

The Industrial Property Investment Fund (IPIF)

Matter, Issues and Questions Response (November 2019)

Hearing Statement

Examination of the City of York Local Plan 2017-2033

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1 Introduction

This response to the York City Council's Local Plan Inspector's Matters, Issues and Questions are made by JLL on behalf of our client, Industrial Property Investment Fund (IPIF), the landowner of Poppleton Glassworks (classified as 'SE55-05YK' – 'the site' see Appendix 1).

The site is approximately 0.65 hectares and is rectangular in shape and situated on the south of Great North Way within York Business Park. The site is classified as 'previously developed' having originally been part of a glassworks site. Although all previous buildings have been cleared the site currently comprises semi-improved grassland, with patches of scrub, bordered by a combination of fencing, mounds and a ditch.

The site is surrounded to the north by an existing car showroom (Arnold Clark), to the west by a three storey care home, to the east by an office development and to the south by existing residential properties.

The below provides a response to the Inspector's Matters, Issues and Questions.

2 MATTER 2 – The housing strategy: the objectively assessed need or housing, the housing requirement and the spatial distribution of housing

Q 2.3 a) Have market signals been taken into account

Within the Housing Needs Assessment Update (HNA) (January 2019), a number of documents have tested the economic growth potential of the City of York using Oxford Economic (OE) and the Regional Econometric Model which is produced by Experian. The Employment Land Review (ELR) Update included Scenario 2 which was a locally led adjustment to the OE baseline to reflect local circumstances. The ELR Update concluded that Scenario 2 was the most appropriate to take forward within the Local Plan (HNA 2019 (3.3)).

Table 1 – Housing completion 2012-2019

Year	Net Housing Additions	Student Units	Net Dwelling Units	C3	SHMA recommended figure (2017)	SHMA recommended figure (2016)	Backlog/Surplus
2012/2013	482	0	482		953	867	-471 (SHMA 2017) -385 (SHMA 2016)
2013/2014	345	0	345		953	867	-608 (SHMA 2017) -522 (SHMA 2016)
2014/2015	507	0	507		953	867	-446 (SHMA 2017) -360 (SHMA 2016)
2015/2016	1121	579	542		953	867	168 (SHMA 2017) 254 (SHMA 2016)
2016/2017	977	152	825		953	867	24 (SHMA 2017) 110 (SHMA 2016)
2017/2018	1296	637	659		953	867	343 (SHMA 2017) 429 (SHMA 2016)
2018/2019	449	40	409		953	867	-504 (SHMA 2017) -418 (SHMA 2016)
Total	5178	1408	3769		6671	6069	-336 -86

The HNA concluded that the total forecast jobs growth for Scenario 2 is +11,050 jobs over the remaining 17 years of the plan period (2014-31) reducing the economic growth potential in the City of York to 650 jobs per annum. Using a series

of assumptions including economic activity rates from the Office of Budget Responsibility (OBR) an economic led need for housing of up to 790 dpa was calculated.

From the figure calculated in the HNA, it is clear and also highlighted within paragraph 3.21, that the figure of 790 dpa provides a borderline number of dwellings needed. It is considered that the Council, has adopted the wrong approach to housing by estimating housing commitments.

Historically, it is clear, that York City Council (YCC) has consistently failed to provide the minimum level of housing required. Within the York SHMA (2016) there was a baseline requirement figure of 867 dwellings per annum. An update of the SHMA (May 2017), advocated a 10% uplift in the OAN (Objectively Assessed Need) in response to market signals and affordable housing needs, which takes it up to 953 dpa.

Table 1 (figures from York City Council AMR 2018/2019) highlights the trend of annual housing figures not being met using both the previous figures of 867 dwellings per annum (SHMA 2016) and 953 dwellings per annum (SHMA Addendum 2017). The data from the Council shows that since 2012 the backlog amounts to 86 dwellings (SHMA 2016) or 336 dwellings (SHMA 2017). It is noted that within the years where the housing requirement has been met (i.e. 2015/2016, 2016/2017, 2017/2018), a large part of this total has been due to the delivery of student house units.

In this regard, the DCLG General Definition of Housing Terms notes that all student accommodation can be included towards the housing provision in local development plans. However, more recent Government guidance highlights that student accommodation units can be included within the housing supply, but only based on:

- *The amount of accommodation that new student housing releases in the wider housing market (by allowing existing properties to return to general residential use); and / or*
- *The extent to which it allows general market housing to remain in such use, rather than being converted for use as student accommodation. (Planning Practice Guidance – Paragraph: 034 Reference ID: 68-034-20190722).*

In this respect York City Council have provided no evidence in terms of whether new student housing accommodation would contribute towards meeting the housing requirement or whether new student units have displaced students from the market housing. Indeed, within the SMHA (June 2016) paragraph 10.67 states,

‘We have undertaken some qualitative research on the student housing market. This revealed there was an increase in capacity as new purpose-built accommodation has been built on and off campus. However, it was discovered that this did not reduce demand for traditional private sector shared housing.’

