



Local Plan Proposed Modifications Consultation
June 2019:

Volume 4 of 4 - Responses PM SID 621 to 920

Contents of all Responses

Vol	PM REF	Submitted by Name	No.
1	PM SID 1	David Marsh	1
	PM SID 4	Dennis Slights	5
	PM SID 23	Kevin Ogilvy	9
	PM SID 34	David Randon	13
	PM SID 52	Pauline Bramley	15
	PM SID 53	Peter Whitfield	19
	PM SID 60	Michael Hargreaves Planning (Michael Hargreaves) OBO York Travellers Trust	23
	PM SID 73	Peter Heptinstall	35
	PM SID 75	Heslington Parish Council ~ Fiona Hill	41
	PM SID 83	Rosmary Tozer	49
	PM SID 84	Tim Tozer	57
	PM SID 91	Strathmore Estates (Debbie Hulme) OBO Westfield Lodge and Yaldara Ltd	67
	PM SID 92	Jonathan Shaw	105
	PM SID 99	Strensall and Towthorpe Parish Council ~ Fiona Hill	107
	PM SID 102	Elvington Parish Council ~ David Headland	111
	PM SID 118	Historic England ~ Ian Smith	115
	PM SID 122	Turnberry (Chris Pattison) OBO York Racecourse	127
	PM SID 125-1	Persimmon Homes ~ Jess Kiely	147
	PM SID 125-2	Persimmon Homes ~ Jess Kiely	227
	PM SID 125-3	Persimmon Homes ~ Jess Kiely	311
	PM SID 125-4	Persimmon Homes ~ Jess Kiely	389
	PM SID 125-5	Persimmon Homes ~ Jess Kiely	485
	PM SID 125-6	Persimmon Homes ~ Jess Kiely	565
	PM SID 125-7	Persimmon Homes ~ Jess Kiely	649
	PM SID 141	Avison Young (Andrew Johnson) OBO Oakgate	733
	PM SID 145	Ken Guest	773
	PM SID 150	Simon Lock	781
	PM SID 160	Campaign to Protect Rural England North Yorkshire (CPRENY) ~ Fran Evans	785
	PM SID 171	Megan Taylor	799
	PM SID 172	Councillor Stephen Fenton	803
	PM SID 181	Gateley Legal (Andrew Piatt) OBO Gateway Developments (York) Limited	805
	PM SID 182	Johnson Mowatt (Mark Johnson) OBO KCS Development	815
PM SID 187	Ryedale District Council ~ Jill Thompson	847	
PM SID 191-1	Martin Moorhouse	849	
PM SID 191-1	Martin Moorhouse	855	
PM SID 191-1	Martin Moorhouse	859	
PM SID 192	Selby District Council ~ Clare Dickenson	863	
PM SID 193	Peter Murray	865	
PM SID 194	Jessica Murray	869	

	PM SID 195	Natasha Murray	873
	PM SID 196	Annalise Murray	877
	PM SID 197	Julie Murray	881
	PM SID 199	Airedon Planning (Laura Fern) OBO Jolyon Harrison	885
	PM SID 210	Litchfields (Nicholas Mills) OBO Wakeford Properties	901
	PM SID 213	Hambleton District Council ~ James Campbell	1085
	PM SID 214	O'Neill Associates (Eamonn Keogh) OBO Wendy and Richard Robinson	1089
2	PM SID 218	JLL (Naomi Kellett) OBO Industrial Property Investment Fund (IPIF)	1181
	PM SID 220	O'Neill Associates (Phillip Holmes) OBO Mr Ibbotson	1245
	PM SID 221	Sally Firth	1301
	PM SID 222	Joanne Wedgwood	1307
	PM SID 227	Matthew Wedgwood	1315
	PM SID 231	Fulford Parish Council ~ Rachel Robinson	1323
	PM SID 242	East Riding of Yorkshire Council ~ Tom Bannister	1355
	PM SID 253	Litchfields (Alastair Willis) OBO Bellway Homes	1361
	PM SID 255	Home Builders Federation (HBF) ~ Joanne Harding	1511
	PM SID 260	Pegasus Group (Emma Ridley) OBO Lovel Developments Ltd	1521
	PM SID 261	Amanda Moore	1559
	PM SID 263	Harrogate Borough Council ~ Tracey Rathmell	1563
	PM SID 286	John Martin Pickard	1565
	PM SID 287	Katherine Pickard	1571
	PM SID 291	Derek Bowen	1577
	PM SID 301	Copmanthorpe Parish Council ~ Robert West	1585
	PM SID 333-1	Alison Stead	1591
	PM SID 333-2	Alison Stead	1595
	PM SID 333-3	Alison Stead	1601
	PM SID 338	Alan Cook	1605
	PM SID 339	Barton Willmore (Chris Atkinson) OBO Baratt and David Wilson Homes	1609
	PM SID 342	Andy Bell	1709
	PM SID 345	Avison Young (Craig Alsbury) OBO Defence Infrastructure Organisation (DIO)	1719
	PM SID 347	Planning Prospects (Jason Tait) OBO Miller Homes	1833
	PM SID 350-1	Carter Jonas (Simon Grundy) OBO Picton Capital	1841
	PM SID 350-2	Carter Jonas (Simon Grundy) OBO Picton Capital	1867
	PM SID 354-1	Peter Vernon and Co ~ Peter Vernon	1887
	PM SID 354-2	Peter Vernon and Co ~ Peter Vernon	1899
	PM SID 357	ID Planning (Richard Irving) OBO Green Developments	1909
	PM SID 360	North Yorkshire County Council NYCC ~ David Bowes	1921
	PM SID 362-1	Dominic Stevens	1925
	PM SID 362-2	Dominic Stevens	1929
	PM SID 362-3	Dominic Stevens	1933

	PM SID 364	York Labour Party ~ Dave Merrett	1937
	PM SID 365-1	Rachael Maskell MP for York Central	1961
	PM SID 365-2	Rachael Maskell MP for York Central	1985
	PM SID 368	Indigo Planning (Now part of WSP) (Matthew Stocks) OBO Novus Investments	1991
	PM SID 369	Julian Sturdy MP for York Outer	1999
	PM SID 372	Gladman Developments (Craig Barnes) OBO Gladman Developments	2001
	PM SID 376-1	ELG Planning (Steven Longstaff Longstaff) OBO Taylor Wimpey	2011
	PM SID 376-2	ELG Planning (Steven Longstaff Longstaff) OBO Taylor Wimpey	2099
	PM SID 378	Quod (Tim Waring) OBO Langwith Development Group	2187
	PM SID 381	Yorkshire Wildlife Trust ~ Sara Robin	2329
	PM SID 383	Natural England (Merlin Ash) OBO Natural England	2351
	PM SID 389	Sandra Atkinson	2359
3	PM SID 394	PB Planning (Paul Butler) OBO McCarthy & Stone	2361
	PM SID 395	Nigel Thompson	2375
	PM SID 401	Directions Planning Consultancy Ltd (Katheryn Jukes) OBO Sunderland and Wilson	2377
	PM SID 412-1	Louisa Stevens	2389
	PM SID 412-2	Louisa Stevens	2393
	PM SID 418	Chris Wedgwood	2397
	PM SID 420-1	Jane Moorhouse	2417
	PM SID 420-2	Jane Moorhouse	2421
	PM SID 420-3	Jane Moorhouse	2425
	PM SID 581	Avison Young (Gary Halman) OBO Barwood Strategic Land II LLP	2429
	PM SID 582	Johnson Mowatt (Mark Johnson) OBO Michael Glover LLP - GM Ward Trust, Curry and Hudson	2497
	PM SID 583	Johnson Mowatt (Mark Johnson) OBO Redrow Homes, GM Ward Trust, K Hudson, C Bowes, and E Crocker	2513
	PM SID 585	Johnson Mowatt (Mark Johnson) OBO Taylor Wimpey Ltd	2529
	PM SID 587	O'Neill Associates (Eamonn Keogh) OBO Shepherd Homes	2615
	PM SID 589	O'Neill Associates (Eamonn Keogh) OBO Malton Road Developments	2653
	PM SID 590	York and North Yorkshire Chamber of Commerce (Susie Cawood) OBO York and North Yorkshire Chamber of Commerce Property Forum	2677
	PM SID 592	O'Neill Associates (Graeme Holbeck) OBO Yorvik Homes	2699
	PM SID 594-1	PB Planning (Paul Butler) OBO TW Fields	2767
	PM SID 594-2	PB Planning (Paul Butler) OBO TW Fields	2821
	PM SID 598-1	DPP (Mark Lane) OBO Linden Homes Strategic Land	2825
	PM SID 598-2	DPP (Mark Lane) OBO Linden Homes Strategic Land	2841
	PM SID 598-3	DPP (Mark Lane) OBO Linden Homes Strategic Land	2857

	PM SID 598-4	DPP (Mark Lane) OBO Linden Homes Strategic Land	2869
	PM SID 598-5	DPP (Mark Lane) OBO Linden Homes Strategic Land	2881
	PM SID 600	DPP (Mark Lane) OBO Shepherd Homes	2897
	PM SID 601	DPP (Mark Lane) OBO Private Landowner of Former H34	2911
	PM SID 603	Savills (Uk) Ltd (Rebecca Housam) OBO Retreat Living Ltd	2925
	PM SID 604	Carter Jonas (Simon Grundy) OBO L & Q Estates (Formerly Gallagher Estates)	2977
	PM SID 607	Litchfields (Nicholas Mills) OBO Taylor Wimpey Ltd	3091
	PM SID 609	York and District Trades Union Council ~ (Dave Merrett)	3279
	PM SID 611	Directions Planning Consultancy Ltd (Katheryn Jukes) OBO Northminster Ltd	3281
	PM SID 612	Directions Planning Consultancy Ltd (Katheryn Jukes) OBO Joseph Rowntree Housing Trust (JRHT)	3293
	PM SID 614	Directions Planning Consultancy Ltd (Katheryn Jukes) OBO William Birch and Sons Ltd	3307
	PM SID 616	The Coal Authority ~ Melanie Lindsley	3319
	PM SID 620	O'Neill Associates (Eamonn Keogh) OBO Galtres Garden Village Development Group	3323
4	PM SID 621	PB Planning (Paul Butler) OBO Barratt Homes & David Wilson Homes and TW Fields	3467
	PM SID 651	David Carr	3531
	PM SID 826	Thomas Pilcher Homes ~ Thomas Pilcher	3537
	PM SID 827-1	Pilcher Homes Ltd ~ Robert Pilcher	3541
	PM SID 827-2	Pilcher Homes Ltd ~ Robert Pilcher	3545
	PM SID 833	George Wright	3553
	PM SID 841	Jennifer Hubbard Planning Consultant ~ Jennifer Hubbard	3575
	PM SID 849	O'Neill Associates (Janet O'Neill) OBO University of York	3589
	PM SID 850	Highways England ~ Simon Jones	3675
	PM SID 855	Graham Lishman	3685
	PM SID 856	John Young	3689
	PM SID 857	Susan Goodhead	3695
	PM SID 858	Public Health ~ Phillipa Press	3699
	PM SID 859	Freeths LLP (David Stanniland) OBO The Lindum Group Ltd	3707
	PM SID 860-1	Councillor ~ Paul Doughty	3733
	PM SID 860-2	Councillor ~ Paul Doughty	3737
	PM SID 860-3	Councillor ~ Paul Doughty	3741
	PM SID 861	Freeman Johnson Solicitors OBO Mr H C Wrigley	3745
	PM SID 862	Edward Courtney	3749
	PM SID 863	R F Arnold	3753
	PM SID 864	Parochial Church Council St mary's Haxby ~ Noreen Bartram	3755
	PM SID 865	Catherine Blacketer	3757
	PM SID 866	DPP (Mark Lane) OBO Mulgrave Properties	3759
	PM SID 867	DPP (Mark Lane) OBO Yorvik Homes	3773
	PM SID 868	West Yorkshire Combined Authority ~ Alan Reiss	3789
	PM SID 869-1	Ray Calpin	3793
	PM SID 869-2	Ray Calpin	3803

PM SID 869-3	Ray Calpin	3811
PM SID 870	J Philip Coverdale	3819
PM SID 871	Councillor Anne Hook OBO Residents of Rural West York	3827
PM SID 872	Jeffrey Stern	3831
PM SID 873	Ian Hudson	3835
PM SID 874	Bryan Boulter	3839
PM SID 875	Peter Mott	3845
PM SID 876-1	Joanne Kinder	3849
PM SID 876-2	Joanne Kinder	3853
PM SID 876-3	Joanne Kinder	3857
PM SID 877	James McBride	3861
PM SID 878	Sarah Mills	3865
PM SID 879	Pat Mills	3873
PM SID 880	Edmund Kinder	3879
PM SID 881	Cordula Van Wyhe	3883
PM SID 882	Simon Willis	3887
PM SID 883	O'Neill Associates (Tim Ross) OBO St Peters School	3893
PM SID 884	G L Dutch	3915
PM SID 885	Lime Tree Homes Ltd ~ Thomas Pilcher	3917
PM SID 886	York Labour Group ~ Dave Merrett	3921
PM SID 887	John Micklethwaite-Howe	3945
PM SID 888	Geoff Beacon	3949
PM SID 889	Litchfields (Suzanne Yates) OBO Oakgate Group Ltd	3979
PM SID 890	Johnson Mowatt (Mark Johnson) OBO Yorvik Homes	3993
PM SID 891	Johnson Mowatt (Mark Johnson) OBO Redrow Homes	4009
PM SID 892	Josephine Tomlin	4025
PM SID 893	Heather Harris	4031
PM SID 894	Carter Jonas (Simon Grundy) OBO Karbon Homes	4037
PM SID 895	Carter Jonas (Simon Grundy) OBO Banks Property Ltd	4079
PM SID 896	Wendy Brierley	4281
PM SID 897-1	Kieran Packman	4283
PM SID 897-2	Kieran Packman	4287
PM SID 898	PB Planning (Paul Butler) OBO Persimmon Homes	4291
PM SID 899	Holly Steel	4301
PM SID 900	Jemima Whelan	4303
PM SID 901	O'Neill Associates (Phillip Homes) OBO York St John University	4305
PM SID 902	Jacqui & Christopher Chainey & Cadman	4321
PM SID 903	Maurice Dodson	4329
PM SID 904	Anneliese Emmans Dean	4333
PM SID 905	Graham Holme	4337
PM SID 906	Keith Emmans	4341
PM SID 907	Michael Emmans-Dean	4345
PM SID 908-1	John Gallery	4349
PM SID 908-2	John Gallery	4353
PM SID 909	Sophie Bell	4357

PM SID 910-1	Chris Hawkswell	4367
PM SID 910-2	Chris Hawkswell	4371
PM SID 910-3	Chris Hawkswell	4375
PM SID 911	Matthew Arthey OBO spouse and child	4379
PM SID 912	Stephen Hawkswell	4383
PM SID 913-1	Sally Hawkswell	4387
PM SID 913-2	Sally Hawkswell	4391
PM SID 913-3	Sally Hawkswell	4395
PM SID 913-4	Sally Hawkswell	4399
PM SID 914	Leeds City Region LEP ~ James Whiteley	4403
PM SID 915	Jeanne Lister	4407
PM SID 916	Carter Jonas (Simon Grundy) OBO Schoen Clinic York Ltd/ The Retreat Living	4411
PM SID 917-1	Thomas Pilcher	4455
PM SID 917-2	Thomas Pilcher	4459
PM SID 918-1	Robert Pilcher	4463
PM SID 918-2	Robert Pilcher	4469
PM SID 919	Mr Tooby	4473
PM SID 920	Nigel Thompson OBO Residents of 1 to 6 Northfield Lane	4479

From: Paul Butler [paul.butler@pbplanning.co.uk]
Sent: 22 July 2019 12:54
To: localplan@york.gov.uk
Cc: [REDACTED]
Subject: YORK LOCAL PLAN - PROPOSED MODIFICATIONS CONSULTATION - CLIFTON GATE - SUPPORT FOR SITE REFERENCE ST14
Attachments: City of York Local Plan - Site ST14 - Clifton Gate - BDW TWF - July 2019.pdf; 00855_SK30_D1_Illustrative Masterplan.pdf; Clifton Moor Roundabout Design - 4th Arm & Underpass.pdf; Clifton Gate - Previous Local Plan Reps.zip; City of York Local Plan - Site ST14 - Clifton Gate - BDW TWF - Form - July 2019.pdf
Importance: High
Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir or Madam,

We write on behalf of our clients Barratt Homes & David Wilson Homes and TW Fields to provide City of York Council (CYC) with their representations to CYC's Proposed Modifications to the York Local Plan (June 2019).

Please find enclosed our representations to the Proposed Modifications consultation. We request our previous representations are considered alongside the enclosed letter as part of a holistic and comprehensive representation for the Land to the West of Wigginton Road (Site Ref. ST14), which we refer to as Clifton Gate.

Our client's continue to **support** CYC's identification of the site as a new Garden Village within the emerging City of York Local Plan. However, it is our view that CYC should have taken the opportunity presented through the Proposed Modifications consultation to resolve our concerns with the current red line site allocation boundary. Whilst the Clifton Gate site can deliver 1,348 homes within the plan period within CYC's proposed site allocation boundary, we remain of the view that the current boundary should be expanded in order to enhance the community and green infrastructure that the site can deliver in respect of the policy aspirations required by Policy SS12 of the Publication Draft Local Plan.

Should you require any further details or clarification on the content of the enclosed representations please do not hesitate to contact me.

Kind regards,

Paul

Paul Butler
Director



www.pbplanning.co.uk

paul.butler@pbplanning.co.uk

City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination.

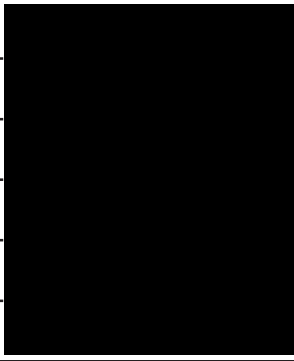
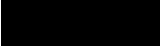
Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

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 Inspectors 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		Paul
Last Name		Butler
Organisation (where relevant)	Barratt Homes & David Wilson Homes and TW Fields	PB Planning Ltd
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		paul.butler@pbplanning.co.uk
Telephone Number		

Representations must be received by Monday 22 July 2019, 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 Monday 22 July 2019, 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?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and new evidence, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018. You can make comments on any of the proposed modifications, the Sustainability Appraisal Addendum, the updated Habitats Regulation Assessment, and other background documents which include a Housing Needs Assessment update and an Addendum to Topic Paper 1: The Approach to Defining York's Green Belt. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this 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 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, 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 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?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

The Local Plan Proposed Modifications document, the Sustainability Appraisal/SEA Addendum and Updated Habitats Regulation Assessment (HRA) will be available for inspection at in all of York's libraries and City of York Council West Offices.

All supporting documents which underpin the City of York Local Plan Proposed Modifications are available to view online at www.york.gov.uk/localplan and are also available for inspection at City of York Council West Offices and York Explore.

Part B -Your Representation

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



3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PM3, PM4, PM5, PM22 and PM44

Document:

Proposed Modifications & Housing Needs Update

Page Number:

Various

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

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

Yes

No

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

Please see enclosed 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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared **Justified**

Effective **Consistent with national policy**

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

Please see enclosed representations

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Please see enclosed representations

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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 enclosed representations. We need to be present to fully put forward our case for the retention of the site allocation within the Local Plan.

Please note: the Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for 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 foi@york.gov.uk or on 01904 554145.

Signature

Date

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

22nd July 2019

Dear Sir or Madam,

CITY OF YORK LOCAL PLAN – LAND WEST OF WIGGINTON ROAD – BARRATT HOMES & DAVID WILSON HOMES AND TW FIELDS – CLIFTON GATE - SUPPORT FOR SITE REFERENCE ST14

We write on behalf of our clients Barratt Homes & David Wilson Homes (BDW) and TW Fields (TWF) to provide City of York Council (CYC) with their representations to CYC's Proposed Modifications to the York Local Plan (June 2019).

From a review of the Proposed Modifications, it is clear that CYC have not taken the opportunity to modify the Local Plan to take on board the evidence we previously presented in our representations to earlier versions of the Local Plan by letters dated 4th April 2018, 12th September 2016 and 27th October 2017. As a result, we remain concerned that the Local Plan cannot be considered sound in the context of Paragraph 182 of the NPPF.

This letter does not seek to re-iterate the comments made to CYC in our previously submitted representations. It provides a response specifically in respect of the Proposed Modifications to the Local Plan. In doing so it will summarise comments we have previously made where needed.

We request our previous representations are considered alongside this letter as part of a holistic and comprehensive representation for the Land to the West of Wigginton Road (Site Ref. ST14), which we refer to as Clifton Gate.

Our client's continue to **support** CYC's identification of the site as a new Garden Village within the emerging City of York Local Plan. However, it is our view that CYC should have taken the opportunity presented through the Proposed Modifications consultation to resolve our concerns with the current red line site allocation boundary.

Whilst the site can deliver 1,348 homes within the plan period within CYC's proposed site allocation boundary, we remain of the view that the current boundary should be expanded in order to enhance the community and green infrastructure that the site can deliver in respect of the policy aspirations required by Policy SS12 of the Publication Draft Local Plan.

Finally, and specifically with regards to CYC's proposed amendment to the Local Plan's objectively assessed housing needs figure (to 790 dwellings per annum), we share the view of the wider development industry that this figure is not justified by compelling evidence on account of it not aligning with the methodological requirements established by national planning guidance. A more accurate representation of the objectively assessed housing needs for the City would lead to a significant increase in the number of homes that the Local Plan should seek to deliver.

We provide further commentary on this point below. However, it is clear that alongside our request for an expansion to the site allocation boundary there is also a case to increase the number of homes that the site can deliver. Which is of course something that officers have previously recommended.

The potential to increase the number of homes from the site would also align with CYC's Housing Infrastructure Fund bid (HIF Bid). The formal bid was submitted in December 2018. If successful this

will enable an accelerated delivery of homes from the site. Resulting in the potential delivery of all 1,350 homes by 2027. Six years before the end of the plan period.

In our previous representations we outlined three potential development proposals that the site could deliver ranging from 1,350 homes; 1,725 homes and 2,200 homes. Robust evidence has previously been provided to demonstrate that the Clifton Gate site can deliver additional homes should there be an increase in the objectively assessed housing need for the City; if the HIF Bid is successful; or a combination of both.

CLIFTON GATE – SUMMARY & PREVIOUSLY IDENTIFIED DEVELOPMENT OPTIONS

A summary of our previous representations is provided in the table below: -

Site ST14 – Previous Representations Summary
<ul style="list-style-type: none"> • We fully support the principle of the proposed allocation of the site by CYC. • Three deliverable and viable development proposals are being put forward for CYC’s consideration: <ul style="list-style-type: none"> ○ Option 1 - The delivery of 1,350 homes (including 405 affordable homes) at the site alongside each of CYC’s proposed “Planning Principles”. ○ Option 2 - The delivery of 1,725 homes (including 517 affordable homes) at the site to meet any potential increase in the City’s housing requirements and/or accelerated delivery as a result of the successful HIF bid, alongside a proportionate enhancement to the benefits that the site can deliver in association with CYC’s proposed “Planning Principles” for the site. ○ Option 3 - The delivery of up to 2,200 homes (including 660 affordable homes) at the site to meet any potential increase in the City’s housing requirements; accelerated delivery as a result of the successful HIF bid; or the need to ensure permanence to the City’s Green Belt, alongside a proportionate enhancement to the benefits that the site can deliver in association with CYC’s proposed “Planning Principles” for the site. • The development proposals can deliver 420 homes within the first 5 years of the Local Plan and up to 1,725 homes (at least) within the plan period. The number of homes to be delivered at the site would be accelerated should CYC’s Housing Infrastructure Fund bid be successful. • The proposals will deliver a Garden Village design philosophy with the provision of substantial community infrastructure including a primary school, village centre, public open space and recreational facilities. • The net developable residential area of each of the proposed options are similar in size to the current allocation site area prescribed by CYC. The expansion required to deliver each of the options in the manner we propose would not require a significant amount of further land to be released from the Green Belt when considered against the wider extent of the proposed boundaries of the York Green Belt. • In each of the development options, the historic and landscape character of this area of the City will be preserved as key views to York Minster are maintained and strategically placed open space on the site’s boundaries alongside the site’s existing woodland areas will deliver permanent future boundaries to the site. • Separation distances between the site and surrounding areas are substantial. The distance between the site’s western boundary to Skelton is 1km; its eastern boundary to Wigginton Road is 0.6km (both of these separation distances remain for all site options; and its southern

boundary to Clifton Moor is between 0.25km and 0.46km (depending on which site option is progressed).

- Two access points are proposed from Wigginton Road (east) and from the existing roundabout junction at Clifton Moor (south). Appropriate contributions will be delivered for highways upgrades. Land can also be made available for the potential future widening of the A1237.
- Pedestrian and cycle connections will be provided throughout the site, with connectivity to existing links and Clifton Moor via a proposed subway under the future upgraded A1237. A new footpath will also be provided to the Wigginton Road/A1237 roundabout from the site's proposed eastern access point.
- The development proposals replicate the historical development patterns of the City in respect of the formation of a satellite settlement located on the periphery of the main urban edge.

The vision of the proposals is to deliver a landscape led development which is separated from the existing urban edge and surrounding villages to ensure that the historic and landscape character of this area of the City is preserved and enhanced where possible. The proposed development options have been formulated following the undertaking of ecology, landscape, Green Belt, archaeology, drainage, infrastructure and highways assessments. Each of the proposals seek to deliver a Garden Village development, community facilities and substantial areas of recreation and amenity space.

The site is strategically located to the north of the City, but importantly separated from the existing urban edge and surrounding villages to ensure that the historic and landscape character of this area of the City is preserved and enhanced where possible. The development proposals are situated in a suitable and highly sustainable location in respect of connectivity to existing jobs and services at Clifton Moor. Importantly, there are no technical or environmental (built and natural) constraints that would preclude the development of the site.

The site has been identified as strategic housing site allocation ST14 within iterations of the City of York Local Plan since June 2013. At that time the Preferred Options Local Plan identified the site as having the potential to deliver 4,020 homes, along with the allocation of Safeguarded Land to the north of the allocation. The number of homes to be provided at the site was reduced to 2,800, along with an amendment to the red line site allocation boundary, within the now withdrawn City of York Publication Draft Local Plan (October 2014).

None of the three proposed options for Clifton Gate are within the *York Green Belt Appraisal Character Areas* as set out in Figure 3.1 of the Draft Local Plan submitted to the Secretary of State for examination.

Prior to the withdrawal of the previous Publication Draft Local Plan, our clients undertook and submitted technical assessments associated with the delivery of the previously proposed red line site allocation boundary. Comprehensive community consultation work with local stakeholders, including a Community Planning Weekend, was also undertaken in respect of the larger site area.

Consequently, as CYC have previously undertaken public consultation and Sustainability Appraisal work in respect of the larger site, there remains the potential for the enlargement of the allocation back to the previously considered acceptable size, should CYC need to do so to meet the City's increased housing needs.

This letter reiterates our client's design philosophy for the proposed development of a 21st Century Garden Village at the Clifton Gate site and demonstrates the site's deliverability for residential development in accordance with national planning guidance. In doing so we again draw CYC's attention to the following documents that have been submitted alongside our promotion of the site: -

- Visual Document – JTP/Turkington – August 2016
- Illustrative Masterplan – JTP – August 2016

- 1,350 Home Land Use Plan; Land Use Schedule & Key – JTP – August 2016
- 1,725 Home Land Use Plan; Land Use Schedule & Key – JTP – August 2016
- 2,200 Home Land Use Plan; Land Use Schedule & Key – JTP – October 2017
- Archaeology Statement - York Archaeological Trust – August 2016
- Outline Transport Strategy Report – Fore Consulting – September 2016
- Ecology Statement – Baker Consulting – September 2016
- Utilities Statement – Arup – September 2016

As part of the submission of the HIF bid an updated Masterplan in association with the 1,350 home option has been produced. Which aligns with CYC's current proposed boundary for the site. As has the detailed junction design for the A1237/Clifton Moor roundabout site access. These updated documents are enclosed alongside this letter.

With regards to our proposed Option 2 (which recommends the delivery of 1,725 homes at the site) CYC's Officer's endorsed an increase in the proposed site allocation from 55ha (1,348 homes) to 68ha (1,672 homes) to CYC's Local Plan Working Group on the 10th July 2017. The reasoning behind the recommendation was as follows:

“This reflects developers/landowners concerns regarding the viability/deliverability of the site and the ability to deliver the planning principles including the significant infrastructure requirements given the sites location adjacent to the A1237.”

This option was also put forward by CYC's Officer's as a potential change to the Local Plan ahead of consultation in respect of the Publication Draft Local Plan at CYC's Local Plan Working Group on the 23rd January 2018.

Whilst CYC's Officer's recommendations were not approved on either occasion, we believe there is still a strong case for the expansion of the site in respect of the site allocation boundary, housing numbers and accelerated delivery.

Though we support CYC's Officer's previous recommendation, it remains our view that in order to deliver a truly exemplar new Garden Village, the site allocation should be expanded to at least *“72.73Ha in total and 1,725 homes (at 32dph on 53.96ha net residential developable area)”*. This justification associated with this expansion relates to benefits associated with place making; the reasoning provided by CYC's Officers; the potential need to deliver additional homes from the site to meet the increased housing needs of the City; and the potential acceleration of delivery as a result of a successful HIF bid.

With regard to our proposed Option 3, the 2,200 home opportunity for the development of the site was previously put forward for CYC's consideration on account of the same reasons identified above for Option 2, but also to ensure the delivery of enduring and permanent Green Belt boundaries beyond the plan period.

Notwithstanding the above, we believe that it is of paramount importance that in the first instance CYC ensure that the site allocation boundary for their proposed number of homes (1,348) is correct to ensure the delivery of a Garden Village style development alongside the comprehensive delivery of CYC's community and green infrastructure aspirations for the site as required by Policy SS12 of the Publication Draft Local Plan.

Within our previous representations we provided an assessment of each of the development options against each of CYC's policy parameters identified within draft Local Plan Policy SS12. For brevity, we do not seek to repeat this assessment here and again ask that CYC refer to our previous submissions which are enclosed with this letter.

MEETING THE CITY OF YORK'S FUTURE HOUSING NEEDS

We maintain our view that there is a case for the identification of additional housing allocations to those currently proposed by CYC in order to meet the City's housing needs over the proposed plan period.

BDW previously 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, to assess the Council's methodology that has been utilised in formulating the objectively assessed housing needs (OAN) of the City.

Barton Willmore's assessment previously identified that the OAN for the City should be in the region of 950-1020 homes per annum. The previously submitted representations remain valid and we will continue to rely upon them at the local plan examination.

However, as part of the Proposed Modifications consultation a Housing Needs Update has been produced by GL Hearn, date January 2019. The report has been produced to consider the use of the 2016 subnational household projections (SNHP). Barton Willmore have therefore provided commentary on this updated evidence base.

Originally the report was produced to support the Council's previous level of homes (867 per annum) and the decision of members to not include an affordability ration uplift, contrary to the recommendations of the report and officers. Notwithstanding the purpose of the report, it is now noted that the Council are seeking to reduce their OAN to 790 homes per annum, with this update forming the principle piece of evidence.

It is noted that using the 2014 household projections shows a starting point of 849 dwellings per annum, with a 15% affordability uplift resulting in an OAN of 976 dwellings per annum. This calculation is exactly the same as the approach advocated in the update report, however it uses the 2014 projections rather than the 2016 projections. In simple terms, Barton Willmore believe that the 2016 projections are not considered an appropriate starting point the OAN should be increased to 976 dpa.

Barton Willmore consider that the 2014-based MHCLG household projections should take preference to the 2016-based ONS household projections following the Government's technical consultation in respect of the 2018 NPPF's Standard Method, and the subsequent confirmation in the Planning Practice Guidance (PPG) that 2016-based ONS household projections should not be used for the purpose of calculating Standard Method.

It is considered that the 2014-based household projection for York should represent the demographic starting point of housing need. This shows need for 849 dwellings per annum (dpa) once the Council's vacancy rate assumption has been applied. The Council's 15% market signals uplift should be applied to this figure, resulting in OAN of 976 dpa.

However, the market signals uplift should also be considered in the context of the 30% market signals uplift applied under Standard Method, which results in overall need of 1,069 dpa.

Given that the evidence does not support the level of homes that the Local Plan is seeking to deliver, the proposed modifications in the plan in respect of the housing requirement are therefore all considered to be unsound.

Therefore, in order to make the plan sound, the housing figure should be adjusted upwards to reflect a robust assessment of the OAN.

The evidence maintains our previously presented case for the release of additional land as housing allocations within the emerging CYC Local Plan in order to meet the City's full objectively assessed housing needs, such as an extension of our client's Clifton Gate site to deliver at least 1,725 homes.

HOUSING INFRASTRUCTURE FUND BID – DECEMBER 2019

As identified above, CYC recently submitted a Housing Infrastructure Fund (HIF) bid to the Government with the aim of accelerating the delivery of new homes from the Clifton Gate site within the plan period.

The Council's HIF bid is seeking £9.845m of HIF Forward Funding to deliver specifically identified highways infrastructure (which has been designed and costed) to accelerate the delivery of homes at the site. Resulting in the delivery of all 1,350 homes (including up to 405 affordable homes) by 2027. This is a full six years before the end of the plan period, enabling the accelerated delivery of the City of York Council's identified market and affordable housing needs and helping to meet current shortfalls.

HIF funding would enable the delivery of both of the two proposed access points for the site at commencement of development, meaning that the site's delivery will be developed by a minimum of five separate house building outlets immediately.

The proposed community infrastructure and areas of public open space will be delivered commensurate with the progression of the development and made available for use as required. Meaning the accelerated housing deliver would also deliver the development's community infrastructure (Primary Schools, Village Centre, Health Centre, Elderly Care Homes) much quicker as well.

The HIF bid was submitted on the 3rd December 2018. If successful it is now anticipated that funding should be awarded by Autumn 2019.

Should the Council's HIF bid be successful our client's Development Options 2 & 3 would clearly become fully deliverable within the proposed plan period. Which along with the evidence provided above in respect of housing needs, provides a further planning argument associated with the allocation of our client's larger development options for the site.

GREEN BELT TOPIC PAPER ADDENDUM

Evidence of the ability to expand the site allocation boundary of the Clifton Gate site is also presented in CYC's latest Green Belt Topic Paper Addendum.

The Clifton Gate site is assessed in Annex 5 of the Green Belt Topic Paper Addendum. The assessment includes the following analysis that we entirely support: -

- *As part of the strategy for accommodating York's assessed development needs the degree of harm has been judged to be far less than would be caused should the housing development in those settlements be located, instead, on the edge of the existing built up area of the City or in its surrounding settlements. As such, and as is set out in Historic England's response to consultation, a strategy in which part of York's development needs are met in new freestanding settlements beyond the ring road would help to safeguard the size and compact nature of the historic city, the perception of York being a free-standing historic city set within a rural hinterland, key views towards York from the ring road, and the relationship of the main built up area of York to its surrounding settlements.*
- *The scale of development proposed reflects the site's location relative to Clifton Moor, Skelton and Haxby, an element identified as being characteristic of the City. Consideration has also been given to the need to safeguard the setting of Skelton village and prevent the threat merging of coalescence or visual intrusion on the green wedge. Through the site selection process a minimum buffer of 1km between Skelton village and 400m to the ring-road were established.*

- *The site sits outside defined areas of Nature Conservation interest. The site borders a SINC site but does not encroach into it. However significant buffering should be maintained to ensure the integrity of the site.*
- *The site sits within the general extent of the York Green Belt. The site is flat and consists of agricultural land bordered to the east by a significant tree belt/plantation. The majority of the eastern side of the site is bordered and contained by a strong tree belt forming a defensible eastern boundary. The northern boundary is formed by a medium height hedge with some mature trees along the boundary. The western boundary is predominately formed by medium height hedges with sporadic mature trees. The southern boundary is generally undefined on the ground so will require an appropriate boundary to be incorporate into the site masterplan/design to create its own landscape setting. It is considered that the form of the revised settlement will fit well with the existing urban form of York, consisting of the main urban area of York surrounded by smaller villages.*

The evidence we have presented in this and previous representations confirms that each of the proposed development options for the site has adhered to CYC's analysis of the Green Belt in this location of the City and each of the key planning parameters that need to be followed in order to protect the City's setting and character.

With regards to our recommended expansion of the site allocation boundary, the following extract from the final bullet point above is key: - *The southern boundary is generally undefined on the ground so will require an appropriate boundary to be incorporate into the site masterplan/design to create its own landscape setting.*

We fully agree with this assessment and as a consequence the expanded site options we have presented largely relate to an expansion of the site's boundary southwards on account of this being the least sensitive boundary of the site. The A1237 Ring Road provides the wider defensible boundary to the area and indeed we have sought to retain at least a 0.25km (Option 3) and 0.46km (Option 1) "gap" within each of our options.

Our expanded site Options 2 and 3 also provide a small scale enlargement of the site to the north. However, as identified in the extracts above, a small scale expansion in this area of the site would have no impact in respect of coalescence, nature conservation and historic asset preservation. Accordingly, a new defensible boundary could readily be provided through appropriate planting.

The net developable residential area of each of the proposed options are similar in size to the current allocation site area prescribed by CYC. The expansion required to deliver each of the options in the manner we propose would not require a significant amount of further land to be released from the Green Belt when considered against the wider extent of the proposed boundaries of the York Green Belt.

We therefore maintain our recommendation that the site allocation boundary be expanded to align with our development proposals for the site. The preferred option being decided in respect of housing needs and potential accelerated delivery.

MECHANISM TO AMEND THE SITE ALLOCATION BOUNDARY

Whilst CYC have not taken the opportunity through the Proposed Modifications consultation to amend the site allocation boundary in order to respond to the comments we have previously provided, the potential to do so still remains through the Examination in Public process, and specifically within any future Main Modifications to the Local Plan.

We ask that CYC consider the evidence provided within these and previously submitted representations and work with us should one of the number of identified reasons arise that would require a review or expansion of the site allocation boundary for the Clifton Gate site.

CONCLUSIONS

We again wish to place on record our **support** for the proposed allocation of Land to the West of Wigginton Road which is currently proposed by CYC as a new Garden Village within the emerging City of York Local Plan.

Whilst we support the principles of the allocation of the site, we believe that amendments are required to the site's proposed boundaries in order to ensure that CYC's Garden Village philosophy for the site can be delivered alongside each of CYC's identified Planning Parameters.

Furthermore, these representations have also presented a compelling case for the release of additional land at the Clifton Gate site in order to meet the City's full objectively assessed housing needs and in the event that the Council's HIF bid to accelerate housing delivery at the site is successful.

Consequently, we have presented three potential development options to the Council to provide a new Garden Village of either 1,350 homes; 1,725 homes; or 2,200 homes alongside the delivery of significant community infrastructure in the form of a new primary school, a village centre, public open space and recreational facilities.

The site is strategically located to the north of the City, but importantly separated from the existing urban edge and surrounding villages to ensure that the historic and landscape character of this area of the City is preserved and enhanced where possible.

The development proposals are situated in a **suitable** and highly sustainable location and there are no technical or environmental (built and natural) constraints that would preclude the development of the site. The site is **available** now as it is under the control of a national house builder and regional development company who are actively seeking to secure planning permission for the residential development of the site. The site can also be considered **achievable** as our clients can deliver new homes on the site within the next five years.

In light of the guidance provided in Paragraph 182 of the NPPF (2012), we consider the following: -

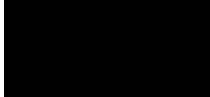
- The Local Plan is **positively prepared** in respect of the delivery of 1,348 homes at the Clifton Gate site as the delivery of homes from the site will contribute significantly to meeting the evidenced objectively assessed development and infrastructure requirements of the City.
- The Local Plan is **justified** in respect of the Clifton Gate site as compelling evidence has been provided in this and previously submitted representations to demonstrate that the site's allocation is the most appropriate strategy for delivering a sustainable Garden Village of 1,348 homes in this location of the City, when considered against the reasonable alternatives, based on proportionate evidence;
- The Local Plan is **effective** as the proposed housing numbers at the Clifton Gate site are entirely deliverable within the plan period; &
- The Local Plan is **consistent with national policy** in respect of the Clifton Gate site as compelling evidence has been provided to demonstrate that the proposed development will deliver sustainable development within the plan period. Particular in respect of Paragraph 52 of the NPPF which identifies that the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements that follow the principles of Garden Cities (or a Garden Village in this case).

Finally, in respect of procedural matters, we would like to work alongside CYC to finalise the site specific strategic development policy to be included within the final version of the Local Plan as part of the future

Main Modifications process. Working together we can ensure that CYC's and the local community's planning parameters for the site are deliverable.

Should you require any further details or clarification on the content of this letter please do not hesitate to contact me.

Yours sincerely,



PAUL BUTLER

Director

paul.butler@pbplanning.co.uk



Key

- ① Village centre
- ② Village square
- ③ Primary school
- ④ School playing fields
- ⑤ Play wood
- ⑥ Cricket green and pavilion
- ⑦ Football pitches
- ⑧ Attenuation ponds
- ⑨ Allotments
- ⑩ Play area

Land to the north of Clifton Moor
Illustrative Masterplan -
1,350 homes

For TW Fields Ltd,
Barratt Homes & David Wilson Homes

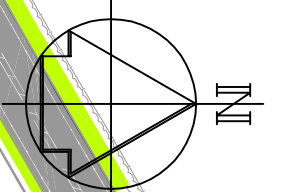
Drawing No. 00855_SK_30

Scale @ A4 NTS Rev D1




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YORK OUTER RING ROAD 	
Pell Frischmann GEORGE HOUSE, GEORGE STREET, WAKEFIELD WF1 1LY Email: pivokefield@pellfrischmann.com Telephone: +44 (0) 1924 348 145 www.pellfrischmann.com	
Drawing Title CLIFTON MOOR JUNCTION GENERAL ARRANGEMENT PLAN OPTION 2 INCLUDING UNDERPASS	Drawing No. KW50819/CMR H002
Project YORK OUTER RING ROAD	Revision R0
Client CITY OF YORK COUNCIL	Scale 1:1250 (at A1)
Designer 23/07/18	Date 23/07/18
Checked 23/07/18	Firm No. W50819/CMR H002 - 03 - 4 ASD UNDERPASS
Approved INFORMATION	Drawing Status INFORMATION

Previously Submitted Reps

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

12th September 2016

Dear Sir or Madam,

CITY OF YORK LOCAL PLAN – LAND WEST OF WIGGINTON ROAD – BARRATT HOMES & DAVID WILSON HOMES AND TW FIELDS – CLIFTON GATE - SUPPORT FOR SITE REFERENCE ST14

We write on behalf of our clients Barratt Homes & David Wilson Homes (BDW) and TW Fields (TWF) to provide City of York Council (CYC) with further information in respect of the deliverability of their land interest at Land to the West of Wigginton Road (referred to as Clifton Gate) which is currently proposed by CYC as a new garden village within the emerging City of York Local Plan. Our clients fully **support** the principle of the proposed allocation of the site by CYC within the Preferred Sites Document (July 2016).

These site specific representations should be read in conjunction with BDW’s overarching representations prepared by Barton Willmore, which make comments upon the overall soundness of the emerging CYC Local Plan, including the level of homes proposed in the plan, the use of windfall sites in meeting the Council’s housing requirement, the exclusion of safeguarded land and the site selection process.

Site ST14 – Representations Summary
<ul style="list-style-type: none"> • We fully support the principle of the proposed allocation of the site by CYC. • The allocation boundary needs to be expanded in order to deliver a minimum of 1,350 homes at the site. • Two deliverable and viable development proposals are being put forward for CYC’s consideration: <ul style="list-style-type: none"> ○ The delivery of 1,350 homes at the site alongside each of CYC’s proposed “Planning Principles”. ○ The delivery of 1,725 homes at the site to meet any potential increase in the City’s housing requirements, alongside a proportionate enhancement to the benefits that the site can deliver in association with CYC’s proposed “Planning Principles” for the site. • The proposals will deliver a Garden Village design philosophy with the provision of substantial community infrastructure including a primary school, village centre and public open space and recreational facilities. • The net developable residential area of both of the proposed options is smaller than the current allocation site area prescribed by CYC. • The historic and landscape character of this area of the City will be preserved as key views to York Minster are maintained and strategically placed open space on the site’s boundaries alongside the site’s existing woodland areas will deliver permanent future boundaries to the site. • Separation distances between the site and surrounding areas are substantial. The distance between the site’s western boundary to Skelton is 1km; its eastern boundary to Wigginton Road is 600m; and its southern boundary to Clifton Moor is 460m. • Two access points are proposed from Wigginton Road (east) and from the existing roundabout junction at Clifton Moor (south). Appropriate contributions will be delivered for highways upgrades. Land can also be made available for the potential future widening of the A1237. • Pedestrian and cycle connections will be provided throughout the site, with connectivity to existing links and Clifton Moor via a proposed foot bridge. • The development proposals replicate the historical development patterns of the City in respect of the formation of a satellite settlement located on the periphery of the main urban edge.

Our proposals have the potential to provide for a new garden village of either 1,350 new homes or 1,725 homes, alongside the delivery of significant community infrastructure in the form of a new primary school, a village centre, public open space and recreational facilities. The site is strategically located to the north of the City, but importantly separated from the existing urban edge and surrounding villages to ensure that the historic and landscape character of this area of the City is preserved and enhanced where possible. The development proposals are situated in a suitable and highly sustainable location in respect of connectivity to existing jobs and services at Clifton Moor. Importantly, there are no technical or environmental (built and natural) constraints that would preclude the development of the site.

This letter sets out our client's design philosophy for the proposed development of a 21st Century Garden Village at the Clifton Gate site and demonstrates the site's deliverability for residential development in accordance with national planning guidance. In doing so the letter refers to the following documents which are enclosed: -

- Visual Document – JTP/Turkington – August 2016
- 1,350 Home Illustrative Masterplan – JTP – August 2016
- 1,725 Home Illustrative Masterplan – JTP – August 2016
- 1,350 Home Land Use Plan; Land Use Schedule & Key – JTP – August 2016
- 1,725 Home Land Use Plan; Land Use Schedule & Key – JTP – August 2016
- Archaeology Statement - York Archaeological Trust – August 2016
- Outline Transport Strategy Report – Fore Consulting – September 2016
- Ecology Statement – Baker Consulting – September 2016
- Utilities Statement – Arup – September 2016

The documents referenced above provide an update of the comprehensive technical reports which were previously submitted to CYC in the promotion of the larger site area. The parameters established within the comprehensive technical reports were utilised in the preparation of the new indicative masterplan for the site. Full versions of each of the above listed reports are of course available on request.

PROPOSED DEVELOPMENT OPTIONS

As identified above, there are two potential masterplan options associated with the development of the site: -

1. The delivery of 1,350 homes at the site to align with CYC's proposed housing numbers within the Preferred Sites Document. This masterplan option represents a deliverable and viable opportunity to meet CYC's current proposed housing numbers for the site, whilst also ensuring that each of CYC's proposed "Planning Principles" are delivered.
2. The delivery of 1,725 homes at the site to meet any potential increase in the City's housing requirements, alongside a proportionate enhancement to the benefits that the site can deliver in association with CYC's proposed "Planning Principles" for the site. This option could also deliver an increase in economic and social benefits associated with the delivery of more homes at the site.

The vision of the proposals is to deliver a landscape led development which is separated from the existing urban edge and surrounding villages to ensure that the historic and landscape character of this area of the City is preserved and enhanced where possible. The proposed development options have been formulated following the undertaking of ecology, landscape, Green Belt, archaeology, drainage, infrastructure and highways assessments. Both proposals seek to deliver a Garden Village development, community facilities and substantial areas of recreation and amenity space.

CYC Development Parameters

CYC's Preferred Sites Consultation document identifies the following parameters associated with the proposed development of the site: -

1. *Site Size/Developable Area – 55Ha*
2. *Indicative Site Capacity – 1,348 homes (845 within plan period)*
3. *Archetype/Density – Strategic Site – 70% net site area at 35dph*
4. *Proposed Allocation – Allocated for residential development for 1348 dwellings*
5. *Planning Principles: -*
 - a. *Deliver a sustainable housing mix in accordance with CYC’s most up to date housing needs evidence.*
 - b. *Creation of a new ‘garden’ village that reflects the existing urban form of York.*
 - c. *Create a Local Centre incorporating appropriate shops, services and community facilities.*
 - d. *Deliver on site accessible combined nursery and primary education facilities.*
 - e. *Secure developer contributions for secondary school places.*
 - f. *Ensure provision of new all-purpose access roads to the east/south from A1237 Outer Ring Road/Wigginton Road roundabout and off the Wigginton Road/B1363.*
 - g. *Deliver local capacity upgrades to the outer ring road in the vicinity of the site.*
 - h. *Opportunities to provide grade separated, dedicated public transport routes across the A1237 should be explored.*
 - i. *Deliver high quality, frequent and accessible public transport services throughout the development site.*
 - j. *Ensure the provision of high quality, safe, direct and accessible pedestrian and cycle links within the Village; to Clifton Moor via a foot bridge over the A1237; to surrounding green networks; and to existing pedestrian and cycle links.*
 - k. *Maintain landscape buffers around the site to prevent coalescence with adjacent settlements and maintain the setting of the City and the village of Skelton.*
 - l. *Create strategic greenspace to the west of the site to reduce the physical and visual proximity of the development area to Skelton.*
 - m. *Protect and enhance local green assets, trees and hedge-lines and enhance existing landscape character.*

CYC Planning Parameters Comparison with BDW & TWF Development Options

The table below provides a comparison of the CYC’s identified aspirations for the site (outlined above) against the planning principles proposed by BDW & TWF’s two development options. Evidence to substantiate the inputs are set out in further detail below and within the enclosed documentation. Particular reference should be given to the enclosed Land Use Plan, Land Use Schedule and Indicative Masterplan for each of the development options.

Ref.	CYC	BDW/TWF Option 1	BDW/TWF Option 2
1. Site Size	55Ha	65.36Ha	72.73Ha
2. Site Capacity	1,348 Homes (845 Plan Period)	1,350 Homes (All within the plan period)	1,725 Homes (1,590 within the plan period and 1,725 within one year beyond the plan period)
3. Density	Strategic Site – 70% net site area at 35dph	Garden Village – 40.02Ha net site area at 32dph	Garden Village – 51.57Ha net site area at 32dph
4. Allocation	1,348 Homes	1,350 Homes	1,725 Homes
CYC Planning Parameters			
5(a)	Sustainable Housing Mix	Site can deliver a variety of housing needs including first time buyers, detached family homes and homes for senior citizens.	Site can deliver a variety of housing needs including first time buyers, detached family homes and homes for senior citizens. Can also help to deliver additional homes should CYC’s annual housing requirement increase.
5(b)	Garden Village	60% net developable area at 32dph will ensure the delivery of a Garden Village.	60% net developable area at 32dph will ensure the delivery of a Garden Village.

5(c)	Local Centre	2.3Ha of land for a Local Centre	2.3Ha of land for a Local Centre
5(d)	Nursery/Primary Education	2.26Ha of land provided for Nursery and a two form entry Primary Education.	2.26Ha of land provided for Nursery and a two form entry Primary Education.
5(e)	Secondary Education Contributions	Appropriate contributions will be delivered for secondary education.	Appropriate contributions will be delivered for secondary education.
5(f)	New Access Roads East & South	Two access points are proposed from Wigginton Road (east) and from the existing roundabout junction at Clifton Moor (south)	Two access points are proposed from Wigginton Road (east) and from the existing roundabout junction at Clifton Moor (south)
5(g)	Local Highways Upgrades	Appropriate contributions will be delivered for highways upgrades. Land can also be made available for potential future widening of the A1237.	Appropriate contributions will be delivered for highways upgrades. Land can also be made available for potential future widening of the A1237.
5(h)	Dedicated Public Transport Routes	A bus route will be provided through the site, via the A1237 and Wigginton Road access points. Pedestrian/Cycle connections will be delivered to existing links with a footbridge proposed to link to Clifton Moor.	A bus route will be provided through the site, via the A1237 and Wigginton Road access points. Pedestrian//Cycle connections will be delivered to existing links with a footbridge proposed to link to Clifton Moor.
5(i)	Public Transport Services	Masterplan designed to accommodate a bus route through the site, via the A1237 and Wigginton Road access points.	Masterplan designed to accommodate a bus route through the site, via the A1237 and Wigginton Road access points.
5(j)	Pedestrian & Cycle Links	Provided throughout the site with connectivity to existing links and Clifton Moor via a proposed foot bridge.	Provided throughout the site with connectivity to existing links and Clifton Moor via a proposed foot bridge.
5(k)	Coalescence with Surrounding Settlements	Key views to York Minster are preserved. Positioning of open space on western boundary; substantial landscaping on all of the site's boundaries; and retention of existing woodland areas ensures delivery of permanent future boundaries to the site. Distance from the site's western boundary to Skelton is 1km; eastern boundary to Wigginton Road is 600m; and southern boundary to Clifton Moor is 460m	Key views to York Minster are preserved. Positioning of open space on western boundary; substantial landscaping on all of the site's boundaries; and retention of existing woodland areas ensures delivery of permanent future boundaries to the site. Distance from the site's western boundary to Skelton is 1km; eastern boundary to Wigginton Road is 600m; and southern boundary to Clifton Moor is 413m
5(l)	Green Space on Western Boundary	16.4Ha of Open Space within the site and substantial areas of green space on the site's western boundary. Distance from the site's western boundary to Skelton is 1km.	12.25Ha of Open Space within the site and substantial areas of green space on the site's western boundary. Distance from the site's western boundary to Skelton is 1km.
5(m)	Protect & Enhance Green Assets	All of the site's existing green assets are sought to be maintained and enhanced where possible.	All of the site's existing green assets are sought to be maintained and enhanced where possible.

The comparison provided in the table above establishes that BDW & TWF's development options will deliver CYC's key planning parameters as set out within the Preferred Sites Consultation document.

Though BDW & TWF support CYC's proposed allocation of the site, the evidence presented in the table above and the enclosed documentation, clearly demonstrates that the allocation boundary needs to be expanded in order to deliver a minimum of 1,350 homes at the site. This is in association with the delivery of a Garden Village design philosophy and the provision of substantial community infrastructure

including a primary school, village centre and public open space and recreational facilities. Importantly, the increase in land area would not have an impact on coalescence with surrounding settlements as a **1km** separation distance would be retained between the site and Skelton; **600m** between the site and Wigginton Road; and **460m** between the site and Clifton Moor.

One further important factor that we would like to raise CYC's attention to is the net developable area proposed within each of the two above options. CYC's proposed allocation amounts to **1,348 homes within 55ha** of land in total. It is our understanding that this area predominantly relates to the residential areas of the site, with the provision of public open space and recreational facilities being located on the site's edges, as proposed within the Preferred Sites Document. We set out in the table above, and within the enclosed land use schedules for each of the two development options, that the net developable areas for the two proposed options are **1,350 homes within 40.02Ha** of land and **1,725 homes within 51.57Ha** of land. Both areas are of course lower than that prescribed by CYC. The gross areas of land associated with both of our client's development options are above the 55ha figure, however, the additional land areas include a primary school, nursery, village centre, public open spaces and recreational facilities, including allotments. The increase in land area is entirely associated with the creation of a Garden Village which benefits from substantial community infrastructure. Creating a new settlement where people will truly want to live.

The similarities between both of BDW & TWF's development options are clear. Whilst both represent deliverable and viable development opportunities to deliver a significant proportion of the City's housing needs, the difference between the two is associated with the increase in proposed residential dwellings and, of course, the proportionate economic and social benefits associated with the delivery of more homes from the site. The two proposed development options at the site can deliver the following economic and social benefits to the City of York: -

- Creating sustainable communities through meeting market and affordable housing needs, offering existing and potential residents of the City the opportunity to live in the type of house and location they desire.
- Delivering significant financial contributions towards the improvement of the City's infrastructure including the provision of S106/CIL payments and land for the potential widening of the A1237 ring road in the future.
- New capital expenditure in the region of between £163m to £208m creating substantial direct and indirect employment opportunities of approximately 361 to 461 new jobs of which 70% are usually retained in the local area.
- Sustaining and improving the District's labour market through delivering the right homes in the right locations.
- Increasing retail and leisure expenditure in the local area by between £32m to £41m per annum, creating a potential 196 to 250 jobs in these sectors.
- Provision of funding towards public services from an estimated figure of between £12.4m to £15.8m from the Government's new homes bonuses and annual Council tax payments of between £2.07m to £2.6m per annum.

It is clear that the development of 1,350 homes or 1,725 homes as part of a new Garden Village can deliver substantial economic, social and environmental benefits to the local area and wider City.

The National Planning Policy Framework seeks to encourage sustainable growth and identifies in Paragraph 8 that economic growth, such as that which this site can deliver, can secure higher social and environmental standards. Furthermore, Paragraph 52 identifies that the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements that follow the principles of Garden Cities (or a Garden Village in this case).

Paragraph 52 of the Framework further states that in such circumstances local planning authorities should consider opportunities to provide the best way of achieving sustainable development. The remaining sections of this letter consider the economic, social and environmental impact and benefits of the proposed development options in further detail.

A NEW 21ST CENTURY YORKSHIRE GARDEN VILLAGE – PRESERVING THE CHARACTER AND SETTING OF YORK

A Vision Document, prepared jointly by JTP Architects and Turkington Martin Landscape Architects, is submitted alongside these representations. The document identifies the vision to deliver: -

A new village with its own identity and good local facilities to meet the everyday needs of residents as the community grows over time. A new village which is well-connected to the centre of York and surrounding settlements by sustainable modes of transport but clearly separated and screened from existing settlements to avoid coalescence. A place that feels a part of York but is still a separate place.

The vision for the site's development, as set out within the development masterplans which are enclosed within the document, has been prepared following a comprehensive assessment of the landscape character of the site and the surrounding areas.

One of the key characteristics of York is how the city developed out from its historic core in the form of radial corridors separated by a series of green fingers. The proposed site aligns with one of these development corridors which extends radially outwards north-west of York City Centre. The proposed development sits between two green fingers, consisting of the Ouse Corridor to the west of the site, and Bootham Stray to the east. These green fingers positively contribute towards York's green infrastructure network, enhancing the amenity and biodiversity value of existing routes into the city centre and links nature conservation sites with other open space. They also preserve the notion of approaching the city through the countryside.

The Outer Ring Road currently demarcates the urban area of York from the surrounding Green Belt countryside. Where settlements are close to this road, there is a separation distance ranging between 60m and 400m. This has the appearance of reinforcing the village character which is distinct from suburban York. This can be seen in the relationship of villages such as Poppleton, Earswick and Haxby with the ring road and the city beyond. The proposal to set the new development back 460m from the outer Ring Road as proposed would establish a village character, provide a distinct identity of the development, and reinforce the separation from the edge of York.

The built edge of the new village will be 1 kilometre from Skelton. The village will also be well screened from the east by existing mature woodland and set away from Wigginton Road; preserving the rural character of the route into the city centre.

Screening is provided by existing plantations to the east and mature hedgerows adjacent to Bur Tree Dam to the west, with proposed planting further restricting views into the site. The extent of screening landscape elements will result in distant glimpsed views into the new village centre from Wigginton Road, minimising visual impact on adjacent green corridors.

Existing fragmented woodland will be linked and strengthened with new tree planting, green spaces and sports pitches. A series of linked green spaces will encircle the village, providing recreation for the new community and ensuring a green buffer from Clifton Moor and a low density edge from the surrounding countryside. Sport pitches and school playing fields will be located between the village and Skelton to bring active uses into the open space between the two villages.

A new village centre with a cluster of local facilities around an attractive village square with a pond will provide a focus for the new village. The square will accommodate seasonal markets and events. There will also be a new cycle / footbridge link to Clifton Moor shopping centre. Small scale workshops, a health centre and older people's housing is also proposed.

Existing water features including ponds and streams will be incorporated into the new village layout. New water features relating to the Suds systems will also be added. These features will together form

an integral aspect of the new streets and open spaces adding character and drawing on precedents from surrounding villages.

Linear green spaces will run through the residential area and incorporate watercourses and existing hedgerows. These linking green spaces will create a network of pedestrian routes through the site and define individual neighbourhoods within the new development. They will accommodate a range of community and recreational facilities such as play areas and allotments. Importantly, the green corridors which run through the site have been positioned in order to preserve views of York Minster.

On account of the above we agree with CYC's conclusion that the site does not fulfil any of the five Green Belt purposes for the following reasons: -

- **The development of the site would not result in unrestricted urban sprawl** due to the masterplan vision of delivering a landscape character led new garden village that delivers new strong defensible landscape and greenspace boundaries;
- **The development of the site would not result in the merging of adjacent settlements** as the positioning of open space on the western boundary; substantial landscaping on all of the site's boundaries; and retention of existing woodland areas ensures delivery of permanent future boundaries to the site which are a distance of 1km from Skelton; 600m from Wigginton Road is; and 460m from Clifton Moor;
- **The site does not assist in safeguarding the countryside from encroachment** on account of the significant areas of open countryside that will remain surrounding the site, particularly to the north;
- **The proposed development of the site will have no detrimental effect on the setting and special character of historic features** as an assessment has been undertaken of the historic setting of York Minster and the masterplan options have been designed to preserve and where possible enhance the heritage assets within proximity of the site. Importantly, the proposed green corridors which run through the site have been positioned in order to preserve views of York Minster.
- The fifth purpose of Green Belt **to assist in urban regeneration, by encouraging the recycling of derelict and other urban land** is a general purpose which will not be adversely affected by the site.

SAFEGUARDING HISTORIC CHARACTER

Enclosed with these representations is an Archaeology Statement prepared by York Archaeological Trust (YAT). The enclosed statement is based on the YAT's archaeological investigations conducted in 2014. The area currently proposed for residential use was previously investigated with 48 trenches and 4 boreholes. The area identified for open space was investigated with 6 trenches. The area identified for SUDS use was investigated with 7 trenches and 6 boreholes.

The enclosed statement identifies that the site's archaeology has been affected by ploughing and extensive drainage systems across the site. YAT's opinion, supported by the City of York Archaeologist, is that there are no features or deposits identified in the evaluation exercise whose significance merits preservation in-situ. The archaeology present within the proposal site has the potential to enhance understanding of York's prehistory. The City of York Archaeologist has previously suggested that the impact of the development on this archaeology can be mitigated through an archaeological excavation and recording exercise. The City Archaeologist has also indicated that no further evaluation is necessary to inform an EIA, but it may be prudent to consider further evaluation in both the 'areas of interest' and the areas currently regarded as containing little archaeology in order to manage cost and programme risk.

Finally, there are opportunities for community engagement and outreach, both through direct involvement with archaeological work and through public lectures/press releases and publication. BDW & TWF would welcome further discussion with CYC to explore this potential.

DELIVERING A SUSTAINABLE & ACCESSIBLE SETTLEMENT

Enclosed with these representations is an Outline Transport Strategy Report prepared by Fore Consulting Limited (Fore). The document has been prepared to guide the promotion of the Clifton Gate site. It considers the strategic access and connectivity implications associated with development of up to 1,725 dwellings, and identifies a potential outline transport strategy.

The report identifies that the site is well located in relation to the existing wide range of retail and leisure uses within and adjacent to the Clifton Moor retail parks, plus employment uses at Clifton Moor industrial estate and business park. To ensure the long-term sustainability of the site, high quality, safe and convenient walking and cycling routes permeating through the allocation site will be required. These would link to new crossings on the A1237 Outer Ring Road adjacent the allocation site, and new footways and cycleways to link to the existing network of pedestrian and cycle routes linking to the city centre. To ensure permeability with surrounding areas a bus route will be provided through the site, via the A1237 and Wigginton Road access points, and pedestrian/cycle connections will be delivered to existing connections including a footbridge proposed to link to Clifton Moor.

Vehicle access would be taken from a new junction on the B1363 Wigginton Road, and a fourth arm at the A1237 Outer Ring Road / Clifton Moor Gate roundabout. Changes to the Clifton Moor Gate junction in particular will need to be carefully considered to take account of CYC's long-term aspirations to upgrade the A1237 Outer Ring Road, and potentially incorporate grade separation of pedestrian and cycle connections. As identified above, the development of the site offers the potential to make land available for the potential future widening of the A1237.

The report concludes by stating that the precise impacts, scale, form and phasing of necessary transport measures and highway works will need to be confirmed following collection of traffic data and detailed capacity assessment work that will be undertaken at the planning application stage. However, overall, it is considered that there is no reason in terms of transport and access that precludes the ST14 site from being allocated for residential use.

SAFEGUARDING BIODIVERSITY

Enclosed with these representations is an Ecology Statement prepared by Baker Consultants. The statement outlines the results of a number of ecological studies carried out at the site in 2013-2014 in order to provide an understanding of the ecological issues related to the proposed allocation. The likely ecological constraints to the allocation are also described, as are any requirements for additional survey work. Potential mitigation solutions as part of the planning and development process are also highlighted.

The enclosed report identifies that the following flora and fauna surveys have been undertaken at the Clifton Gate site: -

- Badger Surveys – November 2013;
- Winter Bird Surveys - 4 visits in November & December 2013 and January & February 2014
- Breeding Bird Surveys - Three surveys in April, May and June 2014
- Botanical survey of the Clifton Airfield SLI – May 2014
- Invertebrate survey of Clifton Airfield SLI - Two visits September 2014
- Barn owl surveys - April/May 2014
- Great crested newt surveys - Surveys during mid-March to mid-June 2014
- Reptiles surveys - Surveys during April & May 2014
- Bat activity transects & static detector installation - Three transects undertaken on and around the allocation site during April-July 2014. Static detectors placed on and around the site between April-September 2014

The results of the assessments identify that the Clifton Gate site provides habitats typical of lowland arable farmland, and the species associated with this type of landscape. Although there are features of

nature conservation interest present within the allocation site (and surrounding it), these are mostly in discrete areas of habitat rather than being present across the whole landscape.

The main habitat present – arable land – is of low nature conservation interest. The areas of hedgerow, woodland, and scrub are of greater interest and, due to their smaller size can be more easily incorporated into a residential development (and enhanced) as part of retained areas, landscaping and green infrastructure.

In terms of protected and notable species, great crested newts are known to be present locally, but are found in ponds outside of the allocation site. Bats and badgers are known to make some use of the site, but due to the dominance of the arable habitat, the levels of activity and population sizes within the area as a whole are expected to be low. A range of breeding and wintering birds is also present – but principally in defined areas of suitable habitat.

None of the ecological features outlined in this report are likely to represent a serious constraint to the development of the site. Appropriate site design and mitigation will be required, as for any project of this size – but the most adverse potential impact, habitat loss, is extremely limited due to the dominant existing arable land-use.

Careful scheme design means that a range of hedgerow, woodland and other ecological features will be retained and incorporated into the development and, in some cases, enhanced. For example, the proposed access road to the south passes through Clifton Airfield SLI, but makes use of an existing trackway to minimise any potential for ecological impacts.

The proposed variation in the number of residential units (1,348 or 1,750) is unlikely to make any significant difference to the level of ecological impact at the site. With either scheme, areas of valuable habitat will be able to be retained and suitable mitigation and enhancement provided. More important will be the suitable incorporation of ecological design principles into masterplanning and detailed site layouts, appropriate protection measures during construction, and the long-term landscape and ecological management of the site post-construction. This can be equally well delivered with either a 1,348 or 1,750 home scheme.

The statement concludes that although there are issues that would need to be dealt with during planning and construction of the site, these are reasonably standard for a development of this size and would be covered as part of the normal planning process. There is no significant ecological reason why the site should not be allocated for residential development for up to 1,725 homes.

DELIVERING NEW INFRASTRUCTURE

Enclosed with these representations is a Utilities Statement prepared by Arup, which provides an update on the assessment work which they previously undertook in 2014 in respect of the larger site allocation for circa 2,800 homes. The statement assesses likely implications of the proposed change in the size of the site and the quantum of development on Air Quality, Noise and Vibration, Flood Risk and Drainage, Geotechnical and Utilities.

The statement concludes by identifying that, based on the Environmental Statement work prepared in 2014, the site area can support a development of either 1350 dwellings or 1725 dwellings. The likely impacts of the development option would need to be validated through an updated Environmental Statement, however, the environmental effect of the development of a smaller site would of course be reduced compared to the previous 2,800 home development proposals.

The required mitigation to deliver either of the masterplan options can be provided within the site areas shown. To provide flexibility for the future approach to surface water management it would be beneficial to include additional land to provide SUDs ponds on the site's boundaries. The exact areas would be developed further thorough an updated Surface Water Strategy in due course, but additional land within the allocation would allow space for onsite surface water management.

MEETING THE CITY OF YORK'S FUTURE HOUSING NEEDS

As identified above, we believe that there is a case for the identification of additional housing allocations to those currently proposed by CYC in order to meet the City's housing needs over the proposed plan period.

BDW has instructed Barton Willmore to undertake a Technical Review of the Council's SHMA to consider the methodology that has been utilised in formulating the objectively assessed need. There are considered to be issues with the methodology that has been used and incorrect data has been used as the starting point for calculating the housing requirement for the City. Our Client therefore **objects** to the Council's objectively assessed need and considers that a more appropriate figure would range from 920 dwellings per annum to 1,070 dwellings per annum.

The identified increase in the City's housing annual housing requirement would render a need to deliver 79 to 229 more homes each year in the City over the period of 2012 to 2032. A total of **between 1,580 and 4,580** additional homes over this 20-year period. Accordingly, there is a strong planning case for the allocation of additional land for residential development, including an extension of our client's Clifton Gate site to deliver 1,725 homes.

Furthermore, Barton Willmore's representations also identify our client's **objection** to the approach taken by CYC with regard to the delivery of windfall development throughout the plan period, which currently stands at 152 dwellings per annum or approximately 18% of the City's overall housing requirement. The fundamental reason for the historically large figure of windfall site development in the City can be linked back to the lack of an adopted plan, which in turn places a huge reliance on windfall sites, as noted by CYC in paragraph 3.5 of the technical paper. There are therefore concerns that this figure is too high and a greater proportion of homes should be planned for through allocations. Such a reliance on unplanned development is contrary to the legislative provision of a plan-led system and should not form the basis of the CYC Local Plan moving forwards. Such an approach will not direct homes to those areas that have seen limited growth over recent years and have a clear need for new homes in the future.

Finally, Barton Willmore's representations also concur with concerns that PB Planning previously raised in respect of the deliverability of the York Central site. The representations share our conclusion that unless the current identified uncertainties of the site's deliverability are resolved, it is our shared view that the quantum of new homes to be delivered at York Central should be considered over and above the identification of housing allocations to meet the City's housing needs. If not, there is a real possibility that that the City could fail to demonstrate the delivery of sufficient number of deliverable housing sites to meet the City's housing requirement.

When each of the above points are considered holistically, there is a compelling case for the release of additional land as housing allocations within the emerging CYC Local Plan in order to meet the City's full objectively assessed housing needs, such as an extension of our client's Clifton Gate site to deliver 1,725 homes.

DELIVERY TIMESCALES

We envisage that a planning application will be submitted by Spring 2018, following the adoption of the Local Plan.

Taking into account the proposed submission date it is currently envisaged that first dwelling completions on the site will take place in 2019/20 following the submission of an outline planning application, subsequent reserved matters applications and initial site infrastructure works.

The potential size of the site offers the opportunity for three to four house builders developing the scheme simultaneously. Therefore, it is anticipated that the development will deliver a yield of at least 120 homes per annum with the potential to deliver up to 150 homes per annum. The table below

provides the site’s cumulative dwelling delivery projection per annum that CYC can use within their forthcoming housing trajectory work. A delivery projection is provided for both of the potential Development Options for the site.

Year	Development Option 1 - No of Homes Cumulative	Development Option 2 - No of Homes Cumulative
2018/2019	0	0
2019/2020	60	60
2020/2021	180	180
2021/2022	300	300
2022/2023	420	420
2023/2024	540	540
2024/2025	660	660
2025/2026	780	780
2026/2027	900	900
2027/2028	1,020	1,020
2028/2029	1,140	1,140
2029/2030	1,260	1,260
2030/2031	1,350	1,350
2031/2032		1,470
2032/2033		1,590
2033/2034		1,725

The proposed community infrastructure and areas of public open space will be delivered commensurate with the progression of the development and made available for use as required.

The development proposals can deliver significant benefits to the City of York alongside making a significant contribution to CYC’s housing requirements over the course of the plan period. In reference to CYC’s Preferred Sites Document, it is prudent to identify that the site has the potential to deliver 1,350 to 1,590 homes over the anticipated plan period. Which is a far greater contribution to the City’s housing needs to that currently identified by CYC.

Whilst the 1,725 home option would deliver homes only one year beyond the plan period, we would like to point out the benefit that this would deliver to CYC in respect of meeting ongoing housing needs and also safeguarding the release of land from the newly defined Green Belt boundary in advance of the adoption of the next Local Plan.

DELIVERABILITY ASSESSMENT

In accordance with Footnote 11 of Paragraph 47 of the National Planning Policy Framework, we believe that the site can be considered as a **Deliverable** residential development site on account of: -

Suitability

The site is located in a suitable location for residential development now. As identified above, the development proposals are situated in a suitable and highly sustainable location in respect of connectivity to existing jobs and services and there are no technical or environmental (built and natural) constraints that would preclude the development of the site.

Availability

The site is available for development now. The site is available for residential development as there are no legal or ownership constraints as all landowners have made the land available for development. BDW & TWF have an interest in the site and by virtue of this and previous submissions are expressing an intention to develop the site for residential use.

Achievability

A viable housing development can be delivered on the site within the next five years and indeed within the first five years of the adoption of the Local Plan. BDW & TWF are seeking to develop the site for residential use. Prior to the progression of development sites, they undertake a thorough marketing and economic viability assessment for each site, including an assessment of any site specific abnormal costs. The site is considered to be achievable for residential development now as there is a realistic prospect that the site can deliver new homes within the next five years and indeed within the first five years of the adoption of the Local Plan.

Deliverability Conclusion

The site can be considered a deliverable residential development site and its release would deliver a number of significant economic, social and environmental benefits as identified above.

Furthermore, it is clear that the evidence provided within this letter and the enclosed documentation demonstrates that each of the factors raised within CYC's Interim Sustainability Appraisal (2016) will be responded to appropriately as follows: -

- The site will provide 1,350 homes to 1,750 homes which will be significantly positive for meeting the City's housing needs.
- New public transport and pedestrian/cycle access (via a new foot bridge) will be provided to existing services at Clifton Moor.
- Due to the scale of the potential development, commensurate facilities will also be provided within the new Garden Village, whilst sustainable transport links will be provided to existing routes which surround the site.
- Archaeological evaluation of the site has taken place and the required mitigation techniques have been discussed and agreed with officers of CYC.
- The development proposals have been refined to ensure that the separation distances from existing settlement areas are substantial. The closest development boundary to Skelton is 1km and there is also a 600m distance to Wigginton Road and over 400m to Clifton Moor. New and existing substantial landscaping is provided on all of the site's boundaries to ensure that views onto the new Village will be sympathetic, will reflect the existing character of the area and in some cases will help to mask views from existing settlement areas onto Clifton Moor retail and industrial park. A full landscape character analysis has also enabled the important views through the site to be preserved, including views of York Minster.
- The site is located in Flood Risk Zone 1 and the development of the site will safeguard and enhance existing features of biodiversity value where possible.

CONCLUSIONS

On the basis of the information provided within this letter, and the enclosed documentation, we wish to place on record our **support** for the proposed allocation of Land to the West of Wigginton Road which is currently proposed by CYC as a new Garden Village within the emerging City of York Local Plan.

Whilst we support the principles of the allocation of the site, we believe that amendments are required to the site's proposed boundaries in order to ensure that CYC's Garden Village philosophy for the site can be delivered alongside each of CYC's identified Planning Parameters.

Our proposals have the potential to provide a new Garden Village of either 1,350 new homes or 1,725 homes, alongside the delivery of significant community infrastructure in the form of a new primary school, a village centre, public open space and recreational facilities. The site is strategically located to the north of the City, but importantly separated from the existing urban edge and surrounding villages to ensure that the historic and landscape character of this area of the City is preserved and enhanced where possible.

The development proposals are situated in a **suitable** and highly sustainable location and there are no technical or environmental (built and natural) constraints that would preclude the development of the site. The site is **available** now as it is under the control of a national house builder and regional development company who are actively seeking to secure planning permission for the residential development of the site. The site can also be considered **achievable** as our clients can deliver new homes on the site within the next five years and indeed within the first five years of the Local Plan.

Finally, in respect of procedural matters, we would like to work alongside CYC to formulate a site specific strategic development policy to be included within future versions of the Local Plan. Working together we can ensure that CYC's and the local community's planning parameters for the site are deliverable.

Should you require any further details or clarification on the content of this letter please do not hesitate to contact me.

Yours sincerely,

A black rectangular box redacting the signature of Paul Butler.

PAUL BUTLER

Director

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

27th October 2017

Dear Sir or Madam,

CITY OF YORK LOCAL PLAN – LAND WEST OF WIGGINTON ROAD – BARRATT HOMES & DAVID WILSON HOMES AND TW FIELDS – CLIFTON GATE - SUPPORT FOR SITE REFERENCE ST14

We write on behalf of our clients Barratt Homes & David Wilson Homes (BDW) and TW Fields (TWF) to provide City of York Council (CYC) with further information in respect of the deliverability of their land interest at Land to the West of Wigginton Road (referred to as Clifton Gate) which is currently proposed by CYC as a new garden village within the emerging City of York Local Plan. Our clients fully **support** the principle of the proposed allocation of the site by CYC within the Pre-Publication Draft document (September 2017).

These site-specific representations provide an update of those submitted to CYC dated 12th September 2016 and should be read in conjunction with BDW’s overarching representations prepared by Barton Willmore. The Barton Willmore representations comment upon the overall soundness of the emerging CYC Local Plan, including the level of homes proposed in the plan.

Site ST14 – Representations Summary
<ul style="list-style-type: none"> • We fully support the principle of the proposed allocation of the site by CYC. • The allocation boundary needs to be expanded in order to deliver a minimum of 1,350 homes at the site. • Three deliverable and viable development proposals are being put forward for CYC’s consideration: <ul style="list-style-type: none"> ○ The delivery of 1,350 homes at the site alongside each of CYC’s proposed “Planning Principles”. ○ The delivery of 1,725 homes at the site to meet any potential increase in the City’s housing requirements, alongside a proportionate enhancement to the benefits that the site can deliver in association with CYC’s proposed “Planning Principles” for the site. ○ The delivery of up to 2,200 homes at the site to meet any potential increase in the City’s housing requirements or the need to ensure permanence to the City’s Green Belt, alongside a proportionate enhancement to the benefits that the site can deliver in association with CYC’s proposed “Planning Principles” for the site. • The proposals will deliver a Garden Village design philosophy with the provision of substantial community infrastructure including a primary school, village centre, public open space and recreational facilities. • The net developable residential area of each of the proposed options are either smaller or similar in size to the current allocation site area prescribed by CYC. • The historic and landscape character of this area of the City will be preserved as key views to York Minster are maintained and strategically placed open space on the site’s boundaries alongside the site’s existing woodland areas will deliver permanent future boundaries to the site. • Separation distances between the site and surrounding areas are substantial. The distance between the site’s western boundary to Skelton is 1km; its eastern boundary to Wigginton Road is 0.6km; and its southern boundary to Clifton Moor is between 0.25km and 0.46km (depending on which site option is progressed). • Two access points are proposed from Wigginton Road (east) and from the existing roundabout junction at Clifton Moor (south). Appropriate contributions will be delivered for highways upgrades. Land can also be made available for the potential future widening of the A1237.

- Pedestrian and cycle connections will be provided throughout the site, with connectivity to existing links and Clifton Moor via a proposed subway under the future upgraded A1237.
- The development proposals replicate the historical development patterns of the City in respect of the formation of a satellite settlement located on the periphery of the main urban edge.

Our proposals have the potential to provide for a new garden village of either 1,350; 1,725; or up to 2,200 new homes, alongside the delivery of significant community infrastructure in the form of a new primary school, a village centre, public open space and recreational facilities.

The site was previously identified as strategic housing site allocation ST14 within the withdrawn City of York Publication Draft Local Plan (October 2014). At that time CYC proposed the delivery of 2,800 homes at the site. Whilst each of the development options identified below relate to a figure lower than 2,800 homes, all the technical reports associated with the development of the site were originally undertaken in relation to the larger site area. Comprehensive community consultation work with local stakeholders, including a Community Planning Weekend, was also undertaken in respect of the larger site area. Consequently, there remains the potential for the enlargement of the allocation back to the previously considered acceptable size, should CYC need to do so to meet the City's increased housing needs.

The site is strategically located to the north of the City, but importantly separated from the existing urban edge and surrounding villages to ensure that the historic and landscape character of this area of the City is preserved and enhanced where possible. The development proposals are situated in a suitable and highly sustainable location in respect of connectivity to existing jobs and services at Clifton Moor. Importantly, there are no technical or environmental (built and natural) constraints that would preclude the development of the site.

This letter sets out our client's design philosophy for the proposed development of a 21st Century Garden Village at the Clifton Gate site and demonstrates the site's deliverability for residential development in accordance with national planning guidance. In doing so the letter refers to the following documents which are enclosed: -

- Visual Document – JTP/Turkington – August 2016
- Illustrative Masterplan – JTP – August 2016
- 1,350 Home Land Use Plan; Land Use Schedule & Key – JTP – August 2016
- 1,725 Home Land Use Plan; Land Use Schedule & Key – JTP – August 2016
- 2,200 Home Land Use Plan; Land Use Schedule & Key – JTP – October 2017
- Archaeology Statement - York Archaeological Trust – August 2016
- Outline Transport Strategy Report – Fore Consulting – September 2016
- Ecology Statement – Baker Consulting – September 2016
- Utilities Statement – Arup – September 2016

The documents referenced above provide an update of the comprehensive technical reports which were previously submitted to CYC in the promotion of the original larger site area proposed for allocation by CYC within the withdrawn City of York Publication Draft Local Plan (October 2014). The parameters established within the comprehensive technical reports were utilised in the preparation of the new indicative masterplans for the site. Full versions of each of the above listed reports are of course available on request.

With regards to our proposed Option 2, which recommends the delivery of 1,725 homes at the site, in order to meet an evidenced increase to the City's housing requirements, CYC's Officer's endorsed an increase in the proposed site allocation from 55ha (1,348 homes) to 68ha (1,672 homes) to CYC's Local Plan Working Group on the 10th July 2017. The reasoning behind the recommendation was as follows:

“This reflects developers/landowners concerns regarding the viability/deliverability of the site and the ability to deliver the planning principles including the significant infrastructure requirements given the sites location adjacent to the A1237.”

Whilst CYC’s Officer’s recommendation wasn’t approved at the time, we believe there is still a strong case for the expansion of the site in respect of both size and housing numbers. Whilst we support CYC’s Officer’s recommendation, it remains our view that in order to deliver a truly exemplar new Garden Village, the site allocation should be expanded to **a minimum** of “72.73Ha in total and 1,725 homes (at 32dph on 53.96ha net residential developable area)” for the reasons identified within these representations; the reasoning provided by CYC’s Officers; and due to the potential need to deliver additional homes from the site to meet the increased housing needs of the City.

With regard to our proposed Option 3, the new 2,200 home opportunity for the development of the site is being put forward for CYC’s consideration on account of the potential need for additional housing numbers as result of the Government’s recent announcement associated with a standardised methodology for calculating annual housing requirements; the need for CYC to ensure enduring and permanent Green Belt boundaries beyond the plan period; and as result of CYC’s recent Housing Infrastructure Bid to the Government, which could result in an accelerated delivery of new homes at the site. The planning arguments associated with the newly proposed third option are discussed in further detail below.

PROPOSED DEVELOPMENT OPTIONS

As identified above, there are three potential masterplan options associated with the development of the site: -

1. The delivery of 1,350 homes at the site to align with CYC’s proposed housing numbers within the Pre-Publication Draft Local Plan Document. This masterplan option represents a deliverable and viable opportunity to meet CYC’s current proposed housing numbers for the site, whilst also ensuring that each of CYC’s proposed “Planning Principles” are delivered.
2. The delivery of 1,725 homes at the site to meet any potential increase in the City’s housing requirements, alongside a proportionate enhancement to the benefits that the site can deliver in association with CYC’s proposed “Planning Principles” for the site. This option could also deliver an increase in economic and social benefits associated with the delivery of more homes at the site.
3. The delivery of up to 2,200 homes at the site to meet any potential increase in the City’s housing requirements or the need to ensure permanence to the City’s Green Belt, alongside a proportionate enhancement to the benefits that the site can deliver in association with CYC’s proposed “Planning Principles” for the site.

The vision of the proposals is to deliver a landscape led development which is separated from the existing urban edge and surrounding villages to ensure that the historic and landscape character of this area of the City is preserved and enhanced where possible. The proposed development options have been formulated following the undertaking of ecology, landscape, Green Belt, archaeology, drainage, infrastructure and highways assessments. Each of the proposals seek to deliver a Garden Village development, community facilities and substantial areas of recreation and amenity space.

CYC Development Parameters

CYC’s Pre-Publication Draft consultation document identifies the following parameters associated with the proposed development of the site: -

1. *Site Size/Developable Area – 55Ha*
2. *Indicative Site Capacity – 1,348 homes (1,200 within plan period)*
3. *Archetype/Density – Strategic Site – 70% net site area at 35dph*

4. *Planning Principles:* -

- i. *Creation of a new 'garden' village that reflects the existing urban form of York, of the main York Urban area as a compact city surrounded by villages.*
- ii. *Deliver a sustainable housing mix in accordance with the Council's most up to date Strategic Housing Market Assessment and affordable housing policy.*
- iii. *Create a Local Centre incorporating appropriate shops, services and community facilities to meet the needs of future residents.*
- iv. *Deliver on site accessible combined nursery and primary education facilities, which are well connected to housing by a dedicated pedestrian/cycleway.*
- v. *Secure developer contributions for secondary school places as necessary to meet the need for new places.*
- vi. *Ensure provision of new all-purpose access roads to the east/south from A1237 Outer Ring Road/Wigginton Road roundabout and off the Wigginton Road/B1363. The internal layout of any future development on the site could be such that it creates discrete sectors, each with a specific access.*
- vii. *Demonstrate that all transport issues have been addressed, in consultation with the Council as necessary, to ensure sustainable transport provision at the site is achievable. The impacts of the site individually and cumulatively with site's ST7, ST8, ST9, ST15 and ST35 should be addressed.*
- viii. *Deliver local capacity upgrades to the outer ring road in the vicinity of the site, to include associated infrastructure to protect public transport journey times on junction approaches. Opportunities to provide grade separated, dedicated public transport routes across the A1237 should be explored in feasibility, viability and cost-benefit terms.*
- ix. *Deliver high quality, frequent and accessible public transport services throughout the development site, which provide links to other local rural communities where feasible, as well as to main employment centres. It is envisaged such measures will enable upwards of 15% of trips to be undertaken using public transport.*
- x. *To encourage the maximum take-up of more active forms of transport (walking and cycling), ensure the provision of high quality, safe, direct and accessible pedestrian and cycle links which create well-connected internal streets and walkable neighbourhoods including to:*
 - a) *the community, retail and employment facilities immediately to the south, (likely to take the form of an overbridge);*
 - b) *the surrounding green infrastructure network (with particular regard to public rights of way immediately west of the site and improvements to A1237 crossing facilities); and*
 - c) *existing pedestrian and cycle networks across the city.*
- xi. *Maintain landscape buffers around the site to prevent coalescence with adjacent settlements and maintain the setting of the City and the village of Skelton.*
- xii. *Protect and enhance local green assets, trees and hedge-lines and enhance existing landscape character.*
- xiii. *Provide open space to the west of the site to minimise the visual proximity of the development areas to Skelton.*

CYC Planning Parameters Comparison with BDW & TWF Development Options

The table below provides a comparison of the CYC's identified aspirations for the site (outlined above) against the planning principles proposed by BDW & TWF's three development options. Evidence to substantiate the inputs are set out in further detail below and within the enclosed documentation. Particular reference should be given to the enclosed Land Use Plan, Land Use Schedule and Indicative Masterplan for each of the development options.

Ref.	CYC	BDW/TWF Option 1	BDW/TWF Option 2	BDW/TWF Option 3
1. Site Size	55Ha	65.36Ha	77.56Ha	101.53Ha
2. Site Capacity	1,348 Homes (1,200 Plan Period)	1,350 Homes (All within the plan period)	1,725 Homes (All within the plan period)	2,200 Homes (Potential for up to 2,200 homes within the plan period)
3. Density	Strategic Site – 70% net site area at 35dph	Garden Village – Approximately 60% to 70% net developable area – 42.32Ha net site area at 32dph	Garden Village – Approximately 60% to 70% net developable area - 53.92Ha net site area at 32dph	Garden Village – Approximately 60% to 70% net developable area - 67.92Ha net site area at 32dph
CYC Planning Parameters				
4(i)	Garden Village	Approximately 60% to 70% net developable area at 32dph will ensure the delivery of a Garden Village.	Approximately 60% to 70% net developable area at 32dph will ensure the delivery of a Garden Village.	Approximately 60% to 70% net developable area at 32dph will ensure the delivery of a Garden Village.
4(ii)	Sustainable Housing Mix	Site can deliver a variety of housing needs including first time buyers, detached family homes, homes for senior citizens, build for rent and affordable housing.	Site can deliver a variety of housing needs including first time buyers, detached family homes, homes for senior citizens, build for rent and affordable housing. The site can also help to deliver additional homes should CYC's annual housing requirement increase.	Site can deliver a variety of housing needs including first time buyers, detached family homes, homes for senior citizens, build for rent and affordable housing. The site can also help to deliver additional homes should CYC's annual housing requirement increase.
4(iii)	Local Centre	2.3Ha of land for a Local Centre	2.3Ha of land for a Local Centre	2.3Ha of land for a Local Centre
4(iv)	Nursery/Primary Education	2.26Ha of land provided for Nursery and a two-form entry Primary Education.	2.26Ha of land provided for Nursery and a two-form entry Primary Education.	2.26Ha of land provided for Nursery and a three-form entry Primary Education.
4(v)	Education Contributions	Appropriate contributions will be delivered for secondary education.	Appropriate contributions will be delivered for secondary education.	Appropriate contributions will be delivered for secondary education.
4(vi)	New Access Roads East & South	Two access points are proposed from Wigginton Road (east) and from the existing roundabout junction at Clifton Moor (south). For the avoidance of any doubt, no access is being proposed from the Wigginton Road/A1237 roundabout. For the avoidance of any doubt, there will be no access/egress from Moor Lane.	Two access points are proposed from Wigginton Road (east) and from the existing roundabout junction at Clifton Moor (south). For the avoidance of any doubt, no access is being proposed from the Wigginton Road/A1237 roundabout. For the avoidance of any doubt, there will be no access/egress from Moor Lane	Two access points are proposed from Wigginton Road (east) and from the existing roundabout junction at Clifton Moor (south). For the avoidance of any doubt, no access is being proposed from the Wigginton Road/A1237 roundabout. For the avoidance of any doubt, there will be no access/egress from Moor Lane

4(vii)	Individual & Cumulative Transport Impact	BDW/TWF will work alongside CYC and other developers where necessary in order to ensure that the individual and cumulative highways impact on the City is mitigated. Detailed discussions have already taken place with CYC to agree the site-specific access solutions for the development proposals.	BDW/TWF will work alongside CYC and other developers where necessary in order to ensure that the individual and cumulative highways impact on the City is mitigated. Detailed discussions have already taken place with CYC to agree the site-specific access solutions for the development proposals.	BDW/TWF will work alongside CYC and other developers where necessary in order to ensure that the individual and cumulative highways impact on the City is mitigated. Detailed discussions have already taken place with CYC to agree the site-specific access solutions for the development proposals.
4(viii)	Local Highways Upgrades	Appropriate contributions will be delivered for local highways upgrades linked to the development of the site. Land can also be made available for potential future widening of the A1237.	Appropriate contributions will be delivered for local highways upgrades linked to the development of the site. Land can also be made available for potential future widening of the A1237.	Appropriate contributions will be delivered for local highways upgrades linked to the development of the site. Land can also be made available for potential future widening of the A1237.
4(ix)	Dedicated Public Transport Routes	A bus route will be provided through the site, via the A1237 and Wigginton Road access points. Pedestrian/Cycle connections will be delivered to existing links via new proposed subway link to Clifton Moor at the request of CYC. The cost of which is circa £1.5m. Which provides further weight to the need to expand the size of the allocation to ensure that it remains viable.	A bus route will be provided through the site, via the A1237 and Wigginton Road access points. Pedestrian/Cycle connections will be delivered to existing links via new proposed subway link to Clifton Moor at the request of CYC. The cost of which is circa £1.5m. Which provides further weight to the need to expand the size of the allocation to ensure that it remains viable.	A bus route will be provided through the site, via the A1237 and Wigginton Road access points. Pedestrian/Cycle connections will be delivered to existing links via new proposed subway link to Clifton Moor at the request of CYC. The cost of which is circa £1.5m. Which provides further weight to the need to expand the size of the allocation to ensure that it remains viable.
4(ix)	Public Transport Services	Masterplan designed to accommodate a bus route through the site, via the A1237 and Wigginton Road access points. Discussions will take place with operators to ensure that the new route connects the site to the City and surrounding Villages.	Masterplan designed to accommodate a bus route through the site, via the A1237 and Wigginton Road access points. Discussions will take place with operators to ensure that the new route connects the site to the City and surrounding Villages.	Masterplan designed to accommodate a bus route through the site, via the A1237 and Wigginton Road access points. Discussions will take place with operators to ensure that the new route connects the site to the City and surrounding Villages.
4(x)	Pedestrian & Cycle Links	Provided throughout the site with connectivity to existing links and Clifton Moor via a new proposed subway.	Provided throughout the site with connectivity to existing links and Clifton Moor via a new proposed subway.	Provided throughout the site with connectivity to existing links and Clifton Moor via a new proposed subway.

4(xi)	Coalescence with Surrounding Settlements	Key views to York Minster are preserved. Positioning of open space on western boundary; substantial landscaping on all of the site's boundaries; and retention of existing woodland areas ensures delivery of permanent future boundaries to the site. Distance from the site's western boundary to Skelton is 1km; eastern boundary to Wigginton Road is 0.6km; and southern boundary to Clifton Moor is 0.46km	Key views to York Minster are preserved. Positioning of open space on western boundary; substantial landscaping on all of the site's boundaries; and retention of existing woodland areas ensures delivery of permanent future boundaries to the site. Distance from the site's western boundary to Skelton is 1km; eastern boundary to Wigginton Road is 0.6km; and southern boundary to Clifton Moor is 0.42km	Key views to York Minster are preserved. Positioning of open space on western boundary; substantial landscaping on all of the site's boundaries; and retention of existing woodland areas ensures delivery of permanent future boundaries to the site. Distance from the site's western boundary to Skelton is 1km; eastern boundary to Wigginton Road is 0.6km; and southern boundary to Clifton Moor is 0.25km
4(xii)	Protect/Enhance Green Assets	All of the site's existing green assets are sought to be maintained and enhanced where possible.	All of the site's existing green assets are sought to be maintained and enhanced where possible.	All of the site's existing green assets are sought to be maintained and enhanced where possible.
4(xiii)	Green Space on Western Boundary	16.52Ha of Open Space within the site and substantial areas of green space on the site's western boundary. Distance from the site's western boundary to Skelton is 1km.	Increased areas of 17.12Ha of Open Space within the site and substantial areas of green space on the site's western boundary. Distance from the site's western boundary to Skelton is 1km.	Significantly increased areas of 27.09ha of Open Space within the site, including substantial areas of green space adjacent to the site's western boundary. Distance from the site's western boundary to Skelton is 1km. Additional open space is also to be provided to the site's northern edge in order to provide a robust green wedge between the site and Moor Lane. It is envisaged that the open space in this location will be in the form of new accessible areas of woodland planting and also land available for the expansion of the existing cemetery.

The comparison provided in the table above establishes that BDW & TWF's development options will deliver CYC's key planning parameters as set out within the Pre-Publication Draft Consultation document.

In particular, the requirements to deliver a sustainable housing mix would also include an element of Built to Rent (BTR) to help increase the supply in the Private Rented Sector (PRS) which has been identified by Government as a significant element of the national housing need. Following the Montague Review in 2012 there have been a significant number of Government initiatives on BTR and the House of Commons briefing paper (June 2017) stated that *"the PRS is viewed as an essential part of a strong housing market; successive Governments have tried to create and promote a more professional PRS that is more attractive to tenants, developers and investors"*. The PRS can provide flexibility of tenure, mobility and opportunities for employees, including the Key Worker section. With regards to the Clifton Gate site, the provision of BTR will complement the more traditional housebuilder product that will be delivered across the majority of the site.

Though BDW & TWF support CYC's proposed allocation of the site, the evidence presented in the table above and the enclosed documentation, clearly demonstrates that the allocation boundary needs to be expanded in order to deliver a minimum of 1,350 homes at the site. This is in association with the delivery of a Garden Village design philosophy and the provision of substantial community infrastructure including a primary school, village centre and public open space and recreational facilities. Importantly, the increase in land area would not have an impact on coalescence with surrounding settlements as a **1km** separation distance would be retained between the site and Skelton; **0.6km** between the site and Wigginton Road; and **0.46km** between the site and Clifton Moor.

The distance between the site and Clifton Moor would reduce to a still significant **0.42km** if Option 2 was progressed, but the option would increase the open space within the proposals to **17.12ha**.

With regards to the new proposed Option 3, whilst this option would reduce the distance between the site and Clifton Moor to 0.25km (the site's least sensitive coalescence wedge), it would result in a significantly increased open space area of **27.09Ha**. Additional open spaces within this option would be provided to the site's northern edge in order to provide a robust green wedge between the site and Moor Lane. It is envisaged that the open space in this location will be in the form of new accessible areas of woodland planting and also land available for the expansion of the existing cemetery.

One further important factor that we would like to raise CYC's attention to is the net developable area proposed within each of the three above options. CYC's proposed allocation amounts to **1,348 homes within 55ha** of land in total. It is our understanding that this area predominantly relates to the residential areas of the site, with the provision of public open space and recreational facilities being located on the site's edges, as proposed within the Pre-Publication Draft Local Plan. We set out in the table above, and within the enclosed land use schedules for each of the three development options, that the net developable areas for the three proposed options are **1,350 homes within 42.32Ha** of land; **1,725 homes within 53.92Ha** of land; and **2,200 homes within 67.92ha** of land. The net developable areas of both Option 1 and Option 2 are of course lower than that prescribed by CYC. The gross areas of land associated with each of our client's development options are above the 55ha figure, however, the additional land areas include a primary school, nursery, village centre, public open spaces and recreational facilities, including allotments. The increase in land area is entirely associated with the creation of a Garden Village which benefits from substantial community infrastructure. Creating a new settlement where people will truly want to live.

The similarities between each of BDW & TWF's development options are clear. Whilst they all represent deliverable and viable development opportunities to deliver a significant proportion of the City's housing needs, the difference between the three options is associated with the increase in proposed residential dwellings and, of course, the proportionate economic and social benefits associated with the delivery of more homes from the site. The three proposed development options at the site can deliver the following economic and social benefits to the City of York: -

Socio-Economic Benefit	Option 1 1,350 Homes	Option 2 1,725 Homes	Option 3 2,200 Homes
Creating sustainable communities through meeting market and affordable housing needs, offering existing and potential residents of the City the opportunity to live in the type of house and location they desire	Including up to 405 Affordable Homes	Including up to 518 Affordable Homes	Including up to 660 Affordable Homes
Delivering significant financial contributions towards the improvement of the City's infrastructure including the provision of S106/CIL payments and land for the potential widening of the A1237 ring road in the future.	S106/CIL payments will increase proportionately for each Option		
New capital construction expenditure from private funding	£163m	£208m	£268m
Creation of substantial direct and indirect employment opportunities, including apprenticeships, of which 70% are usually retained in the local area.	361 Jobs	461 Jobs	579 Jobs
Sustaining and improving the District's labour market through delivering the right homes in the right locations.	Benefit will increase proportionately for each Option		
Increased retail and leisure expenditure in the local area per annum	£32m	£41m	£51m
Creation of additional jobs within the local retail and leisure sector	196 Jobs	250 Jobs	299 Jobs
Provision of funding towards public services from the Government's new homes bonuses	£12.4m	£15.8m	£19.2m
Provision of funding towards public services from annual Council tax payments	£2.07m	£2.6m	£3.2m
Provision of services including superfast broadband			

It is clear that all three of the proposed new Garden Village options for the Clifton Gate site can deliver substantial economic, social and environmental benefits to the local area and wider City.

The National Planning Policy Framework seeks to encourage sustainable growth and identifies in Paragraph 8 that economic growth, such as that which this site can deliver, can secure higher social and environmental standards. Furthermore, Paragraph 52 identifies that the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements that follow the principles of Garden Cities (or a Garden Village in this case).

Paragraph 52 of the Framework further states that in such circumstances local planning authorities should consider opportunities to provide the best way of achieving sustainable development. The remaining sections of this letter consider the economic, social and environmental impact and benefits of the proposed development options in further detail.

A NEW 21ST CENTURY YORKSHIRE GARDEN VILLAGE – PRESERVING THE CHARACTER AND SETTING OF YORK

A Vision Document, prepared jointly by JTP Architects and Turkington Martin Landscape Architects, is submitted alongside these representations. The document identifies the vision to deliver: -

A new village with its own identity and good local facilities to meet the everyday needs of residents as the community grows over time. A new village which is well-connected to the centre of York and surrounding settlements by sustainable modes of transport but clearly separated and screened from existing settlements to avoid coalescence. A place that feels a part of York but is still a separate place.

The vision for the site's development, as set out within the development masterplans which are enclosed within the document, has been prepared following a comprehensive assessment of the landscape character of the site and the surrounding areas.

One of the key characteristics of York is how the city developed out from its historic core in the form of radial corridors separated by a series of green fingers. The proposed site aligns with one of these

development corridors which extends radially outwards north-west of York City Centre. The proposed development sits between two green fingers, consisting of the Ouse Corridor to the west of the site, and Bootham Stray to the east. These green fingers positively contribute towards York's green infrastructure network, enhancing the amenity and biodiversity value of existing routes into the city centre and links nature conservation sites with other open space. They also preserve the notion of approaching the city through the countryside.

The Outer Ring Road currently demarcates the urban area of York from the surrounding Green Belt countryside. Where settlements are close to this road, there is a separation distance ranging between 60m and 400m. This has the appearance of reinforcing the village character which is distinct from suburban York. This can be seen in the relationship of villages such as Poppleton, Earswick and Haxby with the ring road and the city beyond. The proposal to set the new development back a distance between 250m and 460m from the outer Ring Road as proposed would establish a village character, provide a distinct identity of the development, and reinforce the separation from the edge of York.

The built edge of the new village will be 1 kilometre from Skelton in all three of the proposed development options. The village will also be well screened from the east by existing mature woodland and set away from Wigginton Road; preserving the rural character of the route into the city centre.

Screening is provided by existing plantations to the east and mature hedgerows adjacent to Bur Tree Dam to the west, with proposed planting further restricting views into the site. The extent of screening landscape elements will result in distant glimpsed views into the new village centre from Wigginton Road, minimising visual impact on adjacent green corridors.

Existing fragmented woodland will be linked and strengthened with new tree planting, green spaces and sports pitches. A series of linked green spaces will encircle the village, providing recreation for the new community and ensuring a green buffer from Clifton Moor and a low density edge from the surrounding countryside. Sport pitches and school playing fields will be located on the site's western boundary, to deliver active uses adjacent to the wider open countryside.

A new village centre with a cluster of local facilities around an attractive village square with a pond will provide a focus for the new village. The square will accommodate seasonal markets and events. There will also be a new pedestrian/cycle subway link to Clifton Moor shopping centre. Small scale workshops, a health centre and older people's housing is also proposed.

Existing water features including ponds and streams will be incorporated into the new village layout. New water features relating to the Suds systems will also be added. These features will together form an integral aspect of the new streets and open spaces adding character and drawing on precedents from surrounding villages.

Linear green spaces will run through the residential area and incorporate watercourses and existing hedgerows. These linking green spaces will create a network of pedestrian routes through the site and define individual neighbourhoods within the new development. They will accommodate a range of community and recreational facilities such as play areas and allotments. Importantly, the green corridors which run through the site have been positioned in order to preserve views of York Minster.

With regard to the proposed Option 3, additional open space is also to be provided to the site's northern edge in order to provide a robust green wedge between the site and Moor Lane. It is envisaged that the open space in this location will be in the form of new accessible areas of woodland planting and also land available for the expansion of the existing cemetery.

The developers of the site will seek to work alongside *Treemendous York* to aid their objective of planting 50,000 new trees within the City in order to promote a healthier, greener, more environmentally friendly, successful and beautiful city.

On account of the above we agree with CYC's conclusion that the site does not fulfil any of the five Green Belt purposes for the following reasons: -

- **The development of the site would not result in unrestricted urban sprawl** due to the masterplan vision of delivering a landscape character led new garden village that delivers new strong defensible landscape and greenspace boundaries;
- **The development of the site would not result in the merging of adjacent settlements** as the positioning of open space on the western boundary; substantial landscaping on all of the site's boundaries; and retention of existing woodland areas ensures delivery of permanent future boundaries to the site which are a distance of 1km from Skelton; 0.6km from Wigginton Road; and between 0.25km and 0.46km from Clifton Moor;
- **The site does not assist in safeguarding the countryside from encroachment** on account of the significant areas of open countryside that will remain surrounding the site, particularly to the north;
- **The proposed development of the site will have no detrimental effect on the setting and special character of historic features** as an assessment has been undertaken of the historic setting of York Minster and the masterplan options have been designed to preserve and where possible enhance the heritage assets within proximity of the site. Importantly, the proposed green corridors which run through the site have been positioned in order to preserve views of York Minster.
- The fifth purpose of Green Belt **to assist in urban regeneration, by encouraging the recycling of derelict and other urban land** is a general purpose which will not be adversely affected by the site.

SAFEGUARDING HISTORIC CHARACTER

Enclosed with these representations is an Archaeology Statement prepared by York Archaeological Trust (YAT). The enclosed statement is based on the YAT's archaeological investigations conducted in 2014. The area currently proposed for residential use was previously investigated with 48 trenches and 4 boreholes. The area identified for open space was investigated with 6 trenches. The area identified for SUDS use was investigated with 7 trenches and 6 boreholes.

The enclosed statement identifies that the site's archaeology has been affected by ploughing and extensive drainage systems across the site. YAT's opinion, supported by the City of York Archaeologist, is that there are no features or deposits identified in the evaluation exercise whose significance merits preservation in-situ. The archaeology present within the proposal site has the potential to enhance understanding of York's prehistory. The City of York Archaeologist has previously suggested that the impact of the development on this archaeology can be mitigated through an archaeological excavation and recording exercise. The City Archaeologist has also indicated that no further evaluation is necessary to inform an EIA, but it may be prudent to consider further evaluation in both the 'areas of interest' and the areas currently regarded as containing little archaeology in order to manage cost and programme risk.

Finally, there are opportunities for community engagement and outreach, both through direct involvement with archaeological work and through public lectures/press releases and publication. BDW & TWF would welcome further discussion with CYC to explore this potential.

DELIVERING A SUSTAINABLE & ACCESSIBLE SETTLEMENT

Enclosed with these representations is an Outline Transport Strategy Report prepared by Fore Consulting Limited (Fore). The document has been prepared to guide the promotion of the Clifton Gate site. It considers the strategic access and connectivity implications associated with development of up to 1,725 dwellings, and identifies a potential outline transport strategy. Whilst the document considers a development of up to 1,725 homes at the site, it is considered that the transport strategy identified within the statement can be upgraded to ensure an accessible and sustainable development of up to 2,200 homes at the site.

The report identifies that the site is well located in relation to the existing wide range of retail and leisure uses within and adjacent to the Clifton Moor retail parks, plus employment uses at Clifton Moor industrial estate and business park. To ensure the long-term sustainability of the site, high quality, safe and convenient walking and cycling routes permeating through the allocation site will be required. These would link to new crossings on the A1237 Outer Ring Road adjacent the allocation site, and new footways and cycleways to link to the existing network of pedestrian and cycle routes linking to the city centre. To ensure permeability with surrounding areas a bus route will be provided through the site, via the A1237 and Wigginton Road access points, and pedestrian/cycle connections will be delivered to existing connections including a new subway under the A1237 Outer Ring Road proposed to link the site to Clifton Moor.

Vehicle access would be taken from a new junction on the B1363 Wigginton Road, and a fourth arm at the A1237 Outer Ring Road / Clifton Moor Gate roundabout. Changes to the Clifton Moor Gate junction in particular will need to be carefully considered to take account of CYC's long-term aspirations to upgrade the A1237 Outer Ring Road, and potentially incorporate grade separation of pedestrian and cycle connections. As identified above, the development of the site offers the potential to make land available for the potential future widening of the A1237.

The proposals will also encourage green transport options in the form of car sharing and vehicle charging points.

The report concludes by stating that the precise impacts, scale, form and phasing of necessary transport measures and highway works will need to be confirmed following collection of traffic data and detailed capacity assessment work that will be undertaken at the planning application stage. However, overall, it is considered that there is no reason in terms of transport and access that precludes the ST14 site from being allocated for residential use.

SAFEGUARDING BIODIVERSITY

Enclosed with these representations is an Ecology Statement prepared by Baker Consultants. The statement outlines the results of a number of ecological studies carried out at the site in 2013-2014 in order to provide an understanding of the ecological issues related to the proposed allocation. The likely ecological constraints to the allocation are also described, as are any requirements for additional survey work. Potential mitigation solutions as part of the planning and development process are also highlighted.

The enclosed report identifies that the following flora and fauna surveys have been undertaken at the Clifton Gate site: -

- Badger Surveys – November 2013;
- Winter Bird Surveys - 4 visits in November & December 2013 and January & February 2014
- Breeding Bird Surveys - Three surveys in April, May and June 2014
- Botanical survey of the Clifton Airfield SLI – May 2014
- Invertebrate survey of Clifton Airfield SLI - Two visits September 2014
- Barn owl surveys - April/May 2014
- Great crested newt surveys - Surveys during mid-March to mid-June 2014
- Reptiles surveys - Surveys during April & May 2014
- Bat activity transects & static detector installation - Three transects undertaken on and around the allocation site during April-July 2014. Static detectors placed on and around the site between April-September 2014

The results of the assessments identify that the Clifton Gate site provides habitats typical of lowland arable farmland, and the species associated with this type of landscape. Although there are features of nature conservation interest present within the allocation site (and surrounding it), these are mostly in discrete areas of habitat rather than being present across the whole landscape.

The main habitat present – arable land – is of low nature conservation interest. The areas of hedgerow, woodland, and scrub are of greater interest and, due to their smaller size can be more easily incorporated into a residential development (and enhanced) as part of retained areas, landscaping and green infrastructure.

In terms of protected and notable species, great crested newts are known to be present locally, but are found in ponds outside of the original larger allocation site. Bats and badgers are known to make some use of the site, but due to the dominance of the arable habitat, the levels of activity and population sizes within the area as a whole are expected to be low. A range of breeding and wintering birds is also present – but principally in defined areas of suitable habitat.

None of the ecological features outlined in this report are likely to represent a serious constraint to the development of the site. Appropriate site design and mitigation will be required, as for any project of this size – but the most adverse potential impact, habitat loss, is extremely limited due to the dominant existing arable land-use.

Careful scheme design means that a range of hedgerow, woodland and other ecological features will be retained and incorporated into the development and, in some cases, enhanced. For example, the proposed access road to the south passes through Clifton Airfield SLI, but makes use of an existing trackway to minimise any potential for ecological impacts.

The proposed variation in the number of residential units (1,350; 1,750; or 2,200) is unlikely to make any significant difference to the level of ecological impact at the site. With any of the three schemes, areas of valuable habitat will be able to be retained and suitable mitigation and enhancement provided. More important will be the suitable incorporation of ecological design principles into masterplanning and detailed site layouts, appropriate protection measures during construction, and the long-term landscape and ecological management of the site post-construction. This can be equally well delivered within any of the three options proposed.

With regard to the proposed Option 3, additional open space is also to be provided to the site's northern edge in order to provide a robust green wedge between the site and Moor Lane. It is envisaged that the open space in this location will be in the form of new accessible areas of woodland planting and also land available for the expansion of the existing cemetery.

The developers of the site will seek to work alongside *Tremendous York* to aid their objective of planting 50,000 new trees within the City in order to promote a healthier, greener, more environmentally friendly, successful and beautiful city.

The statement concludes that although there are issues that would need to be dealt with during planning and construction of the site, these are reasonably standard for a development of this size and would be covered as part of the normal planning process. There is no significant ecological reason why the site should not be allocated for residential development for up to 2,200 homes if required.

DELIVERING NEW INFRASTRUCTURE

Enclosed with these representations is a Utilities Statement prepared by Arup, which provides an update on the assessment work which they previously undertook in 2014 in respect of the larger site allocation for circa 2,800 homes. The statement assesses likely implications of the proposed change in the size of the site and the quantum of development on Air Quality, Noise and Vibration, Flood Risk and Drainage, Geotechnical and Utilities.

The statement concludes by identifying that, based on the Environmental Statement work prepared in 2014, the site area can support a development of 1350 dwellings; 1725 dwellings; or 2,200 dwellings. The likely impacts of the development option would need to be validated through an updated Environmental Statement, however, the environmental effect of the development of a smaller site would of course be reduced compared to the previous 2,800 home development proposals.

The required mitigation to deliver any of the masterplan options can be provided within the site areas shown. To provide flexibility for the future approach to surface water management it would be beneficial to include additional land to provide SUDs ponds on the site's boundaries. The exact areas would be developed further through an updated Surface Water Strategy in due course, but additional land within the allocation would allow space for onsite surface water management.

MEETING THE CITY OF YORK'S FUTURE HOUSING NEEDS

As identified above, we believe that there is a case for the identification of additional housing allocations to those currently proposed by CYC in order to meet the City's housing needs over the proposed plan period.

BDW have previously 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, to assess the Council's methodology that has been utilised in formulating the objectively assessed need (OAN).

At present 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 Council's latest SHMA.

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). 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 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.

No evidence has been provided by the Council to justify the removal of the SHMA's proposed 10% uplift for market signals 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.

The Government's recent consultation document "*Planning for the Right Homes in the Right Places*" (September 2017) identifies a proposed standardised methodology for the calculation of the baseline OAN for each of the Country's Local Authority areas. Importantly, the guidance identifies in Table 1 on Page 22 of the document that in the circumstance when a Local Authority's Local Plan has not progressed to the submission of the Local Plan by the 31st March 2018 then the proposed standardised methodology should be utilised.

The Government's 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 at this time, it provides an indication as to how the Government considers housing requirements should be calculated, and the consideration of market signals is a key issue.

Barton Willmore's own Technical Review of the Council's SHMA as part of their "*Open House*" OAN model work, concluded that when a Market Signals Uplift is included, the full objectively assessed need is considered to range between 920 dwellings per annum and 1,070 dwellings per annum. The higher end of Barton Willmore's threshold therefore directly aligns with the figure that is generated when utilising the Government's standardised OAN methodology.

The Council are now in a position where their own evidence; Barton Willmore's Open House work; and the Government's proposed standardised methodology, all 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.

Therefore, in order to make the plan sound, the housing figure should be adjusted upwards to consider market signals. This in turn will require additional sites to be allocated for residential development.

Our clients are also concerned with the approach taken by CYC with regard to the delivery of windfall development throughout the plan period, which currently stands at 169 dwellings per annum or approximately 19% of the City's overall annual housing requirement. Such a reliance on unplanned development is contrary to the legislative provision of a plan-led system and should not form the basis of the CYC Local Plan moving forwards. Such an approach will not direct homes to those areas that have seen limited growth over recent years and have a clear need for new homes in the future. It is also highly likely that no affordable housing will be provided on windfall sites located in the Urban Area on account of the 15-dwelling threshold proposed in draft Policy H10.

There are also concerns associated with the deliverability of the York Central and Barrack sites. In respect of York Central this relates to uncertainties over the timescales associated with the site's initial infrastructure works and the final quantum of new homes that can be delivered at the site. With regard to the Barrack sites, the concerns relate to *when* and *if* both of the sites will become available for development within the plan period. Unless these current uncertainties are resolved, it is our view that the quantum of new homes to be delivered at these sites should be considered over and above the identification of housing allocations to meet the City's housing needs. If not, there is a real possibility that the City could fail to demonstrate the delivery of sufficient number of deliverable housing sites to meet the City's housing requirement.

Finally, the Pre-Publication Draft Local Plan is relatively silent in respect of the provision of Safeguarded Land and the role this plays in ensuring long term permanence to the Green Belt. Paragraph 85 of the Framework identifies that where necessary LPA's need to plan for longer term development needs "*stretching well beyond the plan period*" through the designation of Safeguarded Land. There are varying examples within recently approved Development Plan documents of what a timescale of "*well beyond the plan period*" can equate to which differ between an additional 10% of land allocations; an additional 5 years' worth of land; or in some cases 10 years' worth of land. It could be argued the greater amount of safeguarded land identified, the greater permanence can be provided to the Green Belt.

In respect of the Clifton Gate site, we support the Council's approach that the larger strategic site allocations will contribute to delivering long term Green Belt permanence where they will deliver homes beyond the initial plan period. An increase of the Clifton Gate site to 2,200 new homes in size as proposed within these representations would make an additional valuable contribution towards providing enduring Green Belt boundaries for the City well beyond the plan period.

In conclusion, when each of the above points are considered holistically, there is a compelling case for the release of additional land as housing allocations within the emerging CYC Local Plan in order to meet the City's full objectively assessed housing needs, such as an extension of our client's Clifton Gate site to deliver at least 1,725 homes.

HOUSING INFRASTRUCTURE FUND BID – SEPTEMBER 2017

CYC recently submitted a Housing Infrastructure Fund (HIF) bid to the Government with the aim of accelerating the delivery of new homes from the site within the plan period.

The Council's bid requested £9.845m funding towards the provision of the site's initial highways infrastructure in order to accelerate the delivery of homes at the site, providing an additional 280 homes on site by 2022/2023 and the delivery of all 1,350 homes by 2028/2029.

The HIF funding would enable the delivery of both of the two proposed access points for the site at commencement of development, meaning that the site's delivery will be developed by four separate house builder outlets immediately. Without the requested funding from the HIF only one access point would be delivered on account of cash flow/return on capital expenditure matters, resulting in the commencement of development from two house builder outlets for the first few years.

At present it is anticipated that the development will deliver a yield of at least 120 homes per annum with the potential to deliver up to 150 homes per annum. However, should CYC's HIF bid be successful, this could potentially deliver up to 200 homes in the early stages of the development on account of latent demand and four house builders developing from the site immediately.

The proposed community infrastructure and areas of public open space will be delivered commensurate with the progression of the development and made available for use as required. Meaning the accelerated housing deliver would also deliver the development's community infrastructure (Primary Schools, Village Centre, Health Centre, Elderly Care Homes) much quicker as well.

On account of the substantial initial site infrastructure requirements and costs, the delivery of new homes from the site will not reach its maximum potential for a 2 to 3-year period. Accordingly, the requested funding will enable the acceleration of housing delivery within the first year of the receipt of planning permission.

Should the Council's HIF bid be successful our client's Development Options 2 & 3 would clearly become fully deliverable within the proposed plan period. Which along with the evidence provided above in respect of housing needs and safeguarded land, provides a further planning argument associated with the allocation of our client's larger development options for the site.

DELIVERY TIMESCALES

We envisage that a planning application will be submitted in 2019, following the adoption of the Local Plan. Taking into account the proposed submission date it is currently envisaged that first dwelling completions on the site will take place in 2019/20 following the submission of a hybrid planning application and initial site infrastructure works.

The potential size of the site offers the opportunity for three to four house builders developing the scheme simultaneously. Therefore, it is anticipated that the development will deliver a yield of at least 120 homes per annum with the potential to deliver up to 150 homes per annum. The table below provides the site's cumulative dwelling delivery projection per annum that CYC can use within their forthcoming housing trajectory work. A delivery projection is provided for each of the potential Development Options for the site.

Year	Development Option 1 - No of Homes Cumulative	Development Option 2 - No of Homes Cumulative	Development Option 3 - No of Homes Cumulative
2018/2019	0	0	0
2019/2020	60	60	60
2020/2021	180	180	180
2021/2022	300	300	300
2022/2023	420	420	420
2023/2024	540	540	540
2024/2025	660	660	660
2025/2026	780	780	780
2026/2027	900	900	900
2027/2028	1,020	1,020	1,020
2028/2029	1,140	1,140	1,140
2029/2030	1,260	1,260	1,260
2030/2031	1,350	1,350	1,350
2031/2032		1,470	1,470
2032/2033		1,590	1,590
2033/2034		1,725	1,710
2034/2035			1,830
2035/2036			1,950
2036/2037			2,070
2038/2039			2,200
2039/2040			

N.B Delivery within the early years of the development could be greatly enhanced by the provision of additional care home facilities before 2020/2021 and Build for Rent before 2022/2023. With regard to proposed Option 3, this would result in the delivery of 2,200 homes entirely within the plan period.

The proposed community infrastructure and areas of public open space will be delivered commensurate with the progression of the development and made available for use as required.

The development proposals can deliver significant benefits to the City of York alongside making a significant contribution to CYC's housing requirements over the course of the plan period. In reference to CYC's Pre-Publication Draft consultation document, it is prudent to identify that the site has the potential to deliver at least 1,350 to 1,725 homes over the anticipated plan period.

Whilst the proposed Option 3 would deliver an additional 490 homes within the first four years beyond the plan period, we would like to point out the benefit that this would deliver to CYC in respect of meeting ongoing housing needs and also safeguarding the release of land from the newly defined Green Belt boundary in advance of the adoption of the next Local Plan.

Furthermore, the housing delivery rates identified within the table above are based on an annual delivery rate of 120 homes per annum. This figure could easily increase to 150 homes per annum in years of peak delivery. Further accelerated delivery above this figure can also be predicted should CYC's Housing Infrastructure Fund bid for the site prove successful.

DELIVERABILITY ASSESSMENT

In accordance with Footnote 11 of Paragraph 47 of the National Planning Policy Framework, we believe that the site can be considered as a **Deliverable** residential development site on account of: -

Suitability

The site is located in a suitable location for residential development now. As identified above, the development proposals are situated in a suitable and highly sustainable location in respect of connectivity to existing jobs and services and there are no technical or environmental (built and natural) constraints that would preclude the development of the site.

Availability

The site is available for development now. The site is available for residential development as there are no legal or ownership constraints as all landowners have made the land available for development. BDW & TWF have an interest in the site and by virtue of this and previous submissions are expressing an intention to develop the site for residential use.

Achievability

A viable housing development can be delivered on the site within the next five years and indeed within the first five years of the adoption of the Local Plan. BDW & TWF are seeking to develop the site for residential use. Prior to the progression of development sites, they undertake a thorough marketing and economic viability assessment for each site, including an assessment of any site specific abnormal costs. The site is considered to be achievable for residential development now as there is a realistic prospect that the site can deliver new homes within the next five years and indeed within the first five years of the adoption of the Local Plan.

Deliverability Conclusion

The site can be considered a deliverable residential development site and its release would deliver a number of significant economic, social and environmental benefits as identified above.

CONCLUSIONS

On the basis of the information provided within this letter, and the enclosed documentation, we wish to place on record our **support** for the proposed allocation of Land to the West of Wigginton Road which is currently proposed by CYC as a new Garden Village within the emerging City of York Local Plan.

Whilst we support the principles of the allocation of the site, we believe that amendments are required to the site's proposed boundaries in order to ensure that CYC's Garden Village philosophy for the site can be delivered alongside each of CYC's identified Planning Parameters.

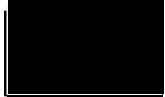
Our proposals have the potential to provide a new Garden Village of either 1,350 homes; 1,725 homes; or 2,200 homes alongside the delivery of significant community infrastructure in the form of a new primary school, a village centre, public open space and recreational facilities. The site is strategically located to the north of the City, but importantly separated from the existing urban edge and surrounding villages to ensure that the historic and landscape character of this area of the City is preserved and enhanced where possible.

The development proposals are situated in a **suitable** and highly sustainable location and there are no technical or environmental (built and natural) constraints that would preclude the development of the site. The site is **available** now as it is under the control of a national house builder and regional development company who are actively seeking to secure planning permission for the residential development of the site. The site can also be considered **achievable** as our clients can deliver new homes on the site within the next five years.

Finally, in respect of procedural matters, we would like to work alongside CYC to finalise the site specific strategic development policy to be included within future versions of the Local Plan. Working together we can ensure that CYC's and the local community's planning parameters for the site are deliverable.

Should you require any further details or clarification on the content of this letter please do not hesitate to contact me.

Yours sincerely,



PAUL BUTLER

Director

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Local Plan,
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4th April 2018

Dear Sir or Madam,

CITY OF YORK LOCAL PLAN – LAND WEST OF WIGGINTON ROAD – BARRATT HOMES & DAVID WILSON HOMES AND TW FIELDS – CLIFTON GATE - SUPPORT FOR SITE REFERENCE ST14

We write on behalf of our clients Barratt Homes & David Wilson Homes (BDW) and TW Fields (TWF) to provide City of York Council (CYC) with their representations to CYC's Publication Draft Local Plan (February 2018).

From a review of the latest version of the Local Plan, it is clear that CYC have not taken on board the evidence we previously presented in our representations to earlier versions of the Local Plan, by letters dated 12th September 2016 and 27th October 2017. As a result, we are concerned that the current Publication Draft Local Plan cannot be considered sound in the context of Paragraph 182 of the NPPF.

This letter does not seek to re-iterate the comments made to CYC in our previously submitted representations. These are enclosed, and we request that they are submitted alongside this letter to the Secretary of State as a holistic and comprehensive representation for the Land to the West of Wigginton Road (Site Ref. ST14), which we refer to as Clifton Gate.

This letter will however provide a summary of the comments previously made, before providing an update in our response to CYC's evidence base in association with the deliverability of this site and the objectively assessed housing needs of the City.

Our client's **support** CYC's identification of the site as a new Garden Village within the emerging City of York Local Plan. However, we wish to make it clear from the outset that we have concerns with the current red line site allocation boundary.

Whilst the site can deliver 1,348 homes within the plan period within CYC's current site red line site allocation boundary, it is our view that the current boundary should be expanded in order to enhance the community and green infrastructure that the site can deliver in respect of the policy aspirations required by Policy SS12 of the Publication Draft Local Plan.

Furthermore, when considering the need to expand the current red line site allocation boundary for the site, CYC must also recognise that the site area we are proposing for our 1,350 development option mirrors that which CYC submitted to the Government as part of their successful Housing Infrastructure Fund bid (subject to submitting a sound business case) in September 2017. Which of course seeks funding to accelerate the delivery of new homes at the site. Consequently, in order for CYC to fulfil the requirements necessary to obtain the funding provisionally allocated, the site allocation boundary needs to be expanded to ensure that the site's area identified within the Housing Infrastructure Fund bid and the Local Plan align.

We therefore request that CYC amend the red line site allocation boundary prior to the submission of the Local Plan to the Secretary of State in order to ensure that the Local Plan can be found sound. From a delivery point of view, this will also allow us to prepare and submit a planning application prior to the adoption of the Local Plan, which could then be determined shortly after the Local Plan's adoption. Thus, ensuring the delivery of new homes from the site at the earliest point possible.

CLIFTON GATE – SUMMARY & DEVELOPMENT OPTIONS

A summary of our previous representations is provided in the table below: -

Site ST14 – Representations Summary
<ul style="list-style-type: none"> • We fully support the principle of the proposed allocation of the site by CYC. • Three deliverable and viable development proposals are being put forward for CYC’s consideration: <ul style="list-style-type: none"> ○ The delivery of 1,350 homes (including 405 affordable homes) at the site alongside each of CYC’s proposed “Planning Principles”. ○ The delivery of 1,725 homes (including 517 affordable homes) at the site to meet any potential increase in the City’s housing requirements, alongside a proportionate enhancement to the benefits that the site can deliver in association with CYC’s proposed “Planning Principles” for the site. ○ The delivery of up to 2,200 homes (including 660 affordable homes) at the site to meet any potential increase in the City’s housing requirements or the need to ensure permanence to the City’s Green Belt, alongside a proportionate enhancement to the benefits that the site can deliver in association with CYC’s proposed “Planning Principles” for the site. • The development proposals can deliver 420 homes within the first 5 years of the Local Plan and up to 1,725 homes (at least) within the plan period. The number of homes to be delivered at the site would be accelerated should CYC’s Housing Infrastructure Fund bid be successful. • The proposals will deliver a Garden Village design philosophy with the provision of substantial community infrastructure including a primary school, village centre, public open space and recreational facilities. • The net developable residential area of each of the proposed options are either smaller or similar in size to the current allocation site area prescribed by CYC. • In each of the development options above, the historic and landscape character of this area of the City will be preserved as key views to York Minster are maintained and strategically placed open space on the site’s boundaries alongside the site’s existing woodland areas will deliver permanent future boundaries to the site. • Separation distances between the site and surrounding areas are substantial. The distance between the site’s western boundary to Skelton is 1km; its eastern boundary to Wigginton Road is 0.6km (both of these separation distances remain for all site options; and its southern boundary to Clifton Moor is between 0.25km and 0.46km (depending on which site option is progressed). • Two access points are proposed from Wigginton Road (east) and from the existing roundabout junction at Clifton Moor (south). Appropriate contributions will be delivered for highways upgrades. Land can also be made available for the potential future widening of the A1237. • Pedestrian and cycle connections will be provided throughout the site, with connectivity to existing links and Clifton Moor via a proposed subway under the future upgraded A1237. • The development proposals replicate the historical development patterns of the City in respect of the formation of a satellite settlement located on the periphery of the main urban edge.

The site is strategically located to the north of the City, but importantly separated from the existing urban edge and surrounding villages to ensure that the historic and landscape character of this area of the City is preserved and enhanced where possible. The development proposals are situated in a suitable and highly sustainable location in respect of connectivity to existing jobs and services at Clifton Moor. Importantly, there are no technical or environmental (built and natural) constraints that would preclude the development of the site.

Whilst the introduction of this letter focused on the need for CYC to expand the red line site allocation boundary to ensure the delivery of a 1,350 home Garden Village at the site, the site has the potential to provide for a new garden village of either 1,350; 1,725; or up to 2,200 new homes, alongside the

delivery of significant community infrastructure in the form of a new primary school, a village centre, public open space and recreational facilities.

The site has been identified as strategic housing site allocation ST14 within iterations of the City of York Local Plan since June 2013. At that time the Preferred Options Local Plan identified the site as having the potential to deliver 4,020 homes, along with the allocation of Safeguarded Land to the north of the allocation. The number of homes to be provided at the site was reduced to 2,800, along with an amendment to the red line site allocation boundary, within the now withdrawn City of York Publication Draft Local Plan (October 2014).

None of the proposed options for Clifton Gate are within the *York Green Belt Appraisal Character Areas* as set out in Figure 3.1 of the council's Publication Draft Local Plan

Prior to the withdrawal of the previous Publication Draft Local Plan, our clients undertook and submitted technical assessments associated with the delivery of the previously proposed red line site allocation boundary. Comprehensive community consultation work with local stakeholders, including a Community Planning Weekend, was also undertaken in respect of the larger site area.

Consequently, as CYC have previously undertaken public consultation and Sustainability Appraisal work in respect of the larger site, there remains the potential for the enlargement of the allocation back to the previously considered acceptable size, should CYC need to do so to meet the City's increased housing needs.

This letter reiterates our client's design philosophy for the proposed development of a 21st Century Garden Village at the Clifton Gate site and demonstrates the site's deliverability for residential development in accordance with national planning guidance. In doing so the letter again refers to the following documents which are enclosed: -

- Visual Document – JTP/Turkington – August 2016
- Illustrative Masterplan – JTP – August 2016
- 1,350 Home Land Use Plan; Land Use Schedule & Key – JTP – August 2016
- 1,725 Home Land Use Plan; Land Use Schedule & Key – JTP – August 2016
- 2,200 Home Land Use Plan; Land Use Schedule & Key – JTP – October 2017
- Archaeology Statement - York Archaeological Trust – August 2016
- Outline Transport Strategy Report – Fore Consulting – September 2016
- Ecology Statement – Baker Consulting – September 2016
- Utilities Statement – Arup – September 2016

The documents referenced above provide an update of the comprehensive technical reports which were previously submitted to CYC in the promotion of the original larger site area proposed for allocation by CYC within the withdrawn City of York Publication Draft Local Plan (October 2014). The parameters established within the comprehensive technical reports were utilised in the preparation of the new indicative masterplans for the site.

With regards to our proposed Option 2, which recommends the delivery of 1,725 homes at the site, in order to meet an evidenced increase to the City's housing requirements, CYC's Officer's endorsed an increase in the proposed site allocation from 55ha (1,348 homes) to 68ha (1,672 homes) to CYC's Local Plan Working Group on the 10th July 2017. The reasoning behind the recommendation was as follows:

“This reflects developers/landowners concerns regarding the viability/deliverability of the site and the ability to deliver the planning principles including the significant infrastructure requirements given the sites location adjacent to the A1237.”

This option was also put forward by CYC's Officer's as a potential change to the Local Plan ahead of consultation in respect of the Publication Draft Local Plan at CYC's Local Plan Working Group on the 23rd January 2018.

Whilst CYC's Officer's recommendations were not approved on either occasion, we believe there is still a strong case for the expansion of the site in respect of both size and housing numbers. Whilst we support CYC's Officer's recommendation, it remains our view that in order to deliver a truly exemplar new Garden Village, the site allocation should be expanded to at least *"72.73Ha in total and 1,725 homes (at 32dph on 53.96ha net residential developable area)"* for the reasons identified within this and our previous representations; the reasoning provided by CYC's Officers; and due to the potential need to deliver additional homes from the site to meet the increased housing needs of the City.

With regard to our proposed Option 3, the 2,200 home opportunity for the development of the site was previously put forward for CYC's consideration on account of the potential need for additional housing numbers as result of the Government's recent announcement associated with a standardised methodology for calculating annual housing requirements; the need for CYC to ensure enduring and permanent Green Belt boundaries beyond the plan period; and as a result of CYC's recent Housing Infrastructure Fund bid to the Government, which could result in an accelerated delivery of new homes at the site.

Notwithstanding the above, we believe that it is of paramount importance that in the first instance CYC ensure that the site allocation red line boundary for their proposed number of homes (1,348) is correct to ensure the delivery of a Garden Village style development alongside the comprehensive delivery of CYC's community and green infrastructure aspirations for the site as required by Policy SS12 of the Publication Draft Local Plan.

As identified above, there are three potential masterplan options associated with the development of the site: -

1. The delivery of 1,350 homes at the site to align with CYC's proposed housing numbers within the Publication Draft Local Plan Document. This masterplan option represents a deliverable and viable opportunity to meet CYC's current proposed housing numbers for the site, whilst also ensuring that each of CYC's proposed "Planning Principles" are delivered.
2. The delivery of 1,725 homes at the site to meet any potential increase in the City's housing requirements, alongside a proportionate enhancement to the benefits that the site can deliver in association with CYC's proposed "Planning Principles" for the site. This option could also deliver an increase in economic and social benefits associated with the delivery of more homes at the site.
3. The delivery of up to 2,200 homes at the site to meet any potential increase in the City's housing requirements or the need to ensure permanence to the City's Green Belt, alongside a proportionate enhancement to the benefits that the site can deliver in association with CYC's proposed "Planning Principles" for the site.

The vision of the proposals is to deliver a landscape led development which is separated from the existing urban edge and surrounding villages to ensure that the historic and landscape character of this area of the City is preserved and enhanced where possible. The proposed development options have been formulated following the undertaking of ecology, landscape, Green Belt, archaeology, drainage, infrastructure and highways assessments. Each of the proposals seek to deliver a Garden Village development, community facilities and substantial areas of recreation and amenity space.

With our previous representations we provided an assessment of each of the development options against each of CYC's policy parameters identified within draft Local Plan Policy SS12. For brevity, we do not seek to repeat this assessment here and again ask that CYC refer to our previous submissions which are enclosed with this letter.

However, in order to reaffirm our point in respect of the need to expand the current proposed red line site allocation boundary, we provide in the table below an analysis of the amount of land that would be available for community and green infrastructure within CYC's current site allocation red line boundary and each of our development options.

Ref.	CYC	Option 1	Option 2	Option 3
Site Size / Capacity	55Ha / 1,348 Homes (1200 plan period)	65.36Ha / 1,348 Homes (All within the plan period)	77.56Ha / 1,725 Homes (All within the plan period)	101.53Ha / 2,200 Homes (Potential for up to 2,200 homes within the plan period)
Density / Design Ethos	Strategic Site – 70% net site area at 35dph	Garden Village – Approximately 60% to 70% net developable area – 42.32Ha net site area at 32dph	Garden Village – Approximately 60% to 70% net developable area - 53.92Ha net site area at 32dph	Garden Village – Approximately 60% to 70% net developable area - 67.92Ha net site area at 32dph
Additional Land Uses / Analysis	<p>A density of 35 dph over the net developable area would result in a development that is similar in density to those currently taking place within the main urban areas of the City i.e. Redrow’s scheme at the Grain Stores; Persimmon’s scheme at Germany Beck and BDW’s scheme at New Lane, Huntington.</p> <p>It does not allow for space/planting between dwellings or further green wedges/planting throughout the street scene. Which is what a Garden Village ethos requires and is more aligned to a density of 32dph and a net developable area of 60% to 70%.</p> <p>At 32 dph over a 60% developable area, 1,056 homes could be delivered. This increases to 1,232 homes over a 70% new developable area.</p> <p>Increasing this to 1348 homes within the current proposed site area would therefore result in a reduction of the land available for the delivery of all of the other essential and desirable uses such as a new primary school, local centre, recreational open space and SuDS features.</p>	<p>The option can deliver: -</p> <ul style="list-style-type: none"> • 1,348 homes at 32dph • 2.3Ha of land for a Local Centre. • 2.26Ha of land provided for Nursery and a two-form entry Primary Education. • 16.52Ha of Open Space within the site and substantial areas of green space on the site’s western boundary. Distance from the site’s western boundary to Skelton is 1km. 	<p>The option can deliver: -</p> <ul style="list-style-type: none"> • 1,725 homes at 32dph • 2.3Ha of land for a Local Centre • 2.26Ha of land provided for Nursery and a two-form entry Primary Education. • 17.12Ha of Open Space within the site and substantial areas of green space on the site’s western boundary. Distance from the site’s western boundary to Skelton is 1km. 	<p>The option can deliver: -</p> <ul style="list-style-type: none"> • 2,200 homes at 32dph • 2.3Ha of land for a Local Centre • 2.26Ha of land provided for Nursery and a two-form entry Primary Education. • Substantially increased areas 27.09Ha of Open Space within the site and substantial areas of green space on the site’s western boundary. Distance from the site’s western boundary to Skelton is 1km. Additional open space is also to be provided to the site’s northern edge in order to provide a robust green wedge between the site and Moor Lane. It is envisaged that the open space in this location will be in the form of new accessible areas of woodland planting and also land available for the expansion of the existing cemetery.

The similarities between each of BDW & TWF's development options are clear. Whilst they all represent deliverable and viable development opportunities to deliver a significant proportion of the City's housing needs, the difference between the three options is associated with the increase in proposed residential dwellings and, of course, the proportionate economic and social benefits associated with the delivery of more homes from the site.

The three proposed development options at the site can deliver the following economic and social benefits to the City of York: -

Socio-Economic Benefit	Option 1 1,350 Homes	Option 2 1,725 Homes	Option 3 2,200 Homes
Creating sustainable communities through meeting market and affordable housing needs, offering existing and potential residents of the City the opportunity to live in the type of house and location they desire	Including up to 405 Affordable Homes	Including up to 518 Affordable Homes	Including up to 660 Affordable Homes
Delivering significant financial contributions towards the improvement of the City's infrastructure including the provision of S106/CIL payments and land for the potential widening of the A1237 ring road in the future.	S106/CIL payments will increase proportionately for each Option		
New capital construction expenditure from private funding	£163m	£208m	£268m
Creation of substantial direct and indirect employment opportunities, including apprenticeships, of which 70% are usually retained in the local area.	361 Jobs	461 Jobs	579 Jobs
Sustaining and improving the District's labour market through delivering the right homes in the right locations.	Benefit will increase proportionately for each Option		
Increased retail and leisure expenditure in the local area per annum	£32m	£41m	£51m
Creation of additional jobs within the local retail and leisure sector	196 Jobs	250 Jobs	299 Jobs
Provision of funding towards public services from the Government's new homes bonuses	£12.4m	£15.8m	£19.2m
Provision of funding towards public services from annual Council tax payments	£2.07m	£2.6m	£3.2m
Provision of services including superfast broadband			

It is clear that all three of our proposed new Garden Village options for the Clifton Gate site can deliver substantial economic, social and environmental benefits to the local area and wider City.

The National Planning Policy Framework seeks to encourage sustainable growth and identifies in Paragraph 8 that economic growth, such as that which this site can deliver, can secure higher social and environmental standards. Furthermore, Paragraph 52 identifies that the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements that follow the principles of Garden Cities (or a Garden Village in this case).

A NEW 21ST CENTURY YORKSHIRE GARDEN VILLAGE – PRESERVING THE CHARACTER AND SETTING OF YORK

We believe it is important to again present to CYC the vision of our development proposals, as these are a key justification for the Council to expand the red line site allocation boundary.

A Vision Document, prepared jointly by JTP Architects and Turkington Martin Landscape Architects, is submitted alongside these representations. The document identifies the vision to deliver: -

A new village with its own identity and good local facilities to meet the everyday needs of residents as the community grows over time. A new village which is well-connected to the centre of York and surrounding settlements by sustainable modes of transport but clearly separated and screened from existing settlements to avoid coalescence. A place that feels a part of York but is still a separate place.

The vision for the site's development, as set out within the development masterplans which are enclosed within the document, has been prepared following a comprehensive assessment of the landscape character of the site and the surrounding areas.

One of the key characteristics of York is how the city developed out from its historic core in the form of radial corridors separated by a series of green fingers. The proposed site aligns with one of these development corridors which extends radially outwards north-west of York City Centre. The proposed development sits between two green fingers, consisting of the Ouse Corridor to the west of the site, and Bootham Stray to the east. These green fingers positively contribute towards York's green infrastructure network, enhancing the amenity and biodiversity value of existing routes into the city centre and links nature conservation sites with other open space. They also preserve the notion of approaching the city through the countryside.

The Outer Ring Road currently demarcates the urban area of York from the surrounding Green Belt countryside. Where settlements are close to this road, there is a separation distance ranging between 60m and 400m. This has the appearance of reinforcing the village character which is distinct from suburban York. This can be seen in the relationship of villages such as Poppleton, Earswick and Haxby with the ring road and the city beyond. The proposal to set the new development back a distance between 250m and 460m from the outer Ring Road as proposed would establish a village character, provide a distinct identity of the development, and reinforce the separation from the edge of York.

In all three of the proposed development options, the built edge of the new village will be 1 kilometre from Skelton and will also be well screened from the east by existing mature woodland and set away from Wigginton Road; preserving the rural character of the route into the city centre.

Screening is provided by existing plantations to the east and mature hedgerows adjacent to Bur Tree Dam to the west, with proposed planting further restricting views into the site. The extent of screening landscape elements will result in distant glimpsed views into the new village centre from Wigginton Road, minimising visual impact on adjacent green corridors.

Existing fragmented woodland will be linked and strengthened with new tree planting, green spaces and sports pitches. A series of linked green spaces will encircle the village, providing recreation for the new community and ensuring a green buffer from Clifton Moor and a low density edge from the surrounding countryside. Sport pitches and school playing fields will be located on the site's western boundary, to deliver active uses adjacent to the wider open countryside.

A new village centre with a cluster of local facilities around an attractive village square with a pond will provide a focus for the new village. The square will accommodate seasonal markets and events. There will also be a new pedestrian/cycle subway link to Clifton Moor shopping centre. Small scale workshops, a health centre and older people's housing is also proposed.

Existing water features including ponds and streams will be incorporated into the new village layout. New water features relating to the Suds systems will also be added. These features will together form an integral aspect of the new streets and open spaces adding character and drawing on precedents from surrounding villages.

Linear green spaces will run through the residential area and incorporate watercourses and existing hedgerows. These linking green spaces will create a network of pedestrian routes through the site and define individual neighbourhoods within the new development. They will accommodate a range of community and recreational facilities such as play areas and allotments. Importantly, the green corridors which run through the site have been positioned in order to preserve views of York Minster.

With regard to the proposed Option 3, additional open space is also to be provided to the site's northern edge in order to provide a robust green wedge between the site and Moor Lane. It is envisaged that the

open space in this location will be in the form of new accessible areas of woodland planting and also land available for the expansion of the existing cemetery.

The developers of the site will also seek to work alongside *Treemendous York* to aid their objective of planting 50,000 new trees within the City in order to promote a healthier, greener, more environmentally friendly, successful and beautiful city.

The development proposals can deliver an exemplary new Garden Village which respects the historic character of the City. It can deliver new homes alongside significant areas of community and green infrastructure, in a sustainable location within proximity of the City's existing urban edge. It will be separated and screened from existing settlements to avoid coalescence, but though a separate place, it will still very much feel a part of York.

MEETING THE CITY OF YORK'S FUTURE HOUSING NEEDS

We maintain our view that there is a case for the identification of additional housing allocations to those currently proposed by CYC in order to meet the City's housing needs over the proposed plan period.

BDW have previously 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, to assess the Council's methodology that has been utilised in formulating the objectively assessed need (OAN).

At present the Council have maintained their decision 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 Council's latest SHMA.

By omitting the 10% uplift, and not progressing with a housing requirement of 954 dwellings per annum, the Council are failing to meet their full OAN, as required by the Framework and the Planning Practice Guidance (PPG). There are considered to be no overarching constraints within the District that justify the Council not delivering their full OAN. Such an approach therefore fails to meet any of the tests of soundness set out in paragraph 182 of the NPPF as the Local Plan is not positively prepared; justified; effective and consistent with national policy.

No new evidence has been provided by the Council to justify the removal of the SHMA's proposed 10% uplift for market signals 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.

The Government's consultation document "*Planning for the Right Homes in the Right Places*" (September 2017) identified a proposed standardised methodology for the calculation of the baseline OAN for each of the Country's Local Authority areas. The Government's 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.

Since the commencement of CYC's consultation on the Publication Draft Local Plan, the Government have published further consultation documents associated with a Revised National Planning Policy Framework and Draft National Planning Practice Guidance in March 2018.

The Draft National Planning Practice Guidance (Draft NPPG) provides further guidance in respect of the calculation of an LPA's OAN. The document maintains the proposed standardised methodology for the calculation of OAN, using household projections as the baseline and an uplift for market signals. However, it also identifies the following other key considerations: -

- Plan-making authorities should not apply constraints to the overall assessment of need. Limitations including supply of land, capacity of housing markets, viability, infrastructure, Green

Belt or environmental designations, are considerations when assessing how to meet need. These types of considerations are not relevant to assessing the scale of that need.

- There may be circumstances where it is justifiable to identify need above the need figure identified by the standard method. The need figure generated by the standard method should be considered as the minimum starting point in establishing a need figure for the purposes of plan production. The method relies on past growth trends and therefore does not include specific uplift to account for factors that could affect those trends in the future. Where it is likely that additional growth (above historic trends identified by household projections) will occur over the plan period, an appropriate uplift may be applied to produce a higher need figure that reflects that anticipated growth. Circumstances where an uplift will be appropriate include but are not limited to; where growth strategies are in place, strategic level infrastructure improvements are planned, funding is in place to promote and facilitate growth (i.e. Housing Deals, Housing Infrastructure Fund). **We would consider the impact of anticipated growth through an Enterprise Zone (York Central, which is also an identified Housing Zone) to be included as an appropriate circumstance to increase housing growth as well. CYC have also submitted two Housing Infrastructure Fund bids to Government as well. One at York Central and one at the Clifton Gate site to which these representations relate (discussed further below).**
- The total need for affordable housing will need to be converted into annual flows by calculating the total net need (subtract total available stock from total gross need) and converting total net need into an annual flow. The total affordable housing need can then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in the total housing figures included in the strategic plan may need to be considered where it could help deliver the required number of affordable homes. **Given York's affordable housing needs, we consider that compelling evidence is available to justify an uplift in the OAN on in order to meet such housing needs.**

Although the Revised NPPF and Draft NPPG are still subject to consultation, they provide a further indication as to how the Government considers housing requirements should be calculated, and the consideration of market signals, strategic growth (employment & housing) and affordable housing as key issues to be considered. Which align closely with the current provisions of the NPPF. Put simply, the guidance provided in the bullet points above cannot be ignored.

Barton Willmore's own Technical Review of the Council's SHMA as part of their "Open House" OAN model work, concluded that when a Market Signals Uplift is included, the full objectively assessed need is considered to range between 920 dwellings per annum and 1,070 dwellings per annum. The higher end of Barton Willmore's threshold therefore directly aligns with the figure that is generated when utilising the Government's standardised OAN methodology (without the consideration of any uplift for strategic growth or affordable housing).

The Council are now in a position where their own evidence; Barton Willmore's Open House work; and the Government's proposed standardised methodology, all 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.

Therefore, in order to make the plan sound, the housing figure should be adjusted upwards to consider market signals, strategic growth and affordable housing needs. This in turn will require additional sites to be allocated for residential development.

Our clients have also previously identified concerns with the approach taken by CYC with regard to the delivery of windfall development throughout the plan period. Such a reliance on unplanned development is contrary to the legislative provision of a plan-led system and should not form the basis of the CYC

Local Plan moving forwards. Such an approach will not direct homes to those areas that have seen limited growth over recent years and have a clear need for new homes in the future. It is also highly likely that no affordable housing will be provided on windfall sites located in the Urban Area on account of the 15-dwelling threshold proposed in draft Policy H10.

Finally, there are also concerns associated with the deliverability of the York Central and Barrack sites.

