

Response to local authority consultation

Authority: North York Moors National Park Authority

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All responses or queries relating to this submission should be addressed to
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The charity will be referred to as CPRENorthYorkshire throughout this document

All CPRENorthYorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

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The North Yorkshire Branch of the Campaign to Protect Rural England CIO operates with the help of planning wardens in the different local authority administrative districts reporting directly to the branch following a recent restructure. All correspondence should therefore be directed to the 'Chair of CPRENorthYorkshire'. CPRENorthYorkshire is the only authorised body to represent CPRENorthYorkshire issues within the local area.

Introduction

CPRENorthYorkshire have previously commented upon the emerging Local Plan consultations published in 2016, and 2017 and welcomes the opportunity to comment upon the Local Plan 'Preferred Options' consultation. This is the first opportunity the public has had to comment on the document as a full 'draft plan'. Comments raised by CPRENorthYorkshire in this response are limited to those areas of the emerging Local Plan which are of most pertinence to the charity.

Comment

CPRENorthYorkshire are encouraged that the preferred options draft will deliver the strategic vision of the National Park Authority ('NPA') Management Plan and thus aid the delivery of the statutory duties which the NPA are committed to. The explanatory paragraphs linked to each of the 'special qualities' attributed to the North York Moors is particularly welcomed. It is considered that the inclusion of this text provides clarity to local communities, developers and decision-makers about the qualities of the National Park ('NP') that the NPA are seeking to protect and enhance.

Chapter 2 sets out the portrait, vision and objectives for the NP over the plan period until 2035. CPRENorthYorkshire welcomes the clarity afforded by the section entitled '*What the Authority's Vision Means for planning in the National Park*'. It is believed this will aid the most appropriate development to be delivered within the boundaries of the NP whilst taking account of the NPA's statutory duties. The clarification at Point 4 regarding intrusive structures associated with major development being inappropriate within the NP is useful. Should the definition contained within the Infrastructure Act (2015) of associated hydraulic fracturing (and alluded to within the Written Ministerial Statement - 2018) be translated to planning policy, this would technically mean that any development falling under the thresholds set out by statute would not constitute 'fracking'. Whilst the Government has stated that there will be no fracking in NPs, should activities fall below those thresholds and thus technically not be classed as fracking, the NPA would need to rely upon other policies within the Development Plan (including the Minerals and Waste Joint Plan) to determine planning applications within the NP boundary as no presumption against the development would exist.

Strategic Policy A sets out how the NPA will achieve sustainable development within the context of achieving the purposes of the NP. CPRENorthYorkshire are fully supportive of the inclusion of reference of the Sandford Principle within the policy. It is considered that this additional policy furthers that found in the Framework regarding Sustainable Development. It is in accordance with Section 62 of the 1995 Environment Act which states that greater weight should be afforded to the conservation and enhancement of the NP when a conflict arises between the statutory purposes of the NP.

The Settlement Hierarchy is supported. It is noted the 'tiers' have been re-ordered and that the 'open countryside' has been included within the hierarchy as opposed to how it was presented at the 'Current Thinking' September 2017 consultation stage. CPRENorthYorkshire supports the recognition given by the NPA to the differing settlements within the boundary of the NP which make up the 'larger village' and 'smaller village' tiers. Providing the appropriate scale of development within these areas will be critical to ensuring that the NP is maintained and enhanced from a landscape point of view. It should

also allow the most appropriate types of homes to be delivered where they are most needed to ensure that the NP retains a thriving population affordable to all.

In a similar vein, CPRENorthYorkshire fully endorses Strategic Policy C and believe that this policy will help to ensure that appropriate development occurs in the most appropriate of locations within the NP. The support for retaining and enhancing green infrastructure and associated biodiversity in this policy is encouraging and is welcomed.

CPRENorthYorkshire welcomes the statement made at paragraph 3.19 that the NPA does not wish to 'stifle innovation or originality'. Modern contemporary designs can be sympathetic to their surroundings and add to the architectural offer of the vicinity. Whilst understanding that heritage and cultural assets and their settings should not be harmed, CPRENorthYorkshire believe that in some circumstances it will be possible to construct a complimentary modern building near to a traditional style dwelling without harm being inflicted upon it.

The inclusion of Strategic Policy D - Major Development is welcomed. The policy which sets out the 'Major Development Test' and the supporting text provides clarity to in what circumstances the policy would be applied for applicants and local communities. CPRENorthYorkshire are fully supportive of the NPA's commitment to 'minimise' as oppose to moderate the adverse effects of a proposed development on the NP. This compliments the NPAs statutory duties and recognises the national importance placed on the protection of NPs.

Chapter 4 'The Environment' within the draft Plan is welcomed. It is considered that the addition of the supportive text to Policy G will provide extra clarity regarding the Landscape Character Types found within the NP which add to the uniqueness of the national asset. Providing this level of information within the plan makes it clear to potential applicants that the NPA will consider all applications in relation to its predicted impact on the sensitivity and capacity of the landscape character of the proposed site.