As previously highlighted, the Housing Need Assessment (2019) reduces the dwellings per annum to 790. In this regard the HNA (2019) study highlights that **‘any level of delivery below this will result in a combination of restricted economic growth, unsustainable commuting patterns, or reduced household formation rates’** (paragraph 3.21). It appears from this commentary that the Council are providing the minimum housing requirements, whilst providing no flexibility. This is concerning, specifically as evidence is indicating a further upward pressure on the requirement for housing. The NPPF (2012), within paragraph 47, states that the supply of specific deliverable sites should,

‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing,

local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land’.

When applying the guidance within the NPPF (2012), it is clear that a 20% buffer should be applied due to the persistent under delivery of housing. If this is the case, the housing requirements should be increased, with additional land allocation to meet the housing need.

Q 2b) have employment trends been taken into account? If so, how, and what conclusions are drawn in this regard?

It is not considered that employment trends have been taken into account.

It is currently forecast that there will be demand for 33.7ha (173,393 sq m) of employment land between 2012-2037 (ELR July 2016 (5.4.1)). This equates to a demand of 1.35ha of employment land per annum. This demand has been calculated using forecast growth within York.

Between 2012-2016 the net gain of employment land was 3.5 (ELR July 2016 (5.4.13)), which equates to 0.7ha per annum. Using this data there is a deficit of 0.65ha per annum of employment land, which equates to roughly half way to satisfying demand.

Within JLL’s representation to the City of York Local Plan Modifications stage (June 2019), the current demand and supply of employment land was explored using Co-Star within existing employment sites and also land promoted across York to further understand the current position.¹

The results from CoStar showed that demand is high for office and industrial space based on available supply. Take up rates of the past five years show that supply will be exhausted in the near future. The information from Co-Star therefore demonstrated that there is a deficit in employment land.

Consequently, it is clear that there is a strong economy in York, against which *‘any level of delivery below this [790 dwellings per annum] will result in a combination of restricted economic growth, unsustainable commuting patterns, or reduced household formation rates’* (HNA 2019 - paragraph 3.21). Therefore, it is not considered that employment trends have been taken into consideration.

Further employment allocations as a result of the under provision of housing, should be made to allow for the economic benefits associated with an increase in housing allocations. In this regard the Poppleton Glassworks, referenced ‘SE55-05YK’ within the City of York Plan Publication Draft 2018, should be reconsidered for employment use. Within the Development Control Local Plan the site is allocated as an employment site. However, following a suite of ecological surveys being undertaken between 2008 and 2010 as part of the ‘City of York Biodiversity Audit 2010’, the site was designated a SINC in 2011.

A vegetation SINC survey undertaken by SLR for the landowner (IPIF) of Poppleton Glassworks (Document ref: EX/OTH/1) was submitted by JLL and accepted by the Inspector as late evidence at the Publication Draft 2018 stage. The SLR SINC Survey confirmed that the site fails to meet the basic level set to qualify as a SINC. Further late evidence was submitted, which provided clarification on the Vegetation Survey and Evaluation in response to Ms Rolls’ (City of York Council’s

¹ The data was collated within a three miles (4.8km) radius of York (refer to Appendix 1). This data did not account for supply and take up in outlier areas. However, the majority of growth within the local plan is directed to the main York urban area, therefore the catchment is considered suitable for this exercise.

ecologist) critique of the vegetation SINC survey undertaken by SLR. Within the updated report, SLR maintained that the Site does not meet the criteria therefore does not qualify as a SINC.

Within this further late evidence, SLR also sets out that the landowner, IPIF, would be prepared to provide mitigation such as a financial compensation if a future planning application is submitted which would deliver off site habitat creation at a location to be agreed with the Council (Appendix 2). As such and on the basis that the site no longer qualifies as a SINC site, the site should be considered as an employment site which will help deliver employment land targets.

The late evidence produced by SLR, was submitted as part of the representation to the City of York Local Plan Modifications stage (June 2019). However, it was suggested by the Inspectors that the late evidence is submitted at the Matters, Issues and Questions stage so the Inspectors can see the document in context. Consequently, the late evidence produced by SLR has been resubmitted (Appendix 2).

Q 2c) does the OAHN provide enough new homes to cater for those taking up the new jobs expected over the plan period?

As established within table 1 above, the record of the City of York in delivering housing and the existence of a shortfall in housing land supply which will take a number of years to address, such that the City Council still does not have a 5 year housing land supply is relevant and there is a need to have a robust approach to OAN and the level of housing allocations.

In combination with the above point, The Housing Needs Assessment (2019) (which reduces the dwellings per annum to 790) highlights that '*any level of delivery below this will result in a combination of restricted economic growth, unsustainable commuting patterns, or reduced formation rates*' (paragraph 3.21).

It is therefore considered that the Council are providing the minimum housing requirements, whilst providing no flexibility. This is even more concerning when taking into consideration guidance provided within paragraph 47 of the NPPF (2012) relating to the provision of a 20% buffer where there has been a persistent under delivery of housing.

