

**From:** jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk  
**Sent:** 03 April 2018 14:21  
**To:** localplan@york.gov.uk  
**Subject:** A new Local Plan Publication Draft response form has been submitted

A new Local Plan Publication Draft response form has been submitted via the CYC website.

Please record this information in your system and take action as appropriate.

NOTE: This information is only retained within the CYC CMS for 3 months, for quality assurance purposes - it is then deleted and destroyed.

## Submission details

Web ref: 105041

Date submitted: 03/04/2018

Time submitted: 14:20:52

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Thank you for submitting your Local Plan Publication Draft response form (ref: 105041, on 03/04/2018 at 14:20:52) to City of York Council.

The following is a copy of the details you included.

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## About your comments

**Whose views on the Local Plan publication draft do your comments represent?** Own comments

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## About you/the organisation/individual/group you're representing

Please complete in full; in order for the Inspector to consider your representations names and postal addresses must be provided.

**Title:** Mrs

**Forename:** Kerry

**Surname:** Southby

**Name of the organisation/individual/group you're representing:**

Address (building name/number and street): [REDACTED]

Address (area): [REDACTED]

Address (town): [REDACTED]

Postcode: [REDACTED]

Email address: [REDACTED]

Telephone number: [REDACTED]

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## What are your comments about

You may complete this form more than once - you should **submit a separate form for each issue to you want to raise** relating to the Local Plan 'publication draft', the Policies Map or the Sustainability Appraisal/Strategic Environmental Assessment.

**Which document do your comments relate to?** Local Plan Publication Draft

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## Legal compliance of the document

'Legally compliant' means asking whether or not the plan has been prepared in line with statutory regulations, the duty to cooperate, and legal procedural requirements such as the Sustainability Appraisal. Details of how the plan has been prepared are set out in the Consultation Statements and Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).

**Do you consider the document is legally compliant?** Yes, I consider the document to be legally compliant

**Do you consider the document to comply with the Duty to Cooperate?** YesCompliestoDuty

**Please justify why you do/do not consider the document to be legally compliant or in compliance with the Duty to Cooperate:**

Throughout the Local Plan process, full consideration of the needs for Travelling Showpeople have been assessed and sites considered in the Preferred Options and Further Site Consultations.

The plan has been prepared to deliver a site to meet the need of 3 Travelling showpeople sites. The Plan has been through the correct procedures, is positively prepared, effective, justified and consistent with National Policy.

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## Whether the document is/is not 'sound'

Deciding whether you consider the document to be 'sound' means considering whether it's 'fit for purpose' and 'showing good judgement'. The inspector will use the public examination process to

explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness':

- **positively prepared** - prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so, and consistent with achieving sustainable development
- **justified** –the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **effective** – deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- **consistent with national policy** – enables the delivery of sustainable development in accordance with the policies in the framework

**Do you consider the document to be 'sound'?** Yes, I consider the document to be sound

**Please indicate which of four 'tests of soundness' relate to your answer:**

[Response - SoundnessYES]

**Please give reasons for your answer(s):**

The Plan has been through the correct procedures.

**Which part of the document do your comments on 'soundness' relate to? Please provide a paragraph number, a policy reference or a site reference:** Policy H6

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## Necessary changes

You can suggest any change(s) you consider necessary to make the Local Plan legally compliant or sound - you'll need to say why the modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Your suggestion should cover succinctly all the information, evidence and supporting information necessary to support/justify it. There will not normally be a subsequent opportunity to make further representations; these would only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

**I suggest the following change(s) to make the Local Plan legally compliant or 'sound':**

None

**If you're seeking a change to the Local Plan, do you want to participate at the hearing sessions of the Public Examination?** No hearing sessions

If you select 'No', your suggestions will still be considered by the independent planning inspector by way of written representations.

**If you wish to participate at the hearing sessions, please state why you consider this to be necessary:**

The Inspector will determine the most appropriate procedure to adopt, to hear those who want to participate at the hearing sessions.

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[REDACTED]

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**From:** Darren Magson [REDACTED]  
**Sent:** 03 April 2018 14:15  
**To:** localplan@york.gov.uk  
**Subject:** Copmanthorpe Planning Consultation  
**Attachments:** DM Response to Local Plan Consultation.pdf

Hi,

Please see attached.

Kind Regards, Darren  
Darren Magson

# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

**OFFICE USE ONLY:**

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)	
Title	Mr		
First Name	Darren		
Last Name	Magson		
Organisation (where relevant)			
Representing (if applicable)			
Address – line 1			
Address – line 2			
Address – line 3			
Address – line 4			
Address – line 5			
Postcode			
E-mail Address			
Telephone Number			

Representations must be received by Wednesday 4 April 2018, up until midnight.  
Representations received after this time will not be considered duly made.

# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA

By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Electronic copies of this form are available to download at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or you can complete the form online at [www.york.gov.uk/consultations](http://www.york.gov.uk/consultations)

## What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or use our online consultation form via <http://www.york.gov.uk/consultations>. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

## Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

## Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

Online via our website [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).

City of York Council West Offices

In all libraries in York.

# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

- City of York Local Plan Publication Draft
- Policies Map
- Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes  No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes  No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

In respect of all the documents referred to in Section 3 above, I support and agree with City of York Council's processes, procedures, and justifications and I am satisfied that all documents are legally compliant. I would prefer, however, that the housing densities identified for the two development sites in Copmanthorpe, which are substantially greater than the current average density for the village and which would result in the overwhelming of already stretched infrastructure and services, be reduced to the densities detailed in Policy CNP2 of the draft Neighbourhood Plan

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

**5.(1) Do you consider the document is Sound?**Yes  No 

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

<b>Positively prepared</b>	<input type="checkbox"/>	<b>Justified</b>	<input type="checkbox"/>
<b>Effective</b>	<input type="checkbox"/>	<b>Consistent with national policy</b>	<input type="checkbox"/>

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph  
no.Policy  
Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

'In respect of all the documents referred to in Section 3 above, I support and agree with City of York Council's processes, procedures, and justifications and I am satisfied that all documents meet all the tests of soundness'. I would prefer, however, that the housing densities identified for the two development sites in Copmanthorpe, which are substantially greater than the current average density for the village and which would result in the overwhelming of already stretched infrastructure and services be reduced to the densities detailed in Policy CNP2 of the draft Neighbourhood Plan

**6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

***Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

**7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

**7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

## Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.<sup>1</sup> The Council must also notify those on the database at certain stages of plan preparation under the Regulations.<sup>2</sup>

## Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.<sup>3</sup>

## Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at [haveyoursay@york.gov.uk](mailto:haveyoursay@york.gov.uk) or on [01904 554145](tel:01904554145)

Signature  Date

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

**From:** Maria Boyce [MBoyce@savills.com]  
**Sent:** 03 April 2018 14:24  
**To:** localplan@york.gov.uk  
**Cc:** thomas\_park@btconnect.com  
**Subject:** Representations on the York Local Plan Publication Draft  
**Attachments:** Wheldrake.pdf; Wigginton.pdf

Dear Sir/Madam,

Please find attached copies of representations made on behalf of our clients:

- Mr Thomas and Mr Allen Park in respect of land at Wigginton
- Mr Allen and Mrs Dorothea Park in respect of land at Wheldrake

Should there be the need for any further information, please do not hesitate to contact me. Otherwise we look forward to receiving confirmation of receipt of the representations in due course.

Kind regards,

Maria

**Maria Boyce MRTPI**  
**Planning**  
**Associate Director**

Savills, Ground Floor, City Point, 29 King Street, Leeds LS1 2HL

 Tel :+44 (0) 113 220 1286  
Mobile :+44 (0) 7807 999 691  
Email :[MBoyce@savills.com](mailto:MBoyce@savills.com)  
Website :[www.savills.co.uk](http://www.savills.co.uk)

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party and the figures suggested are in accordance with Professional Standards PS1 and PS2 of the RICS Valuation – Global Standards 2017 incorporating the IVSC International Valuation Standards issued June 2017 and effective from 1 July 2017. Any advice attached is not a formal ("Red Book") valuation, and neither Savills nor the author can accept any responsibility to any third party who may seek to rely upon it, as a whole or any part as such. If formal advice is required this will be explicitly stated along with our understanding of limitations and purpose.

**BEWARE OF CYBER-CRIME:** Our banking details will not change during the course of a transaction. Should you receive a notification which advises a change in our bank account details, it may be fraudulent and you should notify Savills who will advise you accordingly.

# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

**OFFICE USE ONLY:**

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title	Mr and Mrs	Mrs
First Name	Thomas and Dorothea	Maria
Last Name	Park	Boyce
Organisation (where relevant)		Savills (UK) Ltd
Representing (if applicable)		
Address – line 1		Ground Floor, City Point
Address – line 2		29 King Street
Address – line 3		Leeds
Address – line 4		
Address – line 5		
Postcode		LS1 2HL
E-mail Address		mboyce@savills.com

Telephone Number	[REDACTED]		0113 220 1286
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# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Electronic copies of this form are available to download at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or you can complete the form online at [www.york.gov.uk/consultations](http://www.york.gov.uk/consultations)

## What can I make comments on?

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## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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## Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Local Plan Publication Consultation documents?

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- Online via our website [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).
- City of York Council West Offices
- In all libraries in York.

# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

No comment.

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

**5.(1) Do you consider the document is Sound?**Yes  No 

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

Positively prepared	<input checked="" type="checkbox"/>	Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>	Consistent with national policy	<input checked="" type="checkbox"/>

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

The Publication Draft Local Plan is vastly insufficient in its housing numbers proposed and will require new sites to meet the additional housing need identified within the area.

The approach taken does not meet with any of the test of soundness for the following reasons:

The plan is not based upon a strategy that seeks to meet the objectively assessed need. The DCLG Consultation Document *"Planning for the right homes in the right places: consultation proposals"* sets out an annual requirement of 1070 dwellings as a minimum per annum for York and the Plan fails to increase its housing targets to meet this identified need. Without taking any identified shortfall that currently exists in the period 2012-2017 and taking into account the proposed housing target within the Pre-Publication Draft Local Plan, this leaves a shortfall of **over 4000 additional dwellings** that will be required to cover the period to 2032.

This approach is neither positive, justified, effective, nor consistent with National Policy.

Please see attached representation for further details of the proposed site for allocation as part of Policy H1.

**6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

**After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

Revisions to Policy SS1 to address the housing shortfall and a adopt a robust annual housing requirement in line with the published DCLG Consultation Document "Planning for the right homes in the right places: consultation proposals" which sets out an annual requirement of 1070 dwellings as a minimum per annum for York.

**7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

**7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

To outline the credentials of the land at Wheldrake Lane as a key site that could help deliver housing growth in York.

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

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Representations must be received by Wednesday 4 April 2018, up until midnight.  
Representations received after this time will not be considered duly made.

# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

## Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.<sup>1</sup> The Council must also notify those on the database at certain stages of plan preparation under the Regulations.<sup>2</sup>

## Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.<sup>3</sup>

## Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at [haveyoursay@york.gov.uk](mailto:haveyoursay@york.gov.uk) or on [01904 554145](tel:01904554145)

Signature

Savills (UK) Ltd

Date

03/04/2018

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012



30<sup>th</sup> October 2017

Wheldrake\_York Local Plan Repts Oct 2017.docx

York Council  
Planning and Environmental Management  
West Offices  
Station Rise  
York  
YO1 6GA

**By Email – [localplan@york.gov.uk](mailto:localplan@york.gov.uk)**



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City Point  
29 King Street  
Leeds LS1 2HL  
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Dear Sir/Madam,

**REPRESENTATIONS ON THE YORK DRAFT LOCAL PLAN OCTOBER 2017  
LAND TO THE EAST OF WHELDRAKE LANE, WHELDRAKE, YORK, YO19 6NA**

These representations have been prepared by Savills (UK) Ltd on behalf of Mr Allen Park and Mrs Dorothea Park in response to the consultation on the Pre-Publication Draft Local Plan York, September 2017 which is currently being consulted on between 18<sup>th</sup> September and 30<sup>th</sup> October 2017.

This representation has been submitted for the Council's consideration of land to the east of Wheldrake Lane to the west of Wheldrake Village, York for residential development. This letter should be read alongside the associated Location Plan.

This letter seeks to demonstrate that the inclusion of this land for residential purposes rather than proposed Green Belt can help deliver a high-quality and sustainable extension to Wheldrake and as such, should be a key priority for the council so that projected housing requirements can be met.

This representation is set out as follows:

- A description of the site and its context.
- A review of relevant planning history.
- Planning Policy considerations, in the context of Green Belt inclusion and housing delivery.
- Final conclusions.

**THE SITE AND CONTEXT**

**Location**

The site comprises 42 acres (approximately 17ha) of land immediately to the north-west of Wheldrake village, approximately 8 miles to the south-east of York (Grid Reference 467128, 444863) as shown on the enclosed Location Plan.

The site is located to the west of Wheldrake Village, east of Wheldrake Lane and north of Main Street on the main approach into Wheldrake when travelling from the west. The site lies adjacent to the Westerly Lake Fisheries and Caravan Park.

The character of Wheldrake village is predominately residential but also comprises a small centre with some local services, including a primary school, GP and village shop amongst other facilities and services. Wheldrake is well served by public transport with services operating every 2 hours to York, Pocklington,

Fulford and the Designer Outlet and Market Weighton amongst other locations. The site is within walking distance of all the services and amenities of Wheldrake Village.

### **Landscape and Topography**

The site is situated within land designated to form part of the proposed York Green Belt and is currently used for agricultural purposes. The site is situated within the Vale of York National Landscape Classification Area which is characterised by relatively flat, low lying land with arable cultivation being the predominant land use.

### **Access, Highways and Transport**

The site is extremely well located and occupies a highly accessible and strategic position to the south-east of York. The site border Wheldrake Lane, which leads directly to the A19 and A64 some 4 miles away and provides strategic connections to York and locations to the north and south.

The site is a short walk (400m) from local bus stops on Main Street which provide public transport services operating every 2 hours to York, Pocklington, Fulford and the Designer Outlet and Market Weighton amongst other locations. The site is within walking distance of all the services and amenities of Wheldrake Village.

The site therefore provides a choice of sustainable transport options that are accessible to prospective residents which is a key requirement within the National Planning Policy Framework (NPPF)<sup>1</sup>.

In terms of access, the site borders the key routes into and through the village and it is anticipated that access into the site would be taken from Main Street or Wheldrake Lane.

### **Flood Risk**

A desktop review of the Environment Agency's website has confirmed the site is located within Flood Zone 1 and predominately very low risk from surface water flooding.

### **Ecology**

There are no statutory or non-statutory designated sites and no known species of ecological importance on the site. A desktop Multi-Agency Geographic Information for the Countryside (Magic) search has been undertaken which did not reveal any potential ecological concerns on the site, or within 1km of the site.

The Heslington Tillmire SSSI lies 6km to the north-west of the site and the site is also in close proximity to the Lower Derwent Valley National Nature Reserve, Ramsar Site, SPA and Special Area of Conservation. The Lower Derwent Valley is particularly important for the populations of wintering and breeding birds it supports.

### **Heritage**

There are no listed structures within or immediately adjacent to the site and it is not situated within a Conservation Area. There are several listed buildings located within Wheldrake itself and the site lies approximately 1km from the Wheldrake Conservation Area located to the south-east of the site with Main Street running through it.

## **PLANNING HISTORY**

A review of York Council's planning history records has confirmed there is no relevant planning history directly affecting the site.

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<sup>1</sup> Para 35, NPPF (page 10)

## PLANNING POLICY JUSTIFICATION

### Housing Requirement

There is a clear need for a significant increase in the number of houses provided within the York in future years. The recently published DCLG Consultation Document “*Planning for the right homes in the right places: consultation proposals*” sets out proposals for a standardised methodology for LPAs to calculate their objectively assessed housing need.

Based on the published documentation, there is a reported need for **21,400 dwellings** in the York over the next 20 years, equating to an annual requirement of 1070 dwellings per annum (dpa). Without taking any identified shortfall that currently exists in the period 2012-2017 and taking into account the proposed housing target within the Pre-Publication Draft Local Plan, this leaves a shortfall of **over 4000 additional dwellings** that will be required to cover the period to 2032 (see **Table 1** below).

The current Local Plan is clearly vastly insufficient in its numbers proposed and will therefore require new sites to meet the additional housing need identified within the area.

		Annual	Total (20 year plan period to 2032/ 33)
<b>A</b>	<b>DCLG Standardise Methodology on Housing Need</b>	1070 dpa	21,400
<b>B</b>	<b>Pre Publication Draft Local Plan Housing Requirement</b>	867 dpa	17,340 dwellings
<b>C</b>	<b>Shortfall (A minus C)</b>		<b>4,060 dwellings</b>

Table 1 – Current Housing Need

### Green Belt Assessment

York does not have an adopted Local Plan in place with land designated as Green Belt. The Green Belt boundaries in the Yorkshire and Humber Plan Regional Spatial Strategy to 2026 have been saved which define the broad location of the Green Belt around York, however there are no detailed inner or outer boundaries of the green belt and as such, there are no officially defined green belt boundaries at present. The Local Plan is therefore critically not taking land out of the Green Belt, but is instead determining where the boundaries should be drawn and deciding what land is required for development and should not therefore be included within the Green Belt.

The Publication Draft Local Plan outlines that the site is proposed to be designated as Green Belt and serves a purpose in extending the historic green wedges of the city. through the local plan process. The main purpose of the Green Belt in this location is to check the further growth of the York and to protect its special character and setting.

When reviewing the inclusion of land within the Green Belt, it is necessary to undertake an assessment based on the five purposes of the Green Belt as set out in paragraph 80 of the National Planning Policy (NPPF). These being:

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns;
- To assist in urban regeneration, by encouraging recycling of derelict and other urban land.

*To check the unrestricted sprawl of large built up areas*

The site is located to the west of Wheldrake, in close proximity to the main residential / built up area of the village, abutting existing Village amenities and located off two main roads. The site is contained by the Westerly Lake Fisheries and Caravan Park to the east; Main Street to the south and Wheldrake Lane to the west and a well defined field boundary to the north, providing a strong defensible boundary and would ensure growth within this location can be restricted. Whilst it is acknowledged that the site does have a role in checking sprawl, it is not considered that the inclusion of this site could leave the area open to unrestricted sprawl given the defensible boundaries in which it is situated.

*To prevent neighbouring towns merging into one another*

The site would not lead to the physical connection or coalescence of any settlements. The site is over 3 miles away from the nearest settlement to the north – Elvington or 4 miles to the west Crockey Hill. The development of this site would not, therefore, not be required for inclusion within the Green Belt in this regard.

*To assist in safeguarding the countryside from encroachment*

The land could be designed so as not to encroach into the countryside and would be part of a comprehensive housing development that forms a well connected extension to Wheldrake village rather than a disconnected enclave of development. The allocation of the Housing Site SS18 Station Yard, Wheldrake to the south of the site for 147 houses demonstrates that the land around Wheldrake is not required for inclusion within the Green Belt for this particular purpose and the development of this site would have no greater impact on the overall “openness” of the Green Belt than that of the proposed allocation.

*To preserve the setting and special character of historic towns*

The site is not within or directly adjacent to a conservation area, listed building or other historical feature and development could be designed to protect the historic core of the village and provide a logical extension and new urban form to the village to help deliver housing growth without adversely affecting the purpose of the Green Belt in this regard.

*To assist in urban regeneration, by encouraging recycling of derelict and other urban land*

Finally, one of the purposes of the Green Belt is to ensure and encourage the development of sustainable brownfield sites as a priority. Within York there is a high level acceptance that there will be a need to release land from the Green Belt in order to meet the objectively assessed housing need of the District over the next 20 years. The site represents an excellent housing location, being situated on the edge of an established settlement and within walking distance of all its services and amenities. It is also extremely well served by the road, bus and rail network and is decidedly preferable to many sites not within the Green Belt but in much more unsustainable locations.

*Overall Assessment*

In summary, the site is well related to the village of Wheldrake and could be developed to fully integrate into the existing urban edge, much like land allocated to the south (SS18). The site can be designed to ensure any development does not allow further encroachment into the Green Belt and is an achievable and deliverable site that can contribute to the much needed additional housing for York, as identified within the Government’s recent Consultation Paper<sup>2</sup>.

---

<sup>2</sup> DCLG Planning for the right homes in the right places: Consultation Proposals

## SUMMARY

In summary, this is a key strategic site that could be released to make a significant contribution towards meeting housing requirements in this part of the town. There are a number of valid planning reasons to promote growth in this location, which include:

- The site represents a 17ha site with no technical constraints that would hinder the delivery of housing in this location.
- The site is advantageously located, with excellent accessibility to the main strategic transport routes within the District also offering a broad choice of sustainable transport choices such as bus, pedestrian and cycle routes.
- Much like the Housing Allocation for land to the south of Wheldrake, there is no reason the site requires to be included within the new boundaries of the York Green Belt, and can sensitively accommodate a significant number of homes to sustainably accommodate a considerable amount of housing to contribute to the significant housing requirement within York.
- The site is immediately available for development and can come forward within the period of 0-5 years. At a density of between 30 dwellings per hectare the site could yield circa 500+ dwellings and make an important contribution to the council's 5 year land supply.

Our Client would welcome the opportunity to discuss the matters raised above in further detail with the council and would be grateful if you could confirm receipt of these representations.

Should there be the need for any further information, please do not hesitate to contact me by email or telephone via the details above. Otherwise we look forward to receiving confirmation of receipt of the representations in due course.

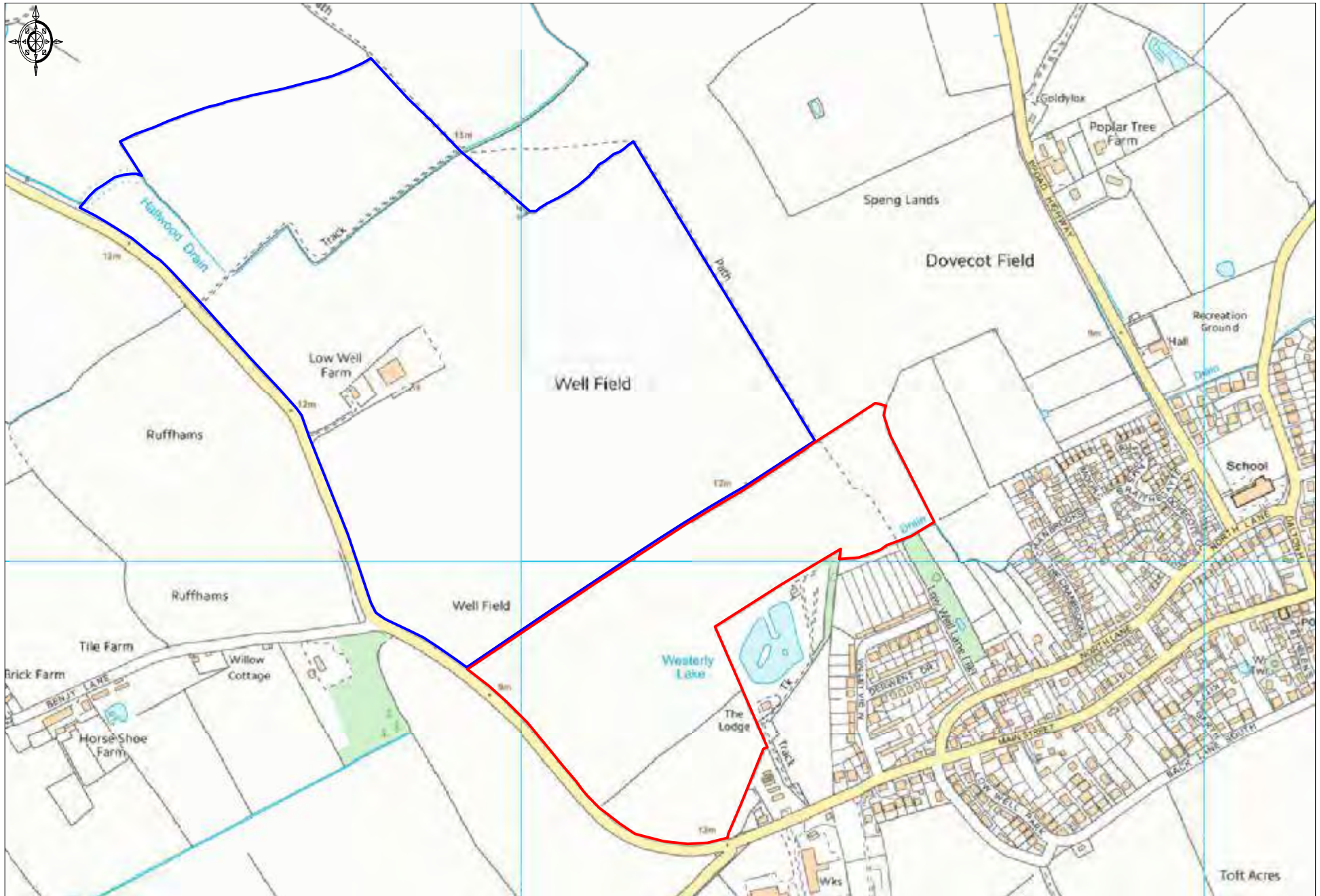
Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

**Savills (UK) Ltd**

Enc – Location Plan

# Land at Low Well Farm, Wheldrake



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**From:** jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk  
**Sent:** 03 April 2018 14:57  
**To:** localplan@york.gov.uk  
**Subject:** A new Local Plan Publication Draft response form has been submitted

A new Local Plan Publication Draft response form has been submitted via the CYC website.

Please record this information in your system and take action as appropriate.

NOTE: This information is only retained within the CYC CMS for 3 months, for quality assurance purposes - it is then deleted and destroyed.

## Submission details

Web ref: 105048

Date submitted: 03/04/2018

Time submitted: 14:56:36

---

Thank you for submitting your Local Plan Publication Draft response form (ref: 105048, on 03/04/2018 at 14:56:36) to City of York Council.

The following is a copy of the details you included.

---

## About your comments

**Whose views on the Local Plan publication draft do your comments represent?** Own comments

---

## About you/the organisation/individual/group you're representing

Please complete in full; in order for the Inspector to consider your representations names and postal addresses must be provided.

**Title:** Mr

**Forename:** Chris

**Surname:** Polack

**Name of the organisation/individual/group you're representing:**



Address (building name/number and street): [REDACTED]

Address (area):

Address (town): [REDACTED]

Postcode: [REDACTED]

Email address: [REDACTED]

Telephone number: [REDACTED]

---

## What are your comments about

You may complete this form more than once - you should **submit a separate form for each issue to you want to raise** relating to the Local Plan 'publication draft', the Policies Map or the Sustainability Appraisal/Strategic Environmental Assessment.

**Which document do your comments relate to?** Local Plan Publication Draft

---

## Legal compliance of the document

'Legally compliant' means asking whether or not the plan has been prepared in line with statutory regulations, the duty to cooperate, and legal procedural requirements such as the Sustainability Appraisal. Details of how the plan has been prepared are set out in the Consultation Statements and Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).

**Do you consider the document is legally compliant?** Yes, I consider the document to be legally compliant

**Do you consider the document to comply with the Duty to Cooperate?** YesCompliestoDuty

**Please justify why you do/do not consider the document to be legally compliant or in compliance with the Duty to Cooperate:**

The plan has been developed in accordance with the National Planning Policy Framework, it has been subject to extensive and effective consultation and has been approved by the elected representatives of the City of York.

The Duty to co-operate has been discharged by extensive consultation with statutory and other interested bodies.

---

## Whether the document is/is not 'sound'

Deciding whether you consider the document to be 'sound' means considering whether it's 'fit for purpose' and 'showing good judgement'. The inspector will use the public examination process to



explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness':

- **positively prepared** - prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so, and consistent with achieving sustainable development
- **justified** –the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **effective** – deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- **consistent with national policy** – enables the delivery of sustainable development in accordance with the policies in the framework

**Do you consider the document to be 'sound'?** Yes, I consider the document to be sound

**Please indicate which of four 'tests of soundness' relate to your answer:**

[Response - SoundnessYES]

**Please give reasons for your answer(s):**

The document has been prepared to support the Council's strategy for the development of the city. It is evidence based, deliverable and consistent with national policies.

**Which part of the document do your comments on 'soundness' relate to? Please provide a paragraph number, a policy reference or a site reference:** All

---

## Necessary changes

You can suggest any change(s) you consider necessary to make the Local Plan legally compliant or sound - you'll need to say why the modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Your suggestion should cover succinctly all the information, evidence and supporting information necessary to support/justify it. There will not normally be a subsequent opportunity to make further representations; these would only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

**I suggest the following change(s) to make the Local Plan legally compliant or 'sound':**

None required.

**If you're seeking a change to the Local Plan, do you want to participate at the hearing sessions of the Public Examination?**

If you select 'No', your suggestions will still be considered by the independent planning inspector by way of written representations.

**If you wish to participate at the hearing sessions, please state why you consider this to be necessary:**

The Inspector will determine the most appropriate procedure to adopt, to hear those who want to participate at the hearing sessions.

---

**From:** Rebecca Housam [RHousam@savills.com]  
**Sent:** 03 April 2018 14:59  
**To:** localplan@york.gov.uk  
**Subject:** Representations on the York Local Plan Publication Draft  
**Attachments:** York Local Plan Publication Draft Land South of Southfield Close, Rufforth.pdf

Dear Sir/Madam,

Please find attached copies of representations made on behalf of a private landowner in respect of land to the south of Southfield Close, Rufforth, York.

Should there be the need for any further information, please do not hesitate to contact me. Otherwise we look forward to receiving confirmation of receipt of the representations in due course.

Kind regards,

Rebecca

**Rebecca Housam MRTPI**  
**Associate**  
**Planning**

Savills, Ground Floor, City Point, 29 King Street, Leeds LS1 2HL

 Tel :+44 (0) 113 220 1277  
Mobile :+44 (0) 7807 999 153  
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Website :[www.savills.co.uk](http://www.savills.co.uk)

 Before printing, think about the environment

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Please note any advice contained or attached in this email is informal and given purely as guidance unless otherwise explicitly stated. Our views on price are not intended as a formal valuation and should not be relied upon as such. They are given in the course of our estate agency role. No liability is given to any third party and the figures suggested are in accordance with Professional Standards PS1 and PS2 of the RICS Valuation – Global Standards 2017 incorporating the IVSC International Valuation Standards issued June

2017 and effective from 1 July 2017. Any advice attached is not a formal ("Red Book") valuation, and neither Savills nor the author can accept any responsibility to any third party who may seek to rely upon it, as a whole or any part as such. If formal advice is required this will be explicitly stated along with our understanding of limitations and purpose.

**BEWARE OF CYBER-CRIME:** Our banking details will not change during the course of a transaction. Should you receive a notification which advises a change in our bank account details, it may be fraudulent and you should notify Savills who will advise you accordingly.



# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title	Private Landowner c/o Savills UK Ltd	Miss
First Name		Rebecca
Last Name		Housam
Organisation (where relevant)		Savills (UK) Ltd
Representing (if applicable)		
Address – line 1		Ground Floor City Point
Address – line 2		29 King Street
Address – line 3		Leeds
Address – line 4		
Address – line 5		
Postcode		LS1 2HL
E-mail Address		rhouam@savills.com

Representations must be received by Wednesday 4 April 2018, up until midnight.  
Representations received after this time will not be considered duly made.



Telephone Number		0113 220 1277
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# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Electronic copies of this form are available to download at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or you can complete the form online at [www.york.gov.uk/consultations](http://www.york.gov.uk/consultations)

## What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or use our online consultation form via <http://www.york.gov.uk/consultations>. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

## Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

## Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).
- City of York Council West Offices
- In all libraries in York.

# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

N/A

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework



**5.(1) Do you consider the document is Sound?**Yes No 

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)Positively prepared Justified Effective Consistent with  
national policy **5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph  
no.Policy  
Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

The Publication Draft Local Plan is vastly insufficient in its housing numbers proposed and will require new sites to meet the additional housing need identified within the area.

The approach taken does not meet with any of the test of soundness for the following reasons:

The plan is not based upon a strategy that seeks to meet the objectively assessed need. The DCLG Consultation *Document "Planning for the right homes in the right places: consultation proposals"* sets out an annual requirement of 1070 dwellings as a minimum per annum for York and the Plan fails to increase its housing targets to meet this identified need. Without taking any identified shortfall that currently exists in the period 2012-2017 and taking into account the proposed housing target within the Pre-Publication Draft Local Plan, this leaves a shortfall of **over 4000 additional dwellings** that will be required to cover the period to 2032.

This approach is neither positive, justified, effective, nor consistent with National Policy.

Please see attached representation for further details of the proposed site for allocation as part of Policy H1.

**6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

**After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

Revisions to Policy SS1 to address the housing shortfall and a adopt a robust annual housing requirement in line with the published DCLG Consultation *Document "Planning for the right homes in the right places: consultation proposals"* which sets out an annual requirement of 1070 dwellings as a minimum per annum for York.

**7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination X

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

**7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

To outline the credentials of the land to the south of Southfield Close, Rufforth, as a key site that could help deliver housing growth in York.

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

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Representations must be received by Wednesday 4 April 2018, up until midnight.  
Representations received after this time will not be considered duly made.

# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

## Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.<sup>1</sup> The Council must also notify those on the database at certain stages of plan preparation under the Regulations.<sup>2</sup>

## Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.<sup>3</sup>

## Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at [haveyoursay@york.gov.uk](mailto:haveyoursay@york.gov.uk) or on [01904 554145](tel:01904554145)

Signature

Savills (UK) Ltd

Date

03/04/2018

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

30 October 2017

Rufforth Air Field \_York Local Plan Repls Oct 2017

York Council  
Planning and Environmental Management  
West Offices  
Station Rise  
York  
YO1 6GA

**By Email – [localplan@york.gov.uk](mailto:localplan@york.gov.uk)**



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City Point  
29 King Street  
Leeds LS1 2HL  
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Dear Sir/Madam,

**REPRESENTATIONS ON THE YORK DRAFT LOCAL PLAN OCTOBER 2017**  
LAND TO THE SOUTH OF SOUTHFIELD CLOSE, RUFFORTH, YORK

These representations have been prepared by Savills (UK) Ltd on behalf of a private landowner in response to the consultation on the Pre-Publication Draft Local Plan York, September 2017 which is currently being consulted on between 18<sup>th</sup> September and 30<sup>th</sup> October 2017.

This representation has been submitted for the Council's consideration of land to the south of Southfield Close, Rufforth, York for residential development. This letter should be read alongside the associated Location Plan.

This letter seeks to demonstrate that the inclusion of this land for residential purposes rather than proposed Green Belt can help deliver a high-quality and sensitive small scale development within the village of Rufforth and as such, should be further considered by the council so that projected housing requirements can be met.

This representation is set out as follows:

- A description of the site and its context.
- A review of relevant planning history.
- Planning Policy considerations, in the context of Green Belt inclusion and housing delivery.
- Final conclusions.

**THE SITE AND CONTEXT**

**Location**

The site comprises approximately 1.5ha of land immediately to the south of Southfield close, Rufforth, as shown on the enclosed Location Plan.

The site is located on the former Rufforth airfield adjacent to the south of Rufforth Village, residential uses adjoin the site to the north with the remainder of the airfield adjoining the site to the east and south, Bradley Lane adjoins the site to the west with further greenfield and residential uses beyond.

The character of Rufforth village is predominately residential but also comprises some local services, including a primary school, post office, and tea room and village shop amongst other facilities and services. Rufforth is well served by public transport with services operating hourly or every 2 hours to York, Knapton, Bilton in Ainsty, Tockwith, Thorp Arch and Wetherby amongst other locations. The site is within walking distance of all the services and amenities of Rufforth Village.

## **Landscape and Topography**

The site is situated within land designated to form part of the proposed York Green Belt and is currently used for agricultural purposes. The site is situated within the Vale of York National Landscape Classification Area which is characterised by relatively flat, low lying land with arable cultivation being the predominant land use.

## **Access, Highways and Transport**

The site is well located and occupies a highly accessible and strategic position to the east of York. The site borders Bradley Lane, which leads directly to the B1224 and provides strategic connections to York and Wetherby.

The site is a short walk from local bus stops on Wetherby Road which provide public transport services operating hourly or every 2 hours to York, Knapton, Bilton in Ainsty, Tockwith, Thorp Arch and Wetherby amongst other locations. The site is within walking distance of all the services and amenities of Rufforth Village.

The site therefore provides a choice of sustainable transport options that are accessible to prospective residents which is a key requirement within the National Planning Policy Framework (NPPF)<sup>1</sup>.

In terms of access, the site borders a key route into and through the village and it is anticipated that access into the site would be taken from Bradley Lane.

## **Flood Risk**

A desktop review of the Environment Agency's website has confirmed the site is located within Flood Zone 1 and predominately very low risk from surface water flooding.

## **Ecology**

There are no statutory or non-statutory designated sites and no known species of ecological importance on the site. A desktop Multi-Agency Geographic Information for the Countryside (Magic) search has been undertaken which did not reveal any potential ecological concerns on the site, or within 1km of the site.

## **Heritage**

There are no listed structures within or immediately adjacent to the site and it is not situated within a Conservation Area. There are several listed buildings located within Rufforth itself.

## **PLANNING HISTORY**

A review of York Council's planning history records has confirmed there is no relevant planning history directly affecting the site.

The site was previously assessed as part of a wider site submission within the *City of York Local Plan – Further Sites Consultation*, June 2014. See - Appendix 2: Residential Site Assessment Proformas, Site Ref: 676 Rufforth Airfield south of Southfield Close.

A copy of the site assessment is enclosed for information.

The site assessment demonstrates that the Site, albeit assessed as part of a wider site submission, passed criteria's 1-4 inclusive and was therefore taken to the technical officer group. The Site failed the technical officer comments despite only scoring red in landscape/design. The site assessment is brief and there do not

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<sup>1</sup> Para 35, NPPF (page 10)

seem to be any issues identified which could preclude development from coming forward on the site. This is particularly relevant now a smaller site area is being proposed for consideration.

## PLANNING POLICY JUSTIFICATION

### Housing Requirement

There is a clear need for a significant increase in the number of houses provided within the York in future years. The recently published DCLG Consultation Document “*Planning for the right homes in the right places: consultation proposals*” sets out proposals for a standardised methodology for LPAs to calculate their objectively assessed housing need.

Based on the published documentation, there is a reported need for **21,400 dwellings** in the York over the next 20 years, equating to an annual requirement of 1070 dwellings per annum (dpa). Without taking any identified shortfall that currently exists in the period 2012-2017 and taking into account the proposed housing target within the Pre-Publication Draft Local Plan, this leaves a shortfall of **over 4000 additional dwellings** that will be required to cover the period to 2032 (see **Table 1** below).

The current Local Plan is clearly vastly insufficient in its numbers proposed and will therefore require new sites to meet the additional housing need identified within the area.

		Annual	Total (20 year plan period to 2032/ 33)
<b>A</b>	<b>DCLG Standardise Methodology on Housing Need</b>	1070 dpa	21,400
<b>B</b>	<b>Pre Publication Draft Local Plan Housing Requirement</b>	867 dpa	17,340 dwellings
<b>C</b>	<b>Shortfall (A minus C)</b>		<b>4,060 dwellings</b>

Table 1 – Current Housing Need

### Green Belt Assessment

York does not have an adopted Local Plan in place with land designated as Green Belt. The Green Belt boundaries in the Yorkshire and Humber Plan Regional Spatial Strategy to 2026 have been saved which define the broad location of the Green Belt around York, however there are no detailed inner or outer boundaries of the green belt and as such, there are no officially defined green belt boundaries at present. The Local Plan is therefore critically not taking land out of the Green Belt, but is instead determining where the boundaries should be drawn and deciding what land is required for development and should not therefore be included within the Green Belt.

The Publication Draft Local Plan outlines that the site is proposed to be designated as Green Belt through the Local Plan process.

When reviewing the inclusion of land within the Green Belt, it is necessary to undertake an assessment based on the five purposes of the Green Belt as set out in paragraph 80 of the National Planning Policy (NPPF). These being:

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns;
- To assist in urban regeneration, by encouraging recycling of derelict and other urban land.

*To check the unrestricted sprawl of large built up areas*

The site is located to the south of Rufforth, in close proximity to the main residential / built up area of the village, in close proximity to existing Village amenities and located off a main road. The site is contained by Bradley Lane to the west; Rufforth former airfield to the south and east and the village of Rufforth to the north. There are therefore several a strong defensible boundaries which would ensure growth within this location can be restricted. Whilst it is acknowledged that the site does have a role in checking sprawl, it is not considered that the inclusion of this site could leave the area open to unrestricted sprawl given the defensible boundaries in which it is situated.

*To prevent neighbouring towns merging into one another*

The site would not lead to the physical connection or coalescence of any settlements. The site is over 2 miles away from the nearest settlement to the south – Askham Bryan or over 3 miles to the east Knapton. The development of this site would not, therefore, not be required for inclusion within the Green Belt in this regard.

*To assist in safeguarding the countryside from encroachment*

The land could be designed so as not to encroach into the countryside and would be part of a comprehensive housing development that forms a well connected addition to Rufforth village. The former airfield use has established hardstanding at the site and the remainder of the airfield demonstrates that the land around this part of Rufforth is not required for inclusion within the Green Belt for this particular purpose. The development of this site would have no impact on the overall “openness” of the Green Belt.

*To preserve the setting and special character of historic towns*

The site is not within or directly adjacent to a conservation area, listed building or other historical feature. Development in this location would not adversely affect any historic buildings within the village therefore it is considered that any prospective development would help deliver housing growth without adversely affecting the purpose of the Green Belt in this regard.

*To assist in urban regeneration, by encouraging recycling of derelict and other urban land*

Finally, one of the purposes of the Green Belt is to ensure and encourage the development of sustainable brownfield sites as a priority. The site forms part of the former Rufforth Airfield.

Within York there is a high level acceptance that there will be a need to release land from the Green Belt in order to meet the objectively assessed housing need of the District over the next 20 years. The site represents an excellent housing location, being situated on the edge of an established settlement and within walking distance of all its services and amenities. It is also extremely well served by the road and bus network and is decidedly preferable to many sites not within the Green Belt but in much more unsustainable locations.

*Overall Assessment*

In summary, the site is well related to the village of Rufforth. The site can be designed to ensure any development does not allow further encroachment into the Green Belt. There are no known physical constraints that could prevent the site coming forward for development. The site is an achievable and deliverable site that can contribute to the much needed additional housing for York, as identified within the Government’s recent Consultation Paper<sup>2</sup>.

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<sup>2</sup> DCLG Planning for the right homes in the right places: Consultation Proposals

## SUMMARY


In summary, this site could be released to make a contribution towards meeting housing requirements in this part of the York. There are a number of valid planning reasons to promote growth in this location, which include:

- The site represents a 1.5ha site with no technical constraints that would hinder the delivery of housing in this location.
- The site is advantageously located, with excellent accessibility to the main strategic transport routes within the area also offering a broad choice of sustainable transport choices such as bus, pedestrian and cycle routes.
- There is no reason to justify the sites inclusion within the new boundaries of the York Green Belt. The site can sensitively accommodate a small number of homes to contribute to the significant housing requirement within York.
- The site is immediately available for development and can come forward within the period of 0-5 years.

Our Client would welcome the opportunity to discuss the matters raised above in further detail with the council and would be grateful if you could confirm receipt of these representations.

Should there be the need for any further information, please do not hesitate to contact me by email or telephone via the details above. Otherwise we look forward to receiving confirmation of receipt of the representations in due course.

Yours sincerely



**Savills (UK) Ltd**

Enc



## Criteria 1 to 4 Analysis

Site: 676

### Rufforth Airfield south of Southfield Close

Source:  
Previously  
Rejected Site

Submitted For: Housing



Submitted Size: 4.172726196

#### Technical Analysis

#### Evidence/Mitigating Factors

##### **Criteria 1 - Primary Constraints**

Flood Zone 3b:	No
Historic Character:	No
Ancient Woodland:	No
Regional GI Corridor :	No
National Conservation:	No
SINC:	No
Local Nature Conservation	No
Site Size Remaining:	4.172726196

Floodrisk Evidence:	N/A
Landscape Evidence:	N/A
Habitat Evidence:	N/A

Pass

##### **Criteria 2 - Openspace**

Openspace:	No
Site Size remaining:	4.172726196

Openspace Evidence:	N/A
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Pass

##### **Criteria 3 - Greenfield 3A**

Greenfield/Brownfield:	Greenfield
Greenfield Within 3a:	No
Site Size Remaining:	4.172726196

Floodrisk Evidence:	N/A
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Pass

##### **Criteria 4 - Residential Access to Services**

Stage 2 Pass

Pass

Pass Criteria 1234 - Move to Technical Officer Comments Stage

**Technical Officer Assessment**  
**Rufforth Airfield south of Southfield Close**

Site: **676**

Submitted For: Housing

**TRANSPORT**

The site is within walking/cycling distance of facilities within the village, although these are limited and car travel is likely to dominate for many journeys, including to work. Upgrading to existing highway infrastructure would be required, including carriageway width, provision of new footways, street lighting and potentially crossing facilities. There would be scope to look at the potential to upgrade bus services and stop facilities.

Amber

**GEO-ENVIRONMENTAL CONSIDERATIONS**

Contamination: This site has previously been used as part of a military airfield, so land contamination could be present. The developer must undertake an appropriate assessment of the ground conditions and remedial work to ensure that the land is safe and suitable for its proposed use.

Amber

Air Quality: This site is not in an area of existing air quality concern however the level of additional traffic from this sites would need to be screened to decide whether any further air quality work would be required. Standard air quality requirements including electric vehicle recharge infrastructure where practical as well as reasonable efforts to minimise total emissions from construction as well as heating and powering of buildings would be required.

Green

Noise: A noise impact assessment would be required.

Amber

Flood Risk: The site is in flood zone 1, however if over 1ha a Flood Risk Assessment will be required. Rufforth has known surface water drainage issues. The site is greenfield therefore runoff rates must comply with the 1.4 l/sec/ha.

Amber

Ecology: Further detailed work required

Amber

**HISTORIC ENVIRONMENT, LANDSCAPE AND DESIGN**

Heritage/ Archaeology: This site is of archaeological interest any proposals must be supported by a desk-based assessment and a report on the results of an archaeological field evaluation. A brief for the evaluation must be agreed with City of York Council prior to work commencing on site.

Green

Landscape/ Design: A landscape appraisal would be required, plus an assessment of the importance of the airfield as an entirety. The airfield provides an open setting for the village, especially as viewed from the B road approach from the south.

Red

Openspace/ Recreation: This site is deficient in access to local parks, natural/semi-natural green space, amenity green space, allotments, City parks and young people's facilities. Rural West ward is deficient in the provision of amenity green space and requires an additional 7.97ha of provision to meet the recommended local standards. Opportunities to maximise the provision of amenity green space within new developments should be maximised

Green

**CONCLUSIONS**

Summary: A landscape assessment is required. Site would be a large extension to Rufforth Village which has limited local services and is served by limited sustainable transport options. Further information on the impact of the adjacent airfield would also be required.

Red

Outcome: **Fails Technical Officer Comments**

Location Plan: Land south of Rufforth

Site Area: 1.57ha



**From:** Alex McCallion [REDACTED]  
**Sent:** 03 April 2018 15:22  
**To:** localplan@york.gov.uk  
**Subject:** York Minster Response to Local Plan 3 April 2018  
**Attachments:** York Minster Local Plan Response.pdf

Dear Sirs

Please see attached York Minster's response to the current Local Plan deposit.

Yours faithfully

**Alexander McCallion FRICS**  
Director of Works & Precinct

The Works Department, 4 Deansgate, York, YO1 7JA

**Tel:** 01904 559525

**Ext:** 2261

**Mobile:** [REDACTED]

**Email:** [alexm@yorkminster.org](mailto:alexm@yorkminster.org)

**Web:** [www.yorkminster.org](http://www.yorkminster.org)



# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

<b>OFFICE USE ONLY:</b> IC reference:
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This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.**

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address.

1. Personal Details		2. Agent's Details (if applicable)
Title	MR	
First Name	ALEXANDER	
Last Name	MCCALLION	
Organisation (where relevant)	[REDACTED]	
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

Representations must be received by Wednesday 4 April 2018, up until midnight  
 Representations received after this time will not be considered duly made.



# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Electronic copies of this form are available to download at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or you can complete the form online at [www.york.gov.uk/consultations](http://www.york.gov.uk/consultations)

## What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or use our online consultation form via <http://www.york.gov.uk/consultations>. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

## Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing, a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting, signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

## Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).
- City of York Council West Offices
- In all libraries in York.

## Part B - Your Representation

(Please use a separate Part B form for each issue to you want to raise)



### 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

### What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

### 4. (1) Do you consider the document is Legally compliant?

Yes

No

### 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

### 4.(3) Please justify your answer to question 4.(1) and 4.(2)

PLEASE REFER TO ENCLOSED LETTER.

### What does 'Sound' mean?

Soundness may be considered in this context with its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

### What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** - the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

Representations must be received by Wednesday 4 April 2018, up until midnight.  
Representations received after this time will not be considered duly made.

**5.(1) Do you consider the document is Sound?**Yes  No 

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

Positively prepared	<input type="checkbox"/>	Justified	<input type="checkbox"/>
Effective	<input type="checkbox"/>	Consistent with national policy	<input type="checkbox"/>

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph  
no.Policy  
Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

PLEASE SEE LETTER DATED 3/4/18.



6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

PLEASE SEE LETTER DATED 3/4/18  
ATTACHED

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

TO DISCUSS FURTHER THE REQUEST FOR  
A MINOR MODIFICATION AS SET OUT IN THE  
ATTACHED LETTER.

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

## Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

### Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law. The Council must also notify those on the database at certain stages of plan preparation under the Regulations.<sup>2</sup>

### Retention of Information

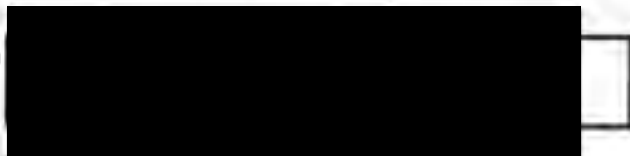
We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.<sup>3</sup>

### Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at [haveyoursay@york.gov.uk](mailto:haveyoursay@york.gov.uk) or on 01904 554145

Signature



Date

3 / 4 / 18

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17, 22, 35 & 36 Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) (England) Regulations 2012

HM Planning Inspectorate  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

By Email: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Dear Inspector

3 April 2018

**City of York Local Plan Publication Draft (Regulation 19 Consultation, February 2018)**

## **1.0 Introduction**

**1.1** We refer to the Council's current consultation on the Local Plan Publication Draft (Regulation 19 Consultation, February 2018) document and provide comment on behalf of the Chapter of York. This Representation follows a previous submission to City of York Council in October 2017 (enclosed as Appendix 1).

**1.3** Policy S53: York City Centre recognises the importance of York Minster as the pre-eminent structure in the City of York. We welcome this recognition and support the Council's intention to work with the Minster to future plan for its care. We feel, however, that the policy should go further to reinforce the importance of the Minster and strengthen the policy support given to the future care of York Minster over the plan period.

**1.4** As the City Council is aware, we are working to produce a masterplan for our precinct which we are developing in partnership with the Local Planning Authority and other key stakeholders. It is intended that our masterplan will ultimately carry weight in planning terms. Our concern is that Policy S53 remains silent on this important point and a minor modification would ensure a robust policy basis to support this ambition.

## **2.0 The Test of Soundness**

**2.1** The allocations and supporting policies in the Draft Local Plan will be subject to the tests of soundness under independent examination under Section 20 of the 2004 Act, as set out in the National Planning Policy Framework at paragraph 182.

2.2. We wish to stress that this Representation does not challenge the soundness of the Plan, we offer our support to the City Council in ensuring its Local Plan is adopted as early as possible. We comment on each of the four tests as follows:

- **Positively Prepared:** Our Representation focuses on Policy SS3. We consider the policy has been positively prepared, but requires minor modification to reinforce its support of York Minster.
- **Justified:** York Minster is a building of national and international importance. It is fully justified that appropriate support should be given, either within the context of Policy SS3 or as clear advice within the explanatory text of the policy.
- **Effective:** We consider that a minor modification to Policy SS3 is required to strengthen the support which the Council has clearly intended to give. This will ensure absolute clarity on the Council's commitment to the future Care of York Minster addressed through its support of a masterplan which could ultimately be adopted as a Supplementary Planning Document or Neighbourhood Plan.
- **Consistent with national policy:** Policy SS3 is consistent with the NPPF, however, further explanation within the policy or explanatory text on how support could be given to the Minster should be explicitly stated.

### 3.0 Response to the Submission Local Plan

3.1 In this section, we set out our comments in relation to Policy SS3 of the Submission Draft. The Inspector should refer to our previous representation which is enclosed as Appendix 1.

3.2 York Minster intends to prepare a masterplan which will set out a clear strategy for the next twenty years. The masterplan will provide a flexible document against which Chapter can manage its limited resources appropriately to maintain both a viable and sustainable Precinct and business model for future generations to enjoy the Minster and the special character of this part of the city.

3.3 The Minster recognises that the development of this masterplan will involve partnership working with key stakeholders, not least the City Council, Historic England and York Civic Trust. Such is the importance of the Minster to the City of York it is important that the masterplan is an outward facing document, imbedded in the Local Plan with the Minster Precinct afforded the same status as other major quarters of the City Centre as defined in the draft Local Plan. Few cities in the United Kingdom can claim a building of such national and international importance, and whilst the Local Plan goes some way to recognise this we consider minor modifications are required to reinforce this support.

3.4 Within this context, we respectfully suggest the re-wording of Policy S53 to read:

... York Minster Cathedral Precinct is approximately 8 hectares in size (as shown on the proposals map). The Minster is still the pre-eminent structure in the City of York today and it continues to play a significant role in the religious, social and cultural life of the city. The Council will work with the ~~Minster authorities~~ **Chapter of York**, as appropriate, **to develop a York Minster Masterplan to plan for its development to better reveal the significances of its special character and appearance....**

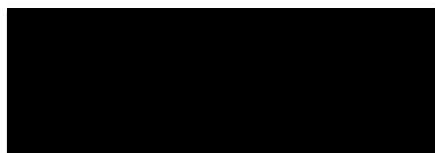
3.5 Within the subsequent explanatory text, we suggest a minor modification is made by adding the following paragraph:

**...The York Minster Precinct forms an important part of the City Centre. The City Council will work with the Chapter of York and other key stakeholders to develop a masterplan for the future care of the Minster. It is important that this document provides certainty in development management terms which could be addressed through either a Supplementary Planning Document or Neighbourhood Plan.**

3.6 We wish to work with the City Council and Planning Inspectorate to reinforce the positive support already set out in Policy S53 to ensure the Local Plan provides the necessary assistance and planning certainty to allow us to bring forward a masterplan against which we can deliver a sustainable precinct and business model to underpin the ongoing care of York Minster into the middle of the twenty-first century.

3.7 We look forward to discussing this point further at Examination In Public.

Yours sincerely



**Alexander McCallion**  
**Director of Works & Precinct**  
**York Minster**



## Appendix 1





# City of York Local Plan



## Local Plan Pre-Publication draft (Regulation 18 Consultation, Sept 2017) Comments Form

Responses on this form should only relate to the sites, policies and information set out in the Pre Publication draft Consultation documents. We will seek your views on the Publication Local Plan early in 2018. Comments made on previous stages of the Plan will be taken into account.

We will use the information you provide us with to inform the next stage of the Local Plan and a summary of your comments will be published. A full copy of your comments (excluding personal information) will also be placed on the Council's website. Any personal information provided will be kept in accordance with the Data Protection Act 1998. If the Council is asked an enquiry under the Freedom of Information Act or the Environmental Information Regulations then we will only disclose information we have been provided with in accordance with the relevant legislation.

- All responses should be returned by midnight on Monday 30<sup>th</sup> October 2017 so that we can take your views into account.
- Please complete a separate form for each issue and/or site/s you are commenting upon.

Please **complete all sections** of the form in **BLOCK CAPITALS**. It's important that you complete section 3 consent

SECTION 1 YOUR PERSONAL and CONTACT DETAILS			
Name	Alexander McCallion		
Organisation <i>(if relevant)</i>	York Minster		
Representing <i>(if relevant)</i>			
Address			
Telephone			
Email			
Signature		Date	30 October 2017

**SECTION 2 YOUR COMMENTS**

Site/Policy reference

Policy SS3, Policy D1

Page number (please specify which document e.g. main document or which supporting document when stating page number)

Main document page 32 and 145.

Objection

Support

General Comment

✓

**Comments**

Please continue on a separate sheet if necessary, noting the document/page/site/policy reference to which you are responding.

**Please see attached letter.**

**SECTION 3 CONSENT – PLEASE COMPLETE**

**Please tick this box if you consent to the council using your information as stated above. We will be unable to use the information you give us without your consent.**

✓

**I do give permission for the City of York Council to contact me with information on the further stages of the Local Plan production and other planning policy documents for York (Please tick)**

✓

To find out more about what the Council does with your personal information, [www.york.gov.uk/privacy](http://www.york.gov.uk/privacy)

If you have any queries, please contact us

Tel: (01904) 552255

E-mail: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Please return completed forms  
(no stamp required) to:  
FREEPOST RTEG-TYYU-KLTZ

Local Plan

City of York Council

West Offices

Station Rise

York

YO1 6GA

How did you hear about this consultation?

Do you have any general comments on this consultation process?

**Deadline midnight 30<sup>th</sup> October 2017**

M. Grainger, Esq.  
Head of Strategic Planning  
City of York Council  
West Offices  
Station Rise  
York  
YO1 6AG

By Email: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Dear Mr Grainger

30 October 2017

**City of York Local Plan pre-Publication draft (Regulation 18 Consultation, September 2017)**

I refer to the Council's current consultation on the Local Plan Pre-Publication draft (Regulation 18 Consultation, September 2017) document and provide comment on behalf of the Chapter of York. This letter comprises two parts. Part 1 provides the background to our Representation; Part 2 offers our comment and suggested amendments to the draft Local Plan for the Council's consideration.

**1.0 Introduction**

- 1.1 The seat of the Archbishop of York, the Cathedral and the Metropolitan Church of St Peter in York (hereafter referred to as 'the Minster') is the centre of Christian life in the North of England and is one of the best known buildings in the United Kingdom and beyond.
- 1.2 York Minster is a Gothic masterpiece in stone and stained glass. It is a magnet that draws people to visit the City of York and is a defining symbol of the ancient "capital of the North", a place of prayer and pilgrimage for over 1,400 years with worship still at the heart of Minster life. The Minster is arguably York's greatest asset and attracts in excess of 600,000 visitors a year.
- 1.3 York Minster is more than 800 years-old and its Gothic architecture is subject to a complex and ongoing cycle of repair, restoration and conservation. The Minster itself sits within a precinct extending to approximately 6 hectares which is made up of various properties, many of which are either Grade II\* or Grade II listed buildings. The Minster is both Grade 1 Listed and one of number of Scheduled Ancient Monuments in the immediate vicinity. There are significant archaeological remains throughout the precinct. The largest area of open space within the precinct is Dean's Park, a privately owned area

of the City which is open daily for the enjoyment of residents and visitors as well as the Minster School.

- 1.4 **The Minster Precinct is therefore a sensitive and highly complicated area of the city, the future care of which must be planned for carefully. The Minster receives no ongoing Government funding or central Church of England financial support. The responsibility for caring for the building and its precinct falls with Chapter which relies on the generosity of various funding bodies and paying visitors. Ensuring a viable and sustainable business to underpin the care of the Minster lies at the heart of how we plan for the future.**
- 1.5 **You are aware from our recent meetings that York Minster intends to prepare a masterplan which will set out a clear strategy for the next twenty years. The masterplan will provide a flexible document against which Chapter can manage its limited resources appropriately to maintain both a viable and sustainable precinct and business model for future generations to enjoy.**
- 1.6 **The Minster recognises that the development of this masterplan will involve partnership working with key stakeholders, not least the City Council, Historic England and York Civic Trust. Such is the importance of the Minster to the City of York it is important that the masterplan is an outward facing document, embedded in the Local Plan with the Minster Precinct afforded the same status as other major quarters of the City Centre as defined in the draft Local Plan. Few cities in the United Kingdom can boast a building of such national and international importance and the Local Plan must recognise this.**

## **2.0 Local Plan Comments**

### *Draft Proposals Map*

- 2.1 **We note that the boundary of the York Minster Precinct as illustrated in the Proposals Map does not accurately reflect the extent of land owned by the Minster. We enclose as Appendix 1 an accurate boundary of our ownership shown edged red.**  
*Pre-Publication Draft*
- 2.2 **We support the principle of a specific reference to York Minster within Policy SS3: York City Centre but are concerned over the lack of status afforded to the Minster as a principal area of York City Centre and the absence of a suitably flexible and supportive policy within the Local Plan unlike other important areas of the City Centre. Within the context of paragraph 1.5 of this Representation, we respectfully suggest a York Minster specific Policy to read:**

### **Policy SS(X): York Minster Precinct**

*The Cathedral and the Metropolitan Church of St Peter in York, known locally as York Minster sits within a Precinct of approximately 6 hectares as defined on the Proposals Map.*

*York Minster is a Gothic masterpiece in stone and stained glass. It is a magnet that draws people to visit the City of York and is a defining symbol of the ancient “capital of the North”, a place of prayer and pilgrimage for over 1,400 years with worship still at the heart of Minster life.*

*The Council will work with the Chapter of York, as appropriate, to develop a masterplan to support the ongoing care of York Minster and its Precinct in accordance with the following key principles:*

- i. **Maintain a high quality Minster Quarter which respects the special character of the Precinct.**
- ii. **Enhance the quality of the setting which reflects the significance of the Minster and Precinct buildings through high quality public realm.**
- iii. **Support improvement of the Precinct as a principal cultural asset.**
- iv. **Any new development to be of outstanding quality and design which complements the setting of the Minster and surrounding heritage assets.**

#### **Delivery**

- **Key Delivery Partners:** Chapter of York, City of York Council, English Heritage, York Civic Trust.
- **Implementation.** Planning applications and external funding opportunities.

#### **Explanation**

A comprehensive masterplan approach to the Minster Precinct is being pursued by the Chapter of York through the planning process. It is intended that the masterplan will ultimately be adopted as either a Supplementary Planning Document or Neighbourhood Plan for the Cathedral Quarter of the city. The masterplan will set out a vision for the Precinct over the plan period and help both the Chapter of York and other principal stakeholders plan for the ongoing care of the Minster and the estate within which it sits.

Detailed issues including new development and/or changes to existing buildings will be resolved through the planning application process.

- 2.3 In the alternative, and without prejudice to our suggested policy, if the City Council is unable to support a standalone Minster policy, we suggest draft Policy SS3 is amended as follows:

*The city centre will remain the focus for main town centre uses (unless identified on the Proposals Map). Proposals for main town centre uses for non-city centre locations will only be considered acceptable in accordance with Policy R1 where it can be demonstrated that they would not have a detrimental impact on the city centre's vitality and viability and the sustainable transport principles of the Plan can be met. Change of use of existing Use Class A, B1(a) and town centre leisure, entertainment, and culture uses will be resisted.*

*Proposals that promote accessibility and movement are encouraged, particularly those that prioritise pedestrian and cycle movement and improve linkages between key places such as the railway station, York Central and the National Railway Museum, the Minster, Castle Gateway, Hungate and the universities.*

*York Minster Cathedral Precinct is approximately 8 hectares in size (as shown on the proposals map). The Minster is still the pre-eminent structure in the City of York today and it continues to play a significant role in the religious, social and cultural life of the city. The Council will work with the Minster authorities, as appropriate, to future plan for its development to better reveal the significances of its special character and appearance.*

*The Cathedral and the Metropolitan Church of St Peter in York, known locally as York Minster sits within a Precinct of approximately 6 hectares as defined on the Proposals Map.*

*York Minster is a Gothic masterpiece in stone and stained glass. It is a magnet that draws people to visit the City of York and is a defining symbol of the ancient "capital of the North", a place of prayer and pilgrimage for over 1,400 years with worship still at the heart of Minster life.*

*The Council will work with the Chapter of York, as appropriate, to develop a masterplan to support the ongoing care of York Minster and its Precinct.*

*The following principles will be taken into account when considering city centre development proposals.*

- i. Conserve and enhance the existing historic character of York City Centre whilst encouraging contemporary high quality developments that add to the sense of place and create a prestigious and desirable location for thriving businesses.*
- ii. Enhance the quality of the city centre as a place and rediscover the outstanding heritage of the city with reanimated and revitalised streets, places and spaces and with improved settings to showcase important assets such as the Minster and Clifford's Tower.*
- iii. Deliver a masterplanned approach to the Minster Precinct which sets out a clear vision for the ongoing care of the Minster and development of its*

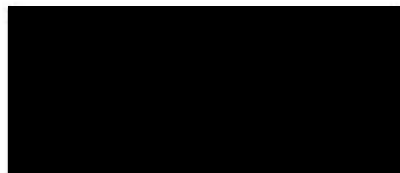
***Precinct. The masterplan for the Cathedral Quarter will be adopted as either a Supplementary Planning Document or Neighbourhood Plan and form part of the Development Plan for York.***

***iv. Enhance the gateway streets leading into the city centre to give a better sense of arrival, including the entrance and gateways to the footstreets, to improve pedestrian and cycle routes and to encourage visitors to explore further. Streets include Gillygate, Goodramgate, Peasholme Green and Stonebow, Walmgate and Fossgate. Piccadilly, Micklegate and Bootham...***

**Policy D1: Placemaking**

- 2.4 We support Policy D1 (iv) which emphasises the importance of the visual dominance of York Minster. This should be supported in the future by specific guidance to managing the skyline and views (in the form of Supplementary Planning Guidance) which goes beyond the '26 Key Views' of the York Central Historic Core Conservation Area Appraisal.
- 2.5 We wish to work with the City Council to reach a position where the Local Plan provides the necessary support and planning certainty to allow us bring forward a masterplan against which we can deliver a sustainable precinct and business model to support the ongoing care of York Minster. We would welcome the opportunity to discuss this with you further at your earliest convenience.

Yours sincerely



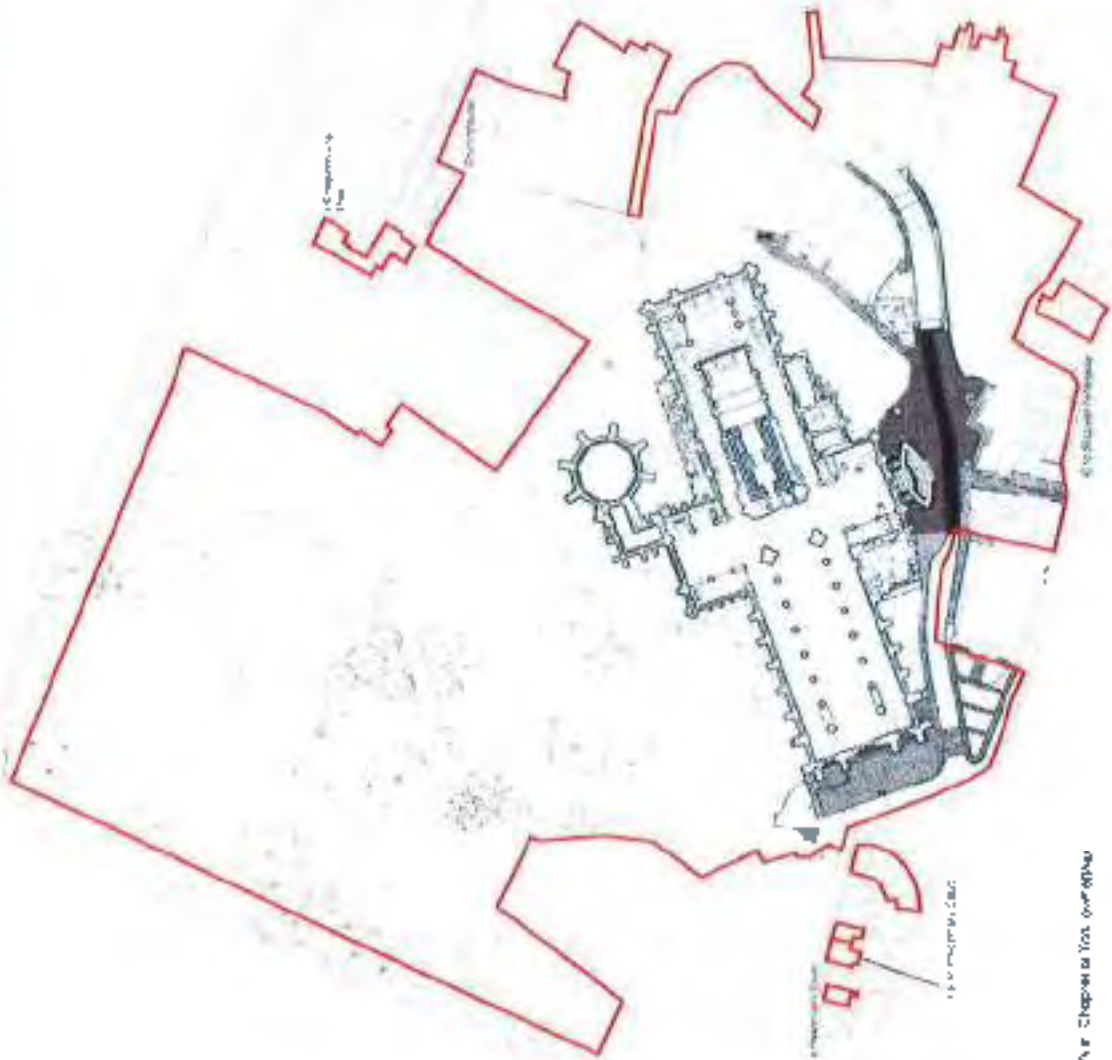
**Alexander McCallion**

**Director of Works & Precinct  
York Minster**

Enc.

Ownership Boundary – Ref: 832-GEN-01





Scale	1:1000
North	True North
Client	Yes Limited
Project	Chapel of Yes
Drawn	Yes Limited
Checked	Yes Limited
Approved	Yes Limited
Date	10/10/2011
Sheet	1 of 1
<b>ARROL AND SNELL LTD</b> ARCHITECTS 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000	



**From:** [REDACTED]  
**Sent:** 05 April 2018 01:40  
**To:** localplan@york.gov.uk  
**Subject:** FW: Keep Elvington Rural Local Plan Response - Site H39 & Site ST15 - list of names & addresses  
**Attachments:** KER H39.pdf; KER ST15.pdf

GROUP RESPONSE for H39 & ST15:

The KEEP ELVINGTON RURAL (KER) ACTION GROUP response represents the following names & addresses (23 households), all of whom agree with the Elvington Parish Council responses for Site H39 (Church Lane/Beckside) and for site ST15 (ref 888) Land West of Elvington Lane) as discussed via Action Group/Parish Council meetings & online discussions)

[ NOTE: Personal Individual responses have also been submitted for some of the other proposed sites in Elvington (i.e. SP1, E9, ST26) ]

Jane Moorhouse : [REDACTED]  
 Ken & Irene Guest : [REDACTED]  
 Marian Wellings : [REDACTED]  
 John & Brenda Gallery: [REDACTED]  
 Danny & Karen Downes: [REDACTED]  
 Sophie & Robert Moore: [REDACTED]  
 Colin & Kate Skelton: [REDACTED]  
 Claire & Ian Spencer: [REDACTED]  
 Melissa Brighton: [REDACTED]  
 Simon & Ann Lock: [REDACTED]  
 Jonathan Laverack: [REDACTED]  
 Alison & David Stead: [REDACTED]  
 Val Baxter & Andrew Higson: [REDACTED]  
 Paul Green & Joanne Graham: [REDACTED]  
 Louisa & Dominic Stevens: [REDACTED]  
 Joanne & Matthew Wedgwood : [REDACTED]  
 Martin Moorhouse: [REDACTED]  
 Judith & Mark Gillett : [REDACTED]  
 Anne & Dan Taylor : [REDACTED]  
 Em Yates & Hamish Mattinson : [REDACTED]  
 Sally Firth: [REDACTED]  
 Joanne & Andrew Owen: [REDACTED]  
 Claire & Jonathan Healy: [REDACTED]

---

**From:** Martin Moorhouse [REDACTED]  
**Sent:** 04 April 2018 23:57  
**To:** [localplan@york.gov.uk](mailto:localplan@york.gov.uk)  
**Cc:** Jane Moorhouse [REDACTED]  
**Subject:** Keep Elvington Rural Local Plan Response

On behalf of Keep Elvington Rural Action Group I attach responses relating to ST15 and H39

# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

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Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		
First Name		
Last Name		
Organisation (where relevant)	Keep Elvington Rural Action Group	
Representing (if applicable)	Elvington Village	
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address	Facebook: Keep Elvington Rural	
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# Part B -Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft



Policies Map



Sustainability Appraisal/Strategic Environmental Assessment



## What does 'legally compliant' mean?

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## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

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## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

### H39 - Extension to Beckside.

Keep Elvington Rural action group (KER) fully support the views of the Parish Council:

- A Planning Inspector previously determined that H39 serves Green Belt purposes
- The extra traffic that would be generated from 32 houses would adversely impact on the existing residents of Beckside
- Density should have been commensurate with the existing Beckside development to minimise any 'difference' to the phases.

KER agree that H39 should be withdrawn from the Local Plan and replaced by H26 - Daulby Lane.

KER members want to link the two residential areas of the village. Approximately a third of homes are currently to the west of the school. H26 is a way of satisfying that need as well as increasing the housing stock. Furthermore H26 should contain a better mix of housing type, especially larger houses to meet another clearly identified local need. KER agree a total of around 60 residences are suitable for this site.

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

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**Consistent with national policy** - the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

**5.(1) Do you consider the document is Sound?**

Yes

No

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

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(Complete any that apply)

Paragraph no.

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Signature

SEE ATTACHED NAMES

Date

4 APRIL 2018

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

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John & Brenda Gallery  
Danny & Karen Downes  
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Melissa Brighton  
Jonathan & Alison Laverack  
Alison & David stead  
Val Baxter & Andrew Higson  
Marian Wellings  
Joanne & Andrew Owen  
Claire & Jonathan Healy  
Sally Firth  
Ken & Irene Guest  
Judith & Mark Gillett  
Sophie & Robert Moore  
Colin & Kate Skelton  
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Ann & Dan Taylor  
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## 3. To which document does your response relate? (Please tick one)

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## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

### ST15: Whinthorpe/Elvington Airfield.

Keep Elvington Rural action group (KER) agree and support the views of the Parish Council

The first version of the Local Plan included ST15 as 'Whinthorpe'. This was significantly better sited than the current proposals, being much closer to the A64 – its principal access point. This allowed for the retention of the airfield runway and lessened the adverse impact on Elvington and Wheldrake. The A64 clearly separates the site from Haslington so the visual and auditory impact on that village would be minimal. As it is proposed, ST15 is too close to the villages of Elvington and Wheldrake as well as being disproportionate in size to them. It would dominate the area, when it could and should be sited further away.

KER agree with the concerns about the lack of information provided on the impact on the local area of new infrastructure generally – and particularly the transport links to the A64 and B1228. The effect on the surrounding countryside, and the villages of Elvington and Wheldrake, will be vast.

Furthermore KER agree with the views of the Parish Council that it is absurd and economically ill-advised to destroy the airfield runway in the way proposed. Elvington Airfield is an important part of York's history and the full-length runway should be retained for historical reasons and future strategic need, along with the existing recreational activities that currently take place. Once destroyed it can never be recreated. Furthermore the airfield holds almost all of the UK's land speed records and is itself a major asset for tourism, which is a stated economic strategic priority for York. Additionally the adverse impact on the internationally respected Yorkshire Air Museum and Allied Air Forces Memorial would further damage tourism and indeed the reputation of York itself. It is estimated that the airfield and the Air Museum together currently attract in excess of 200,000 visitors a year to York.

The airfield is Green Belt and a site of importance to nature. The adverse ecological impact of ST15 would be less if it were sited north as originally proposed.

KER agree with the Parish Council and cannot support the proposal as it stands.. KER would not object to ST15 if it was on the originally proposed site alongside the A64 and adjacent to the proposed new junction.

## What makes a Local Plan "sound"?

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 Yes  No 

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<b>Positively prepared</b>	<input checked="" type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
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KER believe that if ST15 is to be built then it should be relocated to the original 'Winthorpe' site. This would allow for the retention of the airfield runway and associated tourist trade. Moving the site closer to the A64 would have little impact on Heslington (which is protected by the A64) but would greatly reduce the seriously adverse impact on Elvington. As they stand the proposals would have a severely damaging impact on the village of Elvington.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

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Sophie & Robert Moore  
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Claire & Ian Spencer  
Ann & Dan Taylor  
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[REDACTED]

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**From:** Martin Moorhouse [REDACTED]  
**Sent:** 04 April 2018 23:57  
**To:** localplan@york.gov.uk  
**Cc:** Jane Moorhouse  
**Subject:** Keep Elvington Rural Local Plan Response  
**Attachments:** KER H39.pdf; KER ST15.pdf

On behalf of Keep Elvington Rural Action Group I attach responses relating to ST15 and H39

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We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

### Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.<sup>1</sup> The Council must also notify those on the database at certain stages of plan preparation under the Regulations.<sup>2</sup>

### Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.<sup>3</sup>

### Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at [haveyoursay@york.gov.uk](mailto:haveyoursay@york.gov.uk) or on [01904 554145](tel:01904554145).

Signature

SEE ATTACHED NAMES

Date

4 APRIL 2018

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

Joanne & Matthew Wedgwood  
Jane & Martin Moorhouse  
John & Brenda Gallery  
Danny & Karen Downes  
Simon & Ann Lock  
Melissa Brighton  
Jonathan & Alison Laverack  
Alison & David stead  
Val Baxter & Andrew Higson  
Marian Wellings  
Joanne & Andrew Owen  
Claire & Jonathan Healy  
Sally Firth  
Ken & Irene Guest  
Judith & Mark Gillett  
Sophie & Robert Moore  
Colin & Kate Skelton  
Claire & Ian Spencer  
Ann & Dan Taylor  
Em Yates & Hamish Mattinson



# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.**

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		
First Name		
Last Name		
Organisation (where relevant)	Keep Elvington Rural Action Group	
Representing (if applicable)	Elvington Village	
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address	Facebook: Keep Elvington Rural	
Telephone Number		

# Part B - Your Representation

(Please use a separate Part B form for each issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations, the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

### ST15: Whinthorpe/Elvington Airfield.

Keep Elvington Rural action group (KER) agree and support the views of the Parish Council

The first version of the Local Plan included ST15 as 'Whinthorpe'. This was significantly better sited than the current proposals, being much closer to the A64 – its principal access point. This allowed for the retention of the airfield runway and lessened the adverse impact on Elvington and Wheldrake. The A64 clearly separates the site from Haslington so the visual and auditory impact on that village would be minimal. As it is proposed, ST15 is too close to the villages of Elvington and Wheldrake as well as being disproportionate in size to them. It would dominate the area, when it could and should be sited further away.

KER agree with the concerns about the lack of information provided on the impact on the local area of new infrastructure generally – and particularly the transport links to the A64 and B1228. The effect on the surrounding countryside, and the villages of Elvington and Wheldrake, will be vast.

Furthermore KER agree with the views of the Parish Council that it is absurd and economically ill-advised to destroy the airfield runway in the way proposed. Elvington Airfield is an important part of York's history and the full-length runway should be retained for historical reasons and future strategic need, along with the existing recreational activities that currently take place. Once destroyed it can never be recreated. Furthermore the airfield holds almost all of the UK's land speed records and is itself a major asset for tourism, which is a stated economic strategic priority for York. Additionally the adverse impact on the internationally respected Yorkshire Air Museum and Allied Air Forces Memorial would further damage tourism and indeed the reputation of York itself. It is estimated that the airfield and the Air Museum together currently attract in excess of 200,000 visitors a year to York.

The airfield is Green Belt and a site of importance to nature. The adverse ecological impact of ST15 would be less if it were sited north as originally proposed.

KER agree with the Parish Council and cannot support the proposal as it stands.. KER would not object to ST15 if it was on the originally proposed site alongside the A64 and adjacent to the proposed new junction.

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

**5.(1) Do you consider the document is Sound?**

 Yes  No 

If yes, go to question 5.(4). If no, go to question 5.(2)

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

<b>Positively prepared</b>	<input checked="" type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
<b>Effective</b>	<input checked="" type="checkbox"/>	<b>Consistent with national policy</b>	<input type="checkbox"/>

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

**ST15. Whinthorpe/Elvington Airfield.**

Keep Elvington Rural action group (KER) agree and support the views of the Parish Council.

The first version of the Local Plan included ST15 as 'Whinthorpe'. This was significantly better sited than the current proposals, being much closer to the A64 – its principal access point. This allowed for the retention of the airfield runway and lessened the adverse impact on Elvington and Wheldrake. The A64 clearly separates the site from Haslington so the visual and auditory impact on that village would be minimal. As it is proposed, ST15 is too close to the villages of Elvington and Wheldrake as well as being disproportionate in size to them. It would dominate the area, when it could and should be sited further away.

KER agree with the concerns about the lack of information provided on the impact on the local area of new infrastructure generally – and particularly the transport links to the A64 and B1228. The effect on the surrounding countryside, and the villages of Elvington and Wheldrake, will be vast.

Furthermore KER agree with the views of the Parish Council that it is absurd and economically ill-advised to destroy the airfield runway in the way proposed. Elvington Airfield is an important part of York's history and the full-length runway should be retained for historical reasons and future strategic need, along with the existing recreational activities that currently take place. Once destroyed it can never be recreated. Furthermore the airfield holds almost all of the UK's land speed records and is itself a major asset for tourism, which is a stated economic strategic priority for York. Additionally the adverse impact on the internationally respected Yorkshire Air Museum and Allied Air Forces Memorial would further damage tourism and indeed the reputation of York itself. It is estimated that the airfield and the Air Museum together currently attract in excess of 200,000 visitors a year to York.

The airfield is Green Belt and a site of importance to nature. The adverse ecological impact of ST15 would be less if it were sited north as originally proposed.

KER agree with the Parish Council and cannot support the proposal as it stands. KER would not object to ST15 if it was on the originally proposed site alongside the A64 and adjacent to the proposed new junction.



6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

**After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

KER believe that if ST15 is to be built then it should be relocated to the original 'Winthorpe' site. This would allow for the retention of the airfield runway and associated tourist trade. Moving the site closer to the A64 would have little impact on Heslington (which is protected by the A64) but would greatly reduce the seriously adverse impact on Elvington. As they stand the proposals would have a severely damaging impact on the village of Elvington.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation



Yes, I wish to appear at the examination



If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.



## Part C - How we will use your Personal Information

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### Retention of Information

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Signature

SEE ATTACHED NAMES

Date

4 APRIL 2018

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

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Val Baxter & Andrew Higson  
Marian Wellings  
Joanne & Andrew Owen  
Claire & Jonathan Healy  
Sally Firth  
Ken & Irene Guest  
Judith & Mark Gillett  
Sophie & Robert Moore  
Colin & Kate Skelton  
Claire & Ian Spencer  
Ann & Dan Taylor  
Em Yates & Hamish Mattinson

[REDACTED]

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**From:** Martin Moorhouse [REDACTED]  
**Sent:** 03 April 2018 15:29  
**To:** localplan@york.gov.uk  
**Subject:** Local Plan comments - ST15  
**Attachments:** local plan 2018 st15 winthorp.pdf; Local Plan relocated 'Whinthorpe' map.pdf

Dear All

I attach scan of my comments form for ST15 together with a PDF of the map that I refer to

Please confirm receipt.

Regards

Martin Moorhouse

**City of York Local Plan  
Publication Draft 2018  
Consultation response form  
21 February – 4 April 2018**

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information


To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.**

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address)

1. Personal Details		2. Agent's Details (if applicable)
Title	Mr	
First Name	Martin	
Last Name	Moorhouse	
Organisation (where relevant)		
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

Representations must be received by Wednesday 4 April 2018, up until midnight.  
Representations received after this time will not be considered duly made.



# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Electronic copies of this form are available to download at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or you can complete the form online at [www.york.gov.uk/consultations](http://www.york.gov.uk/consultations)

## What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or use our online consultation form via <http://www.york.gov.uk/consultations>. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

## Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

## Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).
- City of York Council West Offices
- In all libraries in York.

# Part B - Your Representation

(Please use a separate Part B form for each issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached page 1 plus map PDF

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

### What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** - the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

---

Representations must be received by Wednesday 4 April 2018, up until midnight.  
Representations received after this time will not be considered duly made.



This site, in its proposed location, fails the tests of Soundness (positively prepared, justified, effective)

1. Original proposals for Winthorp held the site much closer to the A64 (see map attached). This site is acceptable and would minimise the damage to both Greenbelt, nature conservation and local communities
2. The airfield is not 'brownfield' as indicated but Greenbelt and furthermore a site of importance to nature. Thus, with less new roads the original location offers less destruction of Greenbelt for the same size town.
3. The airfield is as much part of York's history as the walls, Cliffords Tower or the Minster and should be afforded the same level of protection.
4. The airfield should be considered an asset of community value to be held in trust for future generations. Once destroyed it can never be replaced.
5. The airfield is home to almost all of the UKs land speed records and as such an asset for tourism.
6. Building on the open space of the airfield would seriously damage the site and location of the internationally renowned Allied Forces Memorial and Yorkshire Air Museum – again a significant contributor to local tourism.
7. Destroying the runway is thus directly contradictory to York's stated policies of preserving history, the character of York, protecting wildlife and encouraging tourism.
8. The proposed location would result in significant additional traffic through the narrow villages of Elvington (with its single carriage bridge) and Wheldrake. This would be lessened by reverting to the original location.
9. The links to the main access point of the A64 are considerably shortened from the original location and would thus damage less countryside and provide a quicker dispersion of traffic.
10. Heslington is protected by the barrier of the A64 at either location and as there will be no vehicular access unaffected by the choice of location. Thus reverting to the original site would improve the overall quality of life for many York residents over the current proposal at a cost to none.
11. Neither location can be seen from the main carriageway of the A64 nor do either of the locations offer a view of the Minster – thus many of the points made for the airfield location are neither correct nor valid.
12. The rumoured reasons for moving the proposals onto the airfield are individually personal and should be investigated.
13. The proposals fall significantly short of the infrastructure and transport analysis required for a development of this size. The CYC Local Plan should, again, be rejected in its current form and reworked to become a proper analysis that actually deals with the long term interests of the residents and businesses who reside and work in the area.

**5.(1) Do you consider the document is Sound?**

Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

Positively prepared	<input checked="" type="checkbox"/>	Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>	Consistent with national policy	<input type="checkbox"/>

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph  
no.

Policy  
Ref.

Site Ref

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

See attached page 2 plus map PDF



This site, in its proposed location, fails the tests of Soundness (positively prepared, justified, effective)

1. Original proposals for Winthorp held the site much closer to the A64 (see map attached). This site is acceptable and would minimise the damage to both Greenbelt, nature conservation and local communities
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6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

**After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

See attached page 3 plus map PDF

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation



**Yes**, I wish to appear at the examination



If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

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---

Representations must be received by Wednesday 4 April 2018, up until midnight.  
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Original proposals for Winthorp held the site much closer to the A64 (see map attached). This site is acceptable and would minimise the damage to Tourism, Reputation, Greenbelt, nature conservation and local communities

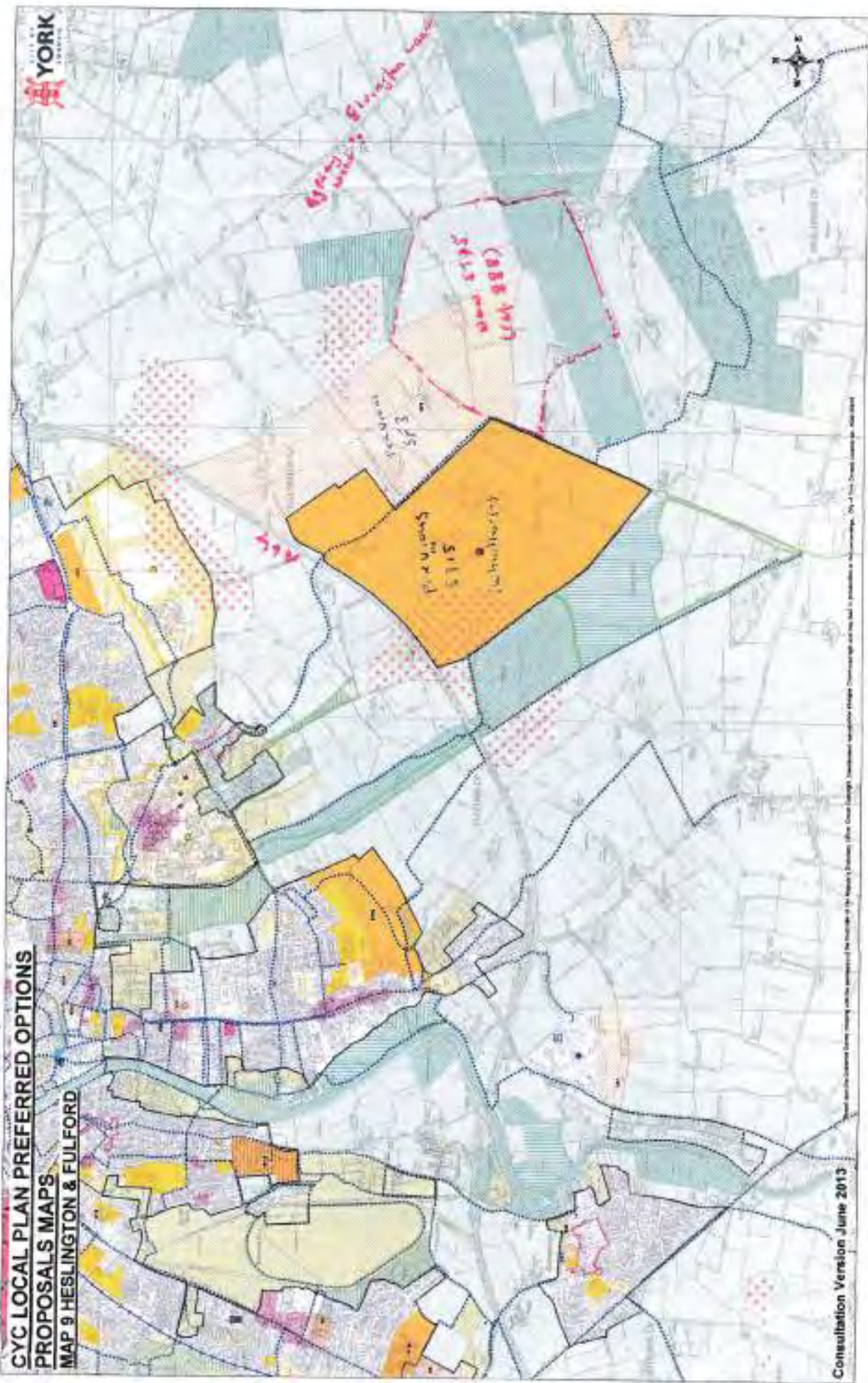


Sept  
2017

Previous Whintheip v Allocation ST15 (Ref 888)

June  
2013

**CYC LOCAL PLAN PREFERRED OPTIONS  
PROPOSALS MAPS  
MAP 9 HESLINGTON & FULFORD**



Consultation Version June 2013



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We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

### Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.<sup>1</sup> The Council must also notify those on the database at certain stages of plan preparation under the Regulations.<sup>2</sup>

### Retention of Information

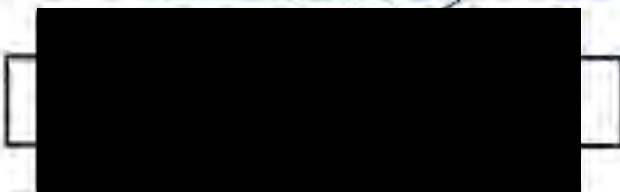
We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.<sup>3</sup>

### Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at [hay@york.gov.uk](mailto:hay@york.gov.uk) or on 01904 554145

Signature



Date

3/4/18

Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) (England) Regulations 2012

Regulation 19 Town and Country Planning (Local Planning) (England) Regulations 2012

Regulation 35 Town and Country Planning (Local Planning) (England) Regulations 2012

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Representations must be received by Wednesday 4 April 2018, up until midnight.  
Representations received after this time will not be considered duly made.

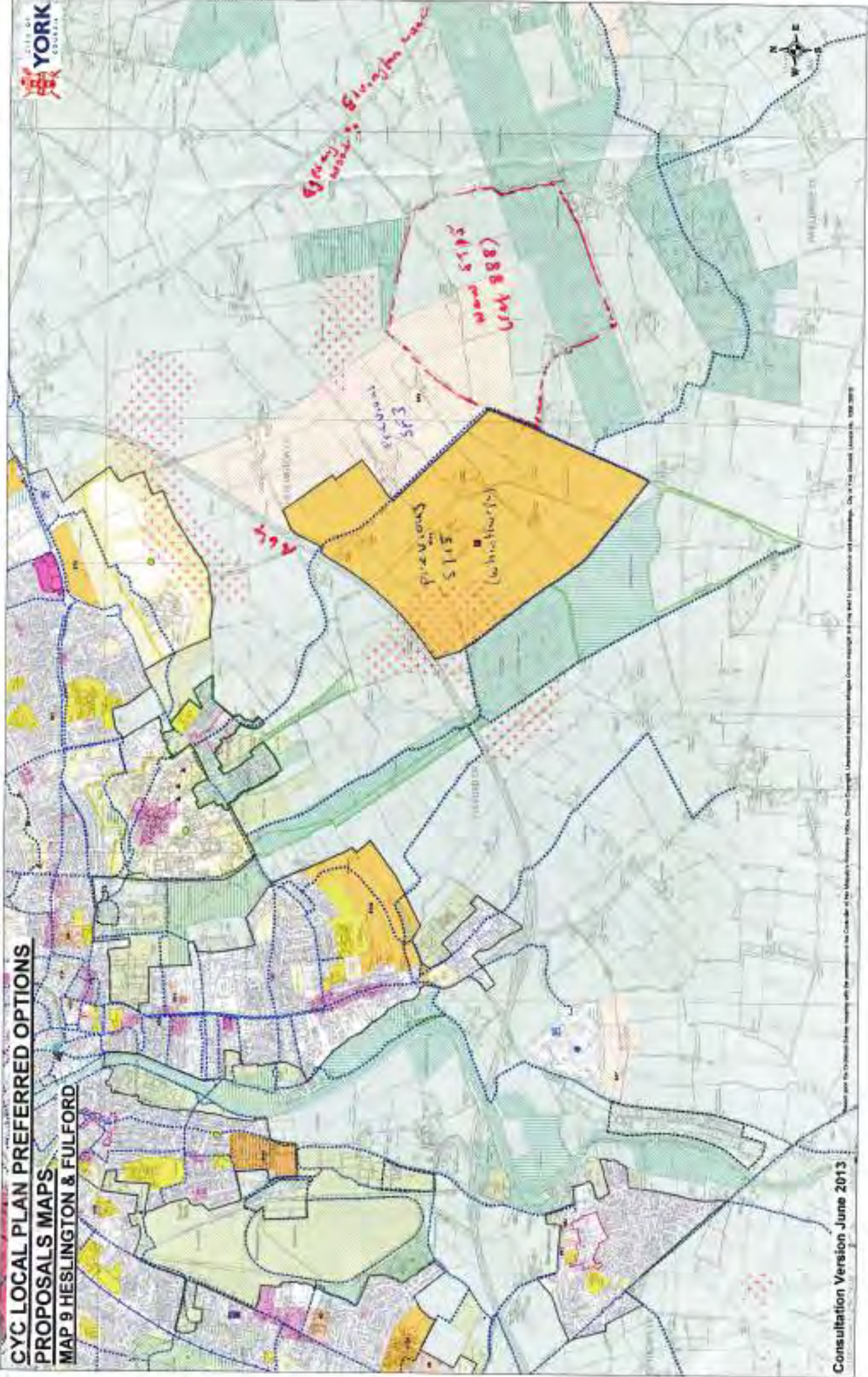


sept

Previous 'Whintherpe V1 Allocation' ST15 (ref 888)

June 2013

**CYC LOCAL PLAN PREFERRED OPTIONS PROPOSALS MAPS MAP 9 HESLINGTON & FULFORD**



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**From:** Tillie Baker [Tillie.Baker@rapleys.com]  
**Sent:** 03 April 2018 15:32  
**To:** localplan@york.gov.uk  
**Cc:** Neil Jones; Mills, David; Tillie Baker  
**Subject:** Representations to Submission Version Local Plan  
**Attachments:** CYC Reg 19 Local Plan Comments Form April 2018 - signed.pdf; Representations to Submission Version Local Plan - April 2018 - signed.pdf

**Importance:** High

Dear Sir/Madam,

Please find attached representations to the York Local Plan Submission Version (Regulation 19) consultation, submitted on behalf of British Sugar.

It would be appreciated if you could confirm receipt by return email.

Kind regards,

**Tillie Baker**

BFA (Hons) MRP AssocRTPI  
Planner  
Town Planning

0161 8176240



RAPLEYS LLP

55 Spring Gardens Manchester M2 2BY

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# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.**

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name		Neil
Last Name		Jones
Organisation (where relevant)		Rapleys LLP
Representing (if applicable)		
Address – line 1		55 Spring Gardens
Address – line 2		Manchester
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		M2 2BY
E-mail Address		neil.jones@rapleys.com
Telephone Number		07774 652 426

Representations must be received by Wednesday 4 April 2018, up until midnight.  
Representations received after this time will not be considered duly made.

# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Electronic copies of this form are available to download at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or you can complete the form online at [www.york.gov.uk/consultations](http://www.york.gov.uk/consultations)

## What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or use our online consultation form via <http://www.york.gov.uk/consultations>. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

## Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

## Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).
- City of York Council West Offices
- In all libraries in York.

# Part B -Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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**5.(1) Do you consider the document is Sound?**

Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

<b>Positively prepared</b>	<input type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
<b>Effective</b>	<input type="checkbox"/>	<b>Consistent with national policy</b>	<input checked="" type="checkbox"/>

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph no.

Various

Policy Ref.

Various

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

Please refer to enclosed Representations by Rapleys on behalf of British Sugar Plc.

**6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

**After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

Please refer to enclosed Representations by Rapleys on behalf of British Sugar Plc.

**7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

**7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

As representative of British Sugar, landowner of site ST1, policy ref SS6

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

## Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

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Signature

Date

Apr 3, 2018

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012



RAPLEYS

REPRESENTATIONS  
ON BEHALF OF  
BRITISH SUGAR PLC TO THE  
CITY OF YORK LOCAL PLAN  
PUBLICATION DRAFT  
(REGULATION 19  
CONSULTATION)  
FEBRUARY 2018

Representations March 2018

Our Ref: NJ/1119/114/3



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## Contents

1	Introduction and Background.....	2
2	City of York Local Plan Publication Draft .....	3

## Appendices

Appendix 1	Site Location Plan
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**QUALITY ASSURANCE**

This report has been prepared within the quality system operated at Rapleys LLP according to British Standard ISO 9001:2008.

Created by:	Tillie Baker BFA (Hons) MRP AssocRTPI <a href="mailto:tillie.baker@rapleys.com">tillie.baker@rapleys.com</a>
Signature:	 _____
Checked by:	Neil Jones BA (Hons) DipTP MRTPI <a href="mailto:neil.jones@rapleys.com">neil.jones@rapleys.com</a>
Signature:	 _____

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## 1 INTRODUCTION AND BACKGROUND

- 1.1 These representations are submitted by Rapleys LLP on behalf of British Sugar Plc (British Sugar).
- 1.2 British Sugar has worked with City of York Council (CYC) since the closure of the former British Sugar site (the site) in 2007 to progress its sustainable redevelopment. British Sugar continues to work with CYC to enable the sustainable redevelopment of the site and has recently secured planning permission for the main access points into the proposed redevelopment and in addition has secured planning permission for the remediation and engineering works necessary to enable future housing development.
- 1.3 Following the Public Inquiry in relation to the outline planning application regarding the masterplan for the site, British Sugar awaits the decision of the Secretary of State in order that progress on the development of the site can be made.
- 1.4 A site location plan is included at **Appendix 1**.
- 1.5 These representations should be read in conjunction with all previous representations made to the draft Local Plan and previous draft Core Strategy by Rapleys on behalf of British Sugar as follows:-
- City of York Pre-Submission Draft (October 2017);
  - City of York Local Plan Assessment Update (October 2016);
  - City of York Local Plan Preferred Sites Consultation (July 2016);
  - Housing Implementation Survey Representations (December 2015);
  - City of York Plan Further Sites Consultation Representation (July 2014);
  - Local Plan Preferred Option Representations (July 2013);
  - Core Strategy Representations (November 2011); and
  - Formal British Sugar/Former Manor School Supplementary Planning Document Representations (November 2010 and January 2011).
- 1.6 We look forward to receiving confirmation that these representations have been duly received and request that we are kept informed of further progress in relation to the City of York Local Plan.

## 2 CITY OF YORK LOCAL PLAN PUBLICATION DRAFT

2.1 This section sets out the comments and representations of British Sugar on the Publication Draft Local Plan, as set out in the table below.

Policy Reference / Paragraph No.	Draft Policy Wording	British Sugar Comments	Proposed Revised Wording (Where Appropriate)
Policy SS6: British Sugar/Manor School	<p>British Sugar / Manor School (ST1) will deliver approximately 1200 dwellings at this urban development site. In addition to complying with the policies within this Local Plan, the site must be master planned and be delivered in accordance with the following key principles: (<i>inter alia</i>)</p> <p>ii) provide new social infrastructure which meets the needs of future residents of ST1 and, where viable, surrounding communities including local retail, health, community space, educational facilities and sports provision.</p> <p>iv) Be of a high design standard to give a sense of place and distinctive character reflecting the sites historic use and social heritage. The site has views across the flat landscape toward the Minster and northwest which needs to be incorporated through the design to ensure views are achieved across the flat landscape.</p>	<p>British Sugar supports, in principle the identification of the site as part of Site ST1 for housing led redevelopment to deliver approximately 1200 dwellings. In terms of the identified key principles the following comments are made (using the policy numbering):</p> <p>ii) the provision of new social infrastructure as part of the development must accord with the requirements of CIL Regulation 12Z, in particular, therefore it must be directly related to the development itself, and in this respect reference to serving the needs of the surrounding communities is not justified or consistent with national policy and should be deleted. British Sugar has agreed through the course of extensive discussions with Officers in respect of the planning application and masterplanning process for the site that there is no requirement, as part of the proposed redevelopment, to provide either local retail facilities or healthcare facilities (Doctors and Dentists facilities) on the British Sugar site itself. It is therefore understood that reference to local retail and healthcare infrastructure is specifically made in reference to the future redevelopment of the former Manor School part of the ST1</p>	<p>British Sugar/Manor School (ST1) will deliver approximately 1200 dwellings at this urban development site. In addition to complying with the policy within this local plan the site <i>should</i> be master planned and be delivered in accordance with the following key principles; (<i>inter alia</i>)</p> <p>ii) provide new social infrastructure to serve the needs of the new community <del>and surrounding communities</del>-including local retail and health (<i>on the former Manor School site</i>), community space, educational facilities and sports provision.</p>



Policy Reference / Paragraph No.	Draft Policy Wording	British Sugar Comments	Proposed Revised Wording (Where Appropriate)
Paragraph No. 3.41	The British Sugar sidings SINC site is 500m long and is designated for species of aculeate hymenoptera (bees and wasps). This site may be impacted through the construction of the site and it would be necessary to ensure the limiting of disturbance to avoid adverse impact on the bees and wasps. This may include phasing development around the site to correspond to the life cycle of these species.	allocation. This should therefore be clarified.  As part of its master planning exercise British Sugar has ensured a suitable buffer zone is included within the parameter plans which form part of the outlining planning application to ensure suitable protection of the SINC. There has been no reference by the Council at any time to the need to phase development around the life cycle of the bees and wasps. Therefore this is unjustified and unnecessary. This wording should therefore be deleted from Paragraph 3.41.	<del>This may include phasing development around the site to correspond to the life cycle of the species.</del>
Policy H4 Promoting Self and Custom House Building	On strategic sites, (Sites 5 hectares and above) developers will be required to supply at least 5% of dwelling plots for sale to self-builders or to small/custom house builders subject to appropriate demand being identified. Plots should be made available at competitive rates, to be agreed through Section 106 agreements which are fairly related to associated sites/plot costs. In determining the nature and scale of provisions the Council will have regard to viability considerations and sites specific circumstances.	British Sugar has been in discussions with the Council in respect of the redevelopment of the former British Sugar site since its closure in 2007 and as part of these discussions it has not been, at any point, proposed or required by the Council that provision be made with the British Sugar site redevelopment for a proportion of plots for sale to self-builders or custom house builders. Therefore no provision of this nature is made within the outline application. It should therefore be made clear that this requirement does not relate to Site ST1, as it has not been justified. The requirement to market plots specifically for self build homes for a period of 12 months could lead to the unnecessary delay of housing provision on the British Sugar site.	On strategic sites ( <i>other than ST1</i> ), (Sites 5 hectares and above) developers will be required to supply at least 5% of dwelling plots for sale to self-builders or to small/custom house builders subject to appropriate demand being identified.
Policy H5 Gypsies	Within strategic allocations, applications for larger	British Sugar has been in discussions with the	Within strategic allocations ( <i>other than ST1</i> ),

Policy Reference / Paragraph No.	Draft Policy Wording	British Sugar Comments	Proposed Revised Wording (Where Appropriate)
and Travellers	<p>development sites of 5 hectares or more will be required to :</p> <ul style="list-style-type: none"> <li>• Provide a number of pitches within the site; or</li> <li>• Provide alternative land that meets the criteria set out in Part (c) of this policy) to accommodate the required number of pitches; or</li> <li>• Provide commuted sum payments to contribute towards to [sic] development of pitches elsewhere.</li> </ul>	<p>Council since the closure of the British Sugar site in 2007. As part of these discussions it has never been a requirement that the site and its future redevelopment must provide for sites for gypsies and travellers and therefore there is no inclusion for this within the outline application. It should therefore be made clear in the Policy that this requirement does not relate to the redevelopment of the British Sugar site, as it has not been justified.</p>	<p>applications for larger development sites of 5 hectares or more will be required to :</p> <ul style="list-style-type: none"> <li>• Provide a number of pitches within the site; or</li> <li>• Provide alternative land that meets the criteria set out in Part D (of this Policy) to accommodate the required number of pitches; or</li> <li>• Provide commuted sum payments to contribute to development of pitches elsewhere.</li> </ul>
Policy H9 Older persons specialist housing	<p>Strategic sites (over 5 hectares) should incorporate the appropriate provision of accommodation types for older persons within their site master planning.</p>	<p>The redevelopment of the British Sugar site will, as has been agreed, following detailed discussions with Officers, provide for a range of predominantly family housing which will include a range of unit types. These unit types can therefore provide suitable accommodation for older persons. Therefore it is not appropriate that, for the British Sugar site, Policy H9 stipulates that specific older persons specialist housing should be provided as this would be contrary to the predominantly family housing provision that has been agreed with Officers as part of the planning application and masterplan discussions. Therefore it should be made clear in this policy that this requirement is not related to the British Sugar site.</p>	<p>Strategic sites (<i>other than ST1</i>) (over 5 hectares) should incorporate the appropriate provision of accommodation types for older persons within their site master planning.</p>
Policy H10 Affordable	<p>The Council will support residential schemes for two or more dwellings which: inter alia</p>	<p>British Sugar support the Council's aspirations to secure 20% Affordable Housing on</p>	<p>v) fully integrate the affordable housing by pepper potting throughout the development with no more than four affordable dwellings placed next to each</p>

Policy Reference / Paragraph No.	Draft Policy Wording	British Sugar Comments	Proposed Revised Wording (Where Appropriate)
Housing	<p>iv) make provision which reflects tenure split in terms of social renting and intermediate housing, as set out in the most up to date SHMA.</p> <p>v) fully integrate the affordable housing by pepper potting throughout the development with no more than two affordable dwellings placed next to each other. The size and type of homes should be a pro rata mix of the total homes provided on site, taking into account current assessments of local need where on-site provision is required. The affordable housing should be visually indistinguishable from the open market dwellings.</p>	<p>Brownfield sites of 15 or more dwellings.</p> <p>iv) British Sugar has been in discussions with the Council since the closure of the British Sugar site in 2007 and have been directed by the Council to assume a tenure split of 70:30 for Social Rent and Discount Sale Dwellings. It should therefore be made clear in the Policy that this requirement does not relate to the redevelopment of the British Sugar site.</p> <p>v) British Sugar support the concept of pepper potting affordable housing throughout the development but find the current proposal of no more than two affordable dwellings placed next to each other to be overly prescriptive, may give rise to design issues and could have a depreciating impact on site values, which in turn could lead to lower provision of affordable housing.</p>	<p>other. The size and type of homes should be a pro rata mix of the total homes provided on site, taking into account current assessment of local needs where on site provision is required. The affordable housing should be visually indistinguishable from the open market dwellings.</p>
Policy HW2 New Community Facilities	<p>Applications for strategic residential developments must be accompanied by an audit of existing community facilities and their current capacity, prepared by the applicant. Developments that place additional demands on existing services will be required to provide proportionate new or expanded community facilities, to meet the needs of existing and future occupiers.</p>	<p>As part of the planning application process British Sugar has assessed in detail, with Officers, the need for the provision of new community facilities as part of the redevelopment of the British Sugar site. British Sugar is committed to the appropriate provision of such facilities to ensure its proposal is acceptable in planning terms. However, the provision of such facilities, as part of the development, must accord with the requirements of CIL Regulation 12Z, in particular, therefore it must be directly related to the development itself. In this</p>	<p>Developments that place additional demands on existing services will be required to provide proportionate new or expanded community facilities to meet the needs of <del>existing</del> and future occupiers.</p>

Policy Reference / Paragraph No.	Draft Policy Wording	British Sugar Comments	Proposed Revised Wording (Where Appropriate)
Policy D3 Cultural Provision	<p>i) Development proposals will be supported where they:</p> <ul style="list-style-type: none"> <li>• Enable and promote the delivery of new cultural facilities and/or activities and services such as permanent and temporary public arts;</li> <li>• Provide facilities, opportunities and/or resources for cultural programmes and activities, during an/or after the development period;</li> <li>• Do not cause the loss of cultural facilities, activities or services; and</li> <li>• Do not cause the loss of venues or spaces, including in the public realm, that deliver cultural opportunities, activities or services.</li> </ul> <p>ii) Development proposals for all strategic sites will need to demonstrate that future cultural provision has been considered. This assessment should be included in a Cultural Wellbeing Plan, describing how the four criteria above in (i) are satisfied.</p>	<p>respect reference in this policy to meeting the needs of existing occupiers is not justified or in line with national policy and should be deleted.</p> <p>The planning applications which are currently with the Council for the redevelopment of the British Sugar site were scoped in detail as part of the pre-application consultation exercise, and a cultural wellbeing plan was not requested or required as part of the scoping exercise or as part of the formal EIA scoping exercise.</p>	N/A
Policy G14 Trees and Hedgerows	<p>Development will be supported where it (inter alia):</p> <p>ii) Provides protection for overall tree cover as well as for existing trees worthy of retention in the immediate and longer term, and with conditions that would sustain the trees in good health and maturity.</p>	<p>As part of the planning application process for the British Sugar site, the application seeks to ensure the retention of all mature trees worthy of retention, wherever possible, in the context of the need to remediate the site and provide level development platforms</p>	<p>Development will be supported where it:</p> <p>ii) Provides protection for overall tree cover as well as for existing trees worthy of retention wherever possible in the immediate and longer term, and with conditions that would sustain the</p>

Policy Reference / Paragraph No.	Draft Policy Wording	British Sugar Comments	Proposed Revised Wording (Where Appropriate)
		<p>for future housing development. In order to be justified this policy should therefore recognise that such landscaping should be retained wherever possible in the context of the necessary infrastructure provisions for future development.</p>	<p>trees in good health in maturity.</p>
<p>Policy G15 Protection of Open Space and Playing Fields</p>	<p>Development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of environmental and/or recreational importance, unless the open space uses can be satisfactorily replaced in the area of benefit and in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost.</p> <p>Where replacement open space is to be provided in an alternative location (within the area of benefit) the replacement site/facility must be fully available for use before the area of open space to be lost can be redeveloped.</p> <p>Development proposals will be supported which: (<i>inter alia</i>)</p> <ul style="list-style-type: none"> <li>• Protects playing pitch provision except where a local area or surplus is indicated in the most up to date Playing Pitch strategy;</li> <li>• Improves the quality of existing pitches and ensure that any new pitches are designed and implemented to a high standard and fully reflect an understanding of the issues affecting community sport: and</li> </ul>	<p>British Sugar has, as part of the planning application process for the redevelopment of the British Sugar site, committed to providing a combination of on-site sports pitches, open space and playing pitch provision, and contributions towards off-site facilities in agreement with Officers, informed by an assessment of need in the locality.</p> <p>In the case of the off-site facilities, the timescale for their delivery is within the control of the Council. This should not however delay the redevelopment of the site, where appropriate timescales for the off-site replacement are committed to, via s106 agreement.</p> <p>There is no definition within the policy or its supporting text as the precise meaning of the words area of benefit. This must therefore be precisely clarified.</p>	<p>Development proposals will not be permitted which would harm the character of or lead to the loss of open space of environmental or recreational importance, unless the open space uses can be satisfactorily replaced in the area of benefit, and in terms of quality, quantity and access, with an equal or better standard than that which is proposed to be lost. Where replacement open space is to be provided in an alternative location within the area of benefit, the replacement site facility <i>should</i> be fully available for use before the area of open space to be lost can be redeveloped, or <i>appropriate timescales for the provision of the off-site facility are agreed via s106 agreement</i>. Development proposals will be supported which: (<i>inter alia</i>)</p> <ul style="list-style-type: none"> <li>• Protects playing pitch provision except where a local area or surplus is indicated in the most up to date playing pitch strategy;</li> <li>• Improves the quality of existing pitches and ensure that new pitches are designed and implemented to a high standard and fully reflect an understanding of the issues affecting community sport, and</li> </ul>

Policy Reference / Paragraph No.	Draft Policy Wording	British Sugar Comments	Proposed Revised Wording (Where Appropriate)
	<ul style="list-style-type: none"> <li>Meets the deficit of pitches in [a] geographically appropriate and accessible way. This could be rectified through re-designation of any current surplus facilities in the area of benefit.</li> </ul>		<ul style="list-style-type: none"> <li>Meets the deficit of pitches in a geographically appropriate and accessible way. This could be rectified through re-designation of any current surplus facilities in the area of benefit.</li> </ul>
Policy G16 New Open Space Provision	Where there are deficiencies in certain types of open space provision in the area surrounding a proposed development, the Council will seek variations in the component elements to be provided by the developer in order to help overcome them.	As part of the planning application process British Sugar has assessed in detail, with Officers, the need for the provision of new open space provision, and the typologies within this, as part of the redevelopment of the British Sugar site. British Sugar is committed to the appropriate provision of such facilities to ensure its proposal is acceptable in planning terms. However, the provision of such facilities, as part of the development, must accord with the requirements of CIL Regulation 122, in particular, therefore it must be directly related to the development itself. In this respect reference in this policy to addressing existing deficiencies is not justified or consistent with national policy and should be deleted.	<del>Where there are deficiencies in certain types of open space provision in the area surrounding a proposed development, the Council will seek variations in the component elements to be provided by the developer in order to help overcome them</del>
Policy ENV2 Managing Environmental Quality	Development proposals for uses that are likely to have an environmental impact on the amenity of the surrounding area, including residential amenity, open countryside, local character and distinctiveness, and public spaces, must be accompanied by evidence that the impacts have been evaluated and the proposal will not result in loss of character, amenity or damage to human	The policy should be consistent in its tests for the level of impact that is acceptable in accordance with the NPPF, and the opening paragraph of the policy itself which refers to development not giving rise to "significant adverse environmental impacts". The second paragraph of the policy should therefore be re-worded accordingly.	Development proposals for uses that are likely to have an environmental impact on the amenity of the surrounding area, including residential amenity, open countryside, local character and distinctiveness, and public spaces, must be accompanied by evidence that the impacts have been evaluated and the proposal will not result in <i>significant adverse environmental impacts, giving</i>



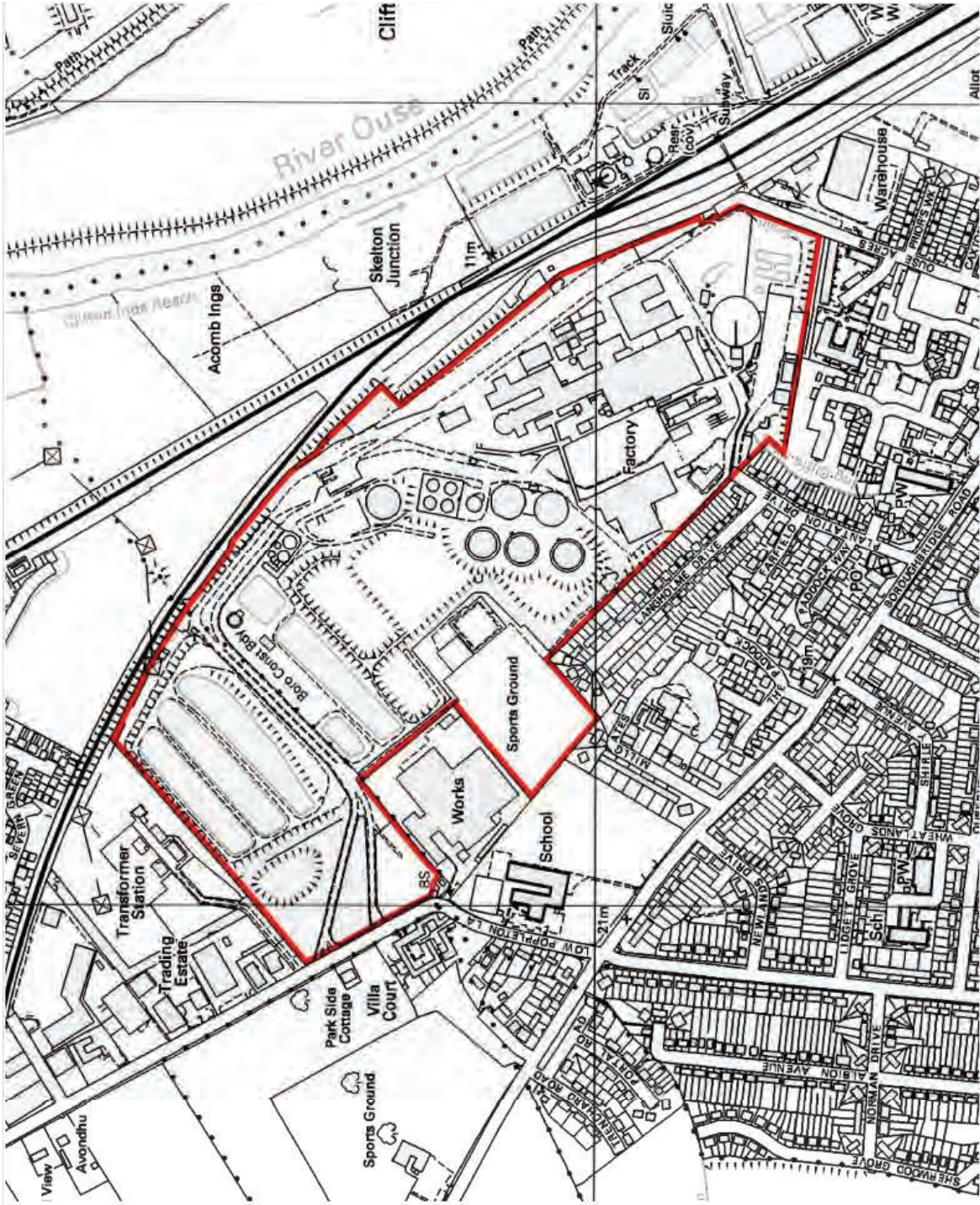
Policy Reference / Paragraph No.	Draft Policy Wording	British Sugar Comments	Proposed Revised Wording (Where Appropriate)
Policy ENV4 Flood Risk	<p>health, to either existing or new communities.</p> <p>Where flood risk is present, development will only be permitted when the local planning authority is satisfied that any flood risk within the catchment will be successfully managed (through a management and maintenance plan for the lifetime of the development) and there are details of proposed necessary mitigation measures.</p>	<p>The policy wording should be clarified to ensure that it makes clear that only increases in flood risk arising as a direct result of the development in question will need to be mitigated for.</p>	<p>rise to loss of character, amenity or damage to human health, to either existing or new communities.</p> <p>Where proposed development is shown to be at risk of flooding, or is shown to increase flooding elsewhere in the catchment, development will only be permitted when the local planning authority is satisfied that increases in flood risk, as a result of the proposed development (either to the development itself or elsewhere within the catchment), will be successfully managed (through a management and maintenance plan for the lifetime of the development) and there are details of proposed necessary mitigation measures.</p>
Policy DM1 Infrastructure and Developer Contributions	<p>New development will not be permitted unless:</p> <ul style="list-style-type: none"> <li>• the infrastructure required to service the development is available; and</li> <li>• the necessary infrastructure to meet the local and wider (strategic) demand generated by the development can be provided and co-ordinated.</li> </ul> <p>The Council will seek contributions from developers to ensure that the necessary infrastructure is in place to support future development in York. Contributions will be sought to fund strategic infrastructure that helps to deliver the vision, special strategy and objectives of the Local Plan, as well as specific infrastructure that is necessary to deliver an individual site. All contributions must accord with the test for planning obligations</p>	<p>The Council must ensure, in accordance with the NPPF, that the requirement for funding strategic infrastructure on developers does not hamper the viability and deliverability of the key strategic sites. Any infrastructure requirement associated with new development must be directly related to the impact of that particular development, in accordance with CIL Regulation 122. The commercial viability of a development should not be compromised by the requirements of large scale infrastructure. The policy should therefore include specific reference to contributions being in accordance with the requirements of CIL Regulation 122.</p>	<p>New development will not be permitted unless the infrastructure required to service the development is available, and the necessary infrastructure to meet the local and wider strategic demand generated by the development can be provided and co-ordinated. The Council will seek contributions from developers to ensure that the necessary infrastructure is in place to support future development in York. Contributions will be sought to fund strategic infrastructure that helps to deliver the vision, special strategy and objectives of the Local Plan, as well as specific infrastructure that is necessary to deliver an individual site. All contributions must accord with the test for planning obligations</p>

Policy Reference / Paragraph No.	Draft Policy Wording	British Sugar Comments	Proposed Revised Wording (Where Appropriate)
Paragraph 15.12 Infrastructure and Developer Contributions	<p>deliver an individual site.</p> <p>Developers will be required to contribute to the provision of infrastructure necessary to mitigate the local impacts of their development and ensure their development achieves wider objectives of the Local Plan, in line with the principles of sustainable development. The Council will prepare a further planning document which will set out the mechanism through which developer contributions will be sought.</p>	<p>As above, the Council must ensure that all contributions requested from new developments are directly related to the impact of the proposals and are in accordance with CIL Regulation 122 in order to be in accordance with national policy.</p>	<p><i>as defined in CIL Regulation 122.</i></p> <p>Developers will be required to contribute to the provision of infrastructure necessary to mitigate the local impacts of their development and ensure their development achieves wider objectives of the local plan, in line with the principles of sustainable development. The Council will prepare the planning document which will set out the mechanism through which their contributions will be sought. <i>All contributions must accord with the test for planning obligations as defined in CIL Regulation 122.</i></p>
Proposals Map	<p>The proposals map includes an annotation, to the north of site ST1 identifying a potential new bridge/enhancement across the Harrogate rail line, adjoining land safeguarded for potential future transport schemes.</p>	<p>Consistent with previous representations made by British Sugar, it has been agreed with officers that the provision of such improvements is not necessary to ensure that the proposed redevelopment of the British Sugar site is acceptable in planning terms. Whilst the annotation on the Proposals Map is not objected to, it should be noted that this is not a requirement of the British Sugar development.</p>	<p>N/A</p>

Appendix 1

# SITE LOCATION PLAN





**SITE LOCATION PLAN**  
Former British Sugar Site  
YORK

Scale @ A3 : 1:5000

Plan No. : 1119/114/1-SLP1\_2017



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**From:** Kim [kim@elgplanning.co.uk]  
**Sent:** 03 April 2018 15:46  
**To:** localplan@york.gov.uk  
**Subject:** Publication Draft - Representations on behalf of Askham Bryan College  
**Attachments:** letter abc (003).pdf; Comments\_form\_FINAL.PDF

Dear Sirs

On behalf of our clients (Askham Bryan College) please find attached a copy of the forms and our accompanying letter in relation to the Publication Draft

Please let me know if you need anymore information

Kind Regards  
Kim

Kim Eastwood, MRTPI  
Principal Planner



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Our Ref: 18/075

3 April 2018

Dear Sirs,

**CITY OF YORK LOCAL PLAN – MANOR HEATH, COPMANTHORPE – ASKHAM BRYAN COLLEGE SUPPORT FOR SITE PREVIOUS REF ST12**

We act on behalf of Askham Bryan College and have been instructed to provide the City of York (CYC) with their representations to CYC's Publication Draft Local Plan (February 2018). These representations are to be read in conjunction with those submitted by PBP Planning on behalf of David Wilson Homes also in relation to site ST12.

The opportunity posed by the development of this site (ST12) is unique. Askham Bryan College is the landowner of the site and consequently the funds from the development proposals will be used directly to enhance investment in the provision of education within the City, a key objective of the Council's strategy for a future prosperous City. This is supported by Policy DP1 and ED7 within the Publication Draft (February 2018) whereby the contribution of the college towards the economic growth and provision of Education within the City and wider region is acknowledged and supported in terms of its future expansion. Therefore, the College plays a significant educational, social and economic role for the City and the wider region.

**Background**

By way of context, Askham Bryan College has been established since 1948 and has subsequently expanded physically and in terms of its degree of importance and contribution towards York as a focus for educational excellence and, indeed, through activities across the wider region. The College has now evolved into the largest provider of land-based education in the UK (Landex, 2016). The College is a multi-sited organisation that has a catchment area of over 10,000 sq miles across the North of England. The College today is a unique provider offering the most diverse range of agricultural resources available in the country from intensive arable farming in the Vale of York to extensive upland hill farming in Cumbria. The College not only has outstanding agriculture resources but boasts one of the UK's premier Animal Science teaching facilities and Zoo, significant environmental science management projects and extensive outdoor pursuits and education resources. The College recruits from over a thousand schools and works with fourteen local authorities. This is alongside working with five different Local Enterprise Partnership (LEP) regions; Leeds City Region, York North Yorkshire and East Riding, Cumbria, Tees Valley and North East. The College's curriculum delivers training, skills and the development of higher level graduates, closely linked to the strategic priorities of the Local Enterprise Partnerships that it sits within.



The College is one of 14 specialist land-based providers within the UK. It's strategic priorities are closely linked to the developing rural economic needs of the region and fulfilling the national strategic priority of the UK Government to ensure a sustainable food production system. Additionally, the College has developed a learning provision encompassing the wider aspects of land-based education with significant provision in animal science, outdoor adventure sports, public services and provision for individuals with higher learning needs. Much of this provision is of specific significance to the rich and essential portfolio of provision that the City of York is able to provide.

For the academic year 2017/18 there were 5880 pupil enrolments at the York campus on educational programmes from Entry Level provision to Honours Degrees. The College has substantial residential accommodation with 350 students drawn from across the UK in residence during the academic year at York. The College has a significant and expansive transport network that enables over 1500 students to travel to College on a weekly basis to study.

The College has a proven track record in maintaining and developing a quality educational facility, it is graded 'Good' by Ofsted, and was one of the few colleges that received two commendations in its last RHE QAA Inspection. In addition, the College has achieved an 'Outstanding' judgement through Ofsted Residential Care Standards. Residential provision is a key feature of a specialist land-based college. Financially, the College is assessed as 'Satisfactory' by the Education and Skills Funding Agency (ESFA).

The significant contribution that the College makes to the local economy cannot be understated as well as to the clear enhancement in practical opportunities for study by a range of students from across the region and beyond.

The College's annual staffing costs for 2017/18 are £15.3M of which circa 70% are located at York giving an approximate annual staff salary spend of £11M. The majority of the staff working at York are located within a twenty mile radius of the Campus and are net contributors to the Regional and City of York economy.

Annually there are approximately 350 students in residential accommodation at York and, on average, stay for 35 weeks per year. It is estimated (conservatively) that weekly local spend per student is between £20 and £40, an estimated total economic contribution of between £250K and £500K per annum.

The College contracts a variety of local businesses providing them with continuity and a level of surety in work. These range from small businesses to large multinational organisations, all employing individuals local to the City of York. The range of businesses engaged with the College is considerable from catering and cleaning contractors, to waste disposal, electrical contractors, national milk distributors, veterinary practices, estates contractors, IT and media specialist companies etc.

## **Recent Challenges**

### ***Funding***

Over the last eight years the College has grown significantly in terms of its student numbers, volume, and breadth of education it provides. This growth has allowed access to learning and greatly enhanced career opportunities to significant numbers of students of all ages from both rural and urban communities. This growth has, however, placed considerable strain on the College's finances, infrastructure and core resources. Over this period the College has prioritised investment in 'front facing' day to day curriculum resources, for example, the investment in the

Animal Science Centre and Zoo, regarded as one of the premier educational resources in the country, and the Lance Gilling Building and Agri-tech Centre which is a purpose-built engineering centre to assist with the delivery of precision agriculture and associated technologies. However, the resources related to other capital expenditure and the broader and wider student experience, for example general teaching space, social space, student services, canteen facilities, IT infrastructure, Learning Resource Centre etc have suffered from much lower levels of appropriate improvement and development.

The Further Education sector has, over the last twenty years, seen a considerable reduction in its funding rates. ***The Institute of Fiscal Studies in 2017 reported that the real terms further education funding per student in 2017 is at the exact same level as it was in 1990.*** In contrast school pupil funding has risen by 70% over this period. Absolute levels of funding per student have dropped by 18% since 2010. Over recent years the College has managed such significant financial challenges in an entirely appropriate and accountable way. This challenge has impacted upon the College's ability to deliver an enhanced learning experience for its students, together with its ability to develop and deliver an innovative curriculum. The Association of Colleges assess that over 50% of colleges in the UK are facing significant financial challenge.

The College, for reasons that relate to previous management's decisions, did not receive any government capital grant funding during the period between 2000 and 2007/8 referred to as 'Building Colleges for the Future'. This funding was significant and also substantially subsidised (in some cases 90+% funding provided). As a consequence, the College estate did not benefit from badly needed capital investment. Subsequent to this the College has received some capital investment but this has been at a much lower intervention rate (>30%) and has required the College to provide significant capital from its own resources. This requirement has placed the College under considerable financial pressure in an already challenged financial environment.

### ***Community Use***

An additional consequence of the College's growth has been significant pressure on physical resources (the basic building and grounds complex) that have been previously used at appropriate times by the broader local and regional communities of York and North Yorkshire. This has been most apparent within the opportunity for local sports teams to use facilities and have 'pitch space' at the College outside the teaching day or during weekends. Moreover, the use of conference facilities has had to be limited which has an additional knock on effect in terms of reduced income. A proportion of this activity is related to working with local groups and organisations and assisting them deliver events and activities of value to local communities.

It should be noted that the College's broader educational offer plays a key role in the richness, quality and diversity of education provided by the City of York and surrounding area. The College is well established as a provider of agricultural, horticultural and environmental science teaching. However, some of its broader provision is of huge added value to the City and the wider region. Animal Science teaching is considerable, direct employment in Yorkshire and the Humber in this sector is in excess of 20,000 people. The additional value of this provision in re-engaging individuals in education cannot be underestimated. The College educates a significant number of individuals who have underachieved at GCSE level via its animal science provision. The 'medium' of working with animals re-vitalises a desire to learn, allowing the College to build and develop these individuals' broader societal skills. Positive outcomes and distance travelled is significant for these individuals who become valued members of, and net contributors to, the York communities they live and work in.

Another example of the College's broader curriculum's positive impact on the local community is the provision focused on public services. Over recent years the College has seen considerable growth in this provision. This has been driven through the recognised outstanding teaching and development offered by the staff of the College. The College curriculum is focused on developing young people to become respected members of the York and wider regional communities. The College now boast a significant Police Cadet Force and Armed Forces Combined Cadet Force. For many these opportunities are truly transformational with students becoming highly valued and trusted members of their communities. These individuals act as positive role models for other individuals within their peer groups and local York networks. The provision in public services is predicated on outstanding staffing. Further investment in appropriate physical resources (which currently are in need of improvement) would further embed the above teaching provision and its tangible positive impacts on the York community.

The ability of the College to contribute to meeting such local needs and the community role played has, and will, diminish over time to the detriment of the quality of life for York residents and put pressure on other agencies (and indeed the Council) to provide such – a situation which is unlikely to be realised. Investment in the College and appreciation of this wider social contribution dovetails with the strategic objectives of the local authority as expressed in Section 2 of the Vision and Development Principles of the Publication Draft (February 2018). Section 2 of the Publication Draft sets out the aspiration of the new Local Plan to "*deliver sustainable patterns and forms of development to support this ambition and the delivery of the city's economic, environmental and social objectives*".

### **Financial Impact**

Any significant capital investment arising from the realisation of development potential within the College estate will have the direct effect of enabling the refurbishment and updating of the College's built estate, with a consequential significant positive impact on the sustainability and development of the organisation. Such will enable further (private) funding to be accessed providing a multiplier effect to any receipts from a land sale on the Estate. The College currently has an income of approximately £30 million per annum of which over £22 million is generated from educational income. The £22 million is split with approximately £17 million which is directly to fund students who are on further education programmes either traditional long course provision or apprenticeships, £4 million is from student loans (higher education) and £1 million is from the Higher Education Council for England (government) and is a supplement for high cost Higher Education courses. Investment in the estate will lead to the potential to grow this income further.

However, the investment in the first instance will enable this income to be sustained and maintained. There is a danger that continued under-investment in the estate (which is the status quo under the current funding environment) will, over time, lead to an erosion of the educational 'offer' and future student numbers and consequently income generated.

A significant outline investment plan has been drafted by the College which will enable further development of student numbers and the desirability of the College to be enhanced/maintained. Such strategic projects consist of;

- A higher education centre (to accommodate up to 1000 students)
- The development of student accommodation to provide approximately 100 additional rooms (offered through new build and refurbishment)
- Development of a new student hub consisting of a student services centre, employer and career development hub, bespoke student social space and new canteen facilities

- Student social mobility centre aligned to meeting the needs of the College's students and developing the widening participation agenda.
- Development of an outdoor adventure sports village to service both the college curriculum and the needs of the local community.
- New community conferencing and engagement centre.
- Rural business school.
- Innovation and business start-up hub, established specifically to support local start-up businesses, especially those related to developing ethical food supply chains and sustainable environmental management delivery.

The College currently employs over 500 staff at its York campus with an estimated annual payroll of £11 million which is money direct into the local economy and a notable number reliant upon the long term success of the College. The majority of these individuals reside within the City of York or aligned areas of the County of North Yorkshire.

It is estimated that growth from student numbers would contribute approximately £6 million to the net student income of the College - approximately 800 students being enrolled. These individuals would also be net additional contributors to the local and regional economy. The College also has stakeholder ties with a variety of businesses. The College is atypical to other FE providers in that 97% of the businesses it deals with are micro/small. Many of these businesses are single or dual employee enterprises and often form a key and integral part in supporting and enhancing the wider social infrastructure in which they operate. The College currently has just under 900 apprentices working for local and regional businesses and is actively engaged with over 2000 employers. Notably the College works closely with Leeds City Council and North Yorkshire Moors National Park in providing skilled young apprentices.

### ***Social Mobility***

The College actively pursues all opportunities and necessary means to ensure social mobility amongst its students. A significant proportion of the higher education student body (600+) at the College are defined as disadvantaged by postcode, with over 50% of enrolments in 2016/17 from postcodes classed as POLAR1-3. Activity to increase access from disadvantaged areas is largely driven by the College's commitment to encourage students to progress from level 3 programmes to a higher education programme at the College.

In 2016/17, over 20% of enrolments at the College had self-declared an additional learning support need. Students are supported prior to enrolment with their application for any support allowances via the College's Learning Support team.

The College is currently a significant provider of placement for High Needs Students for the City of York. Currently there are 80 such student placements at the College. This provision is a significant asset to the City in its provision to these individuals. This growth in provision has not been matched by a similar capital investment; consequently, the provision is currently delivered via mobile classrooms which are located in a far from ideal position on the College campus. Capital monies would enable the College, in consultation with appropriate stakeholders within the City, to develop a bespoke and appropriate provision to meet identified educational needs within the City now and in the future.

The above circumstances need to be fully understood and are vital in maintaining the quality of place that is York and the specific educational offer that the City is renowned for – not solely Higher/University Education provision but also the whole spectrum of educational opportunity.

The Plan sees a key role for education in the City and the Strategic Plan, as well as other supporting documentation, recognises this.

As part of considering development options and allocation of land for development, recognition of the benefits from such are a key and valid consideration – especially if the plan is to be 'positively prepared' and duly consider all the reasonable alternatives. Such are material to the assessment process and should carry significant weight, especially where a possible allocation of land is not fundamentally/technically constrained, and any impact can be duly mitigated.

### **Publication Draft (February 2018)**

The Publication Draft sets out the aspirations of the new Local Plan until 2032/33. The Local Plan aims to *"deliver sustainable patterns and forms of development to support this ambition and the delivery of the city's economic, environmental and social objectives"*. The Local Plan is described as enabling the City to realise its economic growth ambitions as set out in the York Economic Strategy (2016), contributing towards a vibrant economy. This is described as *"York fulfilling its role as a key driver in the Leeds City Region, York, North Yorkshire and East Riding Local Enterprise Partnership (LEP) area and the functional York Sub Area"*.

The plan recognises that a number of educational bodies have contributed to making York a nationally and internationally renowned centre for further and higher education. Para 1.57 acknowledges that it is important that the Local Plan supports the continued success of the educational offer within the City which may mean supporting future plans for expansion.

Section 2 (Vision and Development Principles – para 2.4) confirms that the Council acknowledge that *"the higher and further education sector are of key importance to the economy"*. The plan describes how it will unlock the further potential of the various educational establishments (including Askham Bryan College) through development and redevelopment of their current sites and facilitating provision of new purpose-built student accommodation. The Plan is also said to have a *"key role in facilitation the development of business 'spin off' from Further Education institutions"*.

Policy DP1 (York Sub Area) seeks to ensure that the approach taken in the Local Plan is reflective of York's role and function within the Leeds City Region, the York and North Yorkshire Sub Region and the functional York Sub Area. Criteria iv. of this policy acknowledges that the aim will ensure that *"the further success of regionally and sub regionally important higher and further education institutions with the plan area is supported"*.

Policy ED7 (York College and Askham Bryan College) is supportive of Askham Bryan College in terms of future expansion as shown on the Proposals Map, albeit set within the overarching constraint/designation of Green Belt and therefore not having a greater impact on the openness of the Green Belt than existing development.



### **National Planning Policy Framework**

Paragraphs 150 to 157 sets out the details in relation to plan making which is clear in that the Local Planning Authority should be aspirational but realistic in their plan making. They should also seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development and net gains across all three.

### **Conclusion**

It is clear that the Publication Draft acknowledges the importance of the educational provision and its 'key' economic contribution to the economy of the City of York and the wider Leeds City and Sub Regions. Section 2 of the document acknowledges the higher and further education sector as being of key importance to the local economy as it is recognised as assisting York in fulfilling its role as a key driver within the region.

Further success of York's educational institutions is supported within criteria iv of Policy DP1. Reinforced by Policy ED7 whereby future expansion of Askham Bryan College is supported albeit set within the overarching constraint of the Green Belt.

We have outlined above the aspirations for the College's expansion plans which are both necessary to serve existing student numbers, ensure a sustainable future for the College and are crucial in the contribution that the institution makes to the economy through educational provision on a City and regional level. However, the current situation that the College find themselves in is the lack of being able to obtain funding through the LEPs (the only source of funding available to the College) as any amount applied for is required to be matched by the College which is unachievable at present and in the foreseeable future.

As previously mentioned Site ST12 provides a unique opportunity whereby any released funds from the residential development of the site would be ploughed back into the College. The required capital investment for Askham Bryan College will have a multiplier effect with the College being able to accommodate and attract higher student numbers. The increase in student & staffing numbers results in an uplift in local spending, expansion and increased business with local and regional businesses and a strengthening and widening of dealings with industry partners. The aspirations of the College will result in a further positive contribution that is made towards the economy at a City and wider region area (Leeds City and York Sub Area).

This letter has been submitted on behalf of our clients and should be read in conjunction with those representations made by PB Planning on behalf of David Wilson Homes a willing developer for our clients site (ST12). The representations submitted by PB Planning object to the current proposed housing allocation of site ST31 (Land South of Tadcaster Road) and the soundness of the plan.

If you require any further information in relation to the content of this letter please do not hesitate to contact me.



Yours sincerely



**Kim Eastwood MRTPI**

Principal Planner

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# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.**

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Kim
Last Name		Eastwood
Organisation (where relevant)	Askham Bryan College	ELG Planning
Representing (if applicable)		
Address – line 1		Princes House
Address – line 2		8 Princes Street
Address – line 3		Harrogate
Address – line 4		
Address – line 5		
Postcode		HG1 1HN
E-mail Address		info@elgplanning.co.uk

Telephone Number		01423 313353
------------------	--	--------------

# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Electronic copies of this form are available to download at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or you can complete the form online at [www.york.gov.uk/consultations](http://www.york.gov.uk/consultations)

## What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or use our online consultation form via <http://www.york.gov.uk/consultations>. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

## Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

## Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).
- City of York Council West Offices
- In all libraries in York.

# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework



**5.(1) Do you consider the document is Sound?**

Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

**Positively prepared**

**Justified**

**Effective**

**Consistent with national policy**

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph  
no.

Policy  
Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We act on behalf of Askham Bryan College and have been instructed to submit representations on their behalf in relation to their site ST12. Our letter dated 3<sup>rd</sup> April should be read in conjunction with representations submitted by PB Planning on behalf of David Wilson Homes also in relation to site ST12 which explains in detail why the document is considered unsound.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

**After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To fully understand and discuss the ramifications of not considering this previously potential allocation appropriately in the evolution of the growth strategy, subsequent policy approach and the impact upon Askham Bryan College as an identified education institution that contributes towards the local and regional economy.

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

## Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.<sup>1</sup> The Council must also notify those on the database at certain stages of plan preparation under the Regulations.<sup>2</sup>

## Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.<sup>3</sup>

## Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at [haveyoursay@york.gov.uk](mailto:haveyoursay@york.gov.uk) or on [01904 554145](tel:01904554145)

Signature



Date

3 April 2018

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

**From:** Nicholas Mills [nicholas.mills@lichfields.uk]  
**Sent:** 03 April 2018 16:00  
**To:** localplan@york.gov.uk  
**Cc:** james@sandburnhall.co.uk; George.Mahy@nwhglobal.com; Michael Watts  
**Subject:** City of York Local Plan Publication Draft - Representations on behalf of Wakeford Properties Ltd [NLP-DMS.FID486127]  
**Attachments:** 50781\_02 Rep Cover Letter to York CC 03-04-18.PDF; 50781\_02 Comments\_form\_H1.PDF; 50781\_02 Comments\_form\_H1(Policies Map).PDF; 50781\_02 Comments\_form\_SS1.PDF; 50781\_02 Comments\_form\_SS2.PDF; 50781\_02 Comments\_form\_SS2(Policies Map).PDF; 50781\_02 Comments\_form\_SS12.PDF; 50781\_02 Comments\_form\_SS13.PDF; 50781\_02 York LP Publication Draft Representations 03.04.18.PDF

Dear Sir/Madam

I refer to the above consultation and attach representations prepared on behalf of Wakeford Properties Limited. The representation documents comprise the following:

1. Cover Letter
2. Completed Representation Forms
3. Local Plan Publication Draft 2018 Representations Report

A hard copy of the representations will be sent in the post this evening.

Please can you confirm receipt of these representations by return.

Kind regards

**Nicholas Mills**  
**Senior Planner**

Lichfields, Ship Canal House, 98 King Street, Manchester M2 4WU  
 T 0161 837 6130 / E [nicholas.mills@lichfields.uk](mailto:nicholas.mills@lichfields.uk)

**lichfields.uk**  



**Draft revised NPPF:  
workable solutions  
for meeting housing  
need?**

**VIEW INSIGHT**

**Insight focus**  
 Draft revised National Planning Policy Framework  
 Key findings and implications for local planning authorities  
 Key findings and implications for local planning authorities  
 Key findings and implications for local planning authorities

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City of York Council  
West Offices  
Station Rise  
York  
YO1 6GA

**Date:** 3 April 2018  
**Our ref:** 50781/02/MW/NMi/15686392v1  
**Your ref:**

By email [localplan@york.gov.uk](mailto:localplan@york.gov.uk) and post

Dear Sir/Madam

### **City of York Local Plan Publication Draft 2018 - Representations on behalf of Wakeford Properties Ltd**

I refer to the consultation on the City of York Local Plan Publication Draft 2018 and herewith attach representations on behalf of Wakeford Properties Limited. The representation documents comprise the following:

- 1 Completed Representation Forms
- 2 Local Plan Publication Draft 2018 Representations Report

I would be grateful if you could confirm receipt of these representations by return.

Yours faithfully



**Nicholas Mills**  
Senior Planner

**York Local Plan Publication  
Draft  
Representations on behalf of  
Wakeford Properties Ltd**

April 2018

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Appendix 1: Land at Brecks Lane, Strensall

Appendix 2: Land at Southfields Road, Strensall

Appendix 3: Land at Princess Road, Strensall

Appendix 4: Land at Brecks Lane – Draft Site Layout Plan



## 1.0 Introduction

1.1 This report has been prepared by Lichfields on behalf of Wakeford Properties Limited [Wakeford Properties]. It forms Wakeford Properties' response to the City of York Local Plan Publication Draft [LPP] (February 2018) Regulation 19 Consultation.

1.2 These representations are submitted in the context of Wakeford Properties' land interests of in York, namely:

- 1 Land at Brecks Lane, Strensall
- 2 Land at Southfields Road, Strensall
- 3 Land at Princess Road, Strensall

1.3 Wakeford Properties is seeking the allocation of the above sites in the City of York Local Plan for residential development. Plans showing the location of the sites are attached at Appendices 1 to 3.

1.4 All three sites are identified on the LPP Proposals Map as lying with the Green Belt.

1.5 Representations have been submitted by Lichfields to City of York Council at various stages of the emerging Local Plan seeking the allocation of the above sites. Representations in relation to land at Brecks Lane, Strensall were previously submitted on behalf of Linden Homes.

1.6 It is a statutory requirement that every development plan document must be submitted for independent examination to assess when it is "sound", as well as whether other statutory requirements have been satisfied (s.20(5) of the 2004 Act). By s.19 of the 2004 Act, in preparing a development plan document a local planning authority must have regard to a number of matters including national policies and advice contained in guidance issued by the Secretary of State. Such guidance currently exists in the form of the National Planning Policy Framework [the Framework] and the National Planning Practice Guidance [Practice Guidance].

1.7 There is no statutory definition of "soundness". However the Framework<sup>1</sup> states that to be sound a Local Plan should be:

- 1 **Positively Prepared:** The plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- 2 **Justified:** The plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
- 3 **Effective:** The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
- 4 **Consistent with National Policy:** The Plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

1.8 In addition the Framework<sup>2</sup> states that:

*"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."*

---

<sup>1</sup> National Planning Policy Framework §182

<sup>2</sup> National Planning Policy Framework §14



*For **plan-making** this means that:*

- *Local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.....”*

1.9 The Core Planning Principles are set out in the Framework<sup>3</sup>.

1.10 The requirements of the Framework in respect Local Plans are reinforced in the Practice Guidance<sup>4</sup> which states that the Framework “*sets clear expectations as to how a Local Plan must be developed in order to be justified, effective, consistent with national policy and positively prepared to deliver sustainable development that meets local needs and national priorities*”.

## **Draft National Planning Policy Framework**

1.11 The revised draft Framework was published for consultation in March 2018. It has an unequivocal emphasis on housing, with the introduction to the consultation proposals clarifying that the country needs radical, lasting reform that will allow more homes to be built, with the intention of reaching 300,000 net additional homes a year. The draft states that to support the Government’s objective of ‘significantly boosting the supply of homes’, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay<sup>5</sup>.

1.12 It is accepted that only limited weight can be attached to the document at present as it is still out for consultation. In this regard, the Annex 1 [S209] to the draft Framework states that the policies in the previous Framework will apply for the purposes of examining plans, where those plans are submitted on or before the date which is 6 months after the final Framework’s publication “*in these cases the examination will take no account of the new Framework*”.

1.13 However the draft Framework remains a useful indicator of the direction of travel, not least with the approach to be taken to defining housing need, which has already been the subject of an earlier consultation (‘*Planning for the right homes in the right places*’, September 2017), to which MHCLG published a summary of consultation responses and its view on the way forward in March 2018.

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<sup>3</sup> National Planning Policy Framework §17

<sup>4</sup> Practice Guidance - ID: 12-001-20170728

<sup>5</sup> Draft National Planning Policy Framework §60

## **Structure**

- 1.14 This report supplements the completed representation form and demonstrates that a number of policies within the LPP are, at present, 'unsound' in the context of the tests of soundness established by the Framework.
- 1.15 The report firstly provides background context to the Brecks Lane, Southfields Road and Princess Road sites to support their removal from the Green Belt and allocation for residential development.
- 1.16 This report then provides detailed representations in relation to the following LPP policies:
- 1 Policy SS1: Delivering Sustainable Growth for York
  - 2 Policy SS2: The Role of York's Green Belt
  - 3 Policy H1: Housing Allocations
  - 4 Policy SS12: Land West of Wigginton Road (Site ST14)
  - 5 Policy SS13: Land West of Elvington Lane (Site ST15)
- 1.17 Recommendations are set out at the end of each Policy Section setting out how the Council needs to address the Policy to make it sound.

## 2.0 **Background to the Brecks Lane Site**

### **Introduction**

2.1 The Brecks Lane site was included in previous York Local Plan [YLP] consultation documents as a residential allocation but was identified within the YLP-Preferred Sites [YLP-PS] as 'Proposed Removed Land'. The site was referred to as 'Land at Brecks' [Allocation Ref. H27] in the YLP-Preferred Options [YLP-PO].

2.2 At that time Linden Homes strongly objected to Land at Brecks being listed within Table 9 (deleted housing sites from the Local Plan Publication draft) and requested that it was rightly included within Table 7 (Potential General Housing Allocations).

2.3 It was considered that the reasons for discounting the site as a residential allocation were incorrect for the following reasons:

- 1 The site has historically been seen as outside the Green Belt at different stages of plan preparation;
- 2 The Council's evidence base has previously supported the allocation of the site and further technical assessments do not alter its previous conclusions;
- 3 The site makes a very limited or no contribution towards Green Belt purposes; and,
- 4 The development of the site would assist in the delivery of sustainable development within the City.

### **Policy History of the Site and Evidence Base**

2.4 Historically, the site has, at no point, been included within a Green Belt boundary and there is no Proposals Map that shows it as such. The site was not shown within the Green Belt in the York Green Belt Local Plan - Modifications (1995); the Southern Ryedale Local Plan - Modifications (1996); and, the City of York Local Plan – 3rd & 4th Sets of Proposed Changes (2003 & 2005). Indeed, it is shown as safeguarded land in the latter document.

2.5 More recently, the site was allocated for housing in the Preferred Options Draft Local Plan [YLP-PO] (June 2013) and subsequent Publication Draft Local Plan [YLP-PD] (September 2014). The allocation was a result of the site passing the suitability criteria set out in the Site Selection Paper (2013), Further Sites Consultation (2014) and the Site Selection Paper Addendum (2014).

2.6 According to Section 3.0 of the YLP-PS, the revised portfolio of sites was based on further technical assessment which included updated sustainability criteria; updated technical officer comments; transport; education; open space; agricultural land classification; sequential flood risk; and, Green Belt appraisal. However, this evidence did not support the exclusion of the site from the list of allocations.

2.7 Of the further technical assessments listed in the YLP-PS, only the Green Belt appraisal was considered relevant to the decision to no longer include Brecks Lane as an allocation. The YLP-PS specified at §3.2 that *“work is ongoing to look at the parcels of land around York to understand their significance and contribution against the Green Belt purposes, as set out in NPPF”*. This information is not currently available to the public.

2.8 The table at page 214 of the YLP-PS was clear that the site's location within the Green Belt was the reason for its deletion as an allocation:

*“The site has recently (March 2015) been refused by the Inspector and Secretary of State at appeal (APP/C2741/V/14/2216946). The decision concludes that the development*

*would impact on 4 of the 5 greenbelt purposes including on openness encroachment and unrestricted sprawl, that its development would cause substantial harm to the greenbelt and that this harm would not be justified by very special circumstances. For these reasons it is recommend that that the site is not included as an allocation”.*

- 2.9 It is acknowledged that the conclusion of the Inspector and Secretary of State [SoS] was that Brecks Lane should be considered as within the outer extent of the Green Belt. In this context, it was found that the site served a number of Green Belt purposes [IR§199]<sup>6</sup>. However, these Green Belt issues were fundamentally going to be found as part of any residential development in the context of the impact of the scheme being considered. Therefore, using this as an argument to support a justification to not allocate the site would be flawed. This is entirely different to the proposal to designate the site as Green Belt and the decision should therefore not be used as a reason for discounting it from the LPP.
- 2.10 Once the Inspector and SoS concluded that the site should be considered as within the general extent of the Green Belt, it was necessary to address the requirements of the Framework<sup>7</sup> (i.e. whether ‘very special circumstances’ existed which justified the development). The conclusions in the decision were therefore reached on the basis that the site is located in the Green Belt, rather than in the context of its contribution to the Green Belt and whether it should be located within it. These are matters for the Council to assess when considering the future allocation of the site for development.
- 2.11 It is important to highlight that the Inspector and SoS reached the decision on the Green Belt status of the site based on the Key Diagram of the partially revoked Yorkshire and Humber Regional Strategy (2008) [YHRS]. The Inspector acknowledged that the use of this plan was ill conceived [IR §187], but the conclusion was drawn because the issue of where the outer boundary of the Green Belt is to be drawn (and boundaries to individual settlements) remains unresolved in any adopted plan. The Inspector was unable to give any weight to the policy history of the site in the context of the call-in Inquiry, but this does not preclude the allocation of the site for residential development in the YLP, as it is this document that will set detailed Green Belt boundaries for the first time.
- 2.12 It is for the YLP to draw the boundaries of the Green Belt having regard to the guidance set out in the Framework and to ensure that it takes account of the longer term development requirements of the City. The Council has confirmed on many occasions that Brecks Lane does not serve any Green Belt purposes. The previous policy approach to the site, together with its inclusion as an allocation in the earlier drafts of the YLP (now aborted), all demonstrate that it does not perform a Green Belt function and can be developed. The Council has previously followed the guidance in the Framework which emphasises that land which is unnecessary to keep permanently open should not be included within the Green Belt. The current approach does not.
- 2.13 Whilst the YLP-PS referred to further assessments that have been carried out since the aborted YLP (2014), there was no new evidence to suggest that there is any reason to remove Brecks Lane as an allocation.
- 2.14 No new evidence was provided in the Local Plan Pre-Publication Draft [LPPP] and its evidence base either. The Local Plan preferred Sites Consultations Statement (2017) simply summarised representations made on the site through the YLP-PS consultation and did not shed any further light on the reasons for its exclusion. The justification for its deletion appears to be based solely

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<sup>6</sup> IR refers to the Inspector’s Report into the Brecks Lane application

<sup>7</sup> Framework §87

on the conclusions reached by the Inspector and SoS in relation to the call-in Inquiry. This approach is fundamentally wrong and completely disregards the basis on which the Inspector and SoS were required to make their decision. The Framework makes clear the basis of judgements in decision making and it is improper to rely upon this when progressing with a Local Plan.

- 2.15 No further substantive evidence has been provided in the Local Plan Publication Draft [LPP] and its evidence base. The LPP Sustainability Appraisal – Appendix K identifies the site [Site Ref: 49] as a “*Reasonable- Previous Allocation H27*” alternative site but states that it was rejected “*due to impacts on landscape*”. No further explanation is given for its rejection.
- 2.16 In summary, the site has consistently been excluded from draft Green Belt boundaries (including specific recommendations in the York Green Belt Local Plan and Southern Ryedale Local Plan inquiries) and the Council has confirmed on many occasions that it does not serve any Green Belt purposes. It is incorrect for the Council to rely on the SoS and Inspector’s conclusions in relation to the call-in Inquiry in discounting Brecks Lane as an allocation as this decision was made in the context of the site being situated within the Green Belt and whether its development was justified by very special circumstances (and it was found that it was not). This does not preclude a proper consideration of whether the site should be located within the Green Belt and its contribution to Green Belt purposes.

## **Green Belt Purposes**

- 2.17 A consideration of the site against the Framework<sup>8</sup> demonstrates that it does not serve any specific role when compared against the five purposes of the Green Belt.