In respect of York Central this relates to uncertainties over the timescales associated with the site's initial infrastructure works and the final quantum of new homes that can be delivered at the site. We have raised a number of concerns over the ability of the York Central site to deliver the proposed number of homes within the plan period at every stage of consultation on the Local Plan. However, notwithstanding these comments, the number of homes anticipated to be delivered at the site has been increased to between 1,700 and 2,500, with a minimum of 1,500 homes within the plan period. The provision of a range of housing numbers is evidence to justify our case of the uncertainties associated with the development of the site. Furthermore, there is no justifiable evidence to back up these figures. Further evidence in respect of our client's concerns associated with the delivery of the York Central site are provided in the overarching representations prepared by Barton Willmore.

With regard to the Barrack sites, the concerns relate to **when** and **if** both of the sites will become available for development within the plan period. At present no concrete evidence has been provided by the Ministry of Defence that these sites are indeed no longer needed.

Unless these current uncertainties are resolved, it is our view that the quantum of new homes to be delivered at these sites should be considered over and above the identification of housing allocations to meet the City's housing needs. If not, there is a real possibility that that the City could fail to demonstrate the delivery of a sufficient number of deliverable housing sites to meet the City's housing requirement.

Finally, the Publication Draft Local Plan is again relatively silent in respect of the provision of Safeguarded Land and the role this plays in ensuring long term permanence to the Green Belt. Paragraph 85 of the Framework identifies that where necessary LPA's need to plan for longer term development needs "*stretching well beyond the plan period*" through the designation of Safeguarded Land. There are varying examples within recently approved Development Plan documents of what a timescale of "*well beyond the plan period*" can equate to which differ between an additional 10% of land allocations; an additional 5 years' worth of land; or in some cases 10 years' worth of land. It could be argued the greater amount of safeguarded land identified, the greater permanence can be provided to the Green Belt.

In respect of the Clifton Gate site, we support the Council's approach that the larger strategic site allocations will contribute to delivering long term Green Belt permanence where they will deliver homes beyond the initial plan period. An increase of the Clifton Gate site to 2,200 new homes in size as proposed within these and previous representations would make an additional valuable contribution towards providing enduring Green Belt boundaries for the City well beyond the plan period.

In conclusion, when each of the above points are considered holistically, there is a compelling case for the release of additional land as housing allocations within the emerging CYC Local Plan in order to meet the City's full objectively assessed housing needs, such as an extension of our client's Clifton Gate site to deliver at least 1,725 homes.

Notwithstanding the above, in the first instance CYC ensure that the site allocation red line boundary for their proposed number of homes (1,348) at the Clifton Gate site is correct to ensure the comprehensive delivery of the Council's community and green infrastructure aspirations for the site as required by Policy SS12 of the Publication Draft Local Plan.

HOUSING INFRASTRUCTURE FUND BID – SEPTEMBER 2017

As identified above, CYC recently submitted a Housing Infrastructure Fund (HIF) bid to the Government with the aim of accelerating the delivery of new homes from the Clifton Gate site within the plan period.

The Council's bid requested £9.845m funding towards the provision of the site's initial highways infrastructure in order to accelerate the delivery of homes at the site, providing an **additional 280 homes** on site by 2022/2023 and the delivery of all 1,350 homes by 2028/2029.

For the avoidance of any doubt the funding would deliver an additional 280 homes above the anticipated 420 homes which we proposed to deliver within 5 years of the adoption of the Local Plan. Please refer to the previously submitted representations for a full breakdown of the site's delivery timescales.

The HIF funding would enable the delivery of both of the two proposed access points for the site at commencement of development, meaning that the site's delivery will be developed by four separate house builder outlets immediately. Without the requested funding from the HIF only one access point would be delivered on account of cash flow/return on capital expenditure matters, resulting in the commencement of development from two house builder outlets for the first few years.

At present it is anticipated that the development will deliver a yield of at least 120 homes per annum with the potential to deliver up to 150 homes per annum. However, should CYC's HIF bid be successful, this could potentially deliver up to 200 homes in the early stages of the development on account of latent demand and four house builders developing from the site immediately.

The proposed community infrastructure and areas of public open space will be delivered commensurate with the progression of the development and made available for use as required. Meaning the accelerated housing delivery would also deliver the development's community infrastructure (Primary Schools, Village Centre, Health Centre, Elderly Care Homes) much quicker as well.

On account of the substantial initial site infrastructure requirements and costs, the delivery of new homes from the site will not reach its maximum potential for a 2 to 3-year period. Accordingly, the requested funding will enable the acceleration of housing delivery within the first year of the receipt of planning permission.

Should the Council's HIF bid be successful our client's Development Options 2 & 3 would clearly become fully deliverable within the proposed plan period. Which along with the evidence provided above in respect of housing needs and safeguarded land, provides a further planning argument associated with the allocation of our client's larger development options for the site.

Importantly, CYC's HIF bid is based on BDW's and TWF's proposed red line site allocation boundary for 1,350 homes (our Option 1). Therefore, as it stands, the Council's HIF bid and the Local Plan don't align.

CYC were informed by letter dated 20th March 2018 of the Government's decision to progress with the Clifton Gate bid to the co-development stage of the competitive HIF process. As part of this process we will work alongside CYC to present a business case for the funding, which will in due course be assessed by the Government prior to a final funding decision being made.

Consequently, in order for CYC to increase the chances of obtaining the funding requested in the HIF bid, the site allocation red line boundary needs to be expanded to ensure that the site's area identified within the HIF bid and the Local Plan align.

As stated above, not only will the HIF bid funding accelerate the delivery of new homes at the site, but it will also accelerate the delivery of the proposed community and green infrastructure at the site as well. Thus, enhancing the sustainability of the proposed new Garden Village as early as possible in the plan period.

MECHANISM TO AMEND THE SITE ALLOCATION BOUNDARY

There is a legal process which CYC can undertake in order to amend the red line site allocation boundary ahead of the submission of the Local Plan to the Secretary of State.

The process includes the following steps: -

- Amend the Local Plan's Proposal Maps;
- Update the Local Plan's Sustainability Appraisal;
- Update Local Plan Policy SS12 (with regards to the number of homes to be delivered from the site within the Local Plan period); &
- Reference the amendments to the Proposal Maps and Policy SS12 within a Modifications Document to be submitted to the Secretary of State along with the Local Plan.

In order for the Local Plan to meet its legal obligations, it is necessary for the Sustainability Appraisal to be up to date in respect of the final, submitted, red line site allocation boundary for the site and the quantum of development proposed.

Consequently, should CYC update the current Sustainability Appraisal in accordance with the red line site allocation boundary proposed within our representations for the 1,350 homes option, and include reference to the quantum of development identified in the table above on Page 5 of these representations, then CYC would be legally allowed to amend the red line site allocation boundary prior to the submission of the Local Plan to the Secretary of State.

As adequate consultation has already taken place on a variety of development options for the site previously, including a much larger site area, the Local Plan would be considered sound with regards to the obligations of national planning policy and guidance.

We urge CYC to undertake the tasks identified above to ensure that the Local Plan can be found sound on the submission of the Local Plan to the Secretary of State in respect of Local Plan Policy SS12.

CONCLUSIONS

On the basis of the information provided within this letter, and the enclosed documentation, we wish to place on record our **support** for the proposed allocation of Land to the West of Wigginton Road which is currently proposed by CYC as a new Garden Village within the emerging City of York Local Plan.

Whilst we want to work alongside CYC to ensure the delivery of a sound Local Plan for the City, we are concerned that unless changes are made to the Publication Draft Local Plan prior to its submission to the Secretary of State, it will not be in a position where it can be found sound. With regards to the Clifton Gate site, this relates to the proposed site allocation boundary.

Whilst we support the principles of the allocation of the site, we believe that amendments are required to the site's proposed boundaries in order to ensure that CYC's Garden Village philosophy for the site can be delivered alongside each of CYC's identified Planning Parameters.

Whilst the delivery of 1,348 homes at the site within the plan period can be considered sound in respect of Paragraph 182 of the NPPF. We believe that Policy SS12 of the Local Plan would be considered more robust and sound if the red line site allocation boundary is amended to mirror that which we propose in our client's 1,350 home option.

The requested amendment to the proposed red line site allocation boundary will also substantially enhance the prospect of CYC being successful in their HIF bid for the Clifton Gate site, as CYC's HIF bid is based on BDW's and TWF's proposed site allocation red line boundary for 1,350 homes (our Option 1).

Furthermore, these representations have also presented a compelling case for the release of additional land as housing allocations within the emerging CYC Local Plan in order to meet the City's full objectively assessed housing needs.

Consequently, we have presented three potential development options to the Council to provide a new Garden Village of either 1,350 homes; 1,725 homes; or 2,200 homes alongside the delivery of significant community infrastructure in the form of a new primary school, a village centre, public open space and recreational facilities. There is also an argument to suggest that a development of up to 2,800 homes could be provided at the site, which of course was a previous option put forward by CYC in the withdrawn Publication Draft Local Plan (October 2014).

The site is strategically located to the north of the City, but importantly separated from the existing urban edge and surrounding villages to ensure that the historic and landscape character of this area of the City is preserved and enhanced where possible.

The development proposals are situated in a **suitable** and highly sustainable location and there are no technical or environmental (built and natural) constraints that would preclude the development of the site. The site is **available** now as it is under the control of a national house builder and regional development company who are actively seeking to secure planning permission for the residential development of the site. The site can also be considered **achievable** as our clients can deliver new homes on the site within the next five years.

In light of the guidance provided in Paragraph 182 of the NPPF, we consider the following: -

- The Local Plan is **positively prepared** in respect of the delivery of 1,348 homes at the Clifton Gate site as the delivery of homes from the site will contribute significantly to meeting the evidenced objectively assessed development and infrastructure requirements of the City.
- The Local Plan is **justified** in respect of the Clifton Gate site as compelling evidence has been provided in this and previously submitted representations to demonstrate that the site's allocation is the most appropriate strategy for delivering a sustainable Garden Village of 1,348 homes in this location of the City, when considered against the reasonable alternatives, based on proportionate evidence;
- The Local Plan is **effective** as the proposed housing numbers at the Clifton Gate site are entirely deliverable within the plan period; &
- The Local Plan is **consistent with national policy** in respect of the Clifton Gate site as compelling evidence has been provided to demonstrate that the proposed development will deliver sustainable development within the plan period. Particular in respect of Paragraph 52 of the NPPF which identifies that the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements that follow the principles of Garden Cities (or a Garden Village in this case).

Finally, in respect of procedural matters, we would like to work alongside CYC to finalise the site specific strategic development policy to be included within future versions of the Local Plan. Working together we can ensure that CYC's and the local community's planning parameters for the site are deliverable.

Should you require any further details or clarification on the content of this letter please do not hesitate to contact me.

Yours sincerely,



PAUL BUTLER

Director

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City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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.

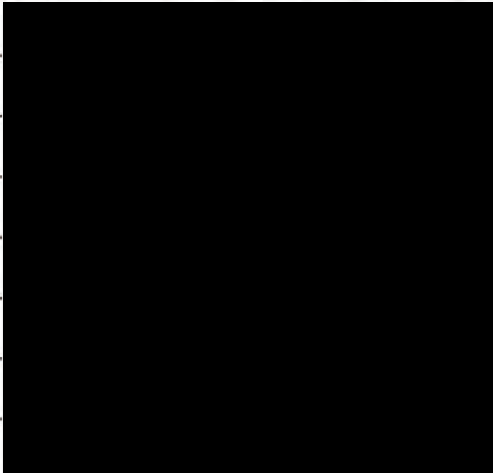
Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

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 Inspectors to consider your representations you must provide your name and postal address.

1. Personal Details		2. Agent's Details (if applicable)
Title	COUNCILLOR	
First Name	DAVID	
Last Name	CARR	
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 Monday 22 July 2019, 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?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and new evidence, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018. You can make comments on any of the proposed modifications, the Sustainability Appraisal Addendum, the updated Habitats Regulation Assessment, and other background documents which include a Housing Needs Assessment update and an Addendum to Topic Paper 1: The Approach to Defining York's Green Belt. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this 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 Inspectors 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 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, 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 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?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

The Local Plan Proposed Modifications document, the Sustainability Appraisal/SEA Addendum and Updated Habitats Regulation Assessment (HRA) will be available for inspection at in all of York's libraries and City of York Council West Offices.

All supporting documents which underpin the City of York Local Plan Proposed Modifications are available to view online at www.york.gov.uk/localplan and are also available for inspection at City of York Council West Offices and York Explore.

Part B -Your Representation

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

3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

ALL

Document:

ALL

Page Number:

ALL

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

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

Yes

No

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

THE MODIFIED PLAN HAS BEEN PREPARED IN LINE WITH STATUTORY REGULATIONS, THE DUTY TO CO-OPERATE, AND LEGAL PROCEDURAL 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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (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) Please justify your answers to questions 5.(1) and 5.(2)

The modified Plan is considered to be sound but in light of the recent downward revisions in the Objectively Assessed Housing Need (OAN), the opportunity should be taken to reduce the suggested number of dwellings on the two Local Plan allocated housing sites at Copmanthorpe, sites ST31 and H29.

The modified Plan includes recent (January 2019) downward revisions in the OAN from 867 to 790 dwellings each year for the duration of the Plan. This reduced number is welcomed but is still considered to be too high in light of other authoritative population projections for York which have emerged since the original Plan was submitted in May 2018.

The reduction in OAN numbers provides the flexibility to reassess the suggested housing densities contained in Local Plan Policy H2 in respect of the two allocated sites at Copmanthorpe; ST31 and H29. The Plan sets out indicative estimated housing yields for these two sites at 158 (for site ST31), and 88 (for site H29). Both sites are greenfield, both are in the Green Belt, and both are extension or infill sites within a long established existing settlement.

Both of these Local Plan allocated sites are also identified as housing development sites in the emerging Copmanthorpe Neighbourhood Plan although at lower housing yield numbers of 75 (for site ST31) and 60 (for site H29). These lower numbers reflect the average housing density across Copmanthorpe, an ancient village settlement now extending to approximately 1750 dwellings. Local Plan Policy H2 is an indicative guide only and acknowledges that housing development densities should be informed by the character of the local area.

For these reasons, the opportunity offered by this Local Plan Modification should be taken to set the maximum number of dwellings permitted on the two Local Plan allocated sites at Copmanthorpe at 75 (for site ST31) and 60 (for site H29).

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.

PLEASE SEE SECTION 5(3) OF THIS FORM.

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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 AM THE CITY OF YORK COUNCILLOR REPRESENTING COPMANTHORPE WARD. MY PARTICIPATION HAS ALREADY BEEN ACCEPTED AND CONFIRMED IN WRITING BY THE PROGRAMME OFFICER.

Please note: the Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for 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 foi@york.gov.uk or on 01904 554145.

Signature

Date

19 July 2019

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 11:56
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122902
- Date submitted: 22/07/2019
- Time submitted: 11:55:56

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

CommentingOnBehalfOf

About you (individual response)

Name:

Address: , , , ,

About the organisation, group or other individual you are representing

Name: Mr Thomas Pilcher

Name of your organisation (if applicable): Thomas Pilcher Homes Ltd

Name of the organisation, group or other individual you represent: Thomas Pilcher Homes Ltd

Contact address: [REDACTED]

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46):

Document: Topic Paper TP1 Approach to defining York's Green Belt

Page number: Annex 3 inner boundary descriptions A3. page 228

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

Absence of safeguarded land

The City of York draft new local plan aspires to determine the inner (and some outer) green belt boundaries for the first time (policy YH9C). CYC sought advice from counsel on the correct method. John Hobson QC provided clear advice, dated 16th Jan 2015, that informed CYC that allocating land as green belt which shall inevitably have to be released progressively over the medium term (at every local plan review) would not provide the permanence required of the green belt policy. He wrote that it would be entirely inappropriate (point 12.) . Therefore he advised in (point 13) that safeguarded land would be a sensible strategy 'in order to strike the balance' because it allows CYC to create a green belt which has a sense of permanence by being capable of enduring significantly longer than the plan period. Rachel Macefield somewhat surprisingly provided this document to the inspectors She also confirmed that safeguarded land has been deemed politically unacceptable to the local councillors. In short a local plan that kicks the can just 5 years down the road at a time would not create a green belt with a sense of permanence. It would require major land releases twice or thrice in this draft plan period (2032) and probably 4 times before 2037 based on a 30 year track record of housing under supply (future housing

delivery tests will constantly pressure CYC to release green belt land). The omission of safeguarded land from the plan is clear evidence that the new Local Plan has not been positively prepared as per para 182.

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not positively prepared, Not justified, Not effective, Not consistent with national policy

Please give reasons for your answer(s):

Not positively prepared because it does not have safe guarded land.

Not justified because areas of land identified as not essential for permanence in Figure 7 of TP1 have been 'unnecessarily kept permanently open' para 85.

Not effective because the absence of safeguarded land shall require constant amendments to the green belt boundaries and local plan amendments.

Not consistent with paragraphs 85, 182, 151 (sustainable locations have been overlooked).

Your comments - necessary changes

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

To include safeguarded land in the new local plan inline with the advice of John Hobson QC to provide for a period 'well beyond' (10 years) beyond a 15 year plan period, while increasing the supply of deliverable sites to address the back log .

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

Yes, I wish to participate

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

The inspectors will want to discuss our deliverable, viable and sustainable site at land north of Avon Drive, Huntington (site 191) which highlights the errors in the plan method and site selection.



From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 14:26
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122932
- Date submitted: 22/07/2019
- Time submitted: 14:26:24

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

CommentingOnBehalfOf

About you (individual response)

Name:

Address: , , , ,

About the organisation, group or other individual you are representing

Name: Mr Robert Pilcher

Name of your organisation (if applicable): Pilcher Homes Ltd

Name of the organisation, group or other individual you represent: Pilcher Homes Ltd

Contact address: Tower House,, Askham Fields Lane,, Askham Bryan, York, YO23 3NU

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: 01904700233

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46):

Document: Topic Paper TP1 Approach to defining York's Green Belt

Page number: Annex 3 inner boundary descriptions A3. page 228

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

Permanence of green belt

Government wants the nation's green belts to be robust so that they are not constantly under pressure and eroded. Which is why the formation of these inner boundaries for the first time should not 'unnecessarily include land which is not necessary to be designated'. Paras 83 – 85 are crucial to assessing the soundness of this recently submitted green belt boundary designation. CYC sees this as clarifying existing boundaries enforced by the 2005 development plan. The safeguarded land should be (and should have been in the early 1990s) designated in between the urban edge and the inner boundary of the green belt which should use identifiable, defensible and clear physical boundaries (such as ring roads, rivers, railways which are seldom removed and would create obvious barriers). The tighter the inner boundary is to the urban fringe the less opportunity there is for sustainable patterns of development without specific release of green belt land. CYC aims to provide a boundary that can endure until 2037 (5 years after initial plan period), but now only 18 years away.

The advice solicited from John Hobson QC at Landmark Chambers 16th January 2015 says; 'in my opinion there is no finite period for a Plan to endure. The land which is designated as Green Belt should be expected to remain open and undeveloped indefinitely.' He then goes on to

surmise that 'the 4th bullet point is likely to be of particular relevance to York, namely the preservation of the setting and special character of the historic City'. I agree with his assessment and would contend that if the 4th purpose of green belt did not exist then the City of York would never have been given a Green Belt at all. Therefore, I believe that this Local Plan and Green Belt boundary analysis should be overwhelmingly focused on the impact on the 4th purpose. It is logical that land which does not serve any of the five purposes, as defined in Figure 7 TP1, must not be unnecessarily burdened by Green Belt policy. But more ambitiously I think that CYC could look to release (or not first burden) land which does not serve the 4th purpose but may still serve to a lesser extent some of the other purposes.

Intrinsically linked to the intended permanence is the judgement on what period is suitable for 'well beyond'. Hobson QC opines 10 years beyond 2032. Rachel Macefield states CYC has chosen just 5 years beyond 2032. Members of the public may assume words like 'permanent', 'indefinitely' and 'well beyond' to conjure up multi-generational lengths of time. A prescribed statutory period of 125 years, is defined under the Perpetuities and Accumulations Act 2009. Under the Perpetuities and Accumulations Act 1964 there is an optional statutory period of up to 80 years. However, few may expect a planning policy to endure 100 years, but many would expect 30 plus years. 18 years' time is not far away. At just 18 years ago the terrible events of 11th September 2001 do not seem long ago. Certainly such a snippet of time cannot not be equated to permanence. There is instead, with this plan, an inevitability to its draft Green Belt boundaries being changed over and over as the demand for housing persists. We hope that the examiners will be able to give us all a number of years beyond the plan period which they consider to provide the correct sense of enduring permanence.

Therefore I agree with counsel's opinion in point 16. Where he writes 'if no safeguarded land is identified in the local plan this would give rise to a serious risk of the Plan being found unsound... in particular a failure to indicate how those longer term needs could be met without encroaching in to the green belt'. He then explains that 'he is unaware of a situation comparable to the circumstances in York'. We know from studying other local authorities' plans that they have designated Green Belt in adopted plans without having safeguarded land. However, no other authority has aimed to designate such a high percentage of their land area as green belt. The attached plans (Maps 1 & 2: green belt with draft boundaries July 19) show that CYC has almost green washed everything under its control which is not already built. At a guess 85% of the land is green washed by a national policy which aims for permanence.

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not positively prepared, Not justified, Not effective, Not consistent with national policy

Please give reasons for your answer(s):

The plan is not positively prepared because the inner Green Belt boundaries are too restrictive, do not include safeguarded land, and will not allow the Green Belt to endure well beyond the plan period.

The plan is not justified by the evidence presented in Figure 7 TP1

It is not effective because it cannot deliver an enduring green belt

It is not consistent with national policy because the contents and intent of paragraph 85 has been disregarded.

Your comments - necessary changes

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

Move the inner green belt boundary out to the York Outer Ring Road which can endure as an identifiable physical feature. This would provide adequate land for growth well beyond the plan period.

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

Yes, I wish to participate

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

The inspectors will want to discuss the lack of permanence to the green belt with the owners of site 191 which is 'inevitable for housing' quoting Councillor Reid, chair of planning committee, 24.10.2016', who voted against.

Representation by Robert Pilcher, on behalf of Pilcher homes Ltd,
Tower House, Askham Fields Lane, Askham Bryan, York, YO23 3NU.

The draft plan is not sound.

Response relates to Topic Paper 1: green belt assessment

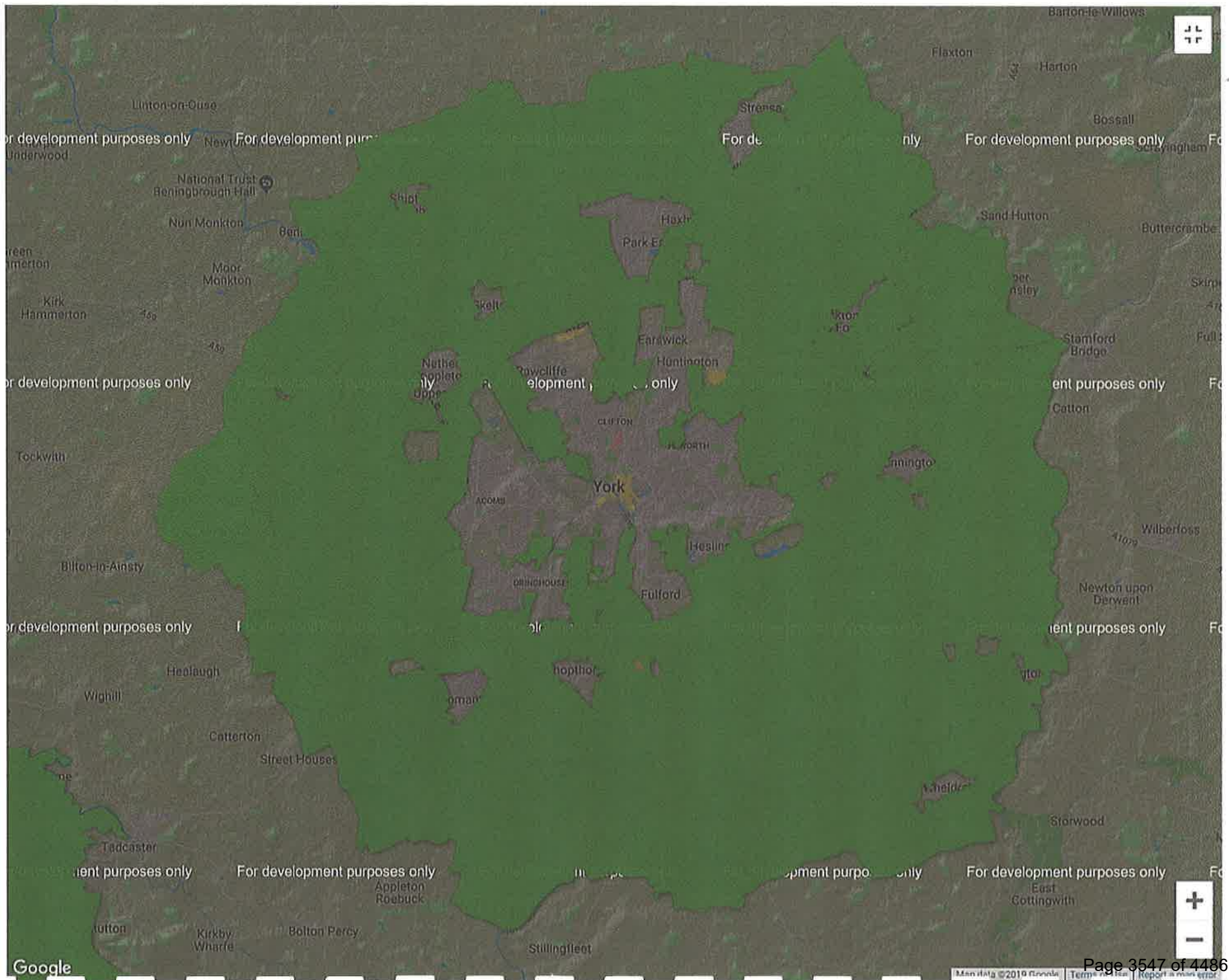
Permanence of green belt

Government wants the nation's green belt to be robust so that it is not constantly under pressure and eroded. Which is why the formation of these inner boundaries for the first time should not 'unnecessarily include land which is not necessary to be designated'. Paras 83 – 85 are crucial to assessing the soundness of this recently submitted green belt boundary designation. CYC sees this as clarifying existing boundaries enforced by the 2005 development plan. The safeguarded land should be (and should have been in the early 1990s) designated in between the urban edge and the inner boundary of the green belt which should use identifiable, defensible and clear physical boundaries (such as ring roads, rivers, railways which are seldom removed and would create obvious barriers). The tighter the inner boundary is to the urban fringe the less opportunity there is for sustainable patterns of development without specific release of green belt land. CYC aims to provide a boundary that can endure until 2037 (5 years after initial plan period), but now only 18 years away.

The advice solicited from John Hobson QC at Landmark Chambers 16th January 2015 says; 'in my opinion there is no finite period for a Plan to endure. The land which is designated as Green Belt should be expected to remain open and undeveloped indefinitely.' He then goes on to surmise that 'the 4th bullet point is likely to be of particular relevance to York, namely the preservation of the setting and special character of the historic City'. I agree with his assessment and would contend that if the 4th purpose of green belt did not exist then the City of York would never have been given a draft Green Belt at all. Therefore, I believe that this Local Plan and Green Belt boundary analysis should be overwhelmingly focused on the impact on the 4th purpose. If land does not serve any of the five purposes as defined in Figure 7 TP1 then it must not be unnecessarily burdened by the weighty development exclusion policy. But more ambitiously I think that CYC could look to release (or not first burden) land which does not serve the 4th purpose but may serve to a lesser extent some of the other purposes.

Intrinsically linked to the intended permanence is the judgement on what period is suitable for 'well beyond'. Hobson QC opines 10 years beyond 2032. Rachel Macefield states CYC has chosen just 5 years beyond 2032. But members of the public may assume words like 'permanent' and 'well beyond' to conjure up generational lengths of time. Few may expect a policy to endure 100 years but many would expect 30 plus years. 18 years' time is not far away. At just 18 years ago the terrible events of 11th September 2001 do not seem long ago. Certainly such a snippet of time cannot not be equated to permanence. There is instead, with this plan, an inevitability to its draft Green Belt boundaries being changed over and over as the demand for housing persists. We hope that the examiners will be able to give us all a number of years beyond the plan period which they consider to provide the correct sense of enduring permanence.

Therefore I agree with counsel's opinion in point 16. Where he writes 'if no safeguarded land is identified in the local plan this would give rise to a serious risk of the Plan being found unsound... in particular a failure to indicate how those longer term needs could be met without encroaching in to the green belt'. He then explains that 'he is unaware of a situation comparable to the circumstances in York'. We know from studying other local authorities' plans that they have designated green belt in adopted plans without having safeguarded land. However, no other authority has aimed to designate such a high percentage of their land area as green belt. The attached plan (Maps 1 & 2: green belt with draft boundaries July 19) show that York has almost green washed everything under its control which is not already built or slated as a strategic site. At a guess 85% of the land is green washed by a national policy which aims for permanence. Please can the examiners request CYC to calculate the exact percentage of land which is designated green belt?



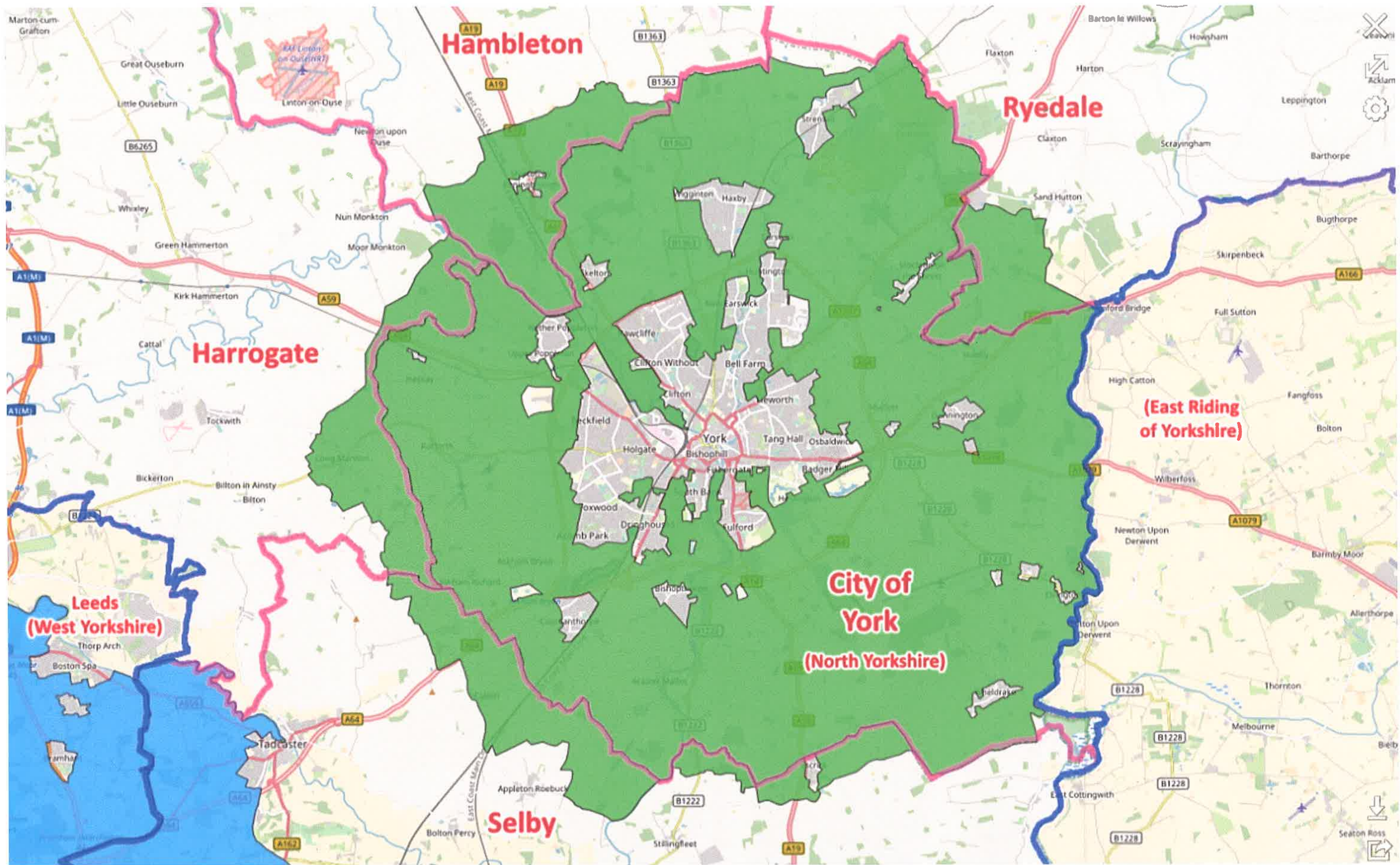


Figure 7: Strategic areas to keep permanently open



Site 191
not recommended to be kept
permanently open, and yet
not allocated as a site in the plan.



Briefing document on: Huntington North (Land north of Avon Drive) (site 191), York

- Planning application 16/01073/OUTM for 67 homes was heard on 24.10.2016 and refused solely on green belt policy. All technical matters were approved.
- Planning application for 109 homes including 33 affordable homes on this land was refused 22.10.2015 at committee by 8 votes to 6, 15/00798/OUTM. All technical matters were approved. There was a full public appeal. The appeal was dismissed solely on the grounds of green belt. The secretary of state wrote that the site would (255):

‘deliver a more successful urban edge than 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’. It is has also been assessed by the Secretary of State that (257) ‘the proposed development would not harm the landscape character and setting of York.’ (APP/C2741/W16/3149489).

- The local authority has not included this site on the list of allocated sites in the draft plan despite there being no technical or economic constraints. It is not even on Appendix 1.
- CYC had suggested that the ring road upgrade would ‘prohibit any viable development on this land’. However, we now have an agreed map from highways showing only a tiny amount of land required for the dual carriageway and roundabout improvements. Any further future upgrades to the ring road would be limited by the existing raw water pipeline that runs across the northern edge of this land (see plan). The local authority cannot claim that greater land south of the pipeline would ever be required.
- The site complies with all other policy requirements for sustainability, transport, archaeology, ecology, affordable provision, and has been dealt with by all CYC departments. There is even a signed section 106 agreement in place with agreed planning conditions, which were both required prior to the appeal.
- This land was described by Cllr Reid, as ‘inevitable’ for housing. Therefore it is easy to conclude that it is not a matter of ‘if’ but ‘when’. This is relevant to paragraph 83 of the NPPF which states that ‘authorities should consider the Green Belt boundaries having regard to their permanence in the long term, so that they should be capable of enduring beyond the plan period.’
- In conclusion the smaller area of land now known as Huntington North should be included in the York Local Plan. It complies with criteria 1, 2, 3 & 4 and technical officer assessment for transport (CYC officer’s report page 162 para 3.4), geo-environmental, historic environment, landscape and design.
- This medium sized site is viable, deliverable, sustainable, and is the only land being promoted by York’s oldest house builder. Unlike the national PLCs we have no other land coming through this plan and we aren’t land banking. We want to deliver good quality homes after 38 years of trying to build this site out.

Briefing document on: Huntington North (Land north of Avon Drive) (site 191), York



[Redacted]

From: George Wright [Redacted]
Sent: 22 July 2019 17:18
To: localplan@york.gov.uk
Subject: City of York Local Plan Proposed Modifications Consultation
Attachments: Consultation response form.pdf; Response to Proposed Modifications - June 2019.docx
Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear City of York,

Please see attached Consultation response form and statement of response in respect of Local Plan Proposed Modifications consultation.

Kind regards,

George Wright

George Wright MA MRTPI

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted]

City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

<p>OFFICE USE ONLY: ID reference:</p>
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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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 Inspectors 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	GEORGE	
Last Name	WRIGHT	
Organisation (where relevant)	GEORGE E. WRIGHT	
Representing (if applicable)	N/A	
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 Monday 22 July 2019, 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 **Monday 22 July 2019, 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?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and new evidence, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018. You can make comments on any of the proposed modifications, the Sustainability Appraisal Addendum, the updated Habitats Regulation Assessment, and other background documents which include a Housing Needs Assessment update and an Addendum to Topic Paper 1: The Approach to Defining York's Green Belt. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this 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 Inspectors 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 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, 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 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?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

The Local Plan Proposed Modifications document, the Sustainability Appraisal/SEA Addendum and Updated Habitats Regulation Assessment (HRA) will be available for inspection at in all of York's libraries and City of York Council West Offices.

All supporting documents which underpin the City of York Local Plan Proposed Modifications are available to view online at www.york.gov.uk/localplan and are also available for inspection at City of York Council West Offices and York Explore.

Representations must be received by Monday 22 July 2019, 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 Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

ALL

Document:

ALL

Page Number:

ALL

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

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

Yes

No

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

SEE ATTACHED RESPONSE
STATEMENT.

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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes

No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

SEE ATTACHED RESPONSE
STATEMENT

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

ABANDON THE PROCESS AND START
AGAIN.

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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:

MY RESPONSE ADDRESS FUNDAMENTAL ISSUE UPON WHICH I CAN ASSIST THE INSPECTORS IN RELATIONSHIP TO GREEN BELT, LEGAL COMPLIANCE, SOUNDNESS & THE DUTY TO COOPERATE.

Please note: the Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for 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 foi@york.gov.uk or on 01904 554145.

Signature



Date

22.07.2019

CITY OF YORK LOCAL PLAN

PUBLICATION DRAFT 2018

**RESPONSE TO PROPOSED MODIFICATIONS
CONSULTATION JUNE 2019**

BY

GEORGE E WRIGHT MA MRTPI

IN RESPECT OF

GREEN BELT EVIDENCE & MODIFICATIONS

&

THE SUSTAINABILITY APPRAISAL



CONTENTS

		Page
Section 1	Preliminary Issues	3
Section 2	Issues addressed in this response	4
Section 3	Evidence or Post-submission justification	4
Section 4	What is the appropriate Purpose of The YGB	7
Section 5	Does the Plan propose New Green Belt	9
Section 6	Safeguarded Land	12
Section 7	The Sustainability Appraisal	13

SECTION 1 - PRELIMINARY ISSUE

- 1.1 There is a lack of clarity and a degree of ambiguity as to the precise scope of the Proposed Modifications (June 2019) Consultation [LPPM] which is described below. Should clarity be provided, then the right to make an additional response is reserved.
- 1.2 Para. 1.1 of the Proposed Modifications June 2019 document (LPPM) states comments are invited in respect of the **additional evidence** and **the modifications**.
- 1.3 The Inspectors' letter of the 07.05.2019 makes it clear a consultation should facilitate representations on both the supporting evidence and any subsequent proposed modifications.
- 1.4 Para 1.2 LPPM states it '**only looks at the specific modifications and not other aspects of the Plan**'. However, the evidence does address other aspects of plan not directly addressed in modifications [such as the boundary proposals, which is a major focus of the evidence]. That statement suggests that comments on the evidence are to be restricted only to the elements which underpin a proposed modification.
- 1.5 This response does not restrict its response on the evidence but flags up the issue that Para 1.2 LPPM potentially impacts on the validity of the Consultation process to the extent of responses general arising in view of the statement at para. 1.2 of the LPPM. How can the Inspectors be satisfied that potential or even actual Consultees have not taken a narrower view of the scope of the Consultation.
- 1.6 A further issue arises as to the evidence base upon which the Consultation invites response in that Para 1.6 LPPM - Background Evidence (bullet point 3) - does not refer to the Topic Paper TP1 but only the Addendum and Annexes.
- 1.7 The Sustainability Appraisal specifically indicates it addresses the Topic Paper and the Inspectors' letter refers to '*associated evidence*' which implies the Topic Paper is included in the evidence subject to this consultation.
- 1.8 The Plan Examination Library as updated on 12.06.2019 does not list Topic Paper TP1 May 2018.
- 1.9 This response does address TP1 but again it seems these matters leave that issue of the scope of the LPPM unclear and confusing. These factors raise concerns about the validity of the process of this Consultation unless every Consultee clarifies their understanding of the scope

of material covered. However, even that would not ensure that potential Consultees were misled.

SECTION 2.0 - SPECIFIC ISSUES ADDRESSED IN THIS RESPONSE.

2.1 In respect of the documents labelled '*Background Evidence*' at bullet number 3 and Topic Paper 1 the following issues are addressed:

- Is the submitted material evidence on which the Plan was based or is it post-submission justification?
- What is the appropriate purpose of the YGB?
- Do the proposals for the YGB include new Green Belt beyond the area covered by RSS policy as to the general extent?
- Should there not be evidence to indicate consideration of the need for Safeguard Land provision in respect of the YGB?

2.2 In respect of the Sustainability Appraisal, does that now reflect that the Local Plan process has considered '*reasonable alternative proposals in the process of the resolution of the outer and inner boundaries based on proportionate evidence*'.

SECTION 3.0 - EVIDENCE OR POST SUBMISSION JUSTIFICATION?

Conclusions

3.1 **It is the conclusion of this consultation response that the Local Plan Green Belt proposals are not based on proportionate evidence or any credible evidence at all. That the CoYC response since submission of the Plan in the form of Topic Paper 1 its Addendum and Annexes is no more than post submission justification. It does not represent evidence upon which the plan was based.**

- 3.2 **The Inspectors are requested in the interest of saving public money and the time and expense of representations to the submitted Plan to declare it unsound forthwith and request the LPA to withdraw the Plan.**
- 3.3 **If the material submitted by the LPA post submission of the Plan is considered to be evidence, it should be accorded very limited weight and treated as being selective rather than comprehensive for the reasons set out 3.17 to 3.19 below.**

Discussion.

- 3.4 Para 158 of NPPF 2012 requires that Local Plans should be based on adequate, up-to-date and relevant evidence.
- 3.5 The word '*based*' requires the evidence to be considered prior to the drafting of the Plan submitted. The fundamental evidence base upon which the Plan was predicated in respect of Green Belt proposal is that set out in documents dated 2003. These documents pre-date the overarching policy which defined the general extent of the YGB. They were based on an earlier policy which did not define a 'purpose' for the YGB.
- 3.6 The 2003 material is not compliant with para. 158 because it was not relevant to the RSS policy, it was not up-to-date. It was accordingly inadequate for the purposes of para. 158.
- 3.7 The additional material relied on from 2011 and 2013 was expressed to supplement the 2003 material. That is to say it built upon rather than replaced the outdated assessment of 2003. This evidence accordingly fails the test of adequacy and relevance.
- 3.8 The Green Belt proposals are simply a re-hash of the 1998 Local Plan proposals with minor alterations occasioned by intervening development. The 1998 Proposals were found to be unsound and were effectively rejected by the Local Plan Inspectors.
- 3.9 In any event the 1998 proposals in turn were based on 1990 proposals (so as to avoid, in the LPA's view, challenge at the 1998 Public Inquiry). Neither the 1990 or 1998 proposals were subject to a soundness assessment by the appointed Inspectors.
- 3.10 There is nothing in the Topic Paper and its associated documents to indicate the LPA considered the material provided in annexes when resolving the YGB proposals set out in the submitted Local Plan 2018.

- 3.11 The Topic Paper and the Addendum are not evidential documents but are documents to justify the Plan proposals and were assembled after its submission. Annexes 2, 3 & 4 are additionally described in the navigation notes as *Justifications* by the LPA itself and not as evidence or an evidence base.
- 3.12 Current Government guidance on Plan-Making indicates that the evidence base should be shared with adjoining authorities as part of the Duty to Co-operate. That process had to be complete prior to submission in any event and there is no indication the material labelled '*new evidence*' has been the subject of a review of that Duty to Cooperate requirement even since submission. This element of the Guidance is not subject to a caveat that it does not relate to plans submitted before July 2018.
- 3.13 Guidance also indicates that evidence should be available to the public. Nothing in the submitted material seeks to identify that the evidence existed prior to submission or was relied upon. If those issues were established it would also be necessary to demonstrate how it was available to the public prior to submission. I am not aware there is or ever has been material of this nature on the Council's website prior to submission or indication as to where it could be viewed.
- 3.14 The Government guidance on plan-making states that evidence needs to inform what is in the plan and shape its development rather than be collected retrospectively. There is no explanation in the Consultation material as to how the '*new evidence*' informed what is in the plan or shaped its development. The absence of that explanation in the Topic Papers indicates the material is not evidence upon which the Plan was based but is simply post-submission justification.
- 3.15 The Guidance also indicates that where there is a fundamental issue as to soundness which cannot be rectified by modifications the Inspector(s) should invite the LPA to withdraw the plan.
- 3.16 The absence of adequate up-to-date relevant evidence informing the Plan cannot be corrected by modifications. **The resolution of the YGB boundaries - particularly the issue of the inner boundary - is fundamental to the soundness of the plan as the allocation of land for development should flow from that outcome not dictate it.**

What weight should attach to the new material?

- 3.17 This submission along with my original response to the Plan is made based on the evidence protocol of a Chartered Town Planner as prescribed by the RTPi.
- 3.18 None of the material produced for this consultation in the form of 'evidence' bears an author's name or indicates it was prepared by a Chartered Town Planner in accordance with the evidence protocols or any otherwise qualified professional.
- 3.19 **The material should be accorded very limited weight and the Inspectors should be mindful that the LPA has already suppressed relevant evidence as explained in my original response. It must be a consideration that the material produced is likely to be selective and omitting information which would run contrary to the LPA's proposals. This is particularly so due to the timing of its production in the public arena (i.e. after the submission of the Plan)**

SECTION 4.0 - WHAT IS THE APPROPRIATE PURPOSE OF THE YGB?

Conclusions

- 4.1 **The LPA's approach to the purpose of the YGB is misconceived and unfounded. There is only one purpose for the YGB, that is related to preventing harm to the historic character of the city.**

Discussion

- 4.2 Prior to the adoption of RSS in May 2008, there was no purpose defined in policy establishing the general extent of the YGB.
- 4.3 The RSS policy YH9 and Y1 was truncated in the Revocation Order which sets out the retained elements of policy in its schedule. That schedule does not explicitly set out a purpose for the YGB but does state:
- at YH9 that the inner boundaries should be defined... *that safeguard the special character and setting of the historic city, and*
 - at Y1 it states - *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 The Explanatory Note describes the purpose explicitly to be *'to prevent harm to the historic character of the city'*.
- 4.5 From this it is clear that the purpose of the YGB is predicated under para. 80 bullet point 4 of the NPPF 2012 *'to preserve the setting and special character of historic towns'*.
- It might be more accurate to consider the purpose against those set out in PPG 2 (2001) as that was the policy in force when the RSS policy was created. However, the wording is identical to that in the NPPF 2012.
- 4.6 Although PPGs and NPPFs have set out a range of potential purposes for Green Belt, there is no basis to suggest all the purposes apply to all Green Belts.
- 4.7 In fact the opposite is the correct approach, that is to say one of these purposes or more will apply to a specific Green Belt when its general extent is being resolved. The 1988 DoE Booklet *'The Green Belts'* sets out the specific purpose or purposes for each provincial Green Belt. Oxford, Cambridge & York are the three Green Belts to which the sole purpose of safeguarding the special character of a historic city was attached.
- 4.8 As I stated in my original response, in the case of Cambridge only of those three does the overarching policy to establish the general extent seek to also maintain separation from any adjacent village settlements. There is no such policy expressed for York or even hinted at in either the RSS policy, NPPF, PPG or the 1998 or 1962 Government Booklets.
- 4.9 What the 1988 Booklet states about York is that the open farm land surrounding York links with open land running into the built-up area of the City. The concept of links from these well recognised Green wedges or strays would explain why when referring to the inner boundary in RSS policy the word is expressed in the plural. That indicated the inner boundary is not one continuous line but a series of areas between the links to the Strays.
- 4.10 The LPA have consistently referred to this purpose as *'the primary purpose'* and then gone on to relate other purposes particularly the purpose related to coalescence as being a purpose of the YGB. That approach has no basis in policy or the objective evidence of Government published material. There is no justification for its application to the YGB. If the villages were a material aspect of the setting of York that matter would have been reflected in Policy as is the case for Cambridge.
- 4.11 In the Addendum the LPA go further and attempt to argue that all 5 purposes should be applied and also that these should be given equal weight to the purpose defined in the

overarching RSS policy. This approach is unfounded and simply wrong. The attempt to argue that in respect of York, purpose 2 - *to prevent neighbouring towns merging into one another* - should be read by substituting '*surrounding settlements*' (none of which are towns) for '*towns*' is beyond credibility.

- 4.12 The LPA's approach is based on a false premise and from that it leads to a wrong conclusion.

SECTION 5.0 - DOES THE PLAN PROPOSE NEW GREEN BELT?

Conclusions

- 5.1 **Para 2.2 supported by para. 2.3 of the Addendum states no new Green Belt is proposed. The Conclusion of this response is that statement is patently and demonstrably incorrect.**
- 5.2 **The submission Plan proposes Green Belt that is significantly greater in area than the area of the green belt prescribed in accordance with RSS Policies YH9 and Y1 (as set out in the Revocation Order). Therefore, that area which is additional to the area that would arise under a correct application of the policy, constitutes new Green Belt and should be supported by exceptional circumstances. None are provided.**
- 5.3 **These new areas occur both beyond the outer boundary of the general extent and within its inner boundary.**

Discussion

- 5.4 Preliminary questions which need to be addressed in this response in order to address the question of this section are :
- in relation to the outer boundary, what might be the most distant location the boundary could be reasonably set within the terms of the policy (Y1C1), and
 - in relation to the inner boundary, what might be the closest it could be set having regard to the Key Diagram and/or other existing material matters of references such as PPG2 1988.

- 5.5 If the proposals involve a total area of Green Belt beyond that which would be reasonably ascertained by application of the policy and Key Diagram, then the proposals are for new Green Belt. It is accepted in this response that those new areas would need to be material in scale and demonstrably beyond the limit of the general extent as proposed by the policy and/or the Key Diagram.
- 5.6 With regard to the resolution of boundaries one would anticipate in the circumstances of the York Local Plan, that the Plan would set out criteria for use in identifying how the boundaries were to be selected. For example- public highways, footpaths or bridle ways; watercourses in public management or topographical features of likely permeance.
- 5.7 Neither the Plan nor the new evidence seeks to set any criteria in this way. A substantial amount of text purports to relate to the boundary selection process but in reality, it comprises a justification argument which obfuscates the fact that no proper exercise was undertaken i.e. marking the plan with a circle set 6 miles from the City Centre then resolving by reference to criteria where the nearest appropriate feature existed (either within or without that line) that would meet the boundary feature criteria and would connect to other appropriate features for the purpose of creating a defensible boundary.
- 5.8 It is entirely inaccurate for the Addendum to state that the District boundary largely coincides with a 6-mile radius.
- 5.9 A review of Annex 2 and 3 does indicate how in practice the boundaries have been selected. The material in Annex 2 is less robust than that at Annex 3 because for the outer boundary the LPA have utilised the District boundary and so in effect have made no analysis and hence no choice.

Outer Boundary

- 5.10 The Addendum Annex 2 addresses this boundary in sections. This response will focus for the purpose of discussion on Section 2 which is the longest of the three lengths of outer boundary covered by the Annex.
- 5.11 The boundary features are either the River Derwent or field boundaries. I refer the Inspectors to the Map at Annex V xii (tab 12) of my original submission. This shows both a 6-mile wide radius and the River Derwent. Although more difficult to identify it also shows the District boundary. The submission Plan proposes a Green Belt boundary in this section which

at its greatest distance is 1.25miles beyond the 6-mile radius and is for significant parts of is length half a mile beyond the 6-mile radius.

- 5.12 There are adequate potential boundary features along the whole of this section which would allow an outer boundary to be established at about 6 miles. These are apparent on the Response Plan at Annexe V xii. Such a boundary would or could take the settlements of Kexby, Elvington and Wheldrake out of the Green Belt and could also exclude the Elvington Industrial Estate and Escrick within the terminology of '*about six miles.*'
- 5.13 The circumstances at Escrick particularly highlight the weakness in the approach of the Duty to Cooperate. Discussions on this strategic policy with the neighbouring authorities would undoubtedly create the coordinated outcome that Secretaries of State/Ministers have for so long required. This significant Government objective has been lost through the current Local Plan process which allowed adjoining Authorities to proceed in an uncoordinated way. That outcome has been occasioned by largely due to the fact of York's failure to approach the Green Belt boundary definition by reference to the outer boundary policy requirement of a 6-mile radius.
- 5.14 As boundaries in this and the other sections can reasonably be determined close to the 6-mile radius then the submission Plan proposal to take the green belt to the District boundaries is a proposal for Green Belt not covered by the general extent policies. **It is new Green Belt.**

Inner Boundary.

- 5.15 It is not appropriate to indicate in this response where the inner boundary should be but what is clear from the Key Diagram is that the inner limit of the general extent does not:
- come up to the boundary of the urban core except at Earswick, and
 - it does not cover the strays penetrating into the inner core.

However, from these facts alone it is clear the submission Plan proposals extend beyond the general extent defined in the RSS policy and displayed on the Key Diagram.

- 5.16 As I have previously indicated the strays would in any event be better protected by a Green Wedge policy than by Green Belt policy.

- 5.17 There does appear to be a long-term view that the strays would sensibly connect to the Green Belt. That is indicated in the Government booklet Green Belts of 1988.
- 5.18 The Key Diagram indicates a line for an inner boundary on or just beyond the outer ring road. The dotted line is indicative but it clearly is set outside the built core (apart from where it crosses Easrwick).
- 5.19 PPG 2 1988 (issued before any local government proposal for a comprehensive Green Belt had emerged) indicated the YGB had an area of 50,000 acres. That figure was restated in the 1988 Booklet. Based on that area and a 6-mile outer radius, I marked on the drawing at my original response Annex V xii (tab 12) where the inner radius would be on average. I observe there is a close correlation between that line and the dotted inner boundary line on the Key Diagram.
- 5.20 If, on that approach, the links were made to the strays, other parts of the inner ring would move outwards to retain the overall area of the general extent. There would, in consequence, be a series of unconnected inner boundaries. Such an approach would be consistent with the reference in RSS to *the inner boundaries* (plural rather than singular).
- 5.20 What inevitably flows from such an approach is that there would be land within the inner boundary sufficient to meet development needs for the foreseeable future (some of which could be allocated and other elements safeguarded) and thus establish a Green Belt that would be permanent in the true sense.
- 5.21 Equally, if the LPA embraced the advice in NPPF 2012 (and current versions thereof) to expand along transport corridors to outlying but adjacent settlements (a development pattern which also concurs with the historic development pattern of the existing inner core) other parts of the inner boundary would move in towards the inner core.
- 5.22 The evidence base of the Plan including the 'new' evidence does not indicate that any of these approaches have been considered as alternative options or in fact that any alternative options for the green belt have been considered in the Plan process.. **For this reason, the Plan is not justified.**

SECTION 6.0 - SAFEGUARDED LAND.

Conclusion

6.1 The Consultation does not invite comment upon the issue of 'Safeguarded Land' despite the further submissions on this topic by the LPA since the deposit of the Plan.

Discussion

6.2 The material submitted does not touch upon the issue of safeguarded land but there was an important submission made by the LPA in response to the Inspectors' Note of the 18.02.2019. These documents are not listed for the Consultation and it is assumed, therefore, this is not a topic for this response.

6.3 However, the further clarification of the LPA's views would justify a right of reply on behalf of respondents who raised objection on this issue. The Inspectors are requested to give some indication of how that will be achieved.

SECTION 7.0 - THE SUSTAINABILITY APPRAISAL.

Conclusion

7.1 There is no evidence or statement submitted by the LPA in the Local Plan process to indicate that they have considered any alternative approach to the green belt proposals.

Discussion

7.2 The SA for the Consultation documents does not cover the issue of alternative approaches to the Green Belt issues.

7.3 The SA to the submitted Plan only considers alternatives in relation to allocations and does not cover alternative approaches to Green Belt matters.

7.4 It is my observation of the LPA's approach to the Local Plan process as a whole that it is fixated on the issue of housing provision and the attendant requirement for allocation of development land. I consider the consequence of this fixation is that the LPA have not since 1996 sat back and considered the Plan approach from a clean sheet or objective consideration. Thinking has at all times been dictated by the imperative of having to allocate land for housing.

7.5 Had the LPA regarded that :

- the policy change triggered by the RSS green belt policy,
- the 1996 changes to considerations of sustainability in green belt policy, and

- the subsequent advice about development being within inner boundaries and directed towards inset settlements along transport corridors in NPPF,

they would have more likely recognised that alternative approaches to green belt would better embrace the current policy framework than the concepts evolved in the late 1980s, upon which they still base their approach.

George E Wright MA MRTPI

22ND July 2019

[REDACTED]

From: Jennifer Hubbard [REDACTED]
Sent: 22 July 2019 18:44
To: localplan@york.gov.uk
Subject: City of York Local Plan Proposed Modification response
Attachments: Local_Plan_Proposed_Modifications_Consultation_Response_Form_2019 - completed.pdf; CITY OF YORK LOCAL PLAN JH reps 22.7.19.pdf

Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please find attached our representations in respect of the above.

Regards.

Jennifer Hubbard

Jennifer Hubbard BA (Hons) Town & Country Planning
Town Planning Consultant
Allonby House
York Road
North Duffield
Selby
YO8 5RU

[REDACTED]

Please note that as from 1st June 2019 our working days are Monday, Wednesday and Thursday. Urgent e-mails and phone messages will still be picked up on Tuesdays and Fridays.

City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 Inspectors 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	JENNIFER	
Last Name	HUBBARD	
Organisation (where relevant)		
Representing (if applicable)	Myself and landowner Clients	
Address – line 1	ALLONBY HOUSE	
Address – line 2	YORK ROAD	
Address – line 3	NORTH DUFFIELD	
Address – line 4	SELBY	
Address – line 5	NORTH YORKSHIRE	
Postcode	YO8 5RU	
E-mail Address	████████████████████	
Telephone Number	██████████	

Representations must be received by Monday 22 July 2019, 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 Monday 22 July 2019, 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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Part B -Your Representation

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



3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

SEE ATTACHED STATEMENT

Document:

SEE ATTACHED STATEMENT

Page Number:

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

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

Yes

No

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

SEE ATTACHED STATEMENT.

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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes

No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

SEE ATTACHED STATEMENT.

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

The Plan is fundamentally flawed and cannot be changed within the appropriate Regulations. It should be withdrawn and a new Plan produced which starts from the correct approach to the determination of green belt boundaries consistent with current spatial policies and sustainability objectives.

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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:

Based on my long association with emerging Local Plan/Green Belt policy for York, I can usefully contribute to the debate particularly concerning the Council's approach to green belt.

Please note: the Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for 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 foi@york.gov.uk or on 01904 554145.

Signature



Date

22nd July 2019

CITY OF YORK LOCAL PLAN

PROPOSED MODIFICATIONS CONSULTATION JUNE 2019

RESPONSE BY JENNIFER HUBBARD BA (Hons) TOWN & COUNTRY PLANNING

IN RESPECT OF:

- **HOUSING NUMBERS**
- **THE COUNCIL'S APPROACH TO GREEN BELT**
- **SAFEGUARDED LAND**
- **SUSTAINABILITY APPRAISAL**

BACKGROUND

1. In my earlier submissions I recorded my long involvement (pre 1974 Local Government re-organisation) with green belt proposals for York, particularly the York Green Belt Local Plan proceedings in the early 1990s and with varying emerging Local Plans for the City since 1996 when the then-tightly drawn administrative area of the City was extended to take in adjoining parts of the surrounding predominantly rural Districts.
2. It has to be said that the Council's thinking on the appropriate approach to detailed green belt boundaries has not changed since the days of the York Green Belt Local Plan despite significant changes in national planning policy.
3. It is useful at the outset to recall the York Green Belt Local Plan Inspector's comments on *his* approach to green belt. He states, at paragraph A7.29 of his report:

The present Plan is based on the assumption, deriving from Structure Plan Policy E8, that there will be a Green Belt around York whose outer edge should be about 6 miles from York City centre. All of my conclusions and recommendations are also based on this same assumption. Any major change of strategic approach, such as might follow from the placing of greater weight on the desirability of reducing travel distances and on increasing the compactness of urban areas, could lead to a fundamental reappraisal of the concept of a Green Belt and its replacement with, for instance, a series of 'green slices' based on an extension of the present green wedges. My concern in the present report, however, is not with this but with the most appropriate method of implementing a strategic decision which has already been made by the approval of Policy E8(iv) of the Structure Plan. (my emphasis)

4. The Modifications now proposed by the Council have been discussed at length with Kathryn Jukes and George Wright and, rather than reiterate comments similar to those they have made at length, these submissions identify some of the points they have made and conclusions they have reached which I endorse, as follows:

The proposed Modification to the City's housing requirement

5. As pointed out by Ms Jukes in her submissions on behalf of Mr and Mrs Sunderland and Mr and Mrs Wilson, the proposed Modifications do not address the Inspectors' queries on housing need as set out in their initial letter to the Council of 24th July 2018. What is clear from a review of Officer reports on the subject submitted to relevant Council Working Groups, Committees etc. together with a review of the podcasts of the subsequent Committee discussions is that decisions to reduce the housing requirement have been driven solely by the imperative of avoiding the need to allocate housing sites in various politically sensitive parts of the City.
6. The Council's explanation of the now-reduced housing requirement does not amount to justification and is not based on evidence. Ms Jukes' conclusions on soundness in respect of the housing requirement are supported.

The Council's approach to Green Belt

7. See paragraph 5 above in relation to the underlying objectives of the Council which have driven the Council's approach, certainly, to the inner boundary of the green belt for many years and more recently to the disposition of the various large sites allocated for development in the Plan.
8. The issue, however, is significantly more complicated. Topic Paper TP1 (The Approach to Determining Green Belt Boundaries), its Addendum and Annexes cannot by any stretch of the imagination be described as evidence which has informed the Submission draft green belt – as more particularly described in detail at Section 3 of Mr Wright's submissions and in particular his paragraph 3.16.
9. Similarly, at Section 4 of his submissions, Mr Wright correctly sets out the history of the *purpose* of the York Green Belt (to safeguard the special character and setting of the historic City: RSS Saved Policy YH9) and identifies the stages by which this sole purpose has become subsumed within the other PPG2/NPPF green belt purposes, all of which the Council now considers to be of equal importance. Again, no justification has ever been provided for this.

10. To illustrate the point, one needs to look no further than the green belt proposals in the vicinity of Wheldrake. The whole of Wheldrake village lies well beyond the “about 6 mile” green belt. There is no inter-visibility between the village or its environs and the York urban area. The detailed “explanation” of lengths of the outer green belt boundary set out in the consultation documents and which deal with the boundary in the vicinity of Wheldrake is, at best, only evidence that there are features on the ground with a degree of permanence which might be appropriate to use in defining the outer green belt boundary in these locations. It is not a justification of the extent of the green belt in these areas.

11. Simply, from the days of the York Green Belt Local Plan through to the outset of the current Local Plan exercise and continued into the proposed Modifications, the Council appears never to have asked itself:
 - How should the York Green Belt be defined in a manner which best safeguards the special character and setting of the historic City, and
 - which areas of land surrounding the existing urban area do not serve any green belt purpose?

12. Latterly and certainly in relation to the current Local Plan, consideration of the first bullet point above should also encompass the need to encourage sustainable patterns of development – specifically not a consideration of the York Green Belt Local Plan Inspector.

13. The second bullet point is – and always has been – a fundamental element of defining areas of green belt. So far as we are aware, no Local Plan documents (including the proposed Modifications’ paperwork) address this point which is specifically raised in the Inspectors’ letter of 24th July 2018 – 3rd bullet point under the heading “Green Belt”. Saved RSS policy refers only to the Local Plan defining the inner green belt boundary and those parts of the outer boundary not so far defined in adopted Local Plans (of neighbouring Authorities) It is silent on the matter of inset settlements in the green belt.

14. It is a moot point whether a proposed freestanding “garden village” is capable of being Development Plan compliant unless –
- i. the proposal involves removing land from the established green belt and
 - ii. this is justified by exceptional circumstances.
15. The second element of this consideration has certainly not been evidenced. Alternatively, as queried by the Inspectors in their letter of July 2018, is the green belt boundary around the proposed garden villages a green belt boundary established for the first time? If so, what is/where is the basis for this in terms of national guidance on the establishment of green belt boundaries within Saved RSS policy?
16. Ms Jukes notes that the methodology and assessments set out in the Addendum and at Appendix 5 to the Modifications present only a partial exercise (and is in itself new material). As with any complex process, the development of a Local Plan should be an iterative process. If at any time a significant change is made to any aspect of – in this case – the emerging Local Plan, it is necessary to review the Plan as a whole to identify and assess any consequential changes (knock-on effects). This, the Council has signally failed to do. The proposed Modifications are not, therefore, justified.

Safeguarded land

17. It is noted that the current consultation does not seek representations on the matter of safeguarded land yet the Council’s approach is part and parcel of its approach to the definition of the green belt, raised by the Inspectors in their initial letter of July 2018 to which we believe the Council has not responded.
18. We do not see, anywhere in the already-submitted Local Plan material or in the proposed Modifications, clear justification for the decision not to identify safeguarded land, contrary to legal advice sought by the Council. An earlier iteration of the Local Plan did, indeed, include such safeguarded areas. It appears the decision to remove safeguarded land was prompted by a recognition that the development of some of the large potential housing allocations would extend beyond the Local Plan period and so

would meet some or all of the longer term development needs of the City. This is a flawed approach on a number of counts:

- i. Safeguarded land is intended to provide *options* for growth to meet spatial development strategies which may be as-yet unknown or undeveloped. To concentrate post-Local Plan development in already determined locations runs counter to that objective by pre-determining the future pattern of development well beyond the Plan period. This is contrary to national advice.
- ii. The nature and scale of future development land requirements cannot be ascertained with any accuracy at this stage – again requiring options and flexibility where development is otherwise constrained by green belt. Current Local Plan proposals involve a green belt with a “life” of 20 years (15 years of the Plan period plus an additional 5 years-worth of development allocations). This falls somewhat short of any reasonable assessment of a green belt with permanent boundaries.
- iii. By proposing safeguarded land in an earlier iteration of the Local Plan, the Council has expressly acknowledged those areas do not perform a green belt function.

19. Interesting, the York Green Belt Inspector’s report notes the following (at paragraph A7.14):

Although the City Council took part in the Greater York Study¹ they do not accept that York has reached its limit of safe growth. Not all of the undeveloped land around York plays an essential part in preserving its character; much of it is merely mundane. There is not necessarily an objection to a tight inner boundary, however, provided that enough land is left within it to meet future development needs, including affordable housing. Insofar as

¹ A study of the long term development needs of York and surrounding areas carried out by the County Council, City of York Council and surrounding District Councils which underpinned the draft York Green Belt Local Plan.

there is uncertainty over those development needs, it would be preferable to err on the side of excluding too much land from the Green Belt.

(our emphasis)

20. Whether or not it is appropriate to make the above comments in relation to safeguarded land in response to the current consultation, in our view the Council's approach is merely part of its long held approach to green belt generally which is based on out of date policy and which has been for many years, and remains, unjustified.

Sustainability Appraisal

21. I endorse the entirety of George Wright's comments at paragraphs 7.1 – 7.5 of his submissions.

OVERALL CONCLUSIONS

22. The proposed Modifications and accompanying documents seek to *explain* elements of the Local Plan but do not *justify* them. This is particularly true in relation to the evidential base for reducing housing numbers and abandoning the concept of safeguarded land. In relation to the approach to green belt, whatever justifications/explanations have been advanced by the Council at various stages of the current Local Plan process, it is clear beyond doubt that the approach has not changed in any fundamental way since the early 1990s York Green Belt Local Plan. Returning to Inspector Shepherd's remarks (quoted at paragraph 3 above), the approach and his recommendations were based on policies in the North Yorkshire County Structure Plan of 1979. Major changes to strategic policies at national and local level have taken place since then requiring a fundamental re-appraisal of settlement hierarchies with an emphasis on promoting sustainable patterns of growth. None of this is reflected in the Council's *approach* to green belt.
23. The proposed Modifications do not make the Plan sound.

Jennifer Hubbard 22nd July 2019

From: Janet O'Neill [REDACTED]
Sent: 22 July 2019 15:36
To: localplan@york.gov.uk
Subject: Representations on behalf of the University of York
Attachments: Council Representations form.docx; ulp1907.a.reps.v7.pdf

Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Local plan team,
Please see our representations for the July 2019 public consultation.
Kind regards,
Janet



Janet O'Neill



www.oneill-associates.co.uk

Chartered Town Planning Consultants

Lancaster House
James Nicolson Link
Clifton Moor
York YO304GR
01904 692313

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City of York Local Plan Proposed Modifications Consultation Response Form

<p>OFFICE USE ONLY: ID reference:</p>
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1. Personal Details		2. Agent's Details (if applicable)
Title	Mr	Mrs
First Name	Stephen	Janet
Last Name	Talboys	O'Neill
Organisation (where relevant)	University of York	O'Neill Associates
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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(Please use a separate Part B form for **each** issue to you want to raise)



3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

EX/CYC/18, EX/CYC/18a, EX/CYC/20

Document:

City of York Local Plan Proposed Modifications & TP1 Addendum and Annexes

Page Number:

See attached statement

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

4.(2) Do you consider that the Local Plan 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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes

No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

Please see attached representations

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Please see attached representations

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

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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:

This topic is of major importance to the interests of the University's vision and strategy for the future. It is considered that the Addendum to Topic Paper 1 and Appendices erroneously interpret the National Planning Policy Framework, to the detriment of the University.

Our Regulation 19 representations of April 2018 illustrate the importance of the University to the academic, economic, social and environmental wellbeing of the city, region and beyond.

Please note: the Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for 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 foi@york.gov.uk or on 01904 554145.

Signatur



Date

CITY OF YORK LOCAL PLAN
PROPOSED MODIFICATIONS JUNE 2019
CONSULTATION RESPONSE
ON BEHALF OF THE UNIVERSITY OF YORK

REPRESENTATIONS PREPARED BY

O'NEILL ASSOCIATES

JULY 2019

CONTENTS

Executive summary

A. Commentary on the City Council's Green Belt Strategy

B. Representations on behalf of the University of York:

- i. Definition of the Green Belt boundaries
- ii. Permanence
- iii. Plan period
- iv. Detailed Green Belt boundaries

C. Conclusion

Appendix 1 plans:

- 1.1 Location of University campuses
- 1.2 University proposed extension area
- 1.3 Green Belt boundaries proposed by City of York Council and University
- 1.4 Areas of contention on proposed Green Belt boundaries
- 1.5 Area of land within the control of the University

Appendix 2 Local Plan Working Group

- 2.1 Officer Report 29 January 2015
- 2.2 Annex A Instructions to Leading Counsel John Hobson QC
- 2.3 Annex B Advice from John Hobson QC
- 2.4 Minutes of LPWG

Janet O'Neill

Date: 17 July 2019

(ulp1907a.reps.v6)

EXECUTIVE SUMMERY

1. My name is Janet Mary O'Neill. I am a chartered town planning consultant and a director of O'Neill Planning Associates Limited, a chartered planning consultancy based in York. I lead a team of 6 chartered planners. I have extensive experience of the evolution of the Local Plan for the City of York. I was President of the RTPI in 2008.

2. I personally have acted on behalf of the University of York since 1993 when a public inquiry gave consideration to the extension of Campus West onto the land south of the current campus in an area of Green Belt. Permission was granted in 1994.

3. I led the team that prepared and submitted the outline planning application for Campus East (then named Heslington East) on 116ha of agricultural land in Green Belt to the east of the original campus, then Heslington West. This application was referred to the Secretary of State for decision and, following a lengthy public inquiry, outline permission was granted in May 2007. Of the 116ha, a central 65ha was 'allocated for development' and the remainder was protected as wide landscape buffer zones including a 14ha lake. The development area is confined to low density expansion, considered appropriate by the Secretary of State for a location on the edge of open countryside and the Green Belt. From 2009 on first building occupations, almost 50% of the 65ha has been built out.

4. Because the York Local Plan will confirm the inner boundary of the Green Belt for the first time, a longer plan period is proposed by the Council. This is from 2017 to 2032/33 extended by 5 years to 2037/38. Based on its vision and growth strategy, and the range of growth scenarios that has been tested¹, the University has concluded that the remaining land 'allocated for development' at Campus East will be built out well within the shorter plan period.

¹ (see University evidence Section 4 of University 2018 Representations)

Adequate land needs to be allocated at this time for further extension of campus east, otherwise potential land will be fixed within a permanent Green Belt.

5. The City Council has accepted that a campus extension site is required during the plan period and draft policies SS22, EC1 and ED3 all facilitate this expansion, and strategic site ST27 is included in the draft plan. However, given even medium range growth rates for the scenarios tested, the 21.5ha extension site in the draft plan would be inadequate. The site is immediately adjacent to the busy A64 trunk road, York outer bypass. For visual reasons and in order to create a pleasant landscape dominated campus extension, a wide buffer to the A64 would reduce the developable area to 13ha. On recent rates of development of 30ha over 10 years, this would constitute a 4-year land supply.

6. The Local Plan is to be examined, via the transitional arrangements, under guidance in NPPF 2012 which states that Green Belt boundaries should not be confirmed until the demand for sustainable development has been met. On the grounds of identified University growth demands alone, the emerging Local Plan is unsound.

7. The University proposes that a 26ha site be allocated to the south of the Campus East lake and distant from A64, as proposed by the City Council in 2014. Because land up to A64 is also controlled by the University, a 30ha landscape buffer would be provided as part of the development to provide a backdrop to the campus extension and wider views into and out of the city. This buffer would be within the Green Belt and remain open. On this basis, the whole 26ha would be available for development.

8. The 2018 evidence justifies the 26ha allocation in terms of academic need and economic benefit to the city and the region. The development potential of the site options of the Council and University is predicted based on master planning each site. Impacts on landscape, heritage assets and the transport network are investigated and appropriate mitigation proposed as required.

2019 Representations

9. The current representations are directed towards the Council's 2019 modifications to the submitted Local Plan in respect of their overall approach to the Green Belt. This is considered to be unsound on the following separate counts:

- i. The Council is assuming that the general extent of the Green Belt is established, which is correct. It was established in the Regional Spatial Strategy saved policies 2013. However, they have gone on to 'establish' the inner boundaries in their exercise and then claim that these boundaries can only be altered in 'exceptional circumstances' to meet development needs, as required in paragraph 83 of the NPPF 2012.

It is asserted that this is an inappropriate reference because inner boundaries have not yet been fixed and as such paragraph 85 first bullet point should be adhered to as appropriate. That is:

'the boundaries should ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development.'

- ii. Permanence: Paragraph 85 requires that authorities setting Green Belt boundaries satisfy themselves that:

'Green Belt boundaries will not need to be altered at the end of the development plan period.'

TP1 does not set out any consideration of the likely land requirements for the University over the life of the plan or beyond to justify their proposed Green Belt boundaries.

- iii. The plan period is insufficient to provide a degree of permanence required in paragraphs 83 and 85. No safeguarded land is proposed to serve the years beyond the plan period.

- iv. The method of delineating inner boundaries is unsound in certain locations. This relates to proposed boundaries in particular areas adjacent each campus, which are considered inappropriate for different reasons identified below.

A. COMMENTARY ON THE CITY COUNCIL'S GREEN BELT STRATEGY

1. The current consultation exercise was required by the Inspectors in relation to new evidence to be added to the submitted Regulation 19 Draft Local Plan 2018, on which the Inspectors stated:

“much of the new evidence is fundamental to the soundness of the Local Plan, particularly the Council's overall approach to the Green Belt and the assessed OAHN figure.”²

2. In relation to the Green Belt, the Inspectors' letter required that 'the public consultation should provide the opportunity for anyone to make representation on (any of) the following':

- *the proposed changes to the Green Belt boundary, the associated evidence and any other proposed modifications to the submitted Local Plan suggested by the Council. This should include Addendum to TP1 and Addendum to TP1 Annex 6.*

3. The following documents are considered to be particularly relevant to the interests of the University:

- *City of York Local Plan - Proposed Modifications – June 2019*
- *City of York Local Plan -Topic Paper 1 [TP1] - Approach to defining York's Green Belt - Addendum March 2019 [EX/CYC/18]*

² Inspectors' letter to the City Council dated 7 May 2019

- *City of York Local Plan - 'Addendum to TP1 Annex 6 – Proposed Modifications Schedule', dated March 2019 [EX/CYC/18a].*

4. In the Addendum to Topic Paper TP1 Section 2 the Council outline their strategy for confirming the boundaries to the Green Belt. In essence, the general extent of the Green Belt is set by Saved RSS polices YH9C Green Belts, and Y1C York sub area policy, Environment 1 and 2:

Policy YH9C states:

“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 Y1C Environment states:

“Plans, strategies, investment decisions and programmes for the York sub area should:

- 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 space.*
5. This is indicated to confirm the existence of the York Green Belt and that the Local Plan is tasked with formally defining the detailed inner and outstanding sections of the outer boundaries for the first time. Their strategy, set out in TP1 ADDENDUM para 2.9, is to ignore development demands over the plan period and beyond, and to define boundaries on the basis of:
- National Guidance

- The strategic approach undertaken in the Local Plan core strategy and
- An appraisal of the essential characteristics of openness and permanence in York

6. The City Council states in Topic Paper TP1 ADDENDUM paragraph 2.13:

“This addendum also explains why exceptional circumstances exist to justify alterations to the general extent of the Green Belt, in order to bring forward strategic sites to meet development needs.”

In other words, the Council is defining the inner Green Belt boundaries for the Authority’s area for the first time ever on the criteria in paragraph 5 above, without initially assessing longer term development needs to establish permanence to the boundaries, but seeking to impose them at a later stage of the process. The Council is assessing development needs on exceptional circumstances criteria rather than sustainable development requirements which do not require to be ‘exceptional’.

7. In Section 7 of TP1 ADDENDUM, the Council addresses what exceptional circumstances may be, and 7.4 states:

“the NPPF (2019) re-affirms at paragraph 136 that exceptional circumstances need to be fully evidenced and justified to alter established Green Belt boundaries.”

B. REPRESENTATIONS

i. DEFINITION OF GREEN BELT BOUNDARIES

8. These representations assert that paragraph 136 of NPPF 2019 is inappropriate and that it is relied upon in error. Inner and outstanding outer Green Belt boundaries have not been established for the city so that they cannot, by definition, be altered. The Council's method of devising Green Belt boundaries without excluding sustainable development land does not, of itself, fix the boundaries. The boundaries only exist as a transitory part of the exercise, and as such cannot be defined as "established Green Belt boundaries" as referred to in paragraph 136 of the 2019 NPPF.

9. Paragraph 82 of NPPF 2012, on which the Local Plan is being examined, states that "*the general extent of Green Belts across the country is already established.*" This is confirmed by RSS policies quoted in paragraph 4 above. Thus, it is agreed that the general extent of the York Green Belt has been established and the inner and some outer boundaries are now to be fixed. Paragraph 83 refers to establishing Green Belt boundaries in Local Plans:

'Local 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.'

The relevant wording is 'set the framework for Green Belt and settlement policy'. The Council's methodology of defining Green Belt boundaries first and then excluding particular areas for development which had been selected as serving a Green Belt purpose, cannot be seen as setting settlement policy.

10. Thus, it is concluded that paragraph 85 of the NPPF 2012 applies, relating to defining boundaries. The paragraph 83 requirement (second sentence) to only alter Green Belt boundaries in exceptional circumstances is not relevant as the detailed boundaries are

yet to be defined. Very special circumstances in paragraph 87 relates to the determination of planning applications once the Green Belt Boundaries have been fixed.

11. In defining boundaries, paragraph 85, the local planning authority should [inter alia]:
 - *Ensure consistency with the Local Plan strategy for meeting identified requirement for sustainable development*
 - *Satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period*
 - *Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent*

12. This is considered relevant to the interests of the University because, on the Council's strategy, only the expansion site that is currently included in the Draft Local Plan would be excluded from their 'established Green Belt' exercise. As our 2018 representations have illustrated, despite the Local Plan's policy support for expansion, (ED3, SS1, SS22, EC1) the usable area of 13ha of the Council's proposed campus extension, is insufficient for University needs during the Local Plan period to 2032/33, so would not allow the boundaries to be confirmed in line with paragraph 85, (first two bullet points above). TP1 does not set out any considerations of the likely land requirements for the University over the life of the plan or beyond.

13. In our terms, the expansion site could not be confirmed into the Green Belt and then excluded until the location and size of the University's land requirement has been agreed and that amount is excluded from the newly established Green Belt boundaries. It is noted that the site promoted by the University was in fact promoted by the Council in the 2014 version of the emerging Local Plan. It was subsequently reintroduced by officers in 2018, but this was not accepted by the Local Plan Working Group on 23 January 2018. Despite requests, no written justification for the deviation to the site in the submission Local Plan has been provided by the Council.

14. In addition, the heritage evidence of our representations in 2018, prepared by a nationally renowned heritage consultant, concludes that the area of land south of Campus East promoted by the University could be developed without harm to the setting and special character of the city. Thus, that purpose of Green Belt identified in paragraph 80 of NPPF 2012 would not be infringed.

15. The Council's strategy is evidenced in TP1 Annex 3 section 7 boundary 7, Low Lane, south of the existing University Campus, (labelled proposed). The Green Belt boundary is shown along Low Lane, (immediately south of Campus East), despite the Council (and the University) proposing a campus extension south of Low Lane, which meets an identified requirement for sustainable development. We say the boundary should be south of the University proposed campus extension allocation, (see plans 1.2 and 1.3). An alternative would be a defensible boundary along the side of the A64, as proposed by the Council, since the 30ha landscape buffer to the south of the campus extension can be secured via Local Plan policy outside Green Belt:

'SS22 University of York Expansion, key principles:

i) create an appropriately landscaped buffer between the site and the A64 in order to mitigate heritage impacts and to maintain key views to the site from the south and its setting from A64 to the south and east.'

16. The strategy is again illustrated in TP1 Annex 5 which addresses the campus extension, site ST27 (page A5.22). This appraises the Council's extension site against the 5 purposes of Green Belt. It devises 'exceptional circumstances' to justify exclusion of their extension site from the 'established Green Belt'.

ii. PERMANENCE

17. NPPF paragraph 85 bullet 5 requires that authorities setting GB boundaries satisfy themselves that:

'Green Belt boundaries will not need to be altered at the end of the development plan period.'

18. The emerging Local Plan states that it will achieve this at paragraph 5.63 of TP1:

'The submitted Local Plan proposes a 16-year plan period from 17/18 to 2032/33 and proposed a Green Belt that will endure for a minimum of 20 years to 2037/38 and will not need to be altered at the end of the plan period.'

In order to meet this strategic objective and national policy requirement, plainly the boundaries will need to take into account the need to meet *'identified requirements for sustainable development'* as set out in NPPF paragraph 85 bullet 1.

19. TP1 states as follows at paragraph 7.52:

'The University of York retains a high profile in both the UK and the rest of the world. Its status is reflected in the high demand for student places and it is projected that growth in student numbers will continue over the plan period. Whilst the continuing development of the University of York's West and East campuses is supported it is considered that the University will not be able to continue to grow beyond 2023 without an expansion of the existing Campus East. As one of the leading higher education institutions, the University needs to continue to facilitate growth within the context of its landscaped setting which gives it its special character and quality. This is required in order to guarantee its future contribution to the need for higher education and research and to the local, regional and national economy. It is considered that further expansion land to Campus East will be required to enable the key LEP priorities to be realised, to support the York

Economic Strategy and the city's ambitions to be a competitive city and to contribute to the Local Plan's vision to support sustainable economic growth.'

20. Consideration of the site in ST27 at Annex 5 to TP1 does not set out any deliberation on the likely requirements of the University over the life of the plan or beyond. Consequently, whilst the GB boundary is drawn so as to allocated 21.5ha in ST27, there is no clear reasoning behind the 21.5ha or explanation why the detailed evidence submitted on 2018 on behalf of the University for an allocation of 26ha has been rejected.

iii. THE PLAN PERIOD

21. NPPF paragraph 83 requires that:

'Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plan which set the framework for Green Belt and settlement policy... 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.'

22. The Council's Plan period for the emerging Local Plan is 2017/18 to 2032/33 with 5 years added for 'the permanence of the Green Belt boundaries', i.e. 2037/38. However, it is anticipated by the authors that the Local Plan is likely to be examined during 2019 and 2020. The plan may well not be adopted until 2021, giving an 11- or 12-year plan period. Should the Inspectors require further work from the Council, for example related to housing targets, then the plan period could be less, possibly 10 years. The 5 additional years for permanence would give a total plan period of 16 or 17 years, possibly only 15 years.

23. This is considered insufficient to secure permanence to the Green Belt boundaries. Paragraph 85 states that, local planning authorities should where necessary, identify 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. Extending the plan period would involve additional land being identified for sustainable development thus affecting Green Belt boundaries proposed.

24. The Council sought Counsel's advice in January 2015 on the matters of:

- the necessary additional plan period to ensure permanence of the boundaries and
- the need to include safeguarded before Green Belt boundaries were fixed.

Mr John Hobson QC advised that 10 years beyond the life of the plan would be appropriate. He also advised that not to include safeguarded land would give rise to a serious risk of the plan being found unsound. This advice was reported to the Council's Local Plan Working Group on 29 January 2015, where, due to the sound reasoning behind the advice, Members decided to implement the advice. (Papers are included in appendix 2).

However, a change of administration led to a change of policy so that when the Local Plan Working Group considered the Preferred Options Consultation version of the draft Local Plan on 27 June 2016, no safeguarded land was included and none is included in the Submitted version of the Plan. On the Plan period, only 5 years was added to secure permanence of the Green Belt boundary.

25. On the basis that the plan is to confirm Green Belt boundaries for the first time, the Council's plan period outlined in paragraph 22 above is considered to be inadequate. Our view is that it needs to be 15 years from adoption plus 10 years. This would be $2021+15$ years = 2036, plus 10 years = 2046. If this were to be the case then further expansion land for the University would need to be considered. The area within the control of the University is shown on plan 1.5 in appendix 1. This should be included as safeguarded land.

iv. DETAILED GREEN BELT BOUNDARIES

26. Detailed inner boundaries are proposed around Campus East and Campus West. In Annex 3, section 7, boundaries 8 and 9 (pages A3.385 following) are proposed to include land in Green Belt which is included in the outline planning permission within 'the area allocated for development'. In fact, one section of this area has recently been granted planning permission for student housing. This was pointed out to the Council in our 2018 reps, in advance of TP1 Annex 3 being published, but the error has not been remedied. It is considered inappropriate for this exercise to inhibit a current outline planning permission which still has 8 years to run.
27. Areas of land to be considered for inclusion within the Green Belt should be sufficiently large to be able to perform a Green Belt purpose. Areas where they are not, include a strip of landscape buffer between the built-up area of Campus East and the housing estate of Badger Hill to the north. This strip is surrounded by development on 3 sides, the western short side only gives onto open land. This land is constrained by an approved landscape reserved matters approval. Green Belt policy should not be used where other planning policy can serve the same purpose. (see plan 1.4, Green Belt boundaries in contention).
28. Area labelled A on Plan 1.4 is adjacent to the southern boundary of Campus West. The area shown in the Green Belt is a small enclave of houses. It is surrounded by built development on all 4 sides with the campus to the north and the village of Heslington to the south. It could not serve a Green Belt purpose as it has no openness to preserve. The presence of Green Belt adjacent to Campus West could inhibit legitimate development requirement on the campus.
29. An example of another boundary in contention is outlined as E on plan 1.4. It does not follow a defensible boundary and a straight boundary south to the A64 is proposed as

a more suitable alternative. The landscape buffer's northern edge that the Council has utilised is protected by an adopted master plan and reserved matters planning permission so that it does not need a Green Belt designation to preserve it.

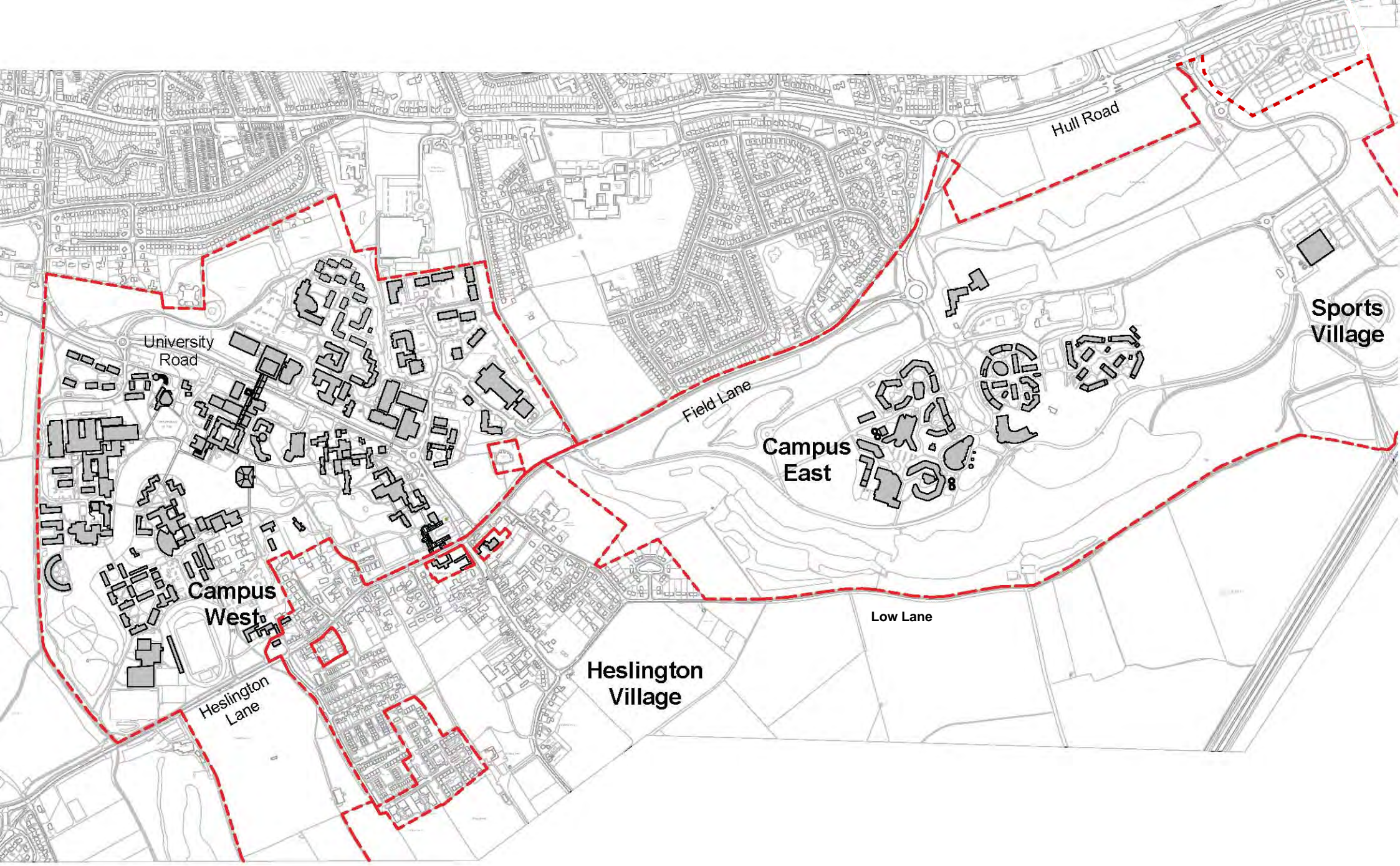
CONCLUSION

30. The Council's overall approach to the Green Belt is considered to be flawed in a number of aspects as described above. These aspects render the Submission Local Plan unsound. It is proposed that the Inspectors reject this aspect of the draft Local Plan for reconsideration in line with policy in NPPF 2012.

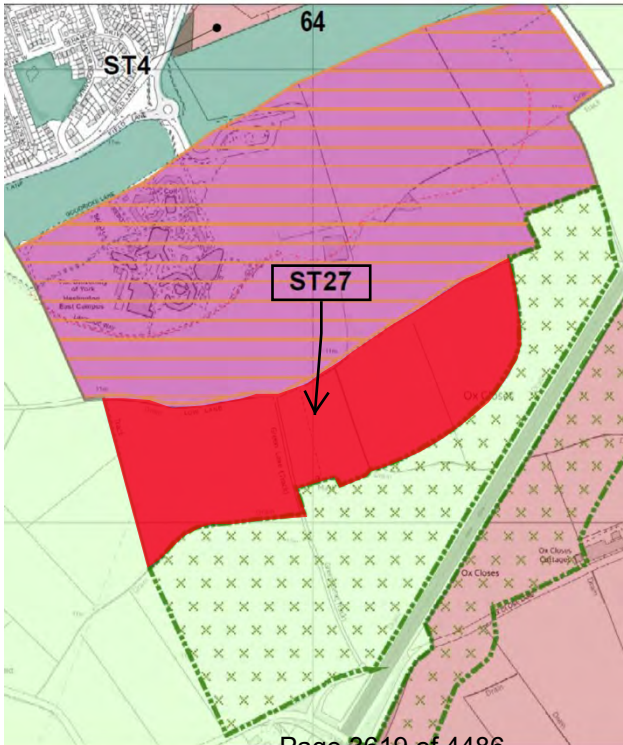
31. The impact on the University is that insufficient consideration has been given to its growth and physical expansion needs for the future, in advance of Green Boundaries being identified. It has a permanent presence in this locality. Inhibiting its legitimate expansion needs would negate policies ED3, SS22 and EC1 being implemented as intended by the City Council, with detriment to academic and economic strategies in the city, the region and nationally. Consideration of alternative expansion locations has been fully addressed in our 2018 Representations with the conclusion that no other site is feasible for the operation of the University.

APPENDIX 1 PLANS

1.1 Location of University campuses

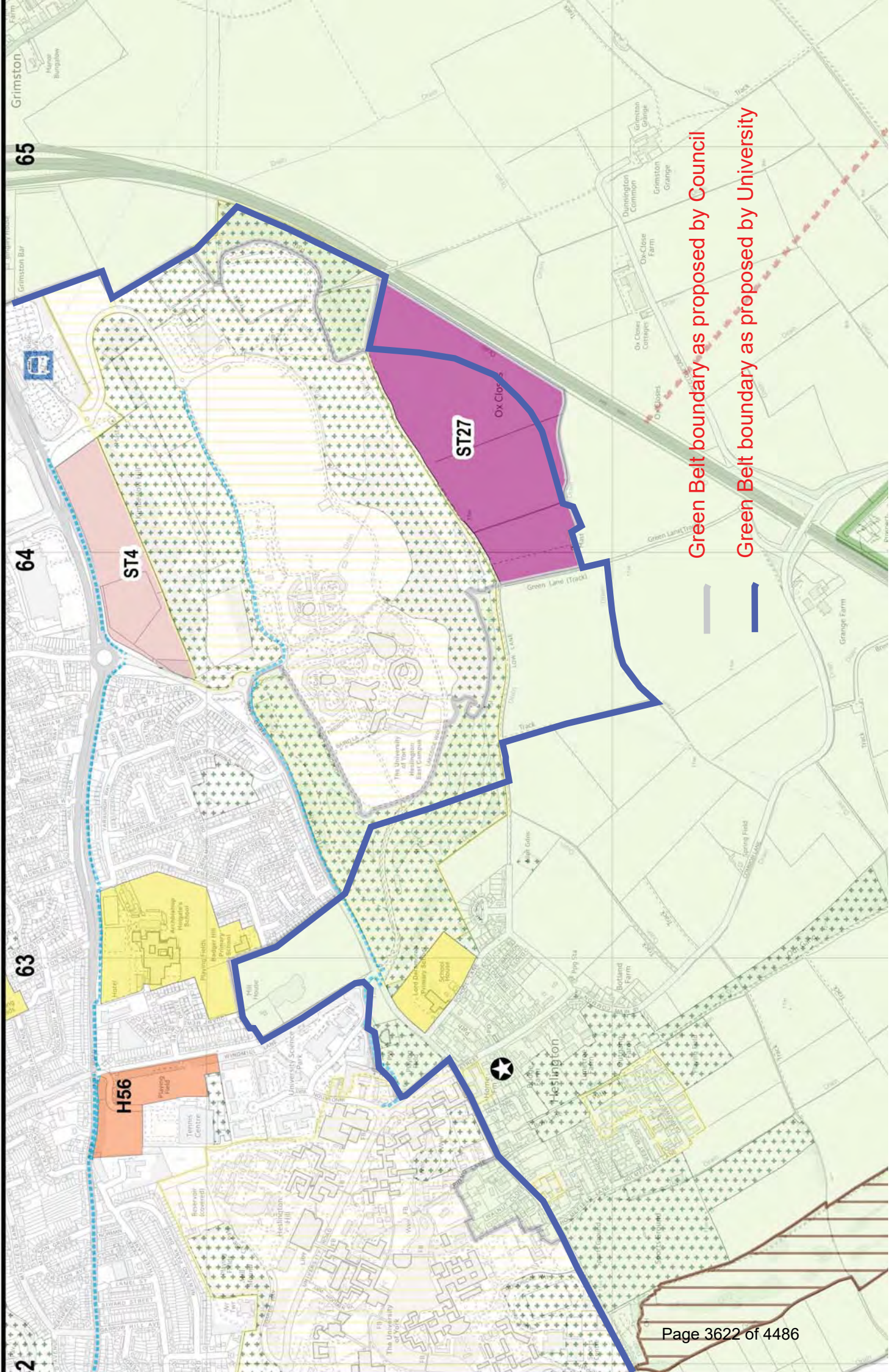


1.2 University Proposed extension area (as promoted by the City Council in 2014)



■ University proposed extension area

1.3 Green Belt boundaries as proposed by the City Council and the University



Green Belt boundary as proposed by Council

Green Belt boundary as proposed by University



65

64

63

2

ST4

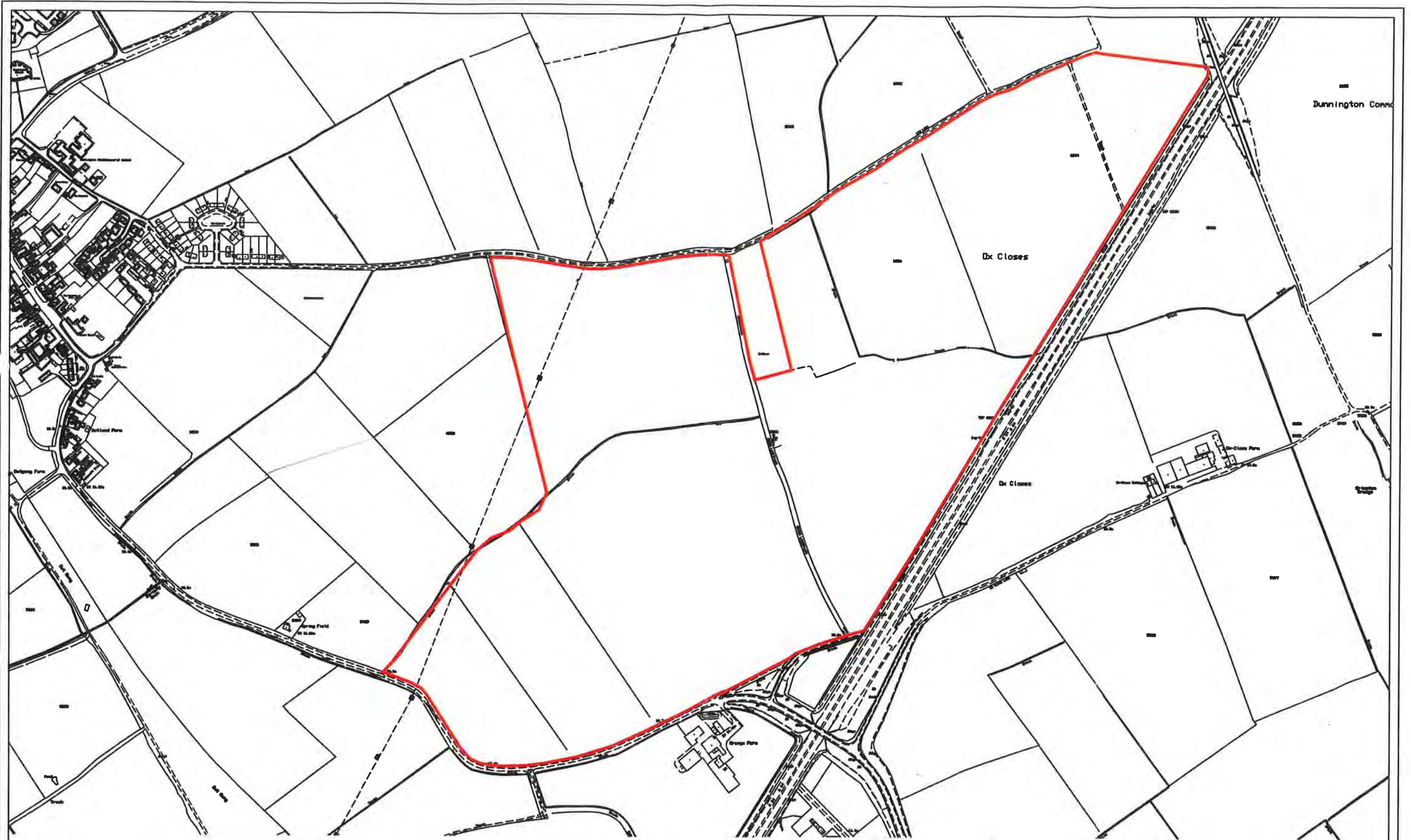
H56

ST27

Ox Close

1.4 Areas of contention on proposed Green Belt boundaries

1.5 Area of land in the control of the University



Heslington East Development
Pre-emptive agreement to aquire land South of Low Lane
Boundary of the land to which the agreement applies - Plan 3

SCALE 1:7500

APPENDIX 2 Local Plan Working Group 29 January 2015

2.1 Officer report

Local Plan Working Group

Report of the Director for City and Environmental Services

City of York Local Plan – Safeguarded Land

Purpose of the Report

1. This report provides further information on the role of safeguarded land and the reasons for the draft Local Plan including such a designation for some sites. It makes reference to a legal opinion sought from John Hobson QC on how the Local Plan should address this matter. Both the instructions to Counsel and the legal opinion on the matter of the opinion are included as Annex A and Annex B to this report.

The Approach to Safeguarded Land

2. The preferred options consultation draft of the Local Plan and the subsequent publication draft that was considered by Cabinet on the 25th September 2014 included a policy and allocations of safeguarded land. This land is intended as a reserve for consideration for development at the time of a subsequent Plan review. Its purpose is to help ensure that the Green Belt as defined in the Local Plan endures beyond the Plan period.
3. There has been considerable debate about both the need for such land to be designated and the term safeguarded land. In view of this debate the Council has sought external legal advice on the merits of including safeguarded land in the Local Plan and the implications of not including such a designation. Before examining the implications of the legal advice, the report recaps on the national policy and how it has been interpreted to date in the preparation of the Plan.

National Policy and Saved RSS policy

4. The National Planning Policy Framework (NPPF) sets out the national policy position on determining the boundaries of the Green Belt and the role of safeguarded land as a tool to help ensure that Green Belt boundaries endure beyond the Plan period.
5. The NPPF sets out policy on setting Green Belt boundaries in paragraphs 83 to 85. This policy repeats in summary form the previous policy that was set out in Planning Policy Guidance Note 2 published in the mid 1990s.
6. The Local Plan that is currently in preparation will set for the first time the detailed boundaries of the green belt with the City of York Unitary Authority area. As such, the start point for setting the boundaries is the national policy and the saved policy from the now revoked Regional Spatial Strategy. That saved policy sets out the main purpose of a green belt surrounding York, which is to: *Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.*
7. Returning to the application of the NPPF in particular the approach to defining the green belt boundaries where paragraph 83 says 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.* In helping to achieve this degree of permanence paragraph 85 provides further policy on determining boundaries including: *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.*

The Approach taken in the Local Plan

8. The preferred options draft Local Plan and the subsequent publication draft discussed at Local Plan working Group in September 2014 sought to apply the national and saved regional policies in setting out the extent of the Green Belt and identifying a reserve of *safeguarded land* to ensure that the Green Belt boundary is capable of enduring beyond the Plan period. To do this the Plan included policy to identify safeguarded

land and protect it from development until such time as a plan review identified the need for the land to be allocated for development.

9. This approach in the Plan was challenged in representations made to the preferred options draft. These representations stated that there is no requirement to identify safeguarded land and that the term safeguarded land is misleading as the land may be developed in the future.

Counsel's Opinion on the Matter of Safeguarded Land

10. In view of the challenges made to the Plan the Council has sought a legal opinion from Leading Counsel John Hobson QC of Landmark Chambers. The instructions to Counsel from the Council's solicitor and the subsequent opinion from Counsel are appended to this report at Annex A and B. Paragraph 8 of the instructions (Annex A) sets out a series of questions in respect of how long the Green Belt should endure and the role of safeguarded land. It is the answers to these questions that form the main body of the opinion from Counsel.
11. The opinion from Counsel is very clear on the need for the Green Belt to endure beyond the Plan period and that land not needed for development during the Plan period should be protected as safeguarded land. Any other course of actions places the Plan at risk of being found unsound at examination. Paragraph 16 of the advice states that

"In my opinion if no safeguarded land is identified in the emerging Local Plan this would give rise to a serious risk of the Plan being found unsound. There would be a failure to identify how the longer term needs of the areas could be met, and in particular a failure to indicate how those longer term needs of the area could be met, and in particular a failure to indicate how those longer term needs could be met without encroaching into the Green Belt and eroding its boundaries"

12. In respect of the period of time beyond the Plan period for which the Green Belt should be expected to endure, Counsel advises that this is a matter for planning judgement. He goes on to say that a ten year period beyond the life of the Plan, as used in the Publication Draft Local Plan, would be appropriate.

Options

13. Option 1. Continue to include safeguarded land designations in the Plan to ensure that the Green Belt will endure for a minimum of ten years beyond the end of the Plan period as advised by Counsel.
14. Option 2. Consider an alternative approach to that included as option 1 to this report. This could be to either not include safeguarded land or to consider a reduced time period for safeguarded land designations. .

Analysis of Options

15. Option 1, which is to include safeguarded land designations in the Plan, will ensure that the Green Belt will endure for a minimum of ten years beyond the end of the Plan period. This is consistent with the advice received by Counsel included as Annex B to this report.
16. Option 2, is for Members to instruct officers to consider an alternative approach to option 1, either through including no safeguarded land designations in the Plan or to include designations for a reduced time period. Officers consider that to not include safeguarded land designations in the Plan would mean that the Green Belt boundary would be very unlikely to endure beyond the plan period. This is contrary to Counsel advice and to national policy. It is considered that there is a strong likelihood of such an approach being found unsound at examination.
17. In terms of the consideration of a reduced time frame for safeguarded land designations Officers consider that York is in a unique position and that there is no precedent or basis on which to make a judgement on an alternative time period. It is considered that to do this would increase the risk of the Plan being found unsound at examination due to a reduced level of permanence. This would be contrary to the Counsel advice which concludes that a period of ten years beyond the end of the plan would be an appropriate timeframe.

Council Plan

19. The information in this report accords with the following priorities from the Council Plan
- Create jobs and grow the economy
 - Get York moving
 - Build strong communities
 - Protect the environment

Implications

20. The following implications have been assessed.
- **Financial (1)** – Work on the Local Plan is funded through the Local Plan Reserve. A review of the Local Plan reserve is being undertaken to see whether all commitments can be funded. Over the last four years, significant sums have been expended on achieving a robust evidence base, carrying out consultations, sustainability and other appraisals, policy development and financial analyses. Whilst this work remains of great value, the longer it takes to progress the Local Plan, the more will have to be redone at additional cost.
 - **Financial (2)** - managing the planning process in the absence of a Plan will lead to significant costs to the council in managing appeals and examinations
 - **Human Resources (HR)** – The production of a Local Plan and associated evidence base requires the continued implementation of a comprehensive work programme that will predominantly, although not exclusively, need to be resourced within CES.
 - **Community Impact Assessment** A Community Impact Assessment (CIA) has been carried out for the local plan to date and highlights the positive impact on the following groups: age, disability and race.
 - **Legal (1)** – The procedures which the Council is required to follow when producing a Local Plan derive from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and

Country Planning (Local Development) (England) Regulations 2012.

The legislation states that a local planning authority must only submit a plan for examination which it considers to be sound. This is defined by the National Planning Policy Framework as being:

- **Positively Prepared:** based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
 - **Justified:** the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective:** deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **Consistent with national policy:** enable the deliver of sustainable development in accordance with the policies in the Framework.
-
- **Legal (2)** The Council also has a legal duty to comply with the Statement of Community Involvement in preparing the Plan. (S19(3) 2004 Act). Planning Inspectorate guidance states that “general accordance” amounts to compliance.
 - **Legal (3)** The Council also has a legal “Duty to Co-operate” in preparing the Plan. (S33A 2004 Act).
-
- **Crime and Disorder** – The Plan addresses where applicable.
 - **Information Technology (IT)** – The Plan promotes where applicable.
 - **Property** – The Plan includes land within Council ownership.
 - **Other** – None

Risk Management

21. The main risks in producing a Local Plan for the City of York are as follows.

- The risk that the Council is unable to steer, promote or restrict development across its administrative area
- The potential damage to the Council's image and reputation if a development plan is not adopted in an appropriate timeframe.
- Risks arising from failure to comply with the laws and regulations relating to Planning and the SA and Strategic Environmental Assessment processes and not exercising local control of developments.
- Risk associated with hindering the delivery of key projects for the Council and key stakeholders.
- Financial risk associated with the Council's ability to utilize planning gain and deliver strategic infrastructure.

22. Measured in terms of impact and likelihood, the risks associated with this report have been assessed as requiring frequent monitoring.

Recommendations

23. It is recommended that Members of the Local Plan Working Group recommend Cabinet to:

Agree option 1 in this report to include safeguarded land designations in the Plan to ensure that the Green Belt will endure for a for a minimum of ten years beyond the end of the Plan period.

Reason: So that an NPPF compliant Local Plan can be progressed.

Contact Details

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**Report
Approved**



Date 21/1/2015

Specialist Implications Officer(s) N/A

Wards Affected: *List wards or tick box to indicate all*

 All

For further information please contact the author of the report

Annex A: Instructions to Counsel

Annex B: Advice from John Hobson QC, Landmark Chambers.

2.2 Annex A Instructions to Leading Counsel John Hobson QC

Annex A

IN THE MATTER OF THE PREPARATION OF THE YORK LOCAL PLAN

**INSTRUCTIONS TO LEADING COUNSEL
TO ADVISE IN WRITING**

Mr John Hobson QC
Landmark Chambers

Legal Services
The Council of the City of York
West Offices
Station Rise
York YO1 6GA

Ref: LCS1.2391
Tel: 01904 551040

6 January 2015

Counsel has herewith the following copy documents:-

- (A) A history of Green Belt policy in York
- (B) Government's statement on saved policy of RRS (to follow)
- (C) Saved Policy of RSS and Key Diagram showing General Extent of York Green Belt

Counsel is instructed by the Assistant Director of Governance and ICT for the Council of the City of York, which is a unitary authority.

Background to the Green Belt status in the York Administrative Area

1. The Council is in the process of preparing its Local Plan. The preferred options consultation stage was undertaken in summer 2013 and the Council's cabinet considered a publication draft of the Plan on 25th September 2014. However since then the political composition of the Council has changed to one of no overall control. This has led to a 'pause' in the Plan making process to allow further consideration of the evidence base on the scale of development and the portfolio of development sites. The Council is seeking Counsel's advice on how it should, through its Local Plan seek to determine the extent of the York Green Belt and set for the first time the detailed boundaries of the green belt that lie within the York UA in a manner which accords with national planning policy.
2. The principle of a green belt surrounding York whose primary purpose is to protect the historic setting and character of the City has been long established. There have been a number of unsuccessful attempts to define the detailed boundaries in a statutory Plan going back to the early 1990's. A history of Green Belt policy in York prepared by the Council's Planning Policy team is attached as Document A.

3. At present the principle of the green belt around York is set out in the Government's statement saving certain policies from the now otherwise revoked RSS for Yorkshire and the Humber. The Government considered the retention of the general extent of the green belt around York to be of such importance that it was the only part of the RSS that survived revocation.. The general extent of the York green belt was defined in the RSS; its precise detailed boundaries within the York UA have never been identified. It is the role of the emerging Local Plan to define precisely what land is in the green belt.

4. The general extent of the York green belt covers the whole district beyond the built up area of the city and excluding any other settlements which are inset in the green belt. The outer edge of the green belt is either at the District boundary or in the adjoining Districts' and has or is being addresses in their Local Plans. As a consequence, there are no areas of countryside within the York UA Local Plan area that are outwith the general extent of the green belt.

The application of paragraphs 82 to 92 to the proposed York green belt policy and the role of safeguarded land.

5. Paragraphs 79 to 92 of NPPF set out the Government's policy on green belt. Paragraphs 82 to 86 deal with defining the extent of the green belt, setting boundaries and the role of safeguarded land.

6. Paragraph 85 states inter alia that when defining the green belt boundary the local authority should satisfy itself that the green belt boundaries will not need to be altered at the end of the Local Plan period and that the greenbelt should not include land which it is unnecessary to keep permanently open. This paragraph also states; 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.

7. The background information shows that the circumstances of the York green belt are rather unusual and that the attempts to set a boundary have been protracted. Consequently there is a great deal of public interest focussed on scrutinising the technical work that comprises the evidence base to the emerging local plan that underpins the decisions about the York green belt.
8. Consequently Counsel is requested to advise in writing on the following matters in respect of determining the extent and boundaries of the York green belt and ensuring that the green belt endures beyond the plan period (as set out in paragraph 83 of NPPF):-
- (i) How long beyond the Plan period should a green belt be expected to endure once it is defined in a statutory Plan?
 - (ii) In setting a green belt boundary, what are the options for the allocations to be given to land not required for development in the Plan period? What working definitions could be applied to such land?
 - (iii) How should the Council interpret the application of the 'where necessary' test in respect of identifying safeguarded land as set out in paragraph 85 of NPPF. Are the local circumstances in York amongst the circumstances envisaged in the drafting of this 'test'?
 - (iv) The most recent published draft local plan includes safeguarded land which should provide for the city's development needs for around 10 years beyond the life of the Plan. However the Council has been challenged in representations to the Plan which claim it is not necessary to identify safeguarded land (notwithstanding paragraph 85 of the NPPF).
 - (a) If the Plan addresses the objectively assessed need for housing and other development needs for the whole plan period (including an appropriate oversupply in housing land to provide flexibility) and does not identify any safeguarded land, what are the risks of the Plan being found unsound (assuming that in all other respects the Plan is sound)?
 - (b) What arguments could the Council deploy to justify not identifying any safeguarded land and has such a stance been successfully

deployed in a Plan elsewhere in the country since the introduction of the NPPF?

9. Counsel is requested to note that because of the degree of interest locally in this matter the Council intends to publish both these Instructions and the Advice that is provided pursuant to these Instructions. Counsel is requested to let his Instructing Solicitor know if he has any objection to the publication of his written Advice.

Appendix 1: History of Green Belt Policy in York

1.0 Pre 1980

- 1.1 Prior to local government reorganisation in 1974, the area around York was divided between four authorities – the East, North and West Riding County councils and York City Council. In response to a request by Government in the late 1950s, each of the County council's proposed a Green Belt for its part of the York area.
- 1.2 Over the years, the boundaries of these Green Belts were amended in response to development and other pressures.
- 1.3 In 1975, the Secretary of State decided to establish a 'sketch' Green Belt around York until such a time comprehensive proposals could be established.

2.0 The North Yorkshire Structure Plan

- 2.1 The North Yorkshire County Structure Plan was first approved by the Secretary of State in November 1980. It contained a policy (E8) which confirmed the principle of a Green Belt encircling York, defining it as 'a belt whose outer edge is about 6 miles from York City Centre'.

3.0 The Greater York Study

- 3.1 When approving the North Yorkshire Country Structure Plan in 1980, the Secretary of State decided not to endorse a specific policy framework for the Greater York area. Instead the Authorities covering Greater York defined as the area within 6 miles of the City Centre were invited to consider jointly the development needs of the area. The Authorities were North Yorkshire County council and Ryedale, Selby, Harrogate and Hambleton District Councils.
- 3.2 The exercise was completed in September 1982 with the publication of the informal policy document 'Policies for Housing and Industrial Land in the Greater York Area'.

- 3.3 The Study needed to be revisited in 1987 when the Secretary of State approved the first alteration to the Structure Plan. This provided, for the first time, housing and employment requirements for the Greater York Area as well as figures for the individual districts around York.
- 3.4 The five Greater York Authorities started preparation of a new study for the distribution of housing and employment land around Greater York. This was published in February 1990 and was entitled the 'Greater York Study: A Strategy to 2006'. It was subsequently the subject of public consultation.

4.0 The York Green Belt Local Plan and Southern Ryedale Local Plan

- 4.1 Following publication of the Greater York Study, North Yorkshire County Council took the lead and began the preparation of a local plan that would define the Green Belt around Greater York. Prior to this, some of the district authorities including Ryedale, had started preparation of comprehensive local plans for parts of the Greater York area but these had not progressed to deposit stage because of difficulties arising from the lack of an adequate strategic context.
- 4.2 The Draft York Green Belt Local Plan was published in February 1991 and the plan was placed on deposit in October 1994. It carried forward the overall strategy of the Greater York Study. This plan showed the appeal site to be excluded from the Green Belt.
- 4.3 At the same time, Ryedale District Council started preparation of a comprehensive local plan for its part of the Greater York area. The Draft Southern Ryedale Local Plan was published in January 1991 and the deposit draft in September 1991. This plan showed the appeal site to be excluded from the Green Belt.
- 4.4 A joint local plan inquiry was set up into the two local plans. The Inspector (Mr. John Sheppard) opened the inquiry on 15 September 1992 and it closed on 28 April 1993. The inspector reported in January 1994, endorsing the principle of the Green Belt and the general extent of its boundaries.

5.0 The North Yorkshire Structure Plan Alteration

- 5.1 As part of the suite of plans being produced to put into effect the 1990 Greater York Study, North Yorkshire Country Council published a third alteration to the Structure Plan in March 1992. As well as containing new housing and employment requirements it put forward a new policy for a new settlement or settlements for Greater York of about 800 to 1000 dwellings to be located beyond the Green Belt. The policy was not, however, specific about the location.
- 5.2 The third alteration was placed on deposit in July 1992 and an examination in public took place in November 1993. The panel endorsed the principle of the new settlement but recommended that the policy should establish its general location. The panel recommended that 'part of Ryedale which is well related to the A64 corridor'.

6.0 Procedures up to 1996

- 6.1 The recommendation by the panel for the local of the new settlement generated considerable political controversy, particularly in Ryedale. The County Council pressed ahead with the publication of proposed modifications to the Structure Plan Third Alteration in September 1992. In doing so it put forward two potential locations for the new settlement, one in accordance with the panel's recommendation and the other in Selby District. However both Ryedale and Selby Council's indicated that they were opposed to a new settlement in their areas (after previously supporting the principle of the settlement). As a result the County Council decided to abandon the new settlement and to delete Policy H2 from the third alteration. At the same time, the County Council recognised that the retaining the same level of housing provision for Greater York in Policy H1 would require, in the absence of a new settlement, 'further consideration' to be given to the location of development and that such consideration should fall to the new City of York Authority which was due to be established in April 1996. The County Council published further proposed modifications to this effect in April 1995. The Structure Plan Third Alteration was finally adopted, without the new settlement in October 1995.

6.2 North Yorkshire County Council and Ryedale District Council published simultaneously proposed modifications to the York Green Belt Local Plan and the Southern Ryedale Local Plan in September 1994. However, in the light of the subsequent decision to abandon the new settlement through the Structure Plan, the two authorities decided they could not proceed to adopt the two local plans as the proposed greenbelt boundaries would not be able to accommodate the full extent of development envisaged by the third alteration Structure Plan. The matter was therefore left to the new City of York Authority.

7.0 Other Local Plans

- 7.1 Some of the other authorities around York began to progress local plans.
- 7.2 The former York City Council published a consultation draft of City of York Local Plan in February 1994. It showed a Green Belt for the small parts of the old city which were open land, primarily but not exclusively the green wedges and strays. The Local Plan was placed on deposit in September 1995.
- 7.3 Selby District Council published a consultation draft of its district wide local plan in June 1995. This contained Green Belt boundaries for the area within Greater York.
- 7.4 Hambleton District Council published a consultation draft of its district wide local plan in April 1993 which included Green Belt boundaries for its part of the Greater York area. The local plan was placed on deposit in March 1995.
- 7.5 None of these plans progressed to the next stage, so far as land within the Greater York area is concerned, before local government reorganisation took place in April 1996.

8.0 The City of York Local Plan

- 8.1 The City of York Local Plan was placed on deposit in May 1998. It identified the appeal site as within the settlement boundaries for York and outside of the Green Belt. A very tight Green Belt was put forward on the basis that the Green Belt would

not be permanent and there would be a need for an early review in light of new information on development requirements after 2006. The deposit draft Green Belt was based upon the recommendations of the York Green Belt Local Plan Inspector. The Council, however, made alterations to the recommended Green Belt (generally additions rather than exclusions) where it considered appropriate.

- 8.2 The Council subsequently published two sets of proposed changes, one in March 1998 and one in August 1999. Neither set of changes had significance for the general extent of the Green Belt.
- 8.3 The local plan inquiry opened in November 1999. At its opening, the Council asked the Inspector for a provisional finding on whether he considered the Green Belt was in accordance with national policy. After hearing evidence from objectors and the Authority, the Inspector indicated that the proposed Green Belt did not have the permanence required by Planning Policy Guidance 2: Green Belts and as such needed strategic amendments. After receiving the Inspector's provisional finding, the Council decided to adjourn the local plan inquiry and to establish a more permanent Green Belt.
- 8.4 The Council published its third set of changes in February 2003. This proposed significant areas of safeguarded land, particularly on the western site of the city. The third set of changes was subsequently subject to consultation.
- 8.5 After a change in the political control of the Council, the Authority approved the local plan fourth set of changes for development control purposes. This withdrew most of the safeguarded land proposals made by the third set of changes. The safeguarded land designated at Strensall remained. The Development control Local Plan (2005) shows the appeal site as land reserved for possible future development post 2011, to be brought forward with a review of the plan.
- 8.6 The Council decided not to proceed with the fourth set of changes and did not undertake any public consultation on them. It does however use these changes as the basis for development management decisions.

9.0 The City of York Local Development Framework

- 9.1 Following changes to the planning system through the Planning and Compulsory Purchase Act (2004) the Council began preparing a Local Development Framework to replace the City of York Local Plan Incorporating the 4th Set of Changes. The formal designation of the Green Belt was then left to the Council's Local Development Framework through an Allocations Development Plan Document which would sit alongside a Core Strategy. Alongside progress on preparing a Core Strategy, consultation on an Issues and Options Allocations DPD was undertaken in March 2008. This document shows the appeal site to be outside of the Green Belt and within the draft settlement limit for Strensall.
- 9.2 A City of York Core Strategy was submitted to the Secretary of State in February 2012, just before the new National Planning Policy Framework was issued. In May 2012 Members approved a community stadium and retail scheme at Monks Cross. The Inspector wrote to the Council indicating that following the decision on the Community Stadium a radical review of the Core Strategy would be required. The Inspector was concerned that such likely changes would result in a substantially different set of strategic policies and direction for York from those submitted. Accordingly, the Council wrote to the Inspector to inform him of the decision to reluctantly recommend to Council the withdrawal of the document. This course of action was approved by Council in July 2012.

10.0 Saved Policies of The North Yorkshire Structure Plan

- 10.1 The 2004 Planning Act enabled structure plan policies to be saved for three years from September 2004 or from when they were adopted, whichever is later. This meant the policies from the North Yorkshire Structure Plan Third Alteration (1995) were saved until September 2007. There was also scope to save certain policies to ensure there were policy voids.
- 10.2 The Yorkshire and Humber Regional Assembly decided that it was necessary to save Policy E8 from the Structure Plan beyond the three year period and the Secretary of State agreed this. Policy E8 remained saved until the RSS was adopted

in 2008. All other policies in the North Yorkshire Structure Plan expired in September 2007.

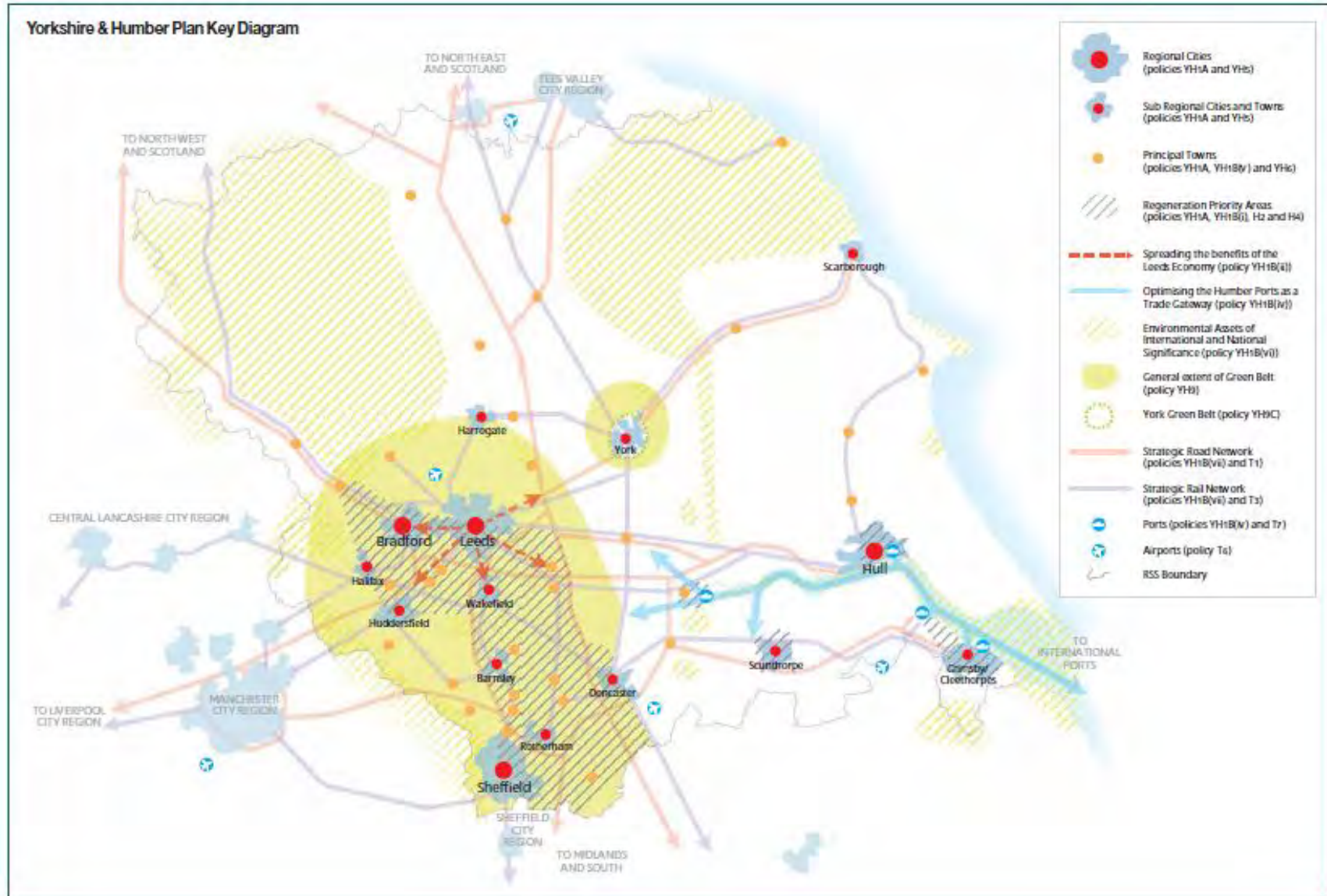
11.0 The Yorkshire and Humber Plan Regional Spatial Strategy

- 11.1 The Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (the RSS) was adopted in 2008 and at that time became a part of the development plan for each local authority in the Yorkshire and Humber Region. Policy YH9C refers only to the inner boundary of the Green Belt around York, but RSS Policy Y1C1 deals with both the inner and outer boundaries. It states that plans should, in the case of 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'. Figure 6.2 of the RSS is a diagrammatic representation, without scale or detail, of the York sub-area. It includes shading around York which the key describes as 'general extent of Green Belt', but which cannot be accurately related to any local features.
- 11.2 The Localism Act (2011) allowed the Government to fulfil a longstanding promise to revoke RSS's. The environmental assessment process for the RSS abolition highlighted that York does not currently have a local plan in place and 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. As such, the Government concluded that the York Green Belt policies that are part of the regional strategy should be retained. The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013 was laid in Parliament on the 29th January 2013, which took effect on 22nd February 2013. This means that for York, the development plan will continue to include the RSS Green Belt policies and RSS key diagram insofar as it illustrates the RSS York Green Belt policies and the general extent of the Green Belt around the City of York as it relates to these policies. All other RSS policies have been revoked and do not form part of York's development plan.

12.0 Emerging Local Plan

- 12.1 In October 2012 City of York Council Members instructed officers to commence the appropriate steps to produce a local plan that is fully compliant with the National Planning Policy Framework and other relevant statutes.
- 12.2 Using existing evidence base work and consultation undertaken as part of the Local Development Framework process as a starting point a Local Plan Preferred Options document was consulted on in June 2013. This plan shows the appeal site to be outside of the Green Belt and within the draft settlement limits for Strensall. The appeal site is identified as a proposed housing allocation (site reference H27).
- 12.3 The emerging Local Plan is currently at publication draft stage but has not yet been subject to public consultation. The publication draft local plan contains the package of sites required to meet the objectively assessed housing need in the district and includes the appeal site in that package of sites.

Appendix 2: Yorkshire and Humber Plan Regional Spatial Strategy Key Diagram



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2.3 Annex B Advice from John Hobson QC

Annex B

THE COUNCIL OF THE CITY OF YORK

IN THE MATTER OF THE PREPARATION OF THE YORK LOCAL PLAN

ADVICE

1. I am asked to advise the Council as to the approach which should be adopted in relation to the determination of the Green Belt boundary in the preparation of the York Local Plan.
2. The background to this advice can be stated briefly. The principle of a Green Belt around the City of York has been long established. Its general extent was identified in the Regional Strategy for Yorkshire and Humber (RSS). The RSS included the following York Green Belt policies:

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.

The RSS Key Diagram illustrated the RSS York Green Belt policies and the general extent of the Green Belt around the City of York.

3. When the RSS was revoked in February 2013 the Green Belt policies and Key Diagram were expressly excluded from the revocation. They continue in force and, as the Ministerial statement on the revocation explains: “in York, the development plan will continue to include the regional strategy’s green belt policies”.
4. Although the general extent of the Green Belt has thus been identified, the detailed boundaries remain undefined. Attempts have been made to achieve definition of the boundaries in various studies and plans since at least the early 1980s, but none have reached a successful conclusion. It is now part of the function of the emerging Local Plan to set the detailed boundaries for the first time. In doing so it is important to ensure that the approach adopted by the Council accords with relevant national policy.
5. National policy in this respect is to be found in the National Planning Policy Framework (NPPF) published in March 2012.
6. Paragraph 79 of the NPPF emphasises the importance of Green Belts and provides that

“The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

Paragraph 80 sets out five purposes which the Green Belt serves:

- 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.

The importance of permanence is further emphasised in paragraph 83, which provides:

“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.”

7. In the light of this policy advice I am asked to consider how long beyond the Plan period should a Green Belt endure once it is defined in a statutory plan. In my opinion there is no finite period for a Plan to endure. The land which is designated as Green Belt should be expected to remain open and undeveloped indefinitely.
8. In deciding which land should be designated and what the boundaries should be, the Council should consider the extent to which the land identified serves one or more of the five Green Belt purposes set out in paragraph 80. The 4th bullet point is likely to be of particular relevance to York, namely the preservation of the setting and special character of the historic City.
9. In accordance with paragraph 84 of the NPPF authorities are also required, when drawing up Green Belt boundaries to take account of the need to promote sustainable patterns of development. This requires consideration of the development needs of the area, which should be objectively assessed. As paragraph 85 makes clear this involves consideration of the development needs which are to be met during the Plan period, and also the longer term development needs, “stretching well beyond the Plan

period”. Quite how far beyond is a matter of planning judgment, but in my opinion a 10 year horizon beyond the life of the Plan as mentioned in my Instructions would be appropriate.

10. Once the need for development, both within the Plan period and beyond, is ascertained, a further judgment is required as to the extent to which the objectively assessed needs should be met. In deciding this further question it is legitimate to consider the effect of meeting the needs in full in relation to the impact that would have on the Green Belt and whether it would still be capable of fulfilling its purpose. As Ouseley J held in *South Northamptonshire Council v Secretary of State for Communities and Local Government* [2014] EWHC 573 (Admin) at paragraph 31:

“The question is not whether the Green Belt constrains the assessment, but whether the Green Belt constrains meeting the needs assessed. Once the Local Plan is adopted, it is the constrained needs in the Plan which are to be met”.

11. With regard to those needs which are to be met in the Plan period allocations should be made and the land required for development should be excluded from the Green Belt.
12. Looking beyond the Plan period there are three potential options in respect of land which is required to meet the longer term development needs of the area: it can be left unallocated; it can remain in the Green Belt; or it can be designated as safeguarded land in accordance with NPPF paragraph 85. Of these three potential options in my opinion the first two are entirely inappropriate. If the land is simply left unallocated it may be difficult to resist proposals for development which is not in accordance with the ascertained needs. If it is left within the Green Belt in the emerging Plan that would be contrary to the overriding requirement of permanence, because it known

that the land will be required to be released to meet future development needs, if not in this Plan's period then at least in the next.

13. The proper course, in my view, is to identify land as safeguarded land to meet the future requirement for development. As the notes in the Planning Encyclopaedia to the now superseded PPG 2 explain, safeguarded land is required in order to strike the balance between preservation of the Green Belt and the need for further expansion. Consequently if land is required to meet the longer term needs it should be excluded from the Green Belt and protected from pressure for development contrary to the longer term needs by including it as safeguarded land. However it is important that any such land will be genuinely available and capable of development when it is needed: *Prowting Projects Ltd v Wychavon DC & Secretary of State for the Environment, Transport and the Regions* (CO/798/98). In the context of land included as safeguarded for employment use, paragraph 22 of the NPPF should be borne in mind, which cautions against long term protection of sites for employment use where there is no reasonable prospect of the site being used for that purpose; see also *DB Schenker Rail (UK) Ltd and another v Leeds City Council* [2013] EWHC 2865 (Admin).
14. The “where necessary” test adumbrated in the third bullet point of NPPF paragraph 85 therefore applies where longer term needs for development have been identified. So those needs can in due course be met, land should be safeguarded for the purpose of that development and, by identifying such land, the Green Belt can be protected from encroachment thus ensuring its boundaries remain permanent.

15. From the information provided with my Instructions it appears to me that the situation in York is within the circumstances contemplated by this test.
16. In my opinion if no safeguarded land is identified in the emerging Local Plan this would give rise to a serious risk of the Plan being found unsound. There would be a failure to identify how the longer term needs of the area could be met, and in particular a failure to indicate how those longer term needs could be met without encroaching into the Green Belt and eroding its boundaries.
17. The only argument which it seems to me the Council could deploy to avoid this danger is to be able to demonstrate that there is sufficient land outside the Green Belt boundary which will be suitable for meeting the need for further development, and which is likely to be available when those needs arise. The important point is to be able to demonstrate that the Green Belt boundary will not be affected. I assume many authorities have adopted Local Plans without including safeguarded land. It would have been appropriate for them to do so in accordance with their local circumstances. However I am unaware of a situation comparable to the circumstances in York.
18. I do not consider there is any additional general advice I can usefully add at this stage. However my Instructing Solicitor should not hesitate to get in touch if I can be of any further assistance.

JOHN HOBSON QC

**Landmark Chambers
180 Fleet Street
London EC4A 2HG**

16th January 2015

2.4 Minutes of Local Plan Working Group 29 January 2015



Agenda item

City of York Local Plan - Safeguarded Land

- [Meeting of Local Plan Working Group, Thursday, 29th January, 2015 5.00 pm \(Item 23.\)](#)

This report provides further information on the role of safeguarded land and the reasons for the draft Local Plan including such a designation for some sites. It makes reference to a legal opinion sought from John Hobson QC on how the Local Plan should address this matter. Both the instructions to Counsel and the legal opinion on the matter of the opinion are included as Annex A and Annex B to this report.

Minutes:

Members considered a report which provided further information on the role of safeguarded land and the reasons for the draft Local Plan including such a designation for some sites. It made reference to a legal opinion sought from John Hobson QC on how the Local Plan should address this matter. Both the instructions to Counsel and the legal opinion on the matter were included as Annex A and Annex B to the report.

The Director of City and Environmental Services spoke to inform Members of some of the key points as follows:

The aim of the report was to set out the principle of safeguarding land. The report did not look at specifics of land supply or comment on specific sites.

Ministerial views are not the same as policy. The Department for Communities and Local Government (DCLG) have advised the Council to go by written guidance and case law. As

York is unique due to its Green Belt status, it is not the case that the Council can simply look at policy hence seeking a Counsels advice.

Members were reminded that the Monitoring Officers' advice or those individuals instructed by him, is the only legal advice which should be considered by Members. Other legal opinions are not a legal opinion to the Council.

The question put to the Counsel was about the matter of policy and not about specific sites.

In response to some of the comments made by the public speakers, the Head of Planning and Environmental Management spoke to emphasise that further reports on housing need would be coming back to the Local Plan Working Group once new figures were available from the DCLG. Reports would also be brought concerning land supply for consideration and debate. In relation to safeguarded land Officers wanted to test the permanence issue of Green Belt with a QC to take a view and to consider the role of safeguarded land in achieving that permanence. If there is a need for permanence how do we go about setting green belt boundaries. QC provided advice as outlined in the report.

Members referred to the legal advice sought by local interest groups and whether it was appropriate for Members to ignore alternative views. Officers advised that whilst Members were entitled to consider alternative views or request Officers to look at other views, the advice as given earlier in the meeting remained the same in that the only legal advice to Members is that of the monitoring officer or of those instructed by him.

Members then questioned a number of points as follows:

Whether the evidence supplied to the Counsel on which he based his views was correct. Officers confirmed it was correct.

Confirmation that other Local Authorities without a Local Plan in place are seeing high numbers of planning applications coming forward. Officers confirmed they are aware that this is happening elsewhere in country.

The question of Windfall sites and if they should be taken into account and the basis on which the Council have to consider them or not consider them. Officers confirmed that issues of housing supply including the consideration of windfalls will be covered in a future report to the LPWG.

Following further lengthy discussion a Member suggested deferral to enable Officers to further consider the submissions by the community group. Other Members argued that the advice being provided within the report should be accepted by Members and any further delay to the Local Plan is unacceptable.




It was moved and seconded to defer a decision on the principle of safeguarded land. When put to the vote this motion was lost.

It was then moved and seconded to approve option one. When put to the vote this motion was carried.

Recommended: That Cabinet be recommended to agree Option 1 to the report to include safeguarded land designations in the Plan to ensure that the Green Belt will endure for a minimum of ten years beyond the end of the Plan period.

Reason: So that a National Planning Policy Framework (NPPF) compliant Local Plan can be progressed.

Supporting documents:

- [Report - Local Plan Safeguarded Land, item 23.](#)  PDF 163 KB
- [Annex A, item 23.](#)  PDF 305 KB
- [Annex B, item 23.](#)  PDF 144 KB

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[REDACTED]

From: Jones, Simon [REDACTED]
Sent: 19 July 2019 15:34
To: [REDACTED]; localplan@york.gov.uk; [REDACTED]
Cc: [REDACTED]
Subject: RE: City of York Local Plan Proposed Modifications - Statement of Representations Procedure
Attachments: York Modifications Letter 190719.docx
Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear [REDACTED]

Please find enclosed the consultation response to the proposed modifications consultation – as always, any issues, just get in touch.

Kindest regards

[REDACTED]
Regional Spatial Planning Manager – West Yorkshire & North Yorkshire

(Yorkshire & North East Team)
Highways England | Lateral | 8 City Walk | Leeds | LS11 9AT

Tel: [REDACTED] | **Mobile:** + [REDACTED]
Web: <http://www.highways.gov.uk>

From: localplan@york.gov.uk [<mailto:localplan@york.gov.uk>]
Sent: 10 June 2019 20:47
Subject: City of York Local Plan Proposed Modifications - Statement of Representations Procedure

Dear Sir/ Madam

Further to the email you received earlier today in relation to City of York Local Plan Proposed Modifications Consultation (June 2019), please find below the **Statement of Representation Procedure** for this consultation.

This sets out where documents can be viewed, how your representations (responses to the consultation) will be treated and how your information will be stored.

�. You can find out more about this consultation at:
<https://www.york.gov.uk/LocalPlanModificationsConsultation>

�. All consultation documents can be viewed online at:
https://www.york.gov.uk/downloads/download/4594/local_plan_proposed_modifications_consultation_documents

�. You can respond using the online form found here:

<https://www.york.gov.uk/form/LocalPlanModifications> by clicking on the red button labelled “BEGIN THIS FORM”

�. You can download a [Microsoft Word](#) or [PDF version](#) of the response form to fill out and post back to us.

**STATEMENT OF REPRESENTATION PROCEDURE
AND AVAILABILITY OF DOCUMENTS
CITY OF YORK COUNCIL
THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND)
REGULATIONS 2012 – REGULATION 19
CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS**

Title of Document

City of York Local Plan Proposed Modifications (June 2019)

Subject Matter and Area Covered

City of York Council has prepared a Publication version of the Local Plan which was submitted to the Secretary of State for Communities and Local Government on 25 May 2018. We are now publishing a series of proposed modifications to the City of York Local Plan. The Local Plan set out the broad spatial planning and policy framework for the City of York up to 2032/33 with the exception of the Green Belt boundaries which will endure up to 2037/38. It includes a long-term vision and strategic objectives, policies to guide development, and allocations for new homes, jobs, and open space.

Period of Publication for Representations

Representations are invited on the City of York Local Plan Proposed Modifications for a period of 6 weeks, from Monday 10 June 2019 until Monday 22 July 2019 up until midnight. This statement provides details on how to make representations.

Statement of fact – How to view the documents

During this public representations period, copies of the main documents associated with the City of York Local Plan Proposed Modifications will be available to view on the council’s website at www.york.gov.uk/localplan and will also be available for inspection at the following locations:

Council Offices:

City of York Council, West Offices, Station Rise, York (Mon – Fri 8.30 – 5.00, Sat & Sun closed)

Libraries:

Acomb Explore library, Front Street, Acomb (Mon, Tues & Thu 9.00 – 7.30, Wed 9.00 – 2.00, Fri 9.00 – 5.00, Sat 9.00 – 3.00, Sun closed)

Bishopthorpe Library, Main Street, Bishopthorpe (Mon 2.00 – 7.00, Tue, closed, Wed & Thu 10.00- 12.30 & 2.00 – 5.00, Fri 2.00 – 5.00, Sat 10.00 – 12.30, Sun closed)

Clifton Explore Library, Rawcliffe Lane, Clifton (Mon 2.30 – 5.30, Tue, Wed & Fri 10.00 – 1.00 and 2.00 – 5.30, Thu 2.30 – 7.00, Sat 10.00 – 1.00, Sun closed)

Copmanthorpe Library, Village Centre, Main Street, Copmanthorpe (Mon 9.00 – 1.00 & 2.00 – 5.30, Tue 2.00 – 6.30, Wed & Sun closed, Thu & Sat 9.00 – 1.00, Fri 2.00 – 5.30)

Dringhouses Library, Tadcaster Road, Dringhouses (Mon 2.00 – 6.00, Tue & Thu 9.30 – 12.30 & 2.00 – 5.30, Wed closed, Fri 2.00 – 5.30, Sat 9.30 – 1.00, Sun closed)

Dunnington Library, The Reading Room, Church Street, Dunnington (Mon 10.00 – 1.30, Tue 2.00 – 5.30, Wed, Fri & Sun closed, Thu 2.00 – 5.00, Sat 9.00 – 12.30)

Fulford Library, St Oswald's CE School, Heslington Lane, Fulford (Mon, Wed & Sun closed, Tue, Thu & Fri 2.00 – 5.00, Sat 10.00 – 12.30)

Haxby Explore Library, currently served by Mobile Library (Mon – Ethel Ward Playing Field 9.30-6.30, Tue – Haxby Memorial Hall 9.30-5, Wed – Wigginton Recreation Hall 9.30-5.00, Thu & Sun Closed, Fri – Oaken Grove Community Centre 9.30-5, Sat – Oaken Grove Community Centre 9.30 -12.30)

Homestead Park Reading Café, 40 Water End, York (Mon –Sun 10.30-4.00)

Huntington Library, Garth Road, Huntington, York (Mon, Tue, Thu & Fri 9.30 – 12.00 & 2.00 – 5.00, Wed & Sun closed, Sat 9.30 – 12.30)

New Earswick Library, Hawthorn Terrace, New Earswick (Mon 9.00 – 12.30, Tue 9.00 – 12.30 & 2.00 – 4.30, Wed Self Service, Thu & Fri 1.30 – 5.00, Sat 10.00-12.00, Sun closed)

Poppleton Library, The Village, Upper Poppleton (Mon 10.00 – 12.30 & 2.00 – 5.00, Tue & Sun closed, Wed & Fri 10.00 – 12.30 & 2.00 – 5.00, Thu & Sat 10.00 – 12.30.)

Rowntree Park Reading Cafe, Rowntree Park Lodge, Richardson Street, York (Mon - Sun 9.00 – 4.30)

Strensall Library, 19 The Village, Strensall (Mon & Fri 2.00 – 5.00, Tue 10.30 – 12.30 & 2.00 – 5.00, Wed & Sun closed, Thu 9.30 – 12.30 & 2.00 – 4.00, Sat 10.00 – 12.30)

Tang Hall Explore Library, The Centre @ Burnholme, Mossdale Avenue, York (Mon -Thu 9.00 – 8.00, Fri 9.00 – 6.00, Sat 9.00 – 4.00, Sun 10.00-4.00)

York Explore Library, Library Square, York, YO1 7DS (Mon - Thu 9.00 – 8.00, Fri 10.00 – 6.00, Sat 9.00 – 5.00, Sun 11.00 – 4.00)

Documents which are available to view are:

�. [City of York Local Plan Proposed Modifications \(June 2019\)](#)

�. [Sustainability Appraisal/Strategic Environmental Assessment Addendum \(June 2019\)](#)

�. [Updated Habitats Regulations Assessment of the City of York Council Local Plan \(February 2019\)](#)

�. [City of York Local Plan Publication Draft \(February 2018\) to be read alongside the proposed modifications schedule only](#)

There are also a number of [background documents and evidence base reports](#) which underpin the City of York Local Plan Proposed Modifications and these can be viewed on the council's website. Copies of the background documents are also available for inspection at the council offices and York Explore.

Representations

Representations on the plan can be made throughout the representation period but must be made **before midnight on Monday 22 July 2019**. Please note that late representations cannot be accepted.

To structure your response in the way the inspector will consider comments at the public examination, the Planning Inspectorate has issued a standard form that is available to complete online on the consultation portal www.york.gov.uk/consultations

Alternatively you can [download from our website](#), or collect a response form from the locations listed above and return it to us by post to FREEPOST RTEG-TYYU-KLTZ, Local Plan, City of York Council, West Offices, Station Rise York YO1 6GA or email localplan@york.gov.uk. All representations should include your name and postal address.

All individual representations received will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination. Representations at this stage should only be made on the legal and procedural compliance of the City of York Local Plan Proposed Modifications, the soundness of the City of York Local Plan Proposed Modifications and whether the City of York Local Plan Proposed Modifications are in conformity with the Duty to Cooperate. Please refer to the guidance on the comments form when preparing representations.

Please note that representations made at this stage in the process cannot remain anonymous, but details will only be used in relation to the City of York Local Plan. Your response will be made available to view as part of the Examination process.

Request for Notification

Representations at this stage may be accompanied by a request to be notified about:

- �. the publication of the recommendations of the inspector appointed to carry out the independent examination; and
- �. the adoption of the local Plan.

You can also indicate whether at this stage whether 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.

For further details, please contact Forward Planning on **01904 552255** or email localplan@york.gov.uk

How we will use your Personal Information

We will only use the personal information you give us as part of your response in accordance with the Data Protection Act 2018 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. Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

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.¹The Council must also notify those on the

database at certain stages of plan preparation under the Regulations. Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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. Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database.

Your rights

To find out about your rights under the Data Protection Act 2018 , you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for 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 foi@york.gov.uk or on [01904 554145](tel:01904554145)

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Simon D Jones Esq.
Regional Spatial Planning Manager
West Yorkshire & North Yorkshire
Highways England
Lateral
8 City Walk
Leeds LS11 9AT

Direct Line: [REDACTED]

Local Plan Team
[REDACTED]
City of York Council
West Offices
Station Rise York
YO1 6GA

19th July 2019

By email

Dear Emily,

CITY of YORK DRAFT LOCAL PLAN CONSULTATION

We have reviewed the Draft York Local Plan Modifications and provide comments on issues that are relevant to the strategic road network, herein. As you will be aware, we have responded to the Local Plan consultation at the following stages:

- Preferred Options
- Preferred Sites
- Pre-Publication Draft Local Plan
- Draft Local Plan (March 2018)
- Model Forecasts (August 2018)

Our comments build upon our previous responses and relate to the Local Plan objectives, policies and proposed development sites which potentially impact on the strategic road network (SRN). Highways England is responsible for the safe and efficient operation of the SRN which, in the York area, consists of the A64 (linking the A1M to Seamer).

Our comments are set in the context of Department for Transport Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development which states that:

- Development proposals are likely to be acceptable 'if they can be accommodated within the existing capacity of a section (link or junction) of the strategic road network, or they do not increase demand for use of a section that is already operating at over-capacity levels, taking account of any travel plan,

traffic management and/or capacity enhancement measures that may be agreed’.

- When considering Local Plan proposals, we are required to assess ‘the cumulative and individual impacts of Local Plan proposals on the ability of the various road links and junctions to accommodate the forecast traffic flows in terms of capacity and safety’.

We therefore require that any capacity enhancements and infrastructure needed to deliver strategic growth is identified at the plan making stage to allow us time to assess the suitability, viability and deliverability of such proposals on the SRN at the earliest opportunity.

Proposed Modifications

The proposed modifications relate principally to minor changes to Green Belt boundaries, a reduction in the objectively assessed housing need from 867 to 790 homes pa. and Habitat Regulations matters. Removal of the allocations from the following sites should reduce the scale of impact on the SRN:

- H59 Land at Howard Road (45 dwellings)
- ST35 Queen Elizabeth Barracks (500 dwellings)

We still require details of any traffic mitigation required along the A64 corridor, and those which take specific account of proposed access arrangements to the SRN for the development (ST15) near Elvington.

