



City of York Local Plan

Proposed Modifications and Evidence Base Consultation 2021

Representations received

Volume 6 of 11

Responses SID407 to 603

SID Reference	Representation
73	Peter Heptinstall
75	Heslington Parish Council
84	Tim Tozer
91	Westfield lodge and Yaldara Ltd
102	Elvington Parish Council
114	Ian Henderson
118	Historic England
119	Environment Agency
122	York Racecourse
127	Christopher Stapleton
141	Oakgate Group PLC
160	CPRE North Yorkshire (CPRENY)
181	Gateway Development
182	KCS Developments
191	Martin Moorhouse
192	Selby District Council
199	Mr Jolyon Harrison
215	Wilberforce Trust
217	Peter Moorhouse
220	Mr M Ibbotson
228	The Bull Commercial centre
231	Fulford Parish Council
238	Gillian Shaw

253	Bellway Homes
255	Home Builders Federation
257	Henry Boot Developments Limited
260	Lovell Developments (Yorkshire) Ltd
267	York Diocesan Board of Finance Limited & The York and Ainsty Hunt
269	Janet Hopton
288	Wigginton Parish Council
298	New Earswick Parish Council
304	Huntington and New Earswick Liberal Democrats
316	Dunnington Parish Council
329	Murton Parish Council
333	Alison Stead
338	Alan Cook
339	Barratt David Wilson Homes
342	Andy Bell
344	National Grid
345	Defence infrastructure Organisation
350	Picton
351	McArthur Glen
358	Mark Miller
359	NHS Property Services Ltd
361	Cllr Andy D'Agorne
364	York Labour Party
366	NHS Property Services
372	Gladman Homes
375	Wheldrake Parish Council
378	Langwith Development Partner
381	Yorkshire Wildlife Trust
383	Natural England
393	Cllr Nigel Ayre – Residents of Heworth Without
399	Cllr Anthony Fisher
407	Rob Littlewood
418	Chris Wedgewood
422	Peter and David Nicholson
582	Landowners of land west of ST8
583	Redrow Homes, GM Ward Trust, Mr K Hudson, Mrs C Bowes, Mr and Mrs J Curry and Mrs E Crocker
585	Taylor Wimpey UK
590	York and North Yorkshire Chamber of Commerce
594	TW Fields
601	Procter Family
603	The Retreat York
604	L&Q Estates
607	Taylor Wimpey UK
612	Joseph Rowntree Housing Trust
613	Askham Bryan College

620	Galtres Garden Village Development Company
625	Roy Brown
825	Cllr Mark Warters
826	Pilcher Homes
833	George Wright
841	Jennifer Hubbard
849	University of York
863	Mr R Arnold
866	Mulgrave Developments Ltd/ Mulgrave Properties Ltd
867	Yorvik Homes
872	Jeffrey Stern
876	Joanne Kinder
878	Sarah Mills
879	Pat Mills
883	St Peter's School
888	Geoff Beacon
891	Redrow Homes
901	York St John University
920	J Owen-Barnett
921	Pauline Ensor
922	Peter Rollings
923	York Consortium of Drainage Boards
924	Jacqueline Ridley
925	John Pilgrim
926	Amanda Garnett
927	Rufforth with Knapton Parish Council
928	S Walton
929	Neighbourhood Plan Committee
930	Mal Bruce
931	Linda Donnelly
932	Vistry Homes
933	Crossways Commercial estates Ltd
934	Mulgrave Properties Ltd
935	York Housing Association, karbon Homes Ltd & Karbon Developments Ltd
936	Countryside Properties PLC
937	Andrew Jackson
938	Elvington parish Council
939	Friends of Strensall
940	John Burley
941	Karen Marshall
942	Stuart Gunson
943	Haxby St Mary's Parochial Church Council
944	North lane Developments
946	Gemma Edwardson
947	Maureen Lyon
948	Persimmon

949	York and Scarborough Teaching Hospitals NHS Foundation Trust
950	Kyle & Upper Ouse Internal Drainage Board
951	Stephensons
952	North Yorkshire County Council
953	Mr Adrian Kelly
954	York Green Party
955	Jomast Developments
956	Peter Vernon
957	Barratt Homes, David Wilson Homes, TW Fields (ST7 Consortium)
958	M Beresford
959	Clifton (without) Parish Council
960	Jane Granville
961	Mrs Carole Arnold

September 2021



From: [Redacted]
Sent: 04 July 2021 11:26
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, INDIVIDUAL - reference: 204971
Attachments: ELVINGTON_JUNE_2021_Habitats_Regulations_Assessment_RL_Submission.docx

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent my own views

Your personal information

Title: Mr

Name: Rob Littlewood

Email address: [Redacted]

Telephone: [Redacted]

Address: [Redacted]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Habitats Regulations Assessment 2020 (EX/CYC/45) and Habitats Regulations Assessment 2020 Appendices (EX/CYC/45a)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: No, I do not consider the document to be legally compliant

Please justify why you consider the document to be legally compliant:

Please justify why you do not consider the document to be legally compliant: We do not believe that the proposed modification to the City of York Local Plan complies with the statutory regulations or follows the requirements of the Sustainability Appraisal. Further, the whole process of developing the Local Plan and the complexity and volume of detailed and technical information has been an exercise in excluding from any meaningful engagement all but the most persistent, informed, and skilled professional practitioners. This process (including the assumption of quite a high degree of IT competence) has been hostile towards ordinary members of the public, and the general impression is one of working back from the preferred site options with an emphasis on “process over product”. This has not been a genuine public consultation.

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: No, I do not consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate:

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate: The whole process of developing the Local Plan and the complexity and volume of detailed and technical information has been an exercise in excluding from any meaningful engagement all but the most persistent, informed, and skilled professional practitioners. This process (including the assumption of quite a high degree of IT competence) has been hostile towards ordinary members of the public, and the general impression is one of working back from the preferred site options with an emphasis on “process over product”. This has not been a genuine public consultation.

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: Comments relating to the four above points will be laid out in an attached document.

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’:

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: No, I do not wish to participate at hearings sessions

If you do wish to participate at hearing sessions, please state why:

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

ELVINGTON_JUNE_2021_Habitats_Regulations_Assessment_RL_Submission.docx

Comments on the Proposed Modifications (2021) to the City of York Local Plan and supporting evidence base in respect of the site now referred to as H39 (Site 95), by Mr R and Mrs H Littlewood,

Introduction

The Proposed Modifications (2021) to the City of York Local Plan document is supported by the:

- *The Waterman Habitats Regulations Assessment of the City of York Council Local Plan (October 2020).*

This form sets out our comments on the Proposed Modifications in respect of the Waterman Report, and the topic of “Habitats Regulations Assessment”.

Our overall representation is based on the Local Plan, as currently presented, fails the tests of soundness in the following respects:

“Positively Prepared” The Plan’s strategy leading to the allocation of site H39 (Site 95) is not based on comprehensively and consistently applied objectively assessed development and infrastructure requirements.

“Justification” The Plan’s strategy leading to the allocation of site H39 (Site 95) is not the most appropriate strategy, when considered against reasonable alternative locations, based on proportionate evidence.

“Consistency with National Policy” The Plan’s strategy leading to the allocation of site H39 (Site 95) does not deliver sustainable development in accordance with the policies in the National Planning Policy Framework (NPPF).

Habitats Regulations Assessment

City Of York Local Plan: Preferred Sites Consultation Document (2016)

Site H39 (Site95), lies within 250m of the River Derwent, a statutory nature conservation site of international (Ramsar), European (SAC/SPA), and national (SSSI) significance. A condition assessment in 2009 by Natural England found that the River Derwent was in an unfavourable condition and the Environment Agency is working with Natural England to restore the river and its environs to a favourable condition.

At an occupancy rate of about 2.4 people per household, the development of about 32 houses at Site H39 would introduce about 77 new residents to the southern part of the village closest to the River Derwent. A significant number of these people will use the footpath by the Church (which is part of the Wilberforce Way) for access to the countryside alongside the River Derwent, and by implication include additional dog walkers.

Pet predation of wildlife is a significant concern, particularly in respect of Ramsar and European habitats. At 2021 rates of household pet ownership (33% for dogs and 27% for cats, according to the Pet Food Manufacturers Association) the development proposed would introduce about 10 dogs and 8 cats.

These numbers are in addition to the people and pets already in the area, and in addition to users of the Wilberforce Way.

Dog walkers are likely to use the public footpath from the church to the flood plain of the Derwent thereby allowing the dogs to chase wild animals and ground-nesting birds and introduce unwanted fouling. In respect of studies on the Thames Basin Heaths SPA, Natural England recognises that cats will roam within 400m of their keepers' homes, and possibly up to 1km. Most of the cats would be free to roam and the floodplain would form part of their territories. They are likely to predate on the local mammals and birds.

These additional pressures on the River Derwent (SSSI/SAC/SPA/Ramsar Site) are likely to work against the restoration of this habitat. At the time of the Preferred Sites Consultation Document (2016), it had been noted under previous submissions that Site HS39 is therefore likely to require a Habitats Regulations Assessment (HRA) to determine whether the development would have a significant effect on the Ramsar/SAC/SPA.

City of York Local Plan Pre-Publication draft (Regulation 18 Consultation (September 2017))

In response to this document a Habitats Regulations Assessment was carried out by consultants in respect of new housing developments on the River Derwent SAC, and Site H39 was (incorrectly) removed from further consideration due to it having no conceivable effect on the condition of the SAC. At the time of the Local Plan Pre-Publication draft (September 2017), therefore, the Habitats Regulations Assessment had been carried out at a high (ie generalised) level, and the issues of recreational pressure and pet predation were not properly addressed.

The Waterman Habitats Regulations Assessment of the City of York Council Local Plan (October 2020)

In the Waterman Report (October 2020), the screening test under the Habitats Regulations (Regulation 105(1) refers) states that *"Where a land use plan... (a) is likely to have a significant effect on a European site... (either alone or in-combination with plans or projects)."* It should be noted that the Wilberforce Way is such an in-combination "project".

In terms of ecological practice, a precautionary approach is required for HRA screening for the protection of Ramsars, SACs, SPAs and SSSIs of national significance, like the River Derwent. The Waterman approach (*"low threshold", and "simply means"*), is not precautionary.

Table 5 (page 34) of the Waterman report shows that site H39 (Site95) has been screened out from the need to carry out an Appropriate Assessment because this allocation is *"not likely to have an effect on a European site"*. The table refers to *"No conceivable effect on a European site"*. This is an exaggerated overstatement that is not based on any factual evidence. It ignores the precautionary principle and the evidence of increased recreational pressure and pet predation.

Appendix B recognises that site H39 (Site 95) is situated a few hundred metres from the River Derwent but goes on to say that *"Even in such close proximity, localised effects associated with development can be ruled out."* There appears to be no evidence to support this assertion. Appendix B goes on to say that *"Given the lack of access locally, the proximity of the allocation is considered to be largely inconsequential. Even where access can be gained, the European site is largely confined to the channel and regarded as relatively resilient to public pressure."* Clearly, this is misleading. There is easy local access as the Wilberforce Way follows Church Lane and the public footpath beside the church down to the River Derwent. That the European site is said by Waterman to be *"largely confined to the channel and regarded as relatively resilient to public pressure"* is not said in the Appropriate Assessments carried out for policies SS13/ST15 (Wheldrake) and SS18/ST33 (New Garden Village,

Elvington), therefore this so-called resilience can not apply to the recreational pressure from site H39 (Site 95).

Table 5 (page 35) recognises the likely significant effects on the River Derwent as a result of recreational pressure arising from policies SS13/ST15 (Wheldrake) and SS18/ST33 (New Garden Village, Elvington), and Table 9 (page 136) states that “*mitigation must be added*” to these policies, if they were to be pursued. The extensive mitigation measures considered to be appropriate for these sites by Waterman are set out in Table 8 (page 102) and are not mentioned in respect of site H39 (Site95).

Summary

The HRA is flawed, because an Appropriate Assessment has not been carried out on Site H39 (Site 95) and no mitigation has been considered, bearing in mind that mitigation must be sufficient to remove all reasonable scientific doubt about the risk of potential effects, and the findings of an Appropriate Assessment require a high degree of scientific certainty.



From: [Redacted]
Sent: 04 July 2021 11:31
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, INDIVIDUAL - reference: 204974
Attachments: ELVINGTON_JUNE_2021_Sustainability_Appraisal_RL_Submission.docx

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent my own views

Your personal information

Title: Mr

Name: Rob Littlewood

Email address: [Redacted]

Telephone: [Redacted]

Address: [Redacted]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Sustainability Appraisal of the Composite Modifications Schedule (April 2021) (EX/CYC/62)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: No, I do not consider the document to be legally compliant

Please justify why you consider the document to be legally compliant:

Please justify why you do not consider the document to be legally compliant: We do not believe that the proposed modification to the City of York Local Plan complies with the statutory regulations or follows the requirements of the Sustainability Appraisal. Further, the whole process of developing the Local Plan and the complexity and volume of detailed and technical information has been an exercise in excluding from any meaningful engagement all but the most persistent, informed, and skilled professional practitioners. This process (including the assumption of quite a high degree of IT competence) has been hostile towards ordinary members of the public, and the general impression is one of working back from the preferred site options with an emphasis on “process over product”. This has not been a genuine public consultation and therefore does not meet with the requirement of a 'duty to cooperate'.

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: No, I do not consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate:

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate: The whole process of developing the Local Plan and the complexity and volume of detailed and technical information has been an exercise in excluding from any meaningful engagement all but the most persistent, informed, and skilled professional practitioners. This process (including the assumption of quite a high degree of IT competence) has been hostile towards ordinary members of the public, and the general impression is one of working back from the preferred site options with an emphasis on “process over product”. This has not been a genuine public consultation and therefore does not meet with the requirement of a 'duty to cooperate'.

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached document

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’:

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: No, I do not wish to participate at hearings sessions

If you do wish to participate at hearing sessions, please state why:

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

ELVINGTON_JUNE_2021_Sustainability_Appraisal_RL_Submission.docx

Comments on the Proposed Modifications (2021) to the City of York Local Plan and supporting evidence base in respect of the site now referred to as H39 (Site 95), by Mr R and Mrs H Littlewood,

Introduction

The Proposed Modifications (2021) to the City of York Local Plan document is supported by the:

- *The Wood City of York Local Plan: Sustainability Appraisal Report Addendum – Proposed Modifications Consultation (June 2019).*

This form sets out our comments on the Proposed Modifications in respect of this document, and the topics of “Location of Sustainable Development & Sustainability Appraisal”.

Our overall representation is that the Local Plan, as currently presented, fails the tests of soundness in the following respects:

“Positively Prepared” The Plan’s strategy leading to the allocation of site H39 (Site 95) is not based on comprehensively and consistently applied objectively assessed development and infrastructure considerations.

“Justification” The Plan’s strategy leading to the allocation of site H39 (Site 95) is not the most appropriate strategy, when considered against reasonable alternative locations to this site, based on proportionate evidence.

“Consistency with National Policy” The Plan’s strategy leading to the allocation of site H39 (Site 95) does not deliver sustainable development in accordance with the policies in the National Planning Policy Framework (NPPF).

Location of Sustainable Development & Sustainability Appraisal

City Of York Local Plan: Preferred Sites Consultation Document (2016)

With reference to this document the notes claim that what is now site H39 (Site 95) would reduce the impact on climate change. Without any published methodology to back this statement up this is no more than an unsupported assertion. The City of York Planning and Environmental Team does not explain how the development of this site would amend/slow climate change, particularly when Elvington has such limited local transport services. The notes refer to non-frequent transport routes within the centre of the village and the site is so distant (compared with alternative sites) from where people work and spend their money that this will involve a great deal of reliance on the use of private cars.

In order to remove some of the subjectivity otherwise inherent in appraisals at the strategic level it is common practice in undertaking Sustainability Appraisals to select Sustainability Objectives. These can then be divided into a set of more detailed Sub-Objectives, which provide a consistent basis for testing the sustainability performance of proposed development sites. The methodology used by the City of York does not seem to have followed this approach.

Furthermore, no attempt has been made to weight the sustainability scores and performance of alternative housing sites. It must be the case that some sustainability objectives (e.g. maintaining the openness and amenity of Green Belt) are more important than others. This criticism applies to the Wood City of York Local Plan: Sustainability Appraisal Report Addendum for the Proposed Modifications Consultation (June 2019) as well as for the previous City of York Local Plan Pre-Publication draft (Regulation 18 Consultation of September 2017)

Sustainability Appraisal Appendix 'G' Residential Sites

Paragraph 2.5 sets out Sustainability Appraisal criteria 1 to 4 (covering environmental considerations). They however have an error of omission in that they do not include "Green Belt".

The Sustainability Appraisal methodology has not been fully explained, simply asserting that sites must score 22 overall, without explaining why this cut-off is considered appropriate. It may have simply been selected because the process would not otherwise identify sufficient land for residential development. The methodology also fails to incorporate a weighting of the scoring according to the relative importance of the individual sustainability criteria. It is not realistic to assume that all criteria are of the same importance. In these respects, the Sustainability Appraisal is not sufficiently objective.

Sustainability Appraisal Appendix 'J' Managing Development in the Green Belt (GB1 to GB4)

This Appendix states that there are "*potential negative effects*" on the Green Belt, without explaining what these negative effects would be. This Appendix also states that "*monitoring* [the effects of housing on the Green Belt] *can be applied*". Given the Green Belt Status of Site H39 the fact that the Appendix does not say whether the monitoring will actually be carried out, or how or when this would be carried out in time to have a meaningful influence on the Sustainability Appraisal process this is a significant omission. At the Proposed Modifications (2021) stage there still appears to be no transparency about this monitoring, whether it has been carried out, and if so its influence on the Local Plan process.

Sustainability Appraisal Appendix 'K' Policy Topic – Location of Housing Growth

Page K103 sets out the approach to development in the Green Belt, but given the absence of Green Belt as a sustainability criterion there is no clarity over the influence of Green Belt in the Sustainability Appraisal process.

Core Strategy Issues and Option, Option 2 (September 2007) states that when considering which areas are most suitable for exclusion from Green Belt, it may be necessary to apply different tests to different circumstances. The correct methodological approach is to apply the same tests to different circumstances at all alternative sites to assess their sustainability performance. In this way all alternative housing sites can be appraised comprehensively and consistently against the same sustainability objective criteria, for a fair comparison of the sustainability performance of alternative sites.

In review of the City of York documentation there appears to be a lack of clarity, definition and consistency in the application of Green Belt policy by York City Council within the Sustainability Appraisal process.

National Planning Policy Framework (NPPF)

Sustainable development has economic, social and environmental objectives and in allocating new housing sites the Local Plan and Sustainability Appraisal have to integrate housing allocations and transport planning. The residents of Elvington are poorly-served by public transport with existing residents having to rely on the private car to get to work, for shopping and other leisure activities. Adding to the population in this location is not sustainable development.

From: [Redacted]
Sent: 04 July 2021 11:29
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, INDIVIDUAL - reference: 204973
Attachments: ELVINGTON_JUNE_2021_Green_Belt_RL_Submission.docx

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent my own views

Your personal information

Title: Mr

Name: Rob Littlewood

Email address: [Redacted]

Telephone: [Redacted]

Address: [Redacted]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other Developed Areas (EX/CYC/59f)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: No, I do not consider the document to be legally compliant

Please justify why you consider the document to be legally compliant:

Please justify why you do not consider the document to be legally compliant: We do not believe that the proposed modification to the City of York Local Plan complies with the statutory regulations or follows the requirements of the Sustainability Appraisal. Further, the whole process of developing the Local Plan and the complexity and volume of detailed and technical information has been an exercise in excluding from any meaningful engagement all but the most persistent, informed, and skilled professional practitioners. This process (including the assumption of quite a high degree of IT competence) has been hostile towards ordinary members of the public, and the general impression is one of working back from the preferred site options with an emphasis on “process over product”. This has not been a genuine public consultation and therefore does not meet with the requirement of a 'duty to cooperate'.

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: No, I do not consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate:

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate: The whole process of developing the Local Plan and the complexity and volume of detailed and technical information has been an exercise in excluding from any meaningful engagement all but the most persistent, informed, and skilled professional practitioners. This process (including the assumption of quite a high degree of IT competence) has been hostile towards ordinary members of the public, and the general impression is one of working back from the preferred site options with an emphasis on “process over product”. This has not been a genuine public consultation and therefore does not meet with the requirement of a 'duty to cooperate'.

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached document.

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’:

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: No, I do not wish to participate at hearings sessions

If you do wish to participate at hearing sessions, please state why:

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

ELVINGTON_JUNE_2021_Green_Belt_RL_Submission.docx

Comments on the Proposed Modifications (2021) to the City of York Local Plan and supporting evidence base in respect of the site now referred to as H39 (Site 95), by Mr R and Mrs H Littlewood,

Introduction

The Proposed Modifications (2021) to the City of York Local Plan document is supported by the:

- *City of York Council: Topic Paper 1: Approach to Defining York's Green Belt Addendum (2021) Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt.*

Please find below our comments on the Proposed Modifications in respect of this paper and specifically the topic of Green Belt. Cross reference is also made to the relevant part of the Wood City of York Local Plan: Sustainability Appraisal Report Addendum – Proposed modifications Consultation (June 2019)

Our overall submission is based on the belief that the Local Plan, as currently presented, fails the tests of soundness in the following respects:

“Positively Prepared” The Plan’s strategy leading to the allocation of site H39 (Site 95) has not been objectively assessed against development and infrastructure requirements based on comprehensively and consistently applied rules.

“Justification” There are much more reasonable alternative locations, based on proportionate evidence to the Plan’s strategy leading to the allocation of site H39 (Site 95).

“Consistency with National Policy” In accordance with and reference to the policies in the National Planning Policy Framework (NPPF) the Plan’s strategy leading to the allocation of site H39 (Site 95) does not deliver sustainable development.

Our detailed representation is supported by the comments set out below.

Green Belt

City Of York Local Plan: Preferred Sites Consultation Document (2016)

This earlier consultation document stated that that *“the site represents a modest extension to the existing village of Elvington and would provide a logical rounding off of the settlement limits. Therefore, the site is not considered to serve greenbelt purposes.”* This statement however was published prior to the emerging Local Plan which was to set detailed Green Belt boundaries for the first time, and it revealed a prejudice against retaining the Green Belt at what is now known as site H39 (Site 95). Although the *“rounding off”* of settlements might appear to be convenient when looking at a map, but this does not negate the loss of land from the greenbelt. Furthermore, the rounding off of settlements is not in itself a sustainability objective, and the variability of the urban fringe is a quality has a positive effect in that it contributes to the character of landscape around villages in the greenbelt. Indeed the planning inspector had previously concluded that *“this site served greenbelt purposes and that its development would radically alter the character of the village”*.

The Wood City of York Local Plan: Sustainability Appraisal Report Addendum – Proposed modifications Consultation (June 2019)

A potentially inconsistent and subjective analysis in respect of the implications of developing Green Belt is contained within the Addendum to the Sustainability Appraisal in that the Objectives for landscape make no reference to Green Belt.

City of York Council: Topic Paper 1: Approach to Defining York's Green Belt Addendum (2021) Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt

Scoping Principle: SP5 states that Elvington village “does not contribute to the openness of the Green Belt” (page A4:81). However, parts of the village environs, like the land at site H39 (Site 95) do contribute to the openness of the Green Belt.

Green Belt purpose 1 (Criterion 4) (page A4:86) refers to the “presence of low-density residential buildings [in the vicinity of site H39 (Site 95)] with a strong sense of openness”. This is stated as an increased risk of “sprawl”, but the Green Belt analysis fails to recognise that the inner boundaries of site H39 (Site 95) represent a soft boundary and gradual transition from agriculture to village. This creates a valuable visual amenity and provides an existing and well established “landscape buffer”.

Green Belt purpose 1 (Criterion 4) (page A4:87) also states “Towards the south-western extent of the village, land at the former rectory and adjoining farm has seen infill development; the presence of a number of similarly large, detached properties in extensive grounds south of Church Lane risks further sprawl occurring”. It is not explained why the detached properties, are necessarily considered a risk of “further sprawl”.

Green Belt purpose 3 (Criterion 5) (page A4:88) states that “while there are a number of isolated detached properties positioned along Church Lane, their setting in extensive grounds or agricultural use gives surrounding land a predominantly open and rural nature, in contrast to the more densely developed village edge to the north...” Thus, providing further evidence to the existing visual amenity value of site H39 (Site 95) in this part of the Green Belt. Church Lane also forms part of Wilberforce Way, a major recreational route used by so many people, including walkers, horse riders and cyclists, as well as being popular amongst residents of Elvington.

Strategic Permanence (Consistency with Local Plan Strategy and NPPF para 85) (page A490) refers to “meeting identified requirements for sustainable development when defining Green Belt boundaries... and directing development to the most sustainable locations”. It is stated that “Land to all edges of Elvington has access to two or more services within 800m, and therefore could potentially provide a sustainable location for growth.” Notwithstanding that we are unsure as to what these services are, sustainable development constitutes much more than the convenient availability of services.

The Topic Paper does not explain how building houses in the Green Belt at site H39 (Site 95) can be considered sustainable development when Elvington has such limited “non-frequent transport routes within the centre of the village” With Elvington being distant from where people work and shop a great deal of reliance on the use of private cars will be necessary.

Determining a Clear and Defensible Boundary, Site Specific Considerations from Green Belt Analysis (page A4:95) refers to “potential for the village of Elvington to grow within a sustainable pattern of development, to the southern extent of Boundary 4; the site represents a modest extension to the existing village of Elvington”. From previously, the Topic Paper does not go on to explain how building houses in the Green Belt at site H39 (Site 95) can be considered to form a sustainable development or contribute towards a sustainable pattern of development.

Determining a Clear and Defensible Boundary, Permanence of Proposed Boundary (page A4:98)

The introduction of an artificial “landscape buffer” for new houses would represent an obvious urban extension and loss of visual amenity. The document however refers to the need to create “*landscape buffers*” to the western boundary of the H39 (Site 95) allocation. The land however currently has a strong sense of openness with an established soft boundary and gradual transition from agriculture to village, which is a valuable visual amenity.

Topic Paper 1, Annex 4 presents an unsubstantiated, contradictory and subjective analysis that ignores the value of the existing Green Belt transition into Elvington village that is currently enjoyed by many people.

National Planning Policy Framework (NPPF)

Para 133 states that “*the essential characteristics of Green Belts are their openness and permanence*”. The analysis leading to the allocation of site H39 (Site 95) does not acknowledge the important contribution that this site currently makes towards the openness in this part of Elvington.

Para 136 states that “*Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified....*” The local plan process, has not provided the evidence or justification for the proposed alteration of the Green Belt at site H39 (Site 95). In particular, the omission of Green Belt protection as a Sustainability Objective from the Sustainability Appraisal is a flaw in the methodology applied.

Paras 145 (e) refers to limited “infilling” in villages as a permitted exception to the protection of Green Belt, but site H39 (Site 95) would be visually apparent as an obvious urban extension.

From: [REDACTED]
Sent: 07 July 2021 23:32
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, INDIVIDUAL - reference: 206168
Attachments: SEA_of_the_Revocation_of_the_Yorkshire_and_Humber_Regional_Strategy_Post_Adoption_Statement.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: no

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent my own views

Your personal information

Title: Mr

Name: Chris Wedgwood

Email address: [REDACTED]

Telephone:

Address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Key Diagram Update (EX/CYC/46)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: No, I do not consider the document to be legally compliant

Please justify why you consider the document to be legally compliant:

Please justify why you do not consider the document to be legally compliant: EX/CYC/46: Key Diagram Update Is removing land from the General Extent of The Green Belt unlawfully. -----
----- A Green Belt is created by a 2 stage procedure: 1) Regional Plans define The General Extent of The Green Belt, and 2) Local Plans define the Green Belt Boundaries. The procedure identifies the task of defining the General Extent of The Green Belt to be done through the adoption of a Regional Plan, not a Local Plan. The General Extent of The Green Belt is defined by the RSS(which is a Regional Plan) and forms The Statutory adopted Development Plan for York. The SOS has confirmed that the Govenment does not have the legal powers to create new RSS policies and therefore cannot exclude any land from the General Extent of The Green Belt defined within the RSS. (This is stated in the SEA of the RSS Partial Revocation Order. Page 55) The map in ex-cyc-46 Shows an area (incorrectly) identified as the 'York main Urban Area' being excluded from the General Extent Of the Green Belt. The General Extent of the Green Belt in this map does not match the General Extent of the Green Belt defined by the RSS. There is no mechanism by which land could be removed from The General Extent of The Green Belt in the DP. This key map therefore is not consistant with the DP. The LP must be in general conformity with the DP and it plainly is not. The activity of excluding land from the General Extent of The Green Belt defined by the RSS is (ultra vires) unlawful. This is then being used as an incorrect starting point for the LP Green Belt Boundary assessmnet. Since the required process is a 2 stage process, not a 1 stage process or a 3 stage process; The starting point for stage 2 must be the output of stage 1. The output of stage 1 is the definition of The General Extent of The Green Belt. If land is removed by this key map between stage 1 and stage 2 then it becomes a 3 stage process. A 3 stage process is not a 2 stage process. It is required to be a 2 stage process.

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: No, I do not consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate:

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate: z

Your comments: Whether the document is 'sound'

Do you consider the document to be 'sound'?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: The underlying evidence base is not robust. The area in the Urban Area of York is arbitrarily selected, based on the size and position of the squares of underlying data a different outcome could be reached. Not all the Green Wedges are identified on the map of green wedges, so land that fulfills green belt purpose is being included in the urban area designation.

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or 'sound': Need to redo the way that the urban area is calculated. Must not exclude this from the General Extent of The Green Belt as defined by the RSS. Must start the LP GB goundary assessment by including all land in the general Extent of the green belt by the RSS.

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: Complexity of the issues.

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

SEA_of_the_Revocation_of_the_Yorkshire_and_Humber_Regional_Strategy__Post_Adoption_Statement.pdf



Department for
Communities and
Local Government

Strategic Environmental Assessment of the Revocation of the Yorkshire and Humber Regional Strategy

Post Adoption Statement

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Any enquiries regarding this document/publication should be sent to us at:

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

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Summary of Key Facts

Name of Responsible authority:	Department for Communities and Local Government
The adopted Plan:	The revocation of the Regional Strategy for Yorkshire and the Humber (modified to retain the York Green Belt Policies from the Yorkshire and Humber Plan)
Date of revocation:	22 nd February 2013
Address where documents can be consulted:	Eland House, Bressenden Place London SW1E 5DU

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Preface

This document is the Post Adoption Statement for the plan to revoke the Regional Strategy for Yorkshire and Humber (“the Plan to Revoke”). The Post Adoption Statement is a requirement¹ of the Strategic Environmental Assessment process to which the Plan to Revoke has been subject. Strategic Environmental Assessment is an assessment process that supports decision making by identifying, characterising and evaluating the likely significant effects of a plan or programme on the environment and determining how any adverse effects may be mitigated or where any beneficial effects may be enhanced.

The Regional Strategy for Yorkshire and Humber comprises the regional spatial strategy for the region (published by the Secretary of State in May 2008 as the Yorkshire and Humber Plan Regional Spatial Strategy to 2026) and the regional economic strategy for the region (published by Yorkshire Forward in 2006 as the Regional Economic Strategy for Yorkshire & Humber 2006-2015).

The Post Adoption Statement sets out information about the plan as adopted, which is the Plan to Revoke the Regional Strategy for Yorkshire and Humber with modifications to retain certain policies which relate to the Green Belt around the City of York (“the York Green Belt Policies”).

The Post Adoption Statement is being published in parallel with the laying of The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013 (S.I. 2013/117), which will come into force on 22 February 2013.

¹ Article 9 of the European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment and Part 4 of The Environmental Assessment of Plans and Programmes Regulations 2004 (S.I. 2004/1633).

Chapter 1

Introduction

1.1 Regional Strategies

The policy to abolish regional strategies fits into the Government's overall public commitment to deliver a fundamental shift of power from Westminster. For planning, this has meant radically reforming the planning system to give local councils and the communities that they represent more control in shaping the places in which they live. The policy to revoke regional strategies is a key element of the Government's decentralisation agenda.

The Coalition Agreement makes clear the Government's priority to promote decentralisation and democratic engagement and to end the era of top-down government by giving new powers to local councils, communities, neighbourhoods and individuals. Regional strategies imposed development upon local communities; the Government wants to return decision-making powers on housing and planning to local councils.

Currently, the Yorkshire and Humber Regional Strategy provides the statutory regional framework for development and investment across the region, including setting targets for housing delivery that apply to constituent local councils.

Since their creation by the Planning and Compulsory Purchase Act 2004, regional strategies, sitting alongside local plans prepared by local authorities, form the statutory development plan for an area. This means that the Yorkshire and Humber Regional Strategy sets the framework for local plan-making and local councils in the region must ensure that their local plan is in general conformity with the Strategy at the time their local plan is submitted for examination. It also means that planning applications should be determined in accordance with the development plan (which includes the relevant regional strategy in the local planning authority's region) unless material considerations indicate otherwise.

In order to localise the planning system, section 109 of the Localism Act provides for the abolition of the regional planning tier as a two-stage process. The first stage, to remove the framework of regional planning, took effect when the Act received Royal Assent on 15 November 2011. This prevents further regional strategies from being created or revised. Section 109 also removed the responsible regional authorities. The second stage is the proposal to abolish each of the existing regional strategies outside London by secondary legislation, subject to the outcomes of the environmental assessment process.

The revocation of the Yorkshire and Humber Regional Strategy would leave a more localist planning system comprising of local and, where adopted, neighbourhood plans and give local councils responsibility for strategic planning. It makes the local plan the keystone of the planning system, becoming the vehicle for strategic planning and the framework for neighbourhood plans.

On revocation of the Yorkshire and Humber Regional Strategy, the statutory development plan would comprise any saved local plan policies and adopted development plan documents. The statutory development plan may in future include any adopted neighbourhood plans that are prepared under the Planning and Compulsory Purchase Act 2004, inserted by the Localism Act.

In developing local plans, local planning authorities must have regard to national policies and advice contained in guidance issued by the Secretary of State:

- The **National Planning Policy Framework** was published in March 2012. This sets out the Government's planning policies for England and provides a framework within which local communities can produce their own distinctive local and neighbourhood plans reflective of the needs and priorities of their communities. Accordingly, local planning authorities and communities will continue to determine the quantum and location of development, albeit without the additional tier of regional direction. It includes Government's expectations for planning strategically across local boundaries and within that the role of the planning system in protecting the environment.
- The **planning policy for traveller sites** which was published in March 2012.
- The **planning policy statement 10: Planning for Sustainable Waste Management (PPS10)** until it is replaced with the national waste planning policy, to be published as part of the National Waste Management Plan for England.

In addition, local councils will need to comply with existing national and European legislation in preparing their plans. Importantly, councils also need to comply with the duty to co-operate introduced in section 33A of the Planning and Compulsory Purchase Act 2004 (inserted by the Localism Act 2011) in order for their plan to be found sound at examination.

1.2 The Plan to Revoke the Yorkshire and Humber Regional Strategy

The Yorkshire and Humber Regional Strategy combines the regional spatial strategy for the region and the regional economic strategy for the region. .

The regional spatial strategy (published as the Yorkshire and Humber Plan Regional Spatial Strategy to 2026 in May 2008) was introduced under the Planning and Compulsory Purchase Act 2004 and, in accordance with Government policy at the time, provides a broad development strategy for the region for 15 to 20 years. In particular, it seeks to put in place a development strategy with the potential to support continued sustainable growth up to, and beyond, 2026 whilst reducing the region's impact on, and exposure to, the effects of climate change and protecting and enhancing its green infrastructure. It includes policies for environmental protection, the economy, housing, and transport, as well as sub-area policies. The key ambition of the Yorkshire and Humber Plan is to promote sustainable development and provide an increased focus on needs and opportunities. It aims to: respond to market forces; match need with opportunity; and manage the environment as a key resource. The Yorkshire and Humber Plan sets out the need for selective reviews of Green Belt boundaries to meet development needs (a strategic review of the West Yorkshire Green Belt) and protect cultural heritage (a need to define the inner Green Belt boundary at York). It also requires local planning authorities to provide at least 22,260 net additional dwellings per annum over the period 2008 to 2026.

The regional economic strategy (published as the Regional Economic Strategy for Yorkshire and Humber 2006-2015 in 2006), was produced by Yorkshire Forward, the Yorkshire and Humber Regional Development Agency, in compliance with Section 7 of the Regional Development Agencies Act 1998. It provides the vision for the Yorkshire and Humber economy 'to be a great place to live, work and do business, that fully benefits from a prosperous and sustainable economy' and covers the period up to 2016. Three cross-cutting themes (sustainable development, diversity and leadership and ambition) underpin the Strategy and its headline goals that cover: more business; competitive business; skilled people; good jobs; transport, infrastructure and the environment; stronger cities, towns and rural areas.

Revocation of the Yorkshire and Humber Regional Strategy would leave the statutory development plan as comprising of any saved local plan policies and adopted development plan documents. Approximately one third the 23 local planning authorities in Yorkshire and Humber have adopted development plan documents under the Planning and Compulsory Purchase Act 2004. The remaining 15 local planning authorities in Yorkshire and Humber, who were yet to adopt a development plan document under the Planning and Compulsory Purchase Act 2004 have local plans and saved structure plan policies, developed under the earlier requirements of the Town and Country Planning Act 1990. These authorities are more likely to be affected by the revocation of the Regional Strategy as some, if not all, will need to review and update their local plan to reflect National Planning Policy Framework policies and the objectively assessed needs of the local community.

Once the regional strategy is revoked, or partially revoked, local councils should, in line with the presumption in favour of sustainable development set out in the National Planning Policy Framework, and in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, approve

development that accords with the local plan unless material considerations indicate otherwise. Where that plan is out of date, councils must, unless material considerations indicate otherwise, grant planning permission for development that is sustainable without delay. Out of date local plans will leave councils vulnerable to speculative development; the Government is encouraging local councils to put in place local plans as soon as possible. If any of the regional strategy policies are saved (see Chapter 5 of this Post Adoption Statement) these policies would continue to form part of the local development plan for relevant local authorities.

In the absence of the Yorkshire and Humber Regional Strategy, strategic and cross authority working will be driven by local councils who must now show the leadership required to work across boundaries to plan for strategic matters. The new duty to co-operate requires local councils and other public bodies to work together actively, constructively and on an ongoing basis when planning for strategic matters in local and marine plans. This might involve both formal arrangements, such as joint plan-making or joint working partnerships, and less formal processes of close and ongoing dialogue to work through planning for strategic matters.

In the Yorkshire and Humber region, there are already good examples of joint working through a variety of legislative and non statutory means.

- The **Leeds City Region (LCR) Partnership** has been formed to cover 11 local authorities and brings together local authority leaders in a joint committee. The LCR has also been granted a consultative role over major planning applications within the eleven local authorities it covers to ensure that they are better handled and to provide strategic oversight.
- In North Yorkshire, a joint approach to developing evidence to inform planning for strategic infrastructure priorities is underway through the **York Strategic Infrastructure Planning** work. This joint approach informs strategic infrastructure development in York and its neighbouring authorities.
- The **Humberhead Levels Partnership** was established in 2001. The Humberhead Levels is part of the vast flatlands straddling the borders of Yorkshire, Lincolnshire and Nottinghamshire. The area offers the best opportunity in England to develop a major multi-functional wetland landscape in a largely unrecognised biodiversity hotspot.
- The following authorities have been working jointly to deliver their minerals and waste strategies: Hull City Council and the East Riding of Yorkshire Council; City of York & North Yorkshire Waste Partnership; and Barnsley, Doncaster and Rotherham Councils.

In addition, there are non-statutory Local Enterprise Partnerships (of which there are four in the region). The combination of long standing and more

recent formal and informal measures will ensure that strategic planning continues to operate effectively in the absence of the Regional Strategies.

1.3 Applying Strategic Environmental Assessment to the Revocation of the Regional Strategies

The Plan for the purposes of the Strategic Environmental Assessment is the Plan to Revoke the Yorkshire and Humber Regional Strategy and to leave in place a more localist planning system, together with incentives such as the New Homes Bonus, to encourage local authorities and communities to increase their aspirations for housing and economic growth. The Plan to Revoke is set out in more detail in Chapter 2 of the Environmental Report published in September 2012.

As part of its stated commitment to protecting the environment, the Government initially carried out environmental assessments of the revocation of the Regional Strategies. These initial assessments were undertaken to be compliant with the procedure set out in the Strategic Environmental Assessment Directive (2001/42/EC). A 12 week consultation on the Environmental Reports of these assessments commenced on 20 October 2011 and ended on 20 January 2012.

Since the completion of the consultation, the Government has published the final version of the National Planning Policy Framework and a planning policy on Travellers sites, and has commenced the duty to co-operate provided for in the Localism Act. In addition, in a judgement by the Court of Justice of the European Union,² the Court held that ‘...in as much as the repeal of a plan may modify the state of the environment as examined at the time of adoption, it must be taken into consideration with a view to subsequent effects that it might have on the environment’. The Government therefore decided to use the additional information gained through the public consultation process, as well as the developments in policy and recent case law, to update and build on the assessments which were described in the previous Environmental Reports.

AMEC Environment and Infrastructure Ltd were commissioned to carry out the further assessment and to prepare updated Environmental Reports. A public consultation exercise undertaken on the updated Environmental Report for Yorkshire and the Humber ran from 28 September 2012 until 26 November 2012. Updating of, and consultation on, the Environmental Reports for the other seven regions has been staggered. The Yorkshire and Humber Regional Strategy is the second of the eight to have completed consultation on the Environmental Report. This has enabled the Secretary of State to understand the environmental effects of revoking the Regional Strategy and reasonable alternatives to revocation, including partial revocation, to consider

² The judgment in Case C-567/10 Inter-Environnement Bruxelles ASBL v Région de Bruxelles-Capitale.

the views of the statutory bodies and the public who responded to two public consultations.

In accordance with Article 8 of the Strategic Environmental Assessment Directive, the Government has taken into account findings of the two Environmental Reports (on the revocation of the Regional Strategy and the reasonable alternatives assessed as part of that process) and the consultation responses to those reports in coming to its decision to partially revoke the Regional Strategy.

1.4 Purpose of the Post Adoption Statement

Article 9 of the Strategic Environmental Assessment Directive requires that when a plan or programme is adopted (in this case, the Plan to Revoke the Regional Strategy, modified to retain the York Green Belt Policies as set out in Chapter 5), the consultation bodies, the public and any other Member States consulted on the Environmental Report are informed and the following specific information is made available:

- the plan as adopted;
- a statement summarising:
 - (i) how environmental considerations have been integrated into the plan as adopted;
 - (ii) how the Environmental Report has been taken into account;
 - (iii) how opinions expressed in response to the consultation on the Environmental Report have been taken into account;
 - (iv) the reasons for choosing the plan as adopted, in the light of the other reasonable alternatives dealt with; and
 - (v) the measures that are to be taken to monitor the significant environmental effects of the implementation of the plan.

The purpose of this Post Adoption Statement is to provide the specific information outlined under each of the points listed (i) to (v) above and which is presented in the following Chapters of this statement.

Chapter 2

How environmental considerations have been integrated into the plan

2.1 Environmental Considerations in the Plan to Revoke the Yorkshire and Humber Regional Strategy

Environmental considerations have been integral to the Plan to Revoke the Yorkshire and Humber Regional Strategy. Policy changes developed alongside the Plan to Revoke provide protections in the context of revocation. For example, within the National Planning Policy Framework, sustainable development is described as a 'golden thread' running through both plan making and decision making. The National Planning Policy Framework makes clear that the planning system should contribute to and enhance the natural environment, including by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains in biodiversity where possible. The Framework underlines that pursuing sustainable development means moving from a net loss of biodiversity to achieving net gains for nature.

During its development, the National Planning Policy Framework was also subject to consultation, with many of the responses focusing on aspects of environmental protection and enhancement.

Environmental considerations are also key to other ongoing regional planning processes identified in the region. For example, water companies and their respective Water Resource Management Plans which set out how future demand for water resources will be met. Similarly, River Basin Management Plans for the region identify the pressures that the water environment faces and include action plans requiring cross boundary co-operation and input from a range of organisations. The duty to co-operate came into force on 15 November 2011. This statutory duty, inserted by the Localism Act 2011 into the Planning and Compulsory Purchase Act 2004, requires local planning authorities and other public bodies to work together constructively, actively and on an ongoing basis when planning for strategic cross boundary matters.

The Government expects authorities to be working collaboratively whatever stage of local plan preparation they are at. The National Planning Policy Framework makes clear that the planning system should be genuinely plan

led, and that plans should be kept up to date and based on joint working and cooperation to address larger than local issues.

2.2 Environmental Considerations in the Strategic Environmental Assessment

To provide the context for the assessment, and in compliance with the Strategic Environmental Assessment Directive, the relevant aspects of the current state of the environment and its evolution without the Plan to Revoke were considered, along with the environmental characteristics likely to be significantly affected. Key environmental considerations identified from this process included:

- The decline of the region's biodiversity resource in the last four decades of the 20th century has been more severe than that experienced nationally with current pressures relating to increased housing development, recreation and tourism. There have been limited signs of recovery recently (e.g. salmon returning to the River Aire and Yorkshire Ouse and 97.7% of Sites of Special Scientific Interest are in favourable or unfavourable but recovering condition). However, climate change presents a further set of challenges, such as the need to address the loss of upland habitats, wetlands, isolated habitats and coastal habitats.
- Between 2008 and 2033, the population of Yorkshire and Humber is expected to increase from 5,217,500 to 6,296,000. Housing growth along with the limited availability of brownfield resource in some local authorities will necessitate the release of greenfield sites for development. Over two thirds of the population live in West or South Yorkshire with the majority of people living in the cities of Leeds, Sheffield and Bradford. Each area has its own issues and opportunities. The largest concentrations of deprived areas in the region are within the urban areas of Hull, Bradford, Doncaster, Sheffield and Barnsley and, in addition to an ageing population, trends suggest a future with more ill health.
- Yorkshire and Humber's economy has undergone major restructuring over the past two decades. Traditional industries such as coal, steel, textiles, fishing and agriculture have seen a decline. New areas of competitive advantage are emerging, including advanced manufacturing, low-carbon technologies and financial and business services.
- Livestock farming in the uplands and arable farming in the lowlands have long been the dominant land uses in Yorkshire and the Humber. About 10 per cent of the region is covered by excellent or very good quality agricultural land, in the east of the region this best and most versatile agricultural land is under pressure from increased housing

development. In urban areas there is a legacy of contaminated land from past industrial activities which requires remediation.

- In Yorkshire and Humber there is currently sufficient water to meet needs and protect the environment, but water resources are under pressure as a result of population growth and climate change. Water resources will have to be managed carefully in order to avoid shortages of water in the summer months and damage to river and wetland ecology as a result of low flows in rivers.
- On average the current trend is for improving air quality in the region. 15 local authorities in Yorkshire and Humber have designated Air Quality Management Areas predominantly situated around motorways and A roads.
- Growth of housing, increased transport movement, waste generation and energy use would also contribute to an increase in carbon dioxide emissions of 8.7 million tonnes per year between 2008 and 2026 based on current resource use.
- Some 15 per cent of land is at risk of flooding with 6.7 per cent being at significant risk, much of this being in low-lying areas around the Humber estuary. In total 385,000 properties are at risk from flooding from rivers and the sea and over 65,000 properties are at significant risk.
- Yorkshire and Humber produces around 16 million tonnes of waste a year. The amount landfilled has reduced and the amount recycled and recovered has increased, with local authorities in the region recycling 37% of household waste during the 2009/10 period with a target of 50% by 2021. There are over 100 sites producing primary aggregate in Yorkshire and Humber region, it is expected the production of minerals from the National Parks will gradually reduce over time.
- Yorkshire and the Humber's heritage includes World Heritage Sites at Fountains Abbey and Studley Royal near Ripon and Saltaire Village near Bradford. It has 2,624 scheduled monuments and over 31,000 listed buildings including important castles and abbeys, historic country houses, medieval buildings, and the City of York. However, with 21 per cent of monuments at risk, the region still has the highest proportion of monuments at risk of any region in the country.
- Yorkshire and Humber includes several landscapes of national importance including the North York Moors National Park, the Yorkshire Dales National Park, and the Peak District National Park. Pressure on the landscape includes change to agricultural practices (e.g. intensification of farming), the impact of built development, roads and services infrastructure, and other human activity such as recreation. The coastline includes areas of great heritage value (over

half is designated as Heritage Coast) but also some of the fastest eroding coastlines in North West Europe.

These factors were then reflected in the range of topics that were considered in detail by the Strategic Environmental Assessment, as are outlined in **Table 2.1**.

Table 2.1 Environmental topics which were considered in the Strategic Environmental Assessment

Topics included in the Strategic Environmental Assessment of the revocation of regional strategies
Biodiversity and Nature Conservation (which includes flora and fauna, and the functioning of ecosystems)
Population (including socio-economic effects and accessibility)
Human Health
Soil and Geology (including land use, important geological sites, and the contamination of soils)
Water Quality and Resources (including inland surface freshwater and groundwater resources, and inland surface freshwater, groundwater, estuarine, coastal and marine water quality)
Air Quality
Climate Change (including greenhouse gas emissions, predicted effects of climate change such as flooding and the ability to adapt)
Material Assets (including waste management and minerals)
Cultural Heritage (including architectural and archaeological heritage)
Landscape and Townscape

All the environmental topics listed in the Strategic Environmental Assessment Directive and the Environmental Assessment of Plans and Programmes Regulations 2004 were found to be relevant for the assessment of the revocation plan.

In line with the requirements of the Directive and Regulations and the guidance in the Office of the Deputy Prime Minister (now Department for Communities and Local Government) Practical Guide to the Strategic Environmental Assessment Directive, the assessment process predicted the significant environmental effects of the Plan to Revoke the Yorkshire and Humber Regional Strategy against all of the topic areas listed in **Table 2.1**. This was done by identifying the likely changes to the baseline conditions as a result of the implementing the proposed plan (or reasonable alternative).

These changes are described (where possible) in terms of their geographic scale, the timescale over which they could occur, whether the effects would be temporary or permanent, positive or negative, likely or unlikely, frequent or rare. Where numerical information was not available, the assessment was based on professional judgement and with reference to relevant legislation, regulations and policy.

Where it was identified that revocation of a Regional Strategy policy would have an effect on the environment and that this would have a consequence for Local Plan policies and/or local areas, the assessment examined those effects in more detail. Comparisons were made between the policies in the Yorkshire and Humber Plan on housing allocations, allocations of pitches for gypsies, travellers and travelling showpeople, employment (both jobs and employment land), renewable energy, land won aggregates and rock, and waste apportionment with the equivalent policies in local plans and /or core strategies in the region. This analysis was set out in Appendix C of the updated Environmental Report and was reflected, where relevant in the assessment of individual plan policies in Appendix D of the updated Environmental Report. Policies on the York Green Belt are analysed in Appendix D of the updated Environmental Report.

The designated consultation bodies for strategic environmental assessment in England (the Environment Agency, English Heritage and Natural England) were consulted for a period of five weeks on the scope and level of detail to be included in the Environmental Reports in May 2011. The corresponding bodies for Scotland and Wales were also consulted on the reports for regions on their boundaries.

Both Environmental Reports (issued in October 2011 and in September 2012) documented the findings of the assessment, outlining where any likely significant effects were identified and proposing, where appropriate, mitigation measures. These findings have then been taken into account during the preparation of the Plan to Revoke and before the final decision was taken to adopt the Plan, with modifications to retain certain policies which relate to the Green Belt around the City of York (“the York Green Belt Policies”).

Chapter 3

How the Environmental Reports have been taken into account

The Environmental Reports and Plan to Revoke the Yorkshire and Humber Regional Strategy have developed in tandem. **Table 3.1** details key stages of the Strategic Environmental Assessment and its relationship with the development of the Plan to Revoke the Regional Strategy.

Table 3.1 Key stages in the development of the Environmental Report and its relationship with the Plan to Revoke the Regional Strategy

Strategic Environmental Assessment	Plan to Revoke	Relationship
Scoping		
The scoping stage of the Strategic Environmental Assessment identified other relevant plans, programmes and environmental protection objectives which could be affected by, or which could affect the Plan to Revoke the Regional Strategy.	The development of the National Planning Policy Framework and its adoption in March 2012 removed the need to reference the planning policy statements (listed in Annex 3 of the National Planning Policy Framework, 'Documents replaced by this Framework')	The links between the other relevant plans, programmes, policies and strategies that were applicable to the Plan to Revoke were outlined. These included plans and programmes at an international, European or national level covering a variety of topics (including spatial and resource planning).
Assessment		
Initial assessment of the impact of revocation of the regional strategies undertaken before the National Planning Policy Framework was	The Government published the National Planning Policy Framework in March 2012. The analysis presented in the	Assumptions that underpin the National Planning Policy Framework are clarified in the updated assessment,

Strategic Environmental Assessment	Plan to Revoke	Relationship
adopted resulting in assumptions over the final contents of the National Planning Policy Framework and its influence.	updated Environmental Report takes account of the policies set out in the Framework.	documented in the updated Environmental Report (published in September 2012).
Initial assessment of the impact of the duty to co-operate took place prior to the commencement of the new duty and required outline of assumptions with regard to operation.	The provisions which create a new duty to co-operate were commenced when the Localism Act received Royal Assent on the 15th November 2011. They require local planning authorities to work collaboratively to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in Local Plans.	Commencement of the duty to co-operate provided greater certainty to the assessment, reflected in updated assessment, documented in the updated Environmental Report (published in September 2012).
Assessment considered the effects of revocation on local planning authorities and provided analysis of local plans highlighting where plans were out of date or silent on key planning policy matters.	The National Planning Policy Framework states that it is 'highly desirable that local planning authorities should have an up-to-date plan in place'.	The Strategic Environmental Assessment provided up to date summary of current position on the adoption and status of local plans, with indication of the number of authorities who needed to take action within each region regarding the revision and update of local plan policies.
Reporting		
The key findings of the Environmental Report are presented along with the Government's responses in Table 3.2 below. The extent to which the findings have informed the plan as adopted is detailed in Chapter 5 of this Post Adoption Statement.		
Consultation		

Strategic Environmental Assessment	Plan to Revoke	Relationship
<p>The consultation responses to the consultation on the initial and updated Environmental Reports are presented along with the Government's responses in Tables 4.1 and 4.2 in Chapter 4. The extent to which the consultation has informed the plan as adopted is detailed in Chapter 5 of this Post Adoption Statement.</p>		
<p>Monitoring</p>		
<p>Proposals for monitoring</p>	<p>Section 5 'Put Communities in charge of planning' of the Department for Communities and Local Government business plan 2012 – 2015 includes specific monitoring actions for the Department regarding the local plan making progress by authorities and on compliance with the duty to co-operate.</p>	<p>The Department for Communities and Local Government is able to jointly meet requirements for monitoring environmental effects of the implementation of the Plan to Revoke with business plan commitments and by undertaking periodic review of data for specific monitoring information.</p>

Key findings of the updated Environmental Report are summarised in **Table 3.2** together with the Government response and how these have been taken into account in the Plan to Revoke.

Table 3.2 Key findings of the Environmental Report

No	Key Environmental Report findings	Response
<p>1.</p>	<p>Significant positive environmental effects, similar to those if the Regional Strategy were retained, will occur from revocation of the Yorkshire and Humber Regional Strategy in the long term on all elements of the environment.</p>	<p>The Government notes the findings of the updated Environmental Report and considers that the Plan to Revoke is largely positive in its effect although it is acknowledged that these effects are largely similar to those of retention.</p>

No	Key Environmental Report findings	Response
2.	<p>Negative effects, similar to those if the Regional Strategy were retained, will occur from revocation of the Yorkshire and Humber Regional Strategy in the short-long term in respect of impacts on all elements of the environment due to the amount of housing and employment development and the expansion of freight and airport facilities in the region.</p>	<p>The Government notes the findings of the updated Environmental Report and that similar negative impacts on the environment due to retention or revocation of the Yorkshire and Humber Regional Strategy could occur due to development pressure created by growth. The Government considers that these potentially negative impacts on the environment can be positively addressed by authorities, including local planning authorities, working collaboratively through the duty to co-operate within the policy context set by the National Planning Policy Framework.</p>
3.	<p>In the case of revocation, there may be more uncertainty about the nature and scale of positive and negative impacts on the Strategic Environmental Assessment topics in the short and medium term. This is due to the transition period for those local authorities whose local plans do not reflect the objectively assessed and up to date needs of their local community or who need to define and agree areas of cooperation and reflect strategic policies in their adopted Local Plans.</p>	<p>The Government notes the findings of the updated Environmental Report on the progress of plan-making in Yorkshire and Humber. In noting the findings of the updated Environmental Report, the Government considers uncertainty of impacts until plans are in place are mitigated by measures outside the Plan to Revoke.</p> <p>The National Planning Policy Framework states that it is 'highly desirable that local planning authorities should have an up-to-date plan in place'. Where plans are absent, silent or out of date, the National Planning Policy Framework's presumption in favour of sustainable development will apply in respect of decision-taking. In particular, where a local authority cannot deliver a five-year supply of deliverable sites, the relevant local policies for the supply of housing should not be considered up to date. In such cases, the decision maker will apply the presumption in favour of sustainable development, taking into account all relevant planning considerations. The presumption in favour of sustainable development is clearly set out at paragraph 14 of the National Planning Policy Framework in respect of both plan-making and decision taking. From the end of March 2013 transitional arrangements on the implementation of the National Planning Policy Framework will</p>

No	Key Environmental Report findings	Response
		<p>cease to apply. From April 2013, in considering all decisions for planning permission, due weight will be given to relevant policies in all existing plans according to the degree of consistency with the policies in the National Planning Policy Framework. The closer policies are to policies in the National Planning Policy Framework the greater the weight that may be given.</p> <p>Delivery of local plans is increasing: 35% of local planning authorities across the Yorkshire and Humber region now have a post 2004 local plan adopted, and overall 68% of local planning authorities in England now have a published local plan.</p> <p>There is a package of advice and support being offered to all councils, from the Local Government Association, the Planning Inspectorate and the Department, to support councils to get Local Plans updated or in place. The Planning Inspectorate is working in particular with local authorities with published plans about to be examined, and the Local Government Association's Planning Advisory Service is offering support to councils working towards plan publication. The Inspectorate continues to work quickly to examine plans already submitted, and the focus now is on maintaining a strong pipeline of plans coming through for examination.</p> <p>Furthermore, the Government has already introduced, or is introducing, a range of measures to make the planning system work more effectively and efficiently. These measures are designed to create the conditions that support local economic growth, increase building and remove barriers that stop local businesses creating jobs. Specific measures build on the measures in the Localism Act and the introduction of the National Planning Policy Framework and include:</p> <ul style="list-style-type: none"> - proposals to extend permitted development rights for a trial period of 3 years;

No	Key Environmental Report findings	Response
		<ul style="list-style-type: none"> - instructing the Planning Inspectorate to respond quickly to all major economic and housing-related appeals; - proposals to speed up the process for determining planning appeals; - giving developers extra time to get their sites up and running before planning permission expires; and - through the Growth and Infrastructure Bill, giving new powers to the Planning Inspectorate to take over the role of making planning decisions in an area if the local authority has a record of consistently slow or poor quality decisions. <p>In conclusion, the Government considers that any uncertainty of impacts until local plans are in place are mitigated by measures outside the Plan to Revoke the Yorkshire and Humber Regional Strategy.</p> <p>Implementation of the Plan to Revoke, modified to retain the York Green Belt Policies, will remove any uncertainty about the regional policy framework and the status of the Regional Strategy and potential uncertainties and delays to Local Plan-making.</p>
4.	<p>In the short-medium term, revocation effectively removes the statutory basis for the York Green Belt, its general extent and purpose to prevent harm to the historic character. The longer the period between revocation and the adoption of local plans which are consistent with national green belt policy the greater the opportunity for the cumulative effects of development on the</p>	<p>The City of York is not covered by an adopted local plan. Consequently the regional strategy is the only part of the development plan for York that confirms the existence of a Green Belt, and it includes policy requiring detailed boundaries to be defined in the local plan. Revocation would in effect remove the Green Belt protection, because there is a legal requirement to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.</p> <p>York is one of a handful of settlements in England which has a Green Belt whose primary purpose is to preserve the setting</p>

No	Key Environmental Report findings	Response
	<p>Green Belt to have a significant negative effect on the special character and setting of York.</p>	<p>and special character of a historic town. Of those settlements, York is unique insofar as it is the only one whose precise Green Belt boundaries have yet to be formally defined in an adopted Local Plan (other than for certain parts of its outer boundary which lie within neighbouring authorities).</p> <p>In the absence of an adopted up to date York Local Plan that defines the Green Belt boundaries, retention of sections of two policies in the Yorkshire and Humber Plan, first sentence of Policy YH9 Part C and Policy Y1 Parts C1, C2 and parts of the Key Diagram which illustrate the general extent of the Green Belt around York and the indicative boundary of the inner Green Belt around the conurbation of York is likely to maintain the significant positive effect on cultural heritage by helping to protect the special character and setting of York. This is compared to revocation, which has the potential to cause negative effects on cultural heritage in the short term, possibly becoming significant in the medium term. This is because these two sections of policy relate to a specific action to define the inner boundaries of the York Green Belt in order to safeguard the special character and historic value of the city from the level of development proposed.</p> <p>The updated Environmental Report concludes that there would be a risk during the period between revocation and the City Council adopting a local plan of development being approved on land that would otherwise be in the York Green Belt - with potentially cumulative significant adverse impacts on the special character and setting of the historic city.</p> <p>In light of the findings of the updated Environmental Report and the consultation responses the Government has decided to retain certain policies in the Yorkshire and Humber Plan which relate to the Green Belt around the City of York (“the York Green Belt Policies”). These are: the title and first</p>

No	Key Environmental Report findings	Response
		<p>sentence of part C of policy YH9: Green belts, the title, opening line and parts C1 and C2 of policy Y1: York Sub-Area Policy and parts of the Key Diagram which illustrate the general extent of the Green belt around York and the indicative boundary of the inner Green belt around the conurbation of York. The reasoning for this is set out in more detail in Chapter 5 of this Post Adoption Statement.</p>
5.	<p>In the case of revocation, there is uncertainty about the potential benefits relating to spatial planning issues that extend beyond local authority boundaries coming forward, particularly in the short to medium term, since local authorities need to define and agree areas of cooperation and reflect strategic policies in their adopted Local Plans.</p>	<p>The Government notes the findings of the updated Environmental Report.</p> <p>In noting the findings of the Environmental Report, the Government considers that the uncertain nature of the effects are mitigated by measures outside the Plan to Revoke.</p> <p>The statutory duty to co-operate requires local planning authorities and other public bodies to work together constructively, actively and on an ongoing basis when planning for strategic cross boundary matters. The Government expects authorities to be working collaboratively whatever stage of local plan preparation they are at. The National Planning Policy Framework makes clear that the planning system should be genuinely plan led, and that plans should be kept up to date and based on joint working and cooperation to address larger than local issues, including those set out in paragraph 156 of the National Planning Policy Framework (homes and jobs needed in the area; the provision of retail, leisure and other commercial development; the provision of infrastructure such as green infrastructure and for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including</p>

No	Key Environmental Report findings	Response
		<p>landscape) and taking account of paragraph 160 which states that local planning authorities should have a clear understanding of business needs and economic markets operating in and across their local areas. Local Plans are prepared in this context – in addition to the tests of soundness the examination will determine whether the local planning authority has complied with the duty to co-operate in preparing the development plan.</p>
6.	<p>The duty to co-operate could well address a wide range of strategic issues for example green infrastructure, but there is uncertainty as to how this might work, particularly in the short to medium term, both by topic and geographically. Some issues such as renewable energy, biodiversity enhancement or landscape conservation, which typically benefit from being planned at a wider geographical scale, could be ignored or their potential not realised.</p>	<p>The Government notes the findings of the updated Environmental Report.</p> <p>In noting the findings of the Environmental Report, the Government considers that it has put in place measures to reduce the uncertainty of effects through measures outside the plan to revoke.</p> <p>The Government has put in place the duty to co-operate which came into force on 15 November 2011. This statutory duty to co-operate requires local planning authorities and other public bodies to work together constructively, actively and on an ongoing basis when planning for strategic cross boundary matters. The National Planning Policy Framework makes clear cross boundary cooperation should apply in particular to the strategic priorities set out in paragraph 156. These matters include climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape features. The duty to co-operate not only means that authorities are required to work collaboratively when developing their Local Plans, but also that they will be held accountable for their cross-boundary working when their plan is examined. The examination of Local Plans will determine whether the local planning authority has complied with the duty to co-operate.</p> <p>The National Planning Policy Framework sets out a set of core land use planning principles which should underpin both plan-making and decision taking, including</p>

No	Key Environmental Report findings	Response
		<p>encouraging the use of renewable resources. To be found sound, Local Plans need to reflect this principle and enable the delivery of sustainable development in accordance with the National Planning Policy Framework's policies and the statutory duty to co-operate. These include the requirements for local authorities to have a positive strategy to promote energy from renewable sources; design their policies to maximise renewable energy developments while ensuring that adverse impacts are addressed satisfactorily; approve applications for renewable energy if the impacts are (or can be made acceptable); and co-operate to deliver strategic outcomes which include mitigating climate change. The National Planning Policy Framework's proactive, plan-led approach sits within a wider set of requirements and policy initiatives to deliver renewable energy. These include the UK's legally binding target that by 2020 15% of energy should come from renewable energy. Additionally, there is a specific duty on local planning authorities to ensure their local plan includes policies designed to mitigate climate change. The National Planning Policy Framework also makes clear that, to minimise impacts on biodiversity, planning policies should plan for biodiversity at a landscape-scale across local authority boundaries.</p> <p>Existing legislation concerning environmental protection (such as the Habitats Directive (92/43/EEC), Water Framework Directive (2000/60/EC), the Floods and Water Management Act 2010 – which includes a duty to co-operate) remains. Local Planning Authorities are required by the National Planning Policy Framework to undertake a Strategic Flood Risk Assessment, preferably at a catchments level through joint co-operation.</p> <p>Six Energy National Policy Statements (including one on nationally significant renewable energy infrastructure) set out the need for certain infrastructure and policies</p>

No	Key Environmental Report findings	Response
		<p>against which applications for development consent for energy projects will be considered. These documents include the requirements for applicants to address economic, social and environmental impacts of a scheme; they also enable potential mitigating measures to be considered and, in some cases, built into the project before an application is submitted.</p> <p>Existing policy arrangements are also in place on a number of issues, for example a number of waste authorities are working together to plan strategically for waste management.</p> <p>Nature Improvement Areas provide cross-boundary projects where partners work to improve biodiversity and can also be expected to contribute significantly to landscape conservation. There are two Nature Improvement Areas located in Yorkshire and Humber: the Dearne Valley Green Heart and the Humberhead Levels.</p> <p>Reforming the planning system to give local councils and the communities that they represent more control in shaping the places in which they live is part of the Government's broader approach set out in, for example, 'Enabling the transition to a green economy', and the Government's 'Biodiversity 2020' strategy. Strategic partnerships, including Local Nature Partnerships, Climate Local, and the new arrangements for Lead Local Flood Authorities, are examples of how co-operation is already a key part of the wider framework addressing the issues raised.</p>
7.	<p>In respect of setting local housing targets, over the medium and longer term, the wider effects of revocation could yield increasing differences between regions with growth concentrated in those areas of greatest demand with</p>	<p>The Government notes the finding of the updated Environmental Report.</p> <p>When local planning authorities prepare the housing numbers to go into their local plans they will do so within the planning policy context set out in Paragraph 47 of the National Planning Policy Framework which asks authorities to use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and</p>

No	Key Environmental Report findings	Response
	<p>consequential effects for infrastructure and environmental assets, for example, the effects of land take and disturbance on biodiversity and increased demand for travel and water resources.</p> <p>In the long term, revocation could increase the number of net additional homes delivered by up to about 30,000 per annum to 2026. The amount of land required (including some greenfield) may increase to accommodate local need, resulting in negative effects on biodiversity and landscape resources. The scale of housing development is likely to have a significant negative effect on material assets due to increased resource use and waste generation and increase the level of traffic generation with subsequent effects on air quality and climatic factors.</p>	<p>affordable housing in the housing market area, as far as is consistent with policies set out in the National Planning Policy Framework. They should prepare Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross-administrative boundaries. Housing numbers set out in local plans will have been subject along with the rest of the content of the local plan to the Sustainability Appraisal and a Strategic Environmental Assessment. The National Planning Policy Framework states that it is 'highly desirable that local planning authorities should have an up-to-date plan in place' and where plans are absent, silent or out of date, the National Planning Policy Framework's presumption in favour of sustainable development will apply.</p> <p>The National Planning Policy Framework makes clear that cross boundary cooperation should apply in particular to the strategic priorities set out in paragraph 156 which include strategic policies to deliver the homes needed in the area. These matters include homes, infrastructure to support growth, climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape features. Local Plans are prepared in this context – in addition to the tests of soundness the examination will determine whether the local planning authority has complied with the statutory duty to co-operate in preparing the development plan.</p> <p>The Government has put in place the duty to co-operate which came into force on 15 November 2011. This statutory duty to co-operate requires local planning authorities and other public bodies to work together constructively, actively and on an ongoing basis when planning for strategic cross boundary matters. The duty to co-operate not only means that authorities are required to work collaboratively when developing their</p>

No	Key Environmental Report findings	Response
		<p>Local Plans, but also that they will be held accountable for their cross-boundary working when their plan is examined. The examination of Local Plans will determine whether the local planning authority has complied with the duty to co-operate.</p> <p>Local planning authorities are expected to work collaboratively through the duty to co-operate to set their local housing numbers and consider how to mitigate the potential impact of growth on infrastructure and their environmental assets.</p> <p>The figure of a net additional 30,000 homes per annum to 2026 does not come from the Yorkshire and Humber Regional Spatial Strategy (May 2008), but from a planned revision to the regional strategy which had reached the publication of the Project Plan stage in November 2009. In the absence of the regional strategy local authorities will not have to draft their local plans to be in general conformity with the regional strategy. But they may wish to draw upon the evidence base which informed the then regional assembly's figure of additional 30,000 homes per annum to 2026, which was informed by data provided by the former National Housing and Planning Unit.</p>
8.	<p>Local authorities are expected to work collaboratively with neighbouring authorities and Local Enterprise Partnerships to determine the housing and regeneration needs of their areas.</p> <p>Tensions may arise, where the duty to co-operate and housing market assessments require an agreed strategy to accommodate growth that is not viewed as equitable by the co-</p>	<p>The Government notes the finding of the updated Environmental Report and judgements made on the potential wider effects. The Government have introduced broader policy measures outside of the Plan to Revoke, for example, the New Homes Bonus is designed to ensure that communities which are growing can mitigate the strain of increased housing and respond to community ambitions, for example by providing local services, unlocking infrastructure and community facilities. This is in the context of broader policy on growth, including the role of Local Enterprise Partnerships whose remit is to drive growth across their area making the most of its inherent strengths.</p> <p>Regional Strategies set housing targets on</p>

No	Key Environmental Report findings	Response
	<p>operating authorities.</p> <p>This may create greater socio-economic disparities, reflected in the Strategic Environmental Assessment as effects on the population and health topics, which are difficult to reconcile without significant intervention.</p>	<p>the basis that these would be incorporated into plans by local authorities, and that the market would deliver them.</p> <p>The National Planning Policy Framework instead asks authorities to use their evidence base to ensure that their Local Plans meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with policies set out in the Framework (such as the protections on Green Belt, high grade agricultural land, Areas of Outstanding Natural Beauty etc.). They should prepare Strategic Housing Market Assessment to assess this need, working with neighbouring authorities where housing market areas cross-administrative boundaries.</p> <p>They should also prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period. The practice guidance on Strategic Housing Land Availability Assessment states that the study area should preferably be a sub regional housing market area, but may be a local planning authority area, where necessary.</p> <p>The National Planning Policy Framework makes clear that cross boundary cooperation should apply in particular to the strategic priorities set out in paragraph 156 which includes strategic policies to deliver the homes needed in the area. Local Plans are prepared in this context – in addition to the tests of soundness the examination will determine whether the local planning authority has complied with the statutory duty to co-operate in preparing the development plan.</p> <p>The Government continues to monitor housing supply across England at local authority level.</p> <p>Wider policy is in place, in addition to the</p>

No	Key Environmental Report findings	Response
		<p>National Planning Policy Framework, which directs significant development towards the most sustainable locations. For example, developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.</p> <p>An evidence and local plan-led approach towards identifying and meeting the future infrastructure requirements of an area is essential. The tariff-based, and locally set, Community Infrastructure Levy provides a faster, more certain and transparent way of helping localities fund that infrastructure than the system of planning obligations where lengthy negotiations often create severe delays.</p> <p>Other statutory and policy measures are in place to address the consequential effects on biodiversity, landscape and water resources, such as:</p> <ul style="list-style-type: none"> - existing legislation concerning environmental protection (such as the European Habitats Directive (92/43/EEC), Conservation (Natural Habitats) Regulations 1994, Water Framework Directive (2000/60/EC), The Water Directive (Water Framework Directive) (England and Wales) Regulations 2003, the Flood and Water Management Act 2010); - existing planning policy (such as the National Planning Policy Framework, in this context particularly sections 10 and 11, and Planning Policy Statement 10: Waste Management); - other government policy (such as that articulated in the Natural Environment White Paper); and - actions by other organisations subject to statutory requirements such as water companies and requirements under the Water Industry Act 1991, as amended by the Water Act 2003

No	Key Environmental Report findings	Response
		concerning water resource management planning.
9.	<p>At a broader scale, there could be an increasing diversification of regional circumstances across the country, accentuating issues such as the north-south divide with wider socio-economic consequences (with differential effects on the SEA topics population and human health in regions arising from the differing viability of (affordable) housing, employment opportunities and transport infrastructure) and reliance on other policy instruments for their resolution.</p>	<p>The Government notes the findings of the updated Environmental Report. The Government considers that there are other, broader drivers of spatial change. For instance, there are four Local Enterprise Partnerships in Yorkshire and Humber whose remit is to drive growth across their area making the most of its inherent strengths. These cover: York and North Yorkshire; Sheffield City Region; Leeds City Region; and Humber.</p> <p>We note the judgement that there could be a reliance on other policy instruments. The Local Growth White Paper 2010, "Realising Every Place's Potential" established the Government's position on regional economic circumstances and set the framework for the ongoing activity of Local Enterprise Partnerships and investments such as the Growing Places Fund and the Regional Growth Fund.</p>

Chapter 4

How consultation on the Environmental Reports has been taken into account

4.1 Overview

As part of the environmental assessment of the revocation of the Regional Strategies, there has been consultation with the statutory consultation bodies on the scope and level of detail of the Environmental Reports, followed by a public consultation on the Environmental Reports on the effects of revoking each of the eight regional strategies.

Detailed responses to the initial Environmental Report on the revocation of the Yorkshire and Humber Regional Strategy, published in October 2011, were provided by consultees and summarised in the updated Environmental Report, published in September 2012.

The consultations and how they have been taken into account is summarised below.

4.2 Scoping Consultation

The designated consultation bodies for strategic environmental assessment in England (the Environment Agency, English Heritage and Natural England) were consulted on the scope and level of detail to be included in the Environmental Reports in May 2011 for five weeks. The corresponding bodies for Scotland and Wales were also consulted on the reports for regions on their boundaries. Their comments on individual regions have been taken into account in the Environmental Reports for each region.

The Environment Agency agreed that the scope and level of detail proposed for the analysis of environmental effects of revocation of the regional strategies was appropriate. Natural England recognised that the Strategic Environmental Assessment was unusual in that it applied to the revocation, rather than the creation of a plan, and that therefore many of the usual aspects of Strategic Environmental Assessment did not apply. English Heritage focussed their comments on the implications for Heritage on the proposed revocation. Scottish Natural Heritage considered that the implications for strategic planning for green infrastructure and the interface with the marine environment should be considered.

Annex A provides more detailed information on the responses to the scoping consultation and the Government response (which has been updated for inclusion in this Post Adoption Statement).

4.3 Public Consultation on the Initial Environmental Report

As part of the assessment of the revocation of the Regional Strategies, a public consultation on the initial Environmental Reports on the effects of revoking each of the eight regional strategies was undertaken. Consultation on the Environmental Reports was announced in both Houses of Parliament through a Written Ministerial Statement and copies were sent by email to the statutory consultation bodies, the equivalent organisations in the devolved administrations, all local planning authorities and organisations thought to have an interest in the process. Copies of the reports were also published on the Department for Communities and Local Government website. The consultations ran from 20 October 2011 to 20 January 2012.

A total of 103 responses were received, of which 24 contained comments that were common to all the reports. The remaining responses made specific comments on the Environmental Reports for particular regions. The Woodland Trust provided individual responses for each of the eight regions as did the Scottish Government Strategic Environmental Assessment Gateway (enclosing responses from Scottish Heritage, the Scottish Environmental Protection Agency and Scottish Natural Heritage). Seven responses dealt specifically with the Environmental Report for the Yorkshire and Humber - only one response was received from a local planning authority within the Yorkshire and Humber. A further 72 dealt solely with Environmental Reports for regions other than the Yorkshire and Humber. A summary of the 31 consultation responses relevant to the Yorkshire and Humber Environmental Report is set out at Appendix F of the updated Environmental Report.

A high level summary of the issues raised on the initial report and the Government's response to those is set out in **Table 4.1** below. **Annex A** presents more detailed information on the issues raised and the Government's responses.

Table 4.1 Summary of consultation responses to the initial Environmental Report and the Government response

Issue	Summary of consultation responses to the October 2011 Environmental Report	Response
The overall approach taken to	The Environment Agency supported the broad approach to the analysis presented in the	Chapter 1 of the updated Environmental Report set out how it met the

Issue	Summary of consultation responses to the October 2011 Environmental Report	Response
Strategic Environmental Assessment	<p>October 2011 environmental reports. Natural England recognised that the SEA was unusual in that it applied to the revocation, rather than the creation of a plan, and that therefore many of the usual aspects of SEA did not apply. English Heritage did not comment on the overall approach taken to the assessment, but had concerns about the potential impacts of the revocation of the Yorkshire and Humber Plan on heritage assets. Other respondents thought the analysis was undertaken too late in the plan making process and was not consistent with the requirements of the Directive.</p>	<p>requirements of the SEA Directive. The impacts of revoking, retaining or partially revoking the Regional Strategy for Yorkshire and the Humber were assessed in detail in the short, medium and long term against the 12 SEA topics. This included Cultural Heritage – including architectural and archaeological heritage.</p>
Assessment	<p>The Statutory Consultees drew attention to more up to date data that could be included in the environmental report, for instance in River Basin Management Plans. Other respondents asked for a revised non-technical summary, for baseline data to be updated, for a more extensive analysis of the potential effects taking into account the content of Local Plans, the reconsideration of the likelihood of effects and, where significant effects were identified, to set out mitigation measures and give more consideration to monitoring the impacts.</p>	<p>The updated Environmental Report updated the baseline evidence and provided a detailed analysis of the retention, partial revocation and revocation of the Regional Strategy for Yorkshire and the Humber in the short, medium and long term against all 12 SEA topics, taking into account the content of Local Plans. Mitigation measures were proposed where significant impacts were predicted. Arrangements for monitoring possible effects were set out and a non-technical summary was provided.</p>

Issue	Summary of consultation responses to the October 2011 Environmental Report	Response
Reliance on the National Planning Policy Framework	A number of respondents thought that it was difficult to assess the impact of revocation of the regional strategies before the National Planning Policy Framework was finalised.	The Government published the National Planning Policy Framework in March 2012. The analysis presented in the updated Environmental Report took account of the policies set out in the Framework.
Policy Change	Several respondents thought that the revocation of the Yorkshire and Humber plan would weaken certain policies, particularly the delivery of strategic policies.	The National Planning Policy Framework states that local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver homes and jobs and other development needed in the area, the provision of infrastructure, minerals and energy as well as the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.
Reliance on the duty to co-operate	Some respondents thought that it was unlikely that the duty to co-operate would be able to provide a framework robust enough to enable strategic planning across local government boundaries at a sufficiently large scale.	The Government has introduced a new duty to co-operate and supporting regulations are now in place. Councils who cannot demonstrate that they have complied with the duty may fail the Local Plan independent examination. In addition

Issue	Summary of consultation responses to the October 2011 Environmental Report	Response
		the NPPF sets out the strategic priorities on which the Government expects joint working to be undertaken by authorities. The NPPF also sets out the requirements for sound Local Plans, including that plans are deliverable and based on effective joint working on cross boundary strategic priorities.
Individual Topics	Respondents raised a number of questions about individual topics. In particular, respondents thought that the impact of the revocation of the Yorkshire and Humber Plan could impact on Green Belt, the provision of gypsy and traveller pitches, housing allocations, heritage, waste management, biodiversity, renewable energy, transport, water, Brownfield land, the coast, flooding, trees and woodland, green infrastructure, landscape,	The updated Environmental Report contains an assessment of the effects of revocation of the Regional Strategy on each of the topics raised by consultees. Individual policies for the planning of individual topics are described in the updated Environmental Report, drawing on the policies set out in the NPPF.

As a result of considering the responses received, the changes made to the approach to the updated assessment were as follows:

- Providing additional contextual information for the assessment including the review of plans and programmes and updated baseline for each of the 12 Strategic Environmental Assessment Directive Annex I(f) topics and presenting this in separate topic chapters.
- Providing additional information on the details of the Plan to Revoke the regional strategies and the reasonable alternatives to them, including reasons for the selection of some alternatives and the discontinuation of others.

- Providing additional information in the assessment of revocation and retention of each regional strategy policy explicitly against all 12 of the Strategic Environmental Assessment Directive Annex I(f) topics.
- Identifying, characterising and assessing any likely significant effects of the plan and the reasonable alternatives, based on a common interpretation of what constitutes a significant effect for each topic and reflecting the possible timing effects.
- Providing additional information on likely secondary, cumulative, synergistic, short, medium and long-term, permanent and temporary, positive and negative effects of the Plan to Revoke the regional strategies.
- Assessing the likely significant effects at a number of geographic levels (national, regional, sub-regional and local) depending on the content, intent and specificity of the individual policy.
- Providing further information that includes proposals to mitigate effects including more sub-regional information on an understanding of the duty to co-operate.
- Providing further information that includes proposals to monitor any significant effects.

The updated Strategic Environmental Assessment of the Plan to Revoke the Yorkshire and Humber Regional Strategy was undertaken in 2012 by AMEC on behalf of the Department for Communities and Local Government.

4.4 The Updated Environmental Report

Public consultation on the updated Environmental Report on the revocation of the Yorkshire and Humber Regional Strategy ran from 28 September 2012 until 26 November 2012.

The updated Environmental Report indicated that the Government welcomed, in particular, views on:

- whether there is any additional information that should be contained with the baseline or review of plans and programmes;
- whether the likely significant effects on the environment from revoking the regional strategy for Yorkshire and the Humber have been identified, described and assessed;
- whether the likely significant effects on the environment from considering the reasonable alternatives to revoking the Regional

Strategy for Yorkshire and the Humber have been identified, described and assessed; and,

- the arrangements for monitoring.

In addition, the Government stated that they wanted to consider carefully the adverse impacts on the York Green Belt identified in the updated Environmental Report; and would welcome views on these aspects, any suggestions for mitigation and in particular on the reasonable alternative of retaining the York Green Belt policies until York City Council have adopted a local plan which give effect to these policies

In total 26 written responses were received summarised by interest group:

- Six Strategic Environmental Assessment consultation bodies (Environment Agency, Natural England, English Heritage, Historic Scotland, Scottish Environment Protection Agency and Scottish Natural Heritage);
- Six Local planning authorities (North Yorkshire County Councils, Rotherham Metropolitan Borough Council, North Yorks Moors and Yorkshire Dales National Parks, Hull City Council, City of York Council);
- Three Parish Councils (Fulford Parish Council, Strensall with Towthorpe Parish Council, Yorkshire Local Councils Association);
- Five NGOs and local pressure groups (Friends of the Earth, The Theatres Trust, The Wildlife Trusts Yorkshire and Sheffield & Rotherham, Town and Country Planning Association, Heslington Village Trust);
- Two industry representative (EdF Energy and Renewables UK);
- Two developers and planning consultants (Jennifer Hubbard (Planning Consultants), Persimmon Homes); and
- Two individuals and MPs (Richard Frost, Julian Sturdy MP for York Outer).

A summary of the comments and the Government's response is presented in **Table 4.2** below. Comments are structured by the questions asked above. Details of the comments are set out in **Annex B**.

Table 4.2 Summary of consultation responses to the updated Environmental Report

Issue	Summary of consultation responses to the updated Environmental Report	Response
<p>The overall approach taken to Strategic Environmental Assessment</p>	<p>Natural England, the Environment Agency and English Heritage considered the updated Environmental Report an improvement. The Environment Agency, English Heritage, North Yorkshire County Council, Hull City Council and the Town and Country Planning Association agreed with the approach taken and considered it more robust, rigorous and in line with legislative requirements.</p> <p>The Theatres Trust, EDF Energy and Rotherham Metropolitan Borough Council supported the findings of the updated Environmental Report.</p> <p>Natural England commented that there was no justification for the scoring of effects in Chapter 4 of the updated Environmental Report.</p>	<p>The Government welcomes the comments on the updated Environmental Report, which has been welcomed by the statutory consultees and thought robust by a wide range of interested parties.</p> <p>In response to Natural England's comment, Chapter 4 and the subsequent conclusions summarise the findings of the assessment process, the justification for the scorings is set out in Appendix D and E rather than in the main report. It is these detailed assessments that have informed the conclusions set out in the updated Environmental Report.</p>

Issue	Summary of consultation responses to the updated Environmental Report	Response
Additional information	North Yorkshire County Council noted the baseline evidence underpinning the environmental assessment did not have direct regard to the North Yorkshire Minerals Local Plan Saved Policies (2008) and Waste Local Plan Saved Policies (2009).	These documents were considered in the assessment. They are listed in Appendix C and in Appendix E on page 222 of the updated Environmental Report under additional considerations. It is acknowledged that North Yorkshire County Council have two Local Plans in place which deal with Minerals and Waste.
Likely significant effects	Natural England considered that there will be a delay between adoption of National Planning Policy Framework compliant local plans and the revocation of the regional strategy. An additional 30,000 homes per annum are projected to be built in Yorkshire and Humber. Many of the determinations of individual planning applications (that collectively go to make up the additional dwellings approved in the region) could be made before adopted local plans are put in place.	The Government has provided a response to the findings of the Strategic Environmental Assessment (Table 3.2 of this Post Adoption Statement) regarding issues of uncertainty and delay. In noting the findings of the Environmental Report, the Government considers that it has put in place measures to reduce the uncertainty of effects through measures outside the Plan to Revoke, such as those contained in the Localism Act 2011, those proposed in the Growth and Infrastructure Bill and the package of advice and support being offered to all councils, from the Local Government Association, the Planning Inspectorate and the Department. duty to co-operate
Reasonable alternatives	The Environment Agency agreed with the overall approach taken to appraise options, including	The Government welcomes the comments that suitable alternatives have been identified and that the

Issue	Summary of consultation responses to the updated Environmental Report	Response
	<p>the wider range of alternatives.</p> <p>Hull City Council noted the remaining options give suitable alternatives to the immediate and wholesale revocation of the regional strategy as originally proposed.</p> <p>North Yorkshire County Council consider that the updated report has been undertaken broadly in line with the legislative requirements, although they would have welcomed the presentation of more detailed information on mitigation measures for each reasonable alternative considered in the body of the updated Environmental Report in preference to its presentation in Appendix D and E.</p>	<p>environmental assessment has been undertaken in line with the legislative requirements. The Government notes the comments on presentation though considers that this does not affect the conclusions of the assessment.</p>
Monitoring	<p>The Environment Agency and Town and Country Planning Association welcomed the monitoring recommendations in the updated Environmental Report.</p> <p>The Environment Agency recommend closer monitoring of highly complex, cumulative effects on issues such as climate change, water quality and water</p>	<p>The measures that are to be taken to monitor the significant environmental effects of the implementation of the plan to revoke the Yorkshire and Humber Regional Strategy are contained in Chapter 6 and Annex C of this Post Adoption Statement.</p>

Issue	Summary of consultation responses to the updated Environmental Report	Response
	<p>resources.</p> <p>The Town and County Planning Association and Friends of the Earth queried or made suggestions for how monitoring should be undertaken and published.</p> <p>English Heritage supported the use of the Heritage at Risk data.</p>	
<p>Reliance on the duty to co-operate</p>	<p>Rotherham Metropolitan Borough Council have actively sought to meet the duty to co-operate.</p> <p>Natural England, the Environment Agency, English Heritage and North Yorkshire Council recognise the duty to co-operate and consider cross boundary working essential to tackle strategic issues such as those related to biodiversity, water resources and heritage assets.</p> <p>Natural England, the Wildlife Trusts and Yorkshire and Sheffield & Rotherham and RenewableUK would welcome further guidance to encourage local planning authorities to implement the duty to co-operate and take part in cross boundary partnerships.</p>	<p>Many local authorities are already working collaboratively to produce sound plans. The duty to co-operate formalises those arrangements by creating a statutory requirement to co-operate to ensure that local plans are effective and deliverable on cross-boundary matters. The duty requires authorities to work together constructively, actively and on an ongoing basis in relation to strategic cross-boundary issues in local plans.</p> <p>The Review Group led by Lord Taylor has considered the need for guidance across the board, including on the implementation of the duty to co-operate. Recommendation 18 identifies this as one of the priority areas on which the Government should consider providing guidance.</p>

Issue	Summary of consultation responses to the updated Environmental Report	Response
	<p>Friends of the Earth, the Town and Country Planning Association and the Wildlife Trusts for Yorkshire and Sheffield & Rotherham expressed concern about spatial policies being revoked given the lack of certainty surrounding the duty to co-operate in relation to strategic planning across administrative boundaries. Where cooperation rather than agreement is a key part of the mitigation of the impacts of revocation of the regional strategy, it is questionable as to whether the mitigation is entirely realistic.</p> <p>The Environment Agency welcomed that the updated Environmental Report recognised that achieving environmental outcomes may be more challenging during the transitional period, between the revocation of the regional strategy and local planning authorities getting adopted local plans in place.</p>	<p>The Government has provided a response to the findings of the Strategic Environmental Assessment in Table 3.2 of this Post Adoption Statement, including the finding that issues, such as, renewable energy, biodiversity enhancement and landscape conservation, which typically benefit from being planned at a wider geographical scale, may not have their full potential realised.</p> <p>The assessment does not rely only on the delivery of environmental protection in local plans and the National Planning Policy Framework but refers to hierarchy of measures that will apply in the absence of the Yorkshire and Humber Regional Strategy.</p>
Pre-determination	<p>Friends of the Earth considered it unclear how the issues raised will be addressed when the outcome seems to have already been set.</p>	<p>The Government considers that although it has presented its preferred option (as is standard in a Strategic Environmental Assessment) it has not been inflexible in its</p>

Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>approach and has maintained an open mind. The Government has also demonstrated that it is open to considering changes to the plan to revoke, for instance through the retention of policies where the assessment concludes that revocation could lead to significant environmental effects.</p>
<p>Individual Topics</p>	<p>Comments were made in relation to a number of the individual topics including Habitats Regulations Assessment, minerals and waste management, flood risk, water management and water efficiency, biodiversity, York Green Belt, transitional arrangement, housing numbers, Green Infrastructure, National Parks, renewable energy generation and climate change.</p> <p>North York Moors National Park Authority and Yorkshire Dales National Park Authority requested that Part C3 of Policy ENV4 (Minerals) should be retained because it seeks a progressive reduction in aggregate production from National Parks and Areas of Outstanding Natural Beauty.</p> <p>North Yorkshire County Council stated that</p>	<p>The Managed Aggregates Supply System is in place to address the issue of apportionment by local authorities. The issue of reducing aggregates production in certain locations is one which local planning authorities, including National Park Authorities, can seek to address through their local plans, having regard to policies in the National Planning Policy Framework, strategic planning</p>

Issue	Summary of consultation responses to the updated Environmental Report	Response
	<p>retention of the entire regional strategy would allow uncertainty around minerals apportionment to be addressed and local plans to be brought forward with policies to promote Green Infrastructure in line with Policy YH8.</p> <p>Hull City Council believes that YH1, YH4, HE1 and the non-spatial policies should be saved until local plans are in place.</p> <p>English Heritage, City of York Council and a number of other consultees supported the reasonable alternative to retain policies that provide a statutory basis for the York Green Belt. Two consultees made the case for revoking the whole of the Yorkshire and Humber Regional Strategy including policies that define the York Green Belt.</p>	<p>requirements including the duty to co-operate, and the statutory duty on planning authorities under section 62 of the Environment Act 1995.</p> <p>The Government does not believe that retaining either the entire regional strategy or Policies YH1(Overall Approach and Key Spatial Priorities), YH4 (Regional Cities and Sub Regional Cities and Towns) HE1(Humber Estuary sub area policy) and the non spatial policies of the Yorkshire and Humber Plan is necessary because the duty to co-operate has been in place since March 2012 and is underpinned by the National Planning Policy Framework.</p> <p>The Government notes the eight representations received requesting that Part C1 and C2 of Policy Y1: York sub area policy and Part C of Policy YH9 Green Belts from the Yorkshire and Humber Plan be retained until the City of York Council prepare and adopt their local plan clearly defining the inner boundary of the Green Belt around the City of York. The Government agrees that policies related the York Green Belt should be retained.</p> <p>The Government also notes</p>

Issue	Summary of consultation responses to the updated Environmental Report	Response
	<p data-bbox="565 1835 899 1898">North York Moors National Park Authority</p>	<p data-bbox="950 357 1325 989">the two representations received which made the case for revoking the York Green Belt Policies because it would encourage the City of York to rapidly progress the preparation of its local plan and that the tighter definition of York's Green Belt is likely to worsen the housing shortage in York. In view of the significant environmental effects which could result from the revocation of these policies, the Government disagrees with this proposed way forward.</p> <p data-bbox="950 1003 1325 1457">Likewise the Government notes the two representations which support the retention of York's Green Belt, but ask that the Government saves an "unadopted Local Plan 2005", which is not a part of the Yorkshire and Humber Regional Strategy and therefore has not been subject to the environmental assessment carried out.</p> <p data-bbox="950 1472 1325 1850">The Government disagrees with this proposed approach since the Government does not have powers to create new regional Strategy policies and considers that local plans, created by local authorities working together with their communities, should be at the heart of the planning system.</p> <p data-bbox="950 1864 1243 1898">The scale and form of</p>

Issue	Summary of consultation responses to the updated Environmental Report	Response
	<p>and Yorkshire Dales National Park Authority considered revocation of the regional strategy will remove an important safeguard for National Parks, particularly in relation to local authorities addressing housing need, which is not sufficiently replaced by the National Planning Policy Framework.</p>	<p>development that would be considered acceptable on the boundaries of a National Park is one example of the kind of strategic planning issue that local planning authorities, including National Park Authorities, will have to work on collaboratively under the duty to co-operate. Those local authorities within the parts of the former Coastal and Remoter Rural sub-areas adjacent to the National Parks should set out a scale and form of development that would be considered acceptable on the boundaries of a National Park, having regard to national planning policy and the duty under section 62 of the Environment Act 1995.. Other priorities could include the conservation and enhancement of the natural and historic environment, including protection of the landscapes which border the boundaries of National Parks. Moreover, National Park Authorities are a statutory consultee on planning applications that could affect a National Park. They should respond, setting out their case, if they consider that any impacts would compromise the purposes of National Park designation.</p>

Issue	Summary of consultation responses to the updated Environmental Report	Response
	<p>RenewableUK commented on the loss of guidance on renewable energy deployment resulting in a detrimental effect on the deployment of onshore wind, carbon dioxide emission reductions and climate change mitigation. The retention of Policies YH2 and ENV5 was suggested.</p>	<p>The Government does not believe that retaining the Policies YH2 (Climate Change and Resource Use) and ENV5 (Energy) of the Yorkshire and Humber Plan is necessary because it will be for local planning authorities to determine local responses to the issue of renewable energy generation consistent with the objectively assessed and up to date needs of their communities, following the guidance on such issues set out in the National Planning Policy Framework.</p>

Rotherham Metropolitan Borough Council and EDF Energy supported the Government's plan to replace the eight regional strategies with a localist approach to determining the most appropriate scale and distribution for future growth underpinned by the National Planning Policy Framework.

English Heritage, North Yorkshire County Council, Rotherham Metropolitan Borough Council, Fulford Parish Council, Strensall and Towthorpe Parish Council, the Yorkshire Local Councils Association and the Town and Country Planning Association all supported the reasonable alternative to retain Policy YH9 from the Yorkshire and Humber Regional Strategy for a transitional period of 2 to 3 years until the City of York adopted a new local plan defining the inner boundary of York's Green Belt. City of York Council also requested the retention of Policy YH9 until York adopts its new local plan, which it is currently preparing, so as to safeguard the historic setting of York.

In light of the findings of the assessment as reported in the Environment Report, the comments received from consultees and the framework for environmental protection and planning that is in place, the Government is content that environmental considerations have been adequately incorporated into the plan as adopted (the Plan to Revoke the Regional Strategy, modified to retain the York Green Belt Policies). As explained in Chapter 5, where significant effects and/or uncertainty have been identified, a programme of

monitoring has been proposed to enable future consideration of whether any further mitigation or intervention is needed.

Chapter 5

The reasons for choosing the plan as adopted, in the light of the other reasonable alternatives dealt with

5.1 Policy Background

The Government proposed the Plan to Revoke the Yorkshire and Humber Regional Strategy because it believes that planning works best when the people it affects are placed at the heart of the system – and that when they are empowered, there is a greater stimulus for growth.

Every local area has its own set of needs and priorities, its aspirations, unique features and heritage. Only local people understand this so when they have the tools to plan, development happens through consensus by recognition of the benefits of development to the community and with wider benefits for growth. Local empowerment can lead to development that is more sensitive and responsive to the character of the communities in which we live, including to habitats and the natural environment.

While the Government believes that local empowerment can support growth, it also recognises that cross-boundary development, such as housing or transport, are critical to driving economic growth. So, the revocation of the Yorkshire and Humber Regional Strategy would not signal an end to strategic planning, but a shift towards a locally-led approach to planning for cross-boundary matters in local plans.

The Localism Act 2011 has complemented the powers to remove regional strategies with a new statutory duty to co-operate (inserting a new section 33A of the Planning and Compulsory Purchase Act 2004). The duty to co-operate requires local councils and other public bodies to work together constructively, actively and on an ongoing basis when planning for strategic matters in local and marine plans.

Through national planning policy, we will ensure that local plans are effective vehicles for strategic planning and growth. Local plans, produced by local people, are the keystone of the planning system. They are now the channel for strategic planning and set the framework for neighbourhood plans. In particular, the National Planning Policy Framework is clear that:

- the planning system should be genuinely plan-led and support sustainable economic growth, proactively driving the homes and jobs that we need.
- local councils should plan to meet their housing need, based upon objectively assessed evidence, and should identify a 5 year supply of deliverable sites.
- in line with the presumption in favour of sustainable development, local councils should approve development that accords with the local plan. Where that plan is out of date, councils must grant planning permission for development that is sustainable without delay.
- local councils must plan in their local plans for strategic development, reflecting the strategic priorities set out at paragraph 156 of the Framework.

The policies in the National Planning Policy Framework, and in particular the presumption in favour of sustainable development, provide certainty for local councils, developers and communities about the role of local plans in planning for growth and planning decisions.

The new **Planning policy for traveller sites** (March 2012) requires that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites. It asks local authorities to:

- use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.
- co-operate with travellers, their representative bodies and local support groups, other local authorities and relevant interest groups to prepare and maintain an up-to-date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan working collaboratively with neighbouring local planning authorities.
- set pitch targets for Gypsies and Travellers which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities.
- identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets, and a supply of specific, deliverable sites or broad locations for growth for years six to ten and where possible for years 11-15.

The Government's planning reforms also include a package of incentives to encourage growth. These include the New Homes Bonus which rewards communities for each new home built; the Community Infrastructure Levy which enables councils to levy money on new development; and the Business

Rates Retention which allows authorities to directly profit from business rates raised in their area.

This policy background sets in context the reasons for the Government's adoption of the Plan to Revoke the Regional Strategy, modified to retain the York Green Belt Policies, and illustrates the structure of the planning system that will be left in place post revocation.

5.2 The Reasonable Alternatives

The initial Environmental Report on the proposed revocation of the Yorkshire and Humber Regional Strategy, published for consultation in October 2011, suggested two alternatives – either to revoke the Regional Strategy entirely, or to retain it. Responses to the consultation suggested a number of other alternatives (see Appendix F to the updated Environmental Report) including partial revocation. In considering these responses and following the application of Article 5(1) of the Strategic Environmental Assessment Directive, the following alternatives to the Plan to Revoke were taken forward for the updated Strategic Environmental Assessment:

- **Retention** of the Yorkshire and Humber Regional Strategy but not updating it in the future.
- **Partial revocation of the Yorkshire and Humber Regional Strategy either by:**
 - Revoking all the quantified and spatially specific policies (for instance where a quantum of development, land for development or amounts of minerals to be extracted or waste disposal is allocated to a particular location in the region) and retaining for a transitional period the non spatial policies, ambitions and priorities; or
 - Retaining for a transitional period all the spatially specific policies (for instance where a quantum of development, land for development or amounts of minerals to be extracted or waste disposal is allocated to a particular location in the region) and revoking the non spatial policies, ambitions and priorities; or
 - Retaining for a transitional period policies, ambitions and/or priorities, the revocation of which may lead to likely significant negative environmental effects.

5.3 Reasons for Choosing the Plan as Adopted in light of the other Reasonable Alternatives dealt with

The Government has carefully considered each of the reasonable alternatives and the environmental effects assessed in relation to those reasonable alternatives, set out in the updated Environmental Report³. In doing this, the Government has taken account of the consultation responses to both the initial and the updated Environmental Reports. The Government welcomes the comments on both of those reports and notes that the opportunity to use the additional information gained through the public consultation process, as well as the developments in policy and Court of Justice of the European Union jurisprudence to update and build on the earlier assessments, have been an important contribution to making the final decision on the Plan to Revoke the Yorkshire and Humber Regional Strategy. The summary of consultation responses set out in this Post Adoption Statement show that consultees welcomed the rigorous approach to assessment of environmental effects.

Three consultees agreed with the selection of reasonable alternatives dealt and the approach to the strategic environmental assessment. Some thought it unlikely that the duty to co-operate would be able to provide a framework robust enough to enable strategic planning across local government boundaries at sufficiently large scale. The Government disagrees with this view in light of the policies on strategic planning set out in the National Planning Policy Framework and the fact that councils that have not complied with the duty may fail the local plan independent examination.

One consultee thought it was important that the impacts are understood, that the issues raised are taken into account in the outcome, and that it was unclear how this would be addressed as the outcome seemed to have already been set. The Government considers that although it has presented its preferred option (as is standard in a Strategic Environmental Assessment) it has not been inflexible in its approach and has maintained an open mind. This is evidenced by: the extensive and detailed environmental reports (including the assessment of the revocation and retention of each policy in the Regional Strategy and the assessment of reasonable alternatives), the extensive consultation and consideration of consultation responses in the final decision to partially revoke the Yorkshire and Humber Regional Strategy, retaining policies to protect the York Green Belt.

Five respondents suggested additional monitoring measures. The proposals for monitoring, which take account of these responses, are set out in Chapter 6 and Annex C of this Post Adoption Statement. Lastly, there were also some questions from some respondents on individual topics such as Habitats⁴, mineral and waste management, flood risk and water management, the Green

³ Strategic Environmental Assessment of the Revocation of the Yorkshire and Humber Regional Strategy: AMEC Environment & Infrastructure UK Limited: September 2012

⁴ This term is used to refer to sites protected under the European Habitats Directive (92/43/EEC) and Birds Directive (2009/147/EC).

Belt, the provision of gypsy and traveller pitches, heritage, climate change and renewable energy. The Government considers that these issues have all been adequately addressed in Appendix D and Appendix E of the updated Environmental Report.

In conclusion, none of the responses to the consultation on the updated Environmental Report has led the Government to reconsider the adequacy of the assessment of the environmental effects of the Plan to Revoke the Yorkshire and Humber Regional Strategy, and the reasonable alternatives to the Plan, set out in the updated Environmental Report.

In light of this conclusion the Government considered each of the reasonable alternatives, and the environmental effects assessed in relation to those reasonable alternatives, as follows:

(i) On the **retention** of the Yorkshire and Humber Regional Strategy but not updating it in the future it was noted in the updated Environmental Report that there will be significant positive environmental effects, although these will be largely similar to those if the Regional Strategy were revoked. The areas where retention of the Regional Strategy would lead to significant negative effects are in relation to material assets, air and climatic factors although the Government notes that a similar policy performance is recorded for the revocation alternative. For the majority of policies, the updated Environmental Report found it difficult to identify clear differences between the effects of retention and revocation with the exception of policies related to the York Green Belt. The Government considers that the retention of the whole Regional Strategy would lead to a strategy that was a consideration in plan-making and decision taking but with policies based on increasingly out of date evidence or which run contrary to the National Planning Policy Framework and fail to promote a locally-led approach to planning and does not therefore consider that it should pursue this alternative.

(ii) On **partial revocation**, the updated Environmental Report noted that there were a number of policies where potential significant negative environmental effects were identified for the **revocation of all quantified and spatially specific policies**. However, the effects were also identified for retention of the Regional Strategy with the exception of policies which relate to the York Green Belt. The Government does not therefore consider that it should pursue the alternative of partial revocation through the revocation of all quantified and spatially specific policies. This is because the policies retained would become increasingly out of date or run contrary to the National Planning Policy Framework and fail to promote a locally-led approach to planning. The National Planning Policy Framework makes clear the evidence on which Local Plans should be based, including quantified demand for housing and other uses, and where the duty to co-operate is particularly relevant.

(iii) Specific effects for the **retention for a transitional period of all policies which set the quantum for development or which are spatially specific** were identified in the updated Environmental Report. These include potential significant positive effects on biodiversity, population, water, cultural heritage,

and landscape. Likely significant negative environmental effects were identified on material assets due to an increased resource use and waste generation. However, these effects (both positive and negative) were similar to those identified for the revocation of these policies. The updated Environmental Report also noted that retention of these policies for a transitional period may result in some confusion with the intent of the National Planning Policy Framework and how they are to be applied. The Government does not therefore consider that it should pursue this alternative, in particular given that those policies retained would be based on increasingly out of date evidence or run contrary to the National Planning Policy Framework and fail to promote a locally-led approach to planning. The updated Environmental Report further noted that “a partial review of the Yorkshire and Humber Plan in 2009 (although not adopted) had already identified that higher rates of house building and additional gypsy and traveller pitches may be necessary over the long term to meet the needs of the population. The application of the National Planning Policy Framework’s presumption in favour of sustainable development and its policies to boost the supply of housing will help where plans or policies are absent, silent or out of date.” In the absence of a mechanism to review the policies in the future, these shortcomings would remain in place until the policies were revoked.

(iv) Regarding retention of policies, the revocation of which may lead to likely significant negative environmental effects, two policies in the Yorkshire and Humber Plan, Policy YH9 Part C and Policy Y1 Parts C1, C2 and the Key Diagram in relation to the York Green Belt were identified, the revocation of which could cause negative effects on cultural heritage in the short term, possibly becoming significant in the medium term. The updated Environmental Report indicated that there would be a risk (during the period between revocation and the York City Council adopting a local plan) of development being approved on land that would otherwise be in the York Green Belt – with potentially cumulative significant adverse impacts on the special character and setting of the historic city. Chapter 4.4.5 of the updated Environmental Report stated that this risk could be mitigated by retaining these policies until York City Council adopts the local plan which is in preparation.

The Government notes the eight representations received regarding the retention of policies in the Yorkshire and Humber Plan aimed at protecting the York green belt until the City of York Council prepare and adopt their local plan clearly defining the inner boundary of the Green Belt around the City of York. In particular, English Heritage support the retention of Policy YH9: Green belts from the Yorkshire and Humber Regional Strategy until the City of York adopt a new local plan defining the inner boundary of York’s Green Belt. **North Yorkshire County Council** supports the retention of Policy YH9, which can be achieved by retaining the regional strategy for a transitional period of 2 to 3 years. **Rotherham Metropolitan Borough Council** support the retention of policies that provide a statutory basis for the York Green Belt in order to give the local authority time to adopt a York Green belt boundary in their local plan. **City of York Council** request the retention of part C of Policy YH9, excluding reference to taking account of levels of growth set out

in the regional strategy, parts C1 and C2 of Policy Y1: York sub area policy and the Key Diagram of the Yorkshire and Humber Plan (2008) for up to 5 years or until York adopts its new local plan (which ever is the earliest) it is currently preparing, so as to safeguard the historic setting of York. **Fulford Parish Council** also requests the retention of part C of Policy YH9 and parts C1 and C2 of Policy Y1. **Strensall and Towthorpe Parish Council** request retention of policies that define the green belt around York, supported by Mr Julian Sturdy MP, until the City of York Council provide a local plan. The **Yorkshire Local Councils Association** also support the retention of policies that define the York Green belt until York adopts an up to date local plan. **Town and Country Planning Association** also support the retention of part C of Policy YH9 and Parts C1 and C2 of Policy Y1 and the relevant parts of the associated Key Diagram in order to give spatial expression to the Green Belt around York until and up-to-date local plan is in place.

The Government agrees that policies related the York Green Belt should be retained because of the potential significant environmental effects. However, the second sentence of policy YH9 states that: "The boundaries must take account of the levels of growth set out in the Yorkshire and Humber Plan and must also endure beyond the Plan process." The Government does not consider it is necessary to retain this second sentence since it refers to levels of growth set out in other policies in the Yorkshire and Humber Plan which would be revoked. Turning to the Key Diagram, the Government does not consider that saving the whole diagram is necessary - but saving those parts of the diagram which relate to the York green belt would be helpful, in particular to illustrate the general extent of the York Green belt and its inner and outer boundary.

The Government also notes the two representations (Persimmon Homes and Jennifer Hubbard (Planning Consultant)) received which made the case for revoking the whole of the Yorkshire and Humber Regional Strategy including policies that define the York Green Belt. Jennifer Hubbard considered that it is not necessary to save Policy YH9 and if saved it would result in the City of York Council taking longer to prepare their local plan and finally settle the issue of York's Green Belt inner boundary. Persimmon Homes considered that the Green Belt as defined in the regional strategy negatively impacts upon York's housing markets and encourages more unsustainable commuting into York as people have to "leap frog" the Green Belt to access affordable housing. They considered that revocation of the York Green belt policies will not result in a significant negative effect in the short term. However, in view of the significant environmental effects which could result from the revocation of these policies, the Government disagrees with this proposed way forward.

Likewise the Government notes the two representations (Heslington Village Trust and Mr Richard Frost) which support the retention of policy YH9 from the Yorkshire and Humber Plan, but ask that the Government also saves an "un-adopted Local Plan 2005" until York adopts a new local plan. However this un-adopted Local Plan is not a part of the Yorkshire and Humber Regional Strategy and therefore has not been subject to the environmental assessment carried out. The Government disagrees with this proposed approach since the Government does not have powers to create new

Regional Strategy policies and considers that local plans, created by local authorities working together with their communities, should be at the heart of the planning system.

In relation to each of the reasonable alternatives assessed there has not been found to be a significant difference in the environmental effects as against those for the preferred option of revocation, with the exception of the policies in relation to the York Green Belt (as evidenced in Appendix D of the updated Environmental Report). For retaining quantified and spatially specific priorities there were found to be potential positive and negative effects, but recognition that policies are based on evidence that would become increasingly out of date and could gradually lead to a decline in the positive effects that the strategy aimed to deliver and potential conflicts with policies that local communities wish to pursue. For these reasons and given the structures and framework already in place the Government does not consider that the retention of any of the policies in the Yorkshire and Humber Regional Strategy is necessary, with the exception of the York Green Belt policies set out in the Yorkshire and Humber Plan.

Therefore in light of the policy background and reasons for the Plan to Revoke the Yorkshire and Humber Regional Strategy, consideration of the environmental effects of the Plan to Revoke and the reasonable alternatives, and consideration of responses to the Environmental Reports, the Government has decided to partially revoke the Yorkshire and Humber Regional Strategy, but retain the following policies from the Yorkshire and Humber Plan aimed at protecting the Green Belt around the City of York:

a) Policy Y1: York sub area policy: title, opening line and paragraphs 1 and 2 of Part C:

“Policy Y1: York sub area policy

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 Minister and important open areas.”

b) Policy YH9: Green Belts: title and first sentence of Part C:

“Policy YH9: Green Belts

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.”

c) The **Key Diagram**, insofar as it illustrates the retained policies and the general extent of the Green Belt around the City of York.

Chapter 6

The measures decided concerning monitoring

Monitoring of the effects of the Plan to Revoke the Yorkshire and Humber Regional Strategy as adopted (modified to retain the York Green Belt Policies from the Yorkshire and Humber Plan) will focus on:

- The significant effects identified in the assessment that may give rise to irreversible damage, where appropriate, relevant mitigating measures can be taken; and
- Uncertain effects where monitoring would enable preventative or mitigating measures to be undertaken.

Consistent with the proposals of the updated Environmental Report, potential effects against all the environmental topics have been included in the monitoring framework. Specific additional monitoring suggestions were made by consultees and are outlined in the summary of consultation in **Annex B**. The final measures are presented in **Annex C**.

The monitoring programme will use existing regulatory regimes and data collection processes to provide information for these potential environmental impacts. For example, the Environment Agency's requirements under the Water Framework Directive (2000/60/EC), the Department for Environment, Food and Rural Affairs' requirements with regard to Air Quality Management Areas and the Department for Communities and Local Government's commitments regarding the local plan making progress by authorities and on compliance with the duty to co-operate. The metrics are proposed in part to minimise any additional burdens associated with collection and analysis of monitoring data.

The Department for Communities and Local Government will make periodic reference to the metrics and sources of information contained in **Annex C** to review the effects of revocation.

ANNEX A

Consultation and Partner Engagement – Initial Environmental Report

Responses to scoping stage of the preparation of the Initial Environmental Report

The designated consultation bodies for strategic environmental assessment in England (the Environment Agency, English Heritage and Natural England) were consulted on the scope and level of detail to be included in the Environmental Reports in May 2011 for five weeks. The corresponding bodies for Scotland and Wales were also consulted on the reports for regions on their boundaries. The statutory bodies agreed that the scope and level of detail proposed for the analysis of environmental effects of revocation of the regional strategies was appropriate.

Table A1 Summary of statutory body’s responses at the Strategic Environmental Assessment scoping stage (this Table has been revised following the close of consultation on the updated Environmental Report)

No	General	Detailed comments	Raised by	Response
1.	Scope and Detail	The Environment Agency agreed that the scope and level of detail proposed for the analysis of environmental effects of revocation of the regional strategies was appropriate. Natural England recognised that the SEA was unusual in that it applied to the revocation, rather than the creation of a plan, and that therefore many of the usual aspects of SEA did not apply. English Heritage focussed their comments on the implications for heritage on the proposed revocation.	Environment Agency, Natural England, English Heritage.	The updated Environmental Report has been produced consistent with the requirements of the SEA Directive. Responses to the detailed points raised at the scoping stage are set out in the rest of this table.
2	Reliance on the duty to co-operate and the National Planning Policy Framework	The Environment Agency, Natural England and English Heritage questioned whether the reliance on the draft Duty to co-operate was sufficient to capture and address cross-boundary issues or cumulative effects of multiple local authorities’ local plans.	Environment Agency, Natural England, English Heritage.	Since the scoping report was prepared the Government has published the National Planning Policy Framework in March 2012 and commenced provisions in the Localism Act 2011 implementing the duty to co-operate.

No	General	Detailed comments	Raised by	Response
3	Topics to be considered	<p>The Environment Agency considered that the impacts on climate change, water quality and water resources should be fully assessed. The Water Framework Directive should be considered as well as strategic planning of water resources.</p> <p>Scottish Natural Heritage thought there should be consideration of the impacts on the protection and enhancement of networks to allow species dispersal throughout Britain.</p> <p>They also commented that references to planning policy assumed existing policies would be carried forward to the new National Planning Policy Framework. Since the National Planning Policy Framework was still in its draft form, this needed to be more fully considered. It is also difficult to predict what local authorities will do post revocation of regional strategies so that the environmental effects of their</p>	Environment Agency; Scottish Natural Heritage.	<p>Appendix D of the updated Environmental Report contains an assessment of the effects of retention and revocation of individual policies on climate change, water quality and water resources.</p> <p>Appendix E of the updated Environmental Report reviews the baseline condition for each of the SEA topics (including climatic factors and water) and assesses the likely effects on the baseline of retaining and revoking individual policies, the Regional Strategy as a whole and reasonable alternatives.</p>

No	General	Detailed comments	Raised by	Response
		revocation is more likely to be “uncertain” rather than positive.		
4	Water Quality	The Environment Agency suggested updating the baseline, particularly when referring to water quality. Water quality has improved, although fewer than only 25 per cent of the river water bodies in the region currently achieve good ecological status.	Environment Agency.	In accordance with Annex 1(f) of the Strategic Environmental Assessment Directive water quality issues have been assessed in the updated Environmental Report under the SEA topic “water”. This includes consideration of the topic in Appendix E of the updated Environmental Report, taking account of the more up-to-date data contained in relevant River Basin Management Plans.
5	Water resources	The Environment Agency considered that the objectives and requirements of the Water Framework Directive should be considered in the Environmental Reports. This would help provide a strategic consideration of environmental constraints, including cross-boundary issues, particularly on water quality.	Environment Agency.	In accordance with Annex 1(f) of the Strategic Environmental Assessment Directive water resources have been assessed in the updated Environmental Report under the SEA topic “water”. This includes the consideration of the topics in Appendix E of the updated Environmental Report, as part of the assessment of the retention and revocation of individual policies and the overall assessment of the revocation of the Yorkshire and Humber Regional Strategy and reasonable

No	General	Detailed comments	Raised by	Response
				alternatives. This also takes account of the strategic planning cross-boundary issues including through assessment of the water companies' Water Resources Management Plan.
6	Waste	<p>The Environment Agency referred to Article 7 of the Waste Framework Directive (requirement for Waste Management Plans) explaining that it is currently implemented through a tiered system of waste planning in England, including the regional tier. They recommended that the requirements of Article 7 of the Waste Framework Directive (2006/12/EEC) are included within the assessments, as waste policies within the Regional Strategies will need to be adopted nationally and/or locally to satisfy the Directive's requirements.</p> <p>They added that if Waste Local Development Frameworks are going to take policies forward, then they will need a strong evidence base to support them.</p>	Environment Agency.	The provisions of Article 7 has been superseded by provisions set out in Article 28 of the revised Waste Framework Directive (2008/98/EC). The National Planning Policy Framework was published in March 2012. Paragraph 153 of the framework makes clear the expectation that local planning authorities should produce a local plan for the area, whilst Section 17 of the Planning and Compulsory Purchase Act 2004 makes it clear that two or more local planning authorities may agree to prepare one or more local development documents. This allows unitary authorities and county councils to work together if they wish. However, such plans must still meet the legal and procedural requirements, including the test of soundness required under section 20 of the 2004 Act and Paragraph 182 of the National Planning

No	General	Detailed comments	Raised by	Response
		<p>Updated and agreed evidence could be shared between authorities at a strategic level, to help ensure facilities are built in the best locations and at the best scales.</p>		<p>Policy Framework including for the planning of waste infrastructure.</p> <p>The National Planning Policy Framework also makes it clear that local planning authorities may continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies, supplemented as needed by up-to-date, robust local evidence. The National Planning Policy Framework (paragraphs 158-177) also sets out in detail the evidence base that is required to underpin the development of local plans and planning decisions. The National Planning Policy Framework states that local planning authorities should work with other authorities and providers to assess the quality and capacity of infrastructure for waste and its ability to meet forecast demands.</p>
7	Climate Change	<p>Climate risk and associated adaptation actions should be assessed to help ensure resilience to future climate change. Local authorities could put monitoring mechanisms in place, as</p>	<p>Environment Agency, Scottish Natural Heritage.</p>	<p>Climate change issues are assessed as part of the climatic factors topic in set out in Appendix E of the updated Environmental Report. We have considered mechanisms for monitoring resilience to climate change</p>

No	General	Detailed comments	Raised by	Response
		<p>action or inaction by one local authority could impact on neighbouring authorities. The Environment Agency suggested that possible mechanisms for monitoring resilience to climate change are considered within the assessment.</p> <p>The Environmental Report stated that local authorities may find it useful to draw on regional data including assessments of the potential for renewable and low carbon energy. This should be considered in greater detail at the next stage of the environmental assessment. Strategic issues need to be addressed</p>		<p>and the proposals for monitoring, including for climatic factors, have also been considered in Chapter 6 and Annex C of this Post Adoption Statement.</p> <p>Data prepared at a regional level to inform the preparation of regional strategies is still available for local planning authorities to use, individually or collectively where they have decided to prepare joint local plans or development plan documents on strategic planning issues such as waste management, transport infrastructure or large scale housing development. Local planning authorities will also commission additional research when necessary on a variety of key planning issues including assessment of the potential for renewable and low carbon energy.</p>
8	Growth	Assumptions on future growth, including for housing allocations, are important when making assessments of the potential impacts of revocation of the regional strategies. An assumption that lower levels of growth (than that proposed by the Regional Strategy) may	Natural England, Environment Agency, English Heritage.	<p>The updated Environmental Report took into account local plan policies on housing, pitches for gypsies and traveller sites, renewable energy, employment, minerals and waste.</p> <p>Baseline data has been expanded on and updated, in the updated Environmental</p>

No	General	Detailed comments	Raised by	Response
		<p>be pursued by local authorities may lessen pressures on negative regional trends.</p> <p>It is possible that some local authorities may decide to increase their housing figures above Regional Strategy targets which could potentially result in significant environmental effects.</p> <p>It may become more challenging to accommodate growth in certain river catchments - all available, up-to-date information should be utilised when carrying out the next stage of the assessment.</p>		<p>Report, including for heritage assets and river basin management plans.</p>
10	Cumulative Effects	<p>The Environment Agency commented that the Environmental Report should effectively assess cumulative impacts and mitigation measures of many small adverse impacts on the environment for instance on climate change including greenhouse gas emissions.</p>	Environment Agency.	<p>Cumulative impacts are taken into account in the assessment presented in the updated Environmental Report. The approach to the analysis is set out in the methodology in Chapter 3, and a discussion of the impacts is included in Chapter 4 of the updated Environmental Report.</p> <p>Mitigation measures are considered throughout the updated Environmental Report, including for individual SEA topics,</p>

No	General	Detailed comments	Raised by	Response
				and the retention and revocation of individual regional policies.
11	Regional Heritage Policies	<p>English Heritage noted that some policies are only in regional strategies, not in local plans hence the risk of “policy gaps” if these regional policies are not saved. They questioned the assumption that local authorities will carry forward regional policies to secure the boundaries of Green Belts around historic settlements, and whether existing national heritage policies will be carried forward to the National Planning Policy Framework. They thought that regional heritage policies do not just repeat national policy, but include regionally specific detail. They asked for more material to be included in the historic environment baseline data.</p> <p>They commented that policy for the historic environment tends to provide a framework for the management of those heritage assets which are considered to make an important contribution to the distinct identity of the region. Because</p>	English Heritage.	<p>The National Planning Policy Framework, published in March 2012, continues to provide protection for heritage assets and designated heritage assets throughout the country. By definition, heritage assets include areas and landscapes, as well as individual buildings and monuments, which have a degree of significance meriting consideration in planning decisions, because of their heritage interest. The significance of a heritage asset is stated to derive not only from its physical presence, but also from its setting.</p> <p>The Government attaches great importance to Green Belts and has maintained strong protection for them in the National Planning Policy Framework. 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.</p> <p>The National Planning Policy Framework makes clear, as with previous Green Belt</p>

No	General	Detailed comments	Raised by	Response
		<p>these may be undesignated, yet significant, and span local authority boundaries, the Regional Strategy sought to provide a co-ordinated framework for their management, e.g. Vale of Pickering (ENV9).</p> <p>It is also important to ensure the Environmental Reports do not only focus on matters relating to the high status designated heritage assets. The Regional Strategy was also designed to provide a holistic approach, urging consideration of the commonplace and everyday heritage that provides the backdrop to people's daily lives – championing local distinctiveness and sense of place.</p> <p>It is important to ensure that the assessment of the likely significant effects of the revocation is not based solely on access to heritage, leisure and recreation facilities. Where “access” to the assets rather than their “protection” or “enhancement” has been the over-riding consideration in terms of</p>		<p>policy, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.</p> <p>The National Planning Policy Framework also states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Limited exceptions to this are set out in the National Planning Policy Framework, together with other forms of development that are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.</p> <p>The National Planning Policy Framework is also clear that once established, Green Belt</p>

No	General	Detailed comments	Raised by	Response
		<p>assessing the impact of the policies and proposals of the Regional Strategy then the potential impact upon the historic environment itself will have been either under-estimated or not considered at all.</p> <p>Spatial decisions in Regional Strategies have regard to the environmental capacity and sensitivities and in certain situations, such as in York; limited capacity resulted in the restriction of development contrary to the evident demand. It should not be assumed that this responsive approach will be maintained in any local equivalent plan.</p>		<p>boundaries should only be altered in exceptional circumstances. A change to a Green Belt boundary would need to take place through the local plan process, which would involve public consultation and an independent examination. 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.</p> <p>When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Additional policies are set out to be applied when defining boundaries. Policies for the development of a village in a Green belt are also included.</p>

No	General	Detailed comments	Raised by	Response
				The National Planning Policy Framework states that once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt.

Representations received in response to the initial public consultation on the proposed revocation of the Yorkshire and Humber Regional Strategy

The consultation on the initial Environmental Report ran from 20 October 2011 to 20 January 2012.

The representations received on the proposed revocation of the Yorkshire and Humber Regional Strategy have been summarised below. The responses are grouped under the following themes:

- The Overall Approach to Strategic Environmental Assessment;
- Assessment;
- Reliance on the National Planning Policy Framework;
- Policy Change;
- Reliance on the duty to co-operate;
- Individual Topics (covering greenbelt, gypsies and travellers, housing supply, heritage, waste, biodiversity, renewable energy, transport, water, Brownfield land, the coast, flooding and trees and woodland, green infrastructure, landscape).

Since the responses received to the consultation of this initial report, a significant amount of policy and legislation has been developed (for instance the publication of National Planning Policy Framework and the introduction of the duty to co-operate) and so some of these comments have inevitably been overtaken by events. The comments relevant to the initial Environmental Report for Yorkshire and the Humber (i.e. responses specifically to the Yorkshire and Humber report and comments that applied to all regions including Yorkshire and the Humber) are presented below, together the Government's response with how they have been addressed in the updated Environmental Report.