### **Purpose 1 - To Check the Unrestricted Sprawl of Large Built-Up Areas**

- 2.18 The village of Strensall is not a large built-up area and the site does not therefore have a role in restricting the urban sprawl of a large built-up area. Instead, it merely fills in a small gap between existing development and the natural boundary to development. The terminology of ‘sprawl’ suggests disorganised or unplanned expansion, whereas the development of land at Brecks Lane has been envisaged since the Southern Ryedale Local Plan in 1991. This is evident in the fact that the road layout of the adjacent residential area enters the site and terminates with a turning head, and also that its eastern boundary is formed by an established tree belt. Both of these physical features were provided as part of the existing development and were intended to facilitate development of the land. They clearly demonstrate that the Council considered that the site should be developed for housing at a future date.
- 2.19 In addition, the site is substantially contained by built development. It is bounded to the west by a residential estate built in the 1990s, to the north by the River Foss, to the east by an established tree belt and to the south by a road (Brecks Lane) and the York-Scarborough railway line.
- 2.20 In the appeal decision, the Inspector [IR§191] recognised that the site is “*close to defensible boundaries, of the sort that might be chosen as settlement boundaries*”. This is also accepted in the Council’s summary of the site at page 214 of the YLP-PS, which confirms that “*The northern boundary of the site is formed by dense vegetation, including some mature trees with the River Foss. The eastern edge of the site is also formed by dense vegetation belt. The western boundary is formed by residential properties which comprise part of Strensall urban area and the southern boundary is formed by Brecks Lane with the Transpennine railway line beyond*”.

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<sup>8</sup> Framework §80

- 2.21 These conclusions indicate that in the context of Green Belt purposes, the site is well contained and has strong robust and defensible boundaries. It does not therefore represent part of a potentially continuous urban sprawl. This is therefore not on its own a reason to discount the site.

### **Purpose 2 - To Prevent Neighbouring Towns Merging Into One Another**

- 2.22 This is a principle purpose for the designation of Green Belt and yet land at Brecks Lane plays no role in it. This is confirmed in the Inspector's Report [§197], which states that *"The only one of the five Green Belt purposes which this site offers nothing to is that of preventing neighbouring towns merging into one another. Strensall is a large settlement that has expanded into open countryside, but it is a significant distance (at the appeal site location) from the next settlement"*.

### **Purpose 3 - To Assist in Safeguarding the Countryside from Encroachment**

- 2.23 The site is largely contained by development with a strong landscape boundary to the east, which would be further enhanced as part of any development proposals. It does not therefore form part of the open countryside but relates to the urban area of Strensall.
- 2.24 The Inspector reached the conclusion that the *"purpose of safeguarding the countryside from encroachment also applies, given that hat is currently an undeveloped field area, with exception of modest hard-surfaced areas, would become housing under this scheme [sic]"* [IR §194]. This could be applied equally to any undeveloped site within the Green Belt and is fundamentally based on the finding that the site lay within the Green Belt. The fact that land at Brecks Lane is greenfield, lies on the edge of an existing settlement and is thus open and having the appearance of countryside inevitably means that its development might be said to have an adverse effect in terms of encroachment on the open countryside. The same is equally true of any site located on the edge of any urban area. However, when making a reasoned judgement, it can be concluded that the site will not involve encroachment into the open countryside as it is divorced from the open countryside and it forms a logical small extension to Strensall's urban area. This is therefore not on its own a reason to discount this site.

### **Purpose 4 - To Preserve the Setting and Special Character of Historic Towns**

- 2.25 The IR states at §195 that *"developing the site would not have a direct significant bearing on the historic character of the City"*. It can therefore be concluded that as the surrounding area is not of heritage value, the site makes no contribution to this Green Belt purpose. Whilst the Inspector came to the view that it may be visible from the adjacent railway and therefore there is some perception of the site in the approach to the historic city of York, no significant harm was identified.
- 2.26 The development of the site itself will not impact upon wider views of the urban area of Strensall. In fact, it affords an opportunity to enhance the substantial visual screen at the northern and eastern boundary. This is therefore not on its own a reason to discount this site.

### **Purpose 5 - To Assist In Urban Regeneration, By Encouraging the Recycling Of Derelict and Other Urban Land**

- 2.27 Whilst the Inspector considered that preventing development on the site and other Green Belt land is *"likely to encourage development of brownfield land"* [§196], it is for the Council to make a judgement on the identification of the most appropriate land to be used for development through the process of preparing the YLP. This should be evidenced and be based upon detailed



analysis of the supply of such sites. It is considered that the Council does not have a 5-year supply of deliverable housing land and consequently, there is significant pressure to bring forward development sites such as Brecks Lane to meet the shortfall. There is no evidence to suggest that development of this site for housing will prevent the recycling of derelict land or other urban land elsewhere. This is therefore not on its own a reason to discount this site.

## **Suitability of Land at Brecks Lane for Development**

- 2.28 The Council's own assessment of Brecks Lane proves that it is a suitable housing site. This is acknowledged in the Planning Officer's report to the City of York Council Planning Committee (20th February 2014) which confirmed that the planning application represented sustainable development and that there would be economic, social and environmental benefits that arise from the scheme. The case for the Council at the Brecks Lane Inquiry [IR §111] also recognises that *"the planning history coupled with the lack of any site specific constraints of material weight, should mean that there is at least a reasonable prospect of the site being allocated in a future Local Plan"*. The Inspector therefore accepted that the consideration of whether the site should be designated as Green Belt was fundamentally different to the determination of the application in the context of the RS policies and that there was a reasonable prospect of the site being excluded from the Green Belt and allocated for development as part of the forthcoming Local Plan.
- 2.29 As detailed above, the Council proposed to allocate Brecks Lane for housing development in the YLP following its assessment against criteria set out in the Site Selection Paper (2013), Further Sites Consultation (2014) and the Site Selection Paper Addendum (2014). There has been no material change in site circumstances since this time and the Preferred Sites Consultation Sustainability Appraisal identified less negative social, economic and environmental effects resulting from the allocation of the Brecks Lane site than a number of the other proposed sites in and around the City. The only significant negative effects are in relation to the greenfield nature of the site and its distance to education establishments. In this context it is important to highlight that the sustainable development of greenfield land is an important and necessary component of the housing land supply in the City to ensure that identified housing needs are met in full. In relation to education, an off-site contribution to both primary and secondary school places was proposed as part of the planning application for Brecks Lane. This negative effect would therefore be mitigated following the development of the site.
- 2.30 The site layout submitted with the planning application indicates a high quality residential development comprising 102 family dwellings along with highways infrastructure, landscaping and public open space (see Appendix 4 - plan ref. 3585/10 Rev G). The scheme has been designed to integrate into the existing settlement and responds directly to the character of the landscape and village context, as well as the opportunities presented by the landscape features within the site.
- 2.31 The allocation of Brecks Lane would assist in the delivery of sustainable development within the City by making a significant contribution towards meeting the need for market and affordable housing. It has also been demonstrated that the site would deliver economic, social and environmental gains in accordance with the Framework. In summary:
- 1 The site would make a significant contribution to the housing land supply including affordable housing in the area. This is particularly important when considered in the context of the current lack of a Framework compliant 5-year housing supply.
  - 2 The site is in a sustainable and accessible location which has the potential to encourage future residents to travel by sustainable modes of transport, including walking and cycling.

- 3 There are no insurmountable constraints to the site or its development and is deliverable within the next five years.
- 4 The development would deliver ecological improvements and secure the maintenance and long-term protection of key ecological assets in the area.
- 5 The development would not impact upon the landscape beyond the site because of its boundary of mature trees and shrubs.
- 6 The development would provide public open space in excess of the requisite standards which will meet needs arising from the proposed development and the existing community.
- 7 The development of the site would have no unacceptable environmental impacts or create unacceptable impacts upon amenity of new and existing residents.
- 8 The development of the site would provide a cohesive residential development with the scheme already built to the west of it. Indeed, the road layout of the adjacent development includes a turning head leading from Heath Ride into the site itself and access points from Green Lane and Tudor Way.
- 9 The site would deliver significant economic benefits through both direct and indirect employment opportunities during the construction phase.

2.32 In addition to its contribution to sustainable development, there is robust, up to date evidence to support the deliverability of Brecks Lane and the Council has previously assessed it against criteria which determined it to be one of the most suitable locations to meet the housing needs of the City. For these reasons, it should therefore remain as an allocated site for housing development within the LPP.

## **Deliverability**

2.33 The Framework<sup>9</sup> states that for sites to be considered deliverable, they must be suitable, available and achievable. The land at Brecks Lane meets all of these requirements:

- 1 **Suitable:** the site can be accessed from access points from Heath Road, Green Lane and Tudor Way. It is located within an established residential area, close to the village centre, and provides the opportunity to increase housing provision within Strensall without impacting upon the wider landscape.
- 2 **Available:** The site is in the ownership of a willing landowner who is looking to release it for development.
- 3 **Achievable:** The site is capable of coming forward for development in the short term as soon as a developer has secured the grant of planning permission.

2.34 Lichfields has made separate representations to the LPP on behalf of a group of Companies which sets out its concerns in relation to the Council's housing requirement and housing supply. It concludes that the Council is not providing sufficient land to meet the housing needs of the City and further sites should be allocated for housing development as part of the YLP. The LPP is therefore not soundly based and it is requested that the calculation of York's Objective Assessment of Housing Needs [OAHN] is revisited, and that Brecks Lane is allocated for residential development in order to help make up for the shortfall in housing land.

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<sup>9</sup> Framework footnote 11, page 12

## **Conclusion**

- 2.35 The site has been excluded from draft Green Belt boundaries on numerous occasions and designated for possible future development. The Council has also concluded that it serves none of the purposes and objectives of such a designation as set out in the Framework<sup>10</sup>. This is recognised in the fact that the site had been allocated for development within the emerging YLP for a considerable period of time.
- 2.36 It is incorrect for the Council to now rely on the conclusions reached by the SoS and Inspector in relation to a call-in Inquiry to justify the deletion of Brecks Lane as a housing allocation. The SoS and Inspector's decision was made in an entirely different context to its proposed allocation and does not preclude a proper consideration of whether the site should be located within the Green Belt and its contribution to Green Belt purposes.
- 2.37 Land at Brecks Lane is a suitable site for housing development that would have no unacceptable environmental impacts or create unacceptable impacts upon amenity of new and existing residents. There are no insurmountable constraints to the site or its development and is deliverable within the next five years.
- 2.38 Separate evidence has been provided as to how the proposed OAHN for York is not robust and is inadequate to meet need and demand within the Housing Market Area. As such, the housing site allocations put forward in the LPP would fail to deliver a housing supply sufficient to achieve the sustainable growth of the City. It is therefore important for the Council to allocate additional land, particularly the site at Brecks Lane, to meet the housing needs of the community.
- 2.39 Drawing these points together, it is requested that Policy H1 of the LPP is amended to include Land at Brecks Lane as a Housing Allocation.

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<sup>10</sup> Framework §§79-80

## 3.0 **Background to the Southfields Road and Princess Road Sites**

### **Policy History of the Sites and Evidence Base**

- 3.1 The York Local Plan Preferred Options 2013 [YLP-PO] identified both sites as lying outside of the Green Belt. The YLP-PO (Policy H3) identified the northern part of the Southfields Road site as part of a general housing allocation (Ref: H30). The southern part of the Southfields Road site (beyond the railway line) was identified as Safeguarded Land (Ref: SF1). The Princess Road site and the southern part of the Southfields Road site were identified as Sites of Local Interest for Nature Conservation [SLI] (YLP-PO Policy GI2). The reason for the identification of the sites as SLIs were not made clear in the YLP-PO.
- 3.2 Representations were submitted by Lichfields on behalf of Hogg Builders York to the YLP-PO which fully supported the Princess Road site and the northern part of the Southfields Road site for residential development (as part of a wider allocation). Objections were made to the designation of the SLI on the land at Princess Road. Whilst the YLP-PO indicated that these designations had been informed by a biodiversity audit, no information was provided in the YLP-PO on the biodiversity value of the sites and the efficacy of the information that had been used to inform this designation was questioned on this basis. It was requested that the SLI designations attached to the site should be removed and the area should be allocated for residential development. These allocations and designations were carried forward into the York Publication Draft Local Plan [YLP-PD] (September 2014).
- 3.3 The residential allocation of the northern part of the Southfields Road site was removed in the York Local Plan Preferred Sites Consultation [YLP-PS] 2016. According to Section 3.0 of the YLP-PS, the revised portfolio of sites was based on further technical assessment which included updated sustainability criteria; updated technical officer comments; transport; education; open space; agricultural land classification; sequential flood risk; and, Green Belt appraisal. Lichfields notes that of the further technical assessments listed in the YLP-PS, only site access was considered relevant to the decision to no longer include the Southfields Road site as an allocation. No issues were raised in terms of the removal of the site from the Green Belt.
- 3.4 No new evidence was provided in the LPPP and its evidence base either. The Local Plan preferred Sites Consultations Statement (2017) produced at the LPPP stage simply summarised representations made on the site through the YLP-PS consultation (on other parts of the wider allocation previously identified in the YLP-PO as site Ref: H30). However, the summary of representations made in support of the wider allocation suggest that an access solution is available.
- 3.5 No further substantive evidence has been provided in the Local Plan Publication Draft [LPP] and its evidence base. The LPP Sustainability Appraisal – Appendix K identifies the Southfields Road site [Site Ref: 971] as a *“Reasonable – Alternative boundary to Previous Allocation H30”* but states that it was rejected as it *“fails technical officer comments”*. No further explanation is given for its rejection.
- 3.6 In summary, the sites have consistently been excluded from draft Green Belt boundaries in previous iterations of the Local Plan and the Council has previously accepted that they do not serve any Green Belt purpose.
- 3.7 The Princess Road site and the southern part of the Southfields Road site were identified as Sites of Local Interest to Nature Conservation on the LPPP Proposals Map. Wakeford

Properties note that these designations have been removed on the LPP Proposals Map and the removal of these designations is supported.

### **Green Belt Purposes**

- 3.8 A consideration of the sites against the Framework<sup>11</sup> demonstrates that they do not serve any specific role when compared against the five purposes of the Green Belt.
- 3.9 Given the size of the sites and their location, the development of the sites for residential use will not cause any undue harm upon these purposes. They form a logical extension to the existing settlement and do not comprise land which it is necessary to keep permanently open. The sites benefit from clearly defined boundaries with physical features that are readily recognisable and can form permanent boundaries. The sites are surrounded by existing built development to the north, east, and west. The railway line to the south and Flaxton Road further south create a strong permanent boundaries which means that development of the sites will not impact upon the landscape beyond.
- 3.10 In accordance with the Framework<sup>12</sup>, the sites will channel development towards the existing settlement of Strensall and their development is consistent with the Local Plan strategy for meeting identified requirements for sustainable residential development. it is therefore considered that the identification of the sites as allocated or safeguarded land for residential development meets the requirements of the Framework when defining new Green Belt boundaries<sup>13</sup>.
- 3.11 The Council has previously confirmed that Southfields Road and Princess Road sites does not serve any Green Belt purposes by identifying the land outwith the Green Belt in previous iterations of the draft Local Plan . The previous policy approach to the sites, together with the inclusion of the Southfields Road site as an allocation and safeguarded land in the earlier drafts of the YLP (now aborted), all demonstrate that they do not perform a Green Belt function and can be developed. The Council has previously followed the guidance in the Framework which emphasises that land which is unnecessary to keep permanently open should not be included within the Green Belt. The current approach does not.

### **Suitability of Land at Southfields Road and Princess Road for Development**

- 3.12 The Framework<sup>14</sup> establishes a presumption in favour of sustainable development. development of land at Southfields Road and Princess Road, Strensall meets economic, social and environmental roles of sustainable development set out in the Framework<sup>15</sup>. The sites are available for development in the short term and, as a result, the benefits of the scheme will be delivered to the local community quickly.
- 3.13 The development of the sites will create direct and indirect construction jobs and there will be additional expenditure within the local area from construction workers. once the development is completed, the new occupiers will create demand for local facilities which will increase the wealth of the surrounding area and contribute to the community. The development of the sites would also generate new homes bonus payments, which the local authority can spend on local services and infrastructure.

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<sup>11</sup> Framework §80

<sup>12</sup> Framework §84

<sup>13</sup> Framework §85

<sup>14</sup> Framework §14

<sup>15</sup> Framework §7

- 3.14 The Framework requires local authorities to identify a supply of specific deliverable sites sufficient to meet a five year requirement and specific developable sites for years 6-10 and where possible years 11-16<sup>16</sup>.
- 3.15 A Technical Report on Housing Issues has been produced by Lichfields for other parties in response to the LPP consultation on the scale of housing growth set out in Policy SS1 of the LPP. The report seeks to increase the housing requirement identified in Policy SS1 in order to help meet the City's full housing needs across the plan period, including the need for affordable housing. In order to assist the Council in meeting this requirement and help ensure a deliverable 5-year supply, it is imperative that the allocation of the land at Southfields Road and Princess Road, Strensall for housing development is carried through into the Local Plan and brought forward for development in the short term.
- 3.16 The sites will deliver a sustainable pattern of development. They are extremely well located in terms of local services in Strensall village, including Robert Wilkinson Primary School, and a regular bus service provides a service between Strensall and York. The development of the sites will not only increase the range of house types within Strensall but will also help to sustain existing local facilities within the village.
- 3.17 The development of the sites will not harm the built or historic environment, and are not subject to any historic designation. The sites are bound by existing residential development to the north, east and west and (for the most part) a railway line to the south. They therefore form logical infill sites for the settlement and will not intrude into the wider landscape. Strensall Common, which is a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC), is located to the south of the sites. It is not considered that residential development in this location would have any significant detrimental impact on Strensall Common, and the possible impact would be considered through the planning application process. Mature trees and hedgerows within the sites, and along boundaries, will be assessed as part of the planning application process and those of value can be retained and incorporated into the development. The sites lie in flood risk zone 1 and development of this land for residential use therefore accords with the Framework<sup>17</sup> which seeks to steer new development to areas with the lowest probability of flooding. There are no further environmental constraints associated with the sites. Development of the sites will incorporate measures to meet local and national sustainability criteria.

## **Deliverability**

- 3.18 The Framework<sup>18</sup> states that for sites to be considered deliverable, they must be suitable, available and achievable. The land at Southfields Road and Princess Road, Strensall meets all of these requirements:
- 1 **Suitable:** the sites can be accessed from existing access points on Princess Road and the village. They are located within an established residential area, very close to the village centre, and provide the opportunity to increase housing provision within Strensall without impacting upon the wider landscape.
  - 2 **Available:** The sites are in the ownership of a willing landowner who is looking to release them for development.
  - 3 **Achievable:** The sites are capable of coming forward for development in the short term as soon as a developer has secured the grant of planning permission.

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<sup>16</sup> Framework §47

<sup>17</sup> Framework §101

<sup>18</sup> Framework footnote 11, page 12



- 3.19 The Technical Report on Housing Issues prepared by Lichfields for submission by other parties to the LPP consultation sets out our concerns in relation to the Council's housing requirement and housing supply. It concludes that the Council is not providing sufficient land to meet the housing needs of the City and further sites should be allocated for housing development as part of the YLP. The LPP is therefore not soundly based and it is requested that the calculation of York's Objective Assessment of Housing Needs [OAHN] is revisited, and that Southfields Road and Princess Road are allocated for residential development in order to help make up for the shortfall in housing land.

### **Conclusion**

- 3.20 It is considered that the sites at Southfields Road and Princess Road, Strensall, represent sustainable locations for housing development. They are suitable, available and achievable for residential development for market and affordable dwellings and there are no insurmountable constraints to delivering housing on the sites. The sites are able to come forward for development in the short-term (years 1 – 5) and therefore represent deliverable sites as defined by the Framework. In order to assist the Council in delivering its housing land requirement it is considered that the sites at Southfields Road and Princess Road, Strensall should be allocated for housing development and brought forward for development in the short term. If the sites are not identified for allocation they should be identified as Safeguarded Land.

## 4.0 **Policy SS1: Delivering Sustainable Growth for York**

### **Introduction**

- 4.1 Policy SS1 states that a minimum annual provision of 867 new dwellings will be delivered over the plan period to 2032/33 and post plan period to 2037/38.

### **Consideration of Policy**

- 4.2 This figure has been informed by the findings of the September 2017 SHMA Assessment Update. The Assessment Update makes a number of assumptions and judgements which are considered to be flawed, or which do not properly respond to the requirements of policy and guidance. The OAHN is therefore not robust and is inadequate to meet need and demand within the Housing Market Area [HMA].
- 4.3 These issues are considered in full detail in the Technical Report on Housing Issues prepared by Lichfields for other parties in response to the LPP consultation. This report provides a full critique of the OAHN set out in the SHMA Assessment Update and sets out a figure which more accurately represents the housing needs of the City. The key points are summarised below.
- 4.4 The Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update is considered to be fundamentally flawed. This is effectively a 'policy-on' intervention by the Council which should not be applied to the FOAN. It has been confirmed in the Courts that FOAN is 'policy off' and does not take into account supply pressures. The Council's approach to identifying the FOAN, as set out in the SHMA Assessment Update, would therefore be susceptible to legal challenge. The calculation of FOAN should therefore be based on the normal 'policy-off' methodology.
- 4.5 There are a number of significant deficiencies in the SHMA Assessment Update which means that the 953 dpa OAHN figure identified by GL Hearn in the Assessment Update is not soundly based. In particular:
- 1 GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. We agree with this. However this adjusted demographic figure of 871dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need. Lichfields agrees with making an adjustment for demographic and household formation rates. However, it is illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when an adjusted demographic need of 871dpa has been identified.
  - 2 Overall, the Assessment Update fails to distinguish between the affordable housing needs of the City of York and the supply increase needed to address market signals to help address demand. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.
  - 3 Given the significantly worsening market signals identified in City of York, Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN, plus a further 10% uplift to help address affordable housing needs.

- 4.6 It has been demonstrated that the assumptions and judgements used in the SHMA Assessment Update are flawed and the proposed OAHN for the City is not robust. It is therefore concluded that the housing requirement set out in the LPP is unsound as it does not accord with guidance set out in the Framework and Practice Guidance. Wakeford Properties Limited therefore strongly object to the LPPP as currently drafted and request that the OAHN is recalculated using an appropriate methodology.
- 4.7 As set out in the Technical Report on Housing Issues submitted by Lichfields for other parties in response to the LPPP consultation, Lichfields has undertaken its own analysis of housing need for the City of York and it is considered that an OAHN of 1,150 dpa should be applied.

### **Spatial Principles**

- 4.8 Policy SS1 identifies five spatial principles through which the location of development will be guided. However, the Council has failed to meet a fundamental requirement of the Framework<sup>19</sup> as the LPP does not demonstrate how the policy is based upon, and reflects, the presumption in favour of sustainable development.
- 4.9 Having reviewed the portfolio of sites set out in LPPP, it appears that the Council's strategy is a combination of: (a) urban expansion; (b) the provision of new settlements; and, (c) restricted growth in existing settlements. The document contains no narrative explaining:
- 1 How, or why, the Council has arrived at this approach;
  - 2 How and why the housing requirement has been distributed between these areas; nor,
  - 3 Does it set out the implications of this pattern of spatial distribution or discuss the alternative options considered.
- 4.10 For the reasons set out in our response to Policies H1, SS12 and SS13, Wakeford Properties are also concerned that the proposed new settlements at Land West of Wigginton Road [Policy SS12] and Land West of Elvington Lane [Policy SS13] have not been assessed against reasonable alternatives in the SA, nor are they deliverable or developable when considered in the context of the Framework.<sup>20</sup>
- 4.11 In sustainability terms, Wakeford Properties considers it more appropriate to focus growth on extensions to the York urban area and the expansion of existing settlements. This approach would make best use of existing infrastructure and resources, as well as ensuring that the needs of the local community are met. In particular, the failure to allocate land in existing settlements will increase affordability pressures in the City.
- 4.12 The Council should therefore allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs. We consider that the identification of a portfolio of small site allocations (e.g. up to 250 dwellings) around existing settlements and the main urban area would assist in meeting any shortfall created by the delay in large sites delivering dwellings early in the plan period. For the reasons set out in this representation, it is considered that the boundary of the Green Belt should be defined such that the sites at Brecks Lane, Southfields Road and Princess Road, Strensall are excluded from it and the sites should be allocated for residential development.

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<sup>19</sup> Framework - §14

<sup>20</sup> Framework - Footnotes 11 & 12

## Tests of Soundness

- 4.13 Wakeford Properties consider that Policy SS1 fails to meet the following tests of soundness because:
- 1 **It is not Positively Prepared:** The housing requirement currently identified in the LPP is not sufficient to meet objectively assessed development requirements over the plan period.
  - 2 **It is not Justified:** The methodology used GL Hearn to calculate the OAHN and the Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update are considered to be fundamentally flawed. The Council's 'policy-on' approach would be susceptible to legal challenge. There is no clear explanation of the spatial distribution approach taken in the LPP.
  - 3 **It is not Effective:** The OAHN identified is not sufficient to address worsening market signals and affordable housing need in the City of York.
  - 4 **It is not Consistent with National Policy:** The approach taken by the Council to identifying its housing requirement does not accord with the Framework<sup>21</sup> which seeks to significantly boosting the supply of housing. The Council has failed to meet a fundamental requirement of the Framework<sup>22</sup> as the LPP does not demonstrate how the location of development is based upon, and reflects, the presumption in favour of sustainable development.

## Recommended Change

- 4.14 In order to address the conflicts identified above and ensure that Policy SS1 is sound, it is considered that City of York Council should amend the Policy as follows:
- 1 The calculation of OAHN should be based on the normal 'policy-off' methodology.
  - 2 Given the significantly worsening market signals identified in City of York, Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN, plus a further 10% uplift to help address affordable housing needs.
  - 3 There should be a focus on growth on extensions to the York urban area and the expansion of existing settlements to make best use of existing infrastructure and resources, as well as ensuring that the needs of the local community are met.
  - 4 The Council should identify additional land for housing (including the appropriate definition of the Green Belt boundary) to meet the housing needs of the community. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.

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<sup>21</sup> Framework §47

<sup>22</sup> Framework §14

## 5.0 **Policy SS2: The Role of York's Green Belt**

### **Introduction**

5.1 Policy SS2 states that the general extent of the Green Belt is shown on the Key Diagram and detailed boundaries shown on the proposals map follow readily recognisable physical features that are likely to endure such as streams, hedgerows and highways.

5.2 To ensure that there is a degree of permanence beyond the plan period, sufficient land is allocated for development to meet the needs identified in the plan and for a further minimum period of five years to 2038.

5.3 The LPP Proposals Map (North) shows the Brecks Lane, Southfields Road, and Princess Road sites as lying within the Green Belt.

### **Consideration of Policy**

5.4 For the reasons set out in our response to Policy SS1 and Policy H1, the Council should identify additional land to meet the housing needs of the community and define the Green Belt boundary accordingly. These sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs. The identification of a portfolio of small site allocations (e.g. up to 250 dwellings) around existing settlements and the main urban area would assist in meeting any shortfall created by the delay in large sites delivering dwellings early in the plan period.

5.5 As demonstrated in these representations, the Brecks Lane, Southfields Road, and Princess Road sites should not be included within the identified Green Belt boundary, as they do not serve a Green Belt function, and should be allocated for residential development to help the Council meet its housing requirement.

5.6 For the reasons set out below, even if the sites are not allocated they should be identified as Safeguarded Land for future development.

### **Safeguarded land**

5.7 The now aborted YLP-PD identified a reserve of safeguarded land to ensure that the Green Belt boundary was capable of enduring beyond the plan period. This approach is entirely consistent with national guidance. Wakeford Properties are therefore concerned that the LPP no longer designates safeguarded land, provides no justification for this approach, and relies on strategic sites delivering beyond the plan period.

5.8 The identification of safeguarded land is considered particularly important as the Local Plan will set detailed Green Belt boundaries for the first time and an appropriate and sound strategy is therefore required to enable flexibility beyond the plan period. Wakeford Properties consider that safeguarded land is required in the City to provide a degree of permanence to the Green Belt boundary and avoid the need for future review. It would also provide flexibility and allow land to be brought forward quickly without a fundamental review of the whole Local Plan if allocated sites were unable to deliver the quantum of development envisaged. This is particularly important when considering the complex nature of some of the sites that are proposed for allocation in the LPP e.g. Land to the West of Elvington Lane, where deliverability is uncertain due to issues including land ownership, funding and viability.

- 5.9 The current approach adopted in the LPP conflicts with national guidance and advice sought by the Council from John Hobson QC (Landmark Chambers) in relation to safeguarded land which concluded that:

*“In my opinion if no safeguarded land is identified in the emerging Local Plan this would give rise to a serious risk of the Plan being found unsound. There would be a failure to identify how the longer term needs of the areas could be met, and in particular a failure to indicate how those longer term needs of the area could be met, and in particular a failure to indicate how those longer term needs could be met without encroaching into the Green Belt and eroding its boundaries [sic]”*

- 5.10 The Council has also been advised by Counsel that it would be appropriate for the Green Belt to endure for a ten year period beyond the life of the Plan.

## Tests of Soundness

- 5.11 Wakeford Properties consider that Policy SS2 fails to meet the following tests of soundness because:

- 1 **It is not Positively Prepared:** The housing supply currently identified in the LPP is not sufficient to meet objectively assessed development requirements over the plan period and additional land is required through the setting of Green Belt boundaries which allows additional housing land to be allocated. The Local Plan is also reliant upon allocations for delivery beyond the plan period to 2033 with no clear strategy in place if these allocations fail to deliver as anticipated.
- 2 **It is not Justified:** There is no clear evidence to demonstrate why safeguarded land has not been identified to meet need beyond the plan period.
- 3 **It is not Effective:** In the absence of identifying additional land outwith the Green Belt boundary, and allocating land in sustainable locations to meet development needs, there is a risk that the Local Plan will not be deliverable over its period.
- 4 **It is not Consistent with National Policy:** The identification of additional land outwith the Green belt boundary in sustainable locations is necessary in order to meet the delivery of sustainable development in accordance with the policies in the Framework.

## Recommended Change

- 5.12 In order to address the conflicts identified above and ensure that Policy SS2 is sound, it is considered that City of York Council should amend the Policy as follows:

- 1 The boundary of the Green Belt should be defined to allow additional land to be allocated to meet the housing needs of the community.
- 2 The Local Plan should identify a reserve of safeguarded land to ensure that this section of the document is effective and consistent with national policy.
- 3 The boundary of the Green Belt should be defined such that land at Brecks Lane, Southfields Road and Princess Road, Strensall are excluded from it and allocated for residential development on the Local Plan Proposals Map.
- 4 The sites should be identified as Safeguarded Land on the Local Plan Proposals Map if they are not allocated for development.



## 6.0 **Policy H1: Housing Allocations**

### **Introduction**

- 6.1 Policy H1 identifies a number of allocations in order to meet the housing requirement set out in Policy SS1. The explanatory text to the policy provides commentary on how sites with existing permission and windfall allowance will feed into this supply.

### **Consideration of Policy**

- 6.2 The Council has not produced a trajectory or a detailed assessment of the 5-year supply position as required by the Framework. No evidence has therefore been produced to demonstrate the Council's housing supply position. The absence of a delivery trajectory for each housing site is a result of the lack of evidence base prepared by the Council.
- 6.3 The housing supply position set out in the LPP is therefore not justified or consistent with national policy. Based on the information available, the Lichfields' Technical Report on Housing Issues prepared for other parties in response to the LPP consultation, provides an assessment of the adequacy of the deliverable and developable supply of housing sites to meet the requirement for the plan period and 5-year period.
- 6.4 As set out in our Technical Report on Housing Issues, the assessment of the balance between the housing requirement and supply demonstrates that there is a significant shortfall for the 5-year period when assessed against the Council's OAHN and Lichfield's OAHN. For the plan period, there is also a significant shortfall when assessed against the Lichfields assessment of the OAHN.
- 6.5 The LPP sets out the Council's proposed allocations and the expected delivery over the plan period. However, the Council is unable to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period (i.e. the tests set out in the Framework). As a result, there is insufficient information on the assumptions used to derive the Council's proposed delivery. In particular:
- 1 No evidence is provided on lead-in times.
  - 2 A total delivery figure for each allocated site is assumed without detailed reasoning on annual delivery rates.
  - 3 Density assumptions are not validated and should be revised downwards to ensure that the capacity of sites is not artificially inflated.
- 6.6 An analysis of the components of the Council's supply based on the information available suggests that:
- 1 The Council has not identified sites with planning permission nor has it provided a delivery trajectory for each site to demonstrate how each of these sites contributes to delivery over the Plan period or to the 5-Year housing land supply. In the absence of this information it is not possible to ascertain whether these sites should be included in the supply.
  - 2 The delivery of development on large strategic sites has been substantially overestimated by the Council in some cases. For example, it is unlikely that Site ST14 (Land West of Wigginton Road) and Site ST15 (Land West of Elvington Lane) will deliver the level of dwellings anticipated over the plan period for the reasons we have identified in these representations.
  - 3 The Council's information does not adequately justify a windfall allowance of 169 dpa and does not provide sufficient certainty that this figure will be achieved over the plan period.

6.7 The assessment of the balance between the housing requirement and supply undertaken by Lichfields demonstrates that there is a significant shortfall for the 5-year period when considered against the Council's assessment of OAHN (867dpa) and Lichfields' assessment of OAHN (1,150dpa).

6.8 In these circumstances, the emerging plan is not 'sound' as required by the Framework, as the Council has not demonstrated an adequate short and longer-term supply as required by national guidance.

## Tests of Soundness

6.9 Wakeford Properties consider that Policy H1 fails to meet the following tests of soundness because:

- 1 **It is not Positively Prepared:** The housing supply currently identified in the LPP is not sufficient to meet objectively assessed development requirements over the plan period and additional land is required.
- 2 **It is not Justified:** Insufficient evidence has been provided to demonstrate that the housing allocations proposed and other sources of supply are sufficient to deliver a five year supply and address development requirements over the Plan period.
- 3 **It is not Effective:** In the absence of sufficient housing land to meet requirements the Plan will not be deliverable over its period.
- 4 **It is not Consistent with National Policy:** The Council has not produced a detailed housing trajectory or a detailed assessment of the deliverable 5-year supply position and developable sites for years 6-10 as required by the Framework<sup>23</sup>. The Plan will not enable the delivery of sustainable development in accordance with the policies in the Framework unless additional sustainable locations for residential development are identified.

## Recommended Change

6.10 In order to address the conflicts identified above and ensure that Policy H1 is sound, it is considered that City of York Council should amend the Policy as follows:

- 1 The Local Plan should allocate this additional land to meet the housing needs of the community. These sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.
- 2 The identification of a portfolio of small site allocations (e.g. up to 250 dwellings) around existing settlements and the main urban area would assist in meeting any shortfall created by the delay in large sites delivering dwellings early in the plan period.
- 3 The boundary of the Green Belt should be defined such that land at Brecks Lane, Southfields Road and Princess Road, Strensall are excluded from it and allocated for residential development on the Local Plan Proposals Map.

6.11 It should be noted that the above assessment is reliant upon the information provided in the LPP and associated evidence base documents. Lichfields therefore reserves the right to update the above evidence as and when further information becomes available.

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<sup>23</sup> Framework - Footnotes 11 & 12

## 7.0 **Policy SS12: Land West of Wigginton Road (Site ST14)**

### **Introduction**

- 7.1 Policy SS12 identifies Land West of Wigginton Road [Allocation Ref: ST14] as a sustainable garden village situated to the north of the outer ring road. The policy states that it will deliver approximately 1,348 dwellings, approximately 1,200 units of which will be delivered within the plan period. The policy identifies a number of key principles that the master planning and delivery of the site must adhere to.

### **Consideration of Policy**

- 7.2 Whilst it is accepted that the development of Green Belt sites will be necessary to accommodate York's housing growth, Wakefield Properties are concerned that the proposed allocation of Land to the West of Wigginton Road has not been assessed against reasonable alternatives in the SA, nor is it deliverable or developable when considered in the context of the Framework. This is because:

- 1 The site is located within the Green Belt and no application is likely to be permitted until the Local Plan is adopted.
- 2 A clear strategy is needed to deliver the site during the plan period. It is in multiple ownerships and the siting of the allocation without access to a public highway introduces an added level of complexity in negotiation and agreement between the parties involved.
- 3 In view of its size and complexity much work will be needed to develop masterplans and establish viability of the development to be progressed through the planning system.
- 4 A detailed masterplan will be required to secure an appropriate form of development and ensure a phased delivery of the on-site services and facilities.
- 5 Given the scale and location of the development the scheme will need to be subject to full environmental assessment, especially to consider the likely impact on landscape, transportation and historic character of the City.
- 6 The site is isolated and there is no existing infrastructure capable of accommodating the proposed level of development. The site does not have frontage to a public highway with capacity that would allow even the smallest amount of development to commence. It is approximately 600m north of the A1237, and 550m west of the B1363 from which the policy requires access to be taken. The explanatory text to the policy [§3.61] notes that this section of the A1237 is one of the most congested parts of the northern outer ring road and the likely increase in traffic on the A1237 will require significant capacity enhancements to be made to it. The policy also suggests that opportunities for grade separated, dedicated public transport routes across the A1237 should be explored, which is likely to be an expensive and time consuming process given the potential complexities involved. Its development will therefore require major off-site highway improvements and new highway access roads and junctions. Other utilities will need to be procured and delivered in advance of any construction works on the site. This will inhibit the early delivery of the development.
- 7 The policy requires proposals for development to demonstrate that all transport issues have been addressed, in consultation with the Council as necessary, to ensure sustainable transport provision at the site is achievable. It states that the impacts of the site individually and cumulatively with sites ST7, ST8, ST9, ST15 and ST35 should be addressed. This suggests that there are currently doubts about the site's capability of providing sustainable

transport provision and it's potential impact upon the highway network has not been fully investigated. Wakefield Properties would have expected these matters to have been investigated and resolved prior to the site being put forward as a proposed allocation given the size of the site, the significant contribution the it is anticipated to make to the Council's housing supply and it potential impact upon the highway network.

- 8 The proposed site is not obviously sustainable in that it is not easily accessible to existing social and community facilities or located close to existing public transport routes. Considerable effort will need to be made to ensure the allocation does not become a satellite, dormitory community wholly reliant on private transport for every journey away from the home, including the provision of high quality, frequent, public transport services and high quality pedestrian and cycle links to the surrounding area.
- 9 Policy H1 (Table 5.1) suggests that the site will deliver dwellings in years 1 to 21 of the Local Plan period. The proposed delivery of units in Year 1 (2018/19) is ambitious and unrealistic given the extensive infrastructure requirements which will need to be put in place in advance of any development taking place. In addition, in view of the application of restrictive Green Belt policy it is inevitable that once the Local Plan is adopted the City of York Council will receive many planning applications for both large and smaller developments. Processing these applications will inevitably cause added delay, especially to the major, complex, housing allocations.

## Test of Soundness

7.3 Wakeford Properties consider that Policy SS12 fails to meet the following tests of soundness because:

- 1 **It is not Positively Prepared:** The wording of the policy and explanatory text suggests that of the ability of the site to deliver development over the plan period has yet to be fully established, particularly with regards to sustainable transport provision and access, and the capacity of the highway network to accommodate the development.
- 2 **It is not Justified:** Insufficient evidence has been provided to demonstrate that the site will be capable of delivering development in the first five years and this target is considered to be unrealistic given the infrastructure delivery which will be required to deliver dwellings and the current uncertainties over the delivery of the infrastructure.
- 3 **It is not Effective:** Insufficient evidence has been provided to demonstrate that the 1,200 dwellings proposed for the Plan period can actually be delivered as anticipated. In addition, the wording of the policy and explanatory text suggest that there a currently a number of issues which would restrict the ability of the site to deliver development within the first five years.
- 4 **It is not Consistent with National Policy:** The development of the site is heavily reliant on the delivery of significant highways, public transport and social infrastructure to make it sustainable and insufficient evidence has been provided to demonstrate this this infrastructure can be delivered.

## Recommended Change

7.4 In order to address the conflicts identified above and ensure that the Local Plan is sound, it is considered that City of York Council should:

- 1 Allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the

community's needs. The identification of a portfolio of small site allocations (e.g. up to 250 dwellings) around existing settlements and the main urban area would assist in meeting any shortfall created by the delay in large sites delivering dwellings early in the plan period.

## 8.0 **Policy SS13: Land West of Elvington Lane (Site ST15)**

### **Introduction**

- 8.1 Policy SS13 identifies Land West of Elvington Lane [Allocation ref: ST15] as a new sustainable garden village for York. The policy states that it will deliver approximately 3,339 dwellings, around 2,200 units of which will be delivered within the plan period.

### **Consideration of Policy**

- 8.2 Wakefield Properties accept that the development of Green Belt sites will be necessary. However they are concerned that the proposed allocation of Land to the West of Elvington Lane has not been assessed against reasonable alternatives in the SA, nor is it deliverable or developable when considered in the context of the Framework. This is because:
- 1 A clear strategy is needed to deliver the site during the plan period. It is in multiple ownerships and the siting of the allocation without access to a public highway introduces an added level of complexity in negotiation and agreement between the parties involved.
  - 2 In view of its size and complexity much work will be needed to develop masterplans and establish viability of the development to be progressed through the planning system.
  - 3 A detailed masterplan will be required to secure an appropriate form of development and ensure a phased delivery of the on-site services and facilities.
  - 4 The site is located within the Green Belt and no application is likely to be permitted until the Local Plan is adopted.
  - 5 Given the scale and location of the development the scheme will need to be subject to full environmental assessment, especially to consider the likely impact on landscape, ecology transportation and historic character of the City.
  - 6 The site is isolated and there is no existing infrastructure capable of accommodating the proposed level of development. The explanatory text to the policy [§3.65] notes that currently the site has no access to facilities within proximity and would be reliant on new facilities to be constructed as part of any development. The site does not have frontage to a public highway with capacity that would allow even the smallest amount of development to commence. Its development will require major off-site highway improvements and new highway access roads and junctions. Other utilities will need to be procured and delivered in advance of any construction works on the site. This will inhibit the early delivery of the development.
  - 7 The ability to provide access to the site is limited given the policy requirement for no vehicular transport access to Heslington village along surrounding routes and capacity constraints on the local highway network. The explanatory text to the Policy [§3.64] also states that any large-scale development solely relying on Elvington Lane would not be supported. It is not therefore clear whether the site could be delivered if the access solution currently proposed is not feasible.
  - 8 The proposed site is not obviously sustainable in that it is not easily accessible to existing social and community facilities or located close to existing public transport routes. Considerable effort will need to be made to ensure the allocation does not become a satellite, dormitory community wholly reliant on private transport for every journey away from the home.



- 9 In addition, in view of the application of restrictive Green Belt policy it is inevitable that once the Local Plan is adopted the City of York Council will receive many planning applications for both large and smaller developments. Processing these applications will inevitably cause added delay, especially to the major, complex, housing allocations.
- 10 The policy requires proposals for development to demonstrate that all transport issues have been addressed, in consultation with the Council and Highways England as necessary, to ensure sustainable transport provision at the site is achievable. It states that the impacts of the site individually and cumulatively with sites ST7, ST8, ST9, ST14, ST27, ST35 and ST36 should be addressed. This suggests that there are currently doubts about the site's capability of providing sustainable transport provision and its potential impact upon the highway network has not been fully investigated. Wakefield Properties would have expected these matters to have been investigated and resolved prior to the site being put forward as a proposed allocation given the size of the site and the significant contribution that it is anticipated to make to the Council's housing supply and its potential impact upon the highway network.
- 11 LPP Policy H1 (Table 5.1) suggests that the site will deliver dwellings in years 1 to 21 of the Local Plan period. However, the explanatory text to Policy SS13 states that development is anticipated to commence from Year 5 (2022/23). The period between the commencement of construction and the delivery of dwellings is likely to be significant given the extensive infrastructure which will need to be put in place in advance of any development taking place, including the proposed link to the A64 which would be approximately 1.5km in length. The completion of any dwellings within Years 1 to 5 is therefore highly unlikely and first completions are likely to come forward later in the Plan period.

## Test of Soundness

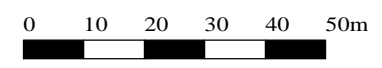
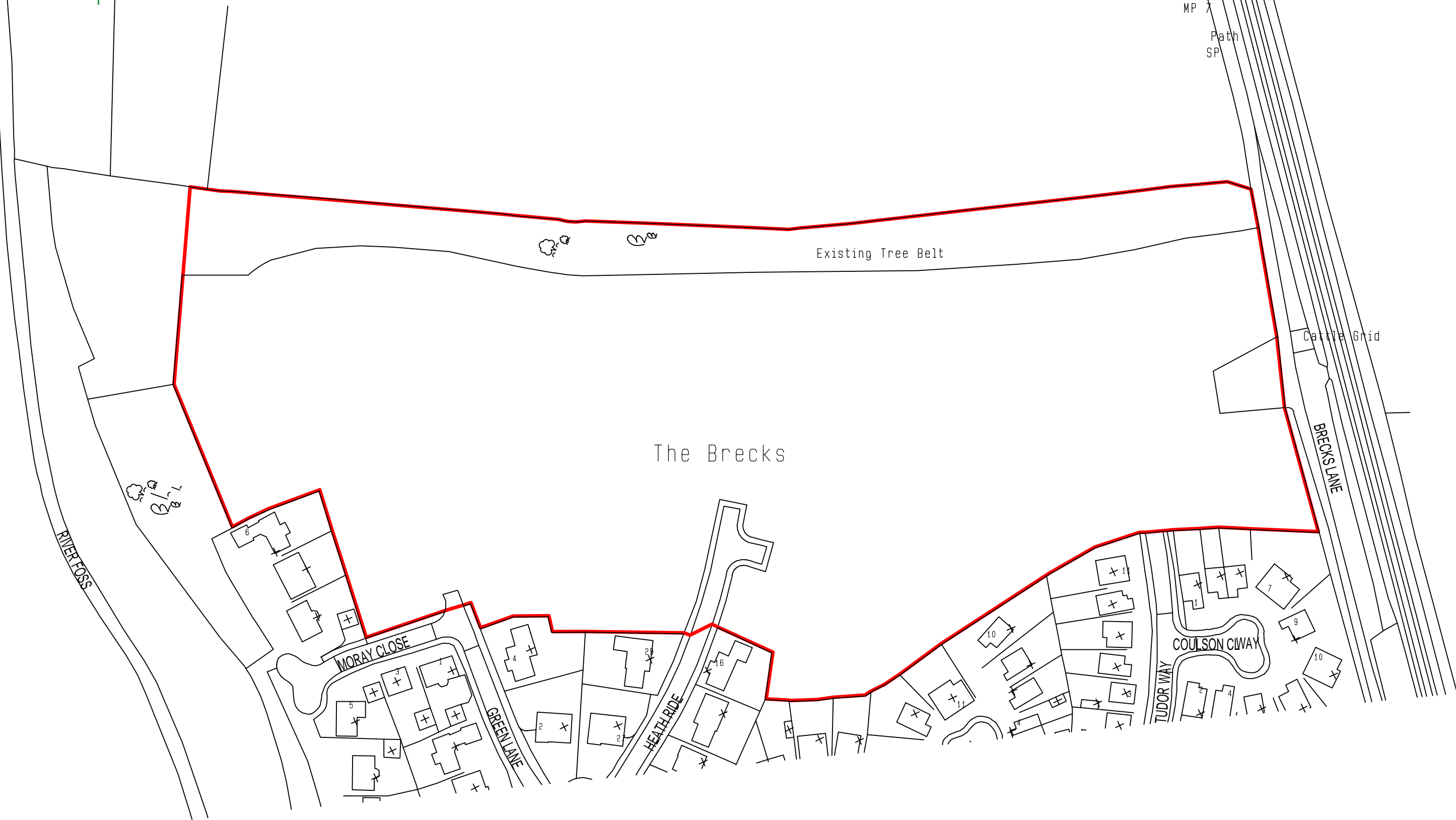
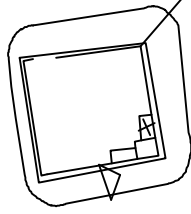
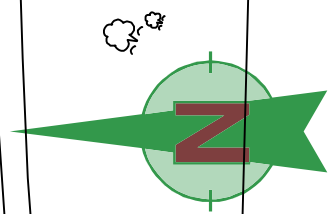
8.3 Wakeford Properties consider that Policy SS13 fails to meet the following tests of soundness because:

- 1 **It is not Positively Prepared:** The wording of the policy and explanatory text suggests that of the ability of the site to deliver development over the plan period has yet to be fully established, particularly with regards to sustainable transport provision and access, and the capacity of the highway network to accommodate the development.  
**It is not Justified:** Insufficient evidence has been provided to demonstrate that the site will be capable of delivering development in the first five years of the adopted Local Plan and this target is considered to be unrealistic given the a infrastructure delivery which will be required to deliver dwellings.
- 2 **It is not Effective:** Insufficient evidence has been provided to demonstrate that the 2,200 dwellings proposed for the Plan period can actually be delivered as anticipated. In addition, the wording of the policy and explanatory text suggest that there a currently a number of issues which would restrict the ability of the site to deliver development within the first five years.
- 3 **It is not Consistent with National Policy:** The development of the site is heavily reliant on the delivery of significant highways, public transport and social infrastructure to make is sustainable and insufficient evidence has been provided to demonstrate this this infrastructure can be delivered.

## **Recommended Change**

- 8.4 In order to address the conflicts identified above and ensure the Local Plan is sound, it is considered that City of York Council should:
- 1 Allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs. The identification of a portfolio of small site allocations (e.g. up to 250 dwellings) around existing settlements and the main urban area would assist in meeting any shortfall created by the delay in large sites delivering dwellings early in the plan period.


# **Appendix 1: Land at Brecks Lane, Strensall**



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REV	DATE	AMENDMENT

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 fax 01845 524278  
 e diparchitects@btconnect.com  
 www.diparchitects.co.uk  
**CHARTERED ARCHITECTS**  
 Midland Chambers, 77 Market Place,  
 Thirsk, North Yorkshire Y07 1EY



CLIENT:  
**LINDEN HOMES NORTH**

PROJECT:  
**Development at Brecks Lane, Strensall**  
 DRAWING TITLE:  
**Location Plan**

SCALE: <b>1 : 1250 @ A3</b>		DATE: <b>September 2013</b>	
DRAWN: <b>KLW</b>	CHECKED: <b>-</b>	DWG NO. <b>3585/12</b>	REV. <b>-</b>

ALL DIMENSIONS TO BE CHECKED ON SITE. DISCREPANCIES, AMBIGUITIES AND/OR OMISSIONS BETWEEN THIS DRAWING AND INFORMATION GIVEN ELSEWHERE MUST BE REPORTED TO THIS OFFICE AND CLARIFICATION SOUGHT BEFORE PROCEEDING

## **Appendix 2: Land at Southfields Road, Strensall**

HM Land Registry  
Official copy of  
title plan

Title number **NYK235968**  
Ordnance Survey map reference **SE6360NE**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **York**



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## **Appendix 3: Land at Princess Road, Strensall**



HM Land Registry  
Official copy of  
title plan

Title number **NYK235970**  
Ordnance Survey map reference **SE6360NW**  
Scale **1:2500**  
Administrative area **York**

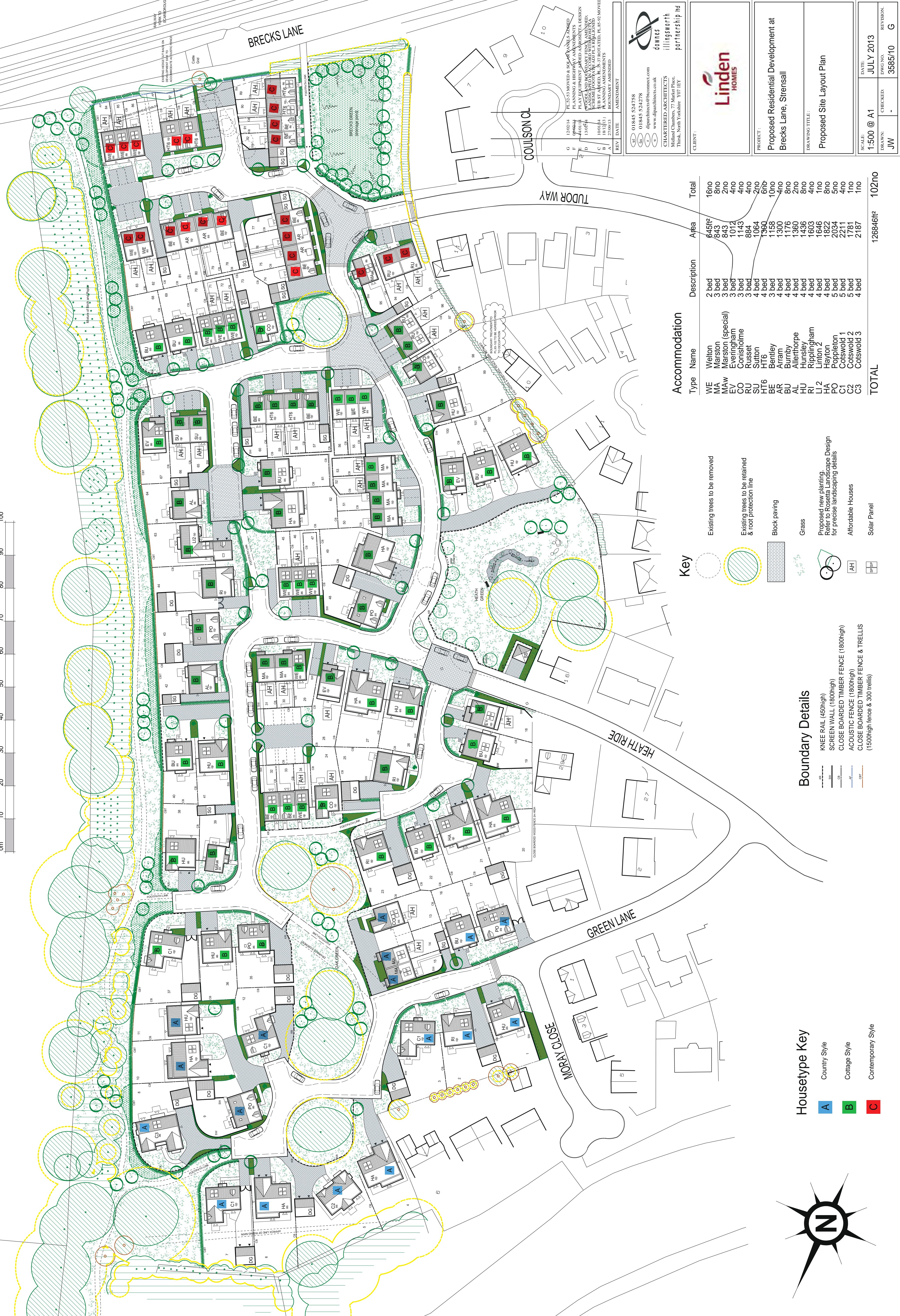
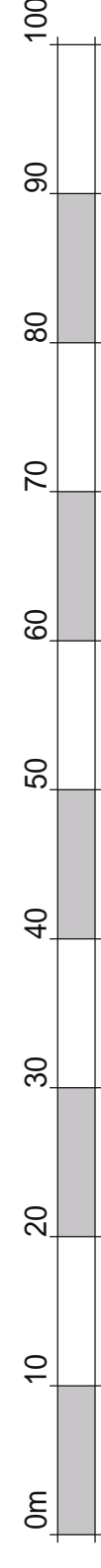


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## **Appendix 4: Land at Brecks Lane – Draft Site Layout Plan**





PLS SEE MOVED & SOLAR PANELS ATTACHED  
 PLANNING & HIGHWAY AMENDMENTS  
 PLAY EQUIPMENT AND SPORTS DESIGN  
 LANDSCAPE AND ARBORICULTURE DESIGN  
 PLANS AND SPECIFICATIONS WITH AMENDMENTS  
 SUBSTANTIAL AMENDMENTS TO THE ORIGINAL  
 PLANNING AMENDMENTS  
 BOUNDARY AMENDMENT

REV	DATE	DESCRIPTION
G	12/02/14	PLANNING AMENDMENTS
F	14/01/14	PLANNING AMENDMENTS
D	13/07/13	PLANNING AMENDMENTS
C	10/01/14	PLANNING AMENDMENTS
B	18/12/13	PLANNING AMENDMENTS
A	27/09/13	BOUNDARY AMENDMENT

CLIENT:  
 Linden Homes  
 Proposed Residential Development at Brecks Lane, Srensall

DRAWING TITLE:  
 Proposed Site Layout Plan

SCALE:	DATE:	DATE:
1:500 @ A1	JULY 2013	JULY 2013
DRAWN:	CHECKED:	REVISION:
JW	-	3585/10 G

Type	Name	Description	Area	Total
WE	Wellton	2 bed	645ft <sup>2</sup>	16no
MA	Marston	3 bed	843	8no
MAW	Marston (special)	3 bed	843	2no
EV	Everingham	3 bed	1012	4no
CO	Conisholme	3 bed	1143	4no
RU	Russet	3 bed	884	4no
SU	Sutton	4 bed	1064	2no
HT6	HT6	4 bed	1300	2no
BE	Bentley	4 bed	1358	1no
AR	Arram	4 bed	1300	4no
BU	Burby	4 bed	1776	8no
AL	Allerthorpe	4 bed	1360	2no
HU	Hunsley	4 bed	1436	8no
RI	Ripplingham	4 bed	1603	4no
LI 2	Linton 2	4 bed	1646	1no
HA	Hayton	4 bed	1822	8no
PO	Poppleton	5 bed	2034	4no
C1	Cotswold 1	5 bed	2211	5no
C2	Cotswold 2	5 bed	1781	1no
C3	Cotswold 3	4 bed	2187	1no
<b>TOTAL</b>				<b>102no</b>

**Key**

- Existing trees to be removed
- Existing trees to be retained & root protection line
- Block paving
- Grass
- Proposed new planting. Refer to Rosetta Landscape Design for precise landscaping details
- Affordable Houses
- Solar Panel

**Boundary Details**

- KNEE RAIL (450high)
- SCREEN WALL (1800high)
- CLOSE BOARDED TIMBER FENCE (1800high)
- ACOUSTIC FENCE (1800high)
- CLOSE BOARDED TIMBER FENCE & TRELIS (1500high fence & 300 trellis)

**Housetype Key**

- Country Style (A)
- Cottage Style (B)
- Contemporary Style (C)









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# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.**

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name		Nicholas
Last Name		Mills
Organisation (where relevant)	ited	Lichfields
Representing (if applicable)		Wakeford Properties Limited
Address – line 1		Ship Canal House
Address – line 2		98 King Street
Address – line 3		Manchester
Address – line 4		
Address – line 5		
Postcode		M2 4WU
E-mail Address		nicholas.mills@lichfields.uk
Telephone Number		0161 837 6130



# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Electronic copies of this form are available to download at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or you can complete the form online at [www.york.gov.uk/consultations](http://www.york.gov.uk/consultations)

## What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

## Do I have to use the response form?

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## Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

## Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Local Plan Publication Consultation documents?

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# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

Please see the attached representations report for details.

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

**5.(1) Do you consider the document is Sound?**

Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

<b>Positively prepared</b>	<input checked="" type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
<b>Effective</b>	<input checked="" type="checkbox"/>	<b>Consistent with national policy</b>	<input checked="" type="checkbox"/>

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

Please see the attached representations report for details.

**6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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Please see the attached representations report for details.

**7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

**7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

There is the need to examine some fundamental aspects of the local plan. We would therefore like the opportunity to participate at the oral part of the examination.

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

## Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.<sup>1</sup> The Council must also notify those on the database at certain stages of plan preparation under the Regulations.<sup>2</sup>

## Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.<sup>3</sup>

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To find out about your rights under the Data Protection Act 1998 (and any successor legislation), contact the Information Commissioner's Office (ICO) <https://ico.org.uk/for-the-public/>

For a copy of our Privacy Notice, your rights, or if you have a complaint about how long we have kept it for, please contact the Customer Services Team on [01904 554145](tel:01904554145)



Date

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) (England) Regulations 2012

# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.**

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name		Nicholas
		Mills
		Lichfields
		Wakeford Properties Limited
		Ship Canal House
		98 King Street
		Manchester
		M2 4WU
E-mail Address		nicholas.mills@lichfields.uk
Telephone Number		0161 837 6130



# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Electronic copies of this form are available to download at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or you can complete the form online at [www.york.gov.uk/consultations](http://www.york.gov.uk/consultations)

## What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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## Do I need to attend the Public Examination?

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# Part B -Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

Please see the attached representations report for details.

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

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**5.(1) Do you consider the document is Sound?**

Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

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**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

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# Part C - How we will use your Personal Information

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If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at [haveyoursay@york.gov.uk](mailto:haveyoursay@york.gov.uk) or on [01904 554145](tel:01904554145)

Date

03/04/2018

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

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# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

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**Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.**

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name		Nicholas
		Mills
		Lichfields
		Wakeford Properties Limited
		Ship Canal House
		98 King Street
		Manchester
		M2 4WU
E-mail Address		nicholas.mills@lichfields.uk
Telephone Number		0161 837 6130



# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

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## Do I have to use the response form?

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## Do I need to attend the Public Examination?

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# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

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## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

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(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

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## Your rights

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Privacy Notice, your rights, or if you have a complaint about or how long we have kept it for, please contact the Customer [rk.gov.uk](mailto:rk.gov.uk) or on [01904 554145](tel:01904554145)

Date

03/04/2018

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

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# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.**

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name		Nicholas
		Mills
	ited	Lichfields
		Wakeford Properties Limited
		Ship Canal House
		98 King Street
		Manchester
		M2 4WU
E-mail Address		nicholas.mills@lichfields.uk
Telephone Number		0161 837 6130



# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Electronic copies of this form are available to download at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or you can complete the form online at [www.york.gov.uk/consultations](http://www.york.gov.uk/consultations)

## What can I make comments on?

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## Do I have to use the response form?

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## Can I submit representations on behalf of a group or neighbourhood?

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# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

Please see the attached representations report for details.

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

**5.(1) Do you consider the document is Sound?**

Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

<b>Positively prepared</b>	<input checked="" type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
<b>Effective</b>	<input checked="" type="checkbox"/>	<b>Consistent with national policy</b>	<input checked="" type="checkbox"/>

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

Please see the attached representations report for details.

**6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

**After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

Please see the attached representations report for details.

**7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

**7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

There is the need to examine some fundamental aspects of the local plan. We would therefore like the opportunity to participate at the oral part of the examination.

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

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[Redacted Signature]

Date

03/04/2018

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Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name		Nicholas
		Mills
		Lichfields
		Wakeford Properties Limited
		Ship Canal House
		98 King Street
		Manchester
		M2 4WU
E-mail Address		nicholas.mills@lichfields.uk
Telephone Number		0161 837 6130



# Guidance note

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# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

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## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

Please see the attached representations report for details.

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Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

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Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

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<b>Effective</b>	<input checked="" type="checkbox"/>	<b>Consistent with national policy</b>	<input checked="" type="checkbox"/>

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph no.

Policy Ref.

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**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

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[Redacted Signature Box]

Date

03/04/2018

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## Part A - Personal Details

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1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name		Nicholas
		Mills
		Lichfields
		Wakeford Properties Limited
		Ship Canal House
		98 King Street
		Manchester
		M2 4WU
E-mail Address		nicholas.mills@lichfields.uk
Telephone Number		0161 837 6130



# Guidance note

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(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

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Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

**5.(1) Do you consider the document is Sound?**

Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

<b>Positively prepared</b>	<input checked="" type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
<b>Effective</b>	<input checked="" type="checkbox"/>	<b>Consistent with national policy</b>	<input checked="" type="checkbox"/>

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

Please see the attached representations report for details.

**6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

**After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

Please see the attached representations report for details.

**7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

**7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

There is the need to examine some fundamental aspects of the local plan. We would therefore like the opportunity to participate at the oral part of the examination.

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

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As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

## Storing your information and contacting you in the future:

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## Retention of Information

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## Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

For more information on our Privacy Notice, your rights, or if you have a complaint about the way we have used or how long we have kept it for, please contact the Customer Services Team on [www.york.gov.uk](http://www.york.gov.uk) or on [01904 554145](tel:01904554145)

	
--	--

Date

03/04/2018

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.**

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name		Nicholas
		Mills
	s Limited	Lichfields
		Wakeford Properties Limited
		Ship Canal House
		98 King Street
		Manchester
		M2 4WU
E-mail Address		nicholas.mills@lichfields.uk
Telephone Number		0161 837 6130



# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Electronic copies of this form are available to download at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or you can complete the form online at [www.york.gov.uk/consultations](http://www.york.gov.uk/consultations)

## What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or use our online consultation form via <http://www.york.gov.uk/consultations>. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

## Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

## Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).
- City of York Council West Offices
- In all libraries in York.

# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

Please see the attached representations report for details.

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

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**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

**5.(1) Do you consider the document is Sound?**

Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

<b>Positively prepared</b>	<input checked="" type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
<b>Effective</b>	<input checked="" type="checkbox"/>	<b>Consistent with national policy</b>	<input checked="" type="checkbox"/>

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

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**Yes**, I wish to appear at the examination

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Privacy Notice, your rights, or if you have a complaint about or how long we have kept it for, please contact the Customer [rk.gov.uk](mailto:rk.gov.uk) or on [01904 554145](tel:01904554145)

Date

03/04/2018

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

**From:** Nicholas Mills [nicholas.mills@lichfields.uk]  
**Sent:** 03 April 2018 16:00  
**To:** localplan@york.gov.uk  
**Cc:** [REDACTED] Michael Watts  
**Subject:** City of York Local Plan Publication Draft - Representations on behalf of Wakeford Properties Ltd [NLP-DMS.FID486127]  
**Attachments:** 50781\_02 Rep Cover Letter to York CC 03-04-18.PDF; 50781\_02 Comments\_form\_H1.PDF; 50781\_02 Comments\_form\_H1(Policies Map).PDF; 50781\_02 Comments\_form\_SS1.PDF; 50781\_02 Comments\_form\_SS2.PDF; 50781\_02 Comments\_form\_SS2(Policies Map).PDF; 50781\_02 Comments\_form\_SS12.PDF; 50781\_02 Comments\_form\_SS13.PDF; 50781\_02 York LP Publication Draft Representations 03.04.18.PDF

Dear Sir/Madam

I refer to the above consultation and attach representations prepared on behalf of Wakeford Properties Limited. The representation documents comprise the following:

1. Cover Letter
2. Completed Representation Forms
3. Local Plan Publication Draft 2018 Representations Report

A hard copy of the representations will be sent in the post this evening.

Please can you confirm receipt of these representations by return.

Kind regards

**Nicholas Mills**  
**Senior Planner**  
 Lichfields, Ship Canal House, 98 King Street, Manchester M2 4WU  
 T 0161 837 6130 / E [nicholas.mills@lichfields.uk](mailto:nicholas.mills@lichfields.uk)

**lichfields.uk**  



**Draft revised NPPF:  
workable solutions  
for meeting housing  
need?**

**VIEW INSIGHT**

**Insight focus**  
 Draft revised National Planning Policy Framework  
 Key findings and implications for housing  
 The revised approach to housing development

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City of York Council  
West Offices  
Station Rise  
York  
YO1 6GA

**Date:** 3 April 2018  
**Our ref:** 50781/02/MW/NMi/15686392v1  
**Your ref:**

By email [localplan@york.gov.uk](mailto:localplan@york.gov.uk) and post

Dear Sir/Madam

### **City of York Local Plan Publication Draft 2018 - Representations on behalf of Wakeford Properties Ltd**

I refer to the consultation on the City of York Local Plan Publication Draft 2018 and herewith attach representations on behalf of Wakeford Properties Limited. The representation documents comprise the following:

- 1 Completed Representation Forms
- 2 Local Plan Publication Draft 2018 Representations Report

I would be grateful if you could confirm receipt of these representations by return.

Yours faithfully



**Nicholas Mills**  
Senior Planner

**York Local Plan Publication  
Draft  
Representations on behalf of  
Wakeford Properties Ltd**

April 2018

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15612630v3

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## **Appendices**

**Appendix 1: Land at Brecks Lane, Strensall**

**Appendix 2: Land at Southfields Road, Strensall**

**Appendix 3: Land at Princess Road, Strensall**

**Appendix 4: Land at Brecks Lane – Draft Site Layout Plan**





## 1.0 Introduction

1.1 This report has been prepared by Lichfields on behalf of Wakeford Properties Limited [Wakeford Properties]. It forms Wakeford Properties' response to the City of York Local Plan Publication Draft [LPP] (February 2018) Regulation 19 Consultation.

1.2 These representations are submitted in the context of Wakeford Properties' land interests of in York, namely:

- 1 Land at Brecks Lane, Strensall
- 2 Land at Southfields Road, Strensall
- 3 Land at Princess Road, Strensall

1.3 Wakeford Properties is seeking the allocation of the above sites in the City of York Local Plan for residential development. Plans showing the location of the sites are attached at Appendices 1 to 3.

1.4 All three sites are identified on the LPP Proposals Map as lying with the Green Belt.

1.5 Representations have been submitted by Lichfields to City of York Council at various stages of the emerging Local Plan seeking the allocation of the above sites. Representations in relation to land at Brecks Lane, Strensall were previously submitted on behalf of Linden Homes.

1.6 It is a statutory requirement that every development plan document must be submitted for independent examination to assess when it is "sound", as well as whether other statutory requirements have been satisfied (s.20(5) of the 2004 Act). By s.19 of the 2004 Act, in preparing a development plan document a local planning authority must have regard to a number of matters including national policies and advice contained in guidance issued by the Secretary of State. Such guidance currently exists in the form of the National Planning Policy Framework [the Framework] and the National Planning Practice Guidance [Practice Guidance].

1.7 There is no statutory definition of "soundness". However the Framework<sup>1</sup> states that to be sound a Local Plan should be:

- 1 **Positively Prepared:** The plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- 2 **Justified:** The plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
- 3 **Effective:** The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
- 4 **Consistent with National Policy:** The Plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

1.8 In addition the Framework<sup>2</sup> states that:

*"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."*

---

<sup>1</sup> National Planning Policy Framework §182

<sup>2</sup> National Planning Policy Framework §14

*For **plan-making** this means that:*

- *Local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.....”*

1.9 The Core Planning Principles are set out in the Framework<sup>3</sup>.

1.10 The requirements of the Framework in respect Local Plans are reinforced in the Practice Guidance<sup>4</sup> which states that the Framework “sets clear expectations as to how a Local Plan must be developed in order to be justified, effective, consistent with national policy and positively prepared to deliver sustainable development that meets local needs and national priorities”.

## **Draft National Planning Policy Framework**

1.11 The revised draft Framework was published for consultation in March 2018. It has an unequivocal emphasis on housing, with the introduction to the consultation proposals clarifying that the country needs radical, lasting reform that will allow more homes to be built, with the intention of reaching 300,000 net additional homes a year. The draft states that to support the Government’s objective of ‘significantly boosting the supply of homes’, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay<sup>5</sup>.

1.12 It is accepted that only limited weight can be attached to the document at present as it is still out for consultation. In this regard, the Annex 1 [S209] to the draft Framework states that the policies in the previous Framework will apply for the purposes of examining plans, where those plans are submitted on or before the date which is 6 months after the final Framework’s publication “*in these cases the examination will take no account of the new Framework*”.

1.13 However the draft Framework remains a useful indicator of the direction of travel, not least with the approach to be taken to defining housing need, which has already been the subject of an earlier consultation (‘*Planning for the right homes in the right places*’, September 2017), to which MHCLG published a summary of consultation responses and its view on the way forward in March 2018.

---

<sup>3</sup> National Planning Policy Framework §17

<sup>4</sup> Practice Guidance - ID: 12-001-20170728

<sup>5</sup> Draft National Planning Policy Framework §60

## **Structure**

- 1.14 This report supplements the completed representation form and demonstrates that a number of policies within the LPP are, at present, 'unsound' in the context of the tests of soundness established by the Framework.
- 1.15 The report firstly provides background context to the Brecks Lane, Southfields Road and Princess Road sites to support their removal from the Green Belt and allocation for residential development.
- 1.16 This report then provides detailed representations in relation to the following LPP policies:
- 1 Policy SS1: Delivering Sustainable Growth for York
  - 2 Policy SS2: The Role of York's Green Belt
  - 3 Policy H1: Housing Allocations
  - 4 Policy SS12: Land West of Wigginton Road (Site ST14)
  - 5 Policy SS13: Land West of Elvington Lane (Site ST15)
- 1.17 Recommendations are set out at the end of each Policy Section setting out how the Council needs to address the Policy to make it sound.

## 2.0 **Background to the Brecks Lane Site**

### **Introduction**

2.1 The Brecks Lane site was included in previous York Local Plan [YLP] consultation documents as a residential allocation but was identified within the YLP-Preferred Sites [YLP-PS] as 'Proposed Removed Land'. The site was referred to as 'Land at Brecks' [Allocation Ref. H27] in the YLP-Preferred Options [YLP-PO].

2.2 At that time Linden Homes strongly objected to Land at Brecks being listed within Table 9 (deleted housing sites from the Local Plan Publication draft) and requested that it was rightly included within Table 7 (Potential General Housing Allocations).

2.3 It was considered that the reasons for discounting the site as a residential allocation were incorrect for the following reasons:

- 1 The site has historically been seen as outside the Green Belt at different stages of plan preparation;
- 2 The Council's evidence base has previously supported the allocation of the site and further technical assessments do not alter its previous conclusions;
- 3 The site makes a very limited or no contribution towards Green Belt purposes; and,
- 4 The development of the site would assist in the delivery of sustainable development within the City.

### **Policy History of the Site and Evidence Base**

2.4 Historically, the site has, at no point, been included within a Green Belt boundary and there is no Proposals Map that shows it as such. The site was not shown within the Green Belt in the York Green Belt Local Plan - Modifications (1995); the Southern Ryedale Local Plan - Modifications (1996); and, the City of York Local Plan – 3rd & 4th Sets of Proposed Changes (2003 & 2005). Indeed, it is shown as safeguarded land in the latter document.

2.5 More recently, the site was allocated for housing in the Preferred Options Draft Local Plan [YLP-PO] (June 2013) and subsequent Publication Draft Local Plan [YLP-PD] (September 2014). The allocation was a result of the site passing the suitability criteria set out in the Site Selection Paper (2013), Further Sites Consultation (2014) and the Site Selection Paper Addendum (2014).

2.6 According to Section 3.0 of the YLP-PS, the revised portfolio of sites was based on further technical assessment which included updated sustainability criteria; updated technical officer comments; transport; education; open space; agricultural land classification; sequential flood risk; and, Green Belt appraisal. However, this evidence did not support the exclusion of the site from the list of allocations.

2.7 Of the further technical assessments listed in the YLP-PS, only the Green Belt appraisal was considered relevant to the decision to no longer include Brecks Lane as an allocation. The YLP-PS specified at §3.2 that *"work is ongoing to look at the parcels of land around York to understand their significance and contribution against the Green Belt purposes, as set out in NPPF"*. This information is not currently available to the public.

2.8 The table at page 214 of the YLP-PS was clear that the site's location within the Green Belt was the reason for its deletion as an allocation:

*"The site has recently (March 2015) been refused by the Inspector and Secretary of State at appeal (APP/C2741/V/14/2216946). The decision concludes that the development*

*would impact on 4 of the 5 greenbelt purposes including on openness encroachment and unrestricted sprawl, that its development would cause substantial harm to the greenbelt and that this harm would not be justified by very special circumstances. For these reasons it is recommend that that the site is not included as an allocation”.*

- 2.9 It is acknowledged that the conclusion of the Inspector and Secretary of State [SoS] was that Brecks Lane should be considered as within the outer extent of the Green Belt. In this context, it was found that the site served a number of Green Belt purposes [IR§199]<sup>6</sup>. However, these Green Belt issues were fundamentally going to be found as part of any residential development in the context of the impact of the scheme being considered. Therefore, using this as an argument to support a justification to not allocate the site would be flawed. This is entirely different to the proposal to designate the site as Green Belt and the decision should therefore not be used as a reason for discounting it from the LPP.
- 2.10 Once the Inspector and SoS concluded that the site should be considered as within the general extent of the Green Belt, it was necessary to address the requirements of the Framework<sup>7</sup> (i.e. whether ‘very special circumstances’ existed which justified the development). The conclusions in the decision were therefore reached on the basis that the site is located in the Green Belt, rather than in the context of its contribution to the Green Belt and whether it should be located within it. These are matters for the Council to assess when considering the future allocation of the site for development.
- 2.11 It is important to highlight that the Inspector and SoS reached the decision on the Green Belt status of the site based on the Key Diagram of the partially revoked Yorkshire and Humber Regional Strategy (2008) [YHRS]. The Inspector acknowledged that the use of this plan was ill conceived [IR §187], but the conclusion was drawn because the issue of where the outer boundary of the Green Belt is to be drawn (and boundaries to individual settlements) remains unresolved in any adopted plan. The Inspector was unable to give any weight to the policy history of the site in the context of the call-in Inquiry, but this does not preclude the allocation of the site for residential development in the YLP, as it is this document that will set detailed Green Belt boundaries for the first time.
- 2.12 It is for the YLP to draw the boundaries of the Green Belt having regard to the guidance set out in the Framework and to ensure that it takes account of the longer term development requirements of the City. The Council has confirmed on many occasions that Brecks Lane does not serve any Green Belt purposes. The previous policy approach to the site, together with its inclusion as an allocation in the earlier drafts of the YLP (now aborted), all demonstrate that it does not perform a Green Belt function and can be developed. The Council has previously followed the guidance in the Framework which emphasises that land which is unnecessary to keep permanently open should not be included within the Green Belt. The current approach does not.
- 2.13 Whilst the YLP-PS referred to further assessments that have been carried out since the aborted YLP (2014), there was no new evidence to suggest that there is any reason to remove Brecks Lane as an allocation.
- 2.14 No new evidence was provided in the Local Plan Pre-Publication Draft [LPPP] and its evidence base either. The Local Plan preferred Sites Consultations Statement (2017) simply summarised representations made on the site through the YLP-PS consultation and did not shed any further light on the reasons for its exclusion. The justification for its deletion appears to be based solely

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<sup>6</sup> IR refers to the Inspector’s Report into the Brecks Lane application

<sup>7</sup> Framework §87

on the conclusions reached by the Inspector and SoS in relation to the call-in Inquiry. This approach is fundamentally wrong and completely disregards the basis on which the Inspector and SoS were required to make their decision. The Framework makes clear the basis of judgements in decision making and it is improper to rely upon this when progressing with a Local Plan.

- 2.15 No further substantive evidence has been provided in the Local Plan Publication Draft [LPP] and its evidence base. The LPP Sustainability Appraisal – Appendix K identifies the site [Site Ref: 49] as a “Reasonable- Previous Allocation H27” alternative site but states that it was rejected “due to impacts on landscape”. No further explanation is given for its rejection.
- 2.16 In summary, the site has consistently been excluded from draft Green Belt boundaries (including specific recommendations in the York Green Belt Local Plan and Southern Ryedale Local Plan inquiries) and the Council has confirmed on many occasions that it does not serve any Green Belt purposes. It is incorrect for the Council to rely on the SoS and Inspector’s conclusions in relation to the call-in Inquiry in discounting Brecks Lane as an allocation as this decision was made in the context of the site being situated within the Green Belt and whether its development was justified by very special circumstances (and it was found that it was not). This does not preclude a proper consideration of whether the site should be located within the Green Belt and its contribution to Green Belt purposes.

## **Green Belt Purposes**

- 2.17 A consideration of the site against the Framework<sup>8</sup> demonstrates that it does not serve any specific role when compared against the five purposes of the Green Belt.

### **Purpose 1 - To Check the Unrestricted Sprawl of Large Built-Up Areas**

- 2.18 The village of Strensall is not a large built-up area and the site does not therefore have a role in restricting the urban sprawl of a large built-up area. Instead, it merely fills in a small gap between existing development and the natural boundary to development. The terminology of ‘sprawl’ suggests disorganised or unplanned expansion, whereas the development of land at Brecks Lane has been envisaged since the Southern Ryedale Local Plan in 1991. This is evident in the fact that the road layout of the adjacent residential area enters the site and terminates with a turning head, and also that its eastern boundary is formed by an established tree belt. Both of these physical features were provided as part of the existing development and were intended to facilitate development of the land. They clearly demonstrate that the Council considered that the site should be developed for housing at a future date.
- 2.19 In addition, the site is substantially contained by built development. It is bounded to the west by a residential estate built in the 1990s, to the north by the River Foss, to the east by an established tree belt and to the south by a road (Brecks Lane) and the York-Scarborough railway line.
- 2.20 In the appeal decision, the Inspector [IR§191] recognised that the site is “*close to defensible boundaries, of the sort that might be chosen as settlement boundaries*”. This is also accepted in the Council’s summary of the site at page 214 of the YLP-PS, which confirms that “*The northern boundary of the site is formed by dense vegetation, including some mature trees with the River Foss. The eastern edge of the site is also formed by dense vegetation belt. The western boundary is formed by residential properties which comprise part of Strensall urban area and the southern boundary is formed by Brecks Lane with the Transpennine railway line beyond*”.

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<sup>8</sup> Framework §80



- 2.21 These conclusions indicate that in the context of Green Belt purposes, the site is well contained and has strong robust and defensible boundaries. It does not therefore represent part of a potentially continuous urban sprawl. This is therefore not on its own a reason to discount the site.

**Purpose 2 - To Prevent Neighbouring Towns Merging Into One Another**

- 2.22 This is a principle purpose for the designation of Green Belt and yet land at Brecks Lane plays no role in it. This is confirmed in the Inspector's Report [§197], which states that *"The only one of the five Green Belt purposes which this site offers nothing to is that of preventing neighbouring towns merging into one another. Strensall is a large settlement that has expanded into open countryside, but it is a significant distance (at the appeal site location) from the next settlement"*.

**Purpose 3 - To Assist in Safeguarding the Countryside from Encroachment**

- 2.23 The site is largely contained by development with a strong landscape boundary to the east, which would be further enhanced as part of any development proposals. It does not therefore form part of the open countryside but relates to the urban area of Strensall.
- 2.24 The Inspector reached the conclusion that the *"purpose of safeguarding the countryside from encroachment also applies, given that hat is currently an undeveloped field area, with exception of modest hard-surfaced areas, would become housing under this scheme [sic]"* [IR §194]. This could be applied equally to any undeveloped site within the Green Belt and is fundamentally based on the finding that the site lay within the Green Belt. The fact that land at Brecks Lane is greenfield, lies on the edge of an existing settlement and is thus open and having the appearance of countryside inevitably means that its development might be said to have an adverse effect in terms of encroachment on the open countryside. The same is equally true of any site located on the edge of any urban area. However, when making a reasoned judgement, it can be concluded that the site will not involve encroachment into the open countryside as it is divorced from the open countryside and it forms a logical small extension to Strensall's urban area. This is therefore not on its own a reason to discount this site.

**Purpose 4 - To Preserve the Setting and Special Character of Historic Towns**

- 2.25 The IR states at §195 that *"developing the site would not have a direct significant bearing on the historic character of the City"*. It can therefore be concluded that as the surrounding area is not of heritage value, the site makes no contribution to this Green Belt purpose. Whilst the Inspector came to the view that it may be visible from the adjacent railway and therefore there is some perception of the site in the approach to the historic city of York, no significant harm was identified.
- 2.26 The development of the site itself will not impact upon wider views of the urban area of Strensall. In fact, it affords an opportunity to enhance the substantial visual screen at the northern and eastern boundary. This is therefore not on its own a reason to discount this site.

**Purpose 5 - To Assist In Urban Regeneration, By Encouraging the Recycling Of Derelict and Other Urban Land**

- 2.27 Whilst the Inspector considered that preventing development on the site and other Green Belt land is *"likely to encourage development of brownfield land"* [§196], it is for the Council to make a judgement on the identification of the most appropriate land to be used for development through the process of preparing the YLP. This should be evidenced and be based upon detailed

analysis of the supply of such sites. It is considered that the Council does not have a 5-year supply of deliverable housing land and consequently, there is significant pressure to bring forward development sites such as Brecks Lane to meet the shortfall. There is no evidence to suggest that development of this site for housing will prevent the recycling of derelict land or other urban land elsewhere. This is therefore not on its own a reason to discount this site.

## **Suitability of Land at Brecks Lane for Development**

- 2.28 The Council's own assessment of Brecks Lane proves that it is a suitable housing site. This is acknowledged in the Planning Officer's report to the City of York Council Planning Committee (20th February 2014) which confirmed that the planning application represented sustainable development and that there would be economic, social and environmental benefits that arise from the scheme. The case for the Council at the Brecks Lane Inquiry [IR §111] also recognises that *"the planning history coupled with the lack of any site specific constraints of material weight, should mean that there is at least a reasonable prospect of the site being allocated in a future Local Plan"*. The Inspector therefore accepted that the consideration of whether the site should be designated as Green Belt was fundamentally different to the determination of the application in the context of the RS policies and that there was a reasonable prospect of the site being excluded from the Green Belt and allocated for development as part of the forthcoming Local Plan.
- 2.29 As detailed above, the Council proposed to allocate Brecks Lane for housing development in the YLP following its assessment against criteria set out in the Site Selection Paper (2013), Further Sites Consultation (2014) and the Site Selection Paper Addendum (2014). There has been no material change in site circumstances since this time and the Preferred Sites Consultation Sustainability Appraisal identified less negative social, economic and environmental effects resulting from the allocation of the Brecks Lane site than a number of the other proposed sites in and around the City. The only significant negative effects are in relation to the greenfield nature of the site and its distance to education establishments. In this context it is important to highlight that the sustainable development of greenfield land is an important and necessary component of the housing land supply in the City to ensure that identified housing needs are met in full. In relation to education, an off-site contribution to both primary and secondary school places was proposed as part of the planning application for Brecks Lane. This negative effect would therefore be mitigated following the development of the site.
- 2.30 The site layout submitted with the planning application indicates a high quality residential development comprising 102 family dwellings along with highways infrastructure, landscaping and public open space (see Appendix 4 - plan ref. 3585/10 Rev G). The scheme has been designed to integrate into the existing settlement and responds directly to the character of the landscape and village context, as well as the opportunities presented by the landscape features within the site.
- 2.31 The allocation of Brecks Lane would assist in the delivery of sustainable development within the City by making a significant contribution towards meeting the need for market and affordable housing. It has also been demonstrated that the site would deliver economic, social and environmental gains in accordance with the Framework. In summary:
- 1 The site would make a significant contribution to the housing land supply including affordable housing in the area. This is particularly important when considered in the context of the current lack of a Framework compliant 5-year housing supply.
  - 2 The site is in a sustainable and accessible location which has the potential to encourage future residents to travel by sustainable modes of transport, including walking and cycling.

- 3 There are no insurmountable constraints to the site or its development and is deliverable within the next five years.
- 4 The development would deliver ecological improvements and secure the maintenance and long-term protection of key ecological assets in the area.
- 5 The development would not impact upon the landscape beyond the site because of its boundary of mature trees and shrubs.
- 6 The development would provide public open space in excess of the requisite standards which will meet needs arising from the proposed development and the existing community.
- 7 The development of the site would have no unacceptable environmental impacts or create unacceptable impacts upon amenity of new and existing residents.
- 8 The development of the site would provide a cohesive residential development with the scheme already built to the west of it. Indeed, the road layout of the adjacent development includes a turning head leading from Heath Ride into the site itself and access points from Green Lane and Tudor Way.
- 9 The site would deliver significant economic benefits through both direct and indirect employment opportunities during the construction phase.

2.32 In addition to its contribution to sustainable development, there is robust, up to date evidence to support the deliverability of Brecks Lane and the Council has previously assessed it against criteria which determined it to be one of the most suitable locations to meet the housing needs of the City. For these reasons, it should therefore remain as an allocated site for housing development within the LPP.

## **Deliverability**

2.33 The Framework<sup>9</sup> states that for sites to be considered deliverable, they must be suitable, available and achievable. The land at Brecks Lane meets all of these requirements:

- 1 **Suitable:** the site can be accessed from access points from Heath Road, Green Lane and Tudor Way. It is located within an established residential area, close to the village centre, and provides the opportunity to increase housing provision within Strensall without impacting upon the wider landscape.
- 2 **Available:** The site is in the ownership of a willing landowner who is looking to release it for development.
- 3 **Achievable:** The site is capable of coming forward for development in the short term as soon as a developer has secured the grant of planning permission.

2.34 Lichfields has made separate representations to the LPP on behalf of a group of Companies which sets out its concerns in relation to the Council's housing requirement and housing supply. It concludes that the Council is not providing sufficient land to meet the housing needs of the City and further sites should be allocated for housing development as part of the YLP. The LPP is therefore not soundly based and it is requested that the calculation of York's Objective Assessment of Housing Needs [OAHN] is revisited, and that Brecks Lane is allocated for residential development in order to help make up for the shortfall in housing land.

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<sup>9</sup> Framework footnote 11, page 12

## **Conclusion**

- 2.35 The site has been excluded from draft Green Belt boundaries on numerous occasions and designated for possible future development. The Council has also concluded that it serves none of the purposes and objectives of such a designation as set out in the Framework<sup>10</sup>. This is recognised in the fact that the site had been allocated for development within the emerging YLP for a considerable period of time.
- 2.36 It is incorrect for the Council to now rely on the conclusions reached by the SoS and Inspector in relation to a call-in Inquiry to justify the deletion of Brecks Lane as a housing allocation. The SoS and Inspector's decision was made in an entirely different context to its proposed allocation and does not preclude a proper consideration of whether the site should be located within the Green Belt and its contribution to Green Belt purposes.
- 2.37 Land at Brecks Lane is a suitable site for housing development that would have no unacceptable environmental impacts or create unacceptable impacts upon amenity of new and existing residents. There are no insurmountable constraints to the site or its development and is deliverable within the next five years.
- 2.38 Separate evidence has been provided as to how the proposed OAHN for York is not robust and is inadequate to meet need and demand within the Housing Market Area. As such, the housing site allocations put forward in the LPP would fail to deliver a housing supply sufficient to achieve the sustainable growth of the City. It is therefore important for the Council to allocate additional land, particularly the site at Brecks Lane, to meet the housing needs of the community.
- 2.39 Drawing these points together, it is requested that Policy H1 of the LPP is amended to include Land at Brecks Lane as a Housing Allocation.

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<sup>10</sup> Framework §§79-80

## 3.0 **Background to the Southfields Road and Princess Road Sites**

### **Policy History of the Sites and Evidence Base**

- 3.1 The York Local Plan Preferred Options 2013 [YLP-PO] identified both sites as lying outside of the Green Belt. The YLP-PO (Policy H3) identified the northern part of the Southfields Road site as part of a general housing allocation (Ref: H30). The southern part of the Southfields Road site (beyond the railway line) was identified as Safeguarded Land (Ref: SF1). The Princess Road site and the southern part of the Southfields Road site were identified as Sites of Local Interest for Nature Conservation [SLI] (YLP-PO Policy GI2). The reason for the identification of the sites as SLIs were not made clear in the YLP-PO.
- 3.2 Representations were submitted by Lichfields on behalf of Hogg Builders York to the YLP-PO which fully supported the Princess Road site and the northern part of the Southfields Road site for residential development (as part of a wider allocation). Objections were made to the designation of the SLI on the land at Princess Road. Whilst the YLP-PO indicated that these designations had been informed by a biodiversity audit, no information was provided in the YLP-PO on the biodiversity value of the sites and the efficacy of the information that had been used to inform this designation was questioned on this basis. It was requested that the SLI designations attached to the site should be removed and the area should be allocated for residential development. These allocations and designations were carried forward into the York Publication Draft Local Plan [YLP-PD] (September 2014).
- 3.3 The residential allocation of the northern part of the Southfields Road site was removed in the York Local Plan Preferred Sites Consultation [YLP-PS] 2016. According to Section 3.0 of the YLP-PS, the revised portfolio of sites was based on further technical assessment which included updated sustainability criteria; updated technical officer comments; transport; education; open space; agricultural land classification; sequential flood risk; and, Green Belt appraisal. Lichfields notes that of the further technical assessments listed in the YLP-PS, only site access was considered relevant to the decision to no longer include the Southfields Road site as an allocation. No issues were raised in terms of the removal of the site from the Green Belt.
- 3.4 No new evidence was provided in the LPPP and its evidence base either. The Local Plan preferred Sites Consultations Statement (2017) produced at the LPPP stage simply summarised representations made on the site through the YLP-PS consultation (on other parts of the wider allocation previously identified in the YLP-PO as site Ref: H30). However, the summary of representations made in support of the wider allocation suggest that an access solution is available.
- 3.5 No further substantive evidence has been provided in the Local Plan Publication Draft [LPP] and its evidence base. The LPP Sustainability Appraisal – Appendix K identifies the Southfields Road site [Site Ref: 971] as a *“Reasonable – Alternative boundary to Previous Allocation H30”* but states that it was rejected as it *“fails technical officer comments”*. No further explanation is given for its rejection.
- 3.6 In summary, the sites have consistently been excluded from draft Green Belt boundaries in previous iterations of the Local Plan and the Council has previously accepted that they do not serve any Green Belt purpose.
- 3.7 The Princess Road site and the southern part of the Southfields Road site were identified as Sites of Local Interest to Nature Conservation on the LPPP Proposals Map. Wakeford

Properties note that these designations have been removed on the LPP Proposals Map and the removal of these designations is supported.

### **Green Belt Purposes**

- 3.8 A consideration of the sites against the Framework<sup>11</sup> demonstrates that they do not serve any specific role when compared against the five purposes of the Green Belt.
- 3.9 Given the size of the sites and their location, the development of the sites for residential use will not cause any undue harm upon these purposes. They form a logical extension to the existing settlement and do not comprise land which it is necessary to keep permanently open. The sites benefit from clearly defined boundaries with physical features that are readily recognisable and can form permanent boundaries. The sites are surrounded by existing built development to the north, east, and west. The railway line to the south and Flaxton Road further south create a strong permanent boundaries which means that development of the sites will not impact upon the landscape beyond.
- 3.10 In accordance with the Framework<sup>12</sup>, the sites will channel development towards the existing settlement of Strensall and their development is consistent with the Local Plan strategy for meeting identified requirements for sustainable residential development. it is therefore considered that the identification of the sites as allocated or safeguarded land for residential development meets the requirements of the Framework when defining new Green Belt boundaries<sup>13</sup>.
- 3.11 The Council has previously confirmed that Southfields Road and Princess Road sites does not serve any Green Belt purposes by identifying the land outwith the Green Belt in previous iterations of the draft Local Plan . The previous policy approach to the sites, together with the inclusion of the Southfields Road site as an allocation and safeguarded land in the earlier drafts of the YLP (now aborted), all demonstrate that they do not perform a Green Belt function and can be developed. The Council has previously followed the guidance in the Framework which emphasises that land which is unnecessary to keep permanently open should not be included within the Green Belt. The current approach does not.

### **Suitability of Land at Southfields Road and Princess Road for Development**

- 3.12 The Framework<sup>14</sup> establishes a presumption in favour of sustainable development. development of land at Southfields Road and Princess Road, Strensall meets economic, social and environmental roles of sustainable development set out in the Framework<sup>15</sup>. The sites are available for development in the short term and, as a result, the benefits of the scheme will be delivered to the local community quickly.
- 3.13 The development of the sites will create direct and indirect construction jobs and there will be additional expenditure within the local area from construction workers. once the development is completed, the new occupiers will create demand for local facilities which will increase the wealth of the surrounding area and contribute to the community. The development of the sites would also generate new homes bonus payments, which the local authority can spend on local services and infrastructure.

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<sup>11</sup> Framework §80

<sup>12</sup> Framework §84

<sup>13</sup> Framework §85

<sup>14</sup> Framework §14

<sup>15</sup> Framework §7

- 3.14 The Framework requires local authorities to identify a supply of specific deliverable sites sufficient to meet a five year requirement and specific developable sites for years 6-10 and where possible years 11-16<sup>16</sup>.
- 3.15 A Technical Report on Housing Issues has been produced by Lichfields for other parties in response to the LPP consultation on the scale of housing growth set out in Policy SS1 of the LPP. The report seeks to increase the housing requirement identified in Policy SS1 in order to help meet the City's full housing needs across the plan period, including the need for affordable housing. In order to assist the Council in meeting this requirement and help ensure a deliverable 5-year supply, it is imperative that the allocation of the land at Southfields Road and Princess Road, Strensall for housing development is carried through into the Local Plan and brought forward for development in the short term.
- 3.16 The sites will deliver a sustainable pattern of development. They are extremely well located in terms of local services in Strensall village, including Robert Wilkinson Primary School, and a regular bus service provides a service between Strensall and York. The development of the sites will not only increase the range of house types within Strensall but will also help to sustain existing local facilities within the village.
- 3.17 The development of the sites will not harm the built or historic environment, and are not subject to any historic designation. The sites are bound by existing residential development to the north, east and west and (for the most part) a railway line to the south. They therefore form logical infill sites for the settlement and will not intrude into the wider landscape. Strensall Common, which is a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC), is located to the south of the sites. It is not considered that residential development in this location would have any significant detrimental impact on Strensall Common, and the possible impact would be considered through the planning application process. Mature trees and hedgerows within the sites, and along boundaries, will be assessed as part of the planning application process and those of value can be retained and incorporated into the development. The sites lie in flood risk zone 1 and development of this land for residential use therefore accords with the Framework<sup>17</sup> which seeks to steer new development to areas with the lowest probability of flooding. There are no further environmental constraints associated with the sites. Development of the sites will incorporate measures to meet local and national sustainability criteria.

## **Deliverability**

- 3.18 The Framework<sup>18</sup> states that for sites to be considered deliverable, they must be suitable, available and achievable. The land at Southfields Road and Princess Road, Strensall meets all of these requirements:
- 1 **Suitable:** the sites can be accessed from existing access points on Princess Road and the village. They are located within an established residential area, very close to the village centre, and provide the opportunity to increase housing provision within Strensall without impacting upon the wider landscape.
  - 2 **Available:** The sites are in the ownership of a willing landowner who is looking to release them for development.
  - 3 **Achievable:** The sites are capable of coming forward for development in the short term as soon as a developer has secured the grant of planning permission.

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<sup>16</sup> Framework §47

<sup>17</sup> Framework §101

<sup>18</sup> Framework footnote 11, page 12



- 3.19 The Technical Report on Housing Issues prepared by Lichfields for submission by other parties to the LPP consultation sets out our concerns in relation to the Council's housing requirement and housing supply. It concludes that the Council is not providing sufficient land to meet the housing needs of the City and further sites should be allocated for housing development as part of the YLP. The LPP is therefore not soundly based and it is requested that the calculation of York's Objective Assessment of Housing Needs [OAHN] is revisited, and that Southfields Road and Princess Road are allocated for residential development in order to help make up for the shortfall in housing land.

### **Conclusion**

- 3.20 It is considered that the sites at Southfields Road and Princess Road, Strensall, represent sustainable locations for housing development. They are suitable, available and achievable for residential development for market and affordable dwellings and there are no insurmountable constraints to delivering housing on the sites. The sites are able to come forward for development in the short-term (years 1 – 5) and therefore represent deliverable sites as defined by the Framework. In order to assist the Council in delivering its housing land requirement it is considered that the sites at Southfields Road and Princess Road, Strensall should be allocated for housing development and brought forward for development in the short term. If the sites are not identified for allocation they should be identified as Safeguarded Land.

## 4.0 **Policy SS1: Delivering Sustainable Growth for York**

### **Introduction**

- 4.1 Policy SS1 states that a minimum annual provision of 867 new dwellings will be delivered over the plan period to 2032/33 and post plan period to 2037/38.

### **Consideration of Policy**

- 4.2 This figure has been informed by the findings of the September 2017 SHMA Assessment Update. The Assessment Update makes a number of assumptions and judgements which are considered to be flawed, or which do not properly respond to the requirements of policy and guidance. The OAHN is therefore not robust and is inadequate to meet need and demand within the Housing Market Area [HMA].
- 4.3 These issues are considered in full detail in the Technical Report on Housing Issues prepared by Lichfields for other parties in response to the LPP consultation. This report provides a full critique of the OAHN set out in the SHMA Assessment Update and sets out a figure which more accurately represents the housing needs of the City. The key points are summarised below.
- 4.4 The Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update is considered to be fundamentally flawed. This is effectively a 'policy-on' intervention by the Council which should not be applied to the FOAN. It has been confirmed in the Courts that FOAN is 'policy off' and does not take into account supply pressures. The Council's approach to identifying the FOAN, as set out in the SHMA Assessment Update, would therefore be susceptible to legal challenge. The calculation of FOAN should therefore be based on the normal 'policy-off' methodology.
- 4.5 There are a number of significant deficiencies in the SHMA Assessment Update which means that the 953 dpa OAHN figure identified by GL Hearn in the Assessment Update is not soundly based. In particular:
- 1 GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. We agree with this. However this adjusted demographic figure of 871dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need. Lichfields agrees with making an adjustment for demographic and household formation rates. However, it is illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when an adjusted demographic need of 871dpa has been identified.
  - 2 Overall, the Assessment Update fails to distinguish between the affordable housing needs of the City of York and the supply increase needed to address market signals to help address demand. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.
  - 3 Given the significantly worsening market signals identified in City of York, Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN, plus a further 10% uplift to help address affordable housing needs.

- 4.6 It has been demonstrated that the assumptions and judgements used in the SHMA Assessment Update are flawed and the proposed OAHN for the City is not robust. It is therefore concluded that the housing requirement set out in the LPP is unsound as it does not accord with guidance set out in the Framework and Practice Guidance. Wakeford Properties Limited therefore strongly object to the LPPP as currently drafted and request that the OAHN is recalculated using an appropriate methodology.
- 4.7 As set out in the Technical Report on Housing Issues submitted by Lichfields for other parties in response to the LPPP consultation, Lichfields has undertaken its own analysis of housing need for the City of York and it is considered that an OAHN of 1,150 dpa should be applied.

### **Spatial Principles**

- 4.8 Policy SS1 identifies five spatial principles through which the location of development will be guided. However, the Council has failed to meet a fundamental requirement of the Framework<sup>19</sup> as the LPP does not demonstrate how the policy is based upon, and reflects, the presumption in favour of sustainable development.
- 4.9 Having reviewed the portfolio of sites set out in LPPP, it appears that the Council's strategy is a combination of: (a) urban expansion; (b) the provision of new settlements; and, (c) restricted growth in existing settlements. The document contains no narrative explaining:
- 1 How, or why, the Council has arrived at this approach;
  - 2 How and why the housing requirement has been distributed between these areas; nor,
  - 3 Does it set out the implications of this pattern of spatial distribution or discuss the alternative options considered.
- 4.10 For the reasons set out in our response to Policies H1, SS12 and SS13, Wakeford Properties are also concerned that the proposed new settlements at Land West of Wigginton Road [Policy SS12] and Land West of Elvington Lane [Policy SS13] have not been assessed against reasonable alternatives in the SA, nor are they deliverable or developable when considered in the context of the Framework.<sup>20</sup>
- 4.11 In sustainability terms, Wakeford Properties considers it more appropriate to focus growth on extensions to the York urban area and the expansion of existing settlements. This approach would make best use of existing infrastructure and resources, as well as ensuring that the needs of the local community are met. In particular, the failure to allocate land in existing settlements will increase affordability pressures in the City.
- 4.12 The Council should therefore allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs. We consider that the identification of a portfolio of small site allocations (e.g. up to 250 dwellings) around existing settlements and the main urban area would assist in meeting any shortfall created by the delay in large sites delivering dwellings early in the plan period. For the reasons set out in this representation, it is considered that the boundary of the Green Belt should be defined such that the sites at Brecks Lane, Southfields Road and Princess Road, Strensall are excluded from it and the sites should be allocated for residential development.

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<sup>19</sup> Framework - §14

<sup>20</sup> Framework - Footnotes 11 & 12

## Tests of Soundness

4.13 Wakeford Properties consider that Policy SS1 fails to meet the following tests of soundness because:

- 1 **It is not Positively Prepared:** The housing requirement currently identified in the LPP is not sufficient to meet objectively assessed development requirements over the plan period.
- 2 **It is not Justified:** The methodology used GL Hearn to calculate the OAHN and the Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update are considered to be fundamentally flawed. The Council's 'policy-on' approach would be susceptible to legal challenge. There is no clear explanation of the spatial distribution approach taken in the LPP.
- 3 **It is not Effective:** The OAHN identified is not sufficient to address worsening market signals and affordable housing need in the City of York.
- 4 **It is not Consistent with National Policy:** The approach taken by the Council to identifying its housing requirement does not accord with the Framework<sup>21</sup> which seeks to significantly boosting the supply of housing. The Council has failed to meet a fundamental requirement of the Framework<sup>22</sup> as the LPP does not demonstrate how the location of development is based upon, and reflects, the presumption in favour of sustainable development.

## Recommended Change

4.14 In order to address the conflicts identified above and ensure that Policy SS1 is sound, it is considered that City of York Council should amend the Policy as follows:

- 1 The calculation of OAHN should be based on the normal 'policy-off' methodology.
- 2 Given the significantly worsening market signals identified in City of York, Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN, plus a further 10% uplift to help address affordable housing needs.
- 3 There should be a focus on growth on extensions to the York urban area and the expansion of existing settlements to make best use of existing infrastructure and resources, as well as ensuring that the needs of the local community are met.
- 4 The Council should identify additional land for housing (including the appropriate definition of the Green Belt boundary) to meet the housing needs of the community. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.

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<sup>21</sup> Framework §47

<sup>22</sup> Framework §14

## 5.0 **Policy SS2: The Role of York's Green Belt**

### **Introduction**

5.1 Policy SS2 states that the general extent of the Green Belt is shown on the Key Diagram and detailed boundaries shown on the proposals map follow readily recognisable physical features that are likely to endure such as streams, hedgerows and highways.

5.2 To ensure that there is a degree of permanence beyond the plan period, sufficient land is allocated for development to meet the needs identified in the plan and for a further minimum period of five years to 2038.

5.3 The LPP Proposals Map (North) shows the Brecks Lane, Southfields Road, and Princess Road sites as lying within the Green Belt.

### **Consideration of Policy**

5.4 For the reasons set out in our response to Policy SS1 and Policy H1, the Council should identify additional land to meet the housing needs of the community and define the Green Belt boundary accordingly. These sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs. The identification of a portfolio of small site allocations (e.g. up to 250 dwellings) around existing settlements and the main urban area would assist in meeting any shortfall created by the delay in large sites delivering dwellings early in the plan period.

5.5 As demonstrated in these representations, the Brecks Lane, Southfields Road, and Princess Road sites should not be included within the identified Green Belt boundary, as they do not serve a Green Belt function, and should be allocated for residential development to help the Council meet its housing requirement.

5.6 For the reasons set out below, even if the sites are not allocated they should be identified as Safeguarded Land for future development.

### **Safeguarded land**

5.7 The now aborted YLP-PD identified a reserve of safeguarded land to ensure that the Green Belt boundary was capable of enduring beyond the plan period. This approach is entirely consistent with national guidance. Wakeford Properties are therefore concerned that the LPP no longer designates safeguarded land, provides no justification for this approach, and relies on strategic sites delivering beyond the plan period.

5.8 The identification of safeguarded land is considered particularly important as the Local Plan will set detailed Green Belt boundaries for the first time and an appropriate and sound strategy is therefore required to enable flexibility beyond the plan period. Wakeford Properties consider that safeguarded land is required in the City to provide a degree of permanence to the Green Belt boundary and avoid the need for future review. It would also provide flexibility and allow land to be brought forward quickly without a fundamental review of the whole Local Plan if allocated sites were unable to deliver the quantum of development envisaged. This is particularly important when considering the complex nature of some of the sites that are proposed for allocation in the LPP e.g. Land to the West of Elvington Lane, where deliverability is uncertain due to issues including land ownership, funding and viability.

- 5.9 The current approach adopted in the LPP conflicts with national guidance and advice sought by the Council from John Hobson QC (Landmark Chambers) in relation to safeguarded land which concluded that:

*“In my opinion if no safeguarded land is identified in the emerging Local Plan this would give rise to a serious risk of the Plan being found unsound. There would be a failure to identify how the longer term needs of the areas could be met, and in particular a failure to indicate how those longer term needs of the area could be met, and in particular a failure to indicate how those longer term needs could be met without encroaching into the Green Belt and eroding its boundaries [sic]”*

- 5.10 The Council has also been advised by Counsel that it would be appropriate for the Green Belt to endure for a ten year period beyond the life of the Plan.

## Tests of Soundness

- 5.11 Wakeford Properties consider that Policy SS2 fails to meet the following tests of soundness because:

- 1 **It is not Positively Prepared:** The housing supply currently identified in the LPP is not sufficient to meet objectively assessed development requirements over the plan period and additional land is required through the setting of Green Belt boundaries which allows additional housing land to be allocated. The Local Plan is also reliant upon allocations for delivery beyond the plan period to 2033 with no clear strategy in place if these allocations fail to deliver as anticipated.
- 2 **It is not Justified:** There is no clear evidence to demonstrate why safeguarded land has not been identified to meet need beyond the plan period.
- 3 **It is not Effective:** In the absence of identifying additional land outwith the Green Belt boundary, and allocating land in sustainable locations to meet development needs, there is a risk that the Local Plan will not be deliverable over its period.
- 4 **It is not Consistent with National Policy:** The identification of additional land outwith the Green belt boundary in sustainable locations is necessary in order to meet the delivery of sustainable development in accordance with the policies in the Framework.

## Recommended Change

- 5.12 In order to address the conflicts identified above and ensure that Policy SS2 is sound, it is considered that City of York Council should amend the Policy as follows:

- 1 The boundary of the Green Belt should be defined to allow additional land to be allocated to meet the housing needs of the community.
- 2 The Local Plan should identify a reserve of safeguarded land to ensure that this section of the document is effective and consistent with national policy.
- 3 The boundary of the Green Belt should be defined such that land at Brecks Lane, Southfields Road and Princess Road, Strensall are excluded from it and allocated for residential development on the Local Plan Proposals Map.
- 4 The sites should be identified as Safeguarded Land on the Local Plan Proposals Map if they are not allocated for development.

## 6.0 **Policy H1: Housing Allocations**

### **Introduction**

- 6.1 Policy H1 identifies a number of allocations in order to meet the housing requirement set out in Policy SS1. The explanatory text to the policy provides commentary on how sites with existing permission and windfall allowance will feed into this supply.

### **Consideration of Policy**

- 6.2 The Council has not produced a trajectory or a detailed assessment of the 5-year supply position as required by the Framework. No evidence has therefore been produced to demonstrate the Council's housing supply position. The absence of a delivery trajectory for each housing site is a result of the lack of evidence base prepared by the Council.
- 6.3 The housing supply position set out in the LPP is therefore not justified or consistent with national policy. Based on the information available, the Lichfields' Technical Report on Housing Issues prepared for other parties in response to the LPP consultation, provides an assessment of the adequacy of the deliverable and developable supply of housing sites to meet the requirement for the plan period and 5-year period.
- 6.4 As set out in our Technical Report on Housing Issues, the assessment of the balance between the housing requirement and supply demonstrates that there is a significant shortfall for the 5-year period when assessed against the Council's OAHN and Lichfield's OAHN. For the plan period, there is also a significant shortfall when assessed against the Lichfields assessment of the OAHN.
- 6.5 The LPP sets out the Council's proposed allocations and the expected delivery over the plan period. However, the Council is unable to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period (i.e. the tests set out in the Framework). As a result, there is insufficient information on the assumptions used to derive the Council's proposed delivery. In particular:
- 1 No evidence is provided on lead-in times.
  - 2 A total delivery figure for each allocated site is assumed without detailed reasoning on annual delivery rates.
  - 3 Density assumptions are not validated and should be revised downwards to ensure that the capacity of sites is not artificially inflated.
- 6.6 An analysis of the components of the Council's supply based on the information available suggests that:
- 1 The Council has not identified sites with planning permission nor has it provided a delivery trajectory for each site to demonstrate how each of these sites contributes to delivery over the Plan period or to the 5-Year housing land supply. In the absence of this information it is not possible to ascertain whether these sites should be included in the supply.
  - 2 The delivery of development on large strategic sites has been substantially overestimated by the Council in some cases. For example, it is unlikely that Site ST14 (Land West of Wigginton Road) and Site ST15 (Land West of Elvington Lane) will deliver the level of dwellings anticipated over the plan period for the reasons we have identified in these representations.
  - 3 The Council's information does not adequately justify a windfall allowance of 169 dpa and does not provide sufficient certainty that this figure will be achieved over the plan period.



6.7 The assessment of the balance between the housing requirement and supply undertaken by Lichfields demonstrates that there is a significant shortfall for the 5-year period when considered against the Council's assessment of OAHN (867dpa) and Lichfields' assessment of OAHN (1,150dpa).

6.8 In these circumstances, the emerging plan is not 'sound' as required by the Framework, as the Council has not demonstrated an adequate short and longer-term supply as required by national guidance.

## Tests of Soundness

6.9 Wakeford Properties consider that Policy H1 fails to meet the following tests of soundness because:

- 1 **It is not Positively Prepared:** The housing supply currently identified in the LPP is not sufficient to meet objectively assessed development requirements over the plan period and additional land is required.
- 2 **It is not Justified:** Insufficient evidence has been provided to demonstrate that the housing allocations proposed and other sources of supply are sufficient to deliver a five year supply and address development requirements over the Plan period.
- 3 **It is not Effective:** In the absence of sufficient housing land to meet requirements the Plan will not be deliverable over its period.
- 4 **It is not Consistent with National Policy:** The Council has not produced a detailed housing trajectory or a detailed assessment of the deliverable 5-year supply position and developable sites for years 6-10 as required by the Framework<sup>23</sup>. The Plan will not enable the delivery of sustainable development in accordance with the policies in the Framework unless additional sustainable locations for residential development are identified.

## Recommended Change

6.10 In order to address the conflicts identified above and ensure that Policy H1 is sound, it is considered that City of York Council should amend the Policy as follows:

- 1 The Local Plan should allocate this additional land to meet the housing needs of the community. These sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.
- 2 The identification of a portfolio of small site allocations (e.g. up to 250 dwellings) around existing settlements and the main urban area would assist in meeting any shortfall created by the delay in large sites delivering dwellings early in the plan period.
- 3 The boundary of the Green Belt should be defined such that land at Brecks Lane, Southfields Road and Princess Road, Strensall are excluded from it and allocated for residential development on the Local Plan Proposals Map.

6.11 It should be noted that the above assessment is reliant upon the information provided in the LPP and associated evidence base documents. Lichfields therefore reserves the right to update the above evidence as and when further information becomes available.

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<sup>23</sup> Framework - Footnotes 11 & 12

## 7.0 **Policy SS12: Land West of Wigginton Road (Site ST14)**

### **Introduction**

- 7.1 Policy SS12 identifies Land West of Wigginton Road [Allocation Ref: ST14] as a sustainable garden village situated to the north of the outer ring road. The policy states that it will deliver approximately 1,348 dwellings, approximately 1,200 units of which will be delivered within the plan period. The policy identifies a number of key principles that the master planning and delivery of the site must adhere to.

### **Consideration of Policy**

- 7.2 Whilst it is accepted that the development of Green Belt sites will be necessary to accommodate York's housing growth, Wakefield Properties are concerned that the proposed allocation of Land to the West of Wigginton Road has not been assessed against reasonable alternatives in the SA, nor is it deliverable or developable when considered in the context of the Framework. This is because:
- 1 The site is located within the Green Belt and no application is likely to be permitted until the Local Plan is adopted.
  - 2 A clear strategy is needed to deliver the site during the plan period. It is in multiple ownerships and the siting of the allocation without access to a public highway introduces an added level of complexity in negotiation and agreement between the parties involved.
  - 3 In view of its size and complexity much work will be needed to develop masterplans and establish viability of the development to be progressed through the planning system.
  - 4 A detailed masterplan will be required to secure an appropriate form of development and ensure a phased delivery of the on-site services and facilities.
  - 5 Given the scale and location of the development the scheme will need to be subject to full environmental assessment, especially to consider the likely impact on landscape, transportation and historic character of the City.
  - 6 The site is isolated and there is no existing infrastructure capable of accommodating the proposed level of development. The site does not have frontage to a public highway with capacity that would allow even the smallest amount of development to commence. It is approximately 600m north of the A1237, and 550m west of the B1363 from which the policy requires access to be taken. The explanatory text to the policy [§3.61] notes that this section of the A1237 is one of the most congested parts of the northern outer ring road and the likely increase in traffic on the A1237 will require significant capacity enhancements to be made to it. The policy also suggests that opportunities for grade separated, dedicated public transport routes across the A1237 should be explored, which is likely to be an expensive and time consuming process given the potential complexities involved. Its development will therefore require major off-site highway improvements and new highway access roads and junctions. Other utilities will need to be procured and delivered in advance of any construction works on the site. This will inhibit the early delivery of the development.
  - 7 The policy requires proposals for development to demonstrate that all transport issues have been addressed, in consultation with the Council as necessary, to ensure sustainable transport provision at the site is achievable. It states that the impacts of the site individually and cumulatively with sites ST7, ST8, ST9, ST15 and ST35 should be addressed. This suggests that there are currently doubts about the site's capability of providing sustainable

transport provision and it's potential impact upon the highway network has not been fully investigated. Wakefield Properties would have expected these matters to have been investigated and resolved prior to the site being put forward as a proposed allocation given the size of the site, the significant contribution the it is anticipated to make to the Council's housing supply and it potential impact upon the highway network.

- 8 The proposed site is not obviously sustainable in that it is not easily accessible to existing social and community facilities or located close to existing public transport routes. Considerable effort will need to be made to ensure the allocation does not become a satellite, dormitory community wholly reliant on private transport for every journey away from the home, including the provision of high quality, frequent, public transport services and high quality pedestrian and cycle links to the surrounding area.
- 9 Policy H1 (Table 5.1) suggests that the site will deliver dwellings in years 1 to 21 of the Local Plan period. The proposed delivery of units in Year 1 (2018/19) is ambitious and unrealistic given the extensive infrastructure requirements which will need to be put in place in advance of any development taking place. In addition, in view of the application of restrictive Green Belt policy it is inevitable that once the Local Plan is adopted the City of York Council will receive many planning applications for both large and smaller developments. Processing these applications will inevitably cause added delay, especially to the major, complex, housing allocations.

## Test of Soundness

7.3 Wakeford Properties consider that Policy SS12 fails to meet the following tests of soundness because:

- 1 **It is not Positively Prepared:** The wording of the policy and explanatory text suggests that of the ability of the site to deliver development over the plan period has yet to be fully established, particularly with regards to sustainable transport provision and access, and the capacity of the highway network to accommodate the development.
- 2 **It is not Justified:** Insufficient evidence has been provided to demonstrate that the site will be capable of delivering development in the first five years and this target is considered to be unrealistic given the infrastructure delivery which will be required to deliver dwellings and the current uncertainties over the delivery of the infrastructure.
- 3 **It is not Effective:** Insufficient evidence has been provided to demonstrate that the 1,200 dwellings proposed for the Plan period can actually be delivered as anticipated. In addition, the wording of the policy and explanatory text suggest that there a currently a number of issues which would restrict the ability of the site to deliver development within the first five years.
- 4 **It is not Consistent with National Policy:** The development of the site is heavily reliant on the delivery of significant highways, public transport and social infrastructure to make it sustainable and insufficient evidence has been provided to demonstrate this this infrastructure can be delivered.

## Recommended Change

7.4 In order to address the conflicts identified above and ensure that the Local Plan is sound, it is considered that City of York Council should:

- 1 Allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the

community's needs. The identification of a portfolio of small site allocations (e.g. up to 250 dwellings) around existing settlements and the main urban area would assist in meeting any shortfall created by the delay in large sites delivering dwellings early in the plan period.

## 8.0 **Policy SS13: Land West of Elvington Lane (Site ST15)**

### **Introduction**

- 8.1 Policy SS13 identifies Land West of Elvington Lane [Allocation ref: ST15] as a new sustainable garden village for York. The policy states that it will deliver approximately 3,339 dwellings, around 2,200 units of which will be delivered within the plan period.

### **Consideration of Policy**

- 8.2 Wakefield Properties accept that the development of Green Belt sites will be necessary. However they are concerned that the proposed allocation of Land to the West of Elvington Lane has not been assessed against reasonable alternatives in the SA, nor is it deliverable or developable when considered in the context of the Framework. This is because:
- 1 A clear strategy is needed to deliver the site during the plan period. It is in multiple ownerships and the siting of the allocation without access to a public highway introduces an added level of complexity in negotiation and agreement between the parties involved.
  - 2 In view of its size and complexity much work will be needed to develop masterplans and establish viability of the development to be progressed through the planning system.
  - 3 A detailed masterplan will be required to secure an appropriate form of development and ensure a phased delivery of the on-site services and facilities.
  - 4 The site is located within the Green Belt and no application is likely to be permitted until the Local Plan is adopted.
  - 5 Given the scale and location of the development the scheme will need to be subject to full environmental assessment, especially to consider the likely impact on landscape, ecology transportation and historic character of the City.
  - 6 The site is isolated and there is no existing infrastructure capable of accommodating the proposed level of development. The explanatory text to the policy [§3.65] notes that currently the site has no access to facilities within proximity and would be reliant on new facilities to be constructed as part of any development. The site does not have frontage to a public highway with capacity that would allow even the smallest amount of development to commence. Its development will require major off-site highway improvements and new highway access roads and junctions. Other utilities will need to be procured and delivered in advance of any construction works on the site. This will inhibit the early delivery of the development.
  - 7 The ability to provide access to the site is limited given the policy requirement for no vehicular transport access to Heslington village along surrounding routes and capacity constraints on the local highway network. The explanatory text to the Policy [§3.64] also states that any large-scale development solely relying on Elvington Lane would not be supported. It is not therefore clear whether the site could be delivered if the access solution currently proposed is not feasible.
  - 8 The proposed site is not obviously sustainable in that it is not easily accessible to existing social and community facilities or located close to existing public transport routes. Considerable effort will need to be made to ensure the allocation does not become a satellite, dormitory community wholly reliant on private transport for every journey away from the home.

- 9 In addition, in view of the application of restrictive Green Belt policy it is inevitable that once the Local Plan is adopted the City of York Council will receive many planning applications for both large and smaller developments. Processing these applications will inevitably cause added delay, especially to the major, complex, housing allocations.
- 10 The policy requires proposals for development to demonstrate that all transport issues have been addressed, in consultation with the Council and Highways England as necessary, to ensure sustainable transport provision at the site is achievable. It states that the impacts of the site individually and cumulatively with sites ST7, ST8, ST9, ST14, ST27, ST35 and ST36 should be addressed. This suggests that there are currently doubts about the site's capability of providing sustainable transport provision and its potential impact upon the highway network has not been fully investigated. Wakefield Properties would have expected these matters to have been investigated and resolved prior to the site being put forward as a proposed allocation given the size of the site and the significant contribution that it is anticipated to make to the Council's housing supply and its potential impact upon the highway network.
- 11 LPP Policy H1 (Table 5.1) suggests that the site will deliver dwellings in years 1 to 21 of the Local Plan period. However, the explanatory text to Policy SS13 states that development is anticipated to commence from Year 5 (2022/23). The period between the commencement of construction and the delivery of dwellings is likely to be significant given the extensive infrastructure which will need to be put in place in advance of any development taking place, including the proposed link to the A64 which would be approximately 1.5km in length. The completion of any dwellings within Years 1 to 5 is therefore highly unlikely and first completions are likely to come forward later in the Plan period.

## Test of Soundness

8.3 Wakeford Properties consider that Policy SS13 fails to meet the following tests of soundness because:

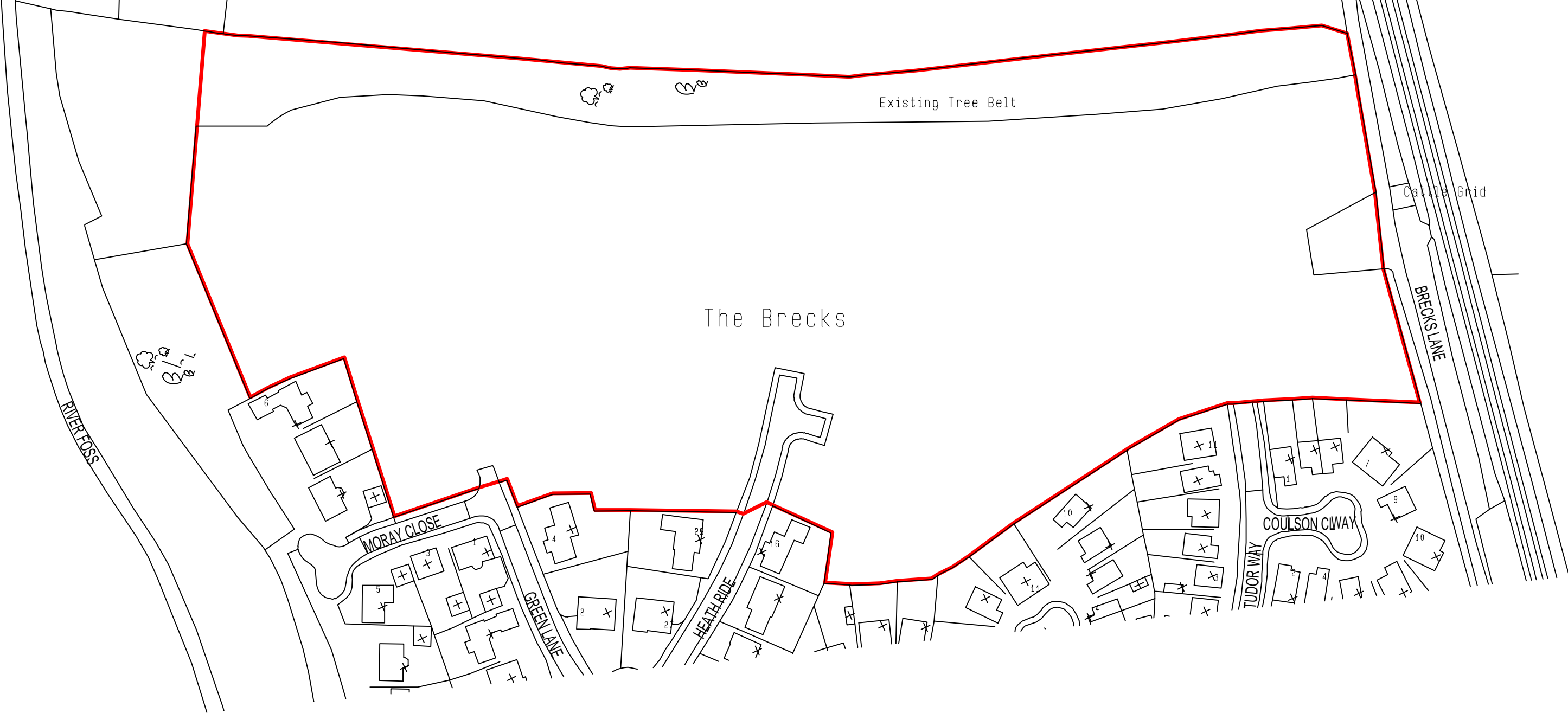
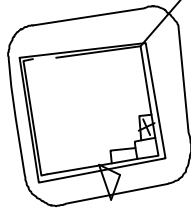
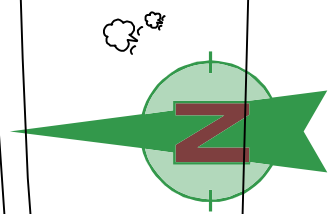
- 1 **It is not Positively Prepared:** The wording of the policy and explanatory text suggests that of the ability of the site to deliver development over the plan period has yet to be fully established, particularly with regards to sustainable transport provision and access, and the capacity of the highway network to accommodate the development.  
**It is not Justified:** Insufficient evidence has been provided to demonstrate that the site will be capable of delivering development in the first five years of the adopted Local Plan and this target is considered to be unrealistic given the a infrastructure delivery which will be required to deliver dwellings.
- 2 **It is not Effective:** Insufficient evidence has been provided to demonstrate that the 2,200 dwellings proposed for the Plan period can actually be delivered as anticipated. In addition, the wording of the policy and explanatory text suggest that there a currently a number of issues which would restrict the ability of the site to deliver development within the first five years.
- 3 **It is not Consistent with National Policy:** The development of the site is heavily reliant on the delivery of significant highways, public transport and social infrastructure to make is sustainable and insufficient evidence has been provided to demonstrate this this infrastructure can be delivered.

## **Recommended Change**

- 8.4 In order to address the conflicts identified above and ensure the Local Plan is sound, it is considered that City of York Council should:
- 1 Allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs. The identification of a portfolio of small site allocations (e.g. up to 250 dwellings) around existing settlements and the main urban area would assist in meeting any shortfall created by the delay in large sites delivering dwellings early in the plan period.



# **Appendix 1: Land at Brecks Lane, Strensall**



MP 7  
Path  
SP

Existing Tree Belt

The Brecks

Cattle Grid

BRECKS LANE

RIVER FOSS

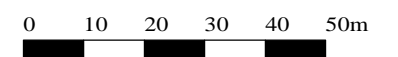
MORAY CLOSE

GREEN LANE

HEATH RIDGE

TUDOR WAY

COULSON CWAY



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REV	DATE	AMENDMENT

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CLIENT:  
**LINDEN HOMES NORTH**

PROJECT:  
**Development at Brecks Lane, Strensall**

DRAWING TITLE:  
**Location Plan**

SCALE: <b>1 : 1250 @ A3</b>		DATE: <b>September 2013</b>	
DRAWN: <b>KLW</b>	CHECKED: <b>-</b>	DWG NO. <b>3585/12</b>	REV. <b>-</b>

ALL DIMENSIONS TO BE CHECKED ON SITE. DISCREPANCIES, AMBIGUITIES AND/OR OMISSIONS BETWEEN THIS DRAWING AND INFORMATION GIVEN ELSEWHERE MUST BE REPORTED TO THIS OFFICE AND CLARIFICATION SOUGHT BEFORE PROCEEDING

## **Appendix 2: Land at Southfields Road, Strensall**

HM Land Registry  
Official copy of  
title plan

Title number **NYK235968**  
Ordnance Survey map reference **SE6360NE**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **York**



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## **Appendix 3: Land at Princess Road, Strensall**



HM Land Registry  
Official copy of  
title plan

Title number **NYK235970**  
Ordnance Survey map reference **SE6360NW**  
Scale **1:2500**  
Administrative area **York**

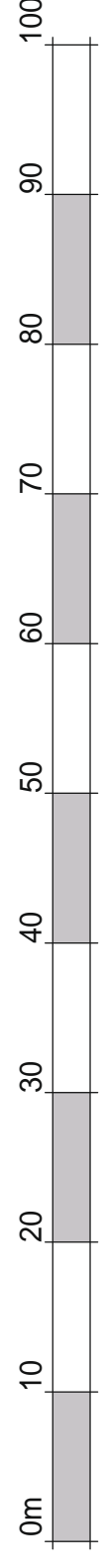


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## **Appendix 4: Land at Brecks Lane – Draft Site Layout Plan**





BRECKS LANE

COULSON CL

TUDOR WAY

HEATH RIDE

GREEN LANE

MORAY CLOSE

PL. S5-S6 MOVED & SOLAR PANELS ADDED  
 PLANNING & HIGHWAY AMENDMENTS  
 PLAY EQUIPMENT ADDED AS NORTON DESIGN  
 PLANNING AMENDMENTS TO BE MADE TO  
 PLANNING AMENDMENTS TO BE MADE TO  
 SUB ST ADDED PL. 35-37 ROTATED PL. S5-S6 MOVED  
 PLANNING AMENDMENTS  
 BOUNDARY AMENDED

REV DATE AMENDMENT  
 G 12/02/14  
 F 09/02/14  
 E 14/01/14  
 D 13/07/14  
 C 10/01/14  
 B 18/12/13  
 A 27/09/13

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CLIENT: Linden HOMES

PROJECT: Proposed Residential Development at Brecks Lane, Strensall

DRAWING TITLE: Proposed Site Layout Plan

SCALE: 1:500 @ A1

DATE: JULY 2013

DRAWN: JW

CHECKED: -

DESIGN NO: 3585/10

REVISION: G

Type	Name	Description	Area	Total
WE	Welton	2 bed	645ft <sup>2</sup>	16no
MA	Marston	3 bed	843	8no
MAW	Marston (special)	3 bed	843	2no
EV	Everingham	3 bed	1012	4no
CO	Conisholme	3 bed	1143	4no
RU	Russet	3 bed	884	4no
SU	Sutton	4 bed	1064	2no
HT6	HT6	4 bed	1300	2no
BE	Bentley	4 bed	1358	10no
AR	Arram	4 bed	1300	4no
BU	Burby	4 bed	1776	8no
AL	Allerthorpe	4 bed	1360	2no
HU	Hunsley	4 bed	1436	8no
RI	Ripplingham	4 bed	1603	4no
LI 2	Linton 2	4 bed	1646	1no
HA	Hayton	4 bed	1822	8no
PO	Poppleton	5 bed	2034	4no
C1	Cotswold 1	5 bed	2211	5no
C2	Cotswold 2	5 bed	1781	1no
C3	Cotswold 3	4 bed	2187	1no
<b>TOTAL</b>				<b>102no</b>

**Key**

- Existing trees to be removed
- Existing trees to be retained & root protection line
- Block paving
- Grass
- Proposed new planting. Refer to Rosetta Landscape Design for precise landscaping details
- Affordable Houses
- Solar Panel

**Boundary Details**

- KNEE RAIL (450high)
- SCREEN WALL (1800high)
- CLOSE BOARDED TIMBER FENCE (1800high)
- ACOUSTIC FENCE (1800high)
- CLOSE BOARDED TIMBER FENCE & TRELIS (1500high fence & 300 trellis)

**Housetype Key**

- Country Style (A)
- Cottage Style (B)
- Contemporary Style (C)









**Bristol**  
0117 403 1980  
bristol@lichfields.uk

**Cardiff**  
029 2043 5880  
cardiff@lichfields.uk

**Edinburgh**  
0131 285 0670  
edinburgh@lichfields.uk

**Leeds**  
0113 397 1397  
leeds@lichfields.uk

**London**  
020 7837 4477  
london@lichfields.uk

**Manchester**  
0161 837 6130  
manchester@lichfields.uk

**Newcastle**  
0191 261 5685  
newcastle@lichfields.uk

**Thames Valley**  
0118 334 1920  
thamesvalley@lichfields.uk

# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

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Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name		Nicholas
		Mills
	Limited	Lichfields
		Wakeford Properties Limited
		Ship Canal House
		98 King Street
		Manchester
		M2 4WU
E-mail Address		nicholas.mills@lichfields.uk
Telephone Number		0161 837 6130

# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

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# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

Please see the attached representations report for details.

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**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework



**5.(1) Do you consider the document is Sound?**

Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

<b>Positively prepared</b>	<input checked="" type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
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**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

Please see the attached representations report for details.

**6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

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**7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

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There is the need to examine some fundamental aspects of the local plan. We would therefore like the opportunity to participate at the oral part of the examination.

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# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

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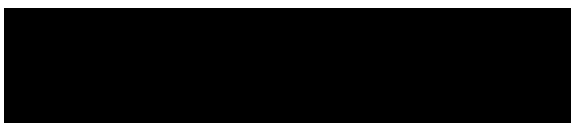
## Retention of Information

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	<input type="text"/>
--	----------------------

Date

03/04/2018

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Title		Mr
First Name		Nicholas
		Mills
	ies Limited	Lichfields
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Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

Please see the attached representations report for details.

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

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**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

**5.(1) Do you consider the document is Sound?**

Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

<b>Positively prepared</b>	<input checked="" type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
<b>Effective</b>	<input checked="" type="checkbox"/>	<b>Consistent with national policy</b>	<input checked="" type="checkbox"/>

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

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You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

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# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

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is Privacy Notice, your rights, or if you have a complaint about d or how long we have kept it for, please contact the Customer [rk.gov.uk](http://rk.gov.uk) or on [01904 554145](tel:01904554145)

Date

03/04/2018

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# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

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**Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.**

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name		Nicholas
		Mills
	s Limited	Lichfields
		Wakeford Properties Limited
		Ship Canal House
		98 King Street
		Manchester
		M2 4WU
E-mail Address		nicholas.mills@lichfields.uk
Telephone Number		0161 837 6130

# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

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You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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## Can I submit representations on behalf of a group or neighbourhood?

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## Do I need to attend the Public Examination?

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# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

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## 4. (1) Do you consider the document is Legally compliant?

Yes

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Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

<b>Positively prepared</b>	<input checked="" type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
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(Complete any that apply)

Paragraph no.

Policy Ref.

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**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

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[Redacted Signature Box]

Date

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## Part A - Personal Details

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1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name		Nicholas
		Mills
	s Limited	Lichfields
		Wakeford Properties Limited
		Ship Canal House
		98 King Street
		Manchester
		M2 4WU
E-mail Address		nicholas.mills@lichfields.uk
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Privacy Notice, your rights, or if you have a complaint about or how long we have kept it for, please contact the Customer [rk.gov.uk](mailto:rk.gov.uk) or on [01904 554145](tel:01904554145)

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1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name		Nicholas
		Mills
	Limited	Lichfields
		Wakeford Properties Limited
		Ship Canal House
		98 King Street
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# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Electronic copies of this form are available to download at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or you can complete the form online at [www.york.gov.uk/consultations](http://www.york.gov.uk/consultations)

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You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

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## Can I submit representations on behalf of a group or neighbourhood?

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## Do I need to attend the Public Examination?

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# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

Please see the attached representations report for details.

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

**5.(1) Do you consider the document is Sound?**

Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

<b>Positively prepared</b>	<input checked="" type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
<b>Effective</b>	<input checked="" type="checkbox"/>	<b>Consistent with national policy</b>	<input checked="" type="checkbox"/>

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

Please see the attached representations report for details.

**6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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**7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

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There is the need to examine some fundamental aspects of the local plan. We would therefore like the opportunity to participate at the oral part of the examination.

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

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## Storing your information and contacting you in the future:

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Privacy Notice, your rights, or if you have a complaint about or how long we have kept it for, please contact the Customer Service Centre on [www.york.gov.uk](http://www.york.gov.uk) or on [01904 554145](tel:01904554145)

Date

03/04/2018

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.**

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name		Nicholas
		Mills
	Limited	Lichfields
		Wakeford Properties Limited
		Ship Canal House
		98 King Street
		Manchester
		M2 4WU
E-mail Address		nicholas.mills@lichfields.uk
Telephone Number		0161 837 6130

# Guidance note

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(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

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Yes

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Yes

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Please see the attached representations report for details.

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Date

03/04/2018

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<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

**From:** jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk  
**Sent:** 03 April 2018 16:17  
**To:** localplan@york.gov.uk  
**Subject:** A new Local Plan Publication Draft response form has been submitted

A new Local Plan Publication Draft response form has been submitted via the CYC website.

Please record this information in your system and take action as appropriate.

NOTE: This information is only retained within the CYC CMS for 3 months, for quality assurance purposes - it is then deleted and destroyed.

## Submission details

Web ref: 105059

Date submitted: 03/04/2018

Time submitted: 16:17:14

---

Thank you for submitting your Local Plan Publication Draft response form (ref: 105059, on 03/04/2018 at 16:17:14) to City of York Council.

The following is a copy of the details you included.

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## About your comments

**Whose views on the Local Plan publication draft do your comments represent?** Own comments

---

## About you/the organisation/individual/group you're representing

Please complete in full; in order for the Inspector to consider your representations names and postal addresses must be provided.

**Title:** Mrs

**Forename:** Sophie

**Surname:** Moore

**Name of the organisation/individual/group you're representing:**

Address (building name/number and street): ■

Address (area): ■

Address (town): ■

Postcode: ■

Email address: ■

Telephone number: ■

---

## What are your comments about

You may complete this form more than once - you should **submit a separate form for each issue to you want to raise** relating to the Local Plan 'publication draft', the Policies Map or the Sustainability Appraisal/Strategic Environmental Assessment.

**Which document do your comments relate to?** Local Plan Publication Draft

---

## Legal compliance of the document

'Legally compliant' means asking whether or not the plan has been prepared in line with statutory regulations, the duty to cooperate, and legal procedural requirements such as the Sustainability Appraisal. Details of how the plan has been prepared are set out in the Consultation Statements and Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).

**Do you consider the document is legally compliant?** Yes, I consider the document to be legally compliant

**Do you consider the document to comply with the Duty to Cooperate?** YesCompliestoDuty

**Please justify why you do/do not consider the document to be legally compliant or in compliance with the Duty to Cooperate:**

In all honesty I know nothing about legal compicance, I just wish to make comment on what is going to affect the area I live in.

---

## Whether the document is/is not 'sound'

Deciding whether you consider the document to be 'sound' means considering whether it's 'fit for purpose' and 'showing good judgement'. The inspector will use the public examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness':

- **positively prepared** - prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from

neighbouring authorities where it is reasonable to do so, and consistent with achieving sustainable development

- **justified** –the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **effective** – deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- **consistent with national policy** – enables the delivery of sustainable development in accordance with the policies in the framework

**Do you consider the document to be 'sound'?** No, I do not consider the document to be sound

**Please indicate which of four 'tests of soundness' relate to your answer:**

[Response - SoundnessYES] not effective

**Please give reasons for your answer(s):**

The suggested area to build in, at the top of Becksides in Elvington, is an area that is already out of proportion with the rest of the village, and the field itself regularly suffers flooding which crosses fully into the road beyond.

It doesn't seem a sound decision to build on such an area. It will make the Becksides part of the estate a rat run and not safe for children to play.

**Which part of the document do your comments on 'soundness' relate to? Please provide a paragraph number, a policy reference or a site reference:** The building of houses at the church lane area of Elvington

---

## Necessary changes

You can suggest any change(s) you consider necessary to make the Local Plan legally compliant or sound - you'll need to say why the modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Your suggestion should cover succinctly all the information, evidence and supporting information necessary to support/justify it. There will not normally be a subsequent opportunity to make further representations; these would only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

**I suggest the following change(s) to make the Local Plan legally compliant or 'sound':**

To consider another area.

**If you're seeking a change to the Local Plan, do you want to participate at the hearing sessions of the Public Examination?** No hearing sessions

If you select 'No', your suggestions will still be considered by the independent planning inspector by way of written representations.

**If you wish to participate at the hearing sessions, please state why you consider this to be necessary:**



The Inspector will determine the most appropriate procedure to adopt, to hear those who want to participate at the hearing sessions.

---

[REDACTED]

---

**From:** Iain Bath [REDACTED]  
**Sent:** 03 April 2018 16:14  
**To:** localplan@york.gov.uk  
**Subject:** FW: Message from "RNP00267379C514"  
**Attachments:** 201804031612.pdf

Good afternoon, please find attached representations to the plan submitted on behalf of my client.

Kind regards

-----Original Message-----

**From:** [REDACTED]  
**Sent:** 03 April 2018 16:12  
**To:** Iain Bath [REDACTED]  
**Subject:** Message from "RNP00267379C514"

This E-mail was sent from "RNP00267379C514" (MP 2501).

Scan Date: 04.03.2018 16:12:02 [REDACTED]  
[REDACTED]

Glentrol Asset Management Ltd  
[REDACTED]

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This email is intended for the addressee(s) named above and any other use is prohibited. It may contain confidential information. If you receive this e-mail in error please contact the sender by return e-mail. Glentrol Asset Management Ltd does not accept legal responsibility for the contents of this message if it has reached you via the internet. Any opinions expressed are those of the author and are not necessarily endorsed by Glentrol Asset Management Ltd. Recipients are advised to apply their own virus checks to this message and all incoming email on delivery.

## IB Iain Bath Planning

City of York Council  
Planning Department  
West Offices  
Station Rise  
York  
YO1 6GA

3<sup>rd</sup> April 2018

Dear Sirs,

Local Plan Publication Draft 2018 Consultation

I write on behalf of my client's in relation to the above plan and attach to this letter completed representation forms and site location plan details.

Having considered the content of the plan and it's accompanying policy map for the south area in it's current form the following revisions are requested –

- That my client's site be removed from the Green Belt and allocated within policy H1 as a housing site.

It is considered that this proposal is supported by the following factors –

- The site has a good and established relationship to existing built form in this location with existing development already having extended in a southwards direction in both Fulford and Healdington.
- The site has good existing infrastructure provision and is situated in a sustainable location.
- The site lies in close proximity to the western campus of the University and within easy access of existing open space, local facilities and services and on a main public transport route.
- Allocation of the site would assist in providing a balanced mix of housing consistent with policy H3, much needed affordable housing provision in line with policy H10 and new open space provision to accord with policy G10.
- Allocation of the site would create the certainty for my client's to work up detailed proposals for the site ensuring certainty of delivery.

The site would provide additional housing land supply within the plan to ensure that the requirement set out within policy SS1 is delivered over the plan period.

- Given that the plan proposes to create Green Belt boundaries that endure upto 2037/38 it is important that the plan allocates more than enough housing sites to ensure delivery of the full requirement over this period.

My clients would ask you to give consideration to these representations and will supply additional detail in support of the request in due course. My client's would be available to meet with appropriate officers to discuss this site in more detail.

Yours faithfully,

IB Planning Limited, E, Wel's Promenade, Ilkley, LS29 9LF  
T 01943 866648 M 0777 444 0021 E [iain.bath@ibplanning.co.uk](mailto:iain.bath@ibplanning.co.uk)

Company Reg No. 11106202

VAT No. 982552671

# IAIN BATH PLANNING

[REDACTED]  
**Iain Bath BA (Hons) MRTPI**

Te: 01943 885848

[REDACTED]  
Email: [iain.bath@ibplanning.co.uk](mailto:iain.bath@ibplanning.co.uk)



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Publication Draft 2018  
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To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.**

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

**Part A - Personal Details**

Please complete in full, in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title	MR	MR
First Name	GABRI	IAN
Last Name	NIKOLA	BATH
Organisation (where relevant)	NIKOLA HOMES LIMITED	IB PLANNING LIMITED
Representing (if applicable)		NIKOLA HOMES LIMITED
Address – line 1		3 WELLS PARADELANE
Address – line 2		TRICKLEY
Address – line 3		WEST YORKSHIRE
Address – line 4		
Address – line 5		
Postcode		LS29 9LF
E-mail Address		(ian.bath@iplanning.co.uk)
Telephone Number		01304 3 885848

Representations must be received by Wednesday 4 April 2018, up until midnight.  
Representations received after this time will not be considered duly made.

# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Electronic copies of this form are available to download at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or you can complete the form online at [www.york.gov.uk/consultations](http://www.york.gov.uk/consultations)

## What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or use our online consultation form via <http://www.york.gov.uk/consultations>. However you choose to respond, in order for the Inspector to consider your comments you must provide your name and address with your response.

## Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing, a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting, signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

## Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).
- City of York Council West Offices
- In all libraries in York.

# Part B - Your Representation

(Please use a separate Part B form for each issue to you want to raise)



### 3. To which document does your response relate? (Please tick one):

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment



THEY ARE ALL  
LINKED.

### What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with statutory regulations: the duty to cooperate, and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

### 4. (1) Do you consider the document is Legally compliant?

Yes

No

### 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

### 4.(3) Please justify your answer to question 4.(1) and 4.(2)

THE PLAN NEEDS TO TAKE ACCOUNT OF RECENTLY ISSUED NATIONAL PLANNING POLICY FRAMEWORK GUIDANCE (MARCH 2018) AS IT PROGRESSIVE GIVES A PROPOSED END DATE OF 2032/33 AND GREEN BELT BOUNDARIES TO REMAIN UPTO 2037/38.

### What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and showing good judgement. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four tests of soundness listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

### What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

**Consistent with national policy** - the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.



5.(1) Do you consider the document is Sound?  
Yes  No

If yes, go to question 5 (4). If no, go to question 5 (2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared	<input checked="" type="checkbox"/>	Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>	Consistent with national policy	<input checked="" type="checkbox"/>

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

PLEASE SEE ATTACHED STATEMENT.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

REMOVE THE SITE FROM THE GREEN BELT AND INCLUDE IT WITHIN POLICY H1  
OF THE PLAN AS A HOUSING ALLOCATION.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected No, your representation(s) will still be considered by the independent Planning Inspector by way of written representations

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

TO TAKE PART IN THE DISCUSSIONS ON HOUSING LAND SUPPLY, GREEN BELT  
BOUNDARY REVISIONS AND HOUSING ALLOCATION.

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

## Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

### Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law. The Council must also notify those on the database at certain stages of plan preparation under the Regulations.<sup>2</sup>

### Retention of Information

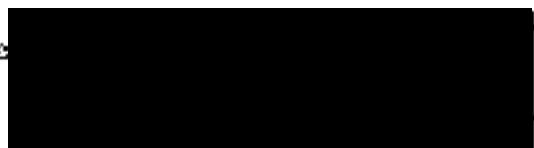
We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.<sup>3</sup>

### Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at: [haveyoursay@york.gov.uk](mailto:haveyoursay@york.gov.uk) or on 01904 554143.

Signature



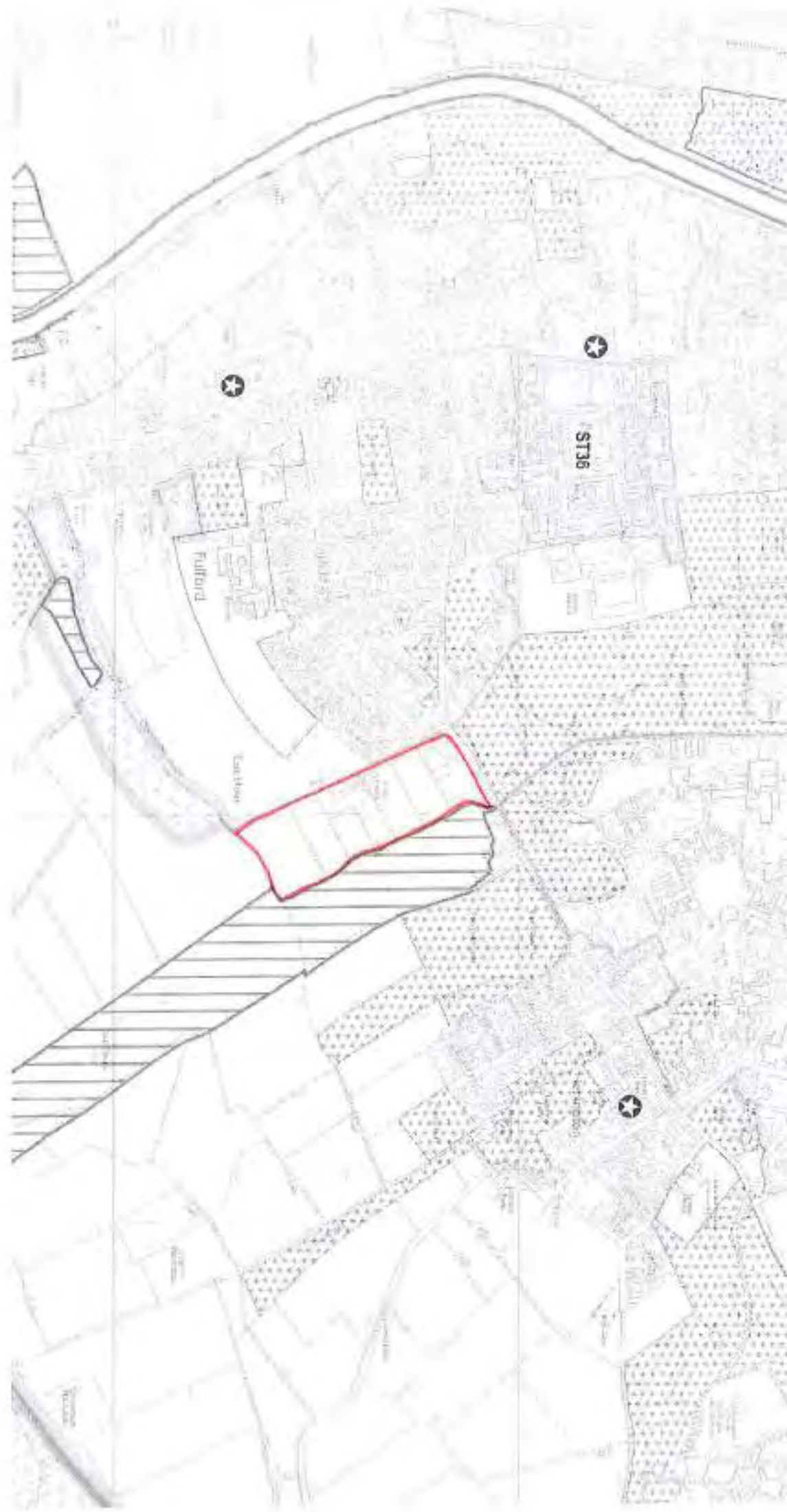
Date

3rd April 2018

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17, 22, 35 & 36 Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) (England) Regulations 2012



Fullford

ST36

Call House

Call House

Call House

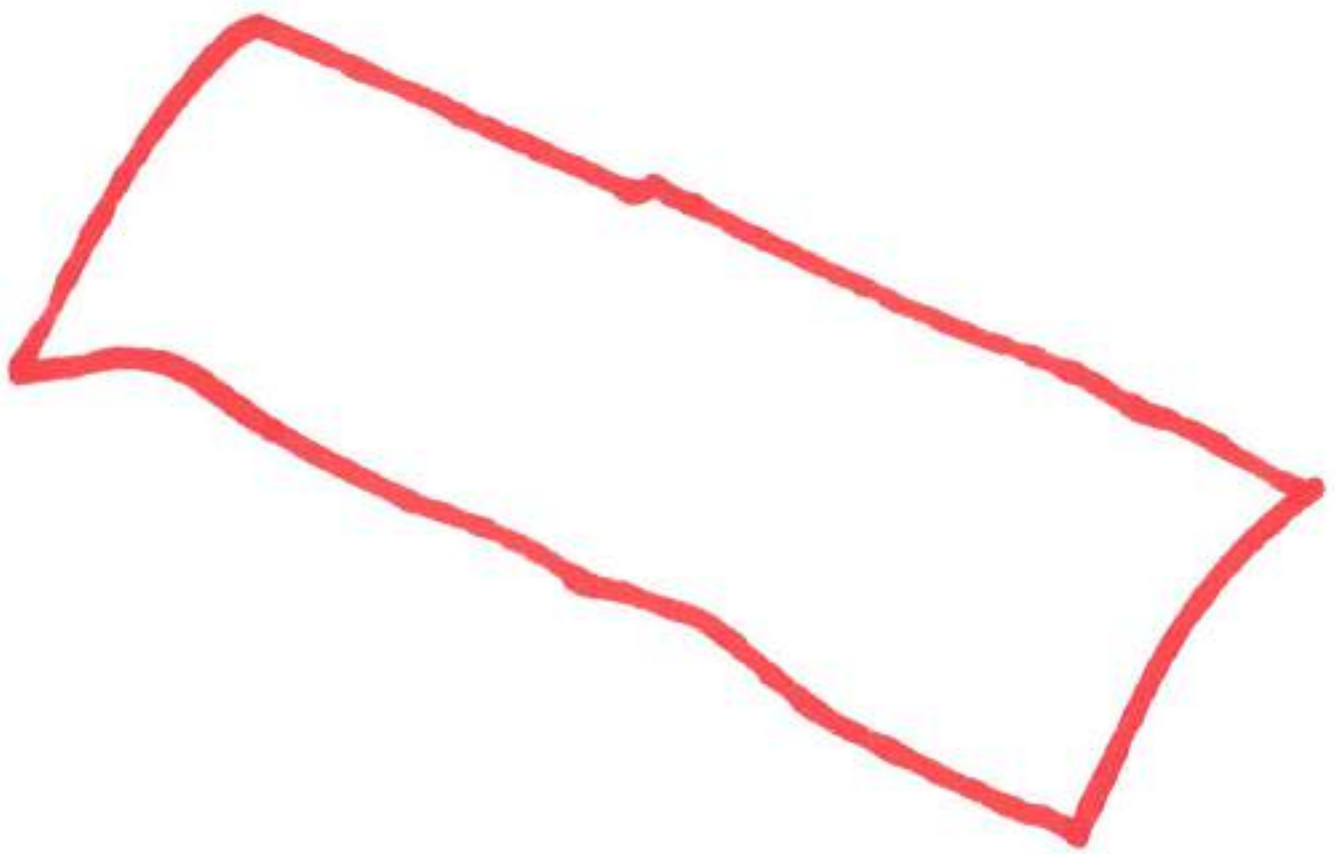




Site location plan 1:1250 @ A1 / 1:2500 @ A3



<b>MC</b> <b>AU</b>	<b>MC</b> Municipal Council <b>AU</b> Agricultural Unit
<b>Scale</b> 1:1250 @ A1 / 1:2500 @ A3	<b>Scale</b> 1:1250 @ A1 / 1:2500 @ A3
<b>North Arrow</b>	<b>North Arrow</b>
<b>Legend</b> [Symbol] [Description]	<b>Legend</b> [Symbol] [Description]





**From:** James Campbell [REDACTED]  
**Sent:** 03 April 2018 16:33  
**To:** localplan@york.gov.uk  
**Subject:** Hambleton District Council response to the City of York Council's Local Plan - Publication

Good afternoon,

On behalf of Hambleton District Council I am responding with regards to the City of York Council's Local Plan – Publication.

Thank you for seeking representations from Hambleton District Council on the Local Plan.

The Spatial Strategy is predicated on delivery of 867 new dwellings per year over the Plan period to 2032/33 and post plan period to 2037/38. This Housing Need Figure has been identified through the Strategic Housing Market Assessment. The draft document identifies sufficient land to accommodate the identified development needs of the City and establishes a Green Belt boundary enduring for 20 years based on an annual provision of 867 new dwellings. On this basis Hambleton District Council are satisfied that the City of York Council's Local Plan and the policies and proposals it contains are considered to be an appropriate response to the planning challenges affecting the City of York. Strategic cross boundary issues affecting the City of York and Hambleton have been addressed in an appropriate manner and we are not aware of any outstanding issues to be resolved.

On that basis we raise no objections to the City of York Council's Local Plan - Publication.

Yours sincerely  
James Campbell

**James Campbell**  
Planning Policy Manager  
Planning Policy  
Tel: 01609 767150  
Email: [REDACTED]  
Website: [www.hambleton.gov.uk](http://www.hambleton.gov.uk)



Your calls may be recorded for training and quality purposes. The call recording policy is available at [www.hambleton.gov.uk](http://www.hambleton.gov.uk)

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addressee(s) and access to it by any other person is unauthorised. If you are not an addressee, you must not disclose, copy, circulate or in any other way use or rely on the information contained in this email. Such unauthorised use may be unlawful. If you have received this email in error, please inform the sender immediately and delete it and all copies from your system. Any views or opinions expressed are solely those of the author and do not necessarily represent those of Hambleton District Council.

