

# **Statement of Common Ground**

## **1<sup>st</sup> Phase of Hearings**

**As agreed between City of York Council and Historic England**

4 December 2019

## **Introduction**

1. This Statement of Common Ground (SoCG) has been prepared jointly between City of York Council and Historic England. The purpose of this SoCG is to inform the Inspector of areas of agreement between the two parties in relation to the matters to be heard during the 1<sup>st</sup> phase of hearings into the submitted draft York Local Plan (Local Plan) [CD001].

## **Background**

2. Historic England are the public body that helps people care for, enjoy and celebrate England's historic environment. It is an independent grant-aided body governed by Commissioners. It was established with effect from 1 April 1984 under Section 32 of the National Heritage Act 1983 and initially operated under the title of English Heritage. From 1 April 2015, its operational name changed to Historic England. Historic England is a statutory consultee on all aspects of the historic environment and its heritage assets.
3. City of York Council has consulted Historic England at each stage of the preparation of the Local Plan. In addition, there has been ongoing engagement in relation to the preparation of the Heritage Topic Paper [SD103] and Heritage Impact Appraisal [SD101 and SD102] that accompany the Local Plan. Full details of this engagement is covered in relation to the Duty to Cooperate and is set out in CD020, EX/CYC/7a and EX/CYC/23.

## **Areas of Agreement**

4. The following matters and issues have been identified as areas on which the parties agree are common ground:

### *Matter 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 neighbouring 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

- As an approach, the Heritage Impact Appraisal process has provided a good evaluation of the potential impact the submitted plan might have upon the six principal characteristics of the historic city identified in the Heritage Topic Paper. The use of this evaluation in SA Objective 14 (Heritage Assets) and Objective 15 (Landscape and Setting) is appropriate.

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

#### The Housing Strategy: spatial distribution

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

- The City of York Local Plan’s development strategy as set out in Policy SS1 [CD001] reflects the most appropriate strategy, when considered against the reasonable alternatives in the Sustainability Appraisal [CD008, CD011 and EX/CYC/24a], based on proportionate and updated evidence.
- The spatial strategy principles have been appropriately used to develop the pattern of development as identified on the key diagram. The Local Plan Spatial Strategy [CD001] will help to safeguard the size and compact nature of the historic city, the perception of York being a free-standing historic city set within a rural hinterland, key views towards York from the ring road, and the relationship of the main built-up area of York to its surrounding settlements.
- As part of the strategy for accommodating York’s assessed development needs, there is considerable merit in the potential offered by the proposed new settlements. Whilst this approach clearly affects the openness of the Green Belt in those locations, the degree of harm is likely to be far less than would be caused should the housing in those settlements be located, instead, on the edge of the existing built-up area of the city or in its surrounding settlements.

*Matter 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.*

- 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 therefore not seeking to establish new Green Belt.

- 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 York Green Belt is appropriate and in compliance with the National Planning Policy Framework as follows:
  - The approach used to define the detailed Green Belt boundaries around the city has been logical, appropriate and proportionate.
  - 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. Exceptional circumstances are required to remove land from the Green Belt to be in line with NPPF as set out in Section 7 of the TP1 Addendum [EX/CYC/18].
  - The size and location of the new settlements has taken into account the relationship which York has with its existing surrounding villages – an element which has been identified in the Heritage Topic Paper [SD103] as being part of the character of the city. They have been designed to ensure that they do not harm the compact form of York's main urban area, or the individual identity or rural setting of their neighbouring villages, the green wedges that penetrate into the urban area, and important views towards the historic city from the ring road.

5. Notwithstanding the number of areas of common ground in relation to the Sustainability Appraisal and the Green Belt as set out above, the following have been identified as areas of disagreement in relation to Matters 1 and 3:

<b>Sustainability Appraisal</b>	
<b>Historic England</b>	<b>City of York Council</b>
There is no evidence which demonstrates what account the Council took of the responses that were received to the 2017 consultation on the 'Heritage Impact Appraisal' [Doc. SD101 and SD102]. This was the key document that was used to assess the potential impact which the prospective development sites might have upon the historic environment	Appendix B of the Sustainability Appraisal 2018 [CD009A] sets out a schedule of responses by specific consultee including those made to the 2017 Pre-Publication consultation. This includes a summary of comments made by consultee and the proposed action/response.
It is unclear how the SA reached its overall conclusions about the likely impacts which each of the sites might have upon the historic environment	Paragraph 1.7.2 to 1.7.7 of the Sustainability Appraisal [CD008] sets out how the Heritage Impact Appraisal (HIA) has informed the draft Local Plan as part of the Sustainability Appraisal and specifically in respect of SA objectives 14 and 15 for both policies and sites.
<b>The Green Belt – Permanence</b>	
<b>Historic England</b>	<b>City of York Council</b>
The end-date by which the Green Belt boundaries may need to be reviewed needs to be amended in order to give the York Green Belt the degree of permanence envisaged by Paragraph 79 of the NPPF2012.	The Council is satisfied that Green Belt boundaries will not need to be altered at the end of the plan period (2032/33), therefore establishing their permanence by being capable of enduring beyond the plan period (2037/38). This is in line with Paragraph 83 of NPPF2012.

