

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

OFFICE USE ONLY:

ID reference:

RECEIVED

04 APR 2018

BY: _____

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

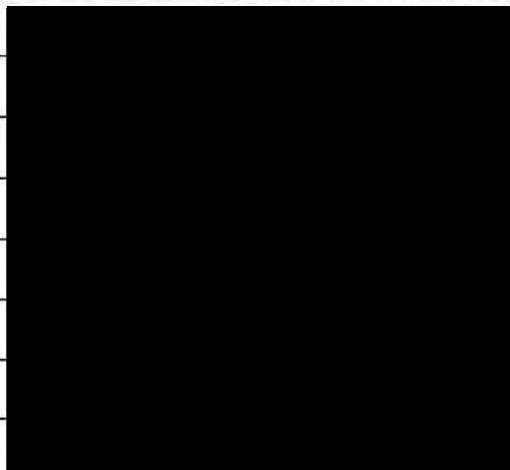
To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments 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	DIANE	
Last Name	STONES (formerly Greenhouse)	
Organisation where relevant	COFFMANTON 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		

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

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

What can I make comments on?

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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)

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

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)

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.

'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 Plan¹

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.²

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.³

Your rights

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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 or on 01904 554145

Signature

Date

¹ Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17, 22, 34 & 36 Town and Country Planning (Local Planning) England Regulations 2012

² Regulation 19 Town and Country Planning (Local Planning) England Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England Regulations 2012

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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	Dr	
First Name	JEFFREY	
Last Name	CLARKE	
Organisation (where relevant)		
Representing (if applicable)		
Address - line 1	[REDACTED]	
Address - line 2		
Address - line 3		
Address - line 4		
Address - line 5		
Postcode		
E-mail Address		
Telephone Number		

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



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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)

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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
noPolicy
Ref

Site Ref

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Title	Mr	
First Name	IAN	
Last Name	MORRIS	
Organisation (where relevant)		
Representing (if applicable)		
Address - line 1	[REDACTED]	
Address - line 2		
Address - line 3		
Address - line 4		
Address - line 5		
Postcode		
E-mail Address		
Telephone Number		

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

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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)

I consider all documents comprising the draft local plan to be legally compliant. 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.

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)

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.

I consider all documents comprising the draft local plan to be sound. In respect of 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 believe the draft local plan strikes the right balance between providing the homes and jobs York needs, whilst also protecting the Green Belt, preserving the unique character and setting of York, and maintaining the amenity, sustainability, and resilience of Copmanthorpe, the community in which I live.

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.

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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.²

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.³

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 or on 01904 554145.

Signature



Date

28/3/2018

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

² Regulation 19 Town and Country Planning (Local Planning) (England) Regulations 2012

³ 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: RECEIVED 04 APR 2018 BY: _____

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	COUNCILLORS	
First Name	KETH CAROL CHRIS	
Last Name	ORSELL KUNCIAN CULLWICK	
Organisation (where relevant)		
Representing (if applicable)	HUNTINGTON / NEW EARSWICK RESIDENTS	
Address - line 1	[REDACTED]	
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:

Electronic copies of this form are available to download at [\[link\]](#) or you can complete the form online at [\[link\]](#)

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 [\[link\]](#) or use our online consultation form via [\[link\]](#). 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 [\[link\]](#)
- 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

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)

AS COUNCILLORS WE HAVE FOLLOWED THE LENGTHY PROCESS OF COMMITTEE REPORTS AND PUBLIC CONSULTATIONS AND KNOW THAT THE REQUIREMENTS OF GOVERNMENT HAVE BEEN MET

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.

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 falls 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 ATTACHED DOCUMENTS
COMMENTING ON THE SITES IN
HUNTINGTON AND NEW EARSWICK
WARD

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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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:

WE BELIEVE WE SHOULD REPRESENT THE VIEWS OF THE MANY RESIDENTS IN HUNTINGTON AND NEW EARSWICK THAT HAVE EXPRESSED CONCERNS ABOUT POTENTIAL DEVELOPMENT SITES TO US

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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Signature

Date

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

City of York Local Plan Consultation

Response from Huntington and New Earswick Ward Councillors relating to the Old School Playing Field New Earswick H48

This land is the last remaining large area of green land in New Earswick. The whole of this green area was proposed for housing development in the 2014 Draft Local Plan.

At that time we carried out a Survey of local residents to gauge their view of this proposal. Over 80% of respondents were opposed to these proposals.

For the 2015 Draft Local Plan it was proposed to develop part of the field rather than all of it. Whilst this is not a desirable outcome it is a more equitable proposal which does protect a substantial area of existing green belt land.

We believe, therefore, that the Plan is Sound in relation to this site but do not believe it would be Sound to use any further part of the land for housing. The village of New Earswick needs to retain this green area.

Cllr Keith Orrell, Cllr Carol Runciman & Cllr Chris Cullwick

Huntington and New Earswick Ward Councillors.

April 2018

City of York Local Plan Consultation

Response from Huntington and New Earswick Ward Councillors. ST11

We believe the Consultation response Form to be a very difficult and confusing Form. It appears to be designed for developers to object to the City of York Council's proposed Local Plan. It does not allow residents to object to sites that have previously been rejected for the Plan but are being put forward again by developers for further consideration.

This situation is made worse by the fact that residents were advised that previous comments and objections would not be considered by the Planning Inspector.

Despite these issues over 120 Huntington residents have confirmed to us that they believe the Local Plan is sound in relation to ST18. This site was rejected for the Local Plan in 2016 following the Consultation that took place then.

At that time residents raised a number of concerns about the site which is currently in the green belt.

- That with the development of the Vanguard retail park, the Community Stadium retail complex and the extension of the park and ride facility this is only area of green land in south Huntington.
- The Vanguard retail park has increased the volume of traffic considerably throughout Huntington.
- The Community Stadium retail complex will further increase traffic on match days. Additionally as the Stadium is designated for community use and the sports and retail facilities will be in use 7 days a week traffic levels will increase 7 days a week.
- The area suffers from poor drainage and has sewerage problems. There have been occasions when raw sewage has spewed into gardens and drives.

As Ward Councillors we believe residents of this area have already had to cope with more than is reasonable in terms of development in this part of

Huntington and it would be inequitable for them to have to have yet another development in their area. As one resident put it to us during a previous consultation "enough is enough."

We therefore believe this land is not suitable for housing development and that the Draft Local Plan is Sound in relation to this land.

Cllr Keith Orrell, Cllr Carol Runciman & Cllr Chris Cullwick

Huntington and New Earswick Ward Councillors.

April 2018

City of York Local Plan Consultation

Response from Huntington and New Earswick Ward Councillors the Galtres Farm Proposal

The proposal to develop this site north of the outer ring road only came to the City Council towards the end of 2016. There has, therefore, been no public consultation on the proposal – this is essential for a development of this scale. For consultation to take place it would mean a further delay to the Local Plan and create yet more uncertainty for the future of housing development around York.

The Galtres Farm proposal was rejected by the Council's Executive in February this year.

The development of this site would add thousands more journeys to the road system particularly the outer ring road. This road will have to cope with the result of building thousands of more houses along its northern route. The improvements to the roundabouts about to take place will, at best, help to deal with the resultant increase in traffic. The only real solution is a full dualling of the ring road – we believe the Government should provide this funding in order to meet the housing numbers they are demanding.

Huntington and New Earswick Ward Councillors therefore believe the Local Plan is Sound in rejecting this site for development.

Cllr Keith Orrell, Cllr Carol Runciman & Cllr Chris Cullwick

Huntington and New Earswick Ward Councillors, City of York

April 2018

City of York Local Plan Consultation

Response from Huntington and New Earswick Ward Councillors relating to land north of Avon Drive, Huntington Site 191

We believe the Consultation response Form to be a very difficult and confusing Form. It appears to be designed for developers to object to the City of York Council's proposed Local Plan. It does not allow residents to object to sites that have previously been rejected for the Plan but are being put forward again by developers for further consideration.

This situation is made worse by the fact that residents were advised that previous comments and objections would not be considered by the Planning Inspector.

Despite these issues local Huntington residents have confirmed to us that they believe the Draft Local Plan is Sound in relation to Site 191.

This land has been rejected as a site for housing development on every occasion it has been put forward for inclusion in York's Local Plan.

In addition the Council's Planning Committee refused permission for 109 houses in 2015. This refusal was confirmed by a Planning Inspector after a 4 day Hearing in 2015. The Secretary of State then agreed to the recommendations of the Planning Inspector.

We have carried our Surveys of local residents on a number of occasions about the use of this land and each time the overwhelming majority have rejected the concept of developing this land for housing.

In addition to the failure of Pilcher Homes to demonstrate special reasons for their application the site is near to the Outer Ring Road which would need part of the land were it to be dualled.

Local residents are also concerned about drainage and traffic levels. Since the opening of the Vangarde Shopping Centre the volume of traffic using the

Huntington roads has increased significantly and no doubt will increase further when the Stadium Retail Park opens next year.

The Council Officer analysis of the site for the 2013 Draft Plan says : "The site would bring development to the edge of the ring road. It doesn't appear large enough to include a sufficient buffer to the road. This would have a detrimental effect on the open character of the ring road."

We therefore believe this land is not suitable for housing development and that the Draft Local Plan is Sound in relation to this land.

Cllr Keith Orrell, Cllr Carol Runciman & Cllr Chris Cullwick

Huntington and New Earswick Ward Councillors, City of York

April 2018

**Huntington & New Earswick Residents who wish to appear
at the Examination**

E & DM Scarlett, [REDACTED]

Mr D Wetton, [REDACTED]

Prof K. Hartley, [REDACTED]

Roy. Brown, [REDACTED]

Alison Catlin & John Simpson, [REDACTED]
[REDACTED]

Mr I Richardson, [REDACTED] – would
like to attend but not speak.

Audrey Miller, [REDACTED] – prefer not to
speak

Linda Bielby, [REDACTED] [REDACTED]

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

OFFICE USE ONLY:

IC reference:

RECEIVED

04 APR 2018

BY: _____

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 + MRS	
First Name	J	
Last Name	PEEL	
Organisation (where relevant)		
Representing (if applicable)		
Address – line 1	[REDACTED]	
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?

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- 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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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?

You can view the Local Plan Publication draft Consultation documents

- Online via our website 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

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 HAS BEEN THROUGH THE CORRECT PROCEDURES.

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.

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.

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.

None.

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 we support Policy H6, we do not necessarily wish to participate in the procedure, but would like to if objectors to this policy are afforded the opportunity to participate.

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.

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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.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²

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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.³

Your rights

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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 or on [01904 554145](tel:01904554145).

Signature



Date

03/04/18

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

² Regulation 15 Town and Country Planning (Local Planning) (England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) (England) Regulations 2012

306

Name Mrs Y Bounton
 Address [REDACTED]

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

Dear City of York Council.

I am writing to provide my feedback and outline my support for the Local Plan Publication Draft 2018

As a resident of York, I believe it is essential that we submit a plan that directly addresses the local pressures in our housing market but at the same time, guarantees the protection of the greenbelt and York's natural beauty.

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- The plan gives good protection of York's Greenbelt, protecting our unique City.
- Given that population figures are predicted to be lower than estimated by the Government, the plan provides enough houses for the people of York.
- From delivering roughly 500 houses per annum to nearly 1000 house per annum, I believe that through the housing delivered under the plan affordability will be improved in York.

I am confident that with the current draft of the Local Plan York will be able to provide sustainable development across the City and deliver a balance between providing new homes and delivering more employment, whilst protecting the City's special character.

It is essential that the people of York retain control of this process and ultimately, decide on the future of York itself

Signature: [REDACTED]

Date:

2 / 4 / 2018

RECEIVED
 04 APR 2018
 BY: _____

307

Name:
Address

G. GREETHAM

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

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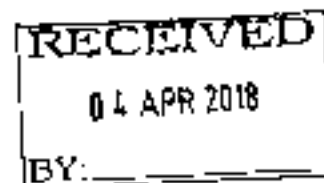
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Signature:



Date:

2 April 2018



308

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Local Plan City of York Council,
West Offices, Station Rise,
York, YO1 6GA

Name:
Address

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Signature: 

Date: 21/3/2018

RECEIVED
04 APR 2018
BY: _____

309

Name: *Rosario L. Brown*

Address



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

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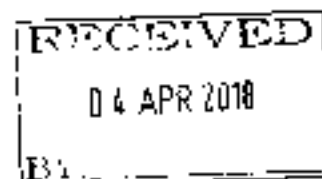
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Signature:

Date:

2 - 4 - 18

310

Name: Richard Pearson
Address: [Redacted]

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

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Signature: [Redacted]

Date: 30/3/18



Name: MRS M ELLIS

Address [Redacted]

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

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Signature: [Redacted]

Date: 27-04-2018

RECEIVED
04 APR 2018
BY: _____

312

Name: Mrs J & Miss M Frost
 Address: [REDACTED]

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

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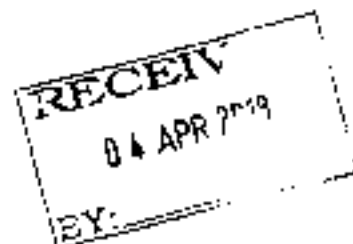
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Signature: [REDACTED]

Date:

28.3.18



313

Name: J SCOTT
 Address: [REDACTED]

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

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Signature:

[REDACTED]

Date:

27. 3. 18



Name:
Address

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Local Plan City of York Council,
West Offices Station Rise,
York, YO1 6GA

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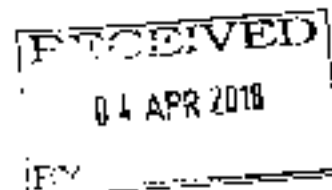
It is essential that the people of York retain control of this process and ultimately, decide on the future of York itself.

Signature:

[Redacted Signature]

Date:

29/3/18



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

OFFICE USE ONLY: ID reference <div style="border: 1px dashed black; padding: 5px; display: inline-block;"> RECEIVED 04 APR 2018 </div>
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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	M R	
First Name	ROBERT LESLIE	
Last Name	TOWNER	
Organisation (where relevant)		
Representing (if applicable)		
Address – line 1	[REDACTED]	
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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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 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.
- City of York Council West Offices
- In all libraries in York

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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

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)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.

See attached.

City of York Local Plan

Part B Section 5(4)

The overall assessment of Housing requirements at 867 homes/annum is unsound ignoring the advise of consultants G.L.Hearn which concluded a figure of 925 homes was required and the Governments recent assessment of 1027/annum.

The figures produced assume a substantial contribution from released MOD land at Strensall and Imphal Barracks for which no feasibility work has been undertaken.

The need for affordable housing as set out by G.L. Hearn was 573 homes/annum. Current Council policy of 20% on Brown Field sites and 30% on Green Field will fall significantly short of this requirement. Harrogate Council requires 40% affordable housing on all qualifying sites.

The recent approval on the British Sugar site for 1200 homes allows for only 3% affordable housing despite policy SS6 which states "Create a sustainable balanced community with an appropriate mix of housing informed by the "Councils Strategic Market Assessment" It provides little confidence for the future.

Figures from the National Housing Federation show that the average resident on the average wage would need a 126% wage rise to be able to afford a mortgage. Lower quartile house prices are 8.9 times lower quartile earnings. The need to uplift the proportion of affordable homes is self evident.

The plan is considered incapable of delivery in the plan period in the light of the significant shortfall in previous performance whereby in the 7 years up to 2013/4 only 3400 homes were completed against a target of 5740. There is no evidence that future performance will be any better.

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.

- Uplift the total housing requirement to what assessed by Government to suit housing.
- Uplift the proportion of affordable homes to 40% minimum.
- Make a written assessment of homes likely to come from urban etc. (as?)

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.¹

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.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²

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Signature



Date

2/4/2018

¹ 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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³ 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:

RECEIVED

06 APR 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	Stuart	
Last Name	Kay	
Organisation (where relevant)	Dunnington Parish Council	
Representing (if applicable)	Dunnington Parish Council	
Address – line 1	[REDACTED]	
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

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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.

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 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.
- 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)

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Yes

No

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Yes

No

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

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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
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Paragraph no.

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- H31 Eastfield Lane** While the development of H31 is not welcome, as the access to the village centre, to the school, to public transport and other amenities along Eastfield Lane is narrow and the junction of Eastfield Lane and Church Balk is not suitable to cater for the inevitable significant increase in vehicular traffic it is recognised that this is the least worst option of the sites previously proposed. It squares off the village and removes the less than attractive features of one part of the site. It is to be welcomed that the previously safeguarded land adjacent has not been retained. This in turn will allow the rural entrance from the east end of Eastfield Lane to remain unaltered. This maintains the openness of the approach to the village and consequently the roadway at this point must not be widened but continue as is to discourage traffic from using it as a shortcut from the A166 through to the A1079. It is recognised that Eastfield Lane will need a footpath along the south side for the length of H31 but not beyond.

The north side along its whole length to its junction with Church Balk is generally hedged close to the road and should remain untouched taking into account its historic nature and environmental importance. There are significant drainage problems in the village and any such significant development will have to ensure that it does not exacerbate the severe surface water drainage problems currently experienced in times of heavy rain storms. It must therefore meet the highest standards possible as far as drainage is concerned. Water pressure in that part of the village is very low and may cause problems for the rest of the village if no action is taken to improve it. The proposed increase in housing density from the previous plan is to be regretted as this is likely to reduce the quality of the housing leading to an overcrowding of the site, lack of green space, the loss of the opportunity for a mixture of housing (which we believe is very important) while at the same time reducing the number of larger and more distinctive properties. Any development here will also have to deal with the inevitable shortage of school places, play areas and other green spaces within the village arising from such an increase in population numbers.

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H72, the Water Tower Land. Eastfield Lane forms a clear and well defined boundary for the northern edge of the village. The open aspect at one of the three main gateways to the village emphasizes and confirms its rural character and provides a significant visual amenity as one enters the village. This land is part of the York moraine and is currently productive agricultural land and is within the proposed Greenbelt and has always been treated as Greenbelt for development control. Inclusion of this land for development would compromise defensible Green Belt boundaries. Any additional housing in this location would potentially make the already precarious surface water drainage issue for the village much worse. The development of this site will impact the junction of Church Balk/Eastfield Lane which is already problematic.

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H9 Land to west of Common Road Dunnington is a green wedge between the industrial estate and the residential part of the village and defines clearly the south boundary of the village. It is very important for the setting of the village. The open and rural aspect of one of the three main gateways to the village would be lost with any development in this field. The field abuts Massacarr Nature Reserve and contains a three metre dyke through which most of the surface water runoff from the Village passes, is at risk of flooding, is partly Zone 1 and Zone 3 and it also has ecological and conservation significance. This piece of land has always been considered as greenbelt and has been turned down for development in the past. Any development in Zone 1 only would not fit well with the urban form of Dunnington in terms of structured residential development and would offer no identifiable or logical boundaries.

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H737 Stockhill Field This is an open land beyond the edge of the village. This land is currently agricultural and not suitable for development as it is in the green belt and will impact adversely on the setting of the village. It is beyond the built up area of the village. It would not fit well with the urban form of Dunnington in terms of structured residential development and would offer no identifiable or logical boundaries. It will also coalesce with the A166.

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The Parish Council has been involved at every stage of this process and we have commented on all previous drafts. This final plan has taken into account our representations. We do not support any developments which have been rejected with reasons within the plan and do not accept they are reasonable alternative sites. We strongly agree with the reasons given in the plan for their rejection. It is to be greatly welcomed that an indisputable Greenbelt is to be established around Dunnington. We support this strongly and look forward to it being established as early as possible. The openness of the approach as you enter Dunnington from any direction and the rural setting of Dunnington are important to the amenity of the village and its residents.

H30 Intake Lane H30 is not deliverable as there is no access onto any existing road within the village. Even if there was access on to Intake Lane it is not suitable for the volume of traffic which would be generated by such a development. This is development in the greenbelt.

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:

We may wish to be heard if subsequent to this submission others parcels of land within the Parish are brought forward for consideration

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 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

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

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 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

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H749 Adjacent Stamford Bridge Road This is on open land beyond the edge of the village. This land is currently agricultural and not suitable for development as it is in the green belt and will impact adversely on the setting of the village. It is beyond the built up area of the village. It would not fit well with the urban form of Dunnington in terms of structured residential development and would offer no identifiable or logical boundaries. It will also coalesce with the A166.

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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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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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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H899 York Road This land is in the greenbelt. This site is outside the existing settlement limits and its development would adversely impact on the character and setting of the village particularly on one of the main approaches to the village.

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Positively prepared Justified
Effective Consistent with national policy

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H738 Land to South side of Intake Lane. This is on open land beyond the edge of the village. This land is currently agricultural and not suitable for development as it is in the green belt and will impact adversely on the setting of the village. It is beyond the built up area of the village. It would not fit well with the urban form of Dunnington in terms of structured residential development and would offer no identifiable or logical boundaries.

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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.¹

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.²

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.³

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 or on 01904 554145.

Signature

Date

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

² Regulation 19 Town and Country Planning (Local Planning) (England) Regulations 2012

³ 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: <div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED 04 APR 2018 ESY </div>
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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	GEOFFREY	
Last Name	NURSE	
Organisation (where relevant)		
Representing (if applicable)		
Address - line 1	[REDACTED]	
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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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 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.
- 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)

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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)

IT IS NOT POSSIBLE TO ANSWER YES IN ABSENCE OF THE REQUISITE EVIDENCE AND SPACIAL IMPLICATIONS OF THE PLAN IS NOT CAPABLE OF BEING DETERMINED AT THIS STAGE.

What does 'Sound' mean?

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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	<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.

112

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.

2018 PLAN IS UNSOUND AS IT IS NOT ACCOMMODATING YORK'S HOUSING NEEDS

WE AGREE THAT ALLOCATION FOR LARGER HOUSING SITES IS REQUIRED BUT IT ALSO REMAINS THAT AN ALLOCATION OF SMALLER SITES SHOULD BE CONSIDERED AS WELL.

LETTERS & PLANS FOR THE ABOVE SITE REF ARE ATTACHED HEREWITH.

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THAT THE NEEDS FOR NEW HOUSING FOR BOTH THE LARGER SITES & COMMUNITIES AND THE SMALLER SITES ALL NEED CONSIDERATION
THIS IS TO MEET THE EVER RISING DEMAND FOR HOUSING IN YORK FOR BOTH EXISTING RESIDENTS & COMMUNITIES ALONG WITH NEW RESIDENTS HOPING TO BECOME PART OF YORK'S EVER GROWING POPULATION.

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

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Retention of Information

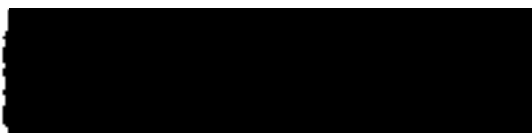
We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local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

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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 or on 01904 554145.

Signature



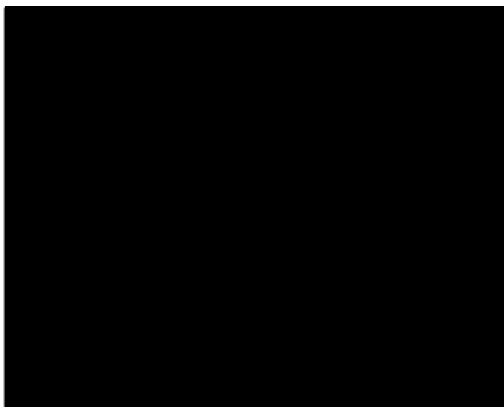
Date

3/4/2018

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

² Regulation 19 Town and Country Planning (Local Planning) (England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) (England) Regulations 2012



3rd April 2018

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

DELIVERED BY HAND

Dear Sir/Madam

Brook Nook, Murton Way, Osbaldwick, York

Uses preferred if possible on 3.13 acre site at the above.

1. SOCIAL HOUSING/AFFORDABLE HOUSING (Public Reports Pack – 230 120 18/1800 L/PL/W/Group Page 349 – Policy GB4 attached) SAY 25% OF 38 HOUSES. GOOD LEVEL SITE, IMMEDIATE START, SUBJECT TO PLANNING
2. CARE HOME/RESPIRE.
3. COMMERCIAL UNITS.

The site is secluded by Trees/Hedges 12ft to 20ft. All services are available.

This site is a similar size to Beckett Drive Estate, Murton Way (Brook Nook to Beckett Drive is approx. 100 metres). I feel it would be beneficial all round if the site had had a site visit.

I look forward to hearing from you.

Yours faithfully

G A Nurse

Encs.

Potential changes to Policy Post Pre-Publication consultation (2017)
Policy GB4: 'Exception' Sites for Affordable Housing in the Green Belt

The development of affordable housing on exception sites in the Green Belt is not inappropriate development and will be considered where:

- i. the development contributes to meeting identified need as illustrated by an up to date housing needs assessment; and
- ii. the affordable housing is retained at an affordable price for future eligible households in perpetuity; and
- iii. the development is within 800m of an existing defined settlement limit or is well related to the existing residential development and amenities located in or adjacent to a clearly identified village or settlement; and
- iv. the development reflects the size of the settlement in terms of scale, form and character.

A proportion of market housing may be acceptable if it can be demonstrated that the site would be unviable as an exception site, without cross subsidy. However:

- The majority of development must be for affordable housing with the minimum number of market homes required to make the scheme viable.
- It must be demonstrated that there is insufficient public subsidy available.
- It must be demonstrated through a financial appraisal that the scale of market housing component is essential for the delivery of the scheme and is based on reasonable land values.



3rd April 2018

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

DELIVERED BY HAND

Dear Sir/Madam

**Land to the Rear of Brook Nook & Adjoining Holly Tree Farm
Murton Way, Osbaldwick, York, YO19 5UN**

Please see attached the Indicative Plan with regards to the above for much needed Social Housing/Affordable Housing (Public Reports Pack – 230 120 18/1800 L/PL/W/Group Page 349 – Policy GB4 attached) where 35-38% can be offered from the total of 78 properties.

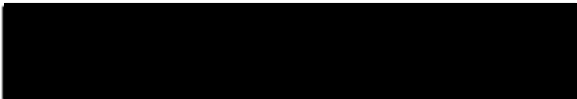
The freehold owners of both properties would like to offer the total acreage as per the attached plan.

The land lies in close proximity to York University, the A64 and Walmgate Bar.

The Flood Zone Report by Weetwood Environmental Engineering was previously supplied to yourselves and a further copy is available upon request.

I look forward to hearing from you.

Yours faithfully



G A Nurse

Encs

Potential changes to Policy Post Pre-Publication consultation (2017)
Policy GB4: 'Exception' Sites for Affordable Housing in the Green Belt

The development of affordable housing on exception sites in the Green Belt is not inappropriate development and will be considered where:

- i. the development contributes to meeting identified need as illustrated by an up to date housing needs assessment; and
- ii. the affordable housing is retained at an affordable price for future eligible households in perpetuity; and
- iii. the development is within 800m of an existing defined settlement limit or is well related to the existing residential development and amenities located in or adjacent to a clearly identified village or settlement; and
- iv. the development reflects the size of the settlement in terms of scale, form and character.

A proportion of market housing may be acceptable if it can be demonstrated that the site would be unviable as an exception site, without cross subsidy. However:

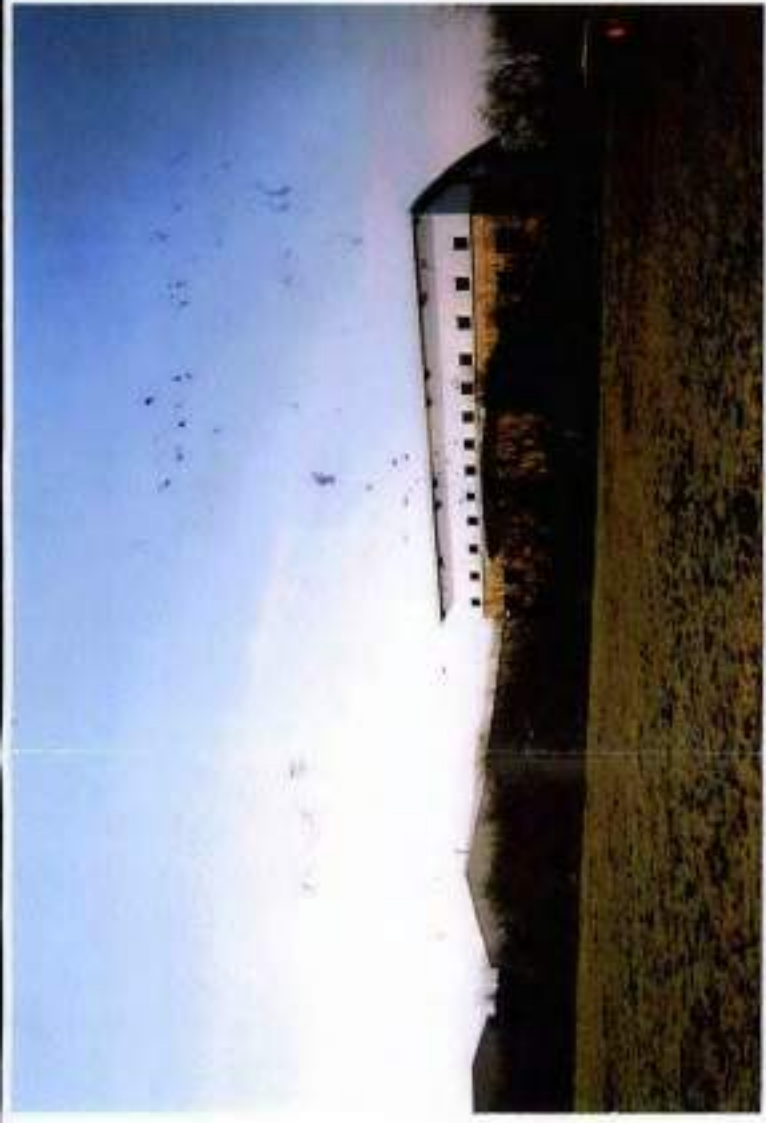
- The majority of development must be for affordable housing with the minimum number of market homes required to make the scheme viable.
- It must be demonstrated that there is insufficient public subsidy available.
- It must be demonstrated through a financial appraisal that the scale of market housing component is essential for the delivery of the scheme and is based on reasonable land values.

BLOOM NOOK
SITE PHOTOS

TO NORTH



TO WEST



TO SOUTH



TO SOUTH



TO WEST



Google Maps

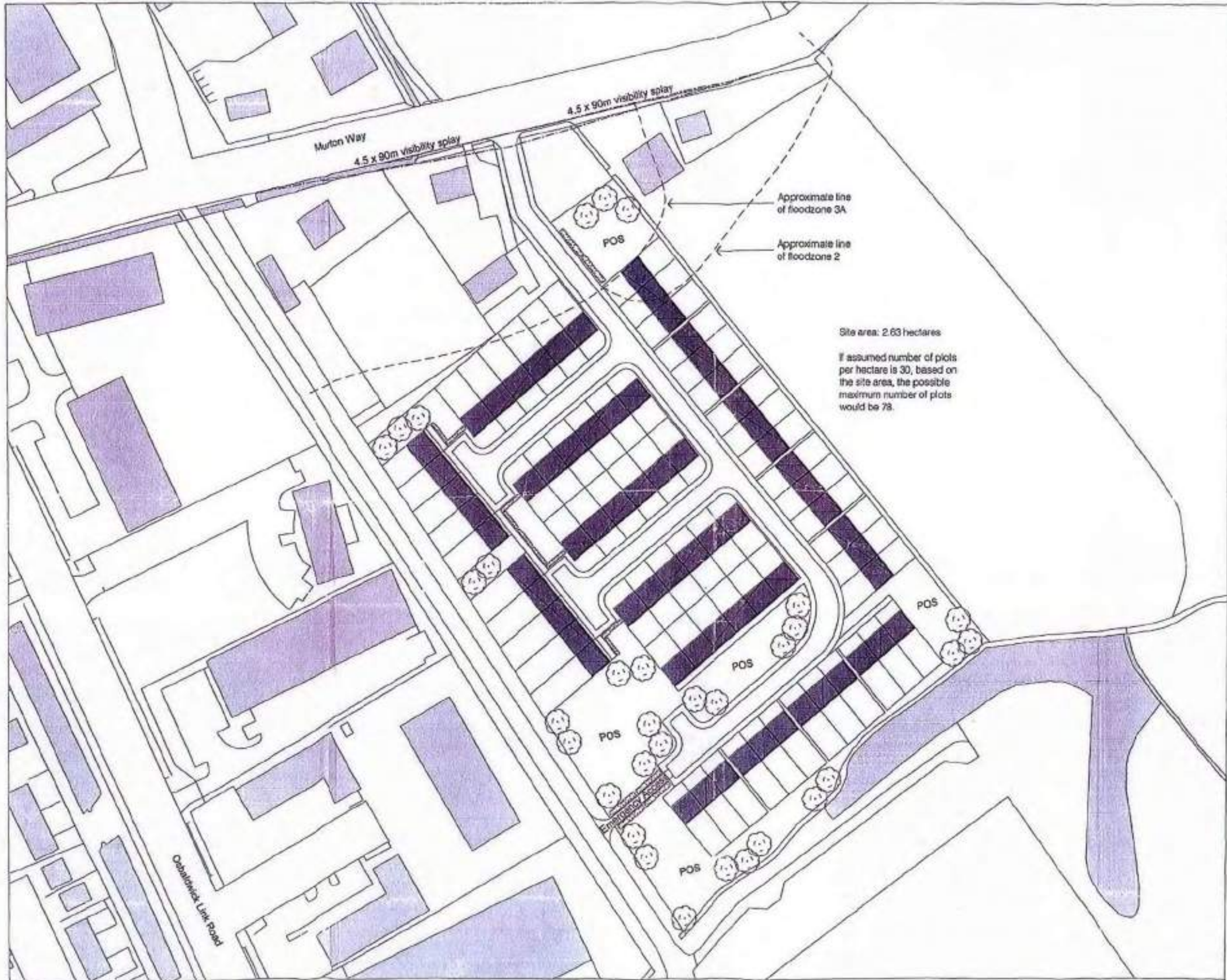
BECKETT DRIVE
APPROX 60 PLOTS SIM ACREAGE TO BROOK NOOK.



Google

Imagery ©2016 Infoterra Ltd & Bluesky, Map data ©2016 Google 100 m

BROOK NOOK + HOLLY TREE



Site area: 2.63 hectares
 If assumed number of plots per hectare is 30, based on the site area, the possible maximum number of plots would be 78.

Indicative proposed site plan

dc-architecture
 Suite 4, Millthorpe Business Park
 5th B&B Lane, Rotherham, York Y13 1SD
 T 0114 2254111 • info@dc-architecture.com

Drawings
 Holly Tree Farm, Murton Way, Oshelwick

Scale
 Indicative proposed site plan

Scale
 1:1250 @ A3

25	30
25	30

1584 11/01/16 Feasibility 110 00

a

BROOKNOOK
SITE PHOTOS



TO NORTH

TO WEST



TO SOUTH

TO SOUTH



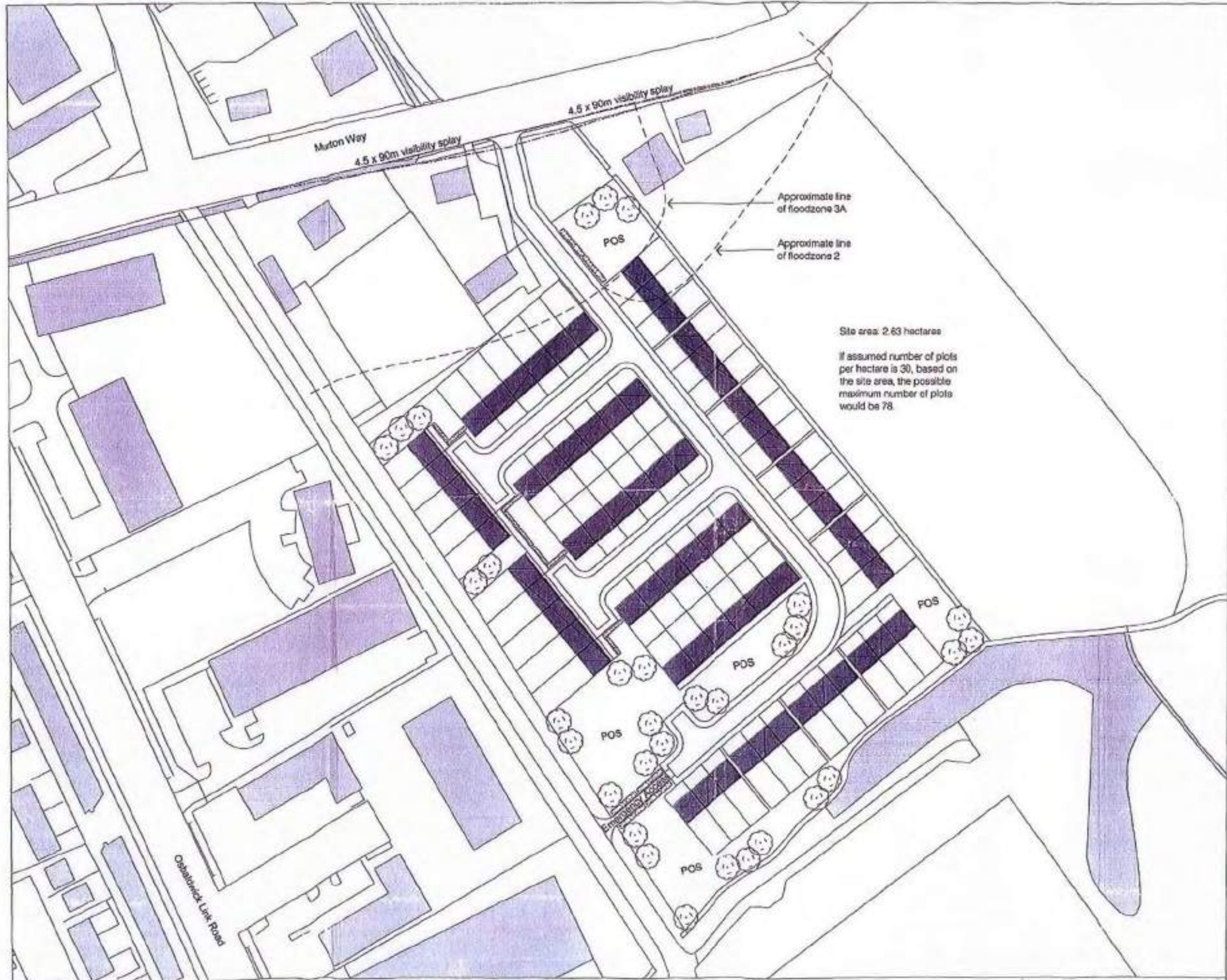
TO WEST



BECKETT DRIVE
APPROX 60 PLOTS SIM ACREAGE TO BROOK NOOK.



BROOK NOOK + HOLLY TREE



Indicative proposed site plan

dc-architecture
 Suite 1, Washburne Business Park
 200 East Lane, Basingstoke, York, YO23 2BZ
 T: 01254 100044 E: info@dc-architecture.com

year
 Dwellings
 Holly Tree Farm, Muton Way, Osbaltonck

type
 Indicative proposed site plan

scale
 1:1250 @ A3

date
 15/01/10

sheet
 110

total
 00

a

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

OFFICE USE ONLY:

ID reference:

RECEIVED

04 APR 2018

BY: _____

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	Anthony Keith	
Last Name	Marquis	
Organisation (where relevant)	Strensall with Towthorpe Neighbourhood Plan Steering Group	
Representing (if applicable)		
Address - line 1	c/o Parish Clerk	
Address - line 2		
Address - line 3		
Address - line 4		
Address - line 5		
Postcode		

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

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-TYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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 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.
- 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

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 City of York Local Plan – Publication Draft February 2018 is the outcome of a number of consultations which complied with legal requirements.

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.

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.

The City of York Council Local Plan – Publication Draft February 2018 has been compiled and amended, where necessary, as the result of consultations through the 2013 (Preferred Options), 2014 (Further Sites), 2016 (Preferred Sites) and 2017 (Pre-Publication Draft) and finally the current document.

Please refer to the attached detailed comments about the Publication Draft Local Plan 2018, Policies Map and Sustainability Appraisal / Strategic Environmental Assessment.

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 6 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.

None

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.¹

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.²

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.³

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 or on 01904 554145.

Signature



Date

30th March 2018

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

Strensall with Towthorpe Neighbourhood Plan Steering Group

Response to the City of York Council Local Plan-Publication Draft 2018

The Steering Group (referred to as The Group) has discussed the content of the Local Plan - Publication Draft February 2018 and consider it to be **LEGAL** but parts of the document as identified below are considered **UNSOUND**.

Section 2 Vision and Development

- 1) The Group supports the statement in Paragraph 2.10 that the primary function of the green belt is to preserve the setting and special character of the city of York and its surrounding villages as stated.
- 2) The Group supports the content of paragraphs 2.12 and 2.13 which will preserve and enhance the natural environment of the outer areas of the Local Authority area.
- 3) The Group supports the proposal, in paragraph 2.15, for a new railway station at Haxby but considers that it should be a "park and Ride" facility and its location should be on the outskirts of Haxby on Towthorpe Road. This will allow the facility to serve several communities. To the North of the city.
- 4) The Group supports Policy DP 1 and are pleased to see that the wording of Item (viii) referring to York's green belt has been amended to read "the outer boundary of which will be about 6 miles from the city centre." This amendment supports the retained policy YH9 subsection Y1 of partially revoked Yorkshire and Humberside RSS. This policy will ensure the York Green Belt will be specified in the Local Plan to ensure the boundary is legally identified for the life of the plan and beyond and this includes and shows the existing Green Belt boundary round the parish of Strensall with Towthorpe.

Section 3 Spatial Strategy

- 1) The Group supports the decision to determine the housing need assessment of a minimum annual provision of 867 dwellings per annum as expressed in Policy SS 1. This figure is believed to be closer to the number of dwellings that developers and the building industry can construct each year.
- 2) The Group supports the detail shown in Figures 3.1 and 3.2 to ensure the prevention of coalescence of settlements and the protection of the natural environment.
- 3) The Group supports the data on Figure 3.3 which identifies areas at risk of flooding. Parts of Strensall and Towthorpe Parish were particularly affected by the Boxing Day Floods in 2015 and are susceptible to flood risk in heavy rainfall events.
- 4) The Group supports the concerns of traffic increases as identified in paragraph 3.12. Strensall Village and Towthorpe Hamlet already suffer from heavy volumes of traffic which cause congestion on a regular basis.
- 5) The Group supports Policy SS 2 which confirms the importance of the Green Belt to safeguard the special character of York and its surrounding villages.
- 6) The Group considers Policy SS 11 clauses vi and vii to be **UNSOUND** in respect of the disposal of foul waste, from this (ST9) and other sites in the plan (ST35 & H59) in addition to existing flows from Haxby, Wigginton and Strensall, by Walbutts Waste Water Treatment Works at Strensall. De-watered waste from this works is taken by road to other Yorkshire Water sites by road tanker which is not considered a sustainable method. The Local Authority must consult with Yorkshire Water about the viability of waste disposal at Walbutts.

Concerns are also raised concerning the effect of additional traffic from site (ST9) exiting the Haxby area, there is very likely to be an increase in road use of Moor Lane, Cross Moor Lane and Haxby Moor Road to Strensall allied to this development. Within Strensall the West End highway struggles to cope with existing traffic especially as many properties do not have off road parking provision for their vehicles.

- 7) The Group supports the Policy SS 19 concerning the future use of the Queen Elizabeth Barracks Site (ST35). The reduction in the number of dwellings from 578 to 500 is welcomed but have concerns about the security of the site between the planned barracks closure date in 2021 and the proposed commencement of development in 2023.

Individual clauses of the Policy SS 19 are listed below:

The Group share the concerns of the future management of Strensall Common as identified in clauses i, li and lii of this policy.

The Group agree with the clauses iv, v and vi of this policy and in particular that an urgent site visit is arranged between City of York Council Officers and the MoD, Historic England as well as members of the Parish Council to ensure that existing buildings worthy of preservation are protected. The use of suitable street names etc is required to preserve the previous site usage.

Clause vii is also important to ensure that good quality trees and their root systems are protected. Tree preservation Orders must be considered.

Clause viii is supported by The Group.

Clause ix examines flood risk but there does not appear to be any concerns in the policy to reflect the current foul drainage system which is a private system maintained by Severn Trent Water who have stated that the foul sewage network from Queen Elizabeth Barracks is not suitable to accept any further capacity (The following extract is taken from a Report to the MoD by Mott MacDonald in respect of planning application 15/01290/FULM – "ST5 have advised that there is no spare capacity in the foul sewage network and therefore upgrades to the infrastructure will be required. DfD have appointed ST5 to undertake a feasibility study of the existing foul drainage and potable water infrastructure.").

Clause x refers to the open space already available within the Queen Elizabeth Barracks site and The Group are aware that there are insufficient sports facilities within the parish and would wish to see the existing MoD facilities retained and enhanced.

Clause xi is supported as there is an obvious need to provide on-site facilities for new residents as well as those already located in surrounding properties.

Clause xii is supported by The Group as the primary school in Strensall is at full capacity and it is believed that some existing buildings within the Queen Elizabeth Barracks site could be converted for educational use.

In Clause xiii The Group would like included the suggestion made in previous consultations that the existing MoD road between the southern end of the site and Towthorpe Moor Lane is retained and enhanced. It is considered that there would be minimal effect in upgrading this existing highway which would provide an alternate route from the development to the A64 at Hazelbush crossroads. It is anticipated that any plans to upgrade the A64 will take account of the traffic exiting Towthorpe Moor Lane to/through the A64 to do so in a safe manner. The proposals maps show this route to form the border to the SSSI/SAC and the agricultural land attached to Lambshill Farm. It is unlikely to have any greater effect than the proposed developments of ST35 and H59. The Group believe that this and other developments to the North of York will mean an increase in road traffic which will affect the wider area to the existing congestion on the A1237 and various locations to the north of that highway.

Clause xiv is supported by The Group as there have been a number of collisions over the years at the junction of Towthorpe Road/Strensall Road and Towthorpe Moor Lane. The current speed restriction of 40 mph at this location must be examined to provide a lower safer speed limit which should also be extended along Towthorpe Road to include Towthorpe Hamlet. On Strensall Road itself consideration should be given to lowering the speed limit to 30mph to join with the existing limit at the Queen Elizabeth Barracks entrance/exit. As Towthorpe Hamlet has seen recent development by conversion of farm buildings to dwellings then a speed restriction should be imposed through the built-up area towards the junction with Strensall Road.

Clause xv is supported by The Group. There has been a survey already carried out to provide cycle/pedestrian facility along Strensall Road between the Six Bells junction, Strensall and the A1237. Proposals to upgrade the A1237 roundabout and provide an underpass will make this requirement more urgent as more cyclists will wish to use their cycles on this route. This upgrade is due to be completed by 2021/2022.

Clause xvi is also supported by The Group as noise from the firing range facility is noticeable throughout the parish and will affect the barracks site to a greater degree unless some form of soundproofing is provided.

The Group consider Policy SS19 to be **UNSOUND** and would wish that a Master Plan be created through discussions with interested parties (as identified in the clause referring to Policy SS19 clauses iv, v and vi) of the site as soon as possible so that development can proceed in accordance with such a plan. The Group would wish to see this to be included in the Policy SS19. Some members of The Group have already been on a conducted tour of the Queen Elizabeth Barracks site.

Section 4 Economy and Retail

The Group supports the inclusion of the Towthorpe Lines site (E18) in Policy EC1 as allocation for commercial use as the existing buildings could be adapted for a number of business uses in Classes B1c, B2 and B8.

Policy EC5 is supported by The Group. This policy must be enforced to ensure residential use of such properties is not allowed and properties are identified for seasonal occupancy only.

Section 5 Housing

In Policy H 1 (Table 5.1) The Group supports the inclusion of site H59 (Howard Road, Strensall) and would propose that this site could be released earlier than stated to provide a development site for affordable housing in order to meet a local shortfall as described in the Housing Needs Survey Report for Strensall and Towthorpe 2008 commissioned by The Rural Housing Trust and City of York Council.

Site H59 has a sports field to the East and a children's play area to the West.

The Group supports the housing density as identified in Policy H 2 as a maximum of 35 units to the Ha in the Strensall with Towthorpe Parish.

The Group wish to point out that Table 5.2 shows the 5/5A bus service which has been reduced over the years to a 15" daytime interval service but is subject to disruption caused by traffic congestion on its route. There is no direct bus service to the retail facilities at Monks Cross, Haxby, Clifton Moor or The Designer Centre Retail Outlet.

The Group supports the Policy H9 and when examination of existing buildings on the QE Barracks site is completed there may be an adaptable building which could be used for Older Persons Specialist Housing.

The Group are of the opinion that Policy H9 to be **UNSOUND** as consideration should also be given to the provision of specialist housing suitable for service personnel injured in the service of our country.

The Group supports the Policy H 10 for provision of affordable housing as identified above on Housing Site H59.

Section 6 Health and Wellbeing

The Group supports **Policy HW 1** which seeks to preserve and re-use existing community assets. In particular on the Q E Barracks site the community building at Hurst Hall is included and its current usage should be promoted following the departure of the MoD users. Saint Wilfrid's Church is used by the community for religious and other events and is essential that its availability continues after the MoD no longer require to use it.

Policy HW 2 is also supported should the need for additional community facilities be identified.

Policy HW 3 is supported. The availability of sports facilities currently used by the MoD must be retained and enhanced for the use of the community and in the case of the MoD sites, will allow a variety of sporting activities to be carried out.

Policy HW 4 is supported. There is already a variety of childcare provision throughout the parish but these will need to be supported and enhanced in the future to cope with population increases.

Policy HW 5 is supported by The Group and it is recommended that additional primary care facilities are provided in the development of the Q E Barracks site.

Policy HW 6 is supported as the current proximity of emergency services is believed to be adequate to deal with the increase in the numbers of residents arising from the housing and commercial developments within the parish of Strensall with Towthorpe.

Policy HW 7 is supported and the masterplan for the Q E Barracks site must take account of these design principles.

Section 7 Education

The Group supports the policies identified in **Policies ED 1 – ED 4** to ensure university education is available for all.

The Group supports **Policy ED 6** to ensure sufficient pre-school, primary and secondary education facilities including open space and sports areas are available to the growing population.

The Group also supports the **Policy ED 7** to ensure a wide range of further education is available to provide the growing need for different courses such as apprenticeships etc.

The Group supports the use of education facilities for the community as identified in **Policy ED 8**.

Section 8 Placemaking, Heritage, Design and Culture

The Group supports the **Policies D 1 and D 2** and would expect that the contents of this policy are incorporated in a Master Plan for the Q E Barracks site.

Policy D 3 is supported by The Group to ensure a wide range of cultural activities are available.

Policy D 4 is supported The Group. Any development must enhance existing conservation areas and consideration should be given to the unique development at Strensall Park adjacent to the Q E Barracks site in order to protect its heritage and history.

Policy D 5 is supported by The Group. In addition to the buildings already listed in Strensall it is believed that on the Q E Barracks site there will be other buildings which should be listed to protect their history and heritage.

Policy D 6 is supported by The Group. The Q E Barracks site has existed since the mid 1880's and there has already been evidence recovered in the Strensall and Towthorpe areas dating from Roman times. Therefore, archaeological surveys are essential on the MoD sites.

Policy D 7 is supported by The Group to ensure that any non-designated assets are protected especially those with a community significance.

Policy D 8 is supported by The Group to ensure that developers take account of the heritage of the development site.

Policy D 11 is supported by The Group so that any alterations or extensions to existing buildings are able to protect or enhance the original building.

Policy D 12 is supported by The Group to avoid alterations to shop fronts which are not in keeping with the buildings' surroundings.

The Group considers **Policy D 13** to be **UNSOUND** as it does not include reference to "temporary advertising" especially in conservation areas.

Policy D 14 is supported by The Group especially in conservation areas.

Section 9 Green Infrastructure

The Group agrees that any form of green infrastructure must be retained where possible as such areas are the lungs of the community taking in CO2 and giving out oxygen. **Policy GI 1** is supported by The Group to ensure protection to existing green areas which will include SSSI's, SAC's and SINC sites as well as smaller open spaces within the community.

The Group supports **Policy GI 2** to ensure the continued biodiversity of the countryside especially the recognised Nature conservation areas and the river banks of the River Foss.

The Group supports **Policy GI 3** to ensure the protection of the Green Infrastructure Network.

The Group supports **Policy GI 4** to ensure the protection of existing trees and hedgerows which also perform the action of green lungs and give character to the countryside and the built areas within.

The Group supports **Policy GI 5** to ensure provision of Open Spaces and Playing Pitches to meet the needs of the community. Where necessary if a need for additional open space or playing pitches are identified then

The Group supports **Policy GI 6** to ensure sufficient open space is available to an increasing population.

Policy GI 7 is supported by The Group to ensure sufficient space is available for extension and/or enhancement of Burial Grounds.

Section 10 Managing Appropriate Development In the Green Belt

Policy GB 1 is supported by The Group to ensure that inappropriate development is not carried out in the Green Belt.

Policy GB 2 is supported by The Group in areas where villages are washed over by the Green Belt. Consideration should be given within this policy to identify such villages.

Policy GB 3 is supported by The Group to re-use existing buildings located in the green belt unless the design is such that it impacts on the openness of the Green Belt.

Policy GB 4 is supported by The Group and such a policy will enable the building of affordable homes on Housing Site H59.

Section 11 Climate Change

Policy CC 1 is supported by The Group to ensure that any development is constructed in a sustainable manner.

The Group also supports the content of **Policy CC 2** again to ensure the sustainable quality of individual buildings within a development.

Policy CC 3 is also supported where CCHP and CHP can be provided to new and possible existing developments.

Section 12 Environmental Quality and Flood Risk

Policy ENV 1 is supported by The Group to ensure that air quality is not lowered by new developments or additional traffic flows caused through such developments.

Policy ENV 2 is supported by The Group and as previously identified the continued use of the firing ranges on Strensall Common will need mitigation to enable development of the Q E Barracks site.

Policy ENV 3 is supported by The Group to ensure that developments are not constructed before investigations take place to ensure that the land is not contaminated.

Policy ENV 4 is supported by The Group to ensure that any future buildings are not exposed to risks from flooding.

The Group considers **Policy ENV 5** to be **UNSOUND** as where connections are to be made to existing drainage systems then investigations must be carried out to ensure that there is sufficient capacity to take the additional flows even from developments with SUDS provision. In addition, The Group have concerns that surface water drainage does not compromise any land drainage arrangements such as dykes etc.

Section 13 Waste and Minerals

The Group supports sustainable waste management as stated in **Policy WM 1**.

Policy WM 2 is also supported by The Group to ensure any recovered materials are re-used where possible.

Section 14 Transport and Communication

Policy T 1 is supported by The Group to ensure any developments provide safe and suitable transport to future occupants of the development and its environs.

Policy T 2 is supported by The Group but would prefer that the building of a long awaited railway station at Haxby is brought forward to an earlier term of the plan.

The Group considers **Policy T 4** to be **UNSOUND** as although the policy includes Strensall Road within the short-term section which is supported by The Group to bring improvements to this busy highway. However, there is no mention of any improvements to Towthorpe Moor Lane especially to be in concert with any highways agency improvements to the A64 east of the Hopgrove roundabout.

Policy T 5 is supported by The Group in respect of the improvements of the pedestrian and Cycle access along the Strensall Road corridor.

Policy T 6 is supported by The Group.

Policy T 7 is supported by The Group to ensure that transport issues associated with developments are addressed.

Policy T 8 is supported by The Group but adequate public transport issues must be addressed.

Policy T 9 is supported by The Group as such measures are necessary to control vehicle emissions in built up areas and thus improve air quality.

The Group considers **Policy C 1** to be **UNSOUND** as any sizeable development must include plans to ensure there is sufficient communications infrastructure to meet the demands of modern living.

Section 15 Delivery and Monitoring

Policy DM 1 is supported by The Group to ensure that all aspects of the Local Plan are taken into account when deciding development applications particularly ensuring that infrastructure is adequate to support the development. The Group also concur that monitoring of the plan is essential.

The Group consider **Table 15.1** to be **UNSOUND** and would have expected to see the route from York to Strensall via Strensall Road to have been included as this route is at least as busy as others shown in the Table.

General Comments

Having examined the Evidence Base Documents which support this consultation document The Group agree with the officer's recommendations (Annexe 3 – Officers Assessment of Housing Sites following PSC dated 17th July 2017) that the following housing development sites as identified in **Table 4** have been excluded:

Site 902 – Land to the South of Strensall Village

Site H27 – The Brecks, Strensall

Site H30 – Land South of Strensall Village

In addition, The Group support the deletion of the following sites which although not within Strensall with Towthorpe Parish are either adjacent or very close to the parish boundary:

Site 892 – Land at Grange Farm, Strensall Road, Earswick

Site 894 – Land at Cross Moor Lane and Usher Lane, Haxby

Site 895 – Meadow Farm, Cross Moor Lane, Haxby

Keith Marquis
Chairman
Strensall with Towthorpe Neighbourhood Plan Steering Group

27th March 2018

RAYMOND BARNES

BSc (Hons) Dip IP MRTPI

town planning consultant

39 Low Petergate

YORK YO1 7HT

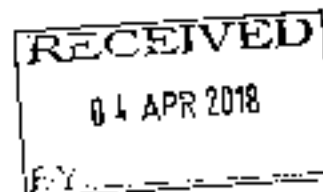
tel: 01904 633440

mob: 07770 852752

email: raymondbarnes@compuserve.com

30 March 2018

Local Plan Team
City of York Council
West Offices
Station Rise
YORK
YO1 6GA



Dear Sirs

**CITY OF YORK LOCAL PLAN PUBLICATION DRAFT 2018
POLICY SS13 & SITE ST15 : LANE WEST OF ELVINGTON LANE YORK**

I refer to the submission of the above-referenced representation dated 29 March 2018 on behalf of Messrs F R & K Handley in support of the proposed allocation of Site SS15 / Policy SS13 as set out in the Publication Draft Plan.

I omitted enclosing the responses to Questions 6 and 7 which I suspect are irrelevant as we are not seeking any changes to the Plan. Nevertheless, for completeness, this page is now submitted.

Yours sincerely

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

Raymond Barnes

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.

NOT APPLICABLE

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:

NOT APPLICABLE

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.

RAYMOND BARNES

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town planning consultant

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mob: 07770 852752

email: raymondbarnes@compuserve.com

29 March 2018

Local Plan Team
City of York Council
West Offices
Station Rise
YORK
YO1 6GA

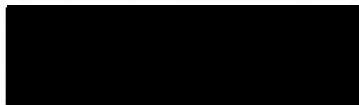


Dear Sirs

**CITY OF YORK LOCAL PLAN PUBLICATION DRAFT 2018
POLICY SS13 & SITE ST15 : LANE WEST OF ELVINGTON LANE YORK**

This representation is submitted on behalf of Messrs F R & K Handley and is in support of the proposed allocation of Site SS15 / Policy SS13 as set out in the Publication Draft Plan.

Yours sincerely



Raymond Barnes



**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	MR
First Name	GARY	RAYMOND
Last Name	HANDLEY	BARNES
Organisation (where relevant)		TOWN PLANNING CONSULTANT
Representing (if applicable)		
Address – line 1		39 LOW PETERGATE
Address – line 2		
Address – line 3		
Address – line 4		YORK
Address – line 5		
Postcode		YO1 7HT
E-mail Address		raymondbarnes@compuserve.com
Telephone Number		01904 633440

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

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

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)

This representation in response to the City of York Local Plan Publication Draft relates to Policy SS13 / Site ST15 – Land West of Eivington Lane

The Council's proposals for a new garden village are supported on behalf of the minority landowners – F R & K Handley who own 20.2 hectares of the proposed allocation ST15

It is considered that the Local Plan is legally compliant as it has been prepared in line with the following : statutory regulations ; the duty to cooperate ; and legal procedural requirements such as the Sustainability Appraisal

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.

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 plan has been positively prepared in a way that meets the need for housing and other development including infrastructure and business development

The plan is based on evidence, and is the most appropriate strategy for the City of York when considered against other reasonable alternatives

The plan is deliverable - the housing and other uses are capable of being carried out

The plan will enable sustainable development and is consistent with the policies in the NPPF

Further comments are made on the attached representation comprising two pages of text and a plan

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.¹

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.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²

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.³

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 or on [01904 554145](tel:01904554145).

Signature



Date

29 March 2018

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

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

**CITY OF YORK LOCAL
Publication Draft Plan
SITE ST15 / POLICY SS13
Land West of Elvington Lane**

This representation is in response to the Publication Draft of the City of York Local Plan February / April 2018 on behalf of F R & K Handley, [REDACTED] Allocated Site ST15 – Land to the West of Elvington Lane (Langwith Village).

The land [REDACTED] within the proposed allocation extends to 20.2 hectares out of the total 159 hectares, edged red and blue respectively on the attached plan (NTS).

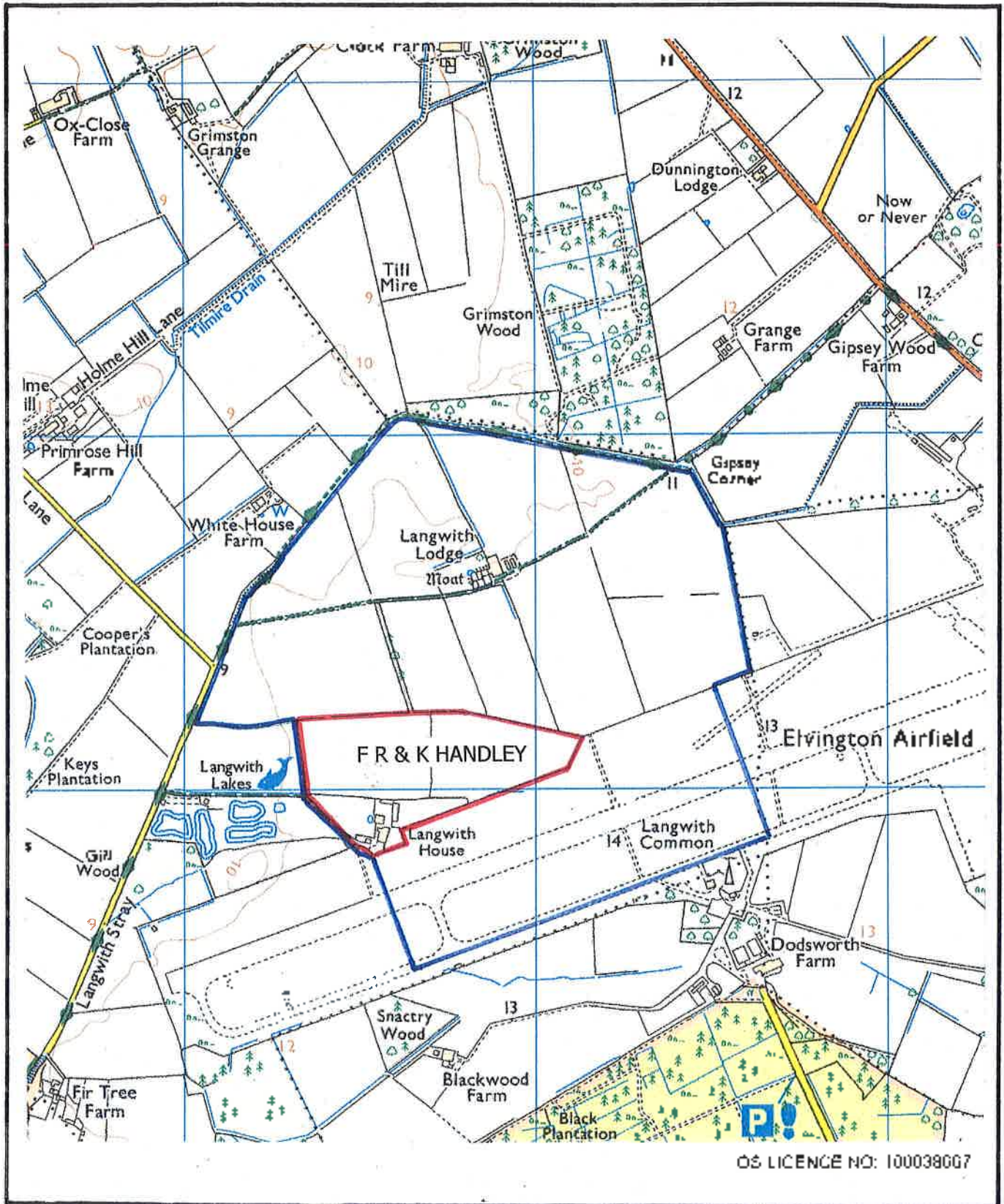
Messrs Handley [REDACTED] support the City Council's inclusion [REDACTED] proposed Site ST15 allocation for a garden village, to which Policy SS13 applies. The [REDACTED] land is genuinely available and deliverable as part of the overall development of the settlement, and can readily form part of the master plan. The Landowners offered to work in partnership with the other landowners involved in Site ST15 in jointly producing the necessary environmental assessments and other studies of the land as part of its promotion. However, this suggestion was declined, the other landowners instead sought to promote the allocation of further adjoining land under their control, to the exclusion of the Handley land.

This resulted in Messrs Handley making a late start in appointing their own environmental consultants to carry out relevant environmental surveys and mitigation strategies, in particular in relation to birds and protected species, which at the time of writing (March 2018) is well advanced. The final reports will be available in early Summer 2018. It is not expected that these reports will be radically different to the studies carried out by the other landowners.

As proposed in the Publication Draft Plan, the form and extent of Langwith Village represents the optimum compact shape and size to ensure maximum sustainability. The western edge of the Handley land provides a firm and sustainable boundary to this part of the overall development as it is formed by well-defined hedgerows and trees.

Whilst the Landowners have not prepared their own master plan for Site ST15, the majority landowners have produced one. There is no reason why the master plan can not also include the [REDACTED] land, the associated costs for which would be paid for by the Landowners on a pro-rata basis. The [REDACTED] land can be developed comprehensively in a phased manner to fit in with the Infrastructure of the overall development in a seamless manner. The ultimate developer(s) of the [REDACTED] land will be required to ensure the same high standard of design is adopted as for the overall settlement.

The [REDACTED] land forms a logical part of the Council's brief and objectives for the development of Site ST15 which is intended to be a sustainable garden village beyond the York Outer Ring Road. In its Appraisal of Strategic Sites and Alternatives, Site ST15 scores highly in satisfying the defined objectives, in particular that of meeting the diverse needs of the population in a sustainable way. It is forecast that the village will provide around 2200 units during the plan period (out of around 3340 dwellings), and is required to be designed and developed in accordance with the key principles set out under Policy SS13. The fact that Messrs Handley are but one of the landowners of ST15 is no constraint to the comprehensive development of the overall site, in accordance with the key principles of Policy SS13. Site ST15 is a crucial component of the City of York Local Plan, delivery of which will make a significant contribution towards meeting the strategic housing provision target set out in Policy SS1 of a minimum of 867 new dwellings per year during the local plan period, whilst meeting the five spatial principles of the policy.



CITY OF YORK LOCAL PLAN

Publication Draft Plan

SITE ST15

Ownership Plan

RAYMOND BARNES

TOWN PLANNING CONSULTANT

39 LOW PETERGATE

YORK YO1 7HT

Tel: 01904 633440



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

OFFICE USE ONLY: ID reference:
RECEIVED 14 APR 2018
BY: _____

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	Jane	
Last Name	Hopley	
Organisation (where relevant)		
Representing (if applicable)		
Address – line 1	[REDACTED]	
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.

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

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)

I believe the city of York local plan publication draft should be looking to keep the current designated areas of green belt land Land such as green belt land around Moor Lane I feel should be kept as this. I feel this is a sensible and pragmatic approach in keeping this designated green belt.

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"?

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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

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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)

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.

I strongly feel the need to keep moor lane designated green belt essential. The land around moor lane is the green belt buffer the city needs to keep. This vital part of green belt is in close proximity to fishham Bog and any interference with this would have a massive & irreversible impact on this well established eco system.

If this green belt were to be used for housing I feel the ground water drainage would be of catastrophic concern to the current environment.

The potential for the enormity of the proposed housing plan is totally inappropriate to an already heavily congested area - moor lane, Tadcaster Rd & A1237

Housing within such close proximity from the land at the back of coeside to the A1237 I feel would only add to an already heavily congested area.

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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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.

The whole green belt area around Moor Lane needs to be kept as a green belt buffer. I feel the use of this green belt area for building purposes is unsuitable. Questions need to be asked if this is an appropriate site for such a huge build. Askham bog cannot be moved to accommodate this & if it goes ahead & damage is done then this is irreversible and a massive assault on a well established eco system. A totally new road system would have to be introduced to facilitate more traffic to an already heavily congested area.

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:

N/A

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.

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Your rights

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Signature



Date

2/4/18

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ 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.

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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	Kristen	
Last Name	Everett	
Organisation (where relevant)		
Representing (if applicable)		
Address - line 1	[REDACTED]	
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.

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

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)

I believe the City of York local plan publication draft should be looking to keep the current designated areas of green belt land. Land such as green belt land around Moor Lane I feel should be kept as this I feel this is a sensible and pragmatic approach in keeping this designated green belt.

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.

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.

N/A

Policy Ref.

N/A

Site Ref.

N/A

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.

I strongly feel the need to keep Moor Lane designated green belt essential. The land around Moor Lane is the green belt buffer the city needs to keep. This vital part of green belt is in close proximity to Askham Bog and any interference with this would have a massive & irreversible impact on this well established eco system.

If this green belt were to be used for housing I feel the ground water drainage would be of catastrophic concern to the current environment.

The potential for the enormity of the proposed housing plan is totally inappropriate to an already heavily congested area - Moor Lane, Tadcaster Rd & A1237

Housing within such close proximity from the land at the back of Coeside to the A1237 I feel would only add to an already heavily congested area.

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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The whole green belt area around Moor Lane needs to be kept as a green belt buffer. I feel the use of this green belt area for building purposes is unsuitable. Questions need to be asked if this is an appropriate site for such a huge build. Askham bog cannot be moved to accommodate this & if it goes ahead & damage is done then this is irreversible and a massive assault on a well established eco system. A totally new road system would have to be introduced to facilitate more traffic to an already heavily congested area.

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:

N/A

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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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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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.³

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Signature



Date

02 - 04 - 18

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

² 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: RECEIVED 04 APR 2018 BY: _____

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)	
Representing (if applicable)	
Address - line 1	
Address - line 2	
Address - line 3	
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Postcode	
E-mail Address	
Telephone Number	

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Guidance note

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

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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)

The City of York Local Plan Publication Draft 2018.
Appears to meet the above requirements

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)

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? *N/A*

(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.

I feel the Document has been drawn up in a professional manner with regard to all of the above.

The plan is well prepared using known field land where possible to avoid damage/use of greenbelt land.

It also allows for the future development and employment needs for York.

The development for both housing and otherwise seems to be well thought out.

It also respects the habitats and landscapes and protects Nature Reserves such as Askham Bog.

Making use of the York Central site also shows sensible forward planning along with the future use of closing Army bases.

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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N/A

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) N/A

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

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Signature

Date

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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: <div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED 04 APR 2018 </div> BY: _____

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1. Personal Details	2. Agent's Details (if applicable)
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First Name	
Last Name	
Organisation (where relevant)	
Representing (if applicable)	
Address - line 1	
Address - line 2	
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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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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 City of York Local Plan publication Draft 2018 appears to meet the above requirements.

What does 'Sound' mean?

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

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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)

Not applicable

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.

I agree the document has been drawn up professionally, with due regard to all of the above criteria.

I feel the plan is well prepared - utilising brownfield land where possible to avoid damaging local green belt land as much as possible. It also respects the biodiversity of habitats and landscapes and protects N Green Reserves such as Askham Boggs. However it also allows for the future development & employment needs for York but the development for both housing & otherwise, seems to be sensible & well designed. The historic character of York has also been respected. Utilising the York Central Site & the closing Army bases in the longer term also represents sensible & forward planning of the land available.

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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N/A

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

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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

SID324
RECEIVED

04 APR 2018

BY: _____

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	Howard Gray	
Last Name	Perry	
Organisation (where relevant)		
Representing (if applicable)	Self	
Address - line 1	[REDACTED]	
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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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 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
- 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

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 Attached Notes

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.

ATTACHED NOTES

Policy Ref

ATTACHED NOTES

Site Ref.

ATTACHED NOTES

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 NOTES

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 Attached Notes

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.¹

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.²

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.³

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 or on 01904 554145.

Signature

Date

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

² Regulation 19 Town and Country Planning (Local Planning) England Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England Regulations 2012

Howard Perry

[REDACTED]
[REDACTED]
[REDACTED]
27-03-18

Dear Planning Inspector

May I start by saying that I consider the method used by City of York Council at this final stage of the York Plan Consultation appears to me to be most unhelpful.

It seems as if they are attempting to deter residents of York from responding to the final stages of the Plan by asking them such questions as 4.(1) 'Is the Plan "legally compliant', 4. (2) 'Do you consider that the document complies with the duty to cooperate', 5. (1) 'Do you consider the document is Sound? and so on through questions 6 and 7.

It appears that I am not the only person who is of the same mind, as I enclose a copy of a letter from The Press (31-03-18) from somebody I do not know saying exactly the same. I have the advantage of having served as an elected councillor (1986-1994 before York became a Unitary Authority) and I cannot make any sense out of the forms. (copy enclosed as Attachment 1)

The vast majority of people who wish to give their views, will be, like myself, lay-people and not qualified people who can make such judgement calls.

However, that being said, I will battle on regardless.

Yours Sincerely

[REDACTED]

H F Perry

York's Local Plan

Making your comments to the government

(Copy enclosed as **Attachment 2**). Please refer to Page 5

My views on this aspect are that my responses are honest and open, whereas, in my opinion the document the City of York Council sent out at the end of February 2018 (Attachment 1) just magically slips in on page 5, that the "Housing numbers on York Central (ST5) site increased from 1,500 to 1,700 -2,500. (for the purpose of the 2018 exercise City of York Council have increased the number of dwellings on Allocation Reference ST5 from 1,500 to 1,700 Apart from a brief explanation that this move was taken after consultation with the York Central Partnership, it appears not to give any additional reasoning for the increase of between 800 and 1,000 dwellings. The same document also does not inform the residents of York that the extra 800 - 1000 dwellings will be constructed after the York Plan period (i.e.) after 2032.

As you will see from **Attachment 3** City of York Council (CYC) document City of York Local Plan - Pre-Publication Draft (Regulation 18 Consultation September 2017 and City of York Local Plan -Publication Draft (February 2018) see **Attachment 4** the site size has not increased and remains at 35 hectares. My only conclusion is that City of York Council must magically feel that you can after all get a quart into a pint pot (for want of a better analogy).

The City of York Council have still not satisfactorily explained to the residents of York why the initial date of 2017 for the Local Plan to be submitted to the Government was not complied with. They have stated that they had to wait for the Ministry of Defence to verify when land at Queen Elizabeth Barracks in Strensall (ST35) and Imphal Barracks, Fulford Road (ST36) was to be made available. These two sites were included in the Draft Plan of September 2017 and here we are in April or even May of 2018 (some seven months after the September 2017 date) for things to move on.

I would urge the Planning Inspectorate to probe the Leadership of City of York Council as to, 1) why the delay and 2) will the increase in dwellings from a planned 1,500 to between 1,700 and 2,500 dwellings entail a cramming in of more dwellings at the expense of green spaces and recreational facilities or just as important other important facilities.

Table 5.1 Housing Allocations (Consultation September 2017)

I have added all the housing starts together and get a total of 14,883 dwellings which equates to an average of 929 dwellings per year over the Plan period.

I did the same thing with Table 5.1: Housing Allocations (Publication Draft February 2018 and arrived at 14,985 dwellings which equates to 937 dwellings per year over the Plan period.

As you will be aware, neither of the above figures comply with the Government's own Department for Communities and Local Government (DCLG) who have stated that York actually needs 1,070 houses per year over the period of the Local Plan.

I also added up all the Projected Housing Completions Including Windfall Allowance (from Year 4) for the September Consultation September 2017 and arrived at 18,239 dwellings over the Plan period, which equates to 1140 dwellings each year of the Plan.

I did the same for the Projected Housing Completions Including Windfall Allowance (from 2020/2021) February 2018 and arrived at 18,839 dwellings over the Plan period, which equates to 1,178 houses each year of the Local Plan.

The difficulty for the residents of York is which set of figures do we believe. If we are to believe the figures of 929 or 937 dwellings each year of the Local Plan period then I would request that the Government Inspector order the City of York Council to comply with the DCLG figures. If this is not done some York residents will still find it difficult to find an affordable home in today's volatile property market.

Policy H3: Balancing the Housing Market

Whilst I feel sure that City of York Council have applied to the rules and regulations, as identified in the Strategic Housing Market Assessment, I am a little nonplused that there is no mention from the City Council as to when they intend to provide Council Houses, and I would like the Planning Inspector to insist that this matter is considered. I say this due to the fact of the cost of houses in York and the average cost of a property in York. (More on this matter below).

Policy H10 : Affordable Housing

This is a very specialised area (and well above my head). I would imagine that the people who are professionals on this matter are the House Builders themselves (although they have a monetary interest in the matter), Planners and members of the Housing Department.

However, in the last week The York Press has carried the two following news coverages.

Monday March 26 2018 York's homes 'out of reach'

I enclose as **Attachment 5** from the National Housing Federation. This is interesting in that they report the fact that the average house price in the City is £263,262, ten times the typical salary and that York is the most expensive place in the region to rent, with residents paying an average of £866 a month.

Their conclusion is that the 'average resident on the average wage in York would need a 126 per cent pay rise to afford a typical mortgage'. According to The Press COMMENT 'In other words, their wages would need to more than double'. The Press continue 'Not only is York the second most expensive place to buy a house in the whole of Yorkshire and the Humberside after Harrogate - it is also the most expensive place to rent. What chance do young families have when the average house price in York is £263,000, and the average monthly rent a shocking £866. No wonder so many younger people feel hard done by.

I also enclose as **Attachment 6** an alternative view from The York Press on Wednesday 28 March 2018 showing a slightly marginal rosier side to the story.

Whilst the Publication Draft 2018 is quite a remarkable document I find it very light on specifics when it comes down to actual facts of what:-

- 1) What price brackets the houses will fit into?
- 2) How many Council Houses the City of York Council intend to supply?
- 3) Exactly how many existing York Residents will be allocated for new dwellings as opposed to new people to York?
- 4) Why City of York Council still insist on using the base figure of 887 dwellings per annum when the Department for Communities and Local Government have previously stipulated that York needs 1,070 houses per year over the period of the Local Plan?

10/20/2011

Local Plan seems totally unanswerable

AM I alone in thinking that the final submissions with respect to housing development for the York Local Plan that anyone interested in has to reply to before April 1 are far too complicated?

It seems to me that City of York Council has offered a document that is basically unanswerable by the ordinary person.

I am afraid that the only conclusion I can arrive at is that the council has already reached its conclusion and is happy to send us off on a wild goose chase in the hope that we give up after much head scratching in offering any objections and don't bother replying, thus accepting whatever the council finally recommends.

Paul Tibbitt,
Usher Lane,
Harby, York

City of York Local Plan: Publication Draft

The Local Plan includes all the rules and principles which will help to achieve the vision for York: 'A city with special qualities and distinctiveness that are recognised worldwide.'

It allocates the sites where new development should take place, taking into account factors like the green belt, the historical and natural environment, flood risk and access to public transport. The plan also covers what type of development can take place.

Providing a prosperous city for all

The plan looks at what type of development can provide jobs and employment opportunities for everyone in York and improve the overall attraction of the city.

Providing good quality homes and community facilities

The plan outlines how much and what types of housing the city needs, including affordable housing and homes for groups such as students and older people. It also highlights the need for development which strengthens communities, including quality education, sports, healthcare, childcare and community facilities. It encourages design which promotes healthy lifestyles.

Protect the environment

The plan protects York's outstanding heritage by promoting development which respects our city's special character and culture. It sets out and protects the city's green belt. The plan includes important aspects of the environment, like conserving and enhancing wildlife sites and open spaces. It also considers the opportunities offered by the York's natural resources whilst protecting current and future residents from environmental impacts like flooding.

Efficient and affordable transport links

The plan promotes good and affordable transport links and considers ways to reduce the need to travel. It will make sure that new development is close to high quality public transport, cycling networks and promotes walking.

What has changed since the last consultation?

Following the consultation in Autumn 2017 the council's Executive approved some changes in January 2018:

Housing numbers on the **York Central** (ST5) site increased from 1,500 to 1,700-2,500 and employment floorspace from 60,000 sqm to 100,000 sqm. This reflects consultation discussions with the York Central Partnership.

Queen Elizabeth Barracks, Strensall (ST35) sees a reduction from 578 to 500 houses, and an additional open space, following a Habitats Regulations Assessment.

There have also been changes to some policies, but the broad approach stays the same. The changes have been made to avoid confusion or to reflect consultation responses, updated evidence or national policy. These include:

- Site-specific changes to reflect ongoing work and emerging evidence.
- Emphasising that culture can and does contribute positively to York's local character.
- Conservation policies reflect the national shift to place more emphasis on the enhancement of historic assets rather than just protection.
- The timescales to deliver transport infrastructure have changed to align with the Local Transport Plan.

Using the comment form

We ask you to use the comment form because it structures your response in the way the inspector will consider comments at the public examination. You can find out where to get the comment forms on page 3.

Using the form to submit your comments also means that you can register your interest in speaking at the public examination, although this is optional. Remember the planning inspector needs comments which respond to key questions about whether the plan is within the law and whether it can be considered 'sound'.

What makes a plan 'sound'?

The planning inspector is asking whether the plan is 'sound'. A plan is sound if it is:

Positively prepared: The plan should be prepared in a way that meets the need for housing and other development, including infrastructure like transport and business development.

Justified: The plan should be based on evidence, and be the best option when considered against other reasonable alternatives.

Effective: The plan should be deliverable, meaning that the development can realistically be achieved.

Consistent with national policy: The plan should encourage 'sustainable' development which improves the city and doesn't damage the environment. It also has to be in line with the policies in the National Planning Policy Framework available from www.york.gov.uk/localplan.

Local Plan: Publication Draft 2018

During previous consultations we've asked for your views in order to help develop and refine the plan, and we've used this information to make changes over the past few years.

We have summarised the main policy areas which the plan covers, together with what has changed since the last consultation, on pages 4 and 5 of this document.

You can view a full copy of the Local Plan: Publication Draft 2018

- Online: www.york.gov.uk/localplan
- At West Offices, Station Rise, York, YO1 6GA
- At libraries across York

Making comments

The Planning Inspectorate has provided standard forms to help you offer comments which they can consider as part of the assessment. These forms are easy to fill in but are too long to include in this booklet.

The forms are available online at www.york.gov.uk/consultations. You can also download a form at www.york.gov.uk/localplan, collect one from the places above or request one by calling 01904 552255.

Please send completed comment forms to us by:

- **FREEPOST RTEG-TYYU-KLTZ**, Local Plan, City of York Council, West Offices, Station Rise York YO1 6GA
- Email: localplan@york.gov.uk



Making your comments to the government

York needs a Local Plan to support the city's economic growth and shape how the city changes over the next 15 years and beyond. We have prepared a 'publication draft' of the city's Local Plan. This May we will submit the plan to the government, which will then ask a planning inspector to assess it. The planning inspector will only consider comments made during this consultation to help with that assessment. **So even if you've responded before, it is important that you tell us what you like and don't like about the plan during this consultation.**

This booklet sets out why the Local Plan is important, and how you can tell us what you think is good and bad about it during the consultation which runs from **Wednesday 21 February until midnight on Wednesday 4 April 2018**. It also explains how this consultation is different to other times you've had your say, including the types of comments which can be considered. See page 7 for more information about the different stages of consultation.

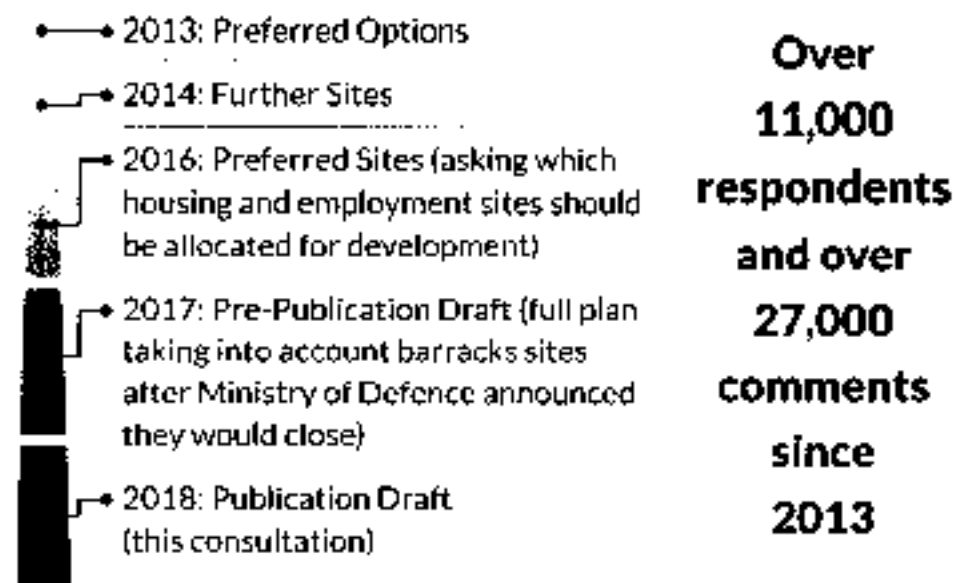
Why this consultation is different

All comments you make during this consultation will go to the government and planning inspector. They will now only consider two questions about the plan. The inspector will consider whether the plan is within the law, and whether it can be considered 'sound'.

See page 6 for more information on what this means, and how to use the comments forms.

How you've helped to shape the Local Plan

Since 2013 we've been asking for your views on our ideas about why, where and how much land we allocate for development and how best to safeguard our natural, built and historic environments. We have consulted over:



Thank you to everyone who has contributed to the Local Plan since 2013.

Next steps

The plan and your comments will be considered by the council's Local Plan Working Group, Executive and then Full Council in May 2018. We will submit all the comments we receive, together with the plan, to the government in May 2018 who will pass them to the Planning Inspectorate. An inspector will then set a date for a public examination of the plan.

York's Local Plan

Making your comments to the government

Please let us know if it would help to have this information in a different format. We can offer it by email, in large print, as a spoken word CD or in another language.

01904 552097 yourservice.yoursay@york.gov.uk

Polish

To jest roczny raport z działu usług mieszkaniowych ukazujący osiągnięte przez nas wyniki oraz plany wdrożenia udoskonaleń.

Niniejsze informacje mogą zostać dostarczone w Państwa własnym języku.

Turkish

Bu, konut hizmetlerinin performansımızı ve iyileştirme planlarımızı gösteren yıllık raporudur. Bu bilgiler sizin kendi lisansınızda sağlanabilir.

Cantonese

這是住房處年度報告，呈現有我們的績效和改善計畫。該資訊能以您的母語提供。



York's Local Plan

Making your comments to the government

CITY OF YORK
LOCAL PLAN

SHAPING OUR CITY FOR THE NEXT GENERATION

Table 5.1: Housing Allocations

Allocation Reference	Site Name	Site Size (ha)	Estimated Yield (Dwellings)	Estimated Phasing
H1	Former Gas Works, 24 Heworth Green (Phase 1)	2.87	271	Short Term (Years 1 - 5)
H1	Former Gas works, 24 Heworth Green (Phase 2)	0.67	65	Medium Term (Years 6-10)
H3**	Burnholme School	1.90	72	Short Term (Years 1 - 5)
H5**	Lowfield School	3.64	162	Short to Medium term (Years 1 - 10)
H6	Land R/O The Square Tadcaster Road	1.53	0*	Short to Medium Term (Years 1 - 10)
H7**	Bootham Crescent	1.72	85	Short to Medium Term (Years 1 - 10)
H8	Askham Bar Park & Ride	1.57	60	Short Term (Years 1 - 5)
H10	The Barbican	0.96	187	Short Term (Years 1 - 5)
H20	Former Oakhaven EPH	0.33	56	Short Term (Years 1 - 5)
H22	Former Heworth Lighthouse	3.29	15	Short Term (Years 1 - 5)
H23	Former Grove House EPH	0.25	1*	Short Term (Years 1 - 5)
H29	Land at Moor Lane Copmanthorpe	2.65	88	Short to Medium Term (Years 1 - 10)
H31	Eastfield Lane Dunnington	2.51	76	Short to Medium Term (Years 1 - 10)
H38	Land R/O Rufforth Primary School Rufforth	0.99	33	Short to Medium Term (Years 1 - 10)
H39	North of Church Lane Elvington	0.92	32	Short to Medium Term (Years 1 - 10)
H48**	Land to North of Willow Bank and East of Haxby Road, New Earswick	2.74	104	Short to Medium Term (Years 1 - 10)
H52	Willow House EPH, Long Close Lane	3.20	15	Short Term (Years 1 - 5)
H53	Land at Knapton Village	0.33	4	Short Term (Years 1 - 5)

Allocation Reference	Site Name	Site Size (ha)	Estimated Yield (Dwellings)	Estimated Phasing
H55	Land at Layerthorpe	0.20	20	Short Term (Years 1 - 5)
H56**	Land at Hull Road	4.00	70	Short Term (Years 1 - 5)
H58	Clifton Without Primary School	0.70	25	Short Term (Years 1 - 5)
H59**	Queen Elizabeth Barracks - Howard Road, Strensall	1.34	45	Short to Medium term (Years 1 - 10)
ST1**	British Sugar Manor School	46.3	1,200	Lifetime of the Plan (Years 1 - 16)
ST2	Former Civil Service Sports Ground Milfield Lane	10.40	266	Short to Medium Term (Years 1 - 10)
ST4	Land adj. Hull Road & Grimston Bar	7.54	211	Short to Medium Term (Years 1 - 10)
ST5	York Central	35.0	1,500	Lifetime of the Plan and Post Plan period (Years 1 - 21)
ST7	Land East of Metcalfe Lane	34.5	845	Lifetime of the Plan (Years 1 - 16)
ST8	Land North of Monks Cross	39.5	968	Lifetime of the Plan (Years 1 - 16)
ST9	Land North of Haxby	35.0	735	Lifetime of the Plan (Years 1 - 16)
ST14	Land to West of Wigginton Road	55.0	1,348	Lifetime of the Plan and Post Plan period (Years 1 - 21)
ST15	Land to West of Evington Lane	159.0	3,339	Lifetime of the Plan and Post Plan period (Years 1 - 21)
ST16	Terry's Extension Site - Terry's Clock Tower (Phase 1)		22	Short to Medium Term (Years 1-5)
ST16	Terry's Extension Site - Terry's Car Park (Phase 2)	2.18	33	Short to Medium Term (Years 1 - 10)
ST16	Terry's Extension Site -		56	Short to

Allocation Reference	Site Name	Site Size (ha)	Estimated Yield (Dwellings)	Estimated Phasing
	Land to rear of Terry's Factory (Phase 3)			Medium Term (Years 1 - 10)
ST17	Nestle South (Phase 1)	2.35	263	Short to Medium Term (Years 1 - 10)
ST17	Nestle South (Phase 2)	4.70	600	Medium to Long Term (Years 6 - 15)
ST31	Land to the South of Tadcaster Road, Copmanthorpe	8.10	158	Short to Medium Term (Years 1-10)
ST32	Hungate (Phases 5+)	2.17	328	Short to Medium Term (Years 1-10)
ST33	Station Yard, Whetdrake	6.0	147	Short to Medium Term (Years 1-10)
ST35**	Queen Elizabeth Barracks, Strensall	28.6	578	Medium to Long Term (Years 6-15)
ST36**	Imphal Barracks, Fulford Road	18.0	769	Post Plan period (Years 16-21)

* Allocated for specialist housing (Use Class C3b¹) for residential extra care facilities in association with the Witherforce Trust

** Sites that contain existing open space

See also Policy G15

Explanation

Sites with Existing Permissions

- 5.3 Planning permission will be renewed for housing on these sites providing that the proposal accords with the relevant policies in this plan and there have been no material changes to justify refusal of the permission. When the renewal of a planning permission is sought the proposal will be tested against the relevant policies in the plan and changes to the previously permitted scheme may be required to ensure the proposed development properly addresses the now extant policies in the plan. Note as at the 1st April 2017 there were extant planning permissions for 3,578 homes which will contribute towards meeting the overall housing requirement in the Plan.
- 5.4 Housing market conditions will change over time and proposals with consent may no longer be appropriate for the prevailing market conditions. In considering a revised proposal for the development of a housing site proper account will be taken of the

¹ C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems. The Town and Country Planning (Use Classes) Order 1987 (as amended)

Table 5.1: Housing Allocations

Allocation Reference	Site Name	Site Size (ha)	Estimated Yield (Dwellings)	Estimated Phasing
H1	Former Gas Works, 24 Heworth Green (Phase 1)	2.87	271	Short to Medium Term (Years 1 - 10)
H1	Former Gas works, 24 Heworth Green (Phase 2)	0.67	65	Medium Term (Years 6-10)
H3**	Bunthorpe School	1.90	72	Short Term (Years 1 - 5)
H5**	Lowfield School	3.64	162	Short to Medium term (Years 1 - 10)
H6	Land R/O The Square Tadcaster Road	1.53	0*	Short to Medium Term (Years 1 - 10)
H7**	Baitham Crescent	1.72	86	Short to Medium Term (Years 1 - 10)
H8	Askham Bar Park & Ride	1.57	60	Short Term (Years 1 - 5)
H10	The Barbican	0.96	187	Short to Medium Term (Years 1 - 10)
H20	Former Oakhaven EPH	0.33	56	Short Term (Years 1 - 5)
H22	Former Heworth Lighthouse	0.29	15	Short Term (Years 1 - 5)
H23	Former Grove House EPH	0.25	11	Short Term (Years 1 - 5)
H29	Land at Moor Lane Copmanthorpe	2.65	88	Short Term (Years 1 - 5)
H31	Eastfield Lane Dunnington	2.51	76	Short Term (Years 1 - 5)
H38	Land R/O Rufforth Primary School Rufforth	0.99	33	Short Term (Years 1 - 5)
H39	North of Church Lane Evington	0.92	32	Short Term (Years 1 - 5)
H46**	Land to North of Willow Bank and East of Haxby Road, New Earswick	2.74	104	Short Term (Years 1 - 5)
H52	Willow House EPH, Long Close Lane	0.20	15	Short Term (Years 1 - 5)
H53	Land at Knapton Village	0.33	4	Short Term (Years 1 - 5)
H55	Land at Layerthorpe	0.20	20	Short Term (Years 1 - 5)

Allocation Reference	Site Name	Site Size (ha)	Estimated Yield (Dwellings)	Estimated Phasing
H56**	Land at Hull Road	4.00	70	Short Term (Years 1 - 5)
H58	Clifton Without Primary School	0.70	25	Short Term (Years 1 - 5)
H59**	Queen Elizabeth Barracks – Howard Road, Strensall	1.34	45	Medium to Long Term (Years 6 - 15)
ST1**	British Sugar/Manor School	46.3	1,200	Lifetime of the Plan (Years 1-18)
ST2	Civil Service Sports Ground Millfield Lane	10.40	266	Short to Medium Term (Years 1 - 10)
ST4	Land Adjacent to Hull Road	7.54	211	Short to Medium Term (Years 1 - 10)
ST5	York Central	35.0	1,700	Lifetime of the Plan and Post Plan period (Years 1-21)
ST7	Land East of Metcalfe Lane	34.5	845	Lifetime of the Plan (Years 1 - 16)
ST8	Land North of Monks Cross	39.5	966	Lifetime of the Plan (Years 1 - 16)
ST9	Land North of Haxby	35.0	735	Lifetime of the Plan (Years 1 - 16)
ST14	Land West of Wigginton Road	55.0	1,348	Lifetime of the Plan and Post Plan period (Years 1 - 21)
ST15	Land West of Elvington Lane	159.0	3,339	Lifetime of the Plan and Post Plan period (Years 1 - 21)
ST16	Terry's Extension Site – Terry's Clock Tower (Phase 1)		22	Short Term (Years 1-5)
ST16	Terry's Extension Site – Terry's Car Park (Phase 2)	2.18	33	Short to Medium Term (Years 1 – 10)
ST16	Terry's Extension Site – Land to rear of Terry's Factory (Phase 3)		56	Short to Medium Term (Years 1 – 10)

Allocation Reference	Site Name	Site Size (ha)	Estimated Yield (Dwellings)	Estimated Phasing
ST17	Nestle South (Phase 1)	2.35	263	Short to Medium Term (Years 1 - 10)
ST17	Nestle South (Phase 2)	4.70	600	Medium to Long Term (Years 6 - 15)
ST31	Land at Tadcaster Road, Copmanthorpe	8.10	158	Short to Medium Term (Years 1-10)
ST32	Hungate (Phases 5+)	2.17	328	Short to Medium Term (Years 1-10)
ST33	Station Yard, Wheldrake	6.0	147	Short to Medium Term (Years 1-10)
ST35**	Queen Elizabeth Barracks, Strensall	28.8	500	Medium to Long Term (Years 6-15)
ST36**	Imphal Barracks, Fulford Road	18.0	769	Post Plan period (Years 16-21)

*Allocated for specialist housing (Use Class C3b¹) for residential extra care facilities in association with the Wilberforce Trust.
 ** Sites that contain existing open space

See also Policy G15

Explanation

Sites with Existing Permissions

- 5.3 Planning permission will be renewed for housing on these sites providing that the proposal accords with the relevant policies in this plan and there have been no material changes to justify refusal of the permission. If renewal of a planning permission is sought the proposal will be tested against the relevant policies in the plan and changes to the previously permitted scheme may be required to ensure the proposed development properly addresses the now extant policies in the plan. Note as at the 1st April 2017 there were extant planning permissions for 3,578 homes which will contribute towards meeting the overall housing requirement in the Plan.

- 5.4 Housing market conditions will change over time and proposals with consent may no longer be appropriate for the prevailing market conditions. In considering a revised proposal for the development of a housing site proper account will be taken of the impact of changes in market conditions. Where development viability is at risk

¹ C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems. The Town and Country Planning (Use Classes) Order 1987 (as amended)

Table 5.2: Housing Trajectory (Start date 1st April 2017, end date 31st March 2033)

	c	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Year	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33
Projected Housing Completions Including Windfall Allowance (From 2020/21)	1222	590	730	1756	1602	1682	1433	1208	1144	1200	1169	1179	1182	824	884	874
Annual Housing Target	867	867	867	867	867	867	867	867	867	867	867	867	867	867	867	867
Inherited Shortfall (2012 - 2017) Annualised over Plan Period	56	56	56	56	56	56	56	56	56	56	56	56	56	56	56	56
Annual Target (inclusive of shortfall)	923	923	923	923	923	923	923	923	923	923	923	923	923	923	923	923
Over/Under Supply of Housing against cumulative annual target	299	-34	-227	608	1297	2046	2556	2919	3140	3417	3863	3919	4156	4159	4120	4071

MONDAY, MARCH 26, 2018



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HOUSING CRISIS: A report has found that residents on an average wage would need a 126 per cent rise to afford a mortgage for a home in York; inset, Cllr Helen Douglas. *Picture: Andrew Matthews/PA*

York's homes 'out of reach'

BY CHLOE LAYERSUCH

chloe.layersuch@pressyork.co.uk
Twitter: @ChloeLayersuch

RESIDENTS on an average wage would need a 126 per cent pay rise to afford a typical mortgage for a home in York, according to a report by the National Housing Federation.

The figures show that the average house price in the city is now £263,262 - 10 times the typical salary. Only Harrogate has a higher average house price in Yorkshire and the Humber, at a cost of £330,182.

And York is the most expensive place in the region to rent, with residents paying an average of £866 a month.

York Central's Labour MP Michael Maslett said homes are

now unaffordable for too many

She said: "The council's failure to build the volume and tenure of houses that local people need further causes housing to be out of reach for too many families across the city."

"The council's revised Local Plan still does not address York's housing crisis, and it is time that the city's leadership stopped playing political games and started building homes for local families."

A spokesman for the National Housing Federation said the crisis in York is due to a shortage of new housing, adding that 2,612 too few homes were built between 2012 and 2016.

But Cllr Helen Douglas, the city council's executive member for housing and safer neighbourhoods, said: "York is a very

desirable place to live, and we want to make sure that people of all incomes can continue to enjoy living here. Affordable housing is a national issue.

"We use the powers we have and our relationships with developers to secure as much affordable housing as possible within private developments.

The Local Plan, currently out to consultation, would see 867 new homes built every year and includes the targets for at least 20 per cent affordable homes in larger developments. This would mean another 4,000 affordable homes to rent or buy across the lifetime of the plan.

"We've announced another £20 million - making £40 million overall - to build and buy council homes. We're also developing our own land."

THE PRESS COMMENT

Cost of housing in York is crazy

WE have heard a lot in recent years about how expensive houses in York are - and how impossible they are for ordinary young families to afford.

New figures from the National Housing Federation (NHF) show just how bad things have got.

According to the NHF data, the average resident on the average wage in York would need a 126 per cent pay rise just to be able to afford a mortgage. In other words, their wages would need to more than double.

That is just crazy. And it gets worse. Not only is York the second most expensive place to buy a house in the whole of Yorkshire and the Humber after Harrogate - it is also the most expensive place to rent. What chance do young families have when the average house price in York is £283,000, and the average monthly rent a shocking £866? No wonder so many younger people feel hard done by.

There has been a lively debate in the pages of this newspaper recently about the so-called 'generation wars'. That kind of inter-generational mistrust helps no-one. But we really do need to do something to address the shocking cost of housing - whether to rent or buy - which is hitting the lives of so many young adults.

That is why a Local Plan for York setting out where new housing can go is so important; and why it is vital that the masterplans for big development sites such as York Central insist on a reasonable proportion of new homes being built to 'affordable' standards. Otherwise the next generation will be priced out of York altogether. And that would be madness.

Your letters

Renting is often only option in York



REALITY BITES: Renting is the reality for many young families now, says Sara Robin, but it gives no stability

I THINK Pamela Benney (Letters, March 22) and one or two others of your correspondents might be surprised if they compared the amount they paid to keep a roof over their heads with how much it costs nowadays.

The problem is not so much owning or not owning a home, it is having some where stable to live.

Many young people, particularly in the 25 to 35 age group, have to rely on private rented accommodation due to the huge reduction in availability of social or council housing and the rise in house prices.

At this age you may want to start a family or have small children starting school. If you rent somewhere in the private sector you may only have a six month tenancy agreement, and the costs are very high.

A search on The Press website in my postcode, YO24, shows rents from £1,250 to £700 for a two to three bedroom house. That is a very large chunk of a low waged person's salary, and then there is no security that they can stay in a rented property for long enough for children to get into a local school or make friends. Hence buying a house would be a much more secure option.

I don't think we should be accusing people of expecting to be given a house, we should be worrying about their mental and physical health

at this age when they may not have a partner able to help to pay their rent.

Sara Robin,
Wentworth Road,
York

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WEDNESDAY, MARCH 28, 2018

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Price of a York house stabilises

BY NINE LATCOCK

nine.latcock@yorkpress.co.uk

HOUSE prices appear to have finally stabilised in York after years of rapid growth.

According to UK House Price Index, the average cost of a house in the City of York Council area in January was £310,278 - down very slightly on the figure of £310,436 for January 2017.

The index, based on Land Registry data, may offer a glimmer of hope for young people struggling to get on the property ladder - a problem highlighted by a recent National Housing Federation calculation that residents on an average wage would need a 126 per cent pay rise to afford a typical mortgage for a home in York.

The index, based on Land Registry house sales data and calculated by the Office of National Statistics, says the average price in York has now fallen slightly below the national average, which has risen by 4.9 per cent over the past year to £242,286.

York's figure had appeared to be heading for the quarter million pound milestone last summer, with the average price rising to £247,003 by June, but it has been falling in most months since then. The average price of a house in York is less than the figure of £283,168 for the Harrogate district but more than for other neighbouring towns, cities and districts, such as the Ryedale District Council area, which has an average figure of £236,704, the Hambleton district with £240,022 the Selby council area with £197,000, Leeds with £179,000, East Riding of

Yorkshire with £174,286 and Hull with an average price of just £110,000.

The average price of a flat/maisonette in York in January was £162,342, a terraced property was £205,628, a semi was £245,590 and a detached house was £380,190.

Ben Hudson, of Hudson Moody, said the market had stabilised and he did not expect prices to rise by any more than inflation - two to three per cent - over the next year.

"We have got a calmer, more stable market place, which I think is better," he said.

However, he thought another statistical quirk might have influenced York's figure: a larger number of high end properties, such as in St Leonard's Place, were on the market in the previous year, pushing up the average price, than in the last 12 months.

Crazy house prices

NO sooner do we get one set of figures highlighting how crazy unaffordable housing in York is than another set comes out suggesting house prices may be starting to fall. On Monday, the National Housing Federation (NHF) claimed the average house price in York was £263,000. The average resident on the average wage would need a pay rise of 125 per cent to afford a mortgage, the NHF said. Now new figures from the UK House Price Index suggest the average house price in York in January was £240,278 - and that that was actually £150 down on the previous year. Whichever set of figures is correct, the cost of housing is outrageously expensive - and is in danger of driving a whole generation of young families away from York.

What do you think? Email letters@thepress.co.uk

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Online based on ABC (An.Az. 2015) (Daily) and our own surveys

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

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

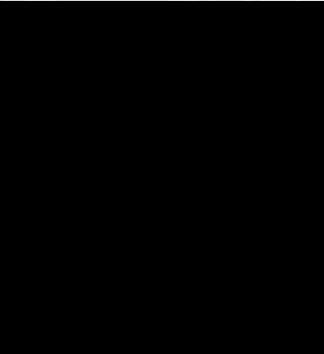
To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments 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	Butler	
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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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 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.
- 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

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 T4
Ref.

Site ST14.

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.

Site ST14 :

This proposed residential site comprises 55Ha containing 1348 dwellings, a significant intrusion into the valuable green space and prime agricultural land separating Skelton and Wigginton. A formal Green Belt for York has yet to be established and this kind of Infill development negates progress to that objective.. Given this and other rural urbanisation proposals in the Plan it seems that the much publicised and widely advocated brownfield site priority is not been fully pursued, with the easier/softer option of green field development benefiting.

Road Capacity:

Major sections of York's northern ring road cannot cope with existing traffic flows at busy times. These times are no longer confined to the conventional peak periods but extend for long periods throughout the day. The contributory factors are many, but include the major retail and commercial developments at Clifton Moor and Monks Cross which attract traffic from far beyond York and surroundings, commuting to and from significant employment centres around the city, and commercial vehicles accessing routes to and from the North East, the A1(M), East Yorkshire and the Hull docks.

The plan proposes the building of a further 5,000 dwellings around the northern ring road plus further employment locations – all feeding more traffic into the current

congestion.

Policy T 4 of the document proposes improvements to the A1237 over three timescales: Short term (2017/18 -2022/23) a series of junction improvements. Medium term (2022/23 – 2027/28) further junction improvements. Long-term (2027/28 – 2032/33) upgrading the A1237 to dual-carriageway standard. The last to be the subject of a 'later bid' to the Government for finance.

A plan which proposes increasing demand significantly before increasing capacity significantly (dualling) cannot be characterised as sound. As it stands, the housing/employment developments will take place over the next ten to fifteen years with the dualling a distant and, given the vicissitudes of government, an unlikely prospect.

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.

In our view the plan should state that the northern housing developments are **subject to** the prior dualling of the A1237 with full grade separation

(If you are suggesting that the plan is legally compliant or sound please write N/A)

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.

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

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

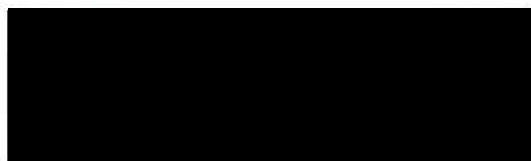
plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.

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 or on [01904 554145](tel:01904554145)

Signature



Date

27/03/2018-

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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

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04 APR 2018
BY: _____

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	TYLER	
Organisation (where relevant)		
Representing (if applicable)		
Address - line 1	[REDACTED]	
Address - line 2		
Address - line 3		
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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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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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.

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- Online via our website.
- City of York Council West Offices
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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

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)

- | | | | |
|------|---|--|---|
| | <input checked="" type="checkbox"/> Positively prepared | <input checked="" type="checkbox"/> Justified | |
| 5. c | <input checked="" type="checkbox"/> Effective | <input type="checkbox"/> Consistent with national policy | <input checked="" type="checkbox"/> (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	2-16	Policy Ref.	T2	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

1. There are two references to building a station on the railway at Haxby. One appears under the heading "Ensure Efficient and Affordable Transport Links" (12.15), the other under Policy T2 (p.213), "Strategic Public Transport Improvements" for implementation in the period 2021 to 2032.
2. To propose a scheme to address real current problems in such a simplistic and only in ten years time does not indicate 'positive preparation' of the Plan nor consistency with national policies to promote public transport. Moreover the proposal is not justified with any evidence of its likely effectiveness. My reasons for this view are as follows (I should make it clear that I take this view despite having spent a long career championing the cause of rail-based public transport).
3. Proposing to build a station without establishing whether an appropriate train service can be secured is absurd. In the case of Haxby the present hourly frequency would be so lacking in flexibility as to make it very unattractive for journeys between Haxby and York station (which is in any case much less well-sited than the bus stops in the city centre) and not particularly attractive for longer journeys such as to and from Leeds. Moreover, no operator of the regional service between Scarborough and the principal northern cities is likely to contemplate slowing its trains to stop and pick up or set down large numbers of short-hop passengers. Operators of the planned local service might be a little more inclined, but the infrequency problem would remain.
4. A fully-specified main-line station would be very expensive relative to the benefits, and even more so if it required extensive provision for dedicated car-parking.
5. There are potentially two better ways of addressing the problem of congested access to the city centre that the Haxby station scheme has too casually become associated with. One would be to install continuous (and rigorously-enforced) bus-priority between Haxby and the centre in order to make the bus service faster, more reliable and (as it attracted extra business) more frequent. The other (preferably complementarily) would be a light rail or tram system superimposed on the mainline railway (and perhaps extended onto the city streets), with the advantage of lower costs and the facility to include stations at Strensall and the Hospital. There are numerous effective examples of this strategy in mainland Europe that should now be evaluated for York.

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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.

The Plan should be modified to include a commitment to a comprehensive study of the benefits and costs of various public-transport technologies, with particular reference to the principal corridors. This should start with a listing of all appropriate systems, including those new concepts now under development (such as ultra-light-rail as proposed elsewhere), and progressively focus on a scheme suitable for York and capable of addressing (as quickly as possible) the linked problems of congestion, fossil-fuel consumption and poor air quality.

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:

I consider it important to emphasise why proposing a station at Haxby is tokenism, especially since many campaigners for better public transport subscribe to the idea. The question of how it would be served requires a public airing.

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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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 Plan¹

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 Regulations²

Retention of Information

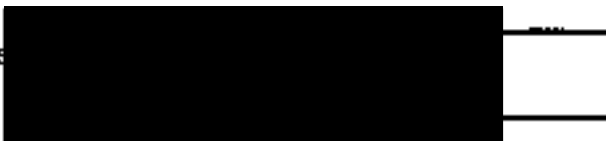
We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local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

Your rights

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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 or on 01904 554145.

Signature



Date

30 March 2018

¹ Section 20(3) Planning & Compulsory Purchase Act 2004; Regulations 17, 22, 35 & 36 Town and Country Planning (Local Planning) (England) Regulations 2012
² Regulation 19 Town and Country Planning (Local Planning) (England) Regulations 2012
³ 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:
RECEIVED 04 APR 2018
BY: _____

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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	Lt Col	
First Name	Gwyn	
Last Name	JONES MBE	
Organisation (where relevant)		
Representing (if applicable)		
Address – line 1	[REDACTED]	
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

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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

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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)

The plan has not been prepared
I'm sorry but I do not really understand
the implications of 4.(1) and 4.(2). However
the sustainability of the plan is in
question.

What does 'Sound' mean?

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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
noPolicy
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 Continuation Sheet - 26 April 2018
attached.*

Lt Col Glyn Jones MBE. [REDACTED]

Sir,

Comments on Local Plan Pre-Publication Draft Sep 17 – Policy SS11 Area ST 9

- I have deep concerns with the plan to build 735 houses on the Green Belt to the north of Haxby, ST 9.
- This appears to be the only strategic housing site in the plan that does not have direct access to the Ring Road. Thus, the impact on the existing village infrastructure and its inhabitants would be immense. The two existing routes to ST 9 via Usher Lane and Moor Lane barely manage the traffic which already uses the routes. Cars are parked along the footpaths and access for emergency vehicles is often compromised. This, added to the existing concerns of air pollution along these lanes, makes me suspicious that the plan is actually Land-Owner and Developer led rather than planners considering common-sense priorities.
- Haxby is already over-developed with schools working to capacity and a health centre which presently struggles to provide a satisfactory service to the existing residents of both Haxby and Wigginton. There are insufficient parking spaces in the village and the current traffic congestion, especially at peak times, can see one stationary in a car or on a bus for up to 35 minutes before actually reaching the ring road. This is unacceptable and to add to these problems, with a housing plan that could introduce substantially more traffic through the village, is just nonsense.
- I also understand that there is also an advanced plan to establish a train station in the village which will inevitably introduce more commuters driving around trying to park!
- To support 735 new houses considerable further infrastructure would be required before any building work commences and this is not specifically guaranteed in the plan before the development is started. However, even if it was, a new school, another health centre, additional bus routes, recreational facilities and shops will only compound the existing problems.
- Added to these problems, the existing Sewage System is totally inadequate in Haxby. The Water Treatment Point in Strensall is at or above capacity and currently surface water flooding regularly causes the sewers to back up in heavy rain. I understand that the SE corner of ST 9 is already flagged up as a flood risk on the Environment Agency website and further housing in the area will inevitably compound this.
- I therefore believe Haxby should be protected from further development to the north of the village by the rural greenbelt and the land that surrounds it. To me, the proposal to build on ST 9 is totally inappropriate. I fully understand and accept the requirement to build new homes in and around York, but to ride roughshod over this green belt land that protects Haxby's face and soul, without considering the quality of life of its inhabitants, will be totally irresponsible. Furthermore, the Council's insistence to concentrate the majority of housing development in the Local Plan to the north of the City, along the single-lane ring road, just does not make any sense at all. Recently, the new Vanguard Shopping Area opened at Monks Cross and it will shortly be extended to include an International Hotel and the new Sports Stadium. This irresponsible planning must be suspended until the local infrastructure can support it.

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.

1. ST 9 should be removed from the plan and another area with direct access to the ring road established.
2. Development to the north of the City will have massive implications for traffic congestion. Some of that development should be replanned to the South of the City.

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:

It is difficult ^{for me} to make all my concerns succinct in writing.

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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Signature



Date

26 Mar 2018.

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

² Regulation 19 Town and Country Planning (Local Planning) (England) Regulations 2012

³ 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: <div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED 04 APR 2018 </div> By: _____
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1. Personal Details		2. Agent's Details (if applicable)
Title	MRS	
First Name	DIANA	
Last Name	JONES	
Organisation (where relevant)		
Representing (if applicable)		
Address - line 1	[REDACTED]	
Address - line 2		
Address - line 3		
Address - line 4		
Address - line 5		
Postcode		
E-mail Address		
Telephone Number		

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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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- Online via our website www.york.gov.uk/localplan.
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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

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)

Don't actually understand the above question!!

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.

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.

Please see additional information attached 25/3/18

Evana Jones, 58 LISLEY AVE, HORSLEY, YORK, YO32 3WA, 25/3/18

COMMENTS ON LOCAL PLAN PRE-PUBLICATION DRAFT SEPTEMBER 17
Policy 5511 Area 5T9

I AM WRITING WITH GREAT CONCERN ABOUT THE HOUSING DEVELOPMENT PLAN AND THE BUILDING OF 735 HOUSES ON THE GREEN BEM AREA IN HORSLEY, WHICH I FEEL IS TOTALLY UNAPPROPRIATE.

THE INFRASTRUCTURE OF THE VILLAGE IS ALREADY STRAINED TO BREAKING POINT AND THE IMPACT OF EXTRA HOUSING WILL NOT ONLY HAVE A MASSIVE IMPACT ON LOCAL & NATIONAL INFRASTRUCTURE BUT WILL TOTALLY COMPROMISE THE HEART OF HORSLEY, NECESSITATING EXTRA FACILITIES, SUCH AS POSSIBLE ADDITIONAL BUS ROUTES, AMENITIES, A SCHOOL AND A MEDICAL CENTRE, TO COPE WITH EXTRA INMIGRANTS. THE VILLAGE WAS ALREADY STRUGGLING WITH A SEVERELY DEFICIENT INFRASTRUCTURE (IT IS HOPEFUL THAT ALL THE ABOVE HAVE BEEN TAKEN INTO CONSIDERATION BEFORE ANY NEW BUILDINGS WERE EVEN CONSIDERED).

THE PLAN DOES NOT SEEM TO TAKE ANY OTHER FACTS INTO ACCOUNT SUCH AS THE TRAFFIC PROBLEMS IN HORSLEY STRUGGLING ON A DAILY BASIS TO CONNECT TO THE A1287. 735 EXTRA HOUSES WILL ADD TO THE CONGESTION AND SLOWLY, LISLEY AVE & HORSLEY AVE CAN HARDLY WITHSTAND EXISTING TRAFFIC. SHOULD A STATION COME INTO THE EQUATION, THERE ARE VERY FEW PARKING FACILITIES IN THE VILLAGE, WITH MANY CARS ALREADY PARKING ON PRIVATE LANDS (COMPROMISING EMERGENCY FACILITIES) SO POSSIBLE "COMMUTER-PARKING" CAUSING EVEN MORE FRUSTRATION.

STORAGE IS ALREADY A PROBLEM. LIVING WHERE I DO, WE FREQUENTLY HAVE OUR GARDENS FROZEN IN UNPLEASANT WEATHER. BUILDING MORE HOUSES WOULD ONLY EXACERBATE THE PROBLEM, ESPECIALLY AS THIS AREA IS ALREADY A FROZEN ZONE - SEE ENVIRONMENT AGENCY WEBSITE.

I DO UNDERSTAND THAT THERE IS A NEED FOR MORE HOUSING, BUT YOUR VERY NOT ENOUGH HAS BEEN DONE TO PRIORITISE EXISTING INFRASTRUCTURE AND USING GREEN BROWN LAND IN THIS AREA VASTLY COMPROMISES THE QUALITY OF LIFE IN NADODY.

Please think 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.

Changes over the crest to the tug rods, which direct access, should be considered & the ST9 area should be removed from the development plans.

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.¹

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.³

Your rights

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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 or on 01904 554145.

Signature



Date

25/3/18

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

² Regulation 19 Town and Country Planning (Local Planning) (England) Regulations 2012

³ 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 RECEIVED 04 APR 2018 BY: _____

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	Alastair	
Last Name	McFarlane	
Organisation (where relevant)	Murton Parish Council	
Representing (if applicable)		
Address – line 1	[REDACTED]	
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.
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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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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?

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.

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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

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.

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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)

Positively prepared	<input type="checkbox"/>	Justified	<input 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

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 NOTE FOR ARGUMENT.

WE BELIEVE THAT NPPF SECTION 207 ON ENFORCEMENT SHOULD BE ACKNOWLEDGED GIVEN THE PROBLEMS THAT ARE FACED BY CITY OF YORK COUNCIL, OTHERWISE MANY OF THE ADMIRABLE STATEMENTS MADE IN SS2 WILL BE VITIATED

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.

NEEDS DEVELOPMENT OF NPPF SECTION 207

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:

N/A

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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Signature



Date

01 April 2018

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

Policy SS2: The Role of York's Green Belt

Murton Parish Council reaffirms its support for Policy SS2 recognising its primary purpose is 'to preserve the setting and the special character of York'.

We also recognise that the explanation on page 31 (paragraphs 3.13-3.15), together with Sections 8, 9 and 10, will be invaluable in guiding the Parish Council with planning decisions and recommendations.

However, we are extremely disappointed that there is no mention of enforcement and we want to draw attention to **National Planning Policy Framework Section 207** which states that 'Effective enforcement is important as a means of maintaining public confidence in the planning system'. Exactly!

This City has numerous examples where enforcement should have been carried out in the Green Belt (this small village itself has 4 outstanding at the moment). We believe that all the proposals in the plan depend on implementation of enforcement orders. Our own recent experiences suggest that more resources, and a greater will, for enforcement are badly needed.

We are therefore disappointed to find that the NPPF Section 207 is not developed in the Local Plan. It avoids giving 'a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area'. This is, for us and many other parish councils, of grave concern.

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

OFFICE USE ONLY:

ID reference

RECEIVED

04 APR 2018

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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	Alastair	
Last Name	McFarlane	
Organisation (where relevant)	Murton Parish Council	
Representing (if applicable)		
Address - line 1	[REDACTED]	
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?

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.

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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

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)

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.

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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.

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.

SECTION 10
GB1, GB2,
GB3

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 NOTE.

WE COMMEND SECTION 10 AND AGREE THAT IT PROVIDES A "LASTING FRAMEWORK" TO SHAPE THE FUTURE DEVELOPMENT OF YORK.

HOWEVER, WE BELIEVE THAT NPPF SECTION 207 ON ENFORCEMENT MUST BE ACKNOWLEDGED ROBUSTLY

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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NEEDS DEVELOPMENT OF NPPF SECTION 207

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:

N/A

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.¹

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.³

Your rights

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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 or on [01904 554145](tel:01904554145).

Signature



Date

01 April 2018

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

Section 10: Managing Appropriate Development in the Green Belt

Murton Parish Council reaffirms its support for Policies GB1, GB2 and GB3 recognising that their adoption will create a Green Belt for York that 'will provide a lasting framework to shape the future development of the city.....'

We believe that the Local Plan will be invaluable in guiding the Parish Council with planning decisions and recommendations as it begins to take more responsibilities when its Neighbourhood Plan is adopted.

We have been encouraged by a series of decisions made by the Planning Inspectorate and by the City of York Council itself to ensure that the openness of the Green Belt in our Parish is preserved. We particularly note that our concerns about the visual impact of development on the Green Belt and open countryside are met¹although we have severe reservations about the problems that Policy SS9 provides².

We commend Policy GB1, particularly the clear statements 10.3 and 10.4.

We also commend Policy GB2, for example 10.18, the importance of protecting infill spaces. We believe this to be very important for Murton which has a conservation area which has been threatened from time to time. It is key to its historical heritage and to the openness of the Green Belt. The protection against the development of infill spaces is of particular importance to the Parish

However, as noted in our reply to SS2, we are extremely disappointed that there is no mention of enforcement and we want to draw attention to National Planning Policy Framework Section 207 which states that 'Effective enforcement is important as a means of maintaining public confidence in the planning system'.

This City has numerous examples where enforcement should have been carried out in the Green Belt. There is, in this small Parish alone, 4 outstanding at the moment. We believe that all the proposals in the Plan depend on implementation. Our own recent experiences suggest that more resources, and a greater will, for enforcement are badly needed.

We had hoped to see NPPF Section 207 developed in the Local Plan. The Plan avoids giving a local enforcement plan 'to manage enforcement proactively, in a way that is appropriate to their area'. This is, for our Parish and for many other parish councils, of grave concern.

¹ City of York Local Plan Pre Publication Draft Regulation 19 Consultation February 2016 GB1 pages 173-176

² Please see our comments on SS9

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

 OFFICE USE ONLY:
 ID reference:

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E1

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	Alastair	
Last Name	McFarlane	
Organisation (where relevant)	Murton Parish Council	
Representing (if applicable)		
Address - line 1	[REDACTED]	
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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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 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.
- 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

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.

PLEASE SEE ATTACHED NOTE FOR ARGUMENT.

PAGE 45 (v) AND (vi)

DOES NOT DEMONSTRATE THAT ALL THE TRANSPORT ISSUES HAVE BEEN ADDRESSED

PAGE 46 (vii)

NO EVIDENCE THAT THIS IS POSSIBLE

PAGE 46 (x)

NO EVIDENCE THAT THIS IS POSSIBLE. INDEED, IT IS EVASIVE ON THE ISSUE

PAGE 46 (xi)

NO ACCOUNT GIVEN SHOWING THAT THE CRITICISMS (WHICH ARE ACKNOWLEDGED IN EARLIER DRAFTS FROM ENGLISH HERITAGE / HISTORIC ENGLAND) CAN BE MET

PAGE 46 PARA 3.43

THIS ARGUMENT WAS USED EARLIER TO JUSTIFY DERWENTHORPE. BEING USED AGAIN FOR A DIFFERENT BOUNDARY. NO ACKNOWLEDGEMENT

PAGE 46 PARA 3.45

WE BELIEVE THAT THE TRAFFIC ASSESSMENT IS PARAMOUNT

PAGE 47 PARA 3.46

LAST SENTENCE IS OBVIOUS BUT NO EVIDENCE GIVEN THAT IT IS FEASIBLE

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.

NEEDS MUCH MORE WORK ON TRANSPORT AND OTHER INFRASTRUCTURE CONCERNS BEFORE ONE CAN COMMENT SENSIBLY.

THE ENVIRONMENTAL PROBLEMS IDENTIFIED BY ENGLISH HERITAGE / HISTORIC ENGLAND NEED TO BE ADDRESSED, SO TOO THE CRITICISMS FROM THE WARD AND THE PARISH COUNCIL TO EARLIER DRAFTS

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:

ONLY IF NECESSARY TO ALLOW FURTHER DISCUSSION IF RELEVANT POINTS ARE RAISED DURING 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

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Signature



Date

01 April 2018

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

Policy S59: Land east of Metcalfe Lane (ST7)

We ask that these comments are read in conjunction with those from the Ward Councillor, Cllr Mark Warters.

Although ST7 is not in Murton Parish, its development will affect it. We will restrict ourselves to three specific aspects:

- (i) the environmental impact on the City
- (ii) the environmental impact on our Parish
- (iii) the impact on our Parish and neighbouring parishes by the increased traffic

'The Green Belt's prime purpose is that of preserving the setting and special character of York'.¹

Murton Parish Council welcomes this statement in Policy S52 and we have considered Policy S59 against this and Policy S51, Delivery of Sustainable Growth for York.

- (i) ***The environmental impact on the City.***

Historic England² points out that

'The allocation of this area will harm a number of key elements identified in the Heritage Topic Paper Update as contributing to the special character and setting of York. The development of this area would reduce the gap between the A64 and the edge of the built-up area, in effect creating a new freestanding settlement within the ring road under 160 metres from edge of the existing built-up area. The Heritage Topic Paper Update identifies the relationship which York has to its surrounding settlements as being one of the elements which contribute to its special character and setting. A new settlement this close to the City would appear out of keeping with the current pattern of development around York and harm this element of York's character. The impact of the development of this site upon SA Objective 14 should be amended to "serious harm"

The response was

'The appraisal notes that mitigation in form of master planning is required.'

which is hardly reassuring. Indeed we see no evidence that CYC has reacted properly to the criticisms.

- (ii) ***The environmental impact on Murton Parish***

Murton Parish Council is also concerned about the impact on Murton itself. As Historic England² points out

¹ City of York Local Plan Pre Publication Draft Regulation 19 Consultation February 2018 S5.2 page 31

² City of York Local Plan. Sustainability Appraisal Appendices A-G Publication Draft Regulation 19 Consultation February 2018 page B2

... the development site would substantially reduce the gap between the edge of the built up area and the ring road. It would adversely affect views towards the City and its rural setting. Further reducing the gap between the edge of the city from Murton and erode the rural setting. It should be assessed as (-) as it would harm an element which contributes to special character and setting of York.

In reply CYC simply says

Noted. The assessment of the proposed East of Metcalfe Lane allocation has concluded a minor/significant negative effect against Objectives 14 and 15 as informed by the HIA and discussions with CYC Officers.

Again, hardly reassuring.

Section 6.7 of the Appraisal report⁴ says

Although the distances between Murton and York will be decreased by development on this site, the proposed boundaries are such that a reasonable gap between the ring road, Murton and York's urban area will remain.

However, English Heritage/Historic England, in an Annex in the Pre Publication Local Plan⁵ stated:

Relationship of the historic city of York to the surrounding villages.

Impact (a) The development of this area would reduce the gap between the existing edge of the built-up area of the City from 1.6 km to 720 meters, which is quite a marked reduction - i.e. it could not be described as leaving a "reasonable gap" between Murton and the new eastern edge of the City.

Mitigation (a) In order to retain the relationship of the main built-up area of York with Murton, a substantial area of open countryside should be retained between any new housing and the village.

In reply, CYC writes that to

maintain that the development is located some distance from Murton and that the impact of development on this character element is minor as Murton and York will be separated by a strip of fields and the ring road (ref 3).

The site has scored a mix of minor and significant negative effects for this Objective 14 subject to the implementation of mitigation (ref 4).

Since then, there have been several changes to the plans. Nevertheless the separation between ST7 and the village remains at ca 750 metres, which English Heritage/Historic England does not regard, as we agree, as a 'reasonable gap'.

³ City of York Local Plan Sustainability Appraisal Appendices A-G Publication Draft Regulation 19 Consultation February 2018 page 826

⁴ City of York Local Plan pre-publication (Regulation 18 consultation) Heritage Impact Appraisal. Consultation with English Heritage pages 26-30

⁵ City of York Local Plan pre-publication (Regulation 18 consultation) Heritage Impact Appraisal. Consultation with English Heritage. May-August 2014: Feedback on Strategic Sites HIA page 127

The Parish Council therefore asked CYC to take more account of these criticisms of the present boundaries to ST7 and that they should be redrawn to avoid any unfortunate impact on views to the City and to ensure that the gap between ST7 and the village is increased significantly. Our request appeared to have been studiously ignored and the number of houses on the site was actually increased.

We comment below (please see (iii) below) on the problems of increased traffic if there is an access road to Murton Way. However, there is an environmental aspect that has not been addressed properly in the Local Plan. We refer to the *City of York Historic Character and Setting Technical Paper Update*⁶ where the map shows clearly that the area between Murton Way and Osbaldwick Beck is deemed to be of worthy of Historic Character and Setting Designation and the importance of Corridor 15, the Osbaldwick/Tang Hall Corridor is emphasized in the *City of York Biodiversity Action Plan*⁷.

(iii) the impact on the Parish and neighbouring parishes by the increased traffic from ST7.

The problem is that we are commenting on a proposal which is, for us, a very large scheme, for it contains dwellings that are about 8 times the number in our village but we have to do so without the benefit of adequate information about the infrastructure.

We write this with our recent questionnaires for the Murton Parish Neighbourhood Plan uppermost in our minds. These were detailed documents to which 83% of households responded, of which 95% were concerned about the traffic through the Parish⁸.

The description of ST7 is littered with such phrases as the 'site must be master planned'⁹ and delivered in accordance with the following key principles Demonstrate that all transport issues have been addressed....Detailed surveys of existing highways together with a detailed Traffic Assessment are required....'

Yes, indeed. In a Planning Inspectorate report¹⁰ in 2016, in which traffic was of major concern, the Inspector's report is scathing about the figures produced by the City of York Council for traffic in our area. One example concerns Murton Way. He writes 'Can the parties confirm the information given to the hearing that the traffic flows along Murton Way have not increased materially since 2003?'. There was no answer.

The effect of the ST7 and other developments nearby, for example ST4, is just one side of the coin. The other is large housing developments outside the City boundaries, for example

⁶ City of York Historic Character and Setting Technical Paper Update June 2013 page 9

⁷ City of York Biodiversity Action Plan May 2013, pages 42-43

⁸ Murton Parish Neighbourhood Plan Questionnaire Reports October 2017 and January 2018

⁹ City of York Local Plan Pre Publication Draft Regulation 19 Consultation February 2018 ⁹ page 45 (Incidentally note the subtle use of the word, master)

¹⁰ Planning Inspectorate Report APP/C2741/W/15/31352/4

in Pocklington and Stamford Bridge, must be taken into account. There is no evidence that these have been considered.

Another phrase in this section of the Local Plan is also indicative of the lack of information about the effect of traffic on the Parish, namely, 'There are various access points for the site....which will need to be assessed in more¹¹ detail' but we also note that vehicular access will be provided planned 'from Stockton Lane to the north of the site and/or Murton Way to the south of the site with a small proportion of public transport potentially served off Bad Bargain lane'.¹² Similarly the proposal map¹³ shows an exit on to Murton Way. Confusingly, there is also reference to the provision of 'vehicular access from Stockton Lane to the north of the site *and/or* (our italics) Murton Way to the south'.¹⁴ There is also mention at one point of access from the west.¹⁵

Let us assume that the *and/or* is an *and*. The proposal does nod towards the difficulties if this is so. 'Minimise impacts of access from Murton Way....'¹⁶ The access from Murton Way could, incidentally, use Outgang Lane which is currently blocked alongside the travellers' site and this has long been a no-go area past the site, in spite of there being a public footpath there. Indeed, the City of York Council has failed consistently in its duty to keep this footpath open. Annex 19 *Site Selection Paper* recognises that, if access were to be from Outgang Lane/Murton Way, substantial improvements would be needed to Murton Way for the safety of cyclists and pedestrians and in the interests of local residents. Increased use of Murton Way would have grave implications for the wider network of rural roads.

We are also conscious that there are statements that 'high quality, frequent and accessible public transport services through the whole site, to provide attractive links to York City Centre will be sought enabling upwards of 15% trips to be undertaken using public transport'.¹⁷ Even if this comes to fruition, it is the other 85% that concerns us, potentially increasing the already severe strain on the village roads in the Parish, principally Murton Way and Murton Lane.

We also note the words of caution such as 'Travel planning measures may reduce the motor vehicle trip generation but adequate transport links will need to be in place to make such

¹¹ City of York Local Plan Pre Publication Draft Regulation 19 Consultation February 2018 page 46 Paragraph 3.45

¹² City of York Local Plan Pre Publication Draft Regulation 19 Consultation February 2018 pages 46-48

¹³ City of York Local Plan Pre Publication Draft Regulation 19 Consultation February 2018 Policies Map (North)

¹⁴ City of York Local Plan Pre Publication Draft Regulation 19 Consultation February 2018 vi page 45

¹⁵ City of York Local Plan Pre Publication Draft Regulation 19 Consultation February 2018 paragraph 3.45 page 46

¹⁶ City of York Local Plan Pre Publication Draft Regulation 19 Consultation February 2018 x page 46

¹⁷ City of York Local Plan Pre Publication Draft Regulation 19 Consultation February 2018 vii page 46

measures effective'.¹⁸ Our village has 3 buses a day into York, none on Sundays so we await these plans with interest!

The Plan also recognises that Murton is on a cycle route, heavily used both by leisure cyclists and commuters although two of the three narrow rural roads to and from the village do not have footpaths and the third has a width that only allows walking in single file. At peak times there is a heavy and constant flow of traffic which conflicts with pedestrians and cyclists (and horse riders) and much of the road system is derestricted.

We believe that the viability of ST7 depends on a *robust and independent*¹⁹ transport assessment in relation to this site. Indeed the survey must address the potential impact on the wider network of rural roads on the east side of York before any decision about this site can be made. The problem crystallises when the authors of the Plan write that '...level of improvement required, including the associated improvements/upgrades to junctions, carriageways and footpath widths etc.'²⁰ will be informed by a traffic assessment. And with that, the rural vision for our Parish disappears. It is a conundrum that the authors of the Plan fail to address but must do so before ST7 is considered to be viable.

(iv) Conclusion

We are conscious that there is a tension between SS1 and SS2 and that the City of York Council in interpreting SS7 has tried to balance the two. In doing so, it has to be mindful that the area for SS7 is large enough to ensure that the Garden village will attract funding to make the necessary infrastructure viable. However, we do not feel that the Plan has given nearly enough credit to the criticisms levelled by English Heritage/Historic England, by the Ward Councillor or by our Parish Council.

We urge CYC to proceed with further work on the feasibility of ST7, particularly on the points we identify, before any final decision is made. We can see little evidence that our concerns have been considered, simply an increase in the number of dwellings.

The Local Plan is to be applauded for identifying the importance of the villages as a setting for our historic city. It defends our Green Belt, and in Section 9 (Green Infrastructure) and Section 10 (Managing Appropriate Development in the Green Belt), provides us with an optimistic vision only to disappoint us profoundly by not grappling with the consequences of their proposal for ST7 and its effect on the villages that it identifies as jewels.

¹⁸ City of York Local Plan Pre Publication Draft Regulation 19 Consultation February 2018 page 47 paragraph 3.46

¹⁹ Please refer to Planning Inspectorate Report APP/C2/41/W/15/3135274

²⁰ City of York Local Plan Pre Publication Draft Regulation 19 Consultation February 2018 pages 46-47 paragraph 3.45

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

OFFICE USE ONLY:

ID reference:

RECEIVED

04 APR 2018

BY: _____

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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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	Anthony	
Last Name	Gregory	
Organisation (where relevant)		
Representing (if applicable)		
Address - line 1	[REDACTED]	
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.

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)

I assume that the document is Legally compliant - but I am not a lawyer so am not in a position to say. This does appear to be an odd question to ask the ordinary man in the street. I regret that I have to say that I consider the structured format whereby we are asked to comment upon the Local Plan would appear to have been devised so as to deter many people from responding!

Yes the document would appear to be compliant with the Duty to Cooperate. However, my reservations regarding the narrowly structured format are pertinent.

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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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 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.

I consider the level of houses proposed to be built on the Sugar Beet Site (ST1) and on the York Central (ST5) to be excessive leading to a very high risk of environmental damage. The road traffic that will arise from the proposal to build possibly over 3,500 houses on sites ST1 and ST5 (many of which will probably have more than one car) together with the commercial traffic from the 100,000 sqm of employment floorspace on site ST5 will surely result in an untenable upsurge of vehicle activity on Poppleton Road and Boroughbridge Road into York. This important route into and out of York is already regularly congested at peak times. With this additional weight of traffic I foresee vehicles frequently at a standstill along this residential corridor into York, spewing out harmful emissions leading to an unacceptable increase in air pollution. The green-space lost to house building on the Sugar Beet Site (ST1) will further exacerbate the deterioration of air quality. Unless the level of houses proposed to be built on these two sites is drastically reduced the impact on the occupants of the existing dwellings along Poppleton Road and Boroughbridge Road will be hugely detrimental. Surely they must not be asked to suffer potential health problems arising from high level air pollution and a worsening of their quality of life in order to meet the Council's housing targets.

On site ST5 proposed number of houses and the size of employment space have been increased substantially since the Local Plan of 2017. It is highly likely that protests regarding traffic congestion and worsening air pollution would now be far higher for these revised plans (2018). However, this could not be fairly reflected by the weight of protests now submitted as far too many people have been deterred from responding by the structure of protest to 2017 due to Council.

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.

I consider that it is necessary to drastically reduce the number of houses proposed to be built on sites S11 and S15 to avoid the traffic problems and attendant health risks that would ensue.

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 Plan¹.

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.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²

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.³

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 or on 01904 554145.

Signature



Date

31st March 2018

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ 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: <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> RECEIVED 04 APR 2018 </div>
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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	PHILIP	
Last Name	CROWE	
Organisation (where relevant)	—	
Representing (if applicable)	—	
Address – line 1	[REDACTED]	
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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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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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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- 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

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.

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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

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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 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.(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 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

 XVII
IX
XII

Policy Ref.

S55

Site Ref.

see below

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.

CASTLE GATEWAY-YORK
Policy S55
St George's Field

para. xvii- indicates an opportunity to provide a new multi-storey carpark on St George's Field.

Piccadilly

para. ix- indicates an opportunity to provide a multi-storey carpark at Castle Mills.

The provision of a multi-storey carpark at St George's Field is totally unacceptable, and is a complete change of policy since the previous draft Plan was available for comment. This area was considered in the "York -New City Beautiful" report prepared in 2010 by Prof. Alan Simpson and his team, where it was recognised as an integral part of the inner city publicly accessible open space parkland. This visionary plan was supported by the City Council.

We can see no evidence justifying this proposal, when the Castle Mills site is fully capable of taking any carparking displaced by the removal of the Castle surface carpark. Moreover it is clearly contrary to the stated Council policy of reducing reliance on car use.

Castle and Eye of York

para. xii- indicates an opportunity for a contemporary new building along the western bank of the River Foss.

It is clear that such a proposal would radically affect the concept of open space as a setting for Clifford's Tower. Any such development was called into question by the Inspector when he gave his judgement in the Public Inquiry into proposals to develop the site as part of a shopping centre some years ago. It is clear that this proposal is included as a means of realising a financial gain to the Council, and does not contribute to the desirable development of the whole of the Castle Precinct, which is now under review.

There is insufficient evidence to support either of these contentious proposals.
 On this count the Plan 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.

DELETE POLICY SSS
references to St. George's Field &
Piccadilly (see response at 5.(4))

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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Retention of Information

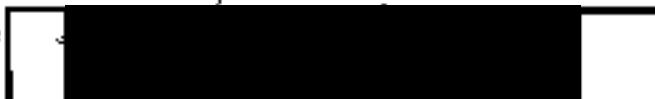
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Signature



Date

3 - 4 / 18

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2017

³ 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: RECEIVED 04 APR 2018

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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	PHILIP	
Last Name	CROWE	
Organisation (where relevant)	WORK ENVIRONMENT FORUM	
Representing (if applicable)		
Address – line 1	[REDACTED]	
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

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Guidance note

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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?

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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)

not qualified to 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.

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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.

A critique of the York Local Plan Publication Draft 2018 headed
"FUTURE HOUSING PROVISION" is attached to this document

**CITY OF YORK LOCAL PLAN PUBLICATION DRAFT 2018
YORK ENVIRONMENT FORUM RESPONSE - para 5.(4)**

FUTURE HOUSING PROVISION

(1)-DELIVERABILITY- the suggested Housing Trajectory (Fig.5.1 and table 5.2) showing very high completion rates for 2020-2023 is unrealistic, bearing in mind the current limited capacity of the construction industry which is likely to continue for some years, and the length of time needed to legally acquire sites, allow for public consultation, obtain planning and other approvals, complete essential infrastructure and advance landscaping, and secure necessary finance. That the proposals acknowledge that it is almost impossible to determine a definitive forward programme for completions at this scale is confirmed by the number of caveats outlined in para 5.13.

On this count the Plan is considered UNSOUND.

(2)-HOUSING DENSITIES-

Policy H2 sets the preferred densities as 100 units/ha within the city centre; 50 units/ha within the York urban area; 40 units/ha within the suburban area+ Haxby/Wigginton, and 35 units/ha in the rural area and villages.

There is ample evidences from elsewhere that higher densities can provide satisfactory housing for a variety of household formations, without compromising the social and environmental benefits which the Council seeks to promote, in line with its sustainability agenda. The plan proposals fail to take into account current thinking on low-rise higher housing densities, with its beneficial reduction in land-take, particularly that of agricultural land.

On this count the Plan is considered UNSOUND.

(3)-SITE EVALUATION-in order to achieve an annual completion rate of 867 units p/a the following major sites have been identified, in addition to several minor sites not considered here:-

ST1-British Sugar 1100 units	ST9-north of Haxby 735 units
ST5-York Central 1700-2500 units	ST14-west of Wigginton Road 1348 units*
ST7-east of Metcalfe Lane 845 units*	ST15-west of Elvington Lane 3339 units*
ST8-north of Monks Cross 968 units	ST17-Nestle south 863 units

Of these ST7, ST14 and ST15 are regarded as "new garden village" settlements".

ST1- is a low density scheme and has no affordable housing, contrary to Council policy, on the basis that the high site remediation costs preclude this. No costs are available to justify this argument A higher density would be possible.

ST5- there is an over-estimate of the amount of land available for development due to site constraints and existing users' requirements.

ST7- access to services is problematic and it requires major infrastructure investment, reaching as far as the Tang Hall Lane junction. The site is not large enough to support adequate social provision for residents' needs, with adverse transport impacts on adjoining main roads into York centre.

ST8- a higher density would be possible. The provision of compensatory public open space intended for residents' use to the east of the site across a busy road is unacceptable.

ST9- any extension to Haxby on this scale is unacceptable, as the settlement is already overdeveloped, with inadequate infrastructure and access to services.

ST14- the proposal for a large "Eco-settlement" in this area was abandoned some years ago. This is in no sense a sustainable settlement. It is not close to any proposed new employment opportunities, and will generate unacceptable car trips as a result. This would add to increased congestion on the outer ring road (A1237). The costs of the necessary advance infrastructure, including any ring road upgrading, make it undeliverable, as long term external funding cannot be guaranteed. As with ST7 the development is not large enough to support adequate social provision for residents' needs.

ST15- much of the criticism of ST14 applies to this site, which cannot be considered a sustainable settlement as it is not large enough.

ST17- a previously developed site which should include a cross road link between Wigginton Road and Haxby Road.

An alternative proposition would be to review housing density on appropriate sites, delete the most contentious sites ST7,ST9,ST14 and ST15, a total of 6287 units, and allocate a site for a fully sustainable stand-alone settlement for up to 7500 units, which could be regarded as a minimum size, in the area previously designated as ST15, west of Elvington Lane. There would be clear economic and social benefits in concentrating development on a single large site. This could justify the high capital costs of the initial infrastructure, including connection to the A64, and avoid the problematic dualling of the A1237 on the north of the city.

It is clear that available evidence which would feed into constructive policy making with practical and deliverable end results has either not been considered or ignored. This is of some significance when the successful realisation of this element of the overall Plan depends almost entirely on the private sector to provide the necessary solutions.

On this count the Plan is considered UNSOUND.

AN ALTERNATIVE VIEW

The use of theoretical "targets" for actual housing completions fails to recognise that the current system of housing provision depends on the private sector, where the market reigns supreme. Far better to allocate sites with a "potential" for "x" number of units, with the market left to decide at what rate such sites could be brought on stream. This would encourage a more realistic view of a sustainable housing programme, and allow for flexibility as supply and demand change over time.

Philip Crowe

York Environment Forum 3rd April 2018

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.

Reasons for considering the Plan unsound are given in detail in the document attached to para 5.(4). The changes recommended will require a comprehensive revision of all the sections of the Plan relating to housing.

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.

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Retention of Information

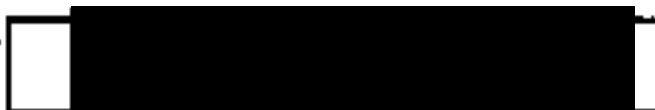
We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local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

Your rights

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Signature



Date

3 4.2018

¹ Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17, 27, 35 & 36 Town and Country Planning (Local Planning) (England) Regulations, 2012

² Regulation 19 Town and Country Planning (Local Planning) (England) Regulations 2012

³ 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:

RECEIVED

04 APR 2018

BY: _____

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	ALISON	
Last Name	STEAD	
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-TYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA**
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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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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?

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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

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)

Site ref SP1, The Stables, Brinkworth Estate, Elvington. The family living on this site were granted a 5 year temporary residence permit in order to meet an immediate need and in the expectation that CYC through it's development plan process would be coming forward with potential TSP sites. This temporary permit expired on 14th June 2016 after which the ruling was for the site to be returned to its green belt status.

This proposal for 3 permanent sites is contrary to the original court ruling on temporary occupancy of the land and contrary to government policy on development of greenbelt land. It opens CYC to challenge for development on greenbelt at other places and for unfair discrimination against local families who would seek to remain in the village but for whom the ruling on no build on green belt would have been upheld.

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.

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).

6.(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.

SP 1

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 proposal is:

- 1) NOT consistent with national policy concerning land determined as Green belt land. The site has previously been determined by the Planning inspector as serving green belt purposes
- 2) NOT positively prepared : The temporary permit for this traveller's site expired on 14th June 2016 after which the ruling was for the site to be returned to its green belt status.
- 3) NOT justified. CYC should be seen to be responding to the court ruling and at the very least be addressing Policy E of the NPPfTS i.e ' that Traveller Sites in the Green Belt are inappropriate development and should not be approved except in very special circumstances.'

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.

I consider that CYC should follow through it's development plan process and come forward with potential TSP sites asap in order to provide a suitable site for the traveller family.

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:

I have knowledge and expertise on the nature of the hedgerow adjoining the land proposed for development in Church Lane H39 which I feel will be important for formulation of a decision on this proposal.

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

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 8 weeks after the date of the formal adoption of the Plan.³

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Signature

Date

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³ 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:

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11/02/18

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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	DR	
First Name	ALISON	
Last Name	STEAD	
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		

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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.

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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

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)

The land at H39 has previously been stated as serving Green belt purposes by the Planning Inspector. The decision to develop and build on this land is contrary to this previous determination.

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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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 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 proposal is:

- 1) NOT positively prepared,(i) it fails to provide for the housing needs of the village for affordable housing and larger houses. The site at Dauby Lane H26 would provide for more houses - upwards of 60 - of a wider mix of housing ranging from 2 to 4/5 bed which would provide for the ongoing needs of the village of. 28 houses proposed at Church Lane H39, (ii) it fails to provide due consideration of traffic flow out of the single exit from Beckside. The extra traffic both within Beckside and exiting onto the main street would adversely impact on residents of the village.
- 2) NOT justified because it is not the most appropriate development for the village. A reasonable alternative site is the previously CYC proposed Dauby Lane site H26. See comment at 6.(1).
- 3) NOT justified given that the southern hedgerow of the site is of SINC quality with diverse mature deciduous trees, some subject to TPOs and the hedgerow forms an important wildlife link between the nationally important Wheldrake lngs area and the statutory Nature conservation site - River Derwent. The effectiveness of the link would be severely impaired with a housing development along one side of the hedgerow, e.g. existing barn owl populations known to hunt along the hedgerow are likely to cease to do so. Both the biodiversity importance and amenity importance of this part of the village will be impaired by this proposed development.
- 4) Furthermore it is NOT justified given the strategy to address the SINC hedgerow and TPO trees falls short of appropriate safeguarding. The proposal states TPO trees 'would need to be retained with an appropriate buffer for the tree canopies'. This strategy fails to take into account the extensive tree root system of such well-established trees which would be adversely affected by housing foundations and hard surface cover like tarmacked road and which cover a larger area than the tree canopy protection noted in the proposal. The plan is 'not the most appropriate strategy'.
- 5) NOT justified: the plan is not the most appropriate strategy in relation to flood risk and drainage. There has been extensive ongoing flood and water drainage issues in the proposed site and Church lane this year The building of houses with increased area of hard surface and reduction in soak away land will exacerbate this causing increased waterlogging in the site and potential loss of trees (inc.TPO ones) in the hedgerow.
- 6) NOT consistent with national policy concerning Green belt land. The proposed extension to Beckside would be on a site which has previously been determined by the Planning inspector as serving green belt purposes.

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.

I consider that CYC should reinstate the proposal for development at Dauby Lane H26 to address my concerns over the development at Church Lane site H39.

The Dauby lane site H26 has the advantages of linking the 'two halves' of the village; building on a site which currently is semi derelict; and which is ideally situated between the school and the multi-purpose site with doctors surgery/sports & social club and year round afterschool facilities. Residents would be able to walk to all without the need to use a car. In the CYC Preferred sites consultation document there is a statement that 'The site currently provides a gap between the main village centre and the industrial/commercial areas to the north'. This analysis is incorrect and fails to recognise the extent of existing residential development within the industrial area of the village; some of which has been recently extended viz. at the Conifers. Thus there is already significant residential development in the industrial estate areas of the village and the industrial estates are light industry without any direct adverse effect on residential development.

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:

I have knowledge and expertise on the nature of the hedgerow adjoining the land proposed for development in Church Lane H39 which I feel will be important for formulation of a decision on this proposal.

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.

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Signature

Date

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ 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: RECEIVED 04 APR 2018 BY: _____
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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


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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	DR	
First Name	ALISON	
Last Name	STEAD	
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.
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Guidance note

Where do I send my completed form?

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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)

This document is not legally compliant with Sustainability Appraisal and for development in relation to national rulings on Green belt land.

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 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

ST15

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.

This proposal is:

- NOT positively prepared as the current siting of this development is not directly linked to the main traffic route of the A64. It is not addressing infrastructure requirements. I note that it is stated that 'Any large scale development solely relying on Elvington lane would not be supported' I would add that any significant increase of traffic on the B1228 will have adverse effect on movement of traffic in the area. The B1228 is a road heavily used by sat nav guided HGVs to the M62 which already causes problems in Elvington village main street and the bridge into Sutton. It is not clear how an effective link to A64 will be created without destroying areas of countryside and thereby adversely affecting the desired garden village effect.
- NOT justified : The runway is to be split. Is this an appropriate action on this unique facility for historic and current amenity reasons? It is currently providing good income with a variety of events, of local and national interest, with commensurate spin off for the City of York tourism.
- NOT justified. The current siting is very close in proximity to the villages of Wheldrake and Elvington and its size is disproportionate to them. The site should be moved nearer to the A64, Elvington and Wheldrake remain villages and Heslington boundaries are protected by the A64. Some controlled residential development in the village should be allowed but within proportion to the existing size of the village so that the village can retain its character.
- NOT justified. There are a number of significant wildlife areas including an SSSI in the vicinity and it is not clear how these will be safeguarded and how the wildlife corridors set up in the biodiversity plan would continue to operate.

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.

Reconsideration of the proposed siting of this significant development to the siting of the previously proposed 'Whinthorpe' site which was nearer to major road infrastructure ie. the A64 so that it is more clearly linked into existing infrastructure including the A64 and facilities and with its own environs without impinging on smaller neighbouring villages.

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.¹

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.²

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.³

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Date

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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: RECEIVED 04 APR 2018 BY: _____
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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	DR	
First Name	DAVID	
Last Name	STEAD	
Organisation (where relevant)		
Representing (if applicable)		
Address – line 1	[REDACTED]	
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

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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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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 land at H39 has been previously been stated as serving green belt purposes by the Planning inspector. The decision to develop and build on this land is contrary to this previous determination.

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

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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)

Positively prepared	<input checked="" 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.

H39

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.

This proposal is :

1. **Not positively prepared** as it fails to provide for the village's housing needs ie. for smaller affordable houses in particular. The rejected site at Dauby lane would provide for more houses. It also fails to provide adequate consideration of increased traffic flow along Beckside as well as the increased traffic in the centre of the village.
2. **Not justified** given the hedge row to the south of the site is classed as SINC quality with several large trees with TPOs, forming a link to the national nature reserve and SSIs around Wheldrake Ings. This proposed development would be close to the hedgerow and could impact on the biodiversity and amenity importance of this hedgerow and its links. Furthermore, it is not justified given the strategy does not provide appropriate safeguarding of the canopy and root systems of the hedgerow and its trees with TPO status.
3. **Not justified** because it is not the most appropriate development for the village. The previously proposed Dauby Lane site H26 would in my view be a better site. Much of the land is derelict. CYC rejected this on the basis that it would link the 2 halves of the village. The Parish Council would like to unite the 2 halves of the village and H26 would do this.
4. **Not justified** because the plan does not have the appropriate strategy for flood and drainage issues. In recent years the road along the hedgerow has flooded on several occasions. This is likely to get worse with the increased hard surface that would result for the 28 houses and roads proposed. This could impact on the health of the hedgerow and the trees with TPOs.
5. The proposal is not consistent with national policy for Green belt land

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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I consider that the CYC should reinstate the Dauby Lane site H26 to address concerns for the development of the H26 Church lane site. This has the advantage of linking the 2 halves of the village, providing more housing and having less impact on the local environment.

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

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

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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)

I have no knowledge to suggest that the document is not legally compliant in both respects.

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 draft Local Plan is not sound because:
 It is not properly prepared or justified because it is not an objective assessment of where new housing areas should be located so far as ST1A is concerned;

and because the infra-structure works required for highway, A1237 in particular, generated by ST1, ST2 and ST1A are not deliverable over the Plan period or by developers even working with statutory bodies.

It is not consistent with national planning policy - NPPF - no green belt, and is in conflict with the draft Local Plan primary & other purposes for green belt land

PLEASE SEE ATTACHED DETAILED REPRESENTATIONS

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.

Removal of ST14 from the Local Plan.
Maintaining ST14 in the Green Belt.
PLEASE SEE ATTACHED DETAILED
REPRESENTATIONS

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 inform me of the date & venue for the hearing session

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.¹

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 Plan³

Your rights

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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 or on [01904 554145](tel:01904554145).

Signature



Date

03 APRIL 2018

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

City of York Local Plan

Publication Draft 2018

Consultation Response form from Lionel Lennox

Policy SS12 and site ST14

I object to Policy SS12 and the allocation of site ST14 for housing (a new garden village of 1348 houses) for the following reasons:

1 ST14 is in the Green Belt. It is well-inset the Green Belt. ST14 contributes to the several purposes of the green belt (NPPF). To remove ST14 from the green belt undermines those purposes. In particular its necessary connectivity with the A1237 together with the infrastructure works and enhancement of the capacity of A1237 which the draft Local Plan anticipates will be in conflict with the purpose of safeguarding the countryside from encroachment and checking the sprawl of large built up areas; the Clifton Moor Gate development has extended the built environment in this locality to the A1237.

2 The Explanation acknowledges the A1237 in the locality of ST14 is; "one of the most congested parts of the northern outer ring road between its junction with the B1363 and its junction with Clifton Moor Gate (and of course the A19) and the A1237 will require significant capacity enhancements to be made to it including junctions ". The Explanation further says "the impacts of the development could require substantial infrastructure to be put in place" which refers to cycleways and provision for public transport.

3 Capacity enhancement of the A1237 and other infrastructure works and improvements between only the A19 and B1363 junctions on the A1237 will not be adequate. A new garden village at ST14 will cause congestion in both directions on the A1237 and well beyond the A19 and B1363 roundabouts.

4 Site ST14 is in conflict with the purposes of green belt and NPPF para80552; and in particular with the Explanation to Policy SS12

5 Conclusion

This is not a good location for a new garden village. It should be removed from the Local Plan for these reasons.

6 If the City of York Council has assessed that during the period of the Local Plan provision for new housing requires a new garden village of 1000 to 1500 new homes, land for such a village should be identified in the Local Plan to the east of York with access to the A64 dual carriageway.

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

OFFICE USE ONLY: ID reference: <div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED 04 APR 2018 BY: _____ </div>

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	Lionel	
Last Name	Lennox	
Organisation (where relevant)		
Representing (if applicable)		
Address - line 1	[REDACTED]	
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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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 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.
- 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

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)

I have no knowledge to suggest that the document is not compliant in both respects.

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.

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 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.	<input type="text"/>	Policy Ref.	<input type="text" value="SS 7"/>	Site Ref.	<input type="text" value="ST2"/>
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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 Local Plan is not sound because:

It is not properly prepared or justified because it is not an objective assessment of where new housing areas should be located so far as ST2 is concerned,

and generally in the City of York because it is not sound in the infrastructure works required for highways, ^{at 1237 in particular} generated by ST1, ST2 and ST14, and these are not deliverable over the plan period ~~and~~ by developers even working with statutory bodies

It is not consistent with national planning policy - NPPF - re green belt, and is in conflict with ~~with~~ the draft Local Plan primary and other purposes for green belt land

PLEASE SEE ATTACHED DETAILED REPRESENTATIONS

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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Removal of ST2 as a area designated for housing
Maintaining ST2 in the York Green Belt.
PLEASE SEE ATTACHED DETAILED REPRESENTATIONS

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 inform me of the date & venue for the hearing session so I may attend as a member of the public

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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Signature



Date

03 April 2018

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

² Regulation 19 Town and Country Planning (Local Planning) (England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) (England) Regulations 2012

29 March 2018

City of York Local Plan

**Publication Draft 2018
Consultation Response form from Lionel Lennox**

Policy SS7 and site ST2

I object to Policy SS7 and the allocation of site ST2 for housing for the following reasons

GREEN BELT

1 ST2 is in the Green Belt. Although the boundaries of the Green Belt for the City of York area have never been precisely defined, there is no doubt that this land has been long established Green Belt land. Explanation (para 3.42) says "The development of the relocated Manor School site has redefined the urban edge in this area – with its brightly coloured buildings and floodlit sports pitches" and "The site is partly rough grazing land and is brownfield following the site's last use as a sports facility. However the site is surrounded by significant urbanising influences with the site being well contained within the urban area.". I challenge these statements:

- Land to the immediate west of ST2 (on the other side of Boroughbridge Road) is Green Belt. ST2 naturally "flows" over the A59 into ST2.
- The buildings of the former Civil Service Club occupied a very small area of ST2 and have been demolished. The former sports fields were extensive providing a cricket field, two hockey pitches and tennis courts (there may also have been football pitches). It is not brownfield in the sense of land previously developed by buildings which are now redundant or demolished. Since the Club closed the land has been neglected. Some of ST2 remains in agricultural use.
- Planning permission for the new Manor School can only have been given (in 2007) in the Green Belt for "very special circumstances" which outweighed the harm to the green belt. I do not know what the special circumstances were. The

construction of the new School, now Academy, sometime since 2007 in very special circumstances does not justify taking ST2 out of the Green Belt now.

- Provision for outdoor sport is an appropriate land use in Green Belts (National Planning Policy Framework (NPPF) para 81. The sports pitches at the new Manor Academy are not a justification for ST2 to be now allocated for housing
- The suggestion that Manor School or the York Outer Bypass now define the urban edge of the City here is not a justification for taking ST2 out of the Green Belt. There are extensive areas of green belt land on the 'inside or City-side' of the A1237 eg to the immediate west of ST2. Additionally, maintaining the Green Belt where developments in the past 10 years have reduced the clear separation gap between York and Poppleton supports the purpose of green belt in checking unrestricted urban sprawl and coalescence of distinct built settlements.
- Poppleton Bar Park and Ride and Poppleton Junior Football were built in the green belt and came within the group of developments regarded by planning policy as sufficiently special and exceptional to be appropriate for green belt. i.e. local transport infra-structure and sport recreation facilities. Those developments do not justify taking ST2 out of the Green Belt.

- 2 One of the purposes of Green Belt is to preserve the setting and special character of historic towns; this includes the internationally important City of York, its medieval heart and York Minster. In this regard the extensive land forming part of the former Civil Service Sports Ground, when the Club was open and active, provided a large green open space of sports fields. The entry to York along the A59 Boroughbridge Road was especially attractive at its approach towards the Civil Service grounds. There were particularly good views across the green open space – at the time the hedges were regularly maintained, and lower than they are now

3 Since the Club closed (some 12/15 years ago) the hedges along Boroughbridge Road have been neglected and have grown very tall, and the views across the land towards the city are now obscured.

4 Other purposes of Green Belt are to check unrestricted sprawl of large built up areas and to prevent neighbouring towns and settlements (which includes Poppleton with its own defined settlement boundary) from merging one into another (NPPF para 80). ST2 provides an important buffer between the existing developments in Boroughbridge Road (towards the city) and Poppleton. The fact that the land is inside the York outer ring road is irrelevant.

5 During the time of the Civil Service Club's custody of ST2 the land fulfilled another national policy because one part provided opportunities for sport and recreation (NPPF para 81) and another part has been in continuous use as agricultural land.

6 Development of the former Manor School and the British Sugar land will be development on both brown field and open land – this is ST1 in the draft Local Plan. Development on the Civil Service Club land, ST2, has to be distinguished – both in law and planning policy – from ST1 because it is green belt land. Importantly, a statutory purpose of green belt land is “to assist in urban re-generation by encouraging re-cycling of derelict and other urban land” (NPPF para 80). ST2 must be seen in the context of the substantial number of new houses which are proposed to be built on the former Manor School and British Sugar sites (ST1)

7 Removing the land from the Green Belt would also reduce quality farm land in the locality. With the UK coming out of the European Union City of York Council (CYC) should be mindful of the fact that the UK will be more dependent on its farmers in the

future. Retention of land for agriculture will be of importance in the future; and CYC can take this opportunity to be "ahead of the curve".

8 Playing fields at four local locations, namely British Sugar, the former Manor School, the former Lowfield School, and the Civil Service Club, have all been lost to the community in recent years. Demand for more playing fields for an expanded Manor Academy (which is inevitably with 1200 new houses on ST1) and for Poppleton Junior football club and the new Poppleton Cricket Club should be born in mind. The Local Plan should recognise this almost certain future demand for more playing fields. This can be done by retaining ST2 in the green belt. Much of this land having been used for sports fields it can be used again for these purposes.

[New Open Spaces have been allocated at OS1 for Manor Academy, but this school in all likelihood will have to expand its buildings considerably. Also OS2 if used for cricket is not going to be used for football as well.]

TRAFFIC AND HIGHWAYS

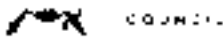
9 The Explanation (para 3.43) acknowledges that residential development of ST2 'will be likely to exacerbate congestion in the area, particularly at peak times'. The proposed development of 1200 houses on the former Manor School and British Sugar sites ST1 will increase traffic on both these roads. At peak times there is frequently congestion and standing traffic on the A1237 in the locality of ST2.

The Highway Authority has acknowledged that the volume of traffic on the York west outer ring road A1237 and Boroughbridge Road is now almost at full capacity. [See Application by Miller (homes Ltd 14/D2979/FULM)].

CONCLUSION

10 This land fulfills several of the purposes of green belt land as set out in NPPF. It has provided a strong role in protecting the special historic character of the city. This was the case when the Civil Service Club was in operation when boundary hedges and sports grounds were well maintained, providing open views and sports facilities. Agricultural land continues to be provided on part of ST2. The land is a significant parcel of land preventing coalescing of York and Poppleton. This is all the more important here because the 'gap or buffer' of open land is slim.

10 ST2 should continue to be green belt land. To do so fulfils and is "on all fours" with Policy SS2 of the Local Plan: to safeguard the setting and special character of York, and the Policy Explanation states over and above such areas other land is included to regulate the form and growth of the City by checking the sprawl, safeguarding the countryside from encroachment; and encouraging the re-cycling of derelict and other urban land.



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

OFFICE USE ONLY:
ID reference:
RECEIVED
04 APR 2018
BY: _____

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	MRS	
First Name	CHRISTINE	
Last Name	MICKENNA	
Organisation (if 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		

Part B Your Representation

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

YORK COUNCIL

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

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)

- Contradicts the statement "without compromising the ability of future generations to meet their own needs" (Brundtland Commission 1987).
- Contravenes the European Directive 2001/42/EC
- Have ignored common sense considerations for detrimental environmental issues which will ensue, and is therefore seriously UNSUSTAINABLE

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

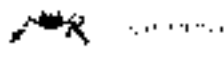
What makes a Local Plan "sound"?

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 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.	Table NESI	Policy Ref.	200 Reg 39789 - DARR0412	Site Ref.	York.gov.uk/ local plan
---------------	------------	-------------	--------------------------------	-----------	----------------------------

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(1) Local Plan for development of 735 new homes North of Harby ignores ALL (1 - 15) points of Sustainability Objectives supposedly used to Appraise the Local Plan

5(2) With recent proposals for developing Brown Field Sites in and around York, the need to develop further on proposed sites is unjustified. This applies to Harby especially with it's current problems with: (1) congestion on access roads (2) drainage and sewage issues (3) local inadequate parking (4) Major problems anticipated with construction vehicles (5) Pressure on Health Centre and Schools

6 Please set out what change(s) you consider necessary to make LP legally compliant or sound
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.

Large reduction in the number of dwellings proposed in order to comply with both Brundland Commission 1987 and European Directive 2001/42/EC. The Plan at present risks serious detrimental environmental effects of Local Communities Development of Brownfield sites FIRST.

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

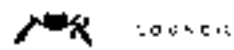
Yes, I wish to appear at the examination

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:

[Empty box for response to question 7.(2)]

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.¹

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.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²

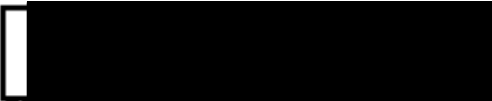
Retention of Information

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.³

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 or on [01904 554145](tel:01904554145).

Signature 

Date 4 14 | 18

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

I object to the Local Plan on the following grounds:

1. Haxby
has already suffered massive development and can take no more. Any new development on this scale should be on a completely new site away from existing suburbs and from York itself, with its own new roads, sewers, shops, schools and medical centre.

2. There
are various references to developers "working with" and "working towards" various goals. We all know that this is just not going to happen. Developers cannot be trusted to build affordable housing, let alone roads, drains, parks, schools, shops and medical centres. City of York Council's complete inability to enforce planning conditions can be seen in the Hungate development, which was supposed to have a riverside walk with trees. This does not exist. Neither developers nor the council can be relied on to keep to agreed plans, let alone the woolly suggestions in the consultation document. I understand that the Council's Planning Enforcement Department is already overstretched, which tells me that developers are already breaking the rules in the knowledge that there will be no enforcement. The only way any development can work is if developers are legally compelled to build new amenities on pain of massive fines, and if the Council provides adequate enforcement

3. There
are only three roads connecting Haxby and the planned new development with the A64, A1237 and York itself. None of these roads can take any more traffic. No amount of new junctions can change this fact. Traffic on York Road, Strensall Road and the B1363 is already at a standstill during rush hours, with the resultant drop in air quality and increased danger to cyclists and pedestrians. The existing "cycle lanes" on York Road are far too narrow and there are none at all on Strensall Road and the B1363, which are extremely dangerous for cyclists, especially schoolchildren.

4. We
have been promised dualling of the A1237 and A64 for decades. No development should even be considered until this has happened. Even then, new developments at Haxby, Wigginton and Rawcliffe would return the traffic on the A1237 to its present levels. New businesses are already being deterred from investing in commercial spaces along the ring road. The A1237 should be dualled without any new developments in surrounding areas. Only then would the traffic return to reasonable levels.

5. A new
station at Haxby, even if one is ever built (again we have been promised it for decades) is unlikely to help much as people would want parking space at the station, further clogging the already overburdened Towthorpe Road. Further, I understand that new rail timetables will mean extra trains along the York to Scarborough line, leading to more frequent closure of the crossing gates on both York Road and Towthorpe Road, thus holding up traffic even further.

6. Access
roads to and from any new development would feed into Usher Lane and Moor Lane, which are country lanes and which already have increasing traffic at increasing speeds. The junction of Usher Lane with Station Road in particular is already a problem area, with many parked cars along both roads (see below). It is no good simply prohibiting parking along these roads without providing alternative parking nearby. The thought of years of construction traffic through these junctions and along the village street is truly horrific.

7. There
are already parking problems in Haxby Village which the new car park on the sports field has done nothing to address as it is too far from the shops. Unless more shops are built in a different place, any development will only worsen the problem. Haxby Village is already like an obstacle course and old people are having trouble crossing the road.

8.
Construction traffic through Haxby village would be a nightmare. Roads in the area are already in a bad state and would be made even worse.

9.
Connecting a new development into the existing public sewerage system is not viable. The existing sewers are already overloaded and require urgent renewal. Properties in the Usher Lane area already have extremely high levels of standing water, and properties on Towthorpe Road had their gardens and garages flooded on Boxing Day 2015 as drains could not cope. In many areas, the water table is so high that there is standing water in many places throughout the winter. Discharging more domestic water into the Foss/Ouse system is criminally negligent, not to mention that any new development would lead to the concreting over of fields where the water table is already high.

10. There is currently a two-week wait for non-emergency GP appointments at the Haxby & Wigginton medical centre, and I am told by a GP that they cannot take on any more doctors because the centre cannot physically be expanded any more. Any development at all can only exacerbate the situation.

I am writing this in the full knowledge that my objections will be completely ignored, as have been all the objections to the previous Local Plans over the last several years. The latest incarnation of the plan takes into account none of our previous objections and it is clear that the City Council cares absolutely nothing for the opinions of its taxpayers. This "consultation" is a cynical tick-box exercise which is worth nothing.

The Council could of course prove me wrong by abolishing this whole development. I live in hope.

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

OFFICE USE ONLY: ID reference: RECEIVED 04 APR 2018 BY: _____

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	STEPHEN	
Last Name	KIRKMAN	
Organisation (where relevant)		
Representing (if applicable)		
Address - line 1	[REDACTED]	
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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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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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.
- 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

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 City of York Local Plan Publication Draft 2018 appears to meet the above requirements.

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.

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? N/A.

(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.

I feel the document has been drawn up professionally with due regard to all of the above criteria.

I feel the plan is well prepared - utilising brownfield land wherever possible to avoid damaging local greenbelt land as much as possible.

It also respects the biodiversity of habitats and landscapes and protects Nature Reserves such as Ashham Bog.

However, it also allows for the future development and employment needs for York - but the development both housing and otherwise, seems to be sensible and well designed.

The historic character of York has also been respected.

Utilising the York Central Site and the closing Army bases in the longer term also represents sensible forward planning and sensible utilisation of the land available near York.

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.

N/A

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: N/A

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.

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Signature



Date

28th March 2018

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

² Regulation 19 Town and Country Planning (Local Planning) (England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) (England) Regulations 2012

From: Alan Cook [alancook4959@yahoo.co.uk]
Sent: 04 April 2018 13:05
To: localplan@york.gov.uk
Subject: Local Plan Publication Draft 2018
Attachments: Comments_2018).docx

Please find attached my completed reponse 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

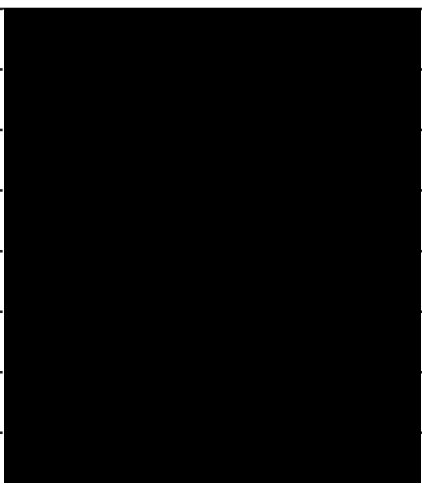
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Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

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	alan	
Last Name	cook	
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		

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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.

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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

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

Yes

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

I have no reason to believe the plan is not within the law or the duty to cooperate has not been fulfilled.

City of York Council have their own legal department.

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. vi and x

Policy Ref. SS9

Site Ref. ST7

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.

My comments are directed to the site ST7 and Policy SS9 East of Metcalfe Lane, more specifically, the road access to the south of the site.

Establishing new access roads will be essential for the viability of the site and have not been confirmed or positively prepared for this site.

With reference to paragraphs vi. and x. in Policy SS9 and considering- (*the site must be master planned and delivered in accordance with the following key principles*), the texts for the two principles below are confusing and misleading.

vi. Provide vehicular access from Stockton Lane to the north of the site and/or Murton Way to the south of the site (as shown on the proposals map)...

Comment- The access to the south as shown on the proposals map is from Outgang Lane not Murton Way.

x. Minimise impacts of access from Murton Way to the south on 'Osbalwick Meadows' Site of Importance to Nature Conservation and provide compensatory provision for any loss.

Comment- There will be no impact or loss because site access is as shown on the proposals map from Outgang Lane not Murton Way.

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.*

Changes to the text are required to make both principles as written correspond with each other and give correct information, to make the plan sound.

I suggest revised wording to key principle vi. :-

*'Provide vehicular access from Stockton Lane to the north of the site and/or **Outgang** Lane to the south of the site (as shown on the proposals map) with a small proportion of public transport served off Bad Bargain Lane. Access between Stockton Lane and **Outgang** Lane will be limited to public transport and walking/cycling links only'.*

Modification required to correct text to correspond with proposals map.

I suggest removing the key principle x. completely or alternatively revised wording (considering there is an existing public footpath crossing the SINC which continues to the boundary of ST7).

*'Mimimise impacts of access **by limiting to walking/cycling links only** from Murton Way to the south on 'Osballdwick Meadows' Site of Importance to Nature Conservation and provide compensatory provision for any loss'.*

Modification required to correspond with proposals map which shows vehicular access from Outgang Lane.

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.

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Signature

Date

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

From: Chris Atkinson [Chris.Atkinson@bartonwillmore.co.uk]
Sent: 04 April 2018 13:09
To: localplan@york.gov.uk
Cc: Stuart Natkus; Tate, Liam
Subject: 25859.A3 - Representations to the Publication Version of the York City Council Local Plan - Barratt and David Wilson Homes
Attachments: 25859.A5.CA.ds.PublicationVersionReps.FINAL.180404.pdf; Representation Form April 2018.pdf

Dear Sir/Madam,

We have been instructed by our client, Barratt and David Wilson Homes (Yorkshire East), to submit representations to the Publication Version of the City of York Local Plan. These overarching representations should be read in conjunction with the site specific representations that are also being prepared on behalf of our client and will be submitted separately via the respective consultants.

I would be grateful if you could acknowledge receipt of our submissions.

Regards,

Chris Atkinson
Senior Planner



DDI: 0113 2044 773
W: www.bartonwillmore.co.uk
1st Floor, 14 King Street, Leeds, LS1 2HL

**BARTON
WILLMORE**

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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	Mr
First Name	Liam	Chris
Last Name	Tate	Atkinson
Organisation (where relevant)	Barratt and David Wilson Homes	Barton Willmore
Representing (if applicable)		
Address – line 1	6 Alpha Court	14 King Street
Address – line 2	Monks Cross Drive	Leeds
Address – line 3	York	
Address – line 4		
Address – line 5		
Postcode	YO32 9WN	LS1 2HL
E-mail Address		Chris.atkinson@bartonwillmore.co.uk
Telephone Number		01132044777

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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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 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.
- 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

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 attached 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.

See below

Policy
Ref.

See below

Site Ref.