All e-mail traffic may be subject to recording and / or monitoring in accordance with relevant legislation.

Hambleton District Council, Civic Centre, Stone Cross, Northallerton, DL6 2UU.

**From:** Eamonn Keogh [E.Keogh@oneill-associates.co.uk]  
**Sent:** 03 April 2018 16:26  
**To:** localplan@york.gov.uk  
**Subject:** Comments on Publication draft Local Plan Consultation on behalf of Wendy and Richard Robinson in respect of Site Ref 897  
**Attachments:** 180402 Local Plan Representation land In SUBMIT.pdf; Landing Lane Comments\_form\_GB FINAL.pdf; Landing Lane Comments\_form\_H1 submit.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sirs,

Please find attached representations on the Publication Draft Local Plan Consultation submitted on behalf of Wendy and Richard Robinson in respect of land west of Landing Lane, Haxby. Should you have any queries please do not hesitate to contact me.

Yours sincerely

Eamonn Keogh

 Chartered Town Planning Consultants	<b>Eamonn Keogh</b> 07910 173788 www.oneill-associates.co.uk	Lancaster House James Nicolson Link Clifton Moor York YO304GR 01904 692313
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CITY OF YORK COUNCIL LOCAL PLAN  
PUBLICATION REGULATION 19 CONSULTATION

LAND WEST OF LANDING LANE, HAXBY

REPRESENTATIONS IN  
SUPPORT OF AN ALLOCATION  
FOR DEVELOPMENT

April 2018



Chartered Town Planning Consultants



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- 2.0 THE SITE
- 3.0 PLANNING POLICY
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- 5.0 SUMMARY

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- 2. EXTRACT FROM DRAFT LOCAL PLAN PROPOSALS MAP
- 3. NOTE ON HIGHWAYS ACCESS
- 4. DRAFT LOCAL PLAN HOUSING ALLOCATIONS  
DEVELOPMENT TRAJECTORY





## 1.0 INTRODUCTION

- 1.1 This statement is provided as a representation to the Local Plan Publication Draft Regulation 19 Consultation on behalf of Wendy Robinson and Richard Robinson in respect of land west of Landing Lane, Haxby, York. The representation seeks the allocation of the site for a range of potential uses including residential (Use Class C3) or care home (Use Class C2). The site also has potential to provide car parking for the proposed Haxby rail station shown on the Draft Plan proposals map on land adjacent to the site. A site location plan is provided at Appendix 1 and Appendix 2.
- 1.2 Representations were made to the 2016 Preferred Sites Consultation seeking the allocation of the site for residential development (Site Ref. 897). A further representation was made in 2017 to the Pre-Publication stage of the Local Plan.
- 1.3 This representation explains why the site is suitable for development and should be allocated for development in the Local Plan.
- Section 2 of the representation sets out a brief description of the site;
  - Section 3 sets out the principle planning policy considerations
  - Section 4 sets out the main arguments for the allocation of the site;
  - Section 5 summaries the representation.

## 2.0 THE SITE

- 2.1 The site comprises approximately 3.1 hectares of farmland the majority of which is farmed for crops and the remainder down to grassland. It is located on the eastern edge of Haxby bounded to the north by existing residential development on Millfield Court and the Landings. Landing Lane (a statutory footpath) defines the east boundary. The River Foss lies close to Landing Lane. The south boundary is defined by hedgerow giving way to open farmland. The west boundary is defined by hedgerow and scrub and just beyond that is the York to Scarborough rail line.
- 2.2 A small part of the north-east corner of the site is shown within flood zones 2 and 3. A short stretch of Landing Lane that provides access to the site is within Flood Zone 3.
- 2.3 The site is in a highly sustainable location. It is within easy walking distance (less than 1 km) of Haxby Centre where there are a range of retail, commercial, medical and community services. Ralph Butterfield Primary School is 450 metres from the site. This site is also with easy walking distance of bus stops for the hi frequency No.1 bus service connecting Haxby with the City Centre and York Rail Station.

### Planning History

- 2.4 The site has a limited planning history. The land was sold in 1965 as potential development land with part of the land allocated for release for residential development. In 1979 a planning application for residential development on the site was refused. There were 5 reasons for refusal. Reason 1 was that residential development would be contrary to the provisions of the then Flaxton Town Map which allocated the site for industrial purposes. The other reasons for refusal related to prematurity, restricted access (now resolved – see below) and loss of agricultural land. In November 2012 planning permission was granted for a small steel-clad equipment storage building at the northern edge of the holding to the south west of the Millfield House.

## Statutory Designations

- 2.5 A search of the natural England MAGIC database indicates that the site is not subject to any statutory nature conservation, landscape or other designations. The site is within the general extent of the York Green Belt and this is addressed below.

## Access

- 2.6 One of the basic criteria in determining whether a site can be developed and is deliverable is access. To address this point, a report, (Appendix 3), has been prepared to assess the transport and access implications of a proposed residential allocation on 3.0ha of land to the west of Landing Lane, Haxby. The report assumed the proposed allocation would be served via Landing Lane, with access on to Towthorpe Road. Based on the assessments undertaken within the report, it is considered that the site is deliverable from a transport and access perspective, for the following key reasons:

- With a potential development of up to 100 residential dwellings, the site can be safely served by a single point of vehicular access from Landing Lane, with an emergency access via Linley Lane.
- Landing Lane is designed to the required standard and accords with the Council's own Highway Design Guide.
- A second pedestrian and cycle access (and if required emergency access) can be provided via Linley Avenue, which would offer a good quality connection to Haxby centre.
- The site is located within a reasonable walking distance of Haxby retail centre which offers a wide range of services and facilities.
- Existing bus stops are located directly to the north of the site, providing public transport links to a range of local and regional facilities, including York city centre.

- It is considered that the impact of the low numbers of additional development traffic movements can be adequately accommodated on the existing road network and would have no adverse impact on the safe and free flow of traffic.
- The proposals accord with both national and local transport policy. In particular, residents of the proposed development would be able to access local facilities, utilise existing bus services and any additional vehicular traffic would not have a detrimental impact on the adjacent road network.

2.7 Considering all of the above, it is concluded that the land use proposals are acceptable and can be delivered from a transport perspective and, as a result, there is no reason in terms of transport and access why the site should not continue to be promoted for residential use.

### 3.0 PLANNING POLICY

3.1 The NPPF was published in March 2012 and replaces all previous Planning Policy Guidance notes and some circulars. The Framework sets out the Governments clear intention to facilitate economic growth through sustainable development. In the introduction to the framework, the Minister for State says:

*The purpose of planning is to help achieve sustainable development.*

*Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations.*

*Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices.....*

3.2 At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. The NPPF explains that for plan making taking this means:

- *local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;*
  - or*
  - *specific policies in this Framework indicate development should be restricted*

3.3 On the issue of housing the NPPF is clear about the need for a significant increase in housebuilding to address existing backlog and meet future needs. Local authorities are encouraged to "...boost significantly..." the supply of housing. Paragraph 47 of the NPPF states:

*To boost significantly the supply of housing, local planning authorities should:*

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area*
- *identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;.....*

### **NPPF and Green Belt**

3.4 Under the heading Protecting the Green Belt the NPPF reaffirms the longstanding aim of Green Belt policy which is to:

*Prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

3.5 The NPPF restates the purposes of including land in the Green Belt which are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

3.6 The NPPF also reaffirms previous Green Belt policy that inappropriate development is, by definition, harmful to the Green Belt. Paragraph 89 of the Framework reminds Local Planning Authorities that new buildings should be regarded as inappropriate in Green Belt.

- 3.7 When considering any planning application in Green Belt, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (para.88).

### **NPPF – the Natural Environment**

- 3.8 Paragraph 109 of the NPPF says the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- 3.9 Paragraph 118 of the NPPF says local Planning Authorities should refuse permission if significant harm resulting from a development cannot be avoided, adequately mitigated or compensated for. Opportunities to incorporate biodiversity in and around developments should be encouraged.

### **Regional Policy**

- 3.10 The saved policies YH9 and Y1 of the RSS relating to Green Belt remain extant and therefore carry weight. They state:

*Policy YH9, Green Belts*

*“C The detailed inner boundaries of the green belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city.”*

*Policy Y1, York Sub-Area Policy*

*Plans, strategies, investment decisions and programmes for the York sub area should:*

*C Environment*

- 1. In the city of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York City Centre and the inner boundary in line with Policy YH9C”*



2. *Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.*

### **Draft Local Plan Evidence Base**

3.1.1 In the course of preparing the various iterations of the Local plan in the past 20 years, the Council has produced a number of evidence documents to justify the approach to defining the Green Belt Boundary. The following documents have informed the approach to the definition of the Green Belt.

- City of York Local Plan – The Approach to the Green Belt Appraisal (February 2003);
- City of York Local Development Framework – Green Corridors (January 2011)
- City of York Local Development Framework – Historic Character and Setting (January 2011) and Technical Paper Update (June 2013)
- City of York Heritage Topic Paper Update (June 2013)
- Heritage Impact Assessment September 2017

3.1 Whilst these documents may provide useful technical analysis, they are of course the evidence base for an un-adopted draft plan and like the draft plan they have not been subject to public examination. Consequently, they have no statutory basis

## 4.0 THE CASE FOR ALLOCATION

4.1 This section will:

- assess whether the Council's approach to housing provision will address the housing needs of the City during and beyond the Plan period;
- assess whether the approach to estimating the quantity of housing is accurate;
- Put forward an alternative housing requirement;
- Identify a more realistic housing land requirement

### The Housing Land Requirement

4.1 To quote the Inspector who recently carried out an examination of the Poppleton Neighbourhood Plan

*...the planning policy position in York City Council is complex. The general extent of the Green Belt is particularly complex. This has generated a challenging context within which the Plan has been prepared.*

4.2 In order to address the complex context for the assessment of the housing need for the City this section is set out in 4 stages:

- Stage 1 summaries the political decisions taken at the Local Plan Working Group that determined the final content of the Publication Draft Plan;
- Stage 2 sets out our assessment of the Housing Requirement;
- Stage 3 includes our critique of the housing delivery proposed in the Local Plan;
- Stage 4 sets out our assessment of the 5-year housing land position as at the time of the representation;
- Stage 5 sets out a summary of the need for housing for the elderly and care homes

## Stage I – The Political Context

### *Local plan Working Group July 2017*

- 4.3 The updated housing requirement for the City was reported to the Local Plan Working Group (LPWG) on the 10<sup>th</sup> July 2017. (There was no equivalent update provided for the 23 January 2018 LPWG). The report identified an annual housing requirement of 953 dwellings per annum based on evidence provided by the Council's own consultants G L Hearn in the Draft Strategic Housing Market Assessment. The 953 is composed of a Demographic baseline of 867 dwellings; and an upward adjustment for 'market signals' of 10%.
- 4.4 The LPWG report stated that the Plan period runs from 2012 to 2033. The Council acknowledge in the LPWG report that as York is setting detailed Green Belt Boundaries for the first time, it is also necessary to consider the period beyond the end date of the plan to 2038 to provide an enduring Green Belt.
- 4.5 On the basis of the LPWG report the housing requirement for the Plan period 2012 to 2033 was therefore 20,013 ( $21 \times 953$ ). The housing requirement need calculation for the period 2033 to 2038 would be 4,765 ( $5 \times 953$ ).
- 4.6 In calculating the land required to meet the housing requirement for the LPWG report, the Council had regard to completions to date and unimplemented permissions. The Council also assumed a windfall completion rate of 169 from year 4 of the plan 2020/21. Having regard to completions, commitments and windfalls, the Council's estimate of the remaining housing requirement for the Plan Period is set out in table 1 below:

**Table 1: Council's Estimate of Housing Requirement as presented to Local Plan Working Group on 10<sup>th</sup> July 2017**

Plan period 1st April 2012 to 31 <sup>st</sup> March 2033	
Total Need 2012 -2033 (based on 953)	20,013
Completions 1st April 2012 to 31st March 2017	3,432
Unimplemented Permissions @ 1st April 2017	3,758*
Windfalls (from Year 4) @ 169 pa**	2,197
Requirement Remaining	10,626

*Source: Local Plan Working Group 10 July 2017*

*\*We believe this to be a misprint*

*\*\* For the period 2020/21 to 2032/33*

- 4.7 At the Local Plan Working Group, members did not agree with the assessment of the housing requirement presented by officers. Members instead set the housing requirement at 867 dwellings per annum and that was the figure used for consultation in the Pre-Publication Draft Local Plan in September 2017.

#### **Local Plan Working Group January 23<sup>rd</sup> 2018**

- 4.8 On the 23 January 2018, the LPWG considered the representations made on the Pre-Publication draft plan. The Officers report presented a number of options for the housing requirement based on the degree of risk of each option. The report reminded members that they had previously been advised that the Councils independent consultants had estimated the annual housing requirement to be figure of 867 rising to 953 to allow for a 10% market signals uplift. Members had accepted the 867-baseline figure for consultation in the Pre-Consultation Draft Plan but not the figure of 953.
- 4.9 Members were also informed that using the draft methodology for assessing housing requirement that the Government had consulted on in late 2017, the housing requirement for the City was estimated to be 1,070 dwellings. Members were advised that although this figure was an estimate produced by the draft methodology it nevertheless indicated the direction of travel anticipated for national planning policy.

- 4.10 Members were advised of their statutory duty to ensure the Submission Draft Plan meets the test of “soundness”. Officer advice was that the direction of travel in national policy indicated that if the site proposals previously consulted on were increased this would be a more robust position. Members were clearly advised that an increase in the supply of housing would place the Council in a better position for defending the Plan proposals through the Examination process.
- 4.11 Members were also advised of the options for increasing the housing supply that were set out in four tables in the LPWG report. Those options ranged from inclusion of MOD sites (table 1); the enlargement of allocated strategic sites (table 2); the inclusion of previously rejected sites that following further work Officers felt should be re-considered (table 3); and new sites emerging in response to the consultation on the Pre-Publication draft plan.
- 4.12 Members rejected any proposal to increase the housing requirement in the Draft Plan and approved only the inclusion of the MoD sites in Table I of the report.

#### **Council Executive 25<sup>th</sup> January 2018**

- 4.13 The recommendations of the LPWG were reported to the Councils Executive on the 25<sup>th</sup> January 2018. Representatives of the promoters of the three largest strategic housing sites addressed the Executive. (Site ST 7 Land East of Metcalf Lane (845 units); Sites ST14 Land West of Wigginton Road (1,348 units); and ST15 Land West of Elvington Lane (3,339 units)). They informed members that, as proposed in the Publication Draft Local Plan, the sites were not viable or deliverable without additional land and some increase in the number of dwellings proposed for each site. The representative requested that changes be made to the Draft Publication Local Plan before it went to consultation but these requests were ignored by members.

#### **Publication Regulation 19 Consultation Draft Local Plan February 2018**

- 4.14 The Publication Draft Plan proposes a 16-year plan period with a start date of 1<sup>st</sup> April 2017. This is a change from the report to the July 2017 LPWG that assumed a plan start date of 2012. This changes the basis of the calculation of the housing requirement.

Completions are not included in the calculation of the housing requirement as the plan start date (2017/18) is essentially year zero in the calculation. Instead the Council include an allowance for backlog (or under-provision) for the period 2012 to 2017.

4.15 The housing requirement in the Draft Plan is therefore based on an annual base requirement of 867 dwellings to which the council has added an additional 56 units per annum to account for undersupply in the period 2012 to 2017 giving a total requirement of 923 dwellings per annum

4.16 Taking account of these changes, the housing requirement as now proposed in the Draft Plan is:

**Table 2 Publication Draft Regulation 19 Consultation Plan**

Plan period 1st April 2017 to 31 <sup>st</sup> March 2033	
Total Need 2017 -2032/33 (based on 923 dwellings per annum 867 + 56))	14,768
Less unimplemented Permissions @ 1st April 2017	3,578
Less windfalls (from Year 4) @ 169 pa	2,197
Requirement to be provided through allocations	8,993

4.17 In addition, to ensure what the Draft Plan considers to be enduring Green Belt Boundaries, additional land is allocated to meet the annual base requirement of 867 dwellings per annum for the 5-year period of 2033 to 2038 which effectively increases the housing requirement to be provided through allocation for the period 2017 – 2038 to 13,328 ((8993 +(867x5)). We consider this assessment of the Requirement remaining to be inadequate for the following reasons:

- (i) The housing requirement is too low;
- (ii) The calculation of completions since 2012 is too high (i.e. the Councils estimate of backlog is too low)

- (iii) Outstanding commitments include student housing that should be excluded
- (iv) The assumptions on windfalls are questionable and should not be treated as a component of the Plan

### **Stage 2 -The Housing Requirement**

- 4.18 In our representations on the Preferred Sites Consultation September 2016, we included an Assessment of Housing Need prepared By Nathaniel Lichfield and Partners. That Assessment established the scale of need for housing in the City of York based upon a range of housing, economic and demographic factors, trends and forecasts, based on the application of NLP's HEaDROOM framework
- 4.19 The NLP Assessment found that that the OAHN for the City of York was in the range of 1,125 dpa and 1,255 dpa. The approach allowed for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to deliver affordable housing and support economic growth. Using this range would have ensured compliance with paragraph 47 of the Framework by significantly boosting the supply of housing. It would also have reflected paragraph 19 of the Framework, which seeks to ensure the planning system does everything it can to support sustainable development.
- 4.20 In the 15-month period since our previous representations, the Government has published a consultation document on a methodology for assessing housing need that every Local Planning Authority would have to use when preparing a Local Plan. The methodology uses the projections of household growth as the demographic baseline for every local authority area. An adjustment is added to this baseline to take account of market signals in house prices. Along with the Consultation Paper the Government included a calculation of the housing requirement for each local authority in the country. The calculation for York was a housing requirement of 1,070 dwellings per annum. The consultation paper explains that this should be treated as the starting point for assessing the housing requirement.



4.21 Taking a robust and conservative approach, the Government's figure of 1,070 dwellings per annum is therefore used in our assessment of the housing requirement for the Local Plan period.

*(i) Calculation of completions - Backlog*

4.22 The Council has underestimated the scale of the backlog and their annual allowance of 56 dwellings per annum included for backlog, amounting to 896 over the 16-year plan Period, is too low. To calculate the backlog, our assessment uses the figure of 953. This is the housing requirement figure recommend by the Council's independent Consultants, G L Hearn for the period from 2012 in the report to the July 2017 LPWG. We then subtract completions for each year from 2012/13 to 2017/18 to obtain the backlog (or surplus) for each year.

4.23 The Local Plan must demonstrate it can provide deliverable sites for the 5-year tranches within the plan period. Government guidance advises that the calculation of the 5-year supply must take account of any shortfall from previous years. How far back the shortfall should be included is a matter of judgement. There is a point at which unformed households from previous years have been permanently displaced and therefore the need to accommodate them has passed. For the purpose of this calculation, and for some degree of convenience, the period from 2012 will be used as the basis of calculating the backlog. (However, using the RSS requirement 850 dwellings per annum for the period 2008 to 2012 the backlog for that period was 1,607 dwellings)

4.24 In order to accurately calculate the backlog is it necessary to analyse the housing completion data contained within the Council's Annual Housing Monitoring Updates. The latest update reveals that after many years of under provision, completion figures for the year 2015/16 suggested a surplus. However, the completion figure of 1,121 for 2015/16 must be treated with some caution as it includes 579 purpose-built student accommodation units (Source: Councils Housing Monitoring Update for Monitoring Year 2015/16). Likewise, the completions figure of 977 for 2016/17 must be adjusted to exclude 152 student units.

4.25 The Council have included the student units in their completion and commitments figures based on the definition of dwelling units used in the DCLG General Definition of Housing Terms. However, this is a misreading of the definition which excludes communal establishments from being counted in the **overall housing supply statistics** but adds that all student accommodation whether it consists of communal halls of residence or self-contained dwellings, on or off campus, can be included towards the **housing provision** in local development plans. Government guidance (which is more recent than the DCLG dwelling definition) is that student accommodation units can only be included within the housing supply “...based on the amount of accommodation it releases in the housing market.” (*Planning Practice Guidance* Reference ID: 3-038-20140306).

4.26 The Council have not produced any evidence to demonstrate how market housing supply has been increased by students transferring from traditional private sector shared housing. Indeed, the available evidence presented in the City of York Council Strategic Housing Market Assessment June 2016 is that new purpose-built student accommodation has not displaced students from market or family housing. Paragraph 10.67 of the SHMA states:

*We have undertaken some qualitative research on the student housing market. This revealed there was an increase in capacity as new purpose-built accommodation has been built on and off campus. However, it was discovered that this did not reduce demand for traditional private sector shared housing.*

4.27 In addition, the Council has not demonstrated that students form part of the objectively assessed housing need nor demonstrated that new student housing accommodation would contribute towards meeting the housing requirement.

4.28 Furthermore, case law has established that in these circumstances purpose-built student accommodation cannot count towards the housing supply *Exeter City Council v Secretary of State for Communities and Local Government, Waddeton Park Limited, The R B Nelder Trust. Case No: CO/5738/2104*.

4.29 Removing these 579 student units from the completions data reduces the completions for 2015/16 to 542. Likewise removing the 152 student units from 2016/17 data reduces the completions for that year to 825. These are the figures used in our calculation of the backlog.

**Table 3 Housing completion backlog for the period 2012-2017**

Year	Net Dwelling Gain (Council figures)	Less student units	Net C3 Dwelling units	SHMA recommended figure	Backlog/ Surplus
2012/13	482	0	482	953	-471
2013/14	345	0	345	953	-608
2014/15	507	0	507	953	-446
2015/16	1121	579	542	953	-411
2016/17	977	152	825	953	-128
<b>Total</b>	<b>3,432</b>	<b>731</b>	<b>2,701</b>	<b>4,765</b>	<b>-2,064</b>

**(iii) Commitments**

4.30 We have obtained a list of the planning permissions that make up the Council's estimate of un-implemented planning permissions. The figure of 3,578 includes 542 student units which, for the reasons stated above should not be included in the housing provision figures. This reduces the commitments figure to 3,036. A further discount of 10% should be applied to account for non-implementation of a proportion of these commitments, giving a more robust figure of 2,732 dwellings for outstanding commitments.

**(iv) Windfalls**

4.31 The Council's assessment of housing provision includes an allowance for 169 windfalls per annum from year 4 of the plan – 2,197 units in total. Guidance in paragraph 48 of the NPPF is that windfalls can be included in the calculation of five-year supply, i.e. not as a source of housing supply across the plan period. This is because the supply of windfalls is variable and including it across the plan period does not provide the certainty of delivery compared with actual allocations. In addition, once the plan is adopted and housing allocations confirmed, the pressure to deliver housing through windfalls should

decrease. Other Authorities, most recently Scarborough Borough Council, have adopted this approach whereby a windfall allowance is identified across the plan period but treated as a flexibility allowance to the allocations and not included in the housing provision. The Scarborough Local Plan Inspector has endorsed this approach and the plan has now been adopted.

### Stage 3 – Critique of housing delivery

#### *Meeting housing demand and delivery targets*

- 4.32 It is envisaged that a high proportion of the total number of dwellings to be delivered over the plan period will be derived from the 19 strategic sites identified within the Consultation Draft. However, there is no real certainty over the rate of delivery that can be achieved on some of these sites.
- 4.33 For example, Strategic Site ST1 (British Sugar) remains undeveloped despite having lain vacant and derelict since 2006. A planning application for a scheme of 1,100 dwellings was refused in October 2017. Development can only commence following a 3-year scheme of remediation. Allowing a for a 2-year lead in following remediation, the first completions on this site are not likely until 2023. The difficulty in bringing forward Strategic Site ST5 (York Central) is also well documented. The draft plan envisages 1,700 new houses being built on this site in the period 1 to 21 years and at a projected density which ranges between 95 – 125 homes to the hectare. In line with the consultation document prepared for this site in early 2016, the projected densities are to be achieved through the provision of high rise (up to 8 storeys) apartment blocks.
- 4.34 With the Plan placing such a reliance on the capability of York Central to deliver high density development, the impact of high rise blocks on the historic setting of the city is an important consideration at this consultation stage. Paragraph 154 of the NPPF advises that Local Plans should be aspirational but realistic. They should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan. Therefore, until the allocation at

York Central is supported by this level analysis, the projected housing yields for the site are considered to be purely aspirational.

- 4.35 There is also a question over how the supply of new homes at York Central will be matched with (the existing) housing demand. The 2016 SHMA for York reveals that the highest level of demand for market housing in the city is for 2 and 3-bedroom family homes. There is also significant unmet demand for bungalows amongst retirees seeking to downsize.
- 4.36 According to local letting agents surveyed for the SHMA, the crucial gap in supply is for good quality family homes. However, there is no perceived shortage of flats or apartments. Based on projections of additional households between the years of 2017 and 2032, the SHMA also indicates that greatest need for market dwellings is for 3-bedroom homes, at 39.2% of additional dwellings. This is followed by two-bedroom homes (37.7%) and 4-bedroom homes (16.5%). The need for 1-bedroom dwellings is comparatively low at 6.6%.
- 4.37 So whereas the Plan appears to be reliant on the higher densities provided by apartment living to make a significant contribution to the overall supply of housing, the evidence presented in the SHMA suggests that this is not where the main area of demand lies.
- 4.38 To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, the advice contained within paragraph 50 of the NPPF is that local planning authorities should:
- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
  - identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

4.39 In its current form, it is not clear how the Preferred Sites and their associated yields will address this requirement. In addition, the Council powers to secure the proposed densities are weak.

#### Conclusion on Housing requirement

4.40 Taking all the above factors into account, our estimate of the housing requirement compared with the Councils estimate as set out in paragraph 3.5 above is:

**Table 4 Estimate of Housing Requirement 2017-2033**

Plan period 1st April 2017 to 31 <sup>st</sup> March 2033	Councils Estimate	Our Estimate
Total Need 2017-2033 (based on 867)	13,872 (based on 867per annum)	17,120 (based on 1,070 per annum)
Backlog 2012 to 2017	896	2,064
<b>Gross Requirement</b>	<b>14,768</b>	<b>19,184</b>
Unimplemented Permissions @ 1st April 2016*	3,578	2,732
Windfalls (from Year 4) @ 169pa	2,197	0
Net Requirement	8,993	16,452

4.41 It is evident from this analysis that the Council's estimate of the housing requirement is significantly flawed and consequently significant additional allocations are required to address that shortfall.

4.42 In addition to meeting housing land requirement during the plan period, the Council also has to exclude land from the Green Belt for development beyond the plan period to ensure green belt boundaries will endure for some time beyond the Plan Period. The Council propose to meet this objective by allocating housing land for the period 2033 to 2038. Using the Councils baseline requirement figure of 867, the requirement for the

5-year period beyond 2033 would be 4,335 dwellings. Using the Government's figure of 1,070 the requirement would be 5,350.

4.43 We have taken the table of proposed allocations from table 5.1 of the Draft Plan. From that we have applied what we believe to be reasonable assumptions about the potential delivery trajectory from each site based on the information provided in the table and other sources (Appendix 4). For example, we assume no delivery from the British Sugar site in the first 5 years of the plan for the reasons outlined in paragraph 3.34 above.

4.44 The allocations in table 5.1 of the Draft Plan amount to 14,985 dwellings for the 20-year period 2017 to 2038. Our analysis of the allocations indicates the following rates of delivery.

**Table 5 Anticipated rates of housing delivery from Proposed Allocations**

Timescale	Units	Units
Years 1-5	2,818	
Years 6-10	5,043	
Years 11 to 16	4,168	
<b>Sub-total 16-year plan period</b>		<b>12,029</b>
Years 16 to 21		2,617
<b>Total 20-year period</b>		<b>14,646*</b>

\* Does not add to 14,985 as some sites delivery extends beyond 2038

4.45 This simple analysis demonstrates that for the 15-year Plan period the housing provision is over 4,423 dwellings short of our estimate of the housing requirement of 16,452 dwellings ( $16,452 - 12,029 = 4,423$ ). For the 5-year period following the Plan period, the shortfall is 1,998 using the Council's figures or 2,733 short using our figures.

4.46 What this illustrates is that not enough land had been allocated for development beyond the Plan period and consequently the Council cannot demonstrate that Green Belt boundaries will endure beyond the Plan period thus failing one of the fundamental



objectives of Green Belt Policy in the NPPF. Without additional housing land allocations, the Green Belt boundaries cannot be confirmed.

4.47 On the previous occasions that Planning Inspectors have considered the Council's Draft Development Plan for the city in 2000 and 2010, each Inspector has concluded that the Green Belt could not be confirmed due to inadequate development land being identified and there is a risk the current Draft Plan reaching a similar fate.

#### Stage 4 - Five Year Supply

4.48 Our analysis above demonstrates that the housing land requirement for the 16-year plan period is significantly flawed. Of equal concern is the lack of supply in the early years of the plan required to "...*significantly boost the supply of housing...*".

4.49 Our assessment of the 5-year supply is set out in Table 6 below and is in line with generally accepted practice. The steps in our assessment are:

- I. To provide a fair indication of the range of what the 5-year housing land supply position might be, we use both the Council's housing requirement figure of 867 dwellings per annum and our assessment of the annual requirement of 1,070 dwellings per annum to arrive at a five-year requirement.
- II. We then add the undersupply assessed against each of the housing requirement figures for the period of 2012 to 2017. This is known as the "Sedgefield Method" of calculating the 5-year supply and assumes any undersupply is made up in the 5-year calculation period and not spread over the remaining years of the Local Plan. This is the approach favoured by National Planning Guidance which recommends:

*Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible.*

(NPPG Paragraph: 035 Reference ID: 3-035-20140306 )

- III. As there has, by any measure, been a period of persistent under-delivery of housing in York for the past 10 years, we add the 20% buffer recommended in paragraph 47 of the NPPF.

IV. We take our adjusted calculation of unimplemented permissions of 2,732 (Paragraph 4.31) above.

4.50 Our assessment of 5-year supply is set out in Table 6 below. We provide 2 variants of the 5-year supply:

- In the first calculation, our assessment assumes the supply comprises just the existing commitments. That gives a five-year supply of 1.53 years based on the Government's estimate of an annual housing requirement need of 1,070 dwellings per annum and our assumptions on backlog and commitments.
- The 5-year supply using the Council's housing requirement of 867 and their assumption on backlog, commitments and windfall is 3.53 years.

4.51 In the second calculation we have included our estimate of supply arising from the proposed allocations from Table 5 above:

- Our estimate of supply from allocated sites in the first 5 years of the Plan is 2,818 dwellings. When this is added to the assumptions about the supply from existing commitments (3,578 dwellings) the five years supply using the Council figures is 5.13 years and using our figure for commitments (2,732 dwellings), 3.11 years.
- The scale of the deficit in land supply identified by the 5-year calculation is significant not only in terms of the need to identify more land but also in terms of the longevity of undersupply. By any reasonable assessment, there has been a significant shortfall in the provision of housing every year since 2007/08 – 11 years in all.

Table 6: Assessment of 5-year land supply

		Assessment using Councils Housing requirement of 867		Assessment using Government Housing requirement of 1,070	
A	Requirement	(5x867)	4,335	(5x1070)	5,350
B	Plus Shortfall 2012-2017	(5x56)	280		2,064
C	Sub total		4,615		7,414
D	20% buffer	(C x .2)	923	(C x .2)	1,482
E	Total 5-year Requirement	C+D	5,538	C+D	8,896
F	Annual requirement	(E ÷ 5)	1,108	(E ÷ 5)	1,779
G	Supply (Commitments)		3,578		2,732
H	Windfall		338		0
I	5-year supply	(G+H) ÷ F	3.53 years		1.53 years
J	Allocations Years 1 to 5		2,818		2,818
K	Potential supply	G+H+J	6,734		5,550
L	Potential 5-year supply	(K ÷ F)	6.08 years		3.11 years

4.52 The calculation above demonstrates the high level of latent and unmet demand in York and the precarious nature of the housing supply in the City. In order to achieve a balance between the housing requirement and housing supply the requirement would have to fall significantly. On the basis of the background evidence prepared for the Local Plan, this scenario is highly unlikely.

4.53 Alternatively, the requirement / supply balance could be achieved by increasing the supply for the existing allocated sites in the 5-year period. Again, on the basis of the evidence available this is less likely. This is because a significant proportion of the draft housing allocations are large sites that will take several years before they deliver a

significant increase in housing supply and our assumptions already assume a realistic rate of delivery from each site. That rate of delivery is unlikely to increase without a fundamental adjustment to the business model of housebuilders and developers.

- 4.54 Furthermore, adoption of the plan is at least 2 years away, if not more. In the meantime, the only credible source of housing land supply is likely to come sites such as the site West of Landing Lane that can deliver houses quickly.

### **Stage 5 - The Need for Care Homes**

- 4.55 Planning policy in York is generally favourable towards the development of new care homes. The 2005 York Development Control Local Plan acknowledges the rising demand for private care homes and encourages the development of new residential care facilities to meet local need (Policy H17). The 2014 York Publication Draft Local Plan indicates that proposals for residential care facilities and nursing homes will be supported where they provide suitable high quality accommodation (Policy H3).

- 4.56 A report to the Council's Executive Committee on the 30<sup>th</sup> July 2015 set out the scale of the problem facing the Council in seeking to provide new accommodation for the elderly. The report set out the Business Case for the Older Persons' Accommodation Programme which amongst other measures sought to:

*encourage the development of additional residential care capacity in York including block-purchase of beds to meet the Council's needs.*

- 4.57 The Report indicates that the context for the Programme is that there is a shortage in York of suitable accommodation with care for older people. This is caused by historic under-investment and expected growth in the size of the over-75 population of the city. The 75+ population is expected to increase by 50% over the next fifteen years, from 17,200 to 25,800. Eighty one percent of York's 75+ population own their own home.

- 4.58 The Older Persons' Accommodation Programme seeks to begin to address this shortfall over the next three years, while also facilitating the replacement of Council-run older persons' homes (225 beds) which are no longer fit for purpose. Over 465 units of new accommodation will be achieved through the construction of new Extra Care and

Residential accommodation and the upgrading of existing Council-run facilities. The Programme has identified a need for larger bedrooms, en-suite facilities, wider corridors and more social space within residential care homes.

4.59 The Report goes on to say that more is needed to meet the demand generated by population growth. By 2030 there will be a deficit of 975 units if further provision is not procured.

4.60 Working with the independent sector is a key component of the Council's Strategy to provide additional extra care and residential care accommodation. The 30<sup>th</sup> July 2015 Executive Committee Report states:

*Third sector and independent care providers will need to be encouraged and supported to increase their supply of residential care facilities with high dementia and/or physical dependency care needs in York. The Council will need to identify and address any legal and procurement issues surrounding its use of appropriate grants.*

4.61 In the context of rapid growth in the local elderly population, the allocation of the land west of landing lane for care home use would make a significant contribution towards meeting the aims of the Older Person's Accommodation Programme.

### **Green Belt**

4.62 In the absence of an adopted Local Plan, some considerable confusion surrounds the status of the Green Belt around York. Much of the commentary relating to the Green Belt speaks from a position that assumes the Green Belt boundaries are fixed in an adopted plan and that any suggestion that sites should be allocated for development will result in land being taken out of the Green Belt (in which case the second sentence of paragraph 83 of the NPPF would apply i.e. Green Belt boundaries should only be altered in exceptional circumstances).

4.63 This is, however, an erroneous assumption because the Green Belt boundaries around York are being defined (or established) for the first time. They are not being altered. In this case, paragraph 85 of the NPPF is therefore the Key advice to be considered. In defining/ establishing boundaries the Council must meet the identified requirement for

sustainable development i.e. it must allocate land to meet identified needs for housing, employment, leisure etc... and other needs.

4.64 In other words, it is not a question of what land should be taken out of the Green Belt. The Council is at the point of deciding what land should not be included in the Green Belt in order to meet the identified requirements for sustainable development.

#### **Assessment of the site against the purposes of Green Belt**

4.65 In order to determine whether it is appropriate to allocate the site to meet the development needs of the City and exclude the site from the Green Belt, the site is assessed against the 5 purposes of the Green Belt:

##### **1. To check the unrestricted sprawl of large built-up areas**

4.66 The allocation of the site will assist in meeting identified requirement for sustainable development. The allocation of the site will enable the Council to define Green Belt boundaries that will endure beyond the plan period and therefore check the unrestricted sprawl of the larger urban area

##### **2. To prevent neighbouring towns merging into one another**

4.67 The Green Belt appraisal includes the land in an area important to preventing coalescence. However, the site is only a very small part of a much larger area of land performing the role. Furthermore, part of the site can be given over to landscaping and open space along its east and south boundary that will assist in maintaining openness and contribute towards preventing coalescence.

##### **3. To assist in safeguarding the countryside from encroachment**

4.68 The allocation of the site will assist in meeting identified requirement for sustainable development. The allocation of the site will enable the Council to define Green Belt boundaries that will endure beyond the plan period and therefore safeguard the countryside from encroachment.

#### 4. To preserve the setting and special character of historic towns

4.69 It is not Stray Land, Green Wedge, a river corridor or as an area retaining the rural character of the city. The issue is coalescence is addressed in point 2 above.

#### 5. To assist in urban regeneration by encouraging the recycling of derelict and other urban land

4.70 There are few areas of York in need of regeneration. Most, if not all, of the few remaining brownfield sites have planning applications pending or redevelopment proposals outstanding. In view of the scale of additional house allocation required to meet the objectively assessed housing needs of the City, significant additional housing allocation are required. In this context the development of the site will have no impact on the viability of remaining brownfield sites in the City.

#### *Safeguarded Land*

4.71 Paragraph 85 of the NPPF advises that when defining Green Belt boundaries for the first time, local planning authorities should identify areas of 'safeguarded land' between the urban area and the Green Belt, to meet longer-term development needs beyond the plan period and make clear that the safeguarded land is not allocated for development at the present time;

4.72 As has already been stated, the Green Belt boundaries around York are being defined (or established) for the first time. They are not being altered. The Council is at the point of deciding what land should not be included in the Green Belt in order to meet the identified requirements for sustainable development.

4.73 Critically, the Council will have to demonstrate to a Local Plan Inspector that the Green Belt boundaries will not have to be altered at the end of the plan period. It can do this by including in areas of safeguarded to meet development need beyond the plan period. The 2013 Preferred Options Draft Local Plan sensibly included a reasonable amount of safeguarded land to ensure the proposed Green Belt Boundaries would remain



permanent beyond the Plan period. Unfortunately, this sensibility appears to have been abandoned in the latest Publication Draft Plan.

4.74 Two Planning Inspectors in 2000 and 2010 both dismissed the draft Development Plan due to a lack of evidence confirming that Green Belt boundaries would endure beyond the Plan period.

4.75 The omission of this key component of the Local Plan spatial strategy is a serious weakness and may well result in the Plan being found unsound, particularly as the Plan period is only up to 2033.

### **Proposed Development**

4.76 The site west of Landing Lane Could accommodate a number of uses to meet identified needs for housing and/or a care home and retirement village. It can also provide car parking for the proposed rail station at Haxby.

### **Character of Landing Lane**

4.77 It is perfectly feasible to design a scheme that will retain the quiet character of Landing Lane and the surrounding area. The site is large enough to accommodate a mixture of housing, and/ or a care home and/or a car parking to serve the proposed rail station. The site is large enough to accommodate a significant landscape buffer along its east boundary with Landing Lane and along the south boundary

## 5.0 SUMMARY AND SUGGESTED CHANGES TO THE PLAN

- 5.1 The site west of Landing Lane is in a highly sustainable location for housing and or a care home and/ or car parking the land owner can confirm is available for development in the first 5 years of the plan period.
- 5.2 There are no overriding technical constraints that would prevent development of the site. The site is not constrained by any nature conservation or other planning designations. An access meeting the Councils technical requirement can be provided to the site. In view of the significant shortfall in the 5-year housing supply there is an immediate need to allocate sites that are deliverable with the first five years of the Plan.
- 5.3 The site West of Landing Lane should be allocated to address the shortfall in housing supply. Alternatively, or in combination with a housing scheme, the site could also accommodate a care home and retirement village complex to meet the immediate and pressing need for elderly person accommodation in the city.
- 5.4 The site could also provide car parking for the proposed rail station at Haxby. At present car parking and access is proposed only to the west side of the proposed station with a single point of access that is close to a primary school. The site West of Landing Lane provides the opportunity for a second point of access to the Station that would reduce pressure on the existing proposed single point of access which is close to a primary school
- 5.5 **Suggested changes to the Plan**
- 5.6 To make the Plan Sound:
- The housing requirement figure for the Plan Period should be increased to at least 1,100 dwellings per annum
  - The site West of Landing Lane outlined red on the plan at Appendix I should be allocated to address the shortfall in housing supply.

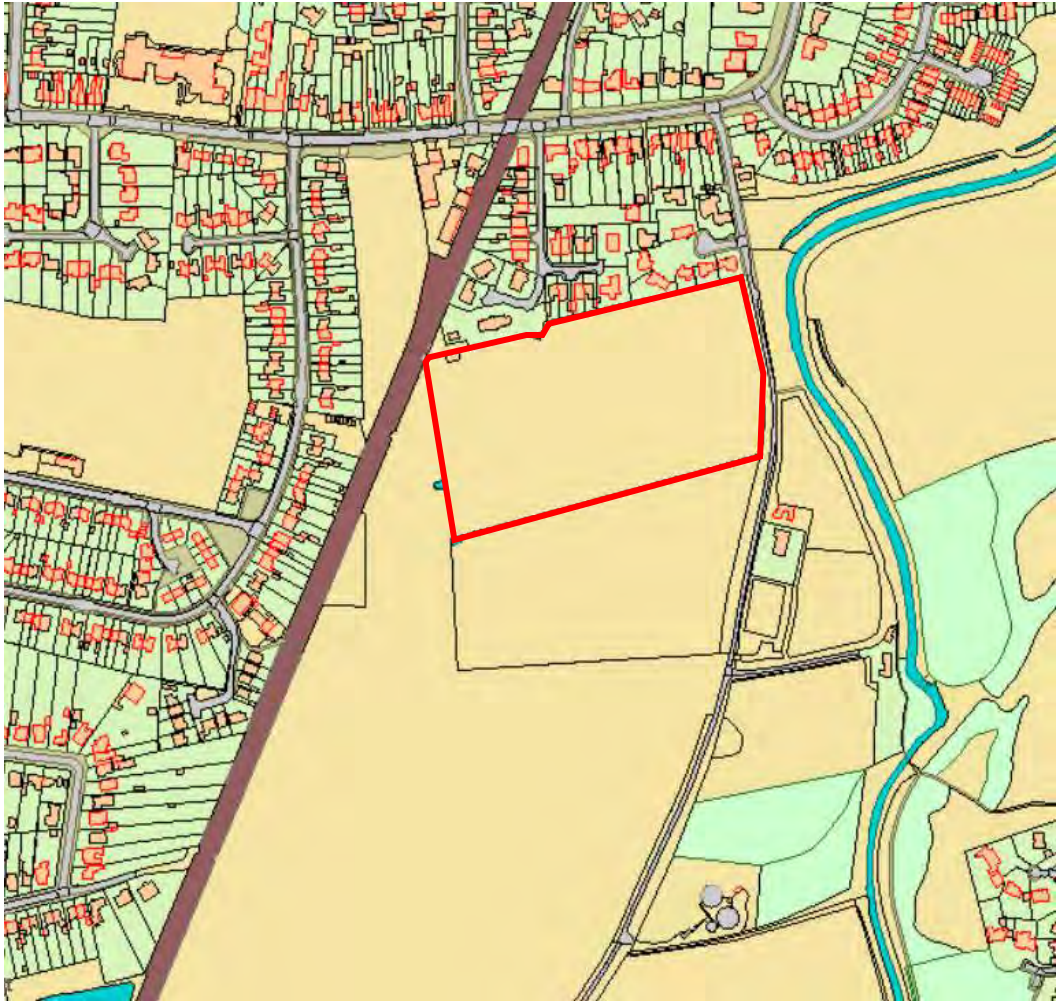
- Safeguarded land should be identified to meet housing requirements beyond the end of the plan period

5.7 Two site response forms are included with these representations.



# Appendix I

## Location Plan



Land west of Landing Lane

Site Location Plan

Scale 1:5000

## Appendix 2

Extract from Draft Local Plan Proposals Map





## Appendix 3

Note on highways access

# Transport and Access Appraisal

29 March 2018  
Version 1.0  
Issue



## 1 Introduction

### 1.1 Purpose of the Report

Fore Consulting (Fore) has been commissioned by the land owner, Wendy Robinson, to provide transport and highways advice in relation to the promotion of land to the west of Landing Lane in Haxby for residential use. The site is approximately 3.0 hectares in size and could accommodate in the order of 100 residential units.

The proposed site is currently in agricultural use and is located adjacent to an existing residential area and, as such, forms a natural extension to the current urban form.

The principal purpose of this report is to provide the necessary information on transport and highway matters to allow the identification of the key issues that may affect the future delivery of the site and enable it to be included for residential use through the emerging City of York Local Plan.

This submission seeks to demonstrate that a suitable and safe form of access can be provided to serve the proposed site and that there are no reasonable highway or access related grounds for not allocating the site within the emerging Local Plan.

In preparing this submission, full consideration has been given to the key objectives contained in the City of York Council's (CoYC's) *Local Development Framework (LDF)*, which is currently used as the basis for determining development proposals. The report also considers the '*National Planning Policy Framework*' (2012), which now provides the context for planning policy in England.

### 1.2 The Site

The site is located some 600 metres to the east of the retail centre of Haxby. It comprises a total area of approximately 3.0 hectares and has been estimated to be capable of accommodating up to 100 dwellings. The site is located to the south of Towthorpe Road and immediately to the east of the York to Scarborough rail line. The site covers two fields, with mature hedgerows along most boundaries.

Two roads currently connect the site to Towthorpe Road; Linley Avenue and Landing Lane. Landing Lane becomes a track as it reaches the site and runs along the eastern boundary of the site. It is also a Public Right of Way at this point.

Seven relatively new dwellings have recently been constructed at the southern end of Landing Lane, just to the north of the site.

## 2 Proposed Site Access

### 2.1 Vehicular and Pedestrian Access

Detailed consideration has been given to the preferred access arrangements to serve the site. It is proposed that access for vehicles would be via Landing Lane, providing a direct connection between the north east corner of the site and Towthorpe Road.

Landing Lane, between Towthorpe Road and the site is around 5 metres in width with a 1.8m footway on the western side of the carriageway, backed by a verge. A 1.0m width is also provided on the eastern side of the carriageway. There is limited direct access or frontages onto Landing Lane along its length.

Section 8 of CoYC's '*Highway Design Guide*' provides guidance and advice on the standards of roads required to serve different types and scales of development. Based on the advice contained with the Design Guide, the standard of access to serve a site of 100 units or less is defined as a Minor Access Road.

The guidance states the following, in relation to such access roads:

- Minor Access Roads serve up to 100 dwellings as a loop or cul-de-sac. For any cul-de-sac serving more than 50 dwellings, an alternative access for emergency use should be provided. For other culs-de-sac an emergency link may be provided where this can be accommodated within the layout proposed.
- Minor Access Road layouts should be such that vehicle speeds are restrained to below 20mph.
- The minimum width for minor access roads where there is no frontage access should be 4.8 metres, or 4.5 metres where less than 25 houses are served.
- Carriageway widths should not be reduced below 5.5 metres within 20 metres of junctions with Local Distributor Roads or Major Access Roads.
- In certain circumstances where there is minimal pedestrian demand along one side of a road it may be possible to substitute a service verge for one footway.



Given the position of the site in relation to Landing Lane, and the location of the centre of Haxby, the provision of a single footway on the western side of the access road would appear to be reasonable in this instance.

The junction between Landing Lane and Towthorpe Road is designed to modern standards and accords with the required visibility splays (2.4m x 43m for a 30mph speed restriction) for vehicles exiting the minor road.

Linley Avenue provides a direct connection between the north-west corner of the site and Towthorpe Road. The road is some 4 metres in width with a 1.5 metre footway on the western side of the carriageway. Whilst it is accepted the Linley Avenue would not be suitable for accommodating general vehicular traffic from the site, it would provide a second emergency access and also serve as an important pedestrian and cycle link to and from the centre of Haxby.

**Based on the above, it is clear that access can be provided to serve the proposed site which fully accords with the Council’s own Highway Design Guide.**

## 2.2 Traffic Generation

Traffic generation has been estimated using based on average person trip rates derived from the TRICS database, and a locally specific mode share for journeys to work.

Person trip rates have been derived from TRICS following interrogation for multi-modal survey sites based on the criteria set out in Table 1.

Table 1: TRICS Search Criteria

Proposed Land Use	TRICS Land Use	TRICS Category	Location
Residential	03 - Residential	A - Houses Privately Owned	Edge of Town

Weekday AM and PM peak periods have been considered as these periods are likely to represent the maximum combination of existing demand for the transport system and development-generated trips.

The resulting person trip rates are set out in Table 2 for the weekday AM and PM peak periods.



**Table 2: Weekday Peak Period Person Trip Generation**

Time		Person Trip Rates Total Person Trips/dwelling		Person Trip Generation Total Person Trips	
		Arrivals	Departures	Arrivals	Departures
Weekday AM Peak Period	07:00-08:00	0.119	0.380	12	38
	08:00-09:00	0.290	0.952	29	95
	09:00-10:00	0.252	0.419	25	42
Weekday PM Peak Period	16:00-17:00	0.684	0.394	68	39
	17:00-18:00	0.638	0.336	64	34
	18:00-19:00	0.497	0.312	50	31

The development peak hours are the following:

- Weekday development AM peak hour ('AM peak hour'): 08:00 to 09:00 hours.
- Weekday development PM peak hour ('PM peak hour'): 16:00 to 17:00 hours.

2011 Census data<sup>1</sup> has been used to derive a mode share for the development, based on Lower Layer Super Output Areas (LSOAs) within the Haxby village. In this way, the mode share considered represents the likely travel characteristics of future residents of the site, based on the existing accessibility of the site by public transport and the configuration of the local highway network.

Based on the above, the car driver modal share is estimated at 68% which would result in the following vehicle movements during the identified peak hours.

**Table 3: Weekday Peak Hour Vehicle Trip Generation**

Mode	Mode Share % of all journeys by mode	AM Peak Hour 08:00 to 09:00		PM Peak Hour 16:00 to 17:00	
		Arrivals	Departures	Arrivals	Departures
Vehicle	68%	20	65	44	24

Based on the estimated flows, on average, the impact is likely to equate to just over one vehicle every minute during the peak hours. During the vast majority of the day, the flows would be significantly lower. This is not considered to be material or 'severe' in the context of NPPF.

<sup>1</sup> Dataset reference QS701EW ('method of travel to work'). The dataset includes all usual residents aged 16 to 74, whilst the categories 'Not in employment', 'Work mainly at or from home' and 'Other method of travel to work' have been removed.

## 4 Accessibility

### 4.1 Pedestrian Connectivity

Although walking distances will vary between individuals and circumstances, standard distances that are often used to describe short, medium and long walks are 0.5km, 1.0km and 2.0km, respectively<sup>2</sup>.

Based on these distance thresholds, the centre of Haxby is with an easy walk from the site (approximately 720 metres), where a wide range of local amenities and services are located. Continuous and good quality footways are provided between the site and Haxby.

Ralph Butterfield Primary School, located on the northern side of Towthorpe Road, is only 430 metres for the north-west corner of the site.

### 4.2 Cycle Connectivity

It is generally considered that most cycle journeys for non-work purposes and those to rail stations are between 0.5 miles [0.8km] and 2 miles [3.2km], but many cyclists are willing to cycle much further. For work, a distance of 5 miles [8 km] should be assumed<sup>3</sup>.

Based on these distances, the whole of Haxby would be within a convenient cycling distance. In addition, Clifton Moor and York city centre are within a reasonable cycling distance and therefore cycling would be an option for some residents.

### 4.3 Public Transport

Bus stops are located on Towthorpe Road, directly to the north of the proposed site and within 220 metres. These stops are served by half hourly service (Service No 13) on weekdays and Saturdays between Companthorpe and Haxby, and provide connections to Tadcaster Roads (opposite the College), York city centre, York rail station, and New Earswick.

Bus service No 14 also utilises the same stops and provides an hourly connection to and from the city centre during the weekday evenings.

Additional services are available from the centre of Haxby (including Service No 1, which provides high frequency services to Acomb, via York District Hospital and the city centre), located some 720 metres from the site.

<sup>2</sup> Chartered Institution of Highways and Transportation 'Guidelines for Providing Journeys on Foot' (2000, p49)

<sup>3</sup> Cycling England, 'Integrating Cycling into Development Proposals', 2009, p4.



## 5 Summary and Recommendations

This report has been prepared to assess the transport and access implications of a proposed residential allocation on 3.0ha of land to the west of Landing Lane, Haxby. The proposed allocation would be served via Landing Lane, with access on to Towthorpe Road.

Based on the assessments undertaken within this report, it is considered that the site is deliverable from a transport and access perspective, for the following key reasons:

- With a potential development of up to 100 residential dwellings, the site can be safely served by a single point of vehicular access from Landing Lane, with an emergency access via Linley Lane.
- Landing Lane is designed to the required standard and accords with the Council's own Highway Design Guide.
- A second pedestrian and cycle access can be provided via Linley Avenue, which would offer a good quality connection to Haxby centre.
- The site is located within a reasonable walking distance of Haxby retail centre which offers a wide range of services and facilities.
- Existing bus stops are located directly to the north of the site, providing public transport links to a range of local and regional facilities, including York city centre.
- It is considered that the impact of the low numbers of additional development traffic can be adequately accommodated on the existing road network and would have no adverse impact on the safe and free flow of traffic.
- The proposals accord with both national and local transport policy. In particular, residents of the proposed development would be able to access local facilities, utilise existing bus services and any additional vehicular traffic would not have a detrimental impact on the adjacent road network.

**Considering all of the above, it is concluded that the land use proposals are acceptable and can be delivered from a transport perspective and, as a result, there is no reason in terms of transport and access why the site should not continue to be promoted for residential use.**

## Appendix 4

### Draft Local Plan Housing Allocations Development Trajectory

Ref	Site	Site Area	Yield	Timing	Density	Years 1 to 5	Years 6-10	Years 11-16	Years 17-21
H1	Former Gas Works, 24 Heworth Green (Phase 1)	2.87	271	Short Term (Years 1 -5)	94.43	100	171		
H1	Former Gas works, 24 Heworth Green (Phase 2)	0.67	65	Medium Term (Years 6-10)	97.01		65		
H3	Burnholme School	1.90	72	Short Term (Years 1 -5)	37.89	72			
H5	Lowfield School	3.64	162	Short to Medium term (Years 1 -10)	44.51	80	82		
H6	Land R/O The Square Tadcaster Road	1.53	0	Short to Medium Term (Years 1 -10)	0.00				
H7	Bootham Crescent	1.72	86	Short to Medium Term (Years 1 -10)	50.00	46	40		
H8	Askham Bar Park & Ride	1.57	60	Short Term (Years 1 -5)	38.22	60			
H10	The Barbican	0.96	187	Short Term (Years 1 -5)	194.79	187			
H20	Former Oakhaven EPH	0.33	56	Short Term (Years 1 -5)	169.70	56			
H22	Former Heworth Lighthouse	0.29	15	Short Term (Years 1 -5)	51.72	15			
H23	Former Grove House EPH	0.25	11	Short Term (Years 1 -5)	44.00	11			
H29	Land at Moor Lane Copmanthorpe	2.65	88	Short to Medium Term (Years 1 -10)	33.21	88			
H31	Eastfield Lane Dunnington	2.51	76	Short to Medium Term (Years 1 -10)	30.28	76			
H38	Land RO Rufforth Primary School Rufforth	0.99	33	Short to Medium Term (Years 1 -10)	33.33	33			
H39	North of Church Lane Elvington	0.92	32	Short to Medium Term (Years 1 -10)	34.78	32			
H46	Land to North of Willow Bank and East of Haxby Road, New Earswick	2.74	104	Short to Medium Term (Years 1 -10)	37.96	104			
H52	Willow House EPH, Long Close Lane	0.20	15	Short Term (Years 1 -5)	75.00	15			
H53	Land at Knapton Village	0.33	4	Short Term	12.12	4			
H55	Land at Layerthorpe	0.20	20	Short Term (Years 1 -5)	100.00	20			
H56	Land at Hull Road	4.00	70	Short Term (Years 1 -5)	17.50	70			
H58	Clifton Without Primary School	0.70	25	Short Term (Years 1 -5)	35.71	25			
H59	Queen Elizabeth Barracks – Howard Road, Strensall	1.34	45	Short to Medium term (Years 1 -10)	33.58		45		
ST1	British Sugar/Manor School	46.30	1200	Lifetime of the Plan (Years 1-16)	25.92	0	600	600	
ST2	Former Civil Service Sports Ground Millfield Lane	10.40	266	Short to Medium Term (Years 1 -10)	25.58	166	100		
ST4	Land adj. Hull Road & Grimston Bar	7.54	211	Short to Medium Term (Years 1 -10)	27.98	111	100		
ST5	York Central	35.00	1700	Lifetime of the Plan and Post Plan period (Years 1-21)	42.86	0	500	600	600
ST7	Land East of Metcalfe Lane	34.50	845	Lifetime of the Plan (Years 1 -16)	24.49	200	295	350	
ST8	Land North of Monks Cross	39.50	968	Lifetime of the Plan (Years 1 -16)	24.51	250	300	418	
ST9	Land North of Haxby	35.00	735	Lifetime of the Plan (Years 1 -16)	21.00	150	285	300	
ST14	Land to West of Wigginton Road	55.00	1348	Lifetime of the Plan and Post Plan period (Years 1 -21)	25.16	200	400	400	348
ST15	Land to West of Elvington Lane	159.00	3339	Lifetime of the Plan and Post Plan period (Years 1 -21)	21.00	300	900	900	900
ST16	Terrys Extension Site – Terry’s Clock Tower (Phase 1)	2.18	22	Short to Medium Term (Years 1-5)		22			
ST16	Terry’s Extension Site – Terry’s Car Park (Phase 2)		33	Short to Medium Term (Years 1 – 10)			33		
ST16	Terry’s Extension Site – Land to rear of Terry’s Factory (Phase 3)		56	Short to Medium Term (Years 1 – 10)			56		
ST17	Nestle South (Phase 1)	2.35	263	Short to Medium Term (Years 1 -10)	111.91	100	163		
ST17	Nestle South (Phase 2)	4.70	600	Medium to Long Term (Years 6 – 15)	127.66		300	300	
ST31	Land to the South of Tadcaster Road, Copmanthorpe	8.10	158	Short to Medium Term (Years 1-10)	19.51	50	108		
ST32	Hungate (Phases 5+)	2.17	328	Short to Medium Term (Years 1-10)	151.15	128	200		
ST33	Station Yard, Wheldrake	6.00	147	Short to Medium Term (Years 1-10)	24.50	47	100		
ST35**	Queen Elizabeth Barracks, Strensall	28.80	500	Medium to Long Term (Years 6-15)	20.07		200	300	
ST36**	Imphal Barracks, Fulford Road	18.00	769	Post Plan period (Years 16-21)	42.72				769
		526.85	14985			2,818	5,043	4,168	2,617

# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

**OFFICE USE ONLY:**

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

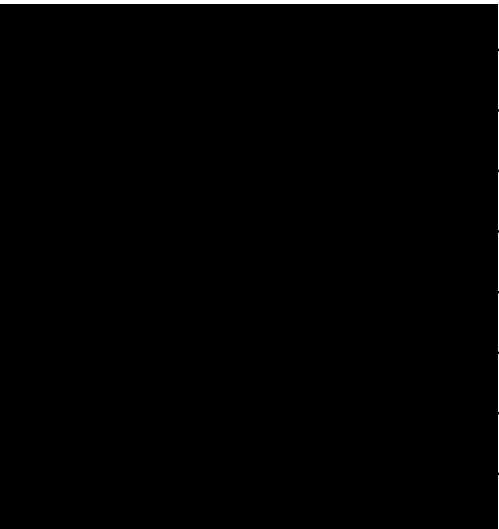
To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name	Wendy	Eamonn
Last Name	Robinson	Keogh
Organisation (where relevant)		O'Neill Associates
Representing (if applicable)		
Address – line 1		Lancaster House
Address – line 2		James Nicolson Link
Address – line 3		Clifton Moor
Address – line 4		York
Address – line 5		
Postcode		YO30 4GR
E-mail Address		e.keogh@oneill-associates.co.uk
Telephone Number		01904 692313

# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Electronic copies of this form are available to download at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or you can complete the form online at [www.york.gov.uk/consultations](http://www.york.gov.uk/consultations)

## What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or use our online consultation form via <http://www.york.gov.uk/consultations>. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

## Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

## Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).
- City of York Council West Offices
- In all libraries in York.

# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

✓
✓

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

With regard to the duty to co-operate it may be the case the Council has consulted with neighboring authorities, but some of those authorities have expressed concerns that have not been fully resolved. Annex B to Agenda item 11 on the report of the Local Plan to the Council's Executive on the 25<sup>th</sup> January reported:

**Hambleton Council:** *"...It [the Draft Plan] does not safeguard land for development and recognises the build out time of the Strategic sites will extend beyond the plan period. The proposed detailed boundaries of the Green Belt offer little opportunity to accommodate the increased level of growth proposed. If the City of York does not ensure that its longer-term development needs are met this will place pressure on area in neighbouring authorities"*

**Leeds city region LEP:** *"York has not applied the 10% market signals adjustment as recommended in the York 2017 Strategic Housing Market Assessment"*.

**Ryedale Council:** Discussions ongoing

**Harrogate Council:** Discussion ongoing

**Selby District Council:** *"Having read the SHMA Addendum, it is noted that this figure does not take into account the level of employment growth proposed by the Local Plan..... Whilst you are confident that you can realise the growth aspirations detailed within the Pre-Publication Local Plan within the City of York Boundary, Selby District Council is concerned that any increases to this figure could raise significant cross-boundary issues"*.

Selby Council requested additional information on Strategic site ST15 and the university site ST27 before providing any further comments on the potential impact these allocations may have on Selby.

What these comments demonstrate is that whilst the Council may have engaged in a process of dialogue with neighbouring authorities, it has not produced outcomes that have addressed some significant concerns of neighbouring authorities. Indeed at this stage the views of some adjoining Authorities are not known and it is difficult to see how, in these circumstances, the Duty to Co-Operate has been complied with.

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

### 5.(1) Do you consider the document is Sound?

Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

### 5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

<b>Positively prepared</b>	<input checked="" type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
<b>Effective</b>	<input checked="" type="checkbox"/>	<b>Consistent with national policy</b>	<input checked="" type="checkbox"/>

### 5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.	<input type="text" value="3.13 to 3.15"/>	Policy Ref.	<input type="text" value="Policy SS2"/>	Site Ref.	<input type="text" value="897"/>
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### 5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

See attached representation statement ref: 1804.ln.0001.lpreps.ek



**6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.**

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

**After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

(If you are suggesting that the plan is legally compliant or sound please write N/A)

See attached representation statement ref: 1804.ln.0001.lpreps.ek

**7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the Examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

**7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

There are matters relating to the setting of Green Belt boundaries that we wish to discuss in more detail with the inspector

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.



# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

## Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.<sup>1</sup> The Council must also notify those on the database at certain stages of plan preparation under the Regulations.<sup>2</sup>

## Retention of Information

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Signature  Date

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

**OFFICE USE ONLY:**

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

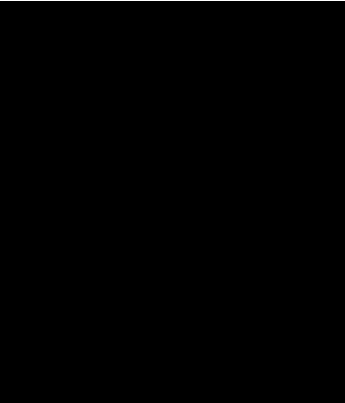
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Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name	Wendy	Eamonn
Last Name	Robinson	Keogh
Organisation (where relevant)		O'Neill Associates
Representing (if applicable)		
Address – line 1		Lancaster House
Address – line 2		James Nicolson Link
Address – line 3		Clifton Moor
Address – line 4		York
Address – line 5		
Postcode		YO30 4GR
E-mail Address		e.keogh@oneill-associates.co.uk
Telephone Number		01904 692313

# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

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Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

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- In all libraries in York.

# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

✓
✓

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

With regard to the duty to co-operate it may be the case the Council has consulted with neighboring authorities, but some of those authorities have expressed concerns that have not been fully resolved. Annex B to Agenda item 11 on the report of the Local Plan to the Council's Executive on the 25<sup>th</sup> January reported:

**Hambleton Council:** *"...It [the Draft Plan] does not safeguard land for development and recognises the build out time of the Strategic sites will extend beyond the plan period. The proposed detailed boundaries of the Green Belt offer little opportunity to accommodate the increased level of growth proposed. If the City of York does not ensure that its longer-term development needs are met this will place pressure on area in neighbouring authorities"*

**Leeds city region LEP:** *"York has not applied the 10% market signals adjustment as recommended in the York 2017 Strategic Housing Market Assessment"*.

**Ryedale Council:** Discussions ongoing

**Harrogate Council:** Discussion ongoing

**Selby District Council:** *"Having read the SHMA Addendum, it is noted that this figure does not take into account the level of employment growth proposed by the Local Plan..... Whilst you are confident that you can realise the growth aspirations detailed within the Pre-Publication Local Plan within the City of York Boundary, Selby District Council is concerned that any increases to this figure could raise significant cross-boundary issues"*.

Selby Council requested additional information on Strategic site ST15 and the university site ST27 before providing any further comments on the potential impact these allocations may have on Selby.

What these comments demonstrate is that whilst the Council may have engaged in a process of dialogue with neighbouring authorities, it has not produced outcomes that have addressed some significant concerns of neighbouring authorities. Indeed at this stage the views of some adjoining Authorities are not known and it is difficult to see how, in these circumstances, the Duty to Co-Operate has been complied with.

## What does ‘Sound’ mean?

Soundness may be considered in this context within its ordinary meaning of ‘fit for purpose’ and ‘showing good judgement’. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework’s four ‘tests of soundness’ listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

## What makes a Local Plan “sound”?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

### 5.(1) Do you consider the document is Sound?

Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

### 5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

<b>Positively prepared</b>	<input checked="" type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
<b>Effective</b>	<input checked="" type="checkbox"/>	<b>Consistent with national policy</b>	<input checked="" type="checkbox"/>

### 5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.	<input type="text" value="Paragraphs 5.1 to 5.20"/>	Policy Ref.	<input type="text" value="Policy H1"/>	Site Ref.	<input type="text" value="897"/>
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### 5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

See attached representation statement ref: 1804.ln.0001.lpreps.ek

**6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.**

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

**After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

(If you are suggesting that the plan is legally compliant or sound please write N/A)

See attached representation statement ref: 1804.ln.0001.lpreps.ek

**7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the Examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

**7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

There are matters relating to housing requirement and supply that we wish to explore in more detail with the inspector.

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.



# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

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<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012



**From:** Graeme Holbeck [g.holbeck@oneill-associates.co.uk]  
**Sent:** 03 April 2018 16:44  
**To:** localplan@york.gov.uk  
**Subject:** Comments on Publication draft Local Plan Consultation (Housing Allocation H6)  
**Attachments:** Comments\_form\_FINAL.pdf; Ywt1803.lpa.gh.pdf

Dear Local Plans Team,

Please find attached a copy of our representations (with completed form) on the Publication Draft. These relate to housing allocation H6 and are submitted on behalf of the Wilberforce Trust

Thank you

Graeme Holbeck



**O'Neill**  
ASSOCIATES

Chartered Town Planning Consultants

Graeme Holbeck

[www.oneill-associates.co.uk](http://www.oneill-associates.co.uk)

Lancaster House  
James Nicolson Link  
Clifton Moor  
York YO304GR  
01904 692313

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# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

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## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name		Graeme
Last Name		Holmes
Organisation (where relevant)	Wilberforce Trust	O'Neill Associates
Representing (if applicable)		Newby
Address – line 1		Lancaster House
Address – line 2		James Nicolson Link
Address – line 3		Clifton Moor
Address – line 4		York
Address – line 5		
Postcode		YO304GR
E-mail Address		<a href="mailto:g.holbeck@oneill-associates.co.uk">g.holbeck@oneill-associates.co.uk</a>
Telephone Number		01904 692313

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(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

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## What does 'legally compliant' mean?

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## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

Not applicable to our representations

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

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**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

**5.(1) Do you consider the document is Sound?**Yes  No 

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

<b>Positively prepared</b>	<input type="checkbox"/>	<b>Justified</b>	<input type="checkbox"/>
<b>Effective</b>	<input type="checkbox"/>	<b>Consistent with national policy</b>	<input checked="" type="checkbox"/>

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph  
no.Policy  
Ref.

Site Ref.

H6

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

Refer to attached report

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



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Signature 

Date

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<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012



CITY OF YORK LOCAL PLAN PUBLICATION DRAFT (2018)

PROPOSED HOUSING ALLOCATION H6: LAND TO THE  
EAST OF THE SQUARE, TADCASTER ROAD

REPRESENTATIONS ON BEHALF OF  
THE WILBERFORCE TRUST

MARCH 2018



Chartered Town Planning Consultants

## EXECUTIVE SUMMARY

The Wilberforce Trust is proposing to develop the land to the east of the Square to provide around 60-65 housing units for their visually impaired tenants within the city. The proposal includes the provision on a new headquarters building, enabling the charity to return to its original home, just off Tadcaster Road. The Trust's current premises on Huntington Road, along with their existing housing stock, will be sold in order to provide partial funding for the build.

The development will significantly improve the standard of accommodation that the Trust is able to offer to both existing and future tenants. The relocation of their headquarters building will centralise clinic space, office and training facilities, enhancing their operational efficiency and service levels. The proposal is to commence development in 2018/19 with a view to the facilities being in place by 2020. This will enable the Trust to fulfil its existing care contracts with City of York Council.

In order to meet these timescales, the Trust will need to gain planning permission for the development prior to the adoption of the York Local Plan. To this end, they submitted a full planning application for the first phase of the development in October 2017, which is due to be determined at Planning Committee in April. A copy of the proposed site plan accompanying the application is included at Appendix 5.

The purpose of these representations is to set out a series of amendments to housing allocation H6 in order to make it consistent with the Trust's proposals for the site. The changes include:

- Removing the reference to C3(b) as the use class for the development
- Extending housing allocation H6 to cover land to the east of St Leonard's Hospice with subsequent revisions to the Green Belt boundary in order that it is more clearly defined

The representations have been shared with St Leonard's Hospice, who had previously objected to the development of land at the rear of their facility for family housing. The Hospice is generally supportive of the proposals being brought forward by the Trust and the opportunities that exist for shared facilities. A letter of support from the Hospice is included as part of the representations. They are also supportive of the full planning application.

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2. Description of the Site
3. Planning History and Context
4. Planning Policy Context
5. Representations
6. Summary

## APPENDICES

1. Site Location Plan
2. Housing Allocation H6 – Local Plan Preferred Sites Consultation
3. Site Photographs
4. Extract from Green Belt Appraisal: Area preventing coalescence
5. Proposed Site Plan
6. Letter from St Leonards Hospice

Reference: Ywt1803.reps.gh  
Date: March 2018

## 1.0 INTRODUCTION

- 1.1 These representations are submitted on behalf of the Wilberforce Trust, a long established local charity who provides supported living for the visually impaired. They relate to the Trust's significant landholdings to the rear of the Square, off Tadcaster Road. The charity owns a total of 8.6 hectares in this area - the extent of their ownership is shown on the Site Location Plan at Appendix 1.
- 1.2 At present, 1.53 hectares of the land within the Trust's ownership is allocated for residential extra care (C3b) facilities in the Publication Draft Local Plan (Housing Allocation H6, Appendix 2). The objective of these representations is to:
- Extend the allocation to include a further 0.5 hectares of land to the north, which lies to the east of St Leonards Hospice
  - Re-designate the housing allocation H6 from a C3(b) use class to C3(a)

## 2.0 SITE DESCRIPTION

- 2.1 For the purpose of these representations, the land owned by the Trust is divided into two distinct sections. The site identified in red on the Location Plan at Appendix 1 (site 1) comprises around 2.04 hectares and is predominantly used for grazing. Access is provided via the Grove, a short cul-de-sac which serves 9 detached houses and connects on to Tadcaster Road.
- 2.2 The site (1) is bounded by 3 ½ storey townhouses within the Square to the west and St Leonards Hospice lies towards its north-west corner. The Hospice projects beyond the common building line of the houses within the Square, giving an L-shaped form to the site. There is a belt of mature trees along the northern boundary and the southern and eastern boundaries are also lined with semi-mature trees. The grouping along the southern boundary is subject to a tree protection order (TPO). There are also six large trees within the site with individual TPOs, three sycamore, two beech and a lime.
- 2.3 The land to the east of site 1 (Site 2 - edged in blue on the Site Location Plan, Appendix 1) is also within the ownership of the Trust. It comprises approximately 6.7 hectares and is broadly rectangular in shape. The land is in agricultural use and access is available via the Grove through site 1. The playing fields of York College lie to the south of the site and there are additional playing pitches located beyond the eastern boundary on land owned by City of York Council and leased by All Saints Catholic School. The northern boundary is bordered by housing development and an area of open space on the site of the former College. The eastern half of the site falls within flood zone 2.

### 3.0 PLANNING HISTORY

3.1 As set out above, 1.53 hectares of the land within the Trust's ownership is proposed to be allocated for residential extra care (C3b) facilities in the Preferred Sites Consultation Document (Housing Allocation H6). The history of this allocation is that it was first included in the Local Plan Preferred Options Document (June 2013) but as a larger site for general market housing covering 2.04 hectares. At that time, the allocated area included the small parcel of land to the rear of St Leonards Hospice, which measures approximately 0.5 hectares.

3.2 The housing allocation was reduced in size (to 1.53 hectares) in the Local Plan Publication Draft (September 2014) following representations submitted by St Leonards Hospice. The Hospice was concerned that the development of the site for general market housing could impact on the amenity of their patients due to possible overlooking, along with the noise and disturbance associated with up to 50 family houses. Instead, the Hospice suggested one of the following options for the future use of the site:

1. The entire parcel of land should be allocated for healthcare to facilitate the future expansion of the Hospice
2. The housing allocation should be deleted and the land should be safeguarded for future development
3. The extent of the housing allocation should be reduced, removing the parcel of land immediately to the east of the Hospice

The outcome was this parcel of land being retained as Green Belt (option 3) in the Local Plan Publication Draft (September 2014).

3.3 During the intervening period, the Wilberforce Trust has been in conversation with the Chief Executive of St Leonards Hospice to discuss their aspirations for the future development of the site. Rather than release the land to a volume housebuilder, the Trust is now proposing to develop it themselves for around 60 flats two linked blocks located either side of a central headquarters building. The dwellings will be occupied by the Trust's own tenants, who are currently housed within six shared properties located throughout the city. These properties, along with the charity's existing headquarters building on Huntington Road will be vacated and released for sale to raise part of the funding for the new development.

3.4 The Hospice is generally supportive of the revised approach, specifically the opportunities that will exist to provide shared facilities at the new premises, both in terms of care and community facilities. They have also approached the Trust on the possibility of gaining access to the land to the rear of the Hospice for the provision of 13 car parking spaces to alleviate problems with their existing parking arrangements. The

additional car parking is included within the full planning application submitted by the Trust.

- 3.5 The land at the rear of the Hospice is currently within the Green Belt although this small parcel of land cannot be considered to perform a Green Belt function, given that it will be surrounded by development on three sides. These points were set out in a letter to policy officers at the Council prior to the publication of the Consultation Draft Plan. A letter from St Leonards Hospice, indicating their support for the scheme, was included as part of the submission. Nevertheless, the Plan does not propose any changes to the designation of this land as Green Belt. The adjoining land to the east, which was previously put forward as a potential location for general market housing is also retained within the Green Belt.



## 4.0 PLANNING POLICY CONTEXT

### National Planning Policy Framework

- 4.1 The National Planning Policy Framework sets out the planning policies for England and how these are expected to be applied. Section 9 of the Framework deals specifically with the protection of Green Belt land. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 4.2 When drawing up or reviewing Green Belt boundaries, the NPPF states that local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.
- 4.3 When defining boundaries, local planning authorities should:
- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
  - not include land which it is unnecessary to keep permanently open;
  - where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
  - make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
  - satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
  - define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

### Evidence Base for the Local Plan Consultation Draft

- 4.4 In the course of preparing the various iterations of the Local Plan over the past 20 years, the Council has produced a series of evidence documents to justify the approach to defining the Green Belt Boundary. The following documents have informed the approach to the definition of the Green Belt.

- City of York Local Plan – The Approach to the Green Belt Appraisal (February 2003);
- City of York Local Development Framework – Green Corridors (January 2011)
- City of York Local Development Framework – Historic Character and Setting (January 2011) and Technical Paper Update (June 2013)
- City of York Heritage Topic Paper Update (June 2013)

4.5 These documents include useful technical analysis on the role and function of specific areas of the Green Belt. In map form, the appraisal identifies areas of the Green Belt that play a role in protecting the setting of a village, retaining the rural setting of the city or forming part of a river corridor, a green wedge, a stray and any extensions to them. The map also identifies areas preventing coalescence and the eastern half of the land owned by the Trust (identified in blue on the Location Plan at Appendix 1) is included within such an area.

4.6 The extent of the area preventing coalescence is shown on an extract from the Green Belt Appraisal at Appendix 4. It is considered to form part of an important open area, which maintains the separation between Tadcaster Road and Copmanthorpe. The western part of the Trust's land (site 1) is not included within the designated area.

## 5.0 REPRESENTATIONS

5.1 The purpose of these representations is to set out the Trust's intentions for the future development of proposed housing allocation H6. This section of the statement describes the necessary changes to the current allocation if it is to be made consistent with the Trust's proposals for the site. It is structured around the following key areas:

- The need for the development
- The use class of the proposed accommodation
- The case for the extension of housing allocation H6 with subsequent revisions to the Green Belt boundary

### *The need for the development*

5.2 The provision of new purpose built accommodation for the Trust provides a unique opportunity to significantly improve the living conditions of its existing tenants. At the moment, the charity owns 6 residential properties in York and a further 3 in Tadcaster. Each house is occupied by between 2 and 5 tenants. They range from detached bungalows to two-storey semi-detached houses. All of the properties are fitted with an accessible kitchen and bathroom, shared living area and private bedrooms.

5.3 The Trust recognises that the current housing structure, along with the model of care offered to their tenants, requires some adaptation in order to meet their changing needs. The majority of their existing accommodation is provided over two levels, there is limited scope for the retrofitting of new technologies and the properties do not cater for the life course of the tenants. Specifically, they are focussed more towards the ageing population and do not facilitate independent living.

5.4 The Trust already provides up to 24 hour support to meet the daily living, social and emotional needs of its tenants. However, the relocation of the headquarters building will increase their operating efficiency and will also improve service levels. The provision of around 60 individual housing units will enable their tenants to be more independent. It will mean that the package of care, which will be administered by care providers available to any residents of the city, can be focussed towards the specific requirements of each tenant. The accommodation will be purpose built, allowing new technologies to play a greater role in their day to day lives. The development will enable the Trust to fulfil the care contracts that it has in place with City of York Council.

### *Use class*

5.5 In responding to the allocation of part of the site within the Local Plan Consultation Draft, the first step is to clarify the use class of the proposed accommodation. The

allocation was originally referred to as 'Residential Extra Care C2 facilities in association with the Wilberforce Trust' although the use class has subsequently been amended to C3(b) i.e not more than six residents living together as a single household where care is provided. In our view, the proposed development does not fall into either of these categories and the most appropriate use class is C3(a)

- 5.6 Whereas there is a level of care associated with the proposed housing units, this is administered to tenants on an individual basis and is tailored to their specific needs. It can be purchased from a number of agencies. The proposal is that each apartment will contain 1 or 2 bedrooms with a private bathroom, kitchen and lounge. Whereas there is likely to be some shared facilities on the site, such as a community room and café area, the apartments will function as private dwellinghouses. The type of care is not at a level that could be classified as a C2 facility. Whilst the proposal is for supported housing, the flats will be self-contained and occupied on an individual basis. They will facilitate independent living, which is considered to fall outside the C3(b) use class.

*Housing allocation H6*

- 5.7 The Trust supports the allocation of land to the rear of the Square for housing development. However, in line with the representations that we submitted prior to the publication of the Draft Local Plan, it is considered that the allocated area should be extended to include the land at the rear of St Leonards Hospice.
- 5.8 As previously explained, the only reason for returning this land to the Green Belt in the Local Plan Publication Draft 2014 was to safeguard the views and amenity of residents within St Leonards Hospice. Now that the site is being brought forward by the Wilberforce Trust, as a low density scheme within generous landscaped grounds, the Hospice no longer objects to the allocation of this land. In fact, the two charities are in active discussions regarding the potential for shared facilities between the neighbouring sites. This could include indoor and outdoor communal space, an integral café, overnight guest accommodation, assisted bathing facilities, meeting space, clinics and training rooms and car parking.
- 5.9 The masterplan for the site, which was submitted as part of the full planning application, designates an area of land at the rear of the Hospice for additional car parking in order to serve that facility. It also indicates that the remainder of the northern land will function as a sensory garden to serve the residents of the accommodation block. To be clear, vehicular access to the Trust's accommodation will be via the Grove with pedestrian access through the Square. Only the additional parking associated with St Leonards Hospice will be accessed through that facility. The Hospice is supportive of the

scheme and we have included a letter from them, expressing their views, at Appendix 6 of this statement. A separate letter from the Hospice, explaining the need for additional car parking at their site, is also included within the representations.

*Green Belt*

- 5.10 Notwithstanding the fact that St Leonards Hospice is now supportive of the scheme being brought forward by the Trust, the inclusion of land at the rear of the Hospice within York's Green Belt is not consistent with the advice in the NPPF regarding the definition of Green Belt boundaries. Paragraph 85 of the NPPF states that when defining boundaries, local planning authorities should :
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

- 5.11 Whereas we would accept that the southern, western and eastern boundaries of housing allocation H6 are clearly defined, there are no existing physical features that are readily recognisable in defining the northern boundary of the allocation i.e. the current boundary of the Green Belt

- 5.12 The Council's site assessment for housing allocation H6 states that:

*"The site is contained by strong, clearly defined boundaries which would create good defensible green belt boundaries. To the west the site adjoins an existing residential area off The Square, to the south-west is residential development off The Grove with York College beyond. To the north- east is open fields and St Leonards Hospice. The eastern part of the site backs onto open fields but there is a mature tree boundary. Given the development on two sides of the site boundary it is not considered to serve green belt purposes. There are mature trees on site which would need to be protected. Trees to the eastern boundary provide a good edge and are a valuable landscape asset. This may reduce the development capacity of the site."*

- 5.13 In defining the extent of the Green Belt in this part of the city, it is the east / west interface with the allocated area which is of primary importance. The current stepped boundary is not defined by any physical features and is considered to be somewhat irregular. Photograph 1 at Appendix 3 is taken along the northern boundary line of the current allocation. It is clear that the mature tree belt to the north of this line provides a more recognisable edge to the allocated area.

- 5.14 In order to provide a defensible boundary, our view is that housing allocation H6 should be extended to include the land at the rear of the Hospice with the Green Belt running

along the eastern boundary of site. This boundary is already defined by a row of semi mature trees, as shown on photograph 2 (Appendix 3). It would make the edge of the Green Belt boundary consistent with the designation of an 'area preventing coalescence' in the various evidence based documents and would fulfil the criteria of the NPPF in defining a clear boundary, using physical features that are readily recognisable and likely to be permanent.

## 6.0 SUMMARY

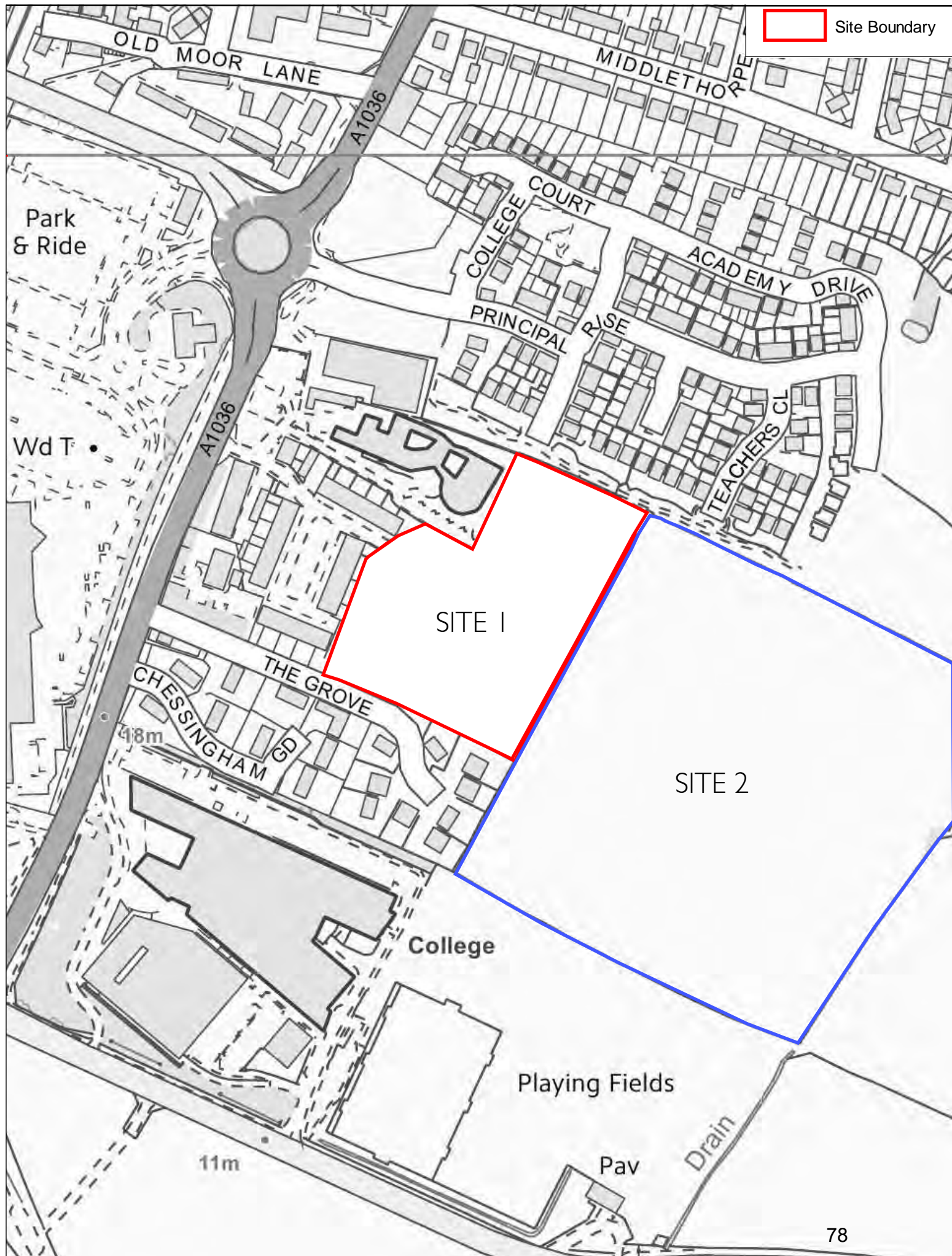
- 6.1 The Wilberforce Trust is proposing to develop the land to the east of the Square to provide housing for their visually impaired tenants within the city. The proposal includes the provision on a new headquarters building, enabling the charity to return to its original home, just off Tadcaster Road. The Trust's current premises on Huntington Road, along with their existing housing stock, will be sold in order to provide partial funding for the build.
- 6.2 The development will significantly improve the standard of accommodation that the Trust is able to offer both existing and future tenants. The relocation of their headquarters building will centralise office and training facilities, enhancing their operational efficiency and service levels. The proposal is to commence development in 2018/19 with a view to the facilities being in place by 2020. This will enable the Trust to fulfil its existing care contracts with City of York Council.
- 6.3 In order to meet these timescales, the Trust will need to gain planning permission for the development prior to the adoption of the York Local Plan. In October 2017, they submitted a full planning application for the first phases of the development (comprising 30 supported living flats and the headquarters building) and a decision on this application is due to be made at Planning Committee on 19 April.
- 6.4 In previous discussions with the policy team at the Council, officers have indicated that they are generally supportive of the Trust's proposals for the site. This is reflected in the allocation of the land for 'specialist housing in conjunction with the Wilberforce Trust' (housing allocation H6) in the Draft Local Plan. Officers have also confirmed that the only reason for reducing the size of the housing allocation was in response to the previous representations submitted by St Leonards Hospice, in order to protect the views and amenity of patients within that facility. Given that the impact on the amenity of their patients is to be addressed through discussion with the Trust, the Hospice is supportive of the scheme being brought forward for the site. Therefore, to reflect the draft masterplan, it is proposed that the following changes be made to housing allocation H6:
- Remove the reference to use class C3(b) within the proposed allocation, instead referring to it as 'specialist housing and headquarters building for the Wilberforce Trust'
  - Extend the area of housing allocation H6 to include land at the rear of St Leonard's Hospice

- 6.5 These alterations would lead to a Green Belt boundary which runs along the eastern edge of site 1. This boundary is already defined by a line of semi-mature trees and is readily recognisable. It would therefore satisfy the criteria of paragraph 85 of the NPPF and would be consistent with the designation of an 'area preventing coalescence' within York's Green Belt Appraisal.



# APPENDIX I

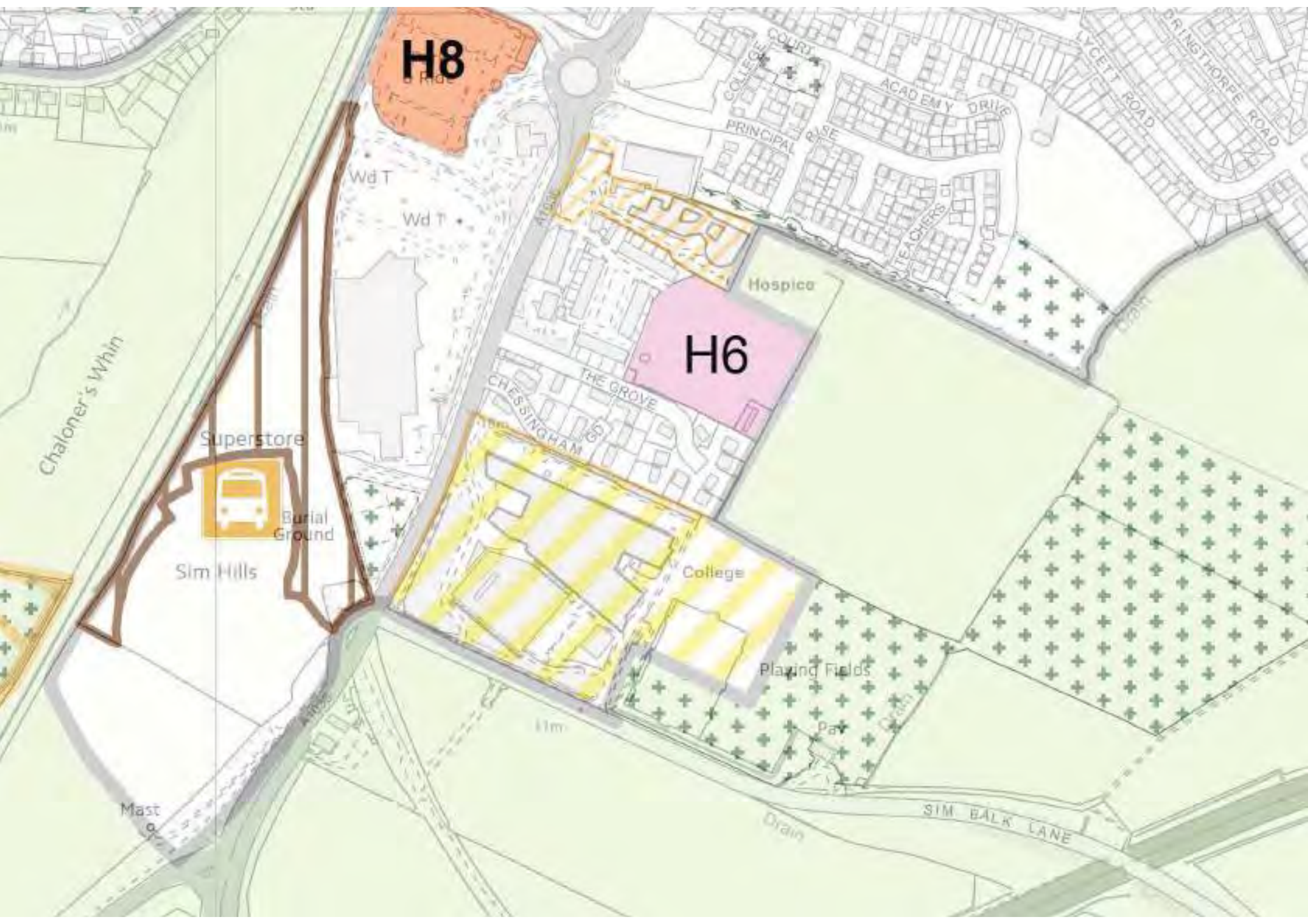
## Site Location Plan



## APPENDIX 2

Housing Allocation H6 – Local Plan Publication Draft (March 2018)





**H8**

**H6**

Superstore



Burial Ground

Sim Hills

Hospico

College

Playing Fields

Chaloner's Whin

SIM BALK LANE

COLLEGE COURT

ACADEMY DRIVE

LYCETT ROAD

BRINGTHORPE ROAD

THE GROVE  
CHESINGHAM

Wd T

Wd T

Mast


11m

Drain

# APPENDIX 3

Site Photographs



 Suggested amendment to Green Belt boundary







Suggested boundary of Housing Allocation H6



Current boundary of Housing Allocation H6  
and extent of York Green Belt

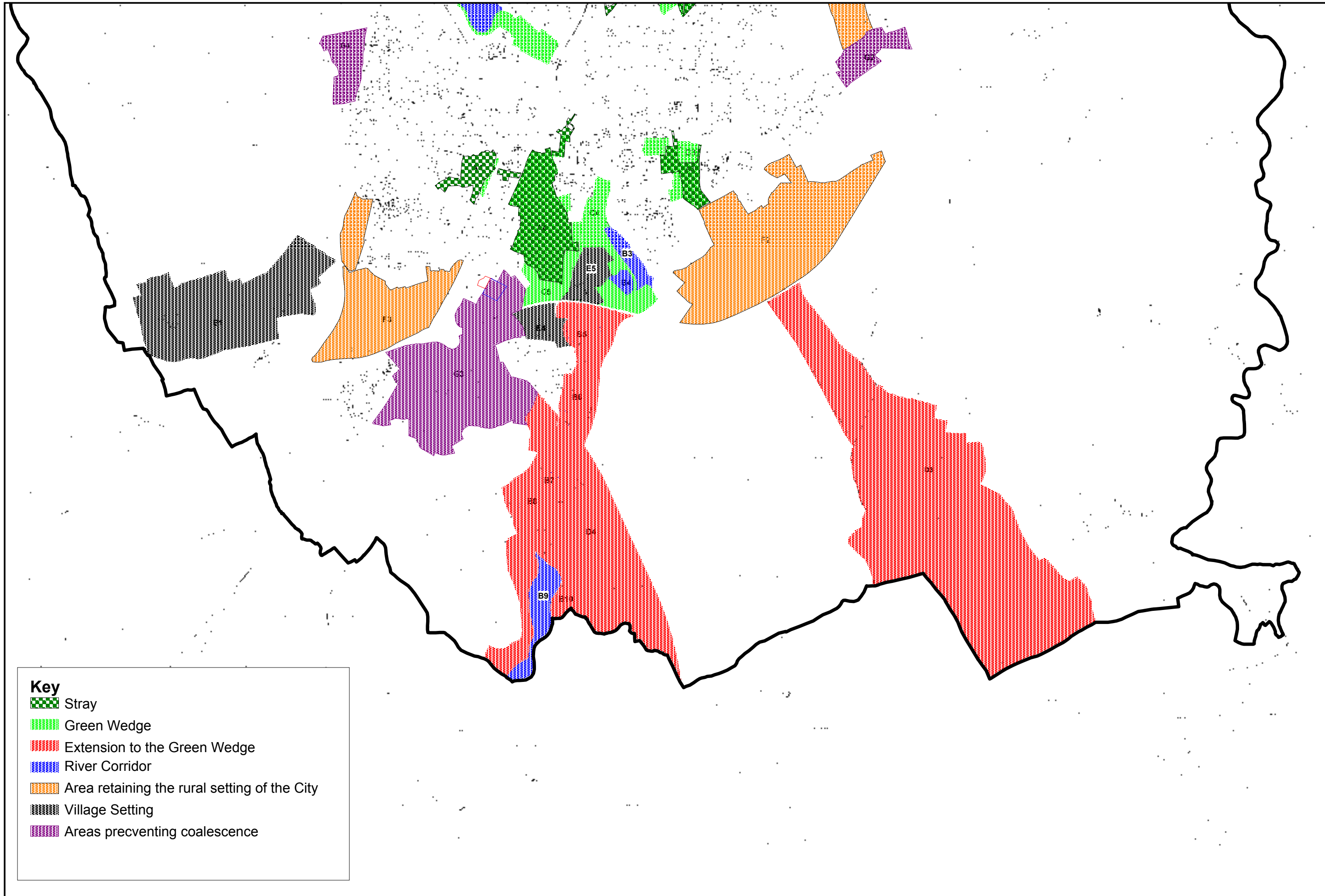


## APPENDIX 4

Extract from Green Belt Appraisal: Area preventing coalescence

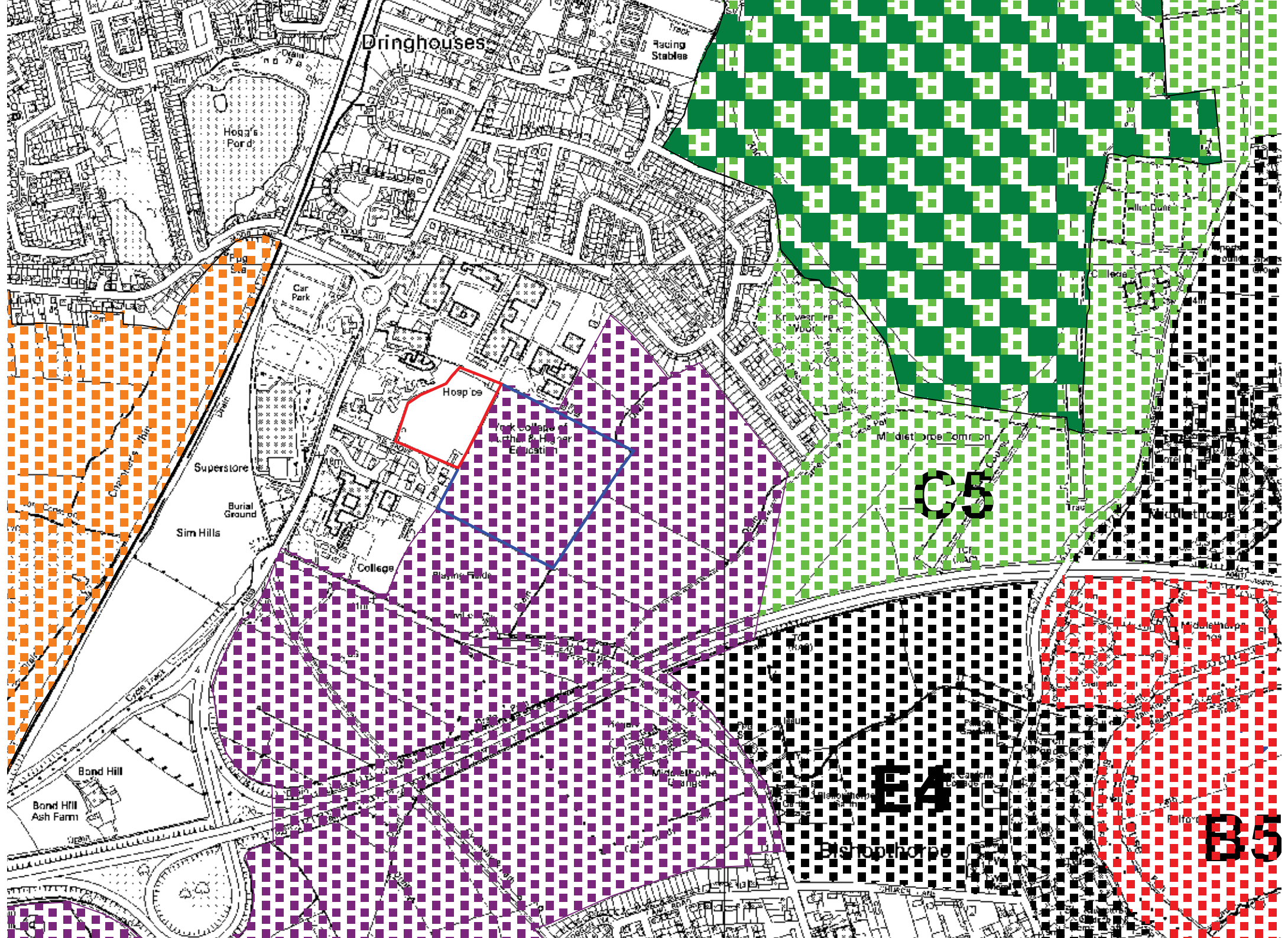


**Greenbelt Appraisal Map - South**



**Key**

- Stray
- Green Wedge
- Extension to the Green Wedge
- River Corridor
- Area retaining the rural setting of the City
- Village Setting
- Areas preventing coalescence



Dringhouses

Hoggs Pond

Racing Stables

Car Park

Hospitals

York College of Further and Higher Education

C5

EA

B5

Superstore

Burial Ground

Sim Hills

College

Blaydes Field

Bond Hill

Bond Hill Ash Farm

Middlemore Camps

Blaythorpe

# APPENDIX 5

Draft Masterplan





- Revisions**
- A 1/12/16 JK Phase 3 car park layout amended.
  - B 6/1/17 JK Phase 1 and 3 swapped. Layout amended to suit.
  - C 12/1/17 JK Parking layout revised following discussion with Landscape Officer.
  - D 19/7/17 JK Car park for St Leonard's Hospice re-located. Emergency access road from The Square omitted. Footpath to The Square and Hospice re-located outside the tree protection area.
  - E 4/9/17 JK Landscape layout shown.
  - F 04/10/17 JK Access corridor to apartments enclosed. Farmer's gate re-located.
  - G 31/10/17 JK Red line boundary revised to include site entrance.
  - H 05/02/18 JK Road and footpaths moved outside root protection zones. Mown path adjacent to The Square omitted.
  - I 08/02/18 JK Paths amended to suit Landscape Architect's layout.

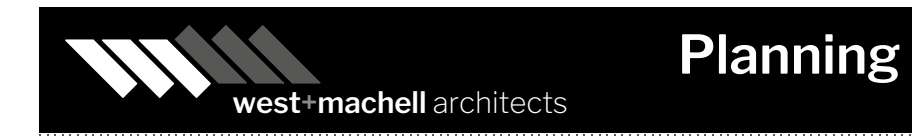


project  
**The Grove, York**

drawing title  
**Site Layout**

drawing number  
**3446(1)006 I**

scale 1:400 drawn/checked JK / JK date 21/11/2016 @A1



1 Northwest Business Park Servia Hill Leeds LS6 2QH  
Tel: 0113 2461746  
email: architects@westandmachell.co.uk www.westandmachell.co.uk



## APPENDIX 6

Letter of Support from St Leonards Hospice



Freepost RTEG-TYYU-KLTZ,  
Local Plan,  
City of York Council,  
West Offices,  
Station Rise,  
York,  
YO1 6GA

12<sup>th</sup> September 2016

Dear Sirs,

**Development of Land behind St Leonard's Hospice, Tadcaster Road owned by the Wilberforce Trust marked as M6**

We have been asked by the Wilberforce Trust to write a letter to accompany their representations on the Preferred Sites Consultation Plan 2016.

St Leonard's Hospice has been in discussion with the Trust regarding their proposals to develop a low density, low rise supported living housing scheme for their tenants with visual impairment and the provision of a headquarters building with vehicular access through The Grove and pedestrian access through The Square.

At this stage the Hospice supports the general approach outlined in the representations.

We appreciate there will be further discussions between the Trust, the Council and the Hospice as the detail of the proposals emerge.

However, at this stage the St Leonard's Hospice Board of Trustees supports, in principle, the proposals as set out in the Wilberforce Trust representations and look forward to continuing dialogue with them as the scheme design is developed.

Yours sincerely

A large black rectangular box redacting the signature of Graham Millar.

**Graham Millar**  
Chairman of the Board of Trustees



St Leonard's Hospice was built over thirty years ago to accommodate 16 in-patient beds and day care for 2 days per week. In 2000, it was extensively enlarged and remodelled to provide 20 in-patient beds and some additional parking spaces.

When first opened, the Hospice employed 26 staff, mostly part time, and was supported by about 40 volunteers. In 2017, we now employ over 200 staff mainly on the Tadcaster Road site together with 650 volunteers of whom 250 support patients and services at the Hospice. The number of people on site varies day by day according to what is going on in each service, but at the peak of a working day, the average would not be less than 100. If the conference room which can accommodate 25 people was in use this would increase the average.

We currently have 1 ambulance space and 76 car spaces as follows:

Staff car park	46
Patients Visitors disabled spaces	2
Patients Visitors car park	14
Community team	1
Sunflower centre disabled spaces	2
Hospice ambulance	1
Mixed parking on drive	<u>11</u>
	77

The site is landlocked on all sides and although we have made efforts to incorporate additional car parking into all our recent schemes, maintaining grounds and gardens is also important for staff and patients. However, given the scale of the Hospice services, parking is very limited.

The demand for patient services has increased significantly especially over the past ten years. We have been able to address this with the fantastic financial support of the local York community. 71% of our income is raised every year through the generosity of the local people

The site also houses the Community Specialist Palliative Care Team (about 20 staff using the Hospice as a base). This team is employed by the York Hospitals NHS Foundation Trust. The Hospice has always worked closely with the NHS and York Hospital. This close working is set to increase as medical advancements change the way healthcare is delivered to patients.

Patients are now receiving treatment and services earlier in their diagnosis and are therefore more active and mobile people but also living longer with their illness. Many of our patients are therefore able to drive to use hospice outpatient facilities and not require or rely on the hospice ambulance or the limited provision of ambulances from the Yorkshire Ambulance Service.

The hospice services have increased dramatically and now include:

- In patient unit
- Sunflower Centre drop in, resource centre, activity centre
- Hospice@Home
- Therapy Services
- Medical Out Patient Clinics
- Lymphoedema Clinic
- Bereavement Service



- Education Department
- Spiritual Care, Social Work, Discharge Planning Team
- Physiotherapist and OT staff
- Fundraising
- Administration

The Hospice has made what efforts it can to reduce pressure on car parking. We have increased significantly the number of cycle parking spaces, and advertised this. We also encourage staff to purchase bikes through the cycle to work scheme. The Hospice is also on a high frequency public transport route and visitors travelling to the Hospice are encouraged to use public transport the park and ride at Askham Bar. However, a significant number of patients now drive to attend services and a larger number of services creates more visitors.

In the past, it has been relatively easy for the Hospice to recruit local staff, particularly nursing, catering and housekeeping. This has become increasingly challenging with staff travelling much further distances to work including from East Riding, Ryedale, Leeds, West Yorkshire and South Yorkshire. Due to shift working, using public transport is almost impossible for some staff, especially early morning, late night and bank holiday shifts.

There is increasing demand for disabled parking requirements (blue badge) for patients, visitors and staff has required 2 additional spaces in the last year. There is a developing Education centre providing amongst other specialisms nurse education, student nurse training and medical training in collaboration with University of York and Hull York Medical School.

The Hospice has 2 Hospice@Home specialist cars and a general-purpose vehicle in addition to an ambulance. These vehicles are based at the hospice and constantly used for patients receiving care in the community. The Hospice@Home service will continue to grow as people live longer with their illness and are cared for in their own homes

Car parking is at capacity which has required us to rent temporary spaces from the Council in the Pay and Display car park at the former Askham Bar Park and Ride site. However, this site is for redevelopment in the near future.

York needs a hospice that is 'fit for the future'. Patient numbers and the demands on the hospice are growing significantly year on year. People are living longer and requiring long term care. We have a vision to increase the capacity and flow of patients in the in-patient unit, operating the Sunflower Centre at weekends and evenings and caring for more people in their own homes through the Hospice@Home service.

The Care Quality Commission rated the Hospice as 'Outstanding' and we are committed to maintaining this rating for the York community. The continuing growth of the services provided by the Hospice will increase demand for safe and secure parking for patients, often distressed relatives, visitors, staff and volunteers. The additional parking for the Hospice proposed as part of this application is therefore essential to maintaining and increasing the Hospice services.



Karen Johnson  
Deputy Chief Executive

20<sup>th</sup> September 2017

**From:** Macdonald, Roddy [RoddyMacdonald@eversheds-sutherland.com]  
**Sent:** 03 April 2018 16:59  
**To:** localplan@york.gov.uk  
**Subject:** City of York Local Plan Publication Draft 2018 Consultation - Taylor Wimpey UK Limited Representations  
**Attachments:** Letter to City of York Council re Local Plan Publication.pdf; Report to Executive 13 July 2017 (2).pdf; Executive Minutes of 13 July 2017 Meeting.pdf; Report to 25 January 2018 Executive Meeting.pdf; Executive Meeting 25 January 2018 Decision.pdf

Dear Sir

Please find attached the representations on behalf of our client Taylor Wimpey UK Limited in relation to the City of York Local Plan Publication Draft 2018 Consultation.

We would be grateful if you would kindly acknowledge receipt.

Yours faithfully

Roddy Macdonald | Principal Associate | Planning and Infrastructure Consenting | Eversheds Sutherland

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M: 07827 936 286

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Our ref: MACDONR\165619  
Direct: +44 113 200 4452  
Email: [rod.dymacdonald@eversheds-sutherland.com](mailto:rod.dymacdonald@eversheds-sutherland.com)

**By Special Delivery and Email: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)**

Dear Sir

### **CITY OF YORK LOCAL PLAN PUBLICATION DRAFT (FEBRUARY 2018)**

1. We are instructed by Taylor Wimpey UK Limited to make representations in relation to the City of York Local Plan Publication Draft 2018.
2. As one of the UK's largest residential developers and with a regional business which covers the City of York Local Plan area, our client has a direct interest in the outcome of the Local Plan preparation process. The comments contained in the remainder of this letter concern the content of the Local Plan in general. Specific representations have also been submitted by Johnson Mowat on behalf of our client in relation to Policy SS9: East of Metcalf Lane (ST7).

### **SUMMARY**

3. The Council has failed to give proper consideration to market signals when assessing housing need for York.
4. Without proper justification, the Council has chosen to disregard advice from its consultants, GL Hearn, and recommendations from its Officers.
5. As a result, there is no proper evidence base for the housing need identified in the Publication Draft Local Plan. Should the Local Plan proceed to examination in its current form it is very likely that an Inspector would find the Local Plan to be unsound. Such a finding would require fundamental components of the Local Plan to be revisited and further consultation to be carried out following the revisions to the Local Plan. This would inevitably lead to lengthy delays to the programme for adoption of the Local Plan.

### **BACKGROUND**

6. We set out in this section the background to the Local Plan that is relevant to our conclusions on the likelihood of it being found to be sound.
7. The Council engaged GL Hearn to prepare a strategic housing market assessment (SHMA) to inform the identification of housing needs for the York housing market area. The 2016 SHMA, which was used in the preparation of the Preferred Sites Consultation (2016), identified a demographic baseline of 783 dwellings per year. This was adjusted to take account of mid-year population estimates and market signals to give a total housing needs figure of 841 dwellings per annum.

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8. A 2017 SHMA Addendum was prepared by GL Hearn which identified an updated demographic baseline of 867 dwellings per annum. It recommended that this figure should be increased to reflect market signals evidence, identifying 10% as a reasonable level of adjustment, giving a total housing needs figure of 953 dwellings per annum.
9. In July 2017, Officers sought a number of approvals from the Council's Executive in relation to the progression of the Local Plan (July 2017 Report)<sup>1</sup>. Members were asked to come to a view on the GL Hearn recommendation that a reasonable market adjustment would equate to 953 dwellings per annum. Members were also asked to consider relevant inspectors' decisions relating to market signal adjustments. Paragraph 84 of the July 2017 Report stated that:
- "SHMAs around the country have generally applied adjustments to improve affordability of up to 20%. There have been exceptions to this, including Cambridge (where a 30% adjustment has been recommended). There are however some examples across the country where a 0% market signal uplift have been accepted at Examinations."*
10. Paragraph 91 of the July 2017 Report provided that:
- "If having considered the factors set out in paragraphs 82-90 of this report, the OAHN of 953 dwellings per annum is not agreed, Members should provide reasons for departing from the conclusions in that report. Reasons should also be given to justify any alternative OAHN figure."*
11. The Executive accepted the updated demographic baseline of 867 dwellings per annum. However, it rejected the recommendation from GL Hearn in relation to market signal adjustments. The reason provided by the Executive<sup>2</sup> was:
- "That the recommendation prepared by GL Hearn in the draft Strategic Housing Market Assessment, to apply a further 10% to the above figure for market signals (to 953 dwellings per annum), is not accepted on the basis that Hearn's conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations."*
12. Consultation was carried out between 18 September 2017 and 30 October 2017 in relation to the Local Plan Pre-Publication Draft. This contained an annual housing need figure of 867 dwellings, reflecting the resolution of the 13 July 2017 meeting of the Executive.
13. On 14 September 2017, the Department for Communities and Local Government published its "Planning for the right homes in the right places: consultation proposals" (DCLG September 2017 Consultation). The DCLG September 2017 Consultation contains details of a proposed standard approach to assessing local housing need. This comprises three distinct steps which involve, first, setting a demographic baseline, second, making an adjustment to take account of market signals and, third, capping the level of any increase in dwelling numbers.
14. The DCLG September 2017 Consultation applies the proposed methodology to local planning authorities to generate indicative housing need figures for the period from 2016 to 2026. For the City of York, the indicative figure is 1,070 dwellings per annum.

<sup>1</sup> Report to Executive meeting of 13 July 2017 on the City of York Local Plan.

<sup>2</sup> See item (i) of the resolution contained in the Minutes of the 13 July 2017 Executive meeting.

15. In January 2018, Officers sought approval from the Executive to prepare the Publication Draft of the Local Plan for submission to the Secretary of State for examination (January 2018 Report)<sup>3</sup>.
16. In the January 2018 Report, Officers made reference to emerging national policy relating to the standard method for calculating housing need<sup>4</sup>. Officers recognised that the proposed standard method represents the anticipated direction of travel for national policy, that it differs to the methodology applied by the Council and that, if applied, it would generate a minimum housing requirement figure of 1,070 dwellings per annum.
17. Officers noted the Government's proposals<sup>5</sup> to introduce the standard method through a revised National Planning Policy Framework and to apply the standard method to plans unless they are submitted for examination on or before 31 March 2018 or the date of publication of the revised NPPF (if later).
18. Officers commented that the publication of the revised NPPF and introduction of the standard method was, in their view, unlikely by 31 March 2018. Officers confirmed that the methodology relating to the housing requirement reported to Members and approved by the Executive on 13 July 2017 would continue to be used. Accordingly, Officers made no recommendations to alter the housing requirement of 867 dwellings per annum as approved by the Executive on 13 July 2017.
19. Officers recognised that objections were received during the Pre-Publication Draft consultation to the use of an annual needs figure of 867 by reason of failure to comply with the 2017 SHMA, existing national policy and emerging national policy.
20. Turning to matters of housing supply, Officers noted that the Pre-Publication Draft Local Plan contained a sufficient supply to meet the annual requirement of 867 dwellings. However, the Officer comments at Paragraph 26 reveal that Officers held concerns relating to the adequacy of the proposed supply. Officers stated that:
- "Members must be satisfied that they consider the Submission Draft Plan meets the test of "soundness". This is a statutory duty. Officer's advice is that the direction of travel in national policy indicates that if the site proposals previously consulted on were increased this would be a more robust position. However, this is not to say that the proposals previously consulted on would be unreasonable; it is a matter for Members to determine the degree of risk they wish to take."*
21. At Paragraph 27, Officers gave very clear advice that an increase to the housing supply would enhance the prospects of the Council defending the Local Plan at examination, stating:
- "In Officer's opinion, an increase in the supply of housing would place the Council in a better position for defending the Plan proposals through the Examination process. However, Members will be aware of the counter arguments in particular the community responses to consultation. In addition in potentially increasing supply Members will also be mindful of the time required for achieving this more robust position in line with legislative requirements. An important issue to consider is whether changes can be made to the plan without undertaking additional consultation. This is a critical issue if the Council is to meet the May 2018 deadline for submission."*
22. At Paragraphs 28 to 33 and Tables 1 to 4, Officers set out possible options to increase the housing allocation numbers, in response to representations made in respect of the Pre-Publication Draft Local Plan.

<sup>3</sup> Report to the 25 January 2018 Executive meeting on the City of York Local Plan.

<sup>4</sup> Contained in "Planning for the right homes in the right places: consultation proposals", September 2017.

<sup>5</sup> Contained in Planning for the right homes in the right places.



23. The following table summarises the potential increases to housing supply outlined by Officers. This demonstrates that the potential for up to 4131 additional dwellings was identified.

<b>Table 1: Potential changes to housing sites allocated in the Pre-Publication Draft Local Plan (with minor or no boundary changes)</b>			
<b>Allocation reference</b>	<b>No. included in PPLP</b>	<b>Potential Revised Figure</b>	<b>Potential Increase</b>
ST5	1500	1700-2500	200-1000
<b>Table 2: Potential changes to housing sites allocated in the Pre-Publication Draft Local Plan (with boundary changes)</b>			
ST7, ST14, ST15	5521	6548	1027
<b>Table 3: Potential new housing site allocations (previously rejected housing sites)</b>			
H28, H2b(132), H37(6), SF10(874), H2a(33), 964		2003	2003
<b>Table 4: Potential completely new housing site allocations</b>			
956, 959		101	101
<b>Totals</b>	7021	10352-11152	3331-4131

24. The Executive resolved to approve the progression of the Local Plan to Publication Draft stage<sup>6</sup>, subject to certain increases to the supply of dwellings. The Table 1 increase was approved but the Table 2, 3 and 4 increases were rejected. Accordingly, the Executive approved only 1000 of the 4131 additional dwellings identified by Officers.
25. The January 2018 Report also addressed issues relating to employment land supply. At Paragraph 36, Officers highlighted concerns raised in representations on the Pre-Publication Draft Local Plan that it made overly cautious forecasts of employment land requirements and insufficient allocations. At Paragraphs 37 to 39 and Table 5 to 7, Officers set out options to increase employment allocations.
26. The following table summarises the potential increases to employment site allocations:

<b>Table 5: Potential changes to employment sites allocated in the Pre-Publication Draft Local Plan (with minor or no boundary changes)</b>			
<b>Allocation Reference</b>	<b>No. included in PPLP</b>	<b>Potential Revised Figure</b>	<b>Potential Increase</b>
ST5	60,000sqm	100,000sqm	40,000sqm

<sup>6</sup> See item 11 of the Decision of the 25 January 2018 Executive meeting.

<b>Table 6: Potential changes to employment sites allocated in the Pre-Publication Draft Local Plan</b>			
ST27, ST26	31.5ha	41ha	9.5ha
<b>Table 7: Potential new employment site allocations (previously rejected employment sites)</b>			
795, 864, 940		10.35	10.35

27. The Executive approved the additional 40,000sqm of floorspace identified at Table 5. However, it rejected the additional 19.85ha of employment sites identified at Tables 6 and 7.
28. The Local Plan Publication Draft was published by the Council on 21 February 2018 with a six week representations period running to 4 April 2018.
29. Representations were submitted to the Council on 26 March 2018 by the Home Builders Federation. These representations urge the Council to reconsider the overall level of housing provision in order to respond to market signals and affordability and the NPPF objective to significantly boost the supply of housing. The HBF submits that Policy SS1 should be modified to require delivery of a minimum annual provision of 1,070 new dwellings over the plan period to 2037/38.
30. A Technical Report prepared by Lichfields on behalf of a number of residential developers<sup>7</sup> was also submitted to the Council in March 2018. The conclusions reached by Lichfields are that the demographic baseline should be set at 871 dwellings per annum rather than 867 dwellings per annum; a market signals adjustment of 20% rather than 10% is appropriate; and an increased proportion of affordable housing should be set. Lichfields find that the evidence in this case supports an annual housing needs figure of 1,150 dwellings.
31. On 23 March 2018, the Secretary of State for Housing, Communities and Local Government wrote to Councillor Gillies, Lead of York City Council, in relation to longstanding concerns with lack of progress with Local Plan preparation. The Secretary of State stated that:

*"I will continue to monitor your progress closely and any further significant delays in meeting your timetable will cause me to have considerable doubt as to whether your Council is doing everything that is necessary in connection with the preparation of its Local Plan. I will not hesitate to consider how to use the full range of powers Parliament has given me to ensure that a Plan is in place."*

## LEGAL FRAMEWORK

32. One of the requirements under section 20 of the Planning and Compulsory Purchase Act 2004 in relation to examination of a development plan document is to determine whether the plan is "sound".
33. The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the right to make representations on a plan (Regulation 20) and the requirement that such representations must be taken into account as part of the determination process (Regulation 23).

<sup>7</sup> Uden Homes, Taylor Wimpey UK Limited, Persimmon Homes, Strata Homes Limited and Bellway Homes.



**POLICY****National Planning Policy Framework (NPPF)**

34. Paragraph 158 provides that local authorities should ensure that a local plan is based upon adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. This evidence should take full account of relevant market signals.
35. Paragraph 182 sets out a framework within which local plans should be assessed in accordance with the duty to cooperate, legal and procedural requirements and whether it is sound. A plan may be considered to be "sound" if it is:
- **Positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
  - **Justified** – should be the most appropriate strategy, when considered against the reasonable alternatives, based on appropriate evidence;
  - **Effective** – deliverable over its period; and
  - **Consistent with national policy** – enable the delivery of sustainable development.

**National Planning Practice Guidance (NPPG)**

36. Paragraph: 014 Reference ID: 12-014-20140306 confirms that appropriate and proportionate evidence is essential for producing a sound local plan.
37. Paragraph: 011 Reference ID:12-011-21040306 confirms that local plans should be based upon and reflect the presumption in favour of sustainable development. This should be done by identifying and providing for objectively assessed needs and by indicating how the presumption will be applied locally.
38. Paragraphs 022 to 025 provide detailed guidance in relation to the publication and examination of local plans. Paragraph: 022 Reference ID: 12-022-20140306 notes that where the Inspector has significant concerns about the soundness of a submitted plan the Inspector will write to the local planning authority setting these out. Where the issues cannot be addressed through correspondence the Inspector may arrange for an exploratory meeting to take place. However, if this cannot be resolved a withdrawal of the plan may be required to allow outstanding issues to be rectified.
39. Paragraph: 025 Reference ID: 12-025-20140306 indicates that where the Inspector concludes that the duty to cooperate or other basic procedural requirements have not been met, or there are fundamental issues regarding the soundness of the plan that cannot be addressed through modifications, it will be recommended that the submitted plan is not adopted.

**Procedural Practice in the Examination of Local Plans, The Planning Inspectorate, June 2016**

40. Paragraph 5 states that Inspectors will identify any fundamental concerns at the earliest possible stage in the examination and will seek to work with the local planning authority to clarify and address these.
41. Section 1, Paragraph 1.1 provides that LPAs should rigorously assess the plan before it is published for consultation under regulation 19 to ensure that it is a plan which they think is sound.

42. Section 1, Paragraph 1.3 states that the PCPA specifically provides that a LPA must not submit the plan unless it considers the document is ready for examination. The Inspector will take the published plan as the final word of the LPA on the plan.
43. Section 1, Paragraph 1.7 provides that LPAs need to be clear about what conclusions they have come to from the range of evidence available and how they have made choices, based on the evidence.
44. Section 3, Paragraph 3.7 states that the Inspector will seek to identify any fundamental flaws or concerns at the first possible opportunity and Paragraph 3.8 states that if the Inspector forms an early view that the submitted plan may have serious shortcomings that indicate unsoundness, the Inspector will raise them with the LPA at this early stage.

#### **National Planning Policy Framework, Consultation Draft, March 2018**

45. Paragraph 61 of the Consultation Draft NPPF provides that in determining the minimum number of new homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance.
46. Paragraph 209 provides that the policies in the previous NPPF will apply for the purpose of examining plans when they are submitted on or before the date which is six months after the date of publication of the final NPPF.

#### **GROUNDS OF OBJECTION**

47. In assessing the housing needs for York to inform the preparation of Policy SS1, the Council has failed to give proper consideration to market signals. Information relating to market signals was provided to the Council by its own consultants, GL Hearn, and by a number of developers who made representations in relation to the draft Local Plan.
48. In failing to pay due regard to submissions relating to housing need and economic growth, the Council has failed to pay regard to relevant evidence about the economic and social characteristics of the area, as required under NPPF Paragraph 156.
49. In setting the housing need under Policy SS1, contrary to the advice of its consultants and the recommendations of its Officers, the Council has failed to give adequate reasons for choosing to set aside the advice and recommendations.
50. In the absence of proper consideration of market signals, the Local Plan fails to satisfy a number of components of the soundness test under NPPF Paragraph 182. In particular:
- It fails to meet the requirement to be positively prepared through addressing objectively assessed development and infrastructure requirements;
  - It fails to adopt the most appropriate strategy for addressing housing need and does not provide an adequate justification; and
  - It fails to satisfy a number of areas of national policy.
51. The consequences of this are that the Local Plan is very likely to be found unsound on this ground alone by an Inspector at the examination of the Local Plan, when considered against the requirements of national policy and guidance; and the Local Plan is likely to require substantive amendments and further consultation with the associated delays that this will bring.

Date: 3 April 2018

Your ref:

Our ref: MACDONR\165619

Page: 8

52. In view of the fundamental flaw relating to the assessment of housing need, our client considers that the Publication Draft Local Plan should not be submitted to the Secretary of State for examination in its current form. Our client considers that the Council should carry out a reassessment of housing need paying full regard to the market signals raised in representations and seek a further approval from Executive prior to submission of the Local Plan for examination.
53. Whilst recognising that the Local Plan may not require to be subject to the proposed standard method for establishing need as a result of transitional arrangements to be introduced, we note that the identified level of housing need under the Local Plan Publication Draft falls significantly short of the level calculated by employing the proposed standard method. We expect that this would be a matter of concern to an Inspector appointed to carry out an examination of the Local Plan.
54. A copy of this letter is being sent to the Secretary of State for Housing, Communities and Local Government. Our client recognises that the Secretary of State already holds long running concerns with lack of progress with the production of a Local Plan and considers it important that he is made aware of the real likelihood of the Local Plan being found to be unsound if submitted in the form of the Publication Draft.
55. We are also instructed to write to the Planning Inspectorate to outline our client's significant concerns in relation to the soundness of the Publication Draft Local Plan. Our client considers that considerable abortive time and expenses could be incurred by all parties involved should the examination of the Local Plan in the form of the Publication Draft proceed to hearing sessions. Accordingly, we shall request that an Exploratory Meeting be convened to allow the key matters set out above to be raised with the Inspector and addressed as soon as possible within the examination process.
56. We would be grateful if you would kindly acknowledge receipt of this letter.

Yours faithfully

  
**Eversheds Sutherland (International) LLP**

Enc:

- Report to Executive meeting of 13 July 2017 on the City of York Local Plan.
- Minutes of the 13 July 2017 Executive meeting.
- Report to the 25 January 2018 Executive meeting on the City of York Local Plan.
- Decision of the 25 January 2018 Executive meeting.

cc: The Rt Hon Sajid Javid MP, Secretary of State for Housing, Communities and Local Government



**Notice of a public meeting of  
Executive**

**To:** Councillors Carr (Chair), Aspden (Vice-Chair), Ayre, Gillies, Lisle, Rawlings, Runciman and Waller

**Date:** Thursday 13 July 2017

**Time:** 5.30 pm

**Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

**AGENDA**

**Notice to Members – Post Decision Calling In:**

Members are reminded that, should they wish to call in any item\* on this agenda, notice must be given to Democracy Support Group by **4:00 pm on Monday 17 July 2017**.

\*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Corporate and Scrutiny Management Policy and Scrutiny Committee.

**1. Declarations of Interest**

At this point, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

## 2. Exclusion of Press and Public

To consider the exclusion of the press and public from the meeting during consideration of the following:

- Annexes 1 and 2 to Agenda Item 9 (Award of Contract for Security Services)
- Annexes 1a, 1b, 2 and 3 to Agenda Item 10 (Establishing an Investment Budget for a Strategic Commercial Acquisition)

on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information). This information is classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

## 3. Minutes

The minutes of the last Executive meeting held on 29 June 2017 will be considered at the Executive meeting on 27 July 2017.

## 4. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Wednesday 12 July 2017**. Members of the public can speak on agenda items or matters within the remit of the committee.

To register to speak please contact the Executive Support Officer for the meeting, on the details at the foot of the agenda.

### **Filming, Recording or Webcasting Meetings**

*“Please note this meeting will be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.*

*Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.*

*The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [http://www.york.gov.uk/download/downloads/id/11406/protocol\\_f\\_or\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)*

- 5. Forward Plan** (Pages 1 - 6)  
To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

- 6. Report on Work of the Financial Inclusion Steering Group 2016/17 and 2017/18 Update** (Pages 7 - 16)

The Assistant Director of Customer & Digital Services to present a report which outlines the work of the Financial Inclusion Steering Group (FISG) in 2016/17 and 2017/17 to date.

- 7. York Central Update and Partnership Agreement** (Pages 17 - 34)  
The Assistant Director for Regeneration and Asset Management to present a report which outlines the progress to date and sets out the council's commitment to developing a formal partnership agreement and the programme of work to take the scheme through to the submission of Planning Applications.

- 8. Proposed York Outer Ring Road Improvements – Approach to Delivery** (Pages 35 - 62)  
The Director of Economy and Place and the Head of Transport to present a report which sets out the proposed approach to the project and seeks approval of the delivery methodology for the development and construction of the seven targeted improvements to junctions on the north York Outer Ring Road over the next 5 years.



- 9. Award of Contract for Security Services** (Pages 63 - 78)  
The Head of Property Design and Facilities Management to present a report which provides details of the result of the evaluation of the tenders received for the provision of the Provision of Security Services and CCTV Operatives and Equipment (Corporate Security Services). Members are asked to approve the award of a contract for the provision of the service to the winning suppliers, subject to minor amendments as the result of clarification of terms.
- 10. Establishing an Investment Budget for a Strategic Commercial Property Acquisition** (Pages 79 - 128)  
The Assistant Director of Regeneration and Asset Management to present a report regarding an opportunity for the council to acquire the freehold interest in a portfolio of properties in the city centre that will ensure the ongoing maintenance of the buildings, support the economic vibrancy of the city centre and generate significant additional income to contribute to the increased budget income target set for the council's commercial portfolio.
- 11. City of York Local Plan** (Pages 129 - 164)  
The Head of Strategic Planning to present a report which (i) provides an update on the work undertaken on the MOD sites highlighted in previous reports; (ii) seeks the views of Members on the methodology and studies carried out to inform the housing and employment that the City is tasked with accommodating; (iii) seeks the views of Members on the most appropriate way of accommodating this future growth; (iv) asks for approval of non-housing and employment site specific policies; and (v) requests approval for officers to undertake the necessary work to produce a draft plan based on the recommendations of the Executive for the purposes of consultation along with associated technical papers.

Please note that Annexes 1 – 11 are available online.

- 12. Urgent Business**  
Any other business which the Chair considers urgent under the Local Government Act 1972.



Executive Support Officer:

Name: Carol Tague

Contact details:

- Telephone – (01904) 552094
- E-mail – carol.tague@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**


我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku.. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (ہولی) میں بھی میا کی جا سکتی ہیں۔ (Urdu)

 (01904) 551550



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**Executive****13 July 2017**

Report of the Assistant Director of Planning and Public Protection

Portfolio of the Leader and Deputy Leader

**City of York Local Plan****Summary**

1. This report has been written to:
  - provide an update to Members on the work undertaken on the MOD sites highlighted in previous reports to LPWG and Executive;
  - seek the views of Members on the methodology and studies carried out to inform the housing and employment that the City is tasked with accommodating;
  - seek the views of Members on the most appropriate way of accommodating this future growth;
  - to ask for Members approval of non-housing and employment site specific policies; and
  - to request the approval of Members for officers to undertake the necessary work to produce a draft plan based on the recommendations of the Executive for the purposes of consultation along with associated technical papers.

**Recommendations**

2. Members are asked to:
  - (i) Consider the GL Hearn Report (Annex 1) and the analysis provided at paragraphs 82 - 92 and confirm whether the conclusions in respect of the Objectively Assessed Housing Need (OAHN) are agreed as the evidence base upon which the Local Plan should be progressed.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (ii) Consider the employment land requirement included arising from the draft ELR Addendum (Annex 2) and confirm whether this is agreed as the evidence base upon which the Local Plan should be progressed.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (iii) Consider the technical analysis on sites including the MOD (Annexes, 3, 4 & 5) and confirm whether this is agreed as the evidence base upon which the Local Plan should be progressed.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (iv) Consider the revised policy approach to Gypsy and Traveller provision highlighted within this report and Annex 9 and confirm whether this is agreed.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (v) Following decisions on the matters referred to in (i) to (iv) above authority be delegated to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to approve all housing and employment growth related policies (including site specific planning principles) and the non-site related policy modifications at schedule (Annex 7) in accordance with the approved evidence base.

Reason: So that an NPPF compliant Local Plan can be progressed

- (vi) Delegate to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader the approval of any changes to the non-site related policy modifications schedule (Annex 7) following the completion of viability work;

Reason: So that an NPPF compliant Local Plan can be progressed.

- (vii) Following approval of the evidence base and policy in relation to housing and employment, authority be given to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to produce a composite draft Local Plan for the purposes of consultation.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (viii) Delegate to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader the signing-off of further technical reports and assessments to support the draft Local Plan including, but not limited to the SA/ SEA, Viability Study and Transport Assessment.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (ix) Delegate authority to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to approve a consultation strategy and associated material for the purposes of a city wide consultation starting in September 2017 and to undertake consultation on a composite plan in accordance with that agreed strategy.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (xiii) Delegate authority to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to approve a revised Local Development Scheme as per the timetable highlighted in paragraphs 98 to 101 of this report.

Reason: So that an NPPF compliant Local Plan can be progressed.

### **Background**

3. Officers produced a publication draft Local Plan in autumn 2014. This process, however, was halted by Council resolution on the 9th October 2014. Following the Local Government Elections in May 2015 the agreement between the Conservative and Liberal Democrat Groups, to establish a joint administration for City of York Council from May 21st 2015 states that:

*'We will prepare an evidence-based Local Plan which delivers much needed housing whilst focusing development on brownfield land and taking all practical steps to protect the Green Belt and the character of York.'*

4. The absence of an adopted Local Plan, given the expectations embodied in the National Planning Policy Framework (NPPF) puts the Council in a much weakened position when development proposals come forward for undeveloped areas of the city. In the absence of a Local Plan, development proposals fall to be considered on a case by case basis assessed against the national policies. This gives rise to a high risk of ad- hoc provision of housing developments through appeal rather than

through the City's own strategic planning, and an increased risk of challenge to the Council's interpretation of national policy in the Courts. For example, York presently relies on the saved policies in the Regional Spatial Strategy which shows the general extent of the Green Belt – the City must assess individual proposals without the benefit of further Local Policy to inform which areas are more suitable than others for development within that general extent. In development management decision making, when weighing factors in the planning balance, the City is also disadvantaged when seeking to justify protecting land within the general extent of Green Belt, as a national policy compliant 5 year housing supply cannot be demonstrated.

5. Although in a recent decision by the Secretary of State he refused a housing proposal in the general extent of the York Green Belt, Members are advised that relying on planning by appeal will risk not being able to deliver the administration's objective of protecting the green belt and the character of York in the longer term, as it fails to provide a clear planned future strategy.
6. The last significant stage of Local Plan production occurred in 2016 with the Preferred Sites Consultation. This consultation began on 18<sup>th</sup> July 2017 and ended on 12<sup>th</sup> September 2016. Circa 2,300 individual responses were received from members of the public, developers and statutory consultees. Consultation responses were published online (redacted in line with Data Protection Act) as part of the report to Executive on 7<sup>th</sup> December 2016 and the Consultation Statement is attached as annex 6 to the Executive Report.
7. Also, as Members are aware following reports to the Executive in December and January , after the Preferred Sites Consultation concluded the Ministry of Defence (MOD) announced as part of its Defence Estate Strategy on 7<sup>th</sup> November 2016 the release of three sites in York:
  - Imphal Barracks, Fulford Road;
  - Queen Elizabeth Barracks, Strensall; and
  - Towthorpe Lines, Strensall.

The reports indicated that technical work needed to be carried out to assess if the sites represented 'reasonable alternatives' and if they did they would need to be considered as part of the Local Plan process.

8. In addition since the Local Plan Publication Draft, was reported to Members in autumn 2014, there have been a number of national and local policy updates. This includes updates to the National Planning

Practice Guidance, a new Council Plan and the approval of the One Planet Council Framework to embed One Planet principles into decision-making processes across the Council. The evidence base that underpins the emerging Local Plan has also progressed.

9. On 7 February 2017, the Department for Communities and Local Government (DCLG) published a Housing White Paper. As part of which, DCLG also consulted on changes to planning policy and legislation in relation to planning for housing, sustainable development and the environment. The consultation ran from 7 February and closed on 2 May 2017. The outcomes of the consultation will involve amendments to the National Planning Policy Framework (NPPF) and regulations. The White Paper could lead to a number of implications for the emerging Local Plans, including potentially, a prescriptive methodology for the calculation of housing number. The full extent of any implications and the associated timescale is presently unclear.
10. In response to the context described above Officers have undertaken further work relating to the following interrelated areas:
  - The MOD sites and related supply implications;
  - Housing Need;
  - Employment Need
  - Housing and Employment Land Supply and related consultation responses; and
  - Non housing and employment land related policies.

This work is presented in summary below. It will be presented to the Local Plan Working Group (LPWG) on 10<sup>th</sup> July 2017.

### **MOD Sites**

11. The sites have been tested against the Local Plan Site Selection Methodology which is based on the emerging Plan's spatial strategy. The full methodology is set out in the Preferred Sites Document (2016). In summary, this is based on a four stage approach as follows:
  - Criteria 1: Protecting environmental assets (including Historic Character and Setting, Nature Conservation assets and functional floodplain);
  - Criteria 2: Protecting existing openspace;
  - Criteria 3: Avoiding areas of high flood risk (Greenfield sites in flood zone 3a);
  - Criteria 4a: Sustainable access to facilities and services; and

- Criteria 4b: Sustainable access to transport.

12. Imphal Barracks and Queen Elizabeth Barracks sites both pass criteria 1 to 4 as residential sites. The Towthorpe Line site fails criteria 4 for residential sites but does pass the criteria assessment for consideration for employment use. Following the assessment against Site Selection Criteria 1 to 4 the sites were also considered by the technical officer group. This group includes specialist officers covering areas such as ecology, archaeology, transport and landscape. The outcomes of this work are as follows (see Annex 3: Table 1):

#### Queen Elizabeth Barracks, Strensall

13. Officers consider that the site should be included as a residential site in the Plan. The site could provide up to 623 dwellings and could deliver from 2022/23 onwards at an annual rate of circa 70 dwellings per annum. Given the site's location adjacent to Strensall Common SSSI/SAC there will be a requirement to undertake a Habitat Regulation Assessment (HRA) prior to its inclusion in the final Plan. Further work will also be required to develop a site-specific policy for the site which will include a set of planning principles to inform the subsequent masterplanning of the site. This will cover issues such as archaeology and heritage, transport and access, design, provision of community facilities, ecological mitigation measures and landscaping.

#### Imphal Barracks

14. Officers consider that the site should be included as a residential site in the Plan. The site could potentially provide up to 769 dwellings but would not be included until later in the plan period. This reflects the timeframe for release of the site by the MOD (2031) and also the potential for significant resulting transport impacts along the A19 corridor. Further work will also be required to develop a site specific policy for the site which will include a set of planning principles to inform the subsequent masterplanning of the site. This will cover issues such as archaeology and heritage, transport access, design, provision of community facilities, ecological mitigation measures and landscaping.

#### Towthorpe Lines

15. Officers consider that the site should be included for potential employment use in the Plan. It does not pass the site selection methodology to be considered as a housing site in the plan, failing on access to services and transport. It should be noted that the MOD would



like this site to be considered as a housing site with the potential for circa 80 dwellings.

16. Technical officers felt that given the distance to facilities, access to the site and adjacency with Strensall Common SSSI/SAC it could potentially be used as a commercial site, more consistent with its current function as a depot for the MOD, subject to appropriate ecological and landscape mitigation. In addition, it was considered that any road linkage improvements required to make the site work in residential terms to connect to Queen Elizabeth Barracks may have a potential impact on Strensall Common and its management.
17. Given the site's location adjacent to Strensall Common SSSI/SAC there will also be a requirement to undertake a Habitat Regulation Assessment (HRA) prior to its inclusion in the final Plan. Further work will also be required to develop a site specific policy for the site which will include a set of planning principles to inform the subsequent masterplanning of the site. This will cover issues such as archaeology and heritage, transport and access, design, provision of community facilities, ecological mitigation measures and landscaping.
18. The inclusion of the MOD sites, as highlighted in the paragraphs above, would allow an increase of 1,392 dwellings during the proposed Green Belt timeframe (20 years from adoption). It should be noted, however, that the Queen Elizabeth Barracks site will not be released until 2021 and Imphal Barracks until 2031. Annual delivery rates are anticipated as follows:
  - Queen Elizabeth Barracks, Strensall – 623 dwellings from 2022/23 onwards at annual delivery rate of 35 p.a for first year and 70 p.a. thereafter; and
  - Imphal Barracks – 600 dwellings from 2032/33 to 2037/38 at 120 dwellings per annum. A further 169 dwellings would be delivered in 2038/39 and 2039/40.

### **Housing Need**

19. A key objective of the National Planning Policy Framework (NPPF) is to '*boost significantly the supply of housing*'. It requires that Local Planning Authorities identify the objectively assessed need for market and affordable housing in their areas, and that Local Plans translate those needs into land provision targets. Like all parts of a development plan such housing targets should be informed by robust and proportionate evidence.

20. Paragraph 17 of NPPF sets out a set of core land-use planning principles which should underpin both plan-making and decision-taking. This includes the following:

*“Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities”.*

21. The NPPF is clear that Local Plans should provide land to meet their objectively assessed need in full, in so far as their area has the sustainable capacity to do so, stating that:

*“Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted”.*

22. The Preferred Sites Consultation (2016) included a housing figure of 841 per annum based on the SHMA (2016). This figure took account of recent migration trends (Mid Year Population Estimates 2013 and 2014, ONS<sup>1</sup>) and improvements to household formation rates for younger households (25-34 yr age group).

23. On the 25<sup>th</sup> May 2016 Office of National Statistics (ONS) published a new set of (2014-based) sub national population projections (SNPP). These projections were published too late in the SHMA process to be incorporated into the main document however GL Hearn produced an addendum to the main SHMA report which briefly reviewed key aspects of the projections and highlighted what level of housing need is implied by the new information. They recommended that the Council did not need to move away from the previous advice (841 dwelling per annum).

24. Following the approval of the Preferred Sites document for consultation at Executive on 29<sup>th</sup> June 2016, DCLG published updated household projections – the 2014 based sub-national household projections in July 2016. As reported to Members of LPWG and Executive in December 2016, GL Hearn were asked to update the SHMA to take account of

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<sup>1</sup> Office for National Statistics

these new figures, and to assess the representations received through the PSC consultation relating to OAN.

25. The GL Hearn Report (Annex 1) has updated the demographic starting point for York based on the July 2016 household projections (CLG). This increases the demographic starting point from 783 (which was the demographic starting point for the 841 housing need figure as per the 2016 SHMA) to 867 per annum. Guidance (NPPG) indicates that the official projections should be seen as a baseline only.
26. Table 1 below indicates the basis of GL Hearn's work.

Table 1: Projected growth based on 2014 SNHP

<b>Year</b>	<b>Households</b>
2012	84,271
2032	101,389
2037	104,867

Source: Derived from ONS and CLG data.

27. The table shows that the predicted change 2012 to 2032 is +17,118 households which equates to 856 households per annum. GL Hearn used a vacancy rate of 1.3% to convert households to the dwelling requirement leading to the figure of 867 dwellings pa. The conversion rate is based on Council Tax data for York. The previous 2016 SHMA used a vacancy rate of 3.8% taken from 2011 Census. This, therefore, represents a reduction. Using the same conversion rate and looking longer term the change 2012 to 2037 is +20,596 households which is 824 households per annum. Converted to dwellings it is 835 per annum.
28. Paragraph 47 of the NPPF indicates that to boost significantly the supply of housing, local planning authorities should:
- *'identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*
  - *identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;'*

29. On this basis the figure of 867 is relevant baseline for the 15 year period of the plan period subject to any appropriate adjustments. There is nothing specific in guidance to advise how you look in the post plan period at OAN as most authorities are not setting a greenbelt boundary. In order to create a robust position for examination it would seem most appropriate to continue with the 15 year needs estimate for the full Green Belt time period.
30. The GL Hearn report recommends that based on their assessment of market signals evidence and some recent Inspectors decisions that York should include a 10% market signals adjustment to the 867 figure. This would increase the housing figure to 953 per annum. The market adjustment is based on an assessment of both market signals and affordable housing need. GL Hearn has considered a single adjustment to address both of these issues as they are intrinsically linked.
31. The GL Hearn Report does not review affordable housing need but it is concluded that this is unlikely to have changed significantly from the 2016 SHMA which identified a net affordable housing need of 573 dwellings. It should be noted that large parts of this need is either existing households (who do not generate need for additional dwellings overall) or newly forming households (who are already included within the demographic modelling).
32. In terms of market signals the SHMA reports that by Q2 2016 median house prices in York had reached £225,000 a notable increase on the Q4 2014 position of £195,000. The SHMA also notes that the median private rental data shows a median rental price of £700 pcm for York which compares to the average in England of £650 pcm and in the Yorkshire and Humber region of £500 pcm. GL Hearn also looked at the relationship between lower quartile house prices and lower quartile earnings. As of 2015 the lower quartile house prices in York are 8.9 times higher than lower quartile earnings.
33. On balance, GL Hearn concludes that the market signals in York are quite strong and there is a notable affordable housing need. Combined these would merit some response within the OAN. Any adjustment should however be considered as addressing both elements. National Guidance (PPG) sets out that the scale of such an adjustment should be "*a level that is reasonable*". SHMAs around the country have generally applied adjustments to improve affordability of up to 20%. There have been exceptions to this, such as in Cambridge (where a 30% adjustment has been recommended). There are also some examples across the country where a 0% market signal uplift has been accepted at Examination. This includes Mendip, Stratford-upon Avon, Crawley and

Cornwall. It should be noted, however, that each examination involved the consideration of the individual circumstances of these authorities.

34. On balance, the judgement of GL Hearn is that a 10% adjustment is justified in York on the basis of the previously established affordable housing need and the updated market signals evidence.
35. Considering the SHMA recommendation in the context of past delivery; from the effective start date of the plan the 1<sup>st</sup> April 2012 up until the latest monitoring date of 31<sup>st</sup> March 2017 there has been 3,432 net housing completions. This equates to an annual average of 686 dwellings. For context the 10 year average 2007 to 2017 is 575 dwellings per annum.

### **Employment Need**

36. The National Planning Policy Framework (NPPF) provides a clear position on the need to build a strong competitive economy. In respect of Local Plans it states, at paragraph 21 the Plan should: -
  - set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth; and
  - set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period.
37. The Employment Land Review (ELR) July 2016 published as part of the Preferred Sites Consultation used econometric projections by Oxford Economics (OE) dated May 2015 as the forecast for employment land demand over the Local Plan period. These forecasts provided the starting point for determining the amount and type of employment land required to be identified in the Plan. The projections by Oxford Economics presented a baseline scenario for York forecasting a job growth of 10,500 jobs over the period 2014-2031. Two further scenarios were considered by OE; scenario 1 – higher migration and faster UK recovery, which identified an additional 4,900 jobs above the baseline over the same period and scenario 2 – re-profiled sector growth which identified 500 additional jobs above the baseline. Scenario 2 was endorsed as it reflected the economic policy priorities of the Council to drive up the skills of the workforce and encourage growth in businesses which use higher skilled staff.
38. To sensitivity test the original 2015 OE projections, the latest Experian economic forecasts used within the Regional Econometric Model (REM)

have been used for comparison. While both econometric models use national forecasts applied through a set of assumptions as to the breakdown, the assumptions differ slightly. Neither models are more accurate than the other but use different modelling assumptions about what could happen with the economy over the next 15 to 20 years.

39. In terms of the Local Plan it is important to ensure there is sufficient flexibility within the land supply for a range of scenarios rather than an exact single figure which one can precisely plan to with complete certainty. In summary the Experian model broadly supports the original growth projections included in the OE 2015 model.
40. The case for further flexibility is enhanced by recent changes to permitted development enabling offices to be converted to housing without having to apply for planning permission. For York, based on completions only, there has been some 19,750sqm of office space lost to residential conversion over the last three monitoring years between 2014/15 and 2016/17. Records show that unimplemented Office to residential conversions (ORC) consents at 31<sup>st</sup> March 2017 include for the potential loss of a further 27,300sqm of office floorspace if implemented.
41. The employment based forecasts arising from the model are then used to calculate floorspace and site requirements against the planning use classes. In addition they are also adjusted in the following ways:
  - The timeframe has been changed to reflect the revised plan period 2012 – 2032/33 2037/38;
  - Account has been taken of development between 2012 – 2017; and
  - A 5% vacancy factor and an additional 2 year land supply to allow for time for developments to be complete.

The outcomes of this work are set out in Table 2.

**Table 2: Scenario 2 Employment Land Requirements 2017-2038 (including 5% vacancy), Factoring in Change of Supply 2012-2017 and including 2 Years Extra Supply**

Use Class	Scenario 2 2017-33		Scenario 2 2033-38		Scenario 2 Total 2017-2038	
	Floorspace (m2)	Land (Ha)	Floorspace (m2)	Land (Ha)	Floorspace (m2)	Land (Ha)
B1a	94,771.32	11.7	12,310	2.1	107,081	13.8
B1b	7,883.40	2.1	1,644	0.4	9,527	2.5
B1c	8480.6	1.5	1,435	0.4	9,916	1.9
B2	0.00	0.0	0	0	0	0.0
B8	69,034.70	12.9	15,705	3.2	84,740	16.1
<b>B uses sub-total</b>	<b>180,170</b>	<b>28.2</b>	<b>31,094</b>	<b>6</b>	<b>211,264</b>	<b>34.3</b>
D2	15,577	2.7	4,398	1.1	19,975	4
<b>Total</b>	<b>195,747</b>	<b>30.9</b>	<b>35,492</b>	<b>7.1</b>	<b>231,239</b>	<b>38</b>

### Housing Land Supply

42. The plan period runs from 2012 to 2033, in addition as York is setting detailed Green belt Boundaries for the first time it is also important to consider the period beyond the end date of the plan to 2038 to provide an enduring Green Belt; a requirement of the NPPF. The plan uses a start date of 2012 as it's required to fit with the start date for Government projections. This means that any under delivery between 2012 and 2017 against levels of housing completions has to be met during the plan period. This is known as the 'shortfall' or 'under-supply'.
43. When considering the supply of houses it is important to consider completions to date and unimplemented positions. The current position is summarised in table 3 below.

**Table 3 Committed Supply and Windfalls**

<b>Plan period 1st April 2012 to 31st March 2033 / 2038</b>	
Net Completions 1st April 2012 to 31st March 2017	3432
Unimplemented Permissions @ 1st April 2017	3758
Windfalls (from Year 4) @ 169 pa	2197 / 3042
<b>Contribution to Supply</b>	<b>10,232</b>

44. Table 3 includes an allowance for windfalls. Windfalls sites, as defined in the NPPF (March 2012) are:



*'Sites which have not been specifically identified as available in the Local Plan process – they normally comprise previously developed sites that have unexpectedly become available.'*

The inclusion of these unidentified sites represents an element of risk and are typically not allocated for development or highlighted within the Strategic Housing Land Availability Assessment.

45. During the consultation on Preferred Sites responses were received from the public, developers and landowners all of which need to be considered before progressing the Local Plan to its next stage of development.
46. Following the consideration of all consultation responses officers have identified a number of sites where Members may wish to consider accepting a change to the previous Preferred Sites (2016) position. Annex 3 to the Executive report summarise the outcomes of this work and includes:
  - Sites where no or minor changes are suggested (Table 4 below);
  - Sites with a more significant change which Members may wish to consider (including boundary changes and deletions) (Table 5);
  - New sites which conform with the Council's approach to sites selection, which Members may wish to consider (Table 5); and
  - Sites where proposed boundary changes not considered appropriate.

Table 4: Housing sites with minor or no suggested changes from PSC (2016)

<b>Allocation Reference</b>	<b>Site Name</b>
ST1	British Sugar/Manor School
ST2	Civil Service Sports Ground, Boroughbridge Rd
ST4	Land adjacent to Hull Road
ST5	York Central
ST8	Land North of Monks Cross
ST9	Land North of Haxby
ST16	Terry's Extension Sites 1 (Terry's Car Park) & 2 (Land to the rear of Terry's Factory)
ST31	Land at Tadcaster Rd, Copmanthorpe
ST32	Hungate
ST33	Station Yard, Wheldrake
H1	Heworth Green Gas Works
H3	Burnholme School
H5	Lowfield School
H6	Land R/O The Square, Tadcaster Road
H7	Bootham Crescent
H8	Askham Bar Park and Ride
H10	The Barbican
H20	Oakhaven EPH
H21	Woolnough House
H22	Heworth Lighthouse
H29	Land at Moor Lane, Copmanthorpe
H31	Eastfield Lane, Dunnington
H39	North of Church Lane, Elvington
H43	Manor Farm Yard, Copmanthorpe
H51	Morrell House
H52	Willow House EPH
H53	Land at Knapton Village
H55	Land at Layerthorpe
H56	Land at Hull Road

Table 5: Sites including significant change which Members may wish to consider

<b>Allocation Reference</b>	<b>Site Name</b>
Sites 934/935/936	Queen Elizabeth Barracks, Strensall
Sites 624/937/939	Imphal Barracks
ST7	Land East of Metcalfe Lane
ST14	Land West of Wigginton Road
ST15	Land West of Elvington Lane
ST17	Nestle South
Former SF15	Land North of Escrick
Site H2b	Land at Cherry Lane
Site H12	Land R/O Stockton Lane/Greenfield Park Drive
Site H23	Grove House
Site H25	Heworth Green North
Site H28	Land to north of North Lane, Wheldrake
Site H37	Land at Greystones, Haxby
Site H38	Land to rear of Rufforth Primary School
Site H46	Land North of Willow Bank and East of Haxby Road
Site H54	Whiteland Field, Haxby
Site H57	Poppleton Garden Centre
Former SF10	Land North of Riverside Gardens, Elvington
New Site	Land at Victoria Farm, Rufforth
New Site	Land at Maythorpe, Rufforth
New Site	Former Clifton Without Primary School

47. The sites in table 4 above include sites with no or suggested minor changes to the Preferred Sites Consultation (2016) position. This includes the York Central site whose overall quantum for residential is 1500 dwellings with 1250 dwellings in the plan period. As Members are aware however, the York Central site is subject to detailed ongoing technical work and masterplanning which may increase the overall residential capacity of the site. This will be confirmed as the Local Plan progresses towards Publication stage and will be reflected in future iterations of the Plan.
48. The sites in table 5 above include more significant changes which Members may wish to consider. These include the MOD sites previously highlighted in this report and deletion of three sites; Heworth Green North, which following revisions falls below the site allocation threshold, Poppleton Garden Centre which is now identified potentially for employment uses and Whiteland Field Haxby. It also includes Nestle South which has been amended to reflect the revised planning application and associated work. The inclusion of Grove House and Clifton Without reflect decisions made by the Council's Executive. Other sites included follow the consideration by Officers of submitted technical work.

49. If Members accept the recommendation of the GL Hearn Report then the additional sites and boundary revisions highlighted in Annex 3 would need to be incorporated within the Local Plan (including the MOD sites). If, however, Members do not agree the GL Hearn Report and the sites included in Annexes 3, 4 and 5. They will need to particularise concerns and consider whether they wish further work to be commissioned.

### **Employment**

50. The Preferred Sites Document (2016) included a portfolio of employment sites (both strategic<sup>2</sup> and non-strategic) that would provide for the employment need requirements identified in the ELR (2016). The work undertaken by Officers does not suggest that the overall need figure needs to be revisited and this does not, therefore, lead to a need for additional land. However, a number of strategic high-level responses were received as part of this consultation in relation to the proposed employment sites and overall levels of employment growth. These are summarised below.
51. Flexibility requirements were discussed in the original ELR (2016). A number of comments were received through the consultation stating that further work was needed on assessing flexibility requirements. Make it York stated that it is important in confirming the employment allocations that the Council has ensured not only a sufficient overall quantum but that there is sufficient range and flexibility to deliver land requirements throughout the whole plan period. Following what Make it York call 'significant losses' of office accommodation under permitted development (PD) rights, it has been suggested that there is a severe shortage of high quality Grade A office stock within the city centre and old stock being removed from the market that is not currently being replaced.
52. The York and North Yorkshire Chamber of Commerce suggested that on the basis of sites identified in the Preferred Sites Consultation (2016) it is unlikely that the future supply will offer a sufficient range of choices of location for potential occupiers and that there will be a risk that York would lose out on investment for potential occupiers. The Chamber considers that further land should be identified to broaden the portfolio of sites available to cater for York's diverse high value added business. Make it York also suggested that allocating land flexibly amongst the use classes would help to mitigate risk of undersupply and is strongly welcomed.