<b>The Green Belt – Purposes</b>	
<b>Historic England</b>	<b>City of York Council</b>
<p><i>Purpose 1: To check the unrestricted sprawl of large built-up areas</i> Access to two or more services seems largely irrelevant in terms of this Green Belt purpose.</p>	<p>As set out in the City of York Council Topic Paper Approach to Defining York’s Green Belt (May 2018) [TP1], incremental development in remote locations without access to services would exacerbate urban sprawl. The identification of areas with limited services as among those to keep permanently open therefore supports Purpose 1. By identifying all the land in York which does not currently have access to two or more services and designating this land to be kept permanently open as Green Belt, development is channelled towards sustainable locations and sprawl is restricted.</p>
<p><i>Purpose 2: To prevent neighbouring towns merging into one another</i> Given that York does not have any ‘towns’ this purpose is irrelevant. Preventing coalescence is incredibly important in terms of the special character and setting of the City and all of these areas are already addressed in the assessment of its primary purpose. Suggest deleting Purpose 2.</p>	<p>Whilst York does not have any major towns close to the general extent of the Green Belt, the Planning Advisory Service ‘Planning on your Doorstep: The Big Issues Green Belt’ guidance supports an approach which analyses the need to prevent the coalescence of smaller settlements and villages. Keeping open areas between settlements maintains separate communities and distinct identities and prevents settlements from coalescing.</p>
<p><i>Purpose 3: To assist in safeguarding the countryside from encroachment</i> The natural assets of the city are not relevant to this Green Belt purpose (although they do form part of the special character of the historic City (as the Heritage Topic Paper makes clear)). It would be preferable if they were deleted from this purpose and,</p>	<p>This purpose is achieved through the overall effect of the York Green Belt and through the identification of particular parcels of land which should be kept permanently open. The Local Plan evidence bases recognise that York’s natural assets form part of the overarching narrative of factors which has helped to shape the landscape as</p>

<p>instead, it concentrated on identifying those areas which safeguard the countryside from encroachment.</p>	<p>well as inform the character and setting of York. Areas of open character can contribute to informing the detailed boundaries of the Green Belt by identifying the valuable areas close to the urban fringe that need to be kept permanently open to protect the countryside from encroachment. Many of the open areas close to the urban area may be designated through the 2017 update to the open space study. Understanding the type of openspace and how it connects to the urban areas visually and through its context as well as through ease of accessibility and public rights of way can help inform a decision as to if the land is of an urban or rural nature.</p>
<p><b>The Green Belt - The approach to identifying land to be ‘released’ from the Green Belt for development</b></p>	
<p><b>Historic England</b></p>	<p><b>City of York Council</b></p>
<p>The Green Belt boundaries on the south-eastern side of the City around the University (as identified in Annex 4 of the TP1 Addendum [EX/CYC/18] do not follow clearly-defined physical features</p>	<p>In defining the Green Belt boundaries desktop evidence was collated as the first stage of analysis, and site visits carried out where necessary to confirm data and verify features and context on the ground. Where possible boundaries of ‘regular’ or ‘consistent’ edges have been followed as opposed to ‘Irregular’, ‘inconsistent’ or ‘intermediate’ ‘softer’ boundaries.</p>
<p>Take issue with the Council’s assertion that the sites which have been identified for removal from the Green Belt <i>‘have been done so without damage to its primary purpose’</i><sup>1</sup>. There are a number of sites which, if developed as</p>	<p>The Council has fully examined all reasonable options for meeting it’s identified need for development and concludes that it would not be possible to meet development needs without releasing land from the Green Belt. The proposed allocations in the plan are</p>

<sup>1</sup> TP1 Addendum, Paragraph 7.116 [EX/CYC/18]

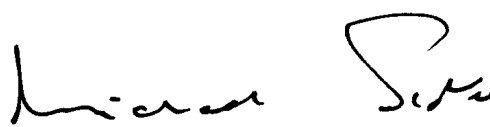
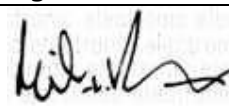


<p>proposed, would be likely to cause considerable harm to some of the elements identified as contributing to the special character and setting of the historic city and, therefore, to the primary purpose of the Green Belt.</p>	<p>those sites which are considered to be the most suitable and sustainable as identified through the Local Plan site selection process and identified as causing the least harm to the green belt. This includes the sites that fall within the general extent of the Green Belt.</p>
<p>Take issue with the assertion that the <i>'consequential impacts on the purposes of the Green Belt have been ameliorated and reduced to the lowest reasonably practical extent'</i><sup>2</sup>. There are a number of sites where an alternative proposal would reduce the harm that the current allocations would cause to the primary purpose of the York Green Belt</p>	<p>Changes to the general extent of the York Green Belt are required to meet development needs for housing and employment. In particular, an undersupply of homes would exacerbate housing affordability issues, increase unsustainable commuting patterns and adversely impact on building a strong, competitive economy. The release of strategic sites within the general extent of the York Green Belt is the most sustainable approach to meeting development needs. The Council is committed to ensuring a sustainable approach to development is adhered to, within the plan period, and beyond. The release of sites within the general extent of the York Green Belt will not damage the overall purposes of the Green Belt as a whole.</p>

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<sup>2</sup> TP1 Addendum, Paragraph 7.117 [EX/CYC/18]

## Endorsement

<b>City of York Council</b>		
<i>Name and Position</i>	<i>Signature</i>	<i>Date</i>
Mike Slater Assistant Director Planning and Public Protection		4 <sup>th</sup> December 2019
<b>Historic England</b>		
<i>Name and Position</i>	<i>Signature</i>	<i>Date</i>
Neil Redfern Development Advice Team Leader		4 <sup>th</sup> December 2019