Highways England (in conjunction with York Council) is currently building a traffic model of the Strategic Road Network around York, which includes the A1237 York Outer Ring Road. This model should be available to assist with the assessment of the impact of Local Plan Sites on the SRN in August 2019.

We will continue to work closely with City of York Council to agree a way forward for the Local Plan which can deliver the city’s aspirations for growth and which is sound.

I hope that the above comments are helpful. Should you require further information or clarification, please do not hesitate to contact me.

Kindest regards



Simon Jones



**Regional Spatial Planning Manager – West
Yorkshire & North Yorkshire**

Email: [REDACTED]



From: [redacted] on behalf of webadmin@york.gov.uk
Sent: 10 June 2019 17:53
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

A new Local Plan proposed modifications consultation 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: 121207
- Date submitted: 10/06/2019
- Time submitted: 17:53:07

The following is a copy of the details included.

Question	Response
<i>Whose views on the proposed modifications to the Local Plan do your comments represent?:</i>	My comments represent my own views
<i>Title:</i>	Mr
<i>Forename:</i>	Graham
<i>Surname:</i>	Lishman
<i>Address: building name/number:</i>	[redacted]
<i>Address: Street name:</i>	[redacted]
<i>Address: Area:</i>	[redacted]
<i>Address: town/city:</i>	[redacted]
<i>Address: postcode:</i>	[redacted]
<i>Email address:</i>	[redacted]

Question

Response

Telephone number: [REDACTED]

Proposed modification reference (PM1 to PM46): All amendments to the text

Document: Throughout

Page number: Throughout

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?: Yes, I consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?: Yes, I consider the Local Plan to comply with the Duty to Cooperate

Please justify why you do/do not consider the Local Plan to be legally compliant or in compliance with the Duty to Cooperate: I agree they are compliant

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?: No, I do not consider the Local Plan to be sound

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion: The Local Plan is not positively prepared

Please give reasons for your answer(s): I agree the plan is essentially sound, but the amendments have introduced many grammatical errors that were not there previously, giving an impression of an illiterate author inconsistent with 'positive preparation'

I suggest the following change(s) to make the Local Plan legally compliant or 'sound': Have the new text read through, and corrected, by an editor with a sound grammatical knowledge.

And, incidentally, the council is unlikely to have any 'tarmac' roads: they are either 'surfaced' or 'bituminous' - unless the author knows them to be tarmacked.

If you are seeking a change to the Local Plan, do you want to participate at the hearing sessions: No, I do not wish to participate at the hearing sessions

Question

Response

hearing sessions of the Public Examination?:

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

From: [REDACTED] on behalf of webadmin@york.gov.uk
Sent: 18 June 2019 22:27
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

A new Local Plan proposed modifications consultation 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: 121497
- Date submitted: 18/06/2019
- Time submitted: 22:27:15

The following is a copy of the details included.

Question	Response
<i>Whose views on the proposed modifications to the Local Plan do your comments represent?:</i>	My comments represent my own views
<i>Title:</i>	Mr
<i>Forename:</i>	John David Phillip
<i>Surname:</i>	Young
<i>Address: building name/number:</i>	[REDACTED]
<i>Address: Street name:</i>	[REDACTED]
<i>Address: Area:</i>	[REDACTED]

Question

Response

Address:
town/city: [REDACTED]

Address:
postcode: [REDACTED]

Email address: [REDACTED]

Telephone
number: [REDACTED]

Proposed
modification
reference (PM1
to PM46): PM1, PM21a

Document: SD015B__City_of_York_Local_Plan_Further_Sites_Consultation_Appendices

Page number: 101, 102

Based on the
proposed
modification or
evidence
document, do
you consider
the Local Plan
is legally
compliant?: Yes, I consider the Local Plan to be legally compliant

Do you
consider the
Local Plan to
comply with the
Duty to
Cooperate?: Yes, I consider the Local Plan to comply with the Duty to Cooperate

Please justify
why you do/do
not consider
the Local Plan
to be legally
compliant or in
compliance
with the Duty to
Cooperate: Ambiguity with reference to the use of land to the East of Terry's and failure to identify key infrastructure needs.

Question

Response

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

Yes, I consider the Local Plan to be sound

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

The document is positively prepared

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

The document is justified

Related to the proposed modification or evidence document indicated above, you consider the

The document is effective

Question

Response

Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

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

The document is consistent with national policy

Positive: The plan uses a realistic projection of housing needs for the population.
Justified: In the absence of a plan the development of the city will continue to be conducted in a piecemeal fashion with developers changes fundamentally altering the consulted and agreed outline plans.
Effective: A plan for York is critical if the unique heritage and character of the City is to be sustained.
NPPF: By and large the plan is consistent but types of housing in relation to location is left too open. Placemaking should be more strictly adhered to ensure mixed communities rather than apartments on the outskirts.

A fundamental part of Planning is the use of land. This has been applied to the changes to the Local plan as it applies to South Bank in the Micklegate ward. The Council is to be congratulated on arriving at a realistic number of dwellings per year target. It is understandable that the granularity of types of housing is not allocated by area. However a policy of apartments in the city and family housing on the outskirts should be adhered to as alluded to in the NPPF.

Two residential development sites were identified in the original plan. The Land abutting South of The Residence (the old Terry's Factory) and the Terry's staff car park between the river and the Care Home (old Terry's HQ). These are grouped as ST16 in "SD019__Preferred_Sites_Consultation__July_2016__Proposals_Map"
These sites are evaluated in detail in "SD015B__City_of_York_Local_Plan_Further_Sites_Consultation_Appendices"
and given Site Refs 719 Terry Car Park (Appendix 2 Page 101) and Land to South?

Question**Response**

720 Land East Of Terrys (Appendix 2 Page 102) This was never included in the original and subsequent plans. This land (50% of Manor Farm) was acquired by Henry Boot's land development division in 2017/18
Both of these sites failed Criteria 1, even though the Car Park is a brownfield site at present.

There is a pressing infrastructure issue in South Bank for additional Doctor's surgeries. The development on the Terry's site has brought many new residents and the Jorvik practice is seeking new, larger premises. The Outline planning permission for the Terry's site did include a doctor's surgery, but like many other features, this was discarded subsequently for additional housing.
Whilst I support the concept of the Green Wedges and preservation of the strays, it would be beneficial to allocate the Car Park Land to new Surgery premises. Apart from the land behind St Clements Church there is no other land available to build on in the immediate area.

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

Yes, I wish to participate at the hearing sessions

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

To restart and develop a Local Neighbourhood Plan for the Micklegate Ward with special reference to South Bank.
To be able to relate the development and inspection of the Plan to local residents associations and interested groups.

From: [REDACTED] on behalf of webadmin@york.gov.uk
Sent: 19 June 2019 11:11
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

A new Local Plan proposed modifications consultation 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: 121506
- Date submitted: 19/06/2019
- Time submitted: 11:10:34

The following is a copy of the details included.

Question	Response
<i>Whose views on the proposed modifications to the Local Plan do your comments represent?:</i>	My comments represent my own views
<i>Title:</i>	Mrs
<i>Forename:</i>	Susan
<i>Surname:</i>	Goodhead
<i>Address: building name/number:</i>	[REDACTED]
<i>Address: Street name:</i>	[REDACTED]
<i>Address: Area:</i>	[REDACTED]
<i>Address: town/city:</i>	[REDACTED]
<i>Address: postcode:</i>	[REDACTED]
<i>Email address:</i>	[REDACTED]

Question

Response

Telephone number:

██████████

Proposed modification reference (PM1 to PM46):

PM13 - Policy SS19: Queen Elizabeth Barracks, Strensall – Policy

Document:

Page number:

Delighted to hear that further consideration and research is to take place before Queen Elizabeth Barracks is considered for new housing development. The area is ecologically very important - and unique in the York area. It needs protecting and preserving, though, of course, after further research and exploration, it is possible that part of the area could be used for housing without damage to the ecology.

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

Yes, I consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

Yes, I consider the Local Plan to comply with the Duty to Cooperate

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

I trust those who understand more about this than me to have followed Legal Compliance and the Duty to Cooperate.

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

Yes, I consider the Local Plan to be sound

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

The document is positively prepared

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are

The document is justified

Question

Response

relevant to your opinion:

Please give reasons for your answer(s):

It is obvious that feedback from residents and ecologists has been carefully considered.

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

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

No, I do not wish to participate at the hearing sessions

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

From: Press, Philippa
Sent: 20 June 2019 16:06
To: localplan@york.gov.uk
Subject: FW: Local Plan - Public Health Consultation response

Sent to wrong team initially.

Hopefully I've got this right now.

Philippa

From: Press, Philippa
Sent: 20 June 2019 15:17
To: licensing@york.gov.uk
Subject: Local Plan - Public Health Consultation response



Local_Plan_Propo
sed_Modificati...

I hope this is completed correctly – just a modification of the title of section 6 in the Proposed modifications document.

Kind regards

Philippa

Philippa Press | Public Health Specialist Practitioner Advanced

Please note I work Monday to Thursday.

City of York Council | Public Health
West Offices | Station Rise | York YO1 6GA
www.york.gov.uk | facebook.com/cityofyork | [@CityofYork](https://twitter.com/CityofYork)

Working together, to improve and make a difference

Cervical screening can stop cancer before it starts

Don't ignore your invite letter. If you missed your last one, **book an appointment with your GP practice now.**



City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 Inspectors 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	Philippa	
Last Name	Press	
Organisation (where relevant)	City of York Council	
Representing (if applicable)	Public Health	
Address – line 1	West Offices	
Address – line 2	Station Rise	
Address – line 3	York	
Address – line 4		
Address – line 5		
Postcode	YO1 6GA	
E-mail Address	████████████████████	
Telephone Number	████████	

Representations must be received by Monday 22 July 2019, 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 Monday 22 July 2019, 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?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and new evidence, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018. You can make comments on any of the proposed modifications, the Sustainability Appraisal Addendum, the updated Habitats Regulation Assessment, and other background documents which include a Housing Needs Assessment update and an Addendum to Topic Paper 1: The Approach to Defining York's Green Belt. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this 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 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, 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 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?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

The Local Plan Proposed Modifications document, the Sustainability Appraisal/SEA Addendum and Updated Habitats Regulation Assessment (HRA) will be available for inspection at in all of York's libraries and City of York Council West Offices.

All supporting documents which underpin the City of York Local Plan Proposed Modifications are available to view online at www.york.gov.uk/localplan and are also available for inspection at City of York Council West Offices and York Explore.

Part B -Your Representation

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



3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

Section 6: Health and Welfare

Document:

City of York – Proposed Modifications Document June 2019

Page Number:

25

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

4.(2) Do you consider that the Local Plan 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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared **Justified**

Effective **Consistent with national policy**

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

A change to the wording on section 6 page 25 of the Proposed Modifications Document June 2019 is required.

In the 2019 document section 6 is referred to as 'Health and Welfare' in the Publication draft 2018 it is referred to as 'Health and Wellbeing'. Could the 2019 document be changed to reflect the fact that this section refers to Health and Wellbeing?

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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 Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for 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 foi@york.gov.uk or on 01904 554145.

Signature

Date

From: David Staniland [REDACTED]
Sent: 05 July 2019 13:04
To: localplan@york.gov.uk
Subject: Representations - PM40 - Policies Map Green Belt Change – Elvington Industrial Estate, Elvington
Attachments: City of York - Local Plan Proposed Modifications PM40.pdf; Enclosure 1 - 1993 OS Map.pdf; Enclosure 2 - Photographs.pdf; Enclosure 3 - Site Location Plan.pdf; Enclosure 4.1 - Proposed Site Plan.pdf; Enclosure 4.2 - Site Sections.pdf; Enclosure 5 - Economic Growth Team.pdf; Enclosure 6 - PM40 Map.pdf; Consultation Response Form.pdf

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir / Madam

City Of York Local Plan Proposed Modifications Consultation (June 2019)

PM40 - Policies Map Green Belt Change – Elvington Industrial Estate, Elvington

Freeths LLP is instructed by our client, Lindum Group Limited, to submit representations in respect of the Local Plan Proposed Modifications Consultation (June 2019).

These representations relate to land at Lindum Business Park, Elvington Lane (B1228), Elvington, York and PM40.

I trust that these representations are clear. Should you have any queries, please do not hesitate to contact me.

We wish to be kept informed of the Local Plan's progress please.

Kind regards

David

David Staniland

Associate



FREETHS

Freeths LLP
 1st Floor, 5 New York Street
 Manchester M1 4JB

Legal 500 Guide 2018: 'Top Tier' in 22 categories | 144 'Recommended' Lawyers | 24 'Elite Leading Lawyers'

Chambers UK Guide 2018: 'Ranked' in 37 categories | 66 Lawyers 'Leaders in the field'

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LLP does not accept the service of legal proceedings by email unless by prior agreement.

City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 Inspectors 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		David
Last Name		Staniland
Organisation (where relevant)		Freebts LLP
Representing (if applicable)		Lindum Group Limited
Address – line 1		[REDACTED]
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		

Telephone Number		0845 271 6783
------------------	--	---------------

Guidance note

Where do I send my completed form?

Please return the completed form **by Monday 22 July 2019, 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?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and new evidence, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018. You can make comments on any of the proposed modifications, the Sustainability Appraisal Addendum, the updated Habitats Regulation Assessment, and other background documents which include a Housing Needs Assessment update and an Addendum to Topic Paper 1: The Approach to Defining York's Green Belt. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this 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 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, 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 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?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

The Local Plan Proposed Modifications document, the Sustainability Appraisal/SEA Addendum and Updated Habitats Regulation Assessment (HRA) will be available for inspection at in all of York's libraries and City of York Council West Offices.

All supporting documents which underpin the City of York Local Plan Proposed Modifications are available to view online at www.york.gov.uk/localplan and are also available for inspection at City of York Council West Offices and York Explore.

Part B -Your Representation

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



3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PM40

Document:

Main Modifications

Page Number:

42 and 67

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

4.(2) Do you consider that the Local Plan 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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared **Justified**

Effective **Consistent with national policy**

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Please see accompanying representations

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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 would like to reserve the right to attend the Examination, if deemed necessary.

Please note: the Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

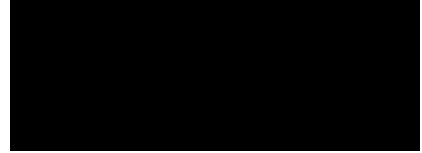
If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at foi@york.gov.uk or on 01904 554145.

Signature – David Staniland of Freeths LLP

Date – 05.07.19

FREETHS

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



5 July 2019

Dear Sir / Madam

CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS CONSULTATION (JUNE 2019)

PM40 - POLICIES MAP GREEN BELT CHANGE – ELVINGTON INDUSTRIAL ESTATE, ELVINGTON

Freeths LLP is instructed by our client, Lindum Group Limited, to submit representations in respect of the Local Plan Proposed Modifications Consultation (June 2019), which runs from 10 June to 22 July 2019. The representations set out below relate to land at Lindum Business Park, Elvington Lane (B1228), Elvington, York and PM40, which seeks to correct an error in the proposed Green Belt boundary to the rear of the site.

The Site

Our client's site comprises 1.6ha of land at Lindum Business Park and is accessed from the B1228 Elvington Lane through the existing Business Park.

The site, which includes the existing Business Park and undeveloped land to the rear (but within the general demise), is bounded on its west by existing commercial development and to the east by playing fields, a sports and social club and medical centre. The north boundary is largely made up of a copse of trees and the southern element of the site is occupied by buildings associated with the existing Lindum Business Park, and then Elvington Lane. The entire site is enclosed by a steel palisade fence. The land to the rear has previously had built development upon it, as detailed by both the 1993 OS map contained at **Enclosure 1** and the photographs contained at **Enclosure 2**, which show the concrete slabs of the buildings uncovered on the site. The boundaries of the site are very distinct from the surrounding open countryside, both when on the ground and when viewing on a map.

Lindum Business Park, to the south of the site, comprises two office buildings and two warehouse buildings with associated hard standing. The current offering comprises 3,500sq.ft. of offices and 11,000sq.ft. of workshop / shed space. Following recent refurbishment works, the space is now fully let.

Elvington Lane (B1288) is aligned broadly east to west and is a single carriageway road that benefits from a footway on its north side, adjoin the proposed development. The road is subject to a 30mph speed limit. Traffic levels are low and access and egress is made from the site with ease. Approximately 5.5km north-west of the site, the B1288 joins the A64, close to the eastern edge of York.

The site has good footway links to the village centre to the east, where there is a bus service to the centre of York.

These representations are accompanied by a Site Location Plan, contained at **Enclosure 3**.

Background

On 28 November 2018, Freeths LLP, on behalf of our client, submitted an outline planning application for the erection of 20no. Employment Units (Use Classes B1, B2 and B8), with details of Access. The application was validated by the City of York Council on 30 November 2018 (18/02744/OUTM).

The units that are proposed are for a variety of employment generating uses within Class B1 (business), Class B2 (general industrial) and Class B8 (storage and distribution) and will comprise mainly of smaller starter units, pursuant to advice on market demand.

A Site Layout Plan (drawing reference L5-650-03 B) accompanies the application submission, which illustrates four 'blocks' of units: Block A, along the eastern boundary, containing 8 units (Units 1 - 8); Block B, along the western boundary, containing 8 units (Units 9 - 16); and Block C and D, along the northern boundary, containing 2 units each (Units 17 - 18 and 19 - 20).

The proposed buildings will be single storey units, circa 6m in height (to the eaves of the building) and will have brick bases with cladding on the walls and roof. The application submission is accompanied by a Site Sections Plan (drawing reference L5-650-SEC01) which illustrates this.

As a part of the application submission, Freeths LLP advised that the Site Layout Plan and Site Sections Plan can be used to set any parameters considered necessary to control future development of any reserved matters submission.

The Site Layout Plan (drawing reference L5-650-03 B) and Site Sections Plan (drawing reference L5-650-SEC01) are contained at **Enclosure 4**.

The application is currently pending determination. Whilst all technical matters have been resolved, officers deem the site falls within the 'general extent' of the Green Belt, as per the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS), so is effectively 'on hold' until the Local Plan progresses.

It is worth highlighting the statutory consultation response from the City of York Council's Economic Growth Team, who have commented that, *'The availability of business start-up space is crucial to ensuring that York remains a great place to start a business. Currently the proportion of start-ups in York in relation to its overall business stock is lower than the Yorkshire and Humber average. The availability of suitable business premises is a major factor in why entrepreneurs are looking beyond York's boundary to set up their business... Both anecdotal evidence through business engagement and recent office / industrial availability data provided by Co-Star demonstrates a strong demand for business accommodation (of all sizes) across York... Given the shortage of office and industrial accommodation in York, the proposed development will provide much needed small business accommodation in York to enable business start-ups, support business growth and create jobs for local people. The Economic Growth service supports this proposed scheme.'*

The Economic Growth Team's statutory consultation response is contained at **Enclosure 5**.

City of York Draft Local Plan (Incorporating the Fourth Set of Changes, April 2005)

The site is identified on the City of York Draft Local Plan (Incorporating the Fourth Set of Changes, April 2005) Proposals Map as falling upon 'white land'. It is bound to the south, east and north by Green Belt and by the wider Elvington Industrial Estate to the west, which is also identified as white land.

The Delegated Report for application 06/02460/FUL, which was for an extension to an existing office building on the application site, identified Elvington as having two defined development limits: the main village; and the Industrial Estate. The Council, therefore, consider Elvington to have two defined development limits, of which the application site falls, in its entirety, within one of them.

As a part of the 18/02744/OUTM application, officers acknowledge that the site is not in the Green Belt on the 2005 Local Plan Proposals Map, but have commented that, as this Plan was not examined, carries limited weight.

Representations

In the City of York Publication draft Local Plan (February 2018) Proposals Map, the northern part of the site - where Units 9 to 20 of application 18/02744/OUTM are proposed - was identified as falling within the Green Belt. These areas were 'removed' from the 'white land' illustrated on the 2005 Local Plan Proposals Map.

City of York had consulted on the Local Plan Preferred Options in June 2013. This appears to be the first time the 'revised' Green Belt boundary occurred, and incorporated the northern part of our client's land within the Green Belt – that being land which falls outside the Green Belt on the 2005 Local Plan Proposals Map.

It should be noted that at no point during the Local Plan consultation process was our client invited to submit presentations towards the Local Plan. It was only upon commencement of Freeths LLP's involvement, some years later, that our client became aware of the Council's intention to 'revise' the Green Belt boundary around the site, to include the northern part of it within the designation.

Following discussions regarding the submitted application, the Local Planning Authority can offer little explanation as to why the inclusion of part of Lindum Business Park in the Green Belt occurred in 2013 and have acknowledged that it is an error.

The proposed modification to our client's site is contained at PM40 - Policies Map Green Belt Change – Elvington Industrial Estate, Elvington on pages 42 and 67 of the Proposed Modifications document. The change sought is, a *'Proposed change to the eastern boundary to follow recognisable features on the ground before returning westwards around the dense tree copse to the northern boundary.'* The reason presented for this change is to *'correct an error and to ensure that the boundary aligns with recognisable features on the ground that offer the greatest permanence.'*

An extract illustrating the proposed change to the eastern boundary of the Elvington Industrial Estate is contained at **Enclosure 6**. The proposed boundary now follows the same line as was originally illustrated on the 2005 Local Plan Proposals Map.

The proposed modification to the eastern boundary of the Elvington Industrial Estate (PM40 - Policies Map Green Belt Change – Elvington Industrial Estate) is welcomed by our client. The northern extent of our client's site should never have been included within the proposed Green Belt allocation in the first place, so it is commendable that officers at City of York Council have recognised their error and sought to rectify it.

The 18/02744/OUTM application is supported by a Landscape and Visual Appraisal (LVA) prepared by FPCR, which provides an assessment of the likely landscape and visual effects of the proposed development, based on the sensitivity of the receptors and the magnitude of the effects.

The LVA identifies that the site is within an undesignated landscape, with no special protected status and states that it does not contribute to Green Belt openness.

The LVA assesses that the site is well-contained within the local landscape and only a small visual envelope is identified, which incorporates very few visual receptors with views to the site. It is judged that the effects of the proposed development and the consequential effects will be very localised and limited in their extent.

The design and environment team have worked closely to prepare a scheme which has evolved in response to the constraints and opportunities presented by the site. The design parameters have been led by the existing site constraints and the existing landscape features of the site are retained as part of the proposal.

A Landscape Plan has been prepared to accompany the application, which sets out how the development will deliver enhancements and soften the eastern edge of the industrial estate to further integrate the industrial estate within the local landscape. This approach also reflects the recommendations of the various Landscape Character Assessment publications and the future aspirations of the Council.

Given the nature of the site and its immediate context, the initial landscape effects of the development are assessed in the LVA as Minor Adverse at Year 1 but will diminish over time as the green infrastructure framework associated with the development delivers benefits locally.

In the longer term, by Year 15, it is considered that the benefits of the maturing green infrastructure will further integrate the built development within the site and its immediate context, reducing the assessed effects to Negligible.

The effects on the landscape features of the site will be Negligible for site vegetation at Year 1 with all vegetation to be retained and supplemented by new boundary planting and internal landscaping, as the proposed landscaping matures it will deliver Moderate Beneficial effects to the site features.

Given the small-scale, localised nature of the site and its context, the assessed effects at Year 1 and by Year 15 on the wider landscape encompassing the national landscape character area NCA28: 'Vale of York' and the county character landscape type 'Vale Farmland with Plantation Woodland and Heathland' are assessed as Negligible at Years 1 and 15.

The approximate visual envelope for the site is restricted due to the flat topography of the site and surrounding area, in combination with the presence of industrial buildings and woodland cover. Only a limited number of receptors have direct views across the site and from these receptors the site is seen in the context of the adjoining industrial area in close proximity. For these receptors, effects at Year 1 are, at worst, Minor / Moderate Adverse and all receptors will benefit from the maturing of the green infrastructure proposals by Year 15, with effects ranging from Minor Adverse to Minor Beneficial.

For the remaining identified local receptors, views to the site are limited by intervening woodland and other vegetation cover, and by existing industrial estate buildings. Assessed effects range from None to Minor Adverse on completion and at Year 15.

The LVA concludes that the site's landscape character has the ability in which to absorb change through the introduction of the proposed development and associated green infrastructure. The

proposals will be appropriate within the local context and the effects, as a result of the proposed development, will not give rise to any unacceptable landscape and visual harm.

The commentary set out within the LVA demonstrates and justifies that it is right that our client's site, in its entirety, should sit outside of the proposed Green Belt allocation.

Conclusion

Freeths LLP is instructed by our client, Lindum Group Limited, to submit representations towards the Local Plan Proposed Modifications Consultation, in respect of their site on land to the rear of Lindum Business Park, Elvington Lane (B1228), Elvington, York.

As a part of the Proposed Modifications consultation, the City of York Council is proposing a change to *'the eastern boundary to follow recognisable features on the ground before returning westwards around the dense tree copse to the northern boundary'* (PM40 - Policies Map Green Belt Change – Elvington Industrial Estate, Elvington). This change is sought because it seeks to *'correct an error and to ensure that the boundary aligns with recognisable features on the ground that offer the greatest permanence.'*

The site is currently the subject of a planning application (18/02744/OUTM), for which all technical matters are resolved. Support for the proposal has been received from the Economic Growth Team, who have commented that, *'Given the shortage of office and industrial accommodation in York, the proposed development will provide much needed small business accommodation in York to enable business start-ups, support business growth and create jobs for local people.'*

The application is supported by a Landscape and Visual Appraisal which concludes that the site's landscape character has the ability in which to absorb change through the introduction of the proposed development and associated green infrastructure. The proposals will be appropriate within the local context and the effects, as a result of the proposed development, will not give rise to any unacceptable landscape and visual harm. The commentary set out within the LVA demonstrates and justifies that it is right that our client's site, in its entirety, should sit outside of the proposed Green Belt allocation.

Paragraph 134 of the National Planning Policy Framework (NPPF, February 2019) sets out the five purposes that the Green Belt serves:

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

None of the above purposes are applicable to our client's site, nor would the 'removal' of their land from the proposed Green Belt allocation conflict with them.

In final conclusion, the proposed modification to the eastern boundary of the Elvington Industrial Estate is welcomed by our client and we trust that the Inspectors will adopt the City of York's approach.

I trust that these representations are clear. Should you have any queries, please do not hesitate to contact me.

Yours sincerely

This document is "unsigned" as it is electronically forwarded. If you require a signed copy then please contact the sender.

David Staniland
Associate
Planning and Environment Group



All to remain!

This copy has been produced specifically for Planning and Building Control purposes only. No other use to be made.

YORK

SCALE 1:2500 Originating Group		DRAWN BY User Name Project		DATE 3/6/2003 Drawing No.	
Organisation					
9, St. Leonards Place, York, YO1 2ET Telephone: 01904 613161		Produced from the 1993 Ordnance Survey 1:1250 mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.			
		York City Council LA 09067L			

ENCLOSURE 2 - PHOTOS OF CONCRETE SLABS



PHOTO 1



PHOTO 2



PHOTO 3



PHOTO 4



PHOTO 5



PHOTO 6



PHOTO 7



PHOTO 8



PHOTO 9

NO DIMENSIONS ARE TO BE SCALED FROM THIS DRAWING. USE FIGURED DIMENSIONS ONLY

Rev	Description	Date
A	9m easement shown. Units 09-16 re-positioned to suit.	27.04.18
B	Red line altered to reflect title plan	29.10.18



Light Industrial Units	
8nr	1,525 sq ft units
8nr	1,000 sq ft units
4nr	2,000 sq ft units
20 Units Total	



Lindum Business Park, Station Road
 North Hykeham, Lincoln, LN6 3QX
 Tel: 01522 500300
 E-mail: design@lindumgroup.co.uk
 Web: www.lindumgroup.co.uk

Client
Lindum York
 Lindum Business Park, Elvington, York

Project
Business Park Expansion
Spec Units to Rear

Drawing
 Proposed Site Plan
 Option B

Scale
 1:500@A1

Drawn by
 SJP

Checked by
 SJP

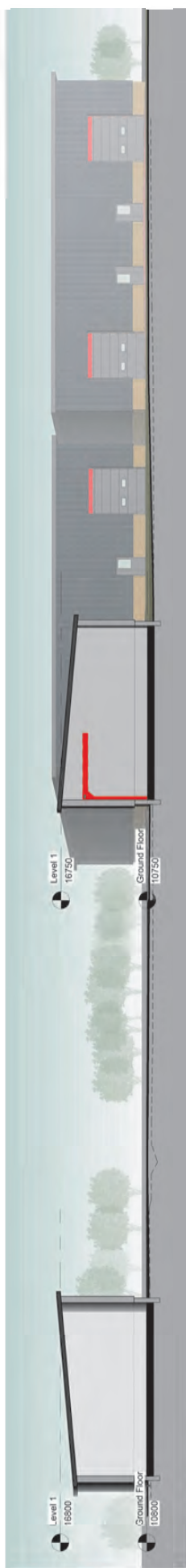
Page 3729 of 4486

Revision
 B

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Rev	Description	Date
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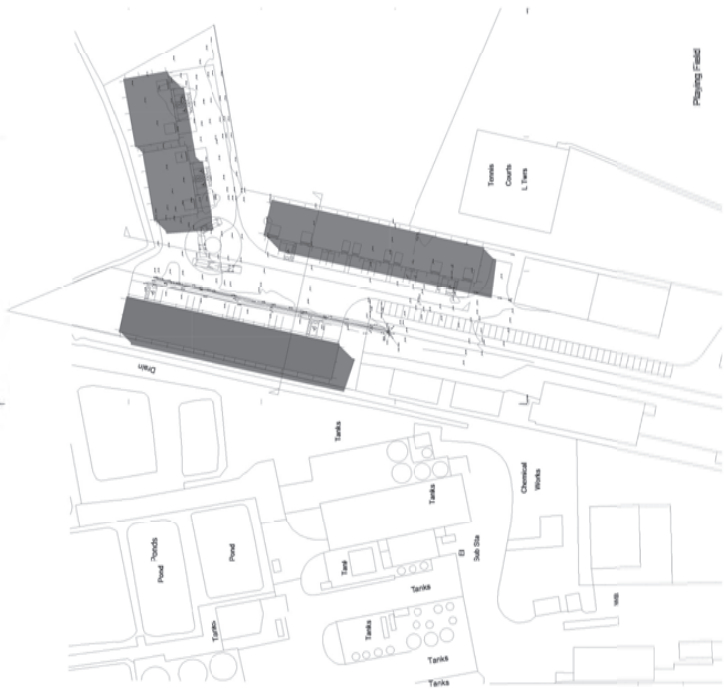
NB: Dashed line indicates existing groundline based on topographical survey provided



1
Section 1
 1 : 150



2
Section 2
 1 : 200



3
Site
 1 : 1000


 Lindum Business Park, Station Road
 North Hykeham, Lincoln LN6 3JX
 Tel: 01522 500300
 Fax: 01522 500301
 Email: info@lindum.co.uk
 Web: www.lindumgroup.co.uk

Lindum York

project
 Business Park Expansion
 Spec Units to Rear

drawing
 Site Sections

scale	date
drawn	checked
SJP	MC
drawing no.	revision
L5_650_SEC01	

Letter of Support to Planning Application Ref No: 18/02744/OUTM – outline application for the erection of 20 employment units

The Council's Economic Growth service supports the abovementioned application for the erection of 20 small business units at York Road, Elvington, for a mixture of B1, B2, and B8 uses. The availability of business start-up space is crucial to ensuring that York remains a great place to start a business. Currently the proportion of start-ups in York in relation to its overall business stock is lower than the Yorkshire and Humber average.¹ The availability of suitable business premises is a major factor in why entrepreneurs are looking beyond York's boundary to set up their business.

Both anecdotal evidence through business engagement and recent office/industrial availability data provided by Co-Star demonstrates a strong demand for business accommodation (of all sizes) across York. Make It York have reported a strong demand for premises through their Key Account Management visits to local businesses with a large number of searches being requested for office space (averaging around 2,000 sq. ft.) and light industrial units. This is supported by recent office/industrial availability data that shows in the York fringe area, the vacancy rate for office premises under 2,500 sq. ft. is 2.3% - the second lowest in North Yorkshire after Craven. This narrative of limited supply is the same for industrial premises under 2,500 sq. ft. with York's vacancy rate being 1.5% - the lowest out of all comparator cities in England, with limited space likely to become available in the immediate future (the current availability rate for industrial space of this size in York is 2.4%). To put this in perspective, the second lowest vacancy rate was Oxford at 2% with a far higher availability rate at 7.1%, indicating that significantly more industrial space will be available on the market in the immediate future.

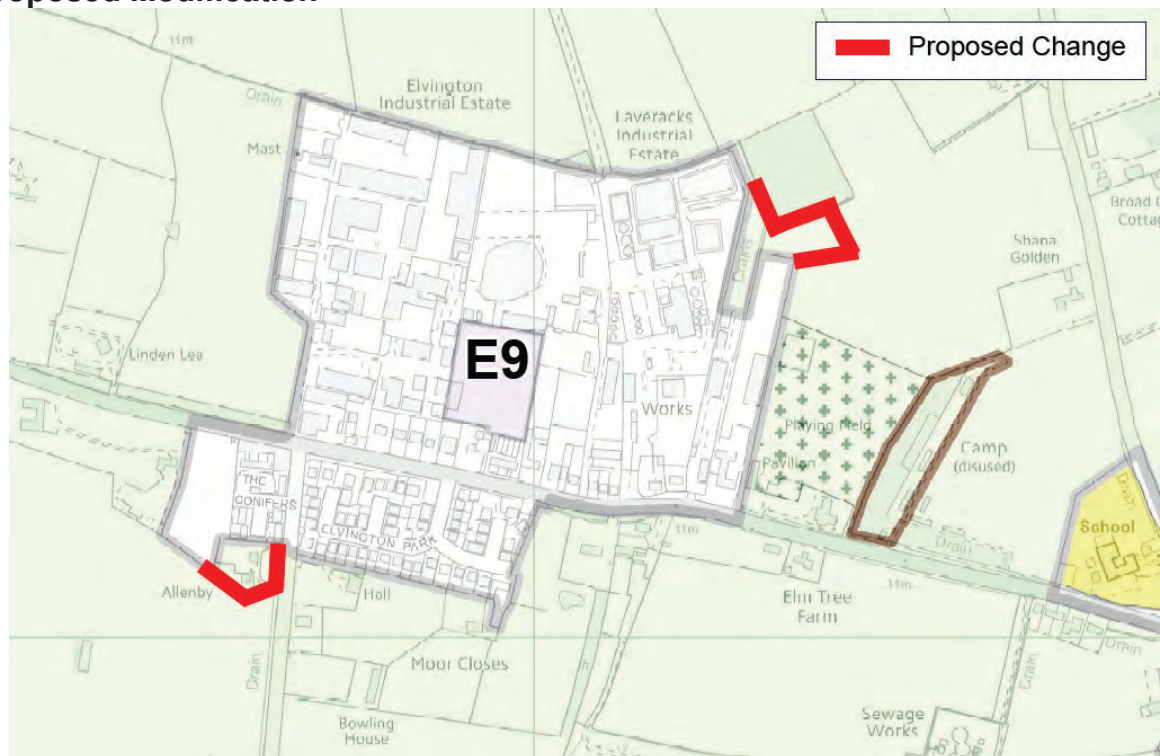
Given the shortage of office and industrial accommodation in York, the proposed development will provide much needed small business accommodation in York to enable business start-ups, support business growth and create jobs for local people. The Economic Growth service supports this proposed scheme.

¹ Office for National Statistics, Business Demography 2017, Count of Births of New Enterprises for 2015 to 2017

PM40: Elvington Industrial Estate, Elvington
Policies map boundary (2018)



Proposed Modification



See key on page 55

From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 11 July 2019 10:20
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

A new Local Plan proposed modifications consultation 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: 122394
- Date submitted: 11/07/2019
- Time submitted: 10:20:10

The following is a copy of the details included.

Question	Response
<i>Whose views on the proposed modifications to the Local Plan do your comments represent?:</i>	My comments represent my own views
<i>Title:</i>	Councillor
<i>Forename:</i>	Paul
<i>Surname:</i>	Doughty
<i>Address: building name/number:</i>	[REDACTED]
<i>Address: Street name:</i>	[REDACTED]
<i>Address: Area:</i>	[REDACTED]
<i>Address: town/city:</i>	[REDACTED]
<i>Address: postcode:</i>	[REDACTED]
<i>Email address:</i>	cllr.pdoughty@york.gov.uk

Question**Response**

Telephone number:

██████████

Proposed modification reference (PM1 to PM46):

PM13

Document:

City of York Local Plan Proposed Modifications (June 2019)

Page number:

12

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

Yes, I consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

Yes, I consider the Local Plan to comply with the Duty to Cooperate

I agree with the site being removed from the Local Plan following the outcomes of the Habitat Regulations Assessment (Feb 2019), which has not been able to rule out adverse affects on the integrity of Strensall Common Special Area of Conservation (SAC).

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

Not withstanding this, the site should not be left vacant long term if the MoD leave and safeguards need to be in place to ensure against the site being a target for vandalism, abandoning or long term deterioration. If this cannot be guaranteed, then a preference may be for some redevelopment that could satisfy the Habitat Regulations Assessment.

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

Yes, I consider the Local Plan to be sound

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

The document is justified

Please give reasons for your

It complies with the Habitat Regulations Assessment (Feb

Question

Response

answer(s): 2019)

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

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

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



From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 11 July 2019 10:27
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

A new Local Plan proposed modifications consultation 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: 122396
- Date submitted: 11/07/2019
- Time submitted: 10:26:55

The following is a copy of the details included.

Question	Response
<i>Whose views on the proposed modifications to the Local Plan do your comments represent?:</i>	My comments represent my own views
<i>Title:</i>	Councillor
<i>Forename:</i>	Paul
<i>Surname:</i>	Doughty
<i>Address: building name/number:</i>	
<i>Address: Street name:</i>	
<i>Address: Area:</i>	
<i>Address: town/city:</i>	
<i>Address: postcode:</i>	
<i>Email address:</i>	

Question

Response

Telephone number: [REDACTED]

Proposed modification reference (PM1 to PM46): PM14

Document: City of York Local Plan Proposed Modification (June 2019)

Page number: 17

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?: Yes, I consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?: Yes, I consider the Local Plan to comply with the Duty to Cooperate

Please justify why you do/do not consider the Local Plan to be legally compliant or in compliance with the Duty to Cooperate: I agree with the site being removed from the Local Plan following the outcomes of the Habitat Regulations Assessment (Feb 2019), which has not been able to rule out adverse affects on the integrity of Strensall Common Special Area of Conservation (SAC). Notwithstanding this, the site should not be left vacant long term if the MoD leave and safeguards need to be in place to ensure against the site being a target for vandalism, abandoning or long term deterioration. If this cannot be guaranteed, then a preference may be for some redevelopment that could satisfy the Habitat Regulations Assessment.

Notwithstanding this, the site should not be left vacant long term if the MoD leave and safeguards need to be in place to ensure against the site being a target for vandalism, abandoning or long term deterioration. If this cannot be guaranteed, then a preference may be for some redevelopment that could satisfy the Habitat Regulations Assessment.

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?: Yes, I consider the Local Plan to be sound

Related to the proposed modification or evidence document indicated above, you consider the The document is justified

Question

Response

Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

It complies with the Habitat Regulations Assessment (Feb 2019)

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

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

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



From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 11 July 2019 11:05
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

A new Local Plan proposed modifications consultation 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: 122401
- Date submitted: 11/07/2019
- Time submitted: 11:05:23

The following is a copy of the details included.

Question	Response
<i>Whose views on the proposed modifications to the Local Plan do your comments represent?:</i>	My comments represent my own views
<i>Title:</i>	Councillor
<i>Forename:</i>	Paul
<i>Surname:</i>	Doughty
<i>Address: building name/number:</i>	
<i>Address: Street name:</i>	
<i>Address: Area:</i>	
<i>Address: town/city:</i>	
<i>Address: postcode:</i>	
<i>Email address:</i>	cllr.pdoughty@york.gov.uk

Question**Response**

Telephone number:

██████████

Proposed modification reference
(PM1 to PM46):

PM39

Document:

Green belt - Strensall - City of York Local Plan Proposed Modifications (June 2019)

Page number:

40

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

Yes, I consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

Yes, I consider the Local Plan to comply with the Duty to Cooperate

I was initially concerned that the Green belt map for Strensall did not offer sufficient protection, namely and specifically for the land between Princess Road/Moor Lane and Lord's Moor Lane. This land north of Ox carr Lane was previously consulted on as potential 'Safeguarded' land SF1 through the Further Sites Consultation in 2014 but was not included in the submitted Local Plan (may 2018). After written clarification and confirmation received from City of York Council Officers, I am content in their response that the land is shown as being within the proposed green belt which is justified.

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

I am therefore able to support the Officer recommendation for the Strensall green belt in that following the completion of further evidence in relation to recreational pressure, the revised Habitats Regulation Assessment (2019) concluded that proposed sites ST35 and H59 will have likely significant adverse effects on the integrity of Strensall Common Special Area of Conservation. Justification for the green belt boundary is set out in TP1 Addendum - Annex 4.

Notwithstanding this, the Queen Elizabeth Barracks, even if the Inspector agrees should be within green belt, it (built development) should not be left vacant long term if the MoD leave and safeguards need to be in place to ensure against the site being a target for vandalism, abandoning or long term deterioration. If this cannot be guaranteed, then a preference may be for some redevelopment that could satisfy the Habitat Regulations Assessment and measured against

Question

Response

local infrastructure capabilities.

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

Yes, I consider the Local Plan to be sound

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

The document is justified

I was initially concerned that the Green belt map for Strensall did not offer sufficient protection, namely and specifically for the land between Princess Road/Moor Lane and Lord's Moor Lane. This land north of Ox carr Lane was previously consulted on as potential 'Safeguarded' land SF1 through the Further Sites Consultation in 2014 but was not included in the submitted Local Plan (may 2018). After written clarification and confirmation received from City of York Council Officers, I am content in their response that the land is shown as being within the proposed green belt which is justified.

Please give reasons for your answer(s):

I am therefore able to support the Officer recommendation for the Strensall green belt in that following the completion of further evidence in relation to recreational pressure, the revised Habitats Regulation Assessment (2019) concluded that proposed sites ST35 and H59 will have likely significant adverse effects on the integrity of Strensall Common Special Area of Conservation. Justification for the green belt boundary is set out in TP1 Addendum - Annex 4.

Notwithstanding this, the Queen Elizabeth Barracks, even if the Inspector agrees should be within green belt, it (built development) should not be left vacant long term if the MoD leave and safeguards need to be in place to ensure against the site being a target for vandalism, abandoning or long term deterioration. If this cannot be guaranteed, then a preference may be for some redevelopment that could satisfy the Habitat Regulations Assessment and measured against local infrastructure capabilities.

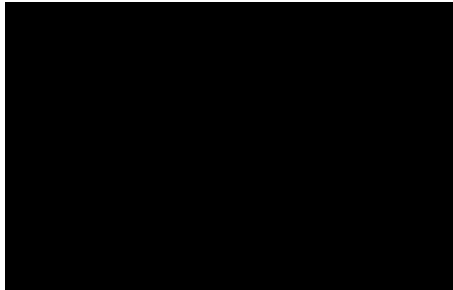
I suggest the following change(s) to make the Local Plan legally compliant or 'sound':

Question

Response

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

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



08 July 2019

York City Council
Strategic Planning
West Offices
Station Rise
York
Y01 6GA

localplan@york.gov.uk

Dear Sirs

Re: City of York Draft Local Plan Representation

 I would like to offer some comments on the Draft Local Plan.

In my view the draft should give more weight to the use of using the existing rail network, with its potential to contribute to some of the main objectives of the draft plan.

The city and the surrounding area are fortunate in having a well established rail network, with offers the framework for much greater use of rail transportation in the future. Indeed the proposed establishment of a railway station at Haxby is a welcome move in this direction, and should be regarded as a prototype for the future.

I would suggest that the way forward is to concentrate new housing allocations on sites near existing settlements which are situated on the existing rail network. These settlements should in due course have a new railway station set up. There should also be new stations inserted within the urban area, where appropriate. This would help to maximise connectivity in rural areas which is needed following the decline of some essential services such as GP Surgeries. The twin principles of linearity and densification should help this. Furthermore existing villages usually have an established core on which to graft new developments. This is preferable to setting out new housing estates on the edge of the existing city built up area.

Potential sites for new railway stations could be in the following possible locations:

Scarborough Line;

Strensall, Haxby,
New Earswick,
York Hospital,
Marygate Car Park.

Leeds Line;

Dringhouses,
Copmanthorpe

Harrogate Line

Hessay
Acomb

In addition steps should be taken to revitalise the Derwent Valley Line, and at the same time direct new housing to villages on the line where there are existing railway stations. This could be a long term project, but one that would help commuter flow from the country east of the city.

In most cases new stations would need reasonable car parking to permit a park and ride system.

Ideally this same strategy could be extended to villages outside the city limits to involve villages such as Shipton, Overton, Colton, Bolton Percy, Flaxton and Barton Le Willows. As well as reducing vehicle exhaust omissions as a result of fewer vehicle journeys, it should also ease congestion on the main road networks. Furthermore by concentrating new housing on the linear railway structure, the green wedges would be given more chance to become established.

The principle of establishing a radial railway network along which housing is then encouraged was something I noted when studying the Stockholm City Plan [REDACTED]

[REDACTED] the concept of a motorway box routing road traffic round the centre of the city was abandoned in favour of an integrated public transportation system. This has subsequently been reinforced by the introduction of the congestion charge.

Although Greater York is not yet of the same size as London or Stockholm the same principles would appear to be relevant.

Yours faithfully



City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

OFFICE USE ONLY:

ID reference: PM:SID 862

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 Inspectors 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	EDWARD ALAN	
Last Name	COURTNEY	
Organisation (where relevant)	—	
Representing (if applicable)	—	
Address – line 1	[REDACTED]	
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode	[REDACTED]	
E-mail Address		
Telephone Number	[REDACTED]	

Representations must be received by Monday 22 July 2019, 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 Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PM 16

Document:

SUSTAINABILITY APPRAISAL

Page Number:

23

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

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

Yes

No

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

As far as I can gather as I have no legal qualification, it would seem to be 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.

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.

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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 Inspectors 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.



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

15 July 2019

Dear Sir/Madam

Re: Draft York Local Plan - ST 33 - Station Yard - Wheldrake - York

The proposal for ST33, Station Yard, has been brought together by combining Brown Land together with a parcel of land previously earmarked as site for potential employment and then placing it with a parcel of land that is contained within the Green Belt, which is totally out of keeping within a relatively small village.

Wheldrake is a village which has already been developed beyond the capacity that its infrastructure is able to cope. The School is over subscribed, the sewerage system is already inadequate to meet the existing needs of its residents, the public transportation system is not fit for purpose and there is a constant threat that the services could be reduced still further. This proposal to build some 147 dwellings is way over the top and is a totally unnecessary massive development to the current residents of Wheldrake. Villagers have previously acknowledged the need for some additional housing, but not on a scale of this magnitude, so any development must be restricted to the area contained within the Brown Field Land. In the absence of the correct and necessary development of the current infrastructure the village would be overwhelmed with an increase of around 50 additional dwellings let alone 147.

There are plans for a new garden village to the west of Elvington, somewhere in the order of 800+ dwellings, Elvington is one of the villages directly adjacent to Wheldrake, additionally there are plans afoot to add a significant number of dwellings to Escrick yet another adjacent village to Wheldrake although it is covered by the Selby District. North Yorkshire Local Plan. The roads in and out of Wheldrake are unsuitable for the increase in traffic that would follow with such large scale developments. Specifically referring to Wheldrake an increase in the number of dwellings from around 800 to around 950 and a population increase from 2,000 to around a minimum 2,500 is unacceptable in any circumstances.

if this proposed development to progress any further it would result in a incursion of the established Green Belt and a loss of Agricultural Land at a time where this is a world shortage of food products from the land to accommodate an ever increasing population. The first priority for house building must be solely confined to Brown Field Land and any need to develop by use of the Green Belt cannot be not be taken lightly, so careful consideration must be given to the views of local residents and the impact on villages likely to be affected.

It is also very interesting to remember that the land owner of the area contained within the established Green Belt planted a hedge and trees across the southern boundary of his field during the last public enquiry, some 25+ years ago. This now appears to be a standalone field, as one might expect, especially after a purpose grown hedge and tree planting that has been established for over 25 years. This now completely masks the simple fact that, from ground level, it does not appear to be part of the Green Belt. However, when one takes an elevated position the open aspects of the Green Belt are there for everyone to observe, with views for miles right across to the adjacent village of Thorganby. The Inspector, in 1994 at the Public Enquiry drew specific attention to the fact that the landowner had made a deliberate attempt to disguise the open aspect of the plot in question and also stated that the plot was contained within the Green Belt. Planning permission for a housing development was therefore refused.

I also believe that there is a wonderful opportunity with the proposed Garden Village to the South of York, almost adjacent to the A64 Trunk Road. There is a once in a lifetime chance to build a whole new self sustaining development with all the necessary infrastructure, schools doctors, retail and a public transport that would reduce dependency on polluting private cars etc. although I would imagine that the number of properties would need to be nearer to the 5,000 mark to ensure that all the necessary and supporting infrastructure was fully integrated and to facilitate a new junction being constructed to adjoin onto the A64 Trunk Road, situated at the appropriate point between the two existing junctions at the Fulford Interchange and the Hull Road Interchange. This would then remove the need to over develop the adjoining and close to villages, whilst ensuring that some limited house building can be planned without completely destroying their character and changing the whole nature of the surrounding villages.

I sincerely trust that the Public Enquiry is going to be a genuine exercise to take account of resident's views and not a white-wash, as has been the case with the different City of York Councils, dependent upon whether they were Labour, Conservative or Lib Dem led. It is key that the Independent Inspector determines the whole requirements of this Local Plan without the need to concrete over unnecessary parts of the Green Belt and to ensure that every parcel of Brown Field is developed long before any consideration is given to a single square metre of the Green Belt being exploited.

I have previously stated that I wish to make representations against this particular development, Wheldrake ST33 at the Public Enquiry and I am confirming my desire to do so yet again following this latest consultation.

Yours faithfully

R F Arnold

The Parochial Church Council St. Mary's Haxby, York



City of York Proposed Plan Modification

Submission of Representation

Dear Sirs,

The Parochial Church council have asked me to submit their views on the Modifications you propose to make to the Local York Plan.

PM 7/8

There are implications for the area of Haxby/ Wigginton it will put increased pressure on the current facilities in parish. It is strongly felt that the facilities and infrastructure of the area will not be able to sustain a larger population, particularly the road system. There is severe pressure on the road system at present causing long queues both morning and evening with cars trying to access the York Ring Road which on this section is stationary or almost stationary for most of the working day...the building of this many new houses without massive improvements in the road network will make the area untenable, most of the time and at peak times impossible.

It is noted that parking has already been raised as a major issue by many people in the Local Development Framework and Visioning Workshops. The pressure on the heart of the two communities caring and social professions, as well as voluntary organisation including the Church and it pastoral work will just not cope and the whole infrastructure of the area will be under pressure.

The PCC also understand the proposed new development will not be big enough to attract a new GP practice, again something that should be considered.

Noreen Bartram

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 18 July 2019 15:01
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122710
- Date submitted: 18/07/2019
- Time submitted: 15:01:21

The following is a copy of the details included.

Question	Response
<i>Whose views on the proposed modifications to the Local Plan do your comments represent?:</i>	My comments represent my own views
<i>Title:</i>	Doctor
<i>Forename:</i>	Catherine
<i>Surname:</i>	Blacketer
<i>Address: building name/number:</i>	█
<i>Address: Street name:</i>	██████████
<i>Address: Area:</i>	██████████
<i>Address: town/city:</i>	██████
<i>Address: postcode:</i>	██████████

From: Josh Brear [REDACTED]
Sent: 19 July 2019 11:34
To: localplan@york.gov.uk
Cc: Mark Lane
Subject: H28 Land North of North Lane, Wheldrake - City of York Local Plan Proposed Modifications 2019
Attachments: Final H28 - Land North of North Lane, Wheldrake - PM Reps Letter 2019.pdf; Final H28 - Land North of North Lane, Wheldrake - PM Response Form 2019.pdf
Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

Please find attached a representation made on behalf of Mulgrave Properties for land North of North Lane, Wheldrake (ref: H28), responding to the City of York Local Plan Proposed Modifications 2019.

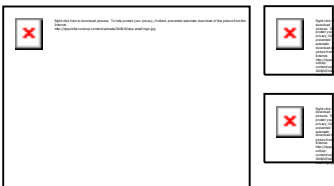
Following receipt of this email, can a member of the Council’s Planning Policy team please respond to this email confirming that the representation has been received.

Kind Regards,

Josh

Josh Brear
Senior Planner

T: [REDACTED]
M: [REDACTED]
E: [REDACTED]



Cardiff | Leeds | London | Manchester | Newcastle upon Tyne

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City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 Inspectors 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		Mark
Last Name		Lane
Organisation (where relevant)		DPP
Representing (if applicable)		Mulgrave Properties
Address – line 1		1 Park Row
Address – line 2		Leeds
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		LS1 5HN
E-mail Address		Mark.Lane@dppukltd.com
Telephone Number		0113 819 7281

Representations must be received by Monday 22 July 2019, 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 Monday 22 July 2019, 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?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and new evidence, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018. You can make comments on any of the proposed modifications, the Sustainability Appraisal Addendum, the updated Habitats Regulation Assessment, and other background documents which include a Housing Needs Assessment update and an Addendum to Topic Paper 1: The Approach to Defining York's Green Belt. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this 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 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, 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 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?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

The Local Plan Proposed Modifications document, the Sustainability Appraisal/SEA Addendum and Updated Habitats Regulation Assessment (HRA) will be available for inspection at in all of York's libraries and City of York Council West Offices.

All supporting documents which underpin the City of York Local Plan Proposed Modifications are available to view online at www.york.gov.uk/localplan and are also available for inspection at City of York Council West Offices and York Explore.

Part B -Your Representation

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



3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PM4

Document:

Publication Draft Local Plan (February 2018)

Page Number:

Page 26

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

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

Yes

No

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

Please see supporting representation letter.

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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes

No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

The Local Plan does not provide sufficient housing land to meet a properly formulated assessment of objective need and those sites identified will not deliver the units identified. On the basis of the above we consider that the Local Plan is unsound and will not be effective and therefore does not deliver sustainable development in accordance with national policy.

Please see supporting representation letter for full comments.

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

To make the local plan sound it is recommended that an uplift for market signals and affordable housing need is provided, that an allowance is made for improving headship rates and that the 2014 Projections are used instead of the 2016 Projections. We consider that Policy SS1 and subsequent affected policies are modified to reflect the following:

The OAHN should be 1,150 per annum to allow for a sufficient uplift to respond to market signals, including affordability adjustments, as well as making a significant contribution to affordable housing needs.

Please see supporting representation letter for full comments.

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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 elaborate on our written representation.

Please note: the Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for 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 foi@york.gov.uk or on 01904 554145.

Signature



Date

19th July 2019

DPP Planning
One Park Row
Leeds
LS1 5HN
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FREEPOST RTEG-TYYU-KLTZ
Local Plan
City of York Council
West Offices
Station Rise
York
YO1 6GA

19th July 2019

Your ref: H28
Our ref: JB/ML/2411le

Dear Sir / Madam,

COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS CONSULTATION (10TH JUNE 2019 – 22ND JULY 2019) AND IN RESPECT OF LAND NORTH OF NORTH LANE, WHELDRAKE (HOUSING SITE REF: H28)

Introduction

Thank you for this opportunity to provide further commentary and representation to the City of York Local Plan Proposed Modifications (“the Proposed Modifications”) and its associated evidence base.

This submission is made on behalf of Mulgrave Properties (“Developer”) and should be read in conjunction with previous detailed representations submitted to the City of York Council (“the Council”), throughout the plan making process which demonstrate that the proposed housing allocation on land North of North Lane, (housing site ref: H28) (“the Site”) is suitable for housing development, that is available and that residential development is viable and achievable on the Site.

Cardiff **Leeds** London Manchester Newcastle upon Tyne

DPP One Limited
Company number 08129507
VAT number 138284595

In relation to the Proposed Modifications we have set out the representation under the following headings:

- Background
- The Test of Soundness
- The Proposed Modifications
- Comments and Observations on the Proposed Modifications
- Our Proposed Amendments
- Conclusions

Background

Site H28 was assessed as part of the Council's rigorous site selection methodology and as a result of passing this process; the Site was a proposed as a housing allocation in the Preferred Options Draft (2013) and the Local Plans Working Group Publication Draft (2014) versions of the Local Plan. In this regard the Council must have previously satisfied themselves that the Site is available, suitable for development and the development is achievable at the point in time when the Site is intended to deliver development.

The Council current position is that, due to revisions to the evidence base and notably the proposed reduction in the housing requirement, certain previously proposed allocations have been modified or deleted. This does not mean that these sites or parts of these sites are unsuitable or inappropriate for development. Rather it simply means that the Council now consider that these sites or parts of these sites are less preferable than those sites proposed in the Submission Draft (2018) version of the Local Plan.

On the basis of the Council's revised evidence base and the alleged lower housing requirement, the Council have sought to reduce the number of housing allocations and one of those sites that the Council have deleted from the Submission Draft (2018) version of the Local Plan is H28.

The Developer objects to the deletion of H28.

The Test of Soundness

Paragraph 182 of the NPPF (2012) indicates that a 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.

The Proposed Modifications

Policy SS1 – Delivering Sustainable Growth for York

The City of York Council are proposing to reduce the housing requirement from 867 dwellings per annum to 790 dwellings per annum. The Proposed Modifications largely follow and are consequent upon the amendment to Policy SS1 which sets a need to deliver a minimum annual provision of 790 new dwellings over the plan period to 2032/33 and post plan period to 2037/38.

- | | |
|---------------------------|-----------------------|
| • PM3: Paragraph 2.5 | • PM21a-d: Table 5.2 |
| • PM4: Policy SS1 | • PM22: Paragraph 5.9 |
| • PM5: Explanation to SS1 | • PM44: Table 15.2 |
| • PM20a-d: Figure 5.1 | |

Comments and Observations on the Proposed Modifications

The Proposed Modifications are based on the Housing Needs Update 2019; which was produced by GL Hearn to take into account the 2016-based sub-national population and household projections from ONS and CLG (“the 2016 Projections”).

The 2016 Projections reflect the following:

- Life expectancy will not increase at the same rate as previously.
- International in-migration is not expected to continue at the same rate as previously.
- A reduction in the household formation rates.

On behalf of the Developer we object to the use of the 2016 Projections as a base for the Proposed Modifications. The reasons for this are as follows.

The Ministry of Housing, Communities and Local Government (‘CLG’) published a Technical Consultation on updates to the national planning policy and guidance document in October 2018. The document seeks views on changes to planning practice guidance on the standard method for assessing Local Housing Needs to ensure consistency with the Government’s objective of building more homes.

The document reaffirms the Government’s priority which is to deliver more and better designed homes and this has been a prominent theme in Government documents published over the last 18 months. The document indicates that since the publication of standard methodology, the base data has changed in that the household projections were produced by CLG but are now supplied by the Office of National Statistics (‘ONS’).

The ONS published the latest household projections on 20th September 2018. These reduce the projected rate of household formation compared to the previous projections (“the 2014 Projections”), and the Government indicates within the document that this results in the national minimum annual housing need calculated using the standard

method falling significantly. The numbers have fallen from 269,000 homes (rounded up to 300,000 dwelling per annum) prior to publication, to approximately 213,000 based on the updated data. This now sets the national minimum annual housing need figure to below the 217,350 homes delivered last year.

The paper confirms that the Government has considered whether it needs to change its aspirations for housing supply in light of the new household projections and the paper indicates at paragraph 11 that it has decided that it is not right to change its aspirations. Paragraph 11 gives the following reasons:

- The annual change in household projections comprises two aspects: a reduction of 29,000 arising from the lower population projections, and a reduction of 23,000 arising from changes in the method for converting population change into estimates of household formation – (reducing the historic period of household formation on which the projections are based from five census points to two, which focuses it more acutely on a period of low household formation where the English housing market was not supplying enough additional homes). In this regard the Government considers that methodological changes are not a reason why the Government should change its aspirations.
- Household projections are constrained by housing supply. If new, additional homes are not supplied, then households cannot form as there would be nowhere for them to live.
- The historic under-delivery of housing means there is a case for public policy supporting delivery in excess of household projections, even if those projections fall.
- Other things being equal a more responsive supply of homes through local authorities planning for more homes where we need them will help to address the effects of increasing demand, such as declining affordability, relative to a housing supply that is less responsive.
- The above factors have led to declining affordability, as evidenced by the decrease in the number of people living in an area with an affordability ratio of 4 or less: from 23 million (47% of the population) in 2000, to 395,000 (less than 1% of the population) in 2017. Similarly, there has been an increase in those living in areas with an affordability ratio of more than 8: from 2.8 million (around 6% of the population) to 28 million (nearly 50% of the population) over the same period. This indicates that the Government should not be less ambitious for housing supply.

The Government also concludes that population changes are only one aspect of the driver for housing supply. Rising incomes, changing social preferences and factors such as real interest rates and credit availability contribute to demand for housing.

The paper also refers to the ONS and indicates that the ONS believe that the updated 2016-based household projections do not take into account how many people may want to form new households, but for whatever reason are unable to, such as first-time buyers or people wanting to live on their own instead of a house share. Therefore, this snapshot of past trends is not a measure of how many houses would need to be built to meet housing demand. The ONS confirm that although the projections are lower than previously published, this does not directly mean that fewer houses are needed in the future.

The Government has therefore concluded that there is no need to change its aspirations for increasing housing supply and remain committed to delivering 300,000 dwellings pre-annum.

The Government considers that the best way of responding to the new ONS household projections is to make three changes:

- For the short-term, specify that the 2014-based data will provide the demographic baseline for assessment of local housing need;
- To make clear in national planning practice guidance that lower numbers through the 2016-based projections do not qualify as an exceptional circumstance that justifies departure from the standard methodology; and
- In the longer term, to review the formula with a view to establishing a new method.

This is now reflected in the Planning Practice Guidance (PPG) which indicates that *“any method which relies on using the 2016-based household projections will not be considered to be following the standard method as set out in paragraph 60 of the National Planning Policy Framework. As explained above, it is not considered that these projections provide an appropriate basis for use in the standard method.”* The impact of the 2016 Projections, if applied to a calculation based on an OAHN, is no different to their application under the standard methodology. It is therefore clear from the Governments Technical Consultation and the PPG that the 2016 Projections should not be used.

In conclusion on the use of the 2016 Projections these show a general decrease in household growth which is at odds with the Government stated aspiration which to increase housing delivery to 300,000 dwellings per annum by the mid-2020s and it is recognised that this will not be achieved if the local planning authorities adopt the 2016 Projections to either calculate their Objective Assessment of Housing Need (“OAHN”) or in utilising the standard method of calculating the Local Housing Need Assessment.

We therefore consider that the evidence base, upon which the Proposed Modifications are formulated, to be unsound in that that it is not positively prepared and does not meet the areas development needs, it is not justified as it is not the most appropriate strategy and it will not be effective in meeting the Cities needs and is not consistent with national policy.

Notwithstanding our concerns about the use of the 2016 Projections we also have concerns about the City of York Housing Needs Update dated January 2019 specifically we note that the approach taken by GL Hearn within the City of York Housing Needs Update is not consistent in its approach to the preparation of the previous SHMA and addendum update (May 2017) also produced by GL Hearn.

In particular we note that:

- The SHMA 2017 report recommends that based on their assessment of market signals evidence 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. This approach has been abandoned in the City of York Housing Needs Update dated January 2019.
- Despite previously identifying a net affordable housing need of 573 dwellings per annum the City of York Housing Needs Update dated January 2019 does not reassess this need. It does note at paragraph 4.28 that *“it seems clear from this that the expectation is that it may be necessary, based on the affordable needs evidence to consider an adjustment to enhance the delivery of affordable housing, but that this does not need to be done in a ‘mechanical way’ whereby the affordable need on its own drives the OAN.”* No uplift to address the affordable housing crisis has however been made.

- Further the City of York Housing Needs Update dated January 2019 notes that market signals show that housing affordability is a worsening issue in York and that house prices have increased in the past year and the affordability ratio between house prices and earnings has also worsened. The City of York Housing Needs Update dated January 2019 indicates that these housing market signals suggest that, in accordance with PPG, an uplift to the demographic projections is appropriate. However, no uplift has again been made.
- We welcome the use of the economic led housing need scenario in the City of York Housing Needs Update dated January 2019. This reflects a positive attitude to growth and accords with one of the basic principles of the NPPF. The scenario considered is 11,050 plus additional jobs over the remaining 17 years of the plan period to 2031 (2014 to 2031). This equates to the creation of 650 new jobs per annum and these new jobs have been converted to a housing requirement. However, the creation of new jobs within the City does not reduce the market signals or the affordable housing crisis. It is plain that the suggested uplift of 15%, as recommended by GL Hearn in the City of York Housing Needs Update dated January 2019, should have been added to the economic led housing need of 790 dwellings per annum.
- As made clear in the City of York Housing Needs Update dated January 2019 the economic led housing need scenario considers the plan period to 2031 (2014 to 2031) whereas the Local Plan provides for development in the period to 2032/2033 and in the post plan period to 2037/2028 to ensure that the Green Belt remains permanent. The figure of 790 dwellings per annum, which is reflected in the Proposed Modifications, therefore plainly does not address the correct plan period and therefore it does not meet the housing need.
- Finally, the figure of 790 dwellings per annum is the need identified in the City of York Housing Needs Update dated January 2019 City of York Council and this is reflected in the Proposed Modification. The figure of 790 dwellings per annum does not take into account persistent under delivered.

The findings within the associated evidence bases are contradictory and polar opposite in their results, even though the documents are less than 1 ½ years apart and produced by the same consultant. Further there is little in the way of explanation as to why there has been a polar opposite approach.

We therefore consider that the evidence base, upon which the Proposed Modifications are formulated, to be unsound in that the evidence and therefore the plan has not positively prepared and does not meet the areas development needs, is not justified as it is not the most appropriate strategy and it will not be effective in meeting the Cities needs and is not consistent with national policy.

Our Proposed Amendments

There are a number of significant deficiencies in the City of York Housing Needs Update which means that the 790 dwellings per annum OAHN figure currently being pursued by the Council within the Proposed Modifications are unsound in that the housing requirement and evidence base are not justified, it will not be effective in meeting the Cities needs and the local plan has not been positively prepared and the approach adopted does not reflect Government Guidance.

To make the Local Plan sound it is recommended that an uplift for market signals and affordable housing need is provided, that an allowance is made for improving headship rates and that the 2014 Projections are used instead of the 2016 Projections.

We consider that Policy SS1 and subsequent affected policies are modified to reflect the following:

- The OAHN should be 1,150 per annum to allow for a sufficient uplift to respond to market signals, including affordability adjustments, as well as making a significant contribution to affordable housing needs.

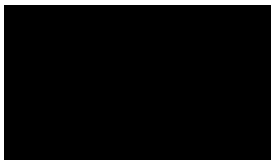
This suggested modification reflects the professional opinion of the property sector and is echoed by the House Building Federation and other parties with a vested interest.

Conclusions

On behalf of the Developer we would like to attend the oral examination, to further progress the soundness of the Plan with regard to supply of housing for the City of York.

Please can we be kept informed of all forthcoming consultations upon the Local Plan and associated documents, by using the contact details provided below for future correspondence.

Yours sincerely,



Mark Lane
Director
DPP One Ltd
Mark.Lane@dppukltd.com
Tel: 0113 8197281
Mob: 07500 330091



From: Josh Brear [Redacted]
Sent: 19 July 2019 11:34
To: localplan@york.gov.uk
Cc: Mark Lane
Subject: H26 Land off Dauby Lane, Elvington - City of York Local Plan Proposed Modifications 2019
Attachments: Final H26 - Land Off Dauby Lane, Elvington - PM Response Form 2019.pdf; Final H26 - Land Off Dauby Lane, Elvington - PM Repls Letter 2019.pdf
Follow Up Flag: Follow up
Flag Status: Completed

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Dear Sir/Madam,

Please find attached a representation made on behalf of Yorvik Homes for land off Dauby Lane, Elvington (ref: H26), responding to the City of York Local Plan Proposed Modifications 2019.

Following receipt of this email, can a member of the Council’s Planning Policy team please respond to this email confirming that the representation has been received.

Kind Regards,

Josh

Josh Brear
Senior Planner

T: [Redacted]
M: [Redacted]
E: [Redacted]



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Local Plan

City of York Council

West Offices

Station Rise

York

YO1 6GA

19th July 2019

Your ref: H26

Our ref: JB/ML/2411le

Dear Sir / Madam,

COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS CONSULTATION (10TH JUNE 2019 – 22ND JULY 2019) AND IN RESPECT OF LAND OFF DAUBY LANE, ELVINGTON (HOUSING SITE REF: H26)

Introduction

Thank you for this opportunity to provide further commentary and representation to the City of York Local Plan Proposed Modifications (“the Proposed Modifications”) and its associated evidence base.

This submission is made on behalf of Yorvik Homes (“The Developer”) and should be read in conjunction with previous detailed representations submitted to the City of York Council (“the Council”), throughout the plan making process which demonstrate that the proposed housing allocation on land off Dauby Lane, Elvington (housing site ref: H26) (“the Site”) is suitable for housing development, that is available and that residential development is viable and achievable on the Site.

In relation to the Proposed Modifications we have set out the representation under the following headings:

- Background
- The Test of Soundness

- The Proposed Modifications
- Comments and Observations on the Proposed Modifications
- Our Proposed Amendments
- Conclusions

Background

Site H26 was assessed as part of the Council’s rigorous site selection methodology and as a result of passing this process; the Site was a proposed as a housing allocation in the Preferred Options Draft (2013) and the Local Plans Working Group Publication Draft (2014) versions of the Local Plan. In this regard the Council must have previously satisfied themselves that the Site is available, suitable for development and the development is achievable at the point in time when the Site is intended to deliver development.

The Council current position is that, due to revisions to the evidence base and notably the proposed reduction in the housing requirement, certain previously proposed allocations have been modified or deleted. This does not mean that these sites or parts of these sites are unsuitable or inappropriate for development. Rather it simply means that the Council now consider that these sites or parts of these sites are less preferable than those sites proposed in the Submission Draft (2018) version of the Local Plan.

On the basis of the Council’s revised evidence base and the alleged lower housing requirement, the Council have sought to reduce the number of housing allocations and one of those sites that the Council have deleted from the Submission Draft (2018) version of the Local Plan is H26.

The Developer objects to the deletion of H26.

The Test of Soundness

Paragraph 182 of the NPPF (2012) indicates that a 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:

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The Proposed Modifications

Policy SS1 – Delivering Sustainable Growth for York

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- PM3: Paragraph 2.5
- PM4: Policy SS1
- PM5: Explanation to SS1
- PM20a-d: Figure 5.1
- PM21a-d: Table 5.2
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- PM44: Table 15.2

Comments and Observations on the Proposed Modifications

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The Ministry of Housing, Communities and Local Government (‘CLG’) published a Technical Consultation on updates to the national planning policy and guidance document in October 2018. The document seeks views on changes to planning practice guidance on the standard method for assessing Local Housing Needs to ensure consistency with the Government’s objective of building more homes.

The document reaffirms the Government’s priority which is to deliver more and better designed homes and this has been a prominent theme in Government documents published over the last 18 months. The document indicates that since the publication of standard methodology, the base data has changed in that the household projections were produced by CLG but are now supplied by the Office of National Statistics (‘ONS’).

The ONS published the latest household projections on 20th September 2018. These reduce the projected rate of household formation compared to the previous projections (“the 2014 Projections”), and the Government indicates within the document that this results in the national minimum annual housing need calculated using the standard method falling significantly. The numbers have fallen from 269,000 homes (rounded up to 300,000 dwelling per annum) prior to publication, to approximately 213,000 based on the updated data. This now sets the national minimum annual housing need figure to below the 217,350 homes delivered last year.

The paper confirms that the Government has considered whether it needs to change its aspirations for housing supply in light of the new household projections and the paper indicates at paragraph 11 that it has decided that it is not right to change its aspirations. Paragraph 11 gives the following reasons:

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- The historic under-delivery of housing means there is a case for public policy supporting delivery in excess of household projections, even if those projections fall.
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- The above factors have led to declining affordability, as evidenced by the decrease in the number of people living in an area with an affordability ratio of 4 or less: from 23 million (47% of the population) in 2000, to 395,000 (less than 1% of the population) in 2017. Similarly, there has been an increase in those living in areas with an affordability ratio of more than 8: from 2.8 million (around 6% of the population) to 28 million (nearly 50% of the population) over the same period. This indicates that the Government should not be less ambitious for housing supply.

The Government also concludes that population changes are only one aspect of the driver for housing supply. Rising incomes, changing social preferences and factors such as real interest rates and credit availability contribute to demand for housing.

The paper also refers to the ONS and indicates that the ONS believe that the updated 2016-based household projections do not take into account how many people may want to form new households, but for whatever reason are unable to, such as first-time buyers or people wanting to live on their own instead of a house share. Therefore, this snapshot of past trends is not a measure of how many houses would need to be built to meet housing demand. The ONS confirm that although the projections are lower than previously published, this does not directly mean that fewer houses are needed in the future.

The Government has therefore concluded that there is no need to change its aspirations for increasing housing supply and remain committed to delivering 300,000 dwellings pre-annum.

The Government considers that the best way of responding to the new ONS household projections is to make three changes:

- For the short-term, specify that the 2014-based data will provide the demographic baseline for assessment of local housing need;
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- In the longer term, to review the formula with a view to establishing a new method.

This is now reflected in the Planning Practice Guidance (PPG) which indicates that *“any method which relies on using the 2016-based household projections will not be considered to be following the standard method as set out in paragraph 60 of the National Planning Policy Framework. As explained above, it is not considered that these projections provide an appropriate basis for use in the standard method.”* The impact of the 2016 Projections, if applied to a calculation based on an OAHN, is no different to their application under the standard methodology. It is therefore clear from the Governments Technical Consultation and the PPG that the 2016 Projections should not be used.

In conclusion on the use of the 2016 Projections these show a general decrease in household growth which is at odds with the Government stated aspiration which to increase housing delivery to 300,000 dwellings per annum by the mid-2020s and it is recognised that this will not be achieved if the local planning authorities adopt the 2016 Projections to either calculate their Objective Assessment of Housing Need (“OAHN”) or in utilising the standard method of calculating the Local Housing Need Assessment.

We therefore consider that the evidence base, upon which the Proposed Modifications are formulated, to be unsound in that that it is not positively prepared and does not meet the areas development needs, it is not justified as it is not the most appropriate strategy and it will not be effective in meeting the Cities needs and is not consistent with national policy.

Notwithstanding our concerns about the use of the 2016 Projections we also have concerns about the City of York Housing Needs Update dated January 2019 specifically we note that the approach taken by GL Hearn within the City of York Housing Needs Update is not consistent in its approach to the preparation of the previous SHMA and addendum update (May 2017) also produced by GL Hearn.

In particular we note that:

- The SHMA 2017 report recommends that based on their assessment of market signals evidence 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. This approach has been abandoned in the City of York Housing Needs Update dated January 2019.
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need to be done in a 'mechanical way' whereby the affordable need on its own drives the OAN." No uplift to address the affordable housing crisis has however been made.

- Further the City of York Housing Needs Update dated January 2019 notes that market signals show that housing affordability is a worsening issue in York and that house prices have increased in the past year and the affordability ratio between house prices and earnings has also worsened. The City of York Housing Needs Update dated January 2019 indicates that these housing market signals suggest that, in accordance with PPG, an uplift to the demographic projections is appropriate. However, no uplift has again been made.
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- As made clear in the City of York Housing Needs Update dated January 2019 the economic led housing need scenario considers the plan period to 2031 (2014 to 2031) whereas the Local Plan provides for development in the period to 2032/2033 and in the post plan period to 2037/2028 to ensure that the Green Belt remains permanent. The figure of 790 dwellings per annum, which is reflected in the Proposed Modifications, therefore plainly does not address the correct plan period and therefore it does not meet the housing need.
- Final, the figure of 790 dwellings per annum is the need identified in the City of York Housing Needs Update dated January 2019 City of York Council and this is reflected in the Proposed Modification. The figure of 790 dwellings per annum does not take into account persistent under delivered.

The findings within the associated evidence bases are contradictory and polar opposite in their results, even though the documents are less than 1 ½ years apart and produced by the same consultant. Further there is little in the way of explanation as to why there has been a polar opposite approach.

We therefore consider that the evidence base, upon which the Proposed Modifications are formulated, to be unsound in that the evidence and therefore the plan has not positively prepared and does not meet the areas development needs, is not justified as it is not the most appropriate strategy and it will not be effective in meeting the Cities needs and is not consistent with national policy.

Our Proposed Amendments

There are a number of significant deficiencies in the City of York Housing Needs Update which means that the 790 dwellings per annum OAHN figure currently being pursued by the Council within the Proposed Modifications are unsound in that the housing requirement and evidence base are not justified, it will not be effective in meeting the Cities needs and the local plan has not been positively prepared and the approach adopted does not reflect Government Guidance.

To make the Local Plan sound it is recommended that an uplift for market signals and affordable housing need is provided, that an allowance is made for improving headship rates and that the 2014 Projections are used instead of the 2016 Projections.

We consider that Policy SS1 and subsequent affected policies are modified to reflect the following:

- The OAHN should be 1,150 per annum to allow for a sufficient uplift to respond to market signals, including affordability adjustments, as well as making a significant contribution to affordable housing needs.

This suggested modification reflects the professional opinion of the property sector and is echoed by the House Building Federation and other parties with a vested interest.

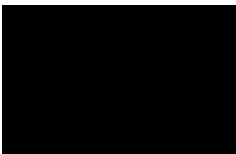
Conclusions

The Developer has been in discussion with Elvington Church Of England Primary School to consider the possibility of providing extra playing pitches as part of any development proposal going forward. We look forward to discussing this matter with the Council in due course.

On behalf of the Developer we would like to attend the oral examination, to further progress the soundness of the Plan with regard to supply of housing for the City of York.

Please can we be kept informed of all forthcoming consultations upon the Local Plan and associated documents, by using the contact details provided below for future correspondence.

Yours sincerely,



Mark Lane
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FREEPOST RTEG-TYYU-KLTZ

Local Plan

City of York Council

West Offices

Station Rise

York

YO1 6GA

19th July 2019

Your ref: H26

Our ref: JB/ML/2411le

Dear Sir / Madam,

COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS CONSULTATION (10TH JUNE 2019 – 22ND JULY 2019) AND IN RESPECT OF LAND OFF DAUBY LANE, ELVINGTON (HOUSING SITE REF: H26)

Introduction

Thank you for this opportunity to provide further commentary and representation to the City of York Local Plan Proposed Modifications (“the Proposed Modifications”) and its associated evidence base.

This submission is made on behalf of Yorvik Homes (“The Developer”) and should be read in conjunction with previous detailed representations submitted to the City of York Council (“the Council”), throughout the plan making process which demonstrate that the proposed housing allocation on land off Dauby Lane, Elvington (housing site ref: H26) (“the Site”) is suitable for housing development, that is available and that residential development is viable and achievable on the Site.

In relation to the Proposed Modifications we have set out the representation under the following headings:

- Background
- The Test of Soundness

- The Proposed Modifications
- Comments and Observations on the Proposed Modifications
- Our Proposed Amendments
- Conclusions

Background

Site H26 was assessed as part of the Council's rigorous site selection methodology and as a result of passing this process; the Site was proposed as a housing allocation in the Preferred Options Draft (2013) and the Local Plans Working Group Publication Draft (2014) versions of the Local Plan. In this regard the Council must have previously satisfied themselves that the Site is available, suitable for development and the development is achievable at the point in time when the Site is intended to deliver development.

The Council current position is that, due to revisions to the evidence base and notably the proposed reduction in the housing requirement, certain previously proposed allocations have been modified or deleted. This does not mean that these sites or parts of these sites are unsuitable or inappropriate for development. Rather it simply means that the Council now consider that these sites or parts of these sites are less preferable than those sites proposed in the Submission Draft (2018) version of the Local Plan.

On the basis of the Council's revised evidence base and the alleged lower housing requirement, the Council have sought to reduce the number of housing allocations and one of those sites that the Council have deleted from the Submission Draft (2018) version of the Local Plan is H26.

The Developer objects to the deletion of H26.

The Test of Soundness

Paragraph 182 of the NPPF (2012) indicates that a 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.

The Proposed Modifications

Policy SS1 – Delivering Sustainable Growth for York

The City of York Council are proposing to reduce the housing requirement from 867 dwellings per annum to 790 dwellings per annum. The Proposed Modifications largely follow and are consequent upon the amendment to Policy SS1 which sets a need to deliver a minimum annual provision of 790 new dwellings over the plan period to 2032/33 and post plan period to 2037/38.

- PM3: Paragraph 2.5
- PM4: Policy SS1
- PM5: Explanation to SS1
- PM20a-d: Figure 5.1
- PM21a-d: Table 5.2
- PM22: Paragraph 5.9
- PM44: Table 15.2

Comments and Observations on the Proposed Modifications

The Proposed Modifications are based on the Housing Needs Update 2019; which was produced by GL Hearn to take into account the 2016-based sub-national population and household projections from ONS and CLG (“the 2016 Projections”).

The 2016 Projections reflect the following:

- Life expectancy will not increase at the same rate as previously.
- International in-migration is not expected to continue at the same rate as previously.
- A reduction in the household formation rates.

On behalf of the Developer we object to the use of the 2016 Projections as a base for the Proposed Modifications. The reasons for this are as follows.

The Ministry of Housing, Communities and Local Government (‘CLG’) published a Technical Consultation on updates to the national planning policy and guidance document in October 2018. The document seeks views on changes to planning practice guidance on the standard method for assessing Local Housing Needs to ensure consistency with the Government’s objective of building more homes.

The document reaffirms the Government’s priority which is to deliver more and better designed homes and this has been a prominent theme in Government documents published over the last 18 months. The document indicates that since the publication of standard methodology, the base data has changed in that the household projections were produced by CLG but are now supplied by the Office of National Statistics (‘ONS’).

The ONS published the latest household projections on 20th September 2018. These reduce the projected rate of household formation compared to the previous projections (“the 2014 Projections”), and the Government indicates within the document that this results in the national minimum annual housing need calculated using the standard method falling significantly. The numbers have fallen from 269,000 homes (rounded up to 300,000 dwelling per annum) prior to publication, to approximately 213,000 based on the updated data. This now sets the national minimum annual housing need figure to below the 217,350 homes delivered last year.

The paper confirms that the Government has considered whether it needs to change its aspirations for housing supply in light of the new household projections and the paper indicates at paragraph 11 that it has decided that it is not right to change its aspirations. Paragraph 11 gives the following reasons:

- The annual change in household projections comprises two aspects: a reduction of 29,000 arising from the lower population projections, and a reduction of 23,000 arising from changes in the method for converting population change into estimates of household formation – (reducing the historic period of household formation on which the projections are based from five census points to two, which focuses it more acutely on a period of low household formation where the English housing market was not supplying enough additional homes). In this regard the Government considers that methodological changes are not a reason why the Government should change its aspirations.
- Household projections are constrained by housing supply. If new, additional homes are not supplied, then households cannot form as there would be nowhere for them to live.
- The historic under-delivery of housing means there is a case for public policy supporting delivery in excess of household projections, even if those projections fall.
- Other things being equal a more responsive supply of homes through local authorities planning for more homes where we need them will help to address the effects of increasing demand, such as declining affordability, relative to a housing supply that is less responsive.
- The above factors have led to declining affordability, as evidenced by the decrease in the number of people living in an area with an affordability ratio of 4 or less: from 23 million (47% of the population) in 2000, to 395,000 (less than 1% of the population) in 2017. Similarly, there has been an increase in those living in areas with an affordability ratio of more than 8: from 2.8 million (around 6% of the population) to 28 million (nearly 50% of the population) over the same period. This indicates that the Government should not be less ambitious for housing supply.

The Government also concludes that population changes are only one aspect of the driver for housing supply. Rising incomes, changing social preferences and factors such as real interest rates and credit availability contribute to demand for housing.

The paper also refers to the ONS and indicates that the ONS believe that the updated 2016-based household projections do not take into account how many people may want to form new households, but for whatever reason are unable to, such as first-time buyers or people wanting to live on their own instead of a house share. Therefore, this snapshot of past trends is not a measure of how many houses would need to be built to meet housing demand. The ONS confirm that although the projections are lower than previously published, this does not directly mean that fewer houses are needed in the future.

The Government has therefore concluded that there is no need to change its aspirations for increasing housing supply and remain committed to delivering 300,000 dwellings pre-annum.

The Government considers that the best way of responding to the new ONS household projections is to make three changes:

- For the short-term, specify that the 2014-based data will provide the demographic baseline for assessment of local housing need;
- To make clear in national planning practice guidance that lower numbers through the 2016-based projections do not qualify as an exceptional circumstance that justifies departure from the standard methodology; and
- In the longer term, to review the formula with a view to establishing a new method.

This is now reflected in the Planning Practice Guidance (PPG) which indicates that *“any method which relies on using the 2016-based household projections will not be considered to be following the standard method as set out in paragraph 60 of the National Planning Policy Framework. As explained above, it is not considered that these projections provide an appropriate basis for use in the standard method.”* The impact of the 2016 Projections, if applied to a calculation based on an OAHN, is no different to their application under the standard methodology. It is therefore clear from the Governments Technical Consultation and the PPG that the 2016 Projections should not be used.

In conclusion on the use of the 2016 Projections these show a general decrease in household growth which is at odds with the Government stated aspiration which to increase housing delivery to 300,000 dwellings per annum by the mid-2020s and it is recognised that this will not be achieved if the local planning authorities adopt the 2016 Projections to either calculate their Objective Assessment of Housing Need (“OAHN”) or in utilising the standard method of calculating the Local Housing Need Assessment.

We therefore consider that the evidence base, upon which the Proposed Modifications are formulated, to be unsound in that that it is not positively prepared and does not meet the areas development needs, it is not justified as it is not the most appropriate strategy and it will not be effective in meeting the Cities needs and is not consistent with national policy.

Notwithstanding our concerns about the use of the 2016 Projections we also have concerns about the City of York Housing Needs Update dated January 2019 specifically we note that the approach taken by GL Hearn within the City of York Housing Needs Update is not consistent in its approach to the preparation of the previous SHMA and addendum update (May 2017) also produced by GL Hearn.

In particular we note that:

- The SHMA 2017 report recommends that based on their assessment of market signals evidence 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. This approach has been abandoned in the City of York Housing Needs Update dated January 2019.
- Despite previously identifying a net affordable housing need of 573 dwellings per annum the City of York Housing Needs Update dated January 2019 does not reassess this need. It does note at paragraph 4.28 that *“it seems clear from this that the expectation is that it may be necessary, based on the affordable needs evidence to consider an adjustment to enhance the delivery of affordable housing, but that this does not*

need to be done in a 'mechanical way' whereby the affordable need on its own drives the OAN." No uplift to address the affordable housing crisis has however been made.

- Further the City of York Housing Needs Update dated January 2019 notes that market signals show that housing affordability is a worsening issue in York and that house prices have increased in the past year and the affordability ratio between house prices and earnings has also worsened. The City of York Housing Needs Update dated January 2019 indicates that these housing market signals suggest that, in accordance with PPG, an uplift to the demographic projections is appropriate. However, no uplift has again been made.
- We welcome the use of the economic led housing need scenario in the City of York Housing Needs Update dated January 2019. This reflects a positive attitude to growth and accords with one of the basic principles of the NPPF. The scenario considered is 11,050 plus additional jobs over the remaining 17 years of the plan period to 2031 (2014 to 2031). This equates to the creation of 650 new jobs per annum and these new jobs have been converted to a housing requirement. However, the creation of new jobs within the City does not reduce the market signals or the affordable housing crisis. It is plain that the suggested uplift of 15%, as recommended by GL Hearn in the City of York Housing Needs Update dated January 2019, should have been added to the economic led housing need of 790 dwellings per annum.
- As made clear in the City of York Housing Needs Update dated January 2019 the economic led housing need scenario considers the plan period to 2031 (2014 to 2031) whereas the Local Plan provides for development in the period to 2032/2033 and in the post plan period to 2037/2028 to ensure that the Green Belt remains permanent. The figure of 790 dwellings per annum, which is reflected in the Proposed Modifications, therefore plainly does not address the correct plan period and therefore it does not meet the housing need.
- Final, the figure of 790 dwellings per annum is the need identified in the City of York Housing Needs Update dated January 2019 City of York Council and this is reflected in the Proposed Modification. The figure of 790 dwellings per annum does not take into account persistent under delivered.

The findings within the associated evidence bases are contradictory and polar opposite in their results, even though the documents are less than 1 ½ years apart and produced by the same consultant. Further there is little in the way of explanation as to why there has been a polar opposite approach.

We therefore consider that the evidence base, upon which the Proposed Modifications are formulated, to be unsound in that the evidence and therefore the plan has not positively prepared and does not meet the areas development needs, is not justified as it is not the most appropriate strategy and it will not be effective in meeting the Cities needs and is not consistent with national policy.

Our Proposed Amendments

There are a number of significant deficiencies in the City of York Housing Needs Update which means that the 790 dwellings per annum OAHN figure currently being pursued by the Council within the Proposed Modifications are unsound in that the housing requirement and evidence base are not justified, it will not be effective in meeting the Cities needs and the local plan has not been positively prepared and the approach adopted does not reflect Government Guidance.

To make the Local Plan sound it is recommended that an uplift for market signals and affordable housing need is provided, that an allowance is made for improving headship rates and that the 2014 Projections are used instead of the 2016 Projections.

We consider that Policy SS1 and subsequent affected policies are modified to reflect the following:

- The OAHN should be 1,150 per annum to allow for a sufficient uplift to respond to market signals, including affordability adjustments, as well as making a significant contribution to affordable housing needs.

This suggested modification reflects the professional opinion of the property sector and is echoed by the House Building Federation and other parties with a vested interest.

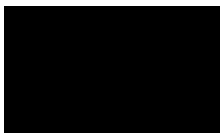
Conclusions

The Developer has been in discussion with Elvington Church Of England Primary School to consider the possibility of providing extra playing pitches as part of any development proposal going forward. We look forward to discussing this matter with the Council in due course.

On behalf of the Developer we would like to attend the oral examination, to further progress the soundness of the Plan with regard to supply of housing for the City of York.

Please can we be kept informed of all forthcoming consultations upon the Local Plan and associated documents, by using the contact details provided below for future correspondence.

Yours sincerely,



Mark Lane
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DPP One Ltd
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Tel: 0113 8197281
Mob: 07500 330091

From: James Whiteley [REDACTED]
Sent: 19 July 2019 14:13
To: localplan@york.gov.uk
Subject: Response to City of York Local Plan Proposed Modifications (June 2019) Consultation
Attachments: WYCA Response to CYC Proposed Mods Consultation - 19 July 2019.pdf

Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

Please find attached the West Yorkshire Combined Authority's response to the City of York Local Plan Proposed Modifications (June 2019) Consultation.

If you have any queries with regard to the attached please do not hesitate to contact me.

Best Regards

James Whiteley | Policy Coordinator
West Yorkshire Combined Authority | Leeds City Region Enterprise Partnership (the LEP)
Wellington House | 40-50 Wellington Street | Leeds | LS1 2DE
Mob: [REDACTED] | [REDACTED]

www.westyorks-ca.gov.uk | www.the-lep.com

Follow the West Yorkshire Combined Authority on [Twitter](#) | Follow the LEP on [Twitter](#) or on [LinkedIn](#)

Metro is the transport network of the West Yorkshire Combined Authority. Find local travel information at www.wymetro.com, [Twitter](#) and [Facebook](#)

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Mike Slater
City of York Council
West Offices
Station Rise
York
Y01 6GA

19 July 2019

Dear Mr Slater,

**Re: City of York Local Plan Proposed Modifications (June 2019)
Consultation**

Thank you for consulting the West Yorkshire Combined Authority and the Leeds City Region Local Enterprise Partnership on the Proposed Modifications to the City of York submitted Local Plan.

We have reviewed the proposed modifications and can confirm that these changes address previous concerns regarding the provision of housing as detailed in the Combined Authority response to the Pre-Publication draft Local Plan in October 2017.

The collective Leeds City Region ambition is to attain housing growth of 10,000 – 13,000 net additional homes per annum. Based on the number of homes planned across the City Region Partner Councils, through draft or adopted local plans, the provision set out in the submitted York Local Plan and the Proposed Modifications allows the collective City Region growth range to be achieved. On this basis the York Local Plan will contribute to the Leeds City Region Strategic Economic Plan (SEP).

We note the removal of the proposed housing site allocations ST35 (Queen Elizabeth Barracks) and H59 (Land at Howard Road, Strensall) from the submitted Local Plan. However, this proposed modification does not significantly impact York's contribution to the collective City Region growth range ambition.

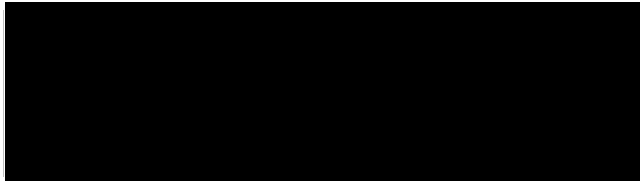
We are satisfied that the Local Plan is sound and meets all duty to cooperate requirements.

In addition, the Combined Authority confirms the City of York Local Plan, including the Proposed Modifications, is in general conformity with the Leeds

City Region SEP and is also aligned with the principles of the West Yorkshire Transport Strategy.

Going forward, we would be keen to work with you on how the delivery of the Local Plan can help to meet our net zero carbon ambitions, both for the City of York and for the City Region.

Yours sincerely,



Alan Reiss
Director of Policy, Strategy and Communications



City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

OFFICE USE ONLY:

ID reference:

PM:SID 869 - 1

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 Inspectors 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	RAY	
Last Name	CALPIN	
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 Monday 22 July 2019, 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?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and new evidence, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018. You can make comments on any of the proposed modifications, the Sustainability Appraisal Addendum, the updated Habitats Regulation Assessment, and other background documents which include a Housing Needs Assessment update and an Addendum to Topic Paper 1: The Approach to Defining York's Green Belt. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this 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 Inspectors 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 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, 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 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?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

The Local Plan Proposed Modifications document, the Sustainability Appraisal/SEA Addendum and Updated Habitats Regulation Assessment (HRA) will be available for inspection at in all of York's libraries and City of York Council West Offices.

All supporting documents which underpin the City of York Local Plan Proposed Modifications are available to view online at www.york.gov.uk/localplan and are also available for inspection at City of York Council West Offices and York Explore.

Part B - Your Representation

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



3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

Document:

Page Number:

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

4.(2) Do you consider that the Local Plan 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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (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) Please justify your answers to questions 5.(1) and 5.(2)

THERE HAVE BEEN A NUMBER OF PLANNING APPLICATION, PAST AND PRESENT, THAT HAVE INVOLVED OVER-DEVELOPMENT

THE CURRENT STATEMENT IN POLICY H2. DENSITY OF RESIDENTIAL DEVELOPMENTS STATES: "

"TO ENSURE THE EFFICIENT USE OF LAND AND TO HELP MAINTAIN LOCAL SERVICES AND PUBLIC TRANSPORT PROVISION, HOUSING DEVELOPMENT WILL BE EXPECTED TO ACHIEVE THE FOLLOWING NET DENSITIES"

- 100 UNITS/HA WITHIN THE CITY CENTRE
- 50 UNITS/HA WITHIN THE YORK URBAN AREA
- 40 UNITS/HA WITHIN THE SUBURBAN AREA AND HAXBY/WIGGINTON
- 35 UNITS/HA IN THE RURAL AREAS AND VILLAGES

THE PHRASE " WILL BE EXPECTED TO ACHIEVE THE FOLLOWING NET DENSITIES" IS AMBIGUOUS AND ALLOWS ~~PLANNING~~ DEVELOPERS TO SUBMIT PLANNING APPLICATIONS THAT EXCEED THE ABOVE STATED FIGURES. THIS PART OF THE STATEMENT NEEDS TO BE REWORDED TO CLARIFY THE LIMITS OF THE DENSITIES TO BE ACHIEVED.

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

PLEASE SEE 3 PAGE ATTACHMENT
TITLED: DOCUMENT EX/CYC/18.

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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 Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

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Signature

[Redacted Signature]

Date

16 JULY 2019

7e Analysis of other options to meet the shortfall without using green belt land.

Optimising the density of development – Housing Density

7.81 The Publication Draft Local Plan Policy H2. Density of Residential Development, sets out differential net densities to ensure the efficient use of land and help maintain local services and public transport provision.

As stated in 7.82 & 7.83 of the above document and Policy H2: of the Local Plan, the density requirements reflect different density zones, and show that over the preceding 10 year period the development density for all zones, has remained consistently high.

As the stated density figures have been used for the preceding 10 year period and it has been proposed to lower the housing allocation from 867 to 790, as PM 20a-d & PM 21a-21d, it appears that the density figures are working satisfactorily. Therefore I endorse the continuance of the existing density figures and the proposed housing allocation of 790 dpa.

However, it is important to ensure that over-development does not occur and developers do not use important open space for development in order to achieve the density objectives of the policy. Therefore, in order to help planners, developers and the public at large, to understand what is actually permitted, and to prevent ambiguity, I offer the following suggestions.

SUGGESTION 1

Policy H2. Density of Residential Development currently states:

“To ensure the efficient use of land and help maintain local services and public transport provision, housing development will be expected to achieve the following net densities”.

- 100 units/ha within the city centre
- 50 units/ha within the York urban area
- 40 units/ha within the suburban area and Haxby/Wigginton
- 35 units/ha in the rural areas and villages

I suggest the following revised wording to this policy.

The words '**up to but no more than**' should be inserted between the words, 'achieve' and 'the'.

With the revised wording, the statement will now read :

“To ensure the efficient use of land and help maintain local services and public transport provision, housing development will be expected to achieve **up to, but not more than**, the following net densities.

- 100 units/ha within the city centre
- 50 units/ha within the York urban area
- 40 units/ha within the suburban area and Haxby/Wigginton
- 35 units/ha in the rural areas and villages

*

SUGGESTION 2

Policy H2: Density of Residential Development currently states:

“To ensure the efficient use of land and help maintain local services and public transport provision, housing development will be expected to achieve the following net densities”

I suggest that the the last four words “**the following net densities**” should be replaced with the words '**up to a maximum net density of**'

With the revised wording, the statement will now read :

To ensure the efficient use of land and help maintain local services and public transport provision, housing development will be expected to achieve **up to a maximum net density of: -**

- 100 units/ha within the city centre
- 50 units/ha within the York urban area
- 40 units/ha within the suburban area and Haxby/Wigginton
- 35 units/ha in the rural areas and villages

(Note: Some developers, either, do not appreciate or, choose to ignore the reason for applying these net densities, consequently the applied net densities fail to

ensure important open space is not used for development in order to achieve the density objectives of the policy. For instance, the current application for Urban Site ST16 - Terry's Extension Site – Land to the rear of Terry's Factory (Phase 3), which is a Conservation Area, adjacent to the Green Belt, seeks consent for the construction of 123 dwellings at an average density of 106 dwellings per hectare even though Policy H2: quotes 50 units within the York urban area).

By using one of the above suggestions, or something similar, then perhaps over development will not occur and important open space will not be used for development in order to achieve the density objectives of the policy

City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

OFFICE USE ONLY:

ID reference:

PM:SID 869 - 2

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 Inspectors 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	RAY	
Last Name	CALPIN	
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		

Guidance note

Where do I send my completed form?

Please return the completed form **by Monday 22 July 2019, 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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What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and new evidence, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018. You can make comments on any of the proposed modifications, the Sustainability Appraisal Addendum, the updated Habitats Regulation Assessment, and other background documents which include a Housing Needs Assessment update and an Addendum to Topic Paper 1: The Approach to Defining York's Green Belt. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this 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 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, 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 and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

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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. You can indicate if 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 Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

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All supporting documents which underpin the City of York Local Plan Proposed Modifications are available to view online at www.york.gov.uk/localplan and are also available for inspection at City of York Council West Offices and York Explore.

Part B -Your Representation

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



3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

Document:

Page Number:

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

4.(2) Do you consider that the Local Plan 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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes

No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

PLEASE SEE 2 PAGE ATTACHMENT
TITLED DOCUMENT: EX/CYC/18C TPI, ADDENDUM ANNEX 4

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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 REASON I WISH TO APPEAR AT THE EXAMINATION IS TO OBSERVE THE DISCUSSIONS RELATED TO THE VARIOUS PROPOSED CHANGES IN ORDER TO OBTAIN AN UNDERSTANDING OF THE DECISIONS AND TO PROVIDE CLARITY TO MY SUGGESTED CHANGES IF THE NEED ARISES.

Please note: the Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

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Signature

[Redacted Signature]

Date

14 JULY 2019

Document: EX/CYC/18c Topic Paper TP1, Addendum Annex 4:
Annex 4: Urban Areas in the General Extent of the Green Belt
Summary: Assessing the open character of urban areas and their contribution to the openness of the Green Belt
Part B: Areas with a high degree of openness, the character of which makes an important contribution to the Green Belt.
Page 90: York Racecourse is identified as one such area that falls into Part B.
Page 91: The character of the area is described in the following way-
The landscape at York Racecourse is open with good long views both into and out of the Racecourse and Terry's Factory Conservation Area. Looking from Tadcaster Road, the racecourse buildings cluster in one corner of the Knavesmire, which has the appearance of a large urban parkland. The built environment associated with the racecourse is of special importance within the conservation area because of its parkland setting (that is the racecourse and stray). The buildings here therefore have a strong association with the open space.

This urban area exhibits a high degree of openness and contributes to the openness of the Green Belt. It is recommended to be included within the Green Belt

*

The above description of the character is an abridged version of the character as described in the 'Racecourse and Terry's Factory Conservation Area'. The full description of the character of the Conservation Area is:

“The landscape is open with good long views both into and out of this conservation area. Looking from Tadcaster Road, the buildings cluster in one corner of the Knavesmire, which has the appearance of a large urban parkland.

Terry's Clock Tower and the adjacent factory buildings, located as they are in the Green Belt, are a significant landmark when approaching the City from the south. From the racecourse and Terry's there are views towards the large number of mature trees lining Tadcaster and Knavesmire Roads, and within the gardens which back onto the stray.

These buildings defined as the Conservation Area are of special importance because of their parkland setting (that is the racecourse and the stray) within the York Green Belt”.

*

In addition to the above description of the character of the Conservation Area, the second element of the character and appearance of this conservation area states: “The buildings of both Terry's Factory, especially the clock tower/chimney and the racecourse grandstands rising out of their parkland setting in the York Green Belt”.

The words “in the York Green Belt” are stated twice in the 'Racecourse and Terry's Factory Conservation Area' document, therefore, it would appear that this Conservation Area is already in the Green Belt. If this is not the case then **I recommended that the 'Racecourse and Terry's Factory Conservation Area' be included within the Green Belt as 'This urban area exhibits a high degree of openness and contributes to the openness of the Green Belt'.**

*

Additional Information

This Conservation Area was designated in 1975, and includes the racecourse buildings and Terry's chocolate factory which are sited on the Knavesmire. The lower part of John Carr's grandstand and the County Stand are the two listed buildings contained within the Racecourse part of the Conservation Area. The Terry's Factory part of the conservation area contains only five buildings. They are all listed buildings in the same neo-georgian style, and include two of York's most iconic buildings, the Clock Tower and the main Factory building. Looking towards Terry's Factory from Bishopthorpe, the Terry's Factory and Clock Tower, rising out of their parkland setting in the York Green Belt, are a significant landmark when approaching the City from the south.

Apart from the listed buildings the remainder of this conservation area is made up of two areas of undeveloped land.

The first area is the Peace Garden, in the south-east corner of the Conservation Area. This has been retained and enhanced by the inclusion of a play area, additional planting and the opening up of the sides to the north and west to allow views into and out of the area. The layout and setting of the Peace Garden is important to the overall quality of the historic environment of the Terry's site. The historic character and function of this semi-natural landscaped garden has been respected and retained as a communal open space and offers a wonderful amenity to the local employees, residents and public at large.

The second area, of just over one hectare, is located to the south of the main Factory Building and is adjacent to the Peace Garden. It is almost completely grassed over due to its regeneration and currently provides an open nature that, along with the Peace Garden, forms a buffer between the Terry's Factory buildings and the openness of the Knavesmire, thus emphasising the openness of this urban area and its contribution to the openness of the Green Belt.

The inclusion of this irreplaceable resource, that is the 'Racecourse and Terry's Factory Conservation Area', into the Green Belt, will help to preserve and enhance the area as required by the Planning (Listed Buildings and Conservation Areas) Act 1990, and likewise conserve and enhance the historic environment as required by the NPPF.

City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

OFFICE USE ONLY:

ID reference:

PM:SID 869 - 3

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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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 Inspectors 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	RAY	
Last Name	CALPIN	
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 Monday 22 July 2019, 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 Monday 22 July 2019, up until midnight**

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Part B -Your Representation

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



3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

Document:

Page Number:

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

4.(2) Do you consider that the Local Plan 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.

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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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared **Justified**

Effective **Consistent with national policy**

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

PLEASE SEE 2 PAGE ATTACHMENT RELATED TO DOCUMENT
TITLED EX/CYC/16 AND PROPOSED MODIFICATIONS
20a - 20d, 21a-21d and 22.

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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:

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Retention of Information

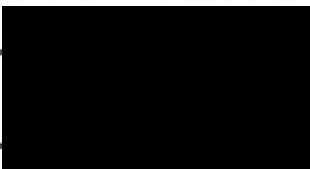
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If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at foi@york.gov.uk or on 01904 554145.

Signature



Date

There are a number of Proposed Modifications, such as PM 20a-20d, PM 21a-21d, and PM 22 that relate to Policy H1: Housing Allocations which, in turn, refer to the change of housing requirements in the plan by lowering the current 867 dwellings per annum to 790 dpa. This to be applied to the plan period to 2032/33 and post plan to 2037/38

Policy H1: Housing Allocations (*page 91*) of the Publication Draft Local Plan (Feb 2018) states:

In order to meet the housing requirement set out in Policy SS1 the following sites, as shown on the proposals map and set out in the schedule below are proposed for residential development.

This policy applies to all sites listed in the Table 5.1.

Table 5.1 Housing Allocations (*page 93*) contains the following site details.

Allocation Reference:	ST16
Site Name:	Terry's Extension Site – Land to the rear of Terry's Factory (Phase 3)
Site size:	None given
Estimated Yield (Dwellings):	56
Estimated Phasing:	Short to Medium Term (years 1-10)

Explanation

Site Yield and Delivery Page 98

5.12 The yield for each of the strategic sites has been established through working with site promoters to produce an individual assessment of the yield for each site. In the case of the smaller sites an estimate of the number of dwellings to be delivered on each site was determined by first applying a relevant net to gross ratio depending on the sites location to determine a net developable area. This ranges from 100% of a small sit to 70% of larger sites. These net to gross ratios have been determined as part of the City of York Local Plan and Community infrastructure Levy Viability Assessment (2017). An indicative average density has then been applied to the developable area to determine the yield. The densities likely to take place in different parts of the city and have been based on the densities used in the Viability Study and Policy H2 of the plan

*

Document EX/CYC/16 SHLAA Figure 6, likewise details the 'Housing Trajectory' being updated to 790 dwellings per annum and includes ST 16: Terry's Extension Site – Land to rear of Terry's Factory (Phase 3) to deliver approximately 56 dwellings

Document: EX/CYC/16

Figure 6: Detailed Housing Trajectory Updated (790 dpa OAN)

2. Housing Allocation above 5 ha (ST Sites)

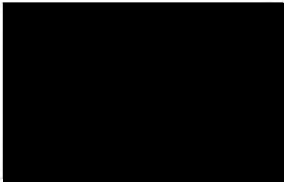
ST 16: Terry's Extension Site – Land to rear of Terry's Factory (Phase 3) 56 dwellings

Although EX/CYC/16 details the 'Housing Trajectory' being updated to 790 dwellings per annum there is no proposed modification to the stated delivery of 56 dwellings on this site, thus showing it is still the intention to deliver the 56 dwellings proposed in Policy SS14: Terry's Extension Site 3, that is ST16 Terry's Extension Site – Land to the rear of Terry's Factory (Phase 3).

(Note: The planning application related to this site seeks to erect 2 no. apartment blocks with a total of 123 apartments, an increase of 120%).

As it is being proposed that the Housing Trajectory is to be lowered by 9% from 867 to 790, then it should follow that the quoted estimated yields should be re-visited and adjusted accordingly as per Item 5.12 of the Site Yield and Delivery, on page 98 of the plan. The densities being based on the Viability Study and Policy H2 of the plan. If this is not the case then the current estimated yields should be adhered to and safeguards should be put in place to ensure the estimated yields are not exceeded, as in the case stated in *italics* above.


(NOTE: I refer to my submitted Consultation Response Form related to Document EX/CYC/18 suggesting two possible ways of preventing the estimated yields being exceeded, thus ensuring that over development does not occur).



17 7 19

Dear Sir

Re Local Plan Modifications

I wish to resubmit  land at Duncombe Farm Strensall to be included in the Local Development Plan.

The area 78ha is of considerable size to be able to accommodate a mixed use of development and to incorporate several recreational areas and green spaces.

Strensall is a large, popular community, with few facilities.

Strensall is a major arterial route to Ryedale and is a busy commuter village, which would benefit from an increase in commercial and business activity. Development of my land would be financially beneficial to the City of York, as housing needs of the City are in short supply.

Due consideration to this application could provide and enhance sustainability for facilities to be developed for the wider Strensall population and surrounding villages.

I enclose a map of the area submitted.

I await your earliest reply.

Yours faithfully



J Philip Coverdale

ENC

City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 Inspectors 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	COVERDALE	
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 Monday 22 July 2019, 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 Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

TOPIC PAPER 1

Document:

Amendment. Annex 1-6.

Page Number:

Page 39/40. Map 66.

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

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

Yes

No

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

The Green Belt has been altered around Strensall without consultation with property/land owners.

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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared **Justified**
Effective **Consistent with national policy**

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

*It is my belief the plan has been completed without thorough consultation with land owners who have submitted evidence in the original Call for Sites brief.
Sites have been dismissed for very spurious reasons that do not make sense!*

I believe the Local Plan as Submitted does not fully follow National Planning Policy, and therefore is not sound, Greater York is rapidly becoming a commuter hub for London, as the rail journey times are good, and will get better. The lack of value housing (as opposed to affordable) is becoming an issue as property is 'snapped up' by said commuters. The City economy is greatly reliant on the service sector + tourism, there is insufficient weight placed on encouraging business growth and industry + entrepreneurship within the Local Plan.
David

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

See 5(3)

There is insufficient detail about transportation of people, goods and services, in and around the city.

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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 Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

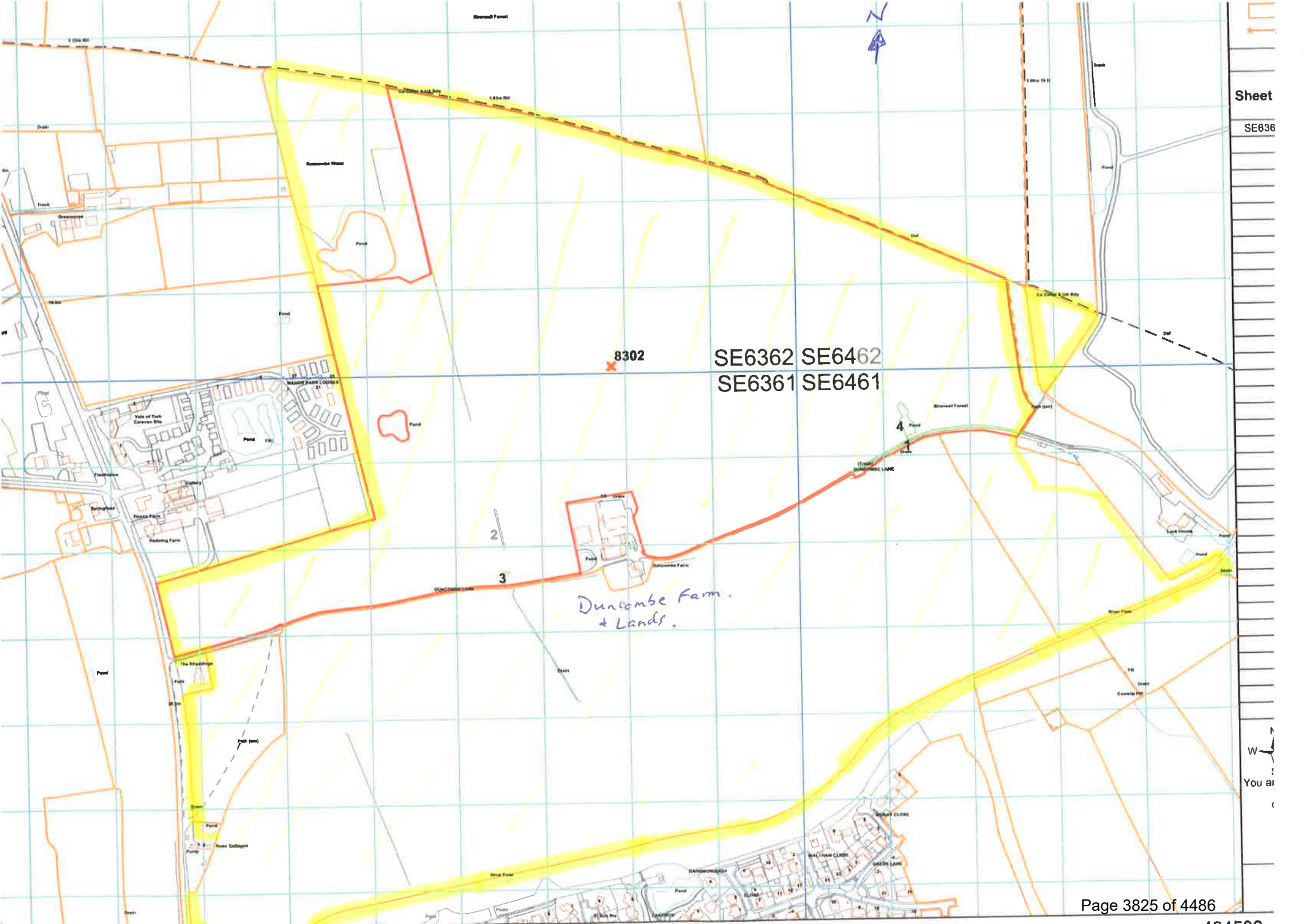
To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

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 foi@york.gov.uk or on 01904 554145.

Signature



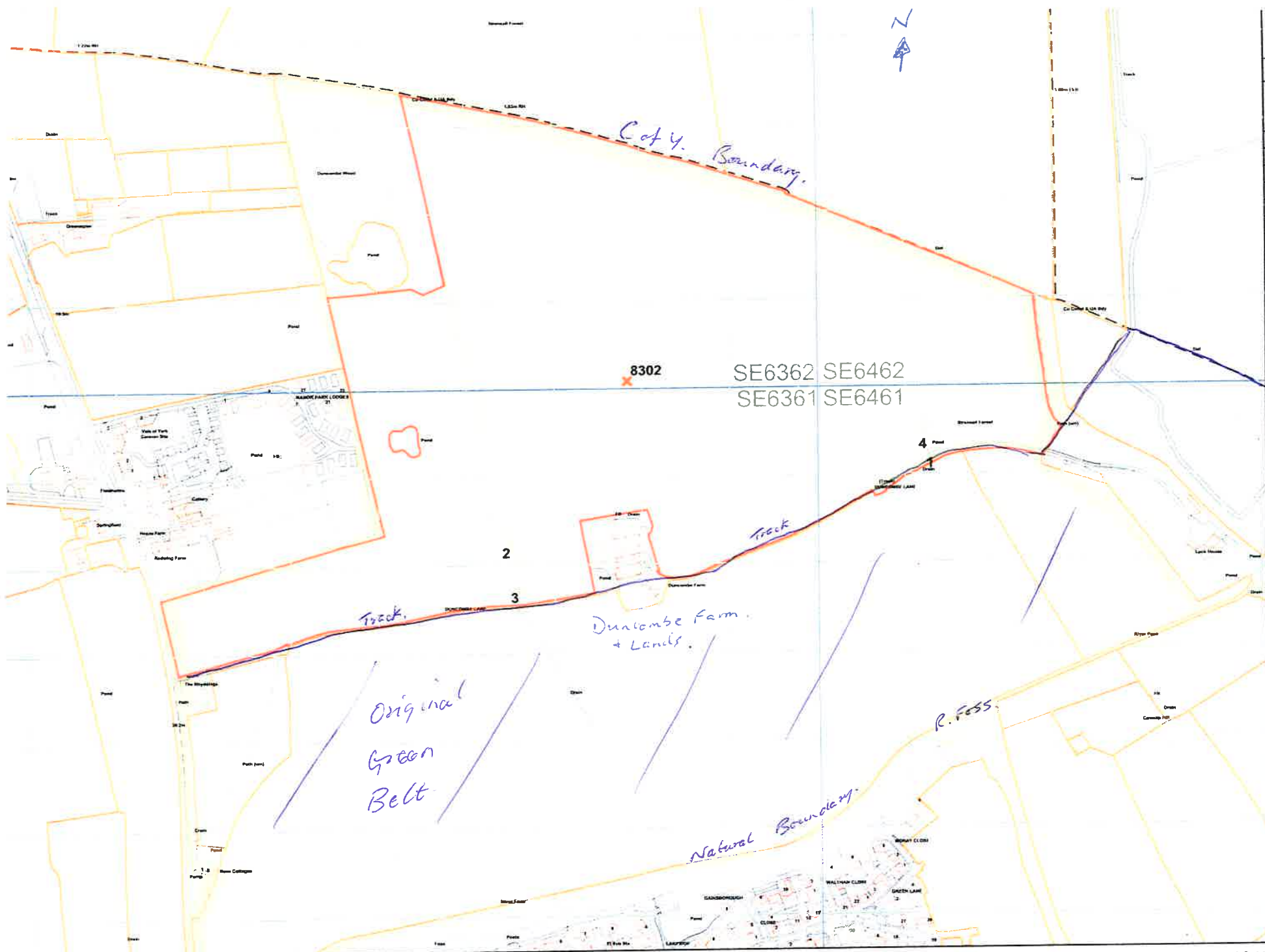
Date



SE6362 SE6462
SE6361 SE6461

8302

Duncombe Farm + Lands



From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 19 July 2019 17:43
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122784
- Date submitted: 19/07/2019
- Time submitted: 17:43:25

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

CommentingOnBehalfOf

About you (individual response)

Name:

Address: , , , ,

About the organisation, group or other individual you are representing

Name: cllr Anne Hook

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent: Residents of Rural West York which I represent

Contact address: [REDACTED]

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46):

Document: TP1: Approach to Defining York's Green Belt – Addendum

Page number: 86

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

1. Legal Compliance

To be legally compliant the plan has to be prepared in accordance with the Duty to Cooperate and legal and procedural requirements, including the 2011 Localism Act and Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

The Neighbourhood Plan for Poppleton

(https://www.york.gov.uk/downloads/file/14675/upper_and_nether_poppleton_neighbourhood_plan_adopted_version_october_2017) was very specific (8.2) that expansion of Northminster Business Park outside its 2017 boundary would NOT be supported. At the referendum, 91% of the population voted in favour of the Neighbourhood Plan. The City Planners have so far chosen to ignore the views of the local population by proposing expansion of the business park (site ST19, policy SS23) and corresponding reduction in the size of the Green Belt. This is blatantly ignoring local democracy. It also flies in the face of their response to the inspectors, as they have not demonstrated any special circumstances:

EX/CYC/7 - City of York letter of response to Inspectors 13 November 2018

"Once established, Green Belt boundaries should only be altered in exceptional circumstances (Paragraph 83 of NPPF). Although strictly speaking it is the general extent of York's Green Belt

and not its boundaries that have been established, we take the view that it would be prudent to treat any incursions into the general extent of Green Belt as land removed from the Green Belt, whether to provide land for development or to 'inset' villages, reflecting the emerging spatial strategy. On this basis we accept that any such incursions should pass the "exceptional circumstances" test".

For all the above reasons, ST19 should be deleted from table 2 on page 86 of TP1: Approach to Defining York's Green Belt – Addendum.

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not justified

Please give reasons for your answer(s):

2. Soundness

Soundness is explained in the National Planning Policy Framework (NPPF). The Inspector conducting the Examination in Public has to be satisfied that the Local Plan 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 (NPPF).

Purely with regard to ST19, it is not justified to enlarge Northminster business park when:

- a) It is not a special case, and therefore inconsistent with Green Belt policy as laid down in the NPPF;
- b) it puts at risk a larger section of Greenbelt between the A1237 and the edge of Acomb as this will become cut off from the countryside, as advised to the planning department on numerous occasions by the local residents;
- c) It is unjustified as there is plenty of brownfield land within York that should be developed first;
- d) It is unjustified and not positively prepared, as any expansion puts even more traffic down a country lane, with only one point of access to the wider road network, for which it was never designed, including a near constant stream of 44 ton juggernaut lorries. This leads to congestion, noise and pollution at peak times, and detracts from the residential amenity and quality of life of the residents of Northfield Lane.

For all the above reasons, as long as ST19 remains on table 2 on page 86 of TP1: Approach to Defining York's Green Belt – Addendum, the Local Plan should be rejected.

Your comments - necessary changes

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

Remove ST19 from table 2 on page 86 of TP1: Approach to Defining York's Green Belt – Addendum

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

No, I do not wish to participate

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

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 19 July 2019 17:48
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122787
- Date submitted: 19/07/2019
- Time submitted: 17:48:07

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: JEFFREY STERN Jeffrey Stern

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): ST15 and OS10

Document: york local plan strategic development site allocations

Page number:

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

Yes, I consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

Yes, complies with Duty to Cooperate

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

I oppose this planning proposal.

1) The historical character of Heslington Parish is that of an agricultural community. This development will convert Heslington into a suburbia. Heslington has sustained a significant amount of development in recent years at whose heart is the University's East Campus. It is time that other parishes shoulder the burden of development.

2) We are committed to supporting our farmers. This development will deprive local farmers of their arable land and reduce local food production. The protection of England's self-sufficiency in food production is vital when the country's new economic and political direction is outside the European single market with food imports subject to altered trade tariffs.

3) The planning document is vague on the two or three access roads required to this new housing estate. 3000 homes and a population of 6000-8000 people will cause a massive increase in traffic and pollution. How will our parish and its historic country lanes, and in particular the historical character of Heslington Main Street, be protected from this?

4) The suggested wetland nature reserve is laudable, but entirely misguided. The 3000 households which will be situated right next to this wetland will unleash animal species which thrive in human habits into this wildlife reserve; specifically rats, foxes and cats. 3000 households will have a population of c. 1000-1500 cats. Cats are the biggest threat to wildlife, specifically song birds and ground-nesting wader birds. Moreover, any human settlement will illuminate the night

sky with the lights of houses, cars and street lights. This intensity of light so close to a nature reserve will have a detrimental effect on wildlife.

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not effective

Please give reasons for your answer(s):

I oppose this planning proposal.

1) The historical character of Heslington Parish is that of an agricultural community. This development will convert Heslington into a suburbia. Heslington has sustained a significant amount of development in recent years at whose heart is the University's East Campus. It is time that other parishes shoulder the burden of development.

2) We are committed to supporting our farmers. This development will deprive local farmers of their arable land and reduce local food production. The protection of England's self-sufficiency in food production is vital when the country's new economic and political direction is outside the European single market with food imports subject to altered trade tariffs.

3) The planning document is vague on the two or three access roads required to this new housing estate. 3000 homes and a population of 6000-8000 people will cause a massive increase in traffic and pollution. How will our parish and its historic country lanes, and in particular the historical character of Heslington Main Street, be protected from this?

4) The suggested wetland nature reserve is laudable, but entirely misguided. The 3000 households which will be situated right next to this wetland will unleash animal species which thrive in human habits into this wildlife reserve; specifically rats, foxes and cats. 3000 households will have a population of c. 1000-1500 cats. Cats are the biggest threat to wildlife, specifically song birds and ground-nesting wader birds. Moreover, any human settlement will illuminate the night sky with the lights of houses, cars and street lights. This intensity of light so close to a nature reserve will have a detrimental effect on wildlife.

Your comments - necessary changes

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

I oppose this planning proposal.

1) The historical character of Heslington Parish is that of an agricultural community. This development will convert Heslington into a suburbia. Heslington has sustained a significant amount of development in recent years at whose heart is the University's East Campus. It is time that other parishes shoulder the burden of development.

2) We are committed to supporting our farmers. This development will deprive local farmers of their arable land and reduce local food production. The protection of England's self-sufficiency in food production is vital when the country's new economic and political direction is outside the European single market with food imports subject to altered trade tariffs.

3) The planning document is vague on the two or three access roads required to this new housing estate. 3000 homes and a population of 6000-8000 people will cause a massive increase in traffic and pollution. How will our parish and its historic country lanes, and in particular the historical character of Heslington Main Street, be protected from this?

4) The suggested wetland nature reserve is laudable, but entirely misguided. The 3000 households which will be situated right next to this wetland will unleash animal species which thrive in human habits into this wildlife reserve; specifically rats, foxes and cats. 3000 households will have a population of c. 1000-1500 cats. Cats are the biggest threat to wildlife, specifically song birds and ground-nesting wader birds. Moreover, any human settlement will illuminate the night sky with the lights of houses, cars and street lights. This intensity of light so close to a nature reserve will have a detrimental effect on wildlife.

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

No, I do not wish to participate

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

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 19 July 2019 18:02
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122788
- Date submitted: 19/07/2019
- Time submitted: 18:01:33

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mr Ian Hudson

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address:

Telephone number:

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): PM40

Document:

Page number:

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

I believe that removing parts of the village from the green belt is just the start of a massive over development of village. There are already 3 large industrial estates providing enough traffic, especially lorries through the village and over the bridge neither of which can cope. It is only a matter of time before someone is seriously injured or worse. I also believe that plot H39 is unnecessary, especially a whole new town is to be developed less than 2 miles away at ST15. Again this development H39 will cause traffick misery and more potential danger to the Children who play on becksides all for a housing Estate that non of the residents want and would be built on pasture land that regularly floods. However I don't expect any changes as it seems CYC don't listen to the residents anyway.

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not justified, Not effective

Please give reasons for your answer(s):

Overdevelopment of a village when building a new town 2 miles away. It is NOT NECESSARY

Your comments - necessary changes

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

Stop removing green belt from the village and stop building estates H39 when there is no evidence more housing is needed in the village and you are building 3339 houses less than 2 miles away.

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

No, I do not wish to participate

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

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 20 July 2019 08:45
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122803
- Date submitted: 20/07/2019
- Time submitted: 08:44:59

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mr Bryan Boulter

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): Proposal to take Elvington out of the Green Belt.

Document: Documents relating to H39, E9, SP1 and ST15

Page number: Those relating to the proposed development at Elvington

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

There has been inadequate consultation with the Parish Council in relation to the proposed development at Elvington. The proposed modifications are not minor, as claimed. The proposed developments do not coincide with the needs of the village, which will be severely adversely affected by the proposed development.

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not positively prepared

Please give reasons for your answer(s):

Inadequate consultation with the Parish Council on modifications that cannot be reasonably regarded as minor, as claimed.

Your comments - necessary changes

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

Proper consultation with the Paris Council and proper regard for the needs of Elvington and the adverse consequences of the proposed development. The character of the village will be radically changed by the proposed development and does not have the infrastructure [roads, school(s)] to cope.

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

No, I do not wish to participate

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

[REDACTED]

From: Bryan Boulter [REDACTED]
Sent: 31 July 2019 08:21
To: [REDACTED]
Subject: Re: Proposed modifications submission query

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear [REDACTED],
Dear [REDACTED]

Thank you for your reply to my submission.

My comments do apply to all developments.

Regards

Bryan Boulter

On Wednesday, 24 July 2019, 10:58:27 BST, [REDACTED] wrote:

Good morning Mr. Boulter,

Thank you for submission for the Proposed Modifications to the Local Plan

To aid in entering your information into our database can you confirm something for me please?

On your submission you state 'development/s' relating to Elvington, these being H39, E9, SP1 and ST15. As a note, H39 and SP1 are not part of the Proposed Modifications.

In response to submission's questions of legal compliance, duty to cooperate and soundness, are all your statements relating to all developments in Elvington Parish?

We have taken your submission as pertaining to all developments H39, E9, SP1 and ST15, but if this is not the case please let us know.

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

Forward Planning
City of York Council

[REDACTED]

[REDACTED]

Help protect the environment! - please don't print this email unless you really need to.

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From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 20 July 2019 16:37
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122818
- Date submitted: 20/07/2019
- Time submitted: 16:37:21

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mr. PETER MOTT

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): PM10

Document: City of York Local Plan Proposed modifications Consultation Document

Page number: 11

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

Yes, I consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

Yes, complies with Duty to Cooperate

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

N/A

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not positively prepared, Not effective

Please give reasons for your answer(s):

The buffer zone OS 10 does not extend to the SW of proposed new housing ST 15, and there is no consideration of the effect of water runoff from this development towards the Tillmire. It needs a full environmental impact assessment.

Your comments - necessary changes

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

The buffer zone OS 10 should be extended to the SE to include all the greenfield land between housing development ST 15 and the Tillmire.

A full environmental assessment of the impact of the development at ST 15 on the Tillmire should be made, including water runoff.

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

No, I do not wish to participate

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



From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 20 July 2019 22:55
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122832
- Date submitted: 20/07/2019
- Time submitted: 22:55:09

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mrs. Joanne Kinder

Address: 

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): Local Plan

Document: Topic Paper 1 Addendum Annex 4 March 2019

Page number: Annex 5 and 6

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

1. Topic Paper 1 Annex 5 & 6 (re All the Proposed Sites in Elvington & Proposed Modifications)
 2. Local Plan 2005 (re Elvington as Greenbelt)
- YCC have not engaged with Elvington Parish Council and the village is not aware of the YCC proposal to reduce the green belt until this consultation was launched. The Planning Inspector recommended 2005 to leave the green belt border so it is not lawful nor compliant to change the green borders and reduce this without dialogue. The Parish Council and the villagers are not opposed to change but wish to be included to support changes that are beneficial to the village and aid YCC planning team.
-

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not positively prepared,Not justified,Not effective

Please give reasons for your answer(s):

the Local Plan cannot be considered to be sound or positively prepared if YCC have not engaged the Paris Council or others in the village. therefore it cannot be considered justified or effective.

Your comments - necessary changes

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

YCC to consider and supply York City traffic pollution statistics when proposing to build 3329 houses and therefore large increase on car use, on the edge of the village. Plus other building developments proposed for the village. YCC to compare other cities (Manchester and its conurbations) where pollution from traffic is affecting population health and therefore reducing green belt is an adverse decision and impact on the populations.

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

No, I do not wish to participate

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

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 21 July 2019 00:19
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122834
- Date submitted: 21/07/2019
- Time submitted: 00:19:14

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mrs. Joanne Kinder

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): Local Plan PM - Annex 5 H39 North of Church Lane Elvington

Document: Topic Paper 1 Addendum Annex 5 March 2019

Page number: 2.4.19 pages 41-44

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

Not legally compliant and duty to cooperate: Annex 5 H39 - 32 houses (which 2 years ago was 28 houses so not sure how that has increased) page 41 states YCC Exceptional circumstances existing "change the green belt to meet development needs ...which cannot be solely provided for in urban areas or villages or by other means". Clearly "other means" would be addressed if H29 Dauby Lane was used. H29 is a larger site and would provide more mixed housing, including low cost for local residents; is off the main road into the village so construction access would be easier causing much less disruption to commuter traffic from the southern villages that daily come through Elvington; would develop an area of waste land which is unused/derelict/unsightly and would be seen by the villagers as a practical area in the village to develop causing least disruption on existing services/houses etc. Elvington villagers do not oppose H29, although YCC are under the impression there is opposition to "joining up the village/filling in this area between the school and the medical practice building".

Page 42 - Impact on the need to promote sustainable patterns of development: considering duty to cooperate: There is no mention that YCC has considered the flooding issues with the land at H39 to be legally compliant? Would YCC expect the "developer" to deal with flooding but who would be responsible in the years following development if severe flooding was experienced by

the H39 houses and impact to the surrounding “urban edge” of Elvington Village houses if the development caused increased and severe flooding in the area?

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not positively prepared,Not justified,Not effective

Please give reasons for your answer(s):

It cannot be positively prepared if YCC are misunderstanding the village is not opposed to H29 development and does not oppose the joining up of the village if the land is developed between the school and the medical practice. YCC is not justified to propose H39 in stead of H29 as more houses would be built on H29! therefore this is not effective decision either by YCC.

Your comments - necessary changes

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

Only make changes to the green belt in Elvington once the housing developments have been agreed to ensure YCC take into account the pollution impacts from increased housing/cars which the green belt will be able to help combat air pollution on human health.

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

Yes, I wish to participate

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

to see all sides are covered in the discussion and hear how it will be developed.

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 21 July 2019 01:11
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122836
- Date submitted: 21/07/2019
- Time submitted: 01:11:11

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mrs. Joanne Kinder

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): ST 15 Land West of Elvington Annex 5

Document: Annex 5

Page number: revised 2.4.29 pages 14 to 20

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

Page: 14 Annex 5 –

“Exceptional Circumstances: to change the green belt to meet the development needs for housing”.

Not legally compliant: The 1955 introduction of the Green belt system was to urge local councils to restrict urban growth. By reducing green belts from the villages around York City Centre a large conurbation will be established in a few years causing environment and health issues for the population. Has YCC planned for the next 50 years the amount of green belt it intends to keep around and within York city and villages. Will the residents of the city of York be consulted about this to make changes lawful as currently YCC are using the housing need as the lawful intent to reduce green belt which in itself does not present itself as legally compliant?

Duty to Cooperative: the site proposed does not present economic commuting routes unless YCC can guarantee access is ONLY on/off from the A64 as the main road through Elvington will be used by this site 's occupants. The Main road through Elvington is already over subscribed by heavy lorries and commuter traffic from villages in the south. YCC will not be able to guarantee that this main road through Elvington will not be used by the Garden Village population in years ahead.

Loss of the Airfield and its tourist attractions which brings revenue for York would impact adversely.

Loss of the historic World War II airfield and museum (as tourism would disappear) would adversely affect York's tourist revenue and loss of an important piece of history, which is remembered every year at the Elvington Cenotaph by our Armed Forces and those of Canada and France.

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not positively prepared, Not justified, Not effective

Please give reasons for your answer(s):

Not positively prepared as future green belt for the whole of the city and surrounding areas has not been established by YCC and pockets of areas are being proposed to disappear without clear plans for the next 50 years.

Not justified and effective : the ST15 site proposed is not effective for commuting into York. Placing the new village adjacent to Grimston Bar would be more effective , with more amenities closer to hand particularly established bus routes (and the park and ride) which would encourage less car ownership from early inception of the development due to the closeness to the already established urban extent of the city.

Your comments - necessary changes

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

Placing the new village (ST15) adjacent to Grimston Bar would be more effective , with more amenities closer to hand particularly established bus routes (and the park and ride) which would encourage less car ownership. there would be less disruption to wildlife, and it would allow the development of Murton hamlet.

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

Yes, I wish to participate

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

To listen to the inspector and his remarks to the consultation and other feedback on taking planning forward for York City.

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 21 July 2019 12:55
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122843
- Date submitted: 21/07/2019
- Time submitted: 12:54:58

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mr James McBride

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): PM40

Document: Topic Paper 1 (TP1) Approach to Defining York's Green Belt -Addendum - pg 81-82 lists all the sites that are to be developed & taken out of Greenbelt status. (Re Elvington: ST15; H39; SP1; ST26;) They are also listed on the contents page TP1 Annex 5 pg1

Page number:

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

I understand that City of York Council has proposed REMOVING Elvington from the Green Belt which will give you the opportunity, if passed, to make changes, many of which will be unwelcome and without due consideration to people already living in Elvington.

I understand the following areas are being proposed as being taken out of Green Belt:

- Elvington Village (covering H39 – 32 houses) – Village extension: This is an area currently used as a grass meadow for sheep grazing, and is a rig and furrow meadow believed to have been untouched since Anglo Saxon times. In an age of environmental concerns, it is unjustifiable to remove green belt, CO2 absorbing land used for historical grazing to replace it with tarmaced roads and houses. The access to this site is currently a culdesac, which is used for free range play of local children. It will be unsafe to add additional traffic to what is an already very overcrowded housing estate. Frankly with the addition of 3339 houses at site ST15, what is the justification for removing beautiful green belt land bounding Church Lane when there are already sufficient houses in the plan, or other areas within the village that could be developed more effectively and without the impact that this site will have on the environment and local children/infrastructure?
- Elvington Industrial Estate (E9) plus extended out over Elvington Park & The Conifers;

- The Stables, Elvington Lane (SP1) - Travelling Showpeople – 3 plots - Village extension – again, why add this to the village when there is a huge development that could be used for this purpose within ST15?
- Land West of Elvington (ST15 – 3,339 houses) – ‘Whinthorpe’ covering across the Airfield Runway;

Here’s a brief note that explains the Parish Council’s stance:

“The proposed modifications claimed as ‘minor’ by CYC will have profound implications for Elvington yet CYC has on no occasion bothered to consult the elected representatives of the parish.

During the formation of CYC’s Local Plan, the Parish Council has held three public ‘Drop In’ sessions in order to assess public opinion. The Parish Council has also consulted, informally, with many residents.

I understand that the Parish Council does NOT oppose new residential (or industrial) developments – but the Parish Council has never been consulted about what the village actually needs, nor has it been consulted on proposed fundamental changes to the Green Belt in the parish. I consider that methodology is simply wrong and therefore makes the Local Plan unsound.”

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not justified

Please give reasons for your answer(s):

I understand that City of York Council has proposed REMOVING Elvington from the Green Belt which will give you the opportunity, if passed, to make changes, many of which will be unwelcome and without due consideration to people already living in Elvington.

I understand the following areas are being proposed as being taken out of Green Belt:

- Elvington Village (covering H39 – 32 houses) – Village extension: This is an area currently used as a grass meadow for sheep grazing, and is a rig and furrow meadow believed to have been

untouched since Anglo Saxon times. In an age of environmental concerns, it is unjustifiable to remove green belt, CO2 absorbing land used for historical grazing to replace it with tarmaced roads and houses. The access to this site is currently a culdesac, which is used for free range play of local children. It will be unsafe to add additional traffic to what is an already very overcrowded housing estate. Frankly with the addition of 3339 houses at site ST15, what is the justification for removing beautiful green belt land bounding Church Lane when there are already sufficient houses in the plan, or other areas within the village that could be developed more effectively and without the impact that this site will have on the environment and local children/infrastructure?

- Elvington Industrial Estate (E9) plus extended out over Elvington Park & The Conifers;
- The Stables, Elvington Lane (SP1) - Travelling Showpeople – 3 plots - Village extension – again, why add this to the village when there is a huge development that could be used for this purpose within ST15?
- Land West of Elvington (ST15 – 3,339 houses) – ‘Whinthorpe’ covering across the Airfield Runway;

Here’s a brief note that explains the Parish Council’s stance:

“The proposed modifications claimed as ‘minor’ by CYC will have profound implications for Elvington yet CYC has on no occasion bothered to consult the elected representatives of the parish.

During the formation of CYC’s Local Plan, the Parish Council has held three public ‘Drop In’ sessions in order to assess public opinion. The Parish Council has also consulted, informally, with many residents.

I understand that the Parish Council does NOT oppose new residential (or industrial) developments – but the Parish Council has never been consulted about what the village actually needs, nor has it been consulted on proposed fundamental changes to the Green Belt in the parish. I consider that methodology is simply wrong and therefore makes the Local Plan unsound.”

Your comments - necessary changes

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

Already provided in earlier comment.

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

No, I do not wish to participate

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

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 21 July 2019 14:56
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122846
- Date submitted: 21/07/2019
- Time submitted: 14:55:59

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mrs Sarah Mills

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): PM1

Document: City of York Local Plan Proposed Modifications (June 2019)

Page number: Page 8

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

Yes, I consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

Yes, complies with Duty to Cooperate

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

It would appear that attempts have been made to work with other local planning authorities and organisations beyond their own administrative boundaries. For example, housing market areas, travel to work areas, river catchments and ecological networks appear to be represented to plan for housing, transport, infrastructure, flood risk management, climate change mitigation/adaptation, and biodiversity to some extent.

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not effective

Please give reasons for your answer(s):

COMMENTS ABOUT HOUSING GROWTH

- The council should remain committed to its previously stated policy of building on and redeveloping brownfield sites.
- As part of its housing strategy the council should seek to control the monopoly held by landlords and second home owners on the buying of properties and the corresponding rental of these at exorbitant prices, to the point that many rental properties such as flats remain empty and/or unavailable to york residents.
- The council should consider that a significant part of the housing issues faced in the UK are not down to shortage of housing, but housing affordability. The average wage is approx £22000 which means that even borrowing 3 x salary a young person is never going to be able to afford a property in york. Even with a partner earning a similar amount, they would be struggling. This, combined with the bank requirement of a 10% deposit is what is causing a housing issue. There is very little point in building even more properties that people cannot afford, unless they are wealthy landlords who buy the affordable housing and make it unaffordable through astronomical rent!

COMMENTS ABOUT EMPLOYMENT GROWTH

- The council should not focus or rely on building projects to provide work for those living in the locality as this is always short term, of low aspiration for our community and is a notoriously unreliable industry. The council should instead focus its efforts on securing interest from large businesses and make York an interesting and viable location for them to come to.

COMMENTS ABOUT SPECIFIC SITE EASTFIELD LANE ,H31.

- In the previous local plan (2014) the area of land H31 Eastfield lane was identified for 60 houses. The new number of houses proposed for the area appears to have increased to 76 in the new local plan (2019). This would constitute over development of the land that would be out of keeping and unsympathetic to the rest of the village.
- Part of the land is currently in economic use (Contract Landscapes UK, [REDACTED]). Development of the site would result in loss of jobs and loss of economic contribution to the city.

- The development of this land would have a significant detrimental impact on the visual amenity of the residents of the existing adjacent properties.
- A development of this size would have a serious and negative impact on the water drainage issues already affecting the village during heavy rainfall.
- The location of the site is off a very narrow country lane running from the Stamford Bridge road (A166) to Church Balk. The lane is already hazardous for the small amounts of traffic that use it; there have been head on collisions. The increase of the traffic associated with the development of the land would have a significant and detrimental impact on traffic and pedestrian safety.
- Development of the site would have significant impact on the extremely narrow country lane, from which access to the site would have to be gained. Alteration of the lane would cause serious harm to the character of this part of the village and result in the damage of native hedgerows.
- The provision of this number of homes on the site would generate a significant increase in vehicular movements along Eastfield lane and exacerbate an already hazardous junction where it meets church balk. This junction cannot be improved without impacting on the character of the village and the setting of the conservation area.
- The provision of this number of houses on the site would generate a significant increase in vehicular movements along the lane to the north east of the development and exacerbate an already hazardous junction where the lane meets the A166; an area already identified as an accident black spot. This junction cannot be improved without significant road widening along the length of the lane along with associated drainage alterations for land drainage from the adjacent fields.
- The lane to the north east of the development is used widely by residents of the village for walking, running and cycling. Increase in traffic as a result of the development would result in loss of amenity for the village and wider community.
- The H31 land identified contains a substantial hedgerow that runs the length of the proposed development. Preliminary plans from David Wilson homes for the site show the complete removal of this hedge which will have a significant and negative impact on local bio diversity out of keeping with the council stated claims to protect the countryside by maintaining “areas of open space and nature conservation”
- Common Road, Church Balk, Eastfield Lane and York Street are already used by many vehicles as 'rat runs' between the Hull Road and Stamford Bridge road. The development of the site will have wider highways implications and exacerbate this issue further as well as the resulting parking impact on the village.
- Development of the site will contribute further to the high level of traffic congestion already experienced at peak times on the A166, A1079 and Grimston Bar roundabout and the corresponding negative impact on the air quality of Dunnington should also be considered for those residents living near to either of these roads.
- The site lies at the eastern limit of the village on land that is currently identified by the 2019 amended local plan as green belt. According to the plan the green belt designation ‘helps to retain the open countryside, itself part of the setting of the village’. The local authority should therefore treat the allocated area as green belt in line with its own policy and plan.

- The plan states that the land at H31 is being considered 'because of willing landowners offering the land'. Financial gain for others should not form the basis of contravening established planning policy.
- The land is on productive agricultural use and there are no exceptional circumstances that would warrant its change in status.
- In a number of previous planning applications spanning the past twenty years, this site has been formally identified by the CYC planning department as green belt. To build on the land would constitute a significant departure from planning policy already adopted and utilised by CYC.
- The proposal to develop the site contravenes CYC's own policy of identifying brownfield sites for development.
- Due to large housing developments at Stamford Bridge the building of properties on H31 is unnecessary.
- The local plan quotes that "local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land and should seek to use areas of poorer quality land in preference to that of higher quality". The land is of good agricultural quality and has previously been used to grow arable crops.
- Please could CYC explain why David Wilson Homes has already created draft plans for H31 and has begun discussion with the Parish Council given that we are in a period of consultation and the plan has not been finalised.

Your comments - necessary changes

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

COMMENTS ABOUT HOUSING GROWTH

- The council should remain committed to its previously stated policy of building on and redeveloping brownfield sites.
- As part of its housing strategy the council should seek to control the monopoly held by landlords and second home owners on the buying of properties and the corresponding rental of these at exorbitant prices, to the point that many rental properties such as flats remain empty and/or unavailable to York residents.
- The council should consider that a significant part of the housing issues faced in the UK are not down to shortage of housing, but housing affordability. The average wage is approx £22000 which means that even borrowing 3 x salary a young person is never going to be able to afford a property in York. Even with a partner earning a similar amount, they would be struggling. This, combined with the bank requirement of a 10% deposit is what is causing a housing issue. There is very little point in building even more properties that people cannot afford, unless they are wealthy landlords who buy the affordable housing and make it unaffordable through astronomical rent!

COMMENTS ABOUT EMPLOYMENT GROWTH

- The council should not focus or rely on building projects to provide work for those living in the locality as this is always short term, of low aspiration for our community and is a notoriously

unreliable industry. The council should instead focus its efforts on securing interest from large businesses and make York an interesting and viable location for them to come to.

COMMENTS ABOUT SPECIFIC SITE EASTFIELD LANE ,H31.

- In the previous local plan (2014) the area of land H31 Eastfield lane was identified for 60 houses. The new number of houses proposed for the area appears to have increased to 76 in the new local plan (2019). This would constitute over development of the land that would be out of keeping and unsympathetic to the rest of the village.
- Part of the land is currently in economic use (Contract Landscapes UK, [REDACTED]). Development of the site would result in loss of jobs and loss of economic contribution to the city.
- The development of this land would have a significant detrimental impact on the visual amenity of the residents of the existing adjacent properties.
- A development of this size would have a serious and negative impact on the water drainage issues already affecting the village during heavy rainfall.
- The location of the site is off a very narrow country lane running from the Stamford Bridge road (A166) to Church Balk. The lane is already hazardous for the small amounts of traffic that use it; there have been head on collisions. The increase of the traffic associated with the development of the land would have a significant and detrimental impact on traffic and pedestrian safety.
- Development of the site would have significant impact on the extremely narrow country lane, from which access to the site would have to be gained. Alteration of the lane would cause serious harm to the character of this part of the village and result in the damage of native hedgerows.
- The provision of this number of homes on the site would generate a significant increase in vehicular movements along Eastfield lane and exacerbate an already hazardous junction where it meets church balk. This junction cannot be improved without impacting on the character of the village and the setting of the conservation area.
- The provision of this number of houses on the site would generate a significant increase in vehicular movements along the lane to the north east of the development and exacerbate an already hazardous junction where the lane meets the A166; an area already identified as an accident black spot. This junction cannot be improved without significant road widening along the length of the lane along with associated drainage alterations for land drainage from the adjacent fields.
- The lane to the north east of the development is used widely by residents of the village for walking, running and cycling. Increase in traffic as a result of the development would result in loss of amenity for the village and wider community.
- The H31 land identified contains a substantial hedgerow that runs the length of the proposed development. Preliminary plans from David Wilson homes for the site show the complete removal of this hedge which will have a significant and negative impact on local bio diversity out of keeping with the council stated claims to protect the countryside by maintaining “areas of open space and nature conservation”
- Common Road, Church Balk, Eastfield Lane and York Street are already used by many vehicles as 'rat runs' between the Hull Road and Stamford Bridge road. The development of the site will have wider highways implications and exacerbate this issue further as well as the resulting

parking impact on the village.

- Development of the site will contribute further to the high level of traffic congestion already experienced at peak times on the A166, A1079 and Grimston Bar roundabout and the corresponding negative impact on the air quality of Dunnington should also be considered for those residents living near to either of these roads.
- The site lies at the eastern limit of the village on land that is currently identified by the 2019 amended local plan as green belt. According to the plan the green belt designation 'helps to retain the open countryside, itself part of the setting of the village'. The local authority should therefore treat the allocated area as green belt in line with its own policy and plan.
- The plan states that the land at H31 is being considered 'because of willing landowners offering the land'. Financial gain for others should not form the basis of contravening established planning policy.
- The land is on productive agricultural use and there are no exceptional circumstances that would warrant its change in status.
- In a number of previous planning applications spanning the past twenty years, this site has been formally identified by the CYC planning department as green belt. To build on the land would constitute a significant departure from planning policy already adopted and utilised by CYC.
- The proposal to develop the site contravenes CYC's own policy of identifying brownfield sites for development.
- Due to large housing developments at Stamford Bridge the building of properties on H31 is unnecessary.
- The local plan quotes that "local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land and should seek to use areas of poorer quality land in preference to that of higher quality". The land is of good agricultural quality and has previously been used to grow arable crops.
- Please could CYC explain why David Wilson Homes has already created draft plans for H31 and has begun discussion with the Parish Council given that we are in a period of consultation and the plan has not been finalised.