See below

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 our attached representations

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 our attached representations

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:

Our Client raises objections to the Local Plan as currently drafted as it fails to meet the tests set out at paragraph 182 of the National Planning Policy Framework. These concerns relate to a number of concerns regarding the proposed housing requirement and other strategic aims, development management policies, as well as the omission of some of their sites from the Plan. We need to be able to present our evidence verbally in front of an Inspector, and subsequently answer any questions they raise. Similarly, we need to be able to address any points that the Council raise in respect of the above matters.

Further details are outlined within our attached representations.

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

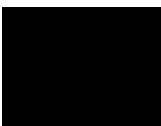
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Signature



Date 04/04/2018

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

Representations to York City Council Plan Publication Draft (February 2018)

Prepared on behalf of Barratt and David Wilson Homes

April 2018

Representations to the York Local Plan Publication Draft (February 2018)

Prepared on Behalf of Barratt and David Wilson Homes

Status:	Draft	Final
Issue/Rev:	01	02
Date:	April 2018	April 2018
Prepared by:	CA	CA
Checked by:	SN	SN
Authorised by:	SN	SN

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Date: April 2018

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- 3.1 Recommended Mix of Market & Affordable Housing in the SHMA

Appendices

- 1 City of York Strategic Housing Market Assessment and Addendum Technical Review – Prepared by Barton Willmore
- 2 Site Specific Representations to Site ST7 – Land to the East of Metcalfe Lane, Osbaldwick

1.0 INTRODUCTION

- 1.1 These representations are made on behalf of Barratt and David Wilson Homes (our Client) to consider the soundness of the City of York Council Local Plan Publication draft consultation (CYCLP). Our Client has a significant portfolio of sites in York, with interests throughout the district.
- 1.2 Our Client is recognised nationally as one of the foremost providers of new homes (both market and affordable) and wishes to work positively within the York area to assist in providing the required level of homes to meet the needs of the district, as identified in the Local Plan.
- 1.3 Our Client has been actively involved in the local plan making process in York and have made representations at all stages of the Local Plan, including representations in October 2017 to the CYCLP Pre-Publication draft consultation. These representations commented on the overarching plan and strategy, together with detailed representations on all of our **Client's sites, together with promotional documents where applicable.**
- 1.4 These representations seek to make comments on the overall soundness of the CYCLP, including the level of homes proposed in the plan, the use of windfall sites in meeting the **Council's housing requirement and** the development management policies. A number of site specific representations have also been made, together with submission of supporting information on the deliverability of those sites and site-specific comments on suitability and deliverability.
- 1.5 **For ease of reference and to note the scale of our Client's interests, Table 1.1 below** identifies the sites that are being promoted in parallel to these overarching representations.

Table 1.1: Barratt & David Wilson Homes' Site Interests in York

Site Address	Site Reference	CYCLP Area	CYCLP 2013 Capacity (BDWH control)	CYCLP 2016 Capacity (BDWH control)	CYCLP 2018 Capacity (BDWH control) (BDWH control)
Manor Heath, Copmanthorpe	ST12	1	250	0	0
Moor Lane, Copmanthorpe	H29	1	65	88	88
Riverside Gardens, Elvington	SF10	2	0	0	0
Eastfield Lane, Dunnington	H31	3	75	84	84

Metcalfe Lane, Osbaldwick	ST7	4	750	35	35
New Lane, Huntingdon	ST11	4	360	0	0
North of Monks Cross	ST8	6	35	35	35
North of Haxby	ST9	6	375	375	375
North of Clifton Moor	ST14	6	750	500	500

- 1.6 A series of individual letters promoting each site are also submitted to be read in parallel to these overarching representations. These address the reduction in the level of homes and the deletion of some sites. These representations identify the site, their deliverability and address technical constraints, together with showing indicative masterplans and promotional documents where applicable. A copy of our representations regarding site reference ST7, which were submitted to the Preferred Sites consultation are appended to this document.

Background

- 1.7 The York Local Plan publication draft was taken to members of the Local Plan Working Group and Executive in September 2014 and a motion passed for that plan to go out to **consultation. This version of the plan constituted what the Council believed to be a "sound"** plan and was to be progressed to consultation and intended submission to the Planning Inspectorate for independent examination in early 2015.
- 1.8 This plan was subsequently halted by Full Council in October 2014, when a motion was passed to review the overall housing requirement in the plan.
- 1.9 Following this, the Council have updated their evidence base and reviewed the overall employment and housing requirement.
- 1.10 Following the Pre-Publication consultation, the Local Plan Working Group took a report to Executive in January 2018, which provided an update on national planning policy and guidance and the potential implications on the preparation of the Local Plan. Members were advised of the DCLG standard methodology for calculating housing land supply, which concludes that an annual housing requirement in York should be 1,070.
- 1.11 Although Members were advised that the Council proposed to retain their own methodology, they were advised to increase the annual housing requirement to ensure that they could approach the Local Plan Examination in a more robust position. A number of options were set out as to how the Council could potentially address an increased housing requirement in terms of providing sufficient allocations.

1.12 Despite the advice of officers, Members did not vote to increase the housing target in the CYCLP, although they did agree to increase the capacity of the York Central strategic allocation.

Soundness

1.13 As this is the Publication version of the Local Plan, these representations will consider the tests of soundness to highlight the areas of the plan that are considered unsound and would remain so should amendments not be made.

1.14 Therefore, in considering the CYCLP these representations will have full regard to the tests of soundness identified in paragraph 184 of the Framework, with specific reference made to the appropriate test where objections are made and alterations identified on how the plan could be made sound. For ease of reference, these tests are noted as:

"Paragraph 182 - The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for **examination which it considers is "sound"** – namely that it is:

- 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; and
- 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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2.0 BACKGROUND AND VISION

- 2.1 **This section of the CYCLP outlines the Council's key spatial issues, opportunities and challenges, together with the proposed vision for the local plan period. Our comments of the policies within this section of the CYCLP are outlined below.**

Vision and Outcomes

- 2.2 The Council's proposed vision and outcomes is outlined on page 16 of the CYCLP. Whilst the majority of the vision and outcome is welcomed it is considered that the Council have failed to encapsulate a key component of the Local Plan, the delivery of housing to meet the **Council's needs, both in terms of open market and affordable housing. As such, we recommend that the statement is amended to highlight the importance of housing delivery.** For example, the Council rightly state that they are seeking to achieve the economic, social and environmental objectives. A key way in which this will be achieved is through housing delivery.

Development Principles

Policy DP1 – York Sub Area

- 2.3 The aims of this policy is to ensure that the City of York functions within its role in the Leeds City region, and sets out a series of criterion as to how this will be achieved. Part iii of the policy states the following – ***"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"***.
- 2.4 **Whilst our Client welcomes the Council's intention to deliver the housing needs within the authority, they object to the fact that the Council are not planning for the full objectively assessed need (OAN), which is set out in their own evidence base and subsequently DCLGs standardised housing methodology. As such, the Council will fail to meet the aims of part iii as currently drafted.**

Policy DP2 – Sustainable Development

- 2.5 Part ii of this policy states that the Council will ensure that development will help provide good quality homes and opportunities through ***"addressing the housing and community needs of York's current and future population"***.
- 2.6 Our Client objects to this part of the policy as it is not positively prepared and is therefore unsound, as the Council are not planning for the full OAN, a point which we have made throughout our previous representations and **which is backed up by the Council's own**

evidence base, the DCLG standardised housing methodology, as well as Barton Willmore's critique of the Council's OAN. As such the Council are not addressing the housing needs of York's current and future population.

Policy DP3 – Sustainable Communities

2.7 In order to ensure that sustainable communities are delivered within York, the Council set out a number of criteria that should be addressed through future developments. Part v of the policy states development should **"contribute to a sustainable, balanced community through provision of an appropriate range of housing"**.

2.8 Whilst it is accepted that the aims of the policy could be considered as a whole, it is not considered that some proposals within the Plan will achieve these goals. For example, the strategic housing allocation at York Central will only provide 1 and 2 bed dwellings, clearly failing to deliver an appropriate range for a development of that scale.

Policy DP4 – Approach to Development Management

2.9 Our client objects to the following statement within policy DP4 – **"where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise (our emphasis)"**.

2.10 This does not accord with national planning policy and the introduction of the additional test as underlined above is unreasonable and unsound and should be deleted from the policy.

3.0 SPATIAL STRATEGY

3.1 This section of the Plan outlines a set of spatial policies that will guide the extent and location of new development through the plan period.

Policy SS1 – Delivering Sustainable Growth for York

3.2 As per our representations at previous stages of the Local Plan, our Client continues to object to the Council's housing target through the plan period. Policy SS1 states as follows:

"Deliver a minimum annual provision provision of 867 new dwellings over the plan period to 2032/33 and post plan period to 2037/38. This will enable the building of strong, sustainable communities through addressing the housing and community needs of York's current and future"

3.3 In the Preferred Options version of Local Plan, the Council considered that the OAN figure was 841 dwelling which was derived from the Strategic Housing Market Assessment (SHMA) document, prepared by GL Hearn, which was published in 2016.

3.4 The SHMA took account of migration trends data that was available at the time which included the Office for National Statistics (ONS) Mid Year Population Estimates 2013 and 2014, as well as improvements to household formation rates for younger households in the 25-34 year age range.

3.5 In May 2016 the ONS published new sub-national population projections (2014-based) but these were realised too late to be incorporated into the SHMA, although an addendum was subsequently prepared by GL Hearn, which advised that the data did not lead to a requirement for the Council to alter their housing target of 841 dwellings per annum.

3.6 Following this, DCLG published 2014-based sub-national household projections in July 2016 and GL Hearn were asked to update the SHMA to take account of the additional data.

3.7 The additional work undertaken by GL Hearn was reported to Executive in July 2017 by the Local Plan Working Group and the key findings were that the demographic starting point for York, based on the July 2016 household projections, should increase from 783 (from which the 841 dwellings figure per annum was derived), to 867 per annum.

3.8 A 10% uplift for market signals was added to the revised baseline figure of 867, which gave a revised OAN figure of 953 dwellings per annum. In determining that an uplift for market signals should be added, GL Hearn stated 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"*. In addition, it was stated that *"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”.

- 3.9 Despite the evidence that was presented to Executive Board, members requested that the 10% uplift for market signals be removed and that the revised baseline figure of 867 dwellings be taken forward as the Council’s OAN figure.

Local Plan Working Group Report (January 2018)

- 3.10 A further paper was taken to the Local Plan Working Group in January 2018 which provided an update on the proposed next stages of the Plan, as well as an update on the national planning policy context.
- 3.11 Members were made aware of the proposed standard methodology for calculating housing need which had been prepared by DCLG, which indicated that a minimum of 1,070 dwellings should be provided within York. They were advised that officers proposed to continue using their own methodology, but that a higher figure should be considered to be more in line with the direction of travel at a national level, and to offer a more robust position at Examination.
- 3.12 The only reasons that were given to Members to not increase the housing number was the responses that had been received from the community to previous consultations and the implication of changing the plan and having to undertake further consultation and thus missing the May 2018 deadline for submission.
- 3.13 Members were given different options as to how to potentially increase the housing target, which included increasing the capacity of existing allocations such as the York Central site; reintroducing sites which had previously been rejected; and introducing new sites which had been put forward for consideration during the Pre-Publication consultation.
- 3.14 Members agreed to proceed with option 1, which increased the capacity of the York Central site (ST5) from 1,500 units to between 1,700 – 2,500 units. In addition, the Queen Elizabeth Barracks site (ST35) has been reduced in capacity from 578 units to 500. However, option 2 proposed increasing the capacity of other sites (ST7, ST14 and ST15), some of which are our Clients, and option 3 proposed re-introducing sites which had previously been rejected, but which were now considered to be potentially suitable (H28, H2b (132), H37 (6), SF10 (874), H2a (33) and 964). Both of these options would have been acceptable, and the Council should have re-introduced these sites as the Council acknowledged that they are suitable.
- 3.15 Policy SS4 of the Plan states that in reality only a minimum of 1,500 units will be delivered at the York Central site during the Plan Period, so in actual fact, there is a net loss in

housing delivery of 78 units when compared to the previous version of the Plan. This is clearly unacceptable, and our Client strongly objects to the OAN that is being carried forward by the Council.

Barton Willmore Comments on OAN

- 3.16 As part of our submissions to the Preferred Options and Pre-Publication consultation our **Client instructed Barton Willmore to undertake a Technical Review of the Council's SHMA and the SHMA addendum**, which was prepared by GL Hearn in June 2016.
- 3.17 Contrary to the SHMA the Technical Review concluded that the 2014-based SNPP must be preferred to both the 2012-based SNPP that it replaced and the 2012-based (as updated) alternative projection preferred by the SHMA, which evidently underestimates growth. Consideration was given within the Technical Review to suppressed household formation and it is concluded that affordability has worsened sharply since 2013, compared to the 5 years preceding, which has led to greater affordability pressures than reported by the SHMA, **requiring a greater than 'modest' upward adjustment to the 2014-based SNPP demographic-based assessment of housing need.**
- 3.18 Our Technical Review concludes that no uplift for future jobs is recommended and the demographic and future jobs objectively assessed need is 920 dwellings per annum. When Market Signals Uplift is considered the full objectively assessed need is considered to range between 920 dwellings per annum and 1,070 dwellings per annum.
- 3.19 It is noted that the higher end of our threshold directly aligns with the figure that is generated when utilising the DCLG standardised methodology. For ease of reference our previous assessment of the OAN is included within these representations at Appendix 1.
- 3.20 Paragraph 47 of the Framework states that local planning authorities should boost significantly the supply of housing and in order to do this they should ***"use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing"***.
- 3.21 Paragraphs 3.3 – 3.15 of this report provides an overview of the evidence base that the Council have prepared in order to derive at the proposed housing requirement of 867 dwellings per annum which is being proposed within the Local Plan. The Councils aims in respect of the housing target are outlined in Policy SS1, which states that the target is a minimum.
- 3.22 What is clear is that the Council have decided to progress with a housing target which is based solely on the baseline figure which is derived from the ONS 2014-based sub-national

household projections and does not include the 10% uplift for market signals which is advised within the SHMA.

- 3.23 By omitting the 10% uplift, and not progressing with a housing requirement of 953 dwellings per annum, the Council are failing to meet their full OAN, as required by the Framework and the Planning Practice Guidance (PPG) and our Client strongly objects to this approach, and the housing target outlined in Policy SS1 of the CYCLP. There are considered to be no overarching constraints within the District that justify the Council not delivering their full OAN. This approach fails to meet the any of the tests of soundness set out in paragraph 182 of the Framework as the Local Plan is not positively prepared; justified; effective and consistent with national policy.
- 3.24 No evidence has been provided by Members to justify the removal of the 10% uplift and it is assumed that this has been viewed as a way of reducing the overall housing target. This is unacceptable and is not a sound and robust means of preparing a Local Plan.
- 3.25 The DCLG proposed standardised methodology includes for an uplift for market signals over and above the baseline figure and in the specific case of York, would lead to a housing requirement of 1,070 dwellings per annum. Although the methodology is subject to consultation and therefore carries limited weight, it provides an indication as to how the Government considered housing requirements should be calculated, and the consideration of market signals is a key issue.
- 3.26 What is clear is that the Council have their own evidence, in addition to the Open House work undertaken by Barton Willmore and now the DCLG proposed standardised methodology, all of which state that an uplift for market signals should be added to the baseline figure, and all of which indicate that the true full OAN is greater than the 867 dwellings per annum which is being proposed.
- 3.27 In order to make the plan sound, the housing figure should be adjusted upwards to consider market signals. This is turn will require additional sites to be allocated for residential development.
- 3.28 **The Council's decision to progress with a OAN of 867 dwellings per annum has an adverse** impact upon our Clients land interests, as three sites were to be either increased in capacity (ST7 – Metcalfe Lane, Osbaldwick and ST14 – North of Clifton Moor), or in the case of site reference SF10 (Riverside Gardens, Elvington), introduced as a new housing allocation, on the basis that the OAN was to be increased to 953 dwellings per annum. It is considered that all of our Clients land interests are required in order for the higher housing target to be delivered.

3.29 The is unacceptable and our Client strongly objects to the approach taken by the Council. The sound advice that had been provided by officers to the Executive board has been ignored, in order to progress with a suppressed OAN, and the above mentioned sites will not now be revised as advice by officers. Members of the Executive board have provided no evidence to demonstrate why the 953 figure has been disregarded.

Policy SS2 – The Role of York’s Green Belt

3.30 The Policy states that the *"primary purpose of the Green Belt is to safeguard the setting and the special character of York and delivering the Local Plan Spatial Strategy"*. This is not correct as the Green Belt serves five purposes, which should be treated equally.

3.31 The final paragraph of the Policy states as follows *"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"*. Based on the figures provided by the Council in policy H1, this statement is incorrect, and the Council have fallen significantly short.

3.32 **The Council’s annual housing** requirement of 867 dwellings, when multiplied over 5 years would total 4,335 units. The following sites are identified in table 5.1 as delivering housing outside of the plan period:

- ST5 – York Central – 200 units;
- ST14 – Land West of Wigginton Road – 148 units;
- ST15 – Land West of Elvington Lane – 1,139 units; and
- ST36 – Imphal Barracks, Fulford Road – 769 units.

3.33 This equates to 2,256 units, which leaves a residual figure of 2,079 units. This equates to 2.4 years supply which is not being delivered. This is unacceptable and further demonstrates that additional sites need to be allocated, and that as currently drafted the Plan is unsound and fails to meet the tests outline in paragraph 182.

Policy SS4 – York Central

3.34 **York’s housing delivery and lack of a Local Plan** have been well documented with the two intrinsically linked. The chronic under-supply of homes in and around the city is substantially as a lack of opportunities by virtue of having no Local Plan. The York Central site however, is not restricted in this nature and could have been delivered over recent years without the need for a Plan, however this has not happened.

- 3.35 There are clear issues with the site and whilst the principle is supported it should be treated with some caution in the Plan. The significant reliance on this site over and above clearly available, suitable and deliverable sites is unsound. The level of homes included in the Plan should therefore be limited to a reasonable and deliverable level with more homes allocated beyond the Plan Period.
- 3.36 Our Client supports the redevelopment of the York Central site however has significant concerns regarding the deliverability of the quantum of development anticipated by the Council across the site and during the Plan Period. Specifically, our Client objects to the number of homes allocated at York Central within Policy SS4, and the number of homes identified to be delivered within the Plan Period.
- 3.37 **Our Client's concerns are discussed in relation to Policies SS4, H2, H3 and H10 below.** In summary, there are a number of uncertainties associated with the deliverability York Central which could lead to an adverse impact on the overall soundness of the emerging Local Plan. The Council need to ensure that sufficient housing sites which are deliverable early in the **Plan Period are allocated to meet the City's identified housing needs.**
- 3.38 As discussed within these representations, as currently drafted, our Client does not consider that the housing requirement identified in Policy SS1 will meet the identified needs of the city and should be increased to 920-1070 dwellings per annum. Furthermore, our Client does not consider that the proposed allocations will deliver sufficient housing sites even to meet the low proposed requirement of 867 dwellings per annum. A fundamental concern is the over-allocation of housing at York Central.
- 3.39 Policy SS4 provides guidance for the development of York Central which will include a new central business district, expanded and new cultural and visitor facilities, residential uses and a new vibrant residential community.
- 3.40 With regards to the residential component of the site, the Policy stipulates that land is allocated for 1,700 – 2,500 dwellings, of which a minimum of 1,500 will be delivered in the Plan Period. It also stipulates that the site will deliver inter alia 100,000sq.m of Office (B1a).
- 3.41 York Central is a highly sustainable brownfield site and our Client supports the principle of its redevelopment. We do however have significant concerns regarding the deliverability of a minimum of 1,500 dwellings within the Plan Period and up to 2,500 dwellings across the site.
- 3.42 Our Client therefore objects to Policy SS4 as currently drafted as they consider that the number of dwellings proposed to be allocated to be unsound on the basis that it is not justified.

3.43 The amount of residential development proposed to be delivered on the site and within the Plan Period has increased since the Preferred Sites Consultation which identified the site as being able to deliver 1,250 of 1,500 dwellings within the Plan Period. This was based upon densities ranging from 95-125 dwellings per hectare.

Residential Capacity of York Central

3.44 Our Client has undertaken work assessing the realistic quantum of residential development that could be achieved on the site. The work has been undertaken by a RIBA accredited architect is based upon worked examples of similar sites and experience of the deliverability of sites.

3.45 The York Central site extends to 78ha, and Policy SS4 notes that the net area of land available for development equates to 35ha. The work undertaken by our Client in looking at the development which could be achieved works on a number of assumptions, these being:

- 10.1ha of the site would accommodate residential uses;
- Assuming a market average size for each unit and giving a high bias towards 1 and 2-bedroom apartments (90%), due to its situation adjacent to the city centre, the average unit size would be approximately 62.7sq.m.

3.46 At a site area of 10.1ha, the delivery of 2,500 homes would equate to an average density of 250 dwellings per hectare which is wholly unreasonable and unachievable. 250 dwellings per hectare is more than double the suggested density for housing in the city centre as set out within Policy H2. This would not enable the delivery of any townhouses.

3.47 **Based upon our Client's experience on other sites, it is possible to achieve 441.25** sq.m of development per hectare when developing townhouses.

3.48 Based upon an average size requirement of 104.5 sq.m per townhouse (for 3 and 4 bed units) and working on the assumption that only 250 townhouses (10% of the total number of units) would be delivered, this would result in 6.1ha of the site being required to accommodate 250 townhouses.

3.49 Working on a residential site area of 10.1ha, this then leaves only 4ha to accommodate 2,250 apartments.

3.50 To achieve 2,250 apartments on 4ha then 14 storey apartment buildings across the entire 4ha would be required.

3.51 The York Central site has a number of heritage constraints both within and around the site. All of the planning and marketing material produced for the site to date suggests that the

maximum building height would however be to 6 storeys. The building heights diagram within the current consultation indicates that the residential apartments on the southern edge of the site are typically 6 storeys in height. North of the park, residential buildings have been designed to respect the surrounding domestic scale of terraces, reaching 2 to 4 storeys.

3.52 Policy SS4 requires development of the site to inter alia:

“Create a distinctive new place of outstanding quality and design which complements the existing historic urban fabric of the city and respects those elements which contribute to the distinctive historic character of the city and assimilates into its setting and **surrounding communities”**.

3.53 Policy H2 sets out that housing developments will be expected to achieve a specific density, depending on its location.

3.54 The Policy specifies that in the city centre, developments will be expected to achieve 100 units per hectare. It then goes on to note that on strategic sites the specific masterplanning agreements that provide density targets for that site may override the approach in the policy, which should be used as a general guide.

3.55 The Policy goes on to stipulate that:

“Delivering densities that support the efficient use of land requires good design that responds to its context, an appropriate mix of house types and **should be informed by the local character of the area”**.

3.56 The allocation of such a high number of residential units on the site contradicts the requirement within Policy SS4 (above) and within Policy H2 given the density which would be required. Specifically, the development of buildings up to 14 storeys is likely to have adverse impacts on the historic urban fabric of the city would seek to maximise development rather than being informed by the local character of the area.

3.57 Therefore, assuming that all apartment buildings would be built to a maximum of 6 storeys, the site could accommodate 960 apartments rather than 2,250. We note however that the delivery of all 6 storey residential blocks would be unachievable when taking into account the character of the area and heritage constraints of the site. The 960 apartments, plus 250 townhouses equates to a maximum capacity of 1,210 units. This is a shortfall of 1,280 units.

3.58 Our Client is also concerned that Policy SS4 contradicts itself and will be unable to achieve the amount of development anticipated. The Policy allocates between 1,700 and 2,500 homes and also requires a minimum of 100,000sq.m of Office (B1a) to also be delivered. As

demonstrated above, the site cannot accommodate 2,500 residential units if it is also to accommodate the other mix of uses proposed.

3.59 These conclusions are also backed-up by the information provided within the exhibition boards which are available as part of the public consultation running to April 2018, which set out the following development options for York Central:

- 120,000sq.m commercial development (approx. 7,700 jobs) and 1,000 homes;
- 100,000sq.m commercial development (approx. 6,400 jobs) and 1,500 homes;
- 80,000sq.m commercial development (approx. 5,100 jobs) and 2,000 homes;
and
- 60,000sq.m commercial development (approx. 3,800 jobs) and 2,500 homes.

3.60 To achieve 2,500 homes, this would clearly be at the expense of the creation of jobs and would create an extremely dense, residential heavy area with very little mixed-use commercial and leisure elements. Policy SS4 as draft therefore clearly contradicts itself in what it is seeking to achieve and is unsound.

Impact of Policy SS4 on Housing Mix

3.61 Policy H3 seeks to try to balance the housing market across the plan period and work towards a mix of housing identified in the SHMA.

3.62 The Policy requires residential development to include a mix of types of housing which reflects the diverse mix of needs across the city.

3.63 The SHMA (2016) provides an analysis of housing needs across the city and breaks down the requirement for a mix of both market and affordable housing.

3.64 Table 3.1 shows the mix of market housing and affordable housing recommended within the SHMA.

Table 3.1: Recommended Mix of Market & Affordable Housing in the SHMA

Number of Bedrooms	Market Housing	Affordable Housing
1 bedroom	5-10%	35-40%
2 bedrooms	35-40%	30-35%
3 bedrooms	35-40%	20-25%
4+ bedrooms	15-20%	5-10%

- 3.65 As demonstrated above, to deliver 2,500 dwellings at York Central this would require the delivery of all 1 and 2-bedroom apartments at a very high density.
- 3.66 Even the delivery of just 1,210 units on the site would equate to only approximately 10% of 3 and 4-bedroom townhouses, with the remaining 90% being 1 and 2-bedroom apartments. This level of 1 and 2-bedroom apartments equates to 8% of the overall housing requirement just being delivered on one site. This is clearly contrary to what Policy H3 is seeking to achieve and will hamper the delivery of family houses.

Impact of Policy SS4 on Affordable Housing

- 3.67 Policy H10 seeks to maximise affordability across the housing market. To achieve this, brownfield sites of more than 15% are required to deliver 20% affordable housing (subject to viability).
- 3.68 The SHMA recognises that there is a net need of 573 affordable homes per annum (11,462 between 2012 and 2032). Assuming the 867 dwellings per annum housing requirement, this equates to 66% of the annual housing requirement.
- 3.69 Our Client has concerns that the provision of such a high level of new homes on a site which could benefit from vacant building credit could result in the city failing to meet its affordable housing needs.

Deliverability

- 3.70 Not only does our Client have significant concerns over the quantum of development that could be realistically be achieved at York Central, they also have significant concerns over the number of dwellings the Council are anticipating being delivered within the Plan Period.
- 3.71 The site is a complex brownfield site with multiple ownerships and existing uses. Furthermore, the site is surrounded by railway lines and therefore significant new infrastructure is needed to open it up. Policy T2 stipulates that between 2017/18 – 2022/23 the provision of a new all-purpose access road, including a new bridge over the existing railway, to serve the York Central site will be required. We question whether the delivery of this access could be achieved by 2022 and whether development can commence on the site prior to its completion.
- 3.72 Policy SS4 anticipates the delivery of 1,500 dwellings at York Central within the Plan Period. Even if development were to commence at the start of the Plan Period (2017) this would equate to an average of 100 units being delivered per annum, which is a high delivery rate. **Given that an outline planning application hasn't been submitted, we question the assumption which has been made regarding annual level of delivery on the site.**

- 3.73 The proposals for the site are currently undergoing a period of public consultation until April 2018, with a number of development options being proposed.
- 3.74 According to the current timetable, an outline planning application for York Central and full planning application for the proposed access road is anticipated to be submitted in August 2018, with road construction to commence in March 2019 and housing and commercial construction to commence in 2020.
- 3.75 Given the complex nature of the site and the multiple ownerships and delivery partners we consider that this timetable is ambitious. On a site such as this, we would normally expect a lead in time of 5 years from first submission of an outline application. This takes account of the following stages which are required prior to a start on site:
- Determination of the outline application;
 - The negotiation and signing of a Section 106 agreement;
 - Design of a final scheme;
 - Preparation of reserved matters applications;
 - Determination of reserved matters applications;
 - Discharge of pre-commencement conditions; and
 - Land assembly.
- 3.76 Assuming a 5-year lead-in time from 2018, this would mean that construction would begin on site in 2023. To deliver 1,500 homes in the Plan Period this would equate to 167 dwellings being delivered per annum. In reality, given the strategic nature of the site and the other uses which are also being delivered, it is not realistic to assume that such a high number of dwellings will be delivered in this time period. It is realistic to assume that not all residential development will be delivered at the same time and some commercial or other elements of the site may come forward first.

Conclusion on Policy SS4

- 3.77 Our Client supports the principle of redevelopment of the York Central site, however objects to Policy SS4 as drafted on the basis that it is not justified and so is unsound.
- 3.78 Following an assessment of the site, we consider that York Central could be capable of accommodating maximum of a total of 1,210 units made up of 250 townhouses and 960 apartments. This is a shortfall of 1,280 units.

- 3.79 If Policy SS4 as drafted were to be found sound then in order to achieve 2,500 units on the site, all townhouses would need to be removed and the units made up solely of apartment blocks at 6 storeys in height across the full site.
- 3.80 This would not only fail to provide a suitable mix of types or sizes of houses, but also be at the expense of commercial development.

Policy SS9 – Land East of Metcalfe Lane

- 3.81 Although our Client welcomes the principle of site ST7 as a proposed housing allocation, these representations demonstrate that the Council are not delivering their full OAN and additional housing should be provided. We have previously demonstrated that this site can accommodate additional units and it is noted that the Council put forward the possibility of increasing the capacity of the site to 975 units in the Local Plan Working Group report of January 2018.
- 3.82 Indeed, the Council previously identified site ST7 with a larger boundary, which was due to accommodate a larger capacity of housing. We have previously objected to this amendment to the site boundary and the reduction in capacity and we continue to maintain our position on this as the reduction of the site is not justified, effective or positively planned, and as such Policy SS9 is unsound. A copy of our site-specific representations regarding site ST7 are attached at Appendix 2, which were submitted as part of the Preferred Sites consultation and the Pre-Publication consultation.

Policy SS10 – Land North of Monks Cross

- 3.83 With regards to proposed strategic allocation ST8, site specific representations have been prepared by PB Planning and these should be read in conjunction with the overarching representations. They provide comments regarding the content of Policy SS10.

Policy SS11 – Land North of Haxby

- 3.84 With regards to proposed strategic allocation ST9, site specific representations have been prepared by DPP and these should be read in conjunction with the overarching representations. They provide comments regarding the content of Policy SS11.

Policy SS12 – Land West of Wigginton Road

- 3.85 With regards to proposed strategic allocation ST14, site specific representations have been prepared by PB Planning and these should be read in conjunction with the overarching representations. They provide comments regarding the content of Policy SS12.

Policy SS16 – Land at Tadcaster Road, Copmanthorpe

- 3.86 Our Client objects to the allocation of site ST31 and full details are provided in the site-specific representations prepared by PB Planning.

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4.0 ECONOMY AND RETAIL

Policy EC1 – Provision of Employment Land

- 4.1 The Policy sets out the strategic employment sites which the Council are proposing to allocate within the Plan. These will deliver a variety of different employment and **commercial uses and our Client welcomes the Council's aspirations for economic growth.**
- 4.2 However, our Client is concerned that the aspiration level of economic growth should be matched by an equally pro-growth level **of housing. It is not considered that the Council's OAN** is sufficient to adequately plan for the level of economic growth being proposed. The work **into the Council's OAN, which was undertaken by Barton Willmore and submitted as part of previous representations concluded that based on the Council's future job growth** projections, the OAN should be a minimum of 920 dwellings per annum to ensure that sufficient labour would be available to address future economic growth.

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5.0 HOUSING

Policy H1 – Housing Allocations

- 5.1 This policy outlines how the Council propose to deliver the housing target set out in Policy SS1 of the CYCLP and lists the proposed housing allocations.
- 5.2 The policy also explains that the allocations will be phased, albeit table 5.1 only provides estimated phasing as follows – short term (1-5 years), short to medium term (1-10 years), medium term (6-10 years), medium to long term (6-15 years), lifetime of the plan (year 1-16), lifetime of the plan and post plan period (years 1-21) and post plan period (16-21 years).
- 5.3 The Council have had a persistent record of under delivery due to not having an adopted plan and due to the extent of Green Belt land which surrounds the district. As such the early delivery of housing should be encouraged as outlined in paragraph 47 of the NPPF and our Client advises that there is no phasing of sites.
- 5.4 It is noted that the Council continue to omit our Clients sites – Manor Heath, Copmanthope (ref: ST12); Riverside Gardens, Elvington (ref: SF10) and New Lane, Huntington (ref: ST11). In addition, none of our Clients land interests have been included within the allocation at land to the west of Elvington Lane (ref: ST15). It has been demonstrated through the site-specific representations that all of our Client’s land interests are suitable and deliverable and could come forward early in the plan period. Given the need for the Council to deliver a higher housing requirement, in line with their own evidence base, these sites should be allocated for residential purposes. As they have been omitted, our Client strongly objects to the Plan as it is unsound as the tests of paragraph 182 of the NPPF have not been met. In particular the Plan is not effective, positively planned or in accordance with national planning guidance.
- 5.5 **In terms of windfall allowance, we have previously raised objections to the Council’s** approach to the provision of a windfall allowance at previous stages the emerging Local Plan. It is noted within the supporting text for policy H1 that the Council are continuing to rely on a windfall allowance of 169 dwellings per annum.
- 5.6 Our Client continues to object to this proposal as it will lead to uncertainty over delivery and will potentially lead to under delivery of housing. In total, the Council are relying on circa 20% of their housing requirement through the plan period to come forward from windfall, which is considered to be high. Whilst the Council point to past records of windfall delivery as justifying this approach, this can be linked back to the lack of an adopted plan, which in turn places an overreliance of windfall sites.

- 5.7 As such this approach is not positively planned or effective and is unsound, having failed to meet the tests outlined in paragraph 182 of the Framework.

Policy H10 – Affordable Housing

- 5.8 The requirements for future residential development to provide residential development is outlined in Policy H10. As drafted the policy is not clear and implies that affordable housing is required on developments of 2 or more dwellings in line with the thresholds and targets set out in table 5.4. It is only stated in a footnote at the bottom of the table that for developments of less than 10 units, an off-site financial contribution can only be sought if the total combined floorspace exceeds 1,000m². This should be made clear within the opening paragraph of the policy, rather than being explained via a footnote.
- 5.9 Paragraph 5.62 of the policy raises significant concerns and outlines a wholly unacceptable approach to considering the appropriate level of affordable housing. The Council state ***"if a reduction is proven the Council may firstly seek Homes and Communities Agency subsidy (or other public subsidy) to achieve the level and mix of affordable housing consistent with the policy"***. This is likely to lead to significant delays in the planning application process, which is not acceptable and can not be imposed. This is not an approach which is advocated by the Government and should be deleted from the Plan as our Client strongly objects to this requirement.
- 5.10 **In addition, the Council then state "if such subsidy is not available the Council may seek to vary the tenure mix or types of units of the affordable housing objectives of the Council before agreeing a reduction in the overall amount of affordable housing". Again, if this leads to delays in the determination of an application, it would be unacceptable. Ultimately, if it is demonstrated that a scheme is not viable, the Council can not delay agreeing to a reduction, as implied by the policy.**
- 5.11 Part v. of the policy states that development should ***"fully integrate the affordable housing by pepper potting throughout the development with no more than two affordable dwellings placed next to each other"***. Our Client objects to the requirement to have no more than two affordable dwellings placed next to each other as there is no evidence to justify this requirement. The NPPF does not make any such requirement and the Council do not justify this requirement within the supporting text of the Policy. Each site must be taken on its own merits and this restriction should be removed from the policy.
- 5.12 **Our Client's vast experience on such matters has shown that registered social providers, who manage and maintain affordable housing prefer the units to be in clusters of circa 10-15 units.**

- 5.13 With regards to vacant building credit (VBC), the Council are misapplying national guidance **set out within the Planning Practice Guidance (PPG)**. They state that **“a vacant building credit will be applied to appropriate development where a vacant building is either converted or demolished and is necessary to incentivise the scheme (our emphasis)”**. The Council imply that the VBC will only be applied if it is demonstrated that it is necessary to make a proposal come forward. This is not the intention of the Government, as it is clear within the PPG that the VBC has been brought in to incentivise the redevelopment of vacant buildings, there is absolutely no requirement for developers to demonstrate a VBC is necessary to make a scheme viable.
- 5.14 Paragraph 5.72 of the CYCLP states that a viability appraisal will be required to accompany such applications. This requirement does not comply with national planning policy and is wholly unreasonable and unnecessary and should be removed from the policy in order for it to be considered sound.

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6.0 PLACEMAKING, HERITAGE, DESIGN AND CULTURE

Policy D1 - Placemaking

- 6.1 The Council seek to ensure through Policy D1 that developments **"enhance York's special qualities and better reveal the significances of the historic environment"**. This high bar is considered to be of relevance within Conservation Areas, however, those areas which fall outside of Conservation Areas should not be subject to such stringent policy.
- 6.2 Notwithstanding this, our Client prides itself on the quality of its developments and will endeavour to ensure that future proposals are built out to a high standard. Whilst they would not disagree with the principle of Policy D1, with the exception of the above observation, the Council must acknowledge that the aspirations of the policy should be subject to deliverability and viability. Without the addition of this caveat, our Client objects to the policy as drafted, as it fails to meet the tests of soundness set out in paragraph 182 of the NPPF.

Policy D4 – Conservation Areas

- 6.3 Our Client objects to the contents of part i. of the policy, as it fails to accord with national planning policy, and as such is unsound. It states that developments should be **"designed to preserve or enhance the special character and appearance of the conservation area and would enhance or better reveal its significance (our emphasis)"**
- 6.4 The Planning (Listed Buildings and Conservation Areas) Act 1990 only requires development **within Conservation Areas to "preserve or enhance" the heritage asset. There is no requirement to "enhance or better reveal its significance" as stated in the Policy. The policy is therefore unsound as current drafted and fails to meet the tests at paragraph 182 of the NPPF.**

Policy G16 – New Open Space Provision

- 6.5 **We have previously raised objections to the Council's proposals to incorporate new significant areas of open space adjacent to strategic sites ST7, ST8 and ST9. It is noted these proposals have been retained in the Publication version of the Plan and our Client therefore maintains their previous objections.**

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7.0 CLIMATE CHANGE

Policy CC1 – Renewable and Low Carbon Energy Generation and Storage

- 7.1 The Policy states that new buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. Whilst our Client welcomes the aspirations to reduce carbon emissions, this is controlled through building regulations and should not be imposed through planning policy.
- 7.2 As such, the policy should be removed from the plan as it is not effective or justified and is unsound as the tests of paragraph 182 are not met.

Policy CC2 – Sustainable Design and Construction of New Development

- 7.3 The Policy seeks to ensure that new developments incorporate high standards of sustainable design and construction, such as energy and carbon dioxide savings.
- 7.4 Our Client objects to the standards which the Council are seeking to impose for new residential developments, namely part ii. of the policy, which states they should achieve **"a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations)"**.
- 7.5 Current Building Regulations require all new dwellings to be restricted to a water consumption of 125 l/p/d, and our Client ensures that all of their core house types achieve this restriction. As such, what the Council are seeking to impose within this policy is below the national standards and is not considered to be justified.
- 7.6 We have been involved within the majority of the Local Plan examinations in the north of England and we are not aware of any other local authority who have tried to impose a level of water consumption below the national standards.
- 7.7 Whilst we acknowledge that the Council can impose their own standards, this has to be justified and it is not considered that their evidence base provides any sound and justifiable reason to impose this reduced level of water consumption. As sound, the policy is unsound as currently drafted and is not justified and therefore fails to meet the tests of paragraph 182 of the NPPF.

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8.0 SUMMARY AND CONCLUSION

- 8.1 These representations have been prepared on behalf of our Client, Barratt and David Wilson Homes, who have significant land interests within the City and the comments are to be read in conjunction with the site specific representations to their various land interests in York.
- 8.2 **Whilst our Client welcomes the Council's proposals to prepare a new Local Plan, they have a number of concerns regarding the content of the Publication Consultation document. At present it is therefore considered that the Plan is unsound as currently drafted and does not meet the tests set out at paragraph 182 of the National Planning Policy Framework**
- 8.3 Our Client strongly objects to the proposing housing target that is being proposed by the Council as set out in Policy SS1 of the CYCLP. The annual housing target of 867 dwellings is **less than is recommended in the Council's own evidence base, as the 10% uplift for market signals has been ignored. As such this does not represent the Council's full objectively assessed housing need and the requirements of the Framework and the PPG have not been met.**
- 8.4 This is a fundamental issue to the entire local plan and as currently drafted it cannot be considered to be sound as it is not effective, justified, positively prepared or in accordance with national planning guidance, and as such fails to meet the tests of paragraph 182 of the Framework.
- 8.5 In addition to the above, Barton Willmore have previously prepared a Technical Paper to **assess the findings in the Council's SHMA and it concluded** that a housing target of between 920 and 1,070 dwellings would represent the Council's full OAN. Had the Council included the 10% uplift as stated in their own evidence base, this would have derived a housing target of 953 dwellings per annum, which would **have aligned with Barton Willmore's findings.**
- 8.6 Furthermore, the proposed standardised methodology which is currently being consulted on, includes an uplift for market signals, and suggest that the OAN for York would be 1,070 dwellings per annum. There is clear and robust evidence which demonstrates that the Council's full OAN is higher than being proposed within the CYCLP
- 8.7 Overall our Client welcomes the principle of establishing a sound plan and releasing enough land for development in order to meet the needs of York and its surrounding area. However, the plan has to be effective, justified and positively prepared in accordance with national policy. At present it is not, and so our client objects to a number of aspects contained in the plan. However, it is considered that the Plan can be made sound subject to making reservations to the issues outlined within our representations.

8.8 We welcome the opportunity to outline these in further written representations and also in verbal representations at the Examination in Public in the near future.

APPENDIX 1

City of York Strategic Housing Market Assessment and Addendum Technical Review
Prepared by Barton Willmore

City of York Strategic Housing Market Assessment and Addendum

Technical Review

09 September 2016

City of York Strategic Housing Market Assessment and Addendum

Technical Review

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1.0 INTRODUCTION

- 1.1 A Strategic Housing Market Assessment, dated June 2016 (SHMA) has been prepared for York City Council by GL Hearn to inform the City's Emerging Local Plan. It comprises an assessment of housing need that is intended to address Planning Practice Guidance (PPG) advice as regards 1) the approach to assessing need, 2) the scope of assessments and 3) the methodology for assessing housing need.
- 1.2 The scope of this Technical Review is primarily concerned the SHMA's approach to 3) methodology for assessing housing need, PPG ID2a015 to 020. These are the methodological steps that must be followed in order arrive at the York's overall housing need (the 'full objectively assessed housing need' or FOAN) for the plan period 2012 to 2032, and are fully explained in Section 2 of this review.
- 1.3 In terms of 2) assessment scope (PPG ID2a008 to 012) , GL Hearn concludes that York should be treated as a housing market area (HMA) in its own right, but that it nevertheless has strong links to Selby as well as clear links to east of Ryedale and south of Hambleton. In addition, the overlap of Leeds housing market influence into western York is also noted. In light of the extensive evidence provided (SHMA, pages 24 to 49), GL Hearn's conclusions appear to be sensible and pragmatic.
- 1.4 Consequently the SHMA assesses York's housing need in isolation of its neighbour's (noting that, under the same instruction, GL Hearn has also assessed housing need for City of York, Ryedale and Hambleton, but not Selby), nevertheless, in terms of strategic housing issues, the SHMA (again, sensibly) concludes that the duty to cooperate should envelop Selby, Hambleton, Ryedale and Leeds (SHMA, page 49, paragraphs 2.103 to 2.106).
- 1.5 In terms of 1) the approach to assessing need, it is clear that, read as a whole, the SHMA has followed PPG advice on the approach to assessing need (ID2a001 to 007), nevertheless one particular point of guidance should be noted. PPG ID004 warns that constraints should not be applied to the assessment of housing need, meaning that assessments cannot be capped by reference to the availability of land, environmental constraints or policy.
- 1.6 The SHMA has clearly not applied constraints of the type described in PPG ID2a004, but that does not mean that it will inevitably arrive at York's full housing need. That depends on its approach to and treatment of demographic, employment and market signals evidence; the three main methodological touchstones for the assessment of full housing need.

- 1.7 Using a CLG 2012-based household projections starting point estimate of need for 783 dwellings per annum, the SHMA concludes that York's full objectively assessed housing need is for 841 dwellings per annum, an increase of 58 dwellings (7.4%) from the starting point.
- 1.8 The SHMA makes the uplift of 58 dwellings to account for a) higher than projected population and migration estimates recorded by the 2013 and 2014 based mid-year estimates (50 out of the 58 dwellings, or 6.4%) b) to provide some relief for suppressed household formation rates (8 out of the 58 dwellings, or 1%). No further uplifts are considered necessary either to support future job growth or to address market signals.
- 1.9 In the same month as the SHMA, GL Hearn also published the Strategic Housing Market Assessment – Addendum, June 2016 (Addendum). The Addendum is a response to the 2014-based subnational population projections (2014-based SNPP, published May 24th 2016), which it describes as '*published too late in the SHMA process to be worked through the analysis although moving forward it is likely that the Council will need to consider the implications of this data*' (Addendum, page 4, paragraph 1.1).
- 1.10 Accordingly, the Addendum '*briefly reviews key aspects of the projections and works through to show what level of need is implied by the new information*' (Addendum, page 4, paragraph 1.2). From that brief review, the Addendum calculates that the 2014-based SNPP would give rise to full housing need of 898 dwellings per annum, but rejects this because '*there are some concerns relating to historic growth within the student population and how this translates into the 2014-based projections.*' (Addendum page 11, paragraph 1.33
- 1.11 This review addresses the SHMA and Addendum assessment of overall housing need together, paying particular attention to the points made about the 2014-based SNPP in order to test 1) whether the Addendum's rejection of it is justified and in turn, 2) whether the SHMA and Addendum settled conclusion that York has a need for 841 dwellings per annum is soundly based in the context of NPPF and PPG ID2a 015 to 020.
- 1.12 In addition to the evidence tested by GL Hearn, this review makes use of the latest household projections from CLG (2014-based, published July 2016) and the mid-year 2015 population and migration estimates from ONS (also published in July 2016).

2.0 OBJECTIVE ASSESSMENT OF HOUSING NEED POLICY AND GUIDANCE

2.1 The National Planning Policy Framework (NPPF, 27 March 2012) and the accompanying Planning Practice Guidance (PPG, 06 March 2014) set out the requirements within which local planning authorities should be setting their overall housing targets as part of a full objective assessment of overall need. These requirements are summarised below.

i) National Planning Policy Framework (27 March 2012)

2.2 NPPF sets out the Government's planning policies for England and how these are expected to be applied. NPPF states that planning should proactively drive and support sustainable economic development to deliver the homes that the Country needs, and that every effort should be made to objectively identify and then meet housing needs, taking account of market signals (paragraph 17).

2.3 In respect of delivering a wide choice of high quality homes, NPPF confirms the need for local authorities to boost significantly the supply of housing. To do so, it states that local 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 (paragraph 47).

2.4 Furthermore, it states 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 (paragraph 50).

2.5 With regard to plan-making, local planning authorities are directed to set out strategic priorities for their area in the Local Plan, including policies to deliver the homes and jobs needed in the area (paragraph 156).

2.6 NPPF states that Local Plans should plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of the Framework (paragraph 157).

2.7 Further, Local Plans are to be based on adequate, up to date and relevant evidence, integrating assessments of and strategies for housing and employment uses, taking full account of relevant market and economic signals (paragraph 158).

2.8 For plan-making purposes, local planning authorities are required to clearly understand housing needs in their area. To do so they should:

“prepare a Strategic Housing Market Assessment 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 (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).”¹

ii) Planning Practice Guidance (PPG, 06 March 2014)

2.9 PPG was issued as a web based resource on 6th March 2014. Guidance on the assessment of housing development needs (PPG ID: 2a) includes the SHMA requirement set out in NPPF and supersedes all previous published SHMA practice guidance (CLG, 2007).

2.10 The primary objective of the housing development needs assessment (the SHMA) is to identify the future quantity of housing needed, including a breakdown by type, tenure and need (PPG ID2a 002)

2.11 Housing need refers to the scale of housing likely to be needed in the housing market area over the plan period, should cater for the housing demand in the area and identify the scale of housing supply necessary to meet that demand. (PPG ID2a 003)

2.12 The assessment of need is an objective assessment based on facts and unbiased evidence and constraints should not be applied (PPG ID2a 004).

2.13 Use of the PPG methodology for assessing housing need is strongly recommended, to ensure that the assessment is transparent (ID2a 005). The area assessed should be the housing market area (ID2a 008), reflecting the key functional linkages between places where people live and work (ID2a 010).

¹ Paragraph 159, National Planning Policy Framework, 27 March 2012;

PPG methodology for assessing housing need

- 2.14 The full methodology is set out at ID 2a 014 to 029 (overall housing need at ID2a 015 to 020), and is introduced as an assessment that should be based predominately on secondary data (ID2a 014).

Starting point estimate of need

- 2.15 The methodology states that the starting point for assessing overall housing need should be the household projections published by the Department for Communities and Local Government, but that they are trends based and may require adjustment to reflect factors, such as unmet or suppressed need, not captured in past trends (ID2a 015).

"The household projection-based estimate of housing need may require adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends. For example, formation rates may have been suppressed historically by under-supply and worsening affordability of housing." (2a-015) (Our emphasis)

Adjusting for demographic evidence

- 2.16 The PPG methodology advises that plan makers may consider testing alternative assumptions in relation to the underlying demographic projections and household formation rates. It also states that 'account should be taken of the most recent demographic evidence including the latest Office for National Statistics population estimates' (2a-017).

Adjusting for likely change in job numbers

- 2.17 In addition to taking into account demographic evidence the methodology states that job trends and or forecasts should also be taken into account when assessing overall housing need. The implication is that housing numbers should be increased where this will enable labour force supply to match projected job growth (2a-018).

"Where the supply of working age population that is economically active (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 or infrastructure development could help address these problems." (2a-018)

- 2.18 The PPG also confirms the importance of ensuring sufficient growth in the working age population (16-64), at paragraph 2a-018 and 2a-21:

“Plan makers should make an assessment of the likely change in job numbers based on past trends and/or economic forecasts as appropriate and also having regard to the growth of the working age population in the housing market area.” (2a-018)

“When considering future need for different types of housing, plan makers will need to consider whether they plan to attract a different age profile e.g. increasing the number of working age people.” (2a-021)

Adjusting for market signals

- 2.19 The final part of the methodology regarding overall housing need is concerned with market signals and their implications for housing supply (2a-019:020).

“The housing need number suggested by household projections (the starting point) 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.” (2a-019)

- 2.20 Assessment of market signals is a further test intended to inform whether the starting point estimate of overall housing need (the household projections) should be adjusted upwards. Particular attention is given to the issue of affordability (2a-020).

“The more significant the affordability constraints ... and the stronger other indicators of high demand ... the larger the improvement in affordability needed and, therefore, the larger the additional supply response should be.” (2a-020)

Overall housing need

- 2.21 An objective assessment of overall housing need can be summarised as a test of whether the household projection based starting point can be reconciled with a) the latest demographic evidence, b) the ability to accommodate projected job demand, c) the requirement to address worsening market signals. If it cannot be reconciled, then an adjustment should be made.

2.22 The extent of any adjustment should be based on the extent to which it passes each test. That is:

- It will at least equal the housing need number implied by the latest demographic evidence,
- It will at least accommodate projected job demand; and,
- On reasonable assumptions, it could be expected to improve affordability.

Affordable housing need assessment

2.23 The methodology for assessing affordable housing need is set out at 2a-022 to 029 and is largely unchanged from the methodology it supersedes (SHMA 2007). In summary, total affordable need is estimated by subtracting total available stock from total gross need. Whilst it has no bearing on the assessment of overall housing need, delivering the required number of affordable homes can be used to justify an increase in planned housing supply (2a-029).

"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 ... 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." (2a-029) (our emphasis)

3.0 STRATEGIC HOUSING MARKET ASSESSMENT AND ADDENDUM TECHNICAL REVIEW

3.1 The calculation of York's overall housing need is addressed by Sections 4 (demographic led projections), 5 (economic led housing need) and 8 (market signals) of the SHMA, with conclusion – drawing the analysis together – presented in section 11. The Addendum is essentially a review of SHMA section 4, in light of the 2014 based population projections.

3.2 There are clear parallels with the three main PPG OAN methodological steps for assessing overall housing need (ID2a015 to 020) outlined in section 2 of this Review, in that:

- Section 4 (demographic led projections) and the Addendum address the starting point estimate of need, develops alternative projections that take account of more up to date evidence, considers whether household formation is suppressed and arrives at a 'demographic OAN'
- Section 5 (economic led housing need) addresses whether the demographic OAN is sufficient to accommodate future jobs growth and arrives at a 'future jobs OAN'.
- Section 8 (market signals) reviews a range of market signals addresses the need for an uplift in order to improve affordability.

3.3 This section now considers the approach taken by the SHMA and the Addendum to each of the three methodological steps in turn.

SHMA and Addendum Demographic OAN

3.4 Section 4 of the SHMA identifies a starting point estimate of housing need based on the latest population and household projections (at that time both 2012-based). However, it considers more up to date evidence of population change and the main driver of that change, namely migration, through analysis of mid-year estimates (population and the components of change that give rise to it) for 2013 and 2014 published by ONS in 2015.

Alternative population projections

3.5 Using time series data (2001 to 2014) published by ONS with the mid-year estimates and detailing migration flows (internal and international) in and out of York over a 13 year period (2001/02 to 2013/14), the SHMA develops a series of alternative population projections to the published (2012-based projections), based on:

- Increasing future (2012-based) in migration flows (+194 person per annum) based on net migration observed between 2009/2010 to 2013/2014 and termed *2014 based*.
- Discounting from future (2012-based) overall migration assumptions (-257 persons per annum) the average level of unattributable population change (UPC) observed between 2001 and 2011 and termed *UPC adjustment*.
- Decreasing future (2012-based) in migration flows (- per annum) based on net migration observed over the 10 year period 2003/04 to 2012/14 and termed *10-year migration*.
- And in light of projections 1 to 4; a final projection, termed *2012-based SNPP (as updated)* that 'pins' 2012-based SNPP projected population and migration flows to the 2014-based mid-year estimate.

3.6 All of the above projections assume that population (along with counts of births deaths and migration) from 2012 to 2014 is as per the ONS mid-year estimates, so it is from 2014 the various projection methods take over. The results, in terms of population growth, are presented below.

Table 3.1: SHMA Alternative Projections, Population Growth 2012 to 2033

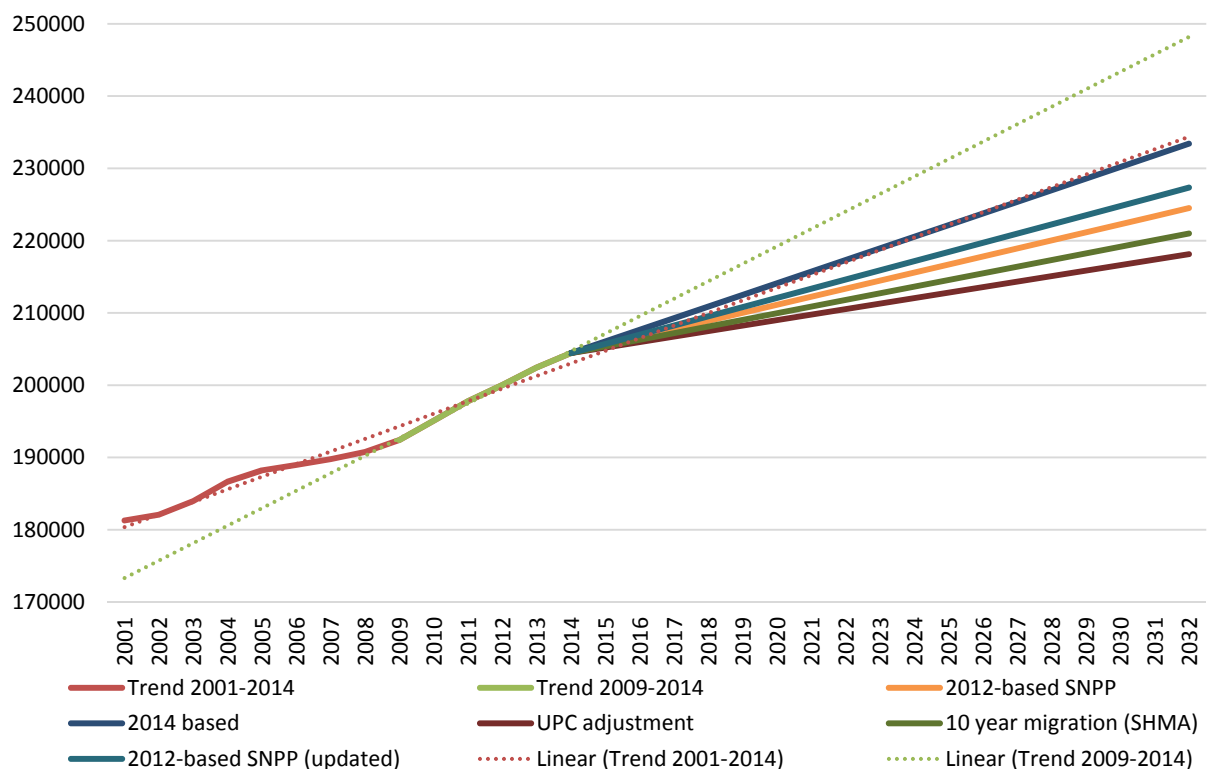
Scenario	Population 2012	Population 2032	Change in Population	% Change
2012-based SNPP	224,498	15,093	224,498	12.2%
<i>2014 based</i>	33,387	18,458	33,387	16.7%
<i>UPC adjustment</i>	18,121	12,676	18,121	9.1%
<i>10-year migration (SHMA)</i>	20,974	13,660	20,974	10.5%
<i>2012-based SNPP (updated)</i>	27,322	16,056	27,322	13.7%

Source; SHMA, June 2016

- 3.7 The SHMA carries out a review of the alternative population projections and concludes (page 76, paragraph 4.56) that *UPC adjustment* and *2014 based* should be firmly rejected.
- 3.8 UPC adjustment is rejected because 'a UPC adjusted projection is not a robust scenario for York ... due to uncertainty about the extent to which UPC is influencing future projections' (SHMA page 76, paragraph 4.56). This review agrees entirely with the SHMA's firm rejection of a UPC scenario, noting that (as the SHMA acknowledges at page 72, paragraph 4.43, page 74 paragraph 4.51 and page 75, paragraph 4.55):

- UPC is a minor factor in York and may not be a result of errors in migration counts,
- If UPC does infect past migration counts, it is most likely that they precede the 2012-based SNPP trends
- The 2012-based SNPP project net migration to be significantly below past trends and so do not appear to be infected
- The UPC adjustment projection is greatly at odds with past rates of population, being significantly below the long run trend (2001 to 2014) identified by the SHMA (see figure 3.1)

Figure 3.1: York’s Past Population Growth and the SHMA Alternative Projections



Source; SHMA, June 2016 (figure 23, page 76)

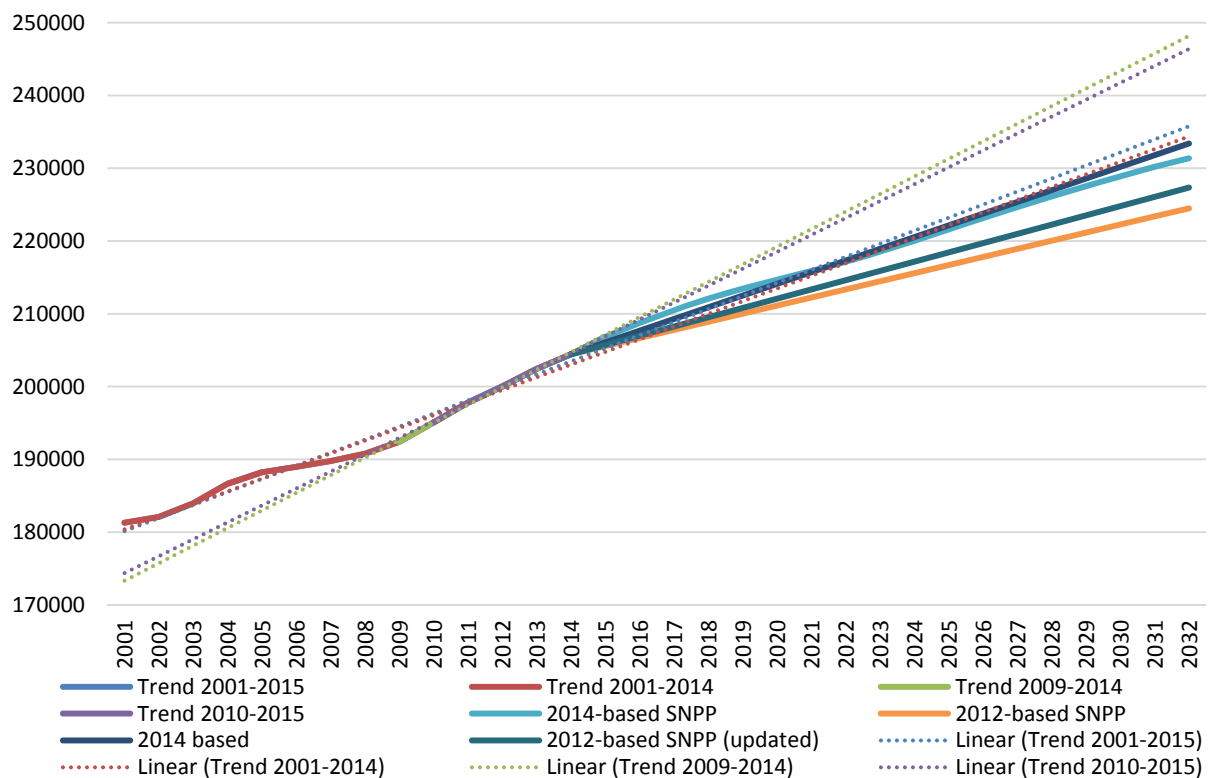
3.9 Despite the fact the *2014-based* projection is *‘in line with long term population growth trends but at some way below short term trends’* (SHMA page 75, paragraph 4.55), suggesting that is plausible in the context of past trends, this projection is also rejected by the SHMA. The rationale for rejection is weak; *‘due to uncertainties about how more recent data [the 2013 and 2014 mid-year estimates] will be translated into the next round of ONS projections (and noting that the ONS method is, appropriately, not simply based on a roll forward of past trend levels).* (SHMA Page 76, paragraph 4.56).

- 3.10 The same criticism could be levelled at all the alternative projections, but it is not valid because the assessment of housing need *demands* interrogation of the published projection, in light of new local evidence such as the mid-year estimates and the formulation of alternatives if they are demonstrated to be sound (in the context of addressing PPG), evidence based assessments.
- 3.11 Given that the SHMA uncritically adopts the mid-year estimates as a reliable estimate of population in 2013 and 2014, there is no sound justification for rejecting what the SHMA terms 'a full remodelling' (page 76, paragraph 4.56) that incorporates the 2013 and 2014 mid-year estimates and the updated migration trend that they help to reveal. Particularly when instead, a projection (*2012-based (as updated)*) is preferred that, using a far less sophisticated approach, which does not apply an updated migration trend but instead simply 'hangs' the 2012 based migration projection onto the mid-year estimate migration count for 2014.
- 3.12 The third alternative to be rejected is the *10-year migration* projection, which is treated by the SHMA as a 'stalking horse', helping to show the downside of the official 2012-based SNPP, but rejected because the 2013 and 2014 mid-year estimates (which are greater than projected by the SNPP) are given more weight as an indication that the official projections underestimate population growth.
- 3.13 The fact that the *10-year migration* projection results in a level of population growth that is about 14,000 persons less than the long term growth trend (2001 to 2014) and 25,000 persons less than the short term growth trend (2008 to 2014) provide a more clear cut basis for rejecting in.
- 3.14 In conclusion, the SHMA makes reference to population trends since 2001 that *seem* to be '*closely linked to the student population which seems to have grown strongly since 2001 but is not expected to continue to do so in the future*'. The student question is addressed later in this review, but is used to justify support for a population growth range that falls below the short and long run trend rate of population growth, setting the upper limit of 27,332, or a 13.7% increase (*2012-based (as updated)* projection), the lower limit being determined by the official 2012-based SNPP; growth of 24,480 persons, a 12.2% increase over the period 2012 to 2032.
- 3.15 The identified range of 12.2% to 13.7% growth appears to be too low to support a credible objective assessment of housing need because it ignores the clear possibility of higher growth assessed through the SHMA's 2014 based scenario and observed through the identified long run trend rate.

Testing the Alternative Projections

- 3.16 With the benefit of more up to date population projections (2014-based SNPP) and a further (2015) mid-year estimates release, it is possible to test the accuracy of the SHMA's *2014 based* alternative projection and set it, the 2012-based SNPP and SHMA's *2012-based (as updated)* alongside updated population trends analysis.
- 3.17 As can be seen from Figure 3.2 in terms of overall population growth, *2014 based* has proved to be reasonably accurate, and on the face it, the 2014 based SNPP appears to be a more credible alternative to both the 2012-based SNPP and *2012-based (as updated)*, both of which fall significantly below both the trend rates (which have both increased through the addition of population estimates for 2015). Furthermore, 2014-based SNPP is the population projection to PPG ID2a015's starting point estimate of housing need.

Figure 3.2: York's Population Growth and Alternative Projections, Updated



Source: ONS and SHMA June 2016

- 3.18 Table 3.2 (overleaf) shows population, household and dwelling change associated with the latest 2014-based SNPP, the *2014-based* alternative projection rejected by the SHMA and the SHMA preferred projections; namely the now outdated 2012-based SNPP and *2012-based SNPP (updated)*. These are presented as a series of alternative starting point estimates of need, adopting the PPG ID2a015 term, although in point of fact, the *actual* starting point estimate of

need, according to PPG, is now the CLG 2014-based household projection, published in July 2016, after the publication of both the SHMA and the Addendum in June 2016.

- 3.19 Note that the 2014-based household projections apply a headship rate projection almost identical 2012-based series, meaning that the difference between the two sets of the projections is the population growth assumptions. The household and dwelling numbers are presented as untested and unadjusted for suppression, which if evident should lead to an uplift. Note that SHMA's conversion of households to dwellings appears to be governed by a far more generous household to dwellings ratio of over 3% compared to the Council Tax Based ratio of about 1.5% used by this review
- 3.20 Although SHMA's 2014 based proved to be a relatively accurate prediction of the population growth revealed by the 2014-based SNPP, it is clearly includes a different and probably older, population age structure. This would explain why the 2014-based household projection is for only 856 households per annum, compared to *2014-based's* 923 households per annum (see table 3.2).

Table 3.2: Alternative Starting Point Estimates of Housing Need (unadjusted)

Demographic Projection	2012 to 2032		
	Population Change (%)	Household Change	Households (dwellings) per annum
2014-based SNPP	31,356 (15.7%)	17,120	856 (869)
<i>2014 based</i>	33,387 (16.7%)	18,458	923 (958)
SHMA Preferred:			
2012-based SNPP	24,480 (12.2%)	15,093	755 (783)
<i>2012-based SNPP (updated)</i>	27,322 (13.7%)	16,056	803 (833)

Source; ONS, CLG and SHMA, June 2016

- 3.21 For the reasons outlined above, concerning the relationship with the trend rate of long term population growth, this review concludes that 2014-based SNPP must be preferred to both the 2012-based SNPP that it replaced and the *2012-based (as updated)* alternative projection preferred by the SHMA, which evidently underestimates growth.

The Impact of Student Growth on the 2014-based Projections

- 3.22 Before turning how the 2014-based SNPP should be translated into the 'demographic OAN', that is after determining whether the 2014-based household formation rates are suppressed and if so, by how much they should be uplifted, it is first necessary to address the principal complaint of the Addendum, that the 2014-based SNPP should be rejected, because:

" [2014-based projected] growth in the younger age group is likely to reflect the strong growth in the student population which occurred in the City between 2008 and 2014 as a result of a new campus opening. This is expanded on in Chapter 10 of the full SHMA document, but to summarise, the University of York expanded from 13,500 students to 16,700 (+3,500) over the period feeding into the 2014-based projections. Furthermore they have suggested that its prospects for future growth are somewhat weaker than that experienced in the previous decade.

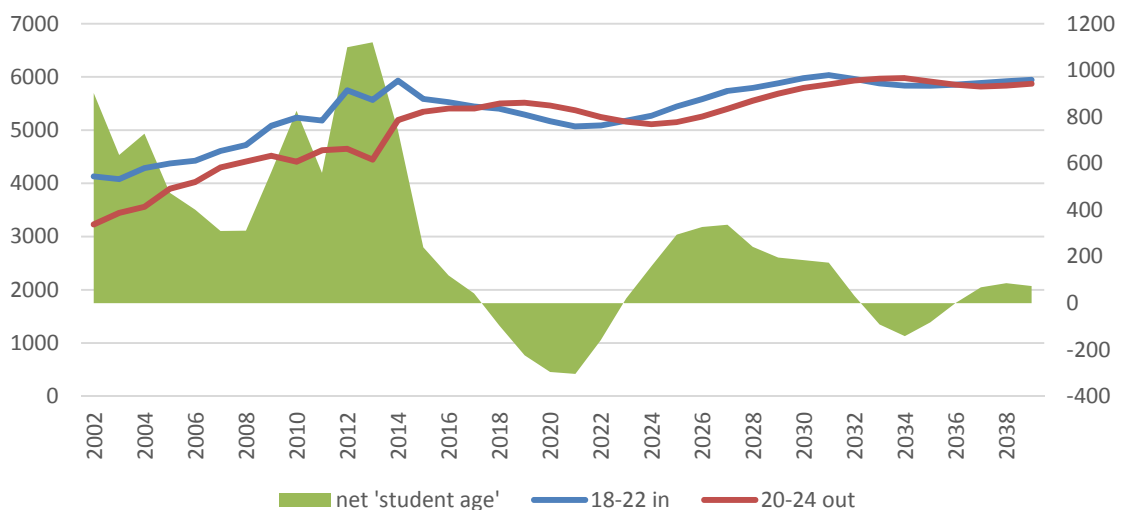
This would therefore throw some doubt on the realism of projections which reflect the historic trends. These concerns were shared with ONS during consultation on the 2014-based subnational population projections. Their response is below.

" The international migration figures for York reflect the trend for England as national assumptions are proportionately distributed across the local authorities relative to the number of international migrants entering/leaving each local authority. The impact of a new university campus on the projections will be reflected in the inflow into York but delayed re-registration when students leave university may mean that the outflow from York may be underestimated. This can be seen in the population pyramid where there are more males in the 25 to 44 age group than females. This is a known methodological issue and we advise that particular care should be taken in using or interpreting age distributions in the early 20s for areas with substantial student populations." " (Addendum, page 6, paragraph 1.12 and 1.13)

- 3.23 It should be noted that the SHMA and Addendum do not expect there to be no further growth of the Universities. The SHMA record that the University of York acknowledges that it may not be able sustain past levels of growth and fairly characterises University of York as tempering their growth ambitions (SHMA, page 193 and 194, paragraphs 10.69 and 10.70). That being said, the City Council will be aware that Preferred Sites Consultation Document does identify one particular site (ST27) for expansion of the University of York.

- 3.24 ST27 is a 21.5 hectare site identified for approx. 20,000 sq.m of B1 employment floorspace for knowledge based activities and other higher education uses. The site has the potential for additional on-site student accommodation, but will also enable the redevelopment of one of the University's existing campuses to provide further accommodation. It is estimated that the development could create between 500-1200 jobs. The proposals are identified as a key priority of the Local Economic Plan (LEP) Growth Deal that has been agreed with the government, and is also included as a priority area in York's Economic Strategy which recognises the need to drive University and research led growth in high value sectors.
- 3.25 Further growth is planned by York St John University, which according to the SHMA, plans to increase student numbers from 6,400 to 7,300 over the next five years (SHMA, page 194, paragraph 10.71). Against a context of continued plans for university expansion and growth in student numbers that may well be less that experienced in the past, the impact of student numbers on the 2014-based SNPP is now considered.
- 3.26 Figure 3.3 presents past domestic in migration for the age 18-22 cohort, as a proxy for incoming students alongside domestic out migration of the age 20-24 cohort as a proxy for outgoing students. The figure shows actual observed migration flows and net migration up to 2014, with the 2014-based SNPP continuing from 2015.

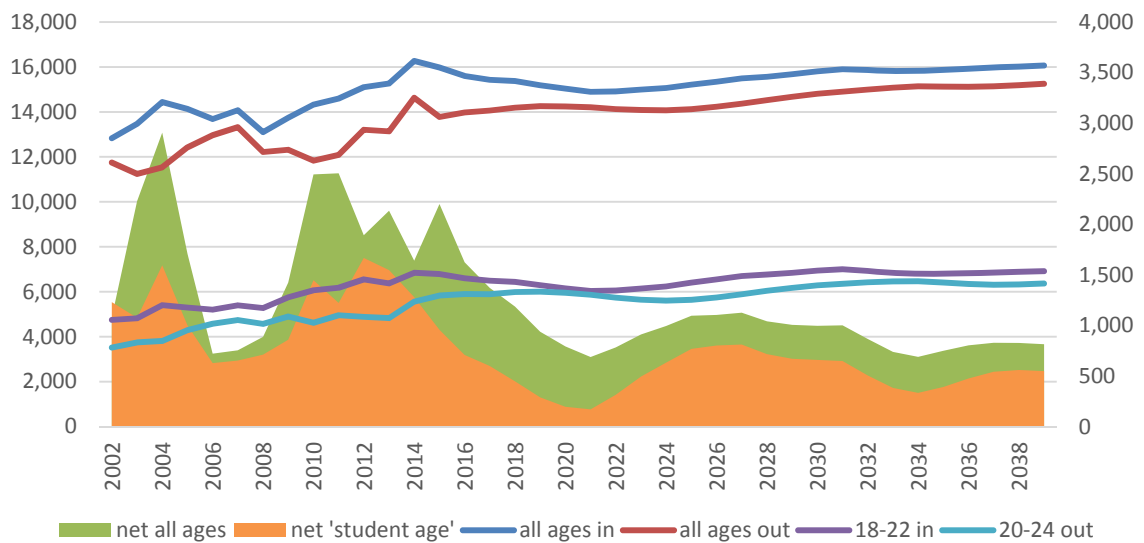
Figure 3.3: Student Age Domestic Migration, Past and Projected (2014-based)



Source: ONS

- 3.27 It is immediately apparent that past domestic migration trends, observed during what the SHMA characterises a period of relatively strong growth in student numbers, do not persist into the 2014-based SNPP. Whereas up to 2014, inflows are appreciable higher than outflows leading to an average net migration flow of 670 person per annum (2002 to 2014), in contrast the 2014-based SNPP assumes much closer in and out migration flows, giving rise to a net average migration flow of only 71 (2015 to 2032), or 11% of long run net migration (2002 to 2014).
- 3.28 Set in the context of overall migration (domestic and international for the student age proxy alongside domestic and international total flows) the pattern is as follows, showing a movement from net 'student age' of 1147 (1,721 all ages) per annum (2002 to 2014) reducing to reducing to a projected net 557 (1,158 all ages) (2015 to 2032), a 50% 'student age' reduction in the context of a 33% reduction in annual net migration observed overall. In conclusion, a rejection of the 2014-based SNPP appears to be wholly unjustified.

Figure 3.3: Student Age Domestic Migration, Past and Projected (2014-based)



Source: ONS

Household Formation in York

- 3.29 Having confirmed the 2014-based SNPP as a sound basis for York's 'demographic OAN' it is now necessary to consider whether the 2014-based household formation rates are suppressed, so that a need for any uplift, in line with PPG ID2a015, can be determined. As discussed, the 2014-based household formation rate projections are essentially the 2012-based vintage, however they combine with a different population projection to produce different results.
- 3.30 The 2014-based rates are combined with the 2014-based household population to arrive at the starting point estimate of need for 856 household per annum 2012 to 2032, which this review equates to 869 dwellings per annum. The 2014-based household population is simply the 2014-based SNPP minus the population not in households. Note that the population not in households includes students in traditional halls of residents, filtering out a proportion of the student population from the calculation of overall housing need.
- 3.31 The 2014-based formation rate projection are presented in figure 3.4, by 10 year age group, in line with SHMA figure 24, which presents the 2012-based rates, the 2011-based rate and the 2008-based rate projections.
- 3.32 The headship rates presented are the 'Stage 1' rates preferred by GL Hearn, which are termed by CLG as 'household representative rates', denoting the fact that they represent the likelihood that a person of particular age and gender will 'represent' (or head, to use a more familiar term) a household, as opposed to simply living within a household.
- 3.33 By grouping the rates into aggregated 10 year age groups for all persons, the published rates (by 5 year age group and gender) are masked. Where it necessary to adjust the rates (to address suppression), if the adjustment is based on the aggregate 10 year rates then this will invariably result in an inaccurate alternative household projection.
- 3.34 Figure 3.4 adds the 2014-based rates to the analysis and confirms that they follow the same path as the as the 2012-based rates. That being the case, applied to the 2014-based household population projection, they can be expected to yield the same household growth projection.
- 3.35 Given the similarity between the 2014 and 2012-based rates, the analysis by the SHMA of the 2012-based rates can equally be applied to the 2014-based rates and so requires attention. Note that whilst the Addendum addressed the 2014-based SNPP, it was published in advance on the 2014-based household projections and so does not comment.

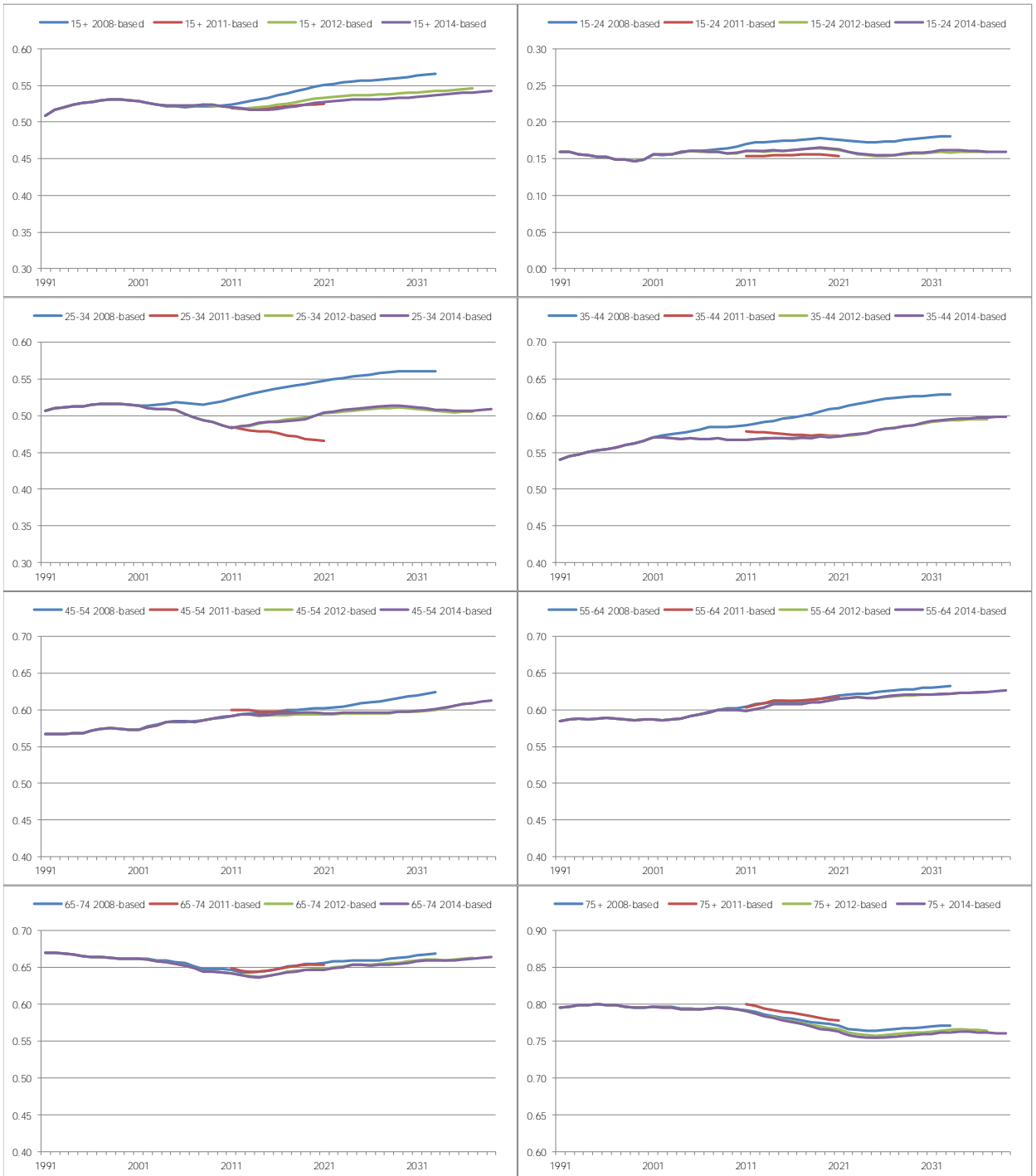
Figure 3.4: York Household Formation Rates, 1991-2039 (projected from 2012)

Analysis of Household Representative (HR) Rates

Comparison of HR rates for persons aged 15+, by 10 year age band, 15 to 74 and for persons 75+ is presented in the panels below. The HR rates shown are taken from the DCLG 2008-based (blue line), interim 2011-based (red line), 2012-based projections (green line) and 2014-based series (purple line). Although the position on a scale of 0 to 1 (0 to 100%) varies, the range on each left hand axis is the same (0.3 or 30%) so that like for like comparison can be made.

By way of explanation, a rate of 0.5 means that 50% of persons in that age group are said to represent a household, so that a hypothetical 100 persons is assumed to represent 50 households.

Local Authority: York



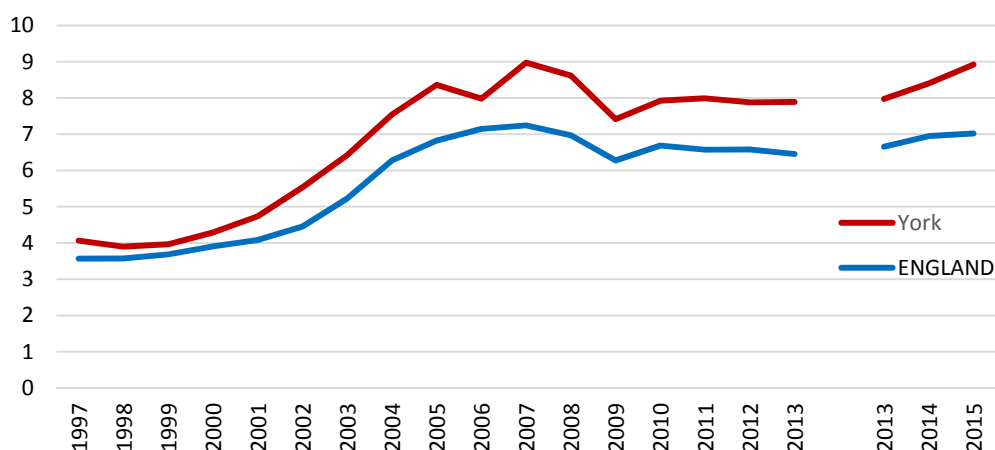
SHMA and Addendum Conclusions on Suppressed Household Formation

- 3.36 In the context of PPG ID2a 015 and 016, it is necessary to evaluate whether CLG's household formation rate projections have been suppressed by past undersupply and worsening affordability of housing. Further, if they are found to be suppressed, then they must be adjusted upwards so that the suppression is removed.
- 3.37 The SHMA presents contradictory analysis on this point. In Section 4, the SHMA concludes that "the household formation rates in the 2012-based Household Projections appear reasonable. There is no substantive evidence that these project forward suppressed household formation ..." (SHMA, page 83, 5th bullet point, our emphasis).
- 3.38 However, in Section 8, following examination of market signals (the section topic), the SHMA revises what must have been only an initial opinion, concluding as follows:

"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." (SHMA, page 153, paragraph 8.69, our emphasis)

- 3.39 It should be noted that lower quartile affordability ratio quoted by the SHMA is for 2013. ONS has since updated its affordability analysis to 2015. The update was published in July 2016, after the SHMA and Addendum were released. In summary, affordability has worsened sharply since 2013, compared to the 5 preceding years, giving rise to greater affordability pressures than reported by the SHMA and in turn, requiring a greater than 'modest' upward adjustment to the 2014-based SNPP demographic based assessment of housing need.
- 3.40 In 2015, York's lower quartile affordability ratio has reached 8.9, a worsening of 0.95; compared to a ratio 7.0 nationally, a worsening of 0.36. (See figure 3.4)

Figure 3.5: Lower Quartile Affordability, Absolute Change 1997 to 2015



Source: ONS

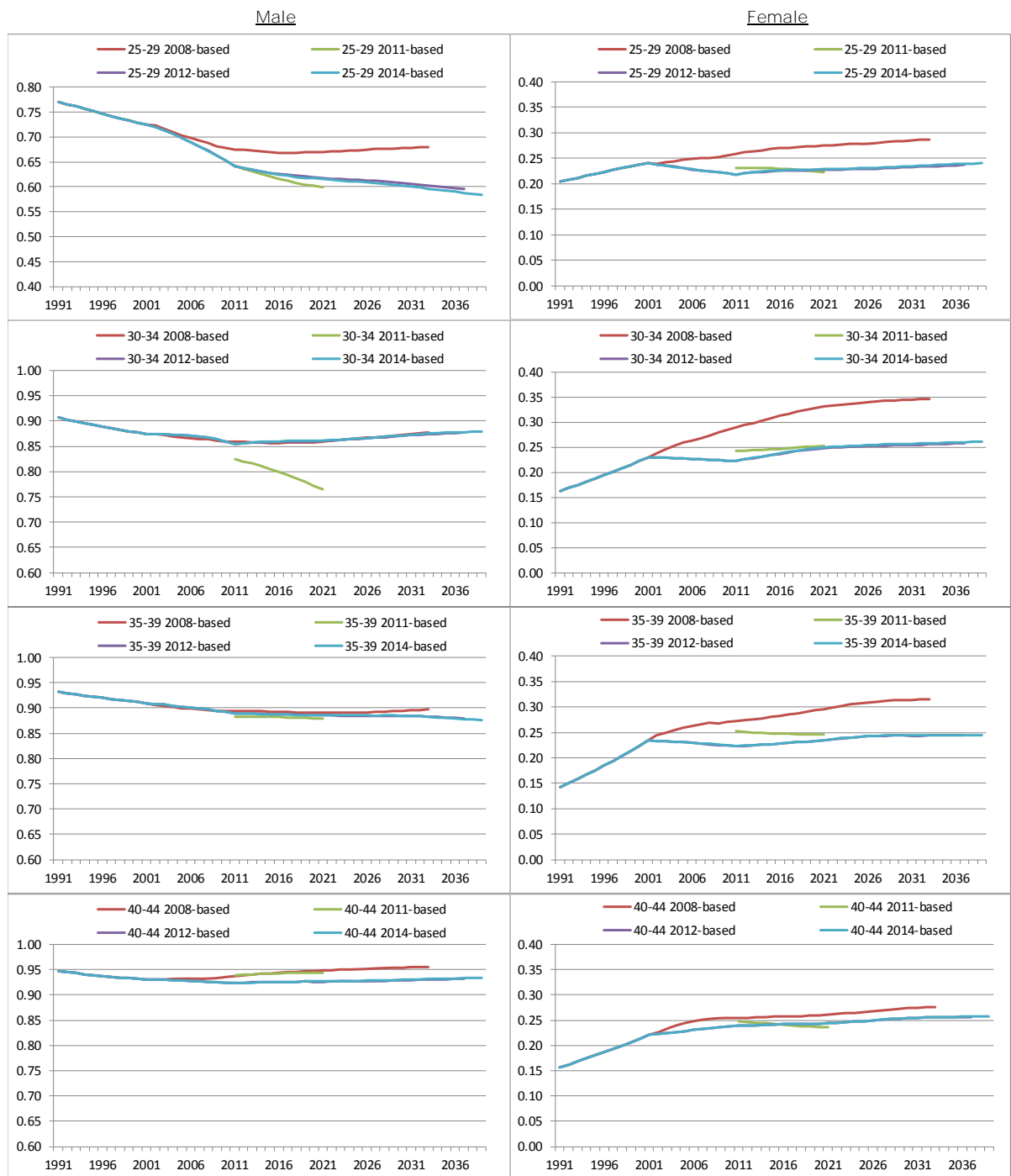
- 3.41 Note that ONS has revised their method of measuring house prices, the old method series ending and the new method series starting in 2013. Accordingly, the affordability time series shown in figure 3.4 is presented in 2 blocks, the first (old method) up to 2013 and the second (new method) from 2013.
- 3.42 By way of remedy to worsening affordability in particular, revealed by this review as a greater problem for York than the SHMA was able to appreciate, the SHMA proposes and ultimately applies an upward adjustment to York's household formation rates, for persons ages 25-34, which the SHMA characterises as constrained (SHMA pages 155 to 156, paragraphs 8.108 to 8.111).
- 3.43 In line with the SHMA conclusion, and without the benefit of the ONS updated affordability analysis, the Addendum described the 25-34 headship rate as suffering from a "*modest level of suppressed household formation*" (Addendum, page 7, paragraph 1.18).
- 3.44 An upward adjustment is the correct response, however an adjustment made *only* to the 25-34 age group ignores the fact that household formation across the 25-44 age group was markedly lower than predicted in 2011 (see figures 3.4 and 3.6).
- 3.45 The analysis presented in figures 3.4 and 3.6 reveals deterioration in the 2014-based formation rate between 2001 and 2011 compared to the 2008-based HR rates which follow a forty year (1971 to 2001), pre affordability crisis trend (see figure 3.5 and the rapid deterioration of affordability in York after 2001).
- 3.46 Comparative deterioration of the 2014-based rate is indicative of suppressed household formation. That suppression is projected forward and for the most part, the gap widens between the 2014-based HR rate and the 2008-based 'pre crisis' trend over time. Deviation

from the 2008-based HR rates is most pronounced in the 25-34 age group but there is also significant deviation in the age group 35-44 years.

Figure 3.6: York Household Formation Rates, by Age (25-44) and Gender

Comparison of HR rates for males and females aged 25-29, 30-34, 35-39 and 40-44 is presented in the panels below. The HR rates shown are taken from the DCLG 2008-based (blue line), interim 2011-based (red line) and 2012-based projections (green line). The left hand panel shows male rates and the right hand panel shows female rates. From top to bottom, both panels are set in ascending order of age group. Although the position on a scale of 0 to 1 (0 to 100%) varies, the range on each left hand axis is the same (0.4 or 40%) so that like for like comparison can be made. By way of explanation, a rate of 0.5 means that 50% of persons in that age group are said to represent a household, so that a hypothetical 100 persons

Local Authority: York



- 3.47 Further weight is given to a formation rate adjustment across the 25-44 age group by the Local Plan Expert Group (LPEG), which has recommended applying a partial (50%) return to the 2008-based rates to the 25-44 age group, as part of the methodological changes to assessment of housing need discussed more fully in Section 4 of this review.
- 3.48 A further problem with the approach taken by the SHMA, which addresses household formation in aggregated 10 year blocks, is that it inadvertently serves to constrain the household formation rate projection for women aged 30-34, which, as can be seen from figure 3.6, is projected to rise above the 2001 rate between 2011 and 2016.
- 3.49 Table 3.3 presents the result of applying an adjustment to the 25-44 household formation rate, alongside an alternative assessment which adjusts the 25-34 age group headship rates only. Unlike the SHMA approach, the adjustment is only made where it would improve the formation rate and so avoids worsening it in any way. Note that in this instance, the results are almost identical, giving rise to a 2014-based SNPP demographic OAN of c920 dwellings per annum.

Table 3.3: 2014-based Household Projection, After Adjustment

2014-based SNPP + 2014-based Formation Rates	Households 2012	Households 2032	Change in households	Household (Dwelling) per annum
50% return to 2008- based rates (25-44)	84,270	102,443	18,173	909 (923)
Corrected return to 2001 formation rates (25-34)	84,270	102,431	18,161	908 (922)

York's 'Future Jobs OAN'

- 3.50 Having confirmed that the 'demographic OAN for York should be 920 dwellings annum, it is necessary to test whether that would provide sufficient homes to accommodate future job growth.
- 3.51 The SHMA addresses this question in its Section 5, 'Economic-led Housing Need', by reference to a range of econometric models that predict growth of between 11,580 and 16,484 jobs over the period 2012 to 2032 (SHMA, page 84, table 23).
- 3.52 No particular test of the SHMA's preferred 'demographic OAN' range is carried out, instead reference is made to population projections that formed part of the econometric models used (SHMA page 86, figure 27).
- 3.53 Having observed that the econometric forecasts predict population growth below that associated with the SHMA's 'top end' *2012-based (as adjusted)* preferred demographic projection, the SHMA concludes that there is no justification for an uplift to housing numbers for the purposes of accommodating future jobs growth (SHMA, page 87, boxed text).
- 3.54 Questioning the veracity of the SHMA's approach are somewhat academic, because this review has rejected the SHMA and Addendum 'demographic OAN' in favour of the 2014-based 'demographic OAN' of 920 dwellings per annum.
- 3.55 For the purposes of this review, a different approach has been taken, which involves an analysis of the demographic OAN's capacity to provide enough labour (economically active and employed residents), taking account of projected changes to the age structure that have evidently been ignored by the SHMA (and have not been revisited by the Addendum).

Table 3.4: 2014-based Demographic OAN, Labour and Jobs Supply Analysis

	2012	2032	2012-2032	Annual Average
Population projection	200,018	231,374	31,356	1,568
Population of working age	128,756	150,479	21,713	1,086
Economically active population	106,744	120,070	13,326	666
Resident employment	100,214	115,775	15,561	778
Workplace based employment	104,389	120,599	16,210	810

- 3.56 Table 3.4 presents the results of this review's labour and job supply analysis the 2014-based 'demographic OAN'. The analysis uses the following assumptions:

- Working age population calculated by applying ONS state aid factors to the population projections. The factors used take account of increases to the state pension age currently legislated for.
- The economically active population is derived by applying the latest (2015) Office for Budget Responsibility (OBR) national economic activity rate projection to the population projection, by age group and gender. This approach is advocated by LPEG for the purposes of establishing the housing requirement.
- Resident employment is derived by applying an unemployment rate projection to the economically active population. The unemployment rate projection is based on a return to the pre-recession average employment rate (ONS model-based)
- Workplace based employment is derived by applying York's commuting rate (0.96 according to the Census) to the resident employment projection, which in this case scales the numbers up.

3.57 The results of the Table 3.4 analysis shows a close match between the demographic OAN's (920 dwellings per annum) workplace based employment growth capacity (+16,210) and the top end of the employment growth projection range (11,580 to 16,484) considered by the SHMA. In light of this, no uplift for future jobs is recommended and 920 dwellings per annum is confirmed as the demographic and future jobs OAN.

Market Signals Uplift

3.58 The SHMA presents household formation rate adjustments as a market signals uplift, although such adjustments should rightly be made during the assessment of the 'demographic OAN'. This is ultimately a moot point, because in the terms described by PPG, the headship rate uplift and the market signals uplift are overlapping.

3.59 Whatever the housing number that results from the household formation rate adjustment, provided it satisfies the demographic and future jobs tests, the market signals uplift is arrived at through attention to the following key points:

- First, whether market signals are worsening; and the SHMA agrees that they are, albeit without being aware that the latest affordability analysis from ONS reveals that the affordability problem is now much worse.
- Second that the remedy to worsening market signals is automatically an increase to the starting point estimate of housing need, namely the unadjusted 2014-based household projection for 856 dwelling per annum.
- Third, the sale of uplift is arrive at through an understanding of past supply noting that PPGID2a 020 advises that the more significant the affordability constraints, the larger the additional supply response should be.

- 3.60 Clearly, in light of agreement that market signals are worsening the SHMA and Addendum's OAN of up to 841 dwellings per annum (their *2012-based SNPP (updated)* projection) fails as an uplift to the starting point estimate of need of 856 dwellings per annum. It cannot therefore be proposed as a PPG compliant assessment of overall housing need because it fails as an estimate of full objectively assessed housing need.
- 3.61 In contrast, the demographic and future jobs OAN arrived at by this review (920 dwellings per annum) is an increase on the starting point estimate of need; of 64 dwellings or about 7.5%. The SHMA found this to be a proportionate uplift in the context of moving from the 2012-based household projection based starting point of 783 dwellings per annum to the 841 dwellings per annum (+7.4%) arrived at after uplifting the 2012-based (as adjusted) projection of 833 by 8 dwellings to provide some improvement in household formation.
- 3.62 Alternatively, an uplift of 10% could be applied in line with the approach taken by the Eastleigh and Uttlesford Inspectors (SHMA, page 154, paragraph 8.102). That would give rise to a market signals uplift to 940 dwelling per annum.
- 3.63 When consideration of supply is given, as PPG requires, the demographic and future jobs OAN of 920 dwellings per annum can be set alongside the Council's latest monitoring report analysis that over the last 10 years, 2006 to 2016, the net dwelling gain has averaged 557 dwellings per annum. In that context, 920 dwellings per annum represents a 65% increase in supply.
- 3.64 65% is clear a boost to supply, however it is difficult to establish what level of increase could reasonably be expected (using the PPG ID2a 020 test) to impact upon affordability. The Barker Review concluded that only a significant increase in supply will have an appreciable impact on affordability in the medium term.
- 3.65 According to Barker, taking the year ending 2003 as the base year, reducing house price inflation to 1.1% from its 2.7% 20 year trend rate would price an additional 5,000 English households into the market by 2011. Such an outcome would only be achieved if 120,000 more (86%) additional homes were completed than there were housing starts in the base year (Barker Review, 10 Years On, page 7).
- 3.66 Evidently, it is reasonable to assume that reducing house price inflation to 1.1%, and meeting the benchmark 86% increase in supply through which it was to be achieved, could help to alleviate the affordability problem observed in York by both the SHMA and this review.

- 3.67 Further, it is clear that the Barker Review findings are of enduring relevance; albeit that more recent assessments find that Barker's '120,000 more starts' has not been achieved, implying that an increase greatly in excess of 86% would be required to reduce house price inflation to 1.1%.
- 3.68 First, in March 2014, the Home Builders Federation marked the fact that a decade has passed since the Barker Review was published with an assessment of what it would now take to reduce house price inflation to 1.1% (Barker Review 10 Years On, page 11). They found that the situation has deteriorated; implying that housing starts would need to increase by 178% over the average number of starts recorded between 2003 and 2013.
- 3.69 Second, Mark Carney, Governor of the Bank of England, referenced the Barker Review during a speech made on 12 June 2014. He stated that '*the underlying dynamic of the housing market reflects a chronic shortage of supply*' and in that context referenced the Barker Review finding that '*260,000 homes a year would be necessary to contain real house price growth at 1% per annum*'. He then adds that '*far fewer have in fact been built in the years since... supply constraints are likely to put increasing pressure on prices in a now rapidly growing economy*.'
- 3.70 In the context Barker's 86% boost to supply benchmark, 920 dwellings per annum clearly falls short at 67% in excess of past supply (577 dwellings, 2006 to 2016). Increasing supply by 86% would require a market signals uplift of 217 above the 2014-based starting point estimate of need to 1,073 dwellings per annum. In light of the above, full objectively assessed need sits on range of 920 (67% uplift) to 1,070 (86%) dwellings per annum, or between 7.4% and 25% in excess of the starting point estimate of housing need.

4.0 LOCAL PLAN EXPERT GROUP HOUSING NEED ASSESSMENT

4.1 The Local Plan Expert Group (LPEG) was established by the then Communities Secretary, Greg Clark and the Minister for Housing and Planning, Brandon Lewis MP, in September 2015, with a remit to consider how local plan making can be made more efficient and effective.

4.2 In short, the LPEG identified two main problems for local authorities, as follows:

- There is no pre-set determination of the boundaries of Housing Market Areas;
- There is no definitive guidance on the way in which to prepare a SHMA, leading to significant disagreement and uncertainty over housing numbers, which then affects every stage of the plan making progress.

4.3 In respect of the second point, the LPEG report includes Appendix 6, which recommends changes to the Housing and Economic Development Needs Assessment (HEDNA) section of PPG in order to establish FOAN. The recommended methodology is summarised overleaf (Figure 4.1).

4.4 The LPEG recommendations are currently being consulted on, and it is important to emphasise that they do not, at the present time, hold any weight in the determination of FOAN. Nevertheless, they represent current thinking and a possible direction of travel in housing need assessment so are worthy of consideration here.

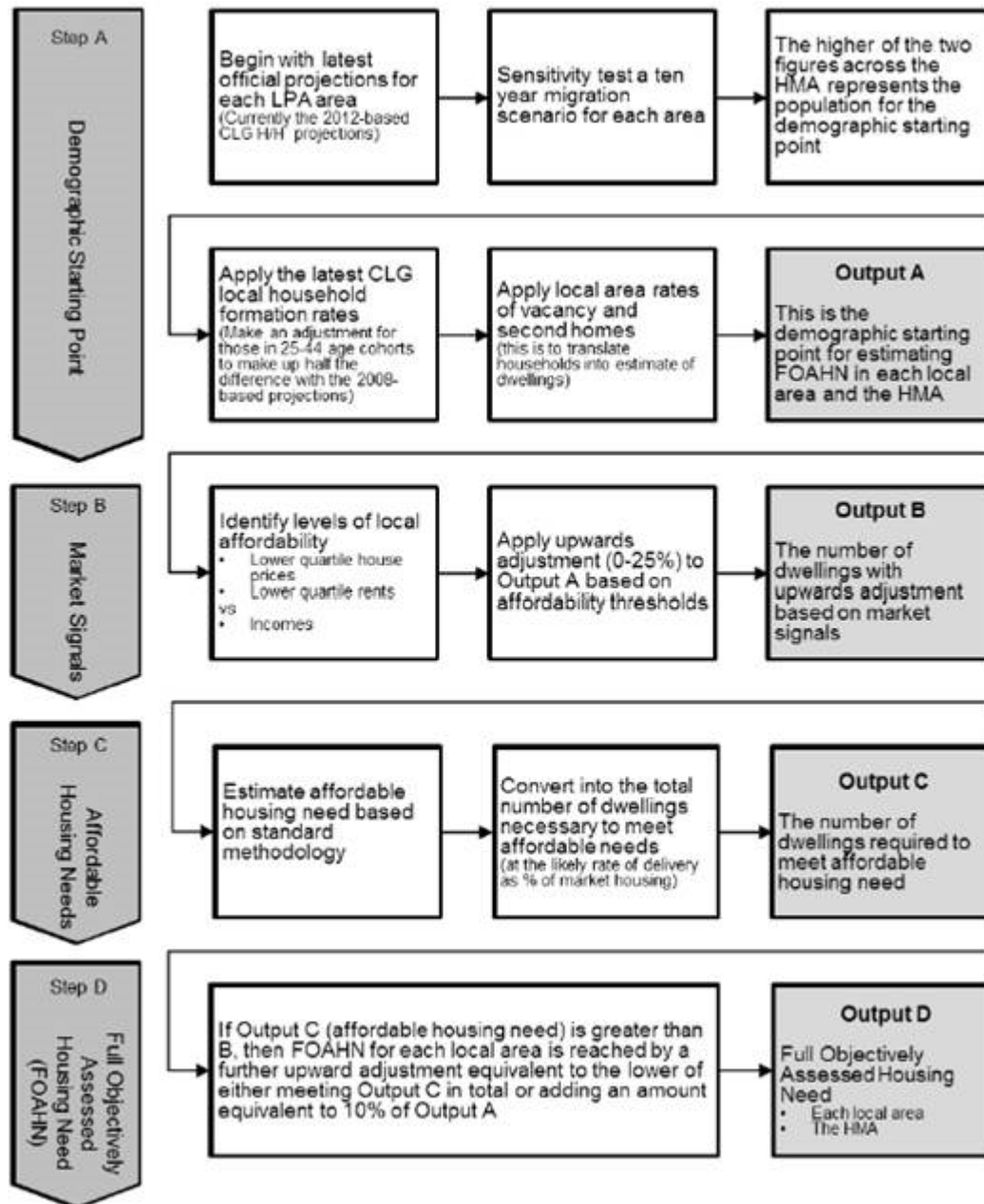
4.5 In summary, LPEG's OAN is arrived at over 4 outputs, A to D. Output A includes a mandatory adjustment to household formation as per the household formation adjustment used to arrive the household projection, after adjustment (50% return to the 2008-based rates 25-34) calculated in Section 3 (Table 3.3) of this review. LPEG's 'Output A, Demographic Starting Point'. Is therefore 18,450 dwellings (923 per annum) for York.

4.6 The LPEG approach does not provide for an adjustment for future jobs, removing the requirement for a 'future jobs OAN'. The second adjustment (to arrive at Output B) is in response market signals and is made by reference to median house price and or lower quartile rental affordability.

4.7 LPEG specifies that median house price affordability, averaged over the most recent three years, of between 7.0 and 8.6, *must* be addressed by a 20% uplift to Output A. The average for York is 7.5, giving rise to LPEG Output B need figures of 22,140 (1,107 dwelling per annum) for York, significantly in excess of the OAN proposed by the SHMA and Addendum of up to 841 dwellings per annum.

4.8 The third output (Output C) is the current PPG assessment of affordable housing need. The final output (Output D) is the same as Output B, except in those circumstances where Output C (affordable housing need) is higher than Output B, which is not the case here, confirming 22,140 (1,107 dwelling per annum) for York as FOAHN based on the proposed LPEG methodology.

Figure 3.1: LPEG Housing Need Assessment Methodology



Source: Page 22, Local Plans Expert Group Appendices, March 2016

5.0 SUMMARY AND CONCLUSIONS

- 5.1 This review addresses the assessment of overall housing need presented in York SHMA and Addendum, both published in June 2016. Particular attention to the points made about the 2014-based sub national population projections (SNPP) in order to test 1) whether the Addendum's rejection of it is justified and in turn, 2) whether the SHMA and Addendum settled conclusion that York has a need for 841 dwellings per annum is soundly based in the context of NPPF and Planning Practice Guidance (PPG) ID2a 015 to 020; guidance on the methodology to be used for assessment of full objectively assessed housing need (FOAN).
- 5.2 The methodology for assessing overall housing need is explained in Section 2 of this review, but can be summarised as a 3 step transformation of the latest CLG household projection to FOAN as per Figure 5.1.

Figure 5.1: PPG OAN Guidance

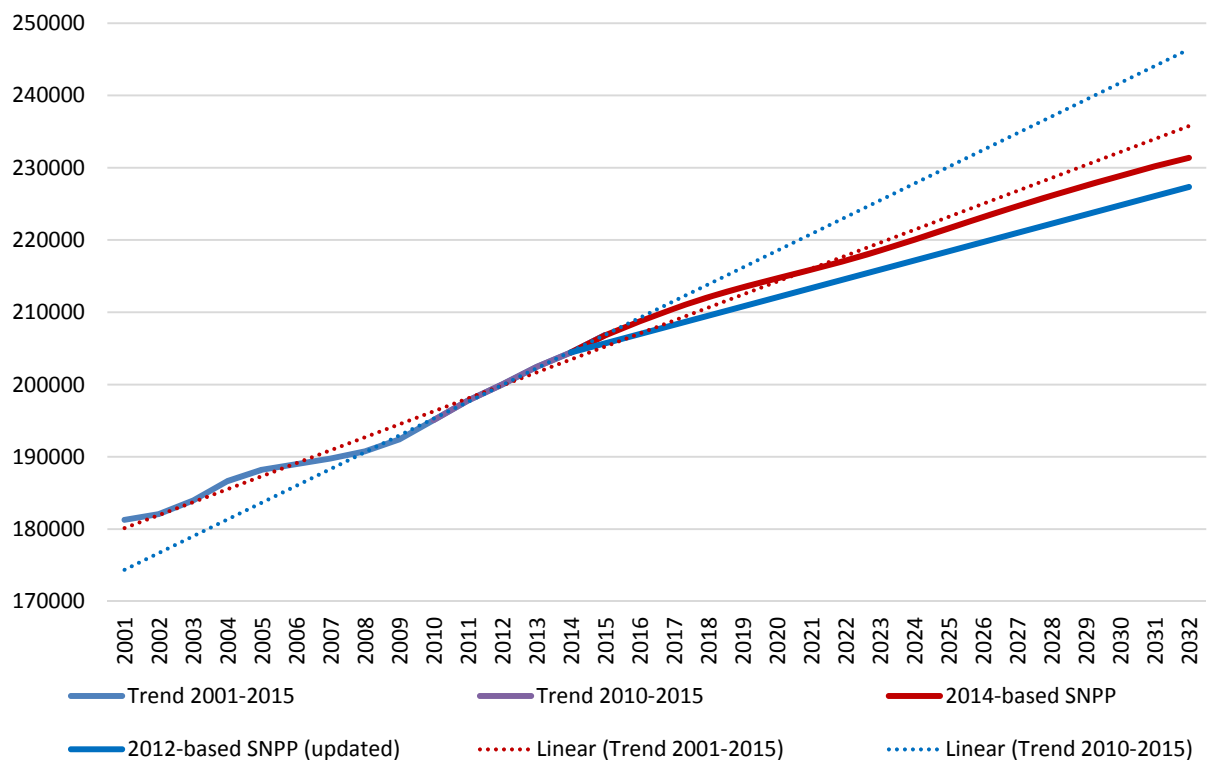
PPG ID 2a 015 to 020		
Latest CLG household projections starting point		
Adjustments to projections	1. Demography	<p>A. Household formation (ID2a 015, 016) <i>may have been suppressed historically by undersupply and worsening affordability of housing. As a result, the CLG household formation rate projections may also be suppressed. If so they must be adjusted upwards so that the suppression is removed.</i></p> <p>B. Migration and population change (ID2a 016, 017). <i>Sensitivity testing of local migration and population change, taking account of the most recent demographic evidence from ONS.</i></p> <p style="text-align: right;">1. Gives rise to the 'demographic OAN'</p>
	2. Future job growth (ID2a 018)	<p><i>based on past trends and or projections should be taken into account. The OAN must be capable of accommodating the supply of working age population that is economically active (labour force supply), if it does not them it should be adjusted upwards.</i></p> <p style="text-align: right;">2. Gives rise to the 'future jobs OAN'</p>
	3. Market signals (ID2a 019, 020)	<p><i>of undersupply relative to demand that are worsening trigger an upward adjustment to planned housing numbers that are based solely on household projections. The more significant the affordability constraints, the larger the additional supply response should be.</i></p> <p style="text-align: right;">3. Gives rise to the 'market signals uplift'</p>
Full objectively assessed housing need (FOAN)		

5.3 In addition to the evidence tested by the SHMA and Addendum, the latest household projections from CLG (2014-based, published July 2016), mid-year 2015 population and migration estimates and affordability analysis to 2015 from ONS (also published in July 2016) have informed this review’s test of the SHMA and Addendum’s conclusion that its *2012-based SNPP (as updated)* projection of 833 dwellings per annum, uplifted by 8 to 841 dwellings per annum, represents.

Step 1, Demographic OAN

5.4 Set against analysis of past population trends, the 2014-based SNPP follows the long run trend (2001-2015) more closely than the SHMA’s *2012-based (as updated)* projection, which fall significantly below the long run trend, by some 8,000 persons in 2032 (see Figure 5.1). On the face of it the 2014-based SNPP is therefore a more credible alternative. Furthermore, 2014-based SNPP *is* the population projection to PPG ID2a015’s starting point estimate of housing need and as such should carry significant weight.

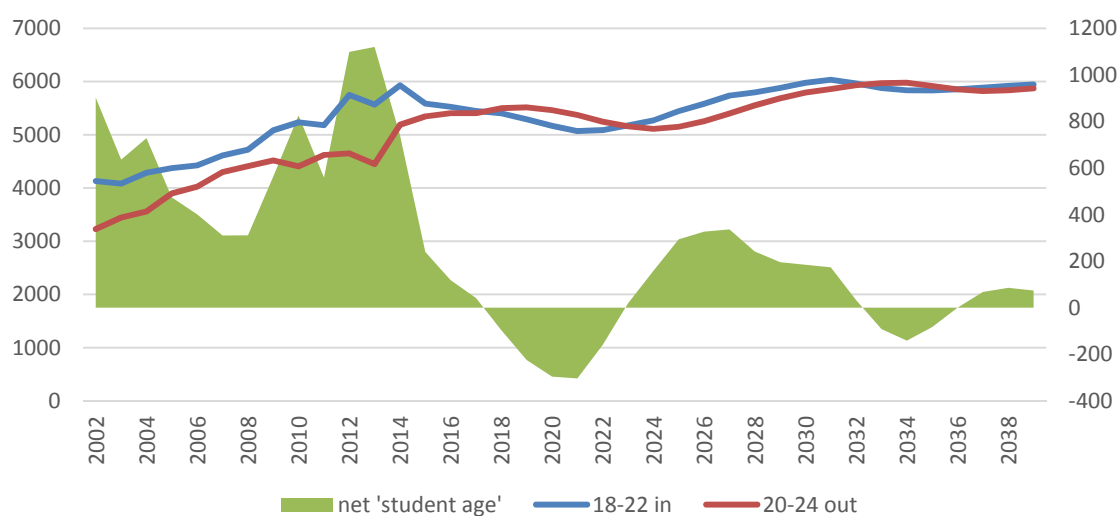
Figure 5.1: York’s Past Population Growth and Alternative Projections



The Impact of Student Growth on the 2014-based SNPP

- 5.5 The substantive complaint of the Addendum, that the 2014-based SNPP should be rejected, because '[2014-based projected] *growth in the younger age group is likely to reflect the strong growth in the student population which occurred in the City between 2008 and 2014 ... prospects for future growth are somewhat weaker than that experienced in the previous decade ... This would therefore throw some doubt on the realism of projections which reflect the historic trends*':
- 5.6 The Addendum quotes correspondence from ONS which warns that delayed re-registration when students leave the university (and move out of York) *may* mean that the 2014-based SNPP underestimate outflows from York. Examination of past migration and comparison with projected migration does not support a conclusion that such the 2014-based SNPP, quite the opposite.

Figure 5.2: Student Age Domestic Migration, Past and Projected (2014-based)



Source: ONS

- 5.7 Figure 5.2 presents past domestic in migration for the age 18-22 cohort, as a proxy for incoming students alongside domestic out migration of the age 20-24 cohort as a proxy for outgoing students. It is immediately apparent that past domestic migration trends, observed during what the SHMA characterises a period of relatively strong growth in student numbers, do not persist into the 2014-based SNPP. Whereas up to 2014, inflows are appreciable higher than outflows leading to an average net migration flow of 670 person per annum (2002 to 2014), in contrast the 2014-based SNPP assumes much closer in and out migration flows, giving rise to a net average migration flow of only 71 (2015 to 2032), or 11% of long run net migration (2002 to 2014).

Conclusions on Supressed Household Formation and the Demographic OAN

- 5.8 The SHMA ultimately concludes that York suffers from some affordability pressures, with the 2013 lower quartile to income ratio around 7.89 in York, in the context of a ratio of 6.45 in England. Accordingly it correctly proposes an upward adjustment to the published household formation rates.
- 5.9 By way of remedy to worsening affordability in particular, revealed by this review as a greater problem for York than the SHMA was able to appreciate, the SHMA proposes and ultimately applies an upward adjustment to York's household formation rates, for persons ages 25-34, which the SHMA characterises as constrained (SHMA pages 155 to 156, paragraphs 8.108 to 8.111).
- 5.10 The problem with the approach taken by the SHMA, which addresses household formation in aggregated 10 year blocks, is that it inadvertently serves to constrain the household formation rate projection for women aged 30-34, which, as can be seen from figure 3.6, is projected to rise above the 2001 rate between 2011 and 2016. Correcting this flaw, by addressing the household formation rates in 5 year age bands by Age and gender give rise to a 2014-based SNPP 'demographic OAN' of 920 dwellings per annum, which this review concludes is a robust alternative to the SHMA and Addendum's 841 dwellings per annum.

York's 'Future Jobs OAN'

- 5.11 The SHMA addresses future jobs by reference to a range of econometric models that predict growth of between 11,580 and 16,484 jobs over the period 2012 to 2032 (SHMA, page 84, table 23), concluding that there is no justification for an uplift to housing numbers for the purposes of accommodating future jobs growth (SHMA, page 87, boxed text).
- 5.12 Questioning the veracity of the SHMA's approach are somewhat academic, because this review has rejected the SHMA and Addendum 'demographic OAN' in favour of the 2014-based 'demographic OAN' of 920 dwellings per annum. Table 5.1 presents the results of this review's labour and job supply analysis the 2014-based 'demographic OAN'.

Table 5.1: 2014-based Demographic OAN, Labour and Jobs Supply Analysis

	2012	2032	2012-2032	Annual Average
Population projection	200,018	231,374	31,356	1,568
Population of working age	128,756	150,479	21,713	1,086
Economically active population	106,744	120,070	13,326	666
Resident employment	100,214	115,775	15,561	778
Workplace based employment	104,389	120,599	16,210	810

5.13 The analysis shows a close match between the demographic OAN's (920 dwellings per annum) workplace based employment growth capacity (+16,210) and the top end of the employment growth projection range (11,580 to 16,484) considered by the SHMA. In light of this, no uplift for future jobs is recommended and 920 dwellings per annum is confirmed as the demographic and future jobs OAN.

Market Signals Uplift

5.14 Clearly, in light of agreement that market signals are worsening the SHMA and Addendum's OAN of up to 841 dwellings per annum (their *2012-based SNPP (updated)* projection) fails as an uplift to the starting point estimate of need of 856 dwellings per annum. It cannot therefore be proposed as a PPG compliant assessment of overall housing need because it fails as an estimate of full objectively assessed housing need.

5.15 In contrast, the demographic and future jobs OAN arrived at by this review (920 dwellings per annum) is an increase on the starting point estimate of need; of 64 dwellings or about 7.5%. The SHMA found this to be a proportionate uplift in the context of moving from the 2012-based household projection based starting point of 783 dwellings per annum to the 841 dwellings per annum (+7.4%) arrived at after uplifting the 2012-based (as adjusted) projection of 833 by 8 dwellings to provide some improvement in household formation.

5.16 Alternatively, an uplift of 10% could be applied in line with the approach taken by the Eastleigh and Uttlesford Inspectors (SHMA, page 154, paragraph 8.102). That would give rise to a market signals uplift to 940 dwelling per annum.

5.17 When consideration of supply is given, as PPG requires, the demographic and future jobs OAN of 920 dwellings per annum can be set alongside the Council's latest monitoring report analysis that over the last 10 years, 2006 to 2016, the net dwelling gain has averaged 557 dwellings per annum. In that context, 920 dwellings per annum represents a 65% increase in supply.

- 5.18 Set against the Barker Review, 920 dwellings per annum falls short, at 67% in excess of past supply (577 dwellings, 2006 to 2016), of the 86% estimated by the review to material improve affordability. Increasing supply by 86% would require a market signals uplift of 217 above the 2014-based starting point estimate of need to 1,073 dwellings per annum. In light of the above, FOAN sits on range of 920 (67% uplift) to 1,070 (86%) dwellings per annum, or between 7.4% and 25% in excess of the starting point estimate of housing need.
- 5.19 A range of 920 to 1,070 dwellings per annum compares with a FOAN of 1,107 dwelling per annum) for York based on the proposed LPEG methodology.

APPENDIX 2

Site Specific Representations to Site ST7
Land to the East of Metcalfe Lane, Osbaldwick

Local Plan
City of York Council
West Offices
Station Rise
York
YO1 6GA

20498/A3/CA

12th September 2016

Dear Sir/Madam,

REPRESENTATIONS TO THE CITY OF YORK LOCAL PLAN PREFERRED SITES CONSULTATION
– LAND TO EAST OF METCALFE LANE, OSBALDWICK (SITE REFERENCE ST7)

On behalf of Barratt Homes and David Wilson Homes (our Client) we write in response to the City of York Local Plan Preferred Sites consultation (CYCLP) which is currently out for public consultation.

These representations are made with specific regard to land to the east of Metcalfe Lane, Osbaldwick, which is identified as site reference ST7 and should be read in conjunction with our overarching representations. The Site is currently identified as a Proposed Strategic Housing Allocation.

Our Client has land interest in part of site ST7, as indicated on the attached Plan and Promotional Document which accompanies these representations, together with land to the south and west of site ST7, which the Council are currently proposing to designate as a new Green Wedge. These site specific representations should be read in conjunction with our overarching representations which make comments of the overall soundness of the CYCLOP, including the level of homes **proposed in the plan, the use of windfall sites in meeting the Council's housing requirement and the selection process.**

Our Client supports the principle of a proposed allocation in this location given the sustainable nature of Osbaldwick, however, it is considered that the extent of the proposed allocation should be increased to include land further to the south and west so that it relates to the existing built up area of Osbaldwick and Heworth. Furthermore, they object to the provision of their land interests being allocated as part of a new green wedge.

It is considered that the provision of artificial buffers to existing settlements will make access to facilities more difficult and actively moving housing further away and creating a separation between the proposed allocation and the existing built form is of little merit and is contrary to established good practice.

The Council had previously proposed a much larger boundary for allocation ST7 as part of the Publication Draft Local Plan (October 2014), which included the additional land now being suggested by our Client. At the time the Council clearly felt this land was suitable for allocation and should be removed from the Green Belt and it is considered that these conclusions remain valid.

Proposed Development

The proposed allocation that is being suggested by our Client extends to approximately 41 hectares and includes the land currently to the south of Bad Bargain Lane which forms part of allocation ST7 in addition to land located between the allocation and the settlement of Osbaldwick.

These representations are accompanied by a Promotional Document which demonstrates the suitability of the site, as well as demonstrating that it is available and achievable and should be brought forward as the proposed allocation.

Various elements of technical work has been undertaken which demonstrates that there are no constraints that would prevent the development of the site coming forward for residential development.

An opportunities and constraints plan has been prepared and the findings have fed into the indicative masterplan process to ensure that the development of this land takes account and plans for any potential constraints. For example, the main proposed vehicular access to the site off Murton Way has been designed to ensure that as minimal development as possible would occur within the field which is currently identified as a SINC. There are pylons and overhead cables located in this area of the site and it is therefore proposed to utilise the southern extent of the site as green space, which will also assist in creating greater separation distances between the proposed and existing dwellings. Furthermore, there are 3 listed buildings located to the south west of the site and this area of green space will assist in ensuring that there are no adverse impacts upon their setting.

It is anticipated that the suggested allocation could accommodate 784 dwellings with a density of circa 32 dwellings per hectare. The indicative layout includes land for the provision of a new primary school and playing fields, as well as a community hub, public open space, SUDS, pedestrian/cycle linkages together with areas of open space and landscaping.

City of York Development Parameters for Site ST7

The Council set out a number of development parameters regarding site ST7 within the Preferred Sites Consultation document. The Promotional Document and indicative layout demonstrates that **the Council's aspirations for a new residential development within this location can be met within** the proposed allocation being put forward by our Client.

The key characteristics of our Client's suggested allocation is set out below:

- Site Area – 41 hectares, net developable area of 24.5 hectares;
- Indicative site capacity – 784 units;
- Density – 32 dwellings per hectare;
- Housing Mix – it is considered that a variety of house types can be provided on site to accommodate the needs of various households;
- Land is accounted for within the indicative layout to provide a new community hub. It is anticipated that the facilities could be phased to ensure that this is sufficient critical mass to ensure the community facilities are viable;
- Land has been accounted for to provide a primary school and associated playing fields within the indicative layout plan. Whilst no provision has been made within the layout for secondary school provision, there is potential to make a financial contribution towards secondary school provision/improvements in the local area;
- Vehicular access is considered to be achievable via Murton Way which provides good connections to the village, the city centre and the A64. There is potential to provide a secondary access via Bad Bargain Lane. It is considered that this arrangement is more suitable than providing access to the site through the Osbaldwick Industrial Estate;

- Existing PRoWs and cycle routes that run through the site will be retained and incorporated within the proposed layout;
- The proposal would enhance Millennium Way;
- The indicative layout has been designed to ensure that no residential development is located within the SINC, which is located on land immediately to the north of Murton Way. Although the proposed vehicular access runs through part of the SINC, it has been designed to ensure that the extent of development is kept to a minimum;
- The indicative layout demonstrates that there will be no built development that would interrupt the views of York Minster from the A64.

These representations demonstrate that our Client's suggested option is suitable and viable and provides a logical housing allocation to assist the Council in providing a significant number of new homes at this strategic location adjacent to Osbaldwick.

As noted within our overarching representations the objectively assessed need identified by the Council is insufficient and as such additional land will be required in order to meet the Council's housing needs. It is considered that the existing site boundary of proposed allocation ST7 should **be expanded to include our Client's land interest to the south and west, to assist in meeting the shortfall** in proposed allocations.

Furthermore, the level of developable areas identified by the Council for proposed allocations, together with the proposed densities are not considered to be deliverable. When this is considered across the authority, this further exacerbates the shortfall in provision of housing allocations.

Deliverability Assessment

Guidance is provided with the National Planning Policy Framework (NPPF) regarding the deliverability of sites. Footnote 11 of paragraph 47 states that in order to be considered deliverable, a site must be suitable, achievable and available. It is considered that these representations together with the supporting promotional document demonstrate that our Client's land represents a deliverable option which the Council should consider bringing forward as the strategic allocation in Osbaldwick. The three tests are considered below:

Suitability

The site is located adjacent to the existing built up area of Osbaldwick and would represent a logical extension to the existing settlement boundary. There are a number of facilities available in nearby villages and the site is located within proximity of the City Centre and as such represents a sustainable location for new development. The promotional document demonstrates that there are no constraints that would prevent the development from coming forward.

The land no longer meets the test of retaining it within the Green Belt and as such should be **removed in order to assist in meeting the Council's housing requirements.**

Availability

The site is considered to be available for development now as all landowners have made the land available for development and there are no legal constraints that would prevent the site coming forward.

Achievability

Our Client has the track record, resources and commitment to ensure the development on site will commence in the short term. A thorough assessment of the marketability and economic viability of the development of the site for housing has been undertaken, including an assessment of any exceptional costs associated with **the site's development.**

The site is considered to be achievable for residential development and there is an excellent prospect that the site can be developed in the short term.

Summary and Conclusions

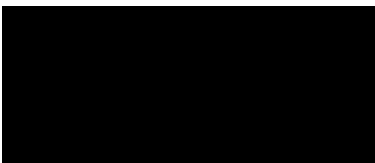
Whilst our Client supports the principle of a strategic housing allocation within proximity of Osbaldwick, it is considered that the boundary of the allocation should be increased to include additional land to the south and west so that it relates to the existing more suitably to the existing built form of Osbaldwick.

The Promotional Document that accompanies these representations demonstrates that our Clients suggested allocation is suitable and deliverable and there are no constraints that would prevent the land from coming forward for residential development. In addition, the document concludes that the land no longer meets the tests for including land within the Green Belt and would represent a logical Green Belt release.


The proposed 'Planning Parameters' which the Council have set in respect of allocation ST7 would still be met if the allocation boundary was amended as suggested and the infrastructure improvements such as a new primary school and community hub would be provided.

It is therefore concluded that our Clients land which is currently proposed as a new Green Wedge should not be designated for this use and should in fact form part of an expanded strategic allocation ST7. As such, our Client objects to the current boundary of site ST7, however it is considered that the concerns could be lifted if the boundary is extended as suggested.

Yours faithfully



STUART NATKUS
Director



From: Fisher Folk [fisher.folk@outlook.com]
Sent: 04 April 2018 13:21
To: localplan@york.gov.uk
Subject: Local Plan for York 2018

Dear Sir/Madam

We are emailing you to register our support for the current version of the Local Plan (2018).

Please would you acknowledge receipt of this email.

Kind regards

Mr and Mrs Fisher


From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 04 April 2018 13:30
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: 105147

Date submitted: 04/04/2018

Time submitted: 13:30:24

Thank you for submitting your Local Plan Publication Draft response form (ref: 105147, on 04/04/2018 at 13:30:24) 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: Susan

Surname: Beckwith

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.

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:

I am concerned about Clifford's Tower York. The Local Plan has already appropriated the piece of land where the proposed new Visitors Centre is due to be built. This piece of land was designated as Open Space and the Council are not allowed by law to appropriate such land without following due process and advertising that they are disposing of this land for development. "Local Government Act 1972 Section 123 (2A)". This should not be done until after the appeal of the planning approval and after the period of advertising to allow people to object.

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 consistent with national policy

Please give reasons for your answer(s):

See my previous comment.

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

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':

The piece of land proposed for the new Visitors Centre at Clifford's Tower should remain designated as Open 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: Andy Bell [andybellyork@gmail.com]
Sent: 04 April 2018 13:38
To: localplan@york.gov.uk
Cc: Cllr. S. Mercer
Subject: Local Plan Publication Draft 2018 consultation



Hello,

Please find attached my Local Plan Publication Draft 2018 consultation response. Can you please provide a response as acceptance that you have received it?

Regards

Andrew Bell

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

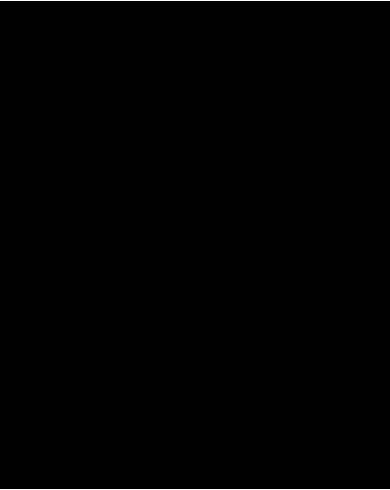
To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments 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	Andrew	
Last Name	Bell	
Organisation (where relevant)	Woodthorpe Consulting Ltd.	
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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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 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.
- 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

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)

Part B.1 of 6

Just as CYC have requested that the Policies & Proposals within the Plan, Policies Map, Sustainability Appraisal(s)/Strategic Environmental Assessments and all other supporting documentation be considered individually and collectively in responding to this phase of the York Local plan consultation, we request the same when reviewing our Part B responses as they highlight specific areas of unsoundness individually and collectively which will demonstrate how the Plan doesn't legally comply. We apologise in advance for the duplication but feel this response form layout is designed to hinder and deter public participation.

We find the Plan fails to be legally compliant with the application of the Green Belt section of the NPPF which will be expanded upon in the remainder of our consultation response.

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.About the Plan
page vPolicy
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 Key Diagram was taken from the revoked Yorkshire and Humberside RSS with the sole purpose of outlining the "General Extent of the Green Belt". As the diagram has been updated with Housing developments that are only proposals at this stage it detracts from the original purpose of this diagram. The inclusion of only the proposed Housing developments within the single coloured settlements is misleading as it implies sites are "Residential Infilling" which is not always the case.

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.

Include a Key Diagram unaltered so that the current “General Extent of the Green Belt” can be fully appreciated. It might still be worth including the diagram with the proposed developments in addition to an unaltered one, with the current Residential and Employment sites highlighted in different colours so that misleading “residential infill areas” are not created.

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 part of the evidence base supporting the Local Plan is a Statement of Community Involvement. This is our only real opportunity to have any involvement where we will be heard by someone impartial. The only time any CYC meeting has been held for Wheldrake is under the last administration when the publicised Draft Local Plan had rejected ST33/H49 and included H28. The change to exclude H28 and include ST33/H49 has had no Community Involvement other than what appears to be collusion between CYC Planning Officers and the ST33 landowners. The site itself didn't even take part in the consultation period that it was accepted in despite other more appropriate sites being presented that were previously included. In addition, many residents haven't received any of the correspondence regarding the consultation phases and date periods. CYC have as a result failed on numerous occasions to address the comments received on this site and between them and the developers have presented misrepresentations of the site.

I called in to a drop in session and was told I would be emailed further info regarding my question, I am still waiting.

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 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

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)

Part B.2 of 6

Just as CYC have requested that the Polices & Proposals within the Plan, Policies Map, Sustainability Appraisal(s)/Strategic Environmental Assessments and all other supporting documentation be considered individually and collectively in responding to this phase of the York Local plan consultation, we request the same when reviewing our Part B responses as they highlight specific areas of unsoundness individually and collectively which will demonstrate how the Plan doesn't legally comply. We apologise in advance for the duplication but feel this response form layout is designed to hinder and deter public participation.

We find the Plan fails to be legally compliant with the application of the Green Belt section of the NPPF which will be expanded upon in the remainder of our consultation response.

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.

Green Belt
1.49 & 1.50

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.

This Green Belt section does not have enough detail, from paragraph 1.50:-

*"The revocation order states that 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 are to be defined..."*

Implies that there are already detailed sections of the Outer Boundary that are out of scope for this Local Plan period, this implication is further supported by York's neighbouring Harrogate and Selby Councils(Additional Info: Green Belt) with the latter adding more weight as a number of York's Villages that lie to the South used to be under the control of Selby Council when these detailed boundaries were created, but, of more significance is CYC's own Draft Local Plan 2005(Additional Info: Green Belt) which although never came to fruition, was approved and adopted by CYC for the purposes of Development Control.

Within the Green Belt section of the CYC Draft Local Plan 2005 that was approved and formerly adopted for the purposes of Development control is the following paragraph:-

*"5.10 Whilst remaining broadly consistent with the draft York Green Belt Local Plan, the Local Plan has taken the **Inspector's Report to the York Green Belt Public Inquiry as its starting point for the consideration of detailed boundaries** and has updated existing policies to take into account the revised guidance contained in the latest version of PPG2 (1995) and the approved Structure Plan."*

Given that the purpose of the Green Belt is to preserve the special and historical character and setting of York, the omission of the historical work and polices makes the plan 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.

The plan needs to reference and include as part of its evidence base the CYC Draft Local Plan 2005 that was approved and formerly adopted for Development Control purposes along with the draft York Green Belt Local Plan and the Inspector's report from the York Green Belt Public Inquiry.

Once this has been included, all sites that conflict with the already detailed sections of the Outer Green Belt boundaries should be removed from the Local Plan.

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 part of the evidence base supporting the Local Plan is a Statement of Community Involvement. This is our only real opportunity to have any involvement where we will be heard by someone impartial. The only time any CYC meeting has been held for Wheldrake is under the last administration when the publicised Draft Local Plan had rejected ST33/H49 and included H28. The change to exclude H28 and include ST33/H49 has had no Community Involvement other than what appears to be collusion between CYC Planning Officers and the ST33 landowners. The site itself didn't even take part in the consultation period that it was accepted in despite other more appropriate sites being presented that were previously included. In addition, many residents haven't received any of the correspondence regarding the consultation phases and date periods. CYC have as a result failed on numerous occasions to address the comments received on this site and between them and the developers have presented misrepresentations of the site.

I called in to a drop in session and was told I would be emailed further info regarding my question, I am still waiting.

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 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

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)

Part B.3 of 6

Just as CYC have requested that the Policies & Proposals within the Plan, Policies Map, Sustainability Appraisal(s)/Strategic Environmental Assessments and all other supporting documentation be considered individually and collectively in responding to this phase of the York Local plan consultation, we request the same when reviewing our Part B responses as they highlight specific areas of unsoundness individually and collectively which will demonstrate how the Plan doesn't legally comply. We apologise in advance for the duplication but feel this response form layout is designed to hinder and deter public participation.

We find the Plan fails to be legally compliant or sound with the inclusion of Policy SS18 as it conflicts with other policies such as the Housing and Employment ones and isn't consistent with NPPF Green Belt Policies and Test.

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.

SS18: Station Yard,
Wheldrake

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 feel that this policy is inaccurate and deliberately omits relevant information to disguise the inappropriateness of the site and the failure to comply with the NPPF.

The site has a long history of been rejected. The key principles are already known to be undeliverable and/or inappropriate.

The site has previously been known as H49, still 147 houses but over a submitted site size of 4.7ha. This too has always been rejected as it failed to meet the required criteria for access to services of the Sustainability Appraisal process (Additional Info: last rejection from 2016 consultation), It was resubmitted in 2016 with a much smaller/clearer development site boundary (3.8ha) (Additional Info: revised boundary submission) which highlighted that the whole development was to be contained to just the Green Belt grade 2 Agricultural half of the field which it always has been confined to and still is the case as SS18/ST33. It would have still failed the same Sustainability Appraisal tests but would have drawn further attention to the inappropriateness as the density is way above the recognised 35dph over 70% of the development area for rural/village locations, as per Policy H2, and not in keeping with the existing residential area which will damage the village's character. The accepted H49 resubmission was on the 11th hour of the 2016 consultation so it didn't receive any responses at that time because it was unavailable to the public for consultation and as far as the public were concerned it was a rejected site at that time. In addition, under Policy H2, SS18/ST33 is not within 400m of a high frequency public transport corridor and is highly unlikely to ever be especially as one of the recent infrequent bus services has stopped as it wasn't commercially viable despite contributions from 3 local councils including CYC.

We assume the failures above resulted in a different approach needing to be taken and so the site was increased to 6ha by removing land that was earmarked for employment (E7) and including part of the Industrial Estate that currently has approved planning permission, 15/02093/FUL (Additional Info) | Erection of a single storey building to be used for storage | Thorne Engineers Ltd Millfield Industrial Estate Wheldrake York YO19 6NA for which an approval decision was issued on the 31st Dec 2015.

The developer came to a Parish Council meeting in October 2017 after the site had been included in the Draft Local Plan to do a presentation of the site. It further re-enforced the points above, he showed the 6ha outline of the site, but presented the same 3.8ha element as the only part to be developed.

It was contested at that meeting that a number of existing properties hadn't been outlined on his diagram because it highlighted the impact it would have on the row of houses that sit behind the ones on Main Street, along the northern boundary that are accessed via shared driveways between the houses on Main Street and it would have highlighted the inappropriate density as it was 3 new dwellings to every 1 existing and that was with approx. 2/3rds of the proposed 147 dwellings on the diagram.

There was no mention of any provision of new facilities and the only Education uplift was of a contribution to the Primary School which will never come to fruition as the Primary School was expanded to capacity and still doesn't cater for the village needs with many children having to go to the Primary School at Escrick who have subsequently stated they will no longer be accepting Children from Wheldrake because Escrick has 2 proposed development sites for 600+ dwellings each as part of Selby Council's own Local Plan. It should also be noted that Selby Council have also raised concerns as the School is also used by Thorganby, which incidentally has seen a number of limited infill developments in recent time added to the issue further. As H49, the site was only partially within the 800m boundary for access to the Primary School, with the site size increase, even more of it now falls outside of that boundary. There are no existing Nursery facilities, this is supported in the Sustainability Appraisal which we will be commenting in a subsequent Part B. It is likely the secondary school will have no further expansion capacity as that is currently under development to replace the old temporary classrooms and provide new ones for the Germany Beck development in Fulford.

The village has a play area already which is part of the core area of the village and is therefore accessible by all. It was recently refurbished by a Village Community Group and it is maintained by the Parish Council, any additional play areas in the village would undermine the efforts of the Village Community Group and would unnecessarily water down the Parish Councils Play Area maintenance funds. Given that the site is right on the very edge of the village it is likely to encourage additional traffic from the other end in order to access it which currently doesn't happen with the centrally located one.

Wheldrake is one of furthest lying villages from the centre of York, it is therefore unlikely that any cycle integration with York from this site would occur.

The site would impact on the Conservation area as the only vehicular access point would feed into that part of the village, a roundabout was suggested for the junction but this would harm the character of the Main Street of the village which is of a long open road stretching from one end of the village to the other.

The lack of a Noise Assessment and Habitats Regulation Assessment also indicate known impacts are being brushed under the carpet given numerous bodies have raised the point that the site is likely to be inappropriate on the back of these assessments, e.g.:-

“RSPB states that, in the absence of a HRA having been completed, this allocation is at risk of being neither legally compliant with the Conservation of Habitats and Species Regulations 2010 nor sound, as it may not be effective, justified or consistent with national planning policy.”

The paragraph 3.73 is incorrect, the site is made up of different elements of which one is the Industrial Estate area and it is contained in terms of separation from the other elements of the site as the entire Eastern boundary of the Industrial estate is either lined with existing Industrial Units or has approved planning permission in place for additional Industrial Units (15/02093/FUL). In addition to the 15/02093/FUL approved planning application, 13/02451/FUL (Additional Info) a recently delivered planning application both make reference to an already established Industrial site area with the undeveloped area already earmarked for Industrial/Employment land usage (E7) as part of the justification for allowing their applications to be approved.

This subsequently leaves us with the original area known as H49, Back Lane South, a natural curtilage of the village, on the North Eastern/Eastern boundary of the site is the start of a route into the open countryside leading to South Rudding Lane and beyond that many residents use either for walking themselves or taking their dogs out for exercise as part of enjoying one of the many historical open countryside characteristics of the village.

The tall dense hedge along the Southern/South Eastern boundary is a misleading description. It is not dense and for the vast majority of the year can be seen right through, its height has been deliberately maintained higher than the surrounding hedges to try and give it prominence but it does not run the full length because it has merely been planted to separate the field into 2 halves and access is gained across that hedge line from the other half of the field for agricultural purposes and therefore makes the partial hedge line an indefensible boundary. This is supported by the Planning Inspector and CYC's comments as part of a Public Inquiry as part of the York Green Belt Local plan which its exclusion we have already commented on:-

City of York Council's comments:-

"D83.2 The site forms part of a large agricultural field extending to the south and west of the village. The recently erected fence along the southern boundary of the site does not disguise this fact. The site is part of the open countryside. Its development would adversely affect the character of the village and thereby the setting of York. It would also encroach into the countryside contrary to Green Belt objectives."

Planning Inspector's Comments:-

"D83.4 Visually this site is part of a wide expanse of open agricultural countryside on the south side of the village. The fence on the southern boundary of the objection site has very little visual significance in this context. The impression is of open countryside running up to the developed boundaries of the village. In my view the site is an important setting of the village, unlike site D8l and much of site D81. If it were to be excluded from the Green Belt it would open up the possibility of development encroaching into the open countryside. This would adversely affect the character of the village and would be contrary to the objectives of the Green Belt. I do not think that the development of the site would be likely to result in an effective screening of the large buildings on the industrial site because of their size and location. Even if this were the case it would not be sufficient to outweigh the objections to removing the site from the Green Belt or to the inadequacy of the post and rail fence as Green Belt boundary."

Although there is a thin strip of land running between the Green Belt grade 2 Agricultural field and the Industrial Estate that leads to an old Buffer depot which has been described as Brownfield as it was the location of the old Wheldrake Railway station that formed part of the Derwent Light Valley Railway network. This meets the criteria to be registered on the York Brownfield Register in accordance with the "Town and Country Planning (Brownfield Land Register) Regulations 2017". Given this part of the sites absence from the register we can only conclude 1 of 2 things, firstly it is considered as employment land given that a number of Businesses operate within the Old Buffer depot or,

secondly, the Derwent Light Valley Railway network between Wheldrake and Layerthorpe ceased operation in 1968, with the tracks subsequently been lifted and in 1991 the last remaining bit of evidence that a Rail network ever existed in the form of the station, was moved in its entirety to the Railway Museum at Murton which has resulted in enough time to pass for the area to blend in with the natural landscape, it can no longer be considered as brownfield as per the NPPF definitions:-

Brownfield Sites/Locations: **Previously developed land** that is, or was, occupied by a permanent structure (excluding agricultural or forestry building) and associated fixed surface infrastructure.

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and **land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.**

In conjunction with the above points we also reference the Secretary of State's decisions on the Land at Brecks Lane, Strensall (Additional Info) and Land at North Lane, Huntington (Additional Info) as precedence for rejection of this site given that the Huntington location, a three sided site, is within or located at the Inner Green Belt boundary, and consists of existing residential properties on 2 sides with the outer Ring Road a defensible boundary on the third and final side and the site at Strensall, a 4 sided site, having existing residential properties on one side, defensible boundaries of the River Foss, mature tree line and a road/railway line on the remaining sides restricting development encroachment into the open countryside which does not apply to ST33.

From the references to historical evidence and the other comments we have made so far, along with the applicants own documentation siting this as within the Green Belt, it should be evident that this site is Grade 2 Agricultural Land situated within the Green Belt and therefore as supported by the previous Planning Inspectors report does provide Green Belt purpose as it:-

- checks the unrestricted sprawl of a large built-up area
- assists in safeguarding the countryside from encroachment
- preserves the setting and special character of historic towns

The special character of York also stems from its relationship with the surrounding countryside which contains a number of attractive villages. This countryside setting of York and the surrounding villages is one of the most important aspects of the City's special character and it is important that this setting should not be eroded which is why "to prevent neighbouring towns merging into one another" is not applicable and neither is the remaining purpose as there is no derelict land to recycle.

We also conclude that the site cannot demonstrate any exceptions to be developed and as a result does not demonstrate any 'Very Special Circumstances' otherwise they would be documented within this policy as a failure to evidence them was found to be inadequate in a Planning Inspector's report for Selby Councils Green Belt Study 2015.

With only 2 unclassified roads out of the Village which are poorly maintained, the infrastructure cannot cope with the current volume of traffic. One of those roads goes through the neighbouring village of Elvington and joins the A1079 just prior to the A1079/A64 Grimston Bar Interchange by way of a traffic light controlled junction. The A1079 corridor has seen significant development in the neighbouring East Riding region which impacts this junction because during peak times only a handful of vehicles get to join the A1079 during the Green light phase, this in turn has a knock on effect on Wheldrake using that route. The second route take vehicles onto the A19 via a traffic light controlled junction, again, during the Green Light phase only a handful of vehicles can join the A19, and in some instances the lights can cycle a couple of times with no vehicles been able to join due to the tailbacks from the A19/A64 interchange. This will only get worse once the Germany Beck development completes and Selby Council start to deliver their local plan, there will be at least an additional 3000 dwellings delivered along the A19 corridor and subsequently the Imphal Barracks in Fulford on the A19 has been included in the York Local Plan which will further exasperate this issue.

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 entire SS18 policy from the plan, re-instate the Employment site E7 (also see our part B with regard to E8) which also supports the E7 being re-instated.

We acknowledge that development is required across York but feel there are 2 other reasonable options that should be considered first.

Increase the number of dwellings on the SS13/ST15 which the comments from the ST15 developer made makes that site more viable and supports the absorption of SS18/ST33. In addition to this we believe it could open opportunities for the people of Wheldrake to access new facilities at this site such as the proposed bus terminal and make York, in particular the University, York Sport and Fulford Secondary School accessible by cycle

If this is not an option and development must take place in Wheldrake, then we reluctantly request H28 be re-instated in place of SS18/ST33, although many of the points we have raised are relevant to this site, the lower number of dwellings means the impacts would be lessened and the Planning Inspector found this site to have no Green Belt purpose given it has existing residential properties on 3 of the 4 sides of the site. Historically, H28 has always been allocated in previous York Local Plan's, it was only removed from this one after suddenly developing a technical issue which has since been resolved and was resubmitted and endorsed by the York Planning officers but CYC were not prepared to reconsider due to the threat of having Central Government intervening.

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.

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

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

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)

Part B.4 of 6

Just as CYC have requested that the Polices & Proposals within the Plan, Policies Map, Sustainability Appraisal(s)/Strategic Environmental Assessments and all other supporting documentation be considered individually and collectively in responding to this phase of the York Local plan consultation, we request the same when reviewing our Part B responses as they highlight specific areas of unsoundness individually and collectively which will demonstrate how the Plan doesn't legally comply. We apologise in advance for the duplication but feel this response form layout is designed to hinder and deter public participation.

We find the Plan fails to be legally compliant with the application of the Green Belt section of the NPPF which will be expanded upon in the remainder of our consultation response.

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.All Policies
/Proposals Maps

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.

It is not clear from the Policies/Proposals Maps what is existing Employment and Residential Land or where the approx. Inner and Outer Green Belt boundaries lie or what currently has detailed Green Belt boundaries as outlined in one of the previous Part B's of this document. The impact of allocated Housing and Employment Sites on existing areas cannot be visually appreciated without this, for instance it would be inappropriate to allocate Housing Sites on, around or too close to Light Manufacturing Industrial Estates.

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.

Include pre and post Polices/Proposals Maps that provide clarity on where existing Residential and Employment land lies, Employment land should be shown in different colours to represent the type Employment Land it is, this is done to some extent in the Central Policies/Proposals Map. Include the approx. location of the Inner and Outer Green Belt boundaries.

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 part of the evidence base supporting the Local Plan is a Statement of Community Involvement. This is our only real opportunity to have any involvement where we will be heard by someone impartial. The only time any CYC meeting has been held for Wheldrake is under the last administration when the publicised Draft Local Plan had rejected ST33/H49 and included H28. The change to exclude H28 and include ST33/H49 has had no Community Involvement other than what appears to be collusion between CYC Planning Officers and the ST33 landowners. The site itself didn't even take part in the consultation period that it was accepted in despite other more appropriate sites being presented that were previously included. In addition, many residents haven't received any of the correspondence regarding the consultation phases and date periods. CYC have as a result failed on numerous occasions to address the comments received on this site and between them and the developers have presented misrepresentations of the site.

I called in to a drop in session and was told I would be emailed further info regarding my question, I am still waiting.

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 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

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)

Part B.5 of 6

Just as CYC have requested that the Policies & Proposals within the Plan, Policies Map, Sustainability Appraisal(s)/Strategic Environmental Assessments and all other supporting documentation be considered individually and collectively in responding to this phase of the York Local plan consultation, we request the same when reviewing our Part B responses as they highlight specific areas of unsoundness individually and collectively which will demonstrate how the Plan doesn't legally comply. We apologise in advance for the duplication but feel this response form layout is designed to hinder and deter public participation.

We find the Plan fails to be legally compliant with the application of the Green Belt section of the NPPF which will be expanded upon in the remainder of our consultation response.

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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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.

E8

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.

E8 is an inappropriate allocation as it is on land at the entrance to the village at the very start of the Conservation Area and would have a detrimental effect on the setting and character of the Village. This area of land also provides a community space that hosts the villages Christmas Lights display which is supported by the existing local business adjoining this site who provide the electricity for it.

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 E8 from the plan and/or designate it as Green Space within the Village and re-instate E7 which was previously allocated and would help preserve the character and setting of the village.

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 part of the evidence base supporting the Local Plan is a Statement of Community Involvement. This is our only real opportunity to have any involvement where we will be heard by someone impartial. The only time any CYC meeting has been held for Wheldrake is under the last administration when the publicised Draft Local Plan had rejected ST33/H49 and included H28. The change to exclude H28 and include ST33/H49 has had no Community Involvement other than what appears to be collusion between CYC Planning Officers and the ST33 landowners. The site itself didn't even take part in the consultation period that it was accepted in despite other more appropriate sites being presented that were previously included. In addition, many residents haven't received any of the correspondence regarding the consultation phases and date periods. CYC have as a result failed on numerous occasions to address the comments received on this site and between them and the developers have presented misrepresentations of the site.

I called in to a drop in session and was told I would be emailed further info regarding my question, I am still waiting.

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 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

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)

Part B.6 of 6

Just as CYC have requested that the Policies & Proposals within the Plan, Policies Map, Sustainability Appraisal(s)/Strategic Environmental Assessments and all other supporting documentation be considered individually and collectively in responding to this phase of the York Local plan consultation, we request the same when reviewing our Part B responses as they highlight specific areas of unsoundness individually and collectively which will demonstrate how the Plan doesn't legally comply. We apologise in advance for the duplication but feel this response form layout is designed to hinder and deter public participation.

We find the Plan fails to be legally compliant with the application of the Green Belt section of the NPPF which will be expanded upon in the remainder of our consultation response.

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.

ST33/855

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.

SA Objective 1:- In conjunction with our Part B on SS18, it is clear that the uncertainty on the number of homes this site will deliver is a reality even at this stage, the developable area is confined to the Green Belt grade 2 Agricultural area of the site and it is described as a significant extension to the village it goes against the "Limited Infilling" exception criteria. Cannot therefore determine the effect at this stage.

SA Objective 2:- Planning has previously been rejected on this site as a result of noise from the Industrial Estate, additional Industrial Units have since been delivered on the site adding to that noise.

SA Objective 3:- As SS18, the site is only partially within 800m of the primary school or, as we have demonstrated, the development area is confined to the accepted H49 submission which fails the SA Assessment and no longer disguises the fact this is purely a Green Belt development. As the school has already expanded to capacity and it is oversubscribed with the village's children already going to the neighbouring village's primary school, it is unlikely that children would be accepted from this site as it would be one of the furthest points from the school and those closer would be prioritised as per the schools acceptance assessment criteria.

It is also a very big assumption that it would deliver any training and skills development, there is no requirement to employ untrained people and train them up.

SA Objective 4:- As the Agricultural Industry provides employment and the remaining part of the site hosts Businesses, has planning permission for Industrial Usage or was earmarked for Employment Land that is contained within the Industrial Estate boundary then the key usage is employment unless we are saying that the Agricultural element isn't to be classed as employment land but this would then support our earlier comments that the development is confined to the Green Belt grade 2 Agricultural Field, is therefore unlikely to provide the number of proposed dwellings and suggests the SA was done against the site as H49 and not SS18.

This should be considered as a negative or at best a neutral effect, short term employment for the period of construction cannot outweigh long term employment.

SA Objective 5:- This is pure conjecture on the basis that it can deliver 147 dwellings which we have demonstrated it can't. Furthermore it states that "existing services and facilities in Wheldrake are likely to suffice", a contradiction with other SA Objectives for this site but is in keeping with the developers presentation. It also highlights that dwellings on the proposed site will be further than required 800m from facilities which is why it's always been excluded from the Local Plan. Any delivery of services on site would damage the character of the village as it could damage the services located at the core of the village which would result in additional traffic visiting this site to make the services accessible for existing residents.

SA Objective 6:- Removal of Employment land, Land earmarked as Employment Land and Land with planning permission for Employment purposes will result in an increase in the need to travel. If services are provided on this site that will also result in higher car trips from the other end of the village. This will increase local congestion and it will also increase congestion on the A1079 and A19 especially with the development proposals by neighbouring councils down those transport corridors which are already under pressure as mentioned elsewhere. This SA also contradicts the one that indicates there are poor cycle routes, however this one is correct in that there are no cycle routes and it is unlikely to deliver any cycle routes to the city due to the distance and therefore cost. In addition, an element of the non-frequent bus service has ceased as it was no longer commercially viable despite subsidies from 3 local authorities making the availability of public transport almost non-existent. We fail to see any positive impacts and believe this is likely to be a very negative impact due to the location of the village resulting in there always been a need for almost everyone to travel by car.

SA Objective 7:- In conjunction with SA Objective 6, the likelihood is that the residents on this site would increase the use of cars in the area and with the removal of a Green Belt grade 2 Agricultural field it is unlikely that the sites low carbon/energy generation strategy would outweigh this in the long term.

SA Objective 8:- The impacts on developing this site are underestimated under this objective, the brownfield element is contentious as the application of the NPPF would now disregard that status of the land. This should still not detract from the fact that the whole of the developable area is Green Belt Grade 2 Agricultural land. The SA overlooks that the site is adjacent to the Extension of the Walmgate Green Wedge and that in the neighbouring Council is Skipwith Common, a nationally important Nature Reserve. As such this site plays an important role in linking land between the Lower Derwent Valley, the Extension of the Walmgate Green Wedge, Skipwith Common Nature Reserve and other local Nationally Important sites of Nature Conservation.

SA Objective 9:- The objective is inaccurate, the site description is only describing the area formerly known as H49 and even then it overplays the Brownfield element. As mentioned, when the NPPF is applied the Brownfield element ceases to exist and in any case it is Employment land and by comparison makes up only a small part of the site when compared to the Green Belt element. At the time this was produced the Green Belt element was still in use for Agricultural purposes, the hay bales are still present (APR 2018) from that crop. If the contamination is limited to the contestable Brownfield/Employment land element and it functions perfectly fine in its current use then

un-necessary risk to the Lower Derwent Valley, Skipwith Common, Extension of the Walmgate Green Wedge and other local National Important Sites of Nature Conservation shouldn't be taken especially when contamination has already been found.

SA Objective 10:- This is the only accurate part of the SA for ST33 but fails to mention how harvested rainwater would be treated to become drinkable.

SA Objective 12:- Cannot achieve cycle path integration, as already highlighted, there are no cycle routes. The site also helps filter out dust etc from the Industrial Estate for existing residents, removal of the Green Belt Grade 2 Agricultural field will impacts 2 fold, i.e. no filtration area and an increase in air pollution both pre and post development.

SA Objective 13:- Not only this part of the field flood, but so does the other half and many of the surrounding areas, many of the gardens are existing gardens are constantly water logged, development of the site would exasperate this problem for existing properties.

SA Objective 14:- Part of York's character is its open country side and the openness of the Villages in the country side. A planning Inspector previously ruled out this site as it would significantly harm the character of the village. Development of the site would therefore fail to Preserve or enhance those elements which contribute to the special character and setting of York. It has been suggested that a roundabout would be constructed in the Conservation Area to facilitate access into the site which is totally inappropriate and not in keeping with the Main Street that flows through the village from one end to the other. The scale of the development is totally inappropriate in keeping with size of the village and when the developer's presentation detail is looked at the proposed density is way too high.

SA Objective 15:- No acknowledgement of the existing properties behind the ones on Main Street losing their rural nature/views which would be significantly impacted due to their close proximity to the houses directly in front of them on Main Street. Screening would do little to enhance ore preserve the existing rural setting of these properties. The NPPF acknowledges Visual Amenity as functionality of the Green Belt and this development doesn't comply with the NPPF.

Summary:- The summary paints it in a good light based on false and misleading information highlighted above. The scores for each section should also be shown as it would demonstrate that regardless of the site size increase it still fails to be sustainable as the additional area takes the site even further away from meeting the access to services criteria. Any onsite service provision are likely to harm the existing services which will result in damaging the character of the village and make some services inaccessible for some residents as the site is located at 1 end of the village and will result in increased traffic through the village. The scoring for this site can be found in the Additional Info section.

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 ST33/Site 855 from the plan, the SA is incorrect and it appears to be based on the site as H49 which failed the SA. There is no reason to think it is still suitable for development.

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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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.¹

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.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²

Retention of Information

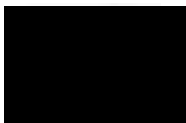
We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local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

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 or on [01904 554145](tel:01904554145)

Signature



Date 03/04/2018

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

Additional Info



Harrogate & District Local Plan Green Belt Background Paper

Selby District Council Green Belt Study

York Draft Local Plan (2005)/Development Control Local Plan

Rejected ST33 formerly known as H49

Unconsulted, 11th Hour Reduced Boundary H49 Accepted Resubmission

SA Technical Scoring (extract)

15/02093/FUL Industrial Estate Approved Planning Application

13/02451/FUL Industrial Estate Completed Employment Development

Land at Brecks Lane, Strensall, Secretary of State Decision

Land at North Lane, Huntington, Secretary of State Decision

Harrogate & District Local Plan Green Belt Background Paper

1 Introduction

- 1.1 As set out in the National Planning Policy Framework (NPPF), Local Planning Authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans, setting the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.
- 1.2 This paper provides the context to the council's approach to the district's Green Belt in the draft Local Plan. It provides information on:
- National policy and guidance context
 - Whether exceptional circumstances are considered to exist to warrant an alteration to the Green Belt boundaries
- 1.3 The following evidence base documents should be read alongside this background paper:⁽¹⁾
- Harrogate Strategic Housing Market Assessment (GL Hearn, September 2015)
 - Harrogate Strategic Housing Market Assessment Update (GL Hearn, June 2016)
 - Harrogate Strategic Housing and Economic Land Availability Assessment (HBC, July 2016)
 - Housing Background Paper (HBC, October 2016)
 - Settlement Hierarchy Background Paper (HBC, October 2016)
 - Harrogate Local Plan Sustainability Appraisal/Strategic Environmental Assessment (HBC, October 2016)

2 Green Belt in Harrogate District

- 2.1 Harrogate district incorporates parts of the West Yorkshire and York Green Belts, the extent of which was established in earlier development plans.
- 2.2 The West Yorkshire Green Belt was originally established in the 1960s. It extends over the southern fringe of the district and includes the narrow gap between the towns of Harrogate and Knaresborough. The main purposes of the Green Belt as it effects Harrogate district are to check the further growth of the West Yorkshire conurbation, and to protect the special character of the towns of Harrogate and Knaresborough and prevent them from merging.
- 2.3 The Green Belt in the Harrogate and Knaresborough area was reviewed in the Harrogate and Knaresborough Local Plan adopted in December 1992 and further minor changes to ensure that the boundary followed readily recognisable features were approved through the Harrogate Local Plan (2001).
- 2.4 The south-eastern part of the district lies within the York Green Belt, the main purpose of which is to protect the special character of the city. The Green Belt was approved in principle in 1980 as part of the North Yorkshire County Structure Plan. The detailed Green Belt boundary was defined through the county council's York Green Belt Local Plan. This was approved as interim policy for the purposes of development control in 1995 and it was expected the Green Belt would be formally established through the preparation of individual district wide local plans, including the definition of outer boundaries (Harrogate Local Plan, 2001).

1 All documents are available on the council's website www.harrogate.gov.uk

Selby District Council Green Belt Study

York Draft Local Plan (2005)/Development Control Local Plan

CHAPTER 5: GREEN BELT AND OPEN COUNTRYSIDE

GREEN BELT AND OPEN COUNTRYSIDE

OBJECTIVES:

- To preserve the setting and historic character of York.
- To check the unrestricted sprawl of York.
- To safeguard the surrounding countryside from further encroachment.
- To prevent neighbouring settlements from merging into one another.
- To assist in urban regeneration, by encouraging the recycling of derelict or other urban land.

Introduction

5.1 Although the rural area of the City of York is integral to the open countryside (and therefore subject to certain controls over development generally), virtually all land outside the main settlements is designated as Green Belt in this Local Plan. While separate national planning guidance exists for both the open countryside and Green Belts (PPG7: The Countryside - Environmental Quality and Economic and Social development and PPG2: Green Belts), a general presumption against unnecessary or inappropriate development runs through both sets of guidance, combined with the objective of redirecting this development towards existing settlements.

5.2 For the purposes of the City of York Local Plan, the policies in this chapter, which do not directly specify whether they relate to Green Belt or open countryside, will apply to both. Where the policy applies specifically to open countryside this will be implemented for relevant proposals outside defined settlement limits in areas not designated as Green Belt.

The Designation of the York Green Belt

5.3 Green Belts have been perhaps the best known feature of the planning system since the 1950's and continue to command widespread support. Although there has been an informal Green Belt around York for about 40 years, the North Yorkshire County Structure Plan only formally established the general extent of the York Green Belt in 1980. Policy E8 of the Structure Plan (see Appendix A) defines it as "a belt whose outer edge is about 6 miles from York

City Centre". The Structure Plan does not however define precise boundaries for the Green Belt.

5.4 Detailed Green Belt boundaries were proposed by North Yorkshire County Council in their York Green Belt Local Plan, which was considered at a public inquiry between autumn 1992 and spring 1993. The Inspector's Report was published in January 1994. Although the County Council published Proposed Modifications to the Green Belt Plan in September 1994, the Plan was not progressed to adoption for a number of reasons:

- (i) impending local government reorganisation (April 1996);
- (ii) modifications made to Structure Plan Alteration No 3 (October 1995);
- (iii) inconsistencies with revised national planning guidance on Green Belts (PPG2; published January 1995).

5.5 The Green Belt Inspector advised in his Report that if new national guidance on Green Belts was published before the Plan was adopted, then his recommendations would need to be reconsidered in light of such revised guidance. It has therefore fallen to the City of York Council to incorporate detailed Green Belt policies and boundaries in its District-Wide Local Plan.

5.6 Regional Planning Guidance for Yorkshire & Humberside (2001) advises that "the implementation of the Regional Spatial Strategy should not require any change to the general extent of Green Belt for the foreseeable future. However there may be a more specific and localised need to reconsider the extent of Green Belt to meet identifiable development needs for which urban locations are not available and for which alternative sites would be significantly less sustainable. If land is to be taken out of the Green Belt to meet identifiable development needs, consideration should also be given to designating safeguarded land related to it in accordance with the advice in Annex B of PPG2". Any such changes ought to be considered first on the edge of the urban areas and should only be proposed in development plan reviews following the completion of urban capacity studies and consideration of strategic options. Any proposal to alter an established Green Belt boundary should be related to a longer term timescale than other aspects of the plan.

CHAPTER 5: GREEN BELT AND OPEN COUNTRYSIDE

5.7 National planning guidance (PPG2) states that: "The essential characteristic of Green Belts is their permanence and their protection must be maintained as far as can be seen ahead". PPG2 advises local planning authorities that are in the process of preparing new Local Plans that proposals affecting Green Belts should be related to a longer timescale than that of the Local Plan (i.e. longer than 10 years), and to ensure that the Green Belt boundaries proposed by the Local Plan will not have to be altered at the end of the Plan period.

5.8 In order to provide for development beyond 2011, the City of York Council have forecasted future housing and employment land requirements. Regional Planning Guidance for Yorkshire and the Humber (RPG12) together with the emerging Regional Spatial Strategy will provide the strategic planning framework.

5.9 A fundamental review of the York Green Belt has been undertaken. The work now completed in respect of the Green Belt Review corresponds with this Local Plan and deals with the issue of reserving land for longer term development needs.

5.10 Whilst remaining broadly consistent with the draft York Green Belt Local Plan, the Local Plan has taken the Inspector's Report to the York Green Belt Public Inquiry as its starting point for the consideration of detailed boundaries and has updated existing policies to take into account the revised guidance contained in the latest version of PPG2 (1995) and the approved Structure Plan.

The Purpose of the York Green Belt

5.11 The main purpose of the Green Belt around York is to preserve the setting and the special character of the historic City. The most critical elements of this character are a series of green wedges (essentially the strays and floodplains), which run into the heart of the City from the surrounding areas of open countryside, and the relationship between the urban area and the surrounding villages.

Green wedges

5.12 The inward extension of these green wedges into the urban area offers a sense of openness when approaching the historic core along the main transport corridors and the River Ouse floodplain. They represent a substantial tract of open land within the built-up area and provide outdoor recreational opportunities for residents. They also help prevent the

coalescence of different parts of the City, thus helping to maintain the local identities of existing communities.

5.13 The continued existence of these wedges is partly due to four of them being designated as "strays". Bootham Stray, Micklegate Stray, Walmgate Stray, and Monk Stray currently comprise 320 hectares of open land, which is mainly under grass, and were originally part of more extensive areas of common land over which the Freeman of York held grazing rights. Since 1947 the local authority for the City has taken over the control and management of the strays for the benefit of the local community.

5.14 In considering the future of the Green Belt and identifying additional land for development as part of the green belt review, particular care has been taken not to compromise these wedges or close them up at the outside ends. It is the City of York Council's clear wish that these wedges should continue outwards in perpetuity.

Surrounding countryside

5.15 The relationship between the band of open countryside, which links these green wedges around the City, and the urban area has changed since the completion of the Outer Ring Road (A1237 / A64). This has effectively opened up views of the historic skyline, the green wedges, the urban fringe and land adjacent to existing villages. The swathe of open countryside between the Outer Ring Road and the urban area varies considerably in depth - from physically adjacent in the north, to 750 metres in the east and south-east and 200 metres to the west of the built-up area - as does its prominence and visibility. Nevertheless it forms an important part of York's character and setting. The work undertaken on the Green Belt review highlighted the importance of the views from the outer ring road and the need to protect them. The Green Belt review work also identified that any new greenfield allocations should not be built right up the ring road to protect the setting of the city from it.

Use of land in Green Belts

5.16 PPG2 sets out the 5 main purposes of Green Belts and these have been replicated as the City of York's Green Belt objectives at the beginning of this chapter. The national guidance goes on to distinguish further between the purposes of defining land as Green Belt and the uses to which this land should be put once

Rejected ST33 formerly known as H49

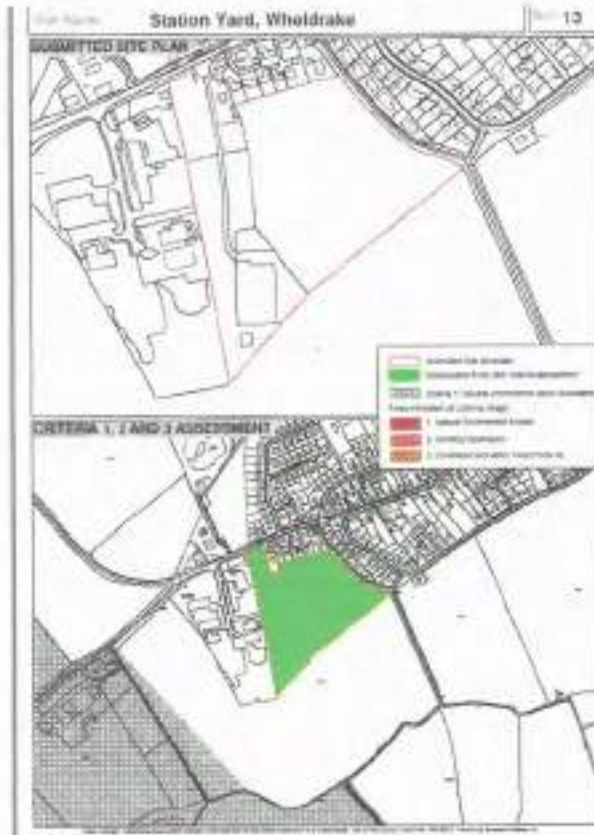
Criteria 1 to 4 Analysis

Site: 13

Land at Station Yard, Wheldrake

Source:
Previously
Rejected Site

Submitted For: Housing



Submitted Size: 4.78611513 Ha

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 Conservatio	No
Site Size Remaining:	4.786115775

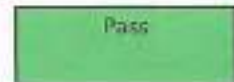
Floodrisk Evidence:	N/A
Landscape Evidence:	N/A
Habitat Evidence:	N/A



Criteria 2 - Openspace

Openspace:	No
Site Size remaining:	4.786115775

Openspace Evidence:	N/A
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Criteria 3 - Greenfield 3A

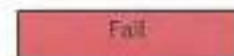
Greenfield/Brownfield:	Mixed
Greenfield Within 3a:	No
Site Size Remaining:	4.786115775

Floodrisk Evidence:	N/A
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Criteria 4 - Residential Access to Services

Failed Criteria 4










Failed Criteria 4

Unconsulted, 11th Hour Reduced Boundary H49 Accepted Resubmission

ID Ref:	ID10121
New site ref:	817
Original Site Ref Number:	13
Allocation Ref:	H49
Site Name:	Land at Station Yard, Wheldrake
Submitted for:	Housing
Agent:	Quod Planning
Response submitted by:	Hannah Smith
On behalf of:	Landowner
Additional Evidence Through FSC:	Analysis of criteria 4. Revised site map and masterplan
Summary of Response Received:	Object to rejection of site due to failing criteria 4. Meets greenbelt test. Logical extension to Wheldrake and would give defensible boundary to Wheldrakes southern settlement limit. Have amended boundary on western corner of site.
Flooding/Drainage:	Site is Greenfield therefore runoff rates must comply with the 1.4 l/sec/ha. This site is located in flood zone 1. Foul drainage runs through the site. GREEN
Landscape Comments:	No significant issues or constraints. GREEN
Ecology Comments:	Not aware of any significant issues or constraints. GREEN
Transport Comments:	No major concerns. Proximity to village facilities is acceptable. Cumulative transport implications with other allocations - need for assessment of public transport including the likely need to uplift bus services and the potential for achieving this uplift. AMBER
EDU comments:	N/A
Open Space Comments:	Open space assessment required. GREEN
Archaeology Comments:	This area forms part of the setting of the village particularly regarding access roads and is in close proximity to the conservation area. Newer built properties form the edge of the village to the east of this site. An archaeological desk based assessment and evaluation will be required to identify archaeological features and deposits. AMBER
Retail Comments:	N/A
Proposals Map Action Required:	Add to proposals map as housing allocation with amended site boundary
Trajectory Implications:	Add to trajectory as new housing site
ID:	2
Officer Recommendation:	The site now passes criteria 4 (stage 2) after amended boundary submitted through FSC. Site is considered a suitable housing allocation. This site has previously been used as railway land, so land contamination could be present. The developer must undertake an appropriate assessment of the ground conditions and remedial work if necessary. This will ensure that the land is safe and suitable for its proposed use. Due to the proximity of the industrial estate a noise impact assessment will be required. Boundary change means site now passes criteria 4 and has passed technical officer comments. Site is considered suitable as a housing allocation

SUBMITTED SITE PLAN



-  Submitted Site Boundary
 -  Developable Area after criteria assessment
 -  Criteria 1: Natural environment asset boundaries
- Area eliminated at criteria stage:
-  1. Natural Environment Assets
 -  2. Existing Openspace
 -  3. Greenfield and within Flood Zone 3a
 -  Revised Site Boundary

CRITERIA 1, 2 AND 3 ASSESSMENT



SA Technical Scoring (extract)

Station Yard, Wheldrake	2	0	1	0	0	4	2	2	3	0	0	0	5	0	11	8	19	Pass	FAIL	8	8	FAIL	
Site Name	Doctors Score	Nursery Score	Primary School Score	Secondary School Score	Higher Education Score	Neighbourhood Parade Score	Supermarket Score	Openspace Score	Non Frequent Bus Route	Frequent Bus Route	Park and Ride Score	Walking Access to Railway Station	Cycling Access to Station	Adopted Highway Score	Access to a Cycle Route Score	Residential Service Score	Residential Transport Score	Residential Overall Score	Residential: Pass/Fail Criteria 1, 2, 3	Residential: Pass/Fail Criteria 4	Employment Transport Score	Employment Overall Score	Employment: Pass/Fail Criteria 4

Sites were screened following the Criteria 4 assessment to choose the most sustainable sites for consideration at the technical Officer Group. The following minimum scoring system was applied to ensure the most sustainable sites were selected for consideration:

STAGE 1	
Minimum Residential ACCESS TO SERVICES Score Stage 1	
To include:	
Primary school within 800m	
Access to a neighbourhood parade containing convenience provision	
Access to a doctors surgery within 800m	
Access to 2-4 open space typologies within the required distances(1)	
Total Minimum Score	13 points
Minimum Residential TRANSPORT Score Stage 1	
To include:	
Non-frequent bus route(2) within 800m	
Access to an adopted highway	
Access to a cycle route(3)	
Total Minimum Score	9 points
Total Minimum Residential Score (access to services + transport)	
Minimum Employment Score Stage 1	22 points
To include:	
Non-frequent bus route(4) within 800m	
Access to an adopted highway	
Access to a cycle route(5)	
Total Minimum Score	9 points
Total Minimum Employment Score	9 points

15/02093/FUL Industrial Estate Approved Planning Application

10 September 2015

Directorate of City & Environmental Services
West Offices
Station Rise
York
YO1 6GA

Dear Sir/Madam

Re:- Design & Access Statement in respect of the Proposed Erection of a Steel Framed Building for Storage at Thorne Engineers Ltd, Millfield Industrial Estate, Wheldrake.

Please find attached a Full Planning application in respect of the above proposal.

The applicants operate a successful Light Engineering business on the Millfield Industrial Estate and now need to re-organise their working practices to free up space in the Workshop area.

The proposal is therefore to erect a Steel framed Building measuring approximately 11.40 x 18.50 metres for the storage of finished units. This will allow the main workshop to function more productively and also protect the finished units from accidental damage etc.

It is proposed that the Building will be erected approximately 19.50 metres South of the host building and so it will not be readily visible from the estate road. It will also be in alignment with other buildings which form the linear form of development along the East side of the estate road.

The existing workshop has a Profiled Steel Roof (Mushroom Colour) and Walls which are part fair-faced Blockwork and part Profiled Steel Sheeting (Green). It is proposed that the new storage building will be constructed in a similar format.

I understand that the vacant area of the applicants plot is designated for light industrial use as is the land to the West.

It is therefore considered that the proposal is unlikely to conflict with any criteria set out in the relevant Policies of the emerging Local Plan or as set out in the National Planning Policy Framework and which encourages the support of local business needs.

Yours faithfully

M J Punchard

Thorne Engineering



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Scale: 1:1250, paper size: A4

15-1000

plans ahead by **emapsite**

Prepared by Mike Purchard, 13-08-2015

13/02451/FUL Industrial Estate Completed Employment Development

DESIGN & ACCESS STATEMENT

ERECTION OF 3 N° INDUSTRIAL UNITS WITH ASSOCIATED PARKING & RIGHT OF WAY ACCESS AT MILLFIELD INDUSTRIAL ESTATE, WHELDRAKE, YORK FOR BRIDGES & BUCKLE LTD

INTRODUCTION

Millfield Industrial Estate is situated to the west of Wheldrake, a village lying 8 miles south of York. The whole estate has an area of approximately 4.86 hectares of which just over 50% has been developed.

Identified in the Local Plan as an employment area, there has been no new development for at least 8 years.

The buildings that are there are simple metal clad portal framed industrial units of varying size and all purpose built for a particular use from pine furniture manufacturers, stone distribution and food distribution.

The proposed site is located to the north-eastern corner of the industrial estate within the site of a pine and cane furniture warehouse.

This application is for full planning consent for the erection of 3 N° industrial units with associated parking, the works will have a right of way access across the existing hardstanding.

