

Heslington Parish Neighbourhood Development Plan

Independent Examiner's Clarification Note

Context

This note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan is well-presented. The Plan provides a clear and distinctive vision for the neighbourhood plan area in a challenging context in terms of the relationship between existing planning policy and the emerging Local Plan.

Its focus on the village centre, local green spaces and the future development of the University of York is both appropriate and distinctive to the neighbourhood area.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now in a position to raise some initial issues for clarification. They are designed for the Parish Council. The comments that are made on these points will be used to assist in the preparation of my report. They will also inform any modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

Policy HES1

I saw that Main Street is generally well-defined and that paragraph 8.3.1 seeks to bring clarity to the matter.

However, for development plan purposes should the 'Main Street area' be defined on the policies map?

Policy HES2

I can see that the policy is general in nature. However, should the final section on sporting uses be captured in a separate policy?

Policy HES3

The policy has the ability to be interpreted in different ways. Is its intention directly to support agricultural development or to support development which is in some way ancillary to agricultural activity? The supporting text/interpretation section suggests the former whereas the policy suggests the latter.

In any event does the policy add any distinctive value to existing and emerging policies of the City of York Council on this matter?

Policy HES4

This is generally a very effective policy. It should result in sensitive and sustainable new development in the Plan period.

However, in criterion a) is the intention that new developments complement 'the character of the surrounding area' (in general terms) rather than specific 'character areas' (which are not defined)?

In terms of the generality of the policy I am minded to recommend a modification so that the criteria apply as appropriate to the scale, nature and the location of the development concerned. As submitted the policy will apply universally to development proposals. In some cases, all of the principles will be relevant. In other cases, only some will apply. Does the Parish Council have any comments on this proposition?

In the final part of the policy does 'superior' refer to performance above the Building Regulations?

Policy HES6

This is generally a very effective policy. It should result in sensitive and sustainable new development in the Plan period.

In terms of the generality of the policy I am minded to recommend a modification so that the criteria apply as appropriate to the scale, nature and the location of the development concerned. As submitted the policy will apply universally to development proposals. In some cases, all the principles will be relevant. In other cases, only some will apply. Does the Parish Council have any comments on this proposition?

Policy HES7

Does this policy add any distinctive local value to national and local policies?

In any event should the title refer to alterations/extensions to buildings rather than to their conversion?

Policy HES8

As I read the policy it has a confusing format. Criteria a) and b) appear to be the essentials whereas criteria b)-f) appear to be desirables. Was this the Parish Council's intention?

If so, might it result in developments of a basic standard?

In addition, within the first part of the policy is b) the reverse of a)? If so, does it add any value?

Policy HES9

Does the Parish Council have any specific evidence in general, or on viability in particular, to justify the approach towards on-site only affordable housing in criterion b) of the policy?

Policy HES12

Is the policy intended to apply throughout the neighbourhood area or more specifically within a defined area within the village?

As submitted, it has the ability to prevent otherwise acceptable development proposals for student accommodation on sites outside the existing campuses.

Policy HES 13

The Evidence Base on Local Green Spaces (LGSs) is a first-class document.

I saw that the proposed LGSs were many and varied. This is fine in principle. It reflects the character of the neighbourhood area. However, in the second part of the policy I see that the Plan has attempted to identify the limited development types which may be acceptable. This approach is inherently complicated given the different uses of the various proposed spaces.

I am minded to recommend that this part of the policy adopts the more matter of fact approach included in the NPPF and that the potential acceptable development types are repositioned into the supporting text. Does the Parish Council have any comments on this proposition?

Some of the proposed LGS overlap with the general extent of the York Green Belt. To what extent has the Parish Council considered the additional benefits of a potential LGS designation over and above the protection afforded more generally by their locations in the Green Belt (see PPG ID37-010-20140306)?

Proposed LGS 12 (Pond Field) is different from the other proposed LGSs. Its relevant section in the Evidence Base suggests that its function is more as a part of the Green Belt rather than as a LGS. Does the Parish Council have any comments on this observation?

In relation to Heslington Hall Gardens (LGS7) there is an overlap between the proposed LGS designation and the proposed identification of the Campus West Lake and Grounds as a significant green space. Does the Parish Council have any observations on this matter?

Policy HES14

I can see that the policy has been designed to have regard to national policy. Criteria b) and c) by definition are specific. However, criterion a) is very general and does not bring the clarity required for a development plan policy.

In this context is criterion a) necessary?

Could it be repositioned into the supporting text to highlight that other (unspecified) sites may include sufficient biodiversity to warrant an equivalent approach to that for the sites in criterion b) and c)?

Does the Parish Council have any specific comments on the representations from the University (on Site 2) and the City of York Council (on Site 3)?

Policy HES15

This policy appears to raise identical issues to the first two points in this note on Policy HES8

The Parish Council's comments would be welcomed in this regard?

Policy HES16

Is this policy necessary?

The opening element is largely a repeat of national policy and the two detailed criteria will be determined through the emerging Local Plan process.

Policy HES17

Is there any direct relationship between the character or appearance of a conservation area and traffic levels?

In any event does this policy add any distinctive value to national and local policies?

Policy HES19

Does 'development proposals' refer to proposals for academic/university-related development?

The Development Principles in Section 15.4 are generally well considered. However, to what extent would they have any direct effect on future development in the Plan period given existing planning consents and master planning work?

Community Action CA3

As drafted the Action has a confusing format.

I am minded to recommend a modification along the lines of that suggested by the City of York Council

Does the Parish Council have any comments on this proposition?

Representations made to the Plan

Does the Parish Council wish to make observations on any of the representations made to the Plan?

In particular (and beyond the specific matters raised in this Note) does the Parish Council have any observations on the representations made by the City of York Council and the University of York?

Protocol for responses

I would be grateful for comments by Friday 7 February 2020. Please let me know if this timetable may be challenging to achieve. It reflects the factual basis of the questions raised.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please can all responses be sent to me by the City of York Council and make direct reference to the policy concerned.

Andrew Ashcroft

Independent Examiner

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16 January 2020