

Heslington Parish Neighbourhood Development Plan

Independent Examiner's Clarification Note – Parish Council Response

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- Main Street – Change of Use

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?

CYC have confirmed they would be happy to show Heslington Main Street on the policies map. The stretch that runs north-south through the village between the two roundabouts, where most village facilities are located, is usually simply referred to as Main Street, but occasionally as Main Street [South].

This amendment to the policies map is supported.



Policy HES2 - New Business and Employment Development

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

Yes. Introduction of a separate land-use policy that focuses on 'sports usage' is supported.

Policy HES3 - Agriculture and Rural Enterprise

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 HES: 3 is intended to support both and be flexible to the needs of those who rely on the land based economy. It seeks to emphasise the importance of both the rural setting and rural economy within the Parish. Supporting farm and rural diversification highlights the significant part Heslington's attractive countryside plays in Heslington life and development today. All development proposals will be expected to be unobtrusive within the landscape and be in keeping with Heslington's rural character.

Referencing the NPPF (2019) message on 'sustainable development and expansion of rural businesses' within the interpretation text of the policy to underpin this would perhaps help.

Amending relevant text accordingly is supported.

Policy HES4 - Sustainable Design

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)?

Yes. Amending the text at criterion a) to e.g. "...Complementing local context and character of the surrounding area in (general) terms of..." is supported.

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?

Amending the text so that the criteria apply "...as appropriate to the scale, etc..." is supported.

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

Yes. The intention of this policy is to encourage "...solutions above the requirements of the Building Regulations..." in support of local and national environmental agendas.

Policy HES6 - Urban Character

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?

Amending the text so that the criteria apply "...as appropriate to the scale, etc..." is supported.

Policy HES7 - Conversion of Existing Buildings

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

Yes. This policy is intended to underpin and supersede the aims of the Village Design Statement adopted for Supplementary Planning Guidance in 2004 and respect the character and setting of Heslington. It seeks to reflect what the local community admires and values in the existing fabric and predominantly domestic scale of buildings and pattern of the village. It is also noted that Historic England recommended adding a further criterion e.g. "...Are appropriate to and do not compromise the significance or setting of the designated and undesignated heritage assets..." which, if deemed useful, is supported.

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

Yes. Amending the text/title to refer to e.g. "...alterations/extensions..." to avoid risk of confusion is supported.

Policy HES8 - New Housing

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?

The policy is intended to support proposals that meet all the criteria listed, not to allow the option to bring forward only 'basic' proposals. Amendment of text (i.e. remove "...particularly...") to achieve this would be supported.

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

No, it is not intended that b) be the reverse of a).

The criteria are intended to draw a clear distinction between 'infill' development of typically a small gap, sufficient to accommodate one or a couple of houses within an otherwise existing built up frontage, and developments that propose a line of buildings, with a common frontage to the road, which are visually linked when viewed from the road. Amendment of text to achieve this would be supported.

Policy HES9 - Housing Mix and Affordability

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?

Whilst there is no specific local evidence available on affordable housing needs in the Parish, the policy intends to reflect residents' representations that development proposals should provide this mix of properties within the development to allow increased home ownership opportunities locally for local people. It chimes with the criterion for a tenure blind approach.

Amending the text to be consistent with the CYC response is supported. Specifically, that on-site provision of houses is required in accordance with the approved OSFC formula, unless offsite provision or a financial contribution of equivalent value can be robustly justified.

Policy HES12 – Purpose Built Student Accommodation (PBSA)

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.

This policy is intended to support PBSA development both within the development boundaries of the existing University campuses and within any future strategic development site allocations, but not elsewhere. Amending the policy text by removing “existing campuses” to reflect this intention is supported.

Policy HES 13 - Local Green Spaces Designation

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?

Amending the policy on ‘acceptable development types’ as proposed is supported.

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)?

The potential LGS designations are of considerable importance to the community. This is clearly evidenced with over 100 residents (c20% of local village) supporting the independent ‘PRESERVE OUR LOCAL GREEN SPACES’ initiative as part of the HPNP Submission Version consultation.

An important consideration in the Plan was that a new Green Belt boundary for York is proposed in the emerging York Local Plan but not yet adopted. There have been examples of green spaces (within the Green Belt) that communities have considered to be demonstrably special that have been threatened or lost. This includes both built development and garden extensions. A recent example is the threat to Askham Bog.