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

No, I do not wish to participate

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

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 21 July 2019 18:31
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122856
- Date submitted: 21/07/2019
- Time submitted: 18:31:14

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mr Pat Mills

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): PM1, PM4

Document: CITYOFTYORK LOCALPLAN ProposedModifications June2019

Page number: page 8, Page 10

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

Yes, I consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

The plan appears to be legally compliant but given I am not in the legal profession this is subjective.

The submission form provides no information on the scope or rationale of 'Duty to Cooperate'; reading on the internet this appears to be the need to cooperate with organisations, given that I am not an organisation then I do not feel it meets the criteria stated.

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not effective

Please give reasons for your answer(s):

The local plan and the modifications made are a collection of hard to find and hard to traverse documents scattered around CYC website.

Significant changes have been made to the overall plan but there is no opportunity to comment through this process where CYC only allow comment on specific stated proposed modifications (PM's). an example - in the latest version of documents the Green Belt boundaries have been published with rationale yet proposed developments that are impacted by this area not listed as PM's, specifically H31. The rationale for Greenbelt is clearly stated but CYC are proposing breaking their own guidelines simply because land has been offered for sale regardless of the damage to Biodiversity - this is one example.

In an effective consultation where changes had been made the process would allow for a round of feedback on specific points that have changed the circumstance of proposed development - this consultation does not allow this. I will add further comment later on in this online submission but given the process is not effective and discourages feedback, I fully anticipate being ignored - feedback welcome on this.

Your comments - necessary changes

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

COMMENTS ABOUT HOUSING GROWTH

- The council should remain committed to its previously stated policy of building on and redeveloping brownfield sites.
- As part of its housing strategy the council should seek to control the monopoly held by landlords and second home owners on the buying of properties and the corresponding rental of these at exorbitant prices, to the point that many rental properties such as flats remain empty and/or unavailable to york residents.
- The council should consider that a significant part of the housing issues faced in the UK are not down to shortage of housing, but housing affordability. The average wage is approx £22000 which

means that even borrowing 3 x salary a young person is never going to be able to afford a property in York. Even with a partner earning a similar amount, they would be struggling. This, combined with the bank requirement of a 10% deposit is what is causing a housing issue. There is very little point in building even more properties that people cannot afford, unless they are wealthy landlords who buy the affordable housing and make it unaffordable through astronomical rent!

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- The council should not focus or rely on building projects to provide work for those living in the locality as this is always short term, of low aspiration for our community and is a notoriously unreliable industry. The council should instead focus its efforts on securing interest from large businesses and make York an interesting and viable location for them to come to.

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- Part of the land is currently in economic use (Contract Landscapes UK, [REDACTED]). Development of the site would result in loss of jobs and loss of economic contribution to the city.

- The development of this land would have a significant detrimental impact on the visual amenity of the residents of the existing adjacent properties.

- A development of this size would have a serious and negative impact on the water drainage issues already affecting the village during heavy rainfall.

- The location of the site is off a very narrow country lane running from the Stamford Bridge road (A166) to Church Balk. The lane is already hazardous for the small amounts of traffic that use it; there have been head on collisions. The increase of the traffic associated with the development of the land would have a significant and detrimental impact on traffic and pedestrian safety.

- Development of the site would have significant impact on the extremely narrow country lane, from which access to the site would have to be gained. Alteration of the lane would cause serious harm to the character of this part of the village and result in the damage of native hedgerows.

- The provision of this number of homes on the site would generate a significant increase in vehicular movements along Eastfield lane and exacerbate an already hazardous junction where it meets church balk. This junction cannot be improved without impacting on the character of the village and the setting of the conservation area.

- The provision of this number of houses on the site would generate a significant increase in vehicular movements along the lane to the north east of the development and exacerbate an already hazardous junction where the lane meets the A166; an area already identified as an accident black spot. This junction cannot be improved without significant road widening along the length of the lane along with associated drainage alterations for land drainage from the adjacent fields.

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- The H31 land identified contains a substantial hedgerow that runs the length of the proposed development. Preliminary plans from David Wilson homes for the site show the complete removal of this hedge which will have a significant and negative impact on local bio diversity out of keeping with the council stated claims to protect the countryside by maintaining “areas of open space and nature conservation”
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- The land is on productive agricultural use and there are no exceptional circumstances that would warrant its change in status.
- In a number of previous planning applications spanning the past twenty years, this site has been formally identified by the CYC planning department as green belt. To build on the land would constitute a significant departure from planning policy already adopted and utilised by CYC.
- The proposal to develop the site contravenes CYC's own policy of identifying brownfield sites for development.
- Due to large housing developments at Stamford Bridge the building of properties on H31 is unnecessary.
- The local plan quotes that "local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land and should seek to use areas of poorer quality land in preference to that of higher quality”. The land is of good agricultural quality and has previously been used to grow arable crops.
- Please could CYC explain why David Wilson Homes has already created draft plans for H31 and has begun discussion with the Parish Council given that we are in a period of consultation and the plan has not been finalised.

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

Yes, I wish to participate

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

Throughout the latest round of modifications it is perfectly clear that CYC and their partners do not want the voices of local people to be heard or allowed to influence what seems a forgone conclusion; example please could CYC explain why David Wilson Homes has already created draft plans for H31 and has begun discussion with the Parish Council given that we are in a period of consultation and the plan has not been finalised.

The feeling amongst local residents is that there is no adequate level of transparency and participating in hearing sessions would dispel this view in a small way.

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 21 July 2019 18:51
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122857
- Date submitted: 21/07/2019
- Time submitted: 18:50:48

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mr Edmund Kinder

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): PM40

Document: City of York Local Plan Proposed Modifications (June 2019)

Page number: 42

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

We haven't been consulted

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not positively prepared, Not justified, Not consistent with national policy

Please give reasons for your answer(s):

[REDACTED] I wish to object to the H39 proposal on page 91, Table 5.1, North of Church Lane, Elvington. City of York, Local Plan, Regulation 18 Consultation, September 2017:

1. The extra traffic that would be generated from 32 houses would have a negative impact on the existing residents of Beckside. These extra vehicles would also mean that there would be more traffic in the centre of the village heading to and from York, which is already narrow and has to deal with existing parked cars and heavy goods vehicles.
 2. If the H39 housing development goes ahead, it is my understanding is that any further development of Beckside will have to be consistent with the housing in that area, but this does not give Elvington the types of houses really needed in the village (in the view of Elvington Parish Council and the local residents), - 'affordable' and 'top end'.
 3. The development area that the Parish Council and the local residents agreed and put forwards (H26 near the school) is a much more viable option, and will provide more of the type of houses the village needs.
 3. If the H39 development goes ahead, where exactly is it proposed that the construction traffic will travel through to reach the site?
 4. The hedge between Church Lane and the proposed H39 site is listed and almost certainly will be disturbed by the construction, even if there is no official access from Church Lane to the proposed site.
- I request that you withdraw proposal H39 from the Local Plan and if extra housing in Elvington is required, that you look towards proposal by H26 Dauby Lane as agreed by the Parish Council and local residents.
-

Your comments - necessary changes

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

The development area that the Parish Council and the local residents agreed and put forwards (H26 near the school) is a much more viable option, and will provide more of the type of houses the village needs.

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

No, I do not wish to participate

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

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 21 July 2019 21:58
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122867
- Date submitted: 21/07/2019
- Time submitted: 21:57:33

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Dr Cordula van Wyhe

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): ST15, OS10, ST27, ST4

Document: York Draft Local Plan Strategic Development. Site Allocations

Page number:

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

Yes, I consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

Yes, complies with Duty to Cooperate

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

Yes, I regard it as legally compliant

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not positively prepared

Please give reasons for your answer(s):

i support the local plan, but I oppose the modifications ST15, ST 27, ST4 for the following reasons:

1) The historical character of Heslington Parish is that of an agricultural community. This development will convert Heslington into a suburbia. Heslington has sustained a significant amount of development in recent years at whose heart is the University's East Campus. It is time that other parishes shoulder the burden of development.

2) We are committed to supporting our farmers. This development will deprive local farmers of their arable land and reduce local food production. The protection of England's self-sufficiency in food production is vital when the country's new economic and political direction is outside the European single market with food imports subject to altered trade tariffs.

3) The planning document is vague on the two or three access roads required to this new housing estate (ST15). 3000 homes and a population of 6000-8000 people will cause a massive increase in traffic (specifically via Langwith Lane) and pollution. How will our parish and its historic country lanes, and in particular the historical character of Heslington Main Street, be protected from this? ST15 should be proposed for Elvington and the airfield in Strensall where the grounds are already concreted over; where access roads already exist and where residents are actually welcoming of residential developments??!!

4) The suggested wetland nature reserve (OS10) is laudable, but entirely misguided. The 3000 households which will be situated right next to this wetland will unleash animal species which thrive in human habits into this wildlife reserve; specifically rats, foxes and cats. 3000 households will have a population of c. 1000-1500 cats. Cats are the biggest threat to wildlife, specifically song birds and ground-nesting wader birds. Moreover, any human settlement will illuminate the night sky with the lights of houses, cars and street lights. This intensity of light so close to a nature reserve will have a detrimental effect on wildlife.

5) ST27 and ST4 is again development on green belt area compromising the rural character of the parish and increasing traffic and pollution.

Your comments - necessary changes

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

New developments should not encroach on the green belt as they currently do.

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

No, I do not wish to participate

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

From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 09:20
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122874
- Date submitted: 22/07/2019
- Time submitted: 09:20:04

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mr Simon Willis

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): Proposed modifications to the Green Belt specifically in relation to Site H39

Document: City of York Council TP1: Approach to Defining York's Green Belt - Addendum

Page number: Various but principally page 81, Table 2

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

I do not consider the Local Plan to be legally compliant in relation to the proposals for Elvington because I do not consider that any regard has been paid to legitimate concerns expressed by local residents or their elected representatives, the Parish Council, in relation to both the previous and present planning consultations. This constitutes a failure in the Duty to Cooperate.

I do not consider the Local Plan to be sound in that it is not positively prepared in relation to sustainability and regard to the natural environment.

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not positively prepared

Please give reasons for your answer(s):

I do not consider the Local Plan to be sound in that it is not positively prepared in relation to sustainability and regard to the natural environment.

I also consider that, in relation to the removal of Site H39 from the Green Belt, the possible less impactful alternative options have not been fully explored.

Your comments - necessary changes

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

My principal concern is the proposal to remove site H39, Elvington, from the Green Belt. The change I propose is to retain this site within the Green Belt and to replace it with site H26. While Site H26 is also in Elvington the impact on the village of its development would be significantly less than is the case with site H39.

My objections to this proposal to remove site H39 from the Green Belt are based on the following:

1. Inappropriate choice of site not supported by the community.

Elvington is unusual among York's satellite villages in having retained much of its character despite significant development in the last 40 years. This is because developments such as Beckside, Riverside Gardens and Elvington Park have been modest in size. Beckside currently consists of 73 houses. H39, in effect a Beckside extension, would increase this to 105 houses: a significantly larger development than others. This size of development is inappropriate for the centre of a village. The village centre should be a space where the community can move around with minimal risk from traffic. Elvington is well provided with services and the shop, village hall, school, village green and church are all within half a mile of the entrance to Beckside. The addition of approx. 70 cars using this single access point to an expanded Beckside estate represents a significant additional risk to the community, particularly as the access point lies directly on the route used by most children walking to school.

This is why the consistently expressed view of the village community, consistently voiced by the

Parish Council, is that Site H26, which lies between the school and the northern end of the village, is a more rational choice for development. Site H26 is not close to the SSSI/SPA and is away from the village centre and its development would not have the same impact on the character of the village as would development of site H39. It would also have the positive advantages of being close to the school and of linking the two ends of the village. While some of the local plan documentation (reference?) has characterised the northern end of the village as 'industrial estate' this is a misrepresentation: while there is some light industry at that end of the village there are also some 400 dwellings. A further alternative would be simply to add the 32 houses allocated to H39 to the Whinthorpe development, where an additional small number of houses would have minimal impact compared to the major detrimental impact of developing H39.

Paragraph 7.3 of the document City of York Council TP1: Approach to Defining York's Green Belt - Addendum contains the following statement:

"In February 2017 the Government published its White Paper, 'Fixing our Broken Housing Market' which sought to retain a 'high bar' to the protection of Green Belt and to amend national policy so that it is transparent about what this means in practice and make it clear that Green Belt boundaries should only be amended when it can be demonstrated that all other reasonable options for meeting identified requirements have been examined fully."

The proposal to remove Site H39 from the green belt is not compliant with the above paragraph, in that the reasons for discounting the alternative site H26 or addition to the Whinthorpe development have not been demonstrated.

As part of this consultation exercise, Elvington Parish Council has confirmed that it does not oppose new residential (or industrial) developments but has repeated its previous concerns that the Parish Council has never been consulted about what the village actually needs, nor has it been consulted on proposed fundamental changes to the Green Belt in the parish. The consultation response of one Elvington resident reports that when this failure to take account of local opinion was challenged, at a Local Plan roadshow in Heslington in 2017, the response from officers was to say that attention is not paid to Parish Councils as "they're all Nimbys". This is a shocking admission which confirms that the proposals in the plan fail several of the tests. They are fundamentally unsound and demonstrate that the Local Plan is not legally compliant in its duty to cooperate.

2. Loss of amenity

The local plan designates Elvington as an urban area. In areas which were previously rural and which, through development over time, have become urban, sub-areas which remain relatively rural are of critical importance to the character and well-being of the community. Church Lane, which winds out of the centre of the village, provides an easily accessible green route into the adjacent countryside: it is one of the few roads in and around the village which retains some of the village's original character. In this regard, Site H39, which borders Church Lane, clearly fulfils one of the five purposes of Green Belt land: to assist in safeguarding the countryside from encroachment.

The map of site H39 provided in Annexe 5 to TP1 Addendum (page A5.41) gives the impression that site H39 is a logical bit of infill between existing built up areas. A short visit to Church Lane would show that this is an entirely false impression. Natural boundaries between the existing built-up area (Beckside) and site H39 mean that the built-up area is invisible from Church Lane itself thereby enabling the lane to retain an almost entirely rural character. This would be destroyed by the development of site H39. There is also no long-standing boundary on the western edge of site H39. (A rudimentary fence was erected in 1992 on the morning of the last planning enquiry to imply a separation between site H39 and the remainder of the field which runs along the northern side of Church Lane. In practice this is a single field.) Developing site H39 would also open up a risk of development of the remainder of the field between site H39 and Red House Farm.

Church Lane provides much-used and welcome breathing space for the community and is one of only two easily accessible routes into the countryside from the village. Research increasingly recognises the important contribution of such areas to well-being and mental health. The loss of this amenity would be to the detriment of the village and all its residents. The proposal to remove Site H39 from the green belt and allow development represents a failure to cooperate.

3. Loss of habitat and harm to biodiversity

As has been stated above, Church Lane and the land on each side of it represent an important green lung which reaches nearly to the centre of the village. This is an area of wild-flower meadow and other grassland which sustains a variety of species of both flora and fauna. Site H39 also abuts the village conservation area and is close to Derwent River SSSI and SPA. The importance of Church Lane, and consequently site H39, to Biodiversity is confirmed in paragraph 6.5.44 of the Sustainability Appraisal Report (Feb 2018 as amended June 2019) "A number of sites have been assessed as having a negative effect on SA Objective 8 (Biodiversity) with one site H39: North of Church Lane Elvington identified as having a significant negative effect on this SA objective. This reflects its close proximity (i.e. within 250m) to the Derwent River Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA)". It would therefore be wholly inconsistent to allow the development of this site and contrary to other objectives. In this respect the proposal is unsound.

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

Yes, I wish to participate

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

I think it is important that members of the local community who feel strongly about issues such as this have an opportunity to have their voice heard in a public forum and for the councillors and others who make decisions which impact directly on the lives of those they serve to hear directly from them.

From: Tim Ross [REDACTED]
Sent: 22 July 2019 13:01
To: localplan@york.gov.uk
Cc: [REDACTED]
Subject: York Local Plan Proposed Modifications representations submission - St Peters School
Attachments: St Peters School CYC Local Plan Reps July2019 combined.pdf

Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/ Madam, please find attached representation on behalf on St. Peter’s School.

Please do not hesitate to contact me if you wish to discuss any matters arising.

Many thanks,
Tim



O'Neill ASSOCIATES
Chartered Town Planning Consultants

Tim Ross
www.oneill-associates.co.uk

Lancaster House
James Nicolson Link
Clifton Moor
York YO304GR
01904 692313

This email may contain confidential information. If it is intended for the recipient only, if an addressing error has misdirected this email, please notify us – if you are not the intended recipient you must not use, disclose, distribute, copy, print or rely on its contents. O’Neill Associates do not accept any liability for viruses. O’Neill Planning Associates Limited Registration No. 4604201

City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 Inspectors 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	Giles	Tim
Last Name	Roberts	Ross
Organisation (where relevant)	St Peter's School	O'Neill Associates
Representing (if applicable)		
Address – line 1		Lancaster House
Address – line 2		James Nicolson Link
Address – line 3		Clifton Moor
Address – line 4		York
Address – line 5		
Postcode		YO30 6GR
E-mail Address		
Telephone Number		01904 692313

Representations must be received by Monday 22 July 2019, 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 Monday 22 July 2019, 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?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and new evidence, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018. You can make comments on any of the proposed modifications, the Sustainability Appraisal Addendum, the updated Habitats Regulation Assessment, and other background documents which include a Housing Needs Assessment update and an Addendum to Topic Paper 1: The Approach to Defining York's Green Belt. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this 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 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, 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 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?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

The Local Plan Proposed Modifications document, the Sustainability Appraisal/SEA Addendum and Updated Habitats Regulation Assessment (HRA) will be available for inspection at in all of York's libraries and City of York Council West Offices.

All supporting documents which underpin the City of York Local Plan Proposed Modifications are available to view online at www.york.gov.uk/localplan and are also available for inspection at City of York Council West Offices and York Explore.

Part B -Your Representation

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



3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PM30

Document:

City of York Local Plan Proposed Modifications & TP1
Addendum

Page Number:

p32/57, Annex 6 A6.3, TP1 – Annex 3, section 3,

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

4.(2) Do you consider that the Local Plan 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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes

No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

Please see attached representation

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Revise PM30 to include the land shown in yellow on the attached plan (Appendix 1 of the attached representations)

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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 Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for 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 foi@york.gov.uk or on 01904 554145.

Signature

Date

CITY OF YORK LOCAL PLAN
PROPOSED MODIFICATIONS JUNE 2019
CONSULTATION RESPONSE ON BEHALF OF
ST PETERS SCHOOL
JULY 2019

REPRESENTATIONS PREPARED BY
O'NEILL ASSOCIATES, YORK YO30 4GR

REPRESENTATIONS

1. St Peter's School supports excluding the land shown in the proposed modification PM30 from the Green Belt. However, it is considered that the proposed modification should be extended to include the remainder of the junior school campus, St. Olave's, to the west as shown in Appendix 1 of this representation.
2. As the Council is defining its detailed Green Belt boundaries for the first time, reference is made to paragraph 85 of the National Planning Policy Framework 2012 (NPPF) as justification for extending PM30, specifically:
 - *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*
 - *define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.*

A) *"define boundaries clearly, using physical features that are readily recognisable and likely to be permanent"*
3. It is respectfully suggested that in determining the revised boundary the Council has not had sufficient regard to the proposed Lower Bootham flood defences which will have a marked effect on the landscape and its openness. The works involve raising the existing embankments by 90cm which will increase the physical and visual separation between the public open space adjacent to the River Ouse and School campus and reduce openness.
4. The Environment Agency held a public exhibition drop in event on 12th July 2019 regarding its flood alleviation proposals for York. Information from this event is provided in Appendix 2. It provides details of Phase 1 St Peter's Embankment section 1, and Phase 3 St Peter's embankment section 2. To provide a suitable foundation for the additional height the embankments will be widened away from the river to ensure flood storage capacity of the flood plain is maximised. Appendix 2 (p6) sets out the Phase 3: St Peter's Embankment section 2 will be raised by approximately 90cm increasing its prominence in the landscape.
5. It is almost certain that these flood defences would endure beyond the Plan period and would be permanent. This is a much more readily recognisable physical feature than the PM30 boundary. Appendix 3 provides photographs of the existing embankment which will be raised by 90cm.

6. It is agreed that PM30 reflects a completed planning permission which has had an urbanising influence on the area which needs to be reflected. It is respectfully suggested that the proposed boundary shown in Appendix 1 offers a clearer, more readily recognisable physical boundary to the Green Belt in this location with a greater degree of permanence being offered.
7. The line currently presented on the policies map no longer relates to any physical structures so there is a clear requirement to amend the boundary, however PM30 should also be extended to the public footpath to east because this represents a more permanent boundary. Indeed, further changes to sports provision at St Peter's School, which is recognised in the Council's justification for PM30, are appropriate uses within the Green Belt and could be deemed to have a further urbanising influence on the area. Based on the Council's own logic, this would need to be reflected in changes to the Green Belt boundary beyond PM30 in the future. As such the permanence of the PM30 boundary is questionable.
8. Furthermore, the permanence of PM30 is compromised by the fact that at paragraph 7.45 of the TP1 addendum, the Council considers that improvements to primary and secondary school facilities are 'exceptions circumstances' justifying the removal land from the Green Belt.

B) *"not include land which it is unnecessary to keep permanently open;"*

9. The Council in its consideration of Inner Boundary, Section 3 Boundary 10 St Olaves School (TP1 Addendum, Annex 3) states that "*evidence shows that land to the south of the boundary should be kept open to preserve the setting and special character of the historic City of York and to assist in safeguarding the countryside from encroachment*" This conclusion is partly based on Key City-Wide View (No 9) with focal point on Minster and Urban Fringe from River Ouse (reference: Local Openness table, historic context in Section 3 Boundary 10 St Olaves School (TP1 Addendum, Annex 3).
10. The effect of the heightened embankment is that the land behind is separated from this view and it does not therefore contribute to openness from this Strategic View. Similarly, with reference to the Strategic Openness assessment in Inner Boundary, Section 3 Boundary 9 & 10 (TP1 Addendum, Annex 3) preserving the openness of this parcel of land is unnecessary due to the concealing effect of the embankment, and as such this parcel of land's contribution to the reason cited pursuant of Purpose 4 and 2 is significantly diminished. The embankment would be prominent in views of the Minster from the Green Wedge corridor such that the playing field behind will be almost entirely obscured.
11. With regard to local openness, the historic boundary of St. Peter's and St. Olave's School encompasses the proposed extension to PM30 and is clearly read in the context of the School campus. There are obvious parallels with the Council's justification for not including the school playing fields to the north

within the Green Belt (see Local Openness table – openness and urban fabric column in Section 3 Boundary 10 St Olaves School (TP1 Addendum, Annex 3)).

12. Furthermore, the proposed extended area to be excluded from the Green Belt is enclosed on at least three sides by urbanising development, namely St Olave’s School and its all-weather sports pitches, and properties in Sycamore Terrace to the west, the swimming pool building to the north, residential properties in Westminster Road to the northeast, the Pumping Station to the southeast, and the flood defences embankment to the south, and therefore it would not serve a Green Belt function in the manner suggested by the Council i.e. to assist in safeguarding the countryside from encroachment.

C) *“ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;”*

13. As mentioned above suggested that in determining the revised boundary the Council has not had sufficient regard to the proposed flood defences for Lower Bootham which will have a marked effect on the landscape and its openness. These flood mitigation works are a precursor for the delivery of sustainable development over the plan period.
14. PM30 has not had regard to the future development needs of the School. Draft local plan policy DP2 states *“development will help Provide Good Quality Homes and Opportunities through: facilitating the provision of sufficient preschool, primary and secondary education.”*. DM30 is unnecessarily restrictive and would affect the long-term growth prospects of the school and its ability to improve facilities in the future contrary to the aspirations of draft local plan policies DP2 and ED6. This is reflected in paragraph 7.44 of the TP1 addendum which states:

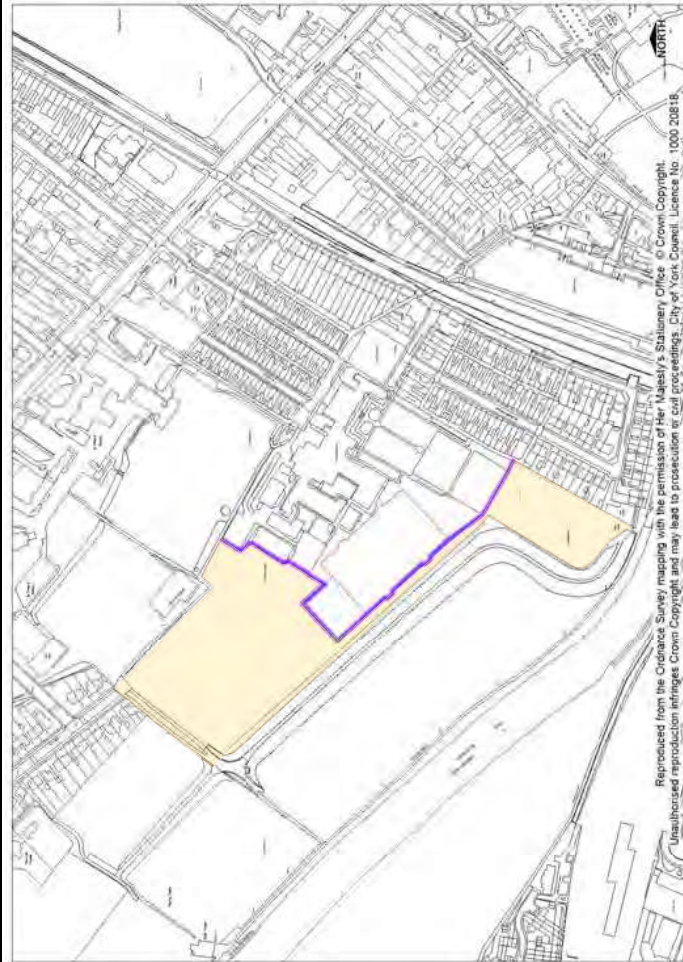
“To contribute to making York a world class centre for education it is vital to provide the quality and choice of learning and training opportunities to meet the needs of children, young people, adults, families, communities and employers. The Local Plan has a role to help meet this vision by providing sufficient land to enable the Council to support parents and families through promoting a good supply of strong educational facilities to reflect the aspiration and needs of local communities.”

St. Peter’s School has served the education needs of the City for generations, and is constantly seeking to improve its offer to pupils to ensure the highest education standards are maintained. Additionally, the School specialises in sporting excellence and its sporting facilities need to reflect this both now and, in the future.

APPENDIX 1 - PROPOSED REVISED GREEN BELT BOUNDARY (SHOWN EDGED IN YELLOW BELOW),
ST PETERS SCHOOL LOCAL PLAN REPRESENTATIONS

Section: 3	Boundary: 9	Boundary Name: Rear of St Peter's School
----------------------	-----------------------	--

The proposed revision to PM30 is shown in yellow below and follows the existing St Olaves junior school boundary and includes the public footpath at its western boundary. It is proposed that this area of land should be excluded from the Green Belt.



Keeping you informed: Lower Bootham flood defence improvements

Edition 2: July 2019

Welcome

Welcome to the second Coppins Farm to Scarborough Bridge newsletter. Coppins Farm to Scarborough Bridge is the area between Ouse Bridge and Scarborough Bridge as well as the Burdyke catchment.

The aim of this newsletter is to provide an update on our, the Environment Agency's, plans to improve our existing flood defences between Ouse Bridge and Scarborough Bridge – the Lower Bootham flood defences.

This newsletter focuses on our work to deliver the 'Lower Bootham flood defence improvements', as described below.

What we plan to do

Using our Permitted Development powers, we will better protect over 130 homes and 18 businesses in the area by:

- raising the existing embankment on the left bank of the River Ouse, in the grounds of St Peter's School, linking it to a new flood wall on the north eastern side of the school grounds;
- raising the existing flood wall and gates at Almerly Terrace;
- offering Property Flood Resilience improvements to three properties on Government House Road.

What we've done since April

In April we carried out preparatory work to allow access to site and set up our compound. This consisted of hedge removal, tree pruning and fence post removal. Whilst this work is complete, minor additional work is required to very lightly prune a few branches of Horse Chestnut tree at the end of Westminster Road prior to work commencing. We have agreement from City of York Council to carry out this work.

On 13 May we held a public drop in session at York Youth Hostel on Water End. In total 30 residents attended. At this event we provided:

- an overview of the scheme and our construction phases;
- information about the impacts of construction, including noise, traffic and vegetation management;
- details of how we will enter and leave the site.

All material displayed at this event and a summary of the feedback received is available to view on our webpages and at the Community Hub.

On 10 June we carried out Ground Penetrating Radar (GPR) and drainage surveys. These surveys have confirmed the location of buried utility services, pipes and existing drainage at the bottom of Westminster Road. This allows us to carry out our work safe in the knowledge that we will not impact on existing utilities.

When will work start?

Work will be split into four phases (see Figure 1), starting this summer and completed by the end of 2020.

Phase 1: St Peter's embankment section 1

Raising the existing embankment in the grounds of St Peter's School. Work to commence 8 July 2019 however a marked increase in activity will be seen from the 15 July. Work will be completed in November 2019.

Phase 2: Almerly Terrace

Raising the existing flood wall and gates along Almerly Terrace and improvements to the Network Rail embankment. Work is currently estimated to take place autumn 2019 – spring 2020.

Phase 3: St Peter's embankment section 2

Raising the existing embankment in the grounds of St Peter's School. Work to take place spring to autumn 2020.

How we're reducing
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for York



 yorkfloodplan@environment-agency.gov.uk

 consult.environment-agency.gov.uk/yorkshire/yorkfas/

 @YorkFAS

 @EnvAgencyYNE

Phase 4: Property flood resilience

Property flood resilience will be installed, where agreed, to three properties on Government House Road. Discussions will begin later this year.

Phase 1: July to November 2019

Work to deliver phase 1 of the Lower Bootham Improvements will commence on the 8 July. Whilst construction is located on the grounds of St Peter's School the impact of our work will be visible from Westminster Road.

Parking suspension

From 22 July, week day (Monday to Friday) parking suspensions will be in place on Westminster Road between the existing bollards and The Avenue. This is to avoid congestion and give improved access in and out of site for construction traffic. The suspension will be advertised in the local area two weeks prior to work starting and be in force throughout the construction period.

Footpath diversion

During construction, you will not be able to access the footpath through St Peter's School grounds via Westminster Road. Pedestrian access will be maintained through the grounds via its existing access on The Avenue. Access to the riverside path from Westminster Road will be still be possible.

Tree protection

Access to the site passes very close to the Horse Chestnut tree at the end of Westminster Road. To protect the tree from damage, the closest bollard will remain in place and material will be laid to protect its roots from vehicle movements. A clear tree protection area will be marked out.

Staying in touch

Phase 1 work is being delivered on our behalf by BAM Nuttall. Should you have any concerns during the construction period relating to the work being carried out, you should contact the Site Supervisor (Richard Ellis - 07872 382344) or Contractor (Nigel Robinson - 07778 932318). These contact details will also be displayed on site signage.

Public event phase 2

On 12 July we are holding a public drop in to update residents on the next phase of work: Almerly Terrace. This event is being held between 2pm and 7pm at St Olave's Church Hall, Marygate, YO30 7BJ. The purpose of this event is to update residents on phase 2 delivery including the impact of our work on local residents and the wider city. This is particularly important as the work will require the closure of the riverside footpath and cycleway for part of the construction period. This event will be advertised further in the coming weeks.

What happens next?

Date	Activity
8 July	Phase 1 construction starts.
12 July	Phase 2 drop in event.
November 2019	Phase 1 completed.
Autumn 2019	Phase 2 construction starts.

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 @YorkFAS

 @EnvAgencyYNE

Find out more

If you have any questions or would like more information about this scheme, please contact the project team by email at:

yorkfloodplan@environment-agency.gov.uk

Or by post, addressed for the attention of Victoria McCausland at:

Environment Agency, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX

You can call in to The Hub on Wellington Row between 10am and 4pm on a Monday, Wednesday or Thursday, to speak to a member of staff.

For more details about the scheme, you can check out the York Flood Alleviation Scheme website at:

<https://consult.environment-agency.gov.uk/yorkshire/yorkfascliftonandrawcliffe/>

If you want to find out more about what's happening in York generally, in terms of improvements to flood defences, you can sign up for our quarterly York Flood Alleviation Scheme newsletter by emailing us at:

yorkfloodplan@environment-agency.gov.uk

Follow us on Twitter at @EnvAgencyNE and Facebook at @YorkFAS

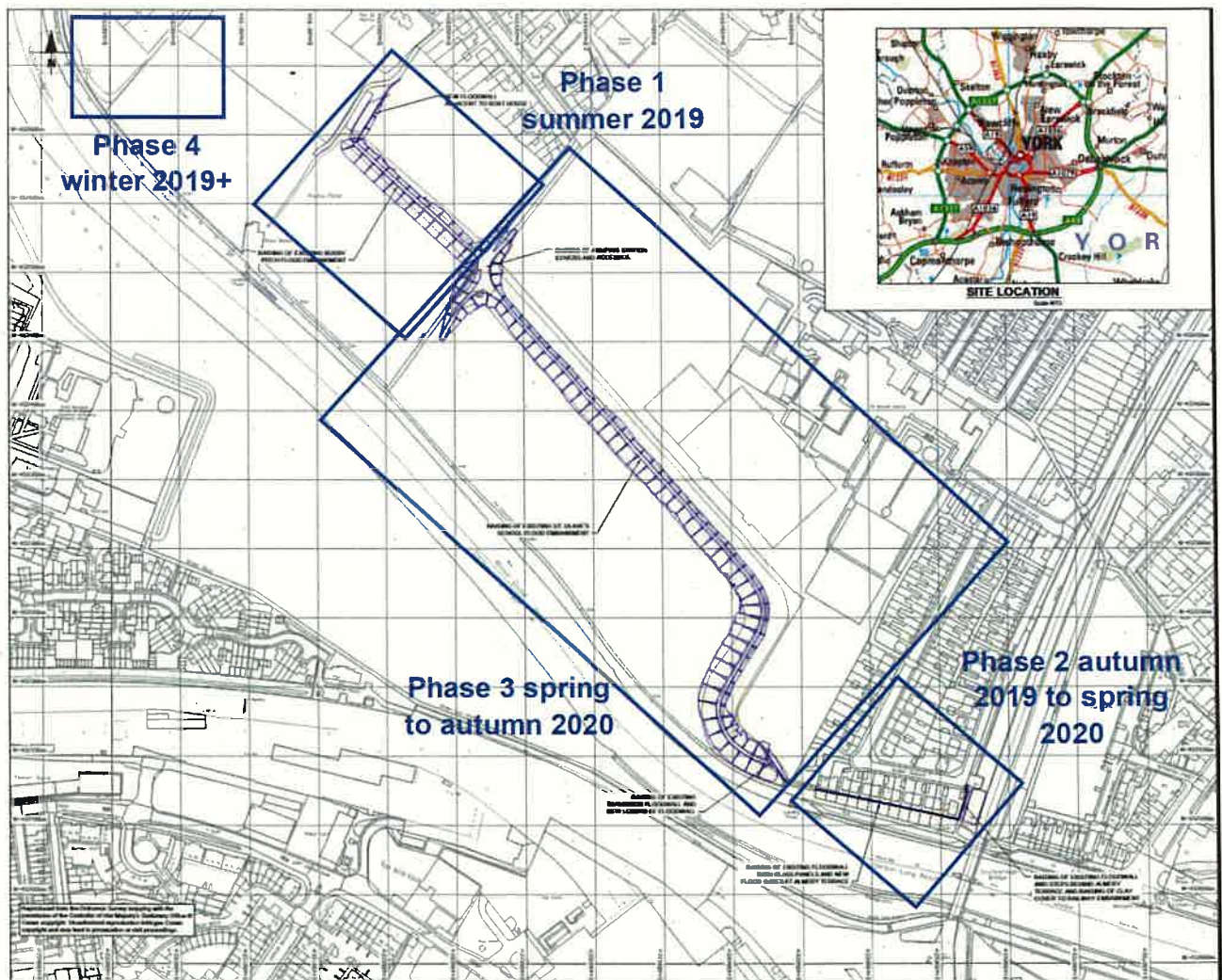


Figure 1: Lower Bootham flood defence improvements: phases of construction

How we're reducing the risk of flooding for York



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THESE ARE THE TERMS AND CONDITIONS OF THE CONTRACT...

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Summary information – Lower Bootham Flood Alleviation Scheme July 2019

This is a summary of the information available at our public event on 12 July 2019

Purpose of the day

The area of Lower Bootham and Marygate already benefits from flood defences. As part of the York 5 Year Plan, we are improving these aging defences to reinstate a high standard of protection from the risk of flooding directly from the River Ouse. We have already engaged with Almerly Terrace, Earlsborough Terrace and Westminster Road residents to talk about aspects of the scheme which will directly impact them. The event today gives the wider community the opportunity to see our plans, talk to the project team about our proposals and provide their thoughts on potential pedestrian and cyclist diversion routes.

What we have done so far

We first met with residents of Almerly Terrace in early 2017 to consult them on the options for raising the flood walls and gates in their gardens. We then held a public event in June last year to share our initial proposals with the wider community. Since then we have consulted with Earlsborough Terrace residents and spoken to those living around Westminster Road to update them on our access proposals for the Lower Bootham scheme. Based on ongoing engagement with St Peter's School, City of York Council and Network Rail, we have been able to make some key decisions around the scheme, the details of which we aim to share with you today.

How we're reducing the risk of flooding

We have identified a solution for improving the existing Lower Bootham and Marygate flood defences to reduce the risk of flooding directly from the River Ouse. To minimise disruption we will deliver this work in a number of phases. This helps reduce the impact on

Residents, St Peter's School and those that use Museum Gardens. Some of our proposals can be carried out using our permitted development rights, others will require planning permission.

Together, this solution will better protect 180 residential and 33 commercial properties. At a cost of £6.1 million, the scheme is only possible as a result of the Government's £45 million funding allocation following the flooding of winter 2015. Details of the phased work are as follows:

Phase 1: St Peter's Embankment Section 1

We are raising and extending the existing embankment, and providing a new flood wall to link to the school's boat house, in the grounds of St Peter's School. This work began earlier this month and will continue until November 2019.

Access to the construction compound is along Westminster Road with vehicles leaving the site via The Avenue. To build the new embankment, we need to import large quantities of soil. On average there will be 10 lorries a day entering the site. To allow safe entry and exit to the compound, parking suspensions will be in place Monday to Friday at the end of Westminster Road to its junction with The Avenues. This will come into force on 22 July and be in place throughout the Phase 1 construction period.

During construction, a footpath diversion will be in place to access the footpath through St Peter's School grounds. Access to the riverside path from Westminster Road will still be possible. Working hours are from 07:30 to 18:00, Monday to Friday.

Phase 2: Almerly Terrace and Scarborough Railway Bridge

how we're reducing
the risk of flooding
for York



We will raise the existing flood wall and gates at Almerly Terrace through the use of glass panels by around half a metre. The height of the wall and steps adjacent to Almerly Terrace will be raised by 600 millimetres. We will also raise part of the Scarborough Bridge rail embankment and reinstate the clay seepage cut off. To do this, we will need to remove all vegetation on the rail embankment adjacent to Almerly steps. This is because tree roots will damage the clay layer and lead to flooding.

Work on the steps and embankment will require planning permission and a possession order from Network Rail, which will take up to eight months. To minimise disruption to residents and to keep costs down, we have moved the commencement date for the Almerly Terrace work to spring 2020 to coincide with work on the rail embankment. We expect the work to take 4 months; a series of short term closures to 150 metres of the riverside footpath will be required during this time as the footpath will be used for lifting the glass panels and gates into place.

Phase 3: St Peter's Embankment Section 2

We will be raising section 2 of the earth embankment by approximately 90 cm and raising and extending the existing flood wall which joins St Peter's earth embankment with the defences on Almerly Terrace. To do so, a temporary site compound will be set up in the grounds of St Peter's School. It is likely that the compound will receive similar vehicle movements as those seen in phase 1.

We will need to carry out vegetation and tree removal and crown lifting in the vicinity of Archbishops Boat House to allow the transition wall to be raised. The extent of work is currently being defined and will form part of our planning application.

Some trees will need to be removed at the toe of the embankment on the wet side to enable the embankment to be raised. The number to be removed is being confirmed and we are assessing where replacement planting will take place.

Phase 4: Government House Road

With agreement of residents, we will provide Property Flood Resilience to three properties on Government House Road.

Phase 5: Earlsborough Terrace to Museum Gardens

We will raise the existing flood walls and flood gates along Earlsborough Terrace with glass panels by around half a metre. The Marygate flood wall and gate will also be raised, in part through the use of demountable defences. The existing embankment through Museum Gardens will also be raised and extended

Looking at the programme of work across these areas, the need for drier weather for embankment work and the impact on Museum Gardens, we have moved the commencement date for everything in this phase to August 2021. This is a more cost effective option which will minimise disruption to the area. We expect the work to take four months.

Stay in touch



yorkfloodplan@environment-agency.gov.uk



Wellington Row, York YO1 6FZ

Open: Mon | Wed | Thurs 10-4



@YorkFAS



York Flood Alleviation Scheme,
Environment Agency, Foss House, 1-2
Peasholme Green, Kingspool, York
YO1 7PX

how we're reducing
the risk of flooding
for York



@envagencyyne



@YorkFAS



yorkfloodplan@ea.gov.uk

Lower Bootham and Marygate

The programme



Next Steps

- Obtained possession order from Network Rail
- Submit planning application for the three sites
- Commence on site spring 2020
- Commence on site spring 2020
- Commence on site spring 2020
- Gain agreement with residents entitled to have PFR installed
- Individual house surveys carried out by our contractors early 2020
- PFR measures installed as per city wide programme due to be published early 2020
- Carry out city wide engagement on our proposals for Museum Gardens – August onwards
- Engage with local residents – September onwards
- Submit planning application for the two sites
- Commence on site August 2021

how we're reducing the risk of flooding for York



Table 1: Summary of the results of the analysis

Variable	Mean	Standard Deviation	Minimum	Maximum
Age	35.2	12.5	18	65
Gender	0.48	0.50	0	1
Education	12.5	2.1	9	16
Income	45000	15000	20000	80000
Health	0.75	0.25	0	1
Marital Status	0.65	0.48	0	1
Employment	0.85	0.35	0	1
Home Ownership	0.55	0.50	0	1
City	1.2	0.4	1	3
State	1.5	0.5	1	5
Country	1.8	0.6	1	6

The following table provides a detailed breakdown of the data for each variable. The 'Mean' column shows the average value, 'Standard Deviation' indicates the spread of the data, and 'Minimum' and 'Maximum' show the range of values. The 'City' variable is a categorical variable with three levels, 'State' has five levels, and 'Country' has six levels. The 'Health' variable is a binary variable representing a health status, and 'Marital Status' is a binary variable representing marital status. The 'Employment' variable is a binary variable representing employment status, and 'Home Ownership' is a binary variable representing home ownership. The 'Age' variable is a continuous variable representing age in years, and 'Income' is a continuous variable representing annual income in dollars. The 'Education' variable is a continuous variable representing years of education, and 'Gender' is a binary variable representing gender.

Table 2: Summary of the results of the analysis

APPENDIX 3 - PHOTOGRAPHS SHOWING THE FLOOD DEFENCE EMBANKMENT





From: webadmin@york.gov.uk
Sent: 22 July 2019 13:54
To: localplan@york.gov.uk
Subject: FW: George Lindsay Dutch has sent comments

Follow Up Flag: Follow up
Flag Status: Completed

Hi There,

We've received the following message (see below) via the City of York Council website 'comment on this page' button - the message is not directly related to web pages, so I'm forwarding it for your attention.

Please be aware that so far, the customer has only received an automated response from WebAdmin which advises that a response will be forthcoming in **5 working days**.

In order to maintain good customer service, we must provide an appropriate reply on behalf of the council... **I'd be grateful if you could respond to our customer**, or relay this message to the right individual/team to do so (and copy WebAdmin into the email trail).

If you're unable to respond to the customer within 5 working days (as mentioned by the website auto-response), or your team's SLA is different, please reply to WebAdmin, so we are aware of the situation and can work to find a solution to meet Customer Services SLAs.

Many thanks
Web Admin

City of York Council | Customer and Corporate Services
West Offices, Station Rise, York, YO1 6GA
www.york.gov.uk | [facebook.com/cityofyork](https://www.facebook.com/cityofyork) | [@CityofYork](https://twitter.com/CityofYork)

-----Original Message-----

From: [REDACTED]
Sent: 22 July 2019 13:50
To: webadmin@york.gov.uk
Subject: George Lindsay Dutch has sent comments

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

George Lindsay Dutch has sent you comments on the following content from City of York Council Online: <http://www.york.gov.uk/form/LocalPlanModifications>

Comments: I object to the plans for building on green belt land near Heslington. We need all the green space we can get or keep. Please consider other ways to achieve your objectives.

From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 14:54
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122933
- Date submitted: 22/07/2019
- Time submitted: 14:53:30

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

CommentingOnBehalfOf

About you (individual response)

Name:

Address: , , , ,

About the organisation, group or other individual you are representing

Name: Mr Thomas Pilcher

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent: Lime Tree Homes Ltd

Contact address: Tower House,, Askham Fields Lane, Askham Bryan, York, YO23 3NU

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46):

Document: Topic Paper TP1 Approach to defining York's Green Belt

Page number: Annex 3 inner boundary descriptions A3. page 228

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

CYC has erroneously sought to include policy and land designation based on a concept it is calling green wedges. There is no mention of green wedges in the NPPF 2012 or 2018. No policy exists at a national level to justify this over extension of the draft green belt boundaries. It is obvious from the name that the green belt concept envisaged a development exclusion zone beyond the urban area that extended out for a distance (namely officially 6 miles in York, but actually far further in parts). This belt was never envisaged to be used as an ultimate development restriction zone right in to the centre of the existing urban centre. In York it is clear that the policy has been used over zealously as an anti-development strategy to green wash absolutely every piece of land in the entire local authority's control that was not already developed by the 1980s. Instead if there are valid reasons for the Ings to be excluded (such as that they are obviously flood zones) then this reason should be specified. Similarly the Knavesmire (racecourse) clearly complies with the Local Green Spaces policy. In summary CYC ought to use appropriate policy (which bears equal weight to green belt policy, i.e. very special circumstances) to designate land. It has been an abuse of power to use a national policy disingenuously to pursue a socially harmful local policy of excluding adequate supply of housing and employment land for nearly 39 years on the pretence of requiring all land to protect the special character of the city of York.

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not positively prepared, Not justified, Not effective, Not consistent with national policy

Please give reasons for your answer(s):

Not positively prepared because it includes land which is not necessary to be kept permanently open under the guise of green wedges.

Not justified because areas of land identified as not essential for permanence in Figure 7 of TP1 have been 'unnecessarily kept permanently open' para 85.

Not effective because the overly large amount of green belt land shall require constant amendments to the green belt boundaries and local plan amendments.

Not consistent with paragraphs 85, 182, 151 (sustainable locations have been overlooked).

Your comments - necessary changes

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

Designate local green spaces, flood zones according to their risk rather than create green wedges.

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

Yes, I wish to participate

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

In order to partake in a dialogue about the failings of CYC to adhere to national policy.

From: localplan@york.gov.uk
Sent: 22 July 2019 15:06
To: localplan@york.gov.uk
Subject: FW: Objections to New Local Plan proposed modifications from City of York Council Labour Group
Attachments: City of York Local plan Part B Jul 2019.pdf; City of York Local Plan Revision July 2019 Annex 1 OHT.pdf; YLP 2019 finresp annex 2 individual housing sites.docx; YLP 2019 finresp annex 2 individual housing sites.docx; City of York Local Plan Revision July 2019 - Annex 3 Employ Allocs.pdf
Follow Up Flag: Follow up
Flag Status: Completed

From: Dave Merrett [REDACTED]
Sent: 21 July 2019 14:08
To: localplan@york.gov.uk
Subject: Objections to New Local Plan proposed modifications

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi,

Please find attached a joint submission from York Labour Party, City of York Council Labour Group, Rachael Maskell, MP for York Central.

Yous Sincerely,

Dave Merrett
Chair - York Labour Party

City of York Local plan
Publication Draft 2018
Modifications 2019
Consultation Response Form
10th June – 22nd July April

Joint Response from York Constituency Labour Party/Labour Group
York City Council/Rachael Maskell MP York Central

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 2.5.,pages 26,27,63-65,5.9 Policy
reference SS1, PM2 –PM5,PM13-
15,PM22 ,SS19,SS20,H1,PM16/17,Policy EC1,Allocation E18

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

York Labour Party last year consulted its thousands of local members on our first draft response to this plan, and we made a researched and informed final response supported by the Party Executive and members of the Local Party. The 2019 modified Local Plan proposals make a bad situation worse, disregarding not only the housing needs of the population of York but also government policy. This response is from York Labour Party (which covers the whole City Council area, and both the York central and York Outer constituencies), the Labour Group on the Council and York Central MP Rachael Maskell. We repeat the general assertions we made in April last year and comment on how far the Council has responded to our points especially as they relate to the modifications.

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 8th 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.

3.3 The Council has not responded to any of our concerns.

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. Despite the warnings and legitimate concerns of many groups and individuals in the City the Council is proposing in the modifications to the Publication draft to reduce future housing provision further in the face of the economic, housing and social difficulties in the city. This is totally unsound public policy.

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. The Council has not responded to any of our points.

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 Council has not responded to any of our points.

Our detailed comments on the modifications are contained in 3 annexes

Annex 1 Overall Housing Target

Annex 2 Individual housing sites

Annex 3 Employment allocations

<p>York Local Plan Publication Draft 2018 : York Labour Party Response to the Local Plan 2019 Modifications Annex 1 Overall Housing target</p>	
Policy	Why the plan is unsound
SS1 Delivering Sustainable Growth for York	
Sections PM3/City of York Housing Needs PM4 Sustainable Growth for York PM5 Explanation PM18 Housing Allocations Overall housing target	Plan proposal: To provide enough land for at least 790 dwellings per annum over the plan period
2.1 Positively prepared	Our response to the modifications must be read in conjunction with our various comments made in response to the Publication Draft 2018 section SS1 Sustainable growth for York section 3 Overall housing targets. As we stated then the City of York has a serious housing shortage. There are many ways in which this can be measured and much of this was shown in our previous submission. However the dominant indicator of need is the index of affordability. York has the highest affordability ratio in Yorkshire and Humberside which currently stands at 10 times median incomes. This has been consistently high over the last 5-10 years. York has had the fastest house price growth in the region in the last 15 years. Current supply is not tackling this problem. The previous administration approached the calculation of homes target not on an objective basis but to provide the lowest figure possible. At the time of publication of the 2018 Publication Draft MHCLG were advocating future supply of 1070 homes a year for York. We

supported the government figure. The administration chose to take the most conservative estimates of need and settled on a figure of 867 i.e. 203 homes less than the government recommendation.

Government then produced a response to the technical consultation on updates to national planning policy and guidance

A summary of consultation responses and the Government's view on the way forward was set out in February 2019

“Taking into account these responses, the Government continues to think that the 2016- based household projections should not be used as a reason to justify lower housing need. We understand respondents’ concerns about not using the latest evidence, but for the reasons set out in the consultation document we consider the consultation proposals to be the most appropriate approach in the short-term. We are specifying in planning guidance that using the 2016-based household projections will not be considered to be an exceptional circumstance that justifies identifying minimum need levels lower than those identified by the standard method.”

CYC chose to ignore this advice and to ask consultants GL Hearn to recalculate the target knowing it would give them an opportunity to reduce the target further which they have now done. The new target is 280 homes a year less than the government yardstick in 2018. In order to do this the administration has chosen to apply the lowest market uplift possible. In the face of the critical shortage of affordable homes this plan has clearly been prepared according to political priorities and not to meet government expectations nor the needs of local people. The Plan has clearly not been positively prepared.

2.2 Justified	<p>The current plan neither offers nor assesses alternative strategies.</p> <p>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. In the National Housing Federation annual assessment of housing issues between 2017 and 2018 (the most recent published) average house prices in York were still rising from £243K - £264K which was £74k more than the regional average, and affordability rose from 9.6 times to 10 times incomes. York has a serious problem with low wages. The 2018 national survey of earnings showed that over 25% of the York workforce earned less than the living wage of £8.75 per hour. This wages trap affects people occupying around 23,000 jobs. These are some of the current realities which have led the Centre for Cities to identify York consistently as being one of the top 10 most unequal cities in the UK and the most unequal in the North.</p> <p>The Council housing needs assessment demonstrates no concern about this situation and clearly has no intention to try and reverse it. The table below shows the scale of the Council's retreat from a satisfactory level of provision.</p> <p>The Arup consultant's report informing the draft 2014 Local Plan did look at alternative scenarios unlike the current plan. The constant reduction of annual homes targets since that properly evaluated work looks as follows:</p>

Source :	Year	Annual homes target
CYC Local Plan modification	2019	790
York Local Plan proposed	2018	867
GL Hearn	2017	954
MHCLG White Paper	2017	1070
York Local Plan proposed	2014	1100
Target reduction	2014 - 17	-310 (-28%)

The Council’s rejection of the previous government recommendations and decision to opt for an absolute minimum figure of 790 per annum is the result of narrow political interest. In Council meetings in late 2017 and early 2018 the Council rejected or reduced in scale perfectly viable sites making them no longer viable or sustainable a fact we evidenced in our previous submission.

The advice from the Council officers as recently as January 2018 to the Council Local Plan Working Group 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

¹ An uplift of 23.4%

(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)

In order to show that their behaviour since then is justified the administration must be able to demonstrate that the housing shortage in York and housing needs in York are already improving. There is no evidence that this is the case with housing prices remaining at a very high level. York has approximately 1500 families and individuals on the council waiting list of whom over 1000 are in the gold and silver priority groups. The rate of council house building in recent years has not made a significant reduction in this number. There is a particular shortage of larger homes with the emphasis on 2, 3 and 4 bed properties especially houses. The focus of the administration on brownfield developments is leading to an emphasis on 1 and 2 bed apartments that do not meet the priority needs.

Any assessment of housing need should include the evidence of how the needs of the most vulnerable in society are being met which can only be achieved by an increase in the number of affordable homes being built. Households are being forced to share or move out of York to find affordable accommodation in cheaper surrounding areas. This is having social economic and environmental impacts.

	<p>The overall homes target clearly does not meet the national direction of travel and is an artificial constraint on development. Given the shortage of homes of all types and York's position as the unaffordability capital of Yorkshire and Humberside these proposals are totally unjustified.</p>
2.3Effective	<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 York Central (ST5) there are severe development constraints or risks associated with all these sites. Planning permission has recently been granted for York Central (ST5) so some progress has been made but many hurdles remain. We commented at length on this in our previous submission.</p> <p>There are strong reasons for thinking the overall housing number is unreliable because the nature of brownfield developments is producing homes which do not meet the Council's identified priorities. In the Planning Committee March 2019 which considered York Central (ST5) the CYC Executive Director Neil Ferris said that the housing provision at York Central did not meet priority needs and that the requisite homes would be provided on other sites. As the other homes are being heavily concentrated on brownfield sites this is virtually impossible to deliver.</p>

The proposal state that “ a minimum annual provision of (867) 790 new dwellings over the plan period to 2032/33 and post plan period to 2037/38 will enable the building of strong, sustainable communities through addressing the housing and community needs of York’s current and future population.”

There is considerable evidence that sustainable communities are not assisted by the nature of the developments favoured by the Council with large volumes of unaffordable homes of the wrong type. There is no change to the policy of giving preference to brownfield sites over greenfield sites. These are characterized by high rent/short lets/second homes/air bnb and investor purchases, and/or by specialist student accommodation that is not available to the general market. The report to the Council Executive on 18th July 2019 shows that the Council is concerned about this problem but has not led it to amend its policies nor has any solution been found.

At the CYC Planning Committee meeting into York Central (ST5) City Officers said that they had no idea what proportion of recent developments were vacant or not in permanent full time occupation. This means that a significant proportion of the proposed 790 homes that are to be built on brownfield sites and which will be predominantly flatted developments are notional as they incorrectly assume 100% occupancy. This is not a sound assumption.

CYC policy is to give preference to, and only target 20% affordable on, brownfield sites (in contrast to 30% on greenfield). An analysis of 9 recent brownfield developments in the city shows the following level of affordable provision:

Site	Total Homes	Affordable
St Leonards Place	40	5%
Oliver House	34	12%
Fox and Hounds, Copmanthorpe	28	8%
The Cocoa Works, Haxby Road	258	2%
Groves Chapel	16	8%
Grove House	32	6%
The Barbican	187	9%
Terry's factory conversion	173	0%
British Sugar	1100	3%
Total	1868	
Affordable Total	69	
Affordable Total %	4	
<p>The contribution to the City's housing needs is far below the 100% assumed in the plan. The greenfield supply is being artificially depressed in this plan and as a result the affordability problems particularly around family homes/houses will be maximized</p>		

continuing to drive lower income households out of York. The inability of CYC to give figures on voids in new developments and to continue to represent the affordable target as 20% despite the evidence shows that the proposals are completely unjustifiable and fail to meet evidenced need.

It is not possible to separate the overall housing target from the target for affordable homes. The GL Hearn report maintains the shortage of affordable homes at 570 per annum as in 2018 (itself massively lower than the previous draft local plan figure). To meet this target CYC would have to make 72% of new developments affordable. This is plainly ludicrous given the dependence on privately owned land and the figures above showing that current brownfield developments are yielding less than 5%. The position on all sites is scarcely better as the table below shows:

	Affordable completions	Total completions	% affordable
2015/16	109	1171	9.3%
2016/17	91	996	9.1%
2017/18	74	1336	5.5%
2018/19	60	481	12.5%
Total	334	3984	8.3 %

This clearly indicates that the Local Plan targets for affordable homes at 20% brownfield and 30% greenfield are missed across all developments and particularly on brownfield sites that are the Council's preferred option.

	<p>What the figures do mean is that the city will be developing large numbers of homes for full market sale and relatively few for local needs. If the city were to retain the target at the previous government recommended level of 1070 and produced a better balance of brownfield/greenfield provision could mean a significant additional number of affordable homes could be provided. The Council shows no will to change the housing strategy, the target nor the approach to procurement and partnership. There is no evidence even of the will to try neither to reach these kinds of levels nor to establish different kinds of partnership despite the crisis levels in house prices and affordability. This plan is ineffective in the extreme and will not remotely meet the needs of the population of York.</p>
<p>2.4 Agreed with national policy</p>	<p>Paragraph 47 of the NPPF states that local plans must meet the full objectively assessed needs for market and affordable housing in the housing market area.</p> <p>The government made it absolutely clear in its response to consultation in February 2019 that it did not want Local Authorities to follow the guidance slavishly nor to use the data as an excuse to reduce supply. Critically they called for Local Authorities to make a consistent approach to supply. A call that CYC has ignored completely. The government response to questions 1 and 2 of the consultation with all Local Authorities is reported in full below.</p> <p>“Q1 Government response Having taken the responses into account, the Government considers that its proposed approach to providing the demographic</p>

baseline for the standard method is the most appropriate approach for providing stability and certainty to the planning system in the short-term. This decision has been taken in the context that the standard method does not represent a mandatory target for local authorities to plan for, but the starting point for the planning process. Local planning authorities may decide that exceptional circumstances justify the use of an alternative method, but they will need to identify these reasons and can expect them to be tested by the Planning Inspectorate during the examination of their plans. Local authorities may also not be able to meet their identified housing need in full, for example because of land constraints (such as Green Belt) in their area and it may be that need is better met elsewhere. The proposed approach does not change this. Over the next 18 months we will review the formula and the way it is set using National Statistics data with a view to establish a new approach that balances the need for clarity, simplicity and transparency for local communities with the Government's aspirations for the housing market. 7 A key consideration of the standard method is to provide a degree of continuity between assessments of housing need over time. The changes to underlying assumptions in the population projections and methodological improvements to the household projections had led to significant variations in housing need at a local level, something that needs addressing in the short term. For the avoidance of doubt, the Government is clear that this does not mean that it doubts the methodological basis of the 2016-based household projections. It welcomes the work of the Office for National Statistics (ONS) following the transfer of the projections from the Ministry of Housing, Communities and Local Government and the steps they have taken to explain the projections, for example in their recent blog.⁴ The Government looks forward to the further work programme of the ONS to develop even greater confidence in the projections and is committed as the key customer to supporting the ONS ahead of the publication of the next projections. "

“Q2 Government response Taking into account these responses, the Government continues to think that the 2016- based household projections should not be used as a reason to justify lower housing 4 <https://blog.ons.gov.uk/2018/10/19/what-our-household-projections-really-show/> 8 need. We understand respondents’ concerns about not using the latest evidence, but for the reasons set out in the consultation document we consider the consultation proposals to be the most appropriate approach in the short-term. We are specifying in planning guidance that using the 2016-based household projections will not be considered to be an exceptional circumstance that justifies identifying minimum need levels lower than those identified by the standard method.”

The NPPF has a strong presumption in favour of development. The former and 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. CYC 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.

The Council continues to resist Government/NPPF pressure which not only fails the local population but leaves the Council at the mercy of developers who have been exploiting the absence of an approved Local Plan.

<p>York Local Plan Publication Draft 2018 : York Labour Party Response to the Local Plan 2019 Modifications Annex 2 – individual housing sites</p>	
Policy	Why the plan is unsound
SS19 Strensall Barracks SS20 Imphal Barracks ST15 Land West of Elvington lane “Garden Village” ST14 Land North of Clifton Moor	
Sections PM13-15 Addendum 5	Plan proposal : To remove ST19 from the plan To retain ST20 in the plan at 739 homes To redesignate ST15 a garden village and increase the supply outside the plan period To retain the target at ST14 as 1200 homes
2.1Positively prepared	Our response to the modifications must be read in conjunction with our comments made in response to the publication draft 2018. As we stated then the City of York has a serious housing shortage. These amendments show that the CYC does not have a strategic approach to provision.We support the removal of ST35 Strensall Barracks from the Plan which we advocated in 2018. However we also advocated caution around ST36 Imphal barracks because of uncertainty; this has been ignored.

	<p>Together these two sites create a 1200 home hole in the possible future provision which is so badly needed as shown in our previous comments. In addition we advocated that sites ST15 and ST14 should be expanded as part of a bold plan to create a small number of sustainable green village developments to meet both quantity and quality of provision. These are adhoc changes which have been reactively prepared.</p>
2.2 Justified	<p>The current plan neither offers nor assesses alternative strategies. Several medium size cities elsewhere in the UK have produced detailed strategies/plans to integrate the development of brownfield and greenfield developments into a coherent whole. These strategies have been driven not just by housing need but by the need to meet sustainability targets and goals. None of the changes here represent this and there has been no work carried out by the Council to explore the options for future development. Specifically the Council has not evaluated the impact of its brownfield policies nor evaluated the potential to create a small number of truly sustainable “green villages”. Renaming the land to the West of Elvington lane a Green Village is tokenism of the worst kind.</p>

2.3 Effective	<p>We repeat the arguments made earlier. 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 slow despite the recent planning approval. The reliance on delivery of a site where there is a variation of 45% between the minimum and the maximum reveals the lack of robustness in the plan. We commented at length on this in our previous submission.</p> <p>Removing SS19 Strensall Barracks (which we support) reduces supply by 500 homes from the previous draft and leaving SS20 Imphal Barracks in means that another 739 homes are of doubtful deliverability. There are no replacement sites added to the plan. As there are no alternative strategies considered to meet housing need and affordability problems it is hardly surprising the plan is not effective nor robust.</p>
2.4 Agreed with national policy	<p>We repeat the contention made in the previous section. Paragraph 47 of the NPPF states that local plans must meet the full objectively assessed needs for market and affordable housing in the housing market area. As recently as July 2018 the examiners were questioning the Council's approach to this objective.</p> <p>The NPPF has a strong presumption in favour of development. The former and</p>

	<p>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. CYC 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.</p> <p>The Council continues to resist Government/NPPF pressure which not only fails the local population but leaves the Council at the mercy of developers who are exploiting the absence of an approved Local Plan.</p> <p>The Council decisions on the individual sites here point up further the lack of both strategy and will to meet the needs and challenges of the current housing crisis in the City, and that they are doing so in defiance of Central Government policy and guidance.</p>
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<p>York Local Plan Publication Draft 2018 : York Labour Party Response to the Local Plan 2019 Modifications Annex 3 :Employment Allocations</p>	
Policy	Why the plan is unsound
EC1 Employment Allocations	
Sections PM16/17 Policy EC1 Allocation E18	Plan proposal : To amend the employment allocations at Strensall (E18)
2.1Positively prepared	We referred at length in our response last year that there were insufficient land allocations to employment uses of all kinds. It is symptomatic of this plan that an adjustment is made to the employment allocation of one site without reference to the whole. The plan is silent on the employment needs of the city, has not responded to our previous comments and makes the adjustments to this site in isolation to the wider picture.
2.2 Justified	Since the consultation last year the Council and the York Central partnership have confirmed that York Central (ST5) will not meet its Local Plan target. It is even possible that there will be 30% shortfall of provision. There is no reference to this in the modifications to the Plan and reaction to it when considering the question of the change

	<p>at PM16. We have no objection to this change but this does not justify the wider economic/employment provision.</p>
<p>2.3Effective</p>	<p>We repeat the arguments made earlier. The plan is not effective either in the short or long term.</p> <p>No replacement sites have been added to the plan. As there are no alternative strategies considered to meet economic and employment needs the plan cannot be considered effective or robust. The probable shortfall at ST5 York Central has been recognized as a threat to the economic future of the city. Yet there is no contingency planning or amended strategy to take account of this.</p> <p>The shortage of appropriate sites leaves the city vulnerable in several ways. The city is likely to miss out on inward investment opportunities but risks the loss of industries like the railway hub where the key decision makers have choices of several local authorities offering relevant inducements to secure a major relocation.</p> <p>In addition several key employer groups have been calling for additional start up business space for the city and far more sites are being offered by neighbouring authorities leaving the City behind into the business future.</p> <p>This plan does not meet these challenges at all and is as a result ineffective.</p>

2.4 Meeting National Policy	The Local Authority is required to provide enough land to meet the employment needs of the City. As we stated last year the plan fails to do this and fails to respond to changes in previous plans as at ST5 and E18.



From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 15:11
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122936
- Date submitted: 22/07/2019
- Time submitted: 15:10:59

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mr John Micklethwaite-Howe

Address: 

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address:

Telephone number:

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): ST15

Document: Topic Paper 1 Addendum - Annex 5 - Sites Proposed in the General Extent

Page number: A5-14

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

Yes, I consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

Yes, complies with Duty to Cooperate

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

Compliant with obligations of Duty to Co-operate

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not justified

Please give reasons for your answer(s):

The allocation of ST15 appears to have been re-appraised on the basis of a 'Garden Village' by way of justifying the potential harm resulting from the unrestricted sprawl of Elvington. The primary access route would require a new connection and grade separated junction with the A64; this looks to be underestimated in Purpose 4 i.e. has been noted as a simple loss of agricultural land without mention of the impacts on landscape features/character. Purpose 3 makes no mention of any requirement for HRA Screening of engagement with Natural England.

The location is unsustainable bringing further reliance upon car based access, bus services to new settlements are over-estimated and unlikely to be viable; there are currently no other means of access. Major employment sites are to the north of the city, allocated sites here should be prioritised. ST15 is likely to be another dormitory location for commuters to Leeds increasing vehicular traffic to the A64.

How robust is the sequential test for this location?

Your comments - necessary changes

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

Delete ST15 or consider limited expansion of Elvington to the north east of the B1228 with access to village infrastructure and local school.

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

No, I do not wish to participate

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

From: [REDACTED]
Sent: 22 July 2019 16:01
To: localplan@york.gov.uk
Subject: FW: My submission to the Inquiry on the York Local Plan
Attachments: One small step for York.pdf; Submission to the Public Inquiry on the 2018 York Local Plan.pdf; YorkLocalPlan_2019_Climate18.pdf; YorkLocalPlan_2019_Summary.pdf; YorkLocalPlan_ThePoor_2019_4.pdf

Follow Up Flag: Follow up
Flag Status: Completed

From: Geoff Beacon [REDACTED]
Sent: 22 July 2019 15:48
To: [REDACTED]
Subject: My submission to the Inquiry on the York Local Plan

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi [REDACTED]

Thanks for taking a copy of my submission.

As promised, here are electronic copies.

I hop this helps.

Best wishes

Geoff

--

Geoff Beacon
[REDACTED]

Submission to the Public Inquiry on the 2018 York Local Plan

22 July 2019

One small step for York, one giant leap for the World

Submission to the Public Inquiry on the 2018 York Local Plan

Joking aside, I believe this submission on the York Local Plan can start something of worldwide importance. Worrying climate feedbacks are mentioned in the accompanying document *The York Local Plan: Climate Change*. These climate feedbacks are eating into the remaining carbon budgets. Keeping to these budgets is one of the few ways to stop climate change becoming completely out of control. These are described in a video on “cascading tipping points” in [the video by Paul Beckwith](#) [1].

The recent Working paper from the Centre for Understanding Sustainable Prosperity (CUSP), [Zero Carbon Sooner —The case for an early zero carbon target for the UK](#) [2], by Professor Tim Jackson adds a UK perspective. The abstract for the paper starts:

This briefing paper addresses the question of when the UK should aim for zero (or net zero) carbon emissions. Starting from the global carbon budget which would allow the world an estimated 66% chance of limiting climate warming to 1.5°C, the paper derives a carbon budget for the UK of 2.5 GtCO₂.

When a remaining UK carbon budget of 2.5 GtCO₂ (2,500 million tonnes of CO₂) is divided amongst the 66 million population, this averages 39 tonnes CO₂ per person. In terms of the composite measure for greenhouse gasses, Carbon Dioxide Equivalent (CO₂e), this averages 49 tonnes CO₂e per person. (In this submission I have calculated the remaining carbon budget as 64 tonnes CO₂e). As mentioned in other parts of this submission, typical lifestyles envisaged in the York Local Plan will have yearly carbon emissions in excess of 14 tonnes CO₂e, exhausting the 1.5C budget in under four years. In the current climate crisis this is clearly not acceptable. Lifestyles have to change.

York’s population is a small proportion of the UK (approximately 0.3%). The UK’s population is a small proportion of the World (approximately 0.9%). How can the York Local Plan have much effect on the life rest of the World? The answer to this is by showing that it is possible to have pleasant and affordable lives with low emissions of greenhouse gasses. The documents of this submission begin to show how this is a possibility.

The accompanying documents are:

- The York Local Plan: Climate change
- The York Local Plan: Exiling the poor
- Summary of recommendations for the York Local Plan

Geoff Beacon

21st July 2019

Hyperlinks to references

[1] <https://youtu.be/G25dGJ3yUYk>

[2] <https://www.cusp.ac.uk/themes/aetw/zero-carbon-sooner>

Summary of recommendations for the York Local Plan [1]

(<http://www.brusselsblog.co.uk/recommendations-for-the-york-local-plan/>)

Previous articles in this series on the submitted York Local Plan have identified these points:

P1) The planning gain embodied in the plan is in the order of £2.5 billion [2]. This will accrue to land owners.

P2) Over the past 20 years, the value of dwellings in York has risen by over £10 billion [3] benefiting the affluent but increasing the housing costs of the less affluent.

P3) The plan will have the effect of driving the less affluent out of York [4] – including native-born young people.

P4) The proposed greenbelt will preserve planning gain and high housing costs [5]. The amenity value of the greenbelt is greatly overestimated.

P5) The plan allows developments that are extremely damaging to the climate [6]. This is contrary to the National Planning Policy Framework (NPPF). The current plan will be open to legal challenge on these grounds.

P6) The plan should try to avoid a rapid fall in house prices, placing existing residents in negative equity [7]. The article Planning permission is not a natural resource [8] is a technical precursor.

The previous article Cheap housing, negative equity and crashing the banks [9] ended:

The search is now on for policies which can provide cheap housing – lots of it – and to avoid a dramatic fall in house prices. In addition to promote lifestyles that will not ruin the climate.

Once the effects of the climate restrictions in the NPPF are accepted, there is an obvious solution: All new housing in York must be for residents without cars. (There will be a further paper which will include some possible exceptions for individuals in these developments.)

Making all new housing car-free addresses P1 to P6 above:

P1) It allows a large expansion of the housing supply at a much cheaper cost.

P2) It does not cause a precipitous reduction in existing house prices because, in the short term, existing dwellings will have a premium value to car owners.

P3) It allows a large reduction in the cost of housing for the less affluent

P4) It allows for the development of ways of living that are within climate constraints.

Of course, the planned green belt should be scrapped. It ossifies a very bad plan and prevents the flexible development of York at a time when it is necessary to make large changes to the way we live.

A bad plan ossified is worse than no plan at all.

Hyperlinks to references:

- [1] <http://www.brusselsblog.co.uk/recommendations-for-the-york-local-plan/>
- [2] <http://www.brusselsblog.co.uk/planning-gain-in-the-york-local-plan/>
- [3] <http://www.brusselsblog.co.uk/cheap-housing-negative-equity-and-crashing-the-banks/>
- [4] <http://www.brusselsblog.co.uk/the-plan-for-york-to-exile-the-poor/>
- [5] <http://www.brusselsblog.co.uk/greenbelt-in-the-york-local-plan/>
- [6] <http://www.brusselsblog.co.uk/the-york-local-plan-is-stealing-their-future/>
- [7] <http://www.brusselsblog.co.uk/cheap-housing-negative-equity-and-crashing-the-banks/>
- [8] <http://www.brusselsblog.co.uk/planning-permission-is-not-a-natural-resource/>
- [9] <http://www.brusselsblog.co.uk/cheap-housing-negative-equity-and-crashing-the-banks/>

The York Local Plan: Climate change

Submission to the Public Inquiry on the 2018 York Local Plan

Climate change

In September 2018, [the Secretary General of the United Nations, António Guterres, delivered a warning](#) [1]:

Dear friends of planet Earth,

Thank you for coming to the UN Headquarters today.

I have asked you here to sound the alarm.

Climate change is the defining issue of our time – and we are at a defining moment. We face a direct existential threat.

Climate change is moving faster than we are – and its speed has provoked a sonic boom SOS across our world.

If we do not change course by 2020, we risk missing the point where we can avoid runaway climate change, with disastrous consequences for people and all the natural systems that sustain us.

[The latest global temperatures from NASA](#) [2] add emphasis:

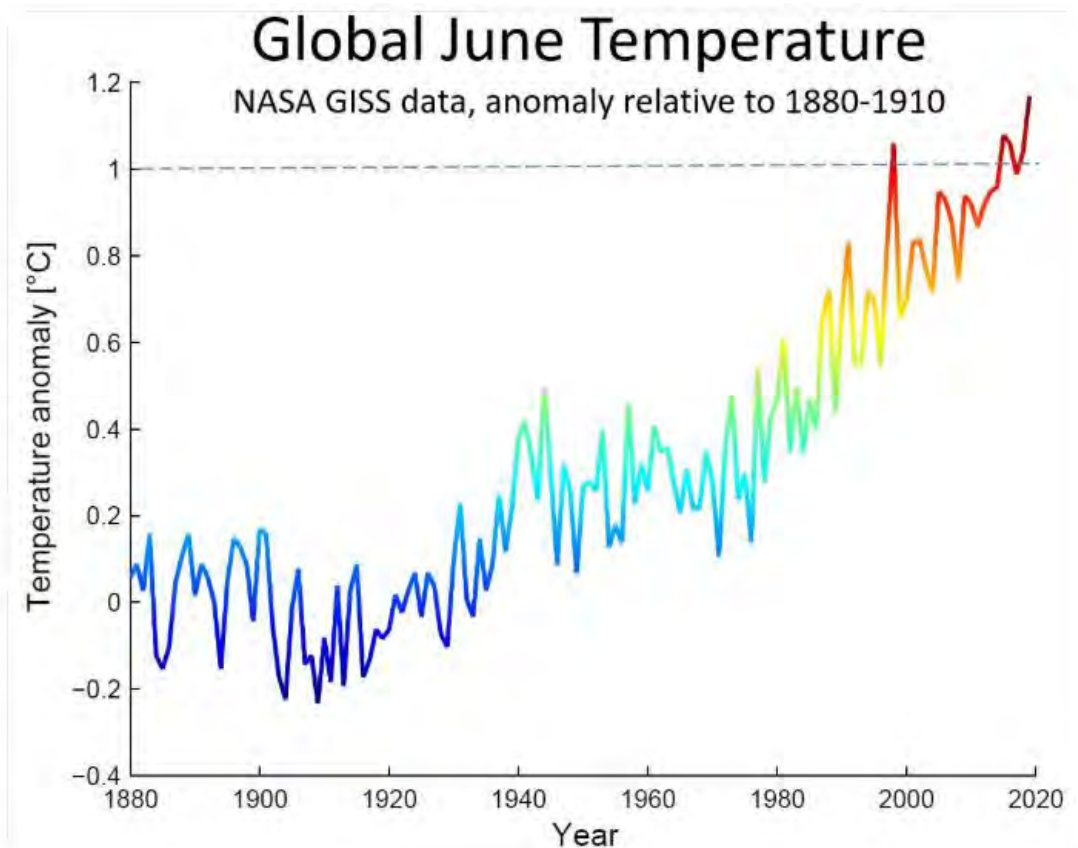


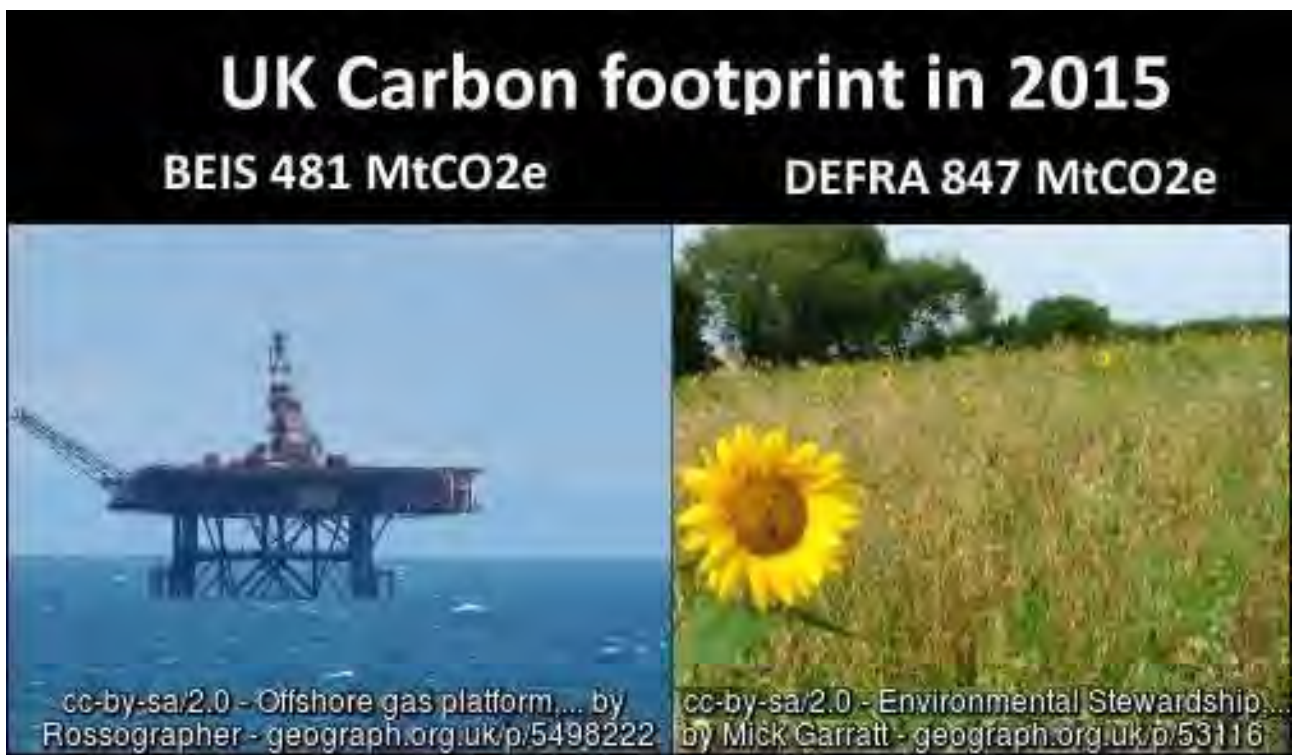
Figure 1

Measuring greenhouse gas emissions: Lack of consistency

When UK's emissions are measured using the method favoured by the Department of Business, Energy and Information Services (BEIS) the UK's carbon emissions are shown to decrease substantially since 1990. However, this measure does not include emissions from international air travel, shipping and emissions overseas from creating goods imported to the UK. When a UK steel works shuts this measure decreases.

The Department of Environment, Food and Rural Affairs (DEFRA) measures UK emissions differently based on the emissions caused by UK consumption. This method, consumption accounting, includes the effects of air travel, shipping and imports. When a UK steel works shuts this measure likely increases because of transport emissions and the carbon efficiency of the production of imported steel may be less.

The results from production and consumption accounting are substantially different as shown in Figure 2.



The figures above are in terms of Carbon Dioxide Equivalent. This combines the effects of different greenhouse gasses according to their warming effects over 100 years. This is a timescale much too long for the climate crisis. In particular, a shorter period would give methane much more weight in the calculation. Over 20 years the effect of methane is over three times as much.

The main emissions of methane are from agriculture, fossil fuel extraction, landfill and biomass burning. In agriculture, emissions from animal husbandry and rice production are the biggest proportion. Beef, lamb and dairy have much higher impacts over 20 years

Figure 2

Consumption accounting (from DEFRA) is the method relevant to local plans, which can help shape lifestyles and resulting consumption patterns. Local plans have much less influence on patterns of production.

Resolution 42/187 of the United Nations General Assembly

[Resolution 42/187 of the United Nations General Assembly](#) [4] says:

4. [The General Assembly agrees] further that an equitable sharing of the environmental costs and benefits of economic development between and within countries and between present and future generations is a key to achieving sustainable development;

Development can create large amounts of greenhouse gasses both in construction and enabling lifestyles with large emissions, at a time when the seriousness of climate change is being recognised as a fundamental threat to future generations. Large emissions are not consistent with UN Resolution 42/187.

Future generations and vulnerable populations

For future generations and vulnerable populations, the consequences of Climate Change could be bad, very bad. [The Special Report by the IPCC on Global Warming of 1.5°C](#) [5] says:

B.5 Climate-related risks to health, livelihoods, food security, water supply, human security, and economic growth are projected to increase with global warming of 1.5°C and increase further with 2°C.

Climate Change will disproportionately affect vulnerable populations and so affect environmental costs 'between and within countries':

B.5.1 Populations at disproportionately higher risk of adverse consequences with global warming of 1.5°C and beyond include disadvantaged and vulnerable populations, some indigenous peoples, and local communities dependent on agricultural or coastal livelihoods (high confidence).

Carbon dioxide equivalent (CO₂e) and the remaining carbon budgets

Climate change is caused by emissions of greenhouse gasses from human activity. The most important greenhouse gas is carbon dioxide (CO₂) but others, such as methane (CH₄) and nitrous oxide (N₂O), cause extra warming. To account for these other gasses a composite measure of the gasses a combined measure, Carbon Dioxide Equivalent (CO₂e) is used.

Emissions of CO₂ are often made without reference to these other gasses: It is often assumed in national statistics that when a given amount of CO₂ is emitted it is accompanied by a proportional amount of other greenhouse gasses. Typically, this adds 30% to measures of CO₂ alone: e.g. 1 tonne of CO₂ is assumed to be accompanied by other greenhouse gasses to add up to 1.30 tonnes of CO₂e.

Carbon budget for 1.5°

In the IPCC's Table 2.2 of [Mitigation Pathways Compatible with 1.5°C in the Context of Sustainable Development](#), [6] (SR15, 2018) the remaining carbon budget for a 66% chance of keeping below 1.5°C is given as 420 Gt CO₂ from the beginning of 2018. (Gt means gigatonnes: a billion tonnes.) Subtracting the global CO₂ emissions in 2018 of 42 Gt CO₂ gives 378 Gt CO₂ from the beginning of 2019.

For the period 1997 – 2016, [DEFRA have produced figures for UK emissions](#) [7] in both CO₂ and CO₂e. Over this period the emissions counted as CO₂e are 30% higher than those counted as CO₂ alone. This is nearly the same in [a report by Carbon Market Watch on SR15](#) [4]. Using a 30% increase and an estimate of world population of 7.7 billion gives Table 1. This shows a remaining carbon budget, with a 66% chance of remaining under a 1.5°C rise in global temperature to be 64 tonnes CO₂e per person.

Remaining carbon budget to keep Earth's temperature rise below 1.5°C			
Chance of success	33%	50%	67%
CO ₂ from 1.1.2018	840	580	420
CO ₂ from 1.1.2019	798	538	378
CO ₂ e from 1.1.2019	1037	538	491
CO ₂ e per human	135	91	64

CO₂ figures from Table 2.2, Special report on 1.5°C - <http://www.ipcc.ch/sr15/>
CO₂e figures are 30% higher.
World population 7.7 billion. - <https://www.worldometers.info/>

Table 1

This estimate of 64 tonnes CO₂e can be taken as a baseline personal remaining carbon budget for a 1.5°C increase in average global surface temperature. Such a rise is regarded as the threshold of dangerous climate.

To fulfil the requirement of UN 42/187 for "equitable sharing of the environmental costs" "between present and future generations" means the greenhouse gas emissions of individual lifestyles should not greatly exceed the baseline personal remaining carbon budget of 64 tonnes of CO₂e.

Global carbon emissions until carbon neutral is reached by 2050

Reaching zero carbon emissions by 2050 is a target sometimes attributed to the [Carbon Neutrality Coalition](#) [8] of countries.

Global fossil fuel emissions of CO₂ in 2018 were projected to be 37.1 Gt CO₂ by the [Global Carbon Project](#) [9], with a further 5.1 Gt CO₂ due to changes in land use – a total of 42.2 Gt CO₂. Adding 30% to this figure to incorporate the effects of non-CO₂ greenhouse gasses gives 54.9 Gt CO₂e. That is an average of 7.1 tonnes of carbon dioxide equivalent per year for every person currently on Earth – 7.7 billion.

Suppose that global greenhouse gas emissions were to fall by an equal amount every year to reach net zero in 2050. Current global emissions average 7.1 tonnes CO₂e per capita. If they fell evenly from now until 2050, the total emissions per capita would be 111 tonnes CO₂e per capita ($111 = 7.1 \times 31/2$).

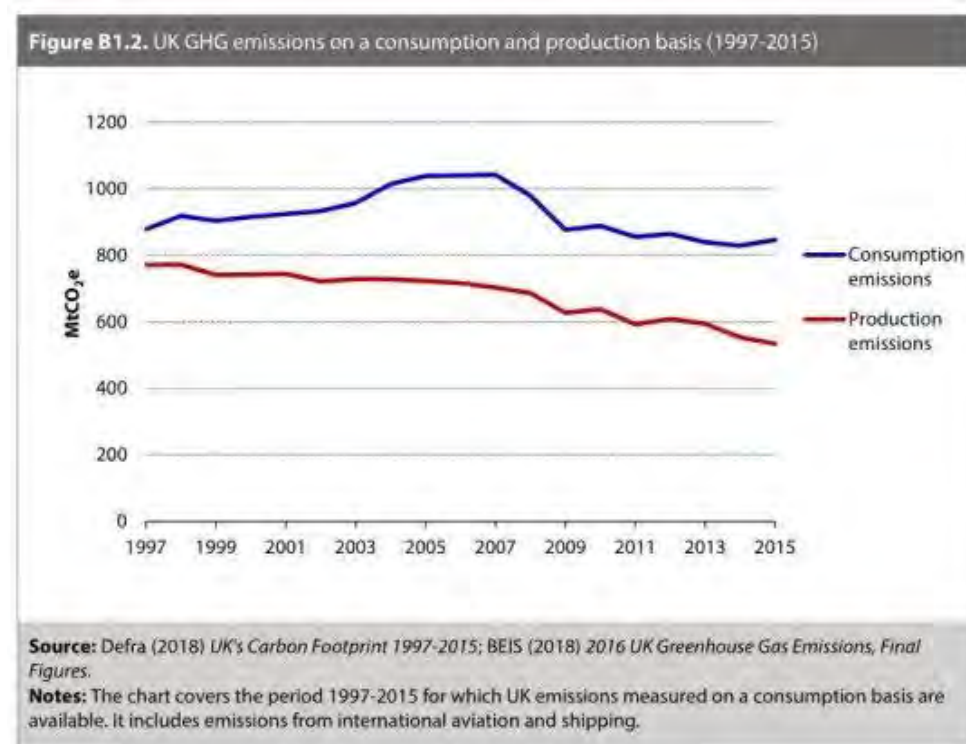
Falling by equal amounts every year until 2050 is an optimistic target given past performance but even this exceeds the remaining carbon budget for 1.5°C by 73%. Even under this optimistic scenario, current generations are being inequitable to future generations. To avoid a rise of 1.5°C in global mean surface temperature, immediate reductions in the emissions of greenhouse gasses are required – much greater than a steady fall by equal amounts until 2050.

UK emissions

The UK government has also pledged that the UK becomes carbon neutral by 2050.

In [UK's Carbon Footprint 1997 – 2015](#) [6], DEFRA estimated that in 2015 UK greenhouse gas emissions were 847 million tonnes of CO₂e. That is 13 tonnes CO₂e per capita. If there were a steady fall until 2050, these emissions would total 202 tonnes CO₂e per capita, ($202 = 13 \times 31/2$) exceeding the baseline personal remaining budget by 3.3 times.

Greenhouse gas emissions from the UK's power sector have been falling from 1990, by phasing out coal and increasing input from gas and renewables. However, the UK's carbon footprint, measured on a consumption basis is hardly falling.



CCC-2018-Progress-Report-to-Parliament.pdf
<https://www.theccc.org.uk/wp-content/uploads/2018/06/CCC-2018-Progress-Report-to-Parliament.pdf>

Figure 3

Embodied carbon in buildings

Finding a reliable source of the quantity of greenhouse gasses caused by the construction of buildings is difficult. However, it is clear that the construction industry is responsible for large emissions, mostly due to their use of raw materials. These become the 'embodied carbon' in buildings and other structures.

Awareness of embodied carbon in building is low and, there is resistance to acknowledge the issue despite [the work of the Royal Institute of Chartered Surveyors](#). [10]

One of the best available assessments of embodied carbon in building was published by Bioregional. This looked at the construction of BedZED, the Beddington Zero Energy Development, "the UK's first large-scale, mixed-use sustainable community comprises 100 homes, office space, a college and community facilities".

In [BedZED: Toolkit Part I](#) [11], it says

The total embodied CO₂ of BedZED is 675kg/m², whilst typical volume house builders build to 600-800kg/m². Despite the increased quantities of construction materials, the procurement of local, low impact materials has reduced the embodied impact of the scheme by 20-30%.

Without the "procurement of local, low impact materials", such as locally available recycled steel, the total embodied CO₂ of BedZED would be more than 800kg CO₂/m². This would mean that the embodied carbon for a 100 m² dwelling will be over 80 tonnes CO₂. (As the main greenhouse gas emissions from construction are in the form of CO₂, it may be plausible to convert this to 80 tonnes CO₂e without addition.)

Another assessment of embodied carbon in building comes from Mike Berners-Lee. In [How bad are bananas](#) [12], he reports an assessment of "a brand-new cottage with two bedrooms upstairs and two reception rooms and a kitchen downstairs". The result of the assessment gave a figure of 80 tonnes CO₂e for the dwelling. These figures are appropriate to housing constructed from traditional materials, bricks, mortar, glass and steel.

For a conventional house, a 3 bed semi, I have received an estimate of embodied carbon from Bob Hill using the methodology of the Royal Institute of Chartered Surveyors. This arrived at a figure of 92.38 tonnes CO₂ for a 100m² semi-detached house. It included the pavement and half the road outside but made no allowance for constructing a garage.

Emissions from cars

The carbon emissions from making a new car are large, Mike Berners Lee of Small World Consulting estimates that to manufacture a medium spec Ford Mondeo creates 17 tonnes of CO₂e. The emissions for driving a car for 11,481 kilometres a year (a typical distance in the UK) for 13.9 years, ([the average lifetime of a car in the UK](#) [23]) is given in the following table.

CO2e in driving 11,481 kilometres a year for 13.9 years

Car	Description	Tonnes CO2e: 13.9 years driving
Citroen C1	Basic spec	18
Ford Mondeo	Medium spec	27
Land Rover Discovery	Top of the range	43

CO2 from Fleet News. Uprated 25% for extracting, processing fuel. (Masnadi et al.)

11,141 kilometres is the average distance UK cars travelled in 2017

13.9 years is the average age of cars that are scrapped in the UK

Embodied CO2e in manufacturing cars

Car	Description	Tonnes CO2e to manufacture
Citroen C1	Basic spec	6
Ford Mondeo	Medium spec	17
Land Rover Discovery	Top of the range	35

Source: *How bad are bananas*, Mike Berners-Lee

CO2e in using a car for 11,481 kms a year for 13.9 years

Car	Description	Total tonnes CO2e	% of personal budget
Citroen C1	Basic spec	25	39 %
Ford Mondeo	Medium spec	45	70 %
Land Rover Discovery	Top of range	80	125 %

11,481 kilometres is the average distance UK cars travelled in 2017

Remaining carbon budget per capita 64 tonnes CO2e. (Tokarska & Gillet via Carbon Brief)

Many motorists cannot fit within a remaining carbon budget of 64 tonnes CO2e simply from the use of their cars. If these levels of emissions continue into the lifetime of a second car none will.

Will electric cars come to the rescue? In the crucial period for global emissions, the next decade or so, the electricity that powers them will not be sufficiently decarbonised. In addition, the embodied carbon in electric cars is larger than cars powered by fossil fuels. See the video by Bjorn Lomborg, [Do electric cars really help the environment?](#) [15]

Wealthy residents are high carbon

In general, the affluent have higher carbon footprints than the poor. In a publication commissioned by the Joseph Rowntree Foundation (JRF), [Distribution of Carbon Emissions in the UK: Implications for Domestic Energy Policy](#) [14], the Centre for Sustainable Energy looked at the emissions of CO2 by ten different income groups from the 10% with lowest income to the 10% with highest income. They analysed the emissions from household fuels, cars, public transport and international aviation. The following table uses the data from their Figure 10 to compare the income brackets for the lowest 20% of income with the highest 20%.

Income	Household Fuel	Car	Public Transport	International Aviation	Units
Lowest 20%	4.02	0.76	0.31	0.33	tonnes CO2/yr
Highest 20%	6.74	4.13	0.36	1.85	tonnes CO2/yr
Ratio High/Low	1.67	5.46	1.16	5.61	Ratio
Average all income	5.68	2.64	0.30	1.18	tonnes CO2/yr

Based on data behind Figure 10 in

Distribution of Carbon Emissions in the UK: Implications for Domestic Energy Policy

<https://www.jrf.org.uk/report/distribution-carbon-emissions-uk-implications-domestic-energy-policy>

Figure 4

In this table there are things to note:

P1) Household fuel was the largest source of emissions. That was mostly heating homes. The top 20% caused 67% more emissions, probably because they lived in bigger homes and had more money to spend on heating. As homes become better insulated and electricity is decarbonised, the carbon emissions from household fuel are expected to fall substantially.

P2) The emissions from cars was on average much greater than public transport or international aviation. These emissions are over five times higher in the top 20% of income compared to the lowest.

P3) The emissions from public transport are much smaller and do not vary greatly between income bands.

P4) The emissions from international air flights are significant: Large for those with higher incomes but small for those with low incomes.

The York Local Plan

This section of my submission will concentrate on the residential aspect of the York Local Plan and its consequences for climate change.

The National Planning Policy Framework

The [National Planning Policy Framework \(July 2018\)](#) [3] (NPPF) says in section 2, *Achieving sustainable development, paragraph 7*:

The purpose of the planning system is to contribute to the achievement of sustainable

development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs (Note 4) .

Note 4 refers to [Resolution 42/187 of the United Nations General Assembly](#) [4] as discussed above.

The proposed York Local Plan will create high emissions of greenhouse gasses in building construction and enable high-carbon lifestyles. The plan is contrary to the National Planning Policy Framework which demands an equitable sharing of environmental costs between present and future generations.

York’s Sustainability Appraisal

In June 2019, *Wood Environment & Infrastructure Solutions UK Limited* updated their *Sustainability Appraisal Report Addendum for City of York Local Plan*. This appraisal considered several aspects of sustainability including Objective 7, “To minimise greenhouse gases that cause climate change and deliver a managed response to its effects”. Entry 7 in *Table 2.1 SA Framework* is:

<p>7. To minimise greenhouse gases that cause climate change and deliver a managed response to its effects</p>	<p>Reduce or mitigate greenhouse gas emissions from all sources</p> <ul style="list-style-type: none"> • Plan or implement adaptation measures for the likely effects of climate change • Provide and develop energy from renewable, low and zero carbon technologies • Promote sustainable design and building materials that manage the future risks and consequences of climate change • Adhere to the principles of the energy hierarchy
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Later in Table 5.4 *Updated results of the cumulative effects assessment*, the row 7. *climate change* has a column for housing. It is marked “0/-“ meaning housing policies in the York Local Plan have either “No significant effect / no clear link between the policy and the SA objective” or “The policy is likely to have a negative effect on the SA objective”. In short, Wood Environmental are saying that housing policies in the York Local Plan are bad for climate change.

Embodied carbon in buildings

To get some idea of the scale of embodied carbon in dwellings in the York Local Plan, assume a conservative figure of 70 tonnes CO2e per dwelling. On the assumption that one dwelling has the UK average of 2.4 residents, the carbon emissions created by providing housing for one resident works out at 29 tonnes CO2e per resident. This is a very large proportion of a personal remaining carbon budget of 64 tonnes CO2e. %%%%

Under the list of objectives in the *Sustainability Appraisal Report Addendum*, it says:

Promote sustainable design and building materials that manage the future risks and consequences of climate change.

Such 'promotion' has not affected the construction of recent developments in York, like at Hungate and Derwenthorpe, where high carbon elements like concrete slabs, structural steel and brickwork have been clearly visible. In planning processes in York, there seems little real consideration of embodied carbon.

Some housebuilders claim that using different methods of construction, enough carbon can be stored in buildings so that the embodied carbon is negative (i.e. The construction process, including materials, has the net effect of extracting CO₂ from the atmosphere.) Two sample approaches are provided by UK Hempcrete and Baufriz. Baufriz have actually claimed that the embodied CO₂ in one of their buildings can store the equivalent 50 tonnes of CO₂. Such claims should be examined closely. However, it is almost certain that some form of building is possible that will extract CO₂ from the atmosphere as a result of its construction.

I have had considerable correspondence on this issue over the past decade. This includes BRE Limited, Bioregional, The Inventory of Carbon and Energy (ICE), The Association for Environment Conscious Building, Department of Trade and Industry, The Department for Communities and Local Government and York Council.

Sadly, awareness of the issue of embodied carbon in building is small and, I have detected resistance to acknowledge the issue despite the good work by the Royal Institute of Chartered Surveyors.

The York Local Plan should require that buildings should set a limit on the carbon emissions caused by building construction. If possible, building structure should store carbon.

The York Local Plan will attract wealthy residents

Professor Mark Tewdwr-Jones caused a stir in the media by suggesting that [York and three other northern cities should be now considered part of London](#) [13]. He said:

There are several ways you could define a northern region, but perhaps the most pertinent question is 'where does London end?'

My map is a northern area defined as being 'not London', where London's sphere of influence extends over most of the country, determined by two-hour commuting patterns to London, which is becoming the norm.

It is now possible to reach London from York Station in under two hours and when (or if) the HS2 rail project reaches York, it will be nearer 90 minutes. This makes York a very attractive place

for Londoners, who want to keep connections with London but can cash in on the fact that in certain residential areas of London house prices are three or more times greater than those in York.

The relevance of affluent people moving to York in the York Local Plan is that affluent people have higher carbon footprints than the less affluent. Much of the proposed housing will be such that they are encouraged in their high carbon lifestyles.

The effect of the York Local Plan will be to enable high carbon lifestyles, it should be rethought.

Derwenthorpe, a ‘sustainable’ development

An example of the likely carbon footprints of the residents of the new greenfield dwellings in the York Local Plan, is the “sustainable” development at Derwenthorpe by the Joseph Rowntree Housing Trust. The related Joseph Rowntree Foundation commissioned a report to assess the environmental sustainability of Dewenthorpe residents. The study, [A sustainable community? Life at Derwenthorpe 2012–2015](#) [16] was produced by the Centre for Housing Policy and the Stockholm Environment Institute at the University of York. The study reported the carbon footprints of residents of Derwenthorpe using the [REAP petite assessment method](#) [17]. It reported:

Derwenthorpe carbon footprints were lower than the UK mean (at 14.52 tonnes compared with 16.24 tonnes per year).

The estimated carbon emissions of the residents of Derwenthorpe mean they reach the the budget of 64 tonnes CO2e within five years. The report also noted that residents of Derwenthorpe had higher carbon footprints than the average for York (14.52 as opposed to York’s 14.30 tonnes CO2e per year).

Broken down into categories the footprints given were:

Carbon emissions by category, Derwenthorpe

Category	Tonnes CO2e per year	Percentage of total
Power	1.53	10.54%
Food	2.35	16.18%
Travel	4.3	29.61%
Shopping	1.52	10.47%
Activities	0.96	6.61%
Other	3.86	26.58%
Total	14.52	100.00%

A sustainable community? Life at Derwenthorpe 2012–2015
<https://www.jrf.org.uk/report/sustainable-community-life-derwenthorpe>

Figure 5

The “learning points” of the research found that “Households’ home energy footprints are easier for developers to influence than transport footprints.”

For new buildings, developers can insulate buildings to a high standard and provide other energy saving measures, such as ground source heat-pumps, but it is much harder to influence the transport footprints of those households, which have cars.

The Derwenthorpe development has been billed as ‘sustainable’. It is not.

When developments are claimed to be ‘sustainable’ they should be thoroughly examined.

Car-free development: The only plausible future

In Derwenthorpe, there is one parking space per dwelling.

Table 16: Individual footprints... of [Life at Derwenthorpe](#) shows the results for 40 residents, only one of which was in a household without a car. This resident had the lowest carbon footprint at 8.12 tonnes CO₂e/year, compared to an average of 14.52 tonnes. The maximum footprint was measured at 30.82 tonnes CO₂e per year.

These estimates for Derwenthorpe included a fixed figure, 'other', of 3.86 tonnes of CO₂e/year as a standard amount applied to all UK measurements. This is based on the individual share of emissions associated with government spending on hospitals, roads etc. This is not under the control of residents and cannot be influenced by the York Local Plan.

The rest of the footprint may be regarded as 'voluntary' i.e. It is the behaviour of the residents that generate that part of the footprint. Without the 'involuntary' addition, the carbon footprints for the respondents would be: lowest 4.26; mean 10.66; maximum 26.96 tonnes CO₂e/year. The household with the smallest footprint was the only one without a car.

The minimum 'voluntary' footprint of the car-free resident was 40% of the average 'voluntary footprint' and 16% of the maximum. That resident is car-free and (relatively) low-carbon.

To comply with the requirements of the NPPF, new developments should be low-carbon and keep within remaining carbon budgets.

Residential developments in the York Local Plan must be car-free.

A further conclusion

The situation is so serious that flying in planes, eating beef or regularly travelling in private cars, are contrary to Resolution 42/187. A local plan cannot easily affect holiday flights or diet but in making provision for a high level of car ownership and the polluting lifestyles that go with it, the current version of the local plan is contrary to UN Resolution 42/187 and so contrary to the new NPPF.

Postscript: Climate feedbacks

There are feedbacks within the climate system not yet counted in climate models. Nearly all of these exacerbate the problem of climate change. They make the excessive greenhouse gas emissions which would be caused by the York Local Plan more worrying.

I have had personal experience of how these have been omitted from the predictions of climate science:

In 2012, I was raising this issue of climate feedbacks through my MP. The Parliamentary Office of Science and Technology responded:

The general consensus was that at the present time the evidence base is insufficient for a POSTnote to be undertaken and any briefing would end up simply calling for more research to fill the information gaps, which is something we generally try to avoid as it isn't that informative for policymakers.

In 2014, the Parliamentary Office of Science and Technology produced [POSTnote 454, Risks from Climate Feedbacks](#) [19]. This concluded:

Compared to existing model estimates, it is likely that climate feedbacks will result in additional carbon in the atmosphere and additional warming. This is because the majority of poorly represented climate feedbacks are likely to be amplifying feedbacks. This additional atmospheric carbon from climate feedbacks could make it more difficult to avoid a greater than 2°C rise in global temperatures without additional reductions in greenhouse gas emissions. The strength of many amplifying feedbacks is likely to increase with warming, which could increase the risk of the climate changing state (Box 3). Some commentators suggest the uncertainties in our knowledge of carbon cycle and physical feedbacks may mean the Earth will warm faster than models currently estimate

In 2016, [scientists at the Department of Energy and Climate Change replied to me](#) [20] concerning positive feedbacks

1. Am I correct in thinking that some of these feedbacks were not used in the models that calculated the “remaining carbon budgets” – as used in the IPCC AR5?

That’s correct, the models used vary in what they include, and some feedbacks are absent as the understanding and modelling of these is not yet advanced enough to include. From those you raise, this applies to melting permafrost emissions, forest fires and wetlands decomposition.

2. Are there other missing feedbacks that should be considered?

The feedbacks you mention are certainly important, although there are several other feedbacks that could be included but are currently too difficult to model. As knowledge and understanding advances, they will be added to the climate models.

Permafrost emissions, forest fires and wetlands decomposition were not counted and “there are several other feedbacks that could be included”.

In 2019, these feedbacks are still not be properly incorporated in climate models – although some like the wildfires (now even in the Arctic) are now newsworthy. More worryingly, scientists are beginning to look at “cascading tipping points” as described in [the video by Paul Beckwith](#) [21].

Hyperlinks to references

- [1] <https://www.un.org/sg/en/content/sg/statement/2018-09-10/secretary-generals-remarks-climate-change-delivered>
- [2] <https://twitter.com/rahmstorf/status/1150826482555637762>
- [3] <https://www.gov.uk/government/news/governments-new-planning-rulebook-to-deliver-more-quality-well-designed-homes>
- [4] <http://www.un.org/documents/ga/res/42/ares42-187.htm>
- [5] https://www.ipcc.ch/site/assets/uploads/sites/2/2019/02/SR15_Chapter2_Low_Res.pdf
- [6] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/794557/Consumption_emissions_April19.pdf
- [7] <https://carbonmarketwatch.org/2018/10/08/new-ipcc-report-shows-1-5c-is-still-possible-but-more-needed-from-aviation-and-shipping/>
- [8] <https://www.carbon-neutrality.global/high-level-inaugural-event-of-the-carbon-neutrality-coalition/>
- [9] <https://www.globalcarbonproject.org/carbonbudget/index.htm>
- [10] <http://www.rics.org/uk/knowledge/professional-guidance/professional-statements/whole-life-carbon-assessment-for-the-built-environment-1st-edition/>
- [11] https://www.bioregional.com/wp-content/uploads/2014/11/BedZED_toolkit_part_1.pdf
- [12] <https://profilebooks.com/how-bad-are-bananas.html>
- [13] <https://www.thetimes.co.uk/article/leeds-isn-t-in-the-north-says-academic-it-s-in-london-b6l0cgtcw>
- [14] <https://www.jrf.org.uk/report/distribution-carbon-emissions-uk-implications-domestic-energy-policy>
- [15] https://www.youtube.com/watch?v=17xh_VRrnMU
- [16] <https://www.jrf.org.uk/report/sustainable-community-life-derwenthorpe>
- [17] <http://www.reap-petite.com/>

- [18] <http://www.brusselsblog.co.uk/york-central-a-climate-disaster/>
- [19] <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/POST-PN-454>
- [20] <http://www.brusselsblog.co.uk/carbon-budgets-a-straightforward-answer-from-decc/>
- [21] <https://youtu.be/G25dGJ3yUYk>
- [22] [http://eprints.whiterose.ac.uk/79131/14/Carbon Reduction and Travel Behaviour - Discourses, Disputes and Contradictions in Governance.pdf](http://eprints.whiterose.ac.uk/79131/14/Carbon%20Reduction%20and%20Travel%20Behaviour%20-%20Discourses,%20Disputes%20and%20Contradictions%20in%20Governance.pdf)
- [23] <https://www.smmf.co.uk/industry-topics/sustainability/average-vehicle-age/>

The York Local Plan: Exiling the poor

Submission to the Public Inquiry on the 2018 York Local Plan

2.5 To ensure a continuous supply of housing opportunities throughout the plan period sustainable sites should be brought forward. By the end of the plan period sufficient sites will have been identified for viable and deliverable housing sites with good access to services and public transport to meet the housing needs of the current population and the future population linked to the city's economic growth ambitions. This will require the provision of sufficient land for ~~867~~ 790 dwellings per annum and will include substantial areas of land for 'garden village' development delivering exemplar new sustainable communities at Land West of Wigginton Road, Land East of Metcalfe Lane and Land West of Elvington Lane, along with major sustainable urban extensions such as British Sugar and York Central. In addition, the plan will optimise the delivery of affordable housing to meet identified need subject to not compromising viability of development sites; and address the needs of specific groups.

PM3 – Explanation of City of York Housing Needs
[City of York Local Plan Proposed Modifications \(June 2019\)](#) [1]

The value of planning permission

Under the headline Land and house prices push UK's total worth up to £10 trillion [2], Tim Wallace of the Telegraph wrote:

Land is now worth £5.4 trillion, which amounts to 53pc of all wealth in the country. This is up from one-third of net assets in 1995, and means land is close to its record high share of 53.3pc of total worth, which it hit in the boom years of 2006 and 2007.

and

Housing wealth makes up 17.8pc of the UK's net worth and added to land this takes the two to a total of 70.7pc of net assets.

As I explain in [Nonsense on Land Values](#) [3], there is a misconception here about the way the Office of National Statistics (ONS), divides the value of a house into two parts:

- (Part 1) The bricks and mortar value and
- (Part 2) the value of the land that the house is built on.

The ONS specifically notes under Table 10 of [The UK national balance sheet estimates](#) [4] that house values – using their definition – “Excludes the value of the land underneath the assets.” i.e. excluding the value (Part 2) of the land that the house is built on.

What we think of as 'land' is undeveloped land. It has a total value in the UK of probably less than £500 billion. (£500 billion values the UK's 24.2 million hectares of 'land' at more than £20,000 per hectare – probably an overestimate.) The difference between this £500 billion and the £5,400 billion of 'land value' in the ONS figures is due to what the ONS classes as the value of the land that buildings stand on.

This classification gives a very misleading impression. If your house were demolished and there was no chance of rebuilding the value of that land would be tiny. What makes that land valuable is the right to have a house on your land. That right is called planning permission. That, in turn, gives value to the "house plus land". This combined value is what is normally considered "the value of a house".

The ONS should prevent these confusions and separate out the value of planning permission from the value of undeveloped land.

Using ONS figures, the value of planning permission – the right to have a house in a particular place – can be estimated. It is about 70% of the value of an average UK house: Only 30% can be allocated to its "bricks-and-mortar value". These are average values over the UK. In places where demand for housing is low the value of the planning permission can be very low. In places of high demand for housing, it will can be considerably higher than the 70% average.

When planning permission is attached to land large increases in value can occur. This will happen with planning permission is granted for development – as in the York Local Plan. This uplift in value is called planning gain.

The next sections attempt to estimate the total value of planning gain in the York Local Plan.

Planning gain in the York Local Plan: Estimate 1

According to the [Department for Communities and Local Government in December 2015](#) [5], the price of agricultural land in Yorkshire and the Humber was estimated as £21,000 per hectare. In York, the value of a hectare of building land was estimated as £2,710,000. Planning permission turns agricultural land into building land. This is planning gain, increasing the value of land by 128 times.

Planning gain is a windfall to the landowner - before any building starts. At the recommended rural density of 35 dwellings per hectare this estimates planning gain per dwelling as £77,000. This adds to the cost of a new house in York, when in a greenfield setting. In contrast, a similar calculation gives the planning gain for a house in Liverpool as £27,000 per dwelling, £50,000 less than in York.

However, recent searches on the housing website, Zoopla, give the value of a typical new three bedroomed house in Liverpool to be in the £100,000 range but in York they are in the order of £300,000; a difference of £200,000. In York the cost of a new house is about £200,000 more than a similar one in Liverpool.

According to RICS data, building costs in Yorkshire & Humberside are about 1% higher

than in the North West. Rates of Community Infrastructure Levy (CIL) may vary across the country but they are not large enough to cause much difference to house prices. In most areas, the CIL for a standard house will be just a few thousand pounds.

The difference in house prices between Liverpool and York is not caused by building costs or other development costs that are subject to competitive market pricing. Nor is it caused by differences in CIL. It is planning gain that soaks up the difference. This suggests £77,000 is a gross underestimate of planning gain in York.

Planning gain in the York Local Plan: Estimate 2

To make an alternative estimate of planning gain, I will use the relationship

$$\text{Planning gain} = \text{Selling price} - \text{development cost} - \text{agricultural land price}$$

Here, I will use a value of £900 per square meter for building cost. This is from The City of [York Local Plan Viability Study \(2014\)](#) [6] by Perter Brett and Associates (PBA). This is slightly higher than [RICS data](#) [7] for the Yorkshire and the Humber Region.

The PBA figure gives the building cost of a new 85m² house in the as £76,500 but other costs should be added: external works (10%), professional fees (10%) and contingency (5%). This becomes £100,500.

Adding further sums for financing (7%), developers profit (20%), site purchaser's costs (6.5%) and marketing (10%) makes the development cost of a notional house of 85m² to be £133,875.

Agricultural land in Yorkshire has been valued at £21,000 per hectare. At a density of 35 dwellings per hectare (dph) this is £600 per house. Adding a possibly generous £5,000 for the Community Infrastructure Levy (CIL), £140,000 should be subtracted from the sale price of a house to arrive at an estimate of planning gain. This gives

$$\text{Planning gain} = \text{Selling price} - \text{£140,000}$$

An indication of selling prices for new build green field 3 bedroomed houses with 85 m² of floor space may be made in comparison with the new Development in Derwenthorpe. A typical example (82m²) is now selling for £322,000. For a greenfield site, where little site remediation is required

$$\text{Planning gain for one house} = \text{£322,000} - \text{£140,000} = \text{£182,000}$$

In making following calculations I have divided sites into greenfield sites and brownfield sites and use the percentages for affordable housing for greenfield (30%) and brownfield sites (20%). The following sites I have guessed as greenfield: st2, st4, st7, st8, st9, st14, st15, st31. The rest are brownfield.

Planning gain for greenfield sites

My estimates of planning gain for greenfield sites in the York Local Plan

Site	Site Code	Planning gain per site
Civil Service Sports Ground	ST2	£ 46 million
Land Adjacent to Hull Road	ST4	£ 36 million
Land East of Metcalfe Lane	ST7	£145 million
Land North of Monks Cross	ST8	£166 million
Land North of Haxby	ST9	£126 million
Land West of Wigginton Road	ST14	£231 million
Land West of Elvington Lane	ST15	£571 million
Land at Tadcaster Road, Copmanthorpe	ST31	£ 27 million

Total planning gain for greenfield sites is £1.34 billion for 7870 dwellings. In terms of the population of York, this equals over £16,000 for each of the 83,000 or so households in York.

Planning gain for brownfield sites

For brownfield sites I have assumed/guessed an average value of £4,000 per dwelling for site remediation. At a density of 50 dph this is £200,000 per hectare. On the more polluted sites such as York Central, densities are planned to be 100 dph allowing £400,000 per hectare for remediation.

This gives the total planning gain for brownfield sites as £1.20 billion for 7070 dwellings. This is over £14,000 for each of the 83,000 or so households in York.

Combined with the gain from greenfield developments, my estimate of total planning gain in York is £2.55 billion equal to £30,000 for every household in York.

Affluent incomers to York exile the poor

PM3, Explanation of City of York Housing Needs (in [1], See above) uses the term 'affordable housing' implying concern for the less well off. However, In 2014, a Guardian article by Colin Wiles, [Affordable housing does not mean what you think it means](#) [8], commented:

In a move worthy of George Orwell's Ministry of Truth, affordable rent will be higher than before, set at up to 80% of the local market rent. Across whole swathes of southern England affordable rented properties will simply not be affordable to people on low incomes.

Professor Mark Tewdwr-Jones caused a stir in the media by suggesting that [York and three other northern cities should be now considered part of London](#) [9]. He said:

There are several ways you could define a northern region, but perhaps the most pertinent

question is 'where does London end?'

My map is a northern area defined as being 'not London', where London's sphere of influence extends over most of the country, determined by two-hour commuting patterns to London, which is becoming the norm.

It is now possible to reach London from York Station in under two hours and when (or if) the HS2 rail project reaches York, it will be nearer 90 minutes. This makes York a very attractive place to move to for Londoners who want to keep connections with London but can cash in on the fact that in certain residential areas of London house prices are three or more times greater than those in York.

York Council's [Strategic Housing Market Assessment\(SHMA\), June 2016](#) [10] says

"House prices in York are expected to grow by 200% over the next 15 years (from 2016)"

The authors may have misread Table 2: Median House Price Change over different Periods in the SHMA which applies to past house price rises but 200% may be a reasonable guess for the next 15 years.

There is an attraction to living in York and having a comfortable train ride into the centre of London compared to travelling from an ordinary 3 bed roomed house in Bow for an hour on a crowded No 8 bus. There is an additional attraction of moving from an ordinary £1,000,000 house in Bow or similar parts of London to a large £500,000 house in York may be an added incentive for Londoners to move to the new London outpost, York.

Of course, all new residents of the proposed developments will not come from London, but there will be enough to raise house prices. Prices that will ensure that under present proposals the residents of the new developments will have to be affluent. Enhanced rail services, such as HS2, will cut the commuting time to London and could attract even more people to York.

Landowners and house owners benefit

Although land owners profit because of their planning premiums, the wider and more important effect is the overall rise in the cost of housing: Home owners see enormous increases in their property wealth, while others pay higher rents. This is an enormous transfer from the poor and the young who don't own their homes to the old and the affluent who do. This will be driven by this local plan.

In [Will the government restart plotlands](#) [11], I reported some earlier demographic calculations:

Using the P2 demographic classification, I analysed house sales data for England and Wales for years 2000 and 2010.

Adjusting for inflation between 2000 and 2010, I found that property of the most affluent areas increased by just over eight times the 2010 average income. Property prices in the least affluent areas rose by a factor of two. However, according to the 2011 census, only 20% of households in the least affluent areas own their homes. In the most affluent areas this rises to 90%.

Summary: House price inflation has given most households in the most affluent areas large increases in their net wealth, at the same time most households in the least affluent areas will have paid increased rents.

In York, this has the effect of forcing out the less affluent and their children. Even the children of the more affluent may have temporary difficulty - in the years before they inherit from their parents.

A similar story was outlined in a report by Ove Arup & Partners Ltd. For the City of York Council. The report, [Housing Requirements in York, Assessment of the Evidence on Housing Requirements in York](#) [12]. The telling part of the report is in section 6.3 *Broader relationships and impacts*. I have added numbered headlines (in bold). Paragraphs from the Arup report are in green.

6.3 Broader relationships and impacts

1. First time buyers cannot even afford lower priced houses

Although headline prices have remained in line with national trends in York, lower quartile priced housing has become less affordable suggesting that established home owners are probably compromising their choices at the lower end of the market, probably in homes that were previously available to first time buyers.

2. Older, more affluent people will displace traditional population.

The consequences of such changes are complex but are likely to include the development of an increasing proportion of older, more affluent (and socially conservative) population over time. There will also be displacement of traditional population, perhaps to locations such as Selby or Leeds as gentrification becomes more widespread.

3. Incomers from London and the South East will move to York because of lower house prices

However, perhaps more positively is that the city may become more attractive for high skill groups, perhaps relocating from the higher house price areas of London and the South East.

4. These incomers cannot return to the South East

Relocation from such places is typically constrained by the assumption that moving to a cheaper location means that it will never be possible to move back and that relocation may prove to be the “graveyard of ambition” as in the future it could constrain future career choices.

5. High skilled people move in

For example, surveys suggest that the parity of house prices between say, Cambridge and London, has been a factor that improves the attractiveness of the city to the highest skill groups. To some extent Harrogate and the Wharfe Valleys, as a premium housing locations for the Leeds labour market also may be demonstrating this effect. The issue here concerns the type of role as a City that York wishes to play.

6. Neighbouring local authorities may not help

York is located in a broader strategic housing market in which most indicators suggest strong demand. There is thus no obvious sub area options to disperse growth to neighbouring districts, indeed on the contrary it is likely that York will face additional pressures both because surrounding districts may under provide for housing. Such pressure also arises because York is and is likely to remain the major source of employment and services in its sub region and York's range and choice of housing is broader.

7. Higher house prices will cause commuting to increase

Whilst it is possible, that market processes in terms of higher house prices may encourage a wider area of housing search, including most obviously Leeds (or perhaps Hull) this is likely to be associated by additional in commuting. There are opportunities for sustainable travel choices for commuters in the sub-area, including rail links from Malton and Selby and there is scope for a future, more planned, sub-regional approach.

This Local Plan will have the effect of exiling the poor by forcing up the cost of housing, a result of keeping the supply limited. The [City of York Council Strategic Housing Market Assessment](#) [10] by GL Hearn Limited calculates the Objectively Assessed Need (OAN) which uses demographic analysis to arrive at a starting point for the number of dwellings to be included in the Local Plan. The report states:

Government's Planning Practice Guidance sets out how the objectively assessed need for housing should be defined. It sets out that the starting point should be demographic projections, with appropriate assumptions regarding household formation rates. The need may then need to be adjusted to support economic growth or improve affordability. The SHMA follows this approach to identifying housing need.

If the Government's Planning Practice Guidance does mean affordable in its normal sense (rather than 80% of the local market rent) then the future housing targets outlined in the report are clearly insufficient because current market conditions have made housing in York unaffordable: This causes even those on reasonable incomes to move to Selby or further. As GL Hearn points out

In travel to work terms York has a strong influence in the immediately surrounding districts particularly Selby, the southern parts of Hambleton and the eastern parts of Ryedale and East Riding.

This plan does not consider the incomers from the rest of the country, particularly London, who will move to York because it is a pleasant place to live, work and retire. Many will still be linked economically to London, managing to continue their London jobs remotely but living in York.

My added headline No.4 on the Ove Arup report (above) “These incomers cannot return to the South East.” needs the addition and say:

“These incomers cannot return to the South East.

They will exile the poor from York who will not be able to return to York.”

Hyperlinks for references

- [1] http://www.york.gov.uk/download/downloads/id/18036/city_of_york_local_plan_proposed_modifications_june_2019.pdf
- [2] <https://www.telegraph.co.uk/business/2018/08/29/land-house-prices-push-uks-total-worth-10-trillion/amp/>
- [3] <http://www.brusselsblog.co.uk/land-value-nonsense-from-main-stream-media/>
- [4] <https://www.ons.gov.uk/economy/nationalaccounts/uksectoraccounts/datasets/thenationalbalancesheetestimates>
- [5] <https://www.gov.uk/government/publications/land-value-estimates-for-policy-appraisal-2015>
- [6] https://www.york.gov.uk/download/downloads/id/2091/local_plan_viability_study_-_draft_report_2014pdf.pdf
- [7] <https://www.fsb.org.uk/docs/default-source/Publications/reports/bcis.pdf>
- [8] <http://www.theguardian.com/housing-network/2014/feb/03/affordable-housing-meaning-rent-social-housing>
- [9] <https://www.thetimes.co.uk/article/leeds-isn-t-in-the-north-says-academic-it-s-in-london-b6l0cgtcw>
- [10] https://www.york.gov.uk/downloads/file/11251/strategic_housing_market_assessment_shma_2016
- [11] <http://www.brusselsblog.co.uk/will-the-government-restart-plotlands/>
- [12] https://www.york.gov.uk/download/downloads/id/1868/housing_requirements_in_york_-_aruppdf.pdf

From: Suzanne Yates [REDACTED]
Sent: 22 July 2019 16:09
To: localplan@york.gov.uk
Cc: [REDACTED]
Subject: York Local Plan Proposed Modifications - Response on behalf of Oakgate Group Limited [NLP-DMS.FID612512]
Attachments: City of York Local Plan Proposed Modifications - Completed Response Form on behalf of Oakgate Group Limited.pdf; 60531_01 Representation to Proposed Modifications on behalf of Oakgate Group Ltd 16.07.19.pdf
Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir / Madam

Please find enclosed a Response Form and accompanying covering letter which provides a response to the City of York Local Plan Proposed Modifications on behalf of Oakgate Group Limited.

I would be grateful if you could confirm receipt of this email and the two attachments.

Should you require any further information or clarification on the points raised within this response please do not hesitate to contact me.

Many thanks,
Suzanne

Suzanne Yates
Associate Director
Lichfields, 3rd Floor, 15 St Paul's Street, Leeds LS1 2JG
T 0113 397 1397 / [REDACTED]

lichfields.uk  



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City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 Inspectors 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	Richard	Suzanne
Last Name	France	Yates
Organisation (where relevant)	Oakgate Group Limited	Lichfields
Representing (if applicable)		Oakgate Group Limited
Address – line 1	c/o Agent	Third 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		
Telephone Number		0113 3971397

Representations must be received by Monday 22 July 2019, 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 Monday 22 July 2019, 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?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and new evidence, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018. You can make comments on any of the proposed modifications, the Sustainability Appraisal Addendum, the updated Habitats Regulation Assessment, and other background documents which include a Housing Needs Assessment update and an Addendum to Topic Paper 1: The Approach to Defining York's Green Belt. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this 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 Inspectors 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 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, 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 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?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

The Local Plan Proposed Modifications document, the Sustainability Appraisal/SEA Addendum and Updated Habitats Regulation Assessment (HRA) will be available for inspection at in all of York's libraries and City of York Council West Offices.

All supporting documents which underpin the City of York Local Plan Proposed Modifications are available to view online at www.york.gov.uk/localplan and are also available for inspection at City of York Council West Offices and York Explore.

Part B -Your Representation

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

3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

See covering letter

Document:

Page Number:

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

4.(2) Do you consider that the Local Plan 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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

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

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

See enclosed covering letter.

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

See enclosed covering letter.

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors by way of written representations.

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

See enclosed covering letter.

Please note: the Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for 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 foi@york.gov.uk or on 01904 554145.

Signature



Date

22nd July 2019

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

BY EMAIL ONLY

Date: 22 July 2019
Our ref: 60531/01/CD/SY/17630066v2
Your ref:

Dear Sir / Madam

York Local Plan Proposed Modifications – Response on Behalf of Oakgate Group Limited

This response is submitted by Lichfields on behalf of Oakgate Group Limited in respect of the York Local Publication Draft Proposed Modifications, specifically in respect of draft affordable housing Policy H10.

Whilst it is acknowledged that Policy H10 does not form part of the Proposed Modifications, we maintain that this policy, and its accompanying evidence base, should have been reviewed as part of the current consultation in order to address clear inconsistencies with national policy highlighted in representations to earlier stages of the plan.

As drafted the policy is neither consistent with national planning policy in respect of affordable housing thresholds and the approach to vacant building credit, nor is it justified or effective. As such the policy is unsound and should be reviewed and updated as part of the forthcoming examination of the Local Plan. Omitting this policy from the current consultation therefore represents a missed opportunity to address these inconsistencies **prior to the policy's** examination, and it is vitally important for the soundness of the **plan that this is brought to the Inspectors' attention as part** of the current consultation, and we request that this response and suggested amendment is submitted directly for their consideration.

Policy H10

Draft Policy H10 of the York Local Plan Publication Draft (February 2019) sets out the proposed approach to affordable housing across York.

Table 5.4 within the policy sets thresholds for affordable housing requirements associated with developments of various scales. This sets out a target for the provision of affordable housing either on-site or as an equivalent off-site contribution. Sites of 15 dwellings or more are expected to provide affordable housing on site (unless an off-site contribution can be robustly justified). On sites of 2-15 dwellings an affordable housing contribution is required as an off-site financial contribution (OSFC) in accordance with an approved formula (also set out within the policy).

For sites of 2-10 dwellings, footnote 2 of Table 5.4 sets out that the affordable housing target applies to sites that have a maximum combined gross floorspace of more than 1,000 sqm.

As drafted, draft Policy H10 is inconsistent with national planning policy and is neither properly evidenced nor effective, and is therefore unsound. Such matters are considered in further detail below.

Consistency with National Policy

The City of York Local Plan (Publication Draft) was submitted for examination in May 2018 and will therefore be examined under the policies of the previous National Planning Policy Framework (NPPF) 2012 as per the transitional arrangements set out in paragraph 214 of the updated NPPF (February 2019). Notwithstanding this, as a policy which upon adoption of the plan will be used for development management purposes, it is considered essential that it is fully consistent with the revised NPPF published in February 2019.

NPPF¹ is clear at paragraph 63 that *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower **threshold of 5 units or fewer**)”* (Lichfields emphasis).

The definition of major development provided at Annex 2: Glossary of the NPPF is as follows:

For housing, development where 10 or more homes will be provided, or [where the number of dwellings is unknown] the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Lichfields emphasis).

It is therefore clear that any request for affordable housing provision for sites of fewer than 10 dwellings (or for sites of 0.5 ha or more where the number of dwellings is unknown) either on site or as an equivalent commuted sum is inconsistent with national planning policy.

Whilst the position on affordable housing on small sites was not set out as explicitly within the previous version of the NPPF (2012), in November 2014 the Government introduced an exemption policy for small housebuilders (defined as developments of 10 dwellings or fewer) to exclude them from contributing to affordable housing, and in May 2016 was successful in quashing a previous High Court ruling, the result of which was to uphold this policy, and the following was added to the National Planning Practice Guidance (PPG) at paragraph 031 Paragraph: 031 Reference ID: 23b-031-20161116, Revision date: 16 11 2016:

Are there any circumstances where infrastructure contributions through planning obligations should not be sought from developers?

[...] There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the written ministerial statement of 28 November 2014 and should be taken into account.

These circumstances are that;

¹ February 2019

contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area) (Lichfields emphasis).

This makes clear that in order to be eligible for affordable housing contributions, sites have to first be for a minimum of 10 dwellings, and only then if they exceed 1,000 square metres. This has been further clarified in subsequent revisions of PPG which now states the following at paragraph 23 (O23 Reference ID: 23b-023-20190315, Revision date: 15 03 2019):

Provision of affordable housing should only be sought for residential developments that are major developments.

For housing development, major development is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000 square metres or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

It is therefore clear that the prevailing national policy position at the time of submission of the York Local Plan (February 2018) for examination, set by the 2012 NPPF and the 2016 iteration in PPG on Planning Obligations, and then subsequently clarified by the current PPG (2019), was to exclude small scale developments of under 10 dwellings from affordable housing contributions. In seeking affordable housing contributions to developments of over 1,000 sqm for schemes of 2-9 dwellings draft Policy H10 is an attempt to circumvent the intention of national policy to exclude small developments from paying affordable housing contributions, and is therefore unsound.

As set out above, notwithstanding application of the transitional arrangements, as a policy which, upon adoption, will be used for development management purposes, it is essential that the policy is fully consistent **with the latest NPPF to avoid it being ‘out of date’ and therefore applied with less than full weight at the point of adoption.**

Justified

As drafted Policy H10 does not provide an appropriate strategy for housing development within the City which is justified by the supporting evidence base.

Policy H10, in setting the thresholds outlined above, refers to the relative viability of development land types in York with reference to the conclusions of the City of York Affordable Housing Viability Study (2010) and Annex 1 (2011) (AHVS), and the City of York Local Plan and CIL Viability Assessment (2017).

It is of note that the City of York Local Plan and CIL Viability Assessment (2017) tested the viability of Policy H10 as set out within the Pre-Publication Draft (Regulation 18 consultation document) (2017), which did not require affordable housing to be provided on urban sites of fewer than 15 dwellings, and the document tested Urban Sites at less than 15 units at 0% affordable housing specifically on the basis that the national policy position requires the exemption of small sites from affordable housing contributions.

Draft Policy H10 as it currently appears in the Publication Draft Local Plan (February 2018) does not **therefore appear to have been tested for viability as part of the plan’s evidence base. Whilst the document identified ‘headroom’** associated with the development of urban sites at all scales, this was on the basis of providing for a CIL payment and not an affordable housing contribution, and in any event is contrary to national policy.

The City of York Affordable Housing Viability Study (2010) and Annex 1 (2011) (AHVS) is now almost 10 years old and was carried out under an outdated policy framework, notably Planning Policy Statement 3: Housing, prior to publication of the NPPF and the accompanying practice guidance in 2012.

Policy H10 therefore cannot be deemed to be justified based on proportionate or up to date evidence, and as such is unsound.

Effective

Draft Policy H10 does not represent an effective policy and could undermine the delivery of housing over the plan period, and is therefore considered to be unsound.

'Small sites' (of fewer than 10 dwellings) are exempt from affordable housing contributions for good reason: Such sites are not able to benefit from economies of scale in the purchase of material and use of labour, and have higher construction costs as a result. The approach advocated by Policy H10 fails to recognise this and places an unfair burden on small and medium sized housebuilders and sites which are unlikely to be able to support this level of contribution. Whilst the policy, and indeed NPPF, allows for submission of an open book valuation to demonstrate that a such a contribution would render the scheme unviable, sites of this scale are unlikely to be able to justify or withstand the time and cost of such an exercise.

Furthermore, sites of fewer than 10 dwellings are more likely to be **opportunity 'windfall' sites comprising** infill or the redevelopment of brownfield land and/or the conversion of existing buildings. Such sites, particularly small urban sites and those which use brownfield land and/or existing buildings, make a significant contribution to the delivery of housing and the objectives of sustainable development. There is therefore a genuine danger that application of Policy H10 as drafted could seriously undermine delivery of precisely the kind of sustainable sites that should be prioritised, and which make a significant cumulative **contribution to York's housing supply.**

This is compounded since the policy provides no exemption for the conversion of existing buildings, and actually excludes the automatic application of vacant building credit in such cases unless this is shown to be reliant upon a viability case (considered in further detail below). Such an approach does not represent an effective strategy to boost the supply of housing land and achieve sustainable development through the re-use of previously developed land, and is therefore unsound.

Finally, and as set out above, regardless of the policy being considered under the transitional arrangements, as a policy which, upon adoption of the plan, will be used for development management purposes, in order to **be effective it is essential that the policy is fully consistent with the latest NPPF to avoid it being 'out of date'** and therefore applied with less than full weight at the point of adoption.

Vacant Building Credit

Policy H10 sets out that a vacant building credit (VBC) equivalent to the gross floorspace of the building will be applied to appropriate development where a vacant building is either converted or demolished and is necessary to incentivise the scheme, **unless the building has been 'abandoned'**.

As drafted the policy therefore excludes the automatic application of the vacant building credit and requires the developer to demonstrate that reduction of the affordable housing contribution relative to the existing floorspace being redeveloped is necessary in order to facilitate the development.

This is not the intention of national planning policy, which clearly states at paragraph 63 of the NPPF² that “*To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount*” (Lichfields emphasis) without qualification.

The accompanying guidance within PPG contains no suggestion that application of the Vacant Building Credit is dependent upon demonstrating its necessity. Indeed, the policy refers to the policy as an incentive in itself to encourage the (re)development of buildings and brownfield land and the associated sustainability benefits that this delivers:

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace (Paragraph: 026 Reference ID: 23b-026-20190315, Revision date: 15 03 2019) (Lichfields emphasis).

Whilst PPG refers to the policy as being intended ‘*to incentivise development*’ at paragraph 028, this is in the context of preventing application of VBC for buildings have been deliberately vacated in order to benefit from the policy (Reference ID: 23b-028-20190315, revision date: 15 03 2019) and not in requiring a viability case to be progressed to support its application. Such provision is covered elsewhere in NPPF and is therefore explicit for all forms of development in any event. As such, applying vacant building credit only where viability is demonstrated as draft Policy H10 currently requires renders the mechanism as meaningless, offering no more of an incentive than existing policy. This is clearly not the intention of national policy.

Again, whilst vacant building credit was not explicitly referred to within the previous version of NPPF (2012), the exemption of small sites had been upheld and the relevant guidance on its application added to the PPG at the time of the City of York Local Plan (Publication Draft) 2018 such that the policy position was the same as is now reflected in NPPF (February 2019).

It follows that placing the onus on developers to demonstrate that they require application of the VBC in order to benefit from it as currently set out in draft Policy H10 is a misinterpretation of national planning policy and, for the reasons set out above, further undermines the potential for the Local Plan to deliver sustainable housing development across the City, and is therefore not an effective or sound approach.

Summary and Recommended Policy Amendments

In summary, draft Policy H10 is directly contrary to national planning policy and guidance in requiring a financial contribution to affordable housing for schemes of 2-9 dwellings (where the maximum combined gross floorspace exceeds 1,000 sqm). Such an approach does not appear to have been tested within the evidence base for the Local Plan and fails to recognise or accommodate the additional costs associated with the development of small scale sites, and the disproportionate expense of demonstrating viability, and thus risks undermining the delivery of such sites and their overall contribution to housing delivery and sustainable development.

In order to make Policy H10 sound it is suggested that the policy reverts to that set out within the Pre-Publication Draft (Regulation 18 consultation document) (2017). This approach is consistent with national

² February 2019

policy and has been tested as part of the evidence base. Otherwise, as a minimum, all references to sites between 2 and 9 dwellings, and reference to the combined gross floorspace exceeding 1,000 sqm should be removed from Policy H10.

In addition, **Policy H10 should be updated to clearly reflect the Government's intention, and indeed desire, to see brownfield development and the conversion of existing buildings incentivised by providing a net only contribution to affordable housing.** The vacant building credit section should remove any reference to incentivisation as a qualifying factor in order and outline that the conversion of existing floorspace will be eligible for a net reduction in affordable housing in order to make such developments more attractive in the interests of sustainable development.

Whilst the above points have been raised in consultation responses to previous rounds of the plan, this matter has still not been addressed and as such it is considered essential for the soundness of the plan that **these matters are drawn explicitly to the Inspectors' attention at this stage.**

Oakgate would welcome the opportunity to participate in the Examination in respect of affordable housing matters, and other matters on which they have submitted representations, in order to contribute to further discussions on these points.

I trust that this provides sufficient invitation to be issued to the Inspectors in their ongoing consideration of the Local Plan but should you require any further information, or clarification on the points raised above, please do not hesitate to contact me on 0113 3971397.

Yours sincerely

Suzanne Yates
Associate Director

Copy

Richard France

Oakgate Group Limited

From: Gen Kenington [REDACTED]
Sent: 22 July 2019 16:10
To: localplan@york.gov.uk
Subject: City of York Local Plan Proposed Modifications Consultation Response - Yorvik Homes, Dunnington
Attachments: York Local Plan Proposed Modifications Response July 2019 - Yorvik Homes, Dunnington.pdf; Local_Plan_Proposed_Modifications_Consultation_Response_Form_2019 Yorvik Homes - Dunnington.pdf
Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir or Madam,

Please find attached a completed consultation form and formal response to the Local Plan Proposed Modifications.

The response has been made on behalf of Yorvik Homes Ltd in relation to their land interests west of Church Balk, Dunnington.

Please could you acknowledge receipt of the attachments.

Kind regards

Gen Kenington

MTP MRTPI
Associate Director

Johnson Mowat

Planning & Development Consultants

Coronet House, Queen Street, Leeds, LS1 2TW

W: www.johnsonmowat.co.uk

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Johnson Mowat, Coronet House, Queen Street, Leeds, West Yorkshire LS1 2TW
Registered in England Nos: OC407525

City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 Inspectors 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		Mowat
Organisation (where relevant)		Johnson Mowat Planning Limited
Representing (if applicable)	Yorvik Homes Ltd	
Address – line 1		Coronet House
Address – line 2		Queen Street
Address – line 3		Leeds
Address – line 4		
Address – line 5		
Postcode		LS1 2TW
E-mail Address		████████████████████
Telephone Number		██████████

Representations must be received by Monday 22 July 2019, 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 Monday 22 July 2019, 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?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and new evidence, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018. You can make comments on any of the proposed modifications, the Sustainability Appraisal Addendum, the updated Habitats Regulation Assessment, and other background documents which include a Housing Needs Assessment update and an Addendum to Topic Paper 1: The Approach to Defining York's Green Belt. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this 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 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, 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 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?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

The Local Plan Proposed Modifications document, the Sustainability Appraisal/SEA Addendum and Updated Habitats Regulation Assessment (HRA) will be available for inspection at in all of York's libraries and City of York Council West Offices.

All supporting documents which underpin the City of York Local Plan Proposed Modifications are available to view online at www.york.gov.uk/localplan and are also available for inspection at City of York Council West Offices and York Explore.

Part B -Your Representation

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



3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PM4 and all subsequent PM's relating to the housing requirement reduction.

Document:

- G L Hearn Housing Needs update
- Sustainability Appraisal Report Addendum

Page Number:

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

4.(2) Do you consider that the Local Plan 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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes

No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

See attached Statement

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

See attached Statement.

Increase the housing requirement in Policy SS1 to a minimum of 1,070 dwellings per annum in line with the Standard Method Local Housing Need calculation.

Identify additional housing sites and safeguarded land.

Amend the housing trajectory to annualize the undersupply of 512 dwellings over the first 5 years of the plan rather than over the Plan Period.

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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 have the opportunity to engage in the debate particularly relating to the housing requirement and housing supply, and present the case in support of land west of Church Balk, Dunnington.

Please note: the Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for 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 foi@york.gov.uk or on 01904 554145.

Signature



Date

22nd July 2019



JohnsonMowat
Planning & Development Consultants



CITY OF YORK LOCAL PLAN

PROPOSED MODIFICATIONS JUNE 2019

STOCK HILL FIELD, WEST OF CHURCH BALK, DUNNINGTON

On Behalf of Yorvik Homes Ltd

July 2019



1.0 Introduction

- 1.1 This representation should be read alongside previous consultation responses submitted to the Publication Draft Local Plan in March 2018 on behalf of Yorvik Homes, in relation to their continued land interest at Stock Hill Field, west of Church Balk, Dunnington.



2.0 Housing Requirement

2.1 There are a number of Proposed Modifications which all relate to the Council's decision to reduce the housing requirement, which forms the basis of this consultation exercise. Our comments relating to the housing requirement are therefore relevant to the following Proposed Modifications:

PM3, PM4, PM5, PM20a – PM20d, PM21a – PM21d, PM22, PM44.

2.2 We object to the Council's further reduction to the housing requirement at this late stage, following the submission of the Local Plan. Previous comments submitted to the Publication Draft Local Plan objected to the Council's choice to opt for the lowest possible housing requirement, contrary to advice in the SHMA update at the time.

2.3 The Council's proposed modifications attempt to justify the reduction in the housing requirement from 867 dwellings in the Publication Draft to 790 dwellings based on the updated Housing Needs Update evidence published by G L Hearn in January 2019. It is considered the proposed modifications to reduce the housing requirement are unsound as they fail the 'positively prepared', 'justified', and 'consistent with National Policy' soundness tests. We have significant concerns with the evidence update, which uses the 2016-based population projections, despite Government guidance requiring the continued use of the 2014-based projections, for reasons outlined below.

2.4 The ONS published 2016-based Sub-National Population Projections (SNPP) and Sub-National Household Projections (SNHP) have been used as the starting point by G L Hearn to generate a number of new potential housing need scenarios. We note and support the detailed HBF (July 2019) comments relating to the reasons behind the differences between the 2014-based and 2016-based SNPP and SNHP, and do not repeat them here.

2.5 The concerns with the 2016-based projections have been well documented, with the resultant reduction in the level of household growth across the Country causing concerns in how the Government will fulfil its aspiration to increase housing delivery to 300,000 dwellings per annum by the mid 2020's. The Government have been clear that for the purposes of calculating housing needs assessment under the new guidance in relation to the Standard Method, that the 2016-based projections are **not** to be used. This is now reflected in revisions to PPG, which at Paragraph 005 ID2a-005-20190220 state:



“the 2014-based household projections are used within the standard method to provide stability for planning authorities and communities, ensure that historic under-delivery and declining affordability are reflected, and to be consistent with the Government’s objective of significantly boosting the supply of homes.”

2.6 PPG goes on to state at Paragraph 015 Id 2a-015-20190220 that:

“Any method which relies on using the 2016-based household projections will not be considered to be following the standard method... it is not considered that these projections provide an appropriate basis for use in the standard method.”

2.7 The revisions to PPG follow on from the Governments February 2019 response to the technical consultation on updates to NPPF and NPPG which stated:

“The changes to underlying assumptions in the population projections and methodological improvements to the household projections had led to significant variations in housing need at a local level, something that needs addressing in the short term... the Government continues to think that the 2016-based household projections should not be used as a reason to justify lower housing need. We understand respondents’ concerns about not using the latest evidence, but for reasons set out in the consultation document we consider the consultation proposals to be the most appropriate approach in the short-term. We are specifying in planning guidance that using the 2016-based household projections will not be considered to be an exceptional circumstance that justifies identifying minimum need levels lower than those identified by the standard method.”

2.8 We are aware that the Government guidance for the continued use of the 2014-based projections relates to the calculating using the standard method in the updated NPPF, which differs from the City of York Local Plan, which has been submitted and is being examined under the transitional arrangements and against the 2012 NPPF. The housing requirement in the York Local Plan has therefore been calculated using the Objectively Assessed Needs identified through a SHMA. That said, it would logically apply that the Government’s concern with the 2016-based projections would also apply to Authorities calculating housing need under the transitional arrangements and OAN calculations.

2.9 The City of York is the only authority in the Yorkshire region whereby housing need calculated using the standard method results in an increased housing need compared with the current



local assessment. The first Standard Method published on 14th September 2017 resulted in an indicative annual requirement of 1,070 dwellings for the City of York which was more in line with the latest G L Hearn 2017 SHMA Update at the time of 953 dwellings per annum.

- 2.10 Calculating the Local Housing Need figure using the 2014-based household projections from the current year over a ten year period (2019 – 2029) and adjusting using the latest affordability ratio (published in March 2019), results in a requirement of **1,069** dwellings per annum. This remains the same as the original standard methodology figure of 1,070 dwellings per annum, and remains considerably higher than the Council's reduced figure of 790 dwellings per annum. It is clear from the latest Local Housing Need calculation that the direction of travel remains above 1,000 dwellings per annum, yet the Council are seeking to reduce the requirement.
- 2.11 The implications of fixing a housing requirement via the Local Plan that is lower than justified has significant implications for York, and will lead to the worsening of an already severe affordability situation. It is likely that the affordability ratio in York will continue to rise, particularly if there is pent up demand as a result of a restricted housing requirement. Based on the direction of travel, it is likely that the housing requirement will be increased in future reviews, therefore continuing to restrict the housing requirement now will make it increasingly difficult to deliver a potentially significant increase in housing requirement via future reviews.
- 2.12 We disagree with the Council's interpretation of the use of the 2016 based projections as stated in the Sustainability Appraisal Addendum (SAA). In justifying the reasons for selecting the 790 dpa figure and rejecting the alternatives, the SAA references the ONS SNPP 2016 based projections and references a 'marked discrepancy with the previous 2014 based figures' (SAA paragraph 5.3.40), which has had a significant bearing on the lower OAN in the GL Hearn Update of 790 dpa. There is however no reference to the Government's technical update or NPPG which proposes in the short term the continued use of the 2014 based data for calculating housing need via the standard method.
- 2.13 The SAA importantly states at paragraph 5.3.26 that:

“Given the significant positive effects identified for the 2017 SHMA recommended alternative figure [953 dpa] against the SA objectives for housing, employment and equality of access (with a similar performance for the remaining objectives to the proposed preferred housing figure of 790 dpa and Publication Draft figure of 867 dpa), **the 2017 SHMA Update figure is considered to perform marginally better in sustainability terms than the proposed figure.**” (our emphasis).



- 2.14 Clearly, the Council are willing to delay the progress of the Local Plan by consulting on Proposed Modifications to the submitted Publication Draft Local Plan which reduces the housing requirement. Arguably, it is considered that this delay allows the opportunity to re-visit the evidence in light of the updated NPPF and NPPG and look to amend the housing requirement and increase the requirement based on the latest calculation of Local Housing Need.
- 2.15 We are aware that Lichfields have updated their housing need modelling work as a result of the Council's Proposed Modifications. Their July 2019 findings conclude that there are fundamental flaws in the Council's updated housing need assessment of 790 dwellings per annum. The Lichfields calculation, which adjusts the demographic baseline allowing for long term trends to international migration levels; applies a 20% market signals adjustment and a 10% affordable housing uplift results in a figure of **1,215** dwellings per annum.
- 2.16 Lichfields identify a further 84 dwellings per annum as required to meet the Universities' student growth needs, which results in a rounded OAHN of **1,300** dwellings per annum. This is considerably higher than the Council's updated requirement of 790 dwellings per annum and 22% higher than the Standard Methodology figure of 1,069 dwellings per annum.
- 2.17 It is recommended that the student housing requirement in York is considered in isolation, and therefore removed from both the identified supply and the overall requirement and regarded as a separate policy requirement. Currently, the City are over-relying on student housing to meet their overall housing need.

Recommendation:

In order to make the Local Plan sound, it is recommended that the Housing Requirement in Policy SS1 is increased to a minimum of 1,070 in line with the Standard Method Local Housing Need calculation.

Should the Council continue to progress the Local Plan under the transitional arrangements and seek a lower housing requirement it is recommended that upon Adoption, a review of the Local Plan is immediately triggered to ensure the Local Plan is updated in line with the Standard Method and updated Framework.



3.0 SHLAA Figure 6 Update – Detailed Housing Trajectory

- 3.1 We object to the undersupply of 512 dwellings being annualised over the Plan Period. The shortfall should be annualised over first 5 years of the Plan. This affects the Associated Figures and Tables in the Proposed Modifications document (PM20 a – d and PM21 a – d).



4.0 Conclusion

- 4.1 We object to the proposed further reduction of the Housing Requirement in Policy SS1. In order to make the plan sound it is recommended that the housing requirement is increased to a minimum of 1,070 dwellings per annum. It is therefore recommended that additional sites are identified in the Local Plan.
- 4.2 It also remains our opinion that there is a need for more housing allocations to be identified in the Local Plan to make good the early years 5 year supply shortfall. There is a need for more allocations and safeguarded land to give the Local Plan longevity to 2038 to support the new Green Belt boundaries for a period of 20 years.
- 4.3 Yorvik Homes maintain their interest in land at Stock Hill Field, west of Church Balk, on the northern edge of Dunnington, and are keen to deliver the site. Upon approval the site could be brought forward for development immediately therefore delivering dwellings in the early part of the plan period. Site specific comments submitted to the Publication Draft Local Plan in March 2018 remain relevant.