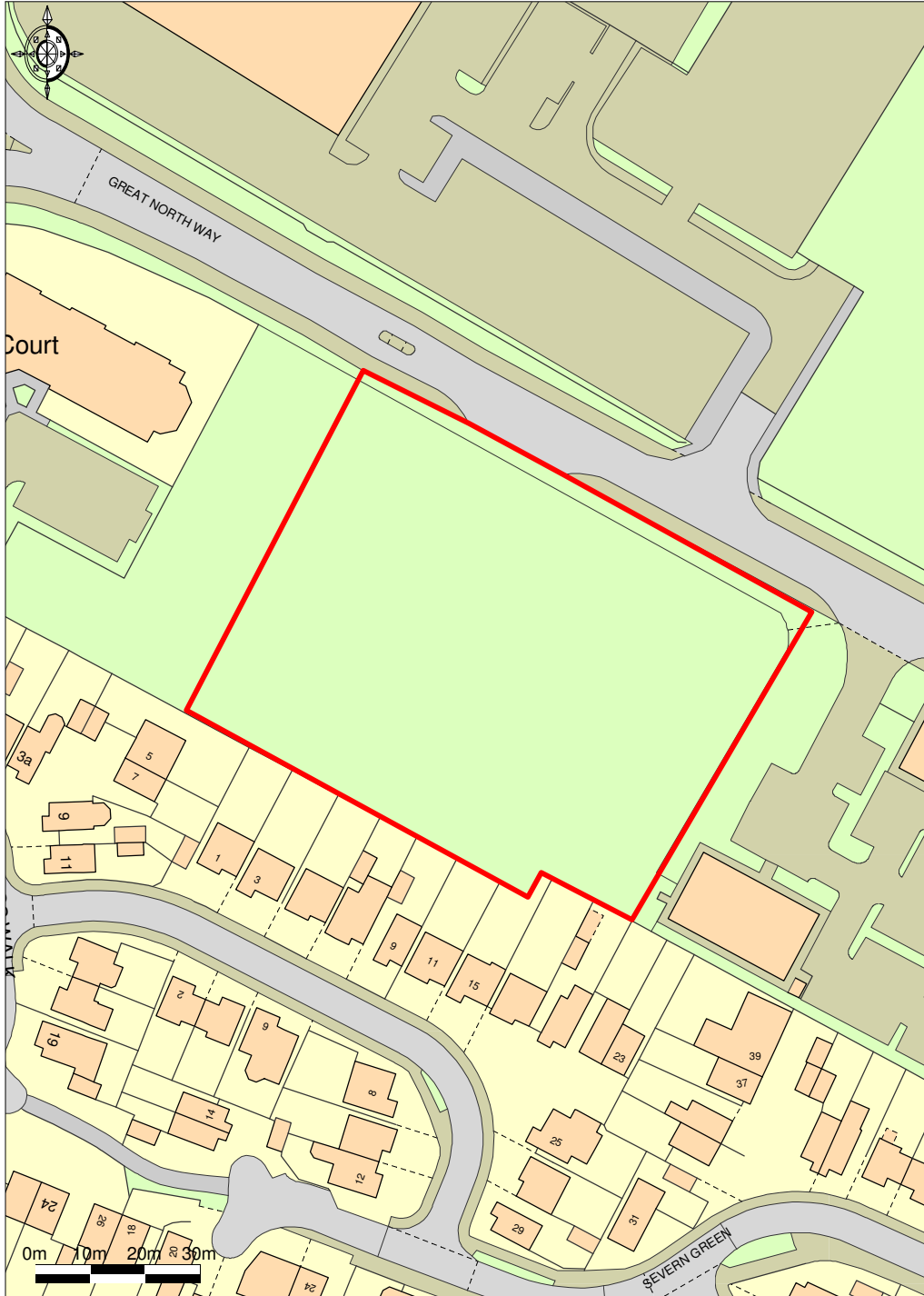
3 Conclusion

Taking the above into consideration, it is concluded that Policy SS1 is not 'sound'. The basis of the policy is to deliver 'sustainable growth' for York. When taking into consideration the revised housing numbers and the ramifications of the revised figure on employment growth it is clear that the Policy does not achieve sustainable growth for York. The strong demand for employment space within the CoStar results further emphasises the need to ensure sufficient employment land is delivered and aligns with the housing growth for the plan period. As such Policy SS1 is not consistent with national policy provided within paragraph 182 of the NPPF (2012).



Appendix 1
Site Plan

Site Plan



Promap
LANDMARK INFORMATION GROUP

Ordnance Survey © Crown Copyright 2018. All rights reserved. Licence number 100022432.
Getmapping plc 2018. Plotted Scale - 1:1250

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Appendix 2

JLL Response on behalf of IPIF (Further Late Evidence) Poppleton Glassworks, 20 December 2018

POPPLETON GLASSWORKS SINC NETHER POPPLETON

**Further Clarifications on Vegetation Survey &
Evaluation (June 2018)**

Prepared for: The Industrial Property Investment Fund

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Appendix 01: York City Council Memo '10 Great North Way – Planning Appeal (16/02285/FULM'

1.0 Introduction

1.1 Background

SLR Consulting Ltd (SLR) was commissioned by JLL on behalf of The Industrial Property Investment Fund (IPIF) in May 2018 to carry out a vegetation survey of land located off Great North Way, Nether Poppleton, York, North Yorkshire (central OS grid reference SE57075383). The findings of that survey were then presented in a report titled *Poppleton Glassworks SINC, Nether Poppleton – Vegetation Survey and Evaluation* dated June 2018.

