harm or there are other exceptional circumstances.</p> <p>Further examples given in criteria as to the types of historic asset that may be present in the North York Moors.</p>	<p>Minor changes to clarify policy and make more locally specific. Changes do not change policy intentions on new development. This modification does not alter the outcome of the June 2018 HRA.</p>
MM21	After paragraph 4.77	<p>New paragraph on Enabling Development as set out in Historic England Guidance (following deletion of Policy ENV12 (see MM25).</p>	<p>Added to guide the user. Changes do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.</p>



Requested Modification number	Policy / Paragraph (Pre-submission Draft)	Summary of Modification	Likely Significant Effects Test
MM22	ENV9 - Historic Landscape Assets	<p>Policy amended for clarity and to include further examples of historic assets relevant to the North York Moors.</p> <p>Changes made to policy and supporting text to clarify position on in situ recording:</p> <p><u>Where a development will impact on</u> When a proposal affecting features which contribute to the historic landscape <u>(and our understanding and appreciation of it)</u> is acceptable in principle, the Authority will seek to preserve <u>require preservation of the original</u> features in-situ. When in situ preservation is not justified the applicant will be required to <u>made adequate provision for recording and analysis</u> in advance of the development, secured through <u>an approved</u> Written Scheme of Investigation.</p>	<p>For clarity and to help to guide the user on position re: in situ recording. Changes do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.</p>
MM23	ENV10 Archaeological Heritage	<p>Policy amended to make clear that a 'significant public benefit' could outweigh harm</p> <p>Development that would result in harm to the significance of a Scheduled Monument or other national important archaeological sites will not be permitted, <u>unless it can be demonstrated that there are substantial public benefits that outweigh the harm, or there are wholly exceptional circumstances.</u></p> <p>Policy also amended to make clear that the Authority needs to approve a Written Scheme of Archaeological Investigation.</p>	<p>For clarity/to better set out procedure and to bring into line with national policy. Changes made in line with national planning guidance and will no lead to LSEs. This modification does not alter the outcome of the June 2018 HRA.</p>



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MM24	ENV11 – Historic Settlements and Built Heritage	<p>End of first paragraph amended for clarity: Development proposals will <u>only</u> be supported <u>permitted</u> where they:</p> <p>‘Preserve’ replaced by ‘conserve’ at criterion 2 – for consistency.</p> <p>‘Optimal’ replaced by ‘optimum’ at criterion 5 – for consistency – correction.</p> <p>Changes made to policy and supporting text to clarify position on in situ recording:</p> <p>When in-situ preservation <u>retention of the feature</u> is not justified... analysis secured through an <u>approved</u> Written Scheme of Investigation (WSI).</p>	<p>For clarity and to help to guide the user on position re: in situ recording. Changes do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.</p>
MM25	ENV12 Supporting the Conservation and Reuse of Designated Heritage Assets	<p>Main modification - Delete ENV12 in full.</p> <p>In response to comments made on pre-submission draft (Historic England) that policy does not anything to national guidance</p> <p>(Note: Text on enabling development added by MM21)</p>	<p>Changes do not change policy on new development as policy guidance elsewhere will result in same outcome. This modification does not alter the outcome of the June 2018 HRA.</p>
MM26	ENV14 Important Undeveloped Spaces New paragraphs after 3.20	<p>Main modification - Delete ENV14 (Important Undeveloped Spaces) in full.</p> <p>New text added at Strategic Policy C</p>	<p>Deleted on the advice of the Inspector who considered that all elements of the policy were covered by other policies in the Plan. Deletion is therefore not considered to result in any policy changes that could lead to likely significant effects. This modification does not alter the outcome of the June 2018 HRA.</p>
MM27	Policy ENV15, first line (now ENV13)	<p>Minor change to policy to make clear that a planning brief would need to be approved rather than agreed.</p>	<p>Minor terminology change and further explanation of process. Changes do not</p>