Table A2 Responses to the consultation on the initial Environmental Report (published in October 2011) (this table has been revised following the close of consultation on the updated Environmental Report)

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
1	The Overall Approach to SEA	The Environment Agency supported the broad approach to the analysis presented in the Environmental Reports published in October 2011. Natural England recognised that the Strategic Environmental Assessment was unusual in that it applied to the revocation, rather than the creation of a plan, and that therefore many of the usual aspects of English Heritage had concerns about the potential impact of revocation on heritage assets. Other respondents thought the analysis was undertaken too late in the plan making process and was not consistent with the requirements of the Directive.	Environment Agency, Natural England and English Heritage.	The impact of retaining, partially revoking and fully revoking the Yorkshire and Humber Regional Strategy has been assessed in detail in the short, medium and long term against the 12 Strategic Environmental Assessment topics. This includes an assessment of cultural heritage – including architectural and archaeological heritage.
2	The Overall Approach to SEA	The consultation on the assessment of the revocation of regional strategies which ran from October 2011 was contrary to the requirements of Article 6(5) of the Directive.	Clyde and Co LLP and Iceni Projects.	The Government disagrees that the consultation process undertaken in October 2011 was contrary to the requirements of Article 6(5) of the Directive which states that the “detailed

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
				<p>arrangements for the information and consultation of the authorities and the public shall be determined by Member States". This requirement is transposed into English law by regulation 13 of the Environmental Assessment of Plans and Programmes Regulations 2004.</p> <p>The Environmental Report, which was published for public consultation in October 2011, and the updated Environmental Report published in September 2012, (which took account of consultation responses on the initial Environmental Report and was itself open to consultation for 3 months), demonstrates the Government's desire to consult fully on the assessment of the impacts of revocation of the Regional Strategy.</p>
3	The Overall Approach to SEA	The environmental assessment had been carried out too late in the process, and should have been conducted prior to the initial decisions to revoke the regional strategies. Strategic Environmental Assessment carried out at an early stage	RenewableUK, Royal Society for the Protection of Birds, Wildlife and Countryside	The Government signalled its proposed intention to remove the regional tier of Government and return decision making on housing and planning to local authorities in the coalition agreement. Parliament subsequently removed of the

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>and with an open mind helps to identify the environmental consequences of revocation and steps which could be taken to mitigate any adverse impacts (such as saving significant environmental policies).</p>	<p>Link.</p>	<p>legal framework for Regional Strategies through the repeal of Part 5 of the Local Democracy, Economic Development and Construction Act 2009 (through section 109 of the Localism Act 2011) and gave the Secretary of State powers to revoke the whole or any part of a Regional Strategy by order.</p> <p>Any decision to revoke the regional strategies has always been subject to the outcome of the environmental assessments.</p> <p>The Environmental Report which was published for public consultation in October 2011, and the updated Environmental Report, which takes account of responses, demonstrates this and is in accordance with the requirements of the Strategic Environmental Assessment Directive and its objectives. Each policy in the regional strategy has been assessed.</p> <p>The outcome of the consultations on the Environmental Reports form part of the matters that will be taken into account in</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
				deciding whether or not to revoke the regional strategies and reasonable alternatives to that.
4	The Overall Approach to SEA	The Town and Country Planning Association were concerned that the Environmental Reports did not represent an analytically robust and rigorous assessment of the likely impacts or how they may be mitigated. They considered that not all of the Directive's provisions had been addressed with sufficient robustness to provide an appropriate means of assessment, with, for example, reasons for selecting the alternatives dealt with and a description of how the assessment was undertaken. The Environmental Reports did not explore the potential short-term impacts that could arise in the interim period while the Regional Strategy is revoked, but before adopted local plans are in place. The reports do not project what the future might be like under local plans prepared with a minimum of national guidelines. The reports should contain more analysis of minerals and waste,	Town and Country Planning Association.	The October 2011 Environmental Report was structured around the individual requirements of the Strategic Environmental Assessment Directive. Chapter 1 of the updated Environmental Report set out which parts of the report address the requirements of the Directive. Chapter 1 (Table 1.2) of the updated Environmental Report sets out how the report (and appendices) address the requirements of the Directive. Chapter 2.4 of the updated Environmental Report describes the alternatives considered and the reasons for the selection of the alternatives dealt with. The reasonable alternatives include retention, revocation and partial revocation. Chapter 3 of the updated Environmental Report sets out the approach taken to complete the assessment. This includes the assessment scope, covering the topics included, the spatial extent of effects

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		infrastructure, town centre development, new settlements and major urban expansions.		considered and the definitions of short, medium and long term timeframes employed. Appendix E sets out the collated contextual and baseline information, on a topic-by-topic basis, for each of the assessment topics (including evolution of the baseline).
5	Assessment – likelihood of effects	The assessment had placed unquestioning faith in the environmental benefits of the Government’s planning reforms, and seemed to be a justification for revocation rather than objective analysis. The assumptions within the Environmental Report that revocation of the Regional Strategy will have no significant adverse environmental effects were untested and unsupported by evidence.	Levett-Therivel, Treweek Environmental Consultants, Collingwood Environmental Planning.	The short, medium and long term impacts of retaining, partially revoking and revoking the Yorkshire and Humber Regional Strategy have been assessed in detail in the updated Environmental Report for each of the 12 Strategic Environmental Assessment topics.
6	Assessment – cumulative impacts	The Environmental Report should assess the cumulative effects of revocation, in particular the consequent capacity for ‘linked or cumulative, synergistic or secondary effects’ coupled with the need for environmental assessment to adapt to the scale and nature of the plan in question.	Clyde and Co LLP, Levett-Therivel, Treweek Environmental Consultants, Collingwood	To provide the context for the assessment, and in compliance with the Strategic Environmental Assessment Directive, the relevant aspects of the current state of the environment and its evolution without the plan were considered, along with environmental

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		The assessment should include a consideration of the impact of the revocation of all the Regional Strategies.	Environmental Planning.	characteristics likely to be significantly affected. Chapter 3 of the updated Environmental Report sets out the assessment methodology for cumulative, synergistic or secondary effects. Chapter 4 contains a consideration of these effects.
7	Assessment – mitigation	No mitigation measures are presented in the Environmental Reports because no impacts have been identified.	Levett-Therivel, Tweek Environmental Consultants, Collingwood Environmental Planning.	Appropriate mitigation measures are proposed in Chapter 4 of the updated Environmental Report, as well as in Appendix D.
8	Assessment – strategic planning	The Regional Strategies provided strategic policies to ensure that development can be planned in a way that is compatible with biodiversity targets. There are similar issues with water supply/demand, for example, under the Water Framework Directive (2000/60/EC), to ensure that housing development will be compatible with the requirements for favourable status and there are knock on implications for	Levett-Therivel, Tweek Environmental Consultants, Collingwood Environmental Planning, Town and Country Planning Association.	The National Planning Policy Framework, published in March 2012, states that local planning authorities should set out the strategic priorities for their area in their Local Plan. This should include strategic policies to deliver: the homes and jobs needed in the area; the provision of retail, leisure and other commercial development; the provision of infrastructure for transport,

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>European protected sites.</p> <p>The Town and Country Planning Association. considered that the Environmental Reports understated the benefits of regional policy which all the original Strategic Environmental Assessment had identified. They also considered that there was insufficient detail to show how the new planning reform measures would deal effectively with strategic spatial issues.</p>		<p>telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.</p> <p>In the updated Environmental Report it has also been considered relevant to reference the duty to co-operate for a number Regional Strategy policies.</p>
9	Assessment - baseline data	<p>Statutory Agencies identified more recent environmental data than that used in the Environmental Reports - such as data used to inform the preparation of the River Basin Management Plans, and on climate change and sea level rise. Other respondents asked for other baseline data to be updated, for data on human health to be included and for data to better reflect the economic climate. Some respondents</p>	<p>Natural England, Environment Agency, Treweek Environmental Consultants, Clyde and Co LLP, Town and Country Planning</p>	<p>The baseline data has been updated and expanded in the updated Environmental Report, and described for the 12 Strategic Environmental Assessment topics in Annex E. Maps have been included. This data has been used to inform the assessment the strategic environmental impacts of the revocation of the Yorkshire and Humber Regional Strategy and a number of alternatives.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		asked for maps to be included to better illustrate spatial impacts.	Association, Levett-Therivel.	
10	Assessment – material assets	The analysis of material assets could include the full range of infrastructure, employment sites, waste, energy and water use etc.	Levett- Therivel, Treweek Environmental Consultants, Collingwood Environmental Planning.	The updated Environmental Report includes an assessment of all 12 Strategic Environmental Assessment topics. This incorporates assessment of waste and minerals, energy, water use, and employment land. The impact of infrastructure on the Strategic Environmental Assessment topics is considered throughout the assessment presented in Appendix E of the updated Environmental Report.
11	Assessment – likely evolution of the environment	The likely evolution of the environment in the absence of the plan should be set out.	Levett- Therivel, Treweek Environmental Consultants, Collingwood Environmental Planning.	In compliance with paragraph (b) of Annex 1 of the Strategic Environmental Assessment Directive, the updated Environmental Report presents for each of the 12 Strategic Environmental Assessment topics, an assessment of the likely evolution of the baseline without implementation of the plan or programme. Uniquely (to date) in this case, “without implementation of the proposed plan or programme” actually refers to the plan to

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
				<p>revoke the Regional Strategy. So the evolution of the environmental baseline without the plan will mean in this instance, the evolution of the baseline with the retention of the existing Regional Strategy. Therefore, and where appropriate in addition to using projections, this assessment has used the findings of the relevant sustainability appraisal and appropriate assessment which were undertaken when the original Regional Spatial Strategy and Regional Economic Strategy were prepared to help provide an informed understanding of the likely future evolution of the baseline. This information is contained in Appendix E and presented within each topic chapter.</p>
12	<p>Assessment – Special Protection Areas and Special Areas of Conservation</p>	<p>Information on the existing impacts on Special Protection Areas and Special Areas of Conservation should be provided.</p>	<p>Levett- Therivel, Treweek Environmental Consultants, Collingwood Environmental Planning.</p>	<p>The updated Environmental Report contains an Appendix G listing all Special Protection Areas and Special Areas of Conservation and the impact on particular sites has been drawn out where relevant.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
13	Assessment – method statement	Information should be provided on who has carried out the assessments, details of the consultation with statutory agencies, responses to scoping responses and what problems were faced.	Levett- Therivel, Treweek Environmental Consultants, Collingwood Environmental Planning.	Detail of the preparation of the report, consultation with the statutory agencies, responses to scoping comments, and difficulties faced with the analysis are set out in Chapters 1 and 3 and Appendix F of the updated Environmental Report.
14	Assessment – non technical summary	The non-technical summaries are not consistent with the Strategic Environmental Assessment Directive requirements. They are generic and make assertions that are not based on evidence.	Levett- Therivel, Treweek Environmental Consultants, Collingwood Environmental Planning.	A non-technical summary which is based on the findings of the assessment and consistent with the requirements of the Strategic Environmental Assessment Directive is included in the updated Environmental Report.
15	Assessment – local plans	The Woodland Trust thought that the baseline information in the original Strategic Environmental Assessment of the Regional Strategy identified increasing environmental pressures arising from development. It felt these still needed to be addressed in the absence of the strategy. As a result of this, they believed there should be much more emphasis on the Strategic Environmental Assessment process for Development Plan	The Woodland Trust, Friends of the Earth, Council for the Protection of Rural England. Professor Alan Townsend.	The Government agrees that Local Plans are subject, and will continue to be subject, to Strategic Environmental Assessment consistent with the requirements of the Strategic Environmental Assessment Directive. Local authorities' planning policies and decisions must reflect, and where appropriate promote, relevant obligations under European law and statutory

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>Documents, with particular emphasis on the effect of cumulative impacts.</p> <p>Campaign for the Protection of Rural England stated that the reports should have considered appropriate evidence that currently exist, such as changes to Core Strategies made subsequent to the announcement that regional plans would be abolished. They suggested that no such assessment had been made. As a result there were no recommendations about how the plan making process might be improved to address environmental issues, for example, by strengthening the Sustainability Appraisal process at local authority level.</p> <p>Friends of the Earth were concerned that the statement in the Environmental Reports that local authorities would deal with environmental issues was not based on a full analysis of whether local plans do have strong local environmental policies in place similar to those in the Regional Strategies in a situation where they were specifically not supposed to duplicate regional policy; or in areas where there are no local plans. In</p>		<p>requirements including on the environment.</p> <p>The updated Environmental Report includes an analysis of the content of local plans at Appendix C, focussing on housing allocation, gypsies and traveller pitches, renewable energy, employment land, minerals and waste.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>addition, the assumption that there are 'strong protections' for the environment in national planning policy had been disputed by several Non Government Organisations.</p> <p>Professor Alan Townsend considered the reference in the reports that the removal of the Regional Strategies would create 'opportunities for securing environmental benefits' to be unfounded. Referring to the North East, as an example, he commented that the experience of Campaign for the Protection for Rural England was that economic and commercial pressures would act as a serious threat to a balanced approach to the environment and to development. He also referred to paragraph 1.25 in the Environmental Report where it is stated that environmental effects cannot be predicted for certain because they depend on local decisions, but disagreed with the view that decisions taken locally will look to maximise positive environmental outcomes for the local area.</p>		
16	Assessment – reasonable	The environmental assessment had considered too narrow a range of	Royal Society for the	The updated Environmental Report draws on the consultation responses and the

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
	alternatives	<p>alternatives. The only alternative considered was no revocation. This in turn means that there are no clear recommendations to address the practical question of whether the proposed planning system, centred on the National Planning Policy Framework and local plans, should be modified to address environmental issues that arise from the abolition of regional planning.</p> <p>Other alternatives suggested were:</p> <ul style="list-style-type: none"> • reviewing the Regional Strategies; • revoking the Regional Strategies but saving key policies; • the retention of the Regional Strategy system with regional groupings of local authorities responsible for drafting them and adoption by the Secretary of State; • maintaining the plans and revising certain policies in order to make the plans more acceptable, as well as the possibility of local authorities producing joint development plans to 	<p>Protection of Birds, Wildlife and Countryside Link, Campaign for the Protection of Rural England, Renewable UK; Clyde and Co LLP, Irish Travellers Movement in Britain, Levett-Therivel, Treweek Environmental Consultants, Collingwood Environmental Planning, Hull City Council.</p>	<p>findings of the assessment to develop a number of alternatives and identifies three reasonable alternatives to complete revocation for assessment. Chapter 2.4 of the updated Environmental Report describes the alternatives considered and the reasons for the selection of the alternatives dealt with. The reasonable alternatives include retention, revocation and partial revocation.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>cover specific issues;</p> <ul style="list-style-type: none"> • revoking certain chapters or parts of the strategies and introducing transitional arrangements. 		
17	Assessment - monitoring	<p>Natural England, Campaign for the Protection of Rural England and Town and Country Planning Association considered that it was not clear whether the local authorities, Government or any other body would collate the authorities' monitoring information and assess it to determine where more than local gaps in policy or problem areas were arising.</p> <p>The Town and Country Planning Association suggested that there was a need to monitor the general impact of the Government's planning changes. Consistent and effective monitoring on the effects of the 'duty to co-operate' over the next 2-3 years was particularly important, for example, by tracking local plan progress on local authority websites in a systematic but simple way.</p>	<p>Natural England, Campaign for the Protection of Rural England; Town and Country Planning Association, Levett- Therivel, Treweek Environmental Consultants, Collingwood Environmental Planning, Clyde and Co LLP, Forestry Commission.</p>	<p>Proposals for monitoring are set out in Chapter 5 of the updated Environmental Report.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>Levett- Therivel, Treweek Environmental Consultants, and Collingwood Environmental Planning suggested that the effects of revocation should be monitored, for example, to track housing completions and development on Green Belt.</p> <p>Clyde and Co LLP considered that not clearly identifying additional, specific methods of monitoring undermined the consultation process.</p> <p>The Forestry Commission commented that the monitoring and sharing of information was far easier with the Monitoring Group established by the Regional Assembly. Local authorities were unlikely to monitor if this is not a requirement given funding constraints. The Annual Monitoring report produced by the Regional Assembly was extremely valuable for measuring the implementation of plans and policies particular those policies which set targets, for example the Forestry Commissions believe that it was unclear</p>		

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>how national targets for carbon reduction could be measured and met. Whilst local planning authorities may be responsible for monitoring: the Forestry Commission asked who they will report to and how (a) cumulative effects or (b) actions in one local authority being undermined in another could be assessed.</p>		
18	<p>Reliance on the draft NPPF</p>	<p>Natural England, the Environment Agency, the Town and Country Planning Association and Campaign for the Protection of Rural England noted that it was difficult to come to a view on the significance of the environmental effects of revocation, prior to the publication of the final National Planning Policy Framework and the implementation of the new “duty to co-operate”. Campaign for the Protection of Rural England for example, commented that as a result of the wider changes in planning it was inherently difficult to assess the likely impact of the revocation of Regional Strategies. In particular, the content of the final National Planning Policy Framework and future local plans were</p>	<p>Natural England, Environment Agency, Town and Country Planning Association, Campaign for the Protection of Rural England, Wildlife and Countryside Link, Levett-Therivel, Treweek Environmental Consultants, Collingwood</p>	<p>The National Planning Policy Framework was published in March 2012. The National Planning Policy Framework is consistent with the Government’s Natural Environment White paper, and makes it clear that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and sets out as a core planning principle that planning should recognise the intrinsic character and beauty of the countryside. The Framework also maintains protection for designated areas such as the Green Belt, Areas of Outstanding Natural Beauty, National Parks, and Sites of Special Scientific Interest. It sets out</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>uncertain and neither of these statements could currently be fully tested. They expressed concern that the Environmental Reports did not give a comprehensive overview of the potential environmental impact of the Government's intentions.</p> <p>Levett- Therivel, Treweek Environmental Consultants and Collingwood Environmental Planning questioned the evidence that the National Planning Policy Framework will be so favourable to the environment or sustainable development, as the National Planning Policy Framework has not been subject to Strategic Environmental Assessment.</p> <p>Natural England agreed with the assessment that there was an inherent difficulty in providing an assessment of the National Planning Policy Framework as an alternative, as it was not known how the final version would differ from the consultation draft.</p>	<p>Environmental Planning.</p>	<p>policy for the support of delivery of renewable energy development as well as leisure facilities for the community including theatres.</p> <p>The National Planning Policy Framework is not subject to Strategic Environmental Assessment as it is high level policy and does not fall within the scope of the Strategic Environmental Assessment Directive.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>Scottish Power Renewables were of the view that the Regional Strategies have a key role in ensuring that national policy objectives are met and encouraged the wider deployment of renewable energy, making an important contribution to the UK's legally binding renewable energy targets. In particular, the regional plans do and could continue to play a key role in the strategic planning of onshore wind and the infrastructure to support the development of offshore wind. They were therefore concerned that the process for the revocation of Regional Strategies pre-empted the final National Planning Policy Framework and requested that the Government require local authorities to put in place policies to ensure a contribution to the national renewable energy targets, in line with the National Policy Statement.</p> <p>RenewableUK shared the concern about the reliance on the draft National Planning Policy Framework and were concerned that the draft National Planning Policy Framework did not contain a sufficient level of detail to support renewable energy</p>		

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		<p>planning.</p> <p>The Royal Society for the Protection of Birds and the Wildlife and Countryside Link considered it misleading for the initial Environmental Reports to imply that the planning reform would usher in new policies that, on balance, would make up for the loss of Regional Strategies. They considered, for example, that even though 'top-down' housing targets were being removed, the stated purpose of planning reform was to create more growth and to deliver more housing. There was no criticism of Regional Strategy housing figures being too high, only that they were 'top-down'. It therefore followed that local authorities would use similar methodologies and arrive at similar figures when 'objectively assessing' housing need.</p> <p>Friends of the Earth stated that local authorities will have to be guided by the policies in the National Planning Policy Framework. Based on the draft National Planning Policy Framework text, in many</p>		

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		<p>cases, local authorities will struggle to take decisions on a 'local' basis to protect the environment. They stated that legal advice obtained by them showed that the concept of local decision-making was outweighed by the wording used in the draft National Planning Policy Framework which is directive on the need to approve development. They also pointed to shortcomings in the draft National Planning Policy Framework on sustainable development, countryside and biodiversity, transport, water, and climate change mitigation and adaptation.</p> <p>The Wildlife and Countryside Link were concerned that the Environmental Reports relied so heavily on the draft National Planning Policy Framework, which had not been finalised and was therefore subject to change.</p> <p>The Theatres Trust suggested that suitable policy within the National Planning Policy Framework and other measures needed to be in place to ensure the pooling of knowledge on physical and social cultural infrastructure, particularly theatres, if the</p>		

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		plans are revoked.		
19	Assessment - policy change	<p>Natural England noted that the revocation of the Regional Strategies would require local planning authorities to incorporate relevant environmental policies, previously included in the Regional Strategy, into their local plans or to rely on National Planning Policy Framework policies. The full effect of revoking individual Regional Strategy policies was therefore likely to depend greatly on where individual local authorities were in their local plan-making process. Where local authorities had not yet adopted core strategies, in the absence of regional strategies, they considered that it may be much more difficult for them to develop locally tailored evidence-based policies.</p> <p>The Environment Agency welcomed the Environmental Report highlighting which parts of current national policy and guidance were important to help avoid significant adverse environmental impacts. Where local authorities had adopted Core Strategies that were developed with a backdrop of the Regional Strategy, a robust</p>	<p>Natural England, The Environment Agency, Royal Society for the Protection of Birds, Wildlife and Countryside Link, Hull City Council, Theatres Trust, Friends of the Earth, RenewableUK.</p>	<p>The National Planning Policy Framework, published in March 2012, sets out the Government's planning policies for England.</p> <p>The National Planning Policy Framework emphasises the need for local planning authorities to plan strategically. The National Planning Policy Framework states that local planning authorities should set out their strategic priorities for their area in their Local Plan. This should include strategic policies to deliver the homes and jobs needed in the area; the provision of retail, leisure and other commercial development; the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and</p>

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		<p>National Planning Policy Framework would need to ensure that any potential policy gaps were filled.</p> <p>The Royal Society for the Protection of Birds proposed that the Government should not revoke the Regional Strategies in full. They suggested that saving key environmental policies until they were replaced by equivalent local plan policies would significantly mitigate the risk of environmental harm. Saved policies should be kept in place during a transitional period while local plans were updated, which could easily coincide with the transitional period in which the National Planning Policy Framework was translated into local plans.</p> <p>Hull City Council considered that revocation of saved structure plan policies in conjunction with the revocation of Regional Strategies will lead to a policy void, with the potential for serious environmental consequences. Therefore the revocation of Regional Spatial Strategies should not take place until adequate environmental alternatives are in</p>		<p>adaptation, conservation and enhancement of the natural and historic environment, including landscape.</p> <p>The National Planning Policy Framework also makes clear that, where it would be appropriate and assist the process of preparing or amending Local Plans, Regional Strategy policies can be reflected in Local Plans by undertaking a partial review focusing on the specific issues involved. Local planning authorities may also continue to draw on evidence that informed the preparation of Regional Strategies to support their Local Plan policies, supplemented as needed by up-to-date, robust local evidence.</p> <p>Climate change is one of the core land use planning principles which the National Planning Policy Framework expects should underpin both plan-making and decision-taking. Local planning authorities are expected to adopt proactive strategies to mitigate climate change and co-operate to deliver strategic outcomes which include climate change. They should plan for new</p>

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		<p>place.</p> <p>The Wildlife and Countryside Link suggested that Government and its agencies should work together with local authorities and their partners in each region to identify which Regional Strategy policies should be saved, while local plans were updated to incorporate those policies.</p> <p>The Royal Society for the Protection of Birds and the Wildlife and Countryside Link considered that revocation would remove a raft of policies on issues, such as those on the natural environment and renewable energy, that were largely not contentious, and the product of close cooperation between local authorities and other interested parties.</p> <p>The Theatres Trust stated that the proposed revocation of the Regional Strategies could have adverse social effects. The Regional Strategies included measures for local authorities to work collaboratively ‘to increase investment in physical and social infrastructure’. This may</p>		<p>development in locations and ways which reduce greenhouse gas emissions (including through transport solutions which support reductions in greenhouse gas emissions); actively support energy efficiency improvements to existing buildings; and promote energy from renewable and low carbon sources. These strategies are expected (paragraph 94 of the National Planning Policy Framework) to be in line with the objectives and provisions of the Climate Change Act 2008. There is a legal requirement on local planning authorities to ensure their Local Plan (taken as a whole) includes policies designed to tackle climate change and its impact. This complements the sustainable development duty on plan-makers and the expectation that neighbourhood plans will contribute to the achievement of sustainable development. The National Planning Policy Framework has underlined (paragraph 93) that responding to climate change is central to the economic, social and environmental</p>

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		<p>not take place on such a scale, even with the duty to co-operate, if Regional Strategies are revoked. The Theatres Trust believes that this would have ensured that cultural facilities were in place for communities to share and that places exchange knowledge when creating new buildings or networks, so that resources were not squandered by the repetition of mistakes. Thus, it was suggested that measures needed to be in place to ensure the pooling of knowledge on physical and cultural infrastructure, which also affect theatres, if the Regional Strategy is revoked.</p> <p>RenewableUK were of the view that the revocation of the Regional Strategies would create a policy gap which would affect the ability of local authorities to make informed decisions. They did not believe that a reliance on national policy and the duty to co-operate was sufficient to ensure that the UK met its renewable energy generation and carbon emissions reduction targets.</p> <p>Friends of the Earth were concerned that the Strategic Environmental Assessment of</p>		<p>dimensions of sustainable development.</p>

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		<p>the revocation of the Regional Strategies do not fully assess the environmental impacts of the incoherent policy context that would arise. They recommended that to fill the gap left by the Regional Strategies, local plans should absorb the regional evidence bases for renewable energy resources, and 'save' renewable energy target and adaptation policies where this would otherwise leave a gap in local frameworks. They added that the loss of the Regional Strategy left a gap in the consideration of the global impacts of a local authority's areas consumption/ indirect impacts. They were of the view that the footprint approach at a regional level specifically aimed to counter a strictly localist approach of local authorities. They were concerned that local authority plans would only consider local resource management and the whole footprint approach would be lost. They considered it essential that the evidence base section of the draft National Planning Policy Framework was revised to include the concept of foot printing to acknowledge the burden of resource use within a local</p>		

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		<p>authority on other areas. They therefore recommended that local authorities 'save' relevant policies where this would plug a gap in their existing local planning framework until the next appropriate review date; and DCLG should maintain the regional evidence bases for local authorities to draw upon for local plans and cross boundary co-operation.</p>		
20	<p>Reliance on the duty to co-operate</p>	<p>Natural England and the Environment Agency welcomed the emphasis given to cross boundary working which could potentially promote partnership working and offer a more strategic approach to spatial planning. However, both organisations commented that the Environmental Reports did not identify how the duty to co-operate would work in practice or replace the co-ordination provided by the regional strategies and the various working groups that existed within this structure. Natural England also considered that there was too much reliance on the assumption that local planning authorities would continue to work together on strategic issues under the duty</p>	<p>Natural England, Environment Agency, English Heritage, Royal Society for the Protection of Birds, RenewableUK, Town and Country Planning Association, Friends of the Earth, Clyde and Co LLP, Hull City Council,</p>	<p>The Government recognises the importance of strategic planning. The National Planning Policy Framework, published in March 2012, makes clear that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual local plans.</p> <p>Strategic matters such as housing, infrastructure and transport connections are vital to attract investment into an area and generate economic growth. However, for strategic planning to work on the ground, councils need to work together and with a range of bodies. In some cases, such as planning for waste facilities or flood prevention, cooperation</p>

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		<p>to co-operate. It was noted that the Duty would not apply to private sector companies who provide public services such as water and sewerage, energy and telecommunications, many of which would have a key role to play in infrastructure planning. The Environment Agency stated that common intelligence and joint working arrangements were needed between partner local authorities and other key organisations to develop an integrated approach to planning.</p> <p>The Environment Agency referring to the duty to co-operate accepted that local authorities would work with adjacent councils, but not at a range of scales including a catchment scale. They considered that this was important as building development at the top of a catchment could increase run-off and cause flooding many miles downstream. They suggested that this is recognised so that the duty to co-operate could fully support strategic planning at a local level.</p> <p>Natural England accepted that it was possible that cross-boundary impacts may</p>	<p>Professor Alan Townsend, Campaign to Protect Rural England.</p>	<p>will be necessary with authorities well beyond an authority's own border.</p> <p>Many local authorities are already working collaboratively to produce sound plans. The duty to co-operate formalises those arrangements by creating a statutory requirement to co-operate to ensure that local plans are effective and deliverable on cross-boundary matters. The duty requires authorities to work together constructively, actively and on an ongoing basis in relation to strategic cross-boundary issues in local plans.</p> <p>The Government recognises that the duty needs to be sufficiently robust to secure effective planning on cross-boundary issues, and the legislative requirement was strengthened during the development of the Localism Act, working with a broad range of external expert bodies. The stronger duty requires councils to demonstrate how they have complied with the duty as part of the independent examination of local plans. This could be, for example, by way of plans or policies prepared as part of a</p>

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		<p>be assessed between adjoining authorities, but were unclear how the cumulative impacts of multiple authorities' plans would be assessed to take into account issues occurring within broader environmental boundaries, such as water catchments. Both the Environment Agency and Natural England sought further clarification on mechanisms which could be employed to ensure that likely cumulative, in-combination and cross-boundary environmental impacts, are identified, assessed and monitored as part of the Local Plan process and duty to co-operate.</p> <p>English Heritage noted how critical it was that the duty to co-operate was taken forward by local authorities and public bodies to ensure that the strategic planning issues are successfully addressed, based on a shared understanding of local needs and the wider context. However, they saw a danger that the wider perspective gained through strategic planning would be lost. They suggested that the National Planning Policy Framework and any guidance issued to support it; may assist with this by</p>		<p>joint committee, informal strategies such as joint infrastructure and investment plans, or a memorandum of understanding which is presented as evidence of an agreed position. Failure to demonstrate compliance may mean that local plans may not pass the examination process. This is a powerful sanction. Where local planning authorities have failed to co-operate on cross boundary matters it is also likely that their Local Plan will not be deliverable and as such they may be found unsound.</p> <p>As a further check, the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and regulations made under the 2004 Act require local authorities to prepare a monitoring report to be published and made available at least once every 12 months. This includes a requirement to report action taken under the duty and these reports may also indicate where action has not been taken. This will ensure that local authorities are fully accountable to local communities about</p>

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		<p>encouraging strategic analysis through sub-national partnerships in appropriate circumstances.</p> <p>While the Royal Society for the Protection of Birds welcomed the strengthening of the duty to co-operate during its Parliamentary passage, they remained sceptical that the duty would deliver contentious forms of development where it is needed or effective strategic planning for the natural environment. They were concerned by the unsubstantiated assumption that the duty to co-operate would overcome the strategic vacuum left by the revocation of the Regional Strategies. They stated, as an example, that there was no recognition of the shortcomings caused by having multiple plans being developed over multiple time and spatial scales, and the difficulties this would cause in terms of assessing the cumulative impacts of development.</p> <p>RenewableUK also expressed the view that the duty to co-operate provisions in the</p>		<p>their performance under the duty to co-operate.</p> <p>In recognition of the breadth of bodies involved in effective strategic planning, the duty's requirements extend beyond local planning authorities and county councils to include a wide range of bodies that are critical to local plan making. The prescribed bodies are:</p> <ul style="list-style-type: none"> • the Environment Agency; • the Historic Buildings and Monuments Commission for England (English Heritage); • Natural England; • the Mayor of London; • the Civil Aviation Authority; • the Homes and Communities Agency; • Primary Care Trusts; • the Marine Management Organisation • the Office of Rail Regulation • the Highways Agency;

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		<p>Localism Act appear weak, with no clear means of ensuring that local authorities would co-operate productively. They considered that a lack of strategic action on mitigation and adaptation to climate change was likely to result in significant and unpredictable effects on biodiversity, flora and fauna. Other elements, such as population, human health etc. would also be adversely affected.</p> <p>The Town and Country Planning Association indicated that it had made clear that the duty to co-operate had a range of significant limitations - having a narrow remit, a retrospective sanction and no defined or specific outcomes. They considered that even where joint cooperation was enthusiastically entered into by local authorities the nature of cooperation would be on a smaller spatial scale and with a tighter remit and much less resource than the statutory Regional Strategy process. They considered that this may lead to increased environmental impacts and may limit effective responses on renewable energy and catchment scale</p>		<ul style="list-style-type: none"> • Transport for London; • Integrated Transport Authorities; and • Highway authorities • Local Nature Partnerships • Local Enterprise Partnerships <p>The National Planning Policy Framework makes clear that local planning authorities should work collaboratively with private sector bodies, utility and infrastructure providers.</p> <p>As indicated above, the National Planning Policy Framework states that local planning authorities should set out the strategic priorities for their area in their Local Plan. This should include strategic policies to deliver: the homes and jobs needed in the area; the provision of retail, leisure and other commercial development; the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy</p>

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		<p>or coastal flood risk.</p> <p>Hull City Council commented that whilst public bodies can consult, meet and discuss, Members of local authorities are democratically elected to carry out the wishes of their own electorate. This means the wishes of the electorate of adjoining authorities can differ and in some cases agreement will not be possible.</p> <p>Friends of the Earth considered that revocation would leave a gap in both planning policy on environmental issues and in a regional understanding of them. They considered that the duty to co-operate was unlikely to provide an effective response to the wider pattern of unsustainable pressures and growing regional inequalities in England. They suggested that the Duty does not require co-operation on any specific issues. Issues which are by their nature spatial and cross-boundary, for example, river basin management, flood risk, green infrastructure, and transport, would suffer from the removal of the Regional Strategy. While, for example, river basin</p>		<p>(including heat); the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.</p>

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		<p>management plans are developed by the Environment Agency, local authorities and others, the context for local decision-making on planning applications will still lack regional spatial awareness of the larger than local and cumulative impacts of decisions. This will lead in many cases to poor planning, and increased negative environmental impacts. They were concerned that there are no sanctions for local authorities who fail to co-operate, while local authorities who have failed to persuade neighbouring authorities to co-operate would suffer if the Inspector judged their plan to be unsound as a result.</p> <p>Clyde and Co LLP considered that it was not adequate to base the environmental assessment on the expectation that authorities would co-operate. It was therefore inappropriate for the assessment of likely effects, as encapsulated within the Environmental Reports, to be predicated on that basis.</p> <p>Another consultee (Professor Alan Townsend) suggested that a number of policy areas would be under threat from</p>		

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		<p>relying on the duty to co-operate, such as, climate change, river flooding, Areas of Outstanding Natural Beauty, reducing unnecessary travel, congestion and emissions, reducing deprivation and retailing.</p> <p>The Campaign to Protect Rural England considered that the reliance on the duty to co-operate since it was not yet clear how the proposed duty to co-operate will meet environmental conservation and enhancement goals. They suggested that Local Nature Partnerships should be given enough weight in decision making to help influence strategic planning.</p>		
21	Individual Topics - Access to Data	<p>The Town and Country Planning Association commented that the initial environment reports do not use primary data or new secondary data which was available, for example on water management. Nor do they provide a range of scenarios to gain a more robust understanding of the potential impacts of the revocation. Referring to the comment in</p>	Town and Country Planning Association, Clyde and Co LLP.	<p>The National Planning Policy Framework, published in March 2012 makes it clear that local planning authorities may also continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies, supplemented as needed by up -to-date, robust local evidence. The National Planning Policy Framework (paragraphs</p>

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		<p>the Environmental Reports that local authorities can continue to draw on available information, including data from partners, to address cross-boundary issues, it was not clear whether data previously collated as part of the Regional Strategy preparation process would remain up-to-date, or whether coordinated monitoring mechanisms would continue to exist in the future.</p> <p>Clyde and Co LLP consider that the baseline information is considerably out of date as it does not reflect the ongoing economic recession and the “significant confusion wrought by the Secretary of State’s approach to the revocation of Regional Strategies”.</p>		<p>158-177) also sets out in detail the evidence base that is required to underpin the development of local plans and planning decisions.</p>
22	Individual Topics -Green Belt	<p>English Heritage was concerned that deletion of criterion C of Policy YH9 (which provides the statutory basis for the definition of a Green Belt around York) could have a significant adverse impact upon the historic character and setting of the City unless similar provisions are put in</p>	<p>English Heritage, JC Consultants, Campaign for the Protection of Rural England.</p>	<p>The National Planning Policy Framework, published in March 2012, makes it clear that the Government attaches great importance to Green Belts, and overall that the planning system should recognise the intrinsic character and beauty of the countryside. The</p>

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		<p>place in emerging legislation/ regulations.</p> <p>JC Consultants considered that the Environmental Report misrepresented the intended effect of revoking Regional Strategies by saying that it “will provide opportunities for securing environmental benefits because their revocation would remove threats to local environments” and that (through Green Belt policy) revocation “brings many environmental benefits including safeguarding the countryside and preventing urban sprawl.”</p> <p>Campaign for the Protection of Rural England considered that the Environmental Report was inaccurate in stating that “Revocation would remove the top-down pressure on local authorities to review the extent of their Green Belt. Protecting the Green Belt brings many environmental benefits including safeguarding the countryside and preventing urban sprawl”. The Yorkshire and Humber Plan did not exert undue pressure on the Green Belt. They considered that its core policy</p>		<p>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. Green Belt serves five purposes:</p> <ul style="list-style-type: none"> (i) to check the unrestricted sprawl of large built-up areas; (ii) to prevent neighbouring towns merging into one another; (iii) to assist in safeguarding the countryside from encroachment; (iv) to preserve the setting and special character of historic towns; and (v) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. <p>The National Planning Policy Framework states that once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport</p>

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		<p>principles around urban renaissance, concentration of growth and conservation of the countryside gave weight to the protection of the green belts, particularly in West, North and South Yorkshire. Specifically, the plan includes policies for the Green Belt around York (Policies Y1 and YH9) to safeguard its historic setting. In terms of Green Belt policy, there was a need for more flexible wording in the Regional Strategy, particularly in areas like Doncaster, which have half a green belt in place.</p>		<p>and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions.</p> <p>If proposing a new Green Belt, local planning authorities should: demonstrate why normal planning and development management policies would not be adequate; set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary; show what the consequences of the proposal would be for sustainable development; demonstrate the necessity for the Green Belt and its consistency with Local Plans for adjoining areas; and show how the Green Belt would meet the other objectives of the National Planning Policy Framework.</p>

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				<p>Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. The National Planning Policy Framework also states that once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.</p> <p>When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green</p>

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				<p>Belt boundary.</p> <p>Additional policies are set out to be applied when defining boundaries. Policies for the development of a village in a Green Belt are also included.</p> <p>The National Planning Policy Framework makes clear, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.</p> <p>The National Planning Policy Framework also states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Limited exceptions to this are set out in</p>

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				<p>the National Planning Policy Framework, together with other forms of development that are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.</p> <p>The National Planning Policy Framework also includes specific policy on renewable energy projects and Community Forests in the Green Belt.</p> <p>The housing policies in the National Planning Policy Framework clearly state that when local planning authorities are ensuring their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, this is consistent with the policies set out in the National Planning Policy Framework, including policies on the protection of Green Belts.</p> <p>In addition, the presumption in favour of sustainable development makes a clear reference to Green Belts when it lists policies in the National Planning Policy</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
				<p>Framework that indicate that development should be restricted.</p> <p>Following consultation on the updated Environmental report, the Government intends to retain certain policies set out in the Regional Spatial Strategy which relate to the York Green Belt. The detail and reasons for this decision are set out in Chapter 5 of this Post Adoption Statement.</p>
23	Individual Topics - Gypsies and Travellers	<p>The Garden Court Chambers Gypsy & Traveller Team considered that the revocation of Regional Strategies would have a detrimental effect upon the provision of sites for Gypsies and Travellers. They considered that the view in the Environmental Reports that sufficient sites would be delivered by local authorities without regional or national supervision was misconceived. They were therefore</p>	<p>The Garden Court Chambers Gypsy & Traveller Team, Community Law Partnership, Friends, Families and Travellers, National</p>	<p>It is the Government's view that Local authorities are best placed to understand the needs of their communities. The Government has produced new planning policy for traveller sites that reflects this. The policy published in March 2012⁵ makes it clear that its overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while</p>

⁵ <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2113371.pdf>

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		<p>disappointed that consideration had not been given to the alternative option of retaining those regional policies relating to the provision of sites for Gypsies and Travellers. Community Law Partnership supported these comments and added that revocation would lead to a decrease in the provision of new sites which would have an inevitable result in the numbers of Gypsies and Travellers on unauthorised encampments and unauthorised developments increasing. Friends, Families and Travellers also supported these comments and stated that they objected most strongly to the proposals to abolish Regional Strategies and, at the very least, considered that an option which retains a regional perspective should be retained for the provision of Gypsy and Traveller sites.</p> <p>The National Federation of Gypsy Liaison Groups also disagreed with the conclusions in the Environmental Reports that revocation was unlikely to have any significant environmental effect on human health, population, cultural heritage or the</p>	<p>Federation of Gypsy Liaison Groups.</p>	<p>respecting the interests of the settled community.</p> <p>Local planning authorities when preparing their Local Plans should set pitch targets for gypsies and travellers and plot targets for travelling show people which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities. The policy makes it clear that local authorities should set their targets based on robust evidence of need that will be tested at the Local Plan examination.</p> <p>This includes:</p> <ul style="list-style-type: none"> (i) identifying and updating annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets; (ii) identifying a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15; (iii) considering the production of joint

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		<p>historic environment. The revocation of policies relating to the provision for Gypsies, Travellers and Travelling Showpeople, would have a significant impact as a direct result of the fact that without a regional framework, local authorities were likely to, and already were, including reduced pitch numbers in their Development Plan Documents. The resulting lack of suitable accommodation was directly related to poor health and lower life expectancy, difficulty in accessing education opportunities, which contributed to poor living conditions, for example, on unauthorised sites. Unauthorised sites also impacted on the environment, for example if they were not suitably located there could be local impacts on the landscape.</p>		<p>development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area.</p> <p>The duty to co-operate will ensure that local authorities work together constructively, actively and on an ongoing basis in relation to these cross boundary matters in local plans.</p> <p>The proposal to abolish Regional Strategies is part of a wider package of measures that will work alongside the reformed and decentralised planning system and are aimed at securing fair and effective provision of authorised sites for travellers. This includes the new traveller policy, Traveller Pitch Funding, the New Homes Bonus, reforms to enforcement measures to tackle unauthorised sites (via the Localism Act); improved protection from eviction for local authority traveller sites (via application of the Mobile Homes Act) and training for local authority councillors on their</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
				leadership role in site provision.
24	Individual Topics – Housing Supply	<p>The Town and Country Planning Association referred to the statement in the Environmental Report that under the regional strategies the overall direction was expected to be a widening gap between housing provision in the strategy and the level of need. They considered that the assertion that local authorities planning for housing to reflect "the needs of their communities" would achieve this level was completely unsupported. The text asserts that "where drivers of growth are local, decisions should be made locally", but the new system failed to identify any mechanisms equivalent to the national growth areas or new growth points for accommodating in-migrants. They considered this to be a key issue in the region, the most economically buoyant in the country outside London.</p> <p>Campaign for the Protection of Rural England believed that the Government's continued policy of not allowing local authorities to include windfalls in their</p>	Town and Country Planning Association, Campaign for the Protection of Rural England, Levett-Therivel, Treweek Environmental Consultants, Collingwood Environmental Planning, Hull City Council.	<p>The National Planning Policy Framework, published in March 2012, and the duty to co-operate address this issue. The National Planning Policy Framework makes clear that local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual Local Plans. These strategic priorities include the need to develop strategic policies to deliver the homes and jobs needed in the area.</p> <p>The National Planning Policy Framework states that joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of the National Planning Policy Framework. As part of this process, they should consider</p>

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		<p>housing allowance (except in very prescribed circumstances) would, in practice, lead to an inevitable allocation of more greenfield sites.</p> <p>Levett-Therivel, Treweek Environmental Consultants and Collingwood Environmental Planning noted that Regional Strategy Policies LCR1 and LCR2 provided detailed information about where and how development should take place in the Leeds region, including infrastructure requirements. The Environmental Report merely states generically that potential impacts related to LCR2 "would be covered through local plans".</p> <p>Hull City Council considered that removal of Regional Strategy policies YH4 and YH5 would remove the city first focus and the development hierarchy. This in turn would lead to excessive and inappropriate development in rural locations. They considered that food security needed to be considered, as did the environmental impact of removing the hierarchy. On Policy YH7 (Location of Development) the report states: "Removing the phasing of</p>		<p>producing joint planning policies on strategic matters and informal strategies such as joint infrastructure and investment plans.</p> <p>Local planning authorities will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the duty to co-operate, legal and procedural requirements, and whether it is sound.</p> <p>The National Planning Policy Framework states that Local planning authorities may make an allowance for windfall sites in their 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</p>

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		<p>development gives local authorities greater flexibility to deliver a wide range of housing sites to meet their requirements.” However, they stated that this policy was not about phasing, it was about adopting a sustainable approach to development. By favouring previously developed land where suitable, the Regional Strategy protects greenfield sites from excessive and inappropriate development. They considered this to be more sustainable than having no priority. The removal of this policy was therefore likely to have a negative environmental impact.</p>		<p>Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens. This policy, together with the approach to the use of brownfield land and other policies aimed at the protection and enhancement of the environment, aims to ensure that housing development is located in a way that is consistent with the principles of sustainable development.</p>
25	<p>Individual Topics - Heritage</p>	<p>English Heritage was concerned about the loss of the strategic analysis of the distinctive characteristics of the historic environment in each region, which they considered could often only be identified at a greater than local level. They were also concerned about gaps left by the abolition of regional level historic environment policies. They suggested that this should be considered urgently within Local Plan reviews.</p>	<p>English Heritage.</p>	<p>The National Planning Policy Framework continues to provide protection for heritage assets throughout the country. By definition, heritage assets include areas and landscapes, as well as individual buildings and monuments that have a degree of significance meriting consideration in planning decisions, because of their heritage interest. The significance of a heritage asset is stated to derive not only from its physical</p>

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		<p>They added that national planning policy, by necessity, only deals in very general terms with the management of the historic environment. One of the key elements of the Regional Strategy in terms of the historic environment is that it identifies and sets out a framework for the management of those heritage assets which are considered to make an important contribution to the distinct identity of Yorkshire. Many of these are undesignated and a large number of the areas it identified cross local planning authority boundaries. Whilst Planning Policy Statement 5 sets out generic guidance on the conservation of heritage assets and, under the new legislation, there will be a duty to co-operate between local authorities and other agencies, there is a concern that, in the absence of a clearly-articulated and co-ordinated strategy for the management of these important historic areas, they will be omitted from local plans and, therefore, not receive the same degree of protection that the Regional Strategy provided.</p>		<p>presence, but also from its setting.</p> <p>The National Planning Policy Framework includes as one of its core planning principles that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Local planning authorities should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.</p> <p>In developing their strategy, local planning authorities should take into account: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the wider social, cultural, economic and environmental benefits that conservation</p>

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				<p>of the historic environment can bring; the desirability of new development making a positive contribution to local character and distinctiveness; and opportunities to draw on the contribution made by the historic environment to the character of a place.</p> <p>The strategy in a Local Plan can identify heritage assets of local and more than local importance, including those of national and international importance.</p>
26	Individual Topics – Waste	<p>The Environment Agency commented that the assessment of waste policies was quite comprehensive, but they were concerned with the second sentence in the last paragraph on page 61 of the Environmental Report which stated that, “local waste authorities already work together, and with other bodies, on strategic issues that cross local authority boundaries and may work together to produce joint waste plans if they wish”. As waste plans are currently produced at county and unitary level, they questioned whether the Government was suggesting wider than county waste plans.</p>	Environment Agency, Woodland Trust.	<p>The National Planning Policy Framework was published in March 2012. Paragraph 153 of the National Planning Policy Framework makes clear the expectation that local planning authorities should produce a local plan for the area, whilst section 17 of the Planning and Compulsory Purchase Act 2004 makes it clear that two or more Local Planning Authorities may agree to prepare one or more local development documents. This allows unitary authorities and county councils to work together if they wish. However such plans must still meet the</p>

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		<p>If that was the case, they recommended that further details are provided on how this will be applied.</p> <p>The Woodland Trust commented that the draft National Planning Policy Framework had stated that waste would be considered in a National Waste Management Plan. No date has yet to be given for the publication of this plan. Therefore there will be a lack of environmental protection in the interim which has not been accounted for.</p>		<p>legal and procedural requirements, including the test of soundness required under section 20 of the 2004 Act and Paragraph 182 of the National Planning Policy Framework.</p>
27	Individual Topics – Biodiversity	<p>On the basis of the content of the consultation draft of the National Planning Policy Framework, Natural England disagreed with the statement in Chapter 1.2 of the Environmental Reports that the National Planning Policy Framework “maintains protection of the Green Belt, Areas of Outstanding Natural Beauty, National Parks, Sites of Special Scientific Interest and other environmental designations which protect landscape character, stop unsustainable urban sprawl</p>	Natural England, Woodland Trust, Scottish Natural Heritage, The Environment Agency.	<p>The National Planning Policy Framework was published in March 2012. The finalised version makes it clear that the planning system should protect and enhance valued landscapes, minimise impacts on biodiversity, provided net gains in biodiversity where possible, and contribute to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are resilient to current and future pressures.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>and preserve wildlife”.</p> <p>The Woodland Trust highlighted how in ‘Making Space for Nature’ Lawton set out that planning at different geographical scales was vital to inform conservation decisions. It also sets out that planning is pivotal in maximising the contributions of the existing network and ensuring that new components are sited in effective locations. The Trust believed that ‘Nature Improvement Areas’ recommended by Lawton would be very difficult to implement without the Regional Strategy in place.</p> <p>Scottish Natural Heritage suggested that the Environmental Reports should address the protection and enhancement of networks to allow species dispersal throughout Britain. They considered that value could be added to the Environmental Reports if they identified a framework for establishing networks of green infrastructure across all the regions of England, with the potential to link with Wales and Scotland, rather than just to propose partnerships across local authority</p>		<p>The National Planning Policy Framework also states that local plans contain a clear strategy for enhancing the natural, built and historic environment, and supporting Nature Improvement Areas where they have been identified.</p> <p>The National Planning Policy Framework also asks that, in order to minimise impacts on biodiversity and geodiversity, planning policies should: plan for biodiversity at a landscape-scale across local authority boundaries; identify and map components of the local 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 local partnerships for habitat restoration or creation.</p> <p>The National Planning Policy Framework also states that local planning authorities should work with Local Nature Partnerships (two of which exist in Yorkshire and Humber) to assess existing and potential components of ecological</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>boundaries.</p> <p>The Environment Agency sought clarification of the statement that: “The policy objective could be delivered by other means than through a Regional Strategy. Biodiversity is roughly holding steady after a historic downward trend and the Plan would have had little effect on this”. They commented that Policy ENV8 in the Regional Strategy aimed to safeguard and enhance ecology, and ensure that it functioned as an integrated network of connected corridors, thereby reversing the pattern of fragmentation, loss and decline and making biodiversity more resilient to future changes. This was supported by an opportunity map which directed delivery to key areas. This approach was key to delivering net biodiversity gain in the right place to ensure ecological functionality, and would have a positive effect. They suggested that the National Planning Policy Framework policy on the natural environment should reflect the Natural Environment White Paper by aiming to halt overall biodiversity loss, supporting healthy</p>		<p>networks.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		well-functioning ecosystems and establishing coherent ecological networks.		
28	Individual Topics - Renewable Energy	RenewableUK were concerned that the Strategic Environmental Assessment process failed to fully account for the impact that the removal of the Regional Strategies would have on the ability of local authorities to plan for renewable energy infrastructure, and the corresponding ability of the UK to meet its target of generating 15% of all energy from renewables by 2020. Overall, they suggested that there will be significant environmental effects of revoking the regional plans, if guidance and support for renewable energy development was not strengthened. Under existing proposals, the key mechanisms for strategic planning and renewable energy would be lost.	RenewableUK.	<p>The National Planning Policy Framework, published in March 2012, includes as one of the core land-use planning principles that planning should support the transition to a low carbon future in a changing climate, including to "...encourage the use of renewable resources (for example, by the development of renewable energy)". The National Planning Policy Framework makes clear that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.</p> <p>The National Planning Policy Framework contains a number of policies aimed at encouraging the development of renewable energy development including that local planning authorities should :</p>

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				<p>have a positive strategy to promote energy from renewable and low carbon sources; design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts; consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and in line with the objectives and provisions of the Climate Change Act 2008.</p> <p>In addition, National Planning Policy Framework policies on strategic planning for infrastructure include the need to plan for energy infrastructure including heat.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
29	Individual Topics - Transport	<p>Friends of the Earth considered that the removal of the Regional Strategies would in some cases have a negative environmental effect as their transport policies were stronger than those presented in the draft National Planning Policy Framework.</p> <p>The South Yorkshire Passenger Transport Executive stated that they did not object to the principle of revoking the Yorkshire and Humber Plan, but considered it essential that the more local focus is supported by strong governance to maintain strategic vision and that national policy continues to provide sufficient support to allow authorities to protect the environment whilst encouraging growth. South Yorkshire Passenger Transport Executive felt that further detail and guidance is required on how sustainability can be achieved.</p> <p>South Yorkshire Passenger Transport Executive welcomed the Government proposal to introduce a 'duty to co-operate' on public bodies. They considered that as public transport operates across boundaries and environmental issues are not confined</p>	<p>Friends of the Earth, The South Yorkshire Passenger Transport Executive), Hull City Council.</p>	<p>The National Planning Policy Framework, published in March 2012, includes a number of core planning principles. These include the need to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. The National Planning Policy Framework makes it clear that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>to administrative boundaries, collaboration with strategic bodies on cross boundary issues was essential. Working in partnership with surrounding areas to deliver a shared vision was key to tackling the environmental challenges faced. The Sheffield City Region Transport Strategy defines priorities over the next 15 years and contains a number of policies, some of which are specifically aimed at the environment, e.g. to improve air quality, support the generation of power from renewable sources, improve the efficiency of vehicles and encourage sustainable travel within the City Region.</p> <p>Hull City Council considered that the statement “Support for air travel in transport policy (Policy T6) would have a negative impact on climate change” distorted the aims of the Regional Spatial Strategy. They suggested that if read along with the Regional Strategy’s supporting text it clearly explained that at present a lot of air freight destined for the region was flown to airports outside the area. Developing appropriate facilities within the region would reduce the</p>		<p>The National Planning Policy Framework also states that local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas.</p> <p>The National Planning Policy Framework is clear that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. It also says that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>need to transfer the freight by road, and in some cases would shorten the flight, both of which have a positive impact on climate change. In addition, they considered the Regional Strategy to adopt a pragmatic stance. Airports are a part of modern life, and it is better to have policies in place to ensure that airport development proposals are carried out in an integrated and sustainable way. To simply dismiss Policy T6 as having a negative impact on climate change was unsound.</p>		<p>The National Planning Policy Framework sets out that when planning for airports that are not subject to a National Policy Statement, plans should take account of their growth and role in serving business, leisure, training and emergency service needs. Plans should take account of this as well as the principles in the relevant National Policy Statements and the Government Framework for UK Aviation. More generally the Framework adopts a substantially more positive approach to enabling sustainable development through proactively, localist planning. We are therefore of the view that revoking Policy T6 would not substantially change the assessment of the environmental, social and economic impacts of additional airport capacity as this is addressed in general and aviation specific policy in the National Planning Policy Framework.</p>
30	Individual Topics -	Levett-Therivel, Treweek Environmental Consultants and Collingwood	Levett-Therivel, Treweek	The National Planning Policy Framework, which was published in March 2012, is

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	Water	Environmental Planning noted that Policy ENV2 which protected the Sherwood Sandstone aquifer would be removed, to be replaced by the much vaguer measure of joint working by the Environment Agency, water industry bodies and others.	Environmental Consultants, Collingwood Environmental Planning.	<p>clear that local planning authorities should work with other bodies to assess the capacity of water supply infrastructure, and should set out in the Local Plan their strategic priorities and policies for the provision of such infrastructure.</p> <p>More generally the National Planning Policy Framework tells local planning authorities to adopt strategies to mitigate and adapt to climate change and take full account of water supply and demand considerations. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change, which could include more frequent droughts. Where appropriate, risks should be managed through suitable adaptation measures, including through the planning of green infrastructure.</p> <p>The National Planning Policy Framework also clearly states that planning policy decisions must reflect and where appropriate promote relevant obligations under European law – which include, for</p>

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				example, obligations under the Water Framework Directive (2000/60/EC).
31	Individual Topics - Brownfield land	Campaign for the Protection of Rural England noted that the Yorkshire and Humber Plan was very focused in promoting urban renaissance and directing regeneration and growth to urban areas whilst supporting and improving rural communities and the treasured landscapes in Yorkshire. These principles had laid a strong spatial foundation for the regeneration and improvement of several parts of the region. They commented that it was difficult to fully appreciate how the new planning framework would support these higher level aspirations for the region in the future, relying on the 'duty to co-operate' for local areas to work together to make sure that there is a shared vision to continue to regenerate urban areas. The policies in the Yorkshire and Humber Plan, which supported the spatial vision for the region gave local authorities a focus and a clear set of priorities to work to together in the region. Local authorities shared a vision	Campaign for the Protection of Rural England.	The National Planning Policy Framework was published in March 2012. One of the 12 planning principles set out in the National Planning Policy Framework is that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. The National Planning Policy Framework makes it clear that local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land (paragraph 111).

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>about growing urban economies and supporting services whilst protecting their environmental quality. To prevent adverse environmental effects in removing this tier of planning policy, the principal underlying these policies needed to be captured more directly in the national planning framework.</p> <p>They added that the Environmental Report points to Local Enterprise Partnerships as a vehicle to work with Local Authorities within the parameters of the 'duty to co-operate' to deliver regeneration needs that have been strongly supported through regional policy in the past. Campaign for the Protection of Rural England's concern was that the Local Economic Partnership's have been established with economic regeneration as their focus and there is little, if any, representation from environmental bodies on decision making panels. It was therefore difficult to see how environmental concerns within the region were going to be considered within this new context for growth and regeneration.</p> <p>The Yorkshire and Humber Plan set a target of 65% housing development on</p>		

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		<p>brownfield land or through conversion of existing buildings. Campaign for the Protection of Rural England were concerned that losing this target, which supports a brownfield first approach to development, could have a serious consequence on the location of future housing development and hence the environment. Coupled with the potential loss of the brownfield first policy in national policy more generally, there would be an influx of housing being built in less sustainable locations. In Yorkshire and the Humber, they considered there was a need to focus housing development in areas where the market has failed.</p>		
32	<p>Individual Topics - Coast</p>	<p>Scottish Natural Heritage thought that there should be consideration of impacts on shared marine and coastal environments. A loss of strategic planning could reduce benefits and/or increase impacts from individual plans or actions, though the role of Shoreline Management Plans and Integrated Coastal Zone Management in providing strategic planning was</p>	<p>Scottish Natural Heritage.</p>	<p>The National Planning Policy Framework was published in March 2012. The core planning principles recognise that planning should take full account of flood risk and coastal change. The National Planning Policy Framework also asks that local planning authorities should set out the strategic priorities for their area in their Local Plan, and that this should</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		recognised.		include strategic policies to deliver the provision of infrastructure for coastal change management. In coastal areas, local planning authorities should take account of the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries, ensuring integration of the terrestrial and marine planning regimes. Local planning authorities should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and: be clear as to what development will be appropriate in such areas and in what circumstances; and make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas. When assessing applications, authorities should consider development in a Coastal

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
				<p>Change Management Area appropriate where it is demonstrated that: it will be safe over its planned lifetime and will not have an unacceptable impact on coastal change; the character of the coast including designations is not compromised; the development provides wider sustainability benefits; and the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast. Local planning authorities should also ensure appropriate development in a Coastal Change Management Area is not impacted by coastal change by limiting the planned life-time of the proposed development through temporary permission and restoration conditions.</p>
33	<p>Individual Topics - Flooding</p>	<p>The Environment Agency welcomed the recognition that local authorities should continue to work together on issues that cross local authority boundaries, alongside the Lead Local Flood Authorities' duties on flood risk management and the complementary duty in the Floods and</p>	<p>Environment Agency, Campaign for the Protection of Rural England.</p>	<p>In March 2012 the Government published the National Planning Policy Framework which contains policies to manage the risk of flooding through the planning system, together with technical guidance on flooding. The National Planning Policy Framework also states that local</p>

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		<p>Water Management Act on bodies to co-operate. The provision of technical guidance, including on flood and coastal erosion risk, to complement the National Planning Policy Framework would support Lead Local Flood Authorities and help achieve the duty to co-operate.</p> <p>Campaign for the Protection of Rural England commented that the Regional Strategy required local authorities to plan for the successful adaptation to the predicted impacts of climate change by, for example, minimising threats from and impact of coastal erosion, increased flood risk, increased storminess, habitat disturbance, increased pressure on water resources, supply and drainage systems. The Environmental Report made reference to the expectations of national planning policy as an alternative mechanism of achieving objectives (annex A, page 42). They considered that the National Planning Policy Framework should clarify the need for planners to secure resilience to impacts other than flood risk and coastal change: particularly water resources, higher</p>		<p>planning authorities should set out the strategic priorities for their area in their Local Plan. This should include strategic policies to deliver the provision of infrastructure for flood risk and coastal change management.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		temperatures, landscape and biodiversity and the need for integrating mitigation and adaptation strategies.		
34	Individual topics- Trees and Woodlands	The Woodland Trust considered that the Regional Strategy gave strong protection to trees and woodland and in particular ancient woodland which is stronger than in national policy or in the draft National Planning Policy Framework. Therefore, in the absence of a need to bring their Local Development Framework documents into conformity with a regional plan, there is a danger that local authorities will give weaker protection to ancient woodland by following national planning policy. Policy ENV6 of the Regional Strategy also contains strong commitments to expanding woodland cover in the region and sets targets and indicators for this. The policy adopts the Woodland Trust's Access to Woodland Standard as an indicator of the need for new woodland creation. Several local authorities in the region including Calderdale, Leeds and Bradford have adopted the woodland access standard and	Woodland Trust.	The protection of ancient semi-natural woodland and other woodlands of acknowledged national or regional importance would remain in the absence of the plan (Paragraph 118 of the National Planning Policy Framework).

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>developed targets from it, as a result of its inclusion in the regional plan. Removal of this regional policy driver may lead to fewer local authorities adopting ambitious targets for woodland creation or standards by which the need for new woodland can be determined.</p>		
35	<p>Individual topics- Green Infrastructure</p>	<p>Hull City Council noted that the report suggests that Policy YH8 on Green Infrastructure could be delivered through local plans and partnerships, citing Leeds and South Yorkshire as having green infrastructure strategies. However, as not all areas have such strategies in place; policy voids resulting in lack of protection would occur. It was their view that the removal of this policy would have a negative environmental impact.</p> <p>Campaign for the Protection of Rural England noted that a lot of work has been undertaken in the Yorkshire and Humber Region to understand, map and improve the green infrastructure network across the region. This work was currently very strong in particular parts of the region and was</p>	<p>Hull City Council, Campaign for the Protection of Rural England.</p>	<p>Paragraph 114 of the National Planning Policy Framework provides the same policy approach as the Regional Strategy to the creation, protection, enhancement and management of networks of green infrastructure. Paragraph 99 of the National Planning Policy Framework notes that planning for green infrastructure can be a suitable adaptation measure to managing risks, including flood risks, arising when new development is brought forward in areas vulnerable to climate change impacts</p> <p>In addition, the Natural Environment White Paper introduces Local Nature Partnerships which will complement existing local partnerships which deal with matters such as provision of green</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>given weight in directing local planning policy formation in other areas due to the policy and directive contained within the Yorkshire and Humber Plan. Green infrastructure is a spatial planning issue that crosses administrative boundaries and requires direction and cooperation from a number of stakeholders. The Environmental Report states that local plans and existing green infrastructure partnerships will ensure that this work continues. However, there is no guarantee that this will happen with full coverage and cooperation across administrative boundaries and without a statutory requirement to do so. Therefore, this was one of the areas where the revocation of the regional spatial strategy could cause harm to the environment unless more direction is given at the national level.</p>		<p>infrastructure will improve the chances of the delivery of the policy. Such partnerships will be able to work across administrative boundaries enable planning of networks at the scale that has the most impact.</p>
36	<p>Individual topic - Landscape</p>	<p>Campaign for the Protection of Rural England commented that landscape value was an integral part of the Yorkshire and Humber Regional Strategy and a core element of the regional and sub-regional</p>	<p>Campaign for the Protection of Rural England.</p>	<p>The National Planning Policy Framework published in March 2012 continues the emphasis placed on conserving landscape and scenic beauty in National Parks, the Broads and Areas of</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>policies within the plan. An important message in the Plan was contained in YH3 which promoted partnership working for effective coastal, landscape and environmental management of the region. This allowed local authorities and stakeholders to commit to some common goals for the region and work towards improving Yorkshire and Humber's environmental outcomes. The Yorkshire and Humber Plan recognised and reinforced the importance of maintaining and enhancing the special landscape assets that the region holds. The regional plan contained policies to protect areas of landscape value that were not necessarily designated and given statutory protection. This is potentially a serious policy gap to which the revocation of the plan will be detrimental to the quality of the environment in these areas. Moreover, the draft National Planning Policy Framework does not seek to protect areas of open countryside which are undesignated.</p> <p>They referred to Policy ENV10 which sets out priorities to conserve and enhance</p>		<p>Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty (paragraph 115).</p> <p>The National Planning Policy Framework also maintains the policy previously contained in Planning Policy Statement 7 that local planning authorities should set criteria based policies against which proposals for any development on or affecting protected landscape areas will be judged (paragraph 113), while landscape character assessments should be prepared where appropriate (paragraph 170).</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>quality, diversity and distinctiveness of landscape character in the region. They considered that the Environmental Report did not address in sufficient detail the impact of losing an overarching policy such as this. The plan also seeks to provide a spatial strategy for growth and regeneration in Yorkshire and the Humber, protecting open countryside from expansion and maintaining its rural character. The plan gave local authorities direction to work towards growth in some areas and environmental protection in others. With the uncertain nature of the planning reforms, it is difficult to see how these broad spatial planning ideals will be worked towards cohesively by local authorities in the absence of the regional plan. A successful aspect of the Regional Strategy was the direction for a broad group of parties to work together, including environmental organisations, who played a part in the plan's preparation. Unfortunately, there is limited, if any space, for third sector groups in drawing up the current plans under the governments</p>		

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		planning reforms.		

ANNEX B

Consultation and Partner Engagement – Updated Environmental Report

Public consultation on the updated Environmental Report on the revocation of the Yorkshire and Humber Regional Strategy ran from 28 September 2012 to 26 November 2012.

The updated Environmental Report indicated that the Government welcomed, in particular, views on:

- whether there is any additional information that should be contained with the baseline or review of plans and programmes;
- whether the likely significant effects on the environment from revoking the regional strategy for Yorkshire and the Humber have been identified, described and assessed;
- whether the likely significant effects on the environment from considering the reasonable alternatives to revoking the Regional Strategy for Yorkshire and the Humber have been identified, described and assessed; and,
- the arrangements for monitoring.

In total 26 written responses were received summarised by interest group:

- Six Strategic Environmental Assessment consultation bodies (Environment Agency, Natural England, English Heritage, Historic Scotland, Scottish Environment Protection Agency and Scottish Natural Heritage);
- Six Local planning authorities (North Yorkshire County Councils, Rotherham Metropolitan Borough Council, North Yorks Moors and Yorkshire Dales National Parks, Hull City Council, City of York Council);
- Three Parish Councils (Fulford Parish Council, Strensall with Towthorpe Parish Council, Yorkshire Local Councils Association);
- Five NGOs and local pressure groups (Friends of the Earth, The Theatres Trust, The Wildlife Trusts Yorkshire and Sheffield &

Rotherham, Town and Country planning Association, Heslington Village Trust);

- Two industry representative bodies (EdF Energy and Renewables UK);
- Two developers and planning consultants (Jennifer Hubbard (Planning Consultants), Persimmon Homes); and
- Two individuals and MPs (Richard Frost, Julian Sturdy MP for York Outer).

The following table summarised the points made and the Government's response.

Table B1 Responses to the consultation on the updated Environmental Report (published in September 2012)

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
1.	The overall approach taken to Strategic Environmental Assessment	<p>Natural England welcomed the re-drafted Environmental Report, which they consider is a significant improvement over the previous iteration.</p> <p>The Environment Agency agreed with the overall approach and welcomed the Environmental Report as a more robust document than the previous one. They were pleased to note that most of their previous comments on earlier versions of the environmental report were reflected in Appendix F of the updated Environmental report.</p> <p>English Heritage stated the report provides a much more rigorous assessment than its predecessor of the potential implications which revocation of the regional strategy will have on the region's historic environment. They agreed with the report's conclusions about the likely effects which the revocation of the regional strategy will have and broadly endorse the means which the absence of the regional strategy will be addressed by the implementation of the duty to co-operate and National Planning Policy Framework.</p>	<p>Comments noted.</p> <p>The Government welcomes the fact that the three English Strategic Environmental Assessment consultation bodies, English Heritage, Natural England and the Environment Agency consider the updated Environmental Report on the proposed revocation of the Yorkshire and Humber Regional Strategy provides a rigorous approach to the preparation of the Strategic Environmental Assessment and is an improvement on the initial Environmental Report published in October 2011.</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>Scottish Natural Heritage, the Scottish Environmental Protection Agency and Historic Scotland did not anticipate any significant environmental effects from the revocation of the plan on the Scottish environment and had no further comments to make in the report.</p> <p>North Yorkshire County Council considered that, broadly, the SEA was structured and undertaken in line with legislative requirements and options that it identifies and tests against are reasonable.</p> <p>Hull City Council considers this report to be a much more robust assessment than the October 2011 version.</p> <p>Town and Country Planning Association welcomes the fact that the Strategic Environmental Assessment process has been repeated with a methodology more closely aligned to the requirements of the Strategic Environmental Assessment Directive.</p> <p>EDF Energy supports the Strategic Environmental Assessment that the Government has undertaken of the proposed revocation of the Yorkshire and Humber regional strategy and supports the initiative to replace the eight regional strategies with a localist planning agenda underpinned by the</p>	<p>The Government welcomes the comments from the three Scottish Strategic Environmental Assessment consultation bodies, Scottish Natural Heritage, the Scottish Environmental Protection Agency and Historic Scotland who do not anticipated any significant environmental effects from the revocation of the plan on the Scotland's environment.</p> <p>The Government welcomes the comments on the updated Environmental Report which has been welcomed and thought robust by a wide range of interested parties, ranging from local planning authorities, such as, North Yorkshire County Council and Hull City Council, the Town and Country Planning Association, which is a nationally recognised Non Government Organisation, as well as a private company in the energy sector, EDF Energy.</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		National Planning Policy Framework.	
2.	The overall approach taken to Strategic Environmental Assessment	<p>Rotherham Metropolitan Borough Council agrees with the report's findings that for the majority of policies, it is difficult to identify clear differences between the effects of retention and revocation of the regional strategy.</p> <p>Rotherham Metropolitan Borough Council urge the Government after considering the report and consultation responses to swiftly revoke the regional strategy.</p>	<p>Comments noted.</p> <p>The Government considers that local planning authorities working collaboratively together with the 14 bodies, or types of bodies, prescribed in regulations made under the duty to co-operate (section 33A of the Planning and Compulsory Purchase Act 2004) are able to deliver a strategic approach to planning which is cross boundary in approach.</p>
3.	The overall approach taken to Strategic Environmental Assessment	<p>Natural England noted that the presentation of the material within Chapter 4 (Assessment of Effects of Revoking the Regional Strategy) and subsequent conclusions do not include sufficient justification for the scoring of the effects of revocation upon Strategic Environmental Assessment topics. They also noted that, for example, the effects of revoking Regional Spatial Strategy policy YH8 (Green Infrastructure) upon biodiversity is considered negative in the short term, unknown in the medium term, and significant positive in the long term, yet there is no explanation of these conclusions. They thought it usual for an environmental report to</p>	<p>Comments noted.</p> <p>Chapter 3 of the updated Environmental Report sets out the Strategic Environmental Assessment methodology used in the assessment. This includes the steps in the SEA process, when it was undertaken and by whom (Section 3.1), the scope of the assessment and the topics considered (Section 3.2), the baseline and contextual information used (Section 3.3) and the approach taken to completing the assessment (Section 3.4). Technical difficulties encountered during the assessment are also summarised</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		include a commentary of how the scores in the matrix are determined. Where there is uncertainty or conflict within the assessment, a commentary should identify how the score has been reached.	<p>(Section 3.5).</p> <p>Section 3.4 sets out the two stage nature of the assessment:</p> <ul style="list-style-type: none"> - A high level (or screening) assessment of the effects of the proposals for each regional strategy policy against all Strategic Environmental Assessment topics to identify those where there could be a likely significant effect; and - A detailed assessment of the likely significant effects (both positive and negative) identified through the high level assessment of each regional strategy policy, presented under each Strategic Environmental Assessment topic. <p>The high level assessment is presented in Appendix D in an assessment matrix covering the effects of retention and revocation of each regional strategy policy against all Strategic Environmental Assessment topics in the short, medium and long term and includes of consideration of permanent and temporary and positive and negative effects. The commentary outlines the likely significant effects, justification for the scores given, any mitigation measures,</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<p>assumptions and uncertainties.</p> <p>The detailed assessment is presented in Appendix E at the end of each topic chapter. The topic chapters contain information required by Annex I (b) to (g) of the Strategic Environmental Assessment Directive and are considered germane to the assessment.</p> <p>Secondary, cumulative and synergistic effects are also specifically considered in section 4.5 and summarised in table NTS3.</p> <p>All information is summarised in Chapters 4, and 5 of the updated Environmental Report and then further summarised in the NTS. Therefore the scorings and assessments do inform the conclusions set out in the Environmental Report, although the justification for them is set out in Appendix D and E rather than in Chapter 4 and the subsequent conclusions. For example, both Appendix D and E provide commentary on how the scores associated with the biodiversity objective in relation to Policy YH8 Green Infrastructure have been determined.</p> <p>The commentary in Appendix D and E notes that since not all areas in Yorkshire and Humber have green infrastructure strategies in place it would</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<p>be up to Local Nature Partnerships to develop them. This may mean that in the short to medium term important green infrastructure could be lost to development, particularly given only 8 out of 23 local authorities have an up to date core strategy in place. In the long term, it is considered that with the direction provided by the National Planning Policy Framework significant positive effects (as with retention) will result, although the extent to which non-statutory green infrastructure strategies are implemented will be down to the duty to co-operate as discussed later in this table.</p>
4.	<p>The overall approach taken to Strategic Environmental Assessment – reasonable alternatives</p>	<p>North Yorkshire County Council consider that the report has been broadly undertaken in line with legislative requirements, although the County Council would prefer to see the mitigation proposed for each alternative summarised in the main body of the report rather than being relegated to the appendices.</p> <p>The Environment Agency agreed with the overall approach taken to appraise options, including the wider range of alternatives. The assessment provides an opportunity to identify significant environmental impacts of revoking the regional strategy, and options for mitigating these impacts.</p>	<p>Comments noted.</p> <p>The Government welcomes North Yorkshire County Council's statement that the updated Environmental Report has been prepared in line with legislative requirements. Their preference on the presentation of results is noted, though this does not affect the conclusions of the assessment</p> <p>The Government welcomes the comment from the Environment Agency and Hull City Council that the remaining options give suitable alternatives to the immediate and wholesale revocation of the regional strategy as originally</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>Hull City Council note the remaining options give suitable alternatives to the immediate and wholesale revocation of the regional strategy as originally proposed.</p>	<p>proposed.</p>
5.	<p>The overall approach taken to Strategic Environmental Assessment</p>	<p>North York Moors National Park Authority and Yorkshire Dales National Park Authority stated revocation of the regional strategy will remove an important safeguard for National Parks which is not sufficiently replaced by the National Planning Policy Framework. This significant (potentially long term) negative effect on the landscape has not been identified in the report.</p>	<p>Disagree.</p> <p>Revoking the Yorkshire and Humber Regional Strategy is not considered to result in a significant adverse effect on the landscape as the National Planning Policy Framework, makes it clear that strategic priorities across local boundaries are to be properly co-ordinated and clearly reflected in individual local plans. The scale and form of development that would be considered acceptable on the boundaries of a National Park is one example of the kind of strategic planning issue that local planning authorities, including National Park Authorities, will have to work on collaboratively under the duty to co-operate.</p> <p>It is acknowledged in the assessment that the ultimate effects of revoking the Yorkshire and Humber Regional Strategy will depend on local circumstances, as local authorities will have the freedom to set their own local priorities within the policy context of the National Planning Policy Framework, and the extent to which the duty to</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<p>co-operate is implemented.</p> <p>The Government has also provided a response to the findings of the Strategic Environmental Assessment in Table 3.2 of this Post Adoption Statement which included the finding concerning issues, such as, renewable energy, biodiversity enhancement and landscape conservation, which typically benefit from being planned at a wider geographical scale, may not have their full potential realised.</p> <p>If as a result of monitoring of the effects, it became apparent that implementation had lead to significant negative environmental effects on the National Parks, the Government would consider measures to address or mitigate those effects.</p>
6.	The overall approach taken to Strategic Environmental Assessment – predetermination	<p>Friends of the Earth question the methodology of the report which states that the new planning reform measures will deal effectively with strategic spatial issues without providing any evidence as to whether this has been the case since March 2012. Further planning reform undermines the basis on which this assessment has been made.</p> <p>Friends of the Earth also consider that it is also key that the report ensures that impacts are</p>	<p>Disagree.</p> <p>The assessment does not rely only on the delivery of environmental protection in local plans and the National Planning Policy Framework but refers to hierarchy of measures that will apply in the absence of the Yorkshire and Humber Regional Strategy. These include:</p> <ul style="list-style-type: none"> - existing legislation concerning environmental protection (such as the

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>understood and that issues raised are taken into account in the outcome. It is unclear how this will be addressed when the outcome seems to have already been set.</p>	<p>Habitats Directive (92/43/EEC), Water Framework Directive (2000/43/EC), the Flood and Water Management Act 2010);</p> <ul style="list-style-type: none"> - existing planning policy (such as the National Planning Policy Framework and Planning Policy Statement 10); - other government policy (such as that articulated in the Natural Environment White Paper); - actions by other organisations subject to statutory requirements such as water companies and requirements under the Water Industry Act 1991, as amended by the Water Act 2003 concerning water resource management planning. <p>In many instances, particularly for policies of a pervasive and non-spatially specific nature, the specific paragraphs of the National Planning Policy Framework have been referenced in the individual policy assessments to provide a substantial alternative source of planning policy relevant to the Local Plan. For a number of Regional Strategy policies it has also been considered relevant to reference the duty to co-operate. Where this is the case, specific local</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<p>examples of current cooperation are also cited where available. Examples where authorities have been co-operating analogous to the Duty to co-operate include the economic and environmental strategies developed by Leeds City Region, East Riding of York and Hull City Council's Sustainable Waste Management Strategy and Barnsley, Doncaster and Rotherham's Joint Waste Plan.</p> <p>In relation to Friends of the Earth's second comment, the Government announced in the Coalition Agreement its intention to "rapidly abolish regional spatial strategies and return decision-making powers on housing and planning to local councils". However, the intention has been subject to extended consultation (through the Strategic Environmental Assessment) and been assessed against the requirements of the Strategic Environmental Assessment Directive twice. The Government considers that although it has presented its preferred option (as is standard in a Strategic Environmental Assessment) it has not been inflexible in its approach and has maintained an open mind. This is evidenced by: the extensive and detailed environmental reports (including the assessment of the revocation and</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<p>retention of each policy in the Regional Strategy and the assessment of reasonable alternatives) and the extensive consultation and consideration of consultation responses. The Government has also demonstrated that it is open to considering changes to the plan to revoke, for instance through the retention of policies where the assessment concludes that revocation could lead to significant environmental effects.</p> <p>If, as a result of monitoring of the effects it became apparent that implementation had led to significant negative environmental effects, The Government would consider measures to address or mitigate those effects.</p>
7.	Additional information that should be contained with the baseline or review of plans and programmes	North Yorkshire County Council notes the baseline evidence underpinning the environmental assessment does not have direct regard to the North Yorkshire Minerals Local Plan Saved Policies (2008) and Waste Local Plan Saved Policies (2009). These should be considered within the assessment of local plans and strategies.	<p>Comments noted.</p> <p>These documents were considered in the assessment. They are listed in Appendix C and in Appendix E on page 222 of the updated Environmental Report under additional considerations. It is acknowledged that North Yorkshire County Council have two Local Plans in place which deal with Minerals and Waste.</p>
8.	Whether the likely significant effects	Natural England considered that there will be a delay between adoption of National Planning Policy	Comments noted.

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
	have been identified, described and assessed	Framework compliant local plans and the revocation of the regional strategy. An additional 30,000 homes per annum are projected to be built in Yorkshire and Humber. Many of the determinations of individual planning applications (that collectively go to make up the additional dwellings approved in the region) could be made before adopted local plans are put in place.	<p>The Government has provided a response to the findings of the Strategic Environmental Assessment (Table 3.2 of this Post Adoption Statement) regarding issues of uncertainty and delay. In noting the findings of the Environmental Report, the Government considers that it has put in place measures to reduce the uncertainty of effects through measures outside the Plan to Revoke, such as those contained in the Localism Act 2011, those proposed in the Growth and Infrastructure Bill and the package of advice and support being offered to all councils, from the Local Government Association, the Planning Inspectorate and the Department.</p> <p>Existing legislation concerning environmental protection (such as the Habitats Directive (92/43/EEC), Water Framework Directive (2000/60/EC), the Flood and Water Management Act 2010 – which includes a duty to co-operate) is also part of the hierarchy of measures that will apply in the short to long term in the absence of the Yorkshire and Humber Regional Strategy.</p>
9.	Reliance on the National Planning Policy Framework	Natural England noted the Environmental Report identified a range of networks/bodies that will continue to work across the region to deliver	<p>Comments noted.</p> <p>Nature Improvement Areas and Local Nature Partnerships already provide opportunities for</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
	and the duty to co-operate	<p>specific outcomes, this includes Local Nature Partnerships and Nature Improvement Areas. They would welcome further mitigation in the short and medium term to encourage local planning authorities to take part in cross boundary partnerships, looking at environmental receptors, for example landscape, local biodiversity and habitats.</p> <p>Natural England consider that cross boundary working is essential for tackling strategic issues relating to waste, water resources, water quality, biodiversity, landscape, climate change, flood and coastal erosion risk and environmental infrastructure planning. The finding of the Environmental Report could be used to identify where cross boundary working would be effective. Local planning authorities' local plans could then be assessed against the duty to co-operate by referring to the findings of the regional strategy revocation Strategic Environmental Assessment.</p>	<p>cross- boundary working with partners' working together to improve biodiversity through projects which can be expected also to contribute significantly to landscape conservation. There are two Nature Improvement Areas located in Yorkshire and Humber: the Dearne Valley Green Heart and the Humberhead Levels.</p> <p>The duty to co-operate underpinned by the National Planning Policy Framework enables local planning authorities along with the other bodies prescribed in regulations made under the duty to co-operate (section 33A of the Planning and Compulsory Purchase Act 2004) to strategically plan for the types of environmental infrastructure as identified by Natural England.</p>
8.	Reliance on the National Planning Policy Framework and the duty to co-operate	<p>Environment Agency agree that the National Planning Policy Framework along with cross boundary partnerships can help enable the protection and enhancement of the environment. Achieving environmental outcomes may be more</p>	<p>Comments noted.</p> <p>Existing legislation concerning environmental protection (such as the Habitats Directive (92/43/EEC), Water Framework Directive (2000/60/EC), the Flood and Water Management</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>challenging during the transitional period, between the revocation of the regional strategy and local planning authorities getting adopted local plans in place and the Environment Agency welcomes this recognition in the report.</p> <p>Environment Agency supports the duty to co-operate and, as a “named party”, will provide evidence to support local planning authorities to consider cross-boundary planning issues.</p>	<p>Act 2010 – which includes a duty to co-operate) is part of the hierarchy of measures that will apply in the short to long term in the absence of the Regional Strategy.</p>
9.	Reliance on the National Planning Policy Framework and the duty to co-operate - guidance	<p>The Environment Agency considers that the planning guidance review being carried out by Lord Taylor provides an opportunity to consider the role for new guidance to support the duty to co-operate.</p> <p>Wildlife Trusts Yorkshire and Sheffield & Rotherham believe further guidance is needed on the practical implementation of the new duty to co-operate and until that is spelt out the revocation of the regional strategy will lead to significant void in strategic policy relating to many environmental issues including landscapes, biodiversity, water resources, water quality, climate change, flood risk and green infrastructure</p> <p>RenewableUK states that the Government should provide guidance to local planning authorities on</p>	<p>Comments noted.</p> <p>A report submitted by Lord Matthew Taylor of Goss Moor to the Government in December 2012 (the External Review of Government Planning Practice Guidance) includes a recommendation that the duty to co-operate should be one of the priority areas on which the Government should consider providing guidance. The conclusions of the Review Group have been generally welcomed by Government and were published on 21 December for an 8 week consultation. The Government will consider the consultation responses before responding to the Group's recommendations.</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		the duty to co-operate and commission research to assess how effectively the duty to co-operate is helping the delivery of national outcomes such renewable energy infrastructure.	
10.	Reliance on the National Planning Policy Framework and the duty to co-operate	<p>English Heritage notes that since the previous consultation the National Planning Policy Framework has been published, clarifying and strengthening the historic environment within the sustainable development agenda, in particular they welcome Paragraph 7 of the National Planning Policy Framework.</p> <p>English Heritage also note the National Planning Policy Framework lacks the specificity of the regional strategy, it embeds the historic environment within sustainable development as a core planning principle.</p> <p>English Heritage citing Policy ENV9: Historic Environment of the regional strategy, acknowledge that the provisions of the duty to co-operate, the guidance in the National Planning Policy Framework on undesignated assets, sets out a framework for the management of heritage assets, nonetheless, they are still concerned that, in the absence of a clearly-articulated and co-ordinated strategy for heritage assets, they could be omitted</p>	<p>Comments noted.</p> <p>Paragraphs 126 – 141 of the National Planning Policy Framework illustrate the key role which local planning authorities have through the development management decisions they take and the local plans they prepare in conserving and enhancing the historic environment. English Heritage is identified as one of the bodies prescribed in regulations made under the duty to co-operate (section 33A of the Planning and Compulsory Purchase Act 2004) which local planning authorities duty to co-operate should work with when preparing their local plans. Working in liaison with local planning authorities English Heritage can promote policies, which address the preservation and enhancement of the cultural and historical assets such as historical landscapes and settlements.</p> <p>The Government notes the response made by the Theatres Trust that they consider that the revocation of regional strategies will not</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>from local plans and not receive the same level of protection that the regional strategy provided.</p> <p>The Theatres Trust understands that the revocation of regional strategies will not affect the retention of valuable historic and cultural assets such as theatres.</p>	<p>negatively impact on historic and cultural assets such as theatres.</p>
11.	<p>Reliance on the National Planning Policy Framework and the duty to co-operate</p>	<p>North Yorkshire County Council consider that given the strategic nature of the regional strategy in many cases the impact of revocation or retention of the regional strategy upon the environment makes little difference, at least in the longer term given that alternative mechanisms for cross boundary strategic planning in the form of the National Planning Policy Framework and the duty to co-operate have been introduced.</p> <p>North Yorkshire County Council notes the assumption made that the new arrangements in the form of the duty to co-operate and the National Planning Policy Framework will be able to promote cross boundary strategic planning. The County Council states that the duty to co-operate does not in itself require local planning authorities to reach agreement on strategic planning issues. Where</p>	<p>Comments noted.</p> <p>Revocation of the Yorkshire and Humber Regional Strategy does not signal an end to strategic planning, but a shift towards a locally-led approach to planning for cross-boundary matters in local plans. The duty to co-operate requires local authorities and other public bodies (such as Natural England and the Environment Agency) to work together constructively, actively and on an ongoing basis in relation to planning for strategic, cross-boundary matters in local and marine plans.</p> <p>The Government recognises the importance of strategic planning and the National Planning Policy Framework makes it clear that strategic priorities across local boundaries should be properly co-ordinated and clearly reflected in</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>cooperation rather than agreement is a key part of the mitigation of the impacts of revocation of the regional strategy, it is questionable as to whether the mitigation is entirely realistic.</p> <p>Rotherham Metropolitan Borough Council strongly supports a local approach to determining the most appropriate scale and distribution for future growth in Rotherham, they have actively sought to meet the duty to co-operate by extensive working with neighbouring authorities and relevant bodies.</p> <p>Friends of the Earth note that the National Planning Policy Framework has been operational only since March 2012, it is difficult to see where the evidence lies for the assumption that the National Planning Policy Framework will perform in the same way as a legally adopted plan with different policies, spatial scope and containing much more contextual detail. The report also fails to recognise that the duty to co-operate will not get the local planning authorities in the region to cooperate at the same time.</p> <p>Wildlife Trusts Yorkshire and Sheffield & Rotherham expressed concern about some of the spatial policy aspects of revocation of the regional</p>	<p>individual local plans.</p> <p>This should include strategic policies to deliver: the homes and jobs needed in the area; the provision of retail, leisure and other commercial development; the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.</p> <p>Strategic matters such as housing, infrastructure and transport connections are vital to attract investment into an area and generate economic growth. However, for strategic planning to work on the ground, councils need to work together and with a range of bodies. In some cases, such as, planning for waste facilities or flood prevention, cooperation will be necessary with authorities well beyond an authority's own border.</p> <p>Many local authorities are already working collaboratively to produce sound plans. The duty</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>strategy given the lack of certainty surrounding the duty to co-operate in relations to strategic planning across administrative boundaries. They felt the duty to co-operate doesn't have sufficient force to ensure that effective cooperation will in fact occur in the absence of the regional strategy.</p> <p>Town and Country Planning Association believe it is risky to put so much reliance as a mitigation factor on the assumption that local planning authorities will continue to work together on cross boundary strategic issues. Town and Country Planning Association consider that the policy reference to strategic issues in the National Planning Policy Framework and the duty to co-operate are not effective substitutes for a regionally specific policy set out in a regional strategy.</p> <p>RenewableUK consider that the updated Environmental Report states that most issues arising from the revocation of regional strategies will be dealt with by the National Planning Policy Framework and at the local level of planning. The revocation of regional strategies and number of Planning Policy Statements means that revocation will have a detrimental effect on the deployment of onshore wind, carbon dioxide emission reductions</p>	<p>to co-operate formalises those arrangements by creating a statutory requirement to co-operate to ensure that local plans are effective and deliverable on cross-boundary matters. The duty requires authorities to work together constructively, actively and on an ongoing basis in relation to strategic cross-boundary issues in local plans.</p> <p>The Government recognises that the duty needs to be sufficiently robust to secure effective planning on cross-boundary issues, and the legislative requirement was strengthened during the development of the Localism Act. The stronger duty requires councils to demonstrate how they have complied with the duty as part of the independent examination of local plans. This could be, for example, by way of plans or policies prepared as part of a joint committee, informal strategies such as joint infrastructure and investment plans, or a memorandum of understanding which is presented as evidence of an agreed position. Failure to demonstrate compliance may mean that local plans may not pass the examination process. This is a powerful sanction. Where local planning authorities have failed to co-operate on cross boundary matters it</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		and climate change mitigation.	<p>is also likely that their Local Plan will not be deliverable and as such the local plan may be found unsound.</p> <p>As a further check, the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and regulations made under the 2004 Act require local authorities to prepare a monitoring report to be published and made available at least once every 12 months. This includes a requirement to report action taken under the duty and these reports may also indicate where action has not been taken. This will ensure that local authorities are fully accountable to local communities about their performance under the duty to co-operate.</p> <p>In recognition of the breadth of bodies involved in effective strategic planning, the duty's requirements extend beyond local planning authorities and county councils to include a wide range of bodies that are critical to local plan making. The prescribed bodies are:</p> <ul style="list-style-type: none"> - the Environment Agency; - the Historic Buildings and Monuments Commission for England (English Heritage);

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<ul style="list-style-type: none"> - Natural England; - the Mayor of London; - the Civil Aviation Authority; - the Homes and Communities Agency; - Primary Care Trusts; - the Marine Management Organisation - the Office of Rail Regulation - the Highways Agency; - Transport for London; - Integrated Transport Authorities; and - Highway authorities - Local Nature Partnerships - Local Enterprise Partnerships <p>The National Planning Policy Framework also makes it clear that local planning authorities should work collaboratively with private sector bodies, utility and infrastructure providers.</p>
12.	Monitoring	<p>Environment Agency welcomed the monitoring recommendations in the report, and those already in place to understand compliance with the duty to co-operate. They recommend closer monitoring of highly complex, cumulative effects on issues such as climate change, water quality and water resource.</p> <p>Town and Country Planning Association</p>	<p>Comment noted.</p> <p>The National Planning Policy Framework (paragraphs 126 – 141) illustrate the key role which local planning authorities have through the development management decisions they take and local plans they prepare in conserving and enhancing the historic environment. Naturally local planning authorities will wish to monitor the</p>

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		<p>welcomes the identification of proposed monitoring indicators (Table NTS4). It is unclear how this monitoring process will be undertaken except for a statement that DCLG will make “periodic references” to such matrices using certain data sources. They recommended that a clearer statement is given as to how this information will be brought together and where it will be published.</p> <p>Friends of the Earth suggested that regular monitoring reports should be made available to all local authorities in the region, with issues of concern flagged for review in local plans.</p> <p>RenewableUK welcomes the provisions on monitoring in the report, especially those for the</p>	<p>impact of the planning system upon the conservation and enhancement of the historic environment in their localities as well as cumulative effects on issues such as climate change, water quality and water resource. Local planning authorities must report on their performance against the duty to co-operate in their monitoring reports.</p> <p>The measures that are to be taken to monitor the significant environmental effects of the implementation of the plan to revoke the Yorkshire and Humber Regional Strategy are contained in this Post Adoption Statement in Chapter 6 and Annex C.</p> <p>Local planning authorities have to produce an annual monitoring report on the implementation of their local plan, this data can be used to flag up the need to review policies within their local plan. If local planning authorities working collaboratively wish to pool their resources to produce joint local plan monitoring and annual reporting mechanisms they can do so as suggested by Friends of the Earth.</p> <p>The Government notes that RenewableUK welcomes the provisions which have been made</p>

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		<p>monitoring of greenhouse gases, but the provision of renewable energy infrastructure needs to be monitored as well.</p> <p>English Heritage supported the use of Heritage at Risk data.</p>	<p>on monitoring in the update Environmental Report and their request for provision of monitoring of renewable energy infrastructure, and from English Heritage about the use of the Heritage at Risk register.</p>
13.	Individual Topics: application of Habitats Regulation Assessment	<p>Natural England recommended that the criteria used by the Department of Communities and Local Government in the Habitats screening process should be included in the Post Adoption Statement for the Strategic Environmental Assessment, in order to demonstrate that European protected habitats have been considered and are an important part of the evaluation process.</p>	<p>Comment noted</p> <p>Section 1.4 of the updated Environmental Report addresses the requirements of the Habitats Directive (92/43/EEC) and concludes that the ‘the Government’s view is that the revocation of the regional strategies will have no effects requiring assessment under the Habitats Directive’. This conclusion was reached on the basis of a screening exercise: each Regional Strategy policy was reviewed to identify those that referred to the protection of European sites and those which are locationally specific – i.e. they direct development to a particular parcel of land. Policies that were more pervasive in nature or provided a more general requirement for a local planning authority to make provision for a certain type or amount of development, were screened out at that stage, as it is for each local planning authority to decide on a response to the pervasive policies and determine the most</p>

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			<p>suitable locations for the development – taking account, where necessary, of the finding of their own Habitats Regulations Assessment.</p> <p>This exercise identified a number of policies in the Yorkshire and Humber Regional Strategy which sought to avoid effects on European sites. These policies were generally included as mitigation for development that the Strategy itself encouraged. They were therefore considered further in order to determine whether it could be concluded that their revocation would not have adverse effects on such sites. Consideration was given, among other things, to the fact that: (i) the ‘development policies’ in the Regional Strategy they seek to mitigate would cease to apply were the Strategy to be revoked; and (ii) that the Conservation of Habitats and Species Regulations 2010 require that a competent authority, such as a local planning authority, in exercising any of their functions must have regard to the requirements of the Habitats Directive. This exercise did not identify any likely significant effects on European sites.</p> <p>This conclusion was supported by the findings of the Strategic Environmental Assessment. Unlike the Habitats Regulations Assessment screening,</p>

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			<p>which considered the relative effects of revocation compared to retention, the Strategic Environmental Assessment considered the absolute effects (and is perhaps a tougher test as a consequence). The Strategic Environmental Assessment assessed the likely effects of the revocation of the strategy, and the likely effects of retaining the strategy (and a number of reasonable alternatives involving partial revocation). This assessment was carried out for each policy in the Regional Strategy and for each of the topics set out in Appendix I of the Strategic Environmental Assessment Directive (which include biodiversity, fauna and flora). The assessment uses definitions of significance for each of the 10 assessment topics to aid transparency and consistency in the assessment and minimise the likelihood of any subjectivity. The guidance on a significant effect for biodiversity includes reference to negative and sustained effects on European or national designated sites and/or protected species. No significant negative effects on biodiversity were found, nor were any significant negative effects found from reasonable alternatives. Monitoring measures have been proposed for the effects on</p>

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			<p>biodiversity (as well as the other topics) to help review the effects of the decision.</p> <p>The Secretary of State is therefore proceeding on the basis that the Plan to Revoke the Yorkshire and Humber regional strategy is not likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects).</p>
14.	Individual Topics: minerals and waste management	<p>Environment Agency suggest that it would be helpful for the replacement for Planning Policy Statement 10 (waste management) to consider the value of retaining the partnership mechanism provided by Regional Technical Advisory Boards.</p> <p>Hull City Council considered that it would be helpful if some waste data not readily available at a less than regional level were retained.</p>	<p>Comments made by the Environment Agency and Hull City Council are noted. The Government aims to consult on the revision of Planning Policy Statement 10 in Spring 2013. Waste planning authorities are already able to work with other authorities to capture data covering more than one waste planning authority area. Additionally, the national Planning Policy Framework makes it clear that local planning authorities may continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies, supplemented as needed by up-to-date, robust local evidence.</p>

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		<p>North Yorkshire County Council consider that with the revocation of the regional strategy, uncertainty will arise from the absence of apportionment figures and therefore how the need to ensure the national requirement to maintain an adequate and steady supply of minerals to support development can be met. This uncertainty could be addressed by retaining the regional strategy for a transitional period of 2 to 3 years.</p> <p>North York Moors National Park Authority and Yorkshire Dales National Park Authority request that Part C3 of Policy ENV4 (Minerals) should be retained because it seeks a progressive reduction</p>	<p>Disagree.</p> <p>Paragraph 145 of the National Planning Policy Framework, which retains the Managed Aggregates Supply System to deliver a steady and adequate supply of aggregate, requires mineral planning authorities to prepare local aggregate assessments based on a rolling supply average of 10 years sales and other data. National and sub-national guidelines will still be published by the Department but as an indication of the total amount of aggregate provision that the Mineral Planning Authorities, collectively within each Aggregate Working Party, should aim to provide. These guidelines will also provide individual Mineral Planning Authorities, where they are having difficulty in obtaining data, with some understanding or context of the overall demand and possible sources that might be available in their Aggregate Working Party area.</p> <p>Disagree.</p> <p>Section 62 of the Environment Act 1995, which inserts a new section 11A into the National Parks and Access to the Countryside Act 1949, creates</p>

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		<p>in aggregate production from National Parks and Areas of Outstanding Natural Beauty, noting that there is no strategic justification for the provision of new crushed rock sites within these areas during the life of the Yorkshire and Humber Regional Strategy.</p>	<p>a statutory duty on National Park Authorities – and on other ‘relevant authorities’, which include all public bodies and therefore all local authorities - to have regard to the purposes of designation when exercising or performing any functions in relation to, or so as to affect, land in a National Park. In fulfilling this duty local planning authorities should take account of the National Planning Policy Framework, which states that the planning system should protect and enhance valued landscapes, and that great weight should be given to conserving landscape and scenic beauty in National Parks.</p> <p>Turning to local plan-making the Government recognises the importance of strategic planning and the National Planning Policy Framework also makes it clear that strategic priorities across local boundaries are to be properly co-ordinated and clearly reflected in individual local plans. The scale and form of minerals development that would be considered acceptable in a National Park is one example of the kind of strategic planning issue that local planning authorities will have to work on collaboratively under the duty to co-operate.</p>

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			<p>Many local authorities are already working collaboratively to produce sound plans. The duty to co-operate formalises those arrangements by creating a statutory requirement to co-operate to ensure that local plans are effective and deliverable on cross-boundary matters. The duty requires authorities to work together constructively, actively and on an ongoing basis in relation to strategic cross-boundary issues in local plans. Authorities are required to demonstrate how they have complied with the duty as part of the independent examination of local plans.</p> <p>In addition, paragraph 144 of the National Planning Policy Framework makes it clear that, as far as is practical, planning authorities should provide for the maintenance of landbanks of non-energy minerals from outside National Parks.</p> <p>If as a result of monitoring of the effects, it became apparent that implementation had led to significant negative environmental effects on the National Parks, the Government would consider measures to address or mitigate those effects.</p>

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15.	Individual Topics: Flood Risk	Environment Agency welcomed the reference to the Flood Risk Regulations 2009 which place a duty on the Environment Agency and Lead Local Flood Authorities to work together to determine whether there are significant flood risks in an area and prepare flood hazard maps.	<p>Comment noted.</p> <p>The Government welcomes the Environment Agency's comment that the Environmental Report made reference to the important work of the Lead Local Flood Authorities.</p> <p>The National Planning Policy Framework contains policies to manage the risk of flooding through the planning system, together with technical guidance on flooding. The National Planning Policy Framework also states that local planning authorities should set out the strategic priorities for their area in their Local Plan. This should include strategic policies to deliver the provision of infrastructure for flood risk and coastal change management.</p> <p>The National Planning Policy Framework also clearly states that planning policy decisions must reflect and where appropriate promote relevant obligations under European law – which include, for example, obligations under the Floods Directive (2007/60/EC).</p>
16.	Individual Topics Water	Environment Agency welcomes the reference to the relevant River Basin Management Plans that will help minimise detrimental effects on the	<p>Comment noted.</p> <p>The Government welcomes the Environment</p>

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	Management and Water efficiency	<p>ecological status of water bodies in the region. In the absence of a strategic steer from a regional strategy they suggest that mechanisms are put in place to build and maintain knowledge of water management issues for local planning authority planners.</p> <p>Environment Agency also support recognition within the updated Environmental Report (Appendix D) that the regional strategy encourages sustainable management of water resources. However, increased demand from population growth along with impacts of climate change will mean that local planning authorities will have a more significant role to play in managing water resources.</p>	<p>Agency's comment that the Environmental Report highlights the important role of River Basin Management Plans and that local planning authorities have a significant role to play in planning for managing water resources.</p> <p>The National Planning Policy Framework is clear that local planning authorities should work with other bodies to assess the capacity of water supply and wastewater treatment infrastructure, and should set out in the Local Plan their strategic priorities and policies for the provision of such infrastructure.</p> <p>More generally, the National Planning Policy Framework tells local planning authorities to adopt strategies to mitigate and adapt to climate change and take full account of water supply and demand considerations. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change, which could include more frequent droughts. Where appropriate, risks should be managed through suitable adaptation measures, including through the planning of green infrastructure.</p> <p>The National Planning Policy Framework also</p>

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			clearly states that planning policy decisions must reflect and where appropriate promote relevant obligations under European law – which include, for example, obligations under the Water Framework Directive (2000/60/EC).
17.	Individual Topics Biodiversity	Environment Agency welcomes the commentary in the report about Local Nature Partnerships and Biodiversity Action Plan Partnerships for promoting green infrastructure networks. It would be helpful if for a list of existing Local Nature Partnerships which exist in the region to be provided.	Comments noted. In Yorkshire and Humber there are two Nature Improvement Areas: the Dearne Valley Green Heart and the Humberhead Levels There are also five Local Nature Partnerships in the Yorkshire and Humber region, these are: <ul style="list-style-type: none"> - Hull and East Riding; - Humber Estuary; - North Yorkshire and York; - South Yorkshire; and - Yorkshire West
18.	Individual Topics: York Green Belt	English Heritage support the retention of Policy YH9: Green belts from the Yorkshire and Humber Regional Strategy until the City of York adopt a new local plan defining the inner boundary of York's	Comment noted. The Government notes the eight representations received requesting that policies which relate to the Green Belt around the City of York be

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		<p>Green Belt. North Yorkshire County Council supports the retention of Policy YH9, which can be achieved by retaining the regional strategy for a transitional period of 2 to 3 years. Rotherham Metropolitan Borough Council support the retention of policies that provide a statutory basis for the York Green Belt in order to give the local authority time to adopt a York Green belt boundary in their local plan. City of York Council request the retention of part C of Policy YH9, excluding reference to taking account of levels of growth set out in the regional strategy, parts C1 and C2 of Policy Y1: York sub area policy and the Key Diagram of the Yorkshire and Humber Plan (2008) for up to 5 years or until York adopts its new local plan (which ever is the earliest) it is currently preparing, so as to safeguard the historic setting of York. Fulford Parish Council also requests the retention of part C of Policy YH9 and parts C1 and C2 of Policy Y1. Strensall and Towthorpe Parish Council request retention of policies that define the green belt around York, supported by Mr Julian Sturdy MP, until the City of York Council provide a local plan. The Yorkshire Local Councils Association also support the retention of policies that define the York Green belt until York adopts an</p>	<p>retained until the City of York Council prepare and adopt their local plan clearly defining the inner boundary of the Green Belt.</p> <p>The Government also notes the two representations received which made the case for revoking these policies. Likewise the Government notes the two representations which support the retention of York's Green Belt, but ask that the Government saves an "unadopted Local Plan 2005", which is not apart of the Yorkshire and Humber Regional Strategy and therefore has not been subject to the environmental assessment carried out.</p> <p>The Government intends to retain certain policies set out in the Regional Spatial Strategy which relate to the York Green Belt. The detail and reasons for this decision are set out in Chapter 5 of this Post Adoption Statement.</p>

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		<p>up to date local plan. Town and Country Planning Association also support the retention of part C of Policy YH9 and Parts C1 and C2 of Policy Y1 and the relevant parts of the associated Key Diagram in order to give spatial expression to the Green Belt around York until and up-to-date local plan is in place.</p> <p>Whilst Heslington Village Trust and Mr Richard Frost stated that saving Policy YH9 was not enough to protect York's Green Belt and that the unadopted Local Plan 2005 which defines the boundaries of the York Green Belt should be saved until York adopts a new local plan.</p> <p>Persimmon Homes and Jennifer Hubbard (Planning Consultant) made the case for revoking the whole of the Yorkshire and Humber Regional Strategy including policies that define the York Green Belt. Jennifer Hubbard considered that it is not necessary to save Policy YH9 and if saved it would result in the City of York Council taking longer to prepare their local plan and finally settle the issue of York's Green Belt inner boundary. Persimmon Homes also considered that the Green Belt as defined in the regional strategy negatively impacts upon York's housing markets and encourages more unsustainable commuting into</p>	

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		York as people have to "leap frog" the Green Belt to access affordable housing. They considered that revocation of the York Green belt policies will not result in a significant negative effect in the short term.	
19.	Individual Topics: Transitional arrangements	North Yorkshire County Council welcomes the report, but the County Council continues broadly to support the strategic approach developed and set out in the regional strategy. They wish to see the retention of the Yorkshire and Humber regional strategy for a transitional period of 2 to 3 years to provide a coherent framework within which local planning authorities can prepare their local plans whilst the duty to co-operate is embedded.	Disagree. The Government does not consider that retaining the whole of the Yorkshire and Humber Regional Strategy for a transitional period of 2 to 3 years for the reasons set out by North Yorkshire County Council is necessary because the duty to co-operate has been in place since March 2012 and is underpinned by the National Planning Policy Framework. The duty provides a robust vehicle for local planning authorities and other bodies prescribed under the duty to deliver cross-boundary strategic planning where needed.
20.	Individual Topics: Housing numbers	North Yorkshire County Council , whilst advocating the retention of the regional strategy for a transitional period, states that given the evidence that supports the specific housing numbers contained in the regional strategy is now out of	Comments noted. The National Planning Policy Framework and the duty to co-operate address this issue. The National Planning Policy Framework makes it clear that local planning authorities, including

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		<p>date, it is accepted that they will need reviewing.</p> <p>Rotherham Metropolitan Borough Council consider that a locally led approach will ensure that in the long term, development planning in respect to housing and employment allocations could take account of more detailed understanding of the local environmental capacity issues.</p> <p>North York Moors National Park Authority and Yorkshire Dales National Park Authority consider that the report does acknowledge that the regional strategy, specifically states that no housing provision figures are given for National Parks as well new housing within the National Parks should be to meet local needs only, a policy position which is reflected in the DEFRA National Parks 2010 Circular. In contrast the National Planning Policy Framework requires local planning authorities to meet the full objectively assessed needs for market and affordable housing, as far as is consistent with other policies in the Framework. They thought the report could usefully state that these effects could be avoided through agreements between local planning authorities in and around designated areas that these will not be suitable locations for meeting general housing needs.</p>	<p>National Park Authorities, should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual Local Plans. These strategic priorities include the need to develop strategic policies to deliver the homes and jobs needed in the area.</p> <p>The National Planning Policy Framework states that joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of the National Planning Policy Framework, including clear policies protecting National Parks. As part of this process, they should consider producing joint planning policies on strategic matters and informal strategies such as joint infrastructure and investment plans.</p> <p>Local planning authorities will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. The Local Plan will be examined by an independent inspector whose role is to assess</p>

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			<p>whether the plan has been prepared in accordance with the duty to co-operate, legal and procedural requirements, and whether it is sound.</p> <p>The National Planning Policy Framework states that local planning authorities may make an allowance for windfall sites in their 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. This policy, together with the approach to the use of brownfield land and other policies aimed at the protection and enhancement of the environment, aims to ensure that housing development is located in a way that is consistent with the principles of sustainable development.</p>
21.	Individual Topics: Green Infrastructure	North Yorkshire County Council states in the absence of the regional strategy particularly Policy YH8 (Green Infrastructure) the assessment does not suggest mitigation measures sufficient to guarantee that planning for Green Infrastructure will	<p>Disagree.</p> <p>The Government does not consider that retaining the whole of the Yorkshire and Humber Regional Strategy for a transitional period of 2 to 3 years for the reasons set out by North Yorkshire County</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>be effective across political boundaries. The retention of the regional strategy for a 2 to 3 year transitional period, would allow local planning authorities to bring forward local plans with policies to promote Green Infrastructure in line with Policy YH8 (Green Infrastructure).</p>	<p>Council is necessary because the duty to co-operate has been in place since March 2012 and is underpinned by the National Planning Policy Framework. As illustrated in Table 3.2 of this Post Adoption Statement, the duty provides a robust vehicle for local planning authorities and other bodies identified under the duty to deliver cross-boundary strategic planning where needed.</p> <p>The National Planning Policy Framework makes it clear that the planning system should protect and enhance valued landscapes, minimise impacts on biodiversity, provide net gains in biodiversity where possible, and contribute to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are resilient to current and future pressures.</p> <p>Nature Improvement Areas already provide opportunities for cross-boundary working, with partners’ working together to improve biodiversity through projects that can also be expected to contribute significantly to landscape conservation. There have initially been designated 12 Nature Improvement Areas in England, the Yorkshire and Humber region hosts two Nature Improvement Areas: Dearne Valley Green Heart</p>

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			<p>and the Humberhead Levels. The National Planning Policy Framework also states that local planning authorities should work with Local Nature Partnerships (five of which exist in Yorkshire and Humber) to assess existing and potential components of ecological networks.</p> <p>The National Planning Policy Framework states that local plans should contain a clear strategy for enhancing the natural, built and historic environment, and supporting Nature Improvement Areas where they have been identified. The National Planning Policy Framework also asks that, in order to minimise impacts on biodiversity and geodiversity, planning policies should: “plan for biodiversity at a landscape-scale across local authority boundaries; identify and map components of the local 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 local partnerships for habitat restoration or creation.”</p>
22.	Individual Topics: Saving Policies	Hull City Council consider that Policies YH1(Overall Approach and Key Spatial Priorities),	Disagree. The Government does not consider that retaining

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
	YH1 (Overall Approach and Key Spatial Priorities), YH4 (Regional Cities and Sub-Regional Cities and Towns) and HE1 (Humber Estuary sub area policy)	<p>YH4(Regional Cities and Sub- Regional Cities and Towns) HE1(Humber Estuary sub area policy) and the non spatial policies of the Yorkshire and Humber Regional Strategy should be saved until local plans are in place and the duty to co-operate and National Planning Policy Framework are embedded.</p> <p>Town and Country Planning Association consider that the regional strategy identified priority locations for housing and economic development within an overarching aim of urban renaissance set out in Policies YH1(Overall Approach to Key Spatial Priorities) and YH4(Regional Cities and Sub-</p>	<p>the Policies YH1(Overall Approach and Key Spatial Priorities), YH4 (Regional Cities and Sub Regional Cities and Towns) HE1(Humber Estuary sub area policy) and the non spatial policies of the Yorkshire and Humber Regional Strategy for a transitional period until local planning authorities have put in place up to date Local Plans as suggested by Hull City Council is necessary because the duty to co-operate has been in place since March 2012 and is underpinned by the National Planning Policy Framework. As illustrated in Table 3.2 of this Post Adoption Statement the duty provides a robust vehicle for local planning authorities and other bodies identified under the duty to deliver cross-boundary strategic planning which can cover spatial and non spatial planning policies where needed.</p> <p>Section 2.4 of the updated Environmental Report describes the reasonable alternatives considered (and their source, whether government proposed or from consultee responses to the initial Environmental Report). The reasonable alternatives include retention, revocation and partial revocation. Section 2.4.1 and 2.4.2</p>

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		Regional Cities and Towns). They thought that the possible retention of these policy objectives was not assessed as one of the partial revocation options.	present the reasons for the selection of those reasonable alternatives to be assessed. Retention of Policies YH1(Overall Approach to Key Spatial Priorities) and YH4(Regional Cities and Sub-Regional Cities and Towns) has been considered in the assessment under the alternative of partial revocation
23.	Individual Topics: Setting of the National Parks	<p>North York Moors National Park Authority and Yorkshire Dales National Park Authority submitted a combined representation. They considered that in the absence of the regional strategy there will be no "buffer zone" around the boundaries of the National Parks leading to development coming up to the National Parks boundaries and undermining the environmental quality of the National Parks and their settings.</p> <p>They consider that the revocation of the regional strategy will remove an important safeguard for National Parks which is not sufficiently replaced by the National Planning Policy Framework. This significant (potentially long term) negative effect on the landscape has not been identified in the report.</p> <p>North York Moors National Park Authority and Yorkshire Dales National Park Authority considered that the duty to co-operate is not a Duty</p>	<p>Disagree.</p> <p>Local planning authorities responsible for areas bordering National Park boundaries must have regard to section 62 of the Environment Act 1995, which inserts a new section 11A into the National Parks and Access to the Countryside Act 1949. This provision creates a new statutory duty, not only on National Park Authorities but also other 'relevant authorities' - which include all public bodies and therefore all local authorities - to have regard to the purposes of designation when exercising or performing any functions in relation to, or so as to affect, land in a National Park. In fulfilling this duty local planning authorities should take account of the National Planning Policy Framework, which states that the planning system should protect and enhance valued landscapes, and that great weight should be</p>

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		<p>to Agree and many local authorities bordering National Parks will have different priorities and pressures to site development close to National Parks which unlike World Heritage Sites do not have recognised settings or buffer zones. They requested that consideration should be given to the retention of policies which aim to safeguard the setting of the National Park (i.e. policies part E of C1, part C of RR1 (Remoter Rural Areas) and part A of ENV10 (Landscape))</p> <p>The duty to co-operate aspect of the Localism Act has effectively weakened the planning role of National Park Authorities with joint structure plan powers and subsequently legal recognition at a regional planning level by virtue of section 4(4) of the Planning and Compulsory Purchase Act 2004. To ensure that this policy gap is avoided, consideration should be given to retaining these elements of the regional strategy Policy ENV10 (Landscape) which aim to safeguard the setting of National Parks.</p> <p>The National Park Authorities will look to work with adjoining local planning authorities to ensure appropriate policies are in place, but reference to the importance of this within the Strategic Environmental Assessment would reinforce this</p>	<p>given to conserving landscape and scenic beauty in National Parks. Moreover, National Park Authorities are a statutory consultee on planning applications that could affect a National Park. They should respond, setting out their case, if they consider that any impacts would compromise the purposes of National Park designation.</p> <p>Turning to local plan-making the Government recognises the importance of strategic planning and the National Planning Policy Framework also makes it clear that strategic priorities across local boundaries are to be properly co-ordinated and clearly reflected in individual local plans. The scale and form of development that would be considered acceptable on the boundaries close to a National Park is one example of the kind of strategic planning issue that local planning authorities, including National Park Authorities, will have to work on collaboratively under the duty to co-operate.</p> <p>Many local authorities are already working collaboratively to produce sound plans. The duty to co-operate formalises those arrangements by creating a statutory requirement to co-operate to ensure that local plans are effective and</p>

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		position.	<p>deliverable on cross-boundary matters. The duty requires authorities to work together constructively, actively and on an ongoing basis in relation to strategic cross-boundary issues in local plans.</p> <p>The Government recognises that the duty needs to be sufficiently robust to secure effective planning on cross-boundary issues, and the legislative requirement was strengthened during the development of the Localism Act, working with a broad range of external expert bodies.</p> <p>The duty requires councils to demonstrate how they have complied with the duty as part of the independent examination of local plans. This could be, for example, by way of plans or policies prepared as part of a joint committee, informal strategies such as joint infrastructure and investment plans, or a memorandum of understanding which is presented as evidence of an agreed position. Failure to demonstrate compliance may mean that local plans may not pass the examination process. This is a powerful sanction. Where local planning authorities have failed to co-operate on cross boundary matters it is also likely that their Local Plan will not be deliverable and as such it may be found unsound.</p>

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			<p>As a further check, the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and regulations made under the 2004 Act require local authorities to prepare a monitoring report to be published and made available at least once every 12 months. This includes a requirement to report action taken under the duty and these reports may also indicate where action has not been taken. This will ensure that local authorities are fully accountable to local communities about their performance under the duty to co-operate.</p> <p>In recognition of the breadth of bodies involved in effective strategic planning, the duty's requirements extend beyond local planning authorities, including National Park Authorities, to include a wide range of bodies that are critical to local plan making. The prescribed bodies are:</p> <ul style="list-style-type: none"> - the Environment Agency; - the Historic Buildings and Monuments Commission for England (English Heritage); - Natural England; - the Mayor of London; - the Civil Aviation Authority; - the Homes and Communities Agency;

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			<ul style="list-style-type: none"> - Primary Care Trusts; - the Marine Management Organisation - the Office of Rail Regulation - the Highways Agency; - Transport for London; - Integrated Transport Authorities; and - Highway authorities - Local Nature Partnerships - Local Enterprise Partnerships <p>The National Planning Policy Framework also makes it clear that local planning authorities should work collaboratively with private sector bodies, utility and infrastructure providers.</p> <p>As indicated above, the National Planning Policy Framework states that local planning authorities should set out the strategic priorities for their area in their Local Plan. Those local authorities within the parts of the former Coastal and Remoter Rural sub-areas adjacent to the National Parks should set out a scale and form of development that would be considered acceptable on the boundaries of a National Park, having regard to national planning policy and the duty under section 62 of the of the Environment Act 1995 explained above. Other priorities could include the conservation and enhancement of the natural</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			and historic environment, including protection of the landscapes which border the boundaries of National Parks.
24.	Individual Topics: Renewable energy generation and Climate Change	<p>RenewableUK consider that the loss of regional strategies will not be helpful in meeting the challenge of Climate Change and will affect the speed and effectiveness of reducing carbon dioxide emissions and renewable energy deployment at the local level. This will have an effect on the environment and human health and wellbeing.</p> <p>The removal of valuable information and guidance contained in Planning Policy Statement 22 on Renewable Energy is also affecting the ability of local planning authorities to plan for renewable energy infrastructure.</p> <p>RenewableUK consider that removal of Policy YH2 (Climate Change and Resource Use) of the Yorkshire and Humber Regional Strategy will mean that local planning authorities have nothing to work towards on a local level to deliver renewable energy infrastructure and raise concerns about the application of local policies. They also note there has been no guidance from Government on how national targets need to be transferred and applied locally. Therefore Policies YH2 (Climate Change</p>	<p>Disagree.</p> <p>The Government does not believe that retaining the Policies YH2(Climate Change and Resource Use) and ENV5(Energy) is necessary because it will be for local planning authorities to determine local responses to the issue of renewable energy generation consistent with the National Planning Policy Framework.</p> <p>The National Planning Policy Framework includes as one of the core land-use planning principles that planning should support the transition to a low carbon future in a changing climate, including to "...encourage the use of renewable resources (for example, by the development of renewable energy)". The National Planning Policy Framework makes clear that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>and Resource Use) and ENV5 (Energy) of the Yorkshire and Humber Regional Strategy should be saved.</p> <p>Town and Country Planning Association consider that the retention of Policy ENV5 (Energy) setting out both regional and sub regional targets for renewable energy generation should have been assessed. This policy provided a clear framework for local planning authorities.</p> <p>EDF Energy recognise the valuable role that smaller infrastructure will play in meeting the Government's statutory energy and climate change objectives.</p>	<p>and associated infrastructure.</p> <p>The National Planning Policy Framework also contains a number of policies aimed at encouraging the development of renewable energy installations including that local planning authorities should : “have a positive strategy to promote energy from renewable and low carbon sources; design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts; consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and in line with the objectives and provisions of the Climate Change Act 2008.” In addition, National Planning Policy Framework policies on strategic planning for infrastructure include the need to plan for energy infrastructure including heat.</p> <p>Other measures that local authorities will need to</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<p>respond to include the nationally legally-binding target to ensure 15% of energy comes from renewable sources by 2020 (in accordance with the Renewables Energy Directive (2009/28/EC)), the requirements of the Climate Change Act 2008, the Flood and Water Management Act 2010, the UK Renewable Energy Strategy 2009, the UK National Renewable Action Plan 2010, the Green Deal and responses to the UK Climate Change Risk Assessment 2012.</p> <p>Collectively the legislation and planning policy provides the framework for Government, agencies and local authorities to act in concert to respond to the challenge of climate change.</p> <p>The Government has also provided a response to the findings of the Strategic Environmental Assessment in Table 3.2 of this Post Adoption Statement which included the finding concerning issues, such as, renewable energy, biodiversity enhancement and landscape conservation, which typically benefit from being planned at a wider geographical scale, may not have their full potential realised.</p>

ANNEX C

Monitoring Indicators

Table C1 Strategic Environmental Assessment topics, monitoring indicators and sources of information

Strategic Environmental Assessment Topics	Monitoring Indicators	Source(s) of Information
Biodiversity, Flora and Fauna	Annual (where information allows) trends in: <ul style="list-style-type: none"> • Condition of designated sites • Threatened habitats and species • Populations of countryside birds • Surface water biological indicators 	Joint Nature Conservation Committee report under Article 17 of the Habitats Directive (completed every 6 years) on the conservation status of protected habitats Joint Nature Conservation Committee http://www.jncc.gov.uk/page-4241 http://jncc.defra.gov.uk/page-4239 http://jncc.defra.gov.uk/page-4238 http://jncc.defra.gov.uk/page-4235 http://www.sssi.naturalengland.org.uk/Special/sssi/report.cfm?category=R,RF Department for Environment, Food and Rural Affairs http://www.defra.gov.uk/statistics/environment/inland-water/ The Environment Agency are responsible for monitoring water quality under the Water Framework Directive
Population	Annual (where information allows) trends in: <ul style="list-style-type: none"> • Employment Information 	Office of National Statistics reports, specifically Regional Trends and Regional Gross Value Added Department for Communities and Local Government statistics: Annual net additional dwellings,

Strategic Environmental Assessment Topics	Monitoring Indicators	Source(s) of Information
	<ul style="list-style-type: none"> • Population • Housing and additional net dwellings • Local plan making progress and the duty to co-operate 	<p>Housebuilding: permanent dwellings completed by tenure and region</p> <p>The Department for Communities and Local Government Business Plan monitoring</p>
Human Health	<p>Annual (where information allows) trends in:</p> <ul style="list-style-type: none"> • National Statistics – Long term illness, etc. • Crime • Deprivation • Access to and quality of the local environment 	<p>Office for National Statistics on health</p> <p>Home Office, Crime Survey for England and Wales</p> <p>Department for Communities and Local Government statistics: Indices of Deprivation</p> <p>Office for National Statistics (proposed measures of wellbeing)</p>
Soil and Geology	<p>Annual (where information allows) trends in:</p> <ul style="list-style-type: none"> • Land use 	<p>Department for Communities and Local Government statistics</p>
Water	<p>Annual (where information allows) trends</p>	

Strategic Environmental Assessment Topics	Monitoring Indicators	Source(s) of Information
	in: <ul style="list-style-type: none"> • % of catchments with good ecological status • Water resource availability • Per capita water consumption • Number of water resource zones in deficit 	<p>The Environment Agency and the Department for Environment, Food and Rural Affairs. http://www.defra.gov.uk/statistics/environment/inland-water/</p> <p>Yorkshire Water plus Anglian Water, Severn Trent, Northumbrian Water</p> <p>Yorkshire Water plus Anglian Water, Severn Trent, Northumbrian Water</p> <p>Water Resource Plans (available every 5 years) from Yorkshire Water plus Anglian Water, Severn Trent, Northumbrian Water</p>
Air	Annual (where information allows) trends in: <ul style="list-style-type: none"> • Number of Air Quality Management Areas • Number of Air Quality Management Areas were exceedances occurred. 	<p>Department for Environment, Food and Rural Affairs</p> <p>Department for Environment, Food and Rural Affairs</p>
Climatic factors	Annual (where information allows) trends	

Strategic Environmental Assessment Topics	Monitoring Indicators	Source(s) of Information
	in: <ul style="list-style-type: none"> • Emission of greenhouse gases • Installed capacity of sites generating electricity from renewable sources (MW) • Number of properties at risk of flooding 	Department for Energy and Climate Change Statistical Release: Local and regional CO2 emissions Department for Energy and Climate Change Regional Renewable Statistics (from the RSTATS (Renewable Energy Statistics) database and REPD (the Renewable Energy Planning) database, https://restats.decc.gov.uk/cms/welcome-to-the-restats-web-site/ Environment Agency
Material Assets	Annual (where information allows) trends in: <ul style="list-style-type: none"> • Volume of construction waste and proportions recycled • Volume of hazardous waste • Volume of controlled wastes and proportions recycled • Volume of minerals extracted 	Environment Agency Environment Agency Environment Agency Yorkshire and Humber Mineral Planning Authorities'

Strategic Environmental Assessment Topics	Monitoring Indicators	Source(s) of Information
Cultural heritage, including architectural and archaeological heritage	Annual (where information allows) trends in: <ul style="list-style-type: none"> • % of heritage assets of different types that are at risk 	English Heritage 'Heritage at risk report'
Landscape and Townscape	Annual (where information allows) trends in: <ul style="list-style-type: none"> • Change in Areas of Outstanding Natural Beauty (area, threats and quality) • Changes in Conservation Areas • Percentage who are very or fairly satisfied with local area • Trend in number of vacant dwellings 	National Association of Areas of Outstanding Natural Beauty English Heritage (if 2003 survey repeated) Office for National Statistics (proposed measures of wellbeing) Department for Communities and Local Government http://www.communities.gov.uk/documents/housing/xls/1815794.xls

[Redacted]

From: [Redacted]
Sent: 07 July 2021 14:13
To: localplan@york.gov.uk
Cc: [Redacted]
Subject: City of York Local Plan Proposed Modifications Consultation - Topic Paper 1 - Green Belt - Annex 4 - Other Densely Developed Areas - Pages A4:127 to A4:141 - Fordlands - Green Belt Boundary 4
Attachments: Local Plan Response - Nicholson - Green Belt - Fordlands Rd - Boundary 4.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 Local Plans at York

On behalf of our clients, Messrs Peter and David Nicholson, please find attached a local plan representation in relation to Topic Paper 1 - Green Belt - Annex 4 - Other Densely Developed Areas - Pages A4:127 to A4:141 - Fordlands - Green Belt Boundary 4.