That report was then presented as baseline evidence by JLL at the City of York new local plan examination.

Following this, comments have been received from the Ecology and Countryside Officer from City of York Council, Nadine Rolls, about this report and several queries have been raised.

JLL have requested that clarity be provided on these matters and this is set out in the following report.

1.2 Comments from the City of York Council Ecologist

The comments received were in the form of an Internal Memo from Nadine Rolls, the Ecology and Countryside Officer for the City of York Council to Alison Stockdale, the Development Management Officer. The memo is dated 2 July 2018 and it is titled '10 Great North Way – Planning Appeal (16/02285/FULM). This internal memo was released to the IPIF agents, JLL, on 20th September 2018.

The issues raised in the memo where further clarity is required are summarised as follows:

- The SLR report does not set out the full experience, qualifications and professional body memberships of the ecologists who undertook the survey and prepared the report.
- The SLR report refers to the *Rachel Hacking Ecology Report* (Dec 2017) and this has not been submitted as part of the planning appeal that the memo refers to.
- The *Naturally Wild* Report (October 2016) accepted the designation of the site as a SINC.
- The SLR survey uses the incorrect site boundary.
- The interpretation of the SINC guidelines varies between the SLR report and that of the council ecologist.
- The county ecologist sets out that the deliverability of compensation for development is in doubt.

A copy of the Memo is provided in Appendix 01 of this report.

2.0 Response to comments

2.1 Qualifications and experience of SLR ecologists

The memo from the Ecology and Countryside Officer points out that the SLR states in the June 2018 report that a Senior Field Ecologist undertook the survey but that no detail on experience or qualifications was provided.

The SLR survey of the site in June 2018 was undertaken by an experienced permanent member of the SLR ecology team. Jim Flanagan is a Senior Field Ecologist, based in Yorkshire and has worked extensively in the county as well as nationally. Mr Flanagan is a competent and very experienced botanical and vegetation surveyor with over 20 years of experience in undertaking such work, 15 years of which have been within ecological consultancies. Mr Flanagan is also a skilled and experienced ornithologist and entomologist and he has held workshops and training for the Field Studies Council, Wildlife Trusts, Sorby Natural History Society, the British Entomological Society and Natural History Society on his areas of expertise. Mr Flanagan has a HNC in Countryside Management and he is an Associate member of the Chartered Institute of Ecology and Environmental Management (CIEEM).

The SLR report was reviewed and finalised by Mike Webb a Technical Director and the head of ecology at SLR. Mr Webb graduated with a BSc in Biological Science having undertaken his research thesis into the vegetation dynamics of a protected calcareous grassland site in North Yorkshire whilst working as a warden for the Nature Conservancy Council (English Nature and then Natural England's predecessor). Mr Webb then went on to work as a botanical and vegetation surveyor for English Nature, Scottish Natural Heritage and the Institute of Terrestrial Ecology before commencing a career in ecological consultancy 25 years ago. Whilst working Mr Webb undertook the research into vegetation dynamics, management and restoration to gain an MPhil from the University of Liverpool. Mr Webb is a full member CIEEM and he is also a Chartered Environmentalist and Chartered Biologist.

It is considered that the ecologists responsible for the field work and reporting set out in SLRs June 2018 report are appropriately qualified and experienced for the task and both are members of and follow the code of conduct of the ecology professions governing body, the Chartered Institute of Ecology and Environmental Management.

2.2 Reference to the Rachel Hacking Report (Dec 2017)

When preparing its June 2018 report SLR was provided with a report prepared by Rachel Hacking Ecology. This was not submitted as part of the 10 Great North Way Planning Appeal. For clarity the Rachel Hacking's report has been submitted to accompany this report.

2.3 Naturally Wild Report (October 2016)

The Ecology and Countryside Officer sets out that the Preliminary Ecological Appraisal by Naturally Wild (October, 2016) *"accepted the designation of the site as a SINC; although this report did not include a species list from the survey."*

Like the SLR report from June 2018 the Naturally Wild report identified the fact that the site falls within an area that has been designated as a SINC. This is a point of fact rather than a judgement that has been made through detailed survey (the Naturally Wild Report was a Preliminary Ecological Appraisal rather than a detailed vegetation assessment as set out in the SLR report in June 2018).

The Naturally Wild report does however set out that the site comprises 30% bare ground consisting of construction rubble and that invasive species such as bramble and broadleaved tree species are becoming established. Without management of this scrub establishment the grassland community that remains shall

become degraded and ultimately lost to this natural process of succession. The Naturally Wild report goes on to confirm that the site is not managed.

2.4 The boundaries of SLR Survey in 2018

The Ecology and Countryside Officer sets out the following with respect to survey boundaries *“the 2018 vegetation survey does not use the correct SINC boundary, instead using the development site as the boundary.”*.