From: Gen Kenington [REDACTED]
Sent: 22 July 2019 16:11
To: localplan@york.gov.uk
Subject: City of York Local Plan Proposed Modifications Consultation Response - Redrow Homes - Land North of ST8 Monks Cross
Attachments: Local_Plan_Proposed_Modifications_Consultation_Response_Form_2019 - Redrow Homes - Land north of Monks Cross.pdf; York Local Plan Proposed Modifications Response July 2019 - Land north of North Lane, north of ST8 Monks Cross - Redrow Homes.pdf
Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir or Madam,

Please find attached a completed consultation form and formal response to the Local Plan Proposed Modifications.

The response has been made on behalf of Redrow Homes who have a continued land interest in land to the immediate north of Strategic Site ST8, Monks Cross.

Please could you acknowledge receipt of the attachments.

Kind regards

Gen Kenington

MTP MRTPI
Associate Director

Johnson Mowat

Planning & Development Consultants

Coronet House, Queen Street, Leeds, LS1 2TW

W: www.johnsonmowat.co.uk

Please consider the environment before printing this email. This email and any files transmitted with it are confidential and may contain privileged information intended solely for the use of the addressee. If you are not the intended recipient you are hereby notified that any dissemination of this communication is strictly prohibited. If you are not the intended recipient, please advise the sender immediately by return email, or contact our office on 0113 887 0120 and delete this message from your system. As this message has been transmitted over a public network Johnson Mowat cannot guarantee its accuracy or completeness. If you suspect that the message may have been intercepted or amended, please contact the sender.

Johnson Mowat, Coronet House, Queen Street, Leeds, West Yorkshire LS1 2TW
Registered in England Nos: OC407525

City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 Inspectors 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		Mark
Last Name		Johnson
Organisation (where relevant)	Redrow Homes	Johnson Mowat Planning Limited
Representing (if applicable)		
Address – line 1	c/o Johnson Mowat	Coronet House
Address – line 2		Queen Street
Address – line 3		Leeds
Address – line 4		
Address – line 5		
Postcode		LS1 2TW
E-mail Address		████████████████████
Telephone Number		██████████

Representations must be received by Monday 22 July 2019, 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

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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 Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PM4 and all subsequent PM's relating to the housing requirement reduction.

Document:

- G L Hearn Housing Needs update
- Sustainability Appraisal Report Addendum

Page Number:

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

4.(2) Do you consider that the Local Plan 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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes

No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

See attached Statement

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

See attached Statement.

Increase the housing requirement in Policy SS1 to a minimum of 1,070 dwellings per annum in line with the Standard Method Local Housing Need calculation.

Identify additional housing sites.

Amend the housing trajectory to annualize the undersupply of 512 dwellings over the first 5 years of the plan rather than over the Plan Period.

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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 have the opportunity to engage in the debate particularly relating to the housing requirement and housing supply, and present the case in support of land immediately north of Monks Cross.

Please note: the Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for 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 foi@york.gov.uk or on 01904 554145.

Signature

Date



JohnsonMowat
Planning & Development Consultants

Monks Cross North



**CITY OF YORK LOCAL PLAN
PROPOSED MODIFICATIONS JUNE 2019**

LAND AT MONKS CROSS, NORTH OF NORTH LANE.

On behalf of Redrow Homes

July 2019



1.0 Introduction

- 1.1 This representation should be read alongside previous consultation responses submitted to the Publication Draft Local Plan in March 2018 on behalf of Redrow Homes. Previous representations have been made on behalf of Redrow Homes and Linden Homes, however Redrow Homes now have the sole interest in the land north of Monks Cross ST8 (as highlighted in orange on the cover of this statement).
- 1.2 A planning application on proposed strategic site ST8 is currently pending consideration (18/00017/OUTM) which lies immediately south of North Lane. We maintain that land north of north Lane at Monks Cross North is a logical and sustainable site which should be identified for development in the Local Plan as an extension to Site ST8.



2.0 Housing Requirement

2.1 There are a number of Proposed Modifications which all relate to the Council's decision to reduce the housing requirement, which forms the basis of this consultation exercise. Our comments relating to the housing requirement are therefore relevant to the following Proposed Modifications:

PM3, PM4, PM5, PM20a – PM20d, PM21a – PM21d, PM22, PM44.

2.2 We object to the Council's further reduction to the housing requirement at this late stage, following the submission of the Local Plan. Previous comments submitted to the Publication Draft Local Plan objected to the Council's choice to opt for the lowest possible housing requirement, contrary to advice in the SHMA update at the time.

2.3 The Council's proposed modifications attempt to justify the reduction in the housing requirement from 867 dwellings in the Publication Draft to 790 dwellings based on the updated Housing Needs Update evidence published by G L Hearn in January 2019. It is considered the proposed modifications to reduce the housing requirement are unsound as they fail the 'positively prepared', 'justified', and 'consistent with National Policy' soundness tests. We have significant concerns with the evidence update, which uses the 2016-based population projections, despite Government guidance requiring the continued use of the 2014-based projections, for reasons outlined below.

2.4 The ONS published 2016-based Sub-National Population Projections (SNPP) and Sub-National Household Projections (SNHP) have been used as the starting point by G L Hearn to generate a number of new potential housing need scenarios. We note and support the detailed HBF (July 2019) comments relating to the reasons behind the differences between the 2014-based and 2016-based SNPP and SNHP, and do not repeat them here.

2.5 The concerns with the 2016-based projections have been well documented, with the resultant reduction in the level of household growth across the Country causing concerns in how the Government will fulfil its aspiration to increase housing delivery to 300,000 dwellings per annum by the mid 2020's. The Government have been clear that for the purposes of calculating housing needs assessment under the new guidance in relation to the Standard Method, that



the 2016-based projections are **not** to be used. This is now reflected in revisions to PPG, which at Paragraph 005 ID2a-005-20190220 state:

“the 2014-based household projections are used within the standard method to provide stability for planning authorities and communities, ensure that historic under-delivery and declining affordability are reflected, and to be consistent with the Government’s objective of significantly boosting the supply of homes.”

2.6 PPG goes on to state at Paragraph 015 Id 2a-015-20190220 that:

“Any method which relies on using the 2016-based household projections will not be considered to be following the standard method... it is not considered that these projections provide an appropriate basis for use in the standard method.”

2.7 The revisions to PPG follow on from the Governments February 2019 response to the technical consultation on updates to NPPF and NPPG which stated:

“The changes to underlying assumptions in the population projections and methodological improvements to the household projections had led to significant variations in housing need at a local level, something that needs addressing in the short term... the Government continues to think that the 2016-based household projections should not be used as a reason to justify lower housing need. We understand respondents’ concerns about not using the latest evidence, but for reasons set out in the consultation document we consider the consultation proposals to be the most appropriate approach in the short-term. We are specifying in planning guidance that using the 2016-based household projections will not be considered to be an exceptional circumstance that justifies identifying minimum need levels lower than those identified by the standard method.”

2.8 We are aware that the Government guidance for the continued use of the 2014-based projections relates to the calculating using the standard method in the updated NPPF, which differs from the City of York Local Plan, which has been submitted and is being examined under the transitional arrangements and against the 2012 NPPF. The housing requirement in the York Local Plan has therefore been calculated using the Objectively Assessed Needs identified through a SHMA. That said, it would logically apply that the Government’s concern with the



2016-based projections would also apply to Authorities calculating housing need under the transitional arrangements and OAN calculations.

- 2.9 The City of York is the only authority in the Yorkshire region whereby housing need calculated using the standard method results in an increased housing need compared with the current local assessment. The first Standard Method published on 14th September 2017 resulted in an indicative annual requirement of 1,070 dwellings for the City of York which was more in line with the latest G L Hearn 2017 SHMA Update at the time of 953 dwellings per annum.
- 2.10 Calculating the Local Housing Need figure using the 2014-based household projections from the current year over a ten year period (2019 – 2029) and adjusting using the latest affordability ratio (published in March 2019), results in a requirement of **1,069** dwellings per annum. This remains the same as the original standard methodology figure of 1,070 dwellings per annum, and remains considerably higher than the Council's reduced figure of 790 dwellings per annum. It is clear from the latest Local Housing Need calculation that the direction of travel remains above 1,000 dwellings per annum, yet the Council are seeking to reduce the requirement.
- 2.11 The implications of fixing a housing requirement via the Local Plan that is lower than justified has significant implications for York, and will lead to the worsening of an already severe affordability situation. It is likely that the affordability ratio in York will continue to rise, particularly if there is pent up demand as a result of a restricted housing requirement. Based on the direction of travel, it is likely that the housing requirement will be increased in future reviews, therefore continuing to restrict the housing requirement now will make it increasingly difficult to deliver a potentially significant increase in housing requirement via future reviews.
- 2.12 We disagree with the Council's interpretation of the use of the 2016 based projections as stated in the Sustainability Appraisal Addendum (SAA). In justifying the reasons for selecting the 790 dpa figure and rejecting the alternatives, the SAA references the ONS SNPP 2016 based projections and references a 'marked discrepancy with the previous 2014 based figures' (SAA paragraph 5.3.40), which has had a significant bearing on the lower OAN in the GL Hearn Update of 790 dpa. There is however no reference to the Government's technical update or NPPG which proposes in the short term the continued use of the 2014 based data for calculating housing need via the standard method.
- 2.13 The SAA importantly states at paragraph 5.3.26 that:



“Given the significant positive effects identified for the 2017 SHMA recommended alternative figure [953 dpa] against the SA objectives for housing, employment and equality of access (with a similar performance for the remaining objectives to the proposed preferred housing figure of 790 dpa and Publication Draft figure of 867 dpa), **the 2017 SHMA Update figure is considered to perform marginally better in sustainability terms than the proposed figure.**” (our emphasis).

- 2.14 Clearly, the Council are willing to delay the progress of the Local Plan by consulting on Proposed Modifications to the submitted Publication Draft Local Plan which reduces the housing requirement. Arguably, it is considered that this delay allows the opportunity to re-visit the evidence in light of the updated NPPF and NPPG and look to amend the housing requirement and increase the requirement based on the latest calculation of Local Housing Need.
- 2.15 We are aware that Lichfields have updated their housing need modelling work as a result of the Council’s Proposed Modifications. Their July 2019 findings conclude that there are fundamental flaws in the Council’s updated housing need assessment of 790 dwellings per annum. The Lichfields calculation, which adjusts the demographic baseline allowing for long term trends to international migration levels; applies a 20% market signals adjustment and a 10% affordable housing uplift results in a figure of **1,215** dwellings per annum.
- 2.16 Lichfields identify a further 84 dwellings per annum as required to meet the Universities’ student growth needs, which results in a rounded OAHN of **1,300** dwellings per annum. This is considerably higher than the Council’s updated requirement of 790 dwellings per annum and 22% higher than the Standard Methodology figure of 1,069 dwellings per annum.
- 2.17 It is recommended that the student housing requirement in York is considered in isolation, and therefore removed from both the identified supply and the overall requirement and regarded as a separate policy requirement. Currently, the City are over-relying on student housing to meet their overall housing need.



Recommendation:

In order to make the Local Plan sound, it is recommended that the Housing Requirement in Policy SS1 is increased to a minimum of 1,070 in line with the Standard Method Local Housing Need calculation.

It is recommended that additional sites are identified in the Local Plan, including land immediately north of Strategic Site ST8.

Should the Council continue to progress the Local Plan under the transitional arrangements and seek a lower housing requirement it is recommended that upon Adoption, a review of the Local Plan is immediately triggered to ensure the Local Plan is updated in line with the Standard Method and updated Framework.



3.0 SHLAA Figure 6 Update– Detailed Housing Trajectory

- 3.1 We object to the undersupply of 512 dwellings being annualised over the Plan Period. The shortfall should be annualised over first 5 years of the Plan. This affects the Associated Figures and Tables in the Proposed Modifications document (PM20 a – d and PM21 a – d).

City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

OFFICE USE ONLY:

ID reference:

PM:SID 892

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1. Personal Details		2. Agent's Details (if applicable)
Title		
First Name	Josephine	
Last Name	Tomlin	
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 Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PM 1

Document:

ST 27 / local plan modification consultation

Page Number:

What does 'legally compliant' mean?

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4. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

4.(2) Do you consider that the Local Plan 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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes

No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

1. York University has ample reserves of land which in my view are more appropriate for development.
2. Any encroachment of the green belt is to be regretted.
3. An undesirable consequence of the development could be increased traffic in the area.

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

At this point I reserve my comments for discussion.

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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 who have lived here for many years regret any more diminishing of green belt.

Please note: the Inspectors 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 2018 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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Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

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Signature

Date

City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

OFFICE USE ONLY:

ID reference:

PM:SID 893

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 Inspectors 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	HEATHER	
Last Name	HARRIS	
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 Monday 22 July 2019, 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 Monday 22 July 2019, 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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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 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, 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 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?

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. You can indicate if 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 Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

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All supporting documents which underpin the City of York Local Plan Proposed Modifications are available to view online at www.york.gov.uk/localplan and are also available for inspection at City of York Council West Offices and York Explore.

Part B - Your Representation

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

3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:	PM 1
Document:	ST 27 (Local Plan Modification Consultation)
Page Number:	?

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes No

4.(2) Do you consider that the Local Plan 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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes

No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

I don't think the University should be allowed to expand into the green belt buffer zone between the Heslington village + Low Lane.

The University already exceeded its brief with the original Science Park + many of these buildings are ~~not~~ empty and not used for scientific purposes.

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

I wish to withhold my comments pending discussion at the public meeting.

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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 people of Heslington Village, long-ferm residents, feel that we would like to make our feelings known.

Please note: the Inspectors 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

From: Winter, Emma [REDACTED]
Sent: 22 July 2019 17:01
To: localplan@york.gov.uk
Cc: [REDACTED]
Subject: PROPOSED MODIFICATIONS REGULATION 19 CONSULTATION RESPONSE - KARBON HOMES, LAND AT BOROUGHBIDGE ROAD, NETHER POPPLETON [CJ-WORKSITE.FID513973]
Attachments: 190722 - Karbon Homes Reps - final.pdf; 190722 - Karbon Homes Reps Consultation Form.pdf; Appendix 1 - 190719 - City of York OAN - Housing Needs & Supply.pdf
Importance: High
Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sirs,

Please find attached representations to the Proposed Modifications Regulation 19 Consultation on behalf of Karbon homes, Land at Boroughbridge Road, Nether Poppleton.

The representations include:

- A completed Representation Form
- Representation Report
- Appendix 1 - Housing Need and Supply Report

Regards

Emma
Emma Winter MRTPI
 Associate

Carter Jonas

T: 0113 203 1073 [REDACTED] | carterjonas.co.uk
 First Floor, 9 Bond Court, Leeds, LS1 2JZ



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 26-28 July | Hatfield House, Hertfordshire

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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 Proposed Modifications Consultation Response Form 10 June – 22 July 2019

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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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 Inspectors 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)	Karbon Homes Ltd	Carter Jonas LLP
Representing (if applicable)		
Address – line 1	C/o Agent	Carter Jonas
Address – line 2		First Floor
Address – line 3		9 Bond Court
Address – line 4		Leeds
Postcode		LS1 2JZ
E-mail Address	C/o Agent	████████████████████
Telephone Number	C/o Agent	0113 203 1095

Guidance note

Where do I send my completed form?

Please return the completed form **by Monday 22 July 2019, up until midnight**

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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, 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 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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All supporting documents which underpin the City of York Local Plan Proposed Modifications are available to view online at www.york.gov.uk/localplan and are also available for inspection at City of York Council West Offices and York Explore.

Part B -Your Representation

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



3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:	PPM3-PM5 and PM41
Document:	EX/CYC/14a - GL Hearne Housing Need Update EX/CYC/18 - Green Belt TP1 Addendum & Annexes
Page Number:	N/A

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes No

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

Yes No

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

The Local Plan is not legally compliant as it has not been carried out in accordance with the legal requirements of the Sustainability Appraisal and other statutory regulations.

Please see representation document for land at Boroughbridge Road.

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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

The Local Plan is unsound. In all four tests of soundness outlined in the NPPF, the plan fails, the Council have failed to present a consistent and coherent Plan that will deliver the housing and employment requirements for the entire plan period.

In terms of being positively prepared, the draft plan fails to meet even the minimum assessed development need and is overly confident in large strategic allocations delivering a high number of units in a relatively small window of time.

The plan is not justified, national guidelines outline the use of 2014 household projection data to calculate housing need, however, city of York have used the 2016 household projection figures alongside the standard methodology for calculating housing need. Not only does this go against national policy, but it is not the most appropriate or reasonable strategy to plan for growth. The 2014 household project figures should be used alongside the standard methodology, Affordable Housing need should also be included, this highlights a substantial uplift in housing demand above what the draft modifications are proposing.

The deliverability of these sites is doubtful and therefore the plan is not effective, NPPF places emphasis on plans having a diverse pool of sites that can come forward at various times throughout the plan to ensure a balanced housing market.

It is therefore considered the plan is not consistent with national policy regarding the plan making process and is therefore wholly unsound.

Please see representation document for land at Boroughbridge Road.

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

City of York must allocate more housing land to ensure the plan is prepared in a positive and effective manner in line with national policy.

The additional allocations will ensure the plan is robust and will meet the required growth throughout the entire plan period. This modification is to include Land at Boroughbridge Road as a housing allocation within the draft plan. The site can provide a significant contribution towards affordable housing provision in the authority.

The inclusion of Land at Boroughbridge Road as a housing allocation will improve the soundness of the plan by making it consistent with national policy, the site is considered sustainable and the allocation of it provides new strong and defensible Green Belt boundaries that will last beyond the plan period.

Please see representation document for land at Boroughbridge Road for a detailed assessment of the site in the context of the draft plan.

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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:

Given the significant issues under consideration by Karbon Homes it is appropriate for them to participate directly by attending the relevant hearing sessions.

Please note: the Inspectors 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 2018 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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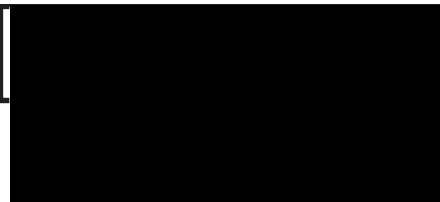
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Signature 

Date 22 July 2019

**CITY OF YORK LOCAL PLAN
PROPOSED MODIFICATIONS
(JUNE 2019)
REGULATION 19
CONSULTATION RESPONSE:**

**LAND AT BOROUGHBIDGE
ROAD
NETHER POPPLETON
YORK
YO32 9TB**

REPRESENTATIONS

CONTENTS

Section	Title	Page No.
1.0	Introduction	3
2.0	Spatial Strategy and the Housing Requirement	4
3.0	Green Belt - General Principles and Detailed Boundaries	6
4.0	Conclusion	9
Appendices		
1	Housing Needs and Supply Report	

1.0 INTRODUCTION

1.01 Carter Jonas LLP (CJ) welcomes the opportunity to make representations in respect of the June 2019 City of York Local Plan Proposed Modifications (the PMs) on behalf of Karbon Homes (York Housing Association) (KH). These representations are submitted in support of land at Boroughbridge Road, Nether Poppleton (the site) on which a 100% affordable housing scheme is being promoted. KH is one of the largest housing associations in the North East of England and Yorkshire, owning and managing almost 30000 properties.

1.02 Karbon has progressed an option agreement with the owners of land at Boroughbridge Road, Nether Poppleton. The land is site reference 779 in the 2018 Strategic Housing Land Availability Assessment (SHLAA) and formerly ref. ST29 in the 2014 City of York Local Plan and associated Site Selection Paper Addendum (September 2014). Our client is keen to work with the City 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, green belt review and site-specific matters to facilitate swift progress.

1.03 We have significant concerns over the modifications currently proposed and the overall soundness of the plan which will impact upon the timetable and prolong the continued failure to plan for the development needs of the City of York.

1.04 Our specific concerns arising from this PMs consultation (along with the Plan as submitted) relate to the following, with cross-reference to the modifications main document and/or evidence base where appropriate:–

- PM3-PM5 and associated amendments
- The January 2019 Housing Needs Update and the Revised Objectively Assessed Housing Need (OAHN);
- The associated 'Garden Village' strategy for delivery of sufficient land to meet the OAHN;
- The Addendum to Topic Paper 1 - Approach to Defining York's Green Belt - March 2019; and
- Topic Paper 1 Addendum - Annex 3 - Inner Boundary Descriptions and Justifications.

1.05 Our response to the PMs Consultation is structured as follows:

- Section 2 covers spatial strategy and the housing requirement
- Section 3 relates to the Proposed Green Belt boundaries and evidence base
- Section 4 relates to housing
- Section 5 summarises our conclusions

1.06 We have completed a representation form to which this statement is attached and includes the request to participate in the examination.

2.0 SPATIAL STRATEGY AND THE HOUSING REQUIREMENT

PM3 – PM5 and Policy SS1: York Housing Needs and Delivering Sustainable Growth for York

- 2.01 Policy SS1 is not considered sound as it is not positively prepared, effective or consistent with national policy. The PMs as proposed and evidence base do nothing to resolve this – quite the contrary as the proposed reduction to the minimum annual provision of new dwellings of 790 dwellings per annum pushes in the opposite direction. In short summary, the Council is seeking to use the more favourable and up-to-date household projection figures on the one hand and the ‘old rules’ methodology for calculating OAHN on the other (i.e. prior to the 2018 NPPF revisions).
- 2.02 We consider that by adhering to the old rules, despite the new methodology having been known for a significant length of time (2 years), this represents a negative approach to plan-making. Pursuant to the CJ Housing Needs and Supply Report at Appendix 1, KH objects to the housing requirement being set at 790 dwellings per annum (dpa) and concludes that the OAN should be at a baseline minimum of 1,066 dpa. Taking into account acute need for affordable housing provision the most appropriate figure is circa 1,226 dpa.
- 2.03 The Council’s previous evidence base, in the form of 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.
- 2.04 The Plan ignores the supporting evidence base conclusions and provides no clear or sound justification for not making an adjustment for market signals in light of Government guidance. The Publication Draft Plan text at paragraph 3.3: Housing Growth is silent on the methodology behind the former selection of the 867dpa figure. There are significant issues of housing affordability within the City which need to be addressed and there is no evidence of any recent improvement in this respect and nothing positive within the PMs to alter the Council’s negative stance in not adopting an OAN of 952 dpa as recommended by GL Hearn . This was 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.
- 2.05 A 952 dap would have been justified by (1) the SHMA evidence base, (2) officer recommendations (including suggested additional housing sites) and (3) statements of case by many representatives. However, the members of those committees failed to take this opportunity, choosing a figure based on only part of the GL Hearn findings. That approach was wholly unjustified and in breach of the aims and objectives of draft Policy DP1 as noted above and a key indicator of the Council’s unreasonable and unrealistic approach to assessing housing need.
- 2.06 As such, the previous housing requirement of 867 dpa and the currently suggested 790 dpa under PM3 and PM4 fail to comply with Planning Practice Guidance and as a result the Plan fundamentally fails to provide for the evidenced housing growth requirement and is therefore demonstrably unsound.

- 2.07 Given the real prospects of the Plan being found unsound at pre-examination or EiP stage, the Council should allow for a significant increase from the 867 figure towards the bare minimum of 1,070 dpa confirmed within the Planning for the Right Homes Publication Data spreadsheet. To help address acute shortages in affordable housing provision the 1,226 dpa figure noted above should be used in the interests of meeting extreme and historic housing need and planning positively for the future development needs of the City.
- 2.08 The proposed modifications at PM3 – PM5 are therefore based upon an unrealistically low OAN and as a result Policy SS1 remains wholly unsound.
- 2.09 The Council should therefore consider additional sites and the removal of additional land from the General Extent of Green Belt to allow flexibility. Sites on the urban fringes of York such as our client's site at Boroughbridge Road should be reconsidered for allocation especially as the proposed development of the site is for an 100% affordable housing scheme which would go towards addressing the acute need for affordable housing provision and the site did perform well under the 2014 Site Selection Paper that led to its allocation as ST29.
- 2.10 We note that PM3 includes the statement that *"in addition the plan will optimise the delivery of affordable housing to meet identified need subject to not compromising viability of development sites; and address the needs of specific groups"*. An assessment of OAN market and affordable housing has been procured (Appendix 1), it highlights significant under delivery and high demand for both market and affordable housing. The SHMA 2019 Update confirms the need at least 573 dpa, which is some 73% of the total local OAHN figure proposed by the Council of 790 dpa.
- 2.11 The Council's current policy approach to affordable housing delivery will see, at the highest level of the spectrum set out in draft Policy H10, 30% provision. Even if the 30% provision was to be applied to every residential scheme coming forward in York over the Plan period, which certainly will not be the case, the Council will only achieve 237 affordable dpa. This will lead to a shortfall of at least 336 dpa.
- 2.12 To address the affordable housing need in full based on draft Policy H10 the OAHN would need to be increased to 1,910 dpa.
- 2.13 This clearly demonstrates a need to increase the OAN above the 790 dpa proposed by the Council and could be an indication of the need to increase the minimum starting point established through the standard methodology.
- 2.14 KH seeks to develop a 100% full affordable scheme that will provide 60 much needed dwellings and this will significantly improve the Council's future affordable housing delivery.

3.0 GREEN BELT

PM29 – PM41 – Proposed Green Belt Boundaries

- 3.01 A significant part of the PMs consultation relates to additional evidence in the form of the Addendum to Topic Paper 1 - Approach to Defining York's Green Belt - March 2019 plus appendices. Whilst we do not have any comments in respect of PM29 – PM40 in themselves, we do object to the Green Belt supporting evidence base as it stands and the failure of the proposed modifications to incorporate inner green belt boundaries to facilitate sustainable urban extensions to help meet the true OAN.

Policy SS2: The Role of York's Green Belt and the Proposals Map

- 3.02 Originally within the North Yorkshire Joint Structure Plan the General Extent of Green Belt for York was retained by The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. We therefore welcome the opportunity for the establishment of detailed Green Belt boundaries for the first time and consider that this issue goes to the heart of a sound plan for the City. However, in establishing the inner and outer Green Belt boundaries, the Council must also bear in mind the need to:

- allocate sufficient land to be allocated for development;
- identify areas of 'safeguarded land' for potential development beyond 2033; and
- adhere to the five purposes of the Green Belt stipulated within the NPPF and the advice regarding the drafting and definition of Green Belt boundaries at paragraphs 138 and 139 .

EX/CYC/18 - Green Belt TP1 Addendum Paper

- 3.03 The additional evidence based provided by the Council in the form of Topic Paper TP1 Addendum and the accompanying Appendices demonstrate the fundamentally flawed approach that the Council have taken to justify the Green Belt boundaries in York. The TP1 Addendum and original documents do not constitute a comprehensive Green Belt review as are based on evidence which is out of date, going back as far as 2003, preceding not only the current NPPF but also the 2012 NPPF.

EX/CYC/18d - TP1 Addendum Annex 3 – York Green Belt Inner Boundary Section Descriptions

- 3.04 Annex 3 of the TP1 Addendum aims to assess and justify the proposed inner edge of the Green Belt but fails to provide anything of any substance as the assessment neglects to objectively consider other potential boundaries. This subjective review again highlights how the Council has sought to retrofit an evidence base to draft Green Belt boundaries selected as early as 2005 and how it has failed to consider the proposed boundaries under paragraphs 134 - 139 of the NPPF.
- 3.05 This is highlighted in Annex 3 Section 2 boundary 8 – 10 appraisals which simply review the boundaries themselves and fail to provide any robust assessment in respect of the 5 purposes of the Green Belt purposes.

- 3.06 Within the Boroughbridge Road quadrant of York an alternative which has not been considered is the ring road (A1237). This would provide a clearly defined and strong boundary to the Green Belt in this location as it would perform well under NPPF paragraph 139(f) in respect of a physical feature that is recognisable and permanent.

PM41: Proposed Green Belt Modification - Knapton

- 3.07 KH objects to the modifications at PM41 on the grounds that they represent cosmetic alterations that fail to take the opportunity to redraw the proposed Green Belt boundary to this part of NW York to help meet development needs during the plan period and “longer term development needs stretching well beyond the plan period”.
- 3.08 A site visit will confirm our view that the A1237 Outer Ring Road would form a more appropriate green belt boundary at this point in terms of the National Planning Policy Framework and associated policies, taking into account the need to allocate additional housing land.

Green Belt Assessment – Summary

- 3.09 As a result of the historic restraining effect of the General Extent of Green Belt on new housing development and as well documented, there is significant pent-up housing demand and affordable housing need across the City which is well documented. Land for housing within the built-part of York is at a premium and the Publication Draft Plan already takes into account key strategic regeneration sites and their capacity to deliver new housing. Previously developed land is a finite resource and historic rates of new housing on brownfield sites are unlikely to be maintained for the Plan period.
- 3.10 Despite this, the proposed Green Belt boundaries within the Plan have clearly been drawn up with maximum development restraint in mind. Given the proposed Green Belt boundaries are in no small part based upon a highly flawed approach under SS1 (as noted above), it stands to reason that Policy SS2 as written cannot be considered sound as it is not effective and justified. As highlighted above we recommend that the Plan includes a minimum housing requirement of at least 1,066 and up to 1,226 dpa annum in order to meet an appropriate OAHN for the city and to begin to address affordability.
- 3.11 Taking into account this and the unrealistic assumptions on delivery, further land for housing will need to be identified and this will of necessity need to be within what is perceived as the General Extent of Green Belt, given the proposed Green Belt boundaries are tightly drawn around the urban extent of the City. Sites such as former sustainable urban extension allocation ST29 on the urban fringe on York would make little contribution toward the five purposes of Green Belt at NPPF paragraph 134 (a-e) and should therefore be allocated or safeguarded for housing rather than designated as Green Belt to avoid conflict with paragraph 139 of the NPPF.
- 3.12 Furthermore, given the absence of any full review of the General Extent of Green Belt since its introduction within the North Yorkshire Joint Structure Plan and subsequent Yorkshire and Humber Plan and in view of NPPF advice at paragraph 85, it is also considered necessary to formally identify Safeguarded Land to meet longer-term development needs stretching well beyond the plan period, and to ensure the Council is satisfied that the

adopted Green Belt boundaries will not need to be altered at the end of the development plan period. Whilst we recognise that the Publication Draft Plan seeks to provide “further development land to 2038” (paragraph 3.13) this falls well short of the NPPF paragraph 85 requirement to:

*Appendix 1: ...meet longer-term development needs **stretching well beyond the plan period.** (CJ emphasis)*

- 3.13 In summary, more land should be released from the General Extent of Green Belt to be allocated for housing to meet a significantly increased OAN and safeguarded land should also be allocated for development needs well beyond 2038. We therefore suggest that to render Policy SS2 sound it should be modified 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, **with additional land released from the General Extent of Green Belt to be safeguarded for development beyond the plan period.** (CJ amendments in bold).*

- 3.14 The currently proposed PMs fail to address the fundamental issues of soundness arising from the interlinked OAN, strategic housing growth and green belt review matters set out within these representation.

4.0 CONCLUSION

4.01 These representations highlight that the Proposed Modifications fail to make the Proposed Plan sound nor do they meet the requirements of paragraph 157 of the NPPF.

4.02 Our concerns relate to:

- the proposed even lower annual housing provision with an OAN of 790;
- tightly drawn Green Belt boundaries which leave no scope for growth in the future should the Council acknowledge that their proposed annual provision is too low and additional housing is required
- lack of robust Green Belt review and justification; and
- insufficient land allocated for housing

4.03 These would combine to hold back growth to unreasonably low levels and exacerbate the existing significant affordability issues further.

4.04 Having considered the contents and methodology of the Green Belt Review, an assessment of the site suggests it is appropriate for removal from the General Extent of Green Belt to be (at the very least) designated as safeguarded land. However, in the first instance we consider the land should be allocated for housing within the plan period for the extensive reasons noted within these representations and in particular to supplement draft housing allocations to meet an objectively assessed need for housing that will increase significantly during the progress toward local plan adoption.

CARTER JONAS
JULY 2019

**CITY OF YORK LOCAL PLAN
CONSULTATION ON 'PROPOSED MODIFICATIONS'**

HOUSING NEEDS AND SUPPLY REPORT

JULY 2019

Carter Jonas

CONTENTS PAGE	Page No
1.0 INTRODUCTION	1
2.0 EVOLUTION OF THE CITY OF YORK STRATEGIC HOUSING MARKET ASSESSMENT	2
The SHMA (June 2016)	2
The SHMA Addendum (June 2016)	2
The SHMA Update (2017)	3
3.0 HOUSING NEEDS ASSESSMENT UPDATE JANUARY 2019	5
Use of 2016 Sub National Population Projections	5
Economic uplift	6
Affordable housing need uplift	6
Conclusion regarding SHMA	6
4.0 CHANGES TO NATIONAL POLICY	7
5.0 CORRESPONDENCE BETWEEN THE COUNCIL AND INSPECTORS	8
6.0 STANDARD METHODOLOGY FOR HOUSING NEED	9
Step 1 - Setting the baseline	9
Step 2 - An adjustment to take account of affordability	9
Step 3 - Capping the level of any increase	9
Economic uplift	10
Affordable housing need uplift	11
7.0 LAND CAPACITY IN YORK	13
8.0 FIVE YEAR HOUSING LAND SUPPLY	14
9.0 CONCLUSION	15

1.0 INTRODUCTION & EXECUTIVE SUMMARY

- 1.1 This report is submitted in relation to the proposed modification of the City of York Local Plan (“the plan”). City of York Council (“the Council”) has released a range of proposed modification one of which is to seek to reduce the Objectively Assessed Housing Need (OAHN) figure to 790 dwellings per annum.
- 1.2 In undertaking this assessment of objectively assessed need and associated issues, Carter Jonas LLP is instructed by various clients.
- 1.3 This report is in the context of continued review and updating of housing evidence on behalf of the Council from 2016 (and before) through 2017, and again in 2019. As such, it tracks the headlines in those reviews and updates. This tracking reveals that there has been under reporting and suppression of the housing needs.
- 1.4 It is recognised that the plan was submitted in May 2018 – under the 2012 National Planning Policy Framework (NPPF) – but there were strong indications of changes to national policy prior to this. Furthermore, the correspondence between the Inspectors and the Council makes it clear that we are in a changing and dynamic policy position and this latest consultation is being conducted post the publication of a new revised NPPF and supporting practice guidance in 2019.
- 1.5 There is an inherent conflict in the Council’s approach to attempt to use the most up-to-date data, but not the most recent national policy and guidance. The flaws in the SHMA and the tensions created by the Council’s approach can all be disregarded if the SHMA is set aside in preference for the ‘Standard Methodology’ for identifying housing need.
- 1.6 Notwithstanding this, should the Inspectors consider it reasonable to retain a SHMA based OAHN figure in the Local Plan it is respectfully suggested that the 2017 update and the GL Hearn conclusion that includes a 10% uplift to reflect market signals and engage with acute Affordable Housing need should be used as the starting point. This would ensure an OAHN of at least 953 dpa is included in the Local Plan. It is considered, however, that this is still under reporting the needs in the City of York.
- 1.7 The housing need figure should be a **minimum** of 1,066 dpa and the most appropriate figure is likely to be **1,226 dpa** to engage with the significant and acute need for Affordable Housing in York.

2.0 EVOLUTION OF THE CITY OF YORK STRATEGIC HOUSING MARKET ASSESSMENT

2.1 The submitted City of York Local Plan was supported by three assessments of housing need all produced on behalf of the Council by GL Hearn:

- City of York Strategic Housing Market Assessment (SHMA): (June 2016) – Examination reference: SD051;
- City of York SHMA Addendum (June 2016): Examination reference: SD052; and,
- City of York SHMA Update (2017): Examination reference: SD050.

2.2 Subsequently, the Council has published a further ‘Housing Needs Assessment Update’ again produced by GL Hearn in January 2019.

The SHMA (June 2016)

2.3 The SHMA (June 2016) Identified:

- A demographic baseline projected need of 833 dwellings per annum (dpa);
- An economic growth assessment to support 780-814 dpa;
- An affordable housing need of 573dpa (although no uplift was applied); and,
- A modest adjustment for household formation rates in the 25-34 age group.

2.4 The conclusion was that the Objectively Assessed Housing Need amounted to: 841 dpa (over the period 2012 – 2032)

The SHMA Addendum (June 2016)

2.5 The SHMA Addendum (June 2016) updated the ‘full’ SHMA in response to the publication of new demographic data: The 2014 based household projections. This iteration of the SHMA identified:

- An increased demographic baseline projected need of 889 dpa;
- No further assessments were made for economic growth;
- An increased affordable housing need of 627dpa (although no uplift was applied); and,
- A retention of the modest adjustment for household formation rates in the 25-34 age group.

2.6 The conclusion was that the Objectively Assessed Housing Need (OAHN) did not need to change from the 841 dpa (over the period 2012 – 2032).

2.7 Pausing at this stage, it is reasonable to reflect on the fact that the 2014 household projections published by the Department for Communities and Local Government show that the figures for the period 2012 – 2032 are 84,271 to 101,389 dwellings, or 856 per year, and this projection figure is higher than that identified as the OAHN for the City of York.

2.8 Furthermore, in order to meet the affordable housing needs in full (as a policy compliant ‘maximum’ of 30%) a total annual figure of 1,910 or 2,090 dwellings would be necessary, respectively, for each SHMA iteration. Therefore to conclude that no uplift was necessary to attempt, or go ‘some way,’ to meeting affordable housing needs is surprising at least, if not unsound.

- 2.9 The purpose of this report is not to analyse the 2016 versions of the SHMA in detail. However, the two observations above are sufficient to raise some concerns about the inputs and assumptions contained within them and, critically the conclusion drawn that 841 dpa is in fact a robust OAHN.

The SHMA Update (2017)

- 2.10 Turning to the City of York SHMA Update (2017), this identified that the latest mid-year population projections had – once again – increased the baseline demographic needs. The 2017 iteration of the SHMA also concluded that there was a need for an uplift in the housing needs figures to reflect the acute need for Affordable Houses. Reported at paragraphs 5.6 and 5.7 is the following:

“In response to both market signals and affordable housing need we have advocated a 10% uplift to the OAN. In line with the PPG this was set against the official starting point of 867dpa. The resultant housing need would therefore be 953dpa for the 2012-32 period.

“The level of housing need identified is somewhat higher than the previous SHMA reflecting the increased starting point but also the inclusion of a market signals uplift. This OAN would meet the demographic growth in the City as well as meet the needs of the local economy.”

- 2.11 However, the council added a preface to this report which stated:

“Members of the Council’s Executive at the meeting on 13th July 2017 resolved that on the basis of the housing analysis set out in paragraphs 82 - 92 of the Executive Report, the increased figure of 867 dwellings per annum, based on the latest revised sub national population and household projections published by the Office for National Statistics and the Department of Communities and Local Government, be accepted.

“Executive also resolved that the recommendation prepared by GL Hearn in the draft Strategic Housing Market Assessment, to apply a further 10% to the above figure for market signals (to 953 dwellings per annum), is not accepted on the basis that Hearn’s conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations.”

- 2.12 Observations of the conclusions in the SHMA include:

- First, that there is an apparent conflation of ‘market signals’ and ‘affordable housing’ to create a suggested uplift of 10%. The now superseded planning practice guidance suggested that this was a two-step and sequential process, albeit each element was a matter of judgement, so to combine the two considerations would not conform to the guidance.
- Second, the 2107 SHMA update reported (para. 3.17) the calculation of affordable housing need (573 dpa) against the proposed policy proportion of 30% requiring a plan target of 1,910 dwellings a year. Whilst it was correctly noted that there is no requirement to meet all of this need a 10% uplift to meet a significant challenge is derisory at best. The figure of 573 is 66% of the demographic baseline figure of 867 and moreover, there is no mention of the

increased Affordable Housing need identified in the 2016 addendum of 627 dpa.

- Third, it is surprising that it took three iterations of the SHMA (not including any previous versions created by 'Arup') to conclude that an uplift to engage with the challenge of affordable housing was necessary, but it is positive to see this assessment within the evidence base.

2.13 The Council Executive's response, however, to the SHMA 2017 is disappointing. The particular concern is the attempt to place a 'policy-on' assessment on the OAHN through the comment that the conclusions "*attach little or no weight to the special character and setting of York and other environmental considerations.*" It was not in the gift of the Council to make this decision as part of setting of objectively assessed needs, clearly this should have been part of the plan making exercise.

2.14 It is in the context of the SHMA published in 2016; its two 'updates' and, the council's response to them, that we must now consider the latest iteration of housing needs assessment.

3.0 HOUSING NEEDS ASSESSMENT UPDATE JANUARY 2019

- 3.1 At the beginning of 2019 the Council published a further update to its housing needs assessments. The purpose of this report was to support the submitted plan and its use of the 'latest' evidence, including the use of 2016 base population projections.
- 3.2 The plan was submitted under the 2012 version of the National Planning Policy Framework (NPPF). Therefore the relevant guidance to consider, in the first instance, is that associated with the first version of the NPPF. The now archived National Planning Practice Guidance (PPG) advised that Objectively Assessed Housing Need (OAHN) should be:
- a) Unconstrained (ID 2a-004-20140306); and,
 - b) Assessed in relation to the relevant functional area known as the Housing Market Area (HMA) (ID 2a-008-20140306).
- 3.3 Regarding point a), there appears to be no attempt to constrain the OAHN in this iteration of the SHMA. This is unlike the 2017 update, as reported above. The HMA (point b) is not changed from the original drafts of the SHMA so it is assumed that this is still relevant and appropriate.
- 3.4 The PPG methodology to identify the OAHN figure is a four stage process comprising:
- I. Demographic (based on past population change and Household Formation Rates (HFR)) (ID 2a-014-20140306 to 2a-017-20140306) ;
 - II. Economic (in order to accommodate and not jeopardise future job growth) (ID 2a-018-20140306) ;
 - III. Market signals (to counter-act worsening affordability caused by undersupply relative to demand) (ID 2a-019-20140306 & 2a-020-20140306).
 - IV. Whilst affordable housing need is separately assessed (ID 2a-022-20140306 to 2a-028-20140306). The delivery of affordable housing can be a consideration for increasing planned housing provision (ID 2a-029-20140306).
- 3.5 As mentioned above, the demographic baseline for the 2019 update is the 2016 based population projections. This results in a 'baseline' growth of 484 dpa. The economic growth assessment suggests a need for 790 dpa. Finally, the 'market signals' and 'affordable housing need' assessment suggests an uplift of 15% to 557 dpa.
- 3.6 The conclusion drawn is that 790 dpa is the most appropriate OAHN figure.

Use of 2016 Sub National Population Projections

- 3.7 As is explored in section 4.0 hereunder, Government's intention has long been to see the delivery of 300,000 new homes a year across the country by the mid-2020s. As part of this commitment it was signposted that a 'streamlined' approach to understanding housing need would be introduced: the 'Standard Methodology' and that the changes to demographic modelling and projections would mean that the use of the 2016 based numbers would not allow the Government to reach its target.
- 3.8 It is accepted that the plan was submitted under the 2012 NPPF but significant time has elapsed since then and indeed, the current consultation is being conducted against the backdrop of a revised and further reviewed NPPF in 2018 and 2019, with associated PPG also updated. It is therefore suggested that the baseline should be the 2014 based population projections and also that the standard methodology

should be adopted. The standard methodology is considered in more detail at section 6.0 of this report.

Economic uplift

- 3.9 The economic assessments presented in the 2019 update rely on the reports and conclusions drawn from documents drafted and published in 2016 and 2017. Whilst these assessments appear to be reasonably robust it is a concern that there has been no attempt to update the conclusions. It is difficult to fully assess the impacts of housing needs that are presented against demographic projections published two years after the associated job growth assessments. It is therefore suggested that, if the SHMA is to continue to be used as the evidence to underpin the City of York Local Plan that an associated update to economic need is undertaken.

Affordable housing need uplift

- 3.10 The Affordable Housing need has not been reassessed since the publication of the SHMA in 2016. The figure of 573 dpa is reapplied to the 2019 calculation update. There is no mention of the 627 dpa identified in the 2016 SHMA addendum. The same under appreciation of the scale of the challenge is applied to the OAHN figures in this latest iteration of the SHMA as with the version in 2017. Against a potential admittedly 'theoretical' need for 1,910 dpa a 15% uplift to only 557 dpa is suggested. This will not go far enough to either:

- *"...meet the full, objectively assessed needs for market and affordable housing"* of the NPPF (2012); or
- *"...make sufficient provision for: a) housing (including affordable housing)..."* of the NPPF (2019).

- 3.11 There is also a continued concern that the matters of 'market signals' and 'Affordable Housing need' are conflated into a single issue to provide only one suggested uplift to the OAHN figure and this is not in conformity with the four stage approach from the PPG as outline above.

Conclusion regarding SHMA

- 3.12 Whilst the plan was submitted under the previous – 2012 version – of the NPPF there was sufficient known at that time that there was due to be a change in understanding housing need and how figures were to be include in Local Plans. There has been sufficient concern raised about the content of the City of York SHMA; the subsequent updates; and, the Council's obvious attempts to apply unjustified constraints to the OAHN figure that it is considered reasonable to move away from these SHMA and instead rely on the new 'streamlined' approach.
- 3.13 Notwithstanding this, should the Inspectors consider it reasonable to retain a SHMA based OAHN figure in the Local Plan it is respectfully suggested that the 2017 update and the GL Hearn conclusion that includes and uplift to engage with acute Affordable Housing need should be used as the starting point. This would ensure an OAHN of at least 953 dpa is included in the Local Plan. It is considered, however, that this is still under reporting the needs in the City of York.

4.0 CHANGES TO NATIONAL POLICY

- 4.1 It is reasonable to consider the changes in national policy that have occurred before, during and since the regulation 19 consultation for the City of York Local Plan (Feb. – April 2018) and its submission (May 2018).
- 4.2 In **March 2016** the Local Plan Experts Group published a report that include a proposed methodology for calculating housing need. This was a four stage process summarised as:
- Official projections used to determine baseline demographic need;
 - Mandatory uplift of Household Formation Rates (HFR) in younger age groups;
 - Using absolute measures of affordability a prescribed market signal uplift (additional to HFR uplift) is applied;
 - Further 10% uplift applied if affordable housing need exceeds figures calculated in preceding stages.
- 4.3 Although there is no economic uplift it may still be incorporated as a policy on consideration to increase the housing requirement.
- 4.4 In **February 2017** the Government’s Housing White Paper was critical of any Council not undertaking an ‘honest assessment’ of housing needs. And it was at this stage that a standard methodology for the OAHN was proposed (subject to further consultation in September 2017).
- 4.5 Both of these were prior to the Regulation 19 publication consultation for the City of York Local Plan.
- 4.6 In **March 2018** Government responded to the Planning for the right homes in the right places consultation, and indicated its intention to require the use of the Standard Methodology using on the 2014 based housing projections to ensure meeting the target of 300,00 home per year.
- 4.7 This occurred during the Regulation 19 consultation.
- 4.8 In **July 2018** the revised NPPF was published including the Standard Methodology for identifying housing need.
- 4.9 In **October 2018** the Government conducted a consultation regarding the necessary use of the 2014 based demographic figures
- 4.10 In **February 2019** the NPPF and PPG were revised to include the 2014 figures.
- 4.11 These three later adjustments to national policy and guidance were post the submission of the Local Plan, but in advance of the current consultation and a relevant consideration in the situation at York, where the appropriate level of housing need is unclear.

5.0 CORRESPONDENCE BETWEEN THE COUNCIL AND INSPECTORS

- 5.1 The publication of the revised NPPF was a material consideration in the examination of the Local Plan and as such there was dialogue and communication between the appointed inspectors and the city council. One of the conclusions drawn from this dialogue appears to be that the housing needs require reassessment. This the council duly undertook and in a letter of 29 January 2019 (examination ref: EX CYC 8) and reached the following conclusion (with our emphasis):

“The enclosed SHMA Update report advises that York’s OAN is 790 dwellings per annum. This is based on a detailed review of the latest published evidence including the national population and household projections and the latest mid-year estimate. The review has been undertaken based on applying the requirements of the National Planning Practice Guidance in relation to the assessment of housing need, under the 2012 NPPF. This confirms to the Council that the 867 dwellings per annum proposed in the submitted Plan can be shown to robustly meet requirements.”

- 5.2 The decision in January appears to have been to retain the originally submitted housing target to support the then assumed economic growth assumptions (but no increase for Affordable Housing need). This decision, however, has since been reversed in a letter of March 2019 (EX CYC 13) and the main modifications consultation is now proposing the reduced figure of 790 dwellings per year, which is referenced in the quote above and is a result of the latest update to the York SHMA.
- 5.3 There is an inherent tension or conflict in the letters from the Council, and the subsequent updates to the SHMA. This conflict is the continued reference to the need to update the needs figures to ‘reflect the most up-to-date’ data but there is scant regard given to updated national policy. Furthermore, as is outlined above, whilst the baseline demographic have been updated, the economic trends and Affordable Housing needs have not been updated.
- 5.4 A simple approach that avoids this tension and could well enable the Council to manage its resource use in the near future, is to consider the ‘Standard Methodology’ and what it shows for housing need in York. Identifying the correct housing need figure, is after all, the first step and the ability to plan for and deliver that need is secondary.

6.0 STANDARD METHODOLOGY FOR HOUSING NEED

6.1 In the 2018 revision of the NPPF (and the subsequent changes in 2019) Government introduced a 'simpler' standardised approach to understanding local housing needs. This revision to national policy is supported by updated planning practice guidance.

6.2 The relevant guidance is reference ID: 2a-004-20190220: *How is a minimum annual local housing need figure calculated using the standard method?* This guidance has three steps, and each is taken in turn for York in the following paragraphs (with our emphasis in guidance when necessary).

Step 1 - Setting the baseline

6.3 Using the 2014 mid-year projections, calculate the projected average annual household growth over a 10 year period (this should be 10 consecutive years, with the current year being used as the starting point from which to calculate growth over that period):

(a) Current year (2019)	= 90,829
(b) Ten years hence (2029)	= 99,027
(c) Annual average	= 820 (b – a / 10)

Step 2 - An adjustment to take account of affordability

6.4 The most recent median workplace-based affordability ratios, published by the Office for National Statistics at a local authority level, should be used. No adjustment is applied where the ratio is 4 or below. For each 1% the ratio is above 4 (with a ratio of 8 representing a 100% increase), the average household growth should be increased by a quarter of a percent. To be able to apply the percentage increase adjustment to the projected growth figure we then need to add 1.

$$\text{Adjustment factor} = ((8.86 - 4) / 4) \times 0.25 + 1 = 1.303$$

6.5 The adjustment factor is therefore 1.303 and is used as:

Minimum annual local housing need figure = (adjustment factor) x projected household growth

$$\text{Minimum annual local housing need figure} = 1.303 \times 820$$

The resulting figure is **1,069**.

6.6 For a plan period of 19 years (i.e. 2019 – 2038) this would equate to a minimum of 20,311 dwellings.

Step 3 - Capping the level of any increase

6.7 A cap is then applied which limits the increases an individual local authority can face. How this is calculated depends on the current status of relevant strategic policies for housing.

6.8 Where these policies were adopted within the last 5 years (at the point of making the calculation), the local housing need figure is capped at 40% above the average annual housing requirement figure set out in the existing policies.

6.9 Where the relevant strategic policies for housing were adopted more than 5 years ago (at the point of making the calculation), the local housing need figure is capped at 40% above whichever is the higher of:

a. the projected household growth for the area over the 10 year period identified in step 1; or

b. the average annual housing requirement figure set out in the most recently adopted strategic policies (if a figure exists).

6.10 The extant housing target for York was adopted more than five years ago in 2005. Therefore the 40% increase cap described above is engaged. The housing target is identified in the chapter 7 of the City of York Local Plan at 8,775 dwellings or 675 dwellings per annum.

Scenario a: $820 \times 1.4 = 1,148$

Scenario b: $675 \times 1.4 = 945$

6.11 The guidance suggests that the cap should be set at the higher of the two scenarios above, which would be scenario a. The figure of 1,148, however, is higher than the minimum set out in the standard methodology.

6.12 There is no guidance for what to do in this situation. Therefore, the more reasonable approach could be to adopt the original minimum standard figure of **1069 dwellings per annum**.

6.13 It is accepted, however, that the PPG also references the ‘submission’ of the Local Plan at ID: 2a-008-20190220. Therefore, considering the information that was available at submission of the Local Plan:

(a) Current (*Submitted*) year (2018) = 89,966

(b) Ten years hence (2028) = 98,239

(c) Annual average = 827 (b – a / 10)

Adjustment factor = $((8.62 - 4) / 4) \times 0.25 + 1 = 1.289$

Minimum annual local housing need figure = 1.289×827

The resulting figure is **1,066**.

6.14 The PPG also indicates that the standard method for assessing housing need provides a minimum starting point in determining the number of homes needed in an area. It also indicates that there may be circumstances – such as economic growth and Affordable Housing need – where it is appropriate to consider whether actual housing need is higher than the standard method indicates. It is also worth noting that the new guidance continues makes clear the distinction between ‘affordability’ and Affordably Housing need and that they are considered separately.

Economic uplift

6.15 It is clear from the data explored in the SHMA that the economic led housing need scenarios using 2014-based projections generate a need for an uplift to the minimum starting point established through that document. It is vitally important that economic trends and household formation are aligned if a Local Plan is to successfully achieve sustainable growth.

- 6.16 The PPG confirms that the standard method does not attempt to predict changing economic circumstances that may affect demographic behaviour at ID: 2a-010-20190220.
- 6.17 The figures calculated in the SHMA suggest a range (variously) between 780-814 dpa. On the face of it this **does not** require an uplift to the minimum starting point of the Standard Methodology. However, as previously cited, the council's evidence is somewhat dated in this respect.

Affordable housing need uplift

- 6.18 The need for affordable housing in the City is significant.
- 6.19 The SHMA 2019 Update confirms the need at least 573 dpa, which is some 73% of the total local OAHN figure proposed by the Council of 790 dpa.
- 6.20 This is an unsustainable level of affordable housing need and the Council has made no adjustment to its local housing need figure to accommodate this. To exacerbate matters, the recent trend in 'Right to Buy' sales shows a significant increase in take-up, which means further Affordable Homes are being lost.
- 6.21 The ONS statistics (Live returns Table 685) show that sales of homes through the 'Right to Buy' in York, which were negligible from 2008 – 2012 (presumably because of the recession), have steadily increased to an average of 73 a year in the last three years. This latter period alone has resulted in the loss of 219 Affordable Houses and if this trend continues the supply of homes will decrease as the need continues to become more and more acute.
- 6.22 Looking further at Table 685 one can also draw a comparison with the surrounding districts where 'Right-to-buy' (RtB) sales have remained reasonably low and collectively, between 7 districts, at around 50 homes a year. This trend suggests that there is a pull towards York for Affordable Homes. This pull is reflective of people's desire to live there meaning the need to supply these homes, in the right place where people want to live is a social and NPPF imperative.
- 6.23 Comparative RtB losses to affordable housing stock for York UA and N Yorkshire authorities since 2010 are as follows:

	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	Total
York UA	10	6	24	53	52	68	79	72	364
Craven	..	..	..	..	..	..	..	..
Hambleton	..	..	..	..	..	..	..	..
Harrogate	5	1	10	13	17	12	26	24	108
Richmondshire	2	1	5	7	9	7	8	11	50
Ryedale	..	..	..	..	..	..	..	..
Scarborough	..	..	..	..	..	..	..	..
Selby	3	3	10	16	25	13	22	21	113
N Yorkshire (total)	10	5	25	36	51	32	56	56	271

- 6.24 We consider this is in no small part reflective of the strong housing market across the city which has been fuelled by under-delivery of new-build homes in recent years, both general market and affordable housing.
- 6.25 The NPPF 2019 places great emphasis on addressing affordable housing needs as part of the Plan making process. The Council's current policy approach to affordable housing delivery will see, at the highest level of the spectrum set out in draft Policy H10, 30% provision. Even if the 30% provision was to be applied to every residential scheme coming forward in York over the Plan period, which certainly will not be the case, the Council will only achieve 237 dpa. This will lead to a shortfall of at least 336 dpa.
- 6.26 To address the affordable housing need in full based on draft Policy H10 the OAHN would need to be increased to 1,910 dpa.
- 6.27 This clearly demonstrates a need to increase the OAN above the 790 dpa proposed by the Council and could be an indication to increase the minimum starting point established through the standard methodology.
- 6.28 At stages GL Hearn has suggested a 10% and 15% uplift to the demographic baseline. Taking these suggestions would provide the following OAHN figure (against the 2018 baseline calculation of 1,066):

10% uplift: 1,172 dpa or 23,440 homes across 20 years
15% uplift: 1,226 dpa or 24,518 homes across 20 years

7.0 LAND CAPACITY IN YORK

- 7.1 The Council's latest Strategic Housing Land Availability Assessment (2018 – reference: SD049) suggests that there are '250 land parcels' that were deemed reasonable alternatives to be taken forward for Sustainability Appraisal. However, there does not appear to be a total land capacity assessment within the assessment to realistically understand if there is a prospect for the delivery of the housing need.
- 7.2 From 'Figure 6' the Plan Trajectory of page 38 there is a quoted number of "Cumulative Completions" that includes a windfall allowance. This totals 21,436 dwellings. This demonstrates that there is a reasonable expected capacity in York, which with addition of a limited number of additional sites could be elevated to achieve the 24,518 figure.
- 7.3 Should the Council not be able to identify the land capacity for its identified needs, of course, then the appropriate action is to work with its neighbours under the Duty to Co-operate and look to meet unmet needs elsewhere.

8.0 FIVE YEAR HOUSING LAND SUPPLY

8.1 A change to the identified housing need, will of course, have an impact on both the whole plan development trajectory but also the five year housing land supply.

8.2 The purpose of this report is not to analyse the deliverability of proposed allocated sites, or others identified in the five year supply. However, to take the Council's assessment (from page 39 of document SD049) at face value, but applying need figure scenarios resulting from applying the standard methodology provides the following:

Annual housing target across the Plan period	1,066	1,069	1,172	1,226
Cumulative Housing target (2017/18 - 2022/23)	5,330	5,345	5,860	6,130
20% Buffer required for flexibility	6,396	6,414	7,032	7,356
Total dwellings estimated to be complete within 5 years (2017/18-2022/23)	6,877	6,877	6,877	6,877
Under/over-supply of housing	+481	+463	-155	-479
Five year land supply	5.38	5.36	4.89	4.67

*NB under the standard methodology there is no need to consider previous under supply.

8.3 A review of the currently stated land supply position in York suggests that in the next five years, at least, there is capacity to set a housing target that reflects the standard methodology minimum. There could well be opportunities to support the uplifted figure to support the delivery of Affordable Housing.

9.0 CONCLUSION

- 9.1 This report has reflected on the evolution of housing needs assessments in York. The SHMA iterations that have been produced have conflated issues and under-represented need or indeed have been deliberately suppressed. The latest 2019 'update' to the SHMA uses data produced from those previous iterations and can only be considered to be flawed.
- 9.2 There is an inherent conflict in the Council's approach to attempt to use the most up-to-date data, but not the most recent national policy and guidance. The flaws in the SHMA and the tensions created by the Council's approach can all be disregarded if the SHMA is set aside in preference for the 'Standard Methodology' for identifying housing need.
- 9.3 Notwithstanding this, should the Inspectors consider it reasonable to retain a SHMA based OAHN figure in the Local Plan it is respectfully suggested that the 2017 update and the GL Hearn conclusion that includes and uplift to engage with acute Affordable Housing need should be used as the starting point. This would ensure an OAHN of at least 953 dpa is included in the Local Plan. It is considered, however, that this is still under reporting the needs in the City of York.
- 9.4 The housing need figure should be a **minimum** of 1,066 dpa and the most appropriate figure is likely to be **1,226 dpa** to engage with the significant and acute need for Affordable Housing in York.
- 9.5 The stated land supply of the 2018 SHLAA appears to suggest that the Council has the ability to identify sites (and include a windfall allowance) that is close to achieving the need figures. It should also be possible, with a review of the SHLAA, to update the plan and include a limited number of additional sites to fully meet the needs.

[REDACTED]

From: [REDACTED]
Sent: 14 August 2019 08:23
To: [REDACTED]
Subject: FW: Representation on behalf of Karbon Homes - Boroughbridge Road, Nether Poppleton [CJ-WORKSITE.FID513966]
Attachments: 539 01 (02) 001 Site location plan.pdf

Good morning [REDACTED]

Can you add this email and attached redline boundary map to the Karbon Homes submission documentation please?

PM SID 0894 - Karbon Homes - Simon Grundy Carter Jonas - Site 779 Former ST29

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Grundy, Simon [REDACTED]
Sent: 13 August 2019 16:31
To: [REDACTED]
Subject: RE: Representation on behalf of Karbon Homes - Boroughbridge Road, Nether Poppleton [CJ-WORKSITE.FID513966]

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Hi [REDACTED]

Please see attached.

With best wishes

Simon

Simon Grundy
Partner

T: 0113 203 1095 | [REDACTED] | carterjonas.co.uk
First Floor, 9 Bond Court, Leeds, LS1 2JZ

• Please consider the environment. Do you really need to print this email?

From: [REDACTED]
Sent: 08 August 2019 16:12
To: Grundy, Simon [REDACTED]
Subject: [Ext Msg] RE: Representation on behalf of Karbon Homes - Boroughbridge Road, Nether Poppleton [CJ-WORKSITE.FID513966]

Good afternoon Simon,

Just a reminder that we're awaiting your clients' decision whether to publish the site layout plan you provided, or, a site red line boundary map yet be provided, or, not publish anything at all?

Please let me know by tomorrow as we're in the final stages of collation.

Kind regards,

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: 01 August 2019 15:52
To: 'Grundy, Simon'
Subject: RE: Representation on behalf of Karbon Homes - Boroughbridge Road, Nether Poppleton [CJ-WORKSITE.FID513966]

Hi Simon,

The intention is for publication/issuing to the Inspector by mid-September at the latest, so it would appear that this would clash with your client's timetabling?

We're happy to append a red line boundary map, but for organisational purposes would need this supplied before the end of next week please.

Kind regards,

[REDACTED]

From: Grundy, Simon [REDACTED]
Sent: 01 August 2019 15:31
To: [REDACTED]
Cc: Winter, Emma
Subject: RE: Representation on behalf of Karbon Homes - Boroughbridge Road, Nether Poppleton [CJ-WORKSITE.FID513966]

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Many thanks [REDACTED]

Thank you for your comments. Much depends on likely timing for issue of the Regulation 22 Consultation Summary. Any ideas? If this will push beyond late September 2019 then this will not be a problem as we will have gone public by then...

I look forward to hearing from you,

With best wishes

Simon

Simon Grundy
Partner

T: 0113 203 1095 | [REDACTED] | carterjonas.co.uk
First Floor, 9 Bond Court, Leeds, LS1 2JZ

· Please consider the environment. Do you really need to print this email?

From: [REDACTED]
Sent: 01 August 2019 14:13
To: Grundy, Simon [REDACTED]
Subject: [Ext Msg] RE: Representation on behalf of Karbon Homes - Boroughbridge Road, Nether Poppleton [CJ-WORKSITE.FID513966]

Good afternoon Simon,

Thank you very much for the site layout plan.

Understanding the sensitivity that surrounds development schemes, I must advise you that the Planning Inspector would wish to see this in our Regulation 22 Consultation Summary documentation and therefore this would become public upon release to the Inspector.

As this timing may not be ideal to your client, would it be acceptable if we were to publish just a red line boundary that would be provided by your client?

To maintain confidentiality for your client, please be assured that if your client wishes not to have the site layout plan made public at this stage, we will delete this from the submission upon hearing from you again.

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Grundy, Simon [REDACTED]
Sent: 01 August 2019 11:52
To: [REDACTED]
Cc: Winter, Emma
Subject: RE: Representation on behalf of Karbon Homes - Boroughbridge Road, Nether Poppleton [CJ-WORKSITE.FID513966]

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Good Morning [REDACTED]

Further to your request yesterday please see attached for the current site layout plan. This is a work in progress and subject to change. We trust this will not become a public document until the representations consultation summary is issued as part of the Examination in Public process.

With best wishes

Simon

Simon Grundy
Partner

Carter Jonas

T: 0113 203 1095 | [REDACTED] | carterjonas.co.uk
First Floor, 9 Bond Court, Leeds, LS1 2JZ



• Please consider the environment. Do you really need to print this email?

From: [REDACTED]
Sent: 31 July 2019 12:57
To: Grundy, Simon [REDACTED]
Subject: [Ext Msg] Representation on behalf of Karbon Homes - Boroughbridge Road, Nether Poppleton

Good afternoon Simon,

Thank you for talking with me about the Karbon Homes Boroughbridge Road proposal.

As per our conversation, could you send a proposed outline plan of this development for inclusion with the Karbon Homes consultation response please.

This will aid in creating summaries for the Planning Inspector who is examining the draft Local Plan and proposed modifications.

Kind regards,
John

[Redacted]

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Registration Number: OC304417
Address of Registered Office: One Chapel Place, London, W1G 0BG.

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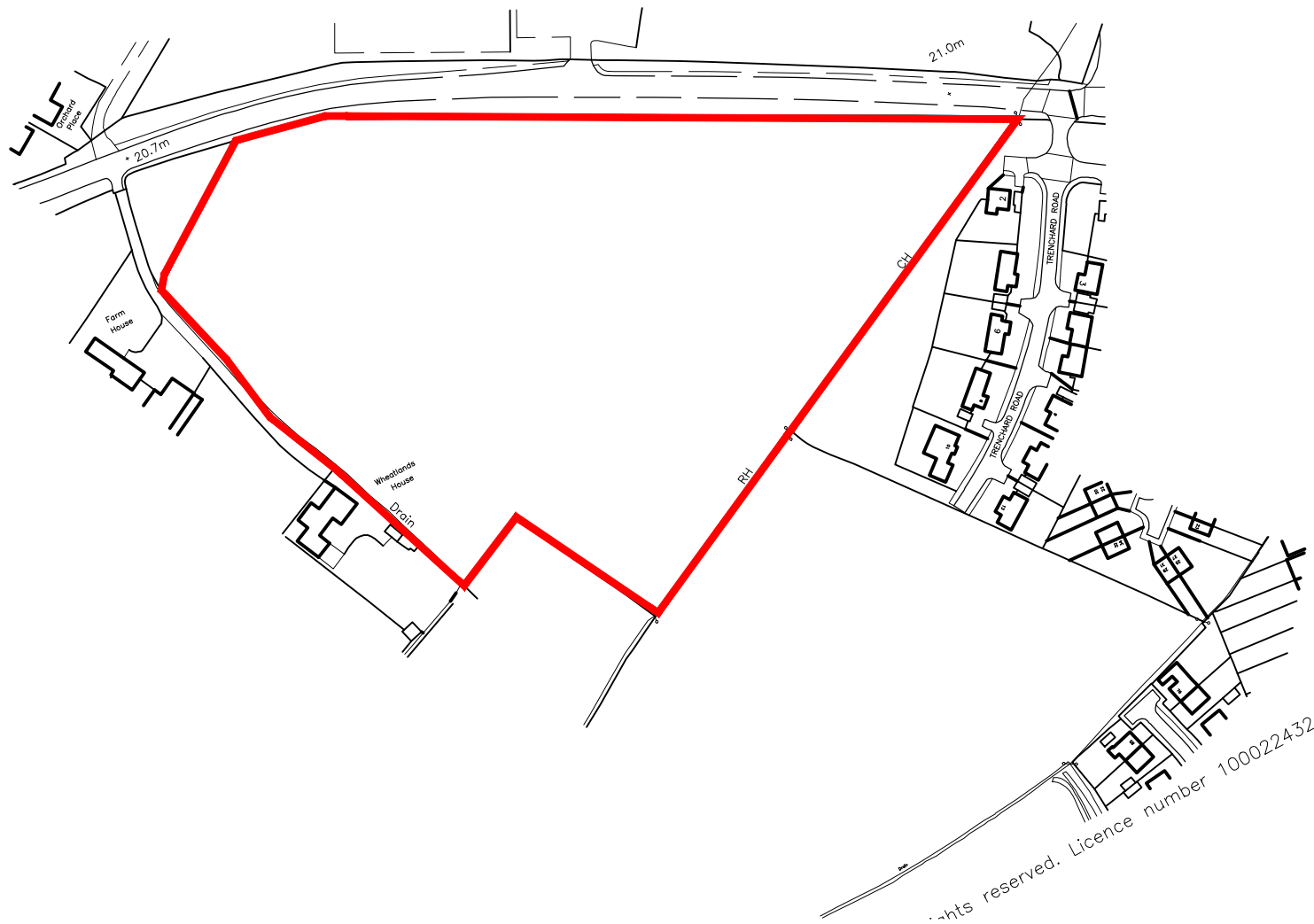
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York Housing Association

Residential Development
Boroughbridge Road
York

Site Location Plan

Drawn: GJ	Scale: 1:2500@A4
Date: 16.5.19	Checked:

brewsterbye architects

5 NORTH HILL ROAD
HEADINGLEY
LEEDS
LS6 2EN

telephone
0113 2754000
facsimile
0113 2844250
e-mail
info@brewsterbye.co.uk

Dwg No: 539/01(02)001 #

From: Gandhi, Joel [REDACTED]
Sent: 22 July 2019 18:00
To: localplan@york.gov.uk
Cc: [REDACTED]
Subject: CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS REGULATION 19 CONSULTATION RESPONSE - BANKS GROUP, LAND AT MALTON ROAD, HUNTINGTON, YORK, YO32 9TB [CJ-WORKSITE.FID533951]
Attachments: APPENDIX_5_-_GREEN_WEDGE_ASSESSMENT (small).pdf; APPENDIX_4_-_LANDSCAPE_AND_VISUAL_ASSESSMENT (small).pdf; APPENDIX_3_-_CITY_OF_YORK_OAN_-_HOUSING_NEEDS_AND_SUPPLY (small).pdf; APPENDIX_1_-_SITE_PROMOTION_BROCHURE (small).pdf; APPENDIX_2_-_DETAILED_MASTERPLAN (small).pdf; 20190722-LS-GO-CityofYorkLocalPlanProposedModificationsConsultation.docx; Malton Road Representation Final .pdf; Malton Road Reps Consultation Form.docx; APPENDIX_6_-_GREEN_BELT_ASSESSMENT (small).pdf; APPENDIX_7_-_FLOOD_RISK_ASSESSMENT (small).pdf
Follow Up Flag: Follow up
Flag Status: Completed

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Dear Sirs,

Please find attached representations to the Proposed Modifications Regulation 19 Consultation on behalf of BANKS GROUP, LAND AT MALTON ROAD, HUNTINGTON, YORK, YO32 9TB
The representations include:

- A completed Representation Form
- Banks Cover Letter
- Representation Report
- Appendix 1 - Site Promotion Brochure
- Appendix 2 - Detailed Masterplan
- Appendix 3 – CYC OAN Housing Needs and Supply Report
- Appendix 4 – Landscape and Visual Assessment
- Appendix 5 – Green Wedge Assessment
- Appendix 6 – Green Belt Assessment
- Appendix 7 – Flood Risk Assessment

Regards

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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 Proposed Modifications Consultation Response Form 10 June – 22 July 2019

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 Inspectors 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	George	Simon
Last Name	Oldroyd	Grundy
Organisation (where relevant)	Banks Property Ltd	Carter Jonas LLP
Representing (if applicable)		
Address – line 1		Carter Jonas
Address – line 2		First Floor
Address – line 3		9 Bond Court
Address – line 4		Leeds
Address – line 5		
Postcode		LS1 2JZ
E-mail Address		
Telephone Number		

Representations must be received by Monday 22 July 2019, 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 Monday 22 July 2019, 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?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and new evidence, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018. You can make comments on any of the proposed modifications, the Sustainability Appraisal Addendum, the updated Habitats Regulation Assessment, and other background documents which include a Housing Needs Assessment update and an Addendum to Topic Paper 1: The Approach to Defining York's Green Belt. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this 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 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, 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 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?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

The Local Plan Proposed Modifications document, the Sustainability Appraisal/SEA Addendum and Updated Habitats Regulation Assessment (HRA) will be available for inspection at in all of York's libraries and City of York Council West Offices.

All supporting documents which underpin the City of York Local Plan Proposed Modifications are available to view online at www.york.gov.uk/localplan and are also available for inspection at City of York Council West Offices and York Explore.

Part B -Your Representation

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



3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PPM3-PM5

Document:

Please refer to site representation document

Page Number:

N/A

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes No

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

Yes No

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

The Local Plan is not legally compliant as it has not been carried out in accordance with the legal requirements of the Sustainability Appraisal and other statutory regulations.

Please see representation document for land at Malton Road.

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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (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) Please justify your answers to questions 5.(1) and 5.(2)

The Local Plan is unsound. In all four tests of soundness outlined in the NPPF, the plan fails, the Council have failed to present a consistent and coherent Plan that will deliver the housing and employment requirements for the entire plan period.

In terms of being positively prepared, the draft plan fails to meet even the minimum assessed development need and is overly confident in large strategic allocations delivering a high number of units in a relatively small window of time.

The plan is not justified, national guidelines outline the use of 2014 household projection data to calculate housing need, however, city of York have used the 2016 household projection figures alongside the standard methodology for calculating housing need. Not only does this go against national policy, but it is not the most appropriate or reasonable strategy to plan for growth. The 2014 household project figures should be used alongside the standard methodology, Affordable Housing need should also be included

The deliverability of these sites is doubtful and therefore the plan is not effective, NPPF places emphasis on plans having a diverse pool of sites that can come forward at various times throughout the plan to ensure a balanced housing market.

It is therefore considered the plan is not consistent with national policy regarding the plan making process and is therefore wholly unsound.

Please see representation document for land at Malton Road.

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

City of York must allocate more housing and employment land to ensure the plan is prepared in a positive and effective manner in line with national policy.

The additional allocations will ensure the plan is robust and will meet the required growth throughout the entire plan period. This modification is to include Land at Malton Road as a housing allocation with the draft plan. The site was originally a housing allocation in the 2014 draft plan (H50) before the plan was scrapped.

The inclusion of Land at Malton Road as a housing allocation will improve the soundness of the plan by making it consistent with national policy, the site was considered sustainable in the 2014 draft plan continues to present a sustainable addition to the current draft plan.

Please see representation document for land at Malton Road for a detailed assessment of the site in the context of the draft plan.

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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 representation document for land at Malton Road.

Please note: the Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for 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 foi@york.gov.uk or on 01904 554145.

Signature

Date

Our Ref: GO/SC LP/N/4060/PL-05
Your Ref:

22 July 2019

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

Dear Sir/Madam

CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS CONSULTATION

Banks Property Ltd are part of the Banks Group, a family owned, Durham based business which has successfully operated for the last 43 years across surface mining, renewable energy generation and property development.

Banks Property have an interest in a site at Malton Road with the landowner Mr W.Rolston, and therefore welcome the opportunity to comment on the City of York Local Plan Proposed Consultation.

Enclosed are a suite of documents that altogether form Banks Property's official representations to the proposed modifications. These consist of:

- City of York Local Plan Representations
- Appendix 1 – Site Promotion Brochure
- Appendix 2 – Detailed Masterplan
- Appendix 3 – City of York OAN – Housing Needs & Supply
- Appendix 4 – Landscape and Visual Assessment
- Appendix 5 – Green Wedge Assessment
- Appendix 6 – Green Belt Assessment
- Appendix 7 – Flood Risk and Drainage Feasibility Study

Yours faithfully



George Oldroyd
Land and Planning Graduate

DD: 
E: 



CITY OF YORK LOCAL PLAN REPRESENTATIONS

CITY OF YORK LOCAL PLAN
PROPOSED MODIFICATIONS
(JUNE 2019)
REGULATION 19
CONSULTATION RESPONSE:

LAND AT MALTON ROAD
HUNTINGTON
YORK
YO32 9TB

CONTENTS

Section	Title	Page No.
1.0	Introduction	3
2.0	Site Context	5
3.0	Planning Policy Context	9
4.0	Spatial Strategy and the Housing Requirement	13
5.0	Green Belt - General Principles and Detailed Boundaries	16
6.0	Conclusion	24
Appendices		
1	Site Promotion Brochure Housing Needs and Supply Report	
2	Detailed Masterplan	
3	OAN Housing Needs and Supply Report	
4	Landscape and Visual Assessment	
5	Green Wedge Assessment	
6	Green Belt Assessment	
7	Flood Risk Assessment	

1.0 INTRODUCTION

- 1.01 Carter Jonas LLP (CJ) welcomes the opportunity to make representations in respect of the June 2019 City of York Local Plan Proposed Modifications (the PMs) on behalf of Banks Property. These representations are pursuant to previous representations by Taylor Wimpey at Preferred Sites and Pre-Publication Draft (Regulation 18) stages.
- 1.02 CJ has been instructed by Banks Property to prepare this submission in respect of matters of principle and Land at Malton Road (the site), York to support its release from the General Extent of Green Belt designation and subsequent allocation for housing through the emerging City of York Local Plan. This report should be read in conjunction with the technical and environmental reports and surveys commissioned to support this submission and appended herewith. If you have any queries regarding the site or this document, please contact **Simon Grundy (Simon.Grundy@carterjonas.co.uk)** or **George Oldroyd (George.Oldroyd@banksgroup.co.uk)**.
- 1.03 City of York Council (CYC) is preparing a new Local Plan for the District which will cover a plan period up to 2033, setting out how it will meet objectively assessed needs and how development will be distributed across the city. A Local Development Scheme (LDS) was published in November 2017 indicating adoption of the Local Plan in February 2019 and, as a result, this LDS is therefore considered out of date. Several revisions have been made to the adoption timescales following the commissioning of further evidence. The indicative timetable below sets out the schedule for the preparation of the next stages of the Local Plan:
- Submission – May 2018
 - Examination in Public - Winter 2019
 - Additional Consultation – Summer 2019
 - Inspector's Report – Spring 2020
 - Adoption - Summer 2020
- 1.04 An area of the Malton Road site was included in the 2014 York Local Plan Publication Draft as a proposed housing allocation (site reference H50), however decisions were made at Full Council in October 2014 which halted work on that version of the Local Plan. The site is no longer included as a housing allocation in the current draft plan. Our client strongly disagrees with the rejection of this site, and, for the reasons set out below, considers that it represents a suitable, available and achievable housing option which should be allocated as such to assist in meeting the full objectively assessed need for housing.
- 1.05 Our specific concerns arising from this PMs consultation (along with the Plan as submitted) relate to the following, with cross-reference to the modifications main document and/or evidence base where appropriate:
- PM3-PM5 and associated amendments –
 - EX/CYC/14a - the January 2019 Housing Needs Update and the Revised Objectively Assessed Housing Need (OAHN) (GL Hearn)
 - The associated 'garden village' strategy for delivery of sufficient land to meet the OAHN
 - EX/CYC/18 - Addendum to Topic Paper 1 - Approach to Defining York's Green Belt - March 2019
 - EX/CYC/18d - Topic Paper 1 Addendum - Annex 3 - Inner Boundary Descriptions and Justifications
- 1.06 This representations document sets out the suitability and appropriateness of the site in the context of the Council's evidence base and assessment methodology, as well as a comparison with the Sustainability Appraisal (objectives) which underpins the emerging Local Plan. This document should be read alongside other supporting information contained within the submission. These include:
- Landscape and Visual Assessment (Rural Solutions)
 - Green Belt Assessment (Rural Solutions)

- Green Wedge Assessment (Rural Solutions)
- Indicative Masterplan (Carter Jonas Masterplanning)
- Flood Risk and Drainage Feasibility Study (JBA Consulting)
- Indicative Drainage Schematisation (JBA Consulting)

1.07 The remainder of this submission is structured as follows:

- Section 2 provides a context and description of the site;
- Section 3 reviews the emerging planning policy context and national plan-making considerations;
- Section 4 dissects the Spatial Strategy and Housing Requirements with the draft Local Plan;
- Section 5 considers the sustainability of the site against the emerging Local Plan objectives; and
- Section 6 delivers a comprehensive conclusion to the CYC Plan Proposed Modifications (PMS) and provides recommendations for improving the acceptability of the draft plan.

2.0 SITE CONTEXT

Overview

2.01 The site is located approximately 2.5km north-east of York City Centre. It extends to an area of 6.73 hectares and comprises former agricultural land with a number of commercial buildings located along the southern half of the north-eastern boundary. Two field boundaries cross the site, one from east to west and the other from north to south at the south-west corner, effectively dividing the site into three parcels of land.

2.02 The site is bound to the:

- North-east by New Lane;
- South-east by Malton Road; and
- North-west and south-west by existing residential estates.

Site Description

2.03 As seen from the figure 1 below, the site lies east of built up urban area of York.

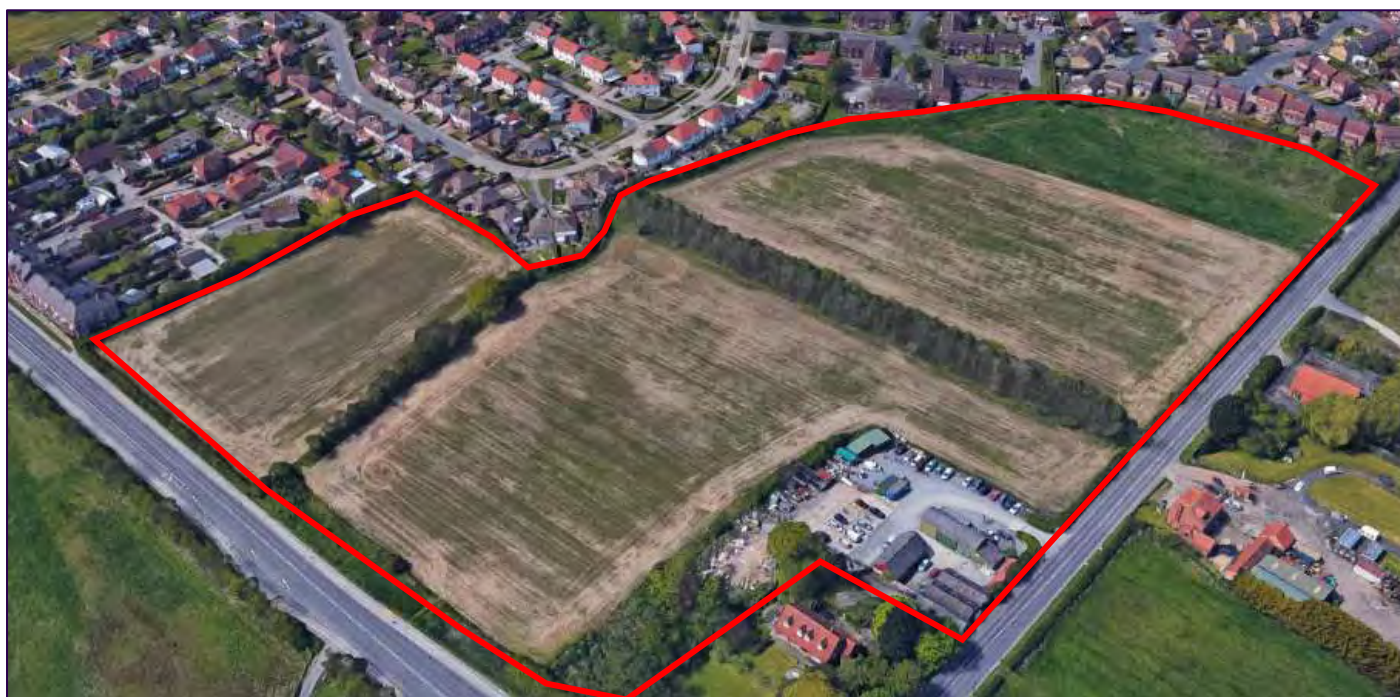


Figure 1: Aerial view of Site off Malton Road, proposed housing allocation site (site outlined in red)

2.04 It is closely bounded by housing to the north and west and fields to the east with the Monks Cross and Vanguard Shopping Parks beyond. It is circa 16.6 acres (6.73ha) in area and is edged red on the image (not to scale) above. The site consists of three fields plus employment land and buildings comprising four post war workshop buildings. The fields are arable-farmed. Also within the site boundary, to the north is an area of unfarmed scrubland adjacent to housing on Ferguson Way. To the north the boundary is a mixture of field hedge and (rear) garden boundary hedging and fences.

2.05 Adjacent to the employment land and buildings is a single dwelling not within the site.

2.06 Huntington is characterised by suburban residential housing estates, with the original village having been absorbed wholly by the growth and urbanisation of the city. The site is fronted by the A1036 Malton Road

which is an arterial road into the centre of York and New Lane, a local distributor road that extends from Malton Road into Huntington

- 2.07 There are frequent and regular bus services available from New Lane and Malton Road from a number of bus stops which offer services every 10minutes into York City Centre and to other suburbs and centres further afield such as Malton. Aside from proximity to the Monks Cross and Vangarde Shopping Parks, Huntington has numerous shops including a post office, newsagents, grocers, butchers and pharmacy. Victoria Way Surgery and Yearsley Grove Primary School are also within 500metres of the site.

Accessibility

- 2.08 There is potential to achieve a safe and appropriate access into the site from New Lane with adopted highway along the entirety.
- 2.09 A Public Right of Way ref. 52/159/10 runs adjacent to the western boundary, linking Sefton Avenue with Malton Road.

Flooding

- 2.10 There are a number of watercourses within a close proximity of the site, South Beck flows through the site and an unnamed watercourse converges with South Beck to the south of the site. The River Foss is located to the west of the site. No records of historic flooding at the site are held by the EA.
- 2.11 A small watercourse known as South Beck crosses the site from south to north and follows the western boundary. Environment Agency mapping shows that most of the land lies within Flood Zone 1, i.e. at least risk of flooding, with the land immediately adjacent to the beck being in Flood Zone 3.
- 2.12 A recent flood zone assessment conducted by JBA has found that the Environment Agency had previously over predicted flooding extents on site. As such, it is considered the site is predominantly located within Flood Zone 1 with small areas in Flood Zones 2 and 3 with flooding contained within South Beck as evidenced in figure 2 below and Appendix 4 of this document.



Figure 2: Image from Flood Risk Assessment (2019) highlighting reduced flood risk extent on site.

Heritage

- 2.13 There are no known heritage assets, either designated or non-designated in close proximity to the site.

Agricultural Land Classification

- 2.14 Grades 1-3a are considered Best and Most Versatile Agricultural Land (BMVAL) across England and Local and National Policy seeks to maintain land of this grade. Assessment of the Agricultural Land Classification Yorkshire and the Humber (ALC003) published 24th August 2014 indicates the site is grade 3b agricultural land and is not the most the best or most versatile land. The site is comprised of three small isolated fields that do not form part of a wider or larger agricultural holding.

Ecology

- 2.15 Online resources confirm there are no statutory designations in or within 1km of the site in respect of Special Areas of Conservation, Ramsar Sites, SSSI's, Nature Reserves or records of Protected Species. There are no Tree Preservation Orders covering the site.

Planning history

- 2.16 There are no historic planning applications in respect of the agricultural land. The redevelopment of the industrial units has twice received planning permission. However, the permissions have remained unimplemented. A large portion of the site was previously designated as a housing allocation (H50) to deliver 70 dwellings within the 2014 Draft Local Plan before the plan was halted.

Indicative Concept Masterplan

- 2.17 In considering the site including its physical characteristics and potential constraints that have been identified, an indicative masterplan of how the site might be developed to provide 120 dwellings has been designed as shown in figure 3 below.



Figure 3: Concept Masterplan showing up to 120 dwellings

3.0 PLANNING POLICY CONTEXT

3.01 This section sets out the relevant policy context where local authorities are preparing or revising their development plan. It also provides an overview of relevant draft policies and evidence in the emerging Local Plan.

National Planning Policy Framework (The Framework) (2019)

3.02 An updated National Planning Policy Framework (the Framework) was published 19 February 2019. Annex 1: Implementation of the Framework sets out the relationship between the Framework (and PPG) to various local planning documents stating that it is a material consideration from the date of publication (para 212) for the process of plan making.

3.03 As there is no adopted development plan for York, it is the National Planning Policy Framework 2019 that carries the greatest weight in planning decisions. References to the NPPF in this Planning Statement refers to the 2019 version unless otherwise specified. It should however be noted that the weight that can be afforded to the policies within the draft local plan policies depends of their conformity with the 2012 NPPF. Paragraph 48 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.

3.04 In the recent appeal decision, dated 28 September 2018 (ref: APP/C2741/W/17/3177821) relating to the former British Sugar site in York, the Secretary of State found that the emerging Local Plan still had to go through examination and had outstanding objections. He afforded it limited weight, and concluded that the City of York Development Control Local Plan (2005) did not form part of the Development plan and was of no assistance in the determination of the appeal.

3.05 Throughout, the Framework makes clear the purpose of the planning system is to contribute to the achievement of sustainable development and to promote economic growth, social inclusion and environmental sustainability. It indicates that the contents and policies of the Framework should be read as a whole and constitutes the Government's view of what sustainable development means in practice.

3.06 Paragraph 8 sets out the objectives of sustainable development emphasising support for a strong and competitive economy (Economic and Social Objectives) and contribution to protecting and enhancing the natural, built and historic environment; including making effective use of land (Environmental Objective). It states that the planning system must support sustainable economic growth.

3.07 Paragraphs 15 to 22 focus on the plan-making process and suggest that development plans should be prepared with the objective of contributing to the achievement of sustainable development and be positive, in a way that is aspirational but deliverable. Of particular note, paragraph 22 emphasises a need to plan for a minimum of 15 years, and longer where Green Belt reviews take place in order to accommodate longer term requirements and maintain the permanence of Green Belts.

3.08 Paragraphs 31 to 33 outline the approach to preparing and reviewing plans, stating spatial development strategies should be informed by a sustainability appraisal, demonstrating how the plan has addressed economic, social and environmental objectives. It goes further, indicating that significant adverse impacts should be avoided and alternative options that reduce or eliminate such impacts should be pursued.

- 3.09 Paragraphs 35 to 37 provide the context as well as the process of examination and the 4 critical requirements for assessing the soundness of a plan:
- **Positively prepared** – providing a plan that seeks to meet objectively assessed need's (at a minimum);
 - **Justified** – appropriateness, taking account of all reasonable alternatives based on proportionate evidence;
 - **Effective** – deliverable over the plan-period; and
 - **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the Framework.
- 3.10 Paragraphs 117 to 119 state planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. They also state plan-making authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs.
- 3.11 Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in particular promoting the development of under-utilised land, especially where land supply is constrained and available sites could be used more effectively.
- 3.12 Paragraph 133 reiterates that the Government attaches great importance to Green Belts and their fundamental aim to prevent urban sprawl. Paragraph 134 outlines that the Green Belt serves five purposes:
- a. *to check the unrestricted sprawl of large built-up areas;*
 - b. *to prevent neighbouring towns merging into one another;*
 - c. *to assist in safeguarding the countryside from encroachment;*
 - d. *to preserve the setting and special character of historic towns; and*
 - e. *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
- 3.13 Paragraph 136 indicates that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.
- 3.14 Paragraphs 137 & 138 note that all other reasonable options for meeting identified (housing) need should be explored before Green Belt is released; for example through consideration of brownfield land opportunities. Further to this, it suggests that when *'reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account'* and *'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'*.
- 3.15 Paragraph 139 emphasises that when setting Green Belt boundaries, consistency with requirements for sustainable development are considered and the use of physical features that create new recognisable boundaries that are likely to be permanent is preferred.

Emerging Policy

- 3.16 The Submission version of the City of York Local Plan 2018 (the emerging plan) was submitted for examination on 25 May 2018. Upon first consideration, the Inspectors considered it necessary to seek clarification of evidence relating to housing, Green Belt and ecological habitat protection and additional modifications were proposed and evidence base submitted. A consultation on the additional modifications is taking place between 10 June and 25 July 2019 that will influence the inspectors' final report.
- 3.17 Policy H2 relates to the density of residential development and to ensure the efficient use of land and help to maintain local services and public transport provision. Housing developments will be expected to achieve higher net densities in the City Centre and York urban area. Notably, within 400m of a high frequency public transport

corridor or adjacent to an existing or proposed transport hub, higher density developments will also be supported where it complies with other plan objectives.

- 3.18 Delivering densities that support the efficient use of land requires good design that responds to its context, with an appropriate mix of house types that should be informed by the local character of the area. In conservation areas the density of any proposed housing development should also have regard to any relevant guidance contained in the appraisal of the conservation area.
- 3.19 Policy H3 confirms that the Council will seek to balance the housing market across the plan period and work towards a mix of housing identified in the Strategic Housing Market Assessment (SHMA). Proposals for residential development will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people.
- 3.20 The housing mix proposed should have reference to the SHMA and be informed by:
- Up to date evidence of need including at a local level; and
 - The nature of the development site and the character of the local surrounding area.
- 3.21 **Policy GB1** emphasises that any development within the Green Belt is considered inappropriate and very special circumstances must be justified to make development acceptable.
- 3.22 **Policy DP2** states that in respect of sustainable development, proposals should be consistent with a list of principles, the relevant content of which is summarised below.
- Development will help Provide Good Quality Homes and Opportunities through addressing the housing and community needs of York's current and future population;
 - Development will help Conserve and Enhance the Environment through (among others);
 - Development will help ensure efficient and affordable transport links by (among others) delivering a fundamental shift in travel by prioritising and improving strategic public transport, cycle and pedestrian networks and managing travel demand and modal choice.
- 3.23 **Policy DP3** relates to how sustainable communities can improve and enhance the lives of those who live there. Development in York should encourage communities to form by ensuring the city is respected and enhanced.
- 3.24 On 19 February 2019, the Government published its Housing Delivery Test results alongside the publication of an updated revised Framework. While the Housing Delivery Test outcome for the Council indicates that the delivery has been above the requirement over the last three years (at 102%) the matter of the Council's five-year supply of deliverable housing sites is uncertain and has not been tested at an Examination in Public.
- 3.25 It is also noted that the Publication Draft Plan is heavily reliant on a small number of strategic housing sites, and Site H1, to meet its identified housing need. A total of 16 strategic sites are assessed as contributing approximately 13,500 houses, with smaller housing allocations assessed as yielding 1,500 units. This means that the 16 strategic sites make up around 90% of the identified total housing yield from the allocated sites. However, the long lead-in times for development of a number of these very large sites means that the Council are likely to be faced with a shortfall of delivery, particularly in the early years of the Plan. Although several of these sites constitute previously developed land, many strategic allocations lie in the Green Belt, in peripheral areas of York and do not contain brownfield land, unlike the land at Malton Road that borders onto the urban fringe of an existing settlement.

- 3.26 As a result of this shortfall, there is a significant risk that, if the Plan were to be adopted in its current form, the housing policies would immediately be out of date if the Council cannot demonstrate a 5-year deliverable housing land supply. It is noted that 545 homes proposed on the Queen Elizabeth Barracks, Strensall (allocations H59 and ST35) has now been removed from emerging local plan 5-year housing land supply evidence base.

Local Plan Evidence Base

- 3.27 Underpinning the emerging Local Plan are a series of evidentiary documents which inform the strategy and the proposed sites for allocation. The emerging Local Plan has come under sustained and widespread challenge from parties including land promoters, owners, agents and developers, with a significant number of representations claiming that the Council's assessment of its housing requirement and allocations is inadequate for the following reasons:

- i. The housing requirement is too low;
- ii. The calculation of completions since 2012 is too high (i.e. the Council's estimate of backlog is too low);
- iii. Dwellings purchased through Right to Buy have not been discounted;
- iv. Outstanding commitments include student housing that should be excluded; and
- v. The assumptions on windfalls are challengeable and it is questionable whether these are suitably robust to be relied upon in the Plan.

4.0 SPATIAL STRATEGY AND THE HOUSING REQUIREMENT

PM3 – PM5: York Housing Needs and Delivering Sustainable Growth for York

Policy SS1: Delivering Sustainable Growth for York

- 4.1 Previous representations for this site confirmed that Policy SS1 is not considered sound as it is not positively prepared, effective or consistent with national policy. The PMs documentation does nothing to resolve this – quite the contrary as the proposed reduction to the minimum annual provision of new dwellings pushes in the opposite direction. In short summary, the council is seeking to use the more favourable and up-to-date household projection figures on the one hand and the ‘old rules’ methodology for calculating OAHN on the other (i.e. prior to the 2018 NPPF revisions).
- 4.2 We consider that by adhering to the old rules, despite the new methodology having been known for a significant length of time, this highlights the Council’s anti-development stance. Pursuant to the CJ Housing Needs and Supply Report at Appendix 1, Banks Property objects to the housing requirement being set at 790 dwellings per annum (dpa) and concludes that the OAN should be at a baseline minimum of 1,066 dpa. Taking into account acute need for affordable housing provision the most appropriate figure is circa 1,226 dpa.
- 4.3 Whilst things have moved on under this PMs consultation, the Council’s previous evidence base, in the form of the GL Hearn Strategic Housing Market Assessment (May 2017 - the SHMA) clearly recommended 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.
- 4.4 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. This would have been fully supported and justified by the SHMA evidence base, officer recommendations (including suggested additional housing sites) 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. That approach was wholly unjustified and in breach of the aims and objectives of draft Policy DP1 as noted above and a key indicator of the Council’s unreasonable and unrealistic approach to assessing housing need.
- 4.5 As such, the previous housing requirement of 867 dpa and the currently suggested 790 dpa under PM3 and PM4 fail 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 demonstrably unsound.
- 4.6 Given the real prospects of the plan being found unsound at pre-examination or Examination in Public stage, the council should allow for a significant increase from the 867 figure towards the bare minimum of 1,070 dpa confirmed within the Planning for the Right Homes Publication Data spreadsheet. To help address acute shortages in affordable housing provision the 1,226 dpa figure noted above should be used in the interests of meeting extreme and historic housing need and for planning positively for the future development needs of the city.

Policy SS2: The Role of York's Green Belt

4.7 The General Extent of Green Belt for York was established by The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. We welcome the opportunity for the establishment of detailed Green Belt boundaries for the first time and consider that this issue goes to the heart of a sound plan for the city. Under 'saved' Policy YH9 of the Yorkshire and Humber Plan the council must "*establish long term development limits that safeguard the special character and setting of the historic city*". However, in establishing the inner and outer Green Belt boundaries, the council must also bear in mind the need to:

- allocate sufficient land to be allocated for development; and
- identify areas of 'safeguarded land' for potential development beyond 2033.

4.8 As a result of the historic restraining effect of the General Extent of Green Belt on new housing development and as well documented, there is significant pent-up housing demand and affordable housing need across the city. Land for housing within the built-part of York is at a premium and the Publication Draft Plan already takes into account key strategic regeneration sites and their capacity to deliver new housing. Previously developed land is a finite resource and historic rates of new housing on brownfield sites are most unlikely to be maintained for the plan period.

4.9 Despite this, the proposed Green Belt boundaries within the plan have clearly been drawn up with maximum development restraint in mind. Given the proposed Green Belt boundaries are in no small part based upon a highly flawed approach under SS1 (as noted above), it stands to reason that Policy SS2 as written cannot be considered sound as it is not effective and justified. As highlighted above we recommend that the Plan includes a minimum housing requirement of at least 1,066 and up to 1,226 dpa annum in order to meet an appropriate OAHN for the city and to begin to address affordability. Taking into account this and unrealistic assumptions on delivery, further land for housing will need to be identified and this will of necessity be within what is perceived as the General Extent of Green Belt, given the proposed Green Belt boundaries are tightly drawn around the urban extent of the City.

4.10 Furthermore, given the absence of any full review of the General Extent of Green Belt since its introduction within the North Yorkshire Joint Structure Plan and subsequent Yorkshire and Humber Plan and in view of NPPF advice at paragraph 85, it is also considered necessary to formally identify Safeguarded Land to meet longer-term development needs stretching well beyond the plan period, and to ensure the Council is satisfied that the adopted Green Belt boundaries will not need to be altered at the end of the development plan period. Whilst we recognise that the Publication Draft Plan seeks to provide "further development land to 2038" (paragraph 3.13) this falls well short of the NPPF paragraph 85 requirement to:

*...meet longer-term development needs **stretching well beyond the plan period.** (CJ emphasis)*

4.11 In summary, more land should be released from the General Extent of Green Belt to be allocated for housing to meet a significantly increased OAN and safeguarded land should also be allocated for development needs well beyond 2038. We therefore suggest that to render Policy SS2 sound it should be modified 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, with additional land released from the **General Extent of Green Belt to be safeguarded for development beyond the plan period.** (CJ amendments in bold).*

4.13 The currently proposed PMs fail to:

- reverse the approach to new housing delivery through a significantly increased OAN;
- acknowledge the need for less tightly drawn green belt boundaries;
- respect the outcome of the evidence base that clearly demonstrates more land is needed to be allocated for housing; and
- prioritise brownfield/greenfield sites that are on the periphery of the City Centre, in highly sustainable locations.

5.0 GREEN BELT - GENERAL PRINCIPLES AND DETAILED BOUNDARIES

Policy Background

- 5.1 The City of York Green Belt remains in existence as a result of The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. This confirmed that:

The Regional Strategy for Yorkshire and Humber is revoked except for—

(a) the policies of the RSS set out in the Schedule to this Order (“the RSS York Green Belt policies”); 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.

- 5.2 Under (a), Policies YH9(C) and Yorkshire(C) were retained as follows:

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

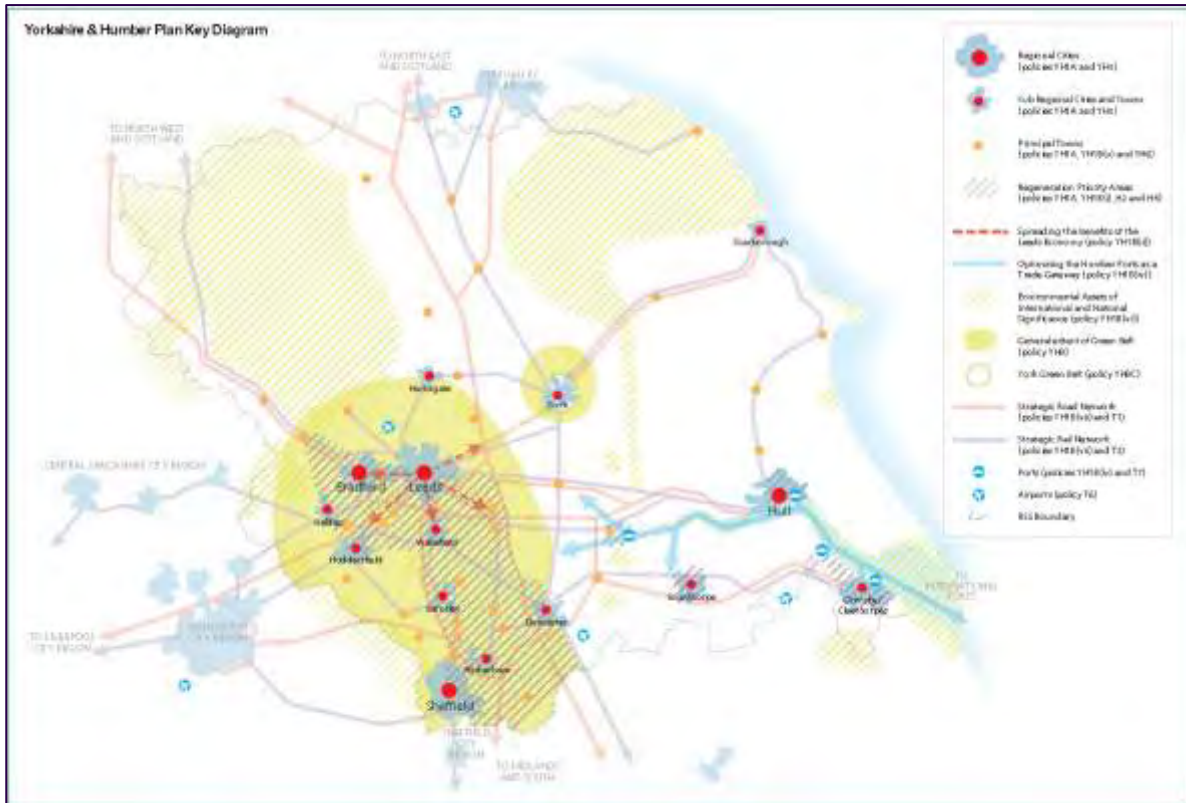
Plans, strategies, investment decisions and programmes for the York sub area should:

C Environment

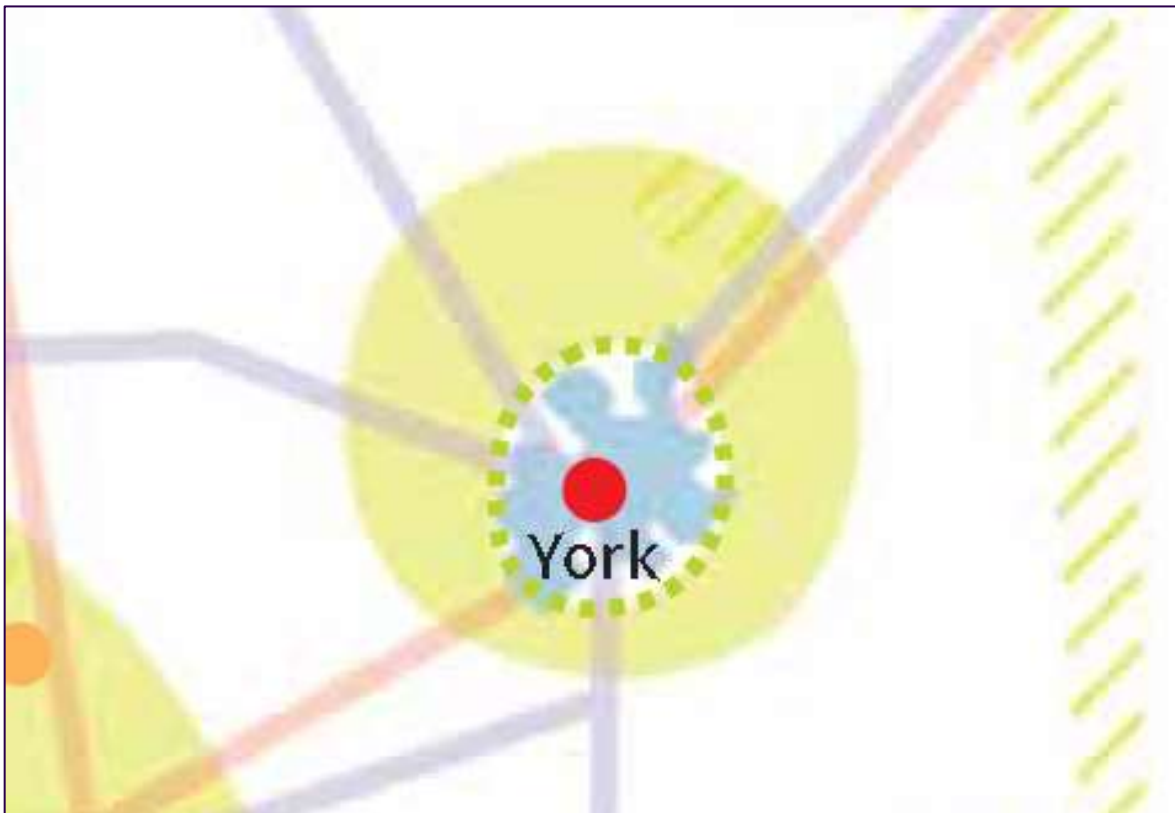
1. In the City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C.

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.

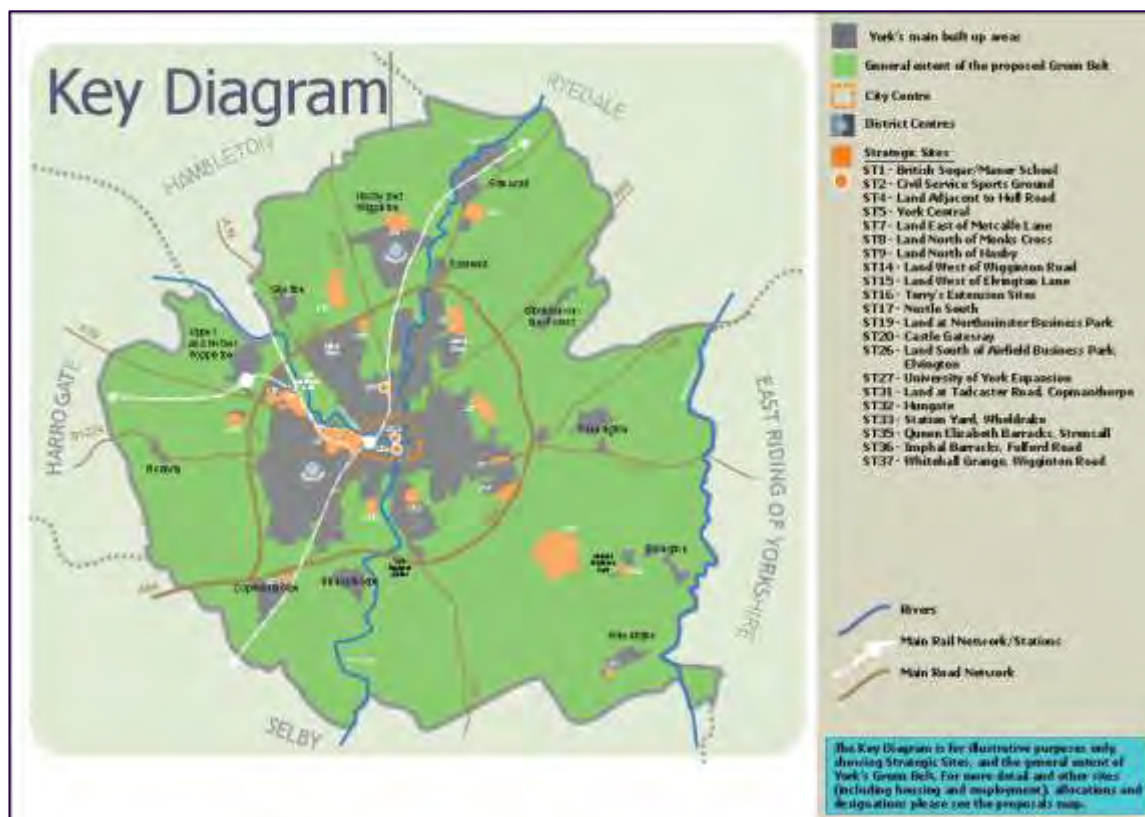
- 5.3 Under (b) the following Key Diagram is retained but only to indicate the general extent of the York Green Belt:



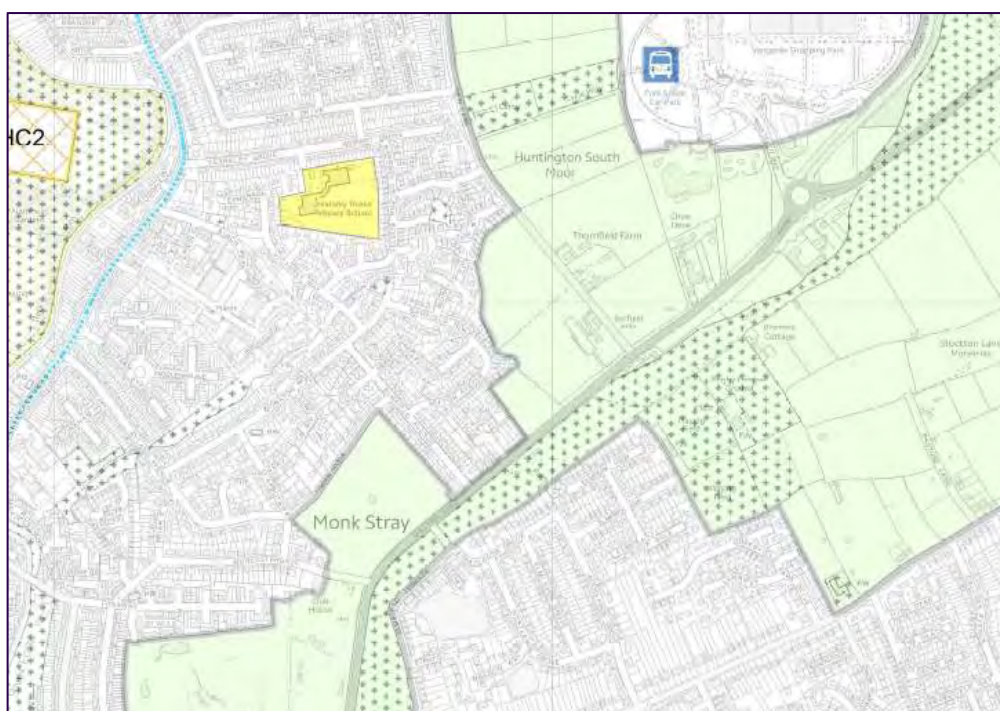
5.4 The following enlargement shows the general extent and inner edge more clearly



5.5 The draft plan includes a proposed more detailed Key Diagram as part of the introduction, which shows the General extent of the proposed Green Belt as follows:



5.6 The detailed 2018 Proposals Map South shows the proposed Green Belt boundary for Malton Road, York as follows:



5.7 The Green Belt background papers and evidence base are closely linked to the assessment of historic character and setting, with the following key documents:

- The Approach to the Green Belt Appraisal – February 2003
- Historic Character and Setting – January 2011
- Historic Character and Setting: Technical Paper Update – June 2013
- Approach to Defining York's Green Belt May 2018
- Topic Paper TP1: Approach to defining York's Green Belt – ADDENDUM March 2019 plus relevant appendices:
Annex 3 - York Green Belt Inner Boundary Section Descriptions and Justifications
Annex 6 - Minor Modifications Schedule GB Policies maps March 2019

5.8 These variously consider the open land around the city and classify different elements as having importance as one of the following:

- Village Setting
- Rural Setting
- Strays
- Green Wedge
- River Corridors
- Extension of the Green Wedge
- Areas Preventing Coalescence

5.9 The site is assessed as being part of a Green Wedge, defined as part of the historic character and setting of York within the 2003 report as follows:

- a) *The green wedges are a characteristic feature of York. They form large tracts of undeveloped land which largely extend the countryside into the city. They prevent the lateral coalescence of different parts of the urban area and help to retain the distinctive characteristics of earlier periods of individual settlements. The green wedges bring a feeling of the countryside within a close proximity to the centre of the city. Their open nature allows views of the city to be enjoyed including important vistas towards the Minster.*

5.10 The 2003 report assesses the site as part of Area C2: Extension to Monk Stray, described as follows:

- *Open agricultural fields between Stockton Lane and A1036 and between A1036 and Monks Cross.*
- *Open approaches provide a rural setting of the city.*
- *Glimpses of the Minster.*

5.11 The 2018 SHLAA assesses the site in terms of landscape and concludes:

... that whilst part of the site is in a lower flood risk zone there are still concerns regarding the impact of the development of the site on the green wedge adjacent to Monk Stray and the current sense of openness experienced along New Lane which provides separation

between the existing Huntington area and the commercial area of the Monks Cross development.

5.12 Topic Paper TP1 and the relevant appendices seek to retrospectively review the proposed establishment of the inner green belt boundary to this part of the city. Boundaries 32 – 35 in Section 5 of Annex 3 assess the proposed boundary adjacent to the site in four sections.

EX/CYC/18 - Green Belt Assessment – General Principles

5.13 We consider the SHLAA conclusion that *“the site should not be included as an allocation”* should have been reconsidered under the PMs. Taking into account the need to identify more housing land, potential sustainable urban extensions such as the site should be strongly considered to help meet housing delivery requirements .

5.14 The site, which is predominantly Greenfield land features a significant area of previously developed employment land known as Barfield Industrial Estate in its south eastern corner and is adjacent to an existing dwelling; Barfield House.

5.15 It is for the local plan process to determine the inner edge of the Green Belt and whether or not the Green Wedges and Strays should be included or protected by other means.

5.16 We are concerned that the proposed detailed Green Belt boundaries are based upon evidence that is out-of-date, going back as far as 15 years and preceding not only the 2019 NPPF but the 2012 document and current main modifications as well. The PMs use rear garden fence lines as Green Belt boundaries. These constitute poorly defined inner edges to the Green Belt that fail to create strong defensive boundaries that will remain permanent throughout the plan period and beyond. This fails to comply with the NPPF when local authorities need to review of Green Belt Boundaries.

5.17 Taking the fundamental NPPF aim of Green Belts into account we consider the site and surroundings are not “permanently open” but represents urban fringe with elements of existing brownfield use. If designated as Green Belt, the site would be unable to make any realistic contribution towards the five purposes of Green Belt at NPPF paragraph 134 (a-e), as follows:

- a) As noted above, we consider the site to sit within a heavily urbanised setting and urban fringe in character. As land adjacent to the developed part of the Huntington, designating the site as Green Belt would have little benefit to keeping urban sprawl in check due to the sporadic development within the site and surroundings.
- b) The site plays no role in preventing the coalescence of neighbouring towns. The suburbs of Heworth, Clifton and Huntington are separated by Monk Stray.
- c) Similarly, being already part of the urban area, the site plays no role in safeguarding against countryside encroachment. Robust boundaries along Malton Road and New Lane would form new defensible boundaries which would than existing back gardens that currently are back on to site. Not permanent or strong.

- d) The site in itself does not contribute toward preserving the setting or special character of the historic core of York. Providing it is done in a sensitive manner, development could take place without harm to the setting and special character of the historic part of York.
- e) The land and buildings are urban fringe in character. Given the over-heated housing market, the site presents an opportunity to redevelop 0.38ha of brownfield land that is not already earmarked for development, promoting the recycling of derelict and other urban land

5.18 In line with paragraphs 137 & 138 of the NPPF (2019), the land at Malton Road meets the criteria for removing land from the General Extent of Green Belt and allocating it as housing within sustainable urban locations:

- The site is physically isolated by road infrastructure from the rest of the York Green Belt;
- The site includes previously developed brownfield land that totals 0.38ha;
- As a previous housing allocation (H50), the site is considered to contribute little to the purposes of the Green Belt whilst providing housing in a sustainable manner;
- The site is in a very sustainable location with regularly bus services from 9 bus stops within a 400m radius; and
- York Centre is easily accessible and is a key centre with wider transport connections to the rest of the country via rail and bus routes.

5.19 Given the short supply of development land in sustainable locations and the benefits of new development close to existing shops and services, the proposed designation of the site as Green Belt is contrary to paragraph 138 of the NPPF and the promotion of sustainable patterns of development. Additional sites to meet an uplifted OAHN should be allocated by considering sustainable urban extensions that recycle brownfield land before potential land in peripheral areas. The provision of increased housing land should seek to avoid the necessity of more important Green Belt land being allocated, therefore as this site serves little purpose to the Green Belt, and offers the opportunity to recycle brownfield land in a sustainable location, it should be reinstated as a housing allocation.

5.20 In proposing to designate the site as part of the Green Belt the council is in conflict with paragraph 139 of the NPPF as (1) it will be contrary to the required allocation of sufficient land for sustainable development and (2) it is not necessary to keep the site permanently open. Indeed, given the nature of the site we draw attention to at paragraph 5.17 above, we maintain that the site is not open in character as it stands. The Green Wedge and Green Belt assessments by Rural Solutions provide a comprehensive justification as to why the site does not contribute to the Green Belt, nor is it necessary to keep the site open.

5.21 The New Lane and Malton Road boundaries of the site would give a clearly defined and strong boundary to the Green Belt at this point, marking the urban edge of this part of York but enabling a relatively small scale sustainable urban extension to be allocated to meet a significantly uplifted OAHN.

EX/CYC/18a and d - Green Belt Assessment – Detailed Boundaries

- 5.22 Turning to Topic Paper TP1: Approach to defining York's Green Belt – ADDENDUM March 2019 plus Annex 3 - York Green Belt Inner Boundary Section Descriptions and Justifications and Annex 6 - Minor Modifications Schedule GB Policies maps dated March 2019 we maintain the view that these documents seek to retrofit an evidence base to draft Green Belt boundaries selected since 2014.
- 5.22 Annex 3 Section 5 Boundaries 32 - 35 assess the proposed boundary to the immediate west and north of the site. However, this assessment fails to objectively consider other potential boundaries. As such, the assessment is subjective rather than objective.
- 5.23 To illustrate this and as noted above, the New Lane and Malton Road boundaries of the site would form a future robust green belt boundary. Malton Road marks the border between the publically accessible Monks Stray and the private agricultural land of the site. New Lane and Malton Road would perform well under NPPF paragraph 139(f) in respect of providing physical features that are recognisable and permanent.
- 5.24 We note also that the Annex 3 Section 5 boundary 32 – 35 appraisals simply review the boundaries themselves and do not really assess green belt purposes or contribution in any great detail within the context of requiring additional housing land to support a sound plan.

Green Belt Assessment – Proposed Modifications

- 5.25 Banks Property objects to these modifications on the grounds that they represent cosmetic alterations to the green belt boundary that do not include the site's removal from the Green Belt or a robust justification for why the site should not be allocated in line with plan-making policies of the NPPF (2019).
- 5.26 Numerous site visits have been undertaken, which have confirmed the view that the strong boundaries at New Lane and Malton Road would form a more appropriate and logical green belt boundary. This would be far more closely aligned with the National Planning Policy Framework and associated policies, taking into account the need to allocate additional housing land. The suggested alternative boundary is shown below.
- 5.27 Rural Solutions have prepared thorough assessments of the Green Wedge and Green Belt to consider the potential impacts of development on the site. Additionally a Landscape and Visual Assessment has been prepared by Rural Solutions, together, these documents successfully establish this site fails to serve the purposes of the Green Belt effectively and that development of the site will not have an effect on the openness or historic setting of York.



Figure 4: Suggested Alternative Boundary for Green Belt outlined in red

6.0 CONCLUSION

- 6.01 City of York Council is preparing a new Local Plan that is in the advanced stages of plan-making, currently an adoption in early/mid 2020 is anticipated. Through its Plan Proposed Modifications the Council seeks to rely on a dwellings per annum delivery of at least 790 new homes each year over the plan period 2019-2033. Consideration needs to be given to a framework compliant plan with end date at least 15 years from adoption.
- 6.02 Having considered the contents and methodology of the Green Belt Review, an assessment of the site (as evidenced in the assessment provided by Rural Solutions) suggests it is appropriate for removal from the General Extent of Green Belt and allocation as a sustainable urban extension housing site and that a strong, permanent and recognisable Green Belt boundary can be established using Malton Road and New Lane. Although development of the site has potential to affect views to and from the adjoining countryside, the site's containment and strong boundary limit this relationship.
- 6.03 We consider the site to represent a good candidate for allocation for housing as a result of the significant new housing shortfall across the city, the extremely poor delivery of new homes in recent years and the sustainability of the location. The council's evidence base in support of the designation of the land as falling within the detailed Green Belt boundaries is poor, not only because of the assessment provided by Rural Solutions and the chronic housing shortfall but also due to of the out-of-date and highly subjective green belt review process.
- 6.04 In summary, we consider the PMs to be highly flawed in terms of the revised evidence base and an unrealistic OAHN, which in turn makes the draft Local Plan wholly unsound.
- 6.05 The LVA, Green Belt and Green Wedge assessments by Rural Solutions form a comprehensive and objective view that the site fails to contribute to the 5 purposes of the Green Belt and development of this site will not be detrimental to the historic setting or openness of York.
- 6.06 Further to this, the site is immediately available and deliverable with a keen landowner and a draft promotion agreement agreed with a national promoter. The NPPF (2019) places large emphasis on smaller sites that can deliver housing quickly and seek to diversify housing within residential market areas. Therefore, it should be included for further assessment as a preferred housing allocation within the emerging City of York Local Plan.
- 6.07 As a result, Banks Property wholly objects to the Proposed Modifications as the council fails to take this opportunity to:
- establish a realistic and positive annual housing target to help meet need and chronic affordability problems across the over-heated housing market
 - propose appropriate Green Belt boundaries and allocate additional housing sites; and
 - reconsider SHLAA Site 180/H50 and designate the site as a draft housing allocation.

CARTER JONAS
JULY 2019

Malton Road

YORK

Site Promotion Brochure

July 2019



BANKSProperty
development with care

Introduction

This document has been prepared by Banks Property to support the promotion of land at Malton Road as part of the City of York Council's consultation on the proposed modifications to the Local Plan. It sets out the vision behind the proposed Malton Road site and why the site would constitute a suitable release of Green Belt land to deliver high quality housing with lasting economic benefits.

In June 2019, the Council published their Local Plan Proposed Modifications which included the deletion of two site allocations (ST35 and H59). While the objectively assessed need has also reduced as part of the proposed modifications, Banks Property believe that the City of York Council need to be more ambitious with their housing targets and release more land for housing allocations.

This document has been prepared to support Banks Property's consultation response and demonstrates that the Malton Road site can help meet future housing need and is deliverable, achievable and suitable.



Where ever possible we integrate the surrounding landscape and access to enhance our developments



Office development at Bowesfield, Stockton-on-Tees



In house construction capabilities



Commercial development, Stockton-on-Tees



Quality homes built at our Mount Oswald project in Durham City

Banks Property

Banks Property is part of the Banks Group, a family owned business with over 40 years' experience of developing land for property and energy projects.

The business develops housing sites across the North East and Yorkshire ranging in size and complexity with a very high planning success rate and a strong record of delivery.

Embedded in the Banks Group's way of working is a *development with care* approach. This places emphasis on proactive engagement with communities, local authorities and stakeholders which is undertaken throughout all stages of a projects' development.

Site location

The land at Malton Road is located in the village suburb and civil parish of Huntington, to the north east of York city centre. The site is approximately 6.73 hectares (16.6 acres) in size and lies relatively flat with little undulation in the landform. Its current use is arable farmland with some industrial uses in the south east corner of the site.

Access onto the A64 is approximately 2.5km north east of the site, providing opportunities to travel further afield.

The Malton Road site is within easy walking distance of schools and amenities, with York City Centre just over 2km away which can be easily accessed by footpaths and public transport links. The site is also situated less than 1km from Monks Cross Vangarde Retail Centres which offers leisure and employment opportunities and can be accessed by footpaths, cycle ways and buses. All of these attributes make the Malton Road site a desirable location for high quality housing.

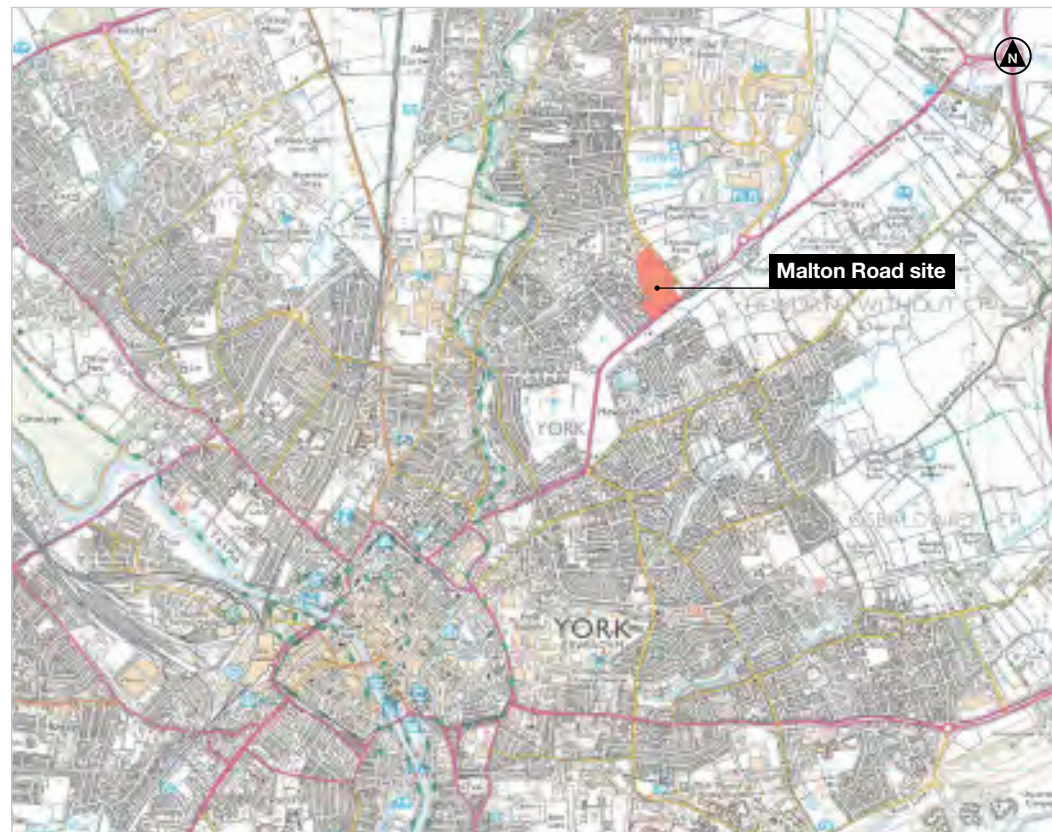
York Minster



Detailed location plan



York City Centre



Site location in relation to York City Centre



Vangarde Shopping Park



The Shambles

Site characteristics

The site lies to the north east of York City Centre. There are three distinct parcels of land that form the proposed housing allocation comprising both greenfield and brownfield land.

A mature tree belt crosses the centre of the site separating the northern third of land from the fields and industrial units to the south. There is a small watercourse known as South Beck which adjoins part of the western boundary, and crosses the land to the south, with a hedgerow running alongside.

The site benefits from robust boundaries from the south and east in the form of mature vegetation, making it a logical Green Belt release that would demonstrate a suitable spatial relationship with the existing urban landscape.

Panoramic view of the site



South Beck



Aerial view of the site



Mature tree belt that crosses the land to the south

Planning context

NATIONAL POLICY

As there is no adopted development plan for York, it is the National Planning Policy Framework 2019 that carries the greatest weight in current planning decisions.

The National Planning Policy Framework (NPPF) was revised in July 2018 with further minor revisions published in February 2019 and sets out the Government's planning policies for England and how these are expected to be applied.

The main purpose of the planning system is to contribute to the achievement of sustainable development: economic, social and environmental. Paragraph 8 sets out the objectives of sustainable development emphasising support for a strong and competitive economy (Economic and Social Objectives) and contribution to protecting and enhancing the natural, built and historic environment; including making effective use of land (Environmental Objective). It states that the planning system must support sustainable economic growth.

Paragraph 11 refers to a presumption in favour of sustainable development, which should be consistent throughout plan and decision making processes.

The Revised NPPF reflects the government's aspirations for a successful UK economy and to

increase the supply of new housing. It is acknowledged that housing is a key issue and it is vitally important that local authorities meet their housing needs as required by national policy.

Paragraph 136 of NPPF states that Green Belt boundaries should be reviewed and altered through the preparation and review of local plans. The paragraph further states that strategic policies should establish the needs for any changes to Green Belt boundaries.

Paragraph 138 acknowledges the importance of promoting sustainable patterns of development and that the strategic policy making authority '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.' (NPPF, Para 138).

EMERGING LOCAL POLICY

An area of the Malton Road site was included in the 2014 York Local Plan Publication Draft as a proposed housing allocation (site reference H50). However decisions were made at Full Council in October 2014 which halted work on that iteration of the Local Plan.

The site is no longer included as a housing allocation in the current draft plan.

In the Council's proposed modifications to this Draft Plan, they have reduced their housing requirement following the deletion of two draft allocated housing sites (site references ST35 and H59). However, Banks Property believe that the housing need figure needs to align with the standard methodology and also make provisions for the significant and acute need for Affordable Housing in York. Therefore, more land should be released from the Green Belt to be allocated for housing to meet a significantly increased OAN.

Malton Road offers a sustainable solution to this issue.

SITE DESIGNATIONS

With the exception of the Green Belt and the Green Wedge, there are no designations covering the site in the proposed modifications draft plan.

As identified by the Government's Flood Map for planning services, most of the site is located within flood zone 1 with some of the site lying within flood zone 3 to the west. As such, development will only occur in flood zone 1, where the site is at a very low risk of surface water flooding.

Site assessment



Panoramic view of part of the site

Access and highways

One vehicular access point would be provided through the existing access to the industrial units from New Lane. The current site access junction will require significant upgrading, but this can be delivered within land controlled by the Highways Authority and Banks Property. The principle of a site access in this location is already established.

Agricultural land classification

Grades 1-3a are considered Best and Most Versatile Agricultural Land (BMVAL) across England, and Local and National Policy seeks to maintain land of this grade. Assessment of the Agricultural Land Classification Yorkshire and the Humber (ALC003) published 24th August 2014 indicates the site is grade 3b agricultural land and non-agricultural urban land, meaning the land is not considered the most appropriate for productive agricultural land.

Cultural heritage

There are no heritage assets on or in close proximity to the site. The site is not located within or adjacent to a conservation area and there are no listed buildings, conservation areas or scheduled ancient monuments on the site. There are no direct views of York Minster from the site.

Drainage and flood risk

The Environment Agency Flood Map for Planning indicates that the western quarter of the two larger parcels of land is located in flood zone 3, with all the remaining land within flood zone 1. This has informed the design concept for the site by taking the western quarter of land out of the developable area and creating a strip of green space with a sustainable urban drainage system (SUDS) in the form of an attenuation basin which will manage the surface water runoff as well as provide ecological and amenity benefits. Following

a recent topographical survey and modeling exercise undertaken by JBA consulting the flood risk across the site has been demonstrated to be lower than originally predicted. Banks Property will be engaging with the Environmental Agency to amend the existing available flood maps to provide more accurate data.

There is also potential to improve the ditch that runs through the site which could provide future betterment to existing residential areas.

Ecology

The site comprises three arable fields with boundary planting and a small parcel of employment land in the south east corner. There are no statutory designations in or within 1km of the site in respect of Special Area of Conservation, Ramsar Sites, SSSI's, Nature Reserves or records of Protected Species. There are no Tree Preservation Orders covering the land.

Land contamination

The majority of the site has historically been used for agricultural purposes and there are no known ground contamination issues that would preclude housing development.

The section of employment land will be the main focus for detailed assessments for contamination which would be undertaken prior to a planning application. Land contamination assessments will consider geological characteristics and potential contamination sources for the entire site.

Landscape and visual assessment

There are no national designations covering the site that recognise a particular landscape or visual importance, but it has been recognised that there are four scheduled monuments located within 2.5km of the application site.

A Landscape and Visual Impact Assessment accompanies Banks Property's submission to the Local Plan Proposed Modifications consultation and concludes that there is no intervisibility between the scheduled monuments, or the setting of those monuments and the site, due to intervening buildings and vegetation, which restricts intervisibility.

Overall assessment

The conclusions of the landscape baseline found that proposed development of residential dwellings would give rise to a high magnitude of change at the site, as there would be a major alteration to one or more key elements, with a loss of grassland and introduction of built elements. However, if the existing boundary and internal hedgerows are retained, managed and enhanced and areas of soft landscaping are incorporated into the masterplan, including areas of public open space adjacent to Malton Road, effects could be reduced.

The Visual Assessment concluded that due to the small visual envelope which surrounds the site and the potential for the existing soft landscape elements to be retained and enhanced, the proposed development of residential dwellings could be successfully accommodated within the application site.

Green wedge

The green wedge washes over the southern area of the Malton Road site. Green Wedges are defined in the Development Control Local Plan (2005) as a critical element that defines and limits the urban expansion of York with the open countryside that runs right into the heart of the built-up area.

Despite the southern section of the site being a part of a Green Wedge, which runs into the city, there is a feeling of fragmentation, with a perception that the site is isolated from its rural landscape setting.

As is shown on the masterplan proposals on page 24, the development will be set back from Malton Road and an area of open green space with sensitive soft landscaping will be created. This will enhance and complement the existing green corridors of Monk Stray and the Green Wedge and will enhance the character of Malton Road at this location.

FIG 3.5: Landscape Designations - from Landscape and Visual Impact Assessment



FIG 4.1: Visual Assessment Plan - from Landscape and Visual Impact Assessment



Sustainability assessment

The site's location on the edge of York City Centre provides excellent opportunities for future residents to access facilities, services and utilise sustainable travel options. There are numerous local amenities within suitable walking distances and excellent public transport links into and out of the City Centre and further afield.

Within 500m of the site there is a school, a community facility, a doctor's surgery, and a sports club. There are 10 schools located within a 2km radius of the site in addition to two post offices, four supermarkets, three doctor's surgeries and additional retail and employment opportunities.

The nearest bus stops are located on Malton road, immediately adjacent to the site with further bus stops along New Lane, with the nearest one being situated less than 100m north east of the site. Since the site is located on one of the main arterial routes into York, it benefits from a high frequency of bus services, with the main service into York running every 10 minutes. There are also other bus services running further afield to Leeds, Malton and the East Coast throughout the day.

Access to cities and regions further afield are also served by York Railway station which is located 4.25km from the site.

The site lies immediately north of the A1036 (Malton Road) providing direct access to all the services and facilities within York City Centre. Access onto the A64 is approximately 2.5km to the north east, providing excellent access to the wider Yorkshire region including the cities of Leeds, Hull and Sheffield.

The number of amenities that are accessible by walking, cycling and public transport ensures that the site is a suitable and inherently sustainable location for housing in York.

Local cycle storage provision



Local retail facilities



Local medical facilities



Public transport links



Sustainability plan

Site analysis

Opportunities and constraints

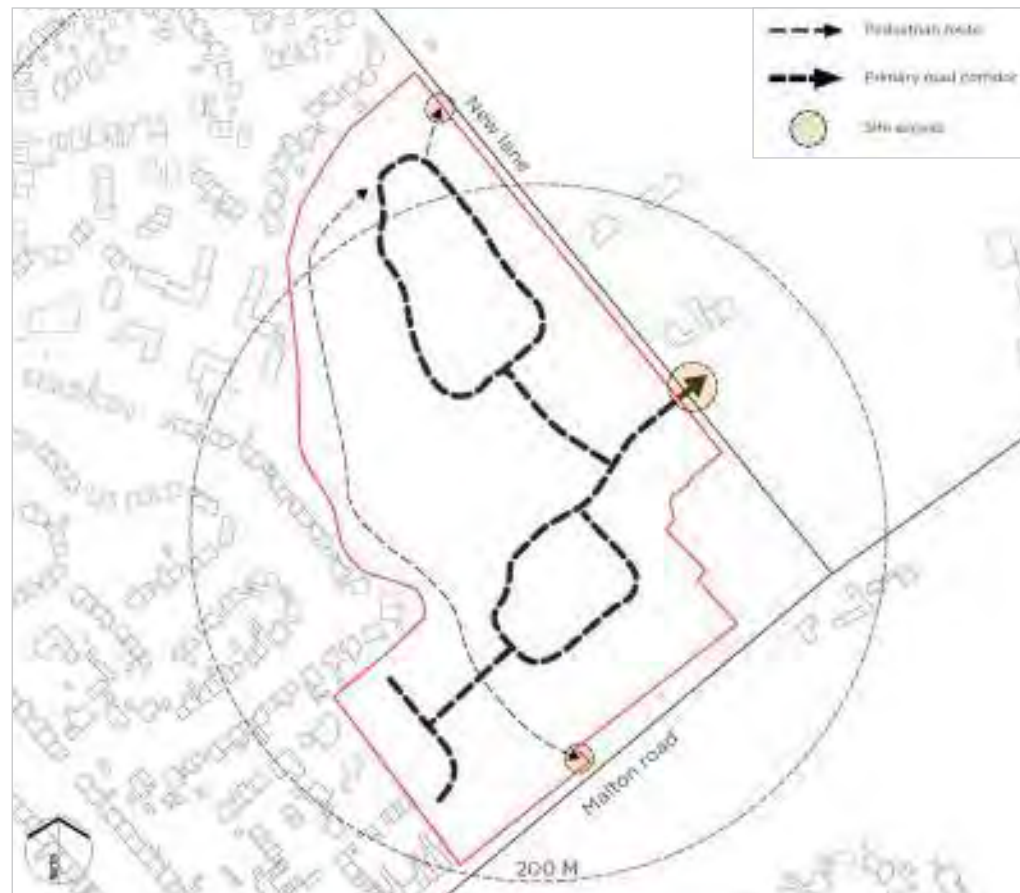
- SITE ACCESS** – There is an existing point of vehicular access off New Lane to the eastern site boundary, positioned approximately 100 metres from the signalised junction between New Lane and Malton Road to the south.
- EXISTING DEVELOPED LAND** – An area of developed employment land is located off the existing New Lane entrance. The land measures approximately 0.4 hectares in area and supports a range of single storey buildings, some of which are temporary structures.
- PUBLIC RIGHTS OF WAY (PROW)** – Public access is not currently permitted within the site area, although there is an existing hard surfaced cycle lane and pedestrian route along the site boundary with Malton Road to the south and with New Lane to the east. Public footpath 52/159/10 hugs the southwest site boundary connecting Malton Road to Sefton Road to the north, passing between existing residential properties.
- OTHER POTENTIAL ACCESS POINTS** – There are potential connections onto New Lane to the northeast corner of the site via an existing Farmers access, onto Morrill Lane to the northwest of the site via a cul-de-sac and with public footpath 52/159/10 to the southwest corner.
- EXISTING BUILT FORM** – Residential properties along the western and northern site boundaries currently form part of the north-eastern built edge of York.
- TOPOGRAPHY** – The site is broadly level, between 12.0m and 14.0m Above Ordnance Datum (AOD). Lower ground is situated along South Beck through the centre of the site, rising up towards the western and eastern site boundaries.
- WOODLAND** – A linear / rectangular block of woodland runs through the centre of the main body of the site in an east-west direction. The woodland block is approximately 13-metres wide. A linear corridor of woodland also runs along South Beck through the southern portion of the site. These are important green features and should be largely retained.
- SITE BOUNDARIES** – The site is largely shrouded by mature vegetation around all boundaries. A mature hedgerow runs along New Lane to the east and most of the northern, western and southern site boundaries are enclosed. However there is an open boundary to the north west of the site and in certain areas onto Malton Road to the south. These are key considerations of the LVA with recommendations for protection of views and visual amenity of residents through the Landscape Strategy.
- VIEWS** – into the site are most prominent from residential properties fronting the site along the western and north-western boundaries, together with the public highway Malton Road to the south. Consideration should be given to the protection of visual amenity for all residents neighbouring the site and those using Public Rights of Way / highways.
- SOUTH BECK AND FLOOD RISK** – The site is at a low risk of flooding, with any flood risk contained within South Beck and a nine metre offset.
- UTILITIES** – There are existing electrical lines to the southern site boundary with Malton Road and to the employment zone at New Lane which need to be considered within the proposals.

Opportunities and constraints plan



Masterplan design rationale

The following outlines the key design rationale which underpins the concept masterplan proposals:



1. MOVEMENT AND ACCESS STRATEGY

A primary point of access is proposed off New Lane to the east of the site for pedestrians, cyclists and vehicular traffic. Two primary internal looped access roads are proposed to serve the main body of the site and a connection across South Beck to serve an area of developable land to the west. Walking, cycling and public transport are intended as the prevalent forms of travel to / from the site, with two points of access to New Lane, a connection

to Malton Road to the south and an access onto public footpath 52/159/10 connecting with Malton Road. A new arterial pedestrian / cycle route is proposed through the north-south open space along South Beck, connecting between Malton Road (south) and New Lane (north). This will serve as access to the existing bus stops in these locations. In this way the site is highly accessible in terms of public transport and non-vehicular uses, including walking and cycling.



2. GREEN AND BLUE INFRASTRUCTURE

The existing network of trees, hedgerows and boundary vegetation, together with the South Beck watercourse underpin the layout of the masterplan, working in tandem with the access strategy. The masterplan seeks to preserve a broad green corridor along South Beck, connecting across the main body of the Site to New Lane in the east and preserving all land within EA floodable

zones. All boundary vegetation is proposed for retention, with widening of the eastern and northern Site boundaries to support 4-5 metres deep vegetation, forming a substantial physical and visual barrier with existing residential curtilages.

Two areas are highlighted within the masterplan either side of the east-west woodland block for the storage of surface water which will sit alongside, but beyond, the flood zones to South Beck.

Masterplan design rationale



3. VISUAL AMENITY

Visual amenity of existing residences along the western and northern Site boundaries will be protected through retention and augmentation of open space along South Beck. Where existing residences border the

proposed developable areas of the Site, a 4-5 metre wide vegetative boundary is proposed. Land to the south of the Site along Malton Road is proposed as a 25-32 metre wide area of open space in accordance with the recommendations of the Landscape Strategy.

4. DEVELOPMENT ZONES

Developable land parcels for new homes are integrated within the green and blue network of infrastructure, served by the proposed accessible network of routes as outlined in strategy points 1 and 2 above. Proposed development parcels range between 0.3 and 0.5 hectares throughout the site area, meaning no more than 15-20 houses will be grouped in a single land

parcel. In this way the massing, character, scale and density of the masterplan can vary across the site area. It is intended that certain residential parcels that border onto the proposed green corridor will be front-to-back properties with primary vehicular and pedestrian access to the rear, in order to take advantage of views onto open space and to that ensure public areas are overlooked.

Concept masterplan

Following the design rationale, a number of key design principles have been amalgamated and included within the concept masterplan.

The concept masterplan articulates how a mixture of low and medium density development parcels have been established, set within key green spaces, landscaping, footpaths, cycleways and road infrastructure.

The configuration of the development parcels complement the Green Wedge by including an area of open space to the south of the site which acts as a buffer between the development and the site's boundary.

The robust natural boundaries to the south and east have been retained to further respect the Green Wedge whilst also forming a future logical Green Belt boundary.



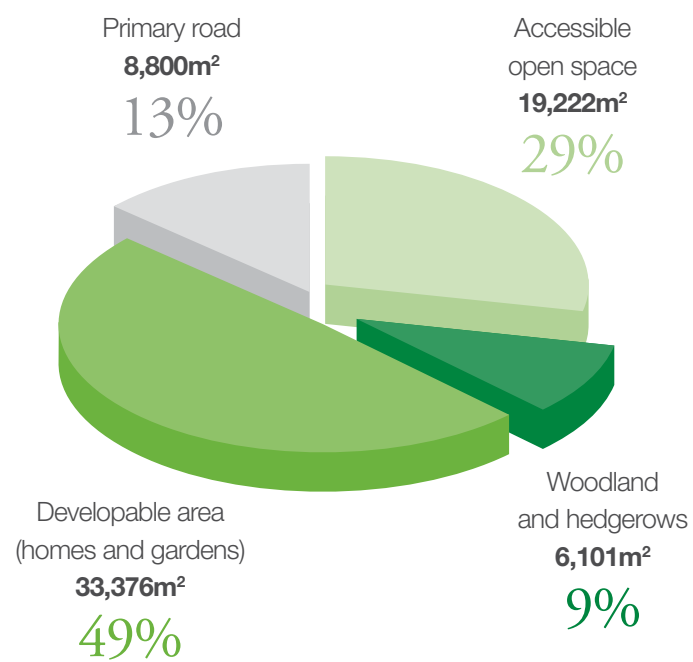
Development proposals

Following on from the concept masterplan, a detailed masterplan has been developed demonstrating the site's suitability for 120 houses.

- **RED LINE SITE AREA** – measures 6.73 hectares in area.
- **PUBLIC OPEN SPACE AND WOODLAND** - 1.92 hectares of the site area are proposed as accessible public open space. 0.61 hectares of the site are proposed as woodland planting.
- **DEVELOPMENT** – 3.33 hectares of the Site are proposed for residential housing development, with 0.88 hectares needed for primary infrastructure to open up the Site. In total 4.21 hectares are proposed for residential development to provide up to 120 new homes.

Site areas

TOTAL AREA: 67,399m²



Proposed masterplan

Benefits

Delivery of high quality housing at Malton Road will provide significant local benefits in line with economic aspirations and the principles of sustainable development.

ECONOMIC BENEFITS

- Significant economic investment in the City of York
- Employment opportunities for the local construction industry and supply industries in the construction phase
- Increased expenditure in the locality of Huntington, York City Centre and the Monks Cross/Vangarde Retail Centres
- New Homes Bonus payment and additional Council Tax payments generated for local authority reinvestment in locals services

SOCIAL BENEFITS

- High quality well designed houses to meet local needs
- Contributions towards affordable housing
- Provision of housing in a desirable location with existing and future employment opportunities being developed nearby
- Promotion of sustainable transport modes with current bus stops running along the A1036 (Malton Road) into York City Centre
- Excellent access to local services, amenities and schools

ENVIRONMENTAL BENEFITS

- Retention of mature vegetation that offers a natural boundary to the site and throughout where possible
- Provision of Green Infrastructure and on-site open space
- Incorporation of sustainable urban drainage systems (SUDS) that will positively manage surface water
- Improvement to the culverted beck to provide betterment to the existing residential areas by reducing the flood risk
- Excellent access to public transport and a range of facilities within walking distance discouraging private car use
- Provision of new, energy efficient homes with a good sustainability rating

Conclusion

This document presents further detail on the development potential of land at Malton Road to supplement the submission of wider representations to York Local Plan's Proposed Modifications consultation. It demonstrates how the site could deliver up to 120 homes in a highly sustainable location.

The site is:

- **AVAILABLE** – for development now.
- **SUITABLE** – relates well to the existing settlement, can be accessed using an established access directly from New Lane, and provides a suitable location for sustainable housing.
- **ACHIEVABLE** – in a desirable location for housing and achievable in the short term.

The strengths of the site are in its relationship to the landscape, with its robust natural boundaries and potential for development to sit well within the existing built form that bounds the site to the north and west.

A masterplan has been produced which demonstrates how the site can be developed to complement the green

wedge, enhancing the character of Malton Road in this particular location, delivering on site open space and SUDs.

The site provides excellent opportunity for sustainable modes of transport, maximising the number of journeys that will be undertaken on public transport, cycling or by walking and therefore increasing the footfall in local retail centres.

The site is deliverable in the short term and would provide a choice of high quality homes to meet local need.

Development would deliver significant social, economic and environmental benefits in line with the principles of sustainable development, making it one of the most suitable and logical green belt releases in York.


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LEGEND

 Site boundary 6.73Ha

Carter Jonas

PROJECT TITLE

MALTON ROAD, YORK

DRAWING TITLE

DETAILED MASTERPLAN

ISSUED BY	London	T: 020 7016 0720
DATE	19.07.19	DRAWN DW
SCALE@A3	1:2000	CHECKED JC
STATUS	Draft	APPROVED JC

DWG. NO. J002644_006

No dimensions are to be scaled from this drawing.
 All dimensions are to be checked on site.
 Area measurements for indicative purposes only.