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		Changes to supporting text then better explains process.	change policy on new development. This modification does not alter the outcome of the June 2018 HRA.
MM28	SPJ - Sustainable Tourism and Recreational Development	<p>Title amended for consistency/simplicity. Criterion 1 removed to avoid duplication, link added to principles of sustainable tourism, reference to landscape character added. Spatial elements of policy moved to a new policy UE1</p> <p>Strategic Policy J – Tourism and Recreational Development</p> <p>The quality of tTourism and recreational facilities in the National Park will be maintained and improved through adopting the principles of sustainable tourism development will be <u>supported</u> permitted where:</p> <ol style="list-style-type: none"> 1. It conserves and enhances the natural beauty, wildlife and cultural heritage of the North York Moors National Park; 2. <u>It is consistent with the principles of sustainable tourism set out in paragraph 5.4;</u> 3. It does not lead to unacceptable harm to the local landscape character or an ecological or archaeological asset; <p>(final two sentence moved to new UE1)</p>	Policy simplified, links to principles elsewhere reinforced, reference to landscape character added. Other elements of policy moved to new UE1. Changes therefore do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.
MM29	New Policy UE1	<p>New policy to respond to comments that the Plan was not clear on the spatial criteria that would apply to new tourism and recreational developments.</p> <p>Locational criteria have been taken from Strategic Policy J and added</p>	Policy is a new policy following lifting of spatial policy from end of SPJ. Change to policy to make sure that policy does not restrict development to reuse of buildings in the open countryside harmonises



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		<p>to.</p> <p>Amendments also include a change because as currently worded policy J b) was seen to prevent development that doesn't involve the reuse of a building.</p> <p><u>Policy UE1 – Location of Tourism and Recreation Development</u></p> <p><u>Tourism and recreation development will only be permitted where:</u></p> <ol style="list-style-type: none"> 1. <u>It is located in Helmsley or within the main built up area of one of the villages listed in Strategic Policy B; or</u> 2. <u>In Open Countryside where it involves a small scale conversion and/or extension of an existing building of architectural or historic interest, or where it complies with UE2. In exceptional circumstances new build development may be permitted in the Open Countryside where:</u> <ol style="list-style-type: none"> a) <u>The proposal is for the expansion or diversification of an existing tourism or recreation business;</u> b) <u>The proposed development is functionally dependent and subservient in scale to the existing business; and</u> c) <u>It has been demonstrated that the proposed development cannot be accommodated in an existing building, or</u> 3. <u>Proposals are part of a Whole Estate Plan that has been approved by the National Park Authority.</u> 	<p>policy with (now) policy UE2 – formerly draft Policy UE1. Changes therefore do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.</p>



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		<p><u>Proposals for new holiday accommodation within a residential curtilage will be considered under Policy UE4.</u></p>	
MM30	<p>UE1 (now UE2) – Small Scale Tourism Accommodation</p>	<p>Change title and numbering of policy and amend as follows:</p> <p>Policy UE1 UE2 - Small Scale Tourism Accommodation <u>Camping, Glamping, Caravans and Cabins</u></p> <p>Permission will be granted for the development <u>Development will only be permitted for new, small scale tourism holiday accommodation development</u> (such as tents, pods, yurts, teepees, shepherd huts, cabins, chalets, caravans and motorhomes etc.) where:</p> <ol style="list-style-type: none"> 1. It is within <u>Helmsley or the main built up area of a settlement</u> listed in the hierarchy outlined in Strategic Policy B and it is in close proximity to an existing residential unit which will be used to manage the accommodation, or; 2. It is in Open Countryside and is <u>not isolated from physically and functionally linked to</u> an existing permanent business or residential unit which can <u>will</u> be used to manage the accommodation. <p><u>In order to respect the sensitivity of the local landscape character type all</u> All sites must be screened by existing topography, buildings or adequate well established vegetation which is within the applicant’s control and where arrangements for its long term maintenance can be demonstrated, in order to provide a setting for the proposed development whilst respecting</p>	<p>Policy has been modified to:</p> <ul style="list-style-type: none"> - Amend title - Make consistent with UE1 - Replace ‘physically and functionally linked’ with ‘not isolated from’) - Refer to landscape sensitivity - Offer further clarity around connection to the ground (policy also simplified by moving criterion f into criterion a. - Remove duplication with UE4 - Some supporting text re: management arrangements moved to end of policy. <p>Changes are around clarification of wording rather than policy intent and do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.</p>



