



Economy and Place Directorate
Forward Planning Team
West Offices
Station Rise
York YO1 6GA

Inspector Simon Berkeley BA MA MRTPI and
Inspector Andrew McCormack BSc(Hons) MRTPI Date: 25th March 2019
C/O Carole Crookes
Independent Programme Officer Solutions
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Wakefield
West Yorkshire
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Dear Mr Berkeley and Mr McCormack

Many thanks for your letter dated 12th February 2019 regarding the examination of the City of York Local Plan which we responded to in our clarification note sent to you on the 18th February 2019. In our previous letter of 29th January 2019 we advised that the completion of the Visitor Survey and subsequent discussions with Natural England as part of an updated Habitat Regulations Assessment may result in main modifications to sites and that we would be in a position to put these forward for your consideration by mid March, together with the comprehensive addendum to the existing Topic Paper 1 – Approach to York’s greenbelt [TP1] that provides additional clarification to the matters raised in your letter of 24th July 2018.

Habitat Regulations Assessment (HRA)

As detailed in our January letter the Council commissioned Footprint Ecology to undertake visitor surveys at Strensall Common Special Area for Conservation (SAC) and the Lower Derwent Valley Special Protection Area (SPA) and a final draft report was issued in January 2019. This report was subsequently shared with Natural England who met with the Council and our HRA consultants on Monday 4th February 2019. It is considered that the visitor survey provides new, strong evidence that the proposed mitigation set out in Policy SS19 of the submitted Plan and the proposed modifications submitted with the Plan [CD003] cannot be completely relied upon. Therefore the Council, as the competent authority, cannot conclude that the

proposed site allocations ST35 (Queen Elizabeth Barracks) and H59 (Land at Howard Road, Strensall) and the associated site specific policy SS19 would not undermine the conservation objectives for Strensall Common SAC.

This new evidence contradicts the expectation of the submitted HRA [CD012] that the additional requirement for a wardening service would remove the threat of an adverse effect on the integrity of the SAC given the predicted increase in visitor numbers of 24%. Fundamentally this scale of increase, the uncertainty surrounding the effectiveness of the mitigation measures and the associated increase in the worrying of livestock ensures that adverse effects on integrity (AEOI) cannot be ruled out.

To avoid an AEOI it is recommended in the updated HRA that proposed site allocation ST35 and H59 are removed from the submitted Plan. These proposed modifications to the submitted Plan are set out in the enclosed main modifications schedule. These modifications were approved by the Council's Executive at their meeting on the 7th March 2019.

The Council has consulted with Natural England and their correspondence is enclosed. For Strensall Common SAC Natural England conclude that *'given the scale of increase in access predicted from the visitor surveys, the proximity of new development and concerns relating to current impacts from recreation, adverse integrity on the SAC cannot be ruled out as a result of the quantum of development proposed. In addition for individual allocations that are adjacent to the site it will be difficult to rule out adverse effects on integrity'*. Natural England also state, in relation to potential approaches to mitigation, that *'Natural England does not believe it is possible to rule out an adverse effect on the integrity of the Strensall Common SAC as a result of allocations currently included in the draft York Local Plan'*.

Objective Assessment of Need (OAN)

As outlined in our January letter a review of the OAN has now been undertaken by consultants GL Hearn and has been submitted for your consideration. The Housing Needs Update report (2019) supersedes the previous SHMA Update (2017) [SD050]

and advises that York's OAN is 790 dwellings per annum. This is based on a detailed review of the latest published evidence including the national population and household projections and the latest mid year estimate. The review has been undertaken based on applying the requirements of the National Planning Practice Guidance in relation to the assessment of housing need, under the 2012 NPPF, applying transitional arrangements.

The Council considers that the submitted Plans housing supply can be robustly demonstrated to meet the revised OAN of 790 dwellings per annum both for the plan period to 2033 and post plan period to 2038. The proposed housing supply in the submitted Plan includes an appropriate level of flexibility in order to deal with unforeseen circumstances over the duration of the plan period. Whilst the flexibility in the proposed housing supply has increased by approximately 1500 dwellings as a consequence of the reduction in the OAN it is considered that this additional flexibility is warranted due to the need for increased flexibility to help to future proof the Plan in the context of NPPF 2019. The proposed supply of sites will create a green belt boundary for York which will endure beyond the end of the plan period to meet longer term development needs, as set out in paragraph 83 of NPPF (2012).

The Council is proposing to make minor modifications to the submitted Plan as a result of the updated OAN and these modifications are enclosed. These modifications include an update to figures 5.1 and 5.2 of the Plan – the housing trajectory and figure 6 of the Strategic Housing Land Availability Assessment (SHLAA) [SD049A] which provides the detailed housing trajectory. The housing trajectories are provided for both the plan period to 2033 and for the post plan period to 2038. These trajectories include the deletion of sites ST35 and H59 outlined in the HRA section above.

Green Belt

As requested in your letter of 24th July 2018 the Council has produced an addendum to Topic Paper 1: Approach to York's Green Belt. The TP1 Addendum provides further clarity on the approach to defining the inner and outer green belt boundary and the exceptional circumstances within which allocations within the general extent

of green belt have been made. This work brings together conclusions from previously published evidence and decision making.

As part of the further work undertaken to produce the Addendum to Topic Paper 1 and as a result of the proposed modifications required by the updated HRA the Council is proposing minor modifications to the green belt boundary depicted on the 2018 policies map.

We are grateful for your indication that you will do all you can within the scope of your role to assist the Council and that we have been given the opportunity to address the above issues. We can ensure you that the Council is committed to the examination process and the adoption of a sound Local Plan for the City and we will do everything we reasonably can to achieve this.

As required by Section 20 (7)(c) of the Planning and Compulsory Purchase Act 2004, City of York Council formally requests that, in your role as the Inspectors appointed to carry out the examination of the City of York Local Plan, you recommend modifications to the document that would ensure the plan:

- a) Satisfies the requirements in section 20(5)(a) of the Planning and Compulsory Purchase Act 2004; and
- b) Is sound.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Neil Ferris', with a stylized flourish at the end.

Neil Ferris
Corporate Director - Economy and Place