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<sup>2</sup> Strategic sites are sites 5ha and above.

53. Make it York state that it will be very important to monitor and respond to the change of supply over the whole plan period. Allowing flexibility to adapt and change use classes within site allocations will be critically important in ensuring the risk of undersupply is mitigated.
54. The York Central Partnership noted that the ELR (2016) allows for 'churn' through the provision of an additional 2 years worth of employment land. However, the fact that the Preferred Sites Document (2016) proposed to meet all B1a office need through a single allocation at York Central, may be perceived to undermine the objectives of building in churn. Whilst development will be phased at York Central allowing multiple developers, outlets and phased schemes, the partnership suggest that it may be appropriate for the Local Plan to allow small scale B1a uses to be accommodated on additional sites in the city.
55. In addition we received a significant number of representations and technical evidence to support sites not included in the Preferred Sites Consultation and the submission of new sites not considered previously through the emerging Local Plan.
56. Following the Preferred Sites Consultation officers have completed a thorough appraisal of all the evidence submitted from developers and landowners as well as considering responses from the public and other groups. This has led officers to identify a number of sites where Members may wish to consider accepting a change to the Preferred Site position. These are detailed in Annex 4 to the Executive report which includes:
  - Sites where no or minor changes are suggested (Table 6);
  - Sites with a more significant change which Members may wish to consider (including boundary changes and deletions) (Table 7);
  - New sites which conform with the Council's approach to sites selection, which Members may wish to consider (Table 7); and
  - Sites where proposed boundary changes not considered appropriate.

Employment Land SupplyTable 6: Employment sites with minor or no suggested changes from PSC (2016)

<b>Allocation Ref</b>	<b>Site Name</b>
E2	Land North of Monks Cross Drive, Huntington
E8	Wheldrake Industrial Estate
E9	Elvington Industrial Estate
E10	Chessingham Park, Dunnington
E11	Annamine Nurseries, Jockey Lane, Huntington
E12	York Business Park

Table 7: Sites including significant change which Members may wish to consider

<b>Allocation Reference</b>	<b>Site Name</b>
925	Towthorpe Lines, Strensall
ST5	York Central
ST6	Land North of Grimston Bar
ST19	Northminster Business Park
New Site	Land to the north of Northminster Business Park
ST26	Land at Elvington Airfield Business Park
ST27	University of York Expansion
New Site	Land to the north of Elvington Industrial Estate
Site 246	Whitehall Grange, Autohorn, Wigginton Road

57. The sites in table 7 above include significant changes which Members may wish to consider. These include the Towthorpe Lines MOD site previously discussed in paragraphs 15 to 17 of this report and the addition of Whitehall Grange following the recent planning consent granted by the Council. It is also proposed that the Grimston Bar (ST6) site be deleted.
58. It also includes the potential expansion of Land at Elvington Airfield Business Park (ST26), the existing Elvington Industrial Estate and the previous University allocation (ST27). The Northminster Site (ST19) was previously included but another site in close proximity has also been put forward. It is important to consider this in light of the transport comments included in paragraph 73. All changes are following the consideration by Officers of submitted technical work.
59. In addition, Table 7 includes the York Central site which was previously identified within the plan, for office development at 80,000 sqm; it is now 61,000 sqm. As already highlighted the York Central site is subject to detailed ongoing technical work and masterplanning which may increase the overall quantum. This will be confirmed as the Local Plan progresses towards Publication stage and will be reflected in future iteration of the Plan. In addition it should be noted that the York Central site is also

identified for a range of other commercial uses (outside the B use classes) including retail and leisure.

60. It should be noted that these additions, over and above minor changes, are in response to the consultation responses seeking further flexibility within the overall supply. In addition to the consideration of increasing the supply of sites, where appropriate, Officers are looking to increase flexibility in the use of sites. Previously office uses (B1a) would be directed to City Centre location with other sites identified for industrial and storage uses. It is proposed that out of centre sites are now also proposed to be identified for office use.

### **Non Site Related Policies**

61. Since the Local Plan Publication Draft was taken to Members in autumn 2014 there have been a number of national and local policy updates. The evidence base that underpins the emerging Local Plan has also progressed. It has therefore been important to take these national and local updates into account when developing the local plan policies. On this basis Officers have undertaken further work to refine the local plan policies. The changes are wide ranging and provided in Annex 7 for the consideration by Members. They include the key changes highlighted below.

#### Local Plan Vision

62. The Local Plan Vision has been revisited to fully reflect the Council Plan 2015-19 which has been published since the Local Plan publication draft. The York Economic Strategy 2016 – 2020 and One Planet York principles have also been taken into account. These updates haven't altered the vision itself but some wording revisions have been made to the outcomes to reflect the new local strategies.

#### Gypsy and Travellers

63. The publication of the government's revised version of Planning Policy for Traveller Sites (PPTS) in August 2015, included a change to the definition of Travellers for planning purposes. The key change to this national policy was the removal of the term *persons...who have ceased to travel permanently*, meaning that those who have ceased to travel permanently will not now fall under the planning definition of a Traveller for the purposes of assessing accommodation need in a Gypsy and Traveller Accommodation Assessment (GTAA). Those households who do not meet the updated planning definition will form a subset of the wider housing need.



64. In light of this change in national planning policy, the Council commissioned consultants ORS to undertake an update of the 2014 GTAA. The full GTAA is attached as Annex 8 to this report. Necessary revisions to the policy approach to gypsy and travellers in the local plan have been made to reflect the updated evidence base.
65. The proposed policy approach to address the needs of Gypsies, Travellers and Showpeople is split into different parts. The first part states that the existing sites will be safeguarded unless it can be demonstrated that they are no longer needed or that alternative provision is to be provided elsewhere. The second part sets out the approach for those households who have been identified in the GTAA Update as meeting the definition. The draft local plan policy states that the Council will identify additional site provision within the existing Local Authority sites. The third part addresses the needs of those households who do not meet the planning definition. The proposed approach is to meet the need either as a part of strategic site provision or through commuted sum payments arising from such development. The full draft policy is attached as Annex 9 for Member's consideration.

#### Sustainable Construction and Design and Renewable Energy

66. The climate change section of the plan included policies demonstrating how the Council will tackle the challenges of climate change. These policies are now out of date, following a number of changes to Government legislation and guidance. Local strategic priorities have also altered during this period. The Carbon Trust, an independent partner helping organisations to contribute and benefit from carbon reduction who have extensive experience of developing Local Plan policies, were commissioned to update this section of the Local Plan in conjunction with officers. The revised section more strongly ties the policies to the social and economic benefits of low carbon developments which consider sustainable design and construction principles.

#### Public Health

67. The community facilities section of the plan has been revised to have a greater focus on health and wellbeing, and has been renamed accordingly. Building happy, healthy and resilient communities is a priority set out in the Council Plan (2015-19). It was, therefore, deemed beneficial to more closely align existing policy prescriptions with the specific health challenges identified in York's Joint Health and Wellbeing Strategy. The new section covers the protection and enhancement of sports, healthcare, childcare, and community facilities. An additional

policy related to healthy placemaking has been added which encourages designing environments that encourage health-promoting behaviours. It also reflects work undertaken with the Tees, Esk and Wear Valleys NHS Trust to review mental health provision in York including the provision of a new site.

### Culture

68. Following responses received through the preferred sites consultation and a number of key stakeholders in York expressing a need to strengthen culture in the Local Plan, a new cultural provision policy has been developed and other additions made to appropriate sections of the plan. Policy formation has included consulting with a steering group and looking at best practice from other local authorities. A workshop with key stakeholders, organised by partners, was also held on 11 February 2017. The aim is to support development proposals where they are designed to sustain, enhance and add value to the special qualities and significance of York's culture.

### **Sustainability Appraisal and Strategic Environmental Assessment**

69. When producing Local Plans, authorities are required to consider, at each stage of production, the impacts their proposals are likely to have on sustainable development. The emerging Local Plan is subject to ongoing Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment (SA/SEA) as required through NPPF. SA/SEA is a means of ensuring that the likely social, economic and environmental effects of the Local Plan are identified, described and appraised to identify how they support the Council's sustainable development objectives.
70. In order to support discussion, a SA/SEA has been undertaken of the overall spatial strategy (drawing on the SA which accompanied the 2014 Publication Draft Local Plan) and housing and employment growth recommendations along with a high level appraisal on the proposed spatial distribution of the strategic sites. Please see Annex 10 for the full SA/SEA Technical Note.
71. Following the decision on growth levels and sites by Members and their inclusion in a composite draft Plan along with the non-site policy changes, which will also be appended to this report, a full SA/SEA will need to be undertaken prior to consultation.

## **Transport Assessment**

72. Initial transport modelling of residential and employment allocations has shown that there is unlikely to be a significant difference in the increase traffic growth, travel time and total delay across the network between the demographic starting point trajectory of 867 dwellings per annum and the demographic starting point with 10% market signals uplift trajectory of 953 dwellings per annum.
73. Initial transport modelling of potential residential and employment sites has shown that increased queues and delays are being forecast in the Poppleton area, exacerbated by the potential level of development projected for that area, including potential employment sites at Northminster Business Park (ST19), Land to the North of Northminster Business Park and the former Poppleton Garden Centre. The initial modelling undertaken assumes trip rates generated by B1 (office) use only at Northminster Business Park and Land to the North of Northminster Business Park. However, if the existing split at Northminster Business Park is continued at 40/60 B1a to B2/B8 the delays forecast may be an overestimate at this initial stage and would need to be subject to more detailed assessment.
74. Following the decision on growth levels and sites by Members a full analysis of city-wide transport implications will need to be completed. This will be made available to support the consultation.

## **Viability**

75. Ensuring sites are viable and deliverable in the context of planning policy is a requirement of national guidance. Following the decision on growth levels and sites by Members and their inclusion in a composite draft Plan a Local Plan Viability Assessment will need to be undertaken. This may necessitate changes to the non-site specific policies, attached as Annex 7 to the Report, where they include planning obligations.

## **Duty to Cooperate**

76. The Localism Act (2011) requires that local planning authorities demonstrate co-operation in plan making with adjoining or nearby authorities and other organisations in relation to cross boundary issues. Section 110 of the Localism Act transposes the Duty to Co-operate into the Planning and Compulsory Purchase Act 2004 and introduces Section 33A, which sets out a Duty to Co-operate in relation to the planning of sustainable development ('the Duty'). The Duty applies to all local planning authorities, county councils and 'prescribed bodies' and

requires that they must co-operate with each other in maximising the effectiveness with which development plan documents are prepared.

77. The Local Plan is required to consider and respond to issues which extend beyond the district boundary. Officers have previously consulted with adjoining authorities as part of the Local Plan process to date to fulfil the requirements of the Duty to Cooperate.
78. The representations at Preferred Sites Consultation (2016) by neighbouring local authorities and the York North Yorkshire and East Riding Local Enterprise Partnership (LEP) were varied. East Riding of Yorkshire Council and Hambleton District Council support the approach taken by CYC. North Yorkshire County Council recognises the importance of the City having a robust and high quality Local Plan in place that enables it to unlock economic growth and prosperity for the benefit of its communities and those of its wider hinterland. Ryedale district Council did not, in principle object to the apparent reduction at Preferred Sites of earlier proposed growth strategies, but did express concerns. Harrogate Borough Council also expressed concerns and the LEP considers the delivery of critical infrastructure and key employment sites, underpinned by an ambitious Local Plan and strong partnership with both LEPs and Central Government to be vital, adding that an ambitious plan, which can deliver this strategic infrastructure would provide the confidence to investors that York can deliver on its potential. Furthermore the LEP stated that for York, the dualling of the A1237 Outer Ring Road and the delivery of York Central are critical.
79. The concerns expressed by Ryedale District Council (RDC) and Harrogate Borough Council (HBC) centre around their doubts that there is sufficient flexibility in the plan to meet its requirements towards the end of the plan period and beyond the plan period, once a Green Belt boundary has been established through the plan, as this could lead to RDC and HBC facing pressure to meet the housing needs of the city. HBC also expressed that the way CYC is proposing to deal with its Green Belt boundary in terms of its permanence is a risk to the plan being found unsound.
80. It will be important that the view of Neighbouring Authorities and other prescribed bodies are sought on the next reiteration of the Plan. Reports will be submitted to North Yorkshire, York and East Riding Heads of Plan and the associated Spatial Planning and Transport Board; LCR Heads of Planning and associated Planning Portfolio Members group and associated LEPs for both areas.

## Analysis

81. The report presents to Members technical work undertaken on the MOD sites, housing, employment and policies. It highlights the choices that need to be considered in moving forward with the Local Plan. This is summarised below.

## Housing

82. The Preferred Sites Consultation (2016) was based on a housing growth figure of 841 dwellings pa for the plan period. This figure was calculated using a demographic baseline of 783 then adding adjustments of 58 dwelling pa. The work undertaken by GL Hearn advises the Council that the demographic baseline for assessing housing need has now increased from the Preferred Sites (2016) position from 783 to 867. Planning Practice Guidance (NPPG) makes it clear that current household projections published by the Department for Communities and Local Government should provide the starting point for estimating overall housing need therefore the previous 841 figure is not an option that the the Council can consider in the production of a Local Plan if it is to be successful when subject to examination by a member of the Planning Inspectorate.
83. The GL Hearn Report recommends that based on the market signals evidence a reasonable adjustment for York is a 10% market signals adjustment to the 867 figure. This would increase the housing figure to 953 per annum. The market adjustment is based on their assessment of both market signals and affordable housing need.
84. National Guidance (PPG) sets out that the scale of any adjustment to the DCLG housing baseline projections for an area should be "*a level that is reasonable*". SHMAs around the country have generally applied adjustments to improve affordability of up to 20%. There have been exceptions to this, including Cambridge (where a 30% adjustment has been recommended). There are however some examples across the country where a 0% market signal uplift have been accepted at Examinations. These authorities include Mendip, Stratford upon Avon, Crawley and Cornwall. It should be noted however, that each examination involved the consideration of the individual circumstances of these authorities.
85. In terms of past delivery and the context for reasonable market adjustment; from the effective start date of the plan the 1<sup>st</sup> April 2012 up until the latest monitoring date of 31<sup>st</sup> March 2017 there have been 3,432 net housing completions. This equates to an annual average of 686

dwellings. For context the 10 year average 2007 to 2017 is 575 dwellings per annum. Clearly achieving both the demographic baseline and the SHMA figure will require a considerable uplift in delivery amounting to 26% increase in housing delivery from the 5 year average.

86. During the Preferred Sites Consultation (2016) responses were received on the overall levels of growth and sites this included from the public, developers and landowners. In terms of the public response a significant number of respondents supported the level of housing growth proposed (841 dwellings per annum from 2012) and felt that it better represented the City's characteristics than that published as part of Preferred Options in 2013 (1090 p.a.). This view is particularly representative of comments from the general public and Parish Council's.
87. Some respondents, however, felt that the Preferred Sites figure of 841 p.a continued to overestimate housing need and that more consideration of the environmental cost of this provision should be given. There were also views expressed that the methodology suggested by NPPF over-inflated housing need in York, that the actual growth for the city could adequately be met on brownfield land alone and the need to review housing need in light of Brexit and likely reduced international migration.
88. In addition there were also a number of objections suggesting that the Council had underestimated housing need. A number of respondents consider that there is an inadequate assessment of housing need in the Strategic Housing Market Assessment (SHMA) and flaws in the calculation of the City's housing requirement in terms of taking account of market signals or the need to apply an uplift to meet needs of those households requiring affordable homes. Issues were also raised around supply, highlighting persistent under-delivery against the housing target, lack of consistency with City's economic ambitions or those of the LEP, and unrealistic density assumptions. Several OAHN were submitted by developers and landowners as part of the Preferred Sites Consultation. The GL Hearn report includes a summary of these responses in Appendix A to their report.
89. The Preferred Sites (2016) position in terms of housing supply was based on the delivery of 841 dwellings per annum in the plan period from 2012 to 2032 and 660 dwellings per annum in the post plan period to 2037. The figure of 660 per annum in the post plan period reflected the CLG household projections in the period 2032-2037. This approach included dealing with any shortfall in the period 2012-2016 (based on net completions), factoring in established supply at that point and appropriate levels of flexibility. If the MOD sites were included within the Plan as detailed in paragraph 18 of this report then the Council could

achieve the demographic starting point of 867 dwellings per annum from 2012 through the plan period and proposed Green Belt timeframe. It should be noted that need and supply shouldn't be in parity and the additional 1035 dwellings in the post plan period provides additional flexibility to that included in the Preferred Sites Document (2016) and would help increase the robustness of the plan.

90. Paragraphs 82 to 89 above set out those factors Members need to consider when coming to a view on housing need and supply. These comprise:
- (i) The recommendations of the GL Hearn Report including the need to incorporate market signals to a level that is reasonable;
    - the GL Hearn advice on a reasonable market adjustment would equate to 953 dwellings per annum.
  - (ii) The revised DCLG baseline;
    - the update in national projections effectively excludes the 2016 consultation figure of 841 dwellings per annum and create a new baseline of 867 dwelling per annum.
  - (iii) Relevant inspectors decisions as described in paragraph 84.
  - (iv) Consultation responses;
    - comments both support and contest the previous 841 Dwellings per annum based plan.
  - (v) Technical work on sites, including the MOD sites;
    - this work demonstrates that land could be made available to accommodate the market adjusted figure of 953 dwellings per annum for York.
    -
91. If having considered the factors set out in paragraphs 82-90 of this report, the OAHN of 953 dwellings per annum is not agreed, Members should provide reasons for departing from the conclusions in that report. Reasons should also be given to justify any alternative OAHN figure.
92. Plan making is not without risk and will be subject to an Examination in Public conducted by an Inspector appointed by the Secretary of State. Therefore, Members will need to satisfy themselves (and subsequently the Inspector appointed in the Examination in Public) of the rationale for



discounting and substituting a different perspective to some or all of the GL Hearn recommendations. In this regard, Members are referred to the legal implications section and the statutory duty to only submit a Plan for examination that is considered to be 'sound'.

### Employment

93. The revised forecasts support the position taken in the Preferred Sites Consultation (2016). However, the report highlights that during consultation key organisations argued for increased flexibility in the proposed supply to provide choice. This includes addressing the loss of office space to residential development through ORC's and to provide additional choice for B1a (office) provision in the earlier part of the plan period as an alternative to the York Central sites. Officers have provided technical information on the provision of additional sites and boundary revisions which could be incorporated within the Local Plan. The additions Members may wish to consider are included in Annex 4.
94. It should be noted any additions, over and above minor changes, are in response to the consultation responses seeking further flexibility within the overall supply. As highlighted Officers are looking to increase flexibility in the use of sites.

### Non Site Related Policies

95. Non housing and employment site related policies were last subject to consultation in July 2013 as part of the Preferred Options Consultation. Whilst updates were then made to policies in the Draft Plan following Preferred Options, this was never consulted on following the halting of the Plan in October 2014 by Members.
96. Since the plan was last consulted on in 2013 at the preferred options stage there have been a number of changes in national policy and local strategies. There has also been significant evidence base work undertaken and consultation outcomes to consider from the preferred sites consultation in 2016. The changes Officers believe are necessary to update the plan are highlighted in Annex 7 to this report.
97. In addition Members attention is specifically drawn to the proposed changes to the Gypsy and Traveller policies highlighted in Annex 9.

### Next Steps

98. Given the proposed level of change to the 2013 version of the Plan, notwithstanding the consultation on sites in 2016, a consultation on a full

plan and policies would be recommended. This would involve producing a plan based on the recommendations highlighted within this report along with necessary technical documents. This would start with pre publicity in Our City in August and formal consultation commencing in September for 6 weeks. This will ensure that the Council's position is transparent and clear before moving to the final publication draft consultation early next year.

99. Following consultation in September, subject to the number of representations received, it would be Officers intention to bring a publication draft document to Executive in January 2018. This would be subject to consultation in February 2018 with the intention of submitting a plan for Examination in April / May 2018. It is anticipated that the Examination would take between 6 to 9 months.
100. Following the Executive, officers if Members agree, will produce a composite draft Plan including both site and non-site related policies along with an overall vision and spatial strategy for the city. A city-wide proposals map showing all land allocations and designations will also need to be produced. In addition this document will be accompanied by the following which will need to be prepared after the Executive:
- SA/SEA;
  - Habitat Regulation Assessment (HRA);
  - City-wide transport model;
  - Viability Assessment;
  - Strategic Housing Land Availability Assessment (SHLAA);
  - Any technical addendums necessary arising from the recommendations of this report relating to growth and sites.
101. Officers will seek dialogue with key partners including neighbouring authorities, the County Council and both LEPS. In addition dialogue will also be sort with both DCLG and the Planning Inspectorate.

### **Impacts**

102. **Financial (1)** – The work on the Local Plan is funded from specific budgets set aside for that purpose. Over the last four years, significant sums have been expended on achieving a robust evidence base, carrying out consultations, sustainability and other appraisals, policy development and financial analyses. Whilst this work remains of great value it is important that progress is made to ensure that unnecessary additional costs do not occur. It should be noted that the original budget

was based on the approved Local Development Scheme (Local Plan Project Plan).

103. It was reported to the Executive in January that if the MOD sites were to be included within the plan this would necessitate additional costs. These will have to be factored into future years budget allocations. The extension of time arising from the addition of the MOD sites would require maintaining existing staffing levels for 18/19 and additional funding to cover consultation and technical work. The costs in 2017/2018 can be contained within the current Local Plan budget however the impact of additional costs of finalising the plan will need to be considered as part of future budget processes.
104. **Financial (2)** - It should also be considered that if the approach taken is subsequently judged to be non compliant with Government Guidance either before or after submission this could lead to further technical work and additional consultation adding to the identified costs and creating delay.
105. **Financial (3)** - Managing the planning process in the absence of a Plan will lead to significant costs to the council in managing appeals and examinations.
106. **Human Resources (HR)** – The production of a Local Plan and associated evidence base requires the continued implementation of a comprehensive work programme that will predominantly, although not exclusively, need to be resourced within EAP.
107. **Better Decision Making Tool** – Please see Annex 11.
108. **Legal** – The procedures which the Council is required to follow when producing a Local Plan derive from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012.
109. The legislation states that a local planning authority must only submit a plan for examination which it considers to be sound. This is defined by the National Planning Policy Framework as being:
- **Positively Prepared:** based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
  - **Justified:** the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
  - **Effective:** deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

- **Consistent with national policy:** enable the delivery of sustainable development in accordance with the policies in the Framework.

110. In order for the draft Local Plan to pass the tests of soundness, in particular the ‘justified’ and ‘effective’ tests, it is necessary for it to be based on an adequate, up to date and relevant evidence base. The Council also has a legal duty to comply with the Statement of Community Involvement in preparing the Plan. (S19(3) 2004 Act).

111. The Council also has a legal “Duty to Co-operate” in preparing the Plan. (S33A 2004 Act). In due course Council will be asked to approve the publication draft Local Plan which will be subject to examination by a member of the Planning Inspectorate before being finally adopted. If the draft Local Plan is not prepared in accordance with legal requirements, fully justified and supported by evidence, the draft Local Plan is likely to be found unsound at examination and would not be able to proceed to adoption.

112. **Crime and Disorder** – The Plan addresses where applicable.

113. **Information Technology (IT)** – The Plan promotes where applicable.

114. **Property** – The Plan includes land within Council ownership.

115. **Other** – None

### **Risks**

116. In compliance with the Council’s risk management strategy, the main risks in producing a Local Plan for the City of York are as follows:

- The need to steer, promote or restrict development across its administrative area;
- The potential damage to the Council’s image and reputation if a development plan is not adopted in an appropriate timeframe;
- Risks arising from failure to comply with the laws and regulations relating to Planning and the SA and Strategic Environmental Assessment processes and not exercising local control of developments, increased potential to lose appeals on sites which may not be the Council’s preferred development options;
- Financial risk associated with the Council’s ability to utilise planning gain and deliver strategic infrastructure;

- Failure to progress a plan could lead to direct interventions by Government into the City's Local Plan making; and
- Measured in terms of impact and likelihood, the risks associated with this report have been assessed as requiring frequent monitoring.

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**Executive Members Responsible for the Report:**

Cllrs D Carr & K Aspden

**Report  
Approved**



**Date**

**Specialist Implications Officer(s):**

Patrick Looker, Finance Manager  
Alison Hartley, Senior Solicitor, Planning

**Wards Affected:** *List wards or tick box to indicate all*

*All*

For further information please contact the author of the report

**Annexes (to final Executive report)**

Figure 1 – Preferred Sites Consultation (2016) citywide map

Annex 1: Draft Strategic Housing Market Assessment, GL Hearn (SHMA) - available online;

Annex 2: Draft Employment Land Review Addendum (ELR) - available online;

Annex 3: Officers Assessment of Housing Sites following Preferred Sites Consultation (2016) - available online;

Annex 4: Officers Assessment of Employment Sites following Preferred Sites Consultation (2016) - available online;

Annex 5: Officers Assessment of other sites following Preferred Sites Consultation (2016) - available online;

Annex 6: Consultation Statement - available online;

Annex 7: Non housing and employment site related policy modifications since 2013 Preferred Options Local Plan - available online;

Annex 8: Gypsy and Travellers and Travelling Showpeople Needs Assessment (ORS) - available online;

Annex 9: Draft Gypsy and Traveller Policy - available online;

Annex 10: SA/SEA Technical Note - available online;

Annex 11: Better Decision Making Tool - available online.

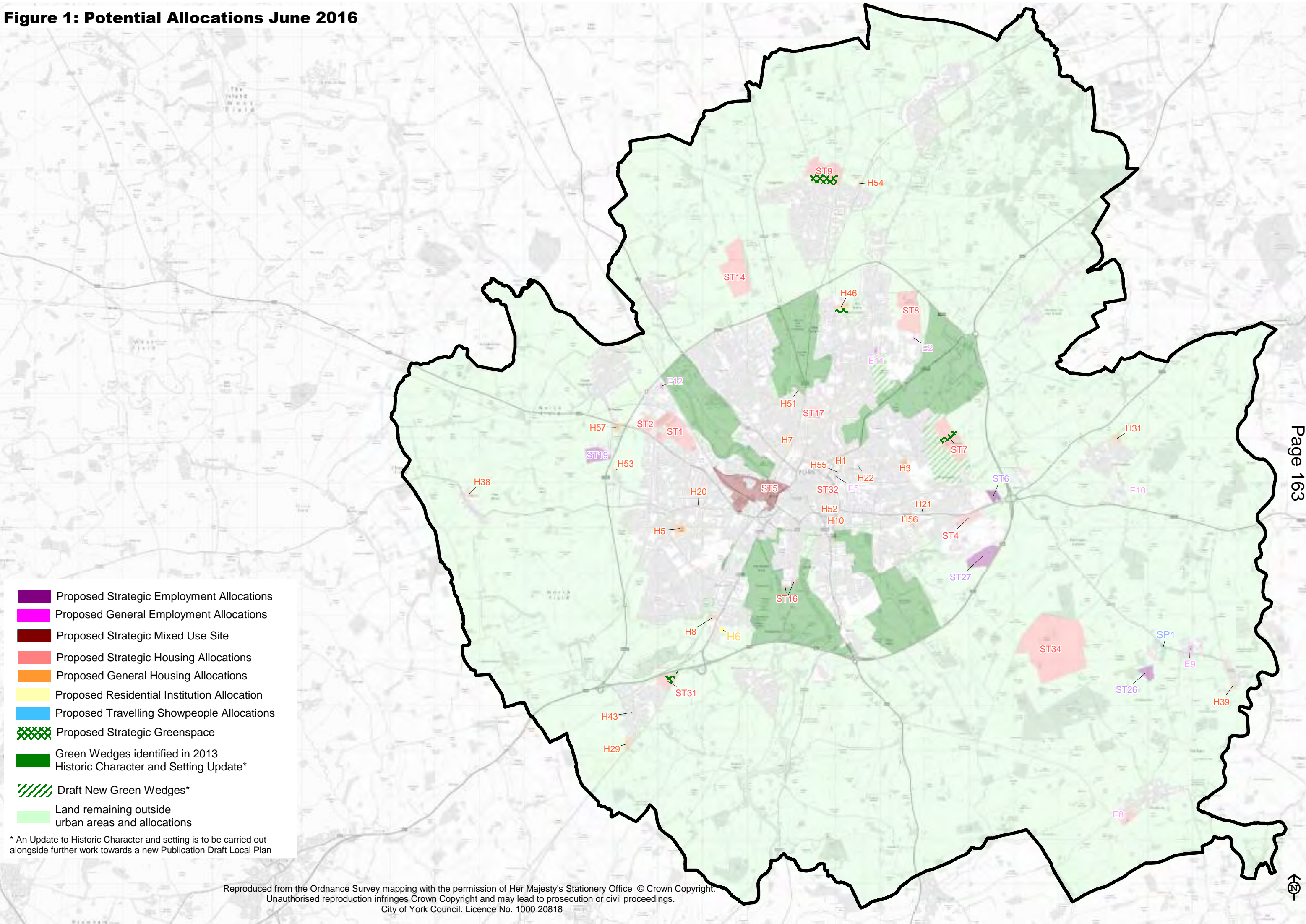
**Background Papers:**

## **Glossary of Abbreviations**

LPWG – Local Plan Working Group  
NPPF – National Planning Policy Framework  
NPPG – National Planning Practice Guidance  
OAHN – Objective Assessment of Housing Need  
MOD – Ministry of Defence  
SCI – Statement of Community Involvement  
SHLAA – Strategic Housing Land Availability Assessment  
SHMA – Strategic Housing Market Assessment  
SNHP - Sub National Household Projections  
SNPP – Sub National Population Projections  
SHMA – Strategic Housing Market Assessment  
SSSI – Site of Special Scientific Interest  
SPA – Special Protection Area  
SAC – Special Area of Conservation  
ORC – Office to residential conversion  
ELR – Employment Land Review  
DCLG – Department for Communities and Local Government  
HRA – Habitats Regulations Assessment  
SA – Sustainability Appraisal  
SEA – Strategic Environmental Assessment  
OE – Oxford Economics  
REM – Regional Econometric Model  
PD – Permitted Development  
GTAA – Gypsy and Traveller Accommodation Assessment



**Figure 1: Potential Allocations June 2016**



- Proposed Strategic Employment Allocations
- Proposed General Employment Allocations
- Proposed Strategic Mixed Use Site
- Proposed Strategic Housing Allocations
- Proposed General Housing Allocations
- Proposed Residential Institution Allocation
- Proposed Travelling Showpeople Allocations
- Proposed Strategic Greenspace
- Green Wedges identified in 2013  
Historic Character and Setting Update\*
- Draft New Green Wedges\*
- Land remaining outside  
urban areas and allocations

\* An Update to Historic Character and setting is to be carried out alongside further work towards a new Publication Draft Local Plan



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Meeting	Executive
Date	13 July 2017
Present	Councillors Carr (Chair), Aspden (Vice-Chair), Ayre, Gillies, Lisle, Rawlings, Runciman and Waller
Other Members participating in the meeting	Councillors D'Agorne and Looker

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## **PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**

### **14. Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

It was noted that Councillor Waller was a Trustee of Leeman Millenium Green at its inception, but had not been active for some time.

### **15. Exclusion of Press and Public**

Resolved: That the press and public be excluded from the meeting during consideration of Annexes 1 and 2 to Agenda Item 9 (Award of Contract for Security Services) and Annexes 1a, 1b, 2 and 3 to Agenda Item 10 (Establishing an Investment Budget for a Strategic Commercial Acquisition) on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). This information is classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

## 16. Minutes

It was noted that the minutes of the last Executive meeting held on 29 June 2017 would be submitted to the meeting on 27 July 2017 for approval.

## 17. Public Participation

It was reported that there had been six registrations to speak at the meeting under the Council's Public Participation Scheme, one of which had subsequently withdrawn. The registrations were in respect of the following items:

### York Central Update and Partnership Agreement

- Benjamin Hall, a resident and member of Friends of Holgate Community Garden, spoke of the community's concerns as to the proposed Chancery Rise link road (Option E within the report).

He referred to the York North West Master Planning and Infrastructure Study 2011, which highlighted Option C which ran across a 5 acre site, as a more positive choice. However, the Council had subsequently sold the site to Network Rail.

He stated that 4 options had been rendered unviable ahead of consultation and asked for reassurance that access options were being given full and balanced consideration and that the potential impact on communities would have an equal voice as to those of the individual York Central partners.

- James Pitt spoke on behalf of York Central Action, a coalition of approximately 20 community organisations, businesses and educational establishments, which had formed as it was felt that consultations being carried out regarding York Central were not giving an opportunity for people to express their views.

The Group had facilitated a number of pop up events which in turn formed an agenda for a community conference in April 2017, which resulted in 42 positive recommendations to be considered in the development of York Central.



Mr Pitt referred to the importance of decisions being taken in the public domain and asked for a more active and imaginative approach to community engagement.

- Paul Scott spoke on behalf of Friends of Holgate Community Garden regarding the consultation on access options to York Central.

He referred to the discussion at the Executive meeting on 24 November 2016 regarding genuine and meaningful consultation and called on Members to consider the design of access route consultation carefully to ensure that residents had the opportunity to shape the exercise and not just participate.

He referred to Royal Town Planning Institute guidelines on consultations which included a balance of quantitative and qualitative methods and the fair interpretation of data. He added that the publication of raw output data would give confidence that it had been interpreted fairly and asked that the weighting the consultation would have on the overall decision process be disclosed.

### Local Plan

Richard France, MD of the Oakgate Group, referred to the need for balance between housing numbers and the delivery of employment land, both in and out of town, as without this there would not be a credible or deliverable plan.

Mr France referred to the Naburn site, to the south side of the City, and its potential for office accommodation, employment opportunities and transport links. He stated that the site could be deliverable immediately as there was already substantial infrastructure in place and this would complement the City centre offer of the York Central site. He added that other nearby authorities were keen to attract quality employment at our expense.

In conclusion, Mr France stated that the Executive had a duty to provide a sound deliverable Local Plan and that the site at Naburn should be part of it.

(i) York Central Update and Partnership Agreement; (ii) Proposed Outer Ring Road Improvements; and (iii) Local Plan

(i) Dave Merrett welcomed the commitment to further consultation on access options but sought assurance that the consultation would be city wide, given that the scale of the development would have major implications for traffic, congestion and air quality across the City. He asked that the background transport modelling data and air quality implications be published so that the public could make an informed response.

(ii) Mr Merrett welcomed the progression of the outer ring road upgrade and the commitment to consult on specific proposals, but again sought assurance that the consultation would be city wide, to include cycle and pedestrian groups, given the potential of such schemes to sever walking and cycling movements. He added that consultation should also be carried out at an early stage so that alterations could be made without delaying the overall process.

(iii) Mr Merrett asked the Executive to re-consider the Local Plan Working Group's decision not to include the housing expert's recommended 10% uplift on housing numbers, referring to York's exceptionally high housing prices and the distress signals in the housing market.

**18. Forward Plan**

Members received and noted details of the items that were on the Forward Plan for the next two Executive meetings, at the time the agenda had been published.

**19. Report on Work of the Financial Inclusion Steering Group 2016/17 and 2017/18 Update**

Members considered a report which outlined the work of the Financial Inclusion Steering Group (FISG) in 2016/17 and 2017/17 to date and provided information about the Council Tax Support (CTS) Scheme, the delivery of the York Financial Assistance Scheme (YFAS) and an update on Discretionary Housing Payments (DHP).

The Group were thanked for their work and Members were urged to note the information as Ward Councillors were well placed to help communicate the advice and support available.

It was acknowledged that the roll out of Universal Credit would be a significant change and concerns had been raised as to the minimum 6 week delay for the first payment and the payment direct to the recipient rather than the landlord. It was noted that digital and budgeting support was available and work had been undertaken with Housing and the DWP locally to promote awareness. The work of the Tenancy Support Scheme with the South Yorkshire Credit Union was also highlighted.

Resolved: That the Executive notes the work of the Financial Inclusion Steering Group in 2016/17 and 2017/18 to date.

Reason: To ensure Members are aware of Financial Inclusion activity and how related financial support is administered through Council Tax Support and York Financial Assistance schemes to inform planning for future financial pressures relating to these schemes and to ensure that support continues to be effectively provided.

## **20. York Central Update and Partnership Agreement**

*[See also Part B Minutes]*

Members considered a report which outlined progress to date on the York Central scheme and set out the Council's commitment to developing a formal partnership agreement and the programme of work to take the scheme through to the submission of Planning Applications.

It was noted that the York Central project was a partnership project, led largely by the major landowners, namely Network Rail, the Homes and Communities Agency and National Railway Museum in conjunction with City of York Council.

It was outlined that prior to finalising the partnership agreement and bringing forward a Masterplan for consultation, the York Central Partnership needed to conclude discussions around access options. A further study had been commissioned, which



had examined deliverability, ease of construction, transport implications and costs etc, but a detailed understanding of the community impact of the options available was still required as part of this work. Evidence around deliverability and funding had been considered and the consultation would be based on the 3 deliverable access options outlined. It was clarified that no decision had been made and the consultation was an essential part of determining the preferred route.

It was confirmed that the consultation would come from the Partnership, as the developing body for the scheme, not the Council.

With regards to the rejected access options, it was clarified that the decision taken to dispose of the 5 acre site to Network Rail was taken to enable them to clear York Central for the scheme to go ahead. Options B, C and D crossed the site at various points onto an area of land designated by Department of Transport for operational rail land until 2023. Other engineering challenges were also highlighted.

Referring to requests to publish the weighting behind officer judgements on access options, it was stated that it would not be possible to do this in an empirical way, but officers would look to provide a qualitative rather than a quantitative assessment, with an assurance that decisions would not be based solely on economic factors.

Resolved: That the Executive:

- i. Notes the plan for the York Central Partnership to undertake public consultation on access options and the master plan which will lead to the submission of outline and detailed planning applications; and
- ii. Agrees to receive a further report in October setting out the York Central Partnership proposed master plan including a recommended access option and presenting the formal YCP partnership agreement for Executive to consider.

Reason: To ensure the delivery of York Central and to ensure that a range of access options have been considered.

## 21. **Proposed York Outer Ring Road Improvements – Approach to Delivery**

*[See also Part B Minutes)*

Members considered a report which set out the proposed approach to the York Outer Ring Road improvements project and sought approval of the delivery methodology for the development and construction of the seven targeted improvements to junctions on the north York Outer Ring Road over the next 5 years.

Consideration was given as to how key issues and risks would be managed as well as the most effective way to make decisions over the coming months to develop the proposals.

The report recommended that future decisions on the programme of improvements were taken by the Executive Member for Transport and Planning, for example over matters concerning the purchase of land, consultation and phasing of works.

In response to earlier public questions, it was clarified that there would be detailed consultation carried out on individual roundabouts and that subway access for pedestrians and cyclists would be provided at various locations.

Resolved:

That the Executive accepts the proposed approach and methodology for future development activity on the YORR Improvement programme, and approves the following scheme of delegation to enable effective management of the project:

- a. To approve the acquisition of land by agreement as required for the upgrade schemes, and to delegate approval of acquisition of land interests by agreement of up to £200,000 for any one interest to the Executive Member for Transport and Planning.
- b. To delegate to the Assistant Director of Transport, Highways and Environment the negotiation of the terms of purchase for individual land interests by private agreement. By definition, this delegation will also include negotiation of easements and temporary rights where freehold ownership is not required e.g. for drainage purposes, or temporary occupation for the

construction works. This delegation will also include obtaining the release/extinguishment of, or variation of, any third party rights over affected land (for example a third party might have a right of way over land which needs to be acquired).

- c. To authorise the preparation of a draft Compulsory Purchase Order (CPO) in parallel to the purchase of land by private agreement in order to reduce the risk of the programme being prolonged if negotiations with some landowners become protracted. (Any decision to authorise the actual making of that CPO would be referred back to the Executive for determination in a subsequent further report).
- d. To delegate operational and detailed decision making to the Executive Member for Transport and Planning as the programme of design and delivery develops over the next 5 years. These decisions will include:
  - i. Approval of proposed consultation with residents, businesses and stakeholders.
  - ii. Approval of the final layout of each junction upgrade.
  - iii. Approval of phasing of the scheme.
  - iv. Approval of land acquisitions up to £200k (in any one interest as above)
  - v. Acceptance of tenders for construction.
- e. To receive further update reports on progress through the Council's monitoring regime. Further specific reports will be brought back to the Executive when decisions are needed on major changes to the scope of the project or if there are significant financial implications to be considered.

Reason: The proposals being made to Executive will ensure that the planning, preparation and construction of the York Outer Ring Road Improvements can be undertaken in the most efficient manner to meet the ambitions of the City Council and the West Yorkshire Combined Authority.

## Action Required

1. Refer to Council

CT

### **22. Award of Contract for Security Services**

Members considered a report which detailed the result of the evaluation of the tenders received for the provision of the Provision of Security Services and CCTV Operatives and Equipment (Corporate Security Services).

Resolved: That the Executive agree to delegate authority to the Corporate Director of Customer & Corporate Services to enter into contracts with the proposed supplier for the Provision of Security Services and CCTV Operatives and Equipment (Corporate Security Services).

Reason: To enable the Council to achieve Best Value by maximising the available budget; transfer risks and responsibilities for CCTV security to the appointed supplier so it resides with an experienced, accredited and skilled supplier; and ensure consistency of service provision across the Council.

### **23. Establishing an Investment Budget for a Strategic Commercial Property Acquisition**

*[See also Part B Minutes]*

Members considered a report which outlined an opportunity that had arisen for the council to acquire the freehold interest in a portfolio of properties in the city centre that would ensure the ongoing maintenance of the buildings, support the economic vibrancy of the city centre and generate significant additional income to contribute to the increased budget income target set for the council's commercial portfolio.

It was noted that if the proposed recommendations were agreed and the subsequent bid successful, a due diligence report would be brought back to the Executive for consideration.

The long term opportunity to influence activity and ensure a vibrant, thriving city centre with a mixed economy was welcomed.

Resolved: That a due diligence report be brought back to Executive prior to completion of the acquisition.

Reason: To ensure the ongoing economic vibrancy of the city centre and increase the income from the council's commercial property portfolio in order to achieve budget targets.

## **24. City of York Local Plan**

Members considered a report which provided an update on the work undertaken on the MOD sites highlighted in previous reports to Local Plan Working Group (LPWG) and Executive.

The recommendations from the meeting of the LPWG on 10 July 2017 were circulated and the following points of clarification were noted:-

### Recommendation No. 3 Housing

Table 4: Includes housing sites with minor changes, no changes, small scale deletions (Page 143)

All proposals recommended for approval by LPWG

Table 5: Includes significant changes to boundaries, new sites and significant deletions (Page 144)

All proposals recommended for rejection by LPWG except the inclusions and amendments relating to;

- Queen Elizabeth Barracks (934/ 935 / 936)
- Imphal Barracks (624 / 937 / 939)
- Nestle South (ST17)
- Grove House (H23)
- Former Clifton Without School

the deletions of:

- Heworth Green North (H25)
- Whiteland Field Haxby (H54)

and the change of Poppleton Garden Centre from a housing site at PSC (2016) to an employment site. (H57 becomes E16)

### Recommendation No. 3 Employment

Table 6: Employment Sites with minor or no suggested changes and small deletions. (Page 147)

All proposals recommended for approval by LPWG

Site E5, should have been included as a deletion in this table. It is a small 0.2 hectare site included within Annex 4 table 2 as deletion. This due to a lack of a willing landowner for an employment use.

Table 7: Employment sites including significant change (including new sites).

All proposals recommended for rejection by LPWG except the inclusions and amendments relating to;

- Towthorpe Lines (925)
- York Central (ST 5)
- Whitehall Grange (246)
- The deletion of Land North of Grimston Bar (ST 6)

The position taken by LPWG was that Northminster (ST19), land at Elvington Airfield Business Park (ST 26) and the University of York Expansion Site (ST27) all to remain at their Preferred Sites Consultation 2016 position.

Recommendation (v) of the LPWG gave delegated authority to the Assistant Director in consultation with Members to approve non site related modifications. This should refer to non housing and employment site related policy modifications.

Annexes 5 & 7 include sites relevant to proposed policy changes:

- Allocation of Heworth Croft for Student Housing (SH1);
- Site 139 (bio-rad) as a potential mental health facility;
- The deletion of the CNG site at Askham Bryan; and
- Changes to open space designations.

With regards to the potential loss of employment land at the Barracks site, and the rationale for the site being recommended for residential use, it was noted that all potential sites had been rigorously tested against a range of criteria. The annexes attached to the report demonstrated a number of sites that had been rejected and accepted against that methodology.

In response to concerns as to the recommendations put forward by the LPWG, Councillor Ayre, Chair of the LPWG, clarified that the Group had not amended any recommendations, they had been asked to consider and put forward their own recommendations.

In conclusion, Councillor Ayre referred to York's population, housing and affordability challenges and stated that the housing figure of 867 would lock in a higher growth level and deliver on the City's needs.

Resolved: That the Executive agrees:

- (i) That on the basis of the housing analysis set out in paragraphs 82 - 92 of the report, the increased figure of 867 dwellings per annum, based on the latest revised sub national population and household projections published by the Office for National Statistics and the Department of Communities and Local Government, be accepted.

That the recommendation prepared by GL Hearn in the draft Strategic Housing Market Assessment, to apply a further 10% to the above figure for market signals (to 953 dwellings per annum), is not accepted on the basis that Hearn's conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations.



- (ii) That the employment land requirement included, arising from the draft ELR Addendum (Annex 2), be considered and agreed as the evidence base upon which the Local Plan should be progressed.
- (iii) That the increased figure to 867 dwellings per annum, be met by the changes to sites within Table 4 (page 21 of the report) and by the following changes to sites from Table 5 (page 22 of the report), the inclusion of Queen Elizabeth Barracks, Imphal Barracks, Nestle South, Grove House and the former Clifton Without Primary School, the deletion of Heworth Green North (H25) and Whiteland Field, Haxby (H54) and the change from a housing site to an employment site of Poppleton Garden Centre. The rest of the changes included in table 5 should not be included.

That the changes to employment sites highlighted in Table 6 (page 25 of the report) be accepted and to accept the following changes to sites listed in Table 7 (page 25 of the report) – the changes to York Central, the inclusion of Towthorpe Lines and Whitehall Grange, the inclusion of ST19 Land at Northminster Business Park, Elvington Airfield Business Park (ST26) and University of York Expansion (ST27) based on the Preferred Sites Consultation (2016) position and the deletion of site ST6 – Land at Grimston Bar. The rest of the changes included in table 7 should not be included (this includes potential extensions at ST19, ST26 and ST27 and two new sites listed).

- (iv) That the revised policy approach to Gypsy and Traveller provision highlighted within the report and Annex 9 be agreed.

- (v) That authority be delegated to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to approve all housing and employment growth related policies (including site specific planning principles) and the non housing and employment site related policy modifications at schedule (Annex 7) in accordance with the approved evidence base.

That the Leader and Deputy Leader keep Group Leaders informed through Group Leaders meetings.

- (vi) That the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader, be delegated to approve changes to the non-site related policy modifications schedule (Annex 7) following the completion of viability work.

That the Leader and Deputy Leader keep Group Leaders informed through Group Leaders meetings.

- (vii) That following the approval of the evidence base and policy in relation to housing and employment, authority be given to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to produce a composite draft Local Plan for the purposes of consultation.

That the Leader and Deputy Leader keep Group Leaders informed through Group Leaders meetings.

- (viii) That the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader be delegated the signing-off of further technical reports and assessments to support the draft Local Plan including, but not limited to the SA/ SEA, Viability Study and Transport Assessment.

- (ix) That the Leader and Deputy Leader keep Group Leaders informed through Group Leaders meetings
- (x) That the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader be delegated authority to approve a consultation strategy and associated material for the purposes of a city wide consultation starting in September 2017 and to undertake consultation on a composite plan in accordance with that agreed strategy.

That the Leader and Deputy Leader keep Group Leaders informed through Group Leaders meetings

- (xi) That the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader be delegated authority to approve a revised Local Development Scheme as per the timetable highlighted in paragraphs 98 to 101 of the report.

That the Leader and Deputy Leader keep Group Leaders informed through Group Leaders meetings.

Reason: So that an NPPF compliant Local Plan can be progressed.

## **PART B - MATTERS REFERRED TO COUNCIL**

### **25. York Central Update and Partnership Agreement**

***[See also Part A Minutes]***

Members considered a report which outlined progress to date on the York Central scheme and set out the Council's commitment to developing a formal partnership agreement and the programme of work to take the scheme through to the submission of Planning Applications.

Resolved: That the Executive recommends to Council that a budget of £37.4m be approved for the York Central Transport improvements funded from the West Yorkshire Plus Transport Fund grant.

Reason: To ensure the delivery of York Central and to ensure that a range of access options have been considered.

Action Required

1. Refer to Council

CT

**26. Proposed York Outer Ring Road Improvements - Approach to Delivery**

*[See also Part A Minutes)*

Members considered a report which set out the proposed approach to the York Outer Ring Road improvements project and sought approval of the delivery methodology for the development and construction of the seven targeted improvements to junctions on the north York Outer Ring Road over the next 5 years.

Consideration was given as to how key issues and risks would be managed as well as the most effective way to make decisions over the coming months to develop the proposals.

The report recommended that future decisions on the programme of improvements were taken by the Executive Member for Transport and Planning, for example over matters concerning the purchase of land, consultation and phasing of works.

Resolved: That the Executive proposes to Full Council that a budget of £34.2m be approved for the York Outer Ring Road improvements funded from the West Yorkshire Plus Transport Fund grant.

Reason: To confirm the detailed allocation within the budget for the delivery of the Outer Ring Road Upgrade scheme in accordance with the previous Council Decision taken in December 2016.

Action Required

1. Refer to Council

CT

**27. Establishing an Investment Budget for a Strategic Commercial Property Acquisition**

*[See also Part A Minutes]*

Members considered a report which outlined an opportunity that had arisen for the council to acquire the freehold interest in a portfolio of properties in the city centre that would ensure the ongoing maintenance of the buildings, support the economic vibrancy of the city centre and generate significant additional income to contribute to the increased budget income target set for the council's commercial portfolio.

It was noted that if the proposed recommendations were agreed and the subsequent bid successful, a due diligence report would be brought back to the Executive for consideration.

The long term opportunity to influence activity and ensure a vibrant, thriving city centre with a mixed economy was welcomed.

Resolved: That the Executive recommends to full Council:-

- (i) the establishment of a capital budget of £15m, to be financed initially from borrowing, to fund the acquisition of freehold interest in a portfolio of city centre commercial property assets; and
- (ii) to agree that any future capital receipts not currently assumed in the Capital strategy, be allocated to fund the purchase, thereby reducing in time the associated borrowing related to the investment. This will be updated in capital monitor reports in the future.

Reason: To ensure the ongoing economic vibrancy of the city centre and increase the income from the council's commercial property portfolio in order to achieve budget targets.

Action Required

1. Refer to Council
2. Distribute required financial information to all Council Members

CT  
TC

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 7.15 pm].



**Notice of a public meeting of  
Executive**

**To:** Councillors Carr (Chair), Gillies, Lisle, Orrell, Rawlings, Reid, Runciman and Waller

**Date:** Thursday, 25 January 2018

**Time:** 5.30 pm

**Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

**A G E N D A**

**Notice to Members – Post Decision Calling In:**

Members are reminded that, should they wish to call in any item\* on this agenda, notice must be given to Democracy Support Group by **4:00 pm on Monday 29 January 2017**.

\*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent, which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

**1. Declarations of Interest**

At this point, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.



- 2. Minutes** (Pages 1 - 16)  
To approve and sign the minutes of the last Executive meeting, held on 7 December 2017.

- 3. Public Participation**  
At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Wednesday 24 January 2017**. Members of the public can speak on agenda items or matters within the remit of the committee.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

### **Filming, Recording or Webcasting Meetings**

“Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if recorded, will be uploaded onto the Council’s website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council’s protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [http://www.york.gov.uk/download/downloads/id/11406/protocol\\_f\\_or\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

- 4. Forward Plan** (Pages 17 - 24)  
To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

**5. Securing a Sustainable Future for Haxby (Pages 25 - 50)  
Hall Older Persons' Home**

The Corporate Director of Health, Housing and Adult Social Care to present a report which asks Executive to decide whether to transfer ownership and management of Haxby Hall residential care home to an independent sector provider, in the light of consultation with residents, relatives, staff and care providers.

**6. Developing a Centre of Excellence for (Pages 51 - 82)  
Disabled Children and their Families in  
York**

The Corporate Director, Children, Education and Communities to present a report which provides an overview of the proposal to build a Centre of Excellence for disabled children and their families and asks Executive to approve the financial business case, agree progression of the project to the next stage and recommend to Council that the required capital funding be approved.

**7. Re-procurement of Managed Stores (Pages 83 - 92)  
Service for Building Services &  
Highways**

The Assistant Director of Housing and Community Safety to present a report which seeks Executive approval to proceed with the re-procurement of the Managed Stores service for Building Services and Highways departments, in line with the council's finance and governance requirements.

**8. Future operation of Rowntree Park (Pages 93 - 110)  
Lodge and Park**

The Corporate Director, Children, Education and Communities to present a report which proposes that funding be allocated to enable the regeneration of the upper floors of Rowntree Park Lodge and that these then be leased as a Holiday Letting, in order to invest in the Lodge and secure long term funding for the Park.

**9. A Clean Air Zone for York including Anti (Pages 111 - 142)  
Idling Enforcement**

The Corporate Director of Economy and Place to present a report which sets out options to introduce a local bus-based Clean Air Zone (CAZ), an improved minimum emissions standard for City of York Council contracted local bus services, and adopt anti-idling measures.

- 10. Homelessness in York** (Pages 143 - 158)  
The Assistant Director of Housing and Community Safety to present a report which provides an update on action completed and proposed in response to the motion on Homelessness agreed by Full Council in October 2017, and work carried out in preparation for the Homeless Reduction Act.
- 11. City of York Local Plan** (Pages 159 - 204)  
The Assistant Director of Planning and Public Protection to present a report which asks Executive to consider any potential changes to the pre-publication draft Local Plan and confirm the basis on which the Local Plan should be progressed to the Regulation 19 stage, including a city-wide consultation.
- Note: Annex A to this report has been made available online only, due to its size. Printed copies will be circulated separately to Executive Members.*
- 12. Impact of Arts & Culture on the Economy Scrutiny Review Final Report** (Pages 205 - 282)  
Cllr Looker, the Chair of the Scrutiny Task Group set up to review the impact of the Arts & Culture Sectors on the Economy of York, to present the Task Group's final report and seek approval for the recommendations arising from the review.
- 13. WW1 Commemorations 2018 Scrutiny Review** (Pages 283 - 296)  
Cllr Steward, the Chair of the Scrutiny Task Group set up to review the planning of an overall strategy for the council's activities to commemorate WW1, to present the Task Group's final report and seek approval for the recommendations arising from the review.
- 14. Urgent Business**  
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 552030
- E-mail – fiona.young@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**


我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim  
własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (ہولی) میں بھی میا کی جا سکتی ہیں۔ (Urdu)

 (01904) 551550



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**Executive****25 January 2018**

Report of the Assistant Director, Planning and Public Protection

Portfolio of the Executive Leader (incorporating Finance & Performance) and Deputy Leader

**City of York Local Plan****Summary**

1. This purpose of the report is:
  - (i) To provide a background summary of the previous iterations of draft policies and the circumstances which led to the rationale of the Executive decision to approve the Pre-Publication Draft Local Plan for consultation;
  - (ii) To provide a summary of the present national policy and legislative context, including the “soundness” requirement and potential for Government intervention;
  - (iii) To report responses to the Autumn 2017 Pre Publication Draft Local Plan Consultation;
  - (iv) To provide Officers’ advice regarding appropriate responses to the Consultation outcomes; and
  - (v) To seek Member approval of the next steps in the York Local Plan making process.

These issues were considered at Local Plan Working on 23<sup>rd</sup> January 2018 and the minutes will be circulated to Executive.

## Recommendations

2. Members are asked to:

- (i) Consider any potential changes to the pre publication draft Local Plan (Regulation 18) based on the information included within this report and associated annexes and confirm the basis on which the Local Plan should be progressed to the Regulation 19 stage including a city wide consultation.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (ii) Following decisions on the matters referred to in (i) above authority be delegated to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to approve all policies necessary for the production of a composite Local Plan for the purposes of public consultation.

The Leader and Deputy Leader to keep Group Leaders informed through Group Leaders meetings.

Reason: So that an NPPF compliant Local Plan can be progressed

- (iii) Delegate to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader the consideration and approval of further technical reports and assessments to support the Local Plan including, but not limited to the SA/ SEA, HRA, Viability Study and Transport Assessment.

The Leader and Deputy Leader to keep Group Leaders informed through Group Leaders meetings.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (iv) Delegate authority to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to approve a consultation strategy and associated material for the purposes of a city wide consultation and to undertake consultation on a composite plan in accordance with that agreed strategy.

The Leader and Deputy Leader to keep Group Leaders informed through Group Leaders meetings.

Reason: So that an NPPF compliant Local Plan can be progressed.

### **Background**

3. Officers produced a publication draft Local Plan in Autumn 2014. This process, however, was halted by Council resolution on the 9th October 2014. Following the Local Government Elections in May 2015 the agreement between the Conservative and Liberal Democrat Groups, to establish a joint administration for City of York Council from May 21st 2015 states that:

*'We will prepare an evidence-based Local Plan which delivers much needed housing whilst focusing development on brownfield land and taking all practical steps to protect the Green Belt and the character of York.'*

4. In 2016 a Preferred Sites Consultation was undertaken. It began on 18<sup>th</sup> July 2016 and ended on 12<sup>th</sup> September 2016. 1,766 individual responses were received from members of the public, developers and statutory consultees. After the Preferred Sites Consultation concluded the Ministry of Defence (MOD) announced as part of its Defence Estate Strategy on 7<sup>th</sup> November 2016 the release of three substantial sites in York:
  - Imphal Barracks, Fulford Road;
  - Queen Elizabeth Barracks, Strensall; and
  - Towthorpe Lines, Strensall.

Technical work was carried out which established that the sites represented 'reasonable alternatives' and, therefore, should be considered as part of the Local Plan process.

5. At the Executive in July 2017 Officers sought approval to undertake a full consultation on a Pre publication draft Local Plan (Reg 18). To support this process the report included a Strategic Housing Market Assessment (SHMA) which made a recommendation on the level of housing growth



for York, an Employment Land Review (ELR) and a series of sites to meet the related arising demand. It also included recommendations on non sites related policies.

6. The Local Plan Preferred Sites Consultation (2016) included an annual housing figure of 841 dwellings pa. The SHMA produced by GL Hearn suggested increasing this figure to 867 dwelling and including an uplift of 10% to the baseline household projections for York to allow for market signals (lifting it to 953 dwellings per annum). Members accepted the higher baseline figure, but not the 10% uplift on the basis that the figure of 867 dwelling represented a significant step change in past delivery. They considered Hearn's conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attached little or no weight to the special character and setting of York and other environmental considerations. The employment land requirements included in the ELR were agreed.
7. A city-wide consultation on the Local Plan Pre Publication Draft (Reg 18) commenced on the 18<sup>th</sup> September 2017 and finished on 30<sup>th</sup> October 2017. It was carried out in compliance with the Council's adopted Statement of Community Involvement (2007). The consultation included contacting individuals and organizations on the Local Plan database, public exhibitions, meetings, a special edition of 'OurCity', and information provided via conventional and social media.

### **National Policy Context**

8. On 7<sup>th</sup> February 2017, the Department for Communities and Local Government (DCLG) published a Housing White Paper. As part of which, DCLG also consulted on changes to planning policy and legislation in relation to planning for housing, sustainable development and the environment. It is anticipated that the outcomes of the consultation will involve amendments to the National Planning Policy Framework (NPPF) and regulations. This is likely to be before the end of Summer 2018.
9. Following on from the White Paper on 14<sup>th</sup> September 2017 the Department for Communities and Local Government (DCLG) released 'Planning for the right homes in the right places: consultation proposals'.

These focused on streamlining the planning system and were primarily concerned with how local housing need is assessed. The consultation ran for eight weeks and closed on 9<sup>th</sup> November 2017. The Government indicated that after reviewing the responses to this consultation along with responses to the Housing White Paper it would publish a draft revised National Planning Policy Framework (NPPF) in 2018.

10. The DCLG November 2017 consultation included a proposed methodology for calculating housing need. This is based on three principles: simplicity, using publicly available data and producing realistic targets. The document applies this methodology to City of York and indicated a minimum of 1,070 dwellings p/a for the period 2016 to 2026. It should be noted that this methodology was the subject of consultation and formal changes to the NPPF have not yet been incorporated by the Government.
11. In addition, it should be noted that the figure of 1070 dwellings is based on 2014 sub-national population projections (released in 2016) which are due to be replaced with the 2016 sub-national population data in May 2018. The National Population Projections released in October 2017 (on which the 2016 sub-national population figures will be based) suggest slower growth than the previous (2014-based) projections. This is because of lower assumptions about future levels of fertility and international migration, and an assumption of a slower rate of increase in life expectancy.
12. A key change is that the proposed methodology put forward by DCLG is forward looking; conversely the current target included in the Pre-publication Local Plan involved considering under delivery from 2012 – 2017 and meeting this by adding to the future supply.
13. The consultation on the proposed new methodology made explicit reference to protecting Green Belt and acknowledged it as a constraint. It also highlights the extent of York's Green Belt. It is not however completely clear about the effects of this constraint and how it would effect York in setting Green Belt Boundaries for the first time.
14. It is proposed by DCLG that in the absence of an up-to-date local strategic plan that after 31<sup>st</sup> March 2018 the new method for calculating

housing need would be adopted. However, should the revised national planning policy framework be published after this date, subject to the outcomes of consultation, it will be introduced at that later date. Given the Government haven't yet responded to this consultation and the potential timeframe for the publication of the revision to NPPF the 31<sup>st</sup> March adoption date seems unlikely. For the purposes of this report we will continue to use the methodology reported to Members in July 2017.

15. The National Population Projections were published by the Office for National Statistics on 26<sup>th</sup> October 2017. We anticipate that the Sub-National Population Projections will be released in May 2018 in accordance with previous releases. The Sub-National Household projections to be released by the DCLG, which use the population ONS data, are likely to follow in July/August 2018. This reflects the nature of changing data sets that surround the plan making process.
16. On 16<sup>th</sup> November 2017 the Secretary of State for Communities and Local Government wrote to the Council. The letter emphasised the importance of up-to date local plans. He then expressed concern about the lack of progress City of York has made on plan-making. The last adopted detailed plan for the city was produced in 1956. The Council is asked to respond by 31st January 2018.
17. The Council is currently preparing a response to the Secretary of State emphasising the importance of responding through the Local Plan process to the release of the MOD sites in November 2016 and including a commitment to submit at the end of May 2018.

### **Local Plan Pre Publication Draft Consultation Response**

18. During the autumn 2017 consultation period we have received responses from circa 1,295 individuals, organisation or interest groups. In response to the Preferred Sites Consultation (2016) held in July - September 2016, we received 1766 responses from individuals and organisations.
19. In conjunction with this report all representations received will be published on line via the Council's website and will be available both electronically and in hard copy at West Offices reception. Those

representations received from members of the public will have personal information redacted to comply with the Data Protection Act 1998.

20. The representations received as a part of the consultation raise a range of issues some of which are complex in nature. These are provided in summary in Annex A to this report along with potential changes for Members' consideration.
21. Given the historical and national policy context associated with the development of the City of York Local Plan Members' attention is particularly drawn to the following key issues :
  - Housing Need and Land Supply; and
  - Employment Land Supply.

### **Housing Need and Land Supply**

22. The historical approach taken to housing need and the related changing national policy context is detailed above. In addition comments received during consultation on this matter are included in Annex A and provided in summary below.
  - Support was received for the principle of council meeting their entire objectively assessment housing need (OAHN).
  - Some parish representations supported the 867 dwellings per annum figure particularly in comparison to the Government's proposed standardised methodology.
  - In respect of housing numbers responses, particularly planning agents and developers, objected to using 867 dwellings per annum; the reasons for this included: the failure to comply with the Strategic Housing Market Assessment (2017) and the lack of conformity with both existing and emerging national policy.
  - Some respondents objected to the approach taken to backlog, student housing and windfalls.
  - The majority of responses from the public were in objection to proposed sites.

23. It is important to recognise that the proposed methodology included in the document produced by DCLG was for the purposes of consultation and may be subject to change (although at present it indicates the direction of travel anticipated for national policy). The methodology differs from that applied by the Council in reaching the housing need figures, and thus cannot be compared without further analysis. The reasons for this are outlined below.
24. As previously highlighted the Government's proposed methodology is forward looking and unlike the Council's methodology, does not add in any additional amounts for previously unmet demand. The City of York Local Plan has an effective start date of the 1<sup>st</sup> April 2012 in terms of population and housing. This is to fit with the position taken by Government in terms of their demographic projections. Using the Council's methodology, any under delivery against the housing target between 2012 – 2017 is accommodated over the life time of the plan.
25. In July the Executive agreed a figure of 867 dwellings per annum for the duration of the City of York Local Plan and Green Belt (until 2033 and 2038 respectively). As the Council's methodology includes provision to meet previous under supply within the 2012 to 2017 period, this means the plan as produced for the autumn 2017 consultation includes a sufficient overall supply to meet both these requirement.
26. Members must be satisfied that they consider the Submission Draft Plan meets the test of "soundness". This is a statutory duty. Officer's advice is that the direction of travel in national policy indicates that if the site proposals previously consulted on were increased this would be a more robust position. However, this is not to say that the proposals previously consulted on would be unreasonable; It is a matter for Members to determine the degree of risk they wish to take.
27. In Officer's opinion, an increase in the supply of housing would place the Council in a better position for defending the Plan proposals through the Examination process. However, Members will be aware of the counter arguments in particular the community responses to consultation. In addition in potentially increasing supply Members will also be mindful of

the time required for achieving this more robust position in line with legislative requirements. An important issue to consider is whether changes can be made to the plan without undertaking additional consultation. This is a critical issue if the Council is to meet the May 2018 deadline for submission.

28. In response to developer proposals submitted during the Pre Publication Draft Local Plan Consultation (details of which are included in Annex A), potential options for increasing the housing supply are set out in tables 1 to 4 below along with the potential risk in terms of the need for additional consultation. The table also highlights a small reduction on the Queen Elizabeth Barracks Site. This reflects outcomes from the Habitats Regulation Assessment.

**Table 1: Potential changes to housing sites allocated in the Pre Publication Draft Local Plan in response to developer proposals (With minor or no boundary changes)**

<b>Allocation Reference</b>	<b>Site Name</b>	<b>No. Included in PPLP</b>	<b>Potential Revised Figure</b>
ST5	York Central	1500	1700 - 2500
ST35	Queen Elizabeth Barracks, Strensall	578	500

29. Following consultation discussions have been held with representatives from the York Central Partnership. This has indicated that York Central is capable of accommodating between 1700 – 2400 residential units and that the higher figure of 2500 units could be achieved through detailed applications by developers for individual plots and / or flexibility to increase residential at the margins of the commercial core. The figure of 1700 reflects land currently under the partnerships control; the higher figure includes land in private ownership or currently used for rail operations.
30. The higher number is proposed to be part of the partnerships planning application anticipated in summer 2018.

**Table 2: Potential changes to housing sites allocated in the Pre Publication Draft Local Plan in response to developer proposals (With boundary changes)**

Allocation Reference	Site Name	No. Included in PPLP	Potential Revised Figure
ST 7	Land East of Metcalfe Lane	845	975
ST 14	Land West of Wiggington Road	1348	1,672
ST 15	Land West of Elvington Lane	3,339	3,901

31. Table 1 & 2 relates to increasing the capacity and extending existing site allocations. It is a matter of judgment as to whether the changes to the existing sites are “material”. However, in the context of the large strategic allocations, it is considered arguable by your officers that the additional land is not a material change. However, this is a matter of judgment, and there is a residual risk that the Examiner will take a different view and require the Council to undertake further consultation on this issue following submission.

**Table 3: Potential new housing site allocations , in response to developer proposals (previously rejected housing sites)**

Site Reference	Site Name	Potential Revised Figure
H28	Land North of North Lane, Wheldrake	88 dwellings / 3.15 ha
H2b (132)	Land at Cherry Lane	18 dwellings / 0.44 ha
H37 (6)	Land at Greystone Court Haxby	34 dwellings / 3.47 ha
SF10 (874)	Land North of Riverside Gardens Elvington	102 dwellings / 4.15 ha
H2a (33)	Racecourse stables off Tadcaster Road	98 dwellings / 2.44 ha (years 16-21)
964	Galtres Farm	1575 dwellings / 75 ha (years 16-21)

32. Table 3 includes sites that have in the past been assessed against the site selection criteria and rejected, but now given further work Officers feel should be considered. These could potentially be included in the Publication Draft without the need for a further additional consultation, as they have already been the subject of public scrutiny through previously published Local Plan evidence or SA/ SEA. There is however



a higher risk than tables 1 & 2 that the Examiner may find further consultation is needed.

**Table 4: Potential completely new housing site allocations in response to developer proposals**

Site Reference	Site Name	No. Included in PPLP	Potential Revised Figure
956	Milestone Avenue, Rufforth	n/a	9 dwellings / 0.37 ha
959	Land at Kettlestring Lane, Clifton Moor	n/a	92 dwellings / 3.2 ha (years 16-21)

33. Table 4 includes new sites that have emerged during the Autumn 2017 Consultation. Although they do meet the requirements of the site selection methodology and therefore potentially represent reasonable alternative, they have not been included in any previous consultation. If any of these sites were to be included in the next stage of the Local Plan the lack of consultation creates a risk to process and the Examiner could require further consultation before the Examination could proceed. Carrying out further consultation now about proposing to include these new sites would mean that the May 2018 date for submission could not be met.

### **Employment Land Supply**

34. The Employment Land Review (ELR) July 2016 published as part of the Preferred Sites Consultation used projections by Oxford Economics (OE) dated May 2015 as the forecast for employment land demand over the Local Plan period. These forecasts provided the starting point for determining the amount and type of employment land required to be identified in the Plan. The projections by Oxford Economics presented a baseline scenario for York forecasting a job growth of 10,500 jobs over the period 2014-2031. Two further scenarios were considered by OE; scenario 1 – higher migration and faster UK recovery, which identified an additional 4,900 jobs above the baseline over the same period and scenario 2 – re-profiled sector growth which identified 500 additional jobs above the baseline. Scenario 2 was endorsed as it reflected the economic policy priorities of the Council to drive up the skills of the workforce and encourage growth in businesses which use higher skilled staff.

35. To sensitivity test the original 2015 OE projections, the latest Experian economic forecasts within the Regional Econometric Model (REM) were used. The conclusion was that the original forecasts were still robust. At the Executive in July 2017 Members endorsed this position.
36. During the consultation a range of points were raised. These are provided in summary below:
- general support for the Local Plan as positively and proactively encourage sustainable economic growth, including tourism and leisure;
  - the approach to focusing retail development in the City Centre and reducing / limiting future development at out of town locations was also supported;
  - some representations recognised the uncertainties inherent in long term economic forecasting and therefore suggested that the using the baseline forecast to inform the employment land requirements of the Plan was over cautious;
  - it was also suggested that housing and employment policies are restrictive and the employment land supply will not cater for York's future needs;
  - the cost of housing impinging on companies and public services abilities to recruit staff was raised;
  - a perceived conflict was highlighted relating to acknowledging the universities importance for growth but failure to allocate land for expansion; and
  - a few members of the public were opposed to, or questioned, economic growth as a goal in of itself saying it is incompatible with sustainability.
37. Given comments made about economic growth Members may wish to consider increasing the employment land supply. The sites included in tables 5, 6 and 7 provided potential options. As with housing supply above it is important that this is balanced against whether changes can be made to the plan without undertaking additional consultation, a critical issue if the Council is to meet the May 2018 deadline for submission.

**Table 5: Potential changes to employment sites allocated in the Pre Publication Draft Local Plan in response to developer proposals (With minor or no boundary changes)**

<b>Allocation Reference</b>	<b>Site Name</b>	<b>No. Included in PPLP</b>	<b>Potential Revised Figure</b>
ST5	York Central	60,000 sqm	100,000 sqm

**Table 6: Potential changes to employment sites allocated in the Pre Publication Draft Local Plan in response to developer proposals (With boundary changes)**

<b>Allocation Reference</b>	<b>Site Name</b>	<b>No. Included in PPLP</b>	<b>Potential Revised Figure</b>
ST27	University of York expansion	21.5ha	26ha
ST26	Elvington Airfield Business Park	10 ha/	15 ha / 33,000sqm

38. Table 5 and 6 relates to increasing the capacity and extending existing site allocations. It is a matter of judgment as to whether the changes to the existing sites are “material”. In the context of the large strategic allocations, it is considered arguable by your officers that the additional land is not a material change. However, this is a matter of judgment, and there is a residual risk that the Examiner will take a different view and require the Council to undertake further consultation on this issue following submission.

**Table 7: Potential new employment site allocations , in response to developer proposals (previously rejected employment sites)**

<b>Site Reference</b>	<b>Site Name</b>	<b>Potential Revised Figure</b>
795	Greenacres Murton Lane	1.95ha / 6,000 sqm
864	Extention to Elvington Industrial Estate	5.4ha / 17,820 sqm
940	Remaining Land at Bull Commercial Centre	3ha/ 10,000 sqm

39. Table 7 includes sites that have in the past been assessed against the site selection criteria and rejected, but now given further work Officers

feel should be considered. These could potentially be included in the Publication Draft without the need for a further additional consultation, as they have already been the subject of public scrutiny through previously published Local Plan evidence or SA/ SEA. There is however a higher risk than tables 5 & 6 that the Examiner may find further consultation is needed.

### **Transport Assessment**

40. To support the Local Plan Pre Publication Draft (Reg 18) Consultation, future year forecasting of the transport impacts of potential residential and employment allocations together with the inclusion of a number of infrastructure improvements that can realistically be expected to be put in place within the Plan period was undertaken. This is contained in the Transport Topic paper, 2017. This is important background to any further decision on sites.
41. The main outcome of this forecasting shows that from 2016 to 2032/33 on the network as a whole:
  - Total trips increase by approximately 20%
  - Total travel time increases by approximately 30%
  - Total delay increases by approximately 55%
42. More detailed mapping of the forecast changes in traffic volume, traffic speeds and changes in traffic speed from the baseline year (2016) to the end of the plan period (2032/33) show that the main parts of the network to be impacted on are:
  - The A64
  - A1237 Clifton Moor to A64 Hopgrove
  - A59/A1237 Roundabout /A59 / Wetherby Road
  - Malton Road
  - A19 / Fulford Road
  - Hull Road
  - Tadcaster Road
43. Although the more detailed mapping referred to in the preceding paragraph shows the changes in traffic volumes and vehicle speeds across the network they may not necessarily give the information that would be of direct relevance to road users undertaking journeys into, around, or through York. To provide a more relevant indication of how a

typical journey will be affected in the future year the changes on travel time on the fifteen routes that could be deemed to be representative of 'typical' trips on the network are shown in Table 8.

**Table 8 Comparison of future year modelled travel times with baseline year travel times**

Trip		2016 Base year modelled peak hour trip time (min : sec)		Future Year (2032/33) Forecast					
				Modelled peak hour trip time (min : sec)		Increase from baseline year (min : sec)		Percentage increase in time from Baseline year	
Route No.	Description	AM	PM	AM	PM	AM	PM	AM	PM
1	A1237 (Northbound)	26:38	34:46	28:03	32:34	01:25	-02:12	5.3	-6.3
	A1237 (Southbound)	26:28	25:55	28:26	28:34	01:58	02:39	7.4	10.2
2	A64 (Northbound)	14:05	14:06	16:06	16:06	02:01	02:00	14.3	14.2
	A64 (Southbound)	14:07	14:47	15:42	17:15	01:35	02:28	11.2	16.7
3	Inner Ring Road (Clockwise)	22:15	25:48	24:11	27:39	01:56	01:51	8.7	7.2
	Inner Ring Road (Anti-clockwise)	19:03	21:38	20:40	23:27	01:37	01:49	8.5	8.4
	A1036 Tadcaster Road (Inbound)	12:55	12:32	13:24	12:40	00:29	00:08	3.7	1.1
	A1036 Tadcaster Road (Outbound)	11:24	10:27	11:54	11:08	00:30	00:41	4.4	6.5
5	A19 Fulford Road (Inbound)	15:46	14:18	19:31	18:49	03:45	04:31	23.8	31.6
	A19 Fulford Road (Outbound)	13:25	23:16	14:16	24:22	00:51	01:06	6.3	4.7
6	A1079 Hull Road (Inbound)	17:46	15:17	19:40	16:59	01:54	01:42	10.7	11.1
	A1079 Hull Road (Outbound)	12:11	14:47	12:37	18:18	00:26	03:31	3.6	23.8
7	A1036 Malton Road (Inbound)	07:40	08:12	08:04	9:04	00:24	00:52	5.2	10.6
	A1036 Malton Road (Outbound)	07:21	07:29	07:30	7:49	00:09	00:20	2.0	4.5
8	B1363 Wigginton Road (Inbound)	14:08	13:35	13:56	15:05	-00:12	01:30	-1.4	11.0
	B1363 Wigginton Road (Outbound)	13:59	13:34	13:40	20:39	-00:19	07:05	-2.3	52.2
9	A19 Shipton Road (Inbound)	14:23	09:57	12:30	09:55	-01:53	-00:02	-13.1	-0.3
	A19 Shipton Road (Outbound)	10:49	09:19	09:54	09:02	00:55	-00:17	8.5	-3.0
10	A59 Boroughbridge Road (Inbound)	18:10	17:13	18:19	18:39	00:09	01:26	0.8	8.3
	A59 Boroughbridge Road (Outbound)	15:50	19:20	17:16	19:58	01:26	00:38	9.1	3.3
11	B1224 Wetherby Road (Inbound)	08:07	08:09	08:35	08:31	00:28	00:22	5.7	4.5
	B1224 Wetherby Road (Outbound)	07:53	07:53	08:03	08:12	00:10	00:19	2.1	4.0
	Haxby Road (Inbound)	15:24	11:29	14:45	12:13	-00:39	00:44	-4.2	6.4
	Haxby Road (Outbound)	11:18	11:41	11:21	14:23	00:03	02:42	0.4	23.1
13	Water End (to northeast)	05:12	03:26	05:13	03:37	00:01	00:11	0.3	5.3
	Water End (to southwest)	03:38	03:40	03:35	03:37	-00:03	-00:03	-1.4	-1.4
14	Leeman Road (Inbound)	05:11	03:38	05:11	03:37	00:00	-00:01	0.0	-0.5
	Leeman Road (Outbound)	03:25	05:41	03:25	05:40	00:00	-00:01	0.0	-0.3
15	Bishopthorpe Road (Inbound)	09:52	08:38	09:53	08:40	00:01	00:02	0.2	0.4
	Bishopthorpe Road (Outbound)	08:34	08:42	08:40	09:08	00:06	00:26	1.2	5.0

44. If the housing supply for the Publication Draft Plan is increased from that in the Pre Publication Draft Local Plan it is likely that the transport impacts will be exacerbated. For example, if the level of growth is increased by the order of 10% it can reasonably be assumed that the impacts will increase by a similar scale. More detailed modelling will have to be undertaken to support the regulation 19 consultation.

### **Viability**

45. Ensuring sites are viable and deliverable in the context of planning policy is a requirement of national guidance. Thus, 'The City of York Local Plan and Community Infrastructure Levy Viability Assessment, 2017', was undertaken and issued for consultation alongside the Local Plan Pre-Publication Draft (Regulation 18).
46. For residential development policy testing was undertaken for each typology and strategic site. The policy testing comprised testing a series of policy layers. For each policy layer, the impact of those policy considered to have a notable impact on viability is then considered through adding policy 'layers' to judge the cumulative impact of these policies. These are:
- Policy layer 1 – This is a base layer, which includes open space and design cost allowances but no policy layer applied;
  - Policy layer 2 – This layer adds a S106 contribution at £3,300 per unit to the Policy layer 1;
  - Policy layer 3 – Policy layer 2 plus the policy requirement for affordable housing (Policy H10)
  - Policy layer 4 – Policy layer 3 plus the requirement for meeting sustainable construction standards (Policy CC2)
  - Policy layer 5 – Policy layer 4 plus an allowance for Gypsy and Traveller pitches where required (Policy H5).
47. The Viability testing for residential development shows that there is viability across all residential site typologies with the imposition of the average S106 contributions (i.e. policy layer 2). But at cumulative policy layer 3, when affordable housing is also applied, some of the smaller sites (delivering less than 10 units) are unable to meet the full policy requirements beyond the average S106 contribution per unit. All the

other tested typologies, including all sites within the urban area and all sites with 10 or more units in all locations (including the bespoke-tested Strategic Sites), are shown to be able to fully meet the Pre Publication Draft Local Plan Policy requirements (i.e. at cumulative policy layer 5).

48. Overall, for residential development the viability testing results imply that the cumulative policy requirements identified in the Pre Publication Draft Local Plan (2017) do not adversely affect the majority of development in most parts of the City of York area. The recommendations included within Annex A seek to address the outcomes of this work.
49. It should be noted however that allowing an increase in site size could in some cases allow the delivery of an increased level of planning gain relating to facilities and services for future residents.
50. For Non- residential development two policy layers were tested:
  - Policy layer 1 – This is a base layer, where no policies are applied; and
  - Policy layer 2 – This layer includes the requirement for achieving a BREEAM ‘excellent’ delivery in line with Policy CC2: Sustainable Design and Construction.
51. The viability assessment determined that all non-residential uses are unable to show viability with or without meeting proposed policy CC2 Sustainable Design and Construction with the exception of retail. However, the viability of non-residential uses is not necessary for supporting such allocations in the Local Plan, principally because non-residential development is generally more speculative than residential .

### **Sustainability Appraisal**

52. When producing Local Plans, authorities are required to consider, at each stage of production, the impacts their proposals are likely to have on sustainable development. The emerging Local Plan is subject to ongoing Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment (SA/SEA) as required through NPPF. SA/SEA is a means of ensuring that the likely social, economic



and environmental effects of the Local Plan are identified, described and appraised to identify how they support the Council's sustainable development objectives.

53. At the Pre publication stage of the Local Plan a SA/SEA was undertaken. 'The Sustainability Appraisal Summary 2017' is a detailed technical document; and is an important background paper to this report to inform Members decisions. It has also been used to inform the recommendations in Annex A and will be updated following Members decisions on this report. It will be made available as a part of the Local Plan Publication (Reg 19) consultation.

### **Duty to Cooperate**

54. The Localism Act 2011 introduced the Duty to co-operate (the Duty) that requires local planning authorities and other prescribed bodies to 'engage constructively, actively and on an on-going basis' to maximise the effectiveness of local plan preparation in relation to strategic matters.
55. The Act also extended the purposes of the plans Examination to include determination as to whether the Duty has been complied with. National Planning Practice Guidance makes it clear that Inspectors testing compliance with the duty at examination will assess the outcomes of co-operation rather than the process of dialogue. Failure to demonstrate compliance with the duty at the examination cannot be corrected after the local plan has been submitted for examination.
56. As it has developed the Local Plan has been subject to on-going and constructive engagement with neighbouring authorities and relevant organisations. This has included:
- the preparation and updating of a Duty to Cooperate Matrix (that has been generally circulated to the officer level groups for subsequent discussion and comment);
  - regular one-to-one officer meetings;
  - making representations, as appropriate, to other authorities Local Plan documents, and vice versa; and
  - regular technical discussions at regional sub-regional Member and officer groups.

57. Through the meetings highlighted Officers have sought to gauge the appetite of neighbouring authorities for a sub-regional approach to delivering housing within the context of the Duty to Cooperate. Whilst this wasn't supported for the current round of Local Plans there may be some support to consider this in the future.
58. Details on how the Council has fulfilled the requirements under the Duty was contained in the 'Demonstrating the Duty to co-operate (Interim Statement)' that is part of the supporting evidence base for the Pre Publication Draft Local Plan.
59. Several Prescribed Bodies including many of York's neighbouring authorities, the Local Enterprise Partnerships and Highways England returned representations during the Pre Publication Draft Local Plan consultation. These have been considered in coming to the recommendations included in Annex A. In addition they are summarised in Annex B to inform Members consideration of the recommendation associated with this report. The comments provided are broadly supportive of ongoing engagement and alignment with economic objectives, but stress the importance of an appropriate land supply for housing and the need for joint working on issues such as transport.
60. Post consultation reports on the City of York Local Plan have been considered at the following meetings:
  - Leeds City Region - Heads of Planning – 8<sup>th</sup> December 2017;
  - Leeds City Region Planning Portfolios Board 15<sup>th</sup> December 2017;
  - York, North Yorkshire East Riding and Hull - Directors of Development – 07<sup>th</sup> December 2017; and
  - North Yorkshire and York Spatial Planning and Transport Board 17<sup>th</sup> January 2018.

## **Options**

61. Officers request that Members consider the following options to enable a composite Local Plan Publication (Regulation 19) document to be produced for statutory soundness consultation prior to submission:

**Option 1:** *The additions of further housing sites from tables 1 – 4;*

**Option 2:** *The additions of further employment sites from tables 5 – 7;  
and*

**Option 3:** The proposed policy changes highlighted in Annex A.

### **Analysis of Options**

62. Members are being asked to consider amendments to the plan previously consulted upon and approve a Publication Draft Local Plan which ultimately will be subject to examination by a member of the Planning Inspectorate. They must therefore, when considering the options above, be aware of the procedures which the Council is required to follow when producing a Local Plan. These are derived from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012. The legislation states that a local planning authority must only submit a plan for examination which it considers to be sound. This is defined by the National Planning Policy Framework as being:

- **Positively Prepared:** based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
- **Justified:** the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective:** deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy:** enable the delivery of sustainable development in accordance with the policies in the Framework.

63. Members must consider whether in light of the consultation responses and changes in the national policy context the proposed Publication Draft Local Plan meets the above tests and is 'sound'. This includes the approach to both housing and employment need and supply.

### **Next Steps**

64. Following the Executive, if Members agree, Officers will produce a composite draft Plan and a city-wide proposals map. In addition this

document will be accompanied by a range of technical documents which will need to be prepared after the Executive. These will include (but not be limited to):

- SA/SEA;
- Habitat Regulation Assessment (HRA);
- City-wide transport model;
- Viability Assessment;
- Strategic Housing Land Availability Assessment (SHLAA);
- Any technical addendums necessary arising from the recommendations of this report relating to growth and sites.

65. Following the Regulation 19 consultation, Officers will report the responses received to Local Plan Working Group, Executive and Council seeking approval to submit a plan for public examination before the end of May 2018. Legislation requires that Full Council, having had regard to any consultation responses, determines whether the plan is 'Sound' to enable submission for independent examination under Regulation 20. The timetable highlighted is in conformity with the Council's published Local Development Scheme (LDS).

66. Officers will continue to seek dialogue with key partners including neighbouring authorities, the County Council and both LEPs. In addition dialogue will also be sought with both DCLG and the Planning Inspectorate.

### **Impacts**

67. **Financial (1)** – The work on the Local Plan is funded from specific budgets set aside for that purpose. Over the last four years, significant sums have been expended on achieving a robust evidence base, carrying out consultations, sustainability and other appraisals, policy development and financial analyses. Whilst this work remains of great value it is important that progress is made to ensure that unnecessary additional costs do not occur.

68. **Financial (2)** - It should also be considered that if the approach taken is subsequently judged to be non compliant with Government Guidance either before or after submission this could lead to further technical work

and additional consultation adding to the identified costs and creating delay.

69. **Financial (3)** - Managing the planning process in the absence of a Plan will lead to significant costs to the council in managing appeals and examinations.
70. **Human Resources (HR)** – The production of a Local Plan and associated evidence base requires the continued implementation of a comprehensive work programme that will predominantly, although not exclusively, need to be resourced within EAP.
71. **Better Decision Making Tool** – Attached as annex C.
72. **Legal** – The procedures which the Council is required to follow when producing a Local Plan derive from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012.
73. The legislation states that a local planning authority must only submit a plan for examination which it considers to be sound. This is defined by the National Planning Policy Framework as being:
  - **Positively Prepared:** based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
  - **Justified:** the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
  - **Effective:** deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
  - **Consistent with national policy:** enable the delivery of sustainable development in accordance with the policies in the Framework.
74. In order for the draft Local Plan to pass the tests of soundness, in particular the ‘justified’ and ‘effective’ tests, it is necessary for it to be based on an adequate, up to date and relevant evidence base. The Council also has a legal duty to comply with the Statement of Community Involvement in preparing the Plan. (S19(3) 2004 Act).
75. In addition the Council also has a legal “Duty to Co-operate” in preparing the Plan. (S33A 2004 Act).

76. In due course Council will be asked to approve the publication draft Local Plan for submission to the Secretary of State. It will then be subject to examination by a member of the Planning Inspectorate before being finally adopted. If the draft Local Plan is not prepared in accordance with legal requirements, fully justified and supported by evidence, the draft Local Plan is likely to be found unsound at examination and would not be able to proceed to adoption.
77. **Crime and Disorder** – The Plan addresses where applicable.
78. **Information Technology (IT)** – The Plan promotes where applicable.
79. **Property** – The Plan includes land within Council ownership.
80. **Other** – None

### **Risks**

81. The main risks in failing to progress a Local Plan for the City of York in compliance with laws, regulations and guidance are as follows:
- the plan is found ‘unsound’ at examination leading to ‘withdrawal’ or further work;
  - direct interventions by Government into the City’s Local Plan making;
  - inability to steer, promote or restrict development across its administrative area;
  - potential damage to the Council’s image and reputation if a development plan is not adopted in an appropriate timeframe; and
  - financial risk associated with the Council’s ability to utilise planning gain and deliver strategic infrastructure.

Measured in terms of impact and likelihood, the risks associated with this report have been assessed as requiring frequent monitoring.

**Contact Details**

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**Executive Members Responsible for the Report:**

Cllrs D Carr & A Waller

**Report  
Approved**



**Date** 15/01/18

**Specialist Implications Officer(s):**

Finance Manager  
Senior Solicitor, Planning

**Wards Affected:**

All

**Annexes**

Annexe A: Pre Publication Draft Local Plan (2017) Consultation  
Response Summaries & Recommendations

Annex B: Duty to Cooperate Responses

Annex C: Better Decision Making Tool

**Background Papers**

Transport Topic paper, 2017.

[https://www.york.gov.uk/downloads/file/14278/transport\\_topic\\_paper\\_2017](https://www.york.gov.uk/downloads/file/14278/transport_topic_paper_2017)

The City of York Local Plan and Community Infrastructure Levy Viability Assessment, 2017.

[https://www.york.gov.uk/downloads/file/14273/local\\_plan\\_and\\_community\\_infrastructure\\_levy\\_viability\\_assessment\\_2017](https://www.york.gov.uk/downloads/file/14273/local_plan_and_community_infrastructure_levy_viability_assessment_2017)

The Sustainability Appraisal Summary, 2017.

[https://www.york.gov.uk/downloads/file/14276/sustainability\\_appraisal\\_summary\\_2017](https://www.york.gov.uk/downloads/file/14276/sustainability_appraisal_summary_2017)



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**Annex B: Duty to Cooperate Responses****Summary of Prescribed Body Representations on City of York Local Plan Pre Publication Draft (Regulation 18) Consultation, 2017**

Prescribed Body	Summary of Representation
East Riding of Yorkshire Council (ERC)	<ul style="list-style-type: none"> <li>• The draft plan, which has been based on ongoing co-operation between the two authorities throughout the plan making process.</li> <li>• Strongly supports the provision of sufficient housing within the York Local Plan to enable the full need for housing to be met within the York HMA.</li> <li>• Welcomes the identification of strategic highways network improvements at Grimston Bar in policy T4 and the need for joint working.</li> <li>• Expressed concern at the Breen Belt boundary being set precisely at 6miles from the city centre as this would encroach into East Riding.</li> <li>• More detailed comments relating to Site ST15 Land West of Elvington Lane</li> </ul>
Environment Agency	<ul style="list-style-type: none"> <li>• On the whole, the Environment Agency's comments from previous consultations have been taken on board and the EA find the content of the plan positive. The section on green infrastructure is good and recognises the dual of both green open spaces and mitigation of current and future flood risk, as sustainable drainage systems (SuDS) or flood storage, can be achieved.</li> <li>• More detailed comments on policies relevant to its remit, e.g. Flood risk and land contamination.</li> </ul>
Hambleton District Council (HDC)	<ul style="list-style-type: none"> <li>• The document identifies sufficient land to meet the development needs of the City and establishes a Green Belt enduring 20 years. It does not safeguard land for development and recognises the build out time of the strategic sites will extend beyond the plan period. The proposed detailed boundaries of the Green Belt offer little opportunity to accommodate the increased level of growth proposed in the White Paper, should this be required.</li> <li>• If the City of York does not ensure that its longer term development needs are met this will place pressure on areas in neighbouring authorities.</li> <li>• The Local Plan has been subject to viability testing and the proposed allocations have been selected through a robust assessment process, but the level of assessment that has been undertaken to confirm the viability and deliverability of the allocated sites is unclear</li> </ul>
Harrogate Borough Council (HBC)	<ul style="list-style-type: none"> <li>• No representation made at this stage but ongoing discussions under the Duty will continue as the plan is taken forward</li> </ul>
Highways England (HE)	<ul style="list-style-type: none"> <li>• Welcome the emphasis on sustainable travel, high quality public transport links serving new sustainable communities and travel planning as key components of policy, and that new development sites are located with</li> </ul>

**Summary of Prescribed Body Representations on City of York Local Plan Pre Publication Draft (Regulation 18) Consultation, 2017**

Prescribed Body	Summary of Representation
	<p>good access to public transport, walking and cycling networks, thereby minimising growth in traffic.</p> <ul style="list-style-type: none"> <li>• The Plan lacks recognition of the scale of the forecast traffic growth on the A64 trunk road and its junctions with local primary roads will require physical mitigation in the form of investment in highway infrastructure despite the extensive sustainable travel proposals.</li> <li>• The spatial distribution and particularly the development of land opportunities in the south and eastern parts of York should be dependent upon agreement between the Council and HE of a Management Strategy for the A64 and its junctions with the local primary road network.</li> <li>• HE expects that the strategic sites located around the A1237 Northern Ring Road will combine to have a significant impact on the junctions of the A1237 with that A64 east and west of York. It will need to have a good understanding of that cumulative impact if it is to be able to state that the Plan is sound at Publication Draft stage.</li> <li>• HE will continue to work in partnership with CYC to understand the impact of the Local Plan proposals on the operation of the A64 and its junctions with the primary road network.</li> <li>• Requested that the key principles in many of the Spatial Strategy (SS) policies for the strategic sites be modified to include HE as an organization to be consulted with by developers when demonstrating that all transport issues have been addressed.</li> <li>• Requested explanatory text to several Spatial Strategy (SS) policies for the strategic sites be modified to include the need for a Transport Assessment to support the key principles relating to demonstrating that all transport issues have been addressed.</li> </ul>
<p>Leeds City Region Local Enterprise Partnership (LCR LEP) / West Yorkshire Combined Authority (WYCA)</p>	<ul style="list-style-type: none"> <li>• The Plan forms a complete suite of local policies and directly addresses many aspects of the strategies in the SEP.</li> <li>• Land allocations for the provision of jobs will support sustainable economic activity with a focus on allocating enough sites to satisfy market demand and maximise connectivity to transport</li> <li>• The Plan supports the aim of increasing the amount of energy generated from renewable and low carbon sources, and supports proposals for renewable and low carbon infrastructure. These elements are well-aligned with the SEP</li> <li>• York has not applied the 10% market signals adjustment as recommended in the York 2017 Strategic Housing Market Assessment.</li> <li>• The Plan policies could strengthen the commitment to delivering better digital infrastructure which would support</li> </ul>

Summary of Prescribed Body Representations on City of York Local Plan Pre Publication Draft (Regulation 18) Consultation, 2017	
Prescribed Body	Summary of Representation
	<p>the SEP priorities</p> <ul style="list-style-type: none"> <li>• Sites and policies are not supported by an up to date infrastructure delivery plan and one would be expected.</li> <li>• The Plan acknowledges that commuting to destinations outside York occurs. Welcome that improvements to York Railway Station are included in the plan to accommodate enhancements for the planned electrification of the Trans Pennine Line, HS2 and Northern Powerhouse Rail aspirations.</li> </ul>
North Yorkshire County Council (NYCC)	<ul style="list-style-type: none"> <li>• York is an important driver for growth both within the York, North Yorkshire and East Riding LEP area and the Leeds City Region. It is important that the City has a robust and high quality Local Plan in place that best enables it to unlock economic growth and prosperity for the benefit of its communities and those of its wider hinterland.</li> <li>• Welcome the commitments set out in Policy DP1: York Sub Areas. In particular that York will <i>'fulfil its role as a key driver in the Leeds City Region , York, North Yorkshire and East Riding Local Enterprise Partnership (LEP) area...'</i> and <i>'The housing needs of City of York 's current and future population including that arising from economic and institutional growth is met within the York local authority area.'</i></li> <li>• Support the general thrust and intent of Policy SS1 : Delivering sustainable growth for York</li> <li>• Policy SS2: the Role of York's Green Belt - defining a clear and detailed inner boundary of the York Green Belt is welcomed and supported. In defining the Green Belt boundary it is important that the evidence underpinning the decision is clearly presented and included within the narrative accompanying the policy. NYCC recognise that the Plan makes provision up to 2038, providing for an additional 5 years beyond the plan period. In adopting this approach it is acknowledged that in the longer term consideration will need to be given to how future growth needs will be managed to provide confidence in relation to planning for infrastructure and services including within neighbouring parts of North Yorkshire</li> <li>• Any traffic impact on NYCC's local highway network that could arise from allocations need to be identified and considered. Where it is clear that a development will have a material impact on its local highway network, NYCC request to be included in agreeing the scoping for the Transport Assessment (TA) and Travel Plan (TP) in addition to being formally consulted during the application process.</li> <li>• Ask that within CYC's transport evidence account is taken of the traffic generated by the allocations of surrounding planning authorities., particularly Harrogate district and</li> </ul>

Summary of Prescribed Body Representations on City of York Local Plan Pre Publication Draft (Regulation 18) Consultation, 2017	
Prescribed Body	Summary of Representation
	<p>the Green Hammerton settlement and that committed developments within North Yorkshire that will impact on cross border issues are included.</p> <ul style="list-style-type: none"> <li>• The Development of the York Central site will provide new economic and residential uses and activity in the centre of the City in a location well connected to sustainable transport which will benefit from regeneration.</li> </ul>
Ryedale District Council (RDC)	<ul style="list-style-type: none"> <li>• No representation made at this stage but ongoing discussions under the Duty will continue as the plan is taken forward</li> </ul>
Selby District Council (SDC)	<ul style="list-style-type: none"> <li>• Broadly supports the Local Plan approach and its policies, and more specifically, Policy DP1</li> <li>• SDC notes Policy SS1 states that the plan will deliver a minimum of 867 dwellings per year .Having read the SHMA Addendum, it is also noted that this figure does not take into account the level of employment growth proposed by the Local Plan and that the SHMA has not undertaken a full update to the analysis of economic growth. Whilst the SHMA concludes that there is unlikely to be any justification for an uplift in housing numbers in York to support expected growth in employment, Selby District Council need to be confident that undertaking a policy-on approach to housing need would identify no more than 867 dwellings per annum.</li> <li>• CYC will also be aware of the proposed methodology for the calculation of housing need requirements set out in the in the DCLG consultation on 'Planning for the Right Homes in the Right Places', which if taken forward would increase York's housing requirement figure to 1,070 dwellings per annum. Whilst you are confident that you can realise the growth aspirations detailed within the Pre-Publication Local Plan within the City of York boundary, Selby District Council is concerned that any increases to this figure could raise significant cross-boundary issues.</li> <li>• Question whether a Green Belt boundary enduring for 20 years is sufficient to meet the NPPF as it pertains to the intended permanence of Green Belt boundaries in the long term so they are capable of enduring beyond the plan period.</li> <li>• Site ST15 is in a remote location and will require significant investment in public transport infrastructure. The cumulative impact of this proposed new settlement on the highways network, along with the proposed expansion of York University (Site ST27) and the employment allocation at Elvington Airfield will need to be mitigated. Selby District Council need more detail to that shown in the Transport Topic Paper, before providing any further comments on the potential impact this allocation may have on Selby district.</li> <li>• CYC as education authority, will need to be satisfied that</li> </ul>

<b>Summary of Prescribed Body Representations on City of York Local Plan Pre Publication Draft (Regulation 18) Consultation, 2017</b>	
Prescribed Body	Summary of Representation
	<p>Wheldrake with Thorganby CE School is capable of meeting any additional demand generated by Site ST33, without any detriment to the population of Thorganbury (in Selby District)</p> <p>.</p>
York, North Yorkshire and East Riding Local Enterprise Partnership (YNYER LEP)	<ul style="list-style-type: none"> <li>• The quantum and nature of the proposed development will be of great strategic benefit to this LEP area and it is important that the Local Plan is advanced to adoption quickly to allow delivery of these sites.</li> <li>• Past issues of under delivery of housing, together with recent market signals for York mean that it will be essential to achieve the proposed minimum annual provision of 867 dwellings over the plan period, together with any additional homes to reflect under delivery.</li> <li>• Concerned at only 60,000m<sup>2</sup> of B1a office space at York Central, given the significantly higher figure in the EZ proposal and the pivotal role of such development on this site for the economy of York and the LEP area</li> <li>• Welcome the funding from WYCA to undertake feasibility and business case development for dualling the A1237</li> <li>• Grimston Bar junction, that already has capacity problems and faces increasing pressure through the Local Plan proposals, is important for east-west connectivity</li> </ul>

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The 'Better Decision Making' tool should be completed when proposing new projects, services, policies or strategies.

This integrated impact assessment tool was designed to help you to consider the impact of your proposal on social, economic and environmental sustainability, and equalities and human rights. The tool draws upon the priorities set out in our Council Plan and will help us to provide inclusive and discrimination-free services. The purpose of this new tool is to ensure that the impacts of every proposal are carefully considered and balanced and that decisions are based on evidence.

**Part 1** of this form should be completed as soon as you have identified a potential area for change and when you are just beginning to develop a proposal. If you are following the All About Projects Framework it should be completed before going through Gateway 3.

**Part 2** of this form should be filled in once you have completed your proposal and prior to being submitted for consideration by the Executive. If you are following the All About Projects Framework it should be completed before going through Gateway 4. Your answer to questions 1.4 in the improvements section must be reported in any papers going to the Executive and the full 'Better Decision Making' tool should be attached as an annex.

Guidance to help you complete the assessment can be obtained by hovering over the relevant text or by following this link to the 'Better Decision Making' tool on Colin.

Guidance on completing this assessment is available by hovering over the text boxes.

**Please complete all fields** (and expand if necessary).

#### Introduction

<b>Service submitting the proposal:</b>	Strategic Planning
<b>Name of person completing the assessment:</b>	Alison Cooke
<b>Job title:</b>	Development Officer
<b>Directorate:</b>	Economy and Place
<b>Date Completed:</b>	23rd January 2018
<b>Date Approved:</b> form to be checked by service manager	

#### Part 1

##### Section 1: What is the proposal?

1.1	<b>Name of the service, project, programme, policy or strategy being assessed?</b>
	Pre Publication Draft Local Plan 2017
1.2	<b>What are the main aims of the proposal?</b>
	The main aim of the report is to update Members on the response to the Pre Publication Draft Local Plan Consultation 2017. It presents a background summary of previous iterations of draft policies and the circumstances which led to the rationale of the Executive decision to approve the Pre-Publication Draft Local Plan for consultation. It also provides a summary of the present national policy and legislative context, and Officers' advice on appropriate responses to the Consultation outcomes.
1.3	<b>What are the key outcomes?</b>
	The Local Plan is the planning policy document through which we aim to deliver York's sustainable development objectives in a spatial way through identifying policies to inform decision making and site allocations to meet development needs.



**Section 2: Evidence**

2.1	<p><b>What data / evidence is available to understand the likely impacts of the proposal?</b> (e.g. hate crime figures, obesity levels, recycling statistics)</p> <p>The proposed changes as a result of the Consultation responses are set out in Annex A against each of the sites and policies.</p>
2.2	<p><b>What public / stakeholder consultation has been used to support this proposal?</b></p> <p>The Local Plan process has been subject to several consultations, the latest of which was the Pre Publication Draft (2017). This set out the Council's preferred housing and employment need as well as sites to satisfy the demand. The outcomes of this consultation have been reviewed and incorporated into the emerging position. Annex A accompanies this report setting out the proposed changes, supported by the evidence base. Further consultation, subject to members decision, will take place in Spring 2018.</p>
2.3	<p><b>Are there any other initiatives that may produce a combined impact with this proposal?</b> (e.g. will the same individuals / communities of identity also be impacted by a different project or policy?)</p> <p>This report will ultimately feed into the Regulation 19 Local Plan wherein it is likely to be positive through meeting the city's spatial development needs and contribute towards meeting York's sustainable development objectives. Specifically in relation to communities, this will effect all people in York who engage with planning such as through obtaining planning permission as well as ensuring planning policies in place to meet the city's objectives for sustainable development.</p>



**Part 1**

**Section 3: Impact on One Planet principles**

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or residents.  
 This section relates to the impact of your proposal on the One Planet principles.

For 'Impact', please select from the options in the drop-down menu.  
 If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'.

**Equity and Local Economy**

Does your proposal?		Impact	What are the impacts and how do you know?
3.1	<b>Impact positively on the business community in York?</b>	Positive	The policies of the Local Plan support the delivery of the city's economic objectives and will enable York to realise its economic growth ambitions as set out in the city's economic strategy (2016). It will promote private sector employment growth through the provision of sites and infrastructure to deliver new jobs over the plan period for current and future residents. The Employment Land Review (2016 and update 2017) sets out our assumptions for identifying employment need. Meeting York's housing requirements is also likely to have a positive outcome for provision of affordable housing for workers within York.
3.2	<b>Provide additional employment or training opportunities in the city?</b>	Positive	The policies of the local plan support the delivery of the city's economic objectives and will enable York to realise its economic growth ambitions as set out in the city's economic strategy (2016). It will promote private sector employment growth through the provision of sites and infrastructure to deliver new jobs over the plan period for current and future residents. Housebuilding and commercial development as a result of allocations in the Local Plan may provide some certainty over jobs in construction. The scale of employment activity depends on the growth targets agreed.
3.3	<b>Help individuals from disadvantaged backgrounds or underrepresented groups to improve their skills?</b>	Positive	The plan supports the delivery of the city's economic objectives and social objectives, including promoting social inclusivity. The plan will help to unlock the further potential of the higher and further education sector in York through development and redevelopment.

**Health & Happiness**

Does your proposal?		Impact	What are the impacts and how do you know?
3.4	<b>Improve the physical health or emotional wellbeing of staff or residents?</b>	Neutral	The Local Plan aims to support healthy lifestyles and healthy environments across the city. The plan includes policies to conserve and enhance York's green infrastructure, providing opportunities for a healthy lifestyle and optimising its role in contributing to York being a healthy city, drawing on the Open Space Study (2014) and its 2017 update. Providing homes to meet the needs of people will also have a positive impact on people's well being.
3.5	<b>Help reduce health inequalities?</b>	Positive	The community facilities section of the plan has been revised to have a greater focus on health and wellbeing. The new section covers the protection and enhancement of sports, healthcare, childcare, and community facilities. An additional policy related to healthy placemaking has been added which encourages designing environments that encourage health-promoting behaviours, helping to delivery York's Joint Health and Wellbeing Strategy and the Council Plan. There are also opportunities as part of new development for the provision of new services. These will have to be developed in tandem to avoid negatives impact in the short-term.
3.6	<b>Encourage residents to be more responsible for their own health?</b>	Neutral	The Local Plan encourages healthy lifetsyles through the safeguarding and provison of different types of openspace and recreational opportunities. The plan includes policies to conserve and enhance York's green infrastructure, providing opportunities for a healthy lifestyle and optimising its role in contributing to York being a healthy city. See Annex 7 to this report to see updates to these policies.
3.7	<b>Reduce crime or fear of crime?</b>	Positive	The plan includes a placemaking policy which seeks to balance the needs of urban design principles for good design against 'secured by design' principles to design out crime, helping to delivery the City of York Streetscape Strategy Guidance (2014). See Annex 7 to this report to see updates to these policies.
3.8	<b>Help to give children and young people a good start in life?</b>	Positive	The Local Plan seeks to respond to the need to increase primary and secondary education provision, including addressing need arising from strategic development sites and supporting proposals to ensure that existing facilities can continue to meet modern educational requirements. See Annex 7 to this report to see updates to these policies.

**Culture & Community**

Does your proposal?		Impact	What are the impacts and how do you know?
3.9	<b>Help improve community cohesion?</b>	Neutral	Community cohesion and the development of strong, supportive and durable communities is promoted through the creation of sustainable, low carbon neighbourhoods.
3.10	<b>Improve access to services for residents, especially those most in need?</b>	Positive	The plan will prioritise tackling existing gaps and prevent gaps from being created in the provision of key services and public transport, helping to support the Council's Transport Plan 2011-2031. The Plan's spatial strategy also uses access to services and transport as a key indicator for sustainability and uses this to help determine suitable sites for development. The majority of strategic allocations are also expected to incorporate local provision on site and have access to sustainable transport.
3.11	<b>Improve the cultural offerings of York?</b>	Positive	A new cultural provision policy has been developed as well as strengthening references to culture throughout the plan. The new policy supports development proposals where they are designed to sustain, enhance and add value to the special qualities and significance of York's culture. See Annex 7 to this report to see the new and revised policies.
3.12	<b>Encourage residents to be more socially responsible?</b>	Positive	Through consultation the local plan process actively encourages residents to shape their communities by commenting on the policies that will shape development in the future in line with the Council's Statement of Community Involvement (2007)

**Zero Carbon and Sustainable Water**

Does your proposal?	Impact	What are the impacts and how do you know?
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3.13	<b>Minimise the amount of energy we use, or reduce the amount of energy we will use/pay for in the future?</b>	Mixed	The plan will respond to the opportunities offered by the city's natural resources whilst at the same time protecting current and future residents from environmental impacts. It will help York become a sustainable, resilient and collaborative 'One Planet'. It will create energy efficient buildings, support the use of energy from renewable sources and ensuring York is climate ready. Notwithstanding this, development in York is likely to increase the city's resource consumption. LocalPlan policy relating to climate change, renewable energy and sustainable design have been updated in line with new/updated evidence base and legislation. See Annex 7 to this report for updates to these policies.
3.14	<b>Minimise the amount of water we use or reduce the amount of water we will use/pay for in the future?</b>	Mixed	The plan will respond to the opportunities offered by the city's natural resources whilst at the same time protecting current and future residents from environmental impacts. It will help York become a sustainable, resilient and collaborative 'One Planet' city, ensuring that new development uses water efficiently and delivers sustainable drainage solutions. LocalPlan policy relating to climate change, renewable energy and sustainable design have been updated in line with new/updated evidence base and legislation. See Annex 7 to this report for updates to policy.
3.15	<b>Provide opportunities to generate energy from renewable/low carbon technologies?</b>	Positive	A revised climate change section now more strongly ties the policies to the social and economic benefits of low carbon developments which consider sustainable design and construction principles. See Annex 7 to this report for updates to policy.

**Zero Waste**

Does your proposal?		Impact	What are the impacts and how do you know?
3.16	<b>Reduce waste and the amount of money we pay to dispose of waste by maximising reuse and/or recycling of materials?</b>	Positive	The plan will contribute to the reduction of waste through supporting innovation and improvement of current waste practices and the promotion of recycling. Sustainable design and construction principles will be embedded in new developments. Local Plan policy relating to Waste management has been revised in line with the emerging Joint Minerals and Waste Local Plan being prepared by North Yorkshire County Council, City of York Council and North York Moors National Park. See Annex 7 to this report for updates to policy

**Sustainable Transport**

Does your proposal?		Impact	What are the impacts and how do you know?
3.17	<b>Encourage the use of sustainable transport, such as walking, cycling, ultra low emission vehicles and public transport?</b>	Positive	The plan will help deliver a fundamental shift in travel patterns by ensuring that sustainable development and travel planning is a key component of future development, promoting sustainable connectivity, reducing the need to travel, helping to deliver the infrastructure to support sustainable transport and managing private travel demand. Helping to support the Council's Transport Plan 2011-2031. This has also been translated into the Site Selection process as a key stage in considering suitability of a potential development site. The outcomes of sites are referred to in annexes 3-5. See Annex 7 for revisions to policy.
3.18	<b>Help improve the quality of the air we breathe?</b>	Positive	The plan supports measures to help reduce the emissions of Nitrogen Dioxide, Particulate, Carbon Dioxide and other greenhouse gases from both transport and other sources helping to deliver the Council's Low Emission Strategy (2012) and therefore features as a consideration throughout the Local Plan. See Annex 7 to this report for detailed updates to policy.

**Sustainable Materials**

Does your proposal?		Impact	What are the impacts and how do you know?
3.19	<b>Minimise the environmental impact of the goods and services used?</b>	Mixed	Development advocated by the Local Plan will have an inevitable impact on the use of resources and waste. However, sustainable design and construction principles will be embedded in new developments through policy. See annex 7 to this report for detailed policy updates.

**Local and Sustainable Food**

Does your proposal?		Impact	What are the impacts and how do you know?
3.20	<b>Maximise opportunities to support local and sustainable food initiatives?</b>	Neutral	n/a

**Land Use and Wildlife**

Does your proposal?		Impact	What are the impacts and how do you know?
3.21	<b>Maximise opportunities to conserve or enhance the natural environment?</b>	Positive	York's Green Infrastructure, including open space, landscape, geodiversity, biodiversity and the natural environment will be both conserved and enhanced. This is a key consideration in the Local Plan and evidence base such as the Green Infrastructure and Openspace Study (2014, Openspace update 2017). The vision, spatial strategy and specific policies all support the conservation and enhancement of the natural environment. Furthermore, this is translated into the Site Selection methodology to determine a potential site's suitability for development . See Annex 7 for updates to specific policies and annexes 3-5 to see comments in relation to specific sites.
3.22	<b>Improve the quality of the built environment?</b>	Positive	The Local Plan will help York to safeguard its outstanding heritage for future generations by promoting development which respects the city's special character and culture and encourages opportunities for rediscovering and reinterpreting those assets which make it an attractive, beautiful and accessible city. The Plan will do this through the conservation and enhancement of six defining characteristics of York's built environment; strong urban form, compactness, landmark monuments, unique architectural character, archaeological complexity and landscape setting set out in the Heritage Topic Paper (2014) and Heritage Impact Appraisal (tbc 2017).
3.23	<b>Preserve the character and setting of the historic city of York?</b>	Positive	The plan will help York to safeguard its outstanding heritage for future generations by promoting development which respects the city's special character. The Local Plan will ensure that the city's heritage assets are preserved and enhanced. Beyond the city centre, the key radial routes are of particular importance, and the surrounding villages and Green Infrastructure, including its valued strays, river corridors and open spaces that contribute to the city's setting. The Historic Character and Setting evidence base (2003 updated in 2013 and 2014) identifies areas of primary importance for this. The Plan will also create a Green Belt for York that will endure beyond the end of this plan period providing a lasting framework to shape the future development of the city. Its primary aim will be to preserve and enhance the special character and setting of York. It will also have a critical role in ensuring that development is directed to the most sustainable locations.

3.24	<b>Enable residents to enjoy public spaces?</b>	Positive	Development will not be permitted which would harm the character of or lead to the loss of open space of environmental and or recreational importance unless it can be satisfactorily replaced. All residential development should contribute to the provision of open space for recreation and amenity. As supported by the open space study (2014) and its update and the Green Infrastructure Strategy.
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3.25	<b>Additional space to comment on the impacts</b>		



## Part 1

## Section 4: Impact on Equalities and Human Rights

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or residents. This section relates to the impact of your proposal on **advancing equalities and human rights** and should build on the impacts you identified in the previous section.

For 'Impact', please select from the options in the drop-down menu.  
 If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'

## Equalities

Will the proposal **adversely impact** upon 'communities of identity'?  
 Will it **help advance equality** or **foster good relations** between people in 'communities of identity'?

	Impact	What are the impacts and how do you know?	Relevant quality of life
4.1 Age	Positive	The plan will meet housing needs and provide a range of house types for all ages. The SHMA (2016) and SHMA update (2017) provide relevant evidence for this. It will also improve the safety and accessibility of the city's streets and spaces.	Comfortable standard of living
4.2 Disability	Positive	The plan will meet housing needs and provide a range of house types for all ages. The SHMA (2016) and SHMA update (2017) provide relevant evidence for this. It will also improve the safety and accessibility of the city's streets and spaces.	Comfortable standard of living
4.3 Gender	Neutral	None deemed likely	n/a
4.4 Gender Reassignment	23rd January 2018	None deemed likely	n/a
4.5 Marriage and civil partnership	Neutral	None deemed likely	n/a
4.6 Pregnancy and maternity	Neutral	None deemed likely	n/a
4.7 Race	Positive	Meeting Gypsy, Traveller and Travelling Showpeople's accommodation needs, supporting the outcomes of the Gypsy and Traveller Accommodation Assessment (2017)	Comfortable standard of living
4.8 Religion or belief	Neutral	None deemed likely	n/a
4.9 Sexual orientation	Neutral	None deemed likely	n/a
4.10 Carer	Neutral	None deemed likely	n/a
4.11 Lowest income groups	Positive	The plan will meet housing needs and provide a range of house types. The SHMA (2016) and SHMA update (2017) provide relevant evidence for this, including the need for affordable housing.	Comfortable standard of living
4.12 Veterans, Armed forces community	neutral	The emerging Local Plan and supporting evidence considers the potential of the MOD sites in York for development following the Defence Infrastructure Estates Review (2016). The closure of these sites will have an impact on the armed forces community which is out of the remit of the Local Plan.	n/a

## Human Rights

Consider how a human rights approach is evident in the proposal

		Impact	What are the impacts and how do you know?
4.13	Right to education	neutral	None deemed likely
4.14	Right not to be subjected to torture, degrading treatment or punishment	neutral	None deemed likely
4.15	Right to a fair and public hearing	neutral	None deemed likely
4.16	Right to respect for private and family life, home and correspondence	neutral	None deemed likely
4.17	Freedom of expression	neutral	None deemed likely
4.18	Right not to be subject to discrimination	neutral	None deemed likely
4.19	Other Rights	neutral	None deemed likely

4.20	<b>Additional space to comment on the impacts</b>		

## Part 1

## Section 5: Developing Understanding

Based on the information you have just identified, please consider how the impacts of your proposal could be improved upon, in order to balance social, environmental, economic, and equalities concerns, and minimise any negative implications.

It is not expected that you will have all of the answers at this point, but the responses you give here should form the basis of further investigation and encourage you to make changes to your proposal. Such changes are to be reported in the final section.

**Taking into consideration your responses about all of the impacts of the project in its current form, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?**

5.1 Given the wide range of policy areas covered by the Local Plan and its over all vision which responds to the issues, opportunities and challenges facing the city it is considered that the plan will have a strongly positive impact overall on creating a fair, healthy, sustainable and resilient city.

**What could be changed to improve the impact of the proposal on the One Planet principles? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)**

5.2 Preparation of the Local Plan is part of an ongoing process that involves monitoring the success and progress of its policies. The process will make sure it is achieving its objectives and making necessary adjustments to the plan if the monitoring process reveals that changes are needed. This enables the plan to maintain sufficient flexibility to adapt to changing circumstances. Furthermore, the plan is subject to ongoing Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment which appraises the plan and site allocations against a bespoke social, economic and environmental objectives to understand how the plan is contributing the sustainable development objectives for York.

**What could be changed to improve the impact of the proposal on equalities and human rights? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)**

5.3 No mixed or negative impacts on equality and human rights are considered likely.

## Section 6: Planning for Improvement

23rd January 2018

**What further evidence or consultation is needed to fully understand its impact? (e.g. consultation with specific communities of identity, additional data)**

6.1 Members will use the recommendations to decide the future approach for the Local Plan which will then be subject to public consultation. A publication draft plan will then be prepared before being submitted to the secretary of state for examination.

6.2 **What are the outstanding actions needed to maximise benefits or minimise negative impacts in relation to this proposal?** Please include the action, the person(s) responsible and the date it will be completed (expand / insert more

Action	Person(s)	Due date

6.3 **Additional space to comment on the impacts**

**Part 2**

**Section 1: Improvements**

Part 2 builds on the impacts you identified in Part 1. Please detail how you have used this information to make improvements to your final proposal.

**Please note that your response to question 1.4 in this section must be reported in the One Planet Council implications section of reports going to the Executive.**

1.1	<p><b>For the areas in the 'One Planet' and 'Equalities' sections, where you were unsure of the potential impact, what have you done to clarify your understanding?</b></p> <p>Given the wide ranging policy areas covered in the plan and the process taken so far in preparing the plan there are inherent links and good understanding of the one planet principles and equalities.</p>
1.2	<p><b>What changes have you made to your proposal to increase positive impacts?</b></p> <p>No changes considered necessary, however the monitoring element of the local plan process will ensure the success and progress of the policies are able to adapt to changing circumstances. For example, air quality will be monitored to ensure new development does not result in poorer air quality.</p>
1.3	<p><b>What changes have you made to your proposal to reduce negative impacts?</b></p> <p>No negative impacts anticipated.</p>
1.4	<p><b>Taking into consideration everything you know about the proposal in its revised form, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?</b></p> <p>Your response to this question must be input under the One Planet Council implications section of the Executive report. Please feel free to supplement this with any additional information gathered in the tool.</p> <p>Given the wide range of policy areas covered by the Local Plan and its over all vision which responds to the issues, opportunities and challenges facing the city it is considered that the plan will have a strongly positive impact overall on creating a fair, healthy, sustainable and resilient city.</p>
1.5	<p><b>Any further comments?</b></p>

## **EXECUTIVE**

**THURSDAY, 25 JANUARY 2018**

### **DECISIONS**

Set out below is a summary of the decisions taken at the Executive meeting held on Thursday, 25 January 2018. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

Members are reminded that, should they wish to call in a decision, notice must be given to Democracy Support Group no later than 4pm on the second working day after this meeting.

Please note that items 14 and 15 are recommendations to Council and cannot be called in.

If you have any queries about any matters referred to in this decision sheet please contact Fiona Young.

#### **5. SECURING A SUSTAINABLE FUTURE FOR HAXBY HALL OLDER PERSONS' HOME**

Resolved: (i) That the results of consultation undertaken with residents, relatives, staff and care providers on the future ownership and management of Haxby Hall residential care home be noted.

(ii) That the transfer of the ownership and management of Haxby Hall residential care home to an independent sector provider be approved.

(iii) That approval be given to:

- a) Procure a developer / operator to take over Haxby Hall residential care home as a going concern, with a commitment to deliver improved care facilities on the site;
- b) Dispose of the site of the care home to the selected bidder by way of freehold sale or long lease, in return for payment of a premium / capital sum;
- c) Impose a covenant within the transfer deed / lease that the land can only be used as a

care home but the council will not unreasonably withhold approval to a different use, subject to the council receiving an additional sum equal to a fair proportion of any increase in value arising from any alternative use (provided that the council could refuse any request for alternative use within an initial period of approximately 25 years unless the provider can show that there is no longer sufficient demand for a care home on the site);

- d) Procure a contract under which the council would seek to purchase access to a specified number of beds in the care home at a specified rate for a specified number of years;
- e) Provide relevant pension indemnities to the preferred partner in respect of the staff who will transfer under TUPE; and
- f) Pay the cost of this procurement from the agreed Older Persons' Accommodation Programme budget.

(iv) That bids allowing for the residents and staff of Haxby Hall to move to another location for a fixed period of time while re-development takes place be considered and, should this option be favoured by bidders, that it be the subject of consultation with residents, relatives and staff before being adopted.

(v) That Executive receive, at their meeting in September 2018, the recommendation to sell or lease the Haxby Hall site to the preferred partner on the terms agreed via the procurement, in accordance with Financial Regulations.

Reason: To secure the long term provision of care at Haxby Hall and progress the Programme's aim of expanding and modernising older people's care provision in the city, while delivering medium and long term efficiencies.

**6. DEVELOPING A CENTRE OF EXCELLENCE FOR DISABLED CHILDREN AND THEIR FAMILIES IN YORK**

Resolved: (i) That the business case for the development of a Centre of Excellence for Disabled Children and their families in York be approved.

(ii) That approval be given to progress to the next stage of design, planning and development.

Reason: To enable the provision of a Centre of Excellence with the potential to be a leader in innovative practice both regionally and nationally, as part of the wider development of services for disabled children and young people across the city.

**7. RE-PROCUREMENT OF MANAGED STORES SERVICE FOR BUILDING SERVICES & HIGHWAYS**

Resolved: (i) That approval be given to proceed with the procurement, as set out in the report.

(ii) That authority be delegated to the Assistant Director of Housing and Community Safety to approve the award of the contract once the tender process is complete.

Reason: In line with the council's internal governance rules and the requirements of the Public Contract Regulations, and to facilitate a quicker route into the critical mobilisation phase of the project.

**8. FUTURE OPERATION OF ROWNTREE PARK LODGE AND PARK**

Resolved: (i) That approval be given to lease the upper floors of Rowntree Park Lodge as a Holiday Letting, subject to obtaining the consent of the beneficiary of the covenants imposed when ownership of the Park (including the site of the Lodge) was transferred to the council.

(ii) That any net revenue generated be ring-fenced for the upkeep of Rowntree Park.



Reason: To support Rowntree Park and its stakeholders in developing the facilities for a long term sustainable future.

## **9. A CLEAN AIR ZONE FOR YORK INCLUDING ANTI IDLING ENFORCEMENT**

Resolved: (i) That the introduction of a CAZ in 2020, subject to a consultation on the details of the proposed CAZ, be approved.

(ii) That Option 2, as detailed in paragraphs 43-46 of the report, be indicated as the preferred option within the consultation.

(iii) That the introduction of a minimum Ultra Low Emission Bus standard for all City of York Council (CYC) contracted bus services when new contracts are awarded be approved.

(iv) That a report be brought back to the Executive with options to introduce a similar standard in the procurement of fleet and other buses by CYC.

(v) That the use of enforcement to supplement the existing awareness-raising activities to reduce stationary vehicle idling in York, as set out in paragraphs 66 to 69 of the report, be approved.

Reason: To improve air quality in York through the acceleration of improvements to bus emission levels and the reduction of vehicle engine idling.

## **10. HOMELESSNESS IN YORK**

Resolved: (i) That the progress made in response to the motion to Council be noted.

(ii) That Option 1 be approved and the following changes and proposals endorsed and agreed, as detailed in paragraphs 55-59 of the report:

a) To operate severe weather provision continuously throughout the winter period

- until 28 February 2018, instead of on cold nights only;
- b) To explore innovative ideas to build more one-bedroom properties as part of the allocation in the Housing Revenue Account for the construction of new council properties at an affordable social rent.
  - c) To give consideration to expanding the number of emergency beds in the city, using the £125k available over a 3-year period to pilot an innovative scheme to meet the needs of the city.
  - d) To consider employing a Private Rented Officer to work with existing services to help individuals access the private rented sector and to offer support and contact for landlords.

Reason: To look at further ways to tackle the challenge of rough sleeping in York, recognising that there is not an immediate solution due to the chaotic lifestyles of some customers and the potential implications of the Homeless Reduction Act 2017.

## 11. CITY OF YORK LOCAL PLAN

Resolved: (i) That the recommendations of the Local Plan Working Group be accepted and that the changes to the pre-publication draft Local Plan (Regulation 18) as set out in the report and Annex A be agreed, with the exception of the following tables:

- Housing: accept Table 1 and reject Tables 2, 3 and 4
- Employment: accept Table 5 and reject Tables 6 and 7.

*These amendments relate to boundary changes and proposed changes to housing numbers. This is to be reflected in amendments to all relevant policies detailed in the report.*

(ii) That, subject to those changes, the Local Plan be progressed to the Regulation 19 stage

(iii) That authority be delegated to the Assistant Director of Planning & Public Protection, in consultation with the Leader and Deputy Leader, to:

- a) approve all policies necessary for the production of a composite Local Plan for the purposes of public consultation;
- b) consider and approve further technical reports and assessments to support the Local Plan; including, but not limited to, the SA/SEA, HRA, Viability Study and Transport Assessment;
- c) approve a consultation strategy and associated material for the purposes of a city wide consultation, and to undertake consultation on a composite plan in accordance with that agreed strategy.

(v) That the Leader and Deputy Leader keep Group Leaders informed, through Group Leaders' meetings, of progress with the above actions.

Reason: So that an NPPF compliant Local Plan can be progressed.

## **12. IMPACT OF ARTS & CULTURE ON THE ECONOMY SCRUTINY REVIEW FINAL REPORT**

Resolved: That the findings of the Task Group be noted and that the recommendations from the review, as set out in paragraphs 2-4 of the cover report and paragraphs 63-65 of the review report, be approved.

Reason: To conclude the Scrutiny Review in line with the council's Scrutiny procedures and protocols.

## **13. WW1 COMMEMORATIONS 2018 SCRUTINY REVIEW**

Resolved: That the findings of the Task Group be noted and that the recommendations from the review, as set out in paragraph 4 of the cover report and paragraph 21 of the review report, be approved, subject to the

amendment of recommendation (i) to read as follows:

*The Executive agrees to a budget of £10k, financed from the 2017/18 revenue contingency, to enable the procurement of an event organiser to develop and promote a programme of events to commemorate the end of WW1, in line with the brief shown at Annex B.*

Reason: To conclude the Scrutiny Review in line with the council's Scrutiny procedures and protocols, and to clarify the source of funding for the event organiser.

**14. DEVELOPING A CENTRE OF EXCELLENCE FOR DISABLED CHILDREN AND THEIR FAMILIES**

Recommended: That Council approve the allocation of a capital budget of £4.274m to support the development of a Centre of Excellence for Disabled Children and their families. This sum to be financed by the sale of The Glen (net capital receipt £850k after deducting the assumed receipt for Windsor House) and £3.424m prudential borrowing, the costs of which will be met from the existing budget provision for the service.

Reason: To enable the provision of a Centre of Excellence with the potential to be a leader in innovative practice both regionally and nationally, as part of the wider development of services for disabled children and young people across the city.

**15. FUTURE OPERATION OF ROWNTREE PARK LODGE AND PARK**

Recommended: That Council approve the allocation of £150,000 capital budget to facilitate the regeneration of the upper floors of Rowntree Park Lodge, to be funded from the revenue receipts generated from future use of the Lodge.

Reason: To support Rowntree Park and its stakeholders in developing the facilities for a long term sustainable future.

**From:** Macdonald, Roddy [RoddyMacdonald@eversheds-sutherland.com]  
**Sent:** 03 April 2018 16:59  
**To:** localplan@york.gov.uk  
**Subject:** City of York Local Plan Publication Draft 2018 Consultation - Taylor Wimpey UK Limited Representations  
**Attachments:** Letter to City of York Council re Local Plan Publication.pdf; Report to Executive 13 July 2017 (2).pdf; Executive Minutes of 13 July 2017 Meeting.pdf; Report to 25 January 2018 Executive Meeting.pdf; Executive Meeting 25 January 2018 Decision.pdf

Dear Sir

Please find attached the representations on behalf of our client Taylor Wimpey UK Limited in relation to the City of York Local Plan Publication Draft 2018 Consultation.

We would be grateful if you would kindly acknowledge receipt.

Yours faithfully

Roddy Macdonald | Principal Associate | Planning and Infrastructure Consenting | Eversheds Sutherland

T: 0113 200 4452  
M: 07827 936 286

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**By Special Delivery and Email: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)**

Dear Sir

### **CITY OF YORK LOCAL PLAN PUBLICATION DRAFT (FEBRUARY 2018)**

1. We are instructed by Taylor Wimpey UK Limited to make representations in relation to the City of York Local Plan Publication Draft 2018.
2. As one of the UK's largest residential developers and with a regional business which covers the City of York Local Plan area, our client has a direct interest in the outcome of the Local Plan preparation process. The comments contained in the remainder of this letter concern the content of the Local Plan in general. Specific representations have also been submitted by Johnson Mowat on behalf of our client in relation to Policy SS9: East of Metcalf Lane (ST7).

### **SUMMARY**

3. The Council has failed to give proper consideration to market signals when assessing housing need for York.
4. Without proper justification, the Council has chosen to disregard advice from its consultants, GL Hearn, and recommendations from its Officers.
5. As a result, there is no proper evidence base for the housing need identified in the Publication Draft Local Plan. Should the Local Plan proceed to examination in its current form it is very likely that an Inspector would find the Local Plan to be unsound. Such a finding would require fundamental components of the Local Plan to be revisited and further consultation to be carried out following the revisions to the Local Plan. This would inevitably lead to lengthy delays to the programme for adoption of the Local Plan.

### **BACKGROUND**

6. We set out in this section the background to the Local Plan that is relevant to our conclusions on the likelihood of it being found to be sound.
7. The Council engaged GL Hearn to prepare a strategic housing market assessment (SHMA) to inform the identification of housing needs for the York housing market area. The 2016 SHMA, which was used in the preparation of the Preferred Sites Consultation (2016), identified a demographic baseline of 783 dwellings per year. This was adjusted to take account of mid-year population estimates and market signals to give a total housing needs figure of 841 dwellings per annum.

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8. A 2017 SHMA Addendum was prepared by GL Hearn which identified an updated demographic baseline of 867 dwellings per annum. It recommended that this figure should be increased to reflect market signals evidence, identifying 10% as a reasonable level of adjustment, giving a total housing needs figure of 953 dwellings per annum.
9. In July 2017, Officers sought a number of approvals from the Council's Executive in relation to the progression of the Local Plan (July 2017 Report)<sup>1</sup>. Members were asked to come to a view on the GL Hearn recommendation that a reasonable market adjustment would equate to 953 dwellings per annum. Members were also asked to consider relevant inspectors' decisions relating to market signal adjustments. Paragraph 84 of the July 2017 Report stated that:
- "SHMAs around the country have generally applied adjustments to improve affordability of up to 20%. There have been exceptions to this, including Cambridge (where a 30% adjustment has been recommended). There are however some examples across the country where a 0% market signal uplift have been accepted at Examinations."*
10. Paragraph 91 of the July 2017 Report provided that:
- "If having considered the factors set out in paragraphs 82-90 of this report, the OAHN of 953 dwellings per annum is not agreed, Members should provide reasons for departing from the conclusions in that report. Reasons should also be given to justify any alternative OAHN figure."*
11. The Executive accepted the updated demographic baseline of 867 dwellings per annum. However, it rejected the recommendation from GL Hearn in relation to market signal adjustments. The reason provided by the Executive<sup>2</sup> was:
- "That the recommendation prepared by GL Hearn in the draft Strategic Housing Market Assessment, to apply a further 10% to the above figure for market signals (to 953 dwellings per annum), is not accepted on the basis that Hearn's conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations."*
12. Consultation was carried out between 18 September 2017 and 30 October 2017 in relation to the Local Plan Pre-Publication Draft. This contained an annual housing need figure of 867 dwellings, reflecting the resolution of the 13 July 2017 meeting of the Executive.
13. On 14 September 2017, the Department for Communities and Local Government published its "Planning for the right homes in the right places: consultation proposals" (DCLG September 2017 Consultation). The DCLG September 2017 Consultation contains details of a proposed standard approach to assessing local housing need. This comprises three distinct steps which involve, first, setting a demographic baseline, second, making an adjustment to take account of market signals and, third, capping the level of any increase in dwelling numbers.
14. The DCLG September 2017 Consultation applies the proposed methodology to local planning authorities to generate indicative housing need figures for the period from 2016 to 2026. For the City of York, the indicative figure is 1,070 dwellings per annum.

<sup>1</sup> Report to Executive meeting of 13 July 2017 on the City of York Local Plan.

<sup>2</sup> See item (i) of the resolution contained in the Minutes of the 13 July 2017 Executive meeting.



15. In January 2018, Officers sought approval from the Executive to prepare the Publication Draft of the Local Plan for submission to the Secretary of State for examination (January 2018 Report)<sup>3</sup>.
16. In the January 2018 Report, Officers made reference to emerging national policy relating to the standard method for calculating housing need<sup>4</sup>. Officers recognised that the proposed standard method represents the anticipated direction of travel for national policy, that it differs to the methodology applied by the Council and that, if applied, it would generate a minimum housing requirement figure of 1,070 dwellings per annum.
17. Officers noted the Government's proposals<sup>5</sup> to introduce the standard method through a revised National Planning Policy Framework and to apply the standard method to plans unless they are submitted for examination on or before 31 March 2018 or the date of publication of the revised NPPF (if later).
18. Officers commented that the publication of the revised NPPF and introduction of the standard method was, in their view, unlikely by 31 March 2018. Officers confirmed that the methodology relating to the housing requirement reported to Members and approved by the Executive on 13 July 2017 would continue to be used. Accordingly, Officers made no recommendations to alter the housing requirement of 867 dwellings per annum as approved by the Executive on 13 July 2017.
19. Officers recognised that objections were received during the Pre-Publication Draft consultation to the use of an annual needs figure of 867 by reason of failure to comply with the 2017 SHMA, existing national policy and emerging national policy.
20. Turning to matters of housing supply, Officers noted that the Pre-Publication Draft Local Plan contained a sufficient supply to meet the annual requirement of 867 dwellings. However, the Officer comments at Paragraph 26 reveal that Officers held concerns relating to the adequacy of the proposed supply. Officers stated that:
- "Members must be satisfied that they consider the Submission Draft Plan meets the test of "soundness". This is a statutory duty. Officer's advice is that the direction of travel in national policy indicates that if the site proposals previously consulted on were increased this would be a more robust position. However, this is not to say that the proposals previously consulted on would be unreasonable; it is a matter for Members to determine the degree of risk they wish to take."*
21. At Paragraph 27, Officers gave very clear advice that an increase to the housing supply would enhance the prospects of the Council defending the Local Plan at examination, stating:
- "In Officer's opinion, an increase in the supply of housing would place the Council in a better position for defending the Plan proposals through the Examination process. However, Members will be aware of the counter arguments in particular the community responses to consultation. In addition in potentially increasing supply Members will also be mindful of the time required for achieving this more robust position in line with legislative requirements. An important issue to consider is whether changes can be made to the plan without undertaking additional consultation. This is a critical issue if the Council is to meet the May 2018 deadline for submission."*
22. At Paragraphs 28 to 33 and Tables 1 to 4, Officers set out possible options to increase the housing allocation numbers, in response to representations made in respect of the Pre-Publication Draft Local Plan.

<sup>3</sup> Report to the 25 January 2018 Executive meeting on the City of York Local Plan.

<sup>4</sup> Contained in "Planning for the right homes in the right places: consultation proposals", September 2017.

<sup>5</sup> Contained in Planning for the right homes in the right places.

23. The following table summarises the potential increases to housing supply outlined by Officers. This demonstrates that the potential for up to 4131 additional dwellings was identified.

<b>Table 1: Potential changes to housing sites allocated in the Pre-Publication Draft Local Plan (with minor or no boundary changes)</b>			
<b>Allocation reference</b>	<b>No. included in PPLP</b>	<b>Potential Revised Figure</b>	<b>Potential Increase</b>
ST5	1500	1700-2500	200-1000
<b>Table 2: Potential changes to housing sites allocated in the Pre-Publication Draft Local Plan (with boundary changes)</b>			
ST7, ST14, ST15	5521	6548	1027
<b>Table 3: Potential new housing site allocations (previously rejected housing sites)</b>			
H28, H2b(132), H37(6), SF10(874), H2a(33), 964		2003	2003
<b>Table 4: Potential completely new housing site allocations</b>			
956, 959		101	101
<b>Totals</b>	7021	10352-11152	3331-4131

24. The Executive resolved to approve the progression of the Local Plan to Publication Draft stage<sup>6</sup>, subject to certain increases to the supply of dwellings. The Table 1 increase was approved but the Table 2, 3 and 4 increases were rejected. Accordingly, the Executive approved only 1000 of the 4131 additional dwellings identified by Officers.
25. The January 2018 Report also addressed issues relating to employment land supply. At Paragraph 36, Officers highlighted concerns raised in representations on the Pre-Publication Draft Local Plan that it made overly cautious forecasts of employment land requirements and insufficient allocations. At Paragraphs 37 to 39 and Table 5 to 7, Officers set out options to increase employment allocations.
26. The following table summarises the potential increases to employment site allocations:

<b>Table 5: Potential changes to employment sites allocated in the Pre-Publication Draft Local Plan (with minor or no boundary changes)</b>			
<b>Allocation Reference</b>	<b>No. included in PPLP</b>	<b>Potential Revised Figure</b>	<b>Potential Increase</b>
ST5	60,000sqm	100,000sqm	40,000sqm

<sup>6</sup> See item 11 of the Decision of the 25 January 2018 Executive meeting.

<b>Table 6: Potential changes to employment sites allocated in the Pre-Publication Draft Local Plan</b>			
ST27, ST26	31.5ha	41ha	9.5ha
<b>Table 7: Potential new employment site allocations (previously rejected employment sites)</b>			
795, 864, 940		10.35	10.35

27. The Executive approved the additional 40,000sqm of floorspace identified at Table 5. However, it rejected the additional 19.85ha of employment sites identified at Tables 6 and 7.
28. The Local Plan Publication Draft was published by the Council on 21 February 2018 with a six week representations period running to 4 April 2018.
29. Representations were submitted to the Council on 26 March 2018 by the Home Builders Federation. These representations urge the Council to reconsider the overall level of housing provision in order to respond to market signals and affordability and the NPPF objective to significantly boost the supply of housing. The HBF submits that Policy SS1 should be modified to require delivery of a minimum annual provision of 1,070 new dwellings over the plan period to 2037/38.
30. A Technical Report prepared by Lichfields on behalf of a number of residential developers<sup>7</sup> was also submitted to the Council in March 2018. The conclusions reached by Lichfields are that the demographic baseline should be set at 871 dwellings per annum rather than 867 dwellings per annum; a market signals adjustment of 20% rather than 10% is appropriate; and an increased proportion of affordable housing should be set. Lichfields find that the evidence in this case supports an annual housing needs figure of 1,150 dwellings.
31. On 23 March 2018, the Secretary of State for Housing, Communities and Local Government wrote to Councillor Gillies, Lead of York City Council, in relation to longstanding concerns with lack of progress with Local Plan preparation. The Secretary of State stated that:

*"I will continue to monitor your progress closely and any further significant delays in meeting your timetable will cause me to have considerable doubt as to whether your Council is doing everything that is necessary in connection with the preparation of its Local Plan. I will not hesitate to consider how to use the full range of powers Parliament has given me to ensure that a Plan is in place."*

## LEGAL FRAMEWORK

32. One of the requirements under section 20 of the Planning and Compulsory Purchase Act 2004 in relation to examination of a development plan document is to determine whether the plan is "sound".
33. The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the right to make representations on a plan (Regulation 20) and the requirement that such representations must be taken into account as part of the determination process (Regulation 23).

<sup>7</sup> Uden Homes, Taylor Wimpey UK Limited, Persimmon Homes, Strata Homes Limited and Bellway Homes.

**POLICY****National Planning Policy Framework (NPPF)**

34. Paragraph 158 provides that local authorities should ensure that a local plan is based upon adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. This evidence should take full account of relevant market signals.
35. Paragraph 182 sets out a framework within which local plans should be assessed in accordance with the duty to cooperate, legal and procedural requirements and whether it is sound. A plan may be considered to be "sound" if it is:
- **Positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
  - **Justified** – should be the most appropriate strategy, when considered against the reasonable alternatives, based on appropriate evidence;
  - **Effective** – deliverable over its period; and
  - **Consistent with national policy** – enable the delivery of sustainable development.

**National Planning Practice Guidance (NPPG)**

36. Paragraph: 014 Reference ID: 12-014-20140306 confirms that appropriate and proportionate evidence is essential for producing a sound local plan.
37. Paragraph: 011 Reference ID:12-011-21040306 confirms that local plans should be based upon and reflect the presumption in favour of sustainable development. This should be done by identifying and providing for objectively assessed needs and by indicating how the presumption will be applied locally.
38. Paragraphs 022 to 025 provide detailed guidance in relation to the publication and examination of local plans. Paragraph: 022 Reference ID: 12-022-20140306 notes that where the Inspector has significant concerns about the soundness of a submitted plan the Inspector will write to the local planning authority setting these out. Where the issues cannot be addressed through correspondence the Inspector may arrange for an exploratory meeting to take place. However, if this cannot be resolved a withdrawal of the plan may be required to allow outstanding issues to be rectified.
39. Paragraph: 025 Reference ID: 12-025-20140306 indicates that where the Inspector concludes that the duty to cooperate or other basic procedural requirements have not been met, or there are fundamental issues regarding the soundness of the plan that cannot be addressed through modifications, it will be recommended that the submitted plan is not adopted.

**Procedural Practice in the Examination of Local Plans, The Planning Inspectorate, June 2016**

40. Paragraph 5 states that Inspectors will identify any fundamental concerns at the earliest possible stage in the examination and will seek to work with the local planning authority to clarify and address these.
41. Section 1, Paragraph 1.1 provides that LPAs should rigorously assess the plan before it is published for consultation under regulation 19 to ensure that it is a plan which they think is sound.



42. Section 1, Paragraph 1.3 states that the PCPA specifically provides that a LPA must not submit the plan unless it considers the document is ready for examination. The Inspector will take the published plan as the final word of the LPA on the plan.
43. Section 1, Paragraph 1.7 provides that LPAs need to be clear about what conclusions they have come to from the range of evidence available and how they have made choices, based on the evidence.
44. Section 3, Paragraph 3.7 states that the Inspector will seek to identify any fundamental flaws or concerns at the first possible opportunity and Paragraph 3.8 states that if the Inspector forms an early view that the submitted plan may have serious shortcomings that indicate unsoundness, the Inspector will raise them with the LPA at this early stage.

#### **National Planning Policy Framework, Consultation Draft, March 2018**

45. Paragraph 61 of the Consultation Draft NPPF provides that in determining the minimum number of new homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance.
46. Paragraph 209 provides that the policies in the previous NPPF will apply for the purpose of examining plans when they are submitted on or before the date which is six months after the date of publication of the final NPPF.

#### **GROUNDS OF OBJECTION**

47. In assessing the housing needs for York to inform the preparation of Policy SS1, the Council has failed to give proper consideration to market signals. Information relating to market signals was provided to the Council by its own consultants, GL Hearn, and by a number of developers who made representations in relation to the draft Local Plan.
48. In failing to pay due regard to submissions relating to housing need and economic growth, the Council has failed to pay regard to relevant evidence about the economic and social characteristics of the area, as required under NPPF Paragraph 156.
49. In setting the housing need under Policy SS1, contrary to the advice of its consultants and the recommendations of its Officers, the Council has failed to give adequate reasons for choosing to set aside the advice and recommendations.
50. In the absence of proper consideration of market signals, the Local Plan fails to satisfy a number of components of the soundness test under NPPF Paragraph 182. In particular:
- It fails to meet the requirement to be positively prepared through addressing objectively assessed development and infrastructure requirements;
  - It fails to adopt the most appropriate strategy for addressing housing need and does not provide an adequate justification; and
  - It fails to satisfy a number of areas of national policy.
51. The consequences of this are that the Local Plan is very likely to be found unsound on this ground alone by an Inspector at the examination of the Local Plan, when considered against the requirements of national policy and guidance; and the Local Plan is likely to require substantive amendments and further consultation with the associated delays that this will bring.

Date: 3 April 2018

Your ref:

Our ref: MACDONR\165619

Page: 8

52. In view of the fundamental flaw relating to the assessment of housing need, our client considers that the Publication Draft Local Plan should not be submitted to the Secretary of State for examination in its current form. Our client considers that the Council should carry out a reassessment of housing need paying full regard to the market signals raised in representations and seek a further approval from Executive prior to submission of the Local Plan for examination.
53. Whilst recognising that the Local Plan may not require to be subject to the proposed standard method for establishing need as a result of transitional arrangements to be introduced, we note that the identified level of housing need under the Local Plan Publication Draft falls significantly short of the level calculated by employing the proposed standard method. We expect that this would be a matter of concern to an Inspector appointed to carry out an examination of the Local Plan.
54. A copy of this letter is being sent to the Secretary of State for Housing, Communities and Local Government. Our client recognises that the Secretary of State already holds long running concerns with lack of progress with the production of a Local Plan and considers it important that he is made aware of the real likelihood of the Local Plan being found to be unsound if submitted in the form of the Publication Draft.
55. We are also instructed to write to the Planning Inspectorate to outline our client's significant concerns in relation to the soundness of the Publication Draft Local Plan. Our client considers that considerable abortive time and expenses could be incurred by all parties involved should the examination of the Local Plan in the form of the Publication Draft proceed to hearing sessions. Accordingly, we shall request that an Exploratory Meeting be convened to allow the key matters set out above to be raised with the Inspector and addressed as soon as possible within the examination process.
56. We would be grateful if you would kindly acknowledge receipt of this letter.

Yours faithfully

  
**Eversheds Sutherland (International) LLP**

Enc:

- Report to Executive meeting of 13 July 2017 on the City of York Local Plan.
- Minutes of the 13 July 2017 Executive meeting.
- Report to the 25 January 2018 Executive meeting on the City of York Local Plan.
- Decision of the 25 January 2018 Executive meeting.

cc: The Rt Hon Sajid Javid MP, Secretary of State for Housing, Communities and Local Government



**Notice of a public meeting of  
Executive**

**To:** Councillors Carr (Chair), Aspden (Vice-Chair), Ayre, Gillies, Lisle, Rawlings, Runciman and Waller

**Date:** Thursday 13 July 2017

**Time:** 5.30 pm

**Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

**AGENDA**

**Notice to Members – Post Decision Calling In:**

Members are reminded that, should they wish to call in any item\* on this agenda, notice must be given to Democracy Support Group by **4:00 pm on Monday 17 July 2017**.

\*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Corporate and Scrutiny Management Policy and Scrutiny Committee.

**1. Declarations of Interest**

At this point, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

## 2. Exclusion of Press and Public

To consider the exclusion of the press and public from the meeting during consideration of the following:

- Annexes 1 and 2 to Agenda Item 9 (Award of Contract for Security Services)
- Annexes 1a, 1b, 2 and 3 to Agenda Item 10 (Establishing an Investment Budget for a Strategic Commercial Acquisition)

on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information). This information is classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

## 3. Minutes

The minutes of the last Executive meeting held on 29 June 2017 will be considered at the Executive meeting on 27 July 2017.

## 4. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Wednesday 12 July 2017**. Members of the public can speak on agenda items or matters within the remit of the committee.

To register to speak please contact the Executive Support Officer for the meeting, on the details at the foot of the agenda.

### **Filming, Recording or Webcasting Meetings**

*“Please note this meeting will be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.*



*Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.*

*The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [http://www.york.gov.uk/download/downloads/id/11406/protocol\\_f\\_or\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)*

- 5. Forward Plan** (Pages 1 - 6)  
To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

- 6. Report on Work of the Financial Inclusion Steering Group 2016/17 and 2017/18 Update** (Pages 7 - 16)

The Assistant Director of Customer & Digital Services to present a report which outlines the work of the Financial Inclusion Steering Group (FISG) in 2016/17 and 2017/17 to date.

- 7. York Central Update and Partnership Agreement** (Pages 17 - 34)  
The Assistant Director for Regeneration and Asset Management to present a report which outlines the progress to date and sets out the council's commitment to developing a formal partnership agreement and the programme of work to take the scheme through to the submission of Planning Applications.

- 8. Proposed York Outer Ring Road Improvements – Approach to Delivery** (Pages 35 - 62)  
The Director of Economy and Place and the Head of Transport to present a report which sets out the proposed approach to the project and seeks approval of the delivery methodology for the development and construction of the seven targeted improvements to junctions on the north York Outer Ring Road over the next 5 years.

- 9. Award of Contract for Security Services** (Pages 63 - 78)  
The Head of Property Design and Facilities Management to present a report which provides details of the result of the evaluation of the tenders received for the provision of the Provision of Security Services and CCTV Operatives and Equipment (Corporate Security Services). Members are asked to approve the award of a contract for the provision of the service to the winning suppliers, subject to minor amendments as the result of clarification of terms.
- 10. Establishing an Investment Budget for a Strategic Commercial Property Acquisition** (Pages 79 - 128)  
The Assistant Director of Regeneration and Asset Management to present a report regarding an opportunity for the council to acquire the freehold interest in a portfolio of properties in the city centre that will ensure the ongoing maintenance of the buildings, support the economic vibrancy of the city centre and generate significant additional income to contribute to the increased budget income target set for the council's commercial portfolio.
- 11. City of York Local Plan** (Pages 129 - 164)  
The Head of Strategic Planning to present a report which (i) provides an update on the work undertaken on the MOD sites highlighted in previous reports; (ii) seeks the views of Members on the methodology and studies carried out to inform the housing and employment that the City is tasked with accommodating; (iii) seeks the views of Members on the most appropriate way of accommodating this future growth; (iv) asks for approval of non-housing and employment site specific policies; and (v) requests approval for officers to undertake the necessary work to produce a draft plan based on the recommendations of the Executive for the purposes of consultation along with associated technical papers.

Please note that Annexes 1 – 11 are available online.

- 12. Urgent Business**  
Any other business which the Chair considers urgent under the Local Government Act 1972.

Executive Support Officer:

Name: Carol Tague

Contact details:

- Telephone – (01904) 552094
- E-mail – carol.tague@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**


我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku.. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (ہولی) میں بھی میا کی جا سکتی ہیں۔ (Urdu)

 (01904) 551550



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**Executive****13 July 2017**

Report of the Assistant Director of Planning and Public Protection

Portfolio of the Leader and Deputy Leader

**City of York Local Plan****Summary**

1. This report has been written to:
  - provide an update to Members on the work undertaken on the MOD sites highlighted in previous reports to LPWG and Executive;
  - seek the views of Members on the methodology and studies carried out to inform the housing and employment that the City is tasked with accommodating;
  - seek the views of Members on the most appropriate way of accommodating this future growth;
  - to ask for Members approval of non-housing and employment site specific policies; and
  - to request the approval of Members for officers to undertake the necessary work to produce a draft plan based on the recommendations of the Executive for the purposes of consultation along with associated technical papers.

**Recommendations**

2. Members are asked to:
  - (i) Consider the GL Hearn Report (Annex 1) and the analysis provided at paragraphs 82 - 92 and confirm whether the conclusions in respect of the Objectively Assessed Housing Need (OAHN) are agreed as the evidence base upon which the Local Plan should be progressed.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (ii) Consider the employment land requirement included arising from the draft ELR Addendum (Annex 2) and confirm whether this is agreed as the evidence base upon which the Local Plan should be progressed.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (iii) Consider the technical analysis on sites including the MOD (Annexes, 3, 4 & 5) and confirm whether this is agreed as the evidence base upon which the Local Plan should be progressed.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (iv) Consider the revised policy approach to Gypsy and Traveller provision highlighted within this report and Annex 9 and confirm whether this is agreed.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (v) Following decisions on the matters referred to in (i) to (iv) above authority be delegated to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to approve all housing and employment growth related policies (including site specific planning principles) and the non-site related policy modifications at schedule (Annex 7) in accordance with the approved evidence base.

Reason: So that an NPPF compliant Local Plan can be progressed

- (vi) Delegate to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader the approval of any changes to the non-site related policy modifications schedule (Annex 7) following the completion of viability work;

Reason: So that an NPPF compliant Local Plan can be progressed.

- (vii) Following approval of the evidence base and policy in relation to housing and employment, authority be given to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to produce a composite draft Local Plan for the purposes of consultation.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (viii) Delegate to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader the signing-off of further technical reports and assessments to support the draft Local Plan including, but not limited to the SA/ SEA, Viability Study and Transport Assessment.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (ix) Delegate authority to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to approve a consultation strategy and associated material for the purposes of a city wide consultation starting in September 2017 and to undertake consultation on a composite plan in accordance with that agreed strategy.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (xiii) Delegate authority to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to approve a revised Local Development Scheme as per the timetable highlighted in paragraphs 98 to 101 of this report.

Reason: So that an NPPF compliant Local Plan can be progressed.

### **Background**

3. Officers produced a publication draft Local Plan in autumn 2014. This process, however, was halted by Council resolution on the 9th October 2014. Following the Local Government Elections in May 2015 the agreement between the Conservative and Liberal Democrat Groups, to establish a joint administration for City of York Council from May 21st 2015 states that:

*'We will prepare an evidence-based Local Plan which delivers much needed housing whilst focusing development on brownfield land and taking all practical steps to protect the Green Belt and the character of York.'*

4. The absence of an adopted Local Plan, given the expectations embodied in the National Planning Policy Framework (NPPF) puts the Council in a much weakened position when development proposals come forward for undeveloped areas of the city. In the absence of a Local Plan, development proposals fall to be considered on a case by case basis assessed against the national policies. This gives rise to a high risk of ad- hoc provision of housing developments through appeal rather than

through the City's own strategic planning, and an increased risk of challenge to the Council's interpretation of national policy in the Courts. For example, York presently relies on the saved policies in the Regional Spatial Strategy which shows the general extent of the Green Belt – the City must assess individual proposals without the benefit of further Local Policy to inform which areas are more suitable than others for development within that general extent. In development management decision making, when weighing factors in the planning balance, the City is also disadvantaged when seeking to justify protecting land within the general extent of Green Belt, as a national policy compliant 5 year housing supply cannot be demonstrated.

