

ST9
STATEMENT OF COMMON GROUND
for City of York Local Plan Publication Draft 2018
1st Phase of Hearings

DATE OF HEARING 10th-19th December 2019

SITE NAME: ST9

PARTIES:

AGENT/DEVELOPERS: DPP on behalf of Linden Homes Strategic Land ('Linden') and Barton Willmore on behalf of Barratt and David Wilson Homes Yorkshire Division ('BDWH') ('the Developers')

LOCAL PLANNING

AUTHORITY: City of York Council

INTRODUCTION:

- 1.1 The purpose of this Statement of Common Ground (SoCG) is to inform the Inspectors and other groups about the areas of agreement or disagreement between City of York Council (CYC) and the Developers of proposed allocation ST9 in order to save time during the Hearing process.
- 1.2 The topics covered in this SoCG are particularly in relation to the strategic matters for the 1st phase of Local Plan Hearings but highlights those issues where agreement has not been reached but are subject to discussion at later hearing stages.
- 1.3 The approach set out in this Statement of Common Ground is in accordance with the requirements within the Government's Planning Practice Guidance.

BACKGROUND:

- 1.4 The Developers have previously made representations to the City of York Council in respect of previous consultation exercises on the Local Plan. Throughout the plan making process these representations have demonstrated that the proposed housing allocation on land North of Haxby, Haxby (strategic housing site ref: ST9) is suitable for housing development, is available and that residential development is viable and achievable on the site.

- 1.5 In addition to this Statement of Common Ground the Developers have submitted specific responses to the Inspector's issues and questions as set out in the Schedule of Matters, Issues and Questions document (Examination Ref: EX_INS_7) published on the 28th October 2019.
- 1.6 The Developers wholly supports the allocation known as ST9. The Developers also supports the estimated development capacity of ST9 and confirm that this can be delivered in the plan period.
- 1.7 The areas of agreement and disagreement are explored below.

MATTERS ON WHICH PARTIES AGREE:

The following have been identified as matters on which the parties agree on as areas of common ground:

1. Legal compliance

Duty to Co-operate

The Plan has been prepared in accordance with the 'duty to cooperate' imposed by Section 33A of the Planning & Compulsory Purchase Act 2004 in that it has co-operated with neighboring authorities and prescribed bodies through constructive and on-going engagement on the impacts of sustainable development as set out in CD020 EX/CYC/7a and EX/CYC/23

Sustainability Appraisal (SA)

The City of York Local Plan Sustainability Appraisal has been prepared in accordance with Directive 2001/42/EC¹ and Environmental Assessment of Plans and Programmes Regulations 2004 (statutory instrument 2004 No.1633).

Habitats Regulations Assessment (HRA)

The City of York Local Plan Habitats Regulations Assessment has been undertaken in accordance with the Conservation of Habitats and Species and Planning Regulations (various amendments) (England and Wales) (2017) and the European

¹ on the assessment of the effects of certain plans and programmes on the environment

court case 'People Over Wind'².

The outcomes of the updated HRA [EX/CYC/14c], are accepted for ST9 acknowledging the site forms a component of an identified recreational uplift on Strensall Common (SAC) as per Appendix D.

The residual visitor pressure identified in the HRA (7%) for Strensall Common SAC can be mitigated through policies in the Local Plan (site specific ST9 and Section 9: Green Infrastructure) which identify a need for on-site openspace provision.

The parties will continue engagement through the examination period prior to Phase 2 to agree a recreational strategy for ST9 to identify appropriate mitigation.

2. The housing strategy: the objectively assessed need for housing, the housing requirement and the spatial distribution of housing

The Housing Market Area

For the reasons given in EX/CYC/7 it is considered appropriate that the York Local Plan seeks to meet its own objectively assessed housing need within the authority boundary.

Spatial Distribution of Housing

The spatial shapers identified in Policy SS1 are appropriate in determining the general location of development in York.

The City of York Local Plan's development strategy, as set out in Policy SS1 [CD001] reflects an appropriate strategy, when considered against the reasonable alternatives in the Sustainability Appraisal [CD008, CD011 and EX/CYC/24a].

The spatial strategy principles have been appropriately followed in respect of the proposed allocation of ST9.

3. Green Belt: Principles, the approach to defining Green Belt boundaries, exceptional circumstances and the approach to identifying land to be 'released' from the Green Belt for development.

² case c/323-17 'People over Wind'

Principle of Green belt

The principle and general extent of York's Green Belt is established by the Regional Spatial Strategy (RSS) through saved RSS policies YH9(C) and Y1 (C1 and C2) [CD021].

The City of York Local Plan is tasked with justifying the detailed inner and outer boundaries of the existing York Green Belt.

The City of York Local Plan approach to the proposed Green Belt boundary around proposed allocation ST9 is appropriate and in compliance with the NPPF as:

- The site boundaries of ST9 have been established in a manner which seeks to protect spatial and visual openness, promote sustainable patterns of development and ensure consistency with the Local Plan strategy
- The approach taken to defining the site boundaries of ST9 utilises physical features which are readily recognisable, can be seen on the ground and on a map and are likely to be permanent.
- As per section 7 of the Green Belt TP1 Addendum [EX/CYC/18] exceptional circumstances have been demonstrated to allow for the removal of land from the Green Belt given there is insufficient capacity on suitable and deliverable sites within the existing urban areas of York to be able to meet York's Development needs.
- The exceptional circumstances presented in section 7 of the Green Belt Addendum [EX/CYC/18] are in line with the 5 tests set out in *Calverton Parish Council v Greater Nottingham Councils* (2015) EWHC.
- The land proposed to be removed from the York Green Belt to provide for the allocation of ST9 is in accordance with the City of York Local Plan spatial strategy and SHLAA methodology [SD0049] which promotes sustainable patterns of development while protecting land which needs to be kept permanently open and preventing urban sprawl.
- The land to be removed from the York Green Belt to allow for the allocation of ST9 has been selected so as to cause the least harm to the historic character and setting of the city with appropriate mitigation measures tested through Heritage Impact Appraisals.