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 Source: Ordnance Survey

**CITY OF YORK LOCAL PLAN
CONSULTATION ON 'PROPOSED MODIFICATIONS'**

HOUSING NEEDS AND SUPPLY REPORT

JULY 2019

Carter Jonas

CONTENTS PAGE	Page No
1.0 INTRODUCTION	1
2.0 EVOLUTION OF THE CITY OF YORK STRATEGIC HOUSING MARKET ASSESSMENT	2
The SHMA (June 2016)	2
The SHMA Addendum (June 2016)	2
The SHMA Update (2017)	3
3.0 HOUSING NEEDS ASSESSMENT UPDATE JANUARY 2019	5
Use of 2016 Sub National Population Projections	5
Economic uplift	6
Affordable housing need uplift	6
Conclusion regarding SHMA	6
4.0 CHANGES TO NATIONAL POLICY	7
5.0 CORRESPONDENCE BETWEEN THE COUNCIL AND INSPECTORS	8
6.0 STANDARD METHODOLOGY FOR HOUSING NEED	9
Step 1 - Setting the baseline	9
Step 2 - An adjustment to take account of affordability	9
Step 3 - Capping the level of any increase	9
Economic uplift	10
Affordable housing need uplift	11
7.0 LAND CAPACITY IN YORK	13
8.0 FIVE YEAR HOUSING LAND SUPPLY	14
9.0 CONCLUSION	15

1.0 INTRODUCTION & EXECUTIVE SUMMARY

- 1.1 This report is submitted in relation to the proposed modification of the City of York Local Plan (“the plan”). City of York Council (“the Council”) has released a range of proposed modification one of which is to seek to reduce the Objectively Assessed Housing Need (OAHN) figure to 790 dwellings per annum.
- 1.2 In undertaking this assessment of objectively assessed need and associated issues, Carter Jonas LLP is instructed by various clients.
- 1.3 This report is in the context of continued review and updating of housing evidence on behalf of the Council from 2016 (and before) through 2017, and again in 2019. As such, it tracks the headlines in those reviews and updates. This tracking reveals that there has been under reporting and suppression of the housing needs.
- 1.4 It is recognised that the plan was submitted in May 2018 – under the 2012 National Planning Policy Framework (NPPF) – but there were strong indications of changes to national policy prior to this. Furthermore, the correspondence between the Inspectors and the Council makes it clear that we are in a changing and dynamic policy position and this latest consultation is being conducting post the publication of a new revised NPPF and supporting practice guidance in 2019.
- 1.5 There is an inherent conflict in the Council’s approach to attempt to use the most up-to-date data, but not the most recent national policy and guidance. The flaws in the SHMA and the tensions created by the Council’s approach can all be disregarded if the SHMA is set aside in preference for the ‘Standard Methodology’ for identifying housing need.
- 1.6 Notwithstanding this, should the Inspectors consider it reasonable to retain a SHMA based OAHN figure in the Local Plan it is respectfully suggested that the 2017 update and the GL Hearn conclusion that includes a 10% uplift to reflect market signals and engage with acute Affordable Housing need should be used as the starting point. This would ensure an OAHN of at least 953 dpa is included in the Local Plan. It is considered, however, that this is still under reporting the needs in the City of York.
- 1.7 The housing need figure should be a **minimum** of 1,066 dpa and the most appropriate figure is likely to be **1,226 dpa** to engage with the significant and acute need for Affordable Housing in York.

2.0 EVOLUTION OF THE CITY OF YORK STRATEGIC HOUSING MARKET ASSESSMENT

2.1 The submitted City of York Local Plan was supported by three assessments of housing need all produced on behalf of the Council by GL Hearn:

- City of York Strategic Housing Market Assessment (SHMA): (June 2016) – Examination reference: SD051;
- City of York SHMA Addendum (June 2016): Examination reference: SD052; and,
- City of York SHMA Update (2017): Examination reference: SD050.

2.2 Subsequently, the Council has published a further ‘Housing Needs Assessment Update’ again produced by GL Hearn in January 2019.

The SHMA (June 2016)

2.3 The SHMA (June 2016) Identified:

- A demographic baseline projected need of 833 dwellings per annum (dpa);
- An economic growth assessment to support 780-814 dpa;
- An affordable housing need of 573dpa (although no uplift was applied); and,
- A modest adjustment for household formation rates in the 25-34 age group.

2.4 The conclusion was that the Objectively Assessed Housing Need amounted to: 841 dpa (over the period 2012 – 2032)

The SHMA Addendum (June 2016)

2.5 The SHMA Addendum (June 2016) updated the ‘full’ SHMA in response to the publication of new demographic data: The 2014 based household projections. This iteration of the SHMA identified:

- An increased demographic baseline projected need of 889 dpa;
- No further assessments were made for economic growth;
- An increased affordable housing need of 627dpa (although no uplift was applied); and,
- A retention of the modest adjustment for household formation rates in the 25-34 age group.

2.6 The conclusion was that the Objectively Assessed Housing Need (OAHN) did not need to change from the 841 dpa (over the period 2012 – 2032).

2.7 Pausing at this stage, it is reasonable to reflect on the fact that the 2014 household projections published by the Department for Communities and Local Government show that the figures for the period 2012 – 2032 are 84,271 to 101,389 dwellings, or 856 per year, and this projection figure is higher than that identified as the OAHN for the City of York.

2.8 Furthermore, in order to meet the affordable housing needs in full (as a policy compliant ‘maximum’ of 30%) a total annual figure of 1,910 or 2,090 dwellings would be necessary, respectively, for each SHMA iteration. Therefore to conclude that no uplift was necessary to attempt, or go ‘some way,’ to meeting affordable housing needs is surprising at least, if not unsound.

- 2.9 The purpose of this report is not to analyse the 2016 versions of the SHMA in detail. However, the two observations above are sufficient to raise some concerns about the inputs and assumptions contained within them and, critically the conclusion drawn that 841 dpa is in fact a robust OAHN.

The SHMA Update (2017)

- 2.10 Turning to the City of York SHMA Update (2017), this identified that the latest mid-year population projections had – once again – increased the baseline demographic needs. The 2017 iteration of the SHMA also concluded that there was a need for an uplift in the housing needs figures to reflect the acute need for Affordable Houses. Reported at paragraphs 5.6 and 5.7 is the following:

“In response to both market signals and affordable housing need we have advocated a 10% uplift to the OAN. In line with the PPG this was set against the official starting point of 867dpa. The resultant housing need would therefore be 953dpa for the 2012-32 period.

“The level of housing need identified is somewhat higher than the previous SHMA reflecting the increased starting point but also the inclusion of a market signals uplift. This OAN would meet the demographic growth in the City as well as meet the needs of the local economy.”

- 2.11 However, the council added a preface to this report which stated:

“Members of the Council’s Executive at the meeting on 13th July 2017 resolved that on the basis of the housing analysis set out in paragraphs 82 - 92 of the Executive Report, the increased figure of 867 dwellings per annum, based on the latest revised sub national population and household projections published by the Office for National Statistics and the Department of Communities and Local Government, be accepted.

“Executive also resolved that the recommendation prepared by GL Hearn in the draft Strategic Housing Market Assessment, to apply a further 10% to the above figure for market signals (to 953 dwellings per annum), is not accepted on the basis that Hearn’s conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations.”

- 2.12 Observations of the conclusions in the SHMA include:

- First, that there is an apparent conflation of ‘market signals’ and ‘affordable housing’ to create a suggested uplift of 10%. The now superseded planning practice guidance suggested that this was a two-step and sequential process, albeit each element was a matter of judgement, so to combine the two considerations would not conform to the guidance.
- Second, the 2107 SHMA update reported (para. 3.17) the calculation of affordable housing need (573 dpa) against the proposed policy proportion of 30% requiring a plan target of 1,910 dwellings a year. Whilst it was correctly noted that there is no requirement to meet all of this need a 10% uplift to meet a significant challenge is derisory at best. The figure of 573 is 66% of the demographic baseline figure of 867 and moreover, there is no mention of the

increased Affordable Housing need identified in the 2016 addendum of 627 dpa.

- Third, it is surprising that it took three iterations of the SHMA (not including any previous versions created by 'Arup') to conclude that an uplift to engage with the challenge of affordable housing was necessary, but it is positive to see this assessment within the evidence base.

- 2.13 The Council Executive's response, however, to the SHMA 2017 is disappointing. The particular concern is the attempt to place a 'policy-on' assessment on the OAHN through the comment that the conclusions "*attach little or no weight to the special character and setting of York and other environmental considerations.*" It was not in the gift of the Council to make this decision as part of setting of objectively assessed needs, clearly this should have been part of the plan making exercise.
- 2.14 It is in the context of the SHMA published in 2016; its two 'updates' and, the council's response to them, that we must now consider the latest iteration of housing needs assessment.

3.0 HOUSING NEEDS ASSESSMENT UPDATE JANUARY 2019

- 3.1 At the beginning of 2019 the Council published a further update to its housing needs assessments. The purpose of this report was to support the submitted plan and its use of the 'latest' evidence, including the use of 2016 base population projections.
- 3.2 The plan was submitted under the 2012 version of the National Planning Policy Framework (NPPF). Therefore the relevant guidance to consider, in the first instance, is that associated with the first version of the NPPF. The now archived National Planning Practice Guidance (PPG) advised that Objectively Assessed Housing Need (OAHN) should be:
- a) Unconstrained (ID 2a-004-20140306); and,
 - b) Assessed in relation to the relevant functional area known as the Housing Market Area (HMA) (ID 2a-008-20140306).
- 3.3 Regarding point a), there appears to be no attempt to constrain the OAHN in this iteration of the SHMA. This is unlike the 2017 update, as reported above. The HMA (point b) is not changed from the original drafts of the SHMA so it is assumed that this is still relevant and appropriate.
- 3.4 The PPG methodology to identify the OAHN figure is a four stage process comprising:
- I. Demographic (based on past population change and Household Formation Rates (HFR)) (ID 2a-014-20140306 to 2a-017-20140306) ;
 - II. Economic (in order to accommodate and not jeopardise future job growth) (ID 2a-018-20140306) ;
 - III. Market signals (to counter-act worsening affordability caused by undersupply relative to demand) (ID 2a-019-20140306 & 2a-020-20140306).
 - IV. Whilst affordable housing need is separately assessed (ID 2a-022-20140306 to 2a-028-20140306). The delivery of affordable housing can be a consideration for increasing planned housing provision (ID 2a-029-20140306).
- 3.5 As mentioned above, the demographic baseline for the 2019 update is the 2016 based population projections. This results in a 'baseline' growth of 484 dpa. The economic growth assessment suggests a need for 790 dpa. Finally, the 'market signals' and 'affordable housing need' assessment suggests an uplift of 15% to 557 dpa.
- 3.6 The conclusion drawn is that 790 dpa is the most appropriate OAHN figure.

Use of 2016 Sub National Population Projections

- 3.7 As is explored in section 4.0 hereunder, Government's intention has long been to see the delivery of 300,000 new homes a year across the country by the mid-2020s. As part of this commitment it was signposted that a 'streamlined' approach to understanding housing need would be introduced: the 'Standard Methodology' and that the changes to demographic modelling and projections would mean that the use of the 2016 based numbers would not allow the Government to reach its target.
- 3.8 It is accepted that the plan was submitted under the 2012 NPPF but significant time has elapsed since then and indeed, the current consultation is being conducted against the backdrop of a revised and further reviewed NPPF in 2018 and 2019, with associated PPG also updated. It is therefore suggested that the baseline should be the 2014 based population projections and also that the standard methodology

should be adopted. The standard methodology is considered in more detail at section 6.0 of this report.

Economic uplift

- 3.9 The economic assessments presented in the 2019 update rely on the reports and conclusions drawn from documents drafted and published in 2016 and 2017. Whilst these assessments appear to be reasonably robust it is a concern that there has been no attempt to update the conclusions. It is difficult to fully assess the impacts of housing needs that are presented against demographic projections published two years after the associated job growth assessments. It is therefore suggested that, if the SHMA is to continue to be used as the evidence to underpin the City of York Local Plan that an associated update to economic need is undertaken.

Affordable housing need uplift

- 3.10 The Affordable Housing need has not been reassessed since the publication of the SHMA in 2016. The figure of 573 dpa is reapplied to the 2019 calculation update. There is no mention of the 627 dpa identified in the 2016 SHMA addendum. The same under appreciation of the scale of the challenge is applied to the OAHN figures in this latest iteration of the SHMA as with the version in 2017. Against a potential admittedly 'theoretical' need for 1,910 dpa a 15% uplift to only 557 dpa is suggested. This will not go far enough to either:

- *"...meet the full, objectively assessed needs for market and affordable housing"* of the NPPF (2012); or
- *"...make sufficient provision for: a) housing (including affordable housing)..."* of the NPPF (2019).

- 3.11 There is also a continued concern that the matters of 'market signals' and 'Affordable Housing need' are conflated into a single issue to provide only one suggested uplift to the OAHN figure and this is not in conformity with the four stage approach from the PPG as outline above.

Conclusion regarding SHMA

- 3.12 Whilst the plan was submitted under the previous – 2012 version – of the NPPF there was sufficient known at that time that there was due to be a change in understanding housing need and how figures were to be include in Local Plans. There has been sufficient concern raised about the content of the City of York SHMA; the subsequent updates; and, the Council's obvious attempts to apply unjustified constraints to the OAHN figure that it is considered reasonable to move away from these SHMA and instead rely on the new 'streamlined' approach.

- 3.13 Notwithstanding this, should the Inspectors consider it reasonable to retain a SHMA based OAHN figure in the Local Plan it is respectfully suggested that the 2017 update and the GL Hearn conclusion that includes and uplift to engage with acute Affordable Housing need should be used as the starting point. This would ensure an OAHN of at least 953 dpa is included in the Local Plan. It is considered, however, that this is still under reporting the needs in the City of York.

4.0 CHANGES TO NATIONAL POLICY

- 4.1 It is reasonable to consider the changes in national policy that have occurred before, during and since the regulation 19 consultation for the City of York Local Plan (Feb. – April 2018) and its submission (May 2018).
- 4.2 In **March 2016** the Local Plan Experts Group published a report that include a proposed methodology for calculating housing need. This was a four stage process summarised as:
- Official projections used to determine baseline demographic need;
 - Mandatory uplift of Household Formation Rates (HFR) in younger age groups;
 - Using absolute measures of affordability a prescribed market signal uplift (additional to HFR uplift) is applied;
 - Further 10% uplift applied if affordable housing need exceeds figures calculated in preceding stages.
- 4.3 Although there is no economic uplift it may still be incorporated as a policy on consideration to increase the housing requirement.
- 4.4 In **February 2017** the Government’s Housing White Paper was critical of any Council not undertaking an ‘honest assessment’ of housing needs. And it was at this stage that a standard methodology for the OAHN was proposed (subject to further consultation in September 2017).
- 4.5 Both of these were prior to the Regulation 19 publication consultation for the City of York Local Plan.
- 4.6 In **March 2018** Government responded to the Planning for the right homes in the right places consultation, and indicated its intention to require the use of the Standard Methodology using on the 2014 based housing projections to ensure meeting the target of 300,00 home per year.
- 4.7 This occurred during the Regulation 19 consultation.
- 4.8 In **July 2018** the revised NPPF was published including the Standard Methodology for identifying housing need.
- 4.9 In **October 2018** the Government conducted a consultation regarding the necessary use of the 2014 based demographic figures
- 4.10 In **February 2019** the NPPF and PPG were revised to include the 2014 figures.
- 4.11 These three later adjustments to national policy and guidance were post the submission of the Local Plan, but in advance of the current consultation and a relevant consideration in the situation at York, where the appropriate level of housing need is unclear.

5.0 CORRESPONDENCE BETWEEN THE COUNCIL AND INSPECTORS

- 5.1 The publication of the revised NPPF was a material consideration in the examination of the Local Plan and as such there was dialogue and communication between the appointed inspectors and the city council. One of the conclusions drawn from this dialogue appears to be that the housing needs require reassessment. This the council duly undertook and in a letter of 29 January 2019 (examination ref: EX CYC 8) and reached the following conclusion (with our emphasis):

“The enclosed SHMA Update report advises that York’s OAN is 790 dwellings per annum. This is based on a detailed review of the latest published evidence including the national population and household projections and the latest mid-year estimate. The review has been undertaken based on applying the requirements of the National Planning Practice Guidance in relation to the assessment of housing need, under the 2012 NPPF. This confirms to the Council that the 867 dwellings per annum proposed in the submitted Plan can be shown to robustly meet requirements.”

- 5.2 The decision in January appears to have been to retain the originally submitted housing target to support the then assumed economic growth assumptions (but no increase for Affordable Housing need). This decision, however, has since been reversed in a letter of March 2019 (EX CYC 13) and the main modifications consultation is now proposing the reduced figure of 790 dwellings per year, which is referenced in the quote above and is a result of the latest update to the York SHMA.
- 5.3 There is an inherent tension or conflict in the letters from the Council, and the subsequent updates to the SHMA. This conflict is the continued reference to the need to update the needs figures to ‘reflect the most up-to-date’ data but there is scant regard given to updated national policy. Furthermore, as is outlined above, whilst the baseline demographic have been updated, the economic trends and Affordable Housing needs have not been updated.
- 5.4 A simple approach that avoids this tension and could well enable the Council to manage its resource use in the near future, is to consider the ‘Standard Methodology’ and what it shows for housing need in York. Identifying the correct housing need figure, is after all, the first step and the ability to plan for and deliver that need is secondary.

6.0 STANDARD METHODOLOGY FOR HOUSING NEED

6.1 In the 2018 revision of the NPPF (and the subsequent changes in 2019) Government introduced a 'simpler' standardised approach to understanding local housing needs. This revision to national policy is supported by updated planning practice guidance.

6.2 The relevant guidance is reference ID: 2a-004-20190220: *How is a minimum annual local housing need figure calculated using the standard method?* This guidance has three steps, and each is taken in turn for York in the following paragraphs (with our emphasis in guidance when necessary).

Step 1 - Setting the baseline

6.3 Using the 2014 mid-year projections, calculate the projected average annual household growth over a 10 year period (this should be 10 consecutive years, with the current year being used as the starting point from which to calculate growth over that period):

(a) Current year (2019)	= 90,829
(b) Ten years hence (2029)	= 99,027
(c) Annual average	= 820 (b – a / 10)

Step 2 - An adjustment to take account of affordability

6.4 The most recent median workplace-based affordability ratios, published by the Office for National Statistics at a local authority level, should be used. No adjustment is applied where the ratio is 4 or below. For each 1% the ratio is above 4 (with a ratio of 8 representing a 100% increase), the average household growth should be increased by a quarter of a percent. To be able to apply the percentage increase adjustment to the projected growth figure we then need to add 1.

$$\text{Adjustment factor} = ((8.86 - 4) / 4) \times 0.25 + 1 = 1.303$$

6.5 The adjustment factor is therefore 1.303 and is used as:

Minimum annual local housing need figure = (adjustment factor) x projected household growth

$$\text{Minimum annual local housing need figure} = 1.303 \times 820$$

The resulting figure is **1,069**.

6.6 For a plan period of 19 years (i.e. 2019 – 2038) this would equate to a minimum of 20,311 dwellings.

Step 3 - Capping the level of any increase

6.7 A cap is then applied which limits the increases an individual local authority can face. How this is calculated depends on the current status of relevant strategic policies for housing.

6.8 Where these policies were adopted within the last 5 years (at the point of making the calculation), the local housing need figure is capped at 40% above the average annual housing requirement figure set out in the existing policies.

6.9 Where the relevant strategic policies for housing were adopted more than 5 years ago (at the point of making the calculation), the local housing need figure is capped at 40% above whichever is the higher of:

a. the projected household growth for the area over the 10 year period identified in step 1; or

b. the average annual housing requirement figure set out in the most recently adopted strategic policies (if a figure exists).

6.10 The extant housing target for York was adopted more than five years ago in 2005. Therefore the 40% increase cap described above is engaged. The housing target is identified in the chapter 7 of the City of York Local Plan at 8,775 dwellings or 675 dwellings per annum.

Scenario a: $820 \times 1.4 = 1,148$

Scenario b: $675 \times 1.4 = 945$

6.11 The guidance suggests that the cap should be set at the higher of the two scenarios above, which would be scenario a. The figure of 1,148, however, is higher than the minimum set out in the standard methodology.

6.12 There is no guidance for what to do in this situation. Therefore, the more reasonable approach could be to adopt the original minimum standard figure of **1069 dwellings per annum**.

6.13 It is accepted, however, that the PPG also references the ‘submission’ of the Local Plan at ID: 2a-008-20190220. Therefore, considering the information that was available at submission of the Local Plan:

(a) Current (*Submitted*) year (2018) = 89,966

(b) Ten years hence (2028) = 98,239

(c) Annual average = 827 (b – a / 10)

Adjustment factor = $((8.62 - 4) / 4) \times 0.25 + 1 = 1.289$

Minimum annual local housing need figure = 1.289×827

The resulting figure is **1,066**.

6.14 The PPG also indicates that the standard method for assessing housing need provides a minimum starting point in determining the number of homes needed in an area. It also indicates that there may be circumstances – such as economic growth and Affordable Housing need – where it is appropriate to consider whether actual housing need is higher than the standard method indicates. It is also worth noting that the new guidance continues makes clear the distinction between ‘affordability’ and Affordably Housing need and that they are considered separately.

Economic uplift

6.15 It is clear from the data explored in the SHMA that the economic led housing need scenarios using 2014-based projections generate a need for an uplift to the minimum starting point established through that document. It is vitally important that economic trends and household formation are aligned if a Local Plan is to successfully achieve sustainable growth.

- 6.16 The PPG confirms that the standard method does not attempt to predict changing economic circumstances that may affect demographic behaviour at ID: 2a-010-20190220.
- 6.17 The figures calculated in the SHMA suggest a range (variously) between 780-814 dpa. On the face of it this **does not** require an uplift to the minimum starting point of the Standard Methodology. However, as previously cited, the council's evidence is somewhat dated in this respect.

Affordable housing need uplift

- 6.18 The need for affordable housing in the City is significant.
- 6.19 The SHMA 2019 Update confirms the need at least 573 dpa, which is some 73% of the total local OAHN figure proposed by the Council of 790 dpa.
- 6.20 This is an unsustainable level of affordable housing need and the Council has made no adjustment to its local housing need figure to accommodate this. To exacerbate matters, the recent trend in 'Right to Buy' sales shows a significant increase in take-up, which means further Affordable Homes are being lost.
- 6.21 The ONS statistics (Live returns Table 685) show that sales of homes through the 'Right to Buy' in York, which were negligible from 2008 – 2012 (presumably because of the recession), have steadily increased to an average of 73 a year in the last three years. This latter period alone has resulted in the loss of 219 Affordable Houses and if this trend continues the supply of homes will decrease as the need continues to become more and more acute.
- 6.22 Looking further at Table 685 one can also draw a comparison with the surrounding districts where 'Right-to-buy' (RtB) sales have remained reasonably low and collectively, between 7 districts, at around 50 homes a year. This trend suggests that there is a pull towards York for Affordable Homes. This pull is reflective of people's desire to live there meaning the need to supply these homes, in the right place where people want to live is a social and NPPF imperative.
- 6.23 Comparative RtB losses to affordable housing stock for York UA and N Yorkshire authorities since 2010 are as follows:

	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	Total
York UA	10	6	24	53	52	68	79	72	364
Craven	..	..	..	..	..	..	..	..
Hambleton	..	..	..	..	..	..	..	..
Harrogate	5	1	10	13	17	12	26	24	108
Richmondshire	2	1	5	7	9	7	8	11	50
Ryedale	..	..	..	..	..	..	..	..
Scarborough	..	..	..	..	..	..	..	..
Selby	3	3	10	16	25	13	22	21	113
N Yorkshire (total)	10	5	25	36	51	32	56	56	271

- 6.24 We consider this is in no small part reflective of the strong housing market across the city which has been fuelled by under-delivery of new-build homes in recent years, both general market and affordable housing.
- 6.25 The NPPF 2019 places great emphasis on addressing affordable housing needs as part of the Plan making process. The Council's current policy approach to affordable housing delivery will see, at the highest level of the spectrum set out in draft Policy H10, 30% provision. Even if the 30% provision was to be applied to every residential scheme coming forward in York over the Plan period, which certainly will not be the case, the Council will only achieve 237 dpa. This will lead to a shortfall of at least 336 dpa.
- 6.26 To address the affordable housing need in full based on draft Policy H10 the OAHN would need to be increased to 1,910 dpa.
- 6.27 This clearly demonstrates a need to increase the OAN above the 790 dpa proposed by the Council and could be an indication to increase the minimum starting point established through the standard methodology.
- 6.28 At stages GL Hearn has suggested a 10% and 15% uplift to the demographic baseline. Taking these suggestions would provide the following OAHN figure (against the 2018 baseline calculation of 1,066):
- 10% uplift: 1,172 dpa or 23,440 homes across 20 years
 - 15% uplift: 1,226 dpa or 24,518 homes across 20 years

7.0 LAND CAPACITY IN YORK

- 7.1 The Council's latest Strategic Housing Land Availability Assessment (2018 – reference: SD049) suggests that there are '250 land parcels' that were deemed reasonable alternatives to be taken forward for Sustainability Appraisal. However, there does not appear to be a total land capacity assessment within the assessment to realistically understand if there is a prospect for the delivery of the housing need.
- 7.2 From 'Figure 6' the Plan Trajectory of page 38 there is a quoted number of "Cumulative Completions" that includes a windfall allowance. This totals 21,436 dwellings. This demonstrates that there is a reasonable expected capacity in York, which with addition of a limited number of additional sites could be elevated to achieve the 24,518 figure.
- 7.3 Should the Council not be able to identify the land capacity for its identified needs, of course, then the appropriate action is to work with its neighbours under the Duty to Co-operate and look to meet unmet needs elsewhere.

8.0 FIVE YEAR HOUSING LAND SUPPLY

8.1 A change to the identified housing need, will of course, have an impact on both the whole plan development trajectory but also the five year housing land supply.

8.2 The purpose of this report is not to analyse the deliverability of proposed allocated sites, or others identified in the five year supply. However, to take the Council's assessment (from page 39 of document SD049) at face value, but applying need figure scenarios resulting from applying the standard methodology provides the following:

Annual housing target across the Plan period	1,066	1,069	1,172	1,226
Cumulative Housing target (2017/18 - 2022/23)	5,330	5,345	5,860	6,130
20% Buffer required for flexibility	6,396	6,414	7,032	7,356
Total dwellings estimated to be complete within 5 years (2017/18-2022/23)	6,877	6,877	6,877	6,877
Under/over-supply of housing	+481	+463	-155	-479
Five year land supply	5.38	5.36	4.89	4.67

*NB under the standard methodology there is no need to consider previous under supply.

8.3 A review of the currently stated land supply position in York suggests that in the next five years, at least, there is capacity to set a housing target that reflects the standard methodology minimum. There could well be opportunities to support the uplifted figure to support the delivery of Affordable Housing.

9.0 CONCLUSION

- 9.1 This report has reflected on the evolution of housing needs assessments in York. The SHMA iterations that have been produced have conflated issues and under-represented need or indeed have been deliberately suppressed. The latest 2019 'update' to the SHMA uses data produced from those previous iterations and can only be considered to be flawed.
- 9.2 There is an inherent conflict in the Council's approach to attempt to use the most up-to-date data, but not the most recent national policy and guidance. The flaws in the SHMA and the tensions created by the Council's approach can all be disregarded if the SHMA is set aside in preference for the 'Standard Methodology' for identifying housing need.
- 9.3 Notwithstanding this, should the Inspectors consider it reasonable to retain a SHMA based OAHN figure in the Local Plan it is respectfully suggested that the 2017 update and the GL Hearn conclusion that includes and uplift to engage with acute Affordable Housing need should be used as the starting point. This would ensure an OAHN of at least 953 dpa is included in the Local Plan. It is considered, however, that this is still under reporting the needs in the City of York.
- 9.4 The housing need figure should be a **minimum** of 1,066 dpa and the most appropriate figure is likely to be **1,226 dpa** to engage with the significant and acute need for Affordable Housing in York.
- 9.5 The stated land supply of the 2018 SHLAA appears to suggest that the Council has the ability to identify sites (and include a windfall allowance) that is close to achieving the need figures. It should also be possible, with a review of the SHLAA, to update the plan and include a limited number of additional sites to fully meet the needs.



LAND AT MALTON ROAD, YORK
LANDSCAPE & VISUAL ASSESSMENT

BANKS PROPERTY LTD
JULY 2019
RUR000780 - V2

AUTHOR	VERSION	CHECKED	DATE	DESCRIPTION
JW	V1	MJ	12/07/2019	DOCUMENT ISSUED TO CLIENT FOR COMMENT
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CONTENTS

1.0	INTRODUCTION	04
2.0	PLANNING CONTEXT	08
3.0	LANDSCAPE BASELINE	12
4.0	VISUAL BASELINE & OUTLINE ASSESSMENT	22
5.0	RECOMMENDATIONS AND CONCLUSIONS	30

LAND AT MALTON ROAD,
YORK

LANDSCAPE & VISUAL
ASSESSMENT

BANKS PROPERTY LTD

JULY 2019

PREPARED BY
RURAL SOLUTIONS LTD

RUR000780 - V2

1.0 INTRODUCTION

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1.1 SCOPE & PURPOSE

Rural Solutions Ltd was appointed by Banks Property Ltd to prepare a Landscape & Visual Assessment (LVA), to support the site's release from the Green Belt for residential development. This LVA is designed to be read in conjunction with a number of other assessments and reports that have been undertaken and submitted to the City of York Council to support the sites removal from the Green Belt.

The LVA will assess the landscape which surrounds the application site and will establish a landscape and visual baseline context for the site and its wider landscape setting.

AIMS OF THE LANDSCAPE AND VISUAL ASSESSMENT

- Consider, in outline, the **landscape character** of the application site, within the wider landscape setting and the likely effects of the proposed residential development upon landscape character;
- Assess the **visual sensitivities** of the application site, from key public receptors and identify any potential visual impacts upon landscape character and visual amenity;
- Assess the potential for the scale and nature of the proposed residential development to be successfully accommodated within the landscape and
- Establish **mitigation** of landscape and **visual sensitivities**, to aid the overall scheme proposals, where necessary.

This LVA was undertaken through desktop review of landscape character and relevant planning policy, combined with a site assessment of landscape and visual sensitivities. The field assessment was carried out by a Chartered Landscape Architect on the 2nd July 2019 in dry slightly overcast weather conditions.

1.2 LOCATION

The seven hectare (approximate) application site lies to the north east of York at the boundary of existing residential development and comprises pastoral farmland enclosed and divided by native hedgerows and a shelterbelt of trees. The site is defined to the south east by Malton Road and to the north east by New Lane. Residential dwellings at Sefton Avenue, Barfield Road, Morrilt Close and Ferguson Way adjoin the site and provide the western residential context. See Figures 1.1 and 1.2.

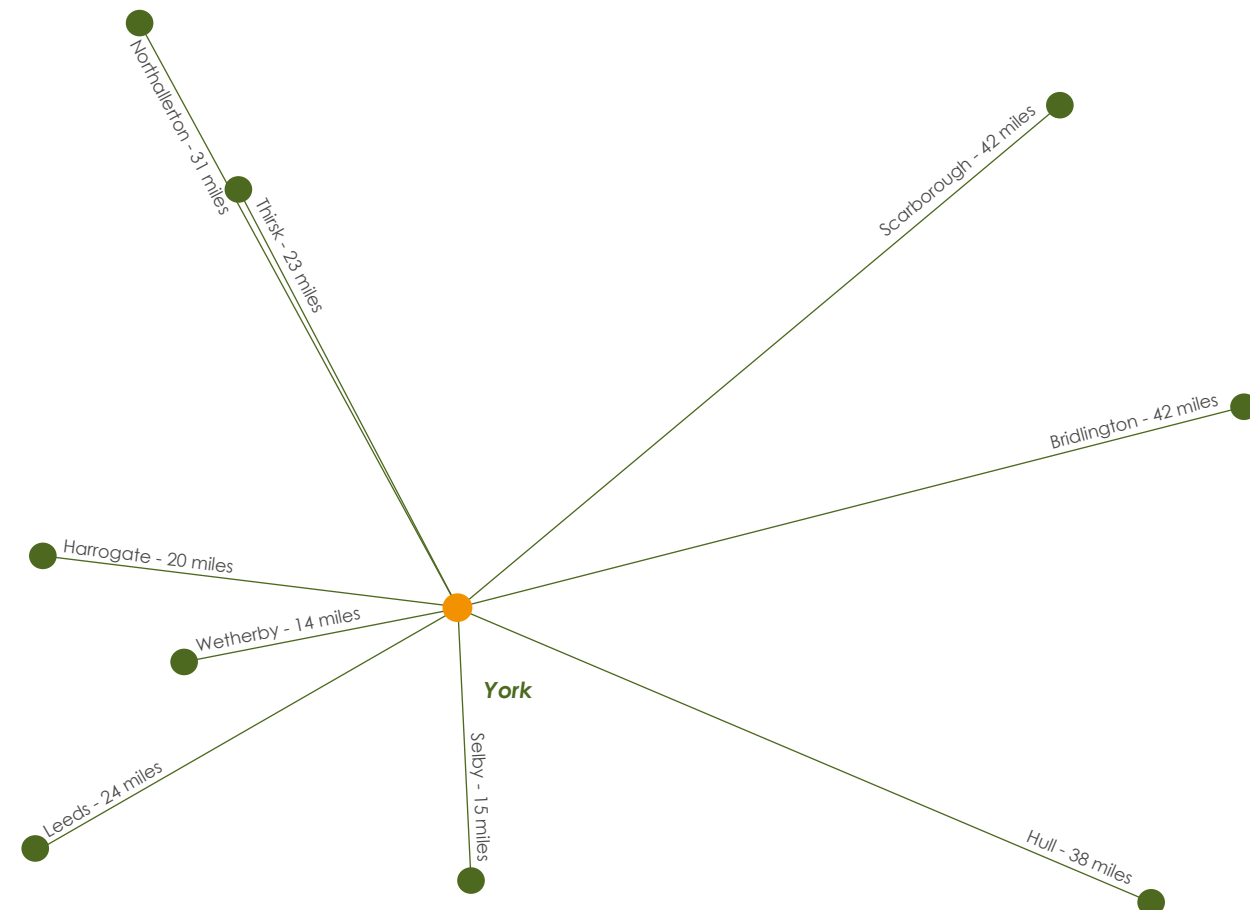


Figure 1.1: York Location.



Figure 1.2: Application Site Location.

I.0 INTRODUCTION

I.3 THE PROPOSAL

Banks Property Ltd. (part of Bank Group) are acting on behalf the landowner in connection with securing the site's release from the Green Belt and its promotion through the York Local Plan.

The Site currently forms part of existing greenfield, located to the north-east of York and is approximately seven hectares. The existing site is predominantly pastoral farmland, with a small number of existing light industrial units located on the boundary with New Lane.

The site's south-western boundary borders existing residential development and is located with York's Green Belt. The site has previously been promoted within York's emerging Local Plan for residential development and the northern part of the site was included as a proposed housing allocation in the 2014 York Local Plan Publication Draft. However, following a council decision to halt work on that version of the local plan, the site is no longer included as a proposed housing allocation. The site has continued to be promoted for residential development within York's Local Plan due to a shortfall in new housing generally within York, being a suitable site to release from the Green Belt and the perception that this site can help support the local housing need.



2.0 PLANNING CONTEXT

2.0 PLANNING CONTEXT

2.1 INTRODUCTION

The following section does not provide an exhaustive review of planning policy, rather it provides an overview of key policy considerations which are relevant to the application site and the proposed development of residential dwellings.

2.2 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The revised National Planning Policy Framework was updated on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. The NPPF sets out the Government's economic, social and environmental planning policy. The main theme of the NPPF is a presumption in favour of sustainable development which should be viewed as "a golden thread running through both plan making and decision-taking". The NPPF is a material consideration in planning decisions. The NPPF sets out the three dimensions for underpinning sustainable development: economic, social and environmental considerations, which "contributes to the protection and enhancement of our natural, built and historic environment...", with the requirement for high quality design, which respects and enhances local character, reappearing throughout the core planning principles. Key considerations of relevance to landscape and visual matters include:

2.3 ACHIEVING WELL DESIGNED PLACES

The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 124

Planning policies and decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Paragraph 127

In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 131

2.4 PROTECTING THE GREEN BELT

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.

Paragraph 133

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.*

Paragraph 134

When defining Green Belt boundaries, plans should:

- ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;*
- not include land which it is unnecessary to keep permanently open;*
- where necessary, identify 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 an update to a plan which proposes the development;*
- be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and*
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.*

Paragraph 139

2.5 PROPOSALS AFFECTING THE GREEN BELT

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- limited infilling in villages;*
- limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

2.0 PLANNING CONTEXT

- not have a greater impact on the openness of the Green Belt than the existing development;
or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 145

2.6 CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT

“ Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Paragraph 170

2.7 HABITATS AND BIODIVERSITY

“ To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Paragraph 174

2.8 CITY OF YORK - DRAFT LOCAL PLAN INCORPORATING 4TH SET OF CHANGES – DEVELOPMENT CONTROL LOCAL PLAN (APPROVED APRIL 2005)

The City of York Council are developing a new Local Plan and as part of the new Local Plan examination, independent examiners, appointed by the Government, have asked for a consultation to gather views on the proposed modifications to the Local Plan submitted for examination. In 2005, the current Local Plan was approved for development management purposes, however it was not formally adopted. It provides a framework to guide and promote development, and to protect the historic, natural and built environment of York. The 2005 document set strategic priorities for the city and continues to form the basis for planning decisions until the new local plan is formally adopted.

2.9 THE YORK GREEN BELT

“ The primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York and is defined on the Proposals Map.

The main purpose of the Green Belt around York is to preserve the setting and the special character of the historic City. A review of the green belt has been undertaken with the aim of establishing permanent boundaries for at least the next 20 years. This has enabled the Council to map out future land-use in the city. The guiding principle behind the Review has been the desire to protect York's strategic green spaces whilst encouraging sustainable development. Equally, the pattern of green wedges, such as the 'strays' and the 'ings' are reinforced and extended.

Policy SP2

2.10 SAFEGUARDING THE HISTORIC CHARACTER AND SETTING OF YORK

“ A high priority will be given to the protection of the historic character and setting of York. When considering planning applications the Council will apply the following principles:

- b) The protection of the Minster's dominance, at a distance, on the York skyline and City Centre roofscape.
- c) The protection of the environmental assets and landscape features which enhance the historic character and setting of the City. These comprise the river corridors and the green wedges, both existing and extended.
- d) The protection of the main gateway transport corridors into York from development which, cumulatively, could have an adverse impact on the character and setting of the corridor and the surrounding environment. If development is allowed, early and substantial planting of sensitive boundaries will be required.

Policy SP3

2.11 DESIGN

“ Development proposals will be expected to :

- a) respect or enhance the local environment;
- b) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials;
- c) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment;
- e) retain, enhance and/or create urban spaces, public views, skyline, landmarks, the rural character and setting of villages and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view;
- l) Where opportunities exist, new open space/landscape treatment should be incorporated to close gaps between green corridors and take account of ecological principles through habitat restoration/creation.

Policy GPI

2.0 PLANNING CONTEXT

2.12 LANDSCAPING

“ Where appropriate development proposals will be required to incorporate a suitable landscaping scheme, and this must:

- a) be planned as an integral part of the proposals; and
- b) include an appropriate range of indigenous species; and
- c) reflect the character of the locality and surrounding development; and
- d) form a long term edge to developments adjoining or in open countryside.

Policy GP9

2.13 TREES, WOODLANDS AND HEDGEROWS

“ Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation or historical value, will be protected by:

- a) refusing development proposals which will result in their loss or damage; and
- b) requiring trees or hedgerows which are being retained on development sites to be adequately protected during any site works; and
- e) ensuring the continuation of green/wildlife corridors

All proposals to remove trees or hedgerows will be required to include a site survey indicating the relative merits of individual specimens. An undertaking will also be required that appropriate replacement planting with locally indigenous species will take place to mitigate against the loss of any existing trees or hedgerows.

“ Developments should make proper provision for the planting of new trees and other vegetation including significant highway verges as part of any landscaping scheme. In addition, other proposals to bring forward such provision will be actively encouraged

Policy NE1

2.14 GREEN CORRIDORS

“ Planning permission will not be granted for development, which would destroy or impair the integrity of green corridors and stepping stones (e.g. river corridors, roads, railway lines, cycleways, pockets of open space and natural or semi-natural vegetation etc). Conversely, development that ensures the continuation and enhancement of green corridors for wildlife will be favoured.

Policy NE8

2.15 GREEN BELT AND OPEN COUNTRYSIDE

Green wedges

“ 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.

Paragraph 5.12

“ 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 Freemen 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.

Paragraph 5.13

“ Within the Green Belt, planning permission for development will only be granted where:

- a) the scale, location and design of such development would not detract from the open character of the Green Belt; and
- b) it would not conflict with the purposes of including land within the Green Belt; and
- c) it would not prejudice the setting and special character of the City of York;

AND it is for one of the following purposes:

- limited infilling in existing settlements; or
- limited affordable housing for proven local needs; or
- limited infilling or redevelopment of existing major developed sites;

Policy GB1

3.0 LANDSCAPE BASELINE

3.0 LANDSCAPE BASELINE

3.1 WHAT IS LANDSCAPE?

The landscape is a resource in its own right. The European Landscape Convention (ELC), designed to achieve improved approaches to the planning, management and protection of landscapes throughout Europe, defines landscape as:

“an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors”. (Council of Europe, 2000)

This definition was expanded in 2002 to illustrate how all landscapes are special and valuable, even if they are not recognised with a statutory designation.

“Landscape is about the relationship between people and place. It provides the setting for our day-to-day lives. The term does not mean just special or designated landscapes and it does not only apply to the countryside. Landscape can mean a small patch of urban wasteland as much as a mountain range, and an urban park as much as an expanse of lowland plain. It results from the way that different components of our environment – both natural (the influences of geology, soils, climate, flora and fauna) and cultural (the historic and current impact of land use, settlement, enclosure and other human interventions) – interact together and perceived by us. People’s perceptions turn land into the concept of landscape.”(Swanwick,C and Land Use Consultants (2002) Landscape Character Assessment Guidance. Countryside Agency & Scottish Natural Heritage).

3.2 LANDSCAPE CHARACTER

Landscape Character is assessed at different scales, from the national and regional, down to the county, district and site specific.

3.3 NATIONAL LANDSCAPE CHARACTER

As part of Natural England’s responsibilities, as set out in the Natural Environment White Paper, Biodiversity 2020 and by the European Landscape Convention, the profiles for England’s 159 National Character Areas (NCAs) are being revised. NCAs are defined by Natural England as:

“...areas that share similar landscape characteristics, and which follow natural lines in the landscape rather than administrative boundaries, making them a good decision-making framework for the natural environment”.

The region within which the application site lies is classified as falling within NCA: 28: Vale of York. The key characteristics typical of this landscape includes:

- 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; and
- 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.

3.4 COUNTY CHARACTER

At a county level, the North Yorkshire County Council Landscape Characterisation Project, written by Chris Blandford Associates in 2011, provides an overarching assessment of the county’s landscape, consolidating the existing district landscape character assessments and providing:

“consistent and integrated County-wide picture which will help to raise awareness of local distinctiveness, issues and strategic initiatives at a landscape scale....The county level landscape character assessment is intended to be used as a strategic planning and land management tool. Where available, more detailed landscape character assessments undertaken at the District, and National Park/AONB level should be used as tools for informing decision-making at the local scale” (Chris Blandford Associates).

This county assessment of landscape character describes the application site as being within an Urban Landscape Primary Landscape Unit, the key characteristics of which are:

- Contrasts in settlement size and pattern, encompassing a mixture of cities and principal towns;
- Settlements often contain a historic core which encompasses a pattern of historic buildings and streetscapes, displaying a vernacular tradition of local building materials;
- The historic core is often surrounded by Victorian residential expansion and more modern suburban housing areas;
- Urban areas also contain a mixture of industrial and commercial areas, alongside town and city centres – containing wide range of shops;
- Urban areas usually contain a patchwork of green spaces/corridors amongst the urban fabric, including parks,

3.0 LANDSCAPE BASELINE

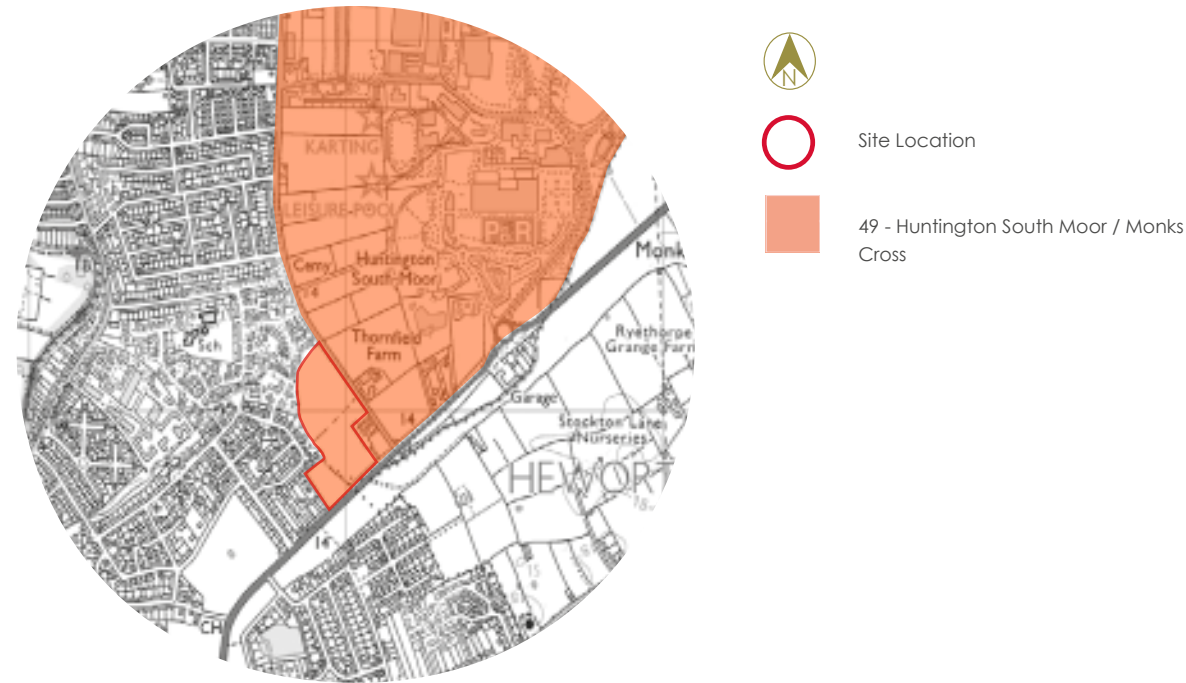


Figure 3.1: District Landscape Character Types- City of York Historic Environment Characterisation Project (2013)

encapsulated countryside and river corridors;

- *Different ages of settlement are reflected by contrasting street patterns, densities and architectural styles, although there is often homogeneity within different areas of townscape (for example, Victorian suburbs and post 1960's suburbs); and*
- *The surrounding landscape provides a setting for the edges of each urban area, which is a determining factor in their distinctiveness and sense of place.*

The rural landscape to the north east is describes as being within the Vale Farmland with Plantation Woodland and Heathland landscape character type.

3.5 DISTRICT CHARACTER

The 'York Landscape Appraisal' of December 1996, produced on behalf of the City of York Council (CYC) by the Environmental Consultancy University of Sheffield, is considered to be a dated document, however the categorisation of 12 distinct landscape character types is still considered fundamentally relevant to the consideration of the landscape baseline for the application site. The application site lies within the Urban character type, with the Mixed Fringe Farmland character type, of low quality arable and pasture land, with a heavy dominance of industrial and retail development, lying adjacent to the east and north east.

A more recent and relevant study, undertaken as part of the City of York Historic Environment Characterisation Project in 2013, identifies the application site as falling within the boundary of the 'Huntington South Moor / Monks Cross (Area 49) area appraisal (see figure 3.1). The character is described as being:

- *Mixture of late 20th century out of town, large modern commercial and industrial premises surrounded by small amounts of contemporary and inter-war housing and flat, agricultural land;*
- *Brecks Lane and agricultural land roughly bound the area to the north, the ring road and agricultural land to the east, Malton Road to the south and New Lane to the west. At the southern point of New Lane the character area occupies both its east and west side;*
- *Important commercial area for local economy;*
- *Open spaces south of Jockey Lane; and*
- *Includes Huntington South Moor Park and Ride, Rugby League ground, York City Knights football ground and swimming pool as well as the retail areas.*

3.6 LOCAL CHARACTER - THE APPLICATION SITE AND ITS SETTING

Figures 3.3 to 3.5 illustrate the character of the application site and its boundaries with the urban edge of York.

Land Use

The application site is predominantly flat and comprises three parcels, and extends to approximately seven hectares. At the time of assessment the fields had just been cut for a forage crop. The application site is located within the a landscape that has characteristics broadly consistent with agricultural land-use with small scale field patterns, however there is a heavy influence from the urban edge of York (see Figure 3.3). This is low grade farmland which is isolated and fragmented from the wider farmland to the north east by New Lane and Malton Road, which is one of the main routes into York. The volume and noise of the traffic promotes a largely urban quality. There is little sense of place.

An area to the north west of the application site, adjacent to the residential properties at Ferguson Way had been left uncut and whilst at the time of assessment, comprised a mixture of meadow grasses and occasional wildflowers, had a sense of abandonment, with large amounts of rubbish observed and several desire line footpaths leading towards Morritt Close through a gap within the hedgerow.

Boundary Features

The application site is defined and enclosed by native, mature hedgerows, with hawthorn as the dominant species, which largely restrict intervisibility between the application site and the wider. The hedgerow boundaries have been identified as being in existence from at least the time of the 1st edition Ordnance Survey of 1852. Glimpsed views are afforded at gateways and where a section of missing hedgerow on Malton Road enables visual access across the south eastern corner of the application site. Internal boundaries are provided by a mature hedgerow, with hedgerow trees which dissects the south eastern extent of the application site and an internal shelterbelt, running north east to south west (see Figures 3.3 and 3.5).

To the south west, the boundary of the application site is defined by the rear gardens of residential properties at the suburban edge of York, with a deep and steeply sided drain running along the

3.0 LANDSCAPE BASELINE

perimeter boundary. These residential properties are a dominant and highly visible feature on the boundary and provide a built context for the landscape.

To the south east corner of the application site are a collection of low quality buildings which operate as a commercial garage and other associated businesses and a detached residential property, which stands in mature gardens and is enclosed by a high hedge with mature trees and shrubs.

Wider Landscape

The wider landscape to the north, west, south west and south of the application site is dominated by the suburban edge of York, which comprises a mixture of predominately post WW2 detached, semi-detached and bungalow properties, set within enclosed and semi-enclosed domestic gardens. The rural character of the application site has been fragmented from its wider agricultural setting as former farms have been dispersed and the former agricultural buildings converted to residential and commercial properties. Occasional fragmented field parcels can be found to the north of the application site, however these are also isolated and enclosed by suburban development. Field parcels that do remain are generally small and defined by native hedgerows.

Monk Stray is a designated area of open grassland which runs north east to south west predominately to the south along Malton Road, however it is not visually contiguous and is punctuated in places by residential and commercial buildings and infrastructure. At the time of the site assessment, intervisibility between the application site and Monk Stray was restricted by Malton Road and unmanaged vegetation which has developed along the roadside. Along Malton Road a number of commercial units punctuate the fields and their advertising banners and flags visually detract from the pastoral character.

A cricket club, hockey club and rugby club all have extensive sports facilities to the south east of the application site, adjacent to the residential properties off Elmpark Way, with the land is managed for sporting recreation. The associated buildings and infrastructure enhance the suburban character of the area.

To the north east of the site is a transitional landscape, from the open amenity areas associated with the southern parts of Monk Stray and the sports grounds to a rural character. This is a predominantly pastoral landscape, with a mosaic of field parcels defined by native hedgerows and abundant hedgerow trees. Many of the farms have diversified and equestrian facilities and camp-sites are a frequent occurrence.

The large retail, commercial and industrial premises, including a large park and ride facility at Monks Cross and Vanguard Shopping Centre stand to the north and north east of the site and dominate the landscape and the skyline. There is a mixture of building styles and materials, with a new building under construction with vertical blue striped panels, which is visually discordant within its landscape setting and is visible, as a dominant building, from the tower of York Minster. There are areas of green-space and new soft landscape planting within the development, however

the road infrastructure, car parks and massing of the buildings are visually discordant and give rise to a suburban character, which detracts from the rural nature of the wider landscape and heavily influences the surrounding landscape character. There is an overspill from Monks Cross, with adjacent areas developing storage facilities, a garden centre, commercial garages and car sales.

3.7 LANDSCAPE DESIGNATIONS

The statutory designations relevant to the landscape surrounding the site are discussed below and those which are located within 2.5km of the site are illustrated at Figure 3.6: Landscape Designations.

3.8 SCHEDULED MONUMENTS

Under the Ancient Monuments and Archaeological Areas Act 1979(1) the Secretary of State for Culture, Media and Sport is required to keep a Schedule of Monuments. The Schedule is administered by Historic England. A Scheduled Monument is a nationally important historic site or monument which is given legal protection by being placed on a list, or 'schedule'. Scheduling is the only legal protection specifically for archaeological sites.

There are four scheduled monuments located within 2.5km of the application site:

- Roman camp on Huntington South Moor, 300m east of Huntington Grange;
- York Minster cathedral precinct: including Bootham Bar and the length of City Walls extending round the precinct up to Monk Bar;
- Roman camp on Bootham Stray, 450m north east of Moor Farm; and
- Roman camp on Clifton Moor, 275m NNE of Moor Farm.

The site assessment verified that there is no intervisibility between the scheduled monuments, or the setting of those monuments and the application site, due to intervening buildings and vegetation, which restricts intervisibility. The photography below (Figure 3.2) illustrates the elevated view towards the site and confirms no direct views of the site are possible.



Figure 3.2: Elevated view from York Minster looking north-east towards the site

3.0 LANDSCAPE BASELINE



Figure 3.3: The Application Site (looking west from New Lane)



Figure 3.4: The Application Site (looking west)



Figure 3.5: The Application Site (looking west from Malton Road)

3.0 LANDSCAPE BASELINE

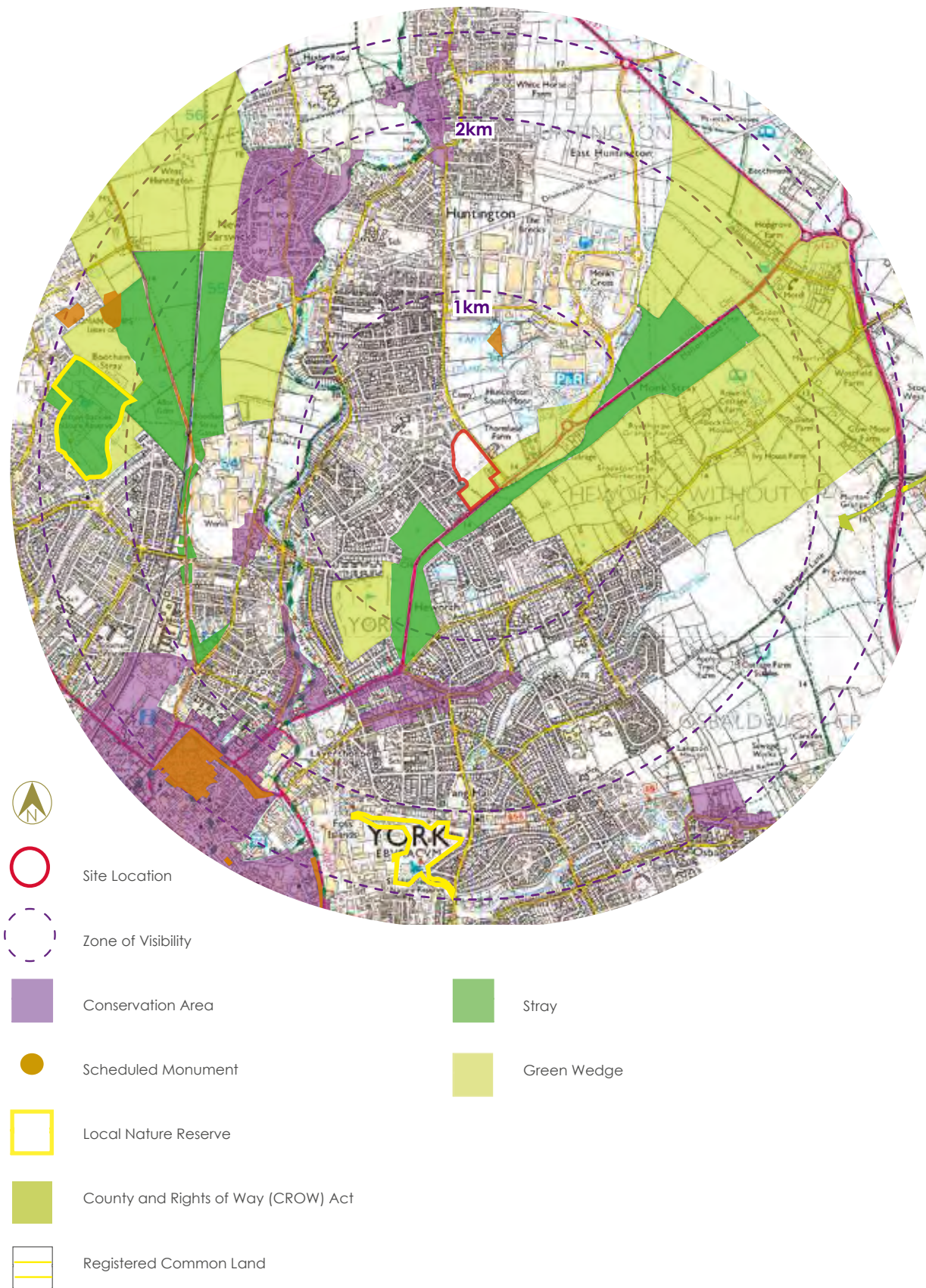


Figure 3.6: Landscape Designations.

3.9 CONSERVATION AREAS

Local authorities have a statutory duty to identify, designate, preserve and enhance conservation areas within their administrative areas. The aim in a conservation area is to preserve or enhance not merely individual buildings but all those elements, which may include minor buildings, trees, open spaces, walls, paving materials etc, which together make up a familiar and cherished local scene.

There are six conservation areas within 2.5km of the application site:

- Conservation Area No.1 - Central Historic Core;
- Conservation Area No.5 - Heworth / Heworth Green / East Parade / Huntington Road;
- Conservation Area No.20 - New Earswick;
- Conservation Area No.21 - Huntington;
- Conservation Area No.24 - Osbaldwick; and
- The Nestle / Rowntree Factory Conservation Area.

The site assessment verified that there is no intervisibility between the conservation areas, which are predominantly designated for their architectural significance, and the application site.

3.10 LISTED BUILDINGS AND STRUCTURES

Listed buildings of all grades I, II* and II are defined as being of national importance. Listed buildings within 3km of the site are illustrated at Figure 3.7: Listed Buildings.

The site assessment found that there is no intervisibility between those listed buildings located within close proximity of the application site or the landscape setting of the buildings and the application site, due to intervening buildings and vegetation.



Figure 3.7: Listed Buildings (Source www.magic.defra.gov.uk).

3.0 LANDSCAPE BASELINE

3.11 REGISTERED COMMON LAND / COUNTRYSIDE AND RIGHTS OF WAY (CROW) ACT 2000

Under the Countryside and Rights of Way Act 2000 (CROW), the public can walk freely on mapped areas of mountain, moor, heath, downland and registered common land, without having to stick to paths.

The desktop survey concluded that there is an area of Registered Common and CROW land within 2.5km of the site, which is illustrated in Figure 3.6. This area to the north east of the application site is known as:

- The pieces of land in the Parish of Murton (North Riding)

The site assessment confirmed that there is no intervisibility between the application site and the CROW/Registered Common Land at Murton.

3.12 MONK STRAY

Monk Stray is managed by City of York Council in consultation with Freemen of the City and consists of four areas which are the remnant parcels of the historic Monk Stray. There are views of York Minster, seen from the north eastern extent of Monk Stray, however these views are largely restricted by intervening vegetation towards the south west extent of the stray,

The application site lies to the north west of Monk Stray and is not included within the formal designation. Monk Stray is one of four areas of open land within the City of York that are the remnant parcels of once common land. Monk Stray runs north east to south west as a narrow strip of rough grassland from Monk's Cross towards Heworth Green. The private Heworth Golf Course forms a significant part of the stray to the west of Malton Road and Heworth Stray, an area of managed parkland lies to the south of the study area.

Intervisibility between the application site and Monk Stray, at the time of site assessment, was limited by intervening vegetation, which also restricts visual access to the stray for vehicular users of Malton Road. There is limited pedestrian access onto Monk Stray from Malton Road.

3.13 LOCAL NATURE RESERVE (LNR)

Local Nature Reserves (LNRs) are a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949 by principal local authorities. Parish and Town Councils can also declare LNRs but they must have the powers to do so delegated to them by a principal local authority. LNRs are for people and wildlife. They are places with wildlife or geological features that are of special interest locally. They are an impressive natural resource which makes an important contribution to England's biodiversity.

The desktop survey concluded that there are two areas designated as LNRs within 2.5km of the site, which are illustrated in Figure 3.6. These are:

- Clifton Backies - an area of species rich old meadows and pastures and scrub; and
- St Nicholas Fields - an ex-landfill site which has recovering biodiversity with various habitats including young woodland, scrub, meadow, rough grassland, coppice and a stream.

The site assessment confirmed that there is no intervisibility between the application site and the Local Nature Reserves.

3.14 GREEN BELT

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 (NPPF Feb 19). The Green Belt has 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 & other urban land.

The unadopted York Green Belt boundary washes over the application site and its wider landscape and further consideration of the potential effects from development should be made.

3.15 GREEN WEDGE

Defined in the Development Control Local Plan (2005) as a critical that defines and limits the urban expansion of York is the open countryside that runs right into the heart of the built-up area. These green wedges, including the historic strays and river corridors, are an extremely important part of the historic character and setting of the City.

The green wedge washes over the southern area of the application site further consideration of the potential effects from development should be made.

3.16 PUBLIC RIGHTS OF WAY (PROW)

Public rights of way are highways that allow the public a legal right of passage. The highway authorities keep definitive maps of public rights of way. They provide conclusive evidence of the existence of a public right of way. Public rights of way are illustrated at Figure 4.1: Visual Assessment (page 24).

3.17 ASSESSMENT OF LANDSCAPE SENSITIVITY, CONDITION & VALUE

The sensitivity of the landscape to change is the degree to which a particular landscape can accommodate changes, or new features, without significant detrimental effects to its essential characteristics. Sensitivity is defined as being high, medium or low. (See Table A.1a - Appendix A).

The following tables consider the sensitivity of landscape receptors, identified in the Landscape Baseline, to change resulting from the proposed development of the application site for residential dwellings. The condition and value of the landscape at various scales are also considered.

3.0 LANDSCAPE BASELINE

National Character Areas (NCA) & County Character			
Landscape Receptor	Sensitivity of Receptor	Landscape Condition	Landscape Value
NCA: 28: Vale of York / Urban Landscape	High	High	High
<p>Paragraphs 5.13-5.15 of GLVIA, 3rd edition suggests that landscape character at the national and county level are best used to “set the scene” for a more specific, district level study. The application site lies within NCA 28:Vale of York and at the edge of the Urban county landscape receptor. The Vale of York is a predominantly open, flat and low-lying landscape which is largely agrarian in character and this provides the wider landscape setting for the application site.</p>			
Magnitude of Change		Significance of Effects	
No Change		Neutral	
<p>At the application site scale, the landscape is largely consistent with and characteristic of the NCA/county profiles. The proposed development of the application site for residential dwellings would be at a scale that is barely significant upon the character of the wider landscape of the NCA /county as a whole and the proposal will not effect the scale, landform or pattern of the this wider landscape. There will be no change to landscape character experienced at the NCA/county scale. The effects of the upon the NCA would be neutral as the key characteristics of the county landscape would be neither weakened or strengthen by the proposal.</p>			
District Character			
Landscape Receptor	Sensitivity of Receptor	Landscape Condition	Landscape Value
49: Huntington South Moor Monks Cross	Low	Poor	Poor
<p>The landscape within which the application site lies is described as being within Huntington South Moor / Monks Cross area, which is predominantly a mixture of late 20th century, out of town, large modern commercial and industrial premises surrounded by small amounts of contemporary and inter-war housing and flat, agricultural land. There is an archaeological interest in this area, with the remains of Roman camps and to the east of New Lane, ridge and furrow can still be seen in the landscape. Hedgerow boundaries are significant within the area and have been identified as being in existence from at least the time of the 1st edition Ordnance Survey of 1852. Notwithstanding this, the area has a suburban character, with a strong dominance of built form, comprising residential dwellings to the south west and the conversion of many of the former farm buildings to residential and commercial use.</p>			
<p>The sensitivity of the district landscape character to change from certain types of development is low as this is a landscape which has a predominantly weak structure with the negative elements of built form at Monks Cross and the Vanguard Shopping Centre, combined with other commercial units to the north and north east of the application site, dominating the landscape. There is a poor sense of place.</p>			

Magnitude of Change		Significance of Effects	
Negligible		Neutral	
<p>The proposed development of the application site for residential dwellings would have a localised effect upon the character of the district landscape. The significance of effects would be neutral as the key characteristics would be neither weakened or strengthen by the proposal at this scale.</p>			
Local Character (Monk Stray, Green Wedge and Green Belt)			
Landscape Receptor	Sensitivity of Receptor	Landscape Condition	Landscape Value
Wider Landscape / Monk Stray / Green Belt	Low to Medium	Ordinary	Poor
<p>The character of the local landscape to the north east and east of the application site is one of a suburban fringe. Monk Stray provides an area of open grassland, however it has a predominantly amenity quality, with often scrubby farmland extending beyond the stray to the east. There is a pattern of small-scale fields which are largely pasture. A number of ‘pony paddocks’, camp sites and sports facilities have developed at this suburban edge, which reduce the character of the agrarian, rural landscape. There are a number of negative elements within this landscape: highway infrastructure, power lines, telegraph poles, advertising banners and flags and skyline views are dominated by the retail and commercial buildings at Monks Cross and Vanguard Shopping Centre, which includes a new building currently under construction, with a blue striped facade.</p>			
<p>Monk Stray has limited visual accessibility from Malton Road and properties to the west, due to unmanaged vegetation at the time of survey, which gives a feeling of enclosure along the route into York. Only occasional and glimpsed views of York Minster were seen from Monk Stray. The wider rural landscape to the north east is visually detached from the application site by incongruous, major infrastructure and built form. To the north east Monk Stray has a pastoral character, with sheep grazing at the time of survey. Here the landscape transitions to a more rural character, with managed hedgerows, in field trees and small vernacular farmsteads providing character. Monk Stray to the south west of the application site has a more managed, parkland character, with mature ornamental trees set within mown grass and is defined by managed hedgerows. The private Heworth Golf Club occupies a section of Monk Stray located to the west of Malton Road. There is no intervisibility between the application site and theses south western areas of the stray.</p>			
Magnitude of Change		Significance of Effects	
Low		Minor to Neutral	
<p>At the local landscape scale, the development of the application site for residential dwellings will result in a minor loss of pasture, however it is anticipated that additional soft landscape elements will be introduced which will enhance the receiving landscape. At a local level, there is likely to be a minor to neutral effect on wider landscape character, with the scale, landform and pattern of the wider landscape maintained.</p>			

3.0 LANDSCAPE BASELINE

Conservation Areas

There are several conservations areas designed with the study area, however, as there is no intervisibility between this areas and the application site, this landscape receptor has been scoped out of this assessment of sensitivity.

Registered Common Land / CROW

There is an area of Registered Common Land/CROW designated within the study area, however, as there is no intervisibility between this areas and the application site, this landscape receptor has been scoped out of this assessment of sensitivity.

Designated Assets

The scheduled monuments and listed buildings which are located within the study area are illustrated at Figure 3.6 and 3.7 on pages 16 and 17. The site assessment found there to be no intervisibility between the scheduled monuments and listed buildings and the application site, therefore, these landscape receptors have been scoped out of this assessment of sensitivity.

Local Nature Reserves

There are two Local nature Reserves designated within the study area, however, as there is no intervisibility between these areas and the application site, this landscape receptor has been scoped out of this assessment of sensitivity.

The Application Site

Landscape Receptor	Sensitivity of Receptor	Landscape Condition	Landscape Value
Application Site	Low to Medium	Poor	Low

The application site is not subject to any landscape related planning designations, other than the Green Belt, which washes across the landscape. In terms of other criteria used to determine its value, this is summarised below and is based on professional judgment with reference to GLVIA3.

Landscape Quality (condition) - the application site comprises three parcels of pasture, defined by mature, native hedgerows with hedgerow trees. There are areas of scrub at the edges of the site and evidence of fly tipping. There are two internal boundaries which consist of a early mature shelterbelt and a mature hedgerow, with hedgerow oaks. A well maintained ditch and drain run to the south west along the edge of the site and continues along the internal hedgerow to a point which is disappears into a culvert. Overall value: **low**

Scenic Quality - there are no notable views into or out of the application site and it has a low scenic quality. The suburban edge of York dominates and heavily influences the south western boundary, with residential dwellings abutting the boundary. To the north of the application site, the skyline is dominated by commercial and retail buildings at Monks Cross and Vanguard Shopping Centre. Overall value: **low**

Rarity & Representativeness - the application site is not a distinctive landscape or one which contains elements or features that are rare or important examples of local character. Overall value: **low**

Conservation Interests - there are no recognised heritage or nature conservation features associated with the site. Notwithstanding this, the mature hedgerows and hedgerow trees form green corridors, albeit it is enclosed by residential dwellings and highways infrastructure, with characteristic heritage features not discernible from publicly accessible locations. There are no links to adjacent green corridors and the site does not visual contain. Overall value: **medium to low**

Recreation Value - the application site has no public access. Overall value: **low**

Perceptual Qualities - the application site is an green island within a built and suburban landscape, which is physically and visually isolated from its agricultural, rural setting. Overall value: **low**

Cultural Associations - there are no known associations with people or events in history. Overall value: **low**

Magnitude of Change	Significance of Effects
High	Moderate

The development of the application site for residential dwellings would give rise to a **high** magnitude of change, as there would be a major alteration to one or more key elements within the application site, with a loss of open pasture and introduction of built elements. This is a fragmented landscape and whilst development would result in the loss of pasture, it would be seen within the context of the existing suburban edge of York, which influences and dominate the local landscape and application site.

At the application site level, there is likely to be a **moderate** effect landscape character, which could be mitigated with a well considered masterplan, which allows the hedgerows and trees to be retained and enhanced with additional soft landscaping.



4.0 VISUAL BASELINE & OUTLINE ASSESSMENT

4.0 VISUAL BASELINE & OUTLINE ASSESSMENT

4.1 ASSESSMENT CONTEXT

This visual assessment aims to establish the potential for visibility of the application site, from the surrounding public visual receptors and to consider, in outline, any potential for landscape and visual effects arising from the development of this site for residential dwellings.

To gain an understanding of the visual context for the area, for the purposes of this LVA, all footpaths within 2.5km of the site, which have the potential for visibility of the site, were walked and visibility verified. However, whilst the landscape baseline studies considered receptors within a 2.5km radius from the application site, the site assessment scoped out views from beyond 1km of the site, due to local vegetation and intervening buildings. The application site was found to be largely visually contained by mature hedgerows and demonstrates that this greatly reduces the site's visibility from beyond 1km.

4.2 RANGE OF PEOPLE AND PLACES POTENTIALLY AFFECTED

The range of people and places potential affected varies from recreational receptors through to transport receptors. Where receptors have a dual function, i.e. a PRow adjacent to an existing residential development, the primary and most sensitive receptor will be assessed in the first instance with the secondary receptor acknowledged as part of the assessment process. Figures 4.1 and 4.2 illustrate the range of receptors visited during the site survey.

4.3 SENSITIVITY OF VISUAL RECEPTORS (TABLE A.IB, APPENDIX A)

The sensitivity of the landscape to change is the degree to which a particular landscape can accommodate changes, or new features, without significant detrimental effects to its essential characteristics. The sensitivity of visual receptors will depend on three key factors:

- The receptor's activity whilst exposed to the view (work, recreational activities, resident);
- Degree of exposure to view; and,
- Period of exposure to view.

The sensitivity of landscape character or a visual receptor is defined as being high/medium/low, where high is the most sensitive.

4.4 VISUAL ASSESSMENT



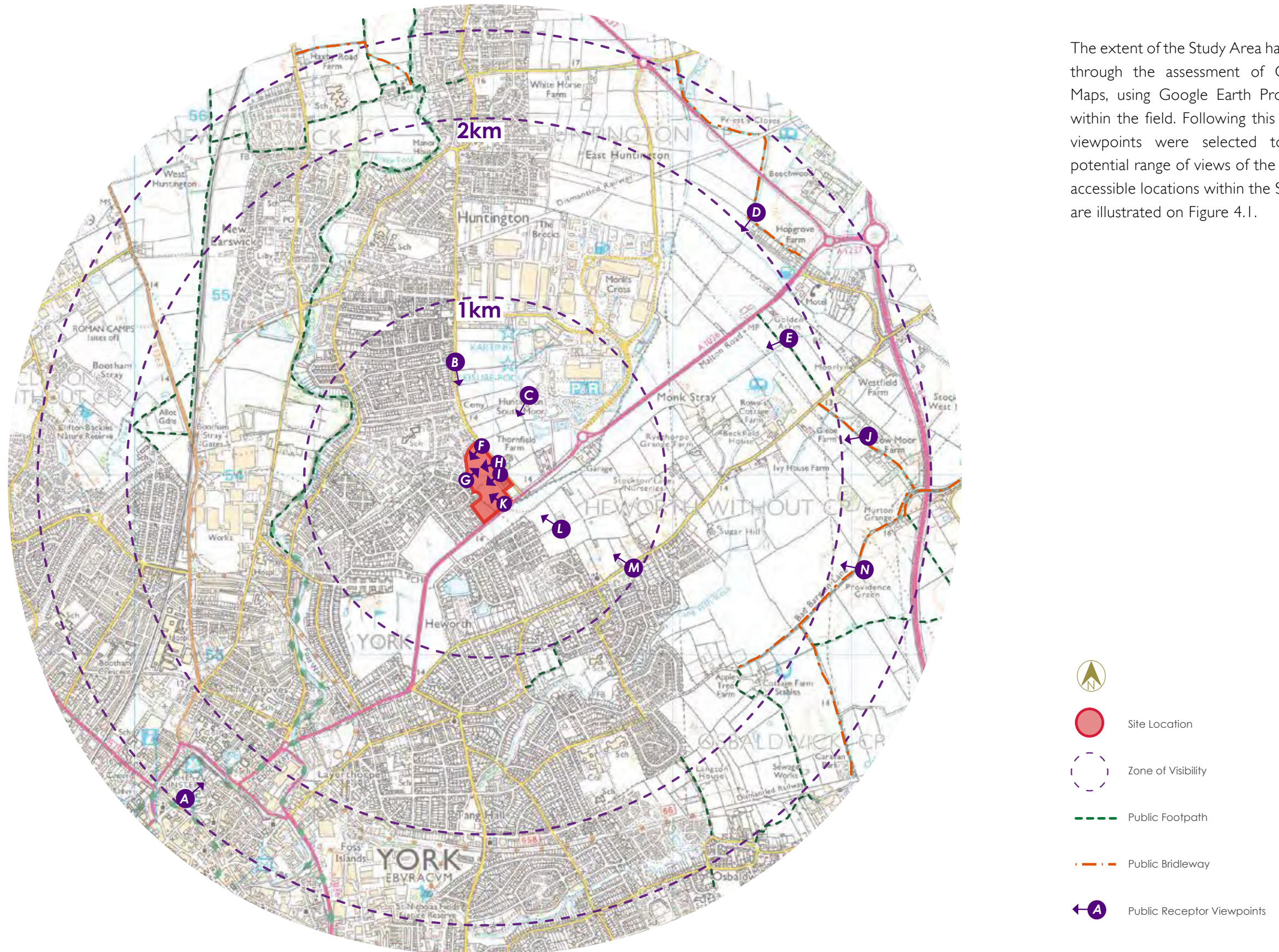
An assessment of visual effects deals with the effects of change on views available to people and their visual amenity. The concern here is with assessing how the surroundings of individuals or groups of people may be specifically affected by changes in the content and character of views as a result of the change or loss of existing elements of the landscape and/ or introduction of new elements.” ('Guidelines for Landscape and Visual Impact Assessment', Landscape Institute (LI) & Institute of Environmental Management and Awareness (IEMA), Third Edition, 2013) (GLVIA3).

A visual assessment has been carried out according to the methodology set out in Appendix A. All photoviewpoints are representative of views afforded towards the application site and are restricted to publicly accessible locations, such as footpaths. This LVA acknowledges that there may be other views afforded of the application site, within proximity to the identified receptors, however for the purpose of this LVA, the following views are considered to best represent the visual context. Views from privately owned properties, where there is a likelihood of a view, have been considered within the scope of this report and are included within this section.

It should be noted that the site assessment was carried out in July when the broadleaved trees were in leaf. In accordance with guidance, it is good practice to undertake visual assessments during the winter months, when the trees are predominantly bare. This is because leaves and vegetation filter views, and winter views therefore present a 'worst case scenario' for visual effects. Whilst visibility of the application site has been largely verified through this visual assessment, it should be noted that there may be further views afforded from public receptors when the trees are not in leaf. Where no view was afforded, a photograph was not taken.

Photographs have been taken using a DSLR camera with a 50mm focal length standard lens. Photoviewpoint locations are set out within Figures 4.1 and 4.2.

4.0 VISUAL BASELINE & OUTLINE ASSESSMENT



The extent of the Study Area had been confirmed through the assessment of Ordnance Survey Maps, using Google Earth Pro and verification within the field. Following this analysis, fourteen viewpoints were selected to represent the potential range of views of the Site from publicly accessible locations within the Study Area. These are illustrated on Figure 4.1.

Figure 4.1: Initial Viewpoint Locations

4.0 VISUAL BASELINE & OUTLINE ASSESSMENT

LAND AT MALTON ROAD,
YORK

LANDSCAPE & VISUAL
ASSESSMENT

BANKS PROPERTY LTD

JULY 2019

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RURAL SOLUTIONS LTD

RUR000780 - V2

Due to the lack of clear discernible intervisibility between viewpoints A to E, J, L, M and N and the Site (refer to Figure. 4.1 Initial Viewpoint Locations), the viewpoints that will be assessed have been reduced to five viewpoints as illustrated on figure 4.2. The assessment relating to viewpoints 1 to 5 have been summarised within the following pages.

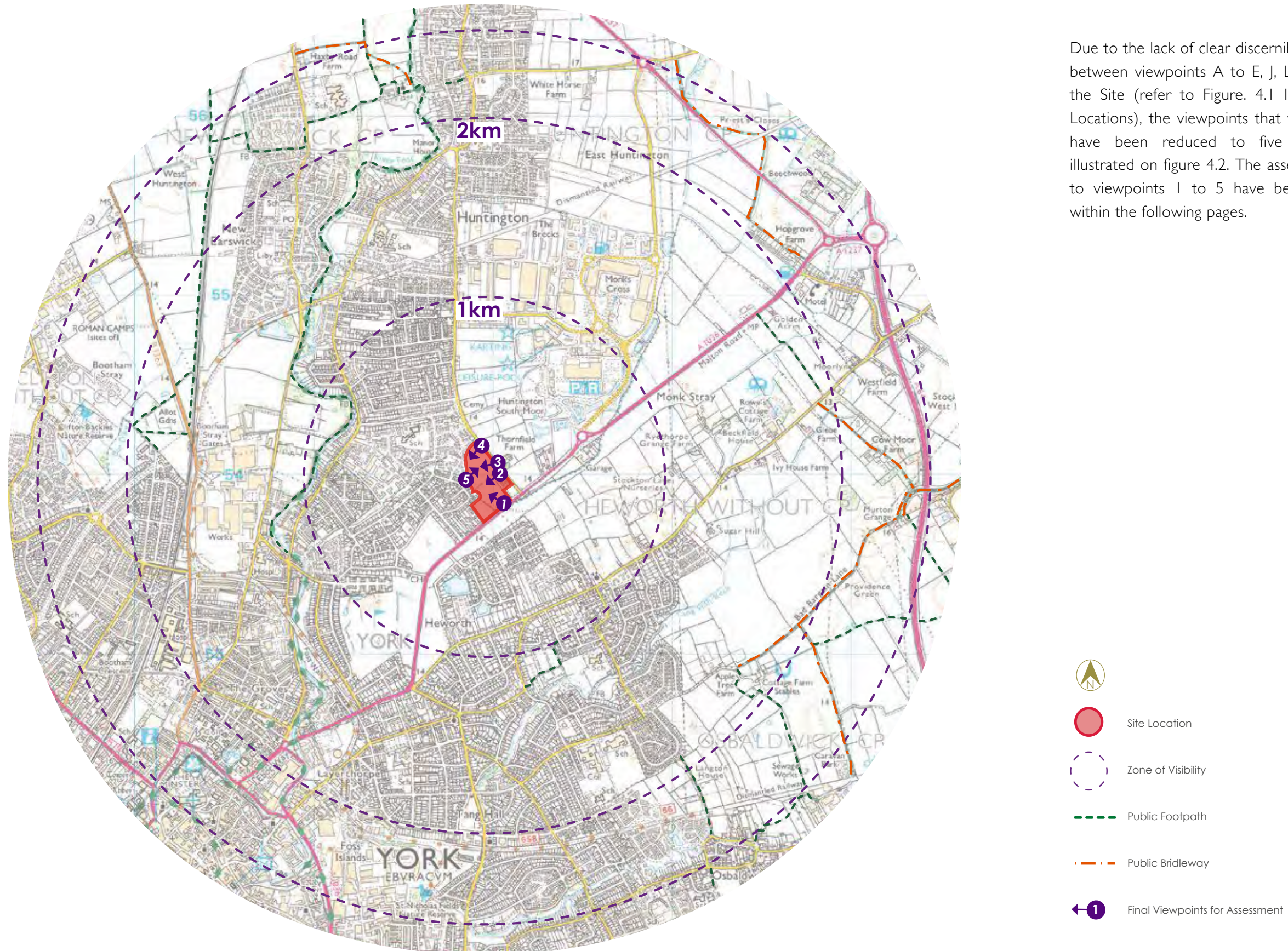
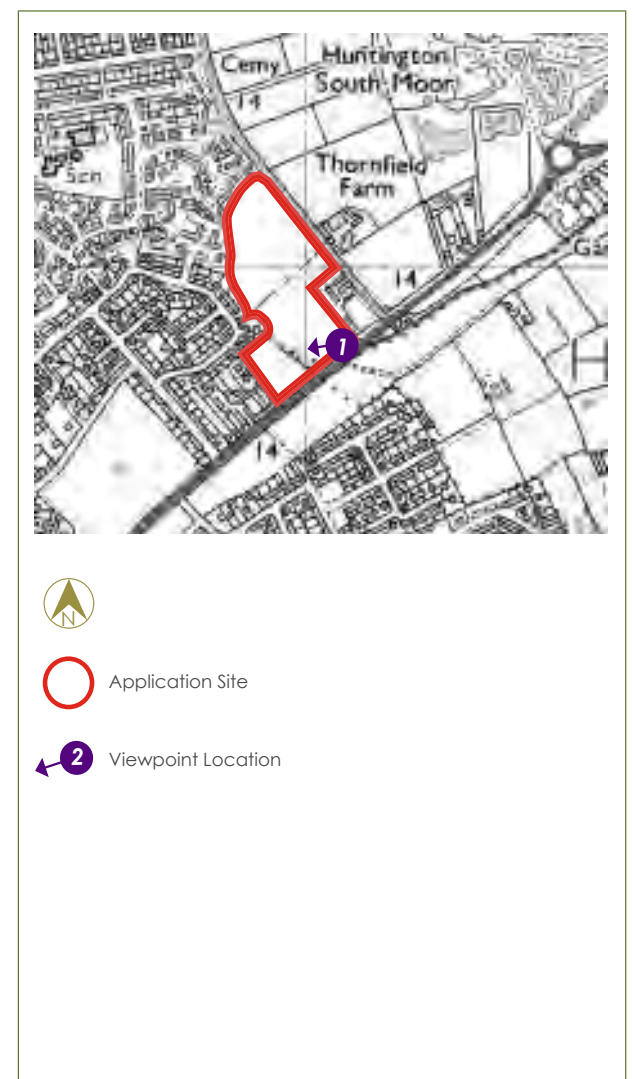


Figure 4.2: Final Viewpoint Locations to be Assessed

4.0 VISUAL BASELINE & OUTLINE ASSESSMENT



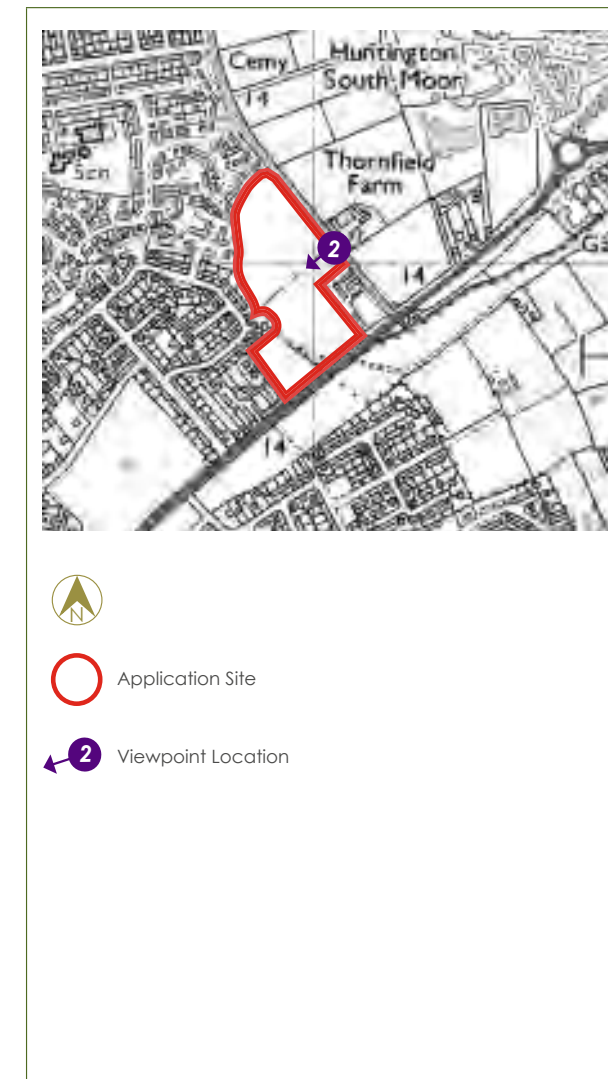
Viewpoint No.1 Looking west into the application site from Malton Road.		Grid Reference SE 62095 53852	
		Image - Stitched panorama of multiple photographs	
Description of View	Sensitivity of Visual Receptor	Magnitude of Change	Significance of Effects
<p>This view of the application site is afforded to motorised users of Malton Road and to users of the adjoining pedestrian footpath/ cycle-path.</p> <p>There is an open view of a small section of the application site where a gap in the boundary hedgerow enables visual access. The wider site is not appreciated from this location, due to the internal mature hedgerow and shelterbelt.</p> <p>The application site is a flat, grassed field which, at the time of site assessment, had recently been cut as a fodder crop.</p> <p>There is an existing built context to the view, with the suburban edge of York visible to the rear of the view. The infrastructure associated with Malton Road provides vertical elements and the presence of the internal shelterbelt and mature hedgerows, both within the site and to the left of the view adjacent to Malton Road, creates an enclosed character to the landscape, limiting intervisibility across the wider application site.</p> <p>Development of the application site for residential dwellings will introduce new and additional built form into this view, however it will be seen with the contact of the existing residential properties.</p>	<p>Low - The receptor is a user of a main road or a passenger on public transport on a main route.</p> <p>Medium - The receptor is the user of a pedestrian footpath/cycle-path with a restricted view. The full extent of the application site is not visible from this location for this receptor.</p>	<p>High - For motorised users of Malton Road, the proposed residential development would form a visible and recognisable new feature within the landscape and would change the nature of this view.</p> <p>High - The proposed residential development will be seen as a dominant feature within the landscape from this location and would change the nature of this view for users of the pedestrian footpath/cycle-path adjacent to Malton Road.</p>	<p>Moderate Adverse - The proposal to develop the site for residential dwellings would cause a notable change to this view for motorised users of Malton Road.</p> <p>Major Adverse - The proposal to develop the site for residential dwellings would cause a significant change to this view for pedestrian users of the footpath adjacent to Malton Road. However, the pedestrians are adjacent to a highly urbanised road and the development of the site would not affect their appreciation of the wider area.</p> <p>To reduce likely significant effects, it is recommended that the development is set back from Malton Road and an area of open green-space with well considered landscape proposals is created. This will enhance and compliment the existing green corridors of Monk Stray and enhance the character of Malton Road.</p>



4.0 VISUAL BASELINE & OUTLINE ASSESSMENT



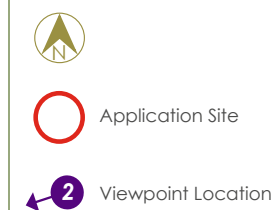
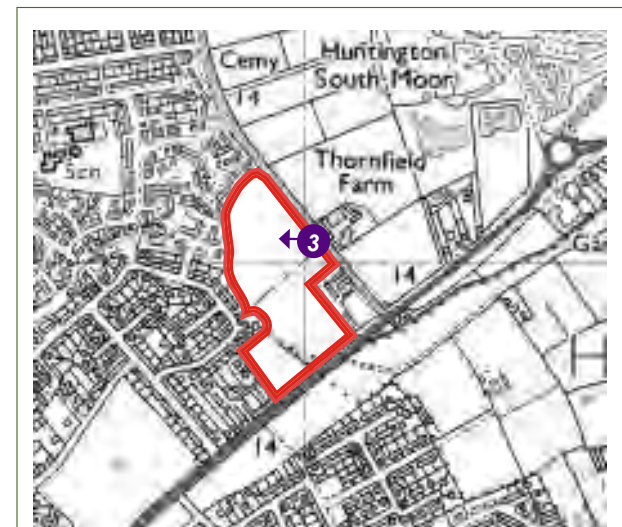
Viewpoint No.2 Looking south west in the application site from New Lane.		Grid Reference SE 62045 54030	
		Image - Stitched panorama of multiple photographs	
Description of View	Sensitivity of Visual Receptor	Magnitude of Change	Significance of Effects
<p>This glimpsed and partial view of the application site is afforded through a gateway gap in the hedgerow and would be visible for pedestrian users of the footpath adjacent to New Lane and motorised users of a minor (B) road. This view is also afforded from the second floor windows of Thornfield farmhouse, however the mature intervening hedgerows obscure views from the first floor windows and the garden curtilage of the property.</p> <p>The application site is a flat, grassed field which, at the time of site assessment, had recently been cut as a fodder crop.</p> <p>A full and open view of the application site is not afforded from this location, with intervisibility with the full site limited by internal mature hedgerow and shelterbelt. The suburban edge of York can be seen to the rear of the view, with the roof-lines of residential dwellings at Malton Road and Sefton Avenue visible within the green backdrop to the site. The commercial units to the east of the application site are visible to the left of the view and a collection of stored vehicles can also be seen beyond heras fencing.</p> <p>Development of the application site for residential dwellings will introduce new and additional built form into this view, however it will be seen with the contact of the existing residential properties and will be seen within the existing and proposed soft landscape context for the site.</p>	<p>Medium - The receptor is the user of a public right of way with a restricted view or is the motorised user of a minor road, where alteration is focused on the route ahead.</p> <p>The full extent of the application site is not visible from this location for this receptor.</p>	<p>Medium to Low - The proposed residential development will be seen within a glimpsed and transient context from this location and would form a visible component within a partial view of the application site view, however the full extent of the application site would not be visible.</p> <p>Within this glimpsed and partial view, the proposals may not be immediately apparent or become a dominant feature, when viewed within the existing and proposed soft landscape context.</p>	<p>Minor Adverse - The proposals would form a perceptible change to this view, however within a glimpsed and transient context, may not be immediately apparent.</p>



4.0 VISUAL BASELINE & OUTLINE ASSESSMENT



Viewpoint No.3 Looking west in the application site from New Lane.		Grid Reference SE 62028 54050	
		Image - Stitched panorama of multiple photographs	
Description of View	Sensitivity of Visual Receptor	Magnitude of Change	Significance of Effects
<p>This glimpsed and partial view of the application site is afforded through a gateway gap in the hedgerow and would be visible for pedestrian users of the footpath adjacent to New Lane and motorised users of a minor (B) road.</p> <p>This glimpsed and partial views is afforded for the north western part of the application site and the internal shelterbelt restricts intervisibility across the wider site.</p> <p>The application site is a flat, grassed field which, at the time of site assessment, had recently been cut as a fodder crop.</p> <p>There is a strong built context to this view, with the residential properties at Barfield Road visible to the rear of the view. Mature trees beyond the residential properties and the internal shelterbelt provide an enclosed character.</p> <p>From this location, the development of the application site for residential dwellings will result in a loss of open grassland, however the development will be seen within the context of the existing built form and will be seen within the existing and proposed soft landscape context for the site.</p>	<p>Medium - The receptor is the user of a public right of way with a restricted view or is the motorised user of a minor road, where alteration is focused on the route ahead.</p> <p>The full extent of the application site is not visible from this location for this receptor.</p>	<p>Medium to Low - The proposed residential development will be seen within a glimpsed and transient context from this location and would form a visible component within a partial view of the application site view, however the full extent of the application site would not be visible.</p> <p>Within this glimpsed and partial view, the proposals may not be immediately apparent or become a dominant feature, when viewed within the existing and proposed soft landscape context.</p>	<p>Minor Adverse - The proposals would form a perceptible change to this view, however within a glimpsed and transient context, may not be immediately apparent.</p>



4.0 VISUAL BASELINE & OUTLINE ASSESSMENT



LAND AT MALTON ROAD,
YORK

LANDSCAPE & VISUAL
ASSESSMENT

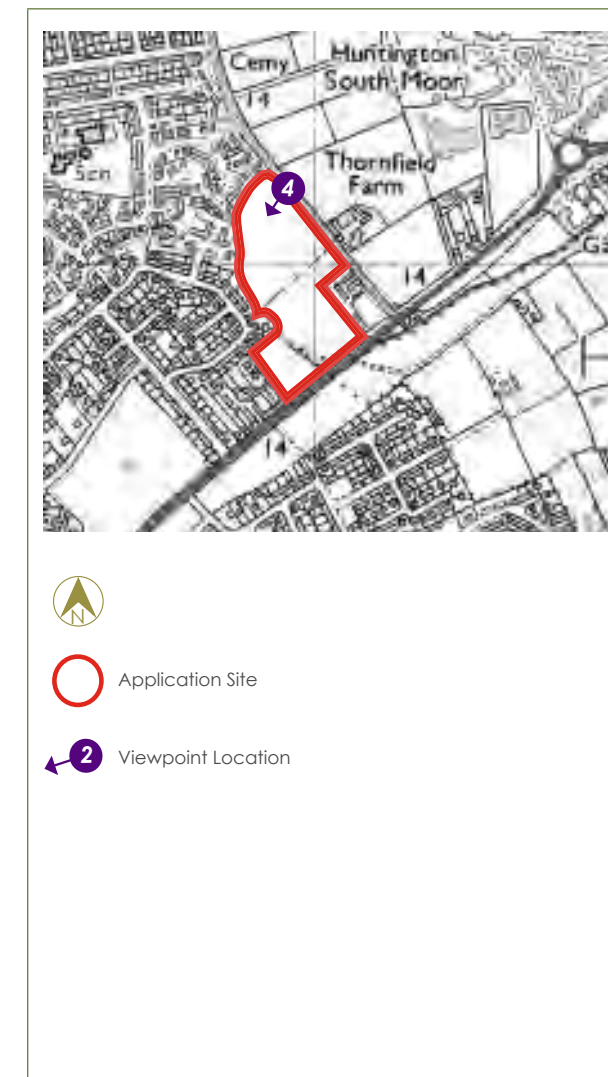
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JULY 2019

PREPARED BY
RURAL SOLUTIONS LTD

RUR000780 - V2

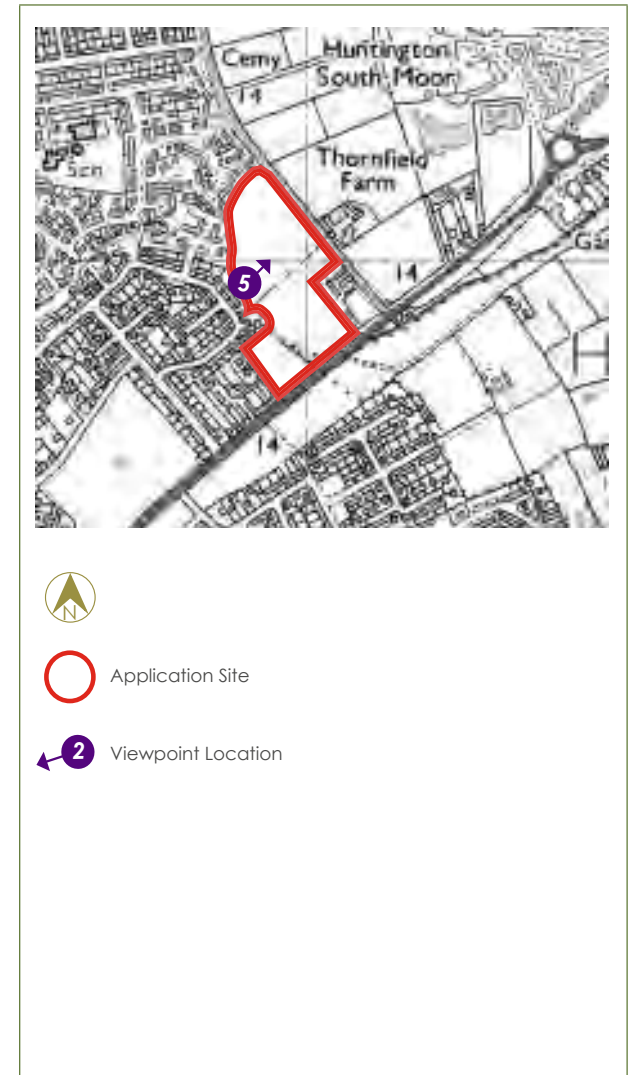
Viewpoint No.4 Looking south west in the application site from New Lane.		Grid Reference SE 61950 54149	
		Image - Stitched panorama of multiple photographs	
Description of View	Sensitivity of Visual Receptor	Magnitude of Change	Significance of Effects
<p>This glimpsed and partial view of the application site is afforded through a gateway gap in the hedgerow and would be visible for pedestrian users of the footpath adjacent to New Lane and motorised users of a minor (B) road. To the left of the view, the application site is a flat, grassed field which, at the time of site assessment, had recently been cut as a fodder crop. To the right of the view and in the foreground, the grass field had been left uncut.</p> <p>A full and open view of the application site is not afforded from this location, with intervisibility with the full site limited by internal shelterbelt. There is a strong built context to this view, with the residential properties at Barfield Road and Morrill Close visible to the rear of the view. Mature trees beyond the residential properties and the internal shelterbelt provide an enclosed character.</p> <p>From this location, the development of the application site for residential dwellings will result in a loss of open grassland, however the development will be seen within the context of the existing built form and will be seen within the existing and proposed soft landscape context for the site.</p>	<p>Medium - The receptor is the user of a public right of way with a restricted view or is the motorised user of a minor road, where alteration is focused on the route ahead.</p> <p>The full extent of the application site is not visible from this location for this receptor.</p>	<p>Medium to Low - The proposed residential development will be seen within a glimpsed and transient context from this location and would form a visible component within a partial view of the application site view, however the full extent of the application site would not be visible.</p> <p>Within this glimpsed and partial view, the proposals may not be immediately apparent or become a dominant feature, when viewed within the existing and proposed soft landscape context.</p>	<p>Minor Adverse - The proposals would form a perceptible change to this view, however within a glimpsed and transient context, may not be immediately apparent.</p>



4.0 VISUAL BASELINE & OUTLINE ASSESSMENT



Viewpoint No.5		Grid Reference SE 61862 53996	
Looking north east from the western boundary of the application site, towards New Lane This view is representative of residential receptors located at the suburban edge of York		Image - Stitched panorama of multiple photographs	
Description of View	Sensitivity of Visual Receptor	Magnitude of Change	Significance of Effects
<p>This view is representative of the residential properties which stand at the north eastern suburban edge of York. The view afforded is predominantly open and seen beyond a managed drain and domestic boundaries. A full and open view of the application site is not afforded from this location due to the internal shelterbelt. There is an existing built context to this view, with Thornfield Farm and Bradley's Farm Shop visible beyond the mature hedgerow, which provides the boundary with New Lane.</p> <p>The new commercial development at Monks Cross is visible on the skyline as a dominant element of built form, whereas the existing, red brick buildings located on New Lane nestle within mature trees and hedgerow shrubs.</p> <p>From this location, the development of the application site for residential dwellings will result in a loss of open grassland. The development will be seen within the context of the existing built form and will be seen within the existing and proposed soft landscape context for the site.</p>	<p>Medium - The receptor is a residential property with a view from windows, garden or curtilage. Views from ground floor windows will be oblique or partially obscured by garden and /or other intervening vegetation.</p>	<p>High - For residential receptors, the proposed residential development within this part of the application site would form a visible and recognisable new feature within the landscape and would change the nature of this view.</p>	<p>Major Adverse- The proposal to develop the site for residential dwellings would cause a significant change to this view for residential receptors on the suburban edge of York.</p> <p>To reduce likely significant effects, from this location, it is recommended that the development is set back from the boundary and an area of open green-space, with sensitive soft landscape is developed to create a green corridor, which will naturally filter adverse views.</p>





5.0 RECOMMENDATIONS AND CONCLUSIONS

5.0 RECOMMENDATIONS AND CONCLUSIONS

This report concludes the following in respect of landscape character, sensitivity and visual matters.

5.1 CONCLUSIONS OF THE LANDSCAPE BASELINE

This report has found that there would be neutral impacts upon existing landscape character at a wider scale, as set out by the national, county and district landscape character assessments which have been consulted as a part of this study.

The City of York Historic Environment Characterisation Project (2013), identifies the application site as falling within the boundary of the 'Huntington South Moor / Monks Cross (Area 49)'. Whilst there are specific references to archaeology, architecture and the historic components of the landscape, landscape character is not discussed. It is noted that a number of historic field boundaries exist as hedgerows within this character area, although some are now preserved as domestic boundaries rather than as a part of the rural landscape within which they were once associated.

At the site specific scale, the application site comprises three parcels of grassland, defined and well contained by mature hedgerow boundaries. The application site is not physically or visually contiguous with the wider agricultural landscape typical of the NCA 28: Vale of York and is dominated by the existing residential development to the south west at Sefton Avenue, Barfield Road, Morritt Close and Ferguson Way. The skyline to the north is dominated by the retail and commercial buildings at Monks Cross and Vanguard Shopping Centre and the associated infrastructure. Malton Road is both busy and noisy and is a major route into the city. Despite the southern section of the application site being a part of a Green Wedge, which runs into the city, there is a feeling of fragmentation, with a perception that the site is isolated from its rural landscape setting.

The conclusions of the landscape baseline found that proposed development of residential dwellings would give rise to a **high** magnitude of change at the application site, as there would be a major alteration to one or more key elements, with a loss of grassland and introduction of built elements. However, if the existing boundary and internal hedgerows are retained, managed and enhanced and areas of soft landscaping are incorporated into the masterplan, including areas of public open space adjacent to Malton Road, effects could be reduced.

5.2 CONCLUSIONS OF THE VISUAL ASSESSMENT

Viewpoints 1 to 5 (pages 25 to 29) illustrate the potential visibility of the application site. The visual assessment concludes that the site is predominantly hidden from public receptors within the 2.5km study area, due to intervening buildings and mature vegetation. The visual envelope is therefore restricted to the boundaries of the application site, where gaps and gateways in the hedgerow enable visual access which would be the case for any proposed development site.

The presence of an internal woodland shelterbelt and mature hedgerows, with hedgerow trees acts to restrict intervisibility across the landscape and across the application site. There are no viewpoints where

a clear, open and direct view of the entire application site is afforded.

The proposed residential development would be set within the existing built context of the suburban edge of York. The visual assessment concludes that the effects of the proposed development of residential dwellings upon the visual amenity of pedestrian and motorised receptors using Malton Road and New Lane is predicted to have a minor to major adverse effect, as there will be a perceptible change to the view, with the loss of open grassland and new built form. There will be no effects on receptors beyond the immediate application site boundary.

Residential dwellings standing at Sefton Avenue, Barfield Road, Morritt Close, Ferguson Way and New Lane will have open views of a part of the application site and the proposed development will result in the loss of open grassland. It is acknowledged that views from residential dwellings will be largely afforded from second floor windows and not from principal dwelling rooms. Views from the lower floor rooms are likely to be restricted by intervening hedgerow vegetation.

This report therefore concludes that due to the small visual envelope which surrounds the site and the potential for the existing soft landscape elements to be retained and enhanced, the proposed development of residential dwellings could be successfully accommodated within the application site.

5.3 RECOMMENDATIONS

Recommendations to support reducing the visual impact of the proposed residential dwellings are as follows:

- It is recommended that the development is set back from Malton Road and an area of open green-space with sensitive soft landscaping is created. This will enhance and compliment the existing green corridors of Monk Stray and the Green Wedge and will enhance the character of Malton Road at this location.
- Ensure that all existing planting to the boundaries of the application site, and internal boundaries, where possible are retained. Ensure good woodland management practice is adopted to protect the health and longevity of all existing trees;
- Species selection and the height of proposed tree species should be carefully considered to ensure that the planting included as part of the new development does not create important adverse landscape and visual impacts in itself. Dominant lines of similar planting heights should be avoided to ensure a gently undulating profile is created to mimic the wider landscape characteristics.
- Ensure new native planting is developed with appropriate understorey planting to help augment the new development within the landscape; and
- Enhance the ecological value of the Site by providing a wider variety of habitats to support a range of wildlife species. Use native and locally abundant species to support the character of the wider landscape.

5.0 RECOMMENDATIONS AND CONCLUSIONS

Opportunities and recommendations arising from the City of York Historic Environment Characterisation Project include:

- extensions, new development or re-development in the area should be sympathetic in terms of style, material, proportions and density and should complement and enhance existing character.
- Wherever possible and practical, it is strongly recommended that inherited historic landscape grain evidenced through medieval, post-medieval and 19th century former field boundaries should be enhanced and conserved. These play a key role in explaining the historic development of the area.
- Where historic boundaries have been identified, either as surviving hedgerows or where retained as part of historic development, efforts should be made to ensure their continuing survival as part of any future development opportunities.
- Hedgerows and trees should be carefully managed and opportunities for planting new trees along grass verges and in existing hedgerows should be identified in partnership with local residents. A programme of regular monitoring of original hedgerow boundaries and grass verges should be secured.
- Key views of the Minster, other major heritage assets and local landmarks should be maintained and enhanced to help orientation and enhance local distinctiveness.

5.4 FINAL MASTERPLAN PROPOSALS

The following text aims to illustrate the approach to the proposed concept masterplan which has been underpinned by the findings of this LVA. The key design rationale for the Concept Masterplan, as illustrated by figure 5.1 is outlined as follows:

- **Movement and access strategy** – A primary point of access is proposed off New Lane to the east of the site for pedestrians, cyclists and vehicular traffic. Two primary internal looped access roads are proposed to serve the main body of the site and a connection across South Beck to serve an area of developable land at the western Site boundary. Walking, cycling and public transport are intended as the prevalent forms of travel to / from the site, with two points of access to New Lane, a connection to Malton Road to the south and an access onto public footpath 52/159/10 connecting with Malton Road. A new arterial pedestrian / cycle route is proposed through the north-south open space along South Beck, connecting between Malton Road (south) and New Lane (north). This will serve as access to the existing bus stops in these locations. In this way the Site is highly accessible in terms of public transport and non-vehicular uses, including walking and cycling.
- **Green and blue infrastructure** – The existing network of trees, hedgerows and boundary vegetation, together with the South Beck watercourse underpin the layout of the masterplan, working in tandem with the access strategy. The masterplan seeks to preserve a broad green corridor along South Beck, connecting across the main body of the Site with New Lane to the east and preserving all land within EA floodable zones. All boundary vegetation is proposed for retention, with widening of the eastern and northern Site boundaries to support 4-5 metres deep vegetation, forming a substantial

physical and visual barrier. An area is highlighted within the masterplan for storage of surface water which sits alongside, but beyond, the flood zones to South Beck.

- **Visual amenity** – Visual amenity of existing residences along the western and northern Site boundaries will be protected through retention and augmentation of open space along South Beck. Where existing residences border the proposed developable areas of the Site, a 4-5 metre wide vegetative boundary is proposed. Land to the south of the Site along Malton Road is proposed as a 25-30 metre wide area of open space in accordance with the recommendations of the Landscape Strategy.
- **Development zones** – Developable land parcels for new homes are integrated within the green and blue network of infrastructure, served by the proposed accessible network of routes as outlined in strategy points 1 and 2 above. Proposed development parcels range between 0.3 and 0.5 hectares throughout the site area, meaning no more than 15-20 houses will be grouped in a single land parcel. In this way the massing, character, scale and density of the masterplan can vary across the site area.

5.5 CONCLUSIONS

Following a review of baseline information and published landscape character assessments, together with consideration of likely landscape and visual effects, it is considered that the proposed development of residential dwellings is consistent with the existing residential context of the suburban edge of York and can be successfully accommodated into the landscape. With sensitive and appropriate green infrastructure proposed across the application site, the development of residential dwellings could enhance the character and setting of the suburban edge of York and the Malton Road gateway.

The LVA and landscape considerations have been embedded within the site design and the key opportunities and recommendations are incorporated in the masterplan (Figure 5.1) that has been prepared.

The proposed residential dwellings will result in a localised high degree of impact, upon both landscape and visual receptors, however this will be concentrated at a site scale and will be restricted to a change in the land-use, character and perception of the application site, with no impacts on the wider landscape.

5.0 RECOMMENDATIONS AND CONCLUSIONS

LAND AT MALTON ROAD, YORK

LANDSCAPE & VISUAL ASSESSMENT

BANKS PROPERTY LTD

JULY 2019

PREPARED BY
RURAL SOLUTIONS LTD

RUR000780 - V2



- LEGEND**
- Site boundary 6.73Ha
 - Public open space
 - Development blocks
 - Footpath & shared surface street
 - Cycle path
 - Access to development blocks
 - Access to open space
 - ★ Key marker buildings
 - Key frontages

Carter Jonas

PROJECT TITLE
MALTON ROAD, YORK

DRAWING TITLE
CONCEPT MASTERPLAN

ISSUED BY	London	T: 020 7016 0720
DATE	19.07.19	DRAWN DW
SCALE@A3	1:2000	CHECKED JC
STATUS	Draft	APPROVED JC

DWG. NO. J002644_004

No dimensions are to be scaled from this drawing.
All dimensions are to be checked on site.
Area measurements for indicative purposes only.

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Figure 5.1: Concept Masterplan by Carter Jonas

APPENDICES

Appendix A	Landscape & Visual Impact Assessment Methodology
	- Introduction
	- Assessment Methodology
Appendix B	Extract from the City of York Historic Environment Characterisation Project (2013) Area 49: Huntington South Moor / Monks Cross

APPENDICES

A Assessment Methodology

A.1 Introduction

A.1.1 This assessment has been conducted in accordance with the principles set out in:

- 'Guidelines for Landscape and Visual Impact Assessment', Landscape Institute (LI) & Institute of Environmental Management and Awareness (IEMA), Third Edition, 2013; and
- 'An Approach to Landscape Character Assessment', Natural England, 2014.

A.2 Assessment Methodology

A.2.1 To determine whether or not the landscape will be able to successfully accommodate the development this LVIA will:

- Establish the nature of the potential change anticipated;
- Establish the landscape baseline, in terms of its character, condition, designations and current land use;
- Establish a visual baseline, considering likely public receptors; and
- Assess the impacts and significance effects of the potential change against the sensitivity of the landscape.

A.2.2 Landscape Sensitivity - The sensitivity of a landscape to a particular type of change, is defined in terms of the interactions between the landscape in its own right, the perceptions of that landscape, in the eyes of people who see it on a regular basis and the nature of the proposal.

A.2.3 Landscape sensitivity is defined as relating:

"to the stability of character; the degree to which that character is robust enough to continue and to be able to recuperate from loss or damage. A landscape with a character of high sensitivity is one that, once lost, would be difficult to restore; a character that, if valued, must be afforded particular care and consideration in order for it to survive". Bray C (2003) Unpublished paper on a County Wide Assessment of Landscape Sensitivity. Worcestershire County Council.

A.2.4 Landscape sensitivity can be seen as a combination of the sensitivity of the landscape as a resource in its own right, which encompasses natural and cultural elements, the value that is attributed to that particular landscape, in terms of designations and the visual sensitivity, such as views and visibility from public receptors. It is important to understand that judgements about the potential for landscapes to accept and accommodate change can alter over time, not only in terms of peoples perception to a particular landscape, but also in terms of peoples attitudes towards a the type and extent of that change.

- The receptor's activity whilst exposed to the view (work, recreational activities, resident);
- Degree of exposure to view; and,
- Period of exposure to view.

A.2.5 Landscape Character - Landscape character It is defined as:

Sensitivity	Landscape Character
High	<ul style="list-style-type: none"> • Strong landscape structure. • Strong positive character. • Good condition. • Strong sense of place. • Visually distinctive. • Aesthetically pleasing/occasional detracting features. • Distinct features of worthy conservation.
Medium	<ul style="list-style-type: none"> • Recognisable landscape structure. • Positive character. • Moderate condition. • Reasonable sense of place. • Visually notable. • Aesthetically satisfactory or uninspiring/ some detracting features. • Some features of worthy conservation.
Low	<ul style="list-style-type: none"> • Weak or degraded landscape structure. • Weak or negative character. • Poor condition. • Poor sense of place. • Visually notable. • Aesthetically unsatisfactory or unpleasant. • Few or no features of worthy conservation. • Scope for positive enhancement.

Table A.1a: The General Criteria for Establishing the Sensitivity of Landscape Character.

Sensitivity	Visual Receptors
High	<ul style="list-style-type: none"> • Residential properties with predominantly open views from windows, garden or curtilage. Views will normally be from principal living rooms and from windows of rooms in use during the day. • Users of Public Rights of Way with predominantly open views and of recreational use. • Non-motorised users of minor or unclassified roads in the countryside. • Visitors to recognised viewpoints or beauty spots. • Users of outdoor recreational facilities with predominantly open views where the purpose of that recreation is enjoyment of the countryside - e.g. Country Parks, National Trust sites etc.
Medium	<ul style="list-style-type: none"> • Residential properties with views from windows, garden or curtilage. Views from ground floor windows will be oblique or partially obscured by garden and/or other intervening vegetation. • Users of Public Rights of Way with restricted views, in less sensitive areas or where there are significant existing intrusive features. • Schools and other institutional buildings, and their outdoor areas. • Motorised users of minor or unclassified roads in the countryside. Where alteration is focussed upon often narrow and winding routes.
Low	<ul style="list-style-type: none"> • People in their place of work. • Users of main roads or passengers on public transport on main routes. • Users of outdoor recreational facilities with restricted views and where the activity is focussed within the area. • Occupants of industrial premises.

Table A.1b: The General Criteria for Establishing the Sensitivity of Visual Receptors.

APPENDICES

“a distinct, recognisable and consistent pattern of elements, be it natural (soil, landform) and/or human (for example settlement and development) in the landscape that makes one landscape different from another, rather than better or worse”.

A.2.6 Landscapes are not static, they are in a constant state of change, altering in line with management, land use and climate change. Climate change is one of the largest factors that is likely to bring about changes in landscape character.

A.2.7 Landscape character should not be seen as the physical elements of the landscape in isolation, but the combination of those elements with perceptual, aesthetic and experiential aspects of the landscape, which makes one place different to another.

A.2.8 Landscape Character is assessed at different scales, from the national and regional, down to the county, district and site specific.

A.2.9 Assessment of the landscape can help in:

- Understanding how and why landscapes are important;
- Promoting an appreciation of landscape issues;
- Successfully accommodating new development within the landscape; and
- Guiding and directing landscape change.

A.2.10 The value (or quality) of the landscape, as a resource in its own right, can be assessed at a variety of scales and is defined as being of exceptional, high, moderate, poor or very poor value. See table A.2.

A.2.11 In respect of Landscape Condition (the physical state of the landscape), assessment is made according to the criteria set out in table A.3.

Value	Criteria	Typical Scale	Typical Example
Exceptional	Very high importance (or Quality) and Rarity. No or extremely limited potential for substitution.	International, National.	World Heritage Site, National Park or AONB.
High	High Importance (or Quality) and Rarity. Limited potential for substitution.	National, Regional, Local	National Park, AONB, AGLV, ALLI
Moderate	Medium Importance (or Quality) and Rarity. Limited potential for substitution.	Regional, Local	Undesignated site but its value perhaps expressed through non-official publications or demonstrable use.
Poor	Low Importance (or Quality) and Rarity.	Local	Areas identified as having some redeeming feature or features and possibly identified for improvement.
Very Poor	Low Importance (or Quality) and Rarity.	Local	Areas identified for recovery.

Table A.2: The General Criteria for Establishing Landscape Value

Category	Criteria	Typical Example
Exceptional	<ul style="list-style-type: none"> • Strong landscape structure, characteristic landscape character with a balanced combination of landform & land cover; • Appropriate management of land use and land cover; • Distinct features worthy of conservation; • Strong sense of place; • No detracting features 	Internationally or nationally recognised landscape, all, or the majority of which is, e.g. a World Heritage Site, National Park or AONB.
High	<ul style="list-style-type: none"> • Strong landscape structure, with characteristic landscape character and a balanced combination of landform & landcover; • Appropriate management of land use and land cover, with potential scope to improve; • Distinct features worthy of conservation; • Sense of place; • Occasional detracting features. 	Nationally or Regionally recognised landscape, e.g. parts of a National Park or AONB or the majority of AGLV
Good	<ul style="list-style-type: none"> • Recognisable landscape structure, characteristic patterns and combinations of landform and land cover are still evident; • Scope to improve management for land use and land cover; • Some features worthy of conservation; • Sense of place; • Some detracting features. 	Nationally or Regionally recognised e.g. localised areas within National Park, AONB or AGLV. Locally recognised e.g. all or the great majority of Area of Local Landscape Importance (ALLI).
Ordinary	<ul style="list-style-type: none"> • Distinguishable landscape structure, characteristic patterns of landform and landcover often masked by land use; • Scope to improve management of vegetation; • Some features worthy of conservation; • Some detracting features. 	
Poor	<ul style="list-style-type: none"> • Weak landscape structure, characteristic patterns of landform and landcover are often masked by land use; • Lack of management and intervention has results in degradation; • Frequent detracting features. 	
Very Poor	<ul style="list-style-type: none"> • Degraded landscape structure, characteristic patterns and combinations of landform and land cover are masked by land use; • Lack of management / intervention has resulted in degradation; • Extensive detracting features. 	
Damaged	<ul style="list-style-type: none"> • Damaged landscape structure; • Disturbed or derelict land requires treatment; • Detracting features dominate. 	
Derelict	<ul style="list-style-type: none"> • Land so damaged by industrial or other development that it is incapable of beneficial use without treatment. 	

Table A.3: The General Criteria for Establishing Landscape Condition

APPENDICES

A.2 Magnitude of Change

A.2.1 The magnitude of change is the ‘combination of the scale, extent and duration’ of the development and its impact on landscape character and visual receptors. In the case of landscape impacts this relates to:

- The size, extent or degree of change to landscape character or individual landscape features;
- Whether there is a direct impact resulting in the loss of landscape features or a change beyond the land take of the scheme having an impact on the character of the area; and,
- Whether the impact is permanent or temporary.

A.2.2 For visual impact this relates to:

- Degree of change to existing views;
- Distance of the receptor from the application site; and,
- Whether the impact is permanent or temporary.

A.2.3 The criteria for assessing the magnitude of change on visual receptors and landscape character are set out in Table A.4.

A.2.4 The magnitude of change may be negligible or no change and the resulting effect significance would also be negligible or no change, as the development would hardly be discernible or not seen at all or the loss to landscape features and the character of the area would experience very little or no change.

Magnitude of Change	Landscape Character	Visual Amenity
High	High degree of loss or major alteration to one or more key elements/features/characteristics of the landscape character. Introduction of elements considered to be uncharacteristic when set within the attributes of the receiving landscape.	Where the proposals become the only dominant feature in the scene or would form a significant and immediately apparent element which would affect the overall impression of the view.
Medium	Partial loss or alteration to one or more key elements/features/characteristics of the landscape character. Introduction of elements that may be prominent but not necessarily be considered to be substantially uncharacteristic when set within the attributes of the receiving landscape.	Where the proposals would form a visible and recognisable new feature in the scene but may not be immediately apparent, or become a dominant feature in the view.
Low	Minor loss or alteration to one or more key elements/features/characteristics of the landscape character. Introduction of elements may not be uncharacteristic when set within the attributes of the receiving landscape.	The proposals constitute only a minor component of the wider view, and may not be immediately apparent to the casual observer. Awareness of the proposals would not have a marked effect on the overall quality of the scene.
Negligible	Very minor loss or alteration to one or more key elements/features/characteristics of the landscape character. Introduction of elements are not uncharacteristic with the surrounding landscape.	The proposals are largely indiscernible and/or they are at such a distance that they are scarcely appreciated. Consequently they have little effect on the scene.
No Change	No change to the landscape character is experienced.	No change to the view is experienced.

Table A.4: The Criteria for Establishing the Magnitude of Change

A.3 Scoring Matrix

A.3.1 The two principal criteria determining significance of effect are the magnitude of change and the environmental sensitivity of the location or receptor.

‘A higher level of significance is generally attached to large-scale effects and effects on sensitive or high-value receptors; thus small effects on highly sensitive sites can be more important than large effects on less sensitive sites. It is therefore important that a balanced and well-reasoned judgment of these two criteria is achieved’. (Guidelines for Landscape and Visual Impact Assessment’, Landscape Institute (LI) & Institute of Environmental Management and Awareness (IEMA), Third Edition, 2013).

A.3.2 The matrix shown in Table A.5 encourages transparency in the process of identifying the significance but the experience and judgement of the landscape architect is also used. Note the significance of effects may be adverse or beneficial depending upon the nature of the magnitude of change.

	High	Medium	Low	Negligible	No Change
High	Major	Major	Moderate	Neutral	Neutral
Medium	Major	Moderate	Minor	Neutral	Neutral
Low	Moderate	Minor	Minor	Neutral	Neutral

Table A.5: The Significance of Effects

A.4 Nature of Impact

A.4.1 The determination of the nature of an impact is a result of judging whether the introduction of a proposed development would be of benefit or detriment to the existing landscape character or view. Therefore, the impact of a proposed development can be adverse or beneficial. Table A.6 defines the difference between adverse and beneficial.

	Nature of Impact
Adverse	The key characteristics of the existing landscape or view would be weakened by the introduction of the proposed development.
Neutral	The key characteristics would neither be weakened or strengthened by the proposed development.
Beneficial	The key characteristics of the existing landscape or view would be strengthened by the introduction of the proposed development.

Table A.6: The Nature of the Impact

A.5 Effects Significance

A.5.1 The effects arising from any given development will be categorised using the terms neutral, minor, moderate and major effects, with both moderate and major categories being considered as comprising significant effects. Table A.7 illustrates how each of these categories have been summarised.

APPENDICES

Effect Significance	Landscape Character	Visual Amenity
Major Adverse	The proposed scheme would result in effects that are at complete variance with the landform, scale and pattern of the landscape. It would permanently degrade, diminish or destroy the integrity of valued characteristic features, elements and/or their setting. A high quality landscape would be permanently changed and its quality diminished.	The proposals would cause a significant deterioration to an existing view.
Moderate Adverse	The proposed scheme be out of scale with the landscape or at odds with the local pattern and landform and it would leave an adverse impact on the landscape to recognisable quality.	The proposals would cause a noticeable deterioration to an existing view.
Minor Adverse	The proposed scheme would not entirely fit into the landform and scale of the landscape and it would have an effect on the landscape character.	The proposals would cause a barely perceptible deterioration to an existing view from a receptor.
Neutral	The proposed scheme would not effect the scale, landform and pattern of the landscape and would maintain existing landscape quality.	No or negligible discernible deterioration or improvement in the existing view.
Minor Beneficial	The proposed scheme has the potential to improve the landscape character. It would fit in with the scale, landform and pattern of the landscape and enable the incorporation of the valued characteristic features.	The proposed development would cause a barely perceptible improvement in the existing view.
Moderate Beneficial	The proposed scheme would have the potential to accord with the landscape character and improve the quality of the landscape through removal of damage caused by existing land uses.	The proposed development would cause a noticeable improvement in the existing view.
Major Beneficial	The proposed scheme would have the potential to accord seamlessly with the landscape character and significantly improve the quality of the landscape through restoration and the removal of damage caused by existing land uses.	The proposed development would cause a significant improvement in the existing view.

Table A.7: The Effects Significance Table

APPENDICES

- B Extract from the City of York Historic Environment Characterisation Project (2013)
Area 49: Huntington South Moor / Monks Cross

LAND AT MALTON ROAD,
YORK

LANDSCAPE & VISUAL
ASSESSMENT

BANKS PROPERTY LTD

JULY 2019

PREPARED BY
RURAL SOLUTIONS LTD

RUR000780 - V2



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LAND AT MALTON ROAD, YORK
MONK STRAY & GREEN WEDGE APPRAISAL

BANKS PROPERTY LTD
JULY 2019
RUR000780 / REV

AUTHOR	VERSION	CHECKED	DATE	DESCRIPTION
JW	V1	MJ	19/07/2019	DOCUMENT ISSUED TO CLIENT FOR COMMENT
MJ	V2	MJ	22/07/2019	DOCUMENT UPDATED AS PER CLIENT COMMENTS AND ISSUED AS FINAL VERSION

CONTENTS

1.0	INTRODUCTION	04
2.0	PLANNING POLICY CONTEXT	08
3.0	MONK STRAY AND GREEN WEDGE	16
4.0	THE SITE	24
5.0	MONK STRAY AND GREEN WEDGE APPRAISAL	28
6.0	CONCLUSIONS	33

LAND AT MALTON ROAD,
YORK

MONK STRAY & GREEN
WEDGE APPRAISAL

BANKS PROPERTY LTD

JULY 2019

PREPARED BY
RURAL SOLUTIONS LTD

RUR000780 RPT02 V2

1.0 INTRODUCTION

1.0 INTRODUCTION

1.1 SCOPE & PURPOSE

Rural Solutions Ltd was appointed by Banks Property Ltd to prepare an appraisal of the Monk Stray and Green Wedge to the north east and south of the site on land off Malton Road, York and to make an assessment of the contribution that the site makes to the function of Monk Stray and Green Wedge. This appraisal is designed to be read in conjunction with other material considerations, as submitted to the City of York Council to support the site's allocation for new housing.

The appraisal will assess the function of the existing Monk Stray and Green Wedge through a thorough understanding of what defines this area of strategic open space and the principal functions it serves.

The Monk Stray and Green Wedge Appraisal includes the following:

- A summary of relevant planning policy relating to the historic strays and green wedges;
- An brief overview of York's historic strays and an assessment of the existing character and functions of Monk Stray and Green Wedge;
- The existing landscape context of the site; and
- An assessment of the contribution that the site makes to the function and character of the Monk Stray and Green Wedge.

The field assessment of the site and the Monk Stray and Green Wedge was carried out by a Chartered Landscape Architect in July 2019.

1.2 SITE LOCATION

The seven hectare (approximate) site lies to the north east of York at the boundary of existing residential development and comprises pastoral farmland enclosed and divided by native hedgerows and a shelterbelt of trees. The site is defined to the south east by Malton Road and to the north east by New Lane. Residential dwellings at Sefton Avenue, Barfield Road, Morrilt Close and Ferguson Way adjoin the site and provide a built residential context which dominates the site. See Figures 1.1 and 1.2.

1.3 DESK BASED ASSESSMENT OF DOCUMENTATION

The following documents have been consulted as a part of this appraisal.

- City of York Local Plan Evidence Base - Open Space and Green Infrastructure 2014
- City of York Local Plan Evidence Base - Open Space and Green Infrastructure Update 2017
- City of York Council Technical Paper - Green Corridors 2011
- City of York Heritage Topic paper Update 2014
- City of York Historic Environment Characterisation Project 2014
- City of York Historic Character and Setting Technical Paper 2011
- City of York Historic Character and Setting Technical Paper Update 2013
- City of York Local Plan - Approach to the Green Belt Appraisal 2003

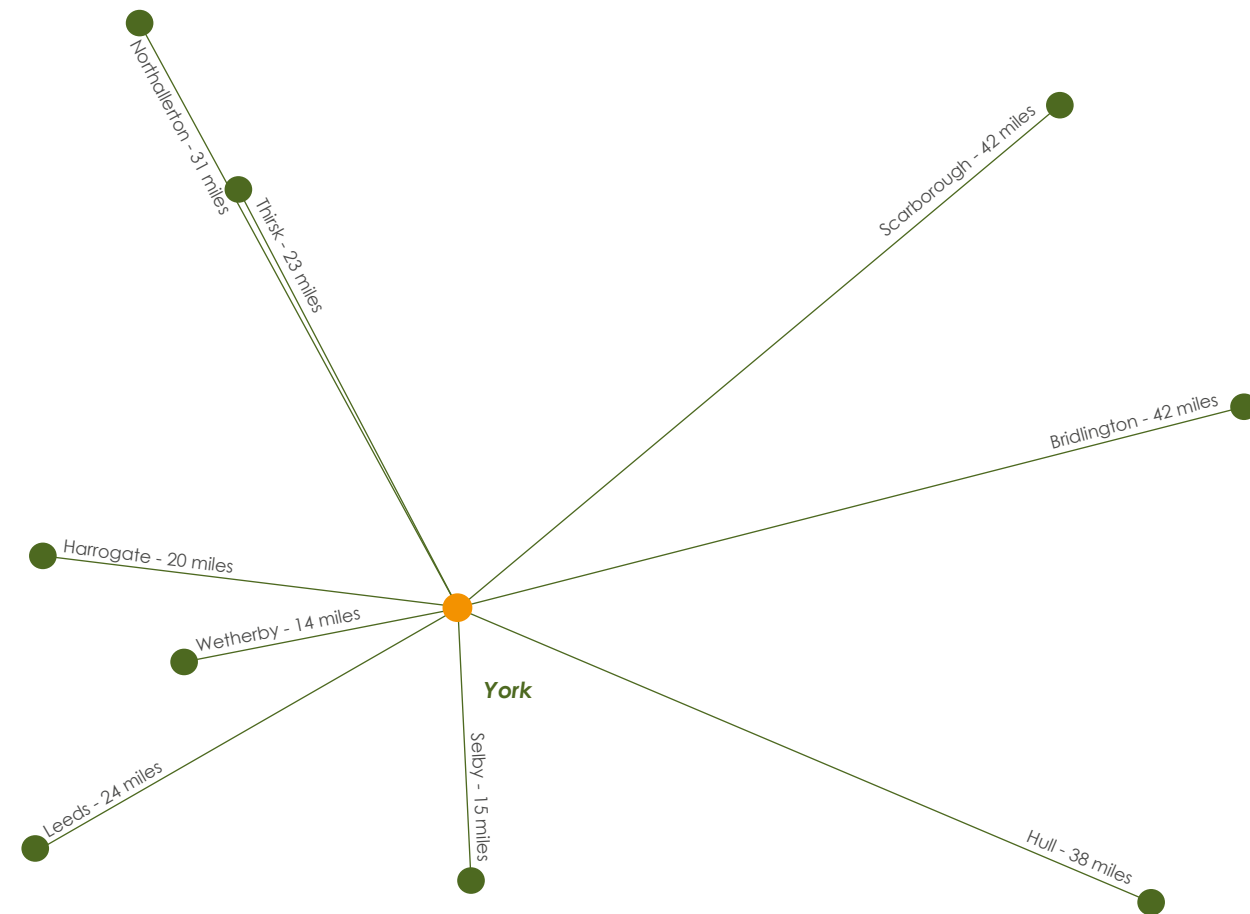


Figure 1.1: York Location.



Figure 1.2: Site Location.

I.0 INTRODUCTION

- City of York Local Plan - Approach to Defining York's Green Belt 2018
- City of York Topic Paper 1 - Approach to Defining York's Green Belt - Addendum 2019
- City of York Topic Paper 1 - Approach to Defining York's Green Belt - Addendum Annex 3 2019
- City of York Local Plan - Site Selection Paper Addendum 2014
- National Planning Policy Framework 2019

I.4 APPRAISAL METHODOLOGY

Following a review of planning policy documents, technical papers and topic papers, it is concluded that there is no definitive assessment of the specific qualities of Monk Stray and Green Belt.

To make an assessment of the functions of Monk Stray and Green Wedge and the contribution that the site makes to those functions, the criteria upon which to base the assessment is taken from the City of York Local Plan - Approach to the Green Belt Appraisal 2003, where the important reasons for the strays and green wedges are set out. It should be noted that a 'green wedge' is not a statutory designation which seeks to protect a landscape of notable character, quality and sensitivity, rather it is a function of planning policy.

An assessment of the functions of Monk Stray and Green Wedge is included at section 5.

1.0 INTRODUCTION

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LAND AT MALTON ROAD,
YORK

MONK STRAY & GREEN
WEDGE APPRAISAL

BANKS PROPERTY LTD

JULY 2019

PREPARED BY
RURAL SOLUTIONS LTD

RUR000780 RPT02 V2

2.0 PLANNING CONTEXT

2.0 PLANNING CONTEXT

2.1 INTRODUCTION

The following section provides an overview of the policy context relating to strays and green wedges in York, however this is not an exhaustive list and should be read in conjunction with other material considerations submitted to the City of York Council in connection with the site.

2.2 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The revised National Planning Policy Framework was updated on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. The NPPF sets out the Government's economic, social and environmental planning policy. The main theme of the NPPF is a presumption in favour of sustainable development which should be viewed as *"a golden thread running through both plan making and decision-taking"*. The NPPF is a material consideration in planning decisions. The NPPF sets out the three dimensions for underpinning sustainable development: economic, social and environmental considerations, which *"contributes to the protection and enhancement of our natural, built and historic environment..."*; with the requirement for high quality design, which respects and enhances local character, reappearing throughout the core planning principles.

The NPPF does not contain any specific policies related to green wedges however it does recognise the importance of protecting the countryside and green infrastructure networks, of which green wedges are an important component. Policies on green belt are also included here as they have references to the role and function of the York Green Wedges.

Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision¹² for:

“ d) *conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.*

Paragraph 20 (Strategic Policies)

2.3 ACHIEVING SUSTAINABLE DEVELOPMENT

“ *Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

Paragraph 8

2.4 PROTECTING THE GREEN BELT

“ *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.*

Paragraph 133

“ *Green Belt serves five purposes:*

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

Paragraph 134

“ *When defining Green Belt boundaries, plans should:*

- a) *ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;*
- b) *not include land which it is unnecessary to keep permanently open;*
- c) *where necessary, identify 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;*
- d) *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 an update to a plan which proposes the development;*
- e) *be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and*
- f) *define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.*

Paragraph 139

2.5 PROPOSALS AFFECTING THE GREEN BELT

“ *A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- e) *limited infilling in villages;*
- f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - *not have a greater impact on the openness of the Green Belt than the existing development;*
 - or
 - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

Paragraph 145

2.0 PLANNING CONTEXT

2.6 CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT

“ Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Paragraph 170

2.7 HABITATS AND BIODIVERSITY

“ To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Paragraph 174

2.8 CITY OF YORK - DRAFT LOCAL PLAN INCORPORATING 4TH SET OF CHANGES – DEVELOPMENT CONTROL LOCAL PLAN (APPROVED APRIL 2005)

The City of York Council are developing a new Local Plan and as part of the new Local Plan examination, independent examiners, appointed by the Government, have asked for a consultation to gather views on the proposed modifications to the Local Plan submitted for examination. In 2005, the current Local Plan was approved for development management purposes, however it was not formally adopted. It provides a framework to guide and promote development, and to protect the historic, natural and built environment of York. The 2005 document set strategic priorities for the city and continues to form the basis for planning decisions until the new local plan is formally adopted.

2.9 THE YORK GREEN BELT

“ The primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York and is defined on the Proposals Map.

The main purpose of the Green Belt around York is to preserve the setting and the special character of the historic City. A review of the green belt has been undertaken with the aim of establishing permanent boundaries for at least the next 20 years. This has enabled the Council to map out future land-use in the city. The guiding principle behind the Review has been the desire

to protect York’s strategic green spaces whilst encouraging sustainable development. Equally, the pattern of green wedges, such as the ‘strays’ and the ‘ings’ are reinforced and extended.

Policy SP2

2.10 SAFEGUARDING THE HISTORIC CHARACTER AND SETTING OF YORK

“ A high priority will be given to the protection of the historic character and setting of York. When considering planning applications the Council will apply the following principles:

- b) The protection of the Minster’s dominance, at a distance, on the York skyline and City Centre roofscape.
- c) The protection of the environmental assets and landscape features which enhance the historic character and setting of the City. These comprise the river corridors and the green wedges, both existing and extended.
- d) The protection of the main gateway transport corridors into York from development which, cumulatively, could have an adverse impact on the character and setting of the corridor and the surrounding environment. If development is allowed, early and substantial planting of sensitive boundaries will be required.

Policy SP3

2.11 GREEN CORRIDORS

“ Planning permission will not be granted for development, which would destroy or impair the integrity of green corridors and stepping stones (e.g. river corridors, roads, railway lines, cycleways, pockets of open space and natural or semi-natural vegetation etc). Conversely, development that ensures the continuation and enhancement of green corridors for wildlife will be favoured.

Policy NE8

2.12 GREEN BELT AND OPEN COUNTRYSIDE

Green wedges

“ 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.

Paragraph 5.12

“ 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.

Paragraph 5.13

2.0 PLANNING CONTEXT

2.13 CITY OF YORK HISTORIC ENVIRONMENT CHARACTERISATION PROJECT (2013)

The purpose of this report is to understand the history of York's townscape, especially the areas beyond the historic core, with a series of character area statements designed to inform a more detailed assessment of each area through neighbourhood planning. Whilst this report's primary focus is on archaeology and architecture, the landscape setting of York is considered.

“ *The landscape within which the city of York sits, is as much part of its defining character as the concentration of historic built assets in its centre. More than any other English city, the landscape itself connects right up to the centre and forms part of the historic core itself in the form of the city wall embankments.*

Paragraph 3.5

The site, together with a small area of the Monk Stray and Green Wedge, to the north west of Malton Road, lies within area 49: Huntington South Moor/Monks Cross. The majority of the Monk Stray and Green Wedge lies within area 51: Heworth NE & Monk Stray and area 54: Heworth south and east.

The character description for area 49 does not specifically refer to Monk Stray and Green Wedge or to the landscape setting, although there is mention of Monks Cross being semi-surrounding by a rural landscape.

The key characteristics of area 51, located to the south west of the site, are described as:

- “
- *Semi-rural/recreational area with pockets of individually designed buildings such as the vicinity of The Crossways and Heworth Croft but also 1930s and early 21st century development that have no distinctive York features;*
 - *Partly within Area of Archaeological Importance and Heworth Green Conservation Area;*
 - *Large open green Stray land and golf course; and*
 - *Bounded by social housing and agricultural land to the north, social housing to the west, the edge of Monk Stray to the east and Heworth Green Stockton Lane to the south.*

Page 1

“ *The presence of the golf course, Monk Stray and former agricultural building The Laurels in between residential estates is a reminder of the former open nature of the area. The golfcourse and Stray provide well used recreational facilities and an open green space in an urban environment. The inner streets lose the 'green' feel and are more urban. The main road of Malton Road/Heworth Green is an extremely busy route to and from the city. The road has more of an impact along Heworth Green where, despite being a major routeway for over 2000 years, the presence of double decker buses and trucks seems slightly out of place with the tree lined street and grand architecture on the southern side. Despite good transport and cycle networks, there isn't an obvious connection with York within the estates themselves but in the area of the Stray, Heworth Green and Irwin Avenue the Minster can be seen and the close proximity of the city felt.*

Page 3

The character description for area 54 refers to Monk Stray as a boundary features to the north of the character area, however Monk Stray is attributed as a highly significant and important feature:

“ *Communal open spaces such as Hempland Lane allotments, the playground and the area surrounding Tang Hall Beck provide locally valued recreational areas. Nearby Glen Gardens and Monk Stray, a historically significant important common pasture, provide larger open, green spaces for the Heworth residents. These areas provide Heworth with a strong connection to the countryside.*

Page 5

2.14 CITY OF YORK HERITAGE TOPIC PAPER (UPDATE 2014)

The report examines and assesses the existing evidence relating to York's historic environment and how it can be used to develop a strategic understanding of the city's special qualities and its complex 2000 year history. Six principal characteristics (see paragraph 7.2 below) of the historic environment have been identified, which define the special historic qualities and characteristics. The green wedges, which include the four historic strays, are identified as playing a significant role in their contribution to the character and special qualities of York.

“ *Landscape and setting - The landscape of the York area can be broadly characterised as being relatively flat and low lying agricultural land dominated by the wide flood plain of the River Ouse, rising slightly to the east. The Rivers Ouse, Foss and Derwent are important green corridors as well as important determining factors for the location of the historic city. The ancient strays and ings (the "green wedges") extend from the open countryside into the heart of the main urban area and have provided and will continue to provide spatial constraints for development.*

Paragraph 4.8

“ *Its relevance lies in the conglomeration of layers and relics of old landscapes, in part conserved through time by continuous administration, absence of development, and centuries of traditional management. It is the combination of the various elements such as the Ings and strays that provides York's unique make up. The natural environment is significant in its concentrated collection of a variety of examples of historically managed landscapes, represented for example by wild flower meadows, lowland heath, valley fen, strip fields, veteran orchard trees, species-rich hedgerows. Many of these otherwise isolated remnant landscapes link up with other open spaces resulting for example from our industrial or war time past, to form often accessible tracts of subtly diverse landscapes; thus the landscape/natural heritage is much greater than the sum of its parts.*

Paragraph 6.30

“ *More than any other similar city there is a strong countryside connection between the historic core and perimeter countryside. Variety between them; each serving a range of different functions; in part protected by historic management. Immediacy and availability/welcome, most are open access.*

Page 58

2.0 PLANNING CONTEXT

“ Economy (Farming, Trade, Industry, Tourism) - Common land (e.g. the Strays), the Ings land, and open fields (many subsequently divided and enclosed) provided the framework for contemporary agricultural activity. The importance of open field agriculture can be seen in the pattern of strips evidenced through the characteristic reversed-S ridge and furrow earthworks and field boundaries and hedges. Where ridge and furrow survives it is often associated with unimproved grassland, an important ecological habitat.

Paragraph 5.8

“ Compactness - The historic city has a contained concentric form of approx 10km (6miles) across and its relatively flat terrain makes it “walkable” and cycle friendly. The historic green strays and rivers feed into the historic city centre and divide the built form into identifiable segments.

Paragraph 6.14

“ The historic city centre is inward focused. The combination of dense urban fabric and relatively flat topography prohibit most outward views from street level. The open swathes of the rivers and strays provide visual relief and enable connection with the wider context. Elevated locations provide panoramic vistas of the city’s roofscape. Most important vantage points are the Minster, Clifford’s Tower and the city walls which assume strategic importance in connecting the city with long distance views beyond.

Paragraph 6.17

“ Identifiable Compact Districts - Outlying development is divided into segments by the rivers, strays and arterial roads; this containment of built form positively accentuates the identity of each area whilst allowing quick access to open areas, informal green spaces and the cycle routes and riverside walks leading out of the city

Page 40

“ The following six principal characteristics are identified as strategically important to the special character and setting of York:

- the city’s strong urban form.....;
- the city’s compactness;
- the city’s landmark monuments.....;
- the city’s architectural character.....;
- the city’s archaeological complexity.....; and
- the city’s landscape and setting within its rural hinterland and the open green strays and river corridors and Ings, which penetrate into the heart of the urban area, breaking up the city’s built form.

Paragraph 7.2

2.15 CITY OF YORK LOCAL PLAN - THE APPROACH TO THE GREEN BELT APPRAISAL (2003)

The report comprises the findings of the City of York’s review of the York Green Belt, following a public enquiry in 1999 and the Inspector’s subsequent view of the need to adopt a permanent Green Belt. In the review of the historic character and setting of York, as a part of the desk based study, the open approaches to the city and the green wedges, which include the historic strays and ‘ings’ are described as being of significance to the setting of York.

“ Open approaches to the city - The setting of York is characterised by open approaches leading towards the city. Long views are achieved across the relatively flat landscape with only occasional woods to interrupt extensive views. The series of green wedges enables long vistas to be experienced from the outskirts towards the city landmarks..... Open approaches enables the city to be experienced within its wider setting establishing a close relationship between the urban area, green wedges, surrounding countryside and the villages. The retention of openness is one of the central purposes of Green Belts.

Paragraph 4.1

“ Green Wedges - The green wedges are a characteristic feature of York. They form large tracts of undeveloped land which largely extend from the countryside into the city. They prevent the lateral coalescence of different parts of the urban area and help to retain the distinctive characteristics of earlier periods of individual settlements. The green wedges bring a feeling of the countryside within a close proximity to the centre of the city. Their open nature allows views into the city to be enjoyed including important vistas towards the Minster.

“ The green wedges have helped to shape the character and form of the urban edge and the pattern of built development, which contributes greatly to the local distinctiveness and attractiveness of York. The green wedges provide an extended interface between the urban edge and surrounding countryside. The green wedges comprise the historic ‘strays’ and Ouse ‘ings’ and additional areas of undeveloped land which separates the existing urban form.....

“ Whilst the strays and ‘ings’ are important for their distinctive character and their historical associations, additional areas of undeveloped land adjacent to the strays and the ‘ings’ also provide value in terms of their open aspect, open views which they afford their feeling of the countryside close to the time and the separation of urban form.

Paragraph 4.2

“ Views of the Minster - York Minster is the most important landmark in the city....The prominence of the monument, whether by clear view of occasional glance is an unmistakable feature of York. Views of the Minster from the wider countryside form an important association between the historic city and the surrounding landscape and helps to reinforce the impression of a compact city within a rural framework. The Minster can be viewed clearly from numerous positions within the surrounding landscape including the Ring Road, many approach roads into the city and from

2.0 PLANNING CONTEXT

the green wedges.....

Paragraph 4.3

“ Areas which retain reinforce and extend the pattern of historic green wedges - the reasons for their importance are:

A: The Strays

1. Undeveloped open space with a rural feel reaching close to the centre of the city;
2. Provide an open aspect and views towards important city landmarks including the Minster;
3. Physical separation between urban form of a different character; and
4. Long historical associations of public land use.

Page 9

“ Area A2: Monk Stray

- Historical importance as common pasture and strip farming, now managed as open space;
- Narrow corridor of green space to either side of B1036 providing an open approach to the city; and
- Intermittent views of the Minster.

Page 10

“ C: Green Wedges - the green wedges refer to the broad areas of undeveloped land usually bounded on three sides by urban development part of which may comprise of the historic strays and 'ings' and river floodplains.

1. Undeveloped open space with a rural feel close to the centre of the city;
2. Allow an open aspect and views towards important city landmarks including the Minster;
3. Physical separation between urban form of a different character; and
4. Open areas which build upon the presence of the strays and form a more pronounced separation between areas of different form, character and history.

Page 11

“ Area C2: Extension to Monk Stray

- Open agricultural fields between Stockton Lane and A1036 and between the A1036 and Monks Cross;
- Open approaches provide a rural setting of the city; and
- Glimpses of the Minster.

Page 12

The reasons and functions set out above for the importance of the strays and green wedges will be further considered in section 3.0, where an assessment of the likely effects of the proposed development of residential dwellings at the site will be made upon the function and character of the Monk Stray and Green Wedge.

2.16 CITY OF YORK LOCAL PLAN TOPIC PAPER (TPI) - THE APPROACH TO DEFINING YORK'S GREEN BELT (2018)

This topic paper supersedes the City of York Local Plan, The Approach to the Green Belt Appraisal

(2003). The updated report also makes reference to the strays and green wedges however there are no additional references to their importance and significance.

2.17 CITY OF YORK LOCAL PLAN TOPIC PAPER (TPI) - THE APPROACH TO DEFINING YORK'S GREEN BELT ADDENDUM (2019)

The 2018 City of York Local Plan Topic Paper Approach to Defining York's Green Belt set out the approach to defining York's Green Belt for the first time, explaining the planning context, evidence base, guiding policy principles and general extent of York's Green Belt. An addendum has been published in 2019, to provide further detailed information about the Green Belt and specifically, the methodology used and evidence gathered for the setting of inner and outer Green Belt boundaries, along with the exceptional circumstances test for the removal of land from the Green Belt, the approach to Urban Areas within the Green Belt and the allocation of strategic sites within the general extent of the Green Belt.

One of the principal functions of the York Green Belt is to preserve the setting and special character of historic towns and the addendum recognises that the strays and green wedges, which comprise land that is permanently open, make an important contribution to the setting and special character of York. Further to this the addendum also recognises that the strays and green wedges have prevented lateral coalescence of different parts of the urban area and have played a role in retaining the distinctive characteristics of earlier individual settlements. The addendum has identified several areas within the city that are essential to preventing coalescence, however Monk Stray and Green Wedge has not been identified as being one of those areas.

The detailed examination of openness found that:

“ Purpose 4: To preserve the setting and specialist character of historic towns: Openness is an important feature to the special character and setting of York. The form of spatial landscape features such as strays, ings and wedges, as well as the overall context of the city and its villages within a wider countryside setting, require protection. But also important to protect are the views, perceptions and connectivity of the countryside to the city as well as its unique features such as its compactness and strong urban form. Other aspects of openness can influence the setting of historic architectural character or important historical landmarks and assets.