Please can you confirm receipt of this representation.

Regards

[Redacted]

[Redacted]

[Redacted]

[Redacted]

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

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 A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

What information will be collected: The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect 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 examination¹. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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



We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.

You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice



2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.



Signature

Date

06/07/2021

Part B - Personal Details

Please complete in full; in order for the Inspectors to consider your representations you must provide your name and postal address.

3. Personal Details		4. Agent's Details (if applicable)
Title	Messrs	
First Name	Peter & David	Gemma
Last Name	Nicholson	Edwardson
Organisation (where relevant)		Edwardson Associates
Representing (if applicable)		Messrs Peter & David Nicholson
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, 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

You can also complete the form online at:

www.york.gov.uk/form/LocalPlanConsultation.

What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. 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.

- City of York Local Plan Composite Modifications Schedule (May 2021) [\[EX/CYC/58\]](#) and City of York Local Plan Publication Draft (February 2018) [\[CD001\]](#) **to be read alongside the comprehensive schedule of proposed modifications only**
- York Economic Outlook (December 2019) Oxford Economics [\[EX/CYC/29\]](#)
- CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return (December 2019) [\[EX/CYC/32\]](#)
- Affordable Housing Note Final (February 2020) [\[EX/CYC/36\]](#)
- Audit Trail of Sites 35-100 Hectares (June 2020) [\[EX/CYC/37\]](#)
- Joint Position Statement between CYC and Selby DC Housing Market Area (April 2020) [\[EX/CYC/38\]](#)
- G L Hearn Housing Needs Update (September 2020) [\[EX/CYC/43a\]](#)
- Habitat Regulation Assessment (HRA) (October 2020) Waterman Infrastructure and Environment Limited [\[EX/CYC/45\]](#) and Appendices (October 2020) [\[EX/CYC/45a\]](#)
- Key Diagram Update (January 2021) [\[EX/CYC/46\]](#)
- Statement of Community Involvement Update (November 2020) [\[EX/CYC/49\]](#)
- SHLAA Update (April 2021) [\[EX/CYC/56\]](#)
- CYC SuDs Guidance for Developers (August 2018) [\[EX/CYC/57\]](#)
- Topic Paper TP1: Approach to defining York's Green Belt (Addendum) (January 2021) [\[EX/CYC/59\]](#)
 - Annex 1: Evidence Base (January 2021) [\[EX/CYC/59a\]](#)
 - Annex 2: Outer Boundary (February 2021) [\[EX/CYC/59b\]](#)
 - Annex 3: Inner Boundary (Part: 1 March 2021 [\[EX/CYC/59c\]](#), Part 2: April 2021 [\[EX/CYC/59d\]](#) and Part 3 April 2021) [\[EX/CYC/59e\]](#)
 - Annex 4: Other Urban Areas within the General Extent (April 2021) [\[EX/CYC/59f\]](#)
 - Annex 5: Freestanding Sites (March 2021) [\[EX/CYC/59g\]](#)
 - Annex 6: Proposed Modifications Summary (April 2021) [\[EX/CYC/59h\]](#)
 - Annex 7: Housing Supply Update (April 2021) [\[EX/CYC/59i\]](#) and Trajectory Summary (April 2021) [\[EX/CYC/59j\]](#)
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [\[EX/CYC/60\]](#)
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [\[EX/CYC/61\]](#)

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.

You can use our online consultation form via www.york.gov.uk/form/LocalPlanConsultation or send back your response via email to localplan@york.gov.uk. **However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy (Part A of this form).**

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 B 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?

Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

In line with the current pandemic, we are also making the documents available for inspection by appointment only at City of York Council Offices, if open in line with the Government's Coronavirus restrictions. To make an appointment to view the documents, please contact the Forward Planning team via localplan@york.gov.uk or on 01904 552255.

Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

Part C -Your Representation

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



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

Proposed Modification Reference:

Document:

Topic Paper 1 : Green Belt – Annex 4 Other Densely Developed Areas

Page Number:

A4:127 – A4:141

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 or sent by request.

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

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

Yes

No

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

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(2)

We accept that the Council has undertaken consultation on the Topic Paper in accordance with the relevant procedures.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below.

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

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

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

Yes No

7.(2) Please tell us which tests of soundness are applicable to 7.(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"/>

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

We object to proposed Green Belt Boundary 4 (Fordlands Road) on page A4:127 of Annex 4 of Topic Paper 1 (Approach to defining York’s Green Belt Addendum, 2021 – Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt). The small parcel of land located immediately west of Boundary 4 serves no material purpose in terms of protecting the setting of the city, protecting views of the city/Minster, preventing coalescence, preventing unrestricted sprawl and safeguarding the countryside from encroachment. We accept the rationale and justifications for Boundaries 1, 2, 3 and 5, but Boundary 4 is significantly and materially different. The A19 and the A64 provide the clear and legible boundary between the developed city edge and transition into open countryside. The site is completely screened from view by existing built development to the north and east and by mature trees to the south and west, therefore this land parcel does not display an open rural feel that requires protection. Development of this site would not result in development sprawl – in contrast it provides a sustainable opportunity for small logical rounding off / finishing off development. Furthermore, development of this land would have no potential to result in coalescence with the designer outlet, which is located 650 metres away beyond large fields which are themselves separated by the major expanse of the A19 and A64 highways. Development of this site would have no impacts on the historic character of Fordlands Road (including the public open space, allotments and cemetery). We cannot agree that the area located west of Boundary 4 and east of the A19 displays an open rural feel. The A19 is a significant built development, likewise the adjacent A64 and the associated slip roads. In contrast to being open, the land parcel is completely enclosed and screened from view by a combination of houses to the north and east and mature trees to the south and west. Together these existing building and natural landscape features would screen any development. We agree with the Council’s own view that the A19 and A64 serve to contain the potential extent of sprawl. We agree with the Council’s own statement that any potential extent of sprawl associated with the land west of Boundary 4 would be limited by the presence of the A19 and A64 which strongly contain the land area. We agree with the Council’s own assessment that the A19 and A64 comprise significant urbanising characteristics in the immediate vicinity of the Boundary 4 land, and that both are strong barriers to any potential sprawl. There is not an absence of built development in the vicinity of Boundary 4. In contrast there are modern housing estates and major highways which already create an urbanising effect. We also agree with the Council’s own conclusion that the Boundary 4 area ‘lacks the feeling of openness’. We agree that it is not open. It sits next to dense housing development and major roads and it is completely screened by mature trees. It is in fact the opposite of open. Overall, the land parcel immediately west of Boundary 4 is not needed to preserve the setting of the historic city and development of it would not result in sprawl or encroachment out into the open countryside. Therefore, Boundary 4 should be relocated further west to run along the eastern edge of the A19 and the northern edge of the A64 slip road. This boundary relocation would provide a perfectly reasonable, logical, recognizable and permanent Green Belt boundary given the significant containing influence of the A19 and A64. We agree with the Council’s assessment that Fordlands Road displays an urbanized built up nature with a lack of openness and that this is a sustainable location to accommodate some housing growth given its proximity and accessibility to services and facilities. Overall, the Council refers to this land as a Green Wedge, but it is evident even from the Council’s own assessment that Boundaries 1, 2, 3 and 5 are decidedly more important and applicable to Green Belt purposes. In contrast, shifting Boundary 4 so that it is next to the A19 will have no material impacts on Green Belt purposes. As such, we feel strongly that the Council’s approach to Boundary 4 is not positively prepared, justified, effective or consistent with national policy.

8. (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 7 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 Green Belt boundary should be changed to exclude from the Green Belt the small parcel of land located east of the A19, north of the A64, south of Fordlands Crescent and west of Cherrywood Crescent. This would allow for a small amount of additional housing development at 'Fordlands Road', which would consist of a logical 'rounding off / finishing off' development. There is already existing housing located directly to the north and east, and the site is also contained by the A19 to the west and the A64 to the south. Furthermore, the site is well screened from view by the existing mature boundary landscaping along the Selby Road frontage. Housing development here would have no impact on the purposes of including land within Green belt. There would be no effect on the setting of the historic city, there would be no resultant unrestricted sprawl (because the site is already visually and physically constrained by existing housing development and significant road infrastructure, in addition to being well screened), and there would be no harmful encroachment into open countryside (again because the site is already visually and physically constrained by existing housing development and significant road infrastructure, in addition to being well screened). Furthermore, development of this land parcel would have no material effect on the distinctive character and compactness of Fordlands Road and would maintain separation between Germany Beck and the rest of Fulford. In addition. Boundary 4 serves no purpose in terms of preventing coalescence with the Designer Outlet – the presence of the A19 and the A64 already provides this mechanism. Development of this site will have no impact on distant views of the Minster – the Council already accepts that views are obscured by existing trees and development.

9. If your representation is seeking a change at question 8.(1)

9.(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.

9.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

We want the opportunity to explain to the Inspectors why we think Boundary 4 as currently drawn is unsound. At the Examination the Council will be present and will be able to discuss and explain and defend their position to the Inspectors if / when questioned. It is only fair and equitable that, on behalf of our client, we are afforded the same opportunity. Should the Inspectors agree with our position we want to be present so that we can effect any resultant changes to the Development 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.



From: [REDACTED]
Sent: 07 July 2021 17:38
To: localplan@york.gov.uk
Subject: City of York Local Plan - Proposed Modifications - Consultation Response - Land west of ST8
Attachments: ST8 West - CYC Proposed Mods Consultation Form 07-07-21.pdf; ST8 West - CYC Proposed Mods Response 07-07-21.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 or Madam,

Please find attached a completed Consultation Response Form and Statement sent on behalf of the landowners of land west of proposed ST8 allocation.

Please could you acknowledge receipt of the attachments.

Kind regards

[REDACTED]
[REDACTED]
[REDACTED]

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

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 A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

What information will be collected: The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect 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 examination¹. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.

You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature

Date

07/07/2021

Part B - Personal Details

Please complete in full; in order for the Inspectors to consider your representations you must provide your name and postal address.

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

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, 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

You can also complete the form online at:

www.york.gov.uk/form/LocalPlanConsultation.

What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. 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.

- City of York Local Plan Composite Modifications Schedule (May 2021) [[EX/CYC/58](#)] and City of York Local Plan Publication Draft (February 2018) [[CD001](#)] **to be read alongside the comprehensive schedule of proposed modifications only**
- York Economic Outlook (December 2019) Oxford Economics [[EX/CYC/29](#)]
- CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return (December 2019) [[EX/CYC/32](#)]
- Affordable Housing Note Final (February 2020) [[EX/CYC/36](#)]
- Audit Trail of Sites 35-100 Hectares (June 2020) [[EX/CYC/37](#)]
- Joint Position Statement between CYC and Selby DC Housing Market Area (April 2020) [[EX/CYC/38](#)]
- G L Hearn Housing Needs Update (September 2020) [[EX/CYC/43a](#)]
- Habitat Regulation Assessment (HRA) (October 2020) Waterman Infrastructure and Environment Limited [[EX/CYC/45](#)] and Appendices (October 2020) [[EX/CYC/45a](#)]
- Key Diagram Update (January 2021) [[EX/CYC/46](#)]
- Statement of Community Involvement Update (November 2020) [[EX/CYC/49](#)]
- SHLAA Update (April 2021) [[EX/CYC/56](#)]
- CYC SuDs Guidance for Developers (August 2018) [[EX/CYC/57](#)]
- Topic Paper TP1: Approach to defining York's Green Belt (Addendum) (January 2021) [[EX/CYC/59](#)]
 - Annex 1: Evidence Base (January 2021) [[EX/CYC/59a](#)]
 - Annex 2: Outer Boundary (February 2021) [[EX/CYC/59b](#)]
 - Annex 3: Inner Boundary (Part: 1 March 2021 [[EX/CYC/59c](#)], Part 2: April 2021 [[EX/CYC/59d](#)] and Part 3 April 2021) [[EX/CYC/59e](#)]
 - Annex 4: Other Urban Areas within the General Extent (April 2021) [[EX/CYC/59f](#)]
 - Annex 5: Freestanding Sites (March 2021) [[EX/CYC/59g](#)]
 - Annex 6: Proposed Modifications Summary (April 2021) [[EX/CYC/59h](#)]
 - Annex 7: Housing Supply Update (April 2021) [[EX/CYC/59i](#)] and Trajectory Summary (April 2021) [[EX/CYC/59j](#)]
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [[EX/CYC/60](#)]
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [[EX/CYC/61](#)]

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.

You can use our online consultation form via www.york.gov.uk/form/LocalPlanConsultation or send back your response via email to localplan@york.gov.uk. **However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy (Part A of this form).**

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 B 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?

Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

In line with the current pandemic, we are also making the documents available for inspection by appointment only at City of York Council Offices, if open in line with the Government's Coronavirus restrictions. To make an appointment to view the documents, please contact the Forward Planning team via localplan@york.gov.uk or on 01904 552255.

Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

Part C -Your Representation

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



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

Proposed Modification Reference:

Document:

Housing Needs Update – EX/CYC/43a and Topic Paper 1 Addendum EX/CYC/59, 59a and 59d

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 or sent by request.

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

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

Yes

No

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

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(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

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

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

Yes No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared **Justified**

Effective **Consistent with national policy**

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

Please see supporting statement attached.

Housing Need Update – Fails to meet the full OAHN.

TP1 Addendum – Issues with the methodology; inadequate justification for the inclusion of land west of ST8 within the Green Belt.

8. (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 7 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.**

Increase the size of ST8.

Increase the housing requirement.

Designate safeguarded land.

Recommend that upon Adoption a review of the Local Plan is immediately triggered.

9. If your representation is seeking a change at question 8.(1)

9.(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.

9.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is considered necessary to participate orally to represent the landowners of land west of ST8 and allow the opportunity to present the case for delivery of the site and answer any questions of the Inspector.

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.



JohnsonMowat
Planning & Development Consultants



CITY OF YORK LOCAL PLAN

PROPOSED MODIFICATIONS AND EVIDENCE BASE CONSULTATION

LAND WEST OF ST8 MONKS CROSS, YORK

On Behalf of the landowners of land immediately west of ST8

June 2021



CONTENTS

1. INTRODUCTION
2. HOUSING NEED UPDATE – G L HEARN
3. GREEN BELT EVIDENCE – TP1 ADDENDUM
4. CONCLUSIONS



1.0 Introduction

- 1.1 This response has been prepared on behalf of the landowners of land immediately west of ST8 Monks Cross, east of Huntington. Previous submissions have been made to the various draft Local Plan iterations and Examination Hearing Statements, the content of which remains relevant.
- 1.2 Of relevance, an Outline Planning Application for the development of circa 970 dwellings including infrastructure, open space, primary school, associated community facilities, convenience store and Country Park was submitted on behalf of Redrow Homes (Yorkshire) Limited in January 2018 on the full extent of the emerging Local Plan ST8 site. The application remains undetermined (18/00017/OUTM). ST8 is sited immediately east of our landowners land, as highlighted in purple on the front cover. The extent of land relating to this submission is highlighted in orange.
- 1.3 Our clients continue to object to the boundary of ST8. It is essential that the detailed Green Belt boundaries are the most appropriate long-term boundaries for the plan period, and beyond. It is considered that the ST8 boundary as proposed, misses an opportunity of allocating further land and the boundaries proposed, which include a thin strip of land in between ST8 and the existing urban edge which is proposed to be defined within the Green Belt. It is maintained that following the designation and development of ST8 this land will not fulfil Green Belt requirements and should not be included within the Green Belt.
- 1.4 Despite over 2,000 pages of additional evidence provided as part of the proposed modifications and additional supporting evidence consultation, there is very little change in the City of York Local Plan. The housing number remains unchanged, and the Council's Green Belt evidence addendum has not altered the approach to allocating sites and defining the Green Belt boundaries. It is not considered that the Green Belt Addendum provides a fully justified reasoning for the resultant inner Green Belt boundaries.



2.0 G L Hearn Housing Needs update, September 2020 – EX/CYC/43a

Proposed Modifications PM50, PM53, PM54, PM63a and PM63B

- 2.1 We continue to object to the Council's approach to identifying Local Housing Need and their continued use of the 2018 projections despite the PPG requiring the continued use of the 2014 based household projections.
- 2.2 We refer to previous comments made to the Proposed Modifications in June 2019 on behalf of landowners of land west of ST8 Monks Cross which raised concerns regarding the G L Hearn January 2019 Housing Needs Update. The September 2020 Housing Needs Update proposes no further changes and concludes that the housing need in the City has not changed materially since the last assessment in January 2019, hence the continuation of the 790 dwellings per annum requirement (plus 32 dpa to meet the shortfall between 2012 and 2017).
- 2.3 In alignment with HBF comments on the housing Needs Update and modifications relating to the annual net housing provision in Policy SS1 it is recommended that the housing requirement is increased to reflect the most up to date Standard Method. The HNA includes the 2020 Standard Method calculation at 1,026 dpa.
- 2.4 We are aware that the Government guidance for the continued use of the 2014-based projections relates to calculating housing need using the standard method in the updated NPPF, which differs from the City of York Local Plan that 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 been calculated using the Objectively Assessed Needs identified through a SHMA. That said, it remains that it would logically apply that the Government's concern with the 2016 and 2018 based projections would also apply to Authorities calculating housing need under the transitional arrangements and OAN calculations.
- 2.5 It should be noted that since the September 2020 Housing Needs Update the Affordability Ratio has been updated and for the year 2020 the median house price to median earnings ratio for 2020 is 8.04 (slightly lower than the 2019 ratio of 8.2). The standard methodology, using the present 10 year period (2021 – 2031) results in a housing need of 1,013 per annum. This is slightly lower than the 2020 calculation included in the HNA Update at 1,026 dpa, but is nevertheless similar and is significantly higher than the G L Hearn HNA of 790 dpa. Clearly the direction of travel remains above 1,000 dwellings per annum.



- 2.6 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 remain high, 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.
- 2.7 We are aware that Lichfields have undertaken a critique of the G L Hearn HNA Update which concludes that the housing requirement fails to meet the full OAHN, which is considered to be significantly higher than the Council has estimated. Lichfields consider that a greater market signals uplift should be applied; considers a further 10% uplift would be appropriate to address affordable housing need; proposes an additional 92 dpa for student growth targets; and highlights concerns regarding the calculation of past housing delivery. As a result, Lichfields calculate the OAHN requirement at **1,010** dpa which is not dissimilar to the 1,013 dpa Standard Method figure. Factoring in shortfall of housing delivery results in a Lichfields Local Plan requirement of **1,111** dpa.
- 2.8 Based on the Lichfields 1,010 dpa OAHN and the Council's housing supply, it is unlikely that the Council will be able to demonstrate a 5 year housing land supply upon adoption of the Local Plan. The identification of additional sites in the Local Plan would rectify this situation.

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 1,013 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 Framework.

We continue to recommend that the undersupply of 512 is annualised over the first 5 years of the Plan rather than over the Plan Period.



3.0 Green Belt Evidence Update

Topic Paper TP1 Approach to defining York's Green Belt - Addendum January 2021 EX/CYC/59, 59a, 59d

- 3.1 The following section relates to the Green Belt Addendum evidence and highlights the concerns of our clients with the updated evidence.
- 3.2 The Council through this Local Plan are setting the 'inner boundary' of the Green Belt that envelops the City for the first time. This is **not** a modification exercise that requires exceptional circumstances to be demonstrated to release land for housing that abuts the inner boundary.
- 3.3 The Green Belt TP1 Addendum clarifies the position that no exceptional circumstances are required for any of the Green Belt boundaries as the Green Belt is not proposing to establish any new Green Belt. The York Green Belt is already established and the York Local Plan is not, as a matter of general principle, seeking to establish a new Green Belt. The York Local Plan is tasked with formally defining the detailed inner boundary and outstanding sections of the outer boundary of the York Green Belt for the first time.
- 3.4 Paragraph 85 of the Framework (2012) states that when defining Green Belt boundaries, local planning authorities should not include land which it is unnecessary to keep permanently open, with paragraph 79 stating that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- 3.5 The resultant land to the west and north of ST8 Monks Cross is not considered to be necessary to keep permanently open in order to protect the primary purpose of the York Green Belt, which is to protect the historic setting and character of York.
- 3.6 In considering the Green Belt purposes it is agreed that purpose 2 ("to prevent neighbouring towns merging into one another") does not apply in York, given that it does not have any major towns close to the general extent of the York Green Belt therefore the potential of towns merging is not applicable. It is also established and agreed in the TP1 Addendum that purpose 5 ("to assist in urban regeneration, by encouraging the recycling of derelict and other urban land") is not considered a purpose of itself which assists materially in determining where any individual and detailed part of the boundary should be set (TP1 Addendum paragraph 5.8 - 5.9).
- 3.7 This leaves 3 purposes which are relevant for determining individual Green Belt boundaries in the City of York.
 - To check the unrestricted sprawl of large built-up areas



- To assist in safeguarding the countryside from encroachment; and
 - To preserve the setting and special character of historic towns.
- 3.8 The primary emphasis is placed on purpose 4 relating to the historic character and setting of York. In this context ST8 and land north and west of Monks Cross, the land is undefined in Figure 3 Green Belt Appraisal on page 32 of the TP1 Addendum. The land therefore does not fall within any of the identified areas that are of 'most' importance to purpose 4 of the Green Belt, which area Strays, Green Wedges, Extensions of the Green Wedges, River corridors, Area retaining the rural setting of the City, Village Setting, and Areas preventing coalescence.
- 3.9 It is maintained that, whilst ST8 is supported, defining land to the west and north of ST8 within the Green Belt is inappropriate. The land will not serve any meaningful Green Belt function.
- 3.10 Paragraph 5.32 of TP1 states that "The Green Belt Appraisal and Heritage Topic Paper highlights that compactness is a key contributor to York's historic character and setting, with a key feature of the main urban area's setting being that it is contained entirely within a band of open land set within the York Outer Ring Road, which offers a viewing platform of the city within its rural setting. "
- 3.11 Not defining Site ST8 and the land immediately north and west of ST8 in the Green Belt will not affect this feature. A landscaped buffer could be incorporated adjacent to the Outer Ring Road, immediately adjacent to land north of ST8 to maintain a 'band of open land'. The ST8 proposals incorporate open space and area for Suds on the eastern edge in between the Outer Ring Road and Monks Cross Link Road. This will maintain the 'band of open land'. The development of ST8 will disrupt any views from the Outer Ring Road of the existing open land immediately adjacent to the eastern edge of Huntington and west of ST8. It is maintained that the allocation of ST8 will not harm the key compactness contributor to the historic setting and character of York. The same applies to land immediately west and north of ST8.
- 3.12 ST8 and land north and west of ST8 aligns with the Council's strategic aims of channelling development towards urban areas and promoting sustainable patterns of development. The ST8 allocation and additional land north and west will form a wholly logical extension to the eastern urban edge of York, which would be contained within the Outer Ring Road. The retention of a landscaped buffer adjacent to the Outer Ring Road north of North Lane would maintain separation between the urban edge and the Outer Ring Road.



TP1 Addendum – Section 8: Methodology – Defining Detailed Boundaries

- 3.13 In summary, the methodology identifies five criteria with which to assess individual boundaries which fall within the three established relevant Green Belt purposes. Three criteria relate to the primary Green Belt purpose 4 – preserving the setting and special character of historic towns. These are compactness; landmark monuments; and landscape and setting. One criterion is identified against each of the other relevant Green Belt purposes 1 and 3. These are urban sprawl and encroachment. There are a number of questions asked within each of these criteria which form the basis of the individual boundary analysis contained in the Addendum Annexes 3, 4 and 5. The relevant Annex in relation to land at Monks Cross is Annex 3 (Inner Boundary Part 2: Sections 5; Boundary 21-27).
- 3.14 A criticism of the Methodology for defining detailed boundaries is the lack of consideration of the potential development put forward and the potential for an alternative boundary which allows for appropriate development to be accommodated in the longer term. Whilst baseline mapping is referenced in TP1 Section 8 methodology, including ground data, topography and key approaches and access routes, there is no reference to the consideration of proposed development put forward by interested parties. This is relevant in the context of consideration of alternative development opportunities west and north of the ST8 allocation.
- 3.15 Proposals put forward by the landowners of land west and north of ST8 will result in the retention of a gap between the urban edge and the Outer Ring Road, including the provision of a buffer adjacent to the Outer Ring Road north of North Lane. The 'containment' of the urban area will be maintained, and it is considered that the openness will not be compromised.

TP1 Addendum - Section 10: Enduring Boundaries and Safeguarding

- 3.16 The Council maintain in the TP1 Addendum that it is not necessary to designate safeguarded land to provide permanence to the Green Belt. We disagree with the Council's conclusion and continue to consider that the identification of safeguarded land is appropriate.
- 3.17 The identification of Safeguarded Land is considered particularly important as the Local Plan will define detailed Green Belt boundaries for the first time and an appropriate and sound strategy is therefore required to enable flexibility up to and beyond the plan period. We consider that Safeguarded Land is required in the City to provide a degree of permanence to the Green Belt boundary and avoid the need for future reviews. It would also provide flexibility and allow land to be brought forward quickly without a fundamental review of the whole Local Plan if allocated sites were unable to deliver the quantum of development envisaged. This is particularly important when considering the complex nature of some of the sites that are



proposed for allocation in the Plan e.g. York Central and land to the West of Elvington Lane, as well as potential heritage issues with other sites across the City which may prevent the deliverability of some allocated sites coming forward as envisaged. Flexibility is therefore essential, with a contingency of sites required to not only provide a buffer of sites but in addition, respond to the fact that the housing requirement is a minimum target rather than a maximum figure.

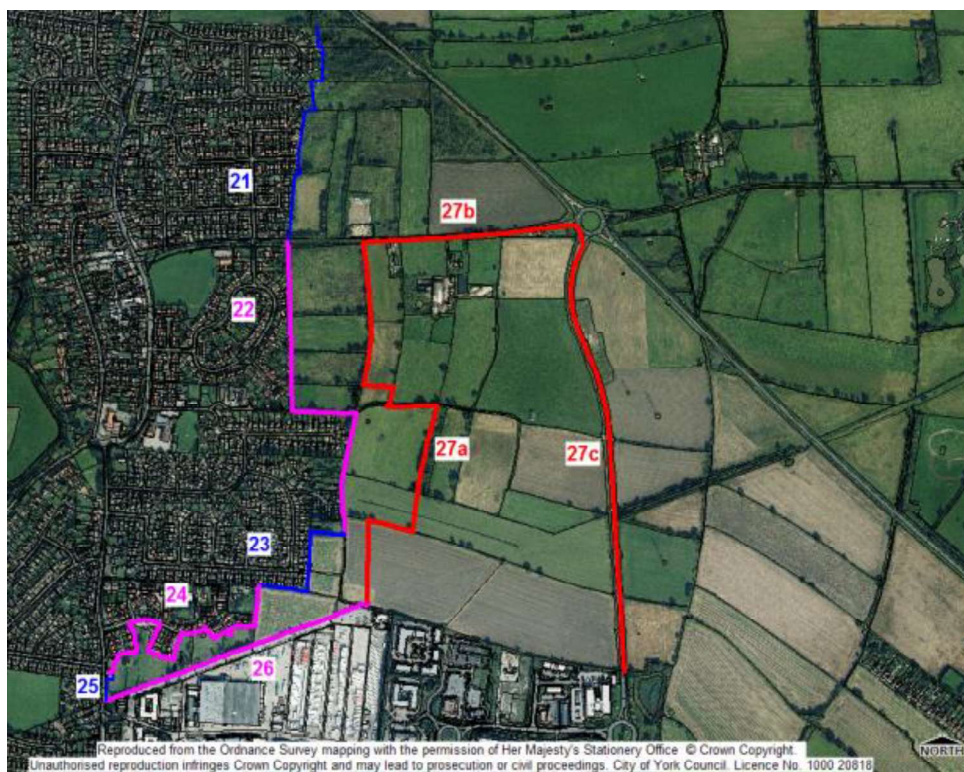
- 3.18 Given the passage of time in progressing the York Local Plan, the planned five year additional land identification to 2038 to extend beyond the 2033 plan period end date has almost passed. We are already four years into the plan period, so the five year buffer is dwindling, and will be even less by the time the Plan is eventually adopted. Upon the eventual adoption of the Local Plan there will be less than 20 years of Green Belt permanence. The justification to identify safeguarded land for beyond 2038 is now even stronger.

TP1 Annex 1 (EX/CYC/59a)

- 3.19 Within TP1 Addendum Annex 1, there are a number of baseline maps that have been prepared as a desktop exercise. We are informed that Annex 1 is a starting point to identify accessibility to different parcels of land on the periphery of the urban area, and that “they have also provided an indication of where these routes might form “open approaches” from which views might be important in enhancing the understanding or significance of York.”
- 3.20 The Outer Ring Road is identified in Annex 1 Figure 6 as a ‘Main Road Approach’, however no ‘long distance views (panoramic, key and general views) are interrupted by ST8 or land to the north or west (Annex 1 figure 13a). There are a number of panoramic, dynamic, general and key views identified in figure 13b, including a selection of views from the Outer Ring Road. The land east of Huntington, covering ST8 and land north and west of ST8 is not contained within any of these ‘historic city-wide’ views. Further, TP1 Annex 3 Inner boundaries 21 – 27, refers to glimpses of views, and existing dense screening along certain sections of the Outer Ring Road at this location. There are limited long distance views of the City from the Outer Ring Road west of ST8.
- 3.21 In relation to ‘Historic Core Views Analysis of Long Distance Views’ (Annex 1 figure 13a), ST8 and land north and west of ST8 is not crossed by any panoramic, key or general views. There are a number of panoramic, dynamic, general and key views identified in figure 13b, including a selection of views from the Outer Ring Road. ST8 and surrounding land is not contained within any of these city-wide views.

TP1 Annex 3 Inner Boundary – Section 5 (EX/CYC/59d)

3.22 The relevant boundaries that have been assessed against the 5 criteria set out in the Methodology for the ST8 site and land north and west of ST8 are Inner Boundary Section 5, Boundaries 21 to 27 as identified in the below TP1 Addendum Annex 3 extract which shows the boundary assessment in blue and pink and the proposed boundary in red.



3.23 As stated, the promoters of ST8 Monks Cross continue to support the ST8 allocation, however maintain that the boundary of ST8 is not the most appropriate option. ST8 is identified in the Draft Local Plan as a 'Residential Urban Extension' and yet it is proposed to extend north of Monks Cross business park and remain separate from the existing Huntington residential edge. This results in an unconnected urban extension with a thin strip of land between the existing residential urban edge and the proposed residential urban extension which will serve no Green Belt function.

3.24 It is maintained that a more appropriate sustainable option would be to connect the urban extension to Huntington. The Local Plan misses the opportunity to deliver to deliver the ST8 site as a sustainable urban extension to the existing residential urban edge, including a portion of development north of North Lane, contained within the Outer Ring Road.



- 3.25 It is considered that the Local Plan fails to make the best use of land within the Outer Ring Road and there is a missed opportunity of taking advantage of existing infrastructure. It is considered that an alternative and appropriate approach would be to fix the Outer Ring Road as the Green Belt boundary with fixed landscape corridors within the Outer Ring Road, which would allow the use of remaining undeveloped non-Green Belt land contained within the Outer Ring Road boundary to be utilised for development. This alternative approach would be consistent with national policy guidance at paragraph 85 (2012 Framework) in relation to defining Green Belt boundaries.

Boundary 21 - 27 Assessment

- 3.26 No consideration has been given to the creation of a new, more defensible Green Belt boundary by extending the urban edge at this location. The following text analyses the Council's assessment of boundary's 21-27 against the 5 criteria outlined in the Methodology.

Green Belt Purpose 4 – Preserving the setting and special character of historic towns

Criterion 1 – Compactness:

- 3.27 It is not considered that the alternative Green Belt boundary which would exclude land west and north of ST8 would detrimentally affect the understanding of the compact city within the original countryside context. Whilst the Outer Ring Road offers open views of the main urban area, it is established in the Council's own assessment that views of the urban area at this location are glimpses, due to the dense landscape screening. The narrowest part of open land to the north of North Lane is densely screened when travelling south eastwards (clockwise) along the Outer Ring Road. Views of Huntington and the City further south west are not visible. Whilst land immediately north of North Lane is more visible from the Outer Ring Road when travelling anti-clockwise on the Outer Ring Road, the views are not of the City, they are of the eastern edge of Huntington. Any limited long distant views of the City from the Outer Ring Road will be further diminished by the ST8 development to the south of North Lane. It is maintained that a countryside buffer could be developed alongside the Outer Ring Road, building on the existing dense screening through careful masterplanning.
- 3.28 Reference in the Council's analysis to reducing the openness between the densely built-up edge of Huntington and the ring road does not appear to factor in the effect of the ST8 urban extension. The creation of a new urban edge to Huntington via the ST8 development will result in land west of ST8 not being visible from the Outer Ring Road. Its retention in the Green Belt will no longer maintain a connection to the open and historic setting.



Criterion 2 – Landmark Monuments:

- 3.29 The boundary assessment refers to land as having “the potential to be in the foreground of views of the Minster from higher ground to the south of Malton, which show this landmark in the context of the compact city and its open countryside.” Should views of the Minster be visible, there are opportunities through design of creating open corridors free from development to maintain any longer distant views. This has not been taken into consideration in the analysis.

Criterion 3 – Landscape and Setting:

- 3.30 Land immediately east of ST8 is proposed to be maintained as open land as part of the ST8 development. Land to the north, of ST8, north of North Lane only offers glimpsed views from the Outer Ring Road to the south west due to existing screening. The creation of a landscape buffer either side of North Lane, as well as alongside the Outer Ring Road could mitigate this criterion and maintain an understanding of the relationship of the city to its hinterland.
- 3.31 There is no analysis of the setting in relation to the land west of the proposed ST8 boundary, and it is considered, due to the development ST8, that this land is not important to the landscape and setting of the City.
- 3.32 Overall, it is not considered that the TP1 Addendum information provides a clear and justified reason for the detrimental impact that the release of land north of North Lane and west of ST8 will have on the Green Belt purpose 4 (Preserving the setting and special character of historic towns).

Green Belt Purpose 1 – Checking unrestricted sprawl

Criterion 4 – Urban Sprawl:

- 3.33 It is not considered that the farms north and south of North Lane ‘pose a risk to sprawl or ribbon development’ as described in the Council’s analysis, given that the proposed ST8 development south of North Lane will extend further east, up to the Monks Cross Link Road.
- 3.34 The existing nature conservation designations north of the dismantled railway (west of ST8) and north of North Lane (outside of Redrow control) will protect this land from development. There is no need to define these areas within the Green Belt.
- 3.35 We disagree with the Council’s analysis against this Criteria which refers to land north and east of the proposed boundaries being extensive and representing a “huge swathe of land which would constitute unacceptable sprawl.” As already stated, land east of the Monks Cross Link



Road is not proposed to be developed and is proposed as open land and Suds. This is an appropriate Green Belt land use, and therefore the Monks Cross Link Road could form a logical and defensible Green Belt boundary. Land to the north of Monks Cross, north of North Lane, within Redrow control can be appropriately developed, with landscape buffers. The Outer Ring Road at this location forms the most logical and defensible long term Green Belt boundary to constrain urban sprawl.

Green Belt Purpose 3 – Safeguarding the countryside from encroachment

Criterion 5 – Encroachment:

- 3.36 The wider countryside north and west of ST8 is severed by the Outer Ring Road. Land west of ST8 between Monks Cross Link Road and the Outer Ring Road is not proposed for development and is proposed as open space and Suds. The countryside feel of this site will be maintained. The limited nature of the proposed developable area north of North Lane, with proposed landscaped buffers adjacent to the Outer Ring Road that is contained by an existing nature conservation designation to the immediate north will not result in significant or detrimental encroachment into the countryside.

Local Permanence:

- 3.37 The assessment does not refer to considering alternative boundaries and refers to the proposed boundary using robust and permanent features. There is scope to protect land west of ST8 in between Huntington and ST8 via existing designations e.g. the existing Nature Conservation designation, as well as the fact that public open space incorporating sports pitches is also proposed immediately west of the ST8 allocation. There will therefore remain pockets of undeveloped land in between the urban extension and the existing urban edge that can be protected via open space and nature conservation designations. What is remaining does not perform any vital Green Belt function enough to warrant its inclusion in the Green Belt.
- 3.38 Whilst arguably North Lane forms an existing robust boundary, it is argued that in terms of long term Green Belt permanence, the Outer Ring Road is a more appropriate long term boundary. Pockets of land north of North Lane is already protected via a Nature conservation designation, and appropriate landscape buffering can be assigned to land adjacent to the Outer Ring Road, such that the remaining land north of North Lane will not perform any vital Green Belt function enough to warrants its inclusion in the Green Belt.



Determining a clear, defensible boundary

- 3.39 The proposed western boundary of ST8 is agreed in this instance. This will form a logical and defensible Green Belt boundary. It is however considered the Green Belt boundary should follow the Outer Ring Road north westwards from the junction of the Outer Ring Road and Monks Cross Link/North Lane, and exclude land west of the Outer Ring Road from the Green Belt. This makes the most logical and appropriate long term Green Belt boundary.
- 3.40 The proposed western boundary of ST8 is not supported. The proposed western boundary of ST8 (Boundary 27a) is not defensible, as recognised by the Council in TP1 Addendum Annex 3 (Page A3.453) whereby in assessing boundary 27a it states:
- “The southern section of this boundary cuts across two fields and does not follow any features on the ground therefore a new recognisable and permanent boundary will need to be created in this location as part of the development.”*
- 3.41 It is maintained that the western boundary of ST8 is illogical and the TP1 Addendum evidence offers no justified explanation as why the retention of a thin strip of Green Belt in between Huntington and ST8 is appropriate and effective. The Council's approach and resultant 'residential urban extension' that is unattached from the residential urban edge does not constitute sustainable development. The desire to create a 'green wedge' in between Huntington and ST8 does not warrant the inclusion of the land within the Green Belt.
- 3.42 It is maintained that a more appropriate and sustainable option would be to connect the ST8 'residential urban extension' to Huntington.



4. Conclusions

- 4.1 The detailed analysis of the Council's TP1 Addendum update has found that there are deficiencies in the approach taken. The fair consideration of alternatives does not appear to have been taken into consideration. The alternative of including land west and north of ST8 would result in the provision of a larger developable area, located in a sustainable location, accessible to existing services and infrastructure. This would align with the Council's strategy and growth focus towards the urban area, all contained within the Outer Ring Road.
- 4.2 Concerns remain with the Council's Housing Need update and continued justification for a housing requirement of 790 dpa. It is considered that the housing requirement in the Local Plan should be 1,013 dpa. On this basis alone, it is considered additional land is required to be identified. Further, given the passage of time and the failure to secure a Local Plan, there is now even more of a justification to add safeguarded land into this Plan. The additional land north and west of ST8 would assist in plugging the gap of meeting housing need within or beyond the plan period either as an alternative boundary to ST8 or via a safeguarded designation.
- 4.3 There is the opportunity here to create a longer-term Green Belt boundary by excluding land west and north of ST8 from the Green Belt and defining appropriate landscape buffers and green wedges. This will result in a more appropriate and justified robust, defensible and legible Green Belt boundary.
- 4.4 While our clients are supportive of the identification and allocation of housing land at ST8, they remain opposed to the manner in which the Plan misses the opportunity to deliver a larger the site as a sustainable urban extension to the existing urban edge. The updated TP1 Addendum fails to sufficiently address this missed opportunity and fails to adequately justify the resultant inclusion of Green Belt land west and north of ST8, which does not fulfil Green Belt purposes. In this instance there is clearly a more appropriate, sensible and plan-led solution to the extent of ST8.

[Redacted]

From: [Redacted]
Sent: 07 July 2021 17:38
To: localplan@york.gov.uk
Subject: City of York Local Plan - Proposed Modifications - Consultation Response - ST8
Attachments: ST8 - CYC Proposed Mods Consultation Form 07-07-21.pdf; ST8 CYC Proposed Mods Response 07-07-21.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

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 Response Form and Statement sent on behalf of the landowners of proposed ST8 allocation.

Please could you acknowledge receipt of the attachments.

Kind regards

[Redacted]
[Redacted]
[Redacted]

[Redacted]

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

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 A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

What information will be collected: The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect 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 examination¹. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.

You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature

Date

07/07/2021

Part B - Personal Details

Please complete in full; in order for the Inspectors to consider your representations you must provide your name and postal address.

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

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, 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

You can also complete the form online at:

www.york.gov.uk/form/LocalPlanConsultation.

What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. 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.

- City of York Local Plan Composite Modifications Schedule (May 2021) [\[EX/CYC/58\]](#) and City of York Local Plan Publication Draft (February 2018) [\[CD001\]](#) **to be read alongside the comprehensive schedule of proposed modifications only**
- York Economic Outlook (December 2019) Oxford Economics [\[EX/CYC/29\]](#)
- CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return (December 2019) [\[EX/CYC/32\]](#)
- Affordable Housing Note Final (February 2020) [\[EX/CYC/36\]](#)
- Audit Trail of Sites 35-100 Hectares (June 2020) [\[EX/CYC/37\]](#)
- Joint Position Statement between CYC and Selby DC Housing Market Area (April 2020) [\[EX/CYC/38\]](#)
- G L Hearn Housing Needs Update (September 2020) [\[EX/CYC/43a\]](#)
- Habitat Regulation Assessment (HRA) (October 2020) Waterman Infrastructure and Environment Limited [\[EX/CYC/45\]](#) and Appendices (October 2020) [\[EX/CYC/45a\]](#)
- Key Diagram Update (January 2021) [\[EX/CYC/46\]](#)
- Statement of Community Involvement Update (November 2020) [\[EX/CYC/49\]](#)
- SHLAA Update (April 2021) [\[EX/CYC/56\]](#)
- CYC SuDs Guidance for Developers (August 2018) [\[EX/CYC/57\]](#)
- Topic Paper TP1: Approach to defining York's Green Belt (Addendum) (January 2021) [\[EX/CYC/59\]](#)
 - Annex 1: Evidence Base (January 2021) [\[EX/CYC/59a\]](#)
 - Annex 2: Outer Boundary (February 2021) [\[EX/CYC/59b\]](#)
 - Annex 3: Inner Boundary (Part: 1 March 2021 [\[EX/CYC/59c\]](#), Part 2: April 2021 [\[EX/CYC/59d\]](#) and Part 3 April 2021) [\[EX/CYC/59e\]](#)
 - Annex 4: Other Urban Areas within the General Extent (April 2021) [\[EX/CYC/59f\]](#)
 - Annex 5: Freestanding Sites (March 2021) [\[EX/CYC/59g\]](#)
 - Annex 6: Proposed Modifications Summary (April 2021) [\[EX/CYC/59h\]](#)
 - Annex 7: Housing Supply Update (April 2021) [\[EX/CYC/59i\]](#) and Trajectory Summary (April 2021) [\[EX/CYC/59j\]](#)
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [\[EX/CYC/60\]](#)
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [\[EX/CYC/61\]](#)

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.

You can use our online consultation form via www.york.gov.uk/form/LocalPlanConsultation or send back your response via email to localplan@york.gov.uk. **However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy (Part A of this form).**

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 B 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?

Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

In line with the current pandemic, we are also making the documents available for inspection by appointment only at City of York Council Offices, if open in line with the Government's Coronavirus restrictions. To make an appointment to view the documents, please contact the Forward Planning team via localplan@york.gov.uk or on 01904 552255.

Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

Part C - Your Representation

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



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

Proposed Modification Reference:

Document:

Housing Needs Update – EX/CYC/43a and Topic Paper 1 Addendum EX/CYC/59, 59a, 59d

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 or sent by request.

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

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

Yes

No

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

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(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

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

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

Yes

No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

Please see supporting statement attached.

Housing Need Update – Fails to meet the full OAHN.

Increase the housing requirement.

Designate safeguarded land.

TP1 Addendum – Issues with the methodology; inadequate justification for the ST8 boundary.

8. (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 7 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.**

Increase the size of ST8.

Designate safeguarded land.

Recommend that upon Adoption a review of the Local Plan is immediately triggered.

9. If your representation is seeking a change at question 8.(1)

9.(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.

9.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is considered necessary to participate orally to allow the ST8 representative the opportunity to present the case for the delivery of the site and answer any questions of the Inspector.

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.

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.



JohnsonMowat
Planning & Development Consultants



CITY OF YORK LOCAL PLAN

PROPOSED MODIFICATIONS AND EVIDENCE BASE CONSULTATION

LAND AT MONKS CROSS, YORK

June 2021



CONTENTS

1. INTRODUCTION
2. HOUSING NEED UPDATE – G L HEARN
3. GREEN BELT EVIDENCE – TP1 ADDENDUM
4. CONCLUSIONS



1.0 Introduction

- 1.1 This response has been prepared on behalf of [REDACTED] [REDACTED] in relation to their continued land interests at Monks Cross (ST8) east of Huntington, on the north eastern edge of York City. Previous submissions have been made to the various draft Local Plan iterations and Examination Hearing Statements, the content of which remains relevant.
- 1.2 An Outline Planning Application for the development of circa 970 dwellings including infrastructure, open space, primary school, associated community facilities, convenience store and Country Park was submitted by Redrow Homes (Yorkshire) Limited in January 2018 on the full extent of the emerging Local Plan ST8 site. The application remains undetermined (18/00017/OUTM).
- 1.3 Our clients continue to support the allocation of ST8 as a sustainable urban extension. However, objections remain regarding the boundary of ST8. It is essential that the detailed Green Belt boundaries are the most appropriate long-term boundaries for the plan period, and beyond. It is considered that the ST8 boundary as proposed, misses an opportunity of allocating further land and the boundaries proposed, which include a thin strip of land in between ST8 and the existing urban edge and land north of North Lane does not fulfil Green Belt requirements.
- 1.4 Despite over 2,000 pages of additional evidence provided as part of the proposed modifications and additional supporting evidence consultation, there is very little change in the City of York Local Plan. The housing number remains unchanged, and the Council's Green Belt evidence addendum has not altered the approach to allocating sites and defining the Green Belt boundaries. It is not considered that the Green Belt Addendum provides a fully justified reasoning for the resultant inner Green Belt boundaries.



2.0 G L Hearn Housing Needs update, September 2020 – EX/CYC/43a

Proposed Modifications PM50, PM53, PM54, PM63a and PM63B

- 2.1 We continue to object to the Council's approach to identifying Local Housing Need and their continued use of the 2018 projections despite the PPG requiring the continued use of the 2014 based household projections.
- 2.2 We refer to previous comments made to the Proposed Modifications in June 2019 on behalf of [REDACTED] which raised concerns regarding the G L Hearn January 2019 Housing Needs Update. The September 2020 Housing Needs Update proposes no further changes and concludes that the housing need in the City has not changed materially since the last assessment in January 2019, hence the continuation of the 790 dwellings per annum requirement (plus 32 dpa to meet the shortfall between 2012 and 2017).
- 2.3 In alignment with HBF comments on the housing Needs Update and modifications relating to the annual net housing provision in Policy SS1 it is recommended that the housing requirement is increased to reflect the most up to date Standard Method. The HNA includes the 2020 Standard Method calculation at 1,026 dpa.
- 2.4 We are aware that the Government guidance for the continued use of the 2014-based projections relates to calculating housing need using the standard method in the updated NPPF, which differs from the City of York Local Plan that 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 been calculated using the Objectively Assessed Needs identified through a SHMA. That said, it remains that it would logically apply that the Government's concern with the 2016 and 2018 based projections would also apply to Authorities calculating housing need under the transitional arrangements and OAN calculations.
- 2.5 It should be noted that since the September 2020 Housing Needs Update the Affordability Ratio has been updated and for the year 2020 the median house price to median earnings ratio for 2020 is 8.04 (slightly lower than the 2019 ratio of 8.2). The standard methodology, using the present 10 year period (2021 – 2031) results in a housing need of 1,013 per annum. This is slightly lower than the 2020 calculation included in the HNA Update at 1,026 dpa, but is



nevertheless similar and is significantly higher than the G L Hearn HNA of 790 dpa. Clearly the direction of travel remains above 1,000 dwellings per annum.

- 2.6 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 remain high, 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.
- 2.7 We are aware that Lichfields have undertaken a critique of the G L Hearn HNA Update which concludes that the housing requirement fails to meet the full OAHN, which is considered to be significantly higher than the Council has estimated. Lichfields consider that a greater market signals uplift should be applied; considers a further 10% uplift would be appropriate to address affordable housing need; proposes an additional 92 dpa for student growth targets; and highlights concerns regarding the calculation of past housing delivery. As a result, Lichfields calculate the OAHN requirement at **1,010** dpa which is not dissimilar to the 1,013 dpa Standard Method figure. Factoring in shortfall of housing delivery results in a Lichfields Local Plan requirement of **1,111** dpa.
- 2.8 Based on the Lichfields 1,010 dpa OAHN and the Council's housing supply, it is unlikely that the Council will be able to demonstrate a 5 year housing land supply upon adoption of the Local Plan. The identification of additional sites in the Local Plan would rectify this situation.

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 1,013 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 Framework.

We continue to recommend that the undersupply of 512 is annualised over the first 5 years of the Plan rather than over the Plan Period.



3.0 Green Belt Evidence Update

Topic Paper TP1 Approach to defining York's Green Belt - Addendum January 2021 EX/CYC/59, 59a, 59d

- 3.1 The following section relates to the Green Belt Addendum evidence and highlights the concerns of our clients with the updated evidence.
- 3.2 The Council through this Local Plan are setting the 'inner boundary' of the Green Belt that envelops the City for the first time. This is **not** a modification exercise that requires exceptional circumstances to be demonstrated to release land for housing that abuts the inner boundary.
- 3.3 The Green Belt TP1 Addendum clarifies the position that no exceptional circumstances are required for any of the Green Belt boundaries as the Green Belt is not proposing to establish any new Green Belt. The York Green Belt is already established and the York Local Plan is not, as a matter of general principle, seeking to establish a new Green Belt. The York Local Plan is tasked with formally defining the detailed inner boundary and outstanding sections of the outer boundary of the York Green Belt for the first time.
- 3.4 Paragraph 85 of the Framework (2012) states that when defining Green Belt boundaries, local planning authorities should not include land which it is unnecessary to keep permanently open, with paragraph 79 stating that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- 3.5 The resultant land to the west and north of ST8 Monks Cross is not considered to be necessary to keep permanently open in order to protect the primary purpose of the York Green Belt, which is to protect the historic setting and character of York.
- 3.6 In considering the Green Belt purposes it is agreed that purpose 2 ("to prevent neighbouring towns merging into one another") does not apply in York, given that it does not have any major towns close to the general extent of the York Green Belt therefore the potential of towns merging is not applicable. It is also established and agreed in the TP1 Addendum that purpose 5 ("to assist in urban regeneration, by encouraging the recycling of derelict and other urban land") is not considered a purpose of itself which assists materially in determining where any individual and detailed part of the boundary should be set (TP1 Addendum paragraph 5.8 - 5.9).
- 3.7 This leaves 3 purposes which are relevant for determining individual Green Belt boundaries in the City of York.



- To check the unrestricted sprawl of large built-up areas
- To assist in safeguarding the countryside from encroachment; and
- To preserve the setting and special character of historic towns.

- 3.8 The primary emphasis is placed on purpose 4 relating to the historic character and setting of York. In this context ST8 and land north and west of Monks Cross, the land is undefined in Figure 3 Green Belt Appraisal on page 32 of the TP1 Addendum. The land therefore does not fall within any of the identified areas that are of 'most' importance to purpose 4 of the Green Belt, which area Strays, Green Wedges, Extensions of the Green Wedges, River corridors, Area retaining the rural setting of the City, Village Setting, and Areas preventing coalescence.
- 3.9 It is maintained that, whilst ST8 is supported, defining land to the west and north of ST8 within the Green Belt is inappropriate. The land will not serve any meaningful Green Belt function.
- 3.10 Paragraph 5.32 of TP1 states that "The Green Belt Appraisal and Heritage Topic Paper highlights that compactness is a key contributor to York's historic character and setting, with a key feature of the main urban area's setting being that it is contained entirely within a band of open land set within the York Outer Ring Road, which offers a viewing platform of the city within its rural setting. "
- 3.11 Not defining Site ST8 and the land immediately north and west of ST8 in the Green Belt will not affect this feature. A landscaped buffer could be incorporated adjacent to the Outer Ring Road, immediately adjacent to land north of ST8 to maintain a 'band of open land'. The ST8 proposals incorporate open space and area for Suds on the eastern edge in between the Outer Ring Road and Monks Cross Link Road. This will maintain the 'band of open land'. The development of ST8 will disrupt any views from the Outer Ring Road of the existing open land immediately adjacent to the eastern edge of Huntington and west of ST8. It is maintained that the allocation of ST8 will not harm the key compactness contributor to the historic setting and character of York. The same applies to land immediately west and north of ST8.
- 3.12 ST8 and land north and west of ST8 aligns with the Council's strategic aims of channelling development towards urban areas and promoting sustainable patterns of development. The ST8 allocation and additional land north and west will form a wholly logical extension to the eastern urban edge of York, which would be contained within the Outer Ring Road. The retention of a landscaped buffer adjacent to the Outer Ring Road north of North Lane would maintain separation between the urban edge and the Outer Ring Road.



TP1 Addendum – Section 8: Methodology – Defining Detailed Boundaries

- 3.13 In summary, the methodology identifies five criteria with which to assess individual boundaries which fall within the three established relevant Green Belt purposes. Three criteria relate to the primary Green Belt purpose 4 – preserving the setting and special character of historic towns. These are compactness; landmark monuments; and landscape and setting. One criterion is identified against each of the other relevant Green Belt purposes 1 and 3. These are urban sprawl and encroachment. There are a number of questions asked within each of these criteria which form the basis of the individual boundary analysis contained in the Addendum Annexes 3, 4 and 5. The relevant Annex in relation to land at Monks Cross is Annex 3 (Inner Boundary Part 2: Sections 5; Boundary 21-27).
- 3.14 A criticism of the Methodology for defining detailed boundaries is the lack of consideration of the potential development put forward and the potential for an alternative boundary which allows for appropriate development to be accommodated in the longer term. Whilst baseline mapping is referenced in TP1 Section 8 methodology, including ground data, topography and key approaches and access routes, there is no reference to the consideration of proposed development put forward by interested parties. This is relevant in the context of consideration of alternative development opportunities west and north of the ST8 allocation.
- 3.15 Proposals put forward by the landowners of land west and north of ST8 will result in the retention of a gap between the urban edge and the Outer Ring Road, including the provision of a buffer adjacent to the Outer Ring Road north of North Lane. The ‘containment’ of the urban area will be maintained, and it is considered that the openness will not be compromised.

TP1 Addendum - Section 10: Enduring Boundaries and Safeguarding

- 3.16 The Council maintain in the TP1 Addendum that it is not necessary to designate safeguarded land to provide permanence to the Green Belt. We disagree with the Council's conclusion and continue to consider that the identification of safeguarded land is appropriate.
- 3.17 The identification of Safeguarded Land is considered particularly important as the Local Plan will define detailed Green Belt boundaries for the first time and an appropriate and sound strategy is therefore required to enable flexibility up to and beyond the plan period. We consider that Safeguarded Land is required in the City to provide a degree of permanence to the Green Belt boundary and avoid the need for future reviews. It would also provide flexibility and allow land to be brought forward quickly without a fundamental review of the whole Local Plan if allocated sites were unable to deliver the quantum of development envisaged. This is



particularly important when considering the complex nature of some of the sites that are proposed for allocation in the Plan e.g. York Central and land to the West of Elvington Lane, as well as potential heritage issues with other sites across the City which may prevent the deliverability of some allocated sites coming forward as envisaged. Flexibility is therefore essential, with a contingency of sites required to not only provide a buffer of sites but in addition, respond to the fact that the housing requirement is a minimum target rather than a maximum figure.

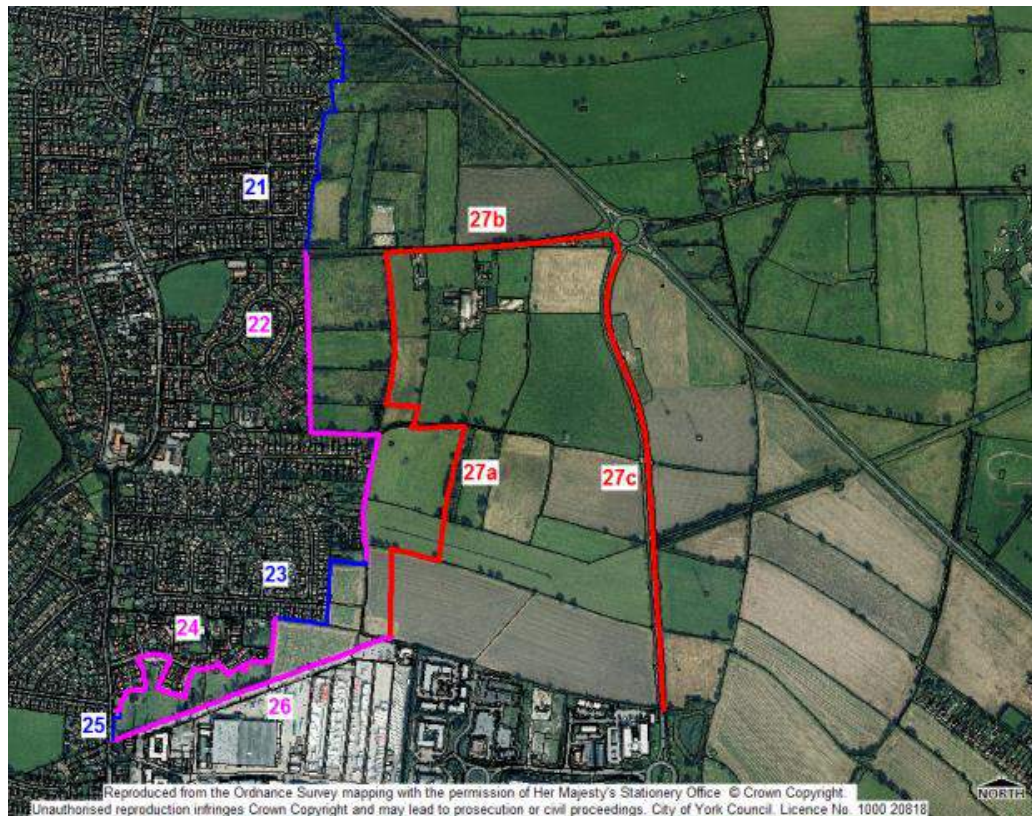
- 3.18 Given the passage of time in progressing the York Local Plan, the planned five year additional land identification to 2038 to extend beyond the 2033 plan period end date has almost passed. We are already four years into the plan period, so the five year buffer is dwindling, and will be even less by the time the Plan is eventually adopted. Upon the eventual adoption of the Local Plan there will be less than 20 years of Green Belt permanence. The justification to identify safeguarded land for beyond 2038 is now even stronger.

TP1 Annex 1 (EX/CYC/59a)

- 3.19 Within TP1 Addendum Annex 1, there are a number of baseline maps that have been prepared as a desktop exercise. We are informed that Annex 1 is a starting point to identify accessibility to different parcels of land on the periphery of the urban area, and that “they have also provided an indication of where these routes might form “open approaches” from which views might be important in enhancing the understanding or significance of York.”
- 3.20 The Outer Ring Road is identified in Annex 1 Figure 6 as a ‘Main Road Approach’, however no ‘long distance views (panoramic, key and general views) are interrupted by ST8 or land to the north or west (Annex 1 figure 13a). There are a number of panoramic, dynamic, general and key views identified in figure 13b, including a selection of views from the Outer Ring Road. The land east of Huntington, covering ST8 and land north and west of ST8 is not contained within any of these ‘historic city-wide’ views. Further, TP1 Annex 3 Inner boundaries 21 – 27, refers to glimpses of views, and existing dense screening along certain sections of the Outer Ring Road at this location. There are limited long distance views of the City from the Outer Ring Road west of ST8.
- 3.21 In relation to ‘Historic Core Views Analysis of Long Distance Views’ (Annex 1 figure 13a), ST8 and land north and west of ST8 is not crossed by any panoramic, key or general views. There are a number of panoramic, dynamic, general and key views identified in figure 13b, including a selection of views from the Outer Ring Road. ST8 and surrounding land is not contained within any of these city-wide views.

TP1 Annex 3 Inner Boundary – Section 5 (EX/CYC/59d)

3.22 The relevant boundaries that have been assessed against the 5 criteria set out in the Methodology for the ST8 site and land north and west of ST8 are Inner Boundary Section 5, Boundaries 21 to 27 as identified in the below TP1 Addendum Annex 3 extract which shows the boundary assessment in blue and pink and the proposed boundary in red.



3.23 As stated, the promoters of ST8 Monks Cross continue to support the ST8 allocation, however maintain that the boundary of ST8 is not the most appropriate option. ST8 is identified in the Draft Local Plan as a ‘Residential Urban Extension’ and yet it is proposed to extend north of Monks Cross business park and remain separate from the existing Huntington residential edge. This results in an unconnected urban extension with a thin strip of land between the existing residential urban edge and the proposed residential urban extension which will serve no Green Belt function.

3.24 It is maintained that a more appropriate sustainable option would be to connect the urban extension to Huntington. The Local Plan misses the opportunity to deliver to deliver the ST8



site as a sustainable urban extension to the existing residential urban edge, including a portion of development north of North Lane, contained within the Outer Ring Road.

- 3.25 It is considered that the Local Plan fails to make the best use of land within the Outer Ring Road and there is a missed opportunity of taking advantage of existing infrastructure. It is considered that an alternative and appropriate approach would be to fix the Outer Ring Road as the Green Belt boundary with fixed landscape corridors within the Outer Ring Road, which would allow the use of remaining undeveloped non-Green Belt land contained within the Outer Ring Road boundary to be utilised for development. This alternative approach would be consistent with national policy guidance at paragraph 85 (2012 Framework) in relation to defining Green Belt boundaries.

Boundary 21 - 27 Assessment

- 3.26 No consideration has been given to the creation of a new, more defensible Green Belt boundary by extending the urban edge at this location. The following text analyses the Council's assessment of boundary's 21-27 against the 5 criteria outlined in the Methodology.

Green Belt Purpose 4 – Preserving the setting and special character of historic towns

Criterion 1 – Compactness:

- 3.27 It is not considered that the alternative Green Belt boundary which would exclude land west and north of ST8 would detrimentally affect the understanding of the compact city within the original countryside context. Whilst the Outer Ring Road offers open views of the main urban area, it is established in the Council's own assessment that views of the urban area at this location are glimpses, due to the dense landscape screening. The narrowest part of open land to the north of North Lane is densely screened when travelling south eastwards (clockwise) along the Outer Ring Road. Views of Huntington and the City further south west are not visible. Whilst land immediately north of North Lane is more visible from the Outer Ring Road when travelling anti-clockwise on the Outer Ring Road, the views are not of the City, they are of the eastern edge of Huntington. Any limited long distant views of the City from the Outer Ring Road will be further diminished by the ST8 development to the south of North Lane. It is maintained that a countryside buffer could be developed alongside the Outer Ring Road, building on the existing dense screening through careful masterplanning.
- 3.28 Reference in the Council's analysis to reducing the openness between the densely built-up edge of Huntington and the ring road does not appear to factor in the effect of the ST8 urban extension. The creation of a new urban edge to Huntington via the ST8 development will result



in land west of ST8 not being visible from the Outer Ring Road. Its retention in the Green Belt will no longer maintain a connection to the open and historic setting.

Criterion 2 – Landmark Monuments:

- 3.29 The boundary assessment refers to land as having “the potential to be in the foreground of views of the Minster from higher ground to the south of Malton, which show this landmark in the context of the compact city and its open countryside.” Should views of the Minster be visible, there are opportunities through design of creating open corridors free from development to maintain any longer distant views. This has not been taken into consideration in the analysis.

Criterion 3 – Landscape and Setting:

- 3.30 Land immediately east of ST8 is proposed to be maintained as open land as part of the ST8 development. Land to the north, of ST8, north of North Lane only offers glimpsed views from the Outer Ring Road to the south west due to existing screening. The creation of a landscape buffer either side of North Lane, as well as alongside the Outer Ring Road could mitigate this criterion and maintain an understanding of the relationship of the city to its hinterland.
- 3.31 There is no analysis of the setting in relation to the land west of the proposed ST8 boundary, and it is considered, due to the development ST8, that this land is not important to the landscape and setting of the City.
- 3.32 Overall, it is not considered that the TP1 Addendum information provides a clear and justified reason for the detrimental impact that the release of land north of North Lane and west of ST8 will have on the Green Belt purpose 4 (Preserving the setting and special character of historic towns).

Green Belt Purpose 1 – Checking unrestricted sprawl

Criterion 4 – Urban Sprawl:

- 3.33 It is not considered that the farms north and south of North Lane ‘pose a risk to sprawl or ribbon development’ as described in the Council’s analysis, given that the proposed ST8 development south of North Lane will extend further east, up to the Monks Cross Link Road.
- 3.34 The existing nature conservation designations north of the dismantled railway (west of ST8) and north of North Lane (outside of Redrow control) will protect this land from development. There is no need to define these areas within the Green Belt.



3.35 We disagree with the Council's analysis against this Criteria which refers to land north and east of the proposed boundaries being extensive and representing a "huge swathe of land which would constitute unacceptable sprawl." As already stated, land east of the Monks Cross Link Road is not proposed to be developed and is proposed as open land and Suds. This is an appropriate Green Belt land use, and therefore the Monks Cross Link Road could form a logical and defensible Green Belt boundary. Land to the north of Monks Cross, north of North Lane, within Redrow control can be appropriately developed, with landscape buffers. The Outer Ring Road at this location forms the most logical and defensible long term Green Belt boundary to constrain urban sprawl.

Green Belt Purpose 3 – Safeguarding the countryside from encroachment

Criterion 5 – Encroachment:

3.36 The wider countryside north and west of ST8 is severed by the Outer Ring Road. Land west of ST8 between Monks Cross Link Road and the Outer Ring Road is not proposed for development and is proposed as open space and Suds. The countryside feel of this site will be maintained. The limited nature of the proposed developable area north of North Lane, with proposed landscaped buffers adjacent to the Outer Ring Road that is contained by an existing nature conservation designation to the immediate north will not result in significant or detrimental encroachment into the countryside.

Local Permanence:

3.37 The assessment does not refer to considering alternative boundaries and refers to the proposed boundary using robust and permanent features. There is scope to protect land west of ST8 in between Huntington and ST8 via existing designations e.g. the existing Nature Conservation designation, as well as the fact that public open space incorporating sports pitches is also proposed immediately west of the ST8 allocation. There will therefore remain pockets of undeveloped land in between the urban extension and the existing urban edge that can be protected via open space and nature conservation designations. What is remaining does not perform any vital Green Belt function enough to warrant its inclusion in the Green Belt.

3.38 Whilst arguably North Lane forms an existing robust boundary, it is argued that in terms of long term Green Belt permanence, the Outer Ring Road is a more appropriate long term boundary. Pockets of land north of North Lane is already protected via a Nature conservation designation, and appropriate landscape buffering can be assigned to land adjacent to the Outer Ring Road, such that the remaining land north of North Lane will not perform any vital Green Belt function enough to warrants its inclusion in the Green Belt.



Determining a clear, defensible boundary

- 3.39 The proposed western boundary of ST8 is agreed in this instance. This will form a logical and defensible Green Belt boundary. It is however considered the Green Belt boundary should follow the Outer Ring Road north westwards from the junction of the Outer Ring Road and Monks Cross Link/North Lane, and exclude land west of the Outer Ring Road from the Green Belt. This makes the most logical and appropriate long term Green Belt boundary.
- 3.40 The proposed western boundary of ST8 is not supported. The proposed western boundary of ST8 (Boundary 27a) is not defensible, as recognised by the Council in TP1 Addendum Annex 3 (Page A3.453) whereby in assessing boundary 27a it states:
- “The southern section of this boundary cuts across two fields and does not follow any features on the ground therefore a new recognisable and permanent boundary will need to be created in this location as part of the development.”*
- 3.41 It is maintained that the western boundary of ST8 is illogical and the TP1 Addendum evidence offers no justified explanation as why the retention of a thin strip of Green Belt in between Huntington and ST8 is appropriate and effective. The Council’s approach and resultant ‘residential urban extension’ that is unattached from the residential urban edge does not constitute sustainable development. The desire to create a ‘green wedge’ in between Huntington and ST8 does not warrant the inclusion of the land within the Green Belt.
- 3.42 It is maintained that a more appropriate and sustainable option would be to connect the ST8 ‘residential urban extension’ to Huntington.



4. Conclusions

- 4.1 The detailed analysis of the Council's TP1 Addendum update has found that there are deficiencies in the approach taken. The fair consideration of alternatives does not appear to have been taken into consideration. The alternative of including land west and north of ST8 would result in the provision of a larger developable area, located in a sustainable location, accessible to existing services and infrastructure. This would align with the Council's strategy and growth focus towards the urban area, all contained within the Outer Ring Road.
- 4.2 Concerns remain with the Council's Housing Need update and continued justification for a housing requirement of 790 dpa. It is considered that the housing requirement in the Local Plan should be 1,013 dpa. On this basis alone, it is considered additional land is required to be identified. Further, given the passage of time and the failure to secure a Local Plan, there is now even more of a justification to add safeguarded land into this Plan. The additional land north and west of ST8 would assist in plugging the gap of meeting housing need within or beyond the plan period either as an alternative boundary to ST8 or via a safeguarded designation.
- 4.3 There is the opportunity here to create a longer-term Green Belt boundary by excluding land west and north of ST8 from the Green Belt and defining appropriate landscape buffers and green wedges. This will result in a more appropriate and justified robust, defensible and legible Green Belt boundary.
- 4.4 While our clients are supportive of the identification and allocation of housing land at ST8, they remain opposed to the manner in which the Plan misses the opportunity to deliver a larger the site as a sustainable urban extension to the existing urban edge. The updated TP1 Addendum fails to sufficiently address this missed opportunity and fails to adequately justify the resultant inclusion of Green Belt land west and north of ST8, which does not fulfil Green Belt purposes. In this instance there is clearly a more appropriate, sensible and plan-led solution to the extent of ST8.

From: [REDACTED]
Sent: 07 July 2021 17:09
To: localplan@york.gov.uk
Subject: City of York Local Plan - Proposed Modifications - Consultation Response - TW
Huntington
Attachments: TW - E Huntington - CYC Proposed Mods Form 07-07-21.pdf; TW Huntington - CYC
Proposed Mods Consultation Response 07-07-21.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 or Madam,

Please find attached a completed Consultation Response Form and Statement sent on behalf of Taylor Wimpey in relation to their ongoing land interests north and north east of Huntington.

Please could you acknowledge receipt of the attachments.

Kind regards

[REDACTED]
[REDACTED]
[REDACTED]

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

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 A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

What information will be collected: The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect 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 examination¹. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.

You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature

Date

07/07/2021

Part B - Personal Details

Please complete in full; in order for the Inspectors to consider your representations you must provide your name and postal address.

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

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, 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

You can also complete the form online at:

www.york.gov.uk/form/LocalPlanConsultation.

What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. 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.

- City of York Local Plan Composite Modifications Schedule (May 2021) [[EX/CYC/58](#)] and City of York Local Plan Publication Draft (February 2018) [[CD001](#)] **to be read alongside the comprehensive schedule of proposed modifications only**
- York Economic Outlook (December 2019) Oxford Economics [[EX/CYC/29](#)]
- CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return (December 2019) [[EX/CYC/32](#)]
- Affordable Housing Note Final (February 2020) [[EX/CYC/36](#)]
- Audit Trail of Sites 35-100 Hectares (June 2020) [[EX/CYC/37](#)]
- Joint Position Statement between CYC and Selby DC Housing Market Area (April 2020) [[EX/CYC/38](#)]
- G L Hearn Housing Needs Update (September 2020) [[EX/CYC/43a](#)]
- Habitat Regulation Assessment (HRA) (October 2020) Waterman Infrastructure and Environment Limited [[EX/CYC/45](#)] and Appendices (October 2020) [[EX/CYC/45a](#)]
- Key Diagram Update (January 2021) [[EX/CYC/46](#)]
- Statement of Community Involvement Update (November 2020) [[EX/CYC/49](#)]
- SHLAA Update (April 2021) [[EX/CYC/56](#)]
- CYC SuDs Guidance for Developers (August 2018) [[EX/CYC/57](#)]
- Topic Paper TP1: Approach to defining York's Green Belt (Addendum) (January 2021) [[EX/CYC/59](#)]
 - Annex 1: Evidence Base (January 2021) [[EX/CYC/59a](#)]
 - Annex 2: Outer Boundary (February 2021) [[EX/CYC/59b](#)]
 - Annex 3: Inner Boundary (Part: 1 March 2021 [[EX/CYC/59c](#)], Part 2: April 2021 [[EX/CYC/59d](#)] and Part 3 April 2021) [[EX/CYC/59e](#)]
 - Annex 4: Other Urban Areas within the General Extent (April 2021) [[EX/CYC/59f](#)]
 - Annex 5: Freestanding Sites (March 2021) [[EX/CYC/59g](#)]
 - Annex 6: Proposed Modifications Summary (April 2021) [[EX/CYC/59h](#)]
 - Annex 7: Housing Supply Update (April 2021) [[EX/CYC/59i](#)] and Trajectory Summary (April 2021) [[EX/CYC/59j](#)]
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [[EX/CYC/60](#)]
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [[EX/CYC/61](#)]

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.

You can use our online consultation form via www.york.gov.uk/form/LocalPlanConsultation or send back your response via email to localplan@york.gov.uk. **However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy (Part A of this form).**

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 B 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?

Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

In line with the current pandemic, we are also making the documents available for inspection by appointment only at City of York Council Offices, if open in line with the Government's Coronavirus restrictions. To make an appointment to view the documents, please contact the Forward Planning team via localplan@york.gov.uk or on 01904 552255.

Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

Part C -Your Representation

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



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

Proposed Modification Reference:

Document:

Housing Needs Update – EX/CYC/43a and Topic Paper 1 Addendum EX/CYC/59, 59a, 59d

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 or sent by request.

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

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

Yes

No

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

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(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

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

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

Yes No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared **Justified**

Effective **Consistent with national policy**

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

Please see supporting statement attached.

Housing Need Update – Fails to meet the full OAHN.

TP1 Addendum – Issues with the methodology; inadequate justification for the inclusion of land north and north east of ST8 within the Green Belt.

8. (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 7 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.**

Expand ST8 north of North Lane. Exclude land north east of ST8 from the Green Belt.

Increase the housing requirement.

Designate safeguarded land.

Recommend that upon Adoption a review of the Local Plan is immediately triggered.

9. If your representation is seeking a change at question 8.(1)

9.(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.

9.(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.



CITY OF YORK LOCAL PLAN

PROPOSED MODIFICATIONS AND EVIDENCE BASE CONSULTATION

**LAND NORTH & NORTH EAST OF ST8,
HUNTINGTON, YORK**

On Behalf of Taylor Wimpey

June 2021

CONTENTS

1. INTRODUCTION
2. HOUSING NEEDS UPDATE
3. GREEN BELT ADDENDUM
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Appendices

1. Representations on Housing Matters – Lichfields

1. INTRODUCTION

- 1.1 This response has been prepared on behalf of Taylor Wimpey in relation to their continued land interests north and north east of Monks Cross, east of Huntington. Taylor Wimpey's land interest lies north of site ST8 within the confines of the Outer Ring Road and extends beyond the Outer Ring Road north east of Site ST8.
- 1.2 It is essential that the detailed Green Belt boundaries are the most appropriate long-term boundaries for the plan period, and beyond.
- 1.3 Despite over 2,000 pages of additional evidence provided as part of the proposed modifications and additional supporting evidence consultation, there is very little change in the City of York Local Plan. The housing number remains unchanged, and the Council's Green Belt evidence addendum has not altered the approach to allocating sites and defining the Green Belt boundaries. It is not considered that the Green Belt Addendum provides a fully justified reasoning for the resultant Green Belt boundaries.

2. HOUSING NEEDS UPDATE

Proposed Modifications PM50, PM53, PM54, PM63a and PM63B

- 2.1 Taylor Wimpey continue to object to the Council's approach to identifying Local Housing Need and their continued use of the 2018 projections despite the PPG requiring the continued use of the 2014 based household projections.
- 2.2 The September 2020 Housing Needs Update proposes no further changes to the housing requirement and concludes that the housing need in the City has not changed materially since the last assessment in January 2019, hence the continuation of the 790 dwellings per annum requirement (plus 32 dpa to meet the shortfall between 2012 and 2017).
- 2.3 In alignment with HBF comments on the Housing Needs Update and modifications relating to the annual net housing provision in Policy SS1 it is recommended that the housing requirement is increased to reflect the most up to date Standard Method. The HNA includes the 2020 Standard Method calculation at 1,026 dpa.
- 2.4 It should be noted that since the September 2020 Housing Needs Update the Affordability Ratio has been updated and for the year 2020 the median house price to median earnings ratio for 2020 is 8.04 (slightly lower than the 2019 ratio of 8.2). The standard methodology, using the present 10 year period (2021 – 2031) results in a housing need of 1,013 per annum. This is slightly lower than the 2020 calculation included in the HNA Update at 1,026 dpa, but is nevertheless similar and is significantly higher than the G L Hearn HNA of 790 dpa. Clearly the direction of travel remains above 1,000 dwellings per annum.
- 2.5 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 remain high, 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.
- 2.6 Appended to this submission at Appendix 1 is a statement that has been prepared by Lichfields on behalf of three different participants including Taylor Wimpey. The Lichfields statement analyses the Council's updated evidence on housing needs that establishes the scale of need and demand for market / affordable housing in the City. This includes comments on the following documents.

- EX/CYC/32: CYC Annual housing Monitoring and MHCLG Housing Flow Reconciliation Return 2019;
- EX/CYC/36: Affordable Housing Note final February 2020;
- EX/CYC/38: Joint Position Statement between CYC and Selby District Council Housing Market Area April 2020;
- EX/CYC/43a: Housing Needs Update September 2020;
- EX/CYC/56: SHLAA Update April 2021;
- EX/CYC/58: Composite Modifications Schedule April 2021.

2.7 The Lichfields critique concludes that the Local Plan housing requirement fails to meet the full OAHN, which is considered to be significantly higher than the Council has estimated. To summarise the findings,

- Lichfields consider that a greater market signals uplift of at least 25% should be applied;
- Given the significant affordable housing need identified Lichfields considers a further 10% uplift would be appropriate to address affordable housing need and should be applied to the OAHN;
- Lichfields propose an additional 92 dpa for student growth targets;
- Concerns are highlighted regarding the Council's calculation of past housing delivery.
- As a result, Lichfields calculate the OAHN requirement at **1,010** dpa which is not dissimilar to the 1,013 dpa Standard Method figure.
- Factoring in shortfall of housing delivery results in a Lichfields Local Plan requirement of **1,111** dpa.

2.8 In conclusion the Lichfields analysis states:

“The evidence provided by the council is not sufficient to demonstrate that the housing requirement over the first five years of the Plan will be achieved. When a more realistic OAHN of 1,010 dpa is factored into the calculation, as well as reasonable adjustments relating to windfalls and the Sedgfield approach to backlog, it is clear that the Council

cannot demonstrate a 5 year housing land supply. This could fall to as low as 3 years even before a detailed interrogation of the deliverability of sites is undertaken.”

- 2.9 Should it be determined through the Examination process that the housing requirements of the Local Plan are required to be increased, land north and north east of Monks Cross in Taylor Wimpey’s control could be delivered to contribute to meeting this need.
- 2.10 It is recommended that the Housing Requirement in Policy SS1 is increased to a minimum of 1,013 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 Framework.

3. GREEN BELT ADDENDUM

Topic Paper 1 Approach to defining Green Belt Addendum January 2021

EX/CYC/59 TP1 Addendum

EX/CYC/59a TP1 Addendum Annex 1

EX/CYC/59d TP1 Addendum Annex 3 Inner Boundary Part 2 S5-6

- 3.1 The following section relates to the Green Belt Addendum evidence and highlights the concerns of Taylor Wimpey with the updated evidence.
- 3.2 The Council through this Local Plan are setting the ‘inner boundary’ of the Green Belt that envelops the City for the first time. This is **not** a modification exercise that requires exceptional circumstances to be demonstrated to release land for housing that abuts the inner boundary.
- 3.3 The Green Belt TP1 Addendum clarifies the position that no exceptional circumstances are required for any of the Green Belt boundaries as the Green Belt is not proposing to establish any new Green Belt. The York Green Belt is already established and the York Local Plan is not, as a matter of general principle, seeking to establish a new Green Belt. The York Local Plan is tasked with formally defining the detailed inner boundary and outstanding sections of the outer boundary of the York Green Belt for the first time.
- 3.4 Paragraph 85 of the Framework (2012) states that when defining Green Belt boundaries, local planning authorities should not include land which it is unnecessary to keep permanently open, with paragraph 79 stating that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- 3.5 Land north and north east of Monks Cross is not considered to be necessary to keep permanently open in order to protect the primary purpose of the York Green Belt, which is to protect the historic setting and character of York.
- 3.6 In considering the Green Belt purposes it is agreed that purpose 2 (“to prevent neighbouring towns merging into one another”) does not apply in York, given that it does not have any major towns close to the general extent of the York Green Belt therefore the potential of towns merging is not applicable. It is also established and agreed in the TP1 Addendum that purpose 5 (“to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”) is not considered a purpose of itself which assists materially in determining where any individual and detailed part of the boundary should be set (TP1 Addendum paragraph 5.8 - 5.9).
- 3.7 This leaves 3 purposes which are relevant for determining individual Green Belt boundaries in the City of York.

- To check the unrestricted sprawl of large built-up areas
 - To assist in safeguarding the countryside from encroachment; and
 - To preserve the setting and special character of historic towns.
- 3.8 The primary emphasis is placed on purpose 4 relating to the historic character and setting of York. Land north and north east of Monks Cross is undefined in Figure 3 Green Belt Appraisal on page 32 of the TP1 Addendum. The land therefore does not fall within any of the identified areas that are of 'most' importance to purpose 4 of Green Belt, which in the instance of York are categorised as Strays, Green Wedges, Extensions of the Green Wedges, River corridors, Area retaining the rural setting of the City, Village Setting, and Areas preventing coalescence.
- 3.9 Analysis of the Council's TP1 evidence commissioned by Taylor Wimpey refers to the methodology described in the TP1 Addendum not being a standard approach to appraising against the NPPF Green Belt purposes. A number of issues are raised with the Council's methodology and resultant approach to defining Green Belt boundaries. The assessment does not define parcels of land and so is unable to quantify how much land extending from the suburban edge should be kept open to safeguard against sprawl, encroachment etc. The TP1 Addendum update only assesses boundaries.
- 3.10 Paragraph 5.32 of TP1 states that "The Green Belt Appraisal and Heritage Topic Paper highlights that compactness is a key contributor to York's historic character and setting, with a key feature of the main urban area's setting being that it is contained entirely within a band of open land set within the York Outer Ring Road, which offers a viewing platform of the city within its rural setting. "
- 3.11 Not defining the land north of ST8, contained within the Outer Road in the Green Belt will not affect this feature. A landscaped buffer could be incorporated adjacent to the Outer Ring Road, north of North Lane to maintain a 'band of open land'. The development of ST8 will disrupt any views from the Outer Ring Road or beyond of the existing open land immediately adjacent to the eastern edge of Huntington. The allocation of land north of ST8 outside the Green Belt will not harm the key compactness contributor to the historic setting and character of York.
- 3.12 The identification of land north of ST8 would align with the Council's strategic aims of channelling development towards urban areas and promoting sustainable patterns of development. The ST8 allocation and additional land north will form a wholly logical extension to the eastern urban edge of York, which would be contained within the Outer Ring Road. The retention of a landscaped buffer adjacent to the Outer Ring Road north of North Lane would maintain separation between the urban edge and the Outer Ring Road.

- 3.13 Further analysis of the Council's TP1 Addendum update by Pegasus on behalf of Taylor Wimpey highlight a number of concerns with the Council's revised evidence. There are criticisms regarding the continued complexity of the Addendum information. The outcomes of the methodology are not substantively different to that presented in the 2019 TP1 Addendum documentation and the effect of the 2021 TP1 Addendum revisions has made no material difference to the outcome of the Green Belt boundaries, as put forward in 2019.
- 3.14 There are criticisms of how the Council's methodology regarding the 5 criteria relates to the bearing of purpose 4 of Green Belt ('to preserve the setting and special character of historic towns'). For example, in relation to the Landmark Monuments criteria it is noted that not all views of the Minster will contribute in the same way to the understanding and significance of the historic core, with not every single view of the Minster being significant or worthy of protection or contributing towards the understanding of the historic core.
- 3.15 In particular relation to question 2 of the Landmark Monuments criteria – *Does the land need to be kept permanently open to contribute to the understanding and significance of a building, landmark or monument?* Pegasus point out that this question has no bearing on Purpose 4 of Green Belt and refer to the purpose of Green Belt not being to protect individual buildings, landmarks or monuments.
- 3.16 Queries are raised regarding the methodology which seems to consider the entire built-up area of York as being the historic town, including all areas of modern development, industrial, commercial, retail etc that encircle the historic core. Whilst it is not in doubt that the historic core of York could be identified as having interest commensurate with a heritage asset, this cannot be said to cover the entire built-up area of York.
- 3.17 It is not considered that the methodology is robust in identifying Green Belt boundaries that would serve the function of purpose 4 of Green Belt.

TP1 Addendum - Section 10: Enduring Boundaries and Safeguarding

- 3.18 The Council maintain in the TP1 Addendum that it is not necessary to designate safeguarded land to provide permanence to the Green Belt. Taylor Wimpey disagree with the Council's conclusion and continue to consider that the identification of safeguarded land is appropriate.
- 3.19 The identification of Safeguarded Land is considered particularly important as the Local Plan will define detailed Green Belt boundaries for the first time and an appropriate and sound

strategy is therefore required to enable flexibility up to and beyond the plan period. Taylor Wimpey consider that Safeguarded Land is required in the City to provide a degree of permanence to the Green Belt boundary and avoid the need for future reviews. It would also provide flexibility and allow land to be brought forward quickly without a fundamental review of the whole Local Plan if allocated sites were unable to deliver the quantum of development envisaged. This is particularly important when considering the complex nature of some of the sites that are proposed for allocation in the Plan e.g. York Central and land to the West of Elvington Lane, as well as potential heritage issues with other sites across the City which may prevent the deliverability of some allocated sites coming forward as envisaged. Flexibility is therefore essential, with a contingency of sites required to not only provide a buffer of sites but in addition, respond to the fact that the housing requirement is a minimum target rather than a maximum figure.

- 3.20 Given the passage of time in progressing the York Local Plan, the planned five year additional land identification to 2038 to extend beyond the 2033 plan period end date has almost passed. We are already four years into the plan period, so the five year buffer is dwindling, and will be even less by the time the Plan is eventually adopted. Upon the eventual adoption of the Local Plan there will be less than 20 years of Green Belt permanence. The justification to identify safeguarded land for beyond 2038 is now even stronger.

4. CONCLUSIONS

- 4.1 In relation to housing need, the Lichfields critique of the Council's Housing Need Update concludes that the Local Plan housing requirement (790 dpa) fails to meet the full OAHN. Lichfields calculate the OAHN at 1,010 dpa and a housing requirement of 1,111 dpa which factors in shortfall of housing delivery. Should it be determined through the Examination process that the housing requirements of the Local Plan are required to be increased, the land north and north east of Monks Cross, and east of Huntington in Taylor Wimpey's control could be delivered to contribute to meeting this need.
- 4.2 It is recommended that the Housing Requirement in Policy SS1 is increased to a minimum of 1,013 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 Framework.
- 4.3 Taylor Wimpey consider that the Local Plan should identify safeguarded land. Land north east of Monks Cross beyond the Outer Ring Road would be an ideal candidate for a safeguarded designation.
- 4.4 The detailed analysis of the Council's TP1 Addendum update has found that there are deficiencies in the approach taken. The fair consideration of alternative boundaries does not appear to have been taken into consideration. The alternative of including land north of Monks Cross, contained within the Outer Ring Road outside of the Green Belt would result in the provision of a larger developable area, located in a sustainable location, accessible to existing services and infrastructure. This would align with the Council's strategy and growth focus towards the urban area, all contained within the Outer Ring Road. Land beyond the Outer Ring Road in Taylor Wimpey's control could be designated as safeguarded land, and / or in part as a nature conservation area to lessen the recreational pressure on the nearby Strensall Common SAC.
- 4.5 There is the opportunity via the Local Plan to create a longer-term Green Belt boundary by excluding land north of ST8 from the Green Belt and defining appropriate landscape buffers and green wedges. This will result in a more appropriate and justified robust, defensible and legible Green Belt boundary.

APPENDIX ONE

City of York Local Plan

Proposed Modifications Version

Representations on Housing Matters

Taylor Wimpey; Persimmon Homes; Bellway Homes

July 2021

LICHFIELDS



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1.0 Introduction

- 1.1 This statement is prepared on behalf of three different and separate participants who have jointly instructed Lichfields to represent them on matters of housing need and supply. The participants are Taylor Wimpey, Persimmon Homes and Bellway Homes. Each has their own distinct interests in the City and have submitted separate responses on other matters, but present the following shared position on housing need.
- 1.2 The assessment of York’s housing need in this statement forms part of the above participant’s response to the City of York Council’s [CYC] latest consultation on the Key Evidence and Supporting Documentation that was published since the York Local Plan Hearing Sessions.
- 1.3 In particular, this representation analyses CYC’s updated evidence on housing needs that establishes the scale of need and demand for market/affordable housing in the City. In this regard, we comment on the following recently-published consultation documents:
- EX/CYC/32: CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return 2019
 - EX/CYC/36: Affordable Housing Note Final February 2020
 - EX/CYC/38: Joint Position Statement between CYC and Selby District Council Housing Market Area April 2020
 - EX/CYC/43a: Housing Needs Update September 2020
 - EX/CYC/56: SHLAA Update April 2021
 - EX/CYC/58: Composite Modifications Schedule April 2021

City of York Council’s Local Plan Proposed Modifications (April 2021)

- 1.4 A review of the Objectively Assessed Housing Need [OAHN] was undertaken on behalf of CYC by GL Hearn in September 2020 (*The Housing Needs Update report*), which supersedes the previous SHMA Update (2017) and a further Housing Needs Update in January 2019. This new report advised that in light of the latest set of 2018-based Sub-National Household Projections [SNHP] in March 2020, York’s housing need would fall to just 302 dwellings per annum [dpa] between 2012 and 2032. However, due to concerns over the methodology employed in both the population and household projections, GL Hearn recommended that greater weight be given to the use of longer-term trends and economic-led housing needs, resulting in a requirement for 779 dpa. The consultants concluded that as there was no material change since the last assessment in January 2019, there was no need for the Council to move away from its OAN of 790 dpa.
- 1.5 On the basis of this evidence, the Council considered that under the transitional arrangements of the 2012 NPPF and the requirements of the National Planning Practice Guidance [the Practice Guidance] in relation to the assessment of housing need, it was justified in making minor modifications to its submitted Plan as a result of the updated OAN. It included an annualised shortfall of 32 dpa (unmet need between 2012/13 and 2016/17), bringing the housing requirement to 822 dpa.
- 1.6 These modifications include an update to Policy SS1, to clarify that the Council’s housing requirement, inclusive of shortfall should be amended to a ‘*minimum average annual net provision of 822 dwellings over the plan period to 2032/33*’.

1.7 Furthermore, paragraph 3.3 of the accompanying explanation to Policy SS1 is now (again) revised to state that:

*“Technical work has been carried out by GL Hearn in the Strategic Housing Market Assessment Update (2017). This work has updated the demographic baseline for York based on the July 2016 household projections. ~~to 867 790 per annum.~~ Following consideration of the outcomes of this work, the Council aims to **address an objectively assessed housing need of 790 homes per annum. This produces a housing requirement amounting to** ~~meet an objectively assessed housing need of 867 790 new dwellings per annum for the plan period to 2032/33~~ **a minimum average annual net provision of 822 dwellings over the plan period to 2032/33, including an allowance for any a shortfall in housing provision against this need from the period 2012 to 2017, and for the post plan period to 2037/38.**”*

1.8 Our review concludes that on the basis of the approach taken to reaching the 790 dpa housing requirement identified within the City of York Housing Needs Update (September 2020) (“the 2020 HNU”), this housing requirement fails to meet the full OAHN, which is significantly higher than the Council has estimated.

1.9 Furthermore, we consider that the Plan would fail to make appropriate provision for sufficient housing to sustainably deliver, in a timely manner, housing in line with the City’s full OAHN, with further site allocations required within this Plan in order to ensure an overall strategy that is deliverable and sufficiently flexible to respond to change.

Report Structure

1.10 The report is structured into the following sections:

- **Section 2.0** –sets out the housing policy context at a national and local level;
- **Section 3.0** – reviews the robustness of the Council’s evidence on housing need within the City, and whether the Council is meeting its OAHN;
- **Section 4.0** – reviews market signals;
- **Section 5.0** – analyses affordable housing needs;
- **Section 6.0** – considers the integration of student housing needs;
- **Section 7.0** – reviews the Council’s approach to factoring in backlog;
- **Section 8.0** - critiques the assumptions which underpin the Council’s currently claimed housing land supply and reviews the 5YHLS; and,
- **Section 9.0** - provides a summary and conclusion on the City of York’s housing need and supply.

2.0 **Housing Need**

Introduction

2.1 This section sets out the requirements of the Framework and the Practice Guidance in objectively assessing housing needs. This is in the context that the Council’s Local Plan was submitted during the transitional arrangements for the 2019 National Planning Policy Framework [NPPF]. That said, the standard method for calculating housing need set out in the NPPF (and set out in more detail in the revised 2019 Practice Guidance and again in December 2020), provides relevant context for the direction of change the Government has moved towards, and the unwavering emphasis of seeking to substantially boost the supply of housing to attain an overall national target of 300,000 dwellings per year.

2.2 This will provide the benchmark against which the 2020 HNU will be reviewed, to ensure the necessary requirements are met. In addition, relevant High Court judgments have been referenced to set out the requirements of an OAHN calculation in a legal context.

National Planning Policy Framework

2.3 The 2012 NPPF outlines that local planning authorities [LPAs] should positively seek opportunities to meet the development needs of their area (paragraph 14). It adds that, in order to “*boost significantly*” the supply of housing, they should “*use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the framework...*” (paragraph 47)

2.4 The NPPF (paragraph 159) specifies the evidence required to objectively define housing needs within an area, setting out that LPAs should:

"Prepare a Strategic Housing Market Assessment to assess their full housing needs... identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:

- *Meets household and population projections, taking account of migration and demographic change;*
- *Addresses the needs for all types of housing, including affordable housing...; and*
- *Caters for housing demand and the scale of housing supply necessary to meet this demand."*

2019 NPPF

2.5 The Revised Framework was published in February 2018. It has an unequivocal emphasis on housing, with the introduction to the 2018 consultation proposals clarifying that the country needs radical, lasting reform that will allow more homes to be built, with the intention of reaching 300,000 net additional homes a year.

2.6 The 2019 NPPF states that to support the Government’s objective of “*significantly boosting the supply of homes*”, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay [§59].

2.7 In particular:

“To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for”. [§60]

2.8 The revision also makes clear that when identifying the housing need, policies should also break the need down by size, type and tenure of homes required for different groups in the community (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes) [§61].

2.9 Paragraphs 67 - 76 also set out how Councils should identify and maintain a five-year supply of housing against their housing requirement.

2.10 In terms of the weight that can be attached to this key policy document, it is accepted that paragraph 214 to Annex 1 of the NPPF states that the policies in the previous Framework will apply for the purposes of examining plans, where those plans were submitted on or before the 24th January 2019.

2.11 However, the 2019 NPPF remains a useful indicator of the direction of travel, not least with the approach to be taken to defining housing need, which has already been the subject of an earlier consultation (*‘Planning for the right homes in the right places’*, September 2017), to which MHCLG published a summary of consultation responses and its view on the way forward in March 2018.

2.12 Furthermore, the *Planning White Paper: Planning for the Future*, published on 6th August 2020, proposes some very significant changes to the planning system and has a clear focus on accelerating housing delivery. It acknowledges that *“Assessments of housing need, viability and environmental impacts are too complex and opaque: Land supply decisions are based on projections of household and business ‘need’ typically over 15- or 20-year periods. These figures are highly contested and do not provide a clear basis for the scale of development to be planned for.”* [page 11]

2.13 As a result, the White Paper acknowledges that the current system simply does not lead to enough homes being built, especially in those places where the need for new homes is the highest. *“Adopted Local Plans, where they are in place, provide for 187,000 homes per year across England – not just significantly below our ambition for 300,000 new homes annually, but also lower than the number of homes delivered last year (over 241,000).7 The result of long-term and persisting undersupply is that housing is becoming increasingly expensive”*. [page 12]

2.14 The White Paper therefore aims to address housing affordability pressures, support economic growth and the renewal of our towns and cities, and foster a more competitive housing market. To ensure more land is available for the homes and development people and communities need, and to support renewal of town and city centres, the White Paper proposes the following:

- *“A new nationally-determined, binding housing requirement that local planning authorities would have to deliver through their Local Plans. This would be focused*

on areas where affordability pressure is highest to stop land supply being a barrier to enough homes being built. We propose that this would factor in land constraints, including the Green Belt, and would be consistent with our aspirations of creating a housing market that is capable of delivering 300,000 homes annually, and one million homes over this Parliament.” [page 19]

Planning Practice Guidance

- 2.15 The Planning Practice Guidance [PPG] contains a section providing guidance on housing and economic development needs assessments. It identifies that whilst there is no one methodological approach, an OAHN should fulfil the following criteria:
- be proportionate and not consider purely hypothetical future scenarios, only future scenarios that could be reasonably expected to occur (ID: 2a-003);
 - be based on facts and unbiased evidence. Constraints should not be applied to the overall assessment of need (ID: 2a-004);
 - utilise household projections published by the Department for Communities and Local Government as the starting point estimate of overall housing need (ID: 2a-015);
 - consider sensitivity testing, specific to local circumstances, based on alternative assumptions in relation to the underlying demographic projections and household formation rates (ID: 2a-017); and
 - take account of employment trends (ID: 2a-018), appropriate market signals including market indicators of the balance between the demand for and supply of dwellings (ID: 2a-019) and affordable housing needs (ID: 2a-029).

2019/2020 Planning Practice Guidance

- 2.16 Following on from the revisions to the Framework, on 13th September 2018 MHCLG published its revised PPG on Housing and economic land availability assessment covering changes to the 5YHLS approach, whilst on 20th March 2019 MHCLG updated its Housing and economic needs assessment to factor in the calculation of Local Housing Need via the standard methodology. This was again updated in December 2020 that scrapped earlier proposals and reverted back to the method it introduced in 2018, but with a modification to top up the number in the 20 largest cities and urban areas by 35%, reflecting Government objectives to, inter alia, drive housing into existing urban areas and encourage brownfield development.

- 2.17 The PPG states that:

“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.”¹

- 2.18 If an authority uses a different method for calculating housing need the PPG sets out how this should be tested at examination:

“Where a strategic policy-making authority can show that an alternative approach identifies a need higher than using the standard method, and that it adequately reflects current and future demographic trends and market signals, the approach can be considered sound as it will have exceeded the minimum starting point.”

¹ 2a-002-20190220

“Where an alternative approach results in a lower housing need figure than that identified using the standard method, the strategic policy-making authority will need to demonstrate, using robust evidence, that the figure is based on realistic assumptions of demographic growth and that there are exceptional local circumstances that justify deviating from the standard method. This will be tested at examination.”²

- 2.19 Although the Government's stated ambition remains to deliver 300,000 new homes per annum across England by the mid-2020s, as of April 2021 the figure only equates to 288,716 and relies on the delivery of 85,542 homes in Greater London alone, which will not happen given that the current London Plan requirement is 52,287 dpa, whilst average delivery rates over the past 3 years have totalled just 36,686. This means that for the nationwide target to be met, other districts across England will need to go above and beyond their SM2 target.
- 2.20 Applying this revised approach to the standard methodology would result in a LHN figure of **1,013 dpa** for the City of York. This represents the minimum number of homes needed per year as set out in paragraph 60 of the revised Framework (February 2019).
- 2.21 This is calculated using the 2014-based household projections for 2019-2029, which equates to household growth of 809 per annum (8,089 over the 10-year period), plus a market signals uplift of 25.25%. This latter figure has been generated as follows, based on the most recent (April 2021) affordability ratio data for the City of York:
- Median local workplace-based affordability ratio (2019) = 8.04
 - deduct 4 = 4.04
 - divide by 4 = 1.01
 - multiply by 0.25 = 0.2525 (25.25%).
- 2.22 No cap is applied as York has no existing Local Plan figure to apply it to.

Relevant Caselaw

- 2.23 There have been several key legal judgments which provide clarity on interpreting the NPPF and PPG in terms of how to address the issue of affordable housing need in the context of arriving at a concluded figure for OAHN:
- 1 ‘Satnam Millennium Limited and Warrington Borough Council [2015] EWHC 370’ referred to as “Satnam”;
 - 2 ‘Kings Lynn and West Norfolk Borough Council v Secretary of State for Communities and Local Government [2015] EWHC 2464’ referred to as “Kings Lynn”;
 - 3 ‘Barker Mill Estates Trustees v Test Valley BC & Secretary of State for Communities and Local Government [2016] EWHC 3028 (Admin)’ referred to as “Barker Mill”;
and
 - 4 ‘Jelson Ltd. v Secretary of State for Communities and Local Government, Hinckley and Bosworth Borough Council [2018] EWCA Civ 24’ referred to as “Hinckley and Bosworth”.
- 2.24 Our previous 2019 representations explored the implications of these 4 judgements on York’s housing need in depth and we do not repeat them again here.

² 2a-015-20190220[CD/021]

Housing Need Local Policy Context

- 2.25 Before setting out a critique of CYC’s housing OAHN evidence base, it is important to recognise once more that the Council has never had an adopted Local Plan for the City (under the 1971 Act, the 1990 Act or the 2004 Act) and progress on the current Local Plan has been, it is not unfair to say, glacial. This is demonstrated by the fact that the Council is still relying on the outdated OAHN approach to calculate its housing requirement, rather than the Government’s standard methodology for calculating Local Housing Need for planning purposes, which was first consulted on in 2017, then adopted in 2018, three years ago.
- 2.26 This Standard Method is intended to shift time, resources and debate at examination away from the ‘numbers’ question and towards the ‘how’ and ‘where’ of building new homes. The fact that we are seemingly endlessly debating technical housing need issues at York’s EiP many years after the Plan’s original submission to PINS is a clear vindication of the Government’s move towards a standardized approach.
- 2.27 The development plan for York comprises two policies³ and the Key Diagram of the partially revoked Yorkshire and Humber Regional Strategy (2008) [YHRS]. There is no adopted Local Plan for York that forms part of the development plan. Instead, there is a long history of failed attempts to produce an adopted Local Plan and a fluctuating housing need figure. The Council published the following ‘further work’ on the Local Plan relating to housing needs after a Full Council resolution to halt the Publication Draft Local Plan in 2014:
- 1 In December 2014, the LPWG considered a report on ‘*Housing Requirements in York*’ which was based on two background documents produced by Arup⁴. The report set out four different housing requirement figures that were considered sound against the evidence base and three options for progressing the work on housing requirements. The LPWG members agreed a housing requirement figure of **926 dpa**⁵;
 - 2 In September 2015 the LPWG considered an update on the ‘*Objective Assessment of Housing Need*’ [OAHN] report produced by Arup⁶ and a report on ‘*Economic Growth*’⁷. The Arup report concluded that the housing ‘requirement’ should be in the **range of 817 dwellings per annum [dpa] to 854 dpa** between 2012 and 2031. The LPWG’s recommendations were that the Executive Committee note the Arup OAHN report and endorse further work, including an evaluation of any spatial and delivery implications, on two scenarios for economic growth that would be reported back to the LPWG in due course;
 - 3 In Autumn 2015 the Council commissioned GL Hearn jointly with Ryedale, Hambleton and the North York Moors National Park Authority to undertake a Strategic Housing Market assessment [SHMA]⁸. This study aimed to provide a clear understanding of housing needs in the City of York area. The SHMA was published as part of a suite of documents for the LPWG meeting on 27th June 2016. It concluded that the OAHN for the City of York was in the order of **841 dpa**.

³ Both relating to Green Belt, requiring its inner boundaries to be defined in a plan and confirming that the general extent is about 6 miles out from the City centre

⁴ Assessment of the Evidence on Housing Requirements in York (Arup, May 2013) & Housing Requirements in York: Evidence on Housing Requirements in York: 2014 Update (Arup, September 2014)

⁵ Local Plan Working Group 17 December 2014 - Minutes

⁶ Evidence on Housing Requirements in York: 2015 Update – Arup (August 2015)

⁷ York Economic Forecasts – Oxford Economics (May 2015)

⁸ GL Hearn (June 2016): City of York Council Strategic Housing Market Assessment

- 4 On the 25th May 2016 ONS published a new set of (2014-based) sub national population projections [SNPP]. These projections were published too late in the SHMA process to be incorporated into the main document. However, in June 2016 GL Hearn produced an Addendum⁹ to the main SHMA report which briefly reviewed key aspects of the projections and concluded that the latest (higher) SNPP suggested a need for some 898 dpa between 2012 and 2032. However due to concerns over the historic growth within the student population, the Addendum settled on a wider OAHN range of 706 dpa – 898 dpa, and therefore the Council considered that it did not need to move away from the previous **841 dpa** figure.
- 5 DCLG published updated 2014-based sub-national household projections [SNHP] in July 2016. GL Hearn was asked by City of York Council to update the SHMA to take account of these new figures and to assess the representations received through the Preferred Sites Consultation [PSC] relating to OAN. The GL Hearn SHMA Addendum Update (May 2017) subsequently updated the demographic starting point for York based on these latest household projections. The 2014-based SNHP increases the demographic starting point from 783 dpa (in the 2016 SHMA) to 867 dpa. In their Update, GL Hearn then applied a 10% uplift to the 867 dpa starting point to account for market signals and affordable housing need and identifies a resultant housing need of **953 dpa**. However, a cover sheet to GL Hearn’s Update, entitled ‘Introduction and Context to objective Assessment of Housing Need’ was inserted at the front of this document by the Council. This states that 867 dpa is the relevant baseline demographic figure for the 15-year period of the plan (2032/33). The Council rejected the 953 dpa figure on the basis that GL Hearn’s conclusions stating:

“...Hearn’s conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations.”

As a result of this approach, the February 2018 City of York Publication Draft stated in Policy SS1: Delivering Sustainable Growth for York, the intention to:

*“Deliver a minimum annual provision of **867 new dwellings** over the plan period to 2032/33 and post plan period to 2037/38.”*

The supporting text to this policy makes no mention of the 953 dpa OAHN figure, but instead claims that 867 dpa is “*an objectively assessed housing need*” [§3.3].

- 6 The Council then revised the OAHN down even further in light of GL Hearn’s January 2019 HNA, which modelled the (then) latest 2016-based SNHP. The HNU concluded that the 2016-based SNPP provide a more robust assessment of population growth for York than their predecessor, which is “*ratified by more recent population estimates*” [5.2]. Uplifting the 2016-based SNPP to meet an economic growth of 650 jobs per annum and adjusting household formation rates equates to a need for **790 dpa**, which GL Hearn considers to be the OAHN on the grounds that this “*would be sufficient to respond to market signals, including affordability adjustments, as well as making a significant contribution to affordable housing needs*”. [§5.11]
- 7 The Council is now inviting comments on the 2020 HNU, again produced by GL Hearn, and which models the implications of the latest 2018-based SNPP and equivalent SNHP. The HNU concludes that the housing need in the City has not

⁹GL Hearn (June 2016): City of York Council Strategic Housing Market Assessment - Addendum

changed materially since the last assessment in January 2019. *“The previous report identified a need for 790 dpa and the economic-led need within this report is as high as 788 dpa. There is, therefore, no need for the Council to move away from their current position based on this new data.”* [para 5.8]

- 2.28 Lichfields has submitted representations on behalf of housebuilders to the various stages of the York Local Plan formulation as and when the OAHN has been updated over the past 5 years. Our most recent representation, made on behalf of a consortium of housebuilders in 2019, concluded that the OAHN should be increased to a figure in the region of 1,300 dpa plus the housing backlog from 2012-2017.
- 2.29 The remainder of this section provides an overview of the findings of the latest 2020 HNU.

Overview of the City of York’s HNU

- 2.30 The stated purpose of GL Hearn’s Housing Needs Update [HNU] is to review the housing need in York taking into account of the latest demographic information. In particular, it reviews the impact of the 2018-based SNPP, equivalent 2018-based SNHP, and the 2019 Mid-Year Estimates. The analysis models housing need over the period from 2017-33 to be consistent with the Local Plan period. To align with previous studies carried out for the City, GL Hearn has also have provided figures for the 2012 to 2037 period.
- 2.31 The HNU does not review the latest evidence on market signals within the City. Nor does it revisit the affordable housing need for the City, the mix of housing required, or the needs for specific groups. It is therefore limited in its scope.
- 2.32 The report [Table 1] finds that over the 2017-33 period, the 2018-based SNPP projects an increase in York’s population of around 7,432 people (+3.6%). This is very significantly lower than the 2014-based SNPP (24,229), which represents a difference of nearly 16,800 residents. The latest projections are also 6,120 lower than the equivalent 2016-based SNPP figures.
- 2.33 GL Hearn consider that this is consistent with what is projected nationally as a result of lower fertility rates, reduced international migration and a more negative approach to life expectancy improvements.
- 2.34 GL Hearn rightly reviews the implications of a number of variants produced by ONS to the 2018-based SNPP on the grounds that the principal projection only draws on internal migration trends over 2 years from 2016 to 2018 *“which can distort the outputs of a projection if those years are particularly high or low.”* [paragraph 2.4]
- 2.35 The analysis therefore reports a range of demographic scenarios, including the 10-year Migrant Variant (which draws trends over the 2008 to 2018 period) and an Alternative Migration Variant (which draws on migration trends over 5 years not 2). Over the Local Plan period, the principal variant would see a 3.6% growth in the population, whereas the 10-year migration variant and alternative internal migration variant see growth of 5.9% and 4.6% respectively.
- 2.36 GL Hearn then examines the household formation rates that underpin the latest round of 2018-based household projections. They highlight the fact that concerns have been raised regarding their robustness:
- “There are significant concerns around the HRRs, which it is argued lock-in recessionary trends during the 2001 to 2011 period from which they were drawn.”* [paragraph 2.14]

- 2.37 By focussing on shorter term trends ONS has effectively ‘locked in’ deteriorations in affordability and subsequently household formation rates particularly within younger age groups during that time.
- 2.38 The analysis finds that by applying part return-to-trend headship rates, the level of housing need increases to between 501 dpa to 669 dpa (incorporating a 3% allowance for vacancy/second homes) depending on the variant modelled – significantly higher than the 302-471 dpa derived in the HNU for the main demographic-based projections.

Table 2.1 Projected Household Growth 2017-33 - Range of demographic based scenarios

	2018-based SNHP HRR		Part Return to Trend HRR	
	Change in households	dpa	Change in households	dpa
Principal	4,687	302	7,784	501
10-Year Migration	7,314	471	10,399	669
Alternative Internal	5,955	383	9,285	598

Source: GL Hearn (September 2020): *City of York Housing Need Update*, Tables 4 and 5

- 2.39 GL Hearn notes that the 669 dpa does not equate to a meaningful difference from the 679 dpa based on the PRT HRRs in the previous 2019 HNU, and therefore the variant migration scenario is seen as the more suitable to use for York.
- 2.40 However, moving on, the report goes on to suggest that this is largely academic as demographic housing need is lower than the economic-led housing need.
- 2.41 GL Hearn models a series of economic growth forecasts, settling on 650 jobs per annum as this is considered to align with the ELR Update and the Oxford Economics model published in December 2019. Using the OBR economic activity rates and keeping unemployment rates, double jobbing and commuting ratios constant, this equates to a need for 766 dpa based on the part return to trend HRRs (2017-33), rising to **788 dpa** if York were to take a greater share of its workforce’s accommodation (a 1:1 commuting ratio).
- 2.42 The HNU concludes that “*there is a clear need to increase housing delivery in York to support the City’s economic potential. The scenarios we have run show this need to be in a fairly narrow range of 766 to 788 dpa. This is broadly comparable to the 790 dpa identified in the Housing Needs Update of January 2019.*” [paragraph 3.11]
- 2.43 The HNU then provides an overview of the standard method for assessing housing need. GL Hearn notes that at the time of writing it equates to 1,206 dpa, falling to just 763 dpa if the Government’s August 2020 Consultation changes were implemented. They conclude that whilst these should have no bearing on the housing need for York at the Local Plan examination, “*it should provide some comfort that the latest version of the standard method arrives at a very similar number*”. [paragraph 4.20]
- 2.44 This last point re: 763 dpa is now irrelevant given that the Government has abandoned the August 2020 Consultation changes. The SM2 remains at 1,013 dpa.
- 2.45 The HNU concludes that whilst the 2018-based SNHP demonstrates clear downward pressure on demographic trends for York, there are significant concerns about the methodology (particularly concerning the use of just 2 years of internal migration trends and household formation rates which lock in recessionary trends). As such GL Hearn

advocates the use of the variant population projection and bespoke household formation rates. The resultant 670 dpa is still lower than the economic growth projection of 779 dpa over the Plan period:

*“We have not updated market signals for the City however given the extent of the economic need and the uplift this entails from the demographic starting point a further uplift would not be merited. For example, for the Plan period, the economic-led need of 779 dpa is 157% higher than the demographic starting point of 302 dpa. To conclude, the housing need in the City has not changed materially since the last assessment in January 2019. The previous report identified a need for 790 dpa and the economic-led need within this report is as high as 788 dpa. **There is, therefore, no need for the Council to move away from their current position based on this new data.**”*

[paragraphs 5.7-5.8]

3.0 Critique of the SHMA Update

Introduction

- 3.1 The Companies represented by Lichfields have serious concerns and wish to raise objections to the way in which the Council has chosen to identify an OAHN of 790 dpa (reducing this down from the already unsatisfactory 867 dpa) and the subsequent identification of this need (plus 32 dpa backlog) as the housing requirement in the Policy SS1 of the Modified LPP.
- 3.2 This section provides a critique of GL Hearn’s 2020 City of York Housing Needs Update [HNU].

Starting Point and Demographic-led Needs

Population Change

- 3.3 The Practice Guidance¹⁰ sets out that in assessing demographic-led housing needs, the latest CLG Household Projections form the overall starting point for the estimate of housing need, but these may require adjustments to reflect future changes and local demographic factors which are not captured within the projections, given projections are trend based. In addition, it states that account should also be taken of ONS’ latest Mid-Year Estimates [MYEs]¹¹.
- 3.4 This previous guidance has of course been amended in the revised Practice Guidance, published in December 2020, which now formalises the standard methodology to calculate Local Housing Need. This is founded on the previous 2014-based SNHP rather than the more recent 2018-based equivalents as they “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”¹².
- 3.5 GL Hearn accepted in paragraph 2.18 of its 2019 HNU that the 2016-based projections do not have the ability to meet the Government’s housing target of 300,000 homes per annum. It is not mentioned in the 2020 Update, but given that the 2018-based household projections are even lower for York, then this 2019 comment is even more relevant today.
- 3.6 On 6 August 2020, the Government published its proposed ‘Changes to the current planning system’. The consultation paper set out four policy proposals to improve the effectiveness of the current system, which included changing the standard method for assessing local housing need, to plan for the delivery of 300,000 new homes a year and plan for more homes in the right places. The Government provided a detailed response to this consultation on 1st April 2021¹³:

“In Changes to the current planning system, the government set out the importance of building the homes our communities need and putting in place measures to support our housing market to deliver 300,000 homes a year by mid-2020s. We set out that our proposed changes to the standard method were based on overarching principles as

¹⁰ Practice Guidance - ID 2a-015-20140306

¹¹ Practice Guidance - ID 2a-017-20140306

¹² Practice Guidance - ID: 2a-005-20190220

¹³ <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system/outcome/government-response-to-the-local-housing-need-proposals-in-changes-to-the-current-planning-system>

stated in paragraph 17 of the consultation. These were ensuring that the new standard method delivers a number nationally that is consistent with the commitment to plan for the delivery of 300,000 new homes a year, a focus on achieving a more appropriate distribution of homes, and on targeting more homes into areas where there are affordability challenges. We remain committed to these principles.”

- 3.7 In the Government’s response, it clarified that the 2018-based projections are not a justification for lower housing need:

“We will continue to use the 2014-based household projections. The government has carefully considered whether to use the 2018-based household projections and has concluded that, due to the substantial change in the distribution of housing need that would arise as a result, in the interests of stability for local planning and for local communities, it will continue to expect only the use of the 2014-based projections.”

- 3.8 It goes on to state that *“We will continue to specify that the most recent affordability ratios should be used ensuring relevant market signals continue to play a role.”*

- 3.9 **We acknowledge that the City of York Local Plan was submitted to the Secretary of State for Examination before 26th January 2019 and therefore should be examined under the transitional arrangements (i.e. the 2012 NPPF and 2014 Practice Guidance). For this reason, the LHN calculated by the standard method would not apply. We do stress however that it is totally unacceptable that the City of York has dragged out its Local Plan process for such an extended period of time that it is still able to rely on the OAHN approach despite the standard method having been enshrined in planning policy 3 years ago (in July 2018).**

- 3.10 Furthermore, we accept that in accordance with the 2014 version of the Practice Guidance, GL Hearn is correct to at least model the 2018-based SNPP/SNHP; that does not necessarily mean it is right to use the much lower projections to directly inform the OAHN without making reasonable adjustments, particularly in light of the Government’s clearly stated objective to build more homes consistent with the 300,000 target by the mid-2020s, not to use potentially flawed projections to provide even fewer homes:

“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. In summary, the Government’s judgment is that these factors combine to indicate that there is no need to change its aspirations for increasing housing supply. This is consistent with the argument in the housing White Paper that the ambition of delivering more homes should be about both keeping pace with population growth and looking to address worsening affordability through tackling the previous undersupply of homes.”¹⁴

- 3.11 We therefore agree with GL Hearn that the 2018-based SNHP/SNPP should be sensitivity tested, based on alternative assumptions around underlying demographic projections, based on established sources of robust evidence:

“The household projections produced by the Department for Communities and Local Government are statistically robust and are based on nationally consistent assumptions. However, plan makers may consider sensitivity testing, specific to

¹⁴ MHCLG (October 2018): *Technical consultation on updates to national planning policy and guidance*, paragraph 12

their local circumstances, based on alternative assumptions in relation to the underlying demographic projections and household formation rates. Account should also be taken of the most recent demographic evidence including the latest Office for National Statistics population estimates.

Any local changes would need to be clearly explained and justified on the basis of established sources of robust evidence. Issues will vary across areas but include:

- *migration levels that may be affected by changes in employment growth or a one off event such as a large employer moving in or out of an area or a large housing development such as an urban extension in the last 5 years*
- *demographic structure that may be affected by local circumstances or policies e.g. expansion in education or facilities for older people.*¹⁵

3.12 This is explored in more detail below.

The use of longer-term trends

3.13 The PPG is clear that household projections are the starting point for overall housing need and that these are nationally consistent and statistically robust¹⁶. It goes on to state that plan-makers may consider sensitivity testing based on local circumstances, but that this must be based on established sources of robust evidence¹⁷. Some of circumstances it cites includes migration levels which are affected by changes in employment, such as a large employer moving to the area or urban extension, or where demographic structures are affected by policies related to specific groups, e.g. expansion in education facilities or facilities for older people.

3.14 The use of short-term trends means recent changes in growth are picked up more quickly, although if recent trends are not representative of the longer term ‘norm’ they may over or under estimate future need (hence ID 2a-017). Whilst longer term periods can allow unusual trends to be ironed out, they may fail to pick up recent changes and therefore may also over or under-estimate future need. Despite these advantages and disadvantages, it is set out within Government guidance that the official projections – i.e. short-term trends – should provide the starting point for housing needs assessment.

3.15 The question therefore is whether, in York, there are any “*specific local circumstances*” (e.g. movement of major employers, higher education expansion, etc, as cited in ID 2a-017) in recent years which mean that it is not appropriate to use the official 2018-based SNPP and that a longer-term trend is more appropriate.

3.16 We can ascertain whether there have been any unusual or one-off circumstances in the City of York specifically which warrant the use of long-term trends over short term trends by looking at historic completions and migration data (an exercise only partially undertaken in the HNU).

Housing completions

3.17 Figure 1 show completions in the City of York back to 2001/02, along with the 10-year averages. It shows that in the 7 years up to the recession (2007/08), average completions were 809 per annum. Since then completions have been rapidly falling, with the average declining to just 652 dpa for the 10 years to 2017/18.

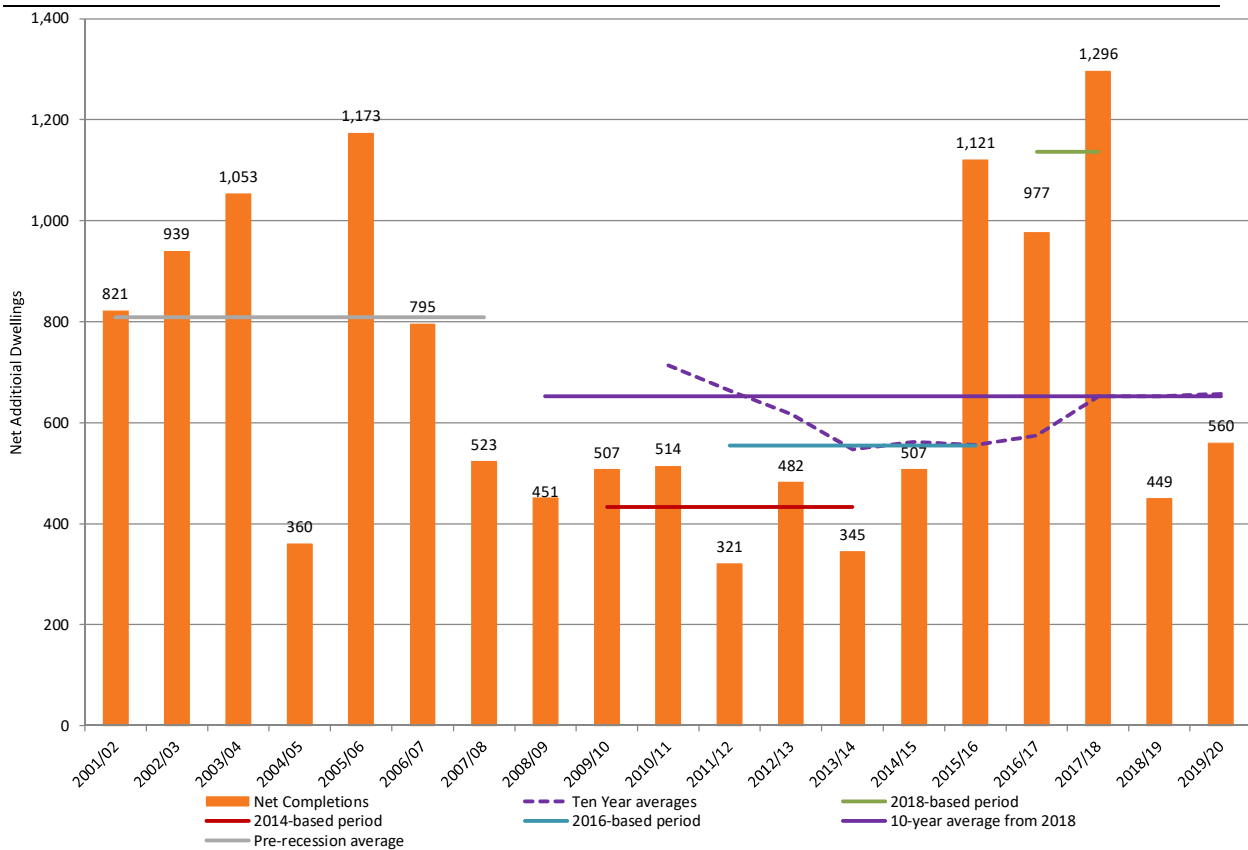
¹⁵ Practice Guidance - ID: 2a-017-20140306

¹⁶ Practice Guidance - ID: 2a-015-20190220

¹⁷ Practice Guidance - ID: 2a-017-20190220

- 3.18 In the base period for the 2016-based projections, completions were lower, at 555 dpa. The 2014-based projections are even lower, at 434 dpa. However, the most recent 2018-based projections draw upon a 2-year period where average completions were higher than any of the comparator time periods, of 1,137 dpa, picking up the steady increase in housebuilding in York that rose to 1,296 dwellings in 2017/18. This suggests that housebuilding is recovering to levels that were consistently seen in the boom years prior to the recession, the drop in the past two years notwithstanding.
- 3.19 Whilst the link between housing completions and population growth is complex, it is surprising that the 2018-based SNPP is based on a time period when the level of housebuilding is at a very high level, when strong levels of net inward migration might have reasonably been expected. We note that for 2016/17, the LT122 MHCLG figure for dwelling completions was just 378, not 977 as reported by CoY and there are very significant discrepancies between the Council’s figures and those that were reported to MHCLG (and which originally informed the Housing Delivery Test’s figures). The Council now suggests that it has delivered 5,177 dwellings over the plan period to date (2012/13-2019/20), whereas their returns to MHCLG suggested that this was only 3,255, a huge discrepancy of 1,922 dwellings.

Figure 1 Historic completions in the City of York - 2001/02 to 2019/20



Source: EX_CYC_HFR vs. AMR 2021 / MHCLG Table 122: Net Additional Dwellings by Local Authority District

- 3.20 It would be helpful for the Council to outline why these figures are so out of line (for example in 2016/17 it informed MHCLG that it had delivered 378 net additional dwellings, whereas it is now suggesting that 977 were actually delivered – a difference of

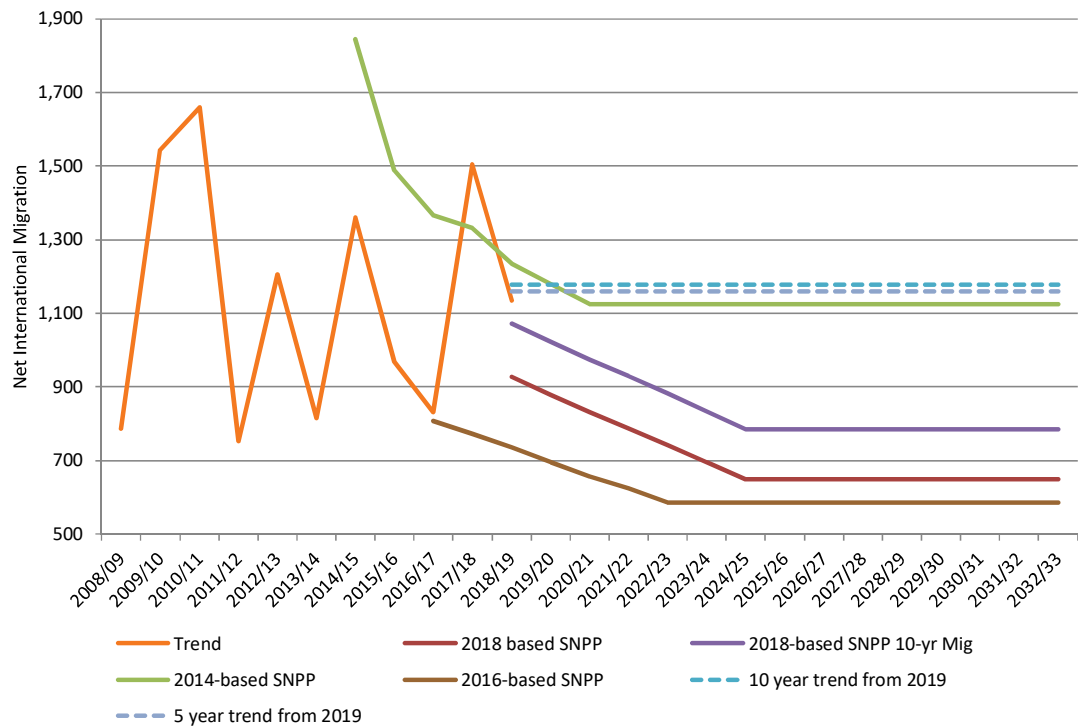
599 units), particularly as this has informed the 32 dpa under supply uplift (which would rise to 153 da if the LT122 MHCLG figures were used).