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		<p>the sensitivity of the local landscape character type.</p> <p>The following criteria <u>will be expected to</u> should also be met:</p> <ul style="list-style-type: none"> a) AThe accommodation <u>avoids extensive alteration to ground levels</u> and has a low environmental impact through limited <u>foundations to enable the accommodation to</u> physical connection to the ground be removed without harm to the landscape and avoids extensive alteration to ground levels; b) It does not lead to unacceptable harm in terms of noise and activity on the immediate area; c) The proposal does not, in combination with existing development detract from the character, tranquillity or visual attractiveness of the area; <u>and</u> d) The accommodation is of a high quality design which complements its surroundings. e) It is not sited within a residential curtilage; f) The accommodation can be removed without harm to the landscape and any woodland when no longer required; <p>(Continues with minor changes).</p>	
MM31	UE2 – Development of Existing Tourism and Recreational Business	Delete Policy UE2 (replaced by a new Policy UE1 and supporting text)	Replaced by a new UE2 so assessment of implications for HRA made under that policy (MM32, below). This modification does not alter the outcome of the June 2018 HRA.
MM32	UE3 – Loss of Existing Tourism and Recreational	Development...would result in a significant improvement to the immediate environment <u>or</u>	Changes made to clarify what is meant by improvements to access and



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	Facilities	<p>highway safety would bring about improvements to the access and highway arrangements which outweighs the loss of the tourism use...</p> <p>...In these circumstances the holiday letting condition will be replaced with a local connection condition <u>an occupancy condition in accordance with the spatial strategy set out in SPB.</u></p>	to regularise policy on imposition of occupancy conditions with policy elsewhere (SPB). Changes are around clarification of wording rather than policy intent and do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.
MM33	UE4 – New Holiday Accommodation Within Residential Curtilages	<p>Amendment to criterion (1) for consistent wording:</p> <p>1. It makes use of an existing building which is of architectural or historic interest importance and makes a positive contribution to the character of the surrounding area;</p> <p>New text in policy:</p> <p><u>Proposals for new camping and glamping units within a residential curtilage will only be permitted where the size and layout of the residential curtilage is such that a proposal can be accommodated in a way that does not detract from the character and appearance of the locality and does not cause harm to local amenity.</u></p> <p>Where granting permission under this policy, the Authority will remove permitted development rights which apply to the residential curtilage.</p>	One change to ensure consistency on language elsewhere – i.e. historic importance. Policy also amended to anticipate that there may be some circumstances where accommodation within a curtilage may be acceptable. Policy has changed however would relate to small scale accommodation in a residential setting, and would apply in limited circumstances only. This modification does not alter the outcome of the June 2018 HRA.
MM34	New Paragraph 5.22	5.22 <u>Proposals for holiday accommodation within residential curtilages are unlikely to be acceptable due to the intensification of activity</u>	New supporting text for Policy UE4 – explanation only. This modification does not alter the outcome of the June 2018 HRA.



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		<p><u>in residential areas. However, it is accepted that there may be occasions where holiday accommodation in residential curtilages can avoid harm, for example by being sited in a large and well-screened garden in a low density residential area.</u></p>	
MM35	SPK – The Rural Economy	<p>Two minor amendments. One to remove text - It promotes and protects existing businesses by providing flexibility for established rural businesses to diversify and expand;</p> <p>One to remove reference to ‘small’ and ‘incubator units’ at criterion 2.</p>	<p>Removed as considered aspiration than policy. Reference removed as considered unclear. Changes are around clarification of wording rather than policy intent and do not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.</p>
MM36	BL1 - Employment and Training Development	<p>Policy has been edited for clarity - to make clear that the policy includes both existing and new development and to make clear that expansion refers to the building not the business. A modification is proposed to remove “physically and functionally linked to an existing business” in the open countryside as it is felt to be too onerous. Reference to large warehousing or storage proposals or development moved from supporting text into policy.</p> <p>Development for of new or expansion of existing small-scale employment and or training facilities purposes will only be permitted:</p> <p>A. Within the main built up areas of Helmsley and the Larger Villages:</p> <p>1. Where it reuses existing permanent buildings, <u>or</u>;</p>	<p>Policy edited to make clearer and it is considered that there has been no material change to intentions of policy. Criteria on new development in Open Countryside amended to make clear that there needs to be no link with an existing business, however other restrictive criteria still apply e.g. still has to use or form small extension to an existing building. Changes are around clarification of wording rather than policy intent and do not change policy on new development. Exception to this is around use of buildings in the Open Countryside, however other policy safeguards still exist hence likely significant effects would not be triggered. This modification does not alter the outcome of the June 2018 HRA.</p>