Page 37

2.18 CITY OF YORK LOCAL DEVELOPMENT FRAMEWORK - GREEN CORRIDORS (2011)

This document reviews the outcomes of work on Green Corridor mapping, and introduces the many ways in which Green Infrastructure can influence policy development and land management.

“ Green Infrastructure includes semi-natural habitats cultural and historic landscapes such as parks and gardens, York's Ings and Strays, historic and ancient monuments; as well as features of the wider rural landscape such as footpaths, hedgerows and game coverts. The historic landscape

2.0 PLANNING CONTEXT

provides the City and its outlying villages with a rural setting, contributing much to its character. In urban areas, Green Infrastructure assets offer green porosity, and include open spaces such as allotments, public parks, cemeteries and previously developed land.....

Paragraph 3

Natural England, working in close association with other partner organisations including the City of York Council, have mapped green corridors with an aim of providing an evidence base for assets which will give local authorities and partner organisations evidence necessary to protect strategic green corridors and provide enhancement where necessary. Four plans are attached to the report which illustrate the regional, district and local green corridors within the City of York, with the forth plan being a combination of all green corridors. Monk Stray is included at the district level, however the green wedge is not included. The site lies outside the green corridor designation.

2.19 CITY OF YORK LOCAL PLAN EVIDENCE BASE: OPEN SPACE AND GREEN INFRASTRUCTURE (2014)

The City of York Council commissioned consultants to produce an Open Space Report in 2008 to support the emerging open space policy approach through the LDF Core Strategy. The Report provided a comprehensive audit of open spaces and green infrastructure in the City and set locally established open space standards for all typologies of open space compliant with PPG17 as well as a recommended policy approach. This study was revised in 2014 with an Open Space Study to ensure the evidence base was NPPF compliant as this superseded PPG17 as the relevant guidance. The 2014 report reviewed the original 2008 Open Space Study, ensuring the methodology was still fit for purpose and found that the open space standards, established in 2008 are still valid and can be applied as benchmarks for future development at strategic and local scales.

The report reviewed Local Plan Preferred Options policies relating to green infrastructure, biodiversity and open space, and concluded:



The rationale behind the policies and the aspirations for planning for York's green spaces such that they "work like a connected park, linking the historic City centre to the City's neighbourhoods and countryside through a series of extended strays for walking and cycling and making use of rivers" is sound and reflects current thinking..... and recommended that:rationalisation and restructuring is based on the need to present a coherent suite of policies which succinctly convey the aspirations for environmental protection and enhancement, from the 'basics' of protecting what exists (open spaces, pitches, biodiversity, trees) to enhancing resources through additional provision and better management, through to the development of a strategy which integrates and advances these actions.

Paragraph 4.2.1

2.0 PLANNING CONTEXT

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LAND AT MALTON ROAD,
YORK

MONK STRAY & GREEN
WEDGE APPRAISAL

BANKS PROPERTY LTD

JULY 2019

PREPARED BY
RURAL SOLUTIONS LTD

RUR000780 RPT02 V2

3.0 MONK STRAY AND GREEN WEDGE

3.0 MONK STRAY AND GREEN WEDGE

3.1 A BRIEF HISTORY OF THE STRAYS OF YORK

The four strays of York have been in existence since the 18th and 19th century Parliamentary Enclosures Act took away rights of pasture and enclosed the commons. The Freeman of the four original wards of the City were granted the strays in lieu of grazing rights and the land has been held in trust ever since and managed by Pasture Managers. The four strays; Monk Stray, Micklegate Stray (which includes the Knavesmire and Hob Moor), Bootham Stray, and Walmgate Stray today cover over 800 acres of open, predominantly grassland. The strays are now managed by the City of York, after an Act of Parliament took away the Freeman's rights at Micklegate Stray in 1907 in exchange for an annual payment. Monk Stray was the last to be taken over by the City, with an agreement signed with the Freeman of Monk Ward in 1959. The signed agreement formalised the exchange of a small, annual payment to the Freeman in lieu of their grazing rights and the City would be the future administer of the stray as "as an open space for the benefit and enjoyment of the citizens of York for all time". Today payments to the Freeman of the City have ceased, however the Pasture Managers are still elected annual and are consulted about matters pertaining to their respective strays.

The strays are seen as an important historic feature within the urban form of the City and also provide valuable green corridors into the heart of the urban area.

3.2 MONK STRAY

Located to the north east of the City of York, Monk Stray is a narrow strip of grassland which is dissected by Malton Road. The stray exists as four non-contiguous areas, one of which is private Heworth Golf Club. Running for approximately 1.5 miles, it extends to Monks Cross in the north east and Heworth Green in the south west and also includes two areas of rough grazing which is dissected by Malton Road and the grassland which a parkland character at the southern edge of the stray. In plan form, the stray appears to have an open aspect, however on the ground this aspect is often interrupted by vegetation, infrastructure and built development. The Figures 3.2 to 3.4 and 3.6 to 3.9 illustrate the landscape at Monk Stray.

3.3 THE GREEN WEDGE EXTENSION TO MONK STRAY

The green wedge extension to Monk Stray predominantly surrounds the north eastern strip of the stray, where agricultural land provides a rural character. The green wedge is defined by the ring road and bleeds over Malton Road and Stockton Lane. The westerly boundary is defined by Monks Cross and the Vanguard Shopping Centre, and the new road infrastructure which connects the out of town shopping area to Malton Road provides an urban influence for the green wedge. For much of its boundary, the green wedge joins seamlessly with the wider agricultural land, however it abuts residential properties which are located off Stockton Lane at its southern boundary.

The green wedge is a farmed, predominantly pastoral landscape which is largely contiguous, however a small section of land to the south west of Monk Stray, at Heworth Golf Club is also designated. This parcel of golf club land is surrounded on three sides by residential properties.

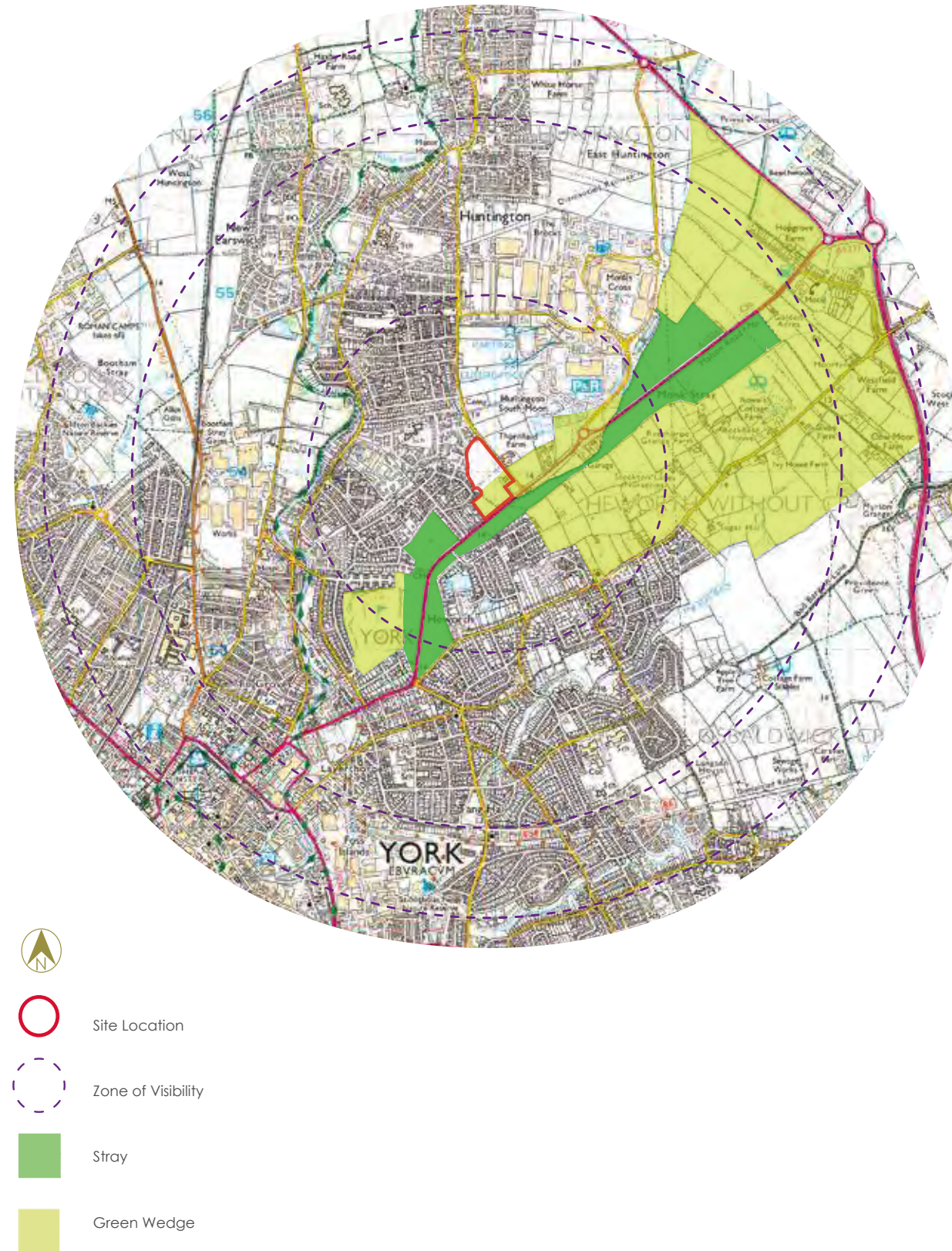


Figure 3.1: Monk Stray and Green Wedge

3.0 MONK STRAY AND GREEN WEDGE



Figure 3.2: View 1 - Looking west from Malton Road into Monk Stray



Figure 3.3: View 2 - Looking south west into Monk Stray from Malton Road.



Figure 3.4: View 3 - Looking south west towards York.

3.0 MONK STRAY AND GREEN WEDGE

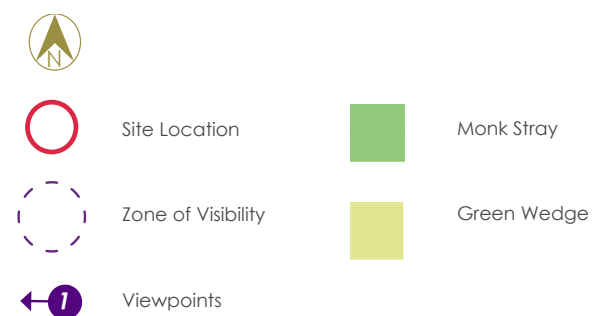
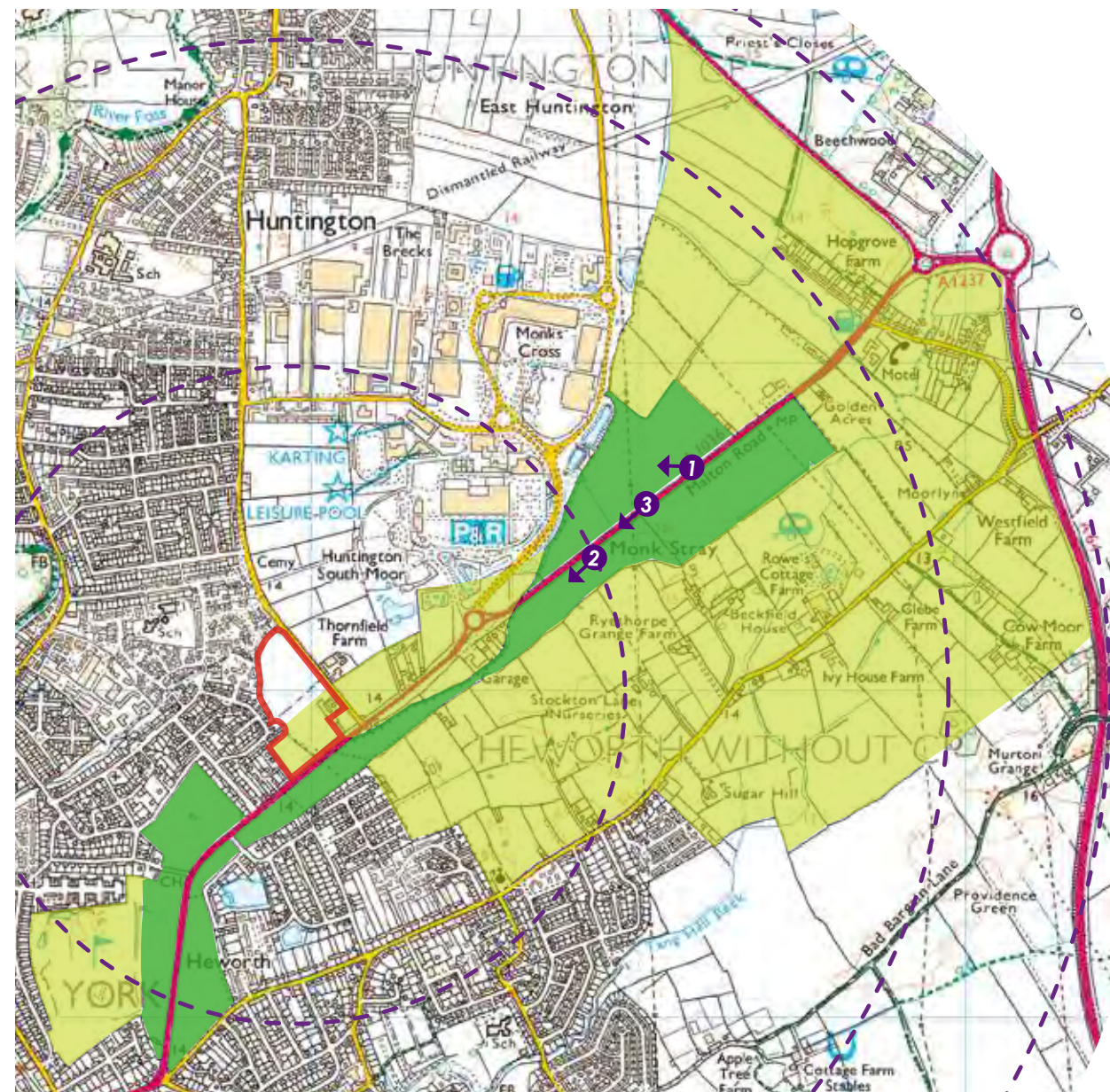


Figure 3.5: Viewpoint Locations on Monk Stray (north east).

3.4 MONK STRAY LAND USE AND CHARACTER - NORTH EAST AREA

Monk Stray is a designated narrow area of open grassland which runs north east to south west along Malton Road, however it is not visually or physically contiguous and is punctuated in places by residential buildings and infrastructure.

The north eastern parcels of land which make up Monk Stray are managed agricultural land, predominantly laid down to permanent pasture. There is no public access within Monk Stray at this point, however visual access is afforded where gaps in the mature hedgerow allow views from Malton Road. A public footpath defines the northern boundary of Monk Stray, however intervisibility is limited. Field boundaries are predominantly native hedgerows, which are mature and restrict intervisibility across the landscape. The hedgerows which define Monk Stray to the north east are well managed and maintained at a height that enables a degree of visual access. A shelterbelt provides the boundary with Monks Cross and largely restricts visibility of the built form, car parks and road infrastructure, although views of the rooftops are seen amongst the vegetation (See Figure 3.2).

There is visual intrusion into the rural scene, with a network of pylons, overhead wires and telegraph poles running across the landscape (see Figure 3.2, 3.3 and 3.4). There are glimpsed views of York Minster from Malton Road (see Figure 3.4), however views from the open pasture are limited by intervening vegetation. Long distance views of open pasture with the Minster as a key focal point, which provide a link to the historical associations of Monks Stray are occasionally perceptible.

There is a sense of openness and the rural character of the landscape washes across Malton Road at this point, with wide grassed verges and well maintained native hedgerows portraying the ruralness of the landscape. There are occasional residential properties, however these are largely contained within mature gardens, with robust hedgerow boundaries, which restrict intervisibility with the built form (See Figure 3.3).

At the central point of Monk Stray, there is a pinch point where the stray narrows into a thin strip of land, running behind residential properties and a commercial car business standing on Malton Road. Once past this point, the stray widens once again and the western boundary abuts Malton Road once again to the south of New Lane. The access driveway to Bramble Cottage crosses the stray and from this point the grassland gradually goes through a transition into an open park character, which is open space.

3.5 MONK STRAY LAND USE AND CHARACTER - SOUTH WEST AREA

3.0 MONK STRAY AND GREEN WEDGE



Figure 3.6: View 4 - Looking east on the local footpath to Heworth off Malton Road into Monk Stray.



Figure 3.7: View 5 - Looking south west from Muncastergate into Heworth Golf Club.

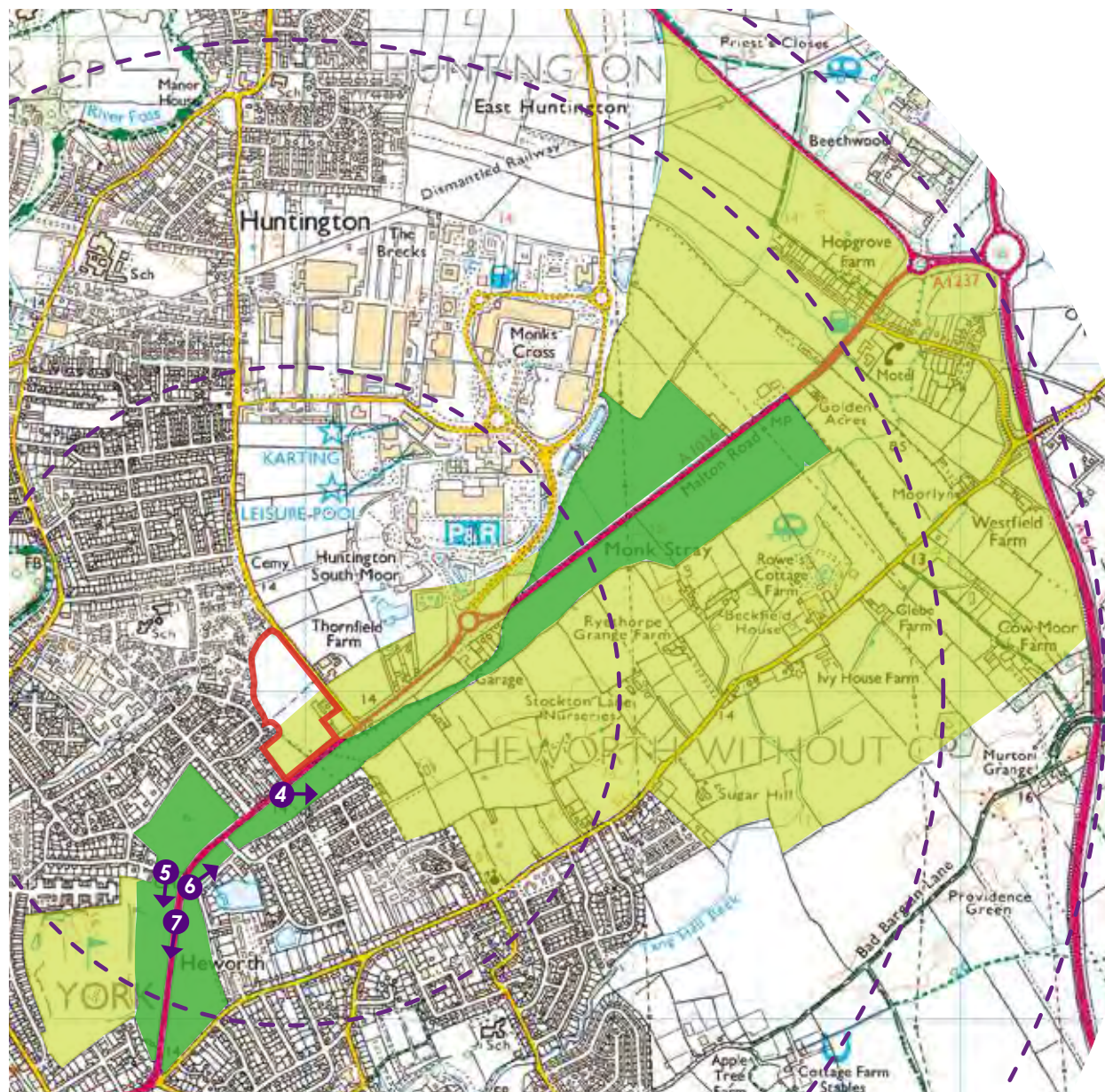


Figure 3.8: View 6 - Looking north east across Monk Stray towards Elmfield Terrace.



Figure 3.9: View 7 - Looking south west on Malton Road towards York.

3.0 MONK STRAY AND GREEN WEDGE



The character of Monk Stray from New Lane to the south west is one of an open grassland with a gradual transition through to a public park. To the east of Malton Road, Monk Stray is open to the public, however there are few places where footpaths punctuate the often high and enclosing vegetation along the boundary with Malton Road.

Residential properties at Elmpark View and Straylands Grove abut the south eastern boundary of the stray, providing a built and suburban context at that boundary (See Figure 3.6). Monk Stray is visually enclosed to the west by high, incongruous vegetation, which restricts visual access onto the stray for users of Malton Road. There is no intervisibility across Malton Road to the site or to the residential properties which stand to the west at this point.

The private Heworth Golf Club occupies the western area of Monk Stray, with neatly mown fairways and greens set amongst mature parkland trees (See Figure 3.7). Visual access into this area is also limited by dense vegetation alongside Malton Road, however a glimpsed views are afforded from the private Muncastergate, which leads to residential properties.

Heworth Golf Club is dissected by Muncastergate, this the northernmost area defined by the rear gardens of residential properties at Elmfield Avenue and Thorn Nook. Monk Stray's western boundary with Thorn Nook has a more open, visually accessible character, with residential properties overlooking the golf course. The southern area comprises a narrow strip of managed fairways and green and is enclosed to the east by dense vegetation alongside Malton Road and to the west by the green wedge designation which covers the larger part of the golf club. The rear gardens of residential properties enclose the green wedge. There is little visual and no public access to Monk Stray at Heworth Golf Club this point.

As Malton Road turns south into the city, the southernmost area of Monk Stray has a strong parkland character, with mature trees set in managed grassland and is perhaps where the greatest character and function of the historic stray is realised (See Figure 3.8). Defined by Elmfield Terrace, Monk Avenue and Stockton Lane, this is a popular open space, used by local families and dog walkers, appears visually as a green corridor leading into the city. The boundary with Malton Road is defined by a native hedgerow, with hedgerow trees and there is a more managed character to this hedgerow, with a higher level of visual access for users of Malton Road.

Malton Road is predominantly visually enclosed by the high and dense vegetation, especially alongside Heworth Golf Club. There are few access points onto Monk Stray from Malton Road and visual access across an open grassland is limited. At the time of appraisal, there were no views of York Minster afforded from the south western areas of Monk Stray.

3.6 GREEN WEDGE LAND USE AND CHARACTER

Figure 3.10: Viewpoint Locations on Monk Stray (south west).

3.0 MONK STRAY AND GREEN WEDGE



Figure 3.11: View 8 - Looking south west from Bridleway 17/4/20 towards Monks Cross.



Figure 3.12: View 9 - Looking north towards Vanguard Shopping Centre.

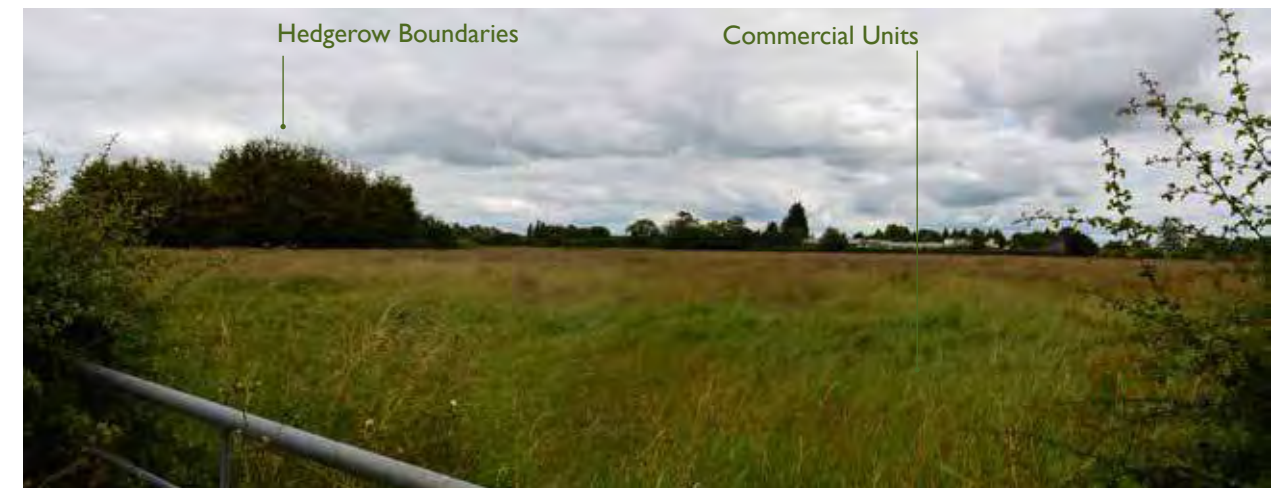


Figure 3.13: View 10 - Looking north east across land to the south east of Thornfield Farm



Figure 3.14: View 11 - Looking west on Stockton Lane.

3.0 MONK STRAY AND GREEN WEDGE



The landscape to the north east surrounding Monk Stray is predominantly agrarian in character, with dispersed vernacular farmsteads and residential properties set amongst mature trees, with farm outbuildings, stables and sporting facilities a characteristic feature. There is a strong sense of place. This is a predominantly pastoral landscape, with a mosaic of field sizes and patterns, predominantly defined by native hedgerows and abundant hedgerow and in field trees. Many of the farms have diversified and equestrian facilities and camp-sites are a frequent occurrence. Rows of mature poplars are incongruous with local landscape character and are often associated with dispersed residential dwellings and farmsteads.

A cricket club, hockey club and rugby club all have extensive sports facilities to the south east of the site, adjacent to the residential properties off Elmpark Way, with the land managed for sporting recreation. The associated buildings and infrastructure such as white fencing, goal posts and cricket nets provide a suburban character to the green wedge.

An isolated area of green wedge is located to the south west of Heworth Golf Club. This area is enclosed to the north east, north west and south west by the rear gardens of residential properties at Fossway, St Wulstan Close, Pottery Lane and Irwin Avenue respectively and has an amenity, golf club character, with mown fairways and greens and areas of rough with mature parkland trees.

Skyline views to the west and north west are dominated by Monks Cross and Vanguard Shopping Centre, with additional commercial units and a park and ride facility creating a visually dominant area of built form, which detracts from the sense of ruralness which is seen in views to the east. There are views of the Minster afforded from several locations within the green wedge, one of which is from the north, off Bridleway 17/4/20 (also views from the ring road) and is seen across an agrarian landscape. Views of the Minster from Malton Road are seen within a visually cluttered context, with street lights, road markings, commercial business advertising banners and road signs.



Figure 3.15: Viewpoint Locations on Green Wedge.

Figure 3.16: View 12 - Looking south west on Malton Road.

4.0 THE SITE

4.0 THE SITE

4.1 THE SITE

Figures 4.2 to 4.4 illustrate the character of the site and its boundaries with the urban edge of York.

4.2 LAND USE

The site is predominantly flat and comprises three parcels, and extends to approximately seven hectares. At the time of assessment the fields had just been cut for a forage crop. The site is located within the a landscape that has characteristics broadly consistent with agricultural land-use with small scale field patterns, however there is a heavy influence from the urban edge of York (see Figure 4.1). This is low grade farmland which is isolated and fragmented from the wider farmland to the north east by New Lane and Malton Road, which is one of the main routes into York. The volume and noise of the traffic promotes a largely urban quality. There is little sense of place.

An area to the north west of the site, adjacent to the residential properties at Ferguson Way had been left uncut and whilst at the time of assessment, comprised a mixture of meadow grasses and occasional wildflowers, had a sense of abandonment, with large amounts of fly tipping and several desire line footpaths leading towards Morritt Close through a gap within the hedgerow.

4.3 BOUNDARY FEATURES

The site is defined and enclosed by native, mature hedgerows, with hawthorn as the dominant species, which largely restrict intervisibility between the site and the wider landscape context. The hedgerow boundaries have been identified as being in existence from at least the time of the 1st edition Ordnance Survey of 1852. Glimpsed views are afforded at gateways and where a section of missing hedgerow on Malton Road enables visual access across the south eastern corner of the site. Internal boundaries are provided by a mature hedgerow, with hedgerow trees which dissects the south eastern extent of the site and an internal shelterbelt, running north east to south west (see Figures 4.2 to 4.4).

To the south west, the boundary of the site is defined by the rear gardens of residential properties at the suburban edge of York, with a deep and steeply sided drain running along the perimeter boundary. These residential properties are a dominant and highly visible feature on the boundary and provide a built context for the landscape.

To the south east corner of the site are a collection of low quality buildings which operate as a commercial garage and other associated businesses and a detached residential property, which stands in mature gardens and is enclosed by a high hedge with mature trees and shrubs.

4.4 THE PROPOSAL (See Figure 4.5)

The site's south-western boundary borders existing residential development and is located with York's Green Belt. Part of the site has previously been promoted within York's emerging Local Plan for residential development but was previously omitted on the basis of Flood Risk to the northern extent of the site. However, the site has continued to be promoted for residential development within York's Local Plan due to a shortfall in new housing generally within York and the perception that this site can help support the local housing need.



Figure 4.1: Viewpoint Locations at the Site.

The concept masterplan combines the constraints and opportunities of the land at Malton Road to create an initial masterplan to support residential development. See Figure 4.4.

4.0 THE SITE



Figure 4.1: View 1 - The Site (looking west from New Lane)



Figure 4.2: View 2 - The Site (looking west)



Figure 4.3: View 3 - The Site (looking west from Malton Road)

4.0 THE SITE

LAND AT MALTON ROAD, YORK

MONK STRAY & GREEN WEDGE APPRAISAL

BANKS PROPERTY LTD

JULY 2019

PREPARED BY RURAL SOLUTIONS LTD

RUR000780 RPT02 V2



LEGEND

- Site boundary 6.73Ha
- Public open space
- Development blocks
- Footpath & shared surface street
- Cycle path
- Access to development blocks
- Access to open space
- ★ Key marker buildings
- Key frontages

Carter Jonas

PROJECT TITLE

MALTON ROAD, YORK

DRAWING TITLE

CONCEPT MASTERPLAN

ISSUED BY	London	T: 020 7016 0720
DATE	19.07.19	DRAWN DW
SCALE@A3	1:2000	CHECKED JC
STATUS	Draft	APPROVED JC

DWG. NO. J002644_004

No dimensions are to be scaled from this drawing.
All dimensions are to be checked on site.
Area measurements for indicative purposes only.

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Source: Ordnance Survey

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Figure 4.4: Site Concept Masterplan (Carter Jonas)

5.0 MONK STRAY AND GREEN WEDGE APPRAISAL

5.0 MONK STRAY AND GREEN WEDGE APPRAISAL

5.1 APPRAISAL CRITERIA

To make an assessment of the functions of Monk Stray and Green Wedge and the contribution that the site makes to those functions, the criteria upon which to base the assessment is taken from the City of York Local Plan - Approach to the Green Belt Appraisal 2003, where the important reasons for the strays and green wedges are set out.

		Appraisal of Function of Monk Stray and Green Wedge	Review of Site Against Functions of Monk Stray and Green Wedge
A: THE STRAYS			
1	<i>Undeveloped open space with a rural feel reaching close to the centre of the city.</i>	Monk Stray is an area of undeveloped land, with a strong rural character to the north east, where land use is predominantly agricultural, transitioning into an amenity landscape to the south west, where the private Heworth Golf Club and the southern edge of the stray, with its park character, lie closest to the city.	The site is not located within Monk Stray. The southernmost area of the site, which lies within the green wedge designation, when combined with the adjacent Monk Stray and the wider green wedge, makes a contribution to this function of Monk Stray.
2	<i>Provide an open aspect and views towards important city landmarks including the Minster.</i>	<p>There is a generally open aspect down the eastern side of Monk Stray, as the grazed pasture gives way to amenity grassland, however Monk Stray comprises four non-contiguous parcels of land, which lie at both sides of Malton Road, restricting the open aspect to a narrow strip of land.</p> <p>There are occasional glimpses of York Minster, seen from the stray to the east of Malton Road, however overgrown vegetation predominantly restricts intervisibility with the Minster, reducing the sense of legibility and historic connection to the city.</p> <p>Whilst there is an largely open aspect along the easterly strip of the stray, this is restricted to a north east to south west view, with very little intervisibility across Malton Road to the western strip of land contained within the stray. This is due predominantly to unmanaged mature vegetation, which has grown to restrict views into the stray from Malton Road. Motorists, pedestrians and cyclists using Malton Road are afforded little appreciation of the open nature of the stray.</p>	<p>The site is not located within Monk Stray.</p> <p>Views of the Minster are not afforded from the site.</p>
3	<i>Physical separation between urban form of a different character.</i>	Monk Stray provides a narrow physical separation of the residential areas of Heworth at the south west of the stray.	The site is not located within Monk Stray, however the southernmost area of the site, which lies within the green wedge designation, when combined with the adjacent Monk Stray and the wider green wedge, makes a contribution to this function of Monk Stray.
4	<i>Long historical associations of public land use.</i>	The historic use of the land for pasture is still evident to the north east of Monk Stray and the mature park character of Heworth Golf Club and the southern edge of the stray has a perceptual quality associated with public open. Whilst Monk Stray is now managed as open space, there is no public access to the north eastern areas and this is still managed as agricultural grassland.	The site is not public open space and is not located within Monk Stray.
A2: MONK STRAY			
1	<i>Historical importance as common pasture and strip farming, now managed as open space.</i>	The historic use of the land for pasture is still evident to the north east of Monk Stray. Remnant ridge and furrow is extant, in places, within the pasture and historic hedgerows, dating from the time of the 1st edition Ordnance Survey are evident.	The site is not public open space and is not located within Monk Stray, however it does have historic legibility due to the extant hedgerow boundaries, which are understood to date from the time of the 1st edition Ordnance Survey which define small fields.

5.0 MONK STRAY AND GREEN WEDGE APPRAISAL

2	<i>Narrow corridor of green space to either side of B1036 providing an open approach to the city.</i>	There are four areas of grassland which combine to form Monk Stray which are not physically or visually contiguous with each other, which limits the overall sense of an open, rural approach to the city. Monk Stray does provide a corridor of green space, however there is a variation in the management of each area, leading to a variation of sward characteristics and boundary vegetation compromises the open approach to the city.	The site is not located within Monk Stray, however the southernmost area of the site is located adjacent to the A1036, Malton Road and it makes a contribution to the overall sense of an open approach to the city, at that location.
3	<i>Intermittent views of the Minster.</i>	Intermittent views of the Minster are afforded predominantly from the north eastern areas of Monk Stray. Views of the Minster from Malton Road become compromised surrounding built form towards the south west of the stray.	The site is not located within Monk Stray. Views of the Minster are not afforded from the site.

C: GREEN WEDGES

1	<i>Undeveloped open space with a rural feel close to the centre of the city.</i>	The green wedge surrounds Monk Stray and provides an extensive area with a rural and agricultural character for the approach to the city on Malton Road and Stockton Lane. The green wedge boundary lies alongside the edge of residential development and does not enter the city in the same manner that Monk Stray does, however it does create an area of permanence to the north east. The exception to this is the smaller area of green wedge designated at Heworth Golf Club, which does permeate the residential area of Heworth, however its character is one of an amenity park rather than a rural open space.	<p>The site comprises an area of undeveloped land, which is currently under an agrarian land use. The rural character of the site is compromised by the residential properties which dominant the northern and western boundary of the site, together with the commercial units located to the south eastern corner and the wider skyline views to the north east of Monks Cross and the Vanguard Shopping Centre. Fly tipping on the site further reduces the rural character. The rural character of the surrounding landscape has been eroded, with the loss of farmsteads to residential and commercial developments.</p> <p>The site lies on the boundary of residential development and, with the exception of the southernmost area, which lies within the green wedge designation, does not make a significant contribution to a sense of open space with a rural feel close to the centre of the city.</p>
2	<i>Allow an open aspect and views towards important city landmarks including the Minster.</i>	<p>The green wedge has a predominantly open aspect, with views out into the adjacent countryside, however views into the city are limited by residential development and vegetation.</p> <p>There are key views of the Minster, especially from the north east of the green wedge, which contribute to the character and historic setting of the city. Lateral views to the west are dominated by Monks Cross and Vanguard Shopping Centre, which appear on the skyline and provide a dominant built, urban context.</p>	<p>The site is visually enclosed by the adjacent residential properties, which form a strong and dominant boundary feature to the north and west. The boundaries with New Lane and much of Malton Road are formed by robust, native hedgerows, which limit intervisibility with the wider landscape. Intervisibility across the site is further restricted by an internal shelterbelt and a mature hedgerow.</p> <p>There are no views of the Minster afforded from the site.</p> <p>The southernmost area of the site does make a contribution to the open aspect of the approach to the city, however there is no current intervisibility across Malton Road to Monk Stray or to other adjacent areas of green wedge.</p>
3	<i>Physical separation between urban form of a different character.</i>	<p>The wider area of green wedge extension to Monk Stray does not extend within any residential areas and therefore does not perform the function of providing a physical separation between urban form of different character, however where it extends close to the residential edge of York, it does provide a degree of separation, in combination with Monk Stray.</p> <p>The smaller area which is designated as green wedge at Heworth Golf Club does provide a physical separation between residential properties of various architectural character at Fossway, St Wulstan Close, Pottery Lane and Irwin Avenue.</p>	The site lies on the suburban edge of York. The southernmost area within the green wedge designation, when combined with Monk Stray, does provide physical separation between the residential properties at Elmpark View to the south east of Malton Road and those situated at Sefton Avenue, to the north west of Malton Road.

5.0 MONK STRAY AND GREEN WEDGE APPRAISAL

4	<i>Open areas which build upon the presence of the strays and form a more pronounced separation between areas of different form, character and history.</i>	The green wedge, in combination with Monk Stray does provide a pronounced, yet narrow, separation between areas of different form, character and history to either side of Malton Road, as it approaches the city.	The site lies on the suburban edge of York. The southernmost area of the site, which lies within the green wedge designation, when combined with Monk Stray and the wider green wedge, provides a pronounced, yet narrow, separation between areas of different form, character and history to either side of Malton Road, as it approaches the city.
C2: EXTENSION TO MONK STRAY			
1	<i>Open agricultural fields between Stockton Lane and A1036 and between the A1036 and Monks Cross.</i>	<p>The green wedge largely comprises agricultural fields, with the exception being land to the south west of Heworth Golf Club and the area around the recently developed Vanguard Shopping Centre, which now includes road infrastructure associated and a number of commercial car garages and associated businesses.</p> <p>The open agricultural fields are predominantly defined and enclosed by mature native hedgerows, with hedgerow and in field trees, which promote a sense of ruralness across the landscape. There is a suburban influence, with a network of power line, pylons and telegraph wires crossing the landscape, however the green wedge largely functions as an agricultural landscape.</p>	The rural character of the site has been fragmented from its wider agricultural setting as former farms have been dispersed and the former agricultural buildings converted to residential and commercial properties. Occasional fragmented field parcels can be found to the north of the site, however these are also isolated and enclosed by suburban development, reducing the legibility of the former agricultural landscape.
2	<i>Open approaches provide a rural setting of the city.</i>	The rural, agricultural character of the green wedge makes contribution to the open approach to the city and abuts the residential areas to the south east of Heworth.	The site is visually enclosed by the adjacent residential properties, which form a strong and dominant boundary feature to the north and west. The boundaries with New Lane and much of Malton Road are formed by robust, native hedgerows, which limit intervisibility with the wider landscape. Intervisibility across the site is further restricted by an internal shelterbelt and a mature hedgerow.
3	<i>Glimpses of the Minster.</i>	There are glimpsed views of the Minster, set against the skyline, with the agrarian landscape providing the context of the view.	There are no views of the Minster afforded from the site.

6.0 CONCLUSIONS

6.0 CONCLUSIONS

6.1 CONCLUSIONS

Following an outline review of planning policy relating to the historic strays and green wedges of York, together with a site appraisal of Monk Stray and Green Wedge and an assessment of the functions of Monk Stray and Green Wedge along with the contribution that the site makes to those functions, the following conclusions have been reached.

The criteria set out in the City of York Local Plan - Approach to the Green Belt Appraisal 2003, as a set of important reasons why the strays and green wedges are considered to be significant elements, which contribute to the historic character and setting of York, were used to assess the functions of Monk Stray and Green Wedge.

This appraisal concludes that:

- Monk Stray is a narrow strip of grassland extending from footpath 16/3/10, to the north east of York towards the city, ending in Heworth, at the junction of Malton Road and Stockton Lane. In plan form, the stray appears to be a continuous open grassland however on the ground, the stray comprises four non-contiguous areas, which are divided by Malton Road and other minor residential roads and tracks as well as mature vegetation. Intervisibility across Malton Road is limited by mature and often incongruous vegetation, which restricts visual access for users of Malton Road.
- Land use within Monk Stray is grassland, however the management of the grassland varies according to use. To the north east, Monk Stray has retained its pastoral function and comprises permanent grassland, whereas there is a transition to an amenity character towards the south west. The Heworth Golf Club is intensively managed, with mown fairways and greens, set within roughs, with mature parkland trees. The southernmost area of Monk Stray is also managed as an amenity park, however the management is less intensive. Mature trees provide a historic context, however unmanaged areas of vegetation reduce the character and quality of the stray.
- The green wedge extension to Monk Stray encompasses a large area of agricultural land to the north west of York, enclosing Monk Stray and providing a rural character for the north eastern approach into York. Closer to the suburban edge of the city, the agricultural character is compromised by the conversion of farmsteads to residential and commercial units, with associated infrastructure. The skyline to the west is dominated by Monks Cross and Vanguard Shopping Centre, which includes a park and ride facility, commercial units, a sports stadium and associated road infrastructure.
- The site is a small parcel of undeveloped grassland at the suburban edge of York. Residential properties provide a strong built context along the north and west boundary, which dominates the site. A commercial garage with associated businesses are located to the south east and the rural character of the site is largely compromised by the lack of intervisibility with the wider

agricultural landscape and a neglected appearance which is the result of fly tipping.

- The site does have a network of mature and robust hedgerows, which define and enclose the grassland. These hedgerows are understood to date from at least the 1st edition Ordnance Survey and provide both historic context and legibility and also important green links across the grassland.
- The site does not lie within Monk Stray, however the southernmost area is included within the green wedge designation.
- No views of the Minster were seen from the site.
- Whilst an open aspect across Monk Stray and Green Wedge is compromised by often incongruous vegetation, this appraisal recognises that the winter time view may change and intervening vegetation may allow more visibility across the stray. There is a rural character, which transitions into a park character towards the city and the southernmost area of the site does make a contribution towards that open and rural aspect. Increased management of roadside vegetation would enable greater visual access to Monk Stray, for users of Malton Road. Such road users (cyclists, pedestrians, motorists and users of public transport) currently have a limited appreciation of the open nature of Monk Stray and the historic connections to York. Views of the Minster would also be enhanced by vegetation management.
- It is considered that the potential development of residential dwellings at the site would not compromise any functions of Monk Stray and Green Wedge and would not restrict views of York Minster.
- To protect the open aspect and approach to the city, it is therefore recommended that any potential future residential development at the site is set back from Malton Road, with a well considered area of soft landscape designed as a buffer to the green wedge, which will compliment existing character and enhance the open and green approach to the city.
- It is also recommended that, in order to retain and perpetuate historic legibility at a site specific scale, boundary and internal hedgerows are retained, managed and enhanced, to preserve the historic field pattern and maintain green links across the landscape.



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LAND AT MALTON ROAD, YORK
GREEN BELT APPRAISAL

BANKS PROPERTY LTD
JULY 2019
RUR000780 RPT03 / REV V2

AUTHOR	VERSION	CHECKED	DATE	DESCRIPTION
JW	V1	MJ	22/07/2019	DOCUMENT ISSUED TO CLIENT FOR COMMENT
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CONTENTS

1.0	INTRODUCTION	04
2.0	PLANNING POLICY CONTEXT	08
3.0	THE SITE	16
4.0	GREEN BELT APPRAISAL	20
5.0	CONCLUSIONS	26

LAND AT MALTON ROAD,
YORK

GREEN BELT APPRAISAL

BANKS PROPERTY LTD

JULY 2019

PREPARED BY
RURAL SOLUTIONS LTD

RUR000780 RPT03 V2

1.0 INTRODUCTION

1.0 INTRODUCTION

1.1 SCOPE & PURPOSE

Rural Solutions Ltd was appointed by Banks Property Ltd to prepare an appraisal of the Green Belt designation which extends across the site on land off Malton Road, York and to make an assessment of the contribution that the site makes to the function of the Green Belt. This appraisal is designed to be read in conjunction with other material considerations, as submitted to the City of York Council to support the site's allocation for new housing.

The appraisal will assess the function of the existing Green Belt through a thorough understanding of what defines this area of strategic open space and the principal functions it serves.

The Green Belt Appraisal includes the following:

- A summary of relevant planning policy relating to the Green Belt;
- An brief overview of the functions to York's Green Belt;
- The existing landscape context of the site; and
- An assessment of the contribution that the site makes to the function and character of the Green Belt.

The field assessment of the site and the wider Green Belt setting was carried out by a Chartered Landscape Architect in July 2019.

1.2 SITE LOCATION

The seven hectare (approximate) site lies to the north east of York at the boundary of existing residential development and comprises pastoral farmland enclosed and divided by native hedgerows and a shelterbelt of trees. The site is defined to the south east by Malton Road and to the north east by New Lane. Residential dwellings at Sefton Avenue, Barfield Road, Morrilt Close and Ferguson Way adjoin the site and provide a built residential context which dominates the site. See Figures 1.1 and 1.2.

1.3 DESK BASED ASSESSMENT OF DOCUMENTATION

The following documents have been consulted as a part of this appraisal.

- City of York Local Plan Evidence Base - Open Space and Green Infrastructure 2014
- City of York Local Plan Evidence Base - Open Space and Green Infrastructure Update 2017
- City of York Council Technical Paper - Green Corridors 2011
- City of York Heritage Topic paper Update 2014
- City of York Historic Environment Characterisation Project 2014
- City of York Historic Character and Setting Technical Paper 2011
- City of York Historic Character and Setting Technical Paper Update 2013
- City of York Local Plan - Approach to the Green Belt Appraisal 2003

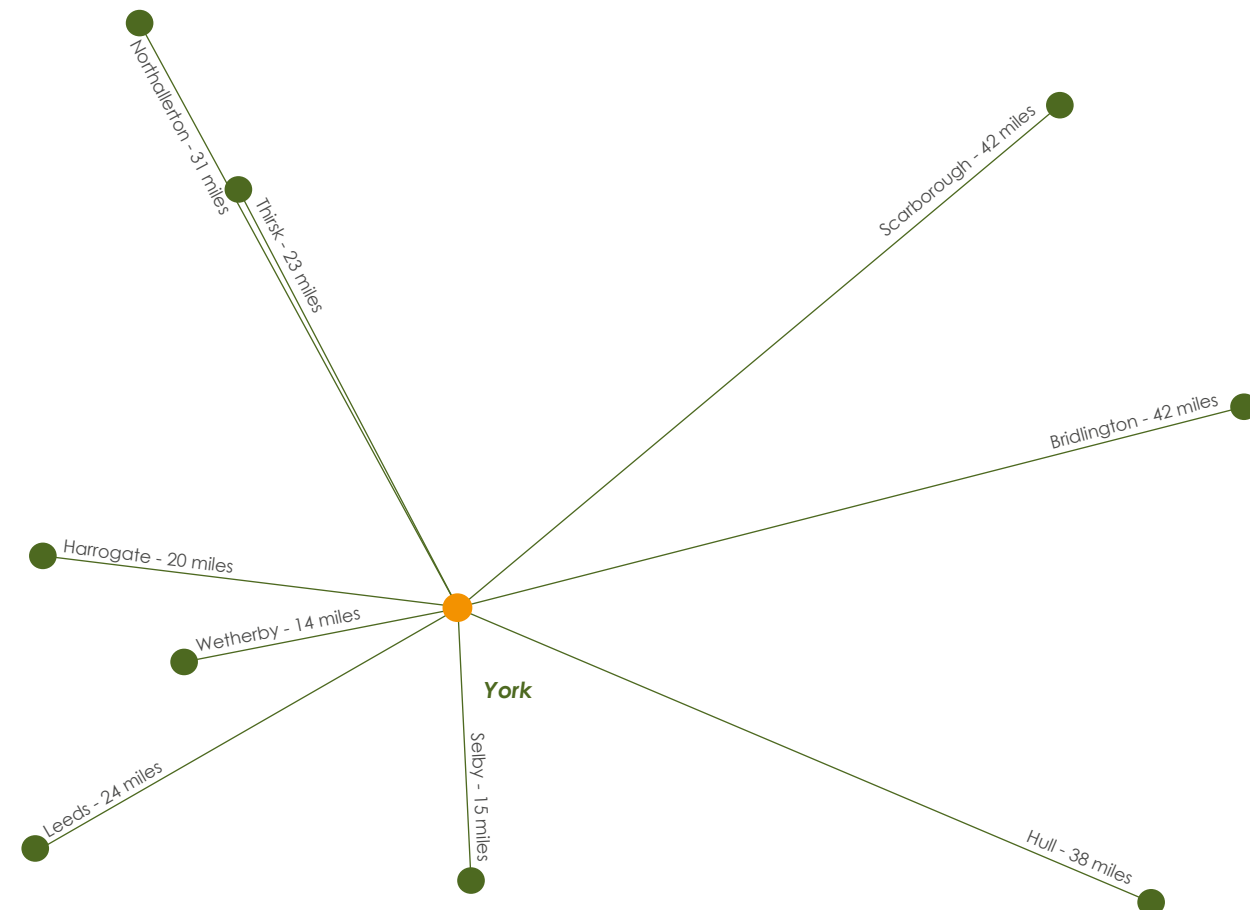


Figure 1.1: York Location.



Figure 1.2: Site Location.

I.0 INTRODUCTION

- City of York Local Plan - Approach to Defining York's Green Belt 2018
- City of York Topic Paper 1 - Approach to Defining York's Green Belt - Addendum 2019
- City of York Topic Paper 1 - Approach to Defining York's Green Belt - Addendum Annex 3 2019
- City of York Local Plan - Site Selection Paper Addendum 2014
- National Planning Policy Framework 2019

I.4 APPRAISAL METHODOLOGY

Following a review of planning policy documents, technical papers and topic papers, it is concluded that there is no definitive assessment of the specific qualities of the Green Belt.

To make an assessment of the functions of Green Belt and the contribution that the site makes to those functions, the criteria upon which to base the assessment is taken from the City of York Local Plan - Approach to the Green Belt Appraisal 2003, where the important reasons for the Green Belt Designation.

An assessment of the functions of the Green Belt are included at section **4.0**.



2.0 PLANNING CONTEXT

2.0 PLANNING CONTEXT

2.1 INTRODUCTION

The following section provides an overview of the policy context relating to York Green Belt, however this is not an exhaustive list and should be read in conjunction with other material considerations submitted to the City of York Council in connection with the site.

2.2 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The revised National Planning Policy Framework was updated on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. The NPPF sets out the Government's economic, social and environmental planning policy. The main theme of the NPPF is a presumption in favour of sustainable development which should be viewed as "a golden thread running through both plan making and decision-taking". The NPPF is a material consideration in planning decisions. The NPPF sets out the three dimensions for underpinning sustainable development: economic, social and environmental considerations, which "contributes to the protection and enhancement of our natural, built and historic environment..."; with the requirement for high quality design, which respects and enhances local character, reappearing throughout the core planning principles.

The NPPF does not contain any specific policies related to green wedges however it does recognise the importance of protecting the countryside and green infrastructure networks, of which green wedges are an important component. Policies on green belt are also included here as they have references to the role and function of the York Green Wedges.

Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision¹² for:

“ d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

Paragraph 20 (Strategic Policies)

2.3 ACHIEVING SUSTAINABLE DEVELOPMENT

“ Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 8

2.4 PROTECTING THE GREEN BELT

“ 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.

Paragraph 133

“ Green Belt serves five purposes:

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

Paragraph 134

“ When defining Green Belt boundaries, plans should:

- a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
- b) not include land which it is unnecessary to keep permanently open;
- c) where necessary, identify 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;
- d) 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 an update to a plan which proposes the development;
- e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and
- f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

Paragraph 139

2.5 PROPOSALS AFFECTING THE GREEN BELT

“ A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 145

2.0 PLANNING CONTEXT

2.6 CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT

“ Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Paragraph 170

2.7 HABITATS AND BIODIVERSITY

“ To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Paragraph 174

2.8 CITY OF YORK - DRAFT LOCAL PLAN INCORPORATING 4TH SET OF CHANGES – DEVELOPMENT CONTROL LOCAL PLAN (APPROVED APRIL 2005)

The City of York Council are developing a new Local Plan and as part of the new Local Plan examination, independent examiners, appointed by the Government, have asked for a consultation to gather views on the proposed modifications to the Local Plan submitted for examination. In 2005, the current Local Plan was approved for development management purposes, however it was not formally adopted. It provides a framework to guide and promote development, and to protect the historic, natural and built environment of York. The 2005 document set strategic priorities for the city and continues to form the basis for planning decisions until the new local plan is formally adopted. Figure 2.1 illustrates the strategic areas considered to remain open as part of the City of York's approach to defining their Green Belt along with Figure 2.2 which is an extract from City of York's Local Plan Preferred Options Proposals Map.

2.9 THE YORK GREEN BELT

“ The primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York and is defined on the Proposals Map.

The main purpose of the Green Belt around York is to preserve the setting and the special character of the historic City. A review of the green belt has been undertaken with the aim of establishing permanent boundaries for at least the next 20 years. This has enabled the Council to map out future land-use in the city. The guiding principle behind the Review has been the desire to protect York's strategic green spaces whilst encouraging sustainable development. Equally, the pattern of green wedges, such as the 'strays' and the 'ings' are reinforced and extended.

Policy SP2

2.10 SAFEGUARDING THE HISTORIC CHARACTER AND SETTING OF YORK

“ A high priority will be given to the protection of the historic character and setting of York. When considering planning applications the Council will apply the following principles:

- b) The protection of the Minster's dominance, at a distance, on the York skyline and City Centre roofscape.
- c) The protection of the environmental assets and landscape features which enhance the historic character and setting of the City. These comprise the river corridors and the green wedges, both existing and extended.
- d) The protection of the main gateway transport corridors into York from development which, cumulatively, could have an adverse impact on the character and setting of the corridor and the surrounding environment. If development is allowed, early and substantial planting of sensitive boundaries will be required.

Policy SP3

2.11 GREEN CORRIDORS

“ Planning permission will not be granted for development, which would destroy or impair the integrity of green corridors and stepping stones (e.g. river corridors, roads, railway lines, cycleways, pockets of open space and natural or semi-natural vegetation etc). Conversely, development that ensures the continuation and enhancement of green corridors for wildlife will be favoured.

Policy NE8

2.12 GREEN BELT AND OPEN COUNTRYSIDE

Green wedges

“ 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.

Paragraph 5.12

“ 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

2.0 PLANNING CONTEXT

the local community.

Paragraph 5.13

2.13 CITY OF YORK HISTORIC ENVIRONMENT CHARACTERISATION PROJECT (2013)

The purpose of this report is to understand the history of York's townscape, especially the areas beyond the historic core, with a series of character area statements designed to inform a more detailed assessment of each area through neighbourhood planning. Whilst this report's primary focus is on archaeology and architecture, the landscape setting of York is considered.

“ *The landscape within which the city of York sits, is as much part of its defining character as the concentration of historic built assets in its centre. More than any other English city, the landscape itself connects right up to the centre and forms part of the historic core itself in the form of the city wall embankments.*

Paragraph 3.5

The site, together with a small area of the Monk Stray and Green Wedge, to the north west of Malton Road, lies within area 49: Huntington South Moor/Monks Cross. The majority of the Monk Stray and Green Wedge lies within area 51: Heworth NE & Monk Stray and area 54: Heworth south and east.

The character description for area 49 does not specifically refer to Monk Stray and Green Wedge or to the landscape setting, although there is mention of Monks Cross being semi-surrounding by a rural landscape.

The key characteristics of area 51, located to the south west of the site, are described as:

- “
- *Semi-rural/recreational area with pockets of individually designed buildings such as the vicinity of The Crossways and Heworth Croft but also 1930s and early 21st century development that have no distinctive York features;*
 - *Partly within Area of Archaeological Importance and Heworth Green Conservation Area;*
 - *Large open green Stray land and golf course; and*
 - *Bounded by social housing and agricultural land to the north, social housing to the west, the edge of Monk Stray to the east and Heworth Green Stockton Lane to the south.*

Page 1

“ *The presence of the golf course, Monk Stray and former agricultural building The Laurels in between residential estates is a reminder of the former open nature of the area. The golfcourse and Stray provide well used recreational facilities and an open green space in an urban environment. The inner streets lose the 'green' feel and are more urban. The main road of Malton Road/Heworth Green is an extremely busy route to and from the city. The road has more of an impact along Heworth Green where, despite being a major routeway for over 2000 years, the presence of double decker buses and trucks seems slightly out of place with the tree lined street and grand architecture on the southern side. Despite good transport and cycle networks, there isn't an*

obvious connection with York within the estates themselves but in the area of the Stray, Heworth Green and Irwin Avenue the Minster can be seen and the close proximity of the city felt.

Page 3

The character description for area 54 refers to Monk Stray as a boundary features to the north of the character area, however Monk Stray is attributed as a highly significant and important feature:

“ *Communal open spaces such as Hempland Lane allotments, the playground and the area surrounding Tang Hall Beck provide locally valued recreational areas. Nearby Glen Gardens and Monk Stray, a historically significant important common pasture, provide larger open, green spaces for the Heworth residents. These areas provide Heworth with a strong connection to the countryside.*

Page 5

2.14 CITY OF YORK HERITAGE TOPIC PAPER (UPDATE 2014)

The report examines and assesses the existing evidence relating to York's historic environment and how it can be used to develop a strategic understanding of the city's special qualities and its complex 2000 year history. Six principal characteristics (see paragraph 7.2 below) of the historic environment have been identified, which define the special historic qualities and characteristics. The green wedges, which include the four historic strays, are identified as playing a significant role in their contribution to the character and special qualities of York.

“ *Landscape and setting - The landscape of the York area can be broadly characterised as being relatively flat and low lying agricultural land dominated by the wide flood plain of the River Ouse, rising slightly to the east. The Rivers Ouse, Foss and Derwent are important green corridors as well as important determining factors for the location of the historic city. The ancient strays and ings (the "green wedges") extend from the open countryside into the heart of the main urban area and have provided and will continue to provide spatial constraints for development.*

Paragraph 4.8

“ *Its relevance lies in the conglomeration of layers and relics of old landscapes, in part conserved through time by continuous administration, absence of development, and centuries of traditional management. It is the combination of the various elements such as the Ings and strays that provides York's unique make up. The natural environment is significant in its concentrated collection of a variety of examples of historically managed landscapes, represented for example by wild flower meadows, lowland heath, valley fen, strip fields, veteran orchard trees, species-rich hedgerows. Many of these otherwise isolated remnant landscapes link up with other open spaces resulting for example from our industrial or war time past, to form often accessible tracts of subtly diverse landscapes; thus the landscape/natural heritage is much greater than the sum of its parts.*

Paragraph 6.30

2.0 PLANNING CONTEXT

More than any other similar city there is a strong countryside connection between the historic core and perimeter countryside. Variety between them; each serving a range of different functions; in part protected by historic management. Immediacy and availability/welcome, most are open access.

Page 58

“ *Economy (Farming, Trade, Industry, Tourism) - Common land (e.g. the Strays), the Ings land, and open fields (many subsequently divided and enclosed) provided the framework for contemporary agricultural activity. The importance of open field agriculture can be seen in the pattern of strips evidenced through the characteristic reversed-S ridge and furrow earthworks and field boundaries and hedges. Where ridge and furrow survives it is often associated with unimproved grassland, an important ecological habitat.*

Paragraph 5.8

“ *Compactness - The historic city has a contained concentric form of approx 10km (6miles) across and its relatively flat terrain makes it “walkable” and cycle friendly. The historic green strays and rivers feed into the historic city centre and divide the built form into identifiable segments.*

Paragraph 6.14

“ *The historic city centre is inward focused. The combination of dense urban fabric and relatively flat topography prohibit most outward views from street level. The open swathes of the rivers and strays provide visual relief and enable connection with the wider context. Elevated locations provide panoramic vistas of the city’s roofscape. Most important vantage points are the Minster, Clifford’s Tower and the city walls which assume strategic importance in connecting the city with long distance views beyond.*

Paragraph 6.17

“ *Identifiable Compact Districts - Outlying development is divided into segments by the rivers, strays and arterial roads; this containment of built form positively accentuates the identity of each area whilst allowing quick access to open areas, informal green spaces and the cycle routes and riverside walks leading out of the city*

Page 40

“ *The following six principal characteristics are identified as strategically important to the special character and setting of York:*

- the city’s strong urban form.....;*
- the city’s compactness;*
- the city’s landmark monuments.....;*
- the city’s architectural character.....;*
- the city’s archaeological complexity.....; and*
- the city’s landscape and setting within its rural hinterland and the open green strays and river*

corridors and Ings, which penetrate into the heart of the urban area, breaking up the city’s built form.

Paragraph 7.2

2.15 CITY OF YORK LOCAL PLAN - THE APPROACH TO THE GREEN BELT APPRAISAL (2003)

The report comprises the findings of the City of York’s review of the York Green Belt, following a public enquiry in 1999 and the Inspector’s subsequent view of the need to adopt a permanent Green Belt. In the review of the historic character and setting of York, as a part of the desk based study, the open approaches to the city and the green wedges, which include the historic strays and ‘ings’ are described as being of significance to the setting of York.

“ *Open approaches to the city - The setting of York is characterised by open approaches leading towards the city. Long views are achieved across the relatively flat landscape with only occasional woods to interrupt extensive views. The series of green wedges enables long vistas to be experienced from the outskirts towards the city landmarks..... Open approaches enables the city to be experienced within its wider setting establishing a close relationship between the urban area, green wedges, surrounding countryside and the villages. The retention of openness is one of the central purposes of Green Belts.*

Paragraph 4.1

“ *Green Wedges - The green wedges are a characteristic feature of York. They form large tracts of undeveloped land which largely extend from the countryside into the city. They prevent the lateral coalescence of different parts of the urban area and help to retain the distinctive characteristics of earlier periods of individual settlements. The green wedges bring a feeling of the countryside within a close proximity to the centre of the city. Their open nature allows views into the city to be enjoyed including important vistas towards the Minster.*

“ *The green wedges have helped to shape the character and form of the urban edge and the pattern of built development, which contributes greatly to the local distinctiveness and attractiveness of York. The green wedges provide an extended interface between the urban edge and surrounding countryside. The green wedges comprise the historic ‘strays’ and Ouse ‘ings’ and additional areas of undeveloped land which separates the existing urban form.....*

“ *Whilst the strays and ‘ings’ are important for their distinctive character and their historical associations, additional areas of undeveloped land adjacent to the strays and the ‘ings’ also provide value in terms of their open aspect, open views which they afford their feeling of the countryside close to the time and the separation of urban form.*

Paragraph 4.2

“ *Views of the Minster - York Minster is the most important landmark in the city....The prominence*

2.0 PLANNING CONTEXT

of the monument, whether by clear view of occasional glance is an unmistakable feature of York. Views of the Minster from the wider countryside form an important association between the historic city and the surrounding landscape and helps to reinforce the impression of a compact city within a rural framework. The Minster can be viewed clearly from numerous positions within the surrounding landscape including the Ring Road, many approach roads into the city and from the green wedges.....

Paragraph 4.3

“ Areas which retain reinforce and extend the pattern of historic green wedges - the reasons for their importance are:

A: The Strays

1. Undeveloped open space with a rural feel reaching close to the centre of the city;
2. Provide an open aspect and views towards important city landmarks including the Minster;
3. Physical separation between urban form of a different character; and
4. Long historical associations of public land use.

Page 9

“ Area A2: Monk Stray

- Historical importance as common pasture and strip farming, now managed as open space;
- Narrow corridor of green space to either side of B1036 providing an open approach to the city; and
- Intermittent views of the Minster.

Page 10

“ C: Green Wedges - the green wedges refer to the broad areas of undeveloped land usually bounded on three sides by urban development part of which may comprise of the historic strays and 'ings' and river floodplains.

1. Undeveloped open space with a rural feel close to the centre of the city;
2. Allow an open aspect and views towards important city landmarks including the Minster;
3. Physical separation between urban form of a different character; and
4. Open areas which build upon the presence of the strays and form a more pronounced separation between areas of different form, character and history.

Page 11

“ Area C2: Extension to Monk Stray

- Open agricultural fields between Stockton Lane and A1036 and between the A1036 and Monks Cross;
- Open approaches provide a rural setting of the city; and
- Glimpses of the Minster.

Page 12

The reasons and functions set out above for the importance of the strays and green wedges will be further considered in section 3.0, where an assessment of the likely effects of the proposed development of residential dwellings at the site will be made upon the function and character of the

Monk Stray and Green Wedge.

2.16 CITY OF YORK LOCAL PLAN TOPIC PAPER (TPI) - THE APPROACH TO DEFINING YORK'S GREEN BELT (2018)

This topic paper supersedes the City of York Local Plan, The Approach to the Green Belt Appraisal (2003). The updated report also makes reference to the strays and green wedges however there are no additional references to their importance and significance.

2.17 CITY OF YORK LOCAL PLAN TOPIC PAPER (TPI) - THE APPROACH TO DEFINING YORK'S GREEN BELT ADDENDUM (2019)

The 2018 City of York Local Plan Topic Paper Approach to Defining York's Green Belt set out the approach to defining York's Green Belt for the first time, explaining the planning context, evidence base, guiding policy principles and general extent of York's Green Belt. An addendum has been published in 2019, to provide further detailed information about the Green Belt and specifically, the methodology used and evidence gathered for the setting of inner and outer Green Belt boundaries, along with the exceptional circumstances test for the removal of land from the Green Belt, the approach to Urban Areas within the Green Belt and the allocation of strategic sites within the general extent of the Green Belt.

“ The strategic approach to the Green Belt with the York Authority Area was set out at a high level through TPI (2018). Although it is not the purpose of the Local Plan to review the principle of the general extent of the York Green Belt, this approach involved assessing considerations which enabled some assessment of where any need to remove specific land from within the general extent of the Green Belt might be met in accordance with the plan strategy as well as informing the detailed definition of the inner and outer boundaries.

Paragraph 2.6

“ Criteria to inform the de-lineation of the detailed boundaries are set out in Section 5 and have been identified on the basis of considerations of national guidance, the strategic approach undertaken in the local plan core strategy and an appraisal of the essential characteristics of openness and permanence in York.

Paragraph 2.9

“ The detailed boundaries have then been assessed in the context of the existing built and rural environment and landscape - without taking account of the potential need for growth or expansion of the built-up area. Annexes 2, 3 and 4 therefore, present the potential boundary to the Green Belt should there be no unmet identified need or exceptional circumstances identified.

Paragraph 2.10

2.0 PLANNING CONTEXT

The York Local Plan Preferred Options (2013) [SD005] considered two options in relation to the purpose and function of the York Green Belt:

Option 1 – Preserving the setting and special character of York should form the primary purpose of York’s Green Belt.

Option 2 - equal weight should be given to all five NPPF Green Belt purposes.

Paragraph 4.4

“ The preferred approach (Option 1) was assessed by the Sustainability Appraisal (2013) [SD007] (SA) as performing better than the reasonable alternative (Option 2). The York Local Plan and its spatial strategy and policies have since progressed on this basis.

Paragraph 4.5

“ While prioritising the setting and special character of York, the Preferred Options Plan and SA did not conclude that no weight be given to the other purposes of Green Belt which land around York might serve. Therefore, in defining the boundaries of the York Green Belt, consideration has been given to these purposes as part of the process; this is important not only in terms of defining the most suitable boundary but also in relation to decisions around the level and type of harm which may be caused from the potential release of land to accommodate development needs and in terms of development management decision making. For example, a development of wind turbines may be judged to be less harmful in an area of Green Belt whose purpose relates to assisting in urban regeneration rather than setting and special character, given that it is unlikely that alternative urban land would exist to accommodate this type of development.

Paragraph 4.6

One of the principal functions of the York Green Belt is to preserve the setting and special character of historic towns and the addendum recognises that the strays and green wedges, which comprise land that is permanently open, make an important contribution to the setting and special character of York. Further to this the addendum also recognises that the strays and green wedges have prevented lateral coalescence of different parts of the urban area and have played a role in retaining the distinctive characteristics of earlier individual settlements. The addendum has identified several areas within the city that are essential to preventing coalescence, however Monk Stray and Green Wedge has not been identified as being one of those areas.

The detailed examination of openness found that:

“ Purpose 4: To preserve the setting and specialist character of historic towns: Openness is an important feature to the special character and setting of York. The form of spatial landscape features such as strays, ings and wedges, as well as the overall context of the city and its villages within a wider countryside setting, require protection. But also important to protect are the views,

perceptions and connectivity of the countryside to the city as well as its unique features such as its compactness and strong urban form. Other aspects of openness can influence the setting of historic architectural character or important historical landmarks and assets.

Page 37

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Page 37

2.18 CITY OF YORK LOCAL DEVELOPMENT FRAMEWORK - GREEN CORRIDORS (2011)

This document reviews the outcomes of work on Green Corridor mapping, and introduces the many ways in which Green Infrastructure can influence policy development and land management.

“ Green Infrastructure includes semi-natural habitats cultural and historic landscapes such as parks and gardens, York’s Ings and Strays, historic and ancient monuments; as well as features of the wider rural landscape such as footpaths, hedgerows and game coverts. The historic landscape provides the City and its outlying villages with a rural setting, contributing much to its character. In urban areas, Green Infrastructure assets offer green porosity, and include open spaces such as allotments, public parks, cemeteries and previously developed land.....

Paragraph 3

Natural England, working in close association with other partner organisations including the City of York Council, have mapped green corridors with an aim of providing an evidence base for assets which will give local authorities and partner organisations evidence necessary to protect strategic green corridors and provide enhancement where necessary. Four plans are attached to the report which illustrate the regional, district and local green corridors within the City of York, with the forth plan being a combination of all green corridors. Monk Stray is included at the district level, however the green wedge is not included. The site lies outside the green corridor designation.

2.0 PLANNING CONTEXT

2.19 CITY OF YORK LOCAL PLAN EVIDENCE BASE: OPEN SPACE AND GREEN INFRASTRUCTURE (2014)

The City of York Council commissioned consultants to produce an Open Space Report in 2008 to support the emerging open space policy approach through the LDF Core Strategy. The Report provided a comprehensive audit of open spaces and green infrastructure in the City and set locally established open space standards for all typologies of open space compliant with PPG17 as well as a recommended policy approach. This study was revised in 2014 with an Open Space Study to ensure the evidence base was NPPF compliant as this superseded PPG17 as the relevant guidance. The 2014 report reviewed the original 2008 Open Space Study, ensuring the methodology was still fit for purpose and found that the open space standards, established in 2008 are still valid and can be applied as benchmarks for future development at strategic and local scales.

The report reviewed Local Plan Preferred Options policies relating to green infrastructure, biodiversity and open space, and concluded:

“The rationale behind the policies and the aspirations for planning for York’s green spaces such that they “work like a connected park, linking the historic City centre to the City’s neighbourhoods and countryside through a series of extended strays for walking and cycling and making use of rivers” is sound and reflects current thinking..... and recommended that:rationalisation and restructuring is based on the need to present a coherent suite of policies which succinctly convey the aspirations for environmental protection and enhancement, from the ‘basics’ of protecting what exists (open spaces, pitches, biodiversity, trees) to enhancing resources through additional provision and better management, through to the development of a strategy which integrates and advances these actions.

Paragraph 4.2.1



Figure 2.1: City of York’s Approach to defining the extent of strategic areas to remain open.

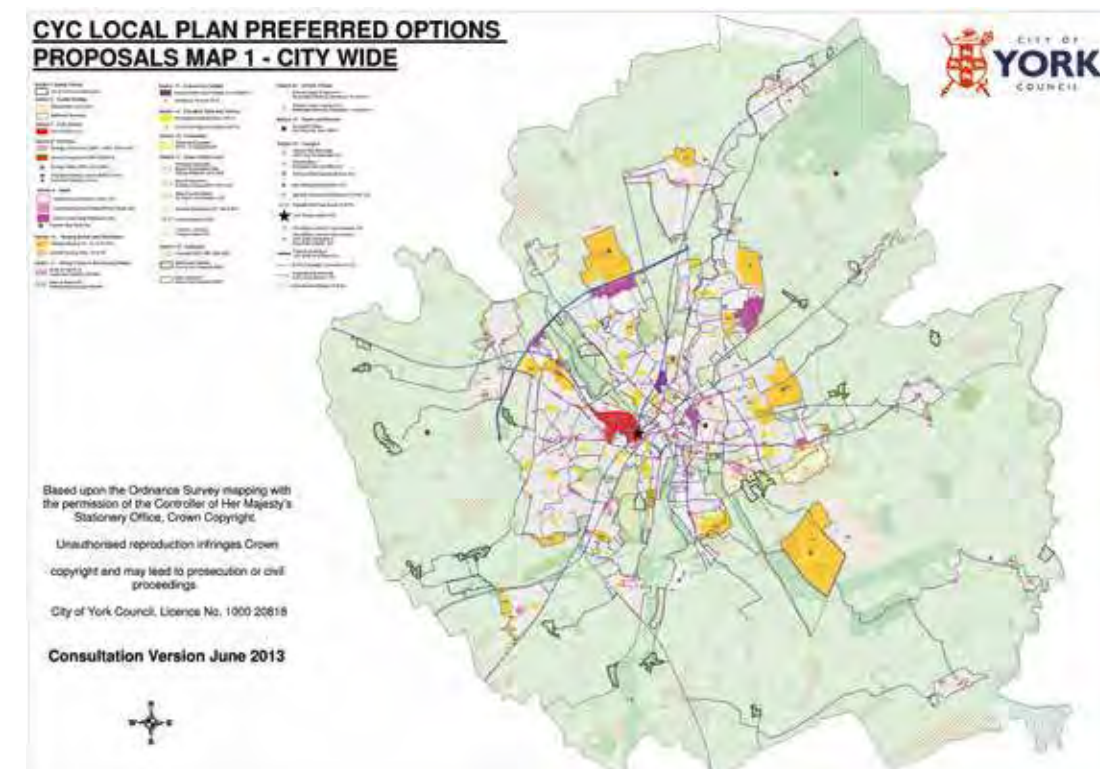


Figure 2.2: City of York’s Local Plan Preferred Options Proposals Map.

3.0 THE SITE

3.0 THE SITE

3.1 THE SITE

Figures 3.2 to 3.4 illustrate the character of the site and its boundaries with the urban edge of York.

3.2 LAND USE

The site is predominantly flat and comprises three parcels, and extends to approximately seven hectares. At the time of assessment the fields had just been cut for a forage crop. The site is located within a landscape that has characteristics broadly consistent with agricultural land-use with small scale field patterns, however there is a heavy influence from the urban edge of York (see Figure 3.1). This is low grade farmland which is isolated and fragmented from the wider farmland to the north east by New Lane and Malton Road, which is one of the main routes into York. The volume and noise of the traffic promotes a largely urban quality. There is little sense of place.

An area to the north west of the site, adjacent to the residential properties at Ferguson Way had been left uncut and whilst at the time of assessment, comprised a mixture of meadow grasses and occasional wildflowers, had a sense of abandonment, with large amounts of fly tipping and several desire line footpaths leading towards Morritt Close through a gap within the hedgerow.

To the south-east corner of the site, an area of brownfield land exists which is currently characterised by a collection of buildings which detract from the wider setting of the site.

3.3 BOUNDARY FEATURES

The site is defined and enclosed by native, mature hedgerows, with hawthorn as the dominant species, which largely restrict intervisibility between the site and the wider landscape context. The hedgerow boundaries have been identified as being in existence from at least the time of the 1st edition Ordnance Survey of 1852. Glimpsed views are afforded at gateways and where a section of missing hedgerow on Malton Road enables visual access across the south eastern corner of the site. Internal boundaries are provided by a mature hedgerow, with hedgerow trees which dissects the south eastern extent of the site and an internal shelterbelt, running north east to south west (see Figures 3.2 to 3.4).

To the south west, the boundary of the site is defined by the rear gardens of residential properties at the suburban edge of York, with a deep and steeply sided drain running along the perimeter boundary. These residential properties are a dominant and highly visible feature on the boundary and provide a built context for the landscape.

To the south east corner of the site are a collection of low quality buildings which operate as a commercial garage and other associated businesses and a detached residential property, which stands in mature gardens and is enclosed by a high hedge with mature trees and shrubs.

3.4 THE PROPOSAL (See Figure 3.5)

The site boundary borders existing residential development and is located with York's Green Belt. Part of the site has previously been promoted within York's emerging Local Plan for residential

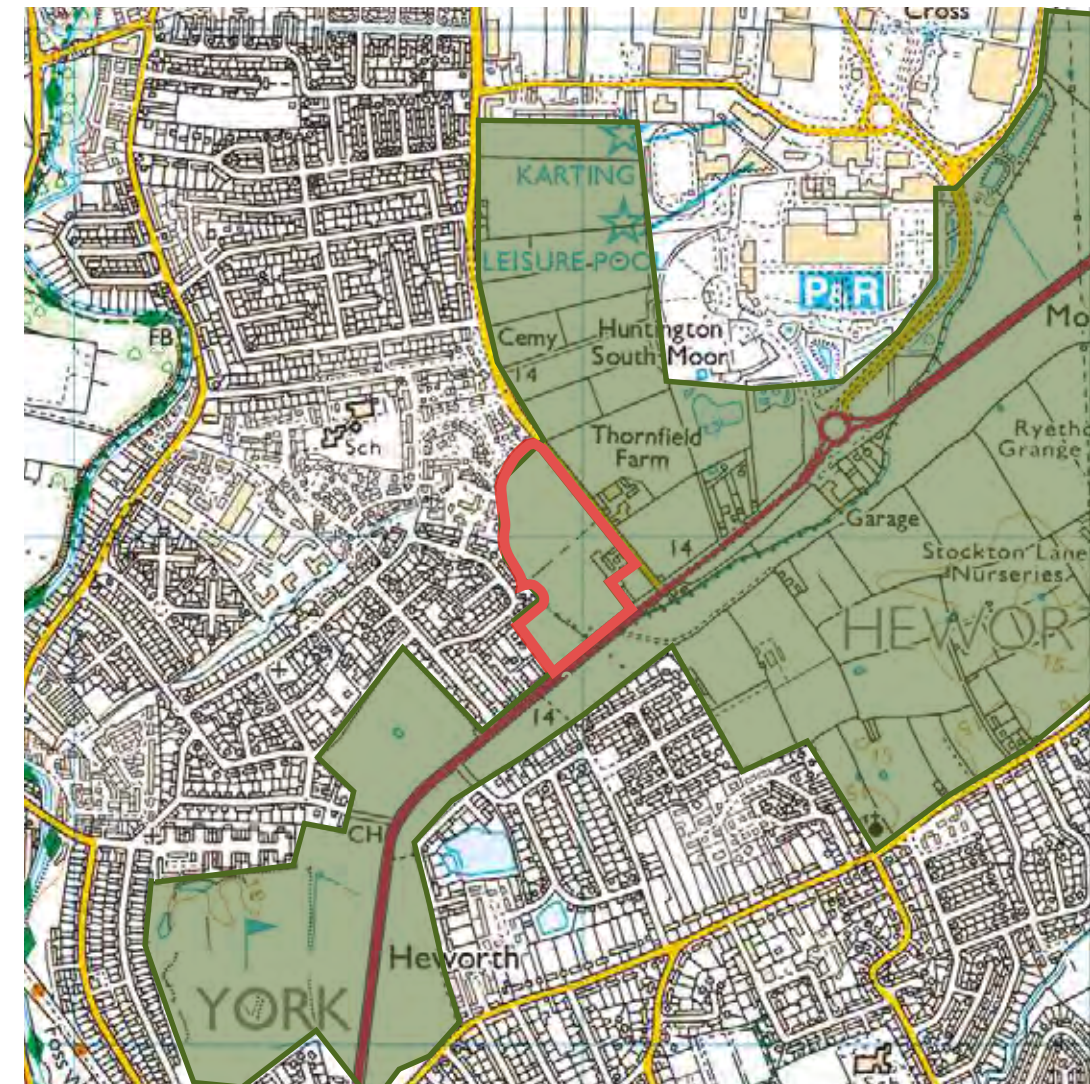


Figure 3.1: Extent of York Green Belt.



development but was previously omitted on the basis of Flood Risk to the northern extent of the site. However, the site has continued to be promoted for residential development within York's Local Plan due to a shortfall in new housing generally within York and the perception that this site can help support the local housing need.

The concept masterplan combines the constraints and opportunities of the land at Malton Road to create an initial masterplan to support residential development. See Figure 3.5.

3.0 THE SITE



Figure 3.2: View 1 - The Site (looking west from New Lane)



Figure 3.3: View 2 - The Site (looking west)



Figure 3.4: View 3 - The Site (looking west from Malton Road)

3.0 THE SITE

LAND AT MALTON ROAD, YORK

GREEN BELT APPRAISAL

BANKS PROPERTY LTD

JULY 2019

PREPARED BY
RURAL SOLUTIONS LTD

RUR000780 RPT03 V2



LEGEND

- Site boundary 6.73Ha
- Public open space
- Development blocks
- Footpath & shared surface street
- Cycle path
- Access to development blocks
- Access to open space
- ★ Key marker buildings
- Key frontages

Carter Jonas

PROJECT TITLE

MALTON ROAD, YORK

DRAWING TITLE

CONCEPT MASTERPLAN

ISSUED BY	London	T: 020 7016 0720
DATE	19.07.19	DRAWN DW
SCALE@A3	1:2000	CHECKED JC
STATUS	Draft	APPROVED JC

DWG. NO. J002644_004

No dimensions are to be scaled from this drawing.
All dimensions are to be checked on site.
Area measurements for indicative purposes only.

© Carter Jonas. Quality Assured to BS EN ISO 9001 : 2008

Source: Ordnance Survey

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Figure 3.5: Site Concept Masterplan (Carter Jonas)

4.0 GREEN BELT APPRAISAL

4.0 GREEN BELT APPRAISAL

4.1 OPTION ONE - PRESERVE THE SETTING AND SPECIAL CHARACTER OF YORK

The following section seeks to assess the City of York's Green Belt assessment based on their chosen appraisal method associated with The York Local Plan Preferred Options (2013) which previously considered two options in relation to assessing the purpose and function of the York Green Belt:

- Option 1 – 'Preserving the setting and special character of York'. (CYC Preferred Approach)
- Option 2 - 'Equal weight should be given to all five NPPF Green Belt purposes'

This section seeks to carried out additional assessment based on Option 2 due to the limited contribution of the Site to preserving the setting and special character of York.

PURPOSE 4: TO PRESERVE THE SETTING AND SPECIAL CHARACTER OF HISTORIC TOWNS

The City of York local plan (TPI) - the approach to Defining York's Green Belt Addendum (2019) establishes the need to preserve the setting and special character of the historic city of York forms the primary purpose of the York Green Belt.

The NPPF (2012) and NPPG provide advice on how heritage assets and the historic environment should be conserved regarding significance, character and setting. All heritage assets have a setting, and elements of this, such as environmental factors and land uses in the vicinity, influence our understanding of the historic relationship between places.

Paragraph 4.11

Historic England advice tells us that specialist character of a place may include "its relationships with people, materials and spaces associated with its history, including its original configuration and subsequent losses and changes." It also indicates that extensive heritage assets, such as landscapes and townscapes (as in the case of York), can include nested and overlapping settings, as well as having a setting of their own and this is explicitly recognised in Green Belt designations.

Paragraph 4.12

TPI (2018) explains that the areas of land established within the Green Belt Appraisal are those which are of primary importance to the setting and special character of the city and therefore need to be kept permanently open within the general extent of the Green Belt.

Paragraph 4.15

TPI sets out a series of features which are important to preserve the setting and special character of York:

As shown at Figure 3 below the Green Belt Appraisal identifies land under the following categories – village setting, "strays", river corridors, areas retaining rural setting, areas preventing coalescence,

green wedges and extension of green wedges. By keeping this land permanently open, development is channelled towards less sensitive locations and minimising harm to the setting and special character of York. The Green Belt Appraisal does not identify everything which is special about York. Areas not identified on the appraisal map may still be important to the historic character and setting but the map only identifies the most important areas.

Paragraph 4.16

In areas not identified on the appraisal map, potential harm should still be investigated when assessing sites or potential development. It should also be noted that areas identified by the appraisal may also serve more than one historic character function and more than one Green Belt purpose.

Paragraph 4.18

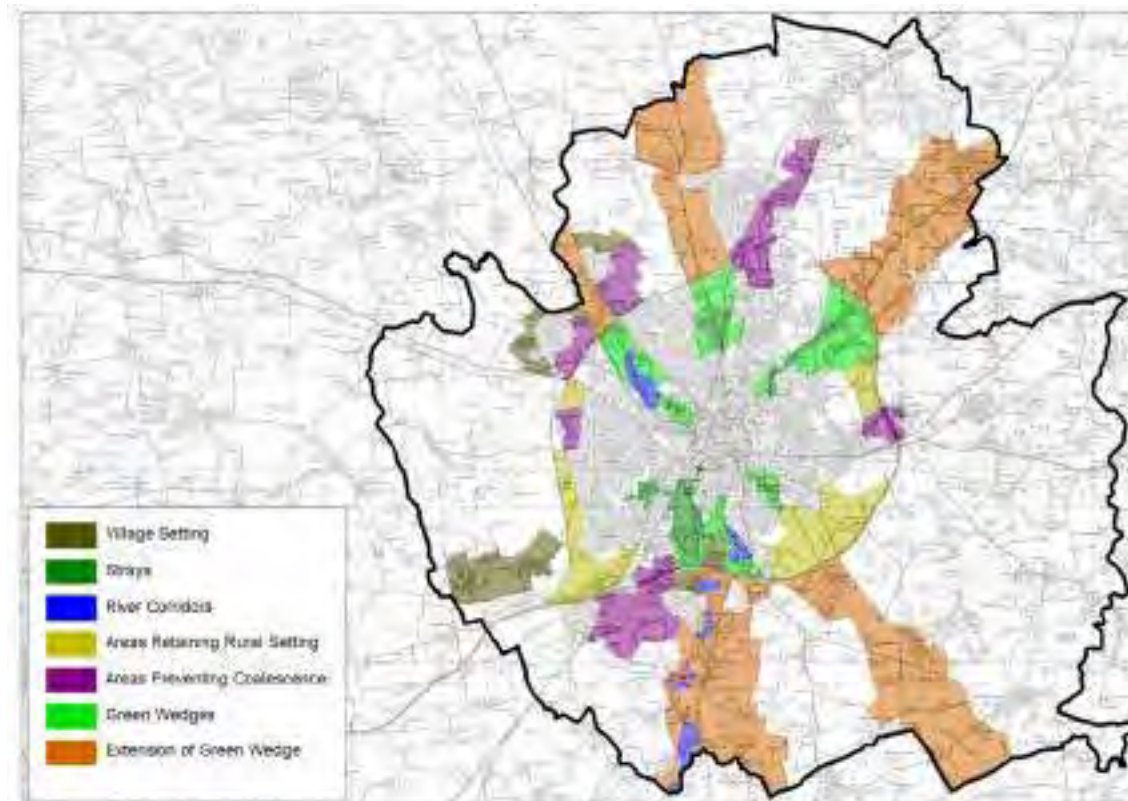


Figure 5.1: Areas Important to York's Special Character and Setting (City of York)

The site lies predominantly beyond the special features identified on the map, with only the south eastern area included within the green wedge. This green wedge designation has been acknowledged through the development of the masterplan and development would be set back from Malton Road, creating an area of public green space, with soft landscaping retaining an open aspect which protects the green wedge and enhances the approach to the city for users of Malton Road.

The City of York Approach to the Green Belt Appraisal (2003) and its subsequent historic character and setting updates identify the key components which are important to York's setting and special character as:

4.0 GREEN BELT APPRAISAL

1. Open approaches to the city
2. Green Wedges
3. Views of the Minster
4. Character of the Landscape
5. Urban Form
6. Relationship between the urban edge and the countryside
7. The relationship with the surrounding villages

These components have been grouped together as four categories that represent, in the City of York's, view the Most Valuable Areas of Green Belt and comprise:

Appraisal of the finding of The City of York Approach to the Green Belt	
1 - AREAS WHICH RETAIN, REINFORCE AND EXTEND THE PATTERN OF HISTORIC GREEN WEDGES	
1	The proposed development of residential dwellings at the site will positively promote all of these components, safeguarding the special characteristics and creating a new, high quality public green space which will enhance and compliment the green wedge, Monk Stray and enhance the open approach to the city and provide a softer transition between the rural landscape to the east and the existing suburban edge.
2	The south eastern edge of the site is designated as green wedge and abuts Monk Stray. It is proposed that development here would be set back from Malton Road, creating an area of public green space, with soft landscaping retaining an open aspect which protects the green wedge and enhances the approach to the city for users of Malton Road.
3	The strategic review of the green belt boundary undertaken by the City of York Council as a part of the 2019 addendum, within land surrounding the site, concluded that, for all boundaries, except those associated with Monk Stray and the green wedge, the land was not important in preserving the setting and special character of York, however it was an important part of 'reading' the context of the green wedge.
4	Boundaries that define and abut the green wedge and Monk Stray are considered to be significant. Within the site, the boundary to the south west with Sefton Avenue is considered to be important. The boundary follows the route of a historic footpath and has legibility connected with both extant hedgerows which date back to the time of the 1st edition Ordnance Survey and to the enclosure of the land.
2 - AREAS WHICH PROVIDE AN IMPRESSION OF A HISTORIC CITY SITUATED WITHIN A RURAL SETTING	
1	There are no views of the Minster currently afforded from within the site, due to its location adjacent to the existing residential development, therefore its development will not harm the extant views afforded from Malton Road and Monk Stray. The masterplan aims to provide an area of public green space setting the development back from Malton Road. By creating a high quality public open space, the green wedge and Monk Stray will have an enhanced setting within which views along Malton Road to the Minster can be fully appreciated.
2	The site is currently disconnected from its wider agricultural setting, as an island of pasture, by New Lane and Malton Road, with both roads providing a strong and defensible boundary to further development of the site. The proposed development will provide a softer transition from rural to urban landscape, enhancing habitat and will retain the existing boundary and internal hedgerows and shelterbelt, assisting in providing enhanced green links to the wider landscape.
3	A mature and robust hedgerow separates the site from New Lane, which will be retained and enhanced. This hedgerow is part of the mosaic of hedgerows across the site which are understood to date from the time of the 1st edition Ordnance Survey and indicate the lines of original field enclosures. By retaining and maintaining these hedgerows, links to the past will be retained, the special historic qualities of the site protected and the relationship between the urban edge and the countryside preserved.

4.0 GREEN BELT APPRAISAL

3 - THE SETTING OF VILLAGES WHOSE TRADITIONAL FORM, CHARACTER AND RELATIONSHIP WITH THE SURROUNDING AGRICULTURAL LANDSCAPE IS SUBSTANTIALLY UNCHANGED

1	The existing urban form of the city comprises the historic core, surrounded by amalgamated villages that surround the city. The green wedges and strays protect the valuable areas of green space between the amalgamated settlements. The site abuts Monk Stray and comprises an area of green wedge along the south eastern boundary. By creating an area of public open space along Malton Road, the existing harsh urban edge of the city will be protected and with a high-quality area of green space along the boundary with Malton Road, the principal of the green wedges will be preserved and enhanced.
---	--

4 - AREAS WHICH PREVENT THE COALESCENCE OF SETTLEMENTS TO RETAIN THEIR IDENTITY

1	The proposed development of the site would not extend the settlement edge of York, which is defined by New Lane. Development here would promote a high quality, well designed space, where new residential properties are set within a green framework, enhancing the settlement edge and enhancing habitat.
2	By developing up to New Lane, the compactness of the city will be retained and views out across the landscape to the north east will be retained.
3	There are no outlying villages within close proximity of the site and development of the site would not therefore contribute to the coalescence of settlements.
4	An area of existing brownfield land is located towards the south-eastern corner of the site, helping to support the existing precedent of partial development within this location, without the risk of establishing significant levels of harm to the Green Belt or contributing to the wider coalescence of development.

4.2 OPTION TWO - REVIEW OF THE SITE AGAINST THE FIVE PURPOSES OF THE GREEN BELT

The site at land off Malton Road has been reviewed against the five purposes of the Green Belt, as set out in Paragraph 134 of the NPPF:

Green Belt serves five purposes:

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

Appraisal of Function of Green Belt

CHECK UNRESTRICTED SPRAWL OF LARGE BUILT UP AREAS

1	The boundaries of the site are well defined and follow strong, well defined features. The site is well contained within these boundaries and there would be no scope any sprawl beyond the site due to the existing defined boundaries.
2	The boundary to the north east is provided by New Lane, which connects the residential areas to the north of the site with Malton Road and provides a strong linear edge, separating the residential areas to the west from farmland to the east. Beyond New Lane are a number of rectilinear fields, which separate the residential, suburban edge of York from the out of town retail and commercial centre at Monks Cross and Vanguard. For users of New Lane, views across this farmland will be retained, whilst New Lane will check the spread of urban sprawl.

4.0 GREEN BELT APPRAISAL

3	A mature and robust hedgerow separates the site from New Lane, which will be retained and enhanced. This hedgerow is part of the mosaic of hedgerows across the site which are understood to date from the time of the 1st edition Ordnance Survey and indicate the lines of original field enclosures. By retaining and maintaining these hedgerows, links to the past will be retained and the special historic qualities of the site preserved.
4	The boundary to the south east is formed by Malton Road, which is one of the main routes into the city. Beyond Malton Road is Monk Stray, which is one of the historic strays of the city and is protected from development through planning policy.
5	The boundaries to the north, west and south west are defined by the existing suburban edge of York, with residential properties standing at Sefton Avenue, Barfield Road, Morrill Close and Ferguson Way. There is a ditch and hedgerow along this boundary, the hedgerow is understood to date from the time of the 1st edition Ordnance Survey and denotes the line of former enclosed fields. At the south eastern corner of the site stands a detached residential property, standing in mature gardens with robust boundary planting and a commercial garage.
6	The site is well contained within these strongly defined boundaries and there would be no scope for any sprawl beyond the site.

PREVENT NEIGHBOURING TOWNS MERGING

1	The proposed development of the site would not extend the settlement edge of York, which is defined by New Lane. Development here would promote a high quality, well designed space, where new residential properties are set within a green framework, enhancing the settlement edge and enhancing habitat.
2	By developing up to New Lane, the compactness of the city will be retained and views out across the landscape to the north east will be retained.
3	There are no outlying villages within close proximity of the site and development of the site would not therefore contribute to the coalescence of settlements.

ASSIST IN SAFEGUARDING THE COUNTRYSIDE FROM ENCROACHMENT

1	The site is currently disconnected from its wider agricultural setting by New Lane and Malton Road, with both roads providing a strong and defensible boundary to further development of the site.
2	The site is currently an island of farmland, with limited green connections to its wider setting. The proposed development will include enhance habitat and will retain the existing boundary and internal hedgerows and shelterbelt, assisting in providing enhanced green links to the wider landscape.
3	The south eastern edge of the site is designated as green wedge and abuts Monk Stray. It is proposed that development here would be set back from Malton Road, creating an area of public green space, with soft landscaping retaining an open aspect which protects the green wedge and enhances the approach to the city for users of Malton Road. An area of existing brownfield land is located towards the south-eastern corner of the site, which would be used as part of the overall developable area.

4.0 GREEN BELT APPRAISAL

PRESERVE THE SETTING AND SPECIAL HISTORIC CHARACTER OF YORK

1	<p><i>The City of York Approach to the Green Belt Appraisal (2003) and its subsequent historic character and setting updates identify the key components which are important to York's setting and special character as:</i></p> <ol style="list-style-type: none"> 1. <i>Open approaches to the city</i> 2. <i>Green Wedges</i> 3. <i>Views of the Minster</i> 4. <i>Character of the Landscape</i> 5. <i>Urban Form</i> 6. <i>Relationship between the urban edge and the countryside</i> 7. <i>The relationship with the surrounding villages</i>
2	The proposed development of the site will positively promote all of these components, safeguarding the special characteristics and creating a new, high quality public green space which will enhance and compliment the green wedge, Monk Stray and enhance the open approach to the city.
3	The south eastern edge of the site is designated as green wedge and abuts Monk Stray. It is proposed that development here would be set back from Malton Road, creating an area of public green space, with soft landscaping retaining an open aspect which protects the green wedge and enhances the approach to the city for users of Malton Road.
4	There are no views of the Minster currently afforded from within the site, due to its location adjacent to the existing residential development, therefore its development will not harm the extant views afforded from Malton Road and Monk Stray.
5	A mature and robust hedgerow separates the site from New Lane, which will be retained and enhanced. This hedgerow is part of the mosaic of hedgerows across the site which are understood to date from the time of the 1st edition Ordnance Survey and indicate the lines of original field enclosures. By retaining and maintaining these hedgerows, links to the past will be retained, the special historic qualities of the site protected and the relationship between the urban edge and the countryside preserved.
6	The existing urban form of the city comprises the historic core, surrounded by amalgamated villages that surround the city. The green wedges and strays protect the valuable areas of green space between the amalgamated settlements. The site abuts Monk Stray and comprises an area of green wedge along the south eastern boundary. By retaining an area of public open space along Malton Road, the existing urban form will be protected and with a high quality area of green space along the boundary with Malton Road, the principal of the green wedges is preserved and enhanced.

ASSIST IN URBAN REGENERATION

1	Development opportunities within the urban core of are largely restricted by the existing built form, historic significance of many of the key buildings and with a limited supply of brownfield sites available, the need to look beyond brownfield allocation is necessary to accommodate the future predicted growth of the city.
2	Part of the site is classified as existing brownfield and is isolated from its wider agricultural setting and well defined by strong boundaries, making the site suitable for future development.

It is therefore concluded that, by setting the boundaries of the green belt around the site, the functions of the green belt in preserving the setting and character of York will be maintained and the five purposes of the green belt, as set out in the NPPF will also be safeguarded.

5.0 CONCLUSIONS

5.0 CONCLUSIONS

5.1 CONCLUSIONS

The purpose of this Green Belt Appraisal in relation to the site is:

- to ensure that York's Green Belt boundaries meet the objectives of Section 13 of the NPPF;
- to ensure that the proposed boundaries meet the tests set under Paragraph 136 of the NPPF;
- to respect the special and specific purposes of the York draft Green Belt as set through local guidance documents and use this local guidance to define and inform the boundaries; and
- to ensure a sustainable development is achievable within a realistic Green Belt boundary that will not need to be altered at the end of the plan period.

The criteria set out in the City of York Local Plan - Approach to the Green Belt Appraisal 2003, as a set of important reasons why the landscape surrounding the site is considered to be significant, which contribute to the historic character and setting of York, were used to assess the functions of wider impacts on the surrounding Green Belt.

To ensure the site meets the Green Belt objectives identified above, the following were reviewed and analysed to inform the evolving masterplan and subsequent site boundary:

- City of York Local Plan Evidence Base - Open Space and Green Infrastructure 2014
- City of York Local Plan Evidence Base - Open Space and Green Infrastructure Update 2017
- City of York Council Technical Paper - Green Corridors 2011
- City of York Heritage Topic paper Update 2014
- City of York Historic Environment Characterisation Project 2014
- City of York Historic Character and Setting Technical Paper 2011
- City of York Historic Character and Setting Technical Paper Update 2013
- City of York Local Plan - Approach to the Green Belt Appraisal 2003
- City of York Local Plan - Approach to Defining York's Green Belt 2018
- City of York Topic Paper 1 - Approach to Defining York's Green Belt - Addendum 2019
- City of York Topic Paper 1 - Approach to Defining York's Green Belt - Addendum Annex 3 2019
- City of York Local Plan - Site Selection Paper Addendum 2014
- National Planning Policy Framework 2019

Through this policy review and subsequent further analysis as set out in this appraisal, it has been demonstrated that it is entirely appropriate for the City of York Council to set its Green Belt boundaries, taking into account the proposed development within the site in order to:

- actively assist in addressing the identified shortfall in housing locally through making a meaningful contribution towards housing supply locally and supporting City of York Council in realising their economic growth agenda through the provision of sustainable development;
- Follow existing physical features which are recognisable within the immediate context of the site

and wider landscape character and pattern of settlements to the north-eastern edge of the City of York; and

- Meet the purposes of the Green Belt as set through National policy and existing and emerging local policy documents and guidance.

In summary, due to the presence of existing brownfield land, the highly sustainable location due to the site containing the potential to link positively with existing public transport routes, the well defined mature boundary vegetation, the lack of impacts arising from coalescence of existing development and the character of the site heavily influenced by existing urban character, it is considered that this site will not give rise to significant effects on York's Green Belt and therefore should be supported for future development.



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Site off Malton Road, York

Flood Risk and Drainage Feasibility Study

May 2019

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Revision History

Revision Ref/Date	Amendments	Issued to
Revision 1. 17 May 2019	Draft Report	Christopher Glass

Contract

This report describes work commissioned by Christopher Glass, on behalf of Banks Group, by an email dated 21 Jan 2018. Bank Group’s representative for the contract was Christopher Glass. Stephanie Lynes and Gavin Hodson of JBA Consulting carried out this work.

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 Senior Engineer

Purpose

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Acknowledgements

Thank you to the Environment Agency for providing the 2008 River Swale model.

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Executive summary

In consideration of the FRA, Drainage Strategy, model update and Topographic Survey for the site, the following conclusions and recommendations are made:

- The site is predominantly located in Flood Zone 1 with small areas in Flood Zones 2 and 3. A previous flood zone assessment found that the flood zones had overpredicted the extents. JBA have found that the existing model only extends to the northern boundary of the site which may overpredict flood levels and extents.
- The site is generally at a very low risk of surface water flooding, with Medium to Low risk around South Beck, and Low risk to the west and south of the Beck. It is at a very low risk of Reservoir flooding.
- The site is classed as more vulnerable, and development is likely to be built in Flood Zone 1 only. As such, the Sequential and Exception Tests are not required.
- There are a number of watercourses within a close vicinity of the site, South Beck flows through the site and an unnamed watercourse converges with South Beck to the south side of the site. The River Foss is located to the west of the site. No records of historic flooding at the site are held by the EA.
- The Foss 2008 Model Improvements Study has been extended upstream of the site. The flood level in a 100-year + 30% CC event derived from the model at of the site would be 12.35m AOD.
- The following recommendations have been made in relation to the development's design:
 - A conservative surface water climate change allowance of 40% has been used. The site has been split into two areas for drainage. Area A will need to accommodate 3387.54m³ and Area B 551.46m³ with a discharge rate of 1.4l/s/ha. It is proposed that Area A will host a pond and Area B, attenuation tanks under hardstanding. This will discharge into South Beck.
 - The IDB has requested a 9m access buffer around all watercourse bank tops and the culverted watercourse.
 - Finished Floor Levels (FFLs) will be set at a minimum of 600mm above the 100-year + 30%CC level i.e. a minimum finished floor level of 12.95m AOD.
 - Access and egress should provide a flood-free route to the site.
 - Impermeable areas should fall away from the buildings, forcing flood water to run away from, rather than towards the buildings.
 - Future residents should register for the EA's Flood Information Service on-line

Contents

1	Introduction	1
1.1	Overview	1
1.2	Location and description	1
1.3	Proposed development	2
1.4	Requirements for a Flood Risk Assessment	2
1.5	Report layout	2
2	Baseline environmental conditions	3
2.1	Topography	3
2.2	Local watercourses	3
2.3	Geology	4
2.4	Site investigation	4
3	Existing flood risk	7
3.1	Overview	7
3.2	Historical flood risk	7
3.3	Fluvial flood risk	7
3.4	Surface water flood risk	7
3.5	Reservoir breach	7
3.6	Flooding from groundwater	7
4	Fluvial flood risk analysis	8
4.1	Existing flood zones	8
4.2	Previous analysis	8
4.3	Hydraulic model upgrade	9
4.4	Climate change allowances	10
4.5	Model outputs	10
4.5.1	Flood extent and levels	10
5	Surface water drainage strategy	12
5.1	Existing surface water drainage	12
5.2	Permissible discharge rate	12
5.3	Proposed impermeable area	12
5.4	Climate change allowance	12
5.5	Storage requirements	12
5.6	Conceptual surface water drainage design	12
5.7	Consideration for infiltration drainage	13
5.8	Discharge into surface water body	13
5.9	Future adoption	14
6	Development design	15
6.1	Overview	15
6.2	Internal Drainage Board buffer	15
6.3	Building design layout	15
6.4	Finished floor levels	15
6.5	Access and egress	15
6.6	Flood warning	15
7	Summary	16
Appendices		
A	Key photos	I
B	Flood level cross sections	II
C	Cross section of attenuation pond	IV
D	Drainage schematic	V

List of Figures

Figure 1-1: Location Plan	1
Figure 2-1 : Environment Agency LiDAR	3
Figure 2-2: Local watercourses	4
Figure 2-3: Site photo locations and site notes summary	5
Figure 4-1: Environment Agency’s Flood Map for Planning	8
Figure 4-2: Model update schematic	9
Figure 4-3: Modelled flood extents and node locations	11
Figure 5-1: Drainage areas	13
Figure 5-2: Indicative drainage schematisation	14

List of Tables

Table 2-1: Site photographs	6
Table 4-1: Flood levels at node FOSS08_203 (Foss2008 model)	9
Table 4-2: Model update summary	9
Table 4-3: Peak river flow allowances for Humber river basin district (use 1961 to 1990 baseline)	10
Table 4-4: Maximum flood levels	11
Table 5-1: MicroDrainage quick storage estimations	12
Table 5-2: Required storage areas	13
Table 7-1: Site photographs	1

Abbreviations

BGS	British Geological Survey
CC	Climate Chane
CoY	City of York
EA	Environment Agency
FFL	Finished flood level
FMfP	Flood Map for Planning
FRA	Flood Risk Assessment
FZ	Flood zone
IDB	Internal Drainage Board
JBA	Jeremy Benn Associates
LiDAR	Light and Ranging Data
LLFA	Lead Local Flood Authority
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
QSE	Quick Storage Estimation
YCDB	York Consortium of Drainage Boards

1 Introduction

1.1 Overview

Jeremy Benn Associates (JBA) were commissioned by Banks Group to undertake a Flood Risk and drainage feasibility study for a proposed development site of Malton Road, York. The study including topographic survey of the site and associated watercourses and hydraulic modelling of South Beck, a watercourse flowing through the site.

Preliminary enquiries have been made to the Environment Agency (EA), the Lead Local Flood Authority (LLFA): City of York (CoY) requesting relevant flood risk information. Sewer records from Yorkshire Water were provided by the client for the local area around the proposed site.

1.2 Location and description

The site is located off Malton Road, to the east of York. The site is currently undeveloped (greenfield) and the red line boundary indicates the site area to be approximately 6.58 hectares. We understand that up to 120 dwellings will be developed on the site.

The north-eastern boundary abuts New Lane, on the opposite side of the road is a substation, and beyond are fields. To the northwest are residential dwellings, with rear gardens abutting the site. Malton Road, (A1036) runs along the southern boundary, with a field and residential development further beyond.

There is an "Ordinary Watercourse" (South Beck) which enters the site via culvert under Malton Road which flows through the site in a northerly direction before it enters a culvert again under Morrilt Close.



Figure 1-1: Location Plan

1.3 Proposed development

Whilst a MasterPlan has not been finalised, the Client has outlined that it is proposed that up to 120 residential units will developed on the site. Previously the site was allocated within the Draft 2014 Local Plan (site reference: H50). The Preferred sites Consultation Sustainability Appraisal July 2016¹ stated:

“The site may provide 73 houses and therefore is likely to be positive for meeting housing need... The site scores negatively in relation to water and flood risk because it is within proximity of 10m of an existing waterbody and incorporates/is adjacent to a high flood risk zone.”

Aside from flood risk, it scored positively in Health, Transport, Education, Equality and Accessibility. But scored negatively in relation to heritage, landscape, land use and it is within a green wedge.

1.4 Requirements for a Flood Risk Assessment

The requirements for a Flood Risk Assessment (FRA) are provided in the National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG). The NPPF outlines that a site-specific FRA should be submitted as part of a planning application for all development larger than 1ha in Flood Zone (FZ) 1 or any sized development within FZ2 and FZ3.

An FRA should describe and assess all flood risks (from rivers, the sea, reservoirs, sewers and groundwater) to and from the development and demonstrate how they will be managed, including an evaluation of the effects of climate change (CC).

1.5 Report layout

This report will follow the format as set out below:

- Assessment of current baseline environmental conditions
- Overview of existing flood risk
- Fluvial flood risk analysis
- Surface water drainage strategy
- Development design
- Report summary

¹http://www.york.gov.uk/downloads/file/15950/sd020_-_city_of_york_local_plan_preferred_sites_consultation_interim_sustainability_appraisal_july_2016_2019s0098 - Banks Group - Malton Road, York - Feasibility assesment.docx

2 Baseline environmental conditions

2.1 Topography

The general topography of the area is shown in Figure 2-1. The site slopes downhill towards the watercourse which flows in a northerly direction through the site.

Ground levels taken from JBA’s Topographic Survey indicate that the lowest point on the site is 12.14m AOD in the west and the highest ground level on site is 14.6m to the east of the site.

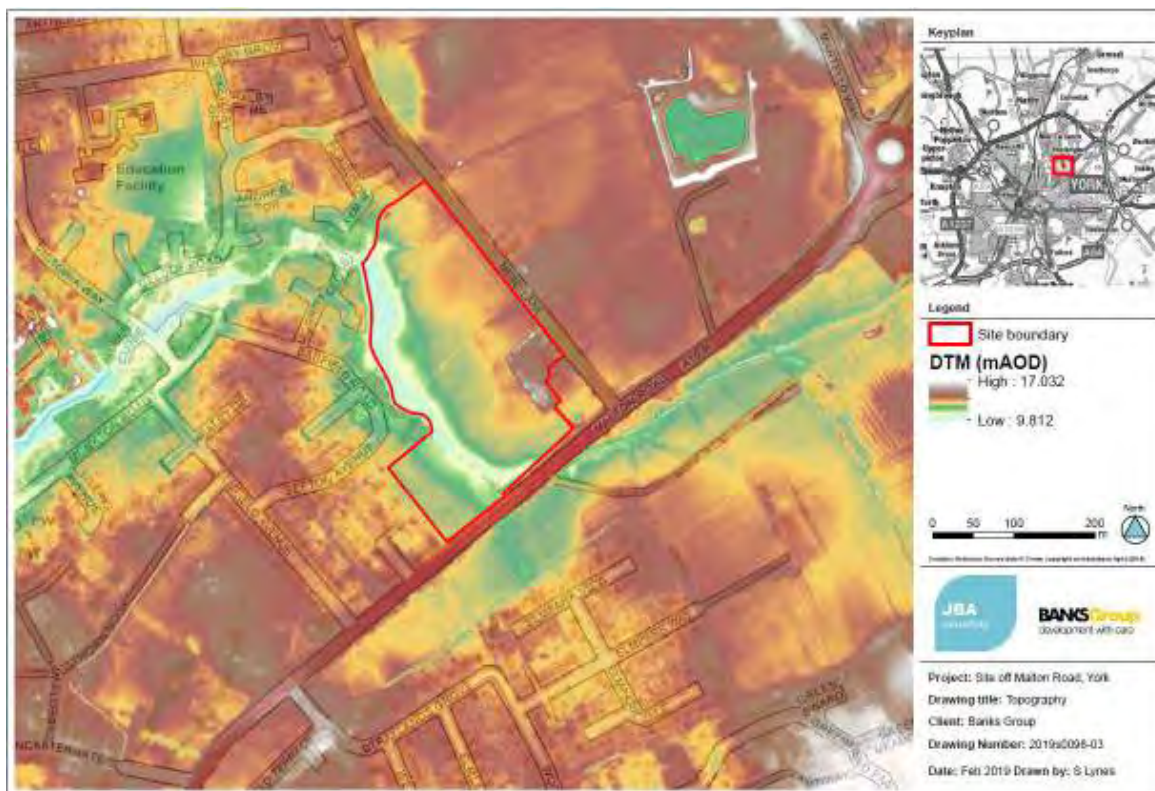


Figure 2-1 : Environment Agency LiDAR

2.2 Local watercourses

There are three waterbodies within the vicinity of the site. These are shown in Figure 2-2 and further described below.

South Beck flows in a northerly direction through the site, entering the site from the south-west under Malton Road. Another culverted watercourse enters the site via the south-western boundary after flowing under Malton Road. The watercourse meets South Beck in a culvert chamber in the site. South Beck flows along the majority of the western boundary before leaving the site to the east of Morrit Close. South Beck is then culverted and reappears in an open channel to the west of Albert Close.

The River Foss is an Environment Agency ‘Main River’ located 670m to the west. South Beck meets the River Foss to the South West of the site.

The York Consortium of Drainage Boards (YCDB) have outlined that there may be a culverted watercourse which “runs from New Lane behind the properties on Ferguson Way to South Beck”. An approximate location of this watercourse has been plotted on Figure 2-2.

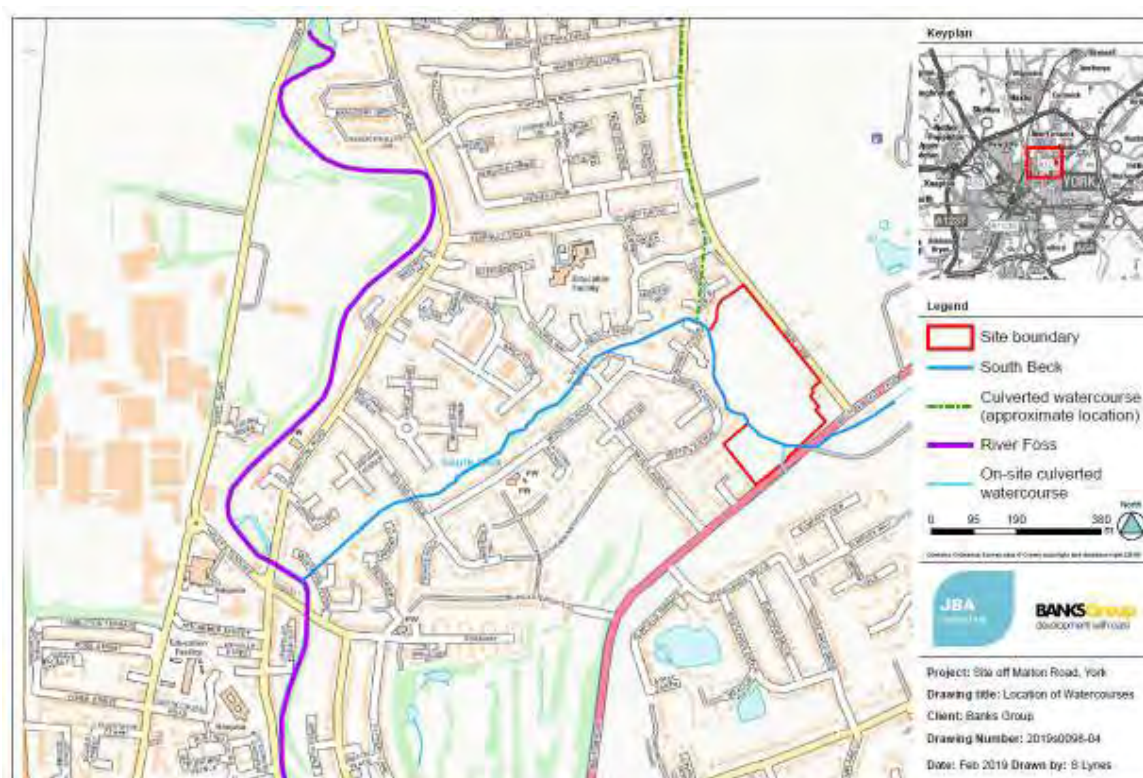


Figure 2-2: Local watercourses

2.3 Geology

The British Geological Survey (BGS) Geology of Britain² viewer and public borehole records indicates that superficial deposits are from the Alne Glaciolacustrine Formation comprising of Clay deposits. According to Landis³, the soils are slowly permeable, seasonally wet and slightly acidic but base-rich loamy and clayey. As such, drainage is impeded. The bedrock geology of the site is comprised of sandstone (Sherwood Sandstone Group).

2.4 Site investigation

A site visit was undertaken by Stephanie Lynes and Lea Eyre on 18th February 2019 to assess the condition of the watercourse at the site and both upstream and downstream of the site. It also allowed for closer inspection of the topography of the local area and at the site.

Generally, it was found that South Beck was in a good condition as shown. On the site there was an unidentified water course which was found.

Figure 2-3 provides a summary of findings and key photos. Additional information is provided in Appendix A.

² <http://mapapps.bgs.ac.uk/geologyofbritain/home.html>

³ <http://www.landis.org.uk/soilscapes/>

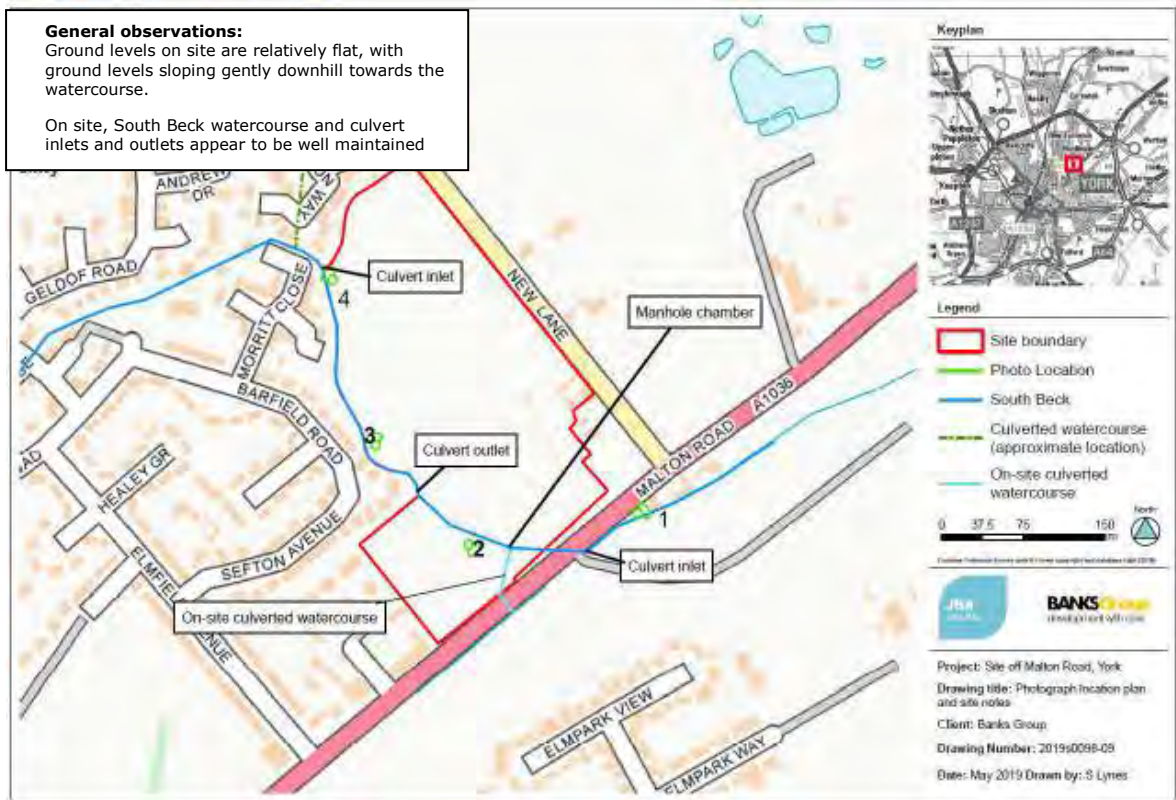





Figure 2-3: Site photo locations and site notes summary

Table 2-1: Site photographs	
	<p>Photograph 1 Inlet to culvert on South Beck to the south of Malton Road. Structure surveyed as part of JBA watercourse survey</p>
	<p>Photograph 2 Outlet to culvert under Malton Road on South Beck. Structure surveyed as part of JBA watercourse survey</p>
	<p>Photograph 3 Open watercourse with the site boundary</p>
	<p>Photograph 4 Inlet to culvert on South Beck in the northern corner of the site. Structure surveyed as part of JBA watercourse survey</p>

3 Existing flood risk

3.1 Overview

FRAs should describe and assess all flood risks (from rivers, the sea, reservoirs, sewers and groundwater) to and from the development and demonstrate how they will be managed, including an evaluation of the effects of climate change.

Our flood risk assessment has found the following:

- The EA hold no records of historic flooding on the site
- The site is at a very low to high risk of flooding, with the higher risk located closer to South Beck.
- The site is at a Low to High risk of flooding, with the higher risk located along and close to South Beck. The Foss 2008 model has been extended upstream of the site to provide more detail of flooding at the site.
- The site is at a very low risk of flooding from reservoirs and groundwater.

3.2 Historical flood risk

Historic flood records were requested from the EA, however, they have no historic records of flood risk on the site. The closest flood extents provided were from the River Foss flooding.

3.3 Fluvial flood risk

The EA's "flood risk from rivers or the sea" map shows that the western side of the site, adjacent to the watercourse is at a high risk (annual chance of flooding is greater than 1 in 30 (3.3%)) of flooding. This affects the lowest ground levels on the site.

Flood risk has been modelled on the site using the 2008 Foss Model. The EA's model has been extended and discussed further in Section 4 of this report.

3.4 Surface water flood risk

The EA's "flood risk from surface water map" shows that there is a very low (annual probability of flooding of <0.1%) to high risk (annual probability of flooding of >3.3%) of flooding across the site. The high risk is situated along the river channel, the medium risk (annual probability of flooding between 1% and 3.3%) extent is slightly larger, also filling low spots adjacent to the channel. The area at low risk (annual probability of flooding between <0.1%) extends further into the site, however, water would flow back into the channel.

In a medium risk event, depths would be up to 0.3m on the bank. Depths would be up to 0.9m in a low risk event, the higher depths would be centred over the lower ground levels next to the channel.

3.5 Reservoir breach

The EA's "Flood risk from reservoirs" indicates there is a very low risk from flooding.

3.6 Flooding from groundwater

According to JBA Consulting's groundwater dataset, the site is at a negligible risk of flooding.

Borehole data is available through the British Geological Society's (BGS) Geology of Britain Viewer ⁴. Borehole records close to the site showed that groundwater was located 6.5-8m below the ground level. As such, ground water flooding at the site is unlikely.

⁴ <http://mapapps.bgs.ac.uk/geologyofbritain/home.html>
2019s0098 - Banks Group - Malton Road, York - Feasibility assesment.docx

4 Fluvial flood risk analysis

4.1 Existing flood zones

The EA's Flood Map for Planning (FMfP) shows the site is located predominantly within FZ 1 and the area around South Beck is located in FZs 2 and 3, as shown in Figure 4-1.

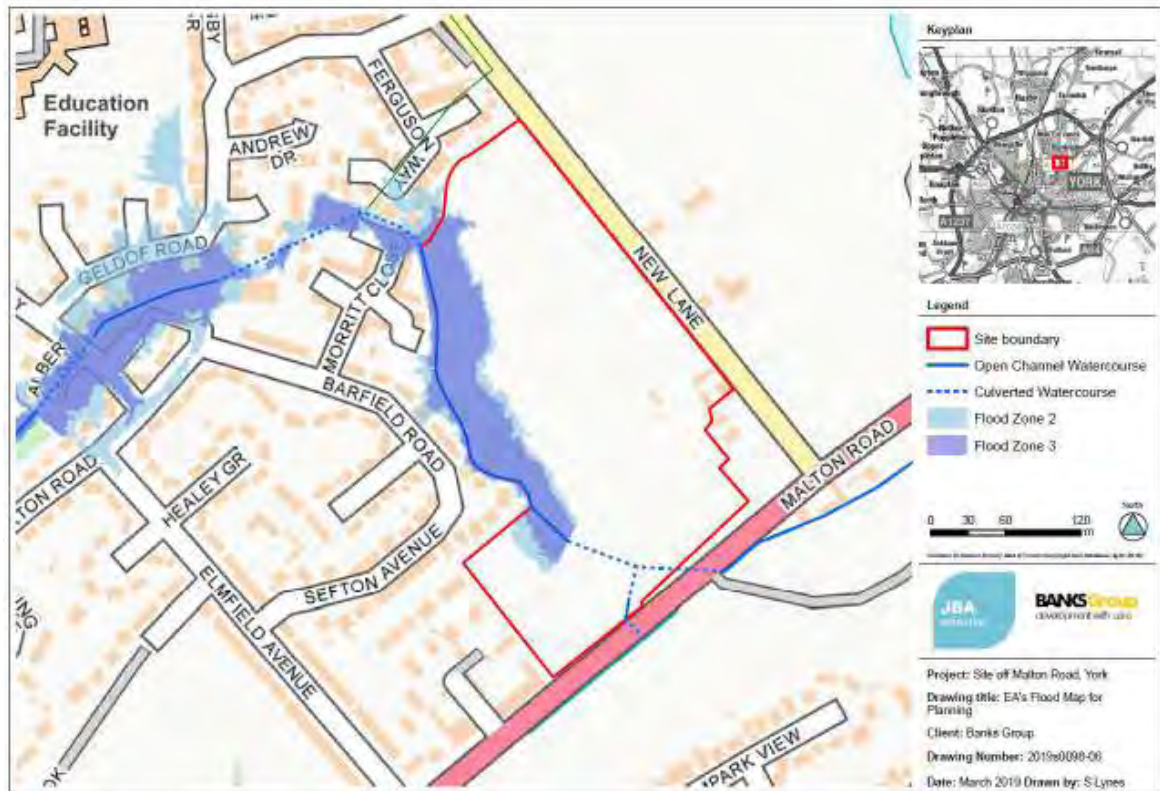


Figure 4-1: Environment Agency's Flood Map for Planning

The FMfP outlines are based on the Foss 2008 hydraulic model, however, this model does not extend through the site. As a result, some flooding mechanisms which could affect the site have not been accounted for. In addition, there are discrepancies between the EA's LiDAR and JBA's topographic survey. Both of these factors could affect the flood zone extents on the site.

4.2 Previous analysis

The FZs have previously been assessed in a report written by URS, named "Malton Lane Technical Note – Flood Risk" in 2012. Flood levels produced in the 2008 Foss Model Improvements Study were projected over the EA's DTM. The study found that the extents should have been smaller over the site than the FMfP indicated at the time. It also outlined that a topographic survey should be undertaken to confirm these extents as small differences in ground levels would have a large impact on flood extents.

Since the 2012 study was undertaken, the flood extents on the FMfP have been reduced, however, they are still larger than the extents shown in the URS report. The levels used within the URS study were as follows:

4.4 Climate change allowances

The EA's latest climate change guidance⁵ for FRAs provides advice on the anticipated increases in peak river flow and how this should be applied. UKCP09 is the name given to the UK Climate Projections. UKCP09 was produced in 2009, funded by a number of agencies, led by Defra, and is managed by the EA working with the Met Office. Defra have published climate change projections online by region and on a 25km grid. Three carbon dioxide (CO₂) emissions scenarios have been modelled, and for each emissions scenario a projected impact on a range of variables produced, including precipitation.

The anticipated changes for the Humber river basin district in which the proposed development lies are shown in Table 4-3.

Table 4-3: Peak river flow allowances for Humber river basin district (use 1961 to 1990 baseline)			
Emissions scenarios	Total potential change anticipated for the '2020s' (2015 to 2039)	Total potential change anticipated for the '2050s' (2040 to 2069)	Total potential change anticipated for the '2080s' (2070 to 2115)
Upper end	20%	30%	50%
Higher Central	15%	20%	30%
Central	10%	15%	20%

Residential development is classified as 'More Vulnerable' development. The Guidance to Flood risk assessments: climate change allowances⁶ states that in FZ1 'More Vulnerable' development should use the central emissions scenario allowance, within FZ2, use the central and higher central emissions scenarios and within FZ3, the higher central and upper end emissions scenarios should be used.

Residential dwellings are considered to have a life time of at least 100 years, as such, the 2080s' scenarios will be used. As both FZ2 and FZ3 extents extend into the site on the FMfP the Higher Central (30%) and Upper End (50%) emissions scenarios have been explored

4.5 Model outputs

4.5.1 Flood extent and levels

The modelled extents show that water would back-up behind the culvert under Malton Road. As a result, this would slow the flow of water into the site, so flood extents on site would predominantly be in-channel up to a 100-year + 50% scenario.

The 100-year and 100-year + 50% CC allowance extent have been summarised in Figure 4-3 below, cross sections can be referred to in Appendix B.

5 Environment Agency (2016), Flood risk assessments: climate change allowances. Retrieved from <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

6 Environment Agency (2016), Guidance: Flood risk assessment: climate change allowances. Retrieved from: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances#vulnerability>



Figure 4-3: Modelled flood extents and node locations

The 100-year, 100-year + 20%, 30% and 50% climate change scenarios' flood levels are summarised in Table 4-4 below.

Table 4-4: Maximum flood levels

	100	100 CC (20%)	100 CC (30%)	1,000
MR1_0697	12.32	12.34	12.35	12.40
MR1_0558	12.16	12.19	12.21	12.27
SOU01_1094	12.09	12.13	12.15	12.22

5 Surface water drainage strategy

5.1 Existing surface water drainage

There are no surface water sewers on site according to Yorkshire Water sewer maps provided by the Client. The topographic survey and site investigations indicate that surface water from the site currently drains into South Beck.

5.2 Permissible discharge rate

The Foss (2008) Internal Drainage Board (IDB) outlined that discharge rate into South Beck should be restricted to 1.4 l/s/ha for a greenfield site. As such, a discharge rate of 1.4 l/s/ha will be used for the development.

5.3 Proposed impermeable area

A proposed site plan has not been provided for the site, as such for the preliminary attenuation calculations, a 50% impermeable area has been used in calculations, with an additional 10% allowance for urban creep. Areas used are as follows:

- 50% impermeable site area: 3.30ha
- 50% impermeable site area + 10% urban creep allowance: 3.63ha.

5.4 Climate change allowance

The Environment Agency requires the impact of climate change to peak rainfall intensity be accounted for new developments. For residential developments, climate change allowances of 20% and 40% should be assessed. As such, allowances will be made in surface water attenuation calculations.

5.5 Storage requirements

An initial quick storage estimate (QSE) was calculated using MicroDrainage for a range of scenarios as summarised in Table 5-1.

Table 5-1: MicroDrainage quick storage estimations

Impermeable area (% of site)	Area (ha)	Discharge rate (l/s)	Return period							
			30-year + 40%CC		100-year + 40% CC		30-year + 20% CC		100-year + 20% CC	
			min (m ³)	max (m ³)	min (m ³)	max (m ³)	min (m ³)	max (m ³)	min (m ³)	max (m ³)
50	3.30	4.62	2242	3130	3091	4083	1826	2572	2540	3384
50 + 10% Urban Creep allowance	3.63	5.08	2460	3436	3394	4484	2004	2824	2788	3716

5.6 Conceptual surface water drainage design

Surface water arising from a development should as far as is practicable, be managed to mimic the surface water flows arising from the site prior to the proposed development while reducing the flood risk to the site itself and elsewhere.

Generally, the aim should be to discharge surface water runoff based on the following hierarchy:

- Infiltration
- To a surface water body (e.g. local watercourse)
- To a public surface water sewer
- To a public combined sewer

The surface water drainage assessment has been carried out in accordance with the rainfall runoff management for developments (RRMFD) and the CIRIA SuDS Manual.

5.7 Consideration for infiltration drainage

Borehole records recorded on the BGS website, indicate that topsoil consists of Clay which is relatively impermeable. Therefore, we consider the potential for infiltration drainage to be limited at the proposed site.

5.8 Discharge into surface water body

The South Beck watercourse flows along the western boundary of the site in a northerly direction. It is proposed that surface water will be discharged into the Beck. As the watercourse splits the site into two areas, for the purposes of preliminary drainage design, the site has been separated into two catchments;

- Area A - 5.65ha (86% site area)
- Area B - 0.93ha (14% site area).

Figure 5-1 highlights these areas.



Figure 5-1: Drainage areas

A mean volume from the QSE calculations will be used for calculating attenuation volumes for the site.

Table 5-2: Required storage areas

Area	Discharge rate (l/s)	100-year + 20% CC mean storage area (m ³)	100-year + 40% CC mean storage area (m ³)
A	3.12	2796.72	3387.54
B	0.51	455.28	551.46

As the site has been split into two areas, due to the topography, two attenuation structures and outfall locations along South Beck will be required. It is recommended that a pond is located at or above 100-year + 30% climate change fluvial water level + 600mm in Area A to provide at least 600mm freeboard above the fluvial flood level. It is recommended that an attenuation tank(s) is located within Area B, under development infrastructure i.e. roads and driveways. The indicative drainage schematic can be found below in Figure 5-2, this includes 1m deep attenuation pond and attenuation tank outlines. In addition, an indicative cross section for an attenuation pond in Area A has been included in Appendix C.



Figure 5-2: Indicative drainage schematisation

5.9 Future adoption

Following consultation with the statutory bodies their stance is not to adopt SuDS features. Therefore, if SuDS features are desired as part of the proposed development then a private management company would be required.

If the storage was to be in the form of storage tanks and oversized pipes and could be adopted by Yorkshire Water under Section 106 agreement as long as the surface water drainage system was constructed to adoptable standards.

6 Development design

6.1 Overview

No master plan has been provided, as such, recommendations below are based on the assessment so far and to meet the requirement set by the statutory bodies. This chapter should be read in conjunction with Drg.No.2019s0098 – 08 (Appendix D)

6.2 Internal Drainage Board buffer

The IDB has requested a 9m access buffer on each side of the watercourse. This also applies for the culverted section of watercourse within the site.

6.3 Building design layout

Buildings should be designed and situated to ensure they are not at risk of flooding from overland flow. Impermeable areas should fall away from the buildings, forcing flood water to run away from, rather than towards the buildings.

6.4 Finished floor levels

EA standing advice states finished floor levels should be a minimum of whichever is higher of:

- 300mm above the surrounding ground levels
- 600mm above the estimated river or sea level

For this site the 100-year + 30% CC fluvial flood level should be used to set the minimum finished floor levels. Therefore, ground levels across the site should be a minimum of 12.95mAOD (100-year + 30% CC fluvial flood level + 600mm freeboard) ground above this level should be 300mm above surrounding ground levels. The 100-year + 30% CC fluvial flood level + 600mm freeboard level is indicated in Appendix D.

6.5 Access and egress

No access and egress route has been identified by the client. However, this should provide a flood-free route to the site.

Both Malton Road and New Lane are located in FZ1 therefore we would recommend that that entrance/exit to the proposed developments be sited on either of these roads.

6.6 Flood warning

The EA offer a free flood warning service; Flood Information Service, where registered homes and businesses can receive flood warnings and severe flood warnings, plus messages to advise when these warnings are no longer in force. Registration can be made on-line at: <https://www.fws.environment-agency.gov.uk/app/olr/register>. The EA provides flood warnings for the western side of the site. It is recommended that residents of the site register for this service.



7 Summary

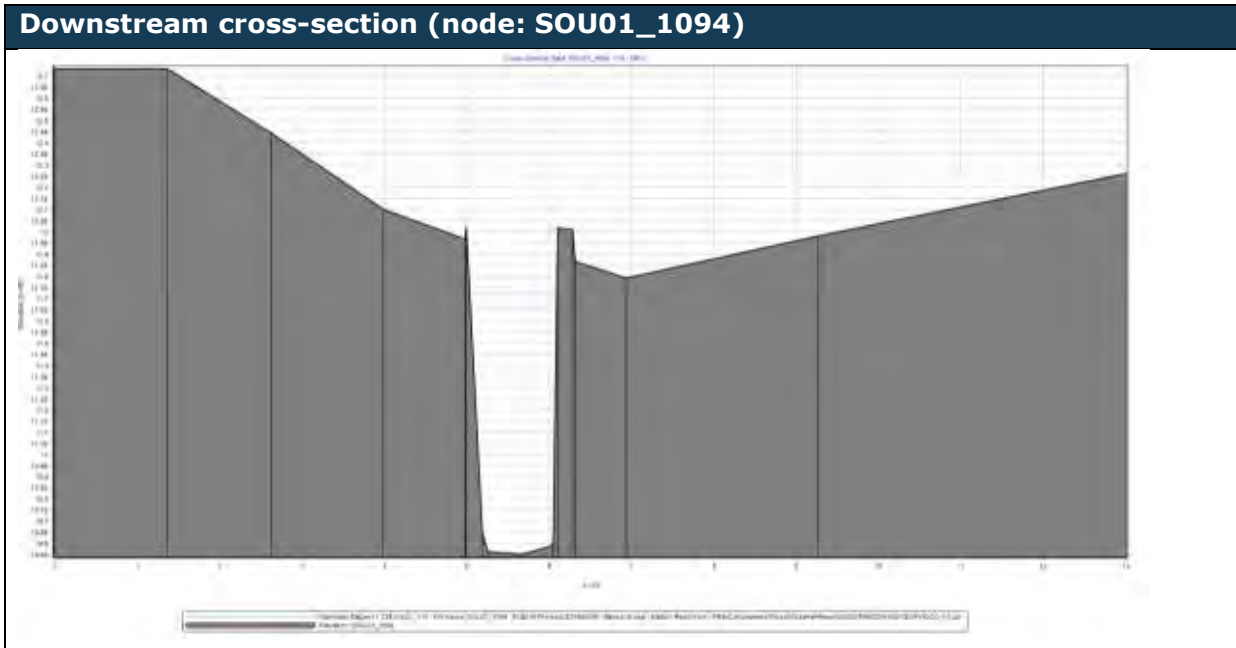
In consideration of the FRA, Drainage Strategy, model update and Topographic Survey for the site, the following conclusions and recommendations are made:

- The site is predominantly located in Flood Zone 1 with small areas in Flood Zones 2 and 3. A previous flood zone assessment found that the flood zones had overpredicted the extents. JBA have found that the existing model only extends to the northern boundary of the site which may overpredict flood levels and extents.
- The site is generally at a very low risk of surface water flooding, with Medium to Low risk around South Beck, and Low risk to the west and south of the Beck. It is at a very low risk of Reservoir flooding.
- The site is classed as more vulnerable, and development is likely to be built in Flood Zone 1 only. As such, the Sequential and Exception Tests are not required.
- There are a number of watercourses within a close vicinity of the site, South Beck flows through the site and an unnamed watercourse converges with South Beck to the south side of the site. The River Foss is located to the west of the site. No records of historic flooding at the site are held by the EA.
- The Foss 2008 Model Improvements Study has been extended upstream of the site. The flood level in a 100-year + 30% CC event derived from the model at of the site would be 12.35mAOD.
- The following recommendations have been made in relation to the development's design:
 - A conservative surface water climate change allowance of 40% has been used. The site has been split into two areas for drainage. Area A will need to accommodate 3387.54m³ and Area B 551.46m³ with a discharge rate of 1.4l/s/ha. It is proposed that Area A will host a pond and Area B, attenuation tanks under hardstanding. This will discharge into South Beck.
 - The IDB has requested a 9m access buffer around all watercourse bank tops and the culverted watercourse.
 - Finished Floor Levels (FFLs) will be at a minimum of 600mm above the 100-year + 30%CC level i.e. a minimum finished floor level of 12.95mAOD.
 - Access and egress should provide a flood-free route to the site.
 - Impermeable areas should fall away from the buildings, forcing flood water to run away from, rather than towards the buildings.
 - Future residents should register for the EA's Flood Information Service on-line

Appendices

A Key photos

Table 7-1: Site photographs	
	<p>Photograph 5 Inlet to culvert on unnamed watercourse to the south of Malton Road. Structure surveyed as part of JBA watercourse survey</p>
	<p>Photograph 6 Unnamed watercourse outlet located to south of site. Structure surveyed as part of JBA watercourse survey</p>
	<p>Photograph 7 Manhole chamber located on site. Swale Beck enters from the south, the unnamed watercourse from the west as they flow north.</p>



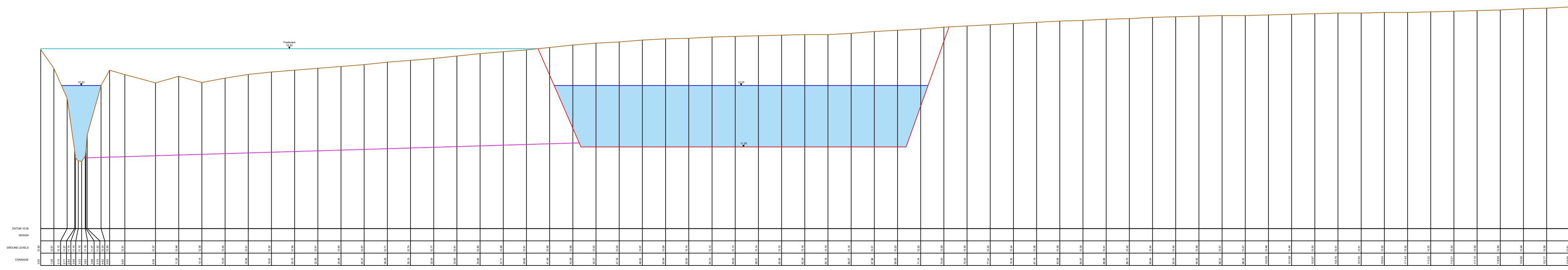
C Cross section of attenuation pond



X= 1:200
Y = 1:1000

General Notes

1. All dimensions shown are in metres unless otherwise stated and levels in metres to Ordnance Datum.
2. Do not scale from this drawing. All dimensions must be checked/verified on site.



Rev.	Modifications	Date	Drawn	Designed	Checked	Approved



JBA
consulting

No. 1 Broughton Park
Old Lane
Broughton
Skipton
North Yorkshire
BD23 5AQ

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for

Banks Group
Malton Road
.....
.....

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Scale:	Drawn: J. Summersgill	02/05/19
As shown @ A1	Designed: S. Lynes	01/05/19
	Checked:	
	Approved:	

Digital File Name:			
Drawing Number:	Rev.:	Sheet No.:	Status:
2019s0098-1		1 of 1	Draft

D Drainage schematic



General Notes

1. All dimensions shown are in metres unless otherwise stated.
2. Do not scale from this drawing. All dimensions must be checked/verified on site.



Rev.	Modifications	Date	Drawn	Designed	Checked	Approved

JBA consulting

No. 1 Broughton Park
Old Lane
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Offices at Colleshill, Doncaster, Dublin, Edinburgh, Exeter, Glasgow, Haywards Heath, Isle of Man, Leeds, Limerick, Newcastle, Newport, Peterborough, Saltair, Skipton, Tadcaster, Thirk, Wallingford and Warrington

for

Banks Group
Malton Road York
Indicative Drainage Schematisation

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Scale:	1:1000 @ A1	Drawn:	J Summersgill	03/05/19			
		Designed:	S. Lynes	02/05/19			
		Checked:	G Hodson	17/05/19			
		Approved:	G HODSON	17/05/19			
Digital File Name:	2019s0098-2 (Indicative Drainage Schematisation)						
Drawing Number:	2019s0098-008	Rev.:	-	Sheet No.:	1 of 1	Status:	Draft

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E Flood Extents Plan



Keyplan



Legend

- 100-year extent
- 100-year + 50% extent
- Site boundary
- South Beck



Contains Ordnance Survey data © Crown copyright and database right (2018)



Project: Site off Malton Road, York
Drawing title: Updated Flood Extents
Client: Banks Group
Drawing Number: 2019s0098-01
Date: April 2019 **Drawn by:** S Lynes

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Coleshill
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JBA Group Ltd is certified to:
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ISO 14001:2015
OHSAS 18001:2007



From: Wendy Brierley [REDACTED]
Sent: 22 July 2019 18:27
To: localplan@york.gov.uk
Subject: New 'Garden Village'

Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear sir/Madam,

I would like to object strongly to the Local Plan site for a new village of 3300 houses located west of Elvington Lane (ST15). Green belt land should not be used for this purpose and the extra inhabitants and cars would put an unprecedented strain on the infrastructure of the city.

This Local Plan should be stopped now, it is poorly thought out and extremely detrimental to the City of York.

Yours sincerely,
Wendy Brierley.

Sent from my iPhone



From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 20:14
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122983
- Date submitted: 22/07/2019
- Time submitted: 20:14:11

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mr Kieran Packman

Address: 

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): PM10

Document:

Page number:

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

Yes, I consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

Yes, complies with Duty to Cooperate

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

I do consider it to be legally compliant

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

Yes, I consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Positively prepared, Justified, Effective, Consistent with national policy

Please give reasons for your answer(s):

The plan meets all the above criteria.

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - necessary changes

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

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

No, I do not wish to participate

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

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 20:29
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122985
- Date submitted: 22/07/2019
- Time submitted: 20:29:18

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Me Kieran Packman

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): Topic Paper 1 Addendum - Annex 4 - Urban Areas within the General Extent

Document:

Page number:

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

Yes, I consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

Yes, complies with Duty to Cooperate

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

I consider the Plan to be legally compliant

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

Yes, I consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Positively prepared, Justified, Effective, Consistent with national policy

Please give reasons for your answer(s):

All reasons above. Those objecting are archetypal 'Nimby's. The school is under-subscribed, meaning years have to be split to the detriment of the children. There is no useful public transport infrastructure, e.g. there's a bus every fourth Thursday. The Sports club is under-utilised and the football club has to beg and borrow children from surrounding areas. The village pub will be at risk soon enough as it's simply very quiet outside of peak times. The housing market amounts to no more than 10 houses a year going on the market and is desperate for an injection of new houses of all sizes. There is ample space for building. Good luck.

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - necessary changes

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

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

No, I do not wish to participate

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

From: Paul Butler [REDACTED]
Sent: 22 July 2019 21:00
To: localplan@york.gov.uk
Cc: [REDACTED]
Subject: YORK LOCAL PLAN - PROPOSED MODIFICATIONS CONSULTATION - BOOTHAM CRESCENT - SUPPORT FOR SITE REFERENCE H7
Attachments: City of York Local Plan - H7 - Bootham Crescent - Persimmon Homes - July 2019.pdf; City of York Local Plan - H7 - Bootham Crescent - Persimmon Homes - Form - July 2019.pdf
Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir or Madam,

We write on behalf of our clients Persimmon Homes to provide City of York Council (CYC) with their representations to CYC's Proposed Modifications to the York Local Plan (June 2019).

Please find enclosed our representations to the Proposed Modifications consultation.

Persimmon Homes continues to **support** CYC's identification of the Bootham Crescent site as a proposed housing allocation within the emerging City of York Local Plan. The enclosed representations re-iterate the evidence Persimmon Homes has previously submitted to CYC to demonstrate the deliverability of our client's land interest.

Should you require any further details or clarification on the content of the enclosed representations please do not hesitate to contact me.

Kind regards,

Paul

Paul Butler
Director



www.pbplanning.co.uk

[REDACTED]
[REDACTED]
PO Box 827, York, YO31 6EE

City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 Inspectors 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		Paul
Last Name		Butler
Organisation (where relevant)	Persimmon Homes	PB Planning Ltd
Representing (if applicable)		
Address – line 1		PO Box 827
Address – line 2		York
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		YO31 6EE
E-mail Address		
Telephone Number		

Representations must be received by Monday 22 July 2019, 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 Monday 22 July 2019, 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?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and new evidence, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018. You can make comments on any of the proposed modifications, the Sustainability Appraisal Addendum, the updated Habitats Regulation Assessment, and other background documents which include a Housing Needs Assessment update and an Addendum to Topic Paper 1: The Approach to Defining York's Green Belt. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this 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 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, 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 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?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

The Local Plan Proposed Modifications document, the Sustainability Appraisal/SEA Addendum and Updated Habitats Regulation Assessment (HRA) will be available for inspection at in all of York's libraries and City of York Council West Offices.

All supporting documents which underpin the City of York Local Plan Proposed Modifications are available to view online at www.york.gov.uk/localplan and are also available for inspection at City of York Council West Offices and York Explore.

Part B - Your Representation

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



3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PM3, PM4, PM5, PM22 and PM44

Document:

Proposed Modifications & Housing Needs Update

Page Number:

Various

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

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

Yes

No

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

Please see enclosed 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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared **Justified**

Effective **Consistent with national policy**

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

Please see enclosed representations

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Please see enclosed representations

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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 enclosed representations. We need to be present to fully put forward our case for the retention of the site allocation (Ref. H7) within the Local Plan.

Please note: the Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for 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 foi@york.gov.uk or on 01904 554145.

Signature

Date

22.07.19

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

22nd July 2019

Dear Sir or Madam,

CITY OF YORK LOCAL PLAN – BOOTHAM CRESCENT – PERSIMMON HOMES - SUPPORT FOR SITE REFERENCE H7

We write on behalf of our client Persimmon Homes to provide City of York Council (CYC) with our representations to CYC's Proposed Modifications to the York Local Plan (June 2019).

Persimmon Homes continues to **support** CYC's identification of the Bootham Crescent site as a proposed housing allocation within the emerging City of York Local Plan. This letter re-iterates the evidence Persimmon Homes has previously submitted to CYC to demonstrate the deliverability of our client's land interest.

As CYC are aware, a planning application for the development of the site was submitted in January 2019. The planning application reference is 19/00246/FULM. The application seeks the redevelopment of the site for 80 homes.

Whilst we continue to work with CYC to seek to secure planning permission as soon as possible, we consider it pertinent to continue our promotion of the site through the Local Plan process to ensure that sufficient evidence has been provided to demonstrate the deliverability of the development site.

Accordingly, the thrust of this letter is to provide an update on the current planning application.

PLANNING APPLICATION UPDATE

The emerging Local Plan seeks the delivery of circa 86 homes from the site over the Local Plan period. Following the submission of the planning application a number of discussions have taken place with CYC and statutory consultees as part of the determination of the planning application.