The SLR survey in June 2018 was undertaken across the whole of the remaining area of the SINC and as per the current SINC boundary as set out by the County Ecologist in Figure 2 provided in the Memo. On Drawing 1 of the SLR report it is clear that the habitats have been surveyed and mapped throughout the whole of the remaining SINC site. The development site boundary is shown on the drawing for context rather than as a defined area of survey. The text in the SLR report sets out clearly in section 3.1 that vegetation outside the development red line boundary was surveyed and mapped as part of this exercise. The descriptive text then goes on to specifically describe all habitats within the survey covering the whole of the remaining SINC. When undertaking the evaluation of the site against the SINC selection criteria species from the whole of this study area, the remaining area of SINC, were taken into account.

2.5 Difference in the interpretation of the SINC guidelines

A Site of Importance for Nature Conservation (SINC) is a non-statutory designation used to identify a site considered to have high value for wildlife. Though they have no legal protection they are a consideration in the local planning system. For a site to be designated as a SINC it must meet the criteria set out in the *Sites of Importance for Nature Conservation in North Yorkshire: Guidelines for Site Selection V3.0 December 2017* and as part of this process it is assessed by the North Yorkshire SINC Panel which is made up of a range of local experts.

Species lists have been produced from these selection criteria for neutral, calcareous and acid-type grasslands. The species appearing on these lists (included in Tables 6, 7 and 8) are those that are regionally important, locally rare, scarce or declining or locally distinctive. A scoring system has been applied to all the species with some scoring one or two points, depending on their status. Using this system a site must meet the minimum score of 8 to meet the criteria for SINC selection. This is one of the key criteria for use in selecting sites for SINC designation. Furthermore it is stated that:

‘The selection of a grassland SINC using the species lists in the tables should ensure the species recorded exhibit a reasonable distribution throughout the sward in all or a significant proportion of the site. If the species recorded from the lists are present, but in low numbers or restricted to small patches within the sward or to the edges of the site then the site should not normally be eligible for SINC selection’.

There is some ambiguity and potential for differing interpretation of the guidelines as to how sedge species are counted in this process and the council ecologist has set out that the tables in the SLR July 2018 report should count the two sedge species recorded as individuals rather than as an aggregate.

The species count as per the council ecologists’ requirement is therefore as follows, however the table below provides much greater detail on each of the qualifying species distributions within the site which is also an important aspect to determining if a site meets the published SINC criteria.

Table 1
Status of qualifying SINC species on the site

Species	English name	Frequency on site	Does it exhibit a reasonable distribution throughout the sward in all or a significant proportion of the site
<i>Agrimonia eupatoria</i>	agrimony	Rare. Only one single plant found.	No
<i>Carex flacca</i>	glaucous sedge	Locally frequent to abundant	Yes
<i>Carex disticha</i>	brown sedge	Locally frequent to abundant at south-east end of site	Yes
<i>Centaurea nigra</i>	common knapweed	Locally frequent	Yes
<i>Festuca pratensis</i>	meadow fescue	Very occasional. Four or five individual plants (tussocks) located within a small area approx. 30m x 15m.	No
<i>Lathyrus pratensis</i>	meadow vetchling	Locally frequent in two areas. Two locations on site estimated as being no more than 12m x 12m at northern end of site and in the south a block of vegetation with this species. In the south several plants were found in an area less than 10m ² .	No
<i>Leucanthemum vulgare</i>	ox-eye daisy	Locally frequent in one area along the north-east margin of the site (15m by 1.5-2m) and scattered within a small area of the MG1 variant grassland also at the northern end (an area less than 10m ²).	No
<i>Lotus corniculatus</i>	common bird's-foot trefoil	Fairly widespread within the site, usually locally frequent where it occurs.	Yes

Though the SLR survey in June 2018 recorded a total 8 qualifying SINC species from Table 7 in the SINC selection guidelines, these do need to occur with a reasonable distribution throughout the sward in all or a significant proportion of the site to be counted in the scoring system. When this latter point is looked at in more detail it is clear that the site only has 4 species meeting this minimum requirement and the site as it currently stands does not meet the SINC selection criteria on this basis.

It is notable that when the Poppleton Glassworks site was first ratified as a SINC in 2010 based upon a survey in 2008 it covered a total area of 3.6ha and the species count was based on this much larger site at that time. The site has since been reduced through lawful permitted developments to a size of 0.89ha. It is not clear if the much reduced Poppleton Glassworks SINC was subject to a further update survey and re-evaluation of its qualifying features in the recent review of sites across the district¹ undertaken by the City of York Council.

The vegetation communities within the SINC are likely to originate from past agricultural management of the area. The wider landscape around the site has been subject to development for several decades and this has resulted in the fragmentation and isolation of retained areas of grassland making them unviable management units for traditional agricultural uses, as such it is not feasible to manage them in the way that originally created their interests. Without such management in place the grasslands will become matted and tussocky and susceptible to invasion by scrub species, ultimately resulting in a loss of diversity and further erosion in the sites value over time. It has already been observed that such changes have started to occur at the site by recent surveys.