It is considered that the NPA should make it clearer within the text to Strategic Policy H, however, that applicants need to meet all the tests of point 3. This could be achieved by adding the word 'and' at the end of each criterion and by adding the following underlined text to the opening sentence to read: *Development proposals that are likely to have a harmful impact on protected or valuable sites or species will only be permitted where it can be proved that all of the following criteria have been thoroughly demonstrated...*

Having had the opportunity to read the Environment Topic Paper published as part of the evidence base in support of the emerging Local Plan, CPRENorthYorkshire are supportive of policies ENV2, 3 and 4 dealing with tranquillity, remote areas and dark skies. CPRE campaigns nationally and locally for these issues to be considered when policy-making and decision-taking so, therefore, the county branch is encouraged to see that the NPA has included these important aspects within the draft plan. Setting expectations within policy as opposed to purely within the supporting text highlights the importance of these topics to the NPA when seeking to protect the special qualities of the NP from inappropriate development.

The clarification of 'small scale wind turbines' within the supporting text to Policy ENV8 at paragraph 4.61 is welcomed. It is imperative that where such wind turbines are proposed, the turbine is at a height which is visually acceptable in terms of landscape sensitivity and the scale of buildings and other structures in the immediate vicinity of the proposal.

Whilst supportive of the principle of Policy ENV8, CPRENorthYorkshire believe that the NPA should be more ambitious with their target set out in bullet point b) which states that new development in the NP will be required to address the causes of climate change by requiring *"residential proposals of five units or more and other uses of 200 sq.m. or more to generate energy on-site from renewable sources to displace at least 10% of predicted CO₂ emissions."* It is commended that the NPA has sought a 10% displacement of

emissions since 2008, however, in 2018 this should be raised to a higher target to help meet the country's legally binding agreements on reducing climate change. Where possible carbon-neutral and passive house designs should be expected, and significant energy generation should be incorporated into all designs of five units or more as set out in the policy without harm being inflicted upon the special landscape.

CPRENorthYorkshire consider that the opening paragraph of Strategic Policy I 'The Historic Environment' is very long and could benefit from being broken down. It is considered that the reference to 'village, market town and rural character' is not needed.

Furthermore, CPRENorthYorkshire do not believe that the use of a second numbered list is appropriate within the policy. This should be replaced with bullet points to ensure clarity in referencing between the two lists.

CPRENorthYorkshire also have concerns that points 2 and 3 (shown below) of the second list could be used to justify harm to heritage assets as they are so subjective:

- “2. There is no less harmful viable option;*
- 3. The amount of harm has been reduced to the minimum possible.”*

The presumption in both national policy and case law is for the refusal of harmful applications. The NPPF states at paragraph 193 that: *“great weight should be given to the asset's conservation.... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Where harm is to be allowed, CPRENorthYorkshire are of the opinion that statement 1 of Policy I stating *“There is clear justification in terms of overriding, long term public benefit arising from the development which outweighs the harm caused”* should be sufficient. If the Authority wants to keep all three reasons to approve harmful applications, the policy should make it clear whether the requirement is for 1 and 2 and 3 to be met or whether it should be 1 or 2 or 3 as the implications of each are very different.

It is considered that paragraph 4.66 of the supporting text should also mention structures associated with the National Park's ecclesiastical heritage.

Contained within Policy ENV9 should also be reference to the following heritage assets which are important to the conservation of the NP: trods, historic pavements, milestones and boundary stones and historic water management systems associated with monastic ruins, milling, farming, industry and domestic use e.g. Fords and Water Courses.

It is believed that Policy ENV11 point 3 should read 'their' significance not 'its' and that the words 'the remainder of' in paragraph 4.78 should be deleted. In paragraph 4.97 there appear to be two typos - ' consists general' should also be altered to read 'consist generally', whilst 'in some cases a spaces' should be 'in some cases a space'.

Within Chapter 5 (Understanding and Enjoyment) tourism opportunities for the NP are discussed which are a vital component of the North York Moors economy. It is important that proposals benefit the local economy but not reduce the quality of life for residents or the visiting experience for existing visitor attractions / accommodation providers.

Policy UE1 is welcomed as this provides clarity for local communities and applicants as to in which circumstances camping and glamping pods (not caravans) will be considered to be appropriate development and what criteria any such proposal should seek to meet. It is acknowledged that with changing agricultural practises and the uncertainty around BREXIT, existing rural enterprises are exploring opportunities for diversification. Whilst this is to be encouraged and accepted as necessary in some areas, this does not mean that the entire NP should become a glamping site. It is believed that this policy sets out clear parameters that will stop this from occurring.

In a similar way, Policy UE2 specifies when permission will be granted for small-scale sites for cabins, chalets, caravans and motor homes. The distinction between the two types of development provided by the two policies is welcomed. CPRENorthYorkshire note and support the fact that paragraph 5.15 explains that “*new sites or extensions to current sites resulting in more than twelve new pitches for such development will rarely be considered acceptable*”, however, believe the inclusion of the underlined word above would further clarify this point. Furthermore, CPRENorthYorkshire support the fact that the NPA are actively seeking to control the number of new static caravans. In recent experience, across North Yorkshire, more and more static caravan sites are being utilised as main homes, or second homes, for prolonged periods of time by private individuals and thus preventing visitors to the area utilising this form of accommodation. CPRENorthYorkshire believe that in some cases static caravans can be incongruous within designated landscapes and therefore should only be approved in exceptional circumstances where any harm has been appropriately mitigated and minimised.