International Migration

3.21 Another way to consider whether the City of York has seen any ‘unusual’ or one-off events which mean longer term trends are more appropriate is to look at migration. Figure 2 shows historic levels of net international migration to the City of York. It is similar to GL Hearn’s Figure 4 in the 2019 HNU (they chose not to replicate this in their 2020 Update), but it includes more up-to-date data relating to the 2019 Mid-Year Population Estimates and the latest 2018-based SNPP.

3.22 Overall the international migration figures suggest net migration rose after the recession, at a time when housebuilding was falling. However, since that time, net migration has fluctuated between c.750 and 1,660 annually.

Figure 2 Historic Net International migration to the City of York, 2008/09 to 2018/19 and Future Projections



Source: ONS

3.23 The 2018-based SNPP net international migration figures look anomalous compared to past trends. From 2022/23 onwards, the principal projection is adjusted down to just 649 annually, a figure that is far lower than any net international migration figure for the past 18 years with the exception of 2005/06. In contrast, the 10-year trend equates to 1,177 annually (almost double the 2018-based SNPP), whilst the 5-year trend is almost as high, at 1,160. As can be seen in the Figure, the 2014-based SNPP net international migration figure sits just below these trends, at 1,125.

3.24 Importantly, GL Hearn argues that greater weight should be attached to the 10-year Migrant Variant as these “are arguably more robust from a methodological point of view than the principal projection as they use longer term trends”, and indeed they have used this to inform their preferred OAHN scenario. However, we can see from the Figure that

the scenario is clearly not based on 10 year international migration trends, as with a net rate of just 786 this sits well below the actual 10 year trends (*note: the 10 year trend for net international migration to 2018, rather than 2019 is also much higher, at 1,143 per annum*).

3.25 The 2019 HNU argued (in paragraph 2.11) that there is a close alignment between the 2016-based SNPP and the recorded MYE for 2016/17, which is correct; however, for 2018/19 the 2016-based SNPP recorded a net international migration figure of just 736, when 1,134 were actually recorded in the 2019 MYE. It is worth noting that GL Hearn stays silent on this point in the 2020 HNU – presumably because it is quite clear that the 2019 net international migration figure for the principal 2018-based SNPP, at 878, is considerably lower than the 1,134 actually observed for that year.

3.26 In terms of what may be causing this discrepancy, it is worth noting that the emerging Local Plan recognises that York has a large proportion of higher education students which is set to continue following the expansion of the University of York and as other establishments continue to provide modern education facilities to accommodate growing student numbers [paragraph 1.48]. In particular, York St John University has experienced rapid student growth in recent years:

“The University currently has 6,500 students (FTEs) and employs 750 staff. The increase in student numbers of the last 10 years is circa 93% and it is anticipated that the total will increase to 8,000 by 2018.” [1.60]

3.27 It is possible that a significant proportion of these students have come from abroad, helping to boost the projections, and that this is forecast to continue for the foreseeable future once the economy recovers from the Pandemic/Brexit fallout.

Economic Growth

3.28 The 2020 HNU modelled only one economic growth scenario, the REM projections for December 2019, which relates to net job growth of 650 per annum 2019-2033. The modelling undertaken by GL Hearn translates this job growth into a housing need of 766 dpa, rising to 779 dpa when a 1:1 Commuting Ratio is applied. This is considered by GL Hearn to be the Council’s new OAHN, although as this is broadly comparable to the 790 dpa identified in the 2019 HNU it was considered that there was no need for the Council to move away from their current position based on this new data.

3.29 There are some clear omissions with GL Hearn’s approach:

- 1 There is a **clear discrepancy regarding the modelling period**. The job growth figure used in the ELR relates to 2014-2031 (+11,050 jobs, §3.4 of the HNU), whereas GL Hearn has projected this forward over a completely different time period, 2019-33/37 (Table 8 of the HNU).
- 2 It is **unclear how GL Hearn has modelled job growth in the years 2017-2019**. Reference to NOMIS’s Job Density information suggests that the City’s workforce grew by 2,000 over that 1-year period at a rate of 1,000 annually. GL Hearn’s modelling does not appear to have factored this strong growth into its assessment.
- 3 GL Hearn states that they “*have not examined the economic need associated with historic employment growth as the accommodation has already been provided to support that growth*”. We have therefore focussed on the economic-led need required to support 650 jobs per annum for the period 2019-33 and 2019-

37 with the interim period to 2019 taken from published in MYE” [sic, paragraph 3.5]. GL Hearn’s justification for not examining the economic need associated with historic employment growth is therefore because “*the accommodation has already been provided to support that growth*”. However, that is not the case, hence the fact that the Council is factoring in a backlog of 32 dpa into its housing requirement to reflect historic under-supply.

- 4 The HNU has **not analysed past economic growth trends**. York has been very successful in boosting economic growth, with job growth of 16,000 between 2000 and 2017¹⁸, equivalent to a Compound Average Growth Rate [CAGR] of 0.83%. This is significantly higher than the 0.53% equivalent to 650 jobs per annum 2017-37. In our previous representations, Lichfields modelled this past trend job growth figure in our Technical Appendix and generated a need for up to **1,062 dpa** – close to the standard method LHN figure of 1,1,013 dpa.

3.30 The Council’s housing and employment land evidence is therefore inconsistent and misaligned due in part to confusion over the timescales.

Housing Market Areas

3.31 The Council’s Housing Market Area [HMA] evidence is founded on the June 2016 City of York SHMA produced by GL Hearn. The report concludes that:

“While we propose a HMA which links to Selby and York we are not considering housing need across the HMA”. [§2.106]

3.32 We support the principle of the City of York meeting its own housing needs (in full) within its own boundaries. However, if the Council is suggesting that it forms part of a joint HMA with Selby, then a joint SHMA should have been prepared¹⁹.

3.33 *The Joint Position Statement between the City of York and Selby District Council in relation to the Housing Market Area, April 2020 [EX_CYC_38]* seeks to head this criticism off by stating that “*any links between York and Selby only extend to part of the Selby area and that this is considered to support the approach taken by the Councils through the Duty to Co-operate to meet their own objectively assessed housing needs within their own administrative areas*”, and that “*it is not practical to seek to align the preparation of the two Plans and to consider housing needs jointly across the HMA.*” [page 1]

3.34 However, for all intents and purposes, Selby and York share the same Housing Market Area. This is why the two Councils have prepared joint SHMAs in the past. They are also part of the same Travel to Work Area [TTWA], as set out in the ONS’s 2015 TTWA analysis (incorporating 2011 Census data). Whilst we do not object to the Councils meeting their own needs in full within their own areas, despite both Councils appointing GL Hearn to undertake SHMAs in recent years then at the very least, we would at least expect that GL Hearn would have used consistent data sources and methodologies. This has not happened.

3.35 As a result, we now have a situation whereby GL Hearn produced the City of York – Housing Needs Update in 2020. They also produced a SHMA Update on behalf of Selby District Council in February 2019. Presumably the company had virtually identical datasets available to them, yet chose to apply completely different approaches (*please*

¹⁸ NOMIS Jobs Density data

¹⁹MHCLG (March 2012): National Planning Policy Framework, §159

refer to our previous representations for an assessment of the differences between the 2019 York HNA and the 2019 Selby SHMA Update).

- 3-36 The Joint Position Statement now clarifies that whilst the City of York continues to use the NPPF 2012 OAHN approach to identify its housing needs, Selby will be using the standard method to identify its housing requirement. **Conveniently, this results in a ‘drive to the bottom’ for both parties, with York pursuing an OAHN figure of 790 dpa rather than an SM2 figure of 1,013 dpa, whilst Selby uses the SM2 figure of 342 dpa rather than its previous OAHN of 410 dpa!**
- 3-37 There are therefore numerous disparities in the approaches taken to determine the scale of housing need for York and Selby. It is Lichfields’ view that CoYC should seek to meet its housing needs in full within its own boundaries. Nevertheless, if CoYC does consider that Selby forms part of a wider HMA with York then it should have a consistent evidence base, which it does not. The fact that Selby’s Core Strategy is out of date and the Standard Method is in play highlights the inconsistency even more.

Implications of revising the Plan Requirement

- 3-38 We also raise the issue which could arise should the Council choose to revise down its requirement as a result of the new projections, namely that in light of the Standard Method producing a figure of around 1,013 dpa, this would reduce the longevity of the plan and trigger an early review (as per the PPG, ID 61-043). Therefore, reducing the plan requirement now in light of the 2018-based household projections would create an even greater gap between the current plan requirement and the requirement under the Standard Method, **further undermining the longevity of the plan** and credibility of the plan-led system which is a Core Principle of the NPPF (2012).

Changes to housing evidence during Local Plan examination processes – examples from elsewhere

- 3-39 On 9th July 2020 the Inspectors of the York Local Plan Examination wrote to the Council stating that the ONS recently published their 2018-based household projections (2018-2028) on 29th June 2020. *“On the face of it, from our understanding of these latest ONS projections, there is a reduction in the household projections for York, particularly between the 2014-based and 2018-based projections. As such, it appears that the latest available information leads to a different starting point for the calculation of the OAHN for York. In order for us to determine whether or not the Plan’s housing requirements are soundly based, we will need to consider whether or not the publication of the 2018-based household projections represents a meaningful change in the housing situation from that which existed when the OAHN was assessed and determined for the submitted Plan, subsequently updated through the Housing Needs Update and at the time of the relevant hearing sessions in December 2019.”*
- 3-40 The Council was therefore invited to address this question, with evidence-based reasons, on whether or not they consider that the publication of the 2018-based household projections represents a ‘meaningful change’ in the housing situation from that which existed at the time of the Plan’s submission, the subsequent re-assessment of the OAHN in the Housing Needs Update (January 2019) and the relevant hearings in December 2019. *“Furthermore, if it is considered that there has been a ‘meaningful change’, could the Council set out what the implications are for the housing requirement figures in the*

submitted City of York Local Plan and those subsequently submitted as a result of the Housing Needs Update (January 2019)."

- 3.41 The ongoing publication of new data (with population and household projections being published on a two-yearly cycle, until recently on alternate years) has often led to delay where publication has caught up with plan preparation or plan examinations. This has been the case despite the PPG highlighting that a balance needs to be struck between ensuring plans are based on up-to-date evidence whilst, at the same time, ensuring assessments are not rendered out-of-date every time new projections are published. In this context, the PPG discusses how “*a meaningful change in the housing situation should be considered...*” (PPG 2014 ID 2a-016) but this needs to be balanced with the NPPF’s core planning principle that planning should be “*genuinely plan-led*” (NPPF 17) which can, by definition, only be achieved by having a plan in place.
- 3.42 The York Local Plan examination will soon enter its fourth year having been submitted in 2017 and this is the Council’s first new plan ever (i.e. it has yet to adopt a plan which post-dates the introduction of an NPPF). There is clearly a balance to be struck between further delays to the adoption of the plan on the basis of debates around OAHN and getting the plan in place. Arguably, continued delays to the adoption of the plan would seek to undermine the NPPF’s core planning principle that the system should be genuinely plan-led.
- 3.43 In this context, there are numerous examples where the publication of new projections (i.e. where more recent projections indicate a lower starting point/lower demographic change than previous assessments) through the examination process has not led to a revision in the OAN, including Wycombe²⁰, Broxbourne²¹, Braintree²².
- 3.44 From these examples there are two commonalities when Inspectors have considered the impact of new, lower projections published during the examination process on OAHN:
- 1 Even where there are apparently substantial reductions in the household projections (to a degree of 40% in two of these examples) there is a recognition that such projections are just the starting point and only one of many elements which influence the OAN, and thus a reduction in the starting point does not automatically justify a reduction on the overall OAHN (for example, a market signals uplift cannot simply be reapplied to this new starting point to derive an updated OAHN, as is being suggested in Welwyn Hatfield). There are other factors, such as affordable housing need, which should be part of the assessment leading to a concluded OAHN; and
 - 2 In all three examples the Inspectors seek to balance the need for up-to-date evidence with the need for the planning system to be genuinely ‘plan-led’ by enabling timely adoption of the plan by minimising delay. In the case of Wycombe and Broxbourne the updated evidence represented just one set of projections (from 2014-based in each of their submitted plans to 2016-based projections being published during the examination) and in both cases the Inspectors discussed the need to minimise delays and ensure timely adoption of the respective plans. In the case of the North Essex Plan (which saw three sets of projections put in front the examination; 2014-based, 2016-based and 2018-based, as is the case in Welwyn Hatfield) the Inspector placed an even greater emphasis on the need for timely plan adoption, noting that the examination had already been ongoing for over three years.

²⁰ See Wycombe Local Plan Inspector’s Report July 2019 [here](#)

²¹ See Broxbourne Local Plan Inspector’s Report April 2020 [here](#)

²² See the North Essex Authorities’ Shared Strategic Section 1 Plan Inspector’s Report December 2020 [here](#)

- 3.45 The above examples further demonstrate that using the 2018-based SNPP as a justification to reduce the housing target would not be in accordance with the NPPF or PPG, and there has been clear precedent for rejecting this approach by other Inspectors.

Summary

- 3.46 We welcome GL Hearn's use of the 10-year migration trend and the modelling of the alternative internal migration scenario. The ONS's 2018-based SNPP now assumes lower fertility rates, lesser improvements in life expectancy (i.e. higher death rates) and lower net international migration across the country (with past trends migration confined to just 2 years of data), and York is no exception. The latter input does, however, appear excessive given past trends.
- 3.47 However, given the issues raised above regarding the extremely low levels of international migration underpinning even this variant scenario compared to past trends we do question why GL Hearn chose not to model the High International variant produced by ONS alongside the other variants. This suggests that over the 2018-2033 period, net international migration could contribute 16,645 new residents to the local area (net), compared to 12,794 based on the 10-year migration trend and just 10,705 based on the principal 2018-based SNPP. The longer-term net international migration figure of 1,144 residents under this scenario is also much more readily comparable with the 10-year trend (to 2019) of 1,177.
- 3.48 It is considered that at the very least there should be a sensitivity testing for long term migration trends in the HNU for York based on '*specific local circumstances*' (as per PPG ID 2a-017). In this respect, the HNU does not fulfil the requirements set out in ID 2a-017 regarding sensitivity testing of the official projections.
- 3.49 We are also concerned that there are flaws with the approach followed by GL Hearn regarding the alignment with economic growth, not least the discrepancies over the time period and the missing data for 2017-2019 (a period of very strong economic growth).
- 3.50 Furthermore, as we have repeatedly raised in our previous representations, the Council accepts that both York and Selby share a Housing Market Area. It therefore makes no sense for the two districts to follow completely different approaches to identifying their housing needs, choosing to follow conflicting methods that result in the lowest possible housing target for each area.

4.0 Market Signals

4.1 The Framework sets out the central land-use planning principles that should underpin both plan-making and decision-taking. It outlines twelve core principles of planning that should be taken account of, including the role of market signals in effectively informing planning decisions:

“Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.” [§17]

4.2 The Practice Guidance²³ requires that the housing need figure as derived by the household projections be adjusted to take into account market signals. It indicates that comparisons should be made against the national average, the housing market area and other similar areas, in terms of both absolute levels and rates of change. Worsening trends in any market signal would justify an uplift on the demographic-led needs. In addition, the Practice Guidance²⁴ highlights the need to look at longer term trends and the potentially volatility in some indicators.

4.3 The Practice Guidance also sets out that:

“...plan-makers should not attempt to estimate the precise impact of an increase...rather they should increase planning supply by an amount that, on reasonable assumptions...could be expected to improve affordability...”²⁵.

4.4 This clearly distinguishes between the demographic-led need for housing (generated by population and household growth) and the market signals uplift which is primarily a supply response over and above the level of demographic need to help address negatively performing market signals, such as worsening affordability.

4.5 As set out in detail above, GL Hearn has rather unusually, decided not to update market signals for the City; *“however given the extent of the economic need and the uplift this entails from the demographic starting point a further uplift would not be merited”*.

4.6 This is not necessarily the case – GL Hearn has concluded that the demographic starting point should be adjusted due to issues with the principal 2018-based SNPP, and that they see *“the variant migrations scenarios as being the more suitable to use for York”*. [paragraph 2.22] The adjustment, from 465 dpa to 669 dpa (2017-2033) is not to address affordability issues; it is to address *“issues with the projections using internal migration trends over just 2 years and household formation rates which lock in recessionary trends”* [paragraph 5.2].

4.7 As is clearly stated in the original PPG on the subject, the purpose of the market signals adjustment is to *“increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability.”²⁶*

4.8 **It would therefore be illogical to apply this to the principal SNPP projection, given that GL Hearn accepts that this is not a robust trajectory of future population growth. Only by applying the market signals uplift to the realistic**

²³ Practice Guidance - ID 2a-019-20140306

²⁴ Practice Guidance - ID 2a-020-20140306

²⁵ ibid

²⁶ Paragraph: 020 Reference ID: 2a-020-20140306

demographic starting point (at the very least, the 10-year migration figure of 669 dpa) can we hope to boost supply to the extent that it starts to improve affordability in the City.

4.9 The most recent market signals analysis undertaken by GL Hearn was in its 2019 Housing Needs Update (Section 4.0). In that report, the HNU noted that:

- Lower quartile house prices in York exceed that of England by £30,000 despite having a similar overall median house price;
- The gap of median house price growth between York and North Yorkshire has widened from 10 years ago. Since 2008 the rate of change for York has been 1.25, similar to the national growth of 1.3;
- Median rental values in York are £745, £70 higher than the rest of England and £220 higher than Yorkshire and the Humber region [4.13]. LQ rental price growth has increased by 14% over the past 5 years, compared to 11% nationally;
- York has a median affordability ratio of 8.62 and a 5-year rate of change equal to 1.88, compared to 5.90 for Yorkshire and the Humber (0.55 change) and 7.91 (1.14 change) for England [Table 12];

4.10 As a consequence of these poor (and worsening) housing market signals, GL Hearn concluded that:

“The affordability statistics and the market signals reveal that as a whole, York is becoming increasingly more unaffordable and that a market signals adjustment in the City is necessitated” [4.19].

4.11 **On the basis of these signals, GL Hearn applied an uplift of 15%.** This is higher than the 10% previously recommended in the September 2017 SHMA Update. *“Such an uplift applied to the demographic starting point (484 dpa) would arrive at an OAN of 557 dpa...This is some way short of both the adjusted demographic growth and the economic growth. Therefore, the OAN should remain as 790 dpa in order to achieve both improvements to household formation and meet economic growth. This equates to an increase of 63% from the start point.” [4.34-4.35]*

4.12 In our previous representations²⁷, Lichfields concluded that based on a detailed review of similar market signals, **an uplift of 20% was suitable.** Nothing that GL Hearn has presented causes us to change our opinion, and indeed they have failed to provide any updated response despite the fact that house prices nationwide are increasing at record levels.

Past Under Delivery of Housing

4.13 To take a clear example, which is not even examined in GL Hearn’s 2019 assessment of market signals, the PPG is clear that historic rates of development should be benchmarked against the planned level of supply over a meaningful period. Table 4.1 sets the Council’s various housing targets/presumed OAHN against the actual net housing completions. With the exception of 3 years between 2015/16 and 2017/18, housing delivery in York has missed the target each year since 2006/07. Overall delivery targets for these 16 years was missed by c.15% which equals to 1,899 units below the target level. Over the plan period from 2012/13, GL Hearn noted in its previous May 2017 SHMA Addendum [§3.14] that under-delivery may have led to household formation (particularly of younger households) being constrained and states that this point is picked up in the

²⁷Lichfields (March 2018): *Housing Issues Technical Report* / Lichfields (2019): *Housing Need Evidence Review*

report which uses a demographic projection-based analysis to establish the level of housing need moving forward.

Table 4.1 Rate of net housing delivery in York against possible policy benchmarks, 2004/05-2019/20

Year	Net Housing Completions	Council's OAHN	
		'Need'*	+/-
2004/05	360	640	-280
2005/06	1,173	640	533
2006/07	795	640	155
2007/08	523	640	-117
2008/09	451	850	-399
2009/10	507	850	-343
2010/11	514	850	-336
2011/12	321	850	-529
2012/13	482	790	-308
2013/14	345	790	-445
2014/15	507	790	-283
2015/16	1,121	790	331
2016/17	977	790	187
2017/18	1,296	790	506
2018/19	449	790	-341
2019/20	560	790	-230
Total	10,381	12,280	-1,899

Source: EX_CYC_HFR vs. AMR 2021

*RSS assumed average 640 dpa 2005/05-2007/08; 850 dpa 2008/09 -2011/12

4.14 The 2017 SHMA Update [§3.15] considers that this past under-delivery is not a discrete part of the analysis but is one of the various market signals which indicate a need to increase provision from that determined in a baseline demographic projection. It notes that this market signal will require upward adjustment through consideration of migration and household formation rates rather than just a blanket increase based on the level of 'shortfall'.

4.15 **It is clear from the Council's own evidence that the City has consistently under-delivered housing for 11 of the past 16 years. Furthermore, the Council's already low housing delivery figures have been artificially boosted by the inclusion of student accommodation in the completions figures.**

House Prices

The PPG²⁸ identifies that longer-term changes in house prices may indicate an imbalance between the demand for and supply of housing. We have reviewed the ONS's latest House Price Statistics for Small Areas (HPSSAs) release (2021), which reports the count and median price of all dwellings sold and registered in a given year. They are calculated using open data from the Land Registry, a source of comprehensive record level administrative data on property transactions. The latest median house prices in York, alongside North Yorkshire, Yorkshire and the Humber and England & Wales as of 2020 are presented in Table 4.2.

²⁸ 2a-019-20140306

Table 4.2 Median Dwelling price, York and comparator areas (2020)

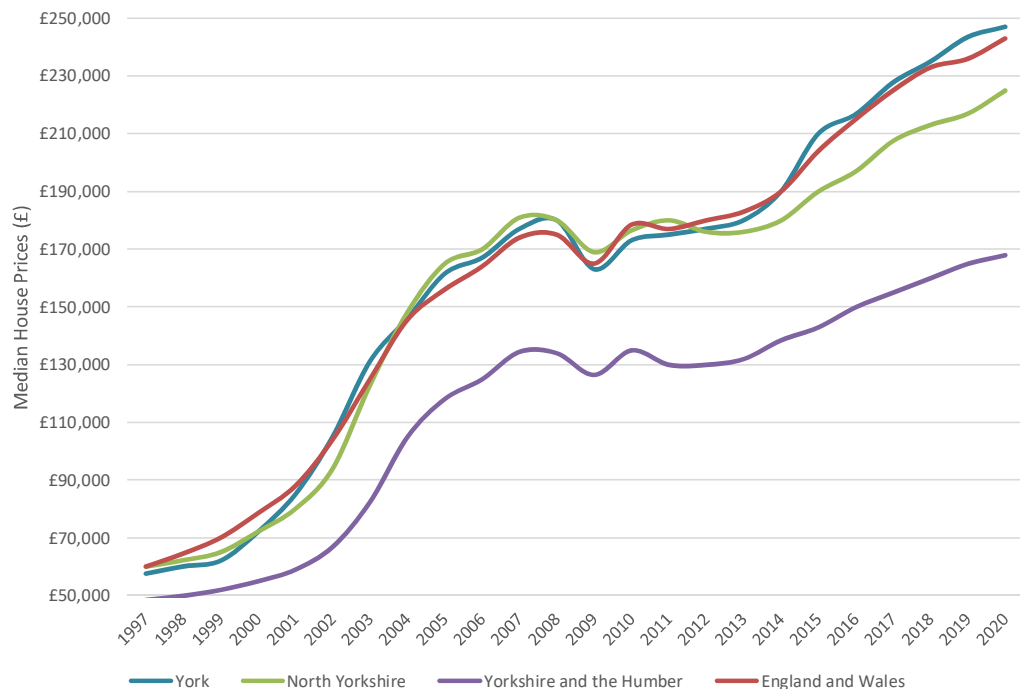
	Median Dwelling Price 2020	Long Term House Price Growth 1997-2020	Short Term House Price Growth 2017-2020
York	£247,000	+£189,500 (+330%)	+£19,275 (+8.5%)
North Yorkshire	£225,000	+£165,000 (+275%)	+£17,500 (+8.4%)
Yorkshire and The Humber	£168,000	+£119,500 (+246%)	+£13,000 (+8.4%)
England & Wales	£243,000	+£183,050 (+305%)	+£18,000 (+8.0%)

Source: ONS (2021): Median house price by country and region, England and Wales, year ending September 1997 to year ending September 2020 (£)

4.16 These median prices illustrate higher prices in York compared to national rates, with average house prices around £4,000 than England and Wales as a whole; £22,000 higher than in the surrounding sub-region, but a massive £79,000 higher than the Yorkshire region as a whole. Over the long term, the rate of growth has been considerably higher than all the comparator areas, at almost £190,000 since 1997 or 330%. Even over the past 3 years, the rate of growth has continued to accelerate, with an increase of £19,275, or 8.5%, since 2017 – higher in proportionate and absolute terms than the comparator areas.

4.17 The longitudinal analysis illustrated in Figure 4.1 is particularly revealing. This indicates that the City of York’s median house prices generally mirrored the rate of growth of North Yorkshire up until 2012, at which point the economic recovery following the 2008/09 recession saw York’s house prices accelerate at a much faster rate. It has in recent years almost exactly followed the England and Wales average rate and in fact has started to exceed it, which is very concerning given that is (to an extent) skewed by the extremely high house prices in London and the Greater South East.

Figure 4.1 Median House Prices



Source: ONS (2021): Median house price by country and region, England and Wales, year ending September 1997 to year ending September 2020 (£)

4.18

As set out in the Practice Guidance, higher house prices and long term, sustained increases can indicate an imbalance between the demand for housing and its supply. The fact that York’s median house prices have effectively more than tripled in 23 years, from £57,500 in 1999 to £247,000 in 2020, and have risen at a much faster rate than comparable national and sub-regional figures, which suggests that the local market is experiencing considerable levels of stress.

Lower Quartile House Prices

Arguably of even greater concern is the data regarding Lower Quartile house prices in the City of York. These are presented in Table 4.2 for the same comparator areas and indicate that LQ prices have increased from just £46,500 in 1997 to a concerning £196,000 by 2020 – an increase of almost £150,000, far in excess of the comparator areas and a level of growth 75% higher than the regional growth.

Table 4.3 Lower Quartile Dwelling price, York and comparator areas (2020)

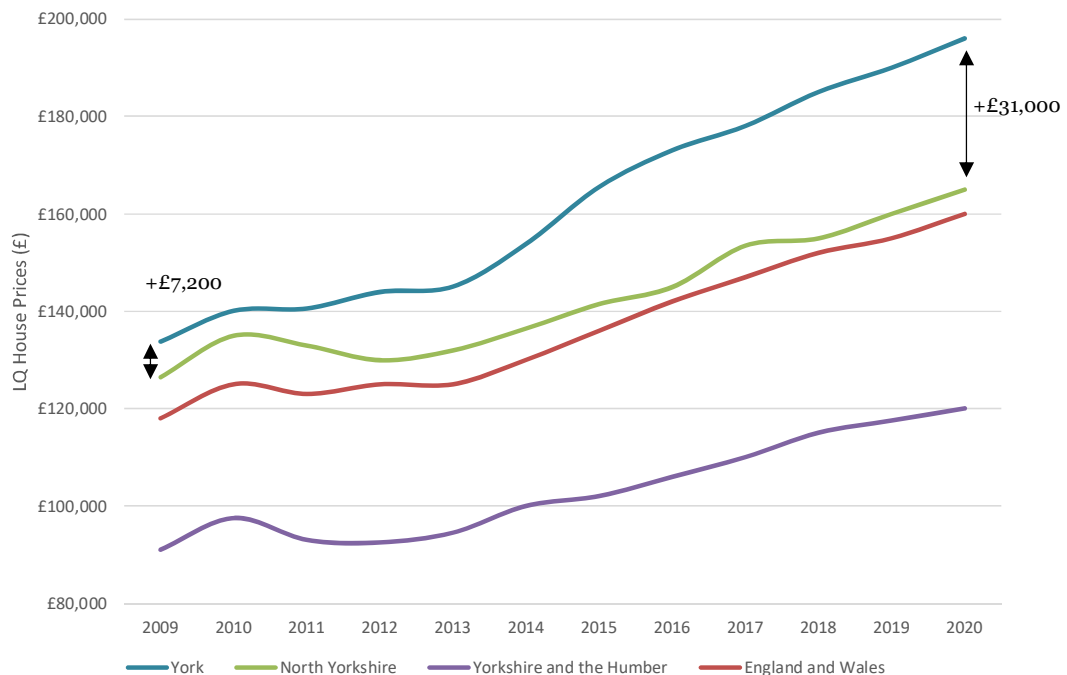
	LQ Dwelling Price 2020	Long Term House Price Growth 1997-2020	Short Term House Price Growth 2017-2020
York	£196,000	+£149,500 (+322%)	+£18,000 (+10.1%)
North Yorkshire	£165,000	+£119,000 (+259%)	+£11,500 (+7.5%)
Yorkshire and The Humber	£120,000	+£85,000 (+243%)	+£10,000 (+9.1%)
England & Wales	£160,000	+£117,500 (+276%)	+£13,000 (+8.8%)

Source: ONS (2021): Lower Quartile house price by country and region, England and Wales, year ending September 1997 to year ending September 2020 (£)

4.19

To put this into context, the current LQ price in York of £196,000 was equal to the City’s median house price only five years ago (in 2015). By way of comparison, North Yorkshire’s current LQ house price of £165,000 last equated to the median house price ten years before in 2005.

Figure 4.2 Lower Quartile House Prices



Source: ONS (2021): Median house price, year ending September 1997 to year ending September 2020 (£)

4.20 This suggests that the gap between LQ and median house prices is narrowing in York at a very fast rate, making housing increasingly unaffordable for those on low incomes, a trend vividly illustrated in Figure 4.2.

Affordability

4.21 The CLG’s former SHMA Practice Guidance defines affordability as a ‘*measure of whether housing may be afforded by certain groups of households*’²⁹. A household can be considered able to afford to buy a home if it costs 3.5 times the gross household income for a single earner household or 2.9 times the gross household income for dual-income households. Where possible, allowance should be made for access to capital that could be used towards the cost of home ownership [page 42].

4.22 The Practice Guidance concludes that assessing affordability involves comparing costs against a household’s ability to pay, with the relevant indicator being the ratio between lower quartile house prices and lower quartile [LQ] earnings³⁰. Given that the median Affordability Ratio [AR] is used to inform the Government’s standard methodology for calculating Local Housing Need, we have also included this indicator in Table 4.4 below.

4.23 It indicates that the City of York has a very high Median AR of 8.04, which is significantly above the regional and national averages, although just below the comparable figure for North Yorkshire. The rate of change has also been worryingly high, at 4.33 points, or 117%, since 1997 – a rate of change equal to the national level. More recently, the rate of change has actually fallen slightly, although this is a trend that has been observed across the country. Furthermore, this is not due to house prices declining – as we have demonstrated above, they have continued to accelerate in York –rather that workplace wages have actually increased at a faster rate (the City’s median wages increased by 16.2% between 2017 and 2020 to £30,725, well above the rate of change observed both nationally and regionally at 9.2%).

Table 4.4 Workplace-based Affordability Ratios, York and comparator areas (2020)

	Median Affordability Ratio			Lower Quartile Affordability Ratio		
	2020	Rate of Change 1997-2020	Rate of Change 2017-2020	2020	Rate of Change 1997-2020	Rate of Change 2017-2020
York	8.04	+4.33 (+117%)	-0.57 (-6.6%)	9.09	+5.07 (+126%)	+0.03 (+0.3%)
North Yorkshire	8.11	+3.91 (+93%)	-0.10 (-1.2%)	7.94	+3.53 (+80%)	-0.16 (-2.0%)
Yorkshire and The Humber	5.84	+2.72 (+87%)	-0.05 (-0.8%)	5.65	+2.55 (+82%)	-0.08 (-1.4%)
England & Wales	7.69	+4.14 (+117%)	-0.08 (-1.0%)	7.01	+3.47 (+98%)	-0.14 (-2.0%)

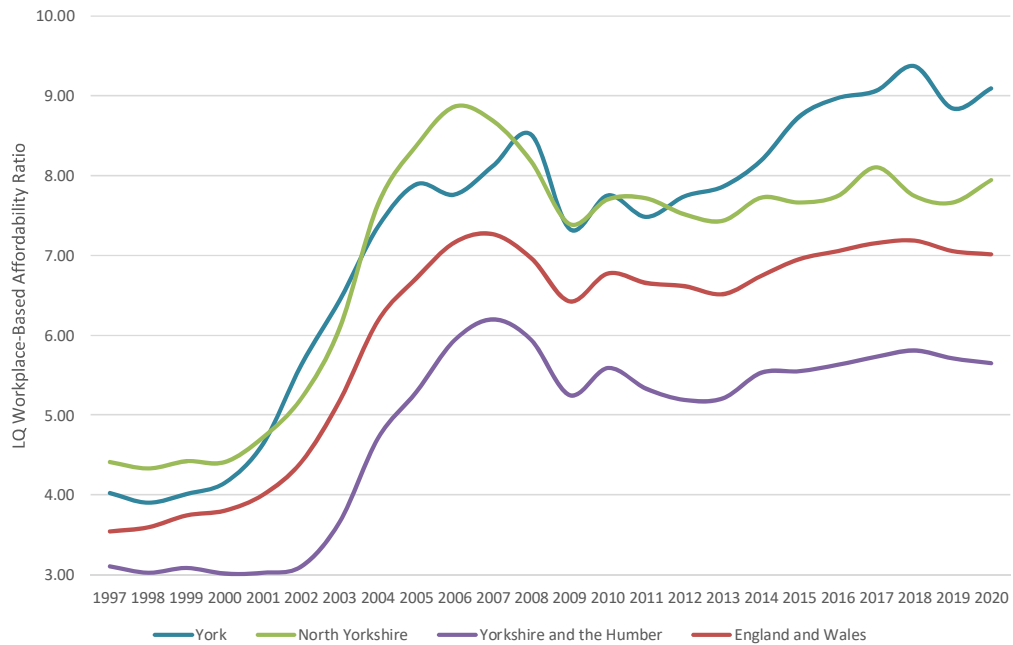
Source: ONS (2021): Ratio of median / Lower Quartile house price to median /Lower Quartile gross annual (where available) workplace-based earnings by country and region, England and Wales, 1997 to 2020

4.24 The situation is even worse when we analyse the City of York’s Lower Quartile Affordability Ratio. Figure 4.3 illustrates that although the ratio fell substantially from a peak of 8.51 in 2008 following the financial crash and subsequent economic downturn, it has steadily increased since 2009 at a much faster rate than any of the comparator areas and is now 9.09 – significantly above the national level of 7.01 and particularly the regional rate of 5.65.

²⁹ Annex G

³⁰ 019 Reference ID: 2a-019-20140306

Figure 4.3 Ratio of Lower Quartile house price to Lower Quartile earnings



Source: ONS (20210: Ratio of Lower Quartile house price to Lower Quartile gross annual (where available) workplace-based earnings by country and region, England and Wales, 1997 to 2020)

4.25 The affordability ratio highlights a constraint on people being able to access housing in York, with house price increases and rental costs outstripping increases in earnings at a rate well above the national level.

Rents

4.26 On a similar basis, high and increasing private sector rents in an area can be a further signal of stress in the housing market. As can be seen in Figure 4.4, Median rents in York are as high as £775 per month, well above the national level (£730) and over a third higher than the regional rate. The rate of growth of median rents over the past 7 years or so has also been very high in York, at 23% compared to 19% for North Yorkshire; 20% for Yorkshire and the Humber; and 21.5% nationally. As for LQ rents, these are even more concerning, with York’s at £675 per calendar month compared to £565 nationally.

Figure 4.4 Monthly Rents



Source: VOA Private Rental Market Statistics 2021

What scale of uplift should be applied?

- 4.27 The PPG sets out a clear two-stepped process to addressing market signals within the calculation of OAHN:
- 1 Firstly, it is necessary to determine **whether** a market signals uplift is necessary. This is set out in PPG ID2a-019 within the first sub-paragraph as follows:

“Appropriate comparisons of indicators should be made... A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections.”
 - 2 Secondly, when a market signals uplift is required, it is necessary to identify at **what scale** that should be set, with guidance given that it should be set at a level that could be expected to improve affordability. This is set out in PPG ID2a-019 within the second and third sub-paragraphs as follows:

“In areas where an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable... they should increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability, and monitor the response of the market over the plan period.”
- 4.28 The principle of a market signals uplift in York (i.e. Stage 1) has not been disputed by the Council’s housing consultants in the past (even though they have chosen not to re-enter the debate in their latest 2020 HNU). However, the scale of the uplift is disputed, principally because there is no sound basis to conclude that the uplift can be reasonably expected to improve affordability, and the HNU provides no evidence that it will do so. In addition, as previously noted, because the 2019 HNU applied its market signals uplift to a flawed demographic-led assessment of need, any figure flowing from this is in itself also flawed.

- 4.29 The market indicators show that there are significant imbalances between the demand for and supply of housing in the City of York. This analysis indicates pressure on the housing market, which will not be addressed by providing only for the level of growth produced by the continuation of demographic trends. A response is clearly required through an adjustment to the demographic-based scenarios, in line with the recommendations set out in the Practice Guidance.
- 4.30 By way of setting the initial context, the 2019 HNU recommends a 15% uplift to the demographic starting point of 484 dpa, which results in an OAHN of 557 dpa. However, GL Hearn notes that this is some way short of the economic led need of 790 dpa, which is the housing requirement now identified in the Proposed Modifications to the City of York Local Plan. The 2020 HNU has not revisited the debate.
- 4.31 It is noted that although the Local Plan is being examined under the transitional arrangements for the NPPF, the standard method identifies that York would have an **affordability uplift equal to 25% to the 2014-based SNHP**. This is because the Ratio of median house price to median gross annual workplace-based earnings in York was 8.04 in 2020. This is significantly higher than the equivalent affordability ratio for England and Wales, at 7.69 for 2020.

Apportionment of national needs

- 4.32 The City of York is relatively worse in respect of affordability than the national equivalent. As set out above, as of 2020 the City of York has an LQ Affordability Ratio of 9.09, compared to the national rate of 7.15. All other things being equal, to improve affordability across the country, the City of York and its HMA peers would need to make a proportionately greater uplift than those where affordability issues are less acute. This exercise has been undertaken on the basis that Government has a frequently stated aim to bring housebuilding to a level of 300,000 per year by the mid-2020s. This national total equates to an uplift of 79,000 on the 2014-based household projections (which suggest a need for c. 221,000 homes per annum 2017-33, including a 3% vacancy allowance); an uplift of 131,000 dpa on the 2016-based SNHP and an uplift of 135,000 dpa on the 2018-based SNHP.
- 4.33 It is possible to consider how this required uplift should be shared between 320+ LPAs across the country in order to seek to hold the affordability ratio (at least at a national level) constant. Two alternative scenarios for market signals uplifts across the country have been modelled, as follows:
- 1 Each district with an affordability ratio above the national ratio makes a market signals uplift in proportion to its difference with the national figure;
 - 2 Every district (whether above or below the national ratio) makes a market signals uplift in proportion to its difference with the lowest affordability ratio, in Copeland at 2.4 (weighted 50%), and its projected household growth (weighted 50%).
- 4.34 The results for the City of York under these methods is shown in Table 4.5. The uplift has been based on a demographic baseline of 462 dpa, based on the 2016 projections plus a 3% vacancy rate, falling to just 302 dpa using the 2018-based SNHP. To meet a national figure of 300,000 per annum the scale of uplift would need to be 33% at least, although taking into account the City of York's relative size this could be as high as 48%.

Table 4.5 Outcomes for the City of York- Apportionment of National Needs

	National total of 300,000 2016-based SNHP			National total of 300,000 2018-based SNHP		
	Share of 131,000 uplift	Dwellings	Uplift (from 669 dpa)	Share of 135,500 uplift	Dwellings	Uplift (from 669 dpa)
Method 1	0.22%	293	44%	0.22%	303	45%
Method 2	0.24%	321	48%	0.16%	222	33%

Source: Lichfields based on ONS/MHCLG

- 4.35 The analysis clearly shows that an uplift well in excess of the 15% put forward in the 2019 HNU would be needed to reasonable expect an improvement in affordability in the City of York, and for the City to be contributing to the need nationally for new homes, taking into account affordability and its size. It is notable that using a 300,000 per annum total, the uplift for York identified in the Government’s standardised methodology – at 25% - falls below the very lower end of the range (33%-48%) identified through this exercise.

Summary

- 4.36 In light of the above analysis, there is a case to be made that at the very least, the market signals uplift for the City of York should be a minimum of 25%. Even taking GL Hearn’s adjusted baseline of 670 dpa based on the latest projections, this would equate to 838 dpa. Our modelling suggests that an uplift even greater than this may be needed to improve affordability and achieve the Government’s long held aspiration for 300,000 dpa; however in light of stock growth elsewhere and the outcomes of the Standard Methodology, a minimum of **25%** is considered appropriate.
- 4.37 This clearly underlines the failure of the HNU to adequately meet the PPG requirement to set its uplift at a level that is related to the problems of affordability or that could be expected to improve affordability; indeed, the HNU fails to approach this question at all.
- 4.38 **When applied to the Council’s adjusted demographic starting point of 669 dpa, this results in a need for 836 dpa.**

5.0 Affordable Housing Needs

5.1 In line with the 2012 Framework³¹, LPAs should:

“...use their evidence based to ensure their Local Plan meets the full, objectively assessed needs for market and affordable housing...”

“...prepare a SHMA which...addresses the need for all types of housing, including affordable.”

5.2 The Practice Guidance³² sets out a staged approach to identifying affordable housing needs, and states that affordable housing need should be:

“...considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments...an increase in the total housing figures included in the plan should be considered where it could help deliver the required number of affordable homes.”

5.3 Two High Court Judgements go to the heart of addressing affordable housing within the identification of OAHN. ‘Satnam’ establishes that affordable housing needs are a component part of OAHN, indicating that the ‘proper exercise’ is to identify the full affordable housing needs and then ensure that this is considered in the context of its likely delivery as a proportion of mixed market/affordable housing development. ‘Kings Lynn’ builds on ‘Satnam’, identifying that affordable housing needs “*should have an important influence increasing the derived OAHN since they are significant factors in providing for housing needs within an area.*” [§36]. This is clear that affordable housing needs are a substantive and highly material driver of any conclusion on full OAHN.

5.4 The 2020 HNU does not review affordable housing need (indeed it is not even mentioned anywhere in the document). It is, however, discussed in the City of York Council’s *Affordable Housing Note* [EX_CYC_36] (February 2020). This report acknowledges that the most recent assessment of affordable housing need for the City remains the 2016 SHMA, which identified a net affordable housing need of **573 homes per annum or 12,033 dwellings over the 2012-2033 period**. This suggests a worsening situation when compared with the previous figure of 486 affordable homes per annum needed in the previous 2011 SHMA, produced by GVA.

5.5 Lichfields has not analysed in detail the figures forming the assessment of affordable housing needs, due in part to limitations on access to the underlying data; instead, Lichfields has focused on how this need has informed the OAHN conclusion. CoY Council summarises the approach as follows:

“The Housing Needs Update (2019) [EX/CYC/14a] considers this affordable housing need as part of the updated assessment of Objectively Assessed Housing need (OAN). GL Hearn conclude that an uplift to the demographic need figure to improve delivery of affordable housing may be justified. Key judgements including Kings Lynn v Elm Park Holdings (2015) were examined. In paragraph 35 of the judgement Justice Dove says ‘the Framework makes clear that these needs (affordable housing needs) should be addressed in determining the full OAN, but neither the Framework or the PPG suggest that they have to be met in full when determining the full OAN’. The judgement is clear that an assessment of affordable housing need should be carried out but that the level of affordable housing need does not have to meet in full in the assessment of OAN. This is a

³¹ Framework - Paragraphs 47 and 159

³² Practice Guidance - ID: 2a-022-20140306 to 2a-029-20140306

similar conclusion to the Inspector at the Cornwall Local Plan EIP who concluded that ‘National guidance requires consideration of an uplift; it does not automatically require a mechanistic increase to the overall housing requirement to achieve all affordable housing needs based on the proportions required from market sites’.

It was concluded that it may be necessary, based on affordable need evidence, to consider an adjustment to enhance delivery of affordable homes but that this does not need to be done in a mechanical way whereby the affordable need on its own drives the OAN.” [paragraphs 41 to 42]

- 5.6 The Affordable Housing Note then goes on to state that *“the updated market signals show that affordability is a worsening issue in York and therefore in accordance with the PPG an uplift to the demographic projections is appropriate and considering the evidence, GL Hearn proposes a 15% uplift. When applied to the demographic starting point (484 dpa) this 15% uplift would result in an OAN of 557 dpa which is some way short of both the adjusted demographic growth (679) the economic led need (790). GL Hearn conclude that the OAN should remain at 790 to achieve both improvements to household formation and economic growth which represents a 63% uplift on the demographic starting point.” [paragraph 43]*
- 5.7 **In taking this approach, GL Hearn is effectively conflating the uplift resulting from affordable housing need with uplift resulting from market signals analysis. These are two separate steps in the Practice Guidance and should not be combined in this manner.**
- 5.8 In contrast, the 2019 HNU reiterates the 573 dpa need and accepts that *“a modest uplift to the demographic based need figure to improve delivery of affordable housing in the City may be justified.” [paragraph 4.20].*
- 5.9 However, the HNU then reviews a number of High Court judgements and other Inspector’s reports, notably that for the Cornwall Local Plan, and concludes 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’ hereby the affordable need on its own drives the OAN”.* [paragraph 4.28]
- 5.10 The HNU does not proceed to test the scale of uplift that might be appropriate to help meet this very high level of affordable housing need, merely stating in the conclusions that the employment-led 790 dpa *“would be sufficient to respond to market signals, including affordability adjustments, as well as making a significant contribution to affordable housing needs”.*
- 5.11 A similar error is (silently) perpetuated in the 2020 HNU, where it is assumed that an economically-driven figure of 790 addresses the demographic need, worsening market signals and affordable housing requirements. That is clearly not the case.
- 5.12 The Affordable Housing Note suggests that as many as 3,539 affordable units could be delivered from all sources to 2032/33, at a rate of 221 dpa (Table 10). The Paper states that *“the Plan seeks to provide around 38.6% of the affordable housing need requirement. Whilst the Plan will not deliver the full affordable housing need it does seek to provide a significant uplift to the provision of affordable homes secured through the application of policy H10 and the provision of rural exceptions sites through the application of policy GB4.” [paragraph 44]*
- 5.13 The provision of the net affordable housing need identified is likely to be unrealistic given past dwelling completions in City of York. As set out in Table 12 of the Affordable

Housing Note, less than 10% (461 homes) of all completions (4,695 homes) during this period were affordable.

5.14 So the Council is clear that as a best case scenario, only 39% of the affordable housing need will be delivered in the Plan period, and no upward adjustment has been considered as required by the PPG. Even at a delivery rate of 30% of overall housing, the City of York would need to deliver **1,910 dpa** to address its affordable housing needs in full.

5.15 Taking into account affordable need within the calculation of OAHN does not necessarily involve a mechanistic uplift, or an indication that such identified needs must be met in full. It has to be a scenario which, on a reasonable basis, could be expected to occur. This is set out in the Kings Lynn judgment which concluded:

“...This is no doubt because in practice very often the calculation of unmet affordable housing need will produce a figure which the planning authority has little or no prospect of delivering in practice. That is because the vast majority of delivery will occur as a proportion of open-market schemes and is therefore dependent for its delivery upon market housing being developed.” [§35]

This is also consistent with the Practice Guidance³³ which sets out the assessment of *need* “does not require local councils to consider purely hypothetical future scenarios, only future scenarios that could be reasonably expected to occur.”

5.16 However, in line with the High Court Judgments, this still needs to be an uplift of consequence, insofar as it can reasonably be expected to occur. This will inevitably need to involve judgement, based on relevant evidence, as to the extent to which any scale of uplift could be reasonably expected to occur.

5.17 For example, it is interesting to note that in the Cornwall Local Plan example that GL Hearn quotes from, the Inspector ultimately concluded that an uplift to the OAHN was justified, and this should be equal to an additional 1,500 dwellings over the course of the Plan period³⁴.

5.18 The HNU ultimately does not use the identified acute affordable housing needs in a way in which it has “an important influence in increasing the derived F[ull] OAN” as per the Kings Lynn judgment.

5.19 The Local Plan Expert Group [LPEG], in its Report to the Secretary of State for Communities and Local Government in March 2016, recommended various changes to the Practice Guidance with the remit of considering how local plan-making could be made more efficient and effective. Although very limited, if any, weight can be given to the LPEG approach given that it is not policy or endorsed by Government, it is at least helpful in seeking to understand what an appropriate response might be to define the influence of market signals and affordable housing needs. LPEG recommended changes to the preparation of SHMAs and determination of OAHN.

5.20 With regard to affordable housing need in the preparation of SHMAs and determination of OAHN it proposed that where the total number of homes that would be necessary to meet affordable housing need is greater than the adjusted demographic-led OAHN, then this figure should be uplifted by a further 10%. The 10% uplift was intended to provide a streamline approach that removes judgement and debate from the process of setting OAHN (as opposed to what might be the most accurate under current Practice Guidance).

³³ Practice Guidance - ID:2a-003-20140306

³⁴ Planning Inspectorate (23rd September 2016): Inspector’s Report on the Examination into the Cornwall Local Plan Strategic Policies, paragraph 52

5.21

Given the significant affordable housing need identified in City of York, Lichfields considers that this 10% uplift would be appropriate in this instance and should be applied to the OAHN.

6.0 Integration of Student Housing Needs

6.1 It is important to note that the household projections upon which York’s OAHN is based relate to C3 uses only, and not C2. Specifically, and of particular relevance to the City of York, CLG’s household projections do not include an allowance for students who might be expected to reside in Halls of Residence (termed, along with people living in nursing homes, military barracks and prisons, as the ‘Communal establishment population’).

6.2 As summarised by CLG in its *Methodology used to produce the 2018-based household projections for England: 2018-based Report* (June 2020), the household projections are based on the projected household population rather than the total population. The difference between the two is the population in communal establishments [CE], also termed the ‘institutional’ population. This population comprises all people not living in private households and specifically excludes students living in halls of residence:

“The CE population is then subtracted from the total usual resident population in the MYEs and SNPPs, by quinary age group and sex, to leave the private household population, split by age and sex in the years required for the household projections.”
[page 5]

6.3 This is important for the City of York, because it means that if the household projections are used as the basis for calculating the OAHN (which GL Hearn’s methodology does), it specifically excludes a substantial proportion of specialised student accommodation needs.

6.4 In this regard, it is worth noting that in March 2017 GL Hearn published an addendum to the West Surrey SHMA for Guildford Borough Council³⁵. In that document, GL Hearn recommended an adjustment of an extra 23 dpa be added to the OAHN of 539 dpa based on an analysis of future student numbers and accommodation need in the Borough.

6.5 According to the GL Hearn’s Guildford analysis, there are three things necessary to consider when determining whether there is a need to adjust the objectively assessed housing need to take account of student growth:

- How the student population at University of Surrey is expected to change over the plan period;
- What growth in typical student age groups is expected within the population projections, on the basis that the CLG Household Projections model is not assuming growth in numbers in institutions;
- The number/ proportion of students which can be expected to require housing within Guildford, and of these what proportion might be expected to be accommodated in halls of residence rather than the wider housing stock.

6.6 This was accepted in the Inspector’s Report dated 27th March 2019, resulting in a new OAHN of 562 dpa. The Inspector concluded that:

“From the figure of 539 dpa resulting from the assessment of jobs-led economic growth, the Council have made a further adjustment of 23 dpa for the growth of the student population based on analysis carried out in the SHMA addendum. Taking the University of Surrey’s known aspirations for growth, it is estimated that the number of full-time Guildford-based students at the University will increase by 3,800 between 2015-34, resulting in additional migration to Guildford. Assuming

³⁵ GL Hearn (2017): West Surrey Strategic Housing market assessment: Guildford Addendum Report 2017

that 45% would be accommodated in the wider housing market, and on the basis of an average 4 students per household, the SHMA Addendum calculates that this would equate to growth of 23 additional dwellings per annum. It has been argued that the 18 to 23 age group in the most recent population projections and mid-year estimates includes students; but this cannot be assumed to be the case, and by its nature Guildford is likely to be attractive to young people whether or not they are students. It is a sound step to add this allowance for students when considering the overall housing requirement, to ensure that there is not a significant incursion of students into the housing market which would diminish the supply available to others needing housing in the area.”

- 6.7 Given that York has a disproportionately high student population following the ongoing success of the University of York, York St John University, Askham Bryan College of Agriculture and Horticulture and the landmark campus development of York College, it is surprising that GL Hearn did not follow a similar exercise to the one they undertook for Guildford Borough Council.
- 6.8 Using data and assumptions gathered from the University of York, York St John’s University and the City of York Council’s own analysis (*Housing Requirements in York*, produced on its behalf by Arup in 2015) we can make a broad assessment of the housing needs of students in the City of York.
- 6.9 Table 6.1 presents the past six years of student headcount data for the University of York and York St John University. Over this period the total student headcount grew by 15% overall. However, whilst the University of York [UoY] grew its student population by 18%, York St John’s University [YSJ] grew at a much slower rate of 7%.
- 6.10 Both universities experienced an expansion in full-time students, although YSJ lost half of its part time students. The University of York gained 2,861 full-time students (+19%) but gained just 93 part-time students (+5%), whilst York St John’s University gained 974 full-time students (+18%) but lost half of its part-time students (-52%).

Table 6.1 Recent trends in University student headcounts in York 2014/15-2019/20

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	% Change
The University of York	16,835	17,150	17,899	18,824	19,469	19,789	+17.5%
Full-time	14,920	15,210	16,283	17,221	17,604	17,781	+19.2%
Part-time	1,915	1,940	1,616	1,603	1,865	2,008	+4.9%
York St John University	6,555	5,975	5,941	6,249	6,618	7,000	+6.8%
Full-time	5,495	5,180	5,355	5,728	6,165	6,469	+17.7%
Part-time	1,060	795	586	521	453	531	-49.9%
Total Students	23,390	23,125	23,840	25,073	26,087	26,789	+14.5%
Total Full Time	20,415	20,390	21,638	22,949	23,769	24,250	+18.8%
Total Part Time	2,975	2,735	2,202	2,124	2,318	2,539	-14.7%

Source: HESA HE student enrolments by HE provider 2014/15 to 2019/20

- 6.11 For the purposes of this analysis, only full-time students are considered to be part of the additional student population in York living in C2 housing, as part-time students are more likely to be residents already living in York or commuting into the City.

- 6.12 The City of York Council’s 2015 *Housing Requirements Study* assumed (in Appendix B)³⁶ that, following consultation with both Universities, 5% of all UoY students live at home or commute into York, whilst 20% of all YSJ students do the same. The 20% figure for YSJ has been reiterated in the University’s 2026 strategy, where it is stated that the University aspires to **grow to 10,000 students by 2026**, with 8,000 of those being “on campus”³⁷. This would be an increase of **3,000** students on the current figure of 7,000. A Refresh to the Strategy in 2021 following the Pandemic retains this target of “*diverse growth to at least 10,000 students*” by 2026³⁸.
- 6.13 By way of an alternative, a review of HESA data suggests that in 2019/20 (and prior to the Covid-19 Pandemic), 4.5% of UoY students lived at home with their parents/guardians, compared to 15% for YSJ, which is broadly in line with the figures mentioned above.
- 6.14 Applying these 5%/20% assumptions to the 2019/20 total full-time student figure of 24,250 generates a student baseline figure of **22,067** students requiring accommodation within the City (i.e. 95% of UoY’s 17,781 FT students, plus 80% of YSJU’s 6,649 FT students).

Expected Growth in Student Numbers

- 6.15 In a representation submitted to the draft York Local Plan examination in December 2019³⁹, the University of York’s planning agents (O’Neill Associates) set out potential growth scenarios for the university up to 2038. They are an update on those submitted in Appendix 4 of the Regulation 19 Representations April 2018:
- “The statistics cover a range of growth scenarios for student numbers, and growth in academic and non-academic staff follows this increase in students. The range of growth considered is from 0.5% to 4%. Because of the lengthy local plan period to 2033 and on to 2038, Government policy on Higher Education, students’ preferences and changing patterns of oversea recruitment will have an impact on this growth rate that cannot be accurately predicted. Suffice to say that the average growth rate in student numbers over the last 10 years has been around 4% per annum, to the higher end of the range considered.”* [paragraph 1.2]
- 6.16 The Paper concludes that it is unlikely that the Council’s employment forecasts for growth, and hence employment and financial impact on the local economy, reflect the recent growth rates in student numbers at the University of York.
- 6.17 The Paper revisits the assumptions made in the University’s 2018 Representations. It states that since March 2018 the University has grown steadily. Student numbers were at 17,200 [FTE] when writing the 2018 report and have grown to 18,100 [FTE] for the academic year 2018/19. This means that average growth in student numbers over the last ten years has been at about **4% per annum** [paragraph 14].
- 6.18 The University of York’s built estate is continuing to expand as further space is required. A further £250m of investment is being made in the Campus over the next three years. This includes in Science & Medical facilities, and a new Management School facility on Campus West; and two more Residential Colleges (1,480 beds in all), an Energy Centre, a new Nursery and the RPIF funded Robotics building on Campus East [paragraph 15].

³⁶ Arup (2015): Evidence on Housing Requirements in York: 2015 update, Appendix B

³⁷ York St John University (2019): *2026 Strategy: Make the Possible Happen*, page 26

³⁸ York St John University Strategy 2026 Refresh (2021)

³⁹ O’Neill’s Associates Submission to York Local Plan (December 2019): *University of York Growth Rates, Phase 1 Hearings*

- 6.19 The Paper revisits the 6 growth scenarios in the previous 2018 representations and updates it to reflect the fact that 2018 student numbers were at 18,112 an increase of about 900 students from the 2017 figure used in the 2018 modelling:

Table 2 - Summary of 2019 Update to Modelling.

Scenario	Sc 1	Sc 2	Sc 3	Sc 4	Sc 5	Sc 6
Growth Rate to 2038	0.50%	1.00%	1.25%	1.50%	2.00%	4.00%
Student Nos (FTE) at 2038	20,012	22,100	23,220	24,394	26,913	39,686
Extra Students (FTE) vs 2017	2,799	4,887	6,007	7,181	9,700	22,473
% of 26ha of ST27 needed*	40%	85%	100%+	115%+	150%+	420%+

Source: O’Neill’s Associates Submission to York Local Plan (December 2019): *University of York Growth Rates, Phase 1 Hearings*, page 4

- 6.20 Of the six growth scenarios, the University confirms that “*Scenario 1 and 2’s low level of growth is highly unlikely*” [paragraph 18]. The University’s 2018 representations concluded that Scenario 3 or 4 was the minimum likely scenario for prudent long-term growth planning at this stage of the Local Plan; and that Scenario 5 and 6 were foreseeable given the University’s reputation and the fact that these are less than (Scenario 5) or equal (Scenario 6) to the actual growth over the last decade. The update notes that average growth in student numbers over the last ten years has been at about 4% per annum.
- 6.21 It therefore does not seem unreasonable to assume that the University’s growth rate is likely to range from between 1.25% and 4% per annum over the period to 2038.
- 6.22 Scenario 3, which assumed 1.25% student growth p.a. to 2038, and Scenario 4, which assumed 1.5% growth p.a. to 2038 were considered by O’Neill Associates to be “*the minimum prudent scenarios for planning purposes at this stage of the Local Plan*”. Scenario 5, which assumed 2% growth p.a., was also considered to be “*a realistic possibility given it is at a rate equal to half the growth the University has achieved over the last 10 years.*”
- 6.23 The growth scenarios modelled by O’Neill Associates were based on full-time-equivalent [FTE] students and was modelled forward from 2018/19 data. Given that growth in FTE students in recent years has been 4%, **we have assumed the higher Scenario 5 growth rate of 2% p.a. over the full Plan period to 2033 is justified for use in this analysis.** With a 2018/19 figure of 17,604 FT students in 2018/19, we have therefore applied a growth rate of 2% per annum to 2033. This equates to a growth of **6,719 students** on the 2016/17 FT student figure of 16,283.
- 6.24 As set out above, the YSJU 2026 Strategy document (2019) sets out that the University’s ambition is to grow to 10,000 students by 2026, a growth of 3,000 students from 7,000 in 2018/19 over a six-year period. Using the average proportion of full-time students at the University from the past six years of HESA data (totalling 90% of all students), this suggests it would be reasonable to work on the basis that 9,000 full-time students will be attending YSJ by 2026, an increase of **3,000 full-time students over the next 6 years**, or 500 students per year until 2025/26.
- 6.25 After 2025/26 we have no data regarding YSJU’s growth plans, so for the purposes of this analysis we have fixed the full-time student number at 9,000 for the remainder of the plan period to 2033 (i.e. zero growth post 2026).
- 6.26 Based on the above assumptions, the expected growth in full-time students over the 16-year Local Plan period 2016/17 – 2032/33 equates to **6,719** for the UoY and **3,645** for

York St John (these figures include three years’ growth already documented in Table 6.1 above, of 2,612 students between 2016/17 and 2019/20). This totals **10,364** additional FT students based at the two Universities over the 16-year plan period 2016/17 – 2032/33.

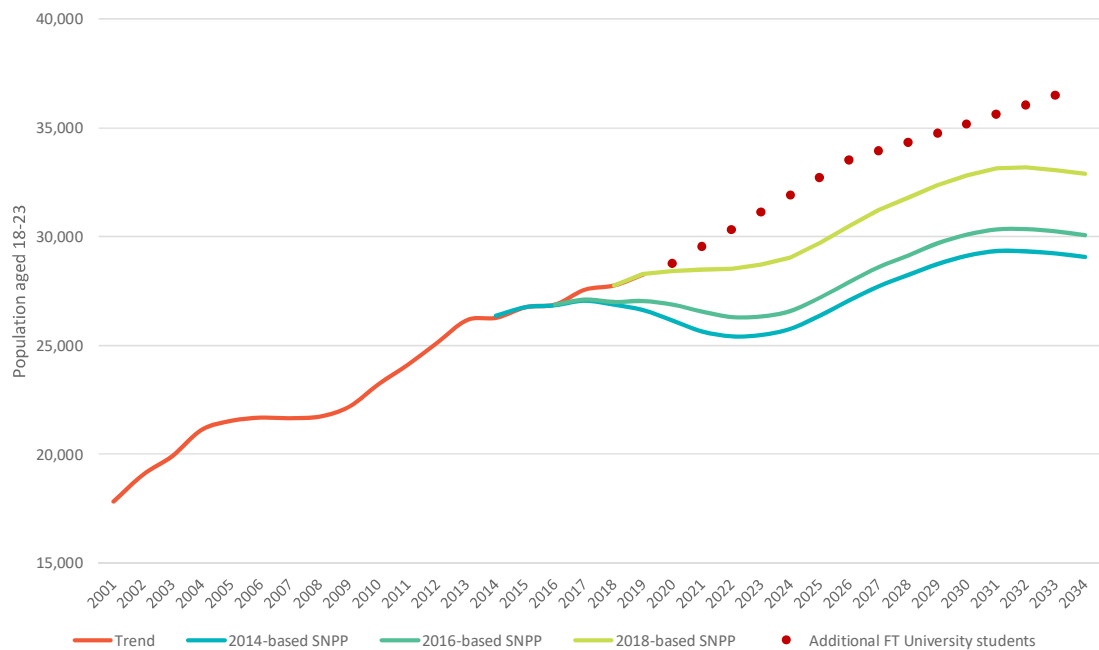
6.27 Applying the previous assumptions relating to students living at home or commuting to this generates an additional **9,299** full-time students living in York (i.e. 95% of UoY’s 6,719 FT students and 80% of YSJ’s 3,645 FT students).

Student Growth within the Demographic Projections

6.28 It is reasonable to assume that the 18-23 age cohort will represent the core student age group, particularly for under graduates. This was also the approach GL Hearn followed in its Guildford SHMA Update. Figure 5 illustrates that using either the 2014-based SNPP, the 2016-based SNPP, there is limited growth within this age cohort, particularly over the short to medium term, with growth principally occurring from 2025 onwards. There is stronger long-term growth projected in the 2018-based SNPP, but only after 2024 with growth flatlining before then.

6.29 Over the 16-year plan period 2016/17 to 2032/33, the projected growth of this age cohort is 5,507 residents (+20%) according to the 2018-based SNPP; by 3,118 residents (+12%) according to the 2016-based SNPP, or 2,149 (8%) using the 2014-based equivalents. In contrast, the number of full-time students attending the two Universities in York is expected to rise by 10,364 over the same time period, of whom 9,299 are expected to live in the City, an increase of **52.1% on the 2016/17 figure of 21,638 FT students** attending the two York Universities. This represents a rate of growth significantly higher than that of the age cohort in any of the projections.

Figure 5 Past and Projected Population Growth in York for residents aged 18-23



Source: ONS Mid-Year Population Estimates 2019/2014-based SNPP/2016-based SNPP

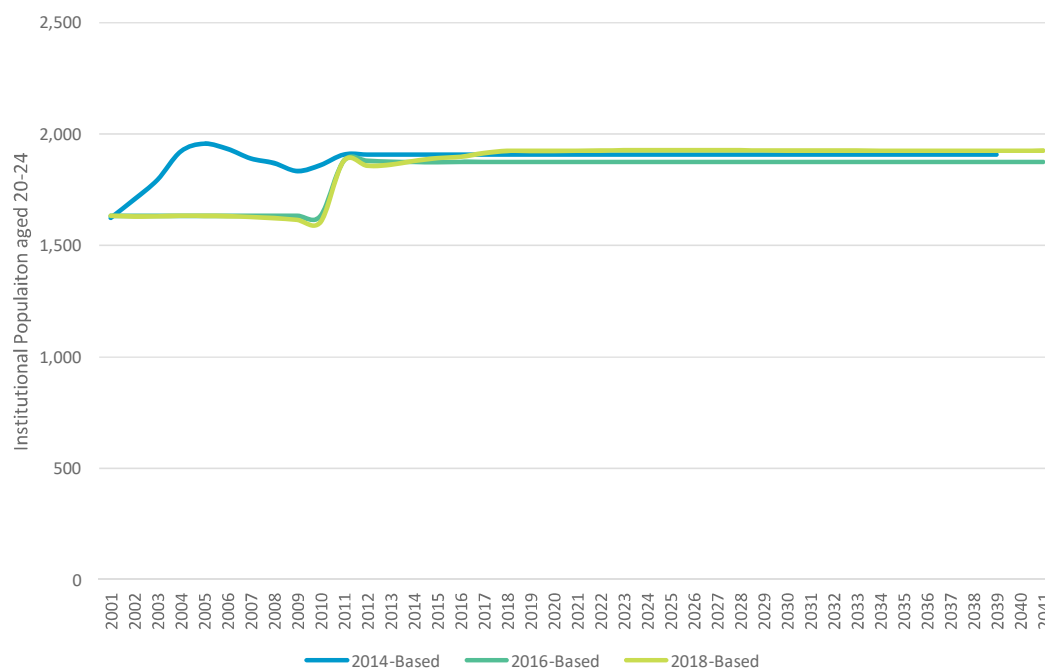
6.30 The Figure above includes growth in new student residents and also existing residents who are not in Higher Education. In an attempt to separate out the anticipated growth in

students alone in the projections, Figure 6 presents the growth of residents aged 20-24⁴⁰ living in communal establishments in the City of York up to 2039/41. Communal establishments include institutional accommodation such as residential care homes, army barracks, correctional facilities and (of particular relevancy for younger age groups) purpose-built student accommodation (i.e. halls of residence). It is therefore highly likely that most of the population aged 20-24 living in communal establishments can be considered to be students living in purpose-built C2 student accommodation.

6.31 The data indicates that post 2017, the number of residents aged 20-24 living in communal establishments is anticipated to stay constant, at 1,909 residents in the 2014-based SNHP, 1,874 in the 2016-based SNHP and around 1,925 in the 2018-based SNHP. There is therefore no change in the size of this cohort built into either set of projections over the plan period, and so growth in the numbers of students living in purpose-built accommodation clearly play no part in the ONS’s anticipated population growth for York residents shown in Figure 5.

6.32 From this, it could also be reasonably inferred that the ONS projections have not factored in the strong growth in student numbers at the 2 Universities into their projections, whether they are likely to be living in C2 student accommodation or renting in the private market. Furthermore, the projections suggest a lack of growth in the short-term, whilst growth effects later in the plan period are likely to be largely accounted for by a cohort effect rather than an increase in student migration.

Figure 6 Communal establishment population in York, aged 18-23, 2001-2035



Source: CLG 2014-based SNHP / ONS 2016-based SNHP / ONS 2018-based SNHP

6.33 Based on this analysis it is reasonable to assume that the rise in the student population would result in additional housing need over and above the need as determined by the 2018-based SNPP in isolation.

⁴⁰ The ONS / CLG data is grouped together in 5-year age cohorts including 20-24 and not 18-23 year olds; however, it is reasonable to assume that the trends exhibited for this slightly older age group represents a reasonable proxy for student growth

Additional Student Accommodation Needs

- 6.34 In GL Hearn’s 2017 Guildford analysis, 45% of new students were expected to be living in the private rental sector [PRS], based upon the University of West Surrey’s aspiration to house 50%-60% of its students within student accommodation.
- 6.35 Appendix B in The City of York Council’s 2015 *Housing Requirements Study*⁴¹ includes an analysis of the proportion of both universities’ students that are living in the PRS between 2010/11 and 2017/18. Over this period the average proportion of students living in the PRS was 56.6% of the total. This figure includes the assumptions relating to students living at home or commuting, and so must be applied to the total additional number of FT students, not just those living in York.
- 6.36 Applying this assumption to the combined university full-time student growth figure of 10,364 generates an estimated **5,866** additional full-time students likely to be living in the wider housing stock in York over the 16-year plan period, or **367** additional students per year.
- 6.37 On the basis of an average of 4 students per household (an assumption that was also used by GL Hearn in 2017⁴²), this equates to around **1,466** dwellings over the 16-year plan period; an average of **92 dpa** over the plan period 2016/17 - 2032/33.

Table 6.2 Additional student population requiring PRS dwellings in York 2016/17-2032/33

Measure	Total
Additional FT students	10,364
Additional FT students living in York	9,299
Additional FT students living in PRS in York	5,866
Additional dwellings needed	1,466
Additional dwellings needed p.a.	92

Source: Lichfields analysis

Conclusion

- 6.38 Based on this analysis, it cannot be assumed that the growth in the 18-23 age cohort in the latest population projections includes growth in student numbers, and therefore that there is adequate provision for new student housing within the OAHN. Following this, **it is our recommendation that an additional 92 dpa be factored into the City of York’s OAHN.**

⁴¹ Arup (2015): Evidence on Housing Requirements in York: 2015 update, Appendix B

⁴² GL Hearn (2017): West Surrey Strategic Housing market assessment: Guildford Addendum Report 2017

7.0 Factoring in the Backlog

- 7.1 The Explanation to Policy SS1 of the Proposed Modifications to the City of York Local Plan states that “*Following consideration of the outcomes of this work, the Council aims to meet an objectively assessed housing need of 790 new dwellings per annum for the plan period to 2032/33, including any shortfall in housing provision against this need from the period 2012 to 2017, and for the post plan period to 2037/38.*” [paragraph 3.3]
- 7.2 According to PM21a of that document, *the Update to Table 52: Housing Trajectory to 2033 to reflect the revised OAN of 790 dpa*, this shortfall to housing provision equates to 32 dwellings annually between 2017/18 to 2032/33, or 512 dwellings in total over the 16-year Plan period.
- 7.3 Based on the Council’s *Full Year Housing Monitoring Update for Monitoring Year 2018/19* Table 6, this appears to be based on a net dwelling gain of 3,432 dwellings between 2012/13 and 2016/17, against a requirement of 3,950 (790 x 5); therefore a 518 shortfall, or 32 annually.
- 7.4 The Companies have serious concerns regarding the accuracy of this calculation. It appears that the CoYC have included a very substantial amount of C2 student accommodation in these figures, thus reducing the amount of shortfall they include in the annual housing target.
- 7.5 The Housing Monitoring reports produced by the Council seek to legitimise this approach by referring to the PPG, which states that:
- “All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market...*
- To establish the amount of accommodation released in the housing market, authorities should base calculations on the average number of students living in student only households, using the published census data. This should be applied to both communal establishments and to multi bedroom self-contained student flats. Studio flats in mixed developments designed for students, graduates or young professionals should be counted as individual completions. A studio flat is a one-room apartment with kitchen facilities and a separate bathroom that full functions as an independent dwelling”⁴³*
- 7.6 Setting to one side the fact that the household projections which GL Hearn has used to underpin its demographic modelling do not take full account of the needs of students, we are concerned that the Council’s approach is over-emphasising the contribution this source of accommodation is making to housing delivery.
- 7.7 For example, MHCLG publishes Table LT122 annually for every district in the country, which provides a robust and consistent indication of net additional dwellings. This is based on Housing Flows Reconciliation data that have been submitted by CoYC to MHCLG annually.

⁴³ ID-3-042-20180913

Table 7.1 Rate of net housing delivery in York, 2012/13-2019/20

Year	MHCLG Net Housing Completions (LT122)	Housing Delivery Test	Council's Local Plan Estimate	
			Net Dwelling Gain	+/-
2012/13	88	n/a	482	-394
2013/14	69	n/a	345	-276
2014/15	284	n/a	507	-223
2015/16	691	691	1,121	-430
2016/17	378	378	977	-599
2017/18	1,296	1,331	1,296	0
2018/19	449	451	449	0
2019/20	560	627	560	0
Total	3,815	-	5,737	-1,922

Sources: MHCLG LT122 (2021), Housing Delivery Test Results 2020 / EX_CYC_32_CYC_HFR v AMR Table 1

*Difference from HDT figure

7.8 To take an example for the year 2015/16, the Council has included an additional 579 units relating to two 'Off campus privately managed student accommodation sites'. The CoYC's Housing Monitoring Update for that year indicates that this includes 579 units on 2 developments, the Yorkshire Evening Press 76-86 Walmgate, for 361 units; and the Former Citroen Garage, 32 Lawrence Street.

7.9 Reference to the latter development (planning application reference 13/01916/FULM) indicates that not all of these units are self-contained under the MHCLG's definition:

*"The new managed student accommodation will create 58 student flats (5 and 6 person flats with communal kitchen/living/dining facilities) and 303 self-contained 'studio' flats along with a management suite (office, common rooms etc.), laundry and other ancillary facilities."*⁴⁴

7.10 Therefore, as a best case, this site should be contributing a maximum of 315 units (58/5 + 303), not 361 units – a difference of 46 units.

7.11 Similarly, the other student development included for 2015/16 on the former Citroen Garage (15/012440/FULM), also includes shared and self-contained flats:

*"The rooms therefore take a variety of forms self-contained or with shared facilities according to circumstances, to respect the heritage constraints and make the most of the accommodation."*⁴⁵

7.12 There are also other inconsistencies with the MHCLG's data; so, for example in the CoYC's 2016/17 Housing Land Monitoring Report Update, Table 3 indicates that 977 housing completions were delivered net, compared to just 378 recorded by MHCLG – a **difference of 599 units**. Yet only a proportion of this difference can be explained by the C2 student accommodation, as only 152 units are attributed to this source in Table 3, compared to 571 units from residential use class C3 approvals, plus 252 from relaxed Permitted Development Rights. It is unclear why the MHCLG's figures are so different to the Council's, given that they are both supposed to have been provided by CoYC Officers. The only explanation given by the Council⁴⁶ is that "Gaps were evident in the data as not all site completions were recorded due to time lags in receiving information from sites covered by private inspection or no receipt of any details at all."

⁴⁴ Design and Access Statement for Walmgate Student Castle Development, ref: 13/01916/FULM, paragraph 8.02

⁴⁵ Design and Access Statement for St Lawrence WMC, ref: 15/02440/FULM, paragraph 6.2.2

⁴⁶ EX_CYC_32_CYC_HFR v AMR

- 7.13 Essentially, if the MHCLG figures had been used, then instead of a 518 under supply to be made up over the remainder of the plan period from 2017 (32 dpa added onto the 790 dpa OAHN), the shortfall would be 2,440 dwellings, or 153 dpa over 16 years – a very significant uplift to the OHAN (to 943 dpa).

8.0 **Analysis of the Forward Supply of Housing**

Introduction

- 8.1 Since the Local Plan Proposed Modifications consultation in June 2019 the Council has released a Strategic Housing Land Availability Assessment [SHLAA] Housing Supply and Trajectory Update (April 2021). The 2021 SHLAA Update contains a housing trajectory which sets out the anticipated delivery rates of draft allocations. It also reviews the evidence provided in the 2018 SHLAA supporting the assumptions for strategic allocations in relation to build out rates and implementation taking into consideration the current timescale of the Local Plan examination.
- 8.2 This section critiques the assumptions which underpin the currently claimed housing land supply. It also reiterates points made on behalf of our clients on other components of the Council’s housing land supply, which have been carried forward since the previous version of the SHLAA. It is important to be cautious in relation to the likelihood of sites delivering and the scale of that delivery. This is because the purpose of the assessment is to provide a realistic view of whether there is sufficient land available to meet the community’s need for housing. If those needs are to be met a cautious approach must be taken.

Delivery Assumptions

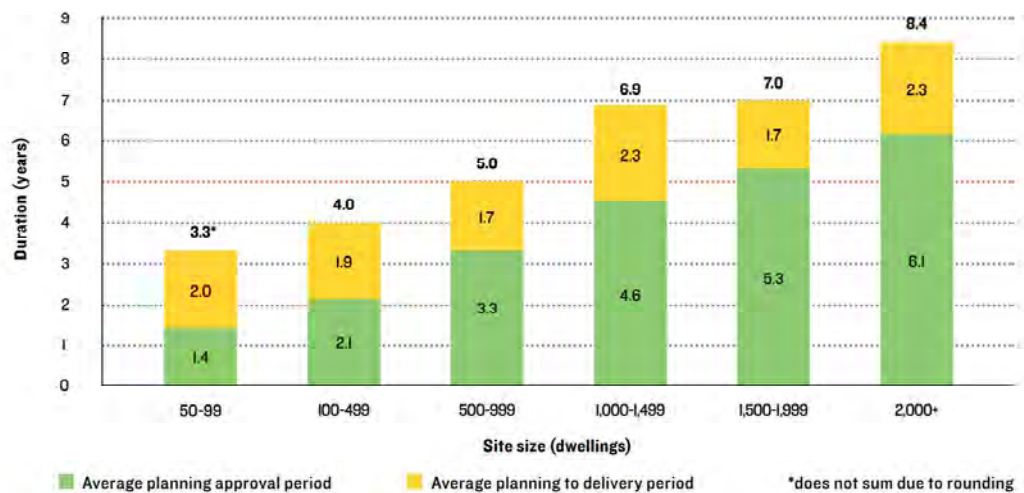
Lead-in Times

- 8.3 The timescales for a site coming forward are dependent on a number of factors such as a developer’s commitment to the site and the cost, complexity and timing of infrastructure. Whilst housebuilders aim to proceed with development on sites as quickly as possible, lead-in times should not underestimate inherent delays in the planning process (e.g. the approval of reserved matters and discharge of planning conditions) as well as the time taken to implement development (e.g. complete land purchase, prepare detailed designs for infrastructure, mobilise statutory utilities and commence development).
- 8.4 The standard lead-in times should only be applied to sites where developers are actively pursuing development on a site and preparing the necessary planning application. The standard lead-in time should not be applied universally and a degree of pragmatism and realism should be applied. Sites where developers have shown limited commitment, for example, should be identified as being delivered later in a trajectory.
- 8.5 In addition, another fundamental element in calculating appropriate lead-in times relates to the size and scale of a site. As a generality, smaller sites commence delivery before larger sites. Larger sites often have more complex issues that need to be addressed and require significantly greater infrastructure, which must be delivered in advance of the completion of housing units. In some cases, the lead-in time on brownfield sites can be greater given the time required for decommissioning services, demolition, dealing with ground contamination etc.
- 8.6 The 2018 SHLAA sets out the lead-in times which have been applied by the Council in respect of their housing trajectory. The lead-in times are based upon evidence contained within Annex 5 of the 2018 SHLAA (‘SHLAA Assumptions for Evidence Bases’). The Council states that smaller – medium sites are more likely to come forward within 12

months, larger and ‘exceptionally’ large sites are more likely to be 12-18 months at a minimum.

- 8.7 The Council undertook a Housing Implementation Survey in 2015 to help draw together information regarding lead-in times. Our review of these lead-in times suggest that the overall conclusions do not reflect the full extent of the process from submitting a planning application to first completions on site. The lead-in times appear to be ambitious and do not provide a robust set of assumption to base the housing trajectory on.
- 8.8 The 2021 SHLAA Update states that draft allocations without consent have been given estimated delivery assumptions based on the latest consultation responses and/or estimated lead-in times and build-out rates based on the Housing Implementation Study.
- 8.9 Lichfields has undertaken extensive research on lead-in times on a national level with the publication of ‘Start to Finish’ and its subsequent 2020 Update⁴⁷, which contains robust evidence on typical lead-in times and build-rates. These findings are quoted elsewhere within Lichfields’ research such as Stock and Flow⁴⁸ which the Council itself refers to in Annex 5 of the 2018 SHLAA. Whilst the Council has referenced this research it is unclear if the findings have been considered when formulating lead-in times. Whilst it is acknowledged by the Council that larger sites can have longer lead-in times it is unclear if any allowances have been made for large sites included within the housing trajectory.
- 8.10 It is considered that as a starting point the Council should consider the average lead-in times set out within ‘Start to Finish’ which are provided below:

Figure 8.1 Average Lead in Times



Source: Lichfields Analysis, Figure 4 of 'Start to Finish' (February 2020)

- 8.11 Lichfields has also provided commentary on lead-in times previously within previous Housing Issues Technical Papers (March 2018 and July 2019). This builds upon the findings of *Start to Finish* to provide more localised commentary. Like *Start to Finish*, an approach was taken to consider lead in times from the submission of the first planning application to the first completion on site. Table 8.1 provides a summary of these findings.

⁴⁷ Nathaniel Lichfield & Partners (February 2020): *Start to Finish: What factors affect the build-out rates of large scale housing sites? Second Edition*

⁴⁸ Nathaniel Lichfield & Partners (January 2017): *Stock and Flow: Planning Permissions and Housing Outputs*

Table 8.1 Lead in Times

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 year	1.5 years	2 years
Outline Planning Permission	1.5 years	2 years	2.5 years
Application Pending Determination	2.5 years	3 years	3.5 years
No Planning Application	3 years	3.5 years	4 years

Source: Lichfields

- 8.12 Both *Start to Finish* and the assumptions set out within the *Housing Issues Technical Paper* demonstrate that the Council’s approach to lead-in times is not robust. There are examples within the trajectory which we consider demonstrate that the Council’s current assumptions are ambitious. This includes the proposed lead-in times for proposed allocations ST14 and ST15.
- 8.13 For example, ST14 (Land west of Wigginton Road) has a proposed capacity of 1,348 dwellings and currently there is no application being determined by the Council. The 2021 SHLAA Update (Figure 3) suggests first completions on the site in 2022/23. Assuming an outline application is submitted in 2021 and following *Start to Finish*, it would be expected that first completions would be in 2027 (6.9 years).
- 8.14 Similarly, ST15 (land west of Evington Lane) is a proposed new settlement with a capacity of 3,330 dwellings within the emerging plan. The 2021 SHLAA Update suggests first completions on the site in 2023/24 but indicates that no application has been submitted to date. There would be significant upfront infrastructure requirements before any housing completions took place. If an outline application is submitted in 2021, and following *Start to Finish*, it would be expected that first completions would be in 2029 (8.4 years).
- 8.15 It is considered that the position set out above should be adopted when considering lead-in times. The Council’s current approach does not provide a realistic or robust position when considering likely lead-in times. The Council should provide clear justification if there is a departure to these timescales.

Delivery Rates

- 8.16 Whilst housebuilders aim to deliver development on site as quickly as possible, in a similar fashion to the lead-in times outlined above, the annual delivery rate on sites will depend on a number of factors including overall site capacity.
- 8.17 Within the 2018 SHLAA the Council has taken the approach to apply a build out rate to site allocations of 35 dwellings per outlet, per annum. This is applied in multiples as the number of outlets are likely to increase. For larger schemes the Council envisage that there could be up to four outlets after the initial infrastructure phase has been completed. This standard build-out rate has been carried forward in the 2021 SHLAA Update Trajectory (Figure 3) on sites where alternative build-out rates from site promoters have not been used.
- 8.18 It is considered that the Council’s approach is a reasonable starting point. However, research undertaken by Lichfields demonstrates that build rate assumptions are more complex. Whilst it is acknowledged that larger sites can support more outlets, this isn’t always the case and will be influenced by the size, form and housing mix of the development. Overall market absorption rates mean the number of outlets is unlikely to be a fixed multiplier in terms of number of homes delivered.

8.19 Lichfields has provided commentary on delivery rates previously with the Housing Issues Technical Papers (March 2018 and July 2019). In our experience, sites with a capacity of less than 250 units are built out by one housebuilder using one outlet. As such, a reasonable average annual delivery rate in York is 40 dpa for sites with a capacity of less than 250 units. However, on sites of less than 100 units we have assumed a lower delivery rate of 25 dpa as these sites will generally be delivered by smaller housebuilders.

8.20 Generally, in York, on sites with a capacity of between 250 units and 500 units, there is often a second developer (or national housebuilders use a second outlet) delivering units simultaneously. As such, annual delivery rates increase but not proportionately to the number of housebuilders or delivery outlets. In our experience in the current market, sites with 2 outlets deliver approximately 65 dpa.

8.21 Finally, on large-scale sites with a capacity of more than 500 units, there are often up to three housebuilders or outlets operating simultaneously. As before, this does not increase delivery proportionately, but it can be expected that three outlets operating simultaneously on a large scale would deliver approximately 90 dpa.

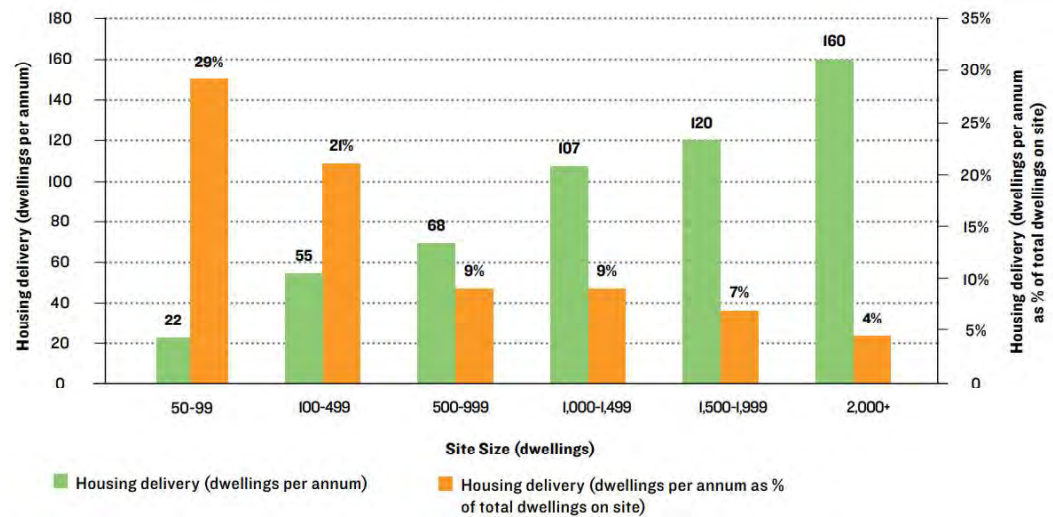
Table 8.2 Annual Delivery Rates

	0-100 units	100-250 units	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

Source: Lichfields

8.22 Furthermore, *Start to Finish* analyses build rates based on national research. Whilst the findings shown in Figure 8.2 are average figures, it demonstrates that large sites do not necessarily deliver more homes on an exponential basis.

Figure 8.2 Housing Delivery Rates



Source: Lichfields analysis, Start to Finish

8.23 Lichfields considers that it would be appropriate to apply the delivery rates identified above. The quantum of delivery of units on a site can be affected by a significant number of factors including local market conditions, general economic conditions, proximity to competing site, housing market area, type and quality of unit and the size of the development. There will be a number of sites in York that will experience higher annual delivery rather than the averages outlined above but there will also be a number of who

deliver below the average also. It is therefore important not to adopt an average delivery rate which may only be achieved by a small minority of the strategic sites.

Density Assumptions

- 8.24 The 2021 SHLAA Update does not confirm what density assumptions have been used to calculate the capacity of allocated sites. However, we would reiterate our previous concerns with the assumptions identified in the 2018 SHLAA (page 22) which sets out the density assumptions for each residential archetype.
- 8.25 It is considered that the proposed densities are overly ambitious and will not be achieved on average on sites throughout York. For example, from our experience, it is not anticipated an average density of 50dph on sites of 1ha+ with a gross to net ratio of 95% can be achieved. Meeting open space requirements alone will preclude this ratio. There will be a very limited number of examples where this density has been achieved but a more appropriate and conservative figure should be pursued in the absence of firm details from a developer. The gross to net ratio at most should be 85%, although this can reduce to less than 60% for larger developments with significant infrastructure requirements.
- 8.26 Secondly, it is considered that a density of 40dph on suburban sites is highly aspirational and is unlikely to be achieved across a significant number of sites. This density is characterised by housing for the smaller households and thus not suitable for family accommodation. Our housebuilder clients and local intelligence has reaffirmed our concerns with the proposed average densities. Unless there is specific evidence to the contrary the default density on suburban sites should be 35 dph.
- 8.27 Assumptions on development densities in the absence of specific developer information should err on the side of caution and we consider that the details in the 2018 SHLAA are at variance with this principle.

Components of the Housing Supply

Allocations

- 8.28 The Framework (2012) stresses the intention of the Government to significantly boost the supply of housing. As a consequence, the focus of national policy is to ensure the delivery of housing and in that context. The Framework advises that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against housing requirements with an additional buffer of 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 (paragraph 47).
- 8.29 The definition of deliverability as set out within the NPPF states that to be considered deliverable:

“sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires,

unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans. ” [Footnote 11]

8.30 The Planning Practice Guidance (PPG) sets out further guidance in respect of what constitutes a deliverable site.

8.31 It states:

“Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5 years.

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the 5-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a 5-year timeframe.

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust 5-year housing supply”.

8.32 When assessing a 5-year supply position, it is important to be cautious in relation to the likelihood of sites delivering and the scale of that delivery. This is because the purpose of the assessment is to provide a realistic view of whether there is sufficient land available to meet the community’s need for housing.

8.33 The Council should adopt a more cautious approach when seeking to include strategic allocations within the five-year supply. It is considered that a number of the proposed allocations do not have a realistic prospect of delivering housing within the next five years when applying more robust assumptions in terms of lead-in and build rates.

Sites with Planning Permission

8.34 It is now a standard approach that sites with planning permission should be included in the supply (unless there is a good reason to exclude them) whereas sites without planning permission should be excluded (unless there is a good reason to include them). This interpretation is entirely logical as the absence of a planning permission is a clear impediment to development, which is contrary to the test that land should be available now.

Non-Implementation Rate

8.35 In the 2021 SHLAA Update, the Council apply a 10% non-implementation rate to extant planning permissions and site allocations identified for housing development. The evidence which underpins the Council’s justification is set out within Annex 5 to the 2018 SHLAA. The addition of the non-implementation is welcomed and is in line with approaches taken elsewhere when reviewing housing delivery.

- 8.36 Figure 3 of the 2021 SHLAA Update provides a detailed housing trajectory table which applies this 10% non-implementation rate. We consider that this table should also be included in the Local Plan as it sets out in detail how the Council’s housing supply has been derived.

Windfalls

- 8.37 The Council’s position on windfall allowance is based upon the Windfall Update Technical Paper (2020) which can be found at Annex 4 of the 2021 SHLAA Update. The Council claims that 182dpa will be delivered on windfall sites from Year 3 of the trajectory (2023/24) and provides justification for their windfall allowance within the Windfall Update Technical Paper.
- 8.38 The Framework⁴⁹ sets out the local planning authorities may make allowance for windfall sites in the 5-year supply if they have compelling evidence that they will provide a reliable source of supply. Furthermore, any allowance should be realistic having regard to the SHLAA, historic windfall delivery rates and expected future trends.
- 8.39 Lichfields accept that windfalls should be included in the overall housing delivery trajectory but only consider that they are appropriate **outwith the first 5-year period**. The inclusion of a significant windfall figure in earlier years increases the likelihood of artificially inflating the housing delivery figures in year 3. It does not account for any potential delays to the build-out of sites with extant consent. As such, the windfall allowance should be amended to only make an allowance from Year 6 (2025/26) onwards.
- 8.40 The Council considers that an annual windfall of 182 dpa is appropriate to take account of potential delivery on sites of <0.2ha and completions on change of use and conversion sites. This is based on completion data from the last 10 years (2010/11 to 2019/20) and comprises the sum of the mean average figures for these two categories of windfall development (43 dpa and 139 dpa).
- 8.41 However, the figure of 182 dwellings has only been achieved four times over the past 10 years. In addition, there has been a steady decline of windfall completions for these two categories since a peak in 2016/17. This is during a period when the application of a very tight inner Green Belt boundary has precluded urban edge development at a time of ever-increasing housing demand. In such circumstances it would have been an ideal period for windfall development to increase; but it did not. There is therefore no justification for such a high allowance.
- 8.42 In relation to the delivery on sites of <0.2ha, Lichfields considers that the proposed windfall allowance is too high because tightly defined settlement boundaries in York and surrounding settlements means there is a finite supply of sites which can come forward. This supply has been curtailed over recent years by the change in definition of previously developed land (June 2010) to remove garden sites. The average of 43 dwellings has only been achieved four times over the past 10 years and is skewed by an unusually high figure in 2018/19 of 103 dwellings. If this anomaly is excluded the average figure is 36 dpa.
- 8.43 In relation to the delivery from conversions, the average completion figure since 2014 is largely dependent on the changes to permitted development rights introduced in 2013. As a consequence, it is considered that after an initial surge the conversion rate will revert back to the long-term average. It is likely that the optimum conversion sites will be completed in the short term and the less sustainable and attractive office developments in

⁴⁹ NPPF (2012) §48

York will not be converted. This trend can already be seen in the figures in Table 2 of the Windfall Update Technical Paper where conversions have dropped significantly since a peak in 2016/17. As such the average conversion rate from 2010/11 to 2014/15 of 68 dpa should be used.

- 8.44 Based on the above assessment it is considered that the proposed windfall allowance should be **reduced from 182 dpa to 104 dpa** which represents a far more realistic windfall allowance over the plan period. The incorporation of this figure would ensure that the Council’s trajectory is not artificially inflated, can be realistically achieved and would only be incorporated into the delivery trajectory at Year 6 (2025/26) to ensure no double counting.
- 8.45 It is considered that the Council’s information does not adequately justify a windfall allowance of 182dpa and does not provide sufficient certainty that this figure will be achieved over the plan period.
- 8.46 Therefore, in this instance we consider that it is not appropriate that the City of York includes a windfall allowance within the first 5 years of the plan period.

Under Supply

- 8.47 The PPG⁵⁰ states that the level of deficit or shortfall should be added to the plan requirements for the next five- year period where possible (Sedgefield approach). If LPAs are minded to deal with the shortfall over a longer period (Liverpool method) the Practice Guidance advises that Local Authorities work with neighbouring authorities under the duty to cooperate.
- 8.48 The 2021 SHLAA Update states that the Council has adopted the ‘Liverpool’ method when dealing with past under delivery. Whilst the Council state there are ‘local circumstances’ which warrant a longer-term approach, it is not clear where the justification is which warrants the Liverpool method being adopted. It is considered that further information should be provided by the Council which justifies a departure from addressing the shortfall within the next five- year period.
- 8.49 In line with both the 2014 and latest 2019 iterations of the PPG, Lichfields considers that the Council should deal with backlog in full against planned requirements within the first 5 years of the plan period (i.e. the ‘Sedgefield’ approach to backlog).
- 8.50 Table 8 of the 2021 SHLAA Update provides historic housing completions for the period 2012/13 to 2019/20). The 2021 SHLAA Update states that the inherited shortfall from the period between 2012/13 – 2019/20 is 479 dwellings (37 dpa). However, in relation to this shortfall it states⁵¹:

“In considering shortfall, there is a negligible difference between the previous and latest outcomes of an additional 5 dwellings per annum. Over the remaining 13 years of the Plan, this constitutes an additional 65 dwellings.

As a result the Council consider that the proposed housing requirement of 822 dpa (790 dpa +32) should continue to be the housing requirement for York over the plan period (2017-2033). As the updated trajectory takes into consideration the completions 2017-2020, the 65 dwelling undersupply forms part of the remaining housing need to be delivered against which the supply is seeking to deliver. It is therefore considered that this will be addressed over the plan period”.

⁵⁰ Paragraph: 035 Reference 3-035-20140306

⁵¹ Strategic Housing Land Availability Assessment: Housing Supply and Trajectory Update April 2021 §§ 6.15-6.16

- 8.51 The Council has therefore applied an undersupply of 416 dwellings (32 dpa x 13 years).
- 8.52 Table 4.1 of this report shows past delivery against the Council’s possible policy benchmarks for the period 2004/05 – 2019/20. It demonstrates that the inherited shortfall could be significantly higher than current accounted for by the Council. This will have an impact on the Council’s five- year supply calculation, with the potential requirement for more sites to be identified to meet the undersupply and the housing requirement moving forward.

Application of the Buffer

- 8.53 As shown elsewhere in this report, the Council has a record of persistent under-delivery in recent years. The Council also confirms that there is a history of under-delivery within the 2021 SHLAA Update. In line with paragraph 47 of the NPPF (2012) the Council should apply a 20% buffer to provide a realistic prospect of achieving the planned supply. This is supported by the 2020 Housing Delivery Test results, which also indicate that a 20% buffer should be applied for the City of York.
- 8.54 In respect of applying the buffer, it should be applied to both the forward requirement and the under-supply. This approach accords with the Framework, which suggests that the buffer should be added to the total requirement which would, inevitably, include any under delivery from earlier years. In this regard, the purpose of the buffer is to increase the supply of land; it does not change the number of houses required to be built within that period. Put simply, the buffer is not, and it does not become, part of the requirement; it is purely a given excess of land over the land supply necessary to permit the identified need for housing to be delivered.

Calculating Housing Land Supply

- 8.55 The 2018 SHLAA included a five-year housing land supply calculation (in Table 6 of the document). An updated calculation to reflect the latest requirement and supply position has not been provided in the 2021 SHLAA Update. However, we set out below our understanding of the Council’s housing land supply calculation for the five-year period using data available in the 2021 SHLAA Update, including Figure 3 of that document.
- 8.56 The calculation in Table 8.3 is for illustrative purposes only and is based on the Council’s own completion figures without any amendments. We have utilised the Council’s OAHN assumption of 790 dpa and assumptions on inherited shortfall (479 dwellings over 13 years) and applied the Liverpool method from the 2021 SHLAA Update as well as the Council’s projected completions.

Table 8.3 Five year housing land supply calculation - based on figures within 2021 SHLAA Update

Five year housing land supply calculation		Dwelling Number
A	Annual housing target across the Plan period	790
B	Cumulative target (2020/21-2024/25)	3,950
C	Inherited shortfall (2020/21 - 2024/25) (Liverpool method)	184
D	20% buffer	827
E	Five- year requirement (B+C+D)	4,961
F	Total estimated completions (2020/21 -2024/25) (with windfalls and 10% non-implementation)	5,671
G	Supply of deliverable housing capacity	5.72 years

8.57 Table 8.4 sets out the Council’s 5YHLS for the period 2020/21 – 2024/25 utilising the Council’s OAHN assumption of 790 dpa but utilises the ‘Sedgefield’ approach of addressing the full backlog of 479 dwellings in the first 5 years. The windfall allowance has also been excluded for the reasons set out within this report. Again, a 20% buffer has been applied (which the 2021 SHLAA Update accepts is appropriate) and again the calculation uses the Council’s projected completions from the 2021 SHLAA Update. As a comparison, we have included a secondary column based on Lichfields’ estimated OAHN from the analysis elsewhere in this report, plus the additional backlog that would arise.

Table 8.4 Five-year housing land supply calculation - Lichfields OAHN

5-year housing land supply calculation		Council’s OAHN	Lichfields’ OAHN
A	Annual housing target across the Plan period	790 dpa	1,010 dpa
B	Cumulative target (2020/21-2024/25)	3,950	5,050
C	Inherited shortfall (2020/21 - 2024/25) (Sedgefield method)	479	2,239
D	20% buffer	886	1,458
E	Five- year requirement (B+C+D)	5,315	8,747
F	Total estimated completions (2020/21 - 2024/25) (with 10% non-implementation included and windfalls excluded)	5,307	5,307
G	Supply of deliverable housing capacity	5.00 years	3.03 years

Source: Lichfields analysis

8.58 Table 8.4 clearly shows that the Council can only demonstrate a very marginal 5YHLS when the ‘Sedgefield’ approach is applied and windfalls are excluded from the calculation. In addition, we note that this calculation does not factor in our comments on other matters in this document which would significantly reduce the Council’s supply.

8.59 For the reasons identified, we consider that the Council’s OAHN is too low and should be increased. When the OAHN is increased to a reasonable level of 1,010 dpa (virtually identical to the Government’s standard methodology figure for the Borough, which is 1,013 dpa), the Council’s 5YHLS position falls to an abject 3.0 years.

8.60 We also have concerns with the Councils approach to calculating historic completions, which may be depressing the backlog figure. The calculations above also use the Council’s evidence base in terms of projected completions from the 2021 SHLAA Update. If our comments on lead-in times and delivery rates were applied to the delivery from these sites, the supply from them would be significantly lower.

8.61 Taking these factors into consideration, we consider that the Council’s housing supply is likely to be insufficient to demonstrate a 5YHLS. An uplift in supply is required in order to meet the housing requirement.

8.62 The only way to address this shortfall is the identification of further land which is capable of delivering dwellings over the next five years of the plan period. However, the Council could easily rectify this situation by proposing main modifications to identify additional allocated sites in the Local Plan.

8.63 Lichfields reserves the right to interrogate the Council’s supply in more detail prior to the Examination should this information be provided.

Conclusion

- 8.64 Lichfields has undertaken an analysis of the 2021 SHLAA Update and Proposed Modifications to the Local Plan which sets out the assumptions used to calculate the Council’s housing land supply.
- 8.65 The Council states that the inherited shortfall from the period between 2012 – 2020 is 479 dwellings, based on an OAHN of 790 dwellings. Lichfields has concerns that the way in which the Council has calculated historic housing completions, shown within Table 8 of the 2021 SHLAA Update is flawed and is inflated through the inclusion of privately managed off-campus student accommodation that do not meet the varied housing needs of the City’s residents. We consider that some of the suggested delivery rates on proposed allocations are unrealistic and not based on robust assumptions.
- 8.66 The evidence provided by the Council is not sufficient to demonstrate that the housing requirement over the first 5 years of the Plan will be achieved.
- 8.67 It is understood that there are a number of sites which are proposed to be allocated but have yet to have an application submitted. In order help ensure a 5YHLS, the Council should demonstrate that there is a realistic prospect that housing will be delivered on site within five years.
- 8.68 Lichfields reserves the right to update the above evidence as and when further information becomes available.

9.0 **Conclusions on the City of York’s Housing Need / Supply**

Introduction

9.1 In practice, applying the 2012 NPPF requires a number of key steps to be followed in order to arrive at a robustly evidenced housing target:

- The starting point for Local Plans is to meet the full objectively assessed development needs of an area, as far as consistent with the policies set out in the Framework as a whole [§6, §47 & §156].
- An objective assessment of housing need must be a level of housing delivery which meets the needs associated with population and household growth, addresses the need for all types of housing including affordable and caters for housing demand [§159].
- Every effort should be made to meet objectively assessed needs for housing and other development, and there should be positive response to wider opportunities for growth. Market signals, including affordability should be taken into account when setting a clear strategy for allocating suitable and sufficient land for development [§17].
- In choosing a housing requirement which would not meet objectively assessed development needs, it must be evidenced that the adverse impacts of meeting needs would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework as a whole; unless specific policies indicate development should be restricted [§14].
- Where an authority is unable to meet its objectively assessed development needs or it is not the most appropriate strategy to do so, e.g. due lack of physical capacity or harm arising through other policies, it must be demonstrated under the statutory duty-to-cooperate that the unmet need is to be met in another local authority area in order to fully meet development requirements across housing market areas [§179 & §182 bullet point 1].

9.2 It is against these requirements of the Framework which the City of York’s housing need must be identified.

Revised Housing Requirement

9.3 There are a number of significant deficiencies in the Councils approach to identifying an assessed need of 790 dpa in the HNU which means that it is not soundly based. The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within this report provide alternative levels of housing growth for the City of York. Lichfields considers these to be as follows:

- 1 **Demographic Baseline:** The 2018-based household projections indicate a net household growth of just 302 dpa between 2017 and 2033 (including a suitable allowance for vacant/second homes). Quite rightly, GL Hearn then models alternative migration variants, including the 10-year trend scenario, which it then takes forward as its preferred scenario. Whilst this is generally appropriate, we consider that GL Hearn should also have concerned modelling the High International variant produced by ONS, which produces a level of net international migration more

in keeping with longer term trends. It is likely that this would have increased the demographic baseline figure. We do agree with GL Hearn, however, that it is appropriate in this instance to apply accelerated headship rates to the younger age cohorts, which takes the demographic starting point to 669 dpa.

- 2 **Market Signals Adjustment:** GL Hearn’s uplift is assumed to be 15% based on their earlier reports for CoYC, although this has not been revisited in their 2020 HNU. However, for the reasons set out in Section 4.0, Lichfields considers that a greater uplift of at least 25%, and probably higher, would be more appropriate in this instance given that the current SM2 uplift is 25%. This should be applied to the revised demographic starting point of 669 dpa and not the 302 dpa 2018-based SNPP, which would be entirely illogical given that GL Hearn themselves admit that the principle 2018-based projection is less robust for York. Even setting to one side the issue of whether the High International Variant projection should be used, this would indicate a need for **836 dpa**.
- 3 **Employment growth alignment:** The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by the ELR Scenario 2 (which has informed the Local Plan) and past trends. As such, and notwithstanding our concerns regarding how GL Hearn has modelled the employment growth needs for the City, on the face of it no upward adjustment is required to the demographic-based housing need figure of 803 dpa to ensure that the needs of the local economy can be met;
- 4 **Affordable Housing Need:** The scale of affordable housing needs, when considered as a proportion of market housing delivery, implies higher levels of need well above 836 dpa. It is considered that to meet affordable housing needs in full (573 dpa), the OAHN range would need to be adjusted to 1,910 dpa @30% of overall delivery. It is, however, recognised that this level of delivery is unlikely to be unachievable for York. Given the significant affordable housing need identified in City of York Lichfields considers that a further 10% uplift would be appropriate in this instance and should be applied to the OAHN, resulting in a figure of **920 dpa**.
- 5 **Student Housing Needs:** household projections explicitly exclude the housing needs of students living in communal establishments. Furthermore, Lichfields’ critique of the projections clearly indicates that they do not adequately reflect the Universities’ student growth targets. It is calculated that meeting these growth needs would equate to around 1,466 dwellings over the 16-year Plan period, at an average of 92 dpa on top of the 920 dpa set out above (i.e. 1,012 dpa).
- 6 Rounded, this equates to an **OAHN of 1,010 dpa** between 2017 and 2033 for the City of York.
- 7 **Shortfall of housing delivery 2012-2017:** The Council is also making provision for past under-delivery between 2012 and 2017. Lichfields has serious concerns about how the CoYC have calculated past housing delivery. Setting to one side the very unusual and substantial discrepancies between the Council’s housing completions figures and MHCLGs, if Lichfields’ higher OAHN of 1,010 dpa is applied, this would result in a figure of **1,618, or 101 dpa** over the 16 year plan period, to be factored on top. **This would result in a Local Plan requirement of 1,111 dpa, which is not dissimilar to the 1,013 dpa figure that they would have been using with the current standard methodology.**

9.4 This allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this figure (of 1,010 dpa plus the unmet need 2012-

2017) would ensure compliance with the Framework by significantly boosting the supply of housing. It would also reflect the Framework, which seeks to ensure the planning system does everything it can to support sustainable development.

9.5 This process is summarised in Table 9.1.

Table 9.1 Approach to OAHN for the City of York 2017-2033

	Dwellings per annum (2017-2033)
Demographic Starting Point (2018-based SNHP)	302 dpa
Adjustments to Demographic-led Needs	669 dpa
Uplift for Market Signals	836 dpa (+25%)
Employment Led Needs	766 dpa – 779 dpa
Affordable Housing Needs	1,910 dpa*
10% Uplift to demographic led needs for Affordable Housing? (rounded)	920 dpa
Uplift to address Student Housing Needs	92 dpa
Adjusted OAHN (Rounded)	1,010 dpa
Inherited Shortfall (2012-2017) annualised over the Plan period	32 dpa – 101 dpa
Annual Target (inclusive of shortfall)	1,042 dpa – 1,111 dpa

*Based on an affordable housing net annual need of 573 dpa at a delivery rate of 30%

Revised Housing Land Supply

9.6 Lichfields has undertaken an analysis of the City of York’s updated SHLAA (2021) which sets out the assumptions used to calculate the Council’s housing land supply. We consider that some of the suggested delivery rates on proposed allocations are unrealistic and not based on robust assumptions. The Council states that the inherited shortfall from the period between 2012 – 2020 is 479 dwellings, based on an OAHN of 790 dwellings. We also consider that some of the suggested delivery rates on proposed allocations are unrealistic and not based on robust assumptions.

9.7 The evidence provided by the Council is not sufficient to demonstrate that the housing requirement over the first 5 years of the Plan will be achieved. When a more realistic OAHN of 1,010 dpa is factored into the calculation, as well as reasonable adjustments relating to windfalls and the Sedgfield approach to backlog, it is clear that the Council cannot demonstrate a 5YHLS. This could fall to as low as 3 years even before a detailed interrogation of the deliverability of sites is undertaken.

9.8 It is understood that there are a number of sites which are proposed to be allocated but have yet to have an application submitted. In order help ensure a 5YHLS, the Council should demonstrate that there is a realistic prospect that housing will be delivered on site within five years.

9.9 Lichfields reserves the right to update the above evidence as and when further information becomes available



From: [REDACTED]
Sent: 07 July 2021 17:10
To: localplan@york.gov.uk
Subject: City of York Local Plan - Proposed Modifications - Consultation Response - TW Copmanthorpe
Attachments: TW Copmanthorpe - CYC Proposed Modifications Response - July 2021.pdf; TW Copmanthorpe - CYC Proposed Mods Consultation Form 07-07-21.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 or Madam,

Please find attached a completed Consultation Response Form and Statement sent on behalf of Taylor Wimpey in relation to their ongoing land interests west of Copmanthorpe.

Please could you acknowledge receipt of the attachments.

Kind regards

[REDACTED]
[REDACTED]
[REDACTED]

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

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 A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

What information will be collected: The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect 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 examination¹. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.

You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature

Date

07/07/2021

Part B - Personal Details

Please complete in full; in order for the Inspectors to consider your representations you must provide your name and postal address.

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

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, 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

You can also complete the form online at:

www.york.gov.uk/form/LocalPlanConsultation.

What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. 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.

- City of York Local Plan Composite Modifications Schedule (May 2021) [[EX/CYC/58](#)] and City of York Local Plan Publication Draft (February 2018) [[CD001](#)] **to be read alongside the comprehensive schedule of proposed modifications only**
- York Economic Outlook (December 2019) Oxford Economics [[EX/CYC/29](#)]
- CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return (December 2019) [[EX/CYC/32](#)]
- Affordable Housing Note Final (February 2020) [[EX/CYC/36](#)]
- Audit Trail of Sites 35-100 Hectares (June 2020) [[EX/CYC/37](#)]
- Joint Position Statement between CYC and Selby DC Housing Market Area (April 2020) [[EX/CYC/38](#)]
- G L Hearn Housing Needs Update (September 2020) [[EX/CYC/43a](#)]
- Habitat Regulation Assessment (HRA) (October 2020) Waterman Infrastructure and Environment Limited [[EX/CYC/45](#)] and Appendices (October 2020) [[EX/CYC/45a](#)]
- Key Diagram Update (January 2021) [[EX/CYC/46](#)]
- Statement of Community Involvement Update (November 2020) [[EX/CYC/49](#)]
- SHLAA Update (April 2021) [[EX/CYC/56](#)]
- CYC SuDs Guidance for Developers (August 2018) [[EX/CYC/57](#)]
- Topic Paper TP1: Approach to defining York's Green Belt (Addendum) (January 2021) [[EX/CYC/59](#)]
 - Annex 1: Evidence Base (January 2021) [[EX/CYC/59a](#)]
 - Annex 2: Outer Boundary (February 2021) [[EX/CYC/59b](#)]
 - Annex 3: Inner Boundary (Part: 1 March 2021 [[EX/CYC/59c](#)], Part 2: April 2021 [[EX/CYC/59d](#)] and Part 3 April 2021) [[EX/CYC/59e](#)]
 - Annex 4: Other Urban Areas within the General Extent (April 2021) [[EX/CYC/59f](#)]
 - Annex 5: Freestanding Sites (March 2021) [[EX/CYC/59g](#)]
 - Annex 6: Proposed Modifications Summary (April 2021) [[EX/CYC/59h](#)]
 - Annex 7: Housing Supply Update (April 2021) [[EX/CYC/59i](#)] and Trajectory Summary (April 2021) [[EX/CYC/59j](#)]
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [[EX/CYC/60](#)]
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [[EX/CYC/61](#)]

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.

You can use our online consultation form via www.york.gov.uk/form/LocalPlanConsultation or send back your response via email to localplan@york.gov.uk. **However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy (Part A of this form).**

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 B 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?

Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

In line with the current pandemic, we are also making the documents available for inspection by appointment only at City of York Council Offices, if open in line with the Government's Coronavirus restrictions. To make an appointment to view the documents, please contact the Forward Planning team via localplan@york.gov.uk or on 01904 552255.

Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

Part C -Your Representation

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



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

Proposed Modification Reference:

Document:

Housing Needs Update – EX/CYC/43a
Topic Paper 1 Addendum EX/CYC/59, 59a, 59f

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 or sent by request.

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

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

Yes

No

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

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(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

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

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

Yes

No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

Please see supporting statement attached.

Housing Need Update – Fails to meet the full OAHN.

TP1 Addendum – Issues with the methodology; inadequate justification for inclusion of land west of Copmanthorpe in the Green Belt.

8. (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 7 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.**

Increase the housing requirement.

Designated safeguarded land.

Recommend that upon Adoption a review of the Local Plan is immediately triggered.

Exclude land west of Copmanthorpe from the Green Belt.

9. If your representation is seeking a change at question 8.(1)

9.(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.

9.(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.



CITY OF YORK LOCAL PLAN

PROPOSED MODIFICATIONS AND EVIDENCE BASE CONSULTATION

LAND WEST OF COPMANTHORPE

On Behalf of Taylor Wimpey

June 2021

CONTENTS

1. INTRODUCTION
2. HOUSING NEEDS UPDATE
3. GREEN BELT ADDENDUM
4. CONCLUSIONS

Appendices

1. Site Location Plan
2. Representations on Housing Matters – Lichfields

1. INTRODUCTION

- 1.1 This response has been prepared on behalf of Taylor Wimpey in relation to their continued land interests west of Copmanthorpe which lies immediately adjacent to the western development boundary of Copmanthorpe, bound by Manor Heath to the east and Hallcroft Lane Roman Road to the north (See location plan at Appendix 1). Properties off Manor House Gardens abut the south western corner of the site. The land is currently agricultural land which is available as a suitable housing site. It is considered that the site is a suitable site for allocation in the Local Plan and should not be contained within the Green Belt.
- 1.2 On behalf of Taylor Wimpey we have analysed the Council's updated evidence, as have a number of other specialist consultants on Taylor Wimpey's behalf. This consultation response highlights some of the concerns of the Council's evidence and concludes that there is justifiable evidence to consider an alternative Green Belt boundary on the western edge of Copmanthorpe to allow for the designation of land west of Copmanthorpe for long term development purposes.
- 1.3 It is essential that the detailed Green Belt boundaries in the Local Plan are the most appropriate long-term boundaries for the plan period, and beyond.
- 1.4 Despite over 2,000 pages of additional evidence provided as part of the proposed modifications and additional supporting evidence consultation, there is very little change in the City of York Local Plan. The housing number remains unchanged, and the Council's Green Belt evidence addendum has not altered the approach to allocating sites and defining the Green Belt boundaries. It is not considered that the Green Belt Addendum provides a fully justified reasoning for the resultant Green Belt boundaries.

2. HOUSING NEEDS UPDATE

Proposed Modifications PM50, PM53, PM54, PM63a and PM63B

- 2.1 Taylor Wimpey continue to object to the Council's approach to identifying Local Housing Need and their continued use of the 2018 projections despite the PPG requiring the continued use of the 2014 based household projections.
- 2.2 The September 2020 Housing Needs Update proposes no further changes to the housing requirement and concludes that the housing need in the City has not changed materially since the last assessment in January 2019, hence the continuation of the 790 dwellings per annum requirement (plus 32 dpa to meet the shortfall between 2012 and 2017).
- 2.3 In alignment with HBF comments on the Housing Needs Update and modifications relating to the annual net housing provision in Policy SS1 it is recommended that the housing requirement is increased to reflect the most up to date Standard Method. The HNA includes the 2020 Standard Method calculation at 1,026 dpa.
- 2.4 It should be noted that since the September 2020 Housing Needs Update the Affordability Ratio has been updated and for the year 2020 the median house price to median earnings ratio for 2020 is 8.04 (slightly lower than the 2019 ratio of 8.2). The standard methodology, using the present 10 year period (2021 – 2031) results in a housing need of 1,013 per annum. This is slightly lower than the 2020 calculation included in the HNA Update at 1,026 dpa, but is nevertheless similar and is significantly higher than the G L Hearn HNA of 790 dpa. Clearly the direction of travel remains above 1,000 dwellings per annum.
- 2.5 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 remain high, 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.
- 2.6 Appended to this submission at Appendix 2 is a statement that has been prepared by Lichfields on behalf of three different participants including Taylor Wimpey. The Lichfields statement analyses the Council's updated evidence on housing needs that establishes the scale of need and demand for market / affordable housing in the City. This includes comments on the following documents.

- EX/CYC/32: CYC Annual housing Monitoring and MHCLG Housing Flow Reconciliation Return 2019;
- EX/CYC/36: Affordable Housing Note final February 2020;
- EX/CYC/38: Joint Position Statement between CYC and Selby District Council Housing Market Area April 2020;
- EX/CYC/43a: Housing Needs Update September 2020;
- EX/CYC/56: SHLAA Update April 2021;
- EX/CYC/58: Composite Modifications Schedule April 2021.

2.7 The Lichfields critique concludes that the Local Plan housing requirement fails to meet the full OAHN, which is considered to be significantly higher than the Council has estimated. To summarise the findings,

- Lichfields consider that a greater market signals uplift of at least 25% should be applied;
- Given the significant affordable housing need identified Lichfields considers a further 10% uplift would be appropriate to address affordable housing need and should be applied to the OAHN;
- Lichfields propose an additional 92 dpa for student growth targets;
- Concerns are highlighted regarding the Council's calculation of past housing delivery.
- As a result, Lichfields calculate the OAHN requirement at **1,010** dpa which is not dissimilar to the 1,013 dpa Standard Method figure.
- Factoring in shortfall of housing delivery results in a Lichfields Local Plan requirement of **1,111** dpa.

2.8 In conclusion the Lichfields analysis states:

“The evidence provided by the council is not sufficient to demonstrate that the housing requirement over the first five years of the Plan will be achieved. When a more realistic OAHN of 1,010 dpa is factored into the calculation, as well as reasonable adjustments relating to windfalls and the Sedgfield approach to backlog, it is clear that the Council

cannot demonstrate a 5 year housing land supply. This could fall to as low as 3 years even before a detailed interrogation of the deliverability of sites is undertaken.”

- 2.9 Should it be determined through the Examination process that the housing requirements of the Local Plan are required to be increased, land west of Copmanthorpe in Taylor Wimpey’s control could be delivered to contribute to meeting this need.
- 2.10 It is recommended that the Housing Requirement in Policy SS1 is increased to a minimum of 1,013 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 Framework.

3. GREEN BELT ADDENDUM

Topic Paper 1 Approach to defining Green Belt Addendum January 2021

EX/CYC/59 TP1 Addendum

EX/CYC/59a TP1 Addendum Annex 1

EX/CYC/59c TP1 Addendum Annex 3 Inner Boundary Part 2 S5-6

- 3.1 The following section relates to the Green Belt Addendum evidence and highlights the concerns of Taylor Wimpey with the updated evidence.
- 3.2 The Council through this Local Plan are setting the 'inner boundary' of the Green Belt that envelops the City for the first time. This is **not** a modification exercise that requires exceptional circumstances to be demonstrated to release land for housing that abuts the inner boundary.
- 3.3 The Green Belt TP1 Addendum clarifies the position that no exceptional circumstances are required for any of the Green Belt boundaries as the Green Belt is not proposing to establish any new Green Belt. The York Green Belt is already established and the York Local Plan is not, as a matter of general principle, seeking to establish a new Green Belt. The York Local Plan is tasked with formally defining the detailed inner boundary and outstanding sections of the outer boundary of the York Green Belt for the first time.
- 3.4 Paragraph 85 of the Framework (2012) states that when defining Green Belt boundaries, local planning authorities should not include land which it is unnecessary to keep permanently open, with paragraph 79 stating that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- 3.5 Land immediately west of Copmanthorpe is not considered to be necessary to keep permanently open in order to protect the primary purpose of the York Green Belt, which is to protect the historic setting and character of York.
- 3.6 In considering the Green Belt purposes it is agreed that purpose 2 ("to prevent neighbouring towns merging into one another") does not apply in York, given that it does not have any major towns close to the general extent of the York Green Belt therefore the potential of towns merging is not applicable. It is also established and agreed in the TP1 Addendum that purpose 5 ("to assist in urban regeneration, by encouraging the recycling of derelict and other urban land") is not considered a purpose of itself which assists materially in determining where any individual and detailed part of the boundary should be set (TP1 Addendum paragraph 5.8 - 5.9).
- 3.7 This leaves 3 purposes which are relevant for determining individual Green Belt boundaries in the City of York.

- To check the unrestricted sprawl of large built-up areas
 - To assist in safeguarding the countryside from encroachment; and
 - To preserve the setting and special character of historic towns.
- 3.8 The primary emphasis is placed on purpose 4 relating to the historic character and setting of York. Land west of Copmanthorpe is undefined in Figure 3 Green Belt Appraisal on page 32 of the TP1 Addendum. The land therefore does not fall within any of the identified areas that are of ‘most’ importance to purpose 4 of Green Belt, which in the instance of York are categorised as Strays, Green Wedges, Extensions of the Green Wedges, River corridors, Area retaining the rural setting of the City, Village Setting, and Areas preventing coalescence.
- 3.9 Analysis of the Council’s TP1 evidence commissioned by Taylor Wimpey refers to the methodology described in the TP1 Addendum not being a standard approach to appraising against the NPPF Green Belt purposes. A number of issues are raised with the Council’s methodology and resultant approach to defining Green Belt boundaries. The assessment does not define parcels of land and so is unable to quantify how much land extending from the edge of existing settlements outside the Outer Ring Road should be kept open to safeguard against sprawl, encroachment etc. The TP1 Addendum update only assesses boundaries.
- 3.10 Further analysis of the Council’s TP1 Addendum update by Pegasus on behalf of Taylor Wimpey highlight a number of concerns with the Council’s revised evidence. There are criticisms regarding the continued complexity of the Addendum information. The outcomes of the methodology are not substantively different to that presented in the 2019 TP1 Addendum documentation and the effect of the 2021 TP1 Addendum revisions has made no material difference to the outcome of the Green Belt boundaries, as put forward in 2019.
- 3.11 There are criticisms of how the Council’s methodology regarding the 5 criteria relates to the bearing of purpose 4 of Green Belt (‘to preserve the setting and special character of historic towns’). For example, in relation to the Landmark Monuments criteria it is noted that not all views of the Minster will contribute in the same way to the understanding and significance of the historic core, with not every single view of the Minster being significant or worthy of protection or contributing towards the understanding of the historic core.
- 3.12 In particular relation to question 2 of the Landmark Monuments criteria – *Does the land need to be kept permanently open to contribute to the understanding and significance of a building, landmark or monument?* Pegasus point out that this question has no bearing on Purpose 4 of Green Belt and refer to the purpose of Green Belt not being to protect individual buildings, landmarks or monuments.

- 3.13 Queries are raised regarding the methodology which seems to consider the entire built-up area of York as being the historic town, including all areas of modern development, industrial, commercial, retail etc that encircle the historic core. Whilst it is not in doubt that the historic core of York could be identified as having interest commensurate with a heritage asset, this cannot be said to cover the entire built-up area of York.
- 3.14 It is not considered that the methodology is robust in identifying Green Belt boundaries that would serve the function of purpose 4 of Green Belt.

TP1 Addendum - Section 10: Enduring Boundaries and Safeguarding

- 3.15 The Council maintain in the TP1 Addendum that it is not necessary to designate safeguarded land to provide permanence to the Green Belt. Taylor Wimpey disagree with the Council's conclusion and continue to consider that the identification of safeguarded land is appropriate.
- 3.16 The identification of Safeguarded Land is considered particularly important as the Local Plan will define detailed Green Belt boundaries for the first time and an appropriate and sound strategy is therefore required to enable flexibility up to and beyond the plan period. Taylor Wimpey consider that Safeguarded Land is required in the City to provide a degree of permanence to the Green Belt boundary and avoid the need for future reviews. It would also provide flexibility and allow land to be brought forward quickly without a fundamental review of the whole Local Plan if allocated sites were unable to deliver the quantum of development envisaged. This is particularly important when considering the complex nature of some of the sites that are proposed for allocation in the Plan e.g. York Central and land to the West of Elvington Lane, as well as potential heritage issues with other sites across the City which may prevent the deliverability of some allocated sites coming forward as envisaged. Flexibility is therefore essential, with a contingency of sites required to not only provide a buffer of sites but in addition, respond to the fact that the housing requirement is a minimum target rather than a maximum figure.
- 3.17 Given the passage of time in progressing the York Local Plan, the planned five year additional land identification to 2038 to extend beyond the 2033 plan period end date has almost passed. We are already four years into the plan period, so the five year buffer is dwindling, and will be even less by the time the Plan is eventually adopted. Upon the eventual adoption of the Local Plan there will be less than 20 years of Green Belt permanence. The justification to identify safeguarded land for beyond 2038 is now even stronger.