The additional local benefits that designation brings include:

- **New development is controlled unless in exceptional circumstances**
- **Heslington’s green infrastructure is an essential quality of the area’s distinctive local environment. Protecting local green space brings important social, economic, environmental and biodiversity benefits e.g. wildlife corridors**
- **Safeguarding access to allotments, recreation areas and green spaces that complement Heslington’s important heritage architecture and Conservation area status play a vital part in maintaining Heslington’s uniqueness amongst York’s immediately peripheral settlements. They help retain the ‘village’ identity in the middle of suburban high-volume house building and an ever-expanding University presence. By protecting Heslington’s cherished green spaces, its rural charm, physical setting and sense of community can continue**

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?

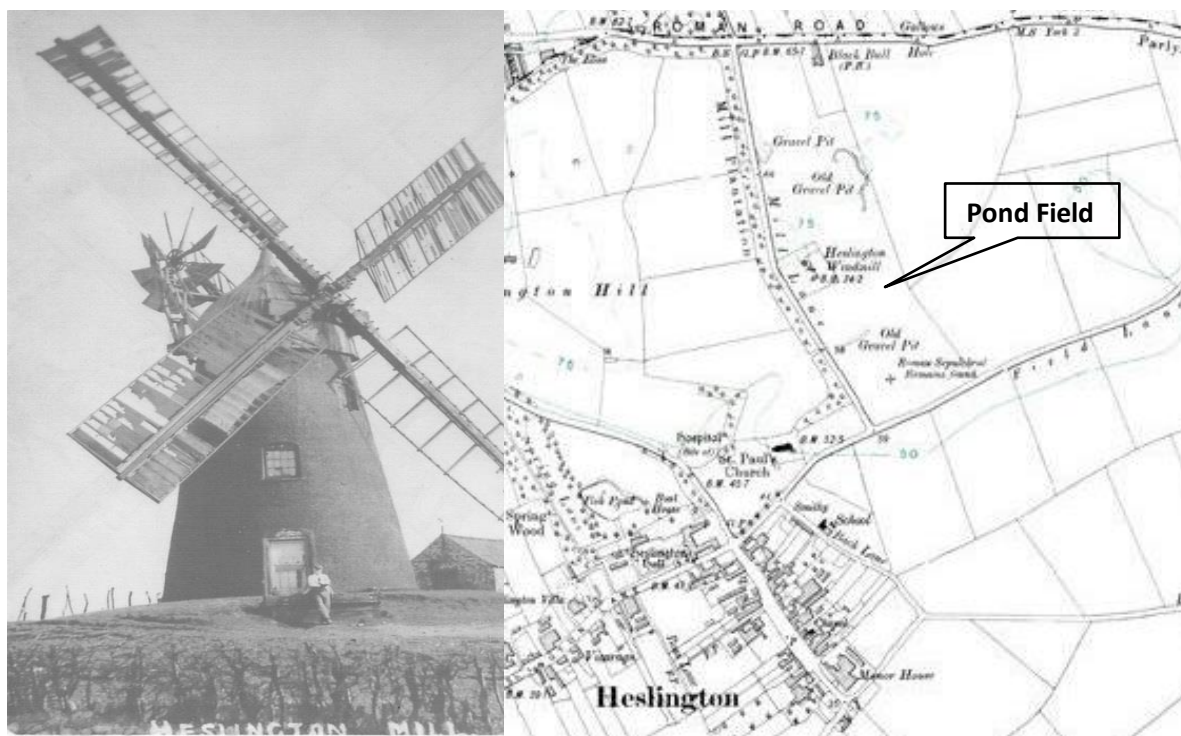
The importance to the local community of Pond Field as a green space should not be understated. It is less than 350m from Heslington Hall and 100m from the Church.

A further important consideration is that a new Green Belt boundary for York is proposed in the emerging York Local Plan but not yet adopted.

In addition to being an important ecological habitat for a variety of plants and animals, it buffers the village from the built environments of Badger Hill and the University of York. The additional benefits gained from designation will help preserve the feel and identity of Heslington and avoid it being submerged in sprawling development.

Providing LGS protection against development of this green area is of particular importance to the local community as this area helps frame the historic core of the village. This tranquil space helps to connect the York's 'green wedges and corridors' that bring the open Yorkshire countryside into the heart of the village.

