

City of York Core Strategy Examination

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Inspector: David Vickery DipT&CP
MRTPI

Date: 18 May 2012

Dear Mr Roberts,

Monks Cross Scheme Implications

I have become aware of the Council's recent decision to refer to the Secretary of State its intention to approve planning application 11/02581/OUTM concerning land at Huntington Stadium to the west of Jockey Lane, Huntington (subject to conditions and a legal agreement). This application involves the erection of a 6,000 seat community stadium with conference facilities (use class D2) and community facilities (use classes D1 non-residential institution, D2 assembly and leisure and B1 office), retail uses (use class A1), food and drink uses (use classes A3/A4 & A5), recreation and amenity open space on a 17.9 hectare site. I note that there would be two large stores proposed to be occupied by Marks and Spencer and John Lewis, as well as other retail space and four restaurants. The stadium would be used by York City Football Club and York City Knights, and there would be a community building. These would be added to the existing Monks Cross development.

I have seen the committee report on the application proposal and noted the officer's comments on its likely retail impact on the city centre, particularly on the Castle Piccadilly and the York Central proposals and thus on the defined City Centre retail area.

I emphasise that this communication should not be interpreted as interference in local decision making or of fettering it in any way - the decision has, in any event, already been made. My sole concern is the impact of the Council's decision in principle to approve the Monks Cross proposal on, and its consequences for, the Examination that I am undertaking of the submitted Core Strategy.

I assume that the Council will now wish to alter its policies in the Core Strategy to reflect its decision in principle to grant planning permission at Monks Cross. If that is the case, then there would need to be significant and major changes

to the main retail policy (CS17), the transport policy (policy CS18), the employment policy (CS16) because part of the Monks Cross site is presently proposed for employment use, and the community facilities policy (CS11) as well as a detailed reassessment of, and consequential modifications to, the policy CS3 York Central strategic allocation. The retail, transportation, employment and community facilities evidence bases would also need to be reviewed and altered.

None of work involved in these suggested modifications or the additional evidence base work was allowed for when the examination was suspended for 6 months in my letter of 1 May 2012 following the Exploratory Meeting on 23 April 2012. I am concerned that such likely changes would result in a substantially different set of strategic policies and direction for York from those submitted, particularly so far as the retail, economic, transport and community facilities implications and policies are concerned. I remind the Council of paragraph 9.25 in the Inspectorate's *Procedure Guidance* booklet on Examinations which says:

"If major additional work needs to be carried out on a DPD, it is likely that the submitted DPD was not 'sound' on submission and the LPA should follow the withdrawal route..."

And also paragraph 9.23 (iii):

"If it [the further work] leads to a substantially revised document to that submitted, it begs the question of what the Inspector is examining and seems therefore to be inappropriate."

There would be additional delay required to upgrade the evidence base, carry out a new Sustainability Appraisal, and to consult with local people on the suggested policy modifications which would, in all probability, go beyond the 6 month suspension period already granted. Paragraph 9.23 (ii) of the *Procedure Guidance* says:

"A delay of more than 6 months would create a great deal of uncertainty within the examination process for those who have submitted representations at the publication stage. Furthermore a delay of this period should only be necessary if the LPA were proposing major changes to the DPD which had not been adequately frontloaded in which case it should be withdrawn to allow the proper procedures to be followed for a revised version of the DPD."

On the other hand, if the Council decide to carry on with the Examination on the basis of the current policies and evidence base, then the Core Strategy would not reflect the Council's desired strategic objectives for the City of York, and a radical review of it would be required if planning permission was ultimately granted for the Monks Cross proposal. Representors would, in fairness, have to be given the chance to comment on the implications for the Core Strategy of the Council's Monks Cross decision and the possibility of it receiving planning permission. In such uncertain circumstances, I am

concerned that the Core Strategy would fail the soundness tests in paragraph 182 of the Framework - namely, that it is **justified** as being the most appropriate strategy, and **effective** in being deliverable over the plan period.

I therefore wish to know how the Council wishes to proceed with the Core Strategy Examination. Which of the above options is it likely to take? Does it wish to withdraw the Core Strategy? Or does the Council have another, different view or option it wishes to pursue? I am seeking the Council's views now because - as the *Procedure Guidance* booklet says at paragraph 9.26 - it is in no-one's interest if time and money is spent on a DPD examination which is heading towards a possible unsoundness outcome.

Please place this communication on the Examination web site under a new sub-heading of 'Monks Cross Implications' before the 'Pre-Hearing' heading so that representors are aware of it. Any reply to me should also be placed in this location on the web site.

Yours sincerely,

David Vickery

Inspector