The site itself is currently existing hardstanding belonging to a pine and cane furniture company which is used for storage of pallets and other items. The two boundaries of the site currently adjacent to other land are separated by timber fencing.

The site area is 0.156 hectares.

AMOUNT

The proposal is for the erection of 3 N° industrial/storage units. All units have a floor area of 140m² and each will have a toilet and kitchen area facilities.

LAYOUT

The building has a rectangular footprint and is located to the north-east corner of the industrial estate fronting the communal circulation area.

Each unit has 2 N° car spaces and there is a communal compound to the north end of the site.

SCALE

The building is 30 x 14m and is monopitch with the ridge being at 6.0000m and the eaves to the east at 4.500m high. These dimensions are standard for this type of building and reflect the scale of existing buildings on the site. The monopitch also reduces the height of the buildings to the land to east.

The floor space in each unit has been chosen on the optimum size for letting purposes in this location.

LANDSCAPING

The existing timber fenced boundary treatments shall be removed and replaced with a new 2.4m timber fencing for security. No soft planting is being proposed for this development.

APPEARANCE

The building is to be constructed using a PVC colour coated steel profile cladding both to walls and roofs. The doors will be colour coated roller shutter doors.

ACCESS

The access to the site is sufficient for this type of building as it is proposed on a site which already accommodates industrial vehicles.

There is parking for 2 N^o cars with level access to each unit.

The outer doors will have security locks.

Internally each unit contains a toilet facility that is Part M compliant.

Emergency and other vehicles can enter the site and park adjacent to the building and turn round to exit the site in a forward gear.

CONCLUSION

As these proposals are standard industrial units within an **already established industrial estate** that has had no development on it for over 8 years, then this application must be welcomed by the local community and the Local Authority.

It will provide further opportunities for employment in this rural area which must be an incentive in these times of recession.

Land at Brecks Lane, Strensall, Secretary of State Decision



Department for
Communities and
Local Government

John MacKenzie
Nathaniel Lichfield and Partners
3rd Floor
One St James' Square
Manchester
M2 6DN

Our Ref: APP/C2741/V/14/2216946
Your Ref:

18 March 2015

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION BY LINDEN HOMES NORTH
AT BRECKS LANE, STRENSALL, YORK, YORKSHIRE
APPLICATION REFERENCE 13/03267/FULM**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Zoë Hill BA (Hons) DipBldgCons (RICS) MRTPI IHBC, who held a public local inquiry 14 October - 7 November 2014 into your client's application for the construction of 102 dwellings along with associated highways infrastructure, landscaping and public open space in accordance with application reference 13/03267/FULM dated 4 October 2013. On 9 April 2014 the Secretary of State directed, in pursuance of section 77 of the Town and Country Planning Act 1990, that the application be referred to him instead of being dealt with by the relevant planning authority, the City of York Council.

Inspector's recommendation and summary of the decision

2. The Inspector recommended that planning permission be refused. The Secretary of State agrees with the Inspector's analysis and recommendation, except where stated, and he has decided to refuse planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural Matters

3. The Secretary of State has had regard to the Inspector's statement at IR1 which explains that the application was originally submitted for 104 dwellings and was subsequently reduced to 102 dwellings. Like the Inspector (IR1), the Secretary of

State has considered the application on the basis of 102 dwellings and he is satisfied that no prejudice arises to any party by his doing so.

4. In reaching this position the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Having had regard to the Inspector's comments at IR5 – 6, the Secretary of State is content that the Environmental Statement complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the application.

Matters arising after the close of the inquiry

5. The Secretary of State received a representation on behalf of the applicant dated 3 March 2015 which was submitted too late to be seen by the Inspector. The Secretary of State has given careful consideration to this representation and he considers that it does not raise matters which require him to refer back to parties prior to his determination of this case. A copy of this representation is not attached to this letter but will be provided on written request to either of the addresses shown at the foot of the first page of this letter.

Policy considerations

6. In deciding the planning application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
7. In this case, the development plan consists of policies YH9(C) and Y1(C1&C2) and the relevant parts of the key diagram of Regional Spatial Strategy for Yorkshire and the Humber (RSS) as set out in its (Partial Revocation) Order 2013. The Secretary of State considers that the development plan policies most relevant are those identified by the Inspector at IR18-20.
8. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework), the Planning Practice Guidance (the Guidance), and those documents listed at IR23-26.

Main issues

Is the Site within the Green Belt?

9. The Secretary of State has carefully considered the Inspector's comments at IR186-199. He has had regard to the Inspector's remark that the York Green Belt boundary has never been identified in an adopted plan (IR186), but that none of the parties seek to claim that the application site does not fall within the outer edge of the Green Belt and he concurs with the Inspector that the site should be considered as within the outer edge of the Green Belt (IR187).
10. Having taken account of the Inspector's analysis at IR188-192, the Secretary of State shares her view that, whilst located adjacent to the developed edge of Strensall, the site is a sizeable area which significantly projects into the open

countryside, with open land on much of the two boundaries and along the whole eastern side (IR191). Recognising that the essential characteristics of Green Belts are openness and permanence, he agrees with the Inspector that the proposal would have a significant and harmful effect on openness, and that in terms of permanence, changes to the openness of the site should not be undertaken lightly (IR193).

11. The Secretary of State agrees with the Inspector's remarks about the five purposes of Green Belt land (IR194-197). Like the Inspector, the Secretary of State considers that the Green Belt function of checking the unrestricted sprawl of large built-up areas is a valid purpose here and that the purpose of safeguarding the countryside from encroachment also applies (IR194). He also finds no reason to disagree with the Inspector that, whilst developing this site would not have a direct and significant bearing on York's historic character, extending close to the rail corridor into the City would have a visual impact upon the green corridor formed alongside the Foss and so the proposed development would contribute to sprawl (IR195).
12. In considering the purpose Green Belts have in protecting greenfield sites and therefore assisting in urban regeneration, the Secretary of State agrees with the Inspector (IR196) that preventing development here, and on other Green Belt sites, is likely to encourage development of brownfield land because there is likely to be a consequent impact upon viability of doing so. Like the Inspector, he considers that a managed approach to releasing land for housing needs to be taken (IR196).
13. The Secretary of State concludes with the Inspector that the site falls within the general extent of the Green Belt and serves a number of Green Belt purposes, and that it falls to be considered under paragraph 87 of the Framework, wherein, "inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances" (IR199).

The Effect of the Proposed Development on Openness and the Purposes of the Green Belt

14. The Secretary of State has considered the Inspector's comments at IR200-203. He agrees that the proposed development would impact on the openness of the Green Belt (IR200), and that the site has a role in four of the five Green Belt purposes (IR201). For the reasons given by the Inspector (IR200-203), he also agrees with her conclusion that whilst being of a lower value than some Green Belt areas surrounding the site, it is nonetheless a Green Belt site and, as such, it is afforded significant protection (IR203).

Highway Safety and the Free Flow of Traffic

15. The Secretary of State has carefully considered the Inspector's comments about local concerns regarding traffic flow (IR204). However, for the reasons given at IR205, the Secretary of State agrees with the Inspector's conclusion that the relatively modest change to traffic flows likely to arise as a result of this scheme would not be such that this should count against the scheme in the planning balance.

Accessibility

16. For the reasons given by the Inspector at IR206-7, in terms of providing a reasonably sustainable environment and directly contributing to local facilities, the Secretary of State agrees with the Inspector's conclusions, and he does not accord weight in favour or against the scheme in this regard.

Prematurity

17. The Secretary of State has had regard to the Inspector's remarks at IR26 and IR31-32 about the emerging Local Plan. In common with the parties (IR32), the Secretary of State considers that the LP Publication Draft carries very little weight at the current time. Like the Inspector at IR208, the Secretary of State has considered the Guidance in relation to prematurity, and he has also given careful consideration to the Inspector's analysis at IR209-212. For the reasons given by the Inspector (IR208-211), the Secretary of State shares her view that allowing this proposal would not materially undermine the historic form of settlement growth in York (IR211) and that the site is not so substantial or its cumulative effect so great that it would undermine the plan making process which, in any event, is not at an advanced stage (IR210). The Secretary of State, like the Inspector, does not attach weight to the issue of prematurity in this case (IR212).

Matters Advanced in Support of the Scheme

- The Planning History of the Site

18. The Secretary of State has given careful consideration to the Inspector's analysis in respect of the planning history of the site (IR213 – 216) and he shares her view that the history of the site means its suitability for housing use should be viewed positively and that must carry some weight in the planning balance (IR214). However, for the reasons given by the Inspector at IR215, the Secretary of State agrees that this site cannot be justified on the basis of the approach taken at Germany Beck (IR215). Like the Inspector (IR216), he concludes that, in this case, the site is not allocated for housing or safeguarded for such purpose in any adopted plan, and that the history here offers limited support in favour of the site's development.

- Housing

19. The Secretary of State agrees with the Inspector that, whilst the extent of the City's housing land supply is clearly a matter for debate, on the evidence before him, a five year housing land supply cannot be demonstrated (IR217). Like the Inspector (IR218), the Secretary of State has taken account of the advice in the Guidance that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development on a site within the Green Belt. The Secretary of State has carefully considered the Inspector's remarks at IR219, including her view on the significance of housing need in the planning balance in the circumstances described by the Inspector. Whilst the Secretary of State has drawn no general conclusions on this matter, he does agree with the Inspector that, in the circumstances of this case, the unmet need for housing contributes to part of his overall planning balance. He has gone on to consider this further below.

- Affordable Housing

20. The Secretary of State has carefully considered the Inspector's comments at IR220-222. For the reasons given in those paragraphs he shares her view that whilst weight should be attached to providing affordable housing, particularly where there is a significant demonstrated need, such as here, he is not satisfied that this application offers anything other than that which would normally be sought in the Council area (IR222). He has gone on to attribute weight to this matter below.

- Economic Benefits

21. The Secretary of State has also carefully considered the Inspector's comments at IR223-225 on the economic benefits of the proposal. Whilst he shares the Inspector's view (IR223) that the scheme's economic benefits (outlined by the applicant at IR61) constitute a matter to be weighed in the planning balance, he nevertheless considers that those benefits carry some weight in the scheme's favour. He agrees with the Inspector that the New Homes Bonus payments and Council tax receipts would be significant, but do not attract weight in the planning balance (IR224). Turning to the developer's 106 contributions, for the reasons given by the Inspector (IR225), the Secretary of State agrees that no weight attaches to the additional education places and that a little weight attaches to the provision of public open space, sports provision and footpaths/bridges.

Planning Balance for a Site in the Green Belt

22. The Secretary of State has given very careful consideration to the Inspector's balancing exercise at IR226-227 and he has also had regard to the Guidance which states that "Unmet housing need ... is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt".

23. In terms of matters weighing in support of the application, the Secretary of State considers that the site's planning history is a matter which carries some limited weight; that the scheme's economic benefits carry some positive weight; and that the provision of public open space, sports provision and footpaths/bridges carries a little weight. The Secretary of State considers that, in the light of his conclusions on the need for housing and affordable housing at paragraphs **19 and 20** above, the 102 dwellings including 30% affordable dwellings offered by this proposal are benefits which carry greater weight than that attributed by the Inspector (at IR219, IR222 and IR227) and he affords significant weight overall to those particular benefits.

24. Turning to the harm which he has identified in this case, the Secretary of State has concluded (at paragraph 13 above) that the site should be considered as within the general extent of the Green Belt, that it serves a number of Green Belt purposes and that the proposed development falls to be considered under paragraph 87 of the Framework. This paragraph states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the Framework goes on to say that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. The Secretary of State has concluded (at paragraph 10 above) that the proposal would have a significant and harmful

effect on openness and he has further concluded (at paragraph 14 above) that the site has a role on four of the five Green Belt purposes. The Secretary of State attaches substantial weight to the harm which the application proposal would cause to the Green Belt.

25. The Secretary of State has carefully weighed these matters and he does not consider that the harm which he has identified would be clearly outweighed by the considerations which he has weighed in the scheme's favour. He concludes that very special circumstances do not exist to justify the proposal.

Other Matters

26. The Secretary of State has taken account of the other matters addressed by the Inspector at IR228-234. He does not consider that these matters change the planning balance above.

Conditions and Obligations

27. The Secretary of State has considered the suggested conditions at Annex A to the IR, the Inspector's comments on conditions at IR184 and IR229 as well as national policy, set out in paragraphs 203 and 206 of the Framework, and the Guidance. The Secretary of State is satisfied that the proposed conditions are necessary and meet the other tests identified at paragraph 206 of the Framework. However, he does not consider that the conditions would overcome his reasons for refusing permission.
28. The Secretary of State has had regard to the s.106 planning obligation, the Inspector's comments at IR7-10 and IR185, national policy set out at paragraph 203-205 of the Framework and the Guidance. For the reasons given by the Inspector at IR185, the Secretary of State agrees that the obligation tests set out in the Framework would be met.

Overall Conclusion

29. The Secretary of State has found that the scheme would cause substantial harm to the Green Belt and that this harm would not be justified by very special circumstances. To that extent, the Secretary of State also concludes that the scheme conflicts with the aims of development plan policies YH9(C) and Y1(C1). He considers that this conflict is such that he concludes that the scheme conflicts with the development plan overall.
30. The Secretary of State has considered the scheme against paragraph 14 of the Framework which sets out the presumption in favour of sustainable development and which states that, in cases where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, taken as a whole. In view of his conclusions on the harm to the Green Belt, the Secretary of State considers that the scheme does not amount to sustainable development and that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

31. Having concluded that the scheme conflicts with the development plan overall and that the scheme does not amount to sustainable development, the Secretary of State has found no material considerations of sufficient weight to determine the application other than in accordance with the development. Accordingly, he has decided to refuse planning permission.

Formal Decision

32. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby refuses your client's application for planning permission for the construction of 102 dwellings along with associated highways infrastructure, landscaping and public open space in accordance with application reference 13/03267/FULM dated 4 October 2013.

Right to challenge the decision

33. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

34. A copy of this letter has been sent to the City of York Council, Strensall with Towthorpe Parish Council, and Julian Sturdy MP. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Christine Symes

Christine Symes

Authorised by Secretary of State to sign in that behalf

Report to the Secretary of State for Communities and Local Government

by Mrs Zoë Hill BA(Hons) DipBldgCons(RICS) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 19 January 2015

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPLICATION BY LINDEN HOMES NORTH

REGARDING CONSTRUCTION OF 102 DWELLINGS ALONG WITH ASSOCIATED
HIGHWAYS INFRASTRUCTURE, LANDSCAPING AND PUBLIC OPEN SPACE

AT

BRECKS LANE, STRENSALL, YORK

Inquiry opened on 14 October 2014

Brecks Lane, Strensall, York

File Ref: APP/C2741/V/14/2216946

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File Ref: APP/C2741/V/14/2216946
Brecks Lane, Strensall, York, Yorkshire

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 9 April 2014.
- The application is made by Linden Homes North to City of York Council.
- The application Ref: 13/03267/FULM is dated 4 October 2013.
- The development proposed is described as the construction of 102 dwellings along with associated highways infrastructure, landscaping and public open space.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application: i) The extent to which the proposed development is consistent with Government policies on protecting Green Belt land (having regard to section 9 of the Framework); ii) The extent to which the proposed development is consistent with the development plan for the area; iii) Any other matters the Inspector considers relevant.

Summary of Recommendation: The application be refused.

Procedural and Preliminary Matters

Amended Plans

1. The application was originally submitted for 104 dwellings, although following discussions with Council Officers it was reduced to 102 dwellings. The description of the proposed development was amended to: "Residential development of 102 dwellings with associated highways infrastructure, landscaping and public open space". The public have been made aware of that alteration and no prejudice would arise from consideration of the scheme on that basis. Thus this report is based upon the revised proposal. The full list of plans is set out at CD 01-01 & - 02.

Call-In Details

2. On the 9 April 2014, the Secretary of State called-in this application for his determination. He particularly wished to be informed about:
 - (a) The extent to which the proposed development is consistent with Government policies on Protecting Green Belt Land (Framework – Section 9);
 - (b) The extent to which the proposed development is consistent with the development plan for the area; and,
 - (c) Any other matters the Inspector considers relevant.

Inquiry Dates

3. The Inquiry sat on 14-17 October 2014 and 6 and 7 November 2014. The 6 November 2014 session was held as a Hearing style event.

Witnesses

4. Martin Grainger did not appear for the Council due to work pressures. Mrs Jane Healy-Brown was appointed to take his place and adopted Mr Grainger's evidence adding to it with a speaking note of her own¹.

Environmental Impact Assessment

5. The Applicant submitted a request for a Screening Opinion on 11 June 2012 which was responded to by the Council's formal opinion on the 4 July 2012². The Applicant then asked the Secretary of State on the 23 October 2012 for a screening direction which was issued on the 7 December 2012, confirming that the proposal represents development which requires Environmental Impact Assessment (EIA).
6. On the 23 August 2013 the Applicant submitted a Scoping Report culminating in the Council's formal scoping opinion on the 30 September 2013³. A comprehensive Environmental Statement (ES) was submitted with the application. Regulation 22(2) prescribes that where information is to be considered as part of an Inquiry or hearing further publicity is not required. This is on the basis that the Inquiry processes themselves are a sufficient means of notifying those affected. The definition of 'environmental information' in Regulation 2 confirms that all of the representations currently before this Inquiry comprise such information. For the avoidance of doubt, the Bat Survey and other information contained in the TEP Report⁴ now fall into this category. There has been no complaint about the adequacy of the ES or the EIA process raised during the course of the Inquiry.

S.106 Planning Obligation

7. The s.106 Planning Obligation requires a contribution of £70,247.00 for off-site sport provision and public open space and amenity land construction, management and maintenance.
8. An education contribution through the s.106 Planning Obligation would be made for 26 places in the Robert Wilkinson primary school equating to £306,930.00.
9. The s.106 Planning Obligation would require provision for 30% affordable housing split between affordable dwellings discounted at sale (11 units) and social rented dwellings (20 units).
10. To improve recreational access £10,000.00 within the s.106 Planning Obligation would provide for a footbridge over the River Foss (£8,000.00 of the total contribution) and improvement of footpaths in the area around the footbridge.

The Site and Surroundings

11. The site is located adjacent to the village of Strensall and is located approximately 4.5km from Haxby, 6.3km from Huntington on the outskirts of the

¹ INQ 5

² CD 02

³ CD 03

⁴ Mr Watts' Appendix 14

City and approximately 9km from the centre of York itself. These centres provide local shopping and employment.

12. The site is located on the east side of Strensall village. The site encompasses approximately 4.6 hectares of land made up mainly of overgrown grassland, including an area of ridge and furrow. There is a small concrete hard-standing area located on the site's southern boundary. It also includes 0.63 hectares occupied by a tree belt on its eastern side.
13. The site is accessed via Brecks Lane to the south. However, the site is adjacent to residential development on its western boundary from which there are three residential estate roads which terminate on the boundary of the site: those being Green Lane, Tudor Way and Heath Ride. Heath Ride terminates as an adopted turning head within the application site boundary.
14. The eastern site boundary is planted with trees, with an open field and waste water treatment works beyond. Within the easterly tree belt and just beyond there are 25 mature trees that are covered by a tree preservation order (Tree Preservation Order CYC 285 (TPO))⁵. There are also 12 trees within the central and western part of the site that are covered by the TPO.
15. To the north of the site, beyond an area of trees and riverside strip of more open land is the River Foss, after which lies open countryside. A rising water main crosses the site on the northern side.
16. The southern boundary adjoins Brecks Lane, a narrow lane which provides access to the waste water treatment works, and adjacent to the lane is the York to Scarborough railway line. Beyond this lies open countryside. On the southern side of the site there is a section of overhead cable crossing the site, an area of hard-standing accessed from Brecks Lane and a section of hedgerow that protrudes into the site.

Planning Policy

17. The development plan for this area consists of policies YH9(C) and Y1(C1&C2) and the relevant parts of the key diagram of Regional Spatial Strategy for Yorkshire and the Humber (RSS) as set out in its (Partial Revocation) Order 2013⁶.
18. YH9(C) says: *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. The boundaries must take account of the levels of growth set out in this RSS and must endure beyond the Plan period.*
19. Y1(C1) says: *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.*

⁵ CD 25

⁶ See CD 32 and CD 33 for more detail

20. Y1(C2) says: *Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.*
21. All other policies provided are material considerations which can be afforded weight in accordance with Annex 1 of the National Planning Policy Framework (the Framework).

Planning Policy History

22. There is no definitive adopted plan showing the extent of the Green Belt in this area. The Council and Applicant place weight on the history of the site in terms of policy documents which have been produced in the process of clarifying the status of the site but which have not been adopted.
23. The York Green Belt Local Plan 1991 Inspector's Report concluded that this site should be removed from the Green Belt, but suggested safeguarding the land might be appropriate. As a consequence, the site was not shown to be in the Green Belt in the York Green Belt Local Plan Post-Modifications (1995) although this plan was not adopted.
24. The site was not shown to be in the Green Belt in the Southern Ryedale Local Plan Modifications (1996) but was identified as safeguarded land.
25. The site was not shown to be in the Green Belt in the City of York Local Plan 4th Set of Proposed Changes (2005), but was shown as safeguarded land.
26. The site was not identified as being in the Green Belt in the City of York Local Plan Publication Draft 2014 and was shown as a housing site although that document has now been halted⁷. That 'halt' took place on 9 October 2014 and the full motion setting it out is contained in the Supplementary Statement of Common Ground⁸ and is referred to in more detail in the agreed facts section relating to housing land.

Site Planning History

27. There has been a previous planning application made for residential development on this site which was refused in 1998 because, firstly, it was considered that there was adequate housing land available so development of the then safeguarded site would be premature and therefore conflict with a policy of the draft Local Plan and, secondly, for highways reasons including the failure to provide a Traffic Impact Assessment⁹.
28. The current application site includes an area of highway, a turning head, which forms part of the Heath Ride development.

The Proposals

29. The planning application proposes a residential development served using the existing culs-de-sac, that is Green Lane, Heath Ride and Tudor Way. The

⁷ Extracts of these documents are set out at CD 10-15

⁸ INQ 10

⁹ The reasons for refusal can be found at page 4 of the Applicant's Statement of Case and in the Rule 6(6) Statement of Case

proposed dwellings would be a mixture of detached, semi-detached and short terraces of up to 4 dwellings. Each would have a garden and parking provision. The dwellings would be of a relatively traditional design and so would reflect the character of the adjoining housing estate. In addition to the 102 dwellings there would be areas of open space, largely focused around the TPO trees on the site. The road layout would essentially be of culs-de-sac form, with pedestrian links between the areas. There would also be a pedestrian walkway along the eastern boundary. This boundary, which adjoins open fields, would be faced by rear and side elevations of dwellings with roads terminating close to the boundary.

Agreed Facts

The Council's Consideration of the Application

30. The Council Officers recommended that planning permission be granted (subject to a s.106 agreement and conditions) in the report to the Planning Committee on 20 February 2014. The Committee resolved to grant planning permission for the proposed development. However, as set out above the decision was subsequently called-in.

Housing Land Supply – Agreement between the Council and Applicant

31. The City of York Local Plan Publication Draft 2014 (LP Publication Draft), as set out above has been halted. Part of the Council motion which resulted in that halt sets out that "*Council believes that the current draft plan approved by Cabinet on 25th September:*

- *does not accurately reflect the evidence base and is therefore not based on objectively assessed requirement.*
- *is not the most appropriate strategy and has ignored reasonable alternatives rather than test the approach against them.*
- *is not deliverable over the plan period and is contrary to the combined methodological approach to the Leeds City Region.*

Council believes that the current proposals also fail to adequately reflect the results of the citywide consultations undertaken in July 2013 and July 20214.

Council believes that the current proposals will result in the plan being found unsound by the planning inspector leaving the city vulnerable.

Council instructs that planned consultation on the current proposals is halted.

In order to accurately reflect objectively assessed requirements, Council instructs officers to produce a report on housing trajectory to be brought to the next meeting of the Local Plan Working Group (LPWG) along with the relevant background reports.¹⁰

32. The Council and Applicant agree that, as such, very little weight can be placed on the LP Publication Draft. Nonetheless, for the purposes of the Inquiry, the Council and Applicant agree in the first supplementary Statement of Common Ground that housing land supply is equivalent to some 4.2 years and that there is

¹⁰ INQ 10

no need to interrogate the precise shortfall against the agreed five year requirement.

33. The Council and Applicant set out the subsequent further Statement of Common Ground¹¹ that when actual housing supply falls below planned supply, the future supply should be increased to reflect the likelihood of undersupply, in line with the Practice Guidance¹². In assessing the full, objectively assessed need (FOAN) and establishing a new housing requirement it is appropriate to address the undersupply over the full plan period rather than dealing with it in the early years of the Plan (sometimes referred to as the Liverpool approach). This also reflects the Practice Guidance for development plan formulation¹³.
34. The Council and Applicant agree that the RSS contains the only development plan based housing requirement for York (even though this has been revoked) and it is appropriate to use this as the basis of any calculation of under delivery. Since 2004, evidence provided demonstrates that over a 5 and 10 year period there has been under-delivery against the RSS housing requirement. It is agreed by the Council and Applicant that this represents 'persistent under delivery' for the purposes of the Framework and Practice Guidance.
35. Whilst the Applicant considers that the Council's housing supply is optimistic it is agreed that there is a shortfall in the five year housing land supply requirement.
36. The Council and Applicant agree that there is no justification for including windfall sites in the five year housing land supply figures.

The Main Issues

37. The main issues in this case are:
 - (a) whether the site should be treated as falling within the general extent of the Green Belt;
 - (b) if so, the effect of the proposed development on the purposes and openness of the Green Belt;
 - (c) the effect of the proposed development on highway safety and the free flow of traffic;
 - (d) the implications of the proposed development in terms of accessibility;
 - (e) prematurity;
 - (f) the benefits of the scheme, having particular regard to housing, affordable housing and the contribution to the local economy; and,
 - (g) if the development is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

¹¹ INQ 39

¹² Practice Guidance ID: 2a-019-20140306

¹³ Practice Guidance ID: 3-035-21040306 & 3-036-20140306

The Case for Linden Homes

Whether or not the site is in the Green Belt

38. The Statutory Development Plan comprises saved policies of the RSS together with its key diagram. The unique partial saving of the RSS was explained in a written ministerial statement which commented: -
- "The City of York does not currently have a Local Plan in place with defined Green Belt boundaries. The Environmental Assessment process indicated that revocation of the York Green Belt policies before an Adopted Local Plan was in place could lead to a significant negative effect upon the special character and setting of York. Following careful consideration of the consultation responses received, we have concluded that the best solution would be to retain the York Green Belt policies"¹⁴.
39. In the context of this Inquiry it is worth noting that the sole purpose identified for saving the general extent of the Green Belt related to the potential significant negative effect upon the special character and setting of York. Mr Wright, an interested party in this Inquiry, emphasised this point in his proof, but in cross examination he confirmed that neither the village of Strensall, nor development of the application site in particular, has any bearing on the special character of York. The Parish Council confirmed that preserving the special character of the setting of York was not one of the five purposes of the Green Belt on which it sought to rely when identifying other Green Belt harms. This accords with the views of the Council and Applicant.
40. In terms of the approach to taking development management decisions the Applicant considers that because the 'general extent' of the Green Belt is only broadly defined and is only 'illustrated' on a 'diagram' it is necessary to judge whether the appeal site should be treated as falling within the general extent of the Green Belt. As a starting point the Applicant makes plain the point that not all the land within the existing urban areas automatically lies within the general extent of the Green Belt; indeed the key diagram does not actually show that to be the case and it would be contrary to the specific requirements of the RSS set out in policies YH9C and Y1C. The Parish Council did not disagree with that view.
41. The Applicant has analysed all relevant appeal decisions including the nearest site at Cowslip Hill¹⁵ and was able to describe a consistent theme to the approach from these decisions. A clear example is given in the Germany Beck decision¹⁶. This decision letter confirms that the Secretary of State accepted the Inspector's conclusions, except where expressly stated, and took account of the Inspector's analysis relating to Green Belt status, only disagreeing with the conclusion in that case. The critical point is that the Secretary of State agreed that in determining whether a site is within the York Green Belt it would be necessary to test whether, on the basis of appropriateness, prematurity or precedent, there is any reason not to apply Green Belt policy for the time being.

¹⁴ Mr Watts Proof of Evidence Appendix 6

¹⁵ APP/C2741/A/00/1048645 Appendix V of Mr Borrow's Proof of Evidence

¹⁶ APP/C2741/V/05/1189897 which can be found at CD 22

42. The Secretary of State was of the view that she did not consider "the lack of a defined boundary is sufficient justification to arbitrarily exclude any site contained within the general extent of the Green Belt". The reference to the 'arbitrary exclusion' of 'any' site precedes the finding that the sites fell "within the general extent of the Green Belt". Given that finding, it is not a tenable proposition to expand the Secretary of State's reasoning to cover every bit of unbuilt-on land within the 6 mile belt from the centre of York.
43. The Applicant identifies similarities between the application site and the Westview Close appeal site¹⁷. The Applicant provides six clear reasons which support a finding that the appeal site does not lie within the general extent of the Green Belt. These are: that the site does not serve any function appropriate to the Green Belt; the site is not seen as part of the open countryside rather it is seen as a vacant sliver of land opposite an adjacent residential estate; the site appears as part of the urban environment, divorced from the countryside and hemmed in by suburban residential development with enclosure behind a tree belt, river and railway line; whilst it could serve as a small piece of incidental open space in relation to the adjacent dwellings, this informal use is not a Green Belt function; the site has not been identified as contributing to any Green Belt function in the Green Belt Appraisal of 2003 or in the updated assessment provided in the York Historic Character and Setting Technical Paper of 2011 and hence, technically the site serves no obvious Green Belt function in relation to York; and finally, releasing this site for development would not serve as an undesirable precedent in relation to similar small plots of land on the periphery of York – on the contrary, it is exactly what the Framework advocates.
44. For the Council it was suggested that the status of the application site cannot be determined definitively by considering the key diagram, other than that it falls within the general extent of the Green Belt. An overlay of the key diagram on an Ordnance Survey map was provided to illustrate this point¹⁸. The colour copying of the plans provided, figures 1 and 2, had proved to be difficult; but that was simply a reflection of the difficulty in projecting the very large scale of the key diagram onto an Ordnance Survey base.
45. Neither the Applicant's witness, nor the Parish Council witness, nor Mr Wright were supporters of this approach; indeed the Parish Council's witness spurned the potential assistance to his case from such an approach with the wise circumspection that it was a "dangerous" path to follow. It is worth noting that the Regulations governing the production of Regional Strategies direct that key diagrams and inset diagrams must be prepared "otherwise than on a map base". This provision is to be contrasted with the equivalent provision for the production of local development documents which confirms that a proposals map must "be reproduced from, or based on, an Ordnance Survey map". The Regulations were drawn in this way precisely to prevent key diagrams being interpreted on an Ordnance Survey map. As Mr Wright acknowledged key diagrams were never intended to convey that degree of specificity.
46. Overall, the Applicant invites a finding that the site does not lie within the general extent of the Green Belt. In these circumstances all parties agree that planning

¹⁷ APP/C2741/A/13/2191767 which can be found at CD 23

¹⁸ Mrs Healey-Brown's Speaking Note – INQ 5

permission should be granted. Paragraph 4 of Council's opening statement confirms that a proper application of paragraph 14 of the Framework would be engaged and that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. The Parish Council's witness confirmed in cross examination that he, too, would not make a case against the development in the event that it was found to be outside the general extent of the Green Belt.

47. The Applicant accepts that the site could be found to fall within the general extent of the Green Belt as a matter of judgement. If so, the Applicant maintains that there are very special circumstances which would justify the grant of permission. In arriving at this view the Applicant accepts that the enhanced presumption in paragraph 14 of the Framework would not be applicable. Rather, the matter would fall to be determined on the planning Green Belt balance requiring very special circumstances to be demonstrated.

Very Special Circumstances

48. The legal position on the approach to assessing harm to Green Belt and considering very special circumstances is set out in two cases. The first of these is the recently decided Redhill Aerodrome appeal¹⁹, which overturned Mrs Justice Patterson's judgment and returned matters to the position prior to the Administrative Court's decision. That is to say that when assessing harm to the Green Belt, in particular "other harm", account should be taken of all relevant matters.
49. The second case was helpfully submitted by the Council on the second day of the Inquiry²⁰. In this case Mr Justice Sullivan (as he then was) confirmed "there was no reason why a number of factors ordinary in themselves cannot combine to create something very special"²¹.
50. Both the Parish Council and Mr Wright accepted in cross-examination that, contrary to their earlier positions, an accumulation of circumstances could combine to be very special.
51. The Applicant's and the Council's cases are closely aligned setting out the same considerations which, taken together, amount to very special circumstances. Those points, albeit set out slightly differently, are that: the site has been excluded from draft Green Belt boundaries on numerous occasions and is designated in the two most recent local plans for development; the application site makes a very limited, or no, material contribution towards Green Belt purposes; the shortfall in housing land supply means there is the need to release land for development; and, the scheme represents a sustainable form of development meeting local needs.
52. All the parties agree that in this scenario there would be harm arising to the Green Belt by reason of inappropriateness. However, the Council and Applicant

¹⁹ [2014] EWCA Civ 1386. A copy of the judgment handed down on 24 October 2014 is at INQ 43.

²⁰ [2004] EWHC 2759 (Admin) – R. (on the application of Basildon DC) v First Secretary of State INQ22

²¹ INQ22 Paragraph 10 of the Judgement – see also paragraph 17

agree that because of the site's characteristics, scale and location there would be no "other harms" arising to the purposes of the Green Belt.

53. The Parish Council maintained that harm would occur to the Green Belt purposes listed in paragraph 80 of the Framework in respect of preventing 'unrestricted sprawl' and 'safeguarding the countryside'. It was also suggested that there could be some harm arising from the proposals to the purpose of assisting urban regeneration. However, in cross examination it was confirmed that concerns under this heading related to the potential precedent effect that a grant of permission on the appeal site might cause rather than the direct effects of the proposals themselves.
54. When asked to consider the potential precedent effects the Parish Council was unable to challenge any of the Applicant's findings that it would not prejudge the boundary of the York Green Belt because the site, in the Applicant's view, has not been in the Green Belt for a period of two decades. Moreover, there are special circumstances here which would not set a precedent. Furthermore to meet objectively assessed development needs of the City, including for housing, land like this which could be included in the Green Belt will need developing. The approach should reflect that of the Westview appeal wherein its use was deemed to neither be premature nor set a precedent. In terms of the Practice Guidance there are no reasons that would significantly or demonstrably outweigh the benefits of the proposal taking the policies in the Framework and other material considerations into account. The Applicant does not consider that the development is so substantial or its cumulative effect so significant that to grant planning permission would undermine the plan making process, notes that the emerging plan is not at an advanced stage and that the proposal, in any event, would accord with the emerging plan as most recently envisaged. Indeed, those findings were not challenged at all by either Mr Wright or the Parish Council and may be safely relied upon.
55. The Parish Council concerns about unrestricted sprawl and safeguarding the countryside seem to be opposite sides of the same coin. The judgement on these points will turn on the assessment of the site specific characteristics. The Applicant and Council agree that *"the site characteristics relate the site visually to the village settlement such that the land does not serve any of the stated purposes of Green Belt (Framework paragraph 80) in particular it does not assist in safeguarding the countryside from encroachment nor is it necessary to be kept open to safeguard the special character and setting of the historic city (Policies YH9 and Y1 of the RSS). This is because the north and western boundaries of the site border existing residential development. The western boundary has three access points that terminate at its boundary or just within the site. These physical features relate the site to the adjacent housing schemes. The eastern boundary is very well defined with significant trees and other vegetation so that views across to the open land beyond are restricted. The southern boundary is adjacent to Brecks Lane and adjacent to the railway line. The essential characteristics of the Green Belt (Paragraph 79) are their permanence and their openness. Given the site characteristics, it does not contribute to the openness and permanence of the Green Belt and in my view there is therefore no 'other harm' to the Green Belt arising from development. The accords with the*

treatment of the site in the past".²² Independent Inspectors have also concluded likewise.

56. It is this lack of harm to Green Belt purposes which, in the Applicant's view, comprises the first building block of the case for very special circumstances. Whilst absence of harm to Green Belt purposes would not, in itself, constitute very special circumstances, it is, in the Applicant's opinion, an important starting point in the balancing exercise. The lower the harms, the lesser the weight required to tip the balance against them.
57. The Council and Applicant agree that the policy history of the site is highly cogent and deserving of significant weight. The Council suggested that the planning history of the site could constitute very special circumstances in their own right. The Applicant was slightly more confident that they were very special circumstances. Even the Rule 6(6) Party conceded in cross examination that the issue though not pivotal was of "significant weight".
58. The planning history of the site is not disputed²³. On every occasion on which the site has been considered through the development plan process over the last 25 years, it has ended up being shown as lying outside the Green Belt. In both the York Green Belt Local Plan and the Southern Ryedale Local Plan, the Inspector's recommendations followed a full examination process. The present landowners have been seeking a determination of their civil rights and liberties²⁴ on this issue for over 25 years. Each occasion upon which they have put their case to Inspectors and the Planning Authority they have had it accepted. Given the importance of consistency in decision making, it is seminal to give this set of circumstances very considerable weight. The Applicant considers that the description 'very special' does seem entirely apposite in these circumstances. The recently published local plan, whilst it is to be given very limited weight of itself, nonetheless represents a further step in the continuum of judgements which have been made about this site. The evolution of policy over this lengthy period has not undermined this history. Indeed, as the new plan suggests it has simply served to confirm it.
59. The need for housing in general and affordable housing in particular are matters to be given very substantial weight. The first agreed supplementary statement of common ground confirms that the Council cannot demonstrate an adequate five year supply of housing land. Neither footnote 9 to paragraph 14 of the Framework nor paragraph ID 3-034 of the Planning Practice Guidance operate to undermine their weight. The Government's policy in paragraph 47 of the Framework is to boost significantly the supply of housing and this remains undiminished even in light of the recent amendments to the Planning Practice Guidance (paragraphs 044 and 045).
60. Paragraph 89 of the Framework confirms that affordable housing is an issue of sufficient weight for it potentially to be an exception to normal Green Belt policy. Whilst the advice is not directly applicable in this case, it is an illustration of the

²² Diane Cragg's Proof of Evidence para 4.12

²³ It is set out in the Planning Policy History section of this Report

²⁴ See Article 6 of the Human Rights Convention and the 1998 Human Rights Act (namely whether the land should be allocated in or out of the Green Belt)

weight Government attaches to the provision of affordable homes and supports the general contention that the provision of such housing can contribute towards very special circumstances. The fact that the contribution towards affordable housing is simply in line with policy at 30% does not diminish the weight attaching to its delivery particularly in the circumstances of this case wherein there is a severe shortage of affordable housing with the 2011 Strategic Housing Market Assessment (SHMA) identifying an annual need for new affordable properties of 790 dwellings. That same SHMA identified that a household income of £41,321 would be required to access lower quartile owner occupation yet median average gross income in the City of York is £22,100, only half of that required²⁵.

61. The economic benefits of the proposal include construction employment for the proposed development. The Applicant has estimated this based on a construction cost of approximately £12.4 million pounds. Over a three year period this would be equivalent to an average of 82 job opportunities directly created per year. In addition there would be spin-off benefits in terms of spend in the local area that together with indirect and induced employment opportunities would lead to economic benefits. The Applicant estimates that the economic benefits after completion of the development would be around £2 million net annual additional expenditure from new residents. It is anticipated that a significant proportion of this would be retained locally and could support 11.5 additional jobs in the local area.
62. The fiscal benefits are also set out in the evidence. The proposed development would generate New Homes Bonus payments of £901,815 over six years. The scheme would also generate some £135,909 per annum in Council tax receipts once the units were occupied. In the context of the spending cuts these sources of income are, in the Applicant's view, a significant benefit. They are also local finance considerations which need to be taken into account under the terms of section 70 of the principal Act.
63. The Applicant draws attention to two final points; firstly, the Council's evidence confirms that even if there was an adequate supply of 5 year housing land the remaining considerations would still outweigh harm to the Green Belt and amount to very special circumstances. Secondly, the Applicant wishes to draw attention to the Germany Beck decision because, in that case, the Inspector identifies the planning history of that site (similarly excluded from the Green Belt via development plan processes) and the pressing need to allocate more land as constituting very special circumstances sufficient to outweigh harm to the Green Belt. Although the scale and nature of the cases are very different, the need for more housing land remains pressing and the development plan history of this site is, in the Applicant's view, even more compelling.
64. Overall, the Applicant invites findings consistent with their evidence and that of the Council that very special circumstances exist sufficient to outweigh the harm to the Green Belt and all other harms.

²⁵ Mr Watts' Supplementary Note on Affordable Housing INQ 23

Prematurity

65. Both Mr Borrowes for the Parish Council and Mr Wright put forward a case on prematurity²⁶. In cross examination, Mr Borrowes readily acknowledged that the term 'prematurity' was a term of art in the planning context. The advice in paragraph 014 reference ID 21b of the Practice Guidance was put to him. This currently represents national policy on the topic and largely follows similar advice previously contained in the General Principles Statement. The advice places significant restrictions on when prematurity may be a justifiable reason to refuse planning permission. There are two limbs to these restrictions. Firstly, development must be so substantial that to grant permission would undermine the plan making process by pre-determining decisions about the scale, location or phasing of development; and secondly the emerging plan must be at an advanced stage. Mr Borrowes readily acknowledged that neither restriction was satisfied in this case and that a prematurity argument, in the formal sense, could not be maintained.
66. Mr Wright acknowledges²⁷ part of the Practice Guide test by addressing the first limb of the restriction. He goes on to suggest that a decision to grant planning permission on "isolated areas" would be the "very antithesis"²⁸ of policy requirements. In essence, his argument relates to the nature of the spatial distribution of development in the overall area. He suggests that what he sees as a 'dispersal strategy' would be wrong. His case rests upon casuistic reasoning. Mr Wright suggests that policy YH9C of the RSS "requires development to be spatially distributed within the inner boundary provided that does not adversely impact on the setting and/or the special character"²⁹. This requirement cannot be deduced from the terms of the policy itself or the key diagram. Mr Wright acknowledged in cross examination that the specificity he projects onto the policy and the key diagram cannot be read in the wording of the policy itself.
67. At no point in his evidence does Mr Wright seek to suggest that the application site, by itself, would meet the first limb of the restriction contained in the Practice Guidance. When it was put to him that the proposed development was not so substantial as to meet the first limb, he agreed absolutely.
68. Mr Wright's argument therefore relies upon the 'precedent' effect that the grant of permission on the appeal site may have in order to meet the 'so substantial' test. Such criticism was anticipated and the Applicant had addressed it in the Planning Witness's Appendix 7³⁰ which was not challenged. Nor did Mr Wright produce evidence to demonstrate a harmful effect in this regard.
69. Mr Wright was asked by the Applicant to consider the second limb of the restriction in the Practice Guidance relating to the stage the emerging plan has reached. Mr Wright's view was that the emerging plan is more advanced than any predecessor, but he recognised that the Council's decision to suspend consultation on the recently published version of the local plan means very little weight can be ascribed to it.

²⁶ Mr Borrowes' Proof of Evidence para 7.9

²⁷ Mr Wright's Proof of Evidence para 4.12

²⁸ Mr Wright's Proof of Evidence Paragraph 4

²⁹ Mr Wright's Proof of Evidence Paragraph 4.17

³⁰ Mr Watts' Proof of Evidence Appendix 7

70. The Applicant concludes on this matter that, overall, the scale of the proposal is small compared to the city wide need; there would be no material precedent effect by a grant of permission; and the local plan is not at an advanced stage. For these reasons the objectors' prematurity argument simply cannot succeed.

Sustainability/Accessibility

71. The sustainability/accessibility issues raised should be seen in the broader context of sustainability set out in the Framework.
72. The Applicant's Transportation Planning witness confirmed that "more or less the whole of Strensall including local shops in The Village are within an acceptable walking distance of the site"; that "all of Strensall, Haxby, Huntington, Earswick and New Earswick are accessible within the accepted cycling catchment area for the site"; and that "the site is well served by bus services which will encourage residents and visitors to travel to and from the development by bus".
73. The Parish Council criticises the accessibility of the site. In particular, it relies upon an extract from the Council's site selection technical paper and shows that a number of important services lie beyond the Council's target distances. However, it was accepted that Institute of Highways and Transportation Guidelines, upon which the Council's targets were based, were just that. They had not and have not been taken up as policy in the Framework or the Practice Guidance despite their long-standing availability. The Council's target distances are based upon the suggested acceptable walking distances rather than the preferred maximum distances set out in the guidelines. For the Applicant, it was confirmed that all of the facilities identified were within the preferred maximum distances set out in the guidelines of between 1 and 2 kilometres.
74. The Parish Council considers that the overall sustainability of the site would have to be judged against the wider range of factors considered by the Council in their assessment process. It was agreed that there was no intention to replicate that wider process, or consider the relative sustainability of the application site against other potential sites in Strensall or elsewhere. As a result this evidence is necessarily limited in its cogency.
75. Finally, the Applicant considers that it is worth recalling that issues of sustainability/accessibility have been around for a long time. It is true that national policy places greater emphasis on sustainability than was previously the case, but the concept has been around in planning policy since the 1980's. The IHT guidelines have been around for many years. The current version is dated 2000 but was preceded by earlier advice. The application site has been through a series of development plan processes and assessments over many years. On each occasion the site has been judged inappropriate to include within the Green Belt and to be suitable for housing development. On each such occasion the issues of its sustainability/accessibility have been relevant. That 25 year continuum of decision making affecting the application site has recently been added to by the 2014 local plan draft. Whilst the policy emphasis may have changed nothing is fundamentally different.
76. The Parish Council confirmed that the correct test to be applied to the consideration of this issue is that set out in paragraph 32 of the Framework. This confirms that "development should only be prevented or refused on transport

grounds where the residual cumulative impacts of development are severe". It was also acknowledged that 'transport grounds' do include accessibility issues.

77. Overall, the Applicant invites a finding that the site is sustainable and suitable having regard to its accessibility by a variety of modes of transport.

Highways

78. A full Transport Assessment³¹ was provided in support of the application. That report followed the Guidelines on Transport Assessments. This included agreeing a scoping exercise with the Highway Authority prior to its submission. This assessment assumed the traffic impact of a development of 125 dwellings (almost 20% higher than the scale of development proposed). This was in order to ensure that the assessment was robust. However, in fact, the assessment overstates the impacts.
79. The Transport Assessment demonstrated that the highway infrastructure in the vicinity of the site will be capable of accommodating the additional traffic generated by the proposed development. The Applicant also notes that the Officer's Report to Committee³² confirms that the Highway Network Management Team did not object to the proposal, subject to conditions.
80. The Parish Council submitted evidence³³ of the details of some traffic counts that had been undertaken. The tables in the evidence simply describe the figures in terms of the 5 minute average or the hourly average. However, it was explained that the figures related to a flow rate. For the Parish Council it was explained that the peak 5 minute flow rate demonstrates the potential difficulties of accommodating traffic at several points on the network including: Brecks Lane/The Village junction, The Village, West End, and the Six Bells roundabout.
81. A rebuttal statement was submitted by the Applicant on the first day of the Inquiry³⁴. There had been a misunderstanding by the Applicant of calculations provided for the Parish Council but it remains the Applicant's view that using a 5 minute flow rate measure was not an appropriate tool to assess the highway impacts of the proposed scheme. The Applicant's rebuttal statement demonstrates that there is actually a good correlation between its traffic counts and those of the Parish Council. It was confirmed that the peak hour assessments carried out in the work for the Applicant are the right tool to use. It was also confirmed that in the traffic modelling a 12.5% factor was added to assimilate the peak within a peak. In response to the Inspector's questions it was acknowledged that this may not always fully capture the busiest school drop off periods. Nonetheless, the evidence provided demonstrated that there was considerable capacity in the network to accommodate the proposed scheme. This is supported by the Highway Authority.
82. The Applicant maintains that there is no justifiable reason to refuse planning permission on highway grounds. The test against which this judgement must be made is, once again, set out at paragraph 32 of the Framework.

³¹ CD 01-07

³² CD 05 page 27

³³ Mr Burrows' Proof of Evidence Appendix 12

³⁴ INQ 13

Ecology

83. A number of objection letters have raised concerns over ecology and there was some doubt raised about whether the most recent Bat Survey information had been properly distributed. No serious case on this topic has, however, been maintained through the Inquiry process. As set out at paragraph 4 above the Bat Survey information contained in the TEP report has now been available throughout the Inquiry process for questioning. In the circumstances there is no tenable basis upon which planning permission could be refused on ecological grounds.

Overall Balance and Applicant's Conclusion

84. Overall the Applicant maintains that the site should be treated as falling outside the general extent of the Green Belt and therefore granted planning permission in accordance with paragraph 14 of the Framework. However, alternatively, if the site is to be treated as falling within the general extent of the Green Belt very special circumstances exist which justify the grant of permission.

The Case for the City of York Council

85. The main issues are agreed. If it is concluded that Green Belt policies should not apply to the site, it is accepted that a proper application of paragraph 14 of the Framework would mean that planning permission should be granted, there being limited (if any) harm to interests of acknowledged importance. Under this scenario, and given that the main parties (and the Parish Council) agree that the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits.

Green Belt

86. The question of whether the application site should be treated as falling within the general extent of the Green Belt is a matter of judgment. However, it is essential that this judgment be reached in the proper context.
87. The Government considered the retention of the general extent of the Green Belt around York to be of such importance that the Regional Strategy Green Belt policies were the only ones to survive revocation. The Council considers that this shows the weight that Government places on ensuring that the open land around this historic city remains protected.
88. The consistent line taken by decision takers (the Secretary of State particularly) has been that sites which fall within the general extent of the Green Belt should be subject to the strict controls of Green Belt policy. In this regard, the Council takes a different approach to the interpretation of the Germany Beck decision³⁵. The decision letter³⁶ reveals a precautionary approach to the York Green Belt rather than an endorsement of the Inspector's precedent approach. That is, until the precise boundaries of the Green Belt are fixed through a Local Plan, it is better to err on the side of caution rather than risk undermining the role that the Green Belt is intended to play.

³⁵ CD 20

³⁶ Paragraph 15 of the Decision Letter at CD 20

89. The consistent line taken by Government as to the importance it attaches to the protection of the Green Belt has, if anything, hardened in recent times. For example the revisions to Practice Guidance (6 October 2014) and the Written Ministerial Statements in July 2013 and January 2014. The recent reversal by the Court of Appeal of a rather more relaxed approach to Green Belt protection in the Redhill Aerodrome case only serves to underline this policy safeguard.
90. The Council acknowledges it is unfortunate that the identification of the precise Green Belt boundaries has never been completed. Nevertheless, we have to do the best we can with the evidence available, even if some question marks can be raised as to its robustness.
91. It is against this backdrop that a determination about the status of the application site should be made. As with most matters of planning judgment, a range of different factors must be taken into account, with no single element being necessarily determinative. More particularly, given the precautionary approach outlined above, any doubt about the status of the application site should be resolved in favour of Green Belt inclusion.
92. In the present case, an accumulation of factors lead to the conclusion that the site should be treated as if it were in the Green Belt.
93. Firstly, the map overlays produced for the Council show that the application site falls within the general extent of the Green Belt as shown on the key diagram of the York Structure Plan and taken forward into the Regional Strategy. The Applicant has criticised this approach, but has not come up with a better cartographic touchstone, nor was there any dispute regarding what the figures show. Key diagrams in the RSS may not be intended to be placed on an Ordnance Survey base. However, this is a unique situation: everyone accepts that there exists a general extent of Green Belt around York; the Development Plan says there is. In determining whether a particular site falls within that general extent, the key diagram must be a relevant (but not necessarily determinative) consideration. On this basis, the figures supplied by the Council³⁷ tend to support, rather than undermine, the presumption that the site lies within the general extent of the Green Belt.
94. Secondly, it is shown³⁸ that the site lies at about 6 miles from the centre of York measured from St Sampson's Square. This diagrammatic representation lends further support to the site's Green Belt status. Indeed, the Applicant does not take the point that the site's location slightly beyond 6 miles excludes it automatically from the general extent of the Green Belt. It is plainly a relevant consideration.
95. Thirdly, it is telling that the Cowslip Hill decision treated that appeal site as falling within the general extent of the Green Belt. That site lies further from the city centre than the application site, yet no one questioned its Green Belt status or the application of Green Belt policy to that proposal. This factor adds weight to the cumulative case in favour of the Green Belt status of this site.

³⁷ Appended to the Speaking Note of Mrs Healey-Brown - INQ 5

³⁸ Figure 3 appended to the speaking note of Mrs Healey-Brown also see INQ 44

96. Fourthly, the Germany Beck/Metcalf Lane and Elvington Aerodrome appeals³⁹ underline the importance that the Secretary of State has attached to maintaining the general extent of the York Green Belt. This strength of protection is highlighted in the latter appeal in which the Inspector noted that it would be “perverse” to adopt a different approach than that used by the SoS in the Germany Beck/Metcalf Lane appeals. Further still, the Applicant’s planning witness indicated his support for the conclusions reached in Elvington Aerodrome decision.
97. Taking all of these factors together, both the Inspector and Secretary of State can be entirely satisfied that this application site does fall within the general extent of the York Green Belt and should be afforded the commensurate protection of Green Belt policy.

Very Special Circumstances

98. It is critically important that the correct test is applied. Paragraph 87 of the Framework requires that substantial weight be given to inappropriate development (such as the application scheme). Thereafter, planning permission should only be granted if the harm caused to the Green Belt by reason of inappropriateness, together with any other harm, is clearly outweighed by other considerations. It is only if those “other considerations” are of sufficient weight that very special circumstances will exist. It is the cumulative weight of these other factors that matters; they do not need to be “very special” in their own right. Both the Parish Council and Mr Wright fell into the trap of believing that each factor needed to be “very special”. As such, their analysis of the Green Belt planning balance is wrong in law and should be given commensurately less weight.
99. This is not a matter of form, but is critically important to adopting the right approach to Green Belt policy. By way of example, the Practice Guidance now reflects a number of Written Ministerial Statements as follows: *“Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt.”*⁴⁰
100. On the main objectors’ approach, unmet housing need must be discounted from the Green Belt planning balance because it cannot, in its own right, constitute “very special circumstances”. This is wrong. Unmet housing need can be given weight in the planning balance, but if that were the only factor in favour of a particular development it would be unlikely (but not impossible) to tip the balance in favour of granting planning balance. But that does not mean that an unmet housing need, which does exist in York at present, cannot attract substantial weight in the Green Belt balance.
101. In the present case, there is little – if any – additional harm to the Green Belt or to other interests of acknowledged importance. Whilst it must be conceded that the presence of built development where there is currently none will reduce openness, this must be seen in the context of the characteristics of the application site itself. In the Council’s opinion, the site is visually and physically

³⁹ CD 20

⁴⁰Planning Practice Guide ID:3-034-20141006

contained by mature vegetation and existing residential development. It is certainly not in the most open part of the Green Belt. In the Council's view the site-specific characteristics in the present case reduce the harm caused to the openness of the Green Belt.

102. On the other hand, there are a number of considerations that go to make up very special circumstances.
103. Firstly, there is currently an unmet need for housing. It is common ground that the Council will need to allocate sites currently in the general extent of the Green Belt (which it may do through the Local Plan) in order to bring forward a sufficiently deliverable supply of housing land that accords with paragraph 47 of the Framework. This is common ground and the Applicant does not renege on its acceptance, for the purposes of this Inquiry, that there is a deliverable supply of 4,880 dwellings. Even though there are differences between the Applicant and Council as to the deliverability of certain sites, these differences are not material for the purposes of this application given that both main parties reach the same end point: that there is not currently a deliverable five year housing land supply.
104. Equally, there is common ground on the following matters: the requirement figure of 996 dwellings per annum; that there should be 126 dwellings per annum to make up for past shortfalls against the Regional Strategy housing targets; and, the fact that a 20% buffer should be applied to the five year housing requirement.
105. The Council accordingly invites the Inspector to report the housing land supply position to the Secretary of State on the basis set out in the Supplementary and further Statement's of Common Ground⁴¹.
106. It is freely conceded that the absence of a five year supply of housing land may not be sufficient to clearly outweigh Green Belt and other harm, but it is a factor counting substantially in favour of the proposal.
107. Secondly, the proposed scheme would deliver affordable housing, which is a key objective of both central and local government. Both the Parish Council and Mr Wright sought to elide the delivery of market and affordable housing in order to argue that affordable housing should not be given any additional weight in the planning balance. Such an approach fails to appreciate that national policy treats affordable housing differently from general market housing, especially in Green Belt locations. This prioritisation of affordable housing is illustrated quite clearly in paragraph 89 of the Framework. Whilst the construction of new buildings in the Green Belt is, by definition, inappropriate development, "*limited affordable housing for local community needs*" is not. In other words, the provision of affordable housing is such a priority that the Government is prepared to accept the loss of Green Belt in order to deliver it. This is a matter that should attract significant weight in the planning balance, especially given the fact that the affordable units would simply not be delivered without the cross subsidy provided by the market housing.
108. Thirdly, the planning history of the application site through the various attempts to define the York Green Belt has indicated that it is suitable for

⁴¹ INQ 10 and INQ 39

development. Indeed, since 1996 the site has consistently been shown as within the settlement limits for Strensall through the 1998 deposit draft City of York Local Plan and the subsequent four sets of changes. The City of York Draft Local Plan incorporating the 4th set of changes was approved by Planning Committee for development control purposes in April 2005.

109. The views of the Inspector in the report on the inquiry into the York Green Belt Local Plan and the Southern Ryedale Local Plan about the characteristics of the site and the reasons for excluding the land from the Green Belt are still relevant and have informed the boundaries within subsequent planning policy documents. The Inspector's report considered that the eastern boundary of the application site formed a robust boundary for the settlement limits and was satisfied that the site did not serve any Green Belt purpose when considered against the purposes of Green Belt in the former Planning Policy Guidance 2 'Green Belts'. The Inspector acknowledged the benefits of safeguarding the land to allow for longer-term growth of the city and to minimise the impact of overly fast growth to Strensall village.
110. Overall, although the application site clearly falls within the general extent of the Green Belt identified in the Regional Strategy, the planning history is such that there was a reasonable prospect that it would not have been included within any formally identified boundary of the Green Belt. If only one of the many attempts to define that boundary had come to fruition. The planning history of the application site should carry substantial weight in the overall Green Belt balance.
111. Penultimately, the application site had been identified as a housing allocation in the publication draft of the York Local Plan. Given the fact that the consultation on the Local Plan has now been paused, we must accept that slightly less weight is attached to this factor. However, 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, especially given the obvious need to release land within the general extent of the Green Belt so as to ensure a rolling supply of housing land.
112. Finally, the application site does not perform particularly well as a Green Belt site. Indeed, its poor performance against the key objectives of the Green Belt was probably one of the reasons why the application site was recommended in previous development plan attempts as a safeguarded site for future development.
113. As the Basildon decision⁴² makes abundantly clear, the accumulation of weight attributed to different factors is perfectly capable of outweighing Green Belt (and any other harm). In the present case, there is limited harm to the Green Belt and precious little harm to any other interests of acknowledged importance. On the other hand, there are a number of considerations which, when taken together, clearly outweigh this harm.

⁴² [2004] EWHC 2759 (Admin) - R. (on the application of Basildon DC) v First Secretary of State - INQ 22

Prematurity

114. The Parish Council surmised the grant of planning permission would be premature, in the sense meant formerly by the General Principles document and now in the Practice Guide. However, that argument was given up without much prompting. That was an entirely sensible concession. Mr Wright, on the other hand, clutched onto this particular straw despite the following obvious points: Prematurity represents a high hurdle, since "refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination". The emerging Local Plan is not at an advanced stage. On the contrary, the fact that Members have resolved to halt the consultation on the publication draft reduces the weight that can be attached to it: as noted in the see Supplementary Statement of Common Ground between the Applicant and the Council.
115. It cannot rationally be concluded that the development is so substantial in its own right that it would prejudice the outcome of the Local Plan process and Mr Wright conceded as much. It is similarly untenable to argue that the grant of planning permission for this scheme would cumulatively have a significant impact. Mr Wright did seek to refer to a number of other sites which may be located within the general extent of the Green Belt, but did not see fit to mention them in his written evidence. In any event, if one adopts the Council's approach then there is no question of the formal identification of a Green Belt boundary being prejudiced. That is the development would have to be judged against the strict tests in the Framework. Prematurity really is an after thought in the present case. It simply cannot rationally form a basis for refusing planning permission.

Overall Balance and Council's Conclusion

116. For the reasons set out the Council invites the Inspector to recommend that planning permission is granted and asks that the Secretary of State accepts this recommendation.

The Case for Strensall with Towthorpe Parish Council

117. The Council and its consultant have confirmed that the site is within the general extent of the Green Belt, and we are also in no doubt that this is the case. The general extent of the Green Belt is defined in the statutory development plan for York, which the Yorkshire and Humber Plan of which Policy YH9(C) is the key policy. The permanence and longevity of the Green Belt is not at issue given that the general extent predates the Regional Strategy, having first appeared in the North Yorkshire County Council Structure Plan.
118. The Statement of Common Ground produced by the Council and Applicant states that the Local Plan is only in draft form. The Council's Consultant witness set out that the Local Plan intends to establish the detailed Green Belt boundaries, including around Strensall itself. The Local Plan will also determine whether this site is to be allocated for development following completion of a sustainability assessment and final appraisal against the evidence base.
119. The evidence base currently shows the site to have value as part of an identified 'Regional Green Corridor' (Green Corridor Technical Paper, 2011), and to be 'natural and semi natural greenspace' (Open Space Study, 2008 and 2014).

The 2014 Open Space Study overlays the various designation, which is confirmed by the fact that the Green Corridor Technical Paper has not been updated.

120. The Green Belt designation means it is necessary to establish whether there are very special circumstances that would outweigh the harm to the Green Belt of developing open land outside of the built up extent of Strensall. The Council has suggested that there are a number of material considerations that individually are not special circumstances, but cumulatively add up to being a very special circumstance.
121. Paragraph 87 of the Framework makes it clear that very special circumstances need to be demonstrated where an application is found to be inappropriate development in the Green Belt, such as in this instance. This paragraph does not suggest a number of matters can cumulatively add up to being a very special circumstance, just as it does not mention that one very special circumstance is sufficient to be of sufficient weight to outweigh the Green Belt status given that 'circumstances' appears in the plural. The Parish Council are therefore of the opinion that very special circumstances have not been demonstrated because the Council has made it clear that the officer recommendation in the committee report to support the proposal was on a cumulative basis and that no one reason carries sufficient weight to be a very special circumstance in its own right.
122. The Council's advocate suggested that it is proper to consider all the matters together as cumulatively they add up to very special circumstances, and the Applicant's planning witness agrees with this approach, but they also agree that very limited weight can be given to the current draft Local Plan and the historic Local Plans. This means that the housing need, affordable housing target, and the history of the site should all be given very limited weight because these matters are only in draft form and currently only form part of the evidence base to the Local Plan.
123. Looking at each of the material considerations which have been purported to add up to one very special circumstance, the Council explained that the annual target that forms the basis of the five year land supply is the draft Local Plan, which we know is currently being questioned by Members. That questioning is to such an extent that during proceedings we have been presented with an update of the housing requirement which appears in the Publication version of the Local Plan. This update should be treated with extreme caution as it has yet to be subjected to public consultation or endorsement by Members. As is known, Members have asked Officers to review the objective assessment which the target may inform, if Members agree to use that figure in the future. It should therefore be given even less weight than the very limited weight the Council has said should be given to the original draft target that was presented at the start of this process, and has been relied upon by the Applicant and Council as the basis for determining the housing target. In light of this, housing need cannot be considered to be anything more than a material consideration at best, but the Parish Council query its relevance at all given it is currently being questioned.
124. The affordable housing requirement has been based on an interim policy that has been ratified by Members but it has not been subjected to consultation or the planning process. There is, therefore, no clear policy basis on which to establish whether the number of general and affordable houses is appropriate, and if the need is such that it is necessary to deviate from the adopted statutory

development plan which is the RSS. Furthermore, the interim policy is 5% less than the draft Local Plan policy, which has been subjected to public consultation. Our concern is that if this site is granted planning permission now it would not fully contribute to the level of affordable housing envisaged by the Local Plan. We heard from the Council and Applicant that the Council had a shortage of affordable homes, so surely providing less than the draft Local Plan would secure is not going to help the situation?

125. In any event, paragraph 34 of the Practice Guidance is clear that housing need is not likely to outweigh the harm to the Green Belt and other harm to constitute very special circumstances in decision making. This point should be given full material weight because it is set out in the update to the Practice Guidance that was only published in recent weeks.
126. In terms of the history of the site, we have heard how the basis on which the site has previously been suggested to be removed from the Green Belt relies upon draft development plan policies or out of date policies. These have now all been superseded by more up to date policy at regional and national level. This is on the basis that Policy E8 of the Structure Plan has been replaced by Policy YH9(c) of the Regional Strategy and the Framework. Both the Applicant and the Council consider that the intention to do something in historic draft plans prepared years in advance of current statutory guidance is material to the consideration of the application, but we have to disagree. The draft York Green Belt Local Plan and the 4th Set of Proposed Changes Local Plan were never adopted and the processes were aborted for reasons which bring into question their credibility.
127. In relation to the appearance of the site, we have heard that there are no buildings on the site. The Parish Council take the view that this means the site is open in character due to the lack of buildings. The lack of buildings therefore determines that this is open land, and as we know, preserving openness is the principal purpose of the Green Belt. The fact that it has never been built upon suggests it also has some permanence. Only through the Local Plan should this situation be altered as the Local Plan process is the appropriate means for determining Green Belt boundaries. Furthermore, it is the role of the Council to set the Green Belt boundaries rather than the decision making process, which is made clear in the Framework.
128. The Parish Council does not consider that even cumulatively the matters add up to one very special circumstance, never mind a number of very special circumstances. The Parish Council do not see how a number of considerations of very limited weight can collectively be considered to be of such benefit that they outweigh the harm to the Green Belt. This seems particularly difficult to justify, especially when Green Belts are expected to be given the highest level of protection to undeveloped open land.
129. In summary, whilst there is a housing need in York, the level of housing need has not been confirmed and is subject to review following the Council's recent decision. It would therefore be premature to suggest that this site should be released to meet a yet undefined housing need in a draft document. Especially through development of a greenfield site within the general extent of the Green Belt. Nick Boles has made quite clear that the Local Plan process is the means by which to release sites from the Green Belt, whilst paragraphs 84 and 85 of the

Framework also make clear that it is the responsibility of local planning authorities to review and set boundaries.

130. The five purposes of the Green Belt are set out at paragraph 80 of the Framework. Whilst the Parish Council would not contend that all five are met in the case of this site, and the Applicant accepts there is no need to, the Parish Council believe the following are relevant in this instance:

To check the unrestrictive sprawl of large built up areas: The Inquiry has heard a number of submissions notably from local residents concerned about the character of the settlement of Strensall: about the level of expansion, its elongated shape and that the appeal site is on the very periphery of the village. These submissions go to the character of the settlement and the desirability of managing the pattern of future development.

To assist in safeguarding the countryside from encroachment: The Parish Council considers that this is an open site of rough grassland which is undeveloped. Except for the fact that it is uncultivated and somewhat neglected it is otherwise characteristically agricultural land. If the site is lost to residential development it is difficult to see how the local planning authority could resist similar loss of surrounding agricultural land.

To assist in urban regeneration: Whilst it may be argued that of itself the protection of this site would only make a limited contribution to urban regeneration taken together with the protection of other open sites adjoining settlements such as Strensall its role becomes significant.

131. In terms of sustainability considerations the Council's Local Plan Site Assessment Methodology measured the distance of the site to local facilities 'as the crow flies'. This has acted to artificially mask the true impact of the proposal and the accessibility credentials of the site, because in some cases facilities are an additional 200m away due to the nature of the actual walking and cycling routes. Furthermore, the site scores badly in the Council's site assessment methodology which was confirmed by the Applicant. It should be noted that the site assessment methodology is the Council's preferred method for assessing the relative sustainability and accessibility of sites.

132. It is the view of the Parish Council that this site has very limited accessibility. Not only does the local community argue this but the Council themselves, the Strategic Housing Land Availability Appraisal (SHLAA)⁴³ appraisal states there is currently poor access to local services and facilities for this site. It is a fact that the appendix flags up 'the significant distance to services and a primary school, medical facilities and convenience stores'. The Parish Council and local residents have made submissions to the same effect and point to the fact that the site sits at the periphery of the settlement and hence its limited accessibility.

133. Irrespective of the sustainability criteria of the site, development within Green Belt is inherently unsustainable because the presumption in favour of sustainable development does not apply to Green Belts as is made clear by footnote 9 to paragraph 14 of the Framework.

⁴³ Mrs Cragg's Proof of Evidence Appendix 6

134. In conclusion, and if we turn back to the original reason for the Call In Inquiry, it has been demonstrated through the Inquiry that the proposal is not consistent with the statutory development plan policies for York, because the site is within the general extent of the Green Belt where development is to be considered inappropriate unless very special circumstances can be demonstrated. In this instance the Parish Council is of the opinion that very special circumstances have not been demonstrated. The Parish Council is also of the opinion that the proposed development is not consistent with Government policy for protecting Green Belt land given that development of the land would impact on the openness of the site. The Parish Council therefore seek that permission be refused.

Others Speaking in Support of the Parish Council's Position

135. **Cllr Doughty**⁴⁴ explained the strength of local opposition and that the scheme did not respect the aspirations of the Village Design Statement. He noted the rapid increase of the settlement to the size of a small town but without a commensurate increase in facilities. Cllr Doughty pointed out that he was not against development, indeed he had supported 53 dwellings on a brownfield site in the village. That said, the effect of that scheme on facilities has yet to be felt. Cllr Doughty's main objection relates to encroachment into the Green Belt, and his main concerns are those of access, congestion, unsustainability of the site and draining, including flooding of the land.

136. Cllr Doughty maintains his view that the proposal is premature because there is brownfield land across the City which should be developed first. The draft Local Plan is likely to be subject to amendment following the loss of majority in the Council's leading group. As a result of this the draft has not progressed to consultation and is a long way from adoption. In his view no development should take place on the application site and its inclusion as safeguarded land is questioned. In this regard he quotes from the comment of an officer within the Local Plans options team who indicates her view that the site should be treated as Green Belt. He is not satisfied by the arguments put forward to provide very special circumstances and reiterates the Framework advice that substantial weight should be given to green belt harm.

137. Traffic concerns were cited when this site was last considered for development yet no improvements have been made. The congestion caused at the level crossing and through The Village remains of concern. Requests for a crossing attendant at the Sheriff Hutton Road in the village were, he sets out, refused because it would be too dangerous due to lack of safe refuge. This would be the route for children within the proposed estate. There are also congestion issues at the primary school. Problems here are reflected in the wider road network particularly on the A1237.

138. In terms of access, the proposed site is 0.5km from the nearest bus stop, 1.6km (a mile) to the shops, 2.4 km (1.5 miles) to the primary school and 11.3km (7miles) to the city centre. This would result in a car-dominated environment and add to congestion, and that would adversely impact on bus routes.

⁴⁴ Cllr Doughty's Statement is at INQ 18

139. Children attending the secondary school are deterred from cycling because of dangerous road links. It is unreasonable to consider that this site won't generate many children needing secondary education.
140. The extension of the existing culs-de-sac mean that existing residents will have to put up with traffic flows during construction and afterwards.
141. Strensall does not have large employers so to seek work people would have to travel. Housing need in Strensall is therefore questionable.
142. Cllr Doughty explained that the site is on marshy land with drainage issues.
143. Cllr Doughty concludes by stating development at the peripheries of the settlement should be resisted and new development should not be approved until there are improvements to infrastructure and amenities. The scheme is, in his view, premature, harmful to the Green Belt and unsustainable.
144. **Mr Fisher**⁴⁵ provided the written evidence for the Parish Council on traffic impact and ecological concerns. In addressing the Inquiry he sought to respond to matters raised by the Applicant's Transport Witness, particularly those raised in his rebuttal. Mr Fisher explained how he had undertaken his assessment, based for practical reasons, on 5 minute surveys and then converted to an hourly equivalent. He clarified that he did not seek to suggest that peak level would take place over an hour. Mr Fisher agreed that the figures provided by each side for traffic projection in 2018 are broadly similar. He also clarified that he made no assessment of the capacity of the junction at Brecks Lane/The Village, accepting that it can cope with traffic; rather, his concerns relate to safety. Similar sampling/flow rates based on differing approaches (each being correct) were clarified by Mr Fisher in respect of traffic on The Village. He pointed to congestion being high in this area due to road configuration and parking. The same issue is identified in respect of recording traffic on West End near to the primary school. He clarifies that no intention of suggesting high flow rates are sustained over whole hours rather he sought to identify how significant traffic issues are at peak times. Mr Fisher recorded that the Applicant's transport witness acknowledges that there is congestion at peak periods. Mr Fisher also reports his experience over the last 20 years that traffic flows are greater during periods of inclement weather but notes that timing of the Inquiry prevents analysis of winter weather impacts on traffic flow. Mr Fisher reiterated the validity of his assessment in his conclusion.
145. **Cllr Marquis**⁴⁶ is the current Chairman of Strensall with Towthorpe Parish Council. He sought to draw attention to some 120 letters of objection which were made to this scheme and contrasts it with the 2 letters of support. The summary of those objections is as follows: congestion in the village, access to the development, pressure on education for primary school children, pressure on access to medical facilities, drainage problems, and the effect on ecology.
146. Access through the village is restricted because of parked vehicles, some as residents do not have off-street parking and some as a consequence of the

⁴⁵ Mr Fisher's Rebuttal Statement is INQ 13

⁴⁶ Cllr Marquis Statements are at INQ 29 and INQ 46

- popularity of local stores. There have been confrontations but few injuries. Adding additional traffic would make matters worse.
147. The drainage implications of another site are awaited, but even accepting that this site is connected to the system this is not satisfactory because the waste water treatment works at Walbutts, to which this site will be linked, only dewateres that waste and then the sludge is removed by tanker to the main sewage treatment works.
148. Since the primary school was built in the 1970's, 1350+ dwellings have been constructed with associated educational needs. As it stands the school lacks space and current development scheme will see three new classrooms with two portable buildings being removed. These works are needed and do not provide for further children from this site.
149. The only retail facility provided during this ongoing increase in housing took place in the 1980's when 6 outlets were provided (hairdressers, security store, dentists, butcher, tanning salon and convenience store).
150. The on-site play space will not provide for the needs of older children and it is acknowledged that there is an existing deficiency in play space in Strensall.
151. Finally, the local plan change on 9 October 2014 seeks review of several aspects of the plan before it goes for consultation. The Parish Council consider allowing this development in these circumstances would be premature.
152. **Mr Parish**⁴⁷ set out the history of the Village Design Statement (VDS). Linden Homes objected to the VDS in respect of the appropriateness of its content. The Council's Solicitor suggested the difficult areas be moved to an annex. However, this goes against the community's wishes in terms of identifying inappropriate development. The VDS is an advisory document but it reflects the views of local residents, whom have concerns about the Green Belt and village infrastructure. Mr Parish concluded noting that the Council has no plan, the site is Green Belt and the Council is not taking on board the concerns of its citizens.
153. **Mr Chapman**⁴⁸ explained his concerns regarding the lack of consultation with the Parish Council and the local community. A public meeting was held after pressure from the Parish Council on 22 October 2013 and after further pressure from Julian Sturdy MP and Cllr Doughty on 16 November 2013. It is felt by the Parish Council that this does not reflect the City of York Council's adopted Statement of Community Involvement which seeks to encourage discussion early in the development process. Moreover, it does not reflect the extensive community engagement undertaken by the same developer elsewhere⁴⁹. There has also been concern about the availability of access to the Environmental Impact Assessment.

⁴⁷ Mr Parish's Statement is INQ 17

⁴⁸ Mr Chapman's Statement is INQ 28

⁴⁹ Mr Chapman provides a list in his Statement

The Cases advanced by Others Attending the Inquiry

154. **Julian Sturdy MP**⁵⁰ explained that he had sought the call-in of this proposal for which he is grateful. Constituents were disappointed by the way in which the application had been dealt with and the Council's resolution remains controversial. In terms of that resolution it is considered premature. The City Council's Draft Local Plan was in its infancy when the decision was reached by the Council. Whilst some weight should be given to emerging Local Plans, in this case the plan had only been subject to one consultation (it has now been held back for further consideration). Furthermore that application proposed 25% more housing than had been allocated in the initial draft of the Local Plan.
155. Mr Sturdy reiterated that York has never had an adopted Local Plan. He pointed out that, the committee report suggested that the land in question had been 'reserved' for future development in previous local plans, but as none of these previous plans was ever formally adopted by the Council this 'allocation', in his view, cannot be given serious weight. Moreover, while the current draft plan, until very recently, had the land allocated for the 102 homes proposed, a crucial vote at Full Council forced a return to the drawing board over the housing trajectory and allocations. As such little weight should be given to the emerging plan.
156. As local MP, Mr Sturdy drew attention to the Framework as an attempt to introduce localism into the planning system so as to help empower local people and help them shape their surroundings. He acknowledges that a group of dedicated local residents produced an excellent Village Design Statement. As part of that process it was found that an overwhelming majority of residents believe the village has seen too much development in the last 40 years. The views of residents must be considered before a decision is reached here which would further add to development.
157. Council officers accept that the site's Green Belt location means the exceptional circumstances test must be met. In doing so the issue of 'reserved land' has been raised but this is not a matter which is accepted, as already explained. In terms of other matters, the lack of a five year housing land supply has been raised. However, such a point was made in Thundersley⁵¹ in Essex and the Secretary of State rejected approval in those circumstances on a Green Belt site despite a housing shortfall of 0.7 years. Mr Pickle's decision said that a decision to allow that appeal for housing in the Green Belt risked setting an undesirable precedent for similar developments which would seriously undermine national Green Belt policy. Mr Sturdy considers that this applies to this site.
158. Whilst the Council considers that the site's characteristics mean it does not serve any of the Green Belt purposes set out in the Framework, Mr Sturdy disagrees. Strensall is unusual, in his view, because it retains its linear form with the built up area remaining close to the main road. Adding 102 dwellings at the northern tip of the village would detrimentally impact on the special character and setting of the village and would exacerbate the existing problems that arise as a result of the community being spread over a long distance.

⁵⁰ Mr Sturdy MP provided a Statement which is INQ 21

⁵¹ APP/M1520/A/12/2177157 (appended to INQ 4)

159. The application site also adjoins Strensall Common. A large part of that area is used by the Ministry of Defence but it is also important for wildlife. It is a Site of Importance to Nature Conservation and a Nationally Significant Nature Conservation Site, as set out in the draft local plan. As such, the application site, located between housing and this nature conservation area, fulfils the Green Belt role of 'safeguarding the countryside from encroachment'.
160. Turning to infrastructure, it is the local residents' view that it just will not cope with the demands from a development of this size. The Framework has a presumption in favour of sustainable development but the proposal is not considered sustainable by local residents. The site is known for drainage problems, both from standing water and from issues relating to foul sewage backing up particularly in Coulson Close. An attempt to get a pumping station adopted at Terrington, which affects this site, has to date not been successful. Adding a further 100 houses is inevitably going to cause concern.
161. Residents remain concerned about highway safety at the junction of the Village and Brecks Lane despite the Transport Impact Assessment claims that additional traffic can be accommodated without harm to road safety.
162. The developers accept that the development would result in greater demand for services and facilities but do not explain how this would be catered for. It is acknowledged that the primary school requires additional capacity, but it is not clear how that can be met, given that outdoor space is already limited.
163. The majority of facilities and amenities are approximately 1km from the site which would encourage car use and therefore add to parking and highway problems.
164. In all, for the reasons explained, Mr Sturdy seeks that the Secretary of State refuses the application.
165. **Mr Thorpe**⁵² spoke on behalf of the CPRE. He expressed concern that Strensall was now the size of a market town but with nothing like a similar level of facilities. The infrastructure for additional residents does not exist. Strensall has, in his view, taken more than its fair share of development. Housing requirements are likely to be reduced and this site should not be developed particularly given it is Green Belt. It is an attractive site near to Strensall Common Site of Special Scientific Interest. The settlement is also congested.
166. **Mr Wright**⁵³ provided a statement in advance of the Inquiry. He explained his position, based upon that statement and supplementary statement. Mr Wright considered that the development should be refused on the basis that it is contrary to policy (RSS YH9C), the Framework paragraph 84 and potentially premature (at a point when the emerging plan was anticipated to progress).
167. Paragraph 84 of the Framework steers development to sustainable locations, channelling development towards urban areas inside the Green Belt, inset villages or areas outside the Green Belt. Saved RSS policy YH9 requires the

⁵² Mr Thorpe's Statement is INQ 15

⁵³ Mr Wright's Supplementary Statement is INQ 4 and his original Statement is contained in the Inquiries Letters folder

detailed inner boundaries of the Green Belt to be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. Thus, it is necessary for the Local Plan to resolve the issue of inner development limits and urban capacity and what the historic pattern of development is such that it could safeguard the special character and setting of the city. Once that is determined then it would, in Mr Wright's view, be possible to see whether there is a need to allocate housing (or safeguarded land) outside the inner boundary and identify the spatial distribution of housing appropriate to protect what is special.

168. The Local Plan has been put on hold but, in any event, Mr Wright considers that it did not provide adequate evidence on the urban capacity of the inner core, what constitutes the historic city, what is special about the character setting of the city, the historic pattern of development and the appropriateness of the evidence base in respect of those issues.
169. In Mr Wright's view, the Committee Report for this application fails to address paragraph 84 of the Framework and doesn't pay adequate regard to the only development Plan policies (the RSS ones) and places too much weight on the emerging plan, which is now on hold. In terms of the Framework, the development plan is not out of date in relation to housing – there simply is no development plan. Mr Wright contends that inappropriate development which conflicts with Green Belt policy cannot be sustainable.
170. In terms of the planned approach circumstances have changed. For instance before local government reorganisation in 1996, the City Council did not have jurisdiction over much of the Green Belt so plans before that will not have fully considered housing locations that might be available to the Council now. The 2005 Development Control Plan should not be afforded weight as it was subject to 17,000 outstanding objections and no public scrutiny.
171. Mr Wright considers that Strensall, and thus the site, falls within the general extent of the Green Belt, and that the Council has misapplied Green Belt policy. There is no Green Belt plan which excludes any land from the Green Belt within the general extent shown on the RS plan, the Council has consistently approached the outlying villages as if there were no Green Belt and the Council is wrong to take that approach. The objectively assessed housing need is not a very special circumstance. This has been confirmed in cases such as *Thundersley*⁵⁴, *Fox Land & Property v SoS CLG* and *Castle Point BC, Copas v SoS CLG* and *Royal Borough of Windsor and Maidenhead*⁵⁵. Mr Wright therefore concludes that permission should be refused.
172. **Dennis Little** expressed concern about the suitability of the site with particular regard to traffic impacts. He expressed his concerns that local residents' views are not being taken into account and that the majority of all letters regarding this site expressed concern regarding highway safety. He also explained that the full effects of the Tannery conversion site, on another road out from the village core, remain to be seen.

⁵⁴ APP/M1520/A/12/2177157 (appended to INQ 4)

⁵⁵ Both appended to INQ 4

173. **Professor Gordon Leff** explained that he has been a resident of Strensall for 50 years, a time during which the settlement has changed from being a small integrated village to a commuter area. There has been significant pressure from car use which has become a significant hazard during rush hour. The medical centre which was an enlightened addition to the village is now under strain. The functioning of the village is at breaking point and its character has changed; it has simply become too big. There is significant protest against this proposal. The Green Belt issues are acknowledged but Professor Leff considers that the village character issue is significant too and has not been given adequate thought.
174. **Jane Widgery**⁵⁶ made submissions in support of the scheme. In particular she noted that the site is at the periphery of the settlement, with access roads deliberately providing access to the site and development has been anticipated for many years. Traffic from the development would exit via Brecks Lane and then go to The Village or Lords Moor Lane. The Village route is often congested, whilst Lords Moor Lane is not yet that second route gives access to York and beyond. Thus, those exiting the site would have a choice about the direction they chose to take. No other development site in Strensall provides that choice. Ms Widgery pointed out that 3-5 bedroom homes would not be sustainable since there are no jobs providing salaries that would support mortgages on such properties. Recognising the need for workers to travel by car makes this site a preferable one in Strensall because of its access to main roads without having to pass through the congested village core. Finally she notes that at least a site of this size can offer some benefits by way of s.106 Agreement.
175. **Julie Thompson**⁵⁷ had a statement read explaining that she has concerns about traffic and parking both through the Village and around the school. This is particularly an issue for potential future occupiers of the application site, because of its distance from the school and as parents often work so need to travel via the school. Despite wishing her child to be able to walk alone to school (as a developmental milestone), the dangers are such that she is reluctant to let this happen. The particular dangers arise from crossing between parked cars, the configuration of the road bends, that delivery vehicles tend to park on pavements blocking them, that large agricultural machinery often overhangs the pavement as it is manoeuvred through the Village, and, narrow and sloping pavements. Ms Thompson had sought that crossing facilities be provided but was told the visibility made it too dangerous.
176. The local primary school is, in her view, at capacity and is the largest in York despite it being a village school. Building work is currently being carried out to replace portable buildings. The dining hall is not big enough, making meal-times rushed, given the number of children who have to be fed. Whole school assemblies are uncomfortable because of the number of children and staff, with parents having to stand for performances as space, combined with fire regulations, would not allow for enough chairs in the hall. Class sizes are at 26-28 and having more children, as would happen if there is more development in the village, would only exacerbate problems.

⁵⁶ Ms Widgery's Statement is INQ 16

⁵⁷ Ms Thompson's Statement is INQ 34

Written Representations

177. In addition to correspondence from those who spoke at the Inquiry which is dealt with separately, eight letters were received in response to the Inquiry notification. These expressed the following points in addition to covering some of the matters raised by the Parish Council (i.e. its main witness and others speaking alongside the Parish Council witness). The transport/access points include concern that cycling is unlikely to be an alternative form of transport for residents of the appeal site as there are few safe /cycle lane routes. It is also pointed out that people walking to the school some 1.6km away may well have prams for younger children making the trip on foot more difficult and increasing the likelihood of car use. Concern is raised about speeding through the village and that there is no traffic management in The Village. It was also suggested that an access could be made from Flaxton Road with a new level crossing.
178. In terms of other issues raised in written correspondence it is considered that the distance to medical facilities is unreasonable and that those facilities are oversubscribed. Concern is raised that financial contributions for sports provision are unlikely to benefit local residents as there is nowhere for additional facilities. Moreover, provision for teenagers is particularly poor and this situation is likely to lead to greater car usage. The emerging local plan indicated 84 dwellings on this site but now 102 are proposed. It is suggested that other sites to the north of the settlement appear more sensible. It is considered that the site is chosen for financial reasons rather than being the best site. Local residents raise concerns that vibration and dust during construction will cause problems locally and that in the longer term pollution would arise from the future occupiers in terms of car fumes. It is also considered that the Council's decision was political with voting split on political lines.
179. One letter was received supporting the scheme on the basis that its development was always anticipated, the access to the site is better than elsewhere as it can use a route other than through the Village and, the school is considering adding additional floors which could accommodate more pupils.
180. This letter also included concerns regarding the representative of the Parish Council and their conduct, having regard to their involvement in the scheme and proximity of their dwellings to the site.
181. When the Council considered the proposal 122 letters of objection had been received by the Council to the original scheme. The details are set out in the Council's Committee Report⁵⁸. In addition to issues already set out, the main concerns are the impact of light pollution on the Green Belt, the potential for the congregation of youths on public open spaces, that there are no details of sustainable building codes, that there is no provision for allotments and, that there are safety concerns associated with the sewerage works access. Concerns are raised about the impact on privacy of existing occupiers and that a sunlight assessment should be undertaken for plot 1. In terms of the scheme's design it is considered that the details are not in keeping with the current estate, it is noted that the scheme shows culs-de-sac up to the boundary so development could be extended into the adjacent open fields and that this should be designed

⁵⁸ CD 05 internal pages 34-41 and details are provided in full at CD 04 and the associated file www.planningportal.gov.uk/planninginspectorate Page 34

out and, more generally, that design could be better. The adequacy of the emergency access is also questioned.

182. Following consultation on revised details 33 further letters were received mainly reiterating concerns but adding concerns about boundary treatments.

183. Two letters of support were received setting out that the scheme would be good for local business, bring money to the school and would give choice of housing for growing families. Those letters also sought a train station for Strensall and saying the road into Strensall is too fast and there should be a cycle lane.

Conditions and Obligations

184. The conditions in the amended format discussed at the Inquiry, with additional minor alterations that were discussed or otherwise required to achieve a more ready compliance with advice in the Practice Guidance which has replaced, in part, Circular 11/95, would be necessary in order to achieve an acceptable development, were the Secretary of State to consider the principle of the development to be acceptable. Those conditions are set out in the Schedule attached at Annex A. Where necessary, specific conditions have been addressed in the Conclusions above. The conditions set out would be relevant, necessary to make the development acceptable and otherwise comply with the necessary tests.

185. The s.106 planning obligation provides for affordable housing, education provision, public open space, a footbridge and footpaths, as set out in the details at paragraph 5 above. I have had regard to this planning agreement in the light of the tests set out in the Framework at paragraph 204. These state that a planning obligation may only be sought if it is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development. I am satisfied that there is a rationale behind the sums sought and that the sums are fairly and reasonably related in scale and kind. I am also satisfied that the affordable housing provision would be in line with current practice at this Council, albeit that there is obviously no development plan basis for them, and that it is appropriate in seeking a variety of house type and affordable tenure. Thus, from the information and evidence provided, I am satisfied that the obligation tests set out in the Framework would be met. It is therefore appropriate to take the obligation into account in the determination of this scheme. A compliance note regarding the s.106 Planning Obligation was submitted with the draft s.106⁵⁹ and I am satisfied that this confirms a reasoned basis for each of the obligation matters.

⁵⁹ This was submitted to the Planning Inspectorate on 22 September 2014 and forms part of the Inspectorate file

Inspector's Conclusions

[References to earlier paragraphs are in square brackets]

Is the Site within the Green Belt?

186. The York Green Belt boundary has never been identified in an adopted plan, although parts of boundaries have been identified. Because of this situation the Regional Spatial Strategy for Yorkshire and the Humber was only partially revoked so as to retain policies establishing the general extent of the Green Belt. [17-26, 38, 117, 136, 155]
187. I share the views of the Applicant, and some of the interested parties, that the idea of using the broad principle plan from the Regional Strategy to identify the Green Belt by overlaying it onto an Ordnance Survey base is not what that plan was intended for. It is evident that it is difficult to achieve this satisfactorily in printing terms and the result provides such a lack of detail that endorsing such an approach would be likely to lead to difficulties if repeated elsewhere within this Green Belt. However, in terms of general principles, despite being slightly beyond the '6 mile' extent, when measured from St Sampson's Square, none of the parties seek to claim that the application site does not fall within the outer edge of the Green Belt. Given the distances involved, the fact that the extent of the Green Belt is to have an outer edge 'about six miles from York city centre⁶⁰' and the unchallenged appeal decision at Cowslip Hill which is seen from the application site and is further from the City centre, the site should be considered as within the outer edge of the Green Belt. [40-42, 44, 88-96]
188. There is a lack of clarity about how land and buildings should be considered in terms of the Green Belt, particularly within larger settlements. In general terms, it is not appropriate to assume every un-built on piece of land within the general extent of the Green Belt should necessarily be considered as Green Belt, rather each case should be considered on its own merits. [90-91]
189. The site was not identified as specifically contributing to any Green Belt function in the *City of York Local Plan - The Approach to the Green Belt Appraisal of 2003* which the Council produced to aid in the identification of those areas surrounding the City that should be kept permanently open. However, whilst this document identifies key important areas, which do not include this site, it leaves large areas of countryside as similarly not being of particular importance and it does not set out that all that remaining land within the extent of the Green Belt is necessarily suitable for development or that it has no Green Belt purpose. [43]
190. *The York Historic Character and Setting Technical Paper of 2011* addresses a number of areas where specific requests had been made to reassess areas set out in the above 2003 paper, both to include and exclude sites. Again whilst areas are re-evaluated, I do not agree with the conclusion that the application site, or indeed other sites without specific designation, serve no Green Belt function in relation to York albeit they are less critical, for instance in preserving green wedges, preventing coalescence or protecting views of The Minster. [39]

⁶⁰ Emphasis added to text

191. In this case the site is located adjacent to the developed edge of Strensall. However, whilst the Applicant suggests it is an enclosed site that could be seen as similar to the Westview Close appeal site, this is not a good match in site characteristics. Unlike that case, which related to 8 dwellings, the site is not a small sliver of land. Rather it is a sizeable area on which significant in-depth development, for 102 dwellings, is proposed. Moreover, despite being close to defensible boundaries, of the sort that might be chosen as settlement boundaries, the site significantly projects into the open countryside, with open land on much of the two boundaries and along the whole eastern side. The presence of the river, rail-line and road do not in my view form urban enclosure; rather they are features that can often be seen within the countryside. [43]
192. Although the site has been left to become somewhat scrubby with regenerative unmanaged plant growth, this does not justify removal from the Green Belt. If such an approach were supported it could encourage deliberate degeneration of urban edges in other Green Belt locations which would be wholly undesirable. The fact that the area is used for informal recreation has little bearing upon its status as recognised by the Applicant.
193. The essential characteristics of Green Belts are openness and permanence. I have no doubt that developing a greenfield site by constructing 102 dwellings would have a significant and harmful effect on openness. In terms of permanence there is nothing to suggest this site has ever been anything but open: openness has therefore been the characteristic physical state of the land to date and, as such, changes to it should not be undertaken lightly.
194. Having regard to the five purposes of Green Belt land, I heard and saw that Strensall is a settlement of considerable size which expanded dramatically in the latter part of the last century, resulting in substantial housing estates which appear disproportionate to the modest village core and facilities. Whilst that is something that has happened with the principle of a Green Belt in place, I consider that the Green Belt function of checking unrestricted sprawl of large built-up areas is a valid Green Belt purpose here. Similarly, the Green Belt purpose of safeguarding the countryside from encroachment also applies, given that that is currently an undeveloped field area, with exception of modest hard-surfaced areas, would become housing under this scheme. [53-56]
195. In terms of preserving the historic character of the City of York, Mr Wright identifies that the historic pattern of settlement is being controlled by the approach to development management. That plainly is the case, as the City is not simply expanding as it would have done without planning. However, to let the City expand without planning control would negate the purposes of the Green Belt in terms of preventing sprawl so, despite the likely truth in this observation, I do not attach weight to Mr Wright's assertion that the historic pattern of development is being constrained. Developing this site would not have a direct and significant bearing on the historic character of the City. Nonetheless, extending close to the rail corridor into the City would have a visual impact upon that transport route and there would also be an impact upon the Green corridor formed alongside the Foss and so the proposed development would contribute to sprawl.
196. The Framework also identifies the purpose Green Belts have in protecting greenfield sites and therefore assisting in urban regeneration, by encouraging the

recycling of derelict and urban land. Whilst this may be a relatively modest site and whilst the City Council appears likely to need to release greenfield land for housing, which may include Green Belt land, this does not mean this purpose fails to have value. Rather, preventing development here, and on other Green Belt sites, is likely to encourage development of brownfield land because there is likely to be a consequent impact upon viability of doing so. A managed approach to releasing land for housing needs to be taken and I am mindful that recent advice in the Practice Guide makes it clear that *"Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt"*.

197. 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.
198. Whilst much is made of the fact that the site has a history of 'almost' being a future development site shown on an adopted plan as outwith the Green Belt none of those plans has been adopted. As such, whether or not weight is attached to that matter elsewhere, given my finding above as to the interpretation of the RS saved policies concerning the Green Belt, I am not satisfied that I should accord weight to the abandoned draft policies when concluding on the matter of whether or not the site is within the Green Belt.
199. In summary, on this first matter, I conclude that the site falls within the general extent of the Green Belt, and indeed serves a number of Green Belt purposes. Whilst the Green Belt has not been fully defined, the parties do not disagree that, should the Secretary of State find the site to be within the general extent of the Green Belt, it would fall to be considered under paragraph 87 of the Framework, wherein, *"inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*.

The effect of the Proposed Development on Openness and the Purposes of the Green Belt

200. As set out above, the proposed development would impact on the openness of the Green Belt and openness is one of the essential characteristics of the Green Belt. [101, 128, 158]
201. Also, as set out above, the site serves two clear Green Belt purposes even if they are inter-related, and has a modest role in two other purposes; only one purpose is not served by this site. [130]
202. In terms of a qualitative assessment of the extent to which the site fulfils the purposes of Green Belt, it clearly has a lower level of importance than those sites specifically identified as being important to the historic character and setting of the City, as set out in the *City of York Local Plan - The Approach to the Green Belt Appraisal of 2003* and *The York Historic Character and Setting Technical Paper of 2011*. Moreover, I am mindful that, when assessing the site for local plan allocation purposes, it is clear that the site was not considered highly. For instance, the Southern Ryedale Local Plan 1996 Inspector concluded that 'because of its lack of significant Green Belt functions and much stronger boundaries...the..site should be excluded from the Green Belt' and went on to

recommend the site be safeguarded for essential development in the longer term. However, that Inspector nearly 20 years ago was assessing sites for development plan purposes and, furthermore they were doing so in Southern Ryedale rather than assessing comparative benefits of sites for the post local government reorganisation significantly expanded York area. I have assessed the site on the basis of its impact on openness and the purposes of the Green Belt as set out in the Framework and in light of current policy and relevant considerations.

203. Thus, whilst being a Green Belt site providing openness and fulfilling Green Belt purposes, it is of a lower value than some Green Belt areas surrounding the site. Nonetheless, I have concluded that it is a Green Belt site and as such it is afforded significant protection.

Highway Safety and the Free Flow of Traffic

204. It is clear that there are local concerns regarding traffic flow. This is a particular concern when traffic is stopped because of railway level crossings being used to let trains pass, traffic has difficulties passing through The Village which is the core of the historic part of the settlement and, where traffic congestion occurs around the school during peak periods of school-run drop off and collection. [81]

205. The traffic generated by the proposed development would have some impact on each of those situations. However, the highways data supplied by the Applicant, and supported by the Council as local Highway Authority, indicates that the roads have capacity to deal with the traffic generated. Moreover, it is important to acknowledge that motorists can use the Lords Moor Lane route to access other main employment and retail areas and so avoid the Village. Despite those facts, it is clear the peak periods, which may be relatively short-lived, already have traffic flow issues. I saw this at the school where the traffic congestion clearly reflected what I heard in evidence. The Applicant's witness accepted that hourly traffic rates do not reflect such peak time issues. However, that is an existing situation to which the proposed scheme would not be likely to add materially. It seems to me that other solutions to manage the situation might exist but they are not before me. More significantly it is the case that the traffic flow issues relate to specific events and the adverse impacts of those events dissipate quickly. As such, I do not consider that the relatively modest change to traffic flows likely to arise as a result of this scheme would be such that this should count against the scheme in the planning balance. [78-82, 137, 140, 144, 146, 161, 163, 172, 174-175, 177-179]

Accessibility

206. The site is located at the periphery of a linear settlement. That being the case the distances to walk to facilities particularly the primary school are considerable. It also seems unlikely that many future residents of the site would find employment in the immediate area given that it is largely residential. Those findings reflect the assessments made by the Council in its initial assessment of the site. As such, it is likely that many journeys would not be on foot or bicycle. There is, however, access to bus routes which would provide an alternative to use of the private car, but use of such services would require a reasonable walk limiting its benefits for some and making the car a more likely option.

Nonetheless, the relative proximity to facilities means that trips by car are, at least, likely to be relatively short. [71-77, 131-133, 138-139, 141, 148-150, 152, 162, 165, 177-179]

207. Balancing those factors out, I do not consider that the site would function so poorly that it would fail to provide a reasonably sustainable environment where occupiers would not feel part of a community. However, the proposal would not directly contribute to local facilities (s.106 contributions will be considered later in this report) and would not be particularly well located. On balance, therefore, I do not accord weight in favour or against the scheme in this regard.

Prematurity

208. The Practice Guidance sets out that the most likely circumstances which might lead to a refusal of planning permission on prematurity grounds are where the development is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging local plan or neighbourhood plan and that the emerging plan is at an advanced stage but not yet formally part of the development plan for the area. [65-70, 114-115, 136, 151]

209. Guidance explains that refusal on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination; that is the case here. Thus it seems that circumstances would have to be of distinct and specific nature to consider prematurity to be of material weight in this case.

210. To allow dwellings on the appeal site might have implications in terms of the approach to releasing Green Belt land for housing. However, provided it is only done because there are clearly identified very special circumstances it seems, on the evidence before me, that this site is not particularly substantial or its cumulative effect so great that it would undermine the plan making process which, in any event, is not at an advanced stage.

211. The Practice Guidance allows for other circumstances which might render a scheme 'premature'. Mr Wright suggested that allowing development here would have implications in terms of historic patterns of settlement, which would have spread out from the City core. However, planning intervention through having a Green Belt means settlement growth has been managed in a particular way. Similarly planning protection of strays (open land) has influenced development. Thus, whilst a debate is to be had about where housing is to be sited, I do not consider that the historic form of settlement growth would be materially undermined by allowing this proposal. Nor, as set out above, do I consider it would necessarily have implications for Green Belt land, provided that very special circumstances are clearly set out; rather doing so would reinforce the established approach to Green Belt land. [54-167]

212. Thus, I do not attach weight to the issue of prematurity in this case.

Matters Advanced in Support of the Scheme

- The Planning History of the Site

213. The Council and Applicant attach significant weight to the planning history of this site. The planning history of the site establishes that there has been both

developer and Council (within two authorities) intention that this site is not protected as Green Belt but should be made available for development at some future point. The Green Belt Local Plan post modifications of 1995, some 20 years ago was essentially the turning point on this matter. Following that document the land has been identified as being safeguarded for future development in subsequent draft plans which have not come to adoption until the most recent emerging Local Plan which identified it for development, but that is now on hold. [102, 108-111, 126]

214. Clearly there has been significant consideration of this site in the past and it remains a site which the Council is seeking to promote. The history of the site means its suitability for housing use should be viewed positively and that must carry some weight in the planning balance. [57-58, 111]
215. The Germany Beck decision is cited as being of significance by the Applicant on the basis of similarities. The site has a similar background insofar as the policy position was leading towards development. Nonetheless, that site was determined by the Secretary of State to be Green Belt. The Inspector's recommendation placed weight on various factors, including the site history. The determination by the Secretary of State was based on the Green Belt status of the site being outweighed by very special circumstances relating to housing land supply. Unlike that case, in this case less weight is attached to the site history in this case as the site has mainly been identified as being safeguarded, rather than specifically identified for development with associated development briefs⁶¹. More significantly, since the determination of that decision there has been a material change in the Practice Guidance advice regarding the weight to be attached to housing land and Green Belt. Housing land supply is the next matter to be considered, but it should be clear that, in my judgement, this site cannot be justified on the basis of the approach taken at Germany Beck.
216. Whilst the Applicant may feel frustrated by this situation, planning policy designations do change or may not come to fruition and, in this case, the site is not allocated for housing or safeguarded for such purpose in any adopted plan. The history here offers limited support in favour of the site's development.

- Housing

217. The site would provide 102 dwellings for a City where the Council advises, repeatedly, that there is no five year housing land supply. The extent of that supply, identified as some 4.2 years for the purposes of this appeal, is clearly a matter for debate. In this case, the undersupply is less than a year but the requirement includes a 20% (i.e. a year's worth of supply) buffer. It is only fair to restate that the Applicant considers the margin is much greater, but equally the Council has halted progress on the Local Plan, it seems, because the supply housing requirement figures are considered to be too great. This is a matter which cannot be dealt with in this appeal. Nonetheless, and despite the indications that there has been a political power change that is likely to seek a tightening of housing requirement figures, on the evidence before me, a five year housing land supply cannot be demonstrated. [31-36, 59, 85, 100, 103-106, 123, 125, 129, 157, 171]

⁶¹Germany Beck Report Paragraph 24.7 Annex 20 to the Proof of Evidence of Mr Watts

218. That said, clear advice has been issued in an update to the Practice Guidance which explains that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development on a site within the Green Belt. [99-100]

219. I have concluded that this site should be treated as being within the Green Belt. Thus, on the basis of the material advice in the Practice Guide and in the absence of any adopted plan that indicates how, when, or if this site should be developed, it seems that the need for housing, by whatever margin, does not, alone, justify open market housing. Affordable housing is a separate matter addressed below. Having regard to the Green Belt balance exercise, it is reasonable to take the view that the unmet need for housing might contribute to part of an overall balance. In view of the Practice Guide advice, significant weight should not be given to this matter but it seems, modest weight could be attributed to provision of open market housing where there is unmet housing need.

- Affordable Housing

220. The Applicant places weight on the provision of 30% affordable housing on this site and there is no dispute between the parties that affordable housing is needed in the Council's area. Affordable housing can be considered on exceptions sites and may be acceptable in the Green Belt; the Framework sets out one of the exceptions that may be considered as not inappropriate development in the Green Belt as being 'limited affordable housing for local community needs under policies set out in the Local Plan'. However, this is not a scheme for affordable housing; rather it is an open market housing scheme which would provide for an element of affordable housing. [59-60, 107, 124]

221. There is no Local Plan that sets out policies for affordable housing although it is common ground that this offer reflects what the Council would normally seek. Whilst objectors have noted that the most recent plan suggested a 35% affordable housing requirement to be used as the norm, which would not be achieved here, given the status of the emerging plan at this time little weight can be attached to that potential requirement. Nonetheless, this reinforces my view that the affordable housing being offered is not exceptional.

222. Whilst weight should be attached to providing affordable housing, particularly where there is a significant demonstrated need, such as here, I am not satisfied that this site offers anything other than that which would normally be sought in the Council area. Thus, the provision of affordable housing which would arise on this site forms part of the modest weight that can be attributed to providing for unmet open market housing as it would be expected as part of that form of development scheme.

- Economic Benefits

223. The Applicant has estimated this based on a construction cost of approximately £12.4 million pounds which would be equivalent to an average of 82 job opportunities directly created per year. There would be spin off benefits in terms of spend in the local area and subsequent economic benefits from the new residents. However, such benefits are of limited significance when balanced against the more significant weight of policy considerations. [61]

224. New Homes Bonus payments and Council tax receipts would be significant, but this does not attract weight in the planning balance, rather these matters are incentives for Councils to provide much needed housing on appropriate sites. [62]

225. The Applicant points to benefits arising as a result of the development and developer s.106 contributions. In terms of the latter benefits, they relate to the needs of the site (as indeed they should) and are not an advantage particular to this scheme. As such, the sum towards additional education places only exists because this site would result in need for such spaces. Thus, this is not a matter to which additional weight, in terms of benefits, should be attached. The provision of public open space, sports provision and footpaths/bridges again relates to needs generated by development of the site but also has some benefits which would extend beyond that for occupiers of the site. This attracts a little weight in favour of the scheme. [7-10]

Planning Balance for a Site in the Green Belt

226. There is clear guidance from the courts, for instance through the Basildon case, that small matters may cumulatively amount to very special circumstances sufficient to outweigh the presumption against inappropriate development in the Green Belt. [49-50, 98, 113, 120-122, 128, 134]

227. In this case some weight is to be attached to the planning history of the site, modest weight is attached to the provision of housing, including affordable housing as part of that scheme, and a little weight is attached to access, public open space and potential sports provision that would be secured through the s.106 planning obligation. Taken together, those matters do not, in my view, clearly outweigh the substantial weight to be attached to protection of this site which is in the extent of the Green Belt. Even were lesser weight attached to the site because it does not fulfil all the purposes of including land in the Green Belt and because its protection has no bearing on the key historic features of the City, I do not find the outcome of that balance would be altered. Therefore I do not find very special circumstances exist. [56]

Other Matters

228. The scheme would result in new neighbours and some degree of overlooking for the occupiers of existing dwellings along the western boundary. However, the orientation and siting, from what I could see (I was not asked to view from any dwelling) and the plans before me, indicate to me that an acceptable residential environment for existing residents would be retained. [181]

229. Concerns have been raised about drainage of the site but there is no objection from the statutory undertakers in this regard and conditions are proposed which should deal with adequate drainage of the site. It is not for this scheme to resolve difficulties elsewhere. [147, 160]

230. Adequacy of local facilities is raised alongside concerns about accessibility. The s.106 Planning obligation would provide facilities directly related to the proposed development. It is not for this proposal to remedy concerns for other parts of the community. Medical provisions would be considered on the basis of other regimes. [175]

231. Some concerns were set out in written representations regarding the design of the scheme and the proposed dwellings. However, in general terms, the housing reflects the adjacent site. One issue is worthy of more specific comment and that relates to the proposed highway layout. The Applicant explained that the current scheme should gain support from the road layout of the adjoining housing estate which gives clear access routes into the appeal site. However, I do not agree in that those arrangements were simply looking forward. Much the same could be said of the highway layout which exists for this scheme despite the applicant's clear view that the tree screen on the site boundary should be seen as a defensible one. I note that any further development would have to be judged on its own merits. [172, 181]
232. Whilst concern was expressed about access to the Environmental Impact Assessment, I was advised that it was available for inspection at the Council's offices but not available to view on-line. In these circumstances I am satisfied that no party's interests were compromised.
233. There was a more general concern about lack of public consultation in respect of the scheme. Nevertheless, whilst pre-application discussion may not have been of the type the local community desired, it is clear that there was some public involvement with the local community and the adequacy of statutory consultation requirements have not been disputed. [153]
234. The procedural conduct of the Parish Council is not a matter for this appeal; rather there are other ways in which that concern could be addressed. [180]

Inspector's Recommendation

235. I recommend that planning permission be refused. In the event that the Secretary of State disagrees with this recommendation and approves the application I recommend that the conditions in Annex A are attached to the permission. Moreover, should the Secretary of State disagree with my conclusion that the site is within the Green Belt, I agree with the main parties that there are no other grounds which would justify refusal of planning permission for the development proposed.

Zoë Hill

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Easton of Counsel

He called

Diane Cragg

Jane Healey-Brown BA

MA MRTPI

Rachel Macefield

City of York Council

Associate Director Ove Arup and Partners

Forward Planning Team Leader, City of York Council

FOR THE APPLICANT:

Andrew Williamson BA DipTP

MRTPI

He called

Michael Watts DipURP

(Dist) MRTPI

David Bell MEng CEng

MCIHT

Partner

Walker Morris Solicitors

Nathaniel Lichfield & Partners

Bryan G Hall

FOR THE RULE 6(6) PARTY (STRENSALL WITH TOWTHORPE PARISH COUNCIL):

Kathryn Jukes BA(Hons) DipTP

MRTPI

She called

Richard Borrows BSc

DipTP MRTPI

Planning Consultant

Also Representing the Parish Council were:

Cllr Paul Doughty

Cllr Keith Marquis

Michael Parish

Anthony Fisher BSc

John Chapman

Ward Councillor

Chairman of Strensall with Towthorpe Parish Council

Regarding the Village Design Statement

Regarding Highways and Ecology

Chairman of Strensall with Towthorpe Parish Council Planning Committee

INTERESTED PERSONS:

Julian Sturdy MP

George E Wright MA MRTPI

Jane Widgery

Phillip Thorpe

York (Outer) MP

Interested Party

Local Resident

Council for the Protection of Rural England (CPRE)

Professor Gordon Leff

Dennis Little

Local Resident

Local Resident

INQUIRY DOCUMENTS (handed in at the Inquiry excluding Core Documents)

- INQ 1 Appearances on behalf of Linden Homes
- INQ 2 Appearances on behalf of Strensall with Towthorpe Parish Council
- INQ 3 Notification of Event Letters and Press Notice
- INQ 4 Further Evidence of George Wright with appendices
- INQ 5 Speaking Note of Jane Healey –Brown (for the Council)
- INQ 6 Statement of Common Ground
- INQ 7 Opening on behalf of the Local Planning Authority
- INQ 8 Opening on behalf of the Applicant
- INQ 9 Opening on behalf of Strensall with Towthorpe Parish Council
- INQ 10 Supplementary Statement of Common Ground
- INQ 11 Annex A City of York Local Plan
- INQ 12 LDF Technical Paper - Green Corridors
- INQ 13 Rebuttal Statement by David Bell in relation to the evidence of Tony Fisher
- INQ 14 SHLAA site suitability for the application site
- INQ 15 Statement of Phillip Thorpe CPRE
- INQ 16 Oral Submission by Jane Widgery
- INQ 17 Statement of Mr Michael Parish
- INQ 18 Statement of Cllr Paul Doughty
- INQ 19 Draft s.106 Obligation
- INQ 20 Two Plans – Green Spaces Plan and s.106 Plan
- INQ 21 Statement of Julian Sturdy MP
- INQ 22 Journal of Planning Law Case Comment on R. (on the application of Basildon DC) v First Secretary of State [2014] EWHC 2759 (Admin) [2005] JPL 942 (QBD (Admin))
- INQ 23 Affordable Housing Note
- INQ 24 Response to Davis Bell’s Rebuttal Statement of the evidence of Anthony Fisher BSc
- INQ 25 Proof of Evidence Summary of Richard Borrows for Strensall with Towthorpe Parish Council
- INQ 26 Extract of the National Planning Practice Guidance Paragraph 014 Ref ID: 21b-014-20140306 regarding prematurity
- INQ 27 Note on Calculation of Housing Requirement – Rachel Macefield
- INQ 28 Statement of John Chapman
- INQ 29 Statement of Cllr Keith Marquis with comments of Mr Richard Moore
- INQ 30 Suggested Planning Conditions
- INQ 31 Signed Planning Obligation
- INQ 32 Judgement Case No CO/2334/2013 – [2014] EWHC 754 (Admin) Bloor Homes
- INQ 33 Great York showing adjoining Authorities at 1991
- INQ 34 Statement of Julie Thompson
- INQ 35 CPRE – Response to the City of York Local Plan Preferred Options
- INQ 36 Further Draft of Conditions
- INQ 37 Additional Information on Housing Land Supply from the Council (submitted electronically during adjournment)
- INQ 38 Additional Information on Housing Land Supply from the Applicant (submitted electronically during adjournment)
- INQ 39 Further Supplementary Statement of Common Ground (submitted electronically during adjournment)

- INQ 40 Flaxton Town Map – submitted by George Wright
- INQ 42 Notification Letters
- INQ 43 Redhill -Case No: C1/2014/2773, 2756 and 2874 [2014] EWCA Civ 1386
- INQ 44 Better copies of Plans to go with Statement of Jane Healy-Brown
- INQ 45 Two Plans – Green Spaces Plan and s.106 Plan
- INQ 46 Closing Statement of Cllr Keith Marquis
- INQ 47 Closing Statement of Strensall with Towthorpe Parish Council
- INQ 48 Closing Statement of the City of York Council
- INQ 49 Closing Statement of the Applicant

CORE DOCUMENTS (adopting Council’s numbering system)

- CD 01 Copy of the approved Application Documents and Plans
- CD 01-01 Application form and Location plan
- CD 01-02 Plans 1 to 48, Drawings - all at A4
- CD 01-03 Planning Statement
- CD 01-04 Design and Access Statement
- CD 01-05 Environmental Statement - As indexed - 1 to 16
- CD 01-06 Tree Survey
- CD 01-07 Transport Assessment
- CD 01-08 Residential Travel Plan
- CD 01-09 Flood Risk Assessment
- CD 01-10 Geotechnical – Desk Study Report
- CD 01-11 Noise Assessment
- CD 01-12 Odour Assessment
- CD 01-13 Archaeological Desk-based
- CD 02 EIA Screening Direction from the DCLG and Screening Opinion from City of York Council; CLG letter to M Watts at NLP dated 07.12.12; CYC letter to NLP dated 04.07.12; T&CP (EIA) Regs 2011 – Rights of Appeal
- CD 03 LPA’s scoping opinion and NLP scoping report; CYC letter to NLP dated 30 Sept 2013; NLP Scoping report – front cover to p33 Appendix – cover pages 1 to 9 – no contents
- CD 04 Consultation Responses on the application
- CD 04 -01 Internal Responses - As indexed 1 to 10
- CD 04 -02 External responses – As indexed 1 to 10
- CD 04 -03 Contributor responses – As indexed A to Z
- CD 05 Case Officer p25-75 Committee Report; update report; and minute (paras 51 to 59) of the City of York Council’s Planning Committee dated 20th February 2014
- CD 06 Yorkshire & Humber Plan – Regional Spatial Strategy to 2026 (*cover to cover*)
- CD 07 York Green Belt Local Plan (*NYCC Sept 91 1-39 plus 4 plans*)
- CD 08 York Local Plan – *Preferred Options (June 2013 plus Annex A Glossary and Annex B Bibliography)*
- CD 09 North Yorkshire Structure Plan 1995 (*Appendix A – Structure Plan Policies*)
- CD 10 York Local Plan Inspectors Report 1994 *p 1 to 349*
- CD 11 York Green Belt Local Plan – Modifications 1995 (*p1 – 44 + 4 maps*)
- CD 12 Deposit Draft York Local Plan, 1998, including Draft Local Plan incorporating the 4th set of changes Development Control Local Plan

- CD 13 adopted April 2005 (*from front to back cover – no maps*)
York Green Belt Appraisal 2003; and,
Green Belt Map North
- CD 14 Historic Character and Setting Technical Paper (2011) *4 pages plus annexes A to D*
- CD 15 South Ryedale Plan, Inspectors Report and Proposed modifications
Extract: - page no number – amendments to Inset E (Strensall);
Extract page 23 – paras 4.26 to 4.29 and policy H8; Whole of
Southern Ryedale Local Plan; Report on Objections to the South
Ryedale Local Plan
- CD 16 The Plan for Growth (*HM Treasury Dept for Business Innovation & Skills, - March 2011*) *beginning to end*
- CD 17 The Ministerial Statement issued by Greg Clark (Minister of State for Planning) entitled 'Planning for Growth' (*1 page small print*)
- CD 18 Laying the Foundations: A Housing Strategy for England (November 2011) *Front to back*
- CD 19 DCLG letter of 3 March 2014 on Green Belt issues *signed by Nick Boles*
- CD 20 Appeal Decision APP/C2741/V/05/1189897 – Land at Germany Beck York (2007) and Appeal Decision C/2741/V/05/1189885 – Land at Metcalfe Lane, York (2007); *Joint report to Secretary of State; Secretary of State decision*
- CD 21 Appeal Decision APP/C2741/A/08/2069665 – Land at Elvington Aerodrome
- CD 22 Appeal Decision APP/C2741/V/05/118972 – Land at Field Lane, Heslington; *Report to Secretary of State; Secretary of State decision*
- CD 23 Appeal Decision APP/C2741/A/13/2191767 – Land at Westview Close, York (2013)
- CD 24 Public Rights of Way Map and Details
- CD 25 Tree Preservation Order CYC 285
- CD 26 Agreed Section 106 Agreement (see INQ Doc 31)
- CD 27 Affordable housing planning guidance – interim targets 2013
- CD 28 CYC Commuted sum payments for open space in new developments – A guide for developers approved in April 2007 and updated in July 2011
- CD 29 CYC Developer contributions to education facilities – July 2007
- CD 30 CYC Sustainable Design and Construction Interim Planning Statement approved November 2007
- CD 31 Village Design Statement - (not re-printed)
(Appendix 11 to Proof of Evidence of Mr Watts)
- CD 32 The Strategic Environmental Assessment of the Revocation of the Yorkshire and Humber Regional Strategy Environment Report (AMEC 2012)
- CD 33 The Strategic Environmental Assessment of the Revocation of the Yorkshire and Humber Regional Strategy Post Adoption Statement (January 2013)
- CD 34 Site Selection Paper Main Report (June 2013)
Main Report and Appendix 22
- CD 35 Community Infrastructure compliance Note
- CD 36 Emerging Local Plan and selected Appendices (see CD sub sections set out below)

- CD 36-00 Report of the Cabinet Member for Environmental Services, Planning and Sustainability (to City of York Councillors 25 Sept 2014) (*Digital Title is Cabinet Report FINAL*)
- CD 36-01 Glossary of Abbreviations
- CD 36-02 Annex A: Local Plan Publication Draft and Proposals Map (*Digital Title is Annex A (1) Local Plan Publication Draft*)
- CD 36-03 Annex A: Local Plan Publication Draft and Proposals Map (*Digital Title is Annex A Proposals Map (North)*)
- CD 36-04 Annex B - Summary of the Previous Stages of Consultation (*Digital Title is Annex B combined[1]*)
- CD 36-05 Annex C: Draft Sustainability Appraisal (Main) Report (*Digital Title is ANNEX C SA of Local Plan (Publication Draft) Draft Report*)
- CD 36-06 Appendix F Appraisal of Spatial Strategy Policies (Amec 2014) (*Digital Title 12 Annex C Appendix F[1]*)
- CD 36-07 Appendix G Summary of Site Selection Methodology (Amec 2014)(*Digital Title is Annex C Appendix G [1]*)
- CD 36-08 Appendix H Appraisal of Allocations and Alternatives (Amec 2014) (*Digital title is Annex C Appendix H [1]*)
- CD 36-09 Annex D: Heritage Impact Appraisal (Amec 2014) (*Digital Title is Annex D Heritage Impact Appraisal [1]*)
- CD 36-10 HIA Appendix 2: Strategic Site and Allocations Rapid Appraisal (*Digital title is Annex_D_ - Appendix_2_Strategic_site_and_allocations_rapids[1]*)
- CD 36-11 HIA Appendix □.1: Housing Allocations Appraisal (*Digital title is Annex D - Appendix 4.1 Housing Allocations[1]*)
- CD 36-12 Housing Requirements in York: Evidence on Housing Requirements in York: 2014 Update (Arup) (*Digital title is City_of_York_Council_Housing_Requirements_in_York_2014_[1]*)
- CD 36-13 Local Plan Evidence Base: Open Space and Green Infrastructure (Amec 2014) (*Digital title is Open_Space_Study_Main_Report__o_[1]*)
- CD 36-14 CD36_14 Habitats Regulations Assessment of the Local Plan (Amec 2014 draft) (*Digital title is Open_Space_Study_Main_Report__o_[1]*)
- CD 36-15 Site Selection Paper Addendum (2014) City of York Council
- CD 37 Consultation draft 2013 – Changes up to withdrawal, p1-18 (submitted by Diane Cragg for the Council)

Please note digital references have been provided by the Council and are retained for information but have not been checked

Appendix A – Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 3585-10G Site Layout
 - 3585- 12 Site location plan
 - 2334-7D Landscape Proposals
 - 2334-8D Landscape Proposals
 - 3585/15c Greenspaces Plan
 - 3585-13a Boundary Details
 - 860-ENG-01C Street Lighting Plan
 - 860-ENG-02B Proposed Drainage Strategy Layout
 - 860-S106/01E S106 Plan
 - 860-ENG-03B Proposed Site Levels Layout
 - 3585/PD/01B Welton Country with solar panels
 - 3585/PD/02B Welton Contemporary with solar panels
 - 3585-PD-03A Marston Cottage
 - 3585-PD-04B Marston Country with solar panels
 - 3585-PD-05A Marston Wide Special Cottage
 - 3585-PD-06B Marston Wide Special Contemporary with solar panels
 - 3585-PD-07B Everingham Cottage with solar panels
 - 3585-PD-08B Conisholme Cottage with solar panels
 - 3585-PD-09B Conisholme Country with solar panels
 - 3585-PD-10B Russet Cottage with solar panels
 - 3585-PD-11A Russet Contemporary
 - 3585-PD-12A Sutton Cottage
 - 3585-PD-13A Ht6 Cottage
 - 3585-PD-14B Ht6 Contemporary with solar panels
 - 3585-PD-15B Bentley Cottage with solar panels
 - 3585-PD-16A Bentley Contemporary
 - 3585-PD-17B Burnby Cottage with solar panels
 - 3585-PD-18B Burnby Country with solar panels
 - 3585-PD-19A Allerthorpe Cottage

- 3585-PD-20A Allerthorpe Country
- 3585-PD-21B Hunsley Cottage with solar panels
- 3585-PD-22B Hunsley Country with solar panels
- 3585-PD-23B Riplingham Cottage with solar panels
- 3585-PD-24 Linton 2 Plans
- 3585-PD-25B Linton 2 Cottage with solar panels
- 3585-PD-26B Hayton Cottage with solar panels
- 3585-PD-27B Hayton Country with solar panels
- 3585-PD-28 Poppleton Plans
- 3585-PD-29B Poppleton Cottage with solar panels
- 3585-PD-30B Poppleton Country with solar panels
- 3585-PD-31 Cotswold 1 Plans
- 3585-PD-32B Cotswold 1 Country with solar panels
- 3585-PD-33A Cotswold 2 Country
- 3585-PD-34A Cotswold 2 Cottage
- 3585-PD-35A Cotswold 3 Plans
- 3585-PD-36B Cotswold 3 Country with solar panels
- 3585-PD-37A Arram Contemporary
- 3585-PD-38A Garages

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved.

- 3) Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the proposed dwellings, roads and footpaths shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved materials.

Reason: To ensure the external appearance of the development is satisfactory and that it contributes to the character and appearance of the area.

- 4) No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme the principles of which shall accord with the landscape proposals shown on drawing numbers 2334-7D and 2334-8D. The scheme shall illustrate the number, species, height and position of trees and shrubs and shall be implemented within a period of six months of the completion of the development except in the case of the details along the eastern boundary with the new houses. Here the scheme shall be implemented in the first planting season following commencement of the development.

Any trees or plants which die, are removed or become seriously damaged

or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site and to ensure that the boundary adjacent to the eastern amenity area develops a degree of maturity prior to the occupation of any dwelling on the eastern boundary. This is in the interests of the protection of biodiversity, in the interests of residential and visual amenity and to accord with the requirements of the National Planning Policy Framework Sections 7 and 11.

- 5) No development shall take place, including the importing of materials and any excavations, until a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any development is commenced on site. The scheme shall include:
- (a) Sufficient information to ensure the safe retention and sound protection of the trees;
 - (b) Details and locations of protective fencing, phasing of works, type of construction machinery / vehicles to be used, arrangements for loading / off-loading, parking arrangements for site vehicles and visitors, locations for stored materials and the location of the marketing cabin.
 - (c) Construction details and methodology for paved areas that may encroach into the root protection area of the trees.
 - (d) Contact details for the arboriculture consultant or other suitably qualified person whom shall be overseeing protection of the trees for the duration of the development process.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of the area and the development in accordance with the National Planning Policy Framework section 11.

- 6) No development shall take place until, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development (including routing of deliveries, provision of car parking within the site and working hours for the construction site) shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the site in accordance with paragraph 17 of the National Planning Policy Framework.

- 7) No development shall take place until a detailed habitat management plan and enhancement scheme has been submitted to and approved in writing

by the Local Planning Authority. This shall include a method statement for the protection of habitat during construction and the post development management of the area. The development shall be carried out and managed in complete accordance with the approved details. The plan should include:

- (a) Details of what assessments, protective measures and sensitive work practices are to be employed, prior to and during construction, including timing of work and list of persons responsible.
- (b) Details of what measures are to be provided within the design of the new buildings and landscaping to enhance the biodiversity of the site.
- (c) Provision and protection of an area of buffer habitat alongside the eastern boundary hedgerow.
- (d) Details of a wildlife interpretation board to be placed at the eastern footpath entrance to the site from Brecks Lane and information leaflet to be provided for new residents explaining the bio-diversity value of the tree cover within the site and its habitat value in relation to Strensall Common.
- (e) Details of the inspection of any trees which may need to be felled, pruned or disturbed in the future, as close to the date of work as possible and no earlier than one month prior to any work to confirm the absence or otherwise of roosting or hibernating bats.
- (f) Details of what contingency procedures are to be in place in the event that bats are found following commencement of development.

Reason: To take account of and enhance the habitat and biodiversity of the locality in accordance with advice in the National Planning Policy Framework

- 8) No development shall take place until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with the principles set out in drawing no 860-ENG-02B 'Proposed Drainage Strategy Layout' and shall include a timetable for implementation. The development shall be carried out in accordance with the approved details. The details shall include:
 - (a) Peak surface water run-off from the development attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha).
 - (b) Storage volume calculations, using computer modelling to accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm.
 - (c) Proposed areas within the model to also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the

worst-case volume required. Therefore, maximum surface water discharge = 6.0 l/sec

- (d) Details of flow control device manhole to be submitted limiting the maximum surface water discharge to maximum 6.0 l/sec.
- (e) Details of attenuation pond to be provided.
- (f) Details of the future maintenance/management of the drainage system.

Reason: So that the Local Planning Authority may be satisfied that the site will be properly drained and that provision has been made to maintain it in accordance with the City of York Council Strategic Flood Risk Assessment (2013).

- 9) No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
- (a) A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.
 - (b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (c) The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 10) Prior to the development commencing, or within such longer period as may be agreed in writing, details of the cycle parking areas, including means of

enclosure, shall be submitted to and approved in writing by the Local Planning Authority. Each dwelling shall not be occupied until the cycle parking area and means of enclosure has been provided in accordance with the approved scheme. The approved cycle parking shall not be used for any other purpose.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours and to accord with section 4 of the National Planning Policy Framework

- 11) Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period. The scheme shall be carried out in accordance with the levels shown on drawing no. 860-ENG-O3 rev B. The existing ground levels are shown and shall be maintained adjacent to the site boundary with existing residential properties.

Reason: To ensure that the approved development does not have an adverse impact on the character of the surrounding area and existing residential properties

- 12) Prior to the commencement of the development, or within such longer period as may be agreed in writing with the Local Planning Authority, a large scale detail of the each piece of equipment, any associated fencing and pathways on the equipped play area (as illustrated on drawing numbers 2334-7D and 2334-8D), together with a timetable for the implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To accordance with policy L1c of the Development Control Local Plan 2005 which requires adequate provision of play space and amenity provision within the site and to accord with paragraph 73 of the National Planning Policy Framework.

- 13) Prior to the commencement of the development, or within such longer period as may be agreed in writing with the Local Planning Authority, large scale details of boundary treatment along the following boundaries shall be submitted to and approved in writing by the Local Planning authority:
- (a) The southern boundary of dwellings adjacent to Brecks Lane,
 - (b) The eastern boundary of dwellings adjacent to the tree line and footpath,
 - (c) The western boundary between Tudor way and Heath Ride (rear plots of 96 to 99, side boundaries of plots 93 and 102 and adjacent to the Heath Green),
 - (d) The northern boundary (forming the rear boundary to plots 4 to 7)

Each boundary treatment shall be installed in accordance with the approved details before that dwelling is occupied.

Reason: To protect the visual amenity of the site and the surrounding

area.

- 14) No dwelling to which this planning permission relates shall be occupied unless or until the carriageway basecourse and kerb foundation to the new estate road and footpath has been constructed. Road and footway wearing courses and street lighting shall be provided within three months of the date of commencement on the construction of the penultimate dwelling of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

- 15) Each dwelling shall not be occupied until the area shown on the approved plans for parking and manoeuvring of vehicles has been constructed and laid out in accordance with the approved plans. Thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

- 16) For each dwelling, a three pin 13 amp external electrical socket shall be installed on an external wall adjacent to the driveway of the property, or within the garage space. The socket shall comply with the requirements of BS1363 or an equivalent standard. Where mounted on an external wall, it must have a locking and weatherproof cover. The electrical socket shall be provided before each dwelling is occupied.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles / bikes / scooters in accordance with paragraph 35 of the National Planning Policy Framework

- 17) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 18) The site shall be occupied in accordance with the aims, measures and outcomes of the submitted residential travel plan dated October 2013. Within 12 months of first occupation of the development approved a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with local and national transportation and planning policies to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms

of transport to and from the site, together with parking on site for these users.

- 19) The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local Plan 2005 and Paragraphs 4.1 to 4.6 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

- 20) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 1995), (or any Order revoking or re-enacting that Order), once the boundary treatment identified in condition 13 is constructed the approved boundary treatment shall not be replacement or additional fences, gates, walls or other means of enclosure erected or constructed.

Reason: To protect the visual amenity of the site and the surrounding area.

.....



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

Land at North Lane, Huntington, Secretary of State Decision



Department for
Communities and
Local Government

Our ref: APP/C2741/W/16/3149489

James Hobson
White Young Green
Rowe House
10 East Parade
Harrogate
HG1 5LT

21 April 2017

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY PILCHER HOMES LTD
LAND OFF AVON DRIVE, HUNTINGTON, YORK, YO32 9YA
APPLICATION REF: 15/00798/OUTM**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Pete Drew BSc (Hons), DipTP (Dist), MRTPI, who held a public local inquiry from 6-9 December 2016 into your client's appeal against the decision of City of York Council ("the Council") to refuse planning permission for your client's outline application for planning permission for the proposed erection of 109 dwellings, in accordance with application ref: 15/00798/OUTM, dated 9 April 2015, on land off Avon Drive, Huntington, York.
2. On 3 August 2016, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because it involves proposals for significant development in the Green Belt.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be dismissed. For the reasons given below, the Secretary of State agrees with the Inspector's recommendation, dismisses the appeal and refuses planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural matters

4. The Secretary of State has considered carefully the Inspector's analysis and assessment of procedural matters at IR6 and IR202-208. Like the Inspector, he concludes that, while there was a procedural defect, no party with an interest in the land has been prejudiced, and he considers that the appeal should be treated as valid and should be determined accordingly (IR209).

Policy and statutory considerations

5. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
6. In this case the development plan consists of the saved policies from the Yorkshire and Humber Regional Spatial Strategy (RSS) to 2026, which was adopted in 2008. The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR27.
7. The Secretary of State notes that there is no adopted Local Plan for the City. Whilst the Council has approved the City of York Draft Local Plan (DLP) (2005) for development control purposes, he considers that, as the DLP has never been adopted, it attracts very limited weight (IR219).
8. The Secretary of State notes (IR33-45) that the Council is preparing a Local Plan, which is expected to be issued for consultation in summer 2017 and to be adopted in late 2018. Paragraph 216 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The Secretary of State agrees with the Inspector at IR45 that, as that the emerging plan is at such an early stage, it can only attract very limited weight.
9. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Written Ministerial Statement on Green Belt Protection dated 17 December 2015 (WMS).

Main issues

10. The Secretary of State agrees with the Inspector that the main issues are those set out at IR201.

Is the site within the general extent of the Green Belt?

11. The Secretary of State notes that the York Green Belt has never been identified in an adopted plan (IR210). He has carefully considered the Inspector's analysis at IR210-217 and agrees with his conclusions at IR218 that the RSS key diagram provides a firm basis for finding that the appeal site lies within the general extent of the Green Belt. Furthermore, in line with the Secretary of State's previous decision in the Germany Beck case (Ref: APP/C2741/V/05/1189897), he considers that the lack of a defined boundary is insufficient justification to arbitrarily exclude any site contained within the general extent of the Green Belt. He agrees with the Inspector at IR218 that there is no reason not to apply Green Belt policy unless or until an adopted LP defines the long-term Green Belt boundary.

The effect of the development on the purposes and the openness of the Green Belt

12. The Secretary of State has given careful consideration to the Inspector's assessment of the potential effect of the proposed development on the purposes of the Green Belt as set out at paragraph 80 of the Framework (IR220 – 250).
- a) Checking the unrestricted sprawl of large built-up areas: The Secretary of State agrees with the Inspector at IR223 that the proposed development would extend the existing built-up mass of the City which, to the south, extends as a fairly continuous suburban area to the city centre. Like the Inspector, he concludes that the proposed development conflicts with the first Green Belt purpose.
 - b) Preventing neighbouring towns merging into one another: The Secretary of State has considered the Inspector's analysis at IR224-229 and agrees with his conclusion at IR228 that the proposal would not conflict with the second purpose of the Green Belt, because the existing features, primarily associated with the Ring Road, would ensure that Earswick and Huntington would not merge with one another.
 - c) Assisting in safeguarding the countryside from encroachment: For the reasons given at IR230-233 the Secretary of State agrees with the Inspector that the proposed development would be a form of encroachment, which can be characterised to be advancement beyond existing bounds of development; and notes that the scheme is acknowledged to comprise "...significant built development on a currently undeveloped site". Like the Inspector, he concludes that the proposed development conflicts with the third Green Belt purpose.
 - d) Preserving the setting and special character of historic towns: For the reasons given at IR234-236 the Secretary of State agrees with the Inspector that, as the site is very close to the Ring Road, the development would be evident to road users during the early stages before the landscaping was effective; when landscaping might not provide a complete screen in winter; and when street, traffic and dwelling lights were introduced. Like the Inspector, he concludes that the proposed development conflicts with the fourth Green Belt purpose.
 - e) Assisting in urban regeneration, by encouraging the recycling of derelict and other urban land: For the reasons given at IR237-239, the Secretary of State agrees with the Inspector that a managed approach to releasing land for housing needs to be taken and that preventing Green Belt development is likely to encourage brownfield development. Like the Inspector, he concludes that the proposed development conflicts with the fifth Green Belt purpose.
13. The Secretary of State has given careful consideration to the Inspector's analysis on the effect of the proposed development on the openness of the Green Belt. For the reasons given at IR244-250 he agrees with the Inspector that the proposed development would give rise to a loss of openness of the Green Belt, considering that there would be built development where currently there is none.
14. The Secretary of State notes that there is no dispute between the main parties (IR242) that, should the Secretary of State find that the site is within the general extent of the Green Belt, the proposal would not fall within the limited categories of exceptions listed in paragraph 89 of the Framework.

15. The Secretary of State has given careful consideration to the Inspector's assessment about whether the proposal complies with saved RSS Policy Y1 (IR247-248). He agrees with the Inspector's conclusion that the proposal conflicts with this policy, and that moderate weight should be attributed to that conflict in this appeal. The Secretary of State also agrees with the Inspector's conclusion (IR249) that the proposal would conflict with Policy GB1 of the DLP, but that only very limited weight should be given to that.

The effect on the landscape character and setting of York

16. For the reasons given at IR251-257, the Secretary of State agrees with the Inspector that the proposal could deliver a more successful urban edge than that which presently exists and that the proposed landscape mound has the potential to more effectively screen views towards existing and proposed housing within a relatively short period. Although the development of the appeal site would change its character, this would be a continuation of the urban influence that is already evident in the area and in views from the Ring Road. Like the Inspector, he concludes that, subject to the imposition of the proposed conditions (see paragraph 20 below), the proposed development would not harm the landscape character and setting of York.

Very special circumstances

17. The Secretary of State has given careful consideration to the Inspector's analysis at IR258-268 on whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify the proposal. He notes that there is a large shortfall in housing supply in York, which will take a number of years to address (IR259) and agrees that the contribution towards the housing shortfall attracts substantial weight in favour of the proposal. He agrees with the Inspector that the economic benefits (IR260) and the provision of affordable housing also attract substantial weight. He agrees with the Inspector that the benefits arising from the claimed absence of harm to the purposes of the Green Belt (IR262) attract no weight and accessibility to services and facilities (IR263) attracts very limited weight.

18. The Secretary of State agrees with the Inspector's conclusion (IR269) that no considerations of sufficient weight have been advanced to amount, either individually or cumulatively, to the very special circumstances that are necessary to outweigh the harm by reason of inappropriateness and other identified harm.

NPPF paragraph 14

19. The Secretary of State has given careful consideration to the Inspector's assessment and conclusions on the correct approach to take in applying paragraph 14 of the Framework in determining this case (IR270-274). He agrees that the final bullet point of paragraph 14 applies in this case because the Green Belt policies are not up-to-date; that the second indent of the final bullet point applies, because specific policies in the Framework indicate that development should be restricted, i.e. Green Belt is identified in footnote 9. He agrees that a balancing exercise would then need to be conducted. This is the approach that both the Inspector and the Secretary of State have taken and the Secretary of State considers that the decision making matrix does not require an assessment against the first indent of the second bullet point of paragraph 14 of the Framework.

Planning conditions

20. The Secretary of State has given careful consideration to the Inspector's analysis at IR183-192, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

Planning obligations

21. Having had regard to the Inspector's analysis at IR193-199, the planning obligation dated 8 December 2016, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010 as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR199 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework and is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development. However, the Secretary of State does not consider that the obligation overcomes his reasons for dismissing this appeal and refusing planning permission.

Planning balance and overall conclusion

22. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with RSS Policies YH9 and Y1, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

23. The proposal would represent inappropriate development in the Green Belt; it would permanently reduce openness, and would conflict with four of the purposes of the Green Belt. These harmful impacts on the Green Belt attract substantial weight.

24. Turning to the benefits of the proposal, the Secretary of State considers that the provision of market and affordable housing and the economic benefits from construction attract substantial weight.

25. The Secretary of State has considered carefully whether these considerations amount to very special circumstances which clearly outweigh the harm to the Green Belt and other harm. He has also taken into account his WMS of 17 December 2015. He concludes that the considerations above do not clearly outweigh the harm to the Green Belt and any other harm, and that very special circumstances do not exist. The proposal is therefore in conflict with national policy on the Green Belt.

Formal decision

26. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for the proposed erection of 109 dwellings, in accordance with application ref: 15/00798/OUTM, dated 9 April 2015.

Right to challenge the decision

27. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
28. A copy of this letter has been sent to the City of York Council and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Merita Lumley

Authorised by Secretary of State to sign in that behalf

Report to the Secretary of State for Communities and Local Government

by Pete Drew BSc (Hons), DipTP (Dist), MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 19 January 2017

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

CITY OF YORK COUNCIL

APPEAL BY PILCHER HOMES LTD

Inquiry opened on 6 December 2016

Land off Avon Drive, Huntington, York, YO32 9YA

File Ref: APP/C2741/W/16/3149489

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Abbreviations used in this report

AOD	Above Ordnance Datum
BS	British Standard
CIL	Community Infrastructure Levy
DCLG	Department for Communities and Local Government
DP	Development Plan
DL	Decision Letter
dpa	dwellings per annum
dph	dwellings per hectare
FRA	Flood Risk Assessment
FTE	full-time equivalent
ha	hectares
IR	Inspector's Report
LVIA	Landscape and Visual Impact Assessment
LDS	Local Development Scheme
LEA	Local Education Authority
LP	Local Plan
LPA	Local Planning Authority
pa	per annum
PINS	The Planning Inspectorate
RSS	Regional Spatial Strategy
SoS	Secretary of State for Communities and Local Government
SHMA	Strategic Housing Market Assessment
SoCG	Statement of Common Ground
S106	Section 106 agreement
TPO	Tree Preservation Order
the Act	the Town and Country Planning Act 1990 (as amended)
the 2004 Act	the Planning and Compulsory Purchase Act 2004
the Council	City of York Council
the DMPO	the Town and Country Planning (Development Management Procedure) (England) Order 2015
the emerging LP	the draft City of York Local Plan
the Framework	the National Planning Policy Framework
the Guidance	the Planning Practice Guidance
the draft 2005 LP	the draft 2005 Local Plan, incorporating the fourth set of changes
the Revocation Order	The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013
WMS	Written Ministerial Statement
xx	cross-examination

Appeal Ref: APP/C2741/W/16/3149489**Land Off Avon Drive, Huntington, York, North Yorkshire YO32 9YA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 [“the Act”] against a refusal to grant outline planning permission.
- The appeal is made by Pilcher Homes Ltd against the decision of the City of York Council [“the Council”].
- The application Ref 15/00798/OUTM, dated 9 April 2015, was refused by notice dated 2 November 2015.
- The development proposed is erection of 109 dwellings.

Summary of Recommendation: The appeal be dismissed.

Procedural Matters

1. The Inquiry sat for a total of 4 days from 6-9 December 2016. I carried out an accompanied visit of the site and surrounding area on 9 December 2016.
2. The appeal was recovered by the Secretary of State [SoS] for his determination by way of a direction dated 3 August 2016. The reason given for the direction is that the appeal involves proposals for significant development in the Green Belt. As a matter of record it is appropriate to state that a letter dated 21 September 2016 was sent in response to the direction that underlined that the Appellant’s primary case is that the site is not within the Green Belt. However the letter from the Appellant’s solicitor made clear that the Appellant does not formally dispute the direction and so I shall proceed to report the matter to the SoS in line with the direction.
3. In Appendix B to this report is a list of documents that have been submitted in relation to this appeal. Appendix B establishes a system of referencing that is used in the main report as follows: (i) documents submitted at the Inquiry [DS]; (ii) documents circulated outside of the Inquiry [DC]; (iii) Core Documents [CD]; (iv) appendices to proofs of evidence submitted on behalf of the Appellant [PEA]; and, (v) appendices to proofs of evidence submitted by the Council [PEC].
4. The application to which the appeal relates was made in outline form except for access, which is shown to be derived from Avon Drive. All other matters [appearance, landscaping, layout and scale] were reserved. The application was refused by the Council for 2 reasons, which relate to Green Belt and archaeology. However, following submission of an archaeological evaluation, the Council has confirmed that it no longer supports the second reason for refusal¹.
5. Notwithstanding the above the Council confirmed at the Inquiry that it would be appropriate to identify an additional main consideration to be the effect of the proposed development on the landscape character and setting of York². This was not identified as a reason for refusal but the Council confirmed at the Inquiry that it “*should*” have been cited as an additional refusal reason³.

¹ See paragraph 25 of the Council’s Statement of Case at CD4.2.

² As referred to in paragraph 18 of the Council’s Statement of Case at CD4.2.

³ Mr O’Connell’s answer to my question at the Inquiry.

6. An Agreement, dated 8 December 2016, was submitted under section 106 of the Act [S106 Agreement, DS19] and I deal with the contents and justification for this below. The S106 identifies 3 parties to be the freehold owners of the land to which the appeal relates, but this does not tally with the ownership certificates that were signed at application and appeal stage⁴. The Council initially sought a ruling that because it was admitted that the Certificates were incorrect that the application was invalid, such that there was no appeal to be determined. However the Appellant submitted that as the decision maker was the SoS, I had no jurisdiction to make such a ruling. In my view that submission had force and so the Inquiry continued without prejudice to the decision which the SoS might ultimately reach in the matter. The Council subsequently indicated that because it had entertained the application, and was to that extent complicit in the situation as it exists, it did not seek to take an opportunistic point. Nevertheless the point does fall to be considered by the SoS and so I shall address the matter in my conclusions.
7. In my pre-Inquiry note to the parties [DC4] I drew attention to the findings of the SoS in a decision dated 15 December 2014 at Morpeth, in which the SoS said: "*...the Secretary of State agrees with the Inspector that the New Homes Bonus cannot lawfully be taken into account as a material consideration, as there is not a clear indication that the Council intends to use the receipts in a way which is material to the development being proposed. However, he disagrees with the Inspector's conclusion in IR317 that, pending the outcome of this appeal, the Council could not reasonably make firm plans for what the associated New Homes Bonus receipts might be used for. The Secretary of State considers that it was open to the Council to take a view on how it would use the funds if the appeal were to be allowed*"⁵. The Council's written response says: "*...the Council cannot state at this time what any New Homes Bonus relating to the appeal site would be used for*"⁶. Reasons for that conclusion include the need to consult with residents with regard to the use of such monies and the absence of any assurance that the regime will continue in its present form if and when the development commences. In the circumstances the Appellant fairly conceded⁷ that the New Homes Bonus is not a material consideration that weighs in favour of allowing this appeal.

The Site and Surroundings

8. The Statement of Common Ground [SoCG, DS11] records that the appeal site is broadly triangular in shape and extends to approximately 4.83 hectares [ha]. It comprises arable farmland with a relatively level topography, which is broadly between 16 and 17 m AOD⁸. The site is located adjacent to existing residential areas in Avon Drive to the south and Strensall Road to the west.

⁴ At both stages the certificate A was signed to confirm that no party except the applicant/appellant, respectively, was the owner of any part of the land to which the appeal relates.

⁵ Source of quote: paragraph 20, appeal ref. APP/P2935/A/14/2212989.

⁶ Source of quote: paragraph 4, DS8, which was tabled during the Inquiry.

⁷ Mr Hobson conceded this in answer to my question.

⁸ A full levels survey has been undertaken and is provided at Appendix 4 to CD 3.14. The levels across the majority of the appeal site are within this range although there are some exceptions, such as in the vicinity of the pond at the eastern end of appeal site.

9. To the north and east the site boundary is contiguous with the York Outer Ring Road [A1237], which comprises a single carriageway along this length. Running along the northern and eastern boundary with the Ring Road is a belt of trees and a loose but mature hedgerow. My site inspection revealed that the majority of the hedgerow is beyond the boundary fence, which would suggest it is within the highway. The hedgerow has been left to grow and has not been laid or otherwise managed beyond crude flailing to ensure that the highway signage on the trunk road is not obstructed. Conversely most of the trees that exist along that boundary are south of the boundary fence, which would suggest that they are within the appeal site. At the eastern end of the appeal site the large field that characterises the largest part of the site gives way to a treed area, which includes a depression surrounded by willows which is identified as a pond on the levels survey. Whilst there was no water in the pond at the time of my inspection there is no reason to doubt that it fills up during periods of heavy rain and functions as a seasonal pond.
10. To the south and west of the appeal site, the land use is primarily residential. To the south Avon Drive comprises largely of bungalows, which were constructed in the early 1980s, with 2-storey detached dwellings at the eastern end of Avon Drive. To the west, the properties on Strensall Road that back onto the appeal site comprise a single line of dwellings including both bungalows and 2-storey houses. My site inspection revealed that there are some relatively large gaps between some properties that permit views from Strensall Road towards the appeal site, for example there is a gap of approximately 12 m to the north of No 74 Strensall Road. However the other large gap on plan form between Nos 64 and 68 Strensall Road does not permit views because of a dense conifer hedgerow along that frontage.
11. To the north of the Ring Road the main parties agree that the environment is much more rural in character. However, when viewed from the roundabout at the junction of Strensall Road and the Ring Road, existing dwellings in Earswick are visible. The fire station that has been constructed to the east of that roundabout is largely hidden in views from the Ring Road, even in winter months, due to the depth of planting but, to the south, the housing in Avon Drive is perceived. The fire station tower is visible from the Ring Road above the vegetation to a limited extent. Views of housing from the arms of the roundabout are limited by the existing vegetation, which has been planted on earth mounds typically 1.5 m high. However clear vistas towards the existing houses are available along roads, notably to the south along Strensall Road towards Abbots Gate. There is a view of the bungalows on Riverside Crescent, which runs off Abbots Gate, from the Ring Road's bridge over the River Foss to the west of the roundabout.
12. A field access gate is located in the north-west corner of the appeal site, which provides access from Strensall Road. Views into the appeal site from this point are limited due to mounding and planting to the north of the field gate. Within the site are the remnants of an existing track, to the north of which is a simple ranch style fence that demarcates the area within which a water main crosses the appeal site, in a broadly east-west direction. The red line edge that defines the extent of the appeal site meets Avon Drive in 2 locations along the southern boundary of the site. These existing gaps are 25-30 m in width and currently comprise vacant grassland with a boundary of

small trees and shrubs, including a mature oak, continuing the line of the rear boundaries of the existing properties that front onto Avon Drive.

13. Strensall Road runs on a broadly north-south alignment and is one of the main arterial roads that link the suburb of Huntington and the settlements of Earswick and Strensall with York city centre, which lies approximately 5 km to the south. Strensall Road/North Moor Road is designated as a cycle route with cycle lanes provided on each side of the road which, the main parties agree, provides a cycle friendly way in which to gain access to York city centre. Given the relatively flat topography in the Vale of York cycling appears to be a realistic alternative to the private car and within the city centre itself I observed a relatively large number of cyclists every day.
14. The No 5/5A bus route runs along Strensall Road and there are bus stops in each direction on Strensall Road just to the north of its junction with Avon Drive. The bus route provides a frequent and direct service with York city centre, typically one bus every 15 minutes during the bulk of the day, Monday to Saturday. A less frequent service also runs in each direction from early in the morning, until relatively late in the evening and on Sundays. It is also possible to access shops and facilities at Monks Cross, to the south-east of the appeal site, by changing to the No 12 bus service.
15. It is common ground that there is a range of existing facilities in reasonable proximity of the appeal site. There is a local centre within 800 m of the site as well as other facilities such as play areas, doctor's surgeries and a sports and social club. Other health care provision [*My Health Care Centre*] and Huntington Primary School are located just beyond 800 m of the appeal site.

Planning History

16. There is no planning history on the appeal site prior to the application that is the subject of this appeal. Subsequent to the Council having refused this application, 3 further planning applications have been submitted on the site.
17. The first application [No 16/00318/NONMAT] appears to have been submitted as a non-material amendment to the original planning permission from 1979 for the development at Avon Drive, which was developed by the Appellant. It relates to the gap between Nos 33 and 39 Avon Drive, which is within the appeal site⁹, but it was subsequently refused. The second application [No 16/00880/NONMAT], dated 4 April 2016, is of a similar nature and relates to the same relatively small part of the current appeal site. It too was refused in a decision dated 23 August 2016 [DS6].
18. A third application [No 16/01703/OUTM] was submitted to the Council on 6 June 2016 for the erection of 67 dwellings on the appeal site. That application was refused by the Council in a decision dated 28 October 2016 [PEC1.5] for one reason, which relates solely to Green Belt.

⁹ Adjacent to what is proposed as the eastern access to serve the development that has been proposed as part of this appeal; see red line area on the submitted plan at CD3.4.

The Proposals

19. As already noted the application was submitted in outline with all matters except access reserved. In opening the Appellant made clear that the proposed access arrangements are shown on the "*Built Form Masterplan*" [CD3.1], and therefore includes 2 road access points onto Avon Drive. That is the Appellant's choice and so whilst the internal consultation with the Council's Highway Department has suggested that 2 access points into a development of this scale are unnecessary the appeal should be determined on the basis of the submitted plans. However the issue is capable of being controlled by a condition, which is discussed in the appropriate section below.
20. In all other respects the "*Built Form Masterplan*" is illustrative or, what the SoCG calls, indicative. It does however illustrate one way in which the appeal site might be developed and confirms that the site can comfortably accommodate 109 dwellings at what the Appellant calculates to be a density of around 33 dwellings per hectare [dph] on a net developable area of 3.3 ha. The "*Built Form Masterplan*" also breaks down the number of dwellings by size of units¹⁰ although this too is only indicative at this stage. Helpfully however the Council has used this information to estimate the quantum of the financial contributions that it seeks pursuant to the S106 Agreement and I examine that further in the appropriate section below. The SoCG indicates that buildings would be 2-storeys in height, although some are proposed with dormer windows at roof level. This is capable of being controlled by a condition, which was discussed at the Inquiry and is also considered below.
21. The "*Built Form Masterplan*" shows the eastern end of the appeal site to be retained as a landscaped area. Whilst illustrative, this reflects the fact that the eastern end has a number of existing trees and so this part of the site is unlikely to be developed for housing. It also shows the housing set back from the Ring Road and what is shown as a public park between the houses and the Ring Road. This northern part of the appeal site is also unlikely to be developed for housing for a number of reasons, most notably the fact that a water main crosses this area.
22. The Appellant has provided a drawing entitled "*Landscape Proposals*" [CD3.3], which is purely illustrative. It is however useful in showing that the eastern end of the appeal site might be used to provide an attenuation pond without detracting from the sylvan character of that part of the appeal site.
23. At appeal stage the Appellant's Landscape Consultant, Mr Popplewell, has revisited the illustrative "*Landscape Proposals*", and provided a revised plan entitled "*Mitigation Measures*"¹¹. This too is illustrative but shows a revised arrangement in the area between the proposed housing and the Ring Road. Amongst other things it is useful in identifying the line of the water main and demonstrating how a robust landscaped mound, potentially incorporating an acoustic fence, could be developed between the housing and the Ring Road.

¹⁰ 33 affordable units [comprising 12 1-bed, 11 2-bed and 10 3-bed] and 76 market units [comprising 46 3-bed and 30 4-bed], which is a 30/70 split.

¹¹ At the end [p43] of the Landscape and Visual Impact Assessment in Appendix 1 [PEA2.1].

24. In the context of the revised illustrative proposals for landscaping, whilst the SoCG records that the landscaped area between the housing and the Ring Road would incorporate footpaths linking the appeal site to the green space at the eastern end of the site, this would appear to be uncertain. The original "*Landscape Proposals*" do show a path running from the existing field gate to the attenuation pond at the far end of the site, including an area for play within that zone. However such an arrangement is not consistent with a robust landscaped mound because in that scenario there would not appear to be any interconnectivity with the housing or, if there was, that gap might allow views through and/or undermine the efficacy of any acoustic feature. However the S106 Agreement does require the provision of a pedestrian/cycle path broadly parallel with the landscaped mound shown on the revised "*Mitigation Measures*" plan. Viewed in that light it is likely that the indicative layout would need to be fundamentally revised to accommodate this feature.

Planning Policy

25. The policies of the National Planning Policy Framework [the Framework] and advice in the Planning Practice Guidance [the Guidance] are particularly relevant to this appeal. Some of the provisions in the Framework that are relevant to this appeal have been identified as common ground¹². The main parties agree that significant weight should be given to the Framework.

The Development Plan

26. The Development Plan [DP] for the area includes the Yorkshire and Humber Plan Regional Spatial Strategy [RSS] to 2026 [CD 2.3]. The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013¹³ [the Revocation Order] revoked the RSS except for: (a) the policies of the RSS set out in the Schedule to the Order; and, (b) the Key Diagram of the RSS insofar as it illustrates the RSS York Green Belt policies and the general extent of the Green Belt around the City of York. This distinction confirms that the Key Diagram is not an RSS policy.
27. The Schedule to the Revocation Order identifies 2 policies: i) Policy YH9 is entitled "*Green Belts*" and says: "*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*"; and ii) Policy Y1 is entitled "*York sub area policy*". It says: "*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*". The main parties concur that there are no other relevant policies in the DP.

¹² Paragraph 4.3, DS11.

¹³ Statutory Instrument 2013/1117, CD 2.8.

28. The "*Strategic Environmental Assessment of the Revocation of the Yorkshire and Humber Regional Strategy*" was published by the Department for Communities and Local Government [DCLG] in January 2013 [DS12]. The Government agreed with the Council that policies related to the York Green Belt should be retained because of the potential for significant environmental effects from their revocation. However it is material to note that the Council only requested the retention of those parts of the RSS which were saved: "...for up to 5 years or until York adopts its new local plan (whichever is the earliest)"¹⁴ [*my emphasis*].
29. Although the Strategic Environmental Assessment does not record the date on which the Council made those comments, even if taken from the date of publication it is reasonable to conclude that the 5-year period would expire in January 2018. By the date on which the SoS considers this report it is likely that the 5-year period that the Council envisaged to be the maximum time period within which it anticipated needing to rely on the RSS policies will have almost expired. Fortunately for the Council, the Government did not impose any such time limit in the Revocation Order. However this might suggest that after the Framework was issued in 2012 the Council had a clear expectation of having a clear basis for a defined Green Belt in place by January 2018.

The status of and weight to be attached to the draft [2005] Local Plan

30. For day-to-day development management purposes the Council rely on the draft 2005 Local Plan incorporating the fourth set of changes, which is otherwise known as the "*Development Control Local Plan*" [CD2.2, "the draft 2005 LP"]. The Introduction to the draft 2005 LP says that it represents the most advanced stage of the 1998 deposit draft City of York Local Plan, which was amended up to and including a fourth set of changes. In addition, and quite separately, it was also approved for the purpose of making development management decisions in the City of York, for applications submitted after the date of the Council meeting [12 April 2005]. The Inquiry was told the fourth set of changes were not the subject of consultation.
31. The SoCG records agreement between the parties that policies in the draft 2005 LP are not wholly consistent with the Framework, but disagreement as to the weight that should be given to the draft 2005 LP. However during cross-examination [xx] the Council conceded that only very limited weight could be given to the relevant provisions of the draft 2005 LP. It is noticeable that the SoS expressed this view in a decision in the Council's area as far back as 9 May 2007¹⁵. The passage of time since that date can only serve to reduce, rather than increase, the weight that it would be appropriate to attach to policies in the draft 2005 LP. The Inspector who dealt with the most recent appeal that is before the Inquiry took a similar view and attached very limited weight to the draft 2005 LP¹⁶. In the circumstances this is an appropriate descriptor of the level of weight that I consider should be given to the draft 2005 LP, including the Proposals Map [key excerpt at PEC3.1].

¹⁴ Source of quote: page 55, DS12.

¹⁵ See paragraph 12, appeal Ref APP/C2741/V/05/1189885/1189897, CD5.15.

¹⁶ See paragraph 6, appeal Ref APP/C2741/W/16/3154113, CD5.17.

32. The SoCG does not contain a list of policies from the draft 2005 LP that are relevant to this appeal. However a list of relevant policies is to be found in section 2.2 of the report to the Planning Committee [CD3.15] and there is no reason to find that list is wrong or otherwise incomplete. The only policy that the Council allege the proposed scheme to be in conflict with is Policy GB1.

The emerging Local Plan

33. The evolution of the emerging Local Plan ["the emerging LP"] is briefly set out in the SoCG¹⁷. The most recent complete version of the emerging LP that is before the Inquiry is the publication draft version, dated September 2014 [CD 6.03]. However this version of the emerging LP did not progress to consultation stage because the Council resolved instead to review the overall level of the housing requirement. In the circumstances the SoCG identifies the relevant policies from an earlier version of the Plan, namely the Preferred Options version [CD2.11], which was released in April 2013¹⁸. On this basis, and notwithstanding the reference to the publication draft policies in the Committee report, it appears to be common ground that these are the policies from the emerging LP which are most relevant to this appeal.
34. The Council did undertake a consultation on preferred sites in July 2016 [CD2.17], which sought views on, amongst other things, the Strategic Housing Market Assessment [SHMA], the SHMA Addendum, the Windfall Allowance Technical Paper and the Sustainability Appraisal [CD2.16, CD2.16a, CD2.20 and CD2.21, respectively]. However the preferred sites consultation document does not purport to set out a full suite of emerging policies upon which interested parties could comment. The preferred sites document and the evidence base that underpins it are material considerations that are relevant to the determination of this appeal.
35. The Council issued a Local Plan Position Statement just before the Inquiry opened and a copy was subsequently provided at the Inquiry [DS7.1]. It explains that following the preferred sites consultation 2 factors have arisen that have led the Council to recommend to its Members that progression of the emerging LP should be delayed.
36. The first is that on 12 July 2016 DCLG released the Sub-National Household Projections [SNHP] for England, which updates the May 2016 release of the Sub-National Population Projections [SNPP], which the SHMA and SHMA Addendum took into account. The report to the Local Plan Working Group says the SNHP: "...indicates a higher demographic starting point for York"¹⁹. The second is that the Ministry of Defence [MoD] announced in November 2016 that they would be disposing of a number of sites, including 3 within the Council's area at Imphal and Queen Elizabeth Barracks, and Towthorpe Lines.
37. Reports were submitted to the Local Plan Working Group and the Executive on 5 and 7 December 2016 [DS7.2 and DS7.3, respectively], in the same

¹⁷ Paragraph 4.6, DS11.

¹⁸ See, amongst others, paragraphs 4.10, 4.12, 4.15, 4.17, 4.19, 4.22, 4.24 and 4.25 of the SoCG [DS11].

¹⁹ Source of quote: paragraph 4, DS7.2.

week that the Inquiry was held. The Inquiry was advised that both meetings made resolutions in line with the recommendations contained in the respective reports. The upshot is that Council Officers have been instructed to undertake additional work, including a review of the Objectively Assessed Housing Need [OAN] in the SHMA, in the light of the SNHP, and to evaluate whether the MoD sites to be released represent reasonable alternatives.

38. The Local Development Scheme [LDS] anticipated²⁰ that the emerging LP would be the subject of a full consultation exercise starting in January 2017, with a view to submission of the emerging LP for examination in May 2017²¹. The LDS indicates that the Council would be in a position to adopt its emerging LP by the end of June 2018, which itself is outside the 5-year period referred to by the Council in its submission to DCLG in relation to the Revocation Order. However the Council now appear to concede that the timetable in the LDS will not be met. The report to the Local Plan Working Group says: *"It is anticipated that the additional work described including any potential consultation will extend the Local Plan Timetable by around six months"*²². In a similar vein the report to the Council's Executive says: *"...there could be a six month delay to the programme [in the LDS]"*²³.
39. Contrary to Mr Wood's suggestion I find no basis to conclude that the delay would be 'up to' 6 months. Indeed the very nature of the work, potentially including a revised housing requirement and a reappraisal of allocated sites, might suggest that 6 months is ambitious. Amongst other things I note that Mr Hobson's evidence in chief, that it would be a tall order to do all of the extra work within 6 months, was not challenged. However taking the Council's estimate at face value this would mean that the emerging LP would not be submitted for examination until the end of 2017 and adoption of the emerging LP could be delayed until the end of 2018. Mr Hobson said in answer to my question that adoption could be delayed until spring 2019. Given that the LDS anticipates that the examination would be completed in around 12 months²⁴ even this timetable for adoption might be optimistic.
40. I make one final point. As I suggested to Mr Wood the second bullet point of paragraph 157 of the Framework says that Local Plans should be drawn up over an appropriate time scale, preferably a 15-year time horizon. However, whilst the base date dictates a 20-year time horizon is being planned for, at the point that the emerging LP is likely to be examined, and subsequently adopted, there is likely to be less than 15-years to the end date of the LP. If it were necessary to revisit the time horizon of the emerging LP that would potentially be a significant source of delay. At a minimum it suggests there is limited scope for any further delay in the progression of the emerging LP.

²⁰ Figure 3.1a, page 9, CD2.18.

²¹ The examination only starts with submission of the Plan to PINS for examination and hence the 3 month period identified in Figure 3.1a for the preparation of the submission documents should not come under the subtitle of "Examination" in the left hand column.

²² Source of quote: paragraph 22, DS7.2.

²³ Source of quote: paragraph 32, DS7.3.

²⁴ Not including "Preparing Submission Documents" for the reason given above.

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41. The SoCG records disagreement between the main parties as to the weight that should be given to the emerging LP: the Council says limited weight; the Appellant says very limited weight. The Inspector who dealt with the most recent appeal that is before the Inquiry attached very limited weight to the emerging LP²⁵. However that was on the assumption that the Council would keep to the timetable set out in the LDS and adopt it by the middle of 2018 which, for the reasons set out above, appears to be unrealistic. As such it is difficult to conclude that Inspector's assessment of weight is inappropriate.
42. My view on this point is confirmed when the emerging LP is assessed against the 3 bullet points in paragraph 216 of the Framework. In terms of the first bullet point, the fact is that the latest complete version, dated September 2014, was not the subject of consultation and a finalised version has yet to emerge for consultation purposes or otherwise. As I have suggested the additional work on the OAN, together with reappraisal of allocated sites in the light of the newly identified MoD sites and the associated SA work, might suggest that the version of the LP that emerges for consultation, hopefully by the end of 2017, could be quite a different animal from the publication draft version. It might contain different housing numbers and allocations from those that were the subject of the preferred sites consultation.
43. Turning to the second bullet point, it is clear from the limited information before the Inquiry that there has been a significant level of objection to the emerging LP. In pure numerical terms the report to the Local Plan Working Group says: "*The Council received 2,309 responses from members of the public, interest groups and organisations and developers and landowners*"²⁶. The report to the Executive also says: "*...over ten alternative OAN reports produced by consultants on behalf of landowners/developers have been submitted as part of the Preferred Sites Consultation*"²⁷. So not only has there been a large quantum of objections, it would appear that some of these go to substantive elements of the emerging LP. Moreover it is evident that this level of objection has been received before the policies have crystallised.
44. Finally, turning to the third bullet point in paragraph 216 of the Framework, as Mr Wood effectively acknowledged in answer to my question, it is difficult to assess the emerging LP against this test when the policies have not been set down since the publication draft version, dated September 2014. To the extent that the Framework seeks to boost significantly the supply of housing, the fact is that the estimates of OAN that have been provided by consultants for the Council and developers, respectively, appear to vary by a significant margin²⁸. Thus even before policies are the subject of consultation there is some basis to consider that the emerging LP, at least insofar as it quantifies the housing requirement, might not be consistent with a key objective of the Framework. This finding is actually underlined by the Council's decision to

²⁵ See paragraph 7, appeal Ref APP/C2741/W/16/3154113, CD5.17.

²⁶ Source of quote: paragraph 6, DS7.2.

²⁷ Source of quote: paragraph 32, DS7.3.

²⁸ GL Hearn have put forward a figure of 841 dpa which, over the 20-year period 2012-2032, equates to 16,820 dwellings, whereas at the other extreme NLP [CD2.19] have put forward figures of 1125 and 1255 dpa which, over the same period, equates to up to 25,100 dwellings. This is a difference of up to 414 dpa or 9,180 dwellings over the plan period.

reappraise its OAN in the light of the SNHP and the alternative estimates of OAN that have been submitted during the most recent consultation exercise.

45. For these reasons I conclude that at least until the emerging LP is submitted for examination that it would only be appropriate to attach very limited weight to the emerging LP. Even after the emerging LP has been submitted for examination, in the unlikely event that this occurs before the SoS determines this appeal, I find it to be highly unlikely that a greater attribution of weight should be given to the emerging LP policies apart from where the Council show that there are no substantive objections to an individual policy.

Supplementary Planning Guidance [SPG]

46. The reasons for refusal on the decision notice and, more generally, the report to Committee [CD3.17 and CD3.15, respectively] do not expressly refer to SPG. However there is limited reference to it in the SoCG²⁹ and extensive reference to it in what I shall describe as the Regulation 122 compliance note [DS13]. The Regulation 122 compliance note appends excerpts from 3 items of SPG: i) the *"Affordable Housing Advice Note"* [2005]; ii) SPG for developer contributions to education facilities [2005]; and iii) *"Commuted Sum Payments for Open Space in New Developments – A Guide for Developers"*³⁰, which is said to have been approved in 2007 and updated in 2014.
47. SPG is not a term that is defined in the Framework as it fell away with the demise of Planning Policy Statement [PPS] 12³¹. Annex 2 to the Framework defines Supplementary Planning Documents [SPD] to be documents which add further detail to the policies in the LP which, in turn, is defined to include: *"...old policies which have been saved under the 2004 Act"*. The draft 2005 LP was never adopted and hence was not saved and so is not within that definition. So even if I were to apply the 'spirit' of the definition of SPD to what is manifestly SPG, rather than SPD, a strict interpretation would suggest that the SPG would not comply with the definition in the Framework. Notwithstanding the above no party has made any case that the SPG is not a valid material consideration in this appeal and I shall proceed on this basis.
48. For reasons previously identified it is now common ground that the policies in the draft 2005 LP should be given very limited weight in this appeal. Since the purpose of the SPG is to supplement policies in the draft 2005 LP it must follow that the greatest attribution of weight that it would be appropriate to give to all the relevant items of SPG would be very limited. However the SPG has effectively been revised 'on the hoof' in a number of material respects.
49. To take the example of affordable housing it would appear that the original 2005 LP Policy H2a required 50 % affordable housing made up of 45 % affordable rent and 5 % for discounted sale on all windfall sites in York. Lower targets were envisaged on allocated sites or where set out in Development Briefs, only where the developer could show, in essence, a lack

²⁹ See for example paragraphs 4.13 and 4.20, DS11, the latter, perhaps incorrectly, describing it as "SPD".

³⁰ Excerpts provided at Annexes 3, 4 and 6, respectively, to DS13.

³¹ This was revoked and replaced by the Framework, as confirmed by footnote 1 and Annex 3 to the Framework.

of viability. However all of that appears to have been superseded by the Council's "*Affordable housing planning guidance – interim targets*"³², which seek 30 % affordable housing on green field sites of more than 15 dwellings in line with the Written Ministerial Statement [WMS] of November 2014. The role of the "*Affordable Housing Advice Note*" is, even on the Council's own assessment, essentially limited to providing: "...*guidance and advice on how to include affordable housing in development schemes*"³³. The SPG itself would therefore appear to have been almost entirely superseded. In these circumstances I attach extremely limited weight to all the SPG in this appeal.

50. The Council's "*Affordable housing planning guidance – interim targets*", whilst referring back to the SPG, appears to have effectively replaced the draft 2005 LP Policy H2a. It is based on fairly up-to-date evidence and is consistent with the WMS and the Guidance at least insofar as it sets out thresholds. In my view it amounts to a non-statutory policy document. In the circumstances I consider that, as a freestanding document, it should be given greater weight than the dated and largely superseded statutory policy. However it is a non-statutory policy document, which means that I attach very limited weight to the Council's interim planning guidance with regard to affordable housing.

Extent to which there is a common position in respect of housing supply

51. The SoCG records, at paragraph 5.10 thereof, that it is common ground that the Council cannot demonstrate a 5-year supply of deliverable housing sites. However it is appropriate to record the Council previously took the opposite view in saying: "...*the Council will show that [it] has an emerging Framework compliant five year housing land supply...*"³⁴. In the circumstances that are now agreed to prevail it is common ground that, applying paragraph 49 of the Framework, relevant policies for the supply of housing should not be considered up-to-date. It is further agreed that the weight to be given to relevant policies for the supply of housing is a matter for the decision maker.
52. The Council has not provided an estimate of its 5-year housing land supply. The position that it takes is encapsulated in an email from the Council's Forward Planning Team Manager that says: "*Given this emerging position in relation to both OAN and supply it is currently not possible to quantify a precise shortfall for the purposes of this appeal*"³⁵. Pursuant to this rationale none of the Council's proofs of evidence deals in depth with this topic area.
53. In contrast Mr Hobson has provided a detailed paper on "*Housing Land Supply*" [PEA1.2]. The Council does not challenge this assessment nor accept it because work is ongoing as part of the emerging LP. Mr Wood did however agree that it would be appropriate to apply a 20 % buffer to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land, pursuant to the second bullet-point of

³² Excerpt provided at Annex 2 to DS13, noting that the document expressly says that it supersedes the targets in the advice note, which derive from the 2005 LP.

³³ Source of quote: Annex 2 to DS13.

³⁴ Source of quote: paragraph 21, CD4.2.

³⁵ Source of quote: PEA1.7 [dated 1 November 2016].

- paragraph 47 of the Framework. He further confirmed that it was appropriate to use the "*Sedgefield*" method to calculate housing land supply in the City.
54. In my view these assumptions are appropriate. Mr Hobson confirmed that the figures in his Table 1 [PEA1.2], for the 10-year period 2006-2016, have been taken from the City of York Annual Monitoring Report 2010-2013 and Housing Monitoring Update 2015/16. The Guidance says: "*The assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle*"³⁶. This 10-year period complies with that advice.
55. Table 1 demonstrates that when assessed against the former RSS target of 850 dpa [650 dpa prior to 2007/08] the Council has under-delivered in 8 out of the last 10-years. The Council has not suggested in this appeal that the RSS target is inappropriate: it appears to have used it in its own monitoring and it is not materially different from the OAN figure that it has recently identified, which is considered below. In my view, noting that at the end of that 10-year period 2006-2016 the number of dwellings delivered is over 31 % below that envisaged for that period by the RSS³⁷, Table 1 comprises evidence that there has been a record of persistent under delivery in the City.
56. Turning to the applicability of the "*Sedgefield*" method, the Guidance says: "*Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible*"³⁸. The cross-reference ["*Related policy*"] is to paragraph 47 of the Framework, which sets out a key objective to be: "*To boost significantly the supply of housing*". In that context I consider that the *Sedgefield* approach aligns more closely with the Guidance and the Framework. This approach is consistent with the approach taken in other decisions that are before the Inquiry³⁹.
57. Mr Hobson has provided 2 different calculations of the 5-year housing land supply in the City based on the above assumptions but using 2 different estimates of OAN. What he has called "*York Assumed Position*" is calculated on the basis of its OAN of 841 dpa, which is the figure that GL Hearn has identified in its SHMA [CD2.16]. In contrast the Appellant's position is based on an OAN of 1,020 dpa, which is recommended by Dr Gomez in a report that has been commissioned by the Appellant in relation to this appeal [PEA1.1].
58. Based on these different levels of OAN, the Appellant calculates the 5-year housing land supply in the City of York to be between 1.9 years [Appellant's figure] and 3.8 years [based on the "*York Assumed Position*"]. It is material to note that this calculation adopts the Council's figure for windfalls [CD2.20] even though the figure of 152 dpa has only been achieved once over the past 7 years and once since the base date of the emerging LP period [2012]. It remains to be seen whether the Council's technical paper would constitute the compelling evidence that is required by paragraph 48 of the Framework.

³⁶ Source of quote: paragraph ID 3-035-20140306.

³⁷ Target over that period was 8,100, with completions of 5,569, resulting in a deficit of 2,531 which, when expressed as a % of the target, is over 31 %.

³⁸ Source of quote: paragraph ID 3-035-20140306.

³⁹ See in particular SoS paragraph 23 and IR8.30 of CD5.13 [Pulley Lane, Droitwich Spa].