The historical significance of Pond Field, as the site of Heslington Mill, goes back many years. A landmark windmill in Heslington was mentioned in documents as early as 1530. The brick mill shown below was built around 1910. It gradually became derelict and was finally demolished during WW2. Pond Field is also recorded as a site of roman sepulchral remains.



© Fishergate, Fulford and Heslington Local History Society
From the collection of Judith Nicholson

© Ordnance Survey 1910

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?

Removal of site 7 Heslington Hall Gardens (rear) from potential LGS designation is supported.

This site is now listed by Historic England as a Heritage Category: Park and Garden Grade: II. List Entry Number: 1456517 and the additional protection of LGS is not justified.

Policy HES14 - Green Infrastructure

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)?

Removal and repositioning of the text at criterion a) as proposed is supported.

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)?

Site 2, significant green space

Within site 2, it is considered that the removal of site 7 (see above) as potential LGS designation addresses this point raised by O'Neill Associates on behalf of the University of York.

Notwithstanding the recent Historic England listing, it is considered that maintaining a reference to Campus West Lake and Grounds as one of the significant green spaces which contributes to Heslington's green infrastructure is sound.

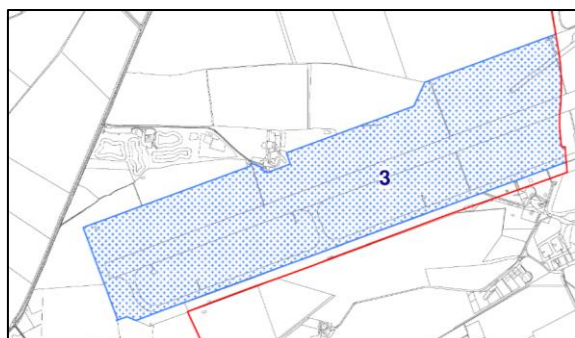
Site 3, significant green space: Elvington Airfield Grasslands

If the submitted Local Plan Policy SS13 (Land West of Elvington) allocation site ST15 is agreed, then a change to boundary of LGS Site 3 to only include the western end of Elvington Airfields Grasslands as shown below is supported.

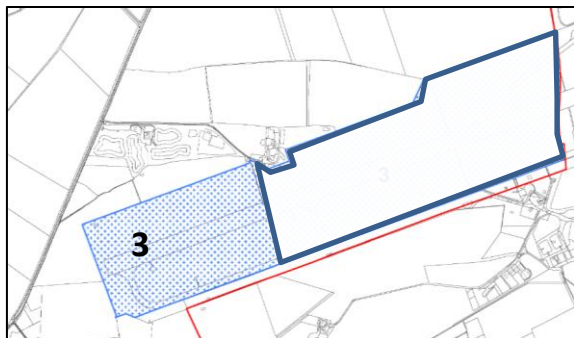
This has the benefit of preserving a significant area of biologically rich grassland at the west end of the airfield, helps to improve biodiversity and is in line with Policy GI2 (Biodiversity and Access to Nature) in the submitted Local Plan.

Amendment of text and map to achieve this would be supported.

BEFORE



AFTER



Policy HES15 - Sustainable Transport Provision

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?

It is accepted that all criteria e) to k) are not relevant to development proposals on strategic development sites.

Amending Policy HES: 15 text to include criteria f), h) and i) within the policy text would be supported.

And,

Incorporating e), g), j) and k) within a new policy or new Community Action is supported.

Also, amending policy text to e.g. ..."Beyond the strategic development sites development proposals, (where relevant and appropriate), will be supported where... "
is supported.

Amending Policy HES: 15 c)

From:

c) Strong cycle and pedestrian links on any new access roads to the A64, University and other major roads; and

to

c) Strong independent cycle and pedestrian links on any new access routes (from ST15) across the A64; and...

in line with CYC representation comments is supported.

Policy HES16 - Vehicular and Pedestrian Traffic

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.

Yes. It is considered that Policy HES: 16 is necessary.