TP1 Annex 1 (EX/CYC/59a)

- 3.18 Within TP1 Addendum Annex 1, there are a number of baseline maps that have been prepared as a desktop exercise. We are informed that Annex 1 is a starting point to identify accessibility to different parcels of land on the periphery of the urban area, and that “they have also provided an indication of where these routes might form “open approaches” from which views might be important in enhancing the understanding or significance of York.”
- 3.19 The land west of Copmanthorpe promoted by Taylor Wimpey is an edge of settlement site. There are no views of the historic core from the site. The Ebor Way runs along the northern and eastern boundaries of the site, which is identified as a ‘Long Distance Pedestrian Approach’ on Annex 1 Figure 6. The ‘open approaches’ are described as “key routes into and around the city (historic and current), where open views along these routes reveal an opportunity to view attributes of the historic city in its wider context or contribute to understanding the context to the city’s landscape and setting.” The land west of Copmanthorpe in Taylor Wimpey’s control lies south of the Ebor Way, therefore outwith of any glimpsed views of the historic city from the Ebor Way to the City to the north east.
- 3.20 In relation to ‘Historic Core Views Analysis of Long Distance Views’ (Annex 1 figure 13a), the land west of Copmanthorpe is not crossed by any panoramic, key or general views. There are a number of panoramic, dynamic, general and key views identified in figure 13b, including a selection of views from the Outer Ring Road, with the nearest key view ending at the A64 / A1237 roundabout north of Copmanthorpe. The land west of Copmanthorpe is not contained within any of these city-wide views.

TP1 Addendum – Annex 4 Other Developed Areas (EX/CYC/59f)

- 3.21 Copmanthorpe is a freestanding settlement situated outside, but adjacent to the Outer Ring Road to the south west of the City of York. Copmanthorpe is one of a number of settlements that are excluded from the Green Belt. Annex 4
- 3.22 Annex 4 assesses 5 boundaries that currently envelop Copmanthorpe against the 4 Green Belt purposes as established in the TP1 methodology. The site lies adjacent to Boundary 3, west of Copmanthorpe. Annex 4 refers to the particular importance of Boundary’s 1 and 5 in terms of retaining separation with Bishopthorpe to the east, and to Boundary 4 in preventing coalescence between Copmanthorpe and the urban area of York. In addition Boundary 1 and 2 are identified as an ‘Area Preventing Coalescence’ as referenced in Annex 1 evidence 11b.
- 3.23 Boundary 3 west of Copmanthorpe, which includes the Taylor Wimpey land, is the least contentious boundary to facilitate change. Unlike land north and east of Copmanthorpe, land west of Copmanthorpe does not fall within any of the identified areas that are of ‘most’ importance to purpose 4 Green Belt (Historic Character and Setting), which are Strays, Green

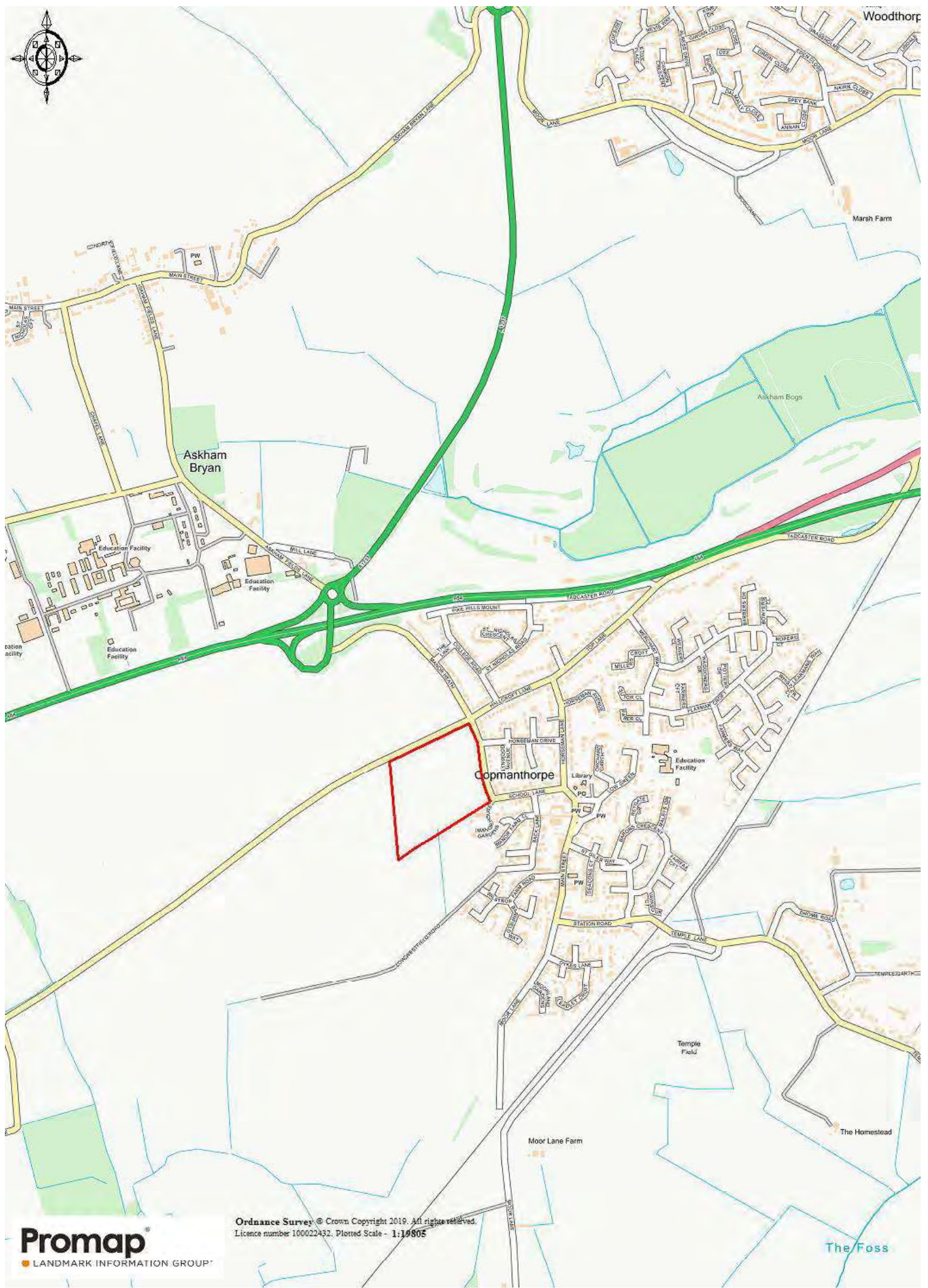
Wedges, Extensions of the Green Wedges, River corridors, Area retaining the rural setting of the City, Village Setting, and Areas preventing coalescence. Land west of Copmanthorpe is not identified in a Green Corridor, has no nature conservation designations and is not within a high flood risk area (TP1 Annex 4.28).

- 3.24 The current western boundary of Copmanthorpe is the weakest boundary, with the A64 to the north and railway to the south and east of Copmanthorpe representing much stronger, defensible boundaries. In relation to strategic permanence Annex 4 refers to open land surrounding the village as having 'some potential for suitable development in line with the Local Plan strategy.' Land west of Copmanthorpe is the most appropriate area for future development, the site falls within the Council's 800m buffer of access to facilities and services, i.e. it is an accessible and sustainable location for development, and does not fall within an area with any criterion contributing to the historic character and setting.
- 3.25 Taylor Wimpey maintain that land west of Copmanthorpe would form a logical extension to Copmanthorpe. It is considered that an alternative Green Belt boundary to Copmanthorpe should exclude the land west of Copmanthorpe, immediately south of the Roman Road and west of Manor Heath from the Green Belt. The land does not fulfil Green Belt purposes. There are opportunities to create a landscaped buffer on the western boundary of the site to create a stronger western Green Belt boundary with permanence. For the western boundary of Copmanthorpe.

CONCLUSIONS

- 3.27 In relation to housing need, the Lichfields critique of the Council's Housing Need Update concludes that the Local Plan housing requirement (790 dpa) fails to meet the full OAHN. Lichfields calculate the OAHN at 1,010 dpa and a housing requirement of 1,111 dpa which factors in shortfall of housing delivery. Should it be determined through the Examination process that the housing requirements of the Local Plan are required to be increased, the land west of Copmanthorpe in Taylor Wimpey's control could be delivered to contribute to meeting this need.
- 3.28 It is recommended that the Housing Requirement in Policy SS1 is increased to a minimum of 1,013 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 Framework.
- 3.29 Taylor Wimpey consider that the Local Plan should identify safeguarded land. Land west of Copmanthorpe would be a suitable safeguarded site for longer term development.
- 3.30 The detailed analysis of the Council's TP1 Addendum update has found that there are deficiencies in the approach taken. The fair consideration of alternative boundaries does not appear to have been taken into consideration. The alternative of excluding land west of Copmanthorpe from the Green Belt would allow for the designation of suitable, deliverable development land, located in a sustainable location, accessible to existing services and infrastructure, with no harm to the historic character and setting of the City. It is considered that the site does not fulfil Green Belt purposes and its retention in the Green Belt is not the most appropriate or justified approach.
- 3.31 There is the opportunity via the Local Plan to create a longer-term Green Belt boundary by excluding land west of Copmanthorpe from the Green Belt and defining appropriate landscape buffers on the western extent. This will result in a more appropriate and justified robust, defensible and legible Green Belt boundary.

APPENDIX ONE



Askham Bryan

Copmanthorpe

Marsh Farm

Askham Bogs

Temple Field

Moor Lane Farm

The Homestead

The Foss

APPENDIX TWO

City of York Local Plan

Proposed Modifications Version

Representations on Housing Matters

Taylor Wimpey; Persimmon Homes; Bellway Homes

July 2021

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1.0 Introduction

- 1.1 This statement is prepared on behalf of three different and separate participants who have jointly instructed Lichfields to represent them on matters of housing need and supply. The participants are Taylor Wimpey, Persimmon Homes and Bellway Homes. Each has their own distinct interests in the City and have submitted separate responses on other matters, but present the following shared position on housing need.
- 1.2 The assessment of York’s housing need in this statement forms part of the above participant’s response to the City of York Council’s [CYC] latest consultation on the Key Evidence and Supporting Documentation that was published since the York Local Plan Hearing Sessions.
- 1.3 In particular, this representation analyses CYC’s updated evidence on housing needs that establishes the scale of need and demand for market/affordable housing in the City. In this regard, we comment on the following recently-published consultation documents:
- EX/CYC/32: CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return 2019
 - EX/CYC/36: Affordable Housing Note Final February 2020
 - EX/CYC/38: Joint Position Statement between CYC and Selby District Council Housing Market Area April 2020
 - EX/CYC/43a: Housing Needs Update September 2020
 - EX/CYC/56: SHLAA Update April 2021
 - EX/CYC/58: Composite Modifications Schedule April 2021

City of York Council’s Local Plan Proposed Modifications (April 2021)

- 1.4 A review of the Objectively Assessed Housing Need [OAHN] was undertaken on behalf of CYC by GL Hearn in September 2020 (*The Housing Needs Update report*), which supersedes the previous SHMA Update (2017) and a further Housing Needs Update in January 2019. This new report advised that in light of the latest set of 2018-based Sub-National Household Projections [SNHP] in March 2020, York’s housing need would fall to just 302 dwellings per annum [dpa] between 2012 and 2032. However, due to concerns over the methodology employed in both the population and household projections, GL Hearn recommended that greater weight be given to the use of longer-term trends and economic-led housing needs, resulting in a requirement for 779 dpa. The consultants concluded that as there was no material change since the last assessment in January 2019, there was no need for the Council to move away from its OAN of 790 dpa.
- 1.5 On the basis of this evidence, the Council considered that under the transitional arrangements of the 2012 NPPF and the requirements of the National Planning Practice Guidance [the Practice Guidance] in relation to the assessment of housing need, it was justified in making minor modifications to its submitted Plan as a result of the updated OAN. It included an annualised shortfall of 32 dpa (unmet need between 2012/13 and 2016/17), bringing the housing requirement to 822 dpa.
- 1.6 These modifications include an update to Policy SS1, to clarify that the Council’s housing requirement, inclusive of shortfall should be amended to a ‘*minimum average annual net provision of 822 dwellings over the plan period to 2032/33*’.

1.7 Furthermore, paragraph 3.3 of the accompanying explanation to Policy SS1 is now (again) revised to state that:

*“Technical work has been carried out by GL Hearn in the Strategic Housing Market Assessment Update (2017). This work has updated the demographic baseline for York based on the July 2016 household projections. ~~to 867 790 per annum.~~ Following consideration of the outcomes of this work, the Council aims to **address an objectively assessed housing need of 790 homes per annum. This produces a housing requirement amounting to** ~~meet an objectively assessed housing need of 867 790 new dwellings per annum for the plan period to 2032/33~~ **a minimum average annual net provision of 822 dwellings over the plan period to 2032/33, including an allowance for any a shortfall in housing provision against this need from the period 2012 to 2017, and for the post plan period to 2037/38.**”*

1.8 Our review concludes that on the basis of the approach taken to reaching the 790 dpa housing requirement identified within the City of York Housing Needs Update (September 2020) (“the 2020 HNU”), this housing requirement fails to meet the full OAHN, which is significantly higher than the Council has estimated.

1.9 Furthermore, we consider that the Plan would fail to make appropriate provision for sufficient housing to sustainably deliver, in a timely manner, housing in line with the City’s full OAHN, with further site allocations required within this Plan in order to ensure an overall strategy that is deliverable and sufficiently flexible to respond to change.

Report Structure

1.10 The report is structured into the following sections:

- **Section 2.0** –sets out the housing policy context at a national and local level;
- **Section 3.0** – reviews the robustness of the Council’s evidence on housing need within the City, and whether the Council is meeting its OAHN;
- **Section 4.0** – reviews market signals;
- **Section 5.0** – analyses affordable housing needs;
- **Section 6.0** – considers the integration of student housing needs;
- **Section 7.0** – reviews the Council’s approach to factoring in backlog;
- **Section 8.0** - critiques the assumptions which underpin the Council’s currently claimed housing land supply and reviews the 5YHLS; and,
- **Section 9.0** - provides a summary and conclusion on the City of York’s housing need and supply.

2.0 **Housing Need**

Introduction

- 2.1 This section sets out the requirements of the Framework and the Practice Guidance in objectively assessing housing needs. This is in the context that the Council’s Local Plan was submitted during the transitional arrangements for the 2019 National Planning Policy Framework [NPPF]. That said, the standard method for calculating housing need set out in the NPPF (and set out in more detail in the revised 2019 Practice Guidance and again in December 2020), provides relevant context for the direction of change the Government has moved towards, and the unwavering emphasis of seeking to substantially boost the supply of housing to attain an overall national target of 300,000 dwellings per year.
- 2.2 This will provide the benchmark against which the 2020 HNU will be reviewed, to ensure the necessary requirements are met. In addition, relevant High Court judgments have been referenced to set out the requirements of an OAHN calculation in a legal context.

National Planning Policy Framework

- 2.3 The 2012 NPPF outlines that local planning authorities [LPAs] should positively seek opportunities to meet the development needs of their area (paragraph 14). It adds that, in order to “*boost significantly*” the supply of housing, they should “*use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the framework...*” (paragraph 47)
- 2.4 The NPPF (paragraph 159) specifies the evidence required to objectively define housing needs within an area, setting out that LPAs should:
- “Prepare a Strategic Housing Market Assessment to assess their full housing needs... identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:*
- *Meets household and population projections, taking account of migration and demographic change;*
 - *Addresses the needs for all types of housing, including affordable housing...; and*
 - *Caters for housing demand and the scale of housing supply necessary to meet this demand.”*

2019 NPPF

- 2.5 The Revised Framework was published in February 2018. It has an unequivocal emphasis on housing, with the introduction to the 2018 consultation proposals clarifying that the country needs radical, lasting reform that will allow more homes to be built, with the intention of reaching 300,000 net additional homes a year.
- 2.6 The 2019 NPPF states that to support the Government’s objective of “*significantly boosting the supply of homes*”, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay [§59].

2.7 In particular:

“To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for”. [§60]

2.8 The revision also makes clear that when identifying the housing need, policies should also break the need down by size, type and tenure of homes required for different groups in the community (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes) [§61].

2.9 Paragraphs 67 - 76 also set out how Councils should identify and maintain a five-year supply of housing against their housing requirement.

2.10 In terms of the weight that can be attached to this key policy document, it is accepted that paragraph 214 to Annex 1 of the NPPF states that the policies in the previous Framework will apply for the purposes of examining plans, where those plans were submitted on or before the 24th January 2019.

2.11 However, the 2019 NPPF remains a useful indicator of the direction of travel, not least with the approach to be taken to defining housing need, which has already been the subject of an earlier consultation (*‘Planning for the right homes in the right places’*, September 2017), to which MHCLG published a summary of consultation responses and its view on the way forward in March 2018.

2.12 Furthermore, the *Planning White Paper: Planning for the Future*, published on 6th August 2020, proposes some very significant changes to the planning system and has a clear focus on accelerating housing delivery. It acknowledges that *“Assessments of housing need, viability and environmental impacts are too complex and opaque: Land supply decisions are based on projections of household and business ‘need’ typically over 15- or 20-year periods. These figures are highly contested and do not provide a clear basis for the scale of development to be planned for.”* [page 11]

2.13 As a result, the White Paper acknowledges that the current system simply does not lead to enough homes being built, especially in those places where the need for new homes is the highest. *“Adopted Local Plans, where they are in place, provide for 187,000 homes per year across England – not just significantly below our ambition for 300,000 new homes annually, but also lower than the number of homes delivered last year (over 241,000).7 The result of long-term and persisting undersupply is that housing is becoming increasingly expensive”*. [page 12]

2.14 The White Paper therefore aims to address housing affordability pressures, support economic growth and the renewal of our towns and cities, and foster a more competitive housing market. To ensure more land is available for the homes and development people and communities need, and to support renewal of town and city centres, the White Paper proposes the following:

- *“A new nationally-determined, binding housing requirement that local planning authorities would have to deliver through their Local Plans. This would be focused*

on areas where affordability pressure is highest to stop land supply being a barrier to enough homes being built. We propose that this would factor in land constraints, including the Green Belt, and would be consistent with our aspirations of creating a housing market that is capable of delivering 300,000 homes annually, and one million homes over this Parliament.” [page 19]

Planning Practice Guidance

- 2.15 The Planning Practice Guidance [PPG] contains a section providing guidance on housing and economic development needs assessments. It identifies that whilst there is no one methodological approach, an OAHN should fulfil the following criteria:
- be proportionate and not consider purely hypothetical future scenarios, only future scenarios that could be reasonably expected to occur (ID: 2a-003);
 - be based on facts and unbiased evidence. Constraints should not be applied to the overall assessment of need (ID: 2a-004);
 - utilise household projections published by the Department for Communities and Local Government as the starting point estimate of overall housing need (ID: 2a-015);
 - consider sensitivity testing, specific to local circumstances, based on alternative assumptions in relation to the underlying demographic projections and household formation rates (ID: 2a-017); and
 - take account of employment trends (ID: 2a-018), appropriate market signals including market indicators of the balance between the demand for and supply of dwellings (ID: 2a-019) and affordable housing needs (ID: 2a-029).

2019/2020 Planning Practice Guidance

- 2.16 Following on from the revisions to the Framework, on 13th September 2018 MHCLG published its revised PPG on Housing and economic land availability assessment covering changes to the 5YHLS approach, whilst on 20th March 2019 MHCLG updated its Housing and economic needs assessment to factor in the calculation of Local Housing Need via the standard methodology. This was again updated in December 2020 that scrapped earlier proposals and reverted back to the method it introduced in 2018, but with a modification to top up the number in the 20 largest cities and urban areas by 35%, reflecting Government objectives to, inter alia, drive housing into existing urban areas and encourage brownfield development.

- 2.17 The PPG states that:

“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.”¹

- 2.18 If an authority uses a different method for calculating housing need the PPG sets out how this should be tested at examination:

“Where a strategic policy-making authority can show that an alternative approach identifies a need higher than using the standard method, and that it adequately reflects current and future demographic trends and market signals, the approach can be considered sound as it will have exceeded the minimum starting point.”

¹ 2a-002-20190220

“Where an alternative approach results in a lower housing need figure than that identified using the standard method, the strategic policy-making authority will need to demonstrate, using robust evidence, that the figure is based on realistic assumptions of demographic growth and that there are exceptional local circumstances that justify deviating from the standard method. This will be tested at examination.”²

- 2.19 Although the Government's stated ambition remains to deliver 300,000 new homes per annum across England by the mid-2020s, as of April 2021 the figure only equates to 288,716 and relies on the delivery of 85,542 homes in Greater London alone, which will not happen given that the current London Plan requirement is 52,287 dpa, whilst average delivery rates over the past 3 years have totalled just 36,686. This means that for the nationwide target to be met, other districts across England will need to go above and beyond their SM2 target.
- 2.20 Applying this revised approach to the standard methodology would result in a LHN figure of **1,013 dpa** for the City of York. This represents the minimum number of homes needed per year as set out in paragraph 60 of the revised Framework (February 2019).
- 2.21 This is calculated using the 2014-based household projections for 2019-2029, which equates to household growth of 809 per annum (8,089 over the 10-year period), plus a market signals uplift of 25.25%. This latter figure has been generated as follows, based on the most recent (April 2021) affordability ratio data for the City of York:
- Median local workplace-based affordability ratio (2019) = 8.04
 - deduct 4 = 4.04
 - divide by 4 = 1.01
 - multiply by 0.25 = 0.2525 (25.25%).
- 2.22 No cap is applied as York has no existing Local Plan figure to apply it to.

Relevant Caselaw

- 2.23 There have been several key legal judgments which provide clarity on interpreting the NPPF and PPG in terms of how to address the issue of affordable housing need in the context of arriving at a concluded figure for OAHN:
- 1 ‘Satnam Millennium Limited and Warrington Borough Council [2015] EWHC 370’ referred to as “Satnam”;
 - 2 ‘Kings Lynn and West Norfolk Borough Council v Secretary of State for Communities and Local Government [2015] EWHC 2464’ referred to as “Kings Lynn”;
 - 3 ‘Barker Mill Estates Trustees v Test Valley BC & Secretary of State for Communities and Local Government [2016] EWHC 3028 (Admin)’ referred to as “Barker Mill”;
and
 - 4 ‘Jelson Ltd. v Secretary of State for Communities and Local Government, Hinckley and Bosworth Borough Council [2018] EWCA Civ 24’ referred to as “Hinckley and Bosworth”.
- 2.24 Our previous 2019 representations explored the implications of these 4 judgements on York’s housing need in depth and we do not repeat them again here.

² 2a-015-20190220[CD/021]

Housing Need Local Policy Context

- 2.25 Before setting out a critique of CYC’s housing OAHN evidence base, it is important to recognise once more that the Council has never had an adopted Local Plan for the City (under the 1971 Act, the 1990 Act or the 2004 Act) and progress on the current Local Plan has been, it is not unfair to say, glacial. This is demonstrated by the fact that the Council is still relying on the outdated OAHN approach to calculate its housing requirement, rather than the Government’s standard methodology for calculating Local Housing Need for planning purposes, which was first consulted on in 2017, then adopted in 2018, three years ago.
- 2.26 This Standard Method is intended to shift time, resources and debate at examination away from the ‘numbers’ question and towards the ‘how’ and ‘where’ of building new homes. The fact that we are seemingly endlessly debating technical housing need issues at York’s EiP many years after the Plan’s original submission to PINS is a clear vindication of the Government’s move towards a standardized approach.
- 2.27 The development plan for York comprises two policies³ and the Key Diagram of the partially revoked Yorkshire and Humber Regional Strategy (2008) [YHRS]. There is no adopted Local Plan for York that forms part of the development plan. Instead, there is a long history of failed attempts to produce an adopted Local Plan and a fluctuating housing need figure. The Council published the following ‘further work’ on the Local Plan relating to housing needs after a Full Council resolution to halt the Publication Draft Local Plan in 2014:
- 1 In December 2014, the LPWG considered a report on ‘*Housing Requirements in York*’ which was based on two background documents produced by Arup⁴. The report set out four different housing requirement figures that were considered sound against the evidence base and three options for progressing the work on housing requirements. The LPWG members agreed a housing requirement figure of **926 dpa**⁵;
 - 2 In September 2015 the LPWG considered an update on the ‘*Objective Assessment of Housing Need*’ [OAHN] report produced by Arup⁶ and a report on ‘*Economic Growth*’⁷. The Arup report concluded that the housing ‘requirement’ should be in the **range of 817 dwellings per annum [dpa] to 854 dpa** between 2012 and 2031. The LPWG’s recommendations were that the Executive Committee note the Arup OAHN report and endorse further work, including an evaluation of any spatial and delivery implications, on two scenarios for economic growth that would be reported back to the LPWG in due course;
 - 3 In Autumn 2015 the Council commissioned GL Hearn jointly with Ryedale, Hambleton and the North York Moors National Park Authority to undertake a Strategic Housing Market assessment [SHMA]⁸. This study aimed to provide a clear understanding of housing needs in the City of York area. The SHMA was published as part of a suite of documents for the LPWG meeting on 27th June 2016. It concluded that the OAHN for the City of York was in the order of **841 dpa**.

³ Both relating to Green Belt, requiring its inner boundaries to be defined in a plan and confirming that the general extent is about 6 miles out from the City centre

⁴ Assessment of the Evidence on Housing Requirements in York (Arup, May 2013) & Housing Requirements in York: Evidence on Housing Requirements in York: 2014 Update (Arup, September 2014)

⁵ Local Plan Working Group 17 December 2014 - Minutes

⁶ Evidence on Housing Requirements in York: 2015 Update – Arup (August 2015)

⁷ York Economic Forecasts – Oxford Economics (May 2015)

⁸ GL Hearn (June 2016): City of York Council Strategic Housing Market Assessment

- 4 On the 25th May 2016 ONS published a new set of (2014-based) sub national population projections [SNPP]. These projections were published too late in the SHMA process to be incorporated into the main document. However, in June 2016 GL Hearn produced an Addendum⁹ to the main SHMA report which briefly reviewed key aspects of the projections and concluded that the latest (higher) SNPP suggested a need for some 898 dpa between 2012 and 2032. However due to concerns over the historic growth within the student population, the Addendum settled on a wider OAHN range of 706 dpa – 898 dpa, and therefore the Council considered that it did not need to move away from the previous **841 dpa** figure.
- 5 DCLG published updated 2014-based sub-national household projections [SNHP] in July 2016. GL Hearn was asked by City of York Council to update the SHMA to take account of these new figures and to assess the representations received through the Preferred Sites Consultation [PSC] relating to OAN. The GL Hearn SHMA Addendum Update (May 2017) subsequently updated the demographic starting point for York based on these latest household projections. The 2014-based SNHP increases the demographic starting point from 783 dpa (in the 2016 SHMA) to 867 dpa. In their Update, GL Hearn then applied a 10% uplift to the 867 dpa starting point to account for market signals and affordable housing need and identifies a resultant housing need of **953 dpa**. However, a cover sheet to GL Hearn’s Update, entitled ‘Introduction and Context to objective Assessment of Housing Need’ was inserted at the front of this document by the Council. This states that 867 dpa is the relevant baseline demographic figure for the 15-year period of the plan (2032/33). The Council rejected the 953 dpa figure on the basis that GL Hearn’s conclusions stating:

“...Hearn’s conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations.”

As a result of this approach, the February 2018 City of York Publication Draft stated in Policy SS1: Delivering Sustainable Growth for York, the intention to:

*“Deliver a minimum annual provision of **867 new dwellings** over the plan period to 2032/33 and post plan period to 2037/38.”*

The supporting text to this policy makes no mention of the 953 dpa OAHN figure, but instead claims that 867 dpa is “*an objectively assessed housing need*” [§3.3].

- 6 The Council then revised the OAHN down even further in light of GL Hearn’s January 2019 HNA, which modelled the (then) latest 2016-based SNHP. The HNU concluded that the 2016-based SNPP provide a more robust assessment of population growth for York than their predecessor, which is “*ratified by more recent population estimates*” [5.2]. Uplifting the 2016-based SNPP to meet an economic growth of 650 jobs per annum and adjusting household formation rates equates to a need for **790 dpa**, which GL Hearn considers to be the OAHN on the grounds that this “*would be sufficient to respond to market signals, including affordability adjustments, as well as making a significant contribution to affordable housing needs*”. [§5.11]
- 7 The Council is now inviting comments on the 2020 HNU, again produced by GL Hearn, and which models the implications of the latest 2018-based SNPP and equivalent SNHP. The HNU concludes that the housing need in the City has not

⁹GL Hearn (June 2016): City of York Council Strategic Housing Market Assessment - Addendum

changed materially since the last assessment in January 2019. *“The previous report identified a need for 790 dpa and the economic-led need within this report is as high as 788 dpa. There is, therefore, no need for the Council to move away from their current position based on this new data.”* [para 5.8]

- 2.28 Lichfields has submitted representations on behalf of housebuilders to the various stages of the York Local Plan formulation as and when the OAHN has been updated over the past 5 years. Our most recent representation, made on behalf of a consortium of housebuilders in 2019, concluded that the OAHN should be increased to a figure in the region of 1,300 dpa plus the housing backlog from 2012-2017.
- 2.29 The remainder of this section provides an overview of the findings of the latest 2020 HNU.

Overview of the City of York’s HNU

- 2.30 The stated purpose of GL Hearn’s Housing Needs Update [HNU] is to review the housing need in York taking into account of the latest demographic information. In particular, it reviews the impact of the 2018-based SNPP, equivalent 2018-based SNHP, and the 2019 Mid-Year Estimates. The analysis models housing need over the period from 2017-33 to be consistent with the Local Plan period. To align with previous studies carried out for the City, GL Hearn has also have provided figures for the 2012 to 2037 period.
- 2.31 The HNU does not review the latest evidence on market signals within the City. Nor does it revisit the affordable housing need for the City, the mix of housing required, or the needs for specific groups. It is therefore limited in its scope.
- 2.32 The report [Table 1] finds that over the 2017-33 period, the 2018-based SNPP projects an increase in York’s population of around 7,432 people (+3.6%). This is very significantly lower than the 2014-based SNPP (24,229), which represents a difference of nearly 16,800 residents. The latest projections are also 6,120 lower than the equivalent 2016-based SNPP figures.
- 2.33 GL Hearn consider that this is consistent with what is projected nationally as a result of lower fertility rates, reduced international migration and a more negative approach to life expectancy improvements.
- 2.34 GL Hearn rightly reviews the implications of a number of variants produced by ONS to the 2018-based SNPP on the grounds that the principal projection only draws on internal migration trends over 2 years from 2016 to 2018 *“which can distort the outputs of a projection if those years are particularly high or low.”* [paragraph 2.4]
- 2.35 The analysis therefore reports a range of demographic scenarios, including the 10-year Migrant Variant (which draws trends over the 2008 to 2018 period) and an Alternative Migration Variant (which draws on migration trends over 5 years not 2). Over the Local Plan period, the principal variant would see a 3.6% growth in the population, whereas the 10-year migration variant and alternative internal migration variant see growth of 5.9% and 4.6% respectively.
- 2.36 GL Hearn then examines the household formation rates that underpin the latest round of 2018-based household projections. They highlight the fact that concerns have been raised regarding their robustness:
- “There are significant concerns around the HRRs, which it is argued lock-in recessionary trends during the 2001 to 2011 period from which they were drawn.”* [paragraph 2.14]

- 2.37 By focussing on shorter term trends ONS has effectively ‘locked in’ deteriorations in affordability and subsequently household formation rates particularly within younger age groups during that time.
- 2.38 The analysis finds that by applying part return-to-trend headship rates, the level of housing need increases to between 501 dpa to 669 dpa (incorporating a 3% allowance for vacancy/second homes) depending on the variant modelled – significantly higher than the 302-471 dpa derived in the HNU for the main demographic-based projections.

Table 2.1 Projected Household Growth 2017-33 - Range of demographic based scenarios

	2018-based SNHP HRR		Part Return to Trend HRR	
	Change in households	dpa	Change in households	dpa
Principal	4,687	302	7,784	501
10-Year Migration	7,314	471	10,399	669
Alternative Internal	5,955	383	9,285	598

Source: GL Hearn (September 2020): *City of York Housing Need Update*, Tables 4 and 5

- 2.39 GL Hearn notes that the 669 dpa does not equate to a meaningful difference from the 679 dpa based on the PRT HRRs in the previous 2019 HNU, and therefore the variant migration scenario is seen as the more suitable to use for York.
- 2.40 However, moving on, the report goes on to suggest that this is largely academic as demographic housing need is lower than the economic-led housing need.
- 2.41 GL Hearn models a series of economic growth forecasts, settling on 650 jobs per annum as this is considered to align with the ELR Update and the Oxford Economics model published in December 2019. Using the OBR economic activity rates and keeping unemployment rates, double jobbing and commuting ratios constant, this equates to a need for 766 dpa based on the part return to trend HRRs (2017-33), rising to **788 dpa** if York were to take a greater share of its workforce’s accommodation (a 1:1 commuting ratio).
- 2.42 The HNU concludes that “*there is a clear need to increase housing delivery in York to support the City’s economic potential. The scenarios we have run show this need to be in a fairly narrow range of 766 to 788 dpa. This is broadly comparable to the 790 dpa identified in the Housing Needs Update of January 2019.*” [paragraph 3.11]
- 2.43 The HNU then provides an overview of the standard method for assessing housing need. GL Hearn notes that at the time of writing it equates to 1,206 dpa, falling to just 763 dpa if the Government’s August 2020 Consultation changes were implemented. They conclude that whilst these should have no bearing on the housing need for York at the Local Plan examination, “*it should provide some comfort that the latest version of the standard method arrives at a very similar number*”. [paragraph 4.20]
- 2.44 This last point re: 763 dpa is now irrelevant given that the Government has abandoned the August 2020 Consultation changes. The SM2 remains at 1,013 dpa.
- 2.45 The HNU concludes that whilst the 2018-based SNHP demonstrates clear downward pressure on demographic trends for York, there are significant concerns about the methodology (particularly concerning the use of just 2 years of internal migration trends and household formation rates which lock in recessionary trends). As such GL Hearn

advocates the use of the variant population projection and bespoke household formation rates. The resultant 670 dpa is still lower than the economic growth projection of 779 dpa over the Plan period:

*“We have not updated market signals for the City however given the extent of the economic need and the uplift this entails from the demographic starting point a further uplift would not be merited. For example, for the Plan period, the economic-led need of 779 dpa is 157% higher than the demographic starting point of 302 dpa. To conclude, the housing need in the City has not changed materially since the last assessment in January 2019. The previous report identified a need for 790 dpa and the economic-led need within this report is as high as 788 dpa. **There is, therefore, no need for the Council to move away from their current position based on this new data.**”*

[paragraphs 5.7-5.8]

3.0 Critique of the SHMA Update

Introduction

- 3.1 The Companies represented by Lichfields have serious concerns and wish to raise objections to the way in which the Council has chosen to identify an OAHN of 790 dpa (reducing this down from the already unsatisfactory 867 dpa) and the subsequent identification of this need (plus 32 dpa backlog) as the housing requirement in the Policy SS1 of the Modified LPP.
- 3.2 This section provides a critique of GL Hearn’s 2020 City of York Housing Needs Update [HNU].

Starting Point and Demographic-led Needs

Population Change

- 3.3 The Practice Guidance¹⁰ sets out that in assessing demographic-led housing needs, the latest CLG Household Projections form the overall starting point for the estimate of housing need, but these may require adjustments to reflect future changes and local demographic factors which are not captured within the projections, given projections are trend based. In addition, it states that account should also be taken of ONS’ latest Mid-Year Estimates [MYEs]¹¹.
- 3.4 This previous guidance has of course been amended in the revised Practice Guidance, published in December 2020, which now formalises the standard methodology to calculate Local Housing Need. This is founded on the previous 2014-based SNHP rather than the more recent 2018-based equivalents as they “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”¹².
- 3.5 GL Hearn accepted in paragraph 2.18 of its 2019 HNU that the 2016-based projections do not have the ability to meet the Government’s housing target of 300,000 homes per annum. It is not mentioned in the 2020 Update, but given that the 2018-based household projections are even lower for York, then this 2019 comment is even more relevant today.
- 3.6 On 6 August 2020, the Government published its proposed ‘Changes to the current planning system’. The consultation paper set out four policy proposals to improve the effectiveness of the current system, which included changing the standard method for assessing local housing need, to plan for the delivery of 300,000 new homes a year and plan for more homes in the right places. The Government provided a detailed response to this consultation on 1st April 2021¹³:

“In Changes to the current planning system, the government set out the importance of building the homes our communities need and putting in place measures to support our housing market to deliver 300,000 homes a year by mid-2020s. We set out that our proposed changes to the standard method were based on overarching principles as

¹⁰ Practice Guidance - ID 2a-015-20140306

¹¹ Practice Guidance - ID 2a-017-20140306

¹² Practice Guidance - ID: 2a-005-20190220

¹³ <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system/outcome/government-response-to-the-local-housing-need-proposals-in-changes-to-the-current-planning-system>

stated in paragraph 17 of the consultation. These were ensuring that the new standard method delivers a number nationally that is consistent with the commitment to plan for the delivery of 300,000 new homes a year, a focus on achieving a more appropriate distribution of homes, and on targeting more homes into areas where there are affordability challenges. We remain committed to these principles.”

- 3.7 In the Government’s response, it clarified that the 2018-based projections are not a justification for lower housing need:

“We will continue to use the 2014-based household projections. The government has carefully considered whether to use the 2018-based household projections and has concluded that, due to the substantial change in the distribution of housing need that would arise as a result, in the interests of stability for local planning and for local communities, it will continue to expect only the use of the 2014-based projections.”

- 3.8 It goes on to state that *“We will continue to specify that the most recent affordability ratios should be used ensuring relevant market signals continue to play a role.”*

- 3.9 **We acknowledge that the City of York Local Plan was submitted to the Secretary of State for Examination before 26th January 2019 and therefore should be examined under the transitional arrangements (i.e. the 2012 NPPF and 2014 Practice Guidance). For this reason, the LHN calculated by the standard method would not apply. We do stress however that it is totally unacceptable that the City of York has dragged out its Local Plan process for such an extended period of time that it is still able to rely on the OAHN approach despite the standard method having been enshrined in planning policy 3 years ago (in July 2018).**

- 3.10 Furthermore, we accept that in accordance with the 2014 version of the Practice Guidance, GL Hearn is correct to at least model the 2018-based SNPP/SNHP; that does not necessarily mean it is right to use the much lower projections to directly inform the OAHN without making reasonable adjustments, particularly in light of the Government’s clearly stated objective to build more homes consistent with the 300,000 target by the mid-2020s, not to use potentially flawed projections to provide even fewer homes:

“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. In summary, the Government’s judgment is that these factors combine to indicate that there is no need to change its aspirations for increasing housing supply. This is consistent with the argument in the housing White Paper that the ambition of delivering more homes should be about both keeping pace with population growth and looking to address worsening affordability through tackling the previous undersupply of homes.”¹⁴

- 3.11 We therefore agree with GL Hearn that the 2018-based SNHP/SNPP should be sensitivity tested, based on alternative assumptions around underlying demographic projections, based on established sources of robust evidence:

“The household projections produced by the Department for Communities and Local Government are statistically robust and are based on nationally consistent assumptions. However, plan makers may consider sensitivity testing, specific to

¹⁴ MHCLG (October 2018): *Technical consultation on updates to national planning policy and guidance*, paragraph 12

their local circumstances, based on alternative assumptions in relation to the underlying demographic projections and household formation rates. Account should also be taken of the most recent demographic evidence including the latest Office for National Statistics population estimates.

Any local changes would need to be clearly explained and justified on the basis of established sources of robust evidence. Issues will vary across areas but include:

- *migration levels that may be affected by changes in employment growth or a one off event such as a large employer moving in or out of an area or a large housing development such as an urban extension in the last 5 years*
- *demographic structure that may be affected by local circumstances or policies e.g. expansion in education or facilities for older people.*¹⁵

3.12 This is explored in more detail below.

The use of longer-term trends

3.13 The PPG is clear that household projections are the starting point for overall housing need and that these are nationally consistent and statistically robust¹⁶. It goes on to state that plan-makers may consider sensitivity testing based on local circumstances, but that this must be based on established sources of robust evidence¹⁷. Some of circumstances it cites includes migration levels which are affected by changes in employment, such as a large employer moving to the area or urban extension, or where demographic structures are affected by policies related to specific groups, e.g. expansion in education facilities or facilities for older people.

3.14 The use of short-term trends means recent changes in growth are picked up more quickly, although if recent trends are not representative of the longer term ‘norm’ they may over or under estimate future need (hence ID 2a-017). Whilst longer term periods can allow unusual trends to be ironed out, they may fail to pick up recent changes and therefore may also over or under-estimate future need. Despite these advantages and disadvantages, it is set out within Government guidance that the official projections – i.e. short-term trends – should provide the starting point for housing needs assessment.

3.15 The question therefore is whether, in York, there are any “*specific local circumstances*” (e.g. movement of major employers, higher education expansion, etc, as cited in ID 2a-017) in recent years which mean that it is not appropriate to use the official 2018-based SNPP and that a longer-term trend is more appropriate.

3.16 We can ascertain whether there have been any unusual or one-off circumstances in the City of York specifically which warrant the use of long-term trends over short term trends by looking at historic completions and migration data (an exercise only partially undertaken in the HNU).

Housing completions

3.17 Figure 1 show completions in the City of York back to 2001/02, along with the 10-year averages. It shows that in the 7 years up to the recession (2007/08), average completions were 809 per annum. Since then completions have been rapidly falling, with the average declining to just 652 dpa for the 10 years to 2017/18.

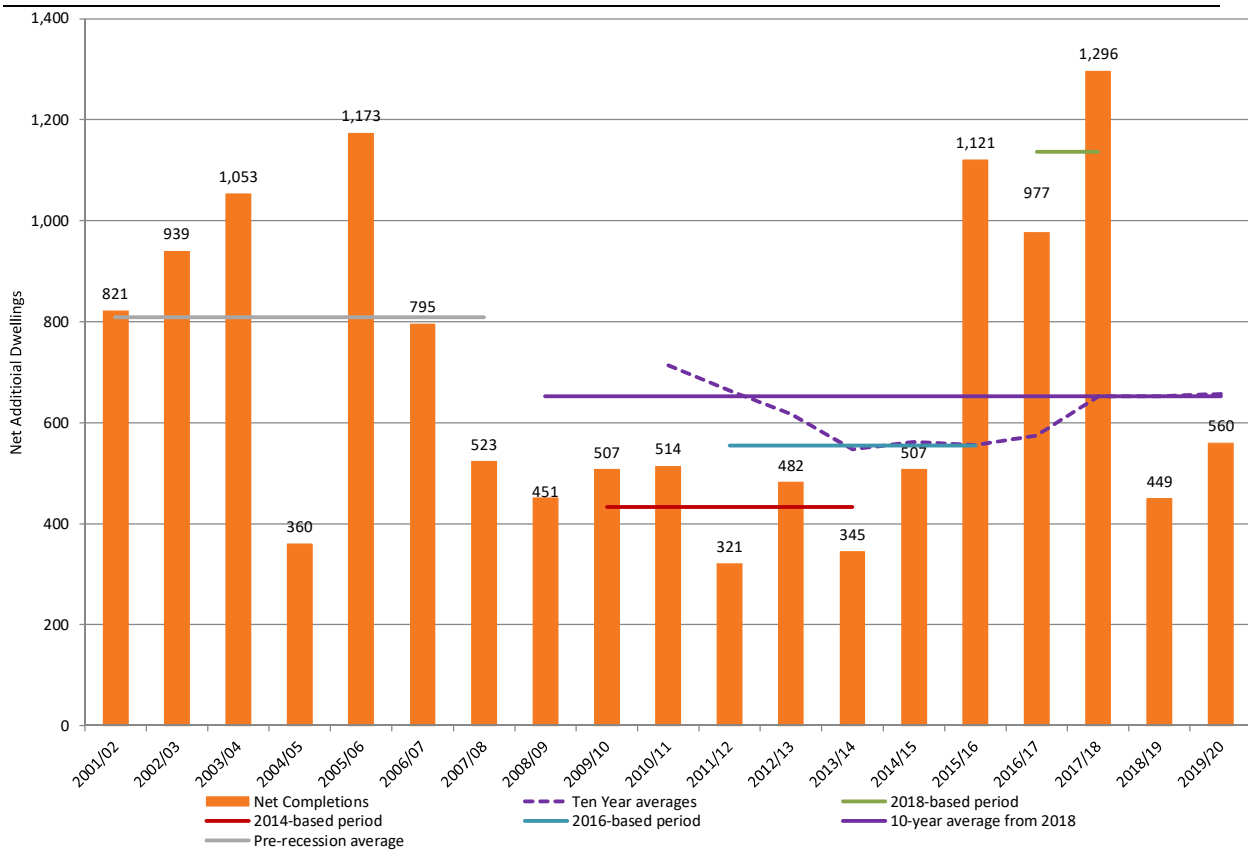
¹⁵ Practice Guidance - ID: 2a-017-20140306

¹⁶ Practice Guidance - ID: 2a-015-20190220

¹⁷ Practice Guidance - ID: 2a-017-20190220

- 3.18 In the base period for the 2016-based projections, completions were lower, at 555 dpa. The 2014-based projections are even lower, at 434 dpa. However, the most recent 2018-based projections draw upon a 2-year period where average completions were higher than any of the comparator time periods, of 1,137 dpa, picking up the steady increase in housebuilding in York that rose to 1,296 dwellings in 2017/18. This suggests that housebuilding is recovering to levels that were consistently seen in the boom years prior to the recession, the drop in the past two years notwithstanding.
- 3.19 Whilst the link between housing completions and population growth is complex, it is surprising that the 2018-based SNPP is based on a time period when the level of housebuilding is at a very high level, when strong levels of net inward migration might have reasonably been expected. We note that for 2016/17, the LT122 MHCLG figure for dwelling completions was just 378, not 977 as reported by CoY and there are very significant discrepancies between the Council’s figures and those that were reported to MHCLG (and which originally informed the Housing Delivery Test’s figures). The Council now suggests that it has delivered 5,177 dwellings over the plan period to date (2012/13-2019/20), whereas their returns to MHCLG suggested that this was only 3,255, a huge discrepancy of 1,922 dwellings.

Figure 1 Historic completions in the City of York - 2001/02 to 2019/20



Source: EX_CYC_HFR vs. AMR 2021 / MHCLG Table 122: Net Additional Dwellings by Local Authority District

- 3.20 It would be helpful for the Council to outline why these figures are so out of line (for example in 2016/17 it informed MHCLG that it had delivered 378 net additional dwellings, whereas it is now suggesting that 977 were actually delivered – a difference of

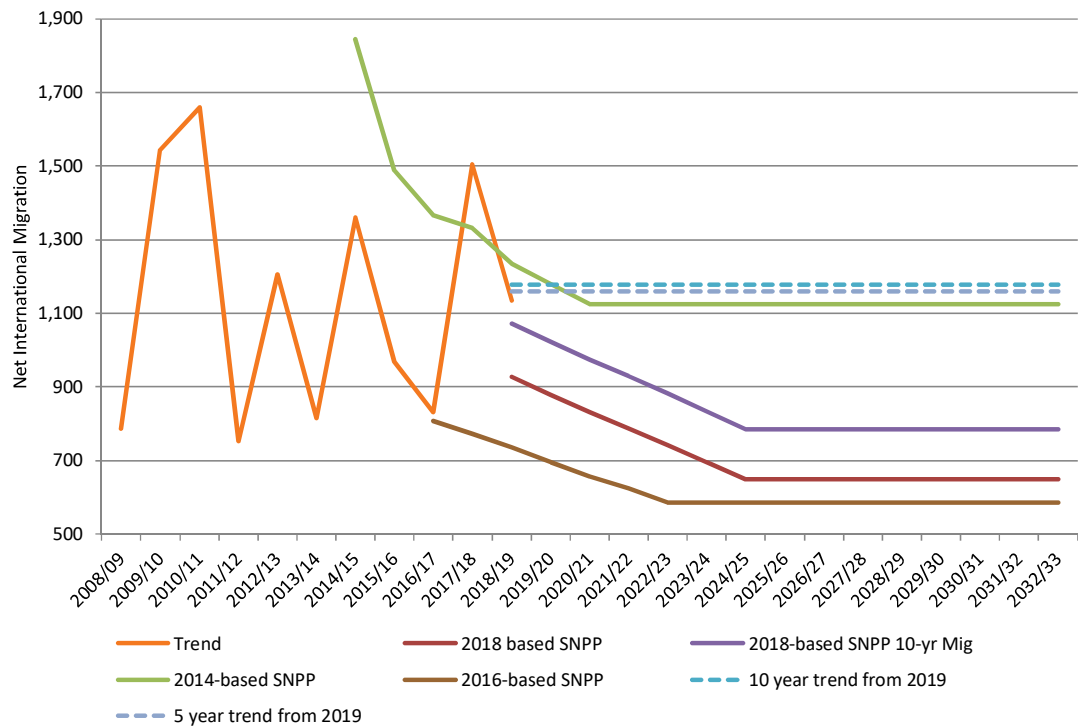
599 units), particularly as this has informed the 32 dpa under supply uplift (which would rise to 153 da if the LT122 MHCLG figures were used).

International Migration

3.21 Another way to consider whether the City of York has seen any ‘unusual’ or one-off events which mean longer term trends are more appropriate is to look at migration. Figure 2 shows historic levels of net international migration to the City of York. It is similar to GL Hearn’s Figure 4 in the 2019 HNU (they chose not to replicate this in their 2020 Update), but it includes more up-to-date data relating to the 2019 Mid-Year Population Estimates and the latest 2018-based SNPP.

3.22 Overall the international migration figures suggest net migration rose after the recession, at a time when housebuilding was falling. However, since that time, net migration has fluctuated between c.750 and 1,660 annually.

Figure 2 Historic Net International migration to the City of York, 2008/09 to 2018/19 and Future Projections



Source: ONS

3.23 The 2018-based SNPP net international migration figures look anomalous compared to past trends. From 2022/23 onwards, the principal projection is adjusted down to just 649 annually, a figure that is far lower than any net international migration figure for the past 18 years with the exception of 2005/06. In contrast, the 10-year trend equates to 1,177 annually (almost double the 2018-based SNPP), whilst the 5-year trend is almost as high, at 1,160. As can be seen in the Figure, the 2014-based SNPP net international migration figure sits just below these trends, at 1,125.

3.24 Importantly, GL Hearn argues that greater weight should be attached to the 10-year Migrant Variant as these “are arguably more robust from a methodological point of view than the principal projection as they use longer term trends”, and indeed they have used this to inform their preferred OAHN scenario. However, we can see from the Figure that

the scenario is clearly not based on 10 year international migration trends, as with a net rate of just 786 this sits well below the actual 10 year trends (*note: the 10 year trend for net international migration to 2018, rather than 2019 is also much higher, at 1,143 per annum*).

3.25 The 2019 HNU argued (in paragraph 2.11) that there is a close alignment between the 2016-based SNPP and the recorded MYE for 2016/17, which is correct; however, for 2018/19 the 2016-based SNPP recorded a net international migration figure of just 736, when 1,134 were actually recorded in the 2019 MYE. It is worth noting that GL Hearn stays silent on this point in the 2020 HNU – presumably because it is quite clear that the 2019 net international migration figure for the principal 2018-based SNPP, at 878, is considerably lower than the 1,134 actually observed for that year.

3.26 In terms of what may be causing this discrepancy, it is worth noting that the emerging Local Plan recognises that York has a large proportion of higher education students which is set to continue following the expansion of the University of York and as other establishments continue to provide modern education facilities to accommodate growing student numbers [paragraph 1.48]. In particular, York St John University has experienced rapid student growth in recent years:

“The University currently has 6,500 students (FTEs) and employs 750 staff. The increase in student numbers of the last 10 years is circa 93% and it is anticipated that the total will increase to 8,000 by 2018.” [1.60]

3.27 It is possible that a significant proportion of these students have come from abroad, helping to boost the projections, and that this is forecast to continue for the foreseeable future once the economy recovers from the Pandemic/Brexit fallout.

Economic Growth

3.28 The 2020 HNU modelled only one economic growth scenario, the REM projections for December 2019, which relates to net job growth of 650 per annum 2019-2033. The modelling undertaken by GL Hearn translates this job growth into a housing need of 766 dpa, rising to 779 dpa when a 1:1 Commuting Ratio is applied. This is considered by GL Hearn to be the Council’s new OAHN, although as this is broadly comparable to the 790 dpa identified in the 2019 HNU it was considered that there was no need for the Council to move away from their current position based on this new data.

3.29 There are some clear omissions with GL Hearn’s approach:

- 1 There is a **clear discrepancy regarding the modelling period**. The job growth figure used in the ELR relates to 2014-2031 (+11,050 jobs, §3.4 of the HNU), whereas GL Hearn has projected this forward over a completely different time period, 2019-33/37 (Table 8 of the HNU).
- 2 It is **unclear how GL Hearn has modelled job growth in the years 2017-2019**. Reference to NOMIS’s Job Density information suggests that the City’s workforce grew by 2,000 over that 1-year period at a rate of 1,000 annually. GL Hearn’s modelling does not appear to have factored this strong growth into its assessment.
- 3 GL Hearn states that they *“have not examined the economic need associated with historic employment growth as the accommodation has already been **provided to support that growth**. We have therefore focussed on the economic-led need required to support 650 jobs per annum for the period 2019-33 and 2019-*

37 with the interim period to 2019 taken from published in MYE” [sic, paragraph 3.5]. GL Hearn’s justification for not examining the economic need associated with historic employment growth is therefore because “*the accommodation has already been provided to support that growth*”. However, that is not the case, hence the fact that the Council is factoring in a backlog of 32 dpa into its housing requirement to reflect historic under-supply.

- 4 The HNU has **not analysed past economic growth trends**. York has been very successful in boosting economic growth, with job growth of 16,000 between 2000 and 2017¹⁸, equivalent to a Compound Average Growth Rate [CAGR] of 0.83%. This is significantly higher than the 0.53% equivalent to 650 jobs per annum 2017-37. In our previous representations, Lichfields modelled this past trend job growth figure in our Technical Appendix and generated a need for up to **1,062 dpa** – close to the standard method LHN figure of 1,1,013 dpa.

3.30 The Council’s housing and employment land evidence is therefore inconsistent and misaligned due in part to confusion over the timescales.

Housing Market Areas

3.31 The Council’s Housing Market Area [HMA] evidence is founded on the June 2016 City of York SHMA produced by GL Hearn. The report concludes that:

“While we propose a HMA which links to Selby and York we are not considering housing need across the HMA”. [§2.106]

3.32 We support the principle of the City of York meeting its own housing needs (in full) within its own boundaries. However, if the Council is suggesting that it forms part of a joint HMA with Selby, then a joint SHMA should have been prepared¹⁹.

3.33 *The Joint Position Statement between the City of York and Selby District Council in relation to the Housing Market Area, April 2020* [EX_CYC_38] seeks to head this criticism off by stating that “*any links between York and Selby only extend to part of the Selby area and that this is considered to support the approach taken by the Councils through the Duty to Co-operate to meet their own objectively assessed housing needs within their own administrative areas*”, and that “*it is not practical to seek to align the preparation of the two Plans and to consider housing needs jointly across the HMA.*” [page 1]

3.34 However, for all intents and purposes, Selby and York share the same Housing Market Area. This is why the two Councils have prepared joint SHMAs in the past. They are also part of the same Travel to Work Area [TTWA], as set out in the ONS’s 2015 TTWA analysis (incorporating 2011 Census data). Whilst we do not object to the Councils meeting their own needs in full within their own areas, despite both Councils appointing GL Hearn to undertake SHMAs in recent years then at the very least, we would at least expect that GL Hearn would have used consistent data sources and methodologies. This has not happened.

3.35 As a result, we now have a situation whereby GL Hearn produced the City of York – Housing Needs Update in 2020. They also produced a SHMA Update on behalf of Selby District Council in February 2019. Presumably the company had virtually identical datasets available to them, yet chose to apply completely different approaches (*please*

¹⁸ NOMIS Jobs Density data

¹⁹MHCLG (March 2012): National Planning Policy Framework, §159

refer to our previous representations for an assessment of the differences between the 2019 York HNA and the 2019 Selby SHMA Update).

- 3-36 The Joint Position Statement now clarifies that whilst the City of York continues to use the NPPF 2012 OAHN approach to identify its housing needs, Selby will be using the standard method to identify its housing requirement. **Conveniently, this results in a ‘drive to the bottom’ for both parties, with York pursuing an OAHN figure of 790 dpa rather than an SM2 figure of 1,013 dpa, whilst Selby uses the SM2 figure of 342 dpa rather than its previous OAHN of 410 dpa!**
- 3-37 There are therefore numerous disparities in the approaches taken to determine the scale of housing need for York and Selby. It is Lichfields’ view that CoYC should seek to meet its housing needs in full within its own boundaries. Nevertheless, if CoYC does consider that Selby forms part of a wider HMA with York then it should have a consistent evidence base, which it does not. The fact that Selby’s Core Strategy is out of date and the Standard Method is in play highlights the inconsistency even more.

Implications of revising the Plan Requirement

- 3-38 We also raise the issue which could arise should the Council choose to revise down its requirement as a result of the new projections, namely that in light of the Standard Method producing a figure of around 1,013 dpa, this would reduce the longevity of the plan and trigger an early review (as per the PPG, ID 61-043). Therefore, reducing the plan requirement now in light of the 2018-based household projections would create an even greater gap between the current plan requirement and the requirement under the Standard Method, **further undermining the longevity of the plan** and credibility of the plan-led system which is a Core Principle of the NPPF (2012).

Changes to housing evidence during Local Plan examination processes – examples from elsewhere

- 3-39 On 9th July 2020 the Inspectors of the York Local Plan Examination wrote to the Council stating that the ONS recently published their 2018-based household projections (2018-2028) on 29th June 2020. *“On the face of it, from our understanding of these latest ONS projections, there is a reduction in the household projections for York, particularly between the 2014-based and 2018-based projections. As such, it appears that the latest available information leads to a different starting point for the calculation of the OAHN for York. In order for us to determine whether or not the Plan’s housing requirements are soundly based, we will need to consider whether or not the publication of the 2018-based household projections represents a meaningful change in the housing situation from that which existed when the OAHN was assessed and determined for the submitted Plan, subsequently updated through the Housing Needs Update and at the time of the relevant hearing sessions in December 2019.”*
- 3-40 The Council was therefore invited to address this question, with evidence-based reasons, on whether or not they consider that the publication of the 2018-based household projections represents a ‘meaningful change’ in the housing situation from that which existed at the time of the Plan’s submission, the subsequent re-assessment of the OAHN in the Housing Needs Update (January 2019) and the relevant hearings in December 2019. *“Furthermore, if it is considered that there has been a ‘meaningful change’, could the Council set out what the implications are for the housing requirement figures in the*

submitted City of York Local Plan and those subsequently submitted as a result of the Housing Needs Update (January 2019)."

- 3.41 The ongoing publication of new data (with population and household projections being published on a two-yearly cycle, until recently on alternate years) has often led to delay where publication has caught up with plan preparation or plan examinations. This has been the case despite the PPG highlighting that a balance needs to be struck between ensuring plans are based on up-to-date evidence whilst, at the same time, ensuring assessments are not rendered out-of-date every time new projections are published. In this context, the PPG discusses how “*a meaningful change in the housing situation should be considered...*” (PPG 2014 ID 2a-016) but this needs to be balanced with the NPPF’s core planning principle that planning should be “*genuinely plan-led*” (NPPF 17) which can, by definition, only be achieved by having a plan in place.
- 3.42 The York Local Plan examination will soon enter its fourth year having been submitted in 2017 and this is the Council’s first new plan ever (i.e. it has yet to adopt a plan which post-dates the introduction of an NPPF). There is clearly a balance to be struck between further delays to the adoption of the plan on the basis of debates around OAHN and getting the plan in place. Arguably, continued delays to the adoption of the plan would seek to undermine the NPPF’s core planning principle that the system should be genuinely plan-led.
- 3.43 In this context, there are numerous examples where the publication of new projections (i.e. where more recent projections indicate a lower starting point/lower demographic change than previous assessments) through the examination process has not led to a revision in the OAN, including Wycombe²⁰, Broxbourne²¹, Braintree²².
- 3.44 From these examples there are two commonalities when Inspectors have considered the impact of new, lower projections published during the examination process on OAHN:
- 1 Even where there are apparently substantial reductions in the household projections (to a degree of 40% in two of these examples) there is a recognition that such projections are just the starting point and only one of many elements which influence the OAN, and thus a reduction in the starting point does not automatically justify a reduction on the overall OAHN (for example, a market signals uplift cannot simply be reapplied to this new starting point to derive an updated OAHN, as is being suggested in Welwyn Hatfield). There are other factors, such as affordable housing need, which should be part of the assessment leading to a concluded OAHN; and
 - 2 In all three examples the Inspectors seek to balance the need for up-to-date evidence with the need for the planning system to be genuinely ‘plan-led’ by enabling timely adoption of the plan by minimising delay. In the case of Wycombe and Broxbourne the updated evidence represented just one set of projections (from 2014-based in each of their submitted plans to 2016-based projections being published during the examination) and in both cases the Inspectors discussed the need to minimise delays and ensure timely adoption of the respective plans. In the case of the North Essex Plan (which saw three sets of projections put in front the examination; 2014-based, 2016-based and 2018-based, as is the case in Welwyn Hatfield) the Inspector placed an even greater emphasis on the need for timely plan adoption, noting that the examination had already been ongoing for over three years.

²⁰ See Wycombe Local Plan Inspector’s Report July 2019 [here](#)

²¹ See Broxbourne Local Plan Inspector’s Report April 2020 [here](#)

²² See the North Essex Authorities’ Shared Strategic Section 1 Plan Inspector’s Report December 2020 [here](#)

- 3.45 The above examples further demonstrate that using the 2018-based SNPP as a justification to reduce the housing target would not be in accordance with the NPPF or PPG, and there has been clear precedent for rejecting this approach by other Inspectors.

Summary

- 3.46 We welcome GL Hearn’s use of the 10-year migration trend and the modelling of the alternative internal migration scenario. The ONS’s 2018-based SNPP now assumes lower fertility rates, lesser improvements in life expectancy (i.e. higher death rates) and lower net international migration across the country (with past trends migration confined to just 2 years of data), and York is no exception. The latter input does, however, appear excessive given past trends.
- 3.47 However, given the issues raised above regarding the extremely low levels of international migration underpinning even this variant scenario compared to past trends we do question why GL Hearn chose not to model the High International variant produced by ONS alongside the other variants. This suggests that over the 2018-2033 period, net international migration could contribute 16,645 new residents to the local area (net), compared to 12,794 based on the 10-year migration trend and just 10,705 based on the principal 2018-based SNPP. The longer-term net international migration figure of 1,144 residents under this scenario is also much more readily comparable with the 10-year trend (to 2019) of 1,177.
- 3.48 It is considered that at the very least there should be a sensitivity testing for long term migration trends in the HNU for York based on ‘*specific local circumstances*’ (as per PPG ID 2a-017). In this respect, the HNU does not fulfil the requirements set out in ID 2a-017 regarding sensitivity testing of the official projections.
- 3.49 We are also concerned that there are flaws with the approach followed by GL Hearn regarding the alignment with economic growth, not least the discrepancies over the time period and the missing data for 2017-2019 (a period of very strong economic growth).
- 3.50 Furthermore, as we have repeatedly raised in our previous representations, the Council accepts that both York and Selby share a Housing Market Area. It therefore makes no sense for the two districts to follow completely different approaches to identifying their housing needs, choosing to follow conflicting methods that result in the lowest possible housing target for each area.

4.0 Market Signals

4.1 The Framework sets out the central land-use planning principles that should underpin both plan-making and decision-taking. It outlines twelve core principles of planning that should be taken account of, including the role of market signals in effectively informing planning decisions:

“Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.” [§17]

4.2 The Practice Guidance²³ requires that the housing need figure as derived by the household projections be adjusted to take into account market signals. It indicates that comparisons should be made against the national average, the housing market area and other similar areas, in terms of both absolute levels and rates of change. Worsening trends in any market signal would justify an uplift on the demographic-led needs. In addition, the Practice Guidance²⁴ highlights the need to look at longer term trends and the potentially volatility in some indicators.

4.3 The Practice Guidance also sets out that:

“...plan-makers should not attempt to estimate the precise impact of an increase...rather they should increase planning supply by an amount that, on reasonable assumptions...could be expected to improve affordability...”²⁵.

4.4 This clearly distinguishes between the demographic-led need for housing (generated by population and household growth) and the market signals uplift which is primarily a supply response over and above the level of demographic need to help address negatively performing market signals, such as worsening affordability.

4.5 As set out in detail above, GL Hearn has rather unusually, decided not to update market signals for the City; *“however given the extent of the economic need and the uplift this entails from the demographic starting point a further uplift would not be merited”*.

4.6 This is not necessarily the case – GL Hearn has concluded that the demographic starting point should be adjusted due to issues with the principal 2018-based SNPP, and that they see *“the variant migrations scenarios as being the more suitable to use for York”*. [paragraph 2.22] The adjustment, from 465 dpa to 669 dpa (2017-2033) is not to address affordability issues; it is to address *“issues with the projections using internal migration trends over just 2 years and household formation rates which lock in recessionary trends”* [paragraph 5.2].

4.7 As is clearly stated in the original PPG on the subject, the purpose of the market signals adjustment is to *“increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability.”²⁶*

4.8 **It would therefore be illogical to apply this to the principal SNPP projection, given that GL Hearn accepts that this is not a robust trajectory of future population growth. Only by applying the market signals uplift to the realistic**

²³ Practice Guidance - ID 2a-019-20140306

²⁴ Practice Guidance - ID 2a-020-20140306

²⁵ ibid

²⁶ Paragraph: 020 Reference ID: 2a-020-20140306

demographic starting point (at the very least, the 10-year migration figure of 669 dpa) can we hope to boost supply to the extent that it starts to improve affordability in the City.

4.9 The most recent market signals analysis undertaken by GL Hearn was in its 2019 Housing Needs Update (Section 4.0). In that report, the HNU noted that:

- Lower quartile house prices in York exceed that of England by £30,000 despite having a similar overall median house price;
- The gap of median house price growth between York and North Yorkshire has widened from 10 years ago. Since 2008 the rate of change for York has been 1.25, similar to the national growth of 1.3;
- Median rental values in York are £745, £70 higher than the rest of England and £220 higher than Yorkshire and the Humber region [4.13]. LQ rental price growth has increased by 14% over the past 5 years, compared to 11% nationally;
- York has a median affordability ratio of 8.62 and a 5-year rate of change equal to 1.88, compared to 5.90 for Yorkshire and the Humber (0.55 change) and 7.91 (1.14 change) for England [Table 12];

4.10 As a consequence of these poor (and worsening) housing market signals, GL Hearn concluded that:

“The affordability statistics and the market signals reveal that as a whole, York is becoming increasingly more unaffordable and that a market signals adjustment in the City is necessitated” [4.19].

4.11 **On the basis of these signals, GL Hearn applied an uplift of 15%.** This is higher than the 10% previously recommended in the September 2017 SHMA Update. *“Such an uplift applied to the demographic starting point (484 dpa) would arrive at an OAN of 557 dpa...This is some way short of both the adjusted demographic growth and the economic growth. Therefore, the OAN should remain as 790 dpa in order to achieve both improvements to household formation and meet economic growth. This equates to an increase of 63% from the start point.” [4.34-4.35]*

4.12 In our previous representations²⁷, Lichfields concluded that based on a detailed review of similar market signals, **an uplift of 20% was suitable.** Nothing that GL Hearn has presented causes us to change our opinion, and indeed they have failed to provide any updated response despite the fact that house prices nationwide are increasing at record levels.

Past Under Delivery of Housing

4.13 To take a clear example, which is not even examined in GL Hearn’s 2019 assessment of market signals, the PPG is clear that historic rates of development should be benchmarked against the planned level of supply over a meaningful period. Table 4.1 sets the Council’s various housing targets/presumed OAHN against the actual net housing completions. With the exception of 3 years between 2015/16 and 2017/18, housing delivery in York has missed the target each year since 2006/07. Overall delivery targets for these 16 years was missed by c.15% which equals to 1,899 units below the target level. Over the plan period from 2012/13, GL Hearn noted in its previous May 2017 SHMA Addendum [§3.14] that under-delivery may have led to household formation (particularly of younger households) being constrained and states that this point is picked up in the

²⁷Lichfields (March 2018): *Housing Issues Technical Report* / Lichfields (2019): *Housing Need Evidence Review*

report which uses a demographic projection-based analysis to establish the level of housing need moving forward.

Table 4.1 Rate of net housing delivery in York against possible policy benchmarks, 2004/05-2019/20

Year	Net Housing Completions	Council's OAHN	
		'Need'*	+/-
2004/05	360	640	-280
2005/06	1,173	640	533
2006/07	795	640	155
2007/08	523	640	-117
2008/09	451	850	-399
2009/10	507	850	-343
2010/11	514	850	-336
2011/12	321	850	-529
2012/13	482	790	-308
2013/14	345	790	-445
2014/15	507	790	-283
2015/16	1,121	790	331
2016/17	977	790	187
2017/18	1,296	790	506
2018/19	449	790	-341
2019/20	560	790	-230
Total	10,381	12,280	-1,899

Source: EX_CYC_HFR vs. AMR 2021

*RSS assumed average 640 dpa 2005/05-2007/08; 850 dpa 2008/09 -2011/12

4.14 The 2017 SHMA Update [§3.15] considers that this past under-delivery is not a discrete part of the analysis but is one of the various market signals which indicate a need to increase provision from that determined in a baseline demographic projection. It notes that this market signal will require upward adjustment through consideration of migration and household formation rates rather than just a blanket increase based on the level of 'shortfall'.

4.15 **It is clear from the Council's own evidence that the City has consistently under-delivered housing for 11 of the past 16 years. Furthermore, the Council's already low housing delivery figures have been artificially boosted by the inclusion of student accommodation in the completions figures.**

House Prices

The PPG²⁸ identifies that longer-term changes in house prices may indicate an imbalance between the demand for and supply of housing. We have reviewed the ONS's latest House Price Statistics for Small Areas (HPSSAs) release (2021), which reports the count and median price of all dwellings sold and registered in a given year. They are calculated using open data from the Land Registry, a source of comprehensive record level administrative data on property transactions. The latest median house prices in York, alongside North Yorkshire, Yorkshire and the Humber and England & Wales as of 2020 are presented in Table 4.2.

²⁸ 2a-019-20140306

Table 4.2 Median Dwelling price, York and comparator areas (2020)

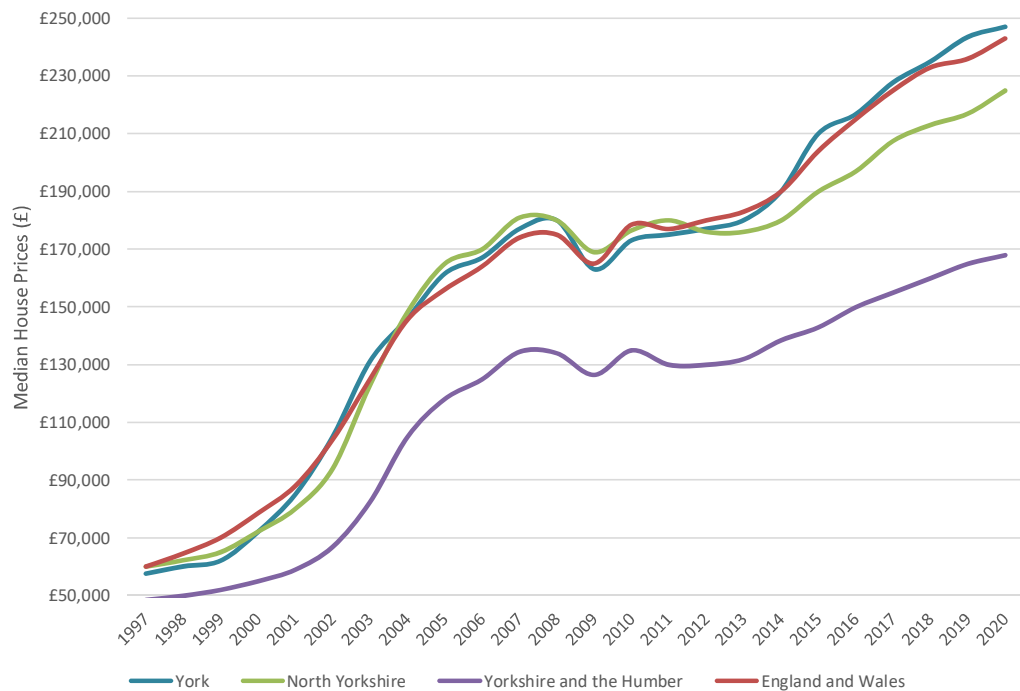
	Median Dwelling Price 2020	Long Term House Price Growth 1997-2020	Short Term House Price Growth 2017-2020
York	£247,000	+£189,500 (+330%)	+£19,275 (+8.5%)
North Yorkshire	£225,000	+£165,000 (+275%)	+£17,500 (+8.4%)
Yorkshire and The Humber	£168,000	+£119,500 (+246%)	+£13,000 (+8.4%)
England & Wales	£243,000	+£183,050 (+305%)	+£18,000 (+8.0%)

Source: ONS (2021): Median house price by country and region, England and Wales, year ending September 1997 to year ending September 2020 (£)

4.16 These median prices illustrate higher prices in York compared to national rates, with average house prices around £4,000 than England and Wales as a whole; £22,000 higher than in the surrounding sub-region, but a massive £79,000 higher than the Yorkshire region as a whole. Over the long term, the rate of growth has been considerably higher than all the comparator areas, at almost £190,000 since 1997 or 330%. Even over the past 3 years, the rate of growth has continued to accelerate, with an increase of £19,275, or 8.5%, since 2017 – higher in proportionate and absolute terms than the comparator areas.

4.17 The longitudinal analysis illustrated in Figure 4.1 is particularly revealing. This indicates that the City of York’s median house prices generally mirrored the rate of growth of North Yorkshire up until 2012, at which point the economic recovery following the 2008/09 recession saw York’s house prices accelerate at a much faster rate. It has in recent years almost exactly followed the England and Wales average rate and in fact has started to exceed it, which is very concerning given that is (to an extent) skewed by the extremely high house prices in London and the Greater South East.

Figure 4.1 Median House Prices



Source: ONS (2021): Median house price by country and region, England and Wales, year ending September 1997 to year ending September 2020 (£)

4.18

As set out in the Practice Guidance, higher house prices and long term, sustained increases can indicate an imbalance between the demand for housing and its supply. The fact that York’s median house prices have effectively more than tripled in 23 years, from £57,500 in 1999 to £247,000 in 2020, and have risen at a much faster rate than comparable national and sub-regional figures, which suggests that the local market is experiencing considerable levels of stress.

Lower Quartile House Prices

Arguably of even greater concern is the data regarding Lower Quartile house prices in the City of York. These are presented in Table 4.2 for the same comparator areas and indicate that LQ prices have increased from just £46,500 in 1997 to a concerning £196,000 by 2020 – an increase of almost £150,000, far in excess of the comparator areas and a level of growth 75% higher than the regional growth.

Table 4.3 Lower Quartile Dwelling price, York and comparator areas (2020)

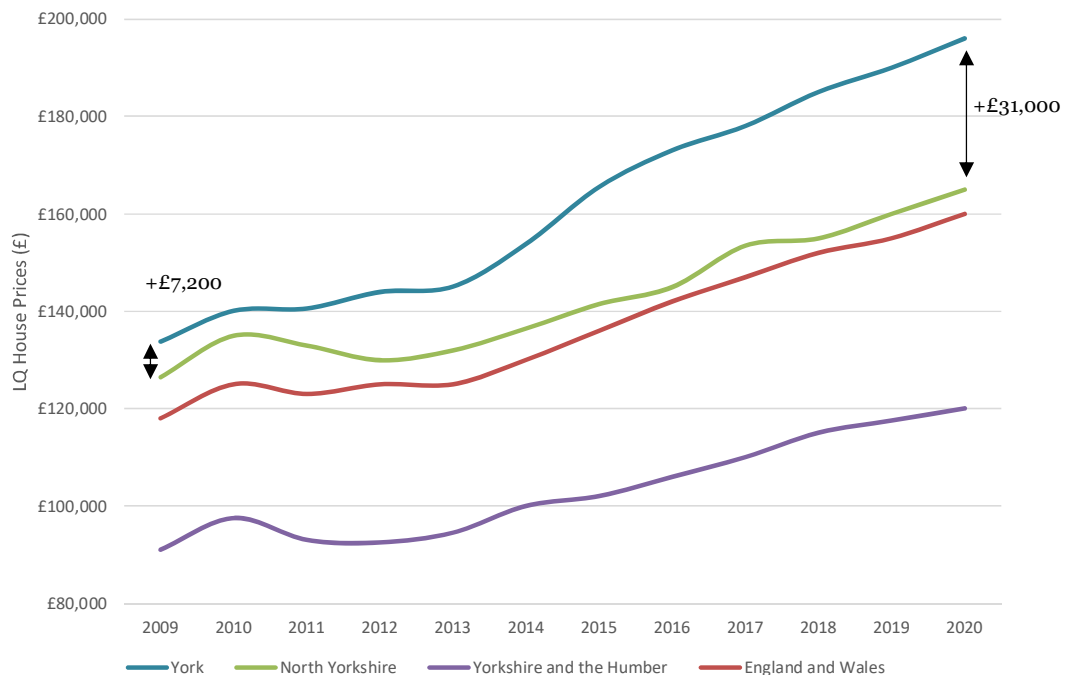
	LQ Dwelling Price 2020	Long Term House Price Growth 1997-2020	Short Term House Price Growth 2017-2020
York	£196,000	+£149,500 (+322%)	+£18,000 (+10.1%)
North Yorkshire	£165,000	+£119,000 (+259%)	+£11,500 (+7.5%)
Yorkshire and The Humber	£120,000	+£85,000 (+243%)	+£10,000 (+9.1%)
England & Wales	£160,000	+£117,500 (+276%)	+£13,000 (+8.8%)

Source: ONS (2021): Lower Quartile house price by country and region, England and Wales, year ending September 1997 to year ending September 2020 (£)

4.19

To put this into context, the current LQ price in York of £196,000 was equal to the City’s median house price only five years ago (in 2015). By way of comparison, North Yorkshire’s current LQ house price of £165,000 last equated to the median house price ten years before in 2005.

Figure 4.2 Lower Quartile House Prices



Source: ONS (2021): Median house price, year ending September 1997 to year ending September 2020 (£)

4.20 This suggests that the gap between LQ and median house prices is narrowing in York at a very fast rate, making housing increasingly unaffordable for those on low incomes, a trend vividly illustrated in Figure 4.2.

Affordability

4.21 The CLG’s former SHMA Practice Guidance defines affordability as a ‘*measure of whether housing may be afforded by certain groups of households*’²⁹. A household can be considered able to afford to buy a home if it costs 3.5 times the gross household income for a single earner household or 2.9 times the gross household income for dual-income households. Where possible, allowance should be made for access to capital that could be used towards the cost of home ownership [page 42].

4.22 The Practice Guidance concludes that assessing affordability involves comparing costs against a household’s ability to pay, with the relevant indicator being the ratio between lower quartile house prices and lower quartile [LQ] earnings³⁰. Given that the median Affordability Ratio [AR] is used to inform the Government’s standard methodology for calculating Local Housing Need, we have also included this indicator in Table 4.4 below.

4.23 It indicates that the City of York has a very high Median AR of 8.04, which is significantly above the regional and national averages, although just below the comparable figure for North Yorkshire. The rate of change has also been worryingly high, at 4.33 points, or 117%, since 1997 – a rate of change equal to the national level. More recently, the rate of change has actually fallen slightly, although this is a trend that has been observed across the country. Furthermore, this is not due to house prices declining – as we have demonstrated above, they have continued to accelerate in York –rather that workplace wages have actually increased at a faster rate (the City’s median wages increased by 16.2% between 2017 and 2020 to £30,725, well above the rate of change observed both nationally and regionally at 9.2%).

Table 4.4 Workplace-based Affordability Ratios, York and comparator areas (2020)

	Median Affordability Ratio			Lower Quartile Affordability Ratio		
	2020	Rate of Change 1997-2020	Rate of Change 2017-2020	2020	Rate of Change 1997-2020	Rate of Change 2017-2020
York	8.04	+4.33 (+117%)	-0.57 (-6.6%)	9.09	+5.07 (+126%)	+0.03 (+0.3%)
North Yorkshire	8.11	+3.91 (+93%)	-0.10 (-1.2%)	7.94	+3.53 (+80%)	-0.16 (-2.0%)
Yorkshire and The Humber	5.84	+2.72 (+87%)	-0.05 (-0.8%)	5.65	+2.55 (+82%)	-0.08 (-1.4%)
England & Wales	7.69	+4.14 (+117%)	-0.08 (-1.0%)	7.01	+3.47 (+98%)	-0.14 (-2.0%)

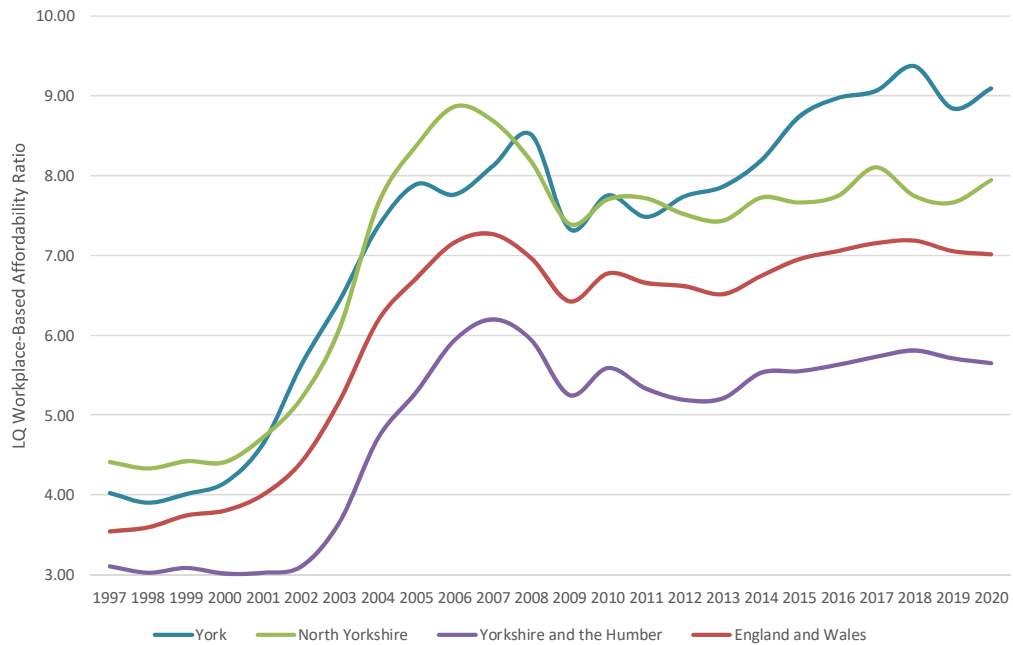
Source: ONS (2021): Ratio of median / Lower Quartile house price to median /Lower Quartile gross annual (where available) workplace-based earnings by country and region, England and Wales, 1997 to 2020

4.24 The situation is even worse when we analyse the City of York’s Lower Quartile Affordability Ratio. Figure 4.3 illustrates that although the ratio fell substantially from a peak of 8.51 in 2008 following the financial crash and subsequent economic downturn, it has steadily increased since 2009 at a much faster rate than any of the comparator areas and is now 9.09 – significantly above the national level of 7.01 and particularly the regional rate of 5.65.

²⁹ Annex G

³⁰ 019 Reference ID: 2a-019-20140306

Figure 4.3 Ratio of Lower Quartile house price to Lower Quartile earnings



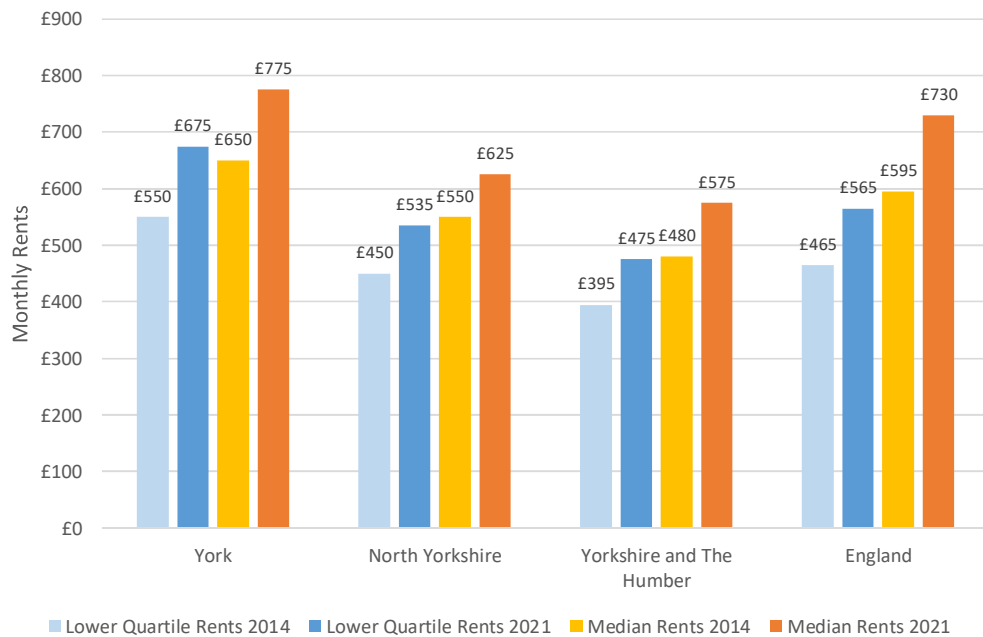
Source: ONS (20210: Ratio of Lower Quartile house price to Lower Quartile gross annual (where available) workplace-based earnings by country and region, England and Wales, 1997 to 2020)

4.25 The affordability ratio highlights a constraint on people being able to access housing in York, with house price increases and rental costs outstripping increases in earnings at a rate well above the national level.

Rents

4.26 On a similar basis, high and increasing private sector rents in an area can be a further signal of stress in the housing market. As can be seen in Figure 4.4, Median rents in York are as high as £775 per month, well above the national level (£730) and over a third higher than the regional rate. The rate of growth of median rents over the past 7 years or so has also been very high in York, at 23% compared to 19% for North Yorkshire; 20% for Yorkshire and the Humber; and 21.5% nationally. As for LQ rents, these are even more concerning, with York’s at £675 per calendar month compared to £565 nationally.

Figure 4.4 Monthly Rents



Source: VOA Private Rental Market Statistics 2021

What scale of uplift should be applied?

- 4.27 The PPG sets out a clear two-stepped process to addressing market signals within the calculation of OAHN:
- 1 Firstly, it is necessary to determine **whether** a market signals uplift is necessary. This is set out in PPG ID2a-019 within the first sub-paragraph as follows:

“Appropriate comparisons of indicators should be made... A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections.”
 - 2 Secondly, when a market signals uplift is required, it is necessary to identify at **what scale** that should be set, with guidance given that it should be set at a level that could be expected to improve affordability. This is set out in PPG ID2a-019 within the second and third sub-paragraphs as follows:

“In areas where an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable... they should increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability, and monitor the response of the market over the plan period.”
- 4.28 The principle of a market signals uplift in York (i.e. Stage 1) has not been disputed by the Council’s housing consultants in the past (even though they have chosen not to re-enter the debate in their latest 2020 HNU). However, the scale of the uplift is disputed, principally because there is no sound basis to conclude that the uplift can be reasonably expected to improve affordability, and the HNU provides no evidence that it will do so. In addition, as previously noted, because the 2019 HNU applied its market signals uplift to a flawed demographic-led assessment of need, any figure flowing from this is in itself also flawed.

- 4.29 The market indicators show that there are significant imbalances between the demand for and supply of housing in the City of York. This analysis indicates pressure on the housing market, which will not be addressed by providing only for the level of growth produced by the continuation of demographic trends. A response is clearly required through an adjustment to the demographic-based scenarios, in line with the recommendations set out in the Practice Guidance.
- 4.30 By way of setting the initial context, the 2019 HNU recommends a 15% uplift to the demographic starting point of 484 dpa, which results in an OAHN of 557 dpa. However, GL Hearn notes that this is some way short of the economic led need of 790 dpa, which is the housing requirement now identified in the Proposed Modifications to the City of York Local Plan. The 2020 HNU has not revisited the debate.
- 4.31 It is noted that although the Local Plan is being examined under the transitional arrangements for the NPPF, the standard method identifies that York would have an **affordability uplift equal to 25% to the 2014-based SNHP**. This is because the Ratio of median house price to median gross annual workplace-based earnings in York was 8.04 in 2020. This is significantly higher than the equivalent affordability ratio for England and Wales, at 7.69 for 2020.

Apportionment of national needs

- 4.32 The City of York is relatively worse in respect of affordability than the national equivalent. As set out above, as of 2020 the City of York has an LQ Affordability Ratio of 9.09, compared to the national rate of 7.15. All other things being equal, to improve affordability across the country, the City of York and its HMA peers would need to make a proportionately greater uplift than those where affordability issues are less acute. This exercise has been undertaken on the basis that Government has a frequently stated aim to bring housebuilding to a level of 300,000 per year by the mid-2020s. This national total equates to an uplift of 79,000 on the 2014-based household projections (which suggest a need for c. 221,000 homes per annum 2017-33, including a 3% vacancy allowance); an uplift of 131,000 dpa on the 2016-based SNHP and an uplift of 135,000 dpa on the 2018-based SNHP.
- 4.33 It is possible to consider how this required uplift should be shared between 320+ LPAs across the country in order to seek to hold the affordability ratio (at least at a national level) constant. Two alternative scenarios for market signals uplifts across the country have been modelled, as follows:
- 1 Each district with an affordability ratio above the national ratio makes a market signals uplift in proportion to its difference with the national figure;
 - 2 Every district (whether above or below the national ratio) makes a market signals uplift in proportion to its difference with the lowest affordability ratio, in Copeland at 2.4 (weighted 50%), and its projected household growth (weighted 50%).
- 4.34 The results for the City of York under these methods is shown in Table 4.5. The uplift has been based on a demographic baseline of 462 dpa, based on the 2016 projections plus a 3% vacancy rate, falling to just 302 dpa using the 2018-based SNHP. To meet a national figure of 300,000 per annum the scale of uplift would need to be 33% at least, although taking into account the City of York's relative size this could be as high as 48%.

Table 4.5 Outcomes for the City of York- Apportionment of National Needs

	National total of 300,000 2016-based SNHP			National total of 300,000 2018-based SNHP		
	Share of 131,000 uplift	Dwellings	Uplift (from 669 dpa)	Share of 135,500 uplift	Dwellings	Uplift (from 669 dpa)
Method 1	0.22%	293	44%	0.22%	303	45%
Method 2	0.24%	321	48%	0.16%	222	33%

Source: Lichfields based on ONS/MHCLG

- 4.35 The analysis clearly shows that an uplift well in excess of the 15% put forward in the 2019 HNU would be needed to reasonable expect an improvement in affordability in the City of York, and for the City to be contributing to the need nationally for new homes, taking into account affordability and its size. It is notable that using a 300,000 per annum total, the uplift for York identified in the Government’s standardised methodology – at 25% - falls below the very lower end of the range (33%-48%) identified through this exercise.

Summary

- 4.36 In light of the above analysis, there is a case to be made that at the very least, the market signals uplift for the City of York should be a minimum of 25%. Even taking GL Hearn’s adjusted baseline of 670 dpa based on the latest projections, this would equate to 838 dpa. Our modelling suggests that an uplift even greater than this may be needed to improve affordability and achieve the Government’s long held aspiration for 300,000 dpa; however in light of stock growth elsewhere and the outcomes of the Standard Methodology, a minimum of **25%** is considered appropriate.
- 4.37 This clearly underlines the failure of the HNU to adequately meet the PPG requirement to set its uplift at a level that is related to the problems of affordability or that could be expected to improve affordability; indeed, the HNU fails to approach this question at all.
- 4.38 **When applied to the Council’s adjusted demographic starting point of 669 dpa, this results in a need for 836 dpa.**

5.0 Affordable Housing Needs

5.1 In line with the 2012 Framework³¹, LPAs should:

“...use their evidence based to ensure their Local Plan meets the full, objectively assessed needs for market and affordable housing...”

“...prepare a SHMA which...addresses the need for all types of housing, including affordable.”

5.2 The Practice Guidance³² sets out a staged approach to identifying affordable housing needs, and states that affordable housing need should be:

“...considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments...an increase in the total housing figures included in the plan should be considered where it could help deliver the required number of affordable homes.”

5.3 Two High Court Judgements go to the heart of addressing affordable housing within the identification of OAHN. ‘Satnam’ establishes that affordable housing needs are a component part of OAHN, indicating that the ‘proper exercise’ is to identify the full affordable housing needs and then ensure that this is considered in the context of its likely delivery as a proportion of mixed market/affordable housing development. ‘Kings Lynn’ builds on ‘Satnam’, identifying that affordable housing needs “*should have an important influence increasing the derived OAHN since they are significant factors in providing for housing needs within an area.*” [§36]. This is clear that affordable housing needs are a substantive and highly material driver of any conclusion on full OAHN.

5.4 The 2020 HNU does not review affordable housing need (indeed it is not even mentioned anywhere in the document). It is, however, discussed in the City of York Council’s *Affordable Housing Note* [EX_CYC_36] (February 2020). This report acknowledges that the most recent assessment of affordable housing need for the City remains the 2016 SHMA, which identified a net affordable housing need of **573 homes per annum or 12,033 dwellings over the 2012-2033 period**. This suggests a worsening situation when compared with the previous figure of 486 affordable homes per annum needed in the previous 2011 SHMA, produced by GVA.

5.5 Lichfields has not analysed in detail the figures forming the assessment of affordable housing needs, due in part to limitations on access to the underlying data; instead, Lichfields has focused on how this need has informed the OAHN conclusion. CoY Council summarises the approach as follows:

“The Housing Needs Update (2019) [EX/CYC/14a] considers this affordable housing need as part of the updated assessment of Objectively Assessed Housing need (OAN). GL Hearn conclude that an uplift to the demographic need figure to improve delivery of affordable housing may be justified. Key judgements including Kings Lynn v Elm Park Holdings (2015) were examined. In paragraph 35 of the judgement Justice Dove says ‘the Framework makes clear that these needs (affordable housing needs) should be addressed in determining the full OAN, but neither the Framework or the PPG suggest that they have to be met in full when determining the full OAN’. The judgement is clear that an assessment of affordable housing need should be carried out but that the level of affordable housing need does not have to meet in full in the assessment of OAN. This is a

³¹ Framework - Paragraphs 47 and 159

³² Practice Guidance - ID: 2a-022-20140306 to 2a-029-20140306

similar conclusion to the Inspector at the Cornwall Local Plan EIP who concluded that ‘National guidance requires consideration of an uplift; it does not automatically require a mechanistic increase to the overall housing requirement to achieve all affordable housing needs based on the proportions required from market sites’.

It was concluded that it may be necessary, based on affordable need evidence, to consider an adjustment to enhance delivery of affordable homes but that this does not need to be done in a mechanical way whereby the affordable need on its own drives the OAN.” [paragraphs 41 to 42]

- 5.6 The Affordable Housing Note then goes on to state that *“the updated market signals show that affordability is a worsening issue in York and therefore in accordance with the PPG an uplift to the demographic projections is appropriate and considering the evidence, GL Hearn proposes a 15% uplift. When applied to the demographic starting point (484 dpa) this 15% uplift would result in an OAN of 557 dpa which is some way short of both the adjusted demographic growth (679) the economic led need (790). GL Hearn conclude that the OAN should remain at 790 to achieve both improvements to household formation and economic growth which represents a 63% uplift on the demographic starting point.” [paragraph 43]*
- 5.7 **In taking this approach, GL Hearn is effectively conflating the uplift resulting from affordable housing need with uplift resulting from market signals analysis. These are two separate steps in the Practice Guidance and should not be combined in this manner.**
- 5.8 In contrast, the 2019 HNU reiterates the 573 dpa need and accepts that *“a modest uplift to the demographic based need figure to improve delivery of affordable housing in the City may be justified.” [paragraph 4.20].*
- 5.9 However, the HNU then reviews a number of High Court judgements and other Inspector’s reports, notably that for the Cornwall Local Plan, and concludes 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’ hereby the affordable need on its own drives the OAN”.* [paragraph 4.28]
- 5.10 The HNU does not proceed to test the scale of uplift that might be appropriate to help meet this very high level of affordable housing need, merely stating in the conclusions that the employment-led 790 dpa *“would be sufficient to respond to market signals, including affordability adjustments, as well as making a significant contribution to affordable housing needs”.*
- 5.11 A similar error is (silently) perpetuated in the 2020 HNU, where it is assumed that an economically-driven figure of 790 addresses the demographic need, worsening market signals and affordable housing requirements. That is clearly not the case.
- 5.12 The Affordable Housing Note suggests that as many as 3,539 affordable units could be delivered from all sources to 2032/33, at a rate of 221 dpa (Table 10). The Paper states that *“the Plan seeks to provide around 38.6% of the affordable housing need requirement. Whilst the Plan will not deliver the full affordable housing need it does seek to provide a significant uplift to the provision of affordable homes secured through the application of policy H10 and the provision of rural exceptions sites through the application of policy GB4.” [paragraph 44]*
- 5.13 The provision of the net affordable housing need identified is likely to be unrealistic given past dwelling completions in City of York. As set out in Table 12 of the Affordable

Housing Note, less than 10% (461 homes) of all completions (4,695 homes) during this period were affordable.

5.14 So the Council is clear that as a best case scenario, only 39% of the affordable housing need will be delivered in the Plan period, and no upward adjustment has been considered as required by the PPG. Even at a delivery rate of 30% of overall housing, the City of York would need to deliver **1,910 dpa** to address its affordable housing needs in full.

5.15 Taking into account affordable need within the calculation of OAHN does not necessarily involve a mechanistic uplift, or an indication that such identified needs must be met in full. It has to be a scenario which, on a reasonable basis, could be expected to occur. This is set out in the Kings Lynn judgment which concluded:

“...This is no doubt because in practice very often the calculation of unmet affordable housing need will produce a figure which the planning authority has little or no prospect of delivering in practice. That is because the vast majority of delivery will occur as a proportion of open-market schemes and is therefore dependent for its delivery upon market housing being developed.” [§35]

This is also consistent with the Practice Guidance³³ which sets out the assessment of *need* “does not require local councils to consider purely hypothetical future scenarios, only future scenarios that could be reasonably expected to occur.”

5.16 However, in line with the High Court Judgments, this still needs to be an uplift of consequence, insofar as it can reasonably be expected to occur. This will inevitably need to involve judgement, based on relevant evidence, as to the extent to which any scale of uplift could be reasonably expected to occur.

5.17 For example, it is interesting to note that in the Cornwall Local Plan example that GL Hearn quotes from, the Inspector ultimately concluded that an uplift to the OAHN was justified, and this should be equal to an additional 1,500 dwellings over the course of the Plan period³⁴.

5.18 The HNU ultimately does not use the identified acute affordable housing needs in a way in which it has “an important influence in increasing the derived F[ull] OAN” as per the Kings Lynn judgment.

5.19 The Local Plan Expert Group [LPEG], in its Report to the Secretary of State for Communities and Local Government in March 2016, recommended various changes to the Practice Guidance with the remit of considering how local plan-making could be made more efficient and effective. Although very limited, if any, weight can be given to the LPEG approach given that it is not policy or endorsed by Government, it is at least helpful in seeking to understand what an appropriate response might be to define the influence of market signals and affordable housing needs. LPEG recommended changes to the preparation of SHMAs and determination of OAHN.

5.20 With regard to affordable housing need in the preparation of SHMAs and determination of OAHN it proposed that where the total number of homes that would be necessary to meet affordable housing need is greater than the adjusted demographic-led OAHN, then this figure should be uplifted by a further 10%. The 10% uplift was intended to provide a streamline approach that removes judgement and debate from the process of setting OAHN (as opposed to what might be the most accurate under current Practice Guidance).

³³ Practice Guidance - ID:2a-003-20140306

³⁴ Planning Inspectorate (23rd September 2016): Inspector’s Report on the Examination into the Cornwall Local Plan Strategic Policies, paragraph 52

5.21

Given the significant affordable housing need identified in City of York, Lichfields considers that this 10% uplift would be appropriate in this instance and should be applied to the OAHN.

6.0 Integration of Student Housing Needs

6.1 It is important to note that the household projections upon which York’s OAHN is based relate to C3 uses only, and not C2. Specifically, and of particular relevance to the City of York, CLG’s household projections do not include an allowance for students who might be expected to reside in Halls of Residence (termed, along with people living in nursing homes, military barracks and prisons, as the ‘Communal establishment population’).

6.2 As summarised by CLG in its *Methodology used to produce the 2018-based household projections for England: 2018-based Report* (June 2020), the household projections are based on the projected household population rather than the total population. The difference between the two is the population in communal establishments [CE], also termed the ‘institutional’ population. This population comprises all people not living in private households and specifically excludes students living in halls of residence:

“The CE population is then subtracted from the total usual resident population in the MYEs and SNPPs, by quinary age group and sex, to leave the private household population, split by age and sex in the years required for the household projections.”
[page 5]

6.3 This is important for the City of York, because it means that if the household projections are used as the basis for calculating the OAHN (which GL Hearn’s methodology does), it specifically excludes a substantial proportion of specialised student accommodation needs.

6.4 In this regard, it is worth noting that in March 2017 GL Hearn published an addendum to the West Surrey SHMA for Guildford Borough Council³⁵. In that document, GL Hearn recommended an adjustment of an extra 23 dpa be added to the OAHN of 539 dpa based on an analysis of future student numbers and accommodation need in the Borough.

6.5 According to the GL Hearn’s Guildford analysis, there are three things necessary to consider when determining whether there is a need to adjust the objectively assessed housing need to take account of student growth:

- How the student population at University of Surrey is expected to change over the plan period;
- What growth in typical student age groups is expected within the population projections, on the basis that the CLG Household Projections model is not assuming growth in numbers in institutions;
- The number/ proportion of students which can be expected to require housing within Guildford, and of these what proportion might be expected to be accommodated in halls of residence rather than the wider housing stock.

6.6 This was accepted in the Inspector’s Report dated 27th March 2019, resulting in a new OAHN of 562 dpa. The Inspector concluded that:

“From the figure of 539 dpa resulting from the assessment of jobs-led economic growth, the Council have made a further adjustment of 23 dpa for the growth of the student population based on analysis carried out in the SHMA addendum. Taking the University of Surrey’s known aspirations for growth, it is estimated that the number of full-time Guildford-based students at the University will increase by 3,800 between 2015-34, resulting in additional migration to Guildford. Assuming

³⁵ GL Hearn (2017): West Surrey Strategic Housing market assessment: Guildford Addendum Report 2017

that 45% would be accommodated in the wider housing market, and on the basis of an average 4 students per household, the SHMA Addendum calculates that this would equate to growth of 23 additional dwellings per annum. It has been argued that the 18 to 23 age group in the most recent population projections and mid-year estimates includes students; but this cannot be assumed to be the case, and by its nature Guildford is likely to be attractive to young people whether or not they are students. It is a sound step to add this allowance for students when considering the overall housing requirement, to ensure that there is not a significant incursion of students into the housing market which would diminish the supply available to others needing housing in the area.”

- 6.7 Given that York has a disproportionately high student population following the ongoing success of the University of York, York St John University, Askham Bryan College of Agriculture and Horticulture and the landmark campus development of York College, it is surprising that GL Hearn did not follow a similar exercise to the one they undertook for Guildford Borough Council.
- 6.8 Using data and assumptions gathered from the University of York, York St John’s University and the City of York Council’s own analysis (*Housing Requirements in York*, produced on its behalf by Arup in 2015) we can make a broad assessment of the housing needs of students in the City of York.
- 6.9 Table 6.1 presents the past six years of student headcount data for the University of York and York St John University. Over this period the total student headcount grew by 15% overall. However, whilst the University of York [UoY] grew its student population by 18%, York St John’s University [YSJ] grew at a much slower rate of 7%.
- 6.10 Both universities experienced an expansion in full-time students, although YSJ lost half of its part time students. The University of York gained 2,861 full-time students (+19%) but gained just 93 part-time students (+5%), whilst York St John’s University gained 974 full-time students (+18%) but lost half of its part-time students (-52%).

Table 6.1 Recent trends in University student headcounts in York 2014/15-2019/20

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	% Change
The University of York	16,835	17,150	17,899	18,824	19,469	19,789	+17.5%
Full-time	14,920	15,210	16,283	17,221	17,604	17,781	+19.2%
Part-time	1,915	1,940	1,616	1,603	1,865	2,008	+4.9%
York St John University	6,555	5,975	5,941	6,249	6,618	7,000	+6.8%
Full-time	5,495	5,180	5,355	5,728	6,165	6,469	+17.7%
Part-time	1,060	795	586	521	453	531	-49.9%
Total Students	23,390	23,125	23,840	25,073	26,087	26,789	+14.5%
Total Full Time	20,415	20,390	21,638	22,949	23,769	24,250	+18.8%
Total Part Time	2,975	2,735	2,202	2,124	2,318	2,539	-14.7%

Source: HESA HE student enrolments by HE provider 2014/15 to 2019/20

- 6.11 For the purposes of this analysis, only full-time students are considered to be part of the additional student population in York living in C2 housing, as part-time students are more likely to be residents already living in York or commuting into the City.

- 6.12 The City of York Council’s 2015 *Housing Requirements Study* assumed (in Appendix B)³⁶ that, following consultation with both Universities, 5% of all UoY students live at home or commute into York, whilst 20% of all YSJ students do the same. The 20% figure for YSJ has been reiterated in the University’s 2026 strategy, where it is stated that the University aspires to **grow to 10,000 students by 2026**, with 8,000 of those being “on campus”³⁷. This would be an increase of **3,000** students on the current figure of 7,000. A Refresh to the Strategy in 2021 following the Pandemic retains this target of “*diverse growth to at least 10,000 students*” by 2026³⁸.
- 6.13 By way of an alternative, a review of HESA data suggests that in 2019/20 (and prior to the Covid-19 Pandemic), 4.5% of UoY students lived at home with their parents/guardians, compared to 15% for YSJ, which is broadly in line with the figures mentioned above.
- 6.14 Applying these 5%/20% assumptions to the 2019/20 total full-time student figure of 24,250 generates a student baseline figure of **22,067** students requiring accommodation within the City (i.e. 95% of UoY’s 17,781 FT students, plus 80% of YSJU’s 6,649 FT students).

Expected Growth in Student Numbers

- 6.15 In a representation submitted to the draft York Local Plan examination in December 2019³⁹, the University of York’s planning agents (O’Neill Associates) set out potential growth scenarios for the university up to 2038. They are an update on those submitted in Appendix 4 of the Regulation 19 Representations April 2018:
- “The statistics cover a range of growth scenarios for student numbers, and growth in academic and non-academic staff follows this increase in students. The range of growth considered is from 0.5% to 4%. Because of the lengthy local plan period to 2033 and on to 2038, Government policy on Higher Education, students’ preferences and changing patterns of oversea recruitment will have an impact on this growth rate that cannot be accurately predicted. Suffice to say that the average growth rate in student numbers over the last 10 years has been around 4% per annum, to the higher end of the range considered.”* [paragraph 1.2]
- 6.16 The Paper concludes that it is unlikely that the Council’s employment forecasts for growth, and hence employment and financial impact on the local economy, reflect the recent growth rates in student numbers at the University of York.
- 6.17 The Paper revisits the assumptions made in the University’s 2018 Representations. It states that since March 2018 the University has grown steadily. Student numbers were at 17,200 [FTE] when writing the 2018 report and have grown to 18,100 [FTE] for the academic year 2018/19. This means that average growth in student numbers over the last ten years has been at about **4% per annum** [paragraph 14].
- 6.18 The University of York’s built estate is continuing to expand as further space is required. A further £250m of investment is being made in the Campus over the next three years. This includes in Science & Medical facilities, and a new Management School facility on Campus West; and two more Residential Colleges (1,480 beds in all), an Energy Centre, a new Nursery and the RPIF funded Robotics building on Campus East [paragraph 15].

³⁶ Arup (2015): Evidence on Housing Requirements in York: 2015 update, Appendix B

³⁷ York St John University (2019): *2026 Strategy: Make the Possible Happen*, page 26

³⁸ York St John University Strategy 2026 Refresh (2021)

³⁹ O’Neill’s Associates Submission to York Local Plan (December 2019): *University of York Growth Rates, Phase 1 Hearings*

6.19 The Paper revisits the 6 growth scenarios in the previous 2018 representations and updates it to reflect the fact that 2018 student numbers were at 18,112 an increase of about 900 students from the 2017 figure used in the 2018 modelling:

Table 2 - Summary of 2019 Update to Modelling.

Scenario	Sc 1	Sc 2	Sc 3	Sc 4	Sc 5	Sc 6
Growth Rate to 2038	0.50%	1.00%	1.25%	1.50%	2.00%	4.00%
Student Nos (FTE) at 2038	20,012	22,100	23,220	24,394	26,913	39,686
Extra Students (FTE) vs 2017	2,799	4,887	6,007	7,181	9,700	22,473
% of 26ha of ST27 needed*	40%	85%	100%+	115%+	150%+	420%+

Source: O’Neill’s Associates Submission to York Local Plan (December 2019): *University of York Growth Rates, Phase 1 Hearings*, page 4

6.20 Of the six growth scenarios, the University confirms that “*Scenario 1 and 2’s low level of growth is highly unlikely*” [paragraph 18]. The University’s 2018 representations concluded that Scenario 3 or 4 was the minimum likely scenario for prudent long-term growth planning at this stage of the Local Plan; and that Scenario 5 and 6 were foreseeable given the University’s reputation and the fact that these are less than (Scenario 5) or equal (Scenario 6) to the actual growth over the last decade. The update notes that average growth in student numbers over the last ten years has been at about 4% per annum.

6.21 It therefore does not seem unreasonable to assume that the University’s growth rate is likely to range from between 1.25% and 4% per annum over the period to 2038.

6.22 Scenario 3, which assumed 1.25% student growth p.a. to 2038, and Scenario 4, which assumed 1.5% growth p.a. to 2038 were considered by O’Neill Associates to be “*the minimum prudent scenarios for planning purposes at this stage of the Local Plan*”. Scenario 5, which assumed 2% growth p.a., was also considered to be “*a realistic possibility given it is at a rate equal to half the growth the University has achieved over the last 10 years.*”

6.23 The growth scenarios modelled by O’Neill Associates were based on full-time-equivalent [FTE] students and was modelled forward from 2018/19 data. Given that growth in FTE students in recent years has been 4%, **we have assumed the higher Scenario 5 growth rate of 2% p.a. over the full Plan period to 2033 is justified for use in this analysis.** With a 2018/19 figure of 17,604 FT students in 2018/19, we have therefore applied a growth rate of 2% per annum to 2033. This equates to a growth of **6,719 students** on the 2016/17 FT student figure of 16,283.

6.24 As set out above, the YSJU 2026 Strategy document (2019) sets out that the University’s ambition is to grow to 10,000 students by 2026, a growth of 3,000 students from 7,000 in 2018/19 over a six-year period. Using the average proportion of full-time students at the University from the past six years of HESA data (totalling 90% of all students), this suggests it would be reasonable to work on the basis that 9,000 full-time students will be attending YSJ by 2026, an increase of **3,000 full-time students over the next 6 years**, or 500 students per year until 2025/26.

6.25 After 2025/26 we have no data regarding YSJU’s growth plans, so for the purposes of this analysis we have fixed the full-time student number at 9,000 for the remainder of the plan period to 2033 (i.e. zero growth post 2026).

6.26 Based on the above assumptions, the expected growth in full-time students over the 16-year Local Plan period 2016/17 – 2032/33 equates to **6,719** for the UoY and **3,645** for

York St John (these figures include three years’ growth already documented in Table 6.1 above, of 2,612 students between 2016/17 and 2019/20). This totals **10,364** additional FT students based at the two Universities over the 16-year plan period 2016/17 – 2032/33.

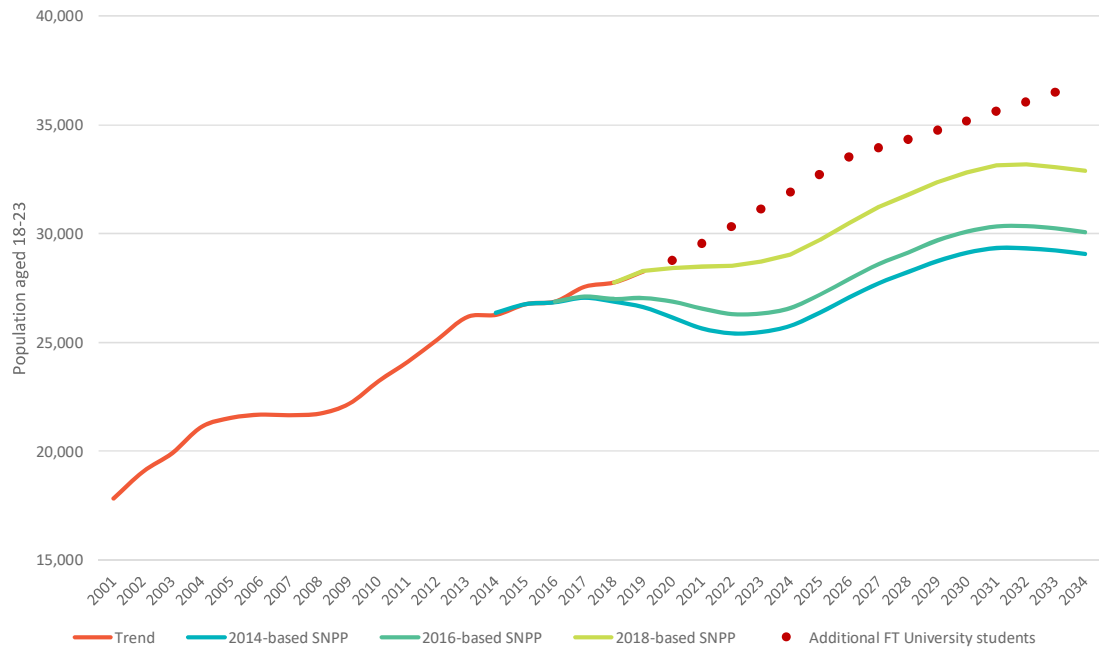
6.27 Applying the previous assumptions relating to students living at home or commuting to this generates an additional **9,299** full-time students living in York (i.e. 95% of UoY’s 6,719 FT students and 80% of YSJ’s 3,645 FT students).

Student Growth within the Demographic Projections

6.28 It is reasonable to assume that the 18-23 age cohort will represent the core student age group, particularly for under graduates. This was also the approach GL Hearn followed in its Guildford SHMA Update. Figure 5 illustrates that using either the 2014-based SNPP, the 2016-based SNPP, there is limited growth within this age cohort, particularly over the short to medium term, with growth principally occurring from 2025 onwards. There is stronger long-term growth projected in the 2018-based SNPP, but only after 2024 with growth flatlining before then.

6.29 Over the 16-year plan period 2016/17 to 2032/33, the projected growth of this age cohort is 5,507 residents (+20%) according to the 2018-based SNPP; by 3,118 residents (+12%) according to the 2016-based SNPP, or 2,149 (8%) using the 2014-based equivalents. In contrast, the number of full-time students attending the two Universities in York is expected to rise by 10,364 over the same time period, of whom 9,299 are expected to live in the City, an increase of **52.1% on the 2016/17 figure of 21,638 FT students** attending the two York Universities. This represents a rate of growth significantly higher than that of the age cohort in any of the projections.

Figure 5 Past and Projected Population Growth in York for residents aged 18-23



Source: ONS Mid-Year Population Estimates 2019/2014-based SNPP/2016-based SNPP

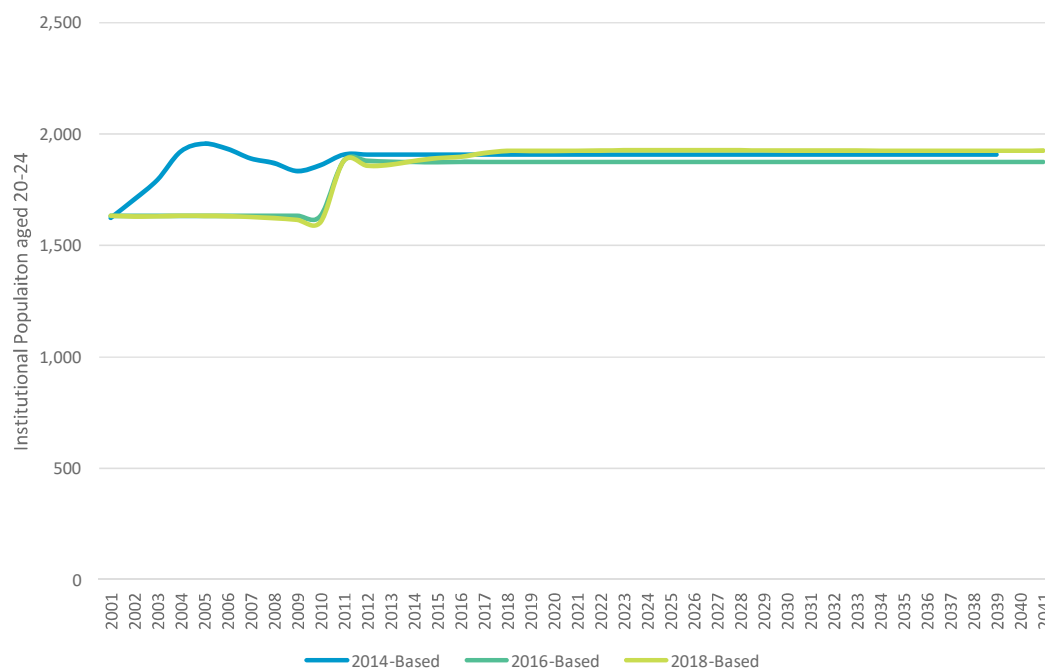
6.30 The Figure above includes growth in new student residents and also existing residents who are not in Higher Education. In an attempt to separate out the anticipated growth in

students alone in the projections, Figure 6 presents the growth of residents aged 20-24⁴⁰ living in communal establishments in the City of York up to 2039/41. Communal establishments include institutional accommodation such as residential care homes, army barracks, correctional facilities and (of particular relevancy for younger age groups) purpose-built student accommodation (i.e. halls of residence). It is therefore highly likely that most of the population aged 20-24 living in communal establishments can be considered to be students living in purpose-built C2 student accommodation.

6.31 The data indicates that post 2017, the number of residents aged 20-24 living in communal establishments is anticipated to stay constant, at 1,909 residents in the 2014-based SNHP, 1,874 in the 2016-based SNHP and around 1,925 in the 2018-based SNHP. There is therefore no change in the size of this cohort built into either set of projections over the plan period, and so growth in the numbers of students living in purpose-built accommodation clearly play no part in the ONS’s anticipated population growth for York residents shown in Figure 5.

6.32 From this, it could also be reasonably inferred that the ONS projections have not factored in the strong growth in student numbers at the 2 Universities into their projections, whether they are likely to be living in C2 student accommodation or renting in the private market. Furthermore, the projections suggest a lack of growth in the short-term, whilst growth effects later in the plan period are likely to be largely accounted for by a cohort effect rather than an increase in student migration.

Figure 6 Communal establishment population in York, aged 18-23, 2001-2035



Source: CLG 2014-based SNHP / ONS 2016-based SNHP / ONS 2018-based SNHP

6.33 Based on this analysis it is reasonable to assume that the rise in the student population would result in additional housing need over and above the need as determined by the 2018-based SNPP in isolation.

⁴⁰ The ONS / CLG data is grouped together in 5-year age cohorts including 20-24 and not 18-23 year olds; however, it is reasonable to assume that the trends exhibited for this slightly older age group represents a reasonable proxy for student growth

Additional Student Accommodation Needs

- 6.34 In GL Hearn’s 2017 Guildford analysis, 45% of new students were expected to be living in the private rental sector [PRS], based upon the University of West Surrey’s aspiration to house 50%-60% of its students within student accommodation.
- 6.35 Appendix B in The City of York Council’s 2015 *Housing Requirements Study*⁴¹ includes an analysis of the proportion of both universities’ students that are living in the PRS between 2010/11 and 2017/18. Over this period the average proportion of students living in the PRS was 56.6% of the total. This figure includes the assumptions relating to students living at home or commuting, and so must be applied to the total additional number of FT students, not just those living in York.
- 6.36 Applying this assumption to the combined university full-time student growth figure of 10,364 generates an estimated **5,866** additional full-time students likely to be living in the wider housing stock in York over the 16-year plan period, or **367** additional students per year.
- 6.37 On the basis of an average of 4 students per household (an assumption that was also used by GL Hearn in 2017⁴²), this equates to around **1,466** dwellings over the 16-year plan period; an average of **92 dpa** over the plan period 2016/17 - 2032/33.

Table 6.2 Additional student population requiring PRS dwellings in York 2016/17-2032/33

Measure	Total
Additional FT students	10,364
Additional FT students living in York	9,299
Additional FT students living in PRS in York	5,866
Additional dwellings needed	1,466
Additional dwellings needed p.a.	92

Source: Lichfields analysis

Conclusion

- 6.38 Based on this analysis, it cannot be assumed that the growth in the 18-23 age cohort in the latest population projections includes growth in student numbers, and therefore that there is adequate provision for new student housing within the OAHN. Following this, **it is our recommendation that an additional 92 dpa be factored into the City of York’s OAHN.**

⁴¹ Arup (2015): Evidence on Housing Requirements in York: 2015 update, Appendix B

⁴² GL Hearn (2017): West Surrey Strategic Housing market assessment: Guildford Addendum Report 2017

7.0 **Factoring in the Backlog**

- 7.1 The Explanation to Policy SS1 of the Proposed Modifications to the City of York Local Plan states that “*Following consideration of the outcomes of this work, the Council aims to meet an objectively assessed housing need of 790 new dwellings per annum for the plan period to 2032/33, including any shortfall in housing provision against this need from the period 2012 to 2017, and for the post plan period to 2037/38.*” [paragraph 3.3]
- 7.2 According to PM21a of that document, *the Update to Table 52: Housing Trajectory to 2033 to reflect the revised OAN of 790 dpa*, this shortfall to housing provision equates to 32 dwellings annually between 2017/18 to 2032/33, or 512 dwellings in total over the 16-year Plan period.
- 7.3 Based on the Council’s *Full Year Housing Monitoring Update for Monitoring Year 2018/19* Table 6, this appears to be based on a net dwelling gain of 3,432 dwellings between 2012/13 and 2016/17, against a requirement of 3,950 (790 x 5); therefore a 518 shortfall, or 32 annually.
- 7.4 The Companies have serious concerns regarding the accuracy of this calculation. It appears that the CoYC have included a very substantial amount of C2 student accommodation in these figures, thus reducing the amount of shortfall they include in the annual housing target.
- 7.5 The Housing Monitoring reports produced by the Council seek to legitimise this approach by referring to the PPG, which states that:
- “All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market...*
- To establish the amount of accommodation released in the housing market, authorities should base calculations on the average number of students living in student only households, using the published census data. This should be applied to both communal establishments and to multi bedroom self-contained student flats. Studio flats in mixed developments designed for students, graduates or young professionals should be counted as individual completions. A studio flat is a one-room apartment with kitchen facilities and a separate bathroom that full functions as an independent dwelling”⁴³*
- 7.6 Setting to one side the fact that the household projections which GL Hearn has used to underpin its demographic modelling do not take full account of the needs of students, we are concerned that the Council’s approach is over-emphasising the contribution this source of accommodation is making to housing delivery.
- 7.7 For example, MHCLG publishes Table LT122 annually for every district in the country, which provides a robust and consistent indication of net additional dwellings. This is based on Housing Flows Reconciliation data that have been submitted by CoYC to MHCLG annually.

⁴³ ID-3-042-20180913

Table 7.1 Rate of net housing delivery in York, 2012/13-2019/20

Year	MHCLG Net Housing Completions (LT122)	Housing Delivery Test	Council's Local Plan Estimate	
			Net Dwelling Gain	+/-
2012/13	88	n/a	482	-394
2013/14	69	n/a	345	-276
2014/15	284	n/a	507	-223
2015/16	691	691	1,121	-430
2016/17	378	378	977	-599
2017/18	1,296	1,331	1,296	0
2018/19	449	451	449	0
2019/20	560	627	560	0
Total	3,815	-	5,737	-1,922

Sources: MHCLG LT122 (2021), Housing Delivery Test Results 2020 / EX_CYC_32_CYC_HFR v AMR Table 1

*Difference from HDT figure

7.8 To take an example for the year 2015/16, the Council has included an additional 579 units relating to two 'Off campus privately managed student accommodation sites'. The CoYC's Housing Monitoring Update for that year indicates that this includes 579 units on 2 developments, the Yorkshire Evening Press 76-86 Walmgate, for 361 units; and the Former Citroen Garage, 32 Lawrence Street.

7.9 Reference to the latter development (planning application reference 13/01916/FULM) indicates that not all of these units are self-contained under the MHCLG's definition:

*"The new managed student accommodation will create 58 student flats (5 and 6 person flats with communal kitchen/living/dining facilities) and 303 self-contained 'studio' flats along with a management suite (office, common rooms etc.), laundry and other ancillary facilities."*⁴⁴

7.10 Therefore, as a best case, this site should be contributing a maximum of 315 units (58/5 + 303), not 361 units – a difference of 46 units.

7.11 Similarly, the other student development included for 2015/16 on the former Citroen Garage (15/012440/FULM), also includes shared and self-contained flats:

*"The rooms therefore take a variety of forms self-contained or with shared facilities according to circumstances, to respect the heritage constraints and make the most of the accommodation."*⁴⁵

7.12 There are also other inconsistencies with the MHCLG's data; so, for example in the CoYC's 2016/17 Housing Land Monitoring Report Update, Table 3 indicates that 977 housing completions were delivered net, compared to just 378 recorded by MHCLG – a **difference of 599 units**. Yet only a proportion of this difference can be explained by the C2 student accommodation, as only 152 units are attributed to this source in Table 3, compared to 571 units from residential use class C3 approvals, plus 252 from relaxed Permitted Development Rights. It is unclear why the MHCLG's figures are so different to the Council's, given that they are both supposed to have been provided by CoYC Officers. The only explanation given by the Council⁴⁶ is that "Gaps were evident in the data as not all site completions were recorded due to time lags in receiving information from sites covered by private inspection or no receipt of any details at all."

⁴⁴ Design and Access Statement for Walmgate Student Castle Development, ref: 13/01916/FULM, paragraph 8.02

⁴⁵ Design and Access Statement for St Lawrence WMC, ref: 15/02440/FULM, paragraph 6.2.2

⁴⁶ EX_CYC_32_CYC_HFR v AMR

- 7.13 Essentially, if the MHCLG figures had been used, then instead of a 518 under supply to be made up over the remainder of the plan period from 2017 (32 dpa added onto the 790 dpa OAHN), the shortfall would be 2,440 dwellings, or 153 dpa over 16 years – a very significant uplift to the OHAN (to 943 dpa).

8.0 **Analysis of the Forward Supply of Housing**

Introduction

- 8.1 Since the Local Plan Proposed Modifications consultation in June 2019 the Council has released a Strategic Housing Land Availability Assessment [SHLAA] Housing Supply and Trajectory Update (April 2021). The 2021 SHLAA Update contains a housing trajectory which sets out the anticipated delivery rates of draft allocations. It also reviews the evidence provided in the 2018 SHLAA supporting the assumptions for strategic allocations in relation to build out rates and implementation taking into consideration the current timescale of the Local Plan examination.
- 8.2 This section critiques the assumptions which underpin the currently claimed housing land supply. It also reiterates points made on behalf of our clients on other components of the Council’s housing land supply, which have been carried forward since the previous version of the SHLAA. It is important to be cautious in relation to the likelihood of sites delivering and the scale of that delivery. This is because the purpose of the assessment is to provide a realistic view of whether there is sufficient land available to meet the community’s need for housing. If those needs are to be met a cautious approach must be taken.