4. Suitability of the Site for Residential Development

The Developers have consulted Haxby Town Council at an early stage of the Local Plan.

Throughout the plan making process various representations have demonstrated that ST9 is suitable for housing development. This has been underpinned by a number of technical surveys and reports including:

- Landscape Appraisal;
- Flood Risk and Drainage Strategy;
- Arboricultural Report;
- Air Quality Appraisal;
- Geophysical Survey;
- Geo-environmental Appraisal;
- Development Brief;
- Sustainability Statement;
- Design and Access Statement;
- Transport Statement;
- Noise Impact Assessment;
- Ecological Appraisal;
- Great Crested Newt Survey;
- Breeding Bird Survey;
- Hedgerow Survey;
- Water Vole Survey;
- Bat Activity Survey;
- Walkover Botanical Survey.

These reports have indicated that the site is developable and that there are not constraints which would preclude residential development on ST9. The Developers have an agreement to collaboratively work together to bring the site forward as soon as possible. ST9 is suitable for housing development, is available and residential development is viable and achievable on the site.

A masterplan has been prepared for the site which has sought to create the following:

- A development which will form a natural extension to the main urban area of Haxby, responding sympathetically to

- the unique character of the area;
- Provide a development at a scale which can be accommodated by the landscape setting;
- A development that integrates the housing cells within the existing field pattern of the site and preserving important natural features including mature hedgerows and trees, watercourses and ponds;
- Potential provision of a new primary school and local community facilities;
- Enhancement of the amenity value of the site with new planting and the creation of accessible open space connected with new pedestrian routes; and
- Provision of a sustainable urban drainage scheme, creating new wetland areas designed to provide opportunities for nature conservation as well as improving the amenity value of the site.

The Developers intend to work proactively with the Council, statutory consultees and other key stakeholders as part of a future planning application.

MATTERS ON WHICH PARTIES DISAGREE:

The following have been identified as matters on which the parties disagree relating to the strategic matters of

<u>The Objectively Assessed Housing Need (OAHN)</u>	
Agent/Developers	LPA
<p>The City of York Housing Needs Update (January 2019) [EX/CYC/9] does not represent a robust evidence base approach to establishing the OAHN.</p> <p>The OAHN is based on is based on the 2016-based projections and 2017 mid-year estimates. The Government have made clear that the 2016 projections should not be used under the standard method. The use of these projections in calculating an OAHN is no different as they still have the undesired effect of reducing the housing need thus undermining</p>	<p>The City of York Housing Needs Update (January 2019) [EX/CYC/9] is a robust evidence base approach prepared in accordance with the PPG under the NPPF (2012), applying transitional arrangements, to take into account the 2016-based SNPP and household projections and the 2017 mid-Year Population Estimates (MYE) as the most recent demographic data.</p> <p>The OAHN has been derived through a robust assessment of housing need which as per the PPG examines demographic need, economic growth, market signals and affordable housing</p>

the Government’s ambitions to increase national housing delivery to 300,000 dwellings per annum by the mid-2020s.

Further the Local Plan is not compliant with the NPPF or the PPG as it has not taken into account market signals and the pressing need for additional afford homes in a robust and appropriate fashion. It is considered that the 15% uplift identified within EX/CYC/9 should be applied to the housing requirement and not the baseline figure.

The 2014 projections should be used instead to provide a robust assessment of housing need for York.

need.

The Housing Requirement

Agent/Developers

As per the above the Developers do not believe the OAHN is sound and is not compliant with national policy and guidance. As a result, the housing requirement will not provide sufficient dwellings per annum or across the plan period to meet the housing need to ensure affordability within the market.

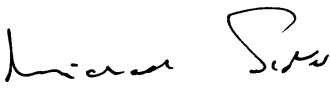
LPA

As set out in SA Report Addendum [EX/CYC/24a], the Housing Needs Update, January 2019 (GL Hearn) [EX/CYC/9] is prepared in accordance with the PPG under the NPPF (2012), applying transitional arrangements, and is a detailed review of the latest national and sub-national 2016 based population and household projections and the latest mid-year population estimates and determines the most appropriate housing figure for inclusion within the Local Plan

The Council has proposed a modification to policy SS1 (PM4) through the Proposed Modifications Consultation (June 2019) [EX/CYC/20] to align with the updated OAN evidenced through the City of York Housing Needs Update 2019 [EX/CYC/9]. This proposes that the Plan will seek to deliver a minimum annual provision of 790 new dwellings over the plan period to 2032/33.

THIS STATEMENT OF COMMON GROUND HAS BEEN AGREED BY:

CITY OF YORK COUNCIL

Signed.....


Name.....Mike Slater (Assistant Director Planning and Public Protection)

Dated.....6/12/19

Agents/Developers of ST9

Linden Homes Strategic Land

Signed:


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Name:

Matthew Rhodes
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Date:
5/12/19
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**Barton Willmore on Behalf of Barratt and David Wilson Homes
Yorkshire Division**

Signed:


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Name:
Stuart Natkus
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Dated: 5 December 2019
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