5. Although in a recent decision by the Secretary of State he refused a housing proposal in the general extent of the York Green Belt, Members are advised that relying on planning by appeal will risk not being able to deliver the administration's objective of protecting the green belt and the character of York in the longer term, as it fails to provide a clear planned future strategy.
6. The last significant stage of Local Plan production occurred in 2016 with the Preferred Sites Consultation. This consultation began on 18<sup>th</sup> July 2017 and ended on 12<sup>th</sup> September 2016. Circa 2,300 individual responses were received from members of the public, developers and statutory consultees. Consultation responses were published online (redacted in line with Data Protection Act) as part of the report to Executive on 7<sup>th</sup> December 2016 and the Consultation Statement is attached as annex 6 to the Executive Report.
7. Also, as Members are aware following reports to the Executive in December and January , after the Preferred Sites Consultation concluded the Ministry of Defence (MOD) announced as part of its Defence Estate Strategy on 7<sup>th</sup> November 2016 the release of three sites in York:
  - Imphal Barracks, Fulford Road;
  - Queen Elizabeth Barracks, Strensall; and
  - Towthorpe Lines, Strensall.

The reports indicated that technical work needed to be carried out to assess if the sites represented 'reasonable alternatives' and if they did they would need to be considered as part of the Local Plan process.

8. In addition since the Local Plan Publication Draft, was reported to Members in autumn 2014, there have been a number of national and local policy updates. This includes updates to the National Planning

Practice Guidance, a new Council Plan and the approval of the One Planet Council Framework to embed One Planet principles into decision-making processes across the Council. The evidence base that underpins the emerging Local Plan has also progressed.

9. On 7 February 2017, the Department for Communities and Local Government (DCLG) published a Housing White Paper. As part of which, DCLG also consulted on changes to planning policy and legislation in relation to planning for housing, sustainable development and the environment. The consultation ran from 7 February and closed on 2 May 2017. The outcomes of the consultation will involve amendments to the National Planning Policy Framework (NPPF) and regulations. The White Paper could lead to a number of implications for the emerging Local Plans, including potentially, a prescriptive methodology for the calculation of housing number. The full extent of any implications and the associated timescale is presently unclear.
10. In response to the context described above Officers have undertaken further work relating to the following interrelated areas:
  - The MOD sites and related supply implications;
  - Housing Need;
  - Employment Need
  - Housing and Employment Land Supply and related consultation responses; and
  - Non housing and employment land related policies.

This work is presented in summary below. It will be presented to the Local Plan Working Group (LPWG) on 10<sup>th</sup> July 2017.

### **MOD Sites**

11. The sites have been tested against the Local Plan Site Selection Methodology which is based on the emerging Plan's spatial strategy. The full methodology is set out in the Preferred Sites Document (2016). In summary, this is based on a four stage approach as follows:
  - Criteria 1: Protecting environmental assets (including Historic Character and Setting, Nature Conservation assets and functional floodplain);
  - Criteria 2: Protecting existing openspace;
  - Criteria 3: Avoiding areas of high flood risk (Greenfield sites in flood zone 3a);
  - Criteria 4a: Sustainable access to facilities and services; and



- Criteria 4b: Sustainable access to transport.

12. Imphal Barracks and Queen Elizabeth Barracks sites both pass criteria 1 to 4 as residential sites. The Towthorpe Line site fails criteria 4 for residential sites but does pass the criteria assessment for consideration for employment use. Following the assessment against Site Selection Criteria 1 to 4 the sites were also considered by the technical officer group. This group includes specialist officers covering areas such as ecology, archaeology, transport and landscape. The outcomes of this work are as follows (see Annex 3: Table 1):

#### Queen Elizabeth Barracks, Strensall

13. Officers consider that the site should be included as a residential site in the Plan. The site could provide up to 623 dwellings and could deliver from 2022/23 onwards at an annual rate of circa 70 dwellings per annum. Given the site's location adjacent to Strensall Common SSSI/SAC there will be a requirement to undertake a Habitat Regulation Assessment (HRA) prior to its inclusion in the final Plan. Further work will also be required to develop a site-specific policy for the site which will include a set of planning principles to inform the subsequent masterplanning of the site. This will cover issues such as archaeology and heritage, transport and access, design, provision of community facilities, ecological mitigation measures and landscaping.

#### Imphal Barracks

14. Officers consider that the site should be included as a residential site in the Plan. The site could potentially provide up to 769 dwellings but would not be included until later in the plan period. This reflects the timeframe for release of the site by the MOD (2031) and also the potential for significant resulting transport impacts along the A19 corridor. Further work will also be required to develop a site specific policy for the site which will include a set of planning principles to inform the subsequent masterplanning of the site. This will cover issues such as archaeology and heritage, transport access, design, provision of community facilities, ecological mitigation measures and landscaping.

#### Towthorpe Lines

15. Officers consider that the site should be included for potential employment use in the Plan. It does not pass the site selection methodology to be considered as a housing site in the plan, failing on access to services and transport. It should be noted that the MOD would

like this site to be considered as a housing site with the potential for circa 80 dwellings.

16. Technical officers felt that given the distance to facilities, access to the site and adjacency with Strensall Common SSSI/SAC it could potentially be used as a commercial site, more consistent with its current function as a depot for the MOD, subject to appropriate ecological and landscape mitigation. In addition, it was considered that any road linkage improvements required to make the site work in residential terms to connect to Queen Elizabeth Barracks may have a potential impact on Strensall Common and its management.
17. Given the site's location adjacent to Strensall Common SSSI/SAC there will also be a requirement to undertake a Habitat Regulation Assessment (HRA) prior to its inclusion in the final Plan. Further work will also be required to develop a site specific policy for the site which will include a set of planning principles to inform the subsequent masterplanning of the site. This will cover issues such as archaeology and heritage, transport and access, design, provision of community facilities, ecological mitigation measures and landscaping.
18. The inclusion of the MOD sites, as highlighted in the paragraphs above, would allow an increase of 1,392 dwellings during the proposed Green Belt timeframe (20 years from adoption). It should be noted, however, that the Queen Elizabeth Barracks site will not be released until 2021 and Imphal Barracks until 2031. Annual delivery rates are anticipated as follows:
  - Queen Elizabeth Barracks, Strensall – 623 dwellings from 2022/23 onwards at annual delivery rate of 35 p.a for first year and 70 p.a. thereafter; and
  - Imphal Barracks – 600 dwellings from 2032/33 to 2037/38 at 120 dwellings per annum. A further 169 dwellings would be delivered in 2038/39 and 2039/40.

### **Housing Need**

19. A key objective of the National Planning Policy Framework (NPPF) is to '*boost significantly the supply of housing*'. It requires that Local Planning Authorities identify the objectively assessed need for market and affordable housing in their areas, and that Local Plans translate those needs into land provision targets. Like all parts of a development plan such housing targets should be informed by robust and proportionate evidence.

20. Paragraph 17 of NPPF sets out a set of core land-use planning principles which should underpin both plan-making and decision-taking. This includes the following:

*“Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities”.*

21. The NPPF is clear that Local Plans should provide land to meet their objectively assessed need in full, in so far as their area has the sustainable capacity to do so, stating that:

*“Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted”.*

22. The Preferred Sites Consultation (2016) included a housing figure of 841 per annum based on the SHMA (2016). This figure took account of recent migration trends (Mid Year Population Estimates 2013 and 2014, ONS<sup>1</sup>) and improvements to household formation rates for younger households (25-34 yr age group).

23. On the 25<sup>th</sup> May 2016 Office of National Statistics (ONS) published a new set of (2014-based) sub national population projections (SNPP). These projections were published too late in the SHMA process to be incorporated into the main document however GL Hearn produced an addendum to the main SHMA report which briefly reviewed key aspects of the projections and highlighted what level of housing need is implied by the new information. They recommended that the Council did not need to move away from the previous advice (841 dwelling per annum).

24. Following the approval of the Preferred Sites document for consultation at Executive on 29<sup>th</sup> June 2016, DCLG published updated household projections – the 2014 based sub-national household projections in July 2016. As reported to Members of LPWG and Executive in December 2016, GL Hearn were asked to update the SHMA to take account of

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<sup>1</sup> Office for National Statistics

these new figures, and to assess the representations received through the PSC consultation relating to OAN.

25. The GL Hearn Report (Annex 1) has updated the demographic starting point for York based on the July 2016 household projections (CLG). This increases the demographic starting point from 783 (which was the demographic starting point for the 841 housing need figure as per the 2016 SHMA) to 867 per annum. Guidance (NPPG) indicates that the official projections should be seen as a baseline only.
26. Table 1 below indicates the basis of GL Hearn's work.

Table 1: Projected growth based on 2014 SNHP

Year	Households
2012	84,271
2032	101,389
2037	104,867

Source: Derived from ONS and CLG data.

27. The table shows that the predicted change 2012 to 2032 is +17,118 households which equates to 856 households per annum. GL Hearn used a vacancy rate of 1.3% to convert households to the dwelling requirement leading to the figure of 867 dwellings pa. The conversion rate is based on Council Tax data for York. The previous 2016 SHMA used a vacancy rate of 3.8% taken from 2011 Census. This, therefore, represents a reduction. Using the same conversion rate and looking longer term the change 2012 to 2037 is +20,596 households which is 824 households per annum. Converted to dwellings it is 835 per annum.
28. Paragraph 47 of the NPPF indicates that to boost significantly the supply of housing, local planning authorities should:
- *'identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*
  - *identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;*

29. On this basis the figure of 867 is relevant baseline for the 15 year period of the plan period subject to any appropriate adjustments. There is nothing specific in guidance to advise how you look in the post plan period at OAN as most authorities are not setting a greenbelt boundary. In order to create a robust position for examination it would seem most appropriate to continue with the 15 year needs estimate for the full Green Belt time period.
30. The GL Hearn report recommends that based on their assessment of market signals evidence and some recent Inspectors decisions that York should include a 10% market signals adjustment to the 867 figure. This would increase the housing figure to 953 per annum. The market adjustment is based on an assessment of both market signals and affordable housing need. GL Hearn has considered a single adjustment to address both of these issues as they are intrinsically linked.
31. The GL Hearn Report does not review affordable housing need but it is concluded that this is unlikely to have changed significantly from the 2016 SHMA which identified a net affordable housing need of 573 dwellings. It should be noted that large parts of this need is either existing households (who do not generate need for additional dwellings overall) or newly forming households (who are already included within the demographic modelling).
32. In terms of market signals the SHMA reports that by Q2 2016 median house prices in York had reached £225,000 a notable increase on the Q4 2014 position of £195,000. The SHMA also notes that the median private rental data shows a median rental price of £700 pcm for York which compares to the average in England of £650 pcm and in the Yorkshire and Humber region of £500 pcm. GL Hearn also looked at the relationship between lower quartile house prices and lower quartile earnings. As of 2015 the lower quartile house prices in York are 8.9 times higher than lower quartile earnings.
33. On balance, GL Hearn concludes that the market signals in York are quite strong and there is a notable affordable housing need. Combined these would merit some response within the OAN. Any adjustment should however be considered as addressing both elements. National Guidance (PPG) sets out that the scale of such an adjustment should be "*a level that is reasonable*". SHMAs around the country have generally applied adjustments to improve affordability of up to 20%. There have been exceptions to this, such as in Cambridge (where a 30% adjustment has been recommended). There are also some examples across the country where a 0% market signal uplift has been accepted at Examination. This includes Mendip, Stratford-upon Avon, Crawley and

Cornwall. It should be noted, however, that each examination involved the consideration of the individual circumstances of these authorities.

34. On balance, the judgement of GL Hearn is that a 10% adjustment is justified in York on the basis of the previously established affordable housing need and the updated market signals evidence.
35. Considering the SHMA recommendation in the context of past delivery; from the effective start date of the plan the 1<sup>st</sup> April 2012 up until the latest monitoring date of 31<sup>st</sup> March 2017 there has been 3,432 net housing completions. This equates to an annual average of 686 dwellings. For context the 10 year average 2007 to 2017 is 575 dwellings per annum.

### **Employment Need**

36. The National Planning Policy Framework (NPPF) provides a clear position on the need to build a strong competitive economy. In respect of Local Plans it states, at paragraph 21 the Plan should: -
  - set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth; and
  - set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period.
37. The Employment Land Review (ELR) July 2016 published as part of the Preferred Sites Consultation used econometric projections by Oxford Economics (OE) dated May 2015 as the forecast for employment land demand over the Local Plan period. These forecasts provided the starting point for determining the amount and type of employment land required to be identified in the Plan. The projections by Oxford Economics presented a baseline scenario for York forecasting a job growth of 10,500 jobs over the period 2014-2031. Two further scenarios were considered by OE; scenario 1 – higher migration and faster UK recovery, which identified an additional 4,900 jobs above the baseline over the same period and scenario 2 – re-profiled sector growth which identified 500 additional jobs above the baseline. Scenario 2 was endorsed as it reflected the economic policy priorities of the Council to drive up the skills of the workforce and encourage growth in businesses which use higher skilled staff.
38. To sensitivity test the original 2015 OE projections, the latest Experian economic forecasts used within the Regional Econometric Model (REM)

have been used for comparison. While both econometric models use national forecasts applied through a set of assumptions as to the breakdown, the assumptions differ slightly. Neither models are more accurate than the other but use different modelling assumptions about what could happen with the economy over the next 15 to 20 years.

39. In terms of the Local Plan it is important to ensure there is sufficient flexibility within the land supply for a range of scenarios rather than an exact single figure which one can precisely plan to with complete certainty. In summary the Experian model broadly supports the original growth projections included in the OE 2015 model.
40. The case for further flexibility is enhanced by recent changes to permitted development enabling offices to be converted to housing without having to apply for planning permission. For York, based on completions only, there has been some 19,750sqm of office space lost to residential conversion over the last three monitoring years between 2014/15 and 2016/17. Records show that unimplemented Office to residential conversions (ORC) consents at 31<sup>st</sup> March 2017 include for the potential loss of a further 27,300sqm of office floorspace if implemented.
41. The employment based forecasts arising from the model are then used to calculate floorspace and site requirements against the planning use classes. In addition they are also adjusted in the following ways:
  - The timeframe has been changed to reflect the revised plan period 2012 – 2032/33 2037/38;
  - Account has been taken of development between 2012 – 2017; and
  - A 5% vacancy factor and an additional 2 year land supply to allow for time for developments to be complete.

The outcomes of this work are set out in Table 2.

**Table 2: Scenario 2 Employment Land Requirements 2017-2038 (including 5% vacancy), Factoring in Change of Supply 2012-2017 and including 2 Years Extra Supply**

Use Class	Scenario 2 2017-33		Scenario 2 2033-38		Scenario 2 Total 2017-2038	
	Floorspace (m2)	Land (Ha)	Floorspace (m2)	Land (Ha)	Floorspace (m2)	Land (Ha)
B1a	94,771.32	11.7	12,310	2.1	107,081	13.8
B1b	7,883.40	2.1	1,644	0.4	9,527	2.5
B1c	8480.6	1.5	1,435	0.4	9,916	1.9
B2	0.00	0.0	0	0	0	0.0
B8	69,034.70	12.9	15,705	3.2	84,740	16.1
<b>B uses sub-total</b>	<b>180,170</b>	<b>28.2</b>	<b>31,094</b>	<b>6</b>	<b>211,264</b>	<b>34.3</b>
D2	15,577	2.7	4,398	1.1	19,975	4
<b>Total</b>	<b>195,747</b>	<b>30.9</b>	<b>35,492</b>	<b>7.1</b>	<b>231,239</b>	<b>38</b>

### Housing Land Supply

42. The plan period runs from 2012 to 2033, in addition as York is setting detailed Green belt Boundaries for the first time it is also important to consider the period beyond the end date of the plan to 2038 to provide an enduring Green Belt; a requirement of the NPPF. The plan uses a start date of 2012 as it's required to fit with the start date for Government projections. This means that any under delivery between 2012 and 2017 against levels of housing completions has to be met during the plan period. This is known as the 'shortfall' or 'under-supply'.
43. When considering the supply of houses it is important to consider completions to date and unimplemented positions. The current position is summarised in table 3 below.

**Table 3 Committed Supply and Windfalls**

Plan period 1st April 2012 to 31st March 2033 / 2038	
Net Completions 1st April 2012 to 31st March 2017	3432
Unimplemented Permissions @ 1st April 2017	3758
Windfalls (from Year 4) @ 169 pa	2197 / 3042
<b>Contribution to Supply</b>	<b>10,232</b>

44. Table 3 includes an allowance for windfalls. Windfalls sites, as defined in the NPPF (March 2012) are:



*'Sites which have not been specifically identified as available in the Local Plan process – they normally comprise previously developed sites that have unexpectedly become available.'*

The inclusion of these unidentified sites represents an element of risk and are typically not allocated for development or highlighted within the Strategic Housing Land Availability Assessment.

45. During the consultation on Preferred Sites responses were received from the public, developers and landowners all of which need to be considered before progressing the Local Plan to its next stage of development.
46. Following the consideration of all consultation responses officers have identified a number of sites where Members may wish to consider accepting a change to the previous Preferred Sites (2016) position. Annex 3 to the Executive report summarise the outcomes of this work and includes:
  - Sites where no or minor changes are suggested (Table 4 below);
  - Sites with a more significant change which Members may wish to consider (including boundary changes and deletions) (Table 5);
  - New sites which conform with the Council's approach to sites selection, which Members may wish to consider (Table 5); and
  - Sites where proposed boundary changes not considered appropriate.

Table 4: Housing sites with minor or no suggested changes from PSC (2016)

<b>Allocation Reference</b>	<b>Site Name</b>
ST1	British Sugar/Manor School
ST2	Civil Service Sports Ground, Boroughbridge Rd
ST4	Land adjacent to Hull Road
ST5	York Central
ST8	Land North of Monks Cross
ST9	Land North of Haxby
ST16	Terry's Extension Sites 1 (Terry's Car Park) & 2 (Land to the rear of Terry's Factory)
ST31	Land at Tadcaster Rd, Copmanthorpe
ST32	Hungate
ST33	Station Yard, Wheldrake
H1	Heworth Green Gas Works
H3	Burnholme School
H5	Lowfield School
H6	Land R/O The Square, Tadcaster Road
H7	Bootham Crescent
H8	Askham Bar Park and Ride
H10	The Barbican
H20	Oakhaven EPH
H21	Woolnough House
H22	Heworth Lighthouse
H29	Land at Moor Lane, Copmanthorpe
H31	Eastfield Lane, Dunnington
H39	North of Church Lane, Elvington
H43	Manor Farm Yard, Copmanthorpe
H51	Morrell House
H52	Willow House EPH
H53	Land at Knapton Village
H55	Land at Layerthorpe
H56	Land at Hull Road

Table 5: Sites including significant change which Members may wish to consider

<b>Allocation Reference</b>	<b>Site Name</b>
Sites 934/935/936	Queen Elizabeth Barracks, Strensall
Sites 624/937/939	Imphal Barracks
ST7	Land East of Metcalfe Lane
ST14	Land West of Wigginton Road
ST15	Land West of Elvington Lane
ST17	Nestle South
Former SF15	Land North of Escrick
Site H2b	Land at Cherry Lane
Site H12	Land R/O Stockton Lane/Greenfield Park Drive
Site H23	Grove House
Site H25	Heworth Green North
Site H28	Land to north of North Lane, Wheldrake
Site H37	Land at Greystones, Haxby
Site H38	Land to rear of Rufforth Primary School
Site H46	Land North of Willow Bank and East of Haxby Road
Site H54	Whiteland Field, Haxby
Site H57	Poppleton Garden Centre
Former SF10	Land North of Riverside Gardens, Elvington
New Site	Land at Victoria Farm, Rufforth
New Site	Land at Maythorpe, Rufforth
New Site	Former Clifton Without Primary School

47. The sites in table 4 above include sites with no or suggested minor changes to the Preferred Sites Consultation (2016) position. This includes the York Central site whose overall quantum for residential is 1500 dwellings with 1250 dwellings in the plan period. As Members are aware however, the York Central site is subject to detailed ongoing technical work and masterplanning which may increase the overall residential capacity of the site. This will be confirmed as the Local Plan progresses towards Publication stage and will be reflected in future iterations of the Plan.
48. The sites in table 5 above include more significant changes which Members may wish to consider. These include the MOD sites previously highlighted in this report and deletion of three sites; Heworth Green North, which following revisions falls below the site allocation threshold, Poppleton Garden Centre which is now identified potentially for employment uses and Whiteland Field Haxby. It also includes Nestle South which has been amended to reflect the revised planning application and associated work. The inclusion of Grove House and Clifton Without reflect decisions made by the Council's Executive. Other sites included follow the consideration by Officers of submitted technical work.

49. If Members accept the recommendation of the GL Hearn Report then the additional sites and boundary revisions highlighted in Annex 3 would need to be incorporated within the Local Plan (including the MOD sites). If, however, Members do not agree the GL Hearn Report and the sites included in Annexes 3, 4 and 5. They will need to particularise concerns and consider whether they wish further work to be commissioned.

### **Employment**

50. The Preferred Sites Document (2016) included a portfolio of employment sites (both strategic<sup>2</sup> and non-strategic) that would provide for the employment need requirements identified in the ELR (2016). The work undertaken by Officers does not suggest that the overall need figure needs to be revisited and this does not, therefore, lead to a need for additional land. However, a number of strategic high-level responses were received as part of this consultation in relation to the proposed employment sites and overall levels of employment growth. These are summarised below.
51. Flexibility requirements were discussed in the original ELR (2016). A number of comments were received through the consultation stating that further work was needed on assessing flexibility requirements. Make it York stated that it is important in confirming the employment allocations that the Council has ensured not only a sufficient overall quantum but that there is sufficient range and flexibility to deliver land requirements throughout the whole plan period. Following what Make it York call 'significant losses' of office accommodation under permitted development (PD) rights, it has been suggested that there is a severe shortage of high quality Grade A office stock within the city centre and old stock being removed from the market that is not currently being replaced.
52. The York and North Yorkshire Chamber of Commerce suggested that on the basis of sites identified in the Preferred Sites Consultation (2016) it is unlikely that the future supply will offer a sufficient range of choices of location for potential occupiers and that there will be a risk that York would lose out on investment for potential occupiers. The Chamber considers that further land should be identified to broaden the portfolio of sites available to cater for York's diverse high value added business. Make it York also suggested that allocating land flexibly amongst the use classes would help to mitigate risk of undersupply and is strongly welcomed.

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<sup>2</sup> Strategic sites are sites 5ha and above.

53. Make it York state that it will be very important to monitor and respond to the change of supply over the whole plan period. Allowing flexibility to adapt and change use classes within site allocations will be critically important in ensuring the risk of undersupply is mitigated.
54. The York Central Partnership noted that the ELR (2016) allows for 'churn' through the provision of an additional 2 years worth of employment land. However, the fact that the Preferred Sites Document (2016) proposed to meet all B1a office need through a single allocation at York Central, may be perceived to undermine the objectives of building in churn. Whilst development will be phased at York Central allowing multiple developers, outlets and phased schemes, the partnership suggest that it may be appropriate for the Local Plan to allow small scale B1a uses to be accommodated on additional sites in the city.
55. In addition we received a significant number of representations and technical evidence to support sites not included in the Preferred Sites Consultation and the submission of new sites not considered previously through the emerging Local Plan.
56. Following the Preferred Sites Consultation officers have completed a thorough appraisal of all the evidence submitted from developers and landowners as well as considering responses from the public and other groups. This has led officers to identify a number of sites where Members may wish to consider accepting a change to the Preferred Site position. These are detailed in Annex 4 to the Executive report which includes:
  - Sites where no or minor changes are suggested (Table 6);
  - Sites with a more significant change which Members may wish to consider (including boundary changes and deletions) (Table 7);
  - New sites which conform with the Council's approach to sites selection, which Members may wish to consider (Table 7); and
  - Sites where proposed boundary changes not considered appropriate.

Employment Land SupplyTable 6: Employment sites with minor or no suggested changes from PSC (2016)

<b>Allocation Ref</b>	<b>Site Name</b>
E2	Land North of Monks Cross Drive, Huntington
E8	Wheldrake Industrial Estate
E9	Elvington Industrial Estate
E10	Chessingham Park, Dunnington
E11	Annamine Nurseries, Jockey Lane, Huntington
E12	York Business Park

Table 7: Sites including significant change which Members may wish to consider

<b>Allocation Reference</b>	<b>Site Name</b>
925	Towthorpe Lines, Strensall
ST5	York Central
ST6	Land North of Grimston Bar
ST19	Northminster Business Park
New Site	Land to the north of Northminster Business Park
ST26	Land at Elvington Airfield Business Park
ST27	University of York Expansion
New Site	Land to the north of Elvington Industrial Estate
Site 246	Whitehall Grange, Autohorn, Wigginton Road

57. The sites in table 7 above include significant changes which Members may wish to consider. These include the Towthorpe Lines MOD site previously discussed in paragraphs 15 to 17 of this report and the addition of Whitehall Grange following the recent planning consent granted by the Council. It is also proposed that the Grimston Bar (ST6) site be deleted.
58. It also includes the potential expansion of Land at Elvington Airfield Business Park (ST26), the existing Elvington Industrial Estate and the previous University allocation (ST27). The Northminster Site (ST19) was previously included but another site in close proximity has also been put forward. It is important to consider this in light of the transport comments included in paragraph 73. All changes are following the consideration by Officers of submitted technical work.
59. In addition, Table 7 includes the York Central site which was previously identified within the plan, for office development at 80,000 sqm; it is now 61,000 sqm. As already highlighted the York Central site is subject to detailed ongoing technical work and masterplanning which may increase the overall quantum. This will be confirmed as the Local Plan progresses towards Publication stage and will be reflected in future iteration of the Plan. In addition it should be noted that the York Central site is also

identified for a range of other commercial uses (outside the B use classes) including retail and leisure.

60. It should be noted that these additions, over and above minor changes, are in response to the consultation responses seeking further flexibility within the overall supply. In addition to the consideration of increasing the supply of sites, where appropriate, Officers are looking to increase flexibility in the use of sites. Previously office uses (B1a) would be directed to City Centre location with other sites identified for industrial and storage uses. It is proposed that out of centre sites are now also proposed to be identified for office use.

### **Non Site Related Policies**

61. Since the Local Plan Publication Draft was taken to Members in autumn 2014 there have been a number of national and local policy updates. The evidence base that underpins the emerging Local Plan has also progressed. It has therefore been important to take these national and local updates into account when developing the local plan policies. On this basis Officers have undertaken further work to refine the local plan policies. The changes are wide ranging and provided in Annex 7 for the consideration by Members. They include the key changes highlighted below.

#### Local Plan Vision

62. The Local Plan Vision has been revisited to fully reflect the Council Plan 2015-19 which has been published since the Local Plan publication draft. The York Economic Strategy 2016 – 2020 and One Planet York principles have also been taken into account. These updates haven't altered the vision itself but some wording revisions have been made to the outcomes to reflect the new local strategies.

#### Gypsy and Travellers

63. The publication of the government's revised version of Planning Policy for Traveller Sites (PPTS) in August 2015, included a change to the definition of Travellers for planning purposes. The key change to this national policy was the removal of the term *persons...who have ceased to travel permanently*, meaning that those who have ceased to travel permanently will not now fall under the planning definition of a Traveller for the purposes of assessing accommodation need in a Gypsy and Traveller Accommodation Assessment (GTAA). Those households who do not meet the updated planning definition will form a subset of the wider housing need.

64. In light of this change in national planning policy, the Council commissioned consultants ORS to undertake an update of the 2014 GTAA. The full GTAA is attached as Annex 8 to this report. Necessary revisions to the policy approach to gypsy and travellers in the local plan have been made to reflect the updated evidence base.
65. The proposed policy approach to address the needs of Gypsies, Travellers and Showpeople is split into different parts. The first part states that the existing sites will be safeguarded unless it can be demonstrated that they are no longer needed or that alternative provision is to be provided elsewhere. The second part sets out the approach for those households who have been identified in the GTAA Update as meeting the definition. The draft local plan policy states that the Council will identify additional site provision within the existing Local Authority sites. The third part addresses the needs of those households who do not meet the planning definition. The proposed approach is to meet the need either as a part of strategic site provision or through commuted sum payments arising from such development. The full draft policy is attached as Annex 9 for Member's consideration.

#### Sustainable Construction and Design and Renewable Energy

66. The climate change section of the plan included policies demonstrating how the Council will tackle the challenges of climate change. These policies are now out of date, following a number of changes to Government legislation and guidance. Local strategic priorities have also altered during this period. The Carbon Trust, an independent partner helping organisations to contribute and benefit from carbon reduction who have extensive experience of developing Local Plan policies, were commissioned to update this section of the Local Plan in conjunction with officers. The revised section more strongly ties the policies to the social and economic benefits of low carbon developments which consider sustainable design and construction principles.

#### Public Health

67. The community facilities section of the plan has been revised to have a greater focus on health and wellbeing, and has been renamed accordingly. Building happy, healthy and resilient communities is a priority set out in the Council Plan (2015-19). It was, therefore, deemed beneficial to more closely align existing policy prescriptions with the specific health challenges identified in York's Joint Health and Wellbeing Strategy. The new section covers the protection and enhancement of sports, healthcare, childcare, and community facilities. An additional



policy related to healthy placemaking has been added which encourages designing environments that encourage health-promoting behaviours. It also reflects work undertaken with the Tees, Esk and Wear Valleys NHS Trust to review mental health provision in York including the provision of a new site.

### Culture

68. Following responses received through the preferred sites consultation and a number of key stakeholders in York expressing a need to strengthen culture in the Local Plan, a new cultural provision policy has been developed and other additions made to appropriate sections of the plan. Policy formation has included consulting with a steering group and looking at best practice from other local authorities. A workshop with key stakeholders, organised by partners, was also held on 11 February 2017. The aim is to support development proposals where they are designed to sustain, enhance and add value to the special qualities and significance of York's culture.

### **Sustainability Appraisal and Strategic Environmental Assessment**

69. When producing Local Plans, authorities are required to consider, at each stage of production, the impacts their proposals are likely to have on sustainable development. The emerging Local Plan is subject to ongoing Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment (SA/SEA) as required through NPPF. SA/SEA is a means of ensuring that the likely social, economic and environmental effects of the Local Plan are identified, described and appraised to identify how they support the Council's sustainable development objectives.
70. In order to support discussion, a SA/SEA has been undertaken of the overall spatial strategy (drawing on the SA which accompanied the 2014 Publication Draft Local Plan) and housing and employment growth recommendations along with a high level appraisal on the proposed spatial distribution of the strategic sites. Please see Annex 10 for the full SA/SEA Technical Note.
71. Following the decision on growth levels and sites by Members and their inclusion in a composite draft Plan along with the non-site policy changes, which will also be appended to this report, a full SA/SEA will need to be undertaken prior to consultation.

## Transport Assessment

72. Initial transport modelling of residential and employment allocations has shown that there is unlikely to be a significant difference in the increase traffic growth, travel time and total delay across the network between the demographic starting point trajectory of 867 dwellings per annum and the demographic starting point with 10% market signals uplift trajectory of 953 dwellings per annum.
73. Initial transport modelling of potential residential and employment sites has shown that increased queues and delays are being forecast in the Poppleton area, exacerbated by the potential level of development projected for that area, including potential employment sites at Northminster Business Park (ST19), Land to the North of Northminster Business Park and the former Poppleton Garden Centre. The initial modelling undertaken assumes trip rates generated by B1 (office) use only at Northminster Business Park and Land to the North of Northminster Business Park. However, if the existing split at Northminster Business Park is continued at 40/60 B1a to B2/B8 the delays forecast may be an overestimate at this initial stage and would need to be subject to more detailed assessment.
74. Following the decision on growth levels and sites by Members a full analysis of city-wide transport implications will need to be completed. This will be made available to support the consultation.

## Viability

75. Ensuring sites are viable and deliverable in the context of planning policy is a requirement of national guidance. Following the decision on growth levels and sites by Members and their inclusion in a composite draft Plan a Local Plan Viability Assessment will need to be undertaken. This may necessitate changes to the non-site specific policies, attached as Annex 7 to the Report, where they include planning obligations.

## Duty to Cooperate

76. The Localism Act (2011) requires that local planning authorities demonstrate co-operation in plan making with adjoining or nearby authorities and other organisations in relation to cross boundary issues. Section 110 of the Localism Act transposes the Duty to Co-operate into the Planning and Compulsory Purchase Act 2004 and introduces Section 33A, which sets out a Duty to Co-operate in relation to the planning of sustainable development ('the Duty'). The Duty applies to all local planning authorities, county councils and 'prescribed bodies' and

requires that they must co-operate with each other in maximising the effectiveness with which development plan documents are prepared.

77. The Local Plan is required to consider and respond to issues which extend beyond the district boundary. Officers have previously consulted with adjoining authorities as part of the Local Plan process to date to fulfil the requirements of the Duty to Cooperate.
78. The representations at Preferred Sites Consultation (2016) by neighbouring local authorities and the York North Yorkshire and East Riding Local Enterprise Partnership (LEP) were varied. East Riding of Yorkshire Council and Hambleton District Council support the approach taken by CYC. North Yorkshire County Council recognises the importance of the City having a robust and high quality Local Plan in place that enables it to unlock economic growth and prosperity for the benefit of its communities and those of its wider hinterland. Ryedale district Council did not, in principle object to the apparent reduction at Preferred Sites of earlier proposed growth strategies, but did express concerns. Harrogate Borough Council also expressed concerns and the LEP considers the delivery of critical infrastructure and key employment sites, underpinned by an ambitious Local Plan and strong partnership with both LEPs and Central Government to be vital, adding that an ambitious plan, which can deliver this strategic infrastructure would provide the confidence to investors that York can deliver on its potential. Furthermore the LEP stated that for York, the dualling of the A1237 Outer Ring Road and the delivery of York Central are critical.
79. The concerns expressed by Ryedale District Council (RDC) and Harrogate Borough Council (HBC) centre around their doubts that there is sufficient flexibility in the plan to meet its requirements towards the end of the plan period and beyond the plan period, once a Green Belt boundary has been established through the plan, as this could lead to RDC and HBC facing pressure to meet the housing needs of the city. HBC also expressed that the way CYC is proposing to deal with its Green Belt boundary in terms of its permanence is a risk to the plan being found unsound.
80. It will be important that the view of Neighbouring Authorities and other prescribed bodies are sought on the next reiteration of the Plan. Reports will be submitted to North Yorkshire, York and East Riding Heads of Plan and the associated Spatial Planning and Transport Board; LCR Heads of Planning and associated Planning Portfolio Members group and associated LEPs for both areas.

## Analysis

81. The report presents to Members technical work undertaken on the MOD sites, housing, employment and policies. It highlights the choices that need to be considered in moving forward with the Local Plan. This is summarised below.

## Housing

82. The Preferred Sites Consultation (2016) was based on a housing growth figure of 841 dwellings pa for the plan period. This figure was calculated using a demographic baseline of 783 then adding adjustments of 58 dwelling pa. The work undertaken by GL Hearn advises the Council that the demographic baseline for assessing housing need has now increased from the Preferred Sites (2016) position from 783 to 867. Planning Practice Guidance (NPPG) makes it clear that current household projections published by the Department for Communities and Local Government should provide the starting point for estimating overall housing need therefore the previous 841 figure is not an option that the the Council can consider in the production of a Local Plan if it is to be successful when subject to examination by a member of the Planning Inspectorate.
83. The GL Hearn Report recommends that based on the market signals evidence a reasonable adjustment for York is a 10% market signals adjustment to the 867 figure. This would increase the housing figure to 953 per annum. The market adjustment is based on their assessment of both market signals and affordable housing need.
84. National Guidance (PPG) sets out that the scale of any adjustment to the DCLG housing baseline projections for an area should be "*a level that is reasonable*". SHMAs around the country have generally applied adjustments to improve affordability of up to 20%. There have been exceptions to this, including Cambridge (where a 30% adjustment has been recommended). There are however some examples across the country where a 0% market signal uplift have been accepted at Examinations. These authorities include Mendip, Stratford upon Avon, Crawley and Cornwall. It should be noted however, that each examination involved the consideration of the individual circumstances of these authorities.
85. In terms of past delivery and the context for reasonable market adjustment; from the effective start date of the plan the 1<sup>st</sup> April 2012 up until the latest monitoring date of 31<sup>st</sup> March 2017 there have been 3,432 net housing completions. This equates to an annual average of 686

dwellings. For context the 10 year average 2007 to 2017 is 575 dwellings per annum. Clearly achieving both the demographic baseline and the SHMA figure will require a considerable uplift in delivery amounting to 26% increase in housing delivery from the 5 year average.

86. During the Preferred Sites Consultation (2016) responses were received on the overall levels of growth and sites this included from the public, developers and landowners. In terms of the public response a significant number of respondents supported the level of housing growth proposed (841 dwellings per annum from 2012) and felt that it better represented the City's characteristics than that published as part of Preferred Options in 2013 (1090 p.a.). This view is particularly representative of comments from the general public and Parish Council's.
87. Some respondents, however, felt that the Preferred Sites figure of 841 p.a continued to overestimate housing need and that more consideration of the environmental cost of this provision should be given. There were also views expressed that the methodology suggested by NPPF over-inflated housing need in York, that the actual growth for the city could adequately be met on brownfield land alone and the need to review housing need in light of Brexit and likely reduced international migration.
88. In addition there were also a number of objections suggesting that the Council had underestimated housing need. A number of respondents consider that there is an inadequate assessment of housing need in the Strategic Housing Market Assessment (SHMA) and flaws in the calculation of the City's housing requirement in terms of taking account of market signals or the need to apply an uplift to meet needs of those households requiring affordable homes. Issues were also raised around supply, highlighting persistent under-delivery against the housing target, lack of consistency with City's economic ambitions or those of the LEP, and unrealistic density assumptions. Several OAHN were submitted by developers and landowners as part of the Preferred Sites Consultation. The GL Hearn report includes a summary of these responses in Appendix A to their report.
89. The Preferred Sites (2016) position in terms of housing supply was based on the delivery of 841 dwellings per annum in the plan period from 2012 to 2032 and 660 dwellings per annum in the post plan period to 2037. The figure of 660 per annum in the post plan period reflected the CLG household projections in the period 2032-2037. This approach included dealing with any shortfall in the period 2012-2016 (based on net completions), factoring in established supply at that point and appropriate levels of flexibility. If the MOD sites were included within the Plan as detailed in paragraph 18 of this report then the Council could

achieve the demographic starting point of 867 dwellings per annum from 2012 through the plan period and proposed Green Belt timeframe. It should be noted that need and supply shouldn't be in parity and the additional 1035 dwellings in the post plan period provides additional flexibility to that included in the Preferred Sites Document (2016) and would help increase the robustness of the plan.

90. Paragraphs 82 to 89 above set out those factors Members need to consider when coming to a view on housing need and supply. These comprise:
- (i) The recommendations of the GL Hearn Report including the need to incorporate market signals to a level that is reasonable;
    - the GL Hearn advice on a reasonable market adjustment would equate to 953 dwellings per annum.
  - (ii) The revised DCLG baseline;
    - the update in national projections effectively excludes the 2016 consultation figure of 841 dwellings per annum and create a new baseline of 867 dwelling per annum.
  - (iii) Relevant inspectors decisions as described in paragraph 84.
  - (iv) Consultation responses;
    - comments both support and contest the previous 841 Dwellings per annum based plan.
  - (v) Technical work on sites, including the MOD sites;
    - this work demonstrates that land could be made available to accommodate the market adjusted figure of 953 dwellings per annum for York.
    -
91. If having considered the factors set out in paragraphs 82-90 of this report, the OAHN of 953 dwellings per annum is not agreed, Members should provide reasons for departing from the conclusions in that report. Reasons should also be given to justify any alternative OAHN figure.
92. Plan making is not without risk and will be subject to an Examination in Public conducted by an Inspector appointed by the Secretary of State. Therefore, Members will need to satisfy themselves (and subsequently the Inspector appointed in the Examination in Public) of the rationale for

discounting and substituting a different perspective to some or all of the GL Hearn recommendations. In this regard, Members are referred to the legal implications section and the statutory duty to only submit a Plan for examination that is considered to be 'sound'.

### Employment

93. The revised forecasts support the position taken in the Preferred Sites Consultation (2016). However, the report highlights that during consultation key organisations argued for increased flexibility in the proposed supply to provide choice. This includes addressing the loss of office space to residential development through ORC's and to provide additional choice for B1a (office) provision in the earlier part of the plan period as an alternative to the York Central sites. Officers have provided technical information on the provision of additional sites and boundary revisions which could be incorporated within the Local Plan. The additions Members may wish to consider are included in Annex 4.
94. It should be noted any additions, over and above minor changes, are in response to the consultation responses seeking further flexibility within the overall supply. As highlighted Officers are looking to increase flexibility in the use of sites.

### Non Site Related Policies

95. Non housing and employment site related policies were last subject to consultation in July 2013 as part of the Preferred Options Consultation. Whilst updates were then made to policies in the Draft Plan following Preferred Options, this was never consulted on following the halting of the Plan in October 2014 by Members.
96. Since the plan was last consulted on in 2013 at the preferred options stage there have been a number of changes in national policy and local strategies. There has also been significant evidence base work undertaken and consultation outcomes to consider from the preferred sites consultation in 2016. The changes Officers believe are necessary to update the plan are highlighted in Annex 7 to this report.
97. In addition Members attention is specifically drawn to the proposed changes to the Gypsy and Traveller policies highlighted in Annex 9.

### Next Steps

98. Given the proposed level of change to the 2013 version of the Plan, notwithstanding the consultation on sites in 2016, a consultation on a full

plan and policies would be recommended. This would involve producing a plan based on the recommendations highlighted within this report along with necessary technical documents. This would start with pre publicity in Our City in August and formal consultation commencing in September for 6 weeks. This will ensure that the Council's position is transparent and clear before moving to the final publication draft consultation early next year.

99. Following consultation in September, subject to the number of representations received, it would be Officers intention to bring a publication draft document to Executive in January 2018. This would be subject to consultation in February 2018 with the intention of submitting a plan for Examination in April / May 2018. It is anticipated that the Examination would take between 6 to 9 months.
100. Following the Executive, officers if Members agree, will produce a composite draft Plan including both site and non-site related policies along with an overall vision and spatial strategy for the city. A city-wide proposals map showing all land allocations and designations will also need to be produced. In addition this document will be accompanied by the following which will need to be prepared after the Executive:
- SA/SEA;
  - Habitat Regulation Assessment (HRA);
  - City-wide transport model;
  - Viability Assessment;
  - Strategic Housing Land Availability Assessment (SHLAA);
  - Any technical addendums necessary arising from the recommendations of this report relating to growth and sites.
101. Officers will seek dialogue with key partners including neighbouring authorities, the County Council and both LEPs. In addition dialogue will also be sort with both DCLG and the Planning Inspectorate.

### **Impacts**

102. **Financial (1)** – The work on the Local Plan is funded from specific budgets set aside for that purpose. Over the last four years, significant sums have been expended on achieving a robust evidence base, carrying out consultations, sustainability and other appraisals, policy development and financial analyses. Whilst this work remains of great value it is important that progress is made to ensure that unnecessary additional costs do not occur. It should be noted that the original budget



was based on the approved Local Development Scheme (Local Plan Project Plan).

103. It was reported to the Executive in January that if the MOD sites were to be included within the plan this would necessitate additional costs. These will have to be factored into future years budget allocations. The extension of time arising from the addition of the MOD sites would require maintaining existing staffing levels for 18/19 and additional funding to cover consultation and technical work. The costs in 2017/2018 can be contained within the current Local Plan budget however the impact of additional costs of finalising the plan will need to be considered as part of future budget processes.
104. **Financial (2)** - It should also be considered that if the approach taken is subsequently judged to be non compliant with Government Guidance either before or after submission this could lead to further technical work and additional consultation adding to the identified costs and creating delay.
105. **Financial (3)** - Managing the planning process in the absence of a Plan will lead to significant costs to the council in managing appeals and examinations.
106. **Human Resources (HR)** – The production of a Local Plan and associated evidence base requires the continued implementation of a comprehensive work programme that will predominantly, although not exclusively, need to be resourced within EAP.
107. **Better Decision Making Tool** – Please see Annex 11.
108. **Legal** – The procedures which the Council is required to follow when producing a Local Plan derive from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012.
109. The legislation states that a local planning authority must only submit a plan for examination which it considers to be sound. This is defined by the National Planning Policy Framework as being:
- **Positively Prepared:** based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
  - **Justified:** the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
  - **Effective:** deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

- **Consistent with national policy:** enable the delivery of sustainable development in accordance with the policies in the Framework.

110. In order for the draft Local Plan to pass the tests of soundness, in particular the ‘justified’ and ‘effective’ tests, it is necessary for it to be based on an adequate, up to date and relevant evidence base. The Council also has a legal duty to comply with the Statement of Community Involvement in preparing the Plan. (S19(3) 2004 Act).

111. The Council also has a legal “Duty to Co-operate” in preparing the Plan. (S33A 2004 Act). In due course Council will be asked to approve the publication draft Local Plan which will be subject to examination by a member of the Planning Inspectorate before being finally adopted. If the draft Local Plan is not prepared in accordance with legal requirements, fully justified and supported by evidence, the draft Local Plan is likely to be found unsound at examination and would not be able to proceed to adoption.

112. **Crime and Disorder** – The Plan addresses where applicable.

113. **Information Technology (IT)** – The Plan promotes where applicable.

114. **Property** – The Plan includes land within Council ownership.

115. **Other** – None

### **Risks**

116. In compliance with the Council’s risk management strategy, the main risks in producing a Local Plan for the City of York are as follows:

- The need to steer, promote or restrict development across its administrative area;
- The potential damage to the Council’s image and reputation if a development plan is not adopted in an appropriate timeframe;
- Risks arising from failure to comply with the laws and regulations relating to Planning and the SA and Strategic Environmental Assessment processes and not exercising local control of developments, increased potential to lose appeals on sites which may not be the Council’s preferred development options;
- Financial risk associated with the Council’s ability to utilise planning gain and deliver strategic infrastructure;

- Failure to progress a plan could lead to direct interventions by Government into the City's Local Plan making; and
- Measured in terms of impact and likelihood, the risks associated with this report have been assessed as requiring frequent monitoring.

**Contact Details**

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**Executive Members Responsible for the Report:**

Cllrs D Carr & K Aspden

**Report  
Approved**



**Date**

**Specialist Implications Officer(s):**

Patrick Looker, Finance Manager  
Alison Hartley, Senior Solicitor, Planning

**Wards Affected:** *List wards or tick box to indicate all*

*All*

For further information please contact the author of the report

**Annexes (to final Executive report)**

Figure 1 – Preferred Sites Consultation (2016) citywide map

Annex 1: Draft Strategic Housing Market Assessment, GL Hearn (SHMA) - available online;

Annex 2: Draft Employment Land Review Addendum (ELR) - available online;

Annex 3: Officers Assessment of Housing Sites following Preferred Sites Consultation (2016) - available online;

Annex 4: Officers Assessment of Employment Sites following Preferred Sites Consultation (2016) - available online;

Annex 5: Officers Assessment of other sites following Preferred Sites Consultation (2016) - available online;

Annex 6: Consultation Statement - available online;

Annex 7: Non housing and employment site related policy modifications since 2013 Preferred Options Local Plan - available online;

Annex 8: Gypsy and Travellers and Travelling Showpeople Needs Assessment (ORS) - available online;

Annex 9: Draft Gypsy and Traveller Policy - available online;

Annex 10: SA/SEA Technical Note - available online;

Annex 11: Better Decision Making Tool - available online.

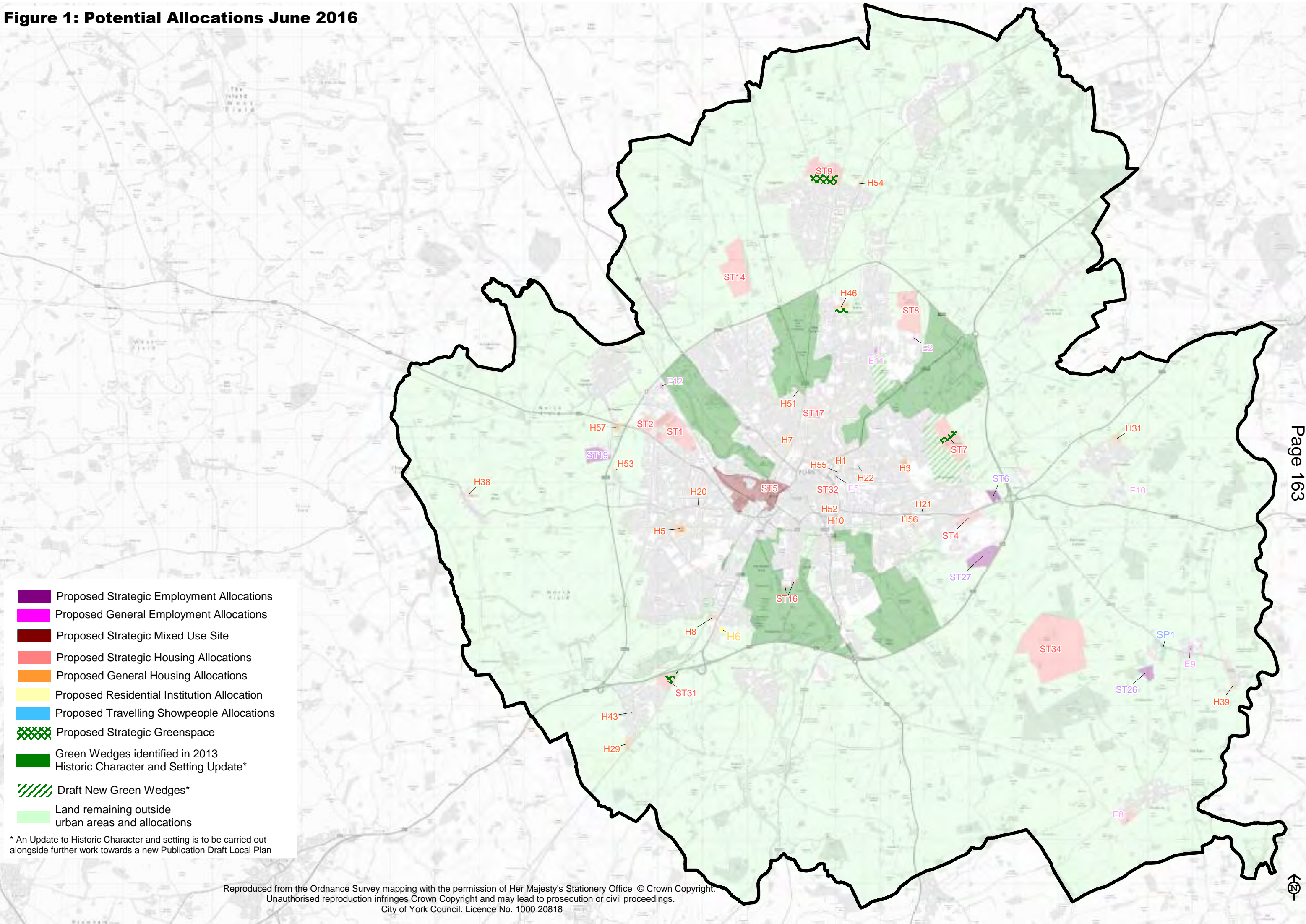
**Background Papers:**

## **Glossary of Abbreviations**

LPWG – Local Plan Working Group  
NPPF – National Planning Policy Framework  
NPPG – National Planning Practice Guidance  
OAHN – Objective Assessment of Housing Need  
MOD – Ministry of Defence  
SCI – Statement of Community Involvement  
SHLAA – Strategic Housing Land Availability Assessment  
SHMA – Strategic Housing Market Assessment  
SNHP - Sub National Household Projections  
SNPP – Sub National Population Projections  
SHMA – Strategic Housing Market Assessment  
SSSI – Site of Special Scientific Interest  
SPA – Special Protection Area  
SAC – Special Area of Conservation  
ORC – Office to residential conversion  
ELR – Employment Land Review  
DCLG – Department for Communities and Local Government  
HRA – Habitats Regulations Assessment  
SA – Sustainability Appraisal  
SEA – Strategic Environmental Assessment  
OE – Oxford Economics  
REM – Regional Econometric Model  
PD – Permitted Development  
GTAA – Gypsy and Traveller Accommodation Assessment



**Figure 1: Potential Allocations June 2016**



- Proposed Strategic Employment Allocations
- Proposed General Employment Allocations
- Proposed Strategic Mixed Use Site
- Proposed Strategic Housing Allocations
- Proposed General Housing Allocations
- Proposed Residential Institution Allocation
- Proposed Travelling Showpeople Allocations
- Proposed Strategic Greenspace
- Green Wedges identified in 2013  
Historic Character and Setting Update\*
- Draft New Green Wedges\*
- Land remaining outside  
urban areas and allocations

\* An Update to Historic Character and setting is to be carried out alongside further work towards a new Publication Draft Local Plan



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Meeting	Executive
Date	13 July 2017
Present	Councillors Carr (Chair), Aspden (Vice-Chair), Ayre, Gillies, Lisle, Rawlings, Runciman and Waller
Other Members participating in the meeting	Councillors D'Agorne and Looker

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## **PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**

### **14. Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

It was noted that Councillor Waller was a Trustee of Leeman Millenium Green at its inception, but had not been active for some time.

### **15. Exclusion of Press and Public**

Resolved: That the press and public be excluded from the meeting during consideration of Annexes 1 and 2 to Agenda Item 9 (Award of Contract for Security Services) and Annexes 1a, 1b, 2 and 3 to Agenda Item 10 (Establishing an Investment Budget for a Strategic Commercial Acquisition) on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). This information is classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).



## 16. Minutes

It was noted that the minutes of the last Executive meeting held on 29 June 2017 would be submitted to the meeting on 27 July 2017 for approval.

## 17. Public Participation

It was reported that there had been six registrations to speak at the meeting under the Council's Public Participation Scheme, one of which had subsequently withdrawn. The registrations were in respect of the following items:

### York Central Update and Partnership Agreement

- Benjamin Hall, a resident and member of Friends of Holgate Community Garden, spoke of the community's concerns as to the proposed Chancery Rise link road (Option E within the report).

He referred to the York North West Master Planning and Infrastructure Study 2011, which highlighted Option C which ran across a 5 acre site, as a more positive choice. However, the Council had subsequently sold the site to Network Rail.

He stated that 4 options had been rendered unviable ahead of consultation and asked for reassurance that access options were being given full and balanced consideration and that the potential impact on communities would have an equal voice as to those of the individual York Central partners.

- James Pitt spoke on behalf of York Central Action, a coalition of approximately 20 community organisations, businesses and educational establishments, which had formed as it was felt that consultations being carried out regarding York Central were not giving an opportunity for people to express their views.

The Group had facilitated a number of pop up events which in turn formed an agenda for a community conference in April 2017, which resulted in 42 positive recommendations to be considered in the development of York Central.

Mr Pitt referred to the importance of decisions being taken in the public domain and asked for a more active and imaginative approach to community engagement.

- Paul Scott spoke on behalf of Friends of Holgate Community Garden regarding the consultation on access options to York Central.

He referred to the discussion at the Executive meeting on 24 November 2016 regarding genuine and meaningful consultation and called on Members to consider the design of access route consultation carefully to ensure that residents had the opportunity to shape the exercise and not just participate.

He referred to Royal Town Planning Institute guidelines on consultations which included a balance of quantitative and qualitative methods and the fair interpretation of data. He added that the publication of raw output data would give confidence that it had been interpreted fairly and asked that the weighting the consultation would have on the overall decision process be disclosed.

### Local Plan

Richard France, MD of the Oakgate Group, referred to the need for balance between housing numbers and the delivery of employment land, both in and out of town, as without this there would not be a credible or deliverable plan.

Mr France referred to the Naburn site, to the south side of the City, and its potential for office accommodation, employment opportunities and transport links. He stated that the site could be deliverable immediately as there was already substantial infrastructure in place and this would complement the City centre offer of the York Central site. He added that other nearby authorities were keen to attract quality employment at our expense.

In conclusion, Mr France stated that the Executive had a duty to provide a sound deliverable Local Plan and that the site at Naburn should be part of it.

(i) York Central Update and Partnership Agreement; (ii) Proposed Outer Ring Road Improvements; and (iii) Local Plan

(i) Dave Merrett welcomed the commitment to further consultation on access options but sought assurance that the consultation would be city wide, given that the scale of the development would have major implications for traffic, congestion and air quality across the City. He asked that the background transport modelling data and air quality implications be published so that the public could make an informed response.

(ii) Mr Merrett welcomed the progression of the outer ring road upgrade and the commitment to consult on specific proposals, but again sought assurance that the consultation would be city wide, to include cycle and pedestrian groups, given the potential of such schemes to sever walking and cycling movements. He added that consultation should also be carried out at an early stage so that alterations could be made without delaying the overall process.

(iii) Mr Merrett asked the Executive to re-consider the Local Plan Working Group's decision not to include the housing expert's recommended 10% uplift on housing numbers, referring to York's exceptionally high housing prices and the distress signals in the housing market.

**18. Forward Plan**

Members received and noted details of the items that were on the Forward Plan for the next two Executive meetings, at the time the agenda had been published.

**19. Report on Work of the Financial Inclusion Steering Group 2016/17 and 2017/18 Update**

Members considered a report which outlined the work of the Financial Inclusion Steering Group (FISG) in 2016/17 and 2017/17 to date and provided information about the Council Tax Support (CTS) Scheme, the delivery of the York Financial Assistance Scheme (YFAS) and an update on Discretionary Housing Payments (DHP).

The Group were thanked for their work and Members were urged to note the information as Ward Councillors were well placed to help communicate the advice and support available.

It was acknowledged that the roll out of Universal Credit would be a significant change and concerns had been raised as to the minimum 6 week delay for the first payment and the payment direct to the recipient rather than the landlord. It was noted that digital and budgeting support was available and work had been undertaken with Housing and the DWP locally to promote awareness. The work of the Tenancy Support Scheme with the South Yorkshire Credit Union was also highlighted.

Resolved: That the Executive notes the work of the Financial Inclusion Steering Group in 2016/17 and 2017/18 to date.

Reason: To ensure Members are aware of Financial Inclusion activity and how related financial support is administered through Council Tax Support and York Financial Assistance schemes to inform planning for future financial pressures relating to these schemes and to ensure that support continues to be effectively provided.

## **20. York Central Update and Partnership Agreement**

*[See also Part B Minutes]*

Members considered a report which outlined progress to date on the York Central scheme and set out the Council's commitment to developing a formal partnership agreement and the programme of work to take the scheme through to the submission of Planning Applications.

It was noted that the York Central project was a partnership project, led largely by the major landowners, namely Network Rail, the Homes and Communities Agency and National Railway Museum in conjunction with City of York Council.

It was outlined that prior to finalising the partnership agreement and bringing forward a Masterplan for consultation, the York Central Partnership needed to conclude discussions around access options. A further study had been commissioned, which

had examined deliverability, ease of construction, transport implications and costs etc, but a detailed understanding of the community impact of the options available was still required as part of this work. Evidence around deliverability and funding had been considered and the consultation would be based on the 3 deliverable access options outlined. It was clarified that no decision had been made and the consultation was an essential part of determining the preferred route.

It was confirmed that the consultation would come from the Partnership, as the developing body for the scheme, not the Council.

With regards to the rejected access options, it was clarified that the decision taken to dispose of the 5 acre site to Network Rail was taken to enable them to clear York Central for the scheme to go ahead. Options B, C and D crossed the site at various points onto an area of land designated by Department of Transport for operational rail land until 2023. Other engineering challenges were also highlighted.

Referring to requests to publish the weighting behind officer judgements on access options, it was stated that it would not be possible to do this in an empirical way, but officers would look to provide a qualitative rather than a quantitative assessment, with an assurance that decisions would not be based solely on economic factors.

Resolved: That the Executive:

- i. Notes the plan for the York Central Partnership to undertake public consultation on access options and the master plan which will lead to the submission of outline and detailed planning applications; and
- ii. Agrees to receive a further report in October setting out the York Central Partnership proposed master plan including a recommended access option and presenting the formal YCP partnership agreement for Executive to consider.

Reason: To ensure the delivery of York Central and to ensure that a range of access options have been considered.

## 21. **Proposed York Outer Ring Road Improvements – Approach to Delivery**

*[See also Part B Minutes)*

Members considered a report which set out the proposed approach to the York Outer Ring Road improvements project and sought approval of the delivery methodology for the development and construction of the seven targeted improvements to junctions on the north York Outer Ring Road over the next 5 years.

Consideration was given as to how key issues and risks would be managed as well as the most effective way to make decisions over the coming months to develop the proposals.

The report recommended that future decisions on the programme of improvements were taken by the Executive Member for Transport and Planning, for example over matters concerning the purchase of land, consultation and phasing of works.

In response to earlier public questions, it was clarified that there would be detailed consultation carried out on individual roundabouts and that subway access for pedestrians and cyclists would be provided at various locations.

Resolved:

That the Executive accepts the proposed approach and methodology for future development activity on the YORR Improvement programme, and approves the following scheme of delegation to enable effective management of the project:

- a. To approve the acquisition of land by agreement as required for the upgrade schemes, and to delegate approval of acquisition of land interests by agreement of up to £200,000 for any one interest to the Executive Member for Transport and Planning.
- b. To delegate to the Assistant Director of Transport, Highways and Environment the negotiation of the terms of purchase for individual land interests by private agreement. By definition, this delegation will also include negotiation of easements and temporary rights where freehold ownership is not required e.g. for drainage purposes, or temporary occupation for the

construction works. This delegation will also include obtaining the release/extinguishment of, or variation of, any third party rights over affected land (for example a third party might have a right of way over land which needs to be acquired).

- c. To authorise the preparation of a draft Compulsory Purchase Order (CPO) in parallel to the purchase of land by private agreement in order to reduce the risk of the programme being prolonged if negotiations with some landowners become protracted. (Any decision to authorise the actual making of that CPO would be referred back to the Executive for determination in a subsequent further report).
- d. To delegate operational and detailed decision making to the Executive Member for Transport and Planning as the programme of design and delivery develops over the next 5 years. These decisions will include:
  - i. Approval of proposed consultation with residents, businesses and stakeholders.
  - ii. Approval of the final layout of each junction upgrade.
  - iii. Approval of phasing of the scheme.
  - iv. Approval of land acquisitions up to £200k (in any one interest as above)
  - v. Acceptance of tenders for construction.
- e. To receive further update reports on progress through the Council's monitoring regime. Further specific reports will be brought back to the Executive when decisions are needed on major changes to the scope of the project or if there are significant financial implications to be considered.

Reason: The proposals being made to Executive will ensure that the planning, preparation and construction of the York Outer Ring Road Improvements can be undertaken in the most efficient manner to meet the ambitions of the City Council and the West Yorkshire Combined Authority.

## Action Required

1. Refer to Council

CT

### **22. Award of Contract for Security Services**

Members considered a report which detailed the result of the evaluation of the tenders received for the provision of the Provision of Security Services and CCTV Operatives and Equipment (Corporate Security Services).

Resolved: That the Executive agree to delegate authority to the Corporate Director of Customer & Corporate Services to enter into contracts with the proposed supplier for the Provision of Security Services and CCTV Operatives and Equipment (Corporate Security Services).

Reason: To enable the Council to achieve Best Value by maximising the available budget; transfer risks and responsibilities for CCTV security to the appointed supplier so it resides with an experienced, accredited and skilled supplier; and ensure consistency of service provision across the Council.

### **23. Establishing an Investment Budget for a Strategic Commercial Property Acquisition**

*[See also Part B Minutes]*

Members considered a report which outlined an opportunity that had arisen for the council to acquire the freehold interest in a portfolio of properties in the city centre that would ensure the ongoing maintenance of the buildings, support the economic vibrancy of the city centre and generate significant additional income to contribute to the increased budget income target set for the council's commercial portfolio.

It was noted that if the proposed recommendations were agreed and the subsequent bid successful, a due diligence report would be brought back to the Executive for consideration.



The long term opportunity to influence activity and ensure a vibrant, thriving city centre with a mixed economy was welcomed.

Resolved: That a due diligence report be brought back to Executive prior to completion of the acquisition.

Reason: To ensure the ongoing economic vibrancy of the city centre and increase the income from the council's commercial property portfolio in order to achieve budget targets.

## **24. City of York Local Plan**

Members considered a report which provided an update on the work undertaken on the MOD sites highlighted in previous reports to Local Plan Working Group (LPWG) and Executive.

The recommendations from the meeting of the LPWG on 10 July 2017 were circulated and the following points of clarification were noted:-

### Recommendation No. 3 Housing

Table 4: Includes housing sites with minor changes, no changes, small scale deletions (Page 143)

All proposals recommended for approval by LPWG

Table 5: Includes significant changes to boundaries, new sites and significant deletions (Page 144)

All proposals recommended for rejection by LPWG except the inclusions and amendments relating to;

- Queen Elizabeth Barracks (934/ 935 / 936)
- Imphal Barracks (624 / 937 / 939)
- Nestle South (ST17)
- Grove House (H23)
- Former Clifton Without School

the deletions of:

- Heworth Green North (H25)
- Whiteland Field Haxby (H54)

and the change of Poppleton Garden Centre from a housing site at PSC (2016) to an employment site. (H57 becomes E16)

### Recommendation No. 3 Employment

Table 6: Employment Sites with minor or no suggested changes and small deletions. (Page 147)

All proposals recommended for approval by LPWG

Site E5, should have been included as a deletion in this table. It is a small 0.2 hectare site included within Annex 4 table 2 as deletion. This due to a lack of a willing landowner for an employment use.

Table 7: Employment sites including significant change (including new sites).

All proposals recommended for rejection by LPWG except the inclusions and amendments relating to;

- Towthorpe Lines (925)
- York Central (ST 5)
- Whitehall Grange (246)
- The deletion of Land North of Grimston Bar (ST 6)

The position taken by LPWG was that Northminster (ST19), land at Elvington Airfield Business Park (ST 26) and the University of York Expansion Site (ST27) all to remain at their Preferred Sites Consultation 2016 position.

Recommendation (v) of the LPWG gave delegated authority to the Assistant Director in consultation with Members to approve non site related modifications. This should refer to non housing and employment site related policy modifications.

Annexes 5 & 7 include sites relevant to proposed policy changes:

- Allocation of Heworth Croft for Student Housing (SH1);
- Site 139 (bio-rad) as a potential mental health facility;
- The deletion of the CNG site at Askham Bryan; and
- Changes to open space designations.

With regards to the potential loss of employment land at the Barracks site, and the rationale for the site being recommended for residential use, it was noted that all potential sites had been rigorously tested against a range of criteria. The annexes attached to the report demonstrated a number of sites that had been rejected and accepted against that methodology.

In response to concerns as to the recommendations put forward by the LPWG, Councillor Ayre, Chair of the LPWG, clarified that the Group had not amended any recommendations, they had been asked to consider and put forward their own recommendations.

In conclusion, Councillor Ayre referred to York's population, housing and affordability challenges and stated that the housing figure of 867 would lock in a higher growth level and deliver on the City's needs.

Resolved: That the Executive agrees:

- (i) That on the basis of the housing analysis set out in paragraphs 82 - 92 of the report, the increased figure of 867 dwellings per annum, based on the latest revised sub national population and household projections published by the Office for National Statistics and the Department of Communities and Local Government, be accepted.

That the recommendation prepared by GL Hearn in the draft Strategic Housing Market Assessment, to apply a further 10% to the above figure for market signals (to 953 dwellings per annum), is not accepted on the basis that Hearn's conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations.

- (ii) That the employment land requirement included, arising from the draft ELR Addendum (Annex 2), be considered and agreed as the evidence base upon which the Local Plan should be progressed.
- (iii) That the increased figure to 867 dwellings per annum, be met by the changes to sites within Table 4 (page 21 of the report) and by the following changes to sites from Table 5 (page 22 of the report), the inclusion of Queen Elizabeth Barracks, Imphal Barracks, Nestle South, Grove House and the former Clifton Without Primary School, the deletion of Heworth Green North (H25) and Whiteland Field, Haxby (H54) and the change from a housing site to an employment site of Poppleton Garden Centre. The rest of the changes included in table 5 should not be included.

That the changes to employment sites highlighted in Table 6 (page 25 of the report) be accepted and to accept the following changes to sites listed in Table 7 (page 25 of the report) – the changes to York Central, the inclusion of Towthorpe Lines and Whitehall Grange, the inclusion of ST19 Land at Northminster Business Park, Elvington Airfield Business Park (ST26) and University of York Expansion (ST27) based on the Preferred Sites Consultation (2016) position and the deletion of site ST6 – Land at Grimston Bar. The rest of the changes included in table 7 should not be included (this includes potential extensions at ST19, ST26 and ST27 and two new sites listed).

- (iv) That the revised policy approach to Gypsy and Traveller provision highlighted within the report and Annex 9 be agreed.

- (v) That authority be delegated to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to approve all housing and employment growth related policies (including site specific planning principles) and the non housing and employment site related policy modifications at schedule (Annex 7) in accordance with the approved evidence base.

That the Leader and Deputy Leader keep Group Leaders informed through Group Leaders meetings.

- (vi) That the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader, be delegated to approve changes to the non-site related policy modifications schedule (Annex 7) following the completion of viability work.

That the Leader and Deputy Leader keep Group Leaders informed through Group Leaders meetings.

- (vii) That following the approval of the evidence base and policy in relation to housing and employment, authority be given to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to produce a composite draft Local Plan for the purposes of consultation.

That the Leader and Deputy Leader keep Group Leaders informed through Group Leaders meetings.

- (viii) That the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader be delegated the signing-off of further technical reports and assessments to support the draft Local Plan including, but not limited to the SA/ SEA, Viability Study and Transport Assessment.

- (ix) That the Leader and Deputy Leader keep Group Leaders informed through Group Leaders meetings
- (x) That the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader be delegated authority to approve a consultation strategy and associated material for the purposes of a city wide consultation starting in September 2017 and to undertake consultation on a composite plan in accordance with that agreed strategy.

That the Leader and Deputy Leader keep Group Leaders informed through Group Leaders meetings

- (xi) That the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader be delegated authority to approve a revised Local Development Scheme as per the timetable highlighted in paragraphs 98 to 101 of the report.

That the Leader and Deputy Leader keep Group Leaders informed through Group Leaders meetings.

Reason: So that an NPPF compliant Local Plan can be progressed.

## **PART B - MATTERS REFERRED TO COUNCIL**

### **25. York Central Update and Partnership Agreement**

***[See also Part A Minutes]***

Members considered a report which outlined progress to date on the York Central scheme and set out the Council's commitment to developing a formal partnership agreement and the programme of work to take the scheme through to the submission of Planning Applications.

Resolved: That the Executive recommends to Council that a budget of £37.4m be approved for the York Central Transport improvements funded from the West Yorkshire Plus Transport Fund grant.

Reason: To ensure the delivery of York Central and to ensure that a range of access options have been considered.

Action Required

1. Refer to Council

CT

**26. Proposed York Outer Ring Road Improvements - Approach to Delivery**

*[See also Part A Minutes)*

Members considered a report which set out the proposed approach to the York Outer Ring Road improvements project and sought approval of the delivery methodology for the development and construction of the seven targeted improvements to junctions on the north York Outer Ring Road over the next 5 years.

Consideration was given as to how key issues and risks would be managed as well as the most effective way to make decisions over the coming months to develop the proposals.

The report recommended that future decisions on the programme of improvements were taken by the Executive Member for Transport and Planning, for example over matters concerning the purchase of land, consultation and phasing of works.

Resolved: That the Executive proposes to Full Council that a budget of £34.2m be approved for the York Outer Ring Road improvements funded from the West Yorkshire Plus Transport Fund grant.

Reason: To confirm the detailed allocation within the budget for the delivery of the Outer Ring Road Upgrade scheme in accordance with the previous Council Decision taken in December 2016.

Action Required

1. Refer to Council

CT

**27. Establishing an Investment Budget for a Strategic Commercial Property Acquisition**

*[See also Part A Minutes]*

Members considered a report which outlined an opportunity that had arisen for the council to acquire the freehold interest in a portfolio of properties in the city centre that would ensure the ongoing maintenance of the buildings, support the economic vibrancy of the city centre and generate significant additional income to contribute to the increased budget income target set for the council's commercial portfolio.

It was noted that if the proposed recommendations were agreed and the subsequent bid successful, a due diligence report would be brought back to the Executive for consideration.

The long term opportunity to influence activity and ensure a vibrant, thriving city centre with a mixed economy was welcomed.

Resolved: That the Executive recommends to full Council:-

- (i) the establishment of a capital budget of £15m, to be financed initially from borrowing, to fund the acquisition of freehold interest in a portfolio of city centre commercial property assets; and
- (ii) to agree that any future capital receipts not currently assumed in the Capital strategy, be allocated to fund the purchase, thereby reducing in time the associated borrowing related to the investment. This will be updated in capital monitor reports in the future.

Reason: To ensure the ongoing economic vibrancy of the city centre and increase the income from the council's commercial property portfolio in order to achieve budget targets.



Action Required

1. Refer to Council
2. Distribute required financial information to all Council Members

CT  
TC

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 7.15 pm].



**Notice of a public meeting of  
Executive**

**To:** Councillors Carr (Chair), Gillies, Lisle, Orrell, Rawlings, Reid, Runciman and Waller

**Date:** Thursday, 25 January 2018

**Time:** 5.30 pm

**Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

**A G E N D A**

**Notice to Members – Post Decision Calling In:**

Members are reminded that, should they wish to call in any item\* on this agenda, notice must be given to Democracy Support Group by **4:00 pm on Monday 29 January 2017**.

\*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent, which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

**1. Declarations of Interest**

At this point, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

- 2. Minutes** (Pages 1 - 16)  
To approve and sign the minutes of the last Executive meeting, held on 7 December 2017.

- 3. Public Participation**  
At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Wednesday 24 January 2017**. Members of the public can speak on agenda items or matters within the remit of the committee.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

**Filming, Recording or Webcasting Meetings**

“Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if recorded, will be uploaded onto the Council’s website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council’s protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [http://www.york.gov.uk/download/downloads/id/11406/protocol\\_f\\_or\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

- 4. Forward Plan** (Pages 17 - 24)  
To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

**5. Securing a Sustainable Future for Haxby (Pages 25 - 50)  
Hall Older Persons' Home**

The Corporate Director of Health, Housing and Adult Social Care to present a report which asks Executive to decide whether to transfer ownership and management of Haxby Hall residential care home to an independent sector provider, in the light of consultation with residents, relatives, staff and care providers.

**6. Developing a Centre of Excellence for (Pages 51 - 82)  
Disabled Children and their Families in  
York**

The Corporate Director, Children, Education and Communities to present a report which provides an overview of the proposal to build a Centre of Excellence for disabled children and their families and asks Executive to approve the financial business case, agree progression of the project to the next stage and recommend to Council that the required capital funding be approved.

**7. Re-procurement of Managed Stores (Pages 83 - 92)  
Service for Building Services &  
Highways**

The Assistant Director of Housing and Community Safety to present a report which seeks Executive approval to proceed with the re-procurement of the Managed Stores service for Building Services and Highways departments, in line with the council's finance and governance requirements.

**8. Future operation of Rowntree Park (Pages 93 - 110)  
Lodge and Park**

The Corporate Director, Children, Education and Communities to present a report which proposes that funding be allocated to enable the regeneration of the upper floors of Rowntree Park Lodge and that these then be leased as a Holiday Letting, in order to invest in the Lodge and secure long term funding for the Park.

**9. A Clean Air Zone for York including Anti (Pages 111 - 142)  
Idling Enforcement**

The Corporate Director of Economy and Place to present a report which sets out options to introduce a local bus-based Clean Air Zone (CAZ), an improved minimum emissions standard for City of York Council contracted local bus services, and adopt anti-idling measures.

- 10. Homelessness in York** (Pages 143 - 158)  
The Assistant Director of Housing and Community Safety to present a report which provides an update on action completed and proposed in response to the motion on Homelessness agreed by Full Council in October 2017, and work carried out in preparation for the Homeless Reduction Act.
- 11. City of York Local Plan** (Pages 159 - 204)  
The Assistant Director of Planning and Public Protection to present a report which asks Executive to consider any potential changes to the pre-publication draft Local Plan and confirm the basis on which the Local Plan should be progressed to the Regulation 19 stage, including a city-wide consultation.
- Note: Annex A to this report has been made available online only, due to its size. Printed copies will be circulated separately to Executive Members.*
- 12. Impact of Arts & Culture on the Economy Scrutiny Review Final Report** (Pages 205 - 282)  
Cllr Looker, the Chair of the Scrutiny Task Group set up to review the impact of the Arts & Culture Sectors on the Economy of York, to present the Task Group's final report and seek approval for the recommendations arising from the review.
- 13. WW1 Commemorations 2018 Scrutiny Review** (Pages 283 - 296)  
Cllr Steward, the Chair of the Scrutiny Task Group set up to review the planning of an overall strategy for the council's activities to commemorate WW1, to present the Task Group's final report and seek approval for the recommendations arising from the review.
- 14. Urgent Business**  
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 552030
- E-mail – [fiona.young@york.gov.uk](mailto:fiona.young@york.gov.uk)

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**


我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim  
własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (ہولی) میں بھی میا کی جا سکتی ہیں۔ (Urdu)

 (01904) 551550



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**Executive****25 January 2018**

Report of the Assistant Director, Planning and Public Protection

Portfolio of the Executive Leader (incorporating Finance & Performance) and Deputy Leader

**City of York Local Plan****Summary**

1. This purpose of the report is:
  - (i) To provide a background summary of the previous iterations of draft policies and the circumstances which led to the rationale of the Executive decision to approve the Pre-Publication Draft Local Plan for consultation;
  - (ii) To provide a summary of the present national policy and legislative context, including the “soundness” requirement and potential for Government intervention;
  - (iii) To report responses to the Autumn 2017 Pre Publication Draft Local Plan Consultation;
  - (iv) To provide Officers’ advice regarding appropriate responses to the Consultation outcomes; and
  - (v) To seek Member approval of the next steps in the York Local Plan making process.

These issues were considered at Local Plan Working on 23<sup>rd</sup> January 2018 and the minutes will be circulated to Executive.

## Recommendations

2. Members are asked to:

- (i) Consider any potential changes to the pre publication draft Local Plan (Regulation 18) based on the information included within this report and associated annexes and confirm the basis on which the Local Plan should be progressed to the Regulation 19 stage including a city wide consultation.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (ii) Following decisions on the matters referred to in (i) above authority be delegated to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to approve all policies necessary for the production of a composite Local Plan for the purposes of public consultation.

The Leader and Deputy Leader to keep Group Leaders informed through Group Leaders meetings.

Reason: So that an NPPF compliant Local Plan can be progressed

- (iii) Delegate to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader the consideration and approval of further technical reports and assessments to support the Local Plan including, but not limited to the SA/ SEA, HRA, Viability Study and Transport Assessment.

The Leader and Deputy Leader to keep Group Leaders informed through Group Leaders meetings.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (iv) Delegate authority to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to approve a consultation strategy and associated material for the purposes of a city wide consultation and to undertake consultation on a composite plan in accordance with that agreed strategy.

The Leader and Deputy Leader to keep Group Leaders informed through Group Leaders meetings.



Reason: So that an NPPF compliant Local Plan can be progressed.

### **Background**

3. Officers produced a publication draft Local Plan in Autumn 2014. This process, however, was halted by Council resolution on the 9th October 2014. Following the Local Government Elections in May 2015 the agreement between the Conservative and Liberal Democrat Groups, to establish a joint administration for City of York Council from May 21st 2015 states that:

*'We will prepare an evidence-based Local Plan which delivers much needed housing whilst focusing development on brownfield land and taking all practical steps to protect the Green Belt and the character of York.'*

4. In 2016 a Preferred Sites Consultation was undertaken. It began on 18<sup>th</sup> July 2016 and ended on 12<sup>th</sup> September 2016. 1,766 individual responses were received from members of the public, developers and statutory consultees. After the Preferred Sites Consultation concluded the Ministry of Defence (MOD) announced as part of its Defence Estate Strategy on 7<sup>th</sup> November 2016 the release of three substantial sites in York:
  - Imphal Barracks, Fulford Road;
  - Queen Elizabeth Barracks, Strensall; and
  - Towthorpe Lines, Strensall.

Technical work was carried out which established that the sites represented 'reasonable alternatives' and, therefore, should be considered as part of the Local Plan process.

5. At the Executive in July 2017 Officers sought approval to undertake a full consultation on a Pre publication draft Local Plan (Reg 18). To support this process the report included a Strategic Housing Market Assessment (SHMA) which made a recommendation on the level of housing growth

for York, an Employment Land Review (ELR) and a series of sites to meet the related arising demand. It also included recommendations on non sites related policies.

6. The Local Plan Preferred Sites Consultation (2016) included an annual housing figure of 841 dwellings pa. The SHMA produced by GL Hearn suggested increasing this figure to 867 dwelling and including an uplift of 10% to the baseline household projections for York to allow for market signals (lifting it to 953 dwellings per annum). Members accepted the higher baseline figure, but not the 10% uplift on the basis that the figure of 867 dwelling represented a significant step change in past delivery. They considered Hearn's conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attached little or no weight to the special character and setting of York and other environmental considerations. The employment land requirements included in the ELR were agreed.
7. A city-wide consultation on the Local Plan Pre Publication Draft (Reg 18) commenced on the 18<sup>th</sup> September 2017 and finished on 30<sup>th</sup> October 2017. It was carried out in compliance with the Council's adopted Statement of Community Involvement (2007). The consultation included contacting individuals and organizations on the Local Plan database, public exhibitions, meetings, a special edition of 'OurCity', and information provided via conventional and social media.

### **National Policy Context**

8. On 7<sup>th</sup> February 2017, the Department for Communities and Local Government (DCLG) published a Housing White Paper. As part of which, DCLG also consulted on changes to planning policy and legislation in relation to planning for housing, sustainable development and the environment. It is anticipated that the outcomes of the consultation will involve amendments to the National Planning Policy Framework (NPPF) and regulations. This is likely to be before the end of Summer 2018.
9. Following on from the White Paper on 14<sup>th</sup> September 2017 the Department for Communities and Local Government (DCLG) released 'Planning for the right homes in the right places: consultation proposals'.

These focused on streamlining the planning system and were primarily concerned with how local housing need is assessed. The consultation ran for eight weeks and closed on 9<sup>th</sup> November 2017. The Government indicated that after reviewing the responses to this consultation along with responses to the Housing White Paper it would publish a draft revised National Planning Policy Framework (NPPF) in 2018.

10. The DCLG November 2017 consultation included a proposed methodology for calculating housing need. This is based on three principles: simplicity, using publicly available data and producing realistic targets. The document applies this methodology to City of York and indicated a minimum of 1,070 dwellings p/a for the period 2016 to 2026. It should be noted that this methodology was the subject of consultation and formal changes to the NPPF have not yet been incorporated by the Government.
11. In addition, it should be noted that the figure of 1070 dwellings is based on 2014 sub-national population projections (released in 2016) which are due to be replaced with the 2016 sub-national population data in May 2018. The National Population Projections released in October 2017 (on which the 2016 sub-national population figures will be based) suggest slower growth than the previous (2014-based) projections. This is because of lower assumptions about future levels of fertility and international migration, and an assumption of a slower rate of increase in life expectancy.
12. A key change is that the proposed methodology put forward by DCLG is forward looking; conversely the current target included in the Pre-publication Local Plan involved considering under delivery from 2012 – 2017 and meeting this by adding to the future supply.
13. The consultation on the proposed new methodology made explicit reference to protecting Green Belt and acknowledged it as a constraint. It also highlights the extent of York's Green Belt. It is not however completely clear about the effects of this constraint and how it would effect York in setting Green Belt Boundaries for the first time.
14. It is proposed by DCLG that in the absence of an up-to-date local strategic plan that after 31<sup>st</sup> March 2018 the new method for calculating

housing need would be adopted. However, should the revised national planning policy framework be published after this date, subject to the outcomes of consultation, it will be introduced at that later date. Given the Government haven't yet responded to this consultation and the potential timeframe for the publication of the revision to NPPF the 31<sup>st</sup> March adoption date seems unlikely. For the purposes of this report we will continue to use the methodology reported to Members in July 2017.

15. The National Population Projections were published by the Office for National Statistics on 26<sup>th</sup> October 2017. We anticipate that the Sub-National Population Projections will be released in May 2018 in accordance with previous releases. The Sub-National Household projections to be released by the DCLG, which use the population ONS data, are likely to follow in July/August 2018. This reflects the nature of changing data sets that surround the plan making process.
16. On 16<sup>th</sup> November 2017 the Secretary of State for Communities and Local Government wrote to the Council. The letter emphasised the importance of up-to date local plans. He then expressed concern about the lack of progress City of York has made on plan-making. The last adopted detailed plan for the city was produced in 1956. The Council is asked to respond by 31st January 2018.
17. The Council is currently preparing a response to the Secretary of State emphasising the importance of responding through the Local Plan process to the release of the MOD sites in November 2016 and including a commitment to submit at the end of May 2018.

### **Local Plan Pre Publication Draft Consultation Response**

18. During the autumn 2017 consultation period we have received responses from circa 1,295 individuals, organisation or interest groups. In response to the Preferred Sites Consultation (2016) held in July - September 2016, we received 1766 responses from individuals and organisations.
19. In conjunction with this report all representations received will be published on line via the Council's website and will be available both electronically and in hard copy at West Offices reception. Those

representations received from members of the public will have personal information redacted to comply with the Data Protection Act 1998.

20. The representations received as a part of the consultation raise a range of issues some of which are complex in nature. These are provided in summary in Annex A to this report along with potential changes for Members' consideration.
21. Given the historical and national policy context associated with the development of the City of York Local Plan Members' attention is particularly drawn to the following key issues :
  - Housing Need and Land Supply; and
  - Employment Land Supply.

### **Housing Need and Land Supply**

22. The historical approach taken to housing need and the related changing national policy context is detailed above. In addition comments received during consultation on this matter are included in Annex A and provided in summary below.
  - Support was received for the principle of council meeting their entire objectively assessment housing need (OAHN).
  - Some parish representations supported the 867 dwellings per annum figure particularly in comparison to the Government's proposed standardised methodology.
  - In respect of housing numbers responses, particularly planning agents and developers, objected to using 867 dwellings per annum; the reasons for this included: the failure to comply with the Strategic Housing Market Assessment (2017) and the lack of conformity with both existing and emerging national policy.
  - Some respondents objected to the approach taken to backlog, student housing and windfalls.
  - The majority of responses from the public were in objection to proposed sites.

23. It is important to recognise that the proposed methodology included in the document produced by DCLG was for the purposes of consultation and may be subject to change (although at present it indicates the direction of travel anticipated for national policy). The methodology differs from that applied by the Council in reaching the housing need figures, and thus cannot be compared without further analysis. The reasons for this are outlined below.
24. As previously highlighted the Government's proposed methodology is forward looking and unlike the Council's methodology, does not add in any additional amounts for previously unmet demand. The City of York Local Plan has an effective start date of the 1<sup>st</sup> April 2012 in terms of population and housing. This is to fit with the position taken by Government in terms of their demographic projections. Using the Council's methodology, any under delivery against the housing target between 2012 – 2017 is accommodated over the life time of the plan.
25. In July the Executive agreed a figure of 867 dwellings per annum for the duration of the City of York Local Plan and Green Belt (until 2033 and 2038 respectively). As the Council's methodology includes provision to meet previous under supply within the 2012 to 2017 period, this means the plan as produced for the autumn 2017 consultation includes a sufficient overall supply to meet both these requirement.
26. Members must be satisfied that they consider the Submission Draft Plan meets the test of "soundness". This is a statutory duty. Officer's advice is that the direction of travel in national policy indicates that if the site proposals previously consulted on were increased this would be a more robust position. However, this is not to say that the proposals previously consulted on would be unreasonable; It is a matter for Members to determine the degree of risk they wish to take.
27. In Officer's opinion, an increase in the supply of housing would place the Council in a better position for defending the Plan proposals through the Examination process. However, Members will be aware of the counter arguments in particular the community responses to consultation. In addition in potentially increasing supply Members will also be mindful of

the time required for achieving this more robust position in line with legislative requirements. An important issue to consider is whether changes can be made to the plan without undertaking additional consultation. This is a critical issue if the Council is to meet the May 2018 deadline for submission.

28. In response to developer proposals submitted during the Pre Publication Draft Local Plan Consultation (details of which are included in Annex A), potential options for increasing the housing supply are set out in tables 1 to 4 below along with the potential risk in terms of the need for additional consultation. The table also highlights a small reduction on the Queen Elizabeth Barracks Site. This reflects outcomes from the Habitats Regulation Assessment.

**Table 1: Potential changes to housing sites allocated in the Pre Publication Draft Local Plan in response to developer proposals (With minor or no boundary changes)**

<b>Allocation Reference</b>	<b>Site Name</b>	<b>No. Included in PPLP</b>	<b>Potential Revised Figure</b>
ST5	York Central	1500	1700 - 2500
ST35	Queen Elizabeth Barracks, Strensall	578	500

29. Following consultation discussions have been held with representatives from the York Central Partnership. This has indicated that York Central is capable of accommodating between 1700 – 2400 residential units and that the higher figure of 2500 units could be achieved through detailed applications by developers for individual plots and / or flexibility to increase residential at the margins of the commercial core. The figure of 1700 reflects land currently under the partnerships control; the higher figure includes land in private ownership or currently used for rail operations.
30. The higher number is proposed to be part of the partnerships planning application anticipated in summer 2018.

**Table 2: Potential changes to housing sites allocated in the Pre Publication Draft Local Plan in response to developer proposals (With boundary changes)**

Allocation Reference	Site Name	No. Included in PPLP	Potential Revised Figure
ST 7	Land East of Metcalfe Lane	845	975
ST 14	Land West of Wiggington Road	1348	1,672
ST 15	Land West of Elvington Lane	3,339	3,901

31. Table 1 & 2 relates to increasing the capacity and extending existing site allocations. It is a matter of judgment as to whether the changes to the existing sites are “material”. However, in the context of the large strategic allocations, it is considered arguable by your officers that the additional land is not a material change. However, this is a matter of judgment, and there is a residual risk that the Examiner will take a different view and require the Council to undertake further consultation on this issue following submission.

**Table 3: Potential new housing site allocations , in response to developer proposals (previously rejected housing sites)**

Site Reference	Site Name	Potential Revised Figure
H28	Land North of North Lane, Wheldrake	88 dwellings / 3.15 ha
H2b (132)	Land at Cherry Lane	18 dwellings / 0.44 ha
H37 (6)	Land at Greystone Court Haxby	34 dwellings / 3.47 ha
SF10 (874)	Land North of Riverside Gardens Elvington	102 dwellings / 4.15 ha
H2a (33)	Racecourse stables off Tadcaster Road	98 dwellings / 2.44 ha (years 16-21)
964	Galtres Farm	1575 dwellings / 75 ha (years 16-21)

32. Table 3 includes sites that have in the past been assessed against the site selection criteria and rejected, but now given further work Officers feel should be considered. These could potentially be included in the Publication Draft without the need for a further additional consultation, as they have already been the subject of public scrutiny through previously published Local Plan evidence or SA/ SEA. There is however



a higher risk than tables 1 & 2 that the Examiner may find further consultation is needed.

**Table 4: Potential completely new housing site allocations in response to developer proposals**

Site Reference	Site Name	No. Included in PPLP	Potential Revised Figure
956	Milestone Avenue, Rufforth	n/a	9 dwellings / 0.37 ha
959	Land at Kettlestring Lane, Clifton Moor	n/a	92 dwellings / 3.2 ha (years 16-21)

33. Table 4 includes new sites that have emerged during the Autumn 2017 Consultation. Although they do meet the requirements of the site selection methodology and therefore potentially represent reasonable alternative, they have not been included in any previous consultation. If any of these sites were to be included in the next stage of the Local Plan the lack of consultation creates a risk to process and the Examiner could require further consultation before the Examination could proceed. Carrying out further consultation now about proposing to include these new sites would mean that the May 2018 date for submission could not be met.

### **Employment Land Supply**

34. The Employment Land Review (ELR) July 2016 published as part of the Preferred Sites Consultation used projections by Oxford Economics (OE) dated May 2015 as the forecast for employment land demand over the Local Plan period. These forecasts provided the starting point for determining the amount and type of employment land required to be identified in the Plan. The projections by Oxford Economics presented a baseline scenario for York forecasting a job growth of 10,500 jobs over the period 2014-2031. Two further scenarios were considered by OE; scenario 1 – higher migration and faster UK recovery, which identified an additional 4,900 jobs above the baseline over the same period and scenario 2 – re-profiled sector growth which identified 500 additional jobs above the baseline. Scenario 2 was endorsed as it reflected the economic policy priorities of the Council to drive up the skills of the workforce and encourage growth in businesses which use higher skilled staff.

35. To sensitivity test the original 2015 OE projections, the latest Experian economic forecasts within the Regional Econometric Model (REM) were used. The conclusion was that the original forecasts were still robust. At the Executive in July 2017 Members endorsed this position.
36. During the consultation a range of points were raised. These are provided in summary below:
- general support for the Local Plan as positively and proactively encourage sustainable economic growth, including tourism and leisure;
  - the approach to focusing retail development in the City Centre and reducing / limiting future development at out of town locations was also supported;
  - some representations recognised the uncertainties inherent in long term economic forecasting and therefore suggested that the using the baseline forecast to inform the employment land requirements of the Plan was over cautious;
  - it was also suggested that housing and employment policies are restrictive and the employment land supply will not cater for York's future needs;
  - the cost of housing impinging on companies and public services abilities to recruit staff was raised;
  - a perceived conflict was highlighted relating to acknowledging the universities importance for growth but failure to allocate land for expansion; and
  - a few members of the public were opposed to, or questioned, economic growth as a goal in of itself saying it is incompatible with sustainability.
37. Given comments made about economic growth Members may wish to consider increasing the employment land supply. The sites included in tables 5, 6 and 7 provided potential options. As with housing supply above it is important that this is balanced against whether changes can be made to the plan without undertaking additional consultation, a critical issue if the Council is to meet the May 2018 deadline for submission.

**Table 5: Potential changes to employment sites allocated in the Pre Publication Draft Local Plan in response to developer proposals (With minor or no boundary changes)**

<b>Allocation Reference</b>	<b>Site Name</b>	<b>No. Included in PPLP</b>	<b>Potential Revised Figure</b>
ST5	York Central	60,000 sqm	100,000 sqm

**Table 6: Potential changes to employment sites allocated in the Pre Publication Draft Local Plan in response to developer proposals (With boundary changes)**

<b>Allocation Reference</b>	<b>Site Name</b>	<b>No. Included in PPLP</b>	<b>Potential Revised Figure</b>
ST27	University of York expansion	21.5ha	26ha
ST26	Elvington Airfield Business Park	10 ha/	15 ha / 33,000sqm

38. Table 5 and 6 relates to increasing the capacity and extending existing site allocations. It is a matter of judgment as to whether the changes to the existing sites are “material”. In the context of the large strategic allocations, it is considered arguable by your officers that the additional land is not a material change. However, this is a matter of judgment, and there is a residual risk that the Examiner will take a different view and require the Council to undertake further consultation on this issue following submission.

**Table 7: Potential new employment site allocations , in response to developer proposals (previously rejected employment sites)**

<b>Site Reference</b>	<b>Site Name</b>	<b>Potential Revised Figure</b>
795	Greenacres Murton Lane	1.95ha / 6,000 sqm
864	Extention to Elvington Industrial Estate	5.4ha / 17,820 sqm
940	Remaining Land at Bull Commercial Centre	3ha/ 10,000 sqm

39. Table 7 includes sites that have in the past been assessed against the site selection criteria and rejected, but now given further work Officers

feel should be considered. These could potentially be included in the Publication Draft without the need for a further additional consultation, as they have already been the subject of public scrutiny through previously published Local Plan evidence or SA/ SEA. There is however a higher risk than tables 5 & 6 that the Examiner may find further consultation is needed.

### **Transport Assessment**

40. To support the Local Plan Pre Publication Draft (Reg 18) Consultation, future year forecasting of the transport impacts of potential residential and employment allocations together with the inclusion of a number of infrastructure improvements that can realistically be expected to be put in place within the Plan period was undertaken. This is contained in the Transport Topic paper, 2017. This is important background to any further decision on sites.
41. The main outcome of this forecasting shows that from 2016 to 2032/33 on the network as a whole:
  - Total trips increase by approximately 20%
  - Total travel time increases by approximately 30%
  - Total delay increases by approximately 55%
42. More detailed mapping of the forecast changes in traffic volume, traffic speeds and changes in traffic speed from the baseline year (2016) to the end of the plan period (2032/33) show that the main parts of the network to be impacted on are:
  - The A64
  - A1237 Clifton Moor to A64 Hopgrove
  - A59/A1237 Roundabout /A59 / Wetherby Road
  - Malton Road
  - A19 / Fulford Road
  - Hull Road
  - Tadcaster Road
43. Although the more detailed mapping referred to in the preceding paragraph shows the changes in traffic volumes and vehicle speeds across the network they may not necessarily give the information that would be of direct relevance to road users undertaking journeys into, around, or through York. To provide a more relevant indication of how a

typical journey will be affected in the future year the changes on travel time on the fifteen routes that could be deemed to be representative of 'typical' trips on the network are shown in Table 8.

**Table 8 Comparison of future year modelled travel times with baseline year travel times**

Trip		2016 Base year modelled peak hour trip time (min : sec)		Future Year (2032/33) Forecast					
				Modelled peak hour trip time (min : sec)		Increase from baseline year (min : sec)		Percentage increase in time from Baseline year	
Route No.	Description	AM	PM	AM	PM	AM	PM	AM	PM
1	A1237 (Northbound)	26:38	34:46	28:03	32:34	01:25	-02:12	5.3	-6.3
	A1237 (Southbound)	26:28	25:55	28:26	28:34	01:58	02:39	7.4	10.2
2	A64 (Northbound)	14:05	14:06	16:06	16:06	02:01	02:00	14.3	14.2
	A64 (Southbound)	14:07	14:47	15:42	17:15	01:35	02:28	11.2	16.7
3	Inner Ring Road (Clockwise)	22:15	25:48	24:11	27:39	01:56	01:51	8.7	7.2
	Inner Ring Road (Anti-clockwise)	19:03	21:38	20:40	23:27	01:37	01:49	8.5	8.4
	A1036 Tadcaster Road (Inbound)	12:55	12:32	13:24	12:40	00:29	00:08	3.7	1.1
	A1036 Tadcaster Road (Outbound)	11:24	10:27	11:54	11:08	00:30	00:41	4.4	6.5
5	A19 Fulford Road (Inbound)	15:46	14:18	19:31	18:49	03:45	04:31	23.8	31.6
	A19 Fulford Road (Outbound)	13:25	23:16	14:16	24:22	00:51	01:06	6.3	4.7
6	A1079 Hull Road (Inbound)	17:46	15:17	19:40	16:59	01:54	01:42	10.7	11.1
	A1079 Hull Road (Outbound)	12:11	14:47	12:37	18:18	00:26	03:31	3.6	23.8
7	A1036 Malton Road (Inbound)	07:40	08:12	08:04	9:04	00:24	00:52	5.2	10.6
	A1036 Malton Road (Outbound)	07:21	07:29	07:30	7:49	00:09	00:20	2.0	4.5
8	B1363 Wigginton Road (Inbound)	14:08	13:35	13:56	15:05	-00:12	01:30	-1.4	11.0
	B1363 Wigginton Road (Outbound)	13:59	13:34	13:40	20:39	-00:19	07:05	-2.3	52.2
9	A19 Shipton Road (Inbound)	14:23	09:57	12:30	09:55	-01:53	-00:02	-13.1	-0.3
	A19 Shipton Road (Outbound)	10:49	09:19	09:54	09:02	00:55	-00:17	8.5	-3.0
10	A59 Boroughbridge Road (Inbound)	18:10	17:13	18:19	18:39	00:09	01:26	0.8	8.3
	A59 Boroughbridge Road (Outbound)	15:50	19:20	17:16	19:58	01:26	00:38	9.1	3.3
11	B1224 Wetherby Road (Inbound)	08:07	08:09	08:35	08:31	00:28	00:22	5.7	4.5
	B1224 Wetherby Road (Outbound)	07:53	07:53	08:03	08:12	00:10	00:19	2.1	4.0
	Haxby Road (Inbound)	15:24	11:29	14:45	12:13	-00:39	00:44	-4.2	6.4
	Haxby Road (Outbound)	11:18	11:41	11:21	14:23	00:03	02:42	0.4	23.1
13	Water End (to northeast)	05:12	03:26	05:13	03:37	00:01	00:11	0.3	5.3
	Water End (to southwest)	03:38	03:40	03:35	03:37	-00:03	-00:03	-1.4	-1.4
14	Leeman Road (Inbound)	05:11	03:38	05:11	03:37	00:00	-00:01	0.0	-0.5
	Leeman Road (Outbound)	03:25	05:41	03:25	05:40	00:00	-00:01	0.0	-0.3
15	Bishopthorpe Road (Inbound)	09:52	08:38	09:53	08:40	00:01	00:02	0.2	0.4
	Bishopthorpe Road (Outbound)	08:34	08:42	08:40	09:08	00:06	00:26	1.2	5.0

44. If the housing supply for the Publication Draft Plan is increased from that in the Pre Publication Draft Local Plan it is likely that the transport impacts will be exacerbated. For example, if the level of growth is increased by the order of 10% it can reasonably be assumed that the impacts will increase by a similar scale. More detailed modelling will have to be undertaken to support the regulation 19 consultation.

### **Viability**

45. Ensuring sites are viable and deliverable in the context of planning policy is a requirement of national guidance. Thus, 'The City of York Local Plan and Community Infrastructure Levy Viability Assessment, 2017', was undertaken and issued for consultation alongside the Local Plan Pre-Publication Draft (Regulation 18).
46. For residential development policy testing was undertaken for each typology and strategic site. The policy testing comprised testing a series of policy layers. For each policy layer, the impact of those policy considered to have a notable impact on viability is then considered through adding policy 'layers' to judge the cumulative impact of these policies. These are:
- Policy layer 1 – This is a base layer, which includes open space and design cost allowances but no policy layer applied;
  - Policy layer 2 – This layer adds a S106 contribution at £3,300 per unit to the Policy layer 1;
  - Policy layer 3 – Policy layer 2 plus the policy requirement for affordable housing (Policy H10)
  - Policy layer 4 – Policy layer 3 plus the requirement for meeting sustainable construction standards (Policy CC2)
  - Policy layer 5 – Policy layer 4 plus an allowance for Gypsy and Traveller pitches where required (Policy H5).
47. The Viability testing for residential development shows that there is viability across all residential site typologies with the imposition of the average S106 contributions (i.e. policy layer 2). But at cumulative policy layer 3, when affordable housing is also applied, some of the smaller sites (delivering less than 10 units) are unable to meet the full policy requirements beyond the average S106 contribution per unit. All the

other tested typologies, including all sites within the urban area and all sites with 10 or more units in all locations (including the bespoke-tested Strategic Sites), are shown to be able to fully meet the Pre Publication Draft Local Plan Policy requirements (i.e. at cumulative policy layer 5).

48. Overall, for residential development the viability testing results imply that the cumulative policy requirements identified in the Pre Publication Draft Local Plan (2017) do not adversely affect the majority of development in most parts of the City of York area. The recommendations included within Annex A seek to address the outcomes of this work.
49. It should be noted however that allowing an increase in site size could in some cases allow the delivery of an increased level of planning gain relating to facilities and services for future residents.
50. For Non- residential development two policy layers were tested:
  - Policy layer 1 – This is a base layer, where no policies are applied; and
  - Policy layer 2 – This layer includes the requirement for achieving a BREEAM ‘excellent’ delivery in line with Policy CC2: Sustainable Design and Construction.
51. The viability assessment determined that all non-residential uses are unable to show viability with or without meeting proposed policy CC2 Sustainable Design and Construction with the exception of retail. However, the viability of non-residential uses is not necessary for supporting such allocations in the Local Plan, principally because non-residential development is generally more speculative than residential .

### **Sustainability Appraisal**

52. When producing Local Plans, authorities are required to consider, at each stage of production, the impacts their proposals are likely to have on sustainable development. The emerging Local Plan is subject to ongoing Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment (SA/SEA) as required through NPPF. SA/SEA is a means of ensuring that the likely social, economic

and environmental effects of the Local Plan are identified, described and appraised to identify how they support the Council's sustainable development objectives.

53. At the Pre publication stage of the Local Plan a SA/SEA was undertaken. 'The Sustainability Appraisal Summary 2017' is a detailed technical document; and is an important background paper to this report to inform Members decisions. It has also been used to inform the recommendations in Annex A and will be updated following Members decisions on this report. It will be made available as a part of the Local Plan Publication (Reg 19) consultation.

### **Duty to Cooperate**

54. The Localism Act 2011 introduced the Duty to co-operate (the Duty) that requires local planning authorities and other prescribed bodies to 'engage constructively, actively and on an on-going basis' to maximise the effectiveness of local plan preparation in relation to strategic matters.
55. The Act also extended the purposes of the plans Examination to include determination as to whether the Duty has been complied with. National Planning Practice Guidance makes it clear that Inspectors testing compliance with the duty at examination will assess the outcomes of co-operation rather than the process of dialogue. Failure to demonstrate compliance with the duty at the examination cannot be corrected after the local plan has been submitted for examination.
56. As it has developed the Local Plan has been subject to on-going and constructive engagement with neighbouring authorities and relevant organisations. This has included:
- the preparation and updating of a Duty to Cooperate Matrix (that has been generally circulated to the officer level groups for subsequent discussion and comment);
  - regular one-to-one officer meetings;
  - making representations, as appropriate, to other authorities Local Plan documents, and vice versa; and
  - regular technical discussions at regional sub-regional Member and officer groups.



57. Through the meetings highlighted Officers have sought to gauge the appetite of neighbouring authorities for a sub-regional approach to delivering housing within the context of the Duty to Cooperate. Whilst this wasn't supported for the current round of Local Plans there may be some support to consider this in the future.
58. Details on how the Council has fulfilled the requirements under the Duty was contained in the 'Demonstrating the Duty to co-operate (Interim Statement)' that is part of the supporting evidence base for the Pre Publication Draft Local Plan.
59. Several Prescribed Bodies including many of York's neighbouring authorities, the Local Enterprise Partnerships and Highways England returned representations during the Pre Publication Draft Local Plan consultation. These have been considered in coming to the recommendations included in Annex A. In addition they are summarised in Annex B to inform Members consideration of the recommendation associated with this report. The comments provided are broadly supportive of ongoing engagement and alignment with economic objectives, but stress the importance of an appropriate land supply for housing and the need for joint working on issues such as transport.
60. Post consultation reports on the City of York Local Plan have been considered at the following meetings:
  - Leeds City Region - Heads of Planning – 8<sup>th</sup> December 2017;
  - Leeds City Region Planning Portfolios Board 15<sup>th</sup> December 2017;
  - York, North Yorkshire East Riding and Hull - Directors of Development – 07<sup>th</sup> December 2017; and
  - North Yorkshire and York Spatial Planning and Transport Board 17<sup>th</sup> January 2018.

## **Options**

61. Officers request that Members consider the following options to enable a composite Local Plan Publication (Regulation 19) document to be produced for statutory soundness consultation prior to submission:

**Option 1:** *The additions of further housing sites from tables 1 – 4;*

**Option 2:** *The additions of further employment sites from tables 5 – 7;  
and*

**Option 3:** The proposed policy changes highlighted in Annex A.

### **Analysis of Options**

62. Members are being asked to consider amendments to the plan previously consulted upon and approve a Publication Draft Local Plan which ultimately will be subject to examination by a member of the Planning Inspectorate. They must therefore, when considering the options above, be aware of the procedures which the Council is required to follow when producing a Local Plan. These are derived from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012. The legislation states that a local planning authority must only submit a plan for examination which it considers to be sound. This is defined by the National Planning Policy Framework as being:

- **Positively Prepared:** based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
- **Justified:** the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective:** deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy:** enable the delivery of sustainable development in accordance with the policies in the Framework.

63. Members must consider whether in light of the consultation responses and changes in the national policy context the proposed Publication Draft Local Plan meets the above tests and is 'sound'. This includes the approach to both housing and employment need and supply.

### **Next Steps**

64. Following the Executive, if Members agree, Officers will produce a composite draft Plan and a city-wide proposals map. In addition this

document will be accompanied by a range of technical documents which will need to be prepared after the Executive. These will include (but not be limited to):

- SA/SEA;
- Habitat Regulation Assessment (HRA);
- City-wide transport model;
- Viability Assessment;
- Strategic Housing Land Availability Assessment (SHLAA);
- Any technical addendums necessary arising from the recommendations of this report relating to growth and sites.

65. Following the Regulation 19 consultation, Officers will report the responses received to Local Plan Working Group, Executive and Council seeking approval to submit a plan for public examination before the end of May 2018. Legislation requires that Full Council, having had regard to any consultation responses, determines whether the plan is 'Sound' to enable submission for independent examination under Regulation 20. The timetable highlighted is in conformity with the Council's published Local Development Scheme (LDS).

66. Officers will continue to seek dialogue with key partners including neighbouring authorities, the County Council and both LEPs. In addition dialogue will also be sought with both DCLG and the Planning Inspectorate.

### **Impacts**

67. **Financial (1)** – The work on the Local Plan is funded from specific budgets set aside for that purpose. Over the last four years, significant sums have been expended on achieving a robust evidence base, carrying out consultations, sustainability and other appraisals, policy development and financial analyses. Whilst this work remains of great value it is important that progress is made to ensure that unnecessary additional costs do not occur.

68. **Financial (2)** - It should also be considered that if the approach taken is subsequently judged to be non compliant with Government Guidance either before or after submission this could lead to further technical work

and additional consultation adding to the identified costs and creating delay.

69. **Financial (3)** - Managing the planning process in the absence of a Plan will lead to significant costs to the council in managing appeals and examinations.
70. **Human Resources (HR)** – The production of a Local Plan and associated evidence base requires the continued implementation of a comprehensive work programme that will predominantly, although not exclusively, need to be resourced within EAP.
71. **Better Decision Making Tool** – Attached as annex C.
72. **Legal** – The procedures which the Council is required to follow when producing a Local Plan derive from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012.
73. The legislation states that a local planning authority must only submit a plan for examination which it considers to be sound. This is defined by the National Planning Policy Framework as being:
  - **Positively Prepared:** based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
  - **Justified:** the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
  - **Effective:** deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
  - **Consistent with national policy:** enable the delivery of sustainable development in accordance with the policies in the Framework.
74. In order for the draft Local Plan to pass the tests of soundness, in particular the ‘justified’ and ‘effective’ tests, it is necessary for it to be based on an adequate, up to date and relevant evidence base. The Council also has a legal duty to comply with the Statement of Community Involvement in preparing the Plan. (S19(3) 2004 Act).
75. In addition the Council also has a legal “Duty to Co-operate” in preparing the Plan. (S33A 2004 Act).

76. In due course Council will be asked to approve the publication draft Local Plan for submission to the Secretary of State. It will then be subject to examination by a member of the Planning Inspectorate before being finally adopted. If the draft Local Plan is not prepared in accordance with legal requirements, fully justified and supported by evidence, the draft Local Plan is likely to be found unsound at examination and would not be able to proceed to adoption.
77. **Crime and Disorder** – The Plan addresses where applicable.
78. **Information Technology (IT)** – The Plan promotes where applicable.
79. **Property** – The Plan includes land within Council ownership.
80. **Other** – None

### **Risks**

81. The main risks in failing to progress a Local Plan for the City of York in compliance with laws, regulations and guidance are as follows:
- the plan is found ‘unsound’ at examination leading to ‘withdrawal’ or further work;
  - direct interventions by Government into the City’s Local Plan making;
  - inability to steer, promote or restrict development across its administrative area;
  - potential damage to the Council’s image and reputation if a development plan is not adopted in an appropriate timeframe; and
  - financial risk associated with the Council’s ability to utilise planning gain and deliver strategic infrastructure.

Measured in terms of impact and likelihood, the risks associated with this report have been assessed as requiring frequent monitoring.

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**Executive Members Responsible for the Report:**

Cllrs D Carr & A Waller

**Report  
Approved**



**Date** 15/01/18

**Specialist Implications Officer(s):**

Finance Manager  
Senior Solicitor, Planning

**Wards Affected:**

All

**Annexes**

Annexe A: Pre Publication Draft Local Plan (2017) Consultation  
Response Summaries & Recommendations

Annex B: Duty to Cooperate Responses

Annex C: Better Decision Making Tool

**Background Papers**

Transport Topic paper, 2017.

[https://www.york.gov.uk/downloads/file/14278/transport\\_topic\\_paper\\_2017](https://www.york.gov.uk/downloads/file/14278/transport_topic_paper_2017)

The City of York Local Plan and Community Infrastructure Levy Viability Assessment, 2017.

[https://www.york.gov.uk/downloads/file/14273/local\\_plan\\_and\\_community\\_infrastructure\\_levy\\_viability\\_assessment\\_2017](https://www.york.gov.uk/downloads/file/14273/local_plan_and_community_infrastructure_levy_viability_assessment_2017)

The Sustainability Appraisal Summary, 2017.

[https://www.york.gov.uk/downloads/file/14276/sustainability\\_appraisal\\_summary\\_2017](https://www.york.gov.uk/downloads/file/14276/sustainability_appraisal_summary_2017)

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**Annex B: Duty to Cooperate Responses****Summary of Prescribed Body Representations on City of York Local Plan Pre Publication Draft (Regulation 18) Consultation, 2017**

Prescribed Body	Summary of Representation
East Riding of Yorkshire Council (ERC)	<ul style="list-style-type: none"> <li>• The draft plan, which has been based on ongoing co-operation between the two authorities throughout the plan making process.</li> <li>• Strongly supports the provision of sufficient housing within the York Local Plan to enable the full need for housing to be met within the York HMA.</li> <li>• Welcomes the identification of strategic highways network improvements at Grimston Bar in policy T4 and the need for joint working.</li> <li>• Expressed concern at the Breen Belt boundary being set precisely at 6miles from the city centre as this would encroach into East Riding.</li> <li>• More detailed comments relating to Site ST15 Land West of Elvington Lane</li> </ul>
Environment Agency	<ul style="list-style-type: none"> <li>• On the whole, the Environment Agency's comments from previous consultations have been taken on board and the EA find the content of the plan positive. The section on green infrastructure is good and recognises the dual of both green open spaces and mitigation of current and future flood risk, as sustainable drainage systems (SuDS) or flood storage, can be achieved.</li> <li>• More detailed comments on policies relevant to its remit, e.g. Flood risk and land contamination.</li> </ul>
Hambleton District Council (HDC)	<ul style="list-style-type: none"> <li>• The document identifies sufficient land to meet the development needs of the City and establishes a Green Belt enduring 20 years. It does not safeguard land for development and recognises the build out time of the strategic sites will extend beyond the plan period. The proposed detailed boundaries of the Green Belt offer little opportunity to accommodate the increased level of growth proposed in the White Paper, should this be required.</li> <li>• If the City of York does not ensure that its longer term development needs are met this will place pressure on areas in neighbouring authorities.</li> <li>• The Local Plan has been subject to viability testing and the proposed allocations have been selected through a robust assessment process, but the level of assessment that has been undertaken to confirm the viability and deliverability of the allocated sites is unclear</li> </ul>
Harrogate Borough Council (HBC)	<ul style="list-style-type: none"> <li>• No representation made at this stage but ongoing discussions under the Duty will continue as the plan is taken forward</li> </ul>
Highways England (HE)	<ul style="list-style-type: none"> <li>• Welcome the emphasis on sustainable travel, high quality public transport links serving new sustainable communities and travel planning as key components of policy, and that new development sites are located with</li> </ul>

**Summary of Prescribed Body Representations on City of York Local Plan Pre Publication Draft (Regulation 18) Consultation, 2017**

Prescribed Body	Summary of Representation
	<p>good access to public transport, walking and cycling networks, thereby minimising growth in traffic.</p> <ul style="list-style-type: none"> <li>• The Plan lacks recognition of the scale of the forecast traffic growth on the A64 trunk road and its junctions with local primary roads will require physical mitigation in the form of investment in highway infrastructure despite the extensive sustainable travel proposals.</li> <li>• The spatial distribution and particularly the development of land opportunities in the south and eastern parts of York should be dependent upon agreement between the Council and HE of a Management Strategy for the A64 and its junctions with the local primary road network.</li> <li>• HE expects that the strategic sites located around the A1237 Northern Ring Road will combine to have a significant impact on the junctions of the A1237 with that A64 east and west of York. It will need to have a good understanding of that cumulative impact if it is to be able to state that the Plan is sound at Publication Draft stage.</li> <li>• HE will continue to work in partnership with CYC to understand the impact of the Local Plan proposals on the operation of the A64 and its junctions with the primary road network.</li> <li>• Requested that the key principles in many of the Spatial Strategy (SS) policies for the strategic sites be modified to include HE as an organization to be consulted with by developers when demonstrating that all transport issues have been addressed.</li> <li>• Requested explanatory text to several Spatial Strategy (SS) policies for the strategic sites be modified to include the need for a Transport Assessment to support the key principles relating to demonstrating that all transport issues have been addressed.</li> </ul>
<p>Leeds City Region Local Enterprise Partnership (LCR LEP) / West Yorkshire Combined Authority (WYCA)</p>	<ul style="list-style-type: none"> <li>• The Plan forms a complete suite of local policies and directly addresses many aspects of the strategies in the SEP.</li> <li>• Land allocations for the provision of jobs will support sustainable economic activity with a focus on allocating enough sites to satisfy market demand and maximise connectivity to transport</li> <li>• The Plan supports the aim of increasing the amount of energy generated from renewable and low carbon sources, and supports proposals for renewable and low carbon infrastructure. These elements are well-aligned with the SEP</li> <li>• York has not applied the 10% market signals adjustment as recommended in the York 2017 Strategic Housing Market Assessment.</li> <li>• The Plan policies could strengthen the commitment to delivering better digital infrastructure which would support</li> </ul>

Summary of Prescribed Body Representations on City of York Local Plan Pre Publication Draft (Regulation 18) Consultation, 2017	
Prescribed Body	Summary of Representation
	<p>the SEP priorities</p> <ul style="list-style-type: none"> <li>• Sites and policies are not supported by an up to date infrastructure delivery plan and one would be expected.</li> <li>• The Plan acknowledges that commuting to destinations outside York occurs. Welcome that improvements to York Railway Station are included in the plan to accommodate enhancements for the planned electrification of the Trans Pennine Line, HS2 and Northern Powerhouse Rail aspirations.</li> </ul>
North Yorkshire County Council (NYCC)	<ul style="list-style-type: none"> <li>• York is an important driver for growth both within the York, North Yorkshire and East Riding LEP area and the Leeds City Region. It is important that the City has a robust and high quality Local Plan in place that best enables it to unlock economic growth and prosperity for the benefit of its communities and those of its wider hinterland.</li> <li>• Welcome the commitments set out in Policy DP1: York Sub Areas. In particular that York will <i>'fulfil its role as a key driver in the Leeds City Region , York, North Yorkshire and East Riding Local Enterprise Partnership (LEP) area...'</i> and <i>'The housing needs of City of York 's current and future population including that arising from economic and institutional growth is met within the York local authority area.'</i></li> <li>• Support the general thrust and intent of Policy SS1 : Delivering sustainable growth for York</li> <li>• Policy SS2: the Role of York's Green Belt - defining a clear and detailed inner boundary of the York Green Belt is welcomed and supported. In defining the Green Belt boundary it is important that the evidence underpinning the decision is clearly presented and included within the narrative accompanying the policy. NYCC recognise that the Plan makes provision up to 2038, providing for an additional 5 years beyond the plan period. In adopting this approach it is acknowledged that in the longer term consideration will need to be given to how future growth needs will be managed to provide confidence in relation to planning for infrastructure and services including within neighbouring parts of North Yorkshire</li> <li>• Any traffic impact on NYCC's local highway network that could arise from allocations need to be identified and considered. Where it is clear that a development will have a material impact on its local highway network, NYCC request to be included in agreeing the scoping for the Transport Assessment (TA) and Travel Plan (TP) in addition to being formally consulted during the application process.</li> <li>• Ask that within CYC's transport evidence account is taken of the traffic generated by the allocations of surrounding planning authorities., particularly Harrogate district and</li> </ul>

Summary of Prescribed Body Representations on City of York Local Plan Pre Publication Draft (Regulation 18) Consultation, 2017	
Prescribed Body	Summary of Representation
	<p>the Green Hammerton settlement and that committed developments within North Yorkshire that will impact on cross border issues are included.</p> <ul style="list-style-type: none"> <li>• The Development of the York Central site will provide new economic and residential uses and activity in the centre of the City in a location well connected to sustainable transport which will benefit from regeneration.</li> </ul>
Ryedale District Council (RDC)	<ul style="list-style-type: none"> <li>• No representation made at this stage but ongoing discussions under the Duty will continue as the plan is taken forward</li> </ul>
Selby District Council (SDC)	<ul style="list-style-type: none"> <li>• Broadly supports the Local Plan approach and its policies, and more specifically, Policy DP1</li> <li>• SDC notes Policy SS1 states that the plan will deliver a minimum of 867 dwellings per year .Having read the SHMA Addendum, it is also noted that this figure does not take into account the level of employment growth proposed by the Local Plan and that the SHMA has not undertaken a full update to the analysis of economic growth. Whilst the SHMA concludes that there is unlikely to be any justification for an uplift in housing numbers in York to support expected growth in employment, Selby District Council need to be confident that undertaking a policy-on approach to housing need would identify no more than 867 dwellings per annum.</li> <li>• CYC will also be aware of the proposed methodology for the calculation of housing need requirements set out in the in the DCLG consultation on 'Planning for the Right Homes in the Right Places', which if taken forward would increase York's housing requirement figure to 1,070 dwellings per annum. Whilst you are confident that you can realise the growth aspirations detailed within the Pre-Publication Local Plan within the City of York boundary, Selby District Council is concerned that any increases to this figure could raise significant cross-boundary issues.</li> <li>• Question whether a Green Belt boundary enduring for 20 years is sufficient to meet the NPPF as it pertains to the intended permanence of Green Belt boundaries in the long term so they are capable of enduring beyond the plan period.</li> <li>• Site ST15 is in a remote location and will require significant investment in public transport infrastructure. The cumulative impact of this proposed new settlement on the highways network, along with the proposed expansion of York University (Site ST27) and the employment allocation at Elvington Airfield will need to be mitigated. Selby District Council need more detail to that shown in the Transport Topic Paper, before providing any further comments on the potential impact this allocation may have on Selby district.</li> <li>• CYC as education authority, will need to be satisfied that</li> </ul>

<b>Summary of Prescribed Body Representations on City of York Local Plan Pre Publication Draft (Regulation 18) Consultation, 2017</b>	
Prescribed Body	Summary of Representation
	<p>Wheldrake with Thorganby CE School is capable of meeting any additional demand generated by Site ST33, without any detriment to the population of Thorganbury (in Selby District)</p> <p>.</p>
York, North Yorkshire and East Riding Local Enterprise Partnership (YNYER LEP)	<ul style="list-style-type: none"> <li>• The quantum and nature of the proposed development will be of great strategic benefit to this LEP area and it is important that the Local Plan is advanced to adoption quickly to allow delivery of these sites.</li> <li>• Past issues of under delivery of housing, together with recent market signals for York mean that it will be essential to achieve the proposed minimum annual provision of 867 dwellings over the plan period, together with any additional homes to reflect under delivery.</li> <li>• Concerned at only 60,000m<sup>2</sup> of B1a office space at York Central, given the significantly higher figure in the EZ proposal and the pivotal role of such development on this site for the economy of York and the LEP area</li> <li>• Welcome the funding from WYCA to undertake feasibility and business case development for dualling the A1237</li> <li>• Grimston Bar junction, that already has capacity problems and faces increasing pressure through the Local Plan proposals, is important for east-west connectivity</li> </ul>

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The 'Better Decision Making' tool should be completed when proposing new projects, services, policies or strategies.

This integrated impact assessment tool was designed to help you to consider the impact of your proposal on social, economic and environmental sustainability, and equalities and human rights. The tool draws upon the priorities set out in our Council Plan and will help us to provide inclusive and discrimination-free services. The purpose of this new tool is to ensure that the impacts of every proposal are carefully considered and balanced and that decisions are based on evidence.

**Part 1** of this form should be completed as soon as you have identified a potential area for change and when you are just beginning to develop a proposal. If you are following the All About Projects Framework it should be completed before going through Gateway 3.

**Part 2** of this form should be filled in once you have completed your proposal and prior to being submitted for consideration by the Executive. If you are following the All About Projects Framework it should be completed before going through Gateway 4. Your answer to questions 1.4 in the improvements section must be reported in any papers going to the Executive and the full 'Better Decision Making' tool should be attached as an annex.

Guidance to help you complete the assessment can be obtained by hovering over the relevant text or by following this link to the 'Better Decision Making' tool on Colin.

Guidance on completing this assessment is available by hovering over the text boxes.

**Please complete all fields** (and expand if necessary).

#### Introduction

<b>Service submitting the proposal:</b>	Strategic Planning
<b>Name of person completing the assessment:</b>	Alison Cooke
<b>Job title:</b>	Development Officer
<b>Directorate:</b>	Economy and Place
<b>Date Completed:</b>	23rd January 2018
<b>Date Approved:</b> form to be checked by service manager	

#### Part 1

##### Section 1: What is the proposal?

1.1	<b>Name of the service, project, programme, policy or strategy being assessed?</b>
	Pre Publication Draft Local Plan 2017
1.2	<b>What are the main aims of the proposal?</b>
	The main aim of the report is to update Members on the response to the Pre Publication Draft Local Plan Consultation 2017. It presents a background summary of previous iterations of draft policies and the circumstances which led to the rationale of the Executive decision to approve the Pre-Publication Draft Local Plan for consultation. It also provides a summary of the present national policy and legislative context, and Officers' advice on appropriate responses to the Consultation outcomes.
1.3	<b>What are the key outcomes?</b>
	The Local Plan is the planning policy document through which we aim to deliver York's sustainable development objectives in a spatial way through identifying policies to inform decision making and site allocations to meet development needs.

**Section 2: Evidence**

2.1	<p><b>What data / evidence is available to understand the likely impacts of the proposal?</b> (e.g. hate crime figures, obesity levels, recycling statistics)</p>
	<p>The proposed changes as a result of the Consultation responses are set out in Annex A against each of the sites and policies.</p>

2.2	<p><b>What public / stakeholder consultation has been used to support this proposal?</b></p>
	<p>The Local Plan process has been subject to several consultations, the latest of which was the Pre Publication Draft (2017). This set out the Council's preferred housing and employment need as well as sites to satisfy the demand. The outcomes of this consultation have been reviewed and incorporated into the emerging position. Annex A accompanies this report setting out the proposed changes, supported by the evidence base. Further consultation, subject to members decision, will take place in Spring 2018.</p>

2.3	<p><b>Are there any other initiatives that may produce a combined impact with this proposal?</b> (e.g. will the same individuals / communities of identity also be impacted by a different project or policy?)</p>
	<p>This report will ultimately feed into the Regulation 19 Local Plan wherein it is likely to be positive through meeting the city's spatial development needs and contribute towards meeting York's sustainable development objectives. Specifically in relation to communities, this will effect all people in York who engage with planning such as through obtaining planning permission as well as ensuring planning policies in place to meet the city's objectives for sustainable development.</p>





**Part 1**

**Section 3: Impact on One Planet principles**

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or residents.  
 This section relates to the impact of your proposal on the One Planet principles.

For 'Impact', please select from the options in the drop-down menu.  
 If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'.

**Equity and Local Economy**

Does your proposal?		Impact	What are the impacts and how do you know?
3.1	<b>Impact positively on the business community in York?</b>	Positive	The policies of the Local Plan support the delivery of the city's economic objectives and will enable York to realise its economic growth ambitions as set out in the city's economic strategy (2016). It will promote private sector employment growth through the provision of sites and infrastructure to deliver new jobs over the plan period for current and future residents. The Employment Land Review (2016 and update 2017) sets out our assumptions for identifying employment need. Meeting York's housing requirements is also likely to have a positive outcome for provision of affordable housing for workers within York.
3.2	<b>Provide additional employment or training opportunities in the city?</b>	Positive	The policies of the local plan support the delivery of the city's economic objectives and will enable York to realise its economic growth ambitions as set out in the city's economic strategy (2016). It will promote private sector employment growth through the provision of sites and infrastructure to deliver new jobs over the plan period for current and future residents. Housebuilding and commercial development as a result of allocations in the Local Plan may provide some certainty over jobs in construction. The scale of employment activity depends on the growth targets agreed.
3.3	<b>Help individuals from disadvantaged backgrounds or underrepresented groups to improve their skills?</b>	Positive	The plan supports the delivery of the city's economic objectives and social objectives, including promoting social inclusivity. The plan will help to unlock the further potential of the higher and further education sector in York through development and redevelopment.

**Health & Happiness**

Does your proposal?		Impact	What are the impacts and how do you know?
3.4	<b>Improve the physical health or emotional wellbeing of staff or residents?</b>	Neutral	The Local Plan aims to support healthy lifestyles and healthy environments across the city. The plan includes policies to conserve and enhance York's green infrastructure, providing opportunities for a healthy lifestyle and optimising its role in contributing to York being a healthy city, drawing on the Open Space Study (2014) and its 2017 update. Providing homes to meet the needs of people will also have a positive impact on people's well being.
3.5	<b>Help reduce health inequalities?</b>	Positive	The community facilities section of the plan has been revised to have a greater focus on health and wellbeing. The new section covers the protection and enhancement of sports, healthcare, childcare, and community facilities. An additional policy related to healthy placemaking has been added which encourages designing environments that encourage health-promoting behaviours, helping to delivery York's Joint Health and Wellbeing Strategy and the Council Plan. There are also opportunities as part of new development for the provision of new services. These will have to be developed in tandem to avoid negatives impact in the short-term.
3.6	<b>Encourage residents to be more responsible for their own health?</b>	Neutral	The Local Plan encourages healthy lifetsyles through the safeguarding and provison of different types of openspace and recreational opportunities. The plan includes policies to conserve and enhance York's green infrastructure, providing opportunities for a healthy lifestyle and optimising its role in contributing to York being a healthy city. See Annex 7 to this report to see updates to these policies.
3.7	<b>Reduce crime or fear of crime?</b>	Positive	The plan includes a placemaking policy which seeks to balance the needs of urban design principles for good design against 'secured by design' principles to design out crime, helping to delivery the City of York Streetscape Strategy Guidance (2014). See Annex 7 to this report to see updates to these policies.
3.8	<b>Help to give children and young people a good start in life?</b>	Positive	The Local Plan seeks to respond to the need to increase primary and secondary education provision, including addressing need arising from strategic development sites and supporting proposals to ensure that existing facilities can continue to meet modern educational requirements. See Annex 7 to this report to see updates to these policies.

**Culture & Community**

Does your proposal?		Impact	What are the impacts and how do you know?
3.9	<b>Help improve community cohesion?</b>	Neutral	Community cohesion and the development of strong, supportive and durable communities is promoted through the creation of sustainable, low carbon neighbourhoods.
3.10	<b>Improve access to services for residents, especially those most in need?</b>	Positive	The plan will prioritise tackling existing gaps and prevent gaps from being created in the provision of key services and public transport, helping to support the Council's Transport Plan 2011-2031. The Plan's spatial strategy also uses access to services and transport as a key indicator for sustainability and uses this to help determine suitable sites for development. The majority of strategic allocations are also expected to incorporate local provision on site and have access to sustainable transport.
3.11	<b>Improve the cultural offerings of York?</b>	Positive	A new cultural provision policy has been developed as well as strengthening references to culture throughout the plan. The new policy supports development proposals where they are designed to sustain, enhance and add value to the special qualities and significance of York's culture. See Annex 7 to this report to see the new and revised policies.
3.12	<b>Encourage residents to be more socially responsible?</b>	Positive	Through consultation the local plan process actively encourages residents to shape their communities by commenting on the policies that will shape development in the future in line with the Council's Statement of Community Involvement (2007)

**Zero Carbon and Sustainable Water**

Does your proposal?	Impact	What are the impacts and how do you know?
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3.13	<b>Minimise the amount of energy we use, or reduce the amount of energy we will use/pay for in the future?</b>	Mixed	The plan will respond to the opportunities offered by the city's natural resources whilst at the same time protecting current and future residents from environmental impacts. It will help York become a sustainable, resilient and collaborative 'One Planet'. It will create energy efficient buildings, support the use of energy from renewable sources and ensuring York is climate ready. Notwithstanding this, development in York is likely to increase the city's resource consumption. LocalPlan policy relating to climate change, renewable energy and sustainable design have been updated in line with new/updated evidence base and legislation. See Annex 7 to this report for updates to these policies.
3.14	<b>Minimise the amount of water we use or reduce the amount of water we will use/pay for in the future?</b>	Mixed	The plan will respond to the opportunities offered by the city's natural resources whilst at the same time protecting current and future residents from environmental impacts. It will help York become a sustainable, resilient and collaborative 'One Planet' city, ensuring that new development uses water efficiently and delivers sustainable drainage solutions. LocalPlan policy relating to climate change, renewable energy and sustainable design have been updated in line with new/updated evidence base and legislation. See Annex 7 to this report for updates to policy.
3.15	<b>Provide opportunities to generate energy from renewable/low carbon technologies?</b>	Positive	A revised climate change section now more strongly ties the policies to the social and economic benefits of low carbon developments which consider sustainable design and construction principles. See Annex 7 to this report for updates to policy.

**Zero Waste**

Does your proposal?		Impact	What are the impacts and how do you know?
3.16	<b>Reduce waste and the amount of money we pay to dispose of waste by maximising reuse and/or recycling of materials?</b>	Positive	The plan will contribute to the reduction of waste through supporting innovation and improvement of current waste practices and the promotion of recycling. Sustainable design and construction principles will be embedded in new developments. Local Plan policy relating to Waste management has been revised in line with the emerging Joint Minerals and Waste Local Plan being prepared by North Yorkshire County Council, City of York Council and North York Moors National Park. See Annex 7 to this report for updates to policy

**Sustainable Transport**

Does your proposal?		Impact	What are the impacts and how do you know?
3.17	<b>Encourage the use of sustainable transport, such as walking, cycling, ultra low emission vehicles and public transport?</b>	Positive	The plan will help deliver a fundamental shift in travel patterns by ensuring that sustainable development and travel planning is a key component of future development, promoting sustainable connectivity, reducing the need to travel, helping to deliver the infrastructure to support sustainable transport and managing private travel demand. Helping to support the Council's Transport Plan 2011-2031. This has also been translated into the Site Selection process as a key stage in considering suitability of a potential development site. The outcomes of sites are referred to in annexes 3-5. See Annex 7 for revisions to policy.
3.18	<b>Help improve the quality of the air we breathe?</b>	Positive	The plan supports measures to help reduce the emissions of Nitrogen Dioxide, Particulate, Carbon Dioxide and other greenhouse gases from both transport and other sources helping to deliver the Council's Low Emission Strategy (2012) and therefore features as a consideration throughout the Local Plan. See Annex 7 to this report for detailed updates to policy.

**Sustainable Materials**

Does your proposal?		Impact	What are the impacts and how do you know?
3.19	<b>Minimise the environmental impact of the goods and services used?</b>	Mixed	Development advocated by the Local Plan will have an inevitable impact on the use of resources and waste. However, sustainable design and construction principles will be embedded in new developments through policy. See annex 7 to this report for detailed policy updates.

**Local and Sustainable Food**

Does your proposal?		Impact	What are the impacts and how do you know?
3.20	<b>Maximise opportunities to support local and sustainable food initiatives?</b>	Neutral	n/a

**Land Use and Wildlife**

Does your proposal?		Impact	What are the impacts and how do you know?
3.21	<b>Maximise opportunities to conserve or enhance the natural environment?</b>	Positive	York's Green Infrastructure, including open space, landscape, geodiversity, biodiversity and the natural environment will be both conserved and enhanced. This is a key consideration in the Local Plan and evidence base such as the Green Infrastructure and Openspace Study (2014, Openspace update 2017). The vision, spatial strategy and specific policies all support the conservation and enhancement of the natural environment. Furthermore, this is translated into the Site Selection methodology to determine a potential site's suitability for development . See Annex 7 for updates to specific policies and annexes 3-5 to see comments in relation to specific sites.
3.22	<b>Improve the quality of the built environment?</b>	Positive	The Local Plan will help York to safeguard its outstanding heritage for future generations by promoting development which respects the city's special character and culture and encourages opportunities for rediscovering and reinterpreting those assets which make it an attractive, beautiful and accessible city. The Plan will do this through the conservation and enhancement of six defining characteristics of York's built environment; strong urban form, compactness, landmark monuments, unique architectural character, archaeological complexity and landscape setting set out in the Heritage Topic Paper (2014) and Heritage Impact Appraisal (tbc 2017).
3.23	<b>Preserve the character and setting of the historic city of York?</b>	Positive	The plan will help York to safeguard its outstanding heritage for future generations by promoting development which respects the city's special character. The Local Plan will ensure that the city's heritage assets are preserved and enhanced. Beyond the city centre, the key radial routes are of particular importance, and the surrounding villages and Green Infrastructure, including its valued strays, river corridors and open spaces that contribute to the city's setting. The Historic Character and Setting evidence base (2003 updated in 2013 and 2014) identifies areas of primary importance for this. The Plan will also create a Green Belt for York that will endure beyond the end of this plan period providing a lasting framework to shape the future development of the city. Its primary aim will be to preserve and enhance the special character and setting of York. It will also have a critical role in ensuring that development is directed to the most sustainable locations.

3.24	Enable residents to enjoy public spaces?	Positive	Development will not be permitted which would harm the character of or lead to the loss of open space of environmental and or recreational importance unless it can be satisfactorily replaced. All residential development should contribute to the provision of open space for recreation and amenity. As supported by the open space study (2014) and its update and the Green Infrastructure Strategy.
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3.25	<b>Additional space to comment on the impacts</b>		

## Part 1

## Section 4: Impact on Equalities and Human Rights

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or residents. This section relates to the impact of your proposal on **advancing equalities and human rights** and should build on the impacts you identified in the previous section.

For 'Impact', please select from the options in the drop-down menu.  
 If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'

## Equalities

Will the proposal **adversely impact** upon 'communities of identity'?  
 Will it **help advance equality** or **foster good relations** between people in 'communities of identity'?

	Impact	What are the impacts and how do you know?	Relevant quality of life
4.1 Age	Positive	The plan will meet housing needs and provide a range of house types for all ages. The SHMA (2016) and SHMA update (2017) provide relevant evidence for this. It will also improve the safety and accessibility of the city's streets and spaces.	Comfortable standard of living
4.2 Disability	Positive	The plan will meet housing needs and provide a range of house types for all ages. The SHMA (2016) and SHMA update (2017) provide relevant evidence for this. It will also improve the safety and accessibility of the city's streets and spaces.	Comfortable standard of living
4.3 Gender	Neutral	None deemed likely	n/a
4.4 Gender Reassignment	23rd January 2018	None deemed likely	n/a
4.5 Marriage and civil partnership	Neutral	None deemed likely	n/a
4.6 Pregnancy and maternity	Neutral	None deemed likely	n/a
4.7 Race	Positive	Meeting Gypsy, Traveller and Travelling Showpeople's accommodation needs, supporting the outcomes of the Gypsy and Traveller Accommodation Assessment (2017)	Comfortable standard of living
4.8 Religion or belief	Neutral	None deemed likely	n/a
4.9 Sexual orientation	Neutral	None deemed likely	n/a
4.10 Carer	Neutral	None deemed likely	n/a
4.11 Lowest income groups	Positive	The plan will meet housing needs and provide a range of house types. The SHMA (2016) and SHMA update (2017) provide relevant evidence for this, including the need for affordable housing.	Comfortable standard of living
4.12 Veterans, Armed forces community	neutral	The emerging Local Plan and supporting evidence considers the potential of the MOD sites in York for development following the Defence Infrastructure Estates Review (2016). The closure of these sites will have an impact on the armed forces community which is out of the remit of the Local Plan.	n/a

## Human Rights

Consider how a human rights approach is evident in the proposal



		Impact	What are the impacts and how do you know?
4.13	Right to education	neutral	None deemed likely
4.14	Right not to be subjected to torture, degrading treatment or punishment	neutral	None deemed likely
4.15	Right to a fair and public hearing	neutral	None deemed likely
4.16	Right to respect for private and family life, home and correspondence	neutral	None deemed likely
4.17	Freedom of expression	neutral	None deemed likely
4.18	Right not to be subject to discrimination	neutral	None deemed likely
4.19	Other Rights	neutral	None deemed likely

4.20	<b>Additional space to comment on the impacts</b>		

## Part 1

## Section 5: Developing Understanding

Based on the information you have just identified, please consider how the impacts of your proposal could be improved upon, in order to balance social, environmental, economic, and equalities concerns, and minimise any negative implications.

It is not expected that you will have all of the answers at this point, but the responses you give here should form the basis of further investigation and encourage you to make changes to your proposal. Such changes are to be reported in the final section.

**Taking into consideration your responses about all of the impacts of the project in its current form, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?**

5.1 Given the wide range of policy areas covered by the Local Plan and its over all vision which responds to the issues, opportunities and challenges facing the city it is considered that the plan will have a strongly positive impact overall on creating a fair, healthy, sustainable and resilient city.

**What could be changed to improve the impact of the proposal on the One Planet principles? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)**

5.2 Preparation of the Local Plan is part of an ongoing process that involves monitoring the success and progress of its policies. The process will make sure it is achieving its objectives and making necessary adjustments to the plan if the monitoring process reveals that changes are needed. This enables the plan to maintain sufficient flexibility to adapt to changing circumstances. Furthermore, the plan is subject to ongoing Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment which appraises the plan and site allocations against a bespoke social, economic and environmental objectives to understand how the plan is contributing the sustainable development objectives for York.

**What could be changed to improve the impact of the proposal on equalities and human rights? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)**

5.3 No mixed or negative impacts on equality and human rights are considered likely.

## Section 6: Planning for Improvement

23rd January 2018

**What further evidence or consultation is needed to fully understand its impact? (e.g. consultation with specific communities of identity, additional data)**

6.1 Members will use the recommendations to decide the future approach for the Local Plan which will then be subject to public consultation. A publication draft plan will then be prepared before being submitted to the secretary of state for examination.

6.2 **What are the outstanding actions needed to maximise benefits or minimise negative impacts in relation to this proposal?** Please include the action, the person(s) responsible and the date it will be completed (expand / insert more

Action	Person(s)	Due date

6.3 **Additional space to comment on the impacts**

**Part 2**

**Section 1: Improvements**

Part 2 builds on the impacts you identified in Part 1. Please detail how you have used this information to make improvements to your final proposal.

**Please note that your response to question 1.4 in this section must be reported in the One Planet Council implications section of reports going to the Executive.**

1.1	<p><b>For the areas in the 'One Planet' and 'Equalities' sections, where you were unsure of the potential impact, what have you done to clarify your understanding?</b></p> <p>Given the wide ranging policy areas covered in the plan and the process taken so far in preparing the plan there are inherent links and good understanding of the one planet principles and equalities.</p>
1.2	<p><b>What changes have you made to your proposal to increase positive impacts?</b></p> <p>No changes considered necessary, however the monitoring element of the local plan process will ensure the success and progress of the policies are able to adapt to changing circumstances. For example, air quality will be monitored to ensure new development does not result in poorer air quality.</p>
1.3	<p><b>What changes have you made to your proposal to reduce negative impacts?</b></p> <p>No negative impacts anticipated.</p>
1.4	<p><b>Taking into consideration everything you know about the proposal in its revised form, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?</b></p> <p>Your response to this question must be input under the One Planet Council implications section of the Executive report. Please feel free to supplement this with any additional information gathered in the tool.</p> <p>Given the wide range of policy areas covered by the Local Plan and its over all vision which responds to the issues, opportunities and challenges facing the city it is considered that the plan will have a strongly positive impact overall on creating a fair, healthy, sustainable and resilient city.</p>
1.5	<p><b>Any further comments?</b></p>

## **EXECUTIVE**

**THURSDAY, 25 JANUARY 2018**

### **DECISIONS**

Set out below is a summary of the decisions taken at the Executive meeting held on Thursday, 25 January 2018. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

Members are reminded that, should they wish to call in a decision, notice must be given to Democracy Support Group no later than 4pm on the second working day after this meeting.

Please note that items 14 and 15 are recommendations to Council and cannot be called in.

If you have any queries about any matters referred to in this decision sheet please contact Fiona Young.

#### **5. SECURING A SUSTAINABLE FUTURE FOR HAXBY HALL OLDER PERSONS' HOME**

Resolved: (i) That the results of consultation undertaken with residents, relatives, staff and care providers on the future ownership and management of Haxby Hall residential care home be noted.

(ii) That the transfer of the ownership and management of Haxby Hall residential care home to an independent sector provider be approved.

(iii) That approval be given to:

- a) Procure a developer / operator to take over Haxby Hall residential care home as a going concern, with a commitment to deliver improved care facilities on the site;
- b) Dispose of the site of the care home to the selected bidder by way of freehold sale or long lease, in return for payment of a premium / capital sum;
- c) Impose a covenant within the transfer deed / lease that the land can only be used as a

care home but the council will not unreasonably withhold approval to a different use, subject to the council receiving an additional sum equal to a fair proportion of any increase in value arising from any alternative use (provided that the council could refuse any request for alternative use within an initial period of approximately 25 years unless the provider can show that there is no longer sufficient demand for a care home on the site);

- d) Procure a contract under which the council would seek to purchase access to a specified number of beds in the care home at a specified rate for a specified number of years;
- e) Provide relevant pension indemnities to the preferred partner in respect of the staff who will transfer under TUPE; and
- f) Pay the cost of this procurement from the agreed Older Persons' Accommodation Programme budget.

(iv) That bids allowing for the residents and staff of Haxby Hall to move to another location for a fixed period of time while re-development takes place be considered and, should this option be favoured by bidders, that it be the subject of consultation with residents, relatives and staff before being adopted.

(v) That Executive receive, at their meeting in September 2018, the recommendation to sell or lease the Haxby Hall site to the preferred partner on the terms agreed via the procurement, in accordance with Financial Regulations.

Reason: To secure the long term provision of care at Haxby Hall and progress the Programme's aim of expanding and modernising older people's care provision in the city, while delivering medium and long term efficiencies.

**6. DEVELOPING A CENTRE OF EXCELLENCE FOR DISABLED CHILDREN AND THEIR FAMILIES IN YORK**

Resolved: (i) That the business case for the development of a Centre of Excellence for Disabled Children and their families in York be approved.

(ii) That approval be given to progress to the next stage of design, planning and development.

Reason: To enable the provision of a Centre of Excellence with the potential to be a leader in innovative practice both regionally and nationally, as part of the wider development of services for disabled children and young people across the city.

**7. RE-PROCUREMENT OF MANAGED STORES SERVICE FOR BUILDING SERVICES & HIGHWAYS**

Resolved: (i) That approval be given to proceed with the procurement, as set out in the report.

(ii) That authority be delegated to the Assistant Director of Housing and Community Safety to approve the award of the contract once the tender process is complete.

Reason: In line with the council's internal governance rules and the requirements of the Public Contract Regulations, and to facilitate a quicker route into the critical mobilisation phase of the project.

**8. FUTURE OPERATION OF ROWNTREE PARK LODGE AND PARK**

Resolved: (i) That approval be given to lease the upper floors of Rowntree Park Lodge as a Holiday Letting, subject to obtaining the consent of the beneficiary of the covenants imposed when ownership of the Park (including the site of the Lodge) was transferred to the council.

(ii) That any net revenue generated be ring-fenced for the upkeep of Rowntree Park.

Reason: To support Rowntree Park and its stakeholders in developing the facilities for a long term sustainable future.

## **9. A CLEAN AIR ZONE FOR YORK INCLUDING ANTI IDLING ENFORCEMENT**

Resolved: (i) That the introduction of a CAZ in 2020, subject to a consultation on the details of the proposed CAZ, be approved.

(ii) That Option 2, as detailed in paragraphs 43-46 of the report, be indicated as the preferred option within the consultation.

(iii) That the introduction of a minimum Ultra Low Emission Bus standard for all City of York Council (CYC) contracted bus services when new contracts are awarded be approved.

(iv) That a report be brought back to the Executive with options to introduce a similar standard in the procurement of fleet and other buses by CYC.

(v) That the use of enforcement to supplement the existing awareness-raising activities to reduce stationary vehicle idling in York, as set out in paragraphs 66 to 69 of the report, be approved.

Reason: To improve air quality in York through the acceleration of improvements to bus emission levels and the reduction of vehicle engine idling.

## **10. HOMELESSNESS IN YORK**

Resolved: (i) That the progress made in response to the motion to Council be noted.

(ii) That Option 1 be approved and the following changes and proposals endorsed and agreed, as detailed in paragraphs 55-59 of the report:

a) To operate severe weather provision continuously throughout the winter period



- until 28 February 2018, instead of on cold nights only;
- b) To explore innovative ideas to build more one-bedroom properties as part of the allocation in the Housing Revenue Account for the construction of new council properties at an affordable social rent.
  - c) To give consideration to expanding the number of emergency beds in the city, using the £125k available over a 3-year period to pilot an innovative scheme to meet the needs of the city.
  - d) To consider employing a Private Rented Officer to work with existing services to help individuals access the private rented sector and to offer support and contact for landlords.

Reason: To look at further ways to tackle the challenge of rough sleeping in York, recognising that there is not an immediate solution due to the chaotic lifestyles of some customers and the potential implications of the Homeless Reduction Act 2017.

## 11. CITY OF YORK LOCAL PLAN

Resolved: (i) That the recommendations of the Local Plan Working Group be accepted and that the changes to the pre-publication draft Local Plan (Regulation 18) as set out in the report and Annex A be agreed, with the exception of the following tables:

- Housing: accept Table 1 and reject Tables 2, 3 and 4
- Employment: accept Table 5 and reject Tables 6 and 7.

*These amendments relate to boundary changes and proposed changes to housing numbers. This is to be reflected in amendments to all relevant policies detailed in the report.*

(ii) That, subject to those changes, the Local Plan be progressed to the Regulation 19 stage

(iii) That authority be delegated to the Assistant Director of Planning & Public Protection, in consultation with the Leader and Deputy Leader, to:

- a) approve all policies necessary for the production of a composite Local Plan for the purposes of public consultation;
- b) consider and approve further technical reports and assessments to support the Local Plan; including, but not limited to, the SA/SEA, HRA, Viability Study and Transport Assessment;
- c) approve a consultation strategy and associated material for the purposes of a city wide consultation, and to undertake consultation on a composite plan in accordance with that agreed strategy.

(v) That the Leader and Deputy Leader keep Group Leaders informed, through Group Leaders' meetings, of progress with the above actions.

Reason: So that an NPPF compliant Local Plan can be progressed.

## **12. IMPACT OF ARTS & CULTURE ON THE ECONOMY SCRUTINY REVIEW FINAL REPORT**

Resolved: That the findings of the Task Group be noted and that the recommendations from the review, as set out in paragraphs 2-4 of the cover report and paragraphs 63-65 of the review report, be approved.

Reason: To conclude the Scrutiny Review in line with the council's Scrutiny procedures and protocols.

## **13. WW1 COMMEMORATIONS 2018 SCRUTINY REVIEW**

Resolved: That the findings of the Task Group be noted and that the recommendations from the review, as set out in paragraph 4 of the cover report and paragraph 21 of the review report, be approved, subject to the

amendment of recommendation (i) to read as follows:

*The Executive agrees to a budget of £10k, financed from the 2017/18 revenue contingency, to enable the procurement of an event organiser to develop and promote a programme of events to commemorate the end of WW1, in line with the brief shown at Annex B.*

Reason: To conclude the Scrutiny Review in line with the council's Scrutiny procedures and protocols, and to clarify the source of funding for the event organiser.

**14. DEVELOPING A CENTRE OF EXCELLENCE FOR DISABLED CHILDREN AND THEIR FAMILIES**

Recommended: That Council approve the allocation of a capital budget of £4.274m to support the development of a Centre of Excellence for Disabled Children and their families. This sum to be financed by the sale of The Glen (net capital receipt £850k after deducting the assumed receipt for Windsor House) and £3.424m prudential borrowing, the costs of which will be met from the existing budget provision for the service.

Reason: To enable the provision of a Centre of Excellence with the potential to be a leader in innovative practice both regionally and nationally, as part of the wider development of services for disabled children and young people across the city.

**15. FUTURE OPERATION OF ROWNTREE PARK LODGE AND PARK**

Recommended: That Council approve the allocation of £150,000 capital budget to facilitate the regeneration of the upper floors of Rowntree Park Lodge, to be funded from the revenue receipts generated from future use of the Lodge.

Reason: To support Rowntree Park and its stakeholders in developing the facilities for a long term sustainable future.

**From:** jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk  
**Sent:** 03 April 2018 17:23  
**To:** localplan@york.gov.uk  
**Subject:** A new Local Plan Publication Draft response form has been submitted

A new Local Plan Publication Draft response form has been submitted via the CYC website.

Please record this information in your system and take action as appropriate.

NOTE: This information is only retained within the CYC CMS for 3 months, for quality assurance purposes - it is then deleted and destroyed.

## Submission details

Web ref: 105064

Date submitted: 03/04/2018

Time submitted: 17:22:38

---

Thank you for submitting your Local Plan Publication Draft response form (ref: 105064, on 03/04/2018 at 17:22:38) to City of York Council.

The following is a copy of the details you included.

---

## About your comments

**Whose views on the Local Plan publication draft do your comments represent?** Own comments

---

## About you/the organisation/individual/group you're representing

Please complete in full; in order for the Inspector to consider your representations names and postal addresses must be provided.

**Title:** Mr

**Forename:** Peter

**Surname:** Moorhouse

**Name of the organisation/individual/group you're representing:**

Address (building name/number and street): [REDACTED]

Address (area): [REDACTED]

Address (town): [REDACTED]

Postcode: [REDACTED]

Email address: [REDACTED]

Telephone number: [REDACTED]

---

## What are your comments about

You may complete this form more than once - you should **submit a separate form for each issue to you want to raise** relating to the Local Plan 'publication draft', the Policies Map or the Sustainability Appraisal/Strategic Environmental Assessment.

**Which document do your comments relate to?** Local Plan Publication Draft

---

## Legal compliance of the document

'Legally compliant' means asking whether or not the plan has been prepared in line with statutory regulations, the duty to cooperate, and legal procedural requirements such as the Sustainability Appraisal. Details of how the plan has been prepared are set out in the Consultation Statements and Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).

**Do you consider the document is legally compliant?** Yes, I consider the document to be legally compliant

**Do you consider the document to comply with the Duty to Cooperate?** YesCompliestoDuty

**Please justify why you do/do not consider the document to be legally compliant or in compliance with the Duty to Cooperate:**

I accept they are as I am not competent to comment.

---

## Whether the document is/is not 'sound'

Deciding whether you consider the document to be 'sound' means considering whether it's 'fit for purpose' and 'showing good judgement'. The inspector will use the public examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness':

- **positively prepared** - prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from

neighbouring authorities where it is reasonable to do so, and consistent with achieving sustainable development

- **justified** –the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **effective** – deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- **consistent with national policy** – enables the delivery of sustainable development in accordance with the policies in the framework

**Do you consider the document to be 'sound'?** No, I do not consider the document to be sound

**Please indicate which of four 'tests of soundness' relate to your answer:**

[Response - SoundnessYES] not justified

**Please give reasons for your answer(s):**

The proposed Local Plan is 'Not Justified' because there has been INCONSISTENT APPLICATION OF CRITERIA TO SITES PUT FORWARD FOR HOUSING IN DUNNINGTON. As a result MORE APPROPRIATE SITES SHOULD HAVE BEEN CONSIDERED OTHER THAN H31. Reasons set out below:

#### 1. DEVELOPMENT OF LAND ON SITES LOCATED BETWEEN THE CURRENT BUILT UP AREA AND SITES ALONG ROADS A1079 AND A166.

In the first draft of the Plan it was proposed to locate a Traveller site on the field opposite the Sports Club on Common Road, located between the current built up area and Dunnington Trading Estate. This was later withdrawn following local opposition. However, THE FACT THAT THIS WAS PROPOSED ESTABLISHED THE PRINCIPAL THAT SUCH SITES COULD BE CONSIDERED FOR DEVELOPMENT.

BY CONTRAST, Site H737, Stock Hill Field, West of Church Balk, Dunnington and Site H744, Bull Balks, Dunnington were both given Red Codes as 'Dunnington village needs to retain a distance from the main arterial road. This site compromises the setting of the village'. THIS IS CONTRARY TO THE PROPOSAL FOR A TRAVELLER SITE.

In reality Dunnington as a village is defined by the two arterial routes, A1079 and A166, as there is existing development along both routes including housing.

#### 2. TRANSPORT LINKS

Site H737 was given an Amber code for Transport, despite the site being directly on a bus route.

BY CONTRAST, Site H31 was described as being 'close to public transport routes' in the Site Consultation Version July 2016 of the Plan, despite it being 800m from a bus route.

#### 3. LOCATION

Sites H737 and H744 are both better located than Site H31 as they are more central to the village being closer to the school, shops, medical centre and public transport, and with easier access to the A166.