Delivery Assumptions

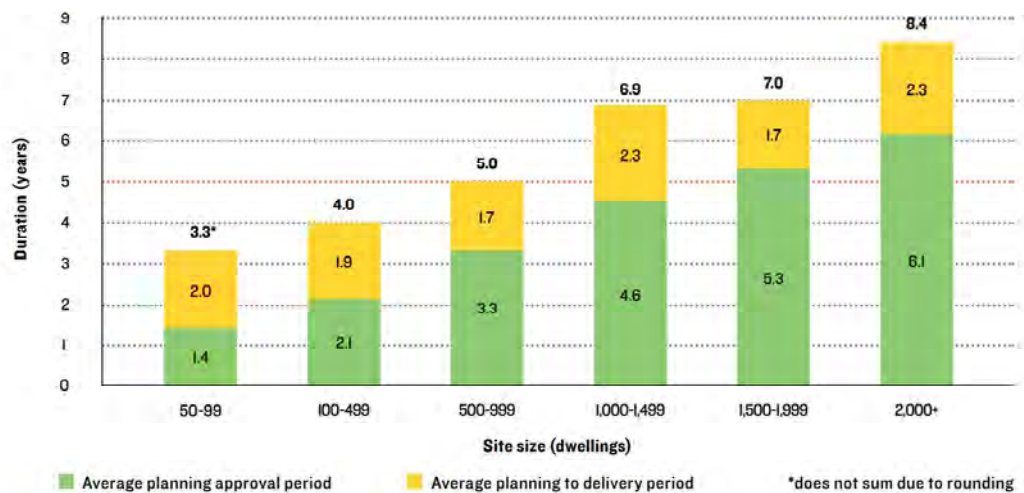
Lead-in Times

- 8.3 The timescales for a site coming forward are dependent on a number of factors such as a developer’s commitment to the site and the cost, complexity and timing of infrastructure. Whilst housebuilders aim to proceed with development on sites as quickly as possible, lead-in times should not underestimate inherent delays in the planning process (e.g. the approval of reserved matters and discharge of planning conditions) as well as the time taken to implement development (e.g. complete land purchase, prepare detailed designs for infrastructure, mobilise statutory utilities and commence development).
- 8.4 The standard lead-in times should only be applied to sites where developers are actively pursuing development on a site and preparing the necessary planning application. The standard lead-in time should not be applied universally and a degree of pragmatism and realism should be applied. Sites where developers have shown limited commitment, for example, should be identified as being delivered later in a trajectory.
- 8.5 In addition, another fundamental element in calculating appropriate lead-in times relates to the size and scale of a site. As a generality, smaller sites commence delivery before larger sites. Larger sites often have more complex issues that need to be addressed and require significantly greater infrastructure, which must be delivered in advance of the completion of housing units. In some cases, the lead-in time on brownfield sites can be greater given the time required for decommissioning services, demolition, dealing with ground contamination etc.
- 8.6 The 2018 SHLAA sets out the lead-in times which have been applied by the Council in respect of their housing trajectory. The lead-in times are based upon evidence contained within Annex 5 of the 2018 SHLAA (‘SHLAA Assumptions for Evidence Bases’). The Council states that smaller – medium sites are more likely to come forward within 12

months, larger and ‘exceptionally’ large sites are more likely to be 12-18 months at a minimum.

- 8.7 The Council undertook a Housing Implementation Survey in 2015 to help draw together information regarding lead-in times. Our review of these lead-in times suggest that the overall conclusions do not reflect the full extent of the process from submitting a planning application to first completions on site. The lead-in times appear to be ambitious and do not provide a robust set of assumption to base the housing trajectory on.
- 8.8 The 2021 SHLAA Update states that draft allocations without consent have been given estimated delivery assumptions based on the latest consultation responses and/or estimated lead-in times and build-out rates based on the Housing Implementation Study.
- 8.9 Lichfields has undertaken extensive research on lead-in times on a national level with the publication of ‘Start to Finish’ and its subsequent 2020 Update⁴⁷, which contains robust evidence on typical lead-in times and build-rates. These findings are quoted elsewhere within Lichfields’ research such as Stock and Flow⁴⁸ which the Council itself refers to in Annex 5 of the 2018 SHLAA. Whilst the Council has referenced this research it is unclear if the findings have been considered when formulating lead-in times. Whilst it is acknowledged by the Council that larger sites can have longer lead-in times it is unclear if any allowances have been made for large sites included within the housing trajectory.
- 8.10 It is considered that as a starting point the Council should consider the average lead-in times set out within ‘Start to Finish’ which are provided below:

Figure 8.1 Average Lead in Times



Source: Lichfields Analysis, Figure 4 of 'Start to Finish' (February 2020)

- 8.11 Lichfields has also provided commentary on lead-in times previously within previous Housing Issues Technical Papers (March 2018 and July 2019). This builds upon the findings of *Start to Finish* to provide more localised commentary. Like *Start to Finish*, an approach was taken to consider lead in times from the submission of the first planning application to the first completion on site. Table 8.1 provides a summary of these findings.

⁴⁷ Nathaniel Lichfield & Partners (February 2020): *Start to Finish: What factors affect the build-out rates of large scale housing sites? Second Edition*

⁴⁸ Nathaniel Lichfield & Partners (January 2017): *Stock and Flow: Planning Permissions and Housing Outputs*

Table 8.1 Lead in Times

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 year	1.5 years	2 years
Outline Planning Permission	1.5 years	2 years	2.5 years
Application Pending Determination	2.5 years	3 years	3.5 years
No Planning Application	3 years	3.5 years	4 years

Source: Lichfields

- 8.12 Both *Start to Finish* and the assumptions set out within the *Housing Issues Technical Paper* demonstrate that the Council’s approach to lead-in times is not robust. There are examples within the trajectory which we consider demonstrate that the Council’s current assumptions are ambitious. This includes the proposed lead-in times for proposed allocations ST14 and ST15.
- 8.13 For example, ST14 (Land west of Wigginton Road) has a proposed capacity of 1,348 dwellings and currently there is no application being determined by the Council. The 2021 SHLAA Update (Figure 3) suggests first completions on the site in 2022/23. Assuming an outline application is submitted in 2021 and following *Start to Finish*, it would be expected that first completions would be in 2027 (6.9 years).
- 8.14 Similarly, ST15 (land west of Evington Lane) is a proposed new settlement with a capacity of 3,330 dwellings within the emerging plan. The 2021 SHLAA Update suggests first completions on the site in 2023/24 but indicates that no application has been submitted to date. There would be significant upfront infrastructure requirements before any housing completions took place. If an outline application is submitted in 2021, and following *Start to Finish*, it would be expected that first completions would be in 2029 (8.4 years).
- 8.15 It is considered that the position set out above should be adopted when considering lead-in times. The Council’s current approach does not provide a realistic or robust position when considering likely lead-in times. The Council should provide clear justification if there is a departure to these timescales.

Delivery Rates

- 8.16 Whilst housebuilders aim to deliver development on site as quickly as possible, in a similar fashion to the lead-in times outlined above, the annual delivery rate on sites will depend on a number of factors including overall site capacity.
- 8.17 Within the 2018 SHLAA the Council has taken the approach to apply a build out rate to site allocations of 35 dwellings per outlet, per annum. This is applied in multiples as the number of outlets are likely to increase. For larger schemes the Council envisage that there could be up to four outlets after the initial infrastructure phase has been completed. This standard build-out rate has been carried forward in the 2021 SHLAA Update Trajectory (Figure 3) on sites where alternative build-out rates from site promoters have not been used.
- 8.18 It is considered that the Council’s approach is a reasonable starting point. However, research undertaken by Lichfields demonstrates that build rate assumptions are more complex. Whilst it is acknowledged that larger sites can support more outlets, this isn’t always the case and will be influenced by the size, form and housing mix of the development. Overall market absorption rates mean the number of outlets is unlikely to be a fixed multiplier in terms of number of homes delivered.

8.19 Lichfields has provided commentary on delivery rates previously with the Housing Issues Technical Papers (March 2018 and July 2019). In our experience, sites with a capacity of less than 250 units are built out by one housebuilder using one outlet. As such, a reasonable average annual delivery rate in York is 40 dpa for sites with a capacity of less than 250 units. However, on sites of less than 100 units we have assumed a lower delivery rate of 25 dpa as these sites will generally be delivered by smaller housebuilders.

8.20 Generally, in York, on sites with a capacity of between 250 units and 500 units, there is often a second developer (or national housebuilders use a second outlet) delivering units simultaneously. As such, annual delivery rates increase but not proportionately to the number of housebuilders or delivery outlets. In our experience in the current market, sites with 2 outlets deliver approximately 65 dpa.

8.21 Finally, on large-scale sites with a capacity of more than 500 units, there are often up to three housebuilders or outlets operating simultaneously. As before, this does not increase delivery proportionately, but it can be expected that three outlets operating simultaneously on a large scale would deliver approximately 90 dpa.

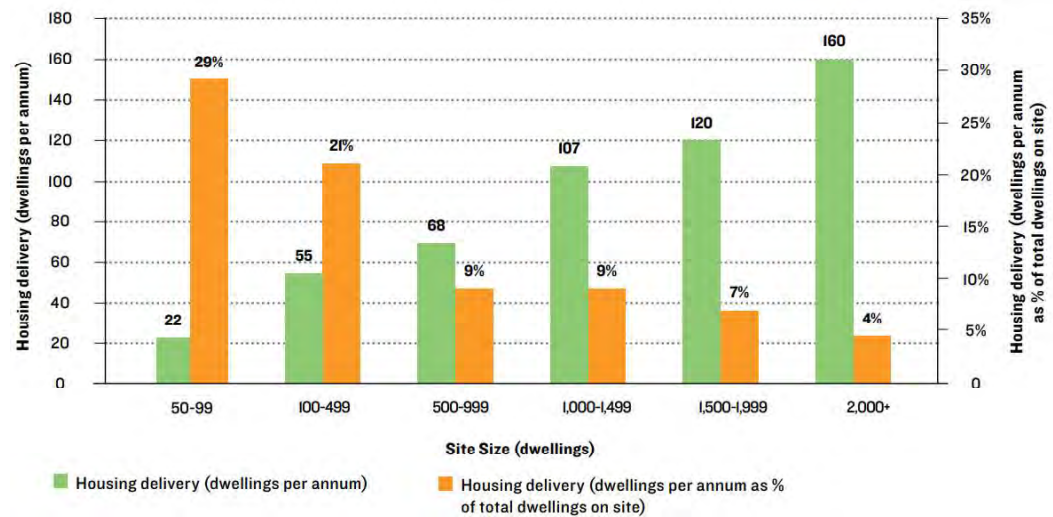
Table 8.2 Annual Delivery Rates

	0-100 units	100-250 units	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

Source: Lichfields

8.22 Furthermore, *Start to Finish* analyses build rates based on national research. Whilst the findings shown in Figure 8.2 are average figures, it demonstrates that large sites do not necessarily deliver more homes on an exponential basis.

Figure 8.2 Housing Delivery Rates



Source: Lichfields analysis, Start to Finish

8.23 Lichfields considers that it would be appropriate to apply the delivery rates identified above. The quantum of delivery of units on a site can be affected by a significant number of factors including local market conditions, general economic conditions, proximity to competing site, housing market area, type and quality of unit and the size of the development. There will be a number of sites in York that will experience higher annual delivery rather than the averages outlined above but there will also be a number of who

deliver below the average also. It is therefore important not to adopt an average delivery rate which may only be achieved by a small minority of the strategic sites.

Density Assumptions

- 8.24 The 2021 SHLAA Update does not confirm what density assumptions have been used to calculate the capacity of allocated sites. However, we would reiterate our previous concerns with the assumptions identified in the 2018 SHLAA (page 22) which sets out the density assumptions for each residential archetype.
- 8.25 It is considered that the proposed densities are overly ambitious and will not be achieved on average on sites throughout York. For example, from our experience, it is not anticipated an average density of 50dph on sites of 1ha+ with a gross to net ratio of 95% can be achieved. Meeting open space requirements alone will preclude this ratio. There will be a very limited number of examples where this density has been achieved but a more appropriate and conservative figure should be pursued in the absence of firm details from a developer. The gross to net ratio at most should be 85%, although this can reduce to less than 60% for larger developments with significant infrastructure requirements.
- 8.26 Secondly, it is considered that a density of 40dph on suburban sites is highly aspirational and is unlikely to be achieved across a significant number of sites. This density is characterised by housing for the smaller households and thus not suitable for family accommodation. Our housebuilder clients and local intelligence has reaffirmed our concerns with the proposed average densities. Unless there is specific evidence to the contrary the default density on suburban sites should be 35 dph.
- 8.27 Assumptions on development densities in the absence of specific developer information should err on the side of caution and we consider that the details in the 2018 SHLAA are at variance with this principle.

Components of the Housing Supply

Allocations

- 8.28 The Framework (2012) stresses the intention of the Government to significantly boost the supply of housing. As a consequence, the focus of national policy is to ensure the delivery of housing and in that context. The Framework advises that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against housing requirements with an additional buffer of 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 (paragraph 47).
- 8.29 The definition of deliverability as set out within the NPPF states that to be considered deliverable:

“sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires,

unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans. ” [Footnote 11]

8.30 The Planning Practice Guidance (PPG) sets out further guidance in respect of what constitutes a deliverable site.

8.31 It states:

“Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5 years.

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the 5-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a 5-year timeframe.

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust 5-year housing supply”.

8.32 When assessing a 5-year supply position, it is important to be cautious in relation to the likelihood of sites delivering and the scale of that delivery. This is because the purpose of the assessment is to provide a realistic view of whether there is sufficient land available to meet the community’s need for housing.

8.33 The Council should adopt a more cautious approach when seeking to include strategic allocations within the five-year supply. It is considered that a number of the proposed allocations do not have a realistic prospect of delivering housing within the next five years when applying more robust assumptions in terms of lead-in and build rates.

Sites with Planning Permission

8.34 It is now a standard approach that sites with planning permission should be included in the supply (unless there is a good reason to exclude them) whereas sites without planning permission should be excluded (unless there is a good reason to include them). This interpretation is entirely logical as the absence of a planning permission is a clear impediment to development, which is contrary to the test that land should be available now.

Non-Implementation Rate

8.35 In the 2021 SHLAA Update, the Council apply a 10% non-implementation rate to extant planning permissions and site allocations identified for housing development. The evidence which underpins the Council’s justification is set out within Annex 5 to the 2018 SHLAA. The addition of the non-implementation is welcomed and is in line with approaches taken elsewhere when reviewing housing delivery.

- 8.36 Figure 3 of the 2021 SHLAA Update provides a detailed housing trajectory table which applies this 10% non-implementation rate. We consider that this table should also be included in the Local Plan as it sets out in detail how the Council’s housing supply has been derived.

Windfalls

- 8.37 The Council’s position on windfall allowance is based upon the Windfall Update Technical Paper (2020) which can be found at Annex 4 of the 2021 SHLAA Update. The Council claims that 182dpa will be delivered on windfall sites from Year 3 of the trajectory (2023/24) and provides justification for their windfall allowance within the Windfall Update Technical Paper.
- 8.38 The Framework⁴⁹ sets out the local planning authorities may make allowance for windfall sites in the 5-year supply if they have compelling evidence that they will provide a reliable source of supply. Furthermore, any allowance should be realistic having regard to the SHLAA, historic windfall delivery rates and expected future trends.
- 8.39 Lichfields accept that windfalls should be included in the overall housing delivery trajectory but only consider that they are appropriate **outwith the first 5-year period**. The inclusion of a significant windfall figure in earlier years increases the likelihood of artificially inflating the housing delivery figures in year 3. It does not account for any potential delays to the build-out of sites with extant consent. As such, the windfall allowance should be amended to only make an allowance from Year 6 (2025/26) onwards.
- 8.40 The Council considers that an annual windfall of 182 dpa is appropriate to take account of potential delivery on sites of <0.2ha and completions on change of use and conversion sites. This is based on completion data from the last 10 years (2010/11 to 2019/20) and comprises the sum of the mean average figures for these two categories of windfall development (43 dpa and 139 dpa).
- 8.41 However, the figure of 182 dwellings has only been achieved four times over the past 10 years. In addition, there has been a steady decline of windfall completions for these two categories since a peak in 2016/17. This is during a period when the application of a very tight inner Green Belt boundary has precluded urban edge development at a time of ever-increasing housing demand. In such circumstances it would have been an ideal period for windfall development to increase; but it did not. There is therefore no justification for such a high allowance.
- 8.42 In relation to the delivery on sites of <0.2ha, Lichfields considers that the proposed windfall allowance is too high because tightly defined settlement boundaries in York and surrounding settlements means there is a finite supply of sites which can come forward. This supply has been curtailed over recent years by the change in definition of previously developed land (June 2010) to remove garden sites. The average of 43 dwellings has only been achieved four times over the past 10 years and is skewed by an unusually high figure in 2018/19 of 103 dwellings. If this anomaly is excluded the average figure is 36 dpa.
- 8.43 In relation to the delivery from conversions, the average completion figure since 2014 is largely dependent on the changes to permitted development rights introduced in 2013. As a consequence, it is considered that after an initial surge the conversion rate will revert back to the long-term average. It is likely that the optimum conversion sites will be completed in the short term and the less sustainable and attractive office developments in

⁴⁹ NPPF (2012) §48

York will not be converted. This trend can already be seen in the figures in Table 2 of the Windfall Update Technical Paper where conversions have dropped significantly since a peak in 2016/17. As such the average conversion rate from 2010/11 to 2014/15 of 68 dpa should be used.

- 8.44 Based on the above assessment it is considered that the proposed windfall allowance should be **reduced from 182 dpa to 104 dpa** which represents a far more realistic windfall allowance over the plan period. The incorporation of this figure would ensure that the Council’s trajectory is not artificially inflated, can be realistically achieved and would only be incorporated into the delivery trajectory at Year 6 (2025/26) to ensure no double counting.
- 8.45 It is considered that the Council’s information does not adequately justify a windfall allowance of 182dpa and does not provide sufficient certainty that this figure will be achieved over the plan period.
- 8.46 Therefore, in this instance we consider that it is not appropriate that the City of York includes a windfall allowance within the first 5 years of the plan period.

Under Supply

- 8.47 The PPG⁵⁰ states that the level of deficit or shortfall should be added to the plan requirements for the next five- year period where possible (Sedgefield approach). If LPAs are minded to deal with the shortfall over a longer period (Liverpool method) the Practice Guidance advises that Local Authorities work with neighbouring authorities under the duty to cooperate.
- 8.48 The 2021 SHLAA Update states that the Council has adopted the ‘Liverpool’ method when dealing with past under delivery. Whilst the Council state there are ‘local circumstances’ which warrant a longer-term approach, it is not clear where the justification is which warrants the Liverpool method being adopted. It is considered that further information should be provided by the Council which justifies a departure from addressing the shortfall within the next five- year period.
- 8.49 In line with both the 2014 and latest 2019 iterations of the PPG, Lichfields considers that the Council should deal with backlog in full against planned requirements within the first 5 years of the plan period (i.e. the ‘Sedgefield’ approach to backlog).
- 8.50 Table 8 of the 2021 SHLAA Update provides historic housing completions for the period 2012/13 to 2019/20). The 2021 SHLAA Update states that the inherited shortfall from the period between 2012/13 – 2019/20 is 479 dwellings (37 dpa). However, in relation to this shortfall it states⁵¹:

“In considering shortfall, there is a negligible difference between the previous and latest outcomes of an additional 5 dwellings per annum. Over the remaining 13 years of the Plan, this constitutes an additional 65 dwellings.

As a result the Council consider that the proposed housing requirement of 822 dpa (790 dpa +32) should continue to be the housing requirement for York over the plan period (2017-2033). As the updated trajectory takes into consideration the completions 2017-2020, the 65 dwelling undersupply forms part of the remaining housing need to be delivered against which the supply is seeking to deliver. It is therefore considered that this will be addressed over the plan period”.

⁵⁰ Paragraph: 035 Reference 3-035-20140306

⁵¹ Strategic Housing Land Availability Assessment: Housing Supply and Trajectory Update April 2021 §§ 6.15-6.16

- 8.51 The Council has therefore applied an undersupply of 416 dwellings (32 dpa x 13 years).
- 8.52 Table 4.1 of this report shows past delivery against the Council’s possible policy benchmarks for the period 2004/05 – 2019/20. It demonstrates that the inherited shortfall could be significantly higher than current accounted for by the Council. This will have an impact on the Council’s five- year supply calculation, with the potential requirement for more sites to be identified to meet the undersupply and the housing requirement moving forward.

Application of the Buffer

- 8.53 As shown elsewhere in this report, the Council has a record of persistent under-delivery in recent years. The Council also confirms that there is a history of under-delivery within the 2021 SHLAA Update. In line with paragraph 47 of the NPPF (2012) the Council should apply a 20% buffer to provide a realistic prospect of achieving the planned supply. This is supported by the 2020 Housing Delivery Test results, which also indicate that a 20% buffer should be applied for the City of York.
- 8.54 In respect of applying the buffer, it should be applied to both the forward requirement and the under-supply. This approach accords with the Framework, which suggests that the buffer should be added to the total requirement which would, inevitably, include any under delivery from earlier years. In this regard, the purpose of the buffer is to increase the supply of land; it does not change the number of houses required to be built within that period. Put simply, the buffer is not, and it does not become, part of the requirement; it is purely a given excess of land over the land supply necessary to permit the identified need for housing to be delivered.

Calculating Housing Land Supply

- 8.55 The 2018 SHLAA included a five-year housing land supply calculation (in Table 6 of the document). An updated calculation to reflect the latest requirement and supply position has not been provided in the 2021 SHLAA Update. However, we set out below our understanding of the Council’s housing land supply calculation for the five-year period using data available in the 2021 SHLAA Update, including Figure 3 of that document.
- 8.56 The calculation in Table 8.3 is for illustrative purposes only and is based on the Council’s own completion figures without any amendments. We have utilised the Council’s OAHN assumption of 790 dpa and assumptions on inherited shortfall (479 dwellings over 13 years) and applied the Liverpool method from the 2021 SHLAA Update as well as the Council’s projected completions.

Table 8.3 Five year housing land supply calculation - based on figures within 2021 SHLAA Update

Five year housing land supply calculation		Dwelling Number
A	Annual housing target across the Plan period	790
B	Cumulative target (2020/21-2024/25)	3,950
C	Inherited shortfall (2020/21 - 2024/25) (Liverpool method)	184
D	20% buffer	827
E	Five- year requirement (B+C+D)	4,961
F	Total estimated completions (2020/21 -2024/25) (with windfalls and 10% non-implementation)	5,671
G	Supply of deliverable housing capacity	5.72 years

8.57 Table 8.4 sets out the Council’s 5YHLS for the period 2020/21 – 2024/25 utilising the Council’s OAHN assumption of 790 dpa but utilises the ‘Sedgefield’ approach of addressing the full backlog of 479 dwellings in the first 5 years. The windfall allowance has also been excluded for the reasons set out within this report. Again, a 20% buffer has been applied (which the 2021 SHLAA Update accepts is appropriate) and again the calculation uses the Council’s projected completions from the 2021 SHLAA Update. As a comparison, we have included a secondary column based on Lichfields’ estimated OAHN from the analysis elsewhere in this report, plus the additional backlog that would arise.

Table 8.4 Five-year housing land supply calculation - Lichfields OAHN

5-year housing land supply calculation		Council’s OAHN	Lichfields’ OAHN
A	Annual housing target across the Plan period	790 dpa	1,010 dpa
B	Cumulative target (2020/21-2024/25)	3,950	5,050
C	Inherited shortfall (2020/21 - 2024/25) (Sedgefield method)	479	2,239
D	20% buffer	886	1,458
E	Five- year requirement (B+C+D)	5,315	8,747
F	Total estimated completions (2020/21 - 2024/25) (with 10% non-implementation included and windfalls excluded)	5,307	5,307
G	Supply of deliverable housing capacity	5.00 years	3.03 years

Source: Lichfields analysis

8.58 Table 8.4 clearly shows that the Council can only demonstrate a very marginal 5YHLS when the ‘Sedgefield’ approach is applied and windfalls are excluded from the calculation. In addition, we note that this calculation does not factor in our comments on other matters in this document which would significantly reduce the Council’s supply.

8.59 For the reasons identified, we consider that the Council’s OAHN is too low and should be increased. When the OAHN is increased to a reasonable level of 1,010 dpa (virtually identical to the Government’s standard methodology figure for the Borough, which is 1,013 dpa), the Council’s 5YHLS position falls to an abject 3.0 years.

8.60 We also have concerns with the Councils approach to calculating historic completions, which may be depressing the backlog figure. The calculations above also use the Council’s evidence base in terms of projected completions from the 2021 SHLAA Update. If our comments on lead-in times and delivery rates were applied to the delivery from these sites, the supply from them would be significantly lower.

8.61 Taking these factors into consideration, we consider that the Council’s housing supply is likely to be insufficient to demonstrate a 5YHLS. An uplift in supply is required in order to meet the housing requirement.

8.62 The only way to address this shortfall is the identification of further land which is capable of delivering dwellings over the next five years of the plan period. However, the Council could easily rectify this situation by proposing main modifications to identify additional allocated sites in the Local Plan.

8.63 Lichfields reserves the right to interrogate the Council’s supply in more detail prior to the Examination should this information be provided.

Conclusion

- 8.64 Lichfields has undertaken an analysis of the 2021 SHLAA Update and Proposed Modifications to the Local Plan which sets out the assumptions used to calculate the Council's housing land supply.
- 8.65 The Council states that the inherited shortfall from the period between 2012 – 2020 is 479 dwellings, based on an OAHN of 790 dwellings. Lichfields has concerns that the way in which the Council has calculated historic housing completions, shown within Table 8 of the 2021 SHLAA Update is flawed and is inflated through the inclusion of privately managed off-campus student accommodation that do not meet the varied housing needs of the City's residents. We consider that some of the suggested delivery rates on proposed allocations are unrealistic and not based on robust assumptions.
- 8.66 The evidence provided by the Council is not sufficient to demonstrate that the housing requirement over the first 5 years of the Plan will be achieved.
- 8.67 It is understood that there are a number of sites which are proposed to be allocated but have yet to have an application submitted. In order help ensure a 5YHLS, the Council should demonstrate that there is a realistic prospect that housing will be delivered on site within five years.
- 8.68 Lichfields reserves the right to update the above evidence as and when further information becomes available.

9.0 **Conclusions on the City of York’s Housing Need / Supply**

Introduction

9.1 In practice, applying the 2012 NPPF requires a number of key steps to be followed in order to arrive at a robustly evidenced housing target:

- The starting point for Local Plans is to meet the full objectively assessed development needs of an area, as far as consistent with the policies set out in the Framework as a whole [§6, §47 & §156].
- An objective assessment of housing need must be a level of housing delivery which meets the needs associated with population and household growth, addresses the need for all types of housing including affordable and caters for housing demand [§159].
- Every effort should be made to meet objectively assessed needs for housing and other development, and there should be positive response to wider opportunities for growth. Market signals, including affordability should be taken into account when setting a clear strategy for allocating suitable and sufficient land for development [§17].
- In choosing a housing requirement which would not meet objectively assessed development needs, it must be evidenced that the adverse impacts of meeting needs would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework as a whole; unless specific policies indicate development should be restricted [§14].
- Where an authority is unable to meet its objectively assessed development needs or it is not the most appropriate strategy to do so, e.g. due lack of physical capacity or harm arising through other policies, it must be demonstrated under the statutory duty-to-cooperate that the unmet need is to be met in another local authority area in order to fully meet development requirements across housing market areas [§179 & §182 bullet point 1].

9.2 It is against these requirements of the Framework which the City of York’s housing need must be identified.

Revised Housing Requirement

9.3 There are a number of significant deficiencies in the Councils approach to identifying an assessed need of 790 dpa in the HNU which means that it is not soundly based. The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within this report provide alternative levels of housing growth for the City of York. Lichfields considers these to be as follows:

- 1 **Demographic Baseline:** The 2018-based household projections indicate a net household growth of just 302 dpa between 2017 and 2033 (including a suitable allowance for vacant/second homes). Quite rightly, GL Hearn then models alternative migration variants, including the 10-year trend scenario, which it then takes forward as its preferred scenario. Whilst this is generally appropriate, we consider that GL Hearn should also have concerned modelling the High International variant produced by ONS, which produces a level of net international migration more

in keeping with longer term trends. It is likely that this would have increased the demographic baseline figure. We do agree with GL Hearn, however, that it is appropriate in this instance to apply accelerated headship rates to the younger age cohorts, which takes the demographic starting point to 669 dpa.

- 2 **Market Signals Adjustment:** GL Hearn’s uplift is assumed to be 15% based on their earlier reports for CoYC, although this has not been revisited in their 2020 HNU. However, for the reasons set out in Section 4.0, Lichfields considers that a greater uplift of at least 25%, and probably higher, would be more appropriate in this instance given that the current SM2 uplift is 25%. This should be applied to the revised demographic starting point of 669 dpa and not the 302 dpa 2018-based SNPP, which would be entirely illogical given that GL Hearn themselves admit that the principle 2018-based projection is less robust for York. Even setting to one side the issue of whether the High International Variant projection should be used, this would indicate a need for **836 dpa**.
- 3 **Employment growth alignment:** The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by the ELR Scenario 2 (which has informed the Local Plan) and past trends. As such, and notwithstanding our concerns regarding how GL Hearn has modelled the employment growth needs for the City, on the face of it no upward adjustment is required to the demographic-based housing need figure of 803 dpa to ensure that the needs of the local economy can be met;
- 4 **Affordable Housing Need:** The scale of affordable housing needs, when considered as a proportion of market housing delivery, implies higher levels of need well above 836 dpa. It is considered that to meet affordable housing needs in full (573 dpa), the OAHN range would need to be adjusted to 1,910 dpa @30% of overall delivery. It is, however, recognised that this level of delivery is unlikely to be unachievable for York. Given the significant affordable housing need identified in City of York Lichfields considers that a further 10% uplift would be appropriate in this instance and should be applied to the OAHN, resulting in a figure of **920 dpa**.
- 5 **Student Housing Needs:** household projections explicitly exclude the housing needs of students living in communal establishments. Furthermore, Lichfields’ critique of the projections clearly indicates that they do not adequately reflect the Universities’ student growth targets. It is calculated that meeting these growth needs would equate to around 1,466 dwellings over the 16-year Plan period, at an average of 92 dpa on top of the 920 dpa set out above (i.e. 1,012 dpa).
- 6 Rounded, this equates to an **OAHN of 1,010 dpa** between 2017 and 2033 for the City of York.
- 7 **Shortfall of housing delivery 2012-2017:** The Council is also making provision for past under-delivery between 2012 and 2017. Lichfields has serious concerns about how the CoYC have calculated past housing delivery. Setting to one side the very unusual and substantial discrepancies between the Council’s housing completions figures and MHCLGs, if Lichfields’ higher OAHN of 1,010 dpa is applied, this would result in a figure of **1,618, or 101 dpa** over the 16 year plan period, to be factored on top. **This would result in a Local Plan requirement of 1,111 dpa, which is not dissimilar to the 1,013 dpa figure that they would have been using with the current standard methodology.**

9.4 This allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this figure (of 1,010 dpa plus the unmet need 2012-

2017) would ensure compliance with the Framework by significantly boosting the supply of housing. It would also reflect the Framework, which seeks to ensure the planning system does everything it can to support sustainable development.

9.5 This process is summarised in Table 9.1.

Table 9.1 Approach to OAHN for the City of York 2017-2033

	Dwellings per annum (2017-2033)
Demographic Starting Point (2018-based SNHP)	302 dpa
Adjustments to Demographic-led Needs	669 dpa
Uplift for Market Signals	836 dpa (+25%)
Employment Led Needs	766 dpa – 779 dpa
Affordable Housing Needs	1,910 dpa*
10% Uplift to demographic led needs for Affordable Housing? (rounded)	920 dpa
Uplift to address Student Housing Needs	92 dpa
Adjusted OAHN (Rounded)	1,010 dpa
Inherited Shortfall (2012-2017) annualised over the Plan period	32 dpa – 101 dpa
Annual Target (inclusive of shortfall)	1,042 dpa – 1,111 dpa

*Based on an affordable housing net annual need of 573 dpa at a delivery rate of 30%

Revised Housing Land Supply

9.6 Lichfields has undertaken an analysis of the City of York’s updated SHLAA (2021) which sets out the assumptions used to calculate the Council’s housing land supply. We consider that some of the suggested delivery rates on proposed allocations are unrealistic and not based on robust assumptions. The Council states that the inherited shortfall from the period between 2012 – 2020 is 479 dwellings, based on an OAHN of 790 dwellings. We also consider that some of the suggested delivery rates on proposed allocations are unrealistic and not based on robust assumptions.

9.7 The evidence provided by the Council is not sufficient to demonstrate that the housing requirement over the first 5 years of the Plan will be achieved. When a more realistic OAHN of 1,010 dpa is factored into the calculation, as well as reasonable adjustments relating to windfalls and the Sedgfield approach to backlog, it is clear that the Council cannot demonstrate a 5YHLS. This could fall to as low as 3 years even before a detailed interrogation of the deliverability of sites is undertaken.

9.8 It is understood that there are a number of sites which are proposed to be allocated but have yet to have an application submitted. In order help ensure a 5YHLS, the Council should demonstrate that there is a realistic prospect that housing will be delivered on site within five years.

9.9 Lichfields reserves the right to update the above evidence as and when further information becomes available



From: [REDACTED]
Sent: 07 July 2021 14:47
To: localplan@york.gov.uk
Cc: [REDACTED]
Subject: Modifications to Local plan - Representations by Chamber of Commerce
Attachments: 210707 Modification Reps Composite - YNY Chamber.pdf; Chamber Local Plan Proposed Mods Response Form 2021 Employment.pdf; Chamber Local Plan Proposed Mods Response Form 2021 Green Belt.pdf; Chamber Local Plan Proposed Mods Response Form 2021 Housing.pdf

Follow Up Flag: Follow up
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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 on the modifications to the Local Plan on behalf of the York and North Yorkshire Chamber of Commerce. The composite document, although 43 pages long, only the first 13 pages are the representations. The other pages are appendices.

Correspondence should be addressed to [REDACTED] as the primary point of contact (Detail on the Forms). If you have any difficulty contacting [REDACTED], please revert to me or [REDACTED]

Kind regards

[REDACTED]

7th July 2021

Chamber of Commerce representations York Local plan 2021 Modifications

I am writing as chair of York Property Forum on behalf of the York and North Yorkshire Chamber of Commerce.

The Chamber is keen, as are many of our members, for York to have a Local Plan, it has been far too long since the last one. The delays in plan making are harming our great City's ability to recover from the impacts of the Pandemic.

The business community needs the framework that the local plan should provide to help invest more in the City. Without continued investment in new offices, hotels, retail, business premises, housing and transport infrastructure the city will suffer lower economic growth than would otherwise be the case. Strong and ambitious growth will in turn help address the relatively high inequality in the city, particularly through the delivery of more employment and more housing, affordable as well as all other forms of tenure.

The Chamber believes that the amended draft local plan lacks the ambition necessary to support this growth. We therefore object to the proposed modifications to the draft local plan as set out in the attached consultation response document and appendix.

We welcome all opportunities to work with the City of York Council and wider community to help build a stronger York.



Chamber of Commerce representations York Local plan 2021 Modifications

1.0 INTRODUCTION

- 1.1 This submission is made on Behalf of the York and North Yorkshire Chamber of Commerce on the New Local Plan Proposed Modifications and Evidence Base Consultation May 2021.
- 1.2 The Chamber has made representations at all recent stages of the Local Plan preparation – most recently on the last set of Modifications to the Local Plan in July 2019. In December 2019 the Chamber was represented at the opening sessions of the Local plan Examination (Examination Phase 1 hearings).
- 1.3 At the end of the Phase 1 hearings in December 2019, the Inspectors asked the Council to provide additional information to aid their understanding of the justification of the Policies in the Plan, in particular the approach to Green Belt. The Council undertook to provide the additional information by the end of March 2020.
- 1.4 It is disappointing therefore that it has taken an additional 15 months and a suggestion from the Inspectors to the Council that the Plan should be withdrawn, to elicit the information requested in December 2019. We appreciate that the Council has been operating under the restrictions imposed by COVID and the tragic loss of the head of the Local Plan team, but as the Country emerges from the Pandemic and begins to adjust to challenging economic circumstances, having an adopted Local Plan in place is needed more than ever.
- 1.5 However, that Local Plan must be fit for purpose. In particular the past year has emphasised that flexibility and the ability to respond quickly to changes in economic and social circumstances should be an essential principle of the Local Plan and its Policies. However, for the reasons we set out in our representation the Chamber's view is that these important attributes are absent from the plan.
- 1.6 Our representations on the modifications are short, primarily because most of the points we made in our representations at the Publication stage of the Plan in 2018

and the first set of modifications in 2019 have not been answered and therefore remain outstanding. In particular, the Chamber would highlight its continued concern about the pressure on the supply of employment land.

- 1.7 So that all our current and previous representations are to hand in one document we attach our representations on the 2019 Modifications at Appendix 1 and our representations on the 2018 Publication Draft Plan at Appendix 2.
- 1.8 In drafting our representations on the proposed modifications, we are mindful that the Draft Plan is being examined under the transitional arrangements and the relevant National Planning Guidance is the NPPF March 2012.
- 1.9 The Chamber would also highlight that we make no judgement on specific housing or employment allocations. Our comments are directed at the broad strategic issues relating to housing and employment land provision and Green Belt.
- 1.10 Table 1 below sets out a summary of our response and indicates where additional commentary to our response can be found.

Table 1 Summary of our response on the Proposed Modifications

Proposed Modification	Response	Change required to make the Plan sound
<p>PM 48 Clarification of the Plan period being 2017-2032/33 and provision beyond the Plan Period to deliver a permanent green belt.</p>	<p>We object to the proposed modification</p>	<p>The Local, plan period should be reset to a date that will correspond to the adoption date of the Plan. April 2023 could be considered as an appropriate start date for the plan. This would have obvious consequential changes for other policies and site allocations in particular.</p>
<p>PM 49 Clarification of Plan period and provision beyond the Plan period to deliver a permanent green belt</p>	<p>We object to the proposed modification. It is likely that 5 year of the plan period will have elapsed at the time its is adopted. With 10 years of the plan period remaining and 5 additional years the</p>	<p>The Local, plan period should be reset to a date that will correspond to the adoption date fo the Plan. April 2023 could be considered as an appropriate start date for the plan. This would have obvious consequential changes for other policies and site allocations in particular. Additional strategic sites</p>

	Council say they have provided allocation for, a review of the Green Belt is likely after 15 years. This does not constitute a permanent Green Belt Boundary.	that can deliver substantial affordable housing and other benefits should be allocated in the Plan to deliver the Substantial Boost to housing supply sought by the NPPF. Table 1a in PM55 presents an exaggerated representation of housing supply -particularly supply from Strategic Housing sites and should be revised to reflect more realistic delivery from these sites.
PM 50 Policy SS1: Clarification of the housing requirement over the Plan period	We object to the proposed modification. The allocations are inadequate to meet the housing needs of the City	
PM 52 Amend Policy wording to clarify the Council approach to phasing in relation to brownfield land and sustainable location of development.	We object to the proposed modification. The modification is not necessary	
PM 53 Clarification of housing requirement over the Plan period	We object to the proposed modification. The allocations are inadequate to meet the housing needs of the City	
PM 54 Clarification of housing requirement over the plan period including an allowance for a shortfall in provision	We object to the proposed modification. The allocations are inadequate to meet the housing needs of the City.	
PM 55 Amend Policy wording to clarify the Council approach to phasing in relation to brownfield land and to clarify range of sites delivered within the Spatial Strategy	We object to the proposed modification.	
PM 56 To better relate Key Diagram to the spatial strategy	We object to the proposed modification	

**OBJECTION TO PROPOSED MODIFICATIONS PM48, PM49, PM50, PM52, PM53,
PM54, PM55, PM56**

(i) PM's 48 and 49 - Plan Period

- 2.1 PM 48 clarifies that the plan period is 1st April 2017 and extending to 31st March 2033 – 16 years. PM 49 clarifies that to ensure Green Belt permanence beyond the Plan period, sufficient land is allocated for development to meet a further minimum period of 5 years to 2038. We will deal with issue of permanence later in this representation.
- 2.2 Our representations on the first set of modifications in July 2019 expressed our concern that at that time two years had elapsed since the start of the plan period and in the absence of the adopted plan, there has been little if any development activity on any of the strategic large housing sites. We are now two years advanced from July 2019 and little has changed, other than the situation with regard to housing supply has worsened. The last set of housing completion figures for 2019/20 (521 dwellings)¹ demonstrates, yet again, the continuing trend of completions falling significantly short of the Councils housing requirement of 790 dpa (Notwithstanding we consider the 790 figure to be inadequate to address the housing crisis in York).
- 2.3 In our July 2019 representations we said that, optimistically, the plan would not be adopted until mid or late 2020 and realistically, probably not until early to mid-2021. In the current circumstances adoption of the plan is unlikely until 2023 at the earliest – 6 years after the start date of the Plan.
- 2.4 We now have a situation that goes to the heart of the soundness of the Plan. Paragraph 157 of the NPPF (2012) advises that local plans should be drawn up over an appropriate time scale, preferably a 15-year time horizon, taking account of longer-term requirements, and be kept up to date. Common sense would suggest that at the point of adoption the local plan should be at or close to (within a year or

¹ (560 less 39 student units)

two) of its start date, not six years out. This common-sense point is now set out in the 2019 NPPF which, at paragraph 22, advises that Strategic policies should look ahead over a minimum 15-year period from adoption² and that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years³ (NPPF 2019 para 33). The situation in York, therefore, is that at the point of adoption, the Council will have failed in its legal duty to have reviewed the Plan.

2.5 The Council is now facing a position where, at the point of adoption, 6 years of the plan period will have elapsed with no housing development of any significance on strategic housing sites.

2.6 To ensure a sound Plan and legally compliant Plan, the plan period must be reset so that the start of the Plan period is at, or close to, the point of adoption.

(ii) PM49 – Green Belt permanence beyond the Plan Period

2.7 Our response on previous representations have addressed this point (paragraphs 3.1 to 3.11 of our July 2019 representations at Appendix 1).

2.8 One of the consequences of the delay in adopting the Local Plan is that the Plan period is reduced by at least 6 years (assuming an adoption date sometime in 2023). The 15-year plan period becomes, in practice, a 9-year plan period. With the additional 5 years beyond the plan period, the Green Belt would only be in place for 14 years after adoption of the plan. This falls well short of the permanence for Green Boundaries that National Planning Policy requires.

2.9 The likelihood is that at the first review of the Plan, the Council would have to make provision for an additional housing requirement beyond 2038 which in turn would likely give rise to a Green Belt review. As set out in our July 2019 representations

² Strategic policies should set out an overall strategy for the pattern, scale and quality of development (See para 20 of NPPF 2019 for details of the scope of development considered for strategic policies)

³ Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).

this failure of the Plan can be addressed by allocating additional land for housing development now and identifying Safeguarded Land in accordance with the advice in paragraph 85 of the NPPF.

(iii) PM50, PM53, PM54, PM55 - The Housing Requirement

2.10 In our previous representations the Chamber made clear its concern with the proposed level of housing provision which it considered inadequate to meet the housing and economic needs of the City. Our view on this issue has not changed, if anything the continued delays and shortfall in house completions has heightened our concerns.

2.11 We remain unconvinced about the Council approach to calculating the Objectively Assessed Need (OAN)for housing for the reasons set out in paragraphs 2.4 to 2.16 of our July 2019 representations which can be summarised as:

- (i) The use of 2016 population and household projections is contrary to Government Guidance;
- (ii) The housing need calculation is too low;
- (iii) The calculation of completions since 2012 is too high (i.e. the Councils estimate of backlog is too low);
- (iv) Outstanding commitments include student housing that should be excluded as they do not meet housing need or contribute to affordable housing;
- (v) The assumptions on windfalls are questionable and should not be treated as a component of the Plan;

2.12 It is generally accepted there is a housing crisis in York resulting from persistent under delivery and above average increase in house prices. Table 2 below updates table 3 of our July 2019 representations and indicates that the backlog in housing completions since 2012 is 2,030 using the Council OAN of 790 dpa. If the Standard

method OAN of 1,026 dpa is used from the beginning of the Plan period , the backlog would be 2,741 dwellings.

Table 2 - Backlog assuming OAN of 790 dpa

Year	Net Dwellings Added (Council Figures)	Less student units	Net C3 Dwelling units	Local Plan Mods OAN	Backlog/ Surplus	Housing delivery test indicator
2012/13	482	0	482	790	-308	61.0%
2013/14	345	0	345	790	-445	43.7%
2014/15	507	0	507	790	-283	64.2%
2015/16	1121	579	542	790	-248	68.6%
2016/17	977	152	825	790	35	104.4%
2012-17	3432	731	2701	3950	-1249	
2017/18	1296	637	659	790	-131	83.4%
2018/19	449	40	409	790	-381	51.8%
2019/20	560	39	521	790	-269	65.9%
2017-20	2305	716	1589	2370	-781	
Total 2012-20	5,737	1,447	4,290	6,320	-2,030	63.0%

2.13 In the course of the consultation on these modifications, press reports highlighted the significant increase in house prices in 2020/21 (see Appendix 3). This Council’s own Housing Needs update confirms that in 2019 the median workplace ratio for York was 8.2 (i.e. median house prices are 8.2 times the median earnings of those working in the district)

2.14 All of this evidence suggests that if York is to “**...boost significantly...**” the supply of housing to address the current housing crisis, significant additional housing land allocations are required.

Affordable housing

- 2.15 The Chamber is particularly concerned about the implications for affordable housing in the Council's approach to meeting housing needs. The Council's Strategic Housing Market Assessment (SHMA) identified a need for 573 affordable homes per annum (accepting that this need model includes existing households who may require a different size or tenure of accommodation rather than new accommodation).
- 2.16 Assuming an annual housing requirement of 822 dwellings, we would expect an average of 25% affordable provision (205 dpa) – mid way between the brownfield 20% and greenfield 30% target. Over the 16-year lifetime of the plan this should deliver **3,280** affordable units (205 x 16)
- 2.17 The Council's Affordable Housing note is predicting the following housing and affordable delivery during the plan period based on delivery assumptions at 1st April 2017:

Table 3 – Anticipated affordable housing delivery

	Total Delivery	Affordable
Strategic Housing sites over 5ha	11,067	2,534 (22.9%)
Sites under 5 ha	1,452	429 (29.5%)
Affordable from extant consents	3,578	380 (10.62%)
Total	16,097	3,343 (20.76%)

- 2.18 However, because of the delays with the Plan, development of strategic sites has been pushed further back into the Plan period. Our estimate is that strategic sites will only deliver 6,983 dwellings in the plan period (Allowing for 10% non Implementation), which would reduce affordable delivery from this source to 1,599 dwellings and total delivery to **2,591** or 162 affordable dwellings per annum over the plan period. This figure is at the lower end of what is achievable in a city that is

experiencing significant house price inflation and when there is huge pressure on the limited supply of affordable housing.

2.19 Furthermore, the recent record of affordable housing delivery does not give us any confidence that even this modest rate of 162 dwellings will be achieved. In recent years the record of affordable housing delivery has been very poor. Table 12 from the Councils Affordable Housing note shows that between 2013/14 and 2018/19 only 461 affordable dwellings in total were delivered, or 77 dwellings per annum, were delivered.

2.20 But even this 461 affordable dwellings over the past 6 years has done little to ease the affordable housing crisis when the impact of right to buy is factored into the calculation. Table 14 from the Affordable Housing note shows that between 2013 and 2019 there were 384 RTB sales in York – resulting in a net addition to the affordable stock of just 77 dwellings or 13 dwellings per annum. Between 2014/15 and 2018/19 the Council purchased 85 affordable homes with commuted funds, but only increases the net addition to the social housing stock to 27 dwellings per annum for the 6 year period.

Table 4 – Actual Affordable housing delivery and net change in affordable stock

Year	Net Housing Completions	All affordable Housing Completions (resulting from planning consent)	% of All AH Completions Compared to All Net Housing Completions	Right to buy sales	Net change in affordable housing stock
2013/14	345	43	12.46%	53	-10
2014/15	507	129	25.44%	52	77
2015/16	1121	109	9.72%	68	41
2016/17	977	90	9.21%	79	11
2017/18	1296	45	3.47%	72	-27
2018/19	449	45	10.02%	60	-15
Totals 2013-18	4695	461	9.82%	384	77

- 2.21 The Chamber is aware from feedback from members that the high cost of housing is posing difficulties in staff recruitment and retention for businesses in the City, particularly those in the hospitality and leisure sector.
- 2.22 It is clear from the Council's own analysis that the greatest potential for delivery of affordable housing is from strategic greenfield sites. If there is to be a step change in affordable housing delivery, more consideration should be given to increasing the potential for additional greenfield strategic housing allocation to address the shortfall in supply generally and the shortfall in delivery of affordable housing in particular.

(iv) PM 52 - phasing in relation to brownfield

- 2.23 The Chamber fully supports that emphasis should be placed on development of brownfield land but in the York context the proposed change to insert an additional bullet point that says "*Prioritise making the best use of previously developed land*" is not required for the following reasons:
- The modification duplicates guidance in paragraph 17 of the NPPF 2012 and paragraph 117 of the NPPF 2019
 - York does not have a legacy of heavy industry that gives rise to significant brownfield sites.
 - Brownfield sites do not deliver the same level of affordable dwellings as greenfield sites
 - All the major brownfield sites identified in the Plan (British Sugar; Nestle; York Central; Terrys) have planning consent;
 - There can be genuine obstacles to development of brownfield sites that can delay development coming forward for several years (a good example is the 3-5 years required to remediate the British Sugar site). In that time development of sustainable greenfield sites could be held back because of this policy;

- Owners of brownfield sites cannot be forced to develop them (although in York this does not appear to be a problem);
- This additional emphasis on brownfield sites could accelerate the loss of employment land that is occurring in the city centre;
- The evidence indicates that brownfield sites in York are aggressively developed even when development on greenfield sites is taking place. For example, the Terry's site and more recently the former Heworth Gas Works site are being developed while development is occurring on greenfield sites at Germany Beck and Derwenthorpe

Employment Land and Economic Development

- 2.24 Paragraphs 26 to 30 of our representations on the 2018 publication Draft Plan set out our concerns that the identified employment land would not address the needs of all business sectors in the City. Those concerns remain unchanged. In particular we believe the requirement of the commercial, manufacturing and logistics sectors have not been adequately addressed.
- 2.25 The restrictive approach to defining the Green Belt Boundaries and the absence of any safeguarded land provision means the Plan does not have the flexibility to respond to unexpected major inward investment or changes in the demand from different sectors in the economy e.g. the potential for reduced demand for office floorspace but increased demand for logistics and distribution floorspace.
- 2.26 Whilst it is correct to review the 2015 Oxford Economics' forecast on which jobs growth was based, we would make the point that the outlook and trends predicted in the York Economic Outlook (December 2019) EX/CYC/29, will have been significantly impacted by the Covid crisis. Furthermore, OE, in their report state that, "Such targets will need to take account of local opportunities, constraints and community aspirations." Even in 2019 this would have suggested a need for flexibility and a less restrictive approach, a point which now has even more relevance as we build back from the worst economic crisis in peacetime.



2.27 The document should therefore be updated to take account of these changed economic circumstances.



APPENDIX 1

2019 Modifications Representations

22 July 2019

City of York Local Plan proposed modifications consultation 2019

I am writing as chair of York Property Forum on behalf of the York and North Yorkshire Chamber of Commerce.

The Chamber is keen, as are many of our members, for York to have a Local Plan, it has been far too long since the last one. York is a great place which has many strengths and there is a massive opportunity to make more of these strengths.

The business community needs the framework that the local plan should provide to help invest more in the City. Without continued investment in new offices, hotels, retail, business premises, housing and transport infrastructure the city will suffer lower economic growth than would otherwise be the case and this great opportunity for York could be missed. Strong and ambitious growth will in turn help address the relatively high inequality in the city, particularly through the delivery of more employment and more housing, affordable as well as all other forms of tenure.

The Chamber believes that the current draft local plan lacks the ambition necessary to support this growth. We therefore object to the proposed modifications to the draft local plan as set out in the attached consultation response document and appendix.

We welcome all opportunities to work with the City of York Council and wider community to help build a stronger York.

1.0 INTRODUCTION

- 1.1 This submission is made on Behalf of the York and North Yorkshire Chamber of Commerce on the Proposed Modifications to the Draft York Local Plan.
- 1.2 The Chamber has made representations at all recent stages of the Local Plan preparation – most recently on the Publication Draft Plan in April 2018. These representations focus exclusively on the proposed modifications to the Plan. In all other respects the comments we made on the Draft Plan at the Publication Stage remain unchanged. In particular the Chamber would highlight its continued concern about the pressure on the supply of employment land.
- 1.3 In drafting our representations on the proposed modifications, we are mindful that the Draft Plan is being examined under the transitional arrangements and the relevant National Planning Guidance is the NPPF March 2012.
- 1.4 Table 1 below sets out a summary of our response and indicates, where appropriate, where additional commentary to our response can be found.

Table 1 Summary of our response on the Proposed Modifications

Proposed Modification	Response	Comment
PM3 Explanation of City of York Housing Needs	We object to the proposed modification	Our objection is elaborated in section 2 of this representation
PM4 Policy SS1: Delivering Sustainable Growth for York	We object to the proposed modification	Our objection is elaborated in section 2 of this representation
PM5 - Policy SS1: Delivering Sustainable Growth for York	We object to the proposed modification	Our objection is elaborated in section 2 of this representation

<p>PM20a to PM20d – Policy H1: Housing Allocations</p>	<p>We object to the proposed modification</p>	<p>The allocations are inadequate to meet the housing needs of the City. Our objection is elaborated in section 2 of this representation</p>
<p>PM21a to PM21d - Policy H1: Housing Allocations</p>	<p>We object to the proposed modification</p>	<p>The allocations are inadequate to meet the housing needs of the City. Our objection is elaborated in section 2 of this representation</p>
<p>PM22 - Policy H1: Housing Allocations Explanation</p>	<p>We object to the proposed modification</p>	<p>The allocations are inadequate to meet the housing needs of the City. Our objection is elaborated in section 3 of this representation</p>

2.0 OBJECTION TO PROPOSED MODIFICATIONS PM3, PM4, PM5, PM20a to 20d, PM21a to 21d AND PM 22

Plan Period

- 2.1 The Submission Draft Plan proposes a 16-year plan period starting at 1st April 2017 and extending to 31st March 2033. To that the plan has made provision for development needs for an additional 5 years to ensure a “permanent” Green Belt Boundary. We will deal with issue of permanence later in this representation.
- 2.2 On the issue of the plan period, there is an immediate and obvious issue. Two years have elapsed since the start of the plan period and in the absence of the adopted plan, there has been little if any development activity on any of the strategic and large housing sites. Optimistically, the plan will not be adopted until mid or late 2020. Realistically, probably not until early to mid-2021. At that point 4 years of the plan period will have elapsed with no housing development of any significance on the strategic sites, leaving only 12 years of the period remaining.
- 2.3 To meet the housing needs of the city the plan period should be moved forward so that the development needs of the city can be properly accommodated.

The Housing Requirement

- 2.4 In our previous representation the Chamber made clear its concern with the proposed level of housing provision which it considered inadequate to meet the housing and economic needs of the City. The proposed modification to reduce the housing requirement further to 790 dwellings per annum amplifies our concern,
- 2.5 On the issue of housing the NPPF is clear about the need for a significant increase in housebuilding to address existing backlog and meet future needs. Local authorities are encouraged to “...**boost significantly**...” the supply of housing. Paragraph 47 of the NPPF states:

To boost significantly the supply of housing, local planning authorities should:

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area*
- *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 of 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;.....*

2.6 We believe the Council, has adopted the wrong approach in estimating housing commitments, housing backlog and the inclusion of student housing in the backlog and housing commitments.

2.7 Following the submission of the Local Plan, the Inspectors wrote to the Council with queries about the Submission Draft housing allocation. The Inspector's letter of 25th commented that, without prejudice to the findings of the Examination, the 2017 SHMA update:

..... appears to be a reasonably robust piece of evidence which follows both the NPPF and the national Planning Practice Guidance. The plan, however, aims to provide sufficient land for 867 dpa

2.8 The Inspectors then went on to query why the Council had settled on a figure of 867 dwellings per annum.

This [note in the front of September 2017 SHMA Update] explains that the Council accepts the figure of 867 dpa, but does not accept the conclusions of the SHMA Update concerning the uplift or the consequent OAN figure of 953 dpa. The reasons given for the latter appear to relate to the challenge of the 'step-change' in housing delivery needed. We also note that it says the Council considers GL Hearn's conclusions to be "... 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 constraints".

Precisely what it is about the SHMA Update that the Council considers "speculative and arbitrary" is not apparent to us. We are also unsure why you consider the SHMA Update to be "too heavily reliant on recent short-term unrepresentative trends". We therefore ask you to elaborate on these shortcomings in your evidence.

Difficulty in housing delivery and the existence of environmental constraints have no place in identifying the OAN. If such matters are to influence the plan's housing requirement, which you will appreciate is a different thing to the OAN, the case for this must be made and fully justified. At present, unless we have missed something, it is not. Overall, as things presently stand, we have significant concerns about the Council's stance regarding the OAN.

2.9 In response to these queries the Council commissioned another update of the OAN. This Housing Needs Update January 2019 arrived at an OAN of 790 dwellings per annum based on 2016 Sub National Population Projections and 2016 based Household Projections. This is a significant reduction in the OAN compared with previous estimates. Using this OAN the housing requirement for the Plan period would be:

Table 2 Housing Requirement using OAN of 790 dwellings Per annum.

Plan period 1st April 2017 to 31 st March 2033	
Total Need 2017 -2032/33 (based on 790 dwellings per annum)	12,640
plus 32 dwellings per annum to meet backlog	512
Total requirement	13,152
Unimplemented Permissions @ 1st April 2018 less 10% for non-implementation (3,345 x 0.9)	3,010
Windfalls (from Year 4) @ 169 pa	2,197
Requirement to be provided through allocations ((13,152) – (3,010 + 2,197))	7,945

2.10 We consider this (Council) assessment of the requirement remaining and the housing allocations set out in the Draft Plan to be inadequate for the following reasons:

- (i) The use of 2016 population and household projections is contrary to Government Guidance;
- (ii) The housing need calculation is too low;
- (iii) The calculation of completions since 2012 is too high (i.e. the Councils estimate of backlog is too low);
- (iv) Outstanding commitments include student housing that should be excluded;
- (v) The assumptions on windfalls are questionable and should not be treated as a component of the Plan;

2.11 The Councils proposed modification to the housing requirement from 867 to 790 adds further unnecessary confusion to the housing figure debate. The modification is contradictory to the advice given by the Council in its letter of 29th January to the Inspectors which stated that the updated SHMA work had been undertaken to:

“seek to confirm that the 867 dwellings per annum proposed in the submitted Plan can be shown to robustly meet requirements”.

2.12 Fundamentally, the way the OAN has been calculated is contrary to National Planning Policy. This is confirmed by Government in the updated Planning Practice Guidance (revised on the 20th February 2019) where Paragraph 005 Ref Id. 2a-005-20190220 states that:

“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”.

2.13 Accordingly, whether using the “old” or “new” methodology, it is clear that the Government have rejected the 2016 projections and consequently their use in the calculation of an LPA’s annual housing requirement. From a practical point of view, given the unequivocal stance of the updated Planning Practice Guidance, the Government are not going to go back and update the old guidance to make clear that the 2016 projections have been rejected. This is particularly the case of plans being prepared under the “transitional arrangements” whereby Local Plans submitted ahead of Jan 2019 will be assessed on the basis of the old methodology and importantly the evidence base it relied upon at that time.

2.14 The shortcomings of the use of the 2016 population and household projections are acknowledged in the updated SHMA. On the issues of affordability, the Updated SHMA is even more damning. It states:

*4.17 At the median level, York has the highest affordability ratio, and thus the least affordable housing, relative to surrounding North Yorkshire, Yorkshire and Humber, and England. In addition, the affordability ratio in York has also increased the most in the past five years relative to the other geographies – **indicating a significant worsening in affordability**.....*

4.19 The affordability statistics and the market signals reveal that as a whole, York is becoming increasingly more unaffordable and that a market signals adjustment in the City is necessitated.

2.15 The Council’s reliance on the 2016 population and household projections is not only contrary to Government guidance, but also flies in the face of the evidence demonstrating the very high demand for housing in the face of diminishing supply in York. The evidence points overwhelmingly to strong and entrenched market signals issues across York evidenced by worsening affordability. Fundamentally the updated SHMA promotes a low housing requirement figure that contradicts the Government’s objective of significantly boosting the supply of housing particularly in areas of high housing need such as York.

2.16 The Chamber is particularly concerned at the scale of the backlog in housing completions in recent years. The data from the Council shows that since 2012 the backlog amounts to 2,902 dwellings. We have excluded student house units from the completion data as this is not meeting general housing requirements. We have updated our Table 1 from our 2018 representation below. It reaffirms our deep concerns at the continuing failure of the Council to address the City' housing needs.

Table 3 Housing completion backlog for the period 2012-2017

Year	Net Dwellings Added (Council Figures)	Less student units	Net C3 Dwelling units	2017 SHMA recommended housing requirement	Backlog/ Surplus
2012/13	482	0	482	953	-471
2013/14	345	0	345	953	-608
2014/15	507	0	507	953	-446
2015/16	1121	579	542	953	-411
2016/17	977	152	825	953	-128
2017/18	1296	637	659	953	-294
2018/19	449	40	409	953	-544
Total	3,432	731	2,701	6,671	-2,902

3.0 REPRESENTATIONS ON GREEN BELT EVIDENCE BASE

Response to the Councils Evidence Base

3.1 In their letter of 25th July 2018 to the Council, the Inspectors commented:

As we understand it, there has at no time been an adopted development plan for York with an adopted policies map identifying the Green Belt, or at least not its boundaries. The Local Plan now sets out to rectify this. It proposes to designate land as Green Belt and to delineate Green Belt boundaries.

3.2 The Inspectors letter posed the following questions to the Council:

- i. *For the purpose of paragraph 82 of the NPPF, is the Local Plan proposing to establish any new Green Belt?*

- ii. *If so, what are the exceptional circumstances for so doing, and where is the evidence required by the five bullet points set out at paragraph 82 of the NPPF?*
- iii. *If not, does the Local Plan propose to remove any land from an established Green Belt? If it does, is it necessary to demonstrate that exceptional circumstances exist to warrant that approach? Or is it the case that the Local Plan establishes the Green Belt boundaries for the first time, such that the exclusion of land from the Green Belt – such as at the 'garden villages', for example – is a matter of establishing Green Belt boundaries rather than altering them, in the terms of paragraph 83 of the NPPF?*

Notwithstanding all of the above, it is not clear to us how the Council has approached the task of delineating the Green Belt boundaries shown on the Policies Map submitted. Unless we have missed something, no substantive evidence has been provided setting out the methodology used and the decisions made through the process. We ask that the Council now provides this.

3.3 Our response to the Inspectors questions, having regard to the addendum produced by the Council, is set out below following the order of the questions in paragraph 3,10 above.

- (i) We believe the Local Plan is not trying to establish new Green Belt. Nor should it be seeking to establish new Green Belt. The role of the Local Plan is clearly set out in saved regional planning policies and has been accepted and endorsed by Inspectors on appeal. The purpose of the Local plan is to define the inner and outer boundaries.
- (ii) Given our answer in (i), the Council does not have to demonstrate any exceptional circumstances for establishing new Green Belt.
- (iii) We believe this question encapsulates the key issue for the Local plan in respect of the Green Belt. Regional Policy has established the general extent of the Green Belt. We agree with the second part of the Inspectors question, that in establishing the Green Belt boundaries for the first time, it follows that the exclusion of land from the Green Belt – such as at the 'garden

villages', for example – is fundamentally a matter of establishing Green Belt boundaries rather than altering them, in the terms of paragraph 83 of the NPPF.

In other words, **it is not a question of what land should be taken out** of the Green Belt. The Council is at the point of deciding what land **should not be included** in the Green Belt in order to meet the identified requirements for sustainable development.

- 3.4 The Council has therefore misunderstood and wrongly applied NPPF policy. This misunderstanding is captured in paragraph 2.13 of the Addendum which states:

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.

- 3.5 The erroneous approach taken by the Council to defining the Green Belt boundaries has serious consequences in its attitude to meeting the needs for sustainable development over the plan period because it has resulted in an overly restrictive approach to identifying land for housing and other development needs on the mistaken assumption the those development needs had to constitute “exceptional circumstances”. This has, in turn, resulted in an erroneous approach to the issue of safeguarded land.

Safeguarded Land

- 3.6 Paragraph 85 of the NPPF advises that when defining Green Belt boundaries for the first time, local planning authorities should identify areas of ‘safeguarded land’ between the urban area and the Green Belt, to meet longer-term development needs beyond the plan period and make clear that the safeguarded land is not allocated for development at the present time. The failure of the Council to address this requirement is a fundamental failing of the Local Plan and goes to the heart of the Soundness of the Plan.

3.7 The Council has to demonstrate that the Green Belt boundaries will not have to be altered at the end of the plan period. The Chamber believes the Draft Plan has not allocated adequate land to meet housing or employment needs with the plan period and has failed to exclude land to meet longer-term development needs stretching **well beyond** the plan period as recommended by paragraph 85 of the NPPF.

3.8 It can remedy this failing by including in areas of safeguarded to meet development needs beyond the plan period.

3.9 Exactly what constitutes “...well beyond...” the plan period was considered by officers in a report to the Local Plan Working Group on 29th January 2015. Having received Counsels advice, officers recommended:

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.

3.10 Two previous Local Plan Inspectors in 2000 and 2012 both dismissed the draft Development Plan due to a lack of evidence confirming that Green Belt boundaries would endure beyond the Plan period. Questions about the permanence of the Green Belt boundary beyond the plan period have also been raised by Selby District Council.

3.11 The omission of this key component of the Local Plan spatial strategy is a serious weakness and may well result in the Plan being found unsound, particularly as the Plan period is only up to 2033 and, from the point of anticipated adoption in 2020/21, will only be a 12-year plan with land identified for development need for an further 5 years. This would give a Green Belt Boundary of 17 years as against a 25-year boundary that would be provided by a 15-year plan with safeguarded land for potential development needs for 10 years beyond.



APPENDIX 2

2018 Regulation 19 Representations

3 April 2018

CITY OF YORK LOCAL PLAN

PUBLICATION DRAFT REGULATION 19 CONSULTATION

REPRESENTATIONS ON BEHALF OF THE YORK AND NORTH YORKSHIRE CHAMBER OF COMMERCE

"For 30 or 40 years we simply haven't built enough homes. As a result, prices have risen so much that the average home now costs almost 8 times average earnings. And that's been a disaster for young people in particular. We have begun to put this right. "

Theresa May 2017 Conservative Party conference speech. 4 October 2017

"For years politicians have waffled about house building while tinkering at the edges of the market. I want to recapture the pioneering spirit that in the mid-20th century brought about developments like Milton Keynes and the new towns...I want to see a new generation of garden cities and garden villages spring up in places where demand presently outstrips supply."

Vince Cable 2017 Liberal Democrat Party Conference Speech, 19 September 2017

"The next Labour government will tackle the housing crisis.

"We will create a new Department for Housing and build 100,000 homes a year by the end of the next Parliament.

"Housing should be about homes for the many, not investment opportunities for the few."

Jeremy Corbyn, Milton Keynes rally 14th August 2017

- 1 The Chamber of Commerce welcomes this consultation on the next stage of the Local Plan that will hopefully take the City to an adopted Local Plan in the near future. The Chamber has commented on previous stages of the Plan, most recently the Pre-Publication Draft Plan in October 2017.

2 In our last representation in October 2017 we expressed our disappointment that the Pre-Publication stage of the Plan had not advanced the progress of the Local Plan beyond the Further Site Consultation stage of the Plan. We regret that the Chamber finds itself once again in the same position, as this Publication stage of the Plan has not advanced the progress of the Local Plan and the concerns we expressed in our previous representations in September 2016 and October 2017 about the under provision of housing and employment land, and the negative impact this will have on the City's longer term economic growth, have not been addressed.

3 We therefore find ourselves in the position of re-iterating almost every point made in our representation on the Preferred sites consultation in September 2016 which we have attached as Annex A. Those representations should be read as part of this representation which expands and updates previous comments following a similar format.

4 Our comments address:

- General observations
- The barriers to achieving a sound Local Plan
- Green Belt
- The housing land requirement
- The employment land requirement
- Transportation
- York Central
- Delivery

GENERAL

5 In this section we set out some broad observations made by Chamber members on the Plan. Some of these comments are expanded later in the representation.

- 6 There is a disconnect between the broad ambitions in the plan and how they are to be delivered. For example, Policy DP1 sets the aim for York to fulfil its role as a key economic driver within both the Leeds City Region and the North Yorkshire and East Riding Sub-Region, but then sets out restrictive policies on employment and housing land provision that do not reflect this ambition and will hinder its implementation.
- 7 We note that this point is also reflected in the comments made by North Yorkshire County Council on the Pre-Publication stage of the plan. The County Council commented:
- York is an important driver for growth both within the York, North Yorkshire and East Riding LEP area and the Leeds City Region. It is important that the City has a robust and high quality Local Plan in place that best enables it to unlock economic growth and prosperity for the benefit of its communities and those of its wider hinterland.*
- 8 The analysis presented in the Background and Vision Chapter is somewhat confusing and contradictory. For example, paragraph 1.24 starts by saying the City is in good shape, offering a superb quality of life to residents. But paragraph 1.31 then highlights that on the index of Multiple Deprivation 2015, the ranking indicates that the City as a whole has become more deprived.
- 9 The Background and Vision acknowledges the importance of the City's two Universities to the City's economic strength but later fails to allocate the land the University of York says it requires to accommodate its future growth.
- 10 The Background and Vision explains that because of uncertainties in long term economic forecasting the Plan takes a cautious approach using the baseline forecast to inform the employment land requirements of the Plan. The Chamber fundamentally disagrees with this cautious approach. As the Plan is defining Green Belt Boundaries

for the first time, this is the moment to ensure adequate land is excluded from the Green Belt to provide the flexibility to respond to as yet unknown employment land requirements. Given the economic uncertainties surrounding the Country's exit from the European Union, this is not a time to be cautious.

- 11 The Local Plan is an important document guiding the future development of the City. It is a document that many businesses will refer to when considering plans for expansion and future growth and development. The document should be accessible and easy to read and follow. We believe that for people not involved in the planning system regularly, the document will appear lengthy and intimidating.
- 12 The document could be shortened by including some policies in supplementary documents. For example, many of the policies in the Health and Wellbeing section are aspirational and do not relate directly to land use. The aspirations are well intentioned and would be supported by all, but we question whether they should be included as policies, particularly given the uncertainty over their delivery which we address further on.
- 13 We believe that there should be a summary/ explanatory chapter (Colloquially referred to an "an idiot's guide") at the beginning of the Plan document explaining how the policies in the plan will be used in determining planning applications, particularly for existing businesses looking to expand and for inward investors looking to locate to the City.

THE BARRIERS TO ACHIEVING A SOUND PLAN

- 14 Our comments made under this heading in our 2016 representations remain unchanged. In summary:

- We believe that on the basis of the information presented in the Draft Plan document, the Local Plan fails the tests of soundness. The Chamber is concerned that the Plan:
 - is not being positively prepared as there is inadequate provision for housing and employment land
 - will not be effective as it will not meet the development needs of the city
 - makes no provision for safeguarded land;
 - will not be consistent with national policy as it will not enable the delivery of sustainable development in accordance with the policies of the NPPF.

GREEN BELT

15 Our comments in our 2016 representations made under this heading remain relevant. The Chamber is increasingly concerned at the failure of the Council to acknowledge the need to exclude enough land from the Green Belt in the form of both allocations and safeguarded land to provide the necessary flexibility to meet the development needs of the City, particularly for housing and employment land.

16 Our views on this point are echoed in the comment made by North Yorkshire County Council, Hambleton District Council and Selby District Council.

17 NYCC commented that:

NYCC recognise that the Plan makes provision up to 2038, providing for an additional 5 years beyond the plan period. In adopting this approach it is acknowledged that in the longer term consideration will need to be given to how future growth needs will be managed to provide confidence in relation to planning for infrastructure and services including within neighbouring parts of North Yorkshire

18 Hambleton District Council commented that:

The document identifies sufficient land to meet the development needs of the City and establishes a Green Belt enduring 20 years. It does not safeguard land for development and recognises the build out time of the strategic sites will extend beyond the plan period. The proposed detailed boundaries of the Green Belt offer little opportunity to accommodate the increased level of growth proposed in the White Paper, should this be required.

19 Selby District Council commented that

Question whether a Green Belt boundary enduring for 20 years is sufficient to meet the NPPF as it pertains to the intended permanence of Green Belt boundaries in the long term so they are capable of enduring beyond the plan period.

HOUSING

20 Our comments made in 2016 remain relevant. We believe the Council, has adopted the wrong approach in estimating housing commitments, housing backlog and the inclusion of student housing in the backlog and housing commitments.

21 The Council have used a baseline requirement figure of 867 dwellings per annum. This is significantly short of the 953 dwellings per annum recommended by the Councils consultants G L Hearne.

22 The Chamber is particularly concerned at the scale of the backlog in house provision in recent years. The data from the Council shows that since 2012 the backlog amounts to 2,064. We have excluded student house units from the completion data as this is not meeting general housing requirements.

Table I Housing completion backlog for the period 2012-2017

Year	Net Housing Additions	Less student units	Net C3 Dwelling units	SHMA recommended figure	Backlog/ Surplus
2012/13	482	0	482	953	-471
2013/14	345	0	345	953	-608
2014/15	507	0	507	953	-446
2015/16	1121	579	542	953	-411
2016/17	977	152	825	953	-128
Total	3,432	731	2,701	4,765	-2064

- 23 The failure to meet housing need has significant direct and indirect negative impacts. The economy fails to benefit from the direct economic benefits from construction activity, from jobs that could have been provided and the missed purchasing power through the supply chain. The undersupply of housing also creates upward pressure on house prices which puts pressure on wage inflation. Lower paid workers, for example in the hospitality sector, are priced out of the York housing market and forced to seek lower priced housing further from York which in turn leads to increased commuting into the City and consequent congestion.
- 24 In the 5 month period since our previous representations, the Government has published a consultation document on a methodology for assessing housing need that every Local Planning Authority would have to use when preparing a Local Plan. The methodology uses the projections of household growth as the demographic baseline

for every local authority area. To this is added an adjustment to take account of market signals in house prices. Along with the Consultation Paper the Government included a calculation of the housing requirement for each local authority in the country. The calculation for York was a housing requirement of 1,070 dwellings per annum. The consultation paper explains that this should be treated as the starting point for assessing the housing requirement

- 25 In view of the above factors, the Chamber is concerned that the Council appears to be aiming to provide the minimum level of housing. The Chamber considers this to be the wrong approach. In light of the persistent under delivery of housing every year since 2008, the Council should be incorporating a considerable element of flexibility into the housing figures in the plan, particularly when the latest evidence is indicating yet further upward pressure on the requirement for housing. The housing requirement should therefore be increased and additional land allocations made to meet the housing need of the city.

THE EMPLOYMENT LAND REQUIREMENT

- 26 Our comments made on this issue in our 2016 representation remain relevant. The Local Plan identifies a requirement for only 34 hectares of employment land over the 15-year plan period plus the additional 5 years for the period 2033 to 2038. Against this the plan allocates 57 hectares of strategic employment land. However, of this, 10 hectares is already allocated for Autohorn at Whitehall Grange and 21 hectares is allocated for the knowledge based activities at the York University but is only expected to accommodate 21,500 sq m of floorspace. The majority of the 21 hectares allocation is for landscaping.

27 An additional 9.5 hectares of land is allocated for non-strategic employment use, but in relatively small parcels of land.

28 It is important to recognise that although it is Unitary Authority, York is also the largest urban area in North Yorkshire. In responding to previous versions of the Draft Plan, North Yorkshire County Council commented:

York is an important driver for growth both within the York, North Yorkshire and East riding LEP area and the Leeds City Region. It is important that the City has a robust and high quality Local Plan in place that best enables it to unlock economic growth and prosperity for the benefit of its communities and those of its wider hinterland

29 This important role that York has to play in the wider region is not fully reflected in the economic policies of the Plan.

30 In summary, the Chamber concludes that the identified employment land supply will not cater for York's future needs and this will constrain economic growth. In light of this, the Chamber feels that further land should be identified to broaden the portfolio of sites available to cater for York's diverse high value-added businesses and new inward investment to the City. Such sites should be located in areas accessible by public transport and the major road network and be deliverable in the short term.

TRANSPORTATION AND COMMUNICATIONS INFRASTRUCTURE

31 The comments on transportation in our 2016 representations are superseded by these representations.

32 The Chamber welcomes the commitments to the strategic road and rail networks outlined in Section 14 of the Draft Plan. Whilst the private sector can make some payment towards that infrastructure through developer contributions, the Local Plan

is also looking to the private sector to deliver many other policies of the plan. The scale of funding required to deliver the transport infrastructure identified in the Draft Plan is significant and considerable public-sector funding will be required alongside the private-sector funding. The Chamber is working with the Council to lobby Government to ensure that funding is forthcoming.

Policy T8 - The implementation of demand management must be carefully considered in the York city context. The City is not large enough and the historic environment is not conducive to accommodating a rapid transit system. For the foreseeable future, access by car to the City Centre will remain a necessity and parking provision should continue to be provided. Congestion and air quality issues will however, impose their own constraints. The move to low emission vehicles will begin to address issues of air quality. The business community should be consulted on proposals to restrict car access beyond the current pedestrianised areas of the City. The Chamber supports the continued development of the Park and Ride service and simple changes such as longer opening hours would help encourage the evening economy.

Policy T9 The policy should refer to, and make provision for, other Alternative Fuel Fuelling stations such as hydrogen stations and electric recharging stations

Policy C1 Communications Infrastructure. This policy should require refurbishment and new development schemes to be future proofed to facilitate the provision of mobile, broadband and wireless communications infrastructure. This would include infrastructure in the public realm and within private buildings.

YORK CENTRAL

- 33 The comments made in our 2016 representations remain relevant.
- 34 The Chamber is aware that some progress has been made towards the submission of a planning application for the York Central site. However, given the continued uncertainty surrounding the delivery of housing on the site – which the Draft Plan acknowledges, the housing provision from the site should be treated as windfall to the housing supply.
- 35 The Draft plan refers to the net developable area of 35 hectares on the York Central site. The Chamber believes the figure could be considerably less than 35 hectares and a plan providing a clear indication what land can be developed at the York Central site would help clarify this matter.

CONCLUSION

- 36 The Chamber is concerned that the Draft Plan does not present a positive or ambitious response to the challenges set out in the Background chapter of the plan. The City's economy continues to do well but is facing considerable challenges in the years ahead. A growing population needs to be housed; demands for employment floorspace must be addressed as well as being flexible so as to be able to quickly respond to changing market conditions; the expansion of the City's highly rated Universities must be accommodated; and significant investment is required for public transport and road infrastructure.
- 37 The Draft Plan fails to properly address these challenges in a joined-up way. The failure to adequately provide for the housing and employment needs will force people out of the City to find housing elsewhere and will stifle job growth. More importantly the

significant funding for infrastructure that could be forthcoming for the private sector if the full development needs of the City were to be accommodated will not be realised.

Proposed Changes to the Local Plan

36 The Chamber represents a broad spectrum of business interests in the City including many companies involved in property and construction. To maintain its impartiality the chamber does not comment on specific sites. Our suggested changes to make the Plan sound therefore relate to the broader strategic policies. The chamber suggests:

- The proposed housing requirement figure is increased to at least 1,070
- Additional employment land allocations are made to increase the range of sites available to the market

ANNEX A

Chamber representation to the 2016 Preferred Sites Consultation



APPENDIX 3

York Press Article on House Prices June 2021



NEWS

26th June

First time buyers pay £24,000 more for a York home than a year ago

By [Redacted]
Local Democracy Reporter



f t in e 34 comments

HOUSE prices in York have soared in the past year - with first time buyers spending an average of £24,000 more on buying a home than they were 12 months ago.

And property prices across the city have risen by an average of 11.4 per cent since April 2020.

Ben Hudson, from estate agency Hudson Moody, said he is seeing buyers places bids that are above the asking price for properties - driving up house prices.

He said: "Many houses that we thought were correctly priced have gone for higher than the asking price. The market has driven the prices up."



"It's the busiest I have seen it since the 1980s."

He said reasons for the rise include people moving to York from London and the south east as a result of being able to work from home. Buyers selling up in the south tend to have a bigger budget.

He added that people are keen to move as a result of the pandemic, for reasons including because they want to downsize, because they have been living with their parents or because they want to move to a more rural location.

There is also less supply than demand - which can push up prices.

Popular areas include Poppleton, Dunnington, Bishopthorpe and South Bank such as Bishopthorpe Road.

He said there is also increasing interest in buying apartments: "We are finding that city living, now that it is reopening, is starting to come back. Certainly during lockdown, apartments were slow. Apartments can be a good way of getting on the housing ladder."

Land Registry figures show the average York house price in April 2021 was £286,987.

In the past year, properties in the city have sold for an average of £29,000 more than 12 months earlier.

Semi detached houses have seen the biggest price rise - but the cost of detached homes, terraced housing and flats have all risen.

First-time buyers in York spent an average of £246,000 on their property – £24,000 more than a year ago, and £46,000 more than in April 2016.

The average house price in York of £286,987 is higher than the national average of £250,772.

Mr Hudson said: "Last year on March 23 none of us knew what was going to happen, I certainly wouldn't have predicted this.

"Since we reopened, it's been crazy. I think a lot of people are reassessing where they are living and a lot of people from the likes of London have been told they don't need to come into the office anymore."

He said he suspects the market will slow down but that York has a strong housing market and prices are unlikely to fall.

The most expensive properties in Yorkshire and The Humber are in Harrogate, costing £298,000 on average.

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

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 A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

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What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect 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 examination¹. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.

You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

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If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature

Date

Part B - Personal Details

Please complete in full; in order for the Inspectors to consider your representations you must provide your name and postal address.

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

Guidance note

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Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning 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.

You can use our online consultation form via www.york.gov.uk/form/LocalPlanConsultation or send back your response via email to localplan@york.gov.uk. **However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy (Part A of this form).**

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 B 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?

Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

In line with the current pandemic, we are also making the documents available for inspection by appointment only at City of York Council Offices, if open in line with the Government's Coronavirus restrictions. To make an appointment to view the documents, please contact the Forward Planning team via localplan@york.gov.uk or on 01904 552255.

Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

Part C -Your Representation

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



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

Proposed Modification Reference:

Document:

York Economic Outlook December 2019 [EC/CYC/29]

Page Number:

Whole Document

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 or sent by request.

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

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

Yes

No

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

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(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

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

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

Yes

No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

Whilst it is correct to review the 2015 Oxford Economics' forecast on which jobs growth was based, we would make the point that the outlook and trends predicted in 2019 will have been significantly impacted by the Covid crisis. Furthermore, OE, in their report state that, "Such targets will need to take account of local opportunities, constraints and community aspirations." Even in 2019 this would have suggested a need for flexibility and a less restrictive approach, a point which now has even more relevance as we build back from the worst economic crisis in peacetime.

8. (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 7 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 York Economic Outlook (December 2019) Oxford Econometrics [EX/CYC/29] has been overtaken by the changed economic outlook brought about by the COVID19 pandemic. The document should therefore be updated to take account of these changed economic circumstances.

9. If your representation is seeking a change at question 8.(1)

9.(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.

9.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

The Chamber of commerce was invited to the phase 1 hearings. The Chamber represents business' who will be directly affected by the Local Plan. The Hearings afford us the opportunity to put across the views of the Chamber members to the Inspectors.

Please note: the Inspectors will determine the most appropriate procedure to adopt to hear those who

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.

have indicated that they wish to participate at the hearing session of the examination.



City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

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ID reference:

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Signature

Date

Part B - Personal Details

Please complete in full; in order for the Inspectors to consider your representations you must provide your name and postal address.

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

Guidance note

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Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

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Part C -Your Representation

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



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

Proposed Modification Reference:

Document:

Topic Paper TP1 [EX/CYC/59]; Composite modifications
Schedule

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 or sent by request.

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

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

Yes

No

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

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(2)

In our representations on the 2019 modifications, we highlighted outstanding concerns from adjoining authorities – Hambleton; Leeds City Region LEP; Ryedale Council and Harrogate Council. We cannot find any information in the proposed modifications evidence base that answers those concerns.

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

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

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

Yes

No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

The Plan is not **Positively Prepared** because it makes inadequate provision for the housing needs of the City; the Green Belt boundaries are tightly around the urban area; Consequently, the permanence of the Green Belt beyond the plan period is not guaranteed.

The plan is not **justified** because elements of the evidence base are incorrect. For example, the housing supply trajectory over-estimates the amount of housing in the plan period;

The Plan is not **effective** as it does not make adequate land provision for housing or employment needs;

The Plan is not **consistent with national policy** as it does not provide a permanent Green Belt Boundary; the housing needs of the City are not properly catered for.

Our comments are set out in more detail in our representation document.

8. (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 7 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 Local, plan period should be reset to a date that will correspond to the adoption date for the Plan. April 2023 could be considered as an appropriate start date for the plan. This would have obvious consequential changes for other policies and site allocations in particular. Additional strategic sites that can deliver substantial affordable housing and other benefits should be allocated in the Plan to deliver the **Substantial Boost** to housing supply sought by the NPPF and to ensure Green Belt boundaries will not need to be reviewed at the end of the plan period.

Table 1a in PM55 exaggerates housing supply - particularly supply from Strategic Housing sites and should be revised to reflect more realistic delivery from these sites.

The Plan should make provision for safeguarded land to ensure a permanent Green Belt Boundary

9. If your representation is seeking a change at question 8.(1)

9.(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.

9.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

The Chamber of commerce was invited to the phase 1 hearings. The Chamber represents business' who will be directly affected by the Local Plan. The Hearings afford us the opportunity to put across the views of the Chamber members to the Inspectors.

Please note: the Inspectors will determine the most appropriate procedure to adopt to hear those who

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have indicated that they wish to participate at the hearing session of the examination.



City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

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 A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

What information will be collected: The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect 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 examination¹. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.

You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

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If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature

Date

Part B - Personal Details

Please complete in full; in order for the Inspectors to consider your representations you must provide your name and postal address.

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

Guidance note

Where do I send my completed form?

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- By email to: localplan@york.gov.uk

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- CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return (December 2019) [[EX/CYC/32](#)]
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 - Annex 2: Outer Boundary (February 2021) [[EX/CYC/59b](#)]
 - Annex 3: Inner Boundary (Part: 1 March 2021 [[EX/CYC/59c](#)], Part 2: April 2021 [[EX/CYC/59d](#)] and Part 3 April 2021) [[EX/CYC/59e](#)]
 - Annex 4: Other Urban Areas within the General Extent (April 2021) [[EX/CYC/59f](#)]
 - Annex 5: Freestanding Sites (March 2021) [[EX/CYC/59g](#)]
 - Annex 6: Proposed Modifications Summary (April 2021) [[EX/CYC/59h](#)]
 - Annex 7: Housing Supply Update (April 2021) [[EX/CYC/59i](#)] and Trajectory Summary (April 2021) [[EX/CYC/59j](#)]
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [[EX/CYC/60](#)]
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [[EX/CYC/61](#)]

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.

You can use our online consultation form via www.york.gov.uk/form/LocalPlanConsultation or send back your response via email to localplan@york.gov.uk. **However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy (Part A of this form).**

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 B of this form the group you are representing.

Do I need to attend the Public Examination?

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Part C -Your Representation

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



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

Proposed Modification Reference:

PM 48; PM 49; PM 50; PM 52; PM 53; PM 54; PM 55; PM 56

Document:

Composite Modifications Schedule;

Page Number:

Various

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

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

Yes

No

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

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(2)

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

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

Yes No

7.(2) Please tell us which tests of soundness are applicable to 7.(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"/>

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

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have indicated that they wish to participate at the hearing session of the examination.



From: [REDACTED] k>
Sent: 07 July 2021 13:34
To: localplan@york.gov.uk
Cc: [REDACTED]
Subject: Site Ref. ST14 - TW Fields - CYC Local Plan Consultation Response - July 2021
Attachments: Site Ref. ST14 - TW Fields - CYC Local Plan Consultation Response - July 2021.pdf; Site ST14 - Land West of Wigginton Road - Alternative Development Option Plans.pdf; ST14 - Response Form - TW Fields - July 2021.pdf; ST14 - Developer Options Assessment - Policy SS12.pdf

Importance: High

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 client TW Fields to provide their response to the City of York Local Plan Proposed Modification and Evidence Base Consultation in respect of Land West of Wigginton Road (Site Ref. ST14).

Whilst TW Fields supports the principle of this allocation, they consider that the defined boundary of the site is unsound and have therefore proposed a number of expansion options for the scheme, which they consider to be viable and deliverable alternatives. Following a review of the Proposed Modifications to the Local Plan and the amended Evidence Base documents, the developer's stance has not changed. The proposed detailed boundaries of the site allocation should be expanded. The reasoning for which is provided within the enclosed representations

The developers would like to reiterate their desire to work alongside CYC to finalise the detailed site allocation boundaries and the site specific development policies for the site throughout the Local Plan examination process and as part of future Main Modifications. Working together we can ensure that CYC's and the local community's planning parameters for the site are deliverable.

Such discussions could commence through the preparation of a Statement of Common Ground and the developers request that a working/live version of the document is prepared ahead of the next phase of hearing sessions, which can then be updated as the examination progresses.

Should you need any further information or wish to discuss any of the points made in these representations further, please do not hesitate to contact me.

Kind regards,

[REDACTED]

[REDACTED]

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

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What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect 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 examination¹. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature

Date

07.07.21

Part B - Personal Details

Please complete in full; in order for the Inspectors to consider your representations you must provide your name and postal address.

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

Guidance note

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 - Annex 1: Evidence Base (January 2021) [[EX/CYC/59a](#)]
 - Annex 2: Outer Boundary (February 2021) [[EX/CYC/59b](#)]
 - Annex 3: Inner Boundary (Part: 1 March 2021 [[EX/CYC/59c](#)], Part 2: April 2021 [[EX/CYC/59d](#)] and Part 3 April 2021) [[EX/CYC/59e](#)]
 - Annex 4: Other Urban Areas within the General Extent (April 2021) [[EX/CYC/59f](#)]
 - Annex 5: Freestanding Sites (March 2021) [[EX/CYC/59g](#)]
 - Annex 6: Proposed Modifications Summary (April 2021) [[EX/CYC/59h](#)]
 - Annex 7: Housing Supply Update (April 2021) [[EX/CYC/59i](#)] and Trajectory Summary (April 2021) [[EX/CYC/59j](#)]
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [[EX/CYC/60](#)]
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [[EX/CYC/61](#)]

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.

You can use our online consultation form via www.york.gov.uk/form/LocalPlanConsultation or send back your response via email to localplan@york.gov.uk. **However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy (Part A of this form).**

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 B 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?

Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

In line with the current pandemic, we are also making the documents available for inspection by appointment only at City of York Council Offices, if open in line with the Government's Coronavirus restrictions. To make an appointment to view the documents, please contact the Forward Planning team via localplan@york.gov.uk or on 01904 552255.

Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

Part C -Your Representation

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



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

Proposed Modification Reference:

Document:

Housing Needs Update – EX/CYC/43a
Topic Paper 1 Addendum EX/CYC/59, 59a, c, g
HRA 2020 – EX/CYC/45

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 or sent by request.

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

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

Yes

No

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

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(2)

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

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

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

Yes No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared **Justified**

Effective **Consistent with national policy**

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

Please see further detail in attached response.

- Housing Need Update – Fails to meet the full Local Housing Need
- TP1 Addendum – Inadequate justification for the proposed boundaries of ST14 and surrounding areas being placed into the Green Belt.

8. (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 7 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 representations. Increase the size of ST14.

9. If your representation is seeking a change at question 8.(1)

9.(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.

9.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is considered necessary to participate orally to allow the Inspector to ask any relevant questions in relation to ST14.

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.



PB Planning

Site Ref. ST14 - Land West of
Wigginton Road

City of York Local Plan Examination in
Public

CONSULTATION RESPONSE

July 2021

Strategy > Partnership > Delivery

INTRODUCTION

- 1.1 We write on behalf of our client TW Fields to provide their response to the City of York Local Plan Proposed Modification and Evidence Base Consultation in respect of Land West of Wigginton Road (Site Ref. ST14).
- 1.1 TW Fields are one of two developers (along with Barratt Developments plc) promoting the delivery of the strategic site allocation Land to the West of Wigginton Road (Ref. ST14). The two developers are working in collaboration to promote the allocation of the site. This statement should be read alongside our previous submissions to the Local Plan.
- 1.2 Land to the West of Wigginton Road, referred to as the Clifton Gate Garden Village scheme, is identified as a Strategic Allocation in the submitted York Local Plan (ST14) to deliver a new sustainable Garden Village of a minimum of 1,348 new homes, alongside the delivery of significant community infrastructure in the form of a new primary school, a village centre, a health centre, affordable homes, elderly persons care homes, public open space, and recreational facilities. This Garden Village approach fully supports the Government's ambitions for Garden Villages.
- 1.3 The identified Vision of the Clifton Gate site is 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.
- 1.4 The Clifton Gate site is strategically located to the north of York, beyond the established boundary of the Outer York Ring Road. The site is separated from the existing urban edge and surrounding villages. The site's location respects the historic and landscape character of this area of the City.
- 1.5 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.
- 1.6 The Clifton Gate site will make a significant contribution to meeting the City's housing needs over the emerging Local Plan period.

- 1.7 The Local Plan supports a development of 1,348 homes at the site. Whilst TW Fields supports the principle of this allocation, they consider that the defined boundary of the site is unsound and have therefore proposed a number of expansion options for the scheme, which they consider to be viable and deliverable alternatives.
- 1.8 In making representations to the Local Plan the developers 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. The final resolution of the precise boundary of the new settlement will be determined at Phase 2 of the examination of the Local Plan.
- 1.9 Following a review of the Proposed Modifications to the Local Plan and the amended Evidence Base documents, the developer's stance has not changed. The proposed detailed boundaries of the site allocation should be expanded. The reasoning for which is provided within these representations.

HABITAT REGULATIONS ASSESSMENT & MODIFICATION REF. PM61

- 2.1 The Council's updated Habitat Regulations Assessment (REF/CYC/45 – HRA 2020) identifies that the Clifton Gate site is situated approximately 4.6km from the most convenient access point to Strensall Common.
- 2.2 The HRA states that the development of the site would have only a 1% increase in visitor pressures to Strensall Common.
- 2.3 In response the HRA identifies that the policy text for the site should be amended to ensure that the impacts identified in the HRA as a result of recreational pressure on Strensall Common are mitigated. Accordingly, the Council have proposed a modification (Ref. PM61) to include the following additional criteria within Policy SS12 of the Local Plan: -

xiv. Provide a detailed site wide recreation and open space strategy and demonstrate its application in site masterplanning. Open space provision must satisfy policies GI2a and GI6.

- 2.4 TW Fields have no objection to the amended policy wording for the site, as there are a number of specific measures that the site would deliver that will reduce the need and desire for future residents to visit Strensall Common to a negligible level include: -

- A minimum of 10.25ha of public open space, green corridors, and recreational facilities as part of the development proposals.
 - The retention and enhancement of existing woodland, hedgerows and trees located within and surrounding the site. Appropriate accessibility into these areas will be provided.
 - The provision of substantial levels of new landscape planting within and surrounding the site. Providing landscape, Appropriate accessibility into these areas will be provided.
 - New walking and cycling routes will be provided from the new settlement to Clifton Moor, also connecting the site to the wider York footpath and cycle network.
 - An existing public footpath connection between Clifton Moor and Skelton will be enhanced and made suitable for pedestrian/cycling connectivity.
 - The walking and cycling routes in and around the site would be in excess of 5km in length and therefore remove any day to day need or desire to visit Strensall Common for general recreation purposes (including dog walking).
- 2.5 Furthermore, strategic issues, such as the disposal of wastewater are effectively screened out through adhering to the requirements of Local Plan Policy GI2 (vii). In particular, the Drainage Strategy for the development proposals will ensure that the water quality of the site and surrounding area is not negatively affected through the provision of three phase Sustainable Urban Drainage Systems and the removal of silt and chemical inputs. A Construction Environment Management Plan will also be produced to demonstrate that construction run-off will be attenuated to prevent silt or diffuse pollutants entering the wider catchment area.
- 2.6 The distance of the Clifton Gate site from Strensall Common; the provision of a substantial quantity of high quality on-site publicly accessible open space; and the provision of sustainable urban drainage systems will ensure that the Clifton Gate development has a negligible impact on Strensall Common, which is no greater than any other part of the City.
- 2.7 The above measures would therefore meet the requirements of Policy GI6, Policy GI2a and Policy SS12 of the Local Plan.

SUSTAINABILITY APPRAISAL

- 3.1 The site has been identified as strategic housing site allocation ST14 within different iterations of the City of York Local Plan and its accompanying Sustainability Appraisal 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).

- 3.2 Prior to the withdrawal of the previous Publication Draft Local Plan (October 2014), the developers undertook and submitted a full package of technical assessments associated with the delivery of the previously proposed larger site allocation boundary associated with the delivery of 4,020 homes. This work was considered within the Council's Sustainability Appraisal at that time.
- 3.3 The Council published a new Local Plan Preferred Sites Document for consultation in July 2016. Within this version of the Local Plan the Clifton Gate site boundary was the same as proposed in the now submitted version of the Local Plan.
- 3.4 At that time, the developers proposed two site options to the Council associated with the development of 1,348 homes (on a larger site area than proposed by the Council) and 1,725 homes. Each of the previously submitted technical assessments were updated at that time to reflect the developers two proposed options.
- 3.5 In response to the publication of the Pre-Publication Draft Local Plan (September 2017), the developers proposed a third alternative site option for 2,200 homes. This was on the basis of the site being able to deliver 2,200 within the period up to 2038 and in doing so providing permanence to the Green Belt in this area of the City.
- 3.6 The developers of the site have been promoting three alternative development options at the site in response to every publicised version of the Local Plan since September 2017. Including the Publication Draft Local Plan (February 2018) and the Proposed Modifications to the Local Plan (June 2019).
- 3.7 The updated Sustainability Appraisal (EX/CYC/62) again assesses the sustainability of the site and again supports its allocation for a Garden Village of 1,348 homes. The focus of the update in respect of ST14 is in relation to the findings of the updated HRA and the proposed main modification to Policy SS12 which seeks to respond to them. As discussed above, we do not object to the proposed main modification to Policy SS12 as this issue is something that the site can comprehensively respond to.

- 3.8 Accordingly, the Council has undertaken detailed Sustainability Appraisal work in respect of a number of different development site options for the Clifton Gate proposals ranging from 1,348 homes to 4,020 homes over a 10-year period. All of these options were considered to be sustainable.
- 3.9 As previously stated at the Phase 1 Examination Hearing Sessions, the proposed increase in the size of the site would also proportionately increase the sustainability of the development through delivering a critical mass to support the proposed services and facilities that are required to be delivered.
- 3.10 There should therefore be no concerns associated with the sustainability of the Clifton Gate site and if there are these can be resolved through the expansion of the site in the manner proposed by the developer.

GREEN BELT ADDENDUM

- 4.1 Whilst we support the principal findings of the Council's updated assessment work as set out in EX/CYC/59g, we wish to maintain our objection to the proposed detailed boundaries of the site allocation.
- 4.2 We agree that the identification of the Clifton Gate Garden Village reflects the identified key characteristics of the City, through enabling a new settlement with its own identity to be created. It will be a well-designed to reflect the existing settlement form of villages around the main urban area of York, in-keeping with the existing urban form and York's unique character.
- 4.3 And whilst we maintain our objection to the Council's findings in respect of their conclusions with regards to the proposed detailed boundaries of ST14, a key outcome of the Council's further work is that the expanded land area required to deliver each of the developers proposed options does not fulfil Green Belt purposes or the Council's Site Selection Criteria, as identified on the plan shown on page A5:19 of Annex 5 of Topic Paper 1 (EX/CYC/59g).
- 4.4 The two key constraints to defining the boundary of ST14 relate to the City's identified Green Wedges and coalescence with Skelton (which incorporates the need to consider the setting of the area surrounding the Village). These constraints have been considered in detail by the

developers when identifying the proposed development options for the site. In all of the presented options the identified Green Wedge and *Nova Scotia Plantation* to the east of the site area has been maintained as the appropriate natural and physical boundary to the site in this location. Each of the options would also deliver a 1km separation with Skelton, ensuring the avoidance of coalescence between the two settlements in perpetuity, which establishes the site's western boundary.

- 4.5 The area of land located between these two established boundaries can therefore be considered to be appropriate for development, following the delineation of the required detailed site boundaries located within it. The Council's own assessment work identified in EX/CYC/59g supports this position.
- 4.6 Whilst the Council's proposed detailed site boundaries have considered historical field boundaries and patterns, each of the developers proposed options have also utilised a similar process. As can be seen in the Land Use Plans submitted alongside our Stage 1 Hearing Statements. However, the previously submitted Land Use Plans also identify other site-specific constraints that have been considered by the developers. Which we believe adds a further layering of detail on top of the assessment undertaken by the Council as set out in EX/CYC/59g.
- 4.7 Finally, when establishing the proposed boundaries of the other presented options we have also considered the Council's policy aspirations for the site as set out by Policy SS12 of the Local Plan. Particularly in relation to design and density; increased areas of public recreation and open space; increased internal and external areas of landscaping; and the delivery of the City' market and affordable housing needs.
- 4.8 An increase in the size of the site would also increase the sustainability of the development through delivering a critical mass to support the proposed services and facilities that are required to be delivered.
- 4.9 We therefore maintain our view that ST14 should be expanded. We note that these matters will of course be discussed at the Phase 2 Hearing Session in respect of site-specific matters.

HOUSING NEEDS UPDATE

- 5.1 It remains TW Fields' view that the Local Plan's proposed Local Housing Need (LHN) of 790 homes per annum 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 LHN for the City would lead to an increase in the number of homes that the Local Plan should seek to deliver.

- 5.2 We therefore maintain our objection to the Council's continued use of the 2018 projections despite the PPG requiring the continued use of the 2014 based household projections.
- 5.3 In alignment with HBF comments on the Housing Needs Update and modifications relating to the annual net housing provision in Policy SS1, it is recommended that the housing requirement is increased to reflect the most up to date Standard Method. The HNA includes the 2020 Standard Method calculation at 1,026 dpa.
- 5.4 It is recognised that a continuation of the current undersupply of homes within the City would exacerbate housing affordability issues, increase unsustainable commuting patterns, and adversely impact on the Council's desire of building a strong, competitive economy.
- 5.5 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. Creating further issues in respect of the need to make up any shortfall within future versions of the Local Plan and with it the likely need to review the newly defined Green Belt boundaries almost immediately.
- 5.6 We therefore wish to maintain our previously presented case for the expansion of the Clifton Gate site to deliver at least 1,725 homes in order to meet the City's Local Housing Needs.

ALTERNATIVE DEVELOPMENT OPTIONS

- 6.1 Whilst we support the identification of the Clifton Gate site as a new Garden Village within the emerging City of York Local Plan, we have continually raised concerns with the size of the current site allocation boundary.
- 6.2 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 Local Plan. Particularly in relation to design

and density; increased areas of public recreation and open space; increased internal and external areas of landscaping; and the delivery of more affordable homes to meet the City's needs.

- 6.3 As previously stated at the Phase 1 Examination Hearing Sessions, the increase in the size of the site would also increase the sustainability of the development through delivering a critical mass to support the proposed services and facilities that are required to be delivered.
- 6.4 Furthermore, as discussed above, should it be determined through the Examination process that the housing requirements of the Local Plan are required to be increased, the Clifton Gate site could be expanded to contribute to meeting this need.
- 6.5 We have previously 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.
- 6.6 It should be noted again at this stage of the examination that the Council anticipate that a number of the allocations' areas of formal recreation and open space which are required by Policy SS12 are to be located outside of the current proposed allocation boundary. Whereas the developers believe it is more appropriate to include all of the future land uses of the Garden Village within the site allocation boundary. We consider that this approach would ensure that a robust policy position is established for the development of the site at the outset, and to ensure permanence to the Green Belt boundary over the Local Plan period.
- 6.7 The expanded land area required to deliver each of the developers proposed options does not fulfil Green Belt purposes or the Council's Site Selection Criteria, as identified on the plan shown on page A5:19 of Annex 5 of Topic Paper 1 (EX/CYC/59g).
- 6.8 Each of the proposed options would deliver a proportional uplift in the socio-economic benefits that could be delivered to the City.
- 6.9 Each of the developers proposed options would also deliver a proportional uplift in the compensatory improvements that would off-set any impact that they would have on the openness of the wider retained Green Belt. Whilst also providing the ability to deliver more on-site Biodiversity Net Gain.

- 6.10 The net developable residential area of each of the proposed options are similar in size to the current allocation site area identified within the Local Plan. The expansion of the site required to deliver each of the proposed options 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.
- 6.11 The previously proposed option to deliver 1,725 homes within a site area of 68ha was endorsed by the Council's Officers in their report to the Council'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.”***
- 6.12 This option was also put forward by the Council's Officers 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.
- 6.13 Whilst the recommendations of Officers were not approved on either occasion, there remains a strong case for the expansion of the site to deliver each of the aspirations of Policy SS12 of the Local Plan.
- 6.14 The potential expansion of the site will be discussed further as part of the Phase 2 hearing sessions; however, the following plans are again enclosed providing further details of each of the proposed options: -
- 1,725 Home Illustrative Masterplan – August 2016
 - 1,350 Home - Land Use Plan & Key – August 2016
 - 1,725 Home - Land Use Plan & Key – August 2016
 - 2,200 Home - Land Use Plan & Key – October 2017
- 6.15 The previously submitted assessment of the three proposed development options against the site specific policy parameters identified within Local Plan Policy SS12 is also enclosed.
- 6.16 An increase in the size of the allocation would ensure the delivery of the Local Plan's site specific policy parameters for the site, alongside the proportionate uplift in socio-economic benefits to the City. Which would of course include an uplift in the delivery of much needed affordable housing.

CONCLUSION

- 7.1 TW Fields maintain their support of the identification of the Clifton Gate site as a new Garden Village within the emerging City of York Local Plan. However, their **objection** to the proposed detailed site allocation boundaries remains.
- 7.2 With specific regard to the latest consultation documents, this statement has identified the following key observations: -
- TW Fields have no objection to the amended policy wording for the site as proposed in Main Modification Ref. PM61, as there are a number of specific measures that the site would deliver that will reduce the need and desire for future residents to visit Strensall Common to a negligible level.
 - The Council has undertaken detailed Sustainability Appraisal work in respect of a number of different development site options for the Clifton Gate over a 10-year period. All of these options were considered to be sustainable. As previously stated at the Phase 1 Examination Hearing Sessions, the proposed increase in the size of the site would also proportionately increase the sustainability of the development through delivering a critical mass to support the proposed services and facilities that are required to be delivered. There should therefore be no concerns associated with the sustainability of the Clifton Gate site and if there are these can be resolved through the expansion of the site in the manner proposed by the developer.
 - Whilst we maintain our objection to the Council's findings in respect of the Council's conclusions with regards to the proposed detailed boundaries of ST14, a key outcome of the Council's further work is that the expanded land area required to deliver each of the developers proposed options does not fulfil Green Belt purposes or the Council's Site Selection Criteria, as identified on the plan shown on page A5:19 of Annex 5 of Topic Paper 1 (EX/CYC/59g). The developers proposed boundaries have been identified through a further layering of assessment which includes field boundaries; site-specific constraints/features; and the Council's policy aspirations for the site as set out by Policy SS12 of the Local Plan. Particularly in relation to design and density; increased areas of public recreation and open space; increased internal and external areas of landscaping; and the delivery of the City' market and affordable housing needs.
 - The proposed Local Housing Need (LHN) of 790 homes per annum 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 LHN for the City would lead to an increase in the number of homes that the Local Plan should seek to deliver. Should it be determined through the Examination process that the housing requirements of the Local Plan are required to be increased, the Clifton Gate site could be expanded to contribute to meeting this need.
 - To resolve their concerns the developers 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. Each of which are considered to be viable and deliverable alternatives. The final resolution of the precise boundary of the new settlement will be determined at Phase 2 of the examination of the Local Plan.

- 7.3 The developers would like to reiterate their desire to work alongside CYC to finalise the detailed site allocation boundaries and the site specific development policies for the site throughout the Local Plan examination process and as part of future Main Modifications. Working together we can ensure that CYC's and the local community's planning parameters for the site are deliverable.

- 7.4 Such discussions could commence through the preparation of a Statement of Common Ground and the developers request that a working/live version of the document is prepared ahead of the next phase of hearing sessions, which can then be updated as the examination progresses.



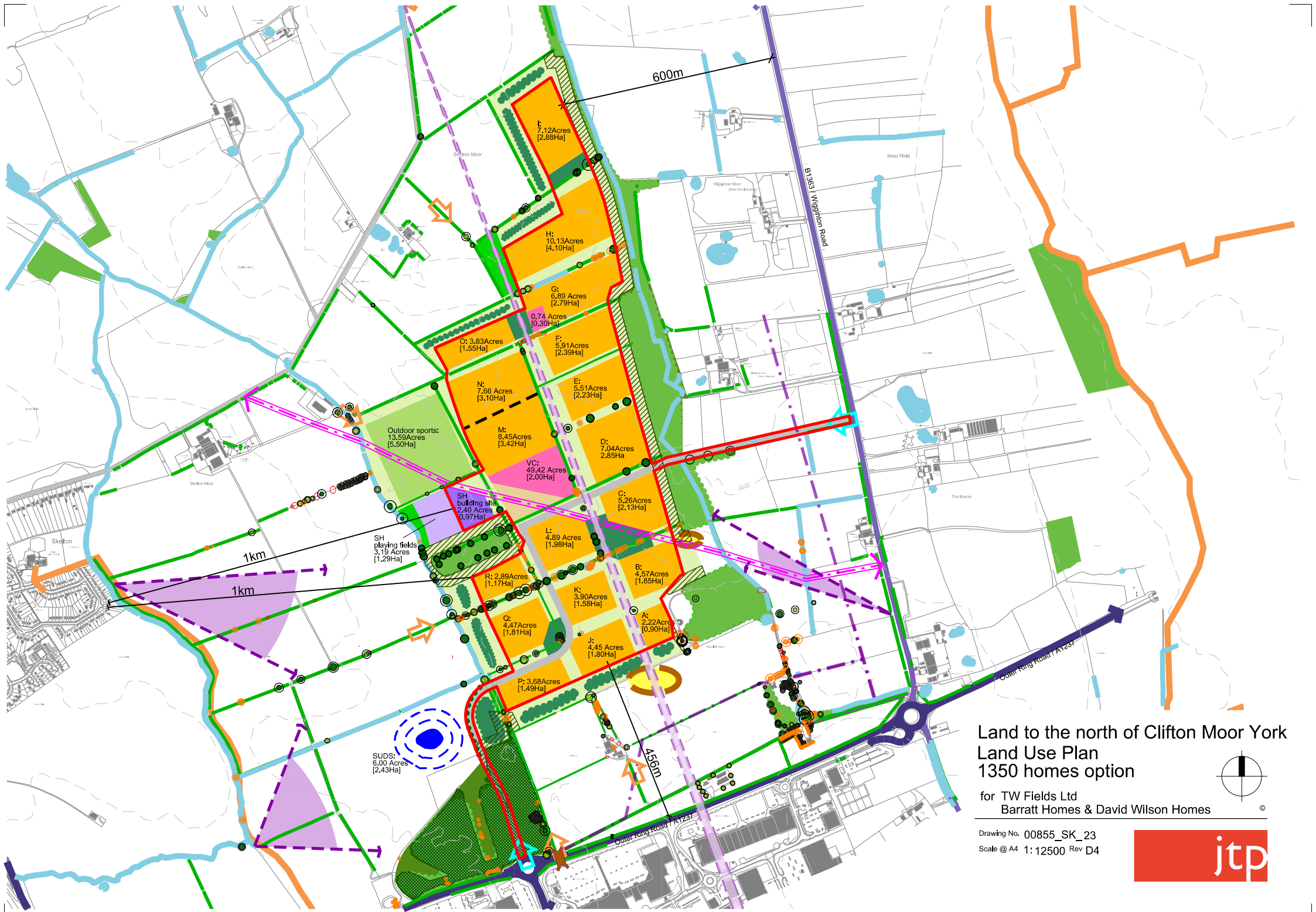
- Key
- ① Village square
 - ② Primary school
 - ③ Cricket green and pavilion
 - ④ Football pitches
 - ⑤ Attenuation ponds
 - ⑥ Allotments
 - ⑦ Play area
 - ⑧ Foot and cycle bridge

Land to the north of Clifton Moor York
 Illustrative Master Plan
 for TW Fields Ltd
 Barratt Homes & David Wilson Home



Drawing No. 00855_SK_22
 Scale @ A3 1:10000 Rev D1





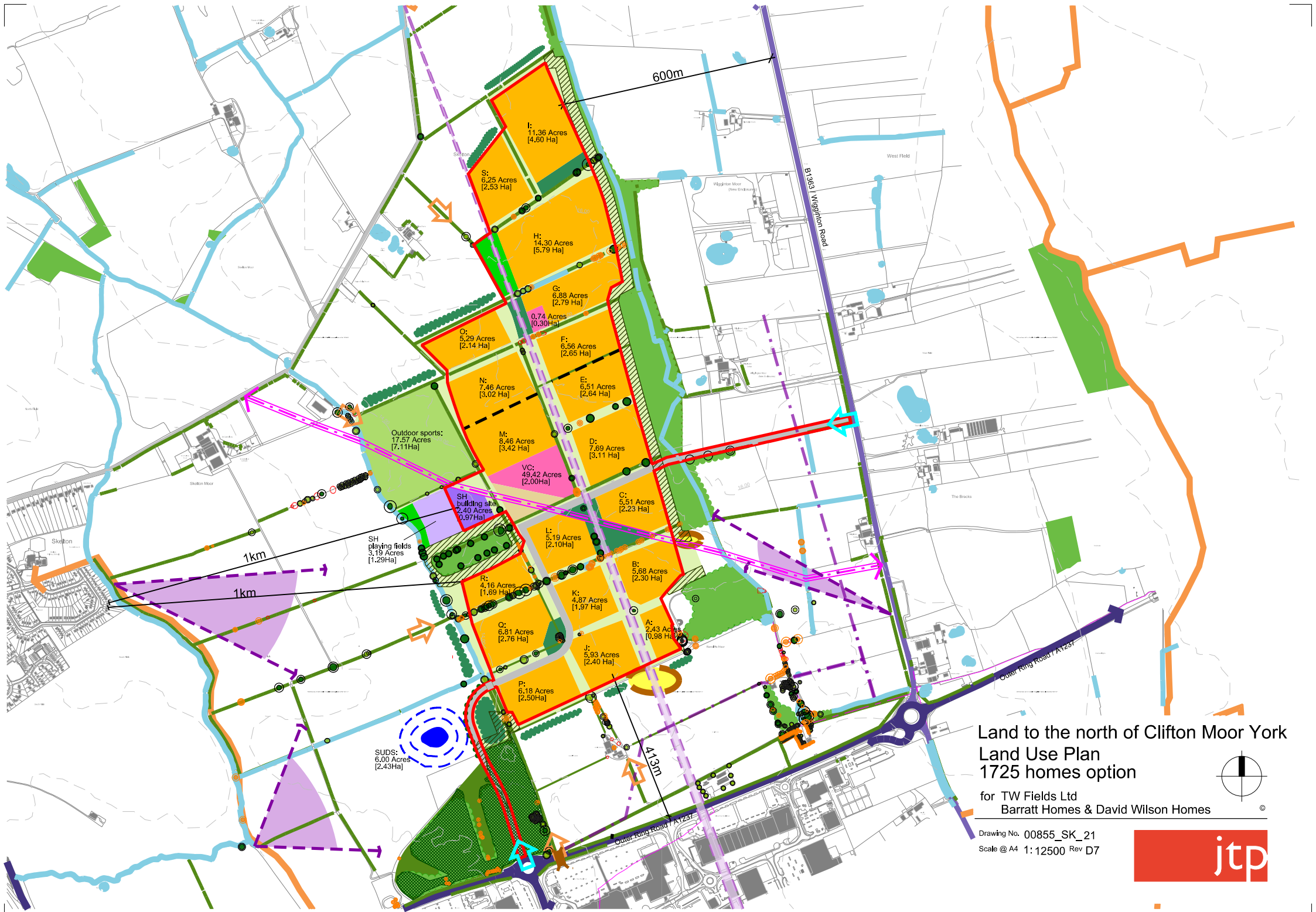
Land to the north of Clifton Moor York
 Land Use Plan
 1350 homes option

for TW Fields Ltd
 Barratt Homes & David Wilson Homes



Drawing No. 00855_SK_23
 Scale @ A4 1:12500 Rev D4





Land to the north of Clifton Moor York
 Land Use Plan
 1725 homes option

for TW Fields Ltd
 Barratt Homes & David Wilson Homes

Drawing No. 00855_SK_21
 Scale @ A4 1:12500 Rev D7



600m

1km

1km

17.3m

I: 11.36 Acres
[4.60 Ha]

S: 6.25 Acres
[2.53 Ha]

H: 14.30 Acres
[5.79 Ha]

G: 6.88 Acres
[2.79 Ha]

0.74 Acres
[0.30 Ha]

O: 5.29 Acres
[2.14 Ha]

F: 6.56 Acres
[2.65 Ha]

N: 7.46 Acres
[3.02 Ha]

E: 6.51 Acres
[2.64 Ha]

Outdoor sports:
17.57 Acres
[7.11 Ha]

M: 8.46 Acres
[3.42 Ha]

D: 7.69 Acres
[3.11 Ha]

SH building site
2.40 Acres
[0.97 Ha]

SH playing fields
3.19 Acres
[1.29 Ha]

VC: 49.42 Acres
[2.00 Ha]

C: 5.51 Acres
[2.23 Ha]

L: 5.19 Acres
[2.10 Ha]

B: 5.68 Acres
[2.30 Ha]

R: 4.16 Acres
[1.69 Ha]

K: 4.87 Acres
[1.97 Ha]

Q: 6.81 Acres
[2.76 Ha]

A: 2.43 Acres
[0.98 Ha]

J: 5.93 Acres
[2.40 Ha]

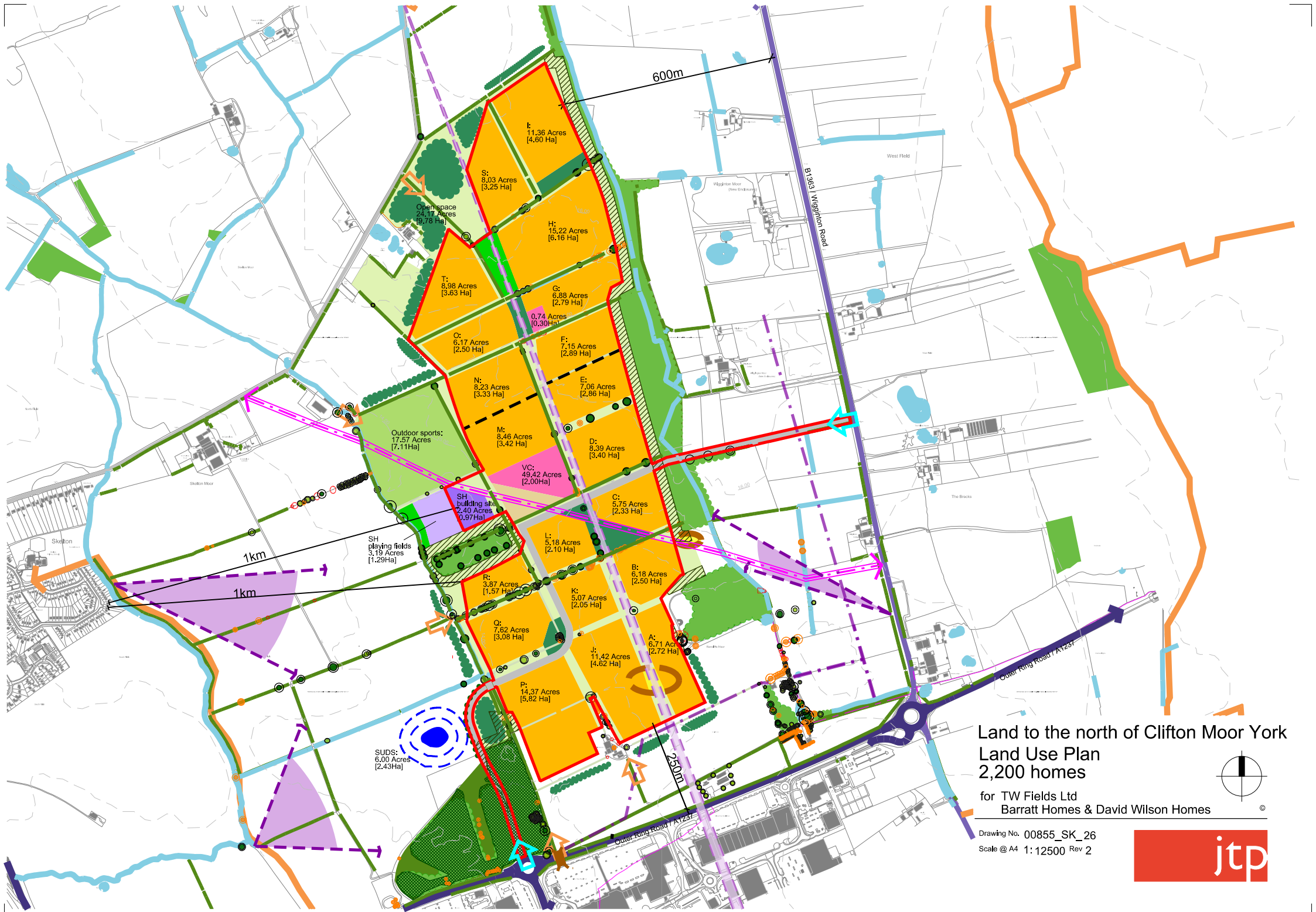
P: 6.18 Acres
[2.50 Ha]

SUDS:
6.00 Acres
[2.43 Ha]

61963 Wigginton Road

Outer Ring Road A1237

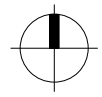
Outer Ring Road A1237



Land to the north of Clifton Moor York
 Land Use Plan
 2,200 homes

























for TW Fields Ltd
 Barratt Homes & David Wilson Homes

Drawing No. 00855_SK_26
 Scale @ A4 1:12500 Rev 2



KEYS

Constraints

-  Site boundary
-  Contour lines
-  Existing streams or ponds
-  Existing woodlands surrounding the site (outline representing canopy)
-  Existing woodlands within the site (outline representing canopy)
-  Designated woodlands - SINC (Site of Importance for Nature Conservation)
-  30m buffer to historic woodlands
-  Existing Category A trees To be Retained (RPA shown with a circle)
-  Existing Category B trees May or May not be Retained (RPA shown with a circle)
-  Existing Category C trees May or may not be retained- TBC (RPA shown with a circle)
-  Existing dead/dying trees To be removed
-  Existing hedgerows Could be removed - TBC
-  Existing important hedgerow corridors (8m) To be retained
-  Areas of potential archaeological interest
-  Emergency Water main with 7.5 m wide easement on each side
-  Overhead electric services
-  Existing buildings
-  Existing A roads (Key vehicular routes)
-  Existing B roads
-  Other important vehicular routes
-  Potential vehicular access into site
-  Potential pedestrain access into site
-  Existing PROWs (Public Rights of Way) and bridleways
-  Existing Key view corridors

Land use

-  Residential
-  Primary school-building site
-  Primary school-playing fields
-  Mixed-use
-  Open space with play areas
-  Outdoor Sports
-  Allotments
-  Other green/open space
-  Primary vehicular route
-  Proposed structural woodland
-  Proposed cycle and footbridge [Indictive location]
-  Indictive SUDS location
-  Proposed trees [Indictive]

Land to the north of Clifton Moor York Land Use Plan

Keys

for TW Fields Ltd
Barratt Homes & David Wilson Homes



Drawing No. 00855_SK_
Scale @ A4 Rev -



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	<p>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</p> <p>All of the site's existing green assets are sought to be maintained and enhanced where possible.</p>	<p>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</p> <p>All of the site's existing green assets are sought to be maintained and enhanced where possible.</p>	<p>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</p> <p>All of the site's existing green assets are sought to be maintained and enhanced where possible.</p>
4(xii)	Protect/Enhance Green Assets	<p>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>	<p>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.</p>	<p>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.</p>
4(xiii)	Green Space on Western Boundary	<p>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>	<p>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.</p>	<p>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.</p>

[REDACTED]

From: [REDACTED]
Sent: 07 July 2021 17:33
To: localplan@york.gov.uk
Subject: RE: Site Ref. ST14 - TW Fields - CYC Local Plan Consultation Response - July 2021
Attachments: Site Ref. ST14 - TW Fields - CYC Local Plan Consultation Response - July 2021.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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.

Good afternoon,

Apologies, we noticed a typo in the client's name on the title of the submission representations.

Rectified above.

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 07 July 2021 13:34
To: localplan@york.gov.uk
Cc: [REDACTED]
Subject: Site Ref. ST14 - TW Felds - CYC Local Plan Consultation Response - July 2021
Importance: High

Dear Sir or Madam,

We write on behalf of our client TW Fields to provide their response to the City of York Local Plan Proposed Modification and Evidence Base Consultation in respect of Land West of Wigginton Road (Site Ref. ST14).

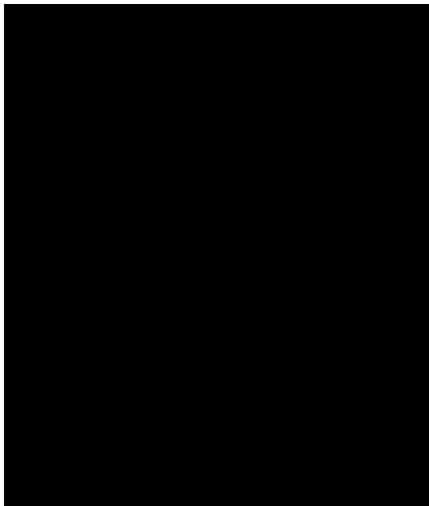
Whilst TW Fields supports the principle of this allocation, they consider that the defined boundary of the site is unsound and have therefore proposed a number of expansion options for the scheme, which they consider to be viable and deliverable alternatives. Following a review of the Proposed Modifications to the Local Plan and the amended Evidence Base documents, the developer's stance has not changed. The proposed detailed boundaries of the site allocation should be expanded. The reasoning for which is provided within the enclosed representations

The developers would like to reiterate their desire to work alongside CYC to finalise the detailed site allocation boundaries and the site specific development policies for the site throughout the Local Plan examination process and as part of future Main Modifications. Working together we can ensure that CYC's and the local community's planning parameters for the site are deliverable.

Such discussions could commence through the preparation of a Statement of Common Ground and the developers request that a working/live version of the document is prepared ahead of the next phase of hearing sessions, which can then be updated as the examination progresses.