2.6 Deliverability of compensation for development

For a previous planning application on the site (ref-16/02285/FULM) the City of York Council agreed in principle that the impacts upon the SINC through development in this location could be compensated for through offsite habitat creation. This is set out in the committee report (9th November 2018) for that planning application as follows:

“In relation to the SINC it has been agreed that a scheme for the creation of an off-site wildflower grassland would be acceptable to compensate for the adverse impact to biodiversity from the loss of 0.7ha of the SINC. This will be created at Rawcliffe Country Park which is in reasonable proximity to the site and, as it is managed by the Council, long term management of the site can be controlled. This would be secured via planning condition and a S106 agreement for the financial contribution towards management. The S106 agreement will include submission of an Ecological Design Strategy and, following approval, implementation of that Strategy to create an area of off-site compensatory grassland. A sum of £12,500 (index linked) will be paid to the Council for long term management of the site once the requirements of the Strategy have been completed. These contributions are considered to be:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development,

and therefore comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).”

The council ecologist, in the July 2018 Memo has commented that the off-site compensation agreed for loss of the SINC as detailed above is no longer deliverable at the Rawcliffe Country Park due to other works being undertaken by the Environment Agency at that location. Though this may be true, there is no scientific reason as to why Rawcliffe Country Park provides the only opportunity for such compensation measures to be provided.

¹ City of York – Sites of Importance for Nature Conservation Review 2017

The practice of identifying and delivering such biodiversity offsets is now common place across the UK following the DEFRA Biodiversity Offsetting pilot study which ran from 2012-2014 and a number of local planning authorities in England use this as a primary tool to ensure there is no net loss of biodiversity as a result of development.

The principle of biodiversity offsetting and compensation for losses is not restricted to mitigating the impacts upon designated sites. With a full understanding of a sites baseline condition and with adequate planning and investment into habitat creation or restoration and long term management it is feasible to design a compensation package that delivers no net loss of biodiversity as defined by the DEFRA metric.

Given that the principles of this have already been accepted by the City of York council it is down to any developer of this site to propose and provide a bespoke compensation solution to reduce development impacts down to acceptable levels.

3.0 Conclusions

SLR was commissioned on behalf of The Industrial Property Investment Fund in May 2018 to carry out a vegetation survey of land located off Great North Way, Nether Poppleton. The findings were then presented in a report titled *Poppleton Glassworks SINC, Nether Poppleton – Vegetation Survey and Evaluation* dated June 2018.

That report was then provided as baseline evidence by JLL at the City of York new local plan examination.

Following this, comments were received on the SLR report in form of an Internal Memo from Nadine Rolls, the Ecology and Countryside Officer for the City of York Council to Alison Stockdale, the Development Management Officer. The memo is dated 2 July 2018 and it is titled '10 Great North Way – Planning Appeal (16/02285/FULM). Though this site has been subject to a planning appeal the report produced by SLR in June 2018 was not connected to the Appeal.

The issues raised in the memo where further clarity is required are summarised as follows:

- The SLR report does not set out the full experience, qualifications and professional body memberships of the ecologists who undertook the survey and prepared the report.
- The SLR report refers to the *Rachel Hacking Ecology Report* (Dec 2017) and this has not been submitted as part of the planning appeal that the memo refers to.
- The *Naturally Wild* Report (October 2016) accepted the designation of the site as a SINC.
- The SLR survey uses the incorrect site boundary.
- The interpretation of the SINC guidelines varies between the SLR report and that of the council ecologist.
- The county ecologist sets out that the deliverability of compensation for development is in doubt.

In this report SLR has set out responses and provided clarity to address the points raised and most critically a re-appraisal of the sites value against the SINC section criteria has been made to include consideration of the abundance and distribution of qualifying species across the site.

It is notable that when the Poppleton Glassworks site was first ratified as a SINC in 2010 it covered a total area of 3.6ha and the species count was based on this much larger site at that time. The site has since been reduced through lawful permitted developments to a size of 0.89ha. It is not clear if the much reduced Poppleton Glassworks SINC was subject to a further update survey and re-evaluation of its qualifying features in the recent review of sites across the district² undertaken by the City of York Council. SLRs detailed survey and appraisal in 2018 concluded that the reduced area a SINC does not meet the minimum requirements for SINC status when assessed against the current and updated (2017) selection criteria.

The vegetation communities within the SINC are likely to originate from past agricultural management of the area. The wider landscape around the site has been subject to development for several decades and this has resulted in the fragmentation and isolation of retained areas of grassland making them unviable management units for traditional agricultural uses, as such it is not feasible to manage them in the way that originally created their interests. Without such management in place the grasslands will become matted and tussocky and susceptible to invasion by scrub species, ultimately resulting in a loss of diversity and further erosion in the sites value over time. It has already been observed that such changes have started to occur at the site by recent surveys.

² City of York – Sites of Importance for Nature Conservation Review 2017

For a previous planning application on the site (ref-16/02285/FULM) the City of York Council agreed in principle that the impacts upon the SINC through development in this location could be compensated for through offsite habitat creation. With a full understanding of a sites baseline condition and with adequate planning and investment into habitat creation or restoration and long term management it is feasible to design a compensation package that delivers no net loss of biodiversity as defined by the DEFRA metric.

Given that the principles of this have already been accepted by the City of York council it is down to any developer of this site to propose and provide a bespoke compensation solution to reduce development impacts down to acceptable levels. The most appropriate time for this is when a detailed development proposal is submitted.