The intention of this policy is to:

- **Control the flow of vehicular and pedestrian traffic through the village Main Street area/Conservation area from the proposed strategic housing sites (ST15 and ST27) on routes to the south and east of the village. These routes are not suitable for increased traffic flow due to the potential for increased conflicts between motor vehicles, cycles, pedestrians and equestrians. The local routes referred to in the Policy are mostly lightly-trafficked, narrow, single track, rural lanes with some passing places for vehicles and no footpath or drainage provision. They are also key routes for large agricultural vehicles and existing local residents/farmers. Encouraging access is not consistent with the York Draft Local Plan objective to promote sustainable travel by ensuring that new developments have access to high-quality public transport, cycling and walking networks**
- **Avoid encouraging increased recreational footfall and dog walking from ST15 on to the Tillmire SSSI with its important breeding bird populations**

Amendment to text that supports this intention will be supported.

Policy HES17 - Traffic in Heslington Conservation Area

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?

It is considered that increase in traffic flow through the conservation area, in particular heavy vehicles and public transport, would have a detrimental effect on the ambience, setting and character of the area. The adverse impacts include visual, environmental (e.g. noise and pollution) and vibration (e.g. damage to heritage buildings).

It is considered that development proposals that are likely increase traffic flow in the Conservation Area may subsequently lead to 'highway improvements' to accommodate that increased traffic. The potential adverse impacts are loss of roadside green verges, increased conflicts between motor vehicles, cycles, pedestrians and equestrians and a plethora of street signage/furniture.

Amending the text to reflect that, where this is the case, proposals that avoid or mitigate this impact will be supported.

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

Yes. The intention is that this refers to a range of higher education and related uses in line with York Draft Local Plan Policy ED1 (University of York).

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?

The importance of these good practice principles is to ensure that, when proposals are brought forward under reserved matters, there is a clear and explicit requirement on the University and the City of York to comply with good practice and communication/consultation. And that this takes place.

The impact of University of York development on the historic character and setting of Heslington is significant. Holding the University to account on good practice principles both in the development and execution of Design Briefs/Masterplanning is in the long-term best interests of the community. It is considered that there are examples where significant deviations from the original masterplanning work have been brought forward under reserved matters.

An important aim of this Neighbourhood Plan is to :

“Foster effective and positive working relationships with all local stakeholders to achieve a balance between the unique identity of Heslington as a rural village, the proximity of a thriving university and opportunities for growth”

Community Action CA3 - ELVINGTON AIRFIELD

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?

The intention of this Community Action is to ensure that any development proposals that come forward for operations on the airfield site are subject to a masterplan upon which the local community and the City of York have been fully consulted. Amending the title to *OPERATIONS AT ELVINGTON AIRFIELD* would be more helpful in this regard and is supported.

It is considered that the modification suggested by CYC only addresses in part the need for development controls and effective consultation in this area.

Amendment to text in this Community Action to enable developments to be understood, properly consulted on and controlled would be supported.

Representations made to the Plan

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

Yes.

a) Quod

Rep. 1 – amending introductory text at paragraph 5.1.5 to indicate that e.g. “...strategic site allocations are subject to change through the CYC Local Plan process...” is supported.

Rep. 2 – amending text in Policy HES: 2 from “...local facilities...” to e.g. “...facilities locally...” is supported.

Rep. 3 – the intention in Policy HES: 3 is to focus on farms, etc beyond the strategic development site allocations. Amending policy text to make this clearer e.g. “Except where farming activities exist within the strategic development site allocations, development proposals.....” is supported.

Rep. 4 – See HES: 16 above.

b) Barton Howe

The majority of the comments were helpful text improvements and are generally supported.

5.1.5 – amending text e.g. “...in the York Draft Local Plan substantial housing growth... is planned within the Parish of Heslington” is supported.

5.3.3 (and 10.6.2) - amending text to replace ‘Ancient Monuments’ with ‘Scheduled Monuments’ is supported.

5.6.1 – Russell Group – amending text to reflect e.g. “...is a self-selected association of 24 leading UK universities.” is supported.

5.9.4 – amending text to e.g. “The predominant housing stock is C20, with a cluster of small C18 and C19...and...” is supported.

5.9.4 – amending text to e.g. “Also in the village, Joseph Rowntree Housing Trust run a sheltered housing facility in Heslington Court.” is supported.

5.10 Policy HES: 14 – Significant Green Spaces map for Site 2 : Campus West Lake and Grounds prepared by CYC mirrors Historic England mapping of this historic landscape (List No. 1456517). No change is considered necessary.

7.2 – Noted. No change is considered necessary.

8.24 – No change. It is considered the University of York, including Science Park are considered to have a leading and influential position in increasing jobs within York. i.e. at the ‘forefront’. No change is considered necessary.