Should you need any further information or wish to discuss any of the points made in these representations further, please do not hesitate to contact me.

Kind regards,





PB Planning

Site Ref. ST14 - Land West of
Wigginton Road

City of York Local Plan Examination in
Public

CONSULTATION RESPONSE

July 2021

Strategy > Partnership > Delivery

INTRODUCTION

- 1.1 We write on behalf of our client TW Fields to provide their response to the City of York Local Plan Proposed Modification and Evidence Base Consultation in respect of Land West of Wigginton Road (Site Ref. ST14).
- 1.1 TW Fields are one of two developers (along with Barratt Developments plc) promoting the delivery of the strategic site allocation Land to the West of Wigginton Road (Ref. ST14). The two developers are working in collaboration to promote the allocation of the site. This statement should be read alongside our previous submissions to the Local Plan.
- 1.2 Land to the West of Wigginton Road, referred to as the Clifton Gate Garden Village scheme, is identified as a Strategic Allocation in the submitted York Local Plan (ST14) to deliver a new sustainable Garden Village of a minimum of 1,348 new homes, alongside the delivery of significant community infrastructure in the form of a new primary school, a village centre, a health centre, affordable homes, elderly persons care homes, public open space, and recreational facilities. This Garden Village approach fully supports the Government's ambitions for Garden Villages.
- 1.3 The identified Vision of the Clifton Gate site is 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.
- 1.4 The Clifton Gate site is strategically located to the north of York, beyond the established boundary of the Outer York Ring Road. The site is separated from the existing urban edge and surrounding villages. The site's location respects the historic and landscape character of this area of the City.
- 1.5 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.
- 1.6 The Clifton Gate site will make a significant contribution to meeting the City's housing needs over the emerging Local Plan period.

- 1.7 The Local Plan supports a development of 1,348 homes at the site. Whilst TW Fields supports the principle of this allocation, they consider that the defined boundary of the site is unsound and have therefore proposed a number of expansion options for the scheme, which they consider to be viable and deliverable alternatives.
- 1.8 In making representations to the Local Plan the developers 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. The final resolution of the precise boundary of the new settlement will be determined at Phase 2 of the examination of the Local Plan.
- 1.9 Following a review of the Proposed Modifications to the Local Plan and the amended Evidence Base documents, the developer's stance has not changed. The proposed detailed boundaries of the site allocation should be expanded. The reasoning for which is provided within these representations.

HABITAT REGULATIONS ASSESSMENT & MODIFICATION REF. PM61

- 2.1 The Council's updated Habitat Regulations Assessment (REF/CYC/45 – HRA 2020) identifies that the Clifton Gate site is situated approximately 4.6km from the most convenient access point to Strensall Common.
- 2.2 The HRA states that the development of the site would have only a 1% increase in visitor pressures to Strensall Common.
- 2.3 In response the HRA identifies that the policy text for the site should be amended to ensure that the impacts identified in the HRA as a result of recreational pressure on Strensall Common are mitigated. Accordingly, the Council have proposed a modification (Ref. PM61) to include the following additional criteria within Policy SS12 of the Local Plan: -

xiv. Provide a detailed site wide recreation and open space strategy and demonstrate its application in site masterplanning. Open space provision must satisfy policies GI2a and GI6.

- 2.4 TW Fields have no objection to the amended policy wording for the site, as there are a number of specific measures that the site would deliver that will reduce the need and desire for future residents to visit Strensall Common to a negligible level include: -

- A minimum of 10.25ha of public open space, green corridors, and recreational facilities as part of the development proposals.
 - The retention and enhancement of existing woodland, hedgerows and trees located within and surrounding the site. Appropriate accessibility into these areas will be provided.
 - The provision of substantial levels of new landscape planting within and surrounding the site. Providing landscape, Appropriate accessibility into these areas will be provided.
 - New walking and cycling routes will be provided from the new settlement to Clifton Moor, also connecting the site to the wider York footpath and cycle network.
 - An existing public footpath connection between Clifton Moor and Skelton will be enhanced and made suitable for pedestrian/cycling connectivity.
 - The walking and cycling routes in and around the site would be in excess of 5km in length and therefore remove any day to day need or desire to visit Strensall Common for general recreation purposes (including dog walking).
- 2.5 Furthermore, strategic issues, such as the disposal of wastewater are effectively screened out through adhering to the requirements of Local Plan Policy GI2 (vii). In particular, the Drainage Strategy for the development proposals will ensure that the water quality of the site and surrounding area is not negatively affected through the provision of three phase Sustainable Urban Drainage Systems and the removal of silt and chemical inputs. A Construction Environment Management Plan will also be produced to demonstrate that construction run-off will be attenuated to prevent silt or diffuse pollutants entering the wider catchment area.
- 2.6 The distance of the Clifton Gate site from Strensall Common; the provision of a substantial quantity of high quality on-site publicly accessible open space; and the provision of sustainable urban drainage systems will ensure that the Clifton Gate development has a negligible impact on Strensall Common, which is no greater than any other part of the City.
- 2.7 The above measures would therefore meet the requirements of Policy GI6, Policy GI2a and Policy SS12 of the Local Plan.

SUSTAINABILITY APPRAISAL

- 3.1 The site has been identified as strategic housing site allocation ST14 within different iterations of the City of York Local Plan and its accompanying Sustainability Appraisal 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).

- 3.2 Prior to the withdrawal of the previous Publication Draft Local Plan (October 2014), the developers undertook and submitted a full package of technical assessments associated with the delivery of the previously proposed larger site allocation boundary associated with the delivery of 4,020 homes. This work was considered within the Council's Sustainability Appraisal at that time.
- 3.3 The Council published a new Local Plan Preferred Sites Document for consultation in July 2016. Within this version of the Local Plan the Clifton Gate site boundary was the same as proposed in the now submitted version of the Local Plan.
- 3.4 At that time, the developers proposed two site options to the Council associated with the development of 1,348 homes (on a larger site area than proposed by the Council) and 1,725 homes. Each of the previously submitted technical assessments were updated at that time to reflect the developers two proposed options.
- 3.5 In response to the publication of the Pre-Publication Draft Local Plan (September 2017), the developers proposed a third alternative site option for 2,200 homes. This was on the basis of the site being able to deliver 2,200 within the period up to 2038 and in doing so providing permanence to the Green Belt in this area of the City.
- 3.6 The developers of the site have been promoting three alternative development options at the site in response to every publicised version of the Local Plan since September 2017. Including the Publication Draft Local Plan (February 2018) and the Proposed Modifications to the Local Plan (June 2019).
- 3.7 The updated Sustainability Appraisal (EX/CYC/62) again assesses the sustainability of the site and again supports its allocation for a Garden Village of 1,348 homes. The focus of the update in respect of ST14 is in relation to the findings of the updated HRA and the proposed main modification to Policy SS12 which seeks to respond to them. As discussed above, we do not object to the proposed main modification to Policy SS12 as this issue is something that the site can comprehensively respond to.

- 3.8 Accordingly, the Council has undertaken detailed Sustainability Appraisal work in respect of a number of different development site options for the Clifton Gate proposals ranging from 1,348 homes to 4,020 homes over a 10-year period. All of these options were considered to be sustainable.
- 3.9 As previously stated at the Phase 1 Examination Hearing Sessions, the proposed increase in the size of the site would also proportionately increase the sustainability of the development through delivering a critical mass to support the proposed services and facilities that are required to be delivered.
- 3.10 There should therefore be no concerns associated with the sustainability of the Clifton Gate site and if there are these can be resolved through the expansion of the site in the manner proposed by the developer.

GREEN BELT ADDENDUM

- 4.1 Whilst we support the principal findings of the Council's updated assessment work as set out in EX/CYC/59g, we wish to maintain our objection to the proposed detailed boundaries of the site allocation.
- 4.2 We agree that the identification of the Clifton Gate Garden Village reflects the identified key characteristics of the City, through enabling a new settlement with its own identity to be created. It will be a well-designed to reflect the existing settlement form of villages around the main urban area of York, in-keeping with the existing urban form and York's unique character.
- 4.3 And whilst we maintain our objection to the Council's findings in respect of their conclusions with regards to the proposed detailed boundaries of ST14, a key outcome of the Council's further work is that the expanded land area required to deliver each of the developers proposed options does not fulfil Green Belt purposes or the Council's Site Selection Criteria, as identified on the plan shown on page A5:19 of Annex 5 of Topic Paper 1 (EX/CYC/59g).
- 4.4 The two key constraints to defining the boundary of ST14 relate to the City's identified Green Wedges and coalescence with Skelton (which incorporates the need to consider the setting of the area surrounding the Village). These constraints have been considered in detail by the

developers when identifying the proposed development options for the site. In all of the presented options the identified Green Wedge and *Nova Scotia Plantation* to the east of the site area has been maintained as the appropriate natural and physical boundary to the site in this location. Each of the options would also deliver a 1km separation with Skelton, ensuring the avoidance of coalescence between the two settlements in perpetuity, which establishes the site's western boundary.

- 4.5 The area of land located between these two established boundaries can therefore be considered to be appropriate for development, following the delineation of the required detailed site boundaries located within it. The Council's own assessment work identified in EX/CYC/59g supports this position.
- 4.6 Whilst the Council's proposed detailed site boundaries have considered historical field boundaries and patterns, each of the developers proposed options have also utilised a similar process. As can be seen in the Land Use Plans submitted alongside our Stage 1 Hearing Statements. However, the previously submitted Land Use Plans also identify other site-specific constraints that have been considered by the developers. Which we believe adds a further layering of detail on top of the assessment undertaken by the Council as set out in EX/CYC/59g.
- 4.7 Finally, when establishing the proposed boundaries of the other presented options we have also considered the Council's policy aspirations for the site as set out by Policy SS12 of the Local Plan. Particularly in relation to design and density; increased areas of public recreation and open space; increased internal and external areas of landscaping; and the delivery of the City' market and affordable housing needs.
- 4.8 An increase in the size of the site would also increase the sustainability of the development through delivering a critical mass to support the proposed services and facilities that are required to be delivered.
- 4.9 We therefore maintain our view that ST14 should be expanded. We note that these matters will of course be discussed at the Phase 2 Hearing Session in respect of site-specific matters.

HOUSING NEEDS UPDATE

- 5.1 It remains TW Fields' view that the Local Plan's proposed Local Housing Need (LHN) of 790 homes per annum 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 LHN for the City would lead to an increase in the number of homes that the Local Plan should seek to deliver.

- 5.2 We therefore maintain our objection to the Council's continued use of the 2018 projections despite the PPG requiring the continued use of the 2014 based household projections.
- 5.3 In alignment with HBF comments on the Housing Needs Update and modifications relating to the annual net housing provision in Policy SS1, it is recommended that the housing requirement is increased to reflect the most up to date Standard Method. The HNA includes the 2020 Standard Method calculation at 1,026 dpa.
- 5.4 It is recognised that a continuation of the current undersupply of homes within the City would exacerbate housing affordability issues, increase unsustainable commuting patterns, and adversely impact on the Council's desire of building a strong, competitive economy.
- 5.5 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. Creating further issues in respect of the need to make up any shortfall within future versions of the Local Plan and with it the likely need to review the newly defined Green Belt boundaries almost immediately.
- 5.6 We therefore wish to maintain our previously presented case for the expansion of the Clifton Gate site to deliver at least 1,725 homes in order to meet the City's Local Housing Needs.

ALTERNATIVE DEVELOPMENT OPTIONS

- 6.1 Whilst we support the identification of the Clifton Gate site as a new Garden Village within the emerging City of York Local Plan, we have continually raised concerns with the size of the current site allocation boundary.
- 6.2 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 Local Plan. Particularly in relation to design

and density; increased areas of public recreation and open space; increased internal and external areas of landscaping; and the delivery of more affordable homes to meet the City's needs.

- 6.3 As previously stated at the Phase 1 Examination Hearing Sessions, the increase in the size of the site would also increase the sustainability of the development through delivering a critical mass to support the proposed services and facilities that are required to be delivered.
- 6.4 Furthermore, as discussed above, should it be determined through the Examination process that the housing requirements of the Local Plan are required to be increased, the Clifton Gate site could be expanded to contribute to meeting this need.
- 6.5 We have previously 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.
- 6.6 It should be noted again at this stage of the examination that the Council anticipate that a number of the allocations' areas of formal recreation and open space which are required by Policy SS12 are to be located outside of the current proposed allocation boundary. Whereas the developers believe it is more appropriate to include all of the future land uses of the Garden Village within the site allocation boundary. We consider that this approach would ensure that a robust policy position is established for the development of the site at the outset, and to ensure permanence to the Green Belt boundary over the Local Plan period.
- 6.7 The expanded land area required to deliver each of the developers proposed options does not fulfil Green Belt purposes or the Council's Site Selection Criteria, as identified on the plan shown on page A5:19 of Annex 5 of Topic Paper 1 (EX/CYC/59g).
- 6.8 Each of the proposed options would deliver a proportional uplift in the socio-economic benefits that could be delivered to the City.
- 6.9 Each of the developers proposed options would also deliver a proportional uplift in the compensatory improvements that would off-set any impact that they would have on the openness of the wider retained Green Belt. Whilst also providing the ability to deliver more on-site Biodiversity Net Gain.

- 6.10 The net developable residential area of each of the proposed options are similar in size to the current allocation site area identified within the Local Plan. The expansion of the site required to deliver each of the proposed options 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.
- 6.11 The previously proposed option to deliver 1,725 homes within a site area of 68ha was endorsed by the Council's Officers in their report to the Council'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.”***
- 6.12 This option was also put forward by the Council's Officers 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.
- 6.13 Whilst the recommendations of Officers were not approved on either occasion, there remains a strong case for the expansion of the site to deliver each of the aspirations of Policy SS12 of the Local Plan.
- 6.14 The potential expansion of the site will be discussed further as part of the Phase 2 hearing sessions; however, the following plans are again enclosed providing further details of each of the proposed options: -
- 1,725 Home Illustrative Masterplan – August 2016
 - 1,350 Home - Land Use Plan & Key – August 2016
 - 1,725 Home - Land Use Plan & Key – August 2016
 - 2,200 Home - Land Use Plan & Key – October 2017
- 6.15 The previously submitted assessment of the three proposed development options against the site specific policy parameters identified within Local Plan Policy SS12 is also enclosed.
- 6.16 An increase in the size of the allocation would ensure the delivery of the Local Plan's site specific policy parameters for the site, alongside the proportionate uplift in socio-economic benefits to the City. Which would of course include an uplift in the delivery of much needed affordable housing.

CONCLUSION

- 7.1 TW Fields maintain their support of the identification of the Clifton Gate site as a new Garden Village within the emerging City of York Local Plan. However, their **objection** to the proposed detailed site allocation boundaries remains.
- 7.2 With specific regard to the latest consultation documents, this statement has identified the following key observations: -
- TW Fields have no objection to the amended policy wording for the site as proposed in Main Modification Ref. PM61, as there are a number of specific measures that the site would deliver that will reduce the need and desire for future residents to visit Strensall Common to a negligible level.
 - The Council has undertaken detailed Sustainability Appraisal work in respect of a number of different development site options for the Clifton Gate over a 10-year period. All of these options were considered to be sustainable. As previously stated at the Phase 1 Examination Hearing Sessions, the proposed increase in the size of the site would also proportionately increase the sustainability of the development through delivering a critical mass to support the proposed services and facilities that are required to be delivered. There should therefore be no concerns associated with the sustainability of the Clifton Gate site and if there are these can be resolved through the expansion of the site in the manner proposed by the developer.
 - Whilst we maintain our objection to the Council's findings in respect of the Council's conclusions with regards to the proposed detailed boundaries of ST14, a key outcome of the Council's further work is that the expanded land area required to deliver each of the developers proposed options does not fulfil Green Belt purposes or the Council's Site Selection Criteria, as identified on the plan shown on page A5:19 of Annex 5 of Topic Paper 1 (EX/CYC/59g). The developers proposed boundaries have been identified through a further layering of assessment which includes field boundaries; site-specific constraints/features; and the Council's policy aspirations for the site as set out by Policy SS12 of the Local Plan. Particularly in relation to design and density; increased areas of public recreation and open space; increased internal and external areas of landscaping; and the delivery of the City' market and affordable housing needs.
 - The proposed Local Housing Need (LHN) of 790 homes per annum 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 LHN for the City would lead to an increase in the number of homes that the Local Plan should seek to deliver. Should it be determined through the Examination process that the housing requirements of the Local Plan are required to be increased, the Clifton Gate site could be expanded to contribute to meeting this need.
 - To resolve their concerns the developers 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. Each of which are considered to be viable and deliverable alternatives. The final resolution of the precise boundary of the new settlement will be determined at Phase 2 of the examination of the Local Plan.

- 7.3 The developers would like to reiterate their desire to work alongside CYC to finalise the detailed site allocation boundaries and the site specific development policies for the site throughout the Local Plan examination process and as part of future Main Modifications. Working together we can ensure that CYC's and the local community's planning parameters for the site are deliverable.

- 7.4 Such discussions could commence through the preparation of a Statement of Common Ground and the developers request that a working/live version of the document is prepared ahead of the next phase of hearing sessions, which can then be updated as the examination progresses.

From: [REDACTED]
Sent: 07 July 2021 08:52
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205863
Attachments: L001_H34_Skelton.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: Mr

Name: Chris Megson

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: PJ Procter, for and on behalf of the JA Procter 4th April 1997 Discretionary Settlement and the Procter family

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other Developed Areas (EX/CYC/59f)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

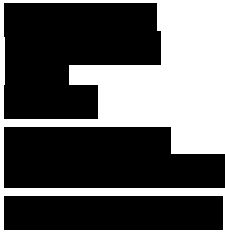
If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

L001_H34_Skelton.pdf



Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA

Ref: 3633LE
5th July 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND AT LAND NORTH OF CHURCH LANE, SKELTON (SITE REF: H34).

Introduction

This submission is made on behalf of PJ Procter, for and on behalf of the JA Procter 4th April 1997 Discretionary Settlement and the Procter family (“the Landowner”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as H34 (‘the Site’).

The Landowner wishes to **object** to the continued omission of the Site from the emerging Local Plan. The Landowner is of the view that the revised methodology used by the Council to determine whether land within the general extent of the Green Belt needs to be kept permanently open and the Green Belt boundaries, as set out in the TP1 Addendum 2021, is not sound in respect of the Site, and that the OAN calculation of the housing requirement simply does not meet the need for market and affordable housing within the City of York and will not result in a permanent Green Belt. The Landowner is of the view that the Local Plan is therefore unsound, and wishes to **object** on this basis.

These comments are made in respect of the following documents:

- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021
- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021 Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt
- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021 Annex 7 Housing Supply Update
- GL Hearn Housing Needs Update (September 2020)



- SHLAA Update (April 2021)

Background

By way of brief background information, the Council launched a third Regulation 19 consultation concerning the City of York Local Plan in May 2021. The consultation concerns various documents comprising the requested Composite Proposed Modifications Schedule. The documents in question have been prepared by the Council in response to a number of issues raised by the Inspectors during and following the Phase 1 hearing sessions which took place in December of 2019.

In terms of the Site, H34 was originally assessed as part of the Council's site selection methodology and was deemed suitable and appropriate for housing development. The Site was subsequently included as a housing allocation within the Preferred Options Local Plan (2013) and the Publication Draft Local Plan (2014). In proposing to allocate H34 for housing development, the Council concluded that the Site did not need to be kept permanently open, that it accorded with the spatial strategy and did not conflict with the fundamental purpose of the Green Belt around York. However, the Site was subsequently deleted as a draft allocation in the Preferred Sites Consultation Local Plan (2016). The reason given for the deletion of the Site was as follows:

'The Site has been removed following further technical officer consideration primarily due to site access concerns. There are access constraints via Church Lane which is narrow and would require widening. It is considered that this would have an adverse impact on Skelton Conservation area in relation to the setting of the church.'

Subsequently, DPP submitted representations during the Preferred Sites Consultation in September 2016 on behalf of the Landowner to demonstrate that access could be achieved with minimal widening to Church Lane, and that the comments made in the Preferred Sites Consultation documentation in relation to heritage matters were unfounded.

Further feedback relating to the Site was issued by the Council following the Local Plan Pre Publication Draft Regulation 18 Consultation which took place in September 2017. Annex 1 of the SHLAA September 2017, which forms part of the Evidence Base to the Local Plan, summarised the consultation responses to the Preferred Sites Document and provided a summary of the findings of the Technical Officer Workshop. The feedback provided in relation to the Site stated that:

"The submitted documents have been reviewed and it is noted that while the access could technically be widened sufficiently, if this were to include much needed footways and provide pedestrian access to the bus stops on the A19 this would still result in the loss of grass verges at an important entry point to the village and would significantly change the nature of the area in this location. It is considered that suitable access to the Site could not be designed without adversely impacting on the character of this narrow lane which forms part of the Skelton conservation area and the wider setting for St Giles Church."

The Council made no reference to the Green Belt at the time that these assessments were undertaken. Both of the technical issues raised were addressed comprehensively within the representations submitted on behalf of the Landowner by DPP following the publishing of the Pre-publication Draft Local Plan (2017).

The Site is still not allocated within the current Publication Draft Local Plan (2018).

The Test of Soundness

Paragraph 35 of the NPPF 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”. In order to be sound, NPPF confirms that a plan should be:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.*

It is against the above tests of soundness that the emerging Local Plan, including the proposed modifications, must be assessed.

The Proposed Modifications

The Council have published a number of additional documents, devised to address concerns raised by the Inspectors following the Phase 1 hearings. Much of the work undertaken seeks to address issues relating to the methodology used by the Council to determine whether a parcel of land needs to be kept permanently open, and the Green Belt boundaries.

To summarise the work undertaken, the Council have published an addendum paper, *Topic Paper 1 Approach to defining Green Belt Addendum January 2021*, (‘the TP1 Addendum 2021’) which seeks to update the original Topic Paper 1: Approach to the Green Belt (2018) in three key respects. First, the TP1 Addendum 2021 responds to the various issues which arose during the Phase 1 hearings. Secondly, the TP1 Addendum 2021 confirms that, in the opinion of the Council, the latest household projections will not have any implications in terms of the permanence of the boundaries. Finally, the TP1 Addendum 2021 responds to the key concerns raised by the Inspectors concerning the methodology used by the Council in establishing the Green Belt boundaries.

Annex 4 of the TP1 Addendum 2021 describes the outcome of the assessment made in relation to the Green Belt boundaries *around other densely developed areas in the General Extent of the Green Belt*, including Skelton.

Annex 6 of the TP1 Addendum 2021 outlines the proposed amendments to the Green Belt boundaries proposed as a result of the revisions to the methodology. None of the proposed modifications affect the Site.

Annex 7 of TP1 Addendum 2021 (Housing Supply Update) seeks to demonstrate that the proposed Green Belt boundaries will endure through the plan period of the emerging Local Plan and beyond, taking into account the GL Hearn Housing

Needs Update September 2020, and the SHLAA update (2021). Both of these documents are also the subject of the consultation.

Otherwise, a number of other supporting documentation and key evidence has been published by the Council, which are also the subject of the current consultation exercise. The additional documents include an updated Habitats Regulation Assessment, and other pieces of new evidence. None of these documents have any direct implications in relation to the Site.

Comments and Observations on the Proposed Modifications

The Inspectors' Concerns

To summarise, the Inspectors expressed concern that the criteria used by the Council to assess sites and the Green Belt boundaries (referred to as “Shapers”) were of little relevance to the issues associated with the definition of Green Belt, specifically in relation to openness, and the five purposes of Green Belt as defined in the NPPF. The Inspectors noted that many of the “Shapers” used by the Council, including, *ensuring accessibility to sustainable modes of transport and a range of services*; and *preventing unacceptable levels of congestion and pollution*, were of very little relevance to Green Belt policy.

Of particular concern to the Inspectors was the manner in which the Council had assessed land against the third purpose of Green Belt *to assist in safeguarding the countryside from encroachment*. In assessing various sites, the Council had previously sought to include in the Green Belt land accommodating features such as nature conservation sites and ancient woodland. The Inspectors noted that such designations are again of little relevance to the issue of *safeguarding the countryside from encroachment*.

The Inspectors considered that the approach taken again suggested a conflation of this Green Belt purpose and the “Shapers” in the emerging Local Plan and deemed such an approach to be an insufficiently robust substitute for a proper analysis of the degree to which land performs the Green Belt function in question. As a result, the Inspectors rightly raised doubts as to the likelihood of the resulting Green Belt boundaries being reasonable and justified.

General Comments Relating to the Clarified Methodology

The TP1 Addendum 2021, now the subject of this consultation, seeks to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York. Having now had opportunity to assess the TP1 Addendum 2021 and annexes, the Developer remains wholly unconvinced that the work undertaken by the Council in respect to the methodology gives rise to Green Belt boundaries which are justified, reasonable, and ultimately sound.

We would like to take this opportunity to highlight a number of issues with the methodology, which we believe undermines the robustness of the assessment undertaken as a whole.

The TP1 Addendum 2021 confirms how the Council have sought to assess land and the Green Belt boundaries against the purposes of Green Belt. We consider how each purpose has been considered in turn.

Purpose 2 – To Prevent Neighbouring Towns from Merging into One Another

Within the original Topic Paper1: Approach to defining York’s Green Belt (TP1) 2018, the Council explained that the primary purpose of the York Green Belt is to protect the setting and special character of the historic city. As such, they sought to identify land most important to maintaining the historic character and setting of York, using ‘*criteria 1*’. They noted that the same criteria would also be used to assess land against the second purpose of the Green Belt *to prevent neighbouring towns merging into one another*.

In the letter of June 2020, which followed Phase 1 hearings, the Inspectors were critical of this approach. In paragraph 39, they stated the following:

‘Purpose two – “to prevent neighbouring towns merging into one another” – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says “the potential issue of towns merging does not arise”. We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt.’

In the TP1 Addendum 2021, the Council acknowledge in paragraph 5.7 that, as there are no towns within the York authority area, the need to assess whether land should be kept permanently open to prevent neighbouring towns from merging does not arise. We have no objection to this approach.

Purpose 5 – To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and Other Urban Land

As for the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), the Council considered such to be achieved through the overall effect of the York Green Belt, rather than through the identification of individual parcels of land. As such, no site-specific assessment of this final purpose has been undertaken by the Council within the original Topic Paper 1: Approach to defining York’s Green Belt (TP1). The Inspectors made no comment in respect of such. Consequently, no further site-specific assessment has been undertaken in respect of the fifth purpose within the TP1 Addendum 2021. Again, we have no comment to make in relation to this approach to ensuring the York Green Belt fulfils the fifth purpose of Green Belt.

On this basis, and taking in to account the Inspector’s letter of June 2020, the Council have determined that the need to keep land permanently open only needs to be assessed against the first, third and fourth purpose of including land within the Green Belt. The TP1 Addendum 2021 therefore introduces additional criteria to assess land against the first, third and fourth purposes of including land within the Green Belt. It is the use of these new criteria which is of concern to us. We have identified a number of flaws, specifically in relation to how they relate to each of the three relevant purposes. Our concerns are outlined below, following the chronology of purposes cited within the TP1 Addendum 2021.

Purpose 4 - To Preserve the Setting and Special Character of Historic Towns

Starting with the fourth purpose, the Council have sought to explain how the evidence and findings within the “*The Approach to the Green Belt Appraisal 2003*” and the “*Heritage Topic Paper Update 2014*” documents were used to assess land against the fourth purpose of including land within the Green Belt. It is explained that the latter document seeks to describe the strategic understanding of the City’s special historical qualities through the use of *factors, themes, and six principal characteristics*. Of these six principal characteristics, the TP1 Addendum 2021 has utilised three: *compactness;*

landmark monuments; and *landscape setting*, to indicate to what extent land performs the fourth purpose of including land within Green Belt.

No explanation is provided as to why these three characteristics have been used, and how they specifically relate to the fourth purpose.

Our concerns in relation to the assessment criteria are highlighted below.

In relation to the first criterion *compactness* this outlines the need to retain the dense compact city or village form in an open or rural landscape. This is applied without regard to the facts of the situation, as many locations around the City, and some of the surrounding villages cannot be described as being compact, as they have been expanded over many years by suburban development. Just because land has not been built on does not make it important to the understanding of the special character of an area which is what the criterion suggests. The further flaw that the TP1 Addendum 2021 makes is to include villages in the assessment question. Villages are not relevant to this purpose of including land within the Green Belt. If the NPPF had meant for villages to be included, it would have used words like “historic settlements”. It does not. The relationship between the city and the villages is important but this purpose of including land within the Green Belt does not require villages to be compact.

In relation to the second criterion, *landmark monuments*, gives rise to a need to assess whether land is needed to remain open to aid the understanding and significance of a building, landmark or monument. Again, it is difficult to understand how an assessment of every heritage asset, as required under this criterion, will ensure the fourth purpose has been duly considered. This is particularly relevant as this purpose of including land within the Green Belt relates to the setting and special character of historic towns as a whole. It is not an isolated exercise and certainly does not relate to a single building, landmark or monument.

In relation to the third criterion *landscape and setting* it is noted that the significance of designated landscapes, parks and gardens are considered to be important. It is difficult to discern why the significance of historic gardens, for example, is considered under this criterion, and it exemplifies a general confusion and conflation as to what is and what is not historic, and how such ultimately contributes to the *setting and special character of historic towns*. A further example relates to nature conservation designations, which are used as an indicator of *landscape and setting*. The supporting test suggests that, in terms of Green Belt, the nature conservation designations are a consideration only within a historical context, but it is unclear as to why the presence of nature conservation designations, historic or otherwise, are considered under *landscape and setting*, and again how they relate to the fourth purpose of including land within the Green Belt.

The TP1 Addendum also notes that all three of these criteria have the potential to render the whole of the York authority area relevant to the fourth purpose. It is unclear as to how this could be true, or what exactly is meant by this. This is plainly an absurd assertion, as not all land around a settlement will be important to this purpose of including land with the Green Belt. It is considered that this criterion does not provide clear guidance as to what land should or should not be included in the Green Belt.

Purpose 1 - To Check the Unrestricted Sprawl of Large Built-Up Areas

In order to assess land against the first purpose, the Council have used the criterion, *urban sprawl*. This criterion seeks to establish whether land has an increased risk of sprawl occurring through such matters as the proximity of the urban

area and presence of existing agricultural / recreational development. However, the proximity of the urban area is not in itself linked to sprawl or the presence of existing buildings / farmsteads etc. By this logic, any existing buildings / farmsteads would need including within the Green Belt to reduce the chance of sprawl occurring. This lacks logic. Surely the purpose of this criterion is to stop unrestricted sprawl. This is achieved by defining Green Belt boundaries which follow logical and permanent features but at the same time not including land that does not have to be kept permanently open. Indeed, where the urban area lacks definition or a proper transition into the countryside there may be a case for redefining the boundary to ensure it remains permanent.

Purpose 3 - to assist in safeguarding the countryside from encroachment

The Council have used an *encroachment* criterion to assess the performance of the boundaries and land against the third purpose. Under this criterion, the Council consider *whether or not land functions as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters*. Again, it remains unclear how this as an assessment would aid one's understanding of whether or not land needs safeguarding from encroachment.

Summary

The above issues exemplify the contrived and often perplexing methodology used in the TP1 Addendum 2021 to determine the Green Belt boundaries. The use of selected parts of historic evidence makes it difficult to understand the overarching approach to the Green Belt taken by the Council, and it is hard to dispel the impression that the TP1 Addendum 2021 document is an exercise in retrospectively justifying the proposed Green Belt boundaries rather than a proper exercise to determine the most appropriate boundaries.

The Council are seeking to define the boundaries of the Green Belt for the first time (rather than amending Green Belt boundaries which have previously been deemed sound). It is therefore absolutely essential that the boundaries are defined using a clear, precise and rigorous methodology. Having considered the TP1 Addendum 2021 in detail, it is clear that the methodology and criteria used results in anything but a rigorous assessment.

The criteria used is vague, subjective, and continues to conflate the need for land to be kept permanently open to serve the Green Belt with other irrelevant considerations. The vagueness of the criteria, and the subjective manner in which it has been applied, is such that the methodology used is unable to consistently and effectively assess the value of individual land on a case by case basis. The methodology essentially identifies that any land falling outside of the urban area needs to be kept permanently open to serve one of the Green Belt purposes in one way or another. This clearly is not the case, and not all land outside the urban area serves at least one of the five purposes of Green Belt. Indeed, there are numerous examples of land included within the Green Belt which serves none of the five purposes. A more rigorous methodology would have identified such land, and excluded it from the Green Belt.

Ultimately, the TP1 Addendum 2021 is a vague and confusing document, and fails to reassure us that the Council have addressed the Inspector's original concerns, and that the exercise undertaken has resulted in Green Belt boundaries which are sound, and which will remain permanent. It remains clear to the Landowners that the Green Belt boundaries are anything but justified and reasonable. The Landowners continue to **object** on this basis.

Green Belt Boundaries

The Landowner also wishes to object to the position of the Green Belt boundary in relation to the Site and Skelton village. The flawed methodology used by the Council has resulted in a Green Belt boundary which is unjustified and ultimately unsound. As set out in the previous representations submitted by DPP, the boundary is such that it includes land within the Green Belt which does not serve any purpose of Green Belt. The Site is completely enclosed by the existing and established boundaries, and is perceptibly different in character from land to the north, which is vast and open and provides extensive views. It is plain that the Site does not need to remain permanently open to preserve the special character of the City of York. On this basis, it is clear that the Green Belt boundary is **not consistent** with the requirements of NPPF, and is therefore **unsound**.

Permanent Green Belt Boundaries

The Council are also consulting on the GL Hearn Housing Needs Update September 2020, and the SHLAA Update (April 2021). Within the former document, GL Hearn report that the housing requirement of 790 dpa identified within the Housing Need Update 2019 remains an appropriate figure, given that the need for housing in the City has not materially changed. The Council therefore continue to use a housing requirement of 822 dwellings per annum, first cited within the Proposed Modifications Consultation (2019). This is based upon a revised OAN of 790 dwellings per annum, plus a further 32 dwellings per annum to account for a shortfall in completions between 2012-2017.

DPP have repeatedly objected to the housing requirement used within the Publication Draft Local Plan (2018) and have outlined the reasons why it fails to meet the housing needs of the City.

Apart from the reasons already cited which include concealed households, historic under delivery and market signals we have a further concern which relates to the TP1 Addendum 2021 and the permanence of the Green Belt. The Council's housing requirement has been calculated using the OAN (objectively assessed needs) process. As the emerging Local Plan was submitted prior to the cut-off date of the 24th January 2019, Paragraph 214 of NPPF allows the use of this process, rather than the standard method process, which is now the prevailing approach to calculating housing requirement.

Paragraph 33 of the NPPF 2019 requires policies in local plans and spatial development strategies to be reviewed and updated as necessary and at least once every five years. It also indicates that relevant strategic policies will need updating if their applicable local housing need figure has changed significantly. The NPPF indicates that LPAs are likely to require earlier reviews if local housing need changes significantly following the adoption of a plan.

This being the case, the Council's decision to continue to use the OAN process will almost certainly result in a significant change to their local housing need figure once the standard method is used as part of a local plan review. Even if it is not regarded as a significant change, it will still represent an increase in the housing requirement.

DPP estimates that, using the standard method, the Council would have to increase the housing requirement in the Publication Draft Local Plan (2018) to over 1,000 dwellings per annum. The Council will therefore have to find a significant number of additional housing sites in order to meet the housing requirement defined by the standard method and this will mean additional land will almost certainly have to be released from what the Council hope will be a recently adopted Green Belt.

Paragraph 133 of the Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 136** goes on to indicate that once established, Green Belt boundaries should only be altered in exceptional circumstances and notes that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. **Paragraph 139** also indicates that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

It is clear that the inevitable transition from the OAN process to the standard method will result in an increase in the housing requirement which will necessitate further alterations to the Green Belt boundaries within a maximum of five years following adoption of the emerging Local Plan. On the basis of the above the Landowners consider that housing requirement in the emerging Local Plan is unsound on the basis that it will not deliver a permanent Green Belt in accordance with the requirements of NPPF.

Suitability of the Site

The Site has previously been assessed by the Council and deemed suitable as a housing allocation within the emerging Local Plan. The Site was only deleted from the emerging Local Plan when the housing requirement was reduced at the time the Preferred Sites Local Plan (2016) was published. On the basis of our view that the Council will soon need to reassess the housing requirement using the standard method instead of OAN it is clear to us that the Council will need to identify new sites to accommodate the increased housing requirement.

The two issues cited by the Council for the deletion of H34 as a draft allocation in the emerging Local Plan have been addressed comprehensively in the previous representations submitted by DPP. The representations demonstrated that a suitable access could be achieved which would support the development of up to 42 dwellings, and that the provision of such would not harm the Skelton Conservation Area, nor the Grade I listed Church of St Giles, given the separation distance.

It is noted that the Council have never previously cited any Green Belt issues in their reason for the deletion of H34 as a draft allocation. It is clear that the Council have previously been satisfied that the Site does not serve any of the purposes of including land within the Green Belt, which is the view the Landowner has maintained since the Site was first submitted for consideration as a draft allocation in the emerging Local Plan. Indeed, the Council have never asserted that the Site performs a Green Belt purpose or that the Green Belt boundaries were inappropriate and irrespective of the technical issues it is plain that H34 does not need to be kept permanently open. If land does not need to be kept permanently open it should not be included in the Green Belt.

Consequently, the Landowner wholly believes that if Site H34 is not to be included within the emerging Local Plan as a housing allocation, it should at the very least be identified as safeguarded land in anticipation of the review. The Site should certainly not fall within the Green Belt based on the Council's earlier assertion that the Site does not fulfil any purposes of including land within the Green Belt.

Assessment of the Site Against TP1 Addendum 2021

Setting aside the Landowner's concerns relating to the updated methodology used by the Council, we have assessed the Site against the criteria in the TP1 Addendum 2021 below:

Compactness: the continued absence of development on the Site does not aid one's impression of a compact city. There are several reasons for this but principally the Site is completely obscured from view on the main approach to the city travelling southbound on the A19. The Site, and the north side of the village are enclosed by the various trees and established hedgerows which serve to obscure any built form from view entirely. Even if the consideration of compactness applied to villages, it is clear that the allocation of the Site would not impact Skelton, for the simple reason that the Site is itself compact.

It is noted that in the assessment within Annex 4 of the TP1 Addendum 2021, the Council state that: *on approach to the village, there is a landscaped edge which prevents a sense of the size of the village as you pass it on the A19, as most of the built up extent is hidden from view.* The Landowner agrees with this. The scale of the existing boundary is such that the Site is not apparent. It therefore follows that the development of the Site would not have any impact in terms of the compactness of Skelton never mind the city of York.

The Site lies in the north western part of Skelton with the rest of the village separating the Site from York. This together with the vegetation serves to block any views of the outskirts of York, and therefore the development of the Site cannot be said to effect its 'compact' nature. Evidently, the Site does not need to remain open to preserve the compactness of the city.

The concentric form of city and surrounding villages will be maintained. The scale of the Site is small compared to the scale of the village, and indeed the City of York. The identity of the city and surrounding villages will plainly be maintained.

Landmark Monuments: turning to landmark monuments, the north eastern part of the Site adjoins the boundary of the Skelton Conservation Area. Otherwise, the Grade I Listed St Giles Church and the Grade II Listed Skelton Hall are located respectively, approximately 150 metres and 200 metres to the east of the Site as the crow flies, and visually, both assets are completely separated from the Site by a significant amount of existing and intervening development, and other sizeable landscape features.

It is noted that in justifying the deletion of the Site within the Preferred Sites Local Plan Consultation Local Plan (2016), the Council cited impact on the setting of the conservation area, arising as a result of the works needed to create a safe access into the Site. At that time the Council did not link the alleged harm to the conservation area with the need to keep the Site permanently open to serve the fourth purpose of Green Belt.

The Council's position has since evolved, as outlined within the TP1 Addendum 2021, and they are now asserting that the inclusion of the Site and land to the north of the village within the Green Belt is required to retain the setting and character of the village:

"The fields to the north of Skelton Hall, St Giles Church and properties north of Church Lane are smaller and more enclosed by taller hedges / trees, giving a sense of rural seclusion and intimacy. Development of these fields and the former parkland to the east would impact on the setting / character of the village core and on the setting of Skelton Hall by eroding its visual connection with the historic park."

The Landowner disagrees and before we explain why, it is noted that the fourth purpose of including land within the Green Belt relates to protection of the setting and special character of historic towns. Skelton is a village and not a town and any impact on Skelton Hall, St Giles Church or the conservation area are irrelevant in relation to determining whether

land needs including in the Green Belt to protect the character of York. This is an example of the serious flaw in the TP1 Addendum 2021 in that it gives weight and due to consideration of matters which are not material to determining the Green Belt around the city of York.

Notwithstanding the above, the Landowner is of the view that the above quoted assertion is misleading, contradictory, and does not accurately describe the context of the Site and the village. Contrary to their assertion, land to the north of Skelton Hall is comprised of large open arable fields. This is in contrast to the Site, which is entirely obscured and enclosed – which is the very reason why the Site does not affect the setting of the heritage assets referenced.

Moreover, the Site remains separated from the heritage assets by the various properties located to the north of Church Lane. The presence of these dwellings, and the size of the substantial boundaries is such that there is absolutely no intervisibility between the Site and the heritage assets. The Site is completely enclosed and contained, which therefore precludes any views of either heritage asset from within the Site; nor indeed, is it possible from further afield to see both the Site and either heritage asset at the same time.

As for the conservation area, it is only the north eastern part of the Site which adjoins the defined boundary. Nevertheless, the fact that the Site is entirely enclosed means that it in no way contributes to the setting of the church or Skelton Hall. It therefore does not need to be kept permanently open to protect the character or setting of the listed buildings, or the conservation area.

Turning to the impact on the historic City Centre, views to York and its associated landmarks are obscured by existing development and vegetation. Again, on the approach towards York, along the A19, views of the Minster and the historic city are entirely obscured by the mature trees and hedgerow that lines the northern and western edge of Skelton, and built development. Put simply, the site lies on the northern edge of a large village, and the City lies over three miles away to the south - there cannot possibly be any intervisibility given the intervening features. The land therefore does not need to be kept permanently open to understand the setting or context of the city as there is no intervisibility.

Landscape and Setting: the Site also does not need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York. The Site lies to the north of Skelton and is separate and discrete with the wider expanse of land which surrounds York.

In their local assessment of the boundary within Annex 4 of the TP1 Addendum 2021, the Council note that *“it is still important that the surrounding land is kept permanently open to continue the village’s relationship with the rural landscape and retain the setting of the village within a rural settlement pattern.”*

However, no explanation is provided as to how the Site contributes to the village’s relationship with the rural landscape. As discussed above, the Site is entirely enclosed and is obscured from all the surrounding public vantage points. The fact that the Site is enclosed entirely negates the Council’s reasoning for seeking to include the Site within the Green Belt boundary. The Site in no way contributes to the setting of the village within the rural setting.

Urban Sprawl: development adjoining the urban area does not necessarily result in sprawl. The Site is visually and physically well contained by the mature landscape features which encloses the Site from the wider open landscape to the north and the land to the west of the A19. The Site is well related to existing development on Church Lane, and is a logical infill, with an obvious and natural boundary to the north and the west (the A19). The boundaries around the Site would prevent any development resulting in unrestricted sprawl, which is the key test of NPPF.

Encroachment: in its setting, the Site does not have the characteristics of land that could be deemed countryside. There is existing built development to the immediate south and partially to the east. The Site sits in contrast to the arable land to the north, which is open and vast, and contains no examples of built development. The land to the north comprises large expansive parcels of arable farmland, and is distinctively more open, and characteristic of the countryside.

It therefore follows that the allocation of the Site could not possibly result in encroachment into the countryside. On the contrary, the Site would reinforce the existing and clearly defined boundary between the edge of the village, and the land to the north which is more rural and typical of open countryside.

When assessed against the new criteria, it remains apparent that the Site still does not fulfil any material purpose of including land within the Green Belt.

On the basis that the Site does not fulfil any material purpose for including land within the Green Belt, when assessed against the clarified methodology, the Landowners remains wholly of the view that Site H34 should be included as an allocation within the Publication Draft Local Plan (2018).

Compliance with the Test of Soundness

Having considered the updated and additional clarification concerning the Council's methodology to determine the land that needs to be kept permanently open and to define Green Belt boundaries, it remains clear that there are a number of issues and anomalies which undermine the robustness of the exercise. As a result, and for the reasons explained, the Landowners are of the view that the revised methodology does not provide a robust basis to determine which parcels of land need to remain permanently open, and the Green Belt boundaries therefore remain unreasonable and insufficiently justified, and therefore unsound.

Additionally, it is evident that the emerging Local Plan, in its current guise, will not result in a permanent Green Belt, contrary to the requirements of the NPPF. It is inevitable that the Council will soon need to identify additional sites for housing, once the switch is made from the OAN process of calculating the housing requirement to the standard method. The Council have therefore failed to fully account for the City's future housing need, which will ultimately necessitate a review of the emerging Local Plan if it is adopted, and the Green Belt boundaries, rendering such unsound as a result.

Overall, the Landowner considers that the emerging Local Plan has **not been positively prepared**, the land that is included within the Green Belt has **not been justified**, it will **not be effective** and is **not consistent with national policy** in that the Green Belt will not endure, and land has been included in the Green Belt which does not need to be kept permanently open.

There are also a number of significant deficiencies in the City of York Housing Needs Update which mean that the 822 dwellings per annum OAN figure which the Council continue to use within the Proposed Modifications is unsound. The housing requirement and evidence base are **not justified**, and the local plan will **not be effective** in meeting the City's needs. It has **not been positively prepared**, and the approach adopted **does not reflect national policy**.

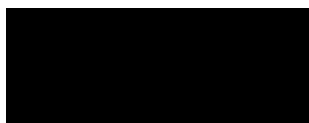
These representations confirm that H34 remains available, and capable of accommodating housing growth. The Site contributes very little, if anything, to the purposes of the Green Belt, whilst the technical issues previously raised by the

Council have been addressed in detail in previous representations submitted to the Council. The Landowner therefore **Objects** to the continued omission of H34 as either an allocation or safeguarded land within the emerging Local Plan.

Our Proposed Modifications

To make the local plan sound it is recommended that the housing requirement is recalculated and should reflect a figure similar to that produced by using the standard method. We also suggest that the Green Belt boundary is amended to encompass the Site , thereby including it as an allocation within the emerging Local Plan, because it serves no Green Belt purpose, and will assist in catering for the increase in housing requirement that is required in order to render the Local Plan sound.

Yours sincerely,



From: [REDACTED]
Sent: 07 July 2021 08:54
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205864
Attachments: L001_H34_Skelton.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: Mr

Name: Chris Megson

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: PJ Procter, for and on behalf of the JA Procter 4th April 1997 Discretionary Settlement and the Procter family

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 7 Housing Supply Update (EX/CYC/59i)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

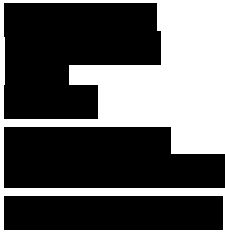
If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

L001_H34_Skelton.pdf



Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA

Ref: 3633LE
5th July 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND AT LAND NORTH OF CHURCH LANE, SKELTON (SITE REF: H34).

Introduction

This submission is made on behalf of PJ Procter, for and on behalf of the JA Procter 4th April 1997 Discretionary Settlement and the Procter family (“the Landowner”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as H34 (‘the Site’).

The Landowner wishes to **object** to the continued omission of the Site from the emerging Local Plan. The Landowner is of the view that the revised methodology used by the Council to determine whether land within the general extent of the Green Belt needs to be kept permanently open and the Green Belt boundaries, as set out in the TP1 Addendum 2021, is not sound in respect of the Site, and that the OAN calculation of the housing requirement simply does not meet the need for market and affordable housing within the City of York and will not result in a permanent Green Belt. The Landowner is of the view that the Local Plan is therefore unsound, and wishes to **object** on this basis.

These comments are made in respect of the following documents:

- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021
- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021 Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt
- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021 Annex 7 Housing Supply Update
- GL Hearn Housing Needs Update (September 2020)



- SHLAA Update (April 2021)

Background

By way of brief background information, the Council launched a third Regulation 19 consultation concerning the City of York Local Plan in May 2021. The consultation concerns various documents comprising the requested Composite Proposed Modifications Schedule. The documents in question have been prepared by the Council in response to a number of issues raised by the Inspectors during and following the Phase 1 hearing sessions which took place in December of 2019.

In terms of the Site, H34 was originally assessed as part of the Council's site selection methodology and was deemed suitable and appropriate for housing development. The Site was subsequently included as a housing allocation within the Preferred Options Local Plan (2013) and the Publication Draft Local Plan (2014). In proposing to allocate H34 for housing development, the Council concluded that the Site did not need to be kept permanently open, that it accorded with the spatial strategy and did not conflict with the fundamental purpose of the Green Belt around York. However, the Site was subsequently deleted as a draft allocation in the Preferred Sites Consultation Local Plan (2016). The reason given for the deletion of the Site was as follows:

'The Site has been removed following further technical officer consideration primarily due to site access concerns. There are access constraints via Church Lane which is narrow and would require widening. It is considered that this would have an adverse impact on Skelton Conservation area in relation to the setting of the church.'

Subsequently, DPP submitted representations during the Preferred Sites Consultation in September 2016 on behalf of the Landowner to demonstrate that access could be achieved with minimal widening to Church Lane, and that the comments made in the Preferred Sites Consultation documentation in relation to heritage matters were unfounded.

Further feedback relating to the Site was issued by the Council following the Local Plan Pre Publication Draft Regulation 18 Consultation which took place in September 2017. Annex 1 of the SHLAA September 2017, which forms part of the Evidence Base to the Local Plan, summarised the consultation responses to the Preferred Sites Document and provided a summary of the findings of the Technical Officer Workshop. The feedback provided in relation to the Site stated that:

"The submitted documents have been reviewed and it is noted that while the access could technically be widened sufficiently, if this were to include much needed footways and provide pedestrian access to the bus stops on the A19 this would still result in the loss of grass verges at an important entry point to the village and would significantly change the nature of the area in this location. It is considered that suitable access to the Site could not be designed without adversely impacting on the character of this narrow lane which forms part of the Skelton conservation area and the wider setting for St Giles Church."

The Council made no reference to the Green Belt at the time that these assessments were undertaken. Both of the technical issues raised were addressed comprehensively within the representations submitted on behalf of the Landowner by DPP following the publishing of the Pre-publication Draft Local Plan (2017).

The Site is still not allocated within the current Publication Draft Local Plan (2018).

The Test of Soundness

Paragraph 35 of the NPPF 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”. In order to be sound, NPPF confirms that a plan should be:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.*

It is against the above tests of soundness that the emerging Local Plan, including the proposed modifications, must be assessed.

The Proposed Modifications

The Council have published a number of additional documents, devised to address concerns raised by the Inspectors following the Phase 1 hearings. Much of the work undertaken seeks to address issues relating to the methodology used by the Council to determine whether a parcel of land needs to be kept permanently open, and the Green Belt boundaries.

To summarise the work undertaken, the Council have published an addendum paper, *Topic Paper 1 Approach to defining Green Belt Addendum January 2021*, (‘the TP1 Addendum 2021’) which seeks to update the original Topic Paper 1: Approach to the Green Belt (2018) in three key respects. First, the TP1 Addendum 2021 responds to the various issues which arose during the Phase 1 hearings. Secondly, the TP1 Addendum 2021 confirms that, in the opinion of the Council, the latest household projections will not have any implications in terms of the permanence of the boundaries. Finally, the TP1 Addendum 2021 responds to the key concerns raised by the Inspectors concerning the methodology used by the Council in establishing the Green Belt boundaries.

Annex 4 of the TP1 Addendum 2021 describes the outcome of the assessment made in relation to the Green Belt boundaries *around other densely developed areas in the General Extent of the Green Belt*, including Skelton.

Annex 6 of the TP1 Addendum 2021 outlines the proposed amendments to the Green Belt boundaries proposed as a result of the revisions to the methodology. None of the proposed modifications affect the Site.

Annex 7 of TP1 Addendum 2021 (Housing Supply Update) seeks to demonstrate that the proposed Green Belt boundaries will endure through the plan period of the emerging Local Plan and beyond, taking into account the GL Hearn Housing

Needs Update September 2020, and the SHLAA update (2021). Both of these documents are also the subject of the consultation.

Otherwise, a number of other supporting documentation and key evidence has been published by the Council, which are also the subject of the current consultation exercise. The additional documents include an updated Habitats Regulation Assessment, and other pieces of new evidence. None of these documents have any direct implications in relation to the Site.

Comments and Observations on the Proposed Modifications

The Inspectors' Concerns

To summarise, the Inspectors expressed concern that the criteria used by the Council to assess sites and the Green Belt boundaries (referred to as “Shapers”) were of little relevance to the issues associated with the definition of Green Belt, specifically in relation to openness, and the five purposes of Green Belt as defined in the NPPF. The Inspectors noted that many of the “Shapers” used by the Council, including, *ensuring accessibility to sustainable modes of transport and a range of services*; and *preventing unacceptable levels of congestion and pollution*, were of very little relevance to Green Belt policy.

Of particular concern to the Inspectors was the manner in which the Council had assessed land against the third purpose of Green Belt *to assist in safeguarding the countryside from encroachment*. In assessing various sites, the Council had previously sought to include in the Green Belt land accommodating features such as nature conservation sites and ancient woodland. The Inspectors noted that such designations are again of little relevance to the issue of *safeguarding the countryside from encroachment*.

The Inspectors considered that the approach taken again suggested a conflation of this Green Belt purpose and the “Shapers” in the emerging Local Plan and deemed such an approach to be an insufficiently robust substitute for a proper analysis of the degree to which land performs the Green Belt function in question. As a result, the Inspectors rightly raised doubts as to the likelihood of the resulting Green Belt boundaries being reasonable and justified.

General Comments Relating to the Clarified Methodology

The TP1 Addendum 2021, now the subject of this consultation, seeks to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York. Having now had opportunity to assess the TP1 Addendum 2021 and annexes, the Developer remains wholly unconvinced that the work undertaken by the Council in respect to the methodology gives rise to Green Belt boundaries which are justified, reasonable, and ultimately sound.

We would like to take this opportunity to highlight a number of issues with the methodology, which we believe undermines the robustness of the assessment undertaken as a whole.

The TP1 Addendum 2021 confirms how the Council have sought to assess land and the Green Belt boundaries against the purposes of Green Belt. We consider how each purpose has been considered in turn.

Purpose 2 – To Prevent Neighbouring Towns from Merging into One Another

Within the original Topic Paper1: Approach to defining York’s Green Belt (TP1) 2018, the Council explained that the primary purpose of the York Green Belt is to protect the setting and special character of the historic city. As such, they sought to identify land most important to maintaining the historic character and setting of York, using ‘*criteria 1*’. They noted that the same criteria would also be used to assess land against the second purpose of the Green Belt *to prevent neighbouring towns merging into one another*.

In the letter of June 2020, which followed Phase 1 hearings, the Inspectors were critical of this approach. In paragraph 39, they stated the following:

‘Purpose two – “to prevent neighbouring towns merging into one another” – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says “the potential issue of towns merging does not arise”. We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt.’

In the TP1 Addendum 2021, the Council acknowledge in paragraph 5.7 that, as there are no towns within the York authority area, the need to assess whether land should be kept permanently open to prevent neighbouring towns from merging does not arise. We have no objection to this approach.

Purpose 5 – To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and Other Urban Land

As for the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), the Council considered such to be achieved through the overall effect of the York Green Belt, rather than through the identification of individual parcels of land. As such, no site-specific assessment of this final purpose has been undertaken by the Council within the original Topic Paper 1: Approach to defining York’s Green Belt (TP1). The Inspectors made no comment in respect of such. Consequently, no further site-specific assessment has been undertaken in respect of the fifth purpose within the TP1 Addendum 2021. Again, we have no comment to make in relation to this approach to ensuring the York Green Belt fulfils the fifth purpose of Green Belt.

On this basis, and taking in to account the Inspector’s letter of June 2020, the Council have determined that the need to keep land permanently open only needs to be assessed against the first, third and fourth purpose of including land within the Green Belt. The TP1 Addendum 2021 therefore introduces additional criteria to assess land against the first, third and fourth purposes of including land within the Green Belt. It is the use of these new criteria which is of concern to us. We have identified a number of flaws, specifically in relation to how they relate to each of the three relevant purposes. Our concerns are outlined below, following the chronology of purposes cited within the TP1 Addendum 2021.

Purpose 4 - To Preserve the Setting and Special Character of Historic Towns

Starting with the fourth purpose, the Council have sought to explain how the evidence and findings within the “*The Approach to the Green Belt Appraisal 2003*” and the “*Heritage Topic Paper Update 2014*” documents were used to assess land against the fourth purpose of including land within the Green Belt. It is explained that the latter document seeks to describe the strategic understanding of the City’s special historical qualities through the use of *factors, themes, and six principal characteristics*. Of these six principal characteristics, the TP1 Addendum 2021 has utilised three: *compactness*;

landmark monuments; and *landscape setting*, to indicate to what extent land performs the fourth purpose of including land within Green Belt.

No explanation is provided as to why these three characteristics have been used, and how they specifically relate to the fourth purpose.

Our concerns in relation to the assessment criteria are highlighted below.

In relation to the first criterion *compactness* this outlines the need to retain the dense compact city or village form in an open or rural landscape. This is applied without regard to the facts of the situation, as many locations around the City, and some of the surrounding villages cannot be described as being compact, as they have been expanded over many years by suburban development. Just because land has not been built on does not make it important to the understanding of the special character of an area which is what the criterion suggests. The further flaw that the TP1 Addendum 2021 makes is to include villages in the assessment question. Villages are not relevant to this purpose of including land within the Green Belt. If the NPPF had meant for villages to be included, it would have used words like “historic settlements”. It does not. The relationship between the city and the villages is important but this purpose of including land within the Green Belt does not require villages to be compact.

In relation to the second criterion, *landmark monuments*, gives rise to a need to assess whether land is needed to remain open to aid the understanding and significance of a building, landmark or monument. Again, it is difficult to understand how an assessment of every heritage asset, as required under this criterion, will ensure the fourth purpose has been duly considered. This is particularly relevant as this purpose of including land within the Green Belt relates to the setting and special character of historic towns as a whole. It is not an isolated exercise and certainly does not relate to a single building, landmark or monument.

In relation to the third criterion *landscape and setting* it is noted that the significance of designated landscapes, parks and gardens are considered to be important. It is difficult to discern why the significance of historic gardens, for example, is considered under this criterion, and it exemplifies a general confusion and conflation as to what is and what is not historic, and how such ultimately contributes to the *setting and special character of historic towns*. A further example relates to nature conservation designations, which are used as an indicator of *landscape and setting*. The supporting test suggests that, in terms of Green Belt, the nature conservation designations are a consideration only within a historical context, but it is unclear as to why the presence of nature conservation designations, historic or otherwise, are considered under *landscape and setting*, and again how they relate to the fourth purpose of including land within the Green Belt.

The TP1 Addendum also notes that all three of these criteria have the potential to render the whole of the York authority area relevant to the fourth purpose. It is unclear as to how this could be true, or what exactly is meant by this. This is plainly an absurd assertion, as not all land around a settlement will be important to this purpose of including land with the Green Belt. It is considered that this criterion does not provide clear guidance as to what land should or should not be included in the Green Belt.

Purpose 1 - To Check the Unrestricted Sprawl of Large Built-Up Areas

In order to assess land against the first purpose, the Council have used the criterion, *urban sprawl*. This criterion seeks to establish whether land has an increased risk of sprawl occurring through such matters as the proximity of the urban

area and presence of existing agricultural / recreational development. However, the proximity of the urban area is not in itself linked to sprawl or the presence of existing buildings / farmsteads etc. By this logic, any existing buildings / farmsteads would need including within the Green Belt to reduce the chance of sprawl occurring. This lacks logic. Surely the purpose of this criterion is to stop unrestricted sprawl. This is achieved by defining Green Belt boundaries which follow logical and permanent features but at the same time not including land that does not have to be kept permanently open. Indeed, where the urban area lacks definition or a proper transition into the countryside there may be a case for redefining the boundary to ensure it remains permanent.

Purpose 3 - to assist in safeguarding the countryside from encroachment

The Council have used an *encroachment* criterion to assess the performance of the boundaries and land against the third purpose. Under this criterion, the Council consider *whether or not land functions as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters*. Again, it remains unclear how this as an assessment would aid one's understanding of whether or not land needs safeguarding from encroachment.

Summary

The above issues exemplify the contrived and often perplexing methodology used in the TP1 Addendum 2021 to determine the Green Belt boundaries. The use of selected parts of historic evidence makes it difficult to understand the overarching approach to the Green Belt taken by the Council, and it is hard to dispel the impression that the TP1 Addendum 2021 document is an exercise in retrospectively justifying the proposed Green Belt boundaries rather than a proper exercise to determine the most appropriate boundaries.

The Council are seeking to define the boundaries of the Green Belt for the first time (rather than amending Green Belt boundaries which have previously been deemed sound). It is therefore absolutely essential that the boundaries are defined using a clear, precise and rigorous methodology. Having considered the TP1 Addendum 2021 in detail, it is clear that the methodology and criteria used results in anything but a rigorous assessment.

The criteria used is vague, subjective, and continues to conflate the need for land to be kept permanently open to serve the Green Belt with other irrelevant considerations. The vagueness of the criteria, and the subjective manner in which it has been applied, is such that the methodology used is unable to consistently and effectively assess the value of individual land on a case by case basis. The methodology essentially identifies that any land falling outside of the urban area needs to be kept permanently open to serve one of the Green Belt purposes in one way or another. This clearly is not the case, and not all land outside the urban area serves at least one of the five purposes of Green Belt. Indeed, there are numerous examples of land included within the Green Belt which serves none of the five purposes. A more rigorous methodology would have identified such land, and excluded it from the Green Belt.

Ultimately, the TP1 Addendum 2021 is a vague and confusing document, and fails to reassure us that the Council have addressed the Inspector's original concerns, and that the exercise undertaken has resulted in Green Belt boundaries which are sound, and which will remain permanent. It remains clear to the Landowners that the Green Belt boundaries are anything but justified and reasonable. The Landowners continue to **object** on this basis.

Green Belt Boundaries

The Landowner also wishes to object to the position of the Green Belt boundary in relation to the Site and Skelton village. The flawed methodology used by the Council has resulted in a Green Belt boundary which is unjustified and ultimately unsound. As set out in the previous representations submitted by DPP, the boundary is such that it includes land within the Green Belt which does not serve any purpose of Green Belt. The Site is completely enclosed by the existing and established boundaries, and is perceptibly different in character from land to the north, which is vast and open and provides extensive views. It is plain that the Site does not need to remain permanently open to preserve the special character of the City of York. On this basis, it is clear that the Green Belt boundary is **not consistent** with the requirements of NPPF, and is therefore **unsound**.

Permanent Green Belt Boundaries

The Council are also consulting on the GL Hearn Housing Needs Update September 2020, and the SHLAA Update (April 2021). Within the former document, GL Hearn report that the housing requirement of 790 dpa identified within the Housing Need Update 2019 remains an appropriate figure, given that the need for housing in the City has not materially changed. The Council therefore continue to use a housing requirement of 822 dwellings per annum, first cited within the Proposed Modifications Consultation (2019). This is based upon a revised OAN of 790 dwellings per annum, plus a further 32 dwellings per annum to account for a shortfall in completions between 2012-2017.

DPP have repeatedly objected to the housing requirement used within the Publication Draft Local Plan (2018) and have outlined the reasons why it fails to meet the housing needs of the City.

Apart from the reasons already cited which include concealed households, historic under delivery and market signals we have a further concern which relates to the TP1 Addendum 2021 and the permanence of the Green Belt. The Council's housing requirement has been calculated using the OAN (objectively assessed needs) process. As the emerging Local Plan was submitted prior to the cut-off date of the 24th January 2019, Paragraph 214 of NPPF allows the use of this process, rather than the standard method process, which is now the prevailing approach to calculating housing requirement.

Paragraph 33 of the NPPF 2019 requires policies in local plans and spatial development strategies to be reviewed and updated as necessary and at least once every five years. It also indicates that relevant strategic policies will need updating if their applicable local housing need figure has changed significantly. The NPPF indicates that LPAs are likely to require earlier reviews if local housing need changes significantly following the adoption of a plan.

This being the case, the Council's decision to continue to use the OAN process will almost certainly result in a significant change to their local housing need figure once the standard method is used as part of a local plan review. Even if it is not regarded as a significant change, it will still represent an increase in the housing requirement.

DPP estimates that, using the standard method, the Council would have to increase the housing requirement in the Publication Draft Local Plan (2018) to over 1,000 dwellings per annum. The Council will therefore have to find a significant number of additional housing sites in order to meet the housing requirement defined by the standard method and this will mean additional land will almost certainly have to be released from what the Council hope will be a recently adopted Green Belt.

Paragraph 133 of the Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 136** goes on to indicate that once established, Green Belt boundaries should only be altered in exceptional circumstances and notes that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. **Paragraph 139** also indicates that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

It is clear that the inevitable transition from the OAN process to the standard method will result in an increase in the housing requirement which will necessitate further alterations to the Green Belt boundaries within a maximum of five years following adoption of the emerging Local Plan. On the basis of the above the Landowners consider that housing requirement in the emerging Local Plan is unsound on the basis that it will not deliver a permanent Green Belt in accordance with the requirements of NPPF.

Suitability of the Site

The Site has previously been assessed by the Council and deemed suitable as a housing allocation within the emerging Local Plan. The Site was only deleted from the emerging Local Plan when the housing requirement was reduced at the time the Preferred Sites Local Plan (2016) was published. On the basis of our view that the Council will soon need to reassess the housing requirement using the standard method instead of OAN it is clear to us that the Council will need to identify new sites to accommodate the increased housing requirement.

The two issues cited by the Council for the deletion of H34 as a draft allocation in the emerging Local Plan have been addressed comprehensively in the previous representations submitted by DPP. The representations demonstrated that a suitable access could be achieved which would support the development of up to 42 dwellings, and that the provision of such would not harm the Skelton Conservation Area, nor the Grade I listed Church of St Giles, given the separation distance.

It is noted that the Council have never previously cited any Green Belt issues in their reason for the deletion of H34 as a draft allocation. It is clear that the Council have previously been satisfied that the Site does not serve any of the purposes of including land within the Green Belt, which is the view the Landowner has maintained since the Site was first submitted for consideration as a draft allocation in the emerging Local Plan. Indeed, the Council have never asserted that the Site performs a Green Belt purpose or that the Green Belt boundaries were inappropriate and irrespective of the technical issues it is plain that H34 does not need to be kept permanently open. If land does not need to be kept permanently open it should not be included in the Green Belt.

Consequently, the Landowner wholly believes that if Site H34 is not to be included within the emerging Local Plan as a housing allocation, it should at the very least be identified as safeguarded land in anticipation of the review. The Site should certainly not fall within the Green Belt based on the Council's earlier assertion that the Site does not fulfil any purposes of including land within the Green Belt.

Assessment of the Site Against TP1 Addendum 2021

Setting aside the Landowner's concerns relating to the updated methodology used by the Council, we have assessed the Site against the criteria in the TP1 Addendum 2021 below:

Compactness: the continued absence of development on the Site does not aid one's impression of a compact city. There are several reasons for this but principally the Site is completely obscured from view on the main approach to the city travelling southbound on the A19. The Site, and the north side of the village are enclosed by the various trees and established hedgerows which serve to obscure any built form from view entirely. Even if the consideration of compactness applied to villages, it is clear that the allocation of the Site would not impact Skelton, for the simple reason that the Site is itself compact.

It is noted that in the assessment within Annex 4 of the TP1 Addendum 2021, the Council state that: *on approach to the village, there is a landscaped edge which prevents a sense of the size of the village as you pass it on the A19, as most of the built up extent is hidden from view.* The Landowner agrees with this. The scale of the existing boundary is such that the Site is not apparent. It therefore follows that the development of the Site would not have any impact in terms of the compactness of Skelton never mind the city of York.

The Site lies in the north western part of Skelton with the rest of the village separating the Site from York. This together with the vegetation serves to block any views of the outskirts of York, and therefore the development of the Site cannot be said to effect its 'compact' nature. Evidently, the Site does not need to remain open to preserve the compactness of the city.

The concentric form of city and surrounding villages will be maintained. The scale of the Site is small compared to the scale of the village, and indeed the City of York. The identity of the city and surrounding villages will plainly be maintained.

Landmark Monuments: turning to landmark monuments, the north eastern part of the Site adjoins the boundary of the Skelton Conservation Area. Otherwise, the Grade I Listed St Giles Church and the Grade II Listed Skelton Hall are located respectively, approximately 150 metres and 200 metres to the east of the Site as the crow flies, and visually, both assets are completely separated from the Site by a significant amount of existing and intervening development, and other sizeable landscape features.

It is noted that in justifying the deletion of the Site within the Preferred Sites Local Plan Consultation Local Plan (2016), the Council cited impact on the setting of the conservation area, arising as a result of the works needed to create a safe access into the Site. At that time the Council did not link the alleged harm to the conservation area with the need to keep the Site permanently open to serve the fourth purpose of Green Belt.

The Council's position has since evolved, as outlined within the TP1 Addendum 2021, and they are now asserting that the inclusion of the Site and land to the north of the village within the Green Belt is required to retain the setting and character of the village:

"The fields to the north of Skelton Hall, St Giles Church and properties north of Church Lane are smaller and more enclosed by taller hedges / trees, giving a sense of rural seclusion and intimacy. Development of these fields and the former parkland to the east would impact on the setting / character of the village core and on the setting of Skelton Hall by eroding its visual connection with the historic park."

The Landowner disagrees and before we explain why, it is noted that the fourth purpose of including land within the Green Belt relates to protection of the setting and special character of historic towns. Skelton is a village and not a town and any impact on Skelton Hall, St Giles Church or the conservation area are irrelevant in relation to determining whether

land needs including in the Green Belt to protect the character of York. This is an example of the serious flaw in the TP1 Addendum 2021 in that it gives weight and due to consideration of matters which are not material to determining the Green Belt around the city of York.

Notwithstanding the above, the Landowner is of the view that the above quoted assertion is misleading, contradictory, and does not accurately describe the context of the Site and the village. Contrary to their assertion, land to the north of Skelton Hall is comprised of large open arable fields. This is in contrast to the Site, which is entirely obscured and enclosed – which is the very reason why the Site does not affect the setting of the heritage assets referenced.

Moreover, the Site remains separated from the heritage assets by the various properties located to the north of Church Lane. The presence of these dwellings, and the size of the substantial boundaries is such that there is absolutely no intervisibility between the Site and the heritage assets. The Site is completely enclosed and contained, which therefore precludes any views of either heritage asset from within the Site; nor indeed, is it possible from further afield to see both the Site and either heritage asset at the same time.

As for the conservation area, it is only the north eastern part of the Site which adjoins the defined boundary. Nevertheless, the fact that the Site is entirely enclosed means that it in no way contributes to the setting of the church or Skelton Hall. It therefore does not need to be kept permanently open to protect the character or setting of the listed buildings, or the conservation area.

Turning to the impact on the historic City Centre, views to York and its associated landmarks are obscured by existing development and vegetation. Again, on the approach towards York, along the A19, views of the Minster and the historic city are entirely obscured by the mature trees and hedgerow that lines the northern and western edge of Skelton, and built development. Put simply, the site lies on the northern edge of a large village, and the City lies over three miles away to the south - there cannot possibly be any intervisibility given the intervening features. The land therefore does not need to be kept permanently open to understand the setting or context of the city as there is no intervisibility.

Landscape and Setting: the Site also does not need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York. The Site lies to the north of Skelton and is separate and discrete with the wider expanse of land which surrounds York.

In their local assessment of the boundary within Annex 4 of the TP1 Addendum 2021, the Council note that *“it is still important that the surrounding land is kept permanently open to continue the village’s relationship with the rural landscape and retain the setting of the village within a rural settlement pattern.”*

However, no explanation is provided as to how the Site contributes to the village’s relationship with the rural landscape. As discussed above, the Site is entirely enclosed and is obscured from all the surrounding public vantage points. The fact that the Site is enclosed entirely negates the Council’s reasoning for seeking to include the Site within the Green Belt boundary. The Site in no way contributes to the setting of the village within the rural setting.

Urban Sprawl: development adjoining the urban area does not necessarily result in sprawl. The Site is visually and physically well contained by the mature landscape features which encloses the Site from the wider open landscape to the north and the land to the west of the A19. The Site is well related to existing development on Church Lane, and is a logical infill, with an obvious and natural boundary to the north and the west (the A19). The boundaries around the Site would prevent any development resulting in unrestricted sprawl, which is the key test of NPPF.

Encroachment: in its setting, the Site does not have the characteristics of land that could be deemed countryside. There is existing built development to the immediate south and partially to the east. The Site sits in contrast to the arable land to the north, which is open and vast, and contains no examples of built development. The land to the north comprises large expansive parcels of arable farmland, and is distinctively more open, and characteristic of the countryside.

It therefore follows that the allocation of the Site could not possibly result in encroachment into the countryside. On the contrary, the Site would reinforce the existing and clearly defined boundary between the edge of the village, and the land to the north which is more rural and typical of open countryside.

When assessed against the new criteria, it remains apparent that the Site still does not fulfil any material purpose of including land within the Green Belt.

On the basis that the Site does not fulfil any material purpose for including land within the Green Belt, when assessed against the clarified methodology, the Landowners remains wholly of the view that Site H34 should be included as an allocation within the Publication Draft Local Plan (2018).

Compliance with the Test of Soundness

Having considered the updated and additional clarification concerning the Council's methodology to determine the land that needs to be kept permanently open and to define Green Belt boundaries, it remains clear that there are a number of issues and anomalies which undermine the robustness of the exercise. As a result, and for the reasons explained, the Landowners are of the view that the revised methodology does not provide a robust basis to determine which parcels of land need to remain permanently open, and the Green Belt boundaries therefore remain unreasonable and insufficiently justified, and therefore unsound.

Additionally, it is evident that the emerging Local Plan, in its current guise, will not result in a permanent Green Belt, contrary to the requirements of the NPPF. It is inevitable that the Council will soon need to identify additional sites for housing, once the switch is made from the OAN process of calculating the housing requirement to the standard method. The Council have therefore failed to fully account for the City's future housing need, which will ultimately necessitate a review of the emerging Local Plan if it is adopted, and the Green Belt boundaries, rendering such unsound as a result.

Overall, the Landowner considers that the emerging Local Plan has **not been positively prepared**, the land that is included within the Green Belt has **not been justified**, it will **not be effective** and is **not consistent with national policy** in that the Green Belt will not endure, and land has been included in the Green Belt which does not need to be kept permanently open.

There are also a number of significant deficiencies in the City of York Housing Needs Update which mean that the 822 dwellings per annum OAN figure which the Council continue to use within the Proposed Modifications is unsound. The housing requirement and evidence base are **not justified**, and the local plan will **not be effective** in meeting the City's needs. It has **not been positively prepared**, and the approach adopted **does not reflect national policy**.

These representations confirm that H34 remains available, and capable of accommodating housing growth. The Site contributes very little, if anything, to the purposes of the Green Belt, whilst the technical issues previously raised by the

Council have been addressed in detail in previous representations submitted to the Council. The Landowner therefore **Objects** to the continued omission of H34 as either an allocation or safeguarded land within the emerging Local Plan.

Our Proposed Modifications

To make the local plan sound it is recommended that the housing requirement is recalculated and should reflect a figure similar to that produced by using the standard method. We also suggest that the Green Belt boundary is amended to encompass the Site , thereby including it as an allocation within the emerging Local Plan, because it serves no Green Belt purpose, and will assist in catering for the increase in housing requirement that is required in order to render the Local Plan sound.

Yours sincerely,



From: [REDACTED]
Sent: 07 July 2021 08:56
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205865
Attachments: L001_H34_Skelton.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: Mr

Name: Chris Megson

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: PJ Procter, for and on behalf of the JA Procter 4th April 1997 Discretionary Settlement and the Procter family

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Housing Needs Update September 2020 (EX/CYC/43a)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

L001_H34_Skelton.pdf



Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA

Ref: 3633LE
5th July 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND AT LAND NORTH OF CHURCH LANE, SKELTON (SITE REF: H34).

Introduction

This submission is made on behalf of PJ Procter, for and on behalf of the JA Procter 4th April 1997 Discretionary Settlement and the Procter family (“the Landowner”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as H34 (‘the Site’).

The Landowner wishes to **object** to the continued omission of the Site from the emerging Local Plan. The Landowner is of the view that the revised methodology used by the Council to determine whether land within the general extent of the Green Belt needs to be kept permanently open and the Green Belt boundaries, as set out in the TP1 Addendum 2021, is not sound in respect of the Site, and that the OAN calculation of the housing requirement simply does not meet the need for market and affordable housing within the City of York and will not result in a permanent Green Belt. The Landowner is of the view that the Local Plan is therefore unsound, and wishes to **object** on this basis.

These comments are made in respect of the following documents:

- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021
- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021 Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt
- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021 Annex 7 Housing Supply Update
- GL Hearn Housing Needs Update (September 2020)

- SHLAA Update (April 2021)

Background

By way of brief background information, the Council launched a third Regulation 19 consultation concerning the City of York Local Plan in May 2021. The consultation concerns various documents comprising the requested Composite Proposed Modifications Schedule. The documents in question have been prepared by the Council in response to a number of issues raised by the Inspectors during and following the Phase 1 hearing sessions which took place in December of 2019.

In terms of the Site, H34 was originally assessed as part of the Council's site selection methodology and was deemed suitable and appropriate for housing development. The Site was subsequently included as a housing allocation within the Preferred Options Local Plan (2013) and the Publication Draft Local Plan (2014). In proposing to allocate H34 for housing development, the Council concluded that the Site did not need to be kept permanently open, that it accorded with the spatial strategy and did not conflict with the fundamental purpose of the Green Belt around York. However, the Site was subsequently deleted as a draft allocation in the Preferred Sites Consultation Local Plan (2016). The reason given for the deletion of the Site was as follows:

'The Site has been removed following further technical officer consideration primarily due to site access concerns. There are access constraints via Church Lane which is narrow and would require widening. It is considered that this would have an adverse impact on Skelton Conservation area in relation to the setting of the church.'

Subsequently, DPP submitted representations during the Preferred Sites Consultation in September 2016 on behalf of the Landowner to demonstrate that access could be achieved with minimal widening to Church Lane, and that the comments made in the Preferred Sites Consultation documentation in relation to heritage matters were unfounded.

Further feedback relating to the Site was issued by the Council following the Local Plan Pre Publication Draft Regulation 18 Consultation which took place in September 2017. Annex 1 of the SHLAA September 2017, which forms part of the Evidence Base to the Local Plan, summarised the consultation responses to the Preferred Sites Document and provided a summary of the findings of the Technical Officer Workshop. The feedback provided in relation to the Site stated that:

"The submitted documents have been reviewed and it is noted that while the access could technically be widened sufficiently, if this were to include much needed footways and provide pedestrian access to the bus stops on the A19 this would still result in the loss of grass verges at an important entry point to the village and would significantly change the nature of the area in this location. It is considered that suitable access to the Site could not be designed without adversely impacting on the character of this narrow lane which forms part of the Skelton conservation area and the wider setting for St Giles Church."

The Council made no reference to the Green Belt at the time that these assessments were undertaken. Both of the technical issues raised were addressed comprehensively within the representations submitted on behalf of the Landowner by DPP following the publishing of the Pre-publication Draft Local Plan (2017).

The Site is still not allocated within the current Publication Draft Local Plan (2018).

The Test of Soundness

Paragraph 35 of the NPPF 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”. In order to be sound, NPPF confirms that a plan should be:

*a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

*b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*

*c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*

*d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.*

It is against the above tests of soundness that the emerging Local Plan, including the proposed modifications, must be assessed.

The Proposed Modifications

The Council have published a number of additional documents, devised to address concerns raised by the Inspectors following the Phase 1 hearings. Much of the work undertaken seeks to address issues relating to the methodology used by the Council to determine whether a parcel of land needs to be kept permanently open, and the Green Belt boundaries.

To summarise the work undertaken, the Council have published an addendum paper, *Topic Paper 1 Approach to defining Green Belt Addendum January 2021*, (‘the TP1 Addendum 2021’) which seeks to update the original Topic Paper 1: Approach to the Green Belt (2018) in three key respects. First, the TP1 Addendum 2021 responds to the various issues which arose during the Phase 1 hearings. Secondly, the TP1 Addendum 2021 confirms that, in the opinion of the Council, the latest household projections will not have any implications in terms of the permanence of the boundaries. Finally, the TP1 Addendum 2021 responds to the key concerns raised by the Inspectors concerning the methodology used by the Council in establishing the Green Belt boundaries.

Annex 4 of the TP1 Addendum 2021 describes the outcome of the assessment made in relation to the Green Belt boundaries *around other densely developed areas in the General Extent of the Green Belt*, including Skelton.

Annex 6 of the TP1 Addendum 2021 outlines the proposed amendments to the Green Belt boundaries proposed as a result of the revisions to the methodology. None of the proposed modifications affect the Site.

Annex 7 of TP1 Addendum 2021 (Housing Supply Update) seeks to demonstrate that the proposed Green Belt boundaries will endure through the plan period of the emerging Local Plan and beyond, taking into account the GL Hearn Housing

Needs Update September 2020, and the SHLAA update (2021). Both of these documents are also the subject of the consultation.

Otherwise, a number of other supporting documentation and key evidence has been published by the Council, which are also the subject of the current consultation exercise. The additional documents include an updated Habitats Regulation Assessment, and other pieces of new evidence. None of these documents have any direct implications in relation to the Site.

Comments and Observations on the Proposed Modifications

The Inspectors' Concerns

To summarise, the Inspectors expressed concern that the criteria used by the Council to assess sites and the Green Belt boundaries (referred to as “Shapers”) were of little relevance to the issues associated with the definition of Green Belt, specifically in relation to openness, and the five purposes of Green Belt as defined in the NPPF. The Inspectors noted that many of the “Shapers” used by the Council, including, *ensuring accessibility to sustainable modes of transport and a range of services*; and *preventing unacceptable levels of congestion and pollution*, were of very little relevance to Green Belt policy.

Of particular concern to the Inspectors was the manner in which the Council had assessed land against the third purpose of Green Belt *to assist in safeguarding the countryside from encroachment*. In assessing various sites, the Council had previously sought to include in the Green Belt land accommodating features such as nature conservation sites and ancient woodland. The Inspectors noted that such designations are again of little relevance to the issue of *safeguarding the countryside from encroachment*.

The Inspectors considered that the approach taken again suggested a conflation of this Green Belt purpose and the “Shapers” in the emerging Local Plan and deemed such an approach to be an insufficiently robust substitute for a proper analysis of the degree to which land performs the Green Belt function in question. As a result, the Inspectors rightly raised doubts as to the likelihood of the resulting Green Belt boundaries being reasonable and justified.

General Comments Relating to the Clarified Methodology

The TP1 Addendum 2021, now the subject of this consultation, seeks to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York. Having now had opportunity to assess the TP1 Addendum 2021 and annexes, the Developer remains wholly unconvinced that the work undertaken by the Council in respect to the methodology gives rise to Green Belt boundaries which are justified, reasonable, and ultimately sound.

We would like to take this opportunity to highlight a number of issues with the methodology, which we believe undermines the robustness of the assessment undertaken as a whole.

The TP1 Addendum 2021 confirms how the Council have sought to assess land and the Green Belt boundaries against the purposes of Green Belt. We consider how each purpose has been considered in turn.

Purpose 2 – To Prevent Neighbouring Towns from Merging into One Another

Within the original Topic Paper1: Approach to defining York’s Green Belt (TP1) 2018, the Council explained that the primary purpose of the York Green Belt is to protect the setting and special character of the historic city. As such, they sought to identify land most important to maintaining the historic character and setting of York, using ‘*criteria 1*’. They noted that the same criteria would also be used to assess land against the second purpose of the Green Belt *to prevent neighbouring towns merging into one another*.

In the letter of June 2020, which followed Phase 1 hearings, the Inspectors were critical of this approach. In paragraph 39, they stated the following:

‘Purpose two – “to prevent neighbouring towns merging into one another” – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says “the potential issue of towns merging does not arise”. We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt.’

In the TP1 Addendum 2021, the Council acknowledge in paragraph 5.7 that, as there are no towns within the York authority area, the need to assess whether land should be kept permanently open to prevent neighbouring towns from merging does not arise. We have no objection to this approach.

Purpose 5 – To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and Other Urban Land

As for the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), the Council considered such to be achieved through the overall effect of the York Green Belt, rather than through the identification of individual parcels of land. As such, no site-specific assessment of this final purpose has been undertaken by the Council within the original Topic Paper 1: Approach to defining York’s Green Belt (TP1). The Inspectors made no comment in respect of such. Consequently, no further site-specific assessment has been undertaken in respect of the fifth purpose within the TP1 Addendum 2021. Again, we have no comment to make in relation to this approach to ensuring the York Green Belt fulfils the fifth purpose of Green Belt.

On this basis, and taking in to account the Inspector’s letter of June 2020, the Council have determined that the need to keep land permanently open only needs to be assessed against the first, third and fourth purpose of including land within the Green Belt. The TP1 Addendum 2021 therefore introduces additional criteria to assess land against the first, third and fourth purposes of including land within the Green Belt. It is the use of these new criteria which is of concern to us. We have identified a number of flaws, specifically in relation to how they relate to each of the three relevant purposes. Our concerns are outlined below, following the chronology of purposes cited within the TP1 Addendum 2021.

Purpose 4 - To Preserve the Setting and Special Character of Historic Towns

Starting with the fourth purpose, the Council have sought to explain how the evidence and findings within the “*The Approach to the Green Belt Appraisal 2003*” and the “*Heritage Topic Paper Update 2014*” documents were used to assess land against the fourth purpose of including land within the Green Belt. It is explained that the latter document seeks to describe the strategic understanding of the City’s special historical qualities through the use of *factors, themes, and six principal characteristics*. Of these six principal characteristics, the TP1 Addendum 2021 has utilised three: *compactness*;

landmark monuments; and *landscape setting*, to indicate to what extent land performs the fourth purpose of including land within Green Belt.

No explanation is provided as to why these three characteristics have been used, and how they specifically relate to the fourth purpose.

Our concerns in relation to the assessment criteria are highlighted below.

In relation to the first criterion *compactness* this outlines the need to retain the dense compact city or village form in an open or rural landscape. This is applied without regard to the facts of the situation, as many locations around the City, and some of the surrounding villages cannot be described as being compact, as they have been expanded over many years by suburban development. Just because land has not been built on does not make it important to the understanding of the special character of an area which is what the criterion suggests. The further flaw that the TP1 Addendum 2021 makes is to include villages in the assessment question. Villages are not relevant to this purpose of including land within the Green Belt. If the NPPF had meant for villages to be included, it would have used words like “historic settlements”. It does not. The relationship between the city and the villages is important but this purpose of including land within the Green Belt does not require villages to be compact.

In relation to the second criterion, *landmark monuments*, gives rise to a need to assess whether land is needed to remain open to aid the understanding and significance of a building, landmark or monument. Again, it is difficult to understand how an assessment of every heritage asset, as required under this criterion, will ensure the fourth purpose has been duly considered. This is particularly relevant as this purpose of including land within the Green Belt relates to the setting and special character of historic towns as a whole. It is not an isolated exercise and certainly does not relate to a single building, landmark or monument.

In relation to the third criterion *landscape and setting* it is noted that the significance of designated landscapes, parks and gardens are considered to be important. It is difficult to discern why the significance of historic gardens, for example, is considered under this criterion, and it exemplifies a general confusion and conflation as to what is and what is not historic, and how such ultimately contributes to the *setting and special character of historic towns*. A further example relates to nature conservation designations, which are used as an indicator of *landscape and setting*. The supporting test suggests that, in terms of Green Belt, the nature conservation designations are a consideration only within a historical context, but it is unclear as to why the presence of nature conservation designations, historic or otherwise, are considered under *landscape and setting*, and again how they relate to the fourth purpose of including land within the Green Belt.

The TP1 Addendum also notes that all three of these criteria have the potential to render the whole of the York authority area relevant to the fourth purpose. It is unclear as to how this could be true, or what exactly is meant by this. This is plainly an absurd assertion, as not all land around a settlement will be important to this purpose of including land with the Green Belt. It is considered that this criterion does not provide clear guidance as to what land should or should not be included in the Green Belt.

Purpose 1 - To Check the Unrestricted Sprawl of Large Built-Up Areas

In order to assess land against the first purpose, the Council have used the criterion, *urban sprawl*. This criterion seeks to establish whether land has an increased risk of sprawl occurring through such matters as the proximity of the urban

area and presence of existing agricultural / recreational development. However, the proximity of the urban area is not in itself linked to sprawl or the presence of existing buildings / farmsteads etc. By this logic, any existing buildings / farmsteads would need including within the Green Belt to reduce the chance of sprawl occurring. This lacks logic. Surely the purpose of this criterion is to stop unrestricted sprawl. This is achieved by defining Green Belt boundaries which follow logical and permanent features but at the same time not including land that does not have to be kept permanently open. Indeed, where the urban area lacks definition or a proper transition into the countryside there may be a case for redefining the boundary to ensure it remains permanent.

Purpose 3 - to assist in safeguarding the countryside from encroachment

The Council have used an *encroachment* criterion to assess the performance of the boundaries and land against the third purpose. Under this criterion, the Council consider *whether or not land functions as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters*. Again, it remains unclear how this as an assessment would aid one's understanding of whether or not land needs safeguarding from encroachment.

Summary

The above issues exemplify the contrived and often perplexing methodology used in the TP1 Addendum 2021 to determine the Green Belt boundaries. The use of selected parts of historic evidence makes it difficult to understand the overarching approach to the Green Belt taken by the Council, and it is hard to dispel the impression that the TP1 Addendum 2021 document is an exercise in retrospectively justifying the proposed Green Belt boundaries rather than a proper exercise to determine the most appropriate boundaries.

The Council are seeking to define the boundaries of the Green Belt for the first time (rather than amending Green Belt boundaries which have previously been deemed sound). It is therefore absolutely essential that the boundaries are defined using a clear, precise and rigorous methodology. Having considered the TP1 Addendum 2021 in detail, it is clear that the methodology and criteria used results in anything but a rigorous assessment.

The criteria used is vague, subjective, and continues to conflate the need for land to be kept permanently open to serve the Green Belt with other irrelevant considerations. The vagueness of the criteria, and the subjective manner in which it has been applied, is such that the methodology used is unable to consistently and effectively assess the value of individual land on a case by case basis. The methodology essentially identifies that any land falling outside of the urban area needs to be kept permanently open to serve one of the Green Belt purposes in one way or another. This clearly is not the case, and not all land outside the urban area serves at least one of the five purposes of Green Belt. Indeed, there are numerous examples of land included within the Green Belt which serves none of the five purposes. A more rigorous methodology would have identified such land, and excluded it from the Green Belt.

Ultimately, the TP1 Addendum 2021 is a vague and confusing document, and fails to reassure us that the Council have addressed the Inspector's original concerns, and that the exercise undertaken has resulted in Green Belt boundaries which are sound, and which will remain permanent. It remains clear to the Landowners that the Green Belt boundaries are anything but justified and reasonable. The Landowners continue to **object** on this basis.

Green Belt Boundaries

The Landowner also wishes to object to the position of the Green Belt boundary in relation to the Site and Skelton village. The flawed methodology used by the Council has resulted in a Green Belt boundary which is unjustified and ultimately unsound. As set out in the previous representations submitted by DPP, the boundary is such that it includes land within the Green Belt which does not serve any purpose of Green Belt. The Site is completely enclosed by the existing and established boundaries, and is perceptibly different in character from land to the north, which is vast and open and provides extensive views. It is plain that the Site does not need to remain permanently open to preserve the special character of the City of York. On this basis, it is clear that the Green Belt boundary is **not consistent** with the requirements of NPPF, and is therefore **unsound**.

Permanent Green Belt Boundaries

The Council are also consulting on the GL Hearn Housing Needs Update September 2020, and the SHLAA Update (April 2021). Within the former document, GL Hearn report that the housing requirement of 790 dpa identified within the Housing Need Update 2019 remains an appropriate figure, given that the need for housing in the City has not materially changed. The Council therefore continue to use a housing requirement of 822 dwellings per annum, first cited within the Proposed Modifications Consultation (2019). This is based upon a revised OAN of 790 dwellings per annum, plus a further 32 dwellings per annum to account for a shortfall in completions between 2012-2017.

DPP have repeatedly objected to the housing requirement used within the Publication Draft Local Plan (2018) and have outlined the reasons why it fails to meet the housing needs of the City.

Apart from the reasons already cited which include concealed households, historic under delivery and market signals we have a further concern which relates to the TP1 Addendum 2021 and the permanence of the Green Belt. The Council's housing requirement has been calculated using the OAN (objectively assessed needs) process. As the emerging Local Plan was submitted prior to the cut-off date of the 24th January 2019, Paragraph 214 of NPPF allows the use of this process, rather than the standard method process, which is now the prevailing approach to calculating housing requirement.

Paragraph 33 of the NPPF 2019 requires policies in local plans and spatial development strategies to be reviewed and updated as necessary and at least once every five years. It also indicates that relevant strategic policies will need updating if their applicable local housing need figure has changed significantly. The NPPF indicates that LPAs are likely to require earlier reviews if local housing need changes significantly following the adoption of a plan.

This being the case, the Council's decision to continue to use the OAN process will almost certainly result in a significant change to their local housing need figure once the standard method is used as part of a local plan review. Even if it is not regarded as a significant change, it will still represent an increase in the housing requirement.

DPP estimates that, using the standard method, the Council would have to increase the housing requirement in the Publication Draft Local Plan (2018) to over 1,000 dwellings per annum. The Council will therefore have to find a significant number of additional housing sites in order to meet the housing requirement defined by the standard method and this will mean additional land will almost certainly have to be released from what the Council hope will be a recently adopted Green Belt.

Paragraph 133 of the Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 136** goes on to indicate that once established, Green Belt boundaries should only be altered in exceptional circumstances and notes that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. **Paragraph 139** also indicates that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

It is clear that the inevitable transition from the OAN process to the standard method will result in an increase in the housing requirement which will necessitate further alterations to the Green Belt boundaries within a maximum of five years following adoption of the emerging Local Plan. On the basis of the above the Landowners consider that housing requirement in the emerging Local Plan is unsound on the basis that it will not deliver a permanent Green Belt in accordance with the requirements of NPPF.

Suitability of the Site

The Site has previously been assessed by the Council and deemed suitable as a housing allocation within the emerging Local Plan. The Site was only deleted from the emerging Local Plan when the housing requirement was reduced at the time the Preferred Sites Local Plan (2016) was published. On the basis of our view that the Council will soon need to reassess the housing requirement using the standard method instead of OAN it is clear to us that the Council will need to identify new sites to accommodate the increased housing requirement.

The two issues cited by the Council for the deletion of H34 as a draft allocation in the emerging Local Plan have been addressed comprehensively in the previous representations submitted by DPP. The representations demonstrated that a suitable access could be achieved which would support the development of up to 42 dwellings, and that the provision of such would not harm the Skelton Conservation Area, nor the Grade I listed Church of St Giles, given the separation distance.

It is noted that the Council have never previously cited any Green Belt issues in their reason for the deletion of H34 as a draft allocation. It is clear that the Council have previously been satisfied that the Site does not serve any of the purposes of including land within the Green Belt, which is the view the Landowner has maintained since the Site was first submitted for consideration as a draft allocation in the emerging Local Plan. Indeed, the Council have never asserted that the Site performs a Green Belt purpose or that the Green Belt boundaries were inappropriate and irrespective of the technical issues it is plain that H34 does not need to be kept permanently open. If land does not need to be kept permanently open it should not be included in the Green Belt.

Consequently, the Landowner wholly believes that if Site H34 is not to be included within the emerging Local Plan as a housing allocation, it should at the very least be identified as safeguarded land in anticipation of the review. The Site should certainly not fall within the Green Belt based on the Council's earlier assertion that the Site does not fulfil any purposes of including land within the Green Belt.

Assessment of the Site Against TP1 Addendum 2021

Setting aside the Landowner's concerns relating to the updated methodology used by the Council, we have assessed the Site against the criteria in the TP1 Addendum 2021 below:

Compactness: the continued absence of development on the Site does not aid one's impression of a compact city. There are several reasons for this but principally the Site is completely obscured from view on the main approach to the city travelling southbound on the A19. The Site, and the north side of the village are enclosed by the various trees and established hedgerows which serve to obscure any built form from view entirely. Even if the consideration of compactness applied to villages, it is clear that the allocation of the Site would not impact Skelton, for the simple reason that the Site is itself compact.

It is noted that in the assessment within Annex 4 of the TP1 Addendum 2021, the Council state that: *on approach to the village, there is a landscaped edge which prevents a sense of the size of the village as you pass it on the A19, as most of the built up extent is hidden from view.* The Landowner agrees with this. The scale of the existing boundary is such that the Site is not apparent. It therefore follows that the development of the Site would not have any impact in terms of the compactness of Skelton never mind the city of York.

The Site lies in the north western part of Skelton with the rest of the village separating the Site from York. This together with the vegetation serves to block any views of the outskirts of York, and therefore the development of the Site cannot be said to effect its 'compact' nature. Evidently, the Site does not need to remain open to preserve the compactness of the city.

The concentric form of city and surrounding villages will be maintained. The scale of the Site is small compared to the scale of the village, and indeed the City of York. The identity of the city and surrounding villages will plainly be maintained.

Landmark Monuments: turning to landmark monuments, the north eastern part of the Site adjoins the boundary of the Skelton Conservation Area. Otherwise, the Grade I Listed St Giles Church and the Grade II Listed Skelton Hall are located respectively, approximately 150 metres and 200 metres to the east of the Site as the crow flies, and visually, both assets are completely separated from the Site by a significant amount of existing and intervening development, and other sizeable landscape features.

It is noted that in justifying the deletion of the Site within the Preferred Sites Local Plan Consultation Local Plan (2016), the Council cited impact on the setting of the conservation area, arising as a result of the works needed to create a safe access into the Site. At that time the Council did not link the alleged harm to the conservation area with the need to keep the Site permanently open to serve the fourth purpose of Green Belt.

The Council's position has since evolved, as outlined within the TP1 Addendum 2021, and they are now asserting that the inclusion of the Site and land to the north of the village within the Green Belt is required to retain the setting and character of the village:

"The fields to the north of Skelton Hall, St Giles Church and properties north of Church Lane are smaller and more enclosed by taller hedges / trees, giving a sense of rural seclusion and intimacy. Development of these fields and the former parkland to the east would impact on the setting / character of the village core and on the setting of Skelton Hall by eroding its visual connection with the historic park."

The Landowner disagrees and before we explain why, it is noted that the fourth purpose of including land within the Green Belt relates to protection of the setting and special character of historic towns. Skelton is a village and not a town and any impact on Skelton Hall, St Giles Church or the conservation area are irrelevant in relation to determining whether

land needs including in the Green Belt to protect the character of York. This is an example of the serious flaw in the TP1 Addendum 2021 in that it gives weight and due to consideration of matters which are not material to determining the Green Belt around the city of York.

Notwithstanding the above, the Landowner is of the view that the above quoted assertion is misleading, contradictory, and does not accurately describe the context of the Site and the village. Contrary to their assertion, land to the north of Skelton Hall is comprised of large open arable fields. This is in contrast to the Site, which is entirely obscured and enclosed – which is the very reason why the Site does not affect the setting of the heritage assets referenced.

Moreover, the Site remains separated from the heritage assets by the various properties located to the north of Church Lane. The presence of these dwellings, and the size of the substantial boundaries is such that there is absolutely no intervisibility between the Site and the heritage assets. The Site is completely enclosed and contained, which therefore precludes any views of either heritage asset from within the Site; nor indeed, is it possible from further afield to see both the Site and either heritage asset at the same time.

As for the conservation area, it is only the north eastern part of the Site which adjoins the defined boundary. Nevertheless, the fact that the Site is entirely enclosed means that it in no way contributes to the setting of the church or Skelton Hall. It therefore does not need to be kept permanently open to protect the character or setting of the listed buildings, or the conservation area.

Turning to the impact on the historic City Centre, views to York and its associated landmarks are obscured by existing development and vegetation. Again, on the approach towards York, along the A19, views of the Minster and the historic city are entirely obscured by the mature trees and hedgerow that lines the northern and western edge of Skelton, and built development. Put simply, the site lies on the northern edge of a large village, and the City lies over three miles away to the south - there cannot possibly be any intervisibility given the intervening features. The land therefore does not need to be kept permanently open to understand the setting or context of the city as there is no intervisibility.

Landscape and Setting: the Site also does not need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York. The Site lies to the north of Skelton and is separate and discrete with the wider expanse of land which surrounds York.

In their local assessment of the boundary within Annex 4 of the TP1 Addendum 2021, the Council note that *“it is still important that the surrounding land is kept permanently open to continue the village’s relationship with the rural landscape and retain the setting of the village within a rural settlement pattern.”*

However, no explanation is provided as to how the Site contributes to the village’s relationship with the rural landscape. As discussed above, the Site is entirely enclosed and is obscured from all the surrounding public vantage points. The fact that the Site is enclosed entirely negates the Council’s reasoning for seeking to include the Site within the Green Belt boundary. The Site in no way contributes to the setting of the village within the rural setting.

Urban Sprawl: development adjoining the urban area does not necessarily result in sprawl. The Site is visually and physically well contained by the mature landscape features which encloses the Site from the wider open landscape to the north and the land to the west of the A19. The Site is well related to existing development on Church Lane, and is a logical infill, with an obvious and natural boundary to the north and the west (the A19). The boundaries around the Site would prevent any development resulting in unrestricted sprawl, which is the key test of NPPF.

Encroachment: in its setting, the Site does not have the characteristics of land that could be deemed countryside. There is existing built development to the immediate south and partially to the east. The Site sits in contrast to the arable land to the north, which is open and vast, and contains no examples of built development. The land to the north comprises large expansive parcels of arable farmland, and is distinctively more open, and characteristic of the countryside.

It therefore follows that the allocation of the Site could not possibly result in encroachment into the countryside. On the contrary, the Site would reinforce the existing and clearly defined boundary between the edge of the village, and the land to the north which is more rural and typical of open countryside.

When assessed against the new criteria, it remains apparent that the Site still does not fulfil any material purpose of including land within the Green Belt.

On the basis that the Site does not fulfil any material purpose for including land within the Green Belt, when assessed against the clarified methodology, the Landowners remains wholly of the view that Site H34 should be included as an allocation within the Publication Draft Local Plan (2018).

Compliance with the Test of Soundness

Having considered the updated and additional clarification concerning the Council's methodology to determine the land that needs to be kept permanently open and to define Green Belt boundaries, it remains clear that there are a number of issues and anomalies which undermine the robustness of the exercise. As a result, and for the reasons explained, the Landowners are of the view that the revised methodology does not provide a robust basis to determine which parcels of land need to remain permanently open, and the Green Belt boundaries therefore remain unreasonable and insufficiently justified, and therefore unsound.

Additionally, it is evident that the emerging Local Plan, in its current guise, will not result in a permanent Green Belt, contrary to the requirements of the NPPF. It is inevitable that the Council will soon need to identify additional sites for housing, once the switch is made from the OAN process of calculating the housing requirement to the standard method. The Council have therefore failed to fully account for the City's future housing need, which will ultimately necessitate a review of the emerging Local Plan if it is adopted, and the Green Belt boundaries, rendering such unsound as a result.

Overall, the Landowner considers that the emerging Local Plan has **not been positively prepared**, the land that is included within the Green Belt has **not been justified**, it will **not be effective** and is **not consistent with national policy** in that the Green Belt will not endure, and land has been included in the Green Belt which does not need to be kept permanently open.

There are also a number of significant deficiencies in the City of York Housing Needs Update which mean that the 822 dwellings per annum OAN figure which the Council continue to use within the Proposed Modifications is unsound. The housing requirement and evidence base are **not justified**, and the local plan will **not be effective** in meeting the City's needs. It has **not been positively prepared**, and the approach adopted **does not reflect national policy**.

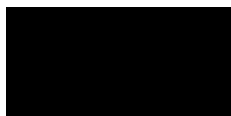
These representations confirm that H34 remains available, and capable of accommodating housing growth. The Site contributes very little, if anything, to the purposes of the Green Belt, whilst the technical issues previously raised by the

Council have been addressed in detail in previous representations submitted to the Council. The Landowner therefore **Objects** to the continued omission of H34 as either an allocation or safeguarded land within the emerging Local Plan.

Our Proposed Modifications

To make the local plan sound it is recommended that the housing requirement is recalculated and should reflect a figure similar to that produced by using the standard method. We also suggest that the Green Belt boundary is amended to encompass the Site , thereby including it as an allocation within the emerging Local Plan, because it serves no Green Belt purpose, and will assist in catering for the increase in housing requirement that is required in order to render the Local Plan sound.

Yours sincerely,



From: [REDACTED]
Sent: 07 July 2021 08:51
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205861
Attachments: L001_H34_Skelton.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: Mr

Name: Chris Megson

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: PJ Procter, for and on behalf of the JA Procter 4th April 1997 Discretionary Settlement and the Procter family

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Approach to defining Green Belt Addendum January 2021 (EX/CYC/59)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

L001_H34_Skelton.pdf



Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA

Ref: 3633LE
5th July 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND AT LAND NORTH OF CHURCH LANE, SKELTON (SITE REF: H34).

Introduction

This submission is made on behalf of PJ Procter, for and on behalf of the JA Procter 4th April 1997 Discretionary Settlement and the Procter family (“the Landowner”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as H34 (‘the Site’).

The Landowner wishes to **object** to the continued omission of the Site from the emerging Local Plan. The Landowner is of the view that the revised methodology used by the Council to determine whether land within the general extent of the Green Belt needs to be kept permanently open and the Green Belt boundaries, as set out in the TP1 Addendum 2021, is not sound in respect of the Site, and that the OAN calculation of the housing requirement simply does not meet the need for market and affordable housing within the City of York and will not result in a permanent Green Belt. The Landowner is of the view that the Local Plan is therefore unsound, and wishes to **object** on this basis.

These comments are made in respect of the following documents:

- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021
- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021 Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt
- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021 Annex 7 Housing Supply Update
- GL Hearn Housing Needs Update (September 2020)



- SHLAA Update (April 2021)

Background

By way of brief background information, the Council launched a third Regulation 19 consultation concerning the City of York Local Plan in May 2021. The consultation concerns various documents comprising the requested Composite Proposed Modifications Schedule. The documents in question have been prepared by the Council in response to a number of issues raised by the Inspectors during and following the Phase 1 hearing sessions which took place in December of 2019.

In terms of the Site, H34 was originally assessed as part of the Council's site selection methodology and was deemed suitable and appropriate for housing development. The Site was subsequently included as a housing allocation within the Preferred Options Local Plan (2013) and the Publication Draft Local Plan (2014). In proposing to allocate H34 for housing development, the Council concluded that the Site did not need to be kept permanently open, that it accorded with the spatial strategy and did not conflict with the fundamental purpose of the Green Belt around York. However, the Site was subsequently deleted as a draft allocation in the Preferred Sites Consultation Local Plan (2016). The reason given for the deletion of the Site was as follows:

'The Site has been removed following further technical officer consideration primarily due to site access concerns. There are access constraints via Church Lane which is narrow and would require widening. It is considered that this would have an adverse impact on Skelton Conservation area in relation to the setting of the church.'

Subsequently, DPP submitted representations during the Preferred Sites Consultation in September 2016 on behalf of the Landowner to demonstrate that access could be achieved with minimal widening to Church Lane, and that the comments made in the Preferred Sites Consultation documentation in relation to heritage matters were unfounded.

Further feedback relating to the Site was issued by the Council following the Local Plan Pre Publication Draft Regulation 18 Consultation which took place in September 2017. Annex 1 of the SHLAA September 2017, which forms part of the Evidence Base to the Local Plan, summarised the consultation responses to the Preferred Sites Document and provided a summary of the findings of the Technical Officer Workshop. The feedback provided in relation to the Site stated that:

"The submitted documents have been reviewed and it is noted that while the access could technically be widened sufficiently, if this were to include much needed footways and provide pedestrian access to the bus stops on the A19 this would still result in the loss of grass verges at an important entry point to the village and would significantly change the nature of the area in this location. It is considered that suitable access to the Site could not be designed without adversely impacting on the character of this narrow lane which forms part of the Skelton conservation area and the wider setting for St Giles Church."

The Council made no reference to the Green Belt at the time that these assessments were undertaken. Both of the technical issues raised were addressed comprehensively within the representations submitted on behalf of the Landowner by DPP following the publishing of the Pre-publication Draft Local Plan (2017).

The Site is still not allocated within the current Publication Draft Local Plan (2018).

The Test of Soundness

Paragraph 35 of the NPPF 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”. In order to be sound, NPPF confirms that a plan should be:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.*

It is against the above tests of soundness that the emerging Local Plan, including the proposed modifications, must be assessed.

The Proposed Modifications

The Council have published a number of additional documents, devised to address concerns raised by the Inspectors following the Phase 1 hearings. Much of the work undertaken seeks to address issues relating to the methodology used by the Council to determine whether a parcel of land needs to be kept permanently open, and the Green Belt boundaries.

To summarise the work undertaken, the Council have published an addendum paper, *Topic Paper 1 Approach to defining Green Belt Addendum January 2021*, (‘the TP1 Addendum 2021’) which seeks to update the original Topic Paper 1: Approach to the Green Belt (2018) in three key respects. First, the TP1 Addendum 2021 responds to the various issues which arose during the Phase 1 hearings. Secondly, the TP1 Addendum 2021 confirms that, in the opinion of the Council, the latest household projections will not have any implications in terms of the permanence of the boundaries. Finally, the TP1 Addendum 2021 responds to the key concerns raised by the Inspectors concerning the methodology used by the Council in establishing the Green Belt boundaries.

Annex 4 of the TP1 Addendum 2021 describes the outcome of the assessment made in relation to the Green Belt boundaries *around other densely developed areas in the General Extent of the Green Belt*, including Skelton.

Annex 6 of the TP1 Addendum 2021 outlines the proposed amendments to the Green Belt boundaries proposed as a result of the revisions to the methodology. None of the proposed modifications affect the Site.

Annex 7 of TP1 Addendum 2021 (Housing Supply Update) seeks to demonstrate that the proposed Green Belt boundaries will endure through the plan period of the emerging Local Plan and beyond, taking into account the GL Hearn Housing

Needs Update September 2020, and the SHLAA update (2021). Both of these documents are also the subject of the consultation.

Otherwise, a number of other supporting documentation and key evidence has been published by the Council, which are also the subject of the current consultation exercise. The additional documents include an updated Habitats Regulation Assessment, and other pieces of new evidence. None of these documents have any direct implications in relation to the Site.

Comments and Observations on the Proposed Modifications

The Inspectors' Concerns

To summarise, the Inspectors expressed concern that the criteria used by the Council to assess sites and the Green Belt boundaries (referred to as “Shapers”) were of little relevance to the issues associated with the definition of Green Belt, specifically in relation to openness, and the five purposes of Green Belt as defined in the NPPF. The Inspectors noted that many of the “Shapers” used by the Council, including, *ensuring accessibility to sustainable modes of transport and a range of services*; and *preventing unacceptable levels of congestion and pollution*, were of very little relevance to Green Belt policy.

Of particular concern to the Inspectors was the manner in which the Council had assessed land against the third purpose of Green Belt *to assist in safeguarding the countryside from encroachment*. In assessing various sites, the Council had previously sought to include in the Green Belt land accommodating features such as nature conservation sites and ancient woodland. The Inspectors noted that such designations are again of little relevance to the issue of *safeguarding the countryside from encroachment*.

The Inspectors considered that the approach taken again suggested a conflation of this Green Belt purpose and the “Shapers” in the emerging Local Plan and deemed such an approach to be an insufficiently robust substitute for a proper analysis of the degree to which land performs the Green Belt function in question. As a result, the Inspectors rightly raised doubts as to the likelihood of the resulting Green Belt boundaries being reasonable and justified.

General Comments Relating to the Clarified Methodology

The TP1 Addendum 2021, now the subject of this consultation, seeks to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York. Having now had opportunity to assess the TP1 Addendum 2021 and annexes, the Developer remains wholly unconvinced that the work undertaken by the Council in respect to the methodology gives rise to Green Belt boundaries which are justified, reasonable, and ultimately sound.

We would like to take this opportunity to highlight a number of issues with the methodology, which we believe undermines the robustness of the assessment undertaken as a whole.

The TP1 Addendum 2021 confirms how the Council have sought to assess land and the Green Belt boundaries against the purposes of Green Belt. We consider how each purpose has been considered in turn.

Purpose 2 – To Prevent Neighbouring Towns from Merging into One Another

Within the original Topic Paper1: Approach to defining York’s Green Belt (TP1) 2018, the Council explained that the primary purpose of the York Green Belt is to protect the setting and special character of the historic city. As such, they sought to identify land most important to maintaining the historic character and setting of York, using ‘*criteria 1*’. They noted that the same criteria would also be used to assess land against the second purpose of the Green Belt *to prevent neighbouring towns merging into one another*.

In the letter of June 2020, which followed Phase 1 hearings, the Inspectors were critical of this approach. In paragraph 39, they stated the following:

‘Purpose two – “to prevent neighbouring towns merging into one another” – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says “the potential issue of towns merging does not arise”. We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt.’

In the TP1 Addendum 2021, the Council acknowledge in paragraph 5.7 that, as there are no towns within the York authority area, the need to assess whether land should be kept permanently open to prevent neighbouring towns from merging does not arise. We have no objection to this approach.

Purpose 5 – To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and Other Urban Land

As for the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), the Council considered such to be achieved through the overall effect of the York Green Belt, rather than through the identification of individual parcels of land. As such, no site-specific assessment of this final purpose has been undertaken by the Council within the original Topic Paper 1: Approach to defining York’s Green Belt (TP1). The Inspectors made no comment in respect of such. Consequently, no further site-specific assessment has been undertaken in respect of the fifth purpose within the TP1 Addendum 2021. Again, we have no comment to make in relation to this approach to ensuring the York Green Belt fulfils the fifth purpose of Green Belt.

On this basis, and taking in to account the Inspector’s letter of June 2020, the Council have determined that the need to keep land permanently open only needs to be assessed against the first, third and fourth purpose of including land within the Green Belt. The TP1 Addendum 2021 therefore introduces additional criteria to assess land against the first, third and fourth purposes of including land within the Green Belt. It is the use of these new criteria which is of concern to us. We have identified a number of flaws, specifically in relation to how they relate to each of the three relevant purposes. Our concerns are outlined below, following the chronology of purposes cited within the TP1 Addendum 2021.

Purpose 4 - To Preserve the Setting and Special Character of Historic Towns

Starting with the fourth purpose, the Council have sought to explain how the evidence and findings within the “*The Approach to the Green Belt Appraisal 2003*” and the “*Heritage Topic Paper Update 2014*” documents were used to assess land against the fourth purpose of including land within the Green Belt. It is explained that the latter document seeks to describe the strategic understanding of the City’s special historical qualities through the use of *factors, themes, and six principal characteristics*. Of these six principal characteristics, the TP1 Addendum 2021 has utilised three: *compactness;*

landmark monuments; and *landscape setting*, to indicate to what extent land performs the fourth purpose of including land within Green Belt.

No explanation is provided as to why these three characteristics have been used, and how they specifically relate to the fourth purpose.

Our concerns in relation to the assessment criteria are highlighted below.

In relation to the first criterion *compactness* this outlines the need to retain the dense compact city or village form in an open or rural landscape. This is applied without regard to the facts of the situation, as many locations around the City, and some of the surrounding villages cannot be described as being compact, as they have been expanded over many years by suburban development. Just because land has not been built on does not make it important to the understanding of the special character of an area which is what the criterion suggests. The further flaw that the TP1 Addendum 2021 makes is to include villages in the assessment question. Villages are not relevant to this purpose of including land within the Green Belt. If the NPPF had meant for villages to be included, it would have used words like “historic settlements”. It does not. The relationship between the city and the villages is important but this purpose of including land within the Green Belt does not require villages to be compact.

In relation to the second criterion, *landmark monuments*, gives rise to a need to assess whether land is needed to remain open to aid the understanding and significance of a building, landmark or monument. Again, it is difficult to understand how an assessment of every heritage asset, as required under this criterion, will ensure the fourth purpose has been duly considered. This is particularly relevant as this purpose of including land within the Green Belt relates to the setting and special character of historic towns as a whole. It is not an isolated exercise and certainly does not relate to a single building, landmark or monument.

In relation to the third criterion *landscape and setting* it is noted that the significance of designated landscapes, parks and gardens are considered to be important. It is difficult to discern why the significance of historic gardens, for example, is considered under this criterion, and it exemplifies a general confusion and conflation as to what is and what is not historic, and how such ultimately contributes to the *setting and special character of historic towns*. A further example relates to nature conservation designations, which are used as an indicator of *landscape and setting*. The supporting test suggests that, in terms of Green Belt, the nature conservation designations are a consideration only within a historical context, but it is unclear as to why the presence of nature conservation designations, historic or otherwise, are considered under *landscape and setting*, and again how they relate to the fourth purpose of including land within the Green Belt.

The TP1 Addendum also notes that all three of these criteria have the potential to render the whole of the York authority area relevant to the fourth purpose. It is unclear as to how this could be true, or what exactly is meant by this. This is plainly an absurd assertion, as not all land around a settlement will be important to this purpose of including land with the Green Belt. It is considered that this criterion does not provide clear guidance as to what land should or should not be included in the Green Belt.

Purpose 1 - To Check the Unrestricted Sprawl of Large Built-Up Areas

In order to assess land against the first purpose, the Council have used the criterion, *urban sprawl*. This criterion seeks to establish whether land has an increased risk of sprawl occurring through such matters as the proximity of the urban

area and presence of existing agricultural / recreational development. However, the proximity of the urban area is not in itself linked to sprawl or the presence of existing buildings / farmsteads etc. By this logic, any existing buildings / farmsteads would need including within the Green Belt to reduce the chance of sprawl occurring. This lacks logic. Surely the purpose of this criterion is to stop unrestricted sprawl. This is achieved by defining Green Belt boundaries which follow logical and permanent features but at the same time not including land that does not have to be kept permanently open. Indeed, where the urban area lacks definition or a proper transition into the countryside there may be a case for redefining the boundary to ensure it remains permanent.

Purpose 3 - to assist in safeguarding the countryside from encroachment

The Council have used an *encroachment* criterion to assess the performance of the boundaries and land against the third purpose. Under this criterion, the Council consider *whether or not land functions as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters*. Again, it remains unclear how this as an assessment would aid one's understanding of whether or not land needs safeguarding from encroachment.

Summary

The above issues exemplify the contrived and often perplexing methodology used in the TP1 Addendum 2021 to determine the Green Belt boundaries. The use of selected parts of historic evidence makes it difficult to understand the overarching approach to the Green Belt taken by the Council, and it is hard to dispel the impression that the TP1 Addendum 2021 document is an exercise in retrospectively justifying the proposed Green Belt boundaries rather than a proper exercise to determine the most appropriate boundaries.

The Council are seeking to define the boundaries of the Green Belt for the first time (rather than amending Green Belt boundaries which have previously been deemed sound). It is therefore absolutely essential that the boundaries are defined using a clear, precise and rigorous methodology. Having considered the TP1 Addendum 2021 in detail, it is clear that the methodology and criteria used results in anything but a rigorous assessment.

The criteria used is vague, subjective, and continues to conflate the need for land to be kept permanently open to serve the Green Belt with other irrelevant considerations. The vagueness of the criteria, and the subjective manner in which it has been applied, is such that the methodology used is unable to consistently and effectively assess the value of individual land on a case by case basis. The methodology essentially identifies that any land falling outside of the urban area needs to be kept permanently open to serve one of the Green Belt purposes in one way or another. This clearly is not the case, and not all land outside the urban area serves at least one of the five purposes of Green Belt. Indeed, there are numerous examples of land included within the Green Belt which serves none of the five purposes. A more rigorous methodology would have identified such land, and excluded it from the Green Belt.

Ultimately, the TP1 Addendum 2021 is a vague and confusing document, and fails to reassure us that the Council have addressed the Inspector's original concerns, and that the exercise undertaken has resulted in Green Belt boundaries which are sound, and which will remain permanent. It remains clear to the Landowners that the Green Belt boundaries are anything but justified and reasonable. The Landowners continue to **object** on this basis.

Green Belt Boundaries

The Landowner also wishes to object to the position of the Green Belt boundary in relation to the Site and Skelton village. The flawed methodology used by the Council has resulted in a Green Belt boundary which is unjustified and ultimately unsound. As set out in the previous representations submitted by DPP, the boundary is such that it includes land within the Green Belt which does not serve any purpose of Green Belt. The Site is completely enclosed by the existing and established boundaries, and is perceptibly different in character from land to the north, which is vast and open and provides extensive views. It is plain that the Site does not need to remain permanently open to preserve the special character of the City of York. On this basis, it is clear that the Green Belt boundary is **not consistent** with the requirements of NPPF, and is therefore **unsound**.

Permanent Green Belt Boundaries

The Council are also consulting on the GL Hearn Housing Needs Update September 2020, and the SHLAA Update (April 2021). Within the former document, GL Hearn report that the housing requirement of 790 dpa identified within the Housing Need Update 2019 remains an appropriate figure, given that the need for housing in the City has not materially changed. The Council therefore continue to use a housing requirement of 822 dwellings per annum, first cited within the Proposed Modifications Consultation (2019). This is based upon a revised OAN of 790 dwellings per annum, plus a further 32 dwellings per annum to account for a shortfall in completions between 2012-2017.

DPP have repeatedly objected to the housing requirement used within the Publication Draft Local Plan (2018) and have outlined the reasons why it fails to meet the housing needs of the City.

Apart from the reasons already cited which include concealed households, historic under delivery and market signals we have a further concern which relates to the TP1 Addendum 2021 and the permanence of the Green Belt. The Council's housing requirement has been calculated using the OAN (objectively assessed needs) process. As the emerging Local Plan was submitted prior to the cut-off date of the 24th January 2019, Paragraph 214 of NPPF allows the use of this process, rather than the standard method process, which is now the prevailing approach to calculating housing requirement.

Paragraph 33 of the NPPF 2019 requires policies in local plans and spatial development strategies to be reviewed and updated as necessary and at least once every five years. It also indicates that relevant strategic policies will need updating if their applicable local housing need figure has changed significantly. The NPPF indicates that LPAs are likely to require earlier reviews if local housing need changes significantly following the adoption of a plan.

This being the case, the Council's decision to continue to use the OAN process will almost certainly result in a significant change to their local housing need figure once the standard method is used as part of a local plan review. Even if it is not regarded as a significant change, it will still represent an increase in the housing requirement.

DPP estimates that, using the standard method, the Council would have to increase the housing requirement in the Publication Draft Local Plan (2018) to over 1,000 dwellings per annum. The Council will therefore have to find a significant number of additional housing sites in order to meet the housing requirement defined by the standard method and this will mean additional land will almost certainly have to be released from what the Council hope will be a recently adopted Green Belt.

Paragraph 133 of the Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 136** goes on to indicate that once established, Green Belt boundaries should only be altered in exceptional circumstances and notes that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. **Paragraph 139** also indicates that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

It is clear that the inevitable transition from the OAN process to the standard method will result in an increase in the housing requirement which will necessitate further alterations to the Green Belt boundaries within a maximum of five years following adoption of the emerging Local Plan. On the basis of the above the Landowners consider that housing requirement in the emerging Local Plan is unsound on the basis that it will not deliver a permanent Green Belt in accordance with the requirements of NPPF.

Suitability of the Site

The Site has previously been assessed by the Council and deemed suitable as a housing allocation within the emerging Local Plan. The Site was only deleted from the emerging Local Plan when the housing requirement was reduced at the time the Preferred Sites Local Plan (2016) was published. On the basis of our view that the Council will soon need to reassess the housing requirement using the standard method instead of OAN it is clear to us that the Council will need to identify new sites to accommodate the increased housing requirement.

The two issues cited by the Council for the deletion of H34 as a draft allocation in the emerging Local Plan have been addressed comprehensively in the previous representations submitted by DPP. The representations demonstrated that a suitable access could be achieved which would support the development of up to 42 dwellings, and that the provision of such would not harm the Skelton Conservation Area, nor the Grade I listed Church of St Giles, given the separation distance.

It is noted that the Council have never previously cited any Green Belt issues in their reason for the deletion of H34 as a draft allocation. It is clear that the Council have previously been satisfied that the Site does not serve any of the purposes of including land within the Green Belt, which is the view the Landowner has maintained since the Site was first submitted for consideration as a draft allocation in the emerging Local Plan. Indeed, the Council have never asserted that the Site performs a Green Belt purpose or that the Green Belt boundaries were inappropriate and irrespective of the technical issues it is plain that H34 does not need to be kept permanently open. If land does not need to be kept permanently open it should not be included in the Green Belt.

Consequently, the Landowner wholly believes that if Site H34 is not to be included within the emerging Local Plan as a housing allocation, it should at the very least be identified as safeguarded land in anticipation of the review. The Site should certainly not fall within the Green Belt based on the Council's earlier assertion that the Site does not fulfil any purposes of including land within the Green Belt.

Assessment of the Site Against TP1 Addendum 2021

Setting aside the Landowner's concerns relating to the updated methodology used by the Council, we have assessed the Site against the criteria in the TP1 Addendum 2021 below:

Compactness: the continued absence of development on the Site does not aid one's impression of a compact city. There are several reasons for this but principally the Site is completely obscured from view on the main approach to the city travelling southbound on the A19. The Site, and the north side of the village are enclosed by the various trees and established hedgerows which serve to obscure any built form from view entirely. Even if the consideration of compactness applied to villages, it is clear that the allocation of the Site would not impact Skelton, for the simple reason that the Site is itself compact.

It is noted that in the assessment within Annex 4 of the TP1 Addendum 2021, the Council state that: *on approach to the village, there is a landscaped edge which prevents a sense of the size of the village as you pass it on the A19, as most of the built up extent is hidden from view.* The Landowner agrees with this. The scale of the existing boundary is such that the Site is not apparent. It therefore follows that the development of the Site would not have any impact in terms of the compactness of Skelton never mind the city of York.

The Site lies in the north western part of Skelton with the rest of the village separating the Site from York. This together with the vegetation serves to block any views of the outskirts of York, and therefore the development of the Site cannot be said to effect its 'compact' nature. Evidently, the Site does not need to remain open to preserve the compactness of the city.

The concentric form of city and surrounding villages will be maintained. The scale of the Site is small compared to the scale of the village, and indeed the City of York. The identity of the city and surrounding villages will plainly be maintained.

Landmark Monuments: turning to landmark monuments, the north eastern part of the Site adjoins the boundary of the Skelton Conservation Area. Otherwise, the Grade I Listed St Giles Church and the Grade II Listed Skelton Hall are located respectively, approximately 150 metres and 200 metres to the east of the Site as the crow flies, and visually, both assets are completely separated from the Site by a significant amount of existing and intervening development, and other sizeable landscape features.

It is noted that in justifying the deletion of the Site within the Preferred Sites Local Plan Consultation Local Plan (2016), the Council cited impact on the setting of the conservation area, arising as a result of the works needed to create a safe access into the Site. At that time the Council did not link the alleged harm to the conservation area with the need to keep the Site permanently open to serve the fourth purpose of Green Belt.

The Council's position has since evolved, as outlined within the TP1 Addendum 2021, and they are now asserting that the inclusion of the Site and land to the north of the village within the Green Belt is required to retain the setting and character of the village:

"The fields to the north of Skelton Hall, St Giles Church and properties north of Church Lane are smaller and more enclosed by taller hedges / trees, giving a sense of rural seclusion and intimacy. Development of these fields and the former parkland to the east would impact on the setting / character of the village core and on the setting of Skelton Hall by eroding its visual connection with the historic park."