At present the Planning Layout (including housing mix and density) is being reconsidered as part of the planning application process. The likely outcome being an increase in the number of homes that the development will deliver. Which will be more closely aligned to the capacity identified within the Local Plan.

Discussions with CYC and Sport England have confirmed that the principle of development is considered acceptable on account of the existing use being relocated to the York Community Stadium at Monks Cross. Which of course provides a qualitative and quantitative improvement on the existing sporting facilities at the Bootham Crescent site. The Community Stadium will be in use prior to the redevelopment of the site, as required by national planning guidance and Sport England's own guidance.

With regards to detailed design matters, further meetings and correspondence with CYC, Historic England and the York Civic Trust is due to take place in August of this year in order to seek to finalise the development proposals ahead of the application being considered at planning committee in September/October of this year.

A number of technical reports have been submitted alongside the current planning applications. These can be provided on request. The reports provide a detailed assessment of highways, drainage, flood risk, archaeology, noise, ecology, tree and ground investigation matters associated with the development of the site. Each of which confirm that there are no insurmountable constraints to the site's development.

The submitted documentation confirms that the development proposals are situated in a suitable and highly sustainable location and there are no technical or environmental (built and natural) constraints that would preclude the development of the site. The site is available now as it is under the control of a national house builder who is actively seeking to secure planning permission for the residential development of the site. The site can also be considered achievable as our clients can deliver new homes on the site within the next five years.

Should the planning application be approved this year as expected (within the monitoring year 2019/2020) it is anticipated that the site can deliver 35 new homes per annum in the monitoring year 2020/2021 onwards. Resulting in the delivery of 80 homes from the site in the first five years post adoption of the Local Plan.

The site can deliver substantial socio-economic benefits to the City, in respect of providing much needed new homes within the early years of the Plan Period; new direct and indirect employment opportunities; and financial contributions to help improve local infrastructure.

CONCLUSIONS

On the basis of the information provided within this letter, and the submitted planning application at the site, we wish to place on record our support for the proposed allocation of Bootham Crescent for residential development within the emerging City of York Local Plan.

The site represents a truly deliverable residential development site that can deliver a number of socio-economic benefits to the City. Including the delivery of much needed market and affordable homes within the first five years of the Local Plan.

Should you require any further details or clarification on the content of this letter please do not hesitate to contact me.

Yours sincerely,

A black rectangular box redacting the signature of Paul Butler.

PAUL BUTLER

Director

A black rectangular box redacting the contact information of Paul Butler.

From: holly stee [REDACTED]
Sent: 22 July 2019 21:14
To: localplan@york.gov.uk
Subject: Local Plan Consultation

Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To whom it may concern,

As a resident of York [REDACTED] I would like to take this opportunity to lodge an objection to the Local Plan site for a new village of 3300 houses located west of Elvington Lane (ST15). I am concerned about the impact this would have on the city in terms of issues around sustainability and the environment. In particular, green belt land plays a crucial role in biodiversity.

Yours sincerely,
Holly Steel

[REDACTED]

From: Jemima Whelan [REDACTED]
Sent: 22 July 2019 21:29
To: localplan@york.gov.uk
Subject: Local Plan Consultation

Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To whom it may concern,

I am writing to express my concern about the sustainability of the local plan, I think it requires further consultation and that local communities should be involved in the process. Whilst I agree that more affordable housing is needed, I object strongly to building on green belt land. This is not an appropriate response to the issue and threatens the sustainability of the local area. I also feel that the percentage of homes that would be 'affordable' is far from the percentage required to truly serve the people of York.

Yours sincerely,

Jemima Whelan [REDACTED]

From: Philip Holmes [REDACTED]
Sent: 22 July 2019 21:30
To: localplan@york.gov.uk
Subject: Local Plan Proposed Modifications - Representations on behalf of York St John University
Attachments: YSJ Consultation Response Form.docx; YSJ Representations July 2019.pdf

Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please find attached representations submitted on behalf of York St John University.

Kind regards



Philip Holmes

www.oneill-associates.co.uk

Lancaster House
James Nicolson Link
Clifton Moor
York YO30 4GR
01904 692313

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City of York Local Plan Proposed Modifications Consultation Response Form

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 Inspectors 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	Richard	Philip
Last Name	Hirst	Holmes
Organisation (where relevant)	York St John University	O'Neill Associates
Representing (if applicable)		
Address – line 1	██	Lancaster House
Address – line 2	████████████████████	James Nicolson Link
Address – line 3	████	Clifton Moor
Address – line 4		York
Address – line 5		
Postcode	██████████	YO30 6GR
E-mail Address		██
Telephone Number		01904 692313

Guidance note

Where do I send my completed form?

Please return the completed form **by Monday 22 July 2019, 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?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and new evidence, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018. You can make comments on any of the proposed modifications, the Sustainability Appraisal Addendum, the updated Habitats Regulation Assessment, and other background documents which include a Housing Needs Assessment update and an Addendum to Topic Paper 1: The Approach to Defining York's Green Belt. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this 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 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, 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 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?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

The Local Plan Proposed Modifications document, the Sustainability Appraisal/SEA Addendum and Updated Habitats Regulation Assessment (HRA) will be available for inspection at in all of York's libraries and City of York Council West Offices.

All supporting documents which underpin the City of York Local Plan Proposed Modifications are available to view online at www.york.gov.uk/localplan and are also available for inspection at City of York Council West Offices and York Explore.

Part B -Your Representation

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



3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:	EX/CYC/18; EX/CYC/18d; EX/CYC/20
Document:	City of York Local Plan Proposed Modifications & TP1 Addendum and Annexes
Page Number:	Various

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

4.(2) Do you consider that the Local Plan 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.

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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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes

No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

Please see attached representation

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Please see attached representation

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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 Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for 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 foi@york.gov.uk or on 01904 554145.

Signature

Date

CITY OF YORK LOCAL PLAN
PROPOSED MODIFICATIONS (JUNE 2019)

REPRESENTATIONS ON BEHALF OF YORK ST JOHN UNIVERSITY IN RESPECT OF LAND
AT NORTHFIELDS, HAXBY ROAD

1.0 **Introduction**

- 1.1 This statement is provided as representations on behalf of York St John University in respect of its land at Northfields at Haxby Road, York, in response to the Proposed Modifications to the Draft Local Plan put forward by City of York Council.
- 1.2 The Northfields site comprises grass playing fields located to the western side of Haxby Road, approximately 2km to the north of York city centre. Northfields, together with land to the east of Haxby Road known as Mille Crux, forms a 24ha site which since 2012 has been the focus of major investment by York St John University to develop a new centre for sporting excellence.
- 1.3 Both Northfields and the Mille Crux site are allocated in the Proposals Map (North) for the emerging Plan as areas of 'Existing University Campuses' and 'Existing Openspace'. Northfields has an additional designation as being within Green Belt land.
- 1.4 Policy ED5 of the Plan states the land at Northfield is allocated for sport uses to support the continued success of York St. John University, but omits to include the Mille Crux site from this allocation. It is assumed that this omission is a drafting error, and that Policy ED5 should allocate both Northfields and Mille Crux sites for sport uses, as supported by the explanatory text for this policy and the draft Proposals Map (North).
- 1.5 These representations are mindful that the Draft Plan is being examined via the transitional arrangements under guidance in the National Planning Policy Framework (NPPF) of March 2012, which states the Green Belt boundaries should not be confirmed until the demand for sustainable development has been met.
- 1.6 It is our view that the Council's approach to defining the Green Belt is flawed, and that the inclusion of Northfields within its boundaries is at odds with the proposed designation of the land for *"sports uses in support of the University's development of its multi-million pound centre for sporting excellence via its major construction of buildings and facilities"* (para. 7.14, emerging Local Plan). As such, we consider that the inner

boundaries of the Green Belt as outlined in 'Topic Paper TPI Addendum, Annex 3' (ref. Section 5, Boundary 2) of the Proposed Modifications would fail to ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development.

2.0 York St John Sport Park

2.1 The York St John University Sports Park is located at Haxby Road, approximately 2km to the north of the city centre. It encompasses land on both sides of Haxby Road, with the Northfields part of the site to the west and Mille Crux located to the east.

2.2 The site been developed following major financial investment by York St John University since its acquisition from Nestlé in April 2012, when it accommodated only 3 full-size grass pitches, a neglected sports pavilion, and a 2.7ha area of allotments, predominantly vacant and in disrepair. Since then, the University has invested millions on transforming the site to form a centre of sporting excellence just 10 minutes' walk from its Lord Mayor's Walk Campus.

2.3 At Northfields, drainage and levelling works to grass pitches have been completed to offer 2 football/rugby pitches, 3 football pitches and up to 3 junior pitches. Mille Crux, on the eastern side of Haxby Road, has been developed to provide floodlit outdoor playing facilities comprising a full-size 3G all-weather football/rugby pitch, a sand-based hockey/multi-sport pitch, 3 outdoor tennis courts and 2 outdoor netball courts (completed September 2014) together with grass pitches and a 6-lane all-weather track. In October 2016, the University opened a new Hub Building at Mille Crux accommodating changing facilities, strength and conditioning suite, teaching and social space and an indoor sport hall. Planning permission for an additional full-size floodlit 3G pitch to the south of the Hub building was granted in October 2018.

3.0 Proposed Modifications to Draft Local Plan – Council Evidence Base

3.1 The current consultation exercise was required by Inspectors after they had requested the Council to provide further evidence to support the submitted 2018 Local Plan. On the new evidence, Inspectors stated in their letter to Council, dated 7 May, that;

“much of the new evidence is fundamental to the soundness of the Local Plan, particularly the Council's overall approach to the Green Belt and the assessed OAHN figure”

3.2 The Inspectors' letter went on to require that the public consultation should provide 'the opportunity for anyone to make a representation on any of the following':

- *the proposed changes to the Green Belt boundary, the associated evidence and any other proposed modifications to the submitted Local Plan suggested by the Council.*

3.3 The following consultation documents are considered to be particularly relevant to these representations:

- *City of York Local Plan – Proposed Modifications - June 2019 [EX/CYC/20]*
- *City of York Local Plan – Topic Paper 1 (TPI) – Approach to defining York's Green Belt - Addendum March 2019 [EX/CYC/18]*
- *City of York Local Plan - 'Addendum to TPI - Annex 3' [EX/CYC/18d]*

3.4 In Section 2 of the TPI Addendum, the Council outlines its strategy for confirming the boundaries to the Green Belt. In essence, the general extent of the Green Belt is set by Saved RSS policies YH9C Green Belts, and YIC York sub area policy, Environment 1 and 2:

Policy YH9C states:

"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 YIC Environment states:

"Plans, strategies, investment decisions and programmes for the York sub area should:

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 space.*

3.5 This is indicated to confirm the existence of the York Green Belt and that the Local Plan is tasked with formally defining the detailed inner and outstanding sections of the outer boundaries for the first time. The Council's strategy, as set out in TPI Addendum paragraph 2.9, is to ignore development demands over the plan period and beyond, and to define boundaries on the basis of:

- National Guidance
- The strategic approach undertaken in the Local Plan core strategy and
- An appraisal of the essential characteristics of openness and permanence in York

- 3.6 The Council states in TPI Addendum, paragraph 2.13:
“This addendum also explains why exceptional circumstances exist to justify alterations to the general extent of the Green Belt, in order to bring forward strategic sites to meet development needs.”
- 3.7 In other words, the Council is defining the inner Green Belt boundaries for the Authority’s area for the first time ever on the criteria in paragraph 5 above, without initially assessing longer term development needs to establish permanence to the boundaries, but seeking to impose them at a later stage of the process. The Council is assessing development needs on exceptional circumstances criteria rather than sustainable development requirements which are not required to be ‘exceptional’.
- 3.8 In Section 7 of TPI Addendum, the Council addresses what exceptional circumstances may be, and 7.4 states:
“the NPPF (2019) re-affirms at paragraph 136 that exceptional circumstances need to be fully evidenced and justified to alter established Green Belt boundaries.”
- 3.9 It is our view that paragraph 136 of NPPF 2019 is inappropriate and that it is relied upon by the Council in error. Inner and outstanding outer Green Belt boundaries have not been established for the city so that they cannot, by definition, be altered. The Council’s method of devising Green Belt boundaries without excluding sustainable development land does not, of itself, fix the boundaries. The boundaries only exist as a transitory part of the exercise, and as such cannot be defined as “established Green Belt boundaries” as referred to in paragraph 136 of the 2019 NPPF.
- 3.10 Paragraph 82 of NPPF 2012, on which the Local Plan is being examined, states that “the general extent of Green Belts across the country is already established.” This is confirmed by RSS policies quoted in paragraph 4 above. Thus, it is agreed that the general extent of the York Green Belt has been established and the inner and some outer boundaries are now to be fixed. Paragraph 83 refers to establishing Green Belt boundaries in Local Plans:
‘Local 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.’
- 3.11 The relevant wording here is ‘set the framework for Green Belt and settlement policy’. The Council’s methodology of defining Green Belt boundaries first and then excluding particular areas for development which had been selected as serving a Green Belt purpose, cannot be seen as setting settlement policy.

3.12 Thus, it is concluded that paragraph 85 of the NPPF 2012 applies, relating to defining boundaries. The paragraph 83 requirement (second sentence) to only alter Green Belt boundaries in exceptional circumstances is not relevant as the detailed boundaries are yet to be defined. Very special circumstances in paragraph 87 relates to the determination of planning applications once the Green Belt Boundaries have been fixed.

4.0 Representations

4.1 Paragraph 85 of the NPPF states that, when defining boundaries, local planning authorities should (inter alia):

- 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
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent

4.2 The first of these requirements is of key importance to York St John University with regard to the Northfields site, which is allocated for sport uses in connection with the University under Policy ED5 ('York St John University Further Expansion') of the draft Local Plan.

4.3 The explanatory text in the Draft Plan for Policy ED5 states that;

"Northfield is allocated for sports uses in support of the University's development of its multi-million pound centre for sporting excellence via its major construction of buildings and facilities." (Para. 7.14)

"The allocation of the site reflects York St. John University's ambitions and supports its major investment in the Sports Park. It will assist in further extension of its strategy for sport that supports the teaching of a range of sports degrees but also for the general fitness and enjoyment of students and community teams who use the site." (Para. 7.15)

"Providing they comply with relevant policies in the rest of the plan, appropriate uses of the allocated sites may include:

- *outdoor sports facilities, together with associated car and cycle parking and floodlighting;*
- *appropriate indoor sports facilities; and*
- *other outdoor recreational activity." (Para. 7.16)*

- 4.4 The evidence base for the Proposed Modifications also emphasises the meet the requirements and provide sufficient land for York's educational establishments over the Plan period, with paragraph 7.44 of TPI Addendum stating:
- "To contribute to making York a world class centre for education it is vital to provide the quality and choice of learning and training opportunities to meet the needs of children, young people, adults, families, communities and employers. The Local Plan has a role to help meet this vision by providing sufficient land to enable the Council to support parents and families through promoting a good supply of strong educational facilities to reflect the aspiration and needs of local communities. It is important to ensure that facilities at the city's further education establishments at York College and Askham Bryan College and the two universities at University of York and York St John University meet the requirements of modern education establishments over the Plan period."*
- 4.5 With specific reference to York St John University's sport facilities, paragraph 7.51 of the Addendum states;
- "In addition, the need for additional land for sports uses to support the (York St John) universities development of a centre for sporting excellence is identified in the Plan and this will be provided at Northfield, Haxby Road which is within the main urban area". (Section 7.51)*
- 4.6 It is our view that the proposed inclusion of the Northfields site within the Green Belt would be contrary to the clear and stated policy aims as outlined above, and would have an unnecessarily restrictive and detrimental effect on the long-term growth prospects of the University and its ability to improve facilities at its Sport Park in the future.
- 4.7 It would make the planning process for bringing forward proposals for sporting facilities much more difficult and onerous, presenting greater risk to the University and having a detrimental impact on its ability to obtain funding. In particular, it would make the provision of *"appropriate indoor facilities"*, which are supported by draft Policy ED5, much more difficult, given that such proposals would not be included in the exceptions to inappropriate development in Green Belt under draft Policy GBI, which covers only the provision of appropriate facilities for outdoor sport and outdoor recreation. This is particularly important given the acknowledged under-provision of indoor sporting facilities in the City, and the opportunity that Northfield presents, along with Mille Crux, to assist in meeting this demand within an existing centre for sport at a sustainable location within comfortable walking and cycling distance of the city centre.
- 4.8 Given the above, it is considered that the Council has failed to meet the requirements of NPPF Paragraph 85 in defining the boundaries of the Green Belt as proposed at Annex 3 of the TPI Addendum (Section 5, Boundary 2), as these would be inconsistent with the Local Plan strategy for meeting the requirements of the University for

sustainable development, and would therefore not be sufficiently permanent to ensure a Green Belt enduring beyond the Plan period.

- 4.9 It is held that omitting the site from Green Belt would not have a significant impact on the Green Wedge on Bootham Stray, as the natural boundary of this wedge runs along the western boundary of Northfields. The site could therefore be excluded from Green Belt land to the east without affecting the wider sense of the openness of the wedge. This would provide a more permanent boundary, with defined and recognisable physical features in accordance with NPPF paragraph 85. Amendment of the proposed Green Belt boundary in this location would also not affect the primary purpose of the Green Belt in York, which is identified in draft Policy SS2 as being to preserve the setting and the special character of York and delivering the Local Plan Spatial Strategy.

5.0 Conclusion

- 5.1 The Council's overall approach to the Green Belt is flawed in a number of aspects as described in Section 3.0 above, and will not secure an enduring Green Belt. It is proposed that the Inspectors reject this aspect of the draft Local Plan for reconsideration in line with policy in NPPF 2012.
- 5.2 In this context, it is considered that the Green Belt boundaries at Northfields should be reconsidered, with a view to omitting the site from the Green Belt to ensure consistency with Local Plan objectives to support the use and development of the Sports Park, in accordance with attached plan ref. YSJlp.nth.

ysjulp1907.ph
July 2019

**Northfields -
YSJ University
Sports Park**

**Mille Crux -
YSJ University /
Sports Park**

 York St John University Sport Park
Proposed Designation as;
- 'Existing University Campus'; and
- 'Existing Openspace'.

 YSJ Proposed Revised Green Belt
boundary

From: Chris Cadman [REDACTED]
Sent: 22 July 2019 21:37
To: localplan@york.gov.uk
Subject: URGENT: CYC Local Plan Proposed Modifications Consultation Response Forms attached
Attachments: CYC Part A.jpg; CYC Part B ST15a.jpg; CYC Part B ST15b.jpg; CYC Part B ST27a.jpg; CYC Part B ST27b.jpg; CYC Part B final page.jpg; CYC Part C.jpg
Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please find attached completed forms in respect of certain proposed modifications for sites ST15; ST27; OS10.

Kindly confirm receipt of same.

Regards

Christopher Cadman & Jacqueline A Q Chainey

[REDACTED]
[REDACTED]
[REDACTED]

City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

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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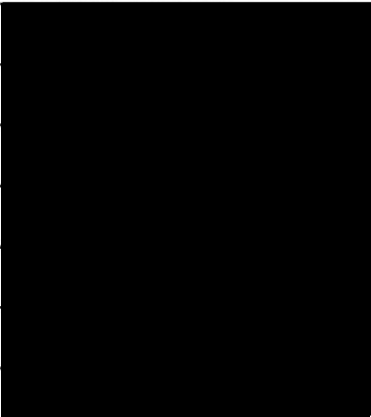
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Part A - Personal Details

Please complete in full; in order for the Inspectors 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	Cadman	
Organisation (where relevant)		
Representing (if applicable)	Self & Jacqueline Chainey (wife)	
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 Monday 22 July 2019, up until midnight.

Part B -Your Representation

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

3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

ST15 – Land West of Elvington Lane

Document:

City of York Local Plan Topic Paper TP1 Addendum

Page Number:

pp16-19

What does 'legally compliant' mean?

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4. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

4.(2) Do you consider that the Local Plan 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.

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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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (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) Please justify your answers to questions 5.(1) and 5.(2)

We do not consider the use of site ST15 is acceptable for the following reasons:

a) We ask why, if the number of houses to be built per year in the City of York has been reduced, the size of site ST15 – located in the Green Belt – has not been subsequently reduced? It seems logical to assume that a reduction in the size of this intended settlement would follow.

b) If site ST15 is utilized as intended, there are concerns that the intended mitigation buffer of OS10, will result in considerable detriment to the neighbouring SSSI – the Tilmire. Both the environment and the wildlife will suffer due to an increase in domestic animals, eg, dogs and cats, in the area.

c) Long Lane, an old road leading out from Heslington village, may well be used as an access point to the intended settlement by those living on site ST15. Long Lane is a narrow road, leading to Main Street in the village. Upgrading this road will cause considerable harm to Heslington village and its occupants.

d) Given the above, we believe that this element of the Local Plan is not sound. We believe that prime productive arable land will be lost to building and access roads at a time when, more than ever, Britain needs to produce more of its own food. We believe this particular development of site ST15, 50% of which lies in the parish of Heslington, should be moved further away from Heslington village and towards Elvington airfield. Doing so would use more brownfield site rather than taking productive agricultural land.

Part B -Your Representation

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

3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

ST27 – University of York Expansion

Document:

City of York Local Plan Topic Paper TP1 Addendum

Page Number:

pp24-26

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

4.(2) Do you consider that the Local Plan 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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared **Justified**

Effective **Consistent with national policy**

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

We do not consider the use of site ST27 is acceptable for the following reasons:

a) We understand that when the Secretary of State approved the plans for the new campus at Heslington East, it was stated in the approval that the lake bordering the campus on the east side should be the boundary line. This was to protect the village of Heslington from creeping encroachment by the University of York. If site ST27 is utilized, there will be creeping encroachment on the village and the quiet space of Low Lane, a much used and enjoyed area of the village will be violated.

b) A Science Park already exists on the UoY campus but this existing area is now being filled with university departments and offices, eg, the York Management School; the Planning Office. These departments and offices should be accommodated on the Heslington East campus, thus allowing the Science Park to be used for its proper purpose. If this were actioned, there would be no need to use site ST27. Additionally, there is still much unutilized space on Heslington East campus. If this unutilized space were to be used, there would be no need to use site ST27.

c) Low Lane, an old road leading out from Heslington village, may well be used as an access point to the village by those subsequently employed on site ST27. Low Lane is a narrow road - leading to School Lane in the village and to Main Street – and is not suitable for traffic. Upgrading this old road will cause considerable harm to Heslington village and its occupants – to say nothing of the detriment to the environment and the wildlife.

d) Given the above, we feel that this element of the Local Plan is not sound. It is a step too far towards the continuing urbanization of Heslington village. We believe that Heslington village is being sacrificed to allow the continuous unabated development of the University of York. Prime productive arable land will be lost to concrete at a time when, more than ever, Britain needs to produce more of its own food.

Development of site ST27 is a short-sighted land grab when other alternatives are available and should not go ahead

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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 Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for 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 foi@york.gov.uk or on 01904 554145.

Signature



Date

22-07-2019

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 21:57
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122999
- Date submitted: 22/07/2019
- Time submitted: 21:56:37

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Professor Maurice DODSON

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number:

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): PM14

Document: City of York Local Plan Proposed Modifications (June 2019)

Page number: 17-19

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

Yes, I consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

Yes, complies with Duty to Cooperate

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

The authors have made every effort to comply

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not consistent with national policy

Please give reasons for your answer(s):

The removal of the Barracks and the subsequent loss of housing increase the numbers in other developments. such as ST15 which lies in a brown field area. The two ends are not included yet green belt has been taken for this development.

Your comments - necessary changes

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

The brown field site for ST15 should be included in the development area

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

No, I do not wish to participate

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

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 21:58
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122997
- Date submitted: 22/07/2019
- Time submitted: 21:57:43

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Ms Anneliese Emmans Dean

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): PM24, PM26, PM27

Document:

Page number:

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

Yes, I consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

Yes, complies with Duty to Cooperate

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

Because I do.

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not consistent with national policy

Please give reasons for your answer(s):

PM26: this will have an adverse effect on an SSSI, i.e. the Tillmire
PM27: there is no proof from CYC that OS10 mitigation will protect the Tillmire SSSI from such a large development (i.e. Langwith Garden Village)
PM24 The new development should not cause noise disturbance and loss of amenity for nearby residents.

Your comments - necessary changes

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

An independent environmental assessment is required to assess the impact of Langwith Garden Village development on the nearby Tillmire SSSI . The Sustainability Addendum states that the development will have 'uncertain effects on the Tillmire', and the Habitats Assessment states that 'significant effects cannot be ruled out'.

The current planned development is too big, and encroaches too far onto agricultural land. It should be scaled down significantly.

Re. ST27: we had been assured there would be a permanent buffer between the Heslington East site and the A64 bypass. The proposed ST27 'science and industry park' goes against this, and destroys the buffer we had been assured would always be maintained.

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

Yes, I wish to participate

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

To raise the important environmental impact issues regarding the proposed Langwith Garden Village development.

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 22:01
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 123000
- Date submitted: 22/07/2019
- Time submitted: 22:01:08

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mr Graham Holme

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number:

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): H39

Document: Approach to defining York's Green Belt, ADDENDUM - ANNEX 5

Page number: 41

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

Yes, I consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

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

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not positively prepared, Not justified, Not effective, Not consistent with national policy

Please give reasons for your answer(s):

Nearly all residents at our consultations want to link the two residential areas of the village. Approximately a third of homes are currently to the west of the school. H26 is a way of satisfying that need as well as increasing the housing stock. However H26 should contain a better mix of housing type, especially larger houses to meet another clearly identified local need. We consider a total of around 60 residences suitable for this site. CYC officers are yet again ignoring the wishes of the local community in continuing to impose H39 rather than H26 contrary to the views of residents and the Parish Council. Why do officers think they know our village better than the residents and the Parish Council?

Your comments - necessary changes

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

Nearly all residents at our consultations want to link the two residential areas of the village. Approximately a third of homes are currently to the west of the school. H26 is a way of satisfying that need as well as increasing the housing stock. However H26 should contain a better mix of housing type, especially larger houses to meet another clearly identified local need. We consider a total of around 60 residences suitable for this site. CYC officers are yet again ignoring the wishes of the local community in continuing to impose H39 rather than H26 contrary to the views of residents and the Parish Council. Why do officers think they know our village better than the residents and the Parish Council?

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

Yes, I wish to participate

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

The CYC is not representing the views of the community or their representatives through Elvington Parish Council, who have put forward a robust counter proposal to the H39 development. This has been completely ignored by CYC

From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 22:07
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 123003
- Date submitted: 22/07/2019
- Time submitted: 22:07:14

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mr Keith Emmans

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number:

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): PM24, PM26, PM27

Document:

Page number:

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

Yes, I consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

Yes, complies with Duty to Cooperate

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

As far as I am aware it is.

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not consistent with national policy

Please give reasons for your answer(s):

PM 24: the new development should not cause noise and loss of amenity for nearby residents.
PM26: This will have an adverse effect on the Tilmire, which is an SSSI
PM27: CYC have not provided proof that OA10 mitigation will protect the Tilmire SSSI from the large development of Langwith Garden Village.

Your comments - necessary changes

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

An independent environment assessment of the impact of the creation of Langwith Garden Village on the Tilmire needs to take place. The Sustainability Addendum already states that the development will have 'uncertain effects on the Tilmire' .
The Habitats Assessment states that 'significant effects [on the Tilmire] can't be ruled out.'
Therefore an independent environmental assessment is needed.

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

No, I do not wish to participate

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

From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 22:19
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 123004
- Date submitted: 22/07/2019
- Time submitted: 22:19:01

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Dr Michael Emmans-Dean

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number:

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): PM24, PM26, PM27

Document:

Page number:

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

Yes, I consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

Yes, complies with Duty to Cooperate

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

I am led to believe they are compliant.

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not consistent with national policy

Please give reasons for your answer(s):

PM27: CYC has not provided proof that OS10 mitigation will protect the Tilmire SSSI from such a large-scale development as the proposed Langwith Garden Village

PM26: This will have an adverse effect on the Tilmire, which is an SSSI

PM24: The development should not cause loss of amenity and noise for nearby residents.

Your comments - necessary changes

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

An independent environmental assessment of the impact of the proposed Langwith Garden Village development on the SSSI that is the Tilmire should be commissioned. Currently the Sustainability Addendum states that the proposed development would have 'uncertain effects on the Tilmire'. And the Habitats Assessment states that 'significant effects cannot be ruled out.' The environmental impact needs to be assessed by independent experts.

The proposed development is, to my mind, too large and encroaches too much onto agricultural land.

Furthermore, the ST27 proposed university expansion, creating a 'science and industry park' should not be permitted as it was decreed that there should always be a green belt buffer zone between Heslington East development and the A64. Granting the ST27 development would go against this previously agreed policy.

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

No, I do not wish to participate

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

[Redacted]

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 22:20
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 123005
- Date submitted: 22/07/2019
- Time submitted: 22:20:25

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mr John Gallery

Address: [Redacted]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): PM40

Document: Topic Paper 1 Addendum - Annex 4 - Urban Areas within the General Extent

Page number: 17

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

The Elvington Parish Council have not been sufficiently consulted and their views not been considered when the recommendation in Topic Paper 1 Addendum - Annex 4 - Urban Areas within the General Extent 'not to keep this land permanently open but to inset it within the Green Belt' has been taken. The timescale given for residents to comment has been too short. CYC have made the ability of local residents to make their views clear and have answers to their questions responded to, as difficult as possible.

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not justified, Not effective, Not consistent with national policy

Please give reasons for your answer(s):

The lack of proper consultation with the Parish Council and Residents of Elvington is unacceptable and makes a mockery of the 'consultation' process. The changes to remove the Greenbelt status and change it to inset status is a blatant attempt to allow future decisions about the development of the village to be made without the need to observe national guidelines on Greenbelt developments and to make the village a target for unwanted development when there are other 'brownfield' sites that should be a priority.

Your comments - necessary changes

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

Visit the village of Elvington and meet the people who live here; meet the Parish Council; Look at the sites rather than just look at maps. Explore with us the benefits of choosing sites for development that will be more appropriate and listen before imposing decisions. We all want to develop the village in a way that is sustainable, continues to keep it as an attractive place for families to grow up. The villagers are NOT NIMBYS but we do wish to be treated in a respectful and constructive way to achieve what is right for the village and to play its part in the success of the City of York. We have one the most important tourist attractions in the county at the Yorkshire Air Museum and as Tourism is a major part of York's economy (and part of the City's development priorities) this must be taken into consideration.

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

Yes, I wish to participate

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

As I have been involved in this village [REDACTED] I will bring constructive suggestions that will contribute to the Plan. I have wide experience of destination management decision-making in many locations [REDACTED]

██████████ that could be of assistance. Please use mine and other people's expertise when formulating these plans. I repeat, we are NOT NIMBYs, we just want the opportunity to put forward reasoned arguments for the development of this important rural asset in the City of York.

From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 23:10
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 123016
- Date submitted: 22/07/2019
- Time submitted: 23:10:14

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mr John Gallery

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): PM40

Document: TP1 ANNEX 5

Page number: 41

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

H39 (Church Lane - 32 houses) is not a suitable location for additional housing and the Parish Council's preferred suggestion of H26 - between the school & doctors surgery. CYC's comment was that H26 provides a gap between the main village centre and the industrial/commercial areas. Officers therefore consider that H26 should not be included as an allocation, and that H39 offers a more logical extension to the existing village). This reasoning appears to me to be totally irrational – especially if you are proposing that Elvington is not even a Greenbelt village.

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not justified, Not effective, Not consistent with national policy

Please give reasons for your answer(s):

H26 provides better access with two potential access points, there is natural tree screening and is a larger site that will allow for a better mix of house sizes. The village needs more affordable houses for first-time buyers and more family houses of 4/5 bedrooms. H26 would afford better options to achieve this aim. H26 would also bring the original village and the Elvington Park area of the village together. It is closer to the Doctor's Surgery, Playing Fields, and is near the primary school than H39. The H26 location would reduce additional traffic through the village centre whilst H39 would increase it.

Your comments - necessary changes

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

Remove H39 from the Plan and replace it with H26

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

Yes, I wish to participate

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

As I have been involved in this village [REDACTED] I will bring constructive suggestions that will contribute to the Plan. I have wide experience of destination management decision-making [REDACTED] that could be of assistance. Please use mine and other people's expertise when formulating these plans. I repeat, we are NOT NIMBYs, we just want the opportunity to put forward reasoned arguments for the development of this important rural asset in the City of York.

From: Sophie Bell [REDACTED]
Sent: 22 July 2019 22:19
To: localplan@york.gov.uk
Subject: New Local Plan proposed modifications consultation June 2019 - July 2019
Attachments: Local_Plan_Proposed_Modifications_Consultation_Response_Form_2019S.docx

Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello,

Please find attached my "New Local Plan proposed modifications consultation June 2019 - July 2019" response.

Regards

Sophie Bell

City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 Inspectors 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	Sophie	
Last Name	Bell	
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 Monday 22 July 2019, 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 Monday 22 July 2019, 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?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and new evidence, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018. You can make comments on any of the proposed modifications, the Sustainability Appraisal Addendum, the updated Habitats Regulation Assessment, and other background documents which include a Housing Needs Assessment update and an Addendum to Topic Paper 1: The Approach to Defining York's Green Belt. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this 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 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, 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 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?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

The Local Plan Proposed Modifications document, the Sustainability Appraisal/SEA Addendum and Updated Habitats Regulation Assessment (HRA) will be available for inspection at in all of York's libraries and City of York Council West Offices.

All supporting documents which underpin the City of York Local Plan Proposed Modifications are available to view online at www.york.gov.uk/localplan and are also available for inspection at City of York Council West Offices and York Explore.

Part B -Your Representation

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



3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

Document:

Addendum to Topic Paper 1: The Approach to Defining York's Green Belt and its Annexes

Page Number:

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

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

Yes

No

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

The Local Plan is not Legally compliant as it appears to do the complete opposite to the Yorkshire and Humberside RSS Revocation order and the Yorkshire and Humberside RSS saved policies by redefining already detailed Green Belt Boundaries at and beyond the Outer Green Belt Boundary (approx. 6 miles) by using weak Exceptional Circumstances which are not relevant in some cases. Does not comply with either the 2012 or the 2019 NPPF where it proposes development that is not Limited Infilling in Villages. In addition, it is becoming even more apparent that many people have never received any correspondence of any sort, in particular CD013Q – Annex 16 City Wide Leaflet, relating to the Local Plan and are therefore unaware of its existence. At least one of the boundaries is incorrect.

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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes

No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

The Boundary around Wheldrake that was taken from the 2005 Draft Local Plan, which was adopted by CYC for the purposes of providing Development control, in the Addendum to Topic Paper 1: The Approach to Defining York's Green Belt and its Annexes is INCORRECT. The land between the Cranbrooks and Valley View (D80) also known as Land to the north of North Lane (H28) is designated as housing and not part of the Green Belt in appendix J of the 2005. The Evidence base for this should also include the York Green Belt Archives Y/PPT/2/5/192 as that shows how these Green Belt boundaries were drawn up by a Planning Inspector on the back of a public inquiry, which is the justification for not including the land North of Avon Drive, Huntington despite previously identified Green Belt land that lies within the Inner Green Belt Boundary being open to having its Boundary redefined as per the Yorkshire and Humberside RSS revocation order and the Yorkshire and Humberside RSS saved polices.

Seems to be an inconsistent approach to defining the Inner and Outer Green Belt Boundaries, the Inner Boundary is tightly drawn around the existing Urban areas of York City centre on the basis of protecting York's historic Character despite many of these areas and the main transport corridors into the City centre having fairly recent/modern developments such as Foxwood, Acomb Park, Huntington, Rawcliffe Askham Bar and Clifton Moor or having development underway or approved such as Fulford and Boroughbridge Road. In addition to these residential areas we also have the Park & Rides at Rawcliffe, Askham Bar, Poppleton/A59, Hull Road, Monks Cross and the McArthur Glen Designer Outlet/A19 sites as well as the large Retail Parks of McArthur Glen Designer Outlet/A19, Monks Cross and Clifton Moor. These offer very little in the way of historical Character, this is not really evident until the Bar walls are in view and the Inner Boundary is therefore too tightly drawn around the City. In contrast, the Outer Green Belt Boundary is widely recognised as been approx. 6 miles and therefore any land beyond that is part of the open countryside but sites have been allocated in settlements that already have detailed boundaries, remove Green Belt land, impact on the Character described in their Conservation Areas and increase their size by almost 20%, inhibit the expansion of Employment land and the types of Employment that would be allowed and have such a higher density that it is no longer in keeping with the remaining character of the settlements. In some instances sites such as ST33 have had subsequent Employment

development completed and the plans for it show there was never any intention of utilising the land for the Residential allocation which is already known by those that attended the Developers presentation of the site at a Parish Council meeting in October 2018 as the full 6ha area still only showed the development confined to the previously rejected H49 site area. As such, this constitutes a Significant Material change to the allocation submission of ST33 which is also supported by the Wheldrake Green Belt description in Annex 4 “around the recognisable boundary of Millfield Industrial Estate and should therefore be removed as there is land available in Wheldrake that is not part of the Green Belt once the corrections are applied as per above.

The Wheldrake Green belt boundary in Annex 4 starts at a random location by starting in the middle of the Southern Boundary and lacks some significant detail, including the corrections to the actual Green Belt Boundary, it would be more appropriately described as:-

“In general, the Green Belt boundary around the village of Wheldrake follows road and property boundaries. Starting at the entrance to the village, the Green Belt boundary flows south, east and then north around the recognisable boundary of Millfield Industrial Estate before following the rear boundaries of seven properties on Millfield Court and Dykeland Close which along with houses abutting one side of Back Lane South that follows the southern edge of the village, face open agricultural land that delineates the Industrial Area from the existing Residential Area by providing an open setting beyond, as per the Conservation Area description, before following the Paddocks and onto Church Lane and then heading north, following rear property boundaries round to the west of houses on Blue Slates Close, Derwent Park, Courtneys, The Ruddings, Greengales Lane and the Broadlands as a recognisable boundary providing a clear distinction between built and open agricultural land. The Green Belt boundary continues west along the side property boundary of houses on Broad Highway and rear property boundaries of houses on Ruffhams Close, Moor Close and The Cranbrooks. It then continues along the drainage ditch to the northern side of the rear boundaries of the properties on Valley View before following the rear boundaries of the properties on the western side back and along Main Street to the entrance.”

The Exceptional Circumstances have been created generically in the main TP1 Addendum document before a blanket application to any allocation that needs justification to be removed from the Green Belt, in the case of ST33, the Educational exceptional circumstance only arises if the development goes ahead and then becomes a requirement rather than a circumstance which would be addressed by Section 106 payments as part of the conditions applied to allowing the development to go ahead which applies to all applications of this circumstance. The Employment circumstance also doesn't exist because the development would see the loss of good quality Agricultural Land and its associated farming jobs, loss of a 15 year old Outdoor Furniture business and its associated employment and the restriction on the types of Employment allowed on the Industrial estate as a result of the noise complaints that will come from the Housing development butted up to the Industrial estate. On the third and final circumstance of Housing Need, 2 points arise, firstly, now that the other 2 circumstances don't exist, as has been raised numerous times on other Local Plans, Housing Need alone is not sufficient to be considered as an Exceptional Circumstance and secondly, with the correction of the Green Belt boundary around Wheldrake, there is a site available for development that is not in the Green Belt.

As for the “Impact on the need to promote sustainable patterns of development” point in regards to ST33, when it was submitted as H49, it failed to score enough points in relation to access to services, the addition of the previously allocated employment land on the recognisable industrial area further exasperates the failure to score enough points for access to services and as such what amounts to almost a 20% increase in the size of the existing Residential area of Wheldrake is not a sustainable development. Furthermore, this goes against both the 2012 and the 2018/2019 NPPF that states development in Villages should be of limited infill, this is neither.

“Purpose 1 Checking unrestricted sprawl” in relation to ST33 is incorrect, the site provides no access to any services, I suspect what is meant is that it has access to 2 or more services, however, as H49 it failed to score enough points for access to services and as a 20% increase in the size of the existing Residential Built up area it is unrestricted sprawl.

“Purpose 3 Safeguarding the countryside from encroachment”, regarding ST33 causes Significant Harm. It changes the open character of part of Back Lane South as described in the Conservation Area. When the Planning Inspector compiled the York Green Belt report, he concluded it would allow development to encroach into the open countryside if it was not included in the Green Belt hence the reason it was included in the Green Belt.

“Purpose 4 Preserving the setting and specialist character of historic towns”, when applied to York is applied to the Villages in York as it is also their Historic Character that contributes to the Historic Character of York. With regard to Wheldrake, its Character is described as a strongly rural, pastoral character of a linear village founded in Agriculture and lies within isolated countryside with Back Lane South still retaining an open setting beyond. With its Agricultural Character previously been used as a reason to allow the development of a controversial Egg Production Plant in the Green Belt, to now remove Agricultural land for ST33 that provides some of the open setting as described in the Conservation area significantly harms the Village’s Character.

The “Detailed boundary issues” for ST33 is inaccurate and conflicts with the Green Belt Boundary description for Wheldrake and the Planning Inspectors comments from the York Green Belt report. The site is made up of 2 elements, land on the Industrial Estate which has its own recognisable boundary as per the Green Belt Boundary description for Wheldrake and a high quality Grade 2 Agricultural field. The tall, dense hedge in the description that forms the south eastern boundary is a fallacy as the hedge runs partially down the centre of the Agricultural field, and compared to the existing hedgerows it is not as dense which is evident from watching the deer regularly cutting through it. It only appears tall compared to the other hedgerows because it is deliberately maintained that way, but looking at the odd tree in it makes that blindingly obvious when compared to the other trees around area. The Planning Inspector commented likewise when compiling his Green Belt report. The north eastern boundary is Back Lane South which as per the Conservation Area is characterised as having openness across the proposed site and beyond.

My Husband requested several times to view the York Green Belt Archives at the City library and was told it couldn’t be found, he half expected it to be unavailable due to it either been with CYC or the planning Inspectors, he had to resort to contacting Carol Crookes, the Independent Programme Officer for York’s Local Plan to see if the Planning Inspectors had seen it and if not to make them aware that valuable historically evidence was missing and clearly hadn’t been used to produce the Local Plan. After a quick email from Carol, the Archive was suddenly found, I think this provides a useful insight along with the other points into the approach taken by CYC to compile the draft York Local Plan.

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Any inconsistencies, omissions and inaccuracies make Plans/Supporting Documentation Unsound. The production of the TP1 Addendum and its Annexes after the "Answers" have already been drawn up results in these documents being negatively prepared, unjustified and inconsistent with National policy making them ineffective. The approach should have been to establish the parts of the Outer Green Belt Boundary that had already been detailed by looking at the Planning Inspectors York Green Belt report and the rest of the York Green Belt Archives (Y/PPT/2/5/192) that formed the boundaries documented in Appendix J of the Draft 2005 Local Plan that was adopted by CYC for the purposes of controlling Development. This would have then identified the area left that could have been used for development and had its Green Belt boundaries drawn up accordingly which would have complied with the Yorkshire and Humberside RSS Saved policy and the revocation order. The whole approach to defining the York Green Belt needs to be restarted with the above approach otherwise it fails to comply with the Yorkshire and Humberside RSS revocation order, the Yorkshire and Humberside RSS saved policies and parts of the 2012, 2018/2019 NPPF where development in villages is not limited infill.

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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 Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for 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 foi@york.gov.uk or on 01904 554145.

Signature

Date

From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 23:13
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 123017
- Date submitted: 22/07/2019
- Time submitted: 23:12:33

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mr Chris Hawkswell

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): ST15

Document:

Page number:

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

Should use all brown field sites in York first
Removal of good Agricultural land, lost forever
Traffic will be a major issue
LLoss of wild life habitat

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not justified, Not effective

Please give reasons for your answer(s):

Not considering brown field sites better suited in York and also surrounding area
Increased development around York means amount of housing required is considerably lower than stated

Your comments - necessary changes

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

To make the Local plan sound all other potential sites with better transport links should be used first

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

No, I do not wish to participate

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

[Redacted]

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 23:22
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 123020
- Date submitted: 22/07/2019
- Time submitted: 23:22:17

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mr Chris Hawkswell

Address: [Redacted]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): OS10

Document:

Page number:

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

Yes, I consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

Not listening to the views of the local people

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not positively prepared, Not justified

Please give reasons for your answer(s):

A nature conservation area as mitigation is merely a way for the council to try and balance the guilt of removing nearly 1000 acres of land from agriculture and buy support for this unwanted and unnecessary development

Your comments - necessary changes

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

Buy using all the brown field sites in and around York where the council has successfully driven all the businesses away

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

No, I do not wish to participate

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

[Redacted]

From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 23:32
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 123021
- Date submitted: 22/07/2019
- Time submitted: 23:32:06

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mr Chris Hawkswell

Address: [Redacted]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): ST27

Document:

Page number:

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

Yes, I consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

Green belt land, the lungs of a city, been given up to an institution that frankly should know better and should be leading by example. Not getting land released for so called educational purposes and then selling it to private institutions at the first available opportunity

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not justified

Please give reasons for your answer(s):

The university of York should be using modern teaching techniques which do not need large structures to work from making things less expensive for the students

Your comments - necessary changes

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

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

No, I do not wish to participate

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

From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 23:14
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 123018
- Date submitted: 22/07/2019
- Time submitted: 23:13:30

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

CommentingOnBehalfOf

About you (individual response)

Name:

Address: , , , ,

About the organisation, group or other individual you are representing

Name: mr Matthew Arthey

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent: [REDACTED]

Contact address: [REDACTED]

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): ST15

Document:

Page number:

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

- st15 settlement is way too big at 3,000 houses - the size of Malton. It will adversely affect neighbourhood of Elvington and Heslington.
 - Link road with a64 will increase traffic through heslington
-

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not justified

Please give reasons for your answer(s):

- too large a development for that area

Your comments - necessary changes

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

make the settlement far smaller so it doesn't dwarf the surrounding villages and drive more traffic through them

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

No, I do not wish to participate

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

From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 23:51
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 123024
- Date submitted: 22/07/2019
- Time submitted: 23:50:54

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: mr steven hawkswell

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address:

Telephone number:

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): PM1

Document:

Page number:

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

the purpose of legal compliance is to make sure that corporations act responsibly. I believe this to not be the case for the following reasons.

productive agricultural land should not be destroyed for the purpose of building houses where avoidable. global populations are rising at a rapid rate. climate change is creating an increasingly difficult environment in which to guarantee the consistent production of adequate food for said rising population. for this reason all good, fertile agricultural land should be protected and used for its intended purpose. i.e. to feed the people of the world. to seize the large areas of agricultural such as the land proposed for the new garden village ref. ST15 and the conservation area ref. OS10, I believe is highly irresponsible in these uncertain times with regards to food security. urban redevelopment and the use of brown field sites should always be the first priority when building new houses to help address the housing shortage.

furthermore, the new garden village ref. ST15 would place a great deal of strain on the surrounding villages. increased traffic flow from the new houses would clog up already busy roads. this could potentially cause large delays to peoples daily schedules, workloads and also a great deal of stress. this may not sound of great importance. but it is important to consider the possible knock on effects on peoples lives. for example people being late for work and potentially

loosing their jobs or people not getting home as early putting strain on family lives and relationships. for this reason the planned development of garden village ST15 is highly irresponsible.

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not justified, Not consistent with national policy

Please give reasons for your answer(s):

as stated in the guidance notes provided for filling out this form the plan is considered justified if it is the most appropriate strategy when considered against the reasonable alternatives. this being the case, the plan in question is not justified as there are more appropriate strategies that would avoid the wastage of good agricultural land by promoting the redevelopment of unused brown field sites.

the plan is considered consistent with national policy if it is able to deliver sustainable development. the practice of taking land out of agricultural production is of course unsustainable. if it were sustained, given sufficient time the whole country, or indeed world would be covered over with concrete tarmac and houses and the occupants of those houses would have nothing to eat. this is definitely not sustainable.

Your comments - necessary changes

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

development of brown field sites instead of green belt land

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

No, I do not wish to participate

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

From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 23 July 2019 00:12
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 123025
- Date submitted: 23/07/2019
- Time submitted: 00:11:38

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mrs Sally Hawkswell

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): ST27

Document:

Page number:

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

Totally unsustainable
Traffic/No public transport
Water Requirements especially times of drought/Sewage disposal
Removal of good Ag Land
Council has duty to reuse recycle old brown field sites first
Not to use this site as it is the easiest

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not justified

Please give reasons for your answer(s):

So much development in local area means this large development is no longer necessary. Circumstances have changed since the plan was first drawn up...climate change York council have declared a Climate Emergency status

Your comments - necessary changes

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

If it is for teaching purposes
An institution like York University should be leading by example not taking land out of Greenbelt then selling off the properties to private businesses

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

No, I do not wish to participate

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

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 23 July 2019 00:27
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 123026
- Date submitted: 23/07/2019
- Time submitted: 00:26:32

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mrs Sally Hawkswell

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): ST4

Document:

Page number:

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

Haven't examined all other potential sites in the area
The traffic 1079 already congested even with Park and ride facilities
Built next to an old refuse tip ...leakage problems
Large mature hedge that needs protecting due to Tree Sparrow habitat

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not justified

Please give reasons for your answer(s):

The council has exaggerated it's housing requirement so this is no longer required
Circumstances have changed due to climatechange
and York Council have declared climate emergency status.

Your comments - necessary changes

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

Housing ought to be in a more appropriate area
Teardrop site
British Sugar site
Rowntrees
MOD sites

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

No, I do not wish to participate

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

From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 23 July 2019 00:47
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 123027
- Date submitted: 23/07/2019
- Time submitted: 00:46:54

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mrs Sally Hawkswell

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): ST15

Document:

Page number:

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

Garden Villages are exactly the same as Satellite Villages of which one was rejected a few years back for being unsustainable, by a previous government.

Even though this is supposedly a brown field site Air Fields have been proved to be a wildlife rich habitat.

The only "Brown" bits are the hangers and runway.

Access on to the already congested A64 would be hazardous also adding to climate change
Climate EMERGENCY

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not justified, Not effective

Please give reasons for your answer(s):

Too larger development Out Of Town without public transport
Water supplies could become scarce due to too many houses built further up river
How will Yorkshire water cope with all the extra sewage and York Council cope with rubbish disposal

Your comments - necessary changes

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

N/A Do not know the legal side
Not sound as not sustainable

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

No, I do not wish to participate

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

From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 23 July 2019 01:05
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 123028
- Date submitted: 23/07/2019
- Time submitted: 01:05:05

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mrs Sally Hawkswell

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46): OS10

Document:

Page number:

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

The council are trying to ease their guilty conscience and buy off any environmental lobbyist

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not justified, Not effective

Please give reasons for your answer(s):

The local plan has not taken into account the fragility of our political situation and if Brexit leads to a no deal our food supplies security will become more important. People in York and surrounding areas are becoming more reliant on food banks surely taking more Agricultural land out of production will only make matters worse. As for the farmers losing their livelihood and home

Your comments - necessary changes

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

The council have got to go back to the drawing board there are just too many circumstances to reconsider .
Environmentally

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

No, I do not wish to participate

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

From: localplan@york.gov.uk
Sent: 23 July 2019 11:38
To: localplan@york.gov.uk
Subject: FW: Response to City of York Local Plan Proposed Modifications (June 2019) Consultation - Also LEP response
Attachments: WYCA Response to CYC Proposed Mods Consultation - 19 July 2019.pdf
Follow Up Flag: Follow up
Flag Status: Completed

From: James Whiteley [REDACTED]
Sent: 19 July 2019 14:13
To: localplan@york.gov.uk
Subject: Response to City of York Local Plan Proposed Modifications (June 2019) Consultation

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

Please find attached the West Yorkshire Combined Authority's response to the City of York Local Plan Proposed Modifications (June 2019) Consultation.

If you have any queries with regard to the attached please do not hesitate to contact me.

Best Regards

James Whiteley | Policy Coordinator
West Yorkshire Combined Authority | Leeds City Region Enterprise Partnership (the LEP)
Wellington House | 40-50 Wellington Street | Leeds | LS1 2DE
[REDACTED]

www.westyorks-ca.gov.uk | www.the-lep.com

Follow the West Yorkshire Combined Authority on [Twitter](#) | Follow the LEP on [Twitter](#) or on [Linked In](#)

Metro is the transport network of the West Yorkshire Combined Authority. Find local travel information at www.wymetro.com, [Twitter](#) and [Facebook](#)

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Nothing in this email amounts to a contractual or other legal commitment on the part of West Yorkshire Combined Authority (???WYCA???) unless confirmed by a written communication signed by or on behalf of the Head of Legal and Democratic Services. Service of legal documents is not accepted by email.

Please note WYCA does not accept liability for any damage or loss that may occur from software viruses and it is your responsibility to virus check this email and any attachments.

Mike Slater
City of York Council
West Offices
Station Rise
York
Y01 6GA

19 July 2019

Dear Mr Slater,

**Re: City of York Local Plan Proposed Modifications (June 2019)
Consultation**

Thank you for consulting the West Yorkshire Combined Authority and the Leeds City Region Local Enterprise Partnership on the Proposed Modifications to the City of York submitted Local Plan.

We have reviewed the proposed modifications and can confirm that these changes address previous concerns regarding the provision of housing as detailed in the Combined Authority response to the Pre-Publication draft Local Plan in October 2017.

The collective Leeds City Region ambition is to attain housing growth of 10,000 – 13,000 net additional homes per annum. Based on the number of homes planned across the City Region Partner Councils, through draft or adopted local plans, the provision set out in the submitted York Local Plan and the Proposed Modifications allows the collective City Region growth range to be achieved. On this basis the York Local Plan will contribute to the Leeds City Region Strategic Economic Plan (SEP).

We note the removal of the proposed housing site allocations ST35 (Queen Elizabeth Barracks) and H59 (Land at Howard Road, Strensall) from the submitted Local Plan. However, this proposed modification does not significantly impact York's contribution to the collective City Region growth range ambition.

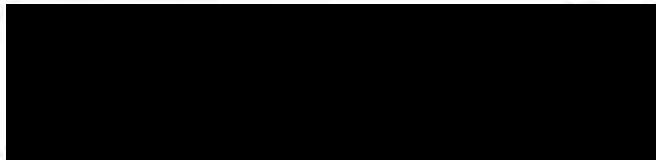
We are satisfied that the Local Plan is sound and meets all duty to cooperate requirements.

In addition, the Combined Authority confirms the City of York Local Plan, including the Proposed Modifications, is in general conformity with the Leeds

City Region SEP and is also aligned with the principles of the West Yorkshire Transport Strategy.

Going forward, we would be keen to work with you on how the delivery of the Local Plan can help to meet our net zero carbon ambitions, both for the City of York and for the City Region.

Yours sincerely,



Alan Reiss
Director of Policy, Strategy and Communications



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

22nd July 2019

Dear Sir/Madam,

I am writing to comment, and express my concerns, on the Local Plan Modifications Consultation, especially with regard to:

ST15

OS10

ST27

ST4

- 1) Loss of agricultural land - 3 generations of a farming family will lose their livelihood and the land will lose their accumulated understanding and experience. In the current climate in our country food security is paramount. Importing extra food puts impossible pressures, through deforestation in countries like Brazil and Borneo.
- 2) Loss of farmland habitat - farmland birds and animals are also under extreme pressure. Creating a nature reserve will not replace the required habitat for these vital creatures.
- 3) The current political climate is changing with BREXIT clearly affecting many people. Also there is CLIMATE CHANGE with the City of York Council declaring a "Climate Emergency Status" as heard on Radio York.

- 3) continued: Building an unsustainable 'Garden Village' without public transport (buses, trains) will add to excessive congestion and toxic air pollution. Foot and cycle traffic is already causing major problems in Heslington for residents, students and the ever expanding workforce during the day and at night.
- 4) Green belt land ought to be protected in PERPETUITY. Surely this means for ALL TIME. How can the Council members honestly justify continually re-assessing the designated land as and when they are pressured to have more land for development.
- 5) These are areas that now provide peaceful country walks in open, neutral spaces and are in frequent use daily by residents and visitors who recognise the value of such places for mental as well as physical health. This is an invaluable resource for the whole community.
- 6) The development will signify a gross disturbance of the land, trees, hedges, waterways which provide habitats for a vast variety of wild life. These developments can decimate vulnerable populations in a few minutes with the use of HGV's, heavy machinery and resulting noise pollution. These wild creatures are irreplaceable once lost....
- 7) Whilst there is a demand for housing, perhaps the Council have overestimated the requirements. Available sites in York are there to be used, but wisely. Historically 'British Sugar' was flattened and a vital resource was lost. The sugar beet was supplied by the local farmers, and the energy produced went back into the national grid...

continued on page 3.

P.3. Local Plan Modifications Consultation: ST15; OS10; ST27; ST4.

8) The University of York has a past record of using its 'educational' status to have land removed from what is known as 'green belt'. It has then used European Union subsidies for Education to develop the land, yet sells it off, at the apparently first available opportunity and presumably for maximum profit, to private investors...

Heslington is a conservation area and village. Some residents, who have families dating back generations to the first world war and beyond, have said to me that the local plan is a disgrace and shameful. Strong words for the Council to consider. Surely we can build trust, respect and connection if we listen and work together.

Thank you for letting me bring these comments and concerns to you by letter as I am unable to manage the internet access listed.

This matter concerns me very much and I have been fortunate to have the help and support of neighbours in presenting this document to you.

Yours faithfully

Jeanne Lister

and other concerned residents of Heslington.

From: Grundy, Simon [REDACTED]
Sent: 22 July 2019 14:39
To: localplan@york.gov.uk
Subject: City of York Local Plan – Proposed Modifications consultation – response on behalf of Schoen Clinic York Ltd. [CJ-WORKSITE.FID524891]
Attachments: 190722 - Schoen reps - final.pdf; 190722 - SCYL Consultation Reps Form.pdf; Appendix 1 - 180403 - The Retreat reps - final.pdf; Appendix 2 - Schoen Group reps - suggested GB boundary.pdf
Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Further to the above, please find enclosed completed response form and associated representations statement and appendices.

I look forward to receiving acknowledgement of receipt.

With best wishes,
Simon Grundy
 Partner

Carter Jonas

[REDACTED] | carterjonas.co.uk
 First Floor, 9 Bond Court, Leeds, LS1 2JZ



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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 Proposed Modifications Consultation Response Form 10 June – 22 July 2019

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 Inspectors 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)	Schoen Clinic York Ltd – c/o agents	Carter Jonas LLP
Representing (if applicable)		L&Q Estates
Address – line 1	– c/o agents	Carter Jonas
Address – line 2		First Floor
Address – line 3		9 Bond Court
Address – line 4		Leeds
Postcode		LS1 2JZ
E-mail Address	– c/o agents	████████████████████
Telephone Number	– c/o agents	██████████

Guidance note

Where do I send my completed form?

Please return the completed form **by Monday 22 July 2019, 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?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and new evidence, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018. You can make comments on any of the proposed modifications, the Sustainability Appraisal Addendum, the updated Habitats Regulation Assessment, and other background documents which include a Housing Needs Assessment update and an Addendum to Topic Paper 1: The Approach to Defining York's Green Belt. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this 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 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, 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 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?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

The Local Plan Proposed Modifications document, the Sustainability Appraisal/SEA Addendum and Updated Habitats Regulation Assessment (HRA) will be available for inspection at in all of York's libraries and City of York Council West Offices.

All supporting documents which underpin the City of York Local Plan Proposed Modifications are available to view online at www.york.gov.uk/localplan and are also available for inspection at City of York Council West Offices and York Explore.

Part B -Your Representation

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



3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification
References:

PM35 & proposals map

Document:

EX/CYC/18 - Green Belt TP1 Addendum and appendices

Page Number:

N/A

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is legally compliant?

Yes No

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

Yes No

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

Please see attached Carter Jonas statement of representations and appendices.

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.

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. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

Positively prepared

Justified

Effective

**Consistent with
national policy**

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

Please see attached Carter Jonas statement of representations and appendices.

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Please see attached Carter Jonas statement of representations and appendices.

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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:

Given the significant issues under consideration by SCYL it is appropriate for them to participate directly by attending the relevant hearing sessions.

Please note: the Inspectors 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 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

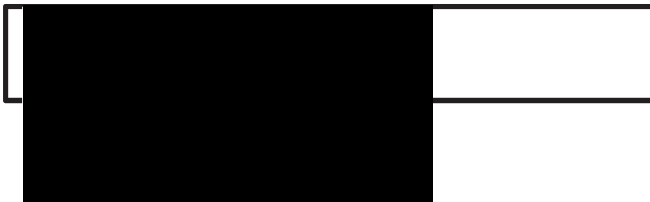
Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database

Your rights

To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for 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 foi@york.gov.uk or on 01904 554145.

Signature 

Date **22 July 2019**

**CITY OF YORK LOCAL PLAN
PROPOSED MODIFICATIONS
(JUNE 2019)
REGULATION 19 CONSULTATION
RESPONSE**

REPRESENTATIONS

July 2019
Schoen Clinic York Ltd.
J0024165

Carter Jonas

Page 4418 of 4486

CONTENTS

1.0 Introduction and Executive Summary	1
2.0 The Overall Document & General Approach	3
3.0 Spatial Proposals and the Green Belt Strategy	4
4.0 Green Belt - General Principles and Detailed Boundaries	6
5.0 Conclusion	14

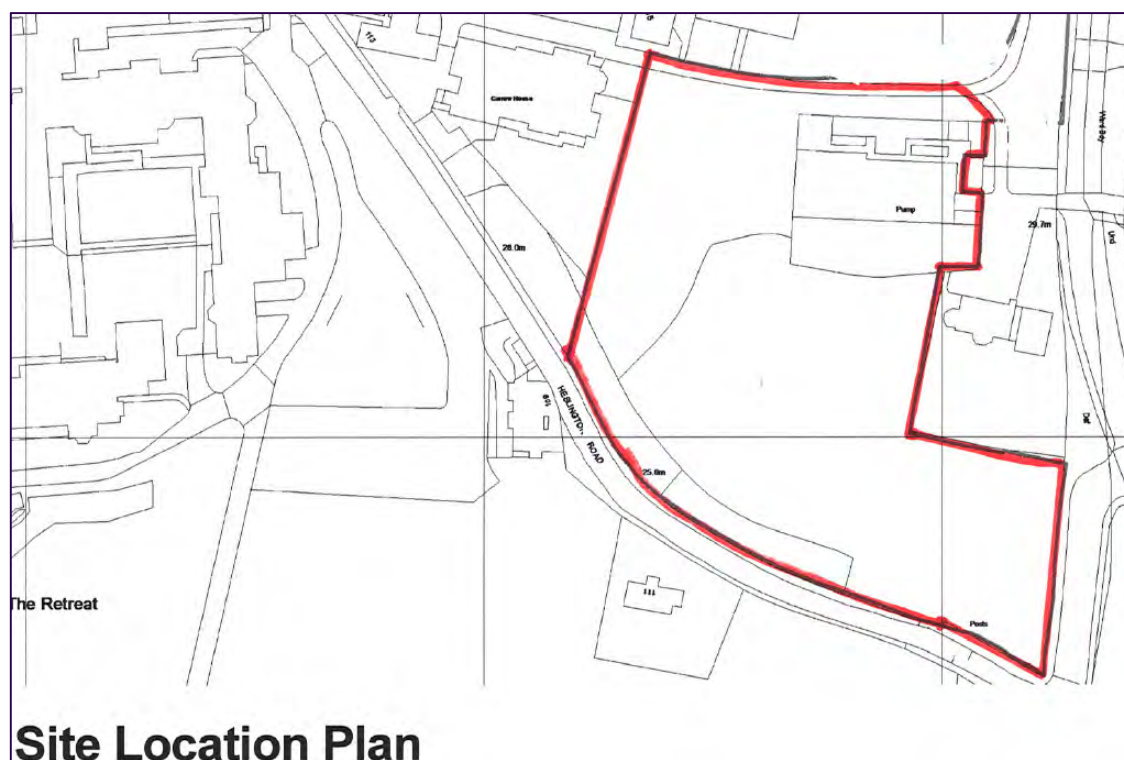
Appendices

Appendix 1: Carter Jonas Representations on behalf of the Retreat - March 2018

Appendix 2: Suggested Green Belt boundaries

1.0 INTRODUCTION & EXECUTIVE SUMMARY

- 1.1 Carter Jonas LLP welcomes the opportunity to make representations upon the June 2019 City of York Local Plan Proposed Modifications (the PPM) on behalf of Schoen Clinic York Ltd (SCYL). These representations are pursuant to and cross-reference with previous representations by Carter Jonas on behalf of The Retreat Living Ltd. (as enclosed at Appendix 1) to the City of Publication Draft York Local Plan (the PDP). These representations have been prepared for the exclusive benefit of the respondents as set out in the report. No other parties may use or duplicate the report contents without the written permission of Carter Jonas LLP.
- 1.2 The representations are in respect of land known as Plot 2a, The Retreat, Heslington Rd., York YO10 5BN (the site). The site is within the wider grounds of a healthcare facility specialising in mental health and is shown on the following red line location plan. Having been considered at earlier stages of the plan the land forms part of Site Reference 862 within the Strategic Housing Land Availability Assessment (SHLAA) (2018). 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 continue to engage with the Council upon matters of green belt review and development potential at the site.



- 1.3 In summary, our main representations are:
- The proposed Green Belt boundaries are unsound as they are drawn to unreasonably restrict development opportunities for the necessary growth of York.

- The combined methodology in terms of defining the inner and outer Green Belt boundaries and allocation of development sites is flawed.
- In this, the inner boundary as proposed would be too tightly drawn to allow for development needs during the plan period and beyond.
- The March 2019 Addendum to Topic Paper 1 - Approach to Defining York's Green Belt (the Green Belt Addendum) seeks to retrospectively justify the proposed Green Belt boundaries that had already been selected long before the May 2018 submission.
- The Green Belt Addendum is the latest in a long line of green belt review documents, going back to 2003. However, rather than providing a comprehensive and robust evidence base, these documents represent a fragmented and piecemeal approach to establishing detailed Green Belt boundaries to the city.
- The Council's emphasis for the detailed inner boundaries is geared towards safeguarding "the special character and setting of the historic city" rather than establishing "long term development limits" that both take into account necessary levels of growth and will "also endure beyond the Plan period".
- The rear boundary of The Retreat adjacent to Walmgate Stray would form a logical, permanent and strong Green Belt boundary and a well-defined edge to the built-part of the city at this point.
- The main built-part of the Retreat sits within the urban and developed part of York and can be considered to fall outside the General Extent of Green Belt established by the Yorkshire and Humber Plan. This follows appeal case law relating to the General Extent of Green Belt from Germany Beck (2007) onwards.
- The site in itself serves none of the five purposes of Green Belt as set out at paragraph 80 of the National Planning Policy Framework (NPPF).
- Development could be undertaken in a sensitive manner to protect heritage assets including the conservation area, setting of listed buildings and the setting of the land within the Register of Parks and Gardens. Additional protection via green belt policy is not required.
- As a result of these matters Plot 2a should not be designated as Green Belt and parts of the land could be developed for housing.

1.5 We have completed a representation form, to which is this statement is attached.

2.0 THE OVERALL DOCUMENT & GENERAL APPROACH

National Policy 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 proposal 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, taking into account the proposed main modifications. 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
- Not consistent with national planning policy.

2.4 Our specific comments are set out below on a section-by-section basis.

3.0 SPATIAL PROPOSALS AND THE GREEN BELT STRATEGY

EX/CYC/18: Green Belt TP1 Addendum and Proposals Map Modifications

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. Whilst SCYL has no direct interest in the proposed objectively assessed housing need it does consider the approach taken by the council to represent a negative and anti-development approach to plan-making.

Policy SS2: The Role of York's Green Belt

- 3.2 The General Extent of Green Belt for York was established by Yorkshire and Humber Plan and retained under The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. We welcome the opportunity for the establishment of detailed Green Belt boundaries for the first time and consider that this issue goes to the heart of a sound plan for the city. Under 'saved' Policy YH9 of the Yorkshire and Humber Plan the council must "establish long term development limits that safeguard the special character and setting of the historic city". However, in establishing the inner and outer Green Belt boundaries, the council must also bear in mind the need to:

- allocate sufficient land to be allocated for development; and
- identify areas of 'safeguarded land' for potential development beyond 2033.

- 3.3 As a result of the historic restraining effect of the General Extent of Green Belt on new housing development and as well documented, there is significant pent-up housing demand across the city. Land for housing within the built-part of York is at a premium and the Publication Draft Plan already takes into account key strategic regeneration sites and their capacity to deliver new housing. Brownfield land is a finite resource and historic rates of new housing on brownfield sites are most unlikely to be maintained for the plan period. This situation has put any potential development land at a premium in view of its scarcity as a resource.

- 3.4 Despite this, the Green Belt boundaries proposed within the plan have clearly been drawn up with maximum development restraint in mind. Given the proposed boundaries are in no small part based upon a highly flawed approach under Policy SS1 noted above, it stands to reason that Policy SS2 as written cannot be considered sound as it is not effective and justified.

- 3.5 In summary, the proposed inner and outer Green Belt boundaries should be drawn as appropriate to enable additional housing land to be allocated to meet a significantly increased OAN and other development needs. Safeguarded land should be also be allocated for development needs well beyond 2038. We therefore suggest that to render Policy SS2 sound it should be modified 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, **with additional land released from the General Extent of Green Belt to be safeguarded for development beyond the plan period.** (CJ amendments in bold).*

- 3.6 We make further representations covering the methodology followed to define the Green Belt boundaries and the proposed inclusion of Plot 2a, The Retreat below.

4.0 GREEN BELT - GENERAL PRINCIPLES AND DETAILED BOUNDARIES

EX/CYC/18d: TP1 Addendum Annex 3 – York Green Belt Inner Boundary Section Descriptions and Justification

Policy Background

- 4.1 The City of York Green Belt remains in existence as a result of The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. This confirmed that:

The Regional Strategy for Yorkshire and Humber is revoked except for—

(a) the policies of the RSS set out in the Schedule to this Order (“the RSS York Green Belt policies”); 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.

- 4.2 Under (a), Policies YH9(C) and Yorkshire(C) were retained as follows:

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

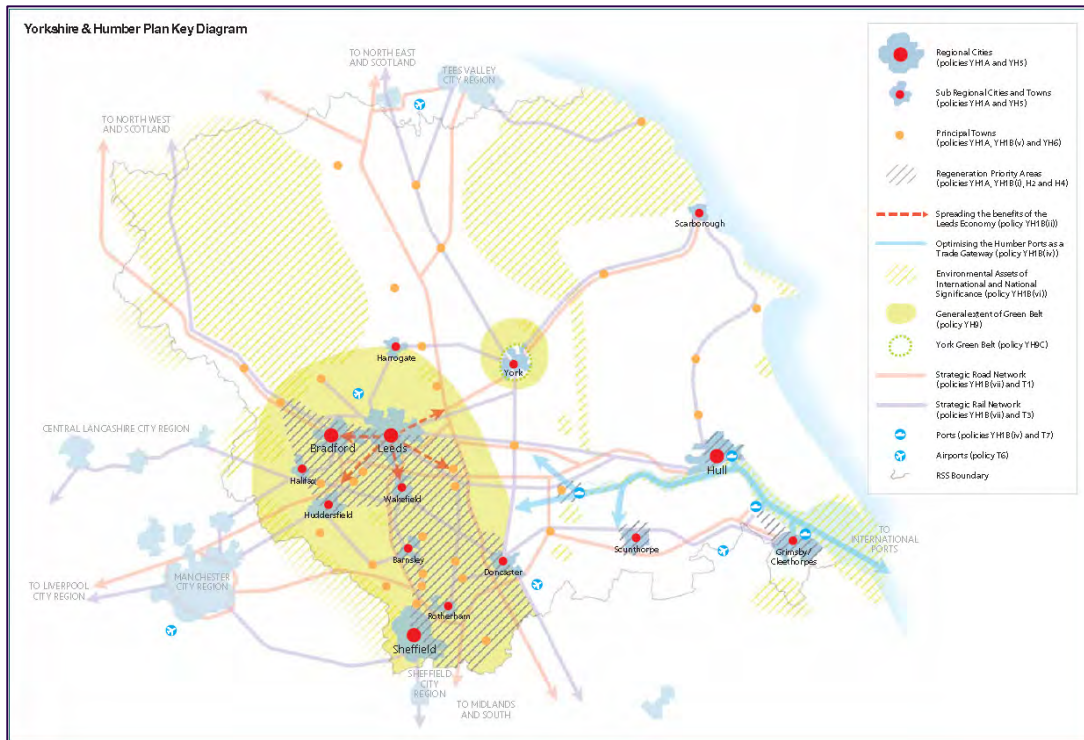
Plans, strategies, investment decisions and programmes for the York sub area should:

C Environment

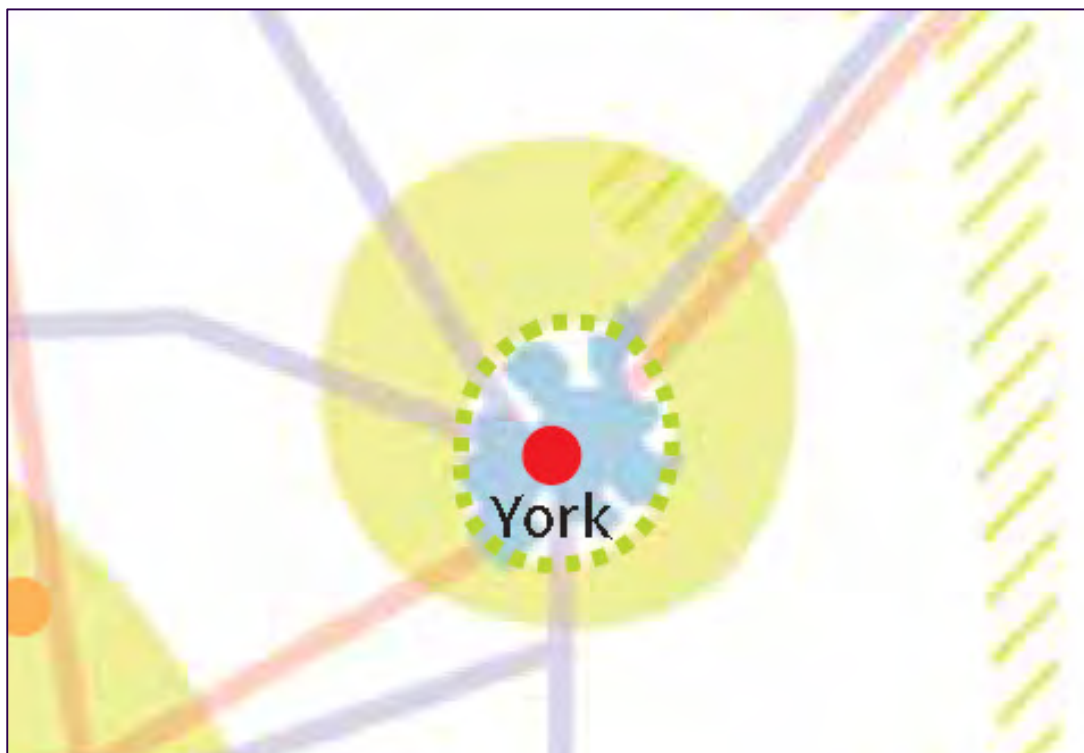
1. In the City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C.

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.

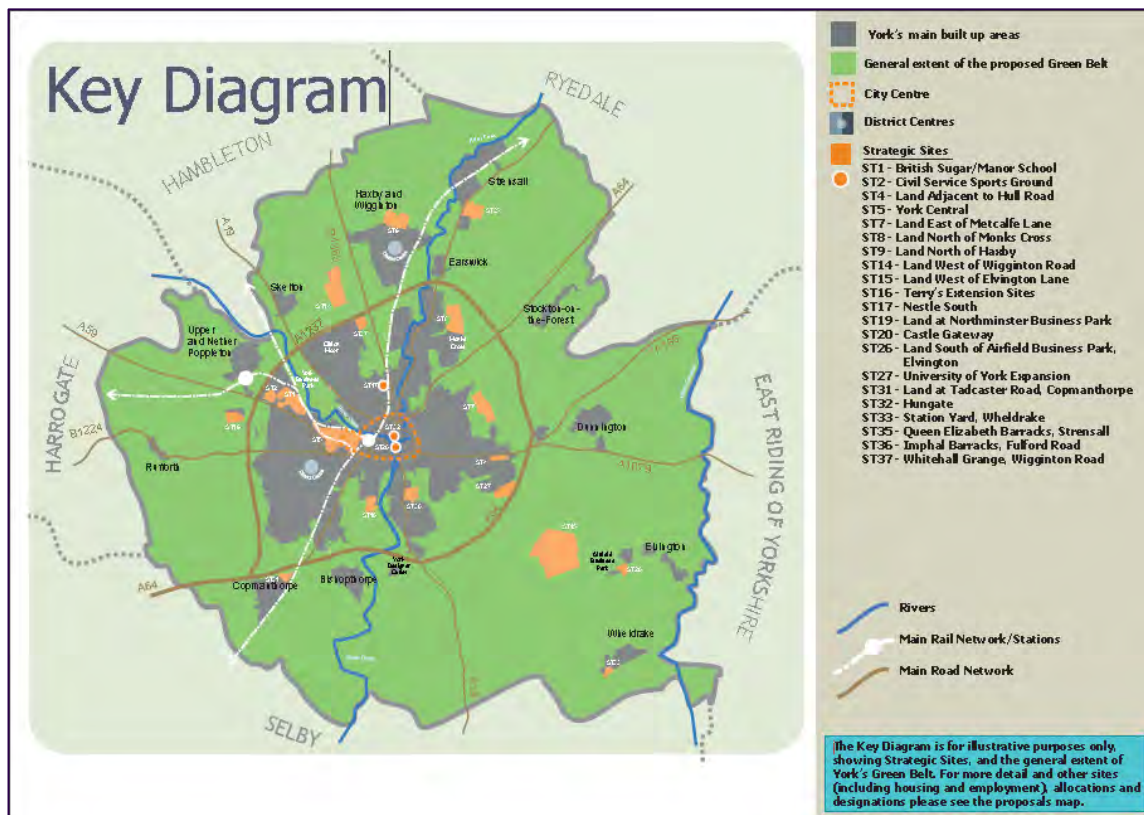
- 4.3 Under (b) the following Key Diagram is retained but only to indicate the general extent of the York Green Belt:



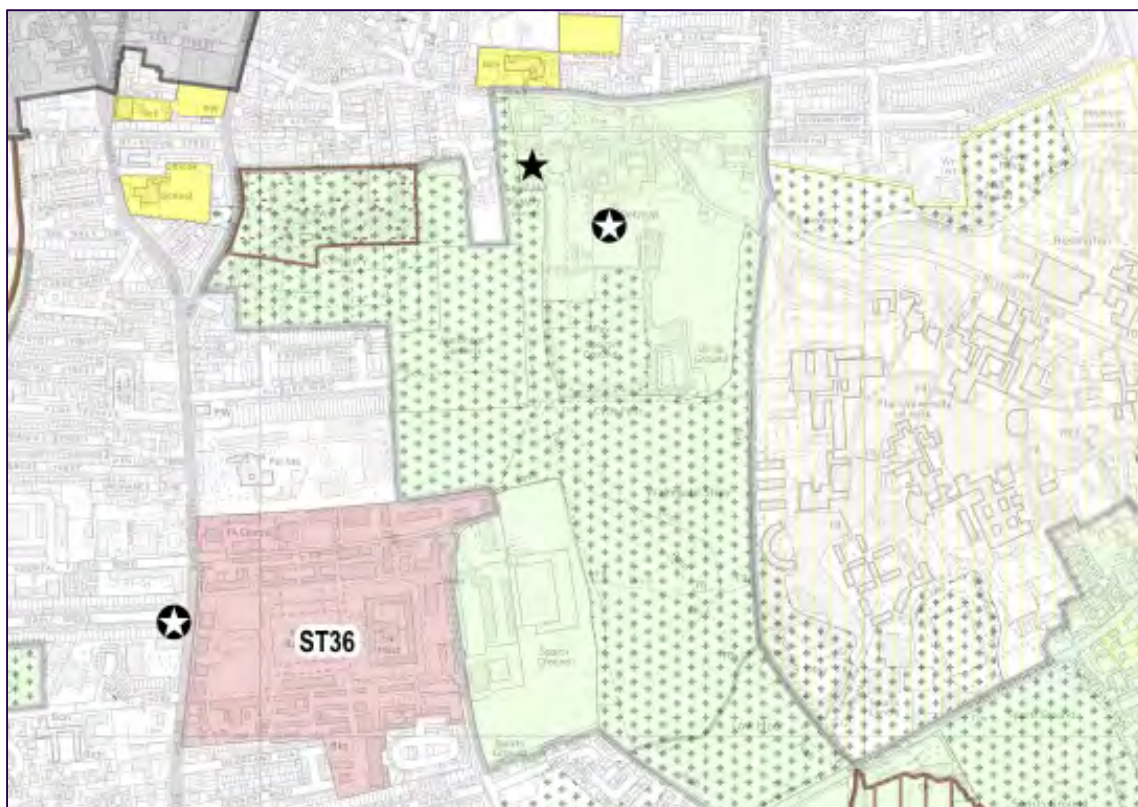
4.4 The following enlargement shows the general extent and inner edge more clearly



4.5 The draft plan includes a proposed more detailed Key Diagram as part of the introduction, which shows the General extent of the proposed Green Belt as follows:



4.6 The detailed Proposals Map South shows the proposed Green Belt boundary for The Retreat as follows:



4.7 The Green Belt background papers and evidence base are closely linked to the assessment of historic character and setting, with the following key documents:

- The Approach to the Green Belt Appraisal – February 2003
- Historic Character and Setting – January 2011
- Historic Character and Setting: Technical Paper Update – June 2013
- Approach to Defining York's Green Belt May 2018
- Topic Paper TP1: Approach to defining York's Green Belt – ADDENDUM March 2019 plus relevant appendices:
 - Annex 3 - York Green Belt Inner Boundary Section Descriptions and Justifications
 - Annex 6 - Minor Modifications Schedule GB Policies maps March 2019

4.8 These variously consider the open land around the city and classify different element as having importance as one of the following:

- Village Setting
- Rural Setting
- Strays
- Green Wedge
- River Corridors
- Extension of the Green Wedge
- Areas Preventing Coalescence

4.9 The Retreat is assessed as being part of a Green Wedge, defined as part of the historic character and setting of York within the 2003 report as follows:

The green wedges are a characteristic feature of York. They form large tracts of undeveloped land which largely extend the countryside into the city. They prevent the lateral coalescence of different parts of the urban area and help to retain the distinctive characteristics of earlier periods of individual settlements. The green wedges bring a feeling of the countryside within a close proximity to the centre of the city. Their open nature allows views of the city to be enjoyed including important vistas towards the Minster.

4.10 The 2003 report assesses The Retreat as part of Area C3: Extension to Walmgate Stray, described as follows:

- *Open grounds of the Retreat situated within the Retreat and Heslington Road Conservation Area*
- *The open setting of the city and open space adjacent to the Barracks.*
- *Open approaches providing a rural setting to the city affording good views of the Minster.*

4.11 The 2018 SHLAA assesses the site in terms of heritage and landscape and concludes:

The entire site is currently within the greenbelt and needs to remain so.

4.12 Topic Paper TP1 and the relevant appendices seek to retrospectively review the proposed establishment of the inner green belt boundary to this part of the city. Section 7 of Annex 3 assesses the proposed boundary adjacent to the University of York main campus (west), the Retreat, York Cemetery and the adjacent Low Moor Allotments.

Green Belt Assessment – General Principles

4.13 We consider the SHLAA conclusion to be incorrect on both whether the Plot 2a site is in the Green Belt already and whether or not it should be protected as such. The built part of the Retreat forms part of the developed urban area of York. The buildings are urban in character and closely relate to the built development on three sides and the adjacent Low Moor Allotments. The grounds form the curtilage of the hospital and thus a single planning unit albeit split into areas of different character and use.

4.14 Plot 2a, whilst largely undeveloped in itself, is closely bounded on all 4 sides by built development, as follows:

- i. Catherine House and the Walled Garden to the North
- ii. The Tuke Centre and car park to the East
- iii. East Villas and a private dwelling to the South (109 and 111 Heslington Road respectively)
- iv. Garrow House plus grounds and parking for the Retreat to the West

4.15 The following plan shows the enclosed nature of the site and denotes:

- a. Built development (mainly 2 storey) and curtilage in blue
- b. Car park areas in orange
- c. Strong tree and hedge boundaries in green



- 4.16 The Key Diagram at 4.5 above purports to show the “General extent of the proposed Green Belt” as including the Green Wedges and Strays that extend into the main built part of York. However, this is not the case with the Yorkshire and Humber Plan Key Diagram copied above at 5.3 and enlarged at 5.4 which, despite being diagrammatic, show “York Green Belt (policy YH9C)” to not include the Green Wedges and Strays. It is for the local plan process to determine the inner edge of the Green Belt and whether or not the Green Wedges and Strays should be included or protected by other means.
- 4.17 We are concerned that the proposed detailed Green Belt boundaries are based upon evidence that is out-of-date, going back as far as 15 years and preceding not only the draft NPPF but the 2012 document and current main modifications as well. We are also concerned that the proposed inclusion of Plot 2a, the Retreat is based on the misapprehension that the land is already in the Green Belt. It is not.
- 4.18 Taking the fundamental NPPF aim of Green Belts into account we consider Plot 2a is not “permanently open” and makes no contribution to preventing urban sprawl into the wider countryside. If designated as Green Belt, the site would make no contribution toward openness. Turning to the five purposes of Green Belt at NPPF paragraph 134 (a-e) we consider that the site performs as follows:
- a) As noted above, we consider the site and its wider context to be built-up in character in any event. As land within the developed part of the wider Retreat estate, designating the site as Green Belt would have no benefit to keeping urban sprawl in check.
 - b) The site plays no role in preventing the coalescence of neighbouring towns.
 - c) Similarly, being already part of the urban area, it plays no role in safeguarding against countryside encroachment.
 - d) The site in itself does not preserve the historic core of York. Providing it is done in a manner sensitive to the listed building, conservation area and Registered Park and Garden heritage assets, development could take place without harm to the setting and special character of the historic part of York. Green Belt status is not needed to safeguard this aspect.
 - e) The buildings and curtilage are urban in character. Designation as Green Belt would in effect discourage making best use of under-utilised urban land.
- 4.19 The council has not explained the exceptional circumstances to justify this land being included within the Green Belt. Furthermore, the council has failed to demonstrate the necessity for the site to be within the Green Belt as required by NPPF paragraph 185. It has not shown why “normal planning and development management policies would not be adequate”.
- 4.20 Given the short supply of development land in sustainable locations and the benefits of new development close to existing shops and services, the proposed designation of the site as Green Belt is contrary to paragraph 138 of the NPPF.

- 4.21 In proposing to designate the site as part of the Green Belt the council is in conflict with paragraph 139 of the NPPF as (1) it will be contrary to the required allocation of sufficient land for sustainable development and (2) it is not necessary to keep the site permanently open. Indeed, given the enclosed nature of the site we draw attention to at paragraph 4.15 above, we maintain that the site is not open in character as it stands.
- 4.22 In summary, we maintain that Plot 2a, the Retreat should not be deemed to be within the current General Extent of Green Belt and that it would meet none of the NPPF purposes of Green Belt land. The Retreat does not have the characteristics of openness normally associated with Green Belt, having significant built form and character, set within mature, walled grounds.
- 4.23 If Walmgate Stray is ultimately included within the designated Green Belt, the southern boundaries of Low Moor Allotments and The Retreat would give a clearly defined and strong boundary to the Green Belt at this point, marking the urban edge of this part of York.

Green Belt Assessment – Detailed Boundaries

- 4.24 Turning to Topic Paper TP1: Approach to defining York's Green Belt – ADDENDUM March 2019 plus Annex 3 - York Green Belt Inner Boundary Section Descriptions and Justifications and Annex 6 - Minor Modifications Schedule GB Policies maps dated March 2019 we maintain the view that these documents seek to retrofit an evidence base to draft Green Belt boundaries selected long ago.
- 4.25 Annex 3 Section 7 boundaries 15 and 16 assess the proposed boundary to the immediate west and north of the Retreat. However, this assessment
- a) fails to objectively consider other potential boundaries and
 - b) seeks to consider the green belt merits of the Retreat as a whole rather than in respect of the different character areas that exist.
- 4.26 To illustrate 4.25(a), the rear wall to the Retreat grounds would form an excellent boundary to the green belt. It marks the border between the openness of the publically accessible Walmgate Stray and the closed-off and private grounds of the Retreat. In addition, the rear wall to the Retreat would perform well under NPPF paragraph 139(f) in respect of a physical feature that is recognisable and permanent.
- 4.27 Turning to 4.25(b) we note that the Annex 3 Section 7 boundary 15 and 16 appraisals simply review the boundaries themselves and refer to the Retreat as a whole and do not really assess green belt purposes contribution in any great detail or in respect of the different character areas of the Retreat grounds. For example, Plot 2a (southern part of SHLAA Site Ref. 862) has no views of York Minster whereas the land to the front of Garrow House (northern part of SHLAA Site Ref. 862) has an excellent view of the same.

4.28 In addition to this, it makes no sense to exclude the higher education University of York main campus from the green belt whilst at the same time including the Retreat healthcare campus and estate. This highlights another significant inconsistency arising from the council's evidence base.

Green Belt Assessment – Proposed Modifications

4.29 Proposed Modification PM35 seeks to draw the inner boundary to the west side of University Road and south side of Thief Lane instead of the east and north sides respectively.

4.30 SCYL objects to those modifications on the grounds that they represent cosmetic alterations to the green belt boundary that fail to take the opportunity to exclude the Retreat from the Green Belt.

4.31 A site visit will confirm our view that the rear wall to the Retreat grounds would form a more appropriate green belt boundary at this point in terms of the National Planning Policy Framework and associated policies. This would help facilitate development but with the protection of heritage designations in place in their own right. The suggested alternative boundary is shown in pink on the plan at Appendix 2 of these Representations.

4.32 Another option would be to exclude the northern, built-up part of the Retreat from the green belt and include the southern, more open part of the grounds. This suggested boundary would be a suitable alternative in the event that the option at 4.31 above is discounted and is shown in green at Appendix 2.

4.33 A further option is shown in blue at Appendix 2 and represents the exclusion of the wider Retreat grounds from the green belt as per 4.31 above but the inclusion of Low Moor Allotments and York Cemetery.

5.0 CONCLUSION

5.1 These representations set out fundamental flaws in the Publication Draft Plan including Proposed Modifications and explain why it is unsound. In particular, it fails to meet the NPPF paragraph 11 requirement that:

... plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change ...

5.2 The most significant concerns are the proposed, tightly drawn Green Belt boundaries and insufficiency of development land would combine to hold back growth to unreasonably low levels.

5.3 To summarise in more detail:

- The spatial strategy fails to take into account a realistic objectively assessed housing need and other development land requirements leading to a lack of developable land outside the proposed green belt.
- The draft plan is also unsound and in conflict with the NPPF as no safeguarded land is proposed to help meet “longer term needs stretching well beyond the plan period”.
- The proposed Green Belt is unsound as it is tightly drawn to unreasonably restrict development opportunities for the necessary growth of York.
- The proposed inclusion of The Retreat and Plot 2a in particular within the Green Belt is not supported by evidence and is unjustified. In this respect the plan is unsound.
- The site would neither perform any of the five NPPF purposes of Green Belt, nor would it contribute to the key characteristic of openness.
- The southern boundaries of Low Moor Allotments and The Retreat would form a logical, permanent and strong Green Belt boundary and a well-defined edge to the built-part of the city at this point.
- At very least the northern part of the Retreat, including Plot 2a, has the character of an urban institution and should be excluded from the green belt.

5.4 Our client’s land at Plot 2a is fully deliverable for new healthcare development and represents one of the most appropriate sites for allocation when considered against reasonable alternatives.

5.5 We respectfully maintain that the site, SHLAA ref. 862 should be excluded from the Green Belt to be allocated for healthcare purposes within the plan period for the extensive reasons noted within these representations.

**CITY OF YORK LOCAL PLAN
PUBLICATION DRAFT (FEB 2018)
REGULATION 19 CONSULTATION**

REPRESENTATIONS

March 2018
The Retreat Living Ltd.
J0016251

Carter Jonas

Page 4434 of 4486

CONTENTS

1.0 Introduction and Executive Summary	1
2.0 The Overall Document & General Approach	3
3.0 Spatial Strategy and the Housing Requirement	5
4.0 Housing Allocations	9
5.0 Green Belt	11
6.0 Conclusion	17

Appendices

Appendix 1: JLL Representations - February 2016

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 plan) on behalf of our client, The Retreat Living Ltd. These representations are pursuant to and cross-reference with previous representations by JLL at Preferred Sites stage.
- 1.2 The representations are in respect of the land and buildings at The Retreat, Heslington Rd., York YO10 5BN (the site). The site is in use as a hospital specialising in mental health. As such it is a residential institution falling within Class C2 of the Town and Country Planning (Use Classes) Order 1987. Having been considered at earlier stages of the plan the land is covered by Site References 861 and 862 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 green belt review and development potential at the site.
- 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 intervention. 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.
- 1.4 In summary our main representations are:
- The Vision and Outcomes are not justified or effective as they are not backed by positive policies to meet 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 – 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.
 - 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.
- The draft plan is unsound and in conflict with the NPPF as no safeguarded land is proposed to help meet “longer term needs stretching well beyond the plan period”.
- The proposed Green Belt is unsound as the proposed inner boundary is tightly drawn to unreasonably restrict development opportunities for the necessary growth of York.
- The rear boundary of The Retreat would form a logical, permanent and strong Green Belt boundary and a well-defined edge to the built-part of the city at this point.
- The Retreat and its curtilage sit within the urban and built-up part of York and can be considered to fall outside the General Extent of Green Belt established by the Yorkshire and Humber Plan.
- The site in itself serves none of the five purposes of Green Belt as set out at paragraph 80 of the National Planning Policy Framework (NPPF).
- Development could be undertaken in a sensitive manner to protect heritage assets and the special character of the City of York.
- As a result of these matters the Retreat should not be designated as Green Belt and parts of the land could be developed for housing.

1.5 We have completed a representation form, to which is this statement is attached.

2.0 THE OVERALL DOCUMENT & GENERAL APPROACH

National Policy 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 proposal 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: -
- The Publication Draft Plan is not sufficiently strategic in focus and fails to provide a clear strategic direction for the City;
 - It fails to respond to the direction of travel within recent draft government guidance contained in 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 draft National Planning Policy Framework 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
 - 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. For the Vision to be ‘sound’ it should also explicitly acknowledge the need to provide affordable housing and diversify the housing market. However, it is well documented that the housing target incorporated into the plan in a highly politicised manner is neither justified nor backed by the current evidence base.
- 2.9 We also maintain that significant weight should be given to the Planning for the Right Homes OAN methodology, especially given the following statement from the Government’s March 2018 Question 1(a) consultation response, subtitled “A summary of consultation responses and the Government’s view on the way forward.”:

Having considered the responses, we consider that the proposed approach to assessing local housing need is the most appropriate method that meets the three key principles of being simple, realistic and based on publicly available data. We will be publishing draft guidance on the proposed methodology alongside the revised Framework.

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. This would have been fully supported and justified by the SHMA evidence base, officer recommendations (including suggested additional housing sites) 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 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 toward the 1,070dpa confirmed within the Planning for the Right Homes Publication Data spreadsheet.
- 3.6 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.

Policy SS2: The Role of York's Green Belt

- 3.7 The General Extent of Green Belt for York was established by Yorkshire and Humber Plan and retained under The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. We welcome the opportunity for the establishment of detailed Green Belt boundaries for the first time and consider that this issue goes to the heart of a sound plan for the city. Under 'saved' Policy YH9 of the Yorkshire and Humber Plan the council must *"establish long term development limits that safeguard the special character and setting of the historic city"*. However, in establishing the inner and outer Green Belt boundaries, the council must also bear in mind the need to:
- allocate sufficient land to be allocated for development; and
 - identify areas of 'safeguarded land' for potential development beyond 2033.
- 3.8 As a result of the historic restraining effect of the General Extent of Green Belt on new housing development and as well documented, there is significant pent-up housing demand across the city. Land for housing within the built-part of York is at a premium and the Publication Draft Plan already takes into account key strategic regeneration sites and their capacity to deliver new housing. Brownfield land is a finite resource and historic rates of new housing on brownfield sites are most unlikely to be maintained for the plan period.
- 3.9 Despite this, the Green Belt boundaries proposed within the plan have clearly been drawn up with maximum development restraint in mind. Given the proposed boundaries are in no small part based upon a highly flawed approach under Policy SS1 noted above, it stands to reason that Policy SS2 as written cannot be considered sound as it is not effective and justified. As highlighted above we recommend that the plan includes a significant uplift to the housing requirement. Therefore it is very likely that further land for housing will need to be identified as the plan progresses and this will of necessity take up land currently within the proposed Green Belt boundaries.
- 3.10 In view of NPPF advice at paragraph 85 it is also considered necessary to formally identify Safeguarded Land to meet longer-term development needs stretching well beyond the plan period and to ensure the Council is satisfied that the Green Belt boundaries will not need to be altered at the end of the development plan period. Whilst we recognise that the Publication Draft Plan seeks to provide "further development land to 2038" (paragraph 3.13) this falls well short of the NPPF paragraph 85 requirement to:

...meet longer-term development needs stretching well beyond the plan period.

- 3.11 In summary, the proposed inner and outer Green Belt boundaries should be relaxed as appropriate to enable additional housing land to be allocated to meet a significantly increased OAN. Safeguarded land should be also be allocated for development needs well beyond 2038. We therefore suggest that to render Policy SS2 sound it should be modified 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, with additional land released from the General Extent of Green Belt to be safeguarded for development beyond the plan period. (CJ amendments in bold).

- 3.12 In respect of the overall housing requirement and the proposed Green Belt boundaries we cross-refer to the September 2016 representations on behalf of The Retreat, appended herewith at Annex 1 for ease of reference.
- 3.13 We make further representations covering the methodology followed to define the Green Belt boundaries and the proposed inclusion of The Retreat below.

Spatial Strategy: Key Sites

- 3.14 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 and (2) the unrealistic yields being suggested.

Policy SS4: York Central

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 on the one hand and an unreasonably broad range 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.

- 3.15 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

- 3.16 As with SS4 above we do not go into the details behind Policy SS6 at this stage. However, we consider the suggested 1,200 dwelling yield includes a significant degree of over-optimism. We note the October 2017 Planning Committee report for undetermined planning application ref. 15/00524/OUTM refers to “*up to 1,100 dwellings*” whereas the subsequent January 2018 Design and Access Statement sets 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 ALLOCATIONS

Policy H1: Housing Allocations

- 4.1 This section of the plan seeks to confirm *the “policies and allocations to positively meet the housing development needs of the city”*. We maintain for the reasons given above and as set out in extensive representations to date, 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.
- 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 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. It is considered that the build out rates and density levels contained in the SHLAA are not realistic or robust.
- 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 for only a handful of units (e.g. Site H53 Land at Knapton Village for 4 dwellings) which might otherwise have been considered windfall should they come forward. As a result, we object to the

inclusion of over 2,000 units of windfall within supply as a result of being 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.
- 4.8 We suggest that SHLAA Site Refs. 861 and 862 should be allocated for housing. This could be achieved in a sensitive manner in respect of heritage assets (please see below) and potentially contribute an estimated 250 dwellings to supply on what is previously developed land within the urban part of York. This would assist The Retreat in providing a new hospital replacing the current underused and obsolete facilities.

5.0 GREEN BELT

Policy Background

5.1 The City of York Green Belt remains in existence as a result of The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. This confirmed that:

The Regional Strategy for Yorkshire and Humber is revoked except for—

(a) the policies of the RSS set out in the Schedule to this Order (“the RSS York Green Belt policies”); 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.

5.2 Under (a), Policies YH9(C) and Yorkshire(C) were retained as follows:

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

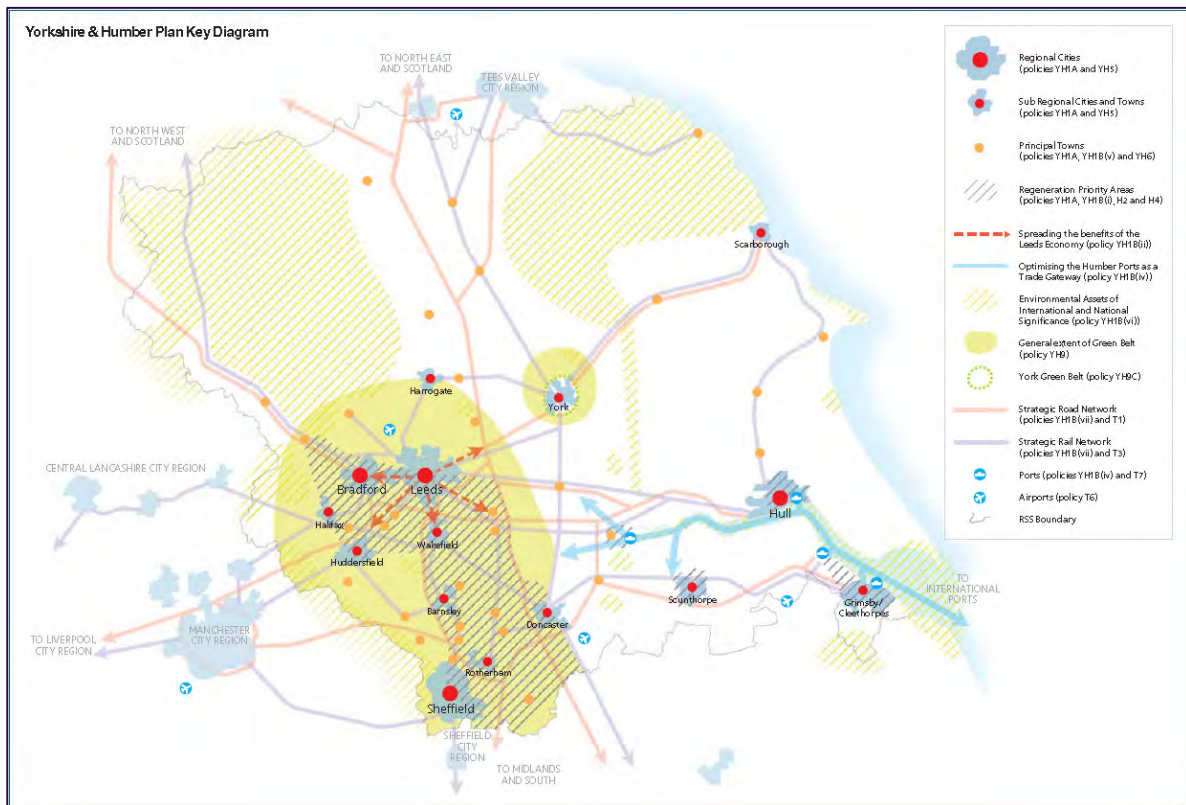
Plans, strategies, investment decisions and programmes for the York sub area should:

C Environment

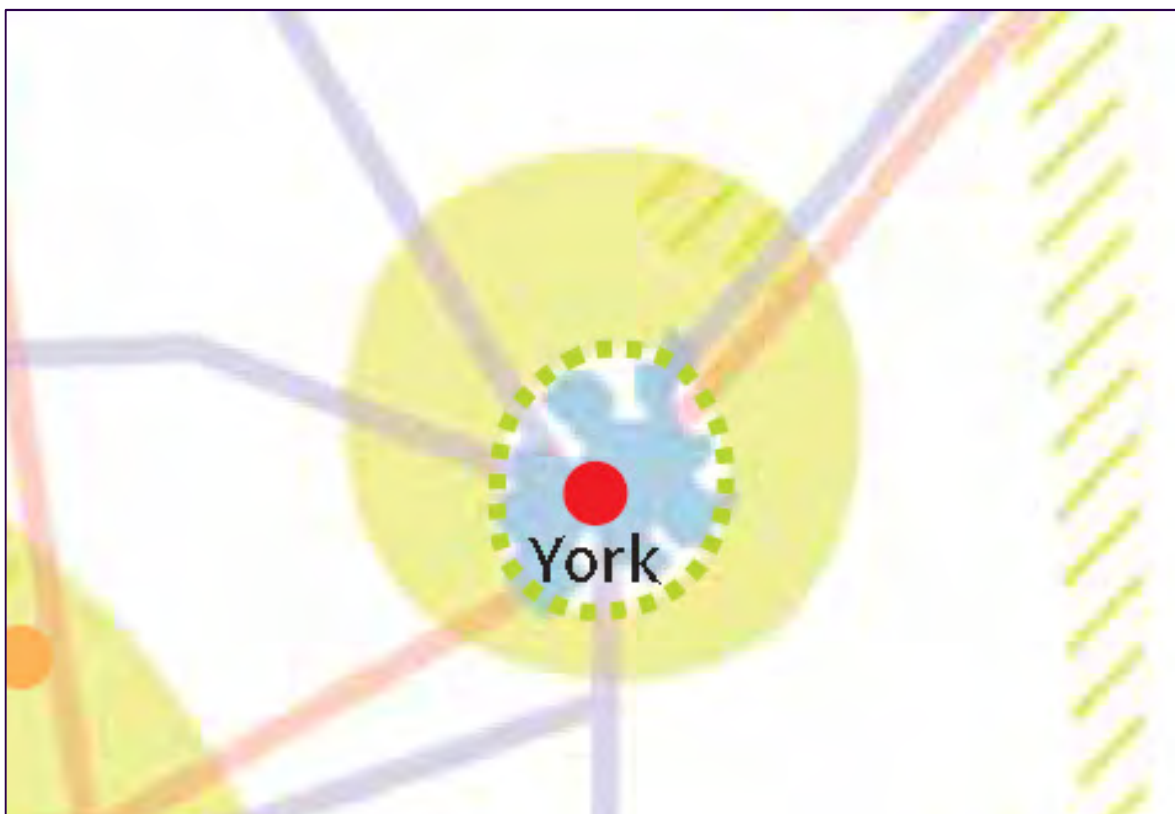
1. In the City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C.

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.

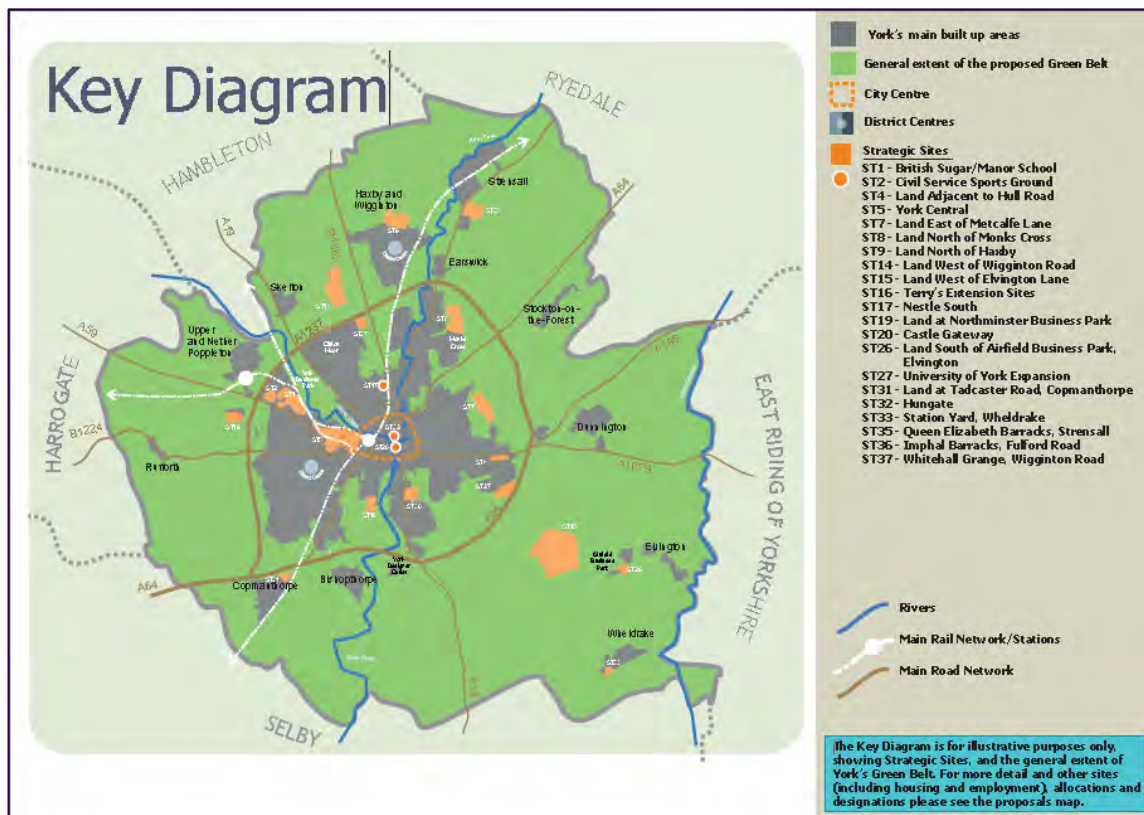
5.3 Under (b) the following Key Diagram is retained but only to indicate the general extent of the York Green Belt:



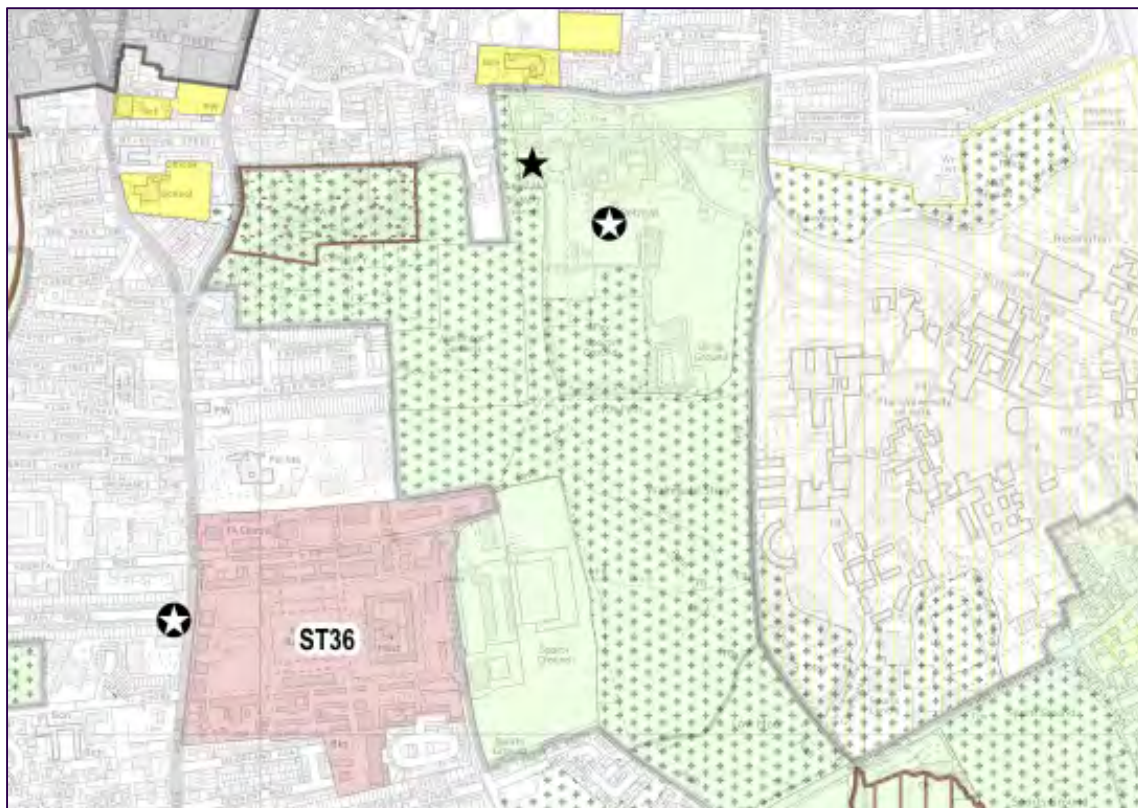
5.4 The following enlargement shows the general extent and inner edge more clearly



5.5 The draft plan includes a proposed more detailed Key Diagram as part of the introduction, which shows the General extent of the proposed Green Belt as follows:



5.6 The detailed Proposals Map South shows the proposed Green Belt boundary for The Retreat as follows:



5.7 The Green Belt background papers and evidence base are closely linked to the assessment of historic character and setting, with the following key documents:

- The Approach to the Green Belt Appraisal – February 2003
- Historic Character and Setting – January 2011
- Historic Character and Setting: Technical Paper Update – June 2013

5.8 These variously consider the open land around the city and classify different elements as having importance as one of the following:

- Village Setting
- Rural Setting
- Strays
- Green Wedge
- River Corridors
- Extension of the Green Wedge
- Areas Preventing Coalescence

5.9 The Retreat is assessed as being part of a Green Wedge, defined as part of the historic character and setting of York within the 2003 report as follows:

The green wedges are a characteristic feature of York. They form large tracts of undeveloped land which largely extend the countryside into the city. They prevent the lateral coalescence of different parts of the urban area and help to retain the distinctive characteristics of earlier periods of individual settlements. The green wedges bring a feeling of the countryside within a close proximity to the centre of the city. Their open nature allows views of the city to be enjoyed including important vistas towards the Minster.

5.10 The 2003 report assesses The Retreat as part of Area C3: Extension to Walmgate Stray, described as follows:

- *Open grounds of the Retreat situated within the Retreat and Heslington Road Conservation Area*
- *The open setting of the city and open space adjacent to the Barracks.*
- *Open approaches providing a rural setting to the city affording good views of the Minster.*

5.11 The 2017 SHLAA assesses the site in terms of heritage and landscape and concludes:

The entire site is currently within the greenbelt and needs to remain so.

Green Belt Assessment on behalf of The Retreat

- 5.12 We consider the SHLAA conclusion to be incorrect on both whether the site is in the Green Belt already and whether or not it should be protected as such.
- 5.13 The Retreat is part of the urban area of York. The buildings are urban in character and closely relate to the built development on three sides and the adjacent Low Moor Allotments. The grounds form the curtilage of the hospital and thus a single planning unit albeit split into areas of different character and use.
- 5.14 The Key Diagram at 5.5 above purports to show the “General extent of the proposed Green Belt” as including the Green Wedges and Strays that extend into the main built part of York. However, this is not the case with the Yorkshire and Humber Plan Key Diagram copied above at 5.3 and enlarged at 5.4 which, despite being diagrammatic, show “York Green Belt (policy YH9C)” to not include the Green Wedges and Strays.
- 5.15 It is for the local plan process to determine the inner edge of the Green Belt and whether or not the Green Wedges and Strays should be included or protected by other means.
- 5.16 We are concerned that the proposed detailed Green Belt boundaries are based upon evidence that is out-of-date, going back as far as 15 years and preceding not only the draft NPPF but the current 2012 document as well. We are also concerned that the proposed inclusion of The Retreat is based on the misapprehension that the land is already in the Green Belt. It is not.
- 5.17 Taking the fundamental NPPF aim of Green Belts into account we consider The Retreat and curtilage land is not “permanently open” and makes no contribution to preventing urban sprawl into the wider countryside. If designated as Green Belt, the site would make no contribution toward openness. Turning to the five purposes of Green Belt at NPPF paragraph 133 (a-e) we consider that the site performs as follows:
- a) As noted above, we consider the site and its wider context to be built-up in character in any event. As developed land, designating the site as Green Belt would have no benefit to keeping urban sprawl in check.
 - b) The site plays no role in preventing the coalescence of neighbouring towns.
 - c) Similarly, being already part of the urban area, it plays no role in safeguarding against countryside encroachment.
 - d) The site in itself does not preserve the historic core of York. Providing it is done in a manner sensitive to the listed building, conservation area and scheduled monument heritage assets, development could take place without harm to the setting and special character of York. Green Belt status is not needed to safeguard this aspect.
 - e) The buildings and curtilage are urban in character. Designation as Green Belt would in effect discourage making best use of under-utilised urban land.

- 5.18 A full assessment on these matters is set out within Table 1 of the JLL representations at Appendix 1.
- 5.19 Furthermore, the council has failed to demonstrate the necessity for the site to be within the Green Belt as required by NPPF 82. It has not shown why “normal planning and development management policies would not be adequate”.
- 5.20 Given the short supply of development land in sustainable locations and the benefits of new housing close to existing shops and services, the proposed designation of the site as Green Belt is contrary to paragraph 84 of the NPPF.
- 5.21 In proposing to designate the site as part of the Green Belt the council is in conflict with paragraph 85 of the NPPF as it will be contrary to the required allocation of sufficient land for sustainable development and it is not necessary to keep the site permanently open. The lack of sufficient proposed safeguarded land as noted above is also contrary to paragraph 85.
- 5.22 In summary, we maintain that The Retreat should not be deemed to be within the current General Extent of Green Belt and that it would meet none of the NPPF purposes of Green Belt land. The Retreat does not have the characteristics of openness normally associated with Green Belt, having significant built form and character, set within mature, walled grounds.
- 5.33 If Walmgate Stray is ultimately included within the designated Green Belt, the southern boundaries of Low Moor Allotments and The Retreat would give a clearly defined and strong boundary to the Green Belt at this point, marking the urban edge of this part of York.

6.0 CONCLUSION

6.1 These representations set out fundamental flaws in the Publication Draft Plan and explain why it is unsound. In particular, it 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 unacceptably 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.

6.3 To summarise in more detail:

- The Vision and Outcomes are not justified or effective as they are not backed by positive policies to meet 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.
- The minimum annual provision of 867 new dwellings per annum is not based upon any robust objective assessment of need – the council's own evidence base gives an OAN of 953dpa.
- The draft plan will not deliver sufficient new housing or the much needed boost to the level of supply indicated by the available evidence.
- The plan should provide for a minimum of 1,000 new dwellings per annum.
- 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.
- The draft plan is unsound and in conflict with the NPPF as no safeguarded land is proposed to help meet “longer term needs stretching well beyond the plan period”.
- The proposed Green Belt is unsound as it is tightly drawn to unreasonably restrict development opportunities for the necessary growth of York.
- The proposed inclusion of The Retreat within the Green Belt is not supported by evidence and is unjustified. In this respect the plan is unsound.
- The site would neither perform any of the five NPPF purposes of Green Belt, nor would it contribute to the key characteristic of openness.
- The southern boundaries of Low Moor Allotments and The Retreat would form a logical, permanent and strong Green Belt boundary and a well-defined edge to the built-part of the city at this point.

- 6.4 Our client's land at The Retreat, York is fully deliverable and represents one of the most appropriate sites for allocation when considered against reasonable alternatives.
- 6.5 We respectfully maintain that the site, SHLAA ref. 861 and 862 should be released from the Green Belt to be allocated for housing within the plan period for the extensive reasons noted within these representations.

APPENDIX 2



From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 12:25
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122910
- Date submitted: 22/07/2019
- Time submitted: 12:25:23

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mr Thomas Pilcher

Address: [REDACTED]

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46):

Document: Topic Paper TP1 Approach to defining York's Green Belt

Page number: Annex 3 inner boundary descriptions A3. page 228

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

CYC has not addressed the requirement of NPPF 2012 - Paragraph 112

112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

I presented an argument to the examiners at the last consultation that work has not been undertaken to grade the site selection options based on agricultural or economic value. However, it is even more relevant now because we are, for the first time, seeing the justification paper for the proposed inner green belt boundary. By definition the inner green belt boundary has a lot of urban fringe settings with low quality agricultural land. The low quality and inaccessibility of some land inside of the ring road means that it would score poorly for 112. As owners of site 191 we have never been approached to determine its quality or to explain why 30% of it is not farmed scrub land. The land identified in Figure 7 (white land) not necessary to be kept permanently open should be subject to this analysis. Then the sites should be ranked for least loss to agriculture.

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not positively prepared, Not justified, Not effective, Not consistent with national policy

Please give reasons for your answer(s):

Not positively prepared because it does not seek to use the least productive land as required by 112 of NPPF 2012.

Not justified because it does not have the evidence to selected the correct land.

Not effective because it selected land (such as ST9) which has a high agricultural and landscape value.

Not consistent is national policy because it does not address para 112.

Your comments - necessary changes

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

Apply a 112 compliant analysis to all land not coloured green on Figure 7 of Topic Paper 1.

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

Yes, I wish to participate

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

The Inspectors will wish to discuss the low economic value of land known as site 191 with its owner and I shall be able to bring the tenant farmer to explain why the isolated urban fringe field is only used for silage production and why so much of it is fallow.



From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 16:39
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122954
- Date submitted: 22/07/2019
- Time submitted: 16:38:45

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: Mr Thomas Pilcher

Address: 

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46):

Document: Topic Paper TP1 Approach to defining York's Green Belt

Page number: Annex 3 inner boundary descriptions A3. page 228

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

Paragrpah 48 of NPPF 2012

48. Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

CYC is too dependent on a unrealistically high level of windfall development. The submitted OAN is too reliant on the continued supply of windfall sites. In York there is very little brown field land (which is not part of this plan) and due to the total coverage of draft green belt these windfall sites have been worked out far more than average. In conclusion the paragraph 70 NPPF 2012 warns against all but compelling evidence that the windfall sites will continue. CYC has not provided compelling evidence, but instead they've used a general trend line help it scrape up to the lowest OAN calculable. There is strong Councillor and policy support for restricting HMOs and garden land development in York, and loss of amenity policy to protect pubs, or community spaces. In

short the windfall rates will dwindle and the delivery rates will fall along below the requirements of the housing delivery test.

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not positively prepared,Not justified,Not effective,Not consistent with national policy

Please give reasons for your answer(s):

The plan does not seek to deliver or surpass the OAN. The evidence does not justify the sites selected. The plan would not be effective at delivering the housing supply quickly enough.

It is not consistent with national policy 47 to boost significantly the supply of housing. It does not identify a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 20% (moved forward from later in the plan period) to ensure choice and competition in the market for land.

Your comments - necessary changes

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

A large increase in the supply of small and medium sized sites to increase the supply of land by 20%. To include all of the deliverable sites offered and not to exclude viable and deliverable sites to favour NIMBY councillors.

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

Yes, I wish to participate

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

To discuss the opportunity to bring land north of Avon Drive forwards as one of the many required sites to comply with paragraphs 47 and 48. Thus enabling the plan to be sound and fit for approval.

From: jadu-www@rsvm120.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 09 July 2019 15:03
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

A new Local Plan proposed modifications consultation 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: 122335
- Date submitted: 09/07/2019
- Time submitted: 15:02:42

The following is a copy of the details included.

Question	Response
<i>Whose views on the proposed modifications to the Local Plan do your comments represent?:</i>	My comments represent my own views
<i>Title:</i>	Mr
<i>Forename:</i>	Robert
<i>Surname:</i>	Pilcher
<i>Address: building name/number:</i>	Tower House
<i>Address: Street name:</i>	Askham Fields Lane
<i>Address: Area:</i>	Askham Bryan
<i>Address: town/city:</i>	York
<i>Address: postcode:</i>	YO23 3NU
<i>Email address:</i>	robert@pilchergroup.com

Question**Response**

Telephone number:

01904700233

Proposed modification reference (PM1 to PM46):

Document:

Topic Paper TP1 Approach to defining York's Green Belt

Page number:

Annex 3 inner boundary descriptions A3. page 228

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, I do not consider the Local Plan to comply with the Duty to Cooperate

Section 5, boundary 20 does not comply with paragraph 85 of NPPF 2012.

85. When defining boundaries, local CYC should:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;

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

However, there is sustainable land as defined and identified in Figure 7 (TP1) page 21 which does not serve the 5 purposes of Green Belt, which has not been either safeguarded for development nor allocated for housing. This land is more sustainable than many other allocated sites because it has better access to services than most of the strategic sites allocated in the new draft Local Plan.

The NPPF advises that CYC should 'not include land which it is unnecessary to keep permanently open'. It is not necessary to keep the Land north of Avon Drive (site 191) open because it doesn't serve the purposes of Green Belt as defined in Figure 7.

Para 85 also advises that it should '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. It is clear that York needs safeguarded land to provide a more permanent green belt. Para 85 uses the term 'well

Question

Response

beyond' the plan period. I consider well beyond the plan period to be at least 10 years. Advice from John Hobson QC to CYC addresses the well beyond point. CYC provided this letter to the inspectors (16th January 2015)

'9. In accordance with paragraph 84 of the NPPF authorities are also required, when drawing up Green Belt boundaries to take account of the need to promote sustainable patterns of development. This requires consideration of the development needs of the area, which should be objectively assessed. As paragraph 85 makes clear this involves consideration of the development needs which are to be met during the Plan period, and also the longer term development needs, "stretching well beyond the Plan period". Quite how far beyond is a matter of planning judgment, but in my opinion a 10 year horizon beyond the life of the Plan as mentioned in my Instructions would be appropriate. Rachel Macefield has suggested that CYC has chosen 5 years as their long term defensible figure with identified sites (prior to the removal of ST35 & H59). Hence the absence of safeguarded land which she confesses is politically unpalatable.

CYC cannot satisfy themselves (and more importantly the inspectors) that Green Belt boundaries will not need to be altered at the end of the development plan period.

Finally on para 85 CYC has not defined boundaries clearly, using physical features that are readily recognisable and likely to be permanent. In section 5 boundary 20 the ring road would make a recognisable and certainly permanent physical feature. The dog legging around garden fences and sporadic field hedges does not provided an adequate identifiable boundary.

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

The Local Plan is not positively prepared

Related to the proposed modification or evidence document indicated above, you do not consider the Local

The Local Plan is not justified

Question

Response

Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

The Local Plan is not effective

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

The Local Plan is not consistent with national policy

The draft plan is not positively prepared because it is attempting to provide as low an OAN as arguable (without uplift for market signals) and to locate the sites as far away from the NIMBY electorate as possible. It has not sought to provide a range of small and medium sized sites, it has not sought to provide a 20% buffer of sites to catch up on previously unmet need, and it has not sought to include many sustainable, viable and developable sites.

Please give reasons for your answer(s):

The draft plan is not justified by the evidence. The evidence has been made to justify the selected sites and not the correct way around.

The draft plan is not effective because it will not provide an adequate supply of housing nor a range of deliverable sites.

The draft plan is not consistent with large parts of the NPPF 2012 (against which it is being assessed).

The inclusion of sustainable sites such as Land north of Avon Drive site 191, and H28 Wheldrake.

The inclusion of many more small and medium sized sites which could support smaller local house builders.

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

The creation of a defensible and justifiable green belt boundary that allows for safeguarded land and uses likely to be permanent and easily identifiable physical features such as the ring road.

A OAHN that uses the DCLG method and delivers a figure above 1,000 dwellings per annum.

Question

Response

A green belt that can endure 'well beyond' the current plan period. At least 10 years would be reasonable for well beyond. However, for a real sense of permanence a period of 25 years beyond the end of the plan period would give the residents and CYC something to work with that didn't clear need revisions at every local plan review.

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

Yes, I wish to participate at the hearing sessions

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

To provide evidence in discussion with the inspectors.



From: jadu-www@rsvm121.servers.jadu.net on behalf of webadmin@york.gov.uk
Sent: 22 July 2019 16:03
To: localplan@york.gov.uk
Subject: A new Local Plan proposed modifications consultation response form has been submitted

Follow Up Flag: Follow up
Flag Status: Completed

A new Local Plan proposed modifications consultation 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: 122945
- Date submitted: 22/07/2019
- Time submitted: 16:03:18

The following is a copy of the details included.

About your comments

Whose views on the proposed modifications to the Local Plan do your comments represent?

Own comments

About you (individual response)

Name: mr robert pilcher

Address: 

About the organisation, group or other individual you are representing

Name:

Name of your organisation (if applicable):

Name of the organisation, group or other individual you represent:

Contact address: , , , ,

Contact details (individual or group)

Email address: [REDACTED]

Telephone number: [REDACTED]

What are your comments about

Which proposed modification or new evidence document are you commenting on?

Proposed modification reference (PM1 to PM46):

Document: Topic Paper TP1 Approach to defining York's Green Belt

Page number: Annex 3 inner boundary descriptions A3. page 228

Your comments - Legal compliance of the Local Plan

Based on the proposed modification or evidence document, do you consider the Local Plan is legally compliant?:

No, I do not consider the Local Plan to be legally compliant

Do you consider the Local Plan to comply with the Duty to Cooperate?:

No, does not comply with Duty to Cooperate

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

It will already be obvious to the examiners than the plan before them has been driven by local politics and not a desire to comply with national policy and evidence. The planning team just want it all over and done with so they can determine applications at their discretion using very special circumstances to permit when desired (based on an finally adopted green belt). The councillors want as little change as possible in their wards so that they may continue in office. The people of York want as little housing as possible, as far away as possible. This long running situation has led to house price inflation outperforming the wider region and suits the majority of the property owning residents quite well. It has not helped businesses, nor first time buyers, and it has been catastrophic for York based developers, many of whom have packed up since the 1980s. As York's oldest remaining housebuilding business our average number of employees between 1990 and 2019 (10) versus 1960-1990 (100) is illustrative of the problem created by a near total district wide development exclusion zone. Consequently to survive we have had to fight for every scrap of infill development and the replacement of pubs or other closed down businesses. Champions of the policy would commend the recycling of brownfield land but York has no brown field land which does not already have a major PLC control and is not already counted for in this plan. Para 53 of NPPF 2012 is designed to reduce the supply of windfall sites that we have so long relied upon.

Restricting housing supply suits those who already own property. Julian Sturdy MP is desperate

not to be brought in to the obvious conflict between economic growth and the development exclusion zone (green belt). He is prepared to see land removed by CYC under the guise of very special circumstances (strategic sites) but has jumped on any bandwagon to object to small and medium developments near his electorate. Similarly, the Lib Dems in York have dominated the Local Plan working group for the last few years and they remove deliverable, viable, and sustainable sites, compliant with Figure 7, which are inside the ring road on the grounds that they are in their wards where development is unwanted by their electorate. This is why the most sustainable sites (a range of small and medium sites) have been disregarded in favour of new satellite dormitory towns outside of the ring road.

Your comments - whether the Local Plan is 'sound'

Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:

No, I do not consider the Local Plan to be sound

Your comments - the Local Plan is 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Please give reasons for your answer(s):

Your comments - the Local Plan is not 'sound' (if applicable)

Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:

Not positively prepared, Not justified, Not effective, Not consistent with national policy

Please give reasons for your answer(s):

It does not provide an adequate OAN. The sites selected are not the most sustainable. There are too few small and medium sites. The green belt boundaries are too restrictive. There is no safeguarding. There is no uplift to the OAN for market signals. The large strategic sites won't deliver housing quickly enough due to infrastructure constraints. The plan is not consistent with national policy para 84 because it does not promote sustainable patterns of development with infilling and obvious rounding off as close to the city as possible.

Your comments - necessary changes

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

Include site 191 because it is a deliverable, viable and sustainable site and other small and medium sites to fix the housing supply crisis quickly.

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

No, I do not wish to participate

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



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

Mr M Tooby



*lot of Blurb
but not one actual
item is listed ref -
SUBJECT to the
proposed new
PLAN ! why not.*

Our ref: Local Plan

Date: 10 June 2019

Dear Sir/Madam,

**City of York Local Plan Proposed Modifications (June 2019)
Consultation
in compliance with Regulation 19 of the Town and Country Planning (Local
Planning) (England) Regulations 2012**

I am writing to inform you about the opportunity to comment on the Proposed Modifications (June 2019) to the City of York Local Plan. The emerging Local Plan aims to support the city's economic growth, provide much needed housing and help shape future development over the next 15-years and beyond. It balances the need for housing and employment growth with protecting York's unique natural and built environment.

The City of York Local Plan is currently in the process of Examination by Independent Planning Inspectors following submission of the plan to the Secretary of State for Housing, Communities and Local Government on 25 May 2018.

We are now publishing a series of proposed modifications to the City of York Local Plan. This consultation gives York residents, businesses and other interested groups the opportunity to comment on additional evidence and modifications to the city's Local Plan prior to the hearing sessions as part of the Examination of the submitted plan. The Planning Inspectors undertaking the Examination have asked for the consultation as they consider the proposed modifications to be fundamental to what they are examining - the soundness and legal compliance of the plan. The consultation only looks at the specific proposed modifications and not other aspects of the plan.

The consultation period for the proposed modifications starts on **Monday 10 June 2019**. All consultation documents will be live on the Council's website (www.york.gov.uk/localplan) and available in West Offices reception and York Explore from this date. The main consultation documents will be available in all other libraries. Please see the Statement of Representation Procedure document, which accompanies this letter for more information.

Representations must be received by **midnight on Monday 22 July 2019** and should be made on a response form. Response forms are available on the Council's website (www.york.gov.uk/localplan) or you can complete an online response form via www.york.gov.uk/consultations. Alternatively, hard copies are available from the Council's West Offices reception, York Explore or from your local library.

Any representations received will be considered alongside the Local Plan Publication draft

and the proposed modifications through the Examination in Public. The purpose of the Examination is to consider whether the Local Plan complies with relevant legal requirements for producing Local Plans, including the Duty to Cooperate, and meets the national tests of 'soundness' for Local Plans (see below). Therefore, representations submitted at this stage must only be made on these grounds and, where relevant, be supported with evidence to demonstrate why these tests have not been met.

Legal Compliance

To be legally compliant the plan has to be prepared in accordance with the Duty to Cooperate and legal and procedural requirements, including the 2011 Localism Act and Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Soundness

Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector conducting the Examination in Public has to be satisfied that the Local Plan 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 (NPPF).

To help you respond, we have included Guidance Notes as part of the response form. We recommend that you read this note fully before responding.

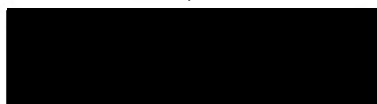
At this stage, unless you indicate you wish to appear at the Examination to make a representation you will not have the right to do so. Any written representations made will be considered by the independent Planning Inspectors.

All of the consultation and further evidence base documents published at previous rounds of consultation will also be available on the Council's website at www.york.gov.uk/localplan from 10 June 2019.

If you require any further information on the consultation please contact Forward Planning at localplan@york.gov.uk or on (01904) 552255.

We look forward to receiving your comments.

Yours faithfully



Mike Slater
Assistant Director – Planning and Public Protection

**STATEMENT OF REPRESENTATION PROCEDURE
AND AVAILABILITY OF DOCUMENTS
CITY OF YORK COUNCIL
THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND)
REGULATIONS 2012 – REGULATION 19
CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS**

Title of Document

City of York Local Plan Proposed Modifications (June 2019)

Subject Matter and Area Covered

City of York Council has prepared a Publication version of the Local Plan which was submitted to the Secretary of State for Communities and Local Government on 25 May 2018. We are now publishing a series of proposed modifications to the City of York Local Plan. The Local Plan sets out the broad spatial planning and policy framework for the City of York up to 2032/33 with the exception of the Green Belt boundaries which will endure up to 2037/38. It includes a long-term vision and strategic objectives, policies to guide development, and allocations for new homes, jobs, and open space.

Period of Publication for Representations

Representations are invited on the City of York Local Plan Proposed Modifications for a period of 6 weeks, from Monday 10 June 2019 until Monday 22 July 2019 up until midnight. This statement provides details on how to make representations.

Statement of fact – How to view the documents

During this public representations period, copies of the main documents associated with the City of York Local Plan Proposed Modifications will be available to view on the council's website at www.york.gov.uk/localplan and will also be available for inspection at the following locations:

Council Offices:

City of York Council, West Offices, Station Rise, York (Mon – Fri 8.30 – 5.00, Sat & Sun closed)

Libraries:

Acomb Explore library, Front Street, Acomb (Mon, Tues & Thu 9.00 – 7.30, Wed 9.00 – 2.00, Fri 9.00 – 5.00, Sat 9.00 – 3.00, Sun closed)

Bishopthorpe Library, Main Street, Bishopthorpe (Mon 2.00 – 7.00, Tue, closed, Wed & Thu 10.00- 12.30 & 2.00 – 5.00, Fri 2.00 – 5.00, Sat 10.00 – 12.30, Sun closed)

Clifton Explore Library, Rawcliffe Lane, Clifton (Mon 2.30 – 5.30, Tue, Wed & Fri 10.00 – 1.00 and 2.00 – 5.30, Thu 2.30 – 7.00, Sat 10.00 – 1.00, Sun closed)

Copmanthorpe Library, Village Centre, Main Street, Copmanthorpe (Mon 9.00 – 1.00 & 2.00 – 5.30, Tue 2.00 – 6.30, Wed & Sun closed, Thu & Sat 9.00 – 1.00, Fri 2.00 – 5.30)

Dringhouses Library, Tadcaster Road, Dringhouses (Mon 2.00 – 6.00, Tue & Thu 9.30 – 12.30 & 2.00 – 5.30, Wed closed, Fri 2.00 – 5.30, Sat 9.30 – 1.00, Sun closed)

Dunnington Library, The Reading Room, Church Street, Dunnington (Mon 10.00 – 1.30, Tue 2.00 – 5.30, Wed, Fri & Sun closed, Thu 2.00 – 5.00, Sat 9.00 – 12.30)

Fulford Library, St Oswald's CE School, Heslington Lane, Fulford (Mon, Wed & Sun closed, Tue, Thu & Fri 2.00 – 5.00, Sat 10.00 – 12.30)

Haxby Explore Library, currently served by Mobile Library (Mon – Ethel Ward Playing Field 9.30-6.30, Tue – Haxby Memorial Hall 9.30-5, Wed – Wigginton Recreation Hall 9.30-5.00, Thu & Sun Closed, Fri – Oaken Grove Community Centre 9.30-5, Sat – Oaken Grove Community Centre 9.30 -12.30)

Homestead Park Reading Café, 40 Water End, York (Mon –Sun 10.30-4.00)

Huntington Library, Garth Road, Huntington, York (Mon, Tue, Thu & Fri 9.30 – 12.00 & 2.00 – 5.00, Wed & Sun closed, Sat 9.30 – 12.30)

New Earswick Library, Hawthorn Terrace, New Earswick (Mon 9.00 – 12.30, Tue 9.00 – 12.30 & 2.00 – 4.30, Wed Self Service, Thu & Fri 1.30 – 5.00, Sat 10.00-12.00, Sun closed)

Poppleton Library, The Village, Upper Poppleton (Mon 10.00 – 12.30 & 2.00 – 5.00, Tue & Sun closed, Wed & Fri 10.00 – 12.30 & 2.00 – 5.00, Thu & Sat 10.00 – 12.30.)

Rowntree Park Reading Cafe, Rowntree Park Lodge, Richardson Street, York (Mon - Sun 9.00 – 4.30)

Strensall Library, 19 The Village, Strensall (Mon & Fri 2.00 – 5.00, Tue 10.30 – 12.30 & 2.00 – 5.00, Wed & Sun closed, Thu 9.30 – 12.30 & 2.00 – 4.00, Sat 10.00 – 12.30)

Tang Hall Explore Library, The Centre @ Burnholme, Mossdale Avenue, York (Mon -Thu 9.00 – 8.00, Fri 9.00 – 6.00, Sat 9.00 – 4.00, Sun 10.00-4.00)

York Explore Library, Library Square, York, YO1 7DS (Mon - Thu 9.00 – 8.00, Fri 10.00 – 6.00, Sat 9.00 – 5.00, Sun 11.00 – 4.00)

Documents which are available to view are:

- City of York Local Plan Proposed Modifications (June 2019)
- Sustainability Appraisal/Strategic Environmental Assessment Addendum (June 2019)
- Updated Habitats Regulations Assessment of the City of York Council Local Plan (February 2019)
- City of York Local Plan Publication Draft (February 2018) *to be read alongside the proposed modifications schedule only*

There are also a number of background documents and evidence base reports which underpin the City of York Local Plan Proposed Modifications and these can be viewed on the council's website at www.york.gov.uk/localplan Copies of the background documents are also available for inspection at the council offices and York Explore.

Representations

Representations on the plan can be made throughout the representation period but must be made **before midnight on Monday 22 July 2019**. Please note that late representations cannot be accepted.

To structure your response in the way the inspector will consider comments at the public examination, the Planning Inspectorate has issued a standard form that is available to complete online on the consultation portal www.york.gov.uk/consultations

Alternatively you can download from our website, or collect a response form from the locations listed above and return it to us by post to FREEPOST RTEG-

TYYU-KLTZ, Local Plan, City of York Council, West Offices, Station Rise York YO1 6GA or email localplan@york.gov.uk. All representations should include your name and postal address.

All individual representations received will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination. Representations at this stage should only be made on the legal and procedural compliance of the City of York Local Plan Proposed Modifications, the soundness of the City of York Local Plan Proposed Modifications and whether the City of York Local Plan Proposed Modifications are in conformity with the Duty to Cooperate. Please refer to the guidance on the comments form when preparing representations.

Please note that representations made at this stage in the process cannot remain anonymous, but details will only be used in relation to the City of York Local Plan. Your response will be made available to view as part of the Examination process.

Request for Notification

Representations at this stage may be accompanied by a request to be notified about:

- the publication of the recommendations of the inspector appointed to carry out the independent examination; and
- the adoption of the local Plan.

You can also indicate whether at this stage whether 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.

For further details, please contact Forward Planning on **01904 552255** or email localplan@york.gov.uk

How we will use your Personal Information

We will only use the personal information you give us as part of your response in accordance with the Data Protection Act 2018 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 Should you wish to be removed from the database please contact the Forward Planning team at localplan@york.gov.uk or on 01904 552255. Should your personal information have changed please contact us with the correct details so that we can ensure the database is accurate and up to date. It should be noted that 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

Retention of Information

Once the Plan is formally adopted we will contact you to ascertain whether you wish to remain on the database so that we may contact you regarding planning policy matters including Supplementary Planning Documents and Neighbourhood Plans. If you don't respond to our emails/letters we will remove your details from the database.

Your rights

To find out about your rights under the Data Protection Act 2018, you can contact the Council's Data Protection Officer at foi@york.gov.uk or go to the website for 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 foi@york.gov.uk or on [01904 554145](tel:01904554145)

CITY OF YORK COUNCIL
WEST OFFICES
Station Place - York

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: Nigel Thompson [REDACTED]
Sent: 22 July 2019 08:42
To: localplan@york.gov.uk
Cc: [REDACTED]
Subject: City of York Local Plan Proposed Modifications (June 2019) Consultation - Comment from Nigel Thompson - Amendment
Attachments: [REDACTED] Objection to ST19 on York Local Plan.docx
Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please ignore the attached message as I understand it is required on a form.

Please find now attached the required form. [REDACTED]

Kind regards
Nigel Thompson

Nigel Thompson [REDACTED]

to localplan



I wish to raise concerns regarding the draft local plan and in particular, **the failure to amend it by removing ST19 as part of the proposed modifications, Northminster Business Park**

I believe therefore that in this respect, this part of the plan fails on the following grounds:

1. Legal Compliance

To be legally compliant the plan has to be prepared in accordance with the Duty to Cooperate and legal and procedural requirements, including the 2011 Localism Act and Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

The Neighbourhood Plan for Poppleton

(https://www.york.gov.uk/downloads/file/14675/upper_and_nether_poppleton_neighbourhood_plan_adopted_version_october_2017) was very specific (8.2) that expansion of Northminster Business Park outside its 2017 boundary would NOT be supported. At the referendum, 91% of the population voted in favour of the Neighbourhood Plan. The City Planners have so far chosen to ignore the views of the local population by proposing expansion of the business park (site ST19, policy SS23) and *corresponding reduction in the size of the Green Belt*. This is blatantly ignoring local democracy. It also flies in the face of their response to the inspectors, as they have not demonstrated any special circumstances:

EX/CYC/7 - City of York letter of response to Inspectors 13 November 2018

"Once established, Green Belt boundaries should only be altered in exceptional circumstances (Paragraph 83 of NPPF). Although strictly speaking it is the general extent of York's Green Belt

and not its boundaries that have been established, we take the view that it would be prudent to treat any incursions into the general extent of Green Belt as land removed from the Green Belt, whether to provide land for development or to 'inset' villages, reflecting the emerging spatial strategy. On this basis we accept that any such incursions should pass the "exceptional circumstances" test".

2. Soundness

Soundness is explained in the National Planning Policy Framework (NPPF). The Inspector conducting the Examination in Public has to be satisfied that the Local Plan 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 (NPPF).

Purely with regard to ST19, it is not justified to enlarge Northminster Business Park at the expense of the Green Belt when:

- a) The Business Park is not a special case, and therefore inconsistent with Green Belt policy as laid down in the NPPF;
- b) it puts at risk a larger section of Greenbelt between the A1237 and the edge of Acomb as this will become cut off from the countryside, as advised to the planning department on numerous occasions by the local residents;
- c) It is unjustified as there is plenty of brownfield land within York that should be developed first;
- d) It is unjustified and not positively prepared, as any expansion puts even more traffic down a country lane for which it was never designed, including a near constant stream of 44 ton juggernaut lorries. This leads to congestion, noise and pollution at peak times, and detracts from the residential amenity and quality of life of the residents of Northfield Lane.

For all the above reasons, unless ST19 is taken out of the Local Plan, the Local Plan should be **rejected**.

Yours sincerely
Nigel Thompson

City of York Local Plan Proposed Modifications Consultation Response Form 10 June – 22 July 2019

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 Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 Inspectors 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	Nigel	
Last Name	Thompson	
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 Monday 22 July 2019, 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 Monday 22 July 2019, 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?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and new evidence, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018. You can make comments on any of the proposed modifications, the Sustainability Appraisal Addendum, the updated Habitats Regulation Assessment, and other background documents which include a Housing Needs Assessment update and an Addendum to Topic Paper 1: The Approach to Defining York's Green Belt. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this 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 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, 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 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?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

The Local Plan Proposed Modifications document, the Sustainability Appraisal/SEA Addendum and Updated Habitats Regulation Assessment (HRA) will be available for inspection at in all of York's libraries and City of York Council West Offices.

All supporting documents which underpin the City of York Local Plan Proposed Modifications are available to view online at www.york.gov.uk/localplan and are also available for inspection at City of York Council West Offices and York Explore.

Part B -Your Representation

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



3. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

Table 2, site ST19

Document:

Topic Paper TP1, and others as below

Page Number:

81

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. Based on the Proposed Modification or new evidence document indicated:

4.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

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

Yes

No

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

The 2017 Neighbourhood Plan for Poppleton was very specific (8.2) that expansion of Northminster Business Park outside its 2017 boundary would NOT be supported. At the referendum, 91% of the population of Poppleton voted in favour of the Neighbourhood Plan. The City Planners have so far chosen to ignore the views of the local population by proposing expansion of the business park (site ST19, policy SS23) and *corresponding reduction in the size of the Green Belt*.

What is the point of having a local plan approved by a referendum of local residents if the City Planners are then going to deliberately ignore it?

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.

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

5. Based on the Proposed Modification or new evidence document indicated:

5.(1) Do you consider that the Local Plan is Sound?

Yes **No**

If yes, go to question 5.(3). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness are applicable to 5.(1): (tick all that apply)

✓ **Positively prepared** **Justified**
Effective **Consistent with National policy**

5.(3) Please justify your answers to questions 5.(1) and 5.(2)

Purely with regard to **ST19, policy SS23**, it is not justified to enlarge Northminster Business Park at the expense of the Green Belt when:

a) The Business Park is not a special case, and therefore inconsistent with Green Belt policy as laid down in the NPPF. It flies in the face of the City Planner's own response to the inspectors, as they have not at any stage demonstrated any special circumstances:

EX/CYC/7 - City of York letter of response to Inspectors 13 November 2018

"Once established, Green Belt boundaries should only be altered in exceptional circumstances (Paragraph 83 of NPPF). Although strictly speaking it is the general extent of York's Green Belt and not its boundaries that have been established, we take the view that it would be prudent to treat any incursions into the general extent of Green Belt as land removed from the Green Belt, whether to provide land for development or to 'inset' villages, reflecting the emerging spatial strategy. On this basis we accept that any such incursions should pass the "exceptional circumstances" test".

b) It puts at risk a larger section of Greenbelt between the A1237 and the edge of Acomb as this will become cut off from the countryside. **Modification PM41 on p42 of the Proposed Modifications** document recognises the fragility of this part of the Green Belt by now including Knapton village. It is therefore completely inconsistent to allow a large expansion of the adjacent Northminster Business Park. Whilst the *current* area contributes little to the openness of the Green Belt, to allow a large expansion will remove such openness, as well as closing wildlife corridors, over a significant area;

c) It is unjustified as there is plenty of brownfield land which has not yet been redeveloped within York that should be developed first. **Table 2.1 of the Sustainability Appraisal Addendum on Proposed Modifications (June 2019, Doc Ref. 39789R006i2, p13)**, has a Sustainability Objective 9) "Use land resources efficiently and safeguard their quality - Safeguard soil quality, including the best and most versatile agricultural land." This is crucial. The land around Northminster Business Park is Grade A agricultural land. Once it is gone, it is gone forever. ST19/SS23 directly conflicts with this objective and is irreversible.

It also makes a serious error on p36 for ST19 by showing both Transport as a 'plus' and Climate Change as '-', when both should be a red 'double negative'. The park already generates too much car and heavy lorry traffic (very few Business Park users ever walk down the lane in comparison), and this detracts from the residential amenity and quality of life of the residents of Northfield Lane. Planners seem to be unaware of this. Correcting these errors should tilt the balance on suitability of this site.

d) It is unjustified and not positively prepared, as any expansion puts even more traffic down a country lane for which it was never designed, including a near constant stream of 44 ton juggernaut lorries. This leads to congestion, noise and pollution at peak times, and detracts from the residential amenity and quality of life of the residents of Northfield Lane. The houses were here first. The two Business Parks have been imposed on residents by City Planners over the years.

e) Lately, York Council approved building (18/02919/FULM, Land to the West of Redwood House, 11 Jun 2019) on the Green Belt outside the Business Park boundary, in advance of the Inspector's deliberations. We find this action highly questionable.

6. (1) Please set out any 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Remove ST19 and Policy SS23 (any expansion of Northminster Business park outside its 2017 boundary) from the Local Plan.

We are not lawyers or planners. The local residents just want our voice to be heard by **someone** in the Planning Process who can protect the Green Belt and the residents from ST19/SS23.

7. If your representation is seeking a change at question 6.(1);

7.(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 Inspectors 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 inspector is very welcome to [redacted] Northfield Lane to see the implications of ST19 on the Green Belt and the local residents:

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

Please note: the Inspectors 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.

PartC- 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 2018 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:

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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 foi@york.gov.uk or on 01904 554145.

Signature

Date

21 July 2019