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		<p>2. Where it involves the expansion <u>forms a small extension</u> of an existing building, or; facility or business;</p> <p>3. In the case of new buildings, <u>where</u> there is no other suitable accommodation available in the locality.</p> <p>B. Within the main built up area of Smaller Villages:</p> <p>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, <u>or;</u></p> <p>2. <u>Where it reuses existing permanent buildings, or;</u></p> <p>3. Where the proposal relates to the expansion <u>it forms a small extension</u> of an existing building facility or business.</p> <p>C. Within Open Countryside and is physically and functionally linked to an existing business:</p> <p>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, <u>or</u></p> <p>2. <u>Where it forms a small extension of an existing building.</u></p> <p>D. Where development proposals are part of a Whole Estate Plan that has been <u>approved</u></p>	



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		<p>endorsed by the National Park Authority.</p> <p>(continues as before)</p> <p>Development <u>for new large warehousing or storage proposals or development</u> where the open storage of materials or products will be the sole or principal use will not be permitted.</p>	
MM37	New paragraph 6.11 (now 6.10) after 6.10	New paragraph explaining that in some cases (Whitby Business Park or mining proposals) development may come forward according to policy set out elsewhere.	Explanation only. Modification does not change policy on new development. This modification does not alter the outcome of the June 2018 HRA.
MM38	BL2 - Reuse of Existing Employment and Training Facilities	<p>Minor clarification to clarify what is meant by improved highways arrangements,</p> <p>Supporting text requiring evidence of lack of economic viability before reuse is permitted is moved from supporting text into policy.</p>	Explanation only. Modification does not change execution of policy on new development. This modification does not alter the outcome of the June 2018 HRA.
MM39	BL3 – Rural Diversification	<p>Two minor amendments:</p> <p>To add ‘land-based businesses’ into agricultural and forestry businesses.</p> <p>Criterion 1) amended to ensure that in the case of new buildings the</p>	Modification does not change policy on new development, except to make clearer that new buildings used for rural diversification purposes should not be in isolated



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		proposal is not isolated from existing buildings associated with the business.	locations. This modification does not alter the outcome of the June 2018 HRA.
MM40	BL5 – Agricultural Development	Policy amended as follows to add a degree of flexibility to help the agricultural industry: 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;	Considered a minor policy change which will not lead to likely significant effects. This modification does not alter the outcome of the June 2018 HRA.
MM41	BL6 – Tracks	Reference to ‘adverse’ removed from criterion 3 (to align with NPPF and recognise that some impact may be acceptable) and text in policy on imposition of conditions moved to supporting text as considered explanation of policy. .	Considered a very minor policy change. This modification does not alter the outcome of the June 2018 HRA.
MM42	BL7 – Relocation of Agricultural Businesses	One main change to make clear that the viability test is one of financial viability (other change covered by MM2).	Change made for clarity only and does not alter policy intention. This modification does not alter the outcome of the June 2018 HRA.
MM43	BL8 – Shops, Offices and Food and Drink Services	<p>One change made to be consistent with the Helmsley Local Plan</p> <p>1. <u>Where the proposal is in accordance with policies in the Helmsley Local Plan;</u> Within the defined commercial area of Helmsley unless the proposal is primarily for and of benefit to the local community</p> <p>One change to make clear that criterion 4 refers to open countryside.</p> <p>One change to move requirement for a marketing/viability test from supporting text to policy.</p>	Changes made for clarity only and do not alter policy intention. This modification does not alter the outcome of the June 2018 HRA.
MM44	BL9 – Advertising and	Minor wording changes:	Changes made for clarity only and do not alter policy



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	Signposting	Proposals Permission will <u>only be granted permitted</u> for the display of advertisements where:	intention. This modification does not alter the outcome of the June 2018 HRA.
MM45	BL10 – Communications Infrastructure	Minor working change: will <u>only be supported permitted</u>	Changes made for clarity only and do not alter policy intention. This modification does not alter the outcome of the June 2018 HRA.
MM46	SPL Community Facilities 1 st paragraph	Text amended for clarity/consistency and to move requirement for a marketing/viability test from supporting text to policy. Development that would result in the loss of or unacceptable adverse impact on a community facility <u>or would compromise its use</u> will not be permitted, unless it can be demonstrated that the facility is no longer suitable or viable in that location or that it is no longer needed. <u>through application of the viability and marketing tests set out at Appendix 2.</u>	Changes made for clarity only and do not alter policy intention. This modification does not alter the outcome of the June 2018 HRA.
MM47	CO1 Supporting New Development	Policy retitled for clarity and tests where contributions may be sought altered to better reflect national policy.	Changes made for clarity only and do not alter policy intention. This modification does not alter the outcome of the June 2018 HRA.
MM48	CO5 – Community Spaces	Supporting text added to policy (taken from para 7.21) <u>Permission resulting in the loss of Community Spaces will only be granted if it can be demonstrated robustly that the space is no longer suitable or viable for its community use, in accordance with the viability and marketing tests set out at Appendix 2.</u>	Changes made to reinforce through policy and do not alter policy intention. This modification does not alter the outcome of the June 2018 HRA.
MM49	SPM Housing	The middle part of policy is amended to respond to the	Changes made for flexibility and issue concerns housing