BY CONTRAST, Site H31 is located on the remote edge of the village along a narrow country lane. It does not have 'good access to services and facilities within the centre of Dunnington', as

described in Site Consultation Version July 2016 of the Plan. In fact Site H31 is well over 800m to the school, as acknowledged by the July 2016 Version of the Plan. Eastfield Lane is no more than 5m wide and is less in places. There is room for only one footpath which is 1.4m wide at most. There is no scope for widening the carriageway (as considered in the Consultation Version July 2016) without the destruction of protected hedges and destroying the rural nature of the lane, located as it is on the York Moraine. .

IN CONCLUSION, THE CRITERIA USED TO ASSESS SITES H31, H737 AND H744, HAVE NOT BEEN APPLIED CONSISTENTLY. SITES H737 AND H744 ARE BETTER REASONABLE ALTERNATIVES TO H31, BASED ON PROPORTIONATE EVIDENCE.

THE PLAN THEREFORE IN RELATION TO DUNNINGTON IS NOT THE MOST APPROPRIATE STRATEGY AND SO IS NOT JUSTIFIED AND IS UNSOUND.

**Which part of the document do your comments on 'soundness' relate to? Please provide a paragraph number, a policy reference or a site reference:** H31, Dunnington

---

## Necessary changes

You can suggest any change(s) you consider necessary to make the Local Plan legally compliant or sound - you'll need to say why the modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Your suggestion should cover succinctly all the information, evidence and supporting information necessary to support/justify it. There will not normally be a subsequent opportunity to make further representations; these would only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

**I suggest the following change(s) to make the Local Plan legally compliant or 'sound':**

Reconsideration should be made of Sites H737, Stock Hill Field, West of Church Balk, Dunnington and H744, Bull Balks, and the criteria used to reject them as well as looking comparatively at the criteria used to approve Site H31. From many perspectives both H737 and H 744 are better sites for housing than Site H31.

**If you're seeking a change to the Local Plan, do you want to participate at the hearing sessions of the Public Examination?** Yes hearing sessions

If you select 'No', your suggestions will still be considered by the independent planning inspector by way of written representations.

**If you wish to participate at the hearing sessions, please state why you consider this to be necessary:**

I wish to give a verbal representation of my views.

The Inspector will determine the most appropriate procedure to adopt, to hear those who want to participate at the hearing sessions.

---



**From:** Kellett, Naomi [REDACTED]  
**Sent:** 03 April 2018 17:59  
**To:** localplan@york.gov.uk  
**Cc:** Gabrilatsou, Joanna  
**Subject:** York Local Plan Publication Draft Consultation Response - Site SE55-05YK 'Poppleton Glassworks'  
**Attachments:** JLL Representation Site SE55.05YK 03.04.2018.pdf; Form Site SE55.05YK 03.04.18.pdf; Appendix 1 site plan.pdf; Appendix 2 Ecology Survey.pdf; Appendix 3 committee report.pdf

Dear Sir/Madam,

Please find attached a consultation response on behalf of Industrial Property Investment Fund in relation to site SE55-05YK 'Poppleton Glassworks' for the City of York Publication Draft 2018. The representation consists of the following documents:

- Consultation response form
- Covering letter
- Appendix 1 – site plan
- Appendix 2 – Ecology survey
- Appendix 3 – committee report 17/02285/FULM

Can you please confirm receipt of the attached documents.

Kind regards,

Naomi

**Naomi Kellett**  
Associate Director - Planning  
JLL  
One Piccadilly Gardens, Manchester M1 1RG

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## City of York Local Plan Publication Draft 2018

### Consultation Response

#### Introduction

JLL on behalf of Industrial Property Investment Funds (IPIF), submit this representation to the City of York Local Plan Publication Draft 2018 Consultation document.

IPIF is the owner of the site.

The site to which this representation relates to is classified as 'SE55-05YK' 'Poppleton Glassworks' ('the site' – see Appendix 1). It is considered that the plan is unsound as the document fails to justify the allocation of site SE55-05YK as a 'Site of Importance to Nature Conservation' (SINC). It is also considered that the designation of the site is not consistent with national policy in the form of the NPPF.

#### The Site

The site is approximately 0.65 hectares and is rectangular in shape and situated on the south of Great North Way within York Business Park. The site is classified as 'previously developed land' having originally been part of a glassworks site. Although all previous buildings have been cleared the site currently comprises semi-improved grassland, with patches of scrub, bordered by a combination of fencing, mounds and a ditch.

The site is surrounded to the north by an existing car showroom (Arnold Clark), to the west by a three storey care home, to the east by an office development and to the south by existing residential properties.

#### Background

Within the Development Control Local Plan (DCLP) the site is allocated as an employment site. Since the DCLP was adopted, the site was designated as a SINC in 2011, following a suite of ecological surveys being undertaken between 2008 and 2010 as part of the 'City of York Biodiversity Audit 2010'.

The site is allocated within Upper Poppleton and Nether Poppleton Neighbourhood Plan (adopted July 2017) as a designated greenspace where Policy PNP2 is relevant.

The site forms part of a wider area that was granted outline planning permission for B1/B2 and B8 uses in February 1996 (6/116/164Q/OUT). An extension of time application was granted in 2006 for an extension of time to enable the submission of reserved matters up until April 2013. The site has been subject to a planning application for the erection of a single storey car showroom and workshop with associated facilities (17/02285/FULM). The application was refused at planning committee on 17<sup>th</sup> November 2017 for the following reason,

*‘The proposed development results in a loss of an area of green infrastructure designated in the Upper and Nether Poppleton Neighbourhood Plan which forms the Development Plan for this area. Section 38a of the Planning and Compensation Act 2004 requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. Policy PNP2 of the Neighbourhood Plan states that Green Infrastructure will be safeguarded and no satisfactory material considerations to justify the loss of the designated green infrastructure to the local areas have been put forward’.*

### **Ecological Review**

In assessing the site, a Phase 1 Habitat survey has been conducted by Rachel Hacking Ecology (December 2017 – Appendix 2). The survey confirmed that the site mainly supports rank neutral grassland. The grassland requires further survey work to evaluate the current floristic value, but it appears to have degraded since designation.

The extended Phase 1 Habitat Survey also provided the following conclusions relating to protected species:

- Badger - No badger sett was found on or immediately adjacent to the site, therefore badger is not considered to be a constraint on development.
- Bats - No buildings or trees with bat roosting potential exist on site. Bats are therefore not considered to be a constraint on development.
- Great Crested Newt - No ponds exist on the site. The site supports suitable terrestrial habitat for GCN, within the scrub, rank grassland and ditch. However, the GCN population is no longer likely to be viable due to the level of development in the locality over recent years.
- Nesting birds – the site supports suitable nesting habitats for birds within the hedgerows, scrub and trees. Nesting birds can be mitigated for by allowing no works to potential nesting habitats to be carried out within the bird nesting season, unless a nesting bird survey is undertaken first.

The survey recommends that Reasonable Avoidance Measures (RAMs) as previously approved by the ecology officer at the City of York Council as part of the previous planning application for the erection of car showroom and workshop (reference 16/02285/FULM – refer to Appendix 3), should be implemented during any site clearance and construction works.

Mitigation as part of RAMs included the biodiversity off-setting for the loss of the SINC (and grassland), which would create a better-quality species-rich grassland at a local protected site. The mitigation for the presence of Great Crested Newt in the locality has also been agreed, as a set of Reasonable Avoidance Measures (RAMs), rather than a requirement for further survey work and a Natural England licence application.

### Necessary Changes - Objection

The basis of this representation as part of the City of York Local Plan Publication Draft 2018 relates to the policy map being unsound due to the lack of justification in designating **'Poppleton Glassworks'** (site ref: SE55-05YK) as a **Site of Importance to Nature Conservation (SINC)** and the designation not being consistent with national policy.

As noted previously, the designation of the site was based on an ecology survey which was conducted between 2008 and 2010 as part of the City of York Biodiversity Audit 2010. The Defra Local Sites guidance recommends a review period of between five and ten years to maintain the integrity of the local sites system.

Resources did not allow a whole scale review of York SINCs as part of the 'City of York – Sites of Importance for Nature Conservation Review 2017', as such the site has not been reviewed since being ratified on 20<sup>th</sup> October 2010.

On behalf of IPIF the site has been surveyed as part of an extended phase 1 habitat survey by Rachel Hacking Ecology. This survey has confirmed that the site has degraded in quality since the SINC designation. **A botanical survey would further inform whether the SINC** still satisfies the SINC criteria for species-rich grassland. Without this data, it is not possible to thoroughly analyse the site and its quality. The optimum time to survey for plants is May to August.

In taking the above into consideration and to justify the site's current designation as a SINC site, it is requested that the Council provide the site's owner (IPIF), the opportunity to conduct a botanical survey to provide evidence that the site no longer satisfies SINC criteria and can therefore be delisted.

The timing of this consultation before the submission to the Secretary of State provides an opportunity to fully understand the quality of the ecological value of this site. This would therefore be in the spirit of the NPPF which states that *'planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system'* (paragraph 19 NPPF). In addition paragraph 158 within the NPPF states that *'Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the... environmental characteristics and prospects of the area.'*

JLL therefore makes an unusual request in asking for time to allow the botanical survey to take place, however, considers that the evidence required can only be provided as a result of surveys only taking place during specific times of the year. JLL would therefore be grateful if the LPA and indeed the Inspector would accept this important information once it becomes available at the end of May/early June 2018.

## **Conclusion**

The unusual request of allowing time to undertake a botanical survey during optimum time between May to August, is in line with the NPPF where it is noted that planning should operate to not act as an impediment to sustainable growth. Furthermore, the NPPF highlights that the local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the environmental characteristics and prospects of the area

Evidence provided from the Extended Phase 1 Survey (Appendix 2) suggests the quality of the SINC has degraded such that the designation is removed, however this can only be confirmed through a botanical survey which can only be undertaken during May to August.

It is therefore concluded that the plan in its current form is unsound as the designation of the SINC is not currently fully justified, with limited up to date evidence and is not consistent with national policy.

3 April 2018

### **Naomi Kellett**

Direct line 01612387425

Direct fax 01618286490

■■■■■■■■■■ ■■■■■■■■■■

naomi.kellett@eu.jll.com

# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.**

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Naomi
Last Name		Kellett
Organisation (where relevant)		JLL
Representing (if applicable)		Industrial Property Investment Fund
Address – line 1		One Piccadilly Gardens
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		M1 1RG
E-mail Address		<a href="mailto:Naomi.Kellett@eu.jll.com">Naomi.Kellett@eu.jll.com</a>
Telephone Number		01612387425

Representations must be received by Wednesday 4 April 2018, up until midnight.  
Representations received after this time will not be considered duly made.



# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Electronic copies of this form are available to download at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or you can complete the form online at [www.york.gov.uk/consultations](http://www.york.gov.uk/consultations)

## What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or use our online consultation form via <http://www.york.gov.uk/consultations>. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

## Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

## Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).
- City of York Council West Offices
- In all libraries in York.

# Part B -Your Representation

(Please use a separate Part B form for each issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

N/A

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework



**5.(1) Do you consider the document is Sound?**

Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

Positively prepared	<input type="checkbox"/>	Justified	<input checked="" type="checkbox"/>
Effective	<input type="checkbox"/>	Consistent with national policy	<input checked="" type="checkbox"/>

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph  
no.

Policy  
Ref.

Site Ref.

SE55-05YK  
Poppleton Glassworks

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

Refer to covering letter

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Refer to covering letter

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To present the up to date evidence of the botanical survey which is set out in 5. (4) and 6. (1) above due to the timing of the representations that did not tie in with the relevant botanical survey season.

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

---

Representations must be received by Wednesday 4 April 2018, up until midnight.  
Representations received after this time will not be considered duly made.

## Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

### Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.<sup>1</sup> The Council must also notify those on the database at certain stages of plan preparation under the Regulations.<sup>2</sup>

### Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.<sup>3</sup>

### Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at [haveyoursay@york.gov.uk](mailto:haveyoursay@york.gov.uk) or on [01904 554145](tel:01904554145)

Signature

Date

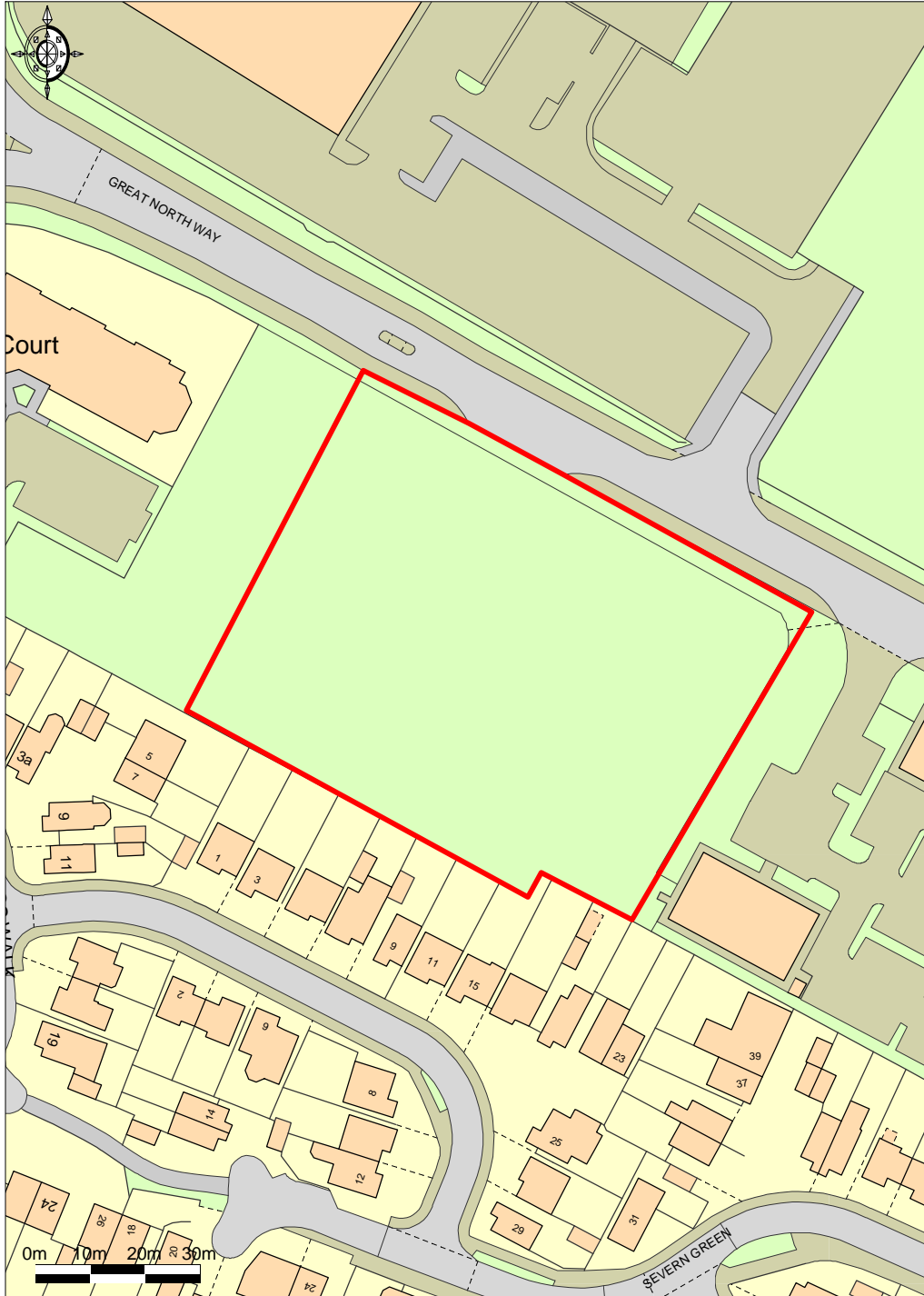
03.04.2018

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

# Site Plan



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**EXTENDED PHASE 1 HABITAT SURVEY OF  
LAND OFF GREAT NORTH WAY, YORK  
BUSINESS PARK, NETHER POPPLETON,  
YORK**

**DECEMBER 2017**



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## **1.0 INTRODUCTION**

- 1.1 Rachel Hacking Ecology Limited was commissioned in 2017 by JLL to undertake an Extended Phase 1 Habitat Survey at a site off Great North Way, York Business Park, York. The site will be the subject of a planning application for the commercial development of the site.
- 1.2 The site is situated on the south of Great North Way within York Business Park, Nether Poppleton, York (O.S. grid reference: SE5707653832 – see Figure 1). The site currently comprises semi-improved grassland, with patches of scrub, bordered by a combination of fencing, mounds and a ditch. Residential properties border the site to the south, a care home lies to the west and the business park lies to the north and east of the site. The site is designated a Site of Importance for Nature Conservation (SINC), due to the grassland habitat. This is a non-statutory designation.
- 1.3 The aims of the survey were to:
  - Describe and map the habitats present on the site
  - Assess the potential for protected species to be present on the site or just outside the immediate site boundary
  - Identify where further survey may be necessary.



**Figure 1 showing the site within the red line boundary**

## **2.0 METHODOLOGY**

- 2.1 A Phase 1 Habitat survey was undertaken to JNCC standards (JNCC, 2010). The site was walked, and each habitat was assigned a Phase 1 habitat category. Species lists were taken at each habitat and the abundance of each species was noted. All botanical nomenclature follows Stace, 2010. A Phase 1 map was produced showing habitat boundaries.
- 2.2 During the Phase 1 survey, the habitats were assessed for their potential to support protected species. This included, looking for signs of Badger activity (e.g. setts, paths, latrines and hairs on fences), assessing any waterbodies on site or near the site for their potential to support Great Crested Newt and assessing the potential for any buildings or mature trees to be used by bats.
- 2.3 The site was also surveyed for invasive, non-native plant species such as Japanese Knotweed and Giant Hogweed.
- 2.4 In addition to the survey, a data search was carried out for existing records of protected species and locations of protected sites within a 2km radius around the site. North & East Yorkshire Ecological Data Centre were approached for the data.
- 2.5 Kate Reed and Rosie Fisher (Ecologists) undertook the survey on 5<sup>th</sup> December 2017. The weather during the survey was cold and dry. Both surveyors have over four years of experience of habitat, botanical and protected species surveys. December is a sub-optimum time of year for botanical surveys but due to the habitats on site a thorough habitat and protected species assessment could be undertaken. December is within the optimal time of year for protected species assessments. There were no constraints to the survey as the site was fully accessible.



## **3.0 RESULTS**

### **HABITATS**

- 3.1 The Phase 1 Habitat Map can be found at the back of the report. The habitats present on site are described below.

#### **Semi-improved Grassland**

- 3.2 The majority of the site comprises semi-improved grassland (see Photograph 1). The grassland is not currently managed. This is dominated by grasses including Creeping Bent *Agrostis stolonifera*, Tufted Hair-grass *Deschampsia cespitosa*, Yorkshire Fog *Holcus lanatus*, Smooth Meadow-grass *Poa pratensis* and Common Couch *Elytrigia repens*. Herbs include Creeping Cinquefoil *Potentilla reptans*, Creeping Buttercup *Ranunculus repens*, Bird's-foot Trefoil *Lotus corniculatus*, Common Vetch *Vicia sativa*, Perforate St. John's-wort *Hypericum perforatum*, Black Knapweed *Centaurea nigra* and Hairy Tare *Vicia hirsuta*. Occasional species include Broad-leaved Dock *Rumex obtusifolius*, Germander Speedwell *Veronica chamaedrys*, Silverweed *Potentilla anserina* and Red Clover *Trifolium pratense*. Target Note 1 (Appendix 1) includes a full species list from this habitat.



**Photograph 1 showing the semi-improved grassland**

#### **Scrub and Scattered Scrub**

- 3.3 Dense patches of scrub are present along the western boundary (see Photograph 2) as well as in several stands in the grassland. These areas are dominated by Bramble *Rubus fruticosus* agg. and Dogwood *Cornus sanguinea*. Other species present include Blackthorn *Prunus spinosa*, Common Nettle *Urtica dioica*, False Oat-grass *Arrhenatherum elatius*, Great Willowherb *Epilobium hirsutum*, Cock's-foot *Dactylis*

*glomerata* and Crack Willow *Salix fragilis*. Target Note 2 (Appendix 1) includes a full species list from this habitat. Single stands of scrub are occasionally scattered in the grassland (see Photograph 3). Species include Hawthorn *Crataegus monogyna*, Dog Rose *Rosa canina* agg., and young trees including Silver Birch *Betula pendula*, Aspen *Populus tremulus*, Pedunculate Oak *Quercus robur* and Ash *Fraxinus excelsior*.



**Photograph 2 showing the continuous scrub**



**Photograph 3 showing the scattered scrub**

### **Amenity Grassland**

- 3.4 A strip of amenity grassland falls between the site and the pavement of the Great North Way (see Photograph 4) as well as along a mound on the eastern edge of the site. This habitat is dominated by Perennial Rye-grass *Lolium perenne* and Annual Meadow-grass *Poa annua*. Occasional species include Common Ragwort *Senecio jacobaea*, Daisy *Bellis perennis*, Ribwort Plantain *Plantago lanceolata*, White Clover *Trifolium repens*, Dove's-foot Crane's-bill *Geranium molle* and Creeping Buttercup *Ranunculus repens*.



**Photograph 4 showing the strip of amenity grassland**

### **Trees**

- 3.5 Several trees are scattered on site (see Photograph 5). The trees are all semi-mature and include Crack Willow *Salix fragilis*, Poplar *Populus* sp. and Lime *Tilia x europaea*.





**Photograph 5 showing scattered trees on site**

### **Ephemeral Vegetation**

- 3.6 An area of bare ground occurs within the grassland, which is being colonised by small low-growing herbs (see Photograph 6). Species here include Daisy *Bellis perennis*, Sedge *Carex* sp., Common Centaury *Centaurea erythraea*, Yorkshire Fog *Holcus lanatus*, Yarrow *Achillea millefolium*, Common Knapweed *Centaurea nigra* and Cock's-foot *Dactylis glomerata*.



**Photograph 6 showing the ephemeral vegetation**

### Ditch

- 3.7 A ditch runs parallel to the road along the northern boundary (see Photograph 7). A bank covered of rank grassland separates the ditch from the main site. The ditch is mainly dry, with a small puddle towards the eastern end. Ruderal species are growing in the ditch, including Common Nettle *Urtica dioica*, Cock's-foot *Dactylis glomerata*, Common Ragwort *Senecio jacobaea*, Bramble *Rubus fruticosus* agg., moss and other species establishing from the grassland.



Photograph 7 showing the ditch

### Other Habitats

- 3.8 The southern boundary is marked by wooden fence panelling, separating it from the houses behind. A small section of Leyland Cypress *Cupressus leylandii* hedgerow exists, bordering one or two houses. The boundary is open on the west and mounds of earth follow the boundary on the north and east. No buildings or structures occur on site.

### PROTECTED SPECIES

#### Badger

- 3.9 Badgers *Meles meles* are protected under the Protection of Badgers Act 1992. This Act, for example, makes it illegal to disturb a Badger whilst it is in a sett, to kill, injure or take a badger and to obstruct the entrance to a Badger sett.
- 3.10 No Badger setts were located within the site or on the boundaries of the site. No evidence of Badger activity, such as latrines or snuffle holes, was found.

### **Bats**

- 3.11 All bat species are European Protected Species under the Conservation (Natural Habitats etc.) Regulations 1994. This is implemented in the UK through the Conservation of Habitats and Species Regulations 2017. Bats are also protected under the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act (NERC, 2006). It is illegal to disturb or damage a bat roost.
- 3.12 No buildings exist on site. No mature trees occur on site. All trees were assessed for the potential to support bats, such as cavities or peeling bark, and no suitable features were found. Bats may use the linear features of the site, e.g. the boundaries, for foraging and commuting along.

### **Great Crested Newt**

- 3.13 Great Crested Newt *Triturus cristatus* is a European Protected Species (EPS). It is listed under Annex IV of the EC Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. This is implemented in the UK through The Conservation of Habitats and Species Regulations 2017 and the species is fully protected under the Wildlife and Countryside Act 1981 (as amended).
- 3.14 No waterbodies exist on the site. Two ponds are present 50 metres to the north-east of the site, on the opposite side of Great North Way. These have been the subject of Great Crested Newt (GCN) surveys, due to a development licence granted for a new garden centre to the north of the site. A medium population of GCN was found within these two ponds. The site supports suitable terrestrial habitat for GCN, within the scrub, rank grassland and ditch. However, previous discussions with the York City Council Ecologist and the previous applicant for the site have concluded that the GCN population is no longer likely to be viable due to the level of development in the locality over recent years. It has been agreed that a set of Reasonable Avoidance Measures (RAMs), to be implemented during the construction phase, would be sufficient, rather than GCN surveys and a Natural England licence.

### **Nesting Birds**

- 3.15 All bird species are protected at their nest under the Wildlife and Countryside Act 1981 (as amended).
- 3.16 The section of hedgerow and scattered trees and scrub provide suitable nesting habitat for birds.

### **INVASIVE SPECIES**

- 3.17 No invasive, non-native species of plant, such as Japanese Knotweed *Fallopia japonica*, exist on the site.

## PROTECTED SITES

- 3.18 There are two types of protected sites in the UK. Sites with a statutory designation are designated in accordance with legislation and receive legal protection (for example, Local Nature Reserves, RAMSAR sites and Sites of Special Scientific Interest). These are given weight through planning by often involving statutory consultees such as Natural England and the legislation protects them from development unless significant mitigation is in place. Sites with a non-statutory or local designation are applied at the local level, and are not underpinned by legislation. They are of county-wide importance only, such as Local Wildlife Sites or Areas of Importance for Nature Conservation. Non-statutory designated sites are protected through planning policy only.
- 3.19 No statutory protected sites exist on site or immediately adjacent to the site. One Site of Special Scientific Interest (SSSI) falls within 3km of the site. This is Clifton Ings And Rawcliffe Meadows SSSI. This lies approximately 800 metres east of the site, separated from the site by part of the industrial estate, a railway line, grassland and the River Ouse. The SSSI is designated for its species-rich grassland.
- 3.20 The site itself is a Site of Importance for Nature Conservation (SINC), named Poppleton Glassworks (5-30). This is a non-statutory designation. Poppleton Glassworks SINC was designated for its relatively species-rich neutral grassland, although the best grassland was to the north of the site where the species assemblage included calcareous species. The SINC has reduced in size since the original designation due to the development taking place in the locality.

## 4.0 DATA SEARCH RESULTS

4.1 Over 900 species records were returned from North & East Yorkshire Ecological Data Centre from a 2km radius around the site. Some records have been disregarded as these have grid references of less than 6 figures and therefore, the location cannot be determined. The records used within the report are those that are for legally protected species. In addition to species records, North & East Yorkshire Ecological Data Centre also provided the locations of SINCs. A complete list of all records can be provided on request. The paragraphs below summarise the results of the data search.

### Protected Species

4.2 Five records of Common Toad *Bufo bufo* were returned. One individual was recorded within 100m of the site in 2011. Approximately 120 individuals were recorded at Clifton Ings & Rawcliffe Meadows SSSI in 2015.

4.3 Three records of Great Crested Newt were recorded within 2km of the site. Two records were over 20 years old so can be discounted. The third record is from an ecological consultant survey in 2011. 85 Great Crested Newts were recorded within 100 metres of the site.

4.4 88 records of birds were returned. Eight records are from the past five years and include; a Kestrel *Falco tinnunculus* recorded in 2016, a Kingfisher *Alcedo atthis* recorded in 2013, 10 Sand Martins *Riparia riparia* recorded in 2015, 40 Swifts *Apus apus* and one Swift nest recorded between 2012 and 2013.

4.5 Seven records of Otter *Lutra lutra* were returned. These are all recorded on the River Ouse and the most recent record is from 2003. This record has only provided a four-figure grid reference; however, it is over 1km away from the site.

4.6 A total 62 records of bat were returned. Six of these records are recorded in the past ten years. In 2009 a Noctule *Nyctalus noctule* was recorded at Rawcliffe Meadows and a Common Pipistrelle *Pipistrellus pipistrellus* was recorded at Rawcliffe Ings Dyke. Four records were returned from Nether Poppleton in 2014. Fifteen Soprano Pipistrelles *Pipistrellus pygmaeus* were recorded by ecological consultants.

4.7 Eleven records of Water Vole *Arvicola amphibious* were returned. The most recent records are from Rawcliffe Meadows (900 metres east of the site) and Rawcliffe Ings Dyke (600 metres north of the site) in 2003.

4.8 One Badger *Meles meles* is recorded 650 metres away from the site in 2008. The point of this record is separated from the site by housing and infrastructure.

4.9 No records of reptiles were returned.



### **Protected Sites**

4.10 Eleven non-statutory protected sites, (SINCs) occur within 2km of the development site. These are:

- Poppleton Glassworks which forms the application site and the land to the north.
- Poppleton Ings South-Ditch which lies 200 metres to the east.
- R. Ouse which lies 500 metres to the north-east.
- Ring Road Embarkment Millfield Lane A1237 which lies 500 metres to the south-west.
- Rawcliffe Ings Dyke which lies 700 metres to the north-east.
- Clifton Ings which lies 800 metres to the east.
- Rawcliffe Meadows which lies 800 metres to the east.
- British Sugar Sidings which lies 900 metres to the south-east.
- Rawcliffe Lake and Grasslands which lies 1.7km to the north-east.
- Holgate Millennium Green which lies 2km to the south-east.
- Danebury Crt which lies 2km to the south.

## **5.0 ASSESSMENT**

### **HABITATS**

- 5.1 The Phase 1 Habitats present on the site are common throughout the UK. No nationally rare or locally rare plant species were located during the extended Phase 1 Habitat Survey.
- 5.2 The site mainly supports rank neutral grassland. The grassland, scrub and ruderal vegetation offer a pollen and nectar source for invertebrates. The tall grassland offers cover for small mammals and amphibians. The scrub, trees and section of hedgerow offer cover for wildlife and nesting habitat for birds. The grassland requires further survey work to evaluate the current floristic value, but it appears to have degraded since designation.

### **Development Context**

- 5.3 The development proposal includes the whole site. This will involve the loss of semi-improved grassland, scrub, ruderal vegetation, scattered trees and amenity grassland. Although the floristic value of the site requires evaluation through further survey, to mitigate for this, and the loss of the SINC, the previous applicant agreed to off-set the mitigation and this was agreed by the Ecologist at the City of York Council (see paragraph 5.10 for further details). It may also be possible to provide on-site ecologically valuable habitats such as boundary species-rich native hedgerows. The results of the current survey suggest that there is no habitat of national or local importance on site.

### **PROTECTED SPECIES**

#### **Badger**

- 5.4 No Badger sett was found on site or immediately adjacent to the site. One record of Badger was returned from the data search, however this has no habitat connectivity to the site. Therefore, Badger is not considered to be a constraint on development at this time.

#### **Bats**

- 5.5 No buildings or trees with bat roosting potential exist on site. There is little connectivity to bat foraging habitats. No further bat survey work is considered necessary and bats are not considered to be a constraint on development at this time.

#### **Great Crested Newt**

- 5.6 No ponds exist on the site. Two ponds are present 50 metres to the north-east of the site. These previously supported a medium population of Great Crested Newt (GCN). As the surrounding developments are recently built, it is likely that the habitats have altered since these species were recorded. The site supports suitable terrestrial habitat for GCN, within the scrub, rank grassland and ditch. However, as detailed in paragraph 3.14, the GCN population is no longer likely to be viable

due to the level of development in the locality over recent years. It has been agreed that a set of Reasonable Avoidance Measures (RAMs), to be implemented during the construction phase, would be sufficient to protect the local GCN population and prevent an offence being committed. The RAMs are detailed in Section 6 – Recommendations.

### **Nesting Birds**

- 5.7 The site supports suitable nesting habitats for birds within the hedgerows, scrub and trees. Nesting birds can be mitigated for by allowing no works to potential nesting habitats to be carried out within the bird nesting season (which is generally March – August) unless a nesting bird survey is undertaken first.

### **PROTECTED SITES**

- 5.8 The only statutory protected site lies within a 3km radius of the site lies 800 metres away. This is Clifton Ings And Rawcliffe Meadows SSSI. This is separated from the site by part of the industrial estate, a railway line, grassland and the River Ouse, with no habitat connectivity to the site as the site is isolated. Therefore, there is expected to be no deleterious impact on the SSSI from the development.
- 5.9 The site itself is part of a SINC, designated for its grassland. This will be impacted upon by the proposals. The next nearest SINC is Poppleton Ings South-Ditch SINC, which lies 200 metres to the east. This is separated from the site by industrial development and a railway line. There is expected to be no deleterious impact on any of the other local SINC's from the development.
- 5.10 Although the floristic value of the site requires evaluation through further survey, to mitigate for this, and the loss of the SINC, the previous applicant agreed to off-set the mitigation, by the creation of wildflower species-rich grassland at Rawcliffe Country Park (see City of York Council Committee Report for planning application 16/02285/FULM). This would be secured through a S106 agreement and a planning condition. A sum of £12,500 was agreed to be paid to the LPA for the long-term management of the new wildflower grassland. Given the current survey findings, it is considered that that remains adequate mitigation of the loss of the SINC.

### **SUMMARY**

- 5.11 Ecological mitigation for the site has previously been approved by the City of York Council Ecologist for scheme 16/02285/FULM. This includes biodiversity off-setting for the loss of the SINC (and grassland), which would create a better-quality species-rich grassland at a local protected site. The mitigation for the presence of Great Crested Newt in the locality has also been agreed, as a set of Reasonable Avoidance Measures (RAMs), rather than a requirement for further survey work and a Natural England licence application. These agreed mitigation measures would still apply to the site, given

the habitats present, the fact that they have degraded since the designation and the findings from the current survey. Therefore, there would be no material ecological reasons for objecting to the development of the site, provided the previously agreed mitigation measures are carried out in full.

## **6.0 RECOMMENDATIONS**

### **Further Survey**

6.1 Protected species are a material consideration when a planning authority is considering a planning application. The presence of protected species, the effect of the proposed development and suitable mitigation, if required, must be established before planning permission can be granted. Following the findings from the Extended Phase 1 Habitat Survey, the following may be required:

- **Nesting Birds** - If any work to the hedgerows or trees needs to be carried out within the bird nesting season (generally March to August), then a nesting bird survey will be required by experienced personnel immediately prior to work commencing.
- **Grassland** - A full botanical survey is recommended to be undertaken between May and September, to evaluate the SINC and categorise the habitats according to the National Vegetation Classification (NVC).

### **Reasonable Avoidance Measures**

6.2 Reasonable Avoidance Measures (RAMs) should be implemented during the site clearance and construction works, to reduce the impact on any Great Crested Newt population. These include the following:

**Should any Great Crested Newt, or any other protected species, be found during construction, work will stop and a licensed ecologist will be contacted immediately.**

- Prior to site clearance and construction work starting on site, a toolbox talk will be given by an ecologist to all site clearance and construction personnel. The on-site team will nominate a lead member of the team to ensure the RAMs are carried out daily.
- An ecologist will be on call throughout the construction work.
- A copy of this RAMs statement will be available at all times on site.
- Prior to commencement of work each day, a brief site walkover will be undertaken by construction personnel to ensure no GCN have entered the construction site overnight particularly any excavations left overnight.
- Heavy vehicles will use existing tracks onto and within the construction zone.
- It is advisable that only building products to be used on the day are brought and stored on the site. If building products need to be stored on site (e.g. overnight or for a few days) these products will be stored on palettes or retained in bags on palettes to ensure that refuges are

not created that will attract newts. If possible, building products should be placed on existing hardstanding.

- All holes created during the construction period will be filled in and finished on the same day so as not to leave any 'pitfall' traps. If this is unavoidable, then **one** of the following measures needs to be implemented:
  - An escape route is provided overnight from the hole which can be in the form of a wooden plank **OR**
  - The hole is completely covered by a heavy stone slab which is flush to the surrounding ground, so no newts can access the hole.
- Any spoil resulting from any excavations will be removed from the construction area on the same day and will be taken off site or placed on hardstanding or on palettes to be removed at a later date.

### **Habitat Enhancement**

6.3 It is recommended that the following measures are taken into account if a landscaping plan is produced for the red line boundary, to increase the biodiversity value of the site:

- Tree, hedgerow and shrub planting – where practical, native tree species should be planted.
- Soft landscaping should include the provision of native and non-native flowering perennial species, to provide a pollen and nectar source for invertebrates.

6.4 Any wildflower grassland strip should be created using the following guidelines:

- The grassland on site will be stripped along with 10cm of topsoil, to reduce the fertility of the site.
- A lowland neutral grassland wildflower seed mixture will be sown in the autumn months, sourced from a reputable supplier.
- The sown area will be monitored and watered when necessary in the first year. If the seed mixture fails, plugs can be used to speed up the establishment of the grassland.

6.5 The mitigation of off-site wildflower grassland should be secured through a management plan and details of the methods of creation.

## **7.0 REFERENCES**

JNCC. *Phase 1 Habitat Survey – a technique for environmental audit*, JNCC, Updated 2010.

Preston, C.D., Pearman, D. & Dines, T. (2002). *New Atlas of the British and Irish Flora*. Oxford University Press.

Stace, C. A. (2010). *New Flora of the British Isles, 3<sup>rd</sup> Edition*. Cambridge University Press.

## APPENDIX 1 - TARGET NOTES

Each Target Note lists the species recorded throughout the site. The DAFOR scale represents the abundance of each species on the site (D = dominant, A = abundant, F = frequent, O = occasional and R = rare). 'L' = Distributed locally within a habitat.

### Target Note 1 – Semi-Improved Grassland

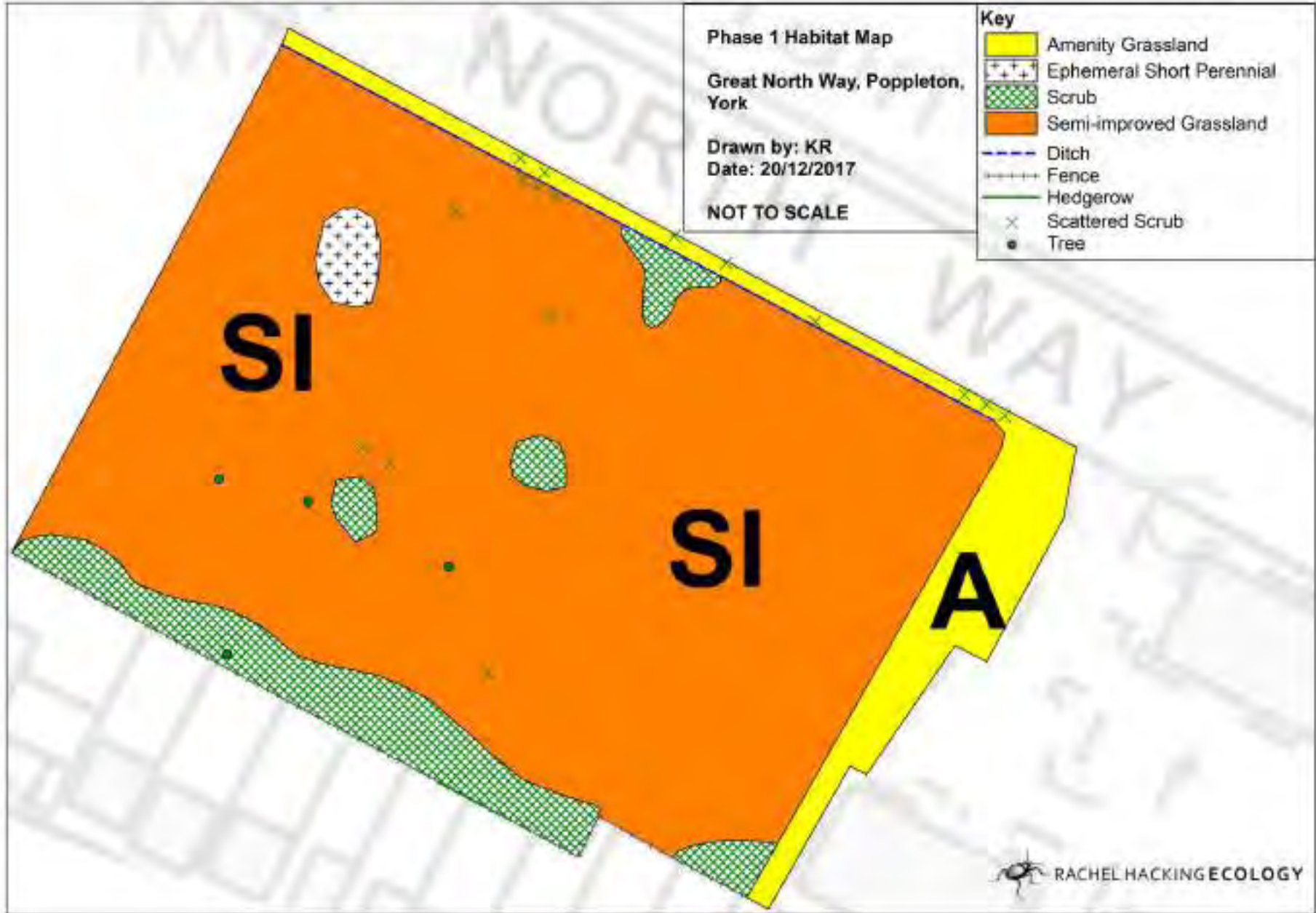
Vernacular name	Scientific name	DAFOR
Bent sp.	<i>Agrostis</i> sp.	F
Bird's-foot Trefoil	<i>Lotus corniculatus</i>	F
Black Medick	<i>Medicago lupulina</i>	F
Common Vetch	<i>Vicia sativa</i>	F
Cock's-foot	<i>Dactylis glomerata</i>	F
Creeping Buttercup	<i>Ranunculus repens</i>	F
Dandelion	<i>Taraxacum officinale</i> agg.	F
Hairy Tare	<i>Vicia hirsuta</i>	F
Knapweed	<i>Centaurea nigra</i>	F
White Clover	<i>Trifolium repens</i>	F
Yorkshire Fog	<i>Holcus lanatus</i>	F
Red Fescue	<i>Festuca rubra</i>	F
Smooth Meadow-grass	<i>Poa pratensis</i>	F
Creeping Cinquefoil	<i>Potentilla reptans</i>	O
Creeping Thistle	<i>Cirsium arvense</i>	O
False Oat-grass	<i>Arrhenatherum elatius</i>	O
Germander Speedwell	<i>Veronica chamaedrys</i>	O
Broad-leaved Dock	<i>Rumex obtusifolius</i>	O
Common Couch	<i>Elytrigia repens</i>	O
Meadow Buttercup	<i>Ranunculus acris</i>	O
Moss	Moss sp.	O
Perennial Sow-thistle	<i>Sonchus arvensis</i>	O
Perforate St. John's wort	<i>Hypericum perforatum</i>	O
Ragwort	<i>Senecio jacobaea</i>	O
Red Clover	<i>Trifolium pratense</i>	O
Tufted hair-grass	<i>Deschampsia caespitosa</i>	O
Ribwort Plantain	<i>Plantago lanceolata</i>	O
Sedge sp.	<i>Carex</i> sp.	O
Selfheal	<i>Prunella vulgaris</i>	R
Silverweed	<i>Potentilla anserina</i>	R
Wavy Bitter-cress	<i>Cardamine flexuosa</i>	R
Mugwort	<i>Artemisia vulgaris</i>	R
Common Centaury	<i>Centaureum erythraea</i>	R
Dove's-foot Crane's-bill	<i>Geranium molle</i>	R



## Target Note 2 – Scrub

<b>Vernacular name</b>	<b>Scientific name</b>	<b>DAFOR</b>
Bramble	<i>Rubus fruticosus</i> agg.	D
Dogwood	<i>Cornus sanguinea</i>	A
Cock's-foot	<i>Dactylis glomerata</i>	F
Common Nettle	<i>Urtica dioica</i>	F
False Oat-grass	<i>Arrhenatherum elatius</i>	F
Crack Willow	<i>Salix fragilis</i>	O
Creeping Buttercup	<i>Ranunculus repens</i>	O
Dandelion	<i>Taraxacum officinale</i> agg.	O
Hedge Woundwort	<i>Stachys sylvatica</i>	O
Great Willowherb	<i>Epilobium hirsutum</i>	O
Grey Willow	<i>Salix cinerea</i>	O
Blackthorn	<i>Prunus spinosa</i>	R

## PHASE 1 HABITAT MAP



## COMMITTEE REPORT

**Date:** 9 November 2017      **Ward:** Rural West York  
**Team:** Major and      **Parish:** Nether Poppleton Parish  
Commercial Team      Council

**Reference:** 16/02285/FULM  
**Application at:** 10 Great North Way Nether Poppleton York  
**For:** Erection of a single storey car showroom and workshop with associated facilities  
**By:** Mr Robert Bennett  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 6 October 2017  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1 The proposal is for a car dealership sited to one side of the site with a central access point off Great North Way. There is a showroom to the front of the site with an attached workshop, valet and wash bay behind. A compound is sited to the rear of the site and an external sales area to the side closest to the existing care home.

1.2 The site is a vacant area of land within an existing business park. To one side is a small office development and to the other, beyond a strip of vacant land, is a 3 storey care home. To the rear of the site is a residential development of two storey detached dwellings. The boundary to these is a close boarded fence with a number of semi-mature self-seeded trees within the site. The front of the site is marked by a ditch and low level bund. Opposite the site on Great North Way is the new Arnold Clark dealership and car storage area.

1.3 The site is allocated as an employment site within the Development Control Local Plan (DCLP) but this allocation has not been carried over into the emerging Local Plan. Since being allocated in the DCLP the site was further designated as a Site of Local Interest to Nature Conservation (SINC) as a result of the calcareous grassland it contains.

1.4 On 19th July 2017, the Upper Poppleton and Nether Poppleton Neighbourhood Plan became the development plan for that area. Within the plan, the site is designated as green infrastructure.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Upper Poppleton and Nether Poppleton Neighbourhood Plan

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Policy PNP2 Green Infrastructure

Policy PNP7 Business and Employment

2.2 DCLP Policies:

CYE3A  
Standard Employment Allocations

CYE3B  
Existing and Proposed Employment Sites

CYGP1  
Design

CYGP4A  
Sustainability

CYNE5A  
Local Nature Conservation Sites

CYNE5B  
Avoidance of, Mitigation and Compensation for Harm to Designated Nature  
Conservation Sites

### **3.0 CONSULTATIONS**

INTERNAL

#### Public Protection

3.1 A noise assessment was requested as none had been supplied with the application. The assessment has since been received. This has raised some concerns about noise impact on neighbouring residential properties however it is considered that the installation of an acoustic barrier along the boundary with the properties on Severn Green will reduce noise levels by at least 5dB and would resolve concerns about residential amenity. Conditions are suggested.

#### Highways NM

3.2 No objections are raised to the proposals. The site will be accessed via the existing access which will be altered to accommodate the proposed development. Parking meets CYC standards. Traffic generated by this application will have no material impact on the surrounding highway network with a good proportion of customer vehicle trips expected to be pass by trips due to the number of alternative

garages in the vicinity and likelihood that servicing would be planned on route to other destinations. Conditions are recommended.

#### Design Conservation and Sustainable Development (Ecologist)

3.3 Considerable negotiation has taken place with the applicant to resolve issues related to the presence of great crested newts on site and the designated SINC. Conditions have been suggested and a S106 agreement to secure off-site biodiversity measures and their long term management. It has been agreed that an area of off-site scheme for wildflower-grassland planting at Rawcliffe Country Park will be undertaken to compensate for the adverse impact to biodiversity from the loss of 0.7Ha of the SINC

#### Flood Risk Management

3.4 No objections in principle. Conditions are suggested in line with those recommended by Yorkshire Water.

### EXTERNAL

#### Yorkshire Water

3.5 No objections. Conditions recommended.

#### Ainsty Internal Drainage Board

3.6 No objections. Conditions recommended.

#### Nether Poppleton Parish Council

3.7 Concerns raised about noise and light pollution on nearby residents of the dwellings on Severn Green and the care home.

#### Neighbour notification and publicity

3.8 One letter of support, one of general comments and 7 letters of objection have been received in response to the initial consultation. Three of the representations come from the same household. The representations make the following points:

- Concern that negative impacts experienced as a result of the Arnold Clark site will be repeated here
- Questions about why the application focuses on the impact on Foss Walk not Severn Green; what is the height and impact of the building; will residents' boundary fences be protected; what will the impact of the development be on residential amenity; what is a secure compound and how will it be lit?
- An office development would have had less impact on residents
- There are enough car dealerships in the vicinity
- The site is a SINC
- The proposal will have less impact on the neighbouring businesses
- The area is under-developed and desolate

- The area needs investment to encourage other businesses and attract employment
- Construction of the Arnold Clark site was very disruptive to residential amenity
- Disruption continued after construction with excessive lighting from the site. The proposal is closer than Arnold Clark to residential properties and it is feared the impact will therefore be worse
- Light pollution
- Noise from vehicles and machinery on site harmful to residential amenity particularly within neighbouring gardens
- Impact on house prices
- Environmental problems like dust, noise and pollution
- Will trees on site be removed or protected?
- The Council should protect the SINC
- Overlooking to neighbouring properties
- Noise disturbance from music playing at Arnold Clark
- Resulting parking problems and highways congestion
- Should retain green open space

3.9 Following the adoption of the Upper Poppleton and Nether Poppleton Neighbourhood Plan, a further consultation has been undertaken. The following responses have been received as result of this further consultation:

- Three further letters of objection from local residents expressing concern about development, further car dealerships in the area and reiterating questions asked in relation to the initial submission.
- A response has also been received from the Ebor Court Care Home. They have no objection in principle to the proposal but ask that the operating hours are restricted to Monday to Saturday; noise and lighting are restricted; and that a construction method statement is requested.

3.10 A response has also been received from the Neighbourhood Plan Committee objecting to the proposal on the following grounds:

- Increase of traffic in a congested area.
- Arnold Clark site has highlighted issues of security lighting adjacent to residential development.
- Problems of car parking from other car dealerships in the area.
- The Neighbourhood Plan considers the site suitable for a care home.
- There is an excess of car dealerships in the locality to the detriment of the natural environment.
- Previous developments have failed to implement the landscaping schemes which were imposed to protect the natural environment.

- The mix of commercial and residential is not successful. House prices will be affected.
- Impacts that extend over 24hours should be refused

## 4.0 APPRAISAL

### 4.1 Key Issues

- Policy background
- Principle of the Development
- Ecology issues
- Design, layout and landscaping
- Amenity considerations
- Highways access and parking arrangements
- Sustainability
- Drainage

## POLICY BACKGROUND

### National Planning Policy Framework

4.2 Paragraph 14 of the National Planning Policy Framework (NPPF) says that a presumption in favour of sustainable development should run through both plan-making and decision-taking.

4.3 Core land use planning principles set out in paragraph 17 include the expectation that planning decisions should proactively drive and support sustainable economic growth to deliver homes business and industrial units responding positively to wider opportunities for growth, always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.

4.4 Section 1 'Building a Strong, Competitive Economy' says that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 22 says planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.5 Section 7 'Requiring Good Design' attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is



indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.6 Paragraph 118 of the NPPF states: When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

#### Upper Poppleton and Nether Poppleton Neighbourhood Plan

4.7 The Development Plan for Upper/Nether Poppleton is the Upper Poppleton and Nether Poppleton Neighbourhood Plan which came into force with effect from 19 July 2017. Section 38(6) of the Planning and Compensation Act 2004 and NPPF at para 14 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

4.8 The following policies from the Neighbourhood Plan have been identified as relevant to this application:

Policy PNP2: Green Infrastructure relates to the site and requires that green infrastructure sites are safeguarded and that development which would harm the integrity or appearance of the green infrastructure are not supported.

Policy PNP7: Business and Employment Policy states that proposals for new business on established business parks will be supported where they provide car parking for staff and customers to Council standards.

#### City of York Draft Local Plan Incorporating the 4th Set of Changes Development Control Local Plan (Approved April 2005)

4.9 City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes.

4.10 The 2005 Draft Local Plan does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.11 Development Control Local Plan (DCLP) policies relevant to the development are:-

- Policy SP7a says that to ensure that development outside the York city centre is highly accessible by non-car modes of transport, a sequential approach will be taken in assessing planning applications for new retail, commercial, leisure and office development. A hierarchy for the location of such development is within the policy: first York City centre, then edge of city centre, Acomb and Haxby district centres, and then other out of centre locations genuinely accessible by a wide choice of means of transport.
- Policy E3a defines York Business Park as a standard employment allocation.
- Policy E3b says that standard employment allocation sites, will be retained within their current use class. Planning permission for other uses will only be given where there is sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms and unacceptable environmental problems exist or the development of the site for other appropriate uses will lead to significant benefits to the local economy or the use is ancillary to an employment use.
- Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.
- Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development and sets out those issues to consider as part of a sustainably designed development.
- Policy NE5a 'Local Nature Conservation Sites' states that development likely to have an adverse effect on a Local Nature Reserve or a non statutory nature conservation site will only be permitted where the reasons for the development clearly outweigh the substantive nature conservation value of the site.
- Policy NE5b 'Avoidance of, Mitigation and Compensation for Harm to Designated Nature Conservation Sites' indicates that where development is allowed under policy NE5a then appropriate compensatory measures and site management will be required.

## Emerging Local Plan

4.12 A new pre-publication draft local plan and revised evidence base is currently at consultation until 30th October 2017.

4.13 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. The evidence base that underpins the proposed emerging policies is also a material consideration in the determination of the planning application.

4.14 The following emerging Local Plan policies are relevant:

Policy EC2 'Loss of Employment Land' continues the approach to existing employment land set out under E3b in the Draft Local Plan. When considering uses which involve the loss of land and/or buildings which are either identified, currently used or were last used for industrial, business, office or other employment uses, the council will expect developers to provide a statement to the satisfaction of the Council demonstrating that the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and the proposal would not lead to the loss of a deliverable employment site that is necessary to meet employment needs during the plan period.

Policy D2 'Placemaking' states that development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

Policy GI1 'Green infrastructure' requires that York's landscapes, geodiversity, biodiversity and natural environment will be conserved and enhanced recognising the multifunctional role of green infrastructure in supporting healthy communities, cultural value, a buoyant economy and aiding resilience to climate change. This conservation will be achieved through the production of associated management plans to describe, protect and enhance York's biodiversity, with priority given to those designated as Sites of Importance for Nature Conservation.

Policy GI2 'Biodiversity and access to nature' highlights a number of matters related to biodiversity conservation which development should seek to address. The associated text to this policy states that 'Such sites do not occur in isolation as discrete, self contained habitats, but influence and are influenced by their surroundings. The surrounding area can therefore be as important to the interest of the site as the feature itself, and changes to it could affect the integrity of that interest.' The text goes on to

say that 'Only in very exceptional circumstances, where the proposed development clearly outweighs the nature conservation value of the site and the impact on biodiversity is unavoidable, appropriate mitigation or compensation will be required.'

### Principle of the Development

4.15 The site is considered to be brownfield land and was originally part of the glassworks site. This development was never completed and any buildings from this original use have been demolished and the site is now cleared and vegetation has started to re-grow although areas of hardstanding are still visible. The site was a standard employment allocation within the Policy E3a of the DCLP. This is carried on by policy EC2 in the emerging Local Plan. The proposed motor dealership with sales and servicing is in a sui-generis use and while not a traditional employment use as indicated by policy E3a (Classes B1, B2 and B8) it has been indicated that the business will provide employment for 16 staff.

4.16 Officers note that the site, within an established business park, is an appropriate location for the proposed use and that there are a number of car dealerships in the locality. Policy PNP7 of the Neighbourhood Plan encourages new business development within established business parks subject to sufficient parking provision. There have been no planning applications for the site since the original proposals to develop the business park were approved and paragraph 22 of the NPPF makes it clear that in such circumstances an extant employment allocation should not be a bar to other developments being considered and that such applications should strictly be considered on their own merits. Therefore, given the level of proposed employment, the nature of the use proposed and the character of the locality, officers consider that the proposal is an appropriate use of the land and is acceptable in principle subject to other material planning considerations.

### Ecology issues

4.17 The site was designated as a SINC (Site of Importance to Nature Conservation) in 2011 following its allocation as an employment site within the DCLP. The citation recognises that outline planning permission has already been granted for the development of the site. As a result of the designation of the SINC following the allocation of the site, development has previously been allowed within York Business Park providing sufficient mitigation and compensation for the loss of the SINC can be provided. This has been the route taken for the Arnold Clark site and also the care home adjacent to the current site.

4.18 Officers have been in discussion with the applicant to come to agreement over a scheme which provides sufficient mitigation and/or compensation for the calcareous grassland and great crested newts (GCN) on site. Previous newt surveys on neighbouring sites have identified GCN are present and the site provides good terrestrial habitat for newts. However the level of development in the locality over

recent years has led officers to accept that the GCN population is no longer likely to be viable. As a result of this the ecology officer has agreed that Reasonable Avoidance Measures would be sufficient to avoid an offence under Species Regulations 2010. This approach has been discussed with Natural England and does not require a European Protected Species licence although the measures will need to be agreed before development commences. This can be secured via planning condition.

4.19 In relation to the SINC it has been agreed that a scheme for the creation of an off-site wildflower grassland would be acceptable to compensate for the adverse impact to biodiversity from the loss of 0.7ha of the SINC. This will be created at Rawcliffe Country Park which is in reasonable proximity to the site and, as it is managed by the Council, long term management of the site can be controlled. This would be secured via planning condition and a S106 agreement for the financial contribution towards management. The S106 agreement will include submission of an Ecological Design Strategy and, following approval, implementation of that Strategy to create an area of off-site compensatory grassland. A sum of £12,500 (index linked) will be paid to the Council for long term management of the site once the requirements of the Strategy have been completed. These contributions are considered to be:

(a ) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development,

and therefore comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

4.20 Since agreeing these details, the Upper Poppleton and Nether Poppleton (UPNP) Neighbourhood Plan has been subject to a referendum and is now part of the development plan for York. Section 38(6) of the Planning and Compensation Act 2004 and NPPF at para. 14 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The UPNP Neighbourhood Plan designates the site as green infrastructure for which policy PNP2 applies. As stated above in para. 4.8, the policy requires that designated green infrastructure sites are safeguarded and enhanced. Unlike the DCLP and NPPF, which only recommend refusal of a scheme if harm to biodiversity cannot be avoided, mitigated or compensated for, policy PNP2 does not allow for any other measures and, as a result of this, the proposed scheme is considered contrary to the policy and therefore a departure from the development plan.

4.21 When considering the planning balance, officers note that the ecological value of the SINC is in its wide diversity of grassland species. The SINC is now restricted to the current site and a narrow strip of land between the site and the care home to the Northwest and is isolated from other areas of green infrastructure. The Ecology officer has further identified that the best area of grassland is within the strip of land outside of the site and adjacent to the care home. The site is in private ownership with no public access and no apparent public usage. Outside from the biodiversity value of the site it would appear that the grassland has little value to the local community.

4.22 Officers consider that the compensatory grassland proposed, combined with consideration that compensation and mitigation has been accepted on neighbouring sites, is sufficient to accept the loss of the SINC and to outweigh the requirements of policy PNP2. Further policy (policy PNP7) within the Neighbourhood Plan encourages development within existing business parks and the proposal complies with this. For these reasons, officers consider that, in this instance, there are material planning considerations which justify making a decision other than in accordance with the development plan.

#### Design, layout and landscaping

4.23 The proposal is for a flat roofed car dealership sited towards the front of the site on to Great North Way. There are glazed showroom windows to the highway and western elevation. The building will be clad with metallic mesh detailing above the glazed sections. The siting of the building has been revised so that it is in line with the office buildings to the East allowing for a wider planting strip to the highway.

4.24 A landscaping buffer is proposed around the boundaries of the site. This is a wider strip to the frontage of the site and along the access road and narrows to a minimum of 2m to the sides and rear. Planting is proposed to screen the development along these boundaries while along the frontage a mix of low level shrub and specimen tree planting is proposed.

#### Amenity considerations

4.25 A number of residents within Severn Green, to the rear of the site, have raised concerns about the impact of the proposal on their amenity. Many of these concerns have arisen because of issues at the neighbouring Arnold Clark site.

4.26 Officers have requested a noise assessment from the applicant which has been received and assessed. The erection of an acoustic barrier, which would take the form of a close boarded fence with no gaps and a minimum height of 2m, would be sufficient to mitigate noise from the site. Other concerns regarding lighting and disturbance from comings and goings have also been addressed via planning condition.

4.27 Officers note that the site was allocated in the DCLP for B1/ B2/ B8 uses, and granted planning permission in outline, and could have been developed as a general industrial site (to include manufacture and production processes) or B8 (warehousing and distribution) which could all have resulted in similar levels of disruption to the proposed car dealership and workshop.

4.28 Issues related to amenity impacts from construction have been addressed via a planning condition for hours of work. Other issues related to excessive noise, or dust,

during construction, are covered under separated legislation. Conditions requiring a lighting assessment, restricting amplified music outside the premises and stipulating hours of operation have also been suggested to protect neighbouring amenity.

4.29 At its closest point, the buildings proposed are 16m from the boundary with the dwellings on Severn Green. The closest building is the proposed workshop with an access point facing the dwellings. Beyond the boundary, the properties themselves are a further minimum of 14m from the shared boundary. It is noted that the properties with shorter gardens are sited further away from the workshop while those closest to it have slightly longer gardens but there is a minimum distance of approximately 33m between the original rear elevation of any dwelling and the workshop. In relation to the height of the buildings, the maximum height is approximately 8.5m. This is within the showroom section of the building towards the front of the site and away from the dwellings at the rear.

4.30 Given the proposed use and separation distances involved it is not considered that there will be any significant overlooking to the neighbouring residential properties from the development. The existing boundary treatment and proposed acoustic fencing will protect overlooking from the site in to gardens. There is a small first floor proposed above the showroom to provide office space but this does not have windows facing the dwellings. Separation distances are such that, even if windows were inserted in the first floor facing neighbouring dwellings, there is not considered there would be any significant risk of overlooking.

4.31 The care home have also made representations about the scheme and asked for restricted opening hours, noise and lighting controls. It is noted that Arnold Clark has permission to open on Sunday and bank holidays and is as likely to impact on residents of the care home as the present proposal being at a similar distance from the care home. The distance between the showroom/ workshop and care home is approximately 80m at its closest point which is considered sufficient to mitigate for excessive disruption from noise and to avoid any overlooking. A planted buffer on the Western boundary of the site will stop direct overlooking from the sales area to the care home. It should be noted that there will be an undeveloped strip of land of approximately 20m in width between the application site and the care home site. Planning conditions have been suggested to control noise and lighting from the development. A construction method statement has not been suggested as this is covered under other legislation and therefore such a planning condition would not meet the requirements of para.206 of the NPPF.

#### Highways access and parking arrangements

4.32 It is anticipated that 88 cars will be displayed on site and 23 customer parking spaces (including 2 disabled spaces) are provided. 16 FTE members of staff are anticipated on site and 8 parking spaces are provided for staff along with cycle parking

(5 stands). Officers would consider that the proposed parking provision is acceptable and meets DCLP guidelines.

4.34 The development is unlikely to result in any significant increase in traffic using the highway network. Customer trips are likely to be pass-by trips linked with other car dealerships in the area.

### Sustainability

4.35 As a result of the scale of the development, and in accordance with the Interim Planning Statement on Sustainable Construction, a condition requiring that the development achieves BREEAM Very Good is recommended.

4.36 The site has been previously developed and has subsequently sat empty for a number of years. The proposed regeneration of the site is considered a benefit of the scheme which will hopefully add to the prosperity of the wider business park.

### Drainage

4.37 The site is within flood zone 1. It is however unlikely that the soil conditions will support a soakaway and so discharge to the public sewer subject to a restricted discharge is anticipated.

### Other considerations

4.38 Neighbours and the Neighbourhood Plan Committee have made comment that the site could be developed for residential or care home use. This desire is noted but officers are not aware that any scheme for such development has ever come forward and, while the text within the Neighbourhood Plan does mention this preference for a more residential form of development on the site, it is not backed up by policy within the Plan. The only policies relevant to the site within the Neighbourhood Plan are PNP2 (Green Infrastructure) and PNP7 (Business and Employment) which have both been discussed earlier in the report.

4.39 Comments are noted about the proliferation of car dealerships in the area however the site has long been identified as a business park. The proliferation of a single planning use in an area would be a material planning consideration if it was considered that it resulted in harm to amenity or other planning considerations however in this instance it has been identified that sufficient parking has been provided; other impacts from noise and disturbance will be conditioned to ensure neighbouring amenity is adequately protected.

## **5.0 CONCLUSION**



5.1 Officers recognize that, as a result of the adoption of the Upper and Nether Poppleton Neighbourhood Plan, that the proposal represents a departure from the development plan. The site is designated as Green Infrastructure (Policy PNP2) within the Neighbourhood Plan and as such should be safeguarded and development which would harm the integrity or appearance of the green infrastructure should not be supported. Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

5.2 The previous allocation of the site as part of the York Business Park within the DCLP and the subsequent designation of the site as a SINC have been highlighted as well as the similar development of neighbouring sites within the Business Park. Officers have identified that the site has no public access and that the ecological value is within the variety of grass species found on the site. Great crested newts are present within the area but the level of development on neighbouring sites is considered to have resulted in a population that is no longer viable and it has been agreed that a European Protected Species Licence will not be required before works take place.

5.3 Further consideration has been made of the impact on neighbouring residents' amenity. The site was historically identified as a B1/ B2/ B8 business park and outline planning permission had been granted for such development. The public protection officer has considered the submitted noise assessment and has recommended that the impacts of the development on neighbouring residents would be acceptable subject to appropriate planning conditions.

5.4 In summary, the site has been empty for a number of years and the application proposes a new use which is in keeping with the other uses within the business park. Given that acceptable proposals have been put forward to compensate for the loss of the SINC; the Neighbourhood Plan policy PNP2 sets a higher bar than is required by para.118 of the NPPF; policy PNP7 (Business and Employment) encourages business uses on business parks; and the previous business use allocation of the site, then officers consider on balance that these are sufficient material considerations to recommend putting aside the development plan and that the application should be recommended for approval subject to planning conditions. A S106 agreement is also required that will secure the creation of 1Ha of compensatory grassland at Rawcliffe Country Park along with a payment of £12,500 for the long term management of the site.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement to secure the creation of 1Ha of compensatory grassland at Rawcliffe Country Park along with a payment of £12,500 (index linked) for the long term management of the site.

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Location plan

01605/ 001 H Proposed site plan

1605-003B Ground floor plan

1605-004 First floor plan

1605/002A Elevations

Via Solutions Swept Path Analysis drawings 3 and 3a dated February 2017

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 VISQ8 Samples of exterior materials to be app

4 Prior to construction, details of an acoustic noise barrier to protect the residential properties on Severn Green shall be submitted to and approved in writing by the local planning authority. These details shall include the construction method, height, thickness, acoustic properties and the exact position of the barrier. The barrier shall be erected in accordance with the approval before the use hereby permitted first comes into use and maintained thereafter for the life of the development.

Reason: to protect the amenity of the local residents.

5 The combined rating level of building service noise at the site should not exceed 41 dB(A) 1 hour during the daytime hours of 07:00 to 23:00 or exceed 35 dB(A) 15 minutes during the night time hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: In the interests of residential amenity.

6 AMUSE5 Background music only-no ext loudspeaker

7 LC4 Land contamination - unexpected contam

8 Prior to first occupation a full Lighting Impact Assessment undertaken by an independent assessor detailing predicted light levels at neighbouring residential properties including a description of the proposed lighting, a plan showing vertical illuminance levels (Ev) and all buildings within 100 metres of the edge of the site boundary shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

9 No development, including pre-commencement site clearance, shall take place until a Reasonable Avoidance Measures (RAM) Method Statement for Great Crested Newts has been submitted to and approved in writing by the local planning authority.

The RAM Method Statement shall include the following.

- a) Project and ecological background.
- b) Development proposals - site preparation and construction works.
- c) Risk assessment - working areas; potential impacts of works; assessment of impacts
- d) Method of working - surface vegetation removal and site preparation works; ongoing construction related activity; action on discovery of Great Crested Newts.
- e) Figures/plans.

Reason: To avoid harm to a species protected under the Conservation of Habitats and Species Regulations 2010 and Section 9 of the Wildlife and Countryside Act 1981 (as amended) which may occur if any works take place on site without appropriate measures being in place.

10 No development, including pre-commencement site clearance, shall take place until an ecological design strategy (EDS) addressing the compensation for the loss of 0.7ha of neutral grassland within York Business Park Site of Importance for Nature Conservation (SINC) has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To compensate for significant harm to biodiversity in line with Paragraph 118 of the NPPF. No works may take place on site prior to completion of the strategy as these would potentially destroy the ecological value of the site.

11 No development, including pre-commencement site clearance and earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site demarcating the off-site area of Site of Importance for Nature Conservation (SINC). All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

Reason: To protect a biodiversity feature. Fencing must be implemented pre-commencement to adequately identify and physically protect the remaining area of 202 York Business Park Site of Importance for Nature Conservation (SINC) from accidental damage by development operations.

12 Prior to the commencement of any construction works details shall be submitted to and approved in writing by the Local Planning Authority for the discharge of surface water to the public sewer via storage at a maximum rate of 5.2 (five point two) litres/second in accordance with the submitted flood risk assessment prepared by JNP Group - Report dated January 2017. The details shall include the means by which surface water from vehicle parking, areas used for the delivery of fuel, areas used for and immediately adjacent to vehicle washing facilities and /or other similar areas where detergent is likely to be used shall be passed through an interceptor of adequate capacity prior to discharge. The approved details shall be implemented prior to any piped discharge of surface water taking place from the site.

Reason: To ensure that the site is properly drained and, in order to prevent overloading, potentially polluting surface water is not discharged to the foul sewer network. Details to be submitted prior to commencement to ensure the drainage scheme reflects the existing on-site situation.

13 LAND1 IN New Landscape details

14 The buildings hereby approved shall achieve at least a Building Research Establishment Environmental Assessment Method ('BREEAM') Very Good rating (or equivalent, as set out within the submitted BREEAM Pre-assessment report)) unless otherwise agreed in writing by the Local Planning Authority. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of practical completion of the retail development. Should the development site fail to achieve a BREEAM standard of 'Very Good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a BREEAM standard of 'Very Good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local

Planning Authority.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

15 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

16 The hours of operation of the development shall be confined to:

Mondays to Fridays 08.00 hours to 20.00 hours  
Saturdays 09.00 hours to 18.00 hours  
Sundays and Bank Holidays 10.00 hours to 18.00 hours

Reason: To safeguard the amenities of occupants of the nearby dwellings and buildings.

17 The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety. Details are required prior to commencement of development as there is no access to site at present and the new access will therefore need to be constructed prior to commencement on building works.

18 Prior to the commencement of building works details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

19 HWAY28 IN Proximity of gate etc to highway - 15m - footway on Great North Way

20 HWAY35 Servicing within the site

## 7.0 INFORMATIVES:

### Notes to Applicant

#### 1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Additional information in relation to on-site ecology has been provided.

#### 2. SURFACE WATER DRAINAGE

i) The Flood Risk Assessment (prepared by JNP Group - Report dated January 2017) is acceptable. In summary, it states that sub-soil conditions are unlikely to support the use of soakaway and the site is remote from watercourse, surface water will discharge to public surface water sewer via storage with restricted discharge of 5.2 (five point two) litres/second. It is imperative that surface water run-off from the forecourt of petrol stations, areas used for the delivery of fuel, areas used for and immediately adjacent to vehicle washing facilities and/or other similar areas where detergent is likely to be used is not discharged to any public surface water only sewer network. Surface water from such areas must pass through an oil, petrol and grit interceptor/separator of adequate design before discharge to the public foul or combined sewer network. It is good drainage practice for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation that may be required. Roof water should not pass through the traditional 'stage' or full retention type of interceptor/separator.

ii) Trade effluent may only be discharged to sewer with the prior consent of Yorkshire Water. A trade effluent is any liquid, other than domestic sewage, which is wholly or partly produced in the course of any business. The Industrial Waste Manager should be contacted as soon as possible regarding the acceptability of any proposals which may involve a trade effluent (including vehicle wash water) or contaminated surface water discharge. The developer is required to consult with Yorkshire Water's Industrial Waste Section (telephone 0345 1242424) on any proposal to discharge a trade effluent to the public sewer network.

#### 3. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Application Reference Number: 16/02285/FULM

Item No:

Works in the highway - Section 171/Vehicle Crossing - Contact:  
streetworks@york.gov.uk

**Contact details:**

**Author:** Alison Stockdale Development Management Officer (Tues - Fri)

**Tel No:** 01904 555730

[REDACTED]

---

**From:** Ian Colquhoun (QIB) [REDACTED]  
**Sent:** 03 April 2018 18:17  
**To:** localplan@york.gov.uk  
**Subject:** local plan consultaion  
**Attachments:** Comments\_form\_FINAL\_completed.docx

Please find attached my comments to the 2018 local plan consultation

Regards

Ian Colquhoun



# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information


To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title	Dr	
First Name	Ian	
Last Name	Colquhoun	
Organisation (where relevant)		
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Electronic copies of this form are available to download at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or you can complete the form online at [www.york.gov.uk/consultations](http://www.york.gov.uk/consultations)

## What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or use our online consultation form via <http://www.york.gov.uk/consultations>. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

## Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

## Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).
- City of York Council West Offices
- In all libraries in York.

# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

**5.(1) Do you consider the document is Sound?**

Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

Positively prepared  Justified   
 Effective  Consistent with national policy

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

5.2 Not Justified (couldn't make the tick box work).

Site ST9 is within the green belt. The plan's own policy GB1 (p175) states: Within the Green Belt, planning permission for development will only be granted where:

i. the scale, location and design of development would not detract from the openness of the Green Belt;

AND it is for one of the following purposes:

limited affordable housing for proven local needs;

(I have picked out the only bullet point that seems applicable). How is it considered that 735 houses will not detract? Is 735 houses 'limited'? Of course it will detract and no-one could consider 735 houses 'limited' by any reasonable definition. This is the most accessible part of the green belt that can be reached on foot for many Haxby residents: no houses, few cars – just hedges, fields and trees. Ideal for walking, jogging, cycling. At least remove the two long fields adjacent to Usher Lane from the housing plan. Use the first field to extend the green space and plant both with trees/ high hedges to screen the estate from the road.

The problem of increased traffic on Usher Lane: Para ix (p51) says

The scheme should seek to minimise the amount of trips using the Usher Lane/Station Road junction due to existing capacity and safety issues.

without explaining how this is to be achieved. In previous consultations the developers appear to be keen to water down even this weak existing recommendation.

Haxby is already overdeveloped. It does not have the resources (roads, employment, schools, health services, shops) to support a large additional population, all of whom will be commuters.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

**After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

Reallocate the 735 houses among the proposed brand new garden villages. Provide those villages with some local employment opportunities (totally absent from Haxby) plus the proper transport and services that they require rather than try to bolt these extra houses onto an existing community whose resources are already overstretched.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation ✓

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

## Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.<sup>1</sup> The Council must also notify those on the database at certain stages of plan preparation under the Regulations.<sup>2</sup>

## Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.<sup>3</sup>

## Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at [haveyoursay@york.gov.uk](mailto:haveyoursay@york.gov.uk) or on [01904 554145](tel:01904554145)

Signature  Date 

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

**From:** Philip Holmes [p.holmes@oneill-associates.co.uk]  
**Sent:** 03 April 2018 18:22  
**To:** localplan@york.gov.uk  
**Subject:** Publication Draft Local Plan Consultation - Representations in respect of land to the west of Moor Lane, Copmanthorpe  
**Attachments:** Moor Lane Cthorpe LP Comments Form 3.4.18.pdf; Moor Lane Cthorpe LP Reps March 2018.pdf

Please find attached representations submitted on behalf of Mr M Ibbotson in respect of his land to the west of Moor Lane, Copmanthorpe.

I trust this is in order, but if you have any issues with receipt of the submitted documents please contact me.

Kind regards

Philip Holmes



Philip Holmes

[www.oneill-associates.co.uk](http://www.oneill-associates.co.uk)

Lancaster House  
James Nicolson Link  
Clifton Moor  
York YO30 4GR  
01904 692313

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# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name		Philip
Last Name		Holmes
Organisation (where relevant)		O'Neill Associates
Representing (if applicable)		Mr M Ibbotson
Address – line 1		Lancaster House
Address – line 2		James Nicolson Link
Address – line 3		Clifton Moor
Address – line 4		York
Address – line 5		
Postcode		YO30 4GR
E-mail Address		<a href="mailto:p.holmes@oneill-associates.co.uk">p.holmes@oneill-associates.co.uk</a>
Telephone Number		01904 692313

Representations must be received by Wednesday 4 April 2018, up until midnight.  
Representations received after this time will not be considered duly made.



# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

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## What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

## Do I have to use the response form?

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Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

## Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Local Plan Publication Consultation documents?

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- City of York Council West Offices
- In all libraries in York.

# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

Not applicable to our representations.

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

**5.(1) Do you consider the document is Sound?**Yes  No 

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)Positively prepared  Justified Effective  Consistent with national policy **5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph  
no.

Policy

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

**6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

**After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

See representations statement ref. *ymlc1803.lpreps.ph*, dated March 2018.

**7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

**7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

## Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.<sup>1</sup> The Council must also notify those on the database at certain stages of plan preparation under the Regulations.<sup>2</sup>

## Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.<sup>3</sup>

## Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at [haveyoursay@york.gov.uk](mailto:haveyoursay@york.gov.uk) or on [01904 554145](tel:01904554145)

Signature 

Date

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

CITY OF YORK LOCAL PLAN  
PUBLICATION DRAFT CONSULTATION

REPRESENTATIONS ON BEHALF OF MR M IBBOTSON  
PROPOSED ALLOCATION OF LAND TO THE WEST OF MOOR  
LANE, COPMANTHORPE FOR RESIDENTIAL DEVELOPMENT



SUBMITTED BY O'NEILL ASSOCIATES

MARCH 2018



## EXECUTIVE SUMMARY

This statement is provided as a representation on behalf of Mr Ibbotson for the proposed allocation of his land at Moor Lane, Copmanthorpe for housing in the City of York Council Draft Local Plan.

The proposed site measures 15.34ha and is located to the west of Moor Lane at the southwest edge of the developed limits of Copmanthorpe village (ref. Location Plan, Appendix 2). The site is currently in agricultural use.

The site was designated as safeguarded land in the 2014 Publication Draft Local Plan, and with adjoining land to the north it formed part of a 22ha site identified as site SF5. Site SF5 adjoined four sites at the western edge of Copmanthorpe that were allocated for housing in the 2014 Publication Draft Plan, comprising strategic housing sites ST12 and ST13 and general housing sites H40 and H29. These sites were identified by the Council as having an estimated yield of 646 homes. A further site within the settlement (H43) was identified as having potential for 8 homes.

The Publication Draft Local Plan has significantly less land proposed for housing than was allocated in the 2014 Draft Plan, with a considerably reduced housing target and number of site allocations. In Copmanthorpe, the total number of houses proposed over the plan period has been cut from 654 to 246 homes. Of the sites proposed for allocation in 2014 to the west of the settlement only H29 has been retained, and an additional strategic site (ST31) to the north east is identified as delivering 158 homes. Safeguarded land is no longer proposed to be designated in the Plan.

The reduced number of allocations within the Local Plan follows a revised assessment of the Council's housing requirement over the 16 year plan period (2017-2033) and the 5 years beyond (to 2038).

This representation provides analysis demonstrating how the Council's overall assessment of its housing requirement is significantly flawed, and shows that there must be considerable doubt over whether the housing allocations that are proposed could deliver the number of dwellings identified. It is considered that a substantial amount of additional housing land should be allocated if the Council is to meet the housing requirements of the City and to confirm a permanent Green Belt for York. Otherwise, the Plan should be found unsound.

In this context, it is considered that there is cause to reconsider the land at Moor Lane for allocation as housing in the Local Plan. The site continues to represent a viable and deliverable housing site and would provide a significant level of housing, estimated at 350 units, to make a valuable contribution to York's housing need.

The site has a willing landowner committed to making the site available in the short- to medium-term, and would contribute to delivery of housing within the first 5 years of the plan. Options are available for the site to be delivered on its own or in conjunction with adjacent proposed sites to form a logical and sustainable extension to Copmanthorpe's settlement limits with potential to deliver enhanced services and facilities for the village. Development of the site would not have an adverse impact in relation to the setting and special historic character of York and, with adjacent land to the west of the village, represents a more suitable extension of Copmanthorpe than strategic site ST15.



CITY OF YORK LOCAL PLAN  
PUBLICATION DRAFT CONSULTATION

REPRESENTATIONS ON BEHALF OF MR M IBBOTSON IN SUPPORT OF  
ALLOCATION OF LAND AT MOOR LANE, COPMANTHORPE  
FOR RESIDENTIAL DEVELOPMENT

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March 2018

## 1.0 INTRODUCTION

- 1.1 This statement is provided as a representation on behalf of Mr Ibbotson in support of the allocation of his land at Moor Lane, Copmanthorpe for housing as part of the consultation on City of York Council's Publication Draft Local Plan.
- 1.2 The proposed site measures 15.34ha and is located to the west of Moor Lane at the southwest edge of the developed limits of Copmanthorpe village (ref. Location Plan, Appendix 2). The site is currently in agricultural use.
- 1.3 The site was formerly allocated as safeguarded land in the 2014 Publication Draft Local Plan, although previous representations for the Local Plan identified it as a suitable and deliverable housing site with an anticipated capacity of 350 dwellings.
- 1.4 The Publication Draft Local Plan identifies a need to provide 14,768 homes over the 16 year period for the Local Plan and states that the net requirement for homes over this period, after taking into account an allowance for under provision for 2012 to 2017, unimplemented consents and windfall development, is 8,993 homes.
- 1.5 This statement, in Section 2, outlines how the Council's assessment to calculate housing need is fundamentally flawed, and that the Local Plan should in fact be allocating land to address within the plan period a remaining housing requirement for 16,452 rather than 8,993 homes. Section 3 considers the general and strategic housing allocations that have been included within the Publication Draft Plan. This section concludes that the Draft Plan is over-reliant on a small number of strategic housing sites to meet the housing need, and outlines how this will likely lead to a shortfall in the assumed housing delivery, particularly in the early years of the plan.
- 1.6 As a result of the above analysis, it is maintained that further sites will need to be allocated to address York's housing need and deliver a sound Local Plan. In this context, it is considered that the site at Moor Lane should be considered for inclusion in the emerging plan, and further consideration of the site's suitability for allocation for residential development is included in Section 4.

## 2.0 ASSESSMENT OF HOUSING NEED

- 2.1 This section of the representation focusses on the Council's approach to housing need, and will:
- assess whether the Council's approach to housing provision will address the housing needs of the City during and beyond the Plan period

- assess whether the approach to estimating the quantity of housing is accurate
- put forward an alternative housing requirement

#### Local Plan Working Group, 10 July 2017

- 2.2 The updated housing requirement figures reported to the Local Plan Working Group (LPWG) on the 10 July 2017 represent the Council's current position in relation to York's annual housing need. There was no equivalent update provided at the last LPWG meeting of 23 January 2018.
- 2.3 The Officer report to LPWG Members in July 2017 identified an annual housing requirement of 953 dwellings per annum based on evidence provided by the Council's own consultants G L Hearn in the Draft Strategic Housing Market Assessment. The 953 figure was composed of a demographic baseline of 867 dwellings, and an adjustment for 'market signals' of 10%.
- 2.4 The LPWG report stated the Plan period should run from 2012 to 2033. However, it also acknowledged that as York is setting detailed Green Belt Boundaries for the first time, it is also necessary to consider the 5 year period beyond 2033, up to 2038, in order to provide for an enduring Green Belt. On the basis of the LPWG report, the housing requirement for the Plan period 2012 to 2033 would therefore be 20,013 (21 x 953) dwellings. The housing requirement need calculation for the period 2033 to 2038 would be 4,765 (5 x 953) dwellings.
- 2.5 In calculating the amount of land needed to meet the housing requirement for the LPWG report, the Council had regard to completions to date and unimplemented planning permissions. It also assumed a windfall completion rate of 169 from Year 4 of the Plan. Taking these factors in the account, the Council's estimate of the remaining housing requirement for the Plan Period is set out in the table below:

**Table 1: Council's Estimate of Housing Requirement as presented to LPWG, 10<sup>th</sup> July 2017**

Plan period 1st April 2012 to 31 <sup>st</sup> March 2033	
Total Need 2012 -2033 (based on 953)	20,013
Completions 1st April 2012 to 31st March 2017	3,432
Unimplemented Permissions @ 1st April 2017 <i>* We believe this figure is a misprint, and should be 3,578.</i>	3,758*
Windfalls (from Year 4) @ 169 pa	2,197
Requirement Remaining	10,806

- 2.6 At the LPWG meeting, Members did not agree with the assessment of the housing requirement presented by Officers or the GL Hearn report. Members instead set the housing requirement at 867 dwellings per annum, and that was the figure used in the Pre-Publication Draft Local Plan which went out for consultation in September 2017.

**Local Plan Working Group, 23 January 2018**

- 2.7 On the 23 January 2018, the LPWG considered the representations made on the Pre-Publication draft plan. The Officer's report presented a number of options for the housing requirement based on the degree of risk associated with each option. The report reminded Members they had previously been advised that the Council's independent consultants had estimated the annual housing requirement to be figure of 867, rising to 953 to allow for a 10% market signals uplift. Members had accepted the 867 baseline figure for consultation in the Pre-Consultation Draft Plan, but not the figure of 953.
- 2.8 Members were also informed that if they were to apply the draft methodology for assessing housing requirement that the Government had consulted on in late 2017 (ref. Para. 2.19 below), then the housing requirement for the City was estimated to be 1,070 dwellings. They were advised that although this figure was an estimate produced by the draft methodology, it nevertheless indicated the direction of travel anticipated for national planning policy.
- 2.9 Members were advised of their statutory duty to ensure the Submission Draft Plan meets the test of "soundness". Officer advice was that the direction of travel in national policy indicated that if the site proposals previously consulted on were increased this would be a more robust position. Members were clearly advised that an increase in the supply of housing would place the Council in a better position for defending the Plan proposals through the Examination process.
- 2.10 Members were also advised of the options for increasing the housing supply that were set out in four tables in the LPWG report. Those options ranged from inclusion of MOD sites (Table 1); the enlargement of allocated strategic sites (Table 2); the inclusion of previously rejected sites that, following further assessment work, Officer's felt should be reconsidered (Table 3); and new sites emerging in response to the consultation on the Pre-Publication draft plan.
- 2.11 Members rejected any proposal to increase the housing requirement set out in the Draft Plan, and approved only the inclusion of the MoD sites in Table 1 of the report.

**Council Executive, 25 January 2018**

2.12 The recommendations of the LPWG were reported to the Council Executive on 25 January 2018. Representatives of the promoters of the three largest Strategic Housing sites addressed the Executive:- Site ST7, Land East of Metcalf Lane (845 units); Site ST14, Land West of Wigginton Road (1,348 units); and Site ST15, Land West of Elvington Lane (3,339 units). The representatives informed Members that their sites, as proposed in the Publication Draft Local Plan, were not viable or deliverable without additional land and some increase in the number of dwellings proposed for each. They requested that changes be made to the Draft Publication Local Plan before it went to consultation, but these requests were subsequently ignored by members.

**Local Plan Publication Draft, February 2018**

2.13 The Publication Draft Plan proposes a 16-year plan period with a start date of 1<sup>st</sup> April 2017. This deviates from the Officer's report to LPWG Members, which had assumed a Plan start date of 2012, and changes the basis of the housing requirement calculation. Completions are no longer included in this calculation since the start date of the Plan is essentially Year 0. Instead, the Council include an allowance for backlog (under provision) for the period 2012 to 2017, which is set at 56 units per annum. With the annual base requirement of 867 dwellings, this gives a total annual requirement of 923 dwellings per annum.

2.14 Taking account of these changes, the housing requirement as now proposed in the Draft Plan is set out in Table 2:

**Table 2: Local Plan Publication Draft Housing Requirement**

Plan period 1 <sup>st</sup> April 2017 to 31 <sup>st</sup> March 2033	
Total Need 2017 - 2032/33 (based on 867 + 56 = 923 dwellings per annum)	14,768
Unimplemented Permissions @ 1st April 2017	3,578
Windfalls (from 2020/2021) @ 169 pa	2,197
Requirement to be provided through allocations	8,993

2.15 In addition, to ensure what the Draft Plan considers to be enduring Green Belt boundaries, additional allocation of land is also needed to meet the annual base requirement of 867 dwellings per annum for the 5-year period between 2033 and 2038. This effectively means that the overall housing requirement to be provided through allocations has been assessed by Council to be 13,328 homes.

2.16 We consider this assessment of the housing requirement and the allocations set out in the Pre-Publication Draft to be inadequate for the following reasons:

- (i) The housing requirement is too low;
- (ii) The calculation of completions since 2012 is too high (i.e. the Council's estimate of backlog is too low)
- (iii) Outstanding commitments include student housing that should be excluded; and
- (iv) The assumptions on windfalls are questionable and should not be treated as a component of the Plan

**(i) The Housing Requirement**

2.17 In our representations on the Preferred Sites Consultation September 2016, we included an Assessment of Housing Need prepared By Nathaniel Lichfield and Partners. That Assessment established the scale of need for housing in the City of York based upon a range of housing, economic and demographic factors and trends using NLP's HEaDROOM framework.

2.18 The Assessment found that that the objectively assessed housing need for the City of York was in the range of 1,125 to 1,255 dwelling per annum. The approach allowed for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to deliver affordable housing and support economic growth. Using this range would have ensured compliance with Paragraph 47 of the NPPF by significantly boosting the supply of housing. It would also have reflected Paragraph 19 of the NPPF, which seeks to ensure the planning system does everything it can to support sustainable development. The Assessment is included for reference in Appendix 5 of this statement.

2.19 More recently, the Government has published a consultation document on a methodology for assessing housing need that every Local Planning Authority would have to use when preparing a Local Plan. The methodology uses the projections of household growth as the demographic baseline for every local authority area. To this is added an adjustment to take account of market signals in house prices. Along with the Consultation Paper the Government included a calculation of the housing requirement for each local authority in the country. The calculation for York was a housing requirement of 1,070 dwellings per annum. The consultation paper explains that this should be treated as the starting point for assessing the housing requirement.

2.20 Taking a robust and conservative approach, the Government's figure of 1,070 dwellings per annum is therefore used in our assessment of the housing requirement for the Local Plan period.

(ii) *Calculation of Completions – Backlog*

2.21 The Council has underestimated the scale of the backlog and the Council's annual allowance of 56 dwellings, which amounts to 896 units over the 16-year plan Period, is too low. To calculate the backlog, our assessment uses the figure of 953 – the annual housing requirement recommend by the Council's independent Consultants, G L Hearn for the period from 2012. It also takes the following factors into account:

- The Local Plan must demonstrate it can provide deliverable sites for the 5-year tranches within the plan period. Government guidance advises that the calculation of the 5-year supply must take account of any shortfall from previous years. How far back the shortfall should be included is a matter of judgement. There is a point at which unformed households from previous years have been permanently displaced and therefore the need to accommodate them has passed. For the purpose of this calculation, and for some degree of convenience, the period from 2012 will be used as the basis of calculating the backlog. (However, using the RSS requirement 850 dwellings per annum for the period 2008 to 2012 the backlog for that period was 1,607 dwellings).
- In order to calculate the backlog accurately, it is first necessary to analyse the housing completion data contained within the Council's Annual Housing Monitoring Updates. These state that after many years of under provision, completion figures for years 2015/16 and 2016/17 suggest a surplus. However, the completion figure of 1,121 for 2015/16 must be treated with some caution as it includes 579 purpose built student accommodation units. Likewise, the completions figure of 977 for 2016/17 must be adjusted to exclude 152 student units. (Source: *Council's Housing Monitoring Update for Monitoring, Years 2015/16 and 2016/17*).

2.22 On the issue of student housing, the Council has included the identified units in their completion and commitments figures based on the definition of dwelling units used in the DCLG General Definition of Housing Terms. However, this is a misreading of the definition which excludes communal establishments from being counted in the **overall housing supply statistics**, but adds that all student accommodation whether it consists of communal halls of residence or self-contained dwellings, on or off campus, can be included towards the **housing provision** in local development plans. Government guidance (which is more recent than the DCLG dwelling definition) is that student accommodation units can only be included within the housing supply "...based on the amount of accommodation it releases in the housing market." (*Planning Practice Guidance Reference ID: 3-038-20140306*).

2.23 The Council has not produced any evidence to demonstrate how market housing supply has been increased by students transferring from traditional private sector shared housing. Indeed, the available evidence presented in the City of York Council Strategic Housing Market Assessment June 2016 is that new purpose-built student accommodation has not displaced students from market or family housing. Paragraph 10.67 of the SHMA states:

*We have undertaken some qualitative research on the student housing market. This revealed there was an increase in capacity as new purpose-built accommodation has been built on and off campus. However, it was discovered that this did not reduce demand for traditional private sector shared housing.*

2.24 In addition, the Council has not demonstrated that students form part of the objectively assessed housing need nor demonstrated that new student housing accommodation would contribute towards meeting the housing requirement. Furthermore, case law has established that in these circumstances purpose built student accommodation cannot count towards the housing supply (*Exeter City Council v Secretary of State for Communities and Local Government, Waddeton Park Limited, The R B Nelder Trust. Case No: CO/5738/2104*).

2.25 Removing these 579 student units from the completions data reduces the completions for 2015/16 to 542. Likewise, removing the 152 student units from 2016/17 data reduces the completions for that year to 825. These are the figures used in our calculation of the backlog in Table 3.

Table 3: Housing Completion Backlog for the Period 2012-2017

Year	Actual completions	Less student units	Net C3 Dwelling units	2016 SHMA recommended figure	Backlog/ Surplus
2012/13	482	0	482	953	-471
2013/14	345	0	345	953	-608
2014/15	507	0	507	953	-446
2015/16	1,121	579	542	953	-411
2016/17	977	152	825	953	-128
<b>Total</b>	<b>3,432</b>	<b>731</b>	<b>2,701</b>	<b>4,765</b>	<b>-2,064</b>



**(iii) Commitments**

2.26 We have obtained a list of the planning permissions that make up the Council's estimate of un-implemented planning permissions. The figure of 3,578 includes 542 student units which, for the reasons stated above should not be included in the housing provision figures. This reduces the commitments figure to 3,036. A further discount of 10% should be applied to account for non-implementation of a proportion of these commitments, giving a more robust figure of 2,732 dwellings for outstanding commitments.

**(iv) Windfalls**

2.27 The Council's assessment of housing provision includes an allowance for 169 windfalls per annum from 2020/2021 – 2,197 units in total. Guidance in Paragraph 48 of the NPPF is that windfalls can be included in the calculation of five-year supply, i.e. not as a source of housing supply across the plan period. This is because the supply of windfalls is variable and including it across the plan period does not provide the certainty of delivery compared with actual allocations. In addition, once the plan is adopted and housing allocations confirmed, the pressure to deliver housing through windfalls should decrease. Other Authorities, most recently Scarborough Borough Council, have adopted this approach whereby a windfall allowance is identified across the plan period but treated as a flexibility allowance to the allocations and not included in the housing provision. The Inspector for the Scarborough Local Plan Examination in Public endorsed this approach and the plan has now been adopted.

**Conclusion on Housing Requirement**

2.28 Taking all the above factors into account, our estimate of the housing requirement for the plan period, compared with the Council's estimate, is set out in Table 4:

**Table 4: Estimate of Housing Requirement, 2017-2033**

Plan period 1 <sup>st</sup> April 2017 to 31 <sup>st</sup> March 2033	Council's Estimate	Our Estimate
Total Need 2017-2033	13,872 (based on 867 per annum)	17,120 (based on 1,070 per annum)
Backlog 2012 to 2017	896	2,064
<b>Gross Requirement</b>	<b>14,768</b>	<b>19,184</b>
Unimplemented Permissions @ 1st April 2017	3,578	2,732
Windfalls (from 202/21) @ 169pa	2,197	0

Net Requirement	8,993	16,452
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- 2.29 It is evident from this analysis that the Council's estimate of the housing requirement for the plan period of 2017-2033 is significantly flawed, with a shortfall of nearly 7,500 units between the Council's requirement and our critically assessed housing requirement of 16,452 units.
- 2.30 In addition, to establish the boundaries of the Green Belt there is also a need to look beyond the plan period. The Council has sought to address this by allocating sufficient land for at least the five year period after 2033. Using the Council's nominated annual figure of 867 units, this would result in a housing requirement of 4,335 dwellings for the 5-year period beyond 2033. However, as stated above, the minimum starting point for this assessment should be the Government's figure of 1,070 units. This would give a 5-year requirement of 5,350 dwellings, and an overall housing requirement of 21,802 to be provided through allocations, and not 13,328 as set out in Paragraph 2.15 above.
- 2.31 Given this to be the case, it is likely that significant additional allocations will be required to address the shortfall between the Council's professed housing need and the actual housing requirement for York.

### 3.0 ANALYSIS OF PROPOSED HOUSING ALLOCATIONS

3.1 Section 5 of the Pre-Publication Draft Local Plan sets out the draft policies and allocations aimed at meeting the housing development needs for York. Draft Policy H1 relates to housing allocations and includes at Table 5.1 a list of the proposed strategic and general housing allocations. These sites cover a total area of approximately 525ha and are identified as having potential to deliver 14,985 houses, although not all would come forward during the plan period. A total of 16 strategic sites are assessed as contributing approximately 13,500 houses, with smaller housing allocations assessed as yielding 1,500 units.

#### Housing Delivery

3.2 The Draft Local Plan places a heavy reliance on the allocated strategic sites to deliver the required of dwellings over the plan period, with the 16 strategic sites making up around 90% of the identified total housing yield from the allocated sites. However, there is no certainty over the rate of delivery that can be achieved on some of these sites.

- 3.3 As an example, Strategic Site ST1 (British Sugar) has been allocated for 1,200 homes, which the Draft Plan states will all be delivered within the lifetime of the plan. However, this site remains undeveloped having lain vacant and derelict since 2006, and it is understood development could only commence following a 3-year scheme of remediation. There is a live outline planning application (15/00524/OUTM) to develop the site for 1,100 homes, although this proposal was refused by Planning Committee in October 2017 and an appeal was heard at Public Inquiry in January 2018. The outcome of the Inquiry is unknown at this point, but even if allowed it will still take some time to resolve the planning issues and to obtain detailed planning permission for the site. This will extend the already lengthy lead-in time for the development of the site, which “will be largely undeveloped for many years” (Source: *Planning Committee report for 15/00524/OUTM*).
- 3.4 The difficulty in bringing forward Strategic Site ST5 (York Central) is also well documented. The Plan envisages 1,700 new houses being built on this site within the 1 to 21 year period, and at a projected density which ranges between 95-125 homes per hectare. Recent consultation on York Central suggests this housing yield is to be achieved through provision of high rise (up to 8 storeys) apartment blocks.
- 3.5 However, as with the British Sugar site, there is considerable doubt over York Central's viability and deliverability given it would also require a significant lead-in time to address remediation and access issues. There also remain significant questions over whether high-density development envisaged is deliverable without harm to the historic core of York, and Historic England maintain its objection to the quantum of development proposed. Paragraph 154 of the NPPF advises that Local Plans should be aspirational but realistic. They should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the Plan. Therefore, until the allocation at York Central is supported by this level of analysis, the projected housing yields for the site are purely aspirational.
- 3.6 Given just these two examples, it is clear there must be significant concern that overreliance on housing delivery from the strategic sites will undermine the potential for the Draft Local Plan to provide sufficient land to accommodate projected housing need over its plan period.
- 3.7 Extending analysis to the rate of deliverability of all the proposed housing allocations also raises doubts over whether sufficient housing land and sites is incorporated in the Draft Plan. Taking the sites proposed for allocation as identified in Table 5.1 of the Local Plan, we have applied what we believe to be realistic assumptions about their potential rate

of delivery based on the information provided in the table and other sources. For example, we assume no delivery from the British Sugar site in the first 5 years of the Plan for the reasons outlined in Paragraph 3.5 above. Our assessment of the allocations, which is included at Appendix 4, indicates the following rates of delivery:

**Table 5: Anticipated Rates of Housing Delivery from Proposed Allocations**

Timescale	Units
Years 1-5	2,818
Years 6-10	5,043
Years 11 to 16	4,168
<b>Sub-total 16-year plan period</b>	<b>12,029</b>
Years 17 to 21	2,617
<b>Total 21-year period</b>	<b>14,646*</b>

\*Does not add to 14,985 as delivery for Site ST15 extends beyond 2038

- 3.8 This simple analysis demonstrates that the proposed allocations would only be capable of yielding around 12,000 units within the 16 year plan period, representing an under-delivery of over 4,400 units from our assessed housing requirement of 16,452 dwellings. For the 5-year period following the Plan period, the shortfall would be 2,733 dwellings from our assessed requirement of 5,350 dwellings. Again, these housing delivery issues serve to reinforce the point that further sites must be allocated to safeguard a sound Local Plan for York.

#### Five Year Land Supply

- 3.9 Our analysis demonstrates that the housing land requirement for the 16-year plan period is significantly flawed. Of equal concern is the lack of supply in the early years of the plan required to 'significantly boost the supply of housing'. Our assessment of the 5-year supply position is set out in Table 6, below.

**Table 6: Assessment of 5-year land supply**

		Assessment using Council's Housing requirement of 867		Assessment using Government Housing requirement of 1,070	
A	Requirement	(5 × 867)	4,335	(5 × 1,070)	5,350
B	Plus Shortfall 2012-2017	(5 × 56)	280		2,064

C			4,615		7,414
D	20% buffer	$(C \times .2)$	923	$(C \times .2)$	1,482
E	Total 5-year Requirement	$C + D$	5,538	$C+D$	8,896
F	Annual requirement	$(E \div 5)$	1,108	$(E \div 5)$	1,779
G	Supply (Commitments)		3,578		2,732
H	Windfall		338		0
I	5-year supply	$(G+H) \div F$	3.53 years		1.53 years
J	Allocations Years 1 to 5		2,818		2,818
K	Potential supply	$G + H + J$	6,734		5,550
L	Potential 5-year supply	$(K \div F)$	6.08 years		3.11 years

3.10 Our assessment is generally in line with accepted practice. The steps in our assessment are:

- i. To provide a fair indication of the range of what the 5-year housing land supply position might be, we use both the Council's housing requirement figure of 867 dwellings per annum and our assessment of the annual requirement of 1,070 dwellings per annum to arrive at a five-year requirement.
- ii. We then add the undersupply assessed against each of the housing requirement figures for the period of 2012 to 2017. This is known as the "Sedgefield Method" of calculating the 5-year supply and assumes any undersupply is made up in the 5-year calculation period and not spread over the remaining years of the Local Plan. This is the approach favoured by National Planning Guidance which states:
 

*Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible.*

(NPPG, Paragraph 035, Reference ID 3-035-20140306)
- iii. As there has, by any measure, been a period of persistent under-delivery of housing in York for the past 9 years, we add the 20% buffer recommended in Paragraph 47 of the NPPF.

- iv. We take our and the Council's respective figures for unimplemented permissions / housing commitments / windfall allowances
- 3.11 Taking these steps into account, we provide two variants of the 5-year supply position. In the first, our assessment assumes the supply consists of just the existing commitments. This gives a 5-year supply of:
- 1.53 years based on the Government's estimate of an annual housing requirement need of 1,070 dwellings per annum and our assumptions on backlog and commitments.
  - 3.53 years based on the Council's assessed housing requirement of 867 and their assumption on backlog, commitments and windfalls
- 3.12 In the second variant, we have included our estimate of supply arising from the proposed allocations. In this scenario, our estimate of supply from allocated sites in the first 5 years of the Plan is 2,818 dwellings. When this is added to the assumptions about the supply from existing commitments the supply position is:
- 3.11 years based on our figure for commitments (2,732 dwellings)
  - 6.08 years based on the Council's figure for commitments (3,578 dwellings)
- 3.13 The scale of the deficit in land supply identified by the 5-year calculation is significant not only in terms of the need to identify more land but also in terms of the longevity of undersupply. By any reasonable assessment, there has been a significant shortfall in the provision of housing every year since 2007/08 – 11 years in all.
- 3.14 The calculation above demonstrates the high level of latent and unmet demand in York, and the precarious nature of the housing supply in York. In order to achieve a balance between the housing requirement and housing supply the requirement would have to fall significantly. On the basis of the background evidence prepared for the Local Plan, this scenario is highly unlikely.
- 3.15 Alternatively, the requirement / supply balance could be achieved by a rapid increase in the supply of deliverable sites in the 5-year period. Again, on the basis of the evidence available this is less likely. This is because a significant proportion of the draft housing allocations are large sites that will take several years before they deliver a significant increase in housing supply and our assumptions already assume a realistic rate of delivery from each site. Providing additional allocations that include sites that can deliver houses in the first 5 years of the plan period will greatly assist in addressing that shortfall.

- 3.16 The importance of identifying sites capable of being brought forward in years 1 to 5 is embodied by the recent experience of Scarborough Borough Council. Here, the Inspector for the Examination in Public found that the failure of the submitted Plan to identify a 5-year supply of deliverable sites meant that it was not positively prepared or consistent with national policy and would not be effective in meeting identified housing needs. This was subsequently accepted by the Council who, in response, proposed the inclusion in the Plan of a number of additional and extended allocations in order to boost the deliverable supply.

### Housing Demand

- 3.17 There is also a question over how the supply of new homes across the plan period will be matched with the existing housing demand. The 2016 SHMA for York reveals that the highest level of demand for market housing in the city is for 2 and 3-bedroom family homes. There is also significant unmet demand for bungalows amongst retirees seeking to downsize.
- 3.18 According to local letting agents surveyed for the SHMA, the crucial gap in supply is for good quality family homes. However, there is no perceived shortage of flats or apartments. Based on projections of additional households between the years of 2012 and 2032, the SHMA also indicates that greatest need for market dwellings is for 3-bedroom homes, at 39.2% of additional dwellings. This is followed by two-bedroom homes (37.7%) and 4-bedroom homes (16.5%). The need for 1-bedroom dwellings is comparatively low at 6.6%.
- 3.19 So whereas the Plan appears to be reliant on the higher densities provided by apartment living to make a significant contribution to the overall supply of housing, the evidence presented in the SHMA suggests that this is not where the main area of demand lies.
- 3.20 To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, the advice contained within Paragraph 50 of the NPPF is that local planning authorities should:
- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
  - identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

- 3.21 In its current form, it is not clear how the Preferred Sites and their associated yields will address this requirement. The Council has limited powers to implement the densities that they are proposing, if they are not considered to be appropriate for the market.

### **Safeguarded Land**

- 3.22 Paragraph 85 of the NPPF advises that when defining Green Belt boundaries for the first time, local planning authorities should identify areas of 'safeguarded land' between the urban area and the Green Belt, to meet longer-term development needs beyond the plan period and make clear that the safeguarded land is not allocated for development at the present time.
- 3.23 As the preparation of the Local Plan has been drawn out over the past 20 years, some considerable confusion surrounds the status of the Green Belt. Much of the commentary relating to the Green Belt speaks from a position that assumes the Green Belt boundaries are fixed in an adopted plan and that any suggestion that sites should be allocated for development will result in land being taken out of the Green Belt.
- 3.24 This is, however, an erroneous assumption because the Green Belt boundaries around York are being defined (or established) for the first time. They are not being altered. In other words, it is not a question of what land should be taken out of the Green Belt. The Council is at the point of deciding what land should not be included in the Green Belt in order to meet the identified requirements for sustainable development.
- 3.25 Critically, the Council will have to demonstrate to a Local Plan Inspector that the Green Belt boundaries will not have to be altered at the end of the plan period. It can do this by including areas of safeguarded to meet development need beyond the plan period. The 2013 Preferred Options Draft Local Plan sensibly included a reasonable amount of safeguarded land to ensure the proposed Green Belt Boundaries would remain permanent beyond the Plan period. Unfortunately, this approach appears to have been abandoned in the latest preferred sites consultation, which is a weakness of the document.

### **Summary**

- 3.26 The above analysis demonstrates that the current approach creates a significant risk that there will be a shortfall in the total number of houses to be provided across the various allocations. To avoid this scenario, the Local Plan should allocate additional land for residential development and identify safeguarded land. This will provide greater flexibility in the way that individual sites are brought forward so that they can respond to housing needs, demand and the surrounding context.



3.27 Crucially, without additional housing land allocations the Green Belt boundaries cannot be confirmed, as the Council would not be able to demonstrate that its boundaries will endure beyond the plan period, thus failing one of the fundamental objectives for Green Belt Policy as set out in Paragraph 83 of the NPPF. On the previous occasions that Planning Inspectors have considered the Council's Draft Development Plan for the city in 2000 and 2010, each Inspector has concluded that the Green Belt could not be confirmed due to inadequate development land being identified. This is also the case with the current plan.

#### 4.0 REPRESENTATIONS

##### **(i) The need to allocate additional land for residential development**

4.1 Section 2 of this Statement includes an assessment of York's housing needs over the 16-year period of the Local Plan and the five years beyond it. This concludes that the Council's calculation of need is significantly flawed, and that as a result the housing requirement for the plan period in the Pre-Publication Draft Plan falls nearly 7,500 units short of the more realistically assessed figure of 16,452 units.

4.2 In Section 3, the focus switches to the general and strategic housing allocations that have been included within the Pre-Publication Draft Plan. The key messages to be taken from this analysis are:

- The Council is relying on a small number of strategic housing sites to deliver the necessary housing provision, but the long lead-in times for development of these sites means that they will be faced with a shortfall of delivery, particularly in the early years of the Plan
- This means that the housing policies in the Plan would immediately be out of date (due to the lack of a 5-year deliverable housing land supply) if it were to be adopted in its current form
- The Plan's focus on high-density development will inevitably lead to an increase in the number of flatted schemes, despite the SHMA for York identifying that the main area of need is in the provision of 2- and 3-bed family homes

4.3 Both of these exercises serve to illustrate the fundamental need for the Council to allocate additional land for residential development if the Local Plan is to meet the housing needs of the city and establish a permanent Green Belt boundary. The requirement for additional flexibility is amplified by the absence of any safeguarded land within the Draft Plan. In this context, the case for the allocation of the land at Moor Lane is set out below.

**(ii) Proposed Site**

- 4.4 The proposed site is shown edged in red on the attached Location Plan (Appendix 2). It measures 15.34ha and is located to the west of Moor Lane to the southwest of the developed limits of Copmanthorpe village. The centre of the site is approximately 800m from the village centre.
- 4.5 The site is currently in agricultural use, with access gained via a field access from Moor Lane at the easternmost boundary of the site and from a field access from Low Westfield Road at the northern boundary. Moor Lane is stopped-up approximately 200m to the south of the site, where the East Coast Main Line passes on a southwest-northeast axis.
- 4.6 The site is bounded by agricultural land to the north and west, a local nature reserve to the southeast, Moor Lane to the east and a field to the northeast. The land to the immediate west of the site is also in the ownership of Mr Ibbotson. Residential development forming the southwest edge of the village developed limits is 50m from the northeast boundary of the site. A number of mature trees are sited along the site boundaries, and hedgerows define its borders with Moor Lane and Low Westfield Road.

**(iii) Background**

- 4.7 Previous representations for the site made on Mr Ibbotson's behalf have proposed that his land should be allocated for housing, and demonstrated that the Moor Lane site could accommodate a residential development of approximately 350 dwellings (based on a developable area of 60% of the 15.34ha site area, at a density of approx. 40 dwellings per ha).
- 4.8 The site, together with an adjoining land area to the north, formed a 22ha site (ref. SF5) which was designated as safeguarded land in the 2014 Publication Draft Local Plan, i.e. land to be held in reserve which could be brought forward in part or as a whole should they be required for development at the time of Plan review.
- 4.9 A number of other sites in close proximity to SF5 were allocated for housing in the Publication Draft Local Plan, as outlined below;

**Copmanthorpe Housing Allocations, 2014 Publication Draft Local Plan**

Location	Ref.	Site Size	Estimated Yield (Dwellings)	Estimated Phasing
Land at Manor Heath Road	ST12	20.08ha	421	Lifetime of the Plan (Years 1-16)
Land at Moor	ST13	5.61ha	125	Short Term

Lane				(Years 1-5)
Land at Moor Lane	H29	2.65ha	74	Short Term (Years 1-5)
West Fields	H40	0.82ha	26	Long Term (Years 11-16)

4.10 A further small site within existing settlement boundaries, Site H43, was also proposed for allocation, bringing the total number of dwellings proposed for Copmanthorpe in the 2014 Draft Plan to 654.

4.11 The 2014 Local Plan Draft illustrates that the Council has previously identified Copmanthorpe as a village that would be capable of supporting growth. Furthermore, the 2014 Publication Draft recognised that Safeguarded Land Site SF5 would be the most logical proposal to enable expansion of the village should this be required, and as such it has formerly been acknowledged that development of the proposed site for housing would be an appropriate land use.

**(iv) Copmanthorpe Allocations in the Publication Draft Local Plan, 2018**

4.12 Of the sites proposed for allocation in the 2014 Draft Plan, only Site H29 has been retained, which is now proposed for 88 homes despite the site area remaining at 2.65ha. A new strategic site (ST31) to the north east corner of Copmanthorpe has been included in the proposed allocations, and is identified as having potential to deliver 158 homes. The total number of houses proposed for Copmanthorpe in the Pre-Publication Draft therefore stands at 246. As noted above, safeguarded land is no longer proposed to be designated in the Plan.

4.13 The 2016 Draft Preferred Sites Consultation document stated that sites ST12, ST13 and H40 were removed from the proposed housing allocations because the sites variously perform a green belt function, would extend the built edge of Copmanthorpe to the west into open countryside, and/or would have a lack of containment to their western boundaries with agricultural land beyond. These issues would also be relevant to assessment of Mr Ibbotson's land at Moor Lane.

4.14 However, as outlined above, it is expected that further assessment of the housing requirements and housing yields for the proposed allocations will establish that additional sites must be allocated by the Council. Given the lack of viable brownfield sites in York, consideration of additional sites will necessarily have to include greenfield sites outside existing settlement limits, such as the proposed site and those formerly allocated on the western edge of Copmanthorpe. It should also be noted that there are

site specific issues relating to proposed site ST31 which could affect the deliverability of this allocation.

- 4.15 In adding Site ST31 to the housing allocation, the Council noted the site is included in the emerging Copmanthorpe Neighbourhood Plan, and that support for the principle of housing on the site was received from Copmanthorpe Parish Council. However, the emerging Neighbourhood Plan proposed only a limited development of the site, which would use 3ha of the land to deliver a maximum of 75 units, as opposed to the 158 in the draft Local Plan. The Pre-Publication Consultation Statement (February 2018) confirms the Parish Council object to the 8.1ha ST31 site allocated in the Publication Draft.
- 4.16 Furthermore, Historic England has outlined its strong objection in principle to any land comprising Site ST31 being allocated for development in the Local Plan. It considers that development of the land would harm a number of elements which contribute to the special character and setting of the City, and has commented that;
- the site forms part of a swathe of open countryside south of the ring road
  - development of the site would have a harmful impact on the relationship of Copmanthorpe with the City of York, in which the village is currently identifiable as a freestanding settlement
  - development of the site would further reduce the gap between York's urban area and Copmanthorpe which, with the cumulative impact of the Park and Ride site at Askham Bar, would be reduced to less than 1km
- 4.17 Historic England holds that it is not possible to mitigate against this identified harm to the special character and setting of the City, and as such recommends that the site be deleted entirely from the proposed allocations.
- 4.18 It is considered that development of the site at Moor Lane would have no such adverse impacts in relation to the need to preserve the setting and special historic character of York, or preventing coalescence between towns. It should also be recognised that no objections or negative comments on the proposed housing sites to the west of Copmanthorpe were received from Historic England (then English Heritage) as part of its consultation responses to the Preferred Options document in July 2013. As such, the land at Moor Lane and adjacent sites to the west of Copmanthorpe would offer comparatively better land for allocation than ST31 in context of planning policy relating to the purposes of the Green Belt and the Council's own evidence base on the need to protect the historic character and setting of York.

**(v) Suitability of the Proposed Site for Allocation**

- 4.19 Given these circumstances, the proposed site would make a valuable contribution to York's housing need. The site would form a logical extension to Copmanthorpe village, and could be developed separately or as part of an integrated development in conjunction with other adjacent sites, presenting opportunities for new facilities and services serving the village.
- 4.20 The site is viable and deliverable, and Mr Ibbotson is committed to making the site available for development in the short- to medium-term. It is also noted that the site would redress the consultation document's lack of new housing sites in the southwest of the City, helping to ensure choice and competition in the market for land. It is further held that any issues relating to containment and definition of its boundaries could be addressed, and that there are no access or other technical issues which would preclude development as outlined below.

Layout

- 4.21 An indicative Land Use Plan (ref. 050 Rev. P2) has previously been produced to illustrate how the site could accommodate a residential development of 350 dwellings based on a developable area of 9.2ha (60% of the 15.34ha site area) and an average density of around 40 dwellings per hectare.
- 4.22 An Area Land Use Plan (ref. 002 Rev. P2) shows how the site could be developed with an access from Moor Lane and primary road running through the site and connecting with formerly allocated site ST13, the remainder of Safeguarded Site SF5 and site ST12. Both these plans are included in Appendix 3 of this statement.

Design and Conservation

- 4.23 The land is not an area of importance to the City's character and setting, and has no significant effects on views of York or from York. Historic England has not objected to the proposed allocation of sites to the west of Copmanthorpe, as it has for proposed strategic site ST31. The Council has in previous stages of Local Plan preparation identified the area to the west of the Copmanthorpe as the most logical area for extension of the village.
- 4.24 Development of the site, and the other adjacent sites, would necessarily intrude into open agricultural land and form an extension of the built edge of Copmanthorpe. However, the visual impact of the proposal would be limited to the local area, and could be mitigated by retaining existing and providing new landscaping including hedgerow and tree planting. This would provide a comprehensive landscaped buffer along the western edge of the site, and create a defined and defensible boundary to the

development. Proposals for the site would also ensure the Site of Local Interest for Nature Conservation is protected, and opportunities can be explored to enhance biodiversity and connectivity to the wider natural environment.

- 4.25 The site is not within an Area of Archaeological Importance, although an archaeological study would be provided as part of further assessment of the site.

#### Highways

- 4.26 A Transport and Access Appraisal has previously been submitted which confirms that a vehicular point of access from Moor Lane can be provided, and is within land under the control of the landowner and/or adopted highway. The access would require minor associated highway improvements (i.e. local road-widening of Moor Lane), which would be delivered as part of development of the site. Additional upgrades to the standard of Moor Lane would also be delivered if the formerly allocated sites ST13 and H29 if they were to be included in the Plan and developed.

- 4.27 The Transport Appraisal provided an assessment of the estimated traffic generation resulting from a residential development of 350 dwellings at the site, as well as an assessment of the cumulative impact from the development of the proposed site together with formerly allocated Sites ST13 and H29. It concluded that the impact of the additional development traffic would be adequately accommodated on the adjacent road network, and would have no adverse impact on the safe and free flow of traffic.

#### Access by Other Modes

- 4.28 The village is currently served by a bus route running between Leeds, York and the North Yorkshire coast, and the site is 400m from existing bus stops. Development of the adjacent allocated sites would improve the business case for more frequent bus services to promote sustainable travel. Dedicated off- and on-road cycle facilities are available between Copmanthorpe village and York city centre.

- 4.29 A subsequent Travel Plan for the site would explore options to integrate the site with the surrounding area for walking and cycle journeys to the local facilities. It would also encourage greater use of public transport to minimise the number of car trips generated, e.g. through use of local bus services and the Askham Bar Park and Ride facility.

#### Open Space

- 4.30 The proposals allow scope for significant areas of formal open space within the site, as well as for informal amenity open space along its southern boundary. The Land Use Plan illustrates that a development of 350 dwellings can be achieved with on-site

provision for informal amenity open space and children's equipped playspace that is in excess of Council requirements. It is calculated that there would be a requirement for 1.5ha for sports pitches, which could be provided with other development sites or covered by an arrangement for off-site provision.

#### Access to Services

- 4.31 The site is close to a range of retail and other facilities located in the village centre less than 800m distant. Two GP surgeries and two churches are within 800m of the site and the Copmanthorpe Recreation Ground and play area is within 1km of the site. Additional local services could be prompted in conjunction with the other allocated sites.

#### Education

- 4.32 The site is 1km from Copmanthorpe Primary School on Low Green. New provision of primary education facilities could be provided at the site of the existing school, and/or at a new site to the west of the village, with contributions from developers of proposed housing sites to the west. Potential sites for a new school are identified on the Area Land Use Plan.
- 4.33 The site is approximately 6km from Millthorpe Secondary School, which is understood to have some capacity for expansion. The proposed development would provide critical mass and significant developer contributions to assist in delivering any potential expansion of the school, and would offer the possibility of contributions to improved bus and cycle links to the school.

#### Flooding and Drainage

- 4.34 The site is in Flood Zone 1 and is therefore not located within a high flood risk zone. A housing use of the site would be considered as appropriate development of the site. Development would incorporate Sustainable Drainage Systems (SUDS) and would not allow outflow from ground water and/or land drainage to enter public sewers.

## 5.0 CONCLUSIONS

- 5.1 This representation is provided following assessment of the City of York Council Publication Draft Local Plan. It considers that the Council's overall assessment of its housing requirement is significantly flawed, and casts considerable doubt over whether those housing allocations that are proposed could deliver the number of dwellings identified.

- 5.2 It is considered that alternative sites will need to be allocated by the Council in order to meet an increased housing requirement and to deliver more realistic housing yields from allocated housing sites.
- 5.3 Strategic Site S31, which represents 158 of the 248 houses proposed for Copmanthorpe during the plan period, faces objections from Copmanthorpe Parish Council, and Historic England strongly maintain the entire site should be deleted from land allocated for development due to the resulting harm to the special character and setting of York.
- 5.4 In this context, it is maintained that the proposed site at Moor Lane should be considered for allocation as housing in the Local Plan. The site continues to represent a suitable, available and viable housing site and would provide a significant level of housing, at approximately 350 units, to make a valuable contribution to York's housing need.
- 5.5 The site has no abnormal development costs or infrastructure constraints, has a willing landowner committed to making the site available in the short- to medium-term, and would contribute to delivery of housing within the first 5 years of the plan. It also offers flexibility for it to be delivered either in isolation or as part of an integrated development with adjacent proposed sites to form a logical and sustainable extension to Copmanthorpe's settlement limits with potential enhancement of village services and facilities. Development of the site would also represent a more suitable extension of Copmanthorpe than site ST15, in context of planning policy relating to the purposes of the Green Belt and the Council's own evidence base on the need to protect the historic character and setting of York.

ymlc1803.lpreps.ph  
March 2018



# APPENDIX I

Local Plan Publication Draft Comments Form



# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name		Philip
Last Name		Holmes
Organisation (where relevant)		O'Neill Associates
Representing (if applicable)		Mr M Ibbotson
Address – line 1		Lancaster House
Address – line 2		James Nicolson Link
Address – line 3		Clifton Moor
Address – line 4		York
Address – line 5		
Postcode		YO30 4GR
E-mail Address		<a href="mailto:p.holmes@oneill-associates.co.uk">p.holmes@oneill-associates.co.uk</a>
Telephone Number		01904 692313

Representations must be received by Wednesday 4 April 2018, up until midnight.  
Representations received after this time will not be considered duly made.

# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Electronic copies of this form are available to download at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or you can complete the form online at [www.york.gov.uk/consultations](http://www.york.gov.uk/consultations)

## What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or use our online consultation form via <http://www.york.gov.uk/consultations>. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

## Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

## Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).
- City of York Council West Offices
- In all libraries in York.

# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

Not applicable to our representations.

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

**5.(1) Do you consider the document is Sound?**Yes  No 

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)Positively prepared  Justified Effective  Consistent with national policy **5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph no.

Policy

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

**After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

See representations statement ref. *ymlc1803.lpreps.ph*, dated March 2018.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

## Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.<sup>1</sup> The Council must also notify those on the database at certain stages of plan preparation under the Regulations.<sup>2</sup>

## Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.<sup>3</sup>

## Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at [haveyoursay@york.gov.uk](mailto:haveyoursay@york.gov.uk) or on [01904 554145](tel:01904554145)

Signature 

Date

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

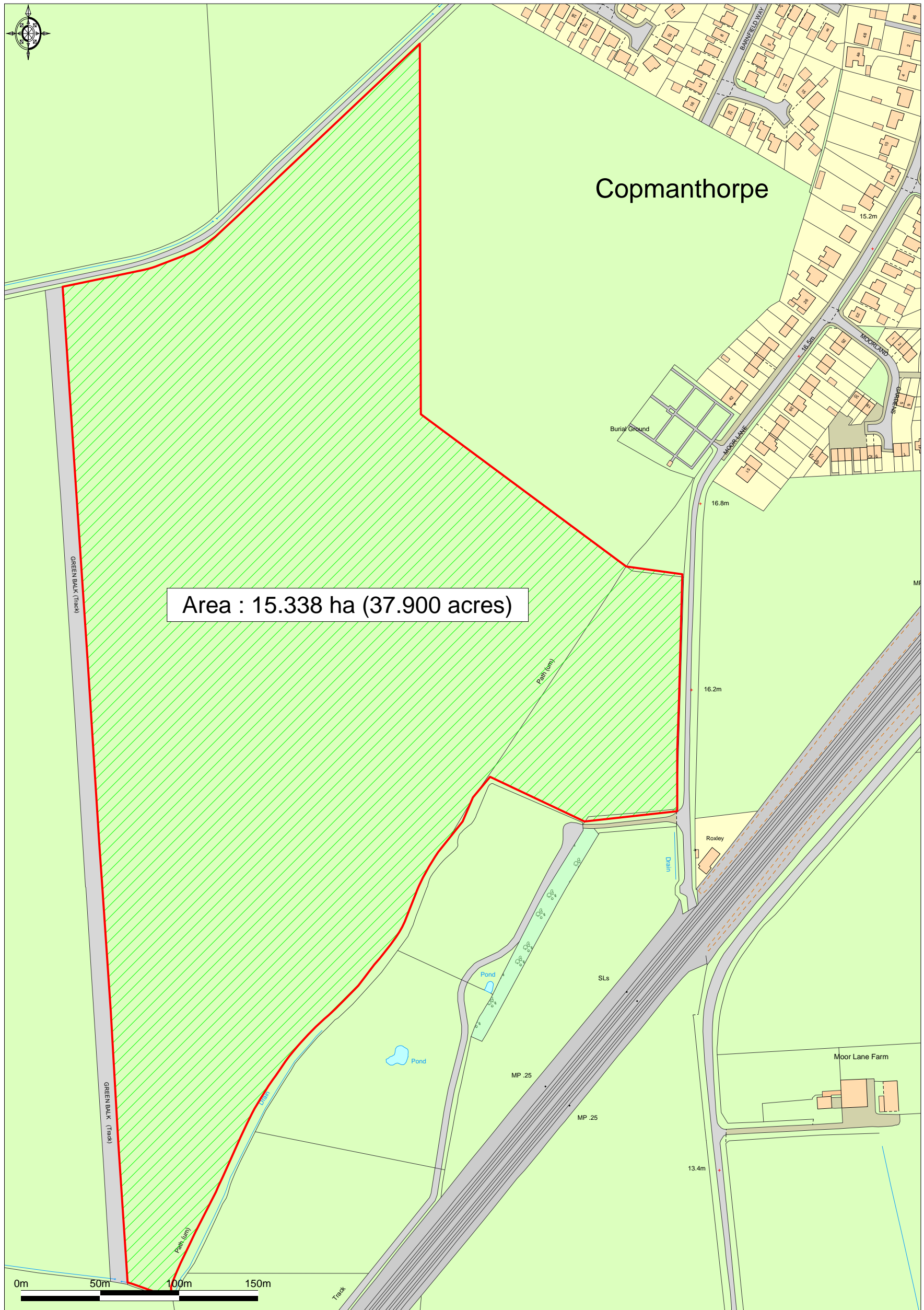
<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

# APPENDIX 2

## Location Plan



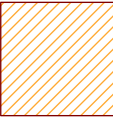


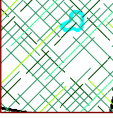

Location Plan - Land to the west of Moor Lane, Copmanthorpe

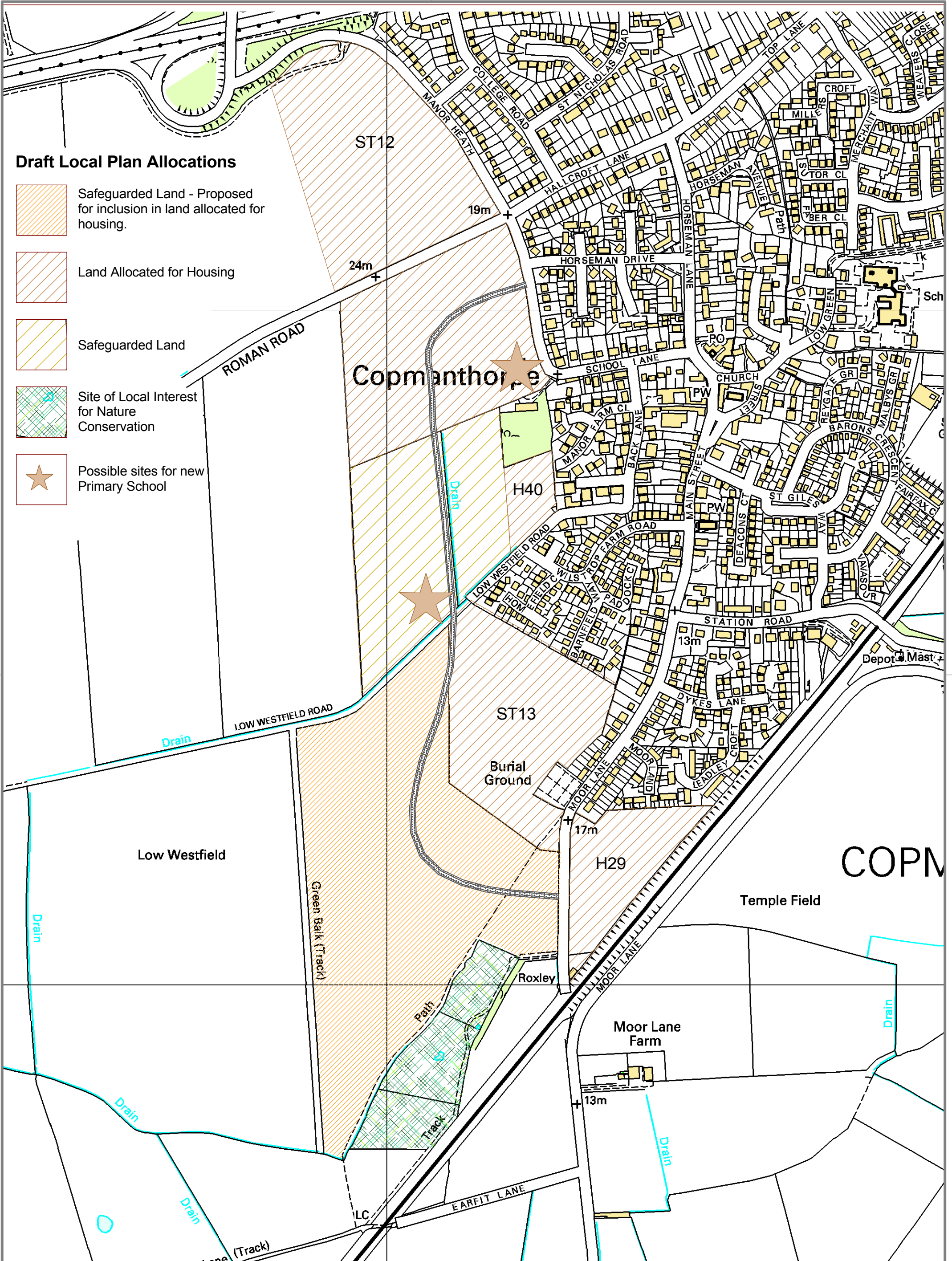


# APPENDIX 3

## Indicative Land Use Plans

**Draft Local Plan Allocations**

-  Safeguarded Land - Proposed for inclusion in land allocated for housing.
-  Land Allocated for Housing
-  Safeguarded Land
-  Site of Local Interest for Nature Conservation
-  Possible sites for new Primary School



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Client:  
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

Project Title:  
**Land West of Moor Lane, Copmanthorpe**

Drawing Title:  
**Indicate Area Land Use Plan**




Scale @ A3: <b>1:5,000</b>	Date: <b>13-07-19</b>	Drawn: <b>con</b>
Project Ref: <b>ML-C</b>	Drawing No: <b>002</b>	Status & Rev: <b>P2</b>

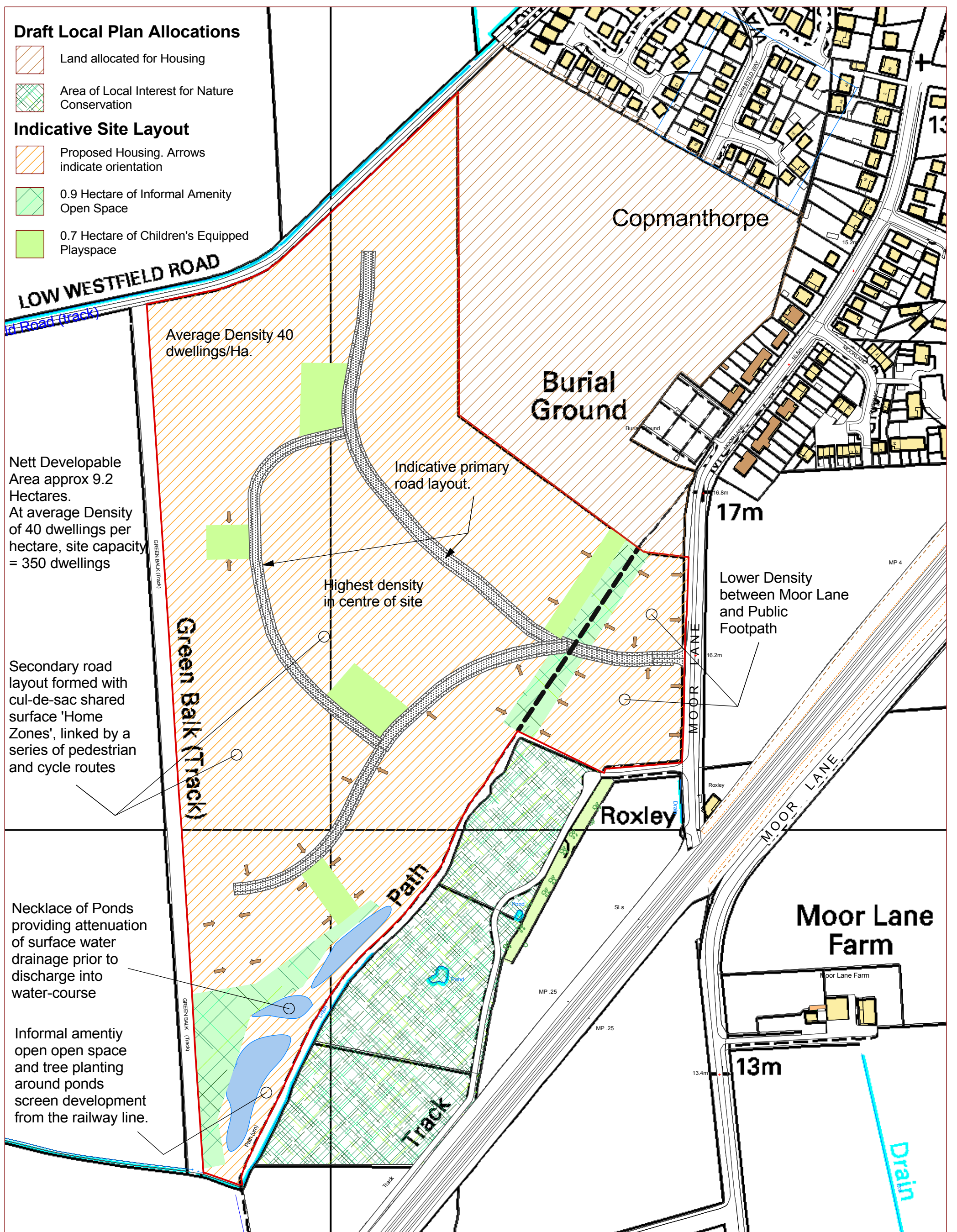


**Draft Local Plan Allocations**

-  Land allocated for Housing
-  Area of Local Interest for Nature Conservation

**Indicative Site Layout**

-  Proposed Housing. Arrows indicate orientation
-  0.9 Hectare of Informal Amenity Open Space
-  0.7 Hectare of Children's Equipped Playspace



Average Density 40 dwellings/Ha.

Nett Developable Area approx 9.2 Hectares.  
At average Density of 40 dwellings per hectare, site capacity = 350 dwellings


Secondary road layout formed with cul-de-sac shared surface 'Home Zones', linked by a series of pedestrian and cycle routes

Necklace of Ponds providing attenuation of surface water drainage prior to discharge into water-course

Informal amenity open open space and tree planting around ponds screen development from the railway line.

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Client:  
**O'Neill Associates**

Project Title:  
**Land West of Moor Lane, Copmanthorpe**

Drawing Title:  
**Indicate Land Use Plan**

Scale @ A3: <b>1:2500</b>	Date: <b>13-07-22</b>	Drawn: <b>con</b>
Project Ref: <b>ML-C</b>	Drawing No: <b>050</b>	Status & Rev: <b>P2</b>

## APPENDIX 4

### Analysis of Proposed Allocations and Expected Rates of Delivery

Ref	Site	Site Area	Yield	Timing	Density	Years 1 to 5	Years 6-10	Years 11-16	Years 17-21
H1	Former Gas Works, 24 Heworth Green (Phase 1)	2.87	271	Short Term (Years 1 -5)	94.43	100	171		
H1	Former Gas works, 24 Heworth Green (Phase 2)	0.67	65	Medium Term (Years 6-10)	97.01		65		
H3	Burnholme School	1.90	72	Short Term (Years 1 -5)	37.89	72			
H5	Lowfield School	3.64	162	Short to Medium term (Years 1 -10)	44.51	80	82		
H6	Land R/O The Square Tadcaster Road	1.53	0	Short to Medium Term (Years 1 -10)	0.00				
H7	Bootham Crescent	1.72	86	Short to Medium Term (Years 1 -10)	50.00	46	40		
H8	Askham Bar Park & Ride	1.57	60	Short Term (Years 1 -5)	38.22	60			
H10	The Barbican	0.96	187	Short Term (Years 1 -5)	194.79	187			
H20	Former Oakhaven EPH	0.33	56	Short Term (Years 1 -5)	169.70	56			
H22	Former Heworth Lighthouse	0.29	15	Short Term (Years 1 -5)	51.72	15			
H23	Former Grove House EPH	0.25	11	Short Term (Years 1 -5)	44.00	11			
H29	Land at Moor Lane Copmanthorpe	2.65	88	Short to Medium Term (Years 1 -10)	33.21	88			
H31	Eastfield Lane Dunnington	2.51	76	Short to Medium Term (Years 1 -10)	30.28	76			
H38	Land RO Rufforth Primary School Rufforth	0.99	33	Short to Medium Term (Years 1 -10)	33.33	33			
H39	North of Church Lane Elvington	0.92	32	Short to Medium Term (Years 1 -10)	34.78	32			
H46	Land to North of Willow Bank and East of Haxby Road, New Earswick	2.74	104	Short to Medium Term (Years 1 -10)	37.96	104			
H52	Willow House EPH, Long Close Lane	0.20	15	Short Term (Years 1 -5)	75.00	15			
H53	Land at Knapton Village	0.33	4	Short Term	12.12	4			
H55	Land at Layerthorpe	0.20	20	Short Term (Years 1 -5)	100.00	20			
H56	Land at Hull Road	4.00	70	Short Term (Years 1 -5)	17.50	70			
H58	Clifton Without Primary School	0.70	25	Short Term (Years 1 -5)	35.71	25			
H59	Queen Elizabeth Barracks – Howard Road, Strensall	1.34	45	Short to Medium term (Years 1 -10)	33.58		45		
ST1	British Sugar/Manor School	46.30	1200	Lifetime of the Plan (Years 1-16)	25.92	0	600	600	
ST2	Former Civil Service Sports Ground Millfield Lane	10.40	266	Short to Medium Term (Years 1 -10)	25.58	166	100		
ST4	Land adj. Hull Road & Grimston Bar	7.54	211	Short to Medium Term (Years 1 -10)	27.98	111	100		
ST5	York Central	35.00	1700	Lifetime of the Plan and Post Plan period (Years 1-21)	42.86	0	500	600	600
ST7	Land East of Metcalfe Lane	34.50	845	Lifetime of the Plan (Years 1 -16)	24.49	200	295	350	
ST8	Land North of Monks Cross	39.50	968	Lifetime of the Plan (Years 1 -16)	24.51	250	300	418	
ST9	Land North of Haxby	35.00	735	Lifetime of the Plan (Years 1 -16)	21.00	150	285	300	
ST14	Land to West of Wigginton Road	55.00	1348	Lifetime of the Plan and Post Plan period (Years 1 -21)	25.16	200	400	400	348
ST15	Land to West of Elvington Lane	159.00	3339	Lifetime of the Plan and Post Plan period (Years 1 -21)	21.00	300	900	900	900
ST16	Terrys Extension Site – Terry’s Clock Tower (Phase 1)	2.18	22	Short to Medium Term (Years 1-5)		22			
ST16	Terry’s Extension Site – Terry’s Car Park (Phase 2)		33	Short to Medium Term (Years 1 – 10)			33		
ST16	Terry’s Extension Site – Land to rear of Terry’s Factory (Phase 3)		56	Short to Medium Term (Years 1 – 10)			56		
ST17	Nestle South (Phase 1)	2.35	263	Short to Medium Term (Years 1 -10)	111.91	100	163		
ST17	Nestle South (Phase 2)	4.70	600	Medium to Long Term (Years 6 – 15)	127.66		300	300	
ST31	Land to the South of Tadcaster Road, Copmanthorpe	8.10	158	Short to Medium Term (Years 1-10)	19.51	50	108		
ST32	Hungate (Phases 5+)	2.17	328	Short to Medium Term (Years 1-10)	151.15	128	200		
ST33	Station Yard, Wheldrake	6.00	147	Short to Medium Term (Years 1-10)	24.50	47	100		
ST35**	Queen Elizabeth Barracks, Strensall	28.80	500	Medium to Long Term (Years 6-15)	20.07		200	300	
ST36**	Imphal Barracks, Fulford Road	18.00	769	Post Plan period (Years 16-21)	42.72				769
		526.85	14985			2,818	5,043	4,168	2,617

## APPENDIX 5

City of York Objective Assessment of Housing Needs, Technical Report –  
Nathaniel Lichfield & Partners, July 2016



Nathaniel Lichfield  
& Partners  
Planning. Design. Economics.

**City of York Objective Assessment of  
Housing Needs**

**Technical Report**

Shirethorn Limited

8 July 2016

50644/MW/CR

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## 1.0 Introduction

- 1.1 This report has been prepared by Nathaniel Lichfield & Partners (NLP) on behalf of Shirethorn Limited (“Shirethorn”). The report provides objective evidence on the local need and demand for housing in the City of York and its Housing Market Area [HMA]. This work provides housing need evidence to support a forthcoming Section 78 appeal concerning the refusal of planning permission for the development of a 0.6 ha Green Belt site in Strensall, York.
- 1.2 This report is prepared in the context of Shirethorn’s land interests in the City of York but does not consider site-specific issues. Rather, it establishes the scale of need for housing in the City of York based upon a range of housing, economic and demographic factors, trends and forecasts, based on the application of NLP’s HEaDROOM framework.
- 1.3 HEaDROOM is NLP’s bespoke framework for identifying locally generated housing needs and, since its conception in July 2010, has been applied in over one hundred and fifty studies across the country, including on behalf of a number of Local Authorities in evidence based studies (including SHMAs), to underpin their Local Plan processes.
- 1.4 This report is set out as follows:
- **Section 2.0** - This section considers the approach which needs to be taken to calculating Objectively Assessed Housing Need [OAHN] and sets out the requirements of the Framework, the Practice Guidance and relevant High Court judgments in this context;
  - **Section 3.0** - This section provides a critique of the 841 dwellings per annum [dpa] identified as the City of York’s OAHN in the June 2016 Strategic Housing Market Assessment [SHMA] for the City, and the subsequent SHMA Addendum (also June 2016) which recommended a broader OAHN range of 706 dpa to 898 dpa. This Section sets out the extent to which the two documents fulfil the necessary requirements previously discussed and whether they represent the full, objectively assessed housing need for the City of York;
  - **Section 4.0** – Sets out the approach taken by NLP to define a new OAHN for the City of York, using the latest demographic evidence and economic forecasts and affordable housing needs;
  - **Section 5.0** - provides an analysis of market signals in the City;
  - **Section 6.0** – identifies a revised OAHN for the City of York, based on NLP’s PopGroup modelling;
  - **Section 7.0** – Finally, this section summarises the key issues within the SHMA and subsequent Addendum and sets out why it is not compliant with the requirements for an OAHN calculation.

## 2.0 Approach to Identifying OAHN

### Introduction

- 2.1 This section sets out the requirements of the Framework and the Practice Guidance in objectively assessing housing needs. This will provide the benchmark against which the SHMA and subsequent Addendum will be assessed, to ensure the necessary requirements are met. In addition, relevant High Court judgments have been referenced to set out the requirements of an OAHN calculation in a legal context.

### Policy Context

#### The Framework

- 2.2 The Framework outlines a two-step approach to setting housing requirements in Local Plans. Firstly, to define the full objectively assessed need for development and then secondly, to set this against any adverse impacts or constraints which would mean that need might not be met. This is enshrined in the approach defined in the Framework which sets out the presumption in favour of sustainable development:

*“For plan-making this means that:*

- *LPAs should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.”* [§14]

- 2.3 The Framework goes on to set out that in order to 'boost significantly' the supply of housing, LPAs should:

*"use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the framework..."* [§47]

- 2.4 The Framework sets out the approach to defining such evidence which is required to underpin a local housing requirement. It sets out that in evidencing housing needs:

*“LPAs should have a clear understanding of housing needs in their area. They should:*

- *prepare a SHMA to assess their full housing needs, working with*

*neighbouring authorities where housing market areas cross administrative boundaries. The SHMA should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:*

- *meets household and population projections, taking account of migration and demographic change;*
- *addresses the need for all types of housing, including affordable housing and the needs of different groups in the community...; and*
- *caters for housing demand and the scale of housing supply necessary to meet this demand...”* [§159]

2.5 Furthermore, the core planning principles set out in the Framework [§17] indicate that a planned level of housing to meet objectively assessed needs must respond positively to wider opportunities for growth and should take account of market signals, including housing affordability.

2.6 The Framework [§215] sets out that following 12-months from the publication of the Framework, only due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The Framework and associated Practice Guidance are explicit that plans and subsequently the policies contained within:

- should be kept up-to-date; and
- meet the objectively assessed needs of the area.

## **The Practice Guidance**

2.7 The Framework is supplemented by the Practice Guidance which provides an overarching framework for considering housing needs, but also acknowledges that:

*“There is no one methodological approach or use of a particular dataset(s) that will provide a definitive assessment of development need”<sup>1</sup>.*

2.8 The Guidance states that household projections published by CLG should provide the starting point estimate of overall housing need<sup>2</sup>.

2.9 Although the Practice Guidance notes that demographic trends should be applied as a starting point when assessing the OAHN, it goes on to state that consideration should also be given to the likely change in job numbers. This supports the importance that the Framework [§158] places on the economy and the requirement to *“ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals”*. A failure to take account of economic considerations in the determination of the OAHN would be inconsistent with this policy emphasis.

---

<sup>1</sup> 2a-005-20140306

<sup>2</sup> 2a-015-20140306

2.10 The Inspector at the Fairford Inquiry<sup>3</sup> recognised the role of economic factors in the assessment of the OAHN for Cotswold District:

*“The Council has not provided a figure for OAN which takes account of employment trends. The Council argues that the advice in the PPG does not require local planning authorities to increase their figure for OAN to reflect employment considerations, but only to consider how the location of new housing or infrastructure development could help address the problems arising from such considerations. I disagree. In my view, the PPG requires employment trends to be reflected in the OAN, as they are likely to affect the need for housing. They are not “policy on” considerations but part of the elements that go towards reaching a “policy off” OAN, before the application of policy considerations. There is no evidence that the Council’s figures reflect employment considerations” [IR. §19].*

2.11 This view reflects the position expressed by the Inspector (and confirmed by the Secretary of State) in the Pulley Lane Inquiries in Droitwich Spa<sup>4</sup>. The Inspector’s report (which was accepted by the SoS) states that:

*“The Council’s case that “unvarnished” means arriving at a figure which doesn’t take into account migration or economic considerations is neither consistent with the (Gallagher) judgment, nor is it consistent with planning practice for deriving a figure for objectively assessed need to which constraint policies are then applied. Plainly the Council’s approach is incorrect. Clearly, where the judgement refers to ‘unvarnished’ figures (paragraph 29) it means environmental or other policy constraints. There is nothing in the judgement which suggests that it is not perfectly proper to take into account migration, economic considerations, second homes and vacancies”. [IR. §8.45]*

2.12 Housing need, as suggested by household projections, should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings. Relevant signals may include land prices, house prices, rents, affordability (the ratio between lower quartile house prices and the lower quartile income or earnings can be used to assess the relative affordability of housing), rate of development and, overcrowding<sup>5</sup>:

*“Appropriate comparisons of indicators should be made. This includes comparison with longer term trends (both in absolute levels and rates of change) in the: housing market area; similar demographic and economic areas; and nationally. A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections.”<sup>6</sup>*

2.13 In areas where an upward adjustment is required, plan makers should set this

---

<sup>3</sup> Land South of Cirencester Road, Fairford (PINS Ref No: APP/F1610/A/14/2213318) (22 September 2014).

<sup>4</sup> Land at Pulley Lane, Newland Road and Primsland Way, Droitwich Spa (APP/H1840/A/13/2199085) and Land north of Pulley Lane, Newland Road and Primsland Way, Droitwich Spa (PINS Ref No: APP/H1840/A/13/2199426) (2 July 2014).

<sup>5</sup> 2a-019-20140306

<sup>6</sup> 2a-020-20140306

adjustment at a level that is reasonable. The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in affordability needed and, therefore, the larger the additional supply response should be<sup>7</sup>.

- 2.14 The Guidance recognises that market signals are affected by a number of economic factors, and plan makers should not attempt to estimate the precise impact of an increase in housing supply. Rather they should increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability, and monitor the response of the market over the plan period<sup>8</sup>.
- 2.15 The Practice Guidance concludes by suggesting that the total need for affordable housing should be identified and converted into annual flows by calculating the total net need (subtracting total available stock from total gross need) and converting total net need into an annual flow.
- 2.16 The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments:

*“An increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes.”<sup>9</sup>”*

### **Local Plan Experts Group Report to CLG (2016)**

- 2.17 The Local Plan Expert Group [LPEG], in its Report to the Secretary of State for Communities and Local Government in March 2016, recommended various changes to the Practice Guidance with the remit of considering how local plan-making could be made more efficient and effective.
- 2.18 Although very limited weight can be given to the LPEG approach given that it is not policy or endorsed by Government, it is at least helpful in seeking to understand the general ‘direction of travel’ of defining OAHN and what an appropriate response might be to define the influence of market signals and affordable housing needs.
- 2.19 LPEG recommends changes to the preparation of SHMAs and determination of OAHN. It proposes the following changes in approach:
- a If they wish, plan makers should continue to be able to plan for further growth beyond FOAHN by considering a “*policy on*” alignment with job growth in setting their housing requirement where this is greater than housing need, but this should not be part of OAHN;

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<sup>7</sup> 2a-020-20140306

<sup>8</sup> ibid

<sup>9</sup> ID: 2a-029-20140306



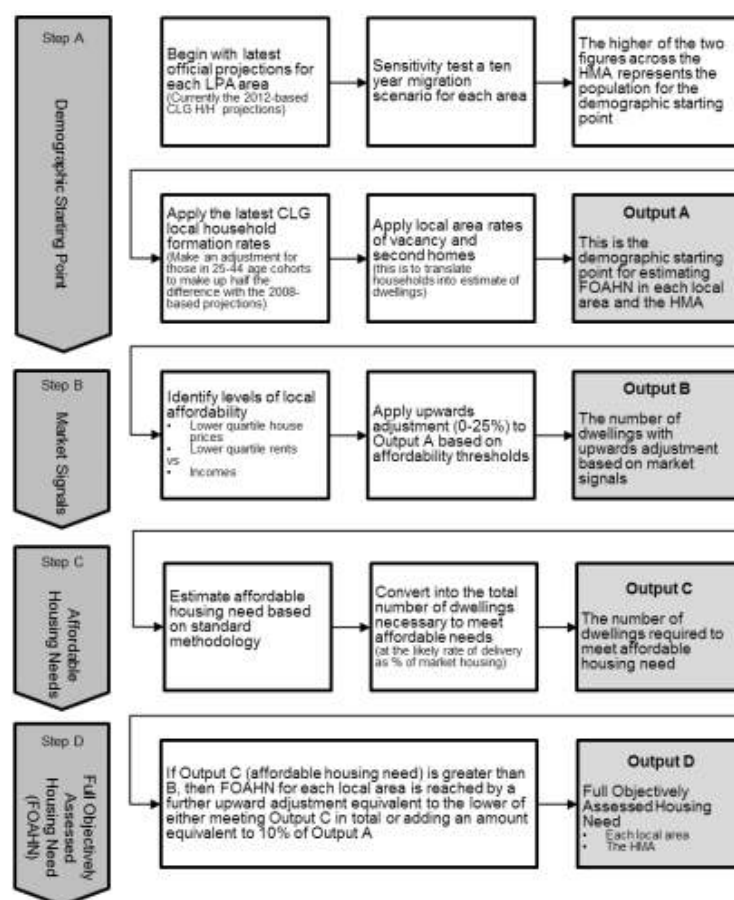
- b It places more emphasis on market signals (concentrating on the relationship between median quartile house prices and lower quartile rental values and wages) and provides guidance on the level of uplift to apply (0-25%), based on the scale of affordability pressure;
- c It provides clear guidance on how to respond to affordable housing need – but without suggesting that the OAHN should be increased to meet the affordable housing need in full;
- d Where the total number of homes that would be necessary to meet affordable housing need is greater than the adjusted demographic-led OAHN, then this figure should be uplifted by a further 10%. The 10% uplift is intended to provide a streamline approach that removes judgement and debate from the process of setting OAHN (as opposed to what might be the most accurate under current Practice Guidance);
- e It requires consideration of both the SNPP and 10-year trends in the assessment of the starting point requirement and states that the higher figure should be applied;
- f It specifically states that Unattributable Population Change<sup>10</sup> and other adjustments should not be applied unless there are exceptional reasons to do so; and,
- g It requires consideration to be given to an uplift in household formation rates – increasing the 25-44 cohorts to make up half the difference with the 2008-based projections.

2.20 The methodological approach proposed by the LPEG is set out Figure 2.1.

---

<sup>10</sup> Unattributable Population Change (UPC) is the population change between the 2001 and 2011 Censuses which cannot be attributed to births, deaths or migration. It is either a result of the mis-recording of migration or the mis-recording of one (or both) Censuses.

Figure 2.1 Proposed methodology for determination of OAHN.



Source: LPEG Appendix 6: Revised Practice Guidance Text

2.21 Applying the LPEG approach should be treated with caution at this stage given that it is not policy nor endorsed by Government and, in of itself, it will only be justified once/if the Practice Guidance is updated. It must also be seen in the context of the whole LPEG methodology and its purpose.

## Recent Legal Judgments

2.22 There have been several key recent legal judgments of relevance to the identification of OAHN for the purposes of a S.78 appeal, and which provide clarity on interpreting the Framework:

- ‘St Albans City and District Council v (1) Hunston Properties Limited and (2) Secretary of State for Communities and Local Government [2013] EWCA Civ 1610’ referred to as “Hunston”;
- ‘(1) Gallagher Homes Limited and (2) Lioncourt Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283’ referred to as “Solihull”;
- ‘Satnam Millennium Limited and Warrington Borough Council [2015] EWHC 370’ referred to as “Satnam”;

- ‘Kings Lynn and West Norfolk Borough Council v (i) Secretary of State for Communities and Local Government and (ii) Elm Park Holdings [2015] EWHC 1958’ referred to as “Kings Lynn”; and
- ‘West Berkshire District Council v (i) Secretary of State for Communities and Local Government and (ii) HDD Burghfield Common Ltd [2016] EWHC 267’ referred to as “Burghfield Common”.

## Hunston

2.23 “Hunston” goes to the heart of the interpretation of §47 of the Framework. It relates to an appeal decision in respect of a scheme predominantly comprising housing on a Green Belt site. Its relevance is that it deals with the question of what forms the relevant benchmark for the housing requirement, when policies on the housing requirement are absent, silent or out of date as referred to in §14 of the Framework.

2.24 Hunston establishes that §47 applies to decision-taking as well as plan-making and that where policies for the supply of housing are out of date, objectively assessed needs become the relevant benchmark.