In conclusion it is SLRs view that the site no longer meets the criteria for selection as a SINC and that loss of habitats could be compensated for through biodiversity offsetting.

APPENDIX 01

York City Council Memo '10 Great North Way – Planning Appeal (16/02285/FULM'

Design, Conservation & Sustainable Development

Re: 10 Great North Way – Planning Appeal (16/02285/FULM)

Ref: APP/C2741/W/18/3201338

Date: 2nd July 2018

File: 10 Great North Way Appeal APP-C2741-W-18-3201338
290618 NR

To: Alison Stockdale, Development Management Officer

From: Nadine Rolls, Ecology and Countryside Officer **Ext :** 1662

Cc:

New information has been submitted to and accepted by the inspectorate relating to the designation of the site as a Site of Importance for Nature Conservation; reference report titled *Poppleton Glassworks SINC, Nether Poppleton, Vegetation Survey and Evaluation*, by SLR (ref: 405.08558.00001) dated June 2018.

This new 2018 report states that a vegetation survey has been undertaken by a senior field ecologist. Although no details of their experience, qualifications and/or membership of professional bodies has been provided the methodology used is appropriate, as is the time of year (May 2018) that the survey was carried out.

The 2018 report cites another survey undertaken by *Rachel Hacking Ecology* in December 2017; this was not submitted with planning application 16/02285/FULM nor as part of this planning appeal.

The report that was submitted with the planning application was by another consultancy Naturally Wild who surveyed the site in August 2016 and accepted the designation of the site as a SINC; although this report did not include a species list from the survey, it did not recommend more detailed analysis of the vegetation (report ref: *Preliminary Ecological Appraisal, Naturally Wild, October 2016*).

There are two main issues to highlight; firstly the 2018 vegetation survey does not use the correct SINC boundary, instead using the development site as the boundary. Figures 1 and 2 below show the original SINC boundary as designated in 2010, and the reduced boundary (resulting from the development of neighbouring areas) as ratified by the North Yorkshire & York SINC Panel in January 2018.

The SINC was designated in 2010 under guideline Gr4 of the *Sites of Importance for Nature Conservation in North Yorkshire, Guidelines for Site Selection*. This states that grasslands will be eligible for selection as a SINC if they meet the following;

'Areas of semi-natural neutral grassland of at least 0.25ha, or at least 50m in length if the site is a road verge, which lie within the Vale of York and Mowbray... or calcareous grasslands of at least 0.1ha in size... scoring 8 or more from the neutral or calcareous grassland species lists in Tables 6 and 7 respectively.'

The species recorded in the area outside of the development site boundary (but within the SINC boundary) in the 2018 vegetation survey would score 8 from the calcareous grassland list in Table 7. The report notes that there appears to have been herbicide application in this area.

The second issue to highlight is the guidelines have been mis-interpreted in respect of the species scoring from Table 6, where any sedge (*Carex* spp.) scores 1, not that all sedges combined count as 1. On this basis the species recorded from the wider site in the 2018 survey would in fact score 8 on Table 6, meeting the SINC Guidelines.

On the basis of the above it is my opinion that the site still meets the criteria for designation as a SINC, although I concur with the 2018 report that lack of positive management by the site owners is impacting on the species diversity and distribution in the sward.

For a definitive review of the status of a SINC based on new information, a presentation would need to be made to the North Yorkshire and York SINC Panel. The *Sites of Importance for Nature Conservation in North Yorkshire: Guidelines for Site Selection V3.0 December 2017* are available at <http://www.neyedc.org.uk/data/>

It should also be noted that since the off-site compensation for loss of the SINC at Rawcliffe Country Park was agreed as acceptable the Environment Agency (EA) have announced plans to extend a flood bank barrier into this area. This forms part of a larger scheme of work to upgrade flood defences in Clifton Ings. At present detailed information is not publicly available but it is likely to impact on the deliverability of the SINC compensation works, or at the very least the timescale for delivering them. The EA intends to submit planning applications for the entire flood scheme in December 2018 and start works in Spring 2019, taking circa two years to complete.

Nadine Rolls
City of York countryside and ecology officer.

Figure 1: Original SINC boundary as designated in 2010, prior to development of adjacent plots.