CPRENorthYorkshire are concerned that the supporting text to Policy BL3 (within Chapter 6) may limit the future rural economy of the NP with the uncertainty surrounding BREXIT at the current time. It is understood that traditionally, farm diversification projects were intended to supplement the main farm business. However, CPRENorthYorkshire are becoming increasingly aware, having had the chance to view consultations recently published by DEFRA and the NFU, that certain agricultural practises (like upland sheep farming) may become unviable and landowners may need to consider major diversification projects to secure their livelihoods and land. It would clearly remain paramount that whatever outcome BREXIT delivers, the local landscape of the NP should be protected and enhanced. CPRENorthYorkshire believe, therefore, that the text contained in paragraph 6.15 should be altered to remove reference to diversification projects ‘supplementing the core business and not supplant it’. In an ideal scenario this would indeed be the case, however, given the statutory duties of the NPA and the need to deliver a Local Plan for the next 15 years, it is considered that this may prove to be too limiting at this stage. Should this wording be adopted, the NPA should commit to reviewing the Local Plan at the earliest possible time juncture following BREXIT as it is considered that five years from adoption may be too late for the protection of some livelihoods and thus not allow the NPA to perform its third statutory duty of “*Seek to foster the economic and social well-being of local communities within the national parks*”. Agricultural practises over history (alongside other human activities) contribute to the historic fabric that makes the NP landscape what it is today. Should this cease to exist in the future, landowners and land managers will need to secure other ways of securing an income from their assets which are complimentary to the objectives of the NP.

CPRENorthYorkshire welcomes the explanation provided in paragraph 7.23 regarding the strategy for housing within the emerging Local Plan. This is fully supported.

CPRENorthYorkshire believe that Policy CO14 which sets out the Local Connection Criteria for Local Needs Housing is currently too wide and will not necessarily provide housing for those in most need. For example, a resident of Helmsley with a large detached market value home may be suitable for local needs housing via the first criterion of the policy. However, the resident may not actually fall into the category of ‘financial need’ but has found a barn within the open countryside or a small settlement in the NP that is suitable for conversion and under this policy is available to purchase at less than market value (making the conversion viable). This allows said resident to develop the having sold their detached dwelling in Helmsley for a large value whilst commuting to Helmsley or another larger settlement not necessarily based within the NP on a daily basis for work. Meanwhile, someone in genuine housing need with a genuine connection to the local area, has missed out on the opportunity of purchasing a reasonably low value barn conversion. It is recognised practise that in planning authorities’ outside of the NP boundary, a

pyramid approach is adopted with residents within a particular parish taking priority above those in neighbouring parishes. Should no one come forward, the connection criteria cascades down to the neighbouring parishes. This policy covers the entire of the North York Moors NP and enables loopholes to be exploited. It is thought that the NPA should require an applicant for local needs housing to be able to demonstrate fully their 'need' when meeting criteria 1 and 2.

In order to be effective, it is thought that the NPA should provide greater clarity to developers and local communities as to what circumstances constitute 'compelling planning considerations' to allow an extension of more than 30% of the original habitable floorspace of a dwelling in Policy CP18 and paragraph 7.91 of the supporting text. It should also be recognised that in some cases a 30% extension would not deliver a large extension. Whilst CPRENorthYorkshire would not wish to see harm to the character of the NP, it is important to recognise that this is a relatively expensive part of the world to reside. To remain affordable to younger generations of families who have, for example, farmed an area of the NP for generations, or who have grown up in the NP and wish to remain living there, sometimes it may be necessary to allow a more extensive extension to be constructed without the local occupancy condition being attached - as a new build house would. It is felt that this would go some way to preventing a declining population, especially when technologies make it possible for increasing numbers of people to work from home.

Conclusion

Having provided comments on previous iterations of the emerging Local Plan, CPRENorthYorkshire welcomes the opportunity to provide a representation on the Preferred Options Local Plan consultation.

CPRENorthYorkshire supports and welcomes the emerging Local Plan. Read holistically the document should provide the policy focus required for the NPA to deliver their statutory duties and preserve and enhance the special qualities cited in the 1947 Hobhouse Report which originally recommended the North York Moors designation as a NP.

CPRENorthYorkshire support the recognition provided that the NP must remain a dynamic entity in order to support the existing local residential communities and economic activities located within its boundaries. At the same time, the special landscape is afforded the highest protection in national planning policy. It is important that an appropriate balance is struck between the protection of the landscape as a national asset and supporting the local populations it contains. CPRENorthYorkshire are confident that the policies found within the emerging document, subject to the suggestions made within this response, will be effective in striking the right balance.

CPRENorthYorkshire would wish to be kept informed of the status of the Local Plan and look forward to commenting on future iterations of the emerging policy document.