2.25 Sir David Keene in his judgment at §25 stated:

*“... I am not persuaded that the inspector was entitled to use a housing requirement figure derived from a revoked plan, even as a proxy for what the local plan process may produce eventually. The words in paragraph 47(1), “as far as is consistent with the policies set out in this Framework” remind one that the Framework is to be read as a whole, but their specific role in that sub-paragraph seems to me to be related to the approach to be adopted in producing the Local Plan. If one looks at what is said in that sub-paragraph, it is advising local planning authorities:*

*“to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework.”*

*That qualification contained in the last clause quoted is not qualifying housing needs. It is qualifying the extent to which the Local Plan should go to meet those needs. The needs assessment, objectively arrived at, is not affected in advance of the production of the Local Plan, which will then set the requirement figure.”*

2.26 Crucially Hunston determined that it is clear that constraints should not be applied in arriving at an objective assessment of need. Sir David Keene in Hunston goes on to set out that (§26 and §27):

*“... it is not for an inspector on a Section 78 appeal to seek to carry out some sort of local plan process as part of determining the appeal, so as to arrive at a constrained housing requirement figure. An inspector in that situation is not in a position to carry out such an exercise in a proper fashion, since it is impossible for any rounded assessment similar to the local plan process to be done... It seems to me to have been mistaken to use a figure for housing requirements below the full objectively*

*assessed needs figure until such time as the Local Plan process came up with a constrained figure.*

*It follows from this that I agree with the judge below that the inspector erred by adopting such a constrained figure for housing need. It led her to find that there was no shortfall in housing land supply in the district. She should have concluded, using the correct policy approach, that there was such a shortfall. The supply fell below the objectively assessed five year requirement.”*

## **Solihull**

2.27 “Solihull” is concerned with the adoption of the Solihull Local Plan and the extent to which it was supported by a figure for objectively assessed housing need. Although related to plan-making, it again deals with §14 and §47 of the Framework and draws upon, and reiterates, the earlier Hunston judgment.

2.28 The judgment of Hickinbottom J in Solihull sets out a very useful summary of the staged approach to arriving at a housing requirement, providing some useful definitions of the concepts applied in respect of housing needs and requirements (§37):

*“As a preliminary point, it will be helpful to deal briefly with the different concepts and terms in play.*

*i) **Household projections:** These are demographic, trend-based projections indicating the likely number and type of future households if the underlying trends and demographic assumptions are realised. They provide useful long-term trajectories, in terms of growth averages throughout the projection period. However, they are not reliable as household growth estimates for particular years: they are subject to the uncertainties inherent in demographic behaviour, and sensitive to factors (such as changing economic and social circumstances) that may affect that behaviour...*

*ii) **Full Objective Assessment of Need for Housing:** This is the objectively assessed need for housing in an area, leaving aside policy considerations. It is therefore closely linked to the relevant household projection; but is not necessarily the same. An objective assessment of housing need may result in a different figure from that based on purely demographics if, e.g., the assessor considers that the household projection fails properly to take into account the effects of a major downturn (or upturn) in the economy that will affect future housing needs in an area. Nevertheless, where there are no such factors, objective assessment of need may be – and sometimes is – taken as being the same as the relevant household projection.*

*iii) **Housing Requirement:** This is the figure which reflects, not only the assessed need for housing, but also any policy considerations that might require that figure to be manipulated to determine the actual housing target for an area. For example, built development in an area might be constrained by the extent of land which is the subject of policy protection,*

*such as Green Belt or Areas of Outstanding Natural Beauty. Or it might be decided, as a matter of policy, to encourage or discourage particular migration reflected in demographic trends. Once these policy considerations have been applied to the figure for full objectively assessed need for housing in an area, the result is a “policy on” figure for housing requirement. Subject to it being determined by a proper process, the housing requirement figure will be the target against which housing supply will normally be measured.”*

2.29 Whilst this is clear that a housing requirement is a “policy on” figure and that it may be different from the full objectively assessed need, Solihull does reiterate the principles set out in Hunston, namely that where a Local Plan is out of date in respect of a housing requirement (in that there is no Framework-compliant policy for housing provision within the Development Plan) then the housing requirement for decision taking will be an objective assessment of need [§88]:

*“I respectfully agree with Sir David Keene (at [4] of Hunston): the drafting of paragraph 47 is less than clear to me, and the interpretative task is therefore far from easy. However, a number of points are now, following Hunston, clear. Two relate to development control decision-taking.*

*i) Although the first bullet point of paragraph 47 directly concerns plan-making, it is implicit that a local planning authority must ensure that it meets the full, objectively assessed needs for market and affordable housing in the housing market, as far as consistent with the policies set out in the NPPF, even when considering development control decisions.*

*ii) Where there is no Local Plan, then the housing requirement for a local authority for the purposes of paragraph 47 is the full, objectively assessed need.”*

2.30 Solihull also reaffirms the judgment in Hunston that full objectively assessed needs should be arrived at, and utilised, without the application of any constraining factors. At §91 of the judgment the judge sets out:

*“... in the context of the first bullet point in paragraph 47, policy matters and other constraining factors qualify, not the full objectively assessed housing needs, but rather the extent to which the authority should meet those needs on the basis of other NPPF policies that may, significantly and demonstrably outweigh the benefits of such housing provision.”*

### **Satnam**

2.31 “Satnam” highlights the importance of considering affordable housing needs in concluding on full OAHN. The decision found that the adopted OAHN figure within Warrington’s Local Plan was not in compliance with policy in respect of affordable housing because (as set out in §43) the assessed need for affordable housing need was never expressed or included as part of OAHN.

2.32 The decision found that the “proper exercise” had not been undertaken, namely:

*“(a) having identified the OAN for affordable housing, that should then be*

*considered in the context of its likely delivery as a proportion of mixed market/affordable housing development; an increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes;*

*(b) the Local Plan should then meet the OAN for affordable housing, subject only to the constraints referred to in NPPF, paragraphs 14 and 47.”*

- 2.33 In summary, this judgment establishes that full OAHN has to include an assessment of full affordable housing needs.

### **Kings Lynn**

- 2.34 Whilst “Satnam” establishes the fact that full OAHN must include affordable housing needs, “Kings Lynn” establishes how full affordable housing needs should be addressed as part of a full OAHN calculation. The judgment identifies that it is the function of a SHMA to address the needs for all types of housing including affordable, but not necessarily to meet these needs in full. The justification of this statement is set out below in §35 to §36 of the judgment.

*“At the second stage described by the second sub-bullet point in paragraph 159, the needs for types and tenures of housing should be addressed. That includes the assessment of the need for affordable housing as well as different forms of housing required to meet the needs of all parts of the community. Again, the PPG provides guidance as to how this stage of the assessment should be conducted, including in some detail how the gross unmet need for affordable housing should be calculated. The Framework makes clear these needs should be addressed in determining the FOAN, but neither the Framework nor the PPG suggest that they have to be met in full when determining that FOAN. This is no doubt because in practice very often the calculation of unmet affordable housing need will produce a figure which the planning authority has little or no prospect of delivering in practice. That is because the vast majority of delivery will occur as a proportion of open-market schemes and is therefore dependent for its delivery upon market housing being developed. It is no doubt for this reason that the PPG observes at paragraph ID 2a-208-20140306 as follows:*

*i "The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes."*

*... This consideration of an increase to help deliver the required number of affordable homes, rather than an instruction that the requirement be met in total, is consistent with the policy in paragraph 159 of the*

*Framework requiring that the SHMA "addresses" these needs in determining the FOAN. They should have an important influence increasing the derived FOAN since they are significant factors in providing for housing needs within an area."*

- 2.35 The judgment is clear that the correct method for considering the amount of housing required to meet full affordable housing needs is to consider the quantum of market housing needed to deliver full affordable housing needs (at a given percentage). However, as the judgment sets out, this can lead to a full OAHN figure which is so large that a LPA would have *"little or no prospect of delivering (it) in practice"*. Therefore, it is clear from this judgment that although it may not be reasonable and therefore should not be expected that the OAHN will include affordable housing needs in full, an uplift or similar consideration of how affordable needs can be 'addressed' is necessary as part of the full OAHN calculation. This reflects §159 of the Framework.

### **Burghfield Common**

- 2.36 Burghfield Common relates to an allowed appeal decision for a residential development on land at Firlands Farm, Hollybush Lane, Burghfield Common, Berkshire. Its relevance is that the appellant in that appeal produced evidence on objectively assessed needs, which the Inspector concluded should be used to judge the five year land supply situation rather than the interim Core Strategy figure. The judgment essentially confirms that the Inspector was entitled to rely on the appellants evidence on OAHN concluding that the appellants:

*"... had produced evidence on housing need for the purposes of this appeal which the Inspector considered to be material to his decision. That, as I have said, was in the circumstances the correct approach for him to adopt."* [§49]

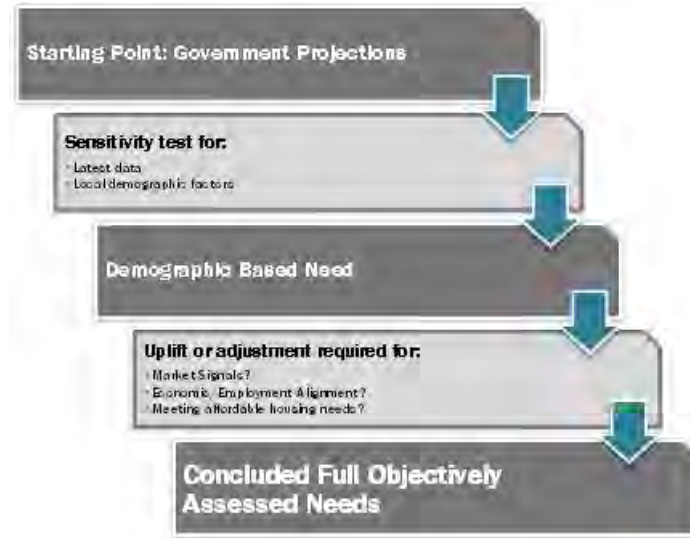
- 2.37 In considering OAHN at a s.78 appeal it is not the sole preserve of the LPA to produce evidence and calculate the appropriate OAHN. Alternative evidence material to the case, including that which would indicate a different conclusion on OAHN, should be properly had regard to, based on the reasonableness of its approach.

### **Conclusion**

- 2.38 It is against this policy context that the housing need for the City of York must be considered. In practice, applying the Framework and Practice Guidance to arrive at a robust and evidenced OAHN is a staged and logical process. An OAHN must be a level of housing delivery which meets the needs associated with population, employment and household growth, addresses the need for all types of housing including affordable and caters for housing demand (the Framework, §159).
- 2.39 Furthermore, a planned level of housing to meet OAHN must respond positively to wider opportunities for growth and should take account of market

signals, including affordability (the Framework §17). This approach has been supported by the recent Legal Judgements summarised above. This approach is summarised in Figure 2.2.

Figure 2.2 The Framework and Practice Guidance Approach to Objectively Assessing Housing Needs



Source: NLP based upon the Framework/ Practice Guidance



## 3.0 City of York Council's OAHN Evidence

### Introduction

3.1 Before setting out a critique of CYC's housing OAHN evidence base, it is important to recognise that the Council has never had an adopted Local Plan for the City (under the 1971 Act, the 1990 Act or the 2004 Act) and progress on the current draft Local Plan is glacial.

3.2 The development plan for York comprises two policies<sup>11</sup> and the Key Diagram of the partially revoked Yorkshire and Humber Regional Strategy (2008) [YHRS]. There is no adopted Local Plan for York that forms part of the development plan. Instead, there is a long history of failed attempts to produce an adopted Local Plan.

3.3 In 2013, the Council published the '*York Local Plan – Preferred Options*' document for consultation in summer 2013, followed by a 'Further Sites' consultation for six weeks in summer 2014 which included potential new sites and changes to the boundaries of some of the sites originally identified. Following these consultations, a 'Publication Draft Local Plan and Proposals Map' was considered by the Local Plan Working Group [LPWG] and by Cabinet in September 2014<sup>12</sup>. With the intention of progressing a Framework compliant local plan, the Cabinet resolved to carry through the LPWG's recommendations and approve the Local Plan Publication Draft for public consultation, subject to amendments circulated at the Cabinet meeting and to instruct officers to report back following the consultation with a recommendation on whether it would be appropriate to submit the Publication Draft for public examination.

3.4 However, at the Full Council on 9 October 2014<sup>13</sup> a resolution was made to halt the public consultation on the Local Plan Publication Draft in order to reassess and accurately reflect objectively assessed requirements. The resolution also instructed officers to produce a report on the housing trajectory to be brought back to the next meeting of the LPWG in November 2014 along with the relevant background reports. The intention was for the report to allow the LPWG to agree an accurate analysis of the housing trajectory that is objective, evidence based and deliverable. The analysis was to be used to "*inform housing allocations and a new proposed Local Plan to be brought back to the next LPWG for discussion and recommendation to Cabinet in November.*"

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<sup>11</sup> Both relating to Green Belt, requiring its inner boundaries to be defined in a plan and confirming that the general extent is about 6 miles out from the City centre

<sup>12</sup> Cabinet Meeting Thursday 25 September, 2014 - Minutes

<sup>13</sup> Resolutions and proceedings of the Meeting of the City of York Council held in Guildhall, York on Thursday, 9th October, 2014

- 3.5 The Council has published the following 'further work' on the Local Plan relating to housing needs since the Full Council resolution to halt the Publication Draft Local Plan in 2014:
- 1 In December 2014, the LPWG considered a report on '*Housing Requirements in York*' which was based on two background documents produced by Arup<sup>14</sup>. The report set out four different housing requirement figures that were considered sound against the evidence base and three options for progressing the work on housing requirements. The LPWG members agreed a housing requirement figure of 926 dpa<sup>15</sup>;
  - 2 In September 2015 the LPWG considered an update on the '*Objective Assessment of Housing Need*' [OAHN] report produced by Arup<sup>16</sup> and a report on '*Economic Growth*'<sup>17</sup>. The Arup report concluded that the housing 'requirement' should be in the range of 817 dwellings per annum [dpa] to 854 dpa between 2012 and 2031. The LPWG's recommendations were that the Executive Committee note the Arup OAHN report and endorse further work, including an evaluation of any spatial and delivery implications, on two scenarios for economic growth that would be reported back to the LPWG in due course;
  - 3 In Autumn 2015 the Council commissioned GL Hearn jointly with Ryedale, Hambleton and the North York Moors National Park Authority to undertake a Strategic Housing Market assessment [SHMA]<sup>18</sup>. This study aimed to provide a clear understanding of housing needs in the City of York area. The SHMA was published as part of a suite of documents for the LPWG meeting on 27<sup>th</sup> June 2016. It concluded that the OAHN for the City of York was in the order of 841 dpa.
  - 4 On the 25<sup>th</sup> May 2016 ONS published a new set of (2014-based) sub national population projections [SNPP]. These projections were published too late in the SHMA process to be incorporated into the main document. However in June 2016 GL Hearn produced an Addendum<sup>19</sup> to the main SHMA report which briefly reviewed key aspects of the projections and concluded that the latest (higher) SNPP suggested a need for some 898 dpa between 2012 and 2032. However due to concerns over the historic growth within the student population, the Addendum settled on a wider OAHN range of 706 dpa – 898 dpa, and therefore the Council did not need to move away from the previous 841 dpa figure.
- 3.6 The remainder of this section provides a critique of Council's most recent housing evidence base, specifically the 2016 SHMA and subsequent Addendum.

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<sup>14</sup> Assessment of the Evidence on Housing Requirements in York (Arup, May 2013) & Housing Requirements in York: Evidence on Housing Requirements in York: 2014 Update (Arup, September 2014)

<sup>15</sup> Local Plan Working Group 17 December 2014 - Minutes

<sup>16</sup> Evidence on Housing Requirements in York: 2015 Update – Arup (August 2015)

<sup>17</sup> York Economic Forecasts – Oxford Economics (May 2015)

<sup>18</sup> GL Hearn (June 2016): City of York Council Strategic Housing Market Assessment

<sup>19</sup> GL Hearn (June 2016): City of York Council Strategic Housing Market Assessment - Addendum

## Overview of the City of York SHMA and Addendum

3.7 As noted above, the emerging City of York Local Plan is currently underpinned by two key housing need documents:

- 1 City of York Strategic Housing Market Assessment [SHMA], prepared on behalf of CYC by GL Hearn in June 2016; and,
- 2 City of York SHMA Addendum, also prepared on behalf of CYC by GL Hearn in June 2016.

### City of York SHMA (June 2016)

3.8 GL Hearn states that the SHMA was prepared ‘essentially to sensitivity check’ the Arup August 2015 Housing Requirements in York report. However, it departs significantly from the Arup approach and undertakes an entirely new set of modelling using the 2012-based SNPP and 2012-based SNHP for the period 2012-2032. The subsequent Addendum was prepared to understand the implications on the earlier SHMA analysis of the publication of the 2014-based Sub-National Population Projections [SNPP] on 25<sup>th</sup> May 2016.

3.9 The SHMA concludes (Section 2.0) that the HMA which covers the City of York also extends to include Selby. However:

*“While we propose a HMA which links to Selby and York we are not considering housing need across the HMA. Selby has recently produced its own SHMA and this assessment does not seek to replicate it”* [§2.106]

3.10 GL Hearn undertook a number of demographic modelling scenarios including the 2012-based SNPP; long term migration trends and 2012-based SNPP adjusted to take into account the (higher) 2014 MYE. GL Hearn concluded that the SNPP “is a sound demographic projection from a technical perspective” [page 83], although they attached greater weight to a higher figure of 833 dpa based on a projection which takes into account the 2013 and 2014 Mid-Year Population Estimates [MYE] and rolls forward the SNPP.

3.11 The SHMA concluded that one of the most noteworthy findings from the analysis was the relatively small increase in the population aged 15-29 (which includes the vast majority of students):

*“Whilst over the 2001-2014 period this age group increased by 12,600, there is only projected to be a 2,500 increase over the 20-years to 2032. Such a finding is consistent with this age group not being expected to see any notable changes at a national level in the future...At the time of writing York University was not expecting significant increases in the student population, whilst St Johns was only expecting a modest increase. With this knowledge, and the age specific outputs from the SNPP we can have reasonable confidence that the SNPP is a realistic projection.”* [§4.31-§4.32]

3.12 The projections are set out in Table 3.1.

Table 3.1 Summary of the City of York SHMA (June 2016) Range of Scenarios (2012-2032)

	Change in Households	Dwellings per annum (2012-2032)	Job growth per annum (2012-2032)
2012-based SNPP	15,093	783 dpa	(not provided)
2014-based	18,458	958 dpa	
UPC adjusted	12,676	658 dpa	
10-year migration	13,660	709 dpa	
<b>2012-based SNPP (as updated)</b>	<b>16,056</b>	<b>833 dpa</b>	
OE Baseline	15,019	780 dpa	609
OE Re-profiling			635
OE – higher migration	15,685	814 dpa	868
YHREM	15,356	797 dpa	789

Source: City of York SHMA (June 2016)

- 3.13 The analysis also considered future economic growth performance by accessing forecasts from Oxford Economics [OE] and Experian (via the Yorkshire and the Humber Regional Economic Modelling [YHREM]). The forecasts range from 609 jobs per annum (OE baseline) to 868 (OE higher migration).
- 3.14 The GL Hearn modelling concluded that this would support a level of population growth broadly in line with the 2012-based SNPP generating between 780-814 dpa, which it considered to be below the level of need identified from the most recent MYE data:
- “On balance there is no justification for an uplift to housing numbers in the City to support expected growth in employment” [page 87].*
- 3.15 The SHMA proceeds to identify a relatively high level of affordable housing need, of 573 dpa, above the 486 dpa need identified by GVA in the 2011 SHMA. It states:
- “The analysis undertaken arguably provides some evidence to justify considering an adjustment to the assessed housing need to address the needs of concealed households, and support improvements [sic] household formation for younger households; although any adjustment will also need to take account of any future changes already within the household projections (e.g. in terms of improving household formation). The issue of a need for any uplift is considered alongside the analysis of market signals which follows.” [§6.112]*
- 3.16 However, the SHMA concludes that whilst the affordable housing need represents 69% of the need identified in the demographic-led projections, it is not appropriate to directly compare the need as they are calculated in different ways:
- *“The analysis does not suggest that there is any strong evidence of a need to consider housing delivery higher than that suggested by demographic projections to help deliver more affordable homes to meet the affordable housing need.*

- *However, in combination with the market signals evidence some additional housing might be considered appropriate to help improve access to housing for younger people. A modest uplift would not be expected to generate any significant population growth (over and above that shown by demographic projections) but would contribute to reducing concealed households and increasing new household formation. The additional uplift would also provide some additional affordable housing.* [page 115]

- 3.17 GL Hearn’s market signals analysis in the SHMA indicates that there are affordability pressures in the City of York:
- 1 Lower quartile to median income ratio is around 7.89 (compared to 6.45 nationally);
  - 2 House prices are also very high and tripled in the pre-recession decade. Private rental levels in York, at £675 pcm, which are higher than comparator areas and nationally (£600 pcm in England);
  - 3 Over-occupied dwellings increased by 52% between 2001 and 2011: *“which is high relative to that seen at a regional or national level”* [§8.34].
  - 4 Housing delivery in York: *“...has missed the target each year since 2007”* [§8.38].
- 3.18 In this regard, GL Hearn concludes that:
- “It would therefore be appropriate to consider a modest upward adjustment to the demographic assessment of housing need to improve affordability over time.”* [§8.99]
- 3.19 To consider what level of uplift might be appropriate, GL Hearn sought to assess the degree to which household formation levels had been constrained for younger age groups, and what scale of adjustment to housing provision would be necessary for these to improve. This was derived on the assumption that household formation rates of the 25-34 age group would return to 2001 levels by 2025 (from 2015). This resulted in an increase in the annual housing provision of 8 homes per annum across the City for each of the aforementioned scenarios.
- 3.20 The SHMA confirms that this sensitivity analysis represents *“the market signals adjustment”* [§8.111], although in the light of GL Hearn’s conclusions concerning affordable housing needs (see above), this 8 dpa uplift would also appear to be geared towards improving access to housing for younger people in the City.
- 3.21 The SHMA therefore concludes that applying an 8 dwelling uplift to the 833 dpa preferred demographic scenario results in an **overall housing OAHN of 841 dpa over the 2012-2032 period.**

## SHMA Addendum (June 2016)

- 3.22 The Addendum revisits parts of the earlier City of York SHMA analysis following the publication of the 2014-based SNPP by ONS on 25<sup>th</sup> May 2016. The report found that the latest projections suggest a higher level of population growth, at levels around 28% higher than in the 2012-based SNPP.
- 3.23 GL Hearn’s analysis states that the difference between the 2014-based SNPP and the 2012-based SNPP “*is around 4,000 people, with around the same number being an additional increase in the 15-29 age group (4,200 of the difference)*” [§1.10].
- 3.24 GL Hearn considers that the growth in the younger age group is likely to reflect the strong growth in the student population in the City between 2008 and 2014 as a result of a new campus opening (the University of York expanded by 3,500 students over the period). The Update quotes an ONS response to CYC during the consultation to the latest projections, which suggests that some locally specific issues (such as the recorded outflow of male students from the city of York) may be under-estimated and should be treated with care.
- 3.25 This is in contrast to GL Hearn’s previous conclusions on the 2012-based SNPP (as set out in the earlier 2016 SHMA), where they considered that the 2012-based SNPP was a realistic projection because it forecast limited growth in the 15-29 age group going forward.
- 3.26 GL Hearn revisited the modelling using a revised long term migration trend and the 2014-based SNPP (Table 3.2).

Table 3.2 Summary of the City of York SHMA Addendum (June 2016) Range of Scenarios (2012-2032)

	2012-based SNHP Headship Rates		+ uplift to the 25-34 age group headship rates
	Change in Households	Dwellings per Annum	
2012-based SNPP	15,093	783	<b>792</b>
2012-based SNPP (updated)	16,056	833	<b>841</b>
2014-based SNPP	17,134	889	<b>898</b>
10-year Migration Trend	13,457	698	<b>706</b>

Source: City of York SHMA Addendum (June 2016)

- 3.27 Using the latest available data and including a “*market signals adjustment*” [1.32] of 8 dpa as contained in the SHMA “*and recognising concerns around the impact of historic student growth, this addendum identifies an overall housing need of up to 898 dpa*”. [§1.20].
- 3.28 An update to the affordable housing need model increases the ‘*bottom line estimate of affordable housing need*’ from 573 dpa to 627 dpa.
- 3.29 The Addendum draws the following conclusions on OAHN:  
*“There are concerns relating to historic growth within the student population and how this translates into the SNPP projections. This looks to be a particular concern in relation to the 2014-based SNPP where there is a relatively strong growth in some student age groups when*

*compared with the 2012-based version (which looks to be sound for those particular age groups). Some consideration could be given to longer term dynamics although this does need to recognise that the evidence suggests some shift in migration patterns over the more recent years – a 10 year migration trend using the latest available evidence calculates a need for 706 dpa, although as noted this will not fully reflect some of the more recent trends. This projection is therefore not considered to be an appropriate starting point for which to assess housing need although it can be used to help identify the bottom end of a reasonable range.*

*”Given that the full SHMA document identifies an OAN for 841dpa which sits comfortably within this range set out in this addendum (706 dpa – 898 dpa) it is suggested that the Council do not need to move away from this number on the basis of the newly available evidence – particularly given the potential concerns about the impact of student growth in the 2014-based SNPP and also longer term trends not reflecting the most recent trends.” [§1.33-§1.34].*

## **NLP Critique**

### **The Starting Point and Demographic-led Needs**

#### **Population Change**

- 3.30 The Practice Guidance sets out that in assessing demographic-led housing needs, the CLG Household Projections form the overall starting point for the estimate of housing need, but these may require adjustments to reflect future changes and local demographic factors which are not captured within the projections, given projections are trend based<sup>20</sup>. In addition, it states that account should also be taken of ONS’ latest Mid-Year Estimates [MYEs]<sup>21</sup>.
- 3.31 The City of York SHMA (June 2016) considers housing need based on the latest CLG 2012-based household projections over the period 2012 to 2032. It adjusts the projections to take into account the 2013 and 2014 MYEs to arrive at projected household growth of 803 within the City over the plan period as a preferred scenario. A dwelling vacancy rate based on the 2011 Census has been applied to arrive at a dwelling need of 833 dpa. Understandably the SHMA uses information available at the time of writing, however it should be noted that further data has now been published in the form of the 2015 MYEs.
- 3.32 The subsequent SHMA Addendum rightly updates this analysis through the use of the 2014-based SNPP, which suggests a higher level of population growth (+15%) when compared to the 2012-based equivalents for the City of York. As this growth is predominantly concentrated within the younger age categories, this results in an increase of around 7% for the main demographic-based dwelling projection, from 833 dpa to 889 dpa. GL Hearn suggest that

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<sup>20</sup> ID 2a-015-20140306

<sup>21</sup> ID 2a-017-20140306



due to the higher growth in the younger age groups under the 2014-based SNPP than before, and as there are concerns around the impact of historic student growth and how these have been reflected in the 2014-based SNPP for York, “*some consideration could be given to longer term dynamics*” [§1.33].

- 3.33 In this regard, the Addendum re-introduces the 10-year migration trend scenario, which indicates a much lower level of housing need in the order of 698 dpa. Whilst recognising that this is not an appropriate starting point for which to assess housing need, “*it can be used to help identify the bottom end of a reasonable range*” [§1.33].
- 3.34 This is an important conclusion, because GL Hearn then use this lower end of the range to justify CYC pursuing an OAHN [841 dpa] that is significantly lower than the 2014-based SNPP demographic starting point (898 dpa including uplift).
- 3.35 NLP considers the Addendum’s approach to this scenario to be inappropriate for a number of reasons:
- 1 GL Hearn repeatedly downplays the veracity of the long term trend scenario as a robust OAHN for the City of York:
    - i “*Looking first at the (2012-based) SNPP It has been observed that the projected level of population growth under this scenario is expected to be lower than seen in past trends (regardless of whether or not a short or long-term period is used. That finding in itself does not mean that there is necessarily any issue with the SNPP, the ONS projection method is complex with levels of migration in particular being sensitive to the age structure and how this is likely to change. However it is notable in the two years since the base date of the SNPP (i.e. mid-2012) that population growth has been stronger than previously projected; [SHMA §4.49]*
    - ii “*The SNPP is not just based on overall migration levels but also takes account of the age structure of migration and how this changes over time. Additionally, the SNPP is constrained to national population projections and therefore assumptions about international migration at a national level can influence the assumptions at a local level...Given the uncertainties about how more recent migration data will manifest itself in the next round of ONS projections it is not considered that this alternative can robustly be taken forward as a projection against which the need for housing can be assessed*”. [SHMA §4.50]
    - iii “*Whilst the 10-year migration trend calculations are sound from a technical perspective, they do not represent official projections*”; [Addendum, [§1.21]
    - iv “*The evidence does suggest a general trend of increasing migration over time and the longer term projections will not fully reflect this*”; [Addendum §1.21]



- v *“Whilst there is merit in considering the 10-year trend projection, it should not be given any greater weight than the figures emerging from official statistics” [Addendum §1.21]*
  - vi *“This [the 10-year migration] projection is therefore not considered to be an appropriate starting point for which to assess housing need”. [Addendum §1.33]*
- 2 Whilst long term migration rates suggest a lower level of growth (698 dpa), this would sustain far fewer jobs. Using GL Hearn’s approach, a preferable approach would be to apply the 2014-based SNPP-led figure, which generates the higher level of housing need. This reflects the starting point for the assessment of OAHN as required by the Practice Guidance. The long term migration scenario is essentially a sensitivity of this starting point that is undertaken to ascertain whether an adjustment to the SNPP-based figure is required. Therefore whilst it might be appropriate to apply an upwards adjustment to reflect long term trends, it would not be appropriate to apply a reduction from the SNPP. This accords with the approach suggested by LPEG and would help ensure that adequate provision can be made to reflect the expected needs of the City of York’s population;
  - 3 As set out below, the latest 2015 MYE indicates that the City of York’s population is currently 206,856, slightly higher than the 206,808 projected for 2015 in the 2014-based SNPP and significantly higher than forecast in GL Hearn’s 10-year Migration Trend;
  - 4 This is relevant, because the SHMA Addendum has sought to cast doubt on the 2014-based SNPP on the grounds that it has under-estimated domestic out-migration due to the delayed re-registration of males once they leave University. However, between 2014 and 2015, the 2014-based SNPP suggested that domestic out-migration would total c.12,600 residents; the 2015 MYE records the actual out-migration levels as being in the order of 12,558 – which is actually lower than the projections, not higher. Furthermore, the key 20-29 age cohort, which GL Hearn raise concerns about due to its stronger growth levels in the 2014-based SNPP, is recorded as having 38,517 residents living in the City of York in the 2015 MYE, which is actually 764 residents higher than forecast for this year in the 2014-based SNPP;

3.36

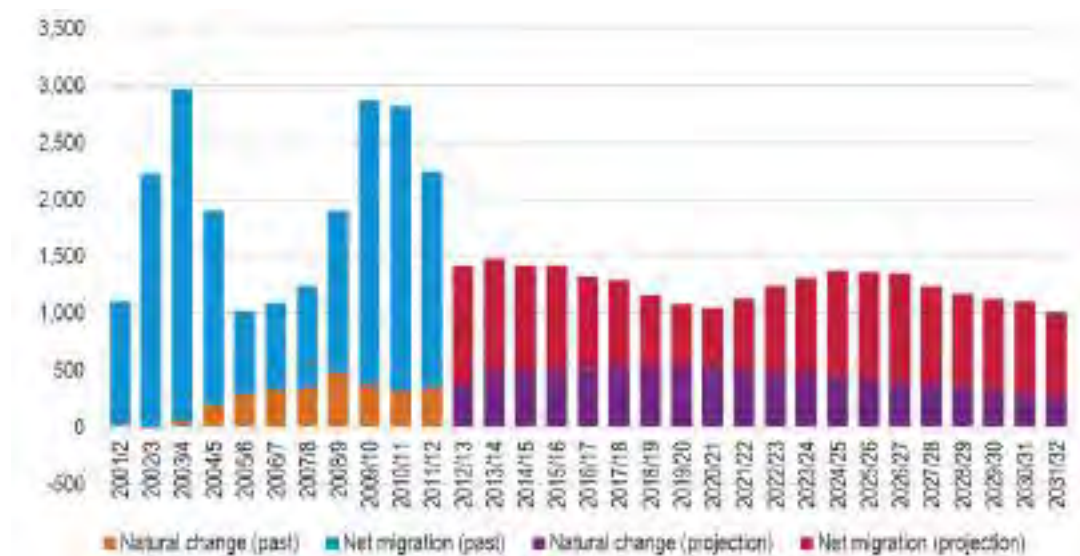
In particular, as set out in detail in Section 5.0, NLP is unclear how GL Hearn has generated a much lower level of population growth (and by extension housing need) based on a long term migration trend, when compared to either the 2012-based SNPP or the 2014-based SNPP. Whilst it is certainly true that the short term net migration figures for the City of York are higher than the longer term figures, this higher level of growth has not materialised in either of the two SNPPs. The SNPPs actually project much lower rates of population growth to 2032 due to lower levels of net internal and international migration going forward (+812 annually in the 2012-based SNPP; +1,096 annually in the 2014-based SNPP).

3.37 GL Hearn recognises this repeatedly in the SHMA. For example, the following text debates the low level of migration projected by the 2012-based SNPP, with the higher past trends data:

*“When compared with the past trends, the migration the figures look to be relatively low. For the whole of the projection period (2012-32) the average level of migration is expected to be around 811 people (net) per annum. This figure compares with 1,691 per annum on average from 2001 to 2012 and 1,840 per annum for the five years to 2012 (the start point of the projections). However, again these figures need to be understood in the context of past changes to the student population; growth in the number of students has typically averaged around 700 people per annum since 2001.” [4.26]*

3.38 The high level of past (net) migration into York is graphically illustrated in Figure 22 in the SHMA, reproduced below. Whilst recognising the complexity of the ONS future assumptions concerning migration, it would be helpful if GL Hearn could provide further evidence as to how their model has generated lower population growth levels, from ostensibly higher (net) long term migration figures, than are reported in either the 2012-based or 2014-based SNPPs

Figure 3.1 Components of Population change, mid-2001 to mid-2032 - York



Source: GL Hearn (June 2016): City of York SHMA, Figure 22

### Household Formation Rates

3.39 The Practice Guidance<sup>22</sup> indicates that in respect of household projections:

*“The household projections are trend based, i.e. they provide the household levels and structures that would result if the assumptions based on previous demographic trends in the population and rates of household formation were to be realised in practice...*

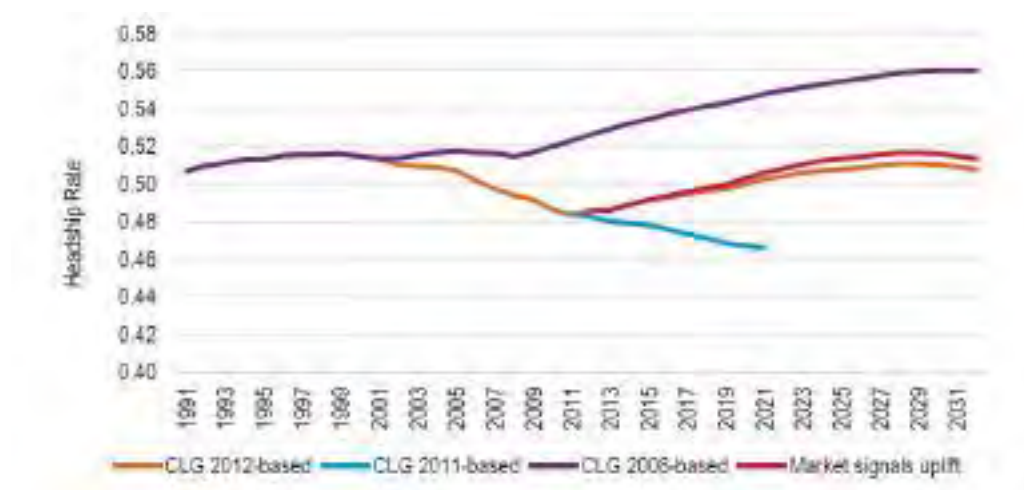
*...The household projection-based estimate of housing need may require*

<sup>22</sup> ID 2a-015-20140306

*adjustment to reflect factors affecting local demographic and household formation which are not captured in past trends...rates may have been suppressed historically by under-supply and worsening affordability of housing..."*

- 3.40 The City of York SHMA notes that, household formation amongst households in their late 20s and early 30s fell over the 2001-2011 decade [§4.64]. It also shows (in Figure 24) that the 2012-based SNHP project headship rates to increase gradually from the low point of 2011, but not to such a point that they were consistently at prior to 2005. There is a very significant deviation between the 2012-based SNHP headship rates for the 25-34 age cohorts and the 2008-based equivalents. Household formation suppression in the 2012-based SNHP is likely to be related to the affordability issues within the HMA, as well as low levels of housing provision.
- 3.41 Allowing for an increase in household formation within this age group to release the 'pent-up' demand within the population (i.e. the household formation which is not currently accounted for in the 2012-based projections) would help to cater for the true level of housing demand within the population, making appropriate adjustments to trend-based projections given their nature to be influenced by recent trends and the prevailing economic conditions. Such an adjustment would form part of the demographic-led housing needs, given the level of provision would be required to cater for household growth within the population.
- 3.42 The SHMA (and subsequent Addendum) considers this headship rate adjustment as part of the 'Market Signals' analysis, by modelling the housing need based on returning household formation in the 25-34 age group to 2001 levels by 2025 (from 2015). This results in an uplift to the demographic baseline of just 8 dpa, which increases the OAHN in the SHMA from 889 dpa to 898 dpa. This comparatively small uplift is acknowledged by GL Hearn:
- "The increase (8dpa) is fairly modest (just 1%) although it needs to be remembered that this uplift is from the 2012-based CLG projections, which are already building in improvements to household formation amongst the population aged 25-34 from the position seen in 2012. In addition, by taking into account the latest MYE within our demographic analysis we have already built in an increase above the 'starting-point' which is where any market signals uplift should be applied against."*  
[SHMA, §8.114-§8.115]
- 3.43 The approach adopted by GL Hearn departs from a widely accepted methodology and overlooks the reality that the 2008-based headship rates reflect the long term position. The effect, as effectively illustrated in the SHMA (reproduced below), is almost imperceptible and completely at odds with the 2008-based SNHP projection.

Figure 3.2 Projected Household Formation Rates for those aged 25-34 – York, from 2016 SHMA



Source: GL Hearn (June 2016): City of York SHMA, Figure 45

3.44 Whilst NLP does not dispute that adjustments to the headship rates of younger age groups forms a reasonable and policy-compliant adjustment, how this has been incorporated into the overall conclusion on objectively assessed needs is highly problematic. This is explored in further detail in the Market Signals section.

### Conclusion – Demographic-led Needs

The SHMA makes an appropriate initial assessment of household growth, based on the most recent government projections (at the time of writing) whilst also taking into account the more recent 2013 and 2014 MYEs to arrive at a starting point of 833 dpa across the HMA. The inclusion on the 2015 MYE would also help improve the demographic modelling by bring the analysis up-to-date.

However, there are fundamental issues regarding how the Addendum has sought to attach greater weight to the longer term migration trend than in the 2016 SHMA, which is then used to support an artificially-low OAHN range; and also how demographic-led needs have been distinguished from the ‘Market Signals uplift’.

## Market Signals

3.45 The Practice Guidance requires that the housing need figure as derived by the household projections be adjusted to take into account market signals. It indicates that comparisons should be made against the national average, the housing market area and other similar areas, in terms of both absolute levels and rates of change. Worsening trends in any market signal would justify an

uplift on the demographic-led needs<sup>23</sup>. In addition, the Practice Guidance highlights the need to look at longer terms trends and the potentially volatility in some indicators<sup>24</sup>.

3.46 The Practice Guidance also sets out that:

*“...plan-makers should not attempt to estimate the precise impact of an increase...rather they should increase planning supply by an amount that, on reasonable assumptions...could be expected to improve affordability...”<sup>25</sup>.*

3.47 **This clearly distinguishes between the demographic-led need for housing (generated by population and household growth) and the market signals uplift which is primarily a supply response over and above the level of demographic need to help address negatively performing market signals, such as worsening affordability.**

3.48 The City of York SHMA (Section 8.0) examines a range of market signals as set out in the Practice Guidance, comparing the City of York to Ryedale, Hambleton, Yorkshire and the Humber region and England and Wales. This can be summarised (and the potential shortcoming noted) as follows:

- 1 **Land Prices** – no analysis has been presented;
- 2 **House Prices** – the SHMA compares median house prices over the period 1998-2007 (Figure 32) and secondly over the period 2008-2013 (Figure 33). The SHMA states that over the first pre-recession period, median house prices in York more than tripled, a £127,050 increase (+309%). This compares to a national increase of £90,000, or 290%, over this same period. Based on 2013/14 data, the average (median) house price in York was £192,000, compared to £138,000 across the Yorkshire and the Humber region;
- 3 **Rents** – the SHMA presents rental costs between 2011 and 2015 and given the limitations on data this is a reasonable assessment. York has considerably higher current median rents (£675 pcm) than any of the comparator areas, including Yorkshire and the Humber (£495 pcm) and England (£600 pcm), although it notes that in contrast to growth elsewhere, York’s rental growth is currently at 2011 levels;
- 4 **Affordability** – the SHMA acknowledges (in paragraph 6.20) the affordability issues faced within the HMA, particularly at the lower end of the market, with the Median Ratio being 7.5-times earnings in 2015 (compared to 7.2 nationally), whilst the Lower Quartile [LQ] ratio is 8.4-times earnings (compared to 6.9 nationally). However the SHMA does not discuss this stark indicator of supply/demand imbalance, preferring to note instead that much of the growth in (un)affordability took place prior to 2005, with limited changes to affordability in the past decade [§8.27];

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<sup>23</sup> ID 2a-019-20140306

<sup>24</sup> ID 2a-020-20140306

<sup>25</sup> *ibid*

- 5 **Rates of Development** – the Practice Guidance is clear that historic rates of development should be benchmarked against the planned level of supply over a meaningful period. In this instance, it is evident that the target across the City of York (640 dpa / 850 dpa as set out in the Yorkshire and the Humber RSS, adopted in 2008) has been missed each year since 2007. *“the overall target for these years was missed by almost 23%, which equals 1,979 units below the target level”* [§8.38];
- 6 **Overcrowding** – the Practice Guidance indicates that a range of signals demonstrate unmet need for housing in an area, including indicators on overcrowding, concealed/sharing households and homelessness<sup>26</sup>. The SHMA market signals analysis is limited in that it does not consider any homelessness indicators. The SHMA suggests that there was a 52% increase in household spaces which were classified as being over-occupied between 2001 and 2011, which is recognised as being *“high relative to that seen at a regional or national level, and indeed overcrowding on this measure in Ryedale and Hambleton are also significantly lower”* [§8.34]. The York homelessness figure is relatively low when compared to the national figure.

3.49 The SHMA then analyses ‘Qualitative Evidence’, based on consultation with estate and letting agents as well as other stakeholders. This analysis found that the housing market was highly self-contained, with the City of York being *“a price hotspot where prices had exceeded their 2006 peak levels...The inner city of the City of York was described as a high pressure housing market.”* [§8.52-§8.53] The following excerpt from the SHMA provides a further insight into the high demand for new homes in the City of York:

*“Barratt Homes is developing the Meadows at Huntingdon to the north of the city. This development currently offers 3 and 4 bedroom homes for sale. The 3-bedroom product is proving very popular and sells quickly. Nearly all sales are to households currently living in York and a high proportion is from the surrounding area. First time buyers account for a small number of sales but most are to first time movers. The sales agent told us that demand exceeded the capacity of the site and that feedback from the public was that these new homes were badly needed.”* [§8.68]

3.50 The SHMA concludes that:

*“Overall the analysis of market signals clearly points towards some affordability pressures, with lower quartile to median income ratio around 7.89 in York; this is much more than the results at the national level (6.45 in England). It would therefore be appropriate to consider a modest upward adjustment to the demographic assessment of housing need to improve affordability over time, in line with the approach outlined in the Practice Guidance.”* [§8.99]

3.51 NLP agrees that based on the market signals analysis there are market signals pressures particularly with affordability within the HMA. The Practice

<sup>26</sup> ID 2a-019-20140306

Guidance<sup>27</sup> is clear that any market signals uplift should be added to the demographic-led *needs* as an additional *supply* response which could help improve affordability, and further goes on to clarify that:

*“...plan makers should not attempt to estimate the precise impact of an increase in housing supply. Rather they should increase planned supply by an amount that, on reasonable assumptions...could be expected to improve affordability...”* [NLP Emphasis].

3.52 However, the SHMA instead considers that by making an adjustment to the headship rates of younger cohorts, that this then forms the ‘market signals uplift’ (stated in §8.113). This uplift figure (totalling 8 dpa) represents a negligible 1% uplift on the starting point identified.

3.53 The SHMA accepts that this increase is ‘fairly modest’ , but that it is justified on the basis that the 2012-based SNHP already build in improvements to household formation amongst 25-34 year olds, whilst by taking into account the latest MYE GL Hearn has already “*built in an increase above the starting point which is where any market signals uplift should be applied against*” [§8.115]

3.54 The approach adopted in the SHMA is contrary to the Practice Guidance in a number of ways. The Practice Guidance is clear that the precise impacts of market signals uplift should not be explored; however the SHMA has attempted to estimate the precise impact of improving affordability through modelling increased household formation rates in younger age groups. In doing so, the SHMA fails to distinguish between the demographic-led needs of the HMA and the supply response which is represented by a market signals uplift. By encompassing the two aspects together, the market signals uplift is conflated. The approach utilised in the SHMA is set out in Figure 3.3.

Figure 3.3 GL Hearn Approach to Account for Market Signals



Source: NLP based on GL Hearn, using figures from GL Hearn City of York SHMA (June 2016)

3.55 NLP considers that a suitable adjustment for headship rates in the younger age cohorts should be part of the normal adjustment to the demographic starting point before the market signals analysis is undertaken.

3.56 The Practice Guidance<sup>28</sup> is also clear that:

*“...the more significant the affordability constraints...and the stronger the other indicators of high demand... the larger the improvement in affordability needed and, therefore the larger the additional supply*

<sup>27</sup> 2a-020-20140306

<sup>28</sup> 2a-020-20140306

*response should be.”*

- 3.57 Whilst it is not clear cut from the Practice Guidance how an upwards adjustment should be calculated, some recent Local Plan Inspector’s findings have provided an indication as to what might be an appropriate uplift. The Inspector’s Report into the Eastleigh Borough Local Plan (11<sup>th</sup> February 2015)<sup>29</sup> provide interpretation of the Practice Guidance in terms of a reasonable uplift on demographic-led needs in light of market signals:
- “It is very difficult to judge the appropriate scale of such an uplift. I consider a cautious approach is reasonable bearing in mind that any practical benefit is likely to be very limited because Eastleigh is only a part of a much larger HMA. Exploration of an uplift of, say, 10% would be compatible with the “modest” pressure of market signals recognised in the SHMA itself.” [§40 to §41].*
- 3.58 The Eastleigh Inspector ultimately concluded that a modest uplift of 10% is a reasonable proxy for quantifying an increase from purely demographic based needs to take account of ‘modest’ negatively performing market signals.
- 3.59 Furthermore, Inspectors have used figures of up to 20% for ‘more than modest’ market signal indicators, notably in the case of Canterbury, where the Inspector concluded that:
- “Taking these factors in the round it seems to me that 803 dpa would achieve an uplift that took reasonable account of market signals, economic factors, a return to higher rates of household formation and affordable housing needs.”<sup>30</sup>*
- 3.60 From the indicators set out by NLP below, and from the commentary and analysis undertaken by GL Hearn, we consider that the current levels of market stress should be considered more severe than the ‘modest’ uplift the SHMA suggests. An application of other approaches (discussed below) would suggest an uplift of 20% could be appropriate for the City of York.
- 3.61 In any case, it is hard to accept that an adjustment of less than 1%, or a pitiful 8 dpa, can do anything to rectify the clear signs of market stress exhibited in the City of York. Adjustments to the headship rates of younger age groups should be made to the demographic modelling as a separate exercise to the market signals uplift.

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<sup>29</sup> [http://www.eastleigh.gov.uk/pdf/ppi\\_Inspectorsreport12Feb15.pdf](http://www.eastleigh.gov.uk/pdf/ppi_Inspectorsreport12Feb15.pdf)

<sup>30</sup> Canterbury District Council Local Plan Examination August 2015, Inspector’s Letter and Note on main outcomes of Stage 1 Hearings, paragraph 26.



### Conclusion on Market Signals

The SHMA approach fundamentally fails to address market signals in any proper manner, nor in the way advocated by the Practice Guidance or recent Inspectors. The SHMA underplays the market signals pressures within the HMA and does not make a meaningful uplift to help address the clear affordability issues.

Overall, the SHMA fails to distinguish between the demographic-led **needs** of the City of York, and the supply increase needed to address market signals to help address **demand**. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.

## Economic Alignment

- 3.62 With regards to considering the need to uplift a housing figure to take account of the economic potential of the local authority, the Framework sets out the following:
- “The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.” [§19]*
- 3.63 The Practice Guidance requires that assessments of likely job growth are made, looking at past trends in job growth and/or economic forecasts, whilst also considering the growth in working age population. The potential job growth should be considered in the context of potential unsustainable commuting patterns and as such plan-makers should consider how the location of new housing could help address this<sup>31</sup>.
- 3.64 The SHMA assesses four different forecasts for job growth (three from Oxford Economics and one from Experian). These forecasts suggest an annual job growth of between 609 and 868 per annum. Without providing further detail on how it has translated the economic projections into its model through the integration of commuting ratios, unemployment or economic activity rates, the SHMA concludes that *“all of the economic forecasts are expecting population growth to be broadly the same and at a level which is slightly higher than is shown in the 2012-based SNPP.”* [SHMA, §5.7]

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<sup>31</sup> 2a-018-20140306

*“Overall, whilst it would be possible to do additional modelling to estimate what level of housing might be needed when set against the forecasts it is not considered that this would be an appropriate approach in the case of York. The population estimates from each of the scenarios are very similar and in all cases support a level of population growth which is only marginally above the level shown in the most recent ‘official’ projections.”*  
[SHMA, §5.9]

- 3.65 Despite this caveat, the SHMA then reports that the range of needs from the economic forecasts is between 780 dpa and 814 dpa and therefore there is no requirement to uplift the OAHN to meet economic needs for the City of York [§5.12].
- 3.66 It is difficult to comment on the veracity of this conclusion given that the evidence we have so far been provided by GL Hearn in its SHMA does not extend to its detailed assumptions concerning the aforementioned commuting ratio, unemployment rates or economic activity rates. Furthermore the SHMA unhelpfully does not set out the job growth likely to result from any of the demographic projections. The job growth projections in themselves do not appear unreasonable and as we will set out in Section 4.0 we have sought to include a ‘blended average’ of the 4 econometric projections in our own modelling (equal to 725 jobs per annum 2012-2032), plus a past trends scenario and the latest Experian June 2016 projection (at 620 jobs annually).
- 3.67 We are also unclear from the information provided in the 2016 SHMA whether GL Hearn has used consistent data inputs across the four job projections to relate the jobs into dwellings, or whether they have simply incorporated the independent assumptions of Experian and OE.
- 3.68 If the latter, then NLP considers that the economic activity rates assumed within the forecasts should not be preferred over equivalent approaches, notably those from the Office for Budget Responsibility [OBR]. The economic activity rates derived within the forecasting houses econometric models are often more positive than existing levels or projected trends and it is understood that this is because they do not apply economic activity strictly as an input or constraint within the econometric models but as a variable, which assumes people act economically rationally (e.g. if there is employment available then individuals will make the choice to become economically active).
- 3.69 The issue of the use of OBR economic activity rates (or similar) versus the use of forecasting houses own economic activity rates has been comprehensively covered in a recent appeal decision at Longbank Farm, Ormesby in Redcar & Cleveland Borough<sup>32</sup>. In summary the Inspector there concluded:
- “I attach greater weight to the OBR projections. They give me cause to seriously doubt the markedly higher activity rates assumed by Experian”.*  
[§21]

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<sup>32</sup> Longbank Farm, Ormesby, Middlesbrough (APP/V0728/W/15/3018546) 9 March 2016

- 3.70 Whilst it is acknowledged that this was based on the evidence before that Inspector and at least in part relating to the specific position in Redcar & Cleveland, it is considered the general principles can equally be read across to the rest of the country (particularly as the OBR forecasts are national). The degree of implication for York is less clear, but given recent Inspectors' findings on this issue, it is considered that care must be applied in interpreting the outcomes of the SHMA's economic scenarios.
- 3.71 We reserve the right to provide further commentary if/when further details on GL Hearn's approach to incorporating the job forecasts within the PopGroup modelling are provided.

### Conclusion on Economic-led Projections

The SHMA presents a suppressed picture of likely economic growth, drawing upon economic forecasts produced in 2014, which are outdated. We can only provide a limited analysis on the robustness of GL Hearn's assessment of the implications of the job forecasts as they have not set out their assumptions in detail. We reserve the right to review these assumptions if/when they are provided by GL Hearn.

## Affordable Housing Needs

- 3.72 In line with the Framework<sup>33</sup>, LPAs should;
- "...use their evidence based to ensure their Local Plan meets the full, objectively assessed needs for market and affordable housing..."*
- "...prepare a SHMA which...addresses the need for all types of housing, including affordable."*
- 3.73 The Practice Guidance<sup>34</sup> sets out a staged approach to identifying affordable housing needs, and states that affordable housing need should be:
- "...considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments...an increase in the total housing figures included in the plan should be considered where it could help deliver the required number of affordable homes."*
- 3.74 As set out in Section 2.0, two High Court Judgements go to the heart of addressing affordable housing within the identification of OAHN. 'Satnam' establishes that affordable housing needs are a component part of OAHN, indicating that the 'proper exercise' is to identify the full affordable housing needs and then ensure that this is considered in the context of its likely delivery as a proportion of mixed market/affordable housing development. 'Kings Lynn' builds on 'Satnam', identifying that affordable housing needs "*should have an*

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<sup>33</sup> paragraphs 47 and 159

<sup>34</sup> 2a-022-20140306 to 2a-029-20140306

*important influence increasing the derived FOAHN since they are significant factors in providing for housing needs within an area.” [§36] This is clear that affordable housing needs are a substantive and highly material driver of any conclusion on full OAHN.*

3.75 In this regard, the 2016 SHMA concludes that there is an estimated need for 573 affordable homes to be provided, or 11,462 dwellings over the 2012-2032 period. The subsequent Addendum, using the higher 2014-based SNPP, increases this figure to 627 dpa over the same time period. Both figures suggest a worsening situation when compared with the previous figure of 486 affordable homes per annum needed in the previous 2011 SHMA, produced by GVA.

3.76 The SHMA ultimately concludes that the identified affordable housing need (at 573 dpa) represents 69%-73% of the need arising through the demographic projections. However:

*“In considering this relationship, it is important to bear in mind that the affordable housing needs model includes existing households who require a different size or tenure of accommodation rather than new accommodation per se. Furthermore, many households secure suitable housing within the Private Rented Sector, supported by housing benefit.*

*Once account is taken of the range of outputs with the modelling (for different affordability thresholds) and the fact that many of the households in need are already living in accommodation (existing households) and the role played by the private rented sector, the analysis does not suggest that there is any strong evidence of a need to consider housing delivery higher than that suggested by demographic projections to help deliver more affordable homes to meet the affordable housing need.*

*However, in combination with the market signals evidence some additional housing might be considered appropriate to help improve access to housing for younger people. A modest uplift would not be expected to generate any significant population growth (over and above that shown by demographic projections) but would contribute to reducing concealed households and increasing new household formation. The additional uplift would also provide some additional affordable housing. Such an uplift will however also need to consider the extent to which improved access to housing is already built into the CLG projections.”  
[page 115]*

3.77 NLP has not analysed in detail the figures forming the assessment of affordable housing needs, due in part to limitations on access to the underlying data; instead, NLP has focused on how this need has formed part of the conclusion on OAHN.

## Addressing Affordable Housing Needs

- 3.78 Having identified the affordable housing needs, the Practice Guidance requires an assessment of its likely delivery to consider whether there is a need to uplift or adjust the OAHN and planned housing supply in order to address affordable housing needs. This is what the ‘*Satnam*’ judgment calls the ‘proper exercise’ and is undertaken by the SHMA within Figure 30. This concludes that to meet affordable housing need in full the City of York would need to deliver 573 dpa.
- 3.79 Taking into account affordable need within the calculation of OAHN does not necessarily involve a mechanistic uplift, or an indication that such identified needs must be met in full. It has to be a scenario which, on a reasonable basis, could be expected to occur. This is set out in the Kings Lynn judgment which concluded: *"This is no doubt because in practice very often the calculation of unmet affordable housing need will produce a figure which the planning authority has little or no prospect of delivering in practice."* and is also consistent with the Practice Guidance<sup>35</sup> which sets out the assessment of need *"does not require local councils to consider purely hypothetical future scenarios, only future scenarios that could be reasonably expected to occur"* [§35].
- 3.80 However, in line with the High Court Judgments, this still needs to be an uplift of consequence, insofar as it can reasonably be expected to occur. This will inevitably need to involve judgement, based on relevant evidence, as to the extent to which any scale of uplift could be reasonably expected to occur.
- 3.81 The SHMA, in place of looking at whether any scale of uplift could help to better address full affordable housing needs within the conclusion of OAHN, seeks to downplay the level of housing required to meet affordable housing needs by reference to:
- a A suggestion that many households simply require a different size or tenure of accommodation rather than new accommodation per se [§6.108- §6.110];
  - b Alternative forms of delivering new affordable housing besides new-build development on market-led housing [§6.116];
  - c The Private Rented Sector (PRS) supported by Local Housing Allowance [§6.102 - §6.107];
  - d Households already in housing not generating a net additional need [§6.108 - §6.112].
- 3.82 Ultimately the combination of the above leads to the SHMA conclusion that there is not any *"strong evidence of a need to consider housing delivery higher than that suggested by the demographic projections to help deliver more affordable homes to meet the affordable housing need"* [page 115].

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<sup>35</sup> 2a-003-20140306

3.83 **Instead, the SHMA makes an upward adjustment of 8 dpa, which GL Hearn refer to as a ‘market signals’ adjustment. NLP considers that this approach is incorrect as (aside from the fact it is woefully inadequate to meet its intended purpose) it involves GL Hearn conflating a demographic adjustment to headship rates with a market signals adjustment to help address demand.**

3.84 The SHMA ultimately does not use the identified acute affordable housing needs in a way in which it has “*an important influence in increasing the derived F[ull] OAN*” as per the Kings Lynn judgment. It simply downplays them to the extent which the authors consider they can be overlooked in concluding on OAHN. We review the main points above as follows.

### **Alternative Forms of Delivering Affordable Housing Supply**

3.85 The SHMA sets out in paragraphs 6.96-6.99 that other ways of delivering new affordable housing are available, appearing to suggest that not all new housing will need to be delivered by new-build development (as a proportion of mixed market and affordable schemes, as indicated by the Practice Guidance).

3.86 Whilst there may be other forms of affordable housing delivery available to the Councils it is considered, for the purposes of the SHMA, this is fundamentally unlikely to help boost likely supply against that identified in Figure 30 of the SHMA. Underlining this is the fact that the West Berkshire Court of Appeal judgment<sup>36</sup> has been made and effectively reinstates the Secretary of State’s Written Ministerial Statement of 29 November 2014 seeking to exempt small sites (10 units or under) from affordable housing contributions. Any practical gain from other forms of affordable housing delivery is likely to be more than offset by the loss of affordable housing delivery associated with the imposition of this national threshold.

3.87 Furthermore, the SHMA does not actually seek to quantify the degree of contribution towards meeting affordable housing needs these sources of supply might have; it is a wholly un-evidenced proposition. This narrative within the SHMA does nothing to indicate the acute affordable housing needs will be met by reference to the alternative forms of delivery.

### **Private Rented Sector**

3.88 The SHMA at §6.102–§6.107 sets out the potential role of the Private Rented Sector [PRS] in supporting the meeting of affordable housing needs. Although the conclusion correctly identified at paragraphs 6.103 and 6.107 that it is not Government’s policy to meet affordable needs through the PRS, the SHMA’s inclusion of analysis around the PRS may be seen to suggest that the need is somehow reduced by reference to the PRS (for example see page 115). Such considerations should not have any affect upon objectively assessed needs,

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<sup>36</sup> Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441

and this has been highlighted in the Oadby and Wigston High Court Judgment<sup>37</sup>.

- 3.89 In the case of the Oadby and Wigston the Council had a pre-Framework plan, and relied on objectively assessed needs which had been identified through the Leicester and Leicestershire SHMA. However, in concluding on objectively assessed need, the SHMA had considered that only a modest adjustment should be made to the housing numbers due to fact that the PRS would make up the shortfall. However, the Court's decision clarified that:

*"...the justification provided for keeping the true affordable housing requirements of the account is inadequate... the benefit-subsidised private rented sector is not affordable housing...it remains policy intervention even if the private sector market would accommodate those who would otherwise require affordable housing, without any positive policy decision by the Council that they should do so: it becomes policy on as soon as the Council takes a course of not providing sufficient affordable housing to satisfy the FOAN for that type of housing and allowing the private sector market to make up the shortfall." [§4.i]*

- 3.90 The High Court Judgment suggests that it is not for the objectively assessed housing needs calculation to apply any constraints in respect of overall and affordable housing needs. It is for the next stage of the process, having identified full OAHN, to assess whether policy choices or other constraints might result in the final housing requirement being lower, if it can be demonstrated that this is in line with the Framework. Regardless of the final housing requirement to go forward within any Plan, full, objectively assessed housing needs for market and affordable housing should be set out and identified in line with the necessary policy and guidance. Failure to do so would be an unsound approach.

- 3.91 Whilst it is an accepted fact that the PRS does support a number of households in receipt of housing benefit, the Eastleigh Local Plan Inspector<sup>38</sup> highlighted (§34):

*"...there is no justification in the Framework or Guidance for reducing the identified need for affordable housing by the assumed continued role of the PRS with LHA. This category of housing does not come within the definition of affordable housing in the Framework. There is not the same security of tenure..."*

### **Households Already in Housing**

- 3.92 The SHMA sets out (§6.109-§6.112) that those households who move into affordable housing who are already in a house will free up a dwelling and that this should be considered in the calculation. The SHMA goes on to identify that these elements of the affordable housing need are therefore *"not directly*

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<sup>37</sup> Oadby and Wigston Borough Council v Secretary of State for Communities and Local Government and Bloor Homes Ltd (2015). EWHC 1879

<sup>38</sup> Inspector's Report into the East Hampshire Joint Local Plan Core Strategy (15<sup>th</sup> April 2014) - <http://www.easthants.gov.uk/inspectors-report-164-kb>

*relevant to considering overall housing need*" (SHMA §6.110). However, it is considered this fails to reflect the approach set out in the Practice Guidance and what the consideration of affordable housing needs seeks to achieve.

- 3.93 Households who are currently within a market dwelling, but are in need of an affordable dwelling because they cannot afford to meet their needs within the market, still require an affordable dwelling to be provided in order to be able to move tenure. They will only release that house back onto the market if, and only if, their affordable housing needs are met. There is still a net additional requirement for an affordable dwelling (despite there not necessarily being a net additional household). If the purpose of the OAHN methodology within the Practice Guidance was to simply limit the OAHN to the demographics-led need or the number of households (irrespective of what tenure of house they may require) it would not include the requirement to assess and address full affordable housing needs within the OAHN.
- 3.94 This approach would not result in a full objective assessment of affordable housing need. Although the Practice Guidance<sup>39</sup> does indicate that *affordable* dwellings currently occupied by households in need can be included as part of the assessment of the total affordable housing stock available (since these households will free up an affordable dwelling), it does not advocate removing all current households in need and future households falling into need from the affordable housing needs calculation on the basis they free up a dwelling (regardless of tenure).
- 3.95 The Practice Guidance approach to OAHN is seeking to identify and plan towards meeting the need for a specific tenure of housing - in this case affordable - the need and demand for which still stands regardless of whether a market dwelling may be being freed up. It remains the case that those in market housing who are in need of an affordable dwelling remain in need of an affordable dwelling; ultimately the affordable dwelling must still be delivered. In most instances it will be necessary to deliver market housing to fund the development of affordable housing, as such there is still a need to build market housing to deliver the affordable unit, i.e. the delivery of one affordable house comes as a result of the delivery of several market dwellings.
- 3.96 Therefore, the assertion that a market house could be freed up when a household moves to an affordable house has a logic, but market housing needs to be delivered to build the affordable house in the first instance. There is no evidence in the SHMA to suggest that there is any other policy in place for the delivery of affordable housing in the Boroughs to meet full affordable housing need without delivery of new market and affordable housing.
- 3.97 Therefore, netting off affordable housing needs on the basis that these free up market dwellings does not meet those households' need for an affordable dwelling and as such the assessment does **not** fully and objectively identify the need for affordable housing, in line with the Practice Guidance.

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<sup>39</sup> 2a-025-20140306



- 3.98 It might be a legitimate policy choice for the Council to choose not to meet full objectively assessed housing need for affordable housing at the rate of delivery (and for the evidence to describe the current and possible future role of the private rented sector), but that is a policy matter for the Council in setting the requirement, not for the evidence base in concluding on objectively assessed housing need.
- 3.99 These considerations do have an influence on the OAHN, but have not been taken into account in the 2016 SHMA.

#### Summary on Affordable Housing Need

Having identified an affordable housing need of 573 affordable dpa (subsequently increased to 627 dpa in the Addendum), the SHMA does not then indicate how that would be specifically addressed as part of its conclusion on OAHN.

The SHMA seeks to downplay affordable housing need by reference to alternative forms of delivery, the Private Rented Sector and there not being net additional need for homes. However, none of these reflect the '*proper exercise*' set out in the Practice Guidance for considering affordable housing needs and ultimately the affordable housing needs go unaddressed within the conclusion on OAN.

These considerations do not have any influence in increasing the OAHN, let alone an important influence as indicated is necessary within the Kings Lynn High Court judgment. This is a fundamental shortcoming of the SHMA's concluded OAHN, resulting in it failing to address affordable housing needs as required by para 47 and 159 of the Framework.

## Overall Summary

- 3.100 The approach taken by GL Hearn to calculating OAHN for the City of York has a number of significant shortcomings and flaws. This means that the SHMA and subsequent Addendum ultimately seek to suppress the likely true level of housing need in the City. The key shortcomings include:
- 1 The demographic modelling downplays the robustness of the 2014-based SNPP, an approach which is not supported by the evidence in other aspects of the document. On its own, this would suggest a starting point of 889 dpa;
  - 2 Adjustments to headship rates have been conflated with the uplift for market signals. The SHMA does not apply a separate uplift for market signals, but instead makes an adjustment to the demographic modelling based on changes to headship rates which should be part of a normal

adjustment to the demographic starting point before market signals are considered. As a result, there is no adjustment for market signals at all despite the significant and severe market signal indicators apparent across the City of York;

- 3 A 'black-box' approach has been taken to the economic-led modelling, with key evidence relating to how the job projections have been factored into any PopGroup model being unpublished;
- 4 No explicit consideration or uplift applied in respect of delivering more homes to meet the needs of households in affordable housing need. This is despite the SHMA and Addendum indicating a level of affordable housing need (of 573 dpa and 627 dpa respectively) which would only be met well in excess of the concluded OAHN.

3.101

In combination, the judgements and assumptions applied within the SHMA seek to dampen the level of OAHN across the City of York. Fundamentally, it is considered that the OAHN(s) identified in the SHMA and Addendum fails to properly address market signals, economic or affordable housing needs, as envisaged by the Framework and Practice Guidance as clarified by High Court and Court of Appeal judgements.

## 4.0 **The OAHN for the City of York**

### **Introduction**

- 4.1 NLP has modelled a number of scenarios to establish the need for housing across the City of York in line with the HEaDROOM framework. This is based on different demographic, economic and housing related factors which draw upon analysis of context and past trends. The assumptions underpinning the assessment are explained below, before the outputs of the PopGroup modelling are discussed.

### **Demographic Context**

#### **ONS 2014-based SNPP**

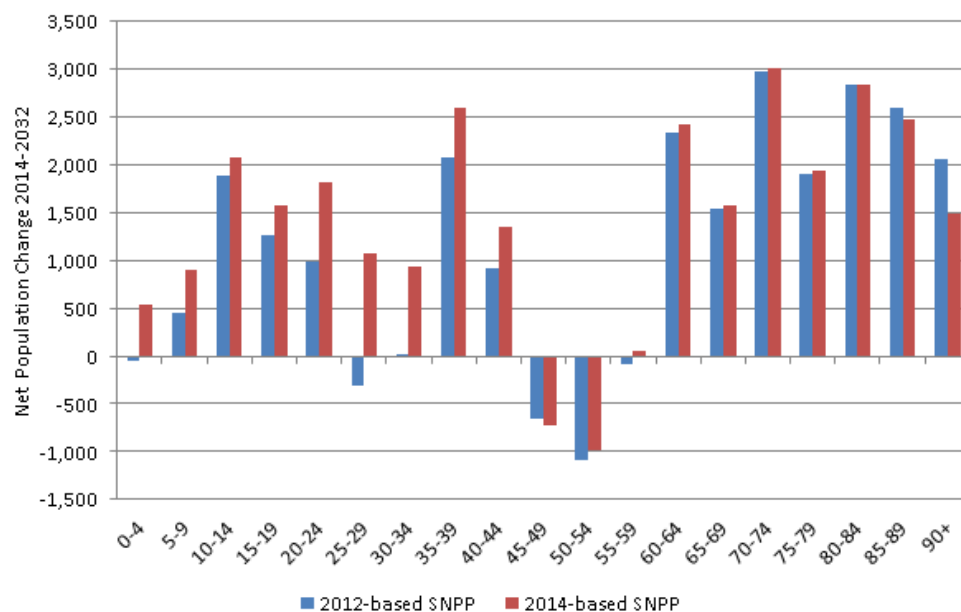
- 4.2 The 2014-based SNPP project the population of all local authorities in England over the period from 2014 to 2039 and are based on the assumption that the demographic trends (births, deaths and in/out migration) that were experienced between 2009 and 2014 will continue in the future<sup>40</sup>. As such, they draw upon trends that were experienced partly during a time of economic downturn.
- 4.3 The projections do not take account of planned and emerging policies that are yet to take place and no allowance is made for potential future improvements / deterioration in the national or local economy.
- 4.4 The 2014-based SNPP represent a “full” set of projections, which draw upon an updated set of underlying fertility, mortality and migration trends. The SNPP are consistent with the 2014-based national population projections and take account of information from the 2011 Census.
- 4.5 The 2014-based SNPP anticipate that the population of the City of York will increase by 26,935 between 2014 and 2032 (13.2%), equivalent to 1,496 persons per annum. This is higher than the previous 2012-based SNPP, which projected growth of around 21,365 (+10.7%) over the same time period.
- 4.6 Figure 4.1 indicates that the pattern of growth for individual age cohorts is quite different between the two projections – hence the 2014-based SNPP suggests that the number of residents aged between 20 and 39 will increase by 6,416 over the next 18 years, whereas the 2012-based SNPP suggests a comparable level of growth of just 2,760 over the same time period. Furthermore, the 2014-based SNPP projects a much lower level of growth in the number of York residents aged over 90, of 1,492, compared to 2,057 in the previous set of projections.
- 4.7 As set out in the Addendum, this is likely to have a disproportionate impact on the number of households generated by the growth in population, as the

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<sup>40</sup> The international migration component of change is based upon past trends between 2008 and 2014.

younger age cohorts are less likely to be a head of a household than older residents.

Figure 4.1 Components of population change in the City of York, 2014-2032



Source: 2012-based SNPP vs. 2014-based

4.8 The population change in the City of York over the Local Plan period in the 2014-based SNPP is expected to be driven almost entirely by net migration from elsewhere in England. Overall net inward migration is forecast to average 1,910 residents annually between 2014 and 2033, of which around 1,100 is likely to relate to international immigration, whilst natural change is forecast to be negligible at just 170 residents annually.

**Potential Implications of Brexit on the 2014-based SNPP**

4.9 The full effect of Brexit is impossible to gauge at present as the UK will most likely remain a member of the EU for at least the next two years whilst the terms of any exit are negotiated. However, it is suggested that there is currently no evidence base for arriving at an alternative set of assumptions about future expected migration until the terms of withdrawal are settled, and indeed it might even be that Brexit simply results in an agreement that links UK access to the Single Market with continuation of the free movement of labour.

4.10 Furthermore, the ONS 2014-based National Population Projections, upon which the equivalent SNPP is derived, already assumes that net in-migration will reduce from current levels to 185,000 by 2021 and kept constant from then until 2037. According to ONS, net international migration to the UK in 2014/15 (at 336,000) had a virtual 50:50 split between EU and non-EU migration. Given that the share of net in-flows from non-EU countries is already capable of being controlled by the Government’s migration policy (which since 2010 has sought to reduce it) it seems reasonable to assume no reduction to non-EU migration (i.e. c.168,000 net in-migration annually) post Brexit.

- 4.11 In theory therefore, in order for the ONS 2014-based National Population Projections' long term migration estimate (+185,000 net per annum) to be achieved, net flows from within the EU would have to fall to just 17,000 per annum, a reduction of 90%.
- 4.12 This supports the notion that the ONS National Population Projections, and by extension the 2014-based SNPP, have already adopted very cautious estimates of international migration. It is considered that there is limited evidence to support a notion that leaving the EU would see a reduction in migration of a scale that would be necessary for population estimates to fall below the 2014-based SNPP levels.

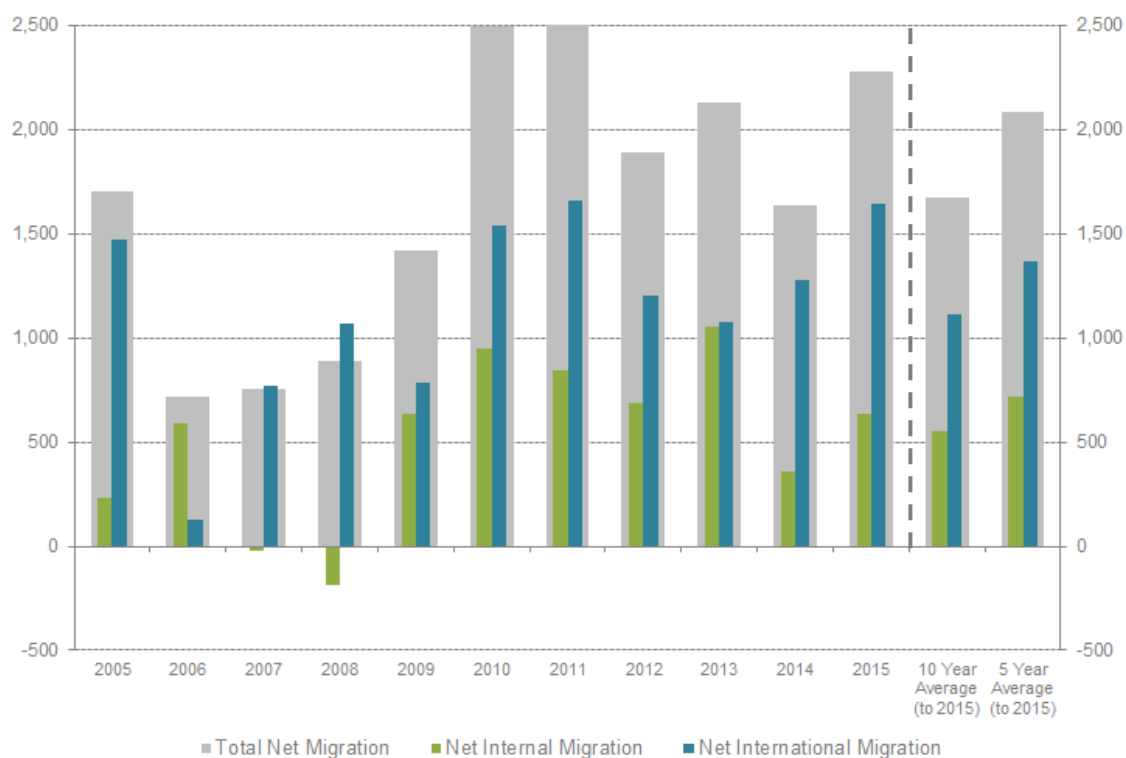
### **2015 Mid-Year Population Estimates**

- 4.13 The 2015 MYE were published by ONS on 30<sup>th</sup> June 2016. They indicate that for the City of York, the 2015 resident population was 206,856, an increase of 2,417 residents (+1.2%) on the 2014 figure (204,439). This growth is predominantly due to net internal migration from both domestic (+637 net) and particularly international (+1,643) sources, with natural change being more modest over the course of the year (+147 residents).
- 4.14 The 2015 MYE population figure for York is slightly higher than was projected under the 2014 SNPP (206,809), although at only +47 this represents 0.02% of the total resident population and is unlikely to have any significant effects on the results of the data modelling.

### **Migration**

- 4.15 ONS' most recent estimates of past migration are contained within the Mid-Year Estimates (MYE) Series 2001-2011 (revised following Census 2011) and the subsequent 2012, 2013, 2014 and 2015 MYE releases. These show that over the ten-year period to 2015, York saw average annual net in migration of 1,673 people, consisting of 557 internal in migrants and 1,116 international in migrants. The five year average is higher, at 2,090 people per annum, of which net internal migration was higher at 718 in migrants per annum, and net international migration was also higher, at 1,372 annually.
- 4.16 The migration patterns for the City of York over the last 10 years (along with five and ten year averages) are shown in Figure 4.2. Internal migration has fluctuated in recent years, although with the exception of 2007 and 2008 there has generally been a net influx of UK residents to the City. Net international migration has also been consistently positive albeit this has ranged from 127 in 2006 to 1,659 in 2011.
- 4.17 Overall, net migration to the City of York has been steadily increasing since 2006, as indicated by the five and ten year averages. As the 2012-based SNPP incorporated past internal migration trends for the five years to 2012, it is unsurprising that it resulted in lower projections than the 2014-based SNPP, which included stronger net migration trends in the five years to 2014.

Figure 4.2 Migration in the City of York, 2003/04-2012/13



Source: ONS Mid-Year Estimates

- 4.18 As set out in Section 3.0, the City of York SHMA and the subsequent Addendum raise concerns relating to historic growth within the student population and how this translates into the SNPP projections, suggesting that the 2014-based SNPP may be over-estimating internal net migration for younger age groups. However, the only available evidence to test this supposition, the 2015 MYE, suggests that far from weakening, net migration is actually increasing from previous years and is actually growing at a slightly higher rate than was initially projected by the 2014-based SNPP.
- 4.19 As noted above, between 2014 and 2015, the 2014-based SNPP suggested that domestic out-migration would total c.12,600 residents; the 2015 MYE records the actual out-migration levels as being in the order of 12,558 – which is actually lower than the projections, not higher. Furthermore, the key 20-29 age cohort, which GL Hearn raise concerns about due to its stronger growth levels in the 2014-based SNPP, is recorded as having 38,517 residents living in the City of York in the 2015 MYE, which is actually 755 residents higher than forecast for this year in the 2014-based SNPP.
- 4.20 Whilst we accept that limited conclusions can be drawn from just one years' worth of data, it lends weight to the argument that, for the City of York, the 2014-based SNPP is a more accurate OAHN starting point than GL Hearn's 10-year migration trend scenario.

4.21 As set out in Section 3.0, NLP is unclear how GL Hearn has generated a much lower level of population growth (and by extension housing need) based on a long term migration trend, when compared to either the 2012-based SNPP or the 2014-based SNPP.

4.22 Table 4.1 presents the actual internal/international net migration flows into / out of the City of York over the period 2004/05 to 2014/15 as reported in the ONS Mid-Year Population Estimates series for those years. It then compares the figures with the 5 and 6 year averages (for internal and international migration respectively) to correspond with the evidence bases used for both the 2012-based SNPP and 2014-based SNPP. This replicates the overview provided by GL Hearn in Table 19 of their 2016 SHMA. Table 4.1 then reports the actual average net migration flows for the City of York in the two population projections over the course of the plan period.

4.23 Table 4.1 illustrates that the net migration figures which emerge from both the 2012-based and 2014-based SNPPs are actually considerably lower than has actually been experienced in York in recent years. This holds true over both the short (past 5 years) and long (10 years) term. Hence when NLP has taken a 10-year average net migration (+1,616 for internal and international migration combined), this is significantly higher than the projected net migration averages to 2032 for both the 2012-based SNPP (+812) and even the 2014-based SNPP (+1,096).

Table 4.1 Long Term Migration Overview

	Internal Net Migration	International Net Migration	TOTAL Net Migration
2004/05	236	1,471	<b>1,707</b>
2005/06	594	127	<b>721</b>
2006/07	-19	774	<b>755</b>
2007/08	-186	1,073	<b>887</b>
2008/09	636	787	<b>1,423</b>
2009/10	951	1,543	<b>2,494</b>
2010/11	845	1,659	<b>2,504</b>
2011/12	690	1,202	<b>1,892</b>
2012/13	1,056	1,078	<b>2,134</b>
2013/14	363	1,277	<b>1,640</b>
2014/15	637	1,643	<b>2,280</b>
2012-based SNPP evidence base (average of 2007/08 to 2011/12 internal, 2006/07 to 2011/12 international)	<b>587</b>	<b>1,173</b>	<b>1,760</b>
<b>Actual 2012-based SNPP Average 2013-2032</b>	<b>-164</b>	<b>976</b>	<b>812</b>
2014-based SNPP evidence base (average of 2009/10 to 2013/14 internal, 2008/09 to 2013/14 international)	<b>781</b>	<b>1,258</b>	<b>2,039</b>
<b>Actual 2014-based SNPP Average 2015-2032</b>	<b>-123</b>	<b>1,219</b>	<b>1,096</b>
<b>NLP 10-year migration (2004/05 – 2013/14)</b>	<b>517</b>	<b>1,099</b>	<b>1,616</b>

Source: ONS / City of York 2016 SHMA Table 19

- 4.24 As GL Hearn rightly recognise in paragraph 4.28 of the SHMA, the SNPP are developed to a complex methodology by ONS which takes account of age-specific prevalence rates for migration and does not look directly at the actual levels of migration seen in the past. Furthermore, the SNPP is constrained to national population projections which can have a notable impact on estimated levels of international migration in the future when compared with past trends.
- 4.25 Nevertheless, it would be helpful if GL Hearn could provide further evidence as to how their model has generated lower population growth levels, from ostensibly higher (net) long term migration figures, than are reported in either the 2012-based or 2014-based SNPPs.

## Household Projections

- 4.26 The Practice Guidance states that up-to-date household projections published by CLG should provide the starting point estimate of overall housing need. The Practice Guidance goes on to state that “*plan makers may consider sensitivity testing, specific to their local circumstances, based on alternative assumptions in relation to the underlying demographic projections and household formation rates*”<sup>41</sup>.
- 4.27 It is understood that CLG are intending to publish the 2014-based SNHP on 12<sup>th</sup> July 2016. NLP has only been able to take account of existing information (i.e. the 2012-based SNHP) available at the time of writing (8<sup>th</sup> July 2016), but reserve the right to update this modelling evidence in the light of the updated information following its release (if necessary).
- 4.28 The 2012-based SNHP draws upon longer term trends since 1971 but the methodology applied by CLG means that they have a greater reliance upon trends experienced over the last 10 years. The implication of this ‘recency bias’ is that the latest household projections continue to be affected by recently observed trends during the period of suppressed household formation associated with the impacts of the economic downturn, constrained mortgage finance and past housing under-supply, as well as the preceding time of increasing unaffordability which also served to suppress household formation<sup>42</sup>. They do not take any account of the impact of future government or local policies, changing economic conditions or other factors that might have an impact upon demographic behaviour or household consumption.
- 4.29 The 2012-based SNHP anticipates an additional 15,093 households in the City of York between 2012 and 2032. This represents a 17.9% increase, equivalent to 755 households per annum.
- 4.30 The household projections project forwards constrained levels of household formation. In order to assess how many new houses will actually be required in the City of York over the Local Plan period (2012-2032), it is appropriate to consider the extent to which household formation rates might be expected to

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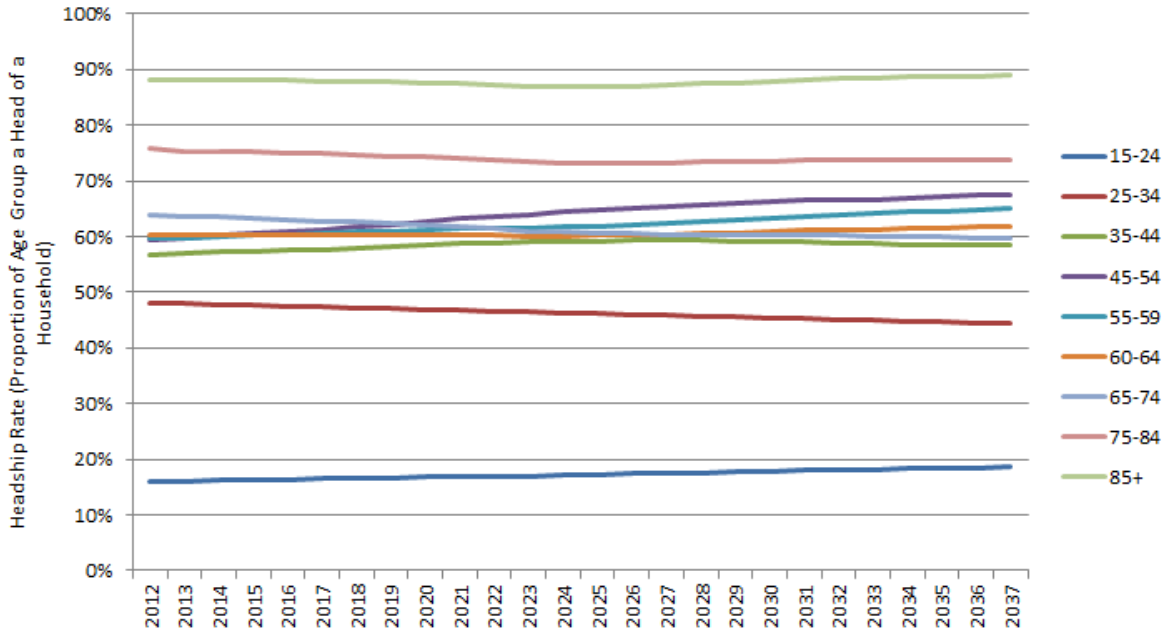
<sup>41</sup> 2a-015-20140306

<sup>42</sup> This is explained on Page 19 of the *Household Projections 2012-based: Methodological Report*. Appendix 6



increase in the future. The 2012-based SNHP anticipate a different level of change in headship rates for different age cohorts, as set out in Figure 4.3.

Figure 4.3 Change in headship rate by age cohort



Source: CLG 2012-based Sub-National Household Projections for the City of York

4.31 The different household formation rates by age cohort reflects the fact that very few people aged between 15 and 24 are likely to be able to establish their own households and that the 25 to 34 age cohort is similarly (and increasingly) likely to face pressures in establishing households. The 2012-based SNHP suggests that headship rates amongst 25-34 year olds is likely to decrease significantly over the plan period. By contrast, the headship rate is likely to be very high amongst older people (noting that these figures do not include those that live within institutions such as nursing homes).

4.32 In accordance with the Practice Guidance, NLP have sought to test sensitivities to the 2012-based SNHP where local circumstances allow. To help rectify the impacts of suppressed household formation, NLP have devised a sensitivity to the 2012 based household projections. For the purposes of the OAHN, NLP has modelled a 'Partial Catch Up' scenario. Because young people have been disproportionately impacted by suppressed household formation in recent years, the sensitivity focuses around those aged 15-34. Young people are having to live with parents for longer than seen historically or pay a significantly greater proportion of their earnings to rent, which leaves them unable to save for a deposit for a house.

4.33 The sensitivity test is based on the assumption that, post 2017 (to allow for the full return to pre-recession trends) headship rates in the 15-34 age groups will return to an increase in line with longer term trends, such that by 2033, half of the difference between the 2012-based and 2008-based projections is made up. This results in an average household size declining at a slightly faster rate

than the baseline 2012 projection as a higher percent of young people form households.

- 4.34 Research by NHPAU (CD.12.21)<sup>43</sup> found that cohorts who are less able to access home ownership earlier in their housing career due to 'boom' or 'recession' factors impacting on affordability are nevertheless able to 'catch-up' – 80% of the gap at the age of 30 is 'caught-up' by the age of 40. There is every reason to believe this finding is broadly analogous to household formation, and supports the resumption of long term trends.

## Other Inputs and Assumptions

- 4.35 In addition to the more detailed inputs discussed, the following inputs have been used in the PopGroup demographic modelling undertaken by NLP. The sources of the data used for each input are listed below. In all scenarios (with the exception of Scenario A) the mid-year estimates for 2012-15 are taken into account to bring the population in line with the latest available data.
- a **Fertility rates** are drawn from the ONS 2014-based Sub-National Population Projections (SNPP) for the City of York;
  - b **Mortality rates** are drawn from the ONS 2014-based SNPP for the City of York;
  - c **Population not in households** (i.e. in institutional accommodation) is taken from the CLG 2012-based SNHP;
  - d **Headship Rates** are derived from the 2012-based SNHP with the exception of the Partial Catch Up Rate scenarios. These apply the 2012 SNHP household formation rates until 2017 and then assume that headship rates in the 15-34 age cohorts will return to a level in line with longer term trends, such that by 2033, half of the difference between the 2008-based and 2012-based projections is made up;
  - e **Vacant and second homes** data is drawn from the CLG Council Tax Base data between 2014 (1.55%) and 2015 (1.47%), which averages at 1.51%. This has been held constant over the plan period;
  - f **Labour force ratio** – Annual Population Survey (APS) and Experian job growth data, held constant at the 2015 figure to 2032;
  - g **Economic activity rates** are projected age and gender specific economic activity rates, based upon the projections that were published by the Office for Budget Responsibility (OBR) in November 2015 and adjusted for the City of York using 2011 Census and the 2011, 2012, 2013 and 2014 Annual Population Surveys for the City; and,
  - h **Unemployment** data is drawn from the ONS Annual Population Survey model-based estimate. We have assumed that by 2020, the unemployment rate will have fallen back to its pre-recession average (3.78% for the City of York) on the basis that this better reflects the likely rate of unemployment in the area. Post 2020 this rate is held constant.

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<sup>43</sup> NHPAU (2010) How do Housing Price Booms and Busts Affect Home Ownership for Different Birth Cohorts?

## Demographic Starting Point

4.36

Using the data inputs and assumptions above, four demographic scenarios have been assessed. The scenarios are modelled over the period 2012-2032. The scenarios modelled are as follows:

- a **Scenario A: 2014-based SNPP** – based on the 2014-based SNPP, incorporating headship rates from the 2012-based SNHP, plus an allowance for vacant/second homes and incorporating the 2015 MYE;
  - Scenario Aii: 2014-based SNPP / 2015 MYE** - Applying the same assumptions as for Scenario A; however, it fixes the 2015 residential population to the 2015 MYE and re-bases the 2014-based SNPP from this point;
  - Scenario Aii: 2014-based SNPP / 2015 MYE / PCU** - Applying the same assumptions as for Scenario A; however, starting post-2017, headship rates amongst 15-34 year olds are projected to make up 50% of the difference between the 2012-based and 2008-based household projections by 2033;
- b **Scenario B: Long Term Migration Trends** – based on past migration trends as observed over the last 10 years (to 2014) in the City of York;
  - Scenario Bi: Long Term Migration Trends PCU** – as above, but applying accelerated headship rates to the 15-34 age cohorts;

## Economic Scenarios

- c **Scenario C: Experian Jobs Growth** – based on forecasts of annual job growth (620 jobs p.a. between 2012 and 2032, 0.5% average growth rate) for the City of York prepared by Experian Business Strategies in June 2016;
- d **Scenario D: Average (Blended) Jobs Growth** – based on the average job growth as projected by Experian and Oxford Economics [OE] as reported in CYC's SHMA (June 2016) (725 jobs p.a. averaged across 4 scenarios between 2012 and 2032 at an average growth rate of 0.6%);
- e **Scenario E: Past Trend Job Growth** – Taking into account the average net job growth rate of -0.2% annually between 1999 and 2014 (as recorded by Experian), this scenario assumes this will continue over the plan period (-181 jobs annually);

## Affordable Housing Needs

- f We have also considered the housing delivery that would be required to achieve the level of affordable housing need in the City of York, of **627 dpa** (as set out in the June 2016 SHMA Addendum).

## Demographic Led Scenarios

### Scenario A: 2014-based SNPP/2012-based SNHP (Baseline)

- 4.37 This scenario models the 2014-based SNPP and the 2012-based SNHP. Under this scenario, over the period 2012-32, there would be an overall population growth of 31,356. This is due to net in-migration of 23,171, which exceeds positive natural change (i.e. more births than deaths) of 8,185. Due to this strong population growth, the number of households in the City would increase by 17,134 over the projection period; this is due to a combination of new household formation of younger cohorts, and a decline in average household size associated with an ageing population. To accommodate this level of growth, there is a need for 17,396 dwellings, or **870 dpa**. Whilst the projected household growth is identical to that proposed for the 2014-based SNPP scenario in GL Hearn's SHMA Addendum (June 2016), the dwelling need is slightly lower than GL Hearn's 889 dpa figure due to a lower vacancy/second homes rate used by NLP.
- 4.38 Based on the change in population age structure, and the suitable application of commuting patterns and adjustments to unemployment, this would accommodate an increase of 12,595 jobs (net) in the City.

### Scenario Ai: 2014-based SNPP with 2015 MYE

- 4.39 Under this sensitivity test scenario, the latest 2015 MYE are included in the modelling, with the subsequent 2014-based SNPP re-based off a slightly higher (206,856 compared to 206,809) City of York resident population in 2015. This would accommodate an increase in the overall population growth of 32,273, job growth of 12,842, and an increase in dwellings of 17,579 (or **879 dpa**).

### Scenario Aii: 2014-based SNPP with Partial Catch Up Rates and 2015 MYE

- 4.40 The 2012-based SNHP show lower rates of household formation than their 2008-based predecessors, particularly in the youngest age groups. Since the projections take into account recent trends, this is likely to be a result of the reduced rates of household formation seen throughout the economic downturn as a result of factors such as constrained supply of housing, affordability issues and lack of mortgage availability. To simply trend this forward might result in the true housing need of the population being suppressed further, by not providing sufficient housing for the needs of local residents.
- 4.41 Therefore, in addition to modelling the 2012 Headship Rates (Scenario A / Ai), NLP has also modelled a 'Partial Catch-up' Headship Rate scenario (Scenario Aii). This still incorporates the 2014 SNPP / 2015 MYE, hence the population and economic outputs are the same as Scenario Ai. However, it assumes that by 2033, half of the difference between the 2008-based and 2012-based headship rates for those ages 15-34 is made up (with this change taking effect from 2017 onwards, to allow for the economy to return to true, pre-recession

trends). This is because the 2008-based SNHP were generated before the recession, and therefore represent household formation rates more in line with longer term trends. By modelling a 'Partial Catch-Up' [PCU] scenario, it is assumed that any pent-up demand within the population will be released, resulting in higher rates of household formation than projected by the 2012 SNHP, with household formation returning to a trend more in line with (but not the same as) the higher rates in the 2008-based projections.

4.42 By adopting higher household formation rates amongst younger adults, household growth would equate to 18,480 over the period to 2032 (8% higher than Scenario A). This would generate a need for 18,763 dwellings, or **938 dpa**.

4.43 The key outputs for these three scenarios are presented in Table 4.2.

Table 4.2 Key Model Outputs - Scenarios A, Ai and Aii: 2014-based SNPP / 2015 MYE / PCU

Scenario	Population			Change in Jobs	Change in Households	Dwellings 2012-2032	
	2012	2032	Change			Total Change	DPA
A. 2014-based SNPP	200,018	231,374	+31,356	+12,595	+17,134	+17,396	870
Ai. 2014-based SNPP + 2015 MYE	200,018	232,291	+32,273	+12,842	+17,314	+17,579	879
Aii. 2014 SNPP +MYE / PCU	200,018	232,291	+32,273	+12,842	+18,480	+18,763	938

Source: NLP using PopGroup

### Scenario B: Long Term Migration Trends

4.44 Scenario B models future migration on the basis of long term trends taken from the last ten years (2004/05 to 2013/14)<sup>44</sup>. This shows that total net migration has averaged 1,616 per annum, i.e. 1,616 more people arriving at the City of York than leaving. Of this figure, 517 relate to net domestic migration, whilst 1,099 relates to net international migration. Natural change is positive at 11,217 over the period 2012-2032, therefore the population of the City increases substantially overall, by 44,757 residents.

4.45 Under this scenario the level of household growth would be higher than Baseline Scenario A, at 22,015, equating to a housing need of 22,352, or **1,118 dpa**. The number of jobs that could be sustained would increase by 20,809, or 1,040 annually.

### Scenario Bi: Long Term Migration Trends with Partial Catch Up Rates

4.46 Under this further sensitivity test scenario, population growth and labour force outcomes are the same as for Scenario B; the only input which has been changed is the household formation rates, which dictate household growth and

<sup>44</sup> Please note that due to the availability of data when the modelling was undertaken, we were not able to take into account the migration rates for the year 2014-2015. However, given that the 2015 MYE data suggests that this resulted in a net increase of 2,280 residents net (637 internal, 1,643 international) for that year, it is possible that this could actually increase the overall level of housing need were it to be included in the model, as the 10-year average would increase to 1,673 (net) overall, from 1,616.

dwelling need.

4.47 By adopting higher household formation rates amongst younger adults, household growth would equate to 23,304 over the period to 2032 (6% higher than Scenario B). This would generate a need for 23,661 dwellings, or **1,183 dpa**.

4.48 The key outputs are presented in Table 4.3.

Table 4.3 Key Outputs – Scenarios B and Bi: Long Term Migration Trends / PCU

Scenario	Population			Change in Jobs	Change in Households	Dwellings 2012-2032	
	2012	2032	Change			Total Change	DPA
B. Long Term Migration	200,018	244,775	+44,757	+20,809	+22,015	+22,352	1,118
Bi. Long Term Migration PCU	200,018	244,775	+44,757	+20,809	+23,304	+23,661	1,183

Source: NLP using PopGroup

## Employment-led Scenarios

4.49 The second component of the HEaDROOM framework is based on an understanding of the relationship between housing and employment. Although there are a complex set of issues involved in matching labour markets and housing markets (with different occupational groups having a greater or lesser propensity to travel to work), there are some simple metrics that can explore the basic alignment of employment, demographic and housing change, notably the amount of housing needed to sustain a given labour force assuming certain characteristics of commuting and employment levels.

4.50 Ensuring a sufficient supply of homes within easy access of employment opportunities represents a central facet of an efficiently functioning economy and can help to minimise housing market pressures and unsustainable levels of commuting (and therefore congestion and carbon emissions). If the objective of employment growth is to be realised, then it will generally need to be supported by an adequate supply of suitable housing. The challenge of meeting employment needs is clearly given a heightened importance as a result of the need to secure economic growth out of recession, and the Framework highlights this by stating that planning should "do everything it can" to support economic growth.

4.51 The Practice Guidance further clarifies that:

*"Where the... labour force supply is less than the projected job growth, this could result in unsustainable commuting patterns... and could reduce the resilience of local businesses. In such circumstances, plan makers will need to consider how the location of new housing... could help address these problems."*

4.52 To model this demographically, the PopGroup model constrains/inflates migration to a level (reflecting the age profile specific to the City of York) which,

alongside natural change within the population, produces an indigenous labour force sufficient to support the given level of employment taking account of commuting. Within the modelling, NLP has made allowance for increases in age specific economic activity rates associated with changes to pension ages, but has assumed the relative balance of commuting will continue as observed currently.

- 4.53 Ensuring a sufficient supply of homes within easy access of employment generators represents a central facet of an efficiently functioning economy and can help minimise housing market pressures and unsustainable levels of commuting (and therefore congestion and carbon emissions).

**Scenario C: Experian Job Growth**

- 4.54 The latest Experian forecasts (June 2016) project job growth of 12,400 over the period 2012-32 in the City of York, equivalent to 620 net additional workforce jobs annually.
- 4.55 To support this level of job growth, taking into account current commuting patterns and projected changes in economic activity rates (as well as unemployment), there would need to be an increase in the size of the labour force by 3,219 (as the City of York is a significant net importer of workers). This would require population growth of 31,294, of which 23,233 would be through net in-migration. This takes into account the age profile of people who move into and out of the City. This growth would result in an additional 16,965 households, generating a need for 17,225 dwellings, equivalent to **861 dpa**. This is lower than the level generated by the 2014-based SNPP.
- 4.56 The key outputs are shown in Table 4.4.

Table 4.4 Key Outputs - Scenario C: Experian Job Growth

Scenario	Population			Change in Jobs	Change in Households	Dwellings 2012-2032	
	2012	2032	Change			Total Change	DPA
C. Experian Jobs Growth	200,018	231,312	+31,294	+12,400	+16,965	+17,225	861

Source: NLP using PopGroup

**Scenario D: Blended Job Growth**

- 4.57 The City of York SHMA (June 2016) explores the implications of York’s housing need referring to a number of econometric models (Section 5.0). This identifies four models – three from Oxford Economics (with job growth of 609,635 and 868 annually, depending upon the assumptions used) and one from Experian (via the Yorkshire and Humber Regional Economic Model YHREM), which forecasts annual job growth of 789. Together, the combined average is for job growth in the order of 725 annually. This Scenario therefore triangulates a number of econometric forecasting models and replicates the evidence underpinning the Council’s own housing evidence base.
- 4.58 To support this level of job growth, taking into account current commuting

patterns and projected changes in economic activity rates (as well as unemployment), there would need to be an increase in the size of the labour force by 5,068 and would require population growth of 34,588, of which 25,966 would be through net in-migration. This takes into account the age profile of people who move into and out of the City. This growth would result in an additional 18,184 households, generating a need for 18,463 dwellings, equivalent to **923 dpa**. This is lower than the level generated by the 2014-based SNPP with adjustments for PCU and the 2015 MYE.

4.59 The key outputs are shown in Table 4.4.

Table 4.5 Key Outputs - Scenario D: Blended Job Growth

Scenario	Population			Change in Jobs	Change in Households	Dwellings 2012-2032	
	2012	2032	Change			Total Change	DPA
D. Blended Jobs Growth	200,018	234,606	+34,588	+14,500	+18,184	+18,463	<b>923</b>

Source: NLP using PopGroup

### Scenario E: Past Trends Job Growth

4.60 Between 1999 and 2014, the City of York actually lost around 3,700 workers, at an average rate of around 0.2% annually.

4.61 This scenario sets out the level of growth required were past trends to continue at this (negative) rate.

4.62 Under this scenario, there would be a decline of 3,625 jobs over the period 2012-2032. As the population is ageing, more people are required to sustain the workforce, hence even though the number of jobs declines under this scenario, the City's overall housing need would increase to compensate for the fact that comparatively more people would be leaving the workforce to retire. This equates to an overall population growth of 6,177, household growth of 7,664 and a dwelling need of 7,782, or 389 dpa.

4.63 It is considered that very limited weight can be attached to this Scenario given that it generates a (negative) level of employment change in the City that is very much at odds with all of the econometric forecasting models. It is also substantively lower than the level of job growth that could be sustained via any of the demographic modelling scenarios.

4.64 The key outputs are shown in Table 4.4.

Table 4.6 Key Outputs - Scenario E: Past Trends Job Growth

Scenario	Population			Change in Jobs	Change in Households	Dwellings 2012-2032	
	2012	2032	Change			Total Change	DPA
E. Past Trends Job Growth	200,018	206,195	+6,177	-3,625	+7,664	+7,782	<b>389</b>

Source: NLP using PopGroup



## Affordable Housing Needs

### Scenario F: Affordable Housing Needs

4.65 The Practice Guidance states that, with regard to taking into account affordable housing needs:

*“The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes.”<sup>45</sup>*

4.66 The inclusion of affordable housing needs in OAHN calculations has also been established in the High Court Decision between Satnam Millennium Ltd vs Warrington Borough Council<sup>46</sup> which sets out the requirements of an OAHN to cater for affordable housing needs in its calculation. The decision found that the adopted OAHN figure proposed in Warrington’s Local Plan was not in compliance with policy because “*the assessed need was never expressed or included as part of the OAHN*” [§43]. The decision found that the “proper exercise” had not been undertaken, namely:

*“(a) having identified the OAN for affordable housing, that should then be considered in the context of its likely delivery as a proportion of mixed market/affordable housing development; an increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes;*

*(b) the Local Plan should then meet the OAN for affordable housing, subject only to the constraints referred to in NPPF, paragraphs 14 and 47.” NLP emphasis*

4.67 As such, the below calculations of affordable housing need must be considered in the conclusions of objectively assessed housing needs for the City of York.

4.68 The evidence contained in the City of York SHMA (June 2016) indicates a net affordable housing need totalling 573 dpa. Furthermore, the subsequent SHMA Addendum (June 2016) states that, holding all other parts of the model constant, the bottom-line estimate of affordable need rises from to **627 dpa** (a 9% increase).

4.69 Over the period 2007/08 – 2014/15, CYC delivered a total of 1,100 affordable units, at an average of 137.5 annually<sup>47</sup>. On the basis that CYC generally pursues an affordable housing requirement of 50%<sup>48</sup> on all suitable allocated

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<sup>45</sup> 2a-029-20140306

<sup>46</sup> [2015] EWHC 370 (Admin) Case No: CO/4055/2014 <http://www.bailii.org/ew/cases/EWHC/Admin/2015/370.html>

<sup>47</sup> [https://www.york.gov.uk/info/20012/housing/1132/affordable\\_housing\\_completions](https://www.york.gov.uk/info/20012/housing/1132/affordable_housing_completions)

<sup>48</sup> Although not formally adopted, the ‘City of York Draft Local Plan (incorporating the Fourth Set of Changes)’ (April 2005) is still used as the basis for development management decisions. Policy H2a of that document states that, subject to viability, “*In order to achieve the maximum reasonable proportion of affordable housing, the following targets have been set on all suitable*

and windfall sites over a set site threshold (subject to viability), then York would need to deliver **1,254 dpa** of market housing overall to deliver 627 affordable dpa.

- 4.70 As set out in the Kings Lynn judgment, the correct method for considering the amount of housing required to meet full affordable housing needs is to consider the quantum of market housing needed to deliver full affordable housing needs (i.e. 1,254 dpa). However, as the judgment sets out, this can lead to a full OAHN figure which is so large that a LPA would have *“little or no prospect of delivering (it) in practice”*. Therefore, although it may not be reasonable and therefore should not be expected that the OAHN will include affordable housing needs in full, an uplift or similar consideration of how affordable needs can be ‘addressed’ is necessary as part of the full OAHN calculation. This approach has not been undertaken in the 2016 SHMA.

## Summary

- 4.71 The scenarios present a range of housing needs for the period 2012 to 2032 based on different drivers of growth, as set out in Table 4.7. These range from a low of 389 based on the (negative) past trends job growth scenario (E), all the way up to a high of 1,254 based on meeting the SHMA Affordable Housing Needs in full.
- 4.72 In between, the 2014-based SNPP suggests a need for around 870 dpa, although if a suitable adjustment is made to take into account the latest 2015 MYE and accelerated headship rates amongst the younger age groups, this would increase to 938 dpa. As the (10-year) long term migration figures are actually higher than are projected in the 2014-based SNPP going forward, then all other data inputs being equal, the dwelling need would increase, to between 1,118 dpa (Scenario B) and 1,183 dpa (Bi) depending upon the approach taken towards headship rates.
- 4.73 In this instance, it is considered that greater weight should be attached to the 938 dpa (Scenario Aii) figure, as it uses the most recently available data and makes suitable adjustments to headship rates for the younger age cohorts. Whilst the long term migration trend suggests a higher level of housing need, it is considered that for the City of York it relies upon very high levels of net international migration which, given the uncertainties concerning Brexit, may be difficult to sustain.
- 4.74 The employment-led projections are generally lower, at just 389 dpa based on past trends, 861 dpa based on the latest Experian projections, and 923 dpa based on a triangulation of various econometric projections as taken from the 2016 SHMA. As noted above, it is considered that limited, if any, weight should be attached to the past trends job growth scenario in this instance given that it projects job losses at odds with the other employment and demographic-led projections.

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*allocated and windfall sites in York: 45% for affordable rent, plus 5% for discounted sale, to address priority housing needs in the City.”*

4.75

Some of the outputs are different from the 2016 SHMA and subsequent Addendum for a number of reasons including higher headship rates, lower vacancy/second home rates, the use of the 2015 MYE and variable job growth projections.

Table 4.7 Summary of York Modelling Scenarios 2012-2032

Scenario	Population			Change in Jobs	Change in Households	Dwellings 2012-2032	
	2012	2032	Change			Total Change	DPA
A. 2014-based SNPP	200,018	231,374	+31,356	+12,595	+17,134	+17,396	870
Ai. 2014-based SNPP + 2015 MYE	200,018	232,291	+32,273	+12,842	+17,314	+17,579	879
Aii. 2014 SNPP +MYE / PCU	200,018	232,291	+32,273	+12,842	+18,480	+18,763	938
B. Long Term Migration	200,018	244,775	+44,757	+20,809	+22,015	+22,352	1,118
Bi. Long Term Migration PCU	200,018	244,775	+44,757	+20,809	+23,304	+23,661	1,183
C. Experian Jobs Growth	200,018	231,312	+31,294	+12,400	+16,965	+17,225	861
D. Blended Jobs Growth	200,018	234,606	+34,588	+14,500	+18,184	+18,463	923
E. Past Trends Job Growth	200,018	206,195	+6,177	-3,625	+7,664	+7,782	389
F. SHMA Affordable Housing Needs	-	-	-	-	-	+25,080	1,254

Source: NLP using PopGroup

## 5.0 Market Signals

5.1 The Framework sets out the central land-use planning principles that should underpin both plan-making and decision-taking. It outlines twelve core principles of planning that should be taken account of, including the role of market signals in effectively informing planning decisions:

*“Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.” [§17]*

5.2 The Practice Guidance requires market signals to be assessed against comparator locations<sup>49</sup>. The analysis in the following sections focuses on comparing the City of York and other Local Authorities and England to benchmark their performance against trends both across the wider region and nationally.

5.3 The Guidance sets out six key market signals<sup>50</sup>:

- 1 land prices;
- 2 house prices;
- 3 rents;
- 4 affordability;
- 5 rate of development; and,
- 6 overcrowding.

5.4 It goes on to indicate that appropriate comparison of these should be made with upward adjustment made where such market signals indicate an imbalance in supply and demand, and the need to increase housing supply to meet demand and tackle affordability issues:

*“This includes comparison with longer term trends (both in absolute levels and rates of change) in the housing market area; similar demographic and economic areas; and nationally. Divergence under any of these circumstances will require upwards adjustment to planned housing numbers compared to ones based solely on household projections”.*

*“In areas where an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable. The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in affordability needed and, therefore, the larger the additional supply response should be.”<sup>51</sup>*

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<sup>49</sup> 2a-020-20140306

<sup>50</sup> 2a-019-20140306

<sup>51</sup> 2a-020-20140306

- 5.5 The Practice Guidance sets out a clear and logical ‘test’ for the circumstances in which objectively assessed needs (including meeting housing demand) will be in excess of demographic-led projections. In the context of the Framework and the Practice Guidance, the housing market signals have been reviewed to assess the extent to which they indicate a supply and demand imbalance in the City of York and other comparable local authorities and therefore indicate that an upwards adjustment should be made over the demographic-led baseline already identified.
- 5.6 The **Local Plan Expert Group [LPEG]**, in its Report to the Communities Secretary and to the Minister of Housing and Planning (March 2016), recommended various changes to the Practice Guidance concerning the assessment of housing market signals. Instead of analysing six key market signals and considering whether an uplift is justified as the current Practice Guidance states (and which this Section will examine), the LPEG recommends examining just two indicators:
- 1 **House price affordability** – the ratio of median quartile house prices to median earnings (‘The House Price Ratio’); and,
  - 2 **Rental affordability** – lower quartile rental costs as a percent of lower quartile earnings (The Rental Affordability Ratio’).
- 5.7 Whilst the LPEG report remains at the consultation stage and has no formal weight, it is a useful indicator of the general direction of travel this area of debate is likely to take. NLP has therefore applied the HPR/RAR tests to York towards the end of this Section.

## Housing Market Indicators

- 5.8 In the context of The Framework and the Practice Guidance, each of the housing market signals have been reviewed to assess the extent to which they indicate an imbalance between supply and demand in the City of York.

### Land Prices

- 5.9 CLG has published a document entitled ‘*Land value estimates for policy appraisal*’ (February 2015) which contains post permission residential land value estimates, per hectare for each Local Authority. For York this figure is £2,469,000 per hectare, well above the equivalent figure for England (excluding London) of £1,958,000.

### House Prices

- 5.10 The Practice Guidance<sup>52</sup> identifies that longer term changes in house prices may indicate an imbalance between the demand for and supply of housing. Although it suggests using mix-adjusted prices and/or House Price Indices, these are not available at local authority level on a consistent basis, and

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<sup>52</sup> 2a-019-20140306

therefore for considering market signals in York, price paid data is the most reasonable indicator.

- 5.11 Land Registry price paid data displays the median prices in York, alongside North Yorkshire and England as of 2014 (Table 5.1). These median prices illustrate lower prices in York compared to national rates, but higher prices than in the surrounding sub-region.

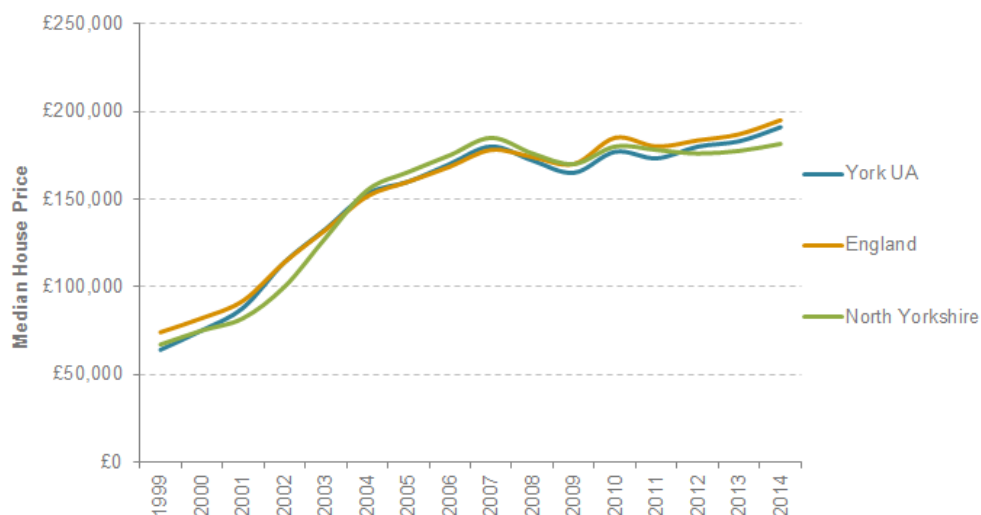
Table 5.1 Median Dwelling Price, York (2014)

	Median Dwelling Price 2014
York	£191,000
North Yorkshire	£181,500
England	£195,000

Source: Land Registry Price Paid Data

- 5.12 CLG publishes series data on median house prices based on the same Land Registry price paid data series. This currently runs from 1996 to 2014. This longitudinal analysis is illustrated in Figure 5.1, which indicates that the City of York has seen virtually identical levels of house price growth to the national average since 1999. The figure remains slightly below the England average at present, but is above the North Yorkshire median.

Figure 5.1 Median House Prices



Source: CLG Live Table 586

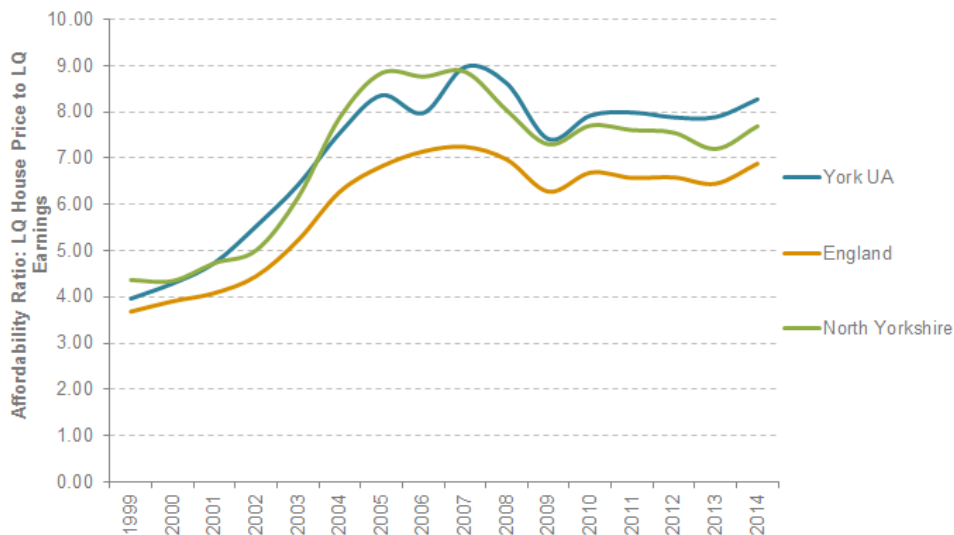
- 5.13 In 2014 median house prices in York were just 2% lower than the national average, whilst the City ranked as being the 168<sup>th</sup> most expensive place to live in England (out of 326 districts).
- 5.14 It is particularly important to note that over the previous 15 years (1999-2014), median house prices have increased by 198% (or £127,000) in York, compared to 164% nationally and 171% across North Yorkshire as a whole.
- 5.15 As set out in the Practice Guidance, higher house prices and long term, sustained increases can indicate an imbalance between the demand for housing and its supply. The fact that York’s median house prices have

effectively tripled in 15 years, from £61,000 in 1999 to £191,000 in 2014, and have risen at a much faster rate than comparable national and sub-regional figures, suggests that the local market is experiencing considerable levels of stress.

### Affordability

- 5.16 The CLG’s former SHMA Practice Guidance defines affordability as a ‘*measure of whether housing may be afforded by certain groups of households*’<sup>53</sup>. A household can be considered able to afford to buy a home if it costs 3.5 times the gross household income for a single earner household or 2.9 times the gross household income for dual-income households. Where possible, allowance should be made for access to capital that could be used towards the cost of home ownership [page 42].
- 5.17 The Practice Guidance concludes that assessing affordability involves comparing costs against a household’s ability to pay, with the relevant indicator being the ratio between lower quartile house prices and lower quartile [LQ] earnings.
- 5.18 Using CLG affordability ratios, Figure 5.2 illustrates that although the ratio fell substantially from a peak of 8.98 in 2007 following the financial crash and subsequent economic downturn, it has steadily increased since 2009 at a much faster rate than North Yorkshire as a whole. This suggests that levels of affordability are declining in York at a pace which is not the case for the rest of the sub-region (and indeed, for the country as a whole). In 2014, the median house price in York City was approximately 8.27-times the LQ income, compared to 7.69 for North Yorkshire and 6.88 nationally.

Figure 5.2 Ratio of house price to lower quartile earnings



Source: CLG Live Table 576

- 5.19 It can be seen in Figure 5.2 that over the past 15 years, the ratio of lower quartile house prices to lower quartile earnings in York has been consistently

<sup>53</sup> Annex G

above the national average, with the gap widening over time. Indeed, the rate of increase is worrying – between 1999 and 2014, the affordability ratio increased by 109%, significantly above the comparable growth rate for North Yorkshire (+76%) and England (+87%). Indeed, across the whole of northern England, only Manchester City has experienced a higher rate of increase in its affordability ratio than York.

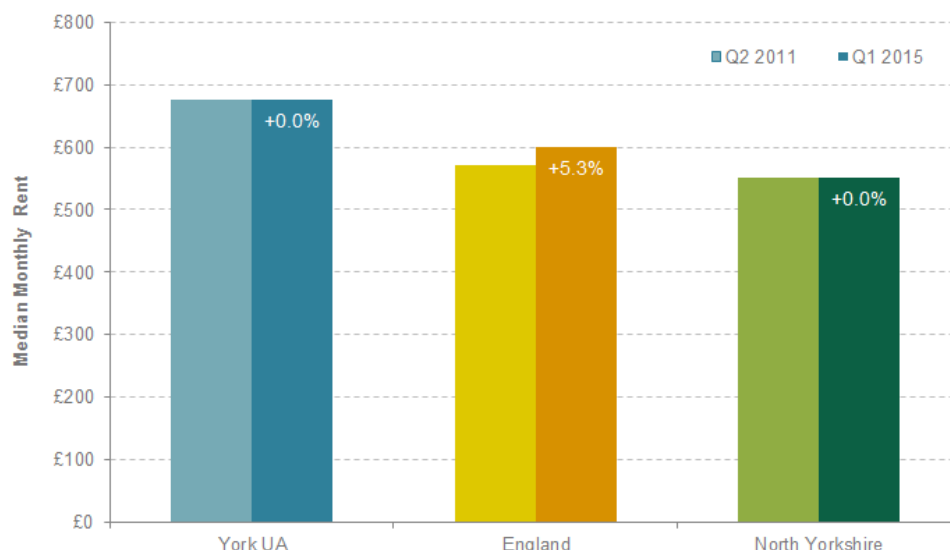
5.20 The affordability ratio highlights a constraint on people being able to access housing in York, with house price increases and rental costs outstripping increases in earnings at a rate well above the national level.

5.21 The **House Price Ratio**, the measure used within the proposed changes to the Practice Guidance by the LPEG<sup>54</sup>, equates to 6.92 for York (based on NLP’s analysis of median house prices set against median earnings, averaged over the past 3 years). According to the LPEG Guidance, where HPR is at or above 5.3 and less than 7.0 a 10% uplift should be applied.

### Rents

5.22 On a similar basis, high and increasing private sector rents in an area can be a further signal of stress in the housing market. Median rents in York are £675 per month, with median rents ranging from £567 per month for a 1 bed flat, to £695 per month for a 4+ bed house. All of these figures are significantly higher than the national average, with overall average rents comprising £600 across England, and £550 for North Yorkshire. Rental levels are therefore 12.5% higher than comparable national figures, although as Figure 5.3 demonstrates, rents have remained static in the City in recent years.

Figure 5.3 Median Monthly Rents



Source: VOA Private Rental Market Statistics

<sup>54</sup> Revised Practice Guidance text on Housing and Economic Development Needs – Appendix 6 of Local Plan Expert Group Report [ID: 2a-020-20140306]



- 5.23 The **Rental Affordability Ratio [RAR]**, the measure proposed to analyse market signals within the LPEG’s proposed changes to the Practice Guidance<sup>55</sup>, is 32.4% for York (based on NLP’s analysis of LQ earnings against LQ 1-bedroom rental properties, averaged over the past 3 years). The LPEG Guidance suggests that where the RAR is between 30% and 35%, a 20% uplift should be applied to the demographic starting point OAHN.

### Rate of Development / Under Delivery

- 5.24 The rate of development is intended to be a supply-side indicator of previous delivery. The Practice Guidance states that:

*“...if the historic rate of development shows that actual supply falls below planned supply, future supply should be increased to reflect the likelihood of under-delivery of a plan”<sup>56</sup>*

- 5.25 York has never had an adopted Local Plan, hence the only relevant previous ‘planned supply’ figure is the target within the former Yorkshire and the Humber RS up to 2012. Thereafter, we have compared delivery against the household projections and its preferred OAHN range, as set out in Table 5.2.

Table 5.2 Rate of net housing delivery in York against possible policy benchmarks, 2004/05-2014-15

Year	Net Housing Completions	2012-based SNHP		Council’s OAHN (841 dpa)	
		‘Need’*	+/-	‘Need’*	+/-
2004/05	1,160	640	+520	640	+520
2005/06	906	640	+266	640	+266
2006/07	798	640	+158	640	+158
2007/08	523	640	-117	640	-117
2008/09	451	850	-399	850	-399
2009/10	507	850	-343	850	-343
2010/11	514	850	-336	850	-336
2011/12	321	850	-529	850	-529
2012/13	482	758	-276	841	-359
2013/14	345	758	-413	841	-496
2014/15	507	758	-251	841	-334
<b>Total 2004/05 – 2015/16</b>	<b>6,514</b>		<b>-1,720</b>		<b>-1,969</b>

Source: Arup (August 2015): ‘Evidence on Housing Requirements in York: 2015 Update’, Table 4  
 \*RSS assumed average 0 640 dpa 2004/05 – 2007/08; 850 dpa 2008/09 – 2011/12

- 5.26 It is clear from the Council’s own evidence that the City has consistently under-delivered housing, with a failure to deliver anything more than 525 dwellings in any single year since before the recession. The policy benchmarks suggest that the level of past under-delivery could range from around 1,700 to 1,970 dwellings over the past 11 years.
- 5.27 Furthermore, The Council’s already low housing delivery figures have been artificially boosted by the inclusion of student accommodation in the

<sup>55</sup>Ibid

<sup>56</sup>Section 2a-019-20140306

completions figures. For example, CYC's 2012/13 Annual Monitoring Report states that 482 (net) dwellings were completed in 2012/13, but this figure includes 124 student cluster flats. The latest 6 months completions data set out in CYC's Housing Monitoring Update (October 2015) suggests that the Council is continuing to rely on student housing completions to boost its housing numbers, with 579 of the total 777 net completions during the first half of the 2015/16 monitoring year comprising privately managed off-campus student accommodation. It is highly questionable whether such accommodation is genuinely meeting the needs of York City's non-student population.

### **Overcrowding and Homelessness**

- 5.28 Indicators on overcrowding, sharing households and homelessness demonstrate un-met need for housing within an area. The Practice Guidance suggests that long-term increases in the number of such households may be a signal that planned housing requirements need to be increased.
- 5.29 The Guidance states that indicators on:
- “...overcrowding, concealed and sharing households, homelessness and the number in temporary accommodation demonstrate unmet need for housing. Longer term increases in the number of such households may be a signal to consider increasing planned housing numbers...”<sup>57</sup>*
- 5.30 The Census measures overcrowding based on a standard formula, which measures the relationships between members of a households (as well as the number of people in that household) to determine the number of rooms they require. A rating of -1 or less indicates a household has one fewer room than required, +1 or more indicates a household has one or more rooms than needed. At the national level, affordability issues in recent years, as well as a shortfall in housing supply, have meant that people are either willing to accept sub-optimal living conditions (e.g. living in a smaller home to manage costs) or are forced into accepting such housing outcomes (e.g. are priced out of the market and have to share with friends/family).
- 5.31 Table 5.3 illustrates that overcrowding against the occupancy rating in York is not severe, with 7.10% of households living in a dwelling that is too small for their household size and composition. This compares to 8.7% nationally. However, it represents a significant increase of 2 percentage points on the 5.1% recorded in York in 2001, which is above the national trend (which had increased by 1.6 percentage points from 7.1% in 2011).

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<sup>57</sup> Section 2a-019-20140306

Table 5.3 Overcrowding: Household Room Occupancy Rating

	2001			2011		
	Total Households	-1 room occupancy or less	-1 room occupancy or less (%)	Total Households	-1 room occupancy or less	-1 room occupancy or less (%)
York	76,926	3,887	5.1%	83,552	5,930	7.1%
England	20,451,427	1,457,512	7.1%	22,063,368	1,928,596	8.7%

Source: Census 2001 / Census 2011

Note: The definition of the Census 'bedroom standard' is slightly different from the 'occupancy rating' that informs the Government's Under-Occupancy Charges, i.e. the Census states that 'two persons of the same sex aged between 10 and 20' can occupy one bedroom, whilst the Under Occupancy Charge changes this to 'any two children of the same sex aged under 16'. It is possible that if the Government's policy continues into the long term, then changes will be made to the categorisation of the Census's Occupancy Rating to bring the two datasets into line.

5.32 The Census also recorded the number of concealed families (i.e. where there is more than one family present in a household). Nationally, this rose significantly between 2001 and 2011, at least in part due to the impact of the recession on younger households' ability to afford their own home. This meant that many younger people, including families, remained in the family home for longer than might have been expected in the past, either through choice (to save money) or through necessity.

5.33 At the time of the 2011 Census, 1.9% of all families in England were concealed; this represented 275,954 families. This is a rise compared to 2001 when 1.2% of families were concealed. In York, a lower percentage of families were concealed (1.1%) than nationally (1.9%). However, this represents a higher proportional rise, of almost two thirds, from the 2001 figure. This is presented in Table 5.4.

Table 5.4 Concealed Families in York, Yorkshire and the Humber and England - 2001-2011

	Concealed Families		Change (percentage points)	Change in %
	2001	2011		
York	330 (0.7%)	586 (1.1%)	+0.43	+65.7%
Yorkshire and the Humber	15,890 (1.1%)	25,410 (1.7%)	+0.57	+51.1%
England	161,254 (1.2%)	275,954 (1.9%)	+0.69	+59.2%

Source: Census 2001/2011

5.34 The levels of overcrowding and concealed households in York are moderate when compared with the national and regional averages but have increased at a higher rate (albeit from a lower base). While the level of overcrowding and number of concealed households is not so significant as to conclude that there is severe market pressure, it nevertheless highlights inadequacy reducing flexibility in the housing market.

5.35 The levels of overcrowding are likely to be a symptom associated with restricted incomes in York, with people either willing to accept sub-optimal living conditions (e.g. living in smaller houses to manage costs) or forced into

accepting such housing outcomes (e.g. are priced out and have to share with friends/family). In such circumstances, overcrowding and concealed households may be indicative of insufficient supply to meet demand.

- 5.36 Table 5.5 indicates that York has a comparatively low number of homeless people in priority need, of just 103 (or 1.2 per 1,000 households), which is around half the national rate. The fall in homelessness levels in the City has also been much more pronounced than elsewhere over the past ten years.

Table 5.5 Numbers accepted as being homeless and in priority need- 2004/05-2014/15

	Homeless and in Priority Need		% Change	Absolute Change
	2004/05	2014/15		
York	424 (5.44 / 1,000 H'holds)	103 (1.2 / 1,000 H'holds)	-78%	-4.2 / 1,000 H'holds
North Yorkshire	1,025 (4.01 / 1,000 H'holds)	369 (1.41 / 1,000 H'holds)	-65%	-2.6 / 1,000 H'holds
England	120,860 (5.73 / 1,000 H'holds)	54,430 (2.40 / 1,000 H'holds)	-58%	-3.3 / 1,000 H'holds

Source: CLG Live Table 784: Local authorities' action under the homelessness provisions of the Housing Acts (P1e returns)

## Synthesis of Market Signals

- 5.37 Drawing together the individual market signals above begins to build a picture of the current housing market in and around York; the extent to which demand for housing is not being met; and the adverse outcomes that are occurring because of this.
- 5.38 The performance of York against County and national comparators for each market signal is summarised in Table 5.6. When quantified, York has performed worse in market signals relating to both absolute levels and rates of change against North Yorkshire and England in 14 out of 28 measures.
- 5.39 It is clear that the City is currently facing very significant challenges in terms of house prices and private rental values causing affordability difficulties.

Table 5.6 Summary of the York Market Signals against North Yorkshire and England

Market Signal	North Yorkshire		England	
	Absolute Figure	Rate of Change	Absolute Figure	Rate of Change
House Prices	Worse	Worse	Better	Worse
Affordability Ratios	Worse	Worse	Worse	Worse
Private Rents	Worse	Same	Worse	Better
Past Development	~	~	~	~
Homelessness (Households in Temporary Accommodation)	Better	Better	Better	Better
Homelessness (Households in Priority Need)	Better	Better	Better	Better
Overcrowding (Overcrowded Households)	Worse	Worse	Better	Worse
Overcrowding (Concealed Families)	Better	Worse	Better	Worse

Source: NLP analysis

Footnote: Worse = performing worse against the average

Better = performing the same or better against the average

~ = data not available

5.40 To draw meaningful conclusions on the extent to which these market indicators show housing market stress within the City of York and a level of supply that is not meeting demand, the Practice Guidance suggests that comparisons of absolute levels and rates of change in such indicators should be made with comparator areas and nationally. For this reason, York has been compared and ranked against other local authority areas, and England as a whole.

5.41 These comparator areas have been chosen on the following basis:

A) Other nearby areas within the wider Yorkshire and the Humber Region:

- 1 East Riding
- 2 Hambleton
- 3 Harrogate
- 4 Hull
- 5 Leeds
- 6 Ryedale
- 7 Selby
- 8 Wakefield

B) The Practice Guidance also states that market signals must be compared with authorities which are not necessarily close geographically, but which share characteristics in terms of economic and demographic factors. These authorities have been chosen by examining the 'OAC Supergroup Area Classification Map', produced by the ONS in 2015, which groups each local authority into various socio-economic classifications. York, as a 'Coast and Heritage' authority, has been compared with other communities similarly classified within this ranking and which share similar socio-economic characteristics:

- 1 Bath and North East Somerset
- 2 Canterbury
- 3 Cheltenham
- 4 Colchester
- 5 Lancaster
- 6 Scarborough
- 7 Taunton Deane
- 8 Worcester

5.42

England has been used as the final comparator for both sets of tables. A comparison across the range of housing market signals within the authorities identified above is presented in Table 5.7 to Table 5.10. A higher ranking in these tables suggests a worse, or comparatively poorer performing, housing market for that indicator.



Table 5.7 York Market Signals Comparator Table - Cost of Housing [Neighbouring Authorities]

Rank	House Prices			Affordability			Rents		
	Median (2014)	% Change (1999-2014)	Absolute Change (1999-2014)	Ratio (2014)	% Change (1999-2014)	Absolute Change (1999-2014)	Median (Q1 2015)	% Change (Q2 2011-Q1 2015)	Absolute Change (Q2 2011-Q1 2015)
1	Harrogate	<b>York</b>	Harrogate	Harrogate	<b>York</b>	Harrogate	Harrogate	Leeds	Leeds
2	Hambleton	Harrogate	Hambleton	Hambleton	Harrogate	<b>York</b>	<b>York</b>	Selby	Selby
3	<b>England</b>	Hambleton	<b>York</b>	Ryedale	Ryedale	Ryedale	Leeds	Ryedale	Harrogate
4	<b>York</b>	Ryedale	<b>England</b>	<b>York</b>	<b>England</b>	Hambleton	<b>England</b>	Harrogate	Ryedale
5	Ryedale	Selby	Ryedale	<b>England</b>	Kingston upon Hull	<b>England</b>	Hambleton	<b>England</b>	<b>England</b>
6	Selby	<b>England</b>	Selby	Selby	East Riding of Yorkshire	Selby	Selby	East Riding of Yorkshire	East Riding of Yorkshire
7	Leeds	East Riding of Yorkshire	East Riding of Yorkshire	East Riding of Yorkshire	Selby	East Riding of Yorkshire	Ryedale	Kingston upon Hull	Kingston upon Hull
8	East Riding of Yorkshire	Kingston upon Hull	Leeds	Leeds	Leeds	Leeds	Wakefield	<b>York</b>	<b>York</b>
9	Wakefield	Leeds	Wakefield	Wakefield	Wakefield	Wakefield	East Riding of Yorkshire	Hambleton	Hambleton
10	Kingston upon Hull	Wakefield	Kingston upon Hull	Kingston upon Hull	Hambleton	Kingston upon Hull	Kingston upon Hull	Wakefield	Wakefield
Source:	CLG Live Table 586/Land Registry	CLG Live Table 586/Land Registry	CLG Live Table 586/Land Registry	CLG Live Table 576/Land Registry/ASHE	CLG Live Table 576/Land Registry/ASHE	CLG Live Table 576/Land Registry/ASHE	VOA Private Rental Market Statistics	VOA Private Rental Market Statistics	VOA Private Rental Market Statistics





Table 5.8 York Market Signals Comparator Table – Overcrowding and Homelessness [Neighbouring Authorities]

Rank	Overcrowded Households			Households in Priority Need			Concealed Families		
	Overcrowded Households, % (2011)	Change (%) (2001-2011)	Households in Priority Need, per 1,000 Households (2014/15)	% Change (2004/05-2014/15)	Absolute Change (2004/05-2014/15)	Change (percentage points) (2001-2011)	Concealed Families, % (2011)	Change (%) (2001-2011)	Change (percentage points) (2001-2011)
1	Leeds	<b>York</b>	<b>York</b>	Kingston upon Hull	East Riding of Yorkshire	Wakefield	<b>England</b>	Kingston upon Hull	Kingston upon Hull
2	<b>England</b>	Harrogate	<b>England</b>	<b>England</b>	Wakefield	East Riding of Yorkshire	Leeds	Selby	<b>England</b>
3	Kingston upon Hull	Kingston upon Hull	Kingston upon Hull	East Riding of Yorkshire	Hambleton	Hambleton	Kingston upon Hull	<b>York</b>	Selby
4	<b>York</b>	<b>England</b>	Leeds	Harrogate	<b>England</b>	Selby	Wakefield	Wakefield	Leeds
5	Wakefield	Selby	Harrogate	Wakefield	Kingston upon Hull	Ryedale	Selby	<b>England</b>	Wakefield
6	Harrogate	East Riding of Yorkshire	Selby	Hambleton	Selby	Harrogate	<b>York</b>	Leeds	<b>York</b>
7	Selby	Leeds	East Riding of Yorkshire	<b>York</b>	Harrogate	<b>England</b>	Hambleton	Hambleton	Hambleton
8	East Riding of Yorkshire	Wakefield	Wakefield	Leeds	<b>York</b>	<b>York</b>	East Riding of Yorkshire UA	Harrogate	East Riding of Yorkshire
9	Ryedale	Hambleton	Hambleton	Selby	Ryedale	Kingston upon Hull	Harrogate	East Riding of Yorkshire	Harrogate
10	Hambleton	Ryedale	Ryedale	Ryedale	Leeds	Leeds	Ryedale	Ryedale	Ryedale
Source:	Census 2011	Census 2001, Census 2011	Census 2001, Census 2011	CLG Live Table 784 (P1e Returns)	CLG Live Table 784 (P1e Returns)	CLG Live Table 784 (P1e Returns)	Census 2011	Census 2001, Census 2011	Census 2001, Census 2011



Table 5.9 York Market Signals Comparator Table - Cost of Housing [‘Coast and Heritage’ Authority Comparisons]

Rank	House Prices			Affordability			Rents		
	Median (2014)	% Change (1999-2014)	Absolute Change (1999-2014)	Ratio (2014)	% Change (1999-2014)	Absolute Change (1999-2014)	Median (Q1 2015)	% Change (Q2 2011-Q1 2015)	Absolute Change (Q2 2011-Q1 2015)
1	Bath and North East Somerset	<b>York</b>	Bath and North East Somerset	Bath and North East Somerset	Bath and North East Somerset	Bath and North East Somerset	Bath and North East Somerset	Lancaster	Lancaster
2	Canterbury	Canterbury	Canterbury	Canterbury	<b>York</b>	Canterbury	Canterbury	Canterbury	Canterbury
3	Cheltenham	Bath and North East Somerset	Cheltenham	Cheltenham	Lancaster	<b>York</b>	<b>York</b>	Bath and North East Somerset	Bath and North East Somerset
4	<b>England</b>	Colchester	<b>York</b>	<b>York</b>	Cheltenham	Cheltenham	Cheltenham	Worcester	Worcester
5	Colchester	Lancaster	Colchester	Taunton Deane	Canterbury	Taunton Deane	Colchester	Cheltenham	Cheltenham
6	<b>York</b>	Cheltenham	<b>England</b>	Colchester	Colchester	Colchester	<b>England</b>	<b>England</b>	<b>England</b>
7	Taunton Deane	Taunton Deane	Taunton Deane	Worcester	<b>England</b>	<b>England</b>	Taunton Deane	Taunton Deane	Taunton Deane
8	Worcester	<b>England</b>	Worcester	<b>England</b>	Taunton Deane	Worcester	Worcester	Colchester	Colchester
9	Scarborough	Scarborough	Scarborough	Scarborough	Scarborough	Lancaster	Lancaster	<b>York</b>	<b>York</b>
10	Lancaster	Worcester	Lancaster	Lancaster	Worcester	Scarborough	Scarborough	Scarborough	Scarborough
Source:	CLG Live Table 586/Land Registry	CLG Live Table 586/Land Registry	CLG Live Table 586/Land Registry	CLG Live Table 576/Land Registry/ASHE	CLG Live Table 576/Land Registry/ASHE	CLG Live Table 576/Land Registry/ASHE	VOA Private Rental Market Statistics	VOA Private Rental Market Statistics	VOA Private Rental Market Statistics



Table 5.10 York Market Signals Comparator Table – Overcrowding and Homelessness [‘Coast and Heritage’ Authority Comparisons]

Rank	Overcrowded Households			Households in Priority Need			Concealed Families		
	Overcrowded Households, % (2011)	Change (%) (2001-2011)	Households in Priority Need, per 1,000 Households (2014/15)	% Change (2004/05-2014/15)	Absolute Change (2004/05-2014/15)	Change (percentage points) (2001-2011)	Concealed Families, % (2011)	Change (%) (2001-2011)	Change (percentage points) (2001-2011)
1	England	York	York	Worcester	Worcester	Worcester	England	York	England
2	Cheltenham	Colchester	Colchester	Colchester	Canterbury	Canterbury	Worcester	Colchester	Canterbury
3	Canterbury	Taunton Deane	Cheltenham	Taunton Deane	Colchester	Colchester	Canterbury	England	York
4	Colchester	Worcester	England	England	England	Bath and North East Somerset	Scarborough	Canterbury	Taunton Deane
5	York	Bath and North East Somerset	Worcester	Scarborough	Taunton Deane	England	Lancaster	Taunton Deane	Scarborough
6	Bath and North East Somerset	Cheltenham	Bath and North East Somerset	Canterbury	Scarborough	York	Taunton Deane	Scarborough	Worcester
7	Worcester	England	Taunton Deane	Lancaster	Bath and North East Somerset	Taunton Deane	York	Bath and North East Somerset	Colchester
8	Scarborough	Scarborough	Canterbury	York	York	Scarborough	Bath and North East Somerset	Worcester	Lancaster
9	Taunton Deane	Canterbury	Scarborough	Bath and North East Somerset	Lancaster	Lancaster	Cheltenham	Cheltenham	Bath and North East Somerset
10	Lancaster	Lancaster	Lancaster	-	-	-	Colchester	Lancaster	Cheltenham
Source:	Census 2011	Census 2001, Census 2011	Census 2001, Census 2011	CLG Live Table 784 (P1e Returns)	CLG Live Table 784 (P1e Returns)	CLG Live Table 784 (P1e Returns)	Census 2011	Census 2001, Census 2011	Census 2001, Census 2011



- 5.43 It is clear from this analysis that the housing market in the City of York is increasingly dysfunctional, with a very steep level of house price growth in recent years leading to significant affordability challenges generating adverse outcomes for residents who need to access the housing market. The comparative analysis suggests that when compared against neighbouring Yorkshire districts, York has experienced the highest rate of house price growth over the period 1999 to 2014, at levels significantly above the national average at a rate higher than the national level of growth. Only Harrogate and Hambleton have higher house prices, whilst these two affluent districts (with the addition of Ryedale) are also the only ones in the wider area that have higher affordability ratios. Of particular importance is the rate of change in York's affordability ratio, which has been significantly higher than any of the comparable districts.
- 5.44 Median rental levels are also the highest of all the comparator Yorkshire authorities with the exception of Harrogate and the City has the highest rate of change of both overcrowded households and concealed families.
- 5.45 The performance of York's housing market relative to comparable authorities further afield (Table 5.9 and Table 5.10) which share similar socio-economic characteristics also suggests that the local housing market is under stress, with York amongst the very worst performing districts regarding rates of change in house prices, absolute and relative changes in affordability, median rents, and the rate of change in overcrowded households and concealed families.
- 5.46 The Practice Guidance, as well as providing general economic principles, points towards such factors as indicating that additional supply, over and above that solely needed by demographic change, may need to be delivered in order to address affordability and to reverse adverse housing market trends within the HMA.

### **LPEG Market Signals Sensitivity Test**

- 5.47 This conclusion has been complicated by the more recent recommendations of the Local Plan Expert Group [LPEG]<sup>58</sup>, which includes a standardisation of the appraisal of market signals and the extent of any uplift to the demographic starting point. The LPEG Report suggests taking account of just two market indicators (Appendix 6), namely the House Price Ratio and the Rental Affordability Ratio.
- 5.48 The Report suggests that, based on data by CLG, LPAs should apply an upward adjustment to the demographic starting point in line with the following benchmarks:
1. Where the House Price Ratio is less than 5.3 and Rental Affordability Ratio is less than 25%, **no uplift is required**;
  2. Where HPR is at or above 5.3 and less than 7.0, and/or the RAR is at or

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<sup>58</sup>Local Plans Expert Group (March 2016): Local Plans Report to the Communities Secretary and to the Minister of Housing and Planning



above 25% and less than 30%, **a 10% uplift should be applied;**

3. Where the HPR is at or above 7.0 and less than 8.7, and/or the RAR is at or above 30% and less than 35%, **a 20% uplift should be applied;**  
and
4. Where the HPR is at or above 8.7 and/or the RAR is at or above 35%, **a 25% uplift should be applied.**

5.49 The data alluded to in the LPEG is not yet published by CLG, but based on NLP's own figures, it is calculated that the 3-year average HPR for York would be 6.92, whilst the equivalent 3-year average RAR would equate to 32.4%. These figures are currently only indicative and may change if CLG agree to publish these figures themselves.

5.50 **Nevertheless if the findings of the LPEG report are accepted, a 20% market signals uplift is required for York. It is NLP's judgement that given the extent of market imbalance clearly in evidence from the 6 key market indicators appraised in this section, this level of uplift would appear appropriate for the City of York.**

## 6.0 Full Objectively Assessed Needs

### Introduction

- 6.1 In practice, applying the Framework requires a number of key steps to be followed in order to arrive at a robustly evidenced housing target:

*The starting point for Local Plans is to meet the full objectively assessed development needs of an area, as far as consistent with the policies set out in the Framework as a whole [§6, §47 & §156].*

*An objective assessment of housing need must be a level of housing delivery which meets the needs associated with population and household growth, addresses the need for all types of housing including affordable and caters for housing demand [§159].*

*Every effort should be made to meet objectively assessed needs for housing and other development, and there should be positive response to wider opportunities for growth. Market signals, including affordability should be taken into account when setting a clear strategy for allocating suitable and sufficient land for development [§17].*

*In choosing a housing requirement which would not meet objectively assessed development needs, it must be evidenced that the adverse impacts of meeting needs would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework as a whole; unless specific policies indicate development should be restricted [§14].*

*Where an authority is unable to meet its objectively assessed development needs or it is not the most appropriate strategy to do so, e.g. due lack of physical capacity or harm arising through other policies, it must be demonstrated under the statutory duty-to-cooperate that the unmet need is to be met in another local authority area in order to fully meet development requirements across housing market areas [§179 & §182 bullet point 1].*

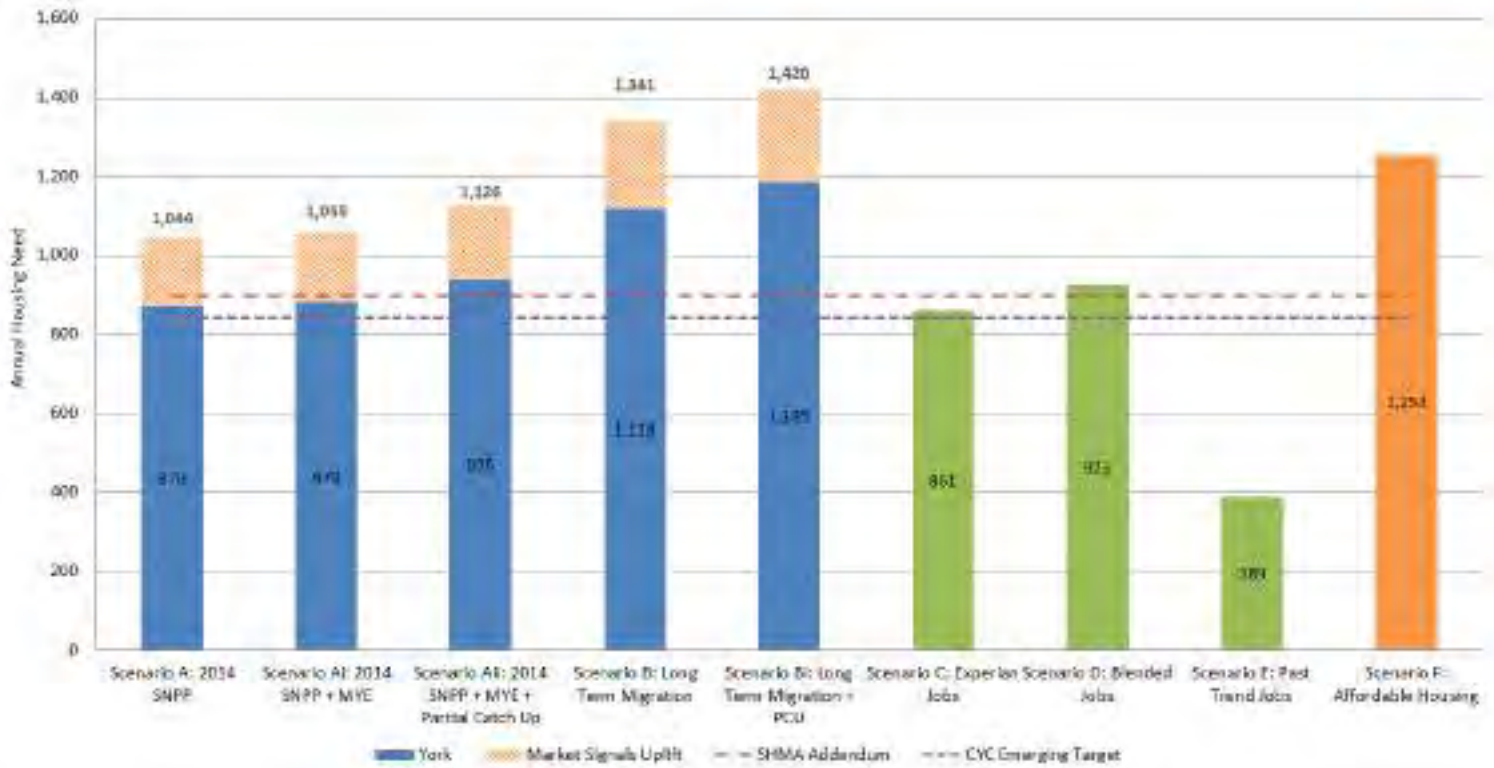
- 6.2 It is against these requirements of the Framework which the City of York's housing need must be identified. The Government's Practice Guidance states that 'household projections published by CLG should provide the starting point estimate of overall housing need.' It also states that the household projection may require adjustment to reflect factors affecting local demography and household formation rates which are not necessarily captured in past trends<sup>59</sup>.
- 6.3 To comply with the Practice Guidance, this analysis has used the latest 2012-based SNHP to derive the baseline demographic need, which acts as the 'starting point' when determining the housing OAN. Thereafter, various assumptions, adjustments and sensitivities have been applied to take account of new demographic data, local factors and economic aspirations.

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<sup>59</sup> ID 2a-015-20140306

6.4 Figure 6.1 sets out the annual dwelling need under each scenario as identified by NLP’s modelling work.

Figure 6.1 Model Outputs for the City of York: Dwellings per Annum 2012-2032



Source: NLP Analysis  
 Note: The orange boxes on the blue bars relate to the recommended uplift to address worsening market signals

### The Starting Point – Demographic Needs

6.5 The CLG 2012-based household projections indicate a growth of 15,093 households over the period 2012-2032 in the City of York, at an annual average of 755 (+17.9%). By making an allowance for second/vacant homes (1.5%), this would equate to a need for 15,324 dwellings, or 766 dpa in the City of York between 2012 and 2032. This is lower than the 783 dpa reported by GL Hearn for their equivalent baseline scenario in the 2016 SHMA due to the slightly higher vacancy rate used by GL Hearn (using the 2011 Census rather than the Council Tax Base data).

6.6 As per the Practice Guidance, NLP has made adjustments to this starting point to reflect more up-to-date data, specifically the 2014-based SNPP and the 2013, 2014 and 2015 MYEs. The 2014-based SNPP alone increases the housing need to 870 dpa (Scenario A). Scenario Ai, which incorporates the 2015 MYE into the 2014-based SNPP, has the effect of increasing the population growth by 7,793 (+32%) from the 2012-based SNPP alone and, through the application of the same 2012-based SNHP headship rates, increases the level of housing need to **879 dpa** (Scenario Ai). This again is slightly lower than the (broadly) comparable 2014-based SNPP Scenario

modelled by GL Hearn (889 dpa) in its SHMA Addendum, albeit GL Hearn has used a different vacancy rate and was not able to incorporate the 2015 MYE data into its modelling.

- 6.7 However, as set out above, the 2012-based SNHP has been affected by the conditions that were experienced during the recession, as well as the effects of rapid house price increases in the early 2000s. NLP considers that it is reasonable to assume that rates of household formation and average household size will reflect a change in line with long term trends as the economy strengthens and peoples' circumstances improve. This is an approach that is recognised by LPEG and accepted by a number of Inspectors elsewhere.
- 6.8 In particular, research by the former National Housing and Planning Advice Unit [NHPAU<sup>60</sup>] found that cohorts who are less able to access home ownership earlier in their housing 'career' due to 'boom' or recessionary factors impacting on affordability are nevertheless able to 'catch up' – 80% of the gap at the age of 30 is 'caught up' by the age of 40. This finding supports the resumption towards long term household formation trends.
- 6.9 Following a suitable adjustment to accelerate the headship rates for younger households under Scenario Aii, it is considered that a figure of **938 dpa** represents the appropriate demographic-led need for housing and appropriate baseline for the City of York. This would be the minimum necessary to meet the City's future housing needs to 2032.
- 6.10 NLP's modelling work suggests that, contrary to the approach taken by GL Hearn, long term migration rates could suggest a higher level of growth (Scenario B, 1,118 dpa / Scenario Bi, 1,183 dpa).
- 6.11 NLP's general approach is usually to apply the 938 dpa SNPP-led figure, which in this instance generates the lower level of housing need. This is because it reflects the starting point for the assessment of OAHN as required by the Practice Guidance. The long term migration scenario is essentially a sensitivity of this starting point that is undertaken to ascertain whether an upward adjustment to the SNPP-based figure is required (as recommended by LPEG).
- 6.12 NLP considers that in this instance, the realistic demographic starting point position is 938 dpa (Scenario Aii). Whilst there is a good case for taking forward a higher past trend migration approach, equalling 1,183 dpa (Scenario Bi), past migration is not always a good measure of likely future change. This is particularly so in the case of the City of York, which has had high levels of net international migration over the past ten years or so.
- 6.13 **Given the uncertainties concerning the implications of Brexit, it is considered that the sensible and modest future migration flows factored into the 2014-based SNPP for York and underpinning the 938 dpa figure represent the most appropriate demographic scenario going forward.**

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<sup>60</sup>NHPAU (2010): How do Housing Price Booms and Busts Affect Home Ownership for Different Birth Cohorts?

- 6.14 The Practice Guidance is very clear that the demographic baseline represents only the starting point – and not the end point - in the determination of OAHN. Adjustments should also be made, as appropriate, to reflect market signals, economic growth and affordable housing needs.

### **Do Market Signals indicate a need for an upward adjustment to purely demographic-led needs?**

- 6.15 The market indicators assessed in Section 5.0 shows that there are significant imbalances between the demand for and supply of housing in the City of York. This analysis indicates pressure on the housing market, which will not be addressed by providing only for the level of growth produced by the continuation of demographic trends. A response is clearly required through an adjustment to the demographic-based scenarios, in line with the recommendations set out in the Practice Guidance.
- 6.16 The performance of York’s housing market relative to comparable authorities which share similar socio-economic characteristics suggests that the local housing market is under stress, with York amongst the very worst performing districts regarding rates of change in house prices, absolute and relative changes in affordability, median rents, and the rate of change in overcrowded households and concealed families.
- 6.17 It is NLP’s view that the market indicators would justify a significant uplift to the demographic-led (adjusted) baseline in the order of 20%. This aligns with recent Inspector’s decisions elsewhere where ‘more than modest’ market signals have been evident, notably at the Canterbury Local Plan Examination in Public. Although very limited weight can be attached to the LPEG recommendations at present, we draw comfort from the fact that the LPEG approach would also suggest that a 20% uplift would be appropriate for the City of York.
- 6.18 **When applied to Scenario Aii (938 dpa), this results in a need for 1,126 dpa. Applying the same level of uplift to the Long Term Migration PCU Scenario Bi (and recognising the potential limitations of this approach) would generate a need for up to 1,420 dpa.**

### **Are Economic Growth Needs Being Addressed?**

- 6.19 The Practice Guidance requires plan-makers to assess likely employment growth based on past trends and/or economic forecasts. Where the labour force supply is projected to be less than the forecast job growth, the Practice Guidance states that this could result in unsustainable commuting patterns which could potentially reduce the resilience of local businesses.
- 6.20 A number of scenarios have been modelled to demonstrate the impact of a range of likely growth scenarios based on existing trends, forecasts and economic strategies. These scenarios also show the scale of change that would be required if demographic trends were to be reversed.

- 6.21 The economic forecasts for York indicate that, excluding the negative past trends job growth scenario, the employment-led figures range from 861 dpa based on Experian's latest job growth projections, and 923 dpa based on the 'Blended' jobs growth scenario. These are all lower than the level of housing need associated with the uplifted demographic scenarios as set out above.
- 6.22 The implication of this analysis is to demonstrate that the demographic-based projections would support a reasonable level of employment growth, and that no upward adjustment is required to the demographic-based housing need figures to ensure that the needs of the local economy can be met. Conversely, it is important to recognise that the Blended jobs growth scenario (D) generates a level of housing need that is only marginally lower than the demographically-led starting point (Scenario Aii before an adjustment is made for market signals) of 938 dpa. Therefore the OAHN cannot be any less than this as it would not meet the most appropriate employment-led scenario.