10.6.2 - amending text to replace ‘Ancient Monuments’ with ‘Scheduled Monuments’ is supported.

11.3.1 – Noted. No change is considered necessary.

Policy HES: 16 – see above.

HES CA2 – amending text in Community Action CA2 e.g. “A plan for long-term planting...replace those [trees] that become damaged, diseased or unsafe” and to remove reference to “old” trees is supported.

New Landscape Character Policy – No change is considered necessary. It is considered relevant matters are adequately covered elsewhere.

c) Historic England

1. Agreed there are 2 Scheduled Monuments and 1 Registered Historic Park and Garden within the Parish. No change is considered necessary.

2. Re: development at ST27 – it was noted that HE are objecting to this CYC submitted Local Plan allocation site. No change is considered necessary.

3. Policy HES: 7 and HES: 8 –amending text to include e.g. “... *Are appropriate to and do not compromise the significance or setting of the designated and undesignated heritage assets within the boundary*” or similar, if deemed helpful is supported.

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?

a) CYC

Policy HES: 9 - amending the text to be consistent with CYC submitted Local Plan Policy , specifically that on-site provision of houses is required in accordance with the approved off-site financial contribution (OSFC) formula, unless offsite provision or a financial contribution of equivalent value can be robustly justified is supported.

Policy HES: 10 – amending text to reference ‘*Draft Controlling the Concentration of Houses in Multiple Occupation SPD (Approved 2012, Amended July 2014)*’ is supported.

Policy HES: 13 –amending text to include suggested new paragraph d) on managing development within a LGS consistent with NPPF (2019) paragraph 101, if deemed helpful, is supported.

Paragraph 13.5 and Figure 6 (and where relevant Policy HES: 14) – See above.

Policy HES: 14 – See above.

d) Paragraph 14.5.2 and Policy HES: 15 c) – As above. Amending text to “Strong independent cycle and pedestrian links on any new access roads (from ST15) across the A64; and...” is supported.

Policy HES: 15 - See above.

Policy HES: 16 and text at 14.5.2 - See above.

b) O’Neill Associates on behalf of University of York

2.3 Amending introductory text at paragraph 5.1.5 in HPNP to indicate that strategic site allocations are subject to change through the CYC Local Plan process is supported.

2.3 Postponing development of HPNP until the CYC Local Plan is adopted is not supported.

3.3 Policy HES: 2 – Re: Sports usage. See above.

3.4 Policy HES: 4 - Character areas. Amending text to e.g. “...reflect the character of the surrounding area (in general terms)...” is supported.

3.6 Policy HES: 7 – Amending text to refer to e.g. “...alterations and/or extensions...” is supported. See above.

3.9-10 Policy HES: 12 – Amending the text to remove the word “existing” is supported. See above.

3.12 Policy HES:13 – Amending text to remove LGS Site 7, a small section of Heslington Hall gardens, as this area is now protected by Historic England designation, is supported. Also see above.

3.13-14 Policy HES: 13 Lord Deramore’s school playing field (LGS Site 11), is considered special to the local community (including children and parents) and has important recreational, educational and natural history interest. Excluding this area as a LGS is not supported.

3.15-17 Para 13.5 and Figure 5 and Policy HES:14 – The original Public Inquiry into the construction of Campus East stressed the importance of establishing this green open space between the new development and the residential communities of Heslington and Badger Hill. These areas were to be “*simple parkland, with continuity of grassland*”.

The importance of this open space to residents today is even more cherished with ongoing University expansion.

Clearly distinguishing the clear current boundaries of the latest permitted development area within the overall development boundary for Campus East will bring clarity to the location of the green open space ‘buffer zones’.

If this approach is supported and an updated Figure 5: Campus East lakes and grounds and green open space ‘buffer zone’ map(s) is required, CYC have agreed to help with the mapping of this to define clear current boundaries. The assistance of CYC in this matter is much appreciated.

Amendment of relevant text and or map to reflect this position is supported.

3.18-22 Policy HES: 17 – See above.

3.23 Policy HES: 19 (Also paragraph 3.16 and need to address Figure 5.) See above.

3.26 Support amending text at 15.4.2 in line with e.g. “...Development Brief for Campus West and Design Brief including Masterplan...” is supported.

Policy HES: 19 b) – See above.

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.