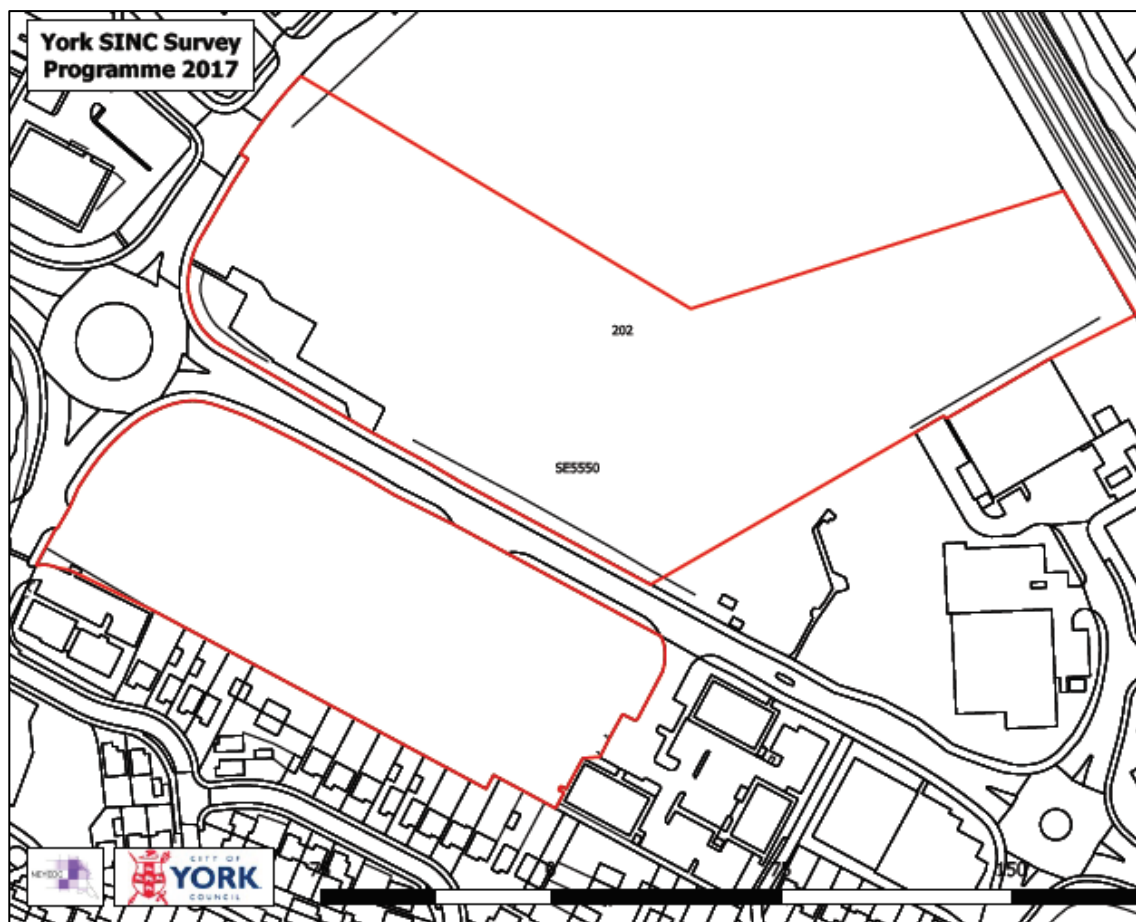
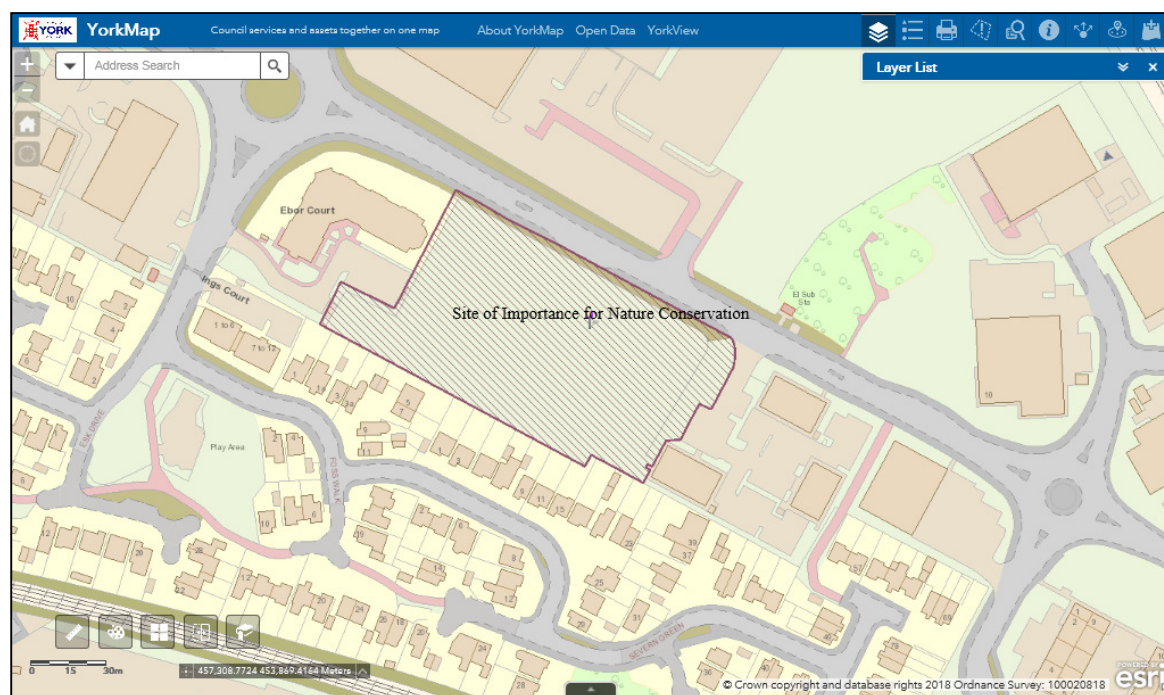


Figure 2: Reduced SINC boundary as ratified by the North Yorkshire & York SINC Panel in January 2018.



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