Requested Modification number	Policy / Paragraph (Pre-submission Draft)	Summary of Modification	Likely Significant Effects Test
		<p>Inspector's concern that it is not possible for all schemes to contain of variety of tenures, types and sizes of dwellings.</p> <p>All new homes should contribute to the provision of a range The Authority will support proposals for a variety of tenures, types and sizes of dwellings within the National Park, including accommodation for older people and those needing special facilities, care or support at home. Applications should include information on how the proposal meets the needs identified in the North York Moors Strategic Housing Market Assessment and other local surveys. Schemes will be expected to meet the need for smaller dwellings.</p>	<p>size and type which will not have implications for protection of Protected Areas. This modification does not alter the outcome of the June 2018 HRA.</p>
MM50	Paragraph 7.24-7.44/Housing Policies Guide	Paragraph and Housing Policies Guide amended in light of policy changes elsewhere (removal of sizes of site requirements in Policies CO7 and CO8) and guidance added explaining stance on small sites). Housing trajectory added at Appendix 5.	Changes to supporting text only to reflect changes to Policies CO7 and CO8 – assessed separately. This modification does not alter the outcome of the June 2018 HRA.
MM51	CO6 Housing in Helmsley	Policy amended to reflect changes elsewhere namely following removal of 93 sq. m. size limit for new housing, for consistency with the Helmsley Local Plan (development limits) and to provide consistency of approach to small sites in line with Policies CO7 and CO8	Changes reflect changes elsewhere (Policies CO7 and CO8) and provide for a small amount of additional flexibility with regard to small sites and the size limit of new housing. It is considered that there are no significant changes to the direction of policy. This modification does not alter the outcome of the June 2018 HRA.
MM52	CO7 Housing in Larger Villages	Changes made to remove reference to 5 dwellings/93 sq.m. to offer some additional flexibility where a scheme outside these limits could be accommodated without harm:	Changes provide for a small amount of additional flexibility with regard to small sites and the size limit of new housing. It is considered that there are no significant



Requested Modification number	Policy / Paragraph (Pre-submission Draft)	Summary of Modification	Likely Significant Effects Test
		<p>In order to support the wider service function of Larger Villages, principal residence and affordable housing will only be permitted:</p> <p>1) On suitable small sites capable of accommodating no more than five dwellings within the main built up area of the village. <u>Proposals will be expected to meet the need for smaller dwellings; Individual dwellings should have an internal floor area of no more than 93 square metres unless, in the case of an affordable dwelling, a specific need for a larger unit has been identified</u></p> <p>Supporting text then explains what is meant by 'small sites'.</p>	<p>changes to the direction of policy. This modification does not alter the outcome of the June 2018 HRA.</p>
MM53	CO8 Housing in Smaller Villages	<p>Changes made to remove reference to 2 dwellings/93 sq.m. to offer some additional flexibility where a scheme outside these limits could be accommodated without harm:</p> <p>In order to maintain the tranquil rural character of Smaller Villages whilst also meeting the needs of the local community, local needs and affordable housing will <u>only</u> be permitted:</p> <p>On suitable small sites capable of accommodating no more than two dwellings within the main built up area of the village <u>where additional development will respect the form and character of the settlement. Proposals will be expected to.</u> Individual dwellings should have an internal floor area of no more than 93 square metres unless, in the case of an affordable dwelling, a specific need for a larger unit has been identified;</p>	<p>Changes provide for a small amount of additional flexibility with regard to small sites and the size limit of new housing. It is considered that there are no significant changes to the direction of policy. This modification does not alter the outcome of the June 2018 HRA.</p>