- However I am not in a position to form a definitive view because of the consensus between the parties as to the appropriateness of the figure of 152 dpa and the fact that the Council's technical paper does not identify the planning permissions concerned to allow any interrogation of its evidence⁴⁰.
59. It is material to note that the Appellant's estimate of OAN is less than the figures of 1,125 dpa and 1,255 dpa, identified in a report by NLP⁴¹ that has been submitted to the Council as part of the recent consultation exercise into the emerging LP. It must follow that, applying those higher estimates of OAN, that the 5-year supply might be even less than the Appellant's estimate.
60. Given that the Council has not sought to quantify the housing land supply, my pre-Inquiry note drew attention to the case of *Phides Estates (Overseas) Ltd v SSCLG and Shepway DC* [2015] EWHC 827 (Admin). In that case Lindblom J held: "...the weight given to a proposal's benefit in increasing the supply of housing will vary from case to case. It will depend, for example, on the extent of the shortfall, how long the deficit is likely to persist, what steps the authority could readily take to reduce it, and how much of it the development would meet. So the decision-maker must establish not only whether there is a shortfall but also how big it is, and how significant"⁴².
61. Mr Wood agreed my proposition that although the Council has been unable to quantify the size of the shortfall it can be categorised to be "*significant*". At its highest the unchallenged evidence before the Inquiry shows that there is no more than a 3.8 year supply of housing land in the City of York. However given that the Council has resolved to commission fresh work to examine its OAN of 841 dpa, noting the higher demographic starting point in the SNHP, it is likely that the true estimate of housing land supply is below this figure. It might even be below 1.9 years supply, based on NLP's estimate of OAN.
62. Mr Hobson, for the Appellant, preferred to describe the shortfall as being "*acute*". Even acknowledging that in 2015/16 the number of dwellings completed was above the RSS target, it might potentially require a similar level of delivery over the next 10-years to address the accumulated shortfall over the last 10-years. Even since the base date of the emerging LP period [2012] the shortfall is over 945 dwellings, which represents over one year of completions. So whether described as "*significant*" or "*acute*", it is clear that there is a large shortfall that will take a number of years to address.

The Case for City of York Council

63. The Council's case is neatly summarised in the only extant reason for refusal, which says: "*Policy YH9 and Y1 of the Yorkshire and Humber Plan – Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around*

⁴⁰ As I suggested in my question to Mr Wood, the figures for "Very Small Windfalls" in the period 2006/07-2008/09 seem disproportionately high compared to subsequent years and there must be a suspicion that dwellings on garden land are included in Table 2 for that period. As the Council has not revealed the planning permissions that underpin those figures one is being asked to take the Council's figures on trust, such that the evidence base might be said to be incomplete to this extent. The Council might wish to address this going forward.

⁴¹ PEA1.1, and a similar but not identical version is produced at CD2.19.

⁴² Source of quote: paragraph 60 of judgement at: <http://www.bailii.org/>, *my emphasis*.

York with an outer boundary about 6 miles from the city centre. The application site is located in the Green Belt as identified in the 2005 City of York Draft Local Plan. It is considered that the proposed development of up to 109 houses and associated infrastructure constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework. Inappropriate development is by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would outweigh harm by reason of inappropriateness and any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within Green Belt. The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt Land' and policy GB1 'Development in the Green Belt' of the 2005 City of York Draft Local Plan" [source: decision notice at CD3.17].

64. In that context the Council's closing submissions focus on establishing a route-map for the SoS through what is a relatively unusual policy context. The decision making framework applicable to the determination of the appeal is mandated by statute. Section 38(6) of the 2004 Act requires that the appeal is determined in accordance with the DP unless material considerations indicate otherwise.
65. The DP comprises the remnant part of 2 policies of the RSS: (i) YH9, Green Belts; and (ii) Y1, York sub area policy. The general extent of the Green Belt is shown on the Key Diagram. These policies are instructive; they set out how York's Green Belt boundaries are to be defined in the DP. This has not yet been done. It is common ground that the fact that it has not been done does not of itself alter the weight to be given to the policies. The policies were left untouched when the remainder of the RSS was revoked in 2013.
66. Policy Y1(C2) says plans etc should protect and enhance York's nationally significant historical and environmental character. It is common ground that a scheme that fails to achieve these aims would constitute a breach of the DP [Hobson xx]. Plainly, the DP does not provide a comprehensive basis against which to make development management decisions.
67. The Council has approved the draft 2005 LP for the purposes of development management. The policies of the draft 2005 LP are material to the determination of the appeal, although it is now common ground that very limited weight should be given to the policies of the draft 2005 LP.
68. The emerging LP is making good progress but remains some way from adoption. The Council's LDS anticipates adoption in summer 2018, but this might be delayed so as to allow the Council to consider the recent release of MoD sites and the latest DCLG population projections. There is no agreement between the parties as to the weight to be given to the emerging LP.
69. Given the position with the DP and the draft 2005 LP, the key policy consideration here is the Framework. This is a material consideration for the purposes of section 38(6), representing up to date central government policy. It is common ground that it is highly relevant and should be given full weight.

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70. The primary issue between the parties is whether the appeal site is in the Green Belt. The Council says that it is; the Appellant says that it is not. It is common ground that the overarching test must be that the site be treated as a Green Belt site unless there is good reason not to: see for example the Inspector's Report [IR] 24.64 at CD 5.15⁴³.
71. The importance placed by the SoS on maintaining York's Green Belt can be seen both in the decision to maintain the GB policies in the RSS and also in appeal decisions. In terms of the SoS's position, there are 2 relevant appeal decisions before the Inquiry. In the first, dated 9 May 2007, at Germany Beck [CD 5.15], the SoS's approach is set out at paragraph 15: "*The Secretary of State ... does not consider that the lack of a defined boundary is justification to arbitrarily exclude any site contained within the general extent of the Green Belt, as referenced by the NYCSP. Until such time that the detailed boundaries of the York Green Belt are defined in a statutorily adopted local plan or framework, she considers both sites should be treated on the basis that they lay within the Green Belt.*"
72. In the second, dated 18 March 2015, at Brecks Lane [CD 5.14], the SoS's position is set out at paragraph 9: "*The Secretary of State has carefully considered the Inspector's comments at IR 186-199. He has had regard to the Inspector's remark that the York Green Belt boundary has never been identified in an adopted Local Plan (IR 186), but that none of the parties seek to claim that the application site does not fall within the outer edge of the Green Belt and he concurs with the Inspector that the site should be considered as within the outer edge of the Green Belt (IR 187).*"
73. With regard to the approach adopted by Inspectors it is relevant to note from the appeal decisions provided to the Inquiry that:
- i. Germany Beck – Inspector Cullingford – report 2 March 2007 [CD5.15]: the Inspector proposed an overarching test, i.e. "*whether there is any reason not to apply Green Belt policy for the time being*", and examined this by reference to three matters: appropriateness, prematurity and precedent [IR 24.64]. The Inspector accepted that Green Belt policies can be applied in the absence of a detailed boundary: see paragraph 12 but concluded that was not appropriate here. However, as can be seen from the earlier quote the SoS rejected the Inspector's conclusions.
 - ii. Westview Close – Inspector Cullingford – 9 July 2013 [CD5.16]: the site must be: "*...tested against the Framework in relation to considerations of appropriateness, prematurity and precedent*" [see Decision Letter [DL] paragraph 8].
 - iii. Brecks Lane – Inspector Hill – report 18 March 2015 [CD5.14]: the Inspector concluded that the site lay within the general extent of the Green Belt and served a number of Green Belt purposes [IR 186-199].
 - iv. Land south of Strensall Village – Inspector Moffoot – 27 October 2016 [CD5.17]: the Inspector concluded that the fact that the Green Belt
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⁴³ Note: the closing submissions [DS20] refer to paragraph 24.62, but this relates to whether the schemes green the residential environment and so I anticipate it should refer to 24.64.

boundaries have not been realised to date did not warrant exclusion of the site from the Green Belt and that the starting point should be an assessment of the appeal site against the 5 Green Belt purposes [see DL paragraphs 10 and 15].

74. It is common ground between the parties that in deciding whether the site is in the Green Belt it is relevant to look at the contribution the site makes to the 5 Green Belt purposes. This was Inspector Cullingford's "*appropriateness*" test and Inspector Moffoot's "*starting point*". It is also now common ground that it is enough for the site to make a material contribution to one of the five purposes [Hobson xx]. Considering the site against the 5 Green Belt purposes set out in paragraph 80 of the Framework:

- i. Checking the unrestricted sprawl of large built-up areas. The development of the appeal site would extend the settlement of York further north. Keeping the site undeveloped would check that sprawl. It is common ground that there is a clear, defensible boundary between Avon Drive/Strensall Road and the appeal site. The fact that the Ring Road would provide a further boundary does not deprive the appeal site of that role.
- ii. Preventing neighbouring towns merging into one another. The appeal site plays an important role in the separation of Earswick and Huntington. At its narrowest point the gap between the 2 settlements is only 140 m wide (building to building, slightly less boundary to boundary). Notwithstanding the boundary screening around the site the openness of the appeal site, and the role it plays in separating the two settlements is appreciable from public view points, including the Ring Road and along Strensall Road. That openness and the degree of separation would be materially diminished if the appeal scheme was built. The site plainly has a role in preventing urban areas merging into one another. The Appellant says that the appeal site has no role to play here as the proposed development would not extend further north than the northernmost house in Huntington. That is true, but it ignores the fact that it will very significantly increase the amount of built development along the edge of what is already a very narrow gap, in circumstances where it is common ground that: (i) the gap is very narrow; and (ii) it is important to the character of those settlements and of the area generally that this separation should be maintained [Mr Hobson xx].
- iii. Assisting in safeguarding the countryside from encroachment. It is common ground that the development of the site would result in a material loss of openness. This is evident from paragraph 18 of the Appellant's opening submissions, which admit that: "*...there would be significant built development on a currently undeveloped site*" [source of quote: DS3]. Development on the appeal site would plainly constitute encroachment into the countryside: the appeal scheme proposes 100+ houses together with their associated infrastructure on what is currently open agricultural field.

Mr Popplewell came up with a new argument under xx, i.e. that the site, despite being an open agricultural field, is not part of the countryside, meaning that, by definition, building on it could not constitute

encroachment into the countryside. When shown the 1994 Inspector's report [CD2.22] he said that the site may have been countryside then, but the subsequent growth of trees along the northern boundary meant that it could no longer be described as countryside. He then revised that view, agreeing that it would be reasonable to conclude that building on the appeal site would constitute encroachment into the countryside. Mr Hobson's rather surprising view is that the site is open farmland but is not part of the countryside, which is a somewhat contradictory approach.

- iv. Preserving the setting and special character of historic towns. In order to understand whether the appeal site has a role to play in relation to this Green Belt purpose, it is important to understand the purpose itself. The most important characteristic of Green Belt is openness, and it is this characteristic in particular which can, and in the present case does, allow Green Belts to preserve the setting and special character of historic towns. It is too simple to say that in order to serve this purpose it must be possible to see the town from the appeal site. Inter-visibility is not the test. Rather, a site can contribute to this purpose where it plays a role, together with the wider Green Belt, in ensuring that the setting/special character of the town is preserved. That is the case here, as Ms Priestley explains in her evidence [see also Mr O'Connell's proof of evidence at paragraph 7.11]. The appeal site's role here is its contribution to the sense of the City being surrounded by open fields separating it from neighbouring settlements.
- v. Assisting in urban regeneration, by encouraging the recycling of derelict and other urban land. The restrictions imposed on Green Belt development do have this effect, as paragraph 80 of the Framework confirms. The site has a role to play in that regard. See the approach taken by Inspector Moffoot, at DL paragraph 13 [CD 5.17], and Inspector Hill at IR 196 [CD 5.14].

The Appellant's suggestion that this issue can only be resolved through the submission of viability evidence is misconceived. It is of course unusual to be considering this issue in the context of deciding whether a site is in the Green Belt, but it is common place in the context of deciding whether development would be harmful to the Green Belt. Neither party is aware of the issue being tested by reference to viability evidence. There is nothing to suggest that Inspectors Moffoot and Hill were presented with viability evidence as they would no doubt have referred to it in their decisions. Rather, and simply, the point is capable of determination as a general proposition, just as both appeal Inspectors have done. As Mr O'Connell says, developers tend to prefer green field sites because they tend to be cheaper and easier to develop than brown field sites. Restraining the development of green field sites encourages the development of brown field sites.

The fact that the Appellant may not want to develop elsewhere in the Borough if permission is refused [Mr Hobson's proof of evidence paragraph 9.10] is neither here nor there for the purposes of the determination of the appeal. The test, in effect, is whether the site has a role to play in encouraging urban regeneration, not whether it has a role to play in

encouraging the Applicant to invest in urban regeneration. Otherwise the site's Green Belt status might depend on the nature of the Applicant.

75. It is clear that the site does make a contribution to each of the purposes and it should therefore be treated as Green Belt. In any event, it would only be if the Inspector concluded that the site makes no meaningful contribution to any of the purposes that it could properly be concluded that the site does not play a Green Belt role. Finally, it is common ground that the fact that the site does not feature in the 2003 Green Belt appraisal/the 2011 Review is not determinative of the site's Green Belt status, as per Inspector Hill.

The consequences of finding that the site is within the Green Belt

76. If the site is in the Green Belt, which is the Council's position, that brings consequences as to the decision making framework. There are 3 key points to make as to the proper application of the Framework in the circumstances.
77. First, paragraph 14 of the Framework is not engaged: see the plain terms of paragraph 14 of the Framework which states that the second limb of paragraph 14, for decision-taking, is not engaged where policies in the Framework indicate that development should be restricted. This leads to footnote, 9, which lists Green Belt policies as being restrictive policies. To apply paragraph 14 of the Framework to a Green Belt case would plainly be unlawful. This is evident from the case of *Forest of Dean v SSCLG* [2016] EWHC 421 (Admin) [DS 20.2], in which Coulson J held that where restrictive policies are engaged, in that case paragraph 134 of the Framework, paragraph 14 of the Framework does not apply.
78. Second, it is necessary to consider paragraph 49 of the Framework. This provides that where, as in this case, an LPA cannot demonstrate a 5-year housing land supply: "*Relevant policies for the supply of housing should not be considered up-to-date*". It is common ground that the Council cannot demonstrate a 5-year housing supply.
79. It is also common ground that saved RSS policies are relevant policies for the supply of housing given the conclusions reached by the Court of Appeal in *Richborough Estates Partnerships LLP v Cheshire East Borough Council* [2016] EWCA Civ 168 [CD5.7]. Lindblom LJ held at paragraph 33 thereof: "*...the concept extends to plan policies whose effect is to influence the supply of housing land by restricting the locations where new housing may be developed – including, for example, policies for the Green Belt...*".
80. However, the Court of Appeal also confirmed that the fact that a housing supply policy may be out of date does not necessarily mean that the weight to be attributed to it should be materially diminished [see paragraph 46]. Lindblom LJ held at paragraph 47 that: "*There will be many cases, no doubt, in which restrictive policies, whether general or specific in nature, are given sufficient weight to justify the refusal of planning permission despite their not being up-to-date under the policy in paragraph 49 in the absence of a five-year supply of housing land. Such an outcome is clearly contemplated by government policy in the NPPF*".
81. The Appellant says that the Green Belt policies of the RSS must be given less weight because the Council cannot demonstrate a 5-year housing land

supply. That is simply wrong as a matter of law as the Court of Appeal judgement in *Richborough* shows. The Appellant also says that the weight to be attached to "any breach of out of date policies (including a breach of out of date Green Belt policies)" should be "significantly reduced": see Mr Hobson's proof at paragraph 2.14. The Council does not agree. The Appellant's approach is muddled and wrong as a matter of law, for the reasons set out below.

82. It is common ground that if the site is in the Green Belt then the proposed development is inappropriate development for the purposes of paragraph 87 of the Framework. In this circumstance the Government's position is that substantial weight must be given to that harm and to any other harm that the scheme causes, in line with paragraph 88 of the Framework. It is no part of the Appellant's case that in deciding whether there are very special circumstances it is appropriate to reduce the weight to be given to the harm to the Green Belt. This is because there is nothing in the Framework that would warrant the dilution of this clear policy requirement: paragraph 49 of the Framework applies to DP policies, not other policies in the Framework.
83. Thus, if the site is in the Green Belt the appeal should be determined on the basis set out in paragraphs 87-88 of the Framework, i.e. substantial weight to be given to the harm caused by the scheme, a strong presumption against the grant of permission, and the Appellant needing to demonstrate very special circumstances to justify the grant of permission. Paragraph 49 of the Framework does not change this policy requirement or the weight to be given to the harm the scheme would cause.
84. Third, there is no scope to introduce paragraph 14 of the Framework by the back door. It is necessary to deal with this point because the Appellant goes on to say that even if the site is in the Green Belt and even if the Inspector concludes that there are no very special circumstances to justify the grant of permission, the appeal scheme should be given permission unless the adverse impacts of granting planning permission would significantly and demonstrably outweigh its benefits, i.e. the test in paragraph 14 of the Framework should be applied⁴⁴.
85. In other words, the Appellant's case is that there is in fact no need to look for very special circumstances; if there are very special circumstances, great, but compliance with the test in paragraph 14 will do. So, on the Appellant's case showing very special circumstances is optional in a Green Belt case where an LPA cannot show a 5-year supply of housing. An extraordinary proposition and not one that the SoS could lawfully endorse.
86. As to applicable case law, to the extent that the Appellant is seeking to apply the presumption in favour of sustainable development outside of paragraph 14 of the Framework, this approach has been rejected by the High Court in 2 very recent judgements in November 2016. First: *East Staffordshire BC v SSCLG* [2016] EWHC 2973 (Admin) [DS20.3]; and second: *Trustees of the Barker Mill Estates v Test Valley BC* [2016] EWHC 3028 (Admin) [DS20.4].

⁴⁴ See the Appellant's opening submissions [DS3] at paragraphs 19-20 and Mr Hobson's proof of evidence at paragraph 11.2.

87. In short, with regard to the proper application of the Framework on the facts of this case, the appeal should be determined in accordance with paragraphs 18-219 of the Framework taken as a whole, which set out the Government's approach to sustainable development, as confirmed in paragraph 6 of the Framework. On the assumption that the site is in the Green Belt it would be unlawful to apply paragraph 14 of the Framework here.
88. In conclusion on the Green Belt issue: (i) the site is in the Green Belt; (ii) the proposed development is inappropriate development in the Green Belt, and is by definition harmful to the Green Belt; and, (iii) substantial weight should be given to the harm caused by the development's inappropriateness and any other harm the scheme causes.

Any other harm

89. As to "*any other harm*", this falls into 3 categories:
- i. Openness. It is common ground that the scheme would adversely affect the site's openness. Openness is the Green Belt's most important attribute. Substantial weight should be given to this harm;
 - ii. 5 purposes. If the site is in the Green Belt by virtue of any/all of the 5 factors, the development of the scheme would cause harm to those factors. Any other conclusion would be irrational; and,
 - iii. Landscape and visual harm. There is a dispute between the parties as to the impact that the scheme would have on the character and appearance of the area, i.e. its landscape and visual impact.
90. There is no issue between the parties as to the methodologies used by the respective landscape experts, Mr Popplewell and Ms Priestley. Both experts have undertaken an assessment based on the *Guidelines for Landscape and Visual Impact Assessment*, 3rd edition. Mr Popplewell confirmed in xx that although he had undertaken a 'fuller' landscape and visual impact appraisal than Ms Priestley he did not contend that Ms Priestley's conclusions were unsound or any less reliable than his. The difference between the parties stems from the competing judgments reached by the experts. This will of course be a matter for the Inspector's own planning judgment, taking account of the evidence presented and the benefits of the site view. The Council's position is as set out in paragraphs 4.24-4.26 of the Committee Report [CD3.15] and more fully in Ms Priestley's proof of evidence.
91. In terms of context, it is useful to note that at the regional level, the site lies at the transition between two character areas: the '*Urban Landscape*' of the City of York, and '*Vale Farmland with Plantation Woodland and Heathland*'⁴⁵. The Appellant seeks to argue that the site has become isolated and visually detached from the wider countryside so now relates in visual terms to the adjacent homogenous post 1960's suburban housing estate immediately adjacent. However this assessment is irreconcilable with the Appellant's own Landscape and Visual Impact Assessment [LVIA] which states that: "*With*

⁴⁵ See Figure 3.1 of the *North Yorkshire and York Landscape Characterisation Project*, Chris Blandford Associates, May 2011 [CD 2.6].

*regard to Landscape Character, the study area is assessed to have a medium sensitivity to change since, although it possesses some attractive individual elements, these do not necessarily complement each other fully. In particular, the southern site boundary comprises dense urban development with a sharp visual discontinuity between this and the adjacent open arable field" [*emphasis added*, source: PEA2.1].*

92. The Council agrees with this view if "*relates in visual terms to*" means "*is seen in the context of*" the housing on Avon Drive that is fine. In plain English the site is open farmland on the edge of the built-up area of Huntington. Alternatively, as the Council's more detailed analysis confirms, the site falls within the "*Mixed fringe farmland*" character area⁴⁶.
93. Further, the City of York Heritage Topic Paper Update, September 2014 [PEC2.4] confirms that the open countryside surrounding York contributes to the landscape setting of the city. It emphasises the importance of the relationship between the city and its surrounding settlements, confirming that this relates not simply to the distance between the settlements but also the size of the villages themselves and the fact that they are free-standing, clearly definable settlements. It warns that the relationship between York and the settlements could be damaged by the growth of the City or the expansion of the villages. Understood in its proper context it is not difficult to see why the appeal scheme for 109 houses together with all its associated infrastructure: road, pavements, fences, lighting etc, plus of course all the residential activity and paraphernalia that will come with it, will have a harmful impact on the character and appearance of the area.
94. In terms of landscape impacts: (i) the site makes an important contribution to the physical and visual separation between the edge of the city core and Earswick; (ii) this would be lost with the appeal scheme: built development would replace undeveloped agricultural land and would bring the built envelope of Huntington northwards, significantly decreasing the sense of openness between Huntington and Earswick; and, (iii) the appeal site plays another important role in that it provides a buffer/green foreground in views towards Huntington from the Ring Road. This would diminish an important aspect of the city's character, which is appreciable from the Ring Road, i.e. being surrounded by green fields and being separated from outlying villages.
95. In terms of visual impacts: (i) the appeal site has some good screening along its northern boundary, although even with mitigatory planting this would be less effective in hours of darkness/winter months. Mr Popplewell said that the lighting on the site would be seen in the context of the lighting along the Ring Road, but the Ring Road is not lit until the approach to the roundabout; and (ii) as set out above, the site plays an important role in separating the city from its surrounding countryside and neighbouring settlements. The appeal scheme will be harmful in terms of its visual impact given that it will bring built development much closer towards public and private viewpoints, in particular the ring road, Strensall Road and Avon Drive. This impact will be all the starker during the hours of darkness and in winter months. Overall,

⁴⁶ Identified in the *York Landscape Appraisal, 1996, Environmental Consultancy University of Sheffield* [relevant excerpt in PEC2.3].

the Council says the scheme would have a significantly adverse landscape and visual impacts. These weigh against the grant of planning permission.

Other considerations

96. When the application was originally submitted no case was made for very special circumstances, and the argument was instead made that the site was not in the Green Belt. At appeal stage, the Appellant originally put forward 5 factors which the Appellant says taken cumulatively amount to the very special circumstances necessary to rebut the strong presumption against the grant of planning permission in the event that, contrary to the Appellant's case, it is concluded that the site is in the Green Belt. The Council does not consider that these factors, individually or cumulatively, constitute very special circumstances. Dealing with the 5 factor in turn, which Mr Hobson confirmed to represent a complete list:
97. (i) Housing supply shortfall. The Council's propositions are that: (i) very significant weight must be given to the Government's repeatedly affirmed position that a shortfall of housing is unlikely to justify the grant of planning permission in the Green Belt: see paragraph ID 3-034-20141006 of the Guidance and the WMS referred to by Mr Wood at paragraphs 5.7-5.9 of his evidence [CD6.06, CD6.07 and CD6.08]; (ii) the importance of Green Belt policy in the context of a shortage of housing land supply is also demonstrated by the way the Framework is structured. The site's Green Belt status excludes the application of paragraph 14 of the Framework which is otherwise engaged where there is a housing shortfall [see paragraph 49 of the Framework]; and (iii) it is common ground that the Council cannot demonstrate a 5-year supply of housing, and that significant weight should be given to the fact that the scheme would deliver much needed new market and affordable housing. However in the Council's carefully considered view this is not sufficient to justify the grant of planning permission here. In terms of approach, see Inspector Moffoot's decision [CD 5.17] at DL paragraphs 28-29, where the Appellant's case as to the shortfall of housing was essentially identical to that put forward by this Appellant.
98. (ii) Economic Benefits. There is no issue between the parties that the scheme would deliver significant economic benefits, but of course that needs to be seen in context. These are the 'usual' benefits that follow from the grant of permission for a circa 100 unit house scheme. The Government can be taken to be very much aware that new housing delivers economic benefits in formulating its policy position set out above, i.e. new housing, together with its associated benefits, is unlikely to justify the grant of permission in the Green Belt. The New Homes Bonus is not now in issue, to some degree weakening the Appellant's very special circumstances case as originally put forward: see Mr Hobson's proof at 10.13 to 10.15, where the New Homes Bonus is put forward as a factor to which significant weight should be given.
99. (iii) Affordable Housing. This is a subset of factor (i) albeit an important one. Again, the provision of new affordable housing is to be welcomed, but in the Council's view is not sufficient here to justify the grant of planning permission for inappropriate development in the Green Belt.

100. (iv) The purposes of the Green Belt. The Appellant says that the site does not make a contribution to any of the GB purposes, and that this is capable of weighing positively in favour of the scheme. However by this stage of the analysis, i.e. the search for very special circumstances, the decision maker will already have concluded that the site is in the Green Belt, and so does make a material contribution to one or more Green Belt purposes. It would of course be irrational for the decision maker to reach a different conclusion at the very special circumstances stage. Further, and in any event, the Appellant is in effect putting forward an absence of harm to the Green Belt as a factor capable of contributing towards very special circumstances: see paragraph 10.20 of Mr Hobson's proof of evidence. An absence of harm cannot itself be a factor contributing to very special circumstances. Mr Hobson reconsidered the matter under xx and conceded that this is a "*neutral point*" which did not weigh in favour of the scheme and so is not a factor that could count towards very special circumstances. The point is therefore no longer relied upon by the Appellant. It is important to remember that the Appellant's very special circumstances case is a cumulative one, i.e. the Appellant originally relied on all 5 factors put forward by Mr Hobson but now relies only on four factors.
101. (v) Accessibility to service and facilities. There is no proper basis on which to conclude that the site's proximity to services and facilities is a factor which contributes towards very special circumstances. It is a factor which does not count against the grant of permission but it cannot sensibly be advanced as a factor that contributes to very special circumstances, any more than, by way of example, an absence of a highways or ecological objection could weigh positively in favour of the grant of permission. The Appellant does not advance any comparative analysis to suggest that allowing housing on this site would reduce the amount of miles travelled compared to housing being provided on any other site. This is therefore another neutral point.
102. As can be seen, 2 of the 5 factors relied on by the Appellant as amounting to very special circumstances do not even weigh positively in favour of the grant of planning permission. The economic benefits are those that come with a scheme of circa 100 dwellings. The Council accepts that the delivery of new housing is a material benefit but, as per the Guidance and repeated WMS, it does not amount to very special circumstances.

Conclusion

103. The Council's position is that planning permission should be refused because:
- (a) The site is in the Green Belt;
 - (b) The development is inappropriate development and is therefore by definition harmful to the Green Belt;
 - (c) The development is also harmful in terms of its impact on openness and on the character and appearance of the area;
 - (d) Substantial weight should be given to the harm that the scheme causes by reason of its inappropriateness, its impact on openness and its landscape and visual impact;
 - (e) There is a strong presumption against the grant of permission. Permission should not be given except in very special circumstances unless the harm

- the scheme causes would be clearly outweighed by other material planning considerations;
- (f) The scheme would provide significant benefits including the delivery of new open market and affordable housing, as well as the economic and social benefits that would flow from that delivery;
 - (g) On balance, however, the scheme would not deliver benefits that would clearly outweigh the harm that the scheme would cause;
 - (h) Very special circumstances do not exist; and,
 - (i) Paragraph 14 of the Framework is not engaged at any stage of the assessment process.

The Case for Pilcher Homes Ltd

104. The Council's opposition to the appeal scheme stems from its assertion that the appeal site lies within the Green Belt. If the Council is wrong on that count, it accepts [xx of Mr Wood and Mr O'Connell] that the appeal should be allowed and planning permission granted. Accordingly, as far as the Council is concerned the question of whether or not the appeal site is within the Green Belt is determinative of the appeal.
105. The Appellant's case can be summarised as follows: (i) the appeal site is not within the Green Belt. The DP is therefore silent when it comes to the determination of this appeal. Harm does not significantly outweigh benefits. The appeal should be allowed; (ii) if the appeal site is within the Green Belt, there are very special circumstances that justify the grant of permission for the development and the appeal should be allowed; and (iii) even if very special circumstances cannot be demonstrated, there should be some recognition given to the fact that the policies of the development plan are out of date, since there is no 5-year housing land supply, and that any breach attracts reduced weight. The only sensible way of recognising that fact is to ask whether or not harm significantly outweighs benefits. It does not, and the appeal should be allowed.

Preliminary Procedural Point

106. Before turning to the analysis which supports each of those propositions, it is necessary to address the procedural issue which arose during the Inquiry. The appeal form dated 29 April 2016 contained a Certificate A, which purported to certify that nobody except for the Appellant was, on the day 21 days before the appeal, the owner of any part of the land to which the appeal relates. This is incorrect. On 29 April 2016 three parties had⁴⁷, and still have, a freehold interest in the site, namely Lime Tree Homes Ltd, Pilcher

⁴⁷ The factual position is stated to be that prior to its transfer to Pilcher Homes Ltd on 30 March 2016, title No NYK218002 was owned by Robert Pilcher in his individual capacity. Pilcher Homes Ltd is wholly owned by Robert Pilcher [who attended the Inquiry throughout]. Title No NYK246279 was, prior to its transfer to Lime Tree Homes Ltd on 30 March 2016, owned by Robert Pilcher and Mrs JS Bryan, who is Mr Pilcher's sister. Lime Tree Homes Ltd is owned by Mr Pilcher and Mrs Bryan in equal shares. Mr Pilcher has himself owned title No NYK215205 since 1999. Although this statement could be tested by reference to Land Registry and Company House records, this position has not been disputed by the Council who appear to have had access to, at the very least, Land Registry titles during the Inquiry.

- Homes Limited and Robert David Stanley Pilcher. The certificate completed at the date of submission of the application [CD3.5] was similarly erroneous.
107. Section 65(2) of the Act states that provision shall be made by development order for the purpose of securing that, in the case of any application for planning permission, any person, other than the Applicant, who is an owner of the land to which the application relates, is given notice of the application. Section 65(3) of the Act goes on to say that a development order may require an applicant to certify that the requirements of the order have been satisfied. The purpose of these provisions is to ensure that all owners of interests in the land are notified of the application.
 108. Section 65(5) of the Act confirms that an LPA shall not entertain an application for planning permission unless any requirements imposed by virtue of section 65 of the Act have been satisfied. Similar wording is included in section 327A of the Act. Those provisions are expressly directed at the power of the LPA to determine planning applications.
 109. The form of ownership certificates and notices and the related procedural requirements are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 [Statutory Instrument 2015/595, "the DMPO"]. In particular, Article 14 of the DMPO confirms that a certificate must be submitted to confirm that the owner notification provisions, set out in Article 13 of the DMPO, have been satisfied.
 110. Section 79 of the Act governs determination of appeals. Its provisions impose no equivalent restriction on the SoS as those imposed by sections 65(5) and 327A of the Act on LPAs. Section 79(4) of the Act applies certain provisions of the Act, i.e. which relate to planning applications, so that they apply to appeals. Neither Section 65 nor Section 327A of the Act are so applied. Given the potential serious consequences of imposing such a restriction, express reference to that restriction would have to appear within section 79 if it was to be imposed. It could not be imposed in any other way.
 111. Accordingly, the SoS retains jurisdiction to determine this appeal. Whilst a procedural defect may be objectionable if it causes prejudice, there is absolutely no suggestion of prejudice in this case. All owners: (i) are aware of the appeal, which is demonstrated by the fact that they have executed the S106 Agreement; (ii) are related through Robert Pilcher, one of the freehold owners; and (iii) wish to see the appeal proceed to a determination.
 112. This approach is supported by reference to a recent planning appeal [Ref: APP/P2935/A/12/2188474] which, to the Appellant's knowledge, has not been the subject of a legal challenge. In that case Inspector Whitehead dealt with a similar issue with respect to an incorrect ownership certificate, and stated as follows: *"A certificate of ownership has been completed. Whilst the error on the certificate is serious, it does not render it no certificate at all or make the application a nullity. The application has been determined and an appeal has been submitted within the month deadline from the determination of the application. Although s65(5) of the Act provides that a local planning authority shall not entertain an application for planning permission unless any requirements imposed by virtue of the section and the DMPO have been*

satisfied, I find that s79(4) of the Act does not mean that this applies to appeals to the Secretary of State" [DL paragraph 7, DS21.4].

113. The inspector went onto find that, as none of the parties were prejudiced, the determination of the appeal in his view would not undermine the purpose of section 327A of the Act. He therefore decided that there was a valid appeal to determine. It is the Appellant's submission that there is neither legal impediment nor prejudice caused to any party that would prevent the appeal from being determined on its merits.

Whether the Appeal Site is in the Green Belt

114. There are 2 bases advanced by Mr O'Connell in his proof of evidence to support the Council's assertion that the site lies within the Green Belt: (i) the appeal site lies within the general extent of the Green Belt as shown on the key diagram of the RSS; and, (ii) the appeal site is shown as lying within the Green Belt in the draft 2005 LP. The Council now accepts [xx of Mr Wood and Mr O'Connell] that neither argument provides a firm basis for finding that the appeal site is within the Green Belt. Although that recognition is belated, it is submitted that it is correct.
115. The 2 unrevoked policies of the RSS together with its key diagram comprise the DP for York. The key diagram shows York as a sub-regional city. It shows diagrammatically the general extent of the Green Belt around York. The inner edge of that general extent is marked by a dotted line, which is unlike the inner edge of any of the other Green Belts shown on the key diagram. There is reference to policy YH9C, which says the detailed inner boundaries around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. Those boundaries must also take account of the levels of growth in the RSS and should endure beyond the Plan period.
116. It is therefore clear that: (i) the unrevoked parts of the RSS do not say that the inner limit of the general extent of the Green Belt are coincident with York's existing urban edge; (ii) insofar as any indication can be taken from the key diagram, the general extent of the Green Belt does not coincide with York's existing urban edge⁴⁸; and, (iii) insofar as the inner boundary has to take account of long term growth and development needs the inner boundary cannot be coincident with the existing urban edge. Accordingly, where, as here, a site is adjacent to the existing urban edge of York, the key diagram provides no basis for concluding that the site is within the Green Belt.
117. Although the Council's reason for refusal appears to place heavy reliance on the draft 2005 LP for the conclusion that the appeal site lies within the Green Belt, it provides no firmer foundation than the key diagram of the RSS. The initial version of the draft 2005 LP was first placed on deposit in May 1998. That initial version contained very tightly drawn Green Belt boundaries on the basis that they would require early review in order to address post-2006 development requirements [Mr Wood, paragraph 3.13). In the vicinity of the

⁴⁸ However the Appellant concedes that it is not appropriate to conduct some sort of map analysis of the key diagram to establish whether a site is in the Green Belt [CD5.14].

- appeal site that boundary was shown as running along the boundary of the rear gardens on Avon Drive.
118. The boundaries in that initial draft of the draft 2005 LP were based on draft boundaries prepared even earlier, in the early 1990's, that were contained in the draft York Green Belt Local Plan and Southern Ryedale Local Plan. It is clear that the development requirements extant at the time of production of those draft boundaries were development requirements contained in the first alteration of the Structure Plan approved as long ago as 1987.
119. The approach of adopting 'short term' Green Belt boundaries in the initial version of the draft 2005 LP, placed on deposit in 1998, did not find favour with the Local Plan Inspector [Mr Wood, paragraph 3.14], and its progress was placed on hold. The Council published a third set of changes to the draft LP which introduced significant safeguarded land. However, a change of administration meant a reversal of that change, the removal of any safeguarded land, and a return to the very tightly drawn boundaries within the 1998 initial draft [xx of Mr Wood]. That fourth set of changes was never the subject of public consultation, or examination, and yet it was adopted by the Council for development management purposes. It showed the site as lying within the Green Belt. The Council only now accepts, that an 11-year old document that was not consulted upon and not examined, which contains very tightly drawn Green Belt boundaries that were supposed to be the subject of early review, and prepared against the backdrop of development requirements from the mid-1980's should attract very limited weight.
120. Very limited weight was given to that document by the Inspector in the most recent of the various appeal decisions before this inquiry [CD5.17]. Contrary to the position advanced by the Council in its reason for refusal and proofs of evidence, no significant reliance should be placed on the draft 2005 LP in deciding whether or not the appeal site falls within the Green Belt.
121. The recent appeal decision concerning the site at Strensall [CD5.17] confirms that the proper starting point for answering that question is an assessment of a site's performance against the 5 purposes for Green Belt designation. That approach is consistent with the approach adopted in another post-Framework appeal decision [CD5.16] in which the Inspector tests the performance of a site at West View Close against Green Belt purposes. He also asks whether or not development would be objectionable on grounds of prematurity and precedent. That decision, which led to the grant of planning permission, was not challenged by the Council.
122. In the Inspector's Report on the Germany Beck decision, the Inspector adopts the same approach as he later took in the West View Close decision, testing the performance of the sites against Green Belt purposes and the issues of precedent and prematurity [IR 24.69, CD5.15]. At paragraph 15 of the SoS's decision, dated 9 May 2007, she disagrees on the basis that the lack of a defined Green Belt boundary was not sufficient justification to exclude arbitrarily any site contained within the general extent of the Green Belt.
123. Two consequential points need to be made: (i) the Appellant's case is that the appeal site at Avon Drive does not fall within the general extent of the Green Belt; and, (ii) the Inspector did not arbitrarily exclude the sites from the

- general extent of the Green Belt in the Germany Beck case. He applied a series of rational factors that have been endorsed in the 2 post-Framework decisions referred to above [CD5.16 and CD5.17]. The Council accepts that the application of those factors is rational and not arbitrary [xx Mr O'Connell].
124. The Appellant's evidence is directed squarely at that question of whether or not the appeal site makes a material contribution to Green Belt purposes. The Council's evidence, as contained in Mr O'Connell's proof, is not, although the Council confirmed in its closing that it is now common ground that it is necessary to test it against Green Belt purposes. Instead, his references to Green Belt purposes proceed on the basis that it is already established that the appeal site falls within the Green Belt. As set out above, his 2 limbs for that premise, the key diagram of the RSS and 2005 Draft Plan, provide no such basis. Ms Priestley confirmed that her evidence does not address Green Belt purposes at all, whether in terms of contribution that the appeal site might make to those purposes or the impact of the appeal scheme on those purposes. Mr Wood's proof of evidence, the scope of which is said to be planning policy issues, does eventually get to the performance of the appeal site against Green Belt purposes in paragraph 4.20, but the analysis is limited to 12 lines and, for reasons elaborated upon below, is inadequate.
125. Before coming to that evidence, in 2003 the Council published a Green Belt Appraisal because is considered it essential to appraise the existing draft Green Belt boundaries in the unadopted York Green Belt Local Plan. Those boundaries had been the subject of the Inspector's Report in 1994 and were reproduced in the draft 2005 LP, which Mr Wood describes as very tightly drawn. They were prepared against the background of development requirements from the mid-1980's, and contained no safeguarded land.
126. The appraisal was prepared to aid in the identification of land which the Council believed should be kept permanently open [CD2.1, paragraph 1.1]. That is not to say that other land, not identified in the document, could not fulfil any Green Belt purpose, but the 2003 appraisal, updated in 2011 and again in 2013, was prepared in order to give, and does give, a clear indication of those areas of land which the Council considers perform a valuable Green Belt purpose. The appraisal and its updates, whilst not determinative, are clearly relevant to this appeal [xx Mr O'Connell] and should attract significant weight, as should the fact that the appeal site has never been identified as falling within any of the categories of land said to contribute to Green Belt purposes around York within those assessments.
127. Turning to each of the Green Belt purposes, in turn, there is no basis for concluding that the appeal site makes a material contribution to checking the unrestricted sprawl of a large built up area, or that the appeal scheme represents unrestricted sprawl of a large built up area. The appeal site adjoins built development to the south and west. To the north and north-east it is bounded by vegetation and the Ring Road. Accordingly, insofar as there is a risk of unrestricted sprawl in this part of York, it is checked by clear, permanent and substantial physical features.
128. The appeal scheme reinforces those features. It proposes more landscaping, including planting, mound and fence, to strengthen the boundary to the north

- and north-east. It sets no precedent for more development, whether on the opposite side of the Ring Road or in the fields to the south-east of this site.
129. The Council's evidence fails to address either adequately or at all those important physical features. Mr O'Connell's contends that the appeal site will comprise unrestricted sprawl because: "*There would be built development where currently there is none*" [paragraph 7.9 of his proof]. Mr Wood says: "The site is sizeable and projects significantly from the city's urban area into the open countryside" [paragraph 4.20 of his proof]. Neither contention comprises a proper analysis of whether or not this site makes a material contribution to checking the unrestricted sprawl of York's built-up area.
130. Mr Popplewell addresses the question of whether or not the appeal site makes a material contribution to the second purpose of preventing neighbouring towns from merging into one another. The question is addressed by reference to both map analysis [DS5] and an assessment of what is perceived on the ground. Both limbs of that analysis demonstrate that the appeal site makes no material contribution to the second Green Belt purpose. The map analysis shows that built development exists to the north of Avon Drive on both sides of Strensall Road. To the west, there is development extending up Strensall Road and westwards along Abbots Gate. The shortest distance between houses in Huntington and Earswick to the west of Strensall Road is 140m.
131. Mr Popplewell's Figure 5 [DS5] shows that there will be no shorter distance between houses to the east of Strensall Road post-development of the appeal scheme, and that built development will not extend northwards beyond the existing housing, which is adjacent to the appeal site, on Strensall Road. Within the 140m to the west of Strensall Road [DS5] there is the remnant of a field, mounding, planting and the Ring Road. Ms Priestley acknowledges in paragraph 5.9 of her proof of evidence that all those features combine to separate Huntington and Earswick. She said that position would be echoed on the eastern side of Strensall Road post-development of the appeal site.
132. By reference to the map analysis there is no reason to believe that the separation achieved on the western side of Strensall Road will not continue to exist on the eastern side of Strensall Road. As for the perception of continued separation between the 2 settlements, Mr Popplewell's evidence shows that the current perception from this part of the Ring Road is strongly influenced by existing roadside vegetation, which creates a sense of enclosure.
133. Ms Priestley agrees that: "*The existing vegetation along the north and northwest boundary of the site and along the other sides/arms of the ring road provide a distinct break between the outer urban edge of Huntington and the beginnings of the outlying village of Earswick*" [paragraph 8.3 of her proof]. The Appellant concurs. That is the position now, and will remain the position post-development, albeit with additional planting, mounding and a fence to strengthen that existing vegetation. The Council will have control over the density and type of landscaping, and there is no reason to believe that it would not be completely established within a period of 15-years after its introduction. Views of the appeal site are already restricted from the Ring Road. Views from Strensall Road are more restricted. In those views, which are glimpsed between existing houses, the appeal site makes no perceptible

- contribution to the separation of Huntington and Earswick and the Appellant says a similar position prevails in respect of views along Avon Drive.
134. Neither Mr O'Connell nor Mr Wood materially advances the Council's evidence with regard to the second Green Belt purpose. Mr Wood's paragraph 4.20 merely contends that the site is located between Huntington and Earswick, the narrowest gap between the main urban area and any of York's satellite settlements. Mr O'Connell's analysis comprises an observation that the appeal site lies beyond the northernmost extremity of York's built up area, which is wrong, and then defers to Ms Priestley's proof [paragraph 7.10, Mr O'Connell]. On any view, their contentions fall well short of an adequate assessment of whether or not the appeal site performs a material role in preventing neighbouring towns from merging into one another.
135. A similar observation could be made with regard to their analysis of the third Green Belt purpose. Mr Wood's conclusion that the appeal site makes a material contribution to safeguarding the countryside from encroachment is based on a claim that the site is currently open and comprises agricultural land [his paragraph 4.20]. Consistent with that approach, Mr O'Connell says that there would be built development where currently there is none [his paragraph 7.9]. As an assessment of: (a) the extent of the site's contribution to the third Green Belt purpose; and (b) the impact of the appeal scheme on that purpose, those statements are of limited utility.
136. The evidence shows that the appeal site comprises part of what was once a larger field that has been truncated by the Ring Road. It is isolated from countryside on the opposite side of the Ring Road. It is isolated from any remaining countryside to the west of Strensall Road. Insofar as a short stretch of the site's southern boundary adjoins a field to the south east, there is no continuity, in any physical or visual sense, because of existing vegetation in that part of the appeal site. Along the majority of the appeal site's southern boundary there is the existing built development of Avon Drive, and along its western boundary, dwellings on Strenshall Road. Given its context, in terms of urban influences and isolation from the countryside, the appeal site makes no material contribution to the third Green Belt purpose of safeguarding the countryside from encroachment.
137. The fourth Green Belt purpose is to preserve the setting and special character of historic towns. The Council's position focuses on the setting of York as viewed from the Ring Road. Mr Wood contends that extending built development onto the appeal site would: "increase the urban character of the Ring Road, which has a generally open, rural character and contributes to the setting of York" [his paragraph 4.20]. Mr O'Connell's contention is that: "*key views from the Ring Road*" reinforce the setting of York, "*within a largely open rural surround*" [his paragraph 7.11].
138. None of the Council's witnesses has conducted any detailed analysis of the Ring Road and its character. Mr Popplewell has done the exercise and finds that there is no homogenous character along its northern half. Mr Popplewell has identified sections where there is a sense of openness. They do not include that part of the Ring Road around Strensall Road roundabout and adjacent to the appeal site. In this location the Ring Road has an enclosed, well-vegetated character with no real sense of openness.

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139. Accordingly, whether or not the characteristic of openness from the Ring Road, i.e. significant areas of unbuilt land forming the foreground to built development, is important to the setting of York, that characteristic is not generated to any meaningful degree by the appeal site. Accordingly the scheme makes no material contribution to the fourth Green Belt purpose. No significant weight should be given to the appraisals appended to Mr Wood's proof of evidence [PEC3.3-3.4] because it forms part of the evidence base to the emerging LP to which there are objections and to which only very limited weight can be given, and the change from 'amber' to 'red' is unjustified.
140. The last of the Green Belt purposes concerns the encouragement of recycling of derelict and urban land. The Council is currently promoting 'preferred sites', which include substantial green field draft allocations. It is also promoting the allocation of a whole range of brown field sites. In the context of York, the Council is satisfied that the allocation and development of green field sites will not undermine the delivery of those brown field sites. Mr Hobson's evidence confirms that progress is being made on significant regeneration sites within York city centre notwithstanding the fact that the Appellant is pursuing this appeal. That evidence supports the conclusion that the current undeveloped nature of the appeal site is exerting no influence on urban regeneration in York, and that the appeal site makes no material contribution to the fifth Green Belt purpose.
141. By contrast, Mr Wood's evidence does not extend beyond the general assertion that restricting development on green field sites encourages urban regeneration [his paragraph 4.20]. Mr O'Connell contends that the appeal scheme would divert development from more suitable and sustainable urban land without any evidence in support [his paragraph 7.12].
142. The Inspector's report on Brecks Lane said preventing development in that case was likely to encourage development on brown field land: "...because there is likely to be a consequent impact upon viability of doing so" [CD5.14 at IR196]. It is not known what evidence was before that Inspector on that issue. More significantly, that statement does not sit comfortably with the evidence in respect of York that is before this Inquiry showing that both green field and brown field sites are being promoted by the Council, with significant progress already being made on substantial urban regeneration projects. Whilst not determinative, it is relevant that this appeal site is owned by house builders and dismissal of this appeal will not cause those developers to seek a brown field development opportunity by way of an alternative.
143. In summary, the evidence before the Inquiry shows that the appeal site makes no material contribution to any of the Green Belt purposes. It is also agreed [xx Mr Wood and Mr O'Connell] that the appeal scheme is not premature; given its size and the embryonic stage of the emerging LP, it could not be premature. It is similarly agreed that the appeal scheme sets no precedent for any other development. For all of these reasons, the application of the factors identified by previous Inspectors and Mr Hobson lead to the conclusion that the site falls outside the Green Belt.

The Planning Balance if the Appeal Site is outside of the Green Belt

144. The planning balance to be applied in those circumstances is straightforward. Whilst the statutory requirement, to determine the scheme in accordance with the DP unless material considerations indicate otherwise, comprises the starting point, there are no DP policies against which to assess the appeal scheme. The Framework is an important material consideration. By reference to paragraph 14 of the Framework, the DP is clearly silent with regard to the determination of this appeal. Accordingly the presumption in favour of sustainable development should apply so that planning permission is granted unless harm significantly and demonstrably outweighs benefits.
145. The Council's reason for refusal contains no allegation of harm beyond that to the Green Belt. Mr O'Connell's proof of evidence refers to: "Other Harm to the Green Belt" [at paragraph 7.13]. Neither contains a clear freestanding allegation of harm to landscape character and visual amenity. Despite the absence of any such allegation in the refusal reason, Ms Priestley's evidence advances an allegation of harm to landscape character and visual amenity.
146. Mr Popplewell has conducted a full LVIA [PEA2.1]. Both parties refer to a variety of landscape character assessments. All of them, whether national, county-wide, or city-wide, recognise the presence of settlement in the area in which the appeal site is placed.
147. At the finest grain, the Council's study of 1996 [PEC2.3] confirms that the appeal site sits towards the outer north-western limit of an area called mixed fringe farmland within which there is low quality agricultural land, a small scale field pattern, and the influence of York's urban edges. That assessment concludes, in the section headed 'Pressures for Change', with reference to new development being potentially: "...less intrusive and more appropriate here than in other more rural and open areas...". The 1996 assessment aptly describes the appeal site. It is heavily influenced by urban development, such as housing and the Ring Road, and comprises low quality agricultural land, isolated from the countryside. Its character is not such that any significant harm would be caused by development of the appeal scheme.
148. Mr Popplewell's evidence confirms that the appeal proposal will deliver a more successful urban edge than that which presently exists, and so, in that sense, will generate a benefit in landscape character terms. As for visual amenity, Mr Popplewell's analysis, including the zone of theoretical visibility, shows just how visually contained the site is, in particular, from public vantage points including the Ring Road, Strensall Road, and Avon Drive. Whilst a significant impact will be felt on views from a small number of private dwellings, there will be no significant impact from any public vantage point. Accordingly, such harm as there might be to landscape character and visual amenity is limited and the Council advances no other element of harm.
149. The benefits of the scheme comprise the delivery of market housing where there is a serious shortfall, in the range of 1.9 to 3.8 years. That contribution should carry significant weight. The scheme will deliver 30% affordable housing for which there is a pressing need. The SHMA recorded an annual requirement of 573 units. Its addendum recorded an increased level of need to 627 affordable dpa. To put that into perspective, it is roughly 70% of the

entire housing requirement currently promoted by the Council as part of its emerging plan. The construction process will generate 46 FTE jobs throughout the 3-year build period. New housing will generate local spending. Services and facilities that are likely to benefit from that spending are accessible from the proposed development by sustainable modes of transport.

150. Any limited harm to landscape and/or visual interests falls well short of significantly and demonstrably outweighing the appeal scheme's benefits, and as such, the appeal should be allowed. The Council agrees [xx of Mr Wood and Mr O'Connell] that in circumstances where the appeal site is found to fall outside of the Green Belt, then that balancing exercise falls in favour of the appeal scheme and that planning permission should be granted.

The Planning Balance if the Appeal Site falls within the Green Belt

151. If the Appellant's primary case is not accepted, and it is concluded that the appeal site falls within the Green Belt, then once again, the starting point is the statutory requirement that this appeal is determined in accordance with the DP unless material considerations indicate otherwise. The Framework is an important material consideration. In turn, an important component of the Framework is its section 6, which has at its heart, the need to significantly boost the supply of housing. The mechanisms by which paragraph 47 seeks to achieve that end include the requirement imposed on LPAs to identify 5-years' worth of deliverable housing sites together with a buffer. It is common ground that this requirement is not being met in York.
152. Paragraph 49 of the Framework confirms that relevant policies for the supply of housing should not be considered up to date in the absence of a 5-year supply of land for housing. The Court of Appeal in the case of *Richborough Estates Partnerships LLP v Cheshire East Borough Council* [2016] EWCA Civ 168 confirms that a 'wide' interpretation is to be given to the words 'Relevant policies for the supply of housing' and that it includes: "...policies for the Green Belt..." [paragraph 33, CD5.7]. Accordingly, in this case, relevant policies for the supply of housing include the only policies of the DP, the unrevoked RSS Green Belt policies, which are deemed out of date.
153. In accordance with paragraph 14 of the Framework, and in circumstances where relevant policies are out of date, the presumption in favour of sustainable development means that planning permission should be granted unless harm significantly outweighs benefits or specific policies in the Framework indicate development should be restricted. Footnote 9 gives examples of specific policies and includes: "...land designated as Green Belt".
154. The terms of the Framework's Green Belt policy is contained in its section 9, notably paragraphs 87 and 88. The Appellant accepts that harm to the Green Belt is caused through inappropriateness and loss of openness, because there will be built development where currently there is none, notwithstanding the limited perception of that loss obtained from around the site. The Appellant's analysis of the site's performance against Green Belt purposes supports the conclusion that there would be no harm to any of those purposes. Whilst it is accepted as a matter of logic that if the decision maker reaches this stage that they will have found that the site makes a contribution to Green Belt purposes, it does not follow that the scheme will cause harm to that purpose.

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155. Weighed against that harm are the scheme's benefits. They comprise social and economic benefits, including the provision of both market and affordable housing where there is a pressing need for both, as well as the generation of jobs, spending in local services and facilities, and housing from which easy, non-car access can be made to those, and other, services and facilities.
156. Whilst the Guidance says that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm so as to constitute very special circumstances, this appeal proceeds on the strength of benefits that go beyond the provision of market housing where there is a pressing need. It encompasses a number of other benefits. Taken together they are sufficient to clearly outweigh the Green Belt harm, and such harm to landscape and visual amenity as is caused by the scheme, and thereby generate very special circumstances to justify the grant of planning permission.
157. In that planning balance, to establish the existence or otherwise of very special circumstances, no account has been taken of the fact that the policies which trigger that exercise, i.e. the unrevoked Green Belt policies of the RSS, are deemed out-of-date and may attract reduced weight as a result. That the weight given to those policies, together with any breach, may be reduced in light of the fact that they are out of date is confirmed by the Court of Appeal: *"The purpose of the footnote [9], we believe is to underscore the continuing relevance and importance of these NPPF policies where they apply. In the context of decision-taking, such policies will continue to be relevant even "where the development plan is absent, silent or relevant policies are out of date". This does not mean that development plan policies that our out-of-date are rendered up-to-date by the continuing relevance of restrictive policies to which the footnote refers. Both the restrictive policies of the NPPF, where they are relevant to a development control decision, and out-of-date policies in the development plan will continue to command such weight as the decision-maker reasonably finds they should have in the making of the decision"* [paragraph 39, CD5.7, but see also paragraphs 46 and 47].
158. Factors that may be relevant to the level of that reduction include the degree of housing shortfall and the action being taken by the Council to address the problem [paragraph 47, CD5.7]. In this case, the degree of shortfall is substantial, and progress being made to address the issue, i.e. the production of an adopted LP, is painfully slow; the estimated adoption in the middle of 2018 in the LDS has already slipped by around 6 months.
159. If the Green Belt planning balance results in a finding that there are no very special circumstances and, in accordance with the Council's case, the decision-making process stops, with dismissal of the appeal, there will have been no consideration at all of the reduced weight that the RSS Green Belt policies might attract. That is a failing.
160. Mr Hobson's evidence aims to provide the solution to that failing. If it is found that harm to the Green Belt and other harm is not outweighed by other factors, i.e. no very special circumstances, then that breach of policy, which attracts a reduced level of weight, is weighed against other factors. If it fails to significantly and demonstrably outweigh those other factors, then that should lead to the grant of planning permission. The Appellant submits that should be the outcome in the scenario that its main arguments otherwise fail.

161. The Council advances no other course for taking into account the fact that the out-of-date policies of the DP which, in this scenario trigger the application of the Framework's Green Belt policy, may attract reduced weight. By adopting the Council's approach, that potential for reduced weight is never applied. The Appellant does not seek to apply any freestanding presumption in favour of sustainable development outside of the confines of paragraph 14 of the Framework. It is submitted that there is no infringement of the principles set out in the very recent judgements. Mr Hobson's evidence seeks to remain within the confines of that paragraph, whilst at the same time, recognising the fact that the Green Belt policies of the DP should attract reduced weight.

The Case for Pilcher Homes Ltd: Conclusion

162. It is the Appellant's primary position that the appeal scheme falls outside of the Green Belt, harm does not significantly and demonstrably outweigh benefits, and planning permission should be granted. If, contrary to the Appellant's case, the appeal scheme is found to lie within the Green Belt, then the Appellant maintains that very special circumstances exist to justify the proposed development. Failing the demonstration of very special circumstances, it is necessary to give effect to the fact that the RSS Green Belt policies attract reduced weight. That can only be done, within the confines of paragraph 14 of the Framework, by asking whether harm, i.e. breach of Green Belt policy, significantly and demonstrably outweighs the benefits. It does not, and planning permission should be granted.

The Case made by those who addressed the Inquiry in person

163. Councillor Orrell and 2 local residents addressed the Inquiry in person. Whilst Mrs Paterson did provide a transcript, Councillor Orrell and Professor Hartley only provided a bare outline of what they said. Accordingly the following is a fairly full record of the points made by interested parties at the Inquiry.

Professor Hartley

164. Professor Hartley opposes the scheme for the reasons set out in a paper which was submitted at the Inquiry [DS9] as well as 2 emails submitted at application stage [dated 3 and 8 June 2015, within the bundle at CD3.18]. He claimed that local residents had not been consulted by the Appellant and that they had been ignored. He initially claimed that the site notice had not been properly displayed, but in response to my question he withdrew that allegation. He claimed that he would be living on a traffic island if planning permission were granted. He observed that the previous application for 67 houses had been considered by the Planning Committee and it had not taken the Committee 4-days to determine that application.
165. The Council had repeatedly told Professor Hartley that the appeal site was within the Green Belt. In his role as an emeritus Professor of economics at the University of York, having been involved in the cost benefit appraisal of a number of high profile projects, Professor Hartley suggested that the price that was paid for the land would have reflected its Green Belt designation. From the outset the Appellant would have known that it was Green Belt and despite attempts to re-draw the boundary over the last 30-40 years no rational justification has been advanced to support the Appellant's assertion

- that the site is not within the Green Belt. Professor Hartley asserted that the appeal site is one of the few open areas left in Huntington.
166. Professor Hartley said it was necessary to consider the need for affordable housing in the context of the York housing market as a whole, but this had not been mentioned by the Appellant. There are a number of major housing schemes being progressed in York that needed to be taken into account. He doubted that the Appellant was trying to replace Rowntree as the City's philanthropist. Since there is no information about the price that the dwellings would be sold for he questioned whether any of the houses would be affordable. He also rhetorically asked whether the land might be sold once planning permission had been granted, whether this might result in a windfall gain and what sanctions exist if the land were to be sold at a profit.
167. Professor Hartley suggested that the release of the MoD sites might result in a sudden increase in housing supply in York, because of the sites' potential to deliver small new towns. He stated that the Green Paper had earmarked the sites for housing. He speculated that due to the MoD's funding problems the sites might become available even sooner than the Council anticipated.
168. Having attended the first 2 days of the Inquiry Professor Hartley was struck by the continued references to what weight should be attached to various factors. This appeared to be a matter of personal judgement. In his view a lot of weight should be given to his evidence and he said that high weight [9/10] should be given to the Council's policy papers.
169. He was also struck by the reference to economic costs and benefits and the Appellant's claim that the benefits substantially outweigh the harm. However he rhetorically asked what the benefits were and how highly they are valued. He also wanted more information on the harm. He said there would be costs to local residents, such as noise and pollution during the construction phase, which needed to be taken into account before a conclusion was reached.
170. Professor Hartley alluded to the claim made in opening for the Appellant with regard to the number of construction jobs that the scheme would create and said the evidence did not convince him as an economist. He said 46 FTE jobs over 5-years suggested to him that the scheme would give rise to 9 jobs per annum, which would not be very much. He speculated that his cumulative spending over a nominal 100 years might support 3 jobs. In contrast construction jobs would be a one-off and when built those jobs would cease. It was unclear how many of the construction jobs would be for local people. Accordingly he suggested that the Appellant needed to identify the economic benefits, as well as costs, more clearly and say how highly valued they are.
171. Finally in respect of landscape, Professor Hartley submitted that high weight should be attributed to this factor. He said the site appeared open to him and to others. He said that from his first floor windows he has far reaching views towards the Yorkshire Wolds, 15-20 miles away. He suggested that anyone who thought the visual impact of the site was impaired had not been there. Traffic travelling from east to west on the Ring Road formed a semi-permanent traffic jam on the approach to the roundabout from the A64, which meant road users saw the appeal site as an open field.

Mrs Paterson

172. Mrs Paterson opposes the scheme for the reasons set out in a paper which was submitted at the Inquiry [DS17] as well as 2 emails at application stage [dated 1 June and 18 September 2015, within the bundle at CD3.18]. She said the site feels like countryside and one sees pheasant, deer and foxes on it. What one experiences living on Avon Drive is that one is at the edge of the countryside: it is unnecessary to consult an encyclopaedia to define it because your eyes tell you. The green space acts as a backdrop to the fabric of daily life and is not an inert or wasted space, or a degraded landscape awaiting the blessing of development. She said green spaces are not conscious of themselves, but their importance lies in their connection and relationship to human beings, and their contrast to development. She did not seek to argue that the Green Belt should be preserved for its own sake and said green is not a luxury but a human necessity. Harm to the Green Belt should not be assessed in isolation, but rather its impact on humankind.
173. The site is not an isolated and enclosed landscape, but is connected to open fields and agricultural land to the east, an arm of which feeds into it from the east, parallel to the Ring Road. It is a surviving remnant of agricultural farmland that connects with other larger areas, which themselves remain part of the surrounding countryside. It is not insignificant in terms of its value to residents and from their perspective it is not a low-quality landscape.
174. Having attended most of the Inquiry she considered that the issue of visibility has somehow acquired disproportionate importance, perhaps because in the Appellant's interests it is fixable. Although the debate has centred on the vantage of the Ring Road and Strensall Road, visibility from Avon Drive is not merely fleeting, but permanent. Screening development does not make it disappear. Screening suggests that there is something undesirable about development and so it is screened in an attempt to make it more palatable.
175. There is nothing undesirable or unacceptable about housing except when it is in the wrong place, i.e. inappropriately sited. When sites are developed, it also remains common knowledge that they were once open spaces, even Green Belt sites, irrespective of whether they are hidden from view. The sense of increasing housing density does not disappear even when one cannot see it, because discomfort is not only experienced visually.
176. Screening a housing development on a Green Belt site that could have been accommodated on a brown field site does not justify it, nor right its inappropriateness. In this regard the Council have identified a list of preferred sites, which displays a sound and reasoned consistency. The Council has sought to avoid coalescence and maintain separation of communities to preserve their distinct identities. Mrs Paterson considered that the Council has been consistent in this regard and that there are many examples around York, including communities on both sides of the Ring Road.
177. The 140 m distance between housing in Huntington and Earswick, west of Strensall Road, has been the subject of debate, but there is no requirement or obligation to mirror this east of Strensall Road. These communities have not coalesced and the extent of housing south of the Ring Road resembles more a jutting headland than a broad swathe of housing. The proximity of

the housing to the Ring Road to the west of Strensall Road does not generate an obligatory or binding precedent for development to the east of it. She observes that there is countryside straddling many parts of the Ring Road.

178. The Council has sought to restrict incremental urban sprawl into green areas and are not misguided in its endeavour to protect and preserve Green Belt land. It is a national concern that requires careful management against the backdrop of current housing demand. It is desirable not to unnecessarily alter the features and character of historic cities such as York. It is a major tourist attraction and its character is part of its appeal. Therefore, in opposing this appeal, Mrs Paterson does not seek to 'serve notice' on development, but draws a line in sacrificing more Green Belt at its altar.

Councillor Orrell

179. Councillor Orrell opposes the scheme for the reasons set out in a paper which was submitted at the Inquiry [DS18] as well as a statement made jointly with Councillors Cullwick and Runciman at application stage [submitted with the questionnaire]. He said reference has been made during the Inquiry to the Council's failure to adopt a DP over the years. He said the draft 2005 LP did not get adopted because the Government changed the rules and the Council had to start again. One of the key purposes of the DP was to confirm the extent of the Green Belt and whilst other areas had been allocated for development it had always been proposed to retain this site as Green Belt. The emerging LP was, he said, at an early stage. However if the MoD had not made the announcement when it did the emerging LP would have been ready in the spring and could have been advanced quickly from that point.
180. In terms of coalescence, Abbots Gate and Riverside Crescent were built 30 years ago. However policies change over time. If the appeal were to be allowed to be determined by what has happened in the past then this would have a compounding effect, which would be to the detriment of the area.
181. Finally the Appellant has made its case that there is a need for affordable housing in York. Whilst the proposed scheme is for 30 % affordable housing it is only an outline scheme and the Appellant could argue for a reduction. Councillor Orrell said that one scheme that he was aware of had argued this and the affordable housing contribution had been removed completely.

Written Representations

182. Copies of consultation responses comprising 70 items of correspondence are provided [CD3.18] and an index arranged in alphabetical order is included with the Council's questionnaire. The issues raised in that correspondence are summarised in paragraph 3.24 of the report to the Planning Committee [CD3.15]. In addition paragraph 3.25 of the report to the Planning Committee records that a petition was received containing 295 signatories and a copy of the petition is included with the Council's questionnaire. Comments were also made by a number of external consultees, including Huntington Parish Council, Julian Sturdy MP, the Environment Agency, Yorkshire Water, Foss Internal Drainage Board, Highways England and the Police [Designing Out Crime Officer]. The issues raised in that correspondence are summarised in

paragraphs 3.16-3.23 of the report to the Planning Committee [CD3.15] and a useful numerical index is included with the Council's questionnaire.

Conditions

183. The Council submitted a list of suggested conditions at the Inquiry [DS14], which evolved out of discussions between the parties but in respect of which there has not been agreement. This list formed the basis of a discussion at the Inquiry to which local residents were able to contribute. I have assessed the suggested conditions in the light of advice contained in the Guidance and where necessary in the interests of precision and enforceability I have revised some of the conditions. In this context the conditions listed at Appendix C should be imposed for the reasons set out therein and having regard to my observations below which, noting the list [DS14] is not always sequentially numbered, addresses the conditions in the order that they appear in that list.
184. Reflective of the fact that the Appellant relies on the details of access shown on the "*Built Form Masterplan*", this needs to be identified as an approved drawing in addition to the red line plan, subject to making it clear that the only details being approved on the "*Built Form Masterplan*" relate to access. Allied to this the Appellant agreed at the Inquiry that an additional condition should be imposed to require the precise details of the eastern access to be agreed with the Council to cover the possibility of restricting certain vehicles. I appreciate that the Highway Authority envisaged that the eastern access would be the main route for vehicles and whilst that might prioritise cycling and walking this advantage is outweighed in my view by the fact that it would introduce additional traffic movements into the quiet enclave of Avon Drive.
185. The trigger for some conditions, e.g. for materials, is suggested as being one month from commencement, which is intended to reflect the need to move away from pre-commencement conditions. However an alternative trigger of restricting development above foundation level would allow greater flexibility for the developer without compromising the objective of controlling the appearance of the dwellings. However I accept that in other instances one month from commencement remains appropriate, e.g. for the design of the footpaths and cycleways, together with details of the proposed junctions.
186. I have revised the suggested condition with regard to 'cycle parking areas' to make clear that this should comprise secure cycle storage for each dwelling. Although the need to jointly agree a dilapidation survey of existing highways is an unusual condition in my experience, there is a clear logic to it and it would provide a baseline against which any subsequent dispute can be assessed. It was agreed that measures to ensure that no mud is deposited on the highway might include wheel washing, as requested by local residents.
187. I have revised the suggested condition with regard to the need to review the ecological survey so that the trigger is 2-years from the date of approval of the ecological measures, rather than from the date of the 'planning consent'. As an outline planning permission has been sought it is quite possible that any grant of planning permission would not be implemented within 2 years, whereas discharge of the condition in relation to an ecological design strategy might take place contemporaneously with any reserved matters application.

- This still respects the underlying objective to ensure the ecological position has not materially changed at the point where the development commences.
188. As discussed at the Inquiry I have revised the suggested condition in respect of lighting to make sure that the effect on the Ring Road is considered. As flagged at the Inquiry I see no reason why 4 separate conditions have been advanced with regard to drainage and I have combined these in order to avoid duplication. In line with the discussion at the Inquiry I have also made the condition with regard to landscape mitigation adjacent to the Ring Road a pre-commencement condition, as I was invited to do by the Appellant. There is a consensus that these works would need to be delivered before housing. However, because landscaping is a reserved matter, there is no need for the suggested condition with regard to detailed landscaping at this stage.
189. I have tightened up some of the references to British Standards [BS], including reference to year where appropriate. As flagged at the Inquiry I have also identified the relevant standard for noise within dwellings. The resulting condition is more narrowly focussed on works to dwellings but should take account of the related condition with regard to an acoustic noise barrier, which would protect external areas, including gardens. Plainly if, as seems likely, the acoustic barrier is agreed to run along the landscaped mound then this would also need to be delivered at the earliest opportunity.
190. I have revised the suggested condition that sought to require a charging point for electric vehicles at each dwelling so as to exclude flats or properties without a garage or driveway, which are the only 2 scenarios envisaged in the suggested wording. I have combined the 2 suggested conditions in respect of archaeology, without losing any point of substance. I have also revisited the suggested condition with regard to security to reflect the very narrow remit envisaged in the Guidance, which merely says: "*designing for security of site layout remains a valid planning consideration*"⁴⁹. As noted at the Inquiry the WMS from March 2015 refers to Part Q of the Building Regulations, which came into force on 1 October 2015 and covers the physical security of new dwellings. To the extent that the suggested wording might purport to cover individual dwellings, e.g. by reference to 'Secured by Design', this would not now be appropriate.
191. There was some debate at the Inquiry as to whether there was a need for a condition that restricts the number of dwellings to the 109 applied for. In my view the Council would be entitled to decline to register an application for reserved matters that comprised more than 109 dwellings on the basis that it was materially different. However the Council's argument that a scheme for less than 109 dwellings might be capable of being registered but would not deliver the full benefits of the permitted scheme is a good reason to impose such a condition. I note that the Appellant raised no objection if it were considered that such a condition was necessary.
192. Finally at the Inquiry I asked whether a condition was required to restrict the height of any dwellings and the Council agreed it was necessary. The SoCG confirms that it is envisaged that the development would be 2-storey, but it

⁴⁹ Source of quote: paragraph ID 56-002-20160519.

envisages the possibility of dormer windows. The condition that I propose would ensure this eventuality is covered and was canvassed at the Inquiry.

Section 106 Planning Agreement

193. Although the absence of a mechanism to deliver affordable housing and the required financial contributions was not identified as a reason for refusal⁵⁰, it was clear from the Council's proofs of evidence, if not its Statement of Case, that it sought a legal agreement to address these matters. In advance of the Inquiry, The Planning Inspectorate [PINS] asked the Council to clarify the number of obligations which had been entered into on or after 6 April 2010 which provide for the funding or provision of a project, or provide for the funding or provision of that type of infrastructure for which the Council sought an obligation [DC3]. In response the Council submitted a Community Infrastructure Levy [CIL] Regulation 123(3) Compliance Statement [DC5].
194. At the start of the Inquiry the Council's CIL Regulation 123(3) Compliance Statement was discussed. It says, in short, that less than 5 obligations have been entered into since 6 April 2010 which are worded in such a way that would enable contributions secured to be applied to pre-school providers, Joseph Rowntree School, Huntington Sports Club and bus stops on Strensall Road⁵¹. It does say that more than 5 obligations have been entered into since 6 April 2010 which are worded in such a way that would enable the contributions secured to be applied to Huntington Primary Academy and this is the reason the Council does not seek a contribution to primary education. I been given no evidence nor reason to doubt the Council's claims that less than 5 obligations have been entered into in respect of each project or type of infrastructure for which it now seeks such financial contributions.
195. The other contributions that it seeks, including a travel pass or contribution to a bicycle, a public shared pedestrian/cycle path along the northern boundary of the site and on-site open space and an equipped play area, are considered to be site-specific mitigation to which the pooling restriction in Regulation 123(3) does not apply. There is no reason to dispute this assertion.
196. For the purpose of discussion at the Inquiry my pre-Inquiry note [DC4] identified a separate main issue to be: Whether, in addition to affordable housing, a financial contribution is justified in order to offset the effect of the proposed development on: (i) sustainable transport measures; (ii) off-site sports pitch provision; and, (iii) education. In response to this, the Council provided a CIL Regulation 122 Compliance Statement indicating that the provisions of the S106 Agreement were: necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development [DS13].

⁵⁰ In my experience many Councils do identify this as a separate reason for refusal, then set out what is required in order to overcome it in a statement or proof, before confirming that the reason has been addressed if and when a legal agreement is submitted. This approach has the advantage that if no legal agreement is submitted then the issue is clearly flagged as a substantive issue at appeal. The Council might wish to adopt such an approach in future.

⁵¹ Section 6 of DC5 says Huntington Road, but this was corrected orally at the Inquiry.

197. I have reviewed the obligations included within the S106 Agreement having regard to the submissions made by the LPA. At no stage has the Appellant disputed that the obligations sought meet the statutory tests, which are also set down in paragraph 204 of the Framework. Despite the concerns I have expressed about, and the extremely limited weight that I consider should be given to, the SPG, it is clear that this scale of housing development would impose additional pressures on infrastructure in the area. There is no other basis on which it is possible to assess those effects and so, in principle, the obligations appear to meet the first 2 tests.
198. Although the policy basis for the obligations is weak at the local level, the proposed development would have an unacceptable effect on the area and fail to deliver the identified benefits of the scheme, e.g. in terms of affordable housing, without the S106 Agreement. Amongst other things whilst the Local Transport Plan [CD2.23] is not part of the DP and contains no provisions that are directly related to the transport obligations being sought, the Council has drawn attention to Policy T7 of the emerging LP, which provides a policy basis for the travel/highways obligations, including the pedestrian/cycle path.
199. The estimates of quantum⁵² [DS16.1/2] break down what the £50,000 towards bus stops improvements would be used for. They also indicate that just under £70,000 might be sought towards off-site sports contributions and around £240,000 might be sought towards education. These sums appear to fairly and reasonably relate in scale and kind to a housing scheme of this magnitude. Accordingly, for all of the above reasons, I conclude that the S106 Agreement is consistent with paragraph 204 of the Framework and CIL Regulation 122 and I have attached weight to it in coming to my conclusions.

Inspector's conclusions

200. From the evidence before the Inquiry, the written representations, and my inspection of the appeal site and its surroundings, I have reached the following conclusions. The references in square brackets [] are to earlier paragraphs in this report.

Main considerations

201. Following the submission of the signed and dated S106 Agreement and the consensus⁵³ that if the site is within the Green Belt the proposal would be inappropriate development, I consider the main considerations are as follows:
- i. Whether the application, and hence this appeal, was valid;
 - ii. Whether the appeal site is within the general extent of the Green Belt;
 - iii. If so, the effect of the development on the openness of the Green Belt and the purposes of including land within it;
 - iv. The effect of the proposed development on the landscape character and setting of York;

⁵² Which depend in part on the final mix of dwellings, e.g. a 1-bed flat is not going to give rise to an impact on education in the area because there are no bedrooms for children.

⁵³ See, amongst other things, paragraph 5.12 of the SoCG [DS11].

- v. If it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal; and,
- vi. Whether the decision making matrix then requires an assessment against the first indent of the second bullet-point for decision-taking in paragraph 14 of the Framework and, if so, whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole⁵⁴.

i. Validity of the application and hence this appeal

202. The question of whether the application was valid is a matter of law, which will be for the SoS to determine. However in my view, having been advised at the Inquiry that there is no judicial authority on the statutory provisions that state an LPA *shall not entertain* an application where any requirements imposed by section 65 of the Act have not been met⁵⁵, the approach taken by Inspector Whitehead is commended to the SoS. That appeal decision is still available on the Portal⁵⁶ and given its date, if there had been a High Court challenge it is reasonable to conclude that would have been heard by now, such that the appeal decision would no longer be available if that decision had been quashed and the appeal were awaiting redetermination.
203. Adopting that approach to the facts of this case, it is clear that a certificate of ownership has been completed at application and appeal stage. The LPA has acknowledged that it did entertain the application by registering it as having been validly made [6]. That is perhaps understandable because it had no reason to doubt the Certificate A at that stage: it is not reasonable to suggest that an LPA should conduct checks with the Land Registry or otherwise in order to test any declaration made. Were it not for the obvious inconsistency with the S106 Agreement it is doubtful the issue would have been identified.
204. In the absence of judicial authority I have examined Inspector Whitehead's view that section 79(4) of the Act does not mean that section 65(5) of the Act applies to appeals to the SoS. Section 79(4) says: "*Subject to subsection (2), the provisions of sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5 shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for planning permission which falls to be determined by the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of section 65 or 71" [my emphasis].*
205. Against that background there is no dispute that the DMPO is the relevant development order. Article 36 concerns notice of appeal and says: "*Articles*

⁵⁴ This consideration reflects the submissions at the Inquiry and the dispute between the main parties as to the decision making framework within which the appeal should be assessed.

⁵⁵ The Appellant's indication to this effect at the Inquiry appears to be corroborated by the commentary at P65.11 of the Encyclopedia of Planning Law and Practice.

⁵⁶ <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=2188374>

13 and 14 apply to any appeal to the Secretary of State under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions) as those articles apply to applications for planning permission". Article 13(1) says: "...an applicant for planning permission must give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of the land to which the application relates, or a tenant— (a) by serving the notice on every such person whose name and address is known to the applicant" [my emphasis]. Article 13(7) says: "...the "prescribed date" for the purposes of this article, is the day 21 days before the date of the application...". Article 14(1) then says: "Where an application for planning permission is made, the applicant must certify, in a form published by the Secretary of State or in a form substantially to the same effect, that the relevant requirements of article 13 have been satisfied".

206. Having undertaken an electronic search of the DMPO I am satisfied that it does not expressly refer to section 65(5) of the Act and, for completeness, neither is there express reference to section 327A of the Act. Accordingly whilst section 65 of the Act is expressly referred to in section 79(4) of the Act the relevant development order only engages certain requirements of section 65 of the Act and, crucially, does not provide that the SoS shall not entertain an appeal where any requirements imposed by section 65 of the Act have not been met. For this reason I accept the Appellant's submission that section 79 of the Act does not impose an equivalent restriction on the SoS and, whilst I have considered the possibility, I am satisfied it is not imposed via the DMPO.
207. In contrast to the circumstances prevailing in Inspector Whitehead's appeal, no notice has been served on the other interests in the land at any stage. However there is still a sound basis to find that no prejudice would be caused to those interests who were not served. Apart from the Appellant company the undisputed evidence before the Inquiry is that there are 2 other freehold interests. Mr Pilcher attended the whole Inquiry and is the personification of the Appellant company. He is plainly aware of the appeal and, amongst other things, has signed the S106 Agreement in his capacity as a Director of Pilcher Homes Ltd, in his personal capacity as a freeholder and, it would appear, in his capacity as mortgagee [he has signed it 4 times on pages 37/38, DS19].
208. The other freehold interest is that of Lime Tree Homes Ltd, which I have no reason to doubt is owned in equal shares by Mr Pilcher [hence Mr Pilcher has signed the S106 Agreement in that capacity too] and his sister. I have reviewed the attendance sheets that were completed on each day of the Inquiry and there is no evidence that Mrs Bryan attended the Inquiry at all. However she has signed the S106 Agreement in her capacity as a Director of Lime Tree Homes Ltd and, it would appear, in her capacity as a mortgagee [she has signed it twice on pages 37/38, DS19]. It would therefore be irrational to conclude that she, as both a Director of Lime Tree Homes Ltd and a mortgagee, is not aware of the proposed development and the appeal.
209. In the circumstances the SoS can be satisfied that whilst there has plainly been a procedural defect at both application and appeal stage, no party with an interest in the land, including both freeholders and mortgagees, have been prejudiced. In the circumstances proceeding to determine the appeal would

not undermine the purpose of the statutory provisions. There is no reason to doubt that all parties with an interest in the land wish to see the appeal proceed to a determination and the SoS is invited to proceed accordingly.

ii. Whether the appeal site is within the general extent of the Green Belt

210. The York Green Belt has never been identified in an adopted LP. In recognition of this situation the RSS was only partially revoked so as to retain the RSS York Green Belt policies and the general extent of the Green Belt shown on the key diagram. However it is common ground that the specific inner boundary is not defined on the key diagram or anywhere in the DP [paragraph 5.4, DS11]. In those circumstances 2 bases are advanced by the Council as to why the appeal site lies within the Green Belt: (i) the RSS key diagram; and (ii) the draft 2005 LP. In the alternative appeal precedent has established 3 factors that can be used to assess whether a site is in the Green Belt: (i) an assessment against Green Belt purposes; (ii) prematurity; and, (iii) precedent. However the main parties agree that prematurity and precedent are not engaged in the circumstances of this appeal [143].

The RSS key diagram

211. Although the key diagram identifies an indicative inner boundary for the York Green Belt, in contrast to other cities, it would be wrong to equate this to a geographical feature, such as the Ring Road. A key diagram is not a policies map⁵⁷ and is not reproduced from, or based on, an Ordnance Survey map. Insofar as the key on the diagram refers to "policy YH9C" the annotation, shown as an inner ring on the diagram, is confirmation that the detailed inner boundaries should be defined to establish the long term development limits, as required by that policy. It would therefore have been inappropriate for the general extent of the Green Belt to directly abut the urban area of the sub-regional City of York, as depicted for comparable cities on the key diagram, such as Wakefield. The key diagram is intended to be indicative because RSS Policy Y1 requires the inner boundary to be defined at the local level. This does not mean that the 'white land' within the inner ring is not designated as Green Belt, because the key diagram is indicative, not based on geography.

212. The SoS has considered this issue on a number of occasions and in my view has taken what might be said to be a precautionary approach to whether a site is within the general extent of the Green Belt. That precautionary approach is in fact evident from the direction itself [2]. Although there was a consensus between the parties in the most recent appeal [paragraph 9, CD5.14], the SoS took a more robust view than the Inspector in the Germany Beck decision, where his report said that those sites should not be regarded as being within the general extent of the Green Belt. The SoS said: "*...she does not consider that the lack of a defined boundary is sufficient justification to arbitrarily exclude any site contained within the general extent of the Green Belt, as referenced by the NYCSP. Until such time that the detailed boundaries of the York Green Belt are defined in a statutorily adopted local*

⁵⁷ As defined in Regulation 9 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

plan or framework, she considers both sites should be treated on the basis that they lay within the Green Belt" [paragraph 15, CD5.15, my emphasis].

213. Plainly the reference in that quote to the "NYCSP" is to the Structure Plan, which is no longer saved. However IR24.63 of the report to which those comments relate confirms that the policy position was almost identical in the sense that the relevant NYCSP policy E8 identified the general extent of the Green Belt. The outer edge was to be about 6 miles from York city centre and there was: "...no clue at all as to where the inner boundary should be"; the key diagram showed the policies and proposals diagrammatically, not on an Ordnance Survey base. So whilst it has to be acknowledged that the findings of the SoS were expressed by reference to the NYCSP, I consider that those sentiments apply equally to the RSS Policies and key diagram.
214. In my view the continuing applicability of the approach that the SoS took in 2007 is confirmed by paragraph 79 of the Framework, which identifies an essential characteristic of the Green Belt to be its permanence. Paragraph 83 of the Framework also emphasises that a Green Belt boundary should only be altered in exceptional circumstances through the LP process. Given the very clearly stated position taken by the SoS I would not lightly recommend any departure from that stance without a very good reason.
215. IR24.64 of the same report [CD5.15] identifies the key test to be: "...whether there is any reason not to apply Green Belt policy for the time being". The Council claimed that was common ground [70] and that assertion was not disputed in closing for the Appellant. Whilst I regard it as unfortunate that the same debate is being played out almost 10-years after that view was expressed I consider the SoS's finding in the decision dated 9 May 2007 is consistent with the application of that test. The test remains appropriate.
216. The only appeal decision before the Inquiry in which an Inspector has taken the view that any site was not within the general extent of the Green Belt is written by the Inspector with whom the SoS disagreed in 2007 [CD5.16]. Any appeal decision is, of course, fact sensitive and I note that scheme was for just 8 dwellings. The Inspector reporting on Brecks Lane distinguishes it on that basis [IR 191, CD5.14] and that distinction applies equally here.
217. Where I do respectfully disagree with Inspector Cullingford is with his statement that: "*Clearly, the Regional Strategy does not condone every undeveloped scrap of land between the built up area and 'an outer edge' 6 miles from the city centre being designated as Green Belt; the unrevoked policies are clear and even the Key Diagram indicates areas of 'white land' within the 'ring of green'*" [paragraph 8, CD5.16]. However I consider that is exactly what the RSS key diagram does do. To suggest that the 'white land' indicates an area where Green Belt does not apply is to conflate an indicative diagram, which is designed to inform the emerging LP, with one having a geographical expression. As part of the emerging LP the Council could decide to allocate all of its required housing to the south of the City, in which case a tightly defined boundary to the north might be justified. In practice it will be more nuanced but I consider, pending adoption of an LP, it is appropriate to apply Green Belt policy for the time being on a precautionary basis. In the circumstances, whilst the appeal decision can be clearly distinguished in

terms of scale, the rationale that underpins at least this part of the decision is not a reason not to apply Green Belt policy to this site for the time being.

218. In summary, whilst I acknowledge the concessions in xx [114], I consider that the key diagram provides a firm basis for finding that the appeal site lies within the general extent of the Green Belt. In line with the SoS's previous rationale, the lack of a defined boundary provides insufficient justification to arbitrarily exclude any site contained within the general extent of the Green Belt. There is no reason not to apply Green Belt policy for the time being, i.e. unless or until an adopted LP defines the long-term Green Belt boundary. I consider that such a finding is entirely consistent with a plan-led system.

The draft 2005 LP

219. I concur with the Appellant that the reason for refusal [63] appears to place heavy reliance on the draft 2005 LP for the conclusion that the appeal site lies within the general extent of the Green Belt [117]. In my view the Council places too much reliance on the draft 2005 LP both in this respect and more broadly. The Appellant has shown that the Green Belt boundaries depicted on that Proposals Map [PEC3.1] reflect development requirements identified in the 1980s [118, 119]. The detailed inner boundary of the Green Belt thereby defined does not therefore accord with the requirement of RSS Policy YH9C because it does not accommodate the long-term development needs of York. There is a consensus that very limited weight should be given to the relevant provisions of the draft 2005 LP [31]. In the circumstances, I share the Appellant's view that no significant reliance should be placed on the draft 2005 LP in deciding whether or not the site falls within the Green Belt [120].

An assessment against the 5 Green Belt purposes

220. In the circumstances of this appeal my starting point for the assessment of whether this site is within the general extent of the Green Belt is the RSS key diagram. To this limited extent my approach differs from that of Inspector Moffoot [121]. However where there is a dispute between the parties as to whether a site lies within the general extent of the Green Belt, it would be appropriate to assess the site against the 5 Green Belt purposes. This is common ground between the parties [74, 123]. However before turning to examine these I deal briefly with the appraisals the Council has undertaken in order to identify land that should be kept permanently open [125, 126].
221. The site was not identified as specifically contributing to any Green Belt function in the "*City of York Local Plan: The Approach to the Green Belt Appraisal*" [CD2.1, 2003]. However, whilst this document identifies the most valuable areas of Green Belt, including those which prevent coalescence, it leaves large areas of countryside around the City, including the appeal site, undefined. It does not follow that some of those areas are not important or that all of the remaining land within the general extent of the Green Belt is necessarily suitable for development or that it serves no Green Belt purpose.
222. Ms Priestley agreed in xx that the 2003 appraisal, together with the reviews in 2011 and 2013, are all relevant and that taken together it is evidence that the Council looked at the issue of coalescence 3 times in 10 years, but did not identify the site as being a valuable area of Green Belt to serve that or any

other purpose⁵⁸. However again it does not follow that the appeal site serves no Green Belt purpose in relation to the City of York. The fact that these studies did not identify the appeal site as being a valuable area of Green Belt is not a reason not to apply Green Belt policy for the time being. This approach is consistent with Inspector Hill's report [IR189-190, CD5.14].

223. I therefore turn to assess the site against the 5 Green Belt purposes, in turn: (i) Checking the unrestricted sprawl of large built-up areas. The development of the appeal site would extend the existing built-up mass of the City which, to the south, extends as a fairly continuous suburban area to the city centre. Evidence before the Inquiry confirms that the Avon Drive development and the Ring Road have both been developed in the late twentieth century even with the principle of a Green Belt in place over that timeframe. This Green Belt purpose is therefore in issue and the proposed development would conflict with this purpose. The fact that the Ring Road and the proposed planted mound might provide a boundary post-development does not mean that the appeal site does not serve this function at the present time [74i].
224. (ii) Preventing neighbouring towns merging into one another. The Council's appraisal says this is about: "...retaining the separate identity of towns" and that by: "...maintaining a several mile strip of open countryside" one is able to: "...maintain separate communities and a sense of place"⁵⁹. In contrast the existing separation distance between Earswick and Huntington is relatively small: approximately 140 m. It is agreed that the proposal would not extend further north than the northernmost house in Huntington [74ii, 131]. Noting that the map analysis [DS5] is conducted on the basis of an indicative layout, which might have to change [24], the SoS can be satisfied that the minimum measurable gap between Earswick and Huntington would not be reduced.
225. On the ground, dwellings within Earswick and Huntington can be seen from the roundabout on the Ring Road, but the existing dwellings on Avon Drive can also be perceived, at least in winter, from the Ring Road to the east [11]. To the west of the roundabout Ms Priestley acknowledges existing features, including mounding, planting and the Ring Road, combine to separate these settlements, and that this could be echoed, post development, to the east [131]. This would, if anything, reinforce what Ms Priestley has called the "*distinct break*" between Earswick and Huntington [133], because over time the proposed landscaped mound could reduce views of housing. Mr Popplewell says that over time this change would be beneficial; in pure visual terms, distinct from landscape character terms, I agree.
226. I acknowledge that the Inspector who considered the site as part of the LP examination in 1994 found that it was important to the character of the settlements of Earswick and Huntington, and the area more generally, that their separation be maintained [paragraph C50.8. CD2.22]. However his particular concern would appear to have been "*visual coalescence*". In my view that point no longer arises. The landscaping along the Ring Road is such that it filters views of the existing housing in winter, no doubt screening it in

⁵⁸ The reviews in 2011 and 2013 are "*Historic Character and Setting Technical Paper*" [CD2.5] and the "*Historic Character and Setting Technical Paper Update*" [CD2.9], respectively

⁵⁹ Source of quotes: paragraph 2.2, CD2.1.

- summer, and the proposed landscaping would reinforce that. At the same time the planting to the north of the Ring Road is an effective screen towards Earswick as even the fire station tower is barely visible in winter months [11].
227. Given the proposed scheme merely envisages an acoustic fence on a circa 1 m high mound surrounded by planting there is no reason to find it would "*appear contrived and alien*" [paragraph C50.8. CD2.22]. This only serves to underline that the appearance of the site has changed markedly in 20 years. Whilst the Inspector was also concerned about the possibility of an elevated carriageway being constructed as part of an upgraded Ring Road, that no longer appears to be in prospect; only a road widening scheme is proposed⁶⁰.
228. In summary, the development of the appeal site would not conflict with the second Green Belt purpose, because existing features, primarily associated with the Ring Road, would ensure that Earswick and Huntington would not merge with one another. The proposed landscaped mound would enhance the visual separation. The respective settlements would still have a separate identity, community and sense of place, which are relevant criteria that the Council have identified in their own appraisal.
229. Finally I note that even the Council identifies Earswick as a village; see quote from Ms Priestley proof of evidence at [133]. The Framework expressly refers to neighbouring towns, rather than villages [or settlements, paragraph 11, CD5.17]. I consider there is a much clearer distinction between a village and a town, than between a town and a city, which might comprise a large town or merely be distinguished by virtue of having a cathedral. Whilst not conclusive this reinforces my finding on the second Green Belt purpose.
230. (iii) Assisting in safeguarding the countryside from encroachment. Under this heading I deal initially with the question as to whether the site is countryside, noting that it is common ground that the site is "*arable farmland*"⁶¹.
231. The Inspector's conclusion in 1994 is unambiguous: "*Development of the objection site would be seen as an encroachment into the countryside...*" [paragraph C50.8. CD2.22]. Whilst trees and hedgerows are higher, which restrict views from the Ring Road in summer, I am far from convinced that this alters the assessment that the land is countryside. To the contrary trees and hedgerows are an inherent characteristic of a rural area. The fact that the ribbon of development along Strensall Road can be seen less clearly on approach from the east along the Ring Road underlines my view that, to the extent that there has been change since 1994, it reinforces a finding that the site is part of the countryside. It is also perceived as countryside from other public vantage-points, such as the gap to the north of No 74 Strensall Road [10] and the large gaps between dwellings along Avon Drive itself [12].
232. The Appellant argues that there is no continuity in any physical or visual sense with the land to the south-east [136]. In the sense that the trees and vegetation have become more established it might be correct to say that there is limited visual connectivity but, for reasons set out above, that does

⁶⁰ See Mr O'Connell's proof of evidence at paragraph 8.3.

⁶¹ Source of quote: paragraph 2.1, DS11.

- not mean it is no longer countryside. In terms of physical connection, the observations of Mrs Paterson, who referred to pheasant, deer and foxes on the site, underlines that it is still connected to the wider countryside [172].
233. In my view it is unarguable that the proposed development would be a form of encroachment, which can be characterised to be advancement beyond the existing bounds of development. Indeed the Appellant appears to make no such claim; amongst other things the proposed scheme is acknowledged to comprise: "...*significant built development on a currently undeveloped site*"⁶². Accordingly I am in no doubt that the proposed development would conflict with the third purpose of including land in the Green Belt because it would fail to assist in safeguarding the countryside from encroachment.
234. (iv) Preserving the setting and special character of historic towns. This purpose clearly applies to the City and would appear to be a main reason why there is a need for a Green Belt around York; see policy wording of YH9C and Y1C [27]. However there can be no dispute that there are no views of the Minster across the appeal site and that it does not form part of a wider countryside setting in which the City is seen, at least beyond the rear of the dwellings in Avon Drive. This purpose would only be infringed on a site such as this if it were said that the site plays a role, together with the wider Green Belt, in ensuring that the setting or special character of York is preserved.
235. The Council's appraisal, in not identifying the appeal site, has interpreted this purpose in a very narrow way [section 8, CD2.1], but I am not convinced this is appropriate. When viewed from certain parts of the Ring Road green fields, even where they do not permit views of the City's skyline, make a positive contribution to the City's setting and special character. Whilst this section of Ring Road does have an enclosed character due to trees and hedgerows, the openness of the field is evident in winter through the hedgerow. It continues the character of more extensive areas of countryside, e.g. on the eastern approach to the appeal site, in which the Ring Road passes through a more expansive rural landscape. To this limited extent the site does contribute to a meaningful degree to the wider setting and special character of York.
236. As the site is so close to the Ring Road the presence of development would be evident to road users for a number of reasons: i) it would be visible during the early stages of development before the landscaping was effective; ii) it might be visible in winter when, even post-development, landscaping might not provide a complete screen; and iii) its presence would be evident at night, due to the existence of street lights, lights from the dwellings and activity, such as car headlights. The Ring Road is not lit other than at the roundabout. For all these reasons I conclude that the proposed development would conflict with the fourth purpose of including land in the Green Belt.
237. (v) Assisting in urban regeneration, by encouraging the recycling of derelict and other urban land. In the most recent SoS decision it was found that: "...*preventing development here, and on other Green Belt sites, is likely to encourage development of brownfield land because there is likely to be a consequent impact upon viability*" [paragraph 12, CD5.14]. The Appellant

⁶² Source of quote: paragraph 18, DS3.

suggests it is not known what viability evidence was before that Inspector, but I agree with the Council that if such evidence had been tabled it would have been expressly referred to in the Inspector's report; IR 196 confirms it was not [74, 142]. It would therefore appear that the SoS was expressing a general proposition, which applies equally to the circumstances of this appeal. The simple logic of Inspector Moffoot is inescapable [paragraph 13, CD5.17].

238. I acknowledge that the emerging LP has identified a range of green field and brown field sites and that as a matter of logic the Council must have satisfied itself that the former will not undermine delivery of the latter [140]. However it would appear [from IR 196, CD5.17] that exactly the same argument was advanced in that case. The SoS agreed: "...*that a managed approach to releasing land for housing needs to be taken*" [paragraph 12, CD5.14]. No argument has been advanced that would lead me to recommend that the SoS should take a different view, despite the absence of viability evidence.
239. Finally, noting that the Appellant concedes the point is not determinative, I agree that the fact that dismissal of the appeal would not cause the Appellant to invest in urban regeneration is not determinative [74v, 142]. In effect, the test is whether the site has a role to play in encouraging urban regeneration, not whether it has a role to play in encouraging the Appellant to invest in it. For these reasons I conclude that the proposed development would conflict with the fifth purpose of including land in the Green Belt.

Overall finding on the second main consideration

240. On the second main consideration, I conclude that the appeal site falls within the general extent of the Green Belt on the RSS key diagram. The lack of a defined boundary provides insufficient justification to arbitrarily exclude any site contained within the general extent of the Green Belt [212, 218]. Whilst no significant reliance should be placed on the draft 2005 LP in deciding whether or not the site falls within the Green Belt [219], my view that the site is within its general extent is reinforced by the conclusion that the site serves a number of Green Belt purposes [223, 233, 236, 239].
241. Mr Hobson conceded in xx that it is enough for the appeal site to make a contribution to one of these purposes and so even if there might be some doubt about, by way of example, the extent to which it serves the fifth purpose, the SoS can be satisfied that the site would meet at least one such purpose. This finding is consistent with the Inspector's conclusion in 1994 that: "*The site fulfils important Green Belt functions and should remain permanently open*" [paragraph C50.10. CD2.22, *my emphasis*].
242. The main parties agree [82, 154] that, should the SoS find that the site is within the general extent of the Green Belt, the proposal would not fall within the limited categories of exceptions listed in paragraph 89 of the Framework. Paragraph 87 of the Framework says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the Framework also makes clear that substantial weight should be given to any harm to the Green Belt.
243. The main parties further agree that, should the SoS find that the site is not within the general extent of the Green Belt, then the DP is silent because the

only policies in the DP concern the Green Belt [27]. In that scenario the SoS should apply the presumption in favour of sustainable development and go to the first indent of the second bullet-point of paragraph 14 of the Framework. It is common ground that in that scenario the balancing exercise falls in favour of granting planning permission, because there are no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole [150].

iii. Effect of the development on openness and purposes of the Green Belt

244. Paragraph 79 of the Framework says that the fundamental aim of Green Belt policy is keep land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The main parties agree [89, 154] that there would be built development where currently there is none. Moreover those dwellings would be 2-storeys in height and some are proposed with dormer windows at roof level [20]. The proposed development would give rise to a loss of openness for these reasons.
245. Although the Appellant asserts that there would be a limited perception of that loss from around the site, I disagree. It would be evident from public vantage-points between houses, such as the gap to the north of No 74 Strensall Road and the large gaps between dwellings along Avon Drive itself. In any event the test for openness is not one of public visibility.
246. As set out above, the site serves 4 Green Belt purposes and I reject the claim that the scheme would not cause harm to those purposes. Perhaps the clearest example is the third purpose. The proposed development would be an encroachment into the countryside, which would be permanently lost by the built development. It would compromise that purpose and cause harm. I accept the Council's submission that any other conclusion would be irrational [89]. Whilst the appeal site has not been identified as a valuable area of Green Belt [221, 222] it is nonetheless a Green Belt site for the reasons discussed above and, as such, should be given significant protection.
247. In the circumstances I find a conflict with RSS Policy Y1 which relates, among other things, to investment decisions. The proposed development would be a significant investment decision, which the Appellant has estimated to be £15.45 m in construction costs alone⁶³. These are required to (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 [my emphasis]*. I have given reasons why the proposed scheme would conflict with the fourth purpose of including land in the Green Belt and therefore not preserve the historic setting of York. Whether it is an important open area involves a qualitative judgement and whilst I acknowledge that the site was not identified by the Council as a valuable area of Green Belt, the Framework says that keeping land open is the fundamental aim of the policy. Viewed in that light this site is an important open area that makes a positive contribution to the wider rationale for having a Green Belt around York. The conflict with RSS Policy Y1 is consistent with Mr Hobson's concession [66].

⁶³ Paragraph 10.10 of Mr Hobson's proof of evidence.

248. It is common ground that, following the Court of Appeal case of *Richborough*, this Green Belt policy is a relevant policy for the supply of housing [79, 152]. It is also agreed that the Council cannot demonstrate a 5-year supply of housing [51] such that RSS Policy Y1, which is a relevant policy for the supply of housing, should not be considered to be up-to-date. To reflect this, the weight to be given to the policy should be reduced, but the weight to be applied is a matter for the decision maker. Whilst there is a large shortfall in housing supply that will take a number of years to address [62] the particular purpose of this restrictive policy is consistent with the Framework. As I suggested to Mr Hobson, it might be different if this was a counterpart policy, which merely protected the land as countryside because it was outside of the settlement boundary. Such a policy might not be consistent with the Framework's objective to boost significantly the supply of housing. However because RSS Policy Y1 is a Green Belt policy, applying paragraph 215 of the Framework, I attach moderate weight to RSS Policy Y1 in this appeal.
249. I also find a conflict with Policy GB1 of the draft 2005 LP. However, since it is common ground that only very limited weight should be given to it [31], this identified conflict does not alter the overall finding on this issue.
250. On the third main consideration, I conclude that the proposed development would harm the openness of the Green Belt and the purposes of including land within it. Paragraph 88 of the Framework again dictates that substantial weight should be given to this Green Belt harm. As a result I find a conflict with RSS Policy Y1, and have given reasons why I attach moderate weight to that policy, as well as Policy GB1 of the draft 2005 LP.

iv. The effect of on the landscape character and setting of York

251. This was not identified as a reason for refusal [5]. The Council, in seeking to advance this as a main consideration at appeal stage, has not alleged that it would give rise to a conflict with: (i) policies from the draft 2005 LP, including GP1, which sets out a number of criteria, including that a proposal should, at a minimum, respect the local environment; (ii) emerging LP policies; or (iii) the Framework, including the fourth bullet-point of paragraph 58. It is also agreed that if the site is not in the Green Belt that planning permission should be granted [104]. Implicit to such a concession is that the adverse impacts, which in that scenario are essentially restricted to 'landscape harm', would not significantly and demonstrably outweigh the benefits. It follows from the above that this appears to be something of a makeweight reason.
252. The Council contends that the site lies at the transition between 2 character areas and when assessed at the macro scale that might be correct⁶⁴. However I consider that it is clear from the relevant excerpt from the York Landscape Appraisal that the site falls wholly within Landscape Character Type 10⁶⁵. The appraisal finds that new development would be "*more appropriate here*" than in other areas. Whilst undertaken 20-years ago, in

⁶⁴ Figure 3.1 [PEC2.6] is at a scale where 1 cm = 5 km, and whatever conventional scale that equates to it renders it very difficult to drill down and look at an individual site.

⁶⁵ The urban area of Huntington is quite distinctively shown on Map 6 [DS10], which in my view leads one to a clear conclusion that the site lies within Landscape Character Type 10.

- the non-Green Belt world of pure landscape appraisal it is hard to disagree with that conclusion.
253. The Appellant's LVIA demonstrates that the zone of visual influence extends little beyond the edge of the appeal site⁶⁶. Whilst my site inspection suggested that views into the appeal site were available from the Ring Road along the majority of the northern boundary, I consider that this was as a passenger and would only likely be possible in winter. Ms Priestley fairly conceded in xx that the hedgerow was a significant screen in summer months. To this limited extent the zone of visual influence might be under-represented in the LVIA but this might be a reflection of when it was done [not later than 18 October 2016, as per the date on the plan] and whether the author was driving at the time⁶⁷.
254. It follows that the rear of the existing dwellings in Avon Drive, and to a lesser extent Strensall Road, are visible from the Ring Road, albeit through the hedgerow and only in winter. The boundary between the appeal site and the rear of the properties in Avon Drive is described by Mr Popplewell as a "*sharp visual discontinuity*" [91]. It serves to emphasise the open character of the appeal site. In terms of both character and visual continuity the main field on the appeal site is a link to the more extensive fields that lie to the east.
255. However, again in pure landscape appraisal terms, I find it difficult to argue with the Appellant's contention that the appeal proposal could deliver a more successful urban edge than that which presently exists [148]. The robust landscaped mound proposed [23] has the potential to more effectively screen views towards existing and proposed housing within a relatively short period. Although development of the appeal site would change its character, in line with the York Landscape Appraisal this would be a continuation of the urban influence that is already evident in the area and in views from the Ring Road.
256. My site inspection confirmed why the Council would seek to resist the form of development that has taken place in the Clifton Moor area of the City. The houses on the estate to the north of Manor Lane, backing onto the Ring Road, are highly visible from passing traffic due to the inadequacy of the hedgerow to provide a screen and, more than anything, their siting so close to the road. However I reject the suggestion that this form of housing development would be replicated on the appeal site. Due to a combination of a landscaped mound, the need to avoid development on the line of the water main [21] and the proposed pedestrian/cycle path [24], the houses would be sited much further back from the Ring Road than those served off Manor Lane.
257. On the fourth consideration I conclude that, subject to the imposition of the various conditions that are considered elsewhere [182-192], the proposed development would not harm the landscape character and setting of York.

⁶⁶ See drawing No 2696/2 within the LVIA [PEA2.1].

⁶⁷ R11 viewpoints might suggest repeated glances towards the appeal site but do not, based on my site inspection, relate to obvious gaps in the hedgerow or tree cover, notwithstanding the suggestion of the latter from the outline of trees on the appeal site on that plan.

v. Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal

258. The Appellant advances 5 other considerations, which Mr Hobson confirmed to be a complete list [96]. I propose to briefly examine each in turn:
259. (i) Housing supply shortfall. This has been explored at some length [51-62]. There is a large shortfall that will take a number of years to address and so whether the shortfall is described as "*significant*" [the Council] or "*acute*" [the Appellant], this is a factor to which I attach significant weight. This reflects the attribution of weight that the Council asserts to be common ground [97].
260. (ii) Economic Benefits. The Council has confirmed that it agrees that the scheme would deliver significant economic benefits [98]. These include 46 FTE jobs during each year of the 3-year construction phase [149], and I accept the construction costs of £15.45 m would result in a multiplier effect in the economy, focussed at the local level, but potentially spread more broadly. Once the dwellings are occupied those residents would increase spending in the local economy and I accept the argument that the resulting increase in housing supply would allow a better match between labour and employment, which would benefit York's economic competitiveness. However the New Homes Bonus is now acknowledged not to be a consideration [7] and I also reject the claim that the section 106 monies are a positive benefit because they merely offset the effect of the development, e.g. on the local schools. Nevertheless I attach significant weight to these economic benefits overall.
261. (iii) Affordable Housing. The S106 would ensure that the scheme will deliver 30% affordable housing and there is no reason to doubt the Appellant's view that there is a pressing need for affordable housing in York. The SHMA recorded an annual requirement of 573 affordable units and the SHMA addendum found that this level of need had increased to 627 dwellings [149]. However, whilst the Appellant says this is 70 % of the housing requirement in the emerging LP, the SHMA explains why such an analysis is too simplistic⁶⁸. Nevertheless the Council says significant weight should be given to the fact that the scheme would deliver much needed affordable housing; I agree. In the circumstances I attach significant weight to this consideration.
262. (iv) The purposes of the Green Belt. I have already given reasons why the proposal would contribute to 4 Green Belt purposes and so I disagree with the Appellant's claim insofar as it underpins reliance on this consideration. In any event, an absence of harm cannot itself be an other consideration that could be said to weigh in favour of the scheme. Mr Hobson accepted in xx

⁶⁸ Paragraph 19 of the Executive Summary says: "...it is not appropriate to directly compare the need identified in the analysis with the demographic projections – they are calculated in different ways". This is further explained in the box on page 115 of 208, which says: "The identified affordable housing need 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" [all taken from CD2.16].

- that this is a "*neutral point*" which did not weigh in favour of the scheme and so it would appear that this other consideration is no longer relied upon by the Appellant [100]. In the circumstances I attach no weight to this factor.
263. (v) Accessibility to service and facilities. This too, whilst a factor that does not count against the grant of planning permission, is fundamentally an absence of harm, rather than another consideration that could be said to weigh in favour of the scheme. There is no comparative analysis to show that this site is a more sustainable location than other sites that might be available in the City. Indeed to the extent that the appeal site has not been identified in the emerging LP whereas, following a Sustainability Appraisal [34], other sites have been, this is little more than a neutral point. Whilst I am prepared to accept that it is a positive factor that weighs in the scheme's favour, it is only appropriate to attach it very limited weight.
264. It is clear from Mr Hobson's proof of evidence⁶⁹ that the case advanced is based on a cumulative case that, taken together, these other considerations amount to the very special circumstances that are required. However I have given reasons why I attach no weight to the fourth consideration that is advanced and why it is appropriate to attach the fifth very limited weight.
265. Accordingly the focus is on the first 3 other considerations. The Guidance is clear that: "*Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt*"⁷⁰. The Framework, at paragraph 47 first bullet-point, makes clear that LPAs should ensure that their LP meets the full OAN for market and affordable housing, which is reiterated in the Guidance⁷¹. So, insofar as the Guidance refers here to unmet housing need, I consider that it encompasses both market and affordable housing. My view is confirmed by reference to the SHMA, which says the Guidance: "*...is very clear that housing need refers to the need for both market and affordable housing*"⁷² [*my emphasis*].
266. In reaching this view I have taken account of the contrary view of Inspector Hill [IR219, CD5.14]. However this part of the Guidance does not just refer to open market housing, but to unmet housing need, including for travellers sites. Although the fifth bullet-point of paragraph 89 of the Framework identifies limited affordable housing to be an exception, this too is an open market housing scheme which would provide for an element of affordable housing. That does not materially alter my assessment that the Guidance is referring here to housing need generically. Whilst not conclusive I note that the SoS considered housing, then affordable housing and only then considered that Guidance [paragraphs 19, 20 and 22, respectively, CD5.14].
267. So whilst I have given reasons to attach significant weight to the first and third other considerations that are advanced, the Guidance, corroborated by reference to WMS [see in particular CD6.06, CD6.07], strongly indicates that

⁶⁹ See, in particular, paragraphs 10.1 and 10.23, but also confirmed in xx.

⁷⁰ Paragraph ID 3-034-20141006.

⁷¹ Paragraph ID 3-040-20140306.

⁷² Source of quote: paragraph 9 of the Executive Summary [CD2.19].

unmet housing need is unlikely to give rise to very special circumstances. Although I have taken account of the magnitude of the shortfall [259], the need for affordable housing [261] and the fact that 'unlikely' does not mean it can never outweigh, in the circumstances of this case my judgement is that, cumulatively, these 2 considerations do not clearly outweigh the identified harm. Alternatively, if I am wrong in finding that the reference in the Guidance to unmet housing need encompasses both market and affordable housing, this scheme does not offer anything, in terms of affordable housing, beyond that which would normally be sought in the Council's area. For this reason this would not change my overall conclusion on this issue.

268. This leaves the second consideration, economic benefits. Whilst the Council is somewhat dismissive of these in saying they "*are the 'usual' benefits*" [98] there is a grain of truth in that characterisation. It is inconceivable that, in saying that unmet need would be unlikely to outweigh Green Belt harm, that the Government was unaware that such housing developments would not bring economic benefits such as those that are advanced in this case. So I consider it is fair to conclude that the policy position is effectively that new housing, *together with its associated economic benefits*, would be unlikely to outweigh Green Belt harm in order to constitute very special circumstances.
269. For these reasons I conclude that no considerations of sufficient weight have been advanced that amount, either individually or cumulatively, to the very special circumstances that are necessary to outweigh the harm by reason of inappropriateness and the other identified harm. For these reasons, having regard to all other matters raised, I conclude on the fifth consideration that there are no considerations sufficient to clearly outweigh the conflict with the DP overall, together with the harm to the Green Belt and the other harm.

vi. Whether the decision making matrix then requires an assessment against the first indent of the second bullet-point for decision-taking in paragraph 14 of the Framework and, if so, proceed to conduct that exercise

270. The Appellant says that in the conventional Green Belt balance, which I have undertaken above, no account has been taken of the fact that the policies which trigger that exercise are deemed out-of-date [157]. However section 38(6) determines that the DP is the starting point. I have assessed my findings on the third main consideration against the key RSS policy for decision taking and, as part of that exercise, it is necessary to assess the weight to be given to that policy. It follows that I disagree with this claim.
271. The sequence in the Framework determines that, in an appeal such as this, paragraph 49 of the Framework dictates that housing applications, and by extension appeals, *should be considered in the context of the presumption in favour of sustainable development*. The Council appears to suggest that paragraph 14 is not engaged [97] but paragraph 49 says the presumption should be applied in housing appeals. For decision-taking this is set out in paragraph 14 of the Framework and the final bullet-point applies in this case because the Green Belt policies are not up-of-date. However the second indent applies because specific policies in the Framework indicate that development should be restricted, i.e. Green Belt is identified in footnote 9. One then proceeds to the balancing exercise that I have conducted above, in

- line with section 9 of the Framework, and if no very special circumstances are identified the decision-making process stops, with dismissal of the appeal.
272. The approach that the Appellant advocates does not end there but, to use the words that Mr Hobson used in chief, a finding that there are no very special circumstances "*throws you into paragraph 14*". When asked about this Mr Hobson said the trigger for that exercise was paragraph 49 of the Framework. It might that it is be being said that one does a freestanding Green Belt exercise, against section 9 of the Framework, before going to paragraph 14 of the Framework and hence just apply the presumption in favour of sustainable development once. However because of footnote 9 such an approach would go no further, because one would have applied the presumption in favour of sustainable development, as required by paragraph 49 of the Framework, but found that specific policies indicated that development should be refused.
273. However my impression is that the Appellant seeks to apply the presumption in favour of sustainable development twice, the first time to go to the Green Belt exercise, the second time to go to the first indent of the final bullet-point of paragraph 14 of the Framework [153, 160]. As I suggested to Mr Hobson, such an exercise would overlook the crucial word "or" between the first and second indents. Even if that impression might be wrong, the Appellant's closing not being explicit as to the route that the SoS is being invited to take, applying the presumption in favour of sustainable development does not lead one to the first indent of the final bullet-point of paragraph 14. Footnote 9 unambiguously dictates that the first indent is not engaged in a Green Belt case. In the circumstances this is not an approach to decision-making that I am able to recommend to the SoS. In reaching this conclusion I have taken account of the Appellant's arguments that have been presented [157-161], together with all other evidence before the Inquiry, including CD5.14.
274. For these reasons I conclude on the sixth consideration that in the Green Belt the decision making matrix does not require an assessment against the first indent of the second bullet-point for decision-taking in paragraph 14 of the Framework. It follows that I do not intend to proceed to conduct that exercise because, in line with the submissions that have been made by the Council [85-87], I consider that it would be an unlawful approach.

Overall conclusion

275. For the reasons discussed, having regard to all other matters raised, I conclude that the appeal should be dismissed.

Overall recommendation

276. I recommend that the appeal be dismissed. If the SoS is minded to disagree with my recommendation, Appendix C comprises a list of the conditions that I consider should be attached to any planning permission that is granted.

Pete Drew
INSPECTOR

APPENDIX A:
LIST OF APPEARANCES AT THE INQUIRY

FOR THE LOCAL PLANNING AUTHORITY:

Robert Walton, Counsel

Instructed by City of York Council.

He called:

Kevin O'Connell, BA (Hons), Dip TP, Senior Planning Officer, City of York Council.
Esther Priestley BA (Hons) LA CMLI, Landscape Architect, City of York Council.
Richard Wood MRTPI, Director Richard Wood Associates Ltd.

FOR THE APPELLANT:

Ian Ponter, Counsel

Instructed by Nabarro Solicitors.

He called:

James Hobson BA (Hons), MRTPI, Director WYG.
Martin Popplewell BSc (Hons), MA, MLI, Director Rosetta Landscape Design.

INTERESTED PERSONS [THOSE WHO ADDRESSED THE INQUIRY IN PERSON]:

Professor Keith Hartley
Mrs Felicity Paterson
Councillor Keith Orrell

Local resident.
Local resident.
Councillor for Huntington and New Earswick Ward.

APPENDIX B:
LIST OF DOCUMENTS BEFORE THE INQUIRY

i) DOCUMENTS SUBMITTED AT THE INQUIRY [DS]

- 1 List of appearances on behalf of the Appellant.
- 2 Council's letter dated 3 November 2016 to advise of the date of the Inquiry, including a list of persons to whom it was circulated.
- 3 Appellant's opening submissions.
- 4 Opening submissions on behalf of the Council.
- 5 Drawing entitled "*Figure 5 – Site Context*", which was submitted by the Appellant at the Inquiry.
- 6 Decision notice for application No 16/00880/NONMAT, dated 23 August 2016, which was submitted by the Council at the Inquiry.
- 7.1- Local Plan position statement, report to Local Plan Working Group and
- 7.3 report to the Executive on 7 December 2016, respectively, which were submitted by the Council at the Inquiry.
- 8 Document entitled "*Response on behalf of City of York Council to the Inspector's pre-Inquiry Note in respect of the New Homes Bonus*", which was submitted by the Council at the Inquiry.
- 9 Document entitled "*Points to be raised*", which was submitted by Professor Hartley at the Inquiry.
- 10 Map 6 from York Landscape Appraisal, which was submitted by the Appellant at the Inquiry.
- 11 Signed Statement of Common Ground, dated 6 December 2016.
- 12 Strategic Environmental Assessment of the Revocation of the Yorkshire and Humber Regional Strategy, which was submitted by the Council at the Inquiry.
- 13 Document entitled "*A Compliance Note by City of York Council regarding the Planning Obligations contained in the draft s106 Agreement in relation to the appeal and in light of Regulation 122 of the Community Infrastructure Levy Regulations 2010*", which was submitted by the Council at the Inquiry.
- 14 List of suggested planning conditions "*Draft 2*", which had a measure of agreement between the parties, but was tabled by the Council.
- 15 Schedule of amendments to referencing of Core Documents in James Hobson's proof, which was submitted by the Appellant at the Inquiry.
- 16.1- Estimates of level of contributions for: (i) bus stop improvements and
- 16.2 offsite sports contribution; and (ii) pre-school and secondary education, which were submitted by the Council at the Inquiry.
- 17 Statement of Mrs Paterson.
- 18 Document setting out points for discussion, which was submitted by Councillor Keith Orrell at the Inquiry.
- 19 Signed Section 106 Agreement dated 8 December 2016.
- 20.1- Closing submissions on behalf of the Council, together with transcripts from
- 20.4 (i) *Forest of Dean v SSCLG* [2016] EWHC 421 (Admin); (ii) *East Staffordshire BC v SSCLG & Barwood Strategic Land* [2016] EWHC 2973 (Admin); and (iii) *Trustees of the Barker Mill Estates v Test Valley BC* [2016] EWHC 3028 (Admin), which are referred to therein.
- 21.1- Closing submissions on behalf of the Appellant, together with bundle of

- 21.4 documents referred to therein, comprising: (i) excerpts from sections 65, 79 and 327A of the Act; (ii) excerpts, comprising Articles 13 and 14, from the Town and Country Planning (Development Management Procedure) (England) Order 2015; and (iii) and appeal decision dated 13 August 2013 [Ref APP/P2935/A/12/2188374].

ii) DOCUMENTS CIRCULATED OUTSIDE OF THE INQUIRY [DC]

- 1 Original letters of notification including a list of persons to whom it was circulated.
- 2.1- Correspondence from interested parties that was submitted to The Planning
- 2.3 Inspectorate [PINS] in response to the Council's letter of notification.
- 3 Email from PINS to City of York Council regarding compliance with CIL Regulation 123.
- 4 Inspector's pre-Inquiry note, which was circulated in advance of the Inquiry.
- 5 CIL Regulation 123 Compliance Statement dated November 2016 and submitted to PINS on that date by the City of York Council.

iii) CORE DOCUMENTS [CD]

CD1. NATIONAL POLICY

- 1.1 National Planning Policy Framework [March 2012].
- 1.2 National Planning Practice Guidance.

CD2. REGIONAL AND LOCAL POLICY

- 2.1 City of York Local Plan: The Approach to the Green Belt Appraisal [February 2003].
- 2.2 City of York Draft Local Plan, incorporating the fourth set of changes [April 2005].
- 2.3 The Yorkshire and Humber Plan: Regional Spatial Strategy [RSS] to 2026 (saved policies) [May 2008].
- 2.4 City of York Local Development Framework [LDF] Statement of Community Involvement [December 2007].
- 2.5 City of York LDF Historic Character and Setting Technical Paper [January 2011].
- 2.6 North Yorkshire County Council: North Yorkshire and York Landscape Characterisation Project [May 2011].
- 2.7 City of York LDF: Core Strategy Submission Draft [June 2011].
- 2.8 The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013.
- 2.9 City of York Historic Character and Setting Technical Paper Update [June 2013].
- 2.10 City of York Heritage Topic Paper [June 2013].
- 2.11 City of York Local Plan Preferred Options [June 2013].
- 2.12 WYG Representations to the York Local Plan Preferred Options [July 2013].
- 2.13 City of York Site Selection Technical Paper [June 2013].
- 2.13a City of York Site Selection Technical Paper Addendum [September 2014].
- 2.14 City of York: Open Space and Green Infrastructure [September 2014].

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- 2.15 City of York Local Plan: Further Sites Consultation [June 2014].
 - 2.16 City of York Council Strategic Housing Market Assessment [June 2016].
 - 2.16a City of York Council Strategic Housing Market Assessment Addendum [June 2016].
 - 2.17 City of York Local Plan: Preferred Sites Consultation [July 2016].
 - 2.18 City of York Local Development Scheme [July 2016].
 - 2.19 City of York Objective Assessment of Housing Needs Technical Report [July 2016].
 - 2.20 City of York Local Plan: Windfall Allowance Technical Paper [July 2016].
 - 2.21 City of York Local Plan: Preferred Sites Consultation Sustainability Appraisal [July 2016].
 - 2.22 York Green Belt Local Plan: Report on Objections to the Plan - Inspectors Report [January 1994].
 - 2.23 Local Transport Plan 2011-2031 [LTP3].

CD3. APPLICATION DOCUMENTS

- 3.1 Built Form Masterplan: Drawing Number HG2398/011 [11 February 2015].
- 3.2 Planning Statement: Document Reference: HG2398/JR/AY [30 March 2015].
- 3.3 Landscape Proposals: Drawing Number 1 [March 2015].
- 3.4 Redline plan of the development site: Drawing Number: HG2398/0001 [8 April 2015].
- 3.5 Application Form for the erection of 109 dwellings [9 April 2015].
- 3.6 Design and Access Statement [March 2015].
- 3.7 Statement of Community Involvement produced by Signet Planning [March 2015].
- 3.8 Planning Noise Assessment: Document Reference DC1616-R1 [February 2015].
- 3.9 Phase 1 Environmental Assessment: Project Number 7412 [January 2015].
- 3.10 Transport Statement: Document Reference jgv/13021/TS/v1 [March 2015].
- 3.11 Tree Survey [February 2015].
- 3.12 Great Crested Newts Survey: Document Reference 49343424 [June 2012].
- 3.13 Historical and Archaeological Desk Based Assessment [January 2015].
- 3.13a Archaeological Geographical Survey: Document Reference ARC/1683/604 [November 2015].
- 3.14 Flood Risk Assessment and Drainage Strategy: Document Reference 11935-5000 Rev 1 [March 2015].
- 3.15 Committee Report relating to planning application reference 15/00798/OUTM [22 October 2015].
- 3.16 Minutes from Planning Committee meeting [22 October 2015].
- 3.17 Refusal of Outline Planning Permission Notice relating to planning application 15/00798/OUTM [2 November 2015].
- 3.18 Consultee responses to the Planning Application.
- 3.19 Archaeological Trail Trenching [5 January 2016].
- 3.20 Phase 1 Habitat Survey and Ecological Appraisal [June 2015].

CD4. APPEAL DOCUMENTS

- 4.1 Appellant's Statement of Case [April 2016].
- 4.2 Council's Statement of Case [18 July 2016].
- 4.3 Third party representations to appeal.

4.4 Draft Statement of Common Ground dated May 2016.

CD5. CASE LAW/LEGISLATION/RELEVANT APPEAL DECISIONS

- 5.1 *R. (oao Smech Properties Ltd) v Runnymede BC* [2016] EWCA Civ 42.
- 5.2 *R. (oao Timmins) v Gedling BC* [2016] EWHC 220 (Admin).
- 5.3 *R. (oao Lee Valley Regional Park Authority) v Epping Forest DC* [2016] EWCA Civ 404.
- 5.4 *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466.
- 5.5 *Cheshire East BC v Secretary of State for Communities and Local Government* [2016] EWHC 694.
- 5.6 *Dartford BC v Secretary of State for Communities and Local Government* [2016] EWHC 635 (Admin).
- 5.7 *Richborough Estates Partnership LLP v Cheshire East Borough Council also known as Suffolk Coastal DC v Hopkins Homes Ltd* [2016] EWCA Civ 168.
- 5.8 *Tandridge DC v Secretary of State for Communities and Local Government* [2015] EWHC 2503 (Admin).
- 5.9 *Pertemps Investments Ltd v Secretary of State for Communities and Local Government* [2015] EWHC 2308 (Admin).
- 5.10 *Woodcock Holdings Ltd v Secretary of State for Communities and Local Government* [2015] EWHC 1173 (Admin).
- 5.11 *Secretary of State for Communities and Local Government and others v Redhill Aerodrome Limited* [2014] EWCA Civ 1386.
- 5.12 *South Bucks District Council v Porter* (FC), 1 July 2004 (House of Lords).
- 5.13 *R v Secretary of State for the Environment, Transport and the Regions ex parte O'Byrne* [2002] UKHL 45.
- 5.14 Appeal decision: Brecks Lane, Strensall (Ref: APP/C2741/V/14/2216946) [18 March 2015].
- 5.15 Appeal decision: Germany Beck, Fulford, York (Ref: APP/C2741/V/05/1189879) [9 May 2007].
- 5.16 Appeal decision: West View Close (Ref: APP/C2471/A/13/2191767) [9 July 2013].
- 5.17 Appeal decision: Land south of Strensall village, Strensall YO32 5XB (Ref: APP/C2741/W/16/3154113) [4 October 2016].
- 5.18 Appeal decision: Land at Pulley lane, Droitwich Spa (Ref: APP/H1840/A/13/2199085) [2 July 2014].

CD6. CITY OF YORK DOCUMENTS

- 6.01 North Yorkshire County Council: Structure Plan Third Alteration [adopted October 1995].
- 6.02 Local Plan Preferred Options: consultation [June/July 2013].
- 6.03 City of York Local Plan Publication Draft [September 2014].
- 6.04 Employment Land Review (ELR) [July 2016].
- 6.05 City of York Local Plan Heritage Impact Appraisal [September 2014].
- 6.06 Written Ministerial Statement by Local Government Minister (Brandon Lewis) [July 2013].
- 6.07 Written statement to Parliament by the Parliamentary Under Secretary of State for Communities and Local Government (Brandon Lewis) [January 2014].

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- 6.08 Planning Minister, Brandon Lewis, wrote to the Chief Executive at the Planning Inspectorate about Strategic Housing Market Assessments [December 2014].
 - 6.09 Written ministerial statement by Brandon Lewis [December 2015].
 - 6.10 Inspector's Report in relation to the appeal for the proposed university campus (APP/C2741/V/05/1189972) [May 2007].
 - 6.11 Secretary of State decision in relation to the appeal for the proposed university campus (APP/C2741/V/05/1189972) [May 2007].
 - 6.12 Appeal decision: Elvington Aerodrome appeal (APP/C2741/A/08/2069665) [January 2009].
 - 6.13 Release from CLG of the 2014 based sub national household projections [July 2016].
 - 6.14 Brecks Lane Appeal Site location plan - Brecks Lane, Strensall (Ref: APP/C2741/V/14/2216946) [March 2015].
 - 6.15 Appeal decision: Land south of Strensall village, Strensall YO32 5XB (Ref: APP/C2741/W/16/3154113) [October 2016].
 - 6.16 *Wychavon District Council v SSCLG & Anor* [2016] EWHC 592 (Admin).
 - 6.17 *Gladman Developments Limited v Daventry District Council and Anor* [2016] EWCA Civ 1146.

iv) APPENDICES TO PROOFS OF EVIDENCE SUBMITTED ON BEHALF OF THE APPELLANT [PEA]

- 1.1- Appendices 1-7 attached to the proof of evidence of James Hobson.
- 1.7
- 2.1- Appendices 1-3 attached to the proof of evidence of Martin Popplewell.
- 2.3

v) APPENDICES TO PROOFS OF EVIDENCE SUBMITTED BY THE COUNCIL [PEC]

- 1.1- Appendices 1-6 attached to the proof of evidence of Kevin O'Connell.
- 1.6
- 2.1- Appendices 1-6 attached to the proof of evidence of Esther Priestley.
- 2.6
- 3.1- Appendices 1-7 attached to the proof of evidence of Richard Wood.
- 3.7

**APPENDIX C: LIST OF SUGGESTED CONDITIONS IN THE EVENT THAT
PLANNING PERMISSION IS GRANTED**

1. No development shall start until details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters"), have been submitted to and approved in writing by the Local Planning Authority (LPA). The development shall be carried out in accordance with the approved details.

Reason: In order that the LPA may be satisfied as to the details of the development and to comply with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. Application for approval of the reserved matters shall be made to the LPA not later than the expiration of three years beginning with the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Act.

3. The development hereby permitted shall be carried out in accordance with the following approved drawing Nos: (i) HG2398/001; and (ii) HG2398/011, but the latter only insofar as it shows the details of access.

Reason: For the avoidance of doubt, in the interests of proper planning and to ensure that the development is carried out only as approved by the LPA.

4. No development above foundation level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.

Reason: So as to ensure the development has a visually cohesive appearance.

5. Within one month of the commencement of the development fully detailed drawings illustrating the design and materials of roads, footpaths, cycleways and highway verges shall be submitted to the LPA for approval in writing. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

6. Notwithstanding the details of the eastern access shown on drawing No HG2398/011, prior to the construction of that access fully detailed drawings showing what steps are proposed to restrict the use of this access for certain types of vehicles shall be submitted to the LPA for approval in writing. The development shall be carried out in accordance with the approved details and any restrictive measures shall be retained for the lifetime of the development.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the LPA.

7. Within one month of the commencement of the development details of the two junctions between the internal access roads and the public highway at Avon Drive shall be submitted to the LPA for approval in writing. No dwelling shall be occupied until the junctions have been constructed in accordance with the approved details.

Reason: In the interests of highway safety.

8. Within one month of the commencement of the development details of secure cycle storage for each dwelling, which might comprise identified space within a garage or shed where available, shall be submitted to the LPA for approval in writing. No dwelling shall be occupied until the secure cycle storage for each dwelling has been provided in accordance with the approved details. The identified areas shall be retained for cycle storage for the lifetime of the development and shall be used for no other purpose.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

9. No development above foundation level shall take place until details of the parking and manoeuvring of vehicles to serve each dwelling have been submitted to and approved in writing by the LPA. The areas shown on the approved plans for parking and manoeuvring of vehicles shall be constructed and laid out in accordance with the approved plans prior to the first occupation of each dwelling to which it relates, and thereafter such areas shall be retained for the lifetime of the development and shall be used for no other purpose.

Reason: In the interests of highway safety.

10. No development shall take place until a dilapidation survey of the highways adjoining the site has been jointly undertaken with City of York Council and the results of that survey have been agreed in writing with the LPA.

Reason: In the interests of the safety and good management of the public highway, the details of which must be recorded prior to the access to the site by any construction vehicle.

11. Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance, preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall, at a minimum, include the following information:
 - the routing that is proposed for use by the contractors, including main arterial routes, and the steps proposed to avoid the peak network hours;
 - timings for construction vehicles to arrive/depart the site;
 - where contractors are proposed to park;
 - where materials are proposed to be stored within the site;
 - the measures that are proposed to ensure that no mud/detriment is dragged out over the adjacent public highway; and,
 - publicly available contact details.

The development shall be carried out in accordance with the approved method of works statement.

Reason: To ensure that the development can be carried out in a manner that would not be detrimental to the amenity of local residents, free flow of traffic or safety of highway users. The details are required prior to commencement in order to ensure that they are in force at an appropriate point in the development procedure and during the whole of the construction phase of the development.

12.No dwelling to which this planning permission relates shall be occupied unless or until the carriageway basecourse and kerb foundation to the new estate road and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting, in accordance with the approved lighting strategy, shall be provided within three months of the date of commencement of the construction of the penultimate dwelling of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

13.No development shall take place until an ecological design strategy (EDS) addressing mitigation and enhancement has been submitted to the LPA and approved in writing. 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 timetable and all features shall be retained in that manner thereafter.

Reason: To meet the requirements of paragraph 118 of the Framework which states that when determining planning applications an LPA should aim to conserve and enhance biodiversity including by encouraging opportunities to incorporate biodiversity in and around developments. The EDS is required prior to commencement of development to ensure that appropriate ecological mitigation measures are in place throughout the construction period.

14.If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years of the date of approval of the EDS, it shall be reviewed and, where necessary,

amended and updated. The review shall be informed by further ecological surveys commissioned to: (i) establish if there have been any changes in the presence and/or abundance of great crested newts; and, (ii) identify any likely new ecological impacts that might arise from any changes.

Reason: In the interests of protecting protected species.

15. Where the survey results referred to in condition 14 indicate that changes have occurred that would result in ecological impacts not previously addressed in the approved scheme referred to in condition 14, the original approved ecological measures shall be revised and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the LPA prior to the commencement of development. The development shall be carried out in accordance with the ecological measures and timetable approved under this condition.

Reason: To take account of changes in the distribution or abundance of mobile protected species on site.

16. No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP) in respect of biodiversity has been submitted to and approved in writing by the LPA. The CEMP shall include the following:

- Risk assessment of potentially damaging construction activities.
- Identification of 'biodiversity protection zones'.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

Reason: To secure practical measures to avoid or reduce impacts to biodiversity features during construction, as appropriate to the scale of development. The details are required prior to commencement in order to ensure that they are in force at an appropriate point in the development procedure and during the whole of the construction phase of the development.

17. Within one month of commencement of development a lighting scheme ["lighting strategy"] shall be submitted to the LPA for approval in writing. The lighting strategy shall:

- Identify those areas/features on the site that are particularly sensitive for wildlife, together with key vantage-points from the Ring Road; and,

- Show how and where external lighting is proposed to be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be demonstrated that there would not be a negative impact on wildlife and to ensure that views of the external lighting would be restricted when viewed from the Ring Road. All external lighting shall be installed in accordance with the specifications locations and timetables set out in the lighting strategy, and these shall be maintained thereafter in accordance with the approved lighting strategy.

Reason: To contribute to and enhance the natural and local environment by encouraging good design to limit the impact of light pollution from artificial light on nature conservation in line with the Framework.

18.No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the LPA. The site shall be developed with separate systems of drainage for foul and surface water on and off site. No dwelling shall be occupied prior to completion of the approved foul drainage works and, unless otherwise approved in writing by the LPA, there shall be no piped discharge of surface water from the development prior to the completion of the surface water drainage works in accordance with the details that have been approved.

Reason: In order to ensure satisfactory foul and surface water drainage of the site and ensure that no surface water discharges take place until proper provision has been made for its disposal.

19.Unless otherwise agreed in writing by the LPA, no building or other obstruction (including new tree planting) shall be located over or within 7.5 (seven point five) metres either side of the centre line of the large diameter raw water main, which crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times and protect the pipe from tree root infestation damage.

20.No development shall take place until a scheme for landscape mitigation adjacent to the A1237 has been submitted to and approved in writing by the LPA. Any earthworks and fencing details that form part of the approved scheme shall be implemented before any other development operations commence on site. The associated mitigation planting shall be implemented within one year of the commencement of the landscape mitigation works.

Reason: In the interests of the finished appearance of the development and to ensure that the landscape mitigation takes effect as soon as possible.

21.The reserved matters application shall include a tree survey, an arboricultural impact assessment and an arboricultural method statement of all trees on the site and immediately adjacent to the site in accordance with BS 5837: 2012. It should identify those trees to be retained and those to be felled and include details of tree protection during development operations. The documents shall include details of the following where they occur near existing trees: existing

and proposed levels; existing and proposed surfacing; and the locations of existing and proposed underground service runs.

Reason: To ensure the retention and protection of existing trees that are desirable and/or suitable for retention before, during and after development and to allow an accurate assessment of the compatibility of the detailed development proposals with existing trees which are the subject of a tree preservation order (TPO) and/or make a significant contribution to the amenity of the area and/or development.

22.No development above foundation level shall take place until a scheme has been submitted to and approved in writing by the LPA to demonstrate that the internal noise level within the dwellings hereby permitted conform to the standard identified by BS 8233:2014, taking account of all known sources of traffic and other noise. The work specified in the approved scheme shall be carried out in accordance with the approved details prior to first occupation of the dwellings hereby permitted and retained thereafter as approved.

Reason: In order to ensure the occupiers of the approved dwellings enjoy satisfactory living conditions.

23.No development shall take place until details of an acoustic noise barrier to protect the residential gardens and other external areas in the development hereby permitted have been submitted to and approved in writing by the LPA. 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 approved details before the first occupation of any dwelling and shall be maintained thereafter for the life of the development.

Reason: In the interests of the living conditions of prospective residents and having regard to the stated objective of incorporating such an acoustic feature into the planted mound, which needs to be delivered at an early stage in the interests of the character and appearance of the area.

24.All construction and demolition works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours: Monday to Friday 08.00 to 18.00, Saturday 09.00 to 13.00, and not at all on Sundays or Bank Holidays.

Reason: In the interests of the living conditions of existing residents.

25.In the event that contamination is found at any time when carrying out the approved development, the contamination shall be reported in writing immediately to the LPA. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared and shall be submitted to the LPA for approval in writing. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to the LPA for approval in writing.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can

be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

26. Prior to the occupation of each dwelling, other than a flat or property without a garage or driveway, a 3-pin, 13-amp electrical socket shall be provided at each dwelling, other than as defined above, in accordance with the following:

- For all garage spaces: provision in a suitable location to enable the charging of an electric vehicle using a 3m length cable. Any socket provided must comply with BS1363 or an equivalent standard and be suitable for charging electric vehicles; and,
- For all driveways: provision of an electrical socket which is suitable for outdoor use, located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable. Any socket provided must comply with BS1363, or an equivalent standard and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles.

27. No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an open area archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with a specification supplied by the LPA. This programme and the archaeological unit shall be approved in writing by the LPA before development commences. No dwelling shall be occupied until a full report on the archaeological excavation has been submitted to and agreed in writing by the LPA.

Reason: The site lies within an Area of Archaeological Interest which contains Romano-British features and the development would affect these important archaeological deposits which must be recorded prior to their destruction. The information is sought prior to commencement to ensure that the programme of works is initiated at an appropriate point in the development procedure to avoid the irrevocable destruction of non-designated heritage assets. As the site is of archaeological interest a report on the archaeological excavation is required to disseminate the results of the archaeological investigation.

28. The details submitted pursuant to the reserved matters application shall incorporate measures, in terms of external design and layout, to minimise the risk of crime and disorder, and the application shall be accompanied by a statement that sets out the rationale for the measures that have been included. The identified measures shall be implemented in accordance with the approved details before the first occupation of any dwelling in that part of the site and shall be maintained thereafter for the life of the development.

Reason: In the interest of community safety, to reduce the fear of crime and to prevent crime and disorder, having regard to the Guidance.

29.The development hereby permitted shall comprise 109 dwellings.

Reason: For the avoidance of doubt in order to deliver the full benefits of the scheme.

30.All dwellings shall be less than 3-storeys in height.

Reason: In the interests of the living conditions of existing residents and to maintain the character and appearance of the neighbourhood.



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

From: Mike Smith [152mikesmith@gmail.com]
Sent: 04 April 2018 13:58
To: localplan@york.gov.uk
Subject: Fwd: M.J.Smith comments on the draft LTP
Attachments: M.J.SMITH.LTP.Consultation.docx; M.J.SMITH.LTP.Consultation.pdf

Dear City of York

I attach my comments on the draft LTP.

Many thanks for the opportunity!!

Michael J Smith

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

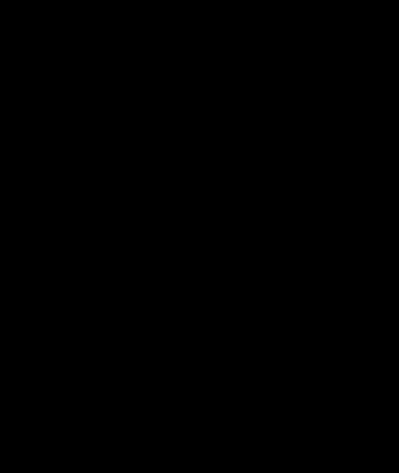
To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments 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	Emeritus Professor	
First Name	Michael	
Last Name	Smith	
Organisation (where relevant)	University of York	
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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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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Can I submit representations on behalf of a group or neighbourhood?

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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?

You can view the Local Plan Publication draft Consultation documents

- Online via our website www.york.gov.uk/localplan.
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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

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)

I believe that the LTP draft is legally compliant and seeks to co-operate.

My query concerns whether it is sound.

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.	<input type="text" value="ALL"/>	Policy Ref	<input type="text" value="ALL."/>	Site Ref.	<input type="text" value="ALL"/>
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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.

I believe that the LTP draft is unsound because it does not specify specific congestion-reduction strategies using control and also does not aim to justify any congestion reduction strategies using control.

The Transport Topic Paper identifies the nationally recommended process for justifying strategies (by comparison). But there is no statement of *actual congestion reduction control strategies* to be justified, either in the Topic Paper or in the LTP. See the (abbreviated) quotes from both below.

To be effective, justified and consistent with national policy this LTP should, I suggest, identify specific congestion mitigation control strategies to be modelled; aiming to justify at least one by modelling the future without and with the strategy. A strategy which should be mitigate congestion over all time periods is:

Queue re-location using traffic signal controls.

York has employed this strategy with success on the Hull Road and Gillygate. *I suggest that this congestion mitigation strategy should be expanded to embrace the whole City, from the Outer Ring Road to the City Centre; and that the LTP should state that this control strategy will be justified by modelling the City with and without the strategy; for the period from now – 2030.*

This City-wide strategy will be likely to reinforce / complement many strategies from the LTP (see below).

Quote from the Transport Topic paper 2017: v. If the level of congestion ‘pain’ forecast isn’t acceptable, additional infrastructure can be identified to mitigate this pain. Re-running the model for this situation – the ‘do something’ scenario - should show a reduction in ‘pain’.

Quote from the LTP DRAFT (abbreviated):

Short-term (2017-22): i. Highway enhancements to improve public transport reliability:

- interchange improvements at York Station, Leeman Road / Shipton Road Corridor.
- citywide improvements to the urban traffic control system, and
- physical measures to improve operation of the bus services in York city centre.

Medium- term (2022-27):

- ii. Expansion of the Askham and Poppleton Bar Park & Ride facilities to match rising demand.
- iii. ... enhancements to improve public transport services and reliability and enhancements to improve connectivity to the north-west and to new settlement (ST15) (subject to confirmation).

Long-term (2027-32):

- v. Traffic restraint measures in the city centre to improve public transport reliability.
- vii. provide highway enhancements to improve public transport reliability;

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.

To be sound in regard to congestion reduction strategies, I suggest that the following wording is added to the "Transport" section of the LTP draft. This wording will allow some justification for a congestion-reduction strategy: "Future year modelling both without and with a comprehensive city-wide queue relocation strategy, using traffic signal controls, will be undertaken to estimate the congestion-reduction benefits (for public transport, private car transport, slow modes and the environment) which might be obtained over the time period from now till 2030."

[For information: The Hull Road bus gate was tuned as part of an EU project involving both the City of York and the University of York called MUSIC (Management of traffic USIng Control). Final report available from me.]

[Below are two papers which present some justification supporting the belief "that using traffic signal control to manage congestion may be effective and cost-effective". There are many other papers; these refer directly to York. Smith, M. J. (1976). The location of two ring roads and the control of traffic speed which together minimises radial travel in a town, *Transportation Research*, 10, 201-207.

Smith, M. J. (1974). Traffic control in a town with two ring roads, *Traffic Engineering and Control*, 15, 563 - 565.]

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:

I have appeared at Public Enquiries (i) into the construction of a New Inner Ring Road (to object to the construction), (ii) into the construction of a multi-storey car park in Bishophill (to object to the construction, on traffic grounds, in an area with small terrace houses very close to York City Centre) and (iii) into the building of the northern parts of the outer ring road (to emphasis the traffic need for a complete ring).

In each case I believe that actually appearing enhanced dialogue and understanding. This was clearest in the Inner Ring Road Enquiry.

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.¹

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.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²

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.³

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 or on [01904 554145](tel:01904554145)

Signature

Date

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

From: Mike Smith [152mikesmith@gmail.com]
Sent: 04 April 2018 13:45
To: localplan@york.gov.uk
Subject: M.J.Smith comments on the draft LTP
Attachments: M.J.SMITH.LTP.Consultation.docx; M.J.SMITH.LTP.Consultation.pdf

Dear City of York

I attach my comments on the draft LTP.

Many thanks for the opportunity!!

Michael J Smith

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	Emeritus Professor	
First Name	Michael	
Last Name	Smith	
Organisation (where relevant)	University of York	
Representing (if applicable)		
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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Yes No

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 Effective Consistent with national policy

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(Complete any that apply)

Paragraph no.

ALL

Policy Ref

ALL.

Site Ref.

ALL

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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 or on [01904 554145](tel:01904554145)

Signature

Date

4 April 2015

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

From: Bevins, Hannah [hannah.bevins@woodplc.com]
Sent: 04 April 2018 13:53
To: localplan@york.gov.uk
Subject: RE: Response on Behalf of National Grid

Hi John,

Thank you for your follow up email.

Unfortunately it is not for Amec Foster Wheeler to determine the legal compliance and soundness of your Local Plan (Regulation 19) Consultation.

The response issued on behalf of National Grid was informative. However, if you do have any follow up questions regarding mitigation options and policy you would be best placed to discuss this directly with National Grid. The following email will be most useful to you.

box.landandacquisitions@nationalgrid.com

Thank you,
Hannah

**Hannah Lorna Bevins BA (Hons) MSc MRTPI
Consultant**

Environment & Infrastructure
Direct: +44 (0)1926 439127
www.woodplc.com

The logo for Wood, featuring the word "wood." in a bold, lowercase, sans-serif font.

From: Roberts, John [mailto:John.Roberts@york.gov.uk] **On Behalf Of** localplan@york.gov.uk
Sent: 03 April 2018 16:39
To: 'Bevins, Hannah' <hannah.bevins@woodplc.com>
Cc: localplan@york.gov.uk; Cooke, Alison(City Development) <Alison.Cooke2@york.gov.uk>
Subject: RE: Response on Behalf of National Grid

Hi Hannah,

I'm just following up on the email sent by my colleague, Alison Cooke, last Thursday (29th March), regarding your response to the City of York Local Plan Publication (Regulation 19) Consultation – in terms of clarifying whether your comments relate to the 'legal compliance' and 'soundness' of the Plan.

The deadline for submission of comments is midnight on 4th April.

I look forward to hearing from you soon.

Kind regards
John

John Roberts | Assistant Development Officer
Planning and Environmental Management
t: 01904 551464 | e: john.roberts@york.gov.uk

City of York Council | Directorate of Economy & Place
West Offices, Station Rise | York YO1 6GA
www.york.gov.uk | facebook.com/cityofyork | [@CityofYork](https://twitter.com/CityofYork)

From: Cooke, Alison(City Development) **On Behalf Of** localplan@york.gov.uk
Sent: 29 March 2018 17:54
To: 'Bevins, Hannah'
Cc: localplan@york.gov.uk
Subject: RE: Response on Behalf of National Grid

Hi Hannah,

Many thanks for you email on behalf of National Grid to the Publication draft Local Plan (Regulation 19) consultation.

We would be grateful if you could clarify for us whether how the issues in your response relate to legal compliance and 'soundness' as set out in our response form (linked below). This is to ensure we do not misinterpret your response to us and to ensure it is presented accurately to the planning inspector. Any clarification provided will be appended to your original response.

https://www.york.gov.uk/downloads/file/15301/local_plan_publication_draft_-_consultation_response_form_doc

Kind regards
Alison

Alison Cooke | Development Officer
City of York Council | Strategic Planning
Directorate of Economy and Place | West Offices | Station Rise | York | YO1 6GA
www.york.gov.uk | facebook.com/cityofyork | [@CityofYork](https://twitter.com/CityofYork)

From: Bevins, Hannah [<mailto:hannah.bevins@woodplc.com>]
Sent: 29 March 2018 16:31
To: localplan@york.gov.uk
Subject: Response on Behalf of National Grid

Dear Sir/Madam,

Please find the attached response on behalf of National Grid.

Kind regards

Amec Foster Wheeler on behalf of National Grid

Planning & Design| E&I UK
Amec Foster Wheeler
Gables House, Kenilworth Road, Leamington Spa, CV32 6JX
Tel +44 (0)1926 439000

n.grid@amec.com

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From: Bevins, Hannah [hannah.bevins@woodplc.com]
Sent: 29 March 2018 16:31
To: localplan@york.gov.uk
Subject: Response on Behalf of National Grid
Attachments: Local Plan REP 12.03.18.pdf

Dear Sir/Madam,

Please find the attached response on behalf of National Grid.

Kind regards

Amec Foster Wheeler on behalf of National Grid

Planning & Design| E&I UK
Amec Foster Wheeler
Gables House, Kenilworth Road, Leamington Spa, CV32 6JX
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Local Plan
FREEPOST RTEG-TYYU-KLTZ
City of York Council
West Offices
Station Rise
York
YO1 6GA



Hannah Lorna Bevins
Consultant Town Planner

Tel: 01926 439127
n.grid@amecfw.com

Sent by email to:
localplan@york.gov.uk

12 March 2018

Dear Sir / Madam

**York City Council: Local Plan Publication Draft Consultation
SUBMISSION ON BEHALF OF NATIONAL GRID**

National Grid has appointed Amec Foster Wheeler to review and respond to development plan consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

National Grid owns and operates the high voltage electricity transmission system in England and Wales and operates the Scottish high voltage transmission system. National Grid also owns and operates the gas transmission system. In the UK, gas leaves the transmission system and enters the distribution networks at high pressure. It is then transported through a number of reducing pressure tiers until it is finally delivered to our customers. National Grid own four of the UK's gas distribution networks and transport gas to 11 million homes, schools and businesses through 81,000 miles of gas pipelines within North West, East of England, West Midlands and North London.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect our assets.

Specific Comments - Proposed sites crossed or in close proximity to National Grid infrastructure:

Electricity Transmission

- **ST1 -British Sugar/Manor School** (our reference ET186)
- **ST7 - Land East of Metcalfe Lane** (our reference ET186)

Please see enclosed plan referenced ET186 at Appendix 1. The proposed strategic sites are crossed by a National Grid high voltage electricity transmission overhead line.

National Grid prefers that buildings are not built directly beneath its overhead lines. This is for two reasons, the amenity of potential occupiers of properties in the vicinity of lines and because National Grid needs quick and easy access to carry out maintenance of its equipment to ensure that it can be returned to service and be available as part of the national transmission system. Such access can be difficult to obtain without inconveniencing and disturbing occupiers and residents, particularly where properties are in close proximity to overhead lines.

National Grid seeks to encourage high quality and well planned development in the vicinity of its high voltage overhead lines. Land beneath and adjacent to the overhead line route should be used to make a positive contribution to the development of the site and can for example be used for nature conservation, open space, landscaping areas or used as a parking court. National Grid, in association with David Lock Associates has produced 'A Sense of Place' guidelines, which look at how to create high quality development near overhead lines

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Amec Foster Wheeler Environment
& Infrastructure UK Limited
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Booths Park, Chelford Road, Knutsford,
Cheshire WA16 8QZ
Registered in England.
No. 2190074



and offers practical solutions which can assist in avoiding the unnecessary sterilisation of land in the vicinity of high voltage overhead lines.

Potential developers of the sites should be aware that it is National Grid policy to retain our existing overhead lines in-situ. The relocation of existing high voltage overhead lines will only be considered for projects of national importance which has been identified as such by central government.

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. To comply with statutory safety clearances the live electricity conductors of National Grid's overhead power lines are designed to be a minimum height above ground. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

'A Sense of Place' is available from National Grid and can be viewed at:

<http://www.nationalgrid.com/uk/Senseofplace/Download/>

Further information regarding development near overhead lines and substations is available here:

http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl_final/pdf/brochure.htm

General information:

Electricity Transmission

National Grid has three high voltage overhead lines (listed below) within the City of York's administrative area. These form an essential part of the electricity transmission network in England and Wales.

Line Ref.	Description
4ZR Route	400kV two circuit route from Osbaldwick substation in York to Thornton substation in East Riding of Yorkshire.
XCP Route	275kV two circuit route from Poppleton substation in York to Monk Fryston substation in Selby
YR Route	400kV two circuit route from Osbaldwick substation in York to Norton substation in Stockton on Tees

National Grid has provided information in relation to electricity transmission assets via the following internet link:

<http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/>

The following substation is also located within the administrative area of City of York:

Osaldwick substation – 132kV

National Grid may have a Deed of Easement for each asset which prevents the erection of permanent/ temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Grid easement strip, and a deed of consent is required for any crossing of the easement. In the first instance please consider checking with the Land Registry for the development area. If further information is required in relation to an easement please contact Spencer Jefferies, Development Liaison Officer, box.landandacquisitions@nationalgrid.com

If you require any further information in relation to the above please contact National Grid's Plant Protection team via plantprotection@cadentgas.com

Electricity Distribution

Northern Powergrid owns and operates the local electricity distribution network in City of York Council. Contact details can be found at www.energynetworks.org.uk.

Appendices - National Grid Assets

Please find attached in:

- Appendix 1 provides maps of the sites referenced above in relation to the affected National Grid Transmission assets outlined above.

Further Advice

National Grid is happy to provide advice and guidance to the Council concerning our networks. If we can be of any assistance to you in providing informal comments in confidence during your policy development, please do not hesitate to contact us. In addition the following publications are available from the National Grid website or by contacting us at the address overleaf:

- National Grid's commitments when undertaking works in the UK - our stakeholder, community and amenity policy;
- Specification for Safe Working in the Vicinity of National Grid High Pressure Gas Pipelines and Associated Installations - Requirements for Third Parties; and
- A sense of place - design guidelines for development near high voltage overhead lines.
- T/SP/SSW22 – Specification for safe working in the vicinity of National Grid high pressure gas pipelines and associated installations – requirements for third parties.
<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33968>
- IGE/SR/18 – Safe working practices to ensure the integrity of gas pipelines and associated installations.
- HS(G)47 – Avoiding Danger from Underground Services.

Please remember to consult National Grid on any Development Plan Document (DPD) or site-specific proposals that could affect our infrastructure. We would be grateful if you could add our details shown below to your consultation database:

Hannah Lorna Bevins
Consultant Town Planner

n.grid@amecfw.com

Amec Foster Wheeler E&I UK
Gables House
Kenilworth Road
Leamington Spa
Warwickshire
CV32 6JX

Spencer Jefferies
Development Liaison Officer, National Grid

box.landandacquisitions@nationalgrid.com

National Grid House
Warwick Technology Park
Gallows Hill
Warwick
CV34 6DA

I hope the above information is useful. If you require any further information please do not hesitate to contact me.

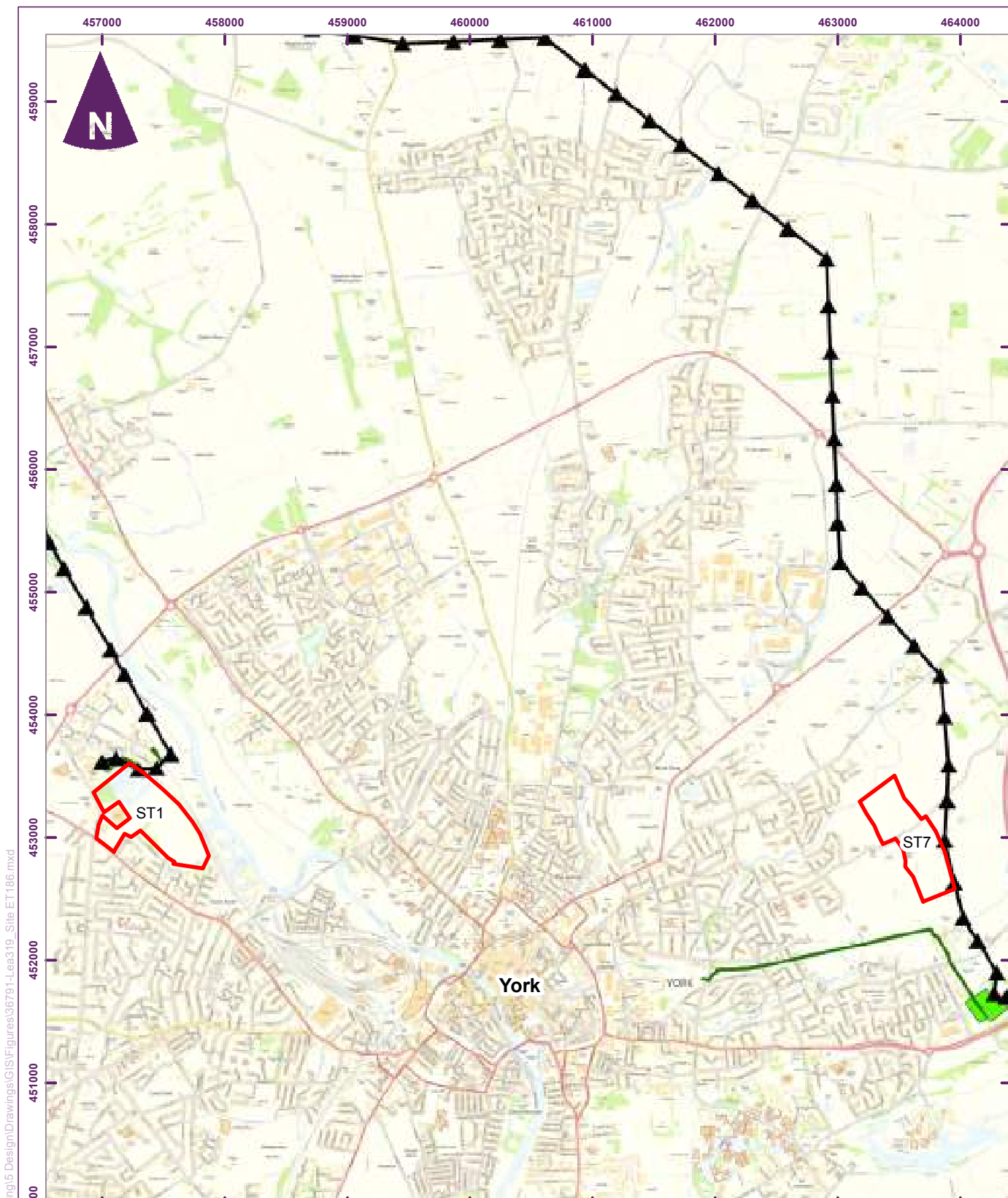
Yours faithfully

[via email]

Hannah Lorna Bevins
Consultant Town Planner






cc. Spencer Jefferies, National Grid

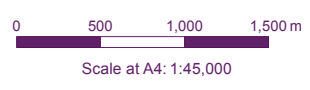
APPENDIX 1: NATIONAL GRID TRANSMISSION ASSETS AFFECTED



file: H:\Projects\36791 - National Grid Development Plan Monitoring\5 Design\Drawings\GIS\Figures\36791-Lea319_Site ET186.mxd

Key

-  Indicative site boundary
-  Tower
-  Overhead line
-  Underground Cable
-  Substation



Development Plan
Monitoring



National Grid Reference:
Site ET186
City of York
Proposed Development Site
Strategic Sites

From: Collard, Tim (GVA) [Tim.Collard@gva.co.uk]
Sent: 04 April 2018 13:55
To: localplan@york.gov.uk
Cc: Cooke, Alison(City Development); Slater, Michael; Robert.Stone106@mod.gov.uk; Mark.Limbrick247@mod.gov.uk; stephen.taylor234@mod.gov.uk; Hollowood, Stephen (GVA)
Subject: DIO Regulation 19 Representations on the City of York Local Plan
Attachments: DIO Regulation 19 Forms.pdf; DIO Final Reps CYC York Local Plan Regulation 19 Publication Draft.pdf

Importance: High

Dear Sir/ Madam,

Please find attached representations from the Defence Infrastructure Organisation on the Regulation 19 York Local Plan consultation version. This includes a letter to Michael Slater (at Appendix 1), outlining DIO's continued commitment to deliver housing on Queen Elizabeth Barracks and Imphal Barracks and employment at Towthorpe Lines. We have completed relevant "Regulation 19 forms" and attached these alongside DIO's representations.

I would be grateful if you could confirm receipt of the attached documents. Please do not hesitate to contact me if you have any issues accessing the files.

Kind regards,

Tim

Tim Collard
Senior Planner

GVA

T +44 (0)121 609 8861 | M +44 (0)7768 124 845
tim.collard@gva.co.uk | www.gva.co.uk

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GVA

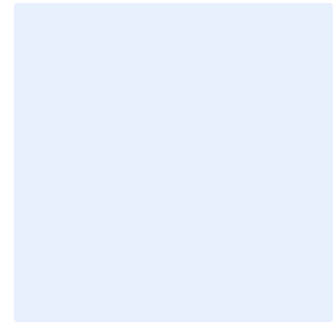


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Report

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Response to the York Local Plan Publication Draft (Regulation 19 Consultation)

GVA on behalf of Defence Infrastructure Organisation in respect of:

Queen Elizabeth Barracks, Strensall
(H59 and ST35 - Policy SS19 and H1)

Imphal Barracks, Fulford
(ST36- Policy SS20 and H1)

Towthorpe Lines (E18 - Policy EC1)

April 2018



Defence
Infrastructure
Organisation

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Appendix II Site Concept Plans demonstrating development capacity and potential

Appendix III DIO comments on matters of Soundness

Appendix IV Green Belt Appraisal – Queen Elizabeth Barracks

Appendix V Green Belt Appraisal – Imphal Barracks

Appendix VI Transport Technical Comments

Appendix VII Hydrology Technical Comments

For and on behalf of GVA Grimley Limited

1. DIO Representations - Covering Note

Defence Infrastructure Organisation (DIO) has instructed GVA to respond to the York Local Plan Publication Draft Regulation 19 Consultation. DIO welcomes and supports the principle of the proposed housing allocations on the Ministry of Defence (MoD) owned previously developed sites at Queen Elizabeth Barracks (QEB) and Imphal Barracks (IB) and the proposed employment allocation at Towthorpe Lines (TL) but has detailed concerns regarding, inter alia, the proposed development capacities and Green Belt boundaries.

The Ministry of Defence (MoD) announced on 7th November 2016 that as part of the strategy outlined in their publication "A Better Defence Estate" that a number of military sites across the country would be disposed of. This included the following sites:

- Imphal Barracks (date of disposal - 2031);
- Queen Elizabeth Barracks, date of disposal 2021; and,
- Towthorpe Lines, date of disposal 2021.

The disposal announcement provides a high degree of certainty to the City of York Council that the sites will come forward for redevelopment. The letter from the DIO, dated 3rd April 2018 (at **Appendix 1**), reiterates the commitment from the MOD to dispose of the sites and support for their allocation for c.1,420 homes and 13,200sqm employment floorspace in the emerging Local Plan.

In parallel with the MOD disposal process, the City of York Council (CYC) has progressed the emerging City of York Local Plan; this includes the Local Plan Preferred Sites consultation which was undertaken between 18th July and 12th September 2016.

Reports commissioned by DIO at this time, containing technical analyses of the three sites, informed DIO's earlier (Regulation 18) representations and subsequent dialogue with the City of York Council which has underpinned the Council's decision to allocate the defence sites for development.

The three defence sites are coming forward for disposal under the Government's public land release programme for housing purposes. They are previously developed land and sustainable in terms of location for the uses proposed. The DIO has confirmed that it is committed to the above dates for disposal of the surplus sites. It is contended that the sites will therefore satisfy the three principal local plan criteria for delivery namely:

- Available on the dates indicated;
- Suitable locations for development; and,
- Achievable for housing in the next 5 years (QEB, Imphal Barracks by 2031), and the development is viable.

Illustrative concept masterplans for QEB, IB and TL can be found at **Appendix 2**, which supplement and support the DIO submissions. Plans were originally submitted to CYC in response to the Regulation 18 consultation in 2017 and they have been updated to reflect additional technical evidence, shared with CYC, that has informed site capacity calculations and development configurations, to confirm the deliverability of the proposed allocations.

DIO has provided a number of detailed comments on the draft Local Plan policies, in a table at **Appendix 3**, with the primary purpose to articulate concerns over matters of soundness, and comments/ policy amendments are made to help inform clarity of policy.

DIO welcomes the proposed allocations, but nevertheless has concerns about some of the proposed policies. In parallel, it is noted that draft policies relating to heritage and environmental mitigation could reduce the effective housing capacity of both QEB and IB. In this regard appropriate evidence, including an illustrative masterplan, and technical reports, have been provided to support the intention that the sites should be utilised effectively in line with Government policy in the NPPF and policy regarding the disposal of public land.

The proposed reduction in housing capacity in comparison with the Regulation 18 proposals, is a serious concern for DIO as this will adversely affect development viability and hence disposal potential. This reduction should be seen in the light of the higher than normal costs associated with bringing forward these previously developed former defence sites for disposal and re-use. For example, CYC proposals to seek additional land for public open space at QEB, in particular, will result in a significant loss of development value, but with no reasoned justification/evidence base to demonstrate the efficacy of such a proposal. Equally, DIO notes the support for a potential extension of the extant Fulford Road Conservation Area would impact on the capacity of the IB site, due to the inherent assumption that former barracks blocks of questionable value would be retained. In considering the retention of significant military buildings at IB, there will be a need to balance architectural merit and historic interest of these structures with careful consideration of the viability and suitability of conversion to residential or other uses. From experience elsewhere, these buildings (particularly if retained en-bloc) will lead to a major viability challenge for the site, as their capacity for functional conversion is technically challenging and very costly, as a consequence of their poor condition and unsuitable internal/external configurations. Hence, in the view of DIO, the proposed reductions in the capacity of the MoD sites, merit further consideration, firstly in relation to the potential implications for development viability (and therefore deliverability) and secondly, with respect to the reasoning lying behind the reductions, which appears ad hoc and unsupported by the Local Plan evidence base published to date.

In addition, there is concern expressed over the proposed Green Belt inner boundaries affecting QEB and IB. In both cases a compelling case is made drawing on other examples and NPPF policy guidance to demonstrate in clear terms why the proposed Green Belt boundary should be changed to create a defensible and enduring Green Belt boundary for the City of York (see **Appendices 4 and 5**).

Other more detailed responses are also provided to the Regulation 19 Local Plan to indicate where DIO has concerns in regard to plan soundness.

QEB, IB and TL are therefore put forward as reasonable alternatives to the current preferred sites identified within the 2016 Local Plan consultation. The point questioning the proposed development capacity of QEB and IB is an important one, not just for DIO, in terms of disposal value in a brownfield context, but also for CYC for the following reasons:

- (a) CYC members have resolved to adopt a housing trajectory that is based on need only and does not reflect 'market signals' as advised in the NPPF (Para 158), which would add a further 10% to the OAN figure to reflect this best practice approach (i.e. an increase to 953 dwellings per annum).
- (b) The Government's proposed standardised approach to calculating Objectively Assessed Need (OAN) indicates an increase in York's OAN to 1,070 per annum, meaning that additional housing provision will be required to meet this requirement.

- (c) The findings of the York SHMA (2016) which indicates that there is a significant need for flats and smaller houses (including 2 and 3 bedroomed properties), which through higher density could result in an uplift in potential housing numbers on QEB and IB.

A number of other supporting technical documents were submitted to CYC, in December 2017, and are referred to in Appendix 3 of this covering note. Input from Heritage and Ecology consultants has been incorporated into the DIO representations and comments in relation to Hydrology and Transportation is provided at **Appendices 6 and 7** as part of DIO's Submissions to the consultation.

GVA

April 2018

Appendix I

DIO Letter to Michael Slater (April
2018)



Defence
Infrastructure
Organisation

Robert Stone
Head of Estates
Defence Infrastructure Organisation

Ministry of Defence Main Building
Level 5, Zone H
Whitehall
London
SW1A 2HB

Mr Michael Slater
Assistant Director
Planning & Public Protection
c/o Local Plan
City of York Council
West Offices
Station Rise
York
YO1 6GA

3rd April 2018

Dear Mr Slater,

Queen Elizabeth Barracks, Towthorpe Lines and Imphal Barracks

In November 2016 the Secretary of State of Defence identified Queen Elizabeth Barracks (QEB), Towthorpe Lines (TL) and Imphal Barracks (IB) in the City of York as surplus to Defence requirements in the 'Better Defence Estate' announcement, noting that the future location of the military units currently at the barracks remain to be confirmed. The three sites each have different disposal dates, with QEB and TL scheduled to be disposed in 2021 and IB scheduled to be disposed of in 2031.

I recognise that clarity on MOD's commitment to release the sites to demonstrate delivery of the targeted housing and employment numbers in this plan period is a key piece of evidence that will support the site's final inclusion and adoption in the authority's emerging Local Plan. As you are aware, since the announcement, our appointed consultant team have been working collaboratively with your Planning Officers to assess the opportunities for each site and promote them for either residential led development or employment uses for their inclusion in the emerging Local Plan.

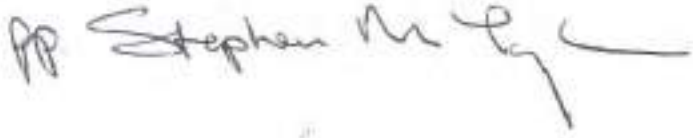
The MOD is an important contributor to the Governments Public Sector Land Programme which aims to release land for housing and I know you have significant pressure to find suitable sites to meet local housing needs as well as sites for new employment areas in the city and surrounding area. We are promoting QEB and IB for residential led development and promoting TL for employment uses. The allocation of these three brownfield sites will provide us with confidence to invest in the delivery of the sites to meet the combined aspiration for c.1,420 homes (QEB up to 650 units and IB up to 769 units) and over 13,200m² of employment area (TL) to contribute toward the housing and employment needs of York over the plan period. These capacity figures will be tested and subject to further review as part of the local plan process.

Based on the initial masterplanning work undertaken by our team of consultants and shared with your officers, we are confident that, subject to planning permission, we can commence initial phases of development post 2021 at QEB and 2031 at IB respectively. I have therefore tasked my team to provide the necessary evidence required to demonstrate deliverability of the number of houses and employment area allocated in this plan period can be achieved.

Additionally, I am confident that our continued engagement with your officers on the structure of the development vehicle for bringing forward the three sites beyond the emerging Local Plan period will provide you with additional assurance that housing, employment and the important enabling infrastructure is deliverable.

I trust the above provides the necessary commitment from Defence Infrastructure Organisation behind the promotion for the allocation of the sites for c.1420 homes and 13,200sqm employment floorspace in the emerging Local Plan.

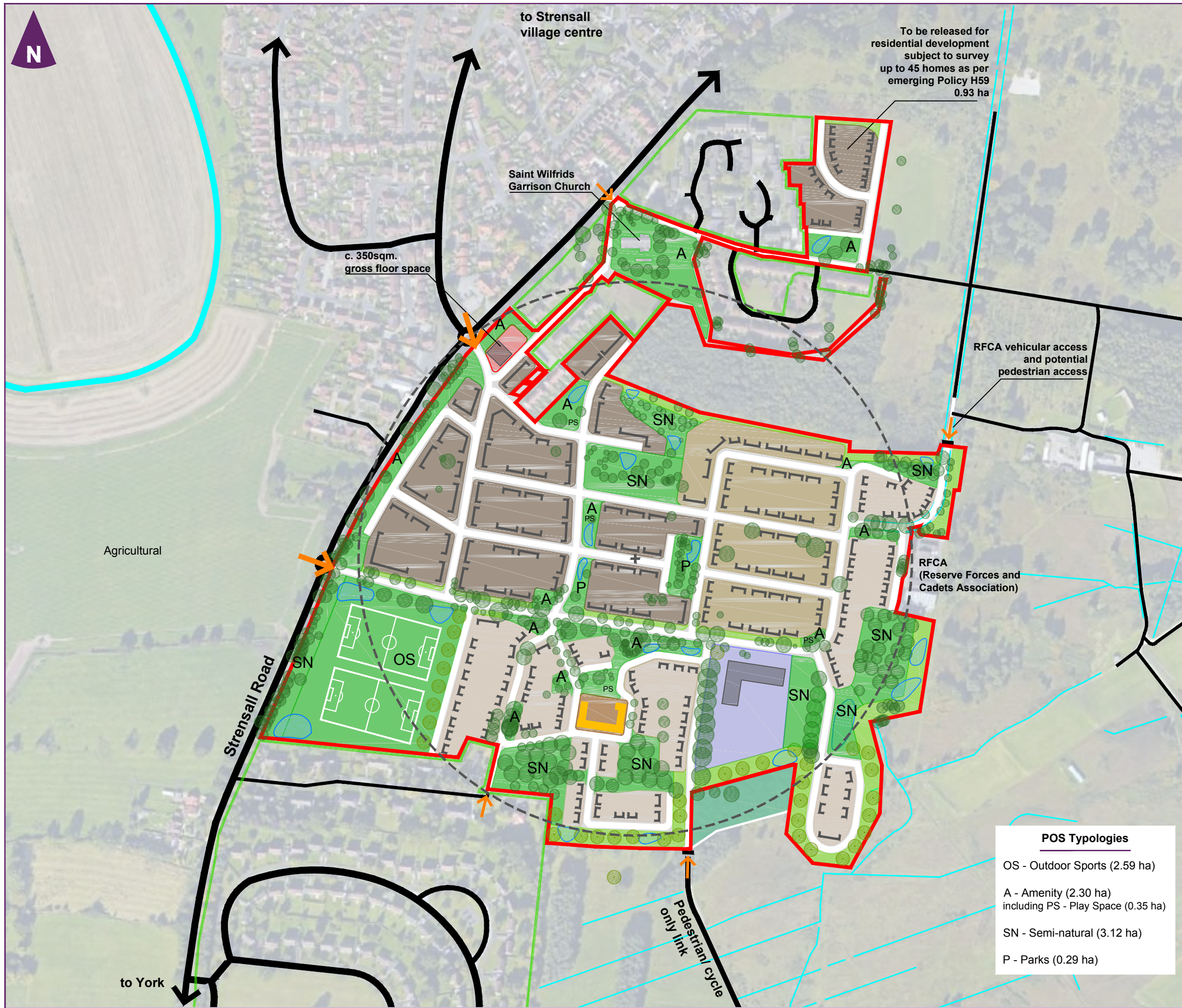
Yours sincerely

A handwritten signature in black ink, appearing to read "Robert Stone". The signature is written in a cursive style with a long horizontal stroke at the end.