### **Is there a need to increase housing supply to aid the delivery of affordable housing?**

- 6.23 The Practice Guidance makes clear that the consideration of an uplift in response to market signals and any adjustment to take account of affordable housing need should be undertaken as two discrete stages. The Practice Guidance<sup>61</sup> identifies six relevant market signals that are to be considered. Not one of these relates to affordable housing need, i.e. the specific need of those households who lack access to suitable housing (both now and in the future). The assessment of market signals therefore does not include a consideration of affordable housing need. However, affordable housing needs must still be taken into account when determining OAHN.
- 6.24 Following the discussion on market signals, the Practice Guidance provides an overview of how affordable housing needs are to be assessed. The section closes by stating that:
- "An increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes"*<sup>62</sup>.
- 6.25 In this regard, the SHMA Addendum (June 2016) has identified an affordable housing need of 627 dpa. Assuming an optimistic 50% delivery requirement, this would result in need for 1,254 dpa, a figure that is almost at the mid-point of the earlier range of 1,126 dpa and 1,420 dpa.
- 6.26 GL Hearn has not allowed for any adjustment to the identified housing need to reflect this level of affordable housing need. We consider that this is a serious misjudgement.
- 6.27 NLP does not consider that it is adequate just to suggest that an uplift for market signals would be sufficient to address affordable housing need. Such

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<sup>61</sup> ID 2a-019-20140306

<sup>62</sup> ID 2a-029-20140306

an approach is contrary to the Satnam Millennium, Oadby and Wigston and Kings Lynn judgments, all of which require an additional uplift (i.e. as distinct to the market signal adjustment). It also fails to reflect the requirements of the Framework [§47] and the Practice Guidance which clearly show the uplift for market signals to be separate to the adjustment for affordable housing.

6.28 In order to meet the identified level of affordable housing need in full, the bottom end of the range would need to be higher (although it is recognised that at 1,126 dpa, 90% of the City's affordable housing need would be met). The approach of Dove J at Kings Lynn informed the recommendation of LPEG to apply a specific level of uplift in response to identified housing need. Whilst the implication of the Kings Lynn HCJ is that Local Plans are not required to meet their affordable housing needs in full, in this instance, **an uplift of the OAHN range to between 1,254 dpa and 1,420 dpa would, in theory, enable this to be achieved (based on a 50% delivery rate).**

6.29 This would:

- 1 Enable affordable housing needs to be met in full – almost 50% more than the level associated with the Council's suggested OAHN of 841 dpa even at the lower end of NLP's recommended range;
- 2 Be significantly above the 138 affordable dwellings that CYC has delivered on an annual basis since 2007/08; and,
- 3 Accord with the Framework's expectation that LPA's should "*boost significantly the supply of housing*".

## Local Plans Expert Group

6.30 LPEG issued its report to Government on 16<sup>th</sup> March 2016. Its recommendations are currently subject to a period of consultation which ended on 28 April. If implemented, the LPEG recommendations would have a significant impact upon the determination of OAHN in the future.

6.31 It is accepted that the LPEG recommendations have not yet been accepted by Government and it is not known when – or if – they will be. However, NLP has tested the implications of the proposed approach in order to assist the Inspector and the Secretary of State in the event that the recommendations are accepted in their current form.

6.32 Recognising that very limited weight can be attached to the report as it stands, the LPEG report would corroborate our approach to applying a 20% market signals uplift, as well as our assumptions concerning the separate application of accelerated headship rates for younger age groups.

## Conclusions on the City of York's Housing Need

6.33 The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within this report provide alternative levels of housing growth for the City of York. NLP considers these to be as follows:

- 1 **755 hpa** equates to the 2012-based SNHP. With suitable adjustments to include an allowance for second/vacant homes; the latest 2014-based SNPP; the 2015 MYE; and necessary adjustments being made to headship rates in the younger age categories, this would generate a need for **938 dpa**. It is considered that this represents the suitable demographic starting point for the City of York. Anything much below this level would mean that the job projections associated with the most appropriate (Blended average) Employment-led Scenario (923 dpa) cannot be achieved;
- 2 The adjusted Long term Migration Scenario (Bi) suggests that potentially there could be an even higher level of population, and by extension, household growth to 2032. This generates a need for up to 1,183 dpa, although due to the uncertainties concerning long term international migration into York it is considered that in this instance, less weight can be attached to this scenario at the upper end of any OAHN range;
- 3 A significant worsening of some **market signals** suggests the need to improve affordability to stabilise increasing house prices and very high affordability ratios. This would justify an uplift to the figures over and above the level suggested by the demographic projections. The Practice Guidance<sup>63</sup> states that this should be set at a level which could be reasonably expected to improve affordability. A 20% uplift, based on very high and rising house prices and affordability ratios amongst other worsening market signals is considered appropriate in this instance and would align with recent Inspector's decisions whereby a 'more than modest' uplift is required. Applying this level of uplift to the demographic starting point **would indicate a minimum demographic OAHN of 1,126 dpa**, whilst a similar uplift to the Long term Migration (PCU) Scenario would generate a need for 1,420 dpa. This level of uplift would also align with the approach suggested in the LPEG report;
- 4 The demographic-based projections would support a reasonable level of **employment growth** at levels above that forecast by Experian, past trends or the Blended job growth approach. As such, (and only if the demographic figures are above 923 dpa) **no upward adjustment is required** to the demographic-based housing need figures to ensure that the needs of the local economy can be met;
- 5 The scale of affordable housing needs, when considered as a proportion of market housing delivery, implies higher levels of need over and above the lower end of the range, but below the upper end of the OAHN range. It is considered that to meet affordable housing needs in full, the OAHN range should be adjusted to between **1,254 dpa and 1,420 dpa**. It is, however, recognised that even at 1,126 dpa, 90% of York's affordable housing need can be delivered, a substantial amount.

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<sup>63</sup> ID 2a-020-20140306



6.34 **The resultant housing OAHN for the City of York would therefore be at least 1,125 dpa (rounded), although there is a very strong case to meet affordable housing needs in full, in which case the OAHN would equate to 1,255 dpa (rounded).** If long term migration trends were to continue into the future, this would justify a higher OAHN of 1,420 dpa, although due to uncertainties regarding the level of international net migration into York it is considered that less weight should be attached to this figure.

6.35 It would be appropriate to revisit these conclusions once the 2014-based SNHP is released later this summer, and once further details regarding the likely economic and demographic consequences of Brexit are revealed.

6.36 This process is summarised in Table 6.1.

Table 6.1 Approach to OAN for the City of York 2012-2032

	Dwellings per annum (2012-2032)
Demographic Starting Point	755 hpa
Adjustments to Demographic-led Needs	938 dpa / 1,183 dpa
Uplift for Market Signals?	<b>1,126 dpa / 1,420 dpa (+20%)</b>
Employment Led Needs	861 dpa – 923 dpa
Affordable Housing Needs	1,254 dpa*
Uplift to demographic led needs for Affordable Housing? (rounded)	<b>1,255 dpa – 1,420 dpa</b>

\*Based on an affordable housing net annual need of 627 dpa at a delivery rate of 50%

## 7.0 **Summary**

7.1 The Framework sets out that LPAs should use their evidence base to ensure they meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework [§47].

7.2 The City of York SHMA and subsequent Addendum (June 2016) provide evidence on the OAHN within the HMA covering the City of York. The documents make a number of assumptions and judgements which NLP considers to be flawed, or which do not properly respond to the requirements of policy and guidance. As a result, the concluded OAHN is not robust and is inadequate to meet need and demand within the HMA.

### **Deficiencies in the Council's Housing Need Evidence Base**

7.3 There are a number of significant deficiencies in the City of York SHMA and Addendum which means that the 841 dpa OAHN figure currently being pursued by CYC is not soundly based. In particular:

- 1 The demographic modelling downplays the robustness of the 2014-based SNPP which are not supported by the evidence in other aspects of the document;
- 2 Adjustments to headship rates have been conflated with the uplift for market signals. The SHMA does not apply a separate uplift for market signals, but instead makes an adjustment to the demographic modelling based on changes to headship rates which should be part of a normal adjustment to the demographic starting point before market signals are considered. As a result, there is no adjustment for market signals at all despite the significant and severe market signal indicators apparent across the City of York;
- 3 A 'black-box' approach has been taken to the economic-led modelling, with key evidence relating to how the job projections have been factored into any PopGroup model being unpublished;
- 4 No explicit consideration or uplift applied in respect of delivering more homes to meet the needs of households in affordable housing need. This is despite the SHMA and Addendum indicating a level of affordable housing need (of 573 dpa and 627 dpa respectively) which would only be met well in excess of the concluded OAHN.

7.4 In combination, the judgements and assumptions applied within the SHMA seek to dampen the level of OAHN across the City of York. Fundamentally, it is considered that the OAHN(s) identified in the SHMA and Addendum fails to properly address market signals, economic or affordable housing needs, as envisaged by the Framework and Practice Guidance as clarified by High Court and Court of Appeal judgements.

## The City of York's Housing Need

- 7.5 NLP has undertaken its own analysis of housing need for the City of York. Based on the latest demographic data, and through the use of the industry standard PopGroup demographic modelling tool, it is NLP's view that **the OAHN for York is at least 1,125 dpa, although there is a very strong case to meet affordable housing needs in full, in which case the OAHN would equate to 1,255 dpa (rounded).**
- 7.6 If long term migration trends were to continue into the future, this would justify a higher OAHN of 1,420 dpa, although due to uncertainties regarding the level of international net migration into York it is considered that less weight should be attached to this figure.
- 7.7 This allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this range would ensure compliance with paragraph 47 of the Framework by significantly boosting the supply of housing. It would also reflect paragraph 19 of the Framework, which seeks to ensure the planning system does everything it can to support sustainable development.





Nathaniel Lichfield  
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**Newcastle**  
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**From:** Sally Firth [REDACTED]  
**Sent:** 03 April 2018 19:07  
**To:** localplan@york.gov.uk  
**Subject:** RESPONSES TO LOCAL PLAN  
**Attachments:** Comments\_formSALLY FIRTHBECKSIDE,ELVGINTONH39.docx;  
Comments\_formSALLY FIRTHELVINGTONAIRFIELDINDUSTRIALESTATEST26.docx;  
Comments\_formSALLY FIRTHSTABLESELVINGTON.docx; Comments\_formSALLY  
FIRTHWHINTHORPEST15.docx; Local Plan relocated 'Whinthorpe' map.pdf

Dear Sir/Madam,

Please find attached my responses to the Local Plan. I have completed 4 forms and a map, one for each of the following proposed developments:-

- ST26
- ST15
- H39
- THE STABLES ELVINGTON
- MAP REFERRED TO IN PROPOSAL ST15

I would be grateful if they could be submitted for consideration. This is the third time I have submitted my response to these developments and am keen that they are considered with all the others. They are signed electronically as I do not have the means of signing and rescanning them electronically.

Kind regards,

Sally Firth

# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information


To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title	MISS	
First Name	SALLY	
Last Name	FIRTH	
Organisation (where relevant)	NA	
Representing (if applicable)	NA	
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Electronic copies of this form are available to download at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or you can complete the form online at [www.york.gov.uk/consultations](http://www.york.gov.uk/consultations)

## What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

## Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).
- City of York Council West Offices
- In all libraries in York.



# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

*x* City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

**5.(1) Do you consider the document is Sound?**

Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

Positively prepared  Justified

Effective  Consistent with national policy

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

H39 – Extension to Beckside, Elvington

This site fails the tests of: Duty to cooperate and Soundness as it is neither positively prepared nor justified.

1. CYC Officers have not consulted the residents of Elvington and specifically ignored village proposals for an alternative site.
2. The vast majority of villagers believe that H26 (land at Dauby Lane) is a much better site offering capacity for MORE houses in the village.
3. The land at H26 would join the two halves of the village, which would provide better access and also provide a mix of housing, including affordable housing, much better suited to the village's needs.
4. Site H39 would cause many significant transport and safety issues for the people already living in Beckside.
5. Site H39 will not meet the future needs of the village as it will not contain the correct mix of housing
6. A Local Plan fails the test of being 'Local' when residents who know and understand the area are being overridden by planning officers who have never visited the sites , but believe they know them better than residents.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

**After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

SEE BOX ABOVE

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

## Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.<sup>1</sup> The Council must also notify those on the database at certain stages of plan preparation under the Regulations.<sup>2</sup>

## Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.<sup>3</sup>

## Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at [haveyoursay@york.gov.uk](mailto:haveyoursay@york.gov.uk) or on [01904 554145](tel:01904554145)

Signature 

Date 3/4/18

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

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Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title	MISS	
First Name	SALLY	
Last Name	FIRTH	
Organisation (where relevant)	NA	
Representing (if applicable)	NA	
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

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## Do I need to attend the Public Examination?

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# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

*x*City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework



**5.(1) Do you consider the document is Sound?**

Yes

No

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

**Positively prepared**

**Justified**

**Effective**

**Consistent with  
national policy**

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph  
no.

Policy  
Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

ST26 – Elvington Airfield Industrial Estate

This site, while perfectly reasonable, fails the test of Soundness (positively prepared) as it fails to deal with the increased HGV transport issues through the narrow mainstreet of Elvington Village. If the proposals included an HGV ban through the village it would pass this test.



**6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

**After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

**7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation**

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

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# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

## Storing your information and contacting you in the future:

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## Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.<sup>3</sup>

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Signature



Date 3/4/18

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

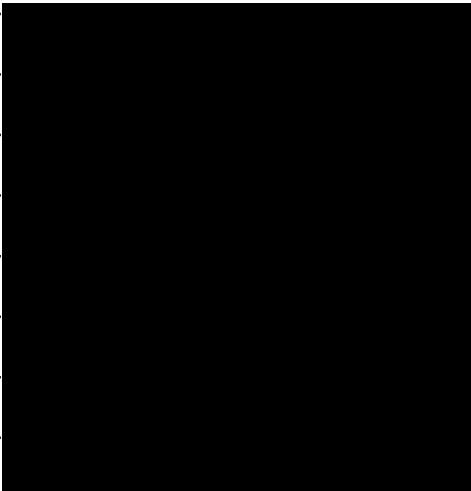
To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title	MISS	
First Name	SALLY	
Last Name	FIRTH	
Organisation (where relevant)	NA	
Representing (if applicable)	NA	
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

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## What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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## Do I need to attend the Public Examination?

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# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

**x** City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

The Stables- Elvington - This site fails the tests of Legally Compliant and Soundness (Justified, Consistent with National Policy)

1. The site does not comply with National Policy PPG2 for Greenbelt
2. The site does not comply with National Policy for Travellers sites (PPTS) – policy B
3. The site does not comply with National Policy for Travellers sites (PPTS) – policy C
4. The site does not comply with National Policy for Travellers sites (PPTS) – policy D
5. The site does not comply with National Policy for Travellers sites (PPTS) – policy E
6. The site does not comply with National Policy for Travellers sites (PPTS) – policy F
7. The proposals directly reverse a decision made by the Planning Inspectorate 10/02082/FUL made for a single site and extend this abuse of National Planning Policy to 3 plots on the single site.
8. The site has already been refused permanent permission (for one plot only) on 5 occasions: 3 by CYC themselves and twice by the Planning Inspectorate, who declared that the land should be Greenbelt again.
9. CYC have not observed the requirements of the Planning Inspectors report and have not tried to find an alternative site – the Local Plan is trying to hide this failure to observe the requirements of the Planning Inspector.
10. Through the local plan process CYC have now identified significant areas of Brownfield Land – and this could potentially be a suitable (and legal) alternative.
11. CYC officers have not consulted the settled community as well as the applicants.
12. The following statement sums up the feeling held by CYC Officers to the local community – “Whilst there was overwhelming objection to this site, a number of respondents supported the site which is welcomed”.
13. The inclusion of this site is against all National Policy Guidelines and local consultation identifies the way that CYC have prepared the Draft Local Plan. The Plan should be rejected and responsibility taken over by National Government.

## What does ‘Sound’ mean?

Soundness may be considered in this context within its ordinary meaning of ‘fit for purpose’ and ‘showing good judgement’. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework’s four ‘tests of soundness’ listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

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**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

#### 5.(1) Do you consider the document is Sound?

Yes  No x

If yes, go to question 5.(4). If no, go to question 5.(2).

#### 5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

<b>Positively prepared</b>	<input type="checkbox"/>	<b>Justified</b>	x	<input checked="" type="checkbox"/>
<b>Effective</b>	<input type="checkbox"/>	<b>Consistent with national policy</b>	x	<input type="checkbox"/>

#### 5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.	<input type="text"/>	Policy Ref.	<input type="text"/>	Site Ref.	<input type="text"/>
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#### 5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

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SEE COMMENTS IN ABOVE BOXES ON PAGE 3

**6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.**

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

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SEE COMMENTS IN ABOVE BOXES ON PAGE 3

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Signature



Date 3/4/18

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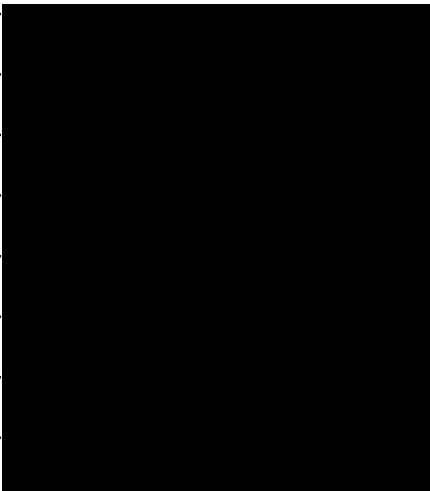
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Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title	MISS	
First Name	SALLY	
Last Name	FIRTH	
Organisation (where relevant)	NA	
Representing (if applicable)	NA	
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

# Guidance note

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(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

*x* City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

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## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

## What does 'Sound' mean?

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Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

Positively prepared  Justified

Effective  Consistent with national policy

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

ST15 – land to west of Elvington Lane - This site, in its proposed location, fails the tests of Soundness (positively prepared, justified, effective)

1. Original proposals for Winthorpe held the site much closer to the A64 (see map attached). This site is much more acceptable and would minimise the damage to both Greenbelt, nature conservation and also to local communities.
2. The airfield is not 'brownfield' as shown, but is actually Greenbelt and also a site of importance to nature. With less new roads the original location offers less destruction of Greenbelt and for the same size town.
3. The airfield is a vital part of York's history just like the walls, Clifford's Tower and the Minster and should be given the same level of protection.
4. The airfield should be considered an asset of community value to be held in trust for future generations. Once it is gone, it can never be replaced.
5. The airfield holds almost all of the UK's land speed records and as such an asset for tourism.
6. Building on the open space of the airfield would seriously damage the site and location of the internationally renowned Allied Forces Memorial and Yorkshire Air Museum, which is a significant contributor to local tourism.
7. Destroying the runway is therefore directly contradictory to York's policies of preserving history, the character of York, protecting wildlife and encouraging tourism.
8. The proposed location would cause significant additional traffic through the narrow villages of Elvington (with its single carriage bridge) and Wheldrake. This would be lessened by reverting to the original location.
9. The links to the main access point of the A64 are much shorter on the original location and would damage less countryside and provide a quicker dispersion of traffic.
10. Heslington is protected by the barrier of the A64 at either location and as there will be no vehicle access unaffected by the choice of location. Reverting to the original site would improve the overall quality of life for many York residents over the current proposal with no costs to anyone.
11. Neither location can be seen from the main carriageway of the A64 and neither of the locations offer a view of the Minster – so many of the points made for the airfield location are neither correct nor valid.
12. The rumoured reasons for moving the proposals onto the airfield are individually personal and should be investigated.
13. The proposals fall short of the infrastructure and transport analysis needed for a development this big. The CYC Local Plan should be rejected in its current form and reworked to become a proper analysis that actually deals with the long term interests of the residents and businesses who live and work in the area.

Representations must be received by Wednesday 4 April 2018, up until midnight.  
Representations received after this time will not be considered duly made.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

**After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

SEE BOX ABOVE

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

## Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.<sup>1</sup> The Council must also notify those on the database at certain stages of plan preparation under the Regulations.<sup>2</sup>

## Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.<sup>3</sup>

## Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at [haveyoursay@york.gov.uk](mailto:haveyoursay@york.gov.uk) or on [01904 554145](tel:01904554145)

Signature 

Date 3/4/18

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

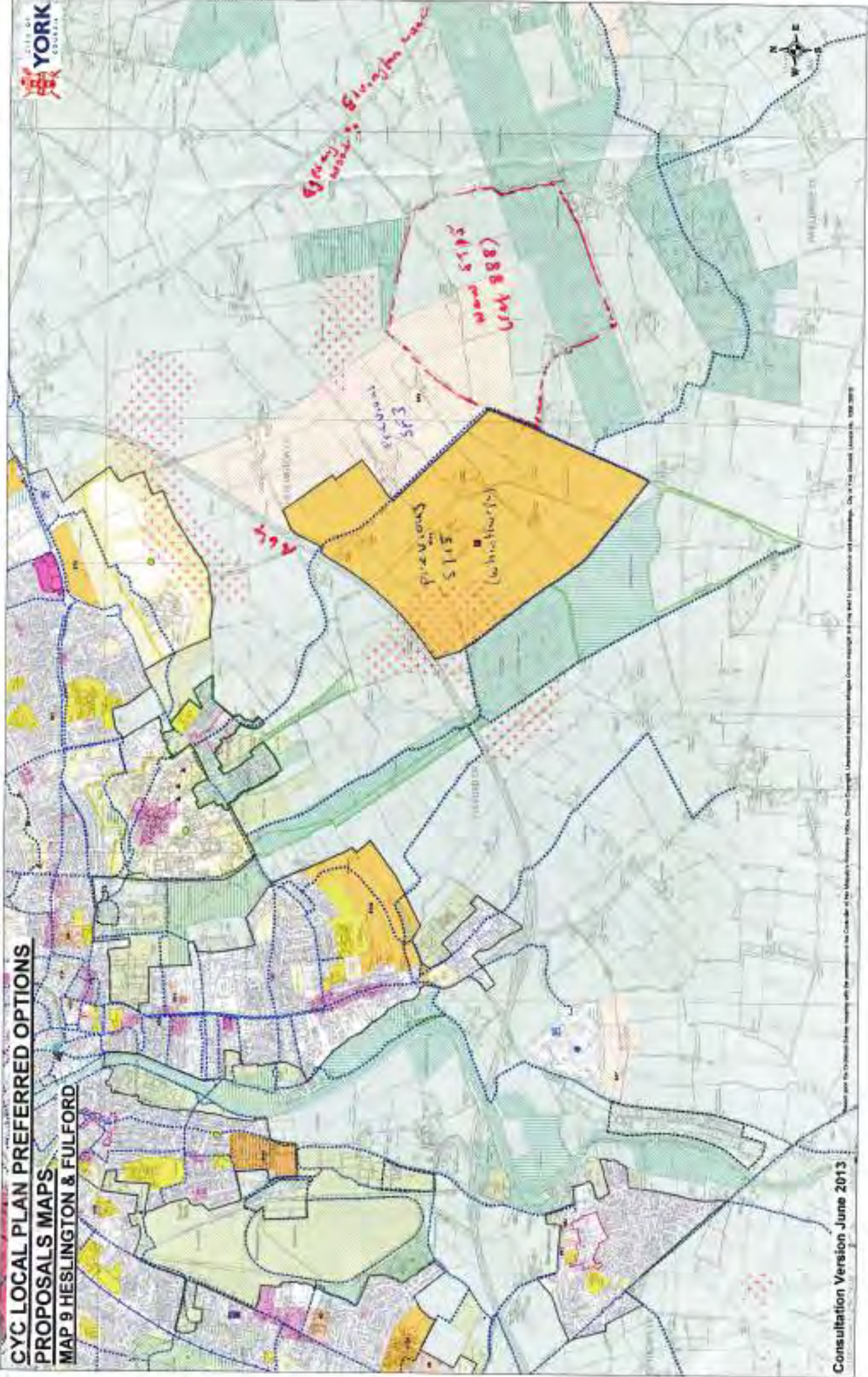


sept

Previous 'Whintherpe V1 Allocation' ST15 (ref 888)

June 2013

**CYC LOCAL PLAN PREFERRED OPTIONS PROPOSALS MAPS MAP 9 HESLINGTON & FULFORD**



**From:** jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk  
**Sent:** 03 April 2018 20:05  
**To:** localplan@york.gov.uk  
**Subject:** A new Local Plan Publication Draft response form has been submitted

A new Local Plan Publication Draft response form has been submitted via the CYC website.

Please record this information in your system and take action as appropriate.

NOTE: This information is only retained within the CYC CMS for 3 months, for quality assurance purposes - it is then deleted and destroyed.

## Submission details

Web ref: 105076

Date submitted: 03/04/2018

Time submitted: 20:05:25

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Thank you for submitting your Local Plan Publication Draft response form (ref: 105076, on 03/04/2018 at 20:05:25) to City of York Council.

The following is a copy of the details you included.

---

## About your comments

**Whose views on the Local Plan publication draft do your comments represent?** Own comments

---

## About you/the organisation/individual/group you're representing

Please complete in full; in order for the Inspector to consider your representations names and postal addresses must be provided.

**Title:** Mrs

**Forename:** Joanne

**Surname:** Wedgwood

**Name of the organisation/individual/group you're representing:**



Address (building name/number and street): [REDACTED]

Address (area): [REDACTED]

Address (town): [REDACTED]

Postcode: [REDACTED]

Email address: [REDACTED]

Telephone number: [REDACTED]

---

## What are your comments about

You may complete this form more than once - you should **submit a separate form for each issue to you want to raise** relating to the Local Plan 'publication draft', the Policies Map or the Sustainability Appraisal/Strategic Environmental Assessment.

**Which document do your comments relate to?** Local Plan Publication Draft

---

## Legal compliance of the document

'Legally compliant' means asking whether or not the plan has been prepared in line with statutory regulations, the duty to cooperate, and legal procedural requirements such as the Sustainability Appraisal. Details of how the plan has been prepared are set out in the Consultation Statements and Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).

**Do you consider the document is legally compliant?** No, I do not consider the document to be legally compliant

**Do you consider the document to comply with the Duty to Cooperate?** NoCompliestoDuty

**Please justify why you do/do not consider the document to be legally compliant or in compliance with the Duty to Cooperate:**

SP1. The Stables. Travelling Showpersons Site.

The previous Planning Inspector's report was very clear. CYC should abide by that Planning Inspector's analysis and decision.

This site fails the tests of Legally Compliant and Soundness (Justified, Consistent with National Policy)

1. The site does not comply with National Policy PPG2 for Greenbelt
2. The site does not comply with National Policy for Travellers sites (PPTS) – policy B
3. The site does not comply with National Policy for Travellers sites (PPTS) – policy C
4. The site does not comply with National Policy for Travellers sites (PPTS) – policy D
5. The site does not comply with National Policy for Travellers sites (PPTS) – policy E
6. The site does not comply with National Policy for Travellers sites (PPTS) – policy F
7. The proposals directly reverse a decision made by the Planning Inspectorate 10/02082/FUL

made for a single site and indeed now extend this abuse of National Planning Policy to 3 plots on the single site.

8. The site has already been refused permanent permission (for one plot only) on several occasions: 3 by CYC themselves and twice by the Planning Inspectorate, who required that the land be returned to Greenbelt.

9. CYC have failed to observe the requirements of the Planning Inspectors report and have made absolutely no effort to find an alternative site – failure to make any attempt to find a suitable site does not mean that this site has suddenly become suitable.

10. However, through the local plan process CYC have now identified significant areas of Brownfield Land – any of these could potentially be a suitable (and legal) alternative.

11. CYC officers have failed in their duty to consult the settled community as well as the applicants.

12. The following statement proves that CYC have no respect for the views of the vast majority of the local community – “Whilst there was overwhelming objection to this site, a number of respondents supported the site which is welcomed”. Why does the minority view take precedence over the vast majority?

13. CYC have spent considerable time and effort drawing up policies to ensure the ‘success’ of this site. If they had spent the same time and effort consulting local communities we would all have a better proposed Local Plan.

14. The inclusion of this site against all National Policy Guidelines and local consultation is indicative of the way that CYC and its Officers have prepared the Draft Local Plan. The Plan should be rejected and the responsibility taken over by National Government.

---

## Whether the document is/is not 'sound'

Deciding whether you consider the document to be 'sound' means considering whether it's 'fit for purpose' and 'showing good judgement'. The inspector will use the public examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness':

- **positively prepared** - prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so, and consistent with achieving sustainable development
- **justified** –the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **effective** – deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- **consistent with national policy** – enables the delivery of sustainable development in accordance with the policies in the framework

**Do you consider the document to be 'sound'?** No, I do not consider the document to be sound

**Please indicate which of four 'tests of soundness' relate to your answer:**

[Response - SoundnessYES] not positively prepared,not justified,not effective,not consistent with national policy

**Please give reasons for your answer(s):**

Re this site only, as stated previously.:  
SP1. The Stables. Travelling Showpersons Site.

The previous Planning Inspector's report was very clear. CYC should abide by that Planning Inspector's analysis and decision.

This site fails the tests of Legally Compliant and Soundness (Justified, Consistent with National Policy)

1. The site does not comply with National Policy PPG2 for Greenbelt
2. The site does not comply with National Policy for Travellers sites (PPTS) – policy B
3. The site does not comply with National Policy for Travellers sites (PPTS) – policy C
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6. The site does not comply with National Policy for Travellers sites (PPTS) – policy F
7. The proposals directly reverse a decision made by the Planning Inspectorate 10/02082/FUL made for a single site and indeed now extend this abuse of National Planning Policy to 3 plots on the single site.
8. The site has already been refused permanent permission (for one plot only) on several occasions: 3 by CYC themselves and twice by the Planning Inspectorate, who required that the land be returned to Greenbelt.
9. CYC have failed to observe the requirements of the Planning Inspectors report and have made absolutely no effort to find an alternative site – failure to make any attempt to find a suitable site does not mean that this site has suddenly become suitable.
10. However, through the local plan process CYC have now identified significant areas of Brownfield Land – any of these could potentially be a suitable (and legal) alternative.
11. CYC officers have failed in their duty to consult the settled community as well as the applicants.
12. The following statement proves that CYC have no respect for the views of the vast majority of the local community – “Whilst there was overwhelming objection to this site, a number or respondees supported the site which is welcomed”. Why does the minority view take precedence over the vast majority?
13. CYC have spent considerable time and effort drawing up policies to ensure the ‘success’ of this site. If they had spent the same time and effort consulting local communities we would all have a better proposed Local Plan.
14. The inclusion of this site against all National Policy Guidelines and local consultation is indicative of the way that CYC and its Officers have prepared the Draft Local Plan. The Plan should be rejected and the responsibility taken over by National Government.

**Which part of the document do your comments on 'soundness' relate to? Please provide a paragraph number, a policy reference or a site reference:** SP1. The Stables. Travelling Showpersons Site.

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## Necessary changes

You can suggest any change(s) you consider necessary to make the Local Plan legally compliant or sound - you'll need to say why the modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Your suggestion should cover succinctly all the information, evidence and supporting information necessary to support/justify it. There will not normally be a subsequent opportunity to make further representations; these would only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

**I suggest the following change(s) to make the Local Plan legally compliant or 'sound':**

Re this site:

Follow national policy, follow the planning inspector's previous decision. Take note of the opinion of the local community.

**If you're seeking a change to the Local Plan, do you want to participate at the hearing sessions of the Public Examination?** No hearing sessions

If you select 'No', your suggestions will still be considered by the independent planning inspector by way of written representations.

**If you wish to participate at the hearing sessions, please state why you consider this to be necessary:**

The Inspector will determine the most appropriate procedure to adopt, to hear those who want to participate at the hearing sessions.

---

**From:** jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk  
**Sent:** 03 April 2018 20:22  
**To:** localplan@york.gov.uk  
**Subject:** A new Local Plan Publication Draft response form has been submitted

A new Local Plan Publication Draft response form has been submitted via the CYC website.

Please record this information in your system and take action as appropriate.

NOTE: This information is only retained within the CYC CMS for 3 months, for quality assurance purposes - it is then deleted and destroyed.

## Submission details

Web ref: 105077

Date submitted: 03/04/2018

Time submitted: 20:22:06

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Thank you for submitting your Local Plan Publication Draft response form (ref: 105077, on 03/04/2018 at 20:22:06) to City of York Council.

The following is a copy of the details you included.

---

## About your comments

**Whose views on the Local Plan publication draft do your comments represent?** Own comments

---

## About you/the organisation/individual/group you're representing

Please complete in full; in order for the Inspector to consider your representations names and postal addresses must be provided.

**Title:** Mrs

**Forename:** Joanne

**Surname:** Wedgwood

**Name of the organisation/individual/group you're representing:**

Address (building name/number and street): [REDACTED]

Address (area): [REDACTED]

Address (town): [REDACTED]

Postcode: [REDACTED]

Email address: [REDACTED]

Telephone number: [REDACTED]

---

## What are your comments about

You may complete this form more than once - you should **submit a separate form for each issue to you want to raise** relating to the Local Plan 'publication draft', the Policies Map or the Sustainability Appraisal/Strategic Environmental Assessment.

**Which document do your comments relate to?** Local Plan Publication Draft

---

## Legal compliance of the document

'Legally compliant' means asking whether or not the plan has been prepared in line with statutory regulations, the duty to cooperate, and legal procedural requirements such as the Sustainability Appraisal. Details of how the plan has been prepared are set out in the Consultation Statements and Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).

**Do you consider the document is legally compliant?** Yes, I consider the document to be legally compliant

**Do you consider the document to comply with the Duty to Cooperate?** YesCompliestoDuty

**Please justify why you do/do not consider the document to be legally compliant or in compliance with the Duty to Cooperate:**

I am no expert in this field but it seems to me to have been done in a legally compliant manner.

---

## Whether the document is/is not 'sound'

Deciding whether you consider the document to be 'sound' means considering whether it's 'fit for purpose' and 'showing good judgement'. The inspector will use the public examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness':

- **positively prepared** - prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from

neighbouring authorities where it is reasonable to do so, and consistent with achieving sustainable development

- **justified** –the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **effective** – deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- **consistent with national policy** – enables the delivery of sustainable development in accordance with the policies in the framework

**Do you consider the document to be 'sound'?** No, I do not consider the document to be sound

**Please indicate which of four 'tests of soundness' relate to your answer:**

[Response - SoundnessYES] not justified,not effective,not consistent with national policy

**Please give reasons for your answer(s):**

ST15 – land to west of Elvington Lane

This site, in its proposed location, fails the tests of Soundness (positively prepared, justified, effective)

1. Original proposals for Winthorpe put the site much closer to the A64. This previous site is acceptable and would minimise the damage to both Greenbelt, nature conservation and local communities
2. The airfield is not 'brownfield' as indicated, but Greenbelt and furthermore, a site of importance to nature. Thus, with fewer new roads required,the original location offers less destruction of Greenbelt for the same size of town.
3. The airfield is as much part of York's history as the City Walls, Clifford's Tower or the Minster and should be afforded the same level of protection. Just because it is more recent history does not make it any less important. It should be awarded heritage status & protected.
4. The airfield should be considered an asset of community value to be held in trust for future generations. Once destroyed it can never be replaced.
5. The airfield is home to almost all of the UKs land speed records and as such an asset for tourism.
6. It complements the Yorkshire Air Museum which itself would suffer if the runway was destroyed.
7. Not only is the airfield located in the Green Belt but it sits squarely in the centre of the Elvington - Heslington Tillmire nature corridor.
8. The runway is the longest in the north of England and, together with its vast concrete apron, could never be replaced.
9. The runway could be of strategic and/or commercial importance in the future.
10. Many events are held on the runway throughout the year .... all of which add to the attraction of York as a tourist centre. Most of these events could not find an equivalent venue.
11. Building on the open space of the airfield would seriously damage the site and location of the internationally renowned Allied Forces Memorial and Yorkshire Air Museum – again a significant contributor to local tourism.
12. Destroying the runway is thus directly contradictory to York's stated policies of preserving history, the character of York, protecting wildlife and encouraging tourism.
- 13.. The proposed location would result in significant additional traffic through the narrow villages of Elvington (with its single carriage bridge) and Wheldrake. This would be lessened by reverting to the original location.
14. The links to the main access point of the A64 would be much shorter if CYC reverted to the original location and would thus cause much less damage to the countryside and provide a quicker dispersion of traffic.

15. Heslington is protected by the barrier of the A64 at either location and as there will be no vehicular access unaffected by the choice of location. Thus reverting to the original site would improve the overall quality of life for many York residents over the current proposal at a cost to none.

16. Neither location can be seen from the main carriageway of the A64 nor do either of the locations offer a view of the Minster – thus many of the points made for the airfield location are neither correct nor valid.

17. The rumoured reasons for moving the proposals onto the airfield are individually personal and should be investigated.

18. The proposals fall significantly short of the infrastructure and transport analysis required for a development of this size. The CYC Local Plan should, again, be rejected in its current form and reworked to become a proper analysis that actually deals with the long term interests of the residents and businesses who reside and work in the area.

I would support this proposal IF IT REVERTED TO THE ORIGINALLY PROPOSED LOCATION, but I do not support it in the latest location.

**Which part of the document do your comments on 'soundness' relate to? Please provide a paragraph number, a policy reference or a site reference: ST15. Whinthorpe/The Airfield.**

---

## **Necessary changes**

You can suggest any change(s) you consider necessary to make the Local Plan legally compliant or sound - you'll need to say why the modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Your suggestion should cover succinctly all the information, evidence and supporting information necessary to support/justify it. There will not normally be a subsequent opportunity to make further representations; these would only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

### **I suggest the following change(s) to make the Local Plan legally compliant or 'sound':**

Take notice of what local residents said in previous rounds of consultation. CYC keeps asking for our comments then completely ignores them. Surely the definition of consultation is that residents views must be taken into account, otherwise what is the point of this so-called consultation.

The first version of the Local Plan included ST15 as 'Whinthorpe'. This was significantly better sited than the current proposals, being much closer to the A64 – its principal access point. This allowed for the retention of the airfield runway and lessened the adverse impact on Elvington and Wheldrake. The A64 clearly separates the site from Heslington so the visual and auditory impact on that village would be minimal. As it is proposed, ST15 is too close to the villages of Elvington and Wheldrake as well as being disproportionate in size to them. It would dominate the area, when it could and should be sited further away.

The Parish Council has concerns with the lack of information provided on the impact on the local area of new infrastructure generally – and particularly the transport links to the A64 and B1228. The effect on the surrounding countryside, and the villages of Elvington and Wheldrake, will be vast.

The airfield is Green Belt and a site of importance to nature. The adverse ecological impact of ST15 would be less if it were sited north as originally proposed.



**If you're seeking a change to the Local Plan, do you want to participate at the hearing sessions of the Public Examination?** No hearing sessions

If you select 'No', your suggestions will still be considered by the independent planning inspector by way of written representations.

**If you wish to participate at the hearing sessions, please state why you consider this to be necessary:**

The Inspector will determine the most appropriate procedure to adopt, to hear those who want to participate at the hearing sessions.

---

**From:** jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk  
**Sent:** 03 April 2018 20:33  
**To:** localplan@york.gov.uk  
**Subject:** A new Local Plan Publication Draft response form has been submitted

A new Local Plan Publication Draft response form has been submitted via the CYC website.

Please record this information in your system and take action as appropriate.

NOTE: This information is only retained within the CYC CMS for 3 months, for quality assurance purposes - it is then deleted and destroyed.

## Submission details

Web ref: 105083

Date submitted: 03/04/2018

Time submitted: 20:32:45

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Thank you for submitting your Local Plan Publication Draft response form (ref: 105083, on 03/04/2018 at 20:32:45) to City of York Council.

The following is a copy of the details you included.

---

## About your comments

**Whose views on the Local Plan publication draft do your comments represent?** Own comments

---

## About you/the organisation/individual/group you're representing

Please complete in full; in order for the Inspector to consider your representations names and postal addresses must be provided.

**Title:** Mrs

**Forename:** Joanne

**Surname:** Wedgwood

**Name of the organisation/individual/group you're representing:**

Address (building name/number and street): [REDACTED]

Address (area): [REDACTED]

Address (town): [REDACTED]

Postcode: [REDACTED]

Email address: [REDACTED]

Telephone number: [REDACTED]

---

## What are your comments about

You may complete this form more than once - you should **submit a separate form for each issue to you want to raise** relating to the Local Plan 'publication draft', the Policies Map or the Sustainability Appraisal/Strategic Environmental Assessment.

**Which document do your comments relate to?** Local Plan Publication Draft

---

## Legal compliance of the document

'Legally compliant' means asking whether or not the plan has been prepared in line with statutory regulations, the duty to cooperate, and legal procedural requirements such as the Sustainability Appraisal. Details of how the plan has been prepared are set out in the Consultation Statements and Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).

**Do you consider the document is legally compliant?** No, I do not consider the document to be legally compliant

**Do you consider the document to comply with the Duty to Cooperate?** NoCompliestoDuty

**Please justify why you do/do not consider the document to be legally compliant or in compliance with the Duty to Cooperate:**

H39 – Extension to Beckside, Elvington

This site fails the tests of: Duty to cooperate and Soundness as it is neither positively prepared nor justified.

1. CYC Officers have failed to consult the residents of Elvington and specifically ignored village proposals for an alternative site.
2. The vast majority of villagers believe that H26, land at Dauby lane is a better site offering the capacity for MORE houses in the village.
3. The land at H26 would unite the two halves of the village, provide better access and importantly provide a mix of housing, including affordable housing, much better suited to the needs of the village.
4. Site H39 would cause significant transport and safety issues for the existing residents of Beckside.
5. Site H39 will not meet the future needs of the village as it will contain the wrong mix of housing
6. A Local Plan fails the test of being Local when residents who know and understand an area are

overridden by planning officers who have never visited the sites yet believe they know them better than residents.

Furthermore,

- A Planning Inspector previously determined that H39 serves Green Belt purposes
- The extra traffic that would be generated from 32 houses would adversely impact on the existing residents of Beckside
- Density should have been commensurate with the existing Beckside development to minimise any 'difference' to the phases.

So, yet again, I would prefer that H39 is withdrawn from the Local Plan and is replaced by: H26. Dauby Lane.

I and everyone I know wants to link the two residential areas of the village. Approximately a third of homes are currently to the west of the school. H26 is a way of satisfying that need as well as increasing the housing stock. However H26 should contain a better mix of housing type, especially larger houses to meet another clearly identified local need. We have friends who had to move out of the village to find a bigger house. Elvington has too many small (3 bed) houses, and nowhere near enough bigger (4-5 bedroom houses). I believe a total of around 60 residences is suitable for this site.

CYC officers are yet again ignoring the wishes of myself and other local community in continuing to impose H39 rather than H26. Why do officers think they know our village better than the residents and the Parish Council?

---

## Whether the document is/is not 'sound'

Deciding whether you consider the document to be 'sound' means considering whether it's 'fit for purpose' and 'showing good judgement'. The inspector will use the public examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness':

- **positively prepared** - prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so, and consistent with achieving sustainable development
- **justified** –the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **effective** – deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- **consistent with national policy** – enables the delivery of sustainable development in accordance with the policies in the framework

**Do you consider the document to be 'sound'?** No, I do not consider the document to be sound

**Please indicate which of four 'tests of soundness' relate to your answer:**

[Response - SoundnessYES] not positively prepared,not justified,not effective

**Please give reasons for your answer(s):**

H39 – Extension to Beckside, Elvington

This site fails the tests of: Duty to cooperate and Soundness as it is neither positively prepared nor

justified.

1. CYC Officers have failed to consult the residents of Elvington and specifically ignored village proposals for an alternative site.
2. I and the vast majority of villagers believe that H26, land at Dauby Lane is a better site offering the capacity for MORE houses in the village.
3. The land at H26 would unite the two halves of the village, provide better access and importantly provide a mix of housing, including affordable housing, much better suited to the needs of the village.
4. Site H39 would cause significant transport and safety issues for the existing residents of Beckside.
5. Site H39 will not meet the future needs of the village as it will contain the wrong mix of housing
6. A Local Plan fails the test of being Local when residents who know and understand an area are overridden by planning officers who have never visited the sites yet believe they know them better than residents.

Furthermore, the land has previously been found to serve greenbelt purposes.

**Which part of the document do your comments on 'soundness' relate to? Please provide a paragraph number, a policy reference or a site reference:** H39 – Extension to Beckside, Elvington

---

## Necessary changes

You can suggest any change(s) you consider necessary to make the Local Plan legally compliant or sound - you'll need to say why the modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Your suggestion should cover succinctly all the information, evidence and supporting information necessary to support/justify it. There will not normally be a subsequent opportunity to make further representations; these would only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

**I suggest the following change(s) to make the Local Plan legally compliant or 'sound':**

Listen to local residents, including myself, who have already said that the Dauby Lane site would be more appropriate & enable more houses of the right mix to be built for the reasons stated on the previous page. What is the point of consulting us and not listening to our comments?

**If you're seeking a change to the Local Plan, do you want to participate at the hearing sessions of the Public Examination?** No hearing sessions

If you select 'No', your suggestions will still be considered by the independent planning inspector by way of written representations.

**If you wish to participate at the hearing sessions, please state why you consider this to be necessary:**

The Inspector will determine the most appropriate procedure to adopt, to hear those who want to participate at the hearing sessions.

---

**From:** jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk  
**Sent:** 03 April 2018 20:38  
**To:** localplan@york.gov.uk  
**Subject:** A new Local Plan Publication Draft response form has been submitted

A new Local Plan Publication Draft response form has been submitted via the CYC website.

Please record this information in your system and take action as appropriate.

NOTE: This information is only retained within the CYC CMS for 3 months, for quality assurance purposes - it is then deleted and destroyed.

## Submission details

Web ref: 105084

Date submitted: 03/04/2018

Time submitted: 20:38:03

---

Thank you for submitting your Local Plan Publication Draft response form (ref: 105084, on 03/04/2018 at 20:38:03) to City of York Council.

The following is a copy of the details you included.

---

## About your comments

**Whose views on the Local Plan publication draft do your comments represent?** Own comments

---

## About you/the organisation/individual/group you're representing

Please complete in full; in order for the Inspector to consider your representations names and postal addresses must be provided.

**Title:** Mrs

**Forename:** Joanne

**Surname:** Wedgwood

**Name of the organisation/individual/group you're representing:**

Address (building name/number and street): [REDACTED]

Address (area): [REDACTED]

Address (town): [REDACTED]

Postcode: [REDACTED]

Email address: [REDACTED]

Telephone number: [REDACTED]

---

## What are your comments about

You may complete this form more than once - you should **submit a separate form for each issue to you want to raise** relating to the Local Plan 'publication draft', the Policies Map or the Sustainability Appraisal/Strategic Environmental Assessment.

**Which document do your comments relate to?** Local Plan Publication Draft

---

## Legal compliance of the document

'Legally compliant' means asking whether or not the plan has been prepared in line with statutory regulations, the duty to cooperate, and legal procedural requirements such as the Sustainability Appraisal. Details of how the plan has been prepared are set out in the Consultation Statements and Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).

**Do you consider the document is legally compliant?** Yes, I consider the document to be legally compliant

**Do you consider the document to comply with the Duty to Cooperate?** NoCompliestoDuty

**Please justify why you do/do not consider the document to be legally compliant or in compliance with the Duty to Cooperate:**

H39 – Extension to Beckside, Elvington

This site fails the tests of: Duty to cooperate and Soundness as it is neither positively prepared nor justified.

1. CYC Officers have failed to consult the residents of Elvington and specifically ignored village proposals for an alternative site.
2. The vast majority of villagers believe that H26, land at Daubly lane is a better site offering the capacity for MORE houses in the village.
3. The land at H26 would unite the two halves of the village, provide better access and importantly provide a mix of housing, including affordable housing, much better suited to the needs of the village.
4. Site H39 would cause significant transport and safety issues for the existing residents of Beckside.
5. Site H39 will not meet the future needs of the village as it will contain the wrong mix of housing
6. A Local Plan fails the test of being Local when residents who know and understand an area are

overridden by planning officers who have never visited the sites yet believe they know them better than residents.

---

## Whether the document is/is not 'sound'

Deciding whether you consider the document to be 'sound' means considering whether it's 'fit for purpose' and 'showing good judgement'. The inspector will use the public examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness':

- **positively prepared** - prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so, and consistent with achieving sustainable development
- **justified** –the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **effective** – deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- **consistent with national policy** – enables the delivery of sustainable development in accordance with the policies in the framework

**Do you consider the document to be 'sound'?** No, I do not consider the document to be sound

**Please indicate which of four 'tests of soundness' relate to your answer:**

[Response - SoundnessYES] not positively prepared,not justified,not effective

**Please give reasons for your answer(s):**

H39 – Extension to Beckside, Elvington

This site fails the tests of: Duty to cooperate and Soundness as it is neither positively prepared nor justified.

1. CYC Officers have failed to consult the residents of Elvington and specifically ignored my & other villagers proposals for an alternative site.
2. I & the majority of villagers believe that H26, land at Daubly lane is a better site offering the capacity for MORE houses in the village.
3. The land at H26 would unite the two halves of the village, provide better access and importantly provide a mix of housing, including affordable housing, much better suited to the needs of the village.
4. Site H39 would cause significant transport and safety issues for the existing residents of Beckside.
5. Site H39 will not meet the future needs of the village as it will contain the wrong mix of housing
6. A Local Plan fails the test of being Local when residents who know and understand an area are overridden by planning officers who have never visited the sites yet believe they know them better than residents.

**Which part of the document do your comments on 'soundness' relate to? Please provide a paragraph number, a policy reference or a site reference:** H39 – Extension to Beckside, Elvington

---



## Necessary changes

You can suggest any change(s) you consider necessary to make the Local Plan legally compliant or sound - you'll need to say why the modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Your suggestion should cover succinctly all the information, evidence and supporting information necessary to support/justify it. There will not normally be a subsequent opportunity to make further representations; these would only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

### **I suggest the following change(s) to make the Local Plan legally compliant or 'sound':**

Listen to local residents' views including my own from previous consultations.

- A Planning Inspector previously determined that H39 serves Green Belt purposes
- The extra traffic that would be generated from 32 houses would adversely impact on the existing residents of Beckside
- Density should have been commensurate with the existing Beckside development to minimise any 'difference' to the phases.

So, yet again, I propose that H39 is withdrawn from the Local Plan and is replaced by: H26. Dauby Lane.

I & other residents want to link the two residential areas of the village. Approximately a third of homes are currently to the west of the school. H26 is a way of satisfying that need as well as increasing the housing stock. However H26 should contain a better mix of housing type, especially larger houses to meet another clearly identified local need. I consider a total of around 60 residences suitable for this site.

Please take notice of my views this time.

### **If you're seeking a change to the Local Plan, do you want to participate at the hearing sessions of the Public Examination? No hearing sessions**

If you select 'No', your suggestions will still be considered by the independent planning inspector by way of written representations.

### **If you wish to participate at the hearing sessions, please state why you consider this to be necessary:**

The Inspector will determine the most appropriate procedure to adopt, to hear those who want to participate at the hearing sessions.

---

**From:** jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk  
**Sent:** 03 April 2018 20:44  
**To:** localplan@york.gov.uk  
**Subject:** A new Local Plan Publication Draft response form has been submitted

A new Local Plan Publication Draft response form has been submitted via the CYC website.

Please record this information in your system and take action as appropriate.

NOTE: This information is only retained within the CYC CMS for 3 months, for quality assurance purposes - it is then deleted and destroyed.

## Submission details

Web ref: 105085

Date submitted: 03/04/2018

Time submitted: 20:44:13

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Thank you for submitting your Local Plan Publication Draft response form (ref: 105085, on 03/04/2018 at 20:44:13) to City of York Council.

The following is a copy of the details you included.

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## About your comments

**Whose views on the Local Plan publication draft do your comments represent?** Own comments

---

## About you/the organisation/individual/group you're representing

Please complete in full; in order for the Inspector to consider your representations names and postal addresses must be provided.

**Title:** Mrs

**Forename:** Joanne

**Surname:** Wedgwood

**Name of the organisation/individual/group you're representing:**

Address (building name/number and street): [REDACTED]

Address (area): [REDACTED]

Address (town): [REDACTED]

Postcode: [REDACTED]

Email address: [REDACTED]

Telephone number: [REDACTED]

---

## What are your comments about

You may complete this form more than once - you should **submit a separate form for each issue to you want to raise** relating to the Local Plan 'publication draft', the Policies Map or the Sustainability Appraisal/Strategic Environmental Assessment.

**Which document do your comments relate to?** Local Plan Publication Draft

---

## Legal compliance of the document

'Legally compliant' means asking whether or not the plan has been prepared in line with statutory regulations, the duty to cooperate, and legal procedural requirements such as the Sustainability Appraisal. Details of how the plan has been prepared are set out in the Consultation Statements and Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).

**Do you consider the document is legally compliant?** Yes, I consider the document to be legally compliant

**Do you consider the document to comply with the Duty to Cooperate?** YesCompliestoDuty

**Please justify why you do/do not consider the document to be legally compliant or in compliance with the Duty to Cooperate:**

I am no expert, so relying on our Parish Council's opinion.

---

## Whether the document is/is not 'sound'

Deciding whether you consider the document to be 'sound' means considering whether it's 'fit for purpose' and 'showing good judgement'. The inspector will use the public examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness':

- **positively prepared** - prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from

neighbouring authorities where it is reasonable to do so, and consistent with achieving sustainable development

- **justified** –the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **effective** – deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- **consistent with national policy** – enables the delivery of sustainable development in accordance with the policies in the framework

**Do you consider the document to be 'sound'?** No, I do not consider the document to be sound

**Please indicate which of four 'tests of soundness' relate to your answer:**

[Response - SoundnessYES] not positively prepared

**Please give reasons for your answer(s):**

ST26 – Elvington Airfield Industrial Estate

Whilst I support the potential increase in employment opportunities within Elvington, I believe this site fails the test of Soundness (positively prepared) as it fails to deal with the resulting, increased, HGV transport issues through the narrow mainstreet of Elvington Village. If the proposals included an HGV ban through the village it would pass this test.

**Which part of the document do your comments on 'soundness' relate to? Please provide a paragraph number, a policy reference or a site reference:** ST26 – Elvington Airfield Industrial Estate

---

## Necessary changes

You can suggest any change(s) you consider necessary to make the Local Plan legally compliant or sound - you'll need to say why the modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Your suggestion should cover succinctly all the information, evidence and supporting information necessary to support/justify it. There will not normally be a subsequent opportunity to make further representations; these would only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

**I suggest the following change(s) to make the Local Plan legally compliant or 'sound':**

ST26. Airfield Industrial Estate.

In theory I support the extension proposed, but would insist on the need for detailed archaeological and ecological assessments before development. A gap should be made between the existing and the new estates which would allow for a 'wildlife corridor'.

Units should be small, high value businesses consistent with a restriction to B1 and B8 use, as at present, and in line with CYC's economic strategy.

However any industrial expansion in Elvington should be conditional on the imposition of a 7.5 tonne weight limit on Main Street (i.e. the road through the village centre). There are a disproportionately large number of HGV movements currently through the village impacting on the

safety of pedestrians and cyclists – particularly our children walking and cycling to/from school. The extra traffic generated by ST26 (and E9) would bring further unacceptable HGV traffic passing through the village.

**If you're seeking a change to the Local Plan, do you want to participate at the hearing sessions of the Public Examination?** No hearing sessions

If you select 'No', your suggestions will still be considered by the independent planning inspector by way of written representations.

**If you wish to participate at the hearing sessions, please state why you consider this to be necessary:**

The Inspector will determine the most appropriate procedure to adopt, to hear those who want to participate at the hearing sessions.

---

**From:** jon hailstone [REDACTED]  
**Sent:** 03 April 2018 20:31  
**To:** localplan@york.gov.uk  
**Subject:** RESPONSES TO LOCAL PLAN  
**Attachments:** Comments\_form\_JONATHANHAILSTONETHESTABLESELVINGTON.docx;  
Comments\_formJONATHANHAILSTONEBECKSIDE,ELVINGTONH39.docx;  
Comments\_formJONATHANHAILSTONEST15WHINTHORPE.docx;  
Comments\_formJONATHANHAILSTONEST26AIRFIELDINDUSTRIALESTATEELVINGT  
ON.docx; Local Plan relocated 'Whinthorpe' map.pdf

Dear Sir/Madam,

Please find attached my responses to the Local Plan. I have completed 4 forms and a map, one for each of the following proposed developments:-

- ST26
- ST15
- H39
- THE STABLES ELVINGTON
- MAP REFERRED TO IN PROPOSAL ST15

I would be grateful if they could be submitted for consideration. This is the third time I have submitted my response to these developments and am keen that they are considered with all the others. They are signed electronically as I do not have the means of signing and rescanning them electronically.

Kind regards,

Jonathan Hailstone

# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information


To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title	MR	
First Name	JONATHAN	
Last Name	HAILSTONE	
Organisation (where relevant)	NA	
Representing (if applicable)	NA	
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Electronic copies of this form are available to download at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or you can complete the form online at [www.york.gov.uk/consultations](http://www.york.gov.uk/consultations)

## What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or use our online consultation form via <http://www.york.gov.uk/consultations>. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

## Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

## Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).
- City of York Council West Offices
- In all libraries in York.



# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

**x** City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

The Stables- Elvington - This site fails the tests of Legally Compliant and Soundness (Justified, Consistent with National Policy)

- The site does not comply with National Policy PPG2 for Greenbelt
- The site does not comply with National Policy for travelers' sites (PPTS) – policy B
- The site does not comply with National Policy for travelers' sites (PPTS) – policy C
- The site does not comply with National Policy for travelers' sites (PPTS) – policy D
- The site does not comply with National Policy for traveler's sites (PPTS) – policy E
- The site does not comply with National Policy for travelers' sites (PPTS) – policy F
- The proposals directly reverse a decision made by the Planning Inspectorate 10/02082/FUL made for a single site and extend this abuse of National Planning Policy to 3 plots on the single site.
- Through the local plan process CYC have now identified significant areas of Brownfield Land – and this could potentially be a suitable (and legal) alternative.
- CYC officers have not engaged in consultation with the settled community as well as with the applicants.
- The following statement shows the feeling held by CYC Officers to the local community – “Whilst there was overwhelming objection to this site, a number of respondees supported the site which is welcomed”.
- The CYC have not observed the requirements of the Planning Inspectors report and have not tried to find an alternative place – the Local Plan is trying to hide this failure to observe the requirements of the Planning Inspector.
- The inclusion of this site is against all the National Policy Guidelines and local consultation identifies the way that CYC have prepared the Draft Local Plan. The Plan should be rejected and responsibility taken over by National Government.
- This site has already been refused permanent permission (for one plot only) on 5 occasions: 3 by CYC themselves and twice by the Planning Inspectorate, who declared that the land should

## What does ‘Sound’ mean?

Soundness may be considered in this context within its ordinary meaning of ‘fit for purpose’ and ‘showing good judgement’. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework’s four ‘tests of soundness’ listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

## What makes a Local Plan “sound”?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

### 5.(1) Do you consider the document is Sound?

Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

### 5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

<b>Positively prepared</b>	<input type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Effective</b>	<input type="checkbox"/>	<b>Consistent with national policy</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.	<input type="text"/>	Policy Ref.	<input type="text"/>	Site Ref.	<input type="text"/>
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#### 5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

- The site does not comply with National Policy PPG2 for Greenbelt
- The site does not comply with National Policy for travelers' sites (PPTS) – policy B
- The site does not comply with National Policy for travelers' sites (PPTS) – policy C
- The site does not comply with National Policy for travelers' sites (PPTS) – policy D
- The site does not comply with National Policy for traveler's sites (PPTS) – policy E
- The site does not comply with National Policy for travelers' sites (PPTS) – policy F
- The proposals directly reverse a decision made by the Planning Inspectorate 10/02082/FUL made for a single site and extend this abuse of National Planning Policy to 3 plots on the single site.
- Through the local plan process CYC have now identified significant areas of Brownfield Land – and this could potentially be a suitable (and legal) alternative.
- CYC officers have not engaged in consultation with the settled community as well as with the applicants.
- The following statement shows the feeling held by CYC Officers to the local community – “Whilst there was overwhelming objection to this site, a number of respondees supported the site which is welcomed”.
- The CYC have not observed the requirements of the Planning Inspectors report and have not tried to find an alternative place – the Local Plan is trying to hide this failure to observe the requirements of the Planning Inspector.
- The inclusion of this site is against all the National Policy Guidelines and local consultation identifies the way that CYC have prepared the Draft Local Plan. The Plan should be rejected and responsibility taken over by National Government.
- This site has already been refused permanent permission (for one plot only) on 5 occasions: 3 by CYC themselves and twice by the Planning Inspectorate, who declared that the land should be returned to Greenbelt again.

#### 6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

***Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

**After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

SEE ABOVE BOXES

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Representations must be received by Wednesday 4 April 2018, up until midnight.  
Representations received after this time will not be considered duly made.

**7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation.**  **X**

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

**7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

## Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.<sup>1</sup> The Council must also notify those on the database at certain stages of plan preparation under the Regulations.<sup>2</sup>

## Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.<sup>3</sup>

## Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at [haveyoursay@york.gov.uk](mailto:haveyoursay@york.gov.uk) or on [01904 554145](tel:01904554145)

Signature



Date 3/4/18

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

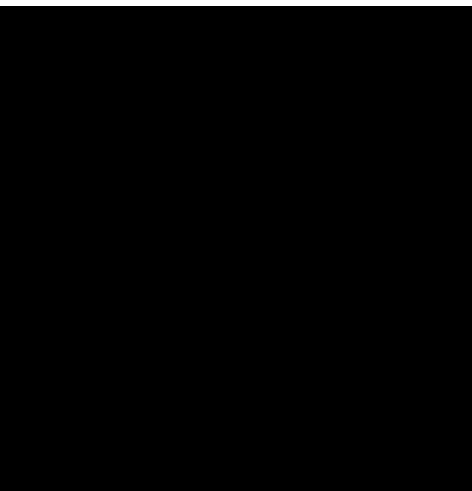
To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title	MR	
First Name	JONATHAN	
Last Name	HAILSTONE	
Organisation (where relevant)	NA	
Representing (if applicable)	NA	
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

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# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

*x*City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

## 4. (1) Do you consider the document is Legally compliant?

Yes

No

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No

## 4.(3) Please justify your answer to question 4.(1) and 4.(2)

## What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

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**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

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**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework



**5.(1) Do you consider the document is Sound?**

Yes  No

If yes, go to question 5.(4). If no, go to question 5.(2).

**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

Positively prepared  Justified    
 Effective  Consistent with national policy

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

H39 – Extension to Beckside, Elvington

This site fails the tests of: Duty to cooperate and Soundness as it is neither positively prepared nor justified.

1. CYC Officers have not consulted the people who live in Elvington and specifically ignored the villagers who have made proposals for alternative sites.
2. The vast majority of villagers believe that H26 (land at Dauby Lane) is a much more appropriate site offering capacity for MORE houses in the village.
3. Site H39 would cause some significant transport and safety issues for the people already living in Beckside.
4. Site H39 will not meet the future needs of the village as it will not contain the appropriate mix of housing for the village.
5. A Local Plan fails the test of being 'local' when residents who know and understand the area are being overridden by planning officers who have not even visited the sites , but believe they know them better than the residents.
6. The land at H26 would join the two halves of the village, which would provide better access and also provide a mix of housing (including affordable housing) which is a much better solution to the village's needs.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

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SEE ABOVE

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

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# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

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## Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.<sup>3</sup>

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If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at [haveyoursay@york.gov.uk](mailto:haveyoursay@york.gov.uk) or on [01904 554145](tel:01904554145)

Signature



Date 3/4/18

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

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# City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information


To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title	MR	
First Name	JONATHAN	
Last Name	HAILSTONE	
Organisation (where relevant)	NA	
Representing (if applicable)	NA	
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

# Guidance note

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# Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



## 3. To which document does your response relate? (Please tick one)

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Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

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No

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**5.(1) Do you consider the document is Sound?**

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If yes, go to question 5.(4). If no, go to question 5.(2).

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Paragraph no.

Policy Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

ST15 – land to west of Elvington Lane - This site, in its proposed location, fails the tests of Soundness (positively prepared, justified, effective)

1. Original proposals for Winthorpe planned for the site to be much closer to the A64 (see map attached). This site would minimise the damage to both Greenbelt, nature conservation and also to local communities, making it much more acceptable.
2. The airfield is not 'brownfield' as shown, but is actually greenbelt and also an important nature site. With less new roads, the original location offers less destruction of greenbelt yet yields the same size town.
3. The airfield is a vital part of York's history just like the Roman walls, the Minster and Clifford's Tower. It should therefore be given the same level of protection.
4. The airfield should be considered a community asset, to be held in trust for future generations. Once it is gone, it will be gone forever.
5. Almost all of the UK's land speed records have been achieved there, and as such is an asset for tourism.
6. Destroying the runway is therefore directly contradictory to York's policies of preserving history, the character of York, protecting wildlife and encouraging tourism.
7. Building on the open space of the airfield would seriously damage the site and location of the internationally renowned Allied Forces Memorial and Yorkshire Air Museum, which is a significant contributor to local tourism.
8. The proposed location would cause additional traffic through the narrow villages of Elvington (with its single carriage bridge) and also through Wheldrake. Reverting to the original location would lessen this.
9. On the original location, the links to the main access point of the A64 are much shorter and would damage less countryside and allow traffic to disperse quicker.
10. Heslington is protected by the barrier of the A64 at either location and as such, there will be no vehicle access unaffected by the choice of location. Reverting to the original site would improve the overall quality of life for many York residents over the current proposal with no difference in cost.
11. There are rumoured reasons for moving the proposals onto the airfield which are personal to the individual and as such, should be investigated.
12. The proposals do not provide an infrastructure and transport analysis needed for a development this large. The CYC Local Plan should be rejected in its current form and reworked to become a proper analysis that actually deals with the long term interests of the residents who live, and the businesses that exist in the area.
13. Neither location can be seen from the main carriageway of the A64 and neither of the locations offer a view of the Minster – so many of the points made for the airfield location are neither correct nor valid.



6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



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SEE ABOVE BOX

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Signature



Date 3/4/18

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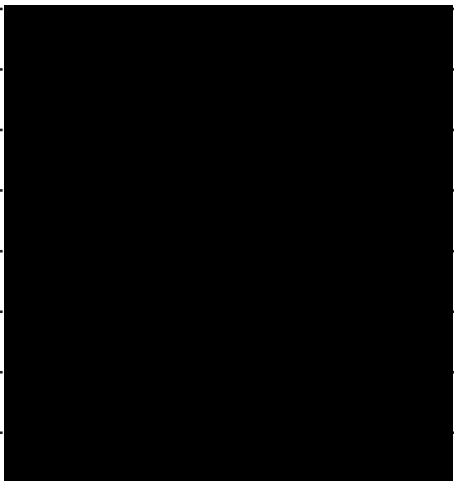
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## Part A - Personal Details

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1. Personal Details		2. Agent's Details (if applicable)
Title	MR	
First Name	JONATHAN	
Last Name	HAILSTONE	
Organisation (where relevant)	NA	
Representing (if applicable)	NA	
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
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No

## 4.(2) Do you consider that the document complies with the Duty to Cooperate?

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No

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Yes  No

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**5.(2) Please tell us which tests of soundness the document fails to meet:** (tick all that apply)

Positively prepared  Justified   
 Effective  Consistent with national policy

**5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?**

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

**5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)**

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

ST26 – Elvington Airfield Industrial Estate

This site, even though it is perfectly reasonable, fails the test of being 'sound' (positively prepared) as it fails to deal with the increased HGV transport issues through the narrow mainstreet of Elvington Village. If the proposals included an HGV ban through the village it would pass this test.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

**After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

SEE ABOVE BOX

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation  X

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

# Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

## Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.<sup>1</sup> The Council must also notify those on the database at certain stages of plan preparation under the Regulations.<sup>2</sup>

## Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.<sup>3</sup>

## Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at [haveyoursay@york.gov.uk](mailto:haveyoursay@york.gov.uk) or on [01904 554145](tel:01904554145)

Signature



Date 3/4/18

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

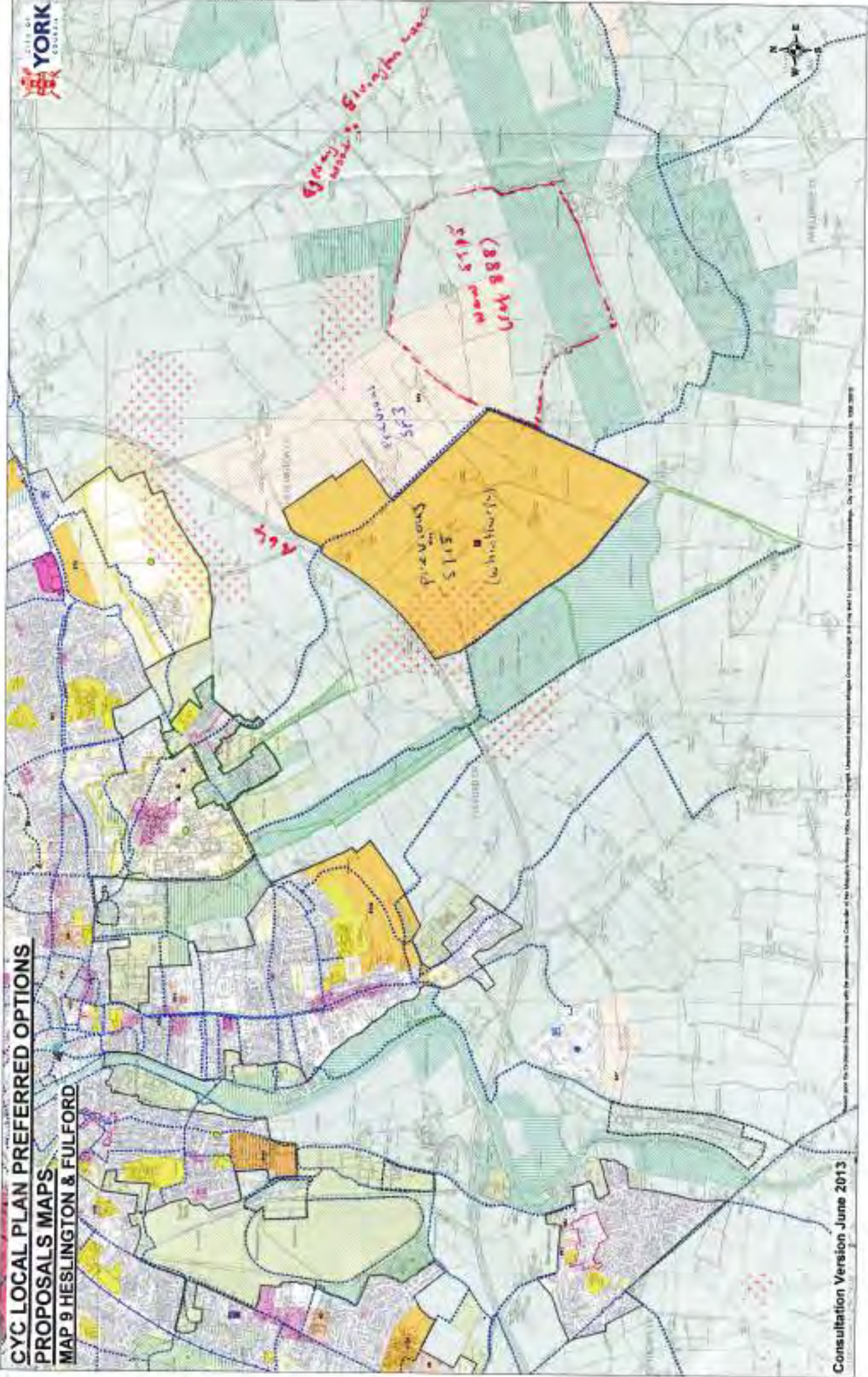


sept

Previous 'Whintherpe V1 Allocation' ST15 (ref 888)

June 2013

**CYC LOCAL PLAN PREFERRED OPTIONS PROPOSALS MAPS MAP 9 HESLINGTON & FULFORD**



Consultation Version June 2013

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**From:** Colin Skelton [REDACTED]  
**Sent:** 03 April 2018 20:47  
**To:** localplan@york.gov.uk  
**Subject:** Elvington

Objection to the building of houses on site H39 within the City of York's Local Plan 2017/2018.

Dear Sir/Madam, I object to the building of houses on the Green Field site H39 documented within the City of York's Local Plan 2017/2018 for the following reasons:- 1. Elvington sits within the Green Belt. This has protected us against excessive development in the past and this should remain. Development proposals were put forward as long ago as 1991, suggesting a number of sites in and around York which could come out of the Green Belt, among which are two which were proposed in the 2013 Local Plan, at the time, 25 houses at the end of Beckside bordering onto Church Lane and 97 houses between Dauby Lane and Elvington Lane behind the school. Those development proposals did not go through then, but now in the 2017/2018 Local Plan, the City of York council proposes 28/32 houses on the same Beckside/Church Lane site, despite also proposing 3339 houses less than 2 miles away, at Elvington Airfield. There is no need for these houses in this location and the subsequent disruption they will bring to this part of the village when 3339 houses are proposed to be built less than 2 miles away and an alternative, larger site has been suggested and approved by the Village Council.

2. What has changed from the previous objections and Inspector's Report? NOTHING. A great many residents in the past objected to the 1992/93 plans and then again in 2013.

Indeed the public inquiry in 1992/93 and the Inspector's Report published in 1994 firmly accepted the views of the Elvington residents at the time and ruled against the removal the Elvington sites from the Green Belt and I believe NOTHING has fundamentally changed in the interim. Indeed, I stress, why is there a need for 28/32 houses on this GREEN FIELD site when they are also proposing 3339 houses less than 2 miles away, at Elvington Airfield on a much more suitable BROWN FIELD site??

Despite requests for the councils response to previous objections, you continue to propose building on the same site and I can only assume that you hope that the Elvington residents will weary of protesting and apathy will prevail.

3. How have your reasons for removing this site from the Green Belt changed from previous submissions?

I do not believe that the Councils reasons for proposing the removal of the original sites from the Green Belt in 1991 or 2013 stood up to detailed scrutiny, and nor do I believe the removal of the Beckside/Church Lane site does now.

The same issues of disruption to the Beckside estate in particular and Elvington village in general, additional pressures on the local school and surgery, more traffic, lack of public transport to offset the additional traffic, the loss of local wildlife habitat including barn owls and a variety of hawks, ALL remain the same today as they were in 1992/93 and 2013. Those objections ALL REMAIN valid now.

#### 4. Democracy in action?

a. There never appears to be any direct response to the objections raised. At best there are generic responses and references out to further documentation to read.

Why can't we responses in plain English?

b. The constant requirements from CYC to resubmit new submissions with the previous submissions being ignored feels a lot like censorship? It smacks of an attempt to reduce the number of submissions (and thus objections).

The CYC knows full well that constant reviews requiring new submissions will whittle down the number of objections. They also know that by making it a chore to complete the applications, apathy will kick in, people get fed up and don't bother and the numbers of objections will reduce.

This is their day job, but we have lives to live, yet we're constantly having to submit to these ridiculous policies. I suggest:-

(1) CYS will have all of the names of those who provided a submission on a database. Instead of relying on public announcements in papers, that many don't read, how about emailing those people direct and notifying them of the results of their submission. Provide links to the following reviews and make it easier to continue to engage in the process. There were 100 representations to the Proposal to build North of Church Lane (H39). How many of those people know about the need to resubmit? (2) Allow the objections submitted previously to be reused in the original format if requested.

(3) If the CYC knows that subsequent submission to government are going to be in different formats, why not require us to submit in that format to begin with?

c. The views of local people, local councils are ignored. We are not adverse to new houses being built in the village. My own 3 daughters have had to buy outside of the village, and away from the family support mechanisms, because of the lack of suitable/affordable housing. So why, are suggestions such as the replacement of H39 (Church Lane) with a larger build site of H26 (Dauby Lane) not being accepted. Comments such as 'H26 would constitute a significant change to the shape and form of the current village' clearly show a lack of knowledge about the village, ignore precedents set by past planning decisions (Elvington Park etc) and totally ignore the wishes and considerations of local villagers and the local village council.

Kind regards

Colin Skelton

**From:** jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk  
**Sent:** 03 April 2018 20:49  
**To:** localplan@york.gov.uk  
**Subject:** A new Local Plan Publication Draft response form has been submitted

A new Local Plan Publication Draft response form has been submitted via the CYC website.

Please record this information in your system and take action as appropriate.

NOTE: This information is only retained within the CYC CMS for 3 months, for quality assurance purposes - it is then deleted and destroyed.

## Submission details

Web ref: 105086

Date submitted: 03/04/2018

Time submitted: 20:49:06

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Thank you for submitting your Local Plan Publication Draft response form (ref: 105086, on 03/04/2018 at 20:49:06) to City of York Council.

The following is a copy of the details you included.

---

## About your comments

**Whose views on the Local Plan publication draft do your comments represent?** Own comments

---

## About you/the organisation/individual/group you're representing

Please complete in full; in order for the Inspector to consider your representations names and postal addresses must be provided.

**Title:** Mrs

**Forename:** Jane

**Surname:** Granville

**Name of the organisation/individual/group you're representing:**

Address (building name/number and street): [REDACTED]

Address (area): [REDACTED]

Address (town): [REDACTED]

Postcode: [REDACTED]

Email address: [REDACTED]

Telephone number: [REDACTED]

---

## What are your comments about

You may complete this form more than once - you should **submit a separate form for each issue to you want to raise** relating to the Local Plan 'publication draft', the Policies Map or the Sustainability Appraisal/Strategic Environmental Assessment.

**Which document do your comments relate to?** Local Plan Publication Draft

---

## Legal compliance of the document

'Legally compliant' means asking whether or not the plan has been prepared in line with statutory regulations, the duty to cooperate, and legal procedural requirements such as the Sustainability Appraisal. Details of how the plan has been prepared are set out in the Consultation Statements and Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).

**Do you consider the document is legally compliant?** No, I do not consider the document to be legally compliant

**Do you consider the document to comply with the Duty to Cooperate?** NoCompliestoDuty

**Please justify why you do/do not consider the document to be legally compliant or in compliance with the Duty to Cooperate:**

As an ordinary member of the public I find it difficult to digest all the policy associated with planning however my major point is that additional housing and development is detrimental to the environment and this should be a prime driver and not the economic drivers which currently form policy!

For Dunnington I see no reason to build more and more houses - encroaching into green belt and putting a hug demand on drains/water/roads.

---

## Whether the document is/is not 'sound'

Deciding whether you consider the document to be 'sound' means considering whether it's 'fit for purpose' and 'showing good judgement'. The inspector will use the public examination process to

explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness':

- **positively prepared** - prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so, and consistent with achieving sustainable development
- **justified** –the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **effective** – deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- **consistent with national policy** – enables the delivery of sustainable development in accordance with the policies in the framework

**Do you consider the document to be 'sound'?** No, I do not consider the document to be sound

**Please indicate which of four 'tests of soundness' relate to your answer:**

[Response - SoundnessYES] not effective

**Please give reasons for your answer(s):**

The documents continue to deliver more housing and not consider the overall environmental position see previous answer.

**Which part of the document do your comments on 'soundness' relate to? Please provide a paragraph number, a policy reference or a site reference: ??**

---

## Necessary changes

You can suggest any change(s) you consider necessary to make the Local Plan legally compliant or sound - you'll need to say why the modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Your suggestion should cover succinctly all the information, evidence and supporting information necessary to support/justify it. There will not normally be a subsequent opportunity to make further representations; these would only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

**I suggest the following change(s) to make the Local Plan legally compliant or 'sound':**

**If you're seeking a change to the Local Plan, do you want to participate at the hearing sessions of the Public Examination?** No hearing sessions

If you select 'No', your suggestions will still be considered by the independent planning inspector by way of written representations.

**If you wish to participate at the hearing sessions, please state why you consider this to be necessary:**

The Inspector will determine the most appropriate procedure to adopt, to hear those who want to participate at the hearing sessions.



**From:** jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk  
**Sent:** 03 April 2018 20:58  
**To:** localplan@york.gov.uk  
**Subject:** A new Local Plan Publication Draft response form has been submitted

A new Local Plan Publication Draft response form has been submitted via the CYC website.

Please record this information in your system and take action as appropriate.

NOTE: This information is only retained within the CYC CMS for 3 months, for quality assurance purposes - it is then deleted and destroyed.

## Submission details

Web ref: 105089

Date submitted: 03/04/2018

Time submitted: 20:58:01

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Thank you for submitting your Local Plan Publication Draft response form (ref: 105089, on 03/04/2018 at 20:58:01) to City of York Council.

The following is a copy of the details you included.

---

## About your comments

**Whose views on the Local Plan publication draft do your comments represent?** Own comments

---

## About you/the organisation/individual/group you're representing

Please complete in full; in order for the Inspector to consider your representations names and postal addresses must be provided.

**Title:**

**Forename:** Susan and Ralph

**Surname:** Major

**Name of the organisation/individual/group you're representing:**

Address (building name/number and street): [REDACTED]

Address (area): [REDACTED]

Address (town):

Postcode: [REDACTED]

Email address: [REDACTED]

Telephone number: [REDACTED]

---

## What are your comments about

You may complete this form more than once - you should **submit a separate form for each issue to you want to raise** relating to the Local Plan 'publication draft', the Policies Map or the Sustainability Appraisal/Strategic Environmental Assessment.

Which document do your comments relate to? Local Plan Publication Draft

---

## Legal compliance of the document

'Legally compliant' means asking whether or not the plan has been prepared in line with statutory regulations, the duty to cooperate, and legal procedural requirements such as the Sustainability Appraisal. Details of how the plan has been prepared are set out in the Consultation Statements and Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).

**Do you consider the document is legally compliant?** Yes, I consider the document to be legally compliant

**Do you consider the document to comply with the Duty to Cooperate?** YesCompliestoDuty

**Please justify why you do/do not consider the document to be legally compliant or in compliance with the Duty to Cooperate:**

We have said yes but this is an utterly ridiculous question to put to lay people. We have comments about the plan but cannot hope to make a thorough assessment of all its ramifications.

---

## Whether the document is/is not 'sound'

Deciding whether you consider the document to be 'sound' means considering whether it's 'fit for purpose' and 'showing good judgement'. The inspector will use the public examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness':

- **positively prepared** - prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from



neighbouring authorities where it is reasonable to do so, and consistent with achieving sustainable development

- **justified** –the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **effective** – deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- **consistent with national policy** – enables the delivery of sustainable development in accordance with the policies in the framework

**Do you consider the document to be 'sound'?** Yes, I consider the document to be sound

**Please indicate which of four 'tests of soundness' relate to your answer:**

[Response - SoundnessYES]

**Please give reasons for your answer(s):**

Really this is ridiculous. We wish to comment on one particular aspect, the City Centre Policies Map.

**Which part of the document do your comments on 'soundness' relate to? Please provide a paragraph number, a policy reference or a site reference:** The City Centre Policies Map.

---

## Necessary changes

You can suggest any change(s) you consider necessary to make the Local Plan legally compliant or sound - you'll need to say why the modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Your suggestion should cover succinctly all the information, evidence and supporting information necessary to support/justify it. There will not normally be a subsequent opportunity to make further representations; these would only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

**I suggest the following change(s) to make the Local Plan legally compliant or 'sound':**

We feel that City Centre Policies Map is incorrect. It shows an area of public green space removed from around Clifford's Tower, without necessary procedures having been followed.

**If you're seeking a change to the Local Plan, do you want to participate at the hearing sessions of the Public Examination?** No hearing sessions

If you select 'No', your suggestions will still be considered by the independent planning inspector by way of written representations.

**If you wish to participate at the hearing sessions, please state why you consider this to be necessary:**

The Inspector will determine the most appropriate procedure to adopt, to hear those who want to participate at the hearing sessions.

---



**From:** jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk  
**Sent:** 03 April 2018 20:58  
**To:** localplan@york.gov.uk  
**Subject:** A new Local Plan Publication Draft response form has been submitted

A new Local Plan Publication Draft response form has been submitted via the CYC website.

Please record this information in your system and take action as appropriate.

NOTE: This information is only retained within the CYC CMS for 3 months, for quality assurance purposes - it is then deleted and destroyed.

## Submission details

Web ref: 105088

Date submitted: 03/04/2018

Time submitted: 20:58:11

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Thank you for submitting your Local Plan Publication Draft response form (ref: 105088, on 03/04/2018 at 20:58:11) to City of York Council.

The following is a copy of the details you included.

---

## About your comments

**Whose views on the Local Plan publication draft do your comments represent?** Own comments

---

## About you/the organisation/individual/group you're representing

Please complete in full; in order for the Inspector to consider your representations names and postal addresses must be provided.

**Title:** Mr

**Forename:** Matthew

**Surname:** Wedgwood

**Name of the organisation/individual/group you're representing:**

Address (building name/number and street): [REDACTED]

Address (area): [REDACTED]

Address (town): [REDACTED]

Postcode: [REDACTED]

Email address: [REDACTED]

Telephone number: [REDACTED]

---

## What are your comments about

You may complete this form more than once - you should **submit a separate form for each issue to you want to raise** relating to the Local Plan 'publication draft', the Policies Map or the Sustainability Appraisal/Strategic Environmental Assessment.

**Which document do your comments relate to?** Local Plan Publication Draft

---

## Legal compliance of the document

'Legally compliant' means asking whether or not the plan has been prepared in line with statutory regulations, the duty to cooperate, and legal procedural requirements such as the Sustainability Appraisal. Details of how the plan has been prepared are set out in the Consultation Statements and Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).

**Do you consider the document is legally compliant?** No, I do not consider the document to be legally compliant

**Do you consider the document to comply with the Duty to Cooperate?** NoCompliestoDuty

**Please justify why you do/do not consider the document to be legally compliant or in compliance with the Duty to Cooperate:**

This site has repeatedly been rejected by CYC & the planning inspector. It has not become suitable since then.

---

## Whether the document is/is not 'sound'

Deciding whether you consider the document to be 'sound' means considering whether it's 'fit for purpose' and 'showing good judgement'. The inspector will use the public examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness':

- **positively prepared** - prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from

neighbouring authorities where it is reasonable to do so, and consistent with achieving sustainable development

- **justified** –the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **effective** – deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- **consistent with national policy** – enables the delivery of sustainable development in accordance with the policies in the framework

**Do you consider the document to be 'sound'?** No, I do not consider the document to be sound

**Please indicate which of four 'tests of soundness' relate to your answer:**

[Response - SoundnessYES] not positively prepared,not justified,not effective,not consistent with national policy

**Please give reasons for your answer(s):**

The Stables

This site fails the tests of Legally Compliant and Soundness (Justified, Consistent with National Policy)

1. The site does not comply with National Policy PPG2 for Greenbelt
2. The site does not comply with National Policy for Travellers sites (PPTS) – policy B
3. The site does not comply with National Policy for Travellers sites (PPTS) – policy C
4. The site does not comply with National Policy for Travellers sites (PPTS) – policy D
5. The site does not comply with National Policy for Travellers sites (PPTS) – policy E
6. The site does not comply with National Policy for Travellers sites (PPTS) – policy F
7. The proposals directly reverse a decision made by the Planning Inspectorate 10/02082/FUL made for a single site and indeed now extend this abuse of National Planning Policy to 3 plots on the single site, despite local objections.
8. The site has already been refused permanent permission (for one plot only) on numerous occasions: 3 by CYC themselves and twice by the Planning Inspectorate, who required that the land be returned to Greenbelt, which CYC have failed to do.
9. CYC have made no effort to find an alternative site – the Local Plan seeks to hide this failure to comply with the requirements of the Planning Inspector.
10. However, through the local plan process CYC have now identified significant areas of Brownfield Land – any of this could potentially be a suitable (and legal) alternative.
11. CYC officers have failed in their duty to consult the settled community as well as the applicants.
12. The following statement proves CYC's bias against the majority of local residents – “Whilst there was overwhelming objection to this site, a number of respondents supported the site which is welcomed”.
13. CYC have spend considerable time and effort preparing policies to ensure the ‘success’ of this site.
14. The inclusion of this site against all National Policy Guidelines and local consultation is indicative of the way that CYC and its Officers have prepared the Draft Local Plan. The Plan should be rejected and the responsibility taken over by National Government.

**Which part of the document do your comments on 'soundness' relate to? Please provide a paragraph number, a policy reference or a site reference:** SP1. The Stables. Travelling Showpersons Site.

## Necessary changes

You can suggest any change(s) you consider necessary to make the Local Plan legally compliant or sound - you'll need to say why the modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Your suggestion should cover succinctly all the information, evidence and supporting information necessary to support/justify it. There will not normally be a subsequent opportunity to make further representations; these would only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

### **I suggest the following change(s) to make the Local Plan legally compliant or 'sound':**

Comply with national policies & listen to local residents when they point out that CYC is failing to do so.

### **If you're seeking a change to the Local Plan, do you want to participate at the hearing sessions of the Public Examination?** No hearing sessions

If you select 'No', your suggestions will still be considered by the independent planning inspector by way of written representations.

### **If you wish to participate at the hearing sessions, please state why you consider this to be necessary:**

The Inspector will determine the most appropriate procedure to adopt, to hear those who want to participate at the hearing sessions.

---

**From:** jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk  
**Sent:** 03 April 2018 21:03  
**To:** localplan@york.gov.uk  
**Subject:** A new Local Plan Publication Draft response form has been submitted

A new Local Plan Publication Draft response form has been submitted via the CYC website.

Please record this information in your system and take action as appropriate.

NOTE: This information is only retained within the CYC CMS for 3 months, for quality assurance purposes - it is then deleted and destroyed.

## Submission details

Web ref: 105090

Date submitted: 03/04/2018

Time submitted: 21:03:16

---

Thank you for submitting your Local Plan Publication Draft response form (ref: 105090, on 03/04/2018 at 21:03:16) to City of York Council.

The following is a copy of the details you included.

---

## About your comments

**Whose views on the Local Plan publication draft do your comments represent?** Own comments

---

## About you/the organisation/individual/group you're representing

Please complete in full; in order for the Inspector to consider your representations names and postal addresses must be provided.

**Title:** Mr

**Forename:** Matthew

**Surname:** Wedgwood

**Name of the organisation/individual/group you're representing:**

Address (building name/number and street): [REDACTED]

Address (area): [REDACTED]

Address (town): [REDACTED]

Postcode: [REDACTED]

Email address: [REDACTED]

Telephone number: [REDACTED]

---

## What are your comments about

You may complete this form more than once - you should **submit a separate form for each issue to you want to raise** relating to the Local Plan 'publication draft', the Policies Map or the Sustainability Appraisal/Strategic Environmental Assessment.

**Which document do your comments relate to?** Local Plan Publication Draft

---

## Legal compliance of the document

'Legally compliant' means asking whether or not the plan has been prepared in line with statutory regulations, the duty to cooperate, and legal procedural requirements such as the Sustainability Appraisal. Details of how the plan has been prepared are set out in the Consultation Statements and Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).

**Do you consider the document is legally compliant?** Yes, I consider the document to be legally compliant

**Do you consider the document to comply with the Duty to Cooperate?** YesCompliestoDuty

**Please justify why you do/do not consider the document to be legally compliant or in compliance with the Duty to Cooperate:**

I am no expert, so rely on the views of our Parish Council.

---

## Whether the document is/is not 'sound'

Deciding whether you consider the document to be 'sound' means considering whether it's 'fit for purpose' and 'showing good judgement'. The inspector will use the public examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness':

- **positively prepared** - prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from



neighbouring authorities where it is reasonable to do so, and consistent with achieving sustainable development

- **justified** –the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **effective** – deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- **consistent with national policy** – enables the delivery of sustainable development in accordance with the policies in the framework

**Do you consider the document to be 'sound'?** No, I do not consider the document to be sound

**Please indicate which of four 'tests of soundness' relate to your answer:**

[Response - SoundnessYES] not positively prepared,not justified,not effective,not consistent with national policy

**Please give reasons for your answer(s):**

ST15 – land to west of Elvington Lane

This site, in its proposed location, fails the tests of Soundness (positively prepared, justified, effective)

1. Original proposals for Winthorpe located the site much closer to the A64. This previous site is acceptable and would minimise the damage to both Greenbelt, nature conservation and local communities
2. The airfield is not 'brownfield' as indicated but Greenbelt and furthermore a site of importance to nature. Thus, with less new road mileage required, the original location offers less destruction of Greenbelt for the same size town.
3. The airfield is as important a part of York's history as the City walls, Cliffords Tower or the Minster and should be afforded the same level of protection.
4. The airfield should be considered an asset of community value to be held in trust for future generations. Once destroyed it can never be replaced.
5. The airfield is home to almost all of the UKs land speed records and as such an asset for tourism.
6. Building on the open space of the airfield would seriously damage the site and location of the internationally renowned Allied Forces Memorial and Yorkshire Air Museum – again a significant contributor to local tourism.
7. Destroying the runway is thus directly contradictory to York's stated policies of preserving history, the character of York, protecting wildlife and encouraging tourism.
8. The proposed location would result in significant additional traffic through the narrow villages of Elvington (with its single carriage bridge) and Wheldrake. This would be reduced by reverting to the original location.
9. The links to the main access point of the A64 are considerably shortened from the original location and would thus damage less countryside and provide a quicker dispersion of traffic.
10. Heslington is protected by the barrier of the A64 at either location and as there will be no vehicular access unaffected by the choice of location. Thus reverting to the original site would improve the overall quality of life for many York residents over the current proposal at a cost to none.
11. Neither location can be seen from the main carriageway of the A64 nor do either of the locations offer a view of the Minster – thus many of the points made for the airfield location are neither correct nor valid.
12. The rumoured reasons for moving the proposals onto the airfield are individually personal and should be investigated.
13. The proposals fall significantly short of the infrastructure and transport analysis required for a development of this size. The CYC Local Plan should, again, be rejected in its current form and

reworked to become a proper analysis that actually deals with the long term interests of the residents and businesses who reside and work in the area.

**Which part of the document do your comments on 'soundness' relate to? Please provide a paragraph number, a policy reference or a site reference:** ST15 – land to west of Elvington Lane

---

## **Necessary changes**

You can suggest any change(s) you consider necessary to make the Local Plan legally compliant or sound - you'll need to say why the modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Your suggestion should cover succinctly all the information, evidence and supporting information necessary to support/justify it. There will not normally be a subsequent opportunity to make further representations; these would only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

**I suggest the following change(s) to make the Local Plan legally compliant or 'sound':**

Revert to the original location proposed in a previous version of the draft local plan.

**If you're seeking a change to the Local Plan, do you want to participate at the hearing sessions of the Public Examination?** No hearing sessions

If you select 'No', your suggestions will still be considered by the independent planning inspector by way of written representations.

**If you wish to participate at the hearing sessions, please state why you consider this to be necessary:**

The Inspector will determine the most appropriate procedure to adopt, to hear those who want to participate at the hearing sessions.

---

**From:** jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk  
**Sent:** 03 April 2018 21:08  
**To:** localplan@york.gov.uk  
**Subject:** A new Local Plan Publication Draft response form has been submitted

A new Local Plan Publication Draft response form has been submitted via the CYC website.

Please record this information in your system and take action as appropriate.

NOTE: This information is only retained within the CYC CMS for 3 months, for quality assurance purposes - it is then deleted and destroyed.

## Submission details

Web ref: 105092

Date submitted: 03/04/2018

Time submitted: 21:08:00

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Thank you for submitting your Local Plan Publication Draft response form (ref: 105092, on 03/04/2018 at 21:08:00) to City of York Council.

The following is a copy of the details you included.

---

## About your comments

**Whose views on the Local Plan publication draft do your comments represent?** Own comments

---

## About you/the organisation/individual/group you're representing

Please complete in full; in order for the Inspector to consider your representations names and postal addresses must be provided.

**Title:** Mr

**Forename:** Matthew

**Surname:** Wedgwood

**Name of the organisation/individual/group you're representing:**

Address (building name/number and street): [REDACTED]

Address (area): [REDACTED]

Address (town): [REDACTED]

Postcode: [REDACTED]

Email address: [REDACTED]

Telephone number: [REDACTED]

---

## What are your comments about

You may complete this form more than once - you should **submit a separate form for each issue to you want to raise** relating to the Local Plan 'publication draft', the Policies Map or the Sustainability Appraisal/Strategic Environmental Assessment.

**Which document do your comments relate to?** Local Plan Publication Draft

---

## Legal compliance of the document

'Legally compliant' means asking whether or not the plan has been prepared in line with statutory regulations, the duty to cooperate, and legal procedural requirements such as the Sustainability Appraisal. Details of how the plan has been prepared are set out in the Consultation Statements and Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).

**Do you consider the document is legally compliant?** Yes, I consider the document to be legally compliant

**Do you consider the document to comply with the Duty to Cooperate?** NoCompliestoDuty

**Please justify why you do/do not consider the document to be legally compliant or in compliance with the Duty to Cooperate:**

H39 – Extension to Beckside, Elvington

This site fails the tests of: Duty to cooperate and Soundness as it is neither positively prepared nor justified.

1. CYC Officers have failed to consult the residents of Elvington and specifically ignored village proposals during previous consultations for an alternative site.
2. I believe that H26, land at Dauby Lane is a better site offering the capacity for MORE houses in the village.
3. The land at H26 would unite the two halves of the village, provide better access and importantly provide a mix of housing, including affordable housing, much better suited to the needs of the village.
4. Site H39 would cause significant transport and safety issues for the existing residents of Beckside.
5. Site H39 will not meet the future needs of the village as it will contain the wrong mix of housing
6. A Local Plan fails the test of being Local when residents who know and understand an area are

overridden by planning officers who have never visited the sites yet believe they know them better than residents.

---

## Whether the document is/is not 'sound'

Deciding whether you consider the document to be 'sound' means considering whether it's 'fit for purpose' and 'showing good judgement'. The inspector will use the public examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness':

- **positively prepared** - prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so, and consistent with achieving sustainable development
- **justified** –the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **effective** – deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- **consistent with national policy** – enables the delivery of sustainable development in accordance with the policies in the framework

**Do you consider the document to be 'sound'?** No, I do not consider the document to be sound

**Please indicate which of four 'tests of soundness' relate to your answer:**

[Response - SoundnessYES] not positively prepared,not justified

**Please give reasons for your answer(s):**

H39 – Extension to Beckside, Elvington

This site fails the tests of: Duty to cooperate and Soundness as it is neither positively prepared nor justified.

1. CYC Officers have failed to consult the residents of Elvington and specifically ignored my & other villagers proposals for an alternative site, as provided during previous consultations.
2. The vast majority of villagers believe that H26, land at Dauby Lane is a better site offering the capacity for MORE houses in the village.
3. The land at H26 would unite the two halves of the village, provide better access and importantly provide a mix of housing, including affordable housing, much better suited to the needs of the village.
4. Site H39 would cause significant transport and safety issues for the existing residents of Beckside.
5. Site H39 will not meet the future needs of the village as it will contain the wrong mix of housing
6. A Local Plan fails the test of being Local when residents who know and understand an area are overridden by planning officers who have never visited the sites yet believe they know them better than residents.

**Which part of the document do your comments on 'soundness' relate to? Please provide a paragraph number, a policy reference or a site reference:** H39 – Extension to Beckside, Elvington

---

## Necessary changes

You can suggest any change(s) you consider necessary to make the Local Plan legally compliant or sound - you'll need to say why the modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Your suggestion should cover succinctly all the information, evidence and supporting information necessary to support/justify it. There will not normally be a subsequent opportunity to make further representations; these would only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

### **I suggest the following change(s) to make the Local Plan legally compliant or 'sound':**

Listen to local residents & the Parish Council, choose the previously proposed Dauby Lane site instead.

### **If you're seeking a change to the Local Plan, do you want to participate at the hearing sessions of the Public Examination?** No hearing sessions

If you select 'No', your suggestions will still be considered by the independent planning inspector by way of written representations.

### **If you wish to participate at the hearing sessions, please state why you consider this to be necessary:**

The Inspector will determine the most appropriate procedure to adopt, to hear those who want to participate at the hearing sessions.

---

**From:** jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk  
**Sent:** 03 April 2018 21:26  
**To:** localplan@york.gov.uk  
**Subject:** A new Local Plan Publication Draft response form has been submitted

A new Local Plan Publication Draft response form has been submitted via the CYC website.

Please record this information in your system and take action as appropriate.

NOTE: This information is only retained within the CYC CMS for 3 months, for quality assurance purposes - it is then deleted and destroyed.

## Submission details

Web ref: 105091

Date submitted: 03/04/2018

Time submitted: 21:25:54

---

Thank you for submitting your Local Plan Publication Draft response form (ref: 105091, on 03/04/2018 at 21:25:54) to City of York Council.

The following is a copy of the details you included.

---

## About your comments

**Whose views on the Local Plan publication draft do your comments represent?** Group comments

---

## About you/the organisation/individual/group you're representing

Please complete in full; in order for the Inspector to consider your representations names and postal addresses must be provided.

**Title:** Mr

**Forename:** Jason

**Surname:** Ironside

**Name of the organisation/individual/group you're representing:** The Bull Commercial Centre

Address (building name/number and street): [REDACTED]

Address (area):

Address (town): [REDACTED]

Postcode: [REDACTED]

Email address: [REDACTED]

Telephone number: [REDACTED]

---

## What are your comments about

You may complete this form more than once - you should **submit a separate form for each issue to you want to raise** relating to the Local Plan 'publication draft', the Policies Map or the Sustainability Appraisal/Strategic Environmental Assessment.

Which document do your comments relate to? Local Plan Publication Draft

---

## Legal compliance of the document

'Legally compliant' means asking whether or not the plan has been prepared in line with statutory regulations, the duty to cooperate, and legal procedural requirements such as the Sustainability Appraisal. Details of how the plan has been prepared are set out in the Consultation Statements and Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).

**Do you consider the document is legally compliant?** No, I do not consider the document to be legally compliant

**Do you consider the document to comply with the Duty to Cooperate?** NoCompliestoDuty

**Please justify why you do/do not consider the document to be legally compliant or in compliance with the Duty to Cooperate:**

Because there is no option on this form to put "don't know".

---

## Whether the document is/is not 'sound'

Deciding whether you consider the document to be 'sound' means considering whether it's 'fit for purpose' and 'showing good judgement'. The inspector will use the public examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness':

- **positively prepared** - prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from



neighbouring authorities where it is reasonable to do so, and consistent with achieving sustainable development

- **justified** –the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **effective** – deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- **consistent with national policy** – enables the delivery of sustainable development in accordance with the policies in the framework

**Do you consider the document to be 'sound'?** No, I do not consider the document to be sound

**Please indicate which of four 'tests of soundness' relate to your answer:**

[Response - SoundnessYES] not positively prepared

**Please give reasons for your answer(s):**

There is insufficient provision for smaller light-industrial business space, something that the land adjoining The Bull Commercial Centre, Stockton Lane, York YO32 9LE is ideally positioned to provide.

**Which part of the document do your comments on 'soundness' relate to? Please provide a paragraph number, a policy reference or a site reference:** Employment land

---

## Necessary changes

You can suggest any change(s) you consider necessary to make the Local Plan legally compliant or sound - you'll need to say why the modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Your suggestion should cover succinctly all the information, evidence and supporting information necessary to support/justify it. There will not normally be a subsequent opportunity to make further representations; these would only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

**I suggest the following change(s) to make the Local Plan legally compliant or 'sound':**

If it provided sufficient ie. more land for smaller light-industrial space it would be more sound. The land adjacent to The Bull Commercial Centre, Stockton Lane, York YO32 9LE represents an excellent opportunity to provide some more much-needed space.

**If you're seeking a change to the Local Plan, do you want to participate at the hearing sessions of the Public Examination?** No hearing sessions

If you select 'No', your suggestions will still be considered by the independent planning inspector by way of written representations.

**If you wish to participate at the hearing sessions, please state why you consider this to be necessary:**

The Inspector will determine the most appropriate procedure to adopt, to hear those who want to participate at the hearing sessions.



**From:** jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk  
**Sent:** 03 April 2018 21:35  
**To:** localplan@york.gov.uk  
**Subject:** A new Local Plan Publication Draft response form has been submitted

A new Local Plan Publication Draft response form has been submitted via the CYC website.

Please record this information in your system and take action as appropriate.

NOTE: This information is only retained within the CYC CMS for 3 months, for quality assurance purposes - it is then deleted and destroyed.

## Submission details

Web ref: 105093

Date submitted: 03/04/2018

Time submitted: 21:34:59

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Thank you for submitting your Local Plan Publication Draft response form (ref: 105093, on 03/04/2018 at 21:34:59) to City of York Council.

The following is a copy of the details you included.

---

## About your comments

**Whose views on the Local Plan publication draft do your comments represent?** Own comments

---

## About you/the organisation/individual/group you're representing

Please complete in full; in order for the Inspector to consider your representations names and postal addresses must be provided.

**Title:** Dr

**Forename:** Brian

**Surname:** Woods

**Name of the organisation/individual/group you're representing:**

Address (building name/number and street): [REDACTED]

Address (area): [REDACTED]

Address (town): [REDACTED]

Postcode: [REDACTED]

Email address: [REDACTED]

Telephone number: [REDACTED]

---

## What are your comments about

You may complete this form more than once - you should **submit a separate form for each issue to you want to raise** relating to the Local Plan 'publication draft', the Policies Map or the Sustainability Appraisal/Strategic Environmental Assessment.

Which document do your comments relate to? Local Plan Publication Draft

---

## Legal compliance of the document

'Legally compliant' means asking whether or not the plan has been prepared in line with statutory regulations, the duty to cooperate, and legal procedural requirements such as the Sustainability Appraisal. Details of how the plan has been prepared are set out in the Consultation Statements and Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).

**Do you consider the document is legally compliant?** Yes, I consider the document to be legally compliant

**Do you consider the document to comply with the Duty to Cooperate?** YesCompliestoDuty

**Please justify why you do/do not consider the document to be legally compliant or in compliance with the Duty to Cooperate:**

The plan has been through the correct procedures.

---

## Whether the document is/is not 'sound'

Deciding whether you consider the document to be 'sound' means considering whether it's 'fit for purpose' and 'showing good judgement'. The inspector will use the public examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness':

- **positively prepared** - prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from

neighbouring authorities where it is reasonable to do so, and consistent with achieving sustainable development

- **justified** –the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **effective** – deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- **consistent with national policy** – enables the delivery of sustainable development in accordance with the policies in the framework

**Do you consider the document to be 'sound'?** Yes, I consider the document to be sound

**Please indicate which of four 'tests of soundness' relate to your answer:**

[Response - SoundnessYES]

**Please give reasons for your answer(s):**

throughout the Local Plan process, full consideration of the needs for Travelling Showpeople have been assessed and sites considered in the Preferred Options and Further Site Consultations.

The need for 3 Travelling Showpeople sites is established through an updated GTAA and the Plan has been prepared to deliver a site to meet this need. The need is for Travelling Showpeople who have demonstrated longstanding connections and personal connections, and who work within the York Council area.

Policy H6 has been amended to take into account representations made in the Pre-Publication Draft and is positively prepared, effective, justified and consistent with National Policy.

**Which part of the document do your comments on 'soundness' relate to? Please provide a paragraph number, a policy reference or a site reference:** Policy H6

---

## Necessary changes

You can suggest any change(s) you consider necessary to make the Local Plan legally compliant or sound - you'll need to say why the modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Your suggestion should cover succinctly all the information, evidence and supporting information necessary to support/justify it. There will not normally be a subsequent opportunity to make further representations; these would only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

**I suggest the following change(s) to make the Local Plan legally compliant or 'sound':**

None

**If you're seeking a change to the Local Plan, do you want to participate at the hearing sessions of the Public Examination?** No hearing sessions

If you select 'No', your suggestions will still be considered by the independent planning inspector by way of written representations.

**If you wish to participate at the hearing sessions, please state why you consider this to be necessary:**

The Inspector will determine the most appropriate procedure to adopt, to hear those who want to participate at the hearing sessions.

---

**From:** jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk  
**Sent:** 03 April 2018 21:35  
**To:** localplan@york.gov.uk  
**Subject:** A new Local Plan Publication Draft response form has been submitted

A new Local Plan Publication Draft response form has been submitted via the CYC website.

Please record this information in your system and take action as appropriate.

NOTE: This information is only retained within the CYC CMS for 3 months, for quality assurance purposes - it is then deleted and destroyed.

## Submission details

Web ref: 105094

Date submitted: 03/04/2018

Time submitted: 21:35:21

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Thank you for submitting your Local Plan Publication Draft response form (ref: 105094, on 03/04/2018 at 21:35:21) to City of York Council.

The following is a copy of the details you included.

---

## About your comments

**Whose views on the Local Plan publication draft do your comments represent?** Own comments

---

## About you/the organisation/individual/group you're representing

Please complete in full; in order for the Inspector to consider your representations names and postal addresses must be provided.

**Title:** Ms

**Forename:** Anne

**Surname:** Kerr

**Name of the organisation/individual/group you're representing:**

Address (building name/number and street): [REDACTED]

Address (area): [REDACTED]

Address (town): [REDACTED]

Postcode: [REDACTED]

Email address: [REDACTED]

Telephone number: [REDACTED]

---

## What are your comments about

You may complete this form more than once - you should **submit a separate form for each issue to you want to raise** relating to the Local Plan 'publication draft', the Policies Map or the Sustainability Appraisal/Strategic Environmental Assessment.

**Which document do your comments relate to?** Local Plan Publication Draft

---

## Legal compliance of the document

'Legally compliant' means asking whether or not the plan has been prepared in line with statutory regulations, the duty to cooperate, and legal procedural requirements such as the Sustainability Appraisal. Details of how the plan has been prepared are set out in the Consultation Statements and Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).

**Do you consider the document is legally compliant?** Yes, I consider the document to be legally compliant

**Do you consider the document to comply with the Duty to Cooperate?** YesCompliestoDuty

**Please justify why you do/do not consider the document to be legally compliant or in compliance with the Duty to Cooperate:**

The Plan has been through the correct procedures.

---

## Whether the document is/is not 'sound'

Deciding whether you consider the document to be 'sound' means considering whether it's 'fit for purpose' and 'showing good judgement'. The inspector will use the public examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness':

- **positively prepared** - prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from



neighbouring authorities where it is reasonable to do so, and consistent with achieving sustainable development

- **justified** –the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **effective** – deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- **consistent with national policy** – enables the delivery of sustainable development in accordance with the policies in the framework

**Do you consider the document to be 'sound'?** Yes, I consider the document to be sound

**Please indicate which of four 'tests of soundness' relate to your answer:**

[Response - SoundnessYES]

**Please give reasons for your answer(s):**

Throughout the Local Plan process, full consideration of the needs for Travelling Showpeople have been assessed and sites considered in the Preferred Options and Further Site Consultations.

The need for 3 Travelling Showpeople sites is established through an updated GTAA and the Plan has been prepared to deliver a site to meet this need. The need is for Travelling Showpeople who have demonstrated longstanding connections and personal connections, and who work within the York Council area.

Policy H6 has been amended to take into account representations made in the Pre-Publication Draft and is positively prepared, effective, justified and consistent with National Policy.

Site SP1 on the Plan will deliver a site for Travelling Showpeople and thereby satisfy a long outstanding need for a Travelling Showperson's site.

**Which part of the document do your comments on 'soundness' relate to? Please provide a paragraph number, a policy reference or a site reference:** Policy H6; Site SP1

---

## Necessary changes

You can suggest any change(s) you consider necessary to make the Local Plan legally compliant or sound - you'll need to say why the modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Your suggestion should cover succinctly all the information, evidence and supporting information necessary to support/justify it. There will not normally be a subsequent opportunity to make further representations; these would only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

**I suggest the following change(s) to make the Local Plan legally compliant or 'sound':**

NONE

**If you're seeking a change to the Local Plan, do you want to participate at the hearing sessions of the Public Examination?** No hearing sessions

If you select 'No', your suggestions will still be considered by the independent planning inspector by way of written representations.

**If you wish to participate at the hearing sessions, please state why you consider this to be necessary:**

The Inspector will determine the most appropriate procedure to adopt, to hear those who want to participate at the hearing sessions.

---

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 03 April 2018 22:00  
**To:** localplan@york.gov.uk  
**Cc:** Roberts, John  
**Subject:** Local Plan Draft email for approval  
**Attachments:** City of York Local Plan Publication Draft 2018 Consultation Response Form - Fulford Parish Council 3rd April 2018.pdf; City of York Local Plan Publication Draft 2018 Representations by Fulford Parish Council 3rd April 2018.pdf

**Importance:** High

Dear Sirs

Please find attached Consultation Response Form and Representations from Fulford Parish Council in the format as agreed with John Roberts.

Kind regards

Rachel Robinson  
**Clerk and RFO to Fulford Parish Council**

[REDACTED]  
[REDACTED]  
[REDACTED]

*The regular working hours for the Clerk to Fulford Parish Council are:-*

*Tuesdays 10 am - 2 pm;  
Wednesdays 10 am - 2 pm;  
Thursdays 10 am - 2 pm.*

*Outside of these hours this email account will be checked periodically but replies may not be immediate.*

This transmission is confidential for the sole use of the addressee(s). If received in error, please notify us immediately and delete it. Any disclosure, reproduction, modification or publication of this transmission without prior written consent is strictly prohibited. Any views indicated are solely those of the author and, unless expressly confirmed, not those of Fulford Parish Council.

**City of York Local Plan  
Publication Draft 2018  
Consultation response form  
21 February – 4 April 2018**

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information


To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.**

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - Personal Details

Please complete in full; in order for the inspector to consider your representations you must provide your name and postal address)

1. Personal Details		2. Agent's Details (If applicable)
Title	The Parish Clerk	
First Name		
Last Name		
Organisation (where relevant)	Fulford Parish Council	
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		



# Guidance note



## Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Electronic copies of this form are available to download at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or you can complete the form online at [www.york.gov.uk/consultations](http://www.york.gov.uk/consultations)

## What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and use **one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or use our online consultation form via <http://www.york.gov.uk/consultations>. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

## Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

## Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation document:

- Online via our website [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).
- City of York Council West Offices
- In all libraries in York.



# Part B - Your Representation

(Please use a separate Part B form for each issue to you want to raise)



### 3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

### What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan)

### 4. (1) Do you consider the document is Legally compliant?

Yes

No

### 4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

### 4.(3) Please justify your answer to question 4.(1) and 4.(2)

### What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

### What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

**Consistent with national policy** - the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

5.(1) Do you consider the document is Sound?

Yes  No

If yes, go to question 5.(4), If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

SEE ATTACHED

Positively prepared  Justified

Effective  Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph  
no.

SEE  
ATTACHED

Policy  
Ref.

SEE  
ATTACHED

Site Ref.

SEE  
ATTACHED

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

See attached



6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

See attached

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected No, your representation(s) will still be considered by the Independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

See attached

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.



## Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.<sup>1</sup>

### Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012) the details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.<sup>2</sup> The Council must also notify those on the database at certain stages of plan preparation under the Regulations.<sup>3</sup>

### Retention of information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Council Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available to us after the date of the formal adoption of the Plan.<sup>3</sup>

### Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at [haveyoursay@york.gov.uk](mailto:haveyoursay@york.gov.uk) or on [01904 554145](tel:01904554145)

Signature



Date

3/4/2018

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 (regulations 17, 22, 35 & 36 Town and Country Planning (Local Planning) (England) Regulations 2012)

<sup>2</sup> Regulation 19 Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>3</sup> Regulation 35 Town and Country Planning (Local Planning) (England) Regulations 2012

CITY OF YORK LOCAL PLAN  
PUBLICATION DRAFT  
REPRESENTATIONS BY FULFORD PARISH COUNCIL  
MARCH 2018

SUPPORTING REPRESENTATIONS

Fulford Parish Council (FPC) welcomes and supports much of the content of the City of York Publication Draft Local Plan (PD) which it considers is a major improvement over the proposals set out in the 2014 Submission Draft Local Plan.

FPC welcomes and supports particularly the following:

- The reductions in the housing and employment requirements for the City from the unrealistically high figures set out in the 2014 Submission Draft. However, for the reasons set out below, it considers that these requirements are still set too high and further reductions should be made.
- Not to identify specific areas of safeguarded land for longer-term development requirements.
- Not to have a policy allowing major leisure proposals at York Designer Outlet (former Proposal ST21). In accordance with the NPPF, leisure proposals of this type and scale should be located in and around the City Centre and not in peripheral locations such as the Designer Outlet.
- Not to provide for a development allocation at South of Designer Outlet (former Proposal ST25) which would have had an unacceptable impact upon the functions of the Green Belt on the southern side of the City.
- Not to allocate land for traveller development at Acres Farm Naburn (former Proposal GT2).
- Not to allocate land North of Grimston Bar (former Proposal ST6) for employment development.
- Policy R1 which says that main town centre uses will be directed to the city, district and local centres and not to out-of-centre locations such as the Designer Outlet.
- To show sites at School Lane, Fordlands Road and north and south of Broadway as open spaces under Policy GI5. These open space areas provide vital recreational opportunities for Fulford residents as well as being important amenity areas. Their protection is in accordance with NPPF paragraph 74.
- To show a significant new area of open space at OS5 Germany Beck. This open space has to be provided as part of the Germany Beck housing development and is an important

measure to help mitigate the harm which that development will cause to the local environment. It is essential that it is delivered in full accordance with the scheme set out in the revised Development Principles Report as approved by the Secretary of State in his decision to grant outline planning permission.

## OBJECTING REPRESENTATIONS

### Paragraph 3.3: Objectively Assessed Housing Needs

PD Paragraph 3.3 sets out the objectively assessed housing need (OAHN) of the City as 867 dwellings per annum for the plan period to 2032/33, including the shortfall in housing provision against this need from the period 2012 to 2017, and for the post plan period to 2037/38.

**FPC considers that the PD's estimate of OAHN is too high as it is mainly derived from the 2014-**based sub-national population and household projections. These projections are based on a relatively short time-scale when international migration was abnormally high, both into York and England generally. Since then international migration has begun to decline. This is already reflected in the 2016-based ONS national population projections (which have yet to be translated into sub-national population and household projections). In addition neither the 2014-based nor the 2016-based projections reflect the economic and political changes which are likely to flow from the decision to exit the EU, in particular the reduction in the comparative advantage for migrants to enter the UK.

The 2014-based sub-national population and household projections for York are also distorted by the very large growth in the student population which took place in the City between 2008 and 2014 as a result of a new campus opening. Paragraph 1.12 of the SHMA Addendum (June 2016) points out that the University of York expanded from 13,500 to 16,700 (+3500) over the period feeding into the 2014-based projections, and that the University has suggested that its prospects for future **growth are "weaker"**. Paragraph 1.13 says that this throws **"some doubt"** on the realism of the 2014-based projections and that these concerns were shared with ONS. Paragraph 1.14 concludes:

**"It should therefore be considered while the 2014-based projections (and indeed the 2012-based projections) reflect national trends some locally specific issues (to York) may not be fully considered. As such, these projections should, as advised (by ONS), be 'treated carefully'."**

The Strategic Housing Market Assessment (SHMA) and its June 2016 Addendum **contain a '10-year Migration Projection'** which shows the number of dwellings which would be required if a longer-term average of migration is used. FPC considers that such a longer-term migration trend is likely to reflect better the circumstances of post-**Brexit York and Britain**. This **'10-year Migration Projection'** shows a need of 706 dwellings per annum over the plan period.

FPC is aware of national guidance that the most recent sub-national population and household **projections should be used as “the starting point” for deriving the OAHN. However the key word is starting-point.** It is not the end-point. The SHMA and **its Update both acknowledge that “the 10-year migration trend calculations are sound from a technical perspective.” It is also not unduly** distorted by the one-off major increase in the student population which took place between 2008 and 2014. FPC considers that it should be preferred as the basis for deriving the OAHN.

FPC agrees with CoYC that there is no basis to provide any uplift to the OAHN to take into account market signals and affordable housing need.

For these reasons, FPC considers that the Local Plan should be based on an OAHN of 706 dwellings per annum for the plan period.

Even if the figure of 867 dwellings per annum is accepted as the OAHN for the plan period, it should not be used as a proxy for housing need in the post plan period. The 2012-based household projections for York show a decreasing rate of household formation over the plan period, and an even lower rate in the post-plan period. On this basis, housing needs after 2032 are likely to be significantly less than the average for the plan period of 2012 to 2032.

Q5.2 Soundness Tests: **FPC considers that the PD’s OAHN fails the soundness tests** of being justified and consistent with national policy.

Q6.1 Required Changes: As above

Q7.1 Appearance at Examination: Yes

Q7.2 Reasons for Appearance: The complexity of the issues.

### Policies DP1, DP2, and SS1: The Proposed Housing and Employment Requirements

The PD states in the above policies that the intention of the Plan is to meet the development requirements of the City in full within the York local authority area. It is this policy position which has driven many of the more contentious proposals of the Plan including the major releases of open land around the City, including the new settlements.

CoYC appears to have taken this policy position without any detailed consideration of the impacts of meeting development needs in full upon the setting and special character of the City. FPC considers that such an approach is contrary to national policy. The NPPF sets out a two-stage approach. The first stage is to assess what are the development needs of the City. CoYC has done this in its SHMA and ELR. The second stage is to assess the impacts of meeting these needs and deciding whether the impacts are acceptable or not. There is no documentary evidence that CoYC has carried out this second stage exercise. If it had done so properly, the Council may have taken a different decision about fully meeting needs.

NPPF paragraph 14 states:

**“Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change unless:**

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
- specific policies **in this Framework indicate that development should be restricted.”**

Similar guidance for housing is provided at paragraph 47 of the Framework.

Taking the first limb of paragraph 14, FPC considers that the cumulative impact of the developments proposed by the PD would greatly harm the open land setting of the City which makes such an important contribution to the setting and special character of York as a historic town of national and international importance. Also the additional traffic congestion these developments would create (together with the associated noise, air pollution and community severance) would make York a much less attractive place to live, work and visit, and further undermine its special character. Overall, FPC considers that the adverse impacts of meeting the full development needs of the City **are such as “to significantly and demonstrably outweigh the benefits when assessed against the policies in (the) Framework taken as a whole”.**

Taking the second limb, Green Belt is one of the specific policies of the Framework which is referred to by NPPF paragraph 14 (Footnote 9). Paragraph 79 **makes clear the “great importance” which the Government attaches to Green Belts.** If the level of land release required to meet development needs in full would be such as to undermine one or more of the five purposes of Green Belt as set in NPPF paragraph 80 (which, for emphasis, includes preserving the setting and special character of historic towns such as York), it would conflict with national Green Belt policy and so trigger the second exception set out in NPPF paragraph 14. We deal with Green Belt in more detail under the next heading. There are also other policies of the NPPF which indicate that the level of development in York should be restricted, including those dealing with air quality, heritage assets, traffic and environment.

The Council itself agrees in its evidence-base documents that housing needs to be mitigated in order to protect the special historic environment of the City. One of the reasons given why the Authority **has not accepted GL Hearn’s recommendation for a 10% uplift to reflect market signals is that it attaches “little weight to the special character and setting of York and other environmental considerations.”** The major problem with this reasoning is that, in line with NPPF paragraph 14, the Authority should have assessed needs first (in a policy-off position) and then considered whether these needs can be fully met in light of the potential environmental and policy consequences (the

policy-on position). However the principle is the same that the special character and setting of York justifies some reduction in housing provision.

In summary, FPC considers that the Local Plan development requirements should be reduced to levels that would not cause significant harm to the setting and special character of the City or its environment more generally. Such a reduction would be fully in line with NPPF paragraph 14.

Q5.2 Soundness Tests: FPC considers that Policies DP1, DP2 and SS1 fail the soundness tests of being justified and consistent with national policy.

Q6.1 Required Changes: As above

Q7.1 Appearance at Examination: Yes

Q7.2 Reasons for Appearance: The complexity of the issues.

### Policies SS1 and SS2 and Figure 3.1: Green Belt and Historic Character

The Green Belt proposed by the PD is the residual of the open land not required to accommodate development needs in the plan period 2012-2033 and beyond to 2038. FPC considers this is not the correct approach for preparing detailed Green Belt boundaries for a historic city like York of international and national importance where its open land setting is a very important part of its special character. Instead, Green Belt boundaries should be based upon an assessment of what land is important for the five purposes of the Green Belt as set in paragraph 80 of the Framework and in particular whether land needs to be kept open to preserve the setting and special character of the City. Only land which is not important for these purposes should be excluded from the Green Belt and considered further for potential development.

The NPPF (paragraph 79) makes clear that the essential characteristics of Green Belts are their openness and their permanence. In the case of the York Green Belt, the Secretary of State has made clear on many occasions that its primary purpose is to safeguard the setting and special character of the historic city. This purpose must mean that there are long-term physical limits to the growth of the City and that the urban area cannot be expanded indefinitely to meet identified needs.

FPC considers that in the case of the York Green Belt the main test to establish whether land does or does not fulfil the primary Green Belt purpose should be a visual one. It is necessary to ask whether a site is open and if so whether it is essential for that or any other Green Belt purpose that **it should remain so. York's special character is not just related to the walled city or its conservation areas (such as Fulford) or even the green wedges extending into the City.** It relates as much to the general size, scale and character of York, especially as a compact historic city set in the open countryside. Views from the Outer Ring Road are of especial significance, particularly when they

include views of the Minster which defines the location of the city centre and indicates the general scale and character of York. Serious harm would be caused to the special character of the City if development is allowed to intrude significantly into this green buffer around the City, and especially if it should come close to the Ring Road or even leap-frog it. This has already happened in the Clifton area where the harm to the special character is self-evident. We must emphasise that our view on this matter is very similar to that expressed by the Inspector who held the Inquiry into the York Green Belt Local Plan. Although this Inquiry took place in 1994, the primary purpose of the York Green Belt has not changed since then nor has the thrust of national Green Belt policy.

FPC considers that the PPD development proposals would cause serious harm to the setting and special character of the City as:

- Development would be brought much closer to the Outer Ring Road, intruding significantly into the sensitive buffer of open land between the main urban area and the road. At some points, the buffer would be reduced to a very narrow gap, sometimes little more than a landscaped strip. Such development would significantly damage the current perception of York as a compact historic town set into the open countryside. Instead it would appear as a sprawling large urban area expanding out and beyond the Ring Road. The mistake of Clifton Moor would have been repeated.
- The two large new settlements proposed would have major urbanising effects on the wider countryside setting of York beyond the Ring Road. These urbanising effects would not be confined to the sites themselves but would extend over much larger areas because of the need for major new transport and other infrastructure to service them. This infrastructure would include major new junctions onto the Outer Ring Road with very substantial land-takes in vulnerable parts of the Green Belt. The combined result would be a substantial deterioration in the landscape and other rural qualities of the open countryside which forms a belt around York and which the Green Belt is meant to preserve.

The faults in CoYC's appraisal of Green Belt are exemplified by Fig 3.1 of the PD which seeks to identify **the areas of open land which contribute to the "historic character and setting of York."**

Figure 3.1 does not show most of the open land beyond the Outer Ring Road as contributing to this special character or setting. This is incomprehensible as the Green Belt around York has always been described by the Secretary of State and CoYC as **"a belt" of open countryside encircling the City "whose outer edge is about 6 miles from York City Centre"**. This belt of open countryside **establishes the important rural character of York's setting and defines its size and scale** as a compact historic city serving a large rural hinterland. The functions of a belt are not fulfilled by the narrow corridors of open land which Figure 3.1 identifies as **"extensions to green wedges"**. In reality these narrow corridors have a character not dissimilar to the rest of the belt of open

countryside around York. A more appropriate way of considering the relationship between the green wedges and the surrounding open countryside is that the wedges provide a continuation of the encircling belt of open countryside into the urban area. If this so, all the open countryside around York beyond the Outer Ring Road is of similar value to the setting and special character of the City.

A further major deficiency of Fig 3.1 is that it does not identify the value of the entirety of the green buffer of open land which encircles the City between the Outer Ring Road and the existing urban edge (except in the vicinity of Clifton). As we have said, this buffer of open land plays a major role in establishing the setting and special character of York. Significant areas of open land have been excluded from designation only because the Council wishes to promote development on them. Most of these undesignated areas have similar characteristics and fulfil the same open land functions as areas which are designated.

On a matter of detail, FPC agrees with the designation of open land to the west of the A19 as fulfilling green wedge and river corridor functions. It also agrees that the open land between the A64 and Fulford and Heslington makes a particular contribution to special character, not least because it fulfils the role of an attractive rural buffer to the Ring Road in this part of the City. After saying this, FPC considers that this designation should be extended to include all the open land to the south and east of Low Lane, currently without planning permission for development, as it too fulfils an important buffer function.

Q5.2 Soundness Tests: FPC considers that Policies SS1 and SS2 and Figure 3.1 fail the soundness tests of being justified and consistent with national policy.

Q6.1 Required Changes: As above

Q7.1 Appearance at Examination: Yes

Q7.2 Reasons for Appearance: The complexity of the issues.

### The Proposals Map: The Impact upon the South East Quadrant of the City

FPC considers that there is an undue concentration of major development proposals in the south-east quadrant of the City which will harm Fulford and Heslington. The area has already been significantly impacted by the development of the University East Campus and the start of the Germany Beck development (655 dwellings) along with the continuing incremental expansion of the retail and leisure offer at the York Designer Outlet. The PD is now proposing further major developments in this part of the City at ST4: Hull Road (211 dwellings), ST15: West of Elvington Lane (3339 dwellings), ST36 Imphal Barracks (769 dwellings) and ST27 University of York Expansion (21,500 sq.m. of B1 employment floorspace). The cumulative impact of these proposals (and their associated transport and other infrastructure) would cause major adverse harm to the character of



the south-eastern quadrant of the City, including the living conditions of its residents. There would not only be a significant loss of open land and visual outlook but also greatly increased traffic congestion, traffic noise, air pollution and community severance.

The cumulative impacts of the PD proposals on the A19 through Fulford are shown by PD Table 15.1. The road is already operating at capacity, including its junctions with Heslington Lane and Broadway. It is also an Air Quality Management Area. Despite this, and the lack of any opportunity for further significant road improvements, the PD contains proposals which Table 15.1 shows would result in the A19 experiencing a much greater increase in congestion during the plan period than any other major radial route into York. Moreover, FPC understands that Table 15.1 takes no account of the redevelopment of Imphal Barracks as it is not due to start until the end of the plan period. Once the Barracks site is redeveloped, and the post-plan period development intended for Proposal ST15 takes place, traffic conditions on the A19 will become much worse than that set out in the table.

The increased traffic through Fulford Village would seriously damage the special character of the Fulford Conservation Area. The PD proposals would result in much higher levels of traffic congestion, noise, air pollution and community severance in the Conservation Area. Such adverse impacts would conflict with NPPF paragraph 126 which requires that LPAs should set out in their **Local Plan "a positive strategy" for the conservation and enjoyment of the historic environment**", including designated heritage assets such as conservation areas. In doing so, the NPPF adds that **LPAs should recognise that heritage assets are "an irreplaceable resource" and they should "conserve them in a manner appropriate to their significance."** The PD certainly does not do this for the Fulford Conservation Area.

Q5.2 Soundness Tests: FPC considers that the major proposals for the south-eastern quadrant of the City as shown by the Proposals Map fail the soundness tests of being justified and consistent with national policy.

Q6.1 Required Changes: As above

Q7.1 Appearance at Examination: Yes

Q7.2 Reasons for Appearance: The complexity of the issues.

Policies SS2 and R4, and paragraphs 4.37 and 4.39: The York Designer Outlet and Retail Policy

FPC objects to the proposal to exclude the York Designer Outlet from the Green Belt. Instead, the site should be shown as overwashed and treated as a previously developed site in the Green Belt. It would be subject thereby to the restrictions on development set out in the last bullet-point of NPPF

paragraph 89 which allows development that is **compatible with the site's** status as previously developed land within the Green Belt.

**FPC's suggestion is** consistent with the history of the site. The existing retail development was only allowed in 1989 as an exception to normal restrictions on development in the Green Belt because it was located on the site of the former Naburn Hospital. In line with then government policy (PPG2) the amount of built development, its extent, and the retention of the landscape setting of the hospital were all carefully controlled to ensure that the retail centre did not have any greater impact on the purposes of the Green Belt than the former hospital. For the same reasons the York Green Belt Local Plan Inspector recommended that that the site should remain in the Green Belt rather than being inset, **noting (D87.15) that "the site serves important Green Belt purposes, and is indeed an important part of the Green Belt."**

The effect of excluding the site from the Green Belt as now proposed by the PD would be to allow unrestricted development within the boundaries of the inset (subject to the other policies of the Plan). The potential consequence would be a loss of much of the landscape setting of the Designer Outlet which currently helps to mitigate the impacts of the existing built development upon the wider Green belt. This would have a major adverse impact upon the functions and purposes of the Green Belt south of York. It should be noted that the wider area of land around the Designer Outlet is identified by PD Figure 3.1 as having special significance to the historic character and setting of York.

FPC supports the principles of Policy R4 on Out-of-Centre retailing. However it considers that the reference in paragraph 4.37 to bulky goods retailing being potentially appropriate in out-of-centre locations should be deleted, especially as paragraph 4.38 extends the definition of bulky goods to items widely sold in and around the City Centre, including household appliances, audio-visual equipment and bicycles. The NPPF makes no such exception for bulky goods retailing.

FPC considers that the last sentence of paragraph 4.39 should be deleted. Although ambiguous in its meaning, it could be used to justify further significant development in out-of-centre locations contrary to the intentions of Policy R4 (and national policy). In the alternative, the York Designer Outlet should be excluded from its provisions as the Designer Outlet is not a specialist location for **the "sale of bulky comparison goods or other restricted comparison goods."** Its main retail offer is in fashion goods and for which it directly competes with the City Centre. Any significant increase in its retail offer (or as a leisure destination) would inevitably be to the detriment of the City Centre.

The WYG Retail Study Update (2014) highlights the existing and potential impact of the Designer Outlet upon York City Centre. Paragraph 9.13 says that the market share of the Designer Outlet doubled between 2007 and 2014 in the clothing, footwear and small household goods sectors and

that the city centre's market share in these sectors had declined "markedly". Paragraph 9.4 concludes:

**"WYG recognise that YDO (York Designer Outlet) brings economic benefits to the city and contributes to the overall city's economic success (but) this is not justification on its own to expand the facility further."**

Since 2014, the Designer Outlet has continued to increase its attractiveness as a visitor destination by expanding its leisure offer on former landscaped and car-parking areas. This is at the same time that the City Centre is experiencing increasing vacancies in principal shopping frontages such as Coney Street. Competition from the highly successful Designer Outlet is bound to be an important factor in these closures.

Q5.2 Soundness Tests: FPC considers that the above policies and paragraphs fail the soundness tests of being justified and consistent with national policy.

Q6.1 Required Changes: As above

Q7.1 Appearance at Examination: Yes

Q7.2 Reasons for Appearance: The complexity of the issues.

Policies SS22, ED1, ED2 and ED3: The University of York

FPC recognises that the University of York is a major asset of the City. However the costs of its rapid expansion in recent years have fallen disproportionately on local communities nearby, including Fulford, Heslington and Badger Hill. These costs are mainly in the form of:

- Pressures on their local housing stock as previously family houses have been converted into HMOs to provide student accommodation. Often these houses have been insensitively extended to provide additional student bedrooms; whilst their exteriors are poorly maintained, with unkempt gardens and bins left prominently near the street. The result has been a general deterioration in the environmental quality of those areas where there is a concentration of such housing, including Heslington Lane in Fulford.
- High levels of parking by staff, students and visitors on local roads to the annoyance and distress of local residents.
- Traffic congestion and noise on the main roads linking the university with the A64, including Heslington Lane and the A19.

The PPD contains four policies dealing with the University: SS22, ED1, ED2 and ED3. These policies duplicate each other in part, and set out similar requirements in slightly different ways. The policies should be rationalised.

FPC objects in principle to Proposal ST27. The site of this proposed allocation is an important part of the green buffer along the A64 and as such contributes significantly to the setting and special character of York. It would bring large-scale development almost completely up to the A64, replicating the type of harm already seen at Clifton Moor. Its development would conflict with at least three of the purposes of the Green Belt as set out in NPPF paragraph 80. It should be retained in the Green Belt.

**Even the Council's own Heritage Impact Assessment (September 2017) highlights the potential impact of the proposal upon the setting and special character of the historic city.** The summary for the site says:

**"The assessment of this site has identified that development in this location may result in serious harm to principal characteristic 6 (Landscape and Setting). Impacts include the potential loss of open countryside, the rural setting of the city, the impact on views and the close proximity of the development to Grimston (Bar)."**

The site of Proposal ST27 was not intended to be developed by the University when it sought planning permission for Heslington East from the Secretary of State. Instead the site was shown as part of the green buffer around the site. It is unclear why the University has changed its mind over such a short period of time about the need to keep this land undeveloped, especially as there has been no change in its environmental value.

**FPC does note that the proposed allocation is actually for "B1b knowledge businesses" rather than to meet any need identified for further university uses which cannot be accommodated on the existing two campuses.** To FPC's knowledge, no substantial case has been made which demonstrates a need for further land for knowledge-based businesses linked to the university beyond that allowed by the 2006 Secretary of State permission. Even if there is such a need, FPC considers that sites would not have to be immediately adjacent to the University. With appropriate communications, such sites could be some distance away, for example at York Central. The linkage is organisational and not necessarily physical.

Policies SS22, ED1, ED2 and ED3 do not achieve the objectives or the clarity required by the NPPF. Framework paragraph 154 states:

**“Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision-maker should react to a development proposal should be included in the plan.”**

If Proposal ST27 is retained, Policy SS22 should be amended as follows:

- Criterion iv) **should be altered to omit “which is clearly evidence in terms of demand”** as its is ambiguous in meaning.
- Criterion v) should be strengthened so that the transport objectives of the NPPF are achieved. High quality sustainable transport is vital to reduce congestion on the local road network and impacts on nearby communities, including Fulford. To ensure this, FPC considers the criterion should be reworded as follows:

Deliver high quality frequent and accessible public transport to York City Centre and elsewhere including Campus West. Any proposal must demonstrate that such measures will enable upwards of 15% of trips to be undertaken using public transport. Monitoring and delivery arrangements will be required in a Section 106 Undertaking to ensure that this policy objective is secured in practice.

- Criterion vii) should be revised so that it applies the stronger NPPF paragraph 32 test as follows:

Demonstrate that all transport issues have been resolved, in consultation with the Council and Highways England as necessary, so that the residual cumulative impacts on the surrounding highway network are not severe. The cumulative impact of the proposal with other proposals to the south-east of York, including ST4 and ST15, should be addressed.

- Criterion viii) should be either deleted or strengthened. FPC is opposed in principle to a new junction onto the A64 because its harmful impacts on the Green Belt and the wider environment (see below). However if the junction is to be provided, it is important that Proposal ST27 (and the rest of University Campus East) makes use of it to benefit local roads and residents.
- A new criterion should be added so that only businesses linked to the university should be allowed on the site. Otherwise there is a danger that the site is rapidly developed for

businesses not genuinely requiring a location adjacent to the university, thereby prompting a demand for the release of even more land from the Green Belt. FPC suggests the following:

Demonstrate that only knowledge-based businesses genuinely requiring a location on or immediately adjacent to the University campus are allowed to occupy premises on the site.

FPC considers that Policies ED1, ED2 and ED3 should be consolidated into one policy and its requirements reworded to reflect the requirements of the NPPF. It should include the following:

1. Policy ED1 currently facilitates the development of conference facilities unrelated to the University on the campus site. No case has been made why such facilities are needed or justified. Such facilities could significantly intensify usage of the University site to the detriment of surrounding communities. In line with paragraph 23 of the NPPF, conference facilities unrelated to the University should be directed towards the City Centre
2. The statement on student housing in Policy ED1 should be clarified and significantly strengthened in line with the NPPF. Instead of simply "addressing" the need (which in plain English only means looking at and understanding the issue) the University should 'meet' the need arising from any **future expansion of student numbers. Also there should be no 'let-out clause' about "economic prudence"** in the provision of student housing. The University should mitigate the impacts of its development in the same way as other forms of development do, such as housing. The cost should not fall on nearby local communities in terms of worse living conditions. FPC recommends the following rewording:

The University of York must demonstrate how the need will be met for any additional student housing which arises because of any future significant expansion of student numbers. Provision will be expected to be made on campus in the first instance but account can be taken of firm proposals by independent providers of bespoke student housing elsewhere in the City.

In line with NPPF paragraph 154, this change would ensure that the policy provides a clear **indication of "what will or will not be permitted"**. The current wording does not.

3. There should be no maximum limit on the provision of car-parking at the University, at least until the problem of parking on nearby residential roads has been resolved. FPC considers that the main way of doing this is an enforceable Travel Plan which actively promotes the use of more sustainable modes of transport. FPC suggests the following addition to the ED1:

As part of any new significant proposals, the University shall enter into a Travel Plan with enforceable monitoring and delivery arrangements which discourages the use of the private car by staff, students and visitors and achieves a significant modal shift towards more sustainable means of transport.

4. The reference to Proposal ST27 should be deleted as this is the subject of a separate policy.

Q5.2 Soundness Tests: FPC considers that the above policies and proposals fail the soundness tests of being justified and consistent with national policy.

Q6.1 Required Changes: As above

Q7.1 Appearance at Examination: Yes

Q7.2 Reasons for Appearance: The complexity of the issues.

#### Policy SS13 and Proposal ST15: Land West of Elvington Lane

FPC considers that Proposal ST15 should be deleted. This proposed new settlement of some 3339 dwellings occupies an area of attractive open land which fulfils important Green Belt functions, including the separation of Elvington from the main urban area. The gap has already been substantially reduced by the development of the Heslington East university campus. Its further reduction would be highly damaging.

Due to its very large size and its associated infrastructure, the development of the new settlement would have a major urbanising impact on the rural landscape to the south of York. This area of open countryside forms an essential part of the belt of open land which encircles the City and gives it so much of its special character. In particular the proposed link road to the A64 and its grade separated junction would significantly damage the existing bucolic landscape to the south of Fulford and Heslington. As well as its adverse impacts, there would be greatly increased noise and disturbance in an area which is greatly valued by local residents, walkers, and the wider public for its peaceful rural character. The area is criss-crossed by important footpaths and cycle routes which are well-used, including the Minster Way. The proposal would make the area much less attractive for informal countryside recreation.

**The Council's Heritage Impact Assessment (page 37) acknowledges, at least in part, the harm which the proposal would have on the Green Belt and the setting and special character of the City, saying:**

**"This large incursion into the open countryside would clearly affect the openness of the green belt in this location and, as a consequence, result in harm to certain elements which contribute to the special character and setting of the historic city."**

The ecological impacts of the proposed new settlement would be severe upon Heslington Tillmire SSSI and the Lower Derwent SPA/Ramsar site, especially through increased recreational pressure, changes in the water-table, and pet predation. It is highly unlikely that any works could mitigate the damage to these highly sensitive sites of national and international importance.

Due to its location remote from the main urban area, the bulk of movements from the new settlement would be by private car. Most of these journeys would be to York where the great bulk of higher order facilities are located, and would use the A64 and the A19 or Hull Road to access the main urban area. The size of the development is such that there would be a severe impact upon the already high levels of traffic congestion and poor environmental quality on these radial routes, including the Air Quality Management Area in Fulford.

There is no evidence base showing why this location has been chosen for a new settlement and why other potential locations have not been chosen, including sites beyond the Green Belt.

NPPF paragraph 52 makes clear that local planning authorities should only promote new settlements **“with the support of their communities”**. There is no such community support in the case of this new settlement which is opposed by all the communities it affects, including Heslington and Fulford.

There is considerable doubt over the deliverability of the proposal, including the essential link road to the A64. The private sector promoter has made clear that the proposal would only be viable if it is greatly expanded in size. However, such expansion would further exacerbate its environmental harm, including to the Green Belt and the setting and special character of the historic city.

The proposal has not been adequately assessed. There has been no assessment of the environmental or other impacts of the required grade-separated junction onto the A64 (or even details of the design). Historic England has made clear that such an assessment is vital to the acceptability of the proposal because of the potentially highly damaging impacts upon the setting and special character of the internationally important historic city. Similarly there has been no comprehensive assessment of the traffic and related impacts of the proposal, including on the Air Quality Management Area in Fulford. The Air Quality Planning Practice Guidance says:

**“Local plans can affect air quality in a number of ways, including through what development is proposed and where, and the encouragement given to sustainable transport. Therefore, in plan-making, it is important to take into account air quality management areas where there could be specific requirements or limitations on new development because of air quality.”**

FPC considers that the proposal should be abandoned.



If a different decision is taken, the policy should be clarified and strengthened so that it achieves the requirements of the NPPF, including to provide safeguards for the local communities which would be worst affected, including Fulford. In particular:

1. That **all transport issues have been resolved and not just "addressed"**. The NPPF paragraph 32 test should be used so that the residual cumulative impacts on the surrounding highway network are not severe.
2. In line with paragraphs 29, 30 and 32 of the NPPF, there should be a stronger policy commitment to public transport and more sustainable transport modes. In particular, the policy should require the developer to prepare a Travel Plan which discourages the use of the private car. FPC suggests criterion xvi) should be rewritten as follows:

The developer will need to include a series of measures designed to discourage the use of the private car by residents and encourage the use of more sustainable modes of travel, including cycling and walking. The objective should be to ensure that upwards of 50% of trips to and from the settlement are by public transport and other sustainable modes of transport. Monitoring and contingency arrangements will be required in a Section 106 Undertaking to ensure that this policy objective is secured in practice.

3. The reference in paragraph 3.62 to improvements to cycle facilities on the A19 should be deleted. Previous studies have shown that there is no scope to provide such facilities without removing the green verges which are very important to the special character of the Fulford Village Conservation Area. This would lead to significant damage to a designated heritage asset contrary to the intentions of the NPPF.

Q5.2 Soundness Tests: FPC considers that the policy and proposal fail the soundness tests of being justified and consistent with national policy.

Q6.1 Required Changes: As above

Q7.1 Appearance at Examination: Yes

Q7.2 Reasons for Appearance: The complexity of the issues.

Proposal ST4: Land Adjacent to Hull Road

FPC considers this proposal should be deleted. It would result in further incremental urbanisation of the south-eastern quadrant of the City which is damaging its character.

This site was once part of a much larger area of open land and Green Belt which extended from Hull Road to the A64 and beyond. The University East Campus was allowed to be developed in this area as an exception to Green Belt policy because of its national and regional importance. Despite this, the presence of the University is now being used to justify further development of open land in this area including ST4 and ST27, ignoring that these locations were shown as protected buffer areas by the Heslington East Masterplan when it was approved by the Secretary of State in 2006. Such an approach does not enhance the reputation of planning.

FPC considers the site of ST4 should be kept permanently open. It forms part of a wider buffer of open land between the Heslington East Campus and Hull Road, including large areas of woodland planting. Its loss as open land would significantly damage the performance of this wider buffer. In particular, the site forms part of Kimberlow Hill (York Moraine) which is a very important landscape feature and is of significance in the history of York. There are important views over the City from the hill, including of the Minster, which would be lost or severely restricted by its development for housing.

The Heritage Impact Assessment (September 2017) provides at least some support for the harm which would be caused by the proposal:

**“The assessment of this site has identified that development in this location may potentially result in serious harm to principal characteristic 5 regarding the archaeological complexity of the site. A desk based assessment has confirmed that the site may contain features relating to the prehistoric and romano-British period. Minor harm may occur to principal characteristics 3, 4 and 6 (and partial minor harm to 2) particularly due to the unknown nature of the proposed housing design and its visibility occupying an elevated position, the potential harm on views from the hillside and the loss of a buffer between the university campus and residential areas. Kimberlow Hill currently provides 360 degree views towards the historic core and the Minister and outwards across the rural landscape of the Wolds and the Vale.”**

FPC agrees that these are potentially the main causes of harm but disagrees with the assessment of harm which it considers would be significantly greater.

Q5.2 Soundness Tests: FPC considers that the policy and proposal fail the soundness tests of being justified and consistent with national policy.

Q6.1 Required Changes: As above

Q7.1 Appearance at Examination: Yes

Q7.2 Reasons for Appearance: The complexity of the issues.

## Proposal ST36 and Policy SS20 Imphal Barracks

FPC does not disagree with the principle that this site should be redeveloped for housing if and when the barracks are eventually closed. However FPC notes that development is unlikely to start before the end of the plan period. In these circumstances and in line with paragraph 47 of the NPPF, the site should not be allocated in this Plan, but should be considered at the next review in potentially about five years time. This would still allow adequate opportunity for appropriate policies to be put in place to ensure its timely redevelopment.

If CoYC disagrees and Proposal ST36 is kept in the Plan, Policy SS20 needs to reflect better the requirements of the NPPF, including greater safeguards for the nearby local communities, including Fulford. The policy should be amended as follows:

- Criterion i) should be reworded so that the developer must demonstrate that all transport issues have been resolved and not just “addressed” so that (applying the NPPF test) the residual cumulative impacts on the local highway network are not severe.
- Criteria iii), iv), and v) **should be strengthened so that the significant features of the site’s** historic environment are retained and enhanced. The barracks are an important feature in the townscape of this part of Fulford, including many of its buildings, features, open spaces and trees.
- Criterion xiii) should be strengthened to ensure that existing recreational facilities and areas of open space are retained and made available for community use including the playing fields adjacent to Walmgate Stray. NPPF paragraphs 70 and 74 apply.
- A new criterion should be added which would ensure that the environmental impacts associated with the traffic generation of the proposal are fully addressed and mitigated, including traffic noise and air quality. This could be worded as follows:

Mitigate fully the environmental impacts of the increases of traffic upon the local highway network, including traffic noise and air pollution.

Contrary to NPPF and NPPG guidance, there is no reference within the policy to mitigating these potentially highly significant impacts, especially on the vulnerable Fulford Air Quality Management Area.

Q5.2 Soundness Tests: FPC considers that the policy and proposal fail the soundness tests of being justified and consistent with national policy.

Q6.1 Required Changes: As above

Q7.1 Appearance at Examination: Yes

Q7.2 Reasons for Appearance: The complexity of the issues.

## Policy H5: Gypsies and Travellers

FPC supports appropriate provision for gypsies and travellers. However it is concerned that PD Policy H5 does not reflect national policy and also does not include sufficient safeguards to protect existing communities in York from potentially harmful development.

Part b) of the policy should be deleted. There is no provision in national policy that links general housing proposals for the settled community with pitches for gypsy and traveller caravans nor is there any local factor that could justify such a link. National policy makes clear that these are completely separate forms of development.

If Part b) is retained (for whatever reason), FPC specifically objects to its second bullet point which allows landowners/developers to accommodate the required number of pitches on other land in their control (potentially in the Green Belt). This bullet point would enable landowners/developers to offload the associated visual, environmental and other disbenefits of such provision onto existing communities potentially far distant from the development.

Part c) should be amended. In particular:

- In line with national policy (2015), criterion i) should be altered to make clear that traveller/gypsy developments are inappropriate anywhere within the Green Belt and will only be allowed in very special circumstances. The present wording is ambiguous on this point and is thereby contrary to national policy.
- Criterion iv) should be clarified and strengthened in line with NPPF paragraph 154 so that it states:

Ensure that the development does not harm the amenity of nearby existing residents and businesses, including by loss of outlook or the creation of unacceptable traffic patterns, noise, disturbance, pollution or air quality.

A further criterion should be added requiring reasonable levels of amenity for future occupants.

- Criteria ix) and x) should be moved from the second paragraph of Part c) and placed in the first paragraph as these are matters primarily concerned with the principle of development rather than layout.

Q5.2 Soundness Tests: FPC considers that the policy fails the soundness tests of being justified and consistent with national policy.

Q6.1 Required Changes: As above

Q7.1 Appearance at Examination: Yes

Q7.2 Reasons for Appearance: The complexity of the issues.

## Policy H6: Travelling Showpeople

FPC supports appropriate provision for travelling showpeople. However it is concerned that PD Policy H6 does not reflect national policy and also does not include sufficient safeguards to protect existing communities in York from potentially harmful development.

In line with our representations on Policy H5, Part c) should be amended as follows:

- In line with national policy (2015), criterion i) should be altered to make clear that development for showman sites are inappropriate anywhere within the Green Belt and will only be allowed in very special circumstances. The present wording is ambiguous on this point and is thereby contrary to national policy.
- Criterion iv) should be clarified and strengthened in line with NPPF paragraph 154 so that it states:

Ensure that the development does not harm the amenity of nearby existing residents and businesses, including by loss of outlook or the creation of unacceptable traffic patterns, noise, disturbance, pollution or air quality.

A further criterion should be added requiring reasonable levels of amenity for future occupants.

- Criteria ix) and x) should be moved from the second paragraph of Part c) and placed in the first paragraph as these are matters primarily concerned with the principle of development rather than layout.

Q5.2 Soundness Tests: FPC considers that the policy fails the soundness tests of being justified and consistent with national policy.

Q6.1 Required Changes: As above

Q7.1 Appearance at Examination: Yes

Q7.2 Reasons for Appearance: The complexity of the issues.

### Policy H7: Student Housing

Detailed comments about student housing and its impacts upon local communities have already been made in relation to Policies ED1, ED2 and ED3. In line with those comments, FPC suggests either that the first part of Policy H7 is deleted as it simply duplicates other policies (ED1, ED2, ED3 and ED4) or it is replaced with the following:

The University of York and York St John University must meet the need for any additional student housing which arises because of their future expansion of student numbers. In assessing need, account can be taken of firm proposals by independent providers for bespoke student housing in the City. To meet any projected shortfall, provision by the University of York can be made on either campus. Provision by York St John **University....**

Q5.2 Soundness Tests: FPC considers that the policy fails the soundness tests of being justified and consistent with national policy.

Q6.1 Required Changes: As above

Q7.1 Appearance at Examination: Yes

Q7.2 Reasons for Appearance: The complexity of the issues.

### Policy H8: Houses in Multiple Occupation (HMOs)

FPC considers that the policy needs significant strengthening.

FPC considers that the thresholds for restrictions on new HMOs should be reduced from 20% to 10% for neighbourhood areas and from 10% to 5% for lengths of street.

FPC considers the policy should contain a restriction on extensions to existing and proposed HMOs. Such extensions are often unsightly and out-of-scale with the original house, giving an institutional character to the property. To minimise the harm caused to existing residential communities such as Fulford, the following is suggested:

Extensions to existing and proposed HMOs will only be permitted where it will improve living conditions for residents (such as larger bathrooms and kitchens) and not to provide additional living units.

Such an alteration is required to be consistent with NPPF paragraph 17 which states that plans should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Q5.2 Soundness Tests: FPC considers that the policy fails the soundness tests of being justified and consistent with national policy.

Q6.1 Required Changes: As above

Q7.1 Appearance at Examination: Yes

Q7.2 Reasons for Appearance: The complexity of the issues.

## Policy GB1: Development In the Green Belt

This policy deviates significantly from that set out in the NPPF for Green Belt. As Green Belt is intended to be a national policy, such deviation should be avoided. In line with other local plans, FPC considers that the policy should simply cross-refer to the NPPF for details of the types of development that can be permitted. If not, the policy should follow more closely the format of paragraph 89 of the NPPF. In particular, it should not make reference to renewable energy schemes being potentially appropriate forms of development. The NPPF is clear (paragraph 91) that most such projects would comprise inappropriate developments. There are no special circumstances in York to justify a different view. Indeed large renewable energy projects in the Green Belt have the potential to cause major damage to the setting and special character of the historic city.

Q5.2 Soundness Tests: FPC considers that the policy fails the soundness tests of being justified and consistent with national policy.

Q6.1 Required Changes: As above

Q7.1 Appearance at Examination: Yes

Q7.2 Reasons for Appearance: The complexity of the issues.

## Policy ENV1: Air Quality

FPC supports the principle of this policy but feels it should be strengthened. Air quality is a major issue for large parts of Fulford which are designated as an Air Quality Management Area. FPC considers that the first part of the policy should be reworded as follows:

Development will only be permitted if the impact on air quality is acceptable and mechanisms are put in place to mitigate fully any adverse impacts and prevent further exposure to poor air quality. Proposals which would worsen air quality in and around Air Quality Management Areas after mitigation, either individually or cumulatively, will not be allowed. This is in order to protect human health.

This proposed change would reflect the priority given to AQMAs by the NPPG on Air Quality. It says:

**“Local plans can affect air quality in a number of ways, including through what development is proposed and where, and the encouragement given to sustainable transport. Therefore in plan-making it is important to take into account air quality management areas and other areas where there are specific requirements or limitations on new development because of air quality.”**

At present the policy makes no reference to AQMAs.

Q5.2 Soundness Tests: FPC considers that the policy fails the soundness tests of being justified and consistent with national policy.

Q6.1 Required Changes: As above

Q7.1 Appearance at Examination: Yes

Q7.2 Reasons for Appearance: The complexity of the issues.



## Policy T2: Strategic Public Transport Improvements

**FPC objects to the proposal for “a dedicated public transport/cycle route linking the new settlement (ST15) to a suitable access on York’s highway network in the urban centre of York.” As there are no details of where or how this public transport/cycle route would be created FPC considers that it is premature for such a proposal to be included in the Plan, not least because its potential impacts on heritage assets and areas of environmental sensitivity have not been assessed.**

Q5.2 Soundness Tests: FPC considers that the policy fails the soundness tests of being justified and consistent with national policy.

Q6.1 Required Changes: As above

Q7.1 Appearance at Examination: Yes

Q7.2 Reasons for Appearance: The complexity of the issues.

## Policy T7: Minimising and Accommodating Generated Trips

FPC considers that the policy needs clarifying and strengthening. Criterion iii) should be reworded so that it incorporates the stricter test for new development set out in the NPPF:

That any residual cumulative impacts of development are not severe and would not create safety hazards on the local and strategic highway network.

Q5.2 Soundness Tests: FPC considers that the policy fails the soundness tests of being justified and consistent with national policy.

Q6.1 Required Changes: As above

Q7.1 Appearance at Examination: Yes

Q7.2 Reasons for Appearance: The complexity of the issues.