Requested Modification number	Policy / Paragraph (Pre-submission Draft)	Summary of Modification	Likely Significant Effects Test
		<p><u>meet the need for smaller dwellings;</u></p> <p>Supporting text then explains what is meant by 'small sites'.</p>	
MM54	Paragraph 7.49	Changes to supporting text only – covers circumstances under which affordable housing contributions may be sought and use of local occupancy conditions.	Supporting text only and changes cover housing tenure/occupancy so not relevant to habitats assessment. This modification does not alter the outcome of the June 2018 HRA.
MM55	CO9 - Botton Point 7	Minor change – changing 'future' character appraisal to 'adopted' character appraisal.	Minor change only for clarity. Changes made for clarity only and do not alter policy intention This modification does not alter the outcome of the June 2018 HRA.
MM56	CO10 Housing in Open Countryside	Minor change to delete 'as appropriate' before (2)	Minor change only for clarity. Changes made for clarity only and do not alter policy intention This modification does not alter the outcome of the June 2018 HRA.
MM57	CO11 Affordable Housing on Rural Exception Sites	<p>Changes to the first three criteria, made for clarity:</p> <ol style="list-style-type: none"> 1. Adjacent to the main built up area of Helmsley or a Larger Village; 2. Within or adjacent to the main built up area of a Larger Village, where the site <u>would not meet the requirements of Policy CO7;</u>where the site is capable of accommodating more than five dwellings 3. Within or adjacent to the main built up area of a Smaller Village, <u>where the site would not meet the requirements of Policy CO8,</u> provided a Sustainability Appraisal demonstrates that the homes will contribute to the environmental, social and economic sustainability of the 	Changes made for consistency only and do not alter policy intention. This modification does not alter the outcome of the June 2018 HRA.



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		settlement.	
MM58	CO12 Conversion of Existing Buildings in the Open Countryside	Change made to criteria 1 for clarity - historic interest importance Other changes made for consistency only. New criterion (d) added so that conversions policy also applies to community facilities.	Changes made for consistency only and do not alter policy intention. New criterion (d) not considered to be a significant change. This modification does not alter the outcome of the June 2018 HRA.
MM59	Policy CO13 Local Connection Criteria for Local Needs Housing	Local connection criteria amended for simplicity and to remove requirement for those needing or providing supporting to be living within the National Park for at least three years. Supporting text policy on discharge of conditions now included in policy.	Supporting text only and changes cover housing occupancy requirements so not relevant to habitats assessment. This modification does not alter the outcome of the June 2018 HRA.
MM60	CO14 - Replacement Dwellings	Policy renamed for clarity (Replacement Dwellings in Open Countryside). Policy amended for consistency to refer to whole settlement hierarchy and criterion 2 amended for consistency - architectural or historic interest importance ;	Minor changes for consistency and clarity. Changes made for clarity only and do not alter policy intention. This modification does not alter the outcome of the June 2018 HRA.
MM61	CO15 Gypsy, Roma and Traveller Accommodation Criterion 4	Replaces 'pitches' with 'units', for clarity.	Minor changes for consistency and clarity. Changes made for clarity only and do not alter policy intention. This modification does not alter the outcome of the June 2018 HRA.
MM62	CO18 – Residential Annexes	Minor change for consistency: Residential annexes will only be supported permitted where:	Minor changes for consistency and clarity. Changes made for clarity only and do not alter policy intention. This modification does not alter the outcome of the June 2018 HRA.
MM63	CO19 Extensions to	Minor amendment to criterion 2 to make clear that "the land" is that	Minor changes for consistency and clarity. One



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	Domestic Curtilages	into which a domestic curtilage is proposed to extend. Criterion 4 deleted as cannot be required – also unclear – replaced by supporting text with examples of possible improvements.	criteria deleted as cannot be required. Changes do not alter policy intention. This modification does not alter the outcome of the June 2018 HRA.
MM64	CO20 – Equestrian Development for Private Use Criterion 1	The word ‘adverse’ is proposed to be removed from criterion 1 for consistency with Strategic Policy L.	For consistency. Changes do not alter policy intention. This modification does not alter the outcome of the June 2018 HRA.
MM65	CH 7: Monitoring and Implementation	Delete monitoring framework and replace with new framework set out at Appendix 1.	Monitoring Framework is not policy and will not affect outcome of HRA. This modification does not alter the outcome of the June 2018 HRA.
MM66	New Appendix 5	Insert housing trajectory diagram	Illustrative diagram, not policy and will not affect outcome of HRA. This modification does not alter the outcome of the June 2018 HRA.

B F Fleming
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 Fleming Ecology Ltd

17 February 2020