Robert Stone
Head of Estates- Defence Infrastructure Organisation

Appendix II

Site Concept Plans demonstrating
development capacity and
potential



Key

- Site boundary (29.97 ha)
- POS (8.30 ha)
- Mixed use (0.12 ha)
- Primary school (1.09 ha)
- Retained site (0.20 ha)
- Officers Mess potential to be retained or converted
 - convertible GFA for houses = 1380 m² to accommodate 15 homes
- Landscape buffer (2.14 ha)
- Released back to SAC (Special Conservation Area)
- Retained trees New trees

Residential area inc. roads		
33 dph	= 5.29 ha	= 174 homes
38 dph	= 3.75 ha	= 143 homes
43 dph	= 7.42 ha	= 319 homes
Total	16.46 ha	= 636 homes

- Development centre (with 300 m radius catchment)
- SFA sites
- Internal roads
- External roads
- ➔ Existing/proposed access points
- ➔ Existing other access points
- Indicative frontages
- Waterbody/watercourse
- SUDS ponds (0.6 ha) Gates (2)

Capacity:
650 homes

0 m 100 m 200 m
 Scale 1:4000 @ A3

Client

GVA

DIO York Sites
 Queen Elizabeth Barracks,
 Strensall

Indicative concept plan

November 2017
39529-Lea34j.dwg Nguyv



Key

- Site boundary (4.00 ha)
- Buildings
- Roads
- Hardstanding
- Parking
- Soft Landscaping
- Released back to SAC (Special Conservation Area)
- SUDS basins (1,800m²)
- Existing Trees
- Proposed Trees

①	33,500 sqft / 3,100m ²
②	55,000 sqft / 5,100m ²
③	54,000 sqft / 5,000m ²
Total	142,000 sqft / 13,200m²

Flexible business uses: B1, B2 and B8

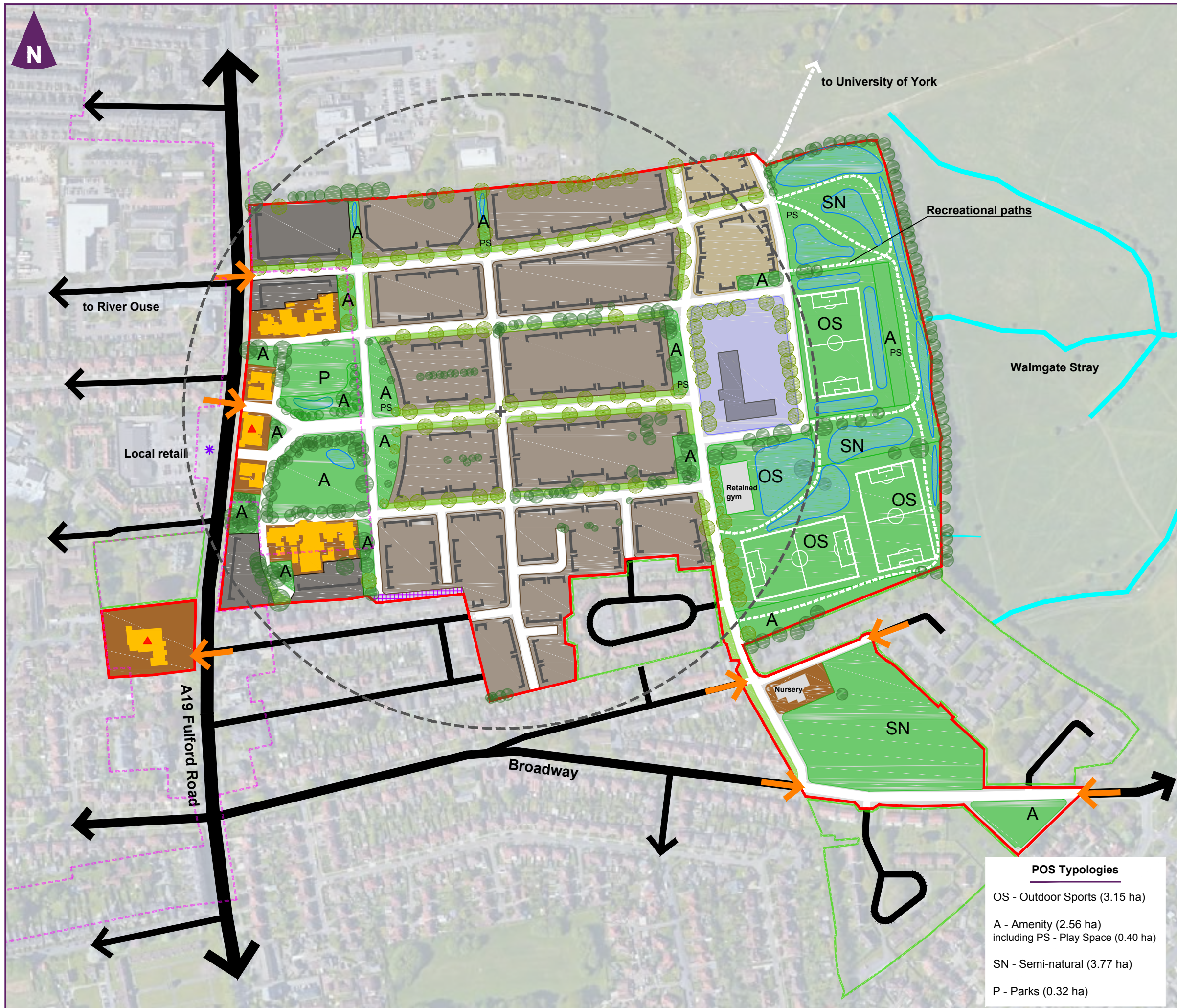


Client

GVA
An APLEONA company

DIO York Sites
Towthorpe Lines, Strensall

Indicative Concept plan
Employment (Without Use Class)



Key

- Site boundary (29.86 ha)
- POS (10.67 ha)
- Adjoining gardens (0.06 ha)
- Primary school (1.08 ha)
- Retained building sites (1.46 ha)
- Buildings to be retained or converted
 - convertible GFA for apartments = 10830 m² to accommodate 130 homes
- Soft landscape (0.98 ha)
- Retained trees
- New trees

Residential area inc. roads		
38 dph	= 1.06 ha	= 40 homes
43 dph	= 11.88 ha	= 511 homes
65 dph	= 1.35 ha	= 88 homes
Total	14.29 ha	639 homes

- + Development centre (with 300 m radius catchment)
- SFA sites
- Internal roads
- External roads
- Existing access points
- Existing buildings
- Watercourse
- SUDS ponds (1.6 ha)
- Conservation area
- ▲ Listed buildings
- ✳ Scheduled monument

Capacity:
770 homes

0 m 100 m 200 m
Scale 1:3500 @ A3

POS Typologies

OS - Outdoor Sports	(3.15 ha)
A - Amenity	(2.56 ha)
including PS - Play Space	(0.40 ha)
SN - Semi-natural	(3.77 ha)
P - Parks	(0.32 ha)

Client

GVA
An APLEONA company

Future Footprint 2020
Imphal Barracks, York

Indicative concept plan

Appendix III

DIO comments on matters of
Soundness

DIO Representation on the City of York Local Plan Regulation 19 Consultation Document

DIO Representation – Publication Draft (February 2018)

Legally Compliant - Yes

Duty to Cooperate - Yes

Paragraph Number	Policy Ref	Site Ref	Sound	Tests of Soundness (positively prepared, effective, justified, consistent with national policy)	Reasons for tests of Soundness
Para 3.1	SS1	Delivering Sustainable Growth for York	No	Not positively prepared or consistent with national policy	<p>York's housing need requirement DIO comment: The proposed policy states it will "Deliver a minimum annual provision of 867 new dwellings over the plan period to 2037/38." This figure derives from the demographic baseline and is considered to be a minimum by the City of York Council, based on the GL Hearn evidence referred to in the supporting text (para 3.3) and reflects the SHMA (2017).</p> <p>Reference is made to paragraph 47 of the National Planning Policy Framework (NPPF), which states that in order 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, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period." In addition, para 158 of the NPPF states that "local planning authorities should 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." DIO contends that this policy is not positively prepared or consistent with national policy, as the plan fails to reflect the higher 953dpa figure, as indicated in the following paragraph, to account for market signals on housing need and has not properly justified the reasons for this significant deficiency.</p> <p>The Councils evidence base identifies that a 953 dpa figure (which would add a further 10% to the proposed policy OAN figure, to</p>

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					<p>reflect market signals) originally represented a more realistic fully objectively assessed housing need figure for York and this figure is considered to be a more appropriate minimum figure for the identification of suitable sites.</p> <p>In addition, the Government has confirmed its expectations that local planning authorities should apply the Standard Method where emerging Local Plans have not yet been submitted for independent Examination before the revised Framework is published (please refer to letter to all local authorities from the Chief Planner of the Ministry of Housing, Communities & Local Government, dated 30 January 2018), whilst given the current programme for the York Local Plan this is unlikely to be the case for the City of York Council, it would be helpful to have the Government's standard method acknowledged in the plan and reference to the implications this would have, particularly as the plan may need a revision in the short term to address this requirement.</p> <p>The Government's proposed standardised approach to calculating Objectively Assessed Need (OAN) indicates an increase in York's OAN per year to 1,070 homes, meaning that additional housing provision will be required in the future. In light of the advice from Government, it is now contended that the plan for York is not positively prepared as it should now determine whether York has available, suitable and deliverable sites to meet the minimum figure of 953 dpa, and give proper consideration to the OAN figure of 1,070 dwellings per annum (dpa) which is likely to be a requirement for York to incorporate in the next review of the plan in some 5 years time.</p> <p>The implications of York meeting the 953dpa requirement would mean an additional 86 dwellings per annum and a total of 1,367 over the 16 year plan period from 2016-2032 (by way of comparison the Government's new methodology would result in an increase of 203 dpa, resulting in an additional requirement of c.2,030 dwellings over the 10 year period from 2016 to 2026 referenced in the new OAN methodology).</p>

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					<p>If either of these higher numbers were to be adopted this would have serious implications particularly in relation to the Council's objective to ensure that there is a degree of permanence to the proposed Green Belt boundary under Policy SS2, for a minimum period beyond the plan period to 2038.</p> <p>Change required In terms of the tests of soundness, the starting point for writing Policy SS1 relating to housing need in York, should be whether the minimum figure of 953dpa can be met within York, given the existence of available, suitable and deliverable sites.</p> <p>Further comments It is noted that Policy SS1 indicates that where viable and deliverable, the re-use of previously developed land will be phased first. This spatial principle is supported by DIO and it is recommended that this principle should be clearly reflected in policy H1, which provides an estimated phasing for each housing allocation.</p> <p>In the context of deliverability and viability, the insertion of the sentence "<i>land or buildings identified for economic growth must be attractive to the market</i>" is fully supported by DIO (Policy SS1 final paragraph). It follows that site specific policies, such as Policy EC1 should incorporate appropriate flexibility to enable suitable employment uses which are both market facing and deliverable.</p>
Policy wording and Para 3.15	SS2	The Role of York's Green Belt	No	Not fully justified or consistent with national policy	<p>DIO comment: Whilst DIO is supportive of the proposed Green Belt policy, it is noted that not all of the previously developed land at Queen Elizabeth Barracks and Imphal Barracks is proposed for exclusion from the Green Belt designation, on this basis DIO objects to the proposed detailed inner boundaries of the Green Belt around these sites for the reasons outlined below.</p> <p>Further evidence and justification for alternative Green Belt boundaries are provided against the Policies Map North and South in</p>

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					<p>seeking consistency with the five purposes of the Green Belt as referenced in NPPF (Paragraph 80) and to enable a degree of permanence to the Green Belt beyond the plan period in the five year period up to 2038.</p> <p>Specifically in relation to this policy, DIO supports fully the principle of how Green Belt boundaries have been determined: <i>“Detailed boundaries shown on the proposals map follow readily recognisable physical features that are likely to endure such as streams, hedgerows and highways.”</i> DIO does, however, object to the application of this approach by CYC to the proposed Green Belt boundaries for QEB and IB and proposes alternative boundaries for the Green Belt which follow clearly demarcated boundaries at QEB and IB to enable an enduring Green Belt boundary as required by the Plan.</p> <p>Please refer to DIO representations, see Appendices 4 and 5, on the Proposals Map which relate specifically to the proposed Green Belt boundaries and DIO’s detailed reasons for objecting to these boundaries.</p> <p>Also, and depending on the view taken on the soundness of policy SS1, in the context of a higher OAN figure, additional land is could be required from the Green Belt to meet housing need. This is likely to impact on the effectiveness of this policy, particularly given the aim to ensure there is a degree of permanence to Green Belt boundaries beyond the plan period.</p>
Policy wording pages opening paragraph	SS19	Queen Elizabeth Barracks, Strensall	No	Not positively prepared, justified or consistent with national policy.	<p>Text changes proposed by DIO as follows:</p> <p>Following the Defence Infrastructure Organisation’s disposal of the site by 2021, Queen Elizabeth Barracks (ST35) will deliver 500 up to 605 dwellings at this rural-previously developed development site. Development is anticipated to commence in from 2023 2021. In addition to complying with the policies within this Local Plan, the site must be delivered in accordance with the following key principles.</p>

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					<p>Reasons DIO object to the reduction in capacity on the site, in the context of housing need requirements for York (as detailed in policy SS1) and also having regard to DIO's concept masterplan which indicates a capacity of up to 605 homes on Strategic Housing Allocation SS19, with an additional 45 homes on Local Housing Allocation H59. Only 500 dwellings would not make effective use of this previously developed brownfield site in line with Government policy for surplus public land identified for disposal.</p>
Policy wording pages Criterion 1	SS19	Queen Elizabeth Barracks, Strensall	Yes	N/A	<p>Text changes proposed by DIO as follows: i. "The mitigation hierarchy should be followed to ensure no net loss of biodiversity; where possible development should deliver biodiversity gain. Development will only be allowed where it can be demonstrated that it will not have a <u>a-significant</u> adverse impact, alone or in combination, upon the integrity of Strensall Common SAC and SSSI."</p> <p>DIO suggests amended wording above for purposes of clarity.</p> <p><u>Further comments on the proposed policy SS19:</u></p> <p>Previous concerns from third parties about the allocation of QEB (and Towthorpe) in respect of the potential for impacts on Strensall Common SAC, and the fact that the HRA with respect of the local plan, available at that stage, indicated Further Assessment was required. Therefore, subsequent to the Regulation 18 consultation, HRA Appropriate Assessments were prepared by DIO, for both QEB and Towthorpe, to address these concerns.</p> <p>The HRA information to support an Appropriate Assessment (by DIO submitted to CYC in December 2017) presented an assessment of the effects of the proposed development of QEB (Policies SS19 and H59) on the SAC, alone and in combination with the nearby allocation at Towthorpe (Policy E18, for employment usage), and identifies any additional mitigation measures that may be</p>

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					<p>appropriate or further work that would be required. In the assessment, consideration was given to ecological interest features/receptors of the designated area beyond those for which the SAC is designated. Of the potential impact pathways “screened in” for assessment, the following conclusions were reached:</p> <ul style="list-style-type: none"> • Air quality: “The process contributions of each of the parameters assessed (NOx, N deposition and acidity) are, with the exception of a single roadside location at Towthorpe (i.e. off-site) in respect of N deposition, predicted to be negligible. It is therefore concluded that operation of both QEB and Towthorpe combined will not affect air quality parameters such that there could be an adverse effect on the integrity of the SAC features. It is also therefore possible to conclude that neither site individually could affect air quality parameters such that there could be an adverse effect on the integrity of the SAC features.” <ul style="list-style-type: none"> ○ It should be noted that the air quality assessment (Appendix A of the HRA) has, in part, been derived from transport assessments which consider the cumulative impact of further committed developments as part of the Local Plan allocation. • Hydrology: “It is recognised that there are uncertainties in the assessment, in particular in respect of the proportion of surface water drainage from QEB that goes to off-site ditches is unknown, but there are discharges to the north, east and south of QEB (i.e. to the Internal Drainage Board (IDB) network). Confirmation of a positive, existing connection to the IDB drainage network, the location of these connections and rates of discharge, would need to be undertaken by the developer at the outline planning stage. Nonetheless, recognising this, it is considered that following further study the proposed mitigation measures can be designed to ensure no changes as described and therefore, with the proposed mitigation, it can be concluded that that the proposed development at QEB would not result in a likely significant effect on the water environment of the SAC. The final proposals for the development Site would be subject to

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					<p>further assessment (e.g. detailed Flood Risk Assessment and HRA). These assessments should confirm the design of Site-specific mitigation measures to be incorporated into the proposed development at the Site, subject to attainment of planning approval.”</p> <ul style="list-style-type: none"> Recreation: “To reduce the existing effects of recreational access through better people management, which would also include any additional users arising from the QEB development, a framework People Management Strategy (PMS¹) has been proposed (Appendix D of DIO’s HRA information). The PMS proposes measures such as reinforcement of existing bylaws both through legislative mechanisms and physical presence of staff, improving awareness of the sites values and issues to encourage more responsible usage of the resource, redesigning/enhancing the existing infrastructure (i.e. car parks and footpaths) in such a way as to accommodate new visitors, avoid areas of the Common that are grazed at certain times of year and avoid areas where sensitive habitats and/or species are present. While this is only a framework at this stage, and will need to be refined and developed over time in line with the planning process and in consultation with all stakeholders; the range of potential measures identified would all lead to improved people management and reduced effects on the conservation interest of the SAC. Given the SAC’s large size in relation to the small size of the proposed development and increase local population, it is considered that, drawing on similar examples at Cannock Chase SAC and Skipworth Common SAC/SSSI/NNR, there is sufficient space and scope for a PMS to be developed which would prevent an increase in recreational pressure, and associated urban edge effects, such that an adverse effect on site integrity does not occur.

¹ The term ‘People Management Strategy’ was coined in the early stages of the assessment work. However, the term Visitor Impact Management Strategy (VIMS) has been adopted currently and elsewhere in this document

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					The above conclusions in the context of the HRA are considered to be equally applicable to the SSSI interest, and any other habitats or species that could be sensitive to the potential impact pathways identified.
Policy wording pages Criterion 2	SS19	Queen Elizabeth Barracks, Strensall	No	Not justified.	<p>Text changes proposed by DIO as follows:</p> <p>ii. "Take full account of the extent and quality of ecological interest on Strensall Common through the preparation of a comprehensive evidence base to support the required Habitat Regulations Assessment and other assessments to be able to fully understand and avoid, mitigate or compensate impacts. To help deliver this, a detailed Visitor Impact Mitigation Strategy must be prepared, which will be informed by comprehensive and repeatable visitor surveys (to be repeated as to inform a planning application). The Strategy will identify effective measures which will encourage both the use of alternative sites instead of Strensall Common and less damaging visitor behaviour on the Common. This will include (but not be limited to) the following measures:</p> <ul style="list-style-type: none"> • Within the site divert new users away from the SAC by: <ul style="list-style-type: none"> o Providing natural green space within the site boundary attractive to a range of users, particularly dog walkers; o The provision of a circular walk within the site; o Ensuring no access throughout the life of the development either by vehicle, cycle or foot to adjoining land on the north, south and eastern site boundary, and o Providing publicity, education and awareness to support these aims • On Strensall Common ensure<u>encourage</u> suitable behaviour by visitors by: <ul style="list-style-type: none"> o Implementing actions to manage recreational pressure at points of arrival, by type of activity and location of activity on site; o Ongoing monitoring that will specifically lead to the implementation of prompt remedial measures such as the closure of access points etc if adverse effects are identified, and

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					<p style="text-align: center;">o Publicity, education and awareness"</p> <p>Reasons: DIO proposes amending 'on Strensall Common "encourage" behaviour' as it will not be in DIO's gift to "ensure" certain types of behaviour by the public are adopted, albeit specific measures such as limiting access points can modify behaviours of potential visitors.</p> <p>DIO Further comments: DIO query the policy requirement for "repeatable surveys", this requirement is open ended and needs to be amended to clarify the quantity and extent of surveys required. This work would inform a Visitor Impact Mitigation Strategy to support a planning application for the site.</p> <p>Please refer to the DIO response to Criterion 1, above, which confirms work completed by DIO in December 2017 to inform an HRA.</p> <p>In relation to "ensuring no access throughout the life of the development to adjoining land on the north, south and eastern site boundary." The extent of these restrictions will depend on the outcomes emerging from the VIMS, and is therefore, at this stage, considered too restrictive and premature. There is no safeguard proposed for how this will be enforced. Section 2 of the QEB HRA outlined a number of environmental and ecological design principles that could readily be incorporated into the outline scheme design, as a foundation on which further measures for avoidance/mitigation of adverse effects on Strensall Common SAC/SSSI could be built, if required by the ongoing iterations of both the HRA and Local Plan consultation. Furthermore, the illustrative masterplan was used as a basis for some of the additional measures proposed in the framework People Management Strategy (PMS) which was put forward in Appendix D of DIO's December 2017 representations to CYC to in relation to information to support a HRA; this whole strategy being subject of ongoing refinement and development through the iterations of the Plan consultation. Options for diverting visitors away from the SAC, and preventing direct</p>

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					<p>access from development, are potentially part of a package of measures that can be explored through the further work recommended during production of the required Visitor Impact Mitigation Strategy (VIMS).</p> <p>DIO recommend that any further work on the development of the VIMS, and subsequent determination of open space requirements, should not be restricted to a specific area or ratio, as the proposed masterplan of 650 dwellings shows how an alternative approach of 65/35 development/open space ratio can be positively applied to the site (this is over the combined ST35 and H59 allocations within SS19), rather than reducing the capacity to the 545 dwellings on a 50/50 ratio, as suggested in the revised policy requirement, which for avoidance of doubt, to which DIO has objected in these Local Plan representations. DIO are liaising with the Base Commanders to ascertain the existing military population of QEB and Towthorpe Lines in order to identify what the change in population/demographic, (and subsequently the scale of additional recreational pressure that needs to be mitigated for in the VIMS) can be quantified. This will help determine the required open space provision in relation to the required avoidance/mitigation measures, without necessarily reducing the site's developable capacity, as this eventuality could affect the site's viability and attractiveness to investors, and hence threaten its deliverability before all other options have been fully explored.</p> <p>In relation to the requirement for "a detailed Visitor Impact Mitigation Strategy" to be prepared. The QEB HRA document outlined a framework People Management Strategy (or PMS), which sought a balance between consideration of the SAC and other ecological receptors, opportunities and constraints around the ongoing military training usage and management of the SAC, while permitting responsible, sustainable public access to the natural resources, for now and future generations.</p> <p>The following sets out how the proposed framework PMS accords with approaches used with regard to mitigating effects on other</p>

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					<p>heathland sites of European importance, and what further work may be required to determine the scale and scope of a VIMS that is deliverable, and proportionate to the size of the SAC, the development and the predicted pressures.</p> <p>An acceptable strategy to ensure that recreational pressure does not have any further adverse effects on Strensall Common SAC will need to take account of the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> ensure the integrity of the SAC remains unaffected by the proposed development; <input type="checkbox"/> consider other biodiversity values beyond the SAC designation i.e. its SSSI designation, and further notable plant and animal populations that are not listed on either of the designations; <input type="checkbox"/> be formally adopted by all relevant parties (e.g. CYC, NE, DIO, YWT, developers, owners/managers of other public open space, such as parish/county councils, Forestry Commission, Canal and River Trust etc.); and <input type="checkbox"/> be implemented before the QEB development is occupied. <p>VIMS have been prepared for other heathland SAC/SPA sites, notably the Thames Basins Heath SPA (hereafter referred to as TBH) and Cannock Chase SAC, and the measures included are therefore comparable albeit that these sites are much larger than Strensall Common. The VIMS comprise a suite of measures under the following general headings:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Habitat Management, including measures around recreation/restoration of desirable habitats, control of undesirable species and habitats, and design of appropriate regimes for practices such as grazing, mowing or drainage control. <input type="checkbox"/> Access Management and Visitor Infrastructure, including potential reduction/resiting of car parks and/or footpaths, car park charging, signage and enforcement around dog walking and dog fouling. <input type="checkbox"/> Publicity, Education and Awareness Raising, including site staff (i.e. ranger/warden), publicised community activities (e.g. guided walks, volunteering and school/corporate groups), interpretation boards, leaflets, maps, schedules etc. being available on-line, on-site, and other suitable local locations. Provision of a

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					<p>system by which public may be able to report undesirable, urban edge activities (e.g. fires, fly-tipping, dogs off the lead in prohibited areas).</p> <ul style="list-style-type: none"> <input type="checkbox"/> Effective Site Management, including provision and long-term management of on-site alternative and accessible green space that aims to wholly or partially absorb/divert new and existing visitors from using the SAC. <input type="checkbox"/> Monitoring, including the monitoring the extent and/or condition of sensitive habitats, populations and/or distribution of notable species, spread/control of undesirable species (e.g. Himalayan balsam), path widening, visitor numbers and usage, incidents of fires and other undesirable, urban edge effects. <input type="checkbox"/> Implementation, including the strategy being formally adopted by the LPA and the SAC site manager (in this case DIO), financial contributions (i.e. Section 106 and/or Community Infrastructure Levy) being secured through planning obligations. <p>While it is noted that the example strategies reviewed are for much larger schemes there are other allocations in the Plan that may also need to be accounted for. Nevertheless, the packages of measures put forward which have enabled the delivery of new housing without adverse effects on other designated sites provide a framework for development of a VIMS for Strensall.</p> <p>The QEB HRA document outlined a framework People Management Strategy (or PMS), which had broadly similar content to the VIMS reviewed and it should be taken that VIMS is simply another name for the PMS. Reviewing the PMS prepared as part of the QEB HRA against the VIMS produced for other sites it is clear that the PMS addressed the following topics:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Access Management and Visitor Infrastructure: the section on signage and interpretation includes the provision of signage indicating where dogs are and are not allowed. <input type="checkbox"/> Publicity, Education and Awareness Raising: the section on education and awareness includes measures seeking to raise the local community awareness, engagement and participation in Strensall Common's importance for nature conservation.

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					<p><input type="checkbox"/> Effective Site Management: the sections on masterplanning and enhanced/alternative infrastructure indicates there could be a new dog walking trail provided within the QEB development boundary. Furthermore there may be areas outside the SAC but within the military training area that could be targeted for further alternative recreation provision.</p> <p>Some topics were less clearly defined in the framework PMS. The topics that need to be developed further in the VIMS, are:</p> <p><input type="checkbox"/> Habitat management;</p> <p><input type="checkbox"/> Monitoring; and</p> <p><input type="checkbox"/> Implementation mechanism.</p> <p>Habitat management of the SAC is, and would continue to be, undertaken by DIO and Yorkshire Wildlife Trust (YWT), with a tenant grazer. Therefore, there are opportunities where the proposed VIMS could contribute to the SAC's conservation objectives through provision of enhanced/alternative infrastructure in the vicinity of the proposed development, or in the vicinity of new access points and routes.</p> <p>At present, key stakeholders (namely DIO, NE, CYC and YWT) have been identified and engaged with as part of the HRA and Plan consultation process, and these parties would be the key stakeholders, led by the DIO, in ensuring appropriate implementation of the VIMS.</p> <p>The concept masterplan for the site provides natural green space within the development suitable for a range of users, including dog walkers to help to discourage use of Strensall Common.</p>
Policy wording pages Criterion 3	SS19	Queen Elizabeth Barracks, Strensall	No	Not justified.	<p>Text changes proposed by DIO as follows:</p> <p>iii. "Ensure all ecological avoidance, mitigation and compensation measures are fully operational and functioning prior to commencement<u>occupation</u> of any development. Measures must be supported by a long term management plan which</p>

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					includes ongoing monitoring and remedial measures.” Reasons Linking implementation of measures to ‘commencement’ of development is not appropriate; linking this to ‘occupation’ i.e. when people move in is a more reasonable approach.
Policy wording pages Criterion 4	SS19	Queen Elizabeth Barracks, Strensall	Yes	N/A	iv. “Deliver a sustainable housing mix in accordance with the Council’s most up to date Strategic Housing Market Assessment.” DIO comment: DIO notes the findings of the York SHMA (2016) which indicates that there is a significant need for flats and smaller houses and for 2 and 3 bedrooomed properties, which subject to commercial considerations should be appropriate for inclusion within development on the QEB site.
Policy wording pages Criterion 5	SS19	Queen Elizabeth Barracks, Strensall	No	Not justified.	Text changes proposed by DIO as follows: v. “The development of this area must be informed by an assessment of architectural interest of the site and its buildings. Those buildings which are considered to be of <u>particular</u> historic interest should be retained and reused <u>where appropriate and viable reuse within the context of a coherent residential development scheme can be achieved supported by a programme of recording of the buildings reused or demolished depending on the degree of historic significance.</u> ” Reasons The suggested policy wording would prioritise retention of buildings of limited heritage significance, and could give rise to a situation where otherwise appropriate development would be precluded or the development potential of the site not fully realised. It is therefore suggested that the policy wording be amended as amended above. The policy should acknowledge the potential for mitigation of the loss of buildings of limited significance, through an agreed

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					<p>programme of recording, in accordance with best practice.</p> <p>The association of Queen Elizabeth Barracks with other military sites in the area and with the wider military history of York is an important contributor to its character. Masterplanning proposals for this site have considered military use of the site and its resulting historic and architectural character. However, it is important that development proposals have regard to providing a viable scheme that can meet the requirements of a successful housing development.</p> <p>The concept masterplan reflects key historic elements of the existing barracks, derived from a layout set out in the 1930s, which has subsequently been significantly altered. The key historic elements incorporated into the draft masterplan comprise:</p> <ul style="list-style-type: none"> • the structured plan of the military site; • the relationship of the military buildings to open space within the site; • the clustering of buildings at the site entrance from Strensall Road; and • visual permeability into the military training area on Strensall Common. <p>Retention of significant military buildings has been considered, balancing the relatively limited architectural merit and historic interest of the present semi-permanent structures which were designed for specific military or industrial uses, with the viability of their conversion to residential use. The officer's mess would be retained, allowing enhancement of this structure and sustainable reuse. Retention of the Officer's Mess would retain historic interest and provide a focal point for development in this part of the site. Similarly, open space provided in the northern part of the site reflects the open space presently provided by the parade ground. Development has also been planned to retain the visual linkages with the wider training area.</p> <p>A study of the heritage significance of the site, and the contribution of specific elements to that significance, has been undertaken. The</p>

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					results are reflected in the masterplanning proposals and, as such, it is considered that the requirements set out by Historic England have been met. However, it is important that policies requiring responsive design also reflect other environmental and design considerations, which should be taken into account when developing more detailed proposals.
Policy wording pages Criterion 6	SS19	Queen Elizabeth Barracks, Strensall	No	Not justified.	<p>Text changes proposed by DIO as follows:</p> <p>vi. Be of a high design standard, ensuring the development has a distinct identity from Strensall village and not be just a continuation of the existing development. The site should have its own identity and character that in its layout and spaces, reflects <u>as far as practicable</u> the site's long use as a barracks, its landscape context, and the natural site assets.</p> <p>Reasons In addition to the comments made under criterion V; whilst the design reference points provided by the former barracks is understood. Other factors such as development viability and effective use of the site need to be taken into account, hence the insertion of the words 'as far as practicable' to facilitate flexibility and ensure that there is no unreasonable restriction on development.</p>
Policy wording pages Criterion 7	SS19	Queen Elizabeth Barracks, Strensall	Yes	N/A	<p>vii. Retain all identified good quality trees, with appropriate distance to tree canopy, unless they pose an unreasonable restriction on development and their contribution to the public amenity and amenity of the development is very limited, and their loss is outweighed by the benefits and mitigation provided by the development.</p> <p>DIO comment: The concept masterplan for the site prepared by DIO has been informed by a Tree Survey and Constraints Report produced in March 2017.</p>

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Policy wording pages Criterion 8	SS19	Queen Elizabeth Barracks, Strensall	Yes	N/A	<p>viii. Undertake an archaeological evaluation consisting of geophysical survey and excavation of trenches to identify the presence and assess the significances of archaeological deposits.</p> <p>DIO comment: DIO acknowledge the need for archaeological evaluation on the site to inform a planning application in line with an agreed archaeological strategy and programme of works.</p>
Policy wording pages Criterion 9	SS19	Queen Elizabeth Barracks, Strensall	Yes	N/A	<p>ix. Prepare a Flood Risk Assessment and full drainage strategy. The strategy should be developed in conjunction with the Council and required statutory bodies and should ensure that the development will not exacerbate any existing issues with surface water and drainage. Hydrological studies that explore surface and sub-surface characteristics of the local hydrological regime would be required to identify the impact on the wet heath communities of Strensall Common SAC/SSSI and identify mitigation measures where required. Any hydrology plan/study also needs to consider impacts on water logged archaeological deposits.</p> <p>DIO comment: DIO has produced a Flood Risk Appraisal (December 2017) to support redevelopment of the site in line with the concept masterplan which proposes 605 homes on the strategic allocation. An additional 45 homes is also proposed on H59 the Local Housing Allocation. The report notes that constraints identified (i.e. management of surface water and ground water flood risk) can be overcome through appropriate design and mitigation within the proposed development. The report concluded that "QEB is suitable for a residential allocation within the CYC Local Plan in relation to this technical assessment on Flood Risk, subject to the issues highlighted within the report" (Section 6.1, Page 23).</p>
Policy wording pages	SS19	Queen Elizabeth Barracks, Strensall	No	Not justified.	<p>x. Increase the area and quality of open space within any proposed development beyond that found at present in order to reduce the impact of recreational pressure on Strensall Common</p>

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Criterion 10					<p>SSSI' /SAC'.</p> <p>DIO comment: DIO objects to the proposed "50:50 ratio" of open space and residential development area. This appears to be an adhoc requirement. There needs to be a proven link supported by an appropriate evidence base between the amount/quality of open space provided within the site and the perceived reduction in recreational pressure on Strensall Common. The proposed concept masterplan has been informed by ecological advice, and areas of the Strensall Common SAC have been omitted from the masterplan, and open space provision has been included within the site, including some on the eastern boundary of the site in order to be policy compliant. As such DIO opposes any further increase in open space provision and reduction of site capacity for development unless evidence is produced which demonstrates the provision of additional open space is necessary and likely to be effective in order to mitigate impacts on Strensall Common as a result of the redevelopment of the site.</p> <p>CYC have proposed a reduction in capacity of the QEB ST35 allocation from 578 to 500 homes, on the basis of a "50:50 open space to development ratio, to enable the delivery of greater on-site requirements to mitigate potential impacts on Strensall Common SAC". Although a qualitative reason is given for the proposed reduction in capacity, no quantitative justification is provided.</p> <p>An illustrative concept plan for QEB includes c.17.6ha of residential-led development (c.650 dwellings across the ST35 and H59 allocations within the QEB boundary, and a total resident population of c.1,382). The plan also illustrated approximately 10.44ha of green infrastructure (GI), to include semi-natural open space and parks/amenity/outdoor sports space.</p> <p>Fields in Trust (FIT) guidance indicates around 6ha of "outdoor space" (incorporating formal and informal usages, some of which may overlap) per 1,000 head of population. Screening of Local Plan policies elsewhere (for example Aylesbury) for potential to cause</p>

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					recreational pressure effects on a SAC concluded no likely significant effect was likely (in that instance) provided that 'No person should live more than 300 m from their area of natural green space of at least 2ha in size, and there should be at least 2ha of accessible natural green space per 1,000 population. The c.10.44ha included in the original illustrative masterplan exceeds the minimum recommended area for these types of policy measures for the predicted population of 1,382. The plan also illustrates the potential for the provision of a variety of 'typologies' of open space, ranging from formal sports pitches and managed parks, to more informal semi-natural space. There is sufficient space for provision for a circular walk within the development. The mix of space/vegetation types is not only likely to be of holistic benefit to biodiversity within the new development, but in reference to another example, is one of the key recommendations in Hampshire County Council's recreation/access strategy, which focussed on managing impacts of recreation (particularly dogs and dog walkers), that was prepared for a sizeable new (consented) development in Hampshire that is close to a designated heathland site.
Policy wording pages Criterion 11	SS19	Queen Elizabeth Barracks, Strensall	Yes	N/A	<p>xi. Create new local facilities as required to meet the needs of future occupiers of the development.</p> <p>DIO comment: The proposed concept masterplan includes provision for a primary school and ancillary retail to support the proposed development. It is proposed that developer contributions will mitigate any further requirements flowing from the development, subject to viability considerations.</p>
Policy wording pages Criterion 12	SS19	Queen Elizabeth Barracks, Strensall	Yes	N/A	<p>xii. Deliver sufficient education provision, including a new primary school, to meet the demand arising from the development. Further detailed assessments and associated viability work will be required.</p> <p>DIO comment: The proposed concept masterplan includes provision for a primary school and ancillary retail to support the proposed</p>

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					development. It is proposed that developer contributions will mitigate any further impact of the development on local facilities, subject to viability considerations. DIO seeks more clarity on the type and detail of the viability work proposed by CYC.
Policy wording pages Criterion 13	SS19	Queen Elizabeth Barracks, Strensall	Yes	N/A	<p>xiii. 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. The impacts of the site individually and cumulatively with sites ST7, ST8, ST9, ST14 and ST15 should be addressed.</p> <p>DIO comment: A Transport Appraisal produced in December 2017 to support the proposed site allocation at QEB concluded that <i>"in principle, there are no overriding reasons, from a transportation perspective, that would prevent this site QEB from being redeveloped for residential purposes at the scale proposed in the draft allocation. Any improvements required to the local highway and existing bus service would need to be subject to consultation with the Local Highways Authority."</i> (Section 7, Page 31).</p> <p>Please also refer to Appendix 6 of DIO's representations which provided technical responses to specific transportation comments.</p>
Policy wording pages Criterion 14	SS19	Queen Elizabeth Barracks, Strensall	Yes	N/A	<p>xiv. Give further consideration to road safety at the Strensall Road/Towthorpe Moor Lane, in addition to the use of Towthorpe Moor Lane by through traffic. If identified as necessary, mitigation to Strensall Road/Towthorpe Moor Lane junction will be required.</p> <p>DIO comment: A Transport Appraisal produced in December 2017 to support the proposed site allocation at QEB concluded that <i>"in principle, there are no overriding reasons, from a transportation perspective, that would prevent this site QEB from being redeveloped for residential purposes at the scale proposed in the draft allocation. Any improvements required to the local highway and existing bus service would need to be subject to consultation with the Local Highways Authority."</i> (Section 7, Page 31).</p>

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					Please also refer to Appendix 6 of the DIO representations.
Policy wording pages Criterion 15	SS19	Queen Elizabeth Barracks, Strensall	Yes	N/A	<p>xv. Optimise pedestrian and cycle integration, connection and accessibility in and out of the site and connectivity to the city and surrounding area creating wellconnected internal streets and walkable neighbourhoods, to encourage the maximum take-up of these more 'active' forms of transport (walking and cycling). Cycle paths will need to be provided along the site frontages connecting into the site and also focus upon the route into the village and local facilities.</p> <p>DIO comment: DIO notes the potential for contributions from development of this site could help to deliver a cycle link between the A1237 and Strensall. To be determined as part of the planning application process.</p> <p>Please also refer to Appendix 6 of the DIO representations.</p>
Policy wording pages Criterion 16	SS19	Queen Elizabeth Barracks, Strensall	Yes	N/A	<p>Text changes proposed by DIO as follows:</p> <p>xvi.Undertake detailed noise and contamination assessments, including detailed assessment of the current and future use of the military training area, <u>in relation to noise</u>, adjacent to the site.</p> <p>DIO comment: DIO seeks clarification in relation to the reference that an assessment is required in relation to the military training area, and requests clarity to confirm that a 'noise assessment' only is sought in this context.</p>
Policy wording Para 3.82	SS19	Queen Elizabeth Barracks, Strensall	No	Not positively prepared or justified.	<p>Text changes proposed by DIO as follows:</p> <p>Explanation Para 3.82 ST35 covers circa 28ha with a net developable area of approximately 18ha and will deliver approximately 12ha of public open space and an estimated yield of <u>circa up to 578-605</u> dwellings. There are no listed buildings or conservation areas currently designated within this site. However, as access to the area has</p>

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					<p>always been restricted, no detailed assessment of the existing buildings has been carried out to determine if the buildings merit designation.</p> <p>Reasons: DIO acknowledges the “Errata Addendum” which amends the site capacity figure down to 500, but DIO’s objection remains extant on the basis of the proposed masterplan, which indicates a capacity of c.605 homes on the strategic site allocation, with an additional 45 homes on the Local Housing Allocation H59.</p>
Policy wording Para 3.83	SS19	Queen Elizabeth Barracks, Strensall	Yes	N/A	<p>Text changes proposed by DIO as follows: 3.83 To address any heritage designations that may exist on the site it is recommended that Historic England are consulted, using their pre-application assessment service. With a site of this size it is important to consider the impact it will have on the historic nature of the city. The area needs to have a distinct identity from Strensall village and not be just a continuation of the existing development there. This was an important military site which played a wider role in its linkages to other military sites in the area and in the history of York’s development as a garrison town. It is important that the area shouldn’t lose the story of its identity as a military site and that careful consideration should be given to the kind of area/place being created. The context of the barracks is essentially rural, therefore the presentation of the site to Strensall Road and Strensall common <u>Common</u> is sensitive and this characteristic should be retained or enhanced. Strensall Common forms part of the site’s wider landscape context and it is important to maintain its sense of place adjacent to this whilst taking consideration of its biodiversity value.</p> <p>DIO comment: A Heritage Statement of Significance was produced by DIO in relation to QEB (December 2017). This concluded that: “The common forms of architecture, lack of associations with specific military events or personnel and the frequent addition of modern elements or extensions means that none of the buildings located within the QEB site are suitable for designation as either listed</p>

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					<p><i>buildings or as a conservation area. They are considered to be of low to medium significance and as such, although not of a high enough quality for designation, they do still have a level of historic interest."</i></p> <p>No buildings have been considered more than a medium heritage significance an most are of low significant. The report recommends that <i>"In terms of retention of historic buildings within the site, it is concluded that many of the existing buildings have a degree of significance for historic, architectural and archaeological interests. The degree of significance of these structures is, however, limited, and their loss can be effectively mitigated through an agreed programme of recording."</i></p>
Policy wording Para 3.84	SS19	Queen Elizabeth Barracks, Strensall	Yes	N/A	<p>3.84 The location of this site adjacent to Strensall Common SAC means that a comprehensive evidence base to understand the potential impacts on biodiversity from further development is required. Strensall Common is designated for it's heathland habitats but also has biodiversity value above its listed features in the SSSI/SAC designations that will need to be fully considered. Although the common is already under intense recreational pressure, there are birds of conservation concern amongst other species and habitats which could be harmed by the intensification of disturbance. In addition, the heathland habitat is vulnerable to changes in the hydrological regime which needs to be explored in detail. The mitigation hierarchy should be used to identify the measures required to first avoid impacts, then to mitigate unavoidable impacts or compensate for any unavoidable residual impacts, and be implemented in the masterplanning approach. Potential access points into the planned development also need to consider impacts on Strensall Common.</p> <p>DIO comment: DIO produced information to support an Appropriate Assessment in December 2017 which provides a more detailed assessment of the effects of the proposed development on those interest features that could not be screened out and identified any additional mitigation measures that may be appropriate. Please refer</p>

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					to conclusions in relation to SS19 criterion 1.
Policy wording Para 3.85	SS19	Queen Elizabeth Barracks, Strensall	Yes	N/A	<p>3.85 It will be necessary to identify the presence and assess the significances of archaeological deposits on the site. An archaeological evaluation consisting of geophysical survey and excavation of trenches will be required. This will be used to assess the significances of archaeological features and deposits and will allow decisions about the scale and form of future mitigation measures on the site. There is a reasonable potential for survival of prehistoric and Romano-British features and deposits as well as medieval and later exploitation and occupation of the site. There is a high potential for discovering water logged deposits which would be of high significance and may need to be preserved in situ – this needs to be taken into consideration through the hydrology plan/study.</p> <p>DIO comment: DIO acknowledge the need for an appropriate archaeological evaluation on the site to inform a planning application.</p>
Policy wording Para 3.86	SS19	Queen Elizabeth Barracks, Strensall	Yes	N/A	<p>3.86 The majority of the site is in flood zone 1 except for a small area to the north in flood zone 2. Given the scale of the site, a full Flood Risk Assessment and full drainage strategy will be needed. Infiltration Sustainable Drainage Systems (SuDS) would be compromised in this location but there is an opportunity to develop comprehensive SuDS for the potential new development. Good Surface Water SuDS can enhance development sites and increase the potential value of homes. The adoption and maintenance of any SuDS features needs to be considered as the Council has no capacity to adopt these without funding.</p> <p>DIO comment: As stated above, DIO has produced a Flood Risk Appraisal (December 2017) to support redevelopment of the site in line with the concept masterplan which proposes 605 homes on the strategic allocation (and 45 homes on the Local Housing Allocation H59). The report notes that constraints identified (i.e. management of surface water and ground water flood risk) can be overcome</p>

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					through appropriate design and mitigation within the proposed development. The report concluded that "QEB is suitable for a residential allocation within the CYC Local Plan in relation to this technical assessment on Flood Risk, subject to the issues highlighted within the report" (Section 6.1, Page 23). The need for a Flood Risk Assessment to support a planning application is acknowledged.
Policy wording Para 3.87	SS19	Queen Elizabeth Barracks, Strensall	Yes	N/A	<p>3.87 The nearest existing facilities are in Strensall, it is anticipated that a new primary school and community facilities including retail and community uses will be required within the site given the distance to existing services. This will need to be subject to further detailed viability assessment as part of the site masterplan.</p> <p>DIO comment: The proposed concept masterplan includes provision for a primary school and ancillary retail to support the proposed development. The need for any additional community facilities would be subject to demand and viability considerations and might attract further contributions if appropriate.</p>
Policy wording Para 3.88	SS19	Queen Elizabeth Barracks, Strensall	Yes	N/A	<p>3.88 Good bus network links already exist to York City Centre and Strensall Village along Strensall road. It will be necessary to examine the potential for bus services entering the site in order that public transport access is in line with best practise and policy requirements. There are currently very limited cycle links to Strensall to/from the outer ring road. The construction of a segregated subway to facilitate the crossing of the A1237 is included within the West Yorkshire Transport Fund upgrade scheme, due for completion by 2021/22. There is potential that contributions from this site could help to deliver a cycle link between the A1237 and Strensall.</p> <p>DIO comment: The potential for re-routing of bus and upgraded cycle routes is noted, subject to viability and demand considerations. Please also refer to Appendix 6 of the DIO representations.</p>

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Policy wording Opening Paragraph	SS20	Imphal Barracks, Fulford Road	No	Not justified or effective.	<p>Text changes proposed by DIO as follows: Following the Defence Infrastructure Organisation's disposal of the site by 2031 Imphal Barracks (ST36) will deliver 769 dwellings at this urban development site. Development is not anticipated to commence until the end of the plan period2031, 2 years prior to the end of the plan period. In addition to complying with the policies within this Local Plan, the site must be delivered in accordance with the following key principles:</p> <p>Reasons: DIO notes that 2031 is DIO/MOD's current disposal date, with potential for commencement of development in this year or possibly earlier. Commencement of development is therefore likely to take place before the end of the plan period. Given the previously developed nature of the site, within the City of York, DIO requests that the plan policy acknowledges the potential for the site to come forward for development prior to the end of the plan period, subject to complying with the key principles and policies of the York Local Plan.</p>
Policy wording criterion 1	SS20	Imphal Barracks, Fulford Road	Yes	N/A	<p>i. 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. There are existing issues with traffic congestion in this area. The base traffic situation on the A19 is that it is at or exceeding capacity in the vicinity of Heslington Lane/Broadway. The potential transport implications of the site must be fully assessed both individually and cumulatively with site's ST5 and ST15.</p> <p>DIO comment: DIO produced a Transport Appraisal for IB in December 2017 and the report concluded that <i>"in principle, there are no overriding reasons, from a transportation perspective, that could prevent this site from being redeveloped and thus being allocated for residential development within the emerging City of York Local Plan. The Site is an occupied brownfield site with existing traffic generation and situated in a highly sustainable location for</i></p>

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					<i>redevelopment into residential."</i>
Policy wording criterion 2	SS20	Imphal Barracks, Fulford Road	Yes	N/A	<p>ii. Deliver a sustainable housing mix in accordance with the Council's most up to date Strategic Housing Market Assessment.</p> <p>DIO comment: DIO note the findings of the York SHMA (2016) which indicates that there is a significant need for flats and smaller houses and for 2 and 3 bedrooomed properties, which subject to commercial considerations should be appropriate for inclusion within development on the IB site.</p>
Policy wording criterion 3	SS20	Imphal Barracks, Fulford Road	No	Not justified.	<p>Text changes proposed by DIO as follows:</p> <p>iii. The development of this area must be informed by an assessment of architectural and historic interest of the site and its buildings. Those buildings which are considered to be of <u>particular</u> historic interest should be retained and reused, <u>subject to considerations of building condition, potential for functional conversion and financial viability.</u></p> <p>Reasons:</p> <p>DIO acknowledges the need for an assessment on the historic interest of the buildings on the site to inform redevelopment of the site. DIO seeks however additional wording to emphasise that a balanced planning consideration needs to be made when considering whether to retain or demolish existing buildings on the site as not all of the buildings are of architectural or 'historic interest' and may not be reasonably capable of retention and re-use due to poor condition, difficulties in conversion, due to poor functionality and abnormally high conversion costs which will adversely impact on development viability.</p> <p>Imphal Barracks is a survival of a barracks design scheme that is characteristic of the period of mid-Victorian military reorganisation referred to as the Cardwell Reforms. These barracks were relatively common, though a number have been either demolished or significantly altered. While the key elements of Imphal Barracks survive in a relatively intact form, it is by no means a unique survival.</p>

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					<p>As noted by Historic England, the 'Keep' on Fulford Road, the flanking gatehouses, Officers' Messes and lawns are important design elements of the Fulford Road Conservation Area. The barrack blocks and ancillary buildings behind were built to standardised War Office designs with minimal additional architectural input, and face onto a parade ground that is presently in use as a car park, and which has become visually broken up by tree planting, walls and barriers and encroaching military developments, such as the cookhouse and the modern Headquarters building.</p> <p>Retention of significant military buildings has been considered, balancing architectural merit and historic interest of these structures with the viability of conversion to residential use. While more work is required in this respect, any proposals for the retention of military structures should be made with the intention of providing a sustainable and viable reuse for any retained buildings within the site and of preserving the contribution of the site to the setting of the conservation area and the significant buildings within it. The specific military use of the site and the spaces and buildings within it may mean that any proposals requiring extensive retention of historic fabric would not be viable for residential development.</p> <p>It is also important to consider that proposals for conversion of military buildings to sustainable reuse may require a degree of alteration that would adversely affect heritage significance without allowing other benefits of the scheme to be realised. The proposed requirement to retain the parade ground, in addition to presenting a significant constraint to development, does not reflect the degree of historic encroachment of structures onto this area. Any new policy should focus on conserving the contribution of the parade ground and barrack blocks to the buildings to the Fulford Road Frontage. This could be achieved through the use of buildings of scale, massing and surface finishes complementing the present barracks and replacing the detracting elements that have been introduced to the parade ground area. This would have a greater beneficial effect than literal retention of the parade ground and barracks, contributing to historic character while allowing a fuller realisation of the</p>

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					<p>development potential of the site.</p> <p>Masterplanning proposals have identified the contribution to heritage significance and historic character made by the group of buildings and the open lawns between the Officers' Messes and the Keep and associated gatehouses. The retention of these structures and spaces would allow for enhancements to the Fulford Road Conservation Area, the Grade II listed Keep and the non-designated messes and guardhouses through the removal of unsympathetic additions and more responsive treatment of the frontage onto Fulford Road. It would retain the effect of the existing open space between these buildings and the Victorian set-piece composition to the Fulford Road frontage. Behind this very sensitive area, proposals reflect the very strictly ordered grid of the existing barracks and parade ground, retaining the plan form of the parade ground and providing opportunities for high-quality development to create a backdrop for the retained buildings.</p>
Policy wording criterion 4	SS20	Imphal Barracks, Fulford Road	Yes	N/A	<p>iv. The parade ground and other open areas which are important to the understanding of the site and its buildings should be retained as open spaces in any development.</p> <p>DIO comment: The proposed concept masterplan proposed retention of the parade areas within the existing conservation area adjacent to the Keep listed building. Part of the existing car park hardstanding area is also proposed to be retained as open space within the development providing a significant environmental enhancement within the scheme. Please refer to response to criterion 3.</p>
Policy wording criterion 5	SS20	Imphal Barracks, Fulford Road	No	Not justified	<p>Text changes proposed by DIO as follows:</p> <p>v. If, following the City Council's review of the architectural and historic interest of this site, Imphal Barracks is included within the Fulford Road Conservation Area, development proposals would be required to preserve or enhance those elements which have been identified as making a positive contribution to its significance.</p>

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					<p>Reasons:</p> <p>The proposed addition of subsection v) appears to be superfluous, as this is a direct restatement of the existing statutory provisions regarding development within conservation areas and it is proposed that this should be deleted.</p> <p>Consideration of potential extensions of the Fulford Road Conservation Area should only be made in the context of more detailed studies of historic environment, condition, feasibility and other environmental and design considerations which will arise from the development process and should aim to seek conservation and enhancement of the existing conservation area through new development.</p>
Policy wording criterion 6	SS20	Imphal Barracks, Fulford Road	Yes	N/A	<p>vi. Regardless of the outcome of the paragraph above, the significance of the site's historic environment should be addressed. This includes conserving and enhancing the special character and/or appearance of the adjacent Fulford Road Conservation Area.</p> <p>DIO comment: The proposed concept masterplan acknowledges the importance of historical buildings within the existing conservation area. The designation of The Keep (Building 97) reflects that this structure is considered to be of high heritage significance and the open ground directly to the east together with the larger buildings within the area (Buildings 70, 96, 98 and 103) which provide an important aspect of its setting. The Guard Houses (buildings 96 and 98) and the former Officers Quarters (Buildings 70 and 103) are of a more utilitarian design and have been altered but are part of the original Cardwell Depot and key features at the entrance to the site. Their place within the Fulford Road Conservation Area is appropriate and these buildings are proposed to be retained within the redevelopment of the site. Clearly enhancement of buildings in the Conservation Area but outwith DIO ownership will be a matter for third parties.</p>

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Policy wording criterion 7	SS20	Imphal Barracks, Fulford Road	Yes	N/A	<p>Text changes proposed by DIO as follows:</p> <p>vii. Be of a high design standard, ensuring the development reflects the history of the site and its previous military use, <u>as far as practicable</u>. This site does not exist as an army barracks in isolation and has linkages to other military sites across the city and is linked to the development of York as a garrison town and this history should be reflected in the design of any scheme.</p> <p>DIO comment: this is a fairly nebulous policy and further clarification is sought from CYC over the exact meaning and practical implementation of this policy.</p>
Policy wording criterion 8	SS20	Imphal Barracks, Fulford Road	Yes	N/A	<p>viii. Undertake an archaeological evaluation consisting of geophysical survey and excavation of trenches to identify the presence and assess the significances of archaeological deposits.</p> <p>DIO Comment: DIO acknowledges the need for archaeological evaluation on the site to inform a planning application in line with best practice.</p>
Policy wording criterion 9	SS20	Imphal Barracks, Fulford Road	Yes	N/A	<p>ix. Retain all identified good quality trees, with appropriate distance to tree canopy, unless they pose an unreasonable restriction on development and their contribution to the public amenity and amenity of the development is very limited, and their loss is outweighed by the benefits and mitigation provided by the development.</p> <p>DIO comment: The concept masterplan for the site prepared by DIO has been informed by a Tree Survey and Constraints Report produced in March 2017.</p>
Policy wording criterion 10	SS20	Imphal Barracks, Fulford Road	Yes	N/A	<p>x. Consider in detail the proximity and relationship of the site with Walmgate Stray, including undertaking further hydrological work to assess the potential impact of development on the Stray and to the value of the grassland, and to explore any water logged archaeological deposits. Recreational disturbance/pressure on the</p>

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					<p>Stray and the Tillmire SSSI (individual and cumulative effects) should be considered.</p> <p>DIO comment: DIO produced a Water Quality appraisal for Imphal Barracks in January 2018 which concluded <i>“Based on the assessments in this report and the potential mitigation measures that could be put in place any significant impact on water quality can be avoided. As such, the report supports the allocation of Imphal Barracks within the CYC Local Plan in relation to hydrology and water quality impacts.”</i> Please also refer to Appendix 7, of DIO’s representations, in relation to Hydrology related matters.</p>
Policy wording criterion 11	SS20	Imphal Barracks, Fulford Road	Yes	N/A	<p>xi. Improve connectivity to the existing draining network. There is pressure on this site and the area in general at present in terms of drainage. It would be preferable to go back to base principles in designing a new drainage system for the site and avoid using the existing historical systems that are currently in place. The site would benefit from a comprehensive modern SuDS scheme.</p> <p>DIO comment: DIO produced an Flood Risk Appraisal in December 2017 which concluded <i>“in terms of flood risk considerations, Imphal Barracks is suitable for allocation for residential purposes in the CYC local plan.”</i> SuDS requirements can be accommodated within the concept plan. Please also refer to Appendix 7, of DIO’s representations, in relation to Hydrology related matters.</p>
Policy wording criterion 12	SS20	Imphal Barracks, Fulford Road	Yes	N/A	<p>xii. Create new local facilities as required to meet the needs of future occupiers of the development.</p> <p>DIO comment: This should be subject to demand and viability considerations.</p>
Policy wording criterion 13	SS20	Imphal Barracks, Fulford Road	Yes	N/A	<p>xiii. Retain and enhance recreation and open space for community use to mitigate any potential impacts on the adjacent Walmgate Stray.</p>

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					DIO comment: The proposed concept masterplan for the site seeks to provide open space adjacent to the eastern boundary of the site adjacent to Walmgate Stray.
Policy wording criterion 14	SS20	Imphal Barracks, Fulford Road	Yes	N/A	<p>xiv. Deliver sufficient education provision to meet the demand arising from the development. Further detailed assessments and associated viability work will be required.</p> <p>DIO comment: The proposed concept masterplan includes provision for a primary school to support the proposed development. It is proposed that developer contributions will address impacts on secondary education. DIO seeks more clarity on the type and detail of the viability work required.</p>
Policy wording Paragraph 3.89	SS20	Imphal Barracks, Fulford Road	Yes	N/A	<p>Explanation 3.89 ST36 covers circa 30ha with net developable area of approximately 19ha, and will deliver approximately 11 ha of public open space and an estimated yield of 769 dwellings.</p> <p>DIO comment: DIO's support the proposed allocation which indicates a capacity of c.769 homes on the strategic allocation.</p>
Policy wording Paragraph 3.90	SS20	Imphal Barracks, Fulford Road	No	Not justified.	<p>3.90 This site contains two Grade II listed buildings and the Fulford Road frontage lies within the Fulford Road Conservation Area. However, as access to the area has always been restricted, no detailed assessment of the existing buildings has been carried out to determine if they merit designation. Therefore further work needs to be done on understanding the existing structures and if they warrant listing. To address any heritage designations that may exist on the site it is recommended that Historic England are consulted, using their pre-application assessment service. The Fulford Road Conservation Area boundary currently makes only a minimal incursion into the potential site as this was based only on assessments done from the road itself given the restricted access of the site. It is broadly accepted that this conservation area boundary is irregular in its form and requires revision. It is likely that this revision will take it further into</p>

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					<p>the boundary of the Imphal Barracks site. Therefore the existing buildings need to be assessed as a group to contribute to the conservation area appraisal update and the parade ground as a design concept is also an important feature of the current site which needs to be retained in any future designs to compliment the understanding of the history of the site. Account should be taken of the special architectural or historic interest of the Conservation Area, the character or appearance of which it is desirable to preserve or enhance. The relevant Conservation Area Appraisal identifies opportunities for beneficial change or the need for planning protection.</p> <p>DIO comment: Whilst DIO fully supports working with Historic England in developing a masterplan for the site, the recommendation to use Historic England's enhanced advice service is seen as premature and is not necessarily appropriate as Non Departmental Public Bodies (NDPB) procedures are prone to change and the Local Plan is not the appropriate vehicle to recommend this type of paid-for service from another public body. DIO comments on the potential to extend Fulford Road Conservation Area and the caveats required have been articulated in the response to Policy SS20 criterion v.</p>
Policy wording Paragraph 3.91	SS20	Imphal Barracks, Fulford Road	Yes	N/A	<p>3.91 It will be necessary to identify the presence and assess the significances of archaeological deposits on the site. An archaeological evaluation will be used to assess the significances of archaeological features and deposits and will allow decisions about the scale and form of future mitigation measures on the site. There is a reasonable potential for survival of prehistoric and Romano-British features and deposits as well as medieval and later exploitation and occupation of the site. There is a high potential for discovering water logged deposits which would be of high significance and may need to be preserved in situ – this needs to be taken into consideration through further hydrological work.</p> <p>DIO comment: DIO acknowledge the need for archaeological evaluation on the site to inform a planning application in line with</p>

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					best practice.
Policy wording Paragraph 3.92	SS20	Imphal Barracks, Fulford Road	Yes	N/A	<p>3.92 There are a high number of very good quality trees on the site which should be retained where possible. The nature of the public open space should remain natural and open. Any significant built recreational facilities should be kept within the built development zone, not the public open space. The extent to which the development might impact on views would depend on the design detail and on tree and hedgerow retention.</p> <p>DIO comment: The concept masterplan for the site has been informed by a Tree Survey and Constraints Report produced in March 2017.</p>
Policy wording Paragraph 3.93	SS20	Imphal Barracks, Fulford Road	No	Not justified or consistent with national policy.	<p>Text changes proposed by DIO as follows:</p> <p>3.93 This site has limited biodiversity interest within it except for the potential for bats in the existing buildings for which further assessment is needed. However, the main issue to consider with this site is the proximity and relationship with Walmgate Stray. Walmgate Stray is a UK priority habitat for semi-improved grassland and is currently under higher level stewardship management. A large area of open space will be retained on the eastern edge of Imphal Barracks. However, it is inevitable that people will also want to use the Stray. The land is managed with stock which would cause conflict with people trying to access the area for recreation e.g. dog walkers. If it becomes unviable to graze the land and forces a change of management the value of the grassland would potentially deteriorate. Further hydrological work is required to assess the potential impact on the Stray and to the value of the grassland. The area and adjacent surrounds are also incredibly wet which contributes to the value of the UK priority habitat grassland on Walmgate stray and any changes to hydrology need to consider the impact on this. A Habitat Regulations Assessment will be required to accompany any proposals for this site.</p> <p>Reasons: The reference to an HRA is we suggest, incorrect. Walmgate</p>

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					Stray is neither a SAC/SPA or SSSI and hence assessment of effects would not require a HRA. The CYC HRA of the Plan does not indicate HRA is required in respect of the Imphal site, therefore DIO invites CYC to delete reference to the need for a HRA.
Policy wording Paragraph 3.94	SS20	Imphal Barracks, Fulford Road	Yes	N/A	<p>3.94 This site is inherently sustainable given its situation within the main built up area of York its relationship to the city centre and its proximity to shops and facilities in the Fulford Road area. There are good existing pedestrian and cycle networks linking to the city centre and frequent bus services. However, given the size and depth of the site it is likely that many areas of new housing will fall outside the recognised 400 metres walk distance to a bus stop. The developer must, therefore, demonstrate that all transport issues arising from the site individually and cumulatively with other sites that can be reasonably expected to impact on the transport network within the vicinity of the site have been addressed to ensure adequate sustainable transport provision at the site is achievable. This should be factored into site planning and the sustainable transport provision overall.</p> <p>DIO comment: The opportunity exists for a new bus service route through the site subject to viability. The inherent sustainability of the site for housing is acknowledged and should be reflected in the site's housing capacity.</p>
Page 76	EC1	Provision of Employment Land	No	Not justified or positively prepared	<p>Reasons: DIO supports the inclusion of Towthorpe Lines as an employment site in assisting the City of York meet its employment target of 650 new jobs per annum. Draft Policy SS1 states <i>"Land or buildings identified for economic growth must be attractive to the market"</i>. Our proposed change, below, is entirely in line with the thrust of this statement.</p> <p>Proposed change DIO proposes that E18 – Towthorpe Lines Strensall proposed uses of "B1(c), B2 and B8 uses" should be expanded to include potential for B1(a) and B1(b) uses in addition to B1(c), B2 and B8 uses to diversify</p>

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					market attractiveness and demand and hence enhance the viability and deliverability of the proposed development.
Policy criterion 2 and Para 4.10	EC2	Loss of Employment Land	Yes	N/A	DIO comment: More clarity is required on “compelling evidence to demonstrate that the site is no longer needed” and what is meant by “significant changes in the economic circumstances of the district”. These need to be defined so changes in economic circumstances can be monitored.
Policy wording pages 91-94	H1	Housing Allocations	No	Not justified and effective	<p>DIO proposed changes and reasons: DIO notes in relation to phasing the plan (under proposed policy SS1) identifies the potential: “Where viable and deliverable, the re-use of previously developed land will be phased first”. This aligns with the NPPF and is welcomed. With this in mind DIO provides the following comments on Table 5.1 Housing Allocations to ensure the Council’s proposed trajectory is justified and effective:</p> <ul style="list-style-type: none"> • DIO support in principle for H59 Queen Elizabeth Barracks, Howard Road (up to 45 Dwellings) but seeks more flexibility on phasing, the 2021 release date gives scope for development in the short to medium term 1-10 years rather than Years 6-15 (medium to long term). • DIO objection to capacity identified for ST35 Queen Elizabeth Barracks. As stated against policy “SS19 Opening Paragraph” DIO objects to capacity of the site at 500 homes and seeks amendment to accommodate 605 homes. DIO also seeks more flexibility in phasing dates as the 2021 release date provides scope for development in the short to medium term 1-10 years, rather than the medium to long term (6-15 years). • DIO supports Policy ST36 Imphal Barracks (up to 769 dwellings). The proposed disposal date is set for 2031, yet the policy proposed phasing for the site beyond the plan period i.e. from 2033, 16-21 years. DIO seeks greater flexibility in the proposed phasing to enable alignment with the proposed disposal date, particularly given the Council’s policy on re-use of previously developed land.

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					The proposed policy also states <i>"Where sites contain existing open space, this will be an important consideration in the development of the site and the open space needs of the area will need to be fully assessed"</i> . The policy fails to explain why/how this will be an important consideration. Presumably this aims to retain existing identified open space provision, unless suitable alternative open space of similar or better quality can be provided.
Policy wording Page 100	H2	Density of Residential Development	Yes	N/A	DIO comment: DIO supports the proposed approach to density of residential developments and notes the potential for higher densities at Queen Elizabeth Barracks (higher than 35dph) as it is within 400m of a high frequency public transport corridor (service 5) on Strensall Road, hence higher residential densities are considered appropriate on the site where it complies with other plan objectives. DIO also notes and supports the scope for up to 50 dph within the York urban area at Imphal Barracks and notes scope for higher densities, subject to compliance with other relevant policies. Higher densities on these residential sites would result in these previously developed sites delivering an increased housing capacity in line with Government policy on redevelopment of previously developed land with good public transport provision.
Policy wording Page 102	H3	Balancing the Housing Market	Yes	N/A	DIO comment: DIO supports the principle of working towards a mix of housing identified in the Strategic Housing Market Assessment and notes that the final mix of dwellings should be subject to negotiation with the applicant enabling market considerations to be taken into account. DIO also notes the findings of the SHMA (2016) which indicates that there is a significant need for flats and smaller houses for those accessing the housing market for the first time and for 2 and 3 bedrooed properties, which should be reflected in site housing numbers at QEB and IB, again subject to market demand considerations.
Policy wording	H10	Affordable Housing	Yes	N/A	DIO comment: DIO notes the lower percentage of affordable housing on brownfield land (20%) compared to greenfield land (30%), in

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pages 115-120					relation to schemes of 15 dwellings or more (Table 5.4). DIO supports the need for any provision to take into account viability, and potential for the application of the Vacant Building Credit (VBC) in appropriate circumstances. DIO considers that both Queen Elizabeth Barracks and Imphal Barracks should qualify for potential VBC. These factors will rightly need to be taken into account when considering the level of affordable housing provision on these sites.
Page 123	HW2	New Community Facilities	Yes	N/A	DIO comment: DIO notes the requirement for all strategic allocations to produce an audit of existing community facilities. In the context of a military barracks, however, it will not be possible to retain all former facilities and therefore the requirement should reflect the demand from the proposed use, rather than seek to retain uses related to the former defence purpose.
Policy wording page 125; para 6.18 – 6.26	HW3	Built Sport Facilities	Yes	N/A	DIO comment: DIO notes the principle of providing sufficient sports facilities to serve new developments, and comments that MoD sites at QEB and IB are unusual cases given the existing facilities within the Barracks. These may be revised where feasible and viable to do so.
Policy wording Page 127	HW4	Childcare Provision	Yes	N/A	DIO comment: DIO notes this requirement which will be driven by the scale of the development.
Policy wording page 131	HW7	Healthy Places	Yes	N/A	DIO comment: DIO notes the requirement of a Health Impact Assessment and comments on design principles prior to the submission of a planning application for all strategic allocations.
Policy wording page 141 and paras 7.19-7.22	ED6	Preschool, Primary and Secondary Education	Yes	N/A	DIO comment: DIO notes the principle of providing education facilities to meet the needs resulting from proposed developments whether on site or through developer contributions to support the increase in any required provision where applicable.
Policy wording page 146-147	D1	Placemaking	Yes	N/A	DIO comment: DIO notes the proposed design policy that requires developments to adhere to the need to consider the local context when considering appropriate densities and massing details.

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					<p>DIO note the desire to preserve and enhance York's special qualities, in "restoring old patterns of urban grain where possible", this is considered important and consideration should also be given to the condition of existing buildings and the suitability of retaining urban grain for proposed uses.</p> <p>DIO notes the potential for overlap and linkage with density Policy H2 in light of Policy D1 ii 'Density and Massing'.</p>
Policy D2	D2	Landscape and Setting	Yes	N/A	DIO's comment: The principles of this policy are acknowledged and in particular consideration will be given to the interrelationship of the MoD sites at QEB and TL, to Strensall Common, and IB, to Walmgate Stray, respectively.
Policy wording Page 152	D4	Conservation Areas	Yes	N/A	DIO's comment: More clarity should be provided to define the level of detail required at outline planning application (OPA) stage, for sites within or adjacent to conservation areas, in terms of "full design details" required. For example, it would be helpful for this policy to provide a cross reference in relation to which standard reserved matters headings should be addressed, i.e. appearance, landscape, means of access, uses and scale, so it is clear what is required to achieve validation of an OPA. Reference to 'public benefits' of the proposal should also acknowledge viability considerations in light of NPPF para 134 "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use." This is particularly important in relation to the functionality/ suitability of the building for alternative proposed uses.
Policy wording page 153-154	D5	Listed Buildings	Yes	N/A	DIO comment: DIO notes the need to protect the setting of listed buildings and the need for a Heritage Statement, including provision of a "statement of significance" of the heritage asset to support planning applications, which includes listed buildings.
Policy	D6	Archaeology	Yes	N/A	DIO comment: DIO supports the need for a heritage statement to

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wording page 155					describe the significance of archaeological remains and requests that it should be clear that this requirement should be to support a planning application only.
Policy wording Page 156-157	D7	The Significance of Non-Designated Heritage Assets	Yes	N/A	DIO comment: DIO notes the reference to non-designated heritage assets and the need for the military significance to be considered in the regeneration of QEB, TL and IB. As mentioned in relation to Policy D4 Reference to 'public benefits' of the proposal should also acknowledge the importance of viability considerations in light of NPPF para 134 "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use." This is particularly important in relation to the functionality/ suitability for conversion to alternative proposed uses.
Policy wording page 165	GI1	Green Infrastructure	Yes	N/A	DIO comment: DIO supports an integrated approach to provision of Green Infrastructure (GI) and the need for development proposals to demonstrate how GI has been taken into account in development proposals.
Policy wording pages 166-167	GI2	Biodiversity and Access to Nature	Yes	N/A	DIO comment: DIO notes the principle of conserving and enhancing York's biodiversity and notes the need to maintain and enhance the diversity of the York's Strays for wildlife and the potential need for buffer zones around wildlife and biodiversity sites.
Policy wording page 168	GI3	Green Infrastructure Network	Yes	N/A	DIO comment: Note typographical error in criterion 4 "improve links".
Policy wording page 169	GI4	Trees and Hedgerows	Yes	N/A	DIO comment: DIO notes the approach in criterion 4 to retain existing trees in the context of new buildings, where appropriate, in new developments.
Policy wording page 170	GI5	Protection of Open Space and Playing Fields			DIO comments: Queen Elizabeth Barracks DIO supports this policy with comments: The existing outdoor sports

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					<p>facilities, on QEB ST35, are noted on the Strensall Ward map, within the Open Space and Green Infrastructure Update (September 2017) (see page 63) The site concept masterplan prepared by DIO seeks to retain the existing military sports facilities to contribute towards recreation/ open space provision as part of the overall redevelopment of the site.</p> <p>Imphal Barracks DIO's comment: The proposed concept masterplan seeks to retain the existing gym and playing fields which currently serve the barracks but would contribute towards recreation/ open space provision as part of the overall redevelopment of the site.</p>
Policy wording pages 171-173	GI6	New Open Space Provision	No	Not justified, positively prepared.	<p>DIO comment: DIO acknowledges the generic need for all residential development proposals to contribute to the provision of open space for recreation and amenity purposes at an appropriate level, however, it is noted that the policy reverts to the Council's up to date open space assessment to determine standards for provision of new open space. DIO suggests that it would be prudent to insert the current standard for calculating recommended open space in new developments in the supporting text.</p> <p>DIO objects to the proposed new significant area of open space "Land to the East of ST35". The reasons given by CYC include to:</p> <ul style="list-style-type: none"> • Mitigate and compensate for ecological impacts and provide for ecological enhancement. • Retain and enhance landscape and heritage features. • Meet open space requirements arising from development <p>Reasons: DIO object to this blanket approach to open space provision being adopted on the Proposals Map without a clear evidence base justifying this mechanism as likely to be effective in meeting its objectives. In DIO's view, the current masterplan addresses the justification provided in the Plan.</p>

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					<p>DIO query the evidence upon which this policy is based. There needs to be a proven link and evidence base between the amount/quality of open space provided within the site and the perceived reduction in recreational pressure on Strensall Common. The proposed concept masterplan has been informed by ecological advice, and areas of the Strensall Common SAC have been omitted from the masterplan (and thus open space provision), and open space provision has been included within the site including some on the eastern boundary of the site in order to be policy compliant. As such DIO oppose the blanket and unjustified approach of designating a significant area of the site as 'open space', unless robust evidence is produced by the Council to demonstrate that the new open space proposal to the east of the site is absolutely necessary to mitigate visitor impact on Strensall Common as a direct consequence of the redevelopment of the site.</p> <p>Importantly, please refer to relevant DIO comments in relation to policy SS19 Criterion 10 in which the relationship between public open space use and impacts upon the SAC are more fully discussed.</p>
Policy wording pages 192-193	ENV1	Air Quality	Yes	N/A	DIO's comment: It is acknowledged that for major developments with potentially significant air quality impacts, a full air quality impact assessment should be undertaken to establish the resultant impact on local air quality (in terms of change in ambient concentrations of air pollutants within the vicinity of the development site).
Policy wording pages 199-200	ENV3	Land Contamination	Yes	N/A	DIO's comment: It is acknowledged that where there is evidence that a site may be affected by contamination or the proposed use would be particularly vulnerable to the presence of contamination, planning applications must be accompanied by an appropriate contamination assessment.
Policy wording pages 201	ENV4	Flood Risk	Yes	N/A	DIO's comment: It is acknowledged that a Flood Risk Assessment would be required with any planning application on QEB, TL or IB.

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Policy wording pages 203-204	ENV5	Sustainable Drainage	Yes	N/A	DIO comment: DIO notes the principle of incorporating SuDS on site subject to viability and technical assessment
Policy wording pages 210-211	T1	Sustainable Access	Yes	N/A	DIO comment: DIO notes the principle of maximising sustainable transport in new developments and supports a flexible approach to demonstrating compliance to the criterion in this policy.
Policy wording pages 225	T7	Strategic Cycle and Pedestrian Links	Yes	N/A	DIO comment: DIO notes the need for developments that can be reasonably expected to have a significant impact on the transport network to be supported by a Transport Statement (TS) or by a Transport Assessment (TA) and Travel Plan (TP), as appropriate, depending on the scope and scale of the development.
Policy wording pages 235	DM1	Infrastructure and developer Contributions	Yes	N/A	DIO comment: Developer contributions will mitigate any further impact of proposed development, subject to viability considerations. DIO notes the need for contributions from developers to ensure that the necessary infrastructure is in place to support future development in York.


DIO Representation - Policies Map

Legally Compliant - Yes

Duty to Cooperate - Yes

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Policies Map North	SS19	ST35	No	Not justified or consistent with national policy	<p>Proposed Green Belt Boundary DIO comment: As commented at Regulation 18 stage, the proposed Green Belt boundary should be amended to ensure a long and enduring Green Belt boundary:</p> <p>DIO supports the allocation of OEB (ST35) in general terms, but proposes an amendment to the draft Green Belt inner boundary to reflect Government policy guidance on the definition of Green Belt boundaries. The National Planning Policy Framework (March 2012) provides policy advice to local authorities when defining a Green Belt Boundary. This includes the need to <i>"define boundaries clearly, using physical features that are readily recognisable and likely to be permanent"</i> (NPPF paragraph 85). In light of this advice, DIO proposes an amendment to the proposed Green Belt boundary at OEB, to exclude the land bounded by the red line, in Figure 1 below, from the proposed Green Belt. This submission should be seen in the context of the role of the Local Plan (para 1.50) to <i>"define what land is in the Green Belt"</i> and <i>"establish detailed Green Belt boundaries"</i>.</p> <p>In addition, in the context of defining Green Belt Boundaries, the draft NPPF (March 2018) para 136, indicates that LPAs should examine fully all other reasonable options for meeting its identified need for development to justify changes to the Green Belt. This is material to the City of York Local Plan examination and highlights the importance of <i>"making as much use as possible of suitable brownfield sites"</i> at OEB.</p> <p>DIO believes that the land, in ownership of the Reserve Forces and Cadet Association (RFCA), shown in Figure 1, bounded by a red line, would make a very limited contribution to the purposes of the proposed Green Belt. This is because:</p>


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					<ul style="list-style-type: none"> • The land is currently built up as part of the barracks site. It would be surrounded by development if the Green Belt boundary, as proposed, is approved (refer to aerial photograph below). • The site, if redeveloped, would be well contained by the adjoining development and local topography and as such would not adversely impact upon the 'openness' of the area. • The exclusion of the area from the Green Belt would enable a clear and defensible boundary, to be established, along the eastern perimeter of the site, creating a strong distinction between "town" and "country". • The land parcel would not contribute to the five purposes of Green Belt, given that in practice, as an integral area within the barracks site, it already forms part of the previously developed area and, consequently, its development would not result in any additional "encroachment" into the countryside (for further discussion of the relevance of the five purposes of Green Belt, please refer to the conclusion in the QEB Green Belt Statement at Appendix 4 of DIO's representations. <p>Proposed change:</p> <p>The proposed boundary for the strategic housing allocation at Queen Elizabeth Barracks, is not supported by DIO, as it should be amended to ensure an enduring Green Belt boundary beyond the plan period. DIO proposes an amendment the proposed York Green Belt boundary to incorporate fully the identified land parcel within the ST35 Strategic Housing Allocation (Figure 1).</p> <p>As indicated above, further justification of this case for exclusion from the Green Belt is provided in Appendix 4 of DIO's representations. The submission outlines national and local planning policy with regard to defining Green Belt boundaries, and assesses the QEB site (including the RFCA site) against the five purposes of the Green Belt, supported by</p>

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					<p>relevant evidence from other site assessments, to make the case for the QEB Reserve Forces and Cadets Association Site being omitted from the proposed Green Belt designation, contrary to the emerging Local Plan proposal, which DIO contends is not justified on the basis of the evidence.</p> <p>Figure 1 – Proposed DIO amendment to QEB (ST35) allocation and Green Belt boundary</p>  <p>Proposed open space Proposed Change: DIO propose removal proposed area of open space from ST35 allocation.</p> <p>Reasons: CYC have proposed a reduction in capacity of the QEB ST35 allocation from 578 to 500 homes, on the basis of a “50:50 open space to development ratio, to enable the delivery of greater on-site requirements to mitigate potential impacts on Strensall Common SAC”. Although a qualitative reason is given for the proposed reduction in capacity, no quantitative justification is provided.</p>

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					<p>DIO's illustrative concept plan for QEB (Appendix 2 of DIO's representations) includes c.17.6ha of residential-led development (c.650 dwellings across the ST35 and H59 allocations within the QEB boundary, and a total resident population of c.1,382). The plan also illustrated approximately 10.44ha of green infrastructure (GI), to include semi-natural open space and parks/amenity/outdoor sports space.</p> <p>Fields in Trust (FIT) guidance indicates around 6ha of "outdoor space" (incorporating formal and informal usages, some of which may overlap) per 1,000 head of population. Screening of Local Plan policies elsewhere (for example Aylesbury) for potential to cause recreational pressure effects on a SAC concluded no likely significant effect was likely (in that instance) provided that 'No person should live more than 300 m from their area of natural green space of at least 2ha in size, and there should be at least 2ha of accessible natural green space per 1,000 population. The c.10.44ha included in the original illustrative masterplan exceeds the minimum recommended area for these types of policy measures for the predicted population of 1,382. The plan also illustrates the potential for the provision of a variety of 'typologies' of open space, ranging from formal sports pitches and managed parks, to more informal semi-natural space. There is sufficient space for provision for a circular walk within the development. The mix of space/vegetation types is not only likely to be of holistic benefit to biodiversity within the new development, but in reference to another example, is one of the key recommendations in Hampshire County Council's recreation/access strategy, which focussed on managing impacts of recreation (particularly dogs and dog walkers), that was prepared for a sizeable new (consented) development in Hampshire that is close to a designated heathland site.</p> <p>Section 2 of the QEB HRA outlined a number of environmental and ecological design principles that could readily be incorporated into the outline scheme design, as a foundation on which further measures for avoidance/mitigation of adverse effects on Strensall Common SAC/SSSI could be built, if required by the ongoing iterations of both the HRA and Local Plan consultation. The illustrative masterplan was used as a basis</p>

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					<p>for some of the additional measures proposed in the framework People Management Strategy (PMS) which was put forward in Appendix D of DIO's December 2017 representations in relation to information to support the HRA; this whole strategy being subject of ongoing refinement and development through the iterations of the Plan consultation. Options for diverting visitors away from the SAC, and preventing direct access from the development, are all measures that can be explored through the further work recommended during production of the required Visitor Impact Mitigation Strategy (VIMS - see Section 1.2).</p> <p>DIO therefore query the evidence whereby the proposed area of additional open space has originated. There needs to be a proven link and evidence base between the amount/quality of open space provided within the site and the perceived reduction in recreational pressure on Strensall Common. The proposed concept masterplan has been informed by ecological advice, and areas of the Strensall Common SAC have been omitted from the masterplan, and open space provision has been included within the site including some on the eastern boundary of the site in order to be policy compliant. As such DIO oppose the blanket and unjustified approach of designating a significant area of the site as 'open space', unless robust evidence is produced by the Council to demonstrate that the new open space proposal to the east of the site is absolutely necessary to mitigate visitor impact on Strensall Common as a direct consequence of the redevelopment of the site.</p> <p>In addition, subject to consultation with Sport England, there may be scope to relocate the existing sports pitches from the west of the site adjacent to Strensall Road (2.59ha) to the east, and assuming 40dph for this area would yield c.100 units. So applying a blanket area of open space to the east and simply reducing overall housing numbers, is not considered an appropriate response, particularly given the lack of evidence to justify this position; scope to relocate the location of open space within the site; and thirdly the impact on viability given the longstanding military operational use of this previously developed brownfield site.</p>

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Policies Map North	EC1	E18	Yes	N/A	DIO comment: the proposed boundary for Towthorpe Lines is considered appropriate, as it is consistent with the proposed concept masterplan for the site.
Policies Map South	SS20	ST36	No	Not justified or consistent with national policy	<p>Proposed Green Belt Boundary DIO comment: As commented at Regulation 18 stage, the Green Belt Boundary should reflect the boundary of the Barracks site.</p> <p>The proposed boundary for the strategic housing allocation at Imphal Barracks, is not supported by DIO, because an amendment is required to ensure an enduring Green Belt boundary beyond the plan period. It is considered that the parcel bounded in red below should be excluded from the Green Belt for the following reasons:</p> <ul style="list-style-type: none"> • The parcel constituted previously developed urban land upon which there are existing buildings and military related operational uses; • The amended boundary will enable the formation of strong and defensible Green Belt Boundary in line with NPPF guidance. • The amendment will ensure a long and enduring Green Belt boundary. <p>Proposed Change:</p> <p>DIO supports the allocation of IB (ST36) in general terms, but proposes an amendment to the draft Green Belt inner boundary to reflect Government policy guidance on the definition of Green Belt boundaries. The National Planning Policy Framework (March 2012) provides policy advice to local authorities when defining a Green Belt Boundary. This includes the need to “define boundaries clearly, using physical features that are readily recognisable and likely to be permanent” (NPPF paragraph 85). In light of this advice, DIO proposes an amendment to the proposed Green Belt boundary at IB, to exclude the land bounded by the red line, in Figure 3 below, from the proposed Green Belt. This submission should be seen in the context of the role of the Local Plan (para 1.50) to “define what land is in the Green Belt” and “establish detailed Green Belt boundaries”.</p>

Paragraph Number	Policy Ref	Site Ref	Sound	Tests of Soundness (positively prepared, effective, justified, consistent with national policy)	Reasons for tests of Soundness
					<p>In addition, in the context of defining Green Belt Boundaries, the draft NPPF (March 2018) para 136, indicates that LPAs should examine fully all other reasonable options for meeting its identified need for development to justify changes to the Green Belt. This is material to the City of York Local Plan examination and highlights the importance of <i>“making as much use as possible of suitable brownfield sites”</i> at QEB.</p> <p>As such the proposed amendment to the proposed York Green Belt boundary should incorporate the identified land parcel (red line) within the ST36 Strategic Housing Allocation (below). Further justification of this proposed change is provided in Appendix 5 of DIO’s representations. The submission outlines national and local planning policy with regard to defining Green Belt boundaries, and assesses the IB site against the five purposes of the Green Belt, supported by relevant evidence from other site assessments, to make the case for the identified land being omitted from the proposed Green Belt designation contrary to the emerging Local Plan proposal, which DIO contends is not justified on the basis of the evidence.</p> <p>Figure 2 – Proposed amendment to IB (ST36) allocation and Green Belt boundary shown by the red line</p> 

DIO Representation

Sustainability Appraisal / Strategic Environmental Assessment

Legally Compliant - Yes

Duty to Cooperate - Yes

Paragraph Number	Policy Ref	Site Ref	Sound	Tests of Soundness (positively prepared, effective, justified, consistent with national policy)	Reasons for tests of Soundness
SA Objective 9 – Land Use	ST35	Queen Elizabeth Barracks, Strensall	No	Not justified	CYC SA score '+/-' DIO proposed score '++/-'. DIO opposes only a + scoring on this objective. It is submitted that the site is previously developed and redevelopment of the site would therefore 're-use previously developed land' and a ++ score is considered more appropriate for this indicator. The Sports Ground for example within the site boundary is not proposed for redevelopment, and therefore the concept masterplan submitted in relation to the QEB site should not attract a negative score in relation to this land use objective. A change to the scoring to reflect this is requested.
SA Objective 13 - Flood Risk	ST35	Queen Elizabeth Barracks, Strensall	No	Not justified	CYC SA score '?/0' DIO proposed score '+/0'. DIO has produced a Flood Risk Appraisal (December 2017) to support redevelopment of the site. The report notes that constraints identified (i.e. management of surface water and ground water flood risk) can be overcome through appropriate design and mitigation measures within the proposed development. The report concluded that "QEB is suitable for a residential allocation within the CYC Local Plan in relation to this technical assessment on Flood Risk, subject to the issues highlighted within the report" (Section 6.1, Page 23). As such is considered that a +/0 scoring is considered more appropriate for this objective. A change to the scoring to reflect this is requested.
SA Objective 5/6 Equality and Access/ Transport	H59	Queen Elizabeth Barracks, Strensall	No	Not justified	CYC SA score ' ' i.e. 'depends on policy implementation' DIO proposed score '+/ '. The Transport Appraisal (Dec 2017) in support of the QEB site concludes that "in principle, there are no overriding reasons, from a transportation

Paragraph Number	Policy Ref	Site Ref	Sound	Tests of Soundness (positively prepared, effective, justified, consistent with national policy)	Reasons for tests of Soundness
					<i>perspective, that would prevent this site QEB from being redeveloped for residential purposes at the scale proposed in the draft allocation. Any improvements required to the local highway and existing bus service would need to be subject to consultation with the Local Highways Authority.” (Section 7, Page 31). As such a +/ score is considered more appropriate. A change to the scoring to reflect this is requested.</i>
SA Objective 13 - Flood Risk	H59	Queen Elizabeth Barracks, Strensall	No	Not justified	CYC SA score ‘-’ DIO proposed score ‘+0’. The Flood Risk Appraisal (December 2017) produced by DIO for QEB includes the H59 Local Housing Allocation to support redevelopment of the site. The report notes that constraints identified (i.e. management of surface water and ground water flood risk) can be overcome through appropriate design and mitigation measures within the proposed development. The report concluded that “QEB is suitable for a residential allocation within the CYC Local Plan in relation to this technical assessment on Flood Risk, subject to the issues highlighted within the report” (Section 6.1, Page 23). As such is considered that a +0 scoring is considered more appropriate for this objective. A change to the scoring to reflect this is requested.
SA Objective 6 – Transport	ST36	Imphal Barracks, Fulford Road	No	Not justified	CYC SA score ‘+/-’ DIO proposed score ‘+/-’. The Transport Appraisal produced by DIO for Imphal Barracks (December 2017) concluded that “in principle, there are no overriding reasons, from a transportation perspective, that could prevent this site from being redeveloped and thus being allocated for residential development within the emerging City of York Local Plan. The Site is an occupied brownfield site with existing traffic generation and situated in a highly sustainable location for redevelopment into residential.” As such it is submitted that a score of ‘+/-’ is considered more appropriate for this objective. A change to the scoring to reflect this is requested.
SA Objective 9 – Land Use	ST36	Imphal Barracks, Fulford Road	No	Not justified	CYC SA score ‘+/-’ DIO proposed score ‘+’. DIO opposes –ve scoring on this objective. The site is previously developed and redevelopment of the site would therefore ‘re-use previously developed land’. The Sports Ground for example within the site boundary is not proposed for redevelopment, and therefore the concept masterplan submitted in relation to the IB site should not attract a negative score in relation to this land use objective. A change to the scoring to reflect this is requested.

Paragraph Number	Policy Ref	Site Ref	Sound	Tests of Soundness (positively prepared, effective, justified, consistent with national policy)	Reasons for tests of Soundness
SA Objective 13 - Flood Risk	ST36	Imphal Barracks, Fulford Road	No	Not justified	CYC SA score '?', DIO proposed score '+/0'. A Flood Risk Appraisal was prepared by DIO to support Imphal Barracks in December 2017. The report acknowledges that Flood Risk Assessment will be required as part of any future planning application and that provided appropriate mitigation measures are incorporated into the final layout and design, then the site can be developed in a way that manages flood risk. The report thus concludes that "Imphal Barracks is suitable for residential allocation within the CYC Local Plan, and the flood risk issues can be mitigated accordingly." As such a '+/0' score is considered appropriate. A change to the scoring to reflect this is requested.
SAO3 - Education	E18	Towthorpe Lines	No	Not justified	CYC SA score '-' DIO proposed score '+/0'. Given proposed retention of existing employment use, suggest a +/0 scoring is most appropriate for this objective. A change to the scoring to reflect this is requested.
SAO 5/6 Equality and Access/ Transport	E18	Towthorpe Lines	No	Not justified	CYC SA score ' ' DIO proposed score ' /0'. Given proposed retention of existing employment use, suggest a neutral scoring is most appropriate for this objective. A change to the scoring to reflect this is requested.
SAO 8 - Biodiversity	E18	Towthorpe Lines	No	Not justified	CYC SA score '--' DIO proposed score '-'. Given site is previously developed land and seeks to retain the existing employment use, a - scoring is considered more appropriate for this objective. A change to the scoring to reflect this is requested.
SAO15 - Landscape	E18	Towthorpe Lines	No	Not justified	CYC SA score '--' DIO proposed score '-'. Existing employment use will not change, and therefore - impact is considered more appropriate. Scale and massing considerations need to be taking into account, but in general terms redevelopment will have a neutral change on surrounding landscape. A change to the scoring to reflect this is requested.

GVA

04 April 2018

Appendix IV

Green Belt Appraisal – Queen Elizabeth Barracks

DIO York – QEB Regulation 19 Consultation Response

RE: Proposed Green Belt Inner Boundary

1. Introduction

- 1.1 GVA is instructed by the Defence Infrastructure Organisation (DIO) to respond to the Local Plan York Publication Draft Regulation 19 Consultation. DIO welcomes and supports in principle the proposed housing allocations of the Ministry of Defence (MoD) owned brownfield sites at Queen Elizabeth Barracks (QEB) and Imphal Barracks (IB) and the proposed employment allocation at Towthorpe Lines (TL), albeit with specific amendments to development capacity and the proposed allocation boundaries.
- 1.2 The MoD announced on 7th November 2016 that, as part of the strategy outlined in their publication “A Better Defence Estate”, a number of military sites across the country would be disposed of. This included the three above sites as follows:
- Imphal Barracks (date of disposal – 2031);
 - Queen Elizabeth Barracks (date of disposal - 2021); and,
 - Towthorpe Lines (date of disposal – 2021).
- 1.3 The disposal announcement provides a high degree of certainty to the City of York Council that the sites will come forward for redevelopment. Given that the above sites are, as future surplus public sector owned, previously developed land, a Government priority for housing development and as CYC has a duty to define and protect an enduring Green Belt boundary, it is entirely appropriate that these surplus defence sites are allocated for future development.
- 1.4 DIO supports the allocation of QEB (ST35) in general terms, but proposes an amendment to the Green Belt boundary to reflect Government policy guidance on the definition of Green Belt boundaries. DIO proposes an amendment to the proposed Green Belt boundary at QEB to exclude the land bounded by the red line (see **Figure 1**) from the Green Belt, which is occupied by the Reserve Forces and Cadets Association (RFCA). A separate paper has been prepared in relation to Imphal Barracks (ST36) on its proposed Green Belt boundary.
- 1.5 This submission outlines national and local planning policy with regard to defining Green Belt boundaries, and assesses the QEB site (including the RFCA site) against the five purposes of the Green Belt, supported by relevant evidence from other site assessments, to make the case for the QEB Reserve Forces and Cadets Association Site being omitted from the proposed Green Belt designation contrary to the emerging Local Plan proposal, which DIO contends is not justified on the basis of the evidence.

Figure 1: Proposed amendment to QEB (ST35) allocation and Green Belt boundary, put forward by DIO.



Source: Extract from Local Plan Publication Draft

2. National Planning Policy

2.1 Green Belt policy is set out in the National Planning Policy Framework (NPPF) (2012) which establishes the Government's planning policies for England. Its policies should therefore be taken into account by the Council when preparing the City of York Local Plan.

2.2 As stated in paragraph 79, *"the Government attaches great importance to Green Belts. 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."*

2.3 The Green Belt serves five purposes:

- 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.

2.4 The NPPF makes it clear that Green Belt boundaries should only be altered in exceptional circumstances and should be characterised by their permanence and endurance beyond a plan period:

"Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period." [Paragraph 83]

- 2.5 In defining Green Belt boundaries, paragraph 85 notes that 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.
- 2.6 The NPPF is supplemented with more detailed guidance within the Planning Practice Guidance (PPG) (2014) which has also been considered in this submission.

Draft Revised NPPF (March 2018)

- 2.7 The Government published its draft revisions to the NPPF on 5th March 2018, with a consultation on these revisions running until 10th May 2018. The revised Framework incorporates policy proposals on which the Government has previously consulted, alongside additional proposals.
- 2.8 The draft NPPF continues to attach great importance to the Green Belt and its role in both preventing urban sprawl and keeping land permanently open. The five purposes of the Green Belt are also maintained.
- 2.9 With regard to defining when it is appropriate for local authorities to amend Green Belt boundaries, there is greater emphasis within the draft on the need to examine fully all other reasonable options for meeting identified need for development, before concluding that exceptional circumstances exist to justify changes to the Green Belt boundary. This exceptional circumstances test will be assessed through the examination of the plan and will place greater emphasis on:
- Making as much use as possible of suitable brownfield sites;
 - The density of development, particularly in locations well served by public transport; and
 - Communication between neighbouring authorities as to whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.
- 2.10 Pertinent in this case, paragraph 137 states:

"Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be

offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land."

3. Local Planning Policy

- 3.1 The NPPF requires local planning authorities to establish Green Belt boundaries in their local plans having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.
- 3.2 The Development Plan comprises the saved policies of 'The Yorkshire and Humber Plan: Regional Spatial Strategy to 2026' (RSS) which, inter alia, identifies the general extent of the Green Belt within the Key Diagram. Policy Y1 states that the City of York Local Development Framework (LDF) should define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from the city centre. Policy YH9 indicates that the general extent of the Green Belts in the Region should not be changed.
- 3.3 The City of York Draft Local Plan (2005) was adopted by the Council for development control purposes, however this document has not progressed to the formal adoption stage and its policies can therefore be accorded only very limited weight.
- 3.4 The Council is preparing a new City of York Local Plan which is intended to provide the framework for development in the city between 2012 and 2032. An extensive plan-making process is underway, having initially commenced in 2005, but halted in 2014 to enable further evidence-based work to be undertaken.
- 3.5 Although the general extent of the Green Belt policy has been applied for development management purposes, the precise boundaries of the Green Belt have never been formally established in a statutory adopted local plan or other development plan, and it will be for the emerging Local Plan to ultimately define the detailed boundary of the Green Belt around the City.

Defining the York Green Belt Boundary

- 3.6 Due to the lack of an adopted formal boundary, the Green Belt status of various sites considered for residential development in the York area has been open to interpretation. However, evidence from recent appeal decisions has established that, even though the RSS Key Diagram is indicative, this argument is not robust enough to support a site to be excluded. This has been supported by the Secretary of State who *"does not consider that the lack of a defined boundary is sufficient justification to arbitrarily exclude any site contained within the general extent of the Green Belt...until such a time that the detailed boundaries of the York Green Belt are defined in a statutorily adopted local plan or framework"*.
- 3.7 For example, in a recent appeal decision for 'Land off Avon Drive' near York¹, the Inspector determined that as a specific boundary is not defined in the RSS key diagram or anywhere in the development plan, the alternative practice would be to assess the site against the five Green Belt purposes, as outlined in the NPPF. In this specific case, the Inspector concluded that *"the appeal site falls within the general extent of the*

¹ APP/C2741/W/16/3149489

Green Belt on the RSS Diagram...in deciding whether or not the site falls within the Green Belt, my view that the site is within its general extent is reinforced by the conclusion that the site serves a number of Green Belt purposes” [paragraph 240].

- 3.8 This line of reasoning has also been adopted in the appeal decision for ‘Land south of Strensall Village’². It was argued by the main parties that the appeal site had been subject to allocation for housing in a number of draft documents, however, as none of the plans produced were formally adopted, the Inspector considered that the starting point should be an assessment of the site against the five purposes of the Green Belt. He concluded that the site fulfils a number of Green Belt purposes, in particular encouraging development on previously developed land, and accordingly concludes that the site lies within the general extent of the Green Belt.
- 3.9 Based on these examples, it could be assumed that if a site satisfies any of the five purposes of the Green Belt, then the argument for it to be defined as falling within the Green Belt designation is significantly strengthened.

4. Site Background and History

- 4.1 The QEB site is situated in the northern part of the City of York administrative area and is c.31 ha in area. It is approximately 8.8km (5.5 miles) north of York City and located north of Earswick village, adjacent to the settlement of Strensall.
- 4.2 The site contains a range of buildings with storey heights up to three storeys. To the south of the site are recreational facilities including a sports ground, two playing fields and a tennis court.
- 4.3 Strensall Common is situated to the east of the site and comprises c.578 ha of acidic lowland heath. This land is designated as a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).
- 4.4 Historical mapping illustrates that development on the site was first established as far back as the 1890’s, with varying levels of expansion to the east of the site in the early 19th Century. Much of the development at QEB appears to have taken place in the last 50 years and there has been significant urban growth to the south east of the site, as well as residential development to the south. Further expansion took place in the 1970’s/1980’s, including the construction of buildings on the parcel of land proposed by CYC for inclusion within the Green Belt.
- 4.5 This analysis of the site history demonstrates that development has accelerated across the site over the last 50 years, even with the principle of a Green Belt in place over this timeframe.

² APP/C2741/W/16/3154113

5. Site Assessment

5.1 There now follows an objective assessment of the land occupied by RFCA at QEB proposed within the Reg 19 Local Plan for inclusion in the Green Belt (see **Figure 1**) against the five purposes of the Green Belt. This assessment is informed by relevant evidence from similar Green Belt site assessments.

Criterion 1: To check the unrestricted sprawl of large built-up areas

5.2 First, consideration has been given to how well the land is 'contained' by the adjacent urban area i.e. if the land were to be developed, would it result in the sprawl of the urban area or would it be well contained by the existing built-up areas.

5.3 Secondly, consideration has been given to the strength of the site boundary. Paragraph 2.9 of PPG2 indicates the need to retain strong Green Belt boundaries to assist in defining a permanent and appropriate boundary between the developed area and the countryside beyond. Therefore, this assessment has considered if the development of the site could be firmly 'contained' by strong physical and/or visual features to the extent that it could not lead to unrestricted sprawl into adjoining Green Belt land.

5.4 The land is strongly enclosed by the existing Barracks development to the north, south and west, and bound by the existing site perimeter security fencing to the east, with interspersed woodland beyond this providing a strong well defined limit. In this regard, the land is not bordered by any open landscape (apart from Strensall Common to the east, proposed as Green Belt land) and it is therefore considered that future redevelopment would fully be constrained due to these limitations. In addition, as the land is mostly previously developed land, its eastern edge would form a logical and permanent Green Belt boundary.

5.5 This line of reasoning is supported by evidence from the West Lancashire Borough Council Green Belt Assessment (2011), in particular its analysis of land at Grove Farm. This site is located to the north of Ormskirk (see ORM 01 in **Figure 2**) bound by existing residential development to the south, a railway line to the east and main road to the west.

Figure 2: Land at Grove Farm

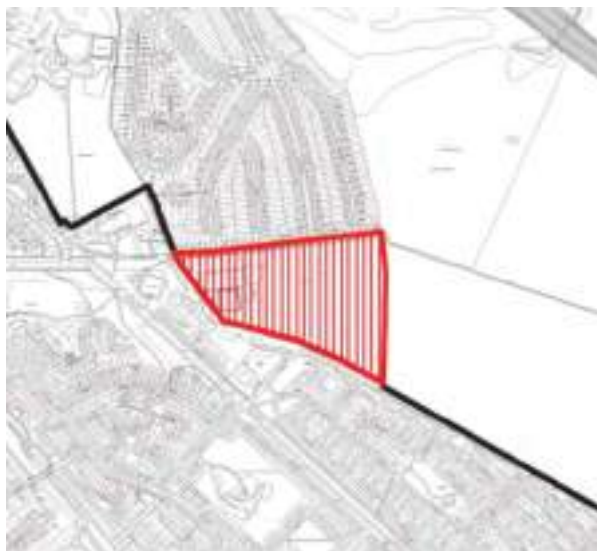


Source: West Lancashire Green Belt Assessment

5.6 Consideration was given to how well this site met the first of the five Green Belt purposes, with the Council concluding that whilst the surrounding area is mainly open countryside to the north, residential areas to the south and west of the site ensure it is well contained by the existing urban area. This was confirmed by an Inspector during the examination of the West Lancashire Local Plan in which he stated: *"The site is very strongly enclosed on three sides by a main road, a railway line and existing development and the amended northern boundary is....defined by trees for part of its length [but] is no less strong"* [paragraph 118].

5.7 A similar conclusion was reached during the Inspectors examination of the Knowsley Local Plan: Core Strategy (2015) for land at Edenhurst Avenue, Huyton (see **Figure 3**). The site is bound by residential development on all but the eastern side which is separated from the adjacent agricultural land via a line of trees. Notwithstanding this, the Inspector concluded that *"the existing line of poplar trees on the eastern boundary would represent a defensible border to what is a logical 'rounding-off' to the Green Belt boundary in this location"* [paragraph 82].

Figure 3: Land at Edenhurst Avenue, Huyton.



Source: Knowsley Green Belt Assessment

5.8 These case studies demonstrates that, similar to the land at QEB, even though the site is bordered in part by open countryside, a strong physical development boundary on the other three sides and a clear boundary created by the security fence and vegetation is sufficient to define a robust Green Belt boundary, as part of the 'rounding off' of an urban area.

5.9 For these reasons, it is concluded that exclusion of the land from the proposed Green Belt would not result in unrestricted sprawl of a large built-up area.

Criterion 2: To prevent neighbouring towns merging into one another

5.10 The Green Belt, in this location, serves to protect against the coalescence of the built up areas of Haxby to the south and Strensall to the north. There are no large settlements within close proximity of the site to the east or west. The proposed York Green Belt covers the majority of its administrative boundary, and there are some areas between settlements that must be kept undeveloped to maintain this separation.

- 5.11 If the identified land were to be redeveloped this would not compromise the existing separation between the two settlements. Therefore, the removal of the subject site from the Green Belt would not result in the merging of neighbouring towns.

Criterion 3: To assist in safeguarding the countryside from encroachment

- 5.12 Consideration has been given to how much of the site has already been developed before and after the principle of the Green Belt was established in York to show to what extent the site has been able to safeguard the countryside from encroachment. It is difficult to see how the land at QEB can be said to meet this criterion, as historical mapping clearly shows the significant expansion of the site despite its location within the general extent of the Green Belt. Therefore, this general designation has not stopped development taking place within QEB, which could be said to contribute to the unrestricted sprawl of the built-up area.
- 5.13 Of relevance to this criterion is the use of historical mapping during the London Borough of Redbridge Local Plan Consultation in regard to land south of Billet Road, Romford (see **Figure 4** overleaf) to demonstrate urban change. In representations made for this site, it was contended that significant residential development had taken place in open countryside immediately east and south of the site, after the Metropolitan Green Belt around London was designated from the late 1940s onwards. This evidence demonstrated that the Green Belt designation had failed to stop the encroachment of the countryside surrounding Romford and has resulted in a significant change to the spatial pattern of development in the area.

Figure 4: Land south of Billet Road



Source: London Borough of Redbridge, Green Belt Review Addendum

- 5.14 This was taken into consideration in the Council's Green Belt Review Addendum (February 2017) and they concluded that as the site is *"surrounded by housing development, the site is physically isolated from the remainder of [the Green Belt] and...does not safeguard the countryside from encroachment"*.
- 5.15 Secondly, the land is considered to be previously developed land and hosts permanent structures. Therefore, it is contended that exclusion of the RFCA buildings/land from the proposed Green Belt would be a natural

extension to the proposed QEB (ST35) housing allocation and would not adversely impact on the remaining open countryside, given that it could be an effective ‘rounding off’ of the extant urban area.

Criterion 4: To preserve the setting and special character of historic towns

- 5.16 The identified land is approximately 1.3 km (0.8 miles) south of Strensall Conservation Area and 1.1 km (0.7 miles) north east of Towthorpe Conservation Area. As the land is screened by existing development around its northern, western and southern borders, it is considered that the redevelopment of the subject land would not adversely impact in any way the setting or special character of these designations.
- 5.17 Additionally, as argued in the appeal for ‘Land Off Avon Drive’, this Green Belt purpose *“clearly applies to the City and would appear to be a main reason why there is a need for a Green Belt around York [see policy wording of YH9C and Y1C (27)]” [paragraph 234]*. In this respect, there are no views of the historic centre across the land at IB, therefore, it is considered that redevelopment of this site would not adversely impact the setting or special character of the centre of York.

Criterion 5: To assist in urban regeneration, by encouraging the recycling or derelict and other urban land

- 5.18 National planning policy emphasises the delivery of homes on previously developed brownfield land. The Government’s approach *“will ensure councils can meet their housing needs by prioritising brownfield sites, and fortify the Green Belt in their area”* (Eric Pickles, 4th October 2014). The NPPF (2012) and draft consultation NPPF (2018) continue to give significant weight to this approach and, in addition, the Government has attached significant importance to the recycling of surplus public sector owned land for housing purposes.
- 5.19 Excluding this area at QEB from the proposed Green Belt would be compatible with the Government’s policy to regenerate previously developed public owned land for much needed residential development, mindful that this is land that has a well-defined boundary and is unnecessary to keep open.

6. Conclusion

- 6.1 This note has assessed the RFCA land at QEB against the five purposes of the Green Belt, as outlined in paragraph 80 of the NPPF to make the case for the site to be omitted from the proposed Green Belt contrary to proposals within the emerging City of York Local Plan. A summary of this assessment is detailed in **Table 1** below.

Table 1: Summary of Green Belt Assessment

Green Belt Purpose	Assessment
To check unrestricted sprawl of large built-up areas	The RFCA site is well contained by existing development to three sides and to the east boasts a strong and defensible boundary. It is land that is unnecessary to keep open and its exclusion from the Green Belt would facilitate a clear ‘rounding off’ of the existing urban area.

To prevent neighbouring towns merging into one another	Development of the land would not compromise the existing separation between the settlements of Haxby and Strensall in any form.
To assist in safeguarding the countryside from encroachment	There has been significant development of the site, with the majority of it taking place after the principle of the general extent of the Green Belt was established. The site is previously developed land and would not cause further harm to the remaining countryside by way of encroachment, mindful that the land parcel forms part of the operational RFCA site.
To preserve the setting and special character of historic towns	The land is located at a significant distance from existing heritage assets so as it would not cause any adverse impacts on their settings.
To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.	The land occupied by the RFCA has been an integral part of QEB for many years and is previously developed, containing existing operational buildings and land. Subject to confirmation over disposal by RFCA/MoD, this brownfield land could form part of the comprehensive regeneration of the Barracks, in line with Government policy for publically owned previously developed sites to utilise such land for housing where surplus or likely to be surplus.

- 6.2 It has been demonstrated through this analysis, along with supporting evidence from similar Green Belt assessments, that the identified land fails to fully meet any of the five purposes of the Green Belt as outlined in paragraph 80 of the NPPF. It is land that, given its built up status, is unnecessary to keep open. Furthermore, in line with paragraph 85 of the NPPF, this assessment has confirmed that if the land were to be excluded from the proposed Green Belt, it would result in a strong, permanent boundary, easily recognisable and capable of enduring beyond the plan period, allowing the role of wider Green Belt in this area to be sustained more effectively.
- 6.3 As demonstrated from recent appeal cases within York, the Green Belt status of a site has been largely based on its ability to meet the five purposes of the Green Belt, due to the lack of a formally adopted boundary. This assessment has shown that the RFCA land at QEB fails to meet any of these criteria, and therefore it is concluded that there is little evidence to support its proposed inclusion in the general extent of the Green Belt.
- 6.4 DIO considers that the land occupied by the RFCA, shown in **Figure 1**, bounded by the red line, would make no contribution to the purposes of the proposed Green Belt and would strongly commend an amendment to the proposed Green Belt boundary to include this land in the ST35 Strategic Housing Allocation for QEB, for the reasons set out in this submission.

GVA

March 2018

Appendix V

Green Belt Appraisal – Imphal Barracks

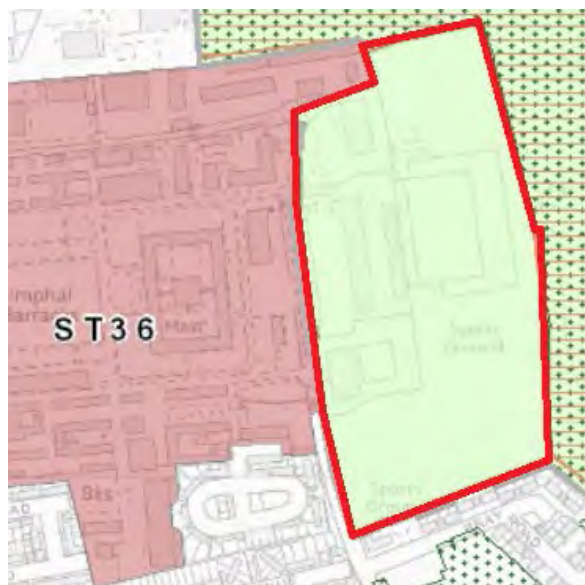
DIO York – IB Regulation 19 Consultation Response

RE: Proposed Green Belt Inner Boundary

1. Introduction

- 1.1 GVA is instructed by the Defence Infrastructure Organisation (DIO) to respond to the Local Plan York Publication Draft Regulation 19 Consultation. DIO welcomes and supports in principle the proposed housing allocations of the Ministry of Defence (MoD) owned brownfield sites at Queen Elizabeth Barracks (QEB) and Imphal Barracks (IB) and the proposed employment allocation at Towthorpe Lines (TL), albeit with specific amendments to development capacity and proposed allocation boundaries.
- 1.2 The MoD announced on 7th November 2016 that, as part of the strategy outlined in their publication “A Better Defence Estate”, a number of military sites across the country would be disposed of. This included the three above sites as follows:
- Imphal Barracks (date of disposal – 2031);
 - Queen Elizabeth Barracks (date of disposal - 2021); and,
 - Towthorpe Lines (date of disposal – 2021).
- 1.3 The disposal announcement provides a high degree of certainty to the City of York Council that the sites will come forward for redevelopment. Given that the above sites are, as future surplus public sector owned, previously developed land, a Government priority for housing development and as CYC has a duty to define and protect an enduring Green Belt boundary, it is entirely appropriate that these surplus defence sites are allocated for future development.
- 1.4 DIO supports the allocation of IB (ST36) in general terms, but proposes an amendment to the Green Belt boundary to reflect Government policy guidance on the definition of Green Belt boundaries. DIO proposes an amendment to the proposed Green Belt boundary at IB to exclude the land bounded by the red line (see **Figure 1**) from the Green Belt. A separate paper has been prepared in relation to Queen Elizabeth Barracks (ST35) on its proposed Green Belt boundary.
- 1.5 This submission outlines national and local planning policy with regard to defining Green Belt boundaries, and assesses the IB site against the five purposes of the Green Belt, supported by relevant evidence from other site assessments, to make the case for the identified land being omitted from the proposed Green Belt designation contrary to the emerging Local Plan proposal, which DIO contends is not justified on the basis of the evidence.

Figure 1: Proposed amendment to IB (ST36) allocation and Green Belt boundary



Source: Extract from Local Plan Publication Draft

2. National Planning Policy

- 2.1 Green Belt policy is set out in the National Planning Policy Framework (NPPF) (2012) which establishes the Government's planning policies for England. Its policies should therefore be taken into account by the Council when preparing the City of York Local Plan.
- 2.2 As stated in paragraph 79, *"the Government attaches great importance to Green Belts. 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."*
- 2.3 The Green Belt serves five purposes:
- 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.
- 2.4 The NPPF makes it clear that Green Belt boundaries should only be altered in exceptional circumstances and should be characterised by their permanence and endurance beyond a plan period:

"Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their

intended permanence in the long term, so that they should be capable of enduring beyond the plan period.” [Paragraph 83]

- 2.5 In defining Green Belt boundaries, paragraph 85 notes that 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.
- 2.6 The NPPF is supplemented with more detailed guidance within the Planning Practice Guidance (PPG) (2014) which has also been considered in this submission.

Draft Revised NPPF (March 2018)

- 2.7 The Government published its draft revisions to the NPPF on 5th March 2018, with a consultation on these revisions running until 10th May 2018. The revised Framework incorporates policy proposals on which the Government has previously consulted, alongside additional proposals.
- 2.8 The draft NPPF continues to attach great importance to the Green Belt and its role in both preventing urban sprawl and keeping land permanently open. The five purposes of the Green Belt are also maintained.
- 2.9 With regard to defining when it is appropriate for local authorities to amend Green Belt boundaries, there is greater emphasis within the draft on the need to examine fully all other reasonable options for meeting identified need for development, before concluding that exceptional circumstances exist to justify changes to the Green Belt boundary. This exceptional circumstances test will be assessed through the examination of the plan and will place greater emphasis on:
- Making as much use as possible of suitable brownfield sites;
 - The density of development, particularly in locations well served by public transport; and
 - Communication between neighbouring authorities as to whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

2.10 Pertinent in this case, paragraph 137 states:

“Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.”

3. Local Planning Policy

3.1 The NPPF requires local planning authorities to establish Green Belt boundaries in their local plans having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.

3.2 The Development Plan comprises the saved policies of ‘The Yorkshire and Humber Plan: Regional Spatial Strategy to 2026’ (RSS) which, inter alia, identifies the general extent of the Green Belt within the Key Diagram. Policy Y1 states that the City of York Local Development Framework (LDF) should define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from the city centre. Policy YH9 indicates that the general extent of the Green Belts in the Region should not be changed.

3.3 The City of York Draft Local Plan (2005) was adopted by the Council for development control purposes, however this document has not progressed to the formal adoption stage and its policies can therefore be accorded only very limited weight.

3.4 The Council is preparing a new City of York Local Plan which is intended to provide the framework for development in the city between 2012 and 2032. An extensive plan-making process is underway, having initially commenced in 2005, but halted in 2014 to enable further evidence-based work to be undertaken.

3.5 Although the general extent of the Green Belt policy has been applied for development management purposes, the precise boundaries of the Green Belt have never been formally established in a statutory adopted local plan or other development plan, and it will be for the emerging Local Plan to ultimately define the detailed boundary of the Green Belt around the City.

Defining the York Green Belt Boundary

3.6 Due to the lack of an adopted formal boundary, the Green Belt status of various sites considered for residential development in the York area has been open to interpretation. However, evidence from recent appeal decisions has established that, even though the RSS Key Diagram is indicative, this argument is not robust enough to support a site to be excluded. This has been supported by the Secretary of State who *“does not consider that the lack of a defined boundary is sufficient justification to arbitrarily exclude any site contained within the general extent of the Green Belt...until such a time that the detailed boundaries of the York Green Belt are defined in a statutorily adopted local plan or framework”*.

- 3.7 For example, in a recent appeal decision for 'Land off Avon Drive' near York¹, the Inspector determined that as a specific boundary is not defined in the RSS key diagram or anywhere in the development plan, the alternative practice would be to assess the site against the five Green Belt purposes, as outlined in the NPPF. In this specific case, the Inspector concluded that *"the appeal site falls within the general extent of the Green Belt on the RSS Diagram...in deciding whether or not the site falls within the Green Belt, my view that the site is within its general extent is reinforced by the conclusion that the site serves a number of Green Belt purposes"* [paragraph 240].
- 3.8 This line of reasoning has also been adopted in the appeal decision for 'Land south of Strensall Village'². It was argued by the main parties that the appeal site had been subject to allocation for housing in a number of draft documents, however, as none of the plans produced were formally adopted, the Inspector considered that the starting point should be an assessment of the site against the five purposes of the Green Belt. He concluded that the site fulfils a number of Green Belt purposes, in particular encouraging development on previously developed land, and accordingly concludes that the site lies within the general extent of the Green Belt.
- 3.9 Based on these examples, it could be assumed that if a site satisfies any of the five purposes of the Green Belt, then the argument for it to be defined as falling within the Green Belt designation is significantly strengthened.

4. Site Background and History

- 4.1 The site is located within an established residential suburb of York, approximately 650 metres (0.4 miles) south of the city centre, and adjoining the northern fringe of Fulford. It is a highly sustainable site, given its location.
- 4.2 The site contains a range of buildings of varying size, in heights of up to 3 storeys. Buildings near to the frontage of the site along Fulford Road are generally of a domestic scale, with more dominant blocks flanking the parade ground within.
- 4.3 The eastern part of the site, put forward for inclusion in the proposed Green Belt, is predominantly used for recreation purposes and includes a gymnasium, tennis and squash courts, grass sports pitches and changing facilities. There is also an area of open space to the south of the site, east of Holland Road and north of Broadway which includes an existing pre-school playgroup and play area. The land is not currently open given the presence of existing buildings and sport facilities.
- 4.4 The site is adjacent to Walmgate Stray with its eastern boundary fenced from the Stray.
- 4.5 Historical mapping illustrates that development on the site was first established as far back as the 1890's, though there is evidence to suggest that there has been a military camp at Fulford since 1795. The site underwent significant expansion to the south and west during the 1930's. Notwithstanding this, there has been substantial development at the site since the 1960's, including the construction of buildings on the parcel of land proposed by CYC for inclusion within the proposed Green Belt boundary in the 1990's.

¹ APP/C2741/W/16/3149489

² APP/C2741/W/16/3154113

- 4.6 This analysis of the site history demonstrates that development has occurred across the site over the last 50 years, even with the principle of a Green Belt established over this timeframe.

5. Site Assessment

- 5.1 There now follows a fully objective assessment of the identified land at Imphal Barracks proposed within the Reg 19 Local Plan for inclusion in the Green Belt (see **Figure 1**) against the five purposes of the Green Belt. This assessment is informed by relevant evidence from similar Green Belt site assessments.

Criterion 1: To check the unrestricted sprawl of large built-up areas

- 5.2 First, consideration has been given to how well the land is 'contained' by the adjacent urban area i.e. if the land were to be developed, would it result in the sprawl of the urban area or would it be well contained by existing built-up areas.
- 5.3 Secondly, consideration has been given to the strength of the site boundary. Paragraph 2.9 of PPG2 indicates the need to retain strong Green Belt boundaries to assist in defining a permanent and appropriate boundary between the developed area and the countryside beyond. Therefore, this assessment has considered if the development of the site could be firmly 'contained' by strong physical and/or visual features to the extent that it could not lead to unrestricted sprawl into adjoining Green Belt land.
- 5.4 The land is strongly enclosed by the existing Barracks development to the west, and by residential and other development to the north and south. The existing perimeter fence contains the site to the east, along with a line of trees providing a strong well defined limit. In this regard, the land is not bordered by any open landscape (apart from Walmgate Stray to the east, proposed as Green Belt land) and it is therefore considered that future redevelopment would fully be constrained due to these limitations. In addition, as the land is mostly previously developed land associated with current operation of the Barracks, its eastern edge would form a logical and permanent Green Belt boundary.
- 5.5 This line of reasoning is supported by evidence from the West Lancashire Borough Council Green Belt Assessment (2011), in particular its analysis of land at Grove Farm. This site is located to the north of Ormskirk (see ORM 01 in **Figure 2**) bound by existing residential development to the south, a railway line to the east and main road to the west.

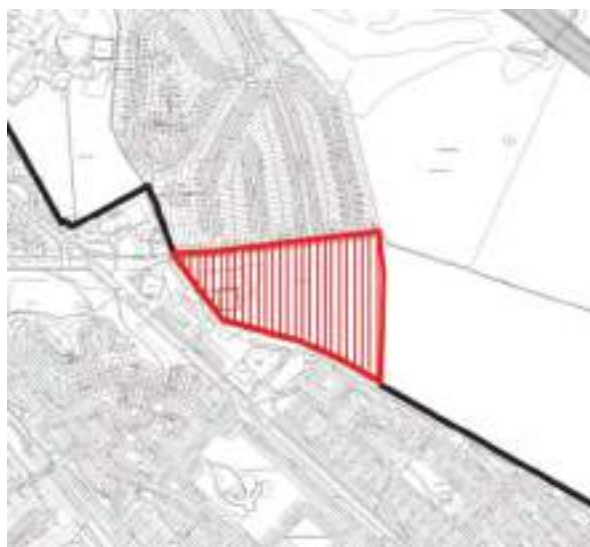
Figure 2: Land at Grove Farm



Source: West Lancashire Green Belt Assessment

- 5.6 Consideration was given to how well this site met the first of the five Green Belt purposes, with the Council concluding that whilst the surrounding area is mainly open countryside to the north, residential areas to the south and west of the site ensure it is well contained by the existing urban area. This was confirmed by an Inspector during the examination of the West Lancashire Local Plan in which he stated: *"The site is very strongly enclosed on three sides by a main road, a railway line and existing development and the amended northern boundary is....defined by trees for part of its length [but] is no less strong"* [paragraph 118].
- 5.7 A similar conclusion was reached during the Inspectors examination of the Knowsley Local Plan: Core Strategy (2015) for land at Edenhurst Avenue, Huyton (see **Figure 3**). The site is bound by residential development on all but the eastern side which is separated from the adjacent agricultural land via a line of trees. Notwithstanding this, the Inspector concluded that *"the existing line of poplar trees on the eastern boundary would represent a defensible border to what is a logical 'rounding-off' to the Green Belt boundary in this location"* [paragraph 82].

Figure 3: Land at Edenhurst Avenue, Huyton.



Source: Knowsley Green Belt Assessment

- 5.8 These case studies demonstrates that, similar to the land at IB, even though the site is bordered in part by open countryside, a strong physical development boundary on the other three sides and a clear boundary created by the security fence and vegetation is sufficient to define a robust Green Belt boundary, as part of the 'rounding off' of an urban area.
- 5.9 For these reasons, it is concluded that exclusion of the land from the proposed Green Belt would not result in unrestricted sprawl of a large built-up area.

Criterion 2: To prevent neighbouring towns merging into one another

- 5.10 The Green Belt, in this location, arguably serves to protect the area of Fulford from merging into the neighbouring areas of Heslington to the east and South Bank to the west. The proposed York Green Belt covers the majority of the City's administrative boundary, and there are some areas between settlements that must be kept undeveloped to maintain this separation.
- 5.11 The existing separation between the two settlements is relatively small, approximately 500m. Notwithstanding this, the land to the east of IB comprises existing operational buildings and land, and therefore redevelopment of the site would not extend the built-up area of Fulford and would not compromise the existing separation between this settlement and Heslington. Therefore, the removal of the subject site from the Green Belt would not result in the merging of neighbouring towns.

Criterion 3: To assist in safeguarding the countryside from encroachment

- 5.12 Consideration has been given to how much of the site has already been developed before and after the principle of the Green Belt was established in York to show what extent the site has been able to safeguard the countryside from encroachment. It is difficult to see how the land at IB can be said to meet this criterion, as historical mapping clearly shows the significant expansion of the site despite its location within the general extent of the Green Belt. Therefore, this general designation has not stopped development taking place within IB, all of which could be said to contribute to the unrestricted sprawl of the built-up area.
- 5.13 Of relevance to this criterion is the use of historical mapping during the London Borough of Redbridge Local Plan Consultation in regard to land south of Billet Road, Romford (see **Figure 4**) to demonstrate urban change. In representations made for this site, it was contended that significant residential development had taken place in open countryside immediately east and south of the site, after the Metropolitan Green Belt around London was designated from the late 1940's onwards. This evidence demonstrated that the Green Belt designation had failed to stop the encroachment of the countryside surrounding Romford, and resulted in a significant change to the spatial pattern of development in the area.

Figure 4: Land south of Billet Road



Source: London Borough of Redbridge, Green Belt Review Addendum

- 5.14 This was taken into consideration in the Council's Green Belt Review Addendum (February 2017) and they concluded that as the site is *"surrounded by housing development, the site is physically isolated from the remainder of [the Green Belt] and...does not safeguard the countryside from encroachment"*.
- 5.15 Secondly, the land is considered to be previously developed land and hosts permanent structures. Therefore, it is contended that exclusion of the recreational land at IB from the proposed Green Belt would be a natural extension to the proposed IB (ST36) housing allocation and would not adversely impact on the remaining open countryside, given that it could be an effective 'rounding off' of the extant urban area.

Criterion 4: To preserve the setting and special character of historic towns

- 5.16 The site forms part of the wider Fulford Road Conservation Area, whilst several listed buildings and buildings of historic importance are situated in the vicinity. These include Fulford Cross Scheduled Ancient Monument which is located opposite The Keep along Fulford Road. As the site is screened by existing development around its western, northern and southern borders, it is considered that the redevelopment of the subject land would not adversely impact in any way upon the setting or special character of these designations.
- 5.17 Additionally, as argued in the appeal for 'Land Off Avon Drive', this Green Belt purpose *"clearly applies to the City and would appear to be a main reason why there is a need for a Green Belt around York [see policy wording of YH9C and Y1C (27)]"* [paragraph 234]. In this respect, there are no views of the historic centre across the land at IB, therefore, it is considered that redevelopment of this site would not adversely impact the setting or special character of the centre of York.

Criterion 5: To assist in urban regeneration, by encouraging the recycling or derelict and other urban land

- 5.18 National planning policy emphasises the delivery of homes on previously developed brownfield land. The Government's approach *"will ensure councils can meet their housing needs by prioritising brownfield sites, and fortify the Green Belt in their area"* (Eric Pickles, 4th October 2014). The NPPF (2012) and draft

consultation NPPF (2018) continue to give significant weight to this approach and, in addition, the Government has attached significant importance to the recycling of surplus public sector owned land for housing purposes.

- 5.19 It is recognised that the identified land at IB contains a mixture of buildings and hardstanding, as well as open areas such as a sports pitch. Excluding the built-up area at IB from the proposed Green Belt would be compatible with the Government’s policy to regenerate previously developed public owned land for much needed residential development, mindful that this is land that has a well-defined boundary and is unnecessary to keep open.

6. Conclusion

- 6.1 This note has assessed the recreational land at IB against the five purposes of the Green Belt, as outlined in paragraph 80 of the NPPF to make the case for the site to be omitted from the Green Belt contrary to proposals within the emerging City of York Local Plan. A summary of this assessment is detailed in **Table 1**.

Table 1: Summary of Green Belt Assessment

Green Belt Purpose	Assessment
To check unrestricted sprawl of large built-up areas	The land is well contained by existing development to three sides and to the east boasts a strong and defensible boundary. It is land that is unnecessary to keep completely open and its exclusion from the Green Belt could facilitate a clear ‘rounding off’ of the existing urban area.
To prevent neighbouring towns merging into one another	Development of the land would not compromise the existing separation between the settlements of Fulford and Heslington.
To assist in safeguarding the countryside from encroachment	There has been significant development of the site, with the majority of it taking place after the principle of the general extent of the Green Belt was established. The site is previously developed land and would not cause further harm to the remaining countryside by way of encroachment, mindful that the land parcel forms part of the operational Barracks.
To preserve the setting and special character of historic towns	The land is effectively screened, and at a significant distance from existing heritage assets so as it would not cause any adverse impacts on their settings.
To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.	The recreational land and buildings to the east of IB has been an integral part of the Barracks for many years and is previously developed containing existing operational buildings and land. This brownfield land should form part of the comprehensive regeneration of the Barracks, in line with Government policy for publically owned previously developed sites to utilise such land for housing where surplus or likely to be surplus.

- 6.2 It has been demonstrated through this analysis, along with supporting evidence from similar Green Belt assessments, that the identified land fails to fully meet any of the five purposes of the Green Belt as outlined in paragraph 80 of the NPPF. It is land that, given its built up status, is unnecessary to keep open. Furthermore, in line with paragraph 85 of the NPPF, this assessment has confirmed that if the land were to be excluded from the proposed Green Belt, it would result in a strong, permanent boundary, easily recognisable and capable of enduring beyond the plan period, allowing the role of wider Green Belt in this area to be sustained, more effectively.
- 6.3 As demonstrated from recent appeal cases within York, the Green Belt status of a site has been largely based on its ability to meet the five purposes of the Green Belt, due to the lack of a formally adopted boundary. This assessment has shown that the recreational land at IB fails to meet any of these criteria, and therefore it is concluded that there is little evidence to support its proposed inclusion in the general extent of the Green Belt.
- 6.4 DIO considers that this land, shown in **Figure1**, bounded by the red line, would make little, if any, contribution to the purposes of the proposed Green Belt and would strongly commend an amendment to the proposed Green Belt boundary to include this land in the ST36 Strategic Housing Allocation for IB for the reasons set out in this submission.

GVA

March 2018

Appendix VI

Transport Technical Comments



Technical note:

DIO York Sites - Regulation 19 Consultation - Committee Papers – Responses on Transport related matters

1. Introduction

This technical note sets out the rebuttal to written responses on the City of York Local Plan Pre Publication Draft (Regulation 19) Consultation that relate to matters of traffic and transport with specific regard to Policy SS19 (Queen Elizabeth Barracks) and SS20 (Imphal Barracks). The sites are also referred to by the Draft Local Plan allocation reference: ST35 – Queen Elizabeth Barracks and ST36 – Imphal Barracks.

This rebuttal responds to consultation responses raised by:

- ▶ Highways England;
- ▶ Network Rail;
- ▶ Easwick Parish Council;
- ▶ Fulford Parish Council;
- ▶ Strensall with Towthorpe Parish Council;
- ▶ Strensall with Towthorpe Neighbourhood Plan Steering Group;
- ▶ Cllr Paul Doughty; and
- ▶ General comments (where received).

This rebuttal deals with comments raised where it is considered it is helpful to respond in writing. Where a specific point has not been dealt with, this does not mean that these points are accepted, and may be addressed at the Examination in Public, if required.

Consultation responses have been classified into 'objections' and 'comments' and identified for ST35 and ST36. For clarity and for the purposes of cross-reference, the author of the response and page number is provided.



2. Queen Elizabeth Barracks (pages 176-188)

2.1 Comment 1:

Highways England confirms that transport issues are covered satisfactorily in key principle xiv). The Transport Assessment will need to address the additional traffic generated by the development seeking to use Towthorpe Moor Lane to access the A64. When the scheme to upgrade the A64 in the vicinity of Hopgrove is brought forward in the future roads period, it may be possible to include design measures to mitigate this impact should the associated timescales fit. (Highways England, page 180)

Response:

The Amec Foster Wheeler Transport Appraisal (December, 2017) included junction capacity assessment of Towthorpe Moore Lane/A64 junction. The 2017 baseline scenario assessment identified capacity issues on Towthorpe Moor Lane (up to 38 PCUs) in the AM peak hour. The junction was shown to operate within its theoretical capacity in the PM peak hour.

The 2031 future baseline identified the junction has major capacity issues even without the additional development traffic of ST35 and before consideration of further committed development in the Local Plan period including:

- ▶ ST7 (Land East of Metcalf Lane) – 845 dwellings;
- ▶ ST8 (Land north of Monks Cross) – 968 dwellings;
- ▶ ST9 (Land North of Haxby) – 735 dwellings;
- ▶ ST14 (Land West of Wiggington Road) – 1,348 dwellings (lifetime of plan and post plan period Yr 1-21); and
- ▶ ST15 (Land West of Elvington Lane) – 3,339 dwellings (lifetime of plan and post plan period Yr 1-21).

Given that this junction is maintained by Highways England (HE), any design measures to improve its theoretical capacity should be identified and /or approved by the HE. It is noted that a new roundabout at this location is currently one of the options being considered by the HE as part of the A64 dualling scheme. Once a scheme is proposed, a financial contribution commensurate to the proportional impact of the vehicle trips generated by ST35 would be anticipated. This would be identified in a full Transport Assessment to be submitted at outline planning application stage. Contributions would also be expected for the other committed development sites identified above.

2.2 Comment 2:

Upgrading of the junctions from Strensall and Flaxton onto the A64 must take place so that traffic (both during construction and occupation) can be directed away from Strensall. Using the current road that links to the ring road (A1237) will only add further congestion. (Additional comments, page 181)

Response:

Design measures to improve junction capacity at junctions on the A64 should be identified by Highways England. A gravity model (based on 2011 Census data) contained within the Amec Foster Wheeler Transport Appraisal (December, 2017) identifies that approximately 74% of development traffic is predicted to route south on Strensall Road toward the A1237, 13% of development traffic is predicted to route east on Towthorpe Moor Lane to the A64 and 12% of development traffic is predicted to route north from the site. Of the 12% routing north, 3% is expected to route on Ox Carr Lane, leading onto Flaxton Road whilst 8% is expected to route on York Road through Strensall. Results from the gravity model identify low volumes of development traffic are expected to route north to Strensall and Flaxton.



2.3 Comment 3:

There are already major problems with parking in Strensall, new shops will be needed. (Additional comments, page 181)

Response:

The masterplan for ST35 proposes a mixed use area comprising c.350sqm floorspace Local Centre (size and land use-classes to be confirmed following further viability testing). This has been included within the development quantum for the sites predicted vehicle generation and assessed within the capacity assessment exercise. Parking details for this centre would be subject to reserved matters at detailed planning stage.

2.4 Comment 4:

Potential to link the site to the railway/new station? (Additional comments, page 181)

There are no plans to provide a new railway station at Strensall as part of SS19.

2.5 Comment 5:

Necessary improvements to Strensall Road, including the potential to change crossroads at Strensall to York Road at Towthorpe to a roundabout to combat traffic (Additional comments, page 181)

Response:

The Strensall Road/Towthorpe Moor Lane/Towthorpe Road staggered junction has been assessed in the Amec Foster Wheeler Transport Appraisal (December, 2017).

The Strensall Road/Towthorpe Moor Lane/Towthorpe Road junction consists of two interconnected junctions. The first junction, classed as Junction 3a, is in the form of a simple left/right stagger junction. The second junction, classed as Junction 3b, is in the form of a priority junction, the major arm of which being Strensall Road.

The two junctions are interconnected via a Y junction on the minor arm on Towthorpe Road. To capture the integration of the two flows of traffic, two separate models have been built, with the interaction of the queues from both reviewed to ensure that any blocking back effects are taken into account.

Capacity assessments identified:

- ▶ In the 2017 Baseline, both junctions operate with ample capacity in both peak hours.
- ▶ In the 2031 Future Baseline, the junction continues to operate with ample capacity in both peak hours.
- ▶ In the 2031 Future Baseline + Local Plan Sites scenario, the junction continues to operate with capacity.
- ▶ In the 2031 Future Baseline + Local Plan Sites + Development scenario, the junction operates over capacity on Towthorpe Moor Lane and Strensall Road (S). This is assumed to be as a result of delays caused by right-turning vehicles from Towthorpe Moor Lane and Strensall Road (S) respectively.

Given the road safety issues at the junction, consideration would be given to improvements as part of the planning application proposals and would require consideration for pedestrian and cyclist access.

It is proposed that design measures for junction capacity improvements should be considered as part of a full Transport Assessment to be submitted at outline planning application stage. Effective mitigation is likely to result in the form of a signalised junction arrangement.



2.6 Comment 6:

Network Rail has no objections to the principle of the allocation however a transport assessment should support the application that looks at any likely increase in the use of the level crossing in Strensall (Network Rail, page 184)

Response:

A full Transport Assessment submitted in support of a future planning application would include details on the number of person trips generated (cyclists and pedestrians) from the development site. Consideration would be given to the potential routeing to Strensall and numbers using the level crossing.

2.7 Comment 7:

Earswick Parish Council notes that the proposed development of the army barracks at Strensall would inevitably lead to a considerable increase in the volume of traffic passing through Earswick village. The Parish Council are prepared to work closely with the City of York Council and potential developers to identify measures to mitigate against any such increase in traffic flows. (Earswick Parish Council, page 184)

Response:

The Amec Foster Wheeler Transport Appraisal (December, 2017) identifies the predicted vehicle generation from the development of ST35. Approximately 242 two-way trips are predicted on Strensall Road during the AM peak hour (through Earswick). Approximately 235 two-way trips are predicted on Strensall Road during the PM peak hour (through Earswick). This equates to approximately four two-way vehicle trips per minute in the peak hour.

An impact assessment and appropriate mitigation measures would be identified in the Transport Assessment which will be submitted as part of a future planning application. This would also include a Framework Travel Plan for the site which would commit to promoting the use of sustainable modes of travel and reducing dependency on Single Occupancy Vehicle (SOV).

2.8 Comment 8:

Site ST35 and the explanations 3.77 and 3.83 are broadly supported with the following exceptions:

- clause 'xiii' - minimal effect of upgrading the existing highway between the barracks and Towthorpe Moor Lane would provide an alternate route from the development to the A64 at Hazelbush crossroads. (Strensall with Towthorpe Neighbourhood Plan Steering Group, page 185)

Response:

The existing access track between Queen Elizabeth Barracks and Towthorpe Lines site is highly unlikely to be upgraded for vehicle use due to ecological sensitivity at Towthorpe Common. This route would be promoted as a pedestrian/cycle link only.



2.9 Comment 9:

Take issue with the implication that Towthorpe Moor Lane should not be the principal route for access & egress from the A64. Consider it to be essential to prevent further congestion on Strensall Road and the A1237. (Strensall with Towthorpe Neighbourhood Plan Steering Group, page 185)

Response:

The Amec Foster Wheeler Transport Appraisal (December, 2017) included a gravity model (based on 2011 Census data) which identified that approximately 74% of development traffic is predicted to route south on Strensall Road toward the A1237, 13% of development traffic is predicted to route east on Towthorpe Moor Lane to the A64 and 12% of development traffic is predicted to route north from the site.

A highway improvement scheme is likely to be needed at the Towthorpe Moor Lane/A64 junction to improve junction capacity and make this route more attractive for arrival/departures to the site. This junction is the responsibility of Highways England (HE). A new roundabout at this location is currently one of the options being considered by the HE as part of the A64 dualling scheme. Any improvements should reflect the increase in network traffic from the committed development schemes allocated in the Local Plan and be led by HE.

2.10 Comment 10:

A major junction improvement at the A64/Towthorpe Moor Lane junction is absolutely necessary to the success of this development - this is to allow traffic from Strensall Rd to access the A64 quickly and safely without using the A1237 junction - and to reduce the risk of further accidents. (Strensall with Towthorpe Neighbourhood Plan Steering Group, page 185)

Response:

This junction is the responsibility of Highways England (HE). A new roundabout at this location is currently one of the options being considered by the HE as part of the A64 dualling scheme. Any improvements should reflect the increase in network traffic from the committed development schemes allocated in the Local Plan and be led by HE.

2.11 Comment 11:

Agree that no access to the site should be from the northern section of Scott Moncrieff Rd (the first 2 sentences of clause 'xiii' are supported, to protect the amenity of Strensall Common SSSI/SAC). (Strensall with Towthorpe Neighbourhood Plan Steering Group, page 185)

Response:

DIO confirm that Scott Moncrieff Road is not to be promoted as a vehicular access to ST35. Two points of vehicle access are proposed which are off Strensall Road as reflected in the illustrative masterplan appended to DIO's representations to the Regulation 19 Local Plan.



2.12 Objection 12:

Does not agree with officer's suggestion that the southern area of Scott Moncrief Rd, connecting the Queen Elizabeth 2 Barracks site to Towthorpe Lines should not be improved. The access being taken off the northern part of Scott Moncrief Rd is strongly opposed (to protect the amenity of Strensall Common SSSI/SAC. (Strensall with Towthorpe Neighbourhood Plan Steering Group, page 185)

Response:

DIO/GVA confirm that Scott Moncrieff Road is not to be promoted as a vehicular access to ST35. Vehicle access is proposed to be taken from Strensall Road.

Access to the northern quarter of site will be taken via the existing access roads of St. Wilfrids Close and Howard Road which connect to Ox Carr Lane. DIO/GVA can confirm that the existing access track between Queen Elizabeth Barracks and Towthorpe Lines site is highly unlikely to be upgraded for vehicle use due to ecological sensitivity at Towthorpe Common. This route would be promoted as a pedestrian/cycle link only.

2.13 Comment 13:

Support clause xiv as all the quoted developments will mean increased road traffic, although it does not specifically address the need to address potential issues at the A64/Towthorpe Moor Lane junction. (Strensall with Towthorpe Neighbourhood Plan Steering Group, page 186)

Response:

The Amec Foster Wheeler Transport Appraisal (December, 2017) identifies the predicted vehicle generation from the development of ST35 and has undertaken a junction capacity assessment at Towthorpe Moor Lane/A64 junction.

Results identified:

- ▶ In the 2017 Baseline, there are capacity issues on the minor roads in the AM peak hour, with queues of up to 38 PCUs (Towthorpe Moor Lane). The junction operates with ample capacity in the PM peak hour.
- ▶ In the 2031 Future Baseline, the junction has major capacity issues in both peak hours.
- ▶ In the 2031 Future Baseline + Local Plan Sites scenario, the situation is further exacerbated, particularly due to traffic generated by Local Plan Site ST15.
- ▶ In the 2031 Future Baseline + Local Plan Sites + Development scenario, the congestion issues continue, however it should be noted that development traffic at the junction comprises 43 two-way vehicles in the AM and 42 in the PM.

The volume of traffic from the development which routes to the Towthorpe Moor Lane/A64 junction is minimal and would not warrant the requirement for a mitigation scheme given that this junction operates over capacity in the 2017 baseline scenario.

This junction is the responsibility of Highways England (HE). A new roundabout at this location is currently one of the options being considered by the HE as part of the A64 Dualling scheme. Any improvements should reflect the increase in network traffic from the committed development schemes allocated in the Local Plan and be led by HE.



2.14 Comment 14:

Support clause xv as there have been a number of collisions at this junction (Strensall Road/Towthorpe Moor Lane) (Strensall with Towthorpe Neighbourhood Plan Steering Group, page 186)

Response:

The Amec Foster Wheeler Transport Appraisal (December, 2017) includes an assessment of personal injury accidents (PIA) recorded the local road network in the vicinity of ST35 for a five-year period between 2012-2017. The accident assessment identifies PIAs which have occurred on the links and at the major junctions (including the Strensall Road/Towthorpe Moor Lane) as well as identifying accident clusters and accidents involving vulnerable road users.

A summary of the PIA assessment at this junction is provided:

Towthorpe Moor Lane/Towthorpe Road/Strensall Road Junction

Three accidents were recorded at this junction during the five-year search period. Two classified as slight, and once as serious in severity, with two involving vulnerable road users.

The first accident involving a vulnerable road user occurred when a car pulled out from Towthorpe Road into the path of a motorcycle travelling southbound along Strensall Road, causing serious injuries. The causation was recorded as failing to look properly and poor turning manoeuvre on behalf of the car driver.

The second accident involving a vulnerable road user occurred when a cyclist travelling northbound along Strensall Road indicated to turn right into Towthorpe Moor Lane. A car attempted to overtake, causing the cyclist to collide with the nearside of the car. The causation was recorded as failing to look properly and poor turning manoeuvre on behalf of the cyclist.

The other slight accident recorded at this junction involved a car turning from Towthorpe Moor Lane into the path of a vehicle travelling southbound along Strensall Road.

Due to the inherent accident level expected at links and junctions i.e. the expectation that some accidents will occur regardless, only link or junction clusters which exhibit an accident rate of greater than one accident per annum are considered as requiring further investigation. As the Strensall Road/Towthorpe Moor Lane junction assessed does not exceed this accident rate, it is assumed that there are no inherent safety concerns, and therefore no further assessment is required.

As part of a full Transport Assessment there would be consideration of an improvement scheme at the Strensall Road/Towthorpe Moor Lane junction which would consider road safety as well as capacity issues.

2.15 Comment 15:

The existing cycle link to the City is unsafe and a dedicated off-road cycle track is requested, which runs along Strensall Road, using developer contributions (Clause 'xvi' is supported) (Strensall with Towthorpe Neighbourhood Plan Steering Group, page 186)

Response:

The Amec Foster Wheeler Transport Appraisal (December, 2017) considered cycle and pedestrian improvement to enhance connectivity between Strensall and the northern fringe of York via Earswick and Huntington as part of the development of ST35 (Section 4).

A review of existing proposals pedestrian and cycle improvements has been undertaken within the Transport Appraisal report and identified that as part of the West Yorkshire Plus Transport Fund upgrade scheme, the A1237/Strensall Road roundabout has been allocated funding for a segregated subway to facilitate the crossing of the A1237. The subway would include approach ramps for pedestrians and cyclists and afford segregated off-road foot/cycle way provisions on approach from all arms, similar to the recently upgraded A59/A1237 roundabout.

The upgrade is due for completion by 2021/22 and there is potential that contributions from ST35 and Towthorpe sites could help to deliver a cycle link between the A1237 and Strensall.

2.16 Comment 16:

The main village street becomes extremely congested and more traffic would be unsustainable. Access to the site from Towthorpe Moor Lane to mitigate some traffic away from the village (Cllr Paul Doughty, page 187)

Response:

DIO's position is that access cannot be taken from Towthorpe Moor Lane due to the ecological sensitivity of land that would be required to upgrade the existing access track between the Towthorpe Lines and ST35. The access track has been identified as a pedestrian/cycle link only.

A gravity model (based on 2011 Census data) contained within the Amec Foster Wheeler Transport Appraisal (December, 2017) identifies that approximately 74% of development traffic is predicted to route south on Strensall Road toward the A1237, 13% of development traffic is predicted to route east on Towthorpe Moor Lane to the A64 and 12% of development traffic is predicted to route north from the site. Of the 12% routing north, 3% is expected to route on Ox Carr Lane, leading onto Flaxton Road whilst 8% is expected to route on York Road through Strensall. Results from the gravity model identify low volumes of development traffic are expected to route north to Strensall.

2.17 Comment 17:

There is much concern that Scott Moncrieff Road would be used as the main access point to the QEB development. This is not a solution and would force more traffic through Strensall and down Ox Carr Lane. (Cllr Paul Doughty, page 187)

Response:

Scott Moncrieff Road is not being promoted as a vehicular access to ST35. Two points of vehicle access are proposed via Strensall Road.

2.18 Comment 18:

The draft plan indicates there may be a potential rail halt in Haxby - there may be value in providing a P&R style rail halt between Haxby and Strensall which may alleviate parking issues in the villages and encourage a viable bus service. There are no major employers in the village so car borne commuting is inevitable. (Cllr Paul Doughty, page 187)

Response:

The decision to provide a P&R rail halt between Haxby and Strensall would be subject to discussion for CYC.

The Amec Foster Wheeler Transport Appraisal (December, 2017) considers a bus strategy proposal for the existing provision comprising services 5 and 5A which run twice an hour at approximate 30-minute intervals.



2.19 Comment 19:

Provision of an off-road cycle path along Strensall Road from Strensall to the A1237 Ring Road would be of great benefit to this site and adjacent settlements, and installation of such a route should also incorporate appropriate pedestrian / cycle underpass at that roundabout. (Other comments, page 187-88)

Response:

The Amec Foster Wheeler Transport Appraisal (December, 2017) considered cycle and pedestrian improvement to enhance connectivity between Strensall and the northern fringe of York via Earswick and Huntington as part of the development of ST35 (Section 4).

A review of existing proposals pedestrian and cycle improvements has been undertaken within the Transport Appraisal report and identified that as part of the West Yorkshire Plus Transport Fund upgrade scheme, the A1237/Strensall Road roundabout has been allocated funding for a segregated subway to facilitate the crossing of the A1237. The subway would include approach ramps for pedestrians and cyclists and afford segregated off-road foot/cycle way provisions on approach from all arms, similar to the recently upgraded A59/A1237 roundabout.

The upgrade is due for completion by 2021/22 and there is potential that contributions from ST35 and Towthorpe sites could help to deliver a cycle link between the A1237 and Strensall.

There is potential to widen the existing footway along Strensall Road through use of verge area to create a shared footway/cycleway.

Figure 5 of the Amec Foster Wheeler Transport Appraisal provides an overview plan of the cycle improvement opportunities.

2.20 Objection 1:

Site access - safety on the access road to the works which is narrow and single track, and used as a public footpath which leads to a wildlife reserve and Strensall Common. Principal access to site should be from Towthorpe Moor Lane not Strensall Road. (Other objection, page 183)

Response:

The masterplan for ST35 identifies two points of access into the proposed development site via Strensall Road both utilise existing access points into the site. Details of the access arrangements would be included in the future planning application.

Amec Foster Wheeler was advised that access could not be taken from Towthorpe Moor Lane due to the ecological sensitivity of land that would be required to upgrade the existing access track between the Towthorpe Lines and ST35. The access track has been identified as a pedestrian/cycle link only.

2.21 Objection 2:

Severe traffic congestion and parking problems will worsen (Other objection, page 183)

Response:

A full Transport Assessment would be submitted in support of a future planning application for ST35. This would provide a comprehensive review of the transport impact on the local highway network and appropriate mitigation measures would be identified so that there would not be a worsening of the existing situation as a result of the development.

It is also important to note that whilst there will be an increase in traffic as a result of the redevelopment proposals, ST35 is occupied and operates as an employment and residential site with existing traffic generation on the road network.

2.22 Objection 3:

Issues with ORR (A1237) - without dualling the northern ring road and providing further access roads to the ringroad, plans north of Haxby will simply result in gridlock/congestion/pollution (Other objection, page 184)

Response:

The north and north-western extents of the Outer Relief Road (ORR) experience existing delay and journey time reliability issues. Peak hour average speeds between the A1237 / B1224 and A1237 / Strensall Road drop below 20mph and 10mph on some sections. The eastern and southern extents of the ORR do not experience any congestion issues and this can be attributed to a generally lower level of demand relative to capacity.

City of York Council (CYC) undertook a study to assess the benefits of dualling sections of the ORR (A1237). A further study was then undertaken by Halcrow in 2005, updated in 2008. As part of this, a number of solution options were identified, each with differing levels of improvement/cost ratios. These ranged from a 'Do Minimum' scenario, for which minimal improvements would be made to a select few junctions, up to full grade improvements at all junctions and the dualling of all links. Following cost benefit analysis, it has been identified that selected at grade improvements between Wetherby Road to Strensall Road would offer the best return. This will ease congestion levels at the roundabout with the A1237/Strensall Road at Earswick, and will in turn benefit the site (located approximately 2km to the north).

3. Imphal Barracks (pages 189-193)

3.1 Support 1:

Highways England states that the transport issues are covered well, which need careful consideration due to congestion of very busy roads in area (Fulford Road, A19, A64). Need sustainable options. (Highways England, page 191)

Response:

Following the disposal of Imphal Barracks the site could deliver 769 dwellings. Development is not anticipated to commence until the end of the plan period (2031). A Transport Assessment submitted in support of a planning application for this site would assess the impact of the development, taking into account existing traffic generation. Mitigation will be identified which would include a Sustainable Transport Strategy.

3.2 Support 2:

Suggests additional transport links and improved cycle and pedestrian tracks. (Other comments, page 191)

Response:

Amec Foster Wheeler produced two Highways and Access Appraisal reports in relation to ST36 in March and December, 2017. It was identified that ST36 benefits from a good standard of pedestrian and cycle facilities along both Fulford Road and Broadway. A network of PRowS is provided immediately to the east of ST36 within Walmgate Stray which provide a connection to the University of York.

In summary, access from ST36 to sustainable transport provision is good with high quality pedestrian networks and on-road / off-road cycle facilities which link to the University of York's cycle network and subsequently to the NCR 66 which provides a link to the north of ST36. ST36 also benefits from frequent bus services throughout the day, routing northbound to the city centre and rail station, and southbound towards a retail outlet park and Selby. There would be opportunity to route a service through ST36 if this was considered appropriate. Appropriate mitigation commensurate to the level of impact would be identified as well providing sustainable transport connectivity and enhancement.

3.3 Comment 1:

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. There are existing issues with traffic congestion in this area. The base traffic situation on the A19 is that it is at or exceeding capacity in the vicinity of Heslington Lane/Broadway. The potential transport implications of the site must be fully assessed both individually and cumulatively with site's ST5 and ST15. (Policy SS20 Para i, page 189)

Response:

The Amec Foster Wheeler Transport Appraisal (December, 2017) included a high-level traffic appraisal to understand the implications of the development proposals on the capacity and operation of Fulford Road and the Heslington and Broadway signalised junctions as identified in Policy SS20.

Fulford Road/Broadway/Main Street junction exceeds capacity when proposed development flows are added however, the PRC (Practical Reserve Capacity) values only show marginal capacity issues. Main Street/Heslington Lane junction exceeds capacity in the Future Baseline scenario within the AM peak hour, with Fulford Road northbound identified as the constrained arm.

Whilst the models do show capacity issues at the two junctions, it should be noted that a detailed assessment of these junctions would be undertaken as part of a full Transport Assessment including new traffic surveys.

A high-level gravity model using 2011 Census Origin/Destination data identified model 61% of trips will access ST36 from the south. During the peak hours, the majority of development traffic will be moving against the typical directional flow of traffic, which sees heavy traffic flows along Fulford Road northbound in the AM peak, and southbound in the PM peak.

Capacity assessments are based on the existing gravity modal split (2011 Census) and does not take account of the modal shift which could be expected as a result of Travel Plan initiatives.

The base models received from City of York Council (CYC) could be enhanced to better reflect the on-street operation of the junctions. Potential improvements could include modifications to staging/phasing, as well as changes to cycle timing.

It should also be noted that no improvements schemes have been identified within the emerging Local Plan period for the junctions assessed.

No account has been taken of the cumulative impact of ST5 and ST15 within the Amec Foster Wheeler Transport Appraisal (December, 2017), as identified in Policy SS20, due to lack of information on phasing and development quantum, and, based on a high-level gravity model using 2011 Census Origin/Destination data, ST5 and ST15 traffic it is unlikely to route on Fulford Road due to the location of the proposed developments and access routes between the A64 and city centre.

The Transport Appraisal demonstrates that ST36 is well located for access to schools, health, retail, employment and leisure opportunities, particularly by foot and by bike.

Census data for York 019A, in which ST36 is located, demonstrates that less people from this location take the car to work (40%) and more travel by sustainable modes (54%) and as car passengers (4%).

In addition, nearly two-thirds (61%) of York 019A residents travel less than 5km to work. This is further evidenced by data which indicates that 77% of journeys to work are made within York. Therefore, given the key employment attractors in the area, the majority of these trips will be within acceptable walking (2km) and cycling (4km) distances and reduce the dependency to travel by car.

With effective travel planning, it is envisaged that more trips would take place by sustainable modes of transport and that the impact of additional traffic on Fulford Road could be minimised.



3.4 Comment 2:

Highways England highlight the potential transport impact of site on the SRN. (Other comments, page 192)

Response:

The Amec Foster Wheeler Transport Appraisal (December, 2017) included a high-level gravity model using 2011 Census Origin/Destination data. Using the gravity model, output area information was imported into Google Earth Pro, determined that 37% of development traffic would route southbound on Fulford Road toward the A64. This equates to approximately 147 two-way trips in the AM peak hour and 96 two-way trips in the PM peak hour. A full Transport Assessment in support of a planning application is likely to include an assessment of the A64.

3.5 Comment 3:

Suggest part of site should be car free with enhanced cycle and pedestrian connections to city. (Other comments, page 192)

Response:

The Amec Foster Wheeler Transport Appraisal (December, 2017) utilised 2011 Census 'Method of Travel to Work' dataset, to provide a breakdown of the modal share attributed to the peak hour person trips which are predicted to be generated by ST36 based on 770 dwellings.

Analysis shows that a high proportion of journeys from ST36 are expected to be made by sustainable modes of transport (train, bus, bicycle, foot) and represents 54% mode share. 14% more journeys are made by sustainable modes than Single Occupancy Vehicle (SOV). Given the site's location and proximity to bus corridor/cycle network this mode share could easily be achieved, if not exceeded.

In addition, nearly two-thirds (61%) of York 019A residents travel less than 5km to work. This is further evidenced by data which indicates that 77% of journeys to work are made within York. Therefore, given the key employment attractors in the area, the majority of these trips will be within acceptable walking (2km) and cycling (4km) distances and reduce the dependency to travel by car.

Access from ST36 to sustainable transport provision is good with high quality pedestrian networks and on-road / off-road cycle facilities which link to the University of York's cycle network and subsequently to the NCR 66 which provides a link to the north of ST36. ST36 also benefits from frequent bus services throughout the day, routing northbound to the city centre and rail station, and southbound towards a retail outlet park and Selby.

With effective travel planning, it is envisaged that more trips would take place by sustainable modes of transport.

3.6 Comment 4:

Cycle track across Walmgate Stray should be brought round to join Fulford Road South. (Other comments, page 192)

Response:

National Cycle Route (NCR) Cycle route 66 bisects the northern quarter of ST36 and routes between Fulford Road and the University of York near Wentworth Way) across Walmgate Stray. Onward connections are provided to Heslington Road (north), Heslington Hill/Science Park and Windmill Hill (east) and Heslington Lane/Broadway roundabout (south).

A pedestrian refuge provides pedestrian and cyclists a formal crossing point on Heslington Lane in vicinity of the mini-roundabout with Broadway. Blue cycle directional signs are provided in vicinity of this junction which

sign a route to Fulford on Heslington Lane which is promoted as a local cycle route due to the traffic calming features present, making it an attractive alternative route to Fulford Road. Marked on-road cycle lanes are also provided for short sections on Heslington Lane which connect into Fulford Road.

The sustainable transport audit undertaken as part of the Amec Foster Wheeler Transport Appraisal (December, 2017), demonstrates that ST36 is in a prime location to access existing pedestrian/cycle network. A review of 2011 Census 'Method of Travel to Work' dataset, reveals a high proportion of journeys from ST36 are expected to be made by sustainable modes of transport (train, bus, bicycle, foot) and represents 54% mode share. 14% more journeys are made by sustainable modes than Single Occupancy Vehicle (SOV). Given the site's location and proximity to bus corridor/cycle network this mode share could easily be achieved, if not exceeded.

Given the existing pedestrian/cycle infrastructure in vicinity of ST36, there is no demand for cycle provision across Walmgate Stray should be diverted given that there are existing facilities that already route south to Fulford Road.

3.7 Objection 1:

Criterion i) should be reworded so that the developer must demonstrate that all transport issues have been resolved and not just addressed so the impacts on the local highway network are not severe. (Fulford Parish Council, page 191)

Response:

A full Transport Assessment would be submitted in support of a future planning application for ST36. This would provide a comprehensive review of the transport impact on the local highway network and appropriate mitigation commensurate to the level of impact would be identified as well providing sustainable transport connectivity and enhancement. It is not appropriate to require the developer to resolve all transport issues in the locality.

3.8 Objection 2:

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. (Fulford Parish Council, page 191)

Response:

Subject to scoping with CYC, an Environmental Statement (ES) would be submitted in support of a future planning application for ST36. This would provide a comprehensive review of the potentially significant road traffic and transport related environmental effects on receptors (including road users), as a result of the development.

The assessment would be conducted with reference to guidance contained in *Guidance Notes No. 1: Guidelines for the Environmental Assessment of Road Traffic* (GEART) (Institute of Environmental Assessment, 1993).

3.9 Objection 3:

New development should look at sustainable travel options due to A19 being above capacity and it being a AQMA – suggests a long-term strategy for public transport and rail links. (Fulford Parish Council, page 192)

Response:

The sustainable transport audit undertaken as part of the Amec Foster Wheeler Transport Appraisal (December, 2017), demonstrates that ST36 is in a prime location to access existing pedestrian/cycle

network. The Transport Assessment in support of a planning application would include a Sustainable Transport Strategy which would include connectivity to and enhancement of existing bus, cycle and pedestrian provision.

3.10 Objection 4:

Concerned about traffic on Fulford Road. (Fulford Parish Council, page 192)

Response:

The Amec Foster Wheeler Transport Appraisal (December, 2017) included a high-level traffic appraisal to understand the implications of the development proposals on the capacity and operation of Fulford Road and the Heslington and Broadway signalised junctions as identified in Policy SS20. A comprehensive Transport Assessment would be produced in support of a planning application for the site which would identify appropriate mitigation and a Sustainable Transport Strategy to enhance existing bus, cycle and pedestrian provision and promote sustainable travel by new occupants.

The high-level appraisal comprised an assessment of the existing situation, including traffic counts to ascertain existing levels of traffic generation, estimation of the proposed development traffic generation and distribution and junction impact analysis.

Fulford Road/Broadway/Main Street junction exceeds capacity when proposed development flows are added however, the PRC (Practical Reserve Capacity) values only show marginal capacity issues. Main Street/Heslington Lane junction exceeds capacity in the Future Baseline scenario within the AM peak hour, with Fulford Road northbound identified as the constrained arm.

Whilst the models do show capacity issues at the two junctions, it should be noted that a detailed assessment of these junctions would be undertaken as part of a full Transport Assessment including new traffic surveys.

A high-level gravity model using 2011 Census Origin/Destination data identified model 61% of trips will access ST36 from the south. During the peak hours, the majority of development traffic will be moving against the typical directional flow of traffic, which sees heavy traffic flows along Fulford Road northbound in the AM peak, and southbound in the PM peak.

Capacity assessments are based on the existing gravity modal split (2011 Census) and does not take account of the modal shift which could be expected as a result of Travel Plan initiatives.

The base models received from CYC could be enhanced to better reflect the on-street operation of the junctions. Potential improvements could include modifications to staging/phasing, as well as changes to cycle timing.

It should also be noted that no improvements schemes have been identified within the emerging Local Plan period for the junctions assessed.

3.11 Objection 5:

Concerned about safety of children walking and cycling to school. (Fulford Parish Council, page 192)

Response:

A full Transport Assessment would be submitted in support of a future planning application for ST36. This would provide a comprehensive review of the routes to schools within a 2km walking catchment as recommended in IHT *Guidelines for Providing Journeys on Foot*, as part of a Non-motorised User Audit (NMUA).

3.12 Objection 6:

Disagrees that site is sustainable due to reduced accessibility to public transport, and not being near any large supermarkets. (Fulford Parish Council, page 191-92)

Response:

The Imphal Barracks site is sustainable, given its strategic location close to York City Centre, ST36 benefits from ease of access to a number of services and facilities, with acceptable options for travel on both foot and bicycle.

Approximately 80% of walking journeys in urban areas are less than one mile. The average length for cycling is 4km (2.4 miles), although journeys of up to three times these distances are not uncommon for regular commuters. Indeed, Local Transport Note 2/08: *Cycle Infrastructure Design* states that “...for commuter journeys, a trip distance of over five miles is not uncommon”.

The Amec Foster Wheeler Transport Appraisal (December, 2017) identifies the approximate walking distances and journey times to a number of existing services and facilities including education, retail, health and employment sites. Results identified the distance and walk journey time to the existing retail units situated in proximity to the site (based on Google Maps journey planner):

- ▶ Aldi, Fulford Road – 400m (5-minute walk);
- ▶ Iceland, Fulford Road – 400m (5- minute walk);
- ▶ Sainsbury’s Local, Fulford Road – 600m (7- minute walk); and
- ▶ Co-operative Local, Broadway – 800m (10- minute walk).

ST36 benefits from good opportunities for travel by bus with frequent services operating from nearby stops located along Fulford Road.

There are four bus stops located along the A19 Fulford Road within 400 metres of ST36 and seven bus services which serve the site, two of which are of high frequency (every 10 – 20 minutes) and route to the city centre.

TRACC travel time analysis software has been used to identify the 400m walk distance (5-minute journey time) catchment from existing bus stops on Fulford Road to/from ST36. At present, this equates to approximately 48% coverage of ST36. Extending the catchment to a 600m walk distance (7-minute journey time), coverage increases to approximately 83% however, as illustrated in the masterplan, a large proportion outside the 7-minute catchment is proposed for public open space. The distances are based on an average walk speed of 1.4m/s (metre per second).¹ Opportunity exists for bus services to route through the site if considered necessary.

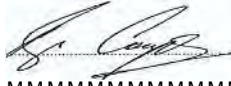
¹ Guidelines for Providing Journeys on Foot, 2000, Para 3.30

Author



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Adrian Simms

Reviewer



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Bev Coupe

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Appendix VII

Hydrology Technical Comments



Technical note: Regulation 19 Consultation Response, Queen Elizabeth Barracks and Imphal Barracks: response to hydrology related matters

1. Introduction

This technical note has been prepared in response to hydrology comments in the Regulation 19 Consultation Response¹ for the allocation of Queen Elizabeth Barracks and Imphal Barracks within the City of York Local Plan.

2. Queen Elizabeth Barracks (ST35)

For Queen Elizabeth barracks, the following comments have been made regarding hydrology, along with our responses; both of which are provided in Table 2.1.

Table 2.1 Hydrology consultation response: Queen Elizabeth Barracks (ST35)

Comment number (our reference)	Regulation 19 Consultation response Reference	Comment	DIO Response to Comment
QEB 1	Policy SS19: Queen Elizabeth Barracks (ST35), (bullet ix, page 177)	"Prepare a Flood Risk Assessment and full drainage strategy. This strategy should be developed in conjunction with the Council and required statutory bodies and should ensure that the development will not exacerbate any existing issues with surface water and drainage. Hydrological studies that explore surface and sub-surface characteristics of the local hydrological regime would be required to identify the impact on the wet heath communities of Strensall Common SAC/SSSI and identify mitigation measures where required. Any hydrology plan/study also needs to consider impacts on water-logged archaeological deposits."	<p>We would note that the existing Flood Risk Appraisal (Amec Foster Wheeler, 2017a)² is consistent with the allocation of Queen Elizabeth Barracks (ST35) within the Local Plan. It suggests that surface water flood risk and drainage issues will not be increased from the existing situation, provided appropriate surface water and foul drainage measures are incorporated into the final site design.</p> <p>We agree that a Flood Risk Assessment and full drainage strategy should be provided as part of any outline or full planning application. This should build on the findings of the Flood Risk Appraisal and identify specific measures for surface water and foul drainage, along with any other mitigation</p>

¹ Public meeting of the Local Plan Working Group, City of York Council, held at the George Hudson Board Room, 1st Floor West Offices (F045), 18:00, Tuesday, 23/01/2018.

² DIO York Sites: Queen Elizabeth Barracks, Flood Risk Appraisal, Amec Foster Wheeler, December 2017.



Comment number (our reference)	Regulation 19 Consultation response Reference	Comment	DIO Response to Comment
			<p>measures that should be incorporated into the proposed development.</p> <p>Similarly, the information in support of a Habitats Regulations Assessment (HRA), (Amec Foster Wheeler, 2017b)³ report demonstrated that there would be no potential likely significant effects on Strensall Common SAC/SSSI, provided appropriate mitigation measures are incorporated into the final site design. This is commensurate with allocation of the site within the Local Plan. It is acknowledged that further assessment will be required to identify the specific mitigation measures that are required. Incorporation of said mitigation measures would need to be secured as part of a planning application for the proposed development.</p> <p>Finally, we advise that the high-level Hydrology assessment of the potential for waterlogged soils (Amec Foster Wheeler, 2017c)⁴ identified that there is a moderate to high potential for waterlogging. Accordingly, further detailed assessment should be made as part of any full or outline planning application.</p>
QEB 2	Supporting text changes (page, 178)	Amendments to para 3.81 to reflect requirement for full drainage strategy as per policy amendment: "...Given the scale of the site, a full Flood Risk Assessment and full Drainage Strategy will be needed."	As per our above response, a Flood Risk Assessment and full drainage strategy should be provided as part of any outline or full planning application.
QEB 3	Consultation responses, CPRE, (page 181)	"New installations to deal with waste water and sewage must be provided as current provision is inadequate."	<p>Under the Water Industry Act (1991), assessment and provision of strategic foul drainage infrastructure to serve existing and proposed development falls under the remit of the sewerage undertaker (in this case Yorkshire Water) and the Local Planning Authority (LPA) through dealing with planning applications. Alternatively, a new on-site works could be considered; although due to the site's proximity to the current public sewer network, this would have to be in consultation with the Environment Agency - but could be confirmed as part of any planning application.</p> <p>From the Flood Risk Appraisal (Amec Foster Wheeler, 2017a) we understand that the site is served by the Yorkshire Water surface water and foul sewer network. This would need to be</p>

³ DIO York Sites: Queen Elizabeth Barracks, Information to support a Habitats Regulations Assessment, Amec Foster Wheeler, December 2017.

⁴ DIO York Sites: Queen Elizabeth Barracks, Hydrology assessment of the potential for waterlogged soils, Amec Foster Wheeler, November 2017.



Comment number (our reference)	Regulation 19 Consultation response Reference	Comment	DIO Response to Comment
			confirmed at the detailed design stage, when detailed proposals for waste water and sewage would need to be made by the applicant as part of the final site masterplan.
QEB 4	Consultation responses, Yorkshire Wildlife Trust, (page 181)	"Hydrological impacts a concern. Raising or lowering the water table could affect the Common."	The information in support of a Habitats Regulations Assessment (HRA), (Amec Foster Wheeler, 2017b) ⁵ report demonstrated that there would be no potential likely significant effects on Strensall Common SAC/SSSI, provided appropriate mitigation measures are incorporated into the final site design. This is commensurate with allocation of the site within the Local Plan. It is acknowledged that further assessment will be required; however, this would need to be secured as part of a planning application for the proposed development.
QEB 5	Other objections raised, (page 183-184)	"Sewerage system will struggle.... Walbutts treatment works at Strensall is already at full capacity and having issues with discharging pollutants into the River Foss."	<p>It is understood that, as existing, there is limited capacity at Walbutts Waste Water Treatment Works (WWTW). Should foul discharges from the site be proposed to Walbutts WWTW, then rates and volumes would need to be agreed with Yorkshire Water. This should be formally confirmed as part of any planning application.</p> <p>As per our response to QEB 3 (above), under the Water Industry Act (1991), assessment and provision of strategic foul drainage infrastructure to serve existing and proposed development falls under the remit of the sewerage undertaker (in this case Yorkshire Water) and the Local Planning Authority (LPA) through dealing with planning applications. There is potential for the capacity of the Walbutts WWTW to be upgraded to accommodate new development, and this should be considered within the Local Plan.</p> <p>Alternatively, a new on-site works could be considered; although due to the site's proximity to the current public sewer network, this would have to be in consultation with the Environment Agency - but could be confirmed as part of any planning application.</p>

⁵ DIO York Sites: Queen Elizabeth Barracks, Information to support a Habitats Regulations Assessment, Amec Foster Wheeler, December 2017.



Comment number (our reference)	Regulation 19 Consultation response Reference	Comment	DIO Response to Comment
QEB 6	Other objections raised, Julian Sturdy MP, (page 185)	“Key principle ix indicates ‘further work regarding drainage of the site.’ He expects extensive investigatory work to take place into the potential impact of the additional 578 properties at Site ST35 on the drainage system at Walbutts Farm, and appropriate action taken.”	We agree with that the confirmation of final arrangements for surface water and foul drainage for the proposed development should be made as part of the Flood Risk Assessment and full drainage strategy, to be provided as part of any outline or full planning application. The final measures should be secured as part of the full planning application for the proposed development.
QEB 7	Other objections raised, Strensall with Towthorpe Neighbourhood Plan Steering Group (and other residents writing in support of their views), (page 185)	“Clause ix does not fully address the issues concerning foul sewerage and the obsolescence of the existing Severn Trent facility”	See our response to comment QEB 3, above.
QEB 8	Other objections raised, Strensall with Towthorpe Neighbourhood Plan Steering Group (and other residents writing in support of their views), (page 186)	“The suggestion that a completely new drainage system is required is supported.”	We recognise that our Flood Risk Appraisal (Amec Foster Wheeler, 2017a) identified the potential for Sustainable Drainage Systems (SuDS) to be incorporated within the proposed development. The prospective land take for SuDS was also reflected in the site masterplan (see masterplan, appended to submissions by GVA on behalf of DIO). Final requirements for drainage, including proposed SuDS design, should be finalised as part of a Flood Risk Assessment for the proposed development, as part of the full planning application.
QEB 9	Other comments received, (page 188)	“Infrastructure capacity concerns: ...drainage, sewerage...”	See our response to comment QEB 3, above.

3. Imphal Barracks

For Imphal Barracks, the following comments have been made in relation to hydrology, along with our responses; both of which are provided in Table 3.1.

Table 3.1 Hydrology consultation response: Imphal Barracks

Comment number (our reference)	Regulation 19 Consultation response Reference	Comment	DIO Response to Comment
Imphal 1	Policy SS20: Imphal Barracks, (bullet ix, page 189)	“Consider in detail the proximity and relationship of the site with Walmgate Stray, including undertaking further hydrological work to assess the potential impact of development on the Stray and the value of the grassland, and to explore any water logged archaeological deposits...”	<p>We note that the evidence base submitted thus far includes a Flood Risk Appraisal (Amec Foster Wheeler, 2017d)⁶ and a Water Quality Impact Appraisal (Amec Foster Wheeler, 2018)⁷, and is consistent with the allocation of Imphal Barracks within the City of York Local Plan.</p> <p>The above reports have demonstrated that the proposed development could be accommodated within the site, without causing an increased flood risk, or resulting in any likely significant effects (provided appropriate mitigation measures are incorporated). Identification of the specific mitigation measures required should be made as part of a planning application to be submitted for the proposed development.</p>
Imphal 2	Policy SS20: Imphal Barracks, (bullet x, page 190)	“Improve connectivity to the existing draining network. There is pressure on this site and the area in general at present in terms of drainage. It would be preferable to go back to base principles in designing a new drainage system for the site and avoid using the existing historical systems that are currently in place. The site would benefit from a comprehensive modern SuDS scheme.”	<p>As advised in the existing Flood Risk Appraisal (Amec Foster Wheeler, 2017d), we have identified the potential for the incorporation of SuDS as part of the proposed development. This could provide betterment on the existing situation (i.e. relying on the historical systems that are currently in place).</p> <p>Confirmation of the specific SuDS requirements, techniques and their incorporation within the site masterplan, should be made within a Flood Risk Assessment and full drainage strategy, which should be submitted as part of a planning application.</p>

4. Conclusion

This technical note has outlined our response to hydrology comments in the Regulation 19 Consultation Response for Queen Elizabeth Barracks and Imphal Barracks. It concludes that existing information submitted in support of the proposed development of both Queen Elizabeth Barracks and Imphal Barracks, is commensurate with allocation of these sites within the City of York Local Plan. No further work is required at this stage, to allow for the allocation.

⁶ DIO York Sites: Imphal Barracks, Flood Risk Appraisal, Amec Foster Wheeler, December 2017.

⁷ DIO York Sites: Imphal Barracks, Water Quality Impact Appraisal, Amec Foster Wheeler, January 2018.



Author



Matthew Ross

Reviewer



Mark Barnett

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Last Name		Hollowood
Organisation (where relevant)	Defence Infrastructure Organisation (DIO)	GVA
Representing (if applicable)	C/O GVA	DIO
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Address – line 3		
Address – line 4		
Address – line 5		
Postcode		B1 2JB
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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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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)

N/A

What does 'Sound' mean?

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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)

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.

3.1

Policy Ref.

SS1

Site Ref.

N/A

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

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Yes, I wish to appear at the examination

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Positively prepared Justified
 Effective Consistent with national policy

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Paragraph no.

Policy Wording and 3.15

Policy Ref.

SS2

Site Ref.

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- 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

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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

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.

See Appendix 3

Policy Ref.

SS19

Site Ref.

ST35

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 Defence Infrastructure Organisation **Appendix 3** which outlines specific responses on matters of soundness in accordance with this form; matters raised in relation to Opening Paragraph; policy criterion 2, 3, 5, 6, 10 and Para 3.82.

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 the Defence Infrastructure Organisation Representations **Appendix 3**.

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:

DIO participation considered necessary due to ensure the Inspector is able to clarify any matters in relation to the strategic allocation at Queen Elizabeth Barracks (ST35, and H59).

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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Signature



Date

4 April 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:

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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		Stephen
Last Name		Hollowood
Organisation (where relevant)	Defence Infrastructure Organisation (DIO)	GVA
Representing (if applicable)	C/O GVA	DIO
Address – line 1		3 Brindleyplace
Address – line 2		Birmingham
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		B1 2JB
E-mail Address		stephen.hollowood@gva.co.uk
Telephone Number		0121 609 8318

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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

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)

N/A

What does 'Sound' mean?

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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.

See Appendix 3

Policy Ref.

SS20

Site Ref.

ST36

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

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Title		Mr
First Name		Stephen
Last Name		Hollowood
Organisation (where relevant)	Defence Infrastructure Organisation (DIO)	GVA
Representing (if applicable)	C/O GVA	DIO
Address – line 1		3 Brindleyplace
Address – line 2		Birmingham
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		B1 2JB
E-mail Address		stephen.hollowood@gva.co.uk
Telephone Number		0121 609 8318

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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	<input checked="" type="checkbox"/>	Justified	<input checked="" 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.

See Appendix 3

Policy
Ref.

EC1

Site Ref.

E18

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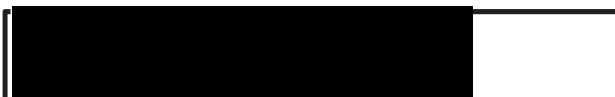
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Signature



Date

4 April 2018

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

OFFICE USE ONLY:

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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		Mr
First Name		Stephen
Last Name		Hollowood
Organisation (where relevant)	Defence Infrastructure Organisation (DIO)	GVA
Representing (if applicable)	C/O GVA	DIO
Address – line 1		3 Brindleyplace
Address – line 2		Birmingham
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		B1 2JB
E-mail Address		stephen.hollowood@gva.co.uk
Telephone Number		0121 609 8318

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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)

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"?

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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.

See Appendix 3

Policy Ref.

H1

Site Ref.

H59,ST35,ST36

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 the Defence Infrastructure Organisation Representations **Appendix 3** which outlines specific responses on matters of soundness in accordance with this form.

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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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

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

DIO participation considered necessary due to ensure the Inspector is able to clarify any matters in relation to the two strategic allocations at Queen Elizabeth Barracks (ST35 and H59) and Imphal Barracks (ST36).

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Part C - How we will use your Personal Information

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Paragraph
no.

See Appendix 3

Policy
Ref.

G16

Site Ref.

ST35

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(Complete any that apply)

Paragraph
no.

See Appendix 3

Policy
Ref.

Policies Map
North

Site Ref.

H59,ST35, E18

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DIO participation considered necessary due to ensure the Inspector is able to clarify any matters in relation to the two strategic allocations at Queen Elizabeth Barracks (ST35 and H59) and the local employment allocation at Towthorpe Lines (E18).

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.

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Signature



Date

4 April 2018

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

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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		Stephen
Last Name		Hollowood
Organisation (where relevant)	Defence Infrastructure Organisation (DIO)	GVA
Representing (if applicable)	C/O GVA	DIO
Address – line 1		3 Brindleyplace
Address – line 2		Birmingham
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		B1 2JB
E-mail Address		stephen.hollowood@gva.co.uk
Telephone Number		0121 609 8318

Guidance note

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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

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.

See Appendix 3

Policy
Ref.

Policies Map
South

Site Ref.

ST36

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 the Defence Infrastructure Organisation Representations **Appendix 3** which outlines specific responses on matters of soundness in accordance with this form.

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 the Defence Infrastructure Organisation Representations **Appendix 3**.

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:

DIO participation considered necessary due to ensure the Inspector is able to clarify any matters in relation to the strategic allocation at Imphal Barracks (ST36).

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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Signature

Date

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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		Stephen
Last Name		Hollowood
Organisation (where relevant)	Defence Infrastructure Organisation (DIO)	GVA
Representing (if applicable)	C/O GVA	DIO
Address – line 1		3 Brindleyplace
Address – line 2		Birmingham
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		B1 2JB
E-mail Address		stephen.hollowood@gva.co.uk
Telephone Number		0121 609 8318

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What can I make comments on?

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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?

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.

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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

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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**

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(Complete any that apply)

Paragraph
no.

See Appendix 3

Policy
Ref.

SA

Site Ref.

ST35

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 Defence Infrastructure Organisation representations Appendix 3 which outlines specific responses on matters of soundness in accordance with this form; matters raised in relation to SA Objectives 9 and 13.

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1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name		Stephen
Last Name		Hollowood
Organisation (where relevant)	Defence Infrastructure Organisation (DIO)	GVA
Representing (if applicable)	C/O GVA	DIO
Address – line 1		3 Brindleyplace
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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)

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 Appendix 3

Policy Ref.

SA

Site Ref.

H59

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 Defence Infrastructure Organisation representations **Appendix 3** which outlines specific responses on matters of soundness in accordance with this form; matters raised in relation to SA Objectives 5/6 and 13.

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 the Defence Infrastructure Organisation Representations **Appendix 3**.

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:

DIO participation considered necessary due to ensure the Inspector is able to clarify any matters in relation to the allocation at Queen Elizabeth Barracks (H59).

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.¹

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.²

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.³

Your rights

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Signature

Date

4 April 2018

¹ 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:

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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		Stephen
Last Name		Hollowood
Organisation (where relevant)	Defence Infrastructure Organisation (DIO)	GVA
Representing (if applicable)	C/O GVA	DIO
Address – line 1		3 Brindleyplace
Address – line 2		Birmingham
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		B1 2JB
E-mail Address		stephen.hollowood@gva.co.uk
Telephone Number		0121 609 8318

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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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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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.

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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

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.

See Appendix 3

Policy Ref.

SA

Site Ref.

E18

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 Defence Infrastructure Organisation representations **Appendix 3** which outlines specific responses on matters of soundness in accordance with this form; matters raised in relation to SA Objectives 3, 5/6, 8 and 15.

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.

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

DIO participation considered necessary due to ensure the Inspector is able to clarify any matters in relation to the local employment allocation at Towthorpe Lines (E18).

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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Signature

Date

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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		Stephen
Last Name		Hollowood
Organisation (where relevant)	Defence Infrastructure Organisation (DIO)	GVA
Representing (if applicable)	C/O GVA	DIO
Address – line 1		3 Brindleyplace
Address – line 2		Birmingham
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		B1 2JB
E-mail Address		stephen.hollowood@gva.co.uk
Telephone Number		0121 609 8318

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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?

Yes

No

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

N/A

What does 'Sound' mean?

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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)

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 Appendix 3

Policy
Ref.

SA

Site Ref.

ST36

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

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Signature



Date

4 April 2018

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² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

From: Slade, Chris
Sent: 04 April 2018 14:06
To: localplan@york.gov.uk
Subject: Local Plan Consultation Response 2018

Please find attached my completed Local Plan Consultation Response Form.

Regards,
Chris Slade,
45 Usher Lane,
Haxby,
York.
YO32 3LA



Local Plan
Response 2018 Slade

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

OFFICE USE ONLY:

ID reference:

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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	Christopher	
Last Name	Slade	
Organisation (where relevant)		
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
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

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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

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)

I had to answer YES to the above two questions as I do not have the legal knowledge to make a judgement or can comment on whether the document complies with the Duty to Cooperate.
How can ordinary people be expected to answer questions such as these with confidence and sound judgment.

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.

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.

PARAS: 1, 2, XI + 3-55 to 3-59

Policy Ref.

SS11

Site Ref.

LAND TO NORTH OF HAXBY (ST9)

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.

I do not consider this consultation response form to be sound as the questions are leading questions and ones that are pitched above the head of most ordinary people. The on-line form is also restrictive in that short time limits are imposed to get pages completed.

The Local Plan document as a whole is not sound as it has not been positively prepared. It has been hurriedly prepared and despite being criticised in the past has not changed substantially since the first draft. I do not feel it meets objectively assessed development and infrastructure requirements at all and ramble areas of land have been selected taking up valuable green belt when perfectly good and usable brown field sites have been left out of the considerations, or they have been allocated for less appropriate uses. This is not consistent with sustainable development.

The Local Plan is not justified as the level of additional homes planned are way to many for expected future needs. I do not see masses of homeless people roaming the streets and even if these homes are built who is going to be able to afford them.

All through the previous stages of consultation, concerns have been repeatedly raised regarding the impact of such development on existing drainage, congestion, pollution, schools, property values, existing residents quality of life, safety and the loss of green belt land.

This latest revised plan still does not address those concerns. It uses terms such as "seek to", "should", "minimise", "should develop a suitable scheme or strategy". It is as if the developers just want to get on and build and they will try to address some issues but will only pay lip service to the loose reference to the important concerns that have been repeatedly raised.

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.

The previously raised concerns regarding the effect of the development on drainage, congestion, pollution, schools, property values, existing residents quality of life, safety and the loss of green belt land must be robustly responded to with substantial solutions acknowledging the various issues and detailing how each issue will be fully addressed. These solutions must be fully explained and costed out to determine their effectiveness and viability.

For example at Policy SS11 referring to the Land North Of Haxby ST9, Item vii. states: "Connect the site to the public sewer network, which will incur additional costs. Developers will need to work with Yorkshire Water in developing a suitable scheme."

A clear and detailed explanation of how this will actually be achieved must be provided as the drainage system for Haxby is already over capacity and can not cope at the best of times. Connecting a further 735 homes to this system will be stupidity.

Item iv. states: "Provide highway access to the site from Moor Lane on the West side, with secondary access from Usher Lane on the East side. Improvements would be required both to the junction of Moor Lane with The Village and Usher Lane/Station Road to improve safety and visibility. The scheme should seek to minimise the amount of trips using the Usher Lane/Station Road junction due to existing capacity and safety issues. Alternative access should also be explored in relation to this site."

Again, a clear and detailed explanation of how this will actually be achieved must be provided as the expected vehicle capacity required by an additional 735 homes will cripple the already congested roads in and around Haxby. Tinkering with improvements at a couple of junctions will make no difference what so ever.

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

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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.¹

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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.³

Your rights

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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 or on [01904 554145](tel:01904554145).

Signature

Date

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

From: Jason Tait [Jason.Tait@planningprospects.co.uk]
Sent: 04 April 2018 14:09
To: localplan@york.gov.uk
Subject: York Local Plan Regulation 19 Consultation
Attachments: Comments Form SS1.pdf; Comments Form 5YS Table 5.1.pdf; Comments Form SS7.pdf

Importance: High

Please see attached representations on behalf of Miller Homes

Jason M Tait, MRTPI - Director
planningprospects
planning and development consultancy

4 Mill Pool, Nash Lane, Belbroughton, Worcestershire, DY9 9AF
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Registered Office c/o Crowther Beard, Suite 1A Shire Business Park, Wainwright Road, Worcester WR4 9FA. VAT No. 881 2273 23.

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		Jason
Last Name		Tait
Organisation (where relevant)	Miller Homes	Planning Prospects Ltd
Representing (if applicable)		Miller Homes
Address – line 1	c/o Planning Prospects	4 Mill Pool, Nash Lane
Address – line 2		Belbroughton
Address – line 3		Worcestershire
Address – line 4		
Address – line 5		
Postcode		DY9 9AF
E-mail Address		jason.tait@planningprospects.co.uk

Telephone Number		01562 734090
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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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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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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.

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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)

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.

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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)

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.

Policy H1 is linked to the delivery of housing and seeks to provide for housing through the plan period. The policy seeks to restrain housing delivery to a specific phasing. The approach set out in Policy H1 is objected to particularly in circumstances where in the City housing delivery has not met needs and there has over a sustained period been persistent under delivery of housing. Objections are as follows;

- No sites should be held back whilst there is any evidence of under delivery or persistent under delivery where a 20% buffer is in play
- Five year supply is a minimum requirement and therefore should not be used to hold back housing delivery of otherwise acceptable and sustainable housing proposals
- In order to fully understand the extent of additional housing needed to be allocated, there needs to be a full and detailed assessment of commitments to ensure they remain deliverable
- Prioritizing brownfield sites over greenfield sites sequentially is not in line with national policy
- The approach to windfall is fails to respond to a plan led planning system and create a significant over reliance from such sites in circumstances where government policy requires evidence not only that such windfall has provided a reliable source of supply but also WILL CONTINUE to be such a source. This cannot be confirmed in the circumstances of the City where past windfall has had to form a significant component of supply in the absence of a Plan – with an adopted Plan there is no evidence to support continued high levels of windfall
- The evidence of past delivery against need shows persistent under delivery, a 20 % buffer applies and this is recognised by the City
- The Plan must show a 5 year supply upon adoption and no such calculation is set out
- The trajectory needs to respond to past under delivery by boosting supply as soon as possible
- There is no evidence to suggest that a significant boost to supply could not take place over the next 5 years
- The shortfall in delivery to date should be made up in the next 5 years (Sedgefield approach) rather than the extended (Liverpool) residual method adopted by the Council
- The Councils approach only serves to continue under delivery for longer than necessary

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.

The plan should set out a 5 year supply requirement using realistic assumptions on commitments, applying a 20% buffer and a Sedgefield approach to meeting the shortfall in delivery to date. References to windfall should be omitted, Phasing should promote early delivery and the sequential prioritization of brownfield sites should be deleted.

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:

The comments are important to the delivery of the Plan

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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Signature

J Tait

Date

29th March 2018

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

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1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name		Jason
Last Name		Tait
Organisation (where relevant)	Miller Homes	Planning Prospects Ltd
Representing (if applicable)		Miller Homes
Address – line 1	c/o Planning Prospects	4 Mill Pool, Nash Lane
Address – line 2		Belbroughton
Address – line 3		Worcestershire
Address – line 4		
Address – line 5		
Postcode		DY9 9AF
E-mail Address		jason.tait@planningprospects.co.uk

Telephone Number		01562 734090
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3. To which document does your response relate? (Please tick one)

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Policies Map

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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)

N/a

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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 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)

Positively prepared X

Justified

X

Effective X

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 Submission Plan seek to make provision for some 867 dwellings per annum for the plan period. It is essential that the new Plan provides for an appropriate level of housing. Government policy requires a step change in the delivery of new housing. The National Planning Policy Framework states in respect of housing that “The Government’s key housing objective is to increase significantly the delivery of new homes. Everyone should have the opportunity to live in high quality, well designed homes, which they can afford, in a community where they want to live. This means:

- increasing the supply of housing
- delivering a wide choice of high quality homes that people want and need
- widening opportunities for home ownership; and
- creating sustainable, inclusive and mixed communities, including through the regeneration and renewal of areas of poor housing”.

Paragraph 47 of the Framework requires Local Planning Authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs (OAN) for market and affordable housing in the housing market area. There are significant negative impacts which would result from adopting low levels of housing growth and these must be recognised, not least the significant impact on housing affordability and increased house prices by a lack of supply. Equally, a low level of housing growth would not meet housing needs, would not support the economic growth aspirations of the vision and could lead to unsustainable patterns of travel with people having to travel further distances between home and work.

As currently proposed the Plan does not meet the full OAN in accordance with the evidence in the SHMA. An additional provision should be made to support market signals in line with the SHMA recommendations. Policy considerations have been applied to suppress the full OAN set out in the SHMA without justification, whilst appropriate land is available within and adjoining the City to meet 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.

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.

The level of housing proposed in Policy SS1 should be increased in line with the SHMA to reflect market signals increasing the OAN to 953 dwellings per annum with additional flexibility added above this to support delivery

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:

The comments are important to the delivery of the Plan

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.¹

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.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²

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.³

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 or on [01904 554145](tel:01904554145)

Signature

J Tait

Date

29th March 2018

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ 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		Jason
Last Name		Tait
Organisation (where relevant)	Miller Homes	Planning Prospects Ltd
Representing (if applicable)		Miller Homes
Address – line 1	c/o Planning Prospects	4 Mill Pool, Nash Lane
Address – line 2		Belbroughton
Address – line 3		Worcestershire
Address – line 4		
Address – line 5		
Postcode		DY9 9AF
E-mail Address		jason.tait@planningprospects.co.uk

Telephone Number		01562 734090
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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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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 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.
- 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

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 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)**Positively prepared** X**Justified**

X

Effective X**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.

See attached Representations

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 Representation

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:

The site and comments are important to the delivery of the Plan

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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Signature

J Tait

Date

29th March 2018

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

City of York Local Plan – Submission (Regulation 19) Consultation – March 2018
Representation on behalf of Miller Homes

Site ST2 / Policy SS7 – Former CSSC Sports Ground and adjoining land

The allocation of the former CSSC Sports Ground and adjoining land at Boroughbridge Road/Millfield Lane is supported (ST2). The site represents a sustainable location to accommodate some of the City's important housing growth.

The site is under the control of Miller Homes who have been actively promoting the site for development since the CSSC closed the site and developed new enhanced facilities at Wigginton Road a number of years ago. The site should be referred to as "the former" Civil Service Sports Ground but it should be noted that it also includes adjoining land fronting to Millfield Lane and adjacent Manor School. The description of the site should be amended on the Key Diagram (page 19), in the title of Policy SS7 and in the Table 5.1 of the Plan.

An extensive evidence base has been prepared over a number of years which supports the delivery of the site including studies into transport and sustainable access to the site, matters of ecology, green infrastructure, heritage and landscape informing emerging masterplans for the site's development. There are no environmental impediments to the site's delivery. This has also been evident by the submission of a planning application for the development of the site by Miller Homes in December 2014, as updated and amended in March 2017. Whilst that application remains undetermined by the Council in advance of the emerging Local Plan, it has also demonstrated that the site can be developed with a high quality and sustainable scheme of new housing and there are no technical planning impediments to its delivery.

It can also be noted that the site was also allocated for development in the Submission Poppleton Neighbourhood Plan with the support of the Neighbourhood Plan Group and Parish Council. Although not included in the final plan following comments from the Examiner that allocations and the definition of the Green Belt should be a strategic matter for the Local Plan, the development of the site was and continues to be supported locally with few concerns.

Miller Homes' vision for the site adheres closely to the wider visions for the City's growth within the Plan. The site has a real potential to provide a high quality and sustainable development which will deliver an inclusive development of market and affordable housing in a mixed range of sizes, types and tenures which will support the need particularly family housing in the city.

Through considered site assessment of constraints and opportunities the development of the site would;

- Respect the special historic and built environment of the City
- Create a locally distinctive development with a creative and inclusive community.
- Provide a development which would promote sustainable connectivity, including good access by a variety of means

- Respect the City setting and create a strong urban form which will make a positive contribution to the approach to the City along Boroughbridge Road.
- Embrace existing landscape and green infrastructure and promote enhanced ecological interest and biodiversity with high quality formal and informal open space provision.

With no impediments to the site's delivery and with development of the Manor School, the site performs no useful Green Belt function. It represents an early opportunity within the plan period to support the provision of high quality sustainable housing.

The identification of the site and its allocation in the Plan, fully meets the Plan's site selection criteria in that it would protect environmental assets and development of the site would not affect historic character or setting of the city, nature conservation, green infrastructure or floodplain. The site has sustainable access to facilities and services and to transport.

In response to a number of points set out in Policy SS7 and the Explanation section of the site's assessment at paragraphs 3.42, 3.43 and 3.44 we would highlight and request corresponding amendments to the Policy that;

- The site should be referred to as the former Civil Service Sports Ground and Adjoining Land
- New open space provision can be made within the scheme however off site contributions towards formal sports provision is proposed in order to make effective use of the site and efficiently support other sports sites nearby. Indeed, discussions have progressed with Manor School about this development supporting their proposals for additional sports pitches and recreation facilities on land to the north west of the school through an off site financial contribution.
- Mention is made of the need to cater for additional school capacity as a result of the development and this can be adjudged relative to capacity within existing schools at the time of the determination of a planning application.
- The capacity of the site is suggested as approximately 266 and this is reflective of the current planning application.
- Access is possible to both Millfield Lane and Boroughbridge Road however there is a strong desire not to create a through route for motor vehicles.
- The estimated Phasing for this site should see its immediate delivery and contribute to the first 5 years of the plan. This delivery within the short term should be reflected also in Table 5.1 of the Plan

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 04 April 2018 14:24
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: 105155

Date submitted: 04/04/2018

Time submitted: 14:24:24

Thank you for submitting your Local Plan Publication Draft response form (ref: 105155, on 04/04/2018 at 14:24:24) 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: Felicity

Surname: Iredale

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.

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:

It complies with legal requirements

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 consistent with national policy

Please give reasons for your answer(s):

I strongly object to the citing of a visitor centre next to Clifford's Tower which will intrude onto the mound. This land belongs partly to the city and as such should not be sold or given away without people of the city being fully informed and being given a chance to voice their objections. I also oppose it on aesthetic grounds and because it will potentially disturb archaeological remains.

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

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':

I suggest citing the visitor centre away from the mound.

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: 04 April 2018 14:33
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: 105156

Date submitted: 04/04/2018

Time submitted: 14:32:57

Thank you for submitting your Local Plan Publication Draft response form (ref: 105156, on 04/04/2018 at 14:32:57) 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: Miss

Forename: Laura

Surname: Good

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.

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:

SITE REFERENCE H39 – NORTH OF CHURCH LANE, ELVINGTON

Dear Sir or Madam,

I'm writing to object to the above site proposal on the basis of the below points;

The proposed size of the plot of at least 30 new homes directly behind my house is disproportionate for the current village. Elvinton has only grown by just 2% over 10 years and such an increase in housing could be detrimental to the village. Previously, H39 has been suggested for housing development but was denied for many reasons such as the access, aural and visual amenity, drainage issues and the wildlife being destroyed. Given the sites rejection only a few years ago, I find it untenable to continue to explore the possibility of building houses on this glorious and natural landscape.

The proposals location on Becksides expands into green belt land which is a habitat for lots of wildlife including owl's, bats, and bees to name a few as well as protected trees. The entry point for this extension will also prevent children playing in the street safely as they currently do on a daily basis with no fear of passing civilian or construction traffic. The land of H39 is also pushed to its limits with regards to drainage. In December we moved to the area and we have already witnessed flooding.

The main road through Elvington is already dangerous. Many trucks and cars speed through the main road where children play and fairs take place. The addition of potentially 60 plus extra vehicles due to new residents and construction traffic will only heighten the risk of being injured or worse. Already, too many cars park on this stretch of road making it very dangerous to cross. A traffic count taken in 2011 showed that 4,625 vehicles in a 12-hour period already pass through Elvington. This works out at 1 vehicle every 10 seconds which is staggering. If your proposal goes through 1580 extra journeys could take place, highlighting the increased likelihood of harm as well as increased noise and air pollution and I express my unease to ensure the safety of the residents.

Elvington has 933 residents with 488 houses as cited by the last census. The developments you are exploring will double the size of our village and stretch our local amenities too thin. Your plans are not at all 'proportionate', 'appropriate' or indeed 'sustainable' as you state. It appears that your proposals have been quashed before for similar reasons that I have highlighted in my letter. Given the unique structure of our plot specifically, the proposed development would alter the estate but damage the rural feel to our village turning it into an over populated area that cannot cope with the increased demand.

In the 1990s and again in 2014, similar proposals were rejected because of all the same arguments that are being put forward in this letter. I, with the support of my fellow residents, would like to stress that, if they were valid reasons then, then they are still valid reasons now. I am not alone with my concerns and the village residents strongly oppose this proposal given the fact these concerns highlighted in my letter are ones that shared by many a resident.

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 - Soundness YES] not positively prepared, not justified, not effective, not consistent with national policy

Please give reasons for your answer(s):

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 of 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 council's 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 Council's 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) CYC 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. 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.

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

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':

I propose site H39 is withdrawn from the Local Plan and is replaced by H26 – Dauby Lane.

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: Grundy, Simon [Simon.Grundy@carterjonas.co.uk]
Sent: 04 April 2018 14:27
To: localplan@york.gov.uk
Cc: Brear, Josh
Subject: City of York Local Plan Publication Draft consultation – representations for Picton Capital [CJ-WORKSITE.FID414719]
Attachments: 180404 - Picton reps - final.pdf; 180404 Comments_form_Site 959.pdf; Appendix 1 - 171030 reps letter.pdf; Appendix 1 - sketch masterplan.pdf

Dear Sirs,

Further to the above please see attached for completed form and representations statement plus appendices for Picton Capital.

We look forward to acknowledgement of receipt.

With best wishes

Simon Grundy
Partner

For and on behalf of Carter Jonas LLP
T: 0113 203 1095
M: 07917773671
W: carterjonas.co.uk

Carter Jonas



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Carter Jonas LLP

Place of Registration: England and Wales

Registration Number: OC304417

Address of Registered Office: One Chapel Place, London, W1G 0BG.

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		Simon
Last Name		Grundy
Organisation (where relevant)	Picton Capital	Carter Jonas
Representing (if applicable)		Gallagher Estates
Address – line 1	c/o agent	9 Bond Court
Address – line 2		Leeds
Postcode		LS1 2JZ
E-mail Address		simon.grundy@carterjonas.co.uk
Telephone Number		0113 223 4142

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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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 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.
- 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

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)

We have no comment in respect of the Sustainability Appraisal or Duty to Cooperate.

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.Section 2, 2.1-
2.16Policy
Refs.DP1, SS1, SS2, SS4-
SS20, H1

Site Ref.

SHLAA refs. 959

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 of case

6. (1) Please set out what change(s) you consider necessary to make the City of York

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

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 attached statement of case

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:

In order to fully explore the material considerations in respect of this site through the local plan process it is necessary to attend the Examination in Public to participate in the associated round table hearing sessions.

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.¹

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.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²

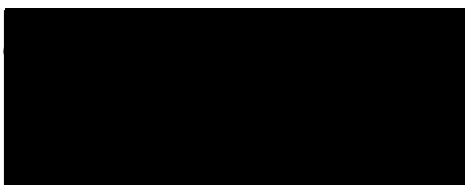
Retention of Information

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.³

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 or on [01904 554145](tel:01904554145)

Signature		Date	04 April 2018
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¹ Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

**CITY OF YORK LOCAL PLAN
PUBLICATION DRAFT (FEB 2018)
REGULATION 19 CONSULTATION**

REPRESENTATIONS

March 2018
On behalf of Picton Capital
J0006955

Carter Jonas

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Appendices

Appendix 1: October 2017 representations for Picton Capital

1.0 INTRODUCTION & EXECUTIVE SUMMARY

- 1.1 Carter Jonas LLP welcomes the opportunity to make representations upon the February 2018 City of York Local Plan Publication Draft (the PDP) on behalf of Picton Capital Ltd.). These representations are pursuant to and cross-reference with previous representations by Carter Jonas at Pre-Publication Draft (Regulation 18) stage (as enclosed at Appendix 1 for ease of reference).
- 1.2 Picton owns land and premises at Kettlestring Lane, which we again propose for allocation for housing. The land is now Site Reference 959: Land at Kettlestring Lane, Clifton Moor within the Strategic Housing Land Availability Assessment (SHLAA) (2017). Our client is keen to work with the City of York Council to help ensure a sound Local Plan can be adopted as soon as possible. We will be pleased to engage with the Council upon matters of housing need and delivery, and site-specific matters to facilitate swift progress.
- 1.3 We note that the Minister for Housing, Communities and Local Government (HCLG) has confirmed (as of 23 March 2018) the council is not one of those selected for local plan intervention. However, a watching brief will be maintained by HCLG to ensure the Council continues to meet the published timetable set out within the Local Development Scheme. Notwithstanding this, we have major concerns over the soundness of the plan as currently proposed which will impact upon the timetable for Plan and prolong the continued failure to plan to meet the needs of the City of York.
- 1.4 In summary our main representations are as follows:

Vision, Spatial Strategy and the Housing Requirement

- The Vision and Outcomes are not justified or effective as they are not backed by evidence and positive policies to meet the identified housing need.
- The housing requirement and the predicted housing supply is not justified, effective or consistent with national planning policy or even the council's own evidence base.
- In particular, the minimum annual provision of 867 new dwellings per annum is not based upon any robust objective assessment of need – even the council's own evidence base gives an OAN of 953dpa.
- As a result, the draft plan will not deliver sufficient new housing or the much needed boost to the level of supply indicated by the available evidence.
- Based on the available evidence, the plan should provide for a minimum of 1,000 new dwellings per annum.
- Even founded on a figure of 867dpa the plan proposes insufficient housing land to meet its proposed requirement.
 - The spatial strategy relies too heavily on a number of key large and/or complex sites and over-optimistic and unsupported assumptions over both timing and number of dwellings to be delivered.

- The draft plan also includes over-optimistic assumptions over the predicted level of windfall.
- Indicative densities are too high, giving unrealistic yield per hectare assumptions and potentially resulting in poor quality development and lack of new housing choice.

Site selection and the case for Land at Kettlestring Lane, Clifton Moor

- Our client's land at Land at Kettlestring Lane, Clifton Moor is fully deliverable and represents one of the most appropriate sites for allocation when considered against reasonable alternatives and our client and the relevant landowners are willing parties.
- We demonstrate that:
 - The site occupies a highly sustainable location within close proximity to the existing facilities and services of Clifton District Centre;
 - It is well connected via existing sustainable transport network, including bus stops nearby providing access to the City Centre;
 - The development will deliver new and much needed affordable housing;
- Site ref. 959 should be allocated for housing.

1.5 We have completed a representation form which is attached to this statement and request to participate in the examination.

2.0 THE OVERALL DOCUMENT & GENERAL POLICIES

Background

- 2.1 Within this response, our comments are directed at specific parts of the Publication Draft Plan, which we consider make the document 'unsound'. Our response addresses the issues of soundness set out in paragraph 182 of the National Planning Policy Framework (NPPF) (2012). These require that the Plan should be: -
- Positively Prepared;
 - Justified;
 - Effective and
 - Consistent with national planning policy.
- 2.2 We have some initial comments in regards the document as a whole. Principally the concerns are as follows: -
- Following a long and troubled preparation over many years and as a result of recent Council decisions on growth the Publication Draft Plan is not sufficiently strategic in focus and fails to provide a clear strategic direction for the City;
 - In view of the unreasonably low level of housing growth proposed recent it fails to respond to the direction of travel contained within CLG's White Paper 'Fixing our Broken Housing Market' (Feb 2017), 'Planning for the Right Homes in the Right Places: Consultation Paper' (September 2017) and the recent draft National Planning Policy Framework and Planning Policy Guidance issued in March 2018 and associated documents.
- 2.3 It is considered that a significant amount of work still needs to be done to make the Local Plan sound. As it stands, the document is:
- Not justified because is not based on an robust and credible evidence base, and is not the most appropriate strategy when considered against reasonable alternatives;
 - Not effective due to issues of flexibility and does not plan properly to meet the identified needs; and
 - Not consistent with current and emerging national planning policy.
- 2.4 Our specific comments are set out below on a section-by-section basis.

Section 2: Vision and Development Principles

- 2.5 The Vision and Outcomes at p16 are fairly generic and fail to say anything about the need for housing growth to help both deliver and underpin the sustainable development aims and objectives.
- 2.6 Paragraphs 2.1 and 2.2 promote the key role of York in leading Sub-Regional economic growth and new job creation whilst as safeguarding existing employment provision. The aim is to deliver 650 new jobs per annum. Paragraph 2.5 acknowledges the need to provide new homes in the form of “sufficient land for 867 dwellings per annum. Specific reference is made to ‘garden village’ developments at three locations plus “major sustainable urban extensions such as British Sugar and York Central.”
- 2.7 Policies DP1 and DP2 of the Publication Draft Plan acknowledge the need for development to meet housing needs. DP1 aims to ensure:
- The housing needs of the City of York’s current and future population including that arising from economic and institutional growth is met within the York local authority area.*
- 2.8 We wholeheartedly welcome this aim, although for the Vision to be ‘sound’ it should also explicitly acknowledge the need to provide affordable housing and diversify the housing market.
- 2.9 We have significant concerns that the Plan will not effectively meet the development principles of Policy DP1 aims, as set out above. It is well documented that the housing target set out within the publication Plan is not appropriately justified and should be increased to seek to meet the housing needs and economic growth in the area

3.0 SPATIAL STRATEGY AND THE HOUSING REQUIREMENT

Policy SS1: Delivering Sustainable Growth for York

- 3.1 Policy SS1 is not considered to be sound as it is not positively prepared, effective or consistent with national policy for the following reasons. Our client objects to the housing requirement being set at 867 dwellings per annum. The GL Hearn Strategic Housing Market Assessment (May 2017 - the SHMA) clearly recommends that, based on their assessment of market signals evidence and some recent Inspectors decisions, the council should include a 10% market signals adjustment to the 867 figure, resulting in a requirement of 953 dwellings per annum.
- 3.2 There is no justification for not making an adjustment for market signals. The Publication Draft Plan text at paragraph 3.3: Housing Growth is silent on the methodology behind the selection of the 867dpa figure. There are significant issues of housing affordability within the city and no evidence of any recent improvement in this respect. This is in breach of the NPPF core planning principle at paragraph 17, bullet point 4. The decision makers at City of York Council Local Plan Working Group and Executive meetings in January 2018 had every opportunity to aim for a more reasonable, justified and positive target for housing delivery, including the potential housing allocation of Site 959. This would have been fully supported and justified by the SHMA evidence base, officer recommendations (incorporating suggested additional housing sites, including Site 959) and statements of case by many representors. However, the members of those committees failed to take this opportunity, choosing a figure based on only part of the GL Hearn findings. This approach is wholly unjustified and in breach of the aims and objectives of draft Policy DP1 as noted above.
- 3.3 As such, the housing requirement of 867 fails to comply with Planning Practice Guidance and as a result the Publication Draft Plan fundamentally fails to provide for the evidenced housing growth requirement and is therefore patently unsound.
- 3.4 Furthermore, an additional uplift based upon representations from businesses and bodies such as the York Chamber of Commerce should reflect the confirmed role of York as a “key economic driver”. The York Economic Strategy 2016 to 2020 also indicates the need for a further uplift. The lack of reasonable explanation for not including economic uplift is contrary to PPG advice at Paragraph: 004 Reference ID: 2a-004-20140306, as follows:

...the use of this standard methodology set out in this guidance is strongly recommended because it will ensure that the assessment findings are transparently prepared. Local planning authorities may consider departing from the methodology, but they should explain why their particular local circumstances have led them to adopt a different approach where this is the case.

- 3.5 The Publication Draft Plan housing requirement of 867 dwellings per annum wholly fails to meet the requirements of NPPF paragraph 182 in that it is not positively prepared, justified, effective and consistent with national planning policy.
- 3.6 Given the real prospects of the plan being found unsound at the earliest juncture, the council should allow for a significant increase from the 867 figure towards the 1,070dpa confirmed within the Planning for the Right Homes Publication Data spreadsheet. As a result, we consider the OAN figure for York is closer to 1,000 dwellings per annum to meet demographic needs and provide reasonable necessary response to market signals, which should be planned for in the dual interests of flexibility of supply and positive planning.

Spatial Strategy: Key Housing Sites - Policies SS4 – SS20

- 3.7 Whilst we do not go into detail on each of the key sites set out between pages 32-69 of the Publication Draft Plan we have deep-seated concerns in respect of (1) the over-reliance on large, strategic sites (including new settlements) and (2) the unrealistic yields being suggested.

Policy SS4: York Central

- 3.8 Whilst we do not go into the details behind Policy SS4 at this stage we note that the suggested yield includes a significant degree of optimism in terms of programme and delivery rates on the one hand and an unreasonably broad range of potential housing yield, spanning a potential 850 dwellings on the other. In particular, the suggested “1,700 – 2,500 dwellings, of which a minimum of 1,500 dwellings will be delivered in the plan period” represents a lack of clear understanding of true site potential and likely yield during the plan period.
- 3.9 It is worth noting that the suggested range of 1,700 – 2,500 dwellings doesn’t correlate with the council’s own York Central webpage which states:

The current proposals are subject to further technical work and consultation, but current suggestions include 1,000 to 2,500 homes...

Policy SS6: British Sugar/Manor School

- 3.10 As with SS4 above we do not go into the details behind Policy SS6 at this stage. However, consider the suggested 1,200 dwelling yield includes a significant degree of over-optimism. This is highlighted through the October 2017 Planning Committee report for the undetermined planning application ref. 15/00524/OUTM which refers to “up to 1,100 dwellings” and then with the subsequent January 2018 Design and Access Statement setting out a range of scenarios resulting in as few as 675 units (Option A, at 35dph), up to a maximum of 1,076 units (Option C, at 45dph).

4.0 HOUSING

Policy H1: Housing Allocations

- 4.1 This section of the plan seeks to set out *the “policies and allocations to positively meet the housing development needs of the city”*. We maintain for the reasons given above, the proposed housing allocations will not meet the appropriate level of OAN for the City over the plan period. In this respect the plan is not sound, justified, effective or in accordance with national policy.
- 4.2 It is vital the Council produces a plan which can deliver against its full housing requirement. To do this it is important that a strategy is put in place which provides a sufficient range of sites to provide enough sales outlets to enable delivery to be maintained at the required levels throughout the plan period and that the plan allocates more sites than required to meet the housing requirement as a buffer. To meet NPPF requirements for the plan to be positively prepared and flexible the buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites. We suggest a contingency of at least 10% to the overall housing land supply to provide sufficient flexibility for unforeseen circumstances and in acknowledgement that the housing requirement is proposed as a minimum not a maximum figure.
- 4.3 As far as we are aware, the Council has not provided a robust assessment of trajectory for the housing allocations and therefore it is difficult to provide a detailed analysis of the likely delivery rates of the individual sites. However on the limited information available it is considered that the Publication Draft Plan significantly underestimates the length of time it will take for the housing allocations to start delivering completions. A significant amount of supply is based upon the regeneration sites and large strategic allocations set out within Section 3: Spatial Strategy and therefore are likely to take a number of years to achieve detailed planning permission given the requirements for, *inter alia*, remediation, Environmental Impact Assessment and complexities of the likely Section 106 Agreements involving the delivery of new schools, local centres and significant pieces of infrastructures etc.
- 4.4 Furthermore, a number of the sites are under multiple ownerships and therefore may take many years for land assembly to take place and the drawing up contractual agreements with developers. These combined factors mean that a large number of the housing allocations are unlikely to start delivering completions within the first 5 years of the plan period.
- 4.5 Our client is concerned that the methodology used for determining the capacity of the proposed allocations has overestimated the amount of housing that will be delivered on the sites and as such the reliance on these sites could render the Plan ineffective due to more realistic lower yields. It is considered that the build out rates and density levels contained in the SHLAA are not realistic or robust. To illustrate this it is worth noting the very broad estimated 1-10 year phasing within Table 5.1 for key sites such as H1: Heworth Green Gas Works and H7: Bootham Crescent. In addition, the SHLAA overestimates gross to net site ratios, which is a particular problem for large sites which will require substantial on-site infrastructure and ancillary uses such as public open

space, schools, local services and facilities, flood attenuation ponds and swales, significant adoptable road networks etc. The assumptions used in the SHLAA do not appear to be supported by any local evidence.

- 4.6 As evidenced by the Windfall Technical Paper, the housing supply makes an allowance for windfall sites of 169 dwellings per annum from plan year 4. As noted above, previously developed land is a finite resource and, similarly, historic rates of windfall are most unlikely to be maintained for the plan period. Furthermore, we note the allocation of smaller sites (e.g. Site H53 Land at Knapton Village for 4 dwellings). In the past these smaller sites for only a handful of units might otherwise have been considered as windfall should they come forward and as a result their allocation would detract from projected windfall based on historic rates. As a result, Picton therefore objects to the inclusion of over 2,000 units of windfall within supply to be wholly unsupported, unsound and lacking justification.
- 4.7 The above will necessitate additional housing allocations being identified. Failure to identify additional housing will impact upon the overall delivery of the Local Plan aims and objectives to meeting housing need.

Policy H2: Density of Residential Development

- 4.8 We envisage that the high housing densities within Policy H2 represent part of the council's case to minimise housing land allocations and thus the need to remove land from the General Extent of Green Belt. Development densities of 100 dwellings per hectare within the city centre and 50 dwellings per hectare within the wider urban area are unrealistically high and would lead to lack of choice and poor standards. As currently drafted, Policy H2 is not considered to be sound as it is not effective, justified or consistent with national policy.
- 4.9 Whilst the NPPF, paragraph 47, does indicate local authorities can set out their own approach to housing density this should be based upon local circumstances and not harm the overall objective of boosting significantly housing supply.

5.0 THE CASE FOR THE ALLOCATION OF LAND AT KETTLESTRING LANE, CLIFTON MOOR

5.1 These representations are pursuant to the previous representations for Picton and seek to establish that the site is suitable for allocation and represents the most appropriate option for allocation when considered against reasonable alternatives.

5.2 In all planning respects the proposal is sustainable and addresses all planning policy, environmental and technical considerations.

The Proposal - Summary

5.3 The site is 3.2 ha hectares in size and could readily accommodate up to 100 dwellings (at a net density of 32dph). There is sufficient land to enable the delivery of a high quality and sustainable development, relating well to the surrounding context. The site is currently comprised of one large commercial building and one smaller employment unit. The buildings are under-occupied because of their nature, layout and location makes them unattractive to modern commercial occupiers.

5.4 These representations seek to establish that the site is suitable for allocation and represents the most appropriate option for allocation when considered against reasonable alternatives. In doing so, the representations will provide details of the sites' deliverability, suitability for development and achievability in terms of its ability to be brought forward to meet the city's housing requirement.

5.5 The site is encircled by a highway and is surrounded by a range of commercial and residential uses. The commercial uses include B1a offices, retail warehousing, storage and distribution, and light industrial uses. As a result, none of these uses represent a significant constraint on the residential use of the site. Furthermore there has been a significant amount of residential development immediately neighbouring site in Pioneer Business Park and Clifton Technology Centre. As a result, the residential re-use of the site is clearly compatible with surroundings and context.

2.4 The scheme will provide a mixture of house types, sizes, and tenures including affordable housing. The proposed scheme will provide public open space and additional landscaping.

The Deliverability of the Land at Kettlespring Lane, Clifton Moor

2.5 The land at Kettlespring Lane, Clifton Moor is fully 'deliverable' in accordance with Paragraph 47 of the Framework. Our comments have been framed by the Council's published Residential and Employment Site Selection Methodology. In summary it is: -

- a) Available now;
- b) A suitable location for development now; and

- c) Is achievable with a realistic prospect that housing will be delivered on the site.

6.0 CONCLUSION

6.1 These representations set out fundamental flaws in the Publication Draft Plan and explain why it is unsound. In particular, the Plan fails to meet the NPPF paragraph 157 requirement to

...plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework...

6.2 The most significant concerns are the proposed low annual housing provision, tightly drawn Green Belt boundaries and insufficiency of housing land allocation would combine to hold back growth to unreasonably low levels and exacerbate the existing significant affordability issues further.

6.3 Our client's land at Kettlestring Lane, Clifton is fully deliverable and represents one of the most appropriate sites for allocation when considered against reasonable alternatives.

6.4 Picton respectfully maintains that Land at Kettlestring Lane, Clifton, SHLAA ref. 959 should be designated as a housing allocation.

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Your ref:

Our ref: SG/J0006955

Date: 30 October 2017

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Dear Sir/Madam

Pre-Publication Draft Local Plan – Consultation Response

Introduction

We act on behalf of Picton Capital Limited (Picton) in response to the current consultation on the emerging City of York Local Plan (“the Plan”) and associated background information. We welcome the progress made by the Council in bringing the document forward in the light of the updated evidence base but have a number of comments and concerns, as follows.

Consultation Response

Our comments are set out below with sub-headings cross-referenced to sections, policies or paragraphs of the Pre-Publication Draft (PPD).

Section 2: Vision and Development Principles

Paragraph 2.2 seeks to safeguard the existing employment provision within Clifton Moor. It is considered that this approach is not justified given the Council’s evidence base previously considering the office space in Clifton Moor not to meet the quality required by the market and having limited development or redevelopment potential (Employment Land Review 2009). As such, there should be recognition that the appropriate land and buildings at Clifton Moor could be better utilised for alternative uses other than employment. National government clearly priorities the delivery of housing in these circumstances.

Policy SS1 & Paragraph 3.3 – Housing Growth

There is a clear and pressing need to deliver more development across the city. An adopted local plan to help guide this is long overdue. The requirement is both to serve latent and emerging demand for homes and to encourage economic growth and diversification of the economy by broadening the supply and availability of employment land and premises. Previous draft plans have failed to allocate sufficient housing land and the current attempt follows a similar path.

The housing market in York has become overheated through a lack of new development, a situation that has persisted for many years. The combination of a green belt drawn tightly around the main built part of York and lack of an adopted development plan and associated housing site allocations, along with other factors, has

greatly restricted new housing opportunities. The overheated housing market and the associated house price inflation are uncharacteristic for the region and unrepresentative of trends across Yorkshire and the Humber.

The GL Hearn Strategic Housing Market Assessment Addendum 2017 (the SHMAA) recognises these factors in arriving at a baseline Objectively Assessed Need (OAN) for housing of 867 dwellings per annum (dpa).

This increases the demographic starting point from 783... to 867 per annum. Guidance (NPPG) indicates that the official projections should be seen as a baseline only.

After inclusion of market signals and affordable housing demand uplifts the OAN indicated by GL Hearn rises to 953 per annum. The SHMAA introduction states:

The GL Hearn report also 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.

However, when the PPD was considered by the Local Plan Working Group on 10 July 2017 it was resolved to accept the OAN baseline figure only. As noted in the meeting minutes the 10% adjustment was rejected: -

...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.

No evidence was presented by speakers or Committee Members to justify this outcome or to counter the evidence set out within the SHMAA, a document prepared by the Council's appointed consultants *in order to provide the necessary evidence to underpin the housing strategy of the new local plan*. As such, the approach taken is somewhat unusual as the councillors seemingly accept the baseline figure proposed by their consultants but reject the market signals uplift set out within the same report. This is wholly against the core planning principle and advice at paragraph 17 of the NPPF, as follows:

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.

Since the 10 July meeting and subsequent agreement of that approach taken at Executive Board, the Government has published the Planning for the Right Homes in the Right Places consultation paper. This includes a proposed new methodology for assessing housing need. Whilst this is yet to be adopted as national policy we consider it to be a material consideration in respect of a number of local planning authorities and the approach to assessment of housing need, including York.

Unlike most of the rest of Northern England, the indicative figure for York rises significantly, to a total of 1,070 dpa.

As a result of the above we consider that setting an OAN of 867 dpa will fail to address the acknowledged and acute housing needs of the city. There is no justification for not making an adjustment for market signals. There are significant issues of housing affordability within city and evidence of worsening trends in this respect. The Local Plans Expert Group Report to the Communities Secretary and to the Minister of Housing and Planning of March 2016 recommends a significant uplift to meet in full OAHN in respect to affordable housing

and recommends up to 25% uplift to improve affordability dependant on house price and rental affordability ratios.

In any event, we consider that the Council should be seeking to over-allocate land to provide a robust supply, adding flexibility and to take into account potential under-delivery of sites, lower site yields, and non-delivery. This is particularly necessary given the lack of any proposed safeguarded land allocations plus the proposed establishment of green belt boundaries to 2038. An accepted position in recent Examinations and the adoption of Local Plans is an additional supply of around 20% above the OAN.

As drafted, the Plan would fail not only to plan positively for growth but also to significantly boost housing land supply. The aim of Policy SS1 to address housing need will not be met by the proposed unreasonably low OAN figure of 867 dpa. However, even if this figure becomes established as a baseline the 25% uplift suggested as reasonable by LPEG would result in a housing requirement of 1,084 per dwellings per annum.

We consider the figure of 1,070 dpa represents a minimum baseline figure. Taking into account persistent historic under-delivery, market signals and associated high demand for affordable housing, an economic growth factor and the requirements to build in flexibility and to plan positively for growth, the 10% uplift suggested by GL Hearn at paragraph 3.28 of the SHMAA is too low. In the interests of planning positively for the future of the city we consider that a 25% uplift should be applied to cover affordable housing demand, economic growth and flexibility. As a result the plan should seek to accommodate at minimum of 1,177 dpa and up to 1,440 dpa.

Policy EC2: Loss of Employment Land

Draft Policy EC2 is worded as follows:

When considering proposals which involve the loss of land and/or buildings which are either identified, currently used or were last used for employment uses, the council will expect developers to provide a statement to the satisfaction of the Council demonstrating that:

- i. *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*
- ii. *the proposal would not lead to the loss of a deliverable employment site that that is necessary to meet employment needs during the plan period.*

Whilst Policy EC2 is not opposed by Picton we consider it should be amended. The word “and” between the two numbered requirements of should be replaced by “or”. In effect, the policy covers both existing employment land and buildings and land identified as employment land (i.e. allocated sites). Criterion (i) should apply only to the former and criterion (ii) only to the latter.

In any event the evidence requirement should be proportionate to the amount of employment land in question. This should be made clear in the supporting text for Policy EC2.

Section 5: Housing

As far as we are aware, the Council has not provided a trajectory for the housing allocations and therefore it is difficult to provide a detailed analysis of the likely delivery rates of the individual sites. However on the limited information available it is considered that the proposal significantly underestimates the length of time it will take for the housing allocations to start delivering completions. The majority of the sites are large strategic allocations and therefore are likely to take a number of years to achieve detailed planning permission given the requirements for Environmental Impact Assessment and complexities of the likely Section 106 Agreements involving the delivery of new schools, local centres and significant pieces of infrastructures.

Furthermore, a number of the sites are under multiple ownerships and therefore they will take a number of years for land assembly to take place and the drawing up contractual agreements with developers. These combined factors mean that a large number of the housing allocations are unlikely to start delivering completions within the first 5 years of the plan period. Given the need to establish a realistic OAN significantly higher than 867 dpa it stands to reason that allocation of just the draft housing sites at Table 5.1 will result in a delivery shortfall.

Our client is concerned that the methodology used for determining the capacity of the proposed allocations has overestimated the amount of housing that will be delivered on the sites. It is considered that the build out rates and density levels contained in the SHLAA are not realistic or robust. In addition, the SHLAA overestimates the gross to net site ratios, a particular problem when considering large sites which will require substantial on-site infrastructure and ancillary uses such as public open space, schools, local services and facilities, flood attenuation ponds and swales, significant adoptable road networks etc. The assumptions used in the SHLAA do not appear to be supported by any local evidence.

It is acknowledged that the Council accepts that there has been persistent under delivery of housing in the city as defined in the NPPF and therefore applies a 20% buffer to the five year housing land supply. However it is unclear whether the 20% buffer has been applied to the housing requirement and the shortfall as required by the NPPG.

We are also concerned that the Council has sought to spread the shortfall across the whole of the plan period i.e. the 'Liverpool approach'. To the contrary, Planning Practice Guidance (PPG) is clear that the 'Sedgefield approach' is the most appropriate method for dealing with the historic shortfall. The PPG states that where the shortfall cannot be met in the first five years LPA should work with neighbouring authorities under the duty to cooperate. The Local Plan should look to allocate additional non-strategic sites more likely to have significantly shorter lead in times in order to address the shortfall within the first five years of the plan period.

In short, more new housing sites will be required. To that end we suggest our client's land at Clifton Moor as a new housing allocation.

The site is 3.20 ha in area and the address is Kettlestring Lane/Amy Johnson Way, Clifton Moor Industrial Estate, York YO30 4XF. A red line location plan is enclosed. The commercial premises as shown below are significantly under-utilised and will become vacant in the near future.



It is within 500m of Clifton Moor Retail Park and associated leisure facilities, including Vue Cinemas and restaurants and two health club/gyms. There are a wide range services, shops and regular bus services within easy walking distances of the premises. Access is via Clifton Moor Gate onto a roundabout junction with the A1237 York Ring Road.

Former office premises to the north, south and west of the site, especially the immediate west, are now in residential use and this is reflected in the planning application online register which shows a range of relevant planning decisions, with a large number of office-residential conversion approvals under permitted development rights and a number of full planning permissions for new-build housing. As such, the character of the surrounding area is shifting very much towards residential.

To illustrate this it was noted at Area Planning Sub-Committee on 5 January 2017 in respect of 3 dwellings at Clifton Technology Centre (application ref. 16/01533) that the proposals were: -

...considered to be an infill development which would accord with policy H4a of the draft local plan (2005) and would provide much needed new housing in a location where residential conversions of office buildings were making the area more mixed use in character, as such the scheme would not harm the visual amenities of the area or the operation of neighbouring businesses.

We consider the principle of redevelopment of the subject site for housing to be acceptable in broad planning and policy terms. In addition, there are no policy, design, technical or local environmental issues to preclude redevelopment of this brownfield land for housing.

An indicative plan is enclosed and shows a mix of 90 townhouses and 40 apartments. The development will very much enhance the emerging residential character of the area, being a purpose built residential scheme as opposed to the somewhat compromised residential character of the converted office courts locally.

Development is fully 'deliverable' in accordance with Paragraph 47 of the Framework. Our comments have been framed by the Council's published Residential and Employment Site Section Methodology. In summary:

- a) the land is available now;
- b) the site is a suitable location for development; and
- c) development is achievable, with a realistic prospect that housing will be delivered on the site in the early plan period.

Policy H2: Density of Residential Development

We consider interpretation of this policy should include a degree of flexibility as illustrated by the proposals noted above. The indicative scheme represents a density of 58 dwellings per hectare. We support the inclusion of flexibility for higher density development than the indicative figures in accessible and well-connected location such as the site in question.

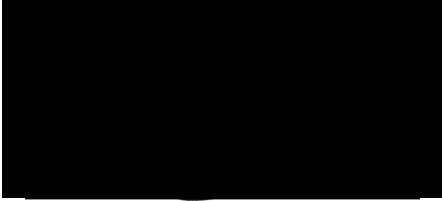
Policy H10: Affordable Housing and Paragraph 5.72 – Vacant Building Credit

We support the inclusion of direct reference to the vacant building credit (VBC). Clarification of the reference to viability assessment in paragraph 5.72 is necessary. The associated national policy as set out in Planning Practice Guidance confirms that specific proposals need not be supported by a viability assessment to benefit from VBC.

Conclusion

We trust the above will be taken into consideration as the plan moves forward to adoption. We will be happy to discuss further information to support the proposed allocated of the site in the next draft of the Plan.

Yours sincerely

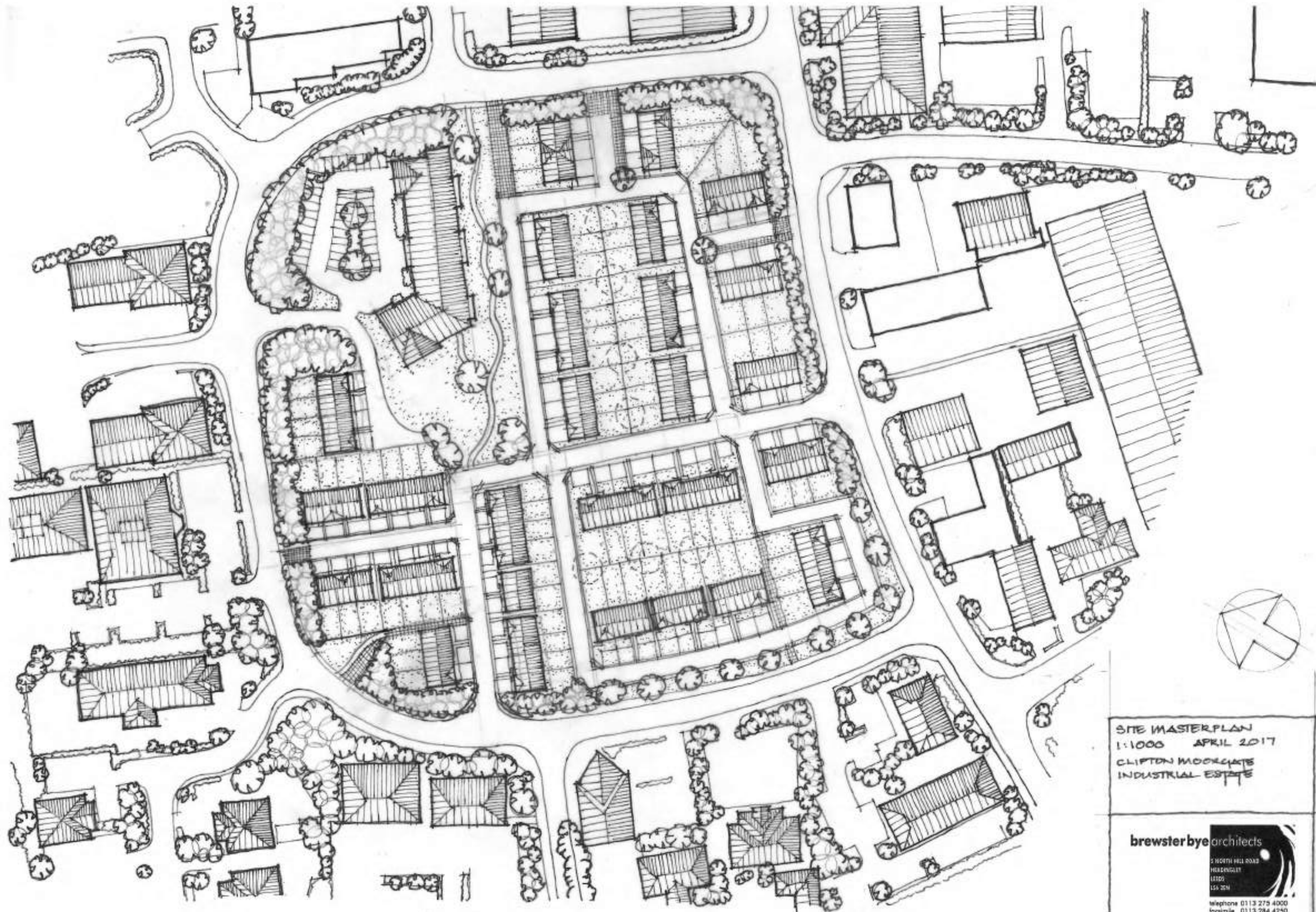


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enc: red line location plan
indicative site layout plan



SITE MASTERPLAN
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Sent: 04 April 2018 14:29
To: localplan@york.gov.uk; Slater, Michael
Cc: Noah Suzar; Michael Natas (Mike.Natas@mcarthurglen.com); Mike Thomas (e-mail)
Subject: YDO - City of York Local Plan Publication Draft 2018 Consultation
Attachments: York Designer Outlet - York Reg 19 Response.pdf

Dear Sirs

On behalf the York Designer Outlet and Aviva Investors I attach submissions on the City of York Local Plan Publication Draft 2018 Consultation. I look forward to receiving acknowledgement of receipt and to discussing these with you further.

Regards

Niall

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Our ref: 3560/YCC1/NTR
3rd April 2018

Head of Strategic Planning
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Dear Sir

Re: York Designer Outlet (YDO) – Local Plan Publication Draft Regulation 19 Consultation 2018

These representations are submitted on behalf of McArthurGlen and Aviva Investors (the owners and operators of YDO) in respect of the City of York Local Plan Publication Draft Regulation 19 2018.

Consistent with our previous representations, McArthurGlen and Aviva Investors continue to support the need for the City of York to have an up to date Local Plan which delivers the best possible future for the City area. It is clear that the YDO performs an important economic and tourism role within York, which can be enhanced through the Local Plan to help deliver the Council's aspirations for growth. The YDO provides significant benefits to the wider economy of York, and our clients are committed to improving, enhancing and expanding the existing retail, parking and Park & Ride facilities on site. A planning application is being prepared for submission in 2018 to this effect.

Background

The YDO is an important economic and tourist location, employing 1,600 people. It attracts over 4.5m visitors each year – this is highly significant given that the Local Plan estimates that York attracts 6.9m visitors (para 1.42).

The YDO is a successful and important specialist retail and tourist destination, and an important commercial location in York – it also accommodates the most used Park & Ride facility serving York (based on information provided by First). YDO's owners and operators, Aviva and McArthurGlen, now seek to expand and consolidate its existing function in accordance with paragraph 4.39 of the Publication Draft Local Plan. In doing so, additional parking needs to be provided on site to address the balance between the needs of the YDO, and the demands of the Park & Ride facility, as addressed below. We believe that this is best achieved by consolidating YDO parking on site, and relocating the Park & Ride to the land to the South of the YDO. This is consistent with the objectives and wording of the Local Plan.



In summary, these representations seek to:

YDO Site

1. Support the removal of the YDO site from the Green Belt (Proposals Map);
2. Support its expansion and consolidation;
3. Support the identification of the YDO site as being part of York's main built up area (Key Diagram);
4. Support the expansion and relocation of the existing Park & Ride to land to the south of the YDO.

Land to South of YDO Site (former ST 25)

- a) Promote the removal of this site from the Green Belt;
- b) Promote the use of this site for the relocation and expansion of the YDO Park & Ride facility (consistent with Policy T2).

The following representations are made to secure the objectives listed above.

Key Diagram

We support the identification of the YDO on the Key Diagram and that it forms part of York's main built up area. However, this should be expanded to include the 20 acre land to the South of the YDO consistent with our representations.

Section 1 - Background

Retail

We support the recognition in paragraph 1.38 that the YDO fulfils a specialist retail role, and that it helps York to meet its role as a regional centre (para 1.39). It draws expenditure well beyond its primary catchment area, recognised as a characteristic of York as a major tourist and visitor destination. Paragraph 1.40 seeks to "restrict further developments in out of centre locations" - whilst YDO makes no comment on the merits or otherwise about this relating to new retail destinations, it should not be seen to inappropriately restrict appropriate expansion at the YDO – such expansion is envisaged in other parts of the local plan (eg para 4.39).

Tourism

The YDO is a major tourism destination and attraction, and should be recognised as such in paragraph 1.43 (refer to visitor figures above).

Section 2 – Vision and Development Principles

Create a Prosperous City for All

We support the recognition that YDO is a commercial location to be safeguarded (para 2.2) and confirm that it is an appropriate location for additional retail provision supported by its owners and investors. The future expansion of the YDO will create additional jobs, which will support the City's annual job creation goal. Also, as visitor numbers to the City Centre continue to increase, so will the importance of the Park & Ride in supporting efficient and affordable transport links (para 2.15).



Policy DP2 seeks to safeguard and enhance “the established retail hierarchy, the city centre, district, local and neighbourhood centres, while ensuring out of centre retailing is controlled”. The supporting text should clarify that this measure of control is not intended to prevent appropriate expansion at the YDO (para 4.39).

Section 3 – Spatial Strategy

We also support the 3rd bullet point of Policy DP2i which seeks to protect and enhance the visitor economy through supporting existing facilities (such as the YDO) promoting new development (such as the proposed retail extension at the YDO) and encouraging improved infrastructure (such as the proposed enhanced and relocated Park & Ride at the YDO).

The Character and Setting of the City

We support the exclusion of the YDO and the 20 acre land to its south from the Extension of the Green Wedge (Figure 3.1: Historic Character and Setting of York). This helps support our further representations to remove the 20 acre site from the Green Belt. The 20 acre site should also be removed from being defined as part of the green infrastructure corridor (Figure 3.2: York’s Green Infrastructure - Nature Conservation, Green Corridors, Open Space) as that land is better suited for the enhanced and relocated Park & Ride facility, consistent with Policy T2.

Section 4 – Economy and Retail

In policy R1 – Retail Hierarchy and Sequential Approach, the threshold for requirement for a Retail Impact assessment should be 2,500 sqm, consistent with paragraph 26 of The Framework, rather than 1,500 sqm.

We support the recognition at paragraph 4.39 that the YDO provides a wider role within the catchment area of York, and that it provides economic benefits to the wider city. We also support recognition in the text that the City Council will support development at the YDO that will consolidate its function as a specialist retail location. The YDO also fulfils an important role as:

- A major tourist destination;
- An important local employer (providing 1,600 jobs, which will increase as the YDO expands);
- As a focus for sustainable transport patterns, and encouraging linked trips to the city centre through the Park & Ride. This will become more important as trips to the city centre continue to grow in line with further economic growth.

Whilst encouraging further investment at the YDO, recognition should be given to the parking issues identified at the YDO which are restricting its ability to reach its potential economic contribution to York and the City’s growth aspirations. Surveys undertaken by WSP demonstrate that parking demand exceeds operational capacity approximately 1/3 of trading days throughout the year, particularly on the weekends and other traditionally busy times (eg Bank Holidays and Christmas). This has significant implications for onsite traffic and parking management, impacts negatively on visitor experience and restricts economic



growth. The existing unsatisfactory position will be further exacerbated by extension plans at the YDO and the increase in Park & Ride spaces from 541 to 1,000, as agreed with the City Council. McArthurGlen and Aviva consider that there is a positive solution to resolve these onsite issues, as explained below.

The site is identified as being an Existing Park & Ride location with the potential for relocation. We support that principle (consistent with the objective of Policy T2) onto land to the south of the YDO (as previously advocated) retaining its operation closely associated with the YDO's role and function as a wider retail and tourist attraction. We further support the recognition of the Designer Outlet at paragraph 4.42.

Section 10: Managing Appropriate Development in the Green Belt

We support the removal of the YDO from the green belt. As expressed above, we consider that the green belt boundary should be further amended to remove the 20 acre site to the south to accommodate relocated and enhanced Park & Ride facilities. We further support the identification of Park & Ride facilities as being appropriate in the green belt (Policy GB1: Development in the Green Belt; and para 10.14).

Section 11: Climate Change

Figure 11.1 : Heat Priority Areas indicates areas where new development should be compliant with Policy CC3. That Policy appears to indicate that the YDO is within such a location. Figure 11.1 should be amended to remove that reference to the YDO. The YDO is an existing facility which, although is suitable for expansion, consistent with the Local Plan and these representations, such an expansion would be significantly smaller than the overall development on site. There are no district heating and combined heat and power networks near to the YDO, so the potential requirement for an extension to it to accommodate such provision is inappropriate.

Section 14: Transport and Communications

Policy T2 identifies the Designer Outlet Park & Ride facility as being suitable for relocation in the longer term (2027-32). Although we support the principle of the enhancement and relocation of the Park & Ride facility, McArthurGlen and Aviva Investors seek to do so within the short-term (2017-22) – the proposal should be moved into the short-term list and make it clear that the facilities should continue to be associated with the YDO. The text should therefore be

“...
“

short-term (2017-22)

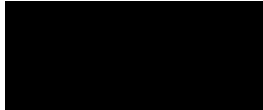
i the following highway enhancement to improve public transport reliability ...

- *Facilitate the enhancement and relocation of the Designer Outlet Park & Ride facility to land adjoining to the south of the YDO.”*



We look forward to receiving your acknowledgement of these representation. In the meantime, we would be pleased to hear if you require any additional information or clarification, and to meet with you to discuss these representations.

Yours sincerely



Niall T Roberts MRTPI
Managing Director
NTR Planning
niall.roberts@ntrplanning.co.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

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		Niall
Last Name		Roberts
Organisation (where relevant)		NTR Planning
Representing (if applicable)		McArthurGlen and Aviva Investors
Address – line 1		Clareville House
Address – line 2		26-27 Oxendon Street
Address – line 3		London
Postcode		SW1Y 4EL
E-mail Address		niall.roberts@ntrplanning.co.uk
Telephone Number		020 7734 3920

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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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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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 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.
- 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

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.

Various
See 5.(4) below

Policy Ref.

Policies: R1
CC3
T2

Site Ref.

York Designer
Outlet Centre

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.

Although these representations may refer to differing parts of the plan, they all relate to the effective expansion of the York Designer Outlet (YDO) as anticipated in the local plan Publication Draft, and relocation of its park and ride onto YDO land to the south. It would assist the inspector to consider these matters together as explained in the attached letter ref 3560/YCC1/NTR dated 3 April 2018.

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 attached letter ref 3560/YCC1/NTR dated 3 April 2018 regarding the York Designer Outlet (YDO) and land to south.

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:

The issues raised relate to amendment to the green belt boundary and to assist expansion of an important local tourist destination and economic driver in the City (York Designer Outlet) and are best addressed at a hearing.

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.¹

Storing your information and contacting you in the future:

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Retention of Information

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Signature



Date

3 April 2018

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ 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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Part A - Personal Details

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1. Personal Details		2. Agent's Details (if applicable)
Title		Mr
First Name		Niall
Last Name		Roberts
Organisation (where relevant)		NTR Planning
Representing (if applicable)		McArthurGlen and Aviva Investors
Address – line 1		Clareville House
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3. To which document does your response relate? (Please tick one)

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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)

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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)

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)

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Signature

Date

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 04 April 2018 14:38
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: 105158

Date submitted: 04/04/2018

Time submitted: 14:38:04

Thank you for submitting your Local Plan Publication Draft response form (ref: 105158, on 04/04/2018 at 14:38:04) 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: Louise

Surname: Williams

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.

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? YesCompliestoDuty

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

There should be further public consultation before the Council sells off the open land at the foot of Cliffords Tower enabling English Heritage to build a visitor centre into the motte.

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 Council should not allow English Heritage to deface Cliffords Tower with a visitor centre built into the motte.

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

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':

Withdraw the planning permission given to English Heritage to build on 'open land' at the foot of Cliffords Tower, as it was not legally given.

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: 04 April 2018 14:42
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: 105160

Date submitted: 04/04/2018

Time submitted: 14:41:41

Thank you for submitting your Local Plan Publication Draft response form (ref: 105160, on 04/04/2018 at 14:41:41) 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: Colven

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

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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:

I'm writing to object to the above site proposal on the basis of the below points;

The proposed size of the plot of at least 30 new homes directly behind my house is disproportionate for the current village. Elvinton has only grown by just 2% over 10 years and such an increase in housing could be detrimental to the village. Previously, H39 has been suggested for housing development but was denied for many reasons such as the access, aural and visual amenity, drainage issues and the wildlife being destroyed. Given the sites rejection only a few years ago, I find it untenable to continue to explore the possibility of building houses on this glorious and natural landscape.

The proposals location on Becksides expands into green belt land which is a habitat for lots of wildlife including owl's, bats, and bees to name a few as well as protected trees. The entry point for this extension will also prevent children playing in the street safely as they currently do on a daily basis with no fear of passing civilian or construction traffic. The land of H39 is also pushed to

its limits with regards to drainage. In December we moved to the area and we have already witnessed flooding.

The main road through Elvington is already dangerous. Many trucks and cars speed through the main road where children play and fairs take place. The addition of potentially 60 plus extra vehicles due to new residents and construction traffic will only heighten the risk of being injured or worse. Already, too many cars park on this stretch of road making it very dangerous to cross. A traffic count taken in 2011 showed that 4,625 vehicles in a 12-hour period already pass through Elvington. This works out at 1 vehicle every 10 seconds which is staggering. If your proposal goes through 1580 extra journeys could take place, highlighting the increased likelihood of harm as well as increased noise and air pollution and I express my unease to ensure the safety of the residents.

Elvington has 933 residents with 488 houses as cited by the last census. The developments you are exploring will double the size of our village and stretch our local amenities too thin. Your plans are not at all 'proportionate', 'appropriate' or indeed 'sustainable' as you state. It appears that your proposals have been quashed before for similar reasons that I have highlighted in my letter. Given the unique structure of our plot specifically, the proposed development would alter the estate but damage the rural feel to our village turning it into an over populated area that cannot cope with the increased demand.

In the 1990s and again in 2014, similar proposals were rejected because of all the same arguments that are being put forward in this letter. I, with the support of my fellow residents, would like to stress that, if they were valid reasons then, then they are still valid reasons now. I am not alone with my concerns and the village residents strongly oppose this proposal given the fact these concerns highlighted in my letter are ones that shared by many a resident.

I hope you take my points into consideration.

Yours sincerely,

Matthew Colven
Resident and Teacher

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):

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 2017/2018Local Plan, the City of York council proposes 28/32 houseson 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 locationand 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 notifyingthem 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. 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.

Which part of the document do your comments on 'soundness' relate to? Please provide a paragrpah number, a policy reference or a site reference: H39

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':

Replace H39 with Dauby Lane.

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: Peter Vernon [REDACTED]
Sent: 04 April 2018 14:45
To: localplan@york.gov.uk
Subject: Local Plan Publication Draft 2018 consultation
Attachments: Vernon & Co Comments_form_FINAL Wheldrake.pdf

Dear Sir/Madam

Please find attached self-explanatory reps regarding the Local Plan Publication Draft 2018 consultation.

Please can you acknowledge safe receipt?

Peter Vernon



m 07702 415772
t 01756 748000
e peter.vernon@vernon.co.uk
w www.vernon.co.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

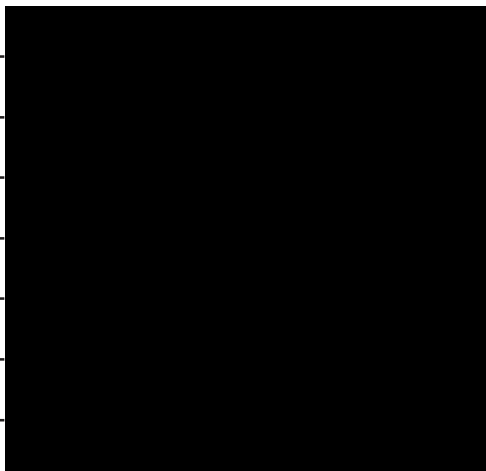
To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments 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	Peter	
Last Name	Vernon	
Organisation (where relevant)	Vernon & Co	
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		

Telephone Number	[REDACTED]	
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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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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 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.
- 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

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 does not correctly identify the actual site boundary of the proposed allocation at ST33(specifically at the area adjacent to the site entrance) and needs amending.

We attach a copy of the relevant title plan of this part of the site.

The plan does not really comply with the requirement of the Duty to Cooperate, because a small number of meetings with adjoining authorities does not achieve this, particularly when there are important housing delivery issues in the adjoining authorities of Harrogate and Leeds.

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 plan does not correctly identify the actual site boundary of the proposed allocation at ST33(specifically at the area adjacent to the site entrance) and needs amending.

We attach a copy of the relevant title plan of this part of the site.

The plan is generally unsound because it seeks to identify too few sites to meet its housing requirement, but caution should be applied to allocating further sites in Wheldrake, unless there is a clear strategy for further sites coming forwards later in the plan period. Generally there are better located potential additional sites in other market areas.

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.

The site boundary of proposed allocation ST33 needs changing.

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 comment on the proposed policy SS18 and proposed allocation at site reference ST33, and to comment on any increases in the size of other allocations, or indeed the introduction of additional sites should the inspector discuss the potential increase in size of other proposed allocations and the introduction of any additional sites.

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.¹

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.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²

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.³

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 or on [01904 554145](tel:01904554145)

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

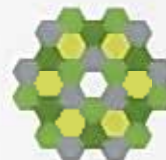
³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

Date

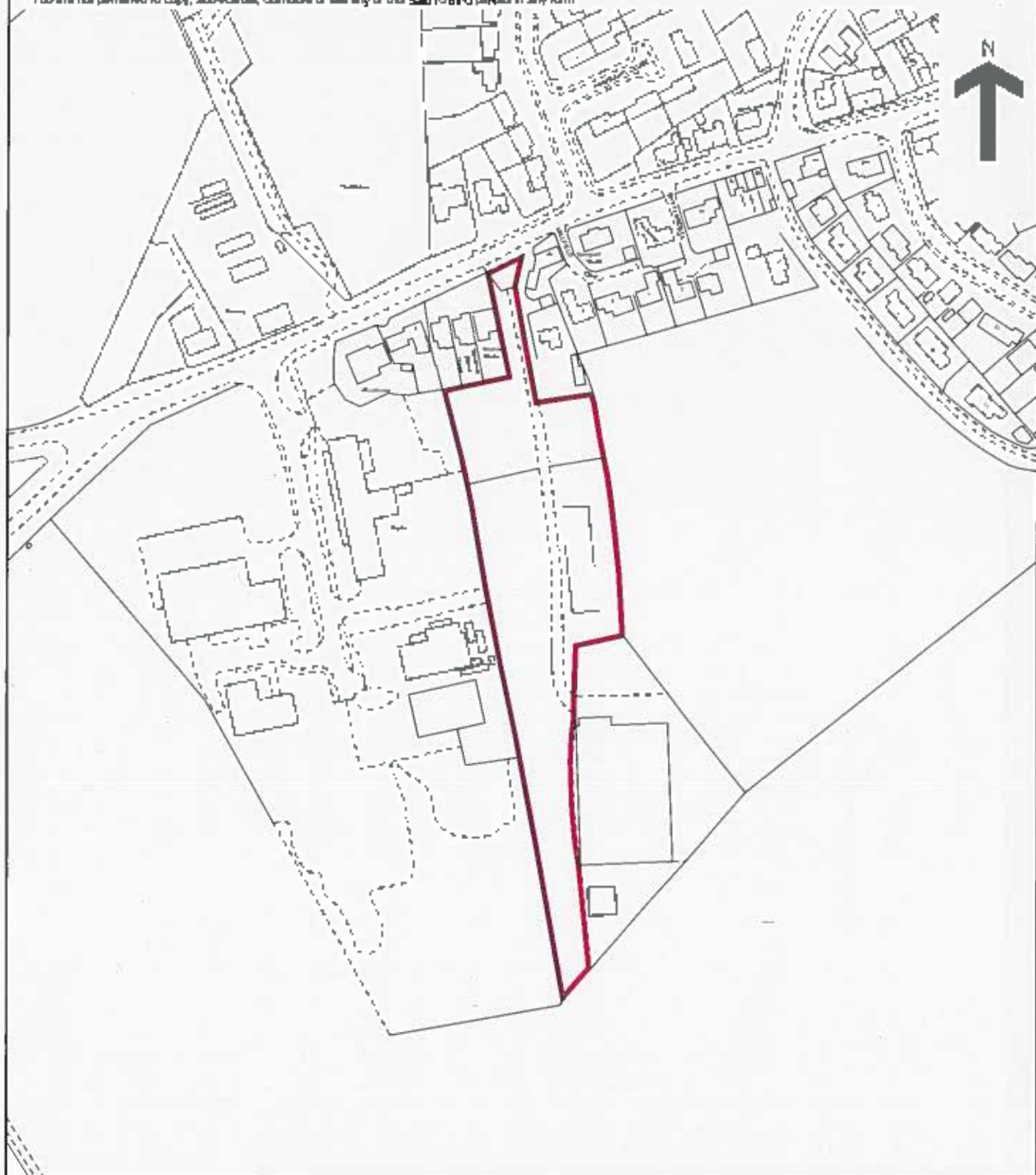
4th April 2018

Land Registry
Official copy of
title plan

Title number **NYK417187**
Ordnance Survey map reference **SE6744NW**
Scale **1:2500**
Administrative area **York**



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This official copy issued on 24 December 2014 shows the state of this title plan on 24 December 2014 at 10:52:58. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by Land Registry, Durham Office.

From: Peter Vernon [peter.vernon@vernon.co.uk]
Sent: 04 April 2018 16:06
To: localplan@york.gov.uk
Subject: Local Plan Publication Draft 2018 consultation
Attachments: Vernon Comments_form_FINAL EC1.pdf; Vernon Comments_form_FINAL Figures 5.1 and 5.2.pdf; Vernon Comments_form_FINAL H1.pdf; Vernon Comments_form_FINAL H2.pdf; Vernon Comments_form_FINAL SS1.pdf; Vernon Comments_form_FINAL SS2.pdf; Vernon Comments_form_FINAL SS4.pdf; Vernon Comments_form_FINAL SS6.pdf; Vernon Comments_form_FINAL T1 & T2.pdf; Vernon Comments_form_FINAL T6.pdf

Categories: Purple Category, Site submission

Dear Sir/Madam

We attach our representations to the consultation as directed.

Each representation refers to an attachment, which is slightly larger than your 30 meg limit, and whilst we note your preference for representations by email, we will upload this via your Doqex Software. The file that we have submitted is called **Vernon Local Plan Publication Draft 2018 consultation representations**.

For clarity, our representations relate to the following policies/site references:

H1
H2
SS1
SS2
SS4
SS6
EC1
Figures 5.1 & 5.2
T1 & T2
T6

Please can you acknowledge safe receipt?

Regards.

Peter Vernon



m 07702 415772
t 01756 748000
e peter.vernon@vernon.co.uk
w www.vernon.co.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

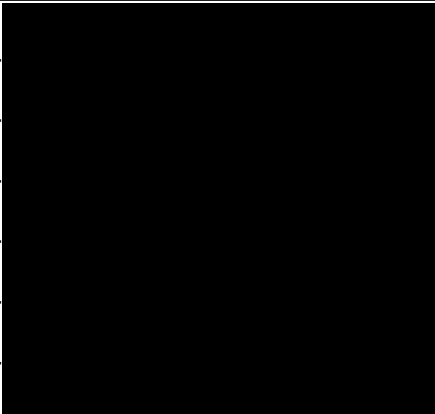
To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments 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	Peter	
Last Name	Vernon	
Organisation (where relevant)	Vernon & Co	
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		

Telephone Number	[REDACTED]		
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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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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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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.
- 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

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 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

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 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.

See attached. We are generally supportive of the EC1 policy, provided that the allocations are sustainably located, and of a scale that is appropriate and proportionate to the scale and capacity of local infrastructure.

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.

The site that is the subject of these representations should be adopted as a residential allocation. (See attached)

N.b. Please note that the document referred to as 'attached' is too large to email, and has therefore been submitted separately via the CYC COQEX system.

The file name is: Vernon Local Plan Publication Draft 2018 consultation representations

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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In order to make further representations regarding Policy EC1 and the reasons why the site that is the subject of these representations (see attached) should be included as a residential allocation.

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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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Retention of Information

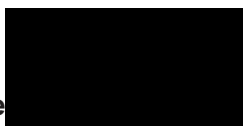
We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local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

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Signature



Date

4th April 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:

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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	Peter	
Last Name	Vernon	
Organisation (where relevant)	Vernon & Co	
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		

Telephone Number	[REDACTED]		
------------------	------------	--	--

Guidance note

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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

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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?

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?

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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

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 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

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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 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.

Figures 5.1 & 5.2

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 in relation to Figures 5.1 & 5.2.

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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The site that is the subject of these representations should be adopted as a residential allocation. (See attached).

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The file name is: Vernon Local Plan Publication Draft 2018 consultation representations

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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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Signatur



Date

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1. Personal Details		2. Agent's Details (if applicable)
Title	Mr	
First Name	Peter	
Last Name	Vernon	
Organisation (where relevant)	Vernon & Co	
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		

Telephone Number	[REDACTED]		
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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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(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

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See attached in relation to H1.

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1. Personal Details		2. Agent's Details (if applicable)
Title	Mr	
First Name	Peter	
Last Name	Vernon	
Organisation (where relevant)	Vernon & Co	
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		

Telephone Number	[REDACTED]		
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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)

See attached representations.

What does 'Sound' mean?

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What makes a Local Plan "sound"?

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Consistent with national policy – the plan should enable the delivery of sustainable development in

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 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.

See attached in relation to Policy H2, which generally assumes too high densities of deliverable development..

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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The site that is the subject of these representations should be adopted as a residential allocation. (See attached).

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The file name is: Vernon Local Plan Publication Draft 2018 consultation representations

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:

In order to make further representations regarding Policy H2 and the reasons why the site that is the subject of these representations (see attached) should be included as a residential 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.

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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.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²

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.³

Your rights

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Signature



Date

4th April 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


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	Peter	
Last Name	Vernon	
Organisation (where relevant)	Vernon & Co	
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		

Telephone Number	[REDACTED]	
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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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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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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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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 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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(Complete any that apply)

Paragraph no. Policy Ref. Site Ref.

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

See attached. We are generally supportive of the EC1 policy, provided that the allocations are sustainably located, and of a scale that is appropriate and proportionate to the scale and capacity of local infrastructure.

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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The site that is the subject of these representations should be adopted as a residential allocation. (See attached).

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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

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Retention of Information

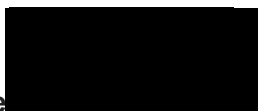
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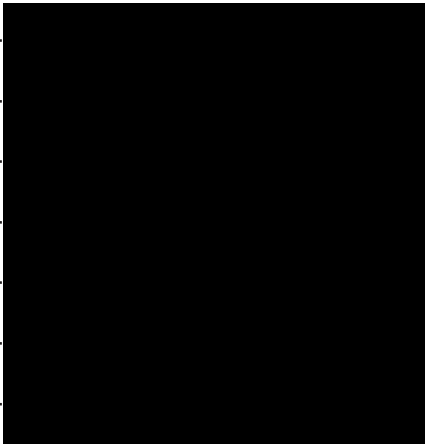
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Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

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	Peter	
Last Name	Vernon	
Organisation (where relevant)	Vernon & Co	
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		

Telephone Number	[REDACTED]		
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Part B -Your Representation

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Paragraph no.

Policy Ref.

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Yes, I wish to appear at the examination

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Part C - How we will use your Personal Information

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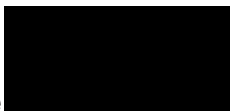
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Signature



Date

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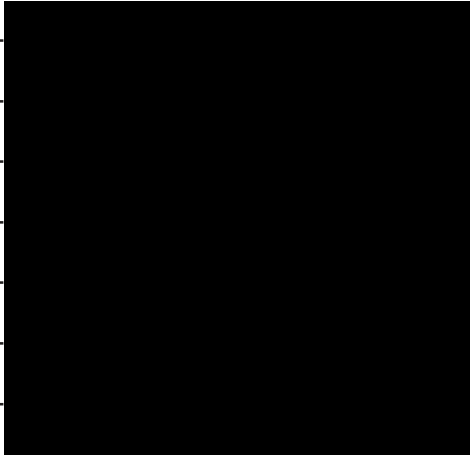
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Part A - Personal Details

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1. Personal Details		2. Agent's Details (if applicable)
Title	Mr	
First Name	Peter	
Last Name	Vernon	
Organisation (where relevant)	Vernon & Co	
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		

Telephone Number		[REDACTED]		
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Guidance note

Where do I send my completed form?

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- 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

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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?

Yes No

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

See attached 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"?

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Consistent with national policy – the plan should enable the delivery of sustainable development in

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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)

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.

See attached. But in relation to SS4, too great an emphasis is played on the ability of this site to deliver housing and to help York meet its housing target.

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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The site that is the subject of these representations should be adopted as a residential allocation. (See attached).

N.b. Please note that the document referred to as 'attached' is too large to email, and has therefore been submitted separately via the CYC COQEX system.

The file name is: Vernon Local Plan Publication Draft 2018 consultation representations

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:

In order to make further representations regarding Policy SS4 and the reasons why the site that is the subject of these representations (see attached) should be included as a residential 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.

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Retention of Information

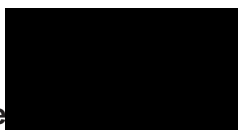
We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local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

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Signature



Date

4th April 2018

¹ 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

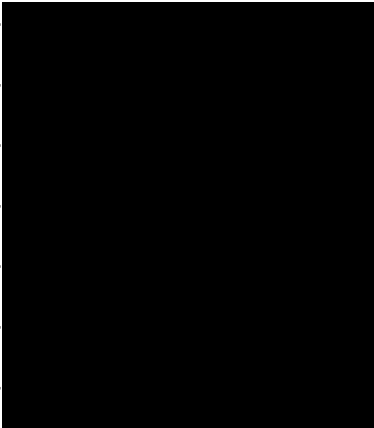
To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments 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	Peter	
Last Name	Vernon	
Organisation (where relevant)	Vernon & Co	
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		

Telephone Number	[REDACTED]		
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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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- 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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4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached representations.

What does 'Sound' mean?

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(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

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

See attached. But in relation to SS6, too great an emphasis is played on the ability of this site to deliver housing and to help York meet its housing target.

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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	Peter	
Last Name	Vernon	
Organisation (where relevant)	Vernon & Co	
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		

Telephone Number	[REDACTED]		
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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.

See attached in relation to Policy T1 & T2.

These are supported, but do not go far enough in that they support Medium- term (2022-27) further expansion of the Askham Bar and Poppleton Bar Park & Ride facilities to match rising demand but then fail to recognise the importance of co-ordinated development of adjoining unallocated sites.

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Signature



Date

4th April 2018

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ 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	Peter	
Last Name	Vernon	
Organisation (where relevant)	Vernon & Co	
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		

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	[REDACTED]		
------------------	------------	--	--

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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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 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.
- 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

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 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

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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)

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.

See attached in relation to Policy T6.

These are supported, but do not go far enough and to recognise the importance of co-ordinated development of adjoining unallocated sites.

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.

The site that is the subject of these representations should be adopted as a residential allocation. (See attached)

N.b. Please note that the document referred to as 'attached' is too large to email, and has therefore been submitted separately via the CYC COQEX system.

The file name is: Vernon Local Plan Publication Draft 2018 consultation representations

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:

In order to make further representations regarding Policy T6 and the reasons why the site that is the subject of these representations (see attached) should be included as a residential 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

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Signature



Date

4th April 2018

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

4th APRIL 2018

**REPRESENTATIONS TO THE CITY OF YORK COUNCIL LOCAL PLAN PUBLICATION
DRAFT CONSULTATION 2018**

**IN RELATION TO LAND (NOT ALLOCATED) TO THE NORTH OF
NORTHMINSTER BUSINESS PARK, POPPLETON**



Vernon Land Partnerships Limited

58 High Street

Gargrave

Skipton

BD23 3LX

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1. Introduction

- 1.1 These representations are submitted by Vernon Land Partnerships Limited in relation to land to the north of Northminster Business Park, Poppleton and the soundness of the City of York Local Plan Publication Draft (“Draft Local Plan”).
- 1.2 York City Council (“the Council”) published its Draft Local Plan for consultation on 21 February 2018 until 4 April 2018. The consultation comprises a number of documents including, *inter alia*: the Draft Local Plan document, Proposal Maps and Sustainability Appraisal. In addition, the Council have published a number of evidence base documents in support of the Draft Local Plan.

2. Legal Context

- 2.1 Section 19(5) of the Planning and Compulsory Purchase Act 2004 (“PCPA”) requires a local planning authority to carry out an appraisal of the sustainability of the proposals in each development plan document.
- 2.2 Section 20(5)(b) of the PCPA requires an Inspector to (at an independent examination) determine whether a Development Plan Document is “sound”.
- 2.3 Section 38(3A) of the PCPA provides:
- (3A) For the purposes of any area in England (but subject to subsection (3B)) a neighbourhood development plan which relates to that area also forms part of the development plan for that area if—
- (a) section 38A(4)(a) (approval by referendum) applies in relation to the neighbourhood development plan, but
- (b) the local planning authority to whom the proposal for the making of the plan has been made have not made the plan.
- (3B) The neighbourhood development plan ceases to form part of the development plan if the local planning authority decide under section 38A(6) not to make the plan.

3. National Policy Framework

Soundness

3.1 Paragraph 182 of the National Planning Policy Framework (“NPPF”) explains “soundness” as follows:

“The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:

- **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 delivered over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”

3.2 Paragraph 158 of the NPPF refers to the use of a proportionate evidence base and states:

“Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should 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.”

3.3 In addition, we note guidance published by the Planning Advisory Service entitled ‘Soundness Self-Assessment Checklist’ (March 2014). This guidance, although advisory, enables the preparation of a robust Local Plan which is positively prepared, justified, effective and consistent with national policy.

3.4 The Soundness Checklist advises that in terms of being “justified” the plan should be based on a robust and credible evidence base involving:

- Research/fact finding: the choices made in the plan are backed up by facts.
- Evidence of participation of the local community and others having a stake in the area.

3.5 In terms of the plan being the most appropriate strategy when considered against reasonable alternatives, the Soundness Checklist advises that these alternatives should be realistic and subject to sustainability appraisal. The plan should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

3.6 With regards to the test of “effective”, the Soundness Checklist advises that this means the plan should be deliverable, requiring evidence of:

- Sound infrastructure delivery planning;
- Having no regulatory or national planning barriers to delivery;
- Delivery partners who are signed up to it;
- Coherence with the strategies of neighbouring authorities, including neighbouring marine planning authorities; and
- The plan should be flexible and able to be monitored.

3.7 The Soundness Checklist advises that the plan should be flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals.

General Policies

3.8 The NPPF contains a presumption in favour of sustainable development. Paragraph 14 provides:

*“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.*

*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...”*

3.9 Section 47 of the NPPF says that 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, as far as is consistent with the policies set out in the Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.

3.10 Section 79 states that *“the government attaches great importance to Green Belts. 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.”*

3.11 In accordance with paragraph 80, the Green Belt serves five purposes:

- 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 the recycling of derelict and other urban land.

3.12 Paragraph 83 says that *“Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.”*

3.13 Furthermore, paragraph 84 states that *“When drawing up or reviewing Green Belt boundaries 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.”*

3.14 In relation to Neighbourhood Plans, paragraph 184 states:

“...Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies.”

3.15 In addition, paragraph 185 continues:

“Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation.”

3.16 The Planning Practice Guidance (“PPG”) provides further guidance on the relationship between neighbourhood plans, adopted Local Plans and emerging Local Plans, informing that:

“A neighbourhood plan attains the same legal status as the Local Plan once it has been approved at a referendum. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see section 38(6) of the Planning and Compulsory Purchase Act 2004).¹”

“They can be developed before or at the same time as the local planning authority is producing its Local Plan.”

¹ PPG Paragraph: 006 Reference ID: 41-006-20170728

A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft neighbourhood plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.

Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- the emerging neighbourhood plan*
- the emerging Local Plan*
- the adopted development plan*

with appropriate regard to national policy and guidance².”

² PPG Paragraph: 009 Reference ID: 41-009-20160211

4. **The Development Plan**

- 4.1 There is currently no local development plan for the City of York; this has been the case since 1954. The Council do have a 'Development Control Local Plan' (April 2005) which is used when determining planning applications.
- 4.2 The general extent of the "draft" Green Belt for York is covered by policies contained within the Regional Spatial Strategy ("RSS") that were expressly excluded from the revocation of the RSS.
- 4.3 The "saved" RSS policies are:

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.

- 4.4 Section 38(5) of the Planning and Compulsory Purchase Act 2004 states that:

'If to any extent, the policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.'

- 4.5 The site is included in the Poppleton Neighbourhood Plan.
- 4.6 This Neighbourhood Plan was 'made' by the CYC Executive the on 19th October 2017, in this instance, the Neighbourhood Development Plan has been made after the saved RSS policies (by some very considerable number of years) and therefore are to take precedence given that the plan now defines the area. Any inconsistency in any event must be resolved in favour of the Neighbourhood Plan having regard to Section 38(5).

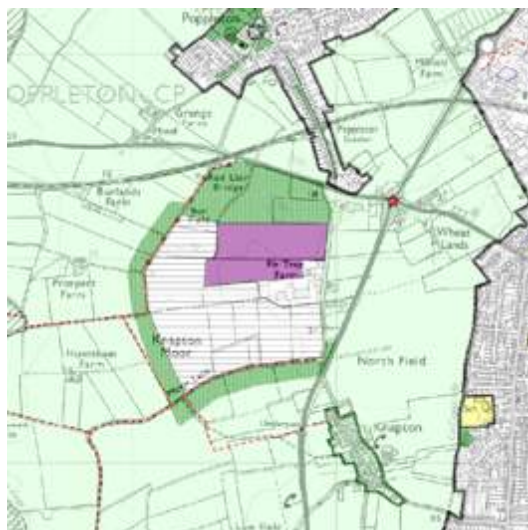


Upper and Nether Poppleton Neighbourhood Plan
CYC Executive 'made' the Neighbourhood Plan on 19th October 2017

- 4.7 Given that the land to the south of Poppleton Park & Ride is now allocated as 'White Land' (without any designation) in the Neighbourhood Plan, the land should properly be considered as a housing allocation given the overriding objectively assessed need which will, in all certainty, require deletions of Green Belt in other locations. As a matter of principle therefore, the allocation of this site for housing must be preferred.
- 4.8 The site could be considered for employment or mixed use purposes, but given the proposed employment allocation to the south of the Northminster Business Park, and proximity to the Poppleton Bar Park and Ride, its most appropriate predominant use is residential.

5. **Emerging Local Plan Consultation**

- 5.1 The Council are now in the process of producing a Local Plan which will set out the development policies for the area including allocations, designations and a formal Green Belt.
- 5.2 The Council began work on the Local Plan in 2013 when it consulted upon its 'Preferred Options Local Plan', following which it then consulted upon its 'Further Sites' consultation document in 2014.
- 5.3 The Draft Local Plan 2005 included the majority of the site as a proposed employment allocation.



Extract from the the draft Local Plan 2005 which included the majority of the site as a proposed employment allocation.

- 5.4 In September 2017 the Council consulted on its Pre-Publication Draft Local Plan. Representations were submitted on behalf of Vernon & Co, but were ignored by the Council, and not referenced at all in its Annex A Pre-Publication Draft Local Plan Consultation Responses.
- 5.5 The document states at page 43 that “Annex A provides a summary of the representations along with potential changes for Members’ consideration”. As it stands there is no reference to the attached site within the document.
- 5.6 The Council did previously consider the site as part of its Officer Assessment of Employment sites (Annex 4 , page 18) as part of the CYC Executive meeting on 13th July 2017 as an item on the City of York Local Plan exercise, and commented

Site 907

Land to the north of Northminster Business Park

New site submitted through PSC

Land to the North of Northminster Business Park has been submitted by the landowners for consideration. This could provide 20 ha of employment land to the west of the city for B1a, B2 and B8 uses close to the park and ride.

Technical officer assessment confirms site passes criteria 1 to 4 and there are no showstoppers for development.

The site could help to increase flexibility over the Local Plan period in an attractive location for employment uses as well as providing a potential alternative to York Central for B1a uses in the earlier part of the plan period. The site is well contained on three sides by Park and Ride, Northfield Lane and existing business park. It would be important for the site masterplan to adequately consider landscaping of the site providing an appropriate relationship with the surrounding landscape and to the A59.

Access to the site would be via Northfield Lane entrance to the A59 and detailed consideration will need to be given through a detailed transport assessment and Travel Plan to promote sustainable transport choices and ensuring good pedestrian and cycle links. Initial transport modelling of residential and employment allocations has shown that excessive

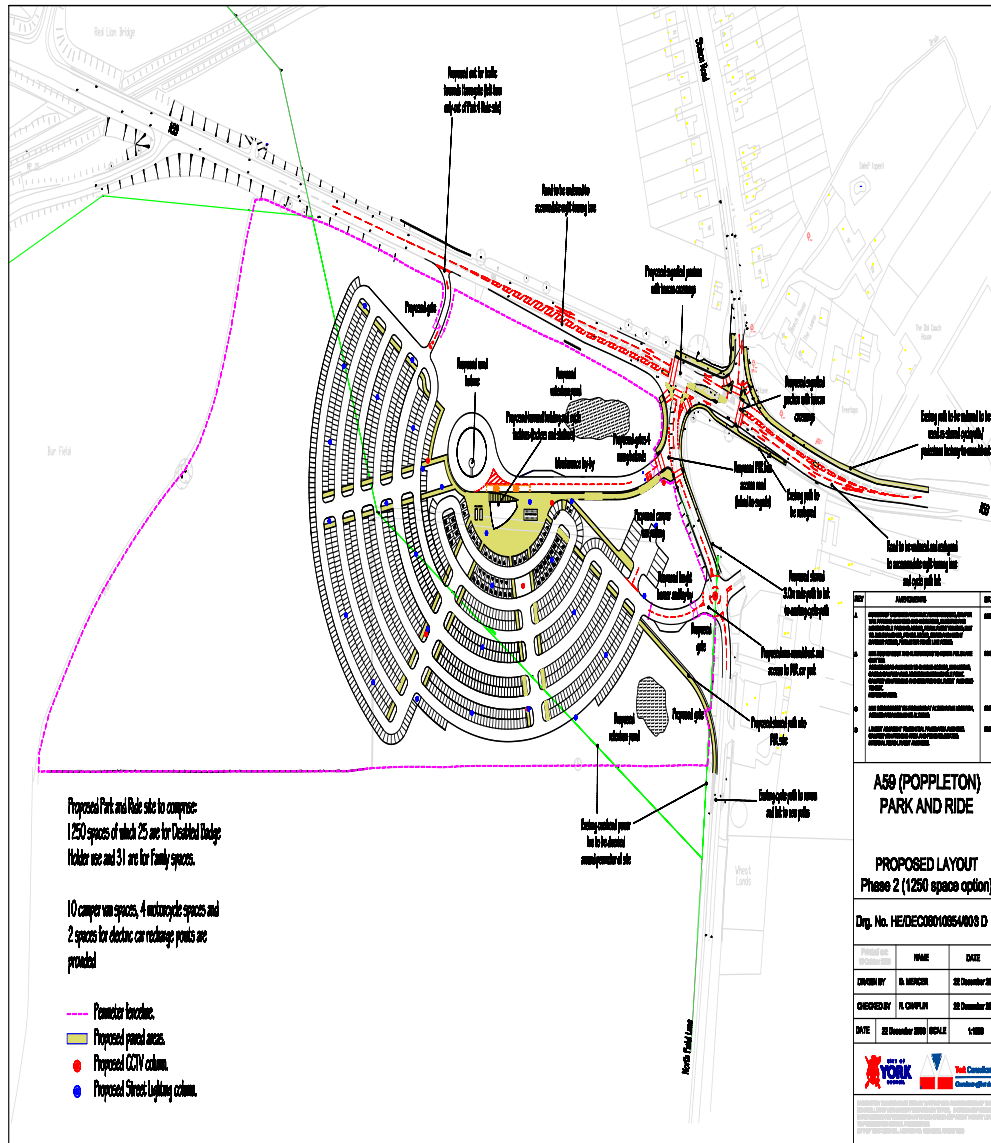
queues and delays are being forecast in the Poppleton area, exacerbated by the potential level of development projected for that area, including potential employment sites at Northminster Business Park (ST19), Land to the North of Northminster Business Park and the former Poppleton Garden Centre. The 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. Officers consider that this site could either be considered as an additional allocation or as an alternative allocation to that to the south of Northminster Business Park (ST19) of 20ha to provide approximately 66,000 sqm of floorspace across the B1, B2, B8 uses (based on a ratio of 40/60 B1 to B2/B8. Given the potential transport issues raised this would need to be subject to a more detailed assessment. The ratio of land to floorspace reflects further evidence submitted on out of centre employment plot ratios across the city. These are approximately 3,300 sqm of floorspace per ha.

- 5.7 Despite this assessment, nothing further has been done with the site and it has been given no further consideration, as well as ignoring our representations made to the September 2017 consultation.
- 5.8 The Council are now consulting upon their Publication Draft Local Plan which they intend to submit for examination. The site is proposed to be returned to the Green Belt in the Publication Draft Local Plan (see Proposals Plan extract)
- 5.9 The Council are now proposing a site to the south of the Northminster Business Park for allocation as employment land (Site Ref ST19, which Policy EC1 refers to a floorspace of 49,500sqm of B1c, B2 and B8, with the possibility of some B1a). This increases the sustainability of this site, because without residential development on our site, employees will be more likely to have to travel further distances to work than they would otherwise without a housing use on the subject site.



Extract from February 2018 Publication Draft Local Plan

- 5.10 In addition, the Poppleton Bar Park and Ride has planning permission to extend the existing facility from 600 spaces to 1,250 and this will also have a further urbanising effect on the local area, and a positive effect on its sustainability potential.



Poppleton Bar Park & Ride Planning permission for up to 1,250 spaces

6. York Housing Requirement and Supply

- 6.1 The Development Control Local Plan set York's housing requirement for the period of 1998-2011 as 8,775 dwellings. This figure was established following the publication of the draft North Yorkshire Joint Structure Plan which set a housing requirement of 12,150 dwellings for the City of York over the period 1998 – 2016.
- 6.2 Draft Policy SS1 of the Draft Local Plan sets out the proposed housing requirement for York over the new plan period (paragraph i , page i of the Draft Local Plan informs that the plan period covers from 2017 to 2032/33, with the exception of Green Belt boundaries which will endure up to 2037/38). The policy states that the Council will “*deliver a minimum annual provision of 867 new dwellings over the plan period to 2032/33 and post plan period to 2037/38.*”
- 6.3 Justification for the draft policy provides that the Council will aim to meet an objectively assessed need of 867 dwellings per annum for the plan period to 2032/33, including any shortfall in housing provision against this need from the period 2012 to 2017, and for the post plan period to 2037/38.
- 6.4 Draft Policy H1 allocates sites in order to meet the housing requirements set out in Draft Policy SS1. Policy H1 informs that planning applications for these allocated sites will be permitted if in accordance with the phasing indicated for each site. Any application in advance of its phasing would be approved if:
- the allocation's early release does not prejudice the delivery of other allocated sites phased in an earlier time period;
 - the release of the site is required now to maintain a five year supply of deliverable sites; and
 - the infrastructure requirements of the development can be satisfactorily addressed.

Objectively Assessed Need (OAN)

- 6.5 The Council's evidence base in support of the Draft Local Plan includes a Strategic Housing Market Assessment (SHMA) 2016 prepared by GL Hearn for which an Addendum Update has been produced (May 2017) to take account of the July 2016 household projections.
- 6.6 The SHMA concludes that, based on the latest official projections, there is a need for 867 dwellings per annum over the 15 year plan period. However, the SHMA also recommends that taking into account market signals and affordable housing need, there is justification of a response to affordable housing need and market signal challenges.
- 6.7 The PPG informs that any adjustment to the OAN in response to market signals and affordable housing needs should be a “*level that is reasonable*”. The SHMA considers a number of Inspectors' decisions where a range of uplifts have been applied (from 10% to 30%). In conclusion it is considered that a **10% uplift** should be applied in York in line with the PPG resulting in an overall OAN of **953 dwellings per annum**.
- 6.8 Members of the Council's Executive Board at a meeting on 13 July 2016 rejected GL Hearn's recommendation of a 10% uplift to the OAN stating that its conclusions were speculative and arbitrary, relying too heavily on recent short-term unrepresentative trends and attaching too little or no weight to the special character and setting of York.

- 6.9 The findings of the SHMA are considered to be in line with the PPG, supported by a range of Inspectors' decisions and the requirement of an uplift justified by market trends and affordable needs in York. The Draft Local Plan has therefore not been **positively prepared** and is not **justified** as it does not reflect the evidence base produced.
- 6.10 In addition, the SHMA notes the Council's past failure to meet its housing targets. With the exception of the 2016/17 year, York has missed their target each year since 2007, therefore missing its target by 20% (equating to 2,051 units below the target level). The PPG states: *"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"*³.
- 6.11 Although the SHMA informs that the historic under-delivery has been taken into account when considering market signals, which justifies a 10% uplift, given the substantial back-log of housing requirement as a result of the Council's failure to deliver housing it is considered that the uplift should be increased to 15-20%. A housing requirement of between 997 – 1040 dwellings per annum should therefore be adopted by the Council to take into account the market signals, previous under-delivery and affordable need.
- 6.12 In addition, we are aware of the September 2017 DCLG Housing Methodology 'Planning for the right homes in the right places' paper and the Draft NPPF and Draft Planning Practice Guidance. The standard methodology in the DCLG 'Planning for the right homes in the right places' paper calculates a baseline housing need figure for York of 1,070 dwellings per annum. It is clear the housing number for York in that document (even without employment growth) informs of an annual housing requirement significantly above that within this Publication Draft Local Plan.
- 6.13 We are aware that the Council are not obligated to apply the emerging NPPF, given the transitional arrangements which allow for an authority to apply the existing (previous) NPPF policies for the purposes of examining plans, where they are submitted on or before 6 months of the adoption of the final Framework, which is likely to be the case, as it allows the Council to submit the Local Plan before the end of 2018. This essentially means that the Council are not required to take into account the standard OAN methodology. That said, it is strongly recommended that the housing need in the Local Plan is increased to a minimum of 1,070 dwellings per annum at this stage, in alignment with the methodology, which will require the identification of additional land, to ensure that the inevitable changes to the Green Belt in York are made now, and secured for the long term. To not increase the housing requirement now will only lead to inevitable changes at the first review of the Local Plan (5 years from adoption), whereby an increase will lead to additional Green Belt changes. Given that this Local Plan is the opportunity to actually designate Green Belt land in York, it would be more appropriate to secure the long term permanence of the Green Belt now.
- 6.14 Council Officers opinion to the 23rd January 2018 Local Plan Working Group papers considered 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." Council officers suggested potential new housing sites to increase the housing supply however Members rejected all suggestions for increasing the housing requirement and the identification of additional sites. From the Local Plan Working Group January 2018 report, It appears that City of York Council Officers themselves do not have confidence in the Publication Draft Local Plan housing requirement.

³ Paragraph: 019 Reference ID: 2a-019-20140306

6.15 Furthermore, we are mindful of the housing requirement work undertaken by others, which conclude the housing requirement for the plan period should be at least 1,150 dwellings per annum.

7. **Green Belt**

7.1 As stated above, the land does not lie in Green Belt. The Draft Local Plan proposes however to return the land to Green Belt.

7.2 The NPPF is quite clear in relation to the creation of new Green Belt. Paragraph 82 of the NPPF states:

‘The general extent to Green Belt across the country is already established. New Green Belt should only be established in exceptional circumstances, for example, when planning for larger scale developments such as new settlements or major urban extensions. If proposing a new Green Belt, local planning authorities should:-

- *demonstrate why normal planning and development management policies would not be adequate;*
- *set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;*
- *show what consequences of the proposal would be for sustainable development;*
- *demonstrate the necessity for the Green Belt and its consistency with local plans for adjoining areas; and*
- *show how the Green Belt would meet the other objectives of the framework.’*

7.3 In essence, the Council must now demonstrate the very exceptional circumstances for re-designating this site as Green Belt, particularly in the light of the pre-existing local development management policy and the quite considerable objectively assessed housing need. Such need will already require the deletions from Green Belt and accordingly, the creation of new Green Belt in this area would not accord (and therefore would not be sound) with Paragraph 82 of the NPPF as a matter of principle.

7.4 On the contrary, this site is required for housing and for the following reasons should be allocated as a housing allocation.

7.5 The Council’s proposal to establish a formal Green Belt through the Draft Local Plan and the acknowledgement that the current *draft* Green Belt boundaries will need to be amended to accommodate the housing and employment needs of the area is supported in general. However, as demonstrated above, in order for the plan to be found “sound” the OAN should be increased and therefore there is a need for further land to be allocated over the plan period.

7.6 Further to the need to increase the OAN, the Publication Draft fails to provide sufficient land for housing and contains no Safeguarded Land. The identification of Safeguarded Land is considered particularly important as the Plan will set detailed Green Belt boundaries for the first time and an appropriate and sound strategy is therefore required to enable flexibility up to and beyond the plan period. Safeguarded Land is required in the Plan 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 Plan e.g. York Central and land to the West of Elvington Lane, as well as potential heritage issues with other sites across the City which may prevent the deliverability of some allocated sites coming forward as envisaged Flexibility is therefore essential, with a contingency of sites required to not only provide a buffer of sites but in addition, respond to the fact that the housing requirement is a minimum target rather than a maximum figure.

- 7.7 The Draft Local Plan states that Green Belt boundaries will endure up to 2037/38. In order to remedy the lack of flexibility and potential longer term shortfall up to 2038, the Plan needs to allocate and Safeguard more land.
- 7.8 The site represents a highly sustainable and rounding off/infill/addition to Poppleton, located directly adjacent to the existing Park and Ride which provides one of the most accessible routes into the city (see section 8 of these representations).
- 7.9 In relation to the purposes of Green Belt, the site will not harm the purpose of restricting sprawl of large built up areas. It does not assist in preventing neighbourhood towns merging into one another because the site already lies to the north of an existing business park and to that extent, represents an infill site and therefore would not create a convergence with the neighbouring York.
- 7.10 Part of the site is the subject of an implemented planning permission to construct a further 650 Park and Ride car spaces, and therefore to propose including this in future Green Belt would make a mockery of the principles of its purpose.
- 7.11 For the same reason, there would be a limited impact on the purpose of the safeguarding the countryside from encroachment because of the adjacent business park.
- 7.12 Finally, the site would not impact upon the setting and special character of York.

8. Site Specific Appraisal

Introduction

- 8.1 In addition to comments on the soundness of the Local Plan, these representations relate to land controlled by Vernon Land Partnerships which lies between the Poppleton Bar Park and Ride, to the north of Northminster Business Park, Poppleton, and west of North Field Lane (“the Site”) as shown edged red on the plan contained at Appendix 1.
- 8.2 Vernon Land Partnerships submit that the Site should be allocated for residential development in the Draft Local Plan to assist with meeting the housing requirement for York.

Site Description

- 8.3 The Site lies immediately to the north of Northminster Business Park and south of the A59 and Poppleton Bar Park and Ride. The Site is approximately 27 hectares in area. The Site has the potential to accommodate residential development, a local convenience store and large area of public parkland. A location plan and illustrative development plan are included at Appendix 1 & 2. The layout at Appendix 2 is only illustrative, is not for consideration and has not been the subject of any discussion with the Council.

- 8.4 The built up area of Upper and Nether Poppleton lies approximately 520m to the north of the Site and York City Centre approximately 5 km to the east.
- 8.5 The Council propose to allocate the land immediately to the south of the Northminster Business Park as a Strategic Employment site (ref. ST19) for the extension of the existing employment site.
- 8.6 The Site is currently identified as an employment site within the Development Control Local Plan and is undesignated white land in the adopted Upper and Nether Poppleton Neighbourhood Plan 2017.

Sustainability

- 8.7 As stated above, the Site lies within close proximity of Upper and Nether Poppleton. The centre of Upper Poppleton lies approximately 520m from the Site containing facilities such as: Poppleton Methodist Church, doctor's surgery, Co-op food store (with ATM) and The White Horse public house.
- 8.7 Further north of Upper Poppleton centre, approximately 1.1km from the Site, lies Poppleton Library, Poppleton Ousebank Primary School and Poppleton Lawn Tennis Club.
- 8.8 A range of other facilities also lie within a 620m walk from the Site, including:
- Food establishments (such as McDonald's)
 - BP Garage
 - Manor Church of England Academy
 - Post Office
 - Various employment establishments (such as the Northminster Business Park)

- 8.9 A range of public transport services are available within close proximity of the Site:

- 8.9.1 **Poppleton Bar Park and Ride** is located immediately adjacent to the northern boundary of the Site. The park and ride facility can currently accommodate **up to 600 cars at any one time and has planning permission for a further 650 spaces**. The facility provides a highly frequent return service to the City Centre taking approximately 20 minutes:

Poppleton Bar to City Centre

Day	Time	Frequency
Monday - Friday	07:00 – 19:00	Every 10 minutes
	19:00 – 19:45	Every 15 minutes
Saturday	07:00 – 08:30	Every 15 minutes
	08:30 – 19:00	Every 10 minutes
	19:00 – 19:45	Every 15 minutes
Sunday	09:30 – 17:40	Every 10 minutes

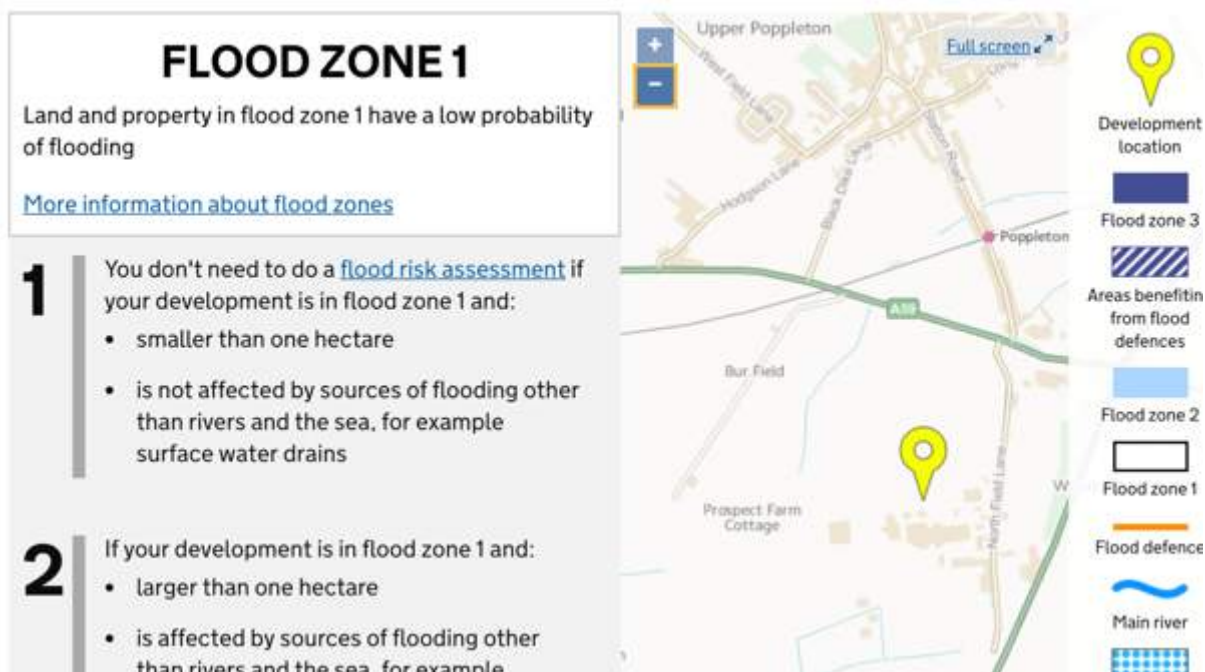
City Centre to Poppleton Bar

Day	Time	Frequency
Monday - Friday	07:19 – 19:20	Every 10 minutes
	19:20 – 20:05	Every 15 minutes
Saturday	07:19 – 08:49	Every 15 minutes
	08:49 – 19:19	Every 10 minutes
	19:19 – 20:04	Every 15 minutes
Sunday	09:50 – 18:00	Every 10 minutes

- 8.9.2 **Poppleton Railway Station is located 531m from, and within a 6 minute walk of,** the Site. The station provides services direct to both Leeds (via Harrogate) and York. Frequent services are provided to both major cities during the morning and afternoon peak times and an hourly service is provided each way throughout the day.
- 8.9.3 There are **bus stops located approximately 190m and within a 3 minute walk of** the Site along the A59. A bus service is provided from York to Harrogate (via Boroughbridge, Ripon and Knaresborough) and vice versa.
- 8.10 Overall, the Site is very well served by public transport, utilising bus stops, a train station and park and ride facility that are well within the desirable walking distances. The Site is therefore in a highly sustainable location which is likely to significantly reduce the need to travel by private vehicle.

Development Constraints

- 8.11 The Site is currently agricultural land however, it is not of 'Best and Most Versatile' agricultural land quality.
- 8.12 There is no known past use of the Site which would require any contamination survey or remediation works, the Site is Greenfield.
- 8.13 The Site lies within Flood Zone 1 and therefore has a **low** probability of flooding.



8.14 The Site is not of any historic value. It does not lie within, or within close proximity to, the Poppleton Conservation Area, nor are there any heritage assets (listed buildings, registered parks and gardens) within the proximity that would be affected by the development of the Site.

8.15 The Site is not covered by any nature conservation designations within the Development Control Local Plan, Neighbourhood Plan or Draft Local Plan. The Site is not known for any nature conservation value.

Site Conclusions

8.16 In regard to SHLAA criteria and National Planning Guidance, the future supply of housing land should be: suitable, available and achievable for housing development over the plan period.

8.17 In order to establish whether a site is **suitable** a local planning authority must consider environment constraints (such as national and local nature designations, heritage constraints, flood zones and retaining open space). As demonstrated above, the Site does not have any national or local policy constraints which could restrict the development of or rate of delivery on the Site. In addition, the Site must be in a suitable, sustainable location. The Site is located within close proximity of a range of public transport facilities which would significantly reduce the reliance on car use and its location close to existing facilities and proposed convenience store make this a highly sustainable location for housing development.

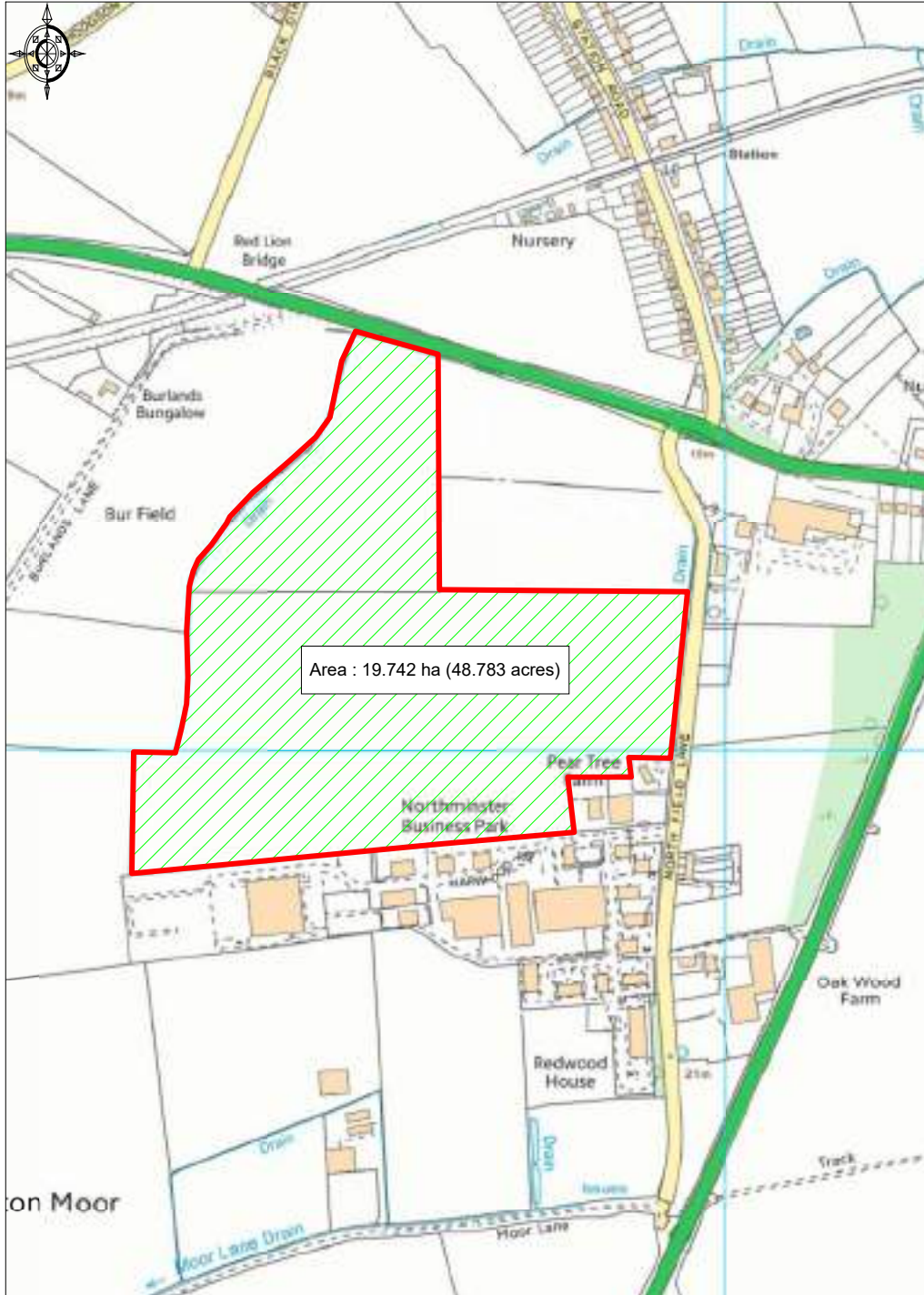
8.18 The land must also be **available** for development imminently or within the plan period. The Site owners wish to see the site developed, it is in single ownership and legally controlled by Vernon Land Partnerships Limited.

8.19 There is an outstanding need for housing in the York area and the demand in the local area of Poppleton will be further increased with the proposal to expand the Northminster Business Park to the south. The Site is able to **achieve** a provision of between 304 - 354 dwellings @ 30-35dph.

- 8.20 In terms of the Site's visual impact, the findings of a preliminary landscape appraisal (DRaW (UK) Limited Landscape and visual statement dated 28th March 2018 attached at Appendix 4) indicate that this site could provide a substantial contribution to the housing supply without compromising further the 'rural approach' and without affecting the character or setting of the surrounding landscape or the views from the A59.
- 8.21 Furthermore the development represents an opportunity to create a well-defined, more defensible edge to the settlement than currently exists. The substantial 'green buffer' proposed would encompass the park-and-ride, the proposed housing and would link to the business park to the south, effectively containing the 'urban area' and separating it from the more attractive farmland to the west.
- 8.22 Overall it is considered that the proposed local plan allocations have not taken into account the fragmented land-uses, the existing urban influences, or the proposed extension to the park and ride facility which collectively reduce the sensitivity of the landscape and increase its capacity to accommodate a sympathetic development which would rationalise land-use and contribute to future housing supply and create a new defensible boundary to the edge of York.
- 8.23 In terms of ecological impacts and effects (Haycock & Jay Associates Limited Ecological scoping study, dated 29th March 2018 attached at Appendix 3), the proposed development will predominantly result in the loss of low value arable farmland with boundary habitats (of higher ecological value) likely to be retained as part of the scheme. Where habitats and protected species are suitably considered, the overall impact of the scheme on the ecological value of the area is considered to be low and opportunity for mitigation and enhancement (where implemented and sensitively managed) could result in a net biodiversity gain at the site.
- 8.24 In terms of highways and transportation (Fore Consulting Limited Transport and access appraisal dated 29th March 2018 report attached at Appendix 5), it is concluded that, from a transport perspective, there are no reasonable barriers to prevent a residential development on the scale envisaged from being allocated or consented.

Appendix 1 – Site plan

Land to the south of Poppleton Bar Park & Ride,
and north of Northminster Business Park, Poppleton, York



**Appendix 2 - Site masterplan
(With and without Phase 2 of the consented
Park & Ride)**

- PRIMARY ROADS
- SECONDARY ROADS
- PRIVATE DRIVES
- PROPOSED LOW DENSITY RESIDENTIAL DEVELOPMENT
- PROPOSED HIGH DENSITY RESIDENTIAL DEVELOPMENT
- AREAS OF OPEN SPACE
- REAR BOUNDARIES TO DWELLINGS
- PROPOSED TREES
- EXISTING TREES / HEDGEROWS
- KEY NODAL SPACES WITHIN DEVELOPMENT
- KEY DWELLINGS IN PROMINENT POSITIONS
- PEDESTRIAN CONNECTIONS

- 1** POTENTIAL ACCESS POINTS FROM NORTH FIELD LANE
- 2** POTENTIAL LOCATION FOR LOCAL CONVENIENCE STORE
- 3** PROPOSED LANDSCAPE BUFFER ALONG THE DEVELOPMENT'S BOUNDARY TO SOFTEN THE DEVELOPMENT'S EDGE
- 4** PROPOSED LOCATION FOR SUDS BASINS
- 5** KEY PEDESTRIAN WALKWAYS / CYCLE ROUTES THROUGH THE COUNTRY PARK
- 6** PROPOSED AREAS OF RECREATION AND / OR MEETING SPACE WITHIN THE COUNTRY PARK
- 7** GREEN LINK TO COUNTRY PARK, CREATING A LANDSCAPED CHARACTER AREA WITH VIEWS OF THE COUNTRY PARK TO THE WEST

DEVELOPMENT SUMMARY:

GROSS AREA: 48.81 ACRES / 19.75 HECTARES

APPROXIMATE NETT AREA OF RESIDENTIAL PARCEL: 25 ACRES / 10.11 HECTARES

APPROXIMATE AREA OF CONVENIENCE STORE: 0.17 ACRES / 0.07 HECTARES

APPROXIMATE AREA OF COUNTRY PARK: 15.32 ACRES / 6.20 HECTARES

APPROXIMATE AREA OF LANDSCAPE BUFFERS AND GREEN LINK TO COUNTRY PARK: 8.32 ACRES / 3.37 HECTARES

DWELLINGS ACHIEVABLE = CIRCA 320 DWELLINGS



- PRIMARY ROADS
- SECONDARY ROADS
- PRIVATE DRIVES
- PROPOSED LOW DENSITY RESIDENTIAL DEVELOPMENT
- PROPOSED HIGH DENSITY RESIDENTIAL DEVELOPMENT
- AREAS OF OPEN SPACE
- REAR BOUNDARIES TO DWELLINGS
- PROPOSED TREES
- EXISTING TREES / HEDGEROWS
- KEY NODAL SPACES WITHIN DEVELOPMENT
- KEY DWELLINGS IN PROMINENT POSITIONS
- PEDESTRIAN CONNECTIONS

- 1** POTENTIAL ACCESS POINTS FROM NORTH FIELD LANE
- 2** POTENTIAL LOCATION FOR LOCAL CONVENIENCE STORE
- 3** PROPOSED LANDSCAPE BUFFER ALONG THE DEVELOPMENT'S BOUNDARY TO SOFTEN THE DEVELOPMENT'S EDGE
- 4** PROPOSED LOCATION FOR SUDS BASINS
- 5** KEY PEDESTRIAN WALKWAYS / CYCLE ROUTES THROUGH THE COUNTRY PARK
- 6** PROPOSED AREAS OF RECREATION AND / OR MEETING SPACE WITHIN THE COUNTRY PARK
- 7** GREEN LINK TO COUNTRY PARK, CREATING A LANDSCAPED CHARACTER AREA WITH VIEWS OF THE COUNTRY PARK TO THE WEST
- 8** PHASE TWO OF CONSENTED PARK AND RIDE

DEVELOPMENT SUMMARY:

GROSS AREA: 47.04 ACRES / 19.04 HECTARES

APPROXIMATE NETT AREA OF RESIDENTIAL PARCEL: 25 ACRES / 10.11 HECTARES

APPROXIMATE AREA OF CONVENIENCE STORE: 0.17 ACRES / 0.07 HECTARES

APPROXIMATE AREA OF COUNTRY PARK: 13.68 ACRES / 5.53 HECTARES

APPROXIMATE AREA OF LANDSCAPE BUFFERS AND GREEN LINK TO COUNTRY PARK: 8.19 ACRES / 3.31 HECTARES

DWELLINGS ACHIEVABLE = CIRCA 320 DWELLINGS



Appendix 3 – Ecological Scoping Study



Haycock & Jay Associates Ltd

CONSULTANT ECOLOGISTS

29th March 2018

Our Ref: VRC006

Vernon & Co
Belgrave House
58 High Street
Gargrave
Skipton
BD23 3LX

Dear Sir,

DESK BASED ECOLOGICAL SCOPING STUDY FOR LAND AT PEAR TREE FARM, NORTH FIELD LANE, POPPLETON, YORK, NORTH YORKSHIRE

Introduction and Background

Haycock and Jay Associates Ltd were commissioned by Vernon & Co. to carry out a desk based ecological scoping study for land at Pear Tree Farm, North Field Lane, Poppleton, York, North Yorkshire (hereafter referred to as 'the site') during March 2018.

The site is located at Ordnance Survey National Grid Reference (OSNGR) SE 55626 53084, on the outskirts of Poppleton, and approximately 4km to the north-west of the centre of York, North Yorkshire. The site is approximately 27 hectares (ha) in size, as indicated by the two red line boundaries on the attached plan, and is bounded by North Field Lane to the east, Poppleton Bar Park and Ride to the north-east, the A59 Roman Road to the north, a field drain to the west and Northminster Business Park to the south.

Methodology

A desk based ecological scoping study was carried out in order to gather data for an area up to 2 kilometres (km) from the site boundary and was received from the following sources:

- North and East Yorkshire Ecological Data Centre (N&EYEDC) - records of statutory and non-statutory sites of nature conservation value and protected and notable species (from the last 15 years);
- Magic maps (www.magic.gov.uk) - habitats and species inventory data;
- OSNGR 1:10,000 maps; and,
- Aerial mapping of the site.

The study aims to identify the broad range of habitats present within the site, identify any potential opportunity for protected species, assess possible ecological impacts likely to arise from the proposed development of the site and identify the requirement for additional ecological survey/s moving forward.

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10 Boroughgate, Otley, West Yorkshire LS21 3AL Tel: 01943 850 276

Company Registered in England No. 7119787
Registered office; Haycock and Jay Associates Ltd, 14 Beech Hill, Otley LS21 3AX

Results

Records

Records provided by NEYEDC identified one statutory and eight non-statutory site of nature conservation value within 2km of the site. Records are presented, in order of the distance they occur from the site, in Table 1 below.

Table 1 – Records of Sites of Nature Conservation Value

Site Name & Designation	Description	Distance from site boundary
Statutory sites of nature conservation value		
Clifton Ings and Rawcliffe Meadows SSSI	OSNGR: SE 582 532 A nationally important site for species-rich neutral grassland, predominantly of the rare National Vegetation Classification (NVC) types: MG4 meadow foxtail (<i>Alopecurus pratensis</i>) – great burnet (<i>Sanguisorba officinalis</i>) grassland, with various expressions and varieties represented, and MG8 crested dog's-tail (<i>Cynosurus cristatus</i>) – marsh marigold (<i>Caltha palustris</i>) grassland, with communities transitional between these NVC grassland types; and the critically endangered tansy beetle (<i>Chrysolina graminis</i>).	~1,950m to the east.
Non-statutory sites of nature conservation value		
Ring Rd Embankment Millfield Lane A1237 Ratified SINC	OSNGR: SE 566 537 A small site off the Great North Way which supports an area of dry acid grassland and rare plant species.	~1,260m to the north-east.
British Sugar Sidings Ratified SINC	OSNGR: SE 576 532 A small site designated for its rare bees.	~1,600m to the east.
Poppleton Ings Ditch Candidate SINC -	OSNGR: SE 573 539- SE 576 536 A species-rich ditch with semi improved flood meadow grassland flora.	~1,640m to the north-east.
Fishpond Wood Ratified SINC	OSNGR: SE 572 517 Woodland, wet woodland and seepage fen habitats supporting a rare wasp and craneflies.	~1,780m to the south-east.
Danebury Crt Ratified SINC	OSNRG: SE 596 457 Designated for its grassland habitat which is managed in a sensitive manner by the Council.	~1,780m to the south-east.
Rawcliffe Ings Dyke Ratified SINC	OSNGR: SE 573 544 Neutral flood meadow grassland.	~1,850m to the north-east.
River Ouse Candidate Site of Importance for Nature Conservation (SINC)	OSNGR: SE 589 425- SE 541 565 A wildlife (and recreation) corridor. It is an essential link for migratory fish such as Sea lamprey which, whilst they do not breed in York, do have to pass through in order to reach their spawning grounds. Equally, the river is needed as a link for riverine species such as the depressed mussel, otter, various aquatic plants and insects.	~1,880m to the east.
Clifton Ings Deleted SINC	OSNGR: SE 583 530 A grassland meadow (approximately 2000 years old) with fen habitat also present. The site is of SSSI quality despite not being designated as such.	~1,950m to the east.

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In addition to sites of nature conservation value 341 records of protected and/or notable species were identified. Species records include:

- Five records of amphibians including great crested newt (*Triturus cristatus*) (GCN) at Poppleton Ings Ditch SINC ~1,640m to the north-east of the site;
- 76 records of birds including ground nesting species and species associated with hedgerow and building nesting;
- Fifteen records of flowering plants including invasive non-native species Canadian waterweed (*Elodea canadensis*), Indian/Himalayan balsam (*Impatiens glandulifera*) and Japanese rose (*Rosa rugosa*);
- 11 records of insects including butterflies, hymenoptera and moths;
- Single records for brown hare (*Lepus europaeus*) and hedgehog (*Erinaceus europaeus*);
- Single records for badger (*Meles meles*) and water vole (*Arvicola amphibius*) located ~460m to the north-east of the site and on the River Foss ~1,700m to the south-west of the site respectively;
- 31 records of bats including common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), unidentified pipistrelle (*Pipistrellus* sp.), natterers bat (*Myotis nattereri*), noctule (*Nyctalus noctula*), unidentified *Myotis* bay (*Myotis* sp.) and unidentified bat species.

Habitats

The site comprises almost exclusively arable farmland with other habitats predominantly confined to the boundaries.

Hedges were identified along the east side of the site (bordering North Field Lane), for a short section on the south-west boundary and across the centre-west of the site. Hedges comprise both intact and defunct specimens. More mature planting, including a continuous line of broad-leaved, coniferous and ornamental trees, was noted along the south of the site on the boundary with the Northminster Business Park, younger tree planting is present on the south and west sides of the Poppleton Bar Park and Ride, to the north-east of the site.

A small area comprising industrial buildings, a residential property and gardens associated with Pear Tree Farm is present in the south-east of the site.

No ponds were identified inside though three ponds were noted within 500m of the site boundary: ~320m to the north-east in a residential garden in the south of Poppleton; ~280m to the south-east inside the Oakwood Business Park; and, ~320m to the south of the site in arable fields. A large, steep-sided wet field drain was recorded bordering the north-west site boundary.

Fauna

Arable habitat within the site presents some opportunity for nesting and foraging birds, particularly ground nesting species, though being open, managed (and subsequently disturbed), and due to its low floristic diversity it is likely to only support a small number of species. Arable farmland also presents some, albeit limited opportunity for refuging GCN, foraging badger and brown hare.

Hedges and tree boundaries within and bordering the site also present opportunity for birds, particularly for bird nesting, provide potential refuge and a corridor for the movement of GCN, opportunity for badger foraging and shelter for sett building, and provide a vegetated linear feature of value to commuting and foraging bats. Individual trees located around the boundaries may also support features which could be used by roosting bats.

Buildings at Pear Tree Farm, in the south-east of the site, may offer opportunities for nesting birds and roosting bats.

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Although no ponds were recorded inside the site GCN can move up to 500m from their ponds (though are more commonly associated with habitats within 250m). Where breeding populations of GCN are present at those ponds identified there is potential that they could utilise arable farmland and boundary vegetation in and around the site, though this is likely to be a low risk given the distance of ponds from the site (over 250m) and low value of the majority of habitat in the site.

An un-named wet field drain was noted to the north-west of the site. Steep-sided earth banks provide opportunity for badger sett building and water vole burrows while this linear corridor will also provide a feature for commuting and foraging bats and otter (*Lutra lutra*) to follow.

Conclusions

Given the distance of sites of nature conservation value from the site, the habitats for which they are designated and the presence of significant barriers to the movement of wildlife (the A59 Roman Road, A1237 York Ring Road and railway line) between the designated sites and Pear Tree Farm site it is considered that any impacts likely to arise from the development of the site upon them will be negligible.

Arable habitat inside the site is likely to be dominated by a single/small number of plant species and intensively managed. This habitat is common and widespread in the surrounding area and easily replaced therefore is considered to be of low ecological value and its loss will unlikely impact the ecological value of the wider area. Despite this, arable habitat could support ground nesting birds and brown hare (for which records of both occur within 2km of the site), and consideration to the presence of these species should be given.

While being relatively common and widespread within the surrounding landscape hedges and tree lines bordering the site support a greater number of species than arable farmland and support more mature vegetation. In addition, boundaries may be historic and support an established and diverse ground flora. Hedges and trees present opportunities for nesting and foraging birds, refuging GCN, refuging and breeding brown hare, refuging hedgehog, badger foraging and sett building and commuting, foraging and roosting bats (all species with records within 2km). Overall this habitat is of higher ecological value, should be retained and protected during the development and survey for those species which it may support should be carried out.

Although no records of birds or bats were identified for Pear Tree Farm species which may utilise buildings do occur within 2km of the site, therefore, as buildings may support nesting birds and roosting bats no works which may disturb/damage/destroy these structures should be undertaken without first confirming the absence of these species.

No ponds are present inside the site and so no direct impact to this habitat is anticipated, though the potential for GCN which may utilise ponds outside the site to travel into the site and occur within suitable terrestrial habitats should be considered.

The drain along the north-west boundary offers opportunity for badger, bats water vole and otter. Despite this, as the drain does not appear to directly connect or come in proximity with other drains or water courses in the area (specifically the River Foss where water vole records were noted) it is possible that this feature is too isolated to have become inhabited by water vole or otter who predominantly rely on moving along/near to these corridors when moving across the landscape.

Recommendations

As this study has not drawn on current field survey data it is recommended that a Preliminary Ecological Appraisal (PEA), to confirm the exact nature of habitats on the site and their value for supporting protected species in addition to identifying the presence of invasive non-native plant species (records of which were identified within 2km of the site), is carried out in well in advance of development commencing. By undertaking a PEA at the earliest opportunity where any ecological risks/constraints are identified solutions can be achieved without impacting the development programme.

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Given the difficulty in replacing more mature vegetation which is present along hedge and tree lines consideration to the retention and protection of boundaries using suitable fencing, should be afforded within the site design and opportunities for their enhancement, by extending, increasing and improving (e.g. gapping up) these features should be given.

Given the proximity of the drain, adjacent the western boundary, fencing to protect this feature during the development should be installed and a method statement outlining best practice working to avoid a pollution incident should be produced. The method statement should be based upon the (now withdrawn) Environment Agency Pollution Prevention Guidelines (PPGs).

The bird nesting season takes place during March to August inclusive and works which may impact nesting, notably those which will impact arable farmland (ground nesting) hedges, trees or buildings should be carried out outside this period. Where works are necessary during the nesting season and may result in the disturbance/damage/destruction of birds and/or their nests a survey by a qualified Ecologist should be carried out to confirm their presence at those habitats/features detailed above.

A record for badger was identified within 500m of the site and as badger are a mobile species it is recommended that a survey (to be carried out at any time of the year) to identify the presence of any setts or other evidence of badger activity inside the site is undertaken in advance of the site development.

A Preliminary Roost Assessment (PRA) of buildings and trees which will be disturbed/damaged/destroyed as a result of the development must be undertaken to confirm suitability for roosting bats in advance of any works taking place. Where high/moderate/low suitability is identified 1/2/3 no. emergence/re-entry survey/s to confirm the presence/absence of roosting must be carried out during May and September, in mild, dry weather and by qualified Ecologists. In addition, activity survey/s may also be required where a large proportion of the boundary vegetation, which may be important for commuting/foraging bats, is to be impacted. The number of activity surveys will be determined following the PEA and on review of the site design.

Where works will encroach with 10m of the top of the drain bank or where the proposed development will disturb this feature (i.e. with lighting, paths etc. in close proximity) a survey to confirm the absence of water vole and/or otter should be carried out. Surveys for water vole/otter can be carried out at any time of year though early spring, when vegetation is low, is preferable.

With consideration to those species records identified during this study and the requirement to increase the net biodiversity value at new developments additional enhancement could include: creation of open water/ponds or wetland, tree planting – specifically with suitable species/locations so as to encourage veteran specimens, creation and correct management of species rich verges/open grassland; installation of integral bird nesting and bat roosting features at buildings; low lighting levels and inclusion of dark areas to reduce light pollution and lessen impact to nocturnal wildlife; and, use of green roofs.

Final Evaluation

The proposed development at Pear Tree Farm will predominantly result in the loss of low value arable farmland with boundary habitats (of higher ecological value) likely to be retained as part of the scheme. Where habitats and protected species are suitably considered, as outlined within this study, the overall impact of the scheme on the ecological value of the area is considered to be low and opportunity for mitigation and enhancement (where implemented and sensitively managed) could result in a net biodiversity gain at the site.

If you have any queries or wish to discuss this study in further detail please do not hesitate to contact us.

Yours sincerely



Jennie Caddick
Ecologist

Appendix 4 – Landscape & Visual Statement

Northminster Business Park, Poppleton, York

Landscape and Visual Statement



03 April 2018

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Appendices

Appendix A

Indicative Masterplan Option 1(STEN Architecture, March 2018)

Indicative Masterplan Option 2 with extended park & ride facility (STEN Architecture, March 2018)

Appendix B

Approved Poppleton Bar Park and Ride Layout (1250 Spaces)

Northminster Business Park, Poppleton, York

Landscape and Visual Statement

1 Introduction

This statement presents the findings of a preliminary landscape and visual appraisal of the proposed residential development north of Northminster Business Park, Poppleton, York. It was commissioned by Vernon Land Partnerships Limited and undertaken by DRaW (UK) Ltd, a registered practice of the Landscape Institute, in March 2018.

The statement, which forms part of a representation to The City of York Council Local Plan Publication Draft Consultation 2018 identifies the potential landscape and visual effects arising from the proposed development.

It should be noted that, in accordance with 'Guidelines for Landscape and Visual Impact Assessment', (GLVIA) produced by the Landscape Institute with the Institute of Environmental Management and Assessment (Third Edition, 2013), there are differences between landscape and visual effects:

- **Landscape Effects** relate to changes in the fabric, character and quality of the landscape. Such as loss of woodland, or changes to the landform etc. (They do not have to be seen).
- **Visual Effects** relate to changes in views and the effects on visual receptors (e.g. residents, users of public rights-of-way or recreational facilities etc).

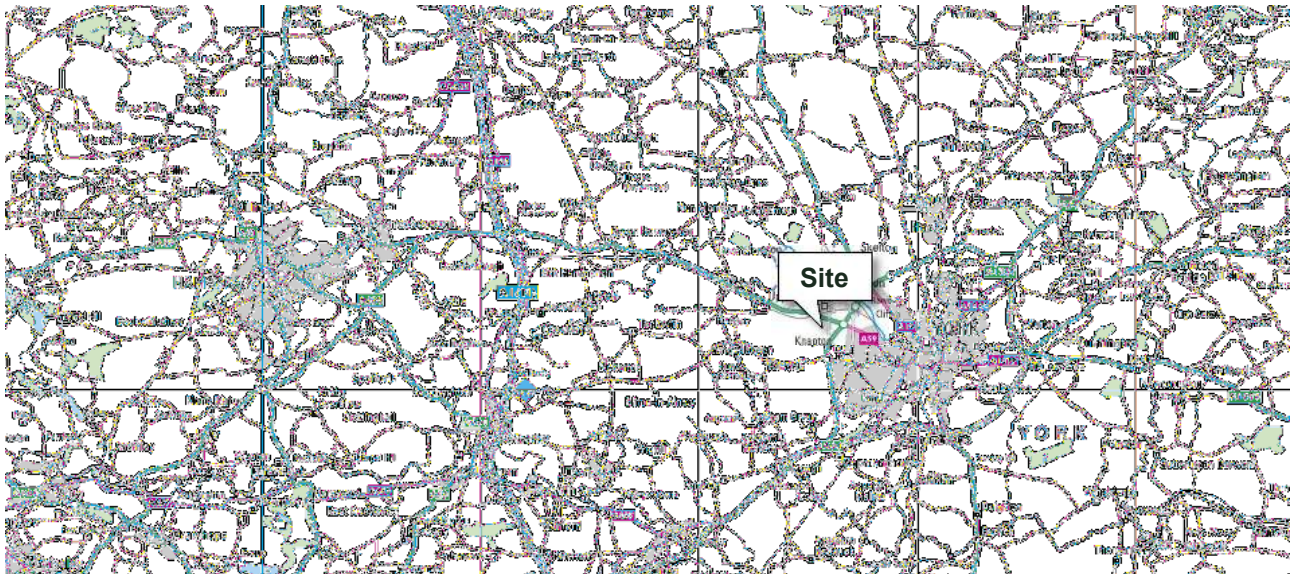
The study area for the Landscape and visual appraisal was set as a 2 km offset from the site boundary, (although this does not necessarily mean the effects would extend this distance).

1.1 The Site

The site is located off the A59 to the west of York, adjacent to the 'Poppleton Bar Park and Ride'.

Figure 1 shows the site location.

Figure 1 Site Location (1:200,000)



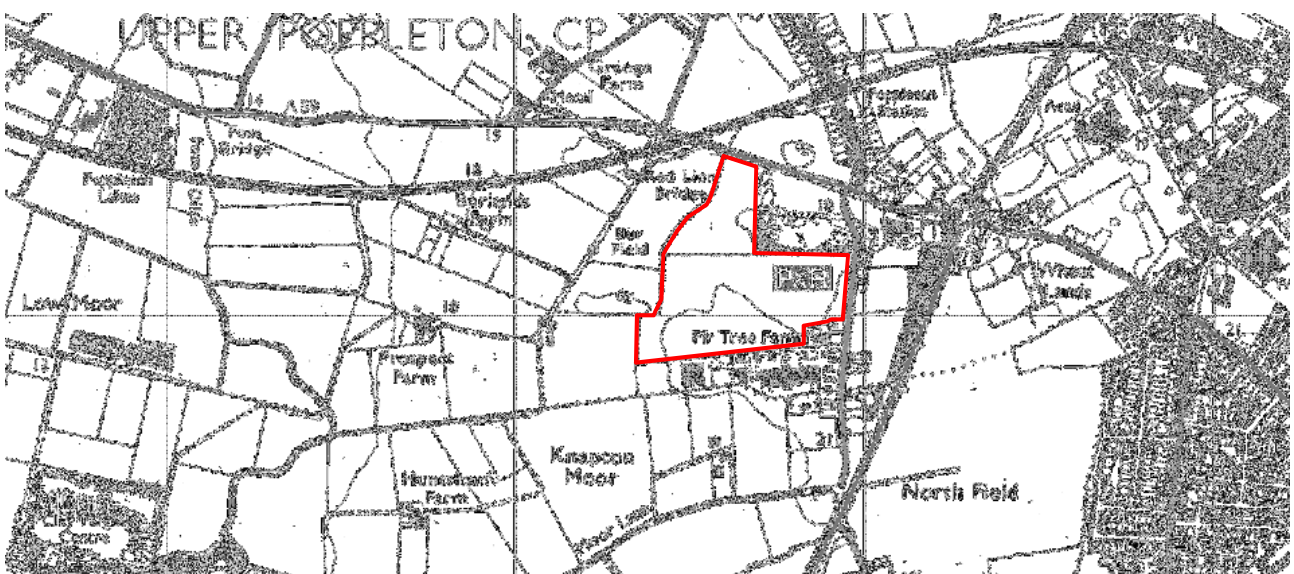
The site comprises approximately 19.75 ha of flat arable land between the Poppleton Bar Park and Ride and the Northminster Business Park.

The site boundaries are defined by:

- The A59 Roman Road and the 'park and ride facility' to the north;
- Northfield Lane to the east;
- The Northminster Business Park to the south; and
- A minor (unnamed) watercourse parallel to Burlands Lane to the west.

Figure 2 shows the site boundary.

Figure 2 Site Boundary (1:25,000)



2 The Proposed Development

An Indicative Masterplan has been produced for the site (STEN Architecture, March 2018), the key features of the proposed layout are:

- 10.61 hectares of residential development (circa 320 dwellings);
- a convenience store located next to Northfield Lane; and
- a country park (6.20 hectares) incorporating SUDS basins towards the western/northwestern edge of the site.

The Indicative Masterplan is included in Appendix A. and for ease of reference it is reproduced (in part) below (Refer Figure 3).

Figure 3: Indicative Masterplan - Proposed Development



3 Planning Context

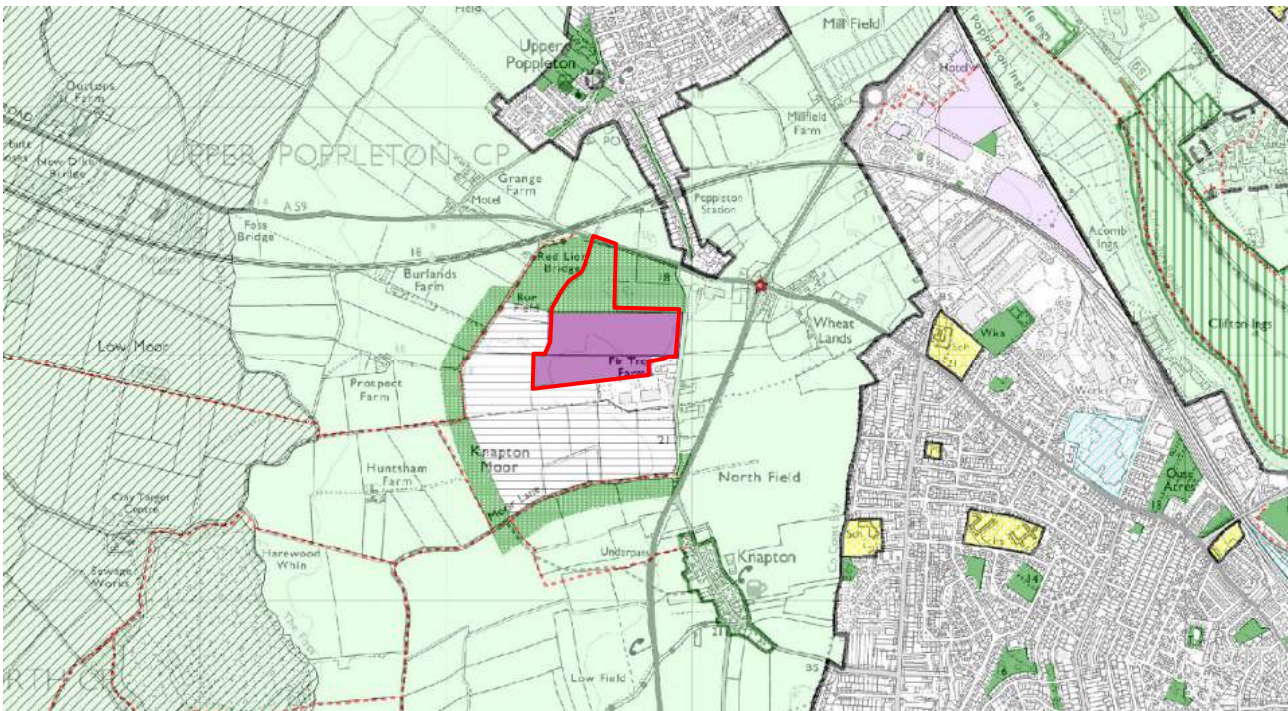
3.1 The current Local Plan

The current 'Local Plan' the ('City of York Draft Local Plan Incorporating the 4th Set of Changes, April 2005) shows:

- the main part of the site is currently designated as an employment zone;
- land to the north, including the park and ride facility is designated as 'New Public Parks, Green Spaces, Woodlands & Wetlands' and lies within Green Belt;
- land to the south and west is designated as 'Land Reserved for Possible Future Development'

The current local plan designations are shown on Figure 4.

Figure 4: Extract from the current Local Plan

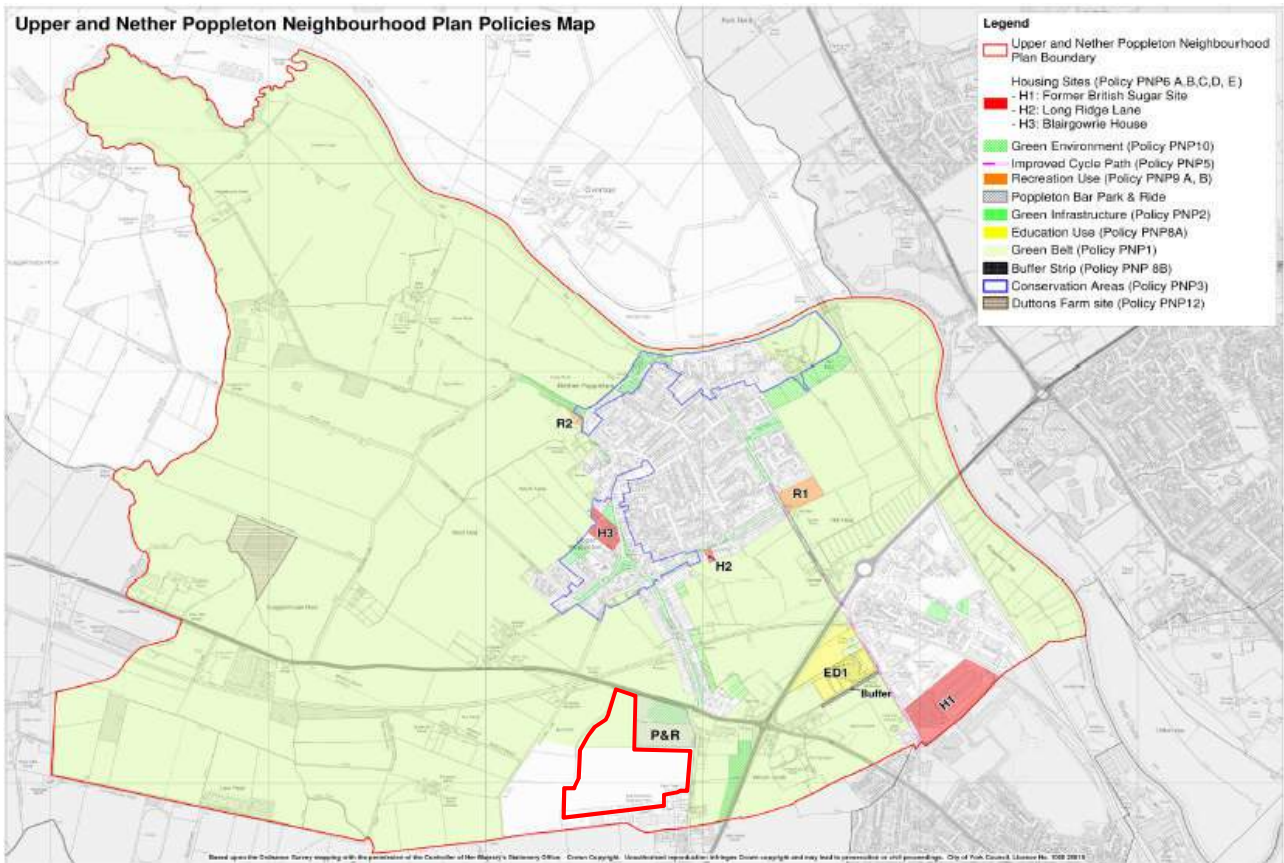


It should be noted that the main part of the proposed development site, containing the proposed residential area is currently designated for employment use and lies outside the current Green Belt designation.

3.2 Upper and Nether Poppleton Neighbourhood Plan

The Upper and Nether Poppleton Neighbourhood Plan, which was made on the 19th October 2017) designates the land between Northminster Business Park, within which the proposed development site is located as 'White Land' i.e. without any designation and excluded from the Green Belt. (Refer Figure 5).

Figure 5: Upper and Nether Poppleton Neighbourhood Plan Policies Map October 2017



3.3 The Emerging Local Plan

The City of York Council reviewed the proposed development site following PSC. ‘Officers Assessment of Employment Sites’ (Annex 4, Page 18 Site 907) stated the following in relation to land to the north of Northminster Business Park:

“This could provide 20 ha of employment land to the west of the city for B1a, B2 and B8 uses close to the park and ride.

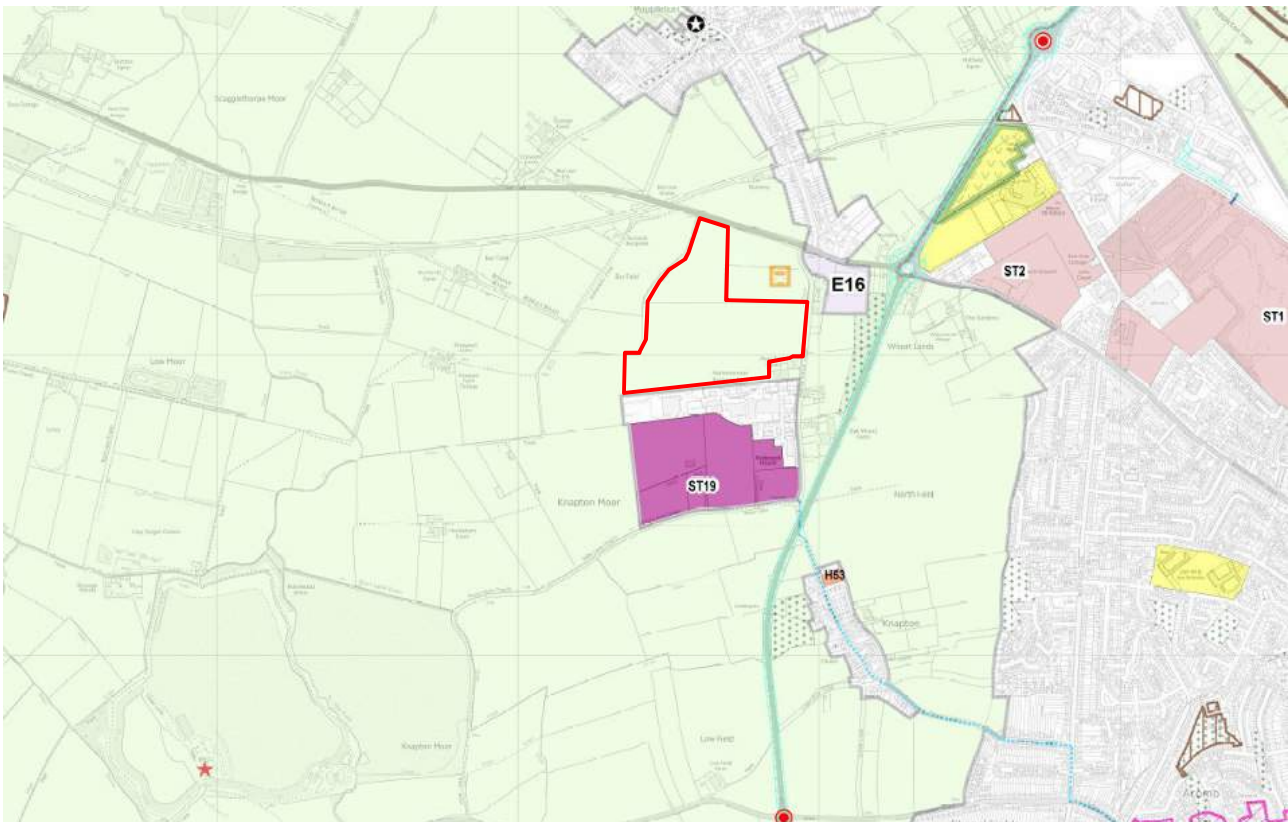
Technical officer assessment confirms site passes criteria 1 to 4 and there are no showstoppers for development. The site could help to increase flexibility over the Local Plan period in an attractive location for employment uses as well as providing a potential alternative to York Central for B1a uses in the earlier part of the plan period. The site is well contained on three sides by Park and Ride, Northfield Lane and existing business park.

It would be important for the site masterplan to adequately consider landscaping of the site

providing an appropriate relationship with the surrounding landscape and to the A59”.

However, the emerging Local Plan (Local Plan Publication Draft 21 Feb to April 2018) moves the allocated employment zone to the south of Northminster Business Park and extends the Green Belt designation across the entire development site (Refer Figure 6).

Figure 6: Extract from the emerging Local Plan (Publication Draft,-21 Feb to April 2018)



(A key issue, which is dealt with in main representation, is the fact that the proposed allocations in the Local Plan Publication Draft 21 Feb to April 2018 seemingly contradict the CYC Officer’s assessment of employment sites and the Upper and Nether Poppleton Neighbourhood Plan, made in 2017).

3.4 Relevant Planning Applications/Approvals

City of York Council have an extant permission which allows them to construct 1250 parking spaces at the Poppleton Bar Park & Ride (The approved layout is provided at Appendix B).

Currently the car park comprises approximately 600 spaces. In the event that the previously approved 650 additional spaces will be provided the existing concentric parking array would need to be extended on the southern and western boundaries. An alternative site layout taking into account the approved extension to the park and ride facility is included in Appendix A.

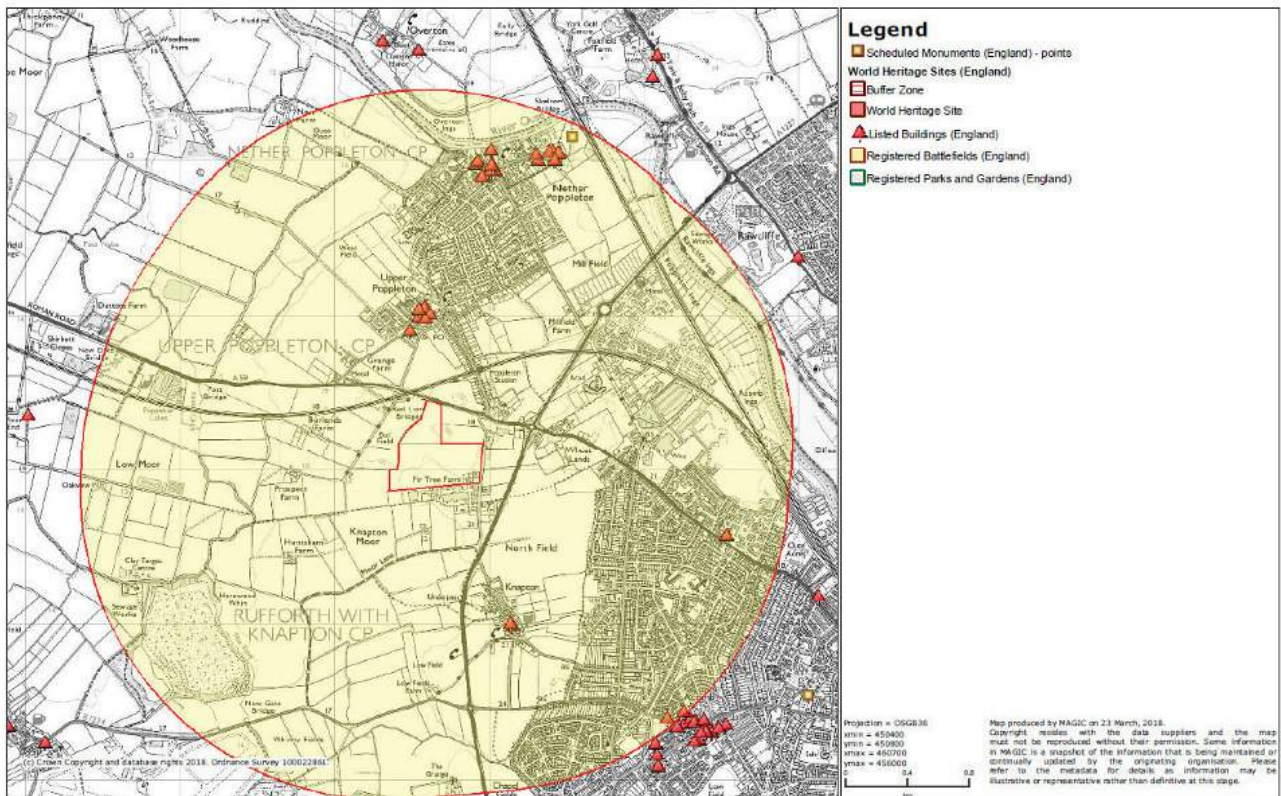
3.5 Landscape Constraints and Designations

Landscape constraints and designations relevant to this appraisal are listed in Table 1 below and shown on Figures 5 to 7.

Table 1: Landscape Designations and Protected Heritage Assets

Landscape Designations	Present Within Site Boundary	Present within 2 km of the site.
National Parks	None	None
Area of Outstanding Natural Beauty	None	None
Special Landscape Area (or equivalent)	None	None
Green Belt	Yes, in part: Current Local Plan (Refer Figure 4) Yes, in part: Neighbourhood Plan (Refer Figure 5) Yes, in total: Emerging Local Plan (Refer Figure 6)	Yes
Country Parks	None	None
Recreational Routes (Published)	None	None
Protected Heritage Assets		
World Heritage Sites	None	None
Scheduled Monuments	None	Yes (Refer Figure 7)
Conservation Areas	None	Yes. (Refer Figure 5)
Listed Buildings	None	Yes (Refer Figure 7)
Registered Parks and Gardens	None	None
Historic Battlefields	None	None

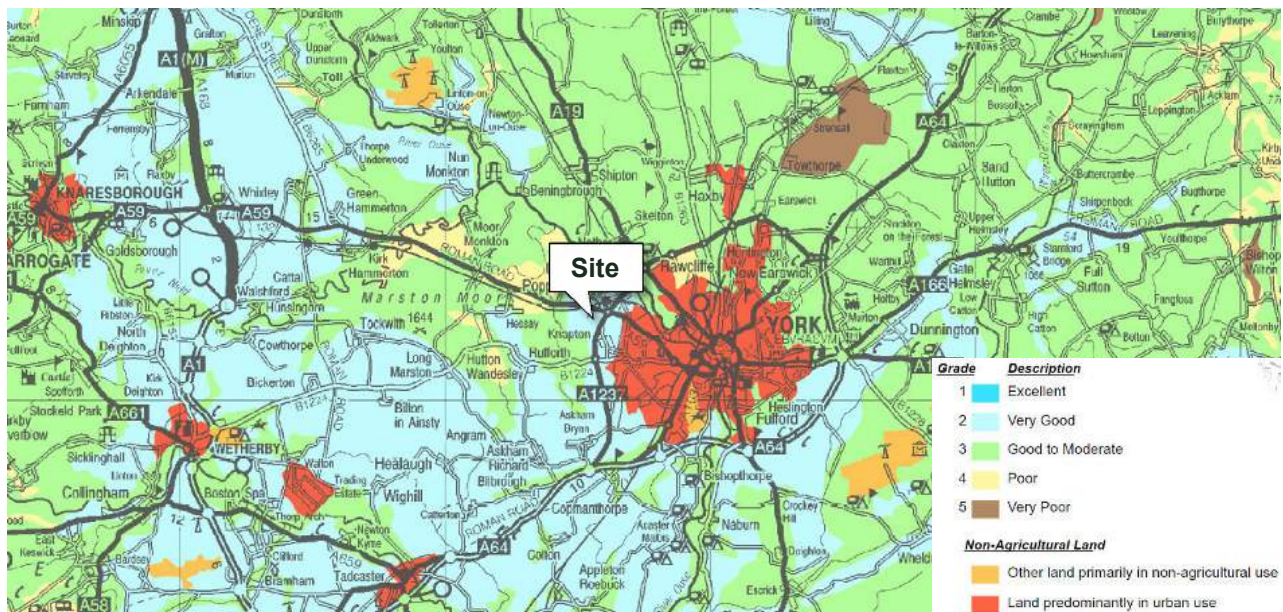
Figure 7: Extract from Multi Agency Geographical Information Centre



3.6 Agricultural Land Classification

According to the 1:250,000 scale Agricultural Land Classification Map 'Yorkshire and The Humber Region' (Refer Figure 8), the farmland, within which the site is located, is Grade 2 'Very Good'.

Figure 8: Extract from the Agricultural Land Classification Map



3.7 Flood Risk

According to the Government Flood Maps the River Ouse 1.8 km east of the site is prone to flooding, although the site itself is located within an area that has less than 1 in 1,000 annual probability of flooding.

4 Landscape Character

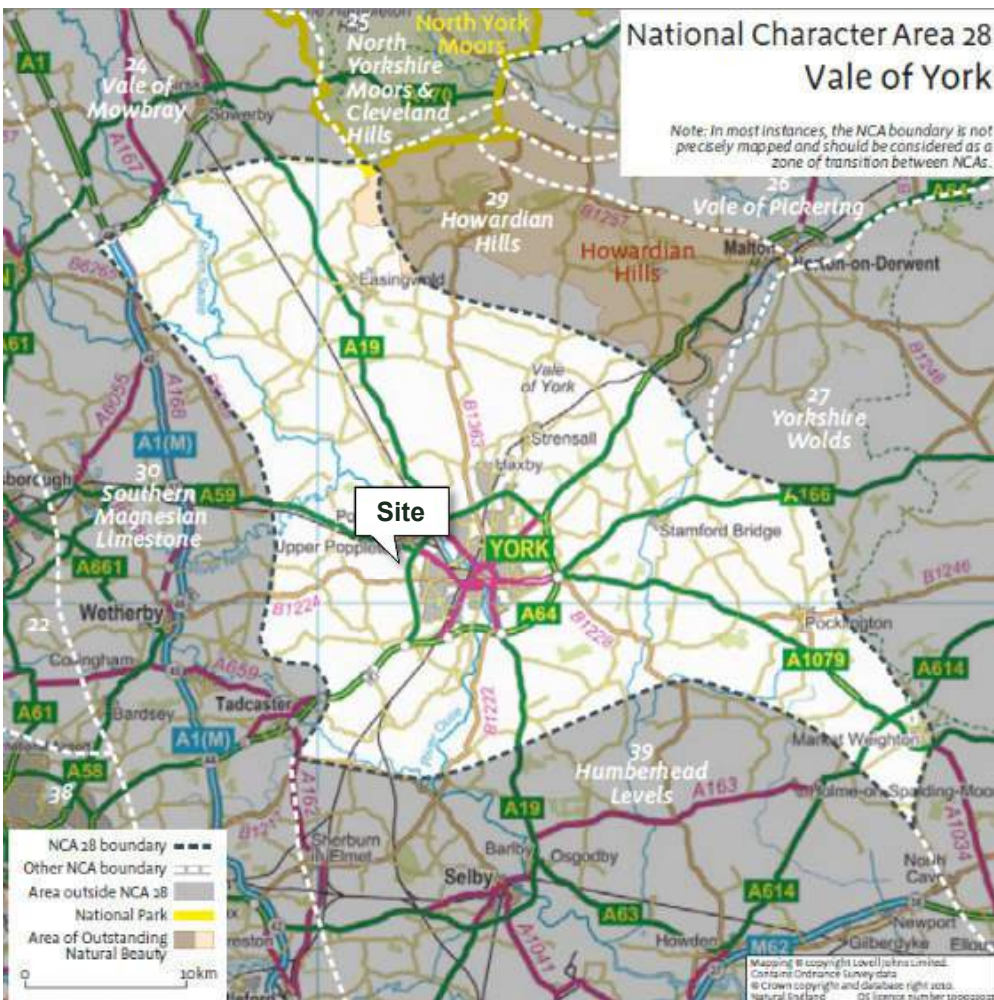
The landscape character is considered at three levels:

- National setting, in relation to the National Character Area profiles, produced by Natural England;
- Regional setting, taking into account the ‘North Yorkshire and York Landscape Characterisation Project’; and
- Local setting, based on field observations to confirm the key features and characteristics pertinent to the site and its immediate surroundings.

4.1 National Landscape Character

At a national level the study area falls within ‘National Character Area - 28: Vale of York’ (NCA 28).

Figure 9: National Character Area 28 ‘Vale of York’



Key characteristics of NCA 28 are described as:

- *“A largely open, flat and low-lying landscape between the higher land of the Southern Magnesian Limestone ridge to the west, the Howardian Hills to the north and the Yorkshire Wolds to the east.*
- *Dominantly Triassic solid geology, which is obscured by glacial till, sand, gravel and moraines, with obvious ridges formed by the York and Escrick moraines.*
- *Predominantly agricultural land use, with medium- to large-scale arable fields defined by hedgerows (which are often low and intermittent with sparse hedgerow trees) and fences. Large dispersed farmsteads and small villages on higher land are set within a quiet rural landscape.*
- *Extensive (mostly cropmark) evidence of bronze-age to Romano-British settlement, especially on the western fringe, for example enclosed and unenclosed farmsteads with hut circles and coaxial field systems.*
- *Wetland features dotted through the wider landscape of the NCA, providing stepping stones between wider areas of water-dependent and priority habitat, such as important remnants of ‘ings’ meadows on the river flood plains (traditionally managed by hay-making) and some unimproved and semi-improved meadows and pastures, in particular in the Derwent Ings.*
- *Some areas of heathland remaining on poorer sandy soils (for example Strensall, Stockton and Allerthorpe commons), along with small scattered broadleaved woodlands and larger conifer plantations.*
- *Parkland associated with country houses, with tree clumps, tree belts, avenues and other architectural features adding to the variety of the landscape, for example Rufforth Hall Park, Beningbrough Hall and Bilton Hall.*
- *The main urban centre, the City of York, with roads radiating from the city and York Minster forming a prominent landmark and focal point for the Vale.*
- *The settlement patterns of the NCA, which broadly follow that of linear villages, with buildings (built with traditional materials of mottled brick and pantile roofs) set back behind wide grass verges and village greens, and dispersed large farmsteads”.*

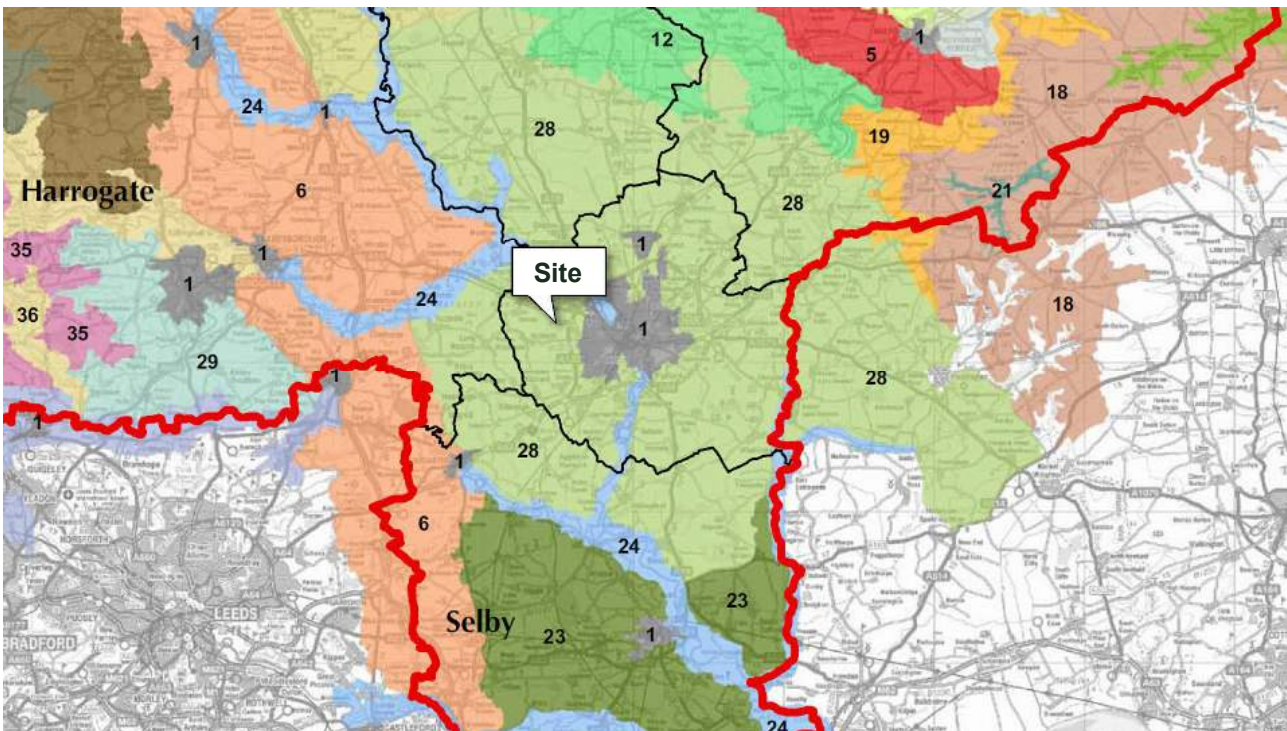
Under the heading Key Drivers the LCA profile stated:

“Continued development in and around York – York acts as a focus for economic development, housing supply, and a hub for transport links. The final boundary setting of the York green belt will contribute to the management of the growth of the city – new development projects will provide the opportunity to deliver new homes, increased business capacity and a mix of tourism through land remediation, archaeological protection, flood risk management, green infrastructure provision and transport improvements”.

4.2 Regional Landscape Character

The ‘North Yorkshire and York Landscape Characterisation Project’, a strategic planning and land management tool, produced by North Yorkshire County Council in May 2011 provides a more detailed assessment of the landscape within North Yorkshire and York.

Figure 10: Extract from North Yorkshire and York Landscape Characterisation Project



The site lies with the ‘Undulating Lowland Farmland’ (Landscape Character Type 29). The key characteristics of the LCT are described as:

Key Characteristics

- *“A patchwork of low lying, predominantly arable fields, often delineated by a network of mature hedgerows and interspersed with patches of regular-shaped mixed and coniferous plantation woodlands;*
- *Large heathlands are key features on sandy soils;*
- *Distant visual containment is provided by higher Landscape Character Types to the east and west;*
- *Strong sense of openness throughout much of this Landscape Character Type;*
- *Scattered settlement pattern of towns, villages and farmsteads within the landscape around the main historic City of York (which forms part of the Urban Landscapes Primary Landscape Unit);*
- *A network of trunk roads linking the larger settlements and towns”.*

The document goes on to assess the sensitivity of the LCT28 to change:

“Sensitivity to Change Issues

- *Moderate visual sensitivity overall. Whilst there is a strong sense of openness within much of the farmland as a result of the flat or gently undulating topography, patches of plantation woodland disrupt views to adjacent Landscape Character Types in places;*
- *Moderate landscape and cultural sensitivity overall. In places, historic landscape patterns are compromised by modern developments and infrastructure and hedgerows are gappy.*

- *There are, however, numerous historic landscape features present, including parkland landscapes, historic villages and prehistoric earthworks”*

4.3 The Site and its Immediate Surroundings

Generally the productive arable landscape within and adjacent to the site is flat and open. There are a number of urban influences within the immediate locality including:

- The A59 (Roman Road) to the north of the site, a main arterial route in to York from the west gives rise to background traffic noise. The prominence of the road and the traffic is increased where it passes over the Harrogate to York railway line north of the site;
- The park and ride facility immediately north of the site comprising extensive car parking, lighting, signage and a bus shelter. (Earth mounding and dense tree planting provides some screening of the facility);
- Commercial development to the northeast of the site (off Northfield Lane) including a large retail garden centre, with parking and car wash facility, restaurant with large carpark enclosed by conifer hedge and an equine veterinary clinic occupying an industrial looking building;
- A caravan storage facility with large portal framed building and detached bungalow immediately adjacent to the southeast corner of the site;
- The Northminster Business Park immediately south of the site, a busy commercial centre comprising office and light industrial units. A substantial conifer hedge along the northern edge of the business park provides an effective buffer between the site and the business park, although the use of non-native evergreen species emphasises the presence of the development and the hedge’s function as a visual barrier;
- Scattered isolated bungalows and farmsteads with large agricultural buildings off Burland Lane to the west of the site; and
- The domed profile of the Harewood Whin landfill facility to the southwest of the site which, rises above and contrasts with the surrounding flat farmland.

The site itself covers two large fields given over to extensive arable production. The fields are enclosed by well-maintained thorn hedgerows with the tall conifer hedge to the south, although land within the site boundary is almost completely devoid of trees or shrubs. There are no buildings, structures or notable landscape features within the site boundary.

Access to the site would be from Northfield Lane, a ‘no through road’ which currently serves the business park and commercial properties to the east of the site.

Generally to the west of the site, beyond Burlands Lane, the landscape becomes more rural in character, the fields become smaller and the vegetation covers increases. Conversely it becomes more urban towards the A1237 York Ring Road east of the site.

5 Landscape Effects

The landscape is reasonably pleasant and is no doubt valued by the local population, although there is no evidence that it is valued at a national or even regional level.

Neither the site nor the surrounding area are within a National Park, or AONB and they are not subject to any local landscape designations.

There are no designated heritage assets (World Heritage Sites, Scheduled Monuments, Listed Buildings, Conservation Areas, Park or Gardens of Historic Interest or Historic Battlefields) within or adjacent to the site.

The proposed residential development area lies outwith the existing Green Belt boundary shown on both the current Local Plan and the Neighbourhood Plan (Although the emerging Local Plan proposes Green Belt across the entire site).

The site is not publically accessible and is not currently a recreational resource.

The 'North Yorkshire and York Landscape Characterisation Project' considers the Vale of York as a whole (LCT 28) to be of 'medium' landscape and visual sensitivity. However, due to the localised urban influences, it is considered that the landscape within and around the site, is less sensitive to change than the published landscape character assessment suggests.

It is considered that the area between the park and ride facility and the Northminster Business Park has greater capacity to accommodate development than the more rural areas to the west away from York and the urban influences around the A59/ York Ring Road junction.

It is also considered that a development of the type proposed would not change the overall character of the landscape compared to existing. The reasons for this are:

- The existing land uses adjacent to the site already have a notable urbanising effect on local landscape character;
- The site is surrounded on three sides by commercial development, including the park and ride facility, Northminster Business Park, nursery garden, equine veterinary centre and restaurant;
- The approved extension to the existing park and ride facility would have a further urbanising effect on the landscape if developed;
- Development would not affect any protected landscape or cultural heritage features, including Listed Buildings and the Upper Poppleton and Nether Poppleton Conservation Areas north of the A59;
- There would be minimal loss of vegetation (limited to a small section of clipped hedgerow to facilitate access onto Northfield Lane);
- The development would require very little modification of the landform and would not affect the adjacent watercourse, or flood risk areas;
- The development would not affect any public rights-of-way or recreational routes; and
- The proposed residential development would incorporate an extensive 'green buffer' along the northern and western edges of the site. This would screen the development from the more sensitive rural areas to the west and to a lesser extent from the A59.

Furthermore it is considered that the residential development would be more easily accommodated on the site than the than employment use, for which the site is currently designated. Generally housing would be smaller than industrial/commercial units and could be more readily assimilated into the landscape with appropriate mitigation measures.

The only notable adverse landscape effect would be the loss of approximately 19.75 ha of Grade 2 agricultural land, although productive farmland of this type is common place across the Vale of York and the wider region. The loss would also be partly offset by the increased biodiversity, including the creation of seasonal ponds, marginal planting and wildflower meadows and extensive native woodland. The area would also provide a recreational resource for local inhabitants.

Whilst not directly relevant to the appraisal of landscape effects consideration should be given to the sustainable location of the site for housing. The site is within walking distance of the park and ride facility, which provides direct public transport links to York and the wider transport network.

6 Visual Appraisal

6.1 Visibility of the Site

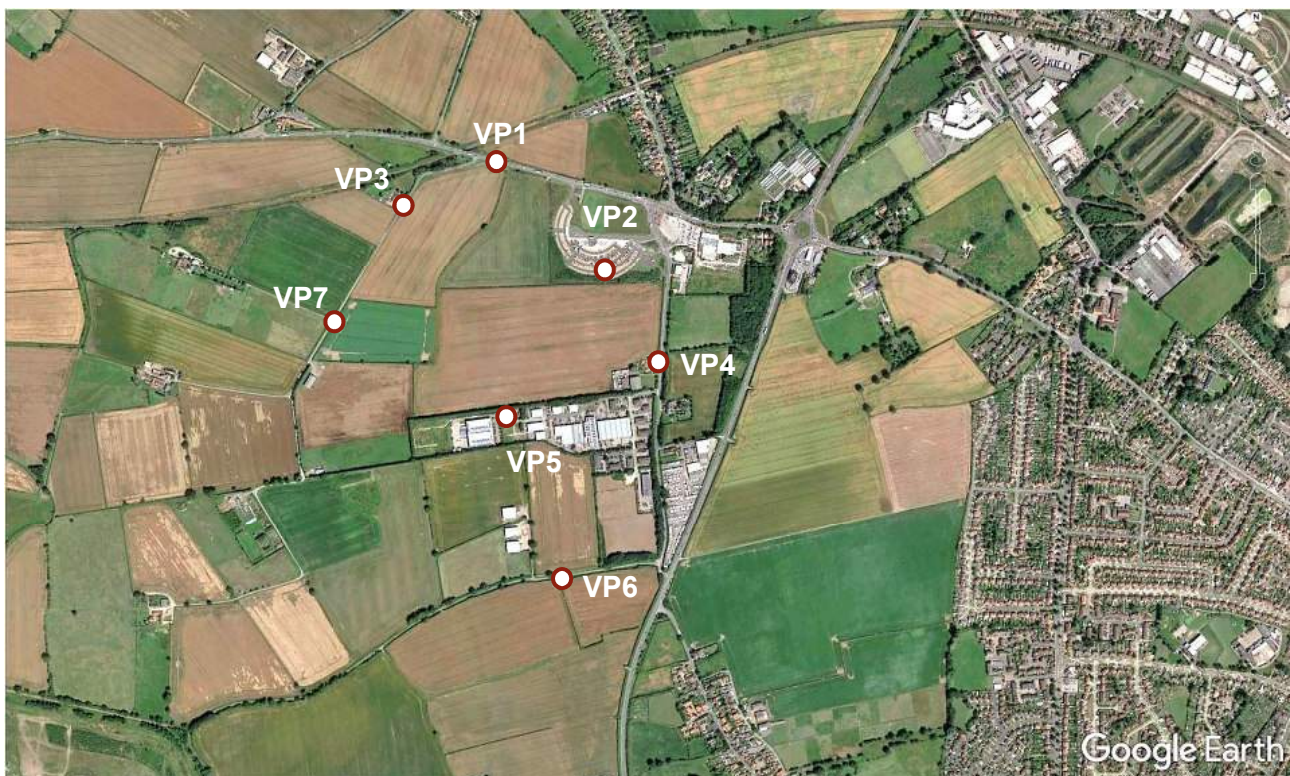
Despite the open nature of the landscape the development would be visually enclosed on three sides by the A59 and the park and ride facility to the north, woodland and commercial development to the east of Northfield Lane and by Northminster Business Park to the south. Consequently distant views are largely confined to the flat farmland to the west and from the elevated section of the A59 where it rises over the railway line. From this elevated location drivers heading in an easterly direction towards York are currently afforded panoramic views across the farmland and the site.

Overall there are very few residential properties or publically accessible vantage points within the 'visual envelope' from which the proposed development would be visible.

6.2 Representative Views

The key views of the site and the proposed development are represented by Viewpoints 1 to 7, the locations of which are shown on Figure 11 below.

Figure 11: Viewpoint Locations



Viewpoint 1: A59 Northwest of the of the Poppleton Bar Park and Ride Facility



Type of viewer and distance from the site	Viewer Type Road Users (A59) north of the site	Distance from Site 15 m
Potential changes to the View	In terms of receptor numbers the A59 is the main viewing location, particularly when travelling east towards York. The viewpoint is located on an elevated section of the A59 as it rises over the York to Harrogate railway line (Red Lion Bridge). From this part of the road drivers are currently afforded views across farmland towards Northminster Business Park and the park and ride facility. The proposed residential development would occupy the field in the middle distance and would be viewed against a backdrop of existing trees and buildings. The country park would, in time, create an effective buffer between the A59 and the open farmland to the west.	

Viewpoint 2: Poppleton Bar Park and Ride Facility looking towards the Site



Type of viewer and distance from the site	Viewer Type User of the Poppleton Bar Park and Ride Facility	Distance from Site 10 m
Potential changes to the View	The proposed residential area would be located immediately adjacent to the park and ride facility, although earth mounding and dense woodland planting around the perimeter provides an effective barrier between the site and the park and ride. Despite its proximity the proposed residential development would be substantially screened from this viewpoint. It is predicted that screening would increase further as the young trees mature, although boundary screening may be temporarily reduced if the proposals to extend the carpark are implemented.	

Viewpoint 3: Burlands Bungalow, Burlands Lane west of the Site



Type of viewer and distance from the site	Viewer Type Residential (Burlands Bungalow) Road/ Footpath Users on Burlands Lane	Distance from Site 170 m
Potential changes to the View	Residents of Burlands Bungalow and Road/Footpath Users (Burlands Lane) currently have unrestricted views across open fields towards the Northminster Business Park and the commercial development on Northfield Lane. The proposed residential developed would be visible in the middle distance, although it would not break the skyline and would be visually contained by the existing vegetation/ development. In the longer term, as the proposed vegetation within the 'county park' matures the new houses would be screened from Burlands Lane and the more rural areas to the west of the site. It is unlikely that the character or composition of the view would change significantly compared to existing.	

Viewpoint 4: Pear Tree Farm, Northfield Lane, east of the Site



Type of viewer and distance from the site	Viewer Type Residential/ Road users (Northfield Lane)	Distance from Site 20 m
Potential changes to the View	The residential development would be located between Pear Tree Farm (to the left of the photograph) and the park and ride facility (in the middle distance). The development could potentially affect the setting of this single residential property (Pear Tree Farm) and would obstruct westerly views from a short section of Northfield Lane. The localised effects on the farm could be minimised at the detailed design stage by locating the proposed houses away from the property and through the provision of a green buffer.	

Viewpoint 5: Northminster Business Park, Harwood Road south of the Site



Type of viewer and distance from the site	Viewer Type Business Park Users (Place of work)	Distance from Site 40 m
Potential changes to the View	The proposed development would be located immediately north of the Northminster Business Park, although dense vegetation, including a substantial conifer hedge, along the northern edge of the business park would completely screen views of the proposed development.	

Viewpoint 6: Moor Lane, south of Northminster Business Park



Type of viewer and distance from the site	Viewer Type Bridleway Users (Moor Lane)	Distance from Site 420 m
Potential changes to the View	The viewpoint represents views from Moor Lane, which runs from Northfield Lane to the B1224 via Harewood Whin. From the majority of the bridleway the proposed development would be screened by Northminster Business Park, which effectively prevents long-distance views to the north.	

Viewpoint 7: Burlands Lane, opposite the entrance to Burlands Farm, west of the Site



Type of viewer and distance from the site	Viewer Type Footpath/Road Users (Burlands Lane)	Distance from Site 240 m
Potential changes to the View	Road/Footpath Users (Burlands Lane) currently have unrestricted views across open fields towards the Northminster Business Park and the commercial development on Northfield Lane. The proposed residential developed would be visible in the middle distance, although it would not break the skyline and would be visual contained by the existing vegetation/development. In the longer term, as the proposed vegetation on the western edge of the site matures the new houses would be screened from Burlands Lane and the isolated residential properties to the west.	

7 Visual Effects

Field observations confirmed there are very few publically accessible locations, or residential properties from which the development site is currently visible.

Dense vegetation, earth mounding and manmade structures within the grounds of the park and ride facility, along Northfield Lane and the along the northern edge of Northminster Business Park would screen distant views of the development from the north, east and south.

The development would not be visible from the Upper Poppleton Conservation Area or the more distant Nether Poppleton Conversation Area further north, which would be screened by intervening structures and /or the elevated section of the A59.

Distant views to the west including the isolated properties off Burlands Lane would, in time, be screened by the proposed 'country park' on the western edge of the development which would provide a substantial green buffer between the proposed housing and the open countryside.

The development would not be visible from the Listed Buildings or the Scheduled Monument which are some distance from the site (Refer Figure 7).

The potential adverse visual effects of the development are considered to be:

- The views from the A59, particularly when approaching York from the west; and
- The loss of the 'open aspect' to a single residential property immediately adjacent to the site (Pear Tree Farm).

In terms of the views from the A59, (Refer: Viewpoint 1) the residential development would be visible from a short section of the road, although it is considered that the character and composition of these views would change very little compared to existing. This is due to the prominence of the existing park and ride facility with its tall lighting columns, and the adjacent Northminster Business Park, comprising industrial buildings with a prominent 'suburban looking' ornamental conifer hedge.

It is envisaged that the proposed buffer planting would, as it matures, assist with the visual assimilation for the proposed housing, eventually screening it from the A59.

In terms of the effects on Pear Tree Farm, the setting of the dwelling is already partly compromised by the adjacent storage buildings and by the caravan storage area. It is considered that the localised effects on this single property could be reduced by sympathetic layout and design of the adjacent housings.

Overall given the number of proposed dwellings, it is predicted that the visual effects would be minimal.

8 Conclusions

This statement presents the findings of a preliminary landscape and visual appraisal undertaken by a Chartered Landscape Architect, in accordance with current best practice guidance.

It is predicted that the flat arable land between the Poppleton Barr Park and Ride and Northminister Business Park does have capacity to accommodate development of the type and size proposed, without causing harm to the character and composition of the landscape, or the views from the surrounding areas.

Any adverse effects would be short-lived and in time could be reversed by the extensive planting measures proposed.

The site could provide a substantial contribution to the housing supply without affecting the character of the surrounding landscape or the views from the A59.

Furthermore the development represents an opportunity to create a well-defined, more defensible edge to the settlement than currently exists. The substantial 'green buffer' proposed would encompass the existing (and potentially extended) park-and-ride, the proposed housing and the business park to the south, effectively containing the 'urban area' and separating it from the more attractive farmland to the west.

In planning terms the proposals comply with the legal planning status of the site, which as a result of the Upper and Nether Poppleton Neighbourhood Plan, made' on 19th October 2017, is allocated 'White Land' i.e. without any designation. (Although the emerging local plan seeks to delete the non-designated land and impose Green Belt on the entire area between the park and ride and the business park, which is contrary to the objectives of the Neighbourhood Plan and the 'Officers previous assessment of employment sites')

Overall, it is considered that the proposed development, which would: comply with the legal planning status, rationalise land-use, contribute to future housing supply and create a new defensible boundary to the urban edge of York, without giving rise to any notable landscape or visual effects.

Appendix A

Indicative Masterplan Option 1 (STEN Architecture, March 2018)

Indicative Masterplan Option 2 (STEN Architecture, March 2018) (with extended park & ride facility)

- PRIMARY ROADS
- SECONDARY ROADS
- PRIVATE DRIVES
- PROPOSED LOW DENSITY RESIDENTIAL DEVELOPMENT
- PROPOSED HIGH DENSITY RESIDENTIAL DEVELOPMENT
- AREAS OF OPEN SPACE
- REAR BOUNDARIES TO DWELLINGS
- PROPOSED TREES
- EXISTING TREES / HEDGEROWS
- KEY NODAL SPACES WITHIN DEVELOPMENT
- KEY DWELLINGS IN PROMINENT POSITIONS
- PEDESTRIAN CONNECTIONS

- 1** POTENTIAL ACCESS POINTS FROM NORTH FIELD LANE
- 2** POTENTIAL LOCATION FOR LOCAL CONVENIENCE STORE
- 3** PROPOSED LANDSCAPE BUFFER ALONG THE DEVELOPMENT'S BOUNDARY TO SOFTEN THE DEVELOPMENT'S EDGE
- 4** PROPOSED LOCATION FOR SUDS BASINS
- 5** KEY PEDESTRIAN WALKWAYS / CYCLE ROUTES THROUGH THE COUNTRY PARK
- 6** PROPOSED AREAS OF RECREATION AND / OR MEETING SPACE WITHIN THE COUNTRY PARK
- 7** GREEN LINK TO COUNTRY PARK, CREATING A LANDSCAPED CHARACTER AREA WITH VIEWS OF THE COUNTRY PARK TO THE WEST

DEVELOPMENT SUMMARY:

GROSS AREA: 48.81 ACRES / 19.75 HECTARES

APPROXIMATE NETT AREA OF RESIDENTIAL PARCEL: 25 ACRES / 10.11 HECTARES

APPROXIMATE AREA OF CONVENIENCE STORE: 0.17 ACRES / 0.07 HECTARES

APPROXIMATE AREA OF COUNTRY PARK: 15.32 ACRES / 6.20 HECTARES

APPROXIMATE AREA OF LANDSCAPE BUFFERS AND GREEN LINK TO COUNTRY PARK: 8.32 ACRES / 3.37 HECTARES

DWELLINGS ACHIEVABLE = CIRCA 320 DWELLINGS



- PRIMARY ROADS
- SECONDARY ROADS
- PRIVATE DRIVES
- PROPOSED LOW DENSITY RESIDENTIAL DEVELOPMENT
- PROPOSED HIGH DENSITY RESIDENTIAL DEVELOPMENT
- AREAS OF OPEN SPACE
- REAR BOUNDARIES TO DWELLINGS
- PROPOSED TREES
- EXISTING TREES / HEDGEROWS
- KEY NODAL SPACES WITHIN DEVELOPMENT
- KEY DWELLINGS IN PROMINENT POSITIONS
- PEDESTRIAN CONNECTIONS

- 1 POTENTIAL ACCESS POINTS FROM NORTH FIELD LANE
- 2 POTENTIAL LOCATION FOR LOCAL CONVENIENCE STORE
- 3 PROPOSED LANDSCAPE BUFFER ALONG THE DEVELOPMENT'S BOUNDARY TO SOFTEN THE DEVELOPMENT'S EDGE
- 4 PROPOSED LOCATION FOR SUDS BASINS
- 5 KEY PEDESTRIAN WALKWAYS / CYCLE ROUTES THROUGH THE COUNTRY PARK
- 6 PROPOSED AREAS OF RECREATION AND / OR MEETING SPACE WITHIN THE COUNTRY PARK
- 7 GREEN LINK TO COUNTRY PARK, CREATING A LANDSCAPED CHARACTER AREA WITH VIEWS OF THE COUNTRY PARK TO THE WEST
- 8 PHASE TWO OF CONSENTED PARK AND RIDE

DEVELOPMENT SUMMARY:

GROSS AREA: 47.04 ACRES / 19.04 HECTARES

APPROXIMATE NETT AREA OF RESIDENTIAL PARCEL: 25 ACRES / 10.11 HECTARES

APPROXIMATE AREA OF CONVENIENCE STORE: 0.17 ACRES / 0.07 HECTARES

APPROXIMATE AREA OF COUNTRY PARK: 13.68 ACRES / 5.53 HECTARES

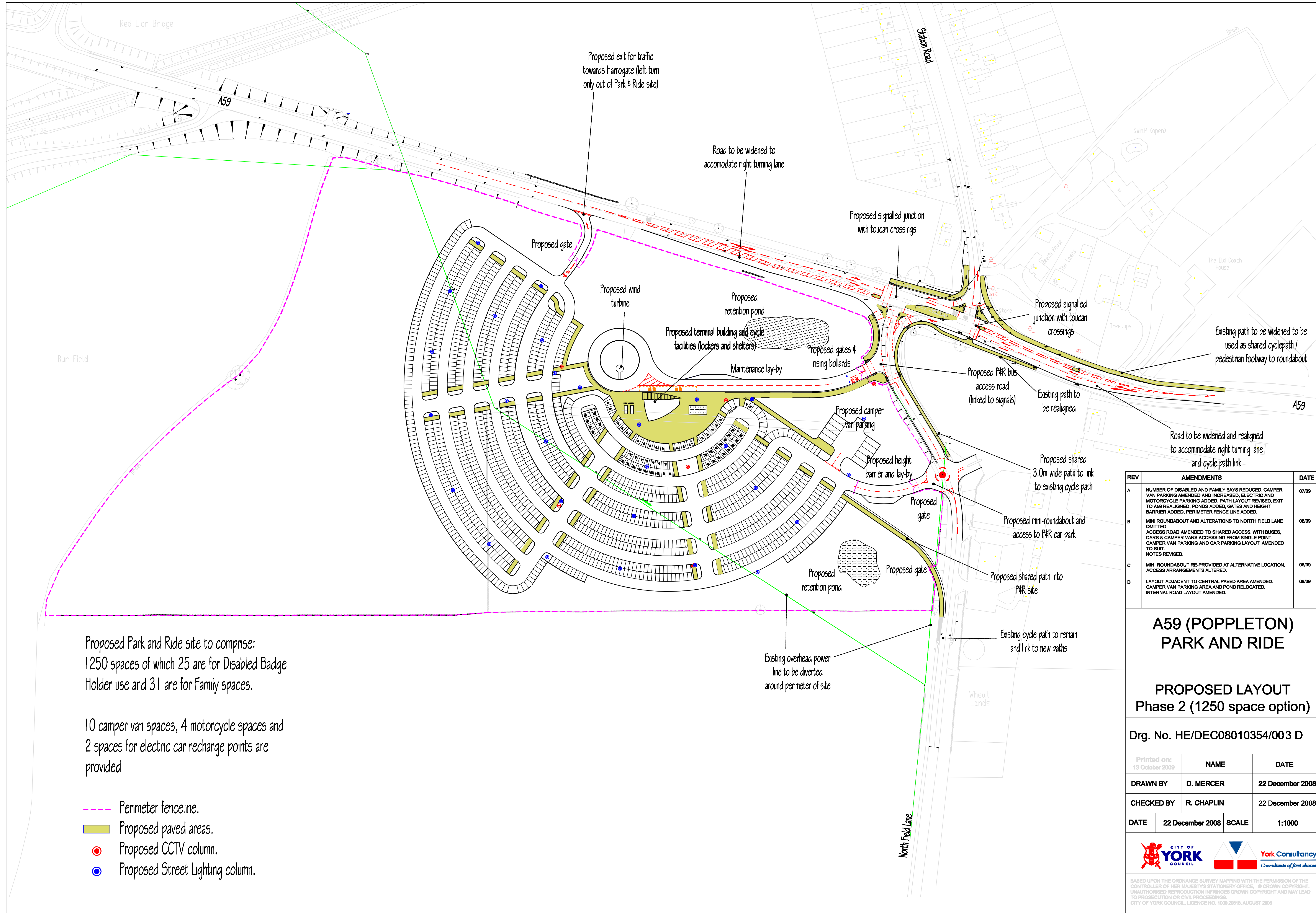
APPROXIMATE AREA OF LANDSCAPE BUFFERS AND GREEN LINK TO COUNTRY PARK: 8.19 ACRES / 3.31 HECTARES

DWELLINGS ACHIEVABLE = CIRCA 320 DWELLINGS



Appendix B

Approved Poppleton Bar Park and Ride Layout (1250 Spaces)



Proposed Park and Ride site to comprise:
 1250 spaces of which 25 are for Disabled Badge Holder use and 31 are for Family spaces.

10 camper van spaces, 4 motorcycle spaces and 2 spaces for electric car recharge points are provided

- - - - - Perimeter fence line.
- █ Proposed paved areas.
- Proposed CCTV column.
- Proposed Street Lighting column.

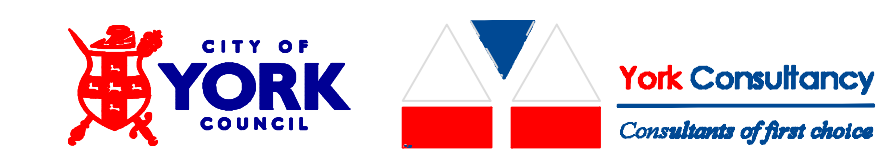
REV	AMENDMENTS	DATE
A	NUMBER OF DISABLED AND FAMILY BAYS REDUCED, CAMPER VAN PARKING AMENDED AND INCREASED, ELECTRIC AND MOTORCYCLE PARKING ADDED, PATH LAYOUT REVISED, EXIT TO A59 REALIGNED, PONDS ADDED, GATES AND HEIGHT BARRIER ADDED, PERIMETER FENCE LINE ADDED.	07/08
B	MINI ROUNDABOUT AND ALTERATIONS TO NORTH FIELD LANE OMITTED. ACCESS ROAD AMENDED TO SHARED ACCESS, WITH BUSES, CARS & CAMPER VANS ACCESSING FROM SINGLE POINT. CAMPER VAN PARKING AND CAR PARKING LAYOUT AMENDED TO SUIT. NOTES REVISED.	08/08
C	MINI ROUNDABOUT RE-PROVIDED AT ALTERNATIVE LOCATION. ACCESS ARRANGEMENTS ALTERED.	08/08
D	LAYOUT ADJACENT TO CENTRAL PAVED AREA AMENDED. CAMPER VAN PARKING AREA AND POND RELOCATED. INTERNAL ROAD LAYOUT AMENDED.	08/08

A59 (POPPLETON) PARK AND RIDE

PROPOSED LAYOUT Phase 2 (1250 space option)

Drg. No. HE/DEC08010354/003 D

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Appendix 5 – Highways & Transportation

Vernon & Co
Land North of Northminster Business Park, Poppleton, York

Transport and Access Appraisal

4 April 2018
Version 1.0
Issue







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Figure 3: Cycle Catchment

Figure 4: Public Transport

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Figure 6: Allocation Traffic Flows - Weekday AM Peak Hour

Figure 7: Allocation Traffic Flows - Weekday PM Peak Hour

Drawings

3647/SK001/01: Possible Access Arrangements

Appendices

Appendix A: Indicative Masterplan

Appendix B: TRICS Output

1 Introduction

1.1 Commission

Fore Consulting Limited (Fore) has been commissioned by Vernon & Co to support the promotion of land north of Northminster Business Park, near Poppleton, York for residential development through City of York Council's (CoYC's) emerging Local Plan in respect of transport and highways issues.

1.2 The Site

The proposed allocation site lies immediately to the north of Northminster Business Park and south of the Poppleton Bar Park & Ride (P&R) facility. As such, it represents a highly sustainable infill development.

The site is approximately 27 hectares in area and has the potential to accommodate residential development, a local convenience store and large area of public parkland. An illustrative masterplan for a development on the allocation site has been prepared, identifying a provisional site capacity of 320 dwellings, with access taken from North Field Lane.

The site location is shown in Figure 1.

1.3 Purpose of this Report

The purpose of this report is to provide the necessary information on transport and highways matters to identify any key issues that may affect the future delivery of the site and to enable appropriate measures to be implemented, to allow the site to be promoted through the emerging Local Plan process.

1.4 Structure of the Report

The report is structured as follows:

- Chapter 2 describes the existing transport networks in the vicinity of the site.
- Chapter 3 describes the development proposals, including possible access arrangements.
- Chapter 4 presents the traffic impacts of the proposed allocation.
- Chapter 5 summarises and concludes the outcomes of the appraisal.

2 Existing Situation

This Chapter provides a general overview of the site and a context to the allocation site, including a detailed description of the existing situation on the local transport network.

2.1 Pedestrian and Cycle Infrastructure

2.1.1 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, respectively¹.

Based on these walking distance thresholds, walking distance isochrones measured from an indicative point of site access on North Field Lane are demonstrated on Figure 2. The catchment includes Poppleton village centre (where a range of local amenities and services can be accessed), as well as both primary and secondary education facilities.

Footways are currently provided along all highway links in the immediate vicinity of the allocation, and signal-controlled crossings are provided at the A59 / Station Road junctions. In addition, both at-grade crossings and an underpass of the A1237 Outer Ring Road are provided at the A1237 Outer Ring Road / A59 roundabout junction.

A Public Right of Way (PRoW) exists to the south of North Field Lane which runs in an east / west alignment between Knapton and the B1224.

2.1.2 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 [8.0 km] should be assumed².

Based on these distances, York city centre and a significant part of the urban area would be within a convenient cycling distance for residents of the development.

A number of off-road cycle tracks and advisory routes for cyclists exist within the vicinity of the site. These include a shared-use footway / cycleway along the northern edge of the A59, linking to an underpass of the A1237 Outer Ring Road, providing a high-quality route towards the city centre.

¹ Chartered Institution of Highways and Transportation 'Guidelines for Providing Journeys on Foot' (2000, p49)

² Cycling England, 'Integrating Cycling into Development Proposals', 2009, p4.

National Route 65 of the National Cycle Network runs from Hornsea to Middlesbrough and also forms a part of the Trans Pennine Trail (east) cycle route between Selby and Hornsea. The route is fully open and signed and can be accessed approximately 2.5km from the allocation site.

Figure 3 shows the cycle catchment within the vicinity of the proposed allocation site.

2.2 Public Transport

2.2.1 Bus Network

The closest bus stop to the development is currently the P&R facility at Poppleton Bar, which opened in 2014 and is located within a walking distance of approximately 500m from the site. This is situated south of Poppleton Railway Station, at the A59/A1237 junction, and is shown on Figure 4. Bus services run between the P&R site and the city centre every 10 to 15 minutes between 07:00 and 20:05 hours on weekdays, and between 07:00 to 20:04 hours on Saturdays.

In addition, there are bus stops located approximately 600m from the allocation site on the A59. Service 22 is operated by Transdev York from York to Harrogate (via Boroughbridge, Ripon and Knaresborough) and vice versa.

2.2.2 Railway Station

The nearest train station is Poppleton, approximately 900m north of the allocation. The station has two platforms and provides 12 car parking spaces plus 10 cycle parking spaces. The station is served by hourly services to York and Leeds (via Knaresborough and Harrogate).

2.2.3 Park and Ride

An existing P&R site, 'Poppleton Bar', is located to the north of the allocation site. It provides 600 car parking spaces and is powered by a fleet of all-electric buses. Poppleton Bar is therefore York's cleanest and most energy-efficient P&R service. The facility provides a frequent return service to the city centre taking approximately 20 minutes.

In addition, the P&R has planning permission for the existing car park to be extended from 600 to 1,250 spaces.

2.3 Highway Network

The highway network near the site comprises of a number of key links and junctions:

- **A59**, links Poppleton to York city centre in the south east and provides a strategic route to Harrogate, Skipton and the North West. In the immediate vicinity of the allocation site the carriageway is around 10m to 11.5m wide with a 2.0m footway along the northern edge only to accommodate additional lanes for turning movements associated with the P&R. The road is lit and a signalised pedestrian crossing point is provided at the junction with Station Road.
- **A1237**, which forms the Outer Ring Road around the northern and western sides of York, linking links to the A64 in the south at Copmanthorpe, and the north at Hopgrove Interchange. Street lighting is generally provided throughout the route.
- **Station Road**, which provides access to a number of residential roads in the Upper Poppleton and Nether Poppleton areas. There is a level crossing situated on Station Road, located approximately 300m north of the junction with A59.
- **North Field Lane**, which provides access to Poppleton Bar P&R and a number of commercial and industrial units to the south of the allocation site.

3 Allocation Proposals

This Chapter presents a description of the allocation proposals and how access will be achieved by all modes of transport. Particular consideration is given to ensure that the site is accessible by a range of sustainable travel modes.

3.1 Land Use

The site is currently in agricultural land use.

An illustrative masterplan has been prepared for the allocation, indicating that the site could accommodate 320 residential dwellings, plus a convenience store and open space. The masterplan also demonstrates how the approved extension to the Poppleton Bar P&R car park can be implemented with the proposed allocation in place.

The illustrative masterplan is provided at Appendix A.

3.2 Vehicular Access

3.2.1 Access Junctions

North Field Lane forms part of the adopted public highway, maintained by the CoYC. Given the quantum of development envisaged as part of the allocation, it is anticipated that two points of vehicular access to North Field Lane will be provided.

A preliminary layout has been identified, and is demonstrated on Fore Consulting drawing 3647/SK001/01. Given that the national speed limit currently applies on North Field Lane, visibility splays of 210m are assumed. Consideration will be given to reducing the speed limit along North Field Lane at the planning application stage, which would be more appropriate given the more built-up nature of the area with development on the allocation site in place. However, to ensure robustness for the purposes of this appraisal, visibility requirements are considered on the basis of the existing speed limit.

3.2.2 Internal Layout and Car Parking

The internal layout of future development and car parking requirements will be considered and determined at the appropriate stage of the planning process.

However, car parking will be identified in accordance with CoYC's prevailing planning policy, which at the time of writing is formed by Appendix E of the Local Plan 2005, which identifies a maximum level of parking as follows:

- 1 space per 1 or 2 bedrooms (can include a garage),

- 2 spaces per 3 or more bedrooms (can include a garage).

Similarly, the requirement for electric vehicle charging points will be determined at the appropriate stage of the planning process in accordance with CoYC's prevailing policy.

3.3 Sustainable Access

Although there is a footway along the northern edge, there is currently no footway adjacent the P&R along the southern edge of A59 Roman Road. There are however footways either side of the A59 east of the junction with North Field Lane, and a signalised pedestrian crossing at the junction with Station Road, allowing residents to cross the A59 towards Poppleton safely.

3.3.1 Cycle Provision

Cycle parking provision will be determined at the planning application stage to confirm an appropriate level of provision is made. The eventual level of parking proposed will be in accordance with prevailing CoYC's local policy.

In addition, a Travel Plan will be produced at the appropriate planning stage to encourage cycling for residents.

3.3.2 Public Transport

The allocation site is very well served by public transport, including a rail station, P&R terminus and bus stops providing frequent connections to key local and regional destinations, located within a reasonable walking distance.

In addition to its location adjacent Poppleton Bar P&R and close to Poppleton rail station, the allocation site is within a convenient walking distance of a wide range of local amenities, with York city centre and significant part of the York district readily accessible by cycle. As such, there is clear potential for journeys for a wide range of purposes to be undertaken by sustainable modes.

4 Trip Generation and Traffic Flows

4.1 Person Trip Generation

It is anticipated that, in terms of transport impacts, the convenience store will be ancillary to the proposed residential development, and would not generate trips externally. Consequently, person trip generation associated with the residential element of the proposals only has been considered on the basis of weekday peak hour scenarios.

Person trip rates have been derived from the TRICS database accordingly, based on the criteria identified in Table 1.

Table 1: TRICS Search Criteria

Land Use	TRICS Land Use	TRICS Category	Location
Residential	03 - Residential	A - Houses privately owned	Edge of Town

The resulting person trip rates and person trip generation are summarised in Table 2.

Table 2: Weekday Peak Hour Person Trip Generation

	AM Peak Hour 08:00-09:00		PM Peak Hour 17:00-18:00	
	Arr	Dep	Arr	Dep
Person Trip Rates (trips / dwelling)	0.220	0.821	0.588	0.343
Person Trips (320 dwellings)	70	263	188	110

4.2 Mode Share

Mode share of journeys to the development has been identified using 2011 Census data for the method of travel to work for the daytime population of the medium layer super output area (MSOA) York 011. This MSOA reflects existing commuting journeys to the local Poppleton Area. However, the Poppleton Bar P&R facility was opened after the 2011 Census was undertaken, and therefore the proportion of journeys made by bus has been manually increased, to reflect the significant improvement in bus accessibility resulting from introduction of the P&R facility.

The mode share, and adjusted mode share used for the purposes of this appraisal, are summarised in Table 3.

Table 3: Mode Share

Mode	2011 Census Mode Share (% of journeys by mode)	Adjusted Mode Share (% of journeys by mode)
Train	4.8%	4.8%
Bus, minibus or coach	4.7%	10.0%
Taxi	0.2%	0.2%
Motorcycle, scooter or moped	1.0%	1.0%
Driving a car or van	68.2%	62.9%
Passenger in a car or van	4.9%	4.9%
Bicycle	8.2%	8.2%
On foot	8.1%	8.1%
Total	100.0%	100.0%

4.3 Vehicle Trip Generation

Based on the person trip generation and mode shares identified in the previous section, the estimated vehicle traffic generation is summarised in Table 4.

Table 4: Weekday Peak Hour Vehicle Trip Generation

Time	Vehicle Trip Generation <i>320 Dwellings</i>		
	Arrivals	Departures	Total
Weekday AM Peak Hour <i>08:00 to 09:00</i>	45	167	211
Weekday PM Peak Hour <i>17:00 to 18:00</i>	119	70	189

At this stage, no account has been taken of the impact of travel planning measures that will be required in accordance with future planning approvals (for instance, in order encourage the use of public transport, walking and cycling rather than the private car). As such, the vehicle trip generation demonstrated in Table 4 represents a robust assessment of the likely impacts of the development on the wider highway network.

4.4 Vehicle Trip Distribution and Assignment

Vehicle trip distribution associated with the proposed development has been estimated based on 2011 Census data³. The destination of travel to work by people who live in the York 011 medium layer super output area (MSOA) has been considered; this represents the MSOA within which the site is located and is therefore an appropriate proxy.

The number of car driver trips to each destination MSOA or district has been expressed as a percentage of the total and then assigned to routes on the highway network to give a distribution of vehicle trips to and from the allocation. Where a choice of routes is available, the proportion of trips using each route has been split, to reflect the likely preferred choice of drive time and drive distance.

The resulting vehicle trip distribution for the proposed residential development is presented at Figure 5 and summarised in Table 5.

Table 5: Trip Distribution Summary (%)

Route		Vehicle Trip Distribution <i>% of total</i>
1	A59 Roman Road West	14%
2	Local Trips (Poppleton)	11%
3	A1237 North	22%
4	A59 Boroughbridge Road East	19%
5	A1237 South	34%
6	North Field Lane	0%
Total		100%

For the purposes of this appraisal, vehicle trip generation has been assigned to the surrounding highway network assuming that 75% of development traffic would use the northern access, with the remaining 25% using the southern access junctions. This assumption can be refined as part of detailed Transport Assessment work to be undertaken as part of a future planning application.

³ Dataset WU03EW: ‘Location of usual residence and place of work by method of travel to work’

4.5 Impact on the Highway Network

Based on the assumptions set out above, the resulting traffic flows associated with the allocation are demonstrated on Figure 6 and Figure 7. Table 6 summarises the traffic impacts associated with the proposed allocation on the local network.

Table 6: Weekday Peak Hour Traffic Impacts Associated with the Proposed Allocation

Link		Traffic Impact <i>Two-Way Flow</i>	
		AM Peak Hour	PM Peak Hour
A59	Boroughbridge Road East	41	36
	Roman Road West	30	27
A1237	North	46	41
	South	72	64
Station Road	Local Trips (Poppleton)	24	21

The assessment indicates that the further, detailed capacity modelling of the impacts of the proposed allocation at the A59 / North Field Lane / Station Road junction, and the A1237 Outer Ring Road / A59 junction, would be required at the planning application stage, following collection of up-to-date traffic data. However, at this stage, it is considered that the traffic impacts are of a scale that could be accommodated, or adequately mitigated.

Beyond these junctions, the traffic impacts of the allocation are likely to be relatively limited, on average equating to fewer than 1 vehicle per minute in both directions during the weekday peak hours.

Overall, the traffic impacts associated with the allocation are not considered to be material, or result in a ‘severe’ impact in the context of Paragraph 32 of NPPF.

4.6 Comparison with Possible Employment Use

It is understood that as part of the previous versions of the emerging draft Local Plan, the allocation site has been considered by CoYC for an employment use, including 66,000 sq m for a mix of B1 office and B2 general industrial / B8 warehousing uses. The principle of development was found to be acceptable in technical terms to CoYC officers.

For the purposes of this appraisal, a comparison of traffic generated by the proposed residential use against that potentially generated by an employment use on the scale previously envisaged by CoYC has been undertaken. This has been undertaken in

accordance with the methodology outlined for the purposes of the residential use, as set out above. The comparison is summarised in Table 7.

Table 7: Comparison of Weekday Peak Hour Vehicle Trip Generation

Time	Proposed Residential Use <i>320 Dwellings</i>			Alternative Employment Use <i>66,000 sqm</i>		
	Arr	Dep	Tot	Arr	Dep	Tot
Weekday AM Peak Hour <i>08:00 to 09:00</i>	45	167	211	397	196	593
Weekday PM Peak Hour <i>17:00 to 18:00</i>	119	70	189	190	334	524

On this basis, it is clear that an employment development on the scale previously considered by CoYC could represent a significantly higher traffic generator during the critical weekday peak hour scenarios than the proposed residential use, with associated implications for the operation of the highway network at peak times.

5 Summary

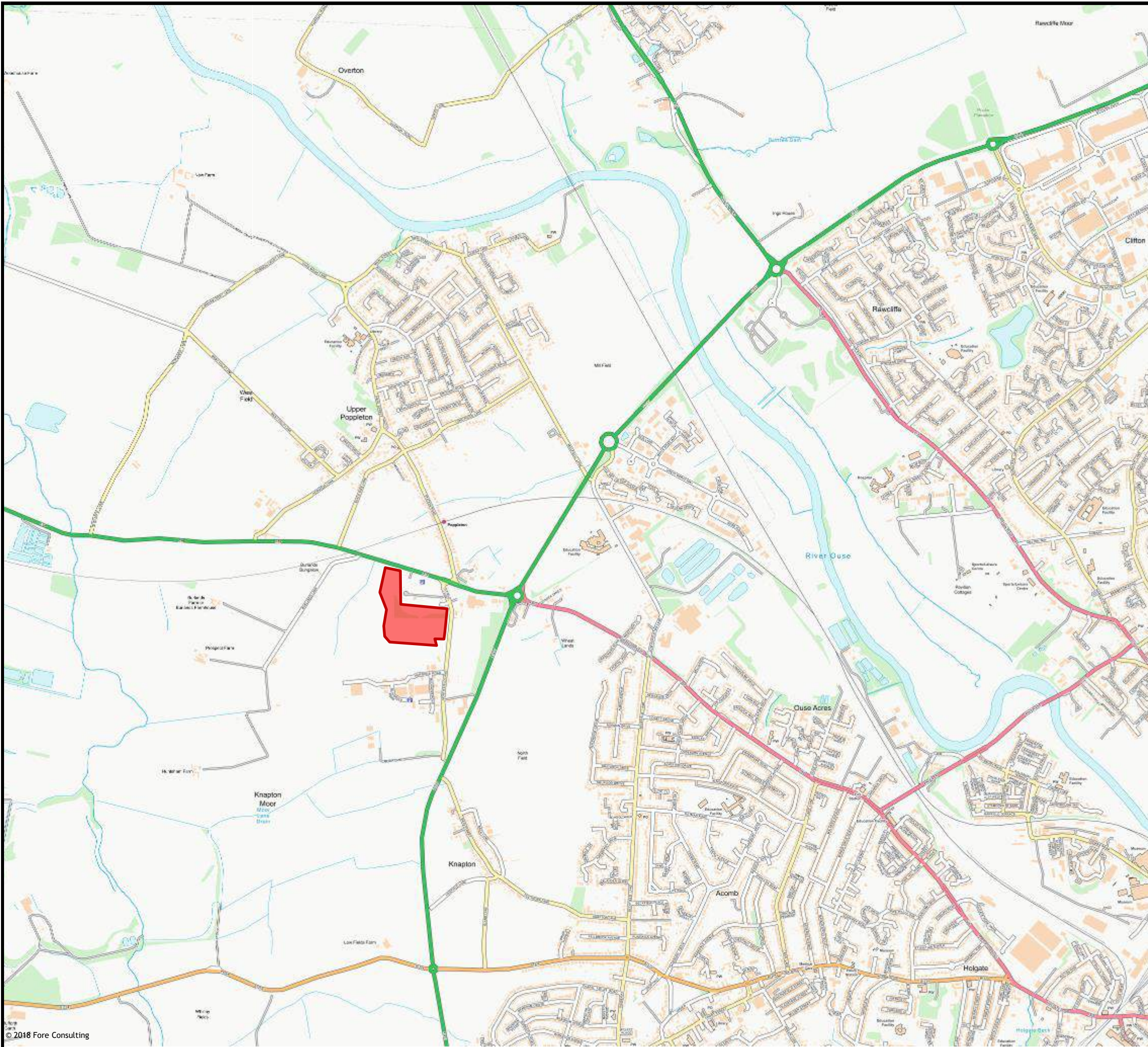
This appraisal has examined the existing transport networks in the vicinity of the site, outlined how the allocation site can be accessed by all modes of transport, and considered the resulting impact on the local transport network.

This assessment demonstrates that:

- Satisfactory vehicular access can be delivered from North Field Lane on land under the control of the promoter and within the adopted public highway.
- Significant opportunities exist for residents to walk, cycle or use public transport to travel to a wide variety of local and regional destinations for a range of journey purposes.
- The proposals fully accord with the provisions set out in the NPPF. In particular, residents of the allocation would be able to access local facilities by non-car modes, and vehicular traffic will not have a significant detrimental impact on the adjacent highway network.

It is concluded that, from a transport perspective, there are no reasonable barriers to prevent a residential development on the scale envisaged from being allocated.

Figures



Key:

 Indicative Site Location Boundary

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 Vernon & Co

Project:
 Land Adjacent to Northminster Business Park,
 Poppleton

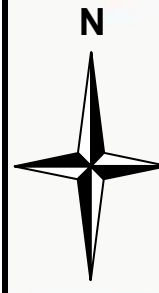
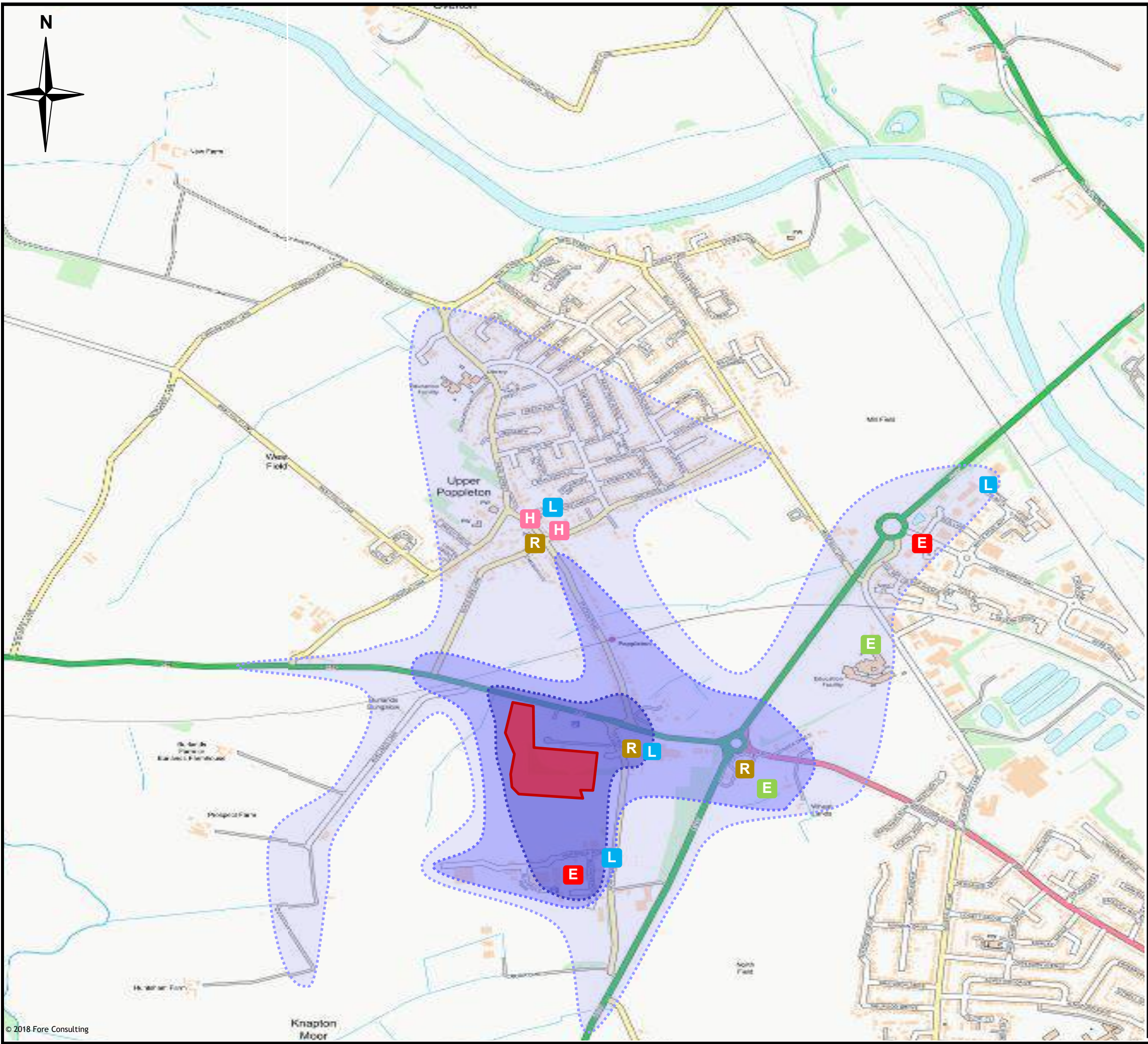
Figure Title:
 Site Location










Scale:
 Not to Scale

Figure Status:
 Issue

Job Number:
 3647

Figure Number:
 Figure 1



- Key:
-  Indicative Site Location Boundary
 -  0.5km Walking Distance Isochrone
 -  1.0km Walking Distance Isochrone
 -  2.0km Walking Distance Isochrone
 -  Education Site
 -  Employment Site
 -  Leisure Site
 -  Retail Site
 -  Health Site

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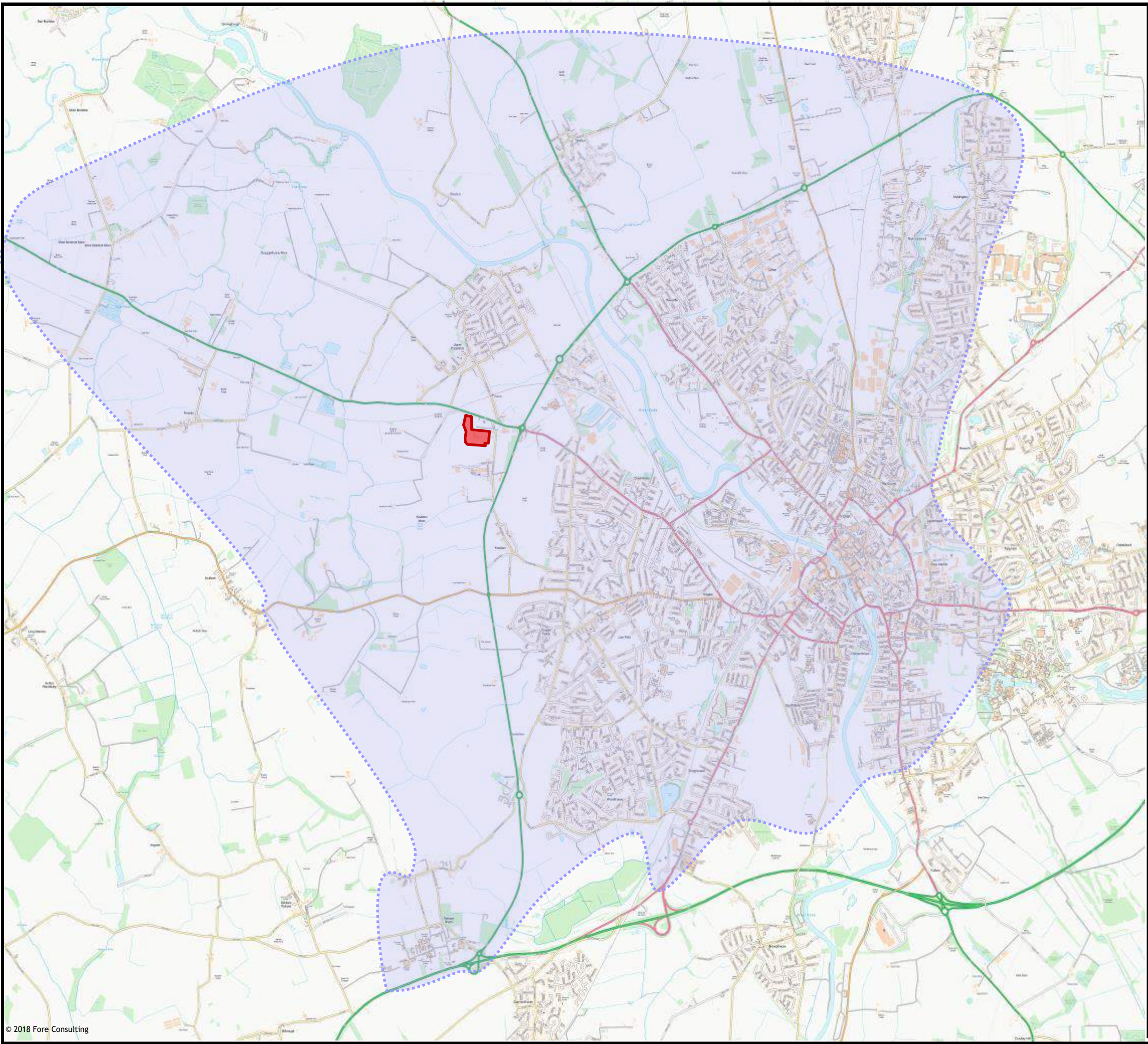
Figure Title:
 Pedestrian Catchment and Local Amenities

Scale:
 Not to Scale



Figure Status:
 Issue

Job Number:
 3647

Figure Number:
 Figure 2



Key:

-  Indicative Site Location Boundary
-  8.0km Cycle Catchment

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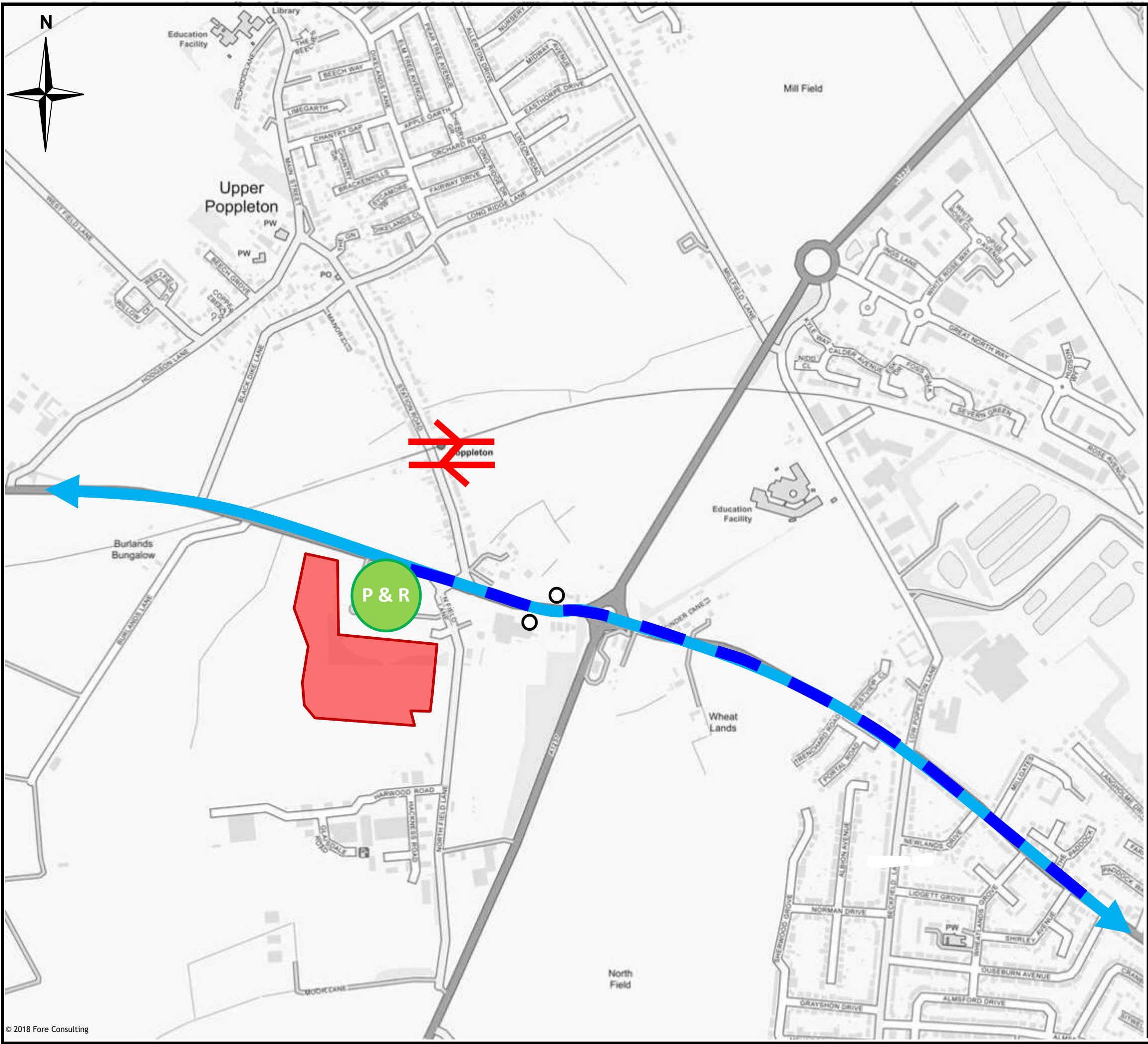
Figure Title:
Cycle Catchment

Scale:
Not to Scale







Figure Status:
Issue

Job Number:
3647

Figure Number:
Figure 3



Key:

-  Indicative Site Location Boundary
-  Little Explorers Bus Service 22
-  Poppleton Bar Park and Ride Bus Route
-  Poppleton Bar Park and Ride (Approximately 7 minutes walking distance)
-  Bus stops located on A59 Roman Road
-  Poppleton Rail Station (Approximately 10 minutes walking distance)

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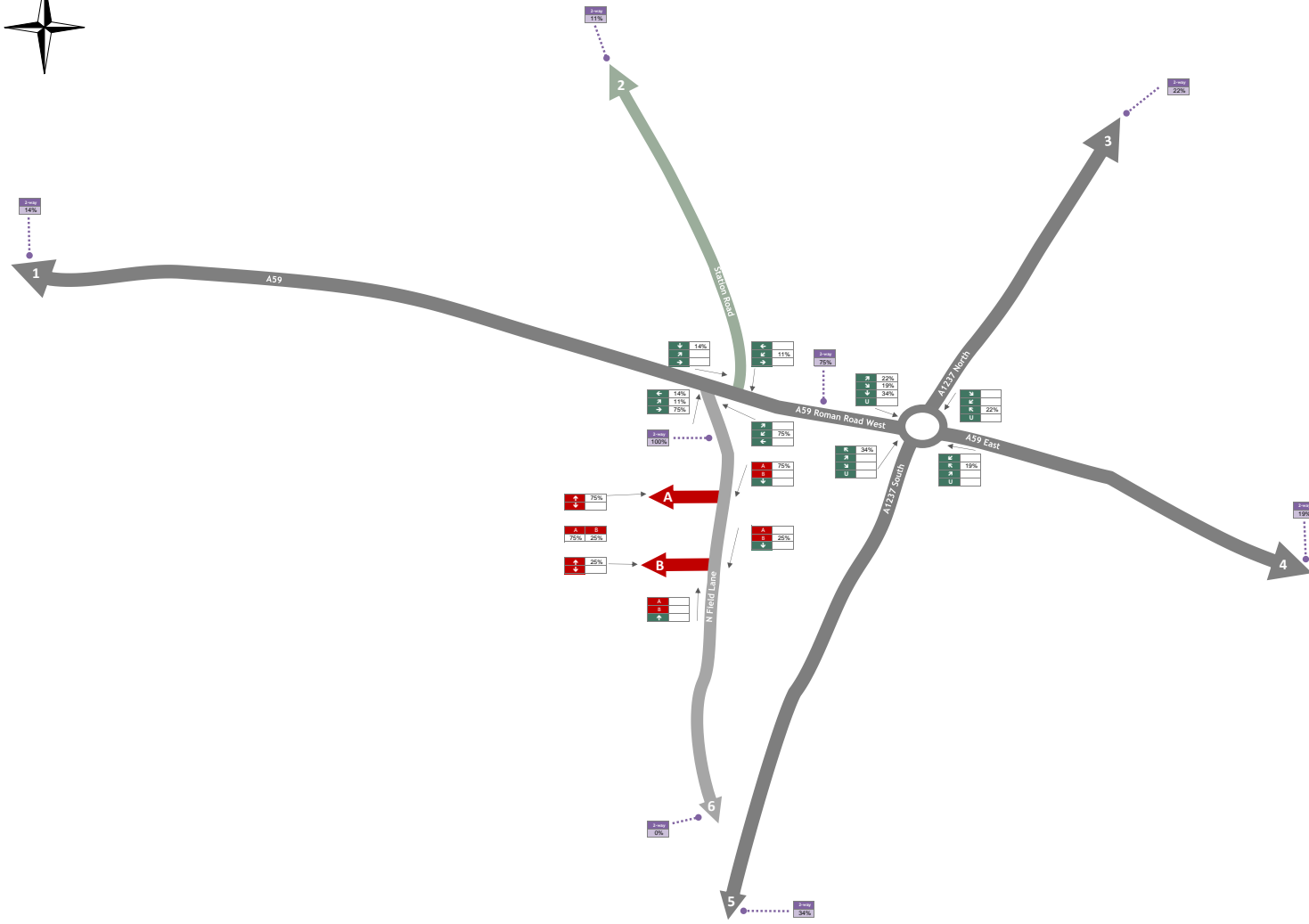


Client:
 Vernon & Co

Project:
 Land Adjacent to Northminster Business Park,
 Poppleton

Figure Title:
 Public Transport

Scale: Not to Scale	Figure Status: Issue
Job Number: 3647	Figure Number: Figure 4



Key:

- Primary Road
- Secondary Road
- Site Access
- Additional traffic movements not explicitly represented in the network diagram (e.g. minor roads)

Note: The number in each arrowhead relates to the route reference used in the Trip Distribution.

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Project:
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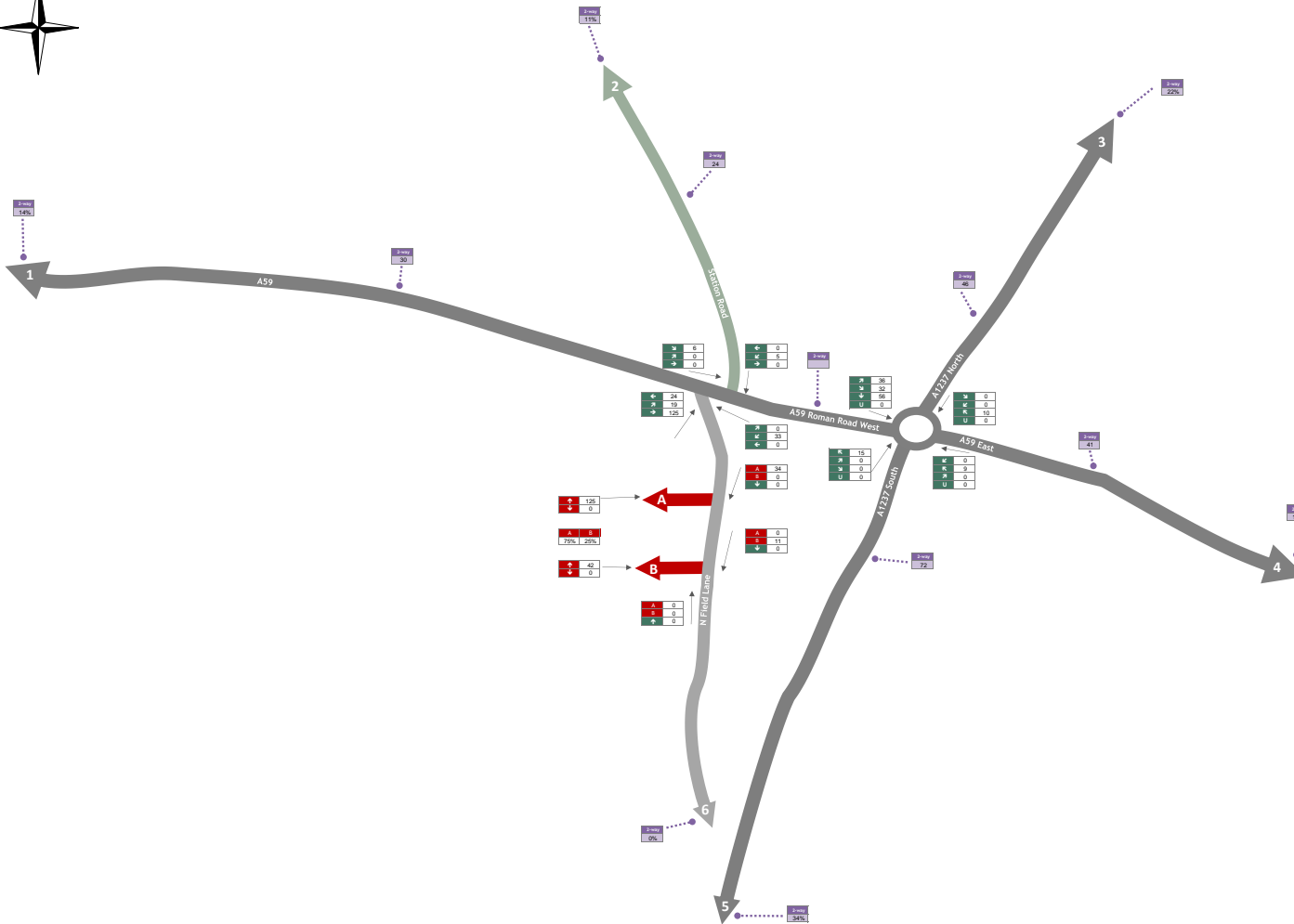
Figure Title:
 Trip Distribution

Scale:
 Not to scale

Figure Status:
 Issue

Job Number:
 3647

Figure Number:
 Figure 5



Key:

- Primary Road
- Secondary Road
- Site Access
- Additional traffic movements not explicitly represented in the network diagram (e.g. minor roads)

Note: The number in each arrowhead relates to the route reference used in the Trip Distribution.

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Client:

Vernon & Co

Project:

Land Adjacent to Northminster Business Park, Poppleton

Figure Title:

Development Flows AM Peak Hour

Scale:

Not to scale

Figure Status:

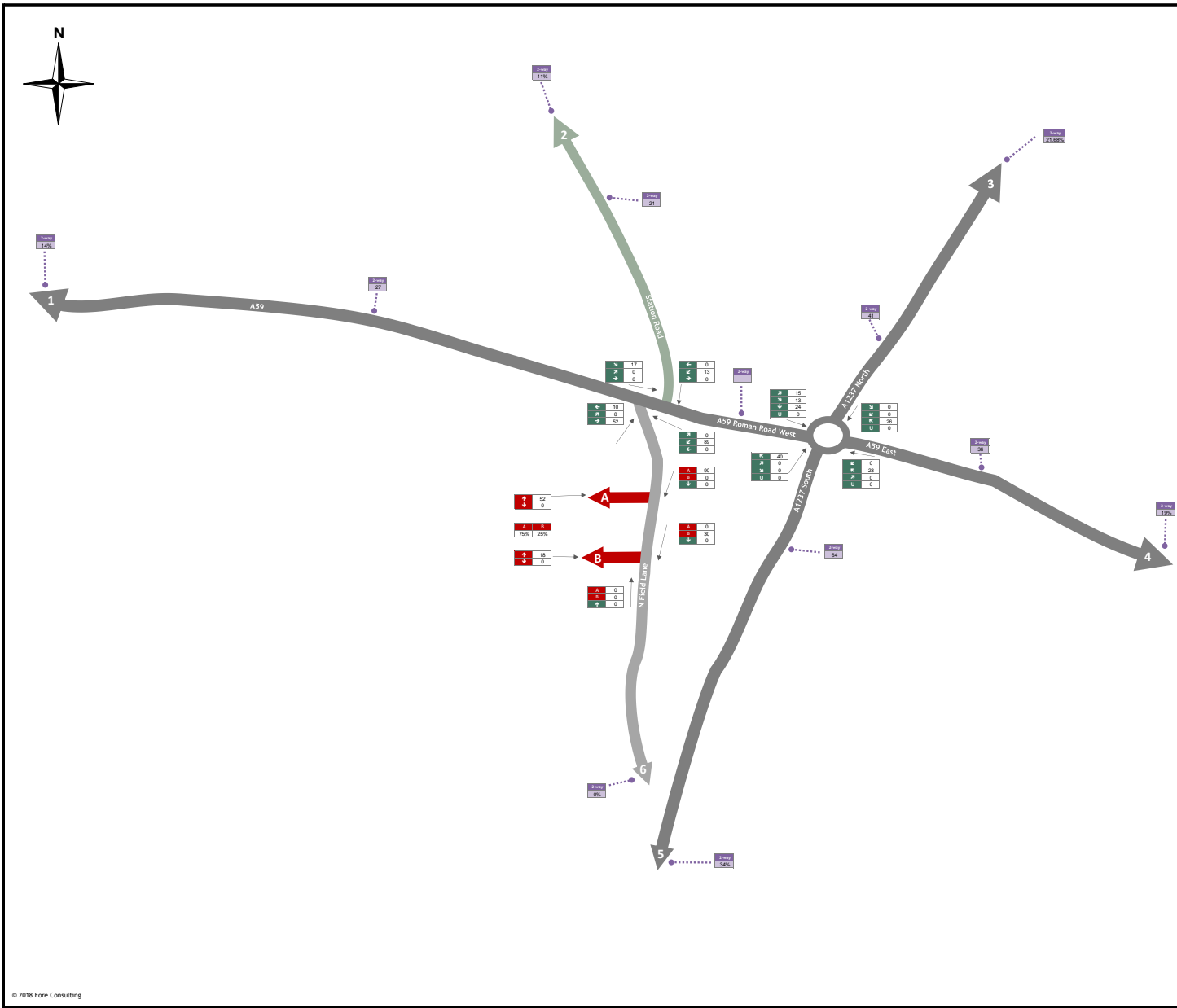
Issue

Job Number:

3647

Figure Number:

Figure 6



Key:

- Primary Road
- Secondary Road
- Site Access
- Additional traffic movements not explicitly represented in the network diagram (e.g. minor roads)

Note: The number in each arrowhead relates to the route reference used in the Trip Distribution.

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Client:
 Vernon & Co

Project:
 Land Adjacent to Northminster Business Park, Poppleton

Figure Title:
 Development Flows AM Peak Hour

Scale: Not to scale	Figure Status: Issue
Job Number: 3647	Figure Number: Figure 7

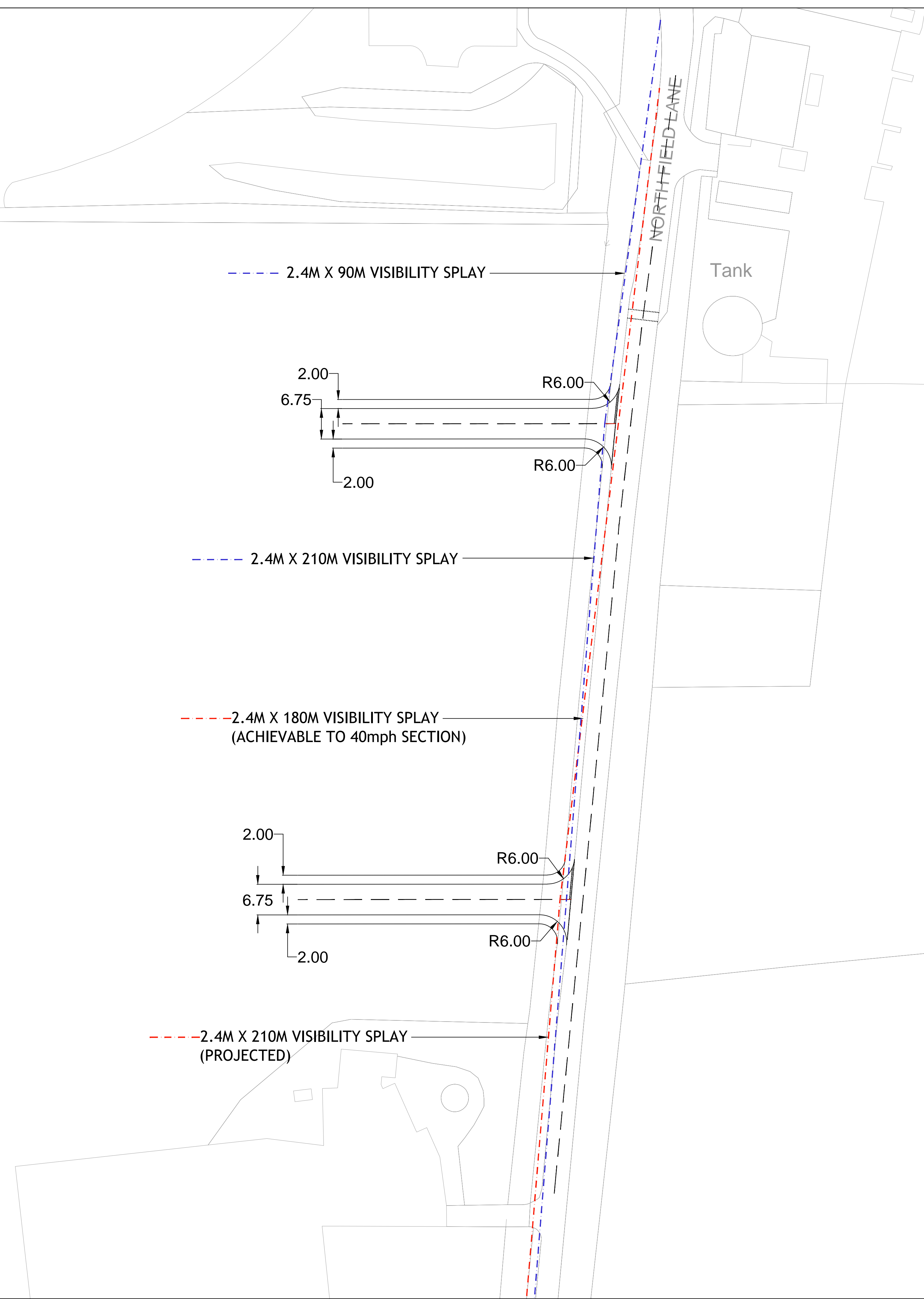
Drawings



DO NOT SCALE

NOTES

- 1. PRELIMINARY LAYOUT SUBJECT TO FULL TOPOGRAPHICAL SURVEY & DETAILED DESIGN INCLUDING CDM COMPLIANCE, STATUTORY UNDERTAKERS SEARCH, DIVERSION REQUIREMENTS, HIGHWAY DRAINAGE PROVISION, LAND AVAILABILITY AND LOCAL AUTHORITY APPROVAL.
- 2. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL ARCHITECTS, ENGINEERS & SPECIALISTS DRAWINGS AND SPECIFICATIONS.



REV	DESCRIPTION	DATE	BY

CLIENT:
VERNON & CO.

PROJECT
 LAND ADJACENT TO NORTHMINSTER BUSINESS PARK, YORK

DRAWING TITLE
 POTENTIAL SITE ACCESS ARRANGEMENT

PRELIMINARY

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Drawn by	Checked by	Date	Scale	Format
PJ	PI	2018	1:	A1
Job Number	Drawing Number	Revision		
3647	3647 SK001 01	-		

Appendix A

Indicative Masterplan

- PRIMARY ROADS
- SECONDARY ROADS
- PRIVATE DRIVES
- PROPOSED LOW DENSITY RESIDENTIAL DEVELOPMENT
- PROPOSED HIGH DENSITY RESIDENTIAL DEVELOPMENT
- AREAS OF OPEN SPACE
- REAR BOUNDARIES TO DWELLINGS
- PROPOSED TREES
- EXISTING TREES / HEDGEROWS
- KEY NODAL SPACES WITHIN DEVELOPMENT
- KEY DWELLINGS IN PROMINENT POSITIONS
- PEDESTRIAN CONNECTIONS

- 1** POTENTIAL ACCESS POINTS FROM NORTH FIELD LANE
- 2** POTENTIAL LOCATION FOR LOCAL CONVENIENCE STORE
- 3** PROPOSED LANDSCAPE BUFFER ALONG THE DEVELOPMENT'S BOUNDARY TO SOFTEN THE DEVELOPMENT'S EDGE
- 4** PROPOSED LOCATION FOR SUDS BASINS
- 5** KEY PEDESTRIAN WALKWAYS / CYCLE ROUTES THROUGH THE COUNTRY PARK
- 6** PROPOSED AREAS OF RECREATION AND / OR MEETING SPACE WITHIN THE COUNTRY PARK
- 7** GREEN LINK TO COUNTRY PARK, CREATING A LANDSCAPED CHARACTER AREA WITH VIEWS OF THE COUNTRY PARK TO THE WEST

DEVELOPMENT SUMMARY:

GROSS AREA: 48.81 ACRES / 19.75 HECTARES

APPROXIMATE NETT AREA OF RESIDENTIAL PARCEL: 25 ACRES / 10.11 HECTARES

APPROXIMATE AREA OF CONVENIENCE STORE: 0.17 ACRES / 0.07 HECTARES

APPROXIMATE AREA OF COUNTRY PARK: 15.32 ACRES / 6.20 HECTARES

APPROXIMATE AREA OF LANDSCAPE BUFFERS AND GREEN LINK TO COUNTRY PARK: 8.32 ACRES / 3.37 HECTARES

DWELLINGS ACHIEVABLE = CIRCA 320 DWELLINGS



- PRIMARY ROADS
- SECONDARY ROADS
- PRIVATE DRIVES
- PROPOSED LOW DENSITY RESIDENTIAL DEVELOPMENT
- PROPOSED HIGH DENSITY RESIDENTIAL DEVELOPMENT
- AREAS OF OPEN SPACE
- REAR BOUNDARIES TO DWELLINGS
- PROPOSED TREES
- EXISTING TREES / HEDGEROWS
- KEY NODAL SPACES WITHIN DEVELOPMENT
- KEY DWELLINGS IN PROMINENT POSITIONS
- PEDESTRIAN CONNECTIONS

- 1** POTENTIAL ACCESS POINTS FROM NORTH FIELD LANE
- 2** POTENTIAL LOCATION FOR LOCAL CONVENIENCE STORE
- 3** PROPOSED LANDSCAPE BUFFER ALONG THE DEVELOPMENT'S BOUNDARY TO SOFTEN THE DEVELOPMENT'S EDGE
- 4** PROPOSED LOCATION FOR SUDS BASINS
- 5** KEY PEDESTRIAN WALKWAYS / CYCLE ROUTES THROUGH THE COUNTRY PARK
- 6** PROPOSED AREAS OF RECREATION AND / OR MEETING SPACE WITHIN THE COUNTRY PARK
- 7** GREEN LINK TO COUNTRY PARK, CREATING A LANDSCAPED CHARACTER AREA WITH VIEWS OF THE COUNTRY PARK TO THE WEST
- 8** PHASE TWO OF CONSENTED PARK AND RIDE

DEVELOPMENT SUMMARY:

GROSS AREA: 47.04 ACRES / 19.04 HECTARES

APPROXIMATE NETT AREA OF RESIDENTIAL PARCEL: 25 ACRES / 10.11 HECTARES

APPROXIMATE AREA OF CONVENIENCE STORE: 0.17 ACRES / 0.07 HECTARES

APPROXIMATE AREA OF COUNTRY PARK: 13.68 ACRES / 5.53 HECTARES

APPROXIMATE AREA OF LANDSCAPE BUFFERS AND GREEN LINK TO COUNTRY PARK: 8.19 ACRES / 3.31 HECTARES

DWELLINGS ACHIEVABLE = CIRCA 320 DWELLINGS



Appendix B

TRICS Output

TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 03 - RESIDENTIAL
 Category : A - HOUSES PRIVATELY OWNED

MULTI-MODAL VEHICLESSelected regions and areas:

02 SOUTH EAST		
SC SURREY		1 days
WS WEST SUSSEX		1 days
06 WEST MIDLANDS		
SH SHROPSHIRE		1 days
13 MUNSTER		
WA WATERFORD		1 days
15 GREATER DUBLIN		
DL DUBLIN		1 days
16 ULSTER (REPUBLIC OF IRELAND)		
DN DONEGAL		2 days
17 ULSTER (NORTHERN IRELAND)		
AR ARMAGH		1 days
DO DOWN		1 days

Secondary Filtering selection:

Parameter: Number of dwellings
 Actual Range: 50 to 280 (units:)
 Range Selected by User: 50 to 500 (units:)

Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/09 to 27/11/17

Selected survey days:

Monday	1 days
Tuesday	2 days
Wednesday	1 days
Thursday	3 days
Friday	2 days

Selected survey types:

Manual count	9 days
Directional ATC Count	0 days

Selected Locations:

Edge of Town	9
--------------	---

Selected Location Sub Categories:

Residential Zone	9
------------------	---

Secondary Filtering selection:Use Class:

C3	9 days
----	--------

Population within 1 mile:

1,001 to 5,000	2 days
5,001 to 10,000	2 days
10,001 to 15,000	4 days
25,001 to 50,000	1 days

Population within 5 miles:

5,001 to 25,000	2 days
25,001 to 50,000	1 days
50,001 to 75,000	2 days
75,001 to 100,000	2 days
100,001 to 125,000	1 days
500,001 or More	1 days

Car ownership within 5 miles:

0.6 to 1.0	1 days
1.1 to 1.5	8 days

Secondary Filtering selection (Cont.):

Travel Plan:

Yes	1 days
No	8 days

PTAL Rating:

No PTAL Present	9 days
-----------------	--------

LIST OF SITES relevant to selection parameters

1	AR-03-A-01	MIXED HOUSES	ARMAGH
	BIRCHDALE MANOR		
	LURGAN		
	Edge of Town		
	Residential Zone		
	Total Number of dwellings:	153	
	Survey date: TUESDAY	15/06/10	Survey Type: MANUAL
2	DL-03-A-06	DETACHED	DUBLIN
	UPPER KILMACUD ROAD		
	DUNDRUM		
	DUBLIN		
	Edge of Town		
	Residential Zone		
	Total Number of dwellings:	147	
	Survey date: FRIDAY	30/04/10	Survey Type: MANUAL
3	DN-03-A-03	DETACHED/SEMI-DETACHED	DONEGAL
	THE GRANGE		
	GLENCAR IRISH		
	LETTERKENNY		
	Edge of Town		
	Residential Zone		
	Total Number of dwellings:	50	
	Survey date: MONDAY	01/09/14	Survey Type: MANUAL
4	DN-03-A-04	SEMI-DETACHED	DONEGAL
	GORTLEE ROAD		
	GORTLEE		
	LETTERKENNY		
	Edge of Town		
	Residential Zone		
	Total Number of dwellings:	83	
	Survey date: FRIDAY	26/09/14	Survey Type: MANUAL
5	DO-03-A-03	DETACHED/SEMI DETACHED	DOWN
	OLD MILL HEIGHTS		
	DUNDONALD		
	BELFAST		
	Edge of Town		
	Residential Zone		
	Total Number of dwellings:	79	
	Survey date: WEDNESDAY	23/10/13	Survey Type: MANUAL
6	SC-03-A-04	DETACHED & TERRACED	SURREY
	HIGH ROAD		
	BYFLEET		
	Edge of Town		
	Residential Zone		
	Total Number of dwellings:	71	
	Survey date: THURSDAY	23/01/14	Survey Type: MANUAL
7	SH-03-A-05	SEMI-DETACHED/TERRACED	SHROPSHIRE
	SANDCROFT		
	SUTTON HILL		
	TELFORD		
	Edge of Town		
	Residential Zone		
	Total Number of dwellings:	54	
	Survey date: THURSDAY	24/10/13	Survey Type: MANUAL
8	WA-03-A-04	DETACHED	WATERFORD
	MAYPARK LANE		
	WATERFORD		
	Edge of Town		
	Residential Zone		
	Total Number of dwellings:	280	
	Survey date: TUESDAY	24/06/14	Survey Type: MANUAL

LIST OF SITES relevant to selection parameters (Cont.)**9 WS-03-A-04 MIXED HOUSES****WEST SUSSEX**

HILLS FARM LANE
BROADBRIDGE HEATH
HORSHAM

Edge of Town
Residential Zone

Total Number of dwellings: 151

Survey date: THURSDAY 11/12/14

Survey Type: MANUAL

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

MULTI-MODAL VEHICLES

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	9	119	0.061	9	119	0.262	9	119	0.323
08:00 - 09:00	9	119	0.144	9	119	0.442	9	119	0.586
09:00 - 10:00	9	119	0.176	9	119	0.230	9	119	0.406
10:00 - 11:00	9	119	0.138	9	119	0.177	9	119	0.315
11:00 - 12:00	9	119	0.181	9	119	0.222	9	119	0.403
12:00 - 13:00	9	119	0.235	9	119	0.199	9	119	0.434
13:00 - 14:00	9	119	0.241	9	119	0.207	9	119	0.448
14:00 - 15:00	9	119	0.245	9	119	0.253	9	119	0.498
15:00 - 16:00	9	119	0.312	9	119	0.234	9	119	0.546
16:00 - 17:00	9	119	0.341	9	119	0.202	9	119	0.543
17:00 - 18:00	9	119	0.404	9	119	0.218	9	119	0.622
18:00 - 19:00	9	119	0.301	9	119	0.228	9	119	0.529
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			2.779			2.874			5.653

Parameter summary

Trip rate parameter range selected:	50 - 280 (units:)
Survey date date range:	01/01/09 - 27/11/17
Number of weekdays (Monday-Friday):	9
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

MULTI-MODAL TAXIS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	9	119	0.008	9	119	0.008	9	119	0.016
08:00 - 09:00	9	119	0.005	9	119	0.005	9	119	0.010
09:00 - 10:00	9	119	0.002	9	119	0.002	9	119	0.004
10:00 - 11:00	9	119	0.001	9	119	0.001	9	119	0.002
11:00 - 12:00	9	119	0.005	9	119	0.005	9	119	0.010
12:00 - 13:00	9	119	0.004	9	119	0.002	9	119	0.006
13:00 - 14:00	9	119	0.003	9	119	0.003	9	119	0.006
14:00 - 15:00	9	119	0.004	9	119	0.004	9	119	0.008
15:00 - 16:00	9	119	0.009	9	119	0.008	9	119	0.017
16:00 - 17:00	9	119	0.005	9	119	0.006	9	119	0.011
17:00 - 18:00	9	119	0.008	9	119	0.008	9	119	0.016
18:00 - 19:00	9	119	0.007	9	119	0.007	9	119	0.014
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.061			0.059			0.120

Parameter summary

Trip rate parameter range selected:	50 - 280 (units:)
Survey date date range:	01/01/09 - 27/11/17
Number of weekdays (Monday-Friday):	9
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

MULTI-MODAL OGVS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	9	119	0.000	9	119	0.000	9	119	0.000
08:00 - 09:00	9	119	0.002	9	119	0.001	9	119	0.003
09:00 - 10:00	9	119	0.006	9	119	0.004	9	119	0.010
10:00 - 11:00	9	119	0.004	9	119	0.004	9	119	0.008
11:00 - 12:00	9	119	0.001	9	119	0.002	9	119	0.003
12:00 - 13:00	9	119	0.002	9	119	0.002	9	119	0.004
13:00 - 14:00	9	119	0.003	9	119	0.002	9	119	0.005
14:00 - 15:00	9	119	0.003	9	119	0.004	9	119	0.007
15:00 - 16:00	9	119	0.005	9	119	0.003	9	119	0.008
16:00 - 17:00	9	119	0.001	9	119	0.003	9	119	0.004
17:00 - 18:00	9	119	0.000	9	119	0.000	9	119	0.000
18:00 - 19:00	9	119	0.000	9	119	0.001	9	119	0.001
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.027			0.026			0.053

Parameter summary

Trip rate parameter range selected:	50 - 280 (units:)
Survey date date range:	01/01/09 - 27/11/17
Number of weekdays (Monday-Friday):	9
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

MULTI-MODAL PSVS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	9	119	0.001	9	119	0.000	9	119	0.001
08:00 - 09:00	9	119	0.007	9	119	0.007	9	119	0.014
09:00 - 10:00	9	119	0.002	9	119	0.003	9	119	0.005
10:00 - 11:00	9	119	0.000	9	119	0.000	9	119	0.000
11:00 - 12:00	9	119	0.004	9	119	0.004	9	119	0.008
12:00 - 13:00	9	119	0.000	9	119	0.000	9	119	0.000
13:00 - 14:00	9	119	0.001	9	119	0.001	9	119	0.002
14:00 - 15:00	9	119	0.003	9	119	0.003	9	119	0.006
15:00 - 16:00	9	119	0.006	9	119	0.005	9	119	0.011
16:00 - 17:00	9	119	0.001	9	119	0.002	9	119	0.003
17:00 - 18:00	9	119	0.000	9	119	0.000	9	119	0.000
18:00 - 19:00	9	119	0.000	9	119	0.000	9	119	0.000
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.025			0.025			0.050

Parameter summary

Trip rate parameter range selected:	50 - 280 (units:)
Survey date date range:	01/01/09 - 27/11/17
Number of weekdays (Monday-Friday):	9
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

MULTI-MODAL CYCLISTS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	9	119	0.003	9	119	0.001	9	119	0.004
08:00 - 09:00	9	119	0.003	9	119	0.020	9	119	0.023
09:00 - 10:00	9	119	0.003	9	119	0.006	9	119	0.009
10:00 - 11:00	9	119	0.004	9	119	0.007	9	119	0.011
11:00 - 12:00	9	119	0.006	9	119	0.004	9	119	0.010
12:00 - 13:00	9	119	0.005	9	119	0.004	9	119	0.009
13:00 - 14:00	9	119	0.004	9	119	0.005	9	119	0.009
14:00 - 15:00	9	119	0.005	9	119	0.005	9	119	0.010
15:00 - 16:00	9	119	0.015	9	119	0.010	9	119	0.025
16:00 - 17:00	9	119	0.011	9	119	0.007	9	119	0.018
17:00 - 18:00	9	119	0.013	9	119	0.011	9	119	0.024
18:00 - 19:00	9	119	0.007	9	119	0.004	9	119	0.011
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.079			0.084			0.163

Parameter summary

Trip rate parameter range selected:	50 - 280 (units:)
Survey date date range:	01/01/09 - 27/11/17
Number of weekdays (Monday-Friday):	9
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

MULTI-MODAL VEHICLE OCCUPANTS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	9	119	0.061	9	119	0.309	9	119	0.370
08:00 - 09:00	9	119	0.174	9	119	0.654	9	119	0.828
09:00 - 10:00	9	119	0.196	9	119	0.290	9	119	0.486
10:00 - 11:00	9	119	0.149	9	119	0.213	9	119	0.362
11:00 - 12:00	9	119	0.216	9	119	0.259	9	119	0.475
12:00 - 13:00	9	119	0.274	9	119	0.242	9	119	0.516
13:00 - 14:00	9	119	0.292	9	119	0.265	9	119	0.557
14:00 - 15:00	9	119	0.336	9	119	0.305	9	119	0.641
15:00 - 16:00	9	119	0.463	9	119	0.297	9	119	0.760
16:00 - 17:00	9	119	0.477	9	119	0.255	9	119	0.732
17:00 - 18:00	9	119	0.497	9	119	0.289	9	119	0.786
18:00 - 19:00	9	119	0.383	9	119	0.304	9	119	0.687
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			3.518			3.682			7.200

Parameter summary

Trip rate parameter range selected:	50 - 280 (units:)
Survey date date range:	01/01/09 - 27/11/17
Number of weekdays (Monday-Friday):	9
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

MULTI-MODAL PEDESTRIANS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	9	119	0.016	9	119	0.030	9	119	0.046
08:00 - 09:00	9	119	0.036	9	119	0.080	9	119	0.116
09:00 - 10:00	9	119	0.035	9	119	0.059	9	119	0.094
10:00 - 11:00	9	119	0.043	9	119	0.040	9	119	0.083
11:00 - 12:00	9	119	0.024	9	119	0.035	9	119	0.059
12:00 - 13:00	9	119	0.027	9	119	0.033	9	119	0.060
13:00 - 14:00	9	119	0.059	9	119	0.039	9	119	0.098
14:00 - 15:00	9	119	0.067	9	119	0.040	9	119	0.107
15:00 - 16:00	9	119	0.078	9	119	0.055	9	119	0.133
16:00 - 17:00	9	119	0.065	9	119	0.037	9	119	0.102
17:00 - 18:00	9	119	0.054	9	119	0.034	9	119	0.088
18:00 - 19:00	9	119	0.051	9	119	0.050	9	119	0.101
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.555			0.532			1.087

Parameter summary

Trip rate parameter range selected:	50 - 280 (units:)
Survey date date range:	01/01/09 - 27/11/17
Number of weekdays (Monday-Friday):	9
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

MULTI-MODAL BUS/TRAM PASSENGERS**Calculation factor: 1 DWELLS****BOLD print indicates peak (busiest) period**

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	9	119	0.001	9	119	0.015	9	119	0.016
08:00 - 09:00	9	119	0.007	9	119	0.059	9	119	0.066
09:00 - 10:00	9	119	0.003	9	119	0.014	9	119	0.017
10:00 - 11:00	9	119	0.004	9	119	0.009	9	119	0.013
11:00 - 12:00	9	119	0.008	9	119	0.010	9	119	0.018
12:00 - 13:00	9	119	0.007	9	119	0.007	9	119	0.014
13:00 - 14:00	9	119	0.006	9	119	0.007	9	119	0.013
14:00 - 15:00	9	119	0.007	9	119	0.007	9	119	0.014
15:00 - 16:00	9	119	0.025	9	119	0.006	9	119	0.031
16:00 - 17:00	9	119	0.010	9	119	0.002	9	119	0.012
17:00 - 18:00	9	119	0.023	9	119	0.008	9	119	0.031
18:00 - 19:00	9	119	0.038	9	119	0.008	9	119	0.046
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.139			0.152			0.291

Parameter summary

Trip rate parameter range selected:	50 - 280 (units:)
Survey date date range:	01/01/09 - 27/11/17
Number of weekdays (Monday-Friday):	9
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

MULTI-MODAL TOTAL RAIL PASSENGERS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	9	119	0.000	9	119	0.000	9	119	0.000
08:00 - 09:00	9	119	0.000	9	119	0.000	9	119	0.000
09:00 - 10:00	9	119	0.000	9	119	0.000	9	119	0.000
10:00 - 11:00	9	119	0.000	9	119	0.000	9	119	0.000
11:00 - 12:00	9	119	0.000	9	119	0.000	9	119	0.000
12:00 - 13:00	9	119	0.000	9	119	0.000	9	119	0.000
13:00 - 14:00	9	119	0.000	9	119	0.000	9	119	0.000
14:00 - 15:00	9	119	0.000	9	119	0.000	9	119	0.000
15:00 - 16:00	9	119	0.000	9	119	0.000	9	119	0.000
16:00 - 17:00	9	119	0.000	9	119	0.000	9	119	0.000
17:00 - 18:00	9	119	0.000	9	119	0.000	9	119	0.000
18:00 - 19:00	9	119	0.000	9	119	0.000	9	119	0.000
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.000			0.000			0.000

Parameter summary

Trip rate parameter range selected:	50 - 280 (units:)
Survey date date range:	01/01/09 - 27/11/17
Number of weekdays (Monday-Friday):	9
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

MULTI-MODAL COACH PASSENGERS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	9	119	0.000	9	119	0.000	9	119	0.000
08:00 - 09:00	9	119	0.000	9	119	0.009	9	119	0.009
09:00 - 10:00	9	119	0.000	9	119	0.002	9	119	0.002
10:00 - 11:00	9	119	0.000	9	119	0.000	9	119	0.000
11:00 - 12:00	9	119	0.000	9	119	0.000	9	119	0.000
12:00 - 13:00	9	119	0.000	9	119	0.000	9	119	0.000
13:00 - 14:00	9	119	0.001	9	119	0.000	9	119	0.001
14:00 - 15:00	9	119	0.004	9	119	0.000	9	119	0.004
15:00 - 16:00	9	119	0.007	9	119	0.000	9	119	0.007
16:00 - 17:00	9	119	0.000	9	119	0.000	9	119	0.000
17:00 - 18:00	9	119	0.000	9	119	0.000	9	119	0.000
18:00 - 19:00	9	119	0.000	9	119	0.000	9	119	0.000
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.012			0.011			0.023

Parameter summary

Trip rate parameter range selected:	50 - 280 (units:)
Survey date date range:	01/01/09 - 27/11/17
Number of weekdays (Monday-Friday):	9
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

MULTI-MODAL PUBLIC TRANSPORT USERS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	9	119	0.001	9	119	0.015	9	119	0.016
08:00 - 09:00	9	119	0.007	9	119	0.068	9	119	0.075
09:00 - 10:00	9	119	0.003	9	119	0.016	9	119	0.019
10:00 - 11:00	9	119	0.004	9	119	0.009	9	119	0.013
11:00 - 12:00	9	119	0.008	9	119	0.010	9	119	0.018
12:00 - 13:00	9	119	0.007	9	119	0.007	9	119	0.014
13:00 - 14:00	9	119	0.007	9	119	0.007	9	119	0.014
14:00 - 15:00	9	119	0.011	9	119	0.007	9	119	0.018
15:00 - 16:00	9	119	0.032	9	119	0.006	9	119	0.038
16:00 - 17:00	9	119	0.010	9	119	0.002	9	119	0.012
17:00 - 18:00	9	119	0.023	9	119	0.008	9	119	0.031
18:00 - 19:00	9	119	0.038	9	119	0.008	9	119	0.046
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.151			0.163			0.314

Parameter summary

Trip rate parameter range selected:	50 - 280 (units:)
Survey date date range:	01/01/09 - 27/11/17
Number of weekdays (Monday-Friday):	9
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

MULTI-MODAL TOTAL PEOPLE

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	9	119	0.081	9	119	0.355	9	119	0.436
08:00 - 09:00	9	119	0.220	9	119	0.821	9	119	1.041
09:00 - 10:00	9	119	0.236	9	119	0.371	9	119	0.607
10:00 - 11:00	9	119	0.199	9	119	0.270	9	119	0.469
11:00 - 12:00	9	119	0.255	9	119	0.308	9	119	0.563
12:00 - 13:00	9	119	0.313	9	119	0.286	9	119	0.599
13:00 - 14:00	9	119	0.361	9	119	0.316	9	119	0.677
14:00 - 15:00	9	119	0.419	9	119	0.357	9	119	0.776
15:00 - 16:00	9	119	0.587	9	119	0.368	9	119	0.955
16:00 - 17:00	9	119	0.563	9	119	0.301	9	119	0.864
17:00 - 18:00	9	119	0.588	9	119	0.343	9	119	0.931
18:00 - 19:00	9	119	0.479	9	119	0.366	9	119	0.845
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			4.301			4.462			8.763

Parameter summary

Trip rate parameter range selected:	50 - 280 (units:)
Survey date date range:	01/01/09 - 27/11/17
Number of weekdays (Monday-Friday):	9
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 02 - EMPLOYMENT
 Category : D - INDUSTRIAL ESTATE

VEHICLESSelected regions and areas:

01	GREATER LONDON	
	HD HILLINGDON	1 days
	HV HAVERING	1 days
02	SOUTH EAST	
	ES EAST SUSSEX	1 days
	KC KENT	1 days
03	SOUTH WEST	
	DV DEVON	2 days
05	EAST MIDLANDS	
	NR NORTHAMPTONSHIRE	1 days
06	WEST MIDLANDS	
	WM WEST MIDLANDS	1 days
	WO WORCESTERSHIRE	1 days
07	YORKSHIRE & NORTH LINCOLNSHIRE	
	WY WEST YORKSHIRE	2 days
09	NORTH	
	TW TYNE & WEAR	1 days
11	SCOTLAND	
	FI FIFE	1 days

Secondary Filtering selection:

Parameter: Gross floor area
 Actual Range: 1560 to 23480 (units: sqm)
 Range Selected by User: 1000 to 30000 (units: sqm)

Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/10 to 03/07/17

Selected survey days:

Monday	3 days
Tuesday	3 days
Wednesday	2 days
Thursday	4 days
Friday	1 days

Selected survey types:

Manual count	13 days
Directional ATC Count	0 days

Selected Locations:

Edge of Town	13
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Selected Location Sub Categories:

Industrial Zone	6
Residential Zone	7

Secondary Filtering selection:Use Class:

B1	2 days
B2	9 days
B8	1 days

Population within 1 mile:

1,001 to 5,000	1 days
5,001 to 10,000	1 days
10,001 to 15,000	2 days
15,001 to 20,000	3 days
20,001 to 25,000	3 days
25,001 to 50,000	2 days
50,001 to 100,000	1 days

Secondary Filtering selection (Cont.):Population within 5 miles:

25,001 to 50,000	1 days
50,001 to 75,000	1 days
100,001 to 125,000	2 days
125,001 to 250,000	5 days
250,001 to 500,000	3 days
500,001 or More	1 days

Car ownership within 5 miles:

0.6 to 1.0	4 days
1.1 to 1.5	9 days

Travel Plan:

No	13 days
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PTAL Rating:

No PTAL Present	11 days
1b Very poor	1 days
2 Poor	1 days

LIST OF SITES relevant to selection parameters

<p>1 DV-02-D-06 INDUSTRIAL ESTATE ST MODWEN ROAD</p> <p>PLYMOUTH Edge of Town Industrial Zone Total Gross floor area: 1775 sqm Survey date: TUESDAY 17/07/12</p>	<p>DEVON</p> <p>Survey Type: MANUAL</p>
<p>2 DV-02-D-07 INDUSTRIAL ESTATE BITTERN ROAD SOWTON IND. ESTATE EXETER Edge of Town Industrial Zone Total Gross floor area: 3600 sqm Survey date: MONDAY 03/07/17</p>	<p>DEVON</p> <p>Survey Type: MANUAL</p>
<p>3 ES-02-D-06 INDUSTRIAL ESTATE COURTLANDS ROAD</p> <p>EASTBOURNE Edge of Town Residential Zone Total Gross floor area: 7525 sqm Survey date: MONDAY 21/10/13</p>	<p>EAST SUSSEX</p> <p>Survey Type: MANUAL</p>
<p>4 FI-02-D-01 INDUSTRIAL ESTATE DICKSON STREET</p> <p>DUNFERMLINE Edge of Town Residential Zone Total Gross floor area: 7850 sqm Survey date: THURSDAY 21/05/15</p>	<p>FIFE</p> <p>Survey Type: MANUAL</p>
<p>5 HD-02-D-02 INDUSTRIAL ESTATE BRADFIELD ROAD SOUTH RUISLIP RUISLIP Edge of Town Industrial Zone Total Gross floor area: 13850 sqm Survey date: THURSDAY 25/06/15</p>	<p>HILLINGDON</p> <p>Survey Type: MANUAL</p>
<p>6 HV-02-D-01 INDUSTRIAL ESTATE CHURCH ROAD HAROLD WOOD ROMFORD Edge of Town Residential Zone Total Gross floor area: 13000 sqm Survey date: TUESDAY 07/10/14</p>	<p>HAVERING</p> <p>Survey Type: MANUAL</p>
<p>7 KC-02-D-02 INDUSTRIAL ESTATE SOUTHWELL ROAD</p> <p>DEAL Edge of Town Residential Zone Total Gross floor area: 10715 sqm Survey date: WEDNESDAY 28/11/12</p>	<p>KENT</p> <p>Survey Type: MANUAL</p>
<p>8 NR-02-D-01 INDUSTRIAL ESTATE ROBINSON WAY</p> <p>KETTERING Edge of Town Industrial Zone Total Gross floor area: 12900 sqm Survey date: THURSDAY 23/10/14</p>	<p>NORTHAMPTONSHIRE</p> <p>Survey Type: MANUAL</p>
<p>9 TW-02-D-07 INDUSTRIAL ESTATE SWALWELL BANK WHICKHAM GATESHEAD Edge of Town Residential Zone Total Gross floor area: 6800 sqm Survey date: FRIDAY 04/10/13</p>	<p>TYNE & WEAR</p> <p>Survey Type: MANUAL</p>

LIST OF SITES relevant to selection parameters (Cont.)

10	WM-02-D-02	INDUSTRIAL ESTATE	WEST MIDLANDS
	DUNLOP WAY		
	BIRMINGHAM		
	Edge of Town		
	Residential Zone		
	Total Gross floor area:	23480 sqm	
	Survey date: WEDNESDAY	07/11/12	Survey Type: MANUAL
11	WO-02-D-02	INDUSTRIAL ESTATE	WORCESTERSHIRE
	WEIR LANE		
	WORCESTER		
	Edge of Town		
	Residential Zone		
	Total Gross floor area:	9500 sqm	
	Survey date: MONDAY	14/11/16	Survey Type: MANUAL
12	WY-02-D-04	INDUSTRIAL ESTATE	WEST YORKSHIRE
	LAW STREET		
	CLECKHEATON		
	Edge of Town		
	Industrial Zone		
	Total Gross floor area:	23226 sqm	
	Survey date: THURSDAY	15/09/16	Survey Type: MANUAL
13	WY-02-D-06	INDUSTRIAL ESTATE (PART)	WEST YORKSHIRE
	PIONEER WAY		
	CASTLEFORD		
	Edge of Town		
	Industrial Zone		
	Total Gross floor area:	4328 sqm	
	Survey date: TUESDAY	23/05/17	Survey Type: MANUAL

TRIP RATE for Land Use 02 - EMPLOYMENT/D - INDUSTRIAL ESTATE

VEHICLES

Calculation factor: 100 sqm

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 00:30									
00:30 - 01:00									
01:00 - 01:30									
01:30 - 02:00									
02:00 - 02:30									
02:30 - 03:00									
03:00 - 03:30									
03:30 - 04:00									
04:00 - 04:30									
04:30 - 05:00									
05:00 - 05:30									
05:30 - 06:00									
06:00 - 06:30									
06:30 - 07:00									
07:00 - 07:30	13	9658	0.176	13	9658	0.062	13	9658	0.238
07:30 - 08:00	13	9658	0.315	13	9658	0.105	13	9658	0.420
08:00 - 08:30	13	9658	0.309	13	9658	0.142	13	9658	0.451
08:30 - 09:00	13	9658	0.293	13	9658	0.155	13	9658	0.448
09:00 - 09:30	13	9658	0.274	13	9658	0.197	13	9658	0.471
09:30 - 10:00	13	9658	0.224	13	9658	0.203	13	9658	0.427
10:00 - 10:30	13	9658	0.221	13	9658	0.226	13	9658	0.447
10:30 - 11:00	13	9658	0.191	13	9658	0.172	13	9658	0.363
11:00 - 11:30	13	9658	0.236	13	9658	0.243	13	9658	0.479
11:30 - 12:00	13	9658	0.210	13	9658	0.232	13	9658	0.442
12:00 - 12:30	13	9658	0.231	13	9658	0.215	13	9658	0.446
12:30 - 13:00	13	9658	0.185	13	9658	0.223	13	9658	0.408
13:00 - 13:30	13	9658	0.223	13	9658	0.229	13	9658	0.452
13:30 - 14:00	13	9658	0.211	13	9658	0.205	13	9658	0.416
14:00 - 14:30	13	9658	0.197	13	9658	0.207	13	9658	0.404
14:30 - 15:00	13	9658	0.201	13	9658	0.187	13	9658	0.388
15:00 - 15:30	13	9658	0.194	13	9658	0.215	13	9658	0.409
15:30 - 16:00	13	9658	0.170	13	9658	0.214	13	9658	0.384
16:00 - 16:30	13	9658	0.160	13	9658	0.246	13	9658	0.406
16:30 - 17:00	13	9658	0.128	13	9658	0.260	13	9658	0.388
17:00 - 17:30	13	9658	0.091	13	9658	0.311	13	9658	0.402
17:30 - 18:00	13	9658	0.059	13	9658	0.191	13	9658	0.250
18:00 - 18:30	13	9658	0.054	13	9658	0.122	13	9658	0.176
18:30 - 19:00	13	9658	0.049	13	9658	0.068	13	9658	0.117
19:00 - 19:30									
19:30 - 20:00									
20:00 - 20:30									
20:30 - 21:00									
21:00 - 21:30									
21:30 - 22:00									
22:00 - 22:30									
22:30 - 23:00									
23:00 - 23:30									
23:30 - 24:00									
Total Rates:			4.602			4.630			9.232

Parameter summary

Trip rate parameter range selected:	1560 - 23480 (units: sqm)
Survey date date range:	01/01/10 - 03/07/17
Number of weekdays (Monday-Friday):	13
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

TRIP RATE for Land Use 02 - EMPLOYMENT/D - INDUSTRIAL ESTATE

TAXIS

Calculation factor: 100 sqm

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 00:30									
00:30 - 01:00									
01:00 - 01:30									
01:30 - 02:00									
02:00 - 02:30									
02:30 - 03:00									
03:00 - 03:30									
03:30 - 04:00									
04:00 - 04:30									
04:30 - 05:00									
05:00 - 05:30									
05:30 - 06:00									
06:00 - 06:30									
06:30 - 07:00									
07:00 - 07:30	13	9658	0.000	13	9658	0.000	13	9658	0.000
07:30 - 08:00	13	9658	0.000	13	9658	0.000	13	9658	0.000
08:00 - 08:30	13	9658	0.001	13	9658	0.001	13	9658	0.002
08:30 - 09:00	13	9658	0.002	13	9658	0.002	13	9658	0.004
09:00 - 09:30	13	9658	0.000	13	9658	0.000	13	9658	0.000
09:30 - 10:00	13	9658	0.002	13	9658	0.002	13	9658	0.004
10:00 - 10:30	13	9658	0.000	13	9658	0.000	13	9658	0.000
10:30 - 11:00	13	9658	0.001	13	9658	0.001	13	9658	0.002
11:00 - 11:30	13	9658	0.002	13	9658	0.002	13	9658	0.004
11:30 - 12:00	13	9658	0.002	13	9658	0.001	13	9658	0.003
12:00 - 12:30	13	9658	0.000	13	9658	0.000	13	9658	0.000
12:30 - 13:00	13	9658	0.000	13	9658	0.000	13	9658	0.000
13:00 - 13:30	13	9658	0.002	13	9658	0.001	13	9658	0.003
13:30 - 14:00	13	9658	0.002	13	9658	0.001	13	9658	0.003
14:00 - 14:30	13	9658	0.001	13	9658	0.002	13	9658	0.003
14:30 - 15:00	13	9658	0.002	13	9658	0.002	13	9658	0.004
15:00 - 15:30	13	9658	0.001	13	9658	0.001	13	9658	0.002
15:30 - 16:00	13	9658	0.001	13	9658	0.001	13	9658	0.002
16:00 - 16:30	13	9658	0.000	13	9658	0.000	13	9658	0.000
16:30 - 17:00	13	9658	0.000	13	9658	0.000	13	9658	0.000
17:00 - 17:30	13	9658	0.000	13	9658	0.001	13	9658	0.001
17:30 - 18:00	13	9658	0.001	13	9658	0.001	13	9658	0.002
18:00 - 18:30	13	9658	0.000	13	9658	0.000	13	9658	0.000
18:30 - 19:00	13	9658	0.000	13	9658	0.000	13	9658	0.000
19:00 - 19:30									
19:30 - 20:00									
20:00 - 20:30									
20:30 - 21:00									
21:00 - 21:30									
21:30 - 22:00									
22:00 - 22:30									
22:30 - 23:00									
23:00 - 23:30									
23:30 - 24:00									
Total Rates:			0.020			0.019			0.039

Parameter summary

Trip rate parameter range selected:	1560 - 23480 (units: sqm)
Survey date date range:	01/01/10 - 03/07/17
Number of weekdays (Monday-Friday):	13
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

TRIP RATE for Land Use 02 - EMPLOYMENT/D - INDUSTRIAL ESTATE

OGVS

Calculation factor: 100 sqm

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 00:30									
00:30 - 01:00									
01:00 - 01:30									
01:30 - 02:00									
02:00 - 02:30									
02:30 - 03:00									
03:00 - 03:30									
03:30 - 04:00									
04:00 - 04:30									
04:30 - 05:00									
05:00 - 05:30									
05:30 - 06:00									
06:00 - 06:30									
06:30 - 07:00									
07:00 - 07:30	13	9658	0.003	13	9658	0.011	13	9658	0.014
07:30 - 08:00	13	9658	0.011	13	9658	0.008	13	9658	0.019
08:00 - 08:30	13	9658	0.009	13	9658	0.015	13	9658	0.024
08:30 - 09:00	13	9658	0.010	13	9658	0.011	13	9658	0.021
09:00 - 09:30	13	9658	0.018	13	9658	0.018	13	9658	0.036
09:30 - 10:00	13	9658	0.014	13	9658	0.018	13	9658	0.032
10:00 - 10:30	13	9658	0.015	13	9658	0.015	13	9658	0.030
10:30 - 11:00	13	9658	0.013	13	9658	0.012	13	9658	0.025
11:00 - 11:30	13	9658	0.011	13	9658	0.014	13	9658	0.025
11:30 - 12:00	13	9658	0.014	13	9658	0.018	13	9658	0.032
12:00 - 12:30	13	9658	0.017	13	9658	0.009	13	9658	0.026
12:30 - 13:00	13	9658	0.016	13	9658	0.018	13	9658	0.034
13:00 - 13:30	13	9658	0.022	13	9658	0.012	13	9658	0.034
13:30 - 14:00	13	9658	0.020	13	9658	0.018	13	9658	0.038
14:00 - 14:30	13	9658	0.013	13	9658	0.016	13	9658	0.029
14:30 - 15:00	13	9658	0.014	13	9658	0.008	13	9658	0.022
15:00 - 15:30	13	9658	0.013	13	9658	0.013	13	9658	0.026
15:30 - 16:00	13	9658	0.010	13	9658	0.012	13	9658	0.022
16:00 - 16:30	13	9658	0.009	13	9658	0.007	13	9658	0.016
16:30 - 17:00	13	9658	0.005	13	9658	0.006	13	9658	0.011
17:00 - 17:30	13	9658	0.001	13	9658	0.002	13	9658	0.003
17:30 - 18:00	13	9658	0.003	13	9658	0.002	13	9658	0.005
18:00 - 18:30	13	9658	0.000	13	9658	0.000	13	9658	0.000
18:30 - 19:00	13	9658	0.001	13	9658	0.000	13	9658	0.001
19:00 - 19:30									
19:30 - 20:00									
20:00 - 20:30									
20:30 - 21:00									
21:00 - 21:30									
21:30 - 22:00									
22:00 - 22:30									
22:30 - 23:00									
23:00 - 23:30									
23:30 - 24:00									
Total Rates:			0.262			0.263			0.525

Parameter summary

Trip rate parameter range selected:	1560 - 23480 (units: sqm)
Survey date date range:	01/01/10 - 03/07/17
Number of weekdays (Monday-Friday):	13
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

TRIP RATE for Land Use 02 - EMPLOYMENT/D - INDUSTRIAL ESTATE

PSVS

Calculation factor: 100 sqm

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 00:30									
00:30 - 01:00									
01:00 - 01:30									
01:30 - 02:00									
02:00 - 02:30									
02:30 - 03:00									
03:00 - 03:30									
03:30 - 04:00									
04:00 - 04:30									
04:30 - 05:00									
05:00 - 05:30									
05:30 - 06:00									
06:00 - 06:30									
06:30 - 07:00									
07:00 - 07:30	13	9658	0.000	13	9658	0.002	13	9658	0.002
07:30 - 08:00	13	9658	0.000	13	9658	0.002	13	9658	0.002
08:00 - 08:30	13	9658	0.003	13	9658	0.000	13	9658	0.003
08:30 - 09:00	13	9658	0.000	13	9658	0.000	13	9658	0.000
09:00 - 09:30	13	9658	0.002	13	9658	0.001	13	9658	0.003
09:30 - 10:00	13	9658	0.001	13	9658	0.000	13	9658	0.001
10:00 - 10:30	13	9658	0.000	13	9658	0.000	13	9658	0.000
10:30 - 11:00	13	9658	0.000	13	9658	0.000	13	9658	0.000
11:00 - 11:30	13	9658	0.000	13	9658	0.000	13	9658	0.000
11:30 - 12:00	13	9658	0.001	13	9658	0.000	13	9658	0.001
12:00 - 12:30	13	9658	0.000	13	9658	0.000	13	9658	0.000
12:30 - 13:00	13	9658	0.000	13	9658	0.001	13	9658	0.001
13:00 - 13:30	13	9658	0.000	13	9658	0.000	13	9658	0.000
13:30 - 14:00	13	9658	0.000	13	9658	0.000	13	9658	0.000
14:00 - 14:30	13	9658	0.000	13	9658	0.002	13	9658	0.002
14:30 - 15:00	13	9658	0.000	13	9658	0.002	13	9658	0.002
15:00 - 15:30	13	9658	0.001	13	9658	0.000	13	9658	0.001
15:30 - 16:00	13	9658	0.001	13	9658	0.000	13	9658	0.001
16:00 - 16:30	13	9658	0.002	13	9658	0.001	13	9658	0.003
16:30 - 17:00	13	9658	0.000	13	9658	0.000	13	9658	0.000
17:00 - 17:30	13	9658	0.001	13	9658	0.000	13	9658	0.001
17:30 - 18:00	13	9658	0.000	13	9658	0.000	13	9658	0.000
18:00 - 18:30	13	9658	0.002	13	9658	0.000	13	9658	0.002
18:30 - 19:00	13	9658	0.001	13	9658	0.000	13	9658	0.001
19:00 - 19:30									
19:30 - 20:00									
20:00 - 20:30									
20:30 - 21:00									
21:00 - 21:30									
21:30 - 22:00									
22:00 - 22:30									
22:30 - 23:00									
23:00 - 23:30									
23:30 - 24:00									
Total Rates:			0.015			0.011			0.026

Parameter summary

Trip rate parameter range selected:	1560 - 23480 (units: sqm)
Survey date date range:	01/01/10 - 03/07/17
Number of weekdays (Monday-Friday):	13
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

TRIP RATE for Land Use 02 - EMPLOYMENT/D - INDUSTRIAL ESTATE

CYCLISTS

Calculation factor: 100 sqm

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 00:30									
00:30 - 01:00									
01:00 - 01:30									
01:30 - 02:00									
02:00 - 02:30									
02:30 - 03:00									
03:00 - 03:30									
03:30 - 04:00									
04:00 - 04:30									
04:30 - 05:00									
05:00 - 05:30									
05:30 - 06:00									
06:00 - 06:30									
06:30 - 07:00									
07:00 - 07:30	13	9658	0.006	13	9658	0.000	13	9658	0.006
07:30 - 08:00	13	9658	0.012	13	9658	0.002	13	9658	0.014
08:00 - 08:30	13	9658	0.007	13	9658	0.002	13	9658	0.009
08:30 - 09:00	13	9658	0.004	13	9658	0.002	13	9658	0.006
09:00 - 09:30	13	9658	0.003	13	9658	0.001	13	9658	0.004
09:30 - 10:00	13	9658	0.002	13	9658	0.000	13	9658	0.002
10:00 - 10:30	13	9658	0.002	13	9658	0.001	13	9658	0.003
10:30 - 11:00	13	9658	0.003	13	9658	0.002	13	9658	0.005
11:00 - 11:30	13	9658	0.001	13	9658	0.000	13	9658	0.001
11:30 - 12:00	13	9658	0.000	13	9658	0.002	13	9658	0.002
12:00 - 12:30	13	9658	0.001	13	9658	0.000	13	9658	0.001
12:30 - 13:00	13	9658	0.003	13	9658	0.002	13	9658	0.005
13:00 - 13:30	13	9658	0.001	13	9658	0.002	13	9658	0.003
13:30 - 14:00	13	9658	0.002	13	9658	0.001	13	9658	0.003
14:00 - 14:30	13	9658	0.003	13	9658	0.001	13	9658	0.004
14:30 - 15:00	13	9658	0.000	13	9658	0.001	13	9658	0.001
15:00 - 15:30	13	9658	0.000	13	9658	0.002	13	9658	0.002
15:30 - 16:00	13	9658	0.002	13	9658	0.008	13	9658	0.010
16:00 - 16:30	13	9658	0.001	13	9658	0.007	13	9658	0.008
16:30 - 17:00	13	9658	0.004	13	9658	0.005	13	9658	0.009
17:00 - 17:30	13	9658	0.002	13	9658	0.013	13	9658	0.015
17:30 - 18:00	13	9658	0.001	13	9658	0.009	13	9658	0.010
18:00 - 18:30	13	9658	0.000	13	9658	0.004	13	9658	0.004
18:30 - 19:00	13	9658	0.002	13	9658	0.002	13	9658	0.004
19:00 - 19:30									
19:30 - 20:00									
20:00 - 20:30									
20:30 - 21:00									
21:00 - 21:30									
21:30 - 22:00									
22:00 - 22:30									
22:30 - 23:00									
23:00 - 23:30									
23:30 - 24:00									
Total Rates:			0.062			0.069			0.131

Parameter summary

Trip rate parameter range selected:	1560 - 23480 (units: sqm)
Survey date date range:	01/01/10 - 03/07/17
Number of weekdays (Monday-Friday):	13
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

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enquiries@foreconsulting.co.uk
www.foreconsulting.co.uk



Fore Consulting Limited. Registered in England and Wales No. 7291952.
Registered Address: Gresham House, 5 - 7 St Pauls Street, Leeds LS1 2JG, United Kingdom
VAT Registration No. 105 0341 75

From: Judith McNicol [REDACTED]
Sent: 04 April 2018 14:51
To: localplan@york.gov.uk
Cc: Tom devine; Jones, Christopher (GVA)
Subject: Local Plan Representation
Attachments: NRM Planning Representation 4th April 2018.pdf

Dear Sirs/Madams

Please find attached a letter of representation on the Local Plan from the National Railway Museum

With kind regards
Judith

Judith McNicol

Director, National Railway Museum
Director People & Culture, Science Museum Group

National Railway Museum / Leeman Road / YORK / YO26 4XJ
T: 01904-685777 / F: 01904-685771
E: judith.mcnicol@sciencemuseum.ac.uk

For more about the NRM see our website: www.nrm.org.uk

Follow us on [twitter@railwaymuseum](https://twitter.com/railwaymuseum)

The SMG family of Museums includes the Science Museum, London, the National Railway Museum at York and Shildon, the National Science and Media Museum, Bradford, and the Museum of Science and Industry, Manchester

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SCIENCE MUSEUM GROUP

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York
YO1 6GA

4th April 2018
Our reference: JMcN/YCP

By email only: localplan@york.gov.uk

Dear Sirs/Madams

Representations to Publication Draft Local Plan (Regulation 19) Consultation

The National Railway Museum welcomes the opportunity to provide representations to the City of York Council's Publication Draft Local Plan.

The National Railway Museum has a direct interest in the Local Plan: as a major national museum located in the heart of the city since 1975; as a landowner of part of York Central (site allocation ST5); and an active partner in the York Central Partnership (YCP).

YCP has submitted separate representations through its planning consultant, Arup, and we support the comments made, as well as those made through representations to previous consultations during the preparation of the Local Plan.

York welcomes 6.9 million tourists per year generating circa £550million and sustaining 19,000 jobs (Make it York, 2015). Tourism is therefore a vital component of the city's economy which should be supported and enhanced through the Local Plan. The National Railway Museum is York's most popular tourist attraction, attracting circa 750,000 visitors every year, half of which come to York specifically to visit the National Railway Museum. We employ circa 225 staff.

To build on this, we are planning a significant and exciting multimillion pound redevelopment that will transform the museum into a truly world-class museum visitor attraction. This will be the most significant change since the Museum opened in 1975 and will begin with a project to refurbish and re-display the Great Hall - to better tell the epic stories of how railways changed the world.

We hope to complete our full transformation by 2025 to celebrate the 200th anniversary of the opening of the Stockton and Darlington Railway and our 50th anniversary. By this time, we expect visitor numbers to have increased to 1.2 million per annum.

We estimate that the redevelopment of the National Railway Museum will directly boost the local economy by £1.5million per annum through new jobs created and supply chain growth.

Registered office:
Science Museum, Exhibition Road, London SW7 2DD
T +44 (0)20 7942 4000
E info@sciencemuseum.org.uk

Indirectly, we expect the impact on the wider York economy to be circa £2.8 million to £7.5million per annum owing to the increased number of visitors to York.

The York Central development is vital to the redevelopment of the National Railway Museum. The forthcoming outline planning application will seek permission for the diversion of Leeman Road on to the new York Central spine road. Leeman Road currently separates the two existing galleries of the National Railway Museum, its re-routing for York central will enable the creation of a new Central Gallery. This building would join the existing galleries, providing level access and a new world-class welcome space displaying the latest technology and innovations from the modern rail industry.

Our interest in the Local Plan relates both to: the success of York Central as a development, which is vital to ensuring a high-quality place within which a much improved museum can continue to thrive; and to its support for future tourist and cultural activities which can complement the offer provided by the National Railway Museum. This will help to draw even more visitors to the city and enhance their experience once they've arrived.

The National Railway Museum submitted detailed representations to the Pre-Publication Draft Local Plan (Regulation 18) consultation. We made specific comments on a number of policies relating to the York Central site allocation (ST5), policies relevant to the development of York Central and policies related to tourism, culture and leisure.

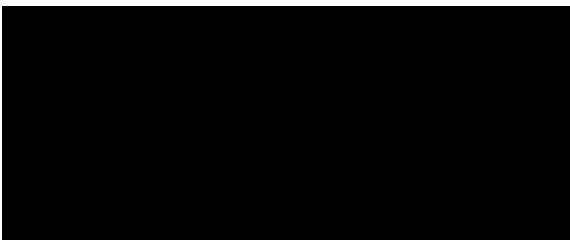
With regard to those policies relevant to the development of York Central, including the site specific policy (Policy SS4) and the allocation, we support and endorse the representations made by Arup on behalf of YCP.

With regard to the tourist, culture and leisure policies referred to in our previous representations (Policies DP2, EC4 and D3), we are pleased to see that our proposed alterations to the policies have been incorporated into the Publication Draft Local Plan. On this basis, we support these Local Plan policies, consider the Plan sound insofar as it relates to the these policies and request that these policies are adopted in their proposed form.

We are grateful for the opportunity to comment on the draft plan and ask that consideration is given to the above comments, in order that the Local Plan can enable the successful delivery of new homes and places within the city, most notably at York Central, and the delivery of the Museum Masterplan.

Given the above, we do not consider it necessary to participate at the hearing sessions of the Public Examination, albeit we reserve the right to comment on any modifications to the Local Plan that may be made in the future.

Yours faithfully



Judith McNicol
Director of National Railway Museum
Tel: 01904 685777
Email: judith.mcnicol@sciencemuseum.ac.uk

From: Jonathan Laverack [jonathan@thelaveracks.co.uk]
Sent: 04 April 2018 15:06
To: localplan@york.gov.uk
Subject: Local Plan Consultation
Attachments: Local Plan H39 Jonathan Laverack.pdf

Please find attached my consultation response to site H39 of the local plan.

Cheers

Jonathan

07827 241782

jonathan@thelaveracks.co.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

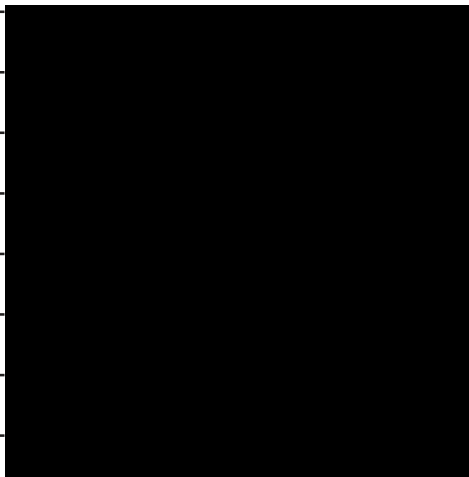
To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments 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	Laverack	
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
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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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Do I need to attend the Public Examination?

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Where can I view the Local Plan Publication Consultation documents?

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- Online via our website www.york.gov.uk/localplan.
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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

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)

H39 – Extension to Beckside, Elvington

Both Elvington Parish council (PC) and the majority of residents have opposed this site, it has previously been classed as Green Belt, constantly floods and is located at the end of on already over developed housing estate with not enough parking provision for the existing houses. Any further development on this site would cause more extreme traffic issues as the number of parked cars already parked on Beckside causes issue to residents, Emergency Services and is a Health & Safety issue already. There can be only one entrance onto this estate due to the road layout. The PC and the residents want the previously referred to site H26 (York Rd/Dauby Lane) site to be put forward instead as this could have 2 entrances, would provide more house and wouldn't create any further traffic issues for the village. The local planning authority have not listened to the wishes of the local residents which goes against the whole purpose of the Localism Act 2011.

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 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 Ref. no.	<input type="text"/>	Policy Ref.	<input type="text"/>	Site	<input type="text" value="H39"/>
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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.

As previously mentioned, the only people that seem to want this site to be developed are the planning authority and the land owners. None of the local's and this includes Elvington Parish Council and the majority of responses to the previous consultation want to see houses on this site. Without repeating myself the site is accessed off an already over developed housing estate with a long standing issue with on street parking due to the lack of parking provision previously provided.

A far more reasonable site is H26, known at Dauby Lane, but also accessed from the main road through the village. It would provide more housing could be designed to provide both affordable and larger homes both of which are in short supply in the village. Families generally have to leave Elvington if they wish for a larger house as there is a distinct lack so the village will suffer from a transient population where families have to leave to find the right housing stock.

This is shortsighted from the planning authority and proves the plan is not sound given its failure to meet the following:

Positively prepared- H26 is a larger site so could accommodate more houses.

Justified: As stated above the alternative site is the most reasonable and would cause the least issues

Consistent with Policy- Goes against residents wishes in contravention of the Localism Act 2011

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.

By changing the site from H39 to H26, would comply with the wishes of the local residents including the parish council, would allow more houses to be built in a more suitable location without exasperating an already overcrowded estates.

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.¹

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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.³

Your rights

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Signature  Date

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

[REDACTED]

From: Jonathan Laverack [REDACTED]
Sent: 04 April 2018 15:27
To: localplan@york.gov.uk
Subject: Local Plan Consultation
Attachments: Local Plan SP1 Jonathan Laverack.pdf

Please find attached my consultation response to site SP1 of the local plan.

Cheers

Jonathan

[REDACTED]

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

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1. Personal Details		2. Agent's Details (if applicable)
Title	Mr	
First Name	Jonathan	
Last Name	Laverack	
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		

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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

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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)

SP1. The Stables. Travelling Showpersons Site.

The site has already been refused permanent permission on 5 occasions: 3 by York council planners themselves and twice by the Planning Inspectorate, who required that the land be returned to Greenbelt.

Temporary consent was granted by the Planning inspector to give York planners time to find suitable site. York has sat on its hands and then after the temporary permission has lapsed have now said that this is the most suitable site. They said it wasn't 3 times before so what has changed, certainly not planning policy as the site does not meet any of them.

A majority of resident didn't support the site previously but this has been ignored. York has plenty of Brownfield sites in the plan put forward for housing why cannot one of these be used?

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

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

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
Ref.
no.

Policy
Ref.

Site

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 Travellers sites (PPTS) – policy B
The site does not comply with National Policy for Travellers sites (PPTS) – policy C
The site does not comply with National Policy for Travellers sites (PPTS) – policy D
The site does not comply with National Policy for Travellers sites (PPTS) – policy E
The site does not comply with National Policy for Travellers sites (PPTS) – policy F
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.

This is shortsighted from the planning authority and proves the plan is not sound given its failure to meet the following:

Justified: As stated above no alternative sites have been put forward by York to justify whether this is the correct site or otherwise.

Consistent with Policy- Goes against all the above stated planning policies.

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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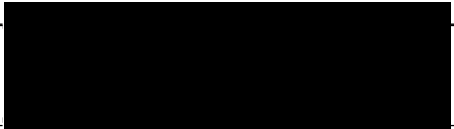
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Signature  Date

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² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012



From: Jonathan Laverack [Redacted]
Sent: 04 April 2018 17:06
To: localplan@york.gov.uk
Subject: Local Plan Consultation
Attachments: Local Plan ST15 Jonathan Laverack.pdf

Please find attached my response to the consultation in relation to site ST15

Regards

Jonathan Laverack

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.

This footnote also confirms that this email message has been scanned by Websense for the presence of viruses and malware.

Heron Foods Ltd.

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.

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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	Jonathan	
Last Name	Laverack	
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?

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

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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)

ST15 - Land West of Elvington Lane

The only local views the council have listened to are those of the residents of Heslington. Originally site ST15 (known then as Whinfield) was located close to the A64/Outer Ring Road like the majority of the other new York settlements such as Companthorpe and proposed sites such as ST8. This site was then subsequently moved away from the main York arterial road to a site adjacent to too small villages with no real transport links. No positive consultation has been had with the planners as to why this happened but we can only speculate.

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

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

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
Ref.
no.

Policy
Ref.

Site

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 location of the currently proposed ST15 is not sound in that it effectively creates a small town near some villages with poor infrastructure links. The site previously known as Whinthorpe (ST15 also) was located adjacent to the A64 which forms the eastern York outer ring road. I appreciate York needs a large scale development somewhere and to me the ideal location is adjacent to the main arterial road thus not encroaching into the Green belt and open countryside too much. The current site lies over 1mile away from the A64, whereas the original site lay next to the A64, there was still a considerable distance between this and the settlement of Heslington including the A64 to effectively mask the settlement. Although a new junction is proposed from the A64 this is already completely grid locked on a weekend due to coastal traffic and the junction from Elvington Lane (B1228) and A1079/Hull Road is clogged every week day morning any extra traffic down either will be catastrophic for the local economy.

Of perhaps a greater concern is the fact that approx. half of Elvington Airfield Runway will be dug up to create the planned settlement. Especially since one of York's main drivers is tourism. With the internationally renowned Yorkshire Air Museum being located adjacent to the existing runway. Most of the UK land speed records have been set at Elvington and it hosts numerous plane and car events which would be unable to take place anywhere else locally. 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.

I cannot support the proposal. I would support ST15 if it was on the originally proposed site alongside the A64 and adjacent to the proposed new traffic 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.

Move site ST15 to the site originally classed as Whinthorpe which would alleviate the issues raised by the local parish councils and residents.

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.¹

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.³

Your rights

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Signature

Date

4th April 2018

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

From: Rachel Flounders [rachel.flounders@idplanning.co.uk]
Sent: 04 April 2018 15:11
To: localplan@york.gov.uk
Cc: 'Richard Irving'
Subject: Local Plan Publication Draft consultation - representations on behalf of Green Developments
Attachments: Green Developments Appendix 1.pdf; Green Developments Appendix 2.pdf; YORK - Publication Draft - Representation Statement - Green Developments.doc; York Comments Form.pdf; Green Developments Appendix 3.pdf

Dear Sir / Madam

Please find attached representations prepared on behalf of Green Developments in relation to their land interests at North Lane, Huntington and Mitchel's Lane, Fulford.

Kind regards

Rachel

Rachel Flounders
Associate – Strategic Planning

ID Planning
9 York Place
Leeds
LS1 2DS

Tel: 0113 243 6116

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Company Registration Number: 05271142

Please note the ID Planning Leeds Office is moving.....our new address from Monday 11th December 2017 will be 9 York Place, Leeds, LS1 2D



ID Planning
9 York Place, Leeds
West Yorkshire
LS1 2DS
01132 243 6116

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ID Planning is the trading name of ID Town Planning Consultancy Limited (Company registration number : 05271142)

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		RICHARD
Last Name		IRVING
Organisation (where relevant)	GREEN DEVELOPMENTS	ID PLANNING
Representing (if applicable)		GREEN DEVELOPMENTS
Address – line 1	C/O AGENT	9 YORK PLACE
Address – line 2		LEEDS
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		LS1 2DS
E-mail Address		richard@idplanning.co.uk
Telephone Number		0113 2436116

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Part B - Your Representation

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

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Policies Map

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SEE REPRESENTATION
FOR DETAILED
RESPONSES

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

Yes

No

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Yes

No

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What does 'Sound' mean?

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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)

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.	<div style="border: 1px solid black; padding: 2px;">SEE REPRESENTATION STATEMENT ATTACHED</div>	Policy Ref.	<div style="border: 1px solid black; padding: 2px;">SEE REPRESENTATION STATEMENT ATTACHED</div>	Site Ref.	<div style="border: 1px solid black; padding: 2px;">SEE REPRESENTATION STATEMENT ATTACHED</div>
---------------	---	-------------	---	-----------	---

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

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SEE REPRESENTATION STATEMENT 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.



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SEE REPRESENTATION STATEMENT 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

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TO ENGAGE IN DISCUSSIONS REGARDING THE SOUNDNESS ISSUES RAISED IN THE ATTACHED STATEMENT

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Signature

Date

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

Dated: March 2018



**Representations to the
City of York Local Plan
Publication Draft (February 2018)**

With Specific Reference to Sites:-

- **Land east of Cotswold Way / north of North Lane, Huntington**
- **Land of Mitchel's Lane, Fulford**

On behalf of

Green Developments

Prepared by

I D Planning
9 York Place
Leeds
LS1 2DS

CONTENTS

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1.0 Introduction and Site Description.....	1
2.0 Representations to the Local Plan Pre-Publication Draft	3
3.0 Conclusions.....	12

APPENDICES

Appendix 1 – Huntington Site Plan

Appendix 2 – Fulford Site Plans

Appendix 3 – Huntington Older Persons Accommodation - Indicative scheme

1.0 Introduction and Site Description

- 1.1 These representations are made in the specific context of the following sites which are being promoted by Green Developments for allocation for residential development:-
- Land to the east of Cotswold Way and north of North Lane, Huntington
 - Land off Mitchel's Lane, Fulford
- 1.2 I have enclosed site plans at Appendices 1 and 2 which show the extent of the sites and confirm that they remain available for development, suitable for residential development and have no known technical constraints that would prevent their delivery. In relation to the Fulford site (Appendix 2) there are two plans, the first plan shows the extent of land being promoted for allocation edged in red, the second plan shows the extent of my client's ownership edged in blue.
- 1.3 The Huntington site would comprise an extension to the settlement and adjoins sites which have been considered as reasonable alternatives to strategic housing site (ST8 – Land to the North of Monks Cross). It is considered that the allocation of this site along with adjoining sites which have been assessed by the Council would comprise a more reasonable alternative to proposed strategic housing site ST8, which is separated from the settlement and does not form a natural extension. This site is being promoted for residential allocation and is also considered to be in a suitable location to meet older persons housing needs.
- 1.4 The Fulford site along with land to the north extending towards Heslington Lane would comprise a sustainable urban extension to this part of York with land to the west comprising white land within the settlement limits and therefore the sites would comprise a natural extension to the settlement.

Chronology of Representations and Council's Response

- 1.5 These sites were first promoted through the plan as part of the Pre-Publication Draft consultation. Prior to this, neither of the sites had previously been promoted through the Local Plan or the earlier Preferred Sites consultation. Our Pre-Publication Draft representation statement therefore requested for these sites to be duly assessed for inclusion in the publication draft plan.
- 1.6 The Publication Draft Local Plan document does not propose to allocate either of these sites and from a review of the Council's evidence base, the Council does not appear to have undertaken any further update to its SHLAA since the Pre-Publication Draft consultation and there is no assessment of the sites within the Publication Draft Sustainability Appraisal. It does not therefore appear that new sites submitted as part of the Pre-Publication Draft have been duly assessed as reasonable alternatives to the allocations identified by the Council. The only reference to our previous representations within the Sustainability Appraisal is an acknowledgement that we support the

alternative site boundary for ST8 (Site 914) which includes land to the north of North Lane and highlights the extent of Green Developments' site adjacent to this site.

- 1.7 The Council's Consultation Statement does highlight concerns we previously raised in relation to there not being a detailed comparable assessment of the alternative sites when detailed sites assessments had been undertaken for the proposed strategic site allocations. Whilst the Council has now undertaken these comparable assessments we question the appropriateness of retrospectively undertaking these assessments and object to the scoring for the alternative sites.
- 1.8 These representations therefore provide comments on the Publication Draft Local Plan in the context of these sites and seek to support the Council in preparing a sound Local Plan.

2.0 Representations to the Local Plan Pre-Publication Draft

- 2.1 This section of the representation statement provides comment on relevant parts of the Local Plan Pre-Publication Draft.

SECTION 2 – VISION AND DEVELOPMENT PRINCIPLES

Vision and Outcomes

- 2.2 The vision and outcomes for York states that the Local Plan aims to deliver sustainable patterns and forms of development to support the ambition of being a City whose special qualities and distinctiveness are recognised worldwide. We support this vision for York.

Protect the Environment – Built Environment – Paragraphs 2.8 and 2.9

- 2.3 Paragraphs 2.8 and 2.9 refer to the built environment and the aim for the Plan to help safeguard its outstanding heritage for future generations by promoting development which respects the City's special character and contemporary culture and encourages opportunities for rediscovering and reinterpreting those assets which make it an attractive, beautiful and accessible city. Paragraph 2.9 states that the plan will do this by supporting design excellence in the conservation and enhancement of the following defining characteristics of York's built environment:

- Strong urban form;
- Compactness;
- Landmark monuments;
- Unique architectural character;
- Archaeological complexity; and
- Landscape setting.

- 2.4 We support this part of plan which seeks to protect the built environment and particularly its strong urban form and compactness.

Policy DP1: York Sub Area

- 2.5 Policy DP1 sets out development principles for the York sub-area and aims to ensure the historic and natural environment is conserved, the integrity of important landscapes, biodiversity and areas of environmental character that extend beyond the City of York boundaries are safeguarded and a Green Belt is defined around York to safeguard the special character and setting of the historic city. We support these development principles set out in Policy DP1.

Policy DP2: Sustainable Development and supporting paragraph 2.19

- 2.6 Policy DP2 requires that development is consistent with the development principles set out in this policy. Part iii of the policy seeks to protect the environment through conserving and enhancing York's special character setting, character and heritage by ensuring development is located in

acceptable locations. We support this part of Policy DP2 and agree that development should only be supported in acceptable locations. Supporting paragraph 2.19 to this policy states that collectively the plan will result in communities that are well connected, well served, environmentally sensitive and considerate of the local environment.

SECTION 3 – SPATIAL STRATEGY

Policy SS1: Delivering Sustainable Growth for York

- 2.7 Policy SS1 identifies that the Council will seek to deliver 867 new dwellings dwellings per annum over the plan period. Whilst this figure is based on the Council's own evidence, as part of the Government's commitment to delivering housing, a new standardised methodology for calculating housing need has been consulted on. As part of the consultation, an indicative assessment of housing need for each Local Authority has been set out using the proposed methodology. For York, the indicative assessment suggests a housing need figure of 1,070 dwellings per annum.
- 2.8 The preparation of the Pre-Publication Draft consultation on the Local Plan was undertaken prior to Government consultation. There has not been a subsequent SHMA update to review the appropriateness of the 1,070 dwelling per annum figure. However, the Publication Draft Sustainability Appraisal has assessed the 1,070 dwelling figure as a reasonable alternative to the proposed 867 dwelling per annum figure. The 1,070 dwelling per annum figure scores better (more positive scores) than the proposed figure when assessed against seven of the sustainability objectives and the majority of scores are the same. In some instances the 1,070 dpa figure scores worse (negative scores) than the proposed figure but only as a result of the higher figure necessitating the release of additional land and the associated greater amount of development.
- 2.9 A further figure considered as a reasonable alternative is based on the recommendations of the SHMA Update (July 2017) which identifies a housing need figure of 953 dpa (this is 10% uplift of the proposed 867 dpa figure to reflect market signals). The Sustainability Appraisal at paragraph 6.4.28 states that the 2017 SHMA Update figure is considered to perform marginally better in sustainability terms than the preferred option. This is also confirmed at paragraph 6.4.31 which states that of the three options, it is the SHMA 2017 housing growth figure (953 dpa) that is most likely to provide the preferable mix of sustainability benefits as it enables housing need to be met, consistent with current NPPF and NPPG requirements, with lower overall negative effects than the Government consultation figure option and greater positive effects than the preferred option.
- 2.10 Given the conclusions of the Sustainability Appraisal it would be expected that at the very least the SHMA Update 2017 953 dpa figure should be identified as the proposed housing need figure for York.
- 2.11 The reasoning given for rejecting the 1,070 dpa figure which is derived from the Government consultation on calculating housing need appears to principally relate to there being additional negative effects when compared with the lower

housing need figures. It is logical that a higher figure will have additional negative effects due to the increased quantum of land and development required, yet this has to be considered alongside the additional positive effects identified and ultimately that it is a figure which is most likely to reflect the objectively assessed need for York.

- 2.12 It is stated at paragraph 6.4.34 of the sustainability appraisal that the Council's Executive considered the 2017 Draft SHMA Update but resolved that the 867 dpa figure be taken forward as it is stated the SHMA 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'*. The SHMA Update figure of 953 dpa was therefore rejected. We do not accept the Executive Board's reasoning for supporting the lower 867 dpa figure.
- 2.13 It is stated at paragraphs 6.4.34 and 6.4.35 of the Sustainability Appraisal that the Council's Executive considered response to the pre-publication draft and the Government's methodology for calculating housing need with Officer's recommending that the Council would be in a more robust position if the scale of housing proposed at a number of existing proposed allocations were increased. Members only accepted increases to existing proposed strategic allocations with the lower 867 dpa housing requirement figure being retained.
- 2.14 It is clear from the Council's own evidence the housing requirement should at the very least be 953 dpa, although a case can be made for the higher 1,070 dpa figure derived from the proposed Government standardised methodology. We therefore object to proposed housing requirement figure of 867 dpa. This figure is not justified and would result in the plan not being positively prepared and is not consistent with national policy.
- 2.15 At the very least the housing requirement should be increased to 953 dpa and to support this housing need figure, the Council therefore need to identify additional sites to meet this higher level of housing need. This representation statement supports the allocation of two sites which were originally put forward as part of the Pre-Publication Draft consultation and which comprise sustainable extensions to the main urban area of York. The land adjacent to Huntington would help deliver a more sustainable pattern of development as part of proposed strategic allocation ST7 and the land adjacent to Fulford would form part of a parcel of land which would sustainably extend the residential area of Fulford.

Factors Which Shape Growth (Paragraphs 3.4-3.12)

- 2.16 Paragraphs 3.4 to 3.12 and the associated Figures 3.1-3.3 essentially set out areas of development constraints in and around York based on character and setting, green infrastructure and flood zones. Whilst we support in principle the information contained in these paragraphs which seek to set out the key factors which have been taken into account when determining which areas should be protected from development, it is extremely difficult to review the maps at Figures 3.1-3.3 to determine where a site is located in the context of the

identified constraints. Better quality maps should be provided which would allow a more detailed review.

Policy SS2: The Role of York's Green Belt

- 2.17 Policy SS2 states that the general extent of the Green Belt is shown on the Key Diagram with detailed boundaries on the Proposals Map. It is advised that to ensure 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.
- 2.18 We object to this policy on the basis that we maintain the housing requirement figure is too low when considered against the Council's own evidence base. To meet the identified need the SHMA Update supports a higher figure and therefore if this higher figure is duly adopted, then additional land / sites will need to be identified to meet this need. In this regard, it is reasonable to assume that additional Green Belt land will be required and that the quantum of sites currently identified will be insufficient to meet the identified need evidenced in the SHMA Update and for a further five years beyond the plan period.
- 2.19 Policy SS2 is therefore considered to be unsound on the basis that it would not be effective in delivering the identified need set out in the SHMA Update. This policy and the amount of Green Belt land required to meet the identified need therefore needs to be reviewed for this policy to be sound.

Policy SS10: Land North of Monks Cross

- 2.20 Policy SS10 seeks to allocate the Land North of Monks Cross (ST8) as an urban extension site which it is stated will deliver 968 dwellings. Whilst we support the general principle of allocating land for development in this part of York given it is free from the development constraints identified at paragraphs 3.4 to 3.12 of the Plan, we do not support the proposed boundary of site ST8 as it does not adjoin the existing settlement limits of Huntington and therefore cannot rightly be considered to be an urban extension.
- 2.21 The extent of proposed site ST8 does not result in a natural extension to the settlement due to the gap left between the proposed site and Huntington as shown on the location plan below (proposed allocation is shown in red).



- 2.22 It is unclear why a gap has been left between Hungtingdon and the proposed allocation, with the site only comprising an urban extension northwards from Monks Cross. The allocation as proposed leaves an un-natural gap between the site and land to the west.

SHLAA Appendices

- 2.23 A review of the Strategic Housing Land Availability Assessment (Appendices) provides an officer's assessment of housing sites following the earlier preferred sites consultation. In this review it is noted that alternative boundaries to the site have been submitted by landowners / developers who support the ST8 site in principle but object to the exclusion of land to the west between the allocation and Huntington. It is advised that the objectors consider that the approach to separate an urban extension with such a large buffer is not an appropriate plan-led approach and do not consider it is justified. It would be more appropriate to reduce the buffer in order to make more efficient use of land. We support this position put forward by objectors to the Preferred Sites Consultation and agree that the allocation as proposed is not the most appropriate option when assessed against the reasonable alternatives.
- 2.24 The assessment also notes that one alternative option is to include land to the north of North Lane and would align with existing built development to the west and allow the strategic site to be appropriately contained by the A1237 with a landscape buffer between the proposed extension and the A1237. We support this reasonable alternative and the Council has given no explanation as to why this is not a more appropriate option.
- 2.25 It is noted that the officer's assessment highlights that Historic England have advised that without mitigation, development would harm several elements which contribute to the special character and setting of the City, namely its rural setting and green wedges. Suggested mitigation is to pull development further away from the northern ring road and Monks Cross Link Road. The

Council's response refers to additional open space and ecological mitigation can be included on land to the east of the Link Road, yet this in no way addresses Historic England's concerns. The Council has not revised the proposed boundary to ST8 and therefore the Historic England comments have not been addressed despite land being available and put forward by landowners that would enable a natural extension to the settlement adjoining Monks Cross and Huntington and pull land away from the ring road and link road. It is questioned why the Council has not sought to address Historic England's comments when the mitigation suggested it can be delivered through an alternative site boundary.

- 2.26 The SHLAA annex also provides plans which show the alternative boundaries that have been put forward. It is evident upon reviewing these boundaries that when considered together all the land between Huntington and the proposed allocation has been put forward for allocation with the exception of the parcel of land adjoining Huntington to the east of Cotswold Way and north of North Lane. This parcel of land is in the control of my client and is being put forward for allocation for residential development and would support a more natural extension to Huntington than is currently proposed.
- 2.27 It is also maintained that by separating the strategic allocation from the existing settlement, it reduces the allocation's sustainability and connections to shops, services and facilities in Huntington. The allocation's separation from Huntington is therefore at odds with the Plan's vision to deliver sustainable patterns of development and the stated defining characteristics of a strong urban form and compactness (paragraph 2.9). The allocation as proposed results in a disjointed urban form and is not compact due to the area of land that is proposed to be left undeveloped between the existing urban area and the allocation site.

Sustainability Appraisal

- 2.28 A review of the Sustainability Appraisal for the proposed allocation and the alternative boundaries that have been put forward raises further questions over the proposed boundary of ST8 being put forward by the Council. In the SA Appendix H (Assessment of Allocations and Alternatives – Table H1) information is set out with a traffic light scoring system for the proposed allocation (site 849) and three sites which have been assessed as reasonable alternatives (905, 913 and 914). Green Developments site to the north of North Lane provides the missing parcel of land between the existing settlement and proposed alternative Site 914. This site should therefore form part of alternative site 914 as together these sites would naturally extend Huntington with the A1237 providing a strong defensible boundary.
- 2.29 The assessment within Table H1 shows the assessment of the sites is similar although the alternative sites score better in relation to SAO3 (education, skills and training). The proposed allocation site has been given a '0' neutral score for SAO8 (green infrastructure, biodiversity, geodiversity, flora and fauna) yet the alternative sites (905 and 914) have and have been given a minor negative score. For SAO14 (historic environment) and 15 (natural and built landscape), the allocation site has been given a split 0/- score the alternatives have all

been given a minor negative (-) or major negative (--) score. Given the main difference between the proposed allocation and the reasonable alternatives is that the alternatives would result in a natural extension to the settlement and the proposed allocation does not, it is not clear why the sites have achieved different scores. It would be reasonable to assume that the proposed allocation would achieve a poorer overall sustainability score given it is disjointed and not connected to Huntington and extends out into the rural area further than is necessary.

- 2.30 Appendix I of the SA then provides a detailed sustainability appraisal of the proposed strategic sites. This sets out the rationale for the scoring against each SA objective. A review of this table highlights the results of the detailed assessment do not replicate the results set out in the summary tables in Appendix H with the site achieving different scores.
- 2.31 Additional columns have been added to compare the proposed allocation with the 3 alternatives. The comparable assessment was not undertaken as part of the Pre-Publication Draft consultation and has been added in response to the representations we made to that consultation which highlighted the sustainability appraisal of the reasonable alternatives had not been undertaken on a clear and cogent basis to enable meaningful comparisons to be made of the environmental impacts of each site. Whilst this information has now been added, the sustainability appraisal is meant to be an iterative process which provides evidence and reasoning as to how conclusions were reached in selecting sites for allocation (or choosing not to). This assessment and evidence should not be retrospectively applied to support the site that has been identified for allocation.
- 2.32 It is also noted the assessment of alternative site 3 (Site 914) concludes there will be more negative impacts than the allocation site or the other two alternatives considered. This is principally due to that alternative option extending northward of North Lane. We do not support the Council's assessment and conclusions in this regard. North Lane is not a major road or physical barrier, the site would remain well contained within the A1237, which does provide a strong physical boundary. It is questioned how the Council can conclude the proposed allocation boundary for ST8, which will not form a natural extension to the settlement but be physically separate from it can be considered to be less harmful compared to a site which naturally extends the settlement but extends northwards, yet remains within the A1237.
- 2.33 In particular, it is noted that the assessment against SA14 (Conserve or enhance York's historic environment, cultural heritage, character and setting) identifies a major negative score for site option 3 (Site 914). This reasoning for this scoring is stated to be because this site crosses North Lane and the development adjoins the existing settlement and is less contained as a new urban extension. This reasoning is illogical. Site option 3 would form a natural extension to the settlement and would therefore be more contained. In contrast, the proposed allocation site is physically separated from the existing western boundary of Huntington and therefore extends further into open land is less well contained. The Council's assessment and reasoning in this regard is therefore questioned.

-
- 2.34 Whilst we consider it is inappropriate for the Council to retrospectively assess the alternative site boundaries at this stage in the process, the assessment clearly identifies that alternative options 1 and 2 score broadly the same as the proposed allocation site, yet these options have the advantage of comprising a natural extension to the settlement. No reasoning has been given as to why the site boundary proposed for allocation is the most appropriate option compared to these alternatives when the alternative options comprise a natural extension to the settlement yet the proposed site is physically separate and unnatural.
- 2.35 Despite the addition of a comparable SA appraisal of the alternative sites alongside, the SA still does not offer reasoning or justification as to why ST8 was identified for allocation over the reasonable alternatives which would comprise a natural extension to the settlement. This renders the process outside of the scope of the Regulations (see footnote). The importance of this point was confirmed by the High Court in *Save Historic Newmarket Ltd and others v Forest Heath District Council and the Secretary of State for Communities and Local Government*¹. As noted therein, members of the public need to be able to understand why the proposals are said to be environmentally sound and how choices have been made, as well as being able to involve themselves in the decision-making process.
- 2.36 Given the reasonable alternatives to ST8 would result in a natural extension to the settlement and would address Historic England's concerns it would be expected these sites would perform better. Whilst the Council's SA assessments of the proposed allocation and alternatives suggests otherwise, it is difficult to understand how these conclusions have been reached and why for example the sites would score differently for education / training and the proposed allocation site score better in relation to historic environment given Historic England's comments.
- 2.37 It is our case that the strategic allocation should comprise a natural extension to Huntington and incorporate land to the north of North Lane as part of alternative option Site 914. This is the most appropriate option when assessed against the reasonable alternatives.

Land off Mitchel's Lane

- 2.38 My client also owns land off Mitchel's Lane which lies to the east of the settlement limits of Fulford and therefore adjoins the main urban area of York and is a location where growth should be supported. The site forms part of a larger parcel which extends towards Heslington Lane and would form a sustainable extension to Fulford. The land to the west of the site all lies within the settlement limits and is well located to access local services and facilities.

¹ A Practical Guide to the Strategic Environmental Assessment Directive (September 2005) provides guidance at Appendix 6 on "Developing and assessing alternatives". It states "Only reasonable, realistic and relevant alternatives need to be put forward. It is helpful if they are sufficiently distinct to enable meaningful comparisons to be made of the environmental implications of each." The Council's Tables simply fail to do this. More specifically, see Regulations 5,12 and Schedule 2, part 8 of the Environmental Assessment of Plans and Programmes Regulations 2004 ("the regulations"), which implement European Directive 2001/42/EC. 2011 EWHC 606 (See in particular paragraphs 12 – 16).

-
- 2.39 Given the Council is likely to need to identify additional sites for allocation as a result of higher level of housing need indicated by the SHMA Update and the Government's standardised methodology, the allocation of this parcel of land for housing would assist the Council in meeting this additional identified housing need. The parcel of land is of a scale that it would comprise an appropriate and natural extension to the settlement in this sustainable location.

SECTION 5 – HOUSING

Policy H9: Older Persons Specialist Housing

- 2.40 Policy H9 supports the delivery of specialist housing and registered car housing for vulnerable people including for the ageing population, such as extra-care accommodation. The policy supports developments specifically designed to meet the accommodation needs of older people. We support this policy which seeks to ensure that older persons housing needs are met.
- 2.41 It is considered my clients site off North Lane in Huntington is suitable to meet this need given it is in a sustainable location within walking distance of local facilities. We have undertaken initial discussions with Roy Wallington (Programme Director – Older Persons Accommodation) who has confirmed there is a significant shortage of older persons accommodation in the areas of Strensall, Haxby and Huntington where a lot of 70s housing had attracted people to the area, many of whom were now ready to move from a family house into a smaller property that would be suitable for them to live in for the remainder of their lives. It was suggested that the high level of need in the area provides additional weight for supporting the development of this site. A scheme with small one and two bed bungalows and apartments with a care home including communal facilities would be welcomed.
- 2.42 My client has prepared an indicative scheme to show how the site could be developed to meet the needs of older people in Huntington (see Appendix 3).

3.0 Conclusions

- 3.1 These representations have been prepared on behalf of Green Developments who are promoting two sites for residential allocation in the emerging York Local Plan.
- 3.2 The following sites were promoted for development as part of the Pre-Publication Draft consultation but do not appear to have been duly assessed for allocation in the interim period between the Pre-Publication consultation and this consultation. It remains our case these sites should duly be assessed as proposed allocations to assist in meeting the identified housing need for York, which we maintain is higher than the figure being proposed in the Publication Draft:-
- Land to the east of Cotswold Way and north of North Lane, Huntington
 - Land off Mitchel's Lane, Fulford
- 3.3 These sites are available, offer a suitable location for development and there are no known constraints that would result in development not being achievable. The sites are therefore being promoted for residential allocation in the emerging Local Plan. The Huntington site is considered to be particularly well suited to meeting the housing needs of older people and an indicative scheme has been prepared to show how the site could be developed out for this purpose.
- 3.4 This representation statement supports the general principles set out for York in relation to the vision and spatial strategy which seeks to deliver sustainable patterns of development and enhance the defining characteristics of York's built environment, which includes its strong urban form and compactness.
- 3.5 This statement supports the allocation of proposed strategic allocation ST8 (Land North of Monks Cross – Policy SS10) in principle, but we do not support the site boundary for this site proposed which will result in an un-natural extension to the settlement as a result of the gap that will result between Huntington and the strategic allocation.
- 3.6 It has been highlighted that alternative site boundaries have been assessed and whilst the Council suggest the proposed allocation performs better than the reasonable alternatives, we do not support this conclusion. It is unclear how the Council can conclude the proposed ST8 boundary is the most appropriate option when the reasonable alternatives comprise a natural extension to the settlement and would be better connected. It is therefore difficult to understand how the Council have reached their conclusions in relation to the proposed ST8 site and the reasonable alternative. It is considered reasonable to assume that a site that would form a natural extension to the settlement would perform better in sustainability terms than a site which is poorly connected with the existing settlement limits and encroaches further into the rural area than is necessary.

-
- 3.7 It is maintained the most appropriate option when considered against the reasonable alternatives is to support a natural extension of Huntington, including land to the north of North Lane. Supporting this site would reduce the extent of land required to the east and up to the Link Road and would leave a landscape buffer adjoining the road in accordance with Historic England's comments.
- 3.8 We would welcome further discussions with the Council in this regard and support the inclusion of my client's site as part of Strategic housing allocation ST8 as part of the next consultation stage of the Local Plan.

Huntington



4459
4-36

2834
2-84

2432
2-60

NORTH LAKE

1182

4014
2-66

4918

5312
-62

4800
2-48

4100
1-26

4100
1-60

4670
2-16

2000
2-40

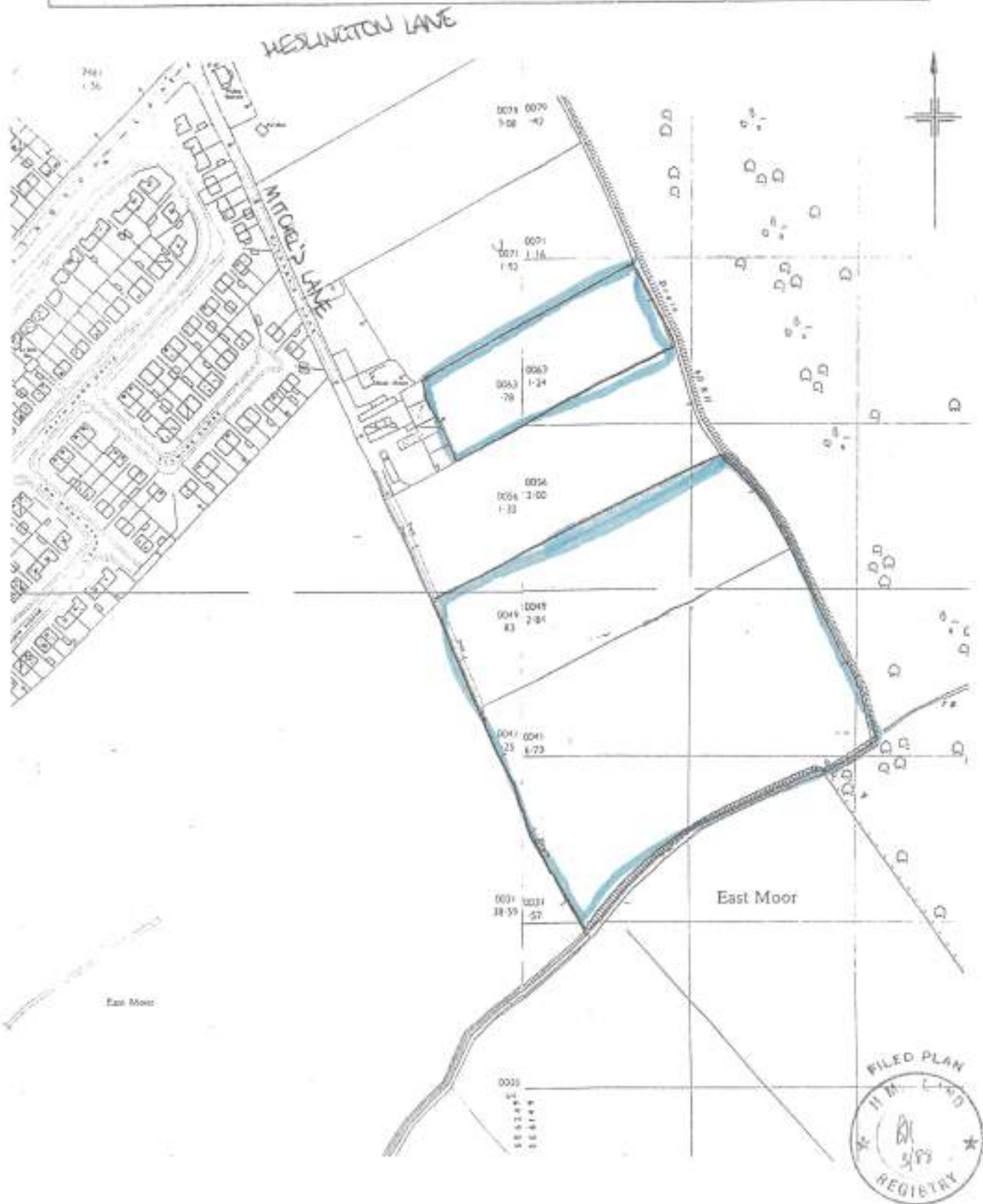
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H.M. LAND REGISTRY			TITLE NUMBER
ORDNANCE SURVEY PLAN REFERENCE	SE 6149	SE 6249	Scale 1/2500
COUNTY	NORTH YORKSHIRE	DISTRICT	YORK
			© Crown copyright



16.5m

NORTH LANE



PROPOSED SITE PLAN
1:200

SCHEDULE OF ACCOMMODATION		
Site Area: 10800m ² (116,250sq.ft.)		
Proposed 72-bed Care Home (3-storey)		
@ 3550m ² (38212sq.ft.)		
No. of Proposed Parking Spaces: 17		
Proposed Apartment Block (3-storey)		
consisting of		
6no. 1-bedroom apartments @ 55m ² each		
12no. 2-bedroom apartments @ 66m ² each		
Overall Number of Units: 18no. apartments		
Proposed 1-bedroom and 2-bedroom Bungalows		
House Type	Area (m ²)	No. of Units
1-Bedroom Bungalow T1	47m ²	05
1-Bedroom Bungalow T2	49m ²	01
2-Bedroom Bungalow	68m ²	11
Overall number of Bungalows:		17
Overall number of parking spaces: 28		
(50% for Proposed Bungalows and Apartment Block)		
Number of parking spaces subject to LPA approval.		

Rev	Date	Iss	Description

NOTES

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CLIENT
Nixon Homes Limited

PROJECT NAME
Proposed Care Village at North Lane,
Huntington, York

DRAWING TITLE
Proposed Site Plan

PURPOSE OF ISSUE

DRAWN BY	CHECKED BY	DATE	SCALE @ A0
PC	PC	03.04.18	1:200

JOB NO.	STATUS CODE	DRAWING NO.	REV.
N2700-0007	102	102	

FILE IDENTIFIER
NL-DWA-00-00-A-N2700-0007_102

[REDACTED]

From: Doug Jennings [doug@dougjennings.co.uk]
Sent: 04 April 2018 15:21
To: localplan@york.gov.uk
Cc: Mark Miller
Subject: Representation by Mr M Miller [REDACTED]
Attachments: Consultation Response Form 1.pdf; Consultation Response form 2.pdf

Please find attached representations to the Local Plan publication document

Doug Jennings
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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	Mr
First Name	Mark	Doug
Last Name	Miller	Jennings
Organisation (where relevant)		Jennings Planning Services
Representing (if applicable)		Mr Miller
Address – line 1		7 Kingtree Avenue
Address – line 2		Cottingham
Address – line 3		East Yorkshire
Address – line 4		
Address – line 5		
Postcode		HU16 4DS
E-mail Address		doug@dougjennings.co.uk
Telephone Number		01482 848229

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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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 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.
- 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

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.

See attached note (repeated here):

We note that site 795: Greenacres (Preferred Sites Consultation Statement – 2017) has not been allocated for employment purposes. In relation to the 2016 Preferred Sites Consultation we previously made the following case for so doing:

“The methodology and forecasting parameters used in arriving at the employment land requirements is not an exact science. Furthermore, the rate of take up of land for development may not be as assumed, particularly on the larger sites and those with more involved technical issues to bring them forward. Therefore, there is scope for additional land to come forward and be allocated especially where some of the technical assessments of sites not included in the Preferred Sites document are reviewed and challenged. This will provide flexibility of supply both in terms of location and timing. The preferred sites should not be taken as a maximum.”

Furthermore, we reviewed the Technical Officer Assessment of rejected site 795 for the site at Greenacres, Murton and noted that it passed all aspects of Criteria 1 – 4; but failed on landscape grounds (conclusion of Technical Officer Assessment). Although transport and heritage scored ‘amber’ they were not mentioned in the conclusion as reasons for rejecting the site, and therefore not seen as impediments in themselves to allocating the site. Heritage is a matter than can be dealt with at a planning application stage.

Furthermore, although scored ‘red’ the issue of landscape was not fully assessed as the assessment stated that “A landscape and visual appraisal should be conducted to investigate these aspects.”

Consequently we carried out and submitted the necessary landscape and visual assessment and also undertook a transport assessment. These reports were attached to our 2016 submission.

The reports demonstrated and concluded that:

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.

The subject site should be allocated for employment purposes on the Policies Map

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.¹

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.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²

Retention of Information

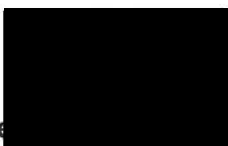
We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local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

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 or on [01904 554145](tel:01904554145)

Signature



Date

03/04/18

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

The reports demonstrated and concluded that:

- In terms of landscape there is potential to accommodate employment land uses at this location with limited effects on landscape character and visual amenity. The Site is a logical extension to the existing adjacent industrial/commercial land uses and a change in use at the Site would not compromise landscape character or openness of the countryside. The robust landscape structure at the Site could form the basis of a Landscape Strategy that aims to integrate the development into the landscape while retaining features of importance and adopting a landscape management strategy that would ensure long term viability of existing vegetation and proposed planting.
- In terms of transport the Technical Officer Assessment considered that a transport assessment is required to assess the viability of travelling to work by bus, bike and walking. An assessment was attached to the submission and this concluded that the site is a sustainable location for employment development, with available access to various modes of transport, in particular by bus and cycle, as well as being very close to the strategic road network.

This more detailed assessment of the site's suitability demonstrated that the site, which lies within an existing large employment area, is a sustainable location for employment uses and a development for such would not harm the character of the local landscape and therefore passed all criteria.

However, the Council has disregarded these supporting reports and its response made an incorrect statement in relation to the landscape and visual assessment, where it specifically stated that a landscape and visual assessment should be carried out. This clearly ignores that one had been carried out and submitted to the Council.

The decision not to include the site is therefore erroneous, lacks justification and in this respect the Plan should be considered unsound.

From: Adam Jackson [adam.jackson@lichfields.uk]
Sent: 04 April 2018 15:25
To: localplan@york.gov.uk
Cc: Phil Jones
Subject: PDLP Consultation Response on behalf of NHS Property Services [NLP-DMS.FID460317]
Attachments: 50794 PDLP Response form Clifton Hospital 04-04-18.PDF; 50794 PDLP Consultation - Clifton Hospital Rep 04-04-18.PDF

Good Afternoon,

On behalf of our client, NHS Property Services, please find attached a completed Publication Draft Local Plan response form and associated representation letter in relation to the Clifton Park Hospital site.

Please feel free to contact me if you would like any further information regarding this site.

Regards

Adam Jackson
Senior Planner

Lichfields, 3rd Floor, 15 St Paul's Street, Leeds LS1 2JG
 T 0113 397 1397 / M 07341773569 / E adam.jackson@lichfields.uk

lichfields.uk  



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 Think of the environment. Please avoid printing this email unnecessarily.

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	c/o Agent	Mr
First Name		Adam
Last Name		Jackson
Organisation (where relevant)	NHS Property Services	Lichfields
Representing (if applicable)		NHS Property Services
Address – line 1	c/o Agent	3 rd Floor, 15 St Paul's Street
Address – line 2		Leeds
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		LS1 2JG
E-mail Address		adam.jackson@lichfields.uk
Telephone Number		01133971397

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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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 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.
- 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

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 accompanying representation titled 'York Local Plan Publication Draft Consultation - Representation on behalf of NHS Property Services Ltd: Clifton Park Hospital' (ref: 50794/MHE/AJk/15677426v2)

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.

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.

See accompanying representation titled 'York Local Plan Publication Draft Consultation - Representation on behalf of NHS Property Services Ltd: Clifton Park Hospital' (ref: 50794/MHE/AJk/15677426v2)

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See accompanying representation titled 'York Local Plan Publication Draft Consultation - Representation on behalf of NHS Property Services Ltd: Clifton Park Hospital' (ref: 50794/MHE/AJk/15677426v2)

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 participate in the debate on housing requirements, the deliverability of proposed allocations, and to elaborate on the credentials of the Clifton Park Hospital site for residential development.

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.

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Retention of Information

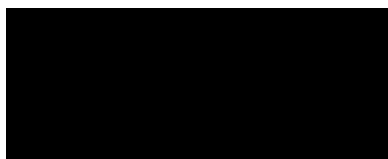
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Signature



Date

4th April 2018

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

City of York Council
West Offices
Station Rise
York
YO1 6GA

Date: 4 April 2018
Our ref: 50794/MHE/AJk/15677426v2
Your ref:

Dear Sir / Madam

York Local Plan Publication Draft Consultation - Representation on behalf of NHS Property Services Ltd: Clifton Park Hospital

On behalf of our client, NHS Property Services, Lichfields is pleased to submit representations to the consultation on the City of York Publication Draft Local Plan (PDLP). This representation is submitted in relation to Clifton Park Hospital, Shipton Road, York.

NHS Property Services manages, maintains and improves a portfolio of 3,500 buildings, representing around 10% of the entire NHS estate. When local commissioners indicate property is no longer required for the delivery of services, NHS Property Services ensure that best value is achieved through the disposal process for reinvestment back in to the NHS. In addition to the Clifton Park site, NHS Property Services have a number of other potential disposal sites in the York area which they look forward to releasing for residential development, working cooperatively with the Council.

The Site

The site is located approximately 2.7km north of York City Centre to the west of Shipton Road. It covers an area of approximately 3.6 hectares and comprises redundant hospital buildings (Wheelchair Centre and adjacent cottage building), areas of car parking and hardstanding, and, to the north, unmanaged greenfield land. Access into the site is taken via Fylingdale Avenue and Blue Beck Drive from Shipton Road. A site plan is shown at **Annex 1**.

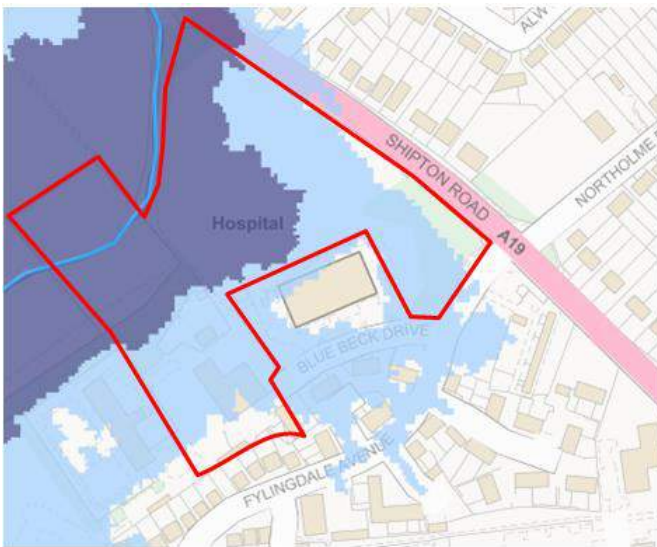
The proposals map of the York Development Control Local Plan (YDCLP), although not adopted, shows that the site falls with the Green Belt and is part of a major developed site in the Green Belt (policy GB10). Policy GB10 states that at Clifton Hospital the Laundry Building has been identified for employment use and the Rosedale Building for residential use. The policy goes on to state that, within these sites, limited infilling for the preferred use within the present extent of development will be permitted, subject to specific provisions regarding the height and scale of development.

The PDLP Proposals Map shows the site as still being located within the Green Belt but there is no 'major developed site in the Green Belt' designation. The land to the north of the existing hospital buildings is also proposed to be designated as 'Existing Openspace' (Clifton Hospital Paddock Amenity Greenspace). The Open Space Study states that amenity greenspace includes informal recreation green spaces and village

greens, and that its primary purpose is for ‘informal activities close to home or work’ and the ‘enhancement of the appearance of residential or other area’. Although informal footpaths exist across this greenspace, it should be noted that these are not public rights of way and the land falls within the ownership of NHS Property Services.

Much of the site is located within Flood Zones 2 and 3, as shown in Figure 1 below. The existing buildings within the site (namely the Wheelchair Centre and adjacent cottage) are located within Flood Zone 2 and are capable of being converted to residential use in accordance with national planning policy, subject to a safe means of access and egress being established.

Figure 1 Flood Zones, site edged red



Source: Environment Agency, 2018

Objectively Assessed Housing Need and Local Plan Housing Requirement

The PDLP maintains the minimum annual housing requirement of 867 dwellings which was set in the pre-publication draft plan. We consider this housing requirement to be **unsound**.

The housing requirement is derived from a Strategic Housing Market Assessment (SHMA) undertaken by GL Hearn in 2016 and updated in 2017 to take account of the July 2016 household projections, which found that 867 dwellings per annum is the relevant baseline demographic figure for the 15 year period of the plan. The 2017 SHMA update also recommended that, based on an assessment of market signals evidence, a 10% market signals adjustment to the 867 figure should be applied, increasing the housing figure to 953 per annum. However, a cover sheet to GL Hearn’s Update, entitled ‘Introduction and Context to objective Assessment of Housing Need’ was inserted at the front of the SHMA by the Council, and this explains that Members of the Council’s Executive board rejected the 953 figure, stating:

“...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.”

It is therefore clear, from the Council’s own admission, that the Plan is not positively prepared as it will not meet the objectively assessed housing needs for the housing market area in full. Furthermore, analysis undertaken by Lichfields on behalf of a consortium of housebuilders (see separate representations) has found

that there are a number of significant deficiencies in the SHMA Assessment Update which means that the 953 dpa OAHN figure identified in the Assessment Update is not soundly based.

For these reasons, we consider that the PDLP needs to be planning for a significantly higher housing requirement than currently proposed, and additional housing sites and suitable housing land will need to be identified to meet this need.

Standardised Housing Requirement Methodology

The standardised methodology for calculating housing requirements was the subject of a consultation (*‘Planning for the right homes in the right places’*) in September 2017, and it has now been inserted into the draft revised NPPF. Applying the standardised methodology in York results in a minimum requirement of 1,070 dwellings per annum – higher than the minimum requirement in the PDLP and higher than the OAHN identified in the SHMA. This means that over the plan period the PDLP will provide **3,248 homes less** than the minimum requirement calculated using the government’s standardised methodology.

It is interesting to note that York is one of the very few local authorities in the Yorkshire and Humber region, and indeed the north of England in general, where the application of the standardised methodology results in a significantly higher housing requirement than is shown in the current local assessment of housing need. This is symptomatic of the oppressed housing delivery in York and absence of an adopted Development Plan.

Inherited Shortfall (2012 - 2017)

Table 5.2 of the PDLP shows that there has been a shortfall in housing delivery over the period of 2012 – 2017 of 896 dwellings, and that this is proposed to be recuperated over the remainder of the plan period through an addition of 56 dwellings to the 867 OAHN figure, resulting in an annual requirement of 923 dwellings.

This approach to dealing with the housing supply shortfall is considered to be incorrect and unsound. Instead, it is advocated that the shortfall be dealt with within the first five years of the plan period as stated in the Draft Planning Practice Guidance (page 13). To ensure this shortfall is dealt with, additional smaller housing sites may need to be identified in the Plan which are able to deliver homes quickly at the start of the plan period.

Housing Supply

As was proposed in the previous pre-publication draft, the PDLP proposes to meet the housing requirement through the allocation of 16 ‘strategic sites’ (strategic being defined as sites over 5 hectares) and 20¹ smaller (less than 5 hectares) housing allocations.

An estimated phasing strategy for each of the proposed allocations is provided in the final column of Table 5.1 of the draft Plan, albeit the phasing shown is very high level and does not provide any detail beyond a 5 year time frame. It is therefore impossible to comment on whether the proposed phasing and delivery rates of the draft allocations is reasonable, and it is considered that this lack of evidence is in itself unjustified and that no certainty has been provided that the PDLP can provide and maintain a five year supply of deliverable housing sites, as required by paragraph 47 of the National Planning Policy Framework (NPPF).

¹ There is also an additional site (H6) which is proposed to be allocated for specialist housing (Use Class C3b) for residential extra care facilities in association with the Wilberforce Trust

It is also noted that the draft revised NPPF includes a requirement for 20% of housing allocations in Local Plans to be less than 0.5 hectares in size. The PDLP does not meet this requirement, with only 15% of allocations falling below this threshold.

Residential Development at Clifton Park Hospital Site

Acknowledging the need for additional housing sites to meet housing needs in York, it is considered that the Clifton Park Hospital represents a suitable and sustainable location which could accommodate a mixed tenure scheme across two distinct development phases.

Development Options

The first phase is the conversion of the Wheelchair Centre and adjacent cottage to residential use. Technical work is currently being undertaken to support the submission of a pre-application request for this development, including highways, flood risk and architectural appraisals. It is envisaged that access to the site will be taken either from the existing access road at Blue Beck Drive, or through the reinstatement of the connection to Fylingdale Avenue to the south of the site. The buildings benefit from existing parking spaces and are within walking distance of public transport links on Shipton Road. Based on Environment Agency mapping it is expected that a safe means of access and egress can be created which links the southern elevation of the Wheelchair Centre (which is Flood Zone 1) to the car park and through to the former connection to Fylingdale Avenue.

The second phase of potential development would be located on the open space to the north of the site, which covers an area of approximately 2.4 hectares. This land could be suitable for family housing in a more suburban layout, subject to overcoming any flood risk constraints.

PDLP Policy Designation

As described above, the Clifton Park Hospital site, as well as the housing and business park to the south, is designated as a 'major developed site in the Green Belt' in the YDCLP. Major developed sites in the Green Belt are typically designated where large sites, such as minerals operations or developments which need a particular location within the Green Belt, are encompassed by Green Belt land. This is not the case at Clifton Park which forms part of the built up area of York and does not perform any of the Green Belt purposes set out at paragraph 80 of the National Planning Policy Framework (NPPF). The designation of this wider housing, business and hospital estate as part of the Green Belt is therefore erroneous and **unsound**, and it is considered that the land should be removed from the Green Belt and shown as 'white land' in the adopted Policies Map.

With regards to the greenspace designation, we would like to reiterate that the land to the north of the hospital is owned by NHS Property Services and does not benefit from any formal public rights of way. The land is also screened from Shipton Road by existing vegetation which could be retained as part of any development proposal, and it does not therefore add to any sense of openness in the local area, or serve any community function.

Summary

We consider that the PDLP will not meet the OAHN for York, as it is drafted to meet only a proportion of the housing needs identified in the SHMA, and less than the housing requirement for the authority area based on the government's standardised methodology for assessing housing needs. For this reason, it is considered that the PDLP is not positively prepared and is **unsound**. The proposed approach to recuperate the past record of under-delivery of housing is also considered to be flawed, and we would advocate that the Plan

adopts the 'Sedgefield' method and deal with the shortfall within the first 5 years of the plan period, as recommended in the draft Planning Practice Guidance.

The Clifton Park Hospital site is a sustainably located brownfield development option which is available now and is capable of delivering residential development within the first 5 years of the plan period. As a major landowner in the York district with numerous other potential disposal and development sites, NHS Property Services look forward to working with the Council to bring the Clifton site forward and ensure the adopted Local Plan provides the homes the district needs.

We wish to reserve the right to appear at the Local Plan Examination on behalf of NHS Property Services.

Yours faithfully

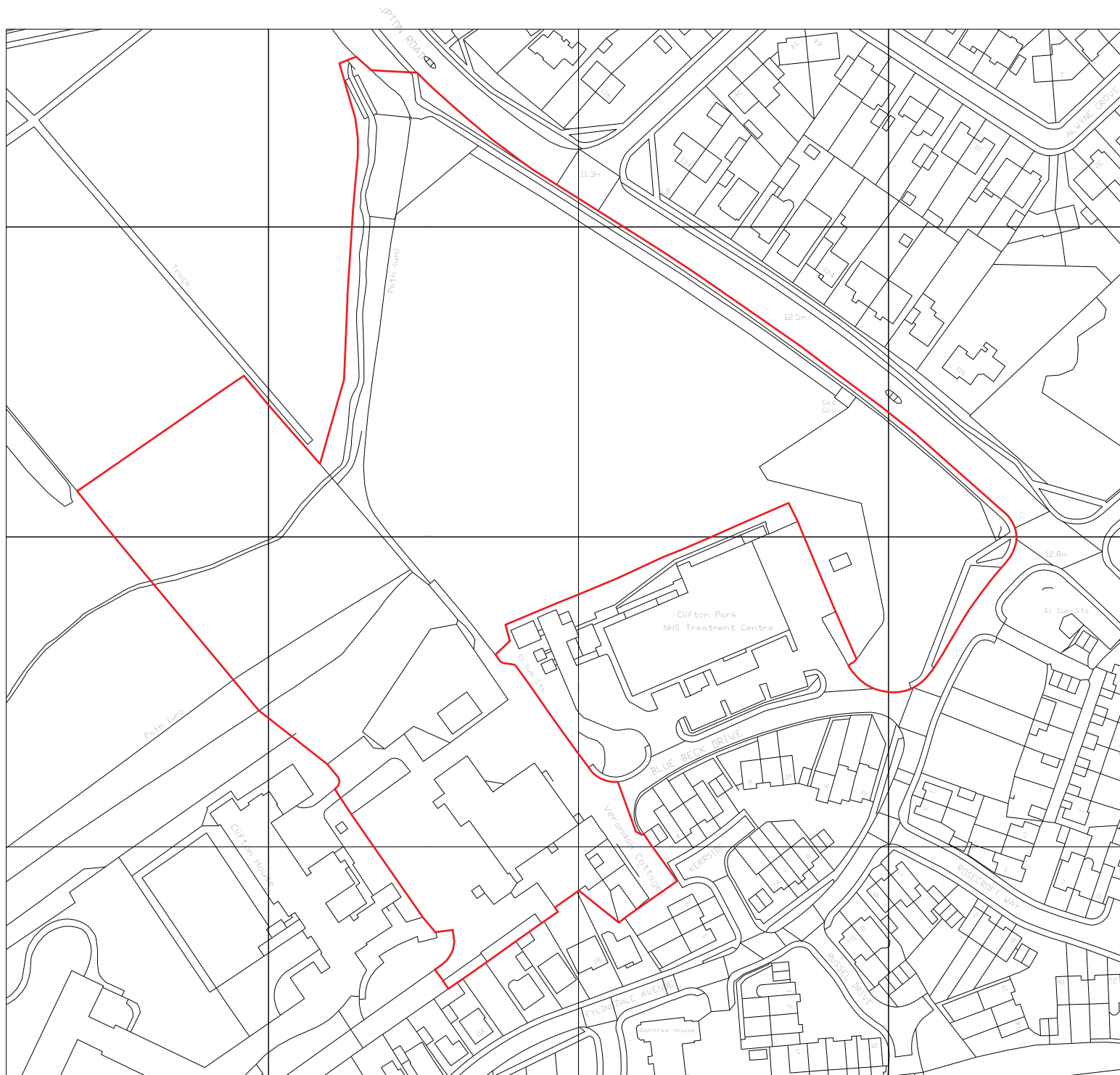


Adam Jackson
Senior Planner

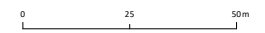
Copy Helen Stubbs, NHS Property Services



Annex 1: Site Boundary Plan



Key
 Site Boundary



Based upon Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. © Crown Copyright reserved. Licence number ALS0684A



Project Clifton Park Hospital
 Title Site Location Plan

Client NHS Property Services Ltd

Date 04.04.2018
 Scale 1 : 1250 @ A3
 Drawn by MAR
 Drg. No GIS\LE\50794\01-01



From: Tricia Richards [Tricia.Richards@northyorks.gov.uk]
Sent: 04 April 2018 15:31
To: localplan@york.gov.uk
Cc: Carl Bunnage
Subject: Consultation response to York Local Plan
Attachments: Consultation response to York Local Plan.pdf

Importance: High

Dear Sir / Madam

On behalf of David Bowe, please find attached North Yorkshire County Council's response to the Publication version of the City of York Local Plan.

Yours faithfully

Tricia Richards, Leadership Support Officer/PA to David Bowe, Corporate Director - BES

☒ North Yorkshire County Council, East Block, County Hall, Northallerton, DL7 8AH

☎ Tel: 01609 532556 ☎ Fax: 01609 775885 ☎ e-mail: tricia.richards@northyorks.gov.uk

Access your county council services online 24 hours a day, 7 days a week at
www.northyorks.gov.uk.

WARNING

Any opinions or statements expressed in this e-mail are those of the individual and not necessarily those of North Yorkshire County Council.

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North Yorkshire County Council's computer systems and communications may be monitored to ensure effective operation of the system and for other lawful purposes. All GCSX traffic may be subject to recording and/or monitoring in accordance with relevant legislation.

Although we have endeavoured to ensure that this e-mail and any attachments are free from any virus we would advise you to take any necessary steps to ensure that they are actually virus free.

If you receive an automatic response stating that the recipient is away from the office and you wish to request information under either the Freedom of Information Act, the Data Protection Act

or the Environmental Information Regulations please forward your request by e-mail to the Information Governance Team (infogov@northyorks.gov.uk) who will process your request.

North Yorkshire County Council.

City of York Council
West Offices
Station Rise
YORK
YO1 6GA

localplan@york.gov.uk

Your ref:
Our ref: M14TR001.MR.DB
Contact: David Bowe

4 April 2018

David Bowe
Corporate Director
Business & Environmental Services
County Hall
NORTHALLERTON
North Yorkshire
DL7 8AH

Tel: 01609 532556
Email: david.bowe@northyorks.gov.uk
Web: www.northyorks.gov.uk

Dear Sir / Madam

Consultation on the Publication Draft York Local Plan

Thank you for consulting North Yorkshire County Council (NYCC) on the Publication version of the City of York Council Local Plan. We welcome the opportunity to engage with the City Council and consider this part of the Duty to Co-operate on strategic matters.

As well as providing the opportunity to comment at all formal stages of consultation on the York Local Plan, North Yorkshire County Council has worked jointly with the City of York Council, and the North York Moors National Park Authority, on the preparation of the Minerals and Waste Joint Plan to address cross boundary strategic issues relating to these matters.

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 and therefore we are pleased to see the Local Plan progress to Publication.

Officers from across our service areas have reviewed the consultation documentation and have the following comments to make. Please note this response includes comments by the County Council in its capacity as Local Highways Authority.

/cont'd...

Strategic Policy and Economic Growth

Policy DP1: York Sub Area:

We welcome the commitment set out in Policy SS1, in particular that *'York fulfils its role as a key economic driver within both the Leeds City Region and the York, North Yorkshire and East Riding LEP areas'* and *'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'* and that *'Development within the City of York area will not lead to environmental problems... and transport congestion for adjacent local authority areas.'* It is essential that these priorities are met in order that the City of York is able to fully meet its own identified needs and full potential without placing pressure on the services and infrastructure within neighbouring areas.

Policy SS1: Delivering sustainable growth for York:

It is noted that the Plan seeks the provision of 867 dwellings per annum which is consistent with the objectively assessed need (OAN) identified in the Strategic Housing Market Assessment (SHMA). Furthermore it is acknowledged that paragraph 3.3 sets the commitment to provide for the shortfall in housing provision against this need from the period 2012 to 2017 which is identified in Table 5.2 to be 56 dwellings per annum. We believe that this will contribute to meeting the City's overall housing need. Whilst we do not wish to question the overall annual provision, we do note that the plan whilst delivering higher housing numbers than has been achieved over the last 10 years, does not make any additional uplift to the OAN for market signals.

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. The draft York plan makes provision up to 2038, providing for an additional 5 years beyond the current plan period. We note that if the Green Belt boundary is drawn too tightly it could reduce flexibility and result in pressure for growth being exerted on adjacent areas in North Yorkshire. We are keen to ensure that the Plan avoids any adverse effects on North Yorkshire infrastructure and services.

The NPPF states that once established, Green Belt boundaries should only be altered in exceptional circumstances to ensure that they can endure with a degree of permanence. It is therefore important to ensure that the York plan makes sufficient provision to safeguarded land needed to meet the City's growth needs well beyond the current plan period. This will provide confidence over where future development will be directed and enable the planning and delivery of essential infrastructure and services that will be needed to support it. It is acknowledged that in the longer term consideration will need to be given to how future growth needs will be managed, including within neighbouring parts of North Yorkshire.

Policy H10: Affordable Housing

We welcome opportunities to maximise affordability across the housing market area. Increasing the provision of affordable homes is a shared aspiration across the York, North Yorkshire and East Riding Local Enterprise Partnership area.

Planning Services

North Yorkshire County Council has work with the City of York and the North York Moors National Park Authority on the Preparation of the Minerals and Waste Joint Plan (MWJP). The MWJP is currently undergoing Independent Examination, with adoption anticipated

later this year. Recognising that the York Local Plan defers detailed minerals and waste policies to the MWJP any policies in the York Local Plan must ensure that they are consistent with strategic policies in the MWJP.

A minor factual update is required in paragraph 13.3 which states that AWRP will become commissioned in early 2018. However, the site became fully operational at the end of January 2018 therefore this paragraph requires updating to reflect the current status of the site.

North Yorkshire County Council Local Highway Authority Response

Thank you for consulting North Yorkshire County Council (NYCC) as a neighbouring Local Highway Authority (LHA) on the publication draft of the York Local Plan.

In its response to the pre-publication version of York Local Plan the neighbouring LHA identified the need for allocation sites to identify cross boundary implications on its local road network and take into account other proposed large allocations in close proximity to the York City administrative boundaries. NYCC as neighbouring LHA is satisfied that this has been taken into account within Policy T7 Minimising and Accommodating Generated Trips.

North Yorkshire County Council has produced a Strategic Transport Prospectus for North Yorkshire which sets out the long term vision (to 2045) of how improved transport in North Yorkshire can contribute towards a thriving northern economy. The Strategic Transport Priorities set out within this document are:

- Improving east to west connectivity (including Trans Pennine links)
- Improving access to high Speed and conventional rail
- Improving long distance connectivity to the north and south

A number of medium and long term transport aspirations have been identified to address these priorities, these include:-

- Transformational change on Leeds – Harrogate – York Railway;
- Access to High Speed rail where 85% of the population of North Yorkshire can get to an HS2 hub within 40 minutes and 75% to a conventional railway station within 20 minutes;
- New rail infrastructure to enable Leeds – Newcastle in 60 minutes with phase one allowing Leeds – Harrogate in 15 minutes;
- Journey time reductions on Scarborough – York line;
- Dual carriageway on the A64 between York and Malton to reduce journey times and improve journey time reliability;
- A new A59 bypass of Harrogate;
- Overtaking lanes on the A59 between Harrogate and Skipton to improve journey time reliability.

Policy DP1 of the publication plan outlines a number of transport related improvements that align with the Strategic Transport Prospectus including improvements to the A1237 outer ring road.

NYCC see the A59 as a key transport route for east to west connectivity and as such has requested to Harrogate Borough Council, in its latest consultation response, to consider safeguarding road space along the A59 corridor. This could potentially include provisions in the new settlement Development Plan Document for safeguarding the opportunity to dual the A59 in the area of growth in order to future proof transport infrastructure to facilitate efficient and effective east-west connectivity.

A Transport Topic Paper has been published which discusses the likely increase in journey times on key routes within the York area. The LHA is in particular interested in any impact of site allocations on the movements of the A59 and the cumulative impact of these movements on other key strategic proposed allocations.

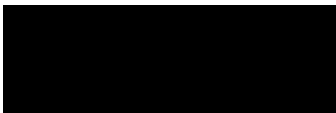
NYCC, as a neighbouring LHA, would ask that within their transport evidence account is taken of the traffic generated by the allocations of surrounding planning authorities, particularly Harrogate district and the Green Hammerton settlement and that committed developments within North Yorkshire are included that will impact on cross border issues.

Closing comments

The comments set out above have been endorsed by the County Council's Business and Environmental Services Executive Members.

We trust that you find the comments helpful in progressing work on the Local Plan to final submission. If you would like to discuss any aspect of this response please do not hesitate to contact me and I will be happy to assist.

Yours faithfully



DAVID BOWE
Corporate Director – Business and Environmental Services

From: Andy D'Agorne [REDACTED]
Sent: 04 April 2018 15:52
To: localplan@york.gov.uk
Cc: Dave Taylor
Subject: Local Plan - SS5 Castle gateway open space

http://www.yorkpress.co.uk/news/16135050.Eleventh_hour_Local_Plan_plea_over_Clifford_s_Tower/

Please add my name to the list of councillors supporting this point about open space surrounding Clifford's Tower

Cllr Andy D'Agorne

[REDACTED]

From: Dominic [REDACTED]
Sent: 04 April 2018 16:00
To: localplan@york.gov.uk
Subject: Local Plan Objection - Site H39
Attachments: LocalPlanApril2018H39DS.docx

Hello

Please find attached my Word Document submission of my objection to the local plan for Site H39.

Kind regards

Dominic Stevens

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

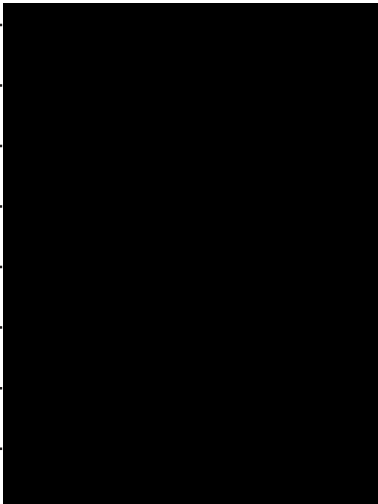
To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments 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	Dominic	
Last Name	Stevens	
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

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

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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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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.
- 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

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)

I am objecting on the basis that the

Plans to develop the H39 area have been rejected numerous times before (1991, 1998, and 2005 and now 2013) for very good reason. They were rejected on grounds that still stand today; the land was deemed to be integral to Elvington's Green Belt and village character, and an unnecessary development. This land is also home to many protected species (owls and bats).

The proposed site H39 should be withdrawn and excluded, and instead H26 should be considered instead as most inhabitants of the village support this area for development, despite the village services already being at almost full capacity. If a site must be considered in Elvington, H39 should be the only site considered.

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 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.

H39

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.

Plans to develop this area before have been rejected numerous times before (1991, 1998, and 2005 and now 2013) for very good reason. They were rejected on grounds that still stand today; the land was deemed to be integral to Elvington's Green Belt and village character, and an unnecessary development. Specifically, the inspector's findings were as follows:

a.) It would be inappropriate to remove this site from the Green Belt due to difficulties in relation to access that would cause harm to the character of the village or the amenities of existing residents.

Nothing has changed since these previous rejections and there is no reason that current plans should be passed. It also seems a waste of time, money, and resources trying to approve plans that have already been rejected numerous times before. The original reasons for rejection given by the inspector still stand today.

Owls are regularly heard calling in the H39 area at night and it is a pleasure for residents to be able to hear this. It adds to the wonderful, rural character of our village and it would be an absolute shame to lose that to more houses that are simply not required. Bats also use this area at night. We also believe that owls and bats are a protected species in both domestic and international legislation by (in England and Wales) the Wildlife and Countryside Act (1981) (as amended).

The extra traffic generated by 32 new houses would have a tremendously adverse impact on the current residents of Becksides.

Density should have to be commensurate with the existing Becksides development to minimise

H39 is currently, right at this moment, submerged under a large amount of water due to the recent bad weather. This area is well-known to have poor drainage and has always been prone to flooding. In fact, the entire village has a history of flood issues, but this area has standing water all over the fields and road that passes by it.

The proposed site H39 should be withdrawn and excluded, and instead H26 should be considered instead as most inhabitants of the village support this area for development, despite the village services already being at almost full capacity. If a site must be considered in Elvington, H39 should be the only site considered.

It is also worth noting that despite continuous objections with these exact reasons for this proposed H39 site, CYC have continually ignored these objections and are carrying on regardless in the hope that eventually us as residents will give up. Development of H39 has previously been declared as not sound for development by planning inspectors and should be declared as such once again. CYC should no longer be allowed to continue to propose this site over and over 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.

The proposed site H39 should be withdrawn and excluded, and instead H26 should be considered instead as most inhabitants of the village support this area for development, despite the village services already being at almost full capacity. If a site must be considered in Elvington, H39 should be the only site considered.

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.¹

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.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²


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.³

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 or on [01904 554145](tel:01904554145)

Signature  Date **04 April 2018**

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

From: Dominic [REDACTED]
Sent: 04 April 2018 16:00
To: localplan@york.gov.uk
Subject: Local Plan Objection - Site ST15
Attachments: LocalPlanApril2018ST15DS.docx

Hello

Please find attached my Word Document submission of my objection to the local plan for Site ST15.

Kind regards

Dominic Stevens

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

OFFICE USE ONLY:

ID reference:

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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	Dominic	
Last Name	Stevens	
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

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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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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)

ST15 is far too close to the villages of Elvington and Wheldrake, as well as being completely disproportionate in size comparison with them. It would utterly dominate the area. It should be proposed much farther away from the current location.

Development of this area will put a further strain on the A64 traffic, which is already poor at the moment. York's road infrastructure is frustrating at the best of times. The traffic lights at the top of Elvington Lane are ridiculous in the morning when added along with the Hull Road traffic. Adding another 3300 cars to the road (and it'll have to be cars because Elvington's public transport is non-existent) will destroy what is already a failing road system.

Proposals to develop the area of land in ST15 have been rejected in the past, and we now have more people living in the surrounding villages than there were at that time so thus the case for objection from the last time is even stronger.

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 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.

ST15

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 / The Airfield.

This development will have a negative impact on the Elvington airfield runway. It is absurd and economically ill-advised to destroy the runway in such a way. The Airfield is an important part of the village's history, and is a major attraction for tourists to the area with events centred around the airfield runway, as well as events at the museum (the airfield is often used to take on landspeed records and holds almost all of them).

ST15 is far too close to the villages of Elvington and Wheldrake, as well as being completely disproportionate in size comparison with them. It would utterly dominate the area. It should be proposed much farther away from the current location.

Development of this area will put a further strain on the A64 traffic, which is already poor at the moment. York's road infrastructure is frustrating at the best of times. The traffic lights at the top of Elvington Lane are ridiculous in the morning when added along with the Hull Road traffic. Adding another 3300 cars to the road (and it'll have to be cars because Elvington's public transport is non-existent) will destroy what is already a failing road system.

This site at present is totally waterlogged. It is clearly a high flood risk area.

The airfield is Green Belt land and a site of importance to the nature surrounding it.

Proposals to develop the area of land in ST15 have been rejected in the past, and we now have more people living in the surrounding villages than there were at that time so thus the case for objection from the last time is even stronger.

As it stands, I as a resident of Elvington cannot support the proposal.

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.

ST15 could be built much further north (as it was originally proposed). This has better access to the A64, and is far enough away from Elvington and Wheldrake to allow them to remain smaller rural villages.

As it stands, I as a resident of Elvington cannot support the proposal.

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.¹

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.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²

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.³

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 or on [01904 554145](tel:01904554145)

Signature  Date **04 April 2018**

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

From: Dave Taylor [REDACTED]
Sent: 04 April 2018 16:21
To: localplan@york.gov.uk
Cc: Andy D'Agorne
Subject: Re: Local Plan - SS5 Castle gateway open space

Likewise. I should like to support the proposal and comments made by Cllr. Hayes regarding the importance of open space around Clifford's Tower.

Yours sincerely - Dave Taylor
Councillor for Fishergate

On 4 April 2018 at 15:51, Andy D'Agorne <andydag@talktalk.net> wrote:

http://www.yorkpress.co.uk/news/16135050.Eleventh_hour_Local_Plan_plea_over_Clifford_s_Tower/

Please add my name to the list of councillors supporting this point about open space surrounding Clifford's Tower

Cllr Andy D'Agorne

--
Dave Taylor
Marketing Manager
City Screen
13-17 Coney Street
York YO1 9QL
t: 01904 612940
m: 07738 208741
www.picturehouses.co.uk
[@cityscreenyork](https://www.facebook.com/CityScreen)



From: Harry Thornton [harrythornton@outlook.com]
Sent: 04 April 2018 16:12
To: localplan@york.gov.uk
Cc: Dave Merrett
Subject: York Labour Party Local Plan Response
Attachments: York Labour Party - Local Plan Response - Annex 4 Transport.pdf; York Labour Party - Local Plan Response - Annex 3 Affordable Homes.pdf; York Labour Party - Local Plan Response - Annex 2 Overall Housing Target.pdf; York Labour Party - Local Plan Response - Annex 1 Economy.pdf; York Labour Party - Local Plan Response - Part 1 - Q5 Response (Unsoundness).pdf; York Labour Party - Local Plan Response - Part 2 - Q6 Response (What we want to see).pdf; York Local Plan YLP - Covering Form.pdf

Dear Sir/Madam,

Please find attached the response of York Labour Party to the City of York Council Local Plan Publication Draft 2018.

Our response consists of the following:

- The Response Covering form.
- Two response documents. Consisting of:
 - Part 1 - Question 5 Response (Unsoundness).
 - Part 2 - Question 6 Response (What we want to see).
- Four Annexes. Consisting of:
 - Annex 1 - Economy.
 - Annex 2 - Overall Housing Target.
 - Annex 3 - Affordable Homes.
 - Annex 4 - Transport.

Yours faithfully,

Harry Thornton
(On behalf of York Labour Party)

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	Dave	
Last Name	Merrett	
Organisation (where relevant)	York Labour Party	
Representing (if applicable)	York Labour Party	
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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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 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.
- 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

YES

Policies Map

YES

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

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)

We haven't examined this question in detail, and are not in a position to comment further.

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.	<input type="text" value="Various"/>	Policy Ref.	<input type="text" value="SS1, and others detailed in our attachment"/>	Site Ref.	<input type="text" value="Various"/>
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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.

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 attachment part 2.

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:

We consider that we will bring a mix of expertise and detailed knowledge to the table and of informed challenge to what the plans authors and other representors have to say.

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.

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Signature

[Redacted Signature]

Date

4th April 2018

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

York Labour Party Response to the Local Plan (Annex 1)

Policy: SS1 Delivering Sustainable Growth for York

Annex 1. Building a strong and competitive Economy

DLP paragraphs 1.12-1.22, 1.32-1.40, 1.45-1.48, 1.56, 1.62-1.67

Policies EC1, EC2

Why the plan is “unsound.”

1.1 Positively Prepared

The vision for the city is stated to be to secure a prosperous city for all and to achieve sustainable development. These are principles we support. However, we consider that the plan fails to deliver on the overriding objective of prosperity for all. It lacks analysis of how different groups in the community are affected by the proposals. It does not demonstrate how the plan can heal the highly unequal conditions of, and opportunities for, York’s residents.

The plan also fails to follow up on the implications of sustainability. It chooses employment and housing options with no reference as to how they impact on community or environmental sustainability.

It fails absolutely to address the City’s housing crisis. It does not focus on affordability, or how to accommodate the workforce needed by York’s economy.

There is no credible or comprehensive strategy designed to address existing transport and access problems (apart from transport linked to proposed new developments), or of the related air pollution and its negative health impacts.

1.2 Justified

Whilst York has high levels of employment, the plan has a complacent and incorrect assessment of the state of the economy in the city. The city is the 9th most unequal city in the UK (Centre for Cities – Outlook 2018). In employment income and housing terms, the city is split between the comfortably off and struggling households.

The city is failing to attract good quality office jobs and has the fastest rate of office loss of any UK city. This is driven by the City’s housing shortage, which has led to much higher value being placed on housing over employment uses. York also lacks modern grade A offices. (See the Centre for Cities March 2018 City Space Race report.)

The plan fails to address this socio-economic divide and the housing versus employment imbalance. We will see a worsening of this situation over the plan period. It fails to address the way an economic strategy will need to reverse the slide away from better quality jobs, loss of offices in the city and the drift towards low wage insecure employment.

The plan aims to provide space for 650 new jobs per year based on an Oxford Economics Forecast. This forecast fails to distinguish adequately between the high quality jobs desired by the economic strategy, low job to land take ratio employment such as warehousing and storage, or other low paid and insecure employment.

The provision of high quality office jobs is almost totally dependent on York Central (ST5). None of the other sites in the economic plan are proposed for high quality office uses. In the York economic strategy 2016 this is clearly admitted: "Without York Central it is unlikely we will achieve our objectives" (York Economic strategy 2016-21 page 10).

None of the other sites in the economic section of the plan are definitely providing for category B1. This is despite a current desperate shortage of decent office accommodation for expanding, moving or relocating offices.

Moreover the provision for office space use B1a on York Central is undermined by the priority being given to housing (70% of the usable site), and the densities being assumed. There have been recent steps by the York Central Partnership to increase the office space on the site arbitrarily from 0.6million sq ft to 1.76 million sq ft. This increase has not been accompanied by an increase in the size of the area allocated to commercial uses and has no economic strategy behind it. The implication is that build heights will be very substantially increased (across the whole site); no account seems to have been taken of the significantly higher costs per unit area this incurs and of maintenance costs, which will negatively impact on the viability, required rent levels, attractiveness and investment risk. Repeated requests by the Labour Party for the model on which the commercial provision is based have gone unanswered.

There is no link between the economic/commercial provision on ST5 and the proposal for 25 ha university expansion (ST27) although this would be a natural link. Private sector developers have indicated that the proposals for commercial development on ST5 are not viable because the land allocation is too small, and the risks of a speculative development are far too high. A sufficient land supply must be allocated to allow flexible discussions with anchor users of the commercial site. That is not currently the case.

The plan also fails to address the worsening economic / retailing situation in the City centre. It needs to identify options for identifying more affordable space for start up businesses and to meet the needs of expanding successful businesses in the City centre. The plan should include collective space for the new digital and creative industries. It should retain the limited key remaining city centre office space, and to make use of vacant upstairs city centre premises. The decline in conventional high street retailing and loss of large floor plate stores may however give opportunities for imaginative reuse of key buildings to address this demand.

The plan fails to address the congestion around and poor access to the city centre that is undermining its attractiveness as an employment and retail location.

The Plan also needs to give greater support for addressing the skills gap and providing life-long learning opportunities, and maximizing the benefit of York's excellent higher education institutions. It needs to make the most of York's existing strengths, including further

developing York's existing rail base given the opportunities of HS2 and Northern Powerhouse Rail with their potential to provide additional good quality jobs. We believe there is opportunity for a new Rail Academy here and the plan specifically needs to facilitate that type of opportunity / land use.

The plan offers no alternative strategies to attract new employment into the city nor any strategy to diversify the economic base of the city to provide a better balance of jobs. It is more likely that employers and skilled labour will leave York because of the weaknesses than new ones come in. The exception to this is in hotels leisure and tourism which are dominated by low paid and insecure jobs. The recent report and annex to the Council's March 15th Executive Committee on renewing the Council's contract with make it York confirms this as a key problem for the City and proposes to change the way these issues are tackled. The Local Plan does not reflect these concerns.

The housing crisis in York is also having a serious impact on the local economy, and is a big concern for many local businesses. The spiraling housing affordability / availability crisis which we cover in our submission on the housing section of the plan has been forcing many people out of the city, particular families and lower income groups. York has developed a serious workforce / skills shortage, whether in social care, health care, the hospitality industry or across other parts of the local economy. However there is evidence that York's exceptionally high housing costs relative to its modest pay rates are impacting on recruitment across the board – and on graduate retention. Recruitment, productivity, and business sustainability is seriously hampered by this. The provision of development sites across the city must major on the provision of affordable/social provision both to provide for need but to deal with the serious negative impact of current shortages on the competitiveness of the city.

1.3 Effective

The plan is not effective. It allocates a mix of sites for different employment use categories, notably (now) 1.76 million sq.ft. type B1a offices land at York Central, continuation of the existing 26Ha B1b knowledge based / science park land at York University, plus other employment types at Northminster Business Park, Poppleton (49,500sq.m. B1c, B2 & B8), Elvington Airfield extension (33,000sq.m. B1b,c B2, B8 storage) & and Whitehall Grange, Wigginton Road (33,000sq.m. B8 storage). The provision of these is not backed up by a coherent and targeted economic investment strategy and the lack of generation of new private sector jobs outside the tourism and leisure industries is exacerbating the low wage/ high house price contradiction facing the city. It fails to address the city centre demand for affordable start up and grow on accommodation.

The plan makes no serious attempt to tackle any of these problems and is virtually silent on the problems of low income employment and households. The proposals are heavily reliant on long term and unreliable sites and fail to identify early possibilities to provide the much needed capacity for new office and related employment.

1.4 Agreed with national policy

The Draft NPPF 2018 (paras 82-83) puts an even stronger emphasis on the Local Plan supporting business growth and improved productivity. Yet there is no serious attempt to

diversify the economic base of the city, address the disproportionate growth of low paid insecure employment and prevent employers and talent from leaving the city.

York Labour Party Response to the Local Plan (Annex 2)

Policy: SS1 Delivering Sustainable Growth for York

Annex 2. Overall housing target

(DLP sections 3 paras 3.1-3.3)

Related sections and policies SS4/SS6 DP2 DP3 EC1 H1-3 H7 H10 D1 T1 R3

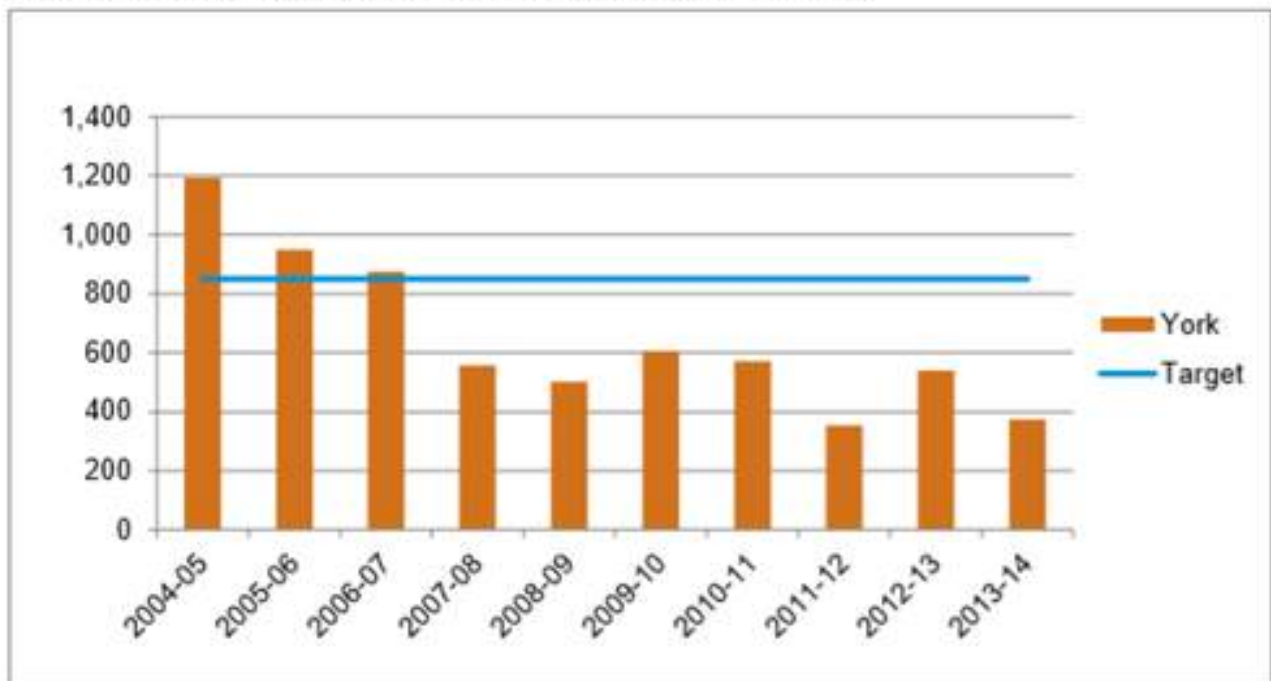
Why the plan is “unsound.”

Plan proposal: To provide enough land for at least 867 dwellings per annum over the plan period

2.1 Positively Prepared

The City of York has a serious housing shortage. The undersupply of dwellings has occurred over a long period of time, bar a brief spurt in the mid noughties, and is continuing as the authority’s own figures below show.

Figure 44: York – Housing Supply vs Target (2006/07 – 2013/14)



Source: Authority Monitoring Reports

The more recent headline figures hide the further reality that a large element of the most recent build has been student accommodation, and the local non-student housing element has been much smaller. The York & North Yorkshire Chamber of Commerce’s Autumn 2017 submission highlights this in making the point about the accumulated backlog of housing provision that this has created in their Table 1 below:

Table I Housing completion backlog for the period 2012-2017

Year	Actual completions	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
Total	3,432	731	2,701	4,765	-2064

The current Council administration has refused to acknowledge this deficit and has set its face against the adequate levels of new housing needed. The Plan therefore has simply not been prepared to meet the evidenced issues.

2.2 Justified

The current plan neither offers nor assesses alternative strategies, unlike the Arup report behind the 2014 plan. The range of targets across the years looks as follows:

York Local Plan proposed	867
GL Hearn 2017	954
DCLG White Paper Nov 2017	1070
York Local Plan proposed 2014	1100
Government 2018 (draft NPPF)	1135

The professional advice from consultants GL Hearn indicates a minimum figure of 954 homes per annum. (SHMA update 2017). The government's own proposed methodology published in 2017 indicates a minimum 1070 per annum which would be increased to 1135 if the methodology from the draft 2018 NPPF and PPG are modeled.

Almost all of the recent trends would indicate that these figures are underestimates e.g. the supply of Council relets is declining because of right to buy changes. The Council's rejection of these figures and opting for an absolute minimum figure of 867 per annum is the result of narrow political interest. In Council meetings in November 2017 and January 2018 the Council rejected or reduced perfectly viable sites making them no longer viable.

ST14 – an example of making a site unviable

Land West of Wigginton Lane now has a reduced footprint which makes it unviable for the sustainable objectives of the plan. The absurdity of the CYC position is emphasized by the fact that the Council has made a successful Housing Infrastructure Fund bid for the site of ST14 on the original footprint not the reduced area currently in the draft Local plan.

The advice from the Council officers to the Council Local Plan Working Group in January 2018 clearly indicates that any figures would probably need to be in the 1070 range to be considered "sound". The officers report stated :

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 2026¹
(York Local Plan working Party January 2018 agenda item 3, para 10).

And went further :

Members must be satisfied that they consider the Submission Draft Plan meets the test of "soundness". This is a statutory duty. Officers' 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.
(York Local Plan Working Group January 2018 agenda item 3, para 26)

2.3 Effective

The plan is not effective either in the short or long term. The programme of sites is heavily dependent on brownfield land and in the case of sites like York Central (ST5) there are severe development constraints or risks which mean that delivery is likely to be either slower than predicted or non-existent. Whilst the Government has given notice of closing the local Barracks at Fulford and Strensall (ST35 and 36), the socio-economic impact studies have not yet been done, nor the related consultation – with 1600 jobs at risk which York can ill afford to lose. Reliance on their delivery is premature and they should not have been included as allocations, but dealt with through the windfall procedure if and when they go ahead. In addition greenfield sites have been arbitrarily reduced in scale, which make them non viable, or removed from the plan (e.g. ST14 Land West of Wigginton Road, ST7 Land East of Metcalfe Lane).

To compensate for these exclusions and reductions the administration looked to York Central to provide between 1700 and 2500 homes. This is clearly over development, requires currently unreleased railway land, and fails every sustainability test. Numbers at this level can only be achieved with a high-rise apartment solution which is significantly higher than the stated projections. This will disproportionately increase build and maintenance costs, squeeze affordable provision and amenity space, and lead to high rents and service charges. This will also increase the site development risks. Additionally from past feedback, we know many people in York strongly object to this type of housing and feel it will negatively impact on York's historic small scale character, and will simply be bought up by the buy to let market, not York residents.

Table 5 shows the trajectory of the development over the plan period. The trajectory shows an increase in production of homes of 240% between years 2 and 3 which is then sustained over years 4 and 5 yielding an apparent surplus of homes. However an examination of tables 5.1 and 5.2 shows a reliance on large sites with significant question marks over them. An increase of this scale is optimistic in the extreme with this choice of sites.

2.4 Agreed with national policy

The new draft NPPF indicates even more strongly than the existing guidance that Local Authorities should base their plans on a clear and objective overall assessment of needs, and should take market signals into account. The current Council administration has consistently refused to accept the recommendations of their own consultants and the government itself. This is driven by an overarching desire to restrict development as far as possible and to the urban core. They have refused to include viable greenfield sites and arbitrarily reduced the size of other sites making them unviable and unsustainable (e.g. Elvington ST15, Land west of Wigginton Road ST14 or the Land south of Heslington ST15).

This not only prevents the development of sufficient homes in total but prevents the provision of a range of choices and ensuring a healthy and balanced economy.

The NPPF has a strong presumption in favour of development. The current Council has not responded to this guidance which has now been in place for 8 years and will be enshrined as a central principle in the new NPPF. It has resisted the government indications of the need to build more housing consistently over the last few years despite clear guidance and warnings. This is opening the residents of the City to risk and failing the younger generations in the city and those most in need.

York Labour Party Response to the Local Plan (Annex 3)

Policy: SS1 Delivering Sustainable Growth for York

Annex 3 Delivery of affordable homes

(Policy H10 Section 5 Table 5.4

Affordable Housing threshold)

Linked policies: DP2 DP3 SS4 SS6 H1-3 H7 D1 T1

Why the plan is “unsound.”

Plan proposal : Delivering 20% of brownfield and 30% of greenfield sites as affordable homes

3.1 Positively Prepared

The plan shows no concern for the crisis in affordability in the City. On all indicators the city is an outlier in the North and Yorkshire and Humberside in terms of house prices and rents. The city has the third highest average house price in Yorkshire and Humberside (£276,000). It is the 8th most expensive city in England for family home purchase. (York Mix 2018)

An extract from GL Hearn’s SHMA update in September 2017 states :

We have considered evidence of affordability by looking specifically 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.

The comparative figure for the whole of England is 7 times.

The latest figures from ONS indicates that affordability of house purchase in York has almost reached 10 times income (9.9% NHF Home Truths Yorkshire 2018)

Average Rents for all accommodation in York are above the London Living Rent by almost £100

Rents per month (2018)

York median rent (Homes analysis)	2 bed	£750
London Living Rent (GLA)	2 bed	£662

This lack of concern means that situation will deteriorate further if the Local Plan remains unamended.

The consultants GL Hearn indicated that 69% of the new provision should be affordable/social and intermediate. They also suggested targets of 35-40% as achievable. The LP draft suggests the target for affordable is only 20% for brownfield and 30% for greenfield sites so without explanation the target levels have been reduced. However this much lower target is in itself

unobtainable in the absence of any positive policies by CYC. The recent actual production of homes shows this disparity clearly and illustrates the fundamental dishonesty of the plan:

Table 2 Social and affordable homes. York 2008-2017				
	Average Completions			
	2008-2012		2013-2017	
Social	91		56	
LCHO	45		29	
Intermediate rent	21		8	
Affordable rent	0		11	
TOTAL	157		103	-34%
	5yr total completions			
	787		515	-35%

The absolute minimum of homes required for affordable/social under the GL Hearn figures is 567 per annum. The Plan is silent on the number to be achieved but a crude calculation of 25% of the plan target (itself unlikely to be achieved) would yield 217 properties. This is an annual deficit of 350 homes on the most optimistic assumptions. As can be seen in the table above in fact the average number of homes produced over the last 5 years is 103 a decrease of 35% on the previous 5 years. At this level of production which is likely to continue the annual deficit will be at least 464 homes per year and actually likely to be much more. The first 5 years plan is dependent on sites like British Sugar, the largest site in the early plan years, which has virtually no affordable homes in its approved plan.

Nor does it address the Council's own role and need for affordable housing land given its limited current holdings. Since the current Council administration took office in 2015, only 27 new social housing units have been commissioned, but this was exceeded by an even greater loss of other existing social housing units, and this issue also needs addressing.

3.2 Justified

The plan neither offers nor assesses alternative strategies. The inability of CYC to tackle the chronic shortage of affordable housing is illustrated by the figures shown above, yet the Council has made no evaluation of the options available to it in order to deliver an acceptable proportion of affordable or social homes. Nowhere in the Plan is there a full evaluation of which groups in the population are hit hardest by the housing price/rental growth crisis nor what the impact of local economic trends has on the workforce and business.

The figures produced by the Council's own advisors indicate the scale of the affordability crisis :

Affordability of house purchase in York – GL Hearn assess that for a lower quartile home costing £160,000 a household would need an income of £41,500 which is 60% above current average incomes in York (GL Hearn 2017)

Affordability of rents : GL Hearn assess that to rent a lower quartile home a household would need to have an income of between £17,500 and £27,000. The lower figure implies that 40% of income is spent on rent. This level of rent is from 2015 and does not reflect current or newbuild rents (GL Hearn 2017)

Starter homes are similarly unaffordable as shown in table 42 taken from the GL Hearn analysis below :

7.20 The table below therefore works through the calculations to determine what level of income might be required to be able to buy a Starter Home – in total there are 8 different scenarios tested and for clarity the bulk of the analysis to follow looks at Scenario A (a 20% discount, 5% deposit and a 3x income multiple). The analysis shows that an income of about £54,500 would be needed under the main scenario but that this could potentially drop to about £33,900 with different assumptions being applied.

Table 42: Estimated income levels required to access Starter Homes under a range of different scenarios – York

Scenario	Discount	Deposit	Income multiple	Open Market Value	With discount	Minus deposit (amount of mortgage)	Income required
A	20%	5%	3x	£215,000	£172,000	£163,400	£54,467
B	30%	5%	3x	£215,000	£150,500	£142,975	£47,653
C	20%	10%	3x	£215,000	£172,000	£154,800	£51,600
D	30%	10%	3x	£215,000	£150,500	£135,450	£45,150
E	20%	5%	4x	£215,000	£172,000	£163,400	£40,850
F	30%	5%	4x	£215,000	£150,500	£142,975	£35,744
G	20%	10%	4x	£215,000	£172,000	£154,800	£38,700
H	30%	10%	4x	£215,000	£150,500	£135,450	£33,863

Source: Derived from Rightmove data

York Council has also fallen behind the number of 'help to buy' scheme, with only 57 purchases using this scheme across the city - again reinforcing the size of the imbalance between prices and limited incomes.

As was stated in section 1 on the economy the absence of a justified strategy and commitment by the Council is leading to a city which is increasingly divided between the affluent and the lower income household majority, who have and continue to consequentially be displaced to lower cost areas. The prevalence of low wage and insecure employment are exacerbating this division. There is nowhere in the documents an exploration as to how this is to be tackled.

3.3 Effective

The plan is not effective either in the short or long term. The programme of sites is heavily dependent on brownfield land and in the case of sites like ST5 York Central and ST35 and 36 Strensall and Fulford Barracks there are severe development constraints which mean that delivery is likely to be either slower or non-existent. The next 10 years of the plan are dependent 40% on brownfield sites. The target for brownfield sites in the plan is 20% of completions. As set out in paragraph 3.2 above this level of production has not been achieved in any year since 2010. Even if it had it would still be 350 homes per annum below the necessary supply.

There are three reasons why this brownfield over dependency will mean the deficit is maximized:

- 1) recent history shows that developers use viability assessments to justify the reduction of affordable homes to the minimum
- 2) The viability of large brownfield sites leads to higher proportion of apartments which means average rents of £1000 -£1200 pcm for a 2 bed flat and thus an “affordable” rent of between £800 and £1000 pcm (Rightmove). These flats are subject to service charges which can be as much as £1000 per annum and ground rents which can be £500 per annum. These charges severely restrict those who can take up the “affordable” units as benefits do not cover them, to the extent that they aren’t always taken up and can revert to the developer.
- 3) The lead time for development is significantly longer than for greenfield land meaning the overall production is likely to be much lower for general sale and affordable provision.

York Labour Party Response to the Local Plan (Annex 4)

Policy: SS1 Delivering Sustainable Growth for York

Supporting policies: T1, T2, T4, T5, T7, T8, T9, SS3, SS9, SS10, SS12, SS15

Annex 4. Ensuring an efficient transport system to underpin the plan
DLP paragraphs 1.62-1.66. Other references Section 14 and 15.15-17
Section 14

Why the plan is “unsound.”

1.1 Positively Prepared

The Transport Section’s policy is not grounded in a comprehensive analysis of the challenges facing York now, or over the lifetime of the Plan. It does not present an evidence-based holistic plan to address the real transport challenges facing York.

1.2 Justified

The only analysis offered is in the 2017 Transport Topic Paper, presented in paras 15.15-17. The analysis is out of date and does not reflect the changes in the Plan since mid 2017.

More importantly, the analysis is incomplete. It has only given estimated delays for road traffic in the absence of remedial measures. Government guidance is that the Plan should both identify needed remedial transport measures and assess their impact as part of the transport plan.

The Plan fails to demonstrate or recommend what measures for non-car modes should be included in the Plan and why.

It takes no account of design developments that would reduce the need to travel; of enhancements to walking and cycling; demand management measures or, in most cases, of public transport improvements.

It omits any consideration of the rapid rise in home delivery and other servicing traffic.

A 30% general increase in travel time across the network and a staggering 55% increase in peak delay are projected because of the planned developments. This will severely impact on residents, businesses and the economy. It will further contribute to air quality problems which currently exceed EU emissions limits.

This is particularly disappointing when York, as a relatively flat and compact city, offers such high potential for public transport and active travel modes (with all their health and environmental benefits).

Traffic matters to York residents and has been a notable area of concern in successive Local Plan and other consultations.

The transport policies are based throughout on an out of date plan - the 2010 Local Transport Plan (LTP3). LTP3 is not linked to the vision set out in the current Local Plan. Moreover the 2010 plan failed to achieve its planned constraint of congestion. 2017 Congestion levels on the local A roads in York are 24% above the England average and 41% above that for Yorkshire, and are rising faster than either. LTP3 specified implementation over the period 2011-16, but only set the broad context for policy beyond 2016. It was incomplete in its coverage of transport policy measures, and since its publication there has been an increase in the range of technologies and policy measures available.

Conclusion: The failure to undertake a clear up to date traffic analysis lies at the heart of the current plan's unsoundness. It does not identify what is needed to overcome the expected impacts on congestion, accessibility, the environment and public health. It does not have the comprehensive set of remedial measures necessary to overcome these problems.

The plan is an incoherent and incomplete set of policy interventions. Policies T2, T4, T5 and T8 provide statements separately on public transport, highways, walking and cycling and demand management. No similar policies are offered on freight and servicing. (In fact, the Plan omits previous Council proposals for a well-located freight consolidation centre and CNG fuelling station at the former County Council highways depot at Askham Bar. This proposal was linked to low emission vehicle servicing for the City centre pedestrian area and was the subject of a previous Council study).

Conclusion: There is no overview of these policies, nor any indication of how measures in one policy might complement those in another, or how much they can deliver. It is generally accepted that a challenge as great as the predicted 55% increase in congestion (paras 15.15-17) can only be met by a holistic set of transport policy measures. These measures should include proposals on land use, public transport, walking and cycling, road network improvements, freight management and effective demand management.

The transport policy statements should also be justified throughout on the basis of a full set of policy objectives, which in turn should reflect those in the Strategic Environmental Assessment (SEA). Transport policies should contribute to economic vitality, public health, safety, protection of the natural environment, reduction of severance, and improved access for the disadvantaged. All of these objectives can be found somewhere in the Plan, but they are not consistently presented as a justification for the transport policies.

Assessment against policy objectives is only realistic if each is specified in terms of outcome indicators and targets. At present the Local Plan (Table 15.2) contains no outcome indicators to reflect any of the transport policy objectives other than, indirectly, air quality. The only indicators offered are output ones like the progress in delivery of road schemes.

The approach falls short of accepted good practice explained in the Local transport Guidance 2008 and Sustainable Urban Mobility Plan Guidance 2014.

Hierarchy of transport users. LTP3 did adopt, as a strategic structure, a hierarchy of transport users, which generally reflects the government's sustainable transport approach.

We support this. However, the draft Local Plan only makes one passing reference to this hierarchy in para 14.18.

While some policies on new developments (SS9, 10, 12, 13, 22) propose a target of 15% of journeys by public transport, no evidence is offered to justify that target; nor is any target offered for walking and cycling.

Moreover, these targets are too low to reflect an emphasis on sustainable travel; similar new developments in European cities are achieving sustainable mode shares in excess of 80%. Other European cities like Groningen, Netherlands & Freiburg, Germany to name just two comparable size cities, are achieving much higher active & public mode shares citywide. Aspirations for sustainable travel are unambitious and also misguided. For example, there is a clear emphasis in the investment programme in Policy T4 that solutions will, where possible, be based on increases in capacity for private cars and commercial vehicles. This fails to recognize that it is physically and economically impossible to build our way out of the problem in the main urban area in York at least. The focus there must be on managing demand and increasing choice of traffic modes in order to make best use of a predominantly constrained traffic network. We need targeted improvements where feasible (like bus priorities, segregated cycle facilities, and the very important, and welcome, outer ring road junction upgrades).

Conclusion: judged against the need for sustainability, the plan is wholly inadequate.

Policy T1

The design principles for new developments are not enough to reduce the need to travel by car. Development needs to be of mixed use and high, but not excessive, density; with new development designed around high quality walking areas and cycling routes; and with those routes providing short, safe and convenient links to a core set of community facilities including schools, shops, leisure facilities and personal services. In failing to adequately cover this, T1 fails to meet the requirements of Para 17 of the NPPF which fleshes out the overriding ambition for 'sustainable development' which 'makes fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be sustainable'. The needs of the disabled, mobility and sight impaired people are not addressed. T1 also needs to be designed to manage servicing traffic and to accommodate appropriate emerging transport technologies.

Policy T5

The list of strategic cycle and pedestrian improvements listed here is incomplete and fails to address key inadequacies in the connectivity and capacity of the current networks. It doesn't offer an overall strategy to deliver a comprehensive high quality cycling and walking network designed to achieve a significant shift to walking and cycling, helping to relieve traffic congestion.

Specific omissions include:

- Protection of the existing cycle and walking networks
- Design standards comparable to London's cycle superhighways that are proving attractive to a wide range of users (with priority provision for pedestrians and cyclists at junctions to reflect the hierarchy of users)
- Tackling key gaps in the current network, particularly to and from the city centre and other key trip generators (the eclectic mix of schemes the council currently has and how they are prioritised doesn't meet this strategic need)

- Further development of orbital routes, and additional strategic infrastructure to overcome severance caused by railway lines and watercourses
- A requirement for enhanced cycle parking in major activity areas.

There was a wider set of schemes listed in the Development Control Plan Policies, 2005.

Policy T2

Bus and rail improvements listed here are incomplete and fail to address key problems with connectivity and capacity of the current networks. The policy offers no overall strategy to deliver a comprehensive high quality public transport network that would achieve a significant shift to public transport. It doesn't consider light rail, tram train and other cheaper emerging rail-based options.

Specific omissions include:

- Support in principal for Transport for the North's draft Transport Strategy proposal for unified Smart Ticketing across public transport in the north.
- Additional stations at the District Hospital, Strensall and York Business Park (or at least safeguarding of the sites) that featured in preceding versions of the Local Plan and have been subject of past feasibility studies / planning obligations
- The new rail route for the Harrogate line to access York Station
- Park and Ride sites at Clifton Moor and on the Wetherby Road.
- Provision for bus priority, including additional infrastructure to support it at key delay locations in the city (such as the Clarence Street / Lord Mayor's Walk Junction, Stonebow)
- Priority bus access in both directions for key bus services in the relevant enhanced junctions on the A1237.
- The planned high frequency bus services through York Central, and appropriate priorities for them at the access locations

There was also a wider set of schemes listed in the Development Control Policies, 2005, and in the Steer, Davies and Gleave 2014 York Bus Network Review which doesn't appear to have been taken into account either and should be.

Policy T4

It's been known for decades that additional highway capacity on its own is not an effective solution to the problems of travel growth. Yet the draft Local Plan appears to suggest that other policies will only be adopted "if this demand cannot be met by increasing highway capacity alone" (para 3.12).

There is extensive evidence that new road capacity attracts additional travel. Locally the recent upgrade of the Outer Ring Road Poppleton roundabout has led to a 30% traffic increase through it.

We note the plan's inclusion of the full dualling of the Northern / Western Outer Ring Road, with no supporting evidence, or evaluation against alternative non-car based transport investments.

We are aware that the previous 2008 Halcrow study for the Council showed that full dualling options, particularly those involving grade separated junctions, were high cost with relatively low added benefit compared with the proposed upgrading of the current roundabouts. The cheapest full at grade dualling option had a "poor" benefit cost ratio of 1.42; none of the grade separated options even scored 1. With the current progression of the high value roundabout

upgrades, the benefit of dualling between them would be expected to drop from that previous poor rating. This is confirmed by the Parsons Brinkerhoff 2014 Local Plan Transport Infrastructure Investments Requirements Study. More importantly that study also demonstrates that scenario 2 with the at grade dualling option “In both the AM and PM peaks, Figure 18 and Figure 19 demonstrate that improvements to the ORR have a relatively minor impact on the IRR and roads in central York.”

Would a dualling scheme even attract Government funding? It would be very difficult for the Local Authority to fund itself – and certainly for none of the options involving grade separation. No reliance can therefore be placed on it being delivered in the plan period. A bigger question is whether, after the ORR roundabout upgrades, expenditure on tackling congestion in the main urban area and the city centre in particular, and improving the active modes and public transport wouldn't be more effective, easier to deliver and more affordable.

In the absence of any proper analysis of the overall transport picture and policy options, this part of policy T4 therefore fails the 'justified' test.

Policy T8

Is wholly inadequate, particularly when set against the prediction of a 30% general increase in travel time across the network and a 55% increase in peak hour congestion as a result of the planned new development. It principally considers parking standards in developments, but for public parking limits them to long stay parking, and is therefore a significant backward step from the current Development Control Local Plan (2005) which had a comprehensive approach covering all city centre parking (public off street, private non-residential and on street), including pricing policy.

The previous approach, linked to the development of York's Park and Ride network as the alternative approach for getting people to the city centre was a carefully calibrated strategy. It was crucial in terms of protecting the city centre from being choked off and in fact growing its custom over the 1990s and noughties. To abandon it with no evidential basis is completely unjustifiable.

There may well be a case for adjustment of the 2005 Plan. It would make sense to develop a demand management approach to tackle current through-traffic which doesn't need to travel from or into the city centre, and is currently causing much of the congestion there. There were proposals to tackle this in the 2011 JMP York City Centre Movement and Accessibility report, but the recommendations from that report have not been incorporated in this policy, again with no justification.

Missing design standards and policy thresholds in T1 & T7

Design standards and policy thresholds are referred to throughout the Local Plan, including in policies T1 & T7, but are never specified; instead they are to be set out in the relevant Supplementary Planning Document, which is not yet available. Examples include minimum frequencies for public transport, safe walking and cycling distances, parking standards, and requirements to provide a Transport Assessment or Travel Plan. As a result it is impossible to judge the potential effectiveness, and hence soundness, of the Local Plan. The 2005 Local Plan (Development Control) policies specify a number of such standards and no explanation or justification is given for their omission from the draft Local Plan.

Policy T9 is confusing

It combines two very different facilities: alternative fuel filling stations and freight consolidation centres. The latter is the only reference to freight policy in the whole document. This is unacceptable. It fails to recognise the problems caused by the growth in home delivery traffic, the conflicts between pedestrians and servicing traffic, and the use of inappropriately sized commercial vehicles in York's mediaeval streets, or to reflect the availability of new technologies for managing these problems.

The question of a freight consolidation centre has been debated for some considerable time, and is important in terms of improving city centre servicing with low emission vehicles and reducing pedestrian / vehicle conflict in the footstreets. A commitment is now needed to selecting a site and implementing it within the implementation period covered by the next LTP.

Policy SS3 for York City Centre

This policy fails to adequately reflect the evidence and recommendations of the extremely comprehensive 2011 JMP York City Centre Movement & Accessibility Framework report.

While the emphasis in the policy on the needs of pedestrians is to be welcomed, there needs to be a commitment to extending the area covered by footstreets, extending their operating hours and removing traffic from them, and substantially upgrading and then maintaining the quality of the public realm. Without these measures we can expect a decline in visitor numbers.

Disabled access provision needs to be improved and new approaches adopted linked to the proposed new counter-terrorism measures. The upgraded gateways to the city centre need to include improved links to public transport hubs and new developments at York Central and Castle Gateway, and high grade protected crossings to give pedestrians priority over traffic.

Bus services also need to be enhanced as a way to travel to the city centre. Further improvements to the interchanges, several of which are badly congested, and not particularly passenger friendly are required. Space needs to be protected for enhancing these interchanges in the Plan.

The significant congestion round the City Centre at both weekday peak hours and on Saturdays significantly impacts on bus journey times and reliability, as well as on car borne visitors, shoppers and businesses. Origin and destination surveys have shown that a lot of the traffic around the city centre doesn't start or go there. Traffic must be managed better to reduce these reasons for congestion. Better management would enable a more reliable and attractive public transport running to and through the city. Better management should be linked to the one off opportunity of the outer ring road upgrade to shift more of the through traffic to the outer ring road. This will also help to tackle the air quality problem on the main roads in and around the city centre, which is a severe public health issue and concern. Better traffic management of through-traffic should also address the need to provide more segregated and continuous cycling routes to access the City Centre.

1.3 Effective

The plan is clearly not effective, given the projections envisaging a 30% increase in travel time across the network and a staggering 55% increase in peak hour delay on the road network as a result of the planned developments. This is on top of the severe existing problems. We have also flagged a series of other concerns in the preceding section which raise further questions about the effectiveness of the plan's policies, and whether the necessary transport measures and outcomes can be delivered.

1.4 Agreed with national policy

The plan does not agree with national policy. It's based on the 2017 Transport Topic Paper which has incomplete policies and proposals. The 2017 Topic Paper has only produced estimated delays without a comprehensive set of remedial transport measures. It should have, as specified in government guidance, identified and assessed remedial transport measures.

We have also flagged a series of other concerns in section 1.2, and specifically on policy T1 which fails to meet the requirements of Para 17 of the NPPF which fleshes out the overriding ambition for '*sustainable development*' which '*makes fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be sustainable*'. This failure extends to the inadequacy of the other policies on walking & cycling, public transport, highway provision, demand management, and the city centre.

City of York Local plan
Publication Draft 2018
Consultation Response Form
21 February – 4 April

Response from York Labour Party

Part B – Your Representation

5(1) Do you consider the document sound: No

5(2) Please tell us which tests of soundness the document fails to meet:

Positively prepared: fail
Justified: fail
Effective: fail
Consistent with national Policy: fail

5(3) if you are making comments on whether the document is unsound to which part of the document do they relate:

paragraph No. plan sections 2-7 Policy reference SS1, DP2 &3, SS3 -24, EC1, EC2, R3-4, H1-H3, H7-8, H10, HW2, HW7, ED1, CC1-3, T1-2, T4-6, T8-9, DM1

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

York Labour Party has consulted its over 3,000 local members on our first draft response to this plan, and this is our considered final response.

1. Policy

SS1 states that it will deliver Sustainable Growth for York and is the most important single strategy in the Local Plan because it ties together the City vision, the economy, housing and transport. We are extremely concerned that the plan fails to address the major challenges facing the city over the plan period. We believe the plan will exacerbate many of the problems York faces, particularly the housing / affordable housing crisis.

2. Vision

2.1 The stated vision for the city is to secure a prosperous city for all and to achieve sustainable development. We believe the plan fails to deliver on the overriding objective of prosperity for all. It lacks any analysis of how different groups in the community are affected by the proposals. It fails to heal the highly unequal conditions of, or deliver opportunities for, all the residents of York. The plan also fails to follow up on the implications of sustainability. It chooses

employment and housing options without referencing how they impact on community or environmental sustainability. There is no credible and comprehensive transport strategy to address existing transport and access problems, leaving aside those arising from the proposed new developments.

3. The Economy

3.1 The plan has a complacent and incorrect assessment of the state of the economy in the city. The city is the 9th most unequal city in the UK*. In both employment income and housing, the city is split between the comfortably off and struggling households. The city is failing to attract good quality office jobs, and has the fastest rate of office loss of any UK city. The plan not only fails to address this divide but also will oversee a worsening of this situation over the plan period.

3.2 The plan fails to deliver an economic strategy that will reverse the slide away from better quality jobs, loss of offices in the city, and the drift towards low wage insecure employment.

* Centre for Cities 2018

4. Housing provision

4.1 The City also faces one of the highest increases in house prices and rents in the country and the plan fails to deal either with the failure to meet objective (government led) targets for new housing, nor makes any serious attempt to deal with affordability.

5. Transport

5.1 The Transport Section's policies are not grounded in any comprehensive analysis of the challenges facing York now, or over the lifetime of the Plan. It relies on an out of date Local Transport Plan and an incomplete Transport Topic paper which only focused on motorized transport. Planned developments and normal traffic growth are projected to result in a 30% general increase in travel time across the network and a staggering 55% increase in peak delay. This will severely impact on residents, businesses and the economy. It will further contribute to air quality problems and will exceed EU emission limits. It is unacceptable.

York Labour Party addresses the above issues in detail in four annexes in response to SS1 and other relevant associated policies:

Annex 1 Vision, economy and employment

Annex 2 Overall Housing Targets

Annex 3 Housing Affordability

Annex 4 Transport

We also touch on some of the wider sustainability issues in the sections below and later on in answer to question 6 on Sustainable Communities and Climate Change.

6. Sustainable Communities

6.1 The plan states that it will achieve sustainable development. The only way to achieve genuine sustainability is to cluster new developments. Clusters can work (1) around existing facilities that can take expansion or (2) when new developments are built on a scale that means new facilities and transport linkages can be provided.

6.2 The plan fails in both ways because it supports over-development in the urban core where balanced and sustainable provision is not possible. Developments proposed on the periphery are too small and will not sustain an appropriate range of new facilities. This is true about community facilities, including green space, and transport equally.

6.3 The plan does not appear to address known pressure points in terms of community facilities where institutions are out of date and / or premises are inadequate. Examples are schools like St. Paul's primary, and All Saints secondary.

6.4 The York District Hospital site is another pressure point, and opportunity for reuse of the non-listed area at the back of the recently closed Bootham Park (Mental health) Hospital should be taken by ear-marking the site for vital future expansion of the District Hospital.

7. Risk Assessment and Flexibility

7.1 The Local Plan has not been properly risk assessed overall. In relation to housing and the economy, the plan is over-dependent on too few sites (as we explain further in the annexes). There are insufficient sites of all kinds. CYC has deliberately constrained the supply of both housing and employment land. It has based its plans on a small number of mainly brownfield sites (especially ST5 on which both the employment and housing strategies depend). These are liable to higher risks and development delays.

7.2 The plan also makes assumptions on windfalls out of line with the NPPF guidance. It has not safeguarded any sites for the longer term, putting the durability of the proposed green belt at risk. It is therefore unsound in both these regards.

7.3 Because there is no flexibility in the plan, there is a very real possibility of the whole strategy being derailed if any of the components fail to be delivered, or if the council fails to square up to the scale of the transport challenge the extra development brings. It is therefore not justified nor potentially effective.

Response to section 6 (1)

Paragraph 6(1) Please set out what changes 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.

All of these responses relate to the many failures of soundness identified in sections 5(1) and 5(2) and our analysis set out in section 5(4) and annexes 1 -4.

1. Vision

(Plan section 1 – see annex 1)

1.1 The vision for the city is to secure a prosperous city for all. Our response identified that the plan had an unsound assessment of the economic state of the city. The city is divided when it comes to employment income and housing, split between the comfortably off and struggling households. The plan not only fails to address this divide, but will oversee a worsening of this situation over the plan period. The next sections identify what needs to change to deliver the vision.

2. Economy

(Plan section 4 -see annex 1)

2.1 The plan gives insufficient priority to the economy and the generation of higher quality jobs, and protection of existing jobs. In order to make up the chronic deficit of usable office accommodation there needs to be an increase in the provision of land for Grade A office space, commercial sites, and sites for start up and grow on enterprises. We propose that the provision of office space B1a and research uses B1b on ST5 York Central are reviewed, as are the allocations for housing and other uses. The apportionment of land on the site must be sufficient to allow an anchor occupant to be secured along with other needs and to ensure that the City's economic ambitions are achieved.

2.2 It is likely that the office provision at York Central ST5 won't come on stream for several years, and the feasibility of developing a new office commercial hub must be incorporated in the economic element and site allocations of the Plan.

2.3 At the same time an additional site or sites must be found in the Plan for buildings and land for starter businesses and SMEs, and if possible central opportunities must be identified. Small local starter & live work units should also be looked at as part of the new "garden city principle" villages.

2.4 The plan also particularly needs to address the worsening economic / retailing situation in the City centre. There needs to be an evaluation as to how the support for small businesses/start ups can be allied to help reverse the decline in retail provision in the City Centre. This is not adequately addressed in the current plan. It should identify options for identifying more affordable space for start up businesses and expansion of existing successful ones, including collective space for the new digital and creative industries, to make use of vacant upstairs city centre premises, with priority for employment over housing. It also needs to address the congestion around and poor access to the city centre that is undermining its attractiveness (see transport comments later on). The arts and culture offer should be strengthened to support this vision.

2.5 The council needs to revisit its previous work on city centre offices, and seek to remove the permitted rights for change of use from offices to housing for the few remaining important office sites. Planning permissions for conversion from offices to residential and hotels should then only be given in exceptional situations, and none to these important City centre office sites at least until the proposed new office provision at York Central is available.

2.6 The premature reallocation of the two Ministry of Defense sites (ST36 Imphal Barracks, and ST35 Queen Elizabeth Barracks, Strensall) for housing need to be dropped, particularly the latter given its proposed 2031 closure date, as the socio-economic impact studies and consultation on their future has not been completed, and given the importance of trying to save as many of their current 1600 jobs for the City as possible (which is actually Council policy).

2.7 The revised plan needs to give greater support for addressing the skills gap and life-long learning opportunities, engendering an entrepreneurial culture, and maximizing the benefit of York's excellent higher education institutions. It needs to make the most of York's existing strengths, including further developing York's existing rail base given the opportunities of HS2 and Northern Powerhouse Rail with their potential to provide additional good quality jobs. We believe there is opportunity for a new Rail Academy here and the plan specifically needs to facilitate that type of opportunity / land use.

3. Overall Housing Target

(Plan section 5- Annex 2)

3.1 The crisis in affordability of house prices and rents in the city needs to be met partly by an immediate increase in supply. The Plan must be amended to target the government's preferred minimum figure of 1070 homes per year*. Even this figure does not reflect the "backlog" identified in the GL Hearn report and touched on in our annex 2. An immediate readily deliverable land release to achieve this target is required.

* As at 2017 the figure derived from the draft 2018 NPPF/PPG consultation draft would be 1135 homes per annum so this should be regarded as a minimum.

3.2 Increase the scale of sites where the size of the sites have been arbitrarily constrained to ensure the full range of facilities and services required to support the new sites are provided. These major sites should be developed on the basis of “garden city” principles to ensure community involvement and ownership, and to ensure a full range of local facilities and transport can be sustainably provided.

3.3 If this is not sufficient, bring in some of the additional greenfield sites considered for the early drafts of the Plan. In terms of minimizing the impact on existing communities, we would support a further new garden village in preference to building on to existing communities or the city (see also section 6 below). The focus should be on a site avoiding the most sensitive areas of the green belt, that can be accommodated in the landscape, and that offers the greatest opportunity for sustainable transport links. This will preserve York as a compact city and set of villages in a rural setting, and we feel would best respond to concerns expressed about previous draft plans, whilst meeting the objective economic and housing needs of the city.

3.4 Reduce the over-development / density of key brownfield sites like York Central, and stop the loss of greenspace within the built up area. We wish to see the policies in earlier versions of the plan for protecting existing and expanding urban green space retained. Given the shortage of green space in the Acomb area in particular, we consider that the playing fields of the former Manor School site (ST1) off Boroughbridge road (known as Acomb Park) should be used for a new public park, and the former Lowfields school playing fields retained as open space / playing fields (H5). There are also the former University of Ripon and St. John’s playing fields in Hull road, where community use was previously a negotiated condition when the John Lloyd Tennis / Sports centre was built and which are now at threat from the proposed H56 housing use to address.

4. Housing affordability

(Plan section 5 – Annex 3 to this response)

Unless the proposals in the plan are changed, the deficit in the provision of affordable/social homes (identified in section 3 above) will continue and most probably get worse. The following steps are necessary:

4.1 Ensure that a minimum level of 30% affordable homes are achieved across the housing programme. The ratios of affordable should be raised to 25% on brownfield sites and 35% on greenfield sites. These figures are below the GL Hearn estimate of 35-40% affordable, but this reflects realism about the rate the current gap between the total new homes provided and the affordable requirement - running at 350-450 per annum - can be closed.

4.2 Rebalance the programme so that there is a reduced reliance on brownfield sites, that would then increase the chances of achieving the 30% target overall. This should also reduce the pressure to overdevelop the housing part of York Central, and build on other urban green space, which it is vital to retain for the quality of life for and health of those living in the city.

4.3 Specific provision for social housing on larger housing sites should be incorporated, given the limited amount of residual Council owned land. Additionally we support the proposals to allocate part of larger sites for self build, and wish to see that extended to allow for co-operative provision too.

4.4 Establish a York Living Rent mirroring the plans of the Mayor of London to be used for the calculation of public grant when determining grant input into the S106/affordable component of the programme. Developers should be encouraged to follow this blueprint in their viability tests.

4.5 Introduce an article 4 determination which enables the Council to enforce rigorous standards across all HMO accommodation in the city as opposed to the limited proposal currently proposed by the Council.

4.6 Require that new properties are first offered to York residents (subject to an appropriate minimum residency period), prior to going on the general market (and again if prices are subsequently reduced).

5. Student Housing

(Plan section 5)

5.1 Part of the backlog and current market pressures in York stem from the past major University of York expansion being undertaken without a matching increase of on campus student accommodation, plus the University substantially increasing its rent levels to above then local market levels. The consequential expansion of student lets took out a lot of local starter homes and family accommodation in wards near the university and the impacts rippled out across the city. This can clearly be seen comparing the 2011 and 2001 censii returns and other data.

5.2 It is therefore crucial that the further expansions of the Higher Education facilities in the City, which we fully support, is more than matched by an expansion of new purpose built student accommodation, prioritised to on campus so it doesn't compete with the local housing market for land. Policies H7 & ED1 require strengthening to deliver this.

6. Sustainable Communities/Garden Villages

6.1 The only way to achieve genuine sustainability is to cluster new developments (1) around existing facilities which can support expansion, or (2) build new developments on a scale that requires new facilities and transport links. The plan fails on both these counts. It supports developments in the core of the City where balanced and sustainable provision is not possible. Developments on the periphery are too small and will not sustain new facilities.

6.2 We have demonstrated elsewhere that the plan has not made a serious attempt to provide sustainable housing nor housing which makes a fair provision for all. This is reflected in the overdependence of the plan on sites which are too small, too constrained and carrying too many risks.

6.3 Our opinion is that the only way in which this can be resolved is for the City to support the development of a small number of new garden village settlements. The settlements need to be large enough to provide a range of housing types and tenures. They will be built in a way which makes genuinely affordable provision possible; they will enable the provision of a full range of local services (education, health, local retail & small scale employment, recreational, community activity space, green space); they will be built around a core of these community facilities and a connecting primary network of walking / cycling routes; they will support good quality public transport links to the city centre and other key destinations, minimising car borne journeys and traffic and congestion growth; and they will be designed to high sustainability / zero carbon standards.

6.4 This will not mean large numbers of small infill sites, but a very limited number of villages built at a sustainable scale. There are several sites/areas where community consultation has already been carried out that are potential core developments for this strategy. There would need to be a series of feasibility studies to achieve this and these are an immediate priority. The potential of linking an employment hub with one of these areas also needs to be explored. Developments in these areas are much more capable of early delivery compared to the sites identified in the current plan with its over reliance on high risk brownfield sites.

7. Transport (*Plan section 14*)

7.1 Analysing the Transport Implications and Producing a new LPT4

7.1.1 Prior to the Examination in Public, the Council needs to update and complete the analysis in its Transport Topic Paper. In doing so, it needs to assess the transport implications of underlying trends and proposed new development against the full range of objectives of its transport policy, develop a holistic strategy that tackles the predicted problems through a combination of measures to reduce the need to travel and reduce car use, and demonstrate that its

proposed transport policies and standards are the most cost-effective means of meeting those objectives.

7.1.2 This analysis needs to be available for review in good time before its presentation at the Examination in Public. The resulting implications need to be reflected in major revisions of paragraphs 1.62-66 and 14.1-3.

7.1.3 The Local Plan should acknowledge that LTP3 is now out of date and that as we understand it, a new LTP4 will soon be in preparation. All references to adherence to, and consistency with, the Local Transport Plan should refer to the version of the LTP which is current at the time that a relevant decision is made. Reference also needs to be made to the Transport for the North (TfN) Strategic Transport Plan.

7.1.4 Para 2.16 needs to be redrafted to reflect the wider objectives of economic vitality, accessibility, public health and equity. Subsequent references to transport policies need to demonstrate that all of these objectives are being effectively addressed in the most cost-effective way. Achievable outcome targets need to be set for each of these objectives, and the Plan needs to be monitored against them. All such targets need to be added to Table 15.2.

7.2 Incorporating the Hierarchy of Transport Users

7.2.1 The plan should specifically include the existing hierarchy as the basis for the definition of and design for sustainable development and sustainable communities in Policies DP2 and DP3. All transport policy measures should be selected and implemented following the hierarchy of users on which LTP3 is based, reflecting the principles of sustainable travel. This approach should determine the measures to be included under Policies T2, T4, T5 and T8, and the prioritisation in investment between these three transport policies. Based on the resulting strategy, a much more challenging target should be set for the proportion of journeys by sustainable modes.

7.3 Recognition of an incomplete set of policy interventions and an inappropriate schedule

7.3.1 In the absence of an up to date Local Transport Plan, reference to specific measures and their timing in Policies T2, T4 and T5 would be better omitted and replaced by a commitment to determine an appropriate set of measures and timeframe in the forthcoming LTP4. Pro-tem the current Local Plan (Development Control) 2005 Transport Policies should be used. A new policy on freight and servicing should be added, which should include protection of the overnight lorry park at Murton.

7.4 Creating a coherent set of design principles for new developments

7.4.1 Policy T1 and its supporting paragraphs should be redrafted to include the three principles specified earlier:

- 1) Development needs to be of mixed use and high, but not excessive, density;
- 2) New development designed around high quality walking areas and cycling routes; and
- 3) Those routes providing short, safe and convenient links to a core set of community facilities including schools, shops, leisure facilities and personal services.

7.4.2 Policies DP3 on sustainable communities, SS1 on delivering sustainable growth, R4 on out of centre retail and HW7 on healthy places should also reflect these principles. In particular, the wording in SS1 "Ensuring accessibility to sustainable modes of transport and a range of services" should be expanded to say ""Giving priority to locations that maximise the use of walking, cycling and public transport, and minimise traffic generation", and "Ensuring accessibility to a range of local services by foot, cycle and public transport, and to high quality public transport and segregated, direct cycling / walking links to other destinations within the city".

7.4.3 The development densities in Policy H2 should be reviewed to ensure that they are consistent with these principles, and more closely tied to the provision of public transport services. The phrase "where reasonable to do so" should be omitted from para 14.2; no development should be accepted which fails to facilitate the use of more sustainable modes of transport.

7.5 Walking and Cycling

7.5.1 Policy T5 should be redrafted to reflect the full list of schemes that emerge from the work to provide a new transport strategy, and failing that it should reflect the points / schemes we flagged in Annex 4 and those contained in the Local Plan (Development Control) policies 2005.

7.6 Public Transport Provision

7.6.1 Policy T2 should be redrafted to reflect the full list of schemes that emerge from the work to provide a new transport strategy, and failing that it should reflect the points / schemes we flagged in Annex 4 and those contained in the Local Plan (Development Control) policies 2005.

7.7 Addressing the over-reliance on providing additional highway capacity

7.7.1 While Policy T4 must rightly reflect road infrastructure schemes already committed and required to access new development sites, which we generally support, it should be rewritten to require future road scheme proposals to be judged against other modal priorities and against the overall transport strategy for the City. New schemes should be required to be linked with other measures, particularly under Policy T2 & T8, to ensure that additional road capacity is used to benefit all modes of transport and reduce congestion in the long as well as the short term.

7.7.2 Within individual development sites, and particularly Policies SS12, 13 and 22, new access routes directly to the regional road network should not be provided, since these are likely to stimulate their use as dormitory villages for areas other than York itself.

7.7.3 Because of the high degree of uncertainty of attracting funding for the full dualling of the outer ring road (because of its low benefit cost ratio), of its relative benefit against other transport investments that we previously identified (Annex 4), and in advance of the preparation of LTP4, it should be omitted at this stage, and no development should be accepted which is dependent on it.

7.7.4 Policy T4 (and/or T2 & T5) also needs to include a commitment to providing facilities to overcome the severance effect of new roads on routes for walking, cycling and public transport.

7.8 Providing an adequate approach to demand management

7.8.1 Policy T8 needs to be completely rewritten, based on a critical assessment of the need for demand management to contribute to the wider objectives of the transport policy, and a series of recommendations on the application of each of the potentially available demand management measures. As a contribution to this, and in advance of the preparation of LTP4, the statement on parking policy within the current Local Plan (Development Control) Policies 2005 should be incorporated into the Local Plan.

7.9 Addressing the lack of transparency on design standards and policy thresholds

7.9.1 Either the Supplementary Planning Document needs to be published in time for its implications to be fully assessed in advance of the Examination in Public, or failing that, the standards specified in the Local Plan (Development Control) Policies, 2005 should be incorporated into the Local Plan pro-tem.

7.10 City Centre sites

7.10.1 Policies SS3, SS4, SS5 needs to be redrafted to reflect our earlier points.

7.11 Developments outside and close to the outer ring road

7.11.1 Each of these Policies must be based on the full set of design principles for promoting sustainable travel, and include a much more challenging target for the proportion of journeys by sustainable modes. In addition:

- a) Policy SS10 should consider extending park and ride services to the site.
- b) Policy SS11 should commit to extending the current bus service to the site, the construction of Haxby station and the provision of a good frequency service there, and minimise the need for additional vehicular traffic through Haxby village.
- c) Policy SS12 should omit the reference to provision of a direct link to the A1237 and instead focus on providing a new Clifton Moor park and ride site adjacent to the development, with high quality frequent bus services through Clifton Moor to the site using a grade separated crossing of the A1237.
- d) Policy SS13 should omit the reference to a new junction on the A64 and instead provide a high quality frequent bus services through the University to the site using a grade separated crossing of the A64, and a dedicated link to, or extension of, the Grimston Bar park and ride service.
- e) Policy SS19 should commit to extending the current bus service to the site and to a new station at Strensall, and the provision of a high frequency service there.
- f) Policy SS21, which currently makes no provision for public transport, should adopt the modifications listed above for Policy SS13.
- g) Policy SS22 should omit the reference to a new junction on the A64 and commit to the provision of a high quality frequent bus service through the University servicing sites ST15 and 26 (Policies SS13 and 21).

8. Delivering a Sustainable Low Carbon Future

(Plan Section 11)

8.1 Given the threat of dangerous climate change, low carbon, sustainable design - working towards zero carbon at the earliest opportunity - is essential for all new developments. We strongly support the contents of policy CC1 –CC3 as far as they go. District heating for York Central and possibly other major development sites should be an essential requirement in the plan. The Local Plan should set ambitious targets that will help York be in the vanguard of the move to a Low Carbon economy and the jobs that will generate.

9. Risk and Flexibility

9.1 Because there is no flexibility in the plan, there is a very real possibility of the whole strategy being derailed if any of the components fail to be delivered, or if the council fails to square up to the scale of the transport challenge the extra development brings.

9.2 There needs to be a significant review of: the total number of sites; the very high-density assumptions on some of the urban sites; the allocation of sites between employment and housing and between brownfield and greenfield sites; the windfall assumptions, and the safeguarded site provision. This is needed to ensure adequate flexibility in the plan on the one hand, and a major rethink and shift in the transport approach, so the plan can achieve its objectives. Without these reviews the plan has an unacceptable likelihood of serious failure in several key policy areas.

10. Policies which require review

10.1 The following policies need to change or be reviewed as a result of these proposals.

DP 2 Sustainable Development
DP3 Sustainable Communities
SS1 Delivering sustainable growth for York
SS2 The Role of York's Green Belt
SS3 York City Centre
SS4 York Central
SS5 Castle Gateway
SS9 Land East of Metcalfe Lane
SS10 Land North of Monks Cross
SS11 Land North of Haxby
SS12 Land West of Wigginton Lane
SS19 QE Barracks Strensall
SS20 Imphal barracks Fulford
SS21 Land South of Airfield BP Elvington
SS22 University of York Expansion
SS23 Land at Northminster Business Park
SS24 Whitehall Grange
EC1 Provision of employment land
R3 York City Centre Retail
R4 Out of Centre Retailing
H1 Housing Allocations
H2 Density of Housing Development
H3 balancing the housing market
H7 Student housing
H8 Houses in Multiple Occupation
H10 Affordable Housing
HW7 Healthy Places
ED1 University of York

CC1 Renewable & Low Carbon Energy Generation
CC2 Sustainable Design and Construction of New Development
CC3 District Heating & Combined Heat and Power Networks
T1 Sustainable Access
T2 Strategic Public Transport Improvements
T4 Strategic Highway Network Capacity Improvements
T5 Strategic Cycle and Pedestrian Network Links and Improvements
T6 Development at or near Public transport Corridors, Interchanges and Facilities
T8 Demand management
T9 Alternative Fuel Fuelling Stations and Freight Consolidation Centres
DM1 Infrastructure and Developer Contributions

From: BOWGETT, Denise [REDACTED]
Sent: 04 April 2018 16:20
To: localplan@york.gov.uk
Subject: FROM RACHAEL MASKELL MP
Attachments: York Local Plan 0404 1.docx; York Local Plan 0404 2.docx; York Local Plan 0404 3.docx; York Local Plan YLP 0404 4.docx; York Local 0404 5.docx; York Local Plan 0404 6.docx

Dear Sir/Madam

I am writing in support of York Labour Party's submission to the Local Plan. (A copy is attached for your reference). I have met with Party Members to discuss the submission on a number of occasions and together we have written a document which sets out the needs of York for the next 15 years plus. Regrettably, the council's draft Local Plan falls way short of what is needed for our city and I share the Labour Party's concerns about transport, infrastructure, economic development, housing, planning and the environment. The draft Local Plan fails on every account with regard to these important areas.

It is important that the results of the consultation are forwarded directly to the government, ahead of the examination by a planning inspector later in the year.

Can you kindly confirm receipt of this e-mail?.

Yours faithfully,

Rachael Maskell
MP for York Central

UK Parliament Disclaimer: This e-mail is confidential to the intended recipient. If you have received it in error, please notify the sender and delete it from your system. Any unauthorised use, disclosure, or copying is not permitted. This e-mail has been checked for viruses, but no liability is accepted for any damage caused by any virus transmitted by this e-mail. This e-mail address is not secure, is not encrypted and should not be used for sensitive data.

City of York Local plan
Publication Draft 2018
Consultation Response Form
21 February – 4 April

Response from York Labour Party

Part B – Your Representation

5(1) Do you consider the document sound - No

5(2) Please tell us which tests of soundness the document fails to meet

Positively prepared - fail
Justified - fail
Effective - fail
Consistent with national Policy - fail

5(3) if you are making comments on whether the document is unsound to which part of the document do they relate

paragraph No. plan sections 2-7 Policy reference SS1, DP2 &3, SS3 -24, EC1, EC2, R3-4, H1-H3, H7-8, H10, HW2, HW7, ED1, CC1-3, T1-2, T4-6, T8-9, DM1

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

York Labour Party has consulted its over 3,000 local members on our first draft response to this plan, and this is our considered final response.

1. Policy SS1 states that it will deliver Sustainable Growth for York and is the most important single strategy in the Local Plan because it ties together the City vision, the economy, housing and transport. We are extremely concerned that the plan fails to address the major challenges facing the city over the plan period. We believe the plan will exacerbate many of the problems York faces, particularly the housing / affordable housing crisis.

2. Vision

2.1 The stated vision for the city is to secure a prosperous city for all and to achieve sustainable development. We believe the plan fails to deliver on the overriding objective of prosperity for all. It lacks any analysis of how different groups in the community are affected by the proposals. It fails to heal the highly unequal conditions of, or deliver opportunities for, all the residents of York. The plan also fails to follow up on the implications of sustainability. It chooses employment and housing options without referencing how they impact on community or environmental sustainability. There is no credible and comprehensive transport strategy to address existing transport and access problems, leaving aside those arising from the proposed new developments.

3. The Economy

3.1 The plan has a complacent and incorrect assessment of the state of the economy in the city. The city is the 9th most unequal city in the UK*. In both employment income and housing, the city is split between the comfortably off and struggling households. The city is failing to attract good quality office jobs, and has the fastest rate of office loss of any UK city. The plan not only fails to address this divide but also will oversee a worsening of this situation over the plan period.

3.2 The plan fails to deliver an economic strategy that will reverse the slide away from better quality jobs, loss of offices in the city, and the drift towards low wage insecure employment.

* Centre for Cities 2018

4. Housing provision

4.1 The City also faces one of the highest increases in house prices and rents in the country and the plan fails to deal either with the failure to meet objective (government led) targets for new housing, nor makes any serious attempt to deal with affordability.

5. Transport

5.1 The Transport Section's policies are not grounded in any comprehensive analysis of the challenges facing York now, or over the lifetime of the Plan. It relies on an out of date Local Transport Plan and an incomplete Transport Topic paper which only focused on motorized transport. Planned developments and normal traffic growth are projected to result in a 30% general increase in travel time across the network and a staggering 55% increase in peak delay. This will severely impact on residents, businesses and the economy. It will further contribute to air quality problems and will exceed EU emission limits. It is unacceptable.

York Labour Party addresses the above issues in detail in four annexes in response to SS1 and other relevant associated policies:

Annex 1 Vision, economy and employment

Annex 2 Overall Housing Targets

Annex 3 Housing Affordability

Annex 4 Transport

We also touch on some of the wider sustainability issues in the sections below and later on in answer to question 6 on Sustainable Communities and Climate Change.

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City of York Local Plan

Publication Draft 2018

Consultation Form Section B Your Representation

Policy SS1 Delivering Sustainable Growth for York

Response to section 6 (1)

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2.2 It is likely that the office provision at York Central ST5 won't come on stream for several years, and the feasibility of developing a new office commercial hub must be incorporated in the economic element and site allocations of the Plan.

2.3 At the same time an additional site or sites must be found in the Plan for buildings and land for starter businesses and SMEs, and if possible central opportunities must be identified. Small local starter & live work units should also be looked at as part of the new "garden city principle" villages.

2.4 The plan also particularly needs to address the worsening economic / retailing situation in the City centre. There needs to be an evaluation as to how the support for small businesses/start ups can be allied to help reverse the decline in retail provision in the City Centre. This is not adequately addressed in the current plan. It should identify options for identifying more affordable space for start up businesses and expansion of existing successful ones, including collective space for the new digital and creative industries, to make use of vacant upstairs city centre premises, with priority for employment over housing. It also needs to address the congestion around and poor access to the city centre that is undermining its attractiveness (see transport comments later on). The arts and culture offer should be strengthened to support this vision.

2.5 The council needs to revisit its previous work on city centre offices, and seek to remove the permitted rights for change of use from offices to housing for the few remaining important office sites. Planning permissions for conversion from offices to residential and hotels should then only be given in exceptional situations, and none to these important City centre office sites at least until the proposed new office provision at York Central is available.

2.6 The premature reallocation of the two Ministry of Defence sites (ST36 Imphal Barracks, and ST35 Queen Elizabeth Barracks, Strensall) for housing need to be dropped, particularly the latter given its proposed 2031 closure date, as the socio-economic impact studies and consultation on their future has not been completed, and given the importance of trying to save as many of their current 1600 jobs for the City as possible (which is actually Council policy).

2.7 The revised plan needs to give greater support for addressing the skills gap and life-long learning opportunities, engendering an entrepreneurial culture, and maximizing the benefit of York's excellent higher education institutions. Opportunities and sites need to be allocated for a Rail Academy to further develop York's existing rail base and the opportunities of HS2 and Northern Powerhouse rail with their potential to provide additional good quality jobs.

3. Overall Housing Target (Plan section 5- Annex 2)

3.1 The crisis in affordability of house prices and rents in the city needs to be met partly by an immediate increase in supply. The Plan must be amended to target the government's preferred minimum figure of 1070 homes per year*. Even this figure does not reflect the "backlog" identified in the GL Hearn report and touched on in our annex 2. An immediate readily deliverable land release to achieve this target is required.

* As at 2017 the figure derived from the draft 2018 NPPF/PPG consultation draft would be 1135 homes per annum so this should be regarded as a minimum.

3.2 Increase the scale of sites where the size of the sites have been arbitrarily constrained to ensure the full range of facilities and services required to support the new sites are provided. These major sites should be developed on the basis of "garden city" principles to ensure community involvement and ownership, and to ensure a full range of local facilities and transport can be sustainably provided.

3.3 If this is not sufficient, bring in some of the additional greenfield sites considered for the early drafts of the Plan. In terms of minimizing the impact on existing communities, we would support a

further new garden village in preference to building on to existing communities or the city (see also section 6 below). The focus should be on a site avoiding the most sensitive areas of the green belt, that can be accommodated in the landscape, and that offers the greatest opportunity for sustainable transport links. This will preserve York as a compact city and set of villages in a rural setting, and we feel would best respond to concerns expressed about previous draft plans, whilst meeting the objective economic and housing needs of the city.

3.4 Reduce the over-development / density of key brownfield sites like York Central, and stop the loss of greenspace within the built up area. We wish to see the policies in earlier versions of the plan for protecting existing and expanding urban green space retained. Given the shortage of green space in the Acomb area in particular, we consider Acomb Park should be used for a new public park, and the former Lowfields school playing fields retained as open space / playing fields. Similar arguments can be made for the Bootham Crescent area regarding the shortly to be released Bootham Crescent stadium site.

4. Housing affordability

(Plan section 5 – Annex 3 to this response)

Unless the proposals in the plan are changed, the deficit in the provision of affordable/social homes (identified in section 3 above) will continue and most probably get worse. The following steps are necessary:

4.1 Ensure that a minimum level of 30% affordable homes are achieved across the housing programme. The ratios of affordable should be raised to 25% on brownfield sites and 35% on greenfield sites. These figures are below the GL Hearn estimate of 35-40% affordable, but this reflects realism about the rate the current gap between the total new homes provided and the affordable requirement - running at 350-450 per annum - can be closed.

4.2 Rebalance the programme so that there is a reduced reliance on brownfield sites, that would then increase the chances of achieving the 30% target overall. This should also reduce the pressure to overdevelop the housing part of York Central, and build on other

urban green space, which it is vital to retain for the quality of life for and health of those living in the city.

4.3 Specific provision for social housing on larger housing sites should be incorporated, given the limited amount of residual Council owned land. Additionally we support the proposals to allocate part of larger sites for self build, and wish to see that extended to allow for co-operative provision too.

4.4 Establish a York Living Rent mirroring the plans of the Mayor of London to be used for the calculation of public grant when determining grant input into the S106/affordable component of the programme. Developers should be encouraged to follow this blueprint in their viability tests.

4.5 Introduce an article 4 determination which enables the Council to enforce rigorous standards across all HMO accommodation in the city as opposed to the limited proposal currently proposed by the Council.

4.6 Require that new properties are first offered to York residents prior to going on the general market (and again if prices are reduced).

5. Student Housing (*Plan section 5*)

5.1 Part of the backlog and current market pressures in York stem from the past major University of York expansion being undertaken without a matching increase of on campus student accommodation, plus the University substantially increasing its rent levels to above then local market levels. The consequential expansion of student lets took out a lot of local starter homes and family accommodation in wards near the university and the impacts rippled out across the city. This can clearly be seen comparing the 2011 and 2001 censii returns and other data.

5.2 It is therefore crucial that the further expansions of the Higher Education facilities in the City, which we fully support, is more than matched by an expansion of new purpose built student accommodation, prioritised to on campus so it doesn't compete with

the local housing market for land. Policies H7 & ED1 require strengthening to deliver this.

6. Sustainable Communities/Garden Villages

6.1 The only way to achieve genuine sustainability is to cluster new developments (1) around existing facilities which can support expansion, or (2) build new developments on a scale that requires new facilities and transport links. The plan fails on both these counts. It supports developments in the core of the City where balanced and sustainable provision is not possible. Developments on the periphery are too small and will not sustain new facilities.

6.2 We have demonstrated elsewhere that the plan has not made a serious attempt to provide sustainable housing nor housing which makes a fair provision for all. This is reflected in the overdependence of the plan on sites which are too small, too constrained and carrying too many risks.

6.3 Our opinion is that the only way in which this can be resolved is for the City to support the development of a small number of new garden village settlements. The settlements need to be large enough to provide a range of housing types and tenures. They will be built in a way which makes genuinely affordable provision possible; they will enable the provision of a full range of local services (education, health, local retail & small scale employment, recreational, community activity space, green space); they will be built around a core of these community facilities and a connecting primary network of walking / cycling routes; they will support good quality public transport links to the city centre and other key destinations, minimising car borne journeys and traffic and congestion growth; and they will be designed to high sustainability / zero carbon standards.

6.4 This will not mean large numbers of small infill sites, but a very limited number of villages built at a sustainable scale. There are several sites/areas where community consultation has already been carried out that are potential core developments for this strategy. There would need to be a series of feasibility studies to achieve this and these are an immediate priority. The potential of linking an employment hub with one of these areas also needs to be explored. Developments in these areas are much more capable of early delivery

compared to the sites identified in the current plan with its over reliance on high risk brownfield sites.

7. Transport (*Plan section 14*)

7.1 Analysing the Transport Implications and Producing a new LPT4

7.1.1 Prior to the Examination in Public, the Council needs to update and complete the analysis in its Transport Topic Paper. In doing so, it needs to assess the transport implications of underlying trends and proposed new development against the full range of objectives of its transport policy, develop a holistic strategy that tackles the predicted problems through a combination of measures to reduce the need to travel and reduce car use, and demonstrate that its proposed transport policies and standards are the most cost-effective means of meeting those objectives.

7.1.2 This analysis needs to be available for review in good time before its presentation at the Examination in Public. The resulting implications need to be reflected in major revisions of paragraphs 1.62-66 and 14.1-3.

7.1.3 The Local Plan should acknowledge that LTP3 is now out of date and that as we understand it, a new LTP4 will soon be in preparation. All references to adherence to, and consistency with, the Local Transport Plan should refer to the version of the LTP which is current at the time that a relevant decision is made. Reference also needs to be made to the Transport for the North (TfN) Strategic Transport Plan.

7.1.4 Para 2.16 needs to be redrafted to reflect the wider objectives of economic vitality, accessibility, public health and equity. Subsequent references to transport policies need to demonstrate that all of these objectives are being effectively addressed in the most cost-effective way. Achievable outcome targets need to be set for each of these objectives, and the Plan needs to be monitored against them. All such targets need to be added to Table 15.2.

7.2 Incorporating the Hierarchy of Transport Users

7.2.1 The plan should specifically include the existing hierarchy as the basis for the definition of and design for sustainable development and sustainable communities in Policies DP2 and DP3. All transport policy measures should be selected and implemented following the hierarchy of users on which LTP3 is based, reflecting the principles of sustainable travel. This approach should determine the measures to be included under Policies T2, T4, T5 and T8, and the prioritisation in investment between these three transport policies. Based on the resulting strategy, a much more challenging target should be set for the proportion of journeys by sustainable modes.

7.3 Recognition of an incomplete set of policy interventions and an inappropriate schedule

7.3.1 In the absence of an up to date Local Transport Plan, reference to specific measures and their timing in Policies T2, T4 and T5 would be better omitted and replaced by a commitment to determine an appropriate set of measures and timeframe in the forthcoming LTP4. Pro-tem the current Local Plan (Development Control) 2005 Transport Policies should be used. A new policy on freight and servicing should be added, which should include protection of the overnight lorry park at Murton.

7.4 Creating a coherent set of design principles for new developments

7.4.1 Policy T1 and its supporting paragraphs should be redrafted to include the three principles specified earlier:

- 1) Development needs to be of mixed use and high, but not excessive, density;
- 2) New development designed around high quality walking areas and cycling routes; and
- 3) Those routes providing short, safe and convenient links to a core set of community facilities including schools, shops, leisure facilities and personal services.

7.4.2 Policies DP3 on sustainable communities, SS1 on delivering sustainable growth, R4 on out of centre retail and HW7 on healthy places should also reflect these principles. In particular, the wording

in SS1 “Ensuring accessibility to sustainable modes of transport and a range of services” should be expanded to say ““Giving priority to locations that maximise the use of walking, cycling and public transport, and minimise traffic generation”, and "Ensuring accessibility to a range of local services by foot, cycle and public transport, and to high quality public transport and segregated, direct cycling / walking links to other destinations within the city".

7.4.3 The development densities in Policy H2 should be reviewed to ensure that they are consistent with these principles, and more closely tied to the provision of public transport services. The phrase “where reasonable to do so” should be omitted from para 14.2; no development should be accepted which fails to facilitate the use of more sustainable modes of transport.

7.5 Walking and Cycling

7.5.1 Policy T5 should be redrafted to reflect the full list of schemes that emerge from the work to provide a new transport strategy, and failing that it should reflect the points / schemes we flagged in Annex 4 and those contained in the Local Plan (Development Control) policies 2005.

7.6 Public Transport Provision

7.6.1 Policy T2 should be redrafted to reflect the full list of schemes that emerge from the work to provide a new transport strategy, and failing that it should reflect the points / schemes we flagged in Annex 4 and those contained in the Local Plan (Development Control) policies 2005.

7.7 Addressing the over-reliance on providing additional highway capacity

7.7.1 While Policy T4 must rightly reflect road infrastructure schemes already committed and required to access new development sites, which we generally support, it should be rewritten to require future road scheme proposals to be judged against other modal priorities and against the overall transport strategy for the City. New schemes should be required to be linked with other measures, particularly under Policy T2 & T8, to ensure that additional road

capacity is used to benefit all modes of transport and reduce congestion in the long as well as the short term.

7.7.2 Within individual development sites, and particularly Policies SS12, 13 and 22, new access routes directly to the regional road network should not be provided, since these are likely to stimulate their use as dormitory villages for areas other than York itself.

7.7.3 Because of the high degree of uncertainty of attracting funding for the full dualling of the outer ring road (because of its low benefit cost ratio), of its relative benefit against other transport investments that we previously identified (Annex 4), and in advance of the preparation of LTP4, it should be omitted at this stage, and no development should be accepted which is dependent on it.

7.7.4 Policy T4 (and/or T2 & T5) also needs to include a commitment to providing facilities to overcome the severance effect of new roads on routes for walking, cycling and public transport.

7.8 Providing an adequate approach to demand management

7.8.1 Policy T8 needs to be completely rewritten, based on a critical assessment of the need for demand management to contribute to the wider objectives of the transport policy, and a series of recommendations on the application of each of the potentially available demand management measures. As a contribution to this, and in advance of the preparation of LTP4, the statement on parking policy within the current Local Plan (Development Control) Policies 2005 should be incorporated into the Local Plan.

7.9 Addressing the lack of transparency on design standards and policy thresholds

7.9.1 Either the Supplementary Planning Document needs to be published in time for its implications to be fully assessed in advance of the Examination in Public, or failing that, the standards specified in the Local Plan (Development Control) Policies, 2005 should be incorporated into the Local Plan pro-tem.

7.10 City Centre sites

7.10.1 Policies SS3, SS4, SS5 needs to be redrafted to reflect our earlier points.

7.11 Developments outside and close to the outer ring road

7.11.1 Each of these Policies must be based on the full set of design principles for promoting sustainable travel, and include a much more challenging target for the proportion of journeys by sustainable modes. In addition:

- a) Policy SS10 should consider extending park and ride services to the site.
- b) Policy SS11 should commit to extending the current bus service to the site, the construction of Haxby station and the provision of a good frequency service there, and minimise the need for additional vehicular traffic through Haxby village.
- c) Policy SS12 should omit the reference to provision of a direct link to the A1237 and instead focus on providing a new Clifton Moor park and ride site adjacent to the development, with high quality frequent bus services through Clifton Moor to the site using a grade separated crossing of the A1237.
- d) Policy SS13 should omit the reference to a new junction on the A64 and instead provide a high quality frequent bus services through the University to the site using a grade separated crossing of the A64, and a dedicated link to, or extension of, the Grimston Bar park and ride service.
- e) Policy SS19 should commit to extending the current bus service to the site and to a new station at Strensall, and the provision of a high frequency service there.
- f) Policy SS21, which currently makes no provision for public transport, should adopt the modifications listed above for Policy SS13.
- g) Policy SS22 should omit the reference to a new junction on the A64 and commit to the provision of a high quality frequent bus service through the University servicing sites ST15 and 26 (Policies SS13 and 21).

8 Delivering a Sustainable Low Carbon Future (Plan Section 11)

8.1 Given the threat of dangerous climate change, low carbon, sustainable design - working towards zero carbon at the earliest

opportunity - is essential for all new developments. We strongly support the contents of policy CC1 –CC3 as far as they go. District heating for York Central and possibly other major development sites should be an essential requirement in the plan. The Local Plan should set ambitious targets that will help York be in the vanguard of the move to a Low Carbon economy and the jobs that will generate.

9. Risk and Flexibility

9.1 Because there is no flexibility in the plan, there is a very real possibility of the whole strategy being derailed if any of the components fail to be delivered, or if the council fails to square up to the scale of the transport challenge the extra development brings.

9.2 There needs to be a significant review of: the total number of sites; the very high-density assumptions on some of the urban sites; the allocation of sites between employment and housing and between brownfield and greenfield sites; the windfall assumptions, and the safeguarded site provision. This is needed to ensure adequate flexibility in the plan on the one hand, and a major rethink and shift in the transport approach, so the plan can achieve its objectives. Without these reviews the plan has an unacceptable likelihood of serious failure in several key policy areas.

10 Policies which require review

10.1 The following policies need to change or be reviewed as a result of these proposals.

DP 2 Sustainable Development

DP3 Sustainable Communities

SS1 Delivering sustainable growth for York

SS2 The Role of York's Green Belt

SS3 York City Centre

SS4 York Central

SS5 Castle Gateway

SS9 Land East of Metcalfe Lane

SS10 Land North of Monks Cross

SS11 Land North of Haxby

SS12 Land West of Wigginton Lane

SS19 QE Barracks Strenshall

SS20 Imphal barracks Fulford
SS21 Land South of Airfield BP Elvington
SS22 University of York Expansion
SS23 Land at Northminster Business Park
SS24 Whitehall Grange
EC1 Provision of employment land
R3 York City Centre Retail
R4 Out of Centre Retailing
H1 Housing Allocations
H2 Density of Housing Development
H3 balancing the housing market
H7 Student housing
H8 Houses in Multiple Occupation
H10 Affordable Housing
HW7 Healthy Places
ED1 University of York
CC1 Renewable & Low Carbon Energy Generation
CC2 Sustainable Design and Construction of New Development
CC3 District Heating & Combined Heat and Power Networks
T1 Sustainable Access
T2 Strategic Public Transport Improvements
T4 Strategic Highway Network Capacity Improvements
T5 Strategic Cycle and Pedestrian Network Links and Improvements
T6 Development at or near Public transport Corridors, Interchanges
and Facilities
T8 Demand management
T9 Alternative Fuel Fuelling Stations and Freight Consolidation
Centres
DM1 Infrastructure and Developer Contributions

YLP Draft Response to the Local Plan	
Policy SS 1 Delivering Sustainable Growth for York	
Annex 1. Building a strong and competitive Economy DLP paragraphs 1.12-1.22, 1.32-1.40, 1.45-1.48, 1.56, 1.62-1.67 Policies EC1, EC2	Why the plan is “unsound.”
1.1 Positively prepared	<p>The vision for the city is stated to be to secure a prosperous city for all and to achieve sustainable development. These are principles we support. However, we consider that the plan fails to deliver on the overriding objective of prosperity for all. It lacks analysis of how different groups in the community are affected by the proposals. It does not demonstrate how the plan can heal the highly unequal conditions of, and opportunities for, York’s residents.</p> <p>The plan also fails to follow up on the implications of sustainability. It chooses employment and housing options with no reference as to how they impact on community or environmental sustainability.</p> <p>It fails absolutely to address the City’s housing crisis. It does not focus on affordability, or how to accommodate the workforce needed by York’s economy.</p> <p>There is no credible or comprehensive strategy designed to address existing</p>

	<p>transport and access problems (apart from transport linked to proposed new developments), or of the related air pollution and its negative health impacts.</p>
<p>1.2 Justified</p>	<p>Whilst York has high levels of employment, the plan has a complacent and incorrect assessment of the state of the economy in the city. The city is the 9th most unequal city in the UK (Centre for Cities – Outlook 2018). In employment income and housing terms, the city is split between the comfortably off and struggling households.</p> <p>The city is failing to attract good quality office jobs and has the fastest rate of office loss of any UK city. This is driven by the City’s housing shortage, which has led to much higher value being placed on housing over employment uses. York also lacks modern grade A offices. (See the Centre for Cities March 2018 City Space Race report.)</p> <p>The plan fails to address this socio-economic divide and the housing versus employment imbalance. We will see a worsening of this situation over the plan period. It fails to address the way an economic strategy will need to reverse the slide away from better quality jobs, loss of offices in the city and the drift towards low wage insecure employment.</p> <p>The plan aims to provide space for 650 new jobs per year based on an Oxford Economics Forecast. This forecast fails to distinguish adequately between the high</p>

quality jobs desired by the economic strategy, other lower grade employment such as warehousing and storage or low paid and insecure employment.

The provision of high quality office jobs is almost totally dependent on York Central (ST5). None of the other sites in the economic plan are proposed for high quality office uses. In the York economic strategy 2016 this is clearly admitted: “*Without York Central it is unlikely we will achieve our objectives*” (York Economic strategy 2016-21 page 10).

None of the other sites in the economic section of the plan are definitely providing for category B1. This is despite a current desperate shortage of decent office accommodation for expanding, moving or relocating offices.

Moreover the provision for office space use B1a on York Central is undermined by the priority being given to housing (70% of the usable site), and the densities being assumed. There have been recent steps by the York Central Partnership to increase the office space on the site arbitrarily from 0.6million sq ft to 1.76 million sq ft. This increase has not been accompanied by an increase in the size of the area allocated to commercial uses and has no economic strategy behind it. The implication is that build heights will be very substantially increased (across the whole site); no account seems to have been taken of the significantly higher costs per unit area this incurs and of maintenance costs, which will negatively impact on the viability, required rent levels, attractiveness and investment risk. Repeated requests by the Labour Party for the model on which the commercial provision is based have gone unanswered.

There is no link between the economic/commercial provision on ST5 and the proposal for 25 ha university expansion (ST27) although this would be a natural link. Private sector developers have indicated that the proposals for commercial development on ST5 are not viable because the land allocation is too small, and the risks of a speculative development are far too high. A sufficient land supply must be allocated to allow flexible discussions with anchor users of the commercial site. That is not currently the case.

The plan also fails to address the worsening economic / retailing situation in the City centre. It needs to identify options for identifying more affordable space for start up businesses and to meet the needs of expanding successful businesses in the City centre. The plan should include collective space for the new digital and creative industries. It should retain the limited key remaining city centre office space, and for make use of vacant upstairs city centre premises. The decline in conventional high street retailing and loss of large floorplate stores may however give opportunities for imaginative reuse of key buildings to address this demand.

The plan fails to address the congestion around and poor access to the city centre that is undermining its attractiveness as an employment and retail location.

The Plan also needs to give greater support for addressing the skills gap and providing life long learning opportunities, and maximizing the benefit of York's excellent higher education institutions. Opportunities and site availability for a Rail Academy to further develop York's existing rail base and the opportunities of HS2 and Northern Powerhouse rail for additional good quality jobs should be provided

for.

The plan offers no alternative strategies to attract new employment into the city nor any strategy to diversify the economic base of the city to provide a better balance of jobs. It is more likely that employers and skilled labour will leave York because of the weaknesses than new ones come in. The exception to this is in hotels leisure and tourism which are dominated by low paid and insecure jobs. Recent reports to the Council's Executive Committee identify this as a key problem for the City and proposes to change the way these issues are tackled. The Local Plan does not reflect these concerns.

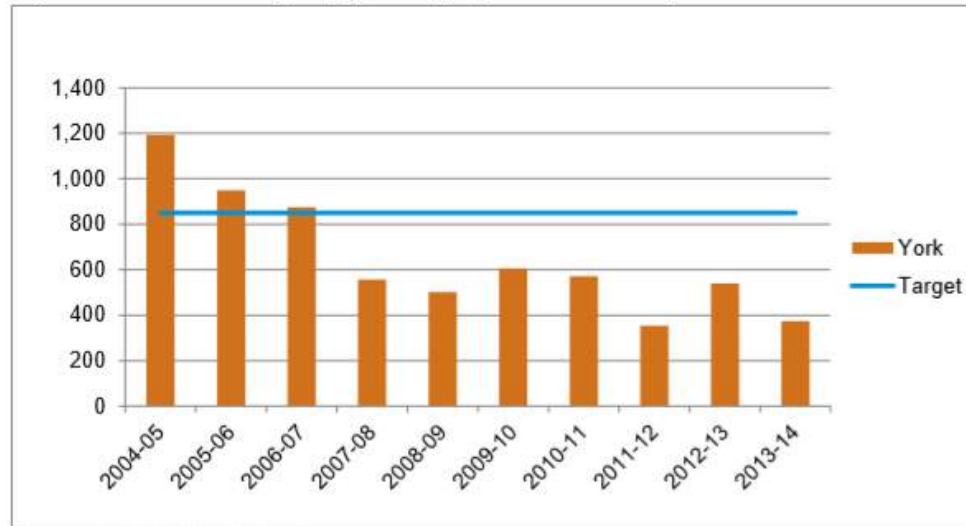
The housing crisis in York is also having a serious impact on the local economy, and is a big concern for many local businesses. The spiraling housing affordability / availability crisis which we cover in our submission on the housing section of the plan has been forcing many people out of the city, particular families and lower income groups. York has developed a serious workforce / skills shortage, whether in social care, health care, the hospitality industry or across other parts of the local economy. However there is evidence that York's exceptionally high housing costs relative to its modest pay rates are impacting on recruitment across the board – and on graduate retention. Recruitment, productivity, and business sustainability is seriously hampered by this. The provision of development sites across the city must major on the provision of affordable/social provision both to provide for need but to deal with the serious negative impact of current shortages on the competitiveness of the city.

1.3Effective	<p>The plan is not effective. It allocates a mix of sites for different employment use categories, notably (now) 1.76 million sq.ft. type B1a offices land at York Central, continuation of the existing 26Ha B1b knowledge based / science park land at York University, plus other employment types at Northminster Business Park, Poppleton (49,500sq.m. B1c, B2 & B8), Elvington Airfield extension (33,000sq.m. B1b,c B2, B8 storage) & and Whitehall Grange, Wigginton Road (33,000sq.m. B8 storage). The provision of these is not backed up by a coherent and targeted economic investment strategy and the lack of generation of new private sector jobs outside the tourism and leisure industries is exacerbating the low wage/high house price contradiction facing the city. It fails to address the city centre demand for affordable start up and grow on accommodation.</p> <p>The plan makes no serious attempt to tackle any of these problems and is virtually silent on the problems of low income employment and households. The proposals are heavily reliant on long term and unreliable sites and fail to identify early possibilities to provide the much needed capacity for new office and related employment.</p>

1.4 Agreed with national policy	The Draft NPPF 2018 (paras 82-83) puts an even stronger emphasis on the Local Plan supporting business growth and improved productivity. Yet there is no serious attempt to diversify the economic base of the city, address the disproportionate growth of low paid insecure employment and prevent employers and talent from leaving the city.
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YLP Draft Response to the Local Plan	
Policy	Why the plan is unsound
Policy SS1 Delivering Sustainable Growth for York	
Annex 2.Overall housing target (DLP sections 3 paras 3.1-3.3) related sections and policies SS4/SS6 DP2 DP3 EC1 H1-3 H7 H10 D1 T1 R3	Plan proposal :To provide enough land for at least 867 dwellings per annum over the plan period
2.1Positively prepared	The City of York has a serious housing shortage. The undersupply of dwellings has occurred over a long period of time, bar a brief spurt in the mid noughties, and is continuing as the authority's own figures below show.

Figure 44: York – Housing Supply vs Target (2006/07 – 2013/14)



Source: Authority Monitoring Reports

The more recent headline figures hide the further reality that a large element of the most recent build has been student accommodation, and the local non-student housing element has been much smaller. The York & North Yorkshire Chamber of Commerce’s Autumn 2017 submission highlights this in making the point about the accumulated backlog of housing provision that this has created in their Table 1 below:

Table I Housing completion backlog for the period 2012-2017

Year	Actual completions	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
Total	3,432	731	2,701	4,765	-2064

The current Council administration has refused to acknowledge this deficit and has set its face against the adequate levels of new housing needed. The Plan therefore has simply not been prepared to meet the evidenced issues.

2.2 Justified

The current plan neither offers nor assesses alternative strategies, unlike the Arup report behind the 2014 plan. The range of targets across the years looks as follows:

York Local Plan proposed	867
GL Hearn 2017	954
DCLG White Paper Nov 2017	1070
York Local Plan proposed 2014	1100
Government 2018 (draft NPPF)	1135

The professional advice from consultants GL Hearn indicates a minimum figure of 954 homes per annum. (SHMA update 2017). The government's own proposed methodology published in 2017 indicates a minimum 1070 per annum which would be increased to 1135 if the methodology from the draft 2018 NPPF and PPG are modeled.

Almost all of the recent trends would indicate that these figures are underestimates e.g. the supply of Council relets is declining because of right to buy changes. The Council's rejection of these figures and opting for an absolute minimum figure of 867 per annum is the result of narrow political interest. In Council meetings in November 2017 and January 2018 the Council rejected or reduced perfectly viable sites making them no longer viable.

ST14 - an example of making a site unviable

Land West of Wigginton Lane now has a reduced footprint which makes it unviable for the sustainable objectives of the plan. The absurdity of the CYC position is emphasized by the fact that the Council has made a successful Housing Infrastructure Fund bid for the site of ST14 *on the original footprint not the reduced area* currently in the draft Local plan.

	<p>The advice from the Council officers to the Council Local Plan Working Group in January 2018 clearly indicates that any figures would probably need to be in the 1070 range to be considered “sound”. The officers report stated :</p> <p><i>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 2026¹</i></p> <p>(York Local Plan working Party January 2018 agenda item 3, para 10).</p> <p>And went further :</p> <p><i>Members must be satisfied that they consider the Submission Draft Plan meets the test of “soundness”. This is a statutory duty. Officers' 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.</i></p> <p>(York Local Plan Working Group January 2018 agenda item 3, para 26)</p>

¹ An uplift of 23.4%

2.3 Effective

The plan is not effective either in the short or long term. The programme of sites is heavily dependent on brownfield land and in the case of sites like York Central (ST5) there are severe development constraints or risks which mean that delivery is likely to be either slower than predicted or non-existent. Whilst the Government has given notice of closing the local Barracks at Fulford and Strensall (ST35 and 36), the socio-economic impact studies have not yet been done, nor the related consultation – with 1600 jobs at risk which York can ill afford to lose. Reliance on their delivery is premature and they should not have been included as allocations, but dealt with through the windfall procedure if and when they go ahead. In addition greenfield sites have been arbitrarily reduced in scale which make them non viable or removed from the plan (e.g. ST14 Land West of Wigginton Road, ST7 Land East of Metcalfe Lane).

To compensate for these exclusions and reductions the administration looked to York Central to provide between 1700 and 2500 homes. This is clearly over development, requires currently unreleased railway land, and fails every sustainability test. Numbers at this level can only be achieved with a high-rise apartment solution (we understand around 10 stories high), which disproportionately increases build and maintenance costs, squeezes affordable provision and amenity space, and leads to high rents and service charges. This will also increase the site development risks. Additionally from past feedback, we know many people in York strongly object to this type of housing and feel it will negatively impact on York's historic small scale character, and will simply be bought up by the buy to let market, not York residents.

	<p>Table 5 shows the trajectory of the development over the plan period. The trajectory shows an increase in production of homes of 240% between years 2 and 3 which is then sustained over years 4 and 5 yielding an apparent surplus of homes. However an examination of tables 5.1 and 5.2 shows a reliance on large sites with significant question marks over them. An increase of this scale is optimistic in the extreme with this choice of sites.</p>
<p>2.4 Agreed with national policy</p>	<p>The new draft NPPF indicates even more strongly than the existing guidance that Local Authorities should base their plans on a clear and objective overall assessment of needs, and should take market signals into account. The current Council administration has consistently refused to accept the recommendations of their own consultants and the government itself. This is driven by an overarching desire to restrict development as far as possible and to the urban core. They have refused to include viable greenfield sites and arbitrarily reduced the size of other sites making them unviable and unsustainable (e.g. Elvington ST15, Land west of Wigginton Road ST14 or the Land south of Heslington ST15).</p> <p>This not only prevents the development of sufficient homes in total but prevents the provision of a range of choices and ensuring a healthy and balanced economy.</p> <p>The NPPF has a strong presumption in favour of development. The current Council has not responded to this guidance which has now been in place for 8 years and will be enshrined as a central principle in the new NPPF. It has resisted the government</p>

	indications of the need to build more housing consistently over the last few years despite clear guidance and warnings. This is opening the residents of the City to risk and failing the younger generations in the city and those most in need.
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YLP Draft Response to the Local Plan	
Policy SS1 Delivering Sustainable Growth for York	Why the Plan is “unsound”
Annex 3 Delivery of affordable homes (Policy H10 Section 5 Table 5.4 Affordable Housing threshold) Linked policies DP2 DP3 SS4 SS6 H1-3 H7 D1 T1	Plan proposal : Delivering 20% of brownfield and 30% of greenfield sites as affordable homes
3.1 Positively prepared	<p>The plan shows no concern for the crisis in affordability in the City. On all indicators the city is an outlier in the North and Yorkshire and Humberside in terms of house prices and rents. The city has the third highest average house price in Yorkshire and Humberside (£276,000). It is the 8th most expensive city in England for family home purchase. (York Mix 2018)</p> <p>An extract from GL Hearn’s SHMA update in September 2017 states :</p> <p><i>We have considered evidence of affordability by looking specifically 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.</i></p> <p>The comparative figure for the whole of England is 7 times.</p> <p>The latest figures from ONS indicates that affordability of house purchase in York</p>

has almost reached 10 times income (9.9% NHF Home Truths Yorkshire 2018)

Average Rents for all accommodation in York are above the London Living Rent by almost £100

Rents per month (2018)

York median rent (Homes analysis)	2 bed	£750
London Living Rent (GLA)	2 bed	£662

This lack of concern means that situation will deteriorate further if the Local Plan remains unamended.

The consultants GL Hearn indicated that 69% of the new provision should be affordable/social and intermediate. They also suggested targets of 35-40% as achievable. The LP draft suggests the target for affordable is only 20% for brownfield and 30% for greenfield sites so without explanation the target levels have been reduced. However this much lower target is in itself unobtainable in the absence of any positive policies by CYC. The recent actual production of homes shows this disparity clearly and illustrates the fundamental dishonesty of the plan:

Table 2 Social and affordable homes York 2008-2017		
	Average completions	
	2008-2012	2013-2017

social	91		56	
LCHO	45		29	
Int rent	21		8	
Aff rent	0		11	
Total	157		103	- 35%
	5 yr Total Completions			
	787		515	-35%

The absolute minimum of homes required for affordable/social under the GL Hearn figures is 567 per annum. The Plan is silent on the number to be achieved but a crude calculation of 25% of the plan target (itself unlikely to be achieved) would yield 217 properties. This is an annual deficit of 350 homes on the most optimistic assumptions. As can be seen in the table above in fact the average number of homes produced over the last 5 years is 103 a decrease of 35% on the previous 5 years. At this level of production which is likely to continue the annual deficit will be at least 464 homes per year and actually likely to be much more. The first 5 years plan is dependent on sites like British Sugar, the largest site in the early plan years, which has virtually no affordable homes in its approved plan.

<p>3.2 Justified</p>	<p>The plan neither offers nor assesses alternative strategies. The inability of CYC to tackle the chronic shortage of affordable housing is illustrated by the figures shown above, yet the Council has made no evaluation of the options available to it in order to deliver an acceptable proportion of affordable or social homes. Nowhere in the Plan is there a full evaluation of which groups in the population are hit hardest by the housing price/rental growth crisis nor what the impact of local economic trends has on the workforce and business.</p> <p>The figures produced by the Council's own advisors indicate the scale of the affordability crisis :</p> <p>Affordability of house purchase in York – GL Hearn assess that for a lower quartile home costing £160,000 a household would need an income of £41,500 which is 60% above current average incomes in York (GL Hearn 2017)</p> <p>Affordability of rents : GL Hearn assess that to rent a lower quartile home a household would need to have an income of between £17,500 and £27,000. The lower figure implies that 40% of income is spent on rent. This level of rent is from 2015 and does not reflect current or newbuild rents (GL Hearn 2017)</p> <p>Starter homes are similarly unaffordable as shown in table 42 taken from the GL Hearn analysis below :</p>
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7.20 The table below therefore works through the calculations to determine what level of income might be required to be able to buy a Starter Home – in total there are 8 different scenarios tested and for clarity the bulk of the analysis to follow looks at Scenario A (a 20% discount, 5% deposit and a 3× income multiple). The analysis shows that an income of about £54,500 would be needed under the main scenario but that this could potentially drop to about £33,900 with different assumptions being applied.

Table 42: Estimated income levels required to access Starter Homes under a range of different scenarios – York

Scenario	Discount	Deposit	Income multiple	Open Market Value	With discount	Minus deposit (amount of mortgage)	Income required
A	20%	5%	3×	£215,000	£172,000	£163,400	£54,467
B	30%	5%	3×	£215,000	£150,500	£142,975	£47,658
C	20%	10%	3×	£215,000	£172,000	£154,800	£51,600
D	30%	10%	3×	£215,000	£150,500	£135,450	£45,150
E	20%	5%	4×	£215,000	£172,000	£163,400	£40,850
F	30%	5%	4×	£215,000	£150,500	£142,975	£35,744
G	20%	10%	4×	£215,000	£172,000	£154,800	£38,700
H	30%	10%	4×	£215,000	£150,500	£135,450	£33,863

Source: Derived from Rightmove data

As was stated in section 1 on the economy the absence of a justified strategy and commitment by the Council is leading to a city which is increasingly divided between the affluent and the lower income household majority, who have and continue to consequentially be displaced to lower cost areas. The prevalence of low wage and insecure employment are exacerbating this division. There is nowhere in the documents an exploration as to how this is to be tackled.

<p>3.3Effective</p>	<p>The plan is not effective either in the short or long term. The programme of sites is heavily dependent on brownfield land and in the case of sites like ST5 York Central and ST35 and 36 Strensall and Fulford Barracks there are severe development constraints which mean that delivery is likely to be either slower or non-existent. The next 10 years of the plan are dependent 40% on brownfield sites. The target for brownfield sites in the plan is 20% of completions. As set out in paragraph 3.2 above this level of production has not been achieved in any year since 2010. Even if it had it would still be 350 homes per annum below the necessary supply.</p> <p>There are three reasons why this brownfield over dependency will mean the deficit is maximized:</p> <ol style="list-style-type: none"> 1) recent history shows that developers use viability assessments to justify the reduction of affordable homes to the minimum 2) The viability of large brownfield sites leads to higher proportion of apartments which means average rents of £1000 -£1200 pcm for a 2 bed flat and thus an “affordable” rent of between £800 and £1000 pcm (Rightmove). However these flats are subject to service charges which can be as much as £1000 per annum and ground rents which can be £500 per annum. These charges severely restrict those who can take up the “affordable” units to the extent that they aren’t always taken up and can revert to the developer. 3) The lead time for development is significantly longer than for greenfield land meaning the overall production is likely to be much lower for general sale and affordable provision.
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YLP Response to the Local Plan	
Policy SS 1 Delivering Sustainable Growth for York Supporting policies: T1, T2, T4, T5, T7, T8, T9, SS3, SS9, SS10, SS12, SS15	
Annex 4. Ensuring an efficient transport system to underpin the plan DLP paragraphs 1.62-1.66. Other references Section 14 and 15.15-17 Section 14	Why the plan is “unsound.”
1.1 Positively prepared	The Transport Section’s policy is not grounded in a comprehensive analysis of the challenges facing York now, or over the lifetime of the Plan. It does not present an evidence-based holistic plan to address the real transport challenges facing York.
1.2 Justified	<p>The only analysis offered is in the 2017 Transport Topic Paper, presented in paras 15.15-17. The analysis is out of date and does not reflect the changes in the Plan since mid 2017.</p> <p>More importantly, the analysis is incomplete. It has only given estimated delays for road traffic in the absence of remedial measures. Government guidance is that the Plan should both identify needed remedial transport measures and assess their impact as part of the transport plan.</p> <p>The Plan fails to demonstrate or recommend what measures for non-car</p>

modes should be included in the Plan and why.

It takes no account of design developments that would reduce the need to travel; of enhancements to walking and cycling; demand management measures or, in most cases, of public transport improvements.

It omits any consideration of the rapid rise in home delivery and other servicing traffic.

A 30% general increase in travel time across the network and a staggering 55% increase in peak delay is projected because of the planned developments. This will severely impact on residents, businesses and the economy. It will further contribute to air quality problems which currently exceed EU emissions limits.

This is particularly disappointing when York, as a relatively flat and compact city, offers such high potential for public transport and active travel modes (with all their health and environmental benefits).

Traffic matters to York residents and has been a notable area of concern in successive Local Plan and other consultations.

The transport policies are based throughout on an out of date plan - the 2010 Local Transport Plan (LTP3). LTP3 is not linked to the vision set out in the current Local Plan. Moreover the 2010 plan failed to achieve its planned constraint of congestion. 2017 Congestion levels on the local A roads in York are 24% above the

England average and 41% above that for Yorkshire, and are rising faster than either. LTP3 specified implementation over the period 2011-16, but only set the broad context for policy beyond 2016. It was incomplete in its coverage of transport policy measures, and since its publication there has been an increase in the range of technologies and policy measures available.

Conclusion: The failure to undertake a clear up to date traffic analysis lies at the heart of the current plan's unsoundness. It does not identify what is needed to overcome the expected impacts on congestion, accessibility, the environment and public health. It does not have the comprehensive set of remedial measures necessary to overcome these problems.

The plan is an incoherent and incomplete set of policy interventions. Policies T2, T4, T5 and T8 provide statements separately on public transport, highways, walking and cycling and demand management. No similar policies are offered on freight and servicing. (In fact, the Plan omits previous Council proposals for a well-located freight consolidation centre and CNG fuelling station at the former County Council highways depot at Askham Bar. This proposal was linked to low emission vehicle servicing for the City centre pedestrian area and was the subject of a previous Council study).

Conclusion: There is no overview of these policies, nor any indication of how measures in one policy might complement those in another, or how much they can deliver. It is generally accepted that a challenge as great as the predicted 55% increase in congestion (paras 15.15-17) can only be met by a holistic set of transport

policy measures. These measures should include proposals on land use, public transport, walking and cycling, road network improvements, freight management and effective demand management.

The transport policy statements should also be justified throughout on the basis of a full set of policy objectives, which in turn should reflect those in the Strategic Environmental Assessment (SEA). Transport policies should contribute to economic vitality, public health, safety, protection of the natural environment, reduction of severance, and improved access for the disadvantaged. All of these objectives can be found somewhere in the Plan, but they are not consistently presented as a justification for the transport policies.

Assessment against policy objectives is only realistic if each is specified in terms of outcome indicators and targets. At present the Local Plan (Table 15.2) contains no outcome indicators to reflect any of the transport policy objectives other than, indirectly, air quality. The only indicators offered are output ones like the progress in delivery of road schemes.

The approach falls short of accepted good practice explained in the Local transport Guidance 2008 and Sustainable Urban Mobility Plan Guidance 2014.

Hierarchy of transport users. LTP3 did adopt, as a strategic structure, a hierarchy of transport users, which generally reflects the government's sustainable transport approach. We support this. However, the draft Local Plan only makes one passing reference to this hierarchy in para 14.18.

While some policies on new developments (SS9, 10, 12, 13, 22) propose a target of 15% of journeys by public transport, no evidence is offered to justify that target; nor is any target offered for walking and cycling.

Moreover, these targets are too low to reflect an emphasis on sustainable travel; similar new developments in European cities are achieving sustainable mode shares in excess of 80%. Other European cities like Groningen, Netherlands & Freiburg, Germany to name just two comparable size cities, are achieving much higher active & public mode shares citywide.

Aspirations for sustainable travel are unambitious and *also* misguided. For example, there is a clear emphasis in the investment programme in Policy T4 that solutions will, where possible, be based on increases in capacity for private cars and commercial vehicles. This fails to recognize that it is physically and economically impossible to build our way out of the problem in the main urban area in York at least. The focus there must be on managing demand and increasing choice of traffic modes in order to make best use of a predominantly constrained traffic network. We need targeted improvements where feasible (like bus priorities, segregated cycle facilities, and the very important, and welcome, outer ring road junction upgrades).

Conclusion: judged against the need for sustainability, the plan is wholly inadequate.

Policy T1

The design principles for new developments are not enough to reduce the need to

travel by car. Development needs to be of mixed use and high, but not excessive, density; with new development designed around high quality walking areas and cycling routes; and with those routes providing short, safe and convenient links to a core set of community facilities including schools, shops, leisure facilities and personal services. In failing to adequately cover this, T1 fails to meet the requirements of Para 17 of the NPPF which fleshes out the overriding ambition for *'sustainable development'* which *'makes fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be sustainable'*. The needs of the disabled, mobility and sight impaired people are not addressed. T1 also needs to be designed to manage servicing traffic and to accommodate appropriate emerging transport technologies.

Policy T5

The list of strategic cycle and pedestrian improvements listed here is incomplete and fails to address key inadequacies in the connectivity and capacity of the current networks. It doesn't offer an overall strategy to deliver a comprehensive high quality cycling and walking network designed to achieve a significant shift to walking and cycling, helping to relieve traffic congestion.

Specific omissions include:

- Protection of the existing cycle and walking networks
- Design standards comparable to London's cycle superhighways that are proving attractive to a wide range of users (with priority provision for pedestrians and cyclists at junctions to reflect the hierarchy of users)
- Tackling key gaps in the current network, particularly to and from the city centre and other key trip generators (the eclectic mix of schemes the council

- currently has and how they are prioritised doesn't meet this strategic need)
- Further development of orbital routes, and additional strategic infrastructure to overcome severance caused by railway lines and watercourses
 - A requirement for enhanced cycle parking in major activity areas.

There was a wider set of schemes listed in the Development Control Plan Policies, 2005.

Policy T2

Bus and rail improvements listed here are incomplete and fail to address key problems with connectivity and capacity of the current networks. The policy offers no overall strategy to deliver a comprehensive high quality public transport network that would achieve a significant shift to public transport. It doesn't consider light rail, tram train and other cheaper emerging rail-based options.

Specific omissions include:

- Support in principal for Transport for the North's draft Transport Strategy proposal for unified Smart Ticketing across public transport in the north.
- Additional stations at the District Hospital, Strensall and York Business Park (or at least safeguarding of the sites) that featured in preceding versions of the Local Plan and have been subject of past feasibility studies / planning obligations
- The new rail route for the Harrogate line to access York Station
- Park and Ride sites at Clifton Moor and on the Wetherby Road.
- Provision for bus priority, including additional infrastructure to support it at key delay locations in the city (such as the Clarence Street / Lord Mayor's Walk Junction, Stonebow)

- Priority bus access in both directions for key bus services in the relevant enhanced junctions on the A1237.
- The planned high frequency bus services through York Central, and appropriate priorities for them at the access locations

There was also a wider set of schemes listed in the Development Control Policies, 2005.

Policy T4

It's been known for decades that additional highway capacity on its own is not an effective solution to the problems of travel growth. Yet the draft Local Plan appears to suggest that other policies will only be adopted "if this demand cannot be met by increasing highway capacity alone" (para 3.12).

There is extensive evidence that new road capacity attracts additional travel. Locally the recent upgrade of the Outer Ring Road Poppleton roundabout has led to a 30% traffic increase through it.

We note the plan's inclusion of the full dualling of the Northern / Western Outer Ring Road, with no supporting evidence, or evaluation against alternative transport investments.

We are aware that the previous 2008 Halcrow study for the Council showed that full dualling options, particularly those involving grade separated junctions, were high cost with relatively low added benefit compared with the proposed upgrading of the current roundabouts. The cheapest full at grade dualling option had a "poor" benefit

cost ratio of 1.42; none of the grade separated options even scored 1. With the current progression of the high value roundabout upgrades, the benefit of dualling between them would be expected to drop from that previous poor rating.

Would a dualling scheme even attract Government funding? It would be very difficult for the Local Authority to fund itself – and certainly for none of the options involving grade separation. No reliance can therefore be placed on it being delivered in the plan period. A bigger question is whether, after the ORR roundabout upgrades, expenditure on improving the active modes and public transport wouldn't be more effective, easier to deliver and more affordable.

In the absence of any proper analysis of the overall transport picture and policy options, this part of policy T4 therefore fails the 'justified' test.

Policy T8

Is wholly inadequate, particularly when set against the prediction of a 30% general increase in travel time across the network and a 55% increase in peak hour congestion as a result of the planned new development. It principally considers parking standards in developments, but for public parking limits them to long stay parking, and is therefore a significant backward step from the current Development Control Local Plan (2005) which had a comprehensive approach covering all city centre parking (public off street, private non-residential and on street), including pricing policy.

The previous approach, linked to the development of York's Park and Ride network

as the alternative approach for getting people to the city centre was a carefully calibrated strategy. It was crucial in terms of protecting the city centre from being choked off and in fact growing its custom over the 1990s and noughties. To abandon it with no evidential basis is completely unjustifiable.

There may well be a case for adjustment of the 2005 Plan. It would make sense to develop a demand management approach to tackle current through-traffic which doesn't need to travel from or into the city centre, and is currently causing much of the congestion there. There were proposals to tackle this in the 2011 JMP York City Centre Movement and Accessibility report, but the recommendations from that report have not been incorporated in this policy, again with no justification.

Missing design standards and policy thresholds in T1 & T7

Design standards and policy thresholds are referred to throughout the Local Plan, including in policies T1 & T7, but are never specified; instead they are to be set out in the relevant Supplementary Planning Document, which is not yet available. Examples include minimum frequencies for public transport, safe walking and cycling distances, parking standards, and requirements to provide a Transport Assessment or Travel Plan. As a result it is impossible to judge the potential effectiveness, and hence soundness, of the Local Plan. The 2005 Local Plan (Development Control) policies specify a number of such standards and no explanation or justification is given for their omission from the draft Local Plan.

Policy T9 is confusing

It combines two very different facilities: alternative fuel filling stations and freight

consolidation centres. The latter is the only reference to freight policy in the whole document. This is unacceptable. It fails to recognise the problems caused by the growth in home delivery traffic, the conflicts between pedestrians and servicing traffic, and the use of inappropriately sized commercial vehicles in York's mediaeval streets, or to reflect the availability of new technologies for managing these problems.

The question of a freight consolidation centre has been debated for some considerable time, and is important in terms of improving city centre servicing with low emission vehicles and reducing pedestrian / vehicle conflict in the footstreets. A commitment is now needed to selecting a site and implementing it within the implementation period covered by the next LTP.

Policy SS3 for York City Centre

This policy fails to adequately reflect the evidence and recommendations of the extremely comprehensive 2011 JMP York City Centre Movement & Accessibility Framework report.

While the emphasis in the policy on the needs of pedestrians is to be welcomed, there needs to be a commitment to extending the area covered by footstreets, extending their operating hours and removing traffic from them, and substantially upgrading and then maintaining the quality of the public realm. Without these measures we can expect a decline in visitor numbers.

Disabled access provision needs to be improved and new approaches adopted linked

	<p>to the proposed new counter-terrorism measures. The upgraded gateways to the city centre need to include improved links to public transport hubs and new developments at York Central and Castle Gateway, and high grade protected crossings to give pedestrians priority over traffic.</p> <p>Bus services also need to be enhanced as a way to travel to the city centre. Further improvements to the interchanges, several of which are badly congested, and not particularly passenger friendly are required. Space needs to be protected for enhancing these interchanges in the Plan.</p> <p>The significant congestion round the City Centre at both weekday peak hours and on Saturdays significantly impacts on bus journey times and reliability, as well as on car borne visitors, shoppers and businesses. Origin and destination surveys have shown that a lot of the traffic around the city centre doesn't start or go there. Traffic must be managed better to reduce these reasons for congestion. Better management would enable a more reliable and attractive public transport running to and through the city. Better management should be linked to the one off opportunity of the outer ring road upgrade to shift more of the through traffic to the outer ring road. This will also help to tackle the air quality problem on the main roads in and around the city centre, which is a severe public health issue and concern. Better traffic management of through-traffic should also address the need to provide more segregated and continuous cycling routes to access the City Centre.</p>

1.3 Effective	<p>The plan is clearly not effective, given the projections envisaging a 30% increase in travel time across the network and a staggering 55% increase in peak hour delay on the road network as a result of the planned developments. This is on top of the severe existing problems. We have also flagged a series of other concerns in the preceding section which raise further questions about the effectiveness of the plan's policies, and whether the necessary transport measures and outcomes can be delivered.</p>
1.4 Agreed with national policy	<p>The plan does not agree with national policy. It's based on the 2017 Transport Topic Paper which has incomplete policies and proposals. The 2017 Topic Paper has only produced estimated delays without a comprehensive set of remedial transport measures. It should have, as specified in government guidance, identified and assessed remedial transport measures.</p> <p>We have also flagged a series of other concerns in section 1.2, and specifically on policy T1 which fails to meet the requirements of Para 17 of the NPPF which fleshes out the overriding ambition for '<i>sustainable development</i>' which '<i>makes fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be sustainable</i>'. This failure extends to the inadequacy of the other policies on walking & cycling, public transport, highway provision, demand management, and the city centre.</p>

From: Isobel McGeever [REDACTED]
Sent: 04 April 2018 16:28
To: localplan@york.gov.uk
Subject: York Local Plan Consultation | Cherrytree House, Fifth Avenue, York
Attachments: 180326 Cherrytree Reps.pdf; Location Plan Cherrytree House.pdf; Comments_form_FINAL (1).pdf

Dear Sir/Madam,

Please find attached representations prepared in relation to the site known as Cherrytree House, York.

The attached documents comprise of the representations letter, location plan, and the representations form.

I would appreciate confirmation of the successful receipt of these representations.

Kind regards,
Isobel

Isobel McGeever
Assistant Planner, 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)
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Last Name		McGeever
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Representing (if applicable)		NHS Property Services
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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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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 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.
- 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

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 attached representations for comments.

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 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 attached representations letter for comments.

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 attached representations letter for comments.

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 see attached representations letter for comments.

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.¹

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.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²

Retention of Information

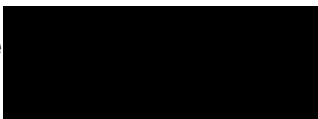
We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local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

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 or on [01904 554145](tel:01904554145)

Signature



Date

04/04/2018

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012



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Strategic Planning
West Offices,
Station Rise,
York
YO1 6GA

4th April 2018

BY EMAIL [localplan@york.gov.uk]

Dear Sir/Madam,

CITY OF YORK PRE-SUBMISSION LOCAL PLAN CONSULTATION | LAND AT CHERRY TREE HOUSE, FIFTH AVENUE, YORK YO31 0PL

We write to you on behalf of our client, NHS Property Services Limited (NHSPS), in relation to the City of York Council's Pre-submission Local Plan consultation. Our client wishes to outline the development potential of the site at Cherry Tree. For reference, enclosed with these representations is a Site Location Plan.

a. NHS Property Services Site Ownership

In April 2013, the Primary Care Trust and Strategic Health Authority estate transferred to NHSPS, Community Health Partnerships and NHS community health and hospital trusts. All organisations are looking to make more effective use of the health estate and support strategies to reconfigure healthcare services, improve the quality of care and ensure that the estate is managed sustainably and effectively.

NHSPS's Property Strategy team has been supporting Clinical Commissioning Groups and Sustainability and Transformation Plan groups to look at ways of better using the local health and public estate. This will include identifying opportunities to reconfigure the estate to better meet commissioning needs, as well as opportunities for delivering new homes (and other appropriate land uses) on surplus sites emerging from this process.

By way of background, local health commissioners are currently developing a strategy for the future delivery of health services in this area. This will involve the release of certain NHSPS landholdings which are no longer required for the delivery of health services.

NHSPS is therefore promoting the site in accordance with Department of Health guidance (Health Building Note 00-08) which states "NHS PS owned sites that may become surplus to requirements should be protected by securing specific land-use policies for these sites in the relevant DPDs".

Should any part of the subject site be declared as surplus to the operational healthcare requirements of the NHS in the future (thought to be within 3 years), then the site should be considered suitable and available for alternative use, and considered deliverable within the period 5 - 10 years of the emerging Local Plan.

b. Site Context

The site is located within the Tang Hall area of York, and is around 1.3km east of York City Centre. The site is currently occupied by a 1-2 storey building which covers the vast majority of the 0.34ha

site. There are currently two areas of hard standing providing car parking along both the eastern and western boundaries of the site.

The site is located within the existing built up area of York and is bounded to the north, east and south by existing residential development. Land to the west of the site is occupied by a church which has an educational allocation in the emerging Local Plan Policies Map. A public footpath runs along the southern boundary of the site which provides a link into the city centre.

Surrounding built form consists mainly of terraced and semi-detached two-storey dwellings, whilst flatted development can be seen around 250m west along Fifth Avenue.

There are two bus stops located outside the site offering services towards Fulford, and Osbaldwick. Bus connections also exist towards York Railway Station where rail services can be accessed providing services towards various destinations including Liverpool, Aberdeen, London, Read, and Plymouth.

c. National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) is the preeminent national policy; in law, regard must therefore be had to it. In summary, the following paragraphs of the NPPF are of particular relevance to the Local Plan making process, and should be complied with:

- a) Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. They should be consistent with the principles and policies set out in the NPPF, including the presumption in favour of sustainable development (Paragraphs 150-151).
- b) Proposed housing supply must meet evidential need for housing of all types, including a 5% buffer for five year housing targets (or 20% in cases of persistent under delivery), these targets must be deliverable. The Council must identify a supply for years 6-15 which is specific and developable (Paragraph 47).
- c) Local Plans should be aspirational but realistic. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan (Paragraph 154).
- d) Local Plans should be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.
- e) There is a cross-boundary duty to co-operate, particularly with planning issues which relate to the strategic priorities. LPA's should work collaboratively with other bodies to ensure strategic priorities across local boundaries are properly co-ordinated and clearly reflected in Local Plans (Paragraph 178-179).
- f) The Inspector's primary task will be to consider the soundness of the submitted plan, this will be assessed against the following soundness criteria:
 - **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; and
- **Consistent with National Policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

The Draft NPPF (March 2018) urges local authorities to make more land available for homes in the right places by maximising the contribution from brownfield land.

d. Overview of the City of York’s Local Plan Consultation Document in relation to the land at Cherry Tree House

The Publication Local Plan identifies that York aims to provide 867 dwellings per annum to meet its housing need, this equates to 17,340 dwellings over the plan period (2017 – 2037). Housing allocations to meet this target include the development of a number of ‘garden villages’ which are intended to be exemplar new sustainable communities.

Spatial Principles

The Consultation Plan also identifies that the Council have five spatial principles, these can be summarised as follows:

1. Conserving the historic and natural environment of York;
2. Promoting sustainable transport methods;
3. Preventing congestion and pollution;
4. Managing flood risk; and
5. The reuse of previously developed land will be prioritised.

The redevelopment of the land at Cherry Tree House can be considered to be in line with the five spatial strategies. Firstly, any well-designed, modest future scheme proposed at the site will have no impact on the historic and natural environment of York due to its location outside the historic centre of York, however particular attention will be paid to ensure the scheme does not detrimentally impact on the surrounding existing residential uses. Furthermore, the site’s location in close proximity to bus stops means that sustainable transport methods can easily be accessed; this in turn reduces dominance of cars and unsustainable transport methods and helps to prevent congestion and pollution.

The fact that the site is almost entirely covered by existing built form or hardstanding means that any redevelopment proposals at the site would seek to maintain or improve the surface water drainage situation. Finally, the site constitutes previously developed land within the existing settlement. The redevelopment of the site would therefore be in line with the final spatial principle which seeks for development to be located on previously developed land to promote reuse of this type of land.

Any redevelopment scheme at the site can therefore be considered to accord with the Spatial Principles identified in the emerging Local Plan.

Community Facilities

Policy HW1 of the emerging Plan seeks to protect existing community facilities, unless it can be a number of factors can be demonstrated. NHSPS would like to reiterate that extensive internal assessments are carried out by the CCG and the NHS property team as to when, and if, a site becomes surplus to their requirements. It will therefore have already been established that the site(s) are no longer required.

Windfall Sites

Paragraph 5.7 of the emerging Local Plan provides commentary on windfall sites in the planning process. It states that they are normally previously developed sites which unexpectedly become available for redevelopment. The land at Cherry Tree House can be considered to be classed as 'windfall' as it currently does not benefit from a residential allocation in the emerging Local Plan.

e. Housing Requirements

As previously identified, York's emerging Local Plan seeks to provide 867 new dwellings per annum, or 17,340 dwellings over the 20 year plan period. This figure directly correlates with the Council's Objectively Assessed Need (OAN) which was calculated by the Council's June 2016 Strategic Housing Market Assessment (SHMA).

It is important to note that the Government published their standardised methodology to housing needs in September 2017, published along with this was a table identifying every Council in England's housing requirement figures calculated using this standardised methodology.

York's housing requirement figure using this standardised methodology rises to an annual requirement of 1,070 dwellings or, 21,400 dwellings over the 20 year plan-period. This figure is significantly higher than the amount of dwellings the Council is seeking to plan for in its emerging Local Plan and thus if it is considered that additional housing sites are required to ensure sufficient supply then we submit these representations to put forward the site at Cherry Tree House for consideration.

f. Site Suitability

As previously identified, the site is located within the existing residential urban area of York. The existing built form, which ranges from 1-2 storeys in height, covers the majority of the site, whilst the remaining land is occupied by hardstanding providing car parking for the existing facilities.

The principle for residential development at the site is established through the prevailing land use of the area being residential. It is also considered that since the site consists of previously developed land, its potential for future redevelopment for housing, should the site become surplus to the requirements of the NHS, should be seriously considered.

Furthermore, the site is also located in extremely close proximity to public transport, community facilities and everyday amenities, and thus the site is considered to be highly sustainable.

As per the Council's text in the emerging Local Plan for windfall development, the site can be considered to be a perfect windfall site. Its location in the existing settlement confines and its previously developed nature means that it represents the perfect opportunity for intensification of housing within the existing urban area to help meet the Council's growing housing requirements.

g. Sustainability

The golden thread running through the NPPF is a presumption in favour of sustainable development. This means that developments which accord with the Local Plan should be approved without delay. The three pillars of sustainability within the NPPF are identified as Social, Environmental, and Economic; the definitions of these terms and the ways the proposals at Cherry Tree House conform with these pillars are identified below.

Social

The NPPF defines socially sustainable development as those which contribute toward supporting a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations, through a high quality built environment with accessible services and support of health, social and cultural wellbeing.

The redevelopment of the land at Cherry Tree House accords with the social pillar of sustainable development through the provision of an increased number of residential dwellings on a sustainably located, brownfield site in order to help meet the Council's identified and growing need for housing. Should the Council fail to meet their identified housing target, there could be serious social instability caused including overcrowding of existing housing stock and undersupply of housing. In addition to this, the site could represent the opportunity for the delivery of affordable housing towards the Council's identified need, representing a further opportunity to deliver a socially sustainable development.

Environmental

The NPPF defines environmentally sustainable development as development which contributes to protecting and enhancing the natural, built and historic environment through improving biodiversity, using natural resources prudently, and minimising waste and pollution.

A redevelopment scheme at Cherry Tree House would provide sustainably located residential dwellings within walking distance of existing services and amenities, reducing the need for future residents to travel long distances and reducing pollution and the use of finite resources. Any redevelopment would also make use of previously developed land which is located within the existing built-up area of York, subsequently helping to reduce the pressure on greenfield release within the district. The site is also located within Flood Zone 1 meaning the site is not at an increased risk of flooding.

Economic

The NPPF defines economically sustainable development as development which contributes toward building a strong, responsive, and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

Redevelopment of Cherry Tree House would accord with this pillar through the introduction of an increased number of residents into an existing urban area. These new residents will help to secure the economic viability and vitality of the existing local businesses and services through an increased customer base.

A scheme at the site would also ensure that a higher provision of land is available for a land use which is identified as being highly demanded at this point in time and in a sustainable location.

h. Summary and Conclusions

Should any part of the Cherry Tree House site be declared as surplus to the operational healthcare requirements of the NHS in the future, then the site should be considered suitable and available for alternative use, and considered deliverable within the period 5 - 10 years.

These representations identify the site's highly sustainable nature given that it is surrounded by existing residential use, is in close proximity to existing services and facilities, and consists entirely of previously developed urban land.

Accordingly, redevelopment of this site could provide a key contribution to York's housing need, which is currently identified as 867 dwellings per annum notwithstanding, the higher need demonstrated by the DCLG's newly published OAN figures. These representations therefore promote and identify Cherry Tree House as a suitable site to contribute towards these requirements.

As detailed above, it is considered that the redevelopment of Cherry Tree House, would contribute to the Council's Housing Need. This site presents an excellent opportunity for a modest, residential redevelopment. Small scale redevelopment would ensure that the characteristics of this area are retained, without the need for significant infrastructure as the development represents infilling of existing urban land. Subject to a review by NHSPS the subject site is considered available, suitable and deliverable within the 5-10 year period of the plan.

I trust that these representations provide the Planning Authority with sufficient information to consider the site for residential development within the forthcoming Local Plan.

We would request to be kept informed of future stages of the Local Plan preparation. If you require any further information, please contact the undersigned (email: imcgeeve@iceniprojects.com Tel: 020 3657 5036) or my colleague Luke Challenger (email: lchallenger@iceniprojects.com Tel: 0203 435 4205).

Yours sincerely,

A black rectangular redaction box covering the signature of Isobel McGeeve.

Isobel McGeeve
ASSISTANT PLANNER

Encl. Site Location Plan

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

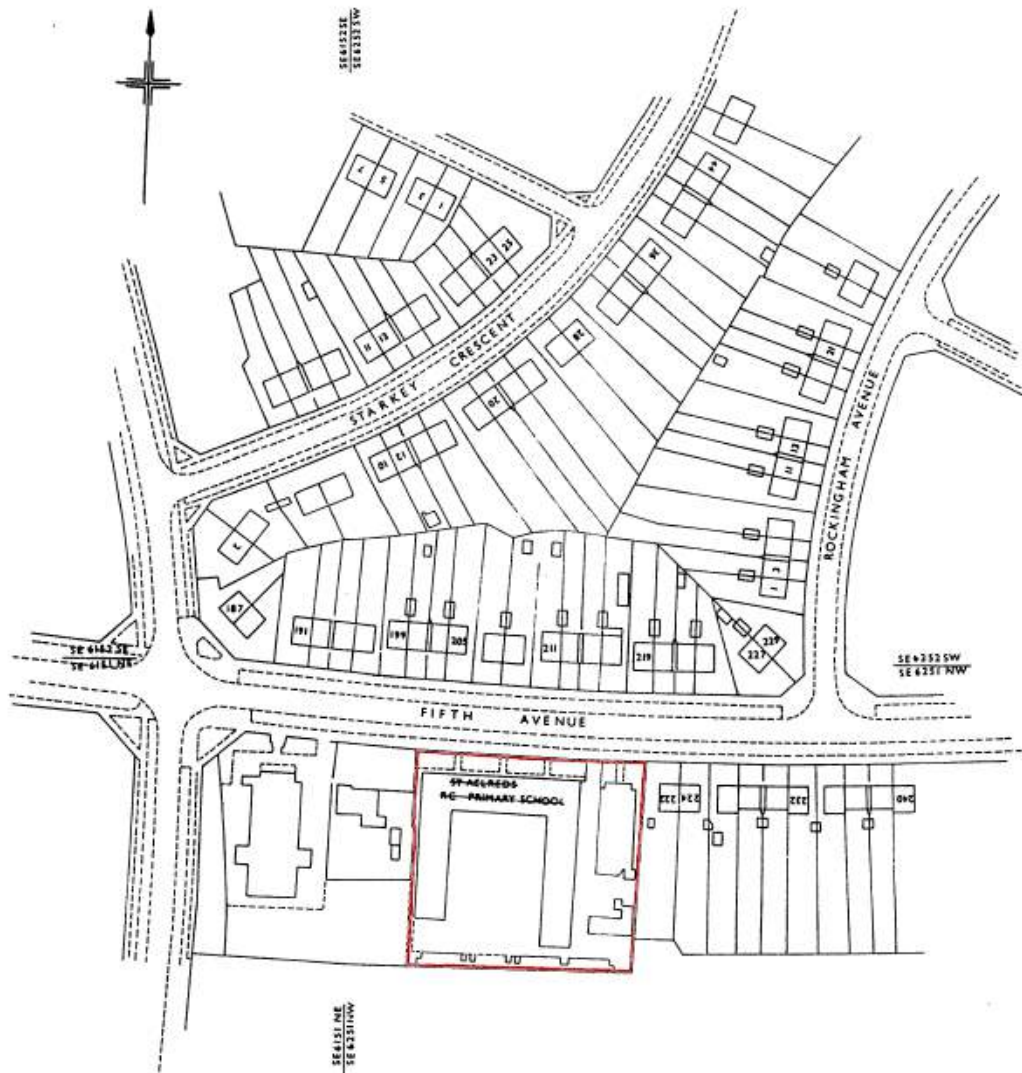
This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from Land Registry.

This official copy is issued on 15 July 2015 shows the state of this title plan on 15 July 2015 at 16:29:32. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the Land Registry, Durham Office .

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H.M. LAND REGISTRY		TITLE NUMBER	
		NYK55502	
ORDNANCE SURVEY PLAN REFERENCE	SE6252	SECTION	Scale 1:1250
		K	
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ADMINISTRATIVE AREA YORK



From: Isobel McGeever [imcgeever@iceniprojects.com]
Sent: 04 April 2018 16:28
To: localplan@york.gov.uk
Subject: York Local Plan Consultation | Peppermill Court, Ramsay Close, York
Attachments: 180328 - NHSPS Peppermill, York.pdf; Comments_form_FINAL (1).pdf; Location Plan Peppermill.pdf

Dear Sir/Madam,

Please find attached representations prepared in relation to the site known as Peppermill Court, York.

The attached documents comprise of the representations letter, location plan, and the representations form.

I would appreciate confirmation of the successful receipt of these representations.

Kind regards,
Isobel

Isobel McGeever
Assistant Planner, Planner

telephone: 020 3657 5036

mobile: 07584 077 886

email: imcgeever@iceniprojects.com



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[Click here](#) for more information.

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Strategic Planning
West Offices,
Station Rise,
York
YO1 6GA

4th April 2018

BY EMAIL [localplan@york.gov.uk]

Dear Sir/Madam,

**CITY OF YORK PRE-SUBMISSION LOCAL PLAN CONSULTATION | PEPPERMILL COURT,
RAMSAY CLOSE, YORK, YO31 8SS**

We write to you on behalf of our client, NHS Property Services Limited (NHSPS), in relation to the City of York Council's Pre-submission Local Plan consultation. Our client wishes to outline the development potential of the site at Peppermill Court, Ramsay Close. For reference, enclosed with these representations is a Site Location Plan.

a. NHS Property Services Site Ownership

In April 2013, the Primary Care Trust and Strategic Health Authority estate transferred to NHSPS, Community Health Partnerships and NHS community health and hospital trusts. All organisations are looking to make more effective use of the health estate and support strategies to reconfigure healthcare services, improve the quality of care and ensure that the estate is managed sustainably and effectively.

NHSPS's Property Strategy team has been supporting Clinical Commissioning Groups (CCGs) and Sustainability and Transformation Plan groups to look at ways of better using the local health and public estate. This will include identifying opportunities to reconfigure the estate to better meet commissioning needs, as well as opportunities for delivering new homes (and other appropriate land uses) on surplus sites emerging from this process.

By way of background, local health commissioners are currently developing a strategy for the future delivery of health services in this area. This will involve the release of certain NHSPS landholdings which are no longer required for the delivery of health services.

NHSPS is therefore promoting the site in accordance with Department of Health guidance (Health Building Note 00-08) which states "NHS PS owned sites that may become surplus to requirements should be protected by securing specific land-use policies for these sites in the relevant DPDs".

Should any part of the subject site be declared as surplus to the operational healthcare requirements of the NHS in the future (thought to be within 3 years), then the site should be considered suitable and available for alternative use, and considered deliverable within the period 5 - 10 years of the emerging Local Plan.

b. Site Context

The site is located within the Clifton area of York, and is around 1.0 mile north of York City Centre. The site is currently occupied by a 1-2 storey building which covers the vast majority of the 0.67ha site. The site boundary also includes part of the access road (Ramsay Close).

The site is located within the existing built up area of York and is bounded to the north, south and west by existing residential development. Land to the east is occupied by York St John University.

Surrounding built form consists mainly of high density terraced housing and flatted development.

There are two bus stops located 400 ft away from the site on Huntingdon Road offering services towards the City Centre and, Copmanthorpe and Haxby. Bus connections also exist towards York Railway Station where rail services can be accessed providing services towards various destinations including Liverpool, Aberdeen, London, Read, and Plymouth.

c. National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) is the preeminent national policy; in law, regard must therefore be had to it. In summary, the following paragraphs of the NPPF are of particular relevance to the Local Plan making process, and should be complied with:

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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.

The Draft NPPF (March 2018) urges local authorities to make more land available for homes in the right places by maximising the contribution from brownfield land.

d. Overview of the City of York’s Local Plan Consultation Document in relation to Peppermill Court, Ramsay Close

The Publication Local Plan identifies that York aims to provide 867 dwellings per annum to meet its housing need, this equates to 17,340 dwellings over the plan period (2017 – 2037). Housing allocations to meet this target include the development of a number of ‘garden villages’ which are intended to be exemplar new sustainable communities.

Spatial Principles

The Consultation Plan also identifies that the Council have five spatial principles, these can be summarised as follows:

1. Conserving the historic and natural environment of York;
2. Promoting sustainable transport methods;
3. Preventing congestion and pollution;
4. Managing flood risk; and
5. The reuse of previously developed land will be prioritised.

The redevelopment of Peppermill Court can be considered to be in line with the five spatial strategies. Firstly, any well-designed, modest future scheme proposed at the site will have no impact on the historic and natural environment of York due to its location outside the historic centre of York, however particular attention will be paid to ensure the scheme does not detrimentally impact on the surrounding existing residential uses. Furthermore, the site’s location in close proximity to bus stops means that sustainable transport methods can easily be accessed; this in turn reduces dominance of cars and unsustainable transport methods and helps to prevent congestion and pollution.

The fact that the site is almost entirely covered by existing built form or hardstanding means that any redevelopment proposals at the site would seek to maintain or improve the surface water drainage situation. Finally, the site constitutes previously developed land within the existing settlement. The redevelopment of the site would therefore be in line with the final spatial principle which seeks for development to be located on previously developed land to promote reuse of this type of land.

Any redevelopment scheme at the site can therefore be considered to accord with the Spatial Principles identified in the emerging Local Plan.

Community Facilities

Policy HW1 of the emerging Plan seeks to protect existing community facilities, unless it can be a number of factors can be demonstrated. NHSPS would like to reiterate that extensive internal assessments are carried out by the CCG and the NHS property team as to when, and if, a site becomes surplus to their requirements. It will therefore have already been established that the site(s) are no longer required.

Windfall Sites

Paragraph 5.7 of the emerging Local Plan provides commentary on windfall sites in the planning process. It states that they are normally previously developed sites which unexpectedly become available for redevelopment. Further, paragraph 5.8 states that the Council’s housing trajectory includes delivery from windfall sites from year three onwards.

The land at Peppermill Court can be considered to be classed as ‘windfall’ as it currently does not benefit from a residential allocation in the emerging Local Plan.

e. Housing Requirements

As previously identified, York's emerging Local Plan seeks to provide 867 new dwellings per annum, or 17,340 dwellings over the 20 year plan period. This figure directly correlates with the Council's Objectively Assessed Need (OAN) which was calculated by the Council's June 2016 Strategic Housing Market Assessment (SHMA).

It is important to note that the Government published their standardised methodology to housing needs in September 2017, published along with this was a table identifying every Council in England's housing requirement figures calculated using this standardised methodology.

York's housing requirement figure using this standardised methodology rises to an annual requirement of 1,070 dwellings or, 21,400 dwellings over the 20 year plan-period. This figure is significantly higher than the amount of dwellings the Council is seeking to plan for in its emerging Local Plan and thus if it is considered that additional housing sites are required to ensure sufficient supply then we submit these representations to put forward the site at Peppermill Court for consideration.

f. Site Suitability

As previously identified, the site is located within the existing residential urban area of York. The existing built form, which ranges from 1-2 storeys in height, covers the majority of the site, whilst the remaining land is occupied by hardstanding providing car parking for the existing facilities.

The principle for residential development at the site is established through the prevailing land use of the area being residential. It is also considered that since the site consists of previously developed land, its potential for future redevelopment for housing, should the site become surplus to the requirements of the NHS, should be seriously considered.

Furthermore, the site is also located in extremely close proximity to public transport, community facilities and everyday amenities, and thus the site is considered to be highly sustainable.

As per the Council's text in the emerging Local Plan for windfall development, the site can be considered to be a perfect windfall site. Its location in the existing settlement confines and its previously developed nature means that it represents the perfect opportunity for intensification of housing within the existing urban area to help meet the Council's growing housing requirements.

g. Sustainability

The golden thread running through the NPPF is a presumption in favour of sustainable development. This means that developments which accord with the Local Plan should be approved without delay. The three pillars of sustainability within the NPPF are identified as Social, Environmental, and Economic; the definitions of these terms and the ways the proposals at Peppermill Court conform with these pillars are identified below.

Social

The NPPF defines socially sustainable development as those which contribute toward supporting a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations, through a high quality built environment with accessible services and support of health, social and cultural wellbeing.

The redevelopment of the land at Peppermill Court accords with the social pillar of sustainable development through the provision of an increased number of residential dwellings on a sustainably located, brownfield site in order to help meet the Council's identified and growing need for housing. Should the Council fail to meet their identified housing target, there could be serious social instability caused including overcrowding of existing housing stock and undersupply of housing. In addition to this, the site could represent the opportunity for the delivery of affordable housing towards the

Council's identified need, representing a further opportunity to deliver a socially sustainable development.

Environmental

The NPPF defines environmentally sustainable development as development which contributes to protecting and enhancing the natural, built and historic environment through improving biodiversity, using natural resources prudently, and minimising waste and pollution.

A redevelopment scheme at Peppermill Court would provide sustainably located residential dwellings within walking distance of existing services and amenities, reducing the need for future residents to travel long distances and reducing pollution and the use of finite resources. Any redevelopment would also make use of previously developed land which is located within the existing built-up area of York, subsequently helping to reduce the pressure on greenfield release within the district. The built form element of the site is also located within Flood Zone 1 meaning the site is not at an increased risk of flooding.

Economic

The NPPF defines economically sustainable development as development which contributes toward building a strong, responsive, and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

Redevelopment of Peppermill Court would accord with this pillar through the introduction of an increased number of residents into an existing urban area. These new residents will help to secure the economic viability and vitality of the existing local businesses and services through an increased customer base.

A scheme at the site would also ensure that a higher provision of land is available for a land use which is identified as being highly demanded at this point in time and in a sustainable location.

h. Summary and Conclusions

Should any part of the Peppermill Court site be declared as surplus to the operational healthcare requirements of the NHS in the future, then the site should be considered suitable and available for alternative use, and considered deliverable within the period 5 - 10 years.

These representations identify the site's highly sustainable nature given that it is surrounded by existing residential use, is in close proximity to existing services and facilities, and consists entirely of previously developed urban land.

Accordingly, redevelopment of this site could provide a key contribution to York's housing need, which is currently identified as 867 dwellings per annum notwithstanding, the higher need demonstrated by the DCLG's newly published OAN figures. These representations therefore promote and identify Peppermill Court as a suitable site to contribute towards these requirements.

This site presents an excellent opportunity for a modest, residential redevelopment. Small scale redevelopment would ensure that the characteristics of this area are retained, without the need for significant infrastructure. Subject to a review by NHSPS the subject site is considered available, suitable and deliverable within the 5-10 year period of the plan.

I trust that these representations provide the Planning Authority with sufficient information to consider the site for residential development within the forthcoming Local Plan or its future iterations.

We would request to be kept informed of future stages of the Local Plan preparation. If you require any further information, please contact the undersigned (email: imcgeever@iceniprojects.com Tel: 020 3657 5036) or my colleague Luke Challenger (email: lchallenger@iceniprojects.com Tel: 0203 435 4205).

Yours sincerely,



Isobel McGeever
ASSISTANT PLANNER

Encl. Site Location Plan

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		Ms
First Name		Isobel
Last Name		McGeever
Organisation (where relevant)		Iceni Projects
Representing (if applicable)		NHS Property Services
Address – line 1		Flitcroft House
Address – line 2		114 – 116 Charing Cross Road
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		WC2H 0JR
E-mail Address		imcgeever@iceniprojects.com
Telephone Number		020 3657 5036

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

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at 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 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.
- 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

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 attached representations for comments.

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 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 attached representations letter for comments.

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 attached representations letter for comments.

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 see attached representations letter for comments.

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.¹

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.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²

Retention of Information

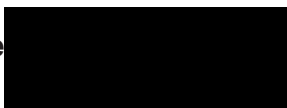
We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local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

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 or on [01904 554145](tel:01904554145)

Signature



Date

04/04/2018

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

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from Land Registry.

This official copy is issued on 05 December 2016 shows the state of this title plan on 05 December 2016 at 15:17:05. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by the Land Registry, Durham Office .