The Landowner disagrees and before we explain why, it is noted that the fourth purpose of including land within the Green Belt relates to protection of the setting and special character of historic towns. Skelton is a village and not a town and any impact on Skelton Hall, St Giles Church or the conservation area are irrelevant in relation to determining whether

land needs including in the Green Belt to protect the character of York. This is an example of the serious flaw in the TP1 Addendum 2021 in that it gives weight and due to consideration of matters which are not material to determining the Green Belt around the city of York.

Notwithstanding the above, the Landowner is of the view that the above quoted assertion is misleading, contradictory, and does not accurately describe the context of the Site and the village. Contrary to their assertion, land to the north of Skelton Hall is comprised of large open arable fields. This is in contrast to the Site, which is entirely obscured and enclosed – which is the very reason why the Site does not affect the setting of the heritage assets referenced.

Moreover, the Site remains separated from the heritage assets by the various properties located to the north of Church Lane. The presence of these dwellings, and the size of the substantial boundaries is such that there is absolutely no intervisibility between the Site and the heritage assets. The Site is completely enclosed and contained, which therefore precludes any views of either heritage asset from within the Site; nor indeed, is it possible from further afield to see both the Site and either heritage asset at the same time.

As for the conservation area, it is only the north eastern part of the Site which adjoins the defined boundary. Nevertheless, the fact that the Site is entirely enclosed means that it in no way contributes to the setting of the church or Skelton Hall. It therefore does not need to be kept permanently open to protect the character or setting of the listed buildings, or the conservation area.

Turning to the impact on the historic City Centre, views to York and its associated landmarks are obscured by existing development and vegetation. Again, on the approach towards York, along the A19, views of the Minster and the historic city are entirely obscured by the mature trees and hedgerow that lines the northern and western edge of Skelton, and built development. Put simply, the site lies on the northern edge of a large village, and the City lies over three miles away to the south - there cannot possibly be any intervisibility given the intervening features. The land therefore does not need to be kept permanently open to understand the setting or context of the city as there is no intervisibility.

Landscape and Setting: the Site also does not need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York. The Site lies to the north of Skelton and is separate and discrete with the wider expanse of land which surrounds York.

In their local assessment of the boundary within Annex 4 of the TP1 Addendum 2021, the Council note that *“it is still important that the surrounding land is kept permanently open to continue the village’s relationship with the rural landscape and retain the setting of the village within a rural settlement pattern.”*

However, no explanation is provided as to how the Site contributes to the village’s relationship with the rural landscape. As discussed above, the Site is entirely enclosed and is obscured from all the surrounding public vantage points. The fact that the Site is enclosed entirely negates the Council’s reasoning for seeking to include the Site within the Green Belt boundary. The Site in no way contributes to the setting of the village within the rural setting.

Urban Sprawl: development adjoining the urban area does not necessarily result in sprawl. The Site is visually and physically well contained by the mature landscape features which encloses the Site from the wider open landscape to the north and the land to the west of the A19. The Site is well related to existing development on Church Lane, and is a logical infill, with an obvious and natural boundary to the north and the west (the A19). The boundaries around the Site would prevent any development resulting in unrestricted sprawl, which is the key test of NPPF.

Encroachment: in its setting, the Site does not have the characteristics of land that could be deemed countryside. There is existing built development to the immediate south and partially to the east. The Site sits in contrast to the arable land to the north, which is open and vast, and contains no examples of built development. The land to the north comprises large expansive parcels of arable farmland, and is distinctively more open, and characteristic of the countryside.

It therefore follows that the allocation of the Site could not possibly result in encroachment into the countryside. On the contrary, the Site would reinforce the existing and clearly defined boundary between the edge of the village, and the land to the north which is more rural and typical of open countryside.

When assessed against the new criteria, it remains apparent that the Site still does not fulfil any material purpose of including land within the Green Belt.

On the basis that the Site does not fulfil any material purpose for including land within the Green Belt, when assessed against the clarified methodology, the Landowners remains wholly of the view that Site H34 should be included as an allocation within the Publication Draft Local Plan (2018).

Compliance with the Test of Soundness

Having considered the updated and additional clarification concerning the Council's methodology to determine the land that needs to be kept permanently open and to define Green Belt boundaries, it remains clear that there are a number of issues and anomalies which undermine the robustness of the exercise. As a result, and for the reasons explained, the Landowners are of the view that the revised methodology does not provide a robust basis to determine which parcels of land need to remain permanently open, and the Green Belt boundaries therefore remain unreasonable and insufficiently justified, and therefore unsound.

Additionally, it is evident that the emerging Local Plan, in its current guise, will not result in a permanent Green Belt, contrary to the requirements of the NPPF. It is inevitable that the Council will soon need to identify additional sites for housing, once the switch is made from the OAN process of calculating the housing requirement to the standard method. The Council have therefore failed to fully account for the City's future housing need, which will ultimately necessitate a review of the emerging Local Plan if it is adopted, and the Green Belt boundaries, rendering such unsound as a result.

Overall, the Landowner considers that the emerging Local Plan has **not been positively prepared**, the land that is included within the Green Belt has **not been justified**, it will **not be effective** and is **not consistent with national policy** in that the Green Belt will not endure, and land has been included in the Green Belt which does not need to be kept permanently open.

There are also a number of significant deficiencies in the City of York Housing Needs Update which mean that the 822 dwellings per annum OAN figure which the Council continue to use within the Proposed Modifications is unsound. The housing requirement and evidence base are **not justified**, and the local plan will **not be effective** in meeting the City's needs. It has **not been positively prepared**, and the approach adopted **does not reflect national policy**.

These representations confirm that H34 remains available, and capable of accommodating housing growth. The Site contributes very little, if anything, to the purposes of the Green Belt, whilst the technical issues previously raised by the

Council have been addressed in detail in previous representations submitted to the Council. The Landowner therefore **Objects** to the continued omission of H34 as either an allocation or safeguarded land within the emerging Local Plan.

Our Proposed Modifications

To make the local plan sound it is recommended that the housing requirement is recalculated and should reflect a figure similar to that produced by using the standard method. We also suggest that the Green Belt boundary is amended to encompass the Site , thereby including it as an allocation within the emerging Local Plan, because it serves no Green Belt purpose, and will assist in catering for the increase in housing requirement that is required in order to render the Local Plan sound.

Yours sincerely,



From: [REDACTED]
Sent: 07 July 2021 08:57
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205866
Attachments: L001_H34_Skelton.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: Mr

Name: Chris Megson

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: PJ Procter, for and on behalf of the JA Procter 4th April 1997 Discretionary Settlement and the Procter family

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Strategic Housing Land Availability Assessment Update (April 2021) (EX/CYC/56)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

L001_H34_Skelton.pdf



Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA

Ref: 3633LE
5th July 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND AT LAND NORTH OF CHURCH LANE, SKELTON (SITE REF: H34).

Introduction

This submission is made on behalf of PJ Procter, for and on behalf of the JA Procter 4th April 1997 Discretionary Settlement and the Procter family (“the Landowner”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as H34 (‘the Site’).

The Landowner wishes to **object** to the continued omission of the Site from the emerging Local Plan. The Landowner is of the view that the revised methodology used by the Council to determine whether land within the general extent of the Green Belt needs to be kept permanently open and the Green Belt boundaries, as set out in the TP1 Addendum 2021, is not sound in respect of the Site, and that the OAN calculation of the housing requirement simply does not meet the need for market and affordable housing within the City of York and will not result in a permanent Green Belt. The Landowner is of the view that the Local Plan is therefore unsound, and wishes to **object** on this basis.

These comments are made in respect of the following documents:

- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021
- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021 Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt
- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021 Annex 7 Housing Supply Update
- GL Hearn Housing Needs Update (September 2020)



- SHLAA Update (April 2021)

Background

By way of brief background information, the Council launched a third Regulation 19 consultation concerning the City of York Local Plan in May 2021. The consultation concerns various documents comprising the requested Composite Proposed Modifications Schedule. The documents in question have been prepared by the Council in response to a number of issues raised by the Inspectors during and following the Phase 1 hearing sessions which took place in December of 2019.

In terms of the Site, H34 was originally assessed as part of the Council's site selection methodology and was deemed suitable and appropriate for housing development. The Site was subsequently included as a housing allocation within the Preferred Options Local Plan (2013) and the Publication Draft Local Plan (2014). In proposing to allocate H34 for housing development, the Council concluded that the Site did not need to be kept permanently open, that it accorded with the spatial strategy and did not conflict with the fundamental purpose of the Green Belt around York. However, the Site was subsequently deleted as a draft allocation in the Preferred Sites Consultation Local Plan (2016). The reason given for the deletion of the Site was as follows:

'The Site has been removed following further technical officer consideration primarily due to site access concerns. There are access constraints via Church Lane which is narrow and would require widening. It is considered that this would have an adverse impact on Skelton Conservation area in relation to the setting of the church.'

Subsequently, DPP submitted representations during the Preferred Sites Consultation in September 2016 on behalf of the Landowner to demonstrate that access could be achieved with minimal widening to Church Lane, and that the comments made in the Preferred Sites Consultation documentation in relation to heritage matters were unfounded.

Further feedback relating to the Site was issued by the Council following the Local Plan Pre Publication Draft Regulation 18 Consultation which took place in September 2017. Annex 1 of the SHLAA September 2017, which forms part of the Evidence Base to the Local Plan, summarised the consultation responses to the Preferred Sites Document and provided a summary of the findings of the Technical Officer Workshop. The feedback provided in relation to the Site stated that:

"The submitted documents have been reviewed and it is noted that while the access could technically be widened sufficiently, if this were to include much needed footways and provide pedestrian access to the bus stops on the A19 this would still result in the loss of grass verges at an important entry point to the village and would significantly change the nature of the area in this location. It is considered that suitable access to the Site could not be designed without adversely impacting on the character of this narrow lane which forms part of the Skelton conservation area and the wider setting for St Giles Church."

The Council made no reference to the Green Belt at the time that these assessments were undertaken. Both of the technical issues raised were addressed comprehensively within the representations submitted on behalf of the Landowner by DPP following the publishing of the Pre-publication Draft Local Plan (2017).

The Site is still not allocated within the current Publication Draft Local Plan (2018).

The Test of Soundness

Paragraph 35 of the NPPF 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”. In order to be sound, NPPF confirms that a plan should be:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.*

It is against the above tests of soundness that the emerging Local Plan, including the proposed modifications, must be assessed.

The Proposed Modifications

The Council have published a number of additional documents, devised to address concerns raised by the Inspectors following the Phase 1 hearings. Much of the work undertaken seeks to address issues relating to the methodology used by the Council to determine whether a parcel of land needs to be kept permanently open, and the Green Belt boundaries.

To summarise the work undertaken, the Council have published an addendum paper, *Topic Paper 1 Approach to defining Green Belt Addendum January 2021*, (‘the TP1 Addendum 2021’) which seeks to update the original Topic Paper 1: Approach to the Green Belt (2018) in three key respects. First, the TP1 Addendum 2021 responds to the various issues which arose during the Phase 1 hearings. Secondly, the TP1 Addendum 2021 confirms that, in the opinion of the Council, the latest household projections will not have any implications in terms of the permanence of the boundaries. Finally, the TP1 Addendum 2021 responds to the key concerns raised by the Inspectors concerning the methodology used by the Council in establishing the Green Belt boundaries.

Annex 4 of the TP1 Addendum 2021 describes the outcome of the assessment made in relation to the Green Belt boundaries *around other densely developed areas in the General Extent of the Green Belt*, including Skelton.

Annex 6 of the TP1 Addendum 2021 outlines the proposed amendments to the Green Belt boundaries proposed as a result of the revisions to the methodology. None of the proposed modifications affect the Site.

Annex 7 of TP1 Addendum 2021 (Housing Supply Update) seeks to demonstrate that the proposed Green Belt boundaries will endure through the plan period of the emerging Local Plan and beyond, taking into account the GL Hearn Housing

Needs Update September 2020, and the SHLAA update (2021). Both of these documents are also the subject of the consultation.

Otherwise, a number of other supporting documentation and key evidence has been published by the Council, which are also the subject of the current consultation exercise. The additional documents include an updated Habitats Regulation Assessment, and other pieces of new evidence. None of these documents have any direct implications in relation to the Site.

Comments and Observations on the Proposed Modifications

The Inspectors' Concerns

To summarise, the Inspectors expressed concern that the criteria used by the Council to assess sites and the Green Belt boundaries (referred to as "Shapers") were of little relevance to the issues associated with the definition of Green Belt, specifically in relation to openness, and the five purposes of Green Belt as defined in the NPPF. The Inspectors noted that many of the "Shapers" used by the Council, including, *ensuring accessibility to sustainable modes of transport and a range of services*; and *preventing unacceptable levels of congestion and pollution*, were of very little relevance to Green Belt policy.

Of particular concern to the Inspectors was the manner in which the Council had assessed land against the third purpose of Green Belt *to assist in safeguarding the countryside from encroachment*. In assessing various sites, the Council had previously sought to include in the Green Belt land accommodating features such as nature conservation sites and ancient woodland. The Inspectors noted that such designations are again of little relevance to the issue of *safeguarding the countryside from encroachment*.

The Inspectors considered that the approach taken again suggested a conflation of this Green Belt purpose and the "Shapers" in the emerging Local Plan and deemed such an approach to be an insufficiently robust substitute for a proper analysis of the degree to which land performs the Green Belt function in question. As a result, the Inspectors rightly raised doubts as to the likelihood of the resulting Green Belt boundaries being reasonable and justified.

General Comments Relating to the Clarified Methodology

The TP1 Addendum 2021, now the subject of this consultation, seeks to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York. Having now had opportunity to assess the TP1 Addendum 2021 and annexes, the Developer remains wholly unconvinced that the work undertaken by the Council in respect to the methodology gives rise to Green Belt boundaries which are justified, reasonable, and ultimately sound.

We would like to take this opportunity to highlight a number of issues with the methodology, which we believe undermines the robustness of the assessment undertaken as a whole.

The TP1 Addendum 2021 confirms how the Council have sought to assess land and the Green Belt boundaries against the purposes of Green Belt. We consider how each purpose has been considered in turn.

Purpose 2 – To Prevent Neighbouring Towns from Merging into One Another

Within the original Topic Paper1: Approach to defining York’s Green Belt (TP1) 2018, the Council explained that the primary purpose of the York Green Belt is to protect the setting and special character of the historic city. As such, they sought to identify land most important to maintaining the historic character and setting of York, using ‘*criteria 1*’. They noted that the same criteria would also be used to assess land against the second purpose of the Green Belt *to prevent neighbouring towns merging into one another*.

In the letter of June 2020, which followed Phase 1 hearings, the Inspectors were critical of this approach. In paragraph 39, they stated the following:

‘Purpose two – “to prevent neighbouring towns merging into one another” – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says “the potential issue of towns merging does not arise”. We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt.’

In the TP1 Addendum 2021, the Council acknowledge in paragraph 5.7 that, as there are no towns within the York authority area, the need to assess whether land should be kept permanently open to prevent neighbouring towns from merging does not arise. We have no objection to this approach.

Purpose 5 – To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and Other Urban Land

As for the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), the Council considered such to be achieved through the overall effect of the York Green Belt, rather than through the identification of individual parcels of land. As such, no site-specific assessment of this final purpose has been undertaken by the Council within the original Topic Paper 1: Approach to defining York’s Green Belt (TP1). The Inspectors made no comment in respect of such. Consequently, no further site-specific assessment has been undertaken in respect of the fifth purpose within the TP1 Addendum 2021. Again, we have no comment to make in relation to this approach to ensuring the York Green Belt fulfils the fifth purpose of Green Belt.

On this basis, and taking in to account the Inspector’s letter of June 2020, the Council have determined that the need to keep land permanently open only needs to be assessed against the first, third and fourth purpose of including land within the Green Belt. The TP1 Addendum 2021 therefore introduces additional criteria to assess land against the first, third and fourth purposes of including land within the Green Belt. It is the use of these new criteria which is of concern to us. We have identified a number of flaws, specifically in relation to how they relate to each of the three relevant purposes. Our concerns are outlined below, following the chronology of purposes cited within the TP1 Addendum 2021.

Purpose 4 - To Preserve the Setting and Special Character of Historic Towns

Starting with the fourth purpose, the Council have sought to explain how the evidence and findings within the “*The Approach to the Green Belt Appraisal 2003*” and the “*Heritage Topic Paper Update 2014*” documents were used to assess land against the fourth purpose of including land within the Green Belt. It is explained that the latter document seeks to describe the strategic understanding of the City’s special historical qualities through the use of *factors, themes, and six principal characteristics*. Of these six principal characteristics, the TP1 Addendum 2021 has utilised three: *compactness*;

landmark monuments; and *landscape setting*, to indicate to what extent land performs the fourth purpose of including land within Green Belt.

No explanation is provided as to why these three characteristics have been used, and how they specifically relate to the fourth purpose.

Our concerns in relation to the assessment criteria are highlighted below.

In relation to the first criterion *compactness* this outlines the need to retain the dense compact city or village form in an open or rural landscape. This is applied without regard to the facts of the situation, as many locations around the City, and some of the surrounding villages cannot be described as being compact, as they have been expanded over many years by suburban development. Just because land has not been built on does not make it important to the understanding of the special character of an area which is what the criterion suggests. The further flaw that the TP1 Addendum 2021 makes is to include villages in the assessment question. Villages are not relevant to this purpose of including land within the Green Belt. If the NPPF had meant for villages to be included, it would have used words like “historic settlements”. It does not. The relationship between the city and the villages is important but this purpose of including land within the Green Belt does not require villages to be compact.

In relation to the second criterion, *landmark monuments*, gives rise to a need to assess whether land is needed to remain open to aid the understanding and significance of a building, landmark or monument. Again, it is difficult to understand how an assessment of every heritage asset, as required under this criterion, will ensure the fourth purpose has been duly considered. This is particularly relevant as this purpose of including land within the Green Belt relates to the setting and special character of historic towns as a whole. It is not an isolated exercise and certainly does not relate to a single building, landmark or monument.

In relation to the third criterion *landscape and setting* it is noted that the significance of designated landscapes, parks and gardens are considered to be important. It is difficult to discern why the significance of historic gardens, for example, is considered under this criterion, and it exemplifies a general confusion and conflation as to what is and what is not historic, and how such ultimately contributes to the *setting and special character of historic towns*. A further example relates to nature conservation designations, which are used as an indicator of *landscape and setting*. The supporting test suggests that, in terms of Green Belt, the nature conservation designations are a consideration only within a historical context, but it is unclear as to why the presence of nature conservation designations, historic or otherwise, are considered under *landscape and setting*, and again how they relate to the fourth purpose of including land within the Green Belt.

The TP1 Addendum also notes that all three of these criteria have the potential to render the whole of the York authority area relevant to the fourth purpose. It is unclear as to how this could be true, or what exactly is meant by this. This is plainly an absurd assertion, as not all land around a settlement will be important to this purpose of including land with the Green Belt. It is considered that this criterion does not provide clear guidance as to what land should or should not be included in the Green Belt.

Purpose 1 - To Check the Unrestricted Sprawl of Large Built-Up Areas

In order to assess land against the first purpose, the Council have used the criterion, *urban sprawl*. This criterion seeks to establish whether land has an increased risk of sprawl occurring through such matters as the proximity of the urban

area and presence of existing agricultural / recreational development. However, the proximity of the urban area is not in itself linked to sprawl or the presence of existing buildings / farmsteads etc. By this logic, any existing buildings / farmsteads would need including within the Green Belt to reduce the chance of sprawl occurring. This lacks logic. Surely the purpose of this criterion is to stop unrestricted sprawl. This is achieved by defining Green Belt boundaries which follow logical and permanent features but at the same time not including land that does not have to be kept permanently open. Indeed, where the urban area lacks definition or a proper transition into the countryside there may be a case for redefining the boundary to ensure it remains permanent.

Purpose 3 - to assist in safeguarding the countryside from encroachment

The Council have used an *encroachment* criterion to assess the performance of the boundaries and land against the third purpose. Under this criterion, the Council consider *whether or not land functions as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters*. Again, it remains unclear how this as an assessment would aid one's understanding of whether or not land needs safeguarding from encroachment.

Summary

The above issues exemplify the contrived and often perplexing methodology used in the TP1 Addendum 2021 to determine the Green Belt boundaries. The use of selected parts of historic evidence makes it difficult to understand the overarching approach to the Green Belt taken by the Council, and it is hard to dispel the impression that the TP1 Addendum 2021 document is an exercise in retrospectively justifying the proposed Green Belt boundaries rather than a proper exercise to determine the most appropriate boundaries.

The Council are seeking to define the boundaries of the Green Belt for the first time (rather than amending Green Belt boundaries which have previously been deemed sound). It is therefore absolutely essential that the boundaries are defined using a clear, precise and rigorous methodology. Having considered the TP1 Addendum 2021 in detail, it is clear that the methodology and criteria used results in anything but a rigorous assessment.

The criteria used is vague, subjective, and continues to conflate the need for land to be kept permanently open to serve the Green Belt with other irrelevant considerations. The vagueness of the criteria, and the subjective manner in which it has been applied, is such that the methodology used is unable to consistently and effectively assess the value of individual land on a case by case basis. The methodology essentially identifies that any land falling outside of the urban area needs to be kept permanently open to serve one of the Green Belt purposes in one way or another. This clearly is not the case, and not all land outside the urban area serves at least one of the five purposes of Green Belt. Indeed, there are numerous examples of land included within the Green Belt which serves none of the five purposes. A more rigorous methodology would have identified such land, and excluded it from the Green Belt.

Ultimately, the TP1 Addendum 2021 is a vague and confusing document, and fails to reassure us that the Council have addressed the Inspector's original concerns, and that the exercise undertaken has resulted in Green Belt boundaries which are sound, and which will remain permanent. It remains clear to the Landowners that the Green Belt boundaries are anything but justified and reasonable. The Landowners continue to **object** on this basis.

Green Belt Boundaries

The Landowner also wishes to object to the position of the Green Belt boundary in relation to the Site and Skelton village. The flawed methodology used by the Council has resulted in a Green Belt boundary which is unjustified and ultimately unsound. As set out in the previous representations submitted by DPP, the boundary is such that it includes land within the Green Belt which does not serve any purpose of Green Belt. The Site is completely enclosed by the existing and established boundaries, and is perceptibly different in character from land to the north, which is vast and open and provides extensive views. It is plain that the Site does not need to remain permanently open to preserve the special character of the City of York. On this basis, it is clear that the Green Belt boundary is **not consistent** with the requirements of NPPF, and is therefore **unsound**.

Permanent Green Belt Boundaries

The Council are also consulting on the GL Hearn Housing Needs Update September 2020, and the SHLAA Update (April 2021). Within the former document, GL Hearn report that the housing requirement of 790 dpa identified within the Housing Need Update 2019 remains an appropriate figure, given that the need for housing in the City has not materially changed. The Council therefore continue to use a housing requirement of 822 dwellings per annum, first cited within the Proposed Modifications Consultation (2019). This is based upon a revised OAN of 790 dwellings per annum, plus a further 32 dwellings per annum to account for a shortfall in completions between 2012-2017.

DPP have repeatedly objected to the housing requirement used within the Publication Draft Local Plan (2018) and have outlined the reasons why it fails to meet the housing needs of the City.

Apart from the reasons already cited which include concealed households, historic under delivery and market signals we have a further concern which relates to the TP1 Addendum 2021 and the permanence of the Green Belt. The Council's housing requirement has been calculated using the OAN (objectively assessed needs) process. As the emerging Local Plan was submitted prior to the cut-off date of the 24th January 2019, Paragraph 214 of NPPF allows the use of this process, rather than the standard method process, which is now the prevailing approach to calculating housing requirement.

Paragraph 33 of the NPPF 2019 requires policies in local plans and spatial development strategies to be reviewed and updated as necessary and at least once every five years. It also indicates that relevant strategic policies will need updating if their applicable local housing need figure has changed significantly. The NPPF indicates that LPAs are likely to require earlier reviews if local housing need changes significantly following the adoption of a plan.

This being the case, the Council's decision to continue to use the OAN process will almost certainly result in a significant change to their local housing need figure once the standard method is used as part of a local plan review. Even if it is not regarded as a significant change, it will still represent an increase in the housing requirement.

DPP estimates that, using the standard method, the Council would have to increase the housing requirement in the Publication Draft Local Plan (2018) to over 1,000 dwellings per annum. The Council will therefore have to find a significant number of additional housing sites in order to meet the housing requirement defined by the standard method and this will mean additional land will almost certainly have to be released from what the Council hope will be a recently adopted Green Belt.

Paragraph 133 of the Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 136** goes on to indicate that once established, Green Belt boundaries should only be altered in exceptional circumstances and notes that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. **Paragraph 139** also indicates that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

It is clear that the inevitable transition from the OAN process to the standard method will result in an increase in the housing requirement which will necessitate further alterations to the Green Belt boundaries within a maximum of five years following adoption of the emerging Local Plan. On the basis of the above the Landowners consider that housing requirement in the emerging Local Plan is unsound on the basis that it will not deliver a permanent Green Belt in accordance with the requirements of NPPF.

Suitability of the Site

The Site has previously been assessed by the Council and deemed suitable as a housing allocation within the emerging Local Plan. The Site was only deleted from the emerging Local Plan when the housing requirement was reduced at the time the Preferred Sites Local Plan (2016) was published. On the basis of our view that the Council will soon need to reassess the housing requirement using the standard method instead of OAN it is clear to us that the Council will need to identify new sites to accommodate the increased housing requirement.

The two issues cited by the Council for the deletion of H34 as a draft allocation in the emerging Local Plan have been addressed comprehensively in the previous representations submitted by DPP. The representations demonstrated that a suitable access could be achieved which would support the development of up to 42 dwellings, and that the provision of such would not harm the Skelton Conservation Area, nor the Grade I listed Church of St Giles, given the separation distance.

It is noted that the Council have never previously cited any Green Belt issues in their reason for the deletion of H34 as a draft allocation. It is clear that the Council have previously been satisfied that the Site does not serve any of the purposes of including land within the Green Belt, which is the view the Landowner has maintained since the Site was first submitted for consideration as a draft allocation in the emerging Local Plan. Indeed, the Council have never asserted that the Site performs a Green Belt purpose or that the Green Belt boundaries were inappropriate and irrespective of the technical issues it is plain that H34 does not need to be kept permanently open. If land does not need to be kept permanently open it should not be included in the Green Belt.

Consequently, the Landowner wholly believes that if Site H34 is not to be included within the emerging Local Plan as a housing allocation, it should at the very least be identified as safeguarded land in anticipation of the review. The Site should certainly not fall within the Green Belt based on the Council's earlier assertion that the Site does not fulfil any purposes of including land within the Green Belt.

Assessment of the Site Against TP1 Addendum 2021

Setting aside the Landowner's concerns relating to the updated methodology used by the Council, we have assessed the Site against the criteria in the TP1 Addendum 2021 below:

Compactness: the continued absence of development on the Site does not aid one's impression of a compact city. There are several reasons for this but principally the Site is completely obscured from view on the main approach to the city travelling southbound on the A19. The Site, and the north side of the village are enclosed by the various trees and established hedgerows which serve to obscure any built form from view entirely. Even if the consideration of compactness applied to villages, it is clear that the allocation of the Site would not impact Skelton, for the simple reason that the Site is itself compact.

It is noted that in the assessment within Annex 4 of the TP1 Addendum 2021, the Council state that: *on approach to the village, there is a landscaped edge which prevents a sense of the size of the village as you pass it on the A19, as most of the built up extent is hidden from view.* The Landowner agrees with this. The scale of the existing boundary is such that the Site is not apparent. It therefore follows that the development of the Site would not have any impact in terms of the compactness of Skelton never mind the city of York.

The Site lies in the north western part of Skelton with the rest of the village separating the Site from York. This together with the vegetation serves to block any views of the outskirts of York, and therefore the development of the Site cannot be said to effect its 'compact' nature. Evidently, the Site does not need to remain open to preserve the compactness of the city.

The concentric form of city and surrounding villages will be maintained. The scale of the Site is small compared to the scale of the village, and indeed the City of York. The identity of the city and surrounding villages will plainly be maintained.

Landmark Monuments: turning to landmark monuments, the north eastern part of the Site adjoins the boundary of the Skelton Conservation Area. Otherwise, the Grade I Listed St Giles Church and the Grade II Listed Skelton Hall are located respectively, approximately 150 metres and 200 metres to the east of the Site as the crow flies, and visually, both assets are completely separated from the Site by a significant amount of existing and intervening development, and other sizeable landscape features.

It is noted that in justifying the deletion of the Site within the Preferred Sites Local Plan Consultation Local Plan (2016), the Council cited impact on the setting of the conservation area, arising as a result of the works needed to create a safe access into the Site. At that time the Council did not link the alleged harm to the conservation area with the need to keep the Site permanently open to serve the fourth purpose of Green Belt.

The Council's position has since evolved, as outlined within the TP1 Addendum 2021, and they are now asserting that the inclusion of the Site and land to the north of the village within the Green Belt is required to retain the setting and character of the village:

"The fields to the north of Skelton Hall, St Giles Church and properties north of Church Lane are smaller and more enclosed by taller hedges / trees, giving a sense of rural seclusion and intimacy. Development of these fields and the former parkland to the east would impact on the setting / character of the village core and on the setting of Skelton Hall by eroding its visual connection with the historic park."

The Landowner disagrees and before we explain why, it is noted that the fourth purpose of including land within the Green Belt relates to protection of the setting and special character of historic towns. Skelton is a village and not a town and any impact on Skelton Hall, St Giles Church or the conservation area are irrelevant in relation to determining whether

land needs including in the Green Belt to protect the character of York. This is an example of the serious flaw in the TP1 Addendum 2021 in that it gives weight and due to consideration of matters which are not material to determining the Green Belt around the city of York.

Notwithstanding the above, the Landowner is of the view that the above quoted assertion is misleading, contradictory, and does not accurately describe the context of the Site and the village. Contrary to their assertion, land to the north of Skelton Hall is comprised of large open arable fields. This is in contrast to the Site, which is entirely obscured and enclosed – which is the very reason why the Site does not affect the setting of the heritage assets referenced.

Moreover, the Site remains separated from the heritage assets by the various properties located to the north of Church Lane. The presence of these dwellings, and the size of the substantial boundaries is such that there is absolutely no intervisibility between the Site and the heritage assets. The Site is completely enclosed and contained, which therefore precludes any views of either heritage asset from within the Site; nor indeed, is it possible from further afield to see both the Site and either heritage asset at the same time.

As for the conservation area, it is only the north eastern part of the Site which adjoins the defined boundary. Nevertheless, the fact that the Site is entirely enclosed means that it in no way contributes to the setting of the church or Skelton Hall. It therefore does not need to be kept permanently open to protect the character or setting of the listed buildings, or the conservation area.

Turning to the impact on the historic City Centre, views to York and its associated landmarks are obscured by existing development and vegetation. Again, on the approach towards York, along the A19, views of the Minster and the historic city are entirely obscured by the mature trees and hedgerow that lines the northern and western edge of Skelton, and built development. Put simply, the site lies on the northern edge of a large village, and the City lies over three miles away to the south - there cannot possibly be any intervisibility given the intervening features. The land therefore does not need to be kept permanently open to understand the setting or context of the city as there is no intervisibility.

Landscape and Setting: the Site also does not need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York. The Site lies to the north of Skelton and is separate and discrete with the wider expanse of land which surrounds York.

In their local assessment of the boundary within Annex 4 of the TP1 Addendum 2021, the Council note that *“it is still important that the surrounding land is kept permanently open to continue the village’s relationship with the rural landscape and retain the setting of the village within a rural settlement pattern.”*

However, no explanation is provided as to how the Site contributes to the village’s relationship with the rural landscape. As discussed above, the Site is entirely enclosed and is obscured from all the surrounding public vantage points. The fact that the Site is enclosed entirely negates the Council’s reasoning for seeking to include the Site within the Green Belt boundary. The Site in no way contributes to the setting of the village within the rural setting.

Urban Sprawl: development adjoining the urban area does not necessarily result in sprawl. The Site is visually and physically well contained by the mature landscape features which encloses the Site from the wider open landscape to the north and the land to the west of the A19. The Site is well related to existing development on Church Lane, and is a logical infill, with an obvious and natural boundary to the north and the west (the A19). The boundaries around the Site would prevent any development resulting in unrestricted sprawl, which is the key test of NPPF.

Encroachment: in its setting, the Site does not have the characteristics of land that could be deemed countryside. There is existing built development to the immediate south and partially to the east. The Site sits in contrast to the arable land to the north, which is open and vast, and contains no examples of built development. The land to the north comprises large expansive parcels of arable farmland, and is distinctively more open, and characteristic of the countryside.

It therefore follows that the allocation of the Site could not possibly result in encroachment into the countryside. On the contrary, the Site would reinforce the existing and clearly defined boundary between the edge of the village, and the land to the north which is more rural and typical of open countryside.

When assessed against the new criteria, it remains apparent that the Site still does not fulfil any material purpose of including land within the Green Belt.

On the basis that the Site does not fulfil any material purpose for including land within the Green Belt, when assessed against the clarified methodology, the Landowners remains wholly of the view that Site H34 should be included as an allocation within the Publication Draft Local Plan (2018).

Compliance with the Test of Soundness

Having considered the updated and additional clarification concerning the Council's methodology to determine the land that needs to be kept permanently open and to define Green Belt boundaries, it remains clear that there are a number of issues and anomalies which undermine the robustness of the exercise. As a result, and for the reasons explained, the Landowners are of the view that the revised methodology does not provide a robust basis to determine which parcels of land need to remain permanently open, and the Green Belt boundaries therefore remain unreasonable and insufficiently justified, and therefore unsound.

Additionally, it is evident that the emerging Local Plan, in its current guise, will not result in a permanent Green Belt, contrary to the requirements of the NPPF. It is inevitable that the Council will soon need to identify additional sites for housing, once the switch is made from the OAN process of calculating the housing requirement to the standard method. The Council have therefore failed to fully account for the City's future housing need, which will ultimately necessitate a review of the emerging Local Plan if it is adopted, and the Green Belt boundaries, rendering such unsound as a result.

Overall, the Landowner considers that the emerging Local Plan has **not been positively prepared**, the land that is included within the Green Belt has **not been justified**, it will **not be effective** and is **not consistent with national policy** in that the Green Belt will not endure, and land has been included in the Green Belt which does not need to be kept permanently open.

There are also a number of significant deficiencies in the City of York Housing Needs Update which mean that the 822 dwellings per annum OAN figure which the Council continue to use within the Proposed Modifications is unsound. The housing requirement and evidence base are **not justified**, and the local plan will **not be effective** in meeting the City's needs. It has **not been positively prepared**, and the approach adopted **does not reflect national policy**.

These representations confirm that H34 remains available, and capable of accommodating housing growth. The Site contributes very little, if anything, to the purposes of the Green Belt, whilst the technical issues previously raised by the

Council have been addressed in detail in previous representations submitted to the Council. The Landowner therefore **Objects** to the continued omission of H34 as either an allocation or safeguarded land within the emerging Local Plan.

Our Proposed Modifications

To make the local plan sound it is recommended that the housing requirement is recalculated and should reflect a figure similar to that produced by using the standard method. We also suggest that the Green Belt boundary is amended to encompass the Site , thereby including it as an allocation within the emerging Local Plan, because it serves no Green Belt purpose, and will assist in catering for the increase in housing requirement that is required in order to render the Local Plan sound.

Yours sincerely,

[Redacted signature block]

[Redacted contact information block]

From: [REDACTED]
Sent: 06 July 2021 11:29
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205566
Attachments: Draft_Local_Plan_Proposed_Modifications_and_Evidence_Base_Consultation_Savills_July_2021_combined.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title:

Name: [REDACTED]

Email address: [REDACTED]

Telephone:

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary Part 3 Sections 7 to 8 (EX/CYC/59e)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: No, I do not consider the document to be legally compliant

Please justify why you consider the document to be legally compliant:

Please justify why you do not consider the document to be legally compliant: Please see additional correspondence

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: Please see additional correspondence

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: Please see additional correspondence

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: Please see additional correspondence

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: Please see additional correspondence

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

Draft_Local_Plan_Proposed_Modifications_and_Evidence_Base_Consultation_Savills_July_2021_combined.pdf

Examination of the City of York Local Plan 2017 - 2033

New Local Plan Proposed Modifications and Evidence Base Consultation

Written Representations prepared by Savills on behalf of The Retreat, Heslington Road, York YO10 5BN



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Executive Summary

These Representations have been prepared by Savills (UK) Limited on behalf of The Retreat – a mental healthcare facility located at Heslington Road, York YO10 5BN.

We have previously set out during the Phase I Hearings (Examination Ref. EX/HS/M3/Prin/1) why we considered there to be serious deficiencies in the City of York Council evidence base where it relates to defining the detailed Green Belt boundaries. Our previous Hearing Statement set out in detail where these deficiencies lie. In essence, we do not consider that the evidence base contains sufficient assessment of land around York against the five Green Belt purposes as defined by the NPPF.

The Phase I Hearings took place in December 2019 whereby it became apparent that the appointed Inspectors shared this view therefore as part of the EiP process they requested that the Council provide additional evidence to justify their approach to the Green Belt within the Plan. The Council were therefore instructed to undertake further work on its Green Belt assessment methodology and to update Topic Paper 1: Approach to defining York's Green Belt (May 2018) [TP001] and the Topic Paper Addendum (March 2019) [Ex/CYC/18]. This additional work has now been undertaken and these Representations are made in response to the Consultation on this additional work.

In doing so, these Representations seek to provide a proper assessment of the land at The Retreat against the five Green Belt purposes which, irrespective of the Council's additional work referred to above, has never been undertaken before in sufficient detail. This Representation concludes that an alternative Green Belt boundary should be adopted. Such an approach would remove our objection to this Local Plan process.

1. Introduction

- 1.1. These written representations have been prepared by Savills (UK) Limited on behalf The Retreat - a mental healthcare facility located at Heslington Road, York YO10 5BN. A site location plan is contained as Appendix 1 of these Representations.
- 1.2. Crucially, these Representations must be read in conjunction with our Phase I Hearing Statement¹ dated November 2019 which is re-attached as Appendix 2. The evidence contained within this previous Statement and presented at the Phase I Hearings, in conjunction with others, was a significant factor in the formulation Inspector's letter 12th June 2020².
- 1.3. These Representations should also be read in conjunction with the Savills representations to the Proposed Main Modifications dated July 2019, the representations submitted by Carter Jonas at the Publication Draft Stage dated 4th April 2018 and the representations submitted by JLL at the Preferred Sites Stage dated 12 September 2016.
- 1.4. Contained within Appendix 3 to this Representation is a Landscape Appraisal and Assessment of Openness prepared by the Landscape Agency. This is a crucial piece of new evidence base and is referred to throughout.

Background and Context

- 1.5. The Retreat is an institutional campus consisting of a number of buildings set in mature grounds on Heslington Road, York. It has remained in its original use as a mental healthcare facility since its establishment in 1792 by the Society of Friends (known as Quakers) and today, promotes and supports the wellbeing of people affected by mental ill-health in a campus setting. The Retreat was a pioneer in the 'moral treatment', a more humane method of treatment, and influenced the development of care in the UK, North America and beyond. The main buildings have seen organic growth through extension over many years, some of which has been sympathetic to the character of the original main building and some significantly harmful.
- 1.6. The main health care facility is currently housed in the Grade II* listed Retreat building set within the wider site totalling circa 16ha (40 acres). The campus is bound by housing to the north-west, north and north-east. The University of York - Heslington Campus is situated to the east and south-east. To the west and south-west lie the urban greenspaces of York Cemetery and the Low Moor Allotments, with Walmgate Stray to the immediate south. Saint Lawrence's Primary School is also located opposite the site.

¹ Savills Phase I Hearing Statement (Examination Ref. EX/HS/M3/Prin/1)

² Inspector's Letter to CYC of 12th June 2020 (Examination Ref. EX-INS-15-letter-to-lpa-12-june-2020).

- 1.7. The existing buildings on The Retreat Estate are no longer considered fit for health related and clinical purposes. Following a detailed review of assets and approach to healthcare provisions, The Retreat is exploring potential development options for the remainder of the Estate. The Retreat has previously engaged in pre-application discussions with City of York Council (CYC) which concluded positively. Part of The Retreat Estate has since been marketed for sale and The Retreat are currently reviewing bids in detail to identify a suitable purchaser in this respect. The Retreat will retain ownership of part of The Estate and remain involved in the legacy and longevity of the wider site through a close working relationship with the selected purchaser.

Adopted Land Use, Heritage and Environmental Designations

- 1.8. The site in its entirety falls within the wider Retreat and Heslington Road Conservation Area, with a number of heritage designations (Listed Buildings and Scheduled Monuments) also situated across the wider site. In summary, the relevant built heritage designations are:
- a) The Retreat, Listed Grade II*;
 - b) Garrow Hill (aka Garrow House), Listed Grade II;
 - c) Summerhouse, Listed Grade II;
 - d) Various, including East Villa and the Cottage - Curtilage Listed;
 - e) The Tuke Centre - Non-designated Heritage Asset;
 - f) Lamel Hill, Scheduled Monument; and
 - g) Listed Park and Gardens.
- 1.9. A Designations Plan is included at Appendix 4 of this Representation which includes Walmgate Stray a designated Green Wedge.
- 1.10. The site is located within Flood Zone 1 (low probability). The nearest natural watercourse is circa 1.5km west of the site. Online resources confirm there are no environmental 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 also no Tree Preservation Orders covering the site although trees on site are afforded protection by the Conservation Area designation.
- 1.11. Non-definitive footpaths and a cycle path cross Walmgate Stray to the south. Public Rights of Way ref. 47/199/20 runs adjacent to the western boundary of the site and ref: 47/198/10 to the eastern boundary.

Non Adopted Designations

- 1.12. The detailed Green Belt boundaries for York have never been formally set. Self-evidently, identification of the general extent of the Green Belt did not comprise any detailed assessment of land against the five Green Belt purposes (in national policy) and never involved Ordnance Survey mapping. The mapping³ which accompanies the saved RSS policies is high level and individual sites and boundaries are indistinguishable. The 2005 'City of York Draft Local Plan Incorporating the 4th Set of Changes' is used by CYC for the purpose of development control. However, this Plan never achieved adopted status, is dated and never formally set detailed York Green Belt boundaries.
- 1.13. In our Phase I Examination Hearing Statement⁴ we drew attention to the deficiencies in the current approach to Green Belt boundary setting and the methodology uses. These Representations therefore focus on the additional evidence provided by CYC to justify the proposed Green Belt boundaries and outline the case for removing The Retreat from the proposed inclusion within the Green Belt. For completeness, these Representations have been prepared in response to the following documents:
- 1.14. Green Belt Topic Paper Addendum [EXCYC50] and its Annexes 1- 6 [EX/CYC/50a]

Modifications Proposed by CYC

- 1.15. In preparing the revised Green Belt Topic Paper Addendum and its Annexes, the Council have concluded that it would be appropriate to propose modifications to the boundaries originally identified. Annex 6 presents the proposed modifications which seek to *'correct drafting errors, reflect planning decisions made since the publication of previous work, ensure consistency in applying the updated methodology consistently in response to concerns'* ref: [EX-CYC-55].
- 1.16. Annex 3 details the proposed amendments within the Green Belt Inner Boundaries. Notably, Annex 3 proposes an amendment at The Retreat to exclude the main building from the proposed Green Belt. This is detailed at Section 7, Boundary 16 as follows:

³ Figure 2 Page 7 Approach to defining York's Green Belt (TP1)

⁴ Savills Phase I Hearing Statement (Examination Ref. EX/HS/M3/Prin/1) paragraphs 2.3-2.30

The Retreat, York

City of York Council– Local Plan Proposed Modifications and Evidence Base Consultation



Section: 7	Boundaries: 16	Boundary Name: University Road, Heslington Road and The Retreat
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The boundary then continues north along University Road until Thief Lane/Heslington Road. This then continues along to the west of Thief Lane/Heslington Road until the access road to The Retreat. It extends around the access road surrounding The Retreat before continuing west around the curtilage of Lamel Beeches joining back onto Heslington Road. The boundary then follows the tree line south to the rear of properties at William Plows Avenue until the allotments where it returns and carries on north to the southern point of Belle Vue Terrace.

This is a proposed modification from the boundary submitted in the City of York Local Plan (2018). Please see Annex 6 for further details



- 1.17. This is detailed as proposed modification Ref: PM 89 and is supported in principle, alongside the additional evidence provided however, we consider further modifications are required in order to make the draft Plan sound. The proposed amendments to the draft Green Belt boundary in this location does not go far enough.

Modifications Sought

- 1.18. We are seeking based on the evidence put forward in these Representations, changes to the proposed Green Belt boundary to exclude land at The Retreat altogether. The revised proposed Green Belt boundary is therefore shown on the Plan in Appendix 5.
- 1.19. Should the Inspectors not consider this proposed change appropriate, then an alternative proposed Green Belt boundary modification is shown on the Plan in Appendix 6. The Inspectors will note that with this proposed change, the Northern portion of the site with the majority of buildings would remain outside the Green Belt, but The Retreat land to the South would form part of the Green Belt. This would also be consistent with the Green Wedge designation.
- 1.20. The Green Wedge designation and all the land use, conservation and heritage designations identified above would remain unaltered.
- 1.21. Officers and the Inspectors are requested to note that a property known as Lamel Beeches is situated to the north east of The Retreat ownership. It is within the currently proposed Green Belt boundary but outside of the Green Wedge. If the Inspectors are minded to modify the proposed Green Belt inner boundary in a way that these Representations are seeking, then there may be merit in also removing this property from the proposed Green Belt. However, we would stress this is outside the scope of the interests these Representations represent.



- 1.22. Officers and the Inspectors are invited to undertake a detailed site visit to witness the features and situation on the ground. If necessary, access arrangements can be made via Savills.

2. Detailed Green Belt Boundaries

Green Belt Boundaries: Are the proposed detailed Green Belt boundaries appropriate in the context of the NPPF and the five purposes?

- 2.1. We object to the draft Local Plan on the basis the proposed detailed Green Belt boundaries have not been adequately assessed against the five Green Belt purposes. This exercise has recently been attempted for the first time as part of the Local Plan Proposed Modifications and Evidence Base Consultation which is the subject of these Representations. This exercise had not been undertaken as part of the preparation of the Local Plan prior to the previous Phase I Examination Hearings which took place in December 2019.
- 2.2. These representations and subsequent Examination therefore represent the opportunity for there to be a critical assessment of the exercise conducted by CYC in drawing up detailed Green Belt boundaries. Such an exercise should proceed on the basis of a robust analysis against the five Green Belt purposes set out at paragraph 80 of the NPPF. We contend that the assessment conducted by CYC is insufficient. In our original Hearing Statement⁵ we drew attention to the deficiencies in the CYC evidence base and the approach taken to setting Green Belt boundaries.
- 2.3. We have reviewed the approach undertaken by CYC in an attempt to define York's Green Belt Addendum: Annex 3: Inner Boundaries (Part 3: Sections 7-8) [EX_CYC-59e]. Notably, Section 7 Boundary 16 of this document.
- 2.4. We have also undertaken our own Green Belt assessment against the five purposes below. This exercise is limited in its scope to the land holdings of The Retreat and the immediate surrounding areas. This part of the Representations needs to be read in conjunction with the Landscape Appraisal and Assessment of Openness prepared by the Landscape Agency and is contained within Appendix 3.
- 2.5. The NPPF⁶ requires that the Green Belt serves five purposes. These are identified below along with our own assessment against these criteria.

Purpose 1 - to check the unrestricted sprawl of large built-up areas.

- 2.6. It is recognised that in many instances around York it is necessary to include land within the Green Belt in order to check unrestricted sprawl. However, this does not apply to the Retreat. The North of the site is already occupied by buildings and is not 'open' land in a Green Belt context. The existing buildings on site include the Grade II* main building, other listed buildings, non listed buildings, a Scheduled Ancient Monument and other structures. As is appropriate, very restrictive planning controls are associated with these heritage assets and designations. These heritage related designations should not be confused with Green Belt purposes.

⁵ Savills Phase I Hearing Statement (Examination Ref. EX/HS/M3/Prin/1) paragraphs 2.3-2.30

⁶ NPPF 2012 paragraph 80

2.7. The land at the Retreat does not fulfil Purpose 1 because it is already developed with buildings, other structures and curtilage land. It is part of the urban fabric of York. The critical question is if the Green Belt designation were removed from the Retreat site, would this facilitate unrestricted sprawl in this part of York. This answer is no. The site is already previously developed land and as is demonstrated in evidence below is not open and is of a typical density for this part of York. It should already be considered part of the urban fabric of York and it reads as such. In this regard alone, the inner Green Belt boundary is proposed to be incorrectly set. The Green Belt boundary should be set beyond The Retreat land.

2.8. In addition to the above, the restrictive heritage designations on site mean that very little change can take place on the site in any event. In summary, the City of York will not ‘sprawl’ because the site is already developed and levels of development on site are unlikely to materially alter because of the heritage designations.

Purpose 2 - to prevent neighbouring towns merging into one another.

2.9. York does not have any nearby major settlements which could merge. Draft allocated Green Belt land at the Retreat is not fulfilling any role under this purpose. This view aligns with that of CYC as detailed in the updated Topic Paper 1: Approach to defining Green Belt Addendum [EX_CYC_59].

Purpose 3 - to assist in safeguarding the countryside from encroachment.

2.10. The land at the Retreat does not meet Purpose 3 because it is not countryside. As set out above, it is a previously developed site with formal registered walled gardens. The land it is completely different in terms of character, appearance and openness when compared to the open countryside further to the South which is also subject to a Green Wedge designation. Draft allocated Green Belt land at The Retreat is not fulfilling any role under this purpose.

Purpose 4 - to preserve the setting and special character of historic towns.

2.11. See para 2.12 below.

Purpose 5 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

2.12. In the context of York there is very little derelict land. The central sites which are to be regenerated and recycled are well known, complex and proposals are being brought forward. The removal of The Retreat from the Green Belt will have no implications for these central sites. Purpose 5 is not relevant in this context.

2.13. The updated Topic Paper 1: Approach to defining Green Belt Addendum [EX_CYC_59] details that this purpose is considered to be achieved through the overall effect of the York Green Belt, rather than through the identification of particular parcels of land which must be kept permanently open. This view is supported.

Assessment Under Purpose 4 - to preserve the setting and special character of historic towns.

- 2.14. The updated Topic Paper 1: Approach to defining Green Belt Addendum [EX_CYC_59] outlines that CYC place a primary emphasis on the fourth NPPF Green Belt purpose and recognises this fourth purpose as the most appropriate in the context of York. This view is supported in principle however it is considered that this has not been adequately assessed in the evidence provided by CYC.
- 2.15. In order to thoroughly assess the land at The Retreat against purpose 4, the following further evidence is presented below :
- Landscape Appraisal and Assessment of Openness prepared by the Landscape Agency; and
 - Commentary on CYC Density Assessment.

Landscape Appraisal and Assessment of Openness prepared by the Landscape Agency

- 2.16. The site's contribution to the openness of the Green Belt is limited by existing built form of The Retreat, the strong line of existing mature trees and the high brick walls that define the site's historic boundary. The findings of the Visual Appraisal conclude that :
- Within the northern part of the site, the large buildings of The Retreat screen views of the wider site from Heslington Road and reduce the sense of openness. Openness is further constrained by adjacent residential properties along Heslington Road and mature trees within the grounds of The Retreat. There is an area of open mown grassland to the frontage of The Retreat along Heslington Road which contributes to the perceived levels of openness. However, this is a relatively small area of open landscape, which is enclosed by the buildings of The Retreat and surrounding residential development. It should be read as a small area of open space within the urban fabric of York.
 - Within the south of The Retreat site is a large area of grassland including a cricket pitch which results in a moderate level of openness. However, the presence of the high brick boundary walls and mature trees along the boundaries of The Retreat prevent these open areas contributing to the perceived openness of the surrounding Stray to the south. There are limited long range views into the site from Walmgate Stray and a lack of intervisibility with the wider landscape. For this reason, the levels of openness associated with Walmgate Stray are not replicated within the site.
 - Much of the surrounding landscape of Walmgate Stray to the south has strong sense of openness with a large expanse of open grassland with far reaching views. However, the northern "fingers" of the stray, that extend either side of The Retreat to the east and west, are constrained either side by built development and the presence of dense mature trees and vegetation. This, combined with the narrowed width of these "fingers" significantly reduces the perceived openness that is experienced compared to the expansive areas of the Stray to the south.
 - The Assessment concludes the site has a low contribution to the overall openness of the Green Belt.

CYC Density Assessment

- 2.17. As set out earlier in this Representation, The Retreat is a previously developed site with a number of significant historical and conservation designations. These designations do not mean it should automatically be within the Green Belt.
- 2.18. The draft Local Plan⁷ contains a density assessment. We did not comment on this assessment in our Phase I Hearing Statement and do so briefly here. There is not much detail, but in essence the exercise breaks York down into 250 square meter grids and then seeks to identify the urban area and then those areas with a density of 33 or more structures per 250 sqm and those which are less than 33 structures per 250 sqm. We believe this approach to be incorrect for the following reasons :
- i. It is not clear how the 250 square meter grid has been positioned on York. The positioning of each grid will have implications for the density within it. Clearly a grid square on the urban fringe could include a significant area of non developed land, then by definition the overall density within that square would be reduced even if the developed area within that same grid square was actually very dense. This cannot be right;
 - ii. We do not know what the threshold of 33 structures is based on;
 - iii. The number of structures is the incorrect measurement. A significant building such as The Retreat Main Building allows for significant dense forms of development / use, but it only counts as one structure. This cannot be right; and
 - iv. In many ways the higher the number of structures, the greater the openness because there will be gaps and views between buildings. Or to put it another way, a smaller number of larger structures will result in a less open townscape / landscape. Again, this points to the deficiencies in assessing Green Belt openness on the basis of densities.

⁷ Paragraph 64 (page 44), Topic Paper TP1 Addendum March 2019

3. Summary and Conclusion

- 3.1. Therefore, in conclusion, when the land at The Retreat is assessed against the five Green Belt purposes, it is clear that it does not perform a Green Belt function. The proposed designation of The Retreat within the Green Belt has been based on a confused assessment process which has utilised the restrictive heritage and conservation designations as being the basis for a Green Belt designation. This is clearly incorrect.
- 3.2. On the basis of the evidence contained within these Representations we therefore respectfully request the Council and appointed Inspectors to set the inner Green Belt boundary, insofar as it is relevant to The Retreat, in accordance with the Modifications Sought within this Representation.



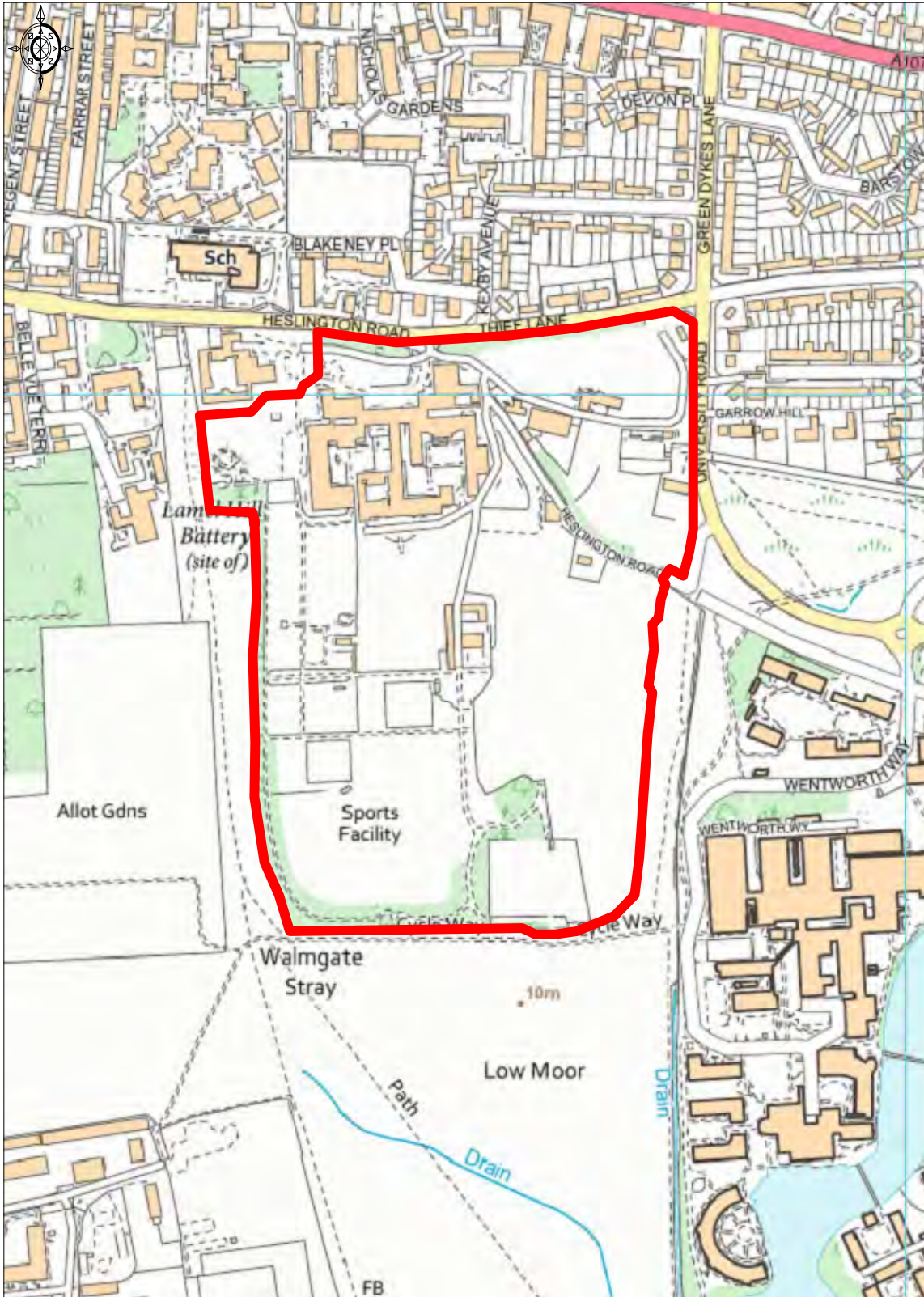
Appendices



Appendix 1 Site Location Plan

The Retreat, York

Site Location Plan





Appendix 2 Savills Phase I Hearing Statement

Examination of the City of York Local Plan 2017 - 2033

Examination in Public Hearing Statement – Phase I Hearings

Hearing Statement prepared by Savills on behalf of The Retreat,
Heslington Road, York YO10 5BN



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Executive Summary

This Hearing Statement has been prepared by Savills (UK) Limited on behalf of The Retreat – a mental healthcare facility located at Heslington Road, York YO10 5BN.

We consider there are serious deficiencies in the City of York Council evidence base where it relates to defining the detailed Green Belt boundaries. This Statement sets out in detail where these deficiencies lie. In essence, we do not consider that the evidence base contains any proper assessment of land around York against the five Green Belt purposes as defined by the NPPF. Accordingly, the emerging plan is neither justified nor consistent with national policy (as required by paragraph 182 of the Framework). These deficiencies go to the soundness of the Plan.

1. Introduction

- 1.1. This Hearing Statement has been prepared by Savills (UK) Limited on behalf The Retreat - a mental healthcare facility located at Heslington Road, York YO10 5BN. A site location plan is contained at Appendix 1 of this Statement.
- 1.2. This Statement should be read in conjunction with the Savills representations to the Proposed Main Modifications dated July 2019, the representations submitted by Carter Jonas at the Publication Draft Stage dated 4th April 2018 and the representations submitted by JLL at the Preferred Sites Stage dated 12 September 2016.
- 1.3. The Retreat is an institutional campus consisting of a number of buildings set in mature grounds on Heslington Road, York. It has remained in its original use as a mental healthcare facility since its establishment in 1792 by the Society of Friends (known as Quakers) and today, promotes and supports the wellbeing of people affected by mental ill-health in a campus setting. The Retreat was a pioneer in the 'moral treatment', a more humane method of treatment, and influenced the development of care in the UK, North America and beyond. The main buildings have seen organic growth through extension over many years, some of which has been sympathetic to the character of the original main building and some significantly harmful.
- 1.4. The main health care facility is currently housed in the Grade II* listed Retreat building set within the wider site totalling circa 16ha (40 acres). The campus is bound by housing to the north-west, north and north-east. The University of York - Heslington Campus is situated to the east and south-east. To the west and south-west lie the urban greenspaces of York Cemetery and the Low Moor Allotments, with Walmgate Stray to the immediate south. Saint Lawrence's Primary School is also located opposite the site.
- 1.5. The existing buildings on The Retreat Estate are no longer considered fit for health related and clinical purposes. Following a detailed review of assets and approach to healthcare provisions, The Retreat is exploring potential development options for the remainder of the Estate. The Retreat is currently engaged with positive pre-application discussions with City of York Council (CYC).

Adopted Land Use, Heritage and Environmental Designations

- 1.6. The site in its entirety falls within the wider Retreat and Heslington Road Conservation Area, with a number of heritage designations (Listed Buildings and Scheduled Monuments) also situated across the wider site. In summary, the relevant built heritage designations are:
- a) The Retreat, Listed Grade II*;
 - b) Garrow Hill (aka Garrow House), Listed Grade II;
 - c) Summerhouse, Listed Grade II;
 - d) Various, including East Villa and the Cottage - Curtilage Listed;
 - e) The Tuke Centre - Non-designated Heritage Asset;
 - f) Lamel Hill, Scheduled Monument; and
 - g) Listed Park and Gardens.
- 1.7. A Designations Plan is included at Appendix 2 of this Statement.
- 1.8. The site is located within Flood Zone 1 (low probability), and therefore the land is defined as having a less than 1 in 1,000 annual probability of flooding. The nearest natural watercourse is circa 1.5km west of the site. Online resources confirm there are no environmental 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 also no Tree Preservation Orders covering the site although trees on site are afforded protection by the Conservation Area designation.
- 1.9. Non-definitive footpaths and a cycle path cross Walmgate Stray to the south. Public Rights of Way ref. 47/199/20 runs adjacent to the western boundary of the site and ref: 47/198/10 to the eastern boundary.

Approach to the Examination in Public

- 1.10. This Statement is directed at specific matters, issues and questions raised for the Phase I Hearings. Broadly, this Statement is directed at CYC's approach and methodology for setting the detailed boundary of the Green Belt.
- 1.11. It is anticipated that a later phase of the examination in public will be concerned with site specific matters, including the question of whether or not the Site (or parts of the Site) should be included within the Green Belt. The Retreat will submit Hearing Statements in respect of any later phase of the examination in accordance with the Inspectors' directions.
- 1.12. Reference has been made to the following CYC documents in producing this Hearing Statement: -
- i. Approach to the Green Belt Appraisal – February 2003 – Ref SD107A;
 - ii. Approach to the Green Belt Appraisal South Map – February 2003 – Ref SD107C ;
 - iii. Green Belt Topic Paper 1 - May 2018 – Ref TP1;
 - iv. Green Belt Topic Paper 1 Addendum – March 2019 – Ref EX/CYC/18;
 - v. Green Belt Topic Paper 1 Annex 1 – March 2019 – Ref EX/CYC/18f;
 - vi. Green Belt Topic Paper 1 Annex 3 (Inner Boundary) – March 2019 – Ref EX/CYC/18d;



- vii. Green Belt Topic Paper 1 Annex 4 (Urban Areas in the Green Belt) – March 2019 – Ref EX/CYC/18c;
- viii. Green Belt Topic Paper 1 Annex 5 (Development Sites in the Green Belt) – March 2019 – Ref EX/CYC/18b; and
- ix. Green Belt Topic Paper 1 Annex 6 – March 2019 – Ref EX/CYC/18a;

2. Matter 3 – Green Belt

Matter 3 – Green Belt: principles, the approach to defining the Green Belt boundaries, exceptional circumstances and the approach to identifying land to be ‘released’ from the Green Belt for development

The questions concerning Green Belt are aimed at the strategic level. Later questions during the Phase 2 hearings will address the issue of exceptional circumstances and other issues in relation to specific sites. In responding to the following questions, consideration should be in the context of the Council’s Topic Paper 1 relating to the Green Belt [CD021], the Council’s Topic Paper 1: Addendum [EX/CYC/18] and the proposed alterations and modifications to the Plan resulting from that document, set out in Annex 6 [EX/CYC/18a].

Principles:

3.1 Paragraph 10.1 of the Plan states that “the plan creates a Green Belt for York that will provide a lasting framework to shape the future development of the city”. For the purposes of Paragraph 82 of the National Planning Policy Framework, is the Local Plan proposing to establish any new Green Belt?

b) If not, does the Local Plan propose to remove any land from the established general extent of the Green Belt? If it does, is it necessary to demonstrate that exceptional circumstances exist to warrant that approach? Or is it the case that the Local Plan establishes the Green Belt boundaries for the first time, such that the exclusion of land from the Green Belt – such as at the ‘garden villages’, for example – is a matter of establishing Green Belt boundaries rather than altering them, in the terms of Paragraph 82 of the Framework?

- 2.1. Whilst the general extent of the York Green Belt is identified through saved (“non-revoked”) Policies YH9c and Y1c of the Yorkshire and Humberside Regional Spatial Strategy, the detailed boundaries of the Green Belt are being set for the first time. The general extent of the Green Belt is identified by reference to an approximate 6 mile radius from the City Centre. Self-evidently, identification of the general extent of the Green Belt did not comprise any detailed assessment of land against the five Green Belt purposes (in national policy) and never involved Ordnance Survey mapping. The mapping¹ which accompanies the saved RSS policies is high level and individual sites and boundaries are indistinguishable.
- 2.2. The 2005 'City of York Draft Local Plan Incorporating the 4th Set of Changes' is used by CYC for the purpose of development control. However, this Plan never achieved adopted status, is dated and never formally set detailed York Green Belt boundaries.
- 2.3. This Examination therefore represents the opportunity for there to be a critical assessment of the exercise conducted by CYC in drawing up detailed Green Belt boundaries. Such an exercise should proceed on the basis of a robust analysis against the five Green Belt purposes set out at paragraph 80 of the NPPF. We contend that the assessment conducted by CYC is deficient. This is explored further below.

¹ Figure 2 Page 7 Approach to defining York’s Green Belt (TP1)

3.2 Paragraph 1.1.1 of the Council's "Approach to defining York's Green Belt" Topic Paper (TP1) [CD021] says "York's Local Plan will formally define the boundary of the York Green Belt for the first time." How has the Council approached the task of delineating the Green Belt boundaries shown on the Policies Map? In particular:

2.4. We agree with the acknowledgement at Paragraph 1.1.1. that this Local Plan will formally define the boundary of the York Green Belt for the first time. We address the question of how CYC has sought to define GB boundaries in the context of the emerging Local Plan in the commentary set out below.

3.5 Overall, are the Green Belt boundaries in the plan appropriately defined and consistent with national policy in the National Planning Policy Framework, and is the Plan sound in this regard?

2.5. We do not consider that the Green Belt boundaries in the draft Local Plan have been appropriately defined and nor are they consistent with national policy as set out in the NPPF. We have undertaken a detailed review of the evidence base relating to the York Green Belt and draw on the following evidence to support our position.

City of York Local Plan - Approach to the Green Belt Appraisal – February 2003 – Ref SD107A and Approach to the Green Belt Appraisal South Map – February 2003 – Ref SD107C;

2.6. This document is dated, but is referred to and relied upon in more recent evidence base documents which are considered below. The document sets out the five Green Belt purposes and then identifies², on a desk based assessment, a number of elements which the document considers defined the character and setting of the City. These are Open approaches to the City; Green Wedges, Views of the Minster, Character of the Landscape, Urban form, Relationship between the urban edge and the countryside and the Relationship with surrounding villages. The document then goes on³ to identify areas which retain, reinforce and extend the pattern of historic Green Wedges. Nowhere in this document are the identified areas of land assessed in terms of their performance against the five Green Belt purposes identified in national policy.

2.7. In terms of The Retreat, the accompanying map identifies the Southern portion of the site as falling within a Green Wedge with the identification of area C3⁴ as an extension to Walmgate Stray. The Northern portion of the site is excluded from these suggested designations. These aspects will be discussed in greater detail later in the Examination process.

Green Belt Topic Paper 1 - May 2018 – Ref TP1 – TP001

2.8. This document draws on the February 2003 Appraisal identified above⁵. However, as noted above, the February 2003 Appraisal failed to test the performance of parcels of land against the five Green Belt purposes.

² Section 4 Page 6

³ Section 6 Page 9

⁴ See map and Page 12

⁵ Figure 4 Page 15 and paragraph 4.3.12 Page 16

- 2.9. Whilst paragraph 4.2.4 of the Green Belt Topic Paper 1 records that, “The boundary of the Green Belt is the consequence of decisions about which land serves a Green Belt purpose and which can be allocated for development”, there is a continuing failure to assess parcels of land against Green Belt Purposes.
- 2.10. At paragraph 4.3.19 it is stated that Figure 7⁶, “shows how land around York contributes to one or more green belt purposes...”. Self-evidently, Figure 7 does not show how land around York contributes to one or more of the green belt purposes. In particular:
- i. there has been no assessment of individual parcels of land against the five Green Belt purposes. This is a fundamental flaw in the evidence base,
 - ii. whilst the NPPF⁷ identifies sustainable patterns of development as a relevant consideration when drawing up or reviewing Green Belt boundaries, the relevance of that factor does not dilute the requirement for an assessment against the five Green Belt purposes. The correct approach should be to assess the relevant land against the five Green Belt purposes and then to consider other factors (for example, as part of the process of identifying whether or not land should be made available for development),
 - iii. Figure 7 contains ‘islands’ of Green Belt within central York. The fact that CYC’s analysis (that purports to show land said to serve one or more Green Belt purposes) identifies islands of land in central York demonstrates the flaws in CYC’s approach. These spaces may perform other environmental roles, or have other open space designations or constraints, but this does not mean they perform a Green Belt purpose.
- 2.11. Table 1⁸ identifies the five Green Belt purposes and then applies site selection criteria. In terms of Green Belt purpose 1 – checking unrestricted sprawl and purpose 3 – safeguarding the countryside from encroachment, CYC appears to rely on other open space designations, access to services, sites of nature conservation, ancient woodland and flood zones as a proxy for measuring the performance of sites against Green Belt purposes. This approach is self-evidently incorrect. These other environmental designations are not the equivalent of Green Belt purposes.

Green Belt Topic Paper 1 Addendum – March 2019 – Ref EX/CYC/18

- 2.12. At paragraph 4.1 (page 11) of “the Addendum”, CYC states that its section 4 adds further detail to TP1, “in particular how the approach and evidence base relates to the five NPPF (2012) purposes of Green Belt”. This document at page 12 works through the five Green Belt purposes.
- 2.13. The analysis with regard to Purpose 4 relies, for the most part, on the 2003 Appraisal (commented on above).

⁶ Pages 20 and 22

⁷ NPPF 2012 para 84

⁸ Table 1 – Site Selection principles relevant to Green Belt Purposes – Page 24

- 2.14. With regard to Purpose 1, paragraphs 4.23 - 4.25 address the broad requirement of achieving sustainable development patterns as set out at paragraph 84 of the NPPF. That requirement is separate from the purposes to be served by land within the Green Belt. The exercise of drawing up Green Belt boundaries requires a clear assessment against the five Green Belt purposes. Other considerations (for example, related to sustainable patterns of development) are not a substitute for that assessment. In this document the assessment against Green Belt Purpose 1 appears to have been substituted by an assessment against NPPF paragraph 84.
- 2.15. With regard to Purpose 2, CYC states at paragraph 4.27 that, 'York does not have any major towns close to the general extent of the Green Belt, so the potential issue of towns merging does not arise'. However, at paragraph 4.29 CYC refers to other designations including Strays, and Common Land that form part of Green Wedges that are said to, "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". Self-evidently, that role is not the same as Purpose 2. Accordingly, there has been no clear assessment of the performance of land parcels against Purpose 2.
- 2.16. With regard to Purpose 3 at paragraphs 4.36 and 4.37, CYC identifies Nature Conservation Sites, Existing Open Space, Green Infrastructure Corridors and Ancient Woodlands as important features of the open countryside which should remain permanently open. Again, this approach fails to assess land against the Green Belt purpose. Whilst these other designations are relevant in their own right, they are not the equivalent of performing a Green Belt purpose. The NPPF⁹ states that 'once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land'. In other words, once land has been designated as Green Belt (because it performs a Green Belt purpose), steps should be taken to enhance its use (e.g. in landscape, recreation or ecological terms).
- 2.17. The same Figure 7 appears in the Addendum as appears in TP1. Paragraph 4.42 states that Figure 7, "shows land which, when assessed against the five purposes of Green Belt, has been identified as strategically important to keep permanently open." It is clear that by reference to TP1 and the Addendum, there has been no proper assessment of land against the 5 purposes of Green Belt.
- 2.18. Section 5 of the Addendum considers the identification of Green Belt boundaries and from paragraph 5.16 onwards considers the Inner boundary. Paragraph 5.16 records the appropriate objective ("to establish long term development limits to the built up area, and distinguish land that needs to be kept permanently open to meet the purposes of Green Belt..."). However, paragraph 5.17 simply sets out that the inner boundary is 'taken to be that which adjoins the main built up areas which radiates out from the historic core of the city'. Self-evidently, that is not the correct approach. Each parcel of land which is in or close to the inner boundary needs to be assessed against the five Green Belt purposes.
- 2.19. At paragraph 5.25 – 5.26 the Inner boundary is divided into eight main sections for analysis. The Retreat falls within Section 7 of Figure 15. The Inner boundary is said to be defined by the 'built up edge of York' (see "Summary" on page 30).

⁹ NPPF 2012 paragraph 81

- 2.20. Section 5c on page 31 identifies criteria for boundary delineation. On page 31 of the Addendum previous errors are repeated and compounded in that environmental and heritage designations are put forward as the equivalent to performance of the five Green Belt purposes (see part 1 of the “Openness Criteria”). As set out previously in this Statement, that approach is incorrect. These environmental and heritage designations are important in their own right, but they are not the same as performance of a Green Belt purpose.
- 2.21. Accordingly, contrary to paragraph 5.41 of the Addendum, land has not been identified by reference to its fulfilment of Green Belt purposes, whether in section 4 of the Addendum or anywhere else (for completeness, we note that the word ‘not’ in paragraph 5.39 is a typographical error).
- 2.22. Part 2 of the “Openness Criteria” (the “Local Assessment”) confuses matters further by referring to local historic assets as being somehow relevant to the designation of land as Green Belt. Paragraphs 5.46 – 5.48 refer again to local historic assets and in particular the identification of conservation areas, listed buildings, scheduled ancient monuments, historic park and gardens and city views. These assets and designations have significance in their own right but that significance is not the same as performance of a Green Belt purpose.
- 2.23. In a similar way paragraphs 5.59 – 5.60 identify other assets such as school playing fields which in some cases may be considered part of the urban environment, but in other cases part of the open countryside.
- 2.24. The suggestion (at paragraph 5.44) that, “Whilst some of these local considerations relate to the 5 purposes...they have been assessed broadly in relation to their contribution to overall openness” does not provide any adequate (or coherent) explanation to justify CYC’s flawed approach.

Safeguarded Land

- 2.25. We do have concerns that the setting of Green Belt boundaries are not being approached with sufficient longevity in mind. Green Belt boundaries are supposed to endure beyond Plan periods. It is important that the boundary endures not just for this Local Plan, but for at least the next one as well.
- 2.26. The Plan currently proposes to allocate enough land to endure for a minimum of 20 years to 2037 / 2038 i.e. beyond the Plan period of 2033¹⁰. Accordingly, the Green Belt boundary will be in need of review to meet further employment and housing needs by the end of the current Local Plan period (in order to make provision for the next Plan period). Even if the proposed allocations are not developed in their entirety during the emerging Local Plan period, they are insufficient, on their own, to accommodate the likely development needs for the next Plan period. Additional sites will need to be found and this is highly likely to require a further Green Belt review.
- 2.27. The proper means for avoiding that outcome is the identification in the emerging plan of Safeguarded Land.

¹⁰ Paragraph 7.15 – Green Belt TP1 Addendum - March 2019

Green Belt Topic Paper 1 Annex 3 (Inner Boundary) – March 2019 – Ref EX/CYC/18d

- 2.28. This document is more site specific in nature and for the first time in the evidence base, more detailed boundaries are considered based on Ordnance Survey mapping. We intend to submit a Hearing Statement on site specific boundaries for the Green Belt (that are relevant to the Retreat) at the appropriate time i.e. before the Phase 2 Hearings. We note at this stage that insofar as the drawing of detailed boundaries adopts and relies on the flawed approach in the TP1 and TP1 Addendum documents outlined above, then this exercise (set out in Annex 3) is also flawed.
- 2.29. In the meantime, we have the following initial comments to make : -
- i. even in this more detailed site specific analysis, there is still no proper assessment against the five Green Belt purposes,
 - ii. under the very brief commentary against purposes 4 & 2 reference is made to 'The Approach to the Green Belt Appraisal' 2003 on which we have already commented in this Statement and drawn attention to its lack of assessment against the five Green Belt purposes,
 - iii. the commentary in respect of The Retreat refers to 'adjacent land' as being important in terms of Green Wedges and Walmgate Stray. The presence of other designations on adjacent land does not support Green Belt designation of The Retreat,
 - iv. the analysis is factually incorrect. For example, there is a Scheduled Ancient Monument within the site, and,
 - v. it would appear that ECUS did not undertake a landscape appraisal of The Retreat.
- 2.30. As stated above, our site specific evidence in respect of The Retreat will be submitted in accordance with the Inspectors' directions directed at later Examination Hearing sessions.



Appendices



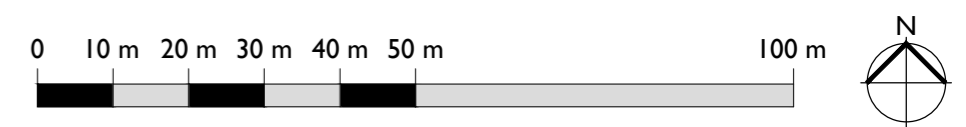
Appendix 1 Site Location Plan



I Site Plan
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- Key:**
- Extent of The Retreat Ownership
 - Existing Buildings
 - Building to be demolished
 - Roads, Paths, Parking
 - Green Space

- Indicative Parameters:**
- Zone 2a South Garrow Triangle
 - Zone 2b North Garrow Triangle
 - Zone 3 Main Building - Residential Use or Hotel Use
 - Zone 4
 - Zone 5



Notes:
Drawings are based on survey data and may not accurately represent what is physically present.
Do not scale from this drawing. All dimensions are to be verified on site before proceeding with the work.
All dimensions are in millimeters unless noted otherwise.
Purcell shall be notified in writing of any discrepancies.

B	07/12/2018	JHB	JHB	
A	27/11/2018	DZ	JHB	
C	08/08/2019	TB	TB	
	First Issue	06/11/18	RM	
ISSUE	DATE	DRAWN	CHECKED	DESCRIPTION

CLIENT
The Retreat York

PROJECT
The Retreat York

DRAWING TITLE
Parameters Plan

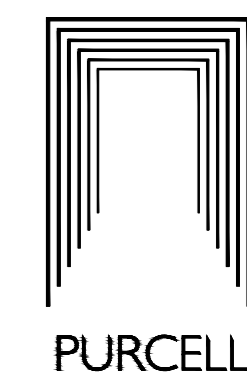
SIZE & SCALE
A1L

DRAWING STATUS
Work in Progress

JOB NUMBER 238382

DRAWING NO. 005 recover

REVISION F





Appendix 2 Designations Plan



THE RETREAT: DESIGNATIONS

- Registered Park and Garden
- Boundary
- Grade II*
- Grade II
- Unlisted
- Scheduled Monument

This plan is not to scale



Appendix 3 Landscape Appraisal and Assessment of Openness (prepared by the Landscape Agency)



The Retreat, York
Landscape Appraisal and Assessment of Openness
City of York Council – Local Plan

Document Title	Project Number	Prepared for	Prepared by	Date	Reviewed by
Landscape Appraisal and Assessment of Openness	1322	Savills	Ed.Payne	September 2020	Patrick James

Revision	Description	Prepared by	Date	Reviewed by
A	Document updated following comments from client.	Rosie Turner	25.09.2020	Ed.Payne
B	Document updated following comments from client.	Rosie Turner	30.09.2020	Ed.Payne
C	Document updated following comments from client.	Rosie Turner	05.10.2020	Ed.Payne

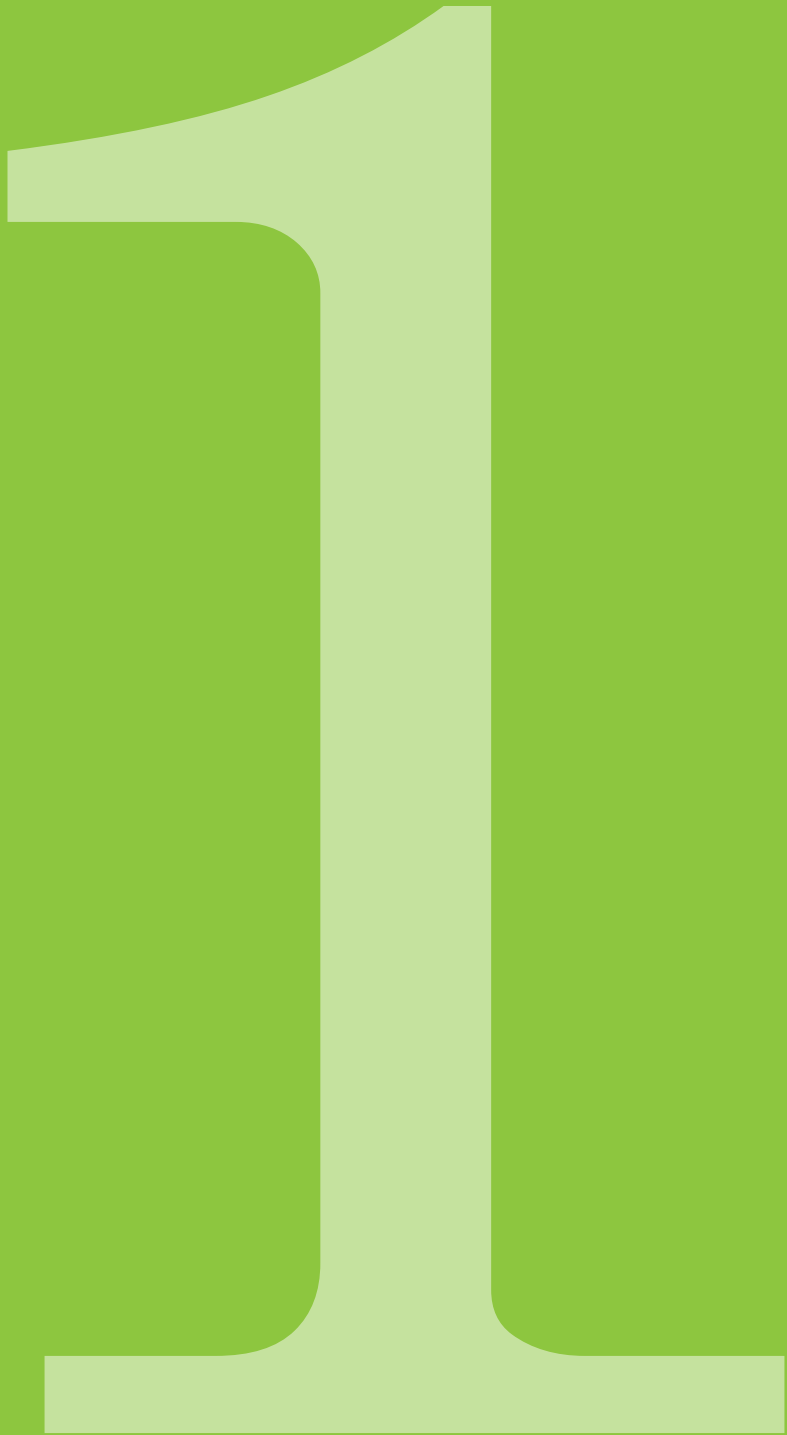









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Introduction

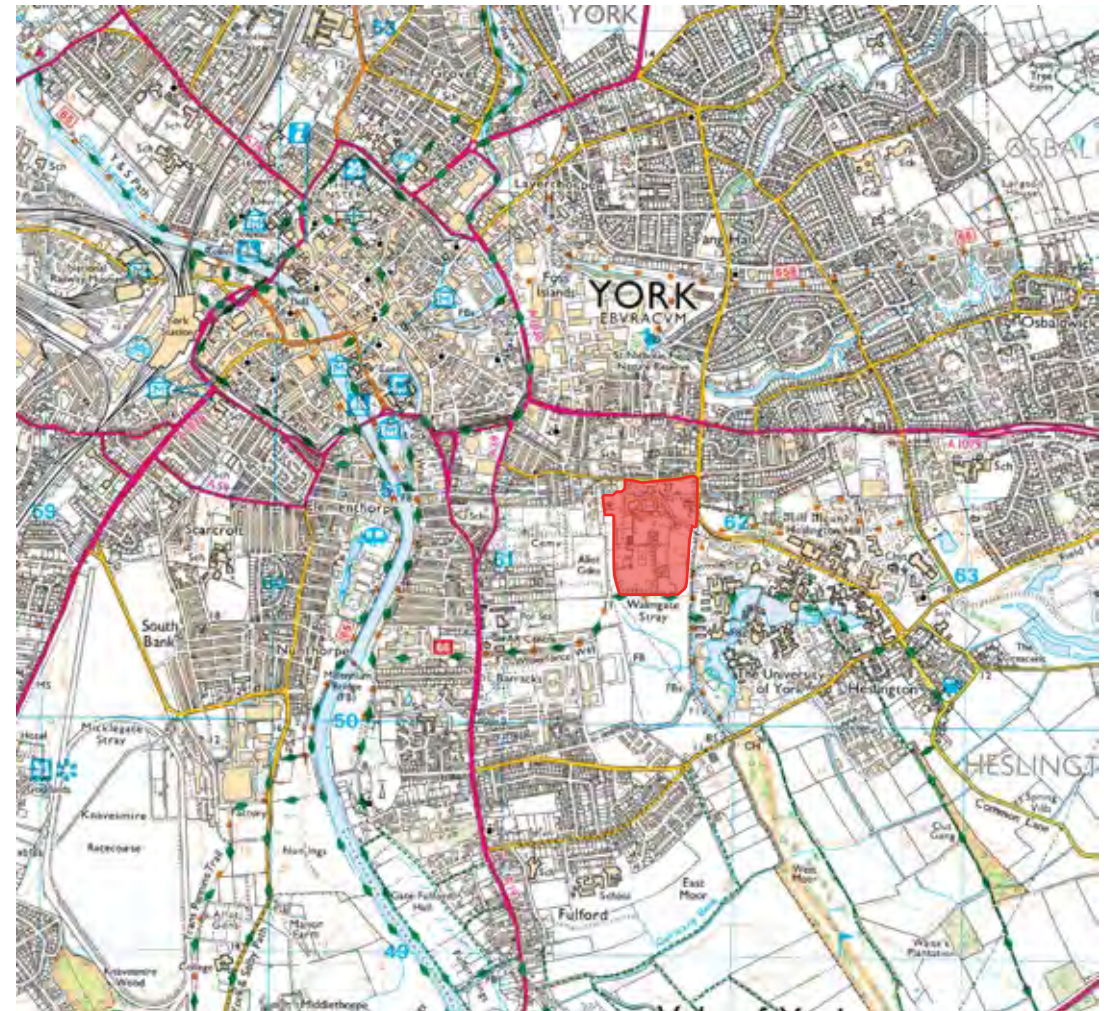


1.1 PURPOSE OF THE DOCUMENT

The Landscape Agency has been commissioned by Savills Ltd. to undertake an initial Landscape Appraisal and Assessment of Openness to support an Examination in Public as part of the City of York's Council's emerging Local Plan process.

The project involves development proposals for The Retreat, a historic mental healthcare facility set within extensive mature gardens and grounds, on Heslington Road, York. The main aims of this report are to:

- Develop an understanding of the context, including landscape designations, history and landscape character of the site and its immediate setting.
- Assess the visibility of the site from key public receptors including public roads and Rights of Way.
- Assess the visual openness of the site and its contribution to the Green Belt including impacts on long and short distance views and visual links to the wider City of York Council Green Belt.



▲ Figure 1. Site location



SAINT LAWRENCE'S
PRIMARY SCHOOL

HESLINGTON ROAD

THEIR LANE



THE RETREAT

YORK CEMENTARY

UNIVERSITY ROAD

LOW MOOR ALLOTMENTS

UNIVERSITY OF
YORK

▲ Figure 2. Aerial Map of site

1.2 THE SITE

The site is located at The Retreat, a historic mental health unit located on Heslington Road adjacent to the University of York. The main health care facility is located within the Grade II* listed Retreat buildings set within the wider estate totalling approximately 16ha (40 acres). Much of the site is also a Grade II* listed Registered Park and Garden .

The site is bound by housing to the north-west, north and north-east. Saint Lawrence's Primary School is located to the north of the site on the opposite side of Heslington Road. The University of York - Heslington Campus is situated to the east and south-east. To the west and south-west lie the urban greenspaces of York Cemetery and the Low Moor Allotments. Walmgate Stray, a historic area of open common land is located to the immediate south.

The existing mental health facility at The Retreat is no longer considered fit for purpose. Following a detailed review of assets and approach to healthcare provisions, The Retreat is exploring potential residential development options for the Estate and is currently engaged with positive pre-application discussions with City of York Council (CYC).

Current proposals comprise the following plots:

Plot 1 - Daffodil Field

Mix of 3 and 4 storey blocks

Plot 2a - South Garrow Triangle

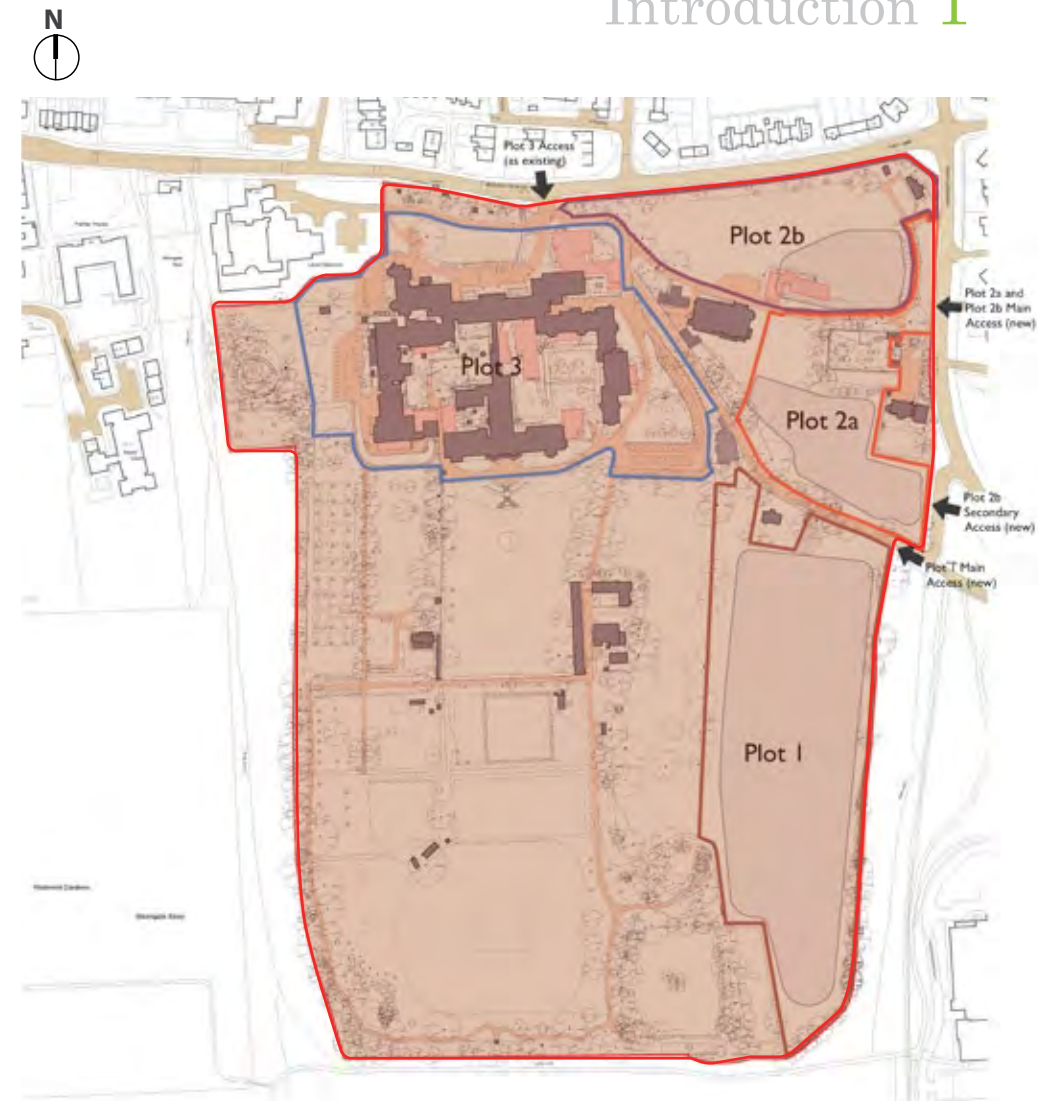
3 storey building

Plot 2b - North Garrow Triangle

2 storey building

Plot 3 - Main Building - Residential Use

Approximately 150no. 2 bed units



▲ **Figure 3.** The Site

1.3 SITE PHOTOGRAPHS



▲ **Figure 4.** Photo viewpoint locations



▲ **A.** High brick boundary wall with archway entrance adjacent to Heslington Road.



▲ **B.** Brick retaining wall with metal railings adjacent to Heslington Road near the entrance to The Retreat.



▲ C. High brick boundary wall running along western boundary adjacent to Walmgate Stray.



▲ E. The high brick wall along the western edge reduces in height and is replaced with railings for a portion of the boundary before returning to a high wall.



▲ D. High brick boundary wall running along southern boundary adjacent to Walmgate Stray.



▲ F. The entrance to The Retreat along Heslington Road.



Landscape Baseline



2.1 LANDSCAPE DESIGNATIONS

This section outlines the statutory designations that cover the site and its immediate context. It summarises designations, both at a national and local level.

Designations include:

Green Belt
the site is covered by the City of York Council's Green Belt which is currently under review as part of the Local Plan examination process. Refer to section 2.2 for further details.

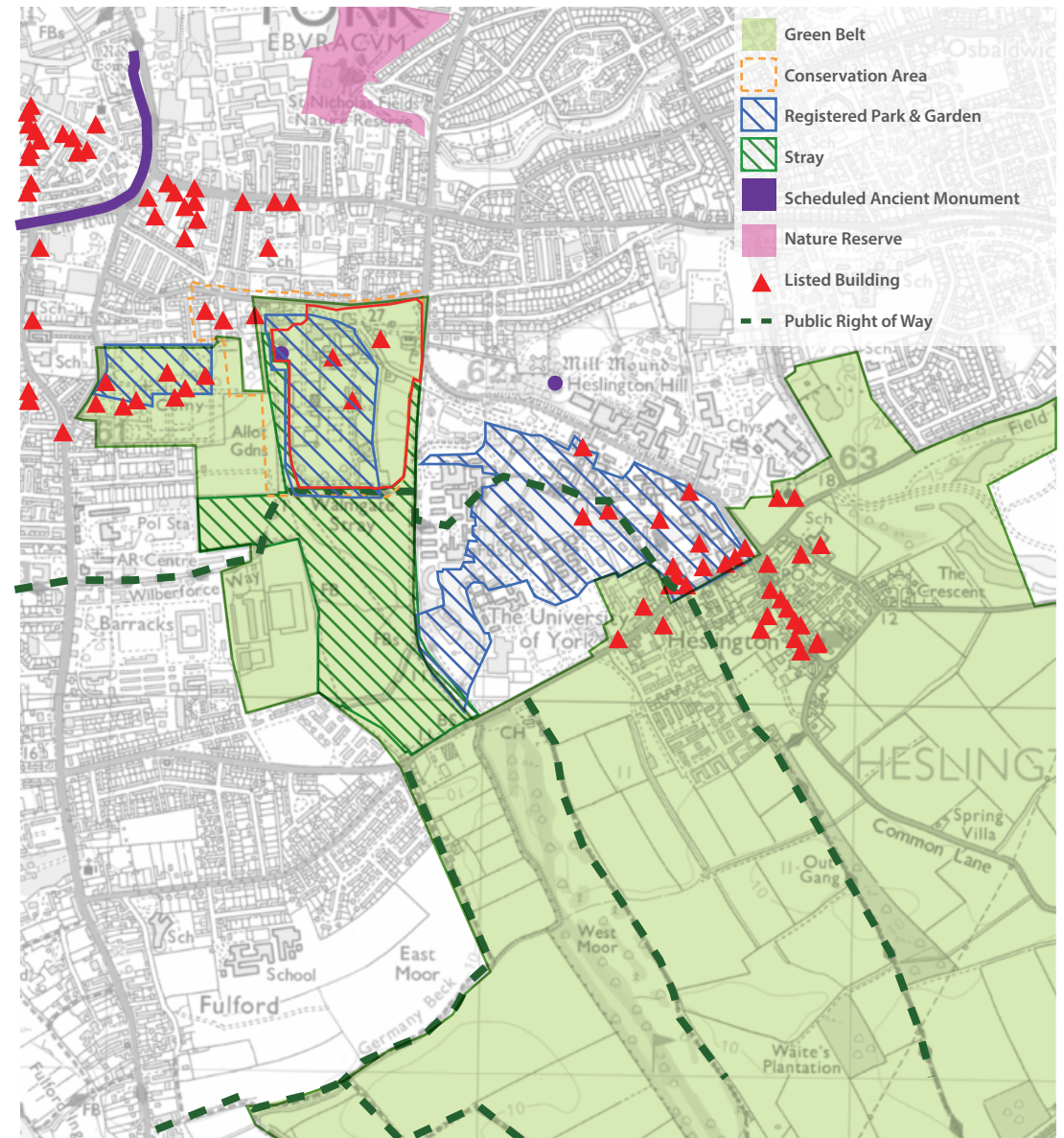
Conservation Area
The entirety of the site falls within The Retreat and Heslington Road Conservation Area, designated to manage and protect the areas special architectural and historic interest. Refer to section 2.3 for further details.

Registered Park and Garden
The historic grounds of The Retreat are also designated a Grade II* Registered Park and Garden. Refer to section 2.5 for further details.

The Victorian York Cemetery to the west of the site is also a Grade II* Listed Registered Park and Garden and much of the original designed landscape at the University of York Campus West to the east of The Retreat is a Grade II listed Registered Park and Garden.

Scheduled Ancient Monuments: A designated Scheduled Ancient Monument, Lamel Hill, is located within The Retreat site boundary, towards the north west of the site. The Anglo-Saxon burial mound was used as a gun emplacement during the siege of York in the Civil War.

Within the wider setting, Scheduled Ancient Monuments in close proximity to The Retreat include Siwards How at Heslington Hill and a section of the City Walls to the north west.



▲ Figure 5. Landscape Designations



▲ Walmgate Stray



▲ Walmgate Stray

LANDSCAPE DESIGNATIONS (Cont.)

▣ Walmgate Stray

Walmgate stray, a historic area of open pasture, lies immediately to the south of The Retreat. Walmgate stray is one of four historic strays within the city, which in total encompass approximately 800 acres (323 ha) of land. Historically, the Freeman of York held established grazing rights across the strays and Walmgate Stray is still grazed in part today. The stray has also been retained for public use with a network of footpaths and is now managed by the City of York Council. The stray forms an important open landscape within the city and is a valuable remnant of York's historic landscape. Refer to section 2.3 for further details.

▲ Listed Buildings

The Retreat is Grade II* Listed. This listing covers a range of the historic built features including the boundary walls. Additional listed buildings within the site boundary include the Grade II listed Garrow Hill (aka Garrow House) towards the north east corner, a Grade II listed Summerhouse within grounds to the north west and the Grade II listed Stables and coach house with attached mortuary within the grounds to the east. Refer to section 2.5 for a detailed location plan.

There are a large number of listed buildings within the historic urban setting surrounding the site.

Tree Preservation Orders:

Many of the large mature trees along the boundaries of The Retreat and within Walmgate Stray have been served Tree Preservation Orders (TPOs).

■ Nature Reserve:

St Nicholas Field Nature Reserve is located approximately 500m to the north of The Retreat. The former landfill site was transformed in the 1990's to provide a local nature reserve in the heart of the city.

■ ■ ■ Public Rights of Way:

There are no Public Right of Way within The Retreat site. However, a public right of way runs along the site's southern boundary within Walmgate Stray, providing a footpath and cycle link from the University and Heslington to Fulford linking to Millennium bridge. Further Public Rights of Way are located to the south of the Stray and provide footpath links to Heslington Common and the Minster Way.

2.2 THE CITY OF YORK GREEN BELT

The National Planning Policy Framework (NPPF) sets out government's planning policies for England and how these are expected to be applied. Paragraph 134 of the NPPF defines the five purposes of the green belt:

1. To check the unrestricted sprawl of large built-up areas;
2. To prevent neighbouring towns from 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.

The City of York Council's Local Plan is currently under examination and will formally define the boundary of the York Green Belt for the first time. In May 2018, as part of the evidence to support the Local Plan, The City of York Council published 'Topic Paper (TP1) - Approach to Defining York's Green Belt. This paper describes the methodology used to determine an appropriate boundary, maintaining openness and preserving the special character and setting of the historic City.

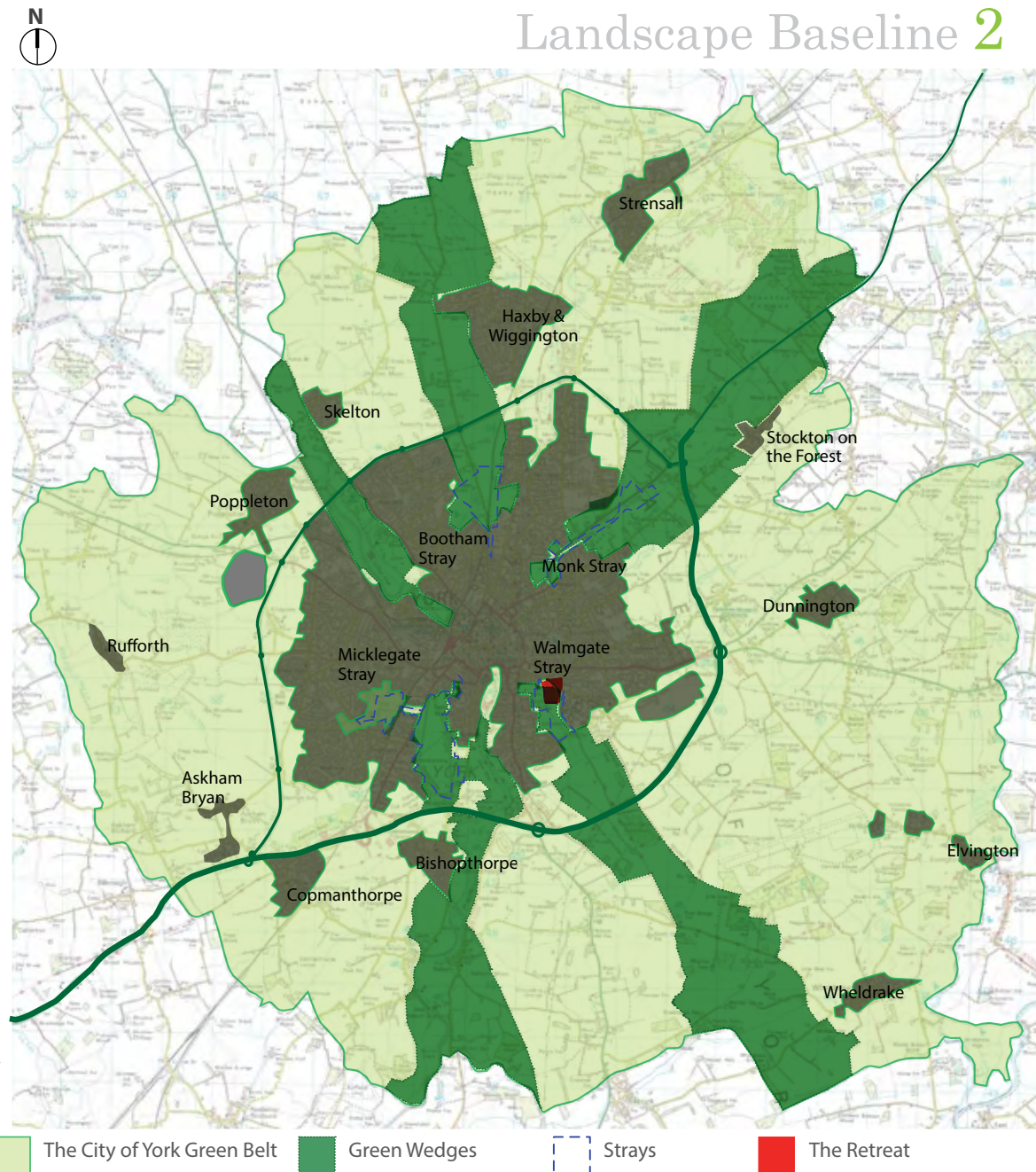
The Green Belt includes five Green Wedges, broad tracts of undeveloped extending from the countryside into the City. The Green Wedges are usually bounded on three sides by urban development, part of which comprises the historic Strays and Ings and river floodplains.

"The Green Wedges prevent the lateral coalescence of different parts of the urban area, and help 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 City Centre, allowing views to be enjoyed, including those towards the Minster.

Green Wedges have helped 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 City of York Council published 'Topic Paper (TP1) Approach to Defining York's Green Belt.



▲ **Figure6:** City of York Green Belt

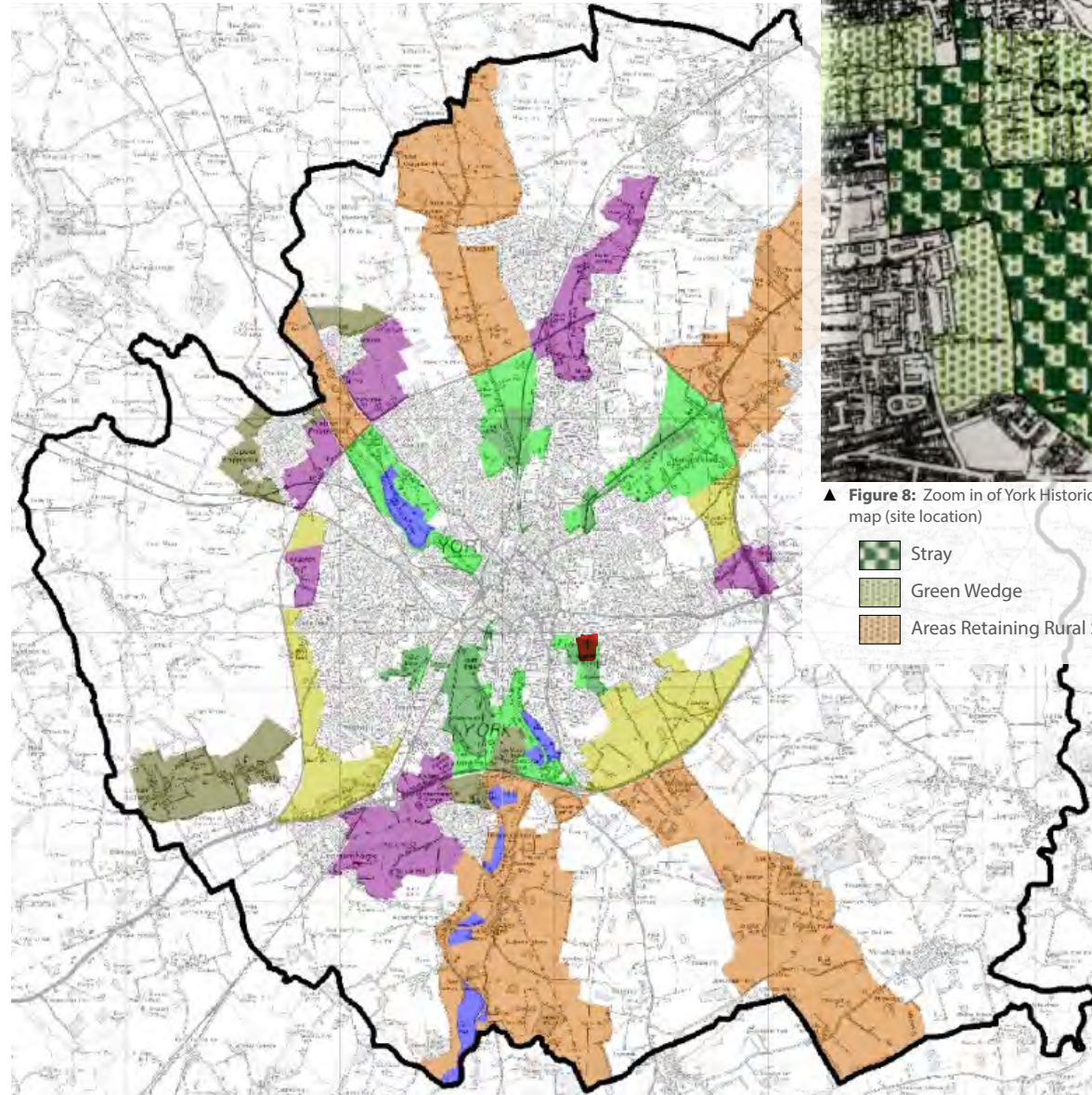
THE CITY OF YORK GREEN BELT (Cont.)

Within TP1 the Council concluded that the historic character and setting of the City in the context of the Green Belt could be defined in terms of the following elements:

- Areas which retain, reinforce and extend the pattern of historic green wedges.
- The setting of villages whose traditional form, character and relationship with the surrounding agricultural landscape is substantially changed.
- Areas which provide an impression of a historic City situated within a rural setting.
- Areas which prevent the coalescence of settlements to retain their individual identity

Figure 7 opposite, extracted from TP1, demonstrates survey work carried out by the Council identifying land outside the existing built up areas that should be retained as open land, protected by the Green Belt, due to their role in preserving the historic character and setting of York.

In terms of The Retreat, the southern section of The Retreat falls within a Green Wedge as an extension to Walmgate Stray. However, the presence of the historic brick boundary walls to the east and south of The Retreat prevent the grounds of The Retreat extending into Walmgate Stray.



▲ **Figure 7:** Historic Character and Setting map extracted from City of York Local Plan - Approach to defining York's Green Belt (TP1)



▲ **Figure 8:** Zoom in of York Historic Character and Setting map (site location)

- Stray
- Green Wedge
- Areas Retaining Rural Setting

- Village Setting
- Strays
- River Corridors
- Areas Retaining Rural Setting
- Areas Preventing Coalescence
- Green Wedges
- Extension of Green Wedge

2.3 THE RETREAT / HESLINGTON ROAD CONSERVATION AREA

The Retreat/Heslington Road Conservation Area covers 22 ha of land occupying the highest ground south of the City and commands views northwards across the City of York and southwards over Walmgate Stray towards Fulford. The Conservation Area was designated in 1975.

The entire Retreat site falls within the Conservation Area including the designated Scheduled Ancient Monument, Lamel Hill, a large mound raised during the Civil war. The area around the mound includes an extensive late Roman or Anglian cemetery, because of this Lamel Hill has also been designated an Area of Archaeological Importance.

The Retreat is the focal point of the Conservation Area.

Defining Characteristics

The main elements of the character and appearance of the area are:

1. The Retreat - set in parkland **surrounded by high obscuring walls** but with views out. The Retreat grounds were enclosed with high walls to keep the patients safe inside the garden areas.
2. A series of **gardens and adjoining parkland** surrounding The Retreat. These were laid out with numerous ornamental and shrubs and with hedges in a series of gardens and parkland. In the 1850s further areas were purchased and the hospital extended whilst still retaining its parkland setting.
3. Pleasant Victorian suburban housing on Belle Vue Terrace, some of which are listed, **forms an edge to the open space.**
4. The **open character of the Conservation Area extends west to York Cemetery, south to Walmgate Stray and east to the landscaped campus of the University.** It consists mainly of open greenspace on the edge of the city located within the City of York Council's Green Belt.



▲ Figure 9: The Retreat / Heslington Road Conservation Area

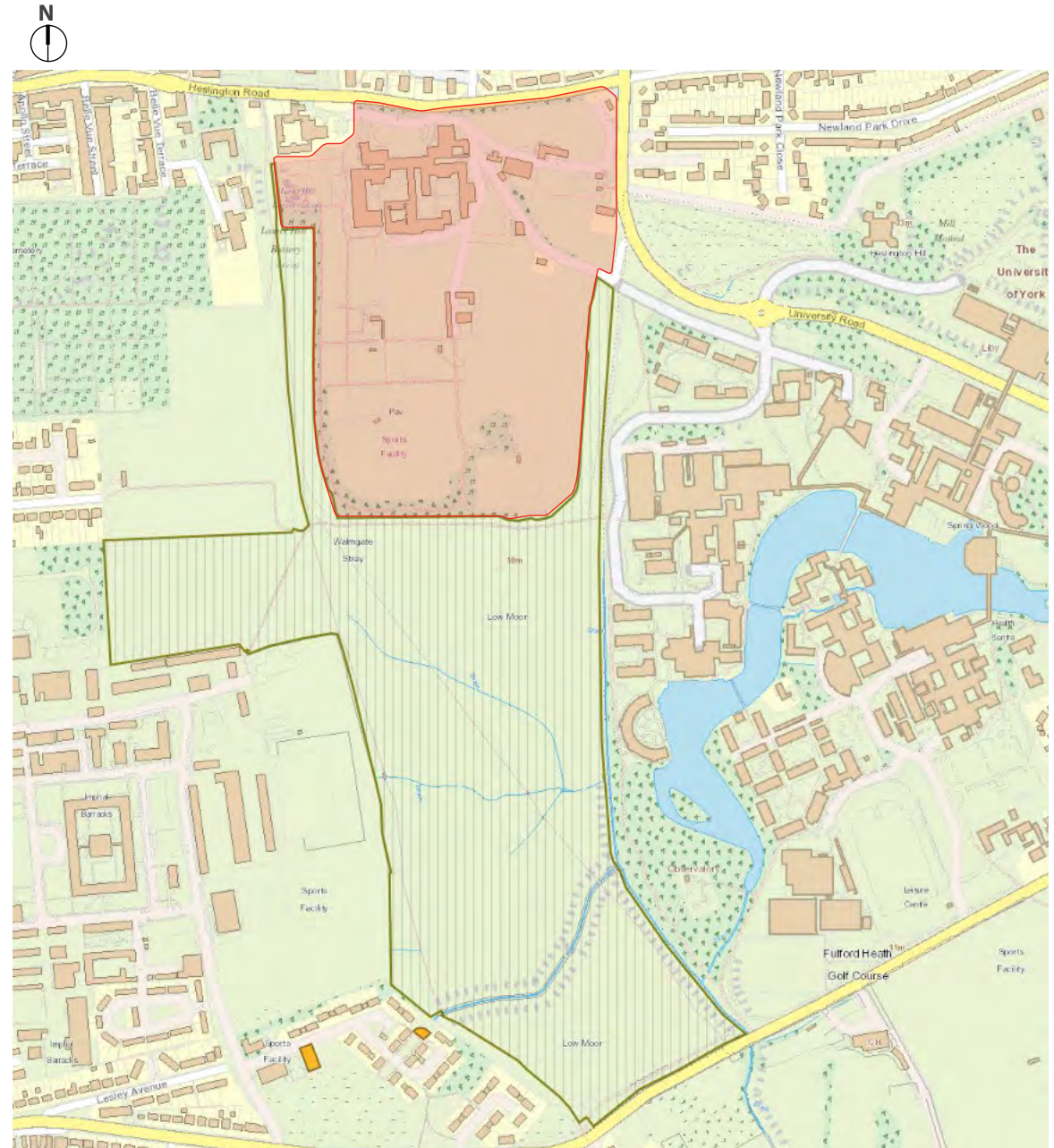
2.4 WALMGATE STRAY

Walmgate Stray is located immediately to the south of The Retreat, a historic area of open common. Walmgate Stray is one of four historic strays in the City which also include Micklegate Stray (which includes the Knavesmire and Hob Moor), Bootham Stray and Monk Stray.

Walmgate Stray consists of around 32 hectares (79 acres) of pasture, located immediately to the south of The Retreat. The main area of Walmgate Stray, between the southern boundary of The Retreat and Heslington Lane, is known as Low Moor. Although the Stray remains largely open pasture, a large part of its north-western corner is occupied by council allotment plots, known as Low Moor Allotments.

The Strays are the remains of much greater areas of common land on which the hereditary Freemen of the City had the right to graze cattle. After the Parliamentary Enclosures of the eighteenth and early nineteenth centuries, whereby commons were enclosed and rights of pasturage extinguished, areas of grazing land were allotted to the Freemen in lieu of their existing rights. Together with the Knavesmire and Hob Moor, land already used by the City for pasturage, these areas became the Strays, land vested in the Corporation to be held in trust for the Freemen of each of the original four Wards of the City.

Walmgate Stray is now managed by City of York Council in consultation with Freemen of the City. It is still grazed for part of the year by Cattle and represents an important link with the past to which great value is attached. Low Moor is crossed by a series of informal public footpaths and provides a valuable space for connectivity and recreation. There is also a hard surfaced shared use footpath which runs between York University and the A19 which leads to Millenium Bridge



▲ Figure 10: Walmgate Stray

2.5 THE REGISTERED PARK AND GARDEN

The grounds associated with The Retreat of 1794 to 1797, enlarged in 1828, are registered at Grade II* on Historic England's 'Register of Historic Parks and Gardens of Special Historic Interest in England'. It has been registered for the following principal reasons:

HISTORIC INTEREST:

As the prototype therapeutic asylum landscape which was to directly influence the design for all future asylum landscapes.

DESIGN INTEREST:

The grounds were designed for the benefit of the patients both through recreation and exercise, being landscaped with gardens and walks, kitchen gardens and a small farm in the manner of a small country house estate, and later in the nineteenth century with an increased provision of sports facilities.

SURVIVAL:

The extent, character and legibility of the historic landscape remains and the grounds still continue in their therapeutic use for the benefit of patients.

HISTORICAL ASSOCIATION:

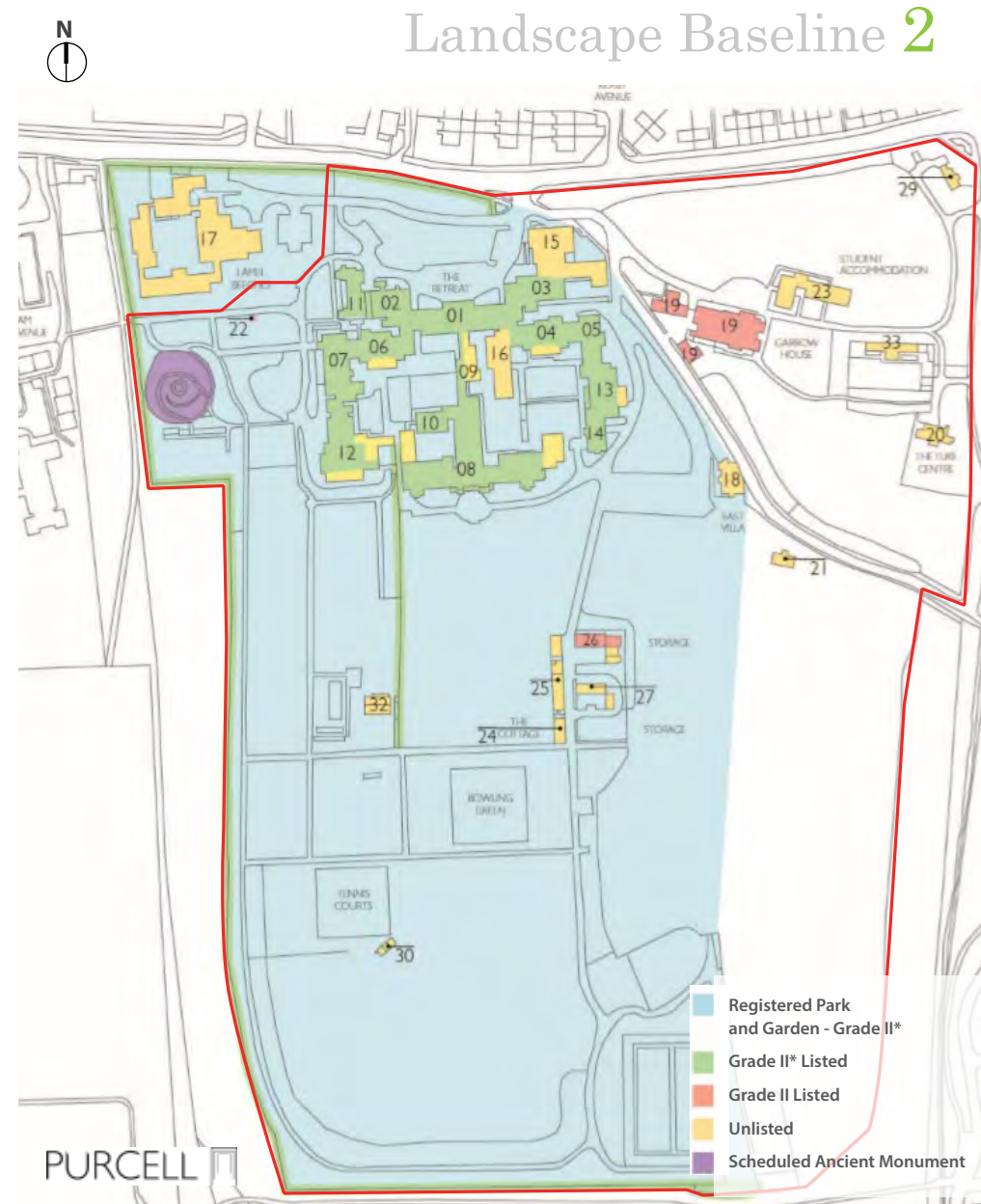
Devised by the asylum reformer William Tuke as a fundamental component of his more enlightened and humane treatment of the insane which was hugely influential in future provision of care for the mentally ill.

INFLUENCE:

The humane treatment pioneered at The Retreat led to the Asylums Act of 1808, the publication by Samuel Tuke in 1813 of a 'Description of The Retreat', including the grounds, led to its wide dissemination both here and abroad, and William Tuke's evidence to the Select Committee on Madhouses (1814 to 1816) contributed to its support of the new reforming ideology and led to the creation of county asylums.

GROUP VALUE:

For its strong historic, aesthetic and functional group value with The Retreat, a pioneering mental asylum in the humane treatment of the mentally ill, listed at Grade II*, with hospital and grounds continuing to be run by the Quakers and providing care for the mentally ill to the present day.



▲ **Figure 11:** Plan illustrating Registered Park and Garden boundary and listed features produced by Purcell. Extracted from Examination of the City of York Local Plan 2017 - 2033 Examination in Public Hearing Statement – Phase I Hearings Hearing Statement, Nov 2019 prepared by Savills on behalf of The Retreat



▲ Figure 12: Extract from the 6-inch OS Map, published in 1853



The Friends' Retreat, near York.



This engraving taken towards the North part of the Retreat was made by a painter in 1842 and was presented to the National Committee for the Friends.

2.6 HISTORIC APPRAISAL

A brief overview of the historic development of the landscape has been carried out to better understand the Site and its designed landscape setting.

The Retreat was established as a hospital for the mentally ill between 1793 and 1797 by the Society of Friends (Quakers) on a previously undeveloped site. William Tuke, the Societies founding member, a Quaker tea-merchant and philanthropist, was a notable asylum reformer. He pioneered the kind and moral treatment of the insane which was hugely influential in future provision of care for the mentally ill. The Society's Vision for The Retreat was to provide humane treatment for the mentally ill, in airy surroundings with access to gardens and farm animals.

The original asylum building was completed in 1796 to designs by John Bevans, a Quaker architect from London, in consultation with William Tuke. The construction was supervised by Peter Atkinson of York. It was then extended in 1799 and altered over the course of the nineteenth and twentieth centuries.

From the outset the landscape setting and the grounds were as important as the building itself. The founding Quakers had aspirations for the grounds to promote the health and wellbeing of patients through recreation and exercise. Most of the grounds lay to the south, or rear of the building with two long strips of fields stretching down towards Walmgate Stray. These were extensively landscaped as exercise fields with walks, large kitchen gardens and a small farm in the manner of a small country house estate. The frontage of the buildings to the north was laid out as ornamental pleasure grounds with serpentine walks, a shrubbery and shaped flower beds. The care taken over the landscaping of the grounds is shown in the purchase of 768 plants from notable York nurseries in 1794, when building work was still in its initial stages. These included 100 Beeches, 30 Black Poplars, 50 Lombardy Poplars, 25 Oaks, 25 Larches, 2 Horse Chestnuts, 2 American Spruce, and many others, as well as shrubs such as honeysuckles and guelder roses. In 1828 an extra strip of fields was purchased on the west side incorporating Lamel Hill. Later in the nineteenth century a variety of increased provision of sports facilities were added including multiple tennis courts, bowling green, croquet lawns and a large cricket field to the south.



▲ Figure13: Extract from the 6-inch OS map, revised in 1929



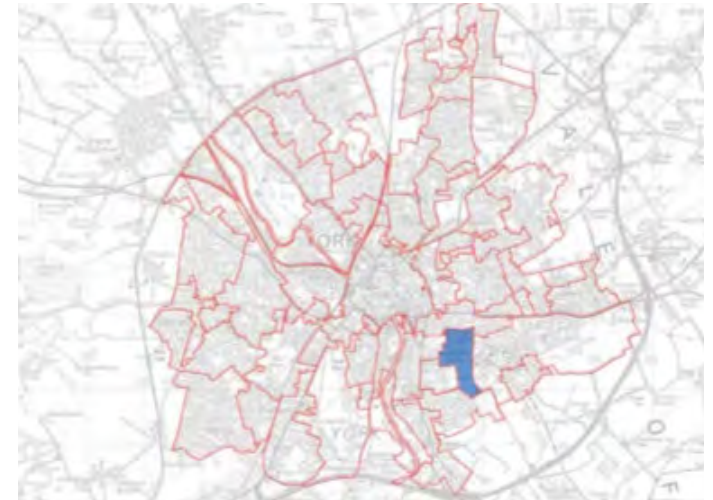
2.7 LANDSCAPE CHARACTER

The 'City of York Historic Environment Characterisation Project' (YHECP) was undertaken in 2013 as part of English Heritage's Characterisation Programme. The project identifies 24 Character Areas across the historic core of the city and 52 Character Areas for Suburban York (areas 25 to 76) from the edges of the Historic Core Conservation Area to the outer ring road with corresponding Character Statements for each area.

The Retreat falls within Area 63: ***The Retreat & Walmgate Stray***

Defining characteristics include:

- Large open public green space with scattered trees and historic hedgerows incorporating Walmgate Stray and Low Moor as well as private parkland area of The Retreat.
- Buildings are generally late 18th to early 19th century and relate to The Retreat or the Stray.
- The Retreat occupies high ground with views north of the city and south over Walmgate Stray, land slopes down towards the south and Low Moor.
- Stray is historically important as common grazing land.
- Important recreational and aesthetic green space – one of York's principal characteristics
- Includes Area of Archaeological Importance – Lamel Hill.
- Extant rural boundaries dating to at least 1750.
- Remains of First and Second World War military training areas.
- Approximate walking/cycling distance to the city centre from the centre of entrance to Walmgate Stray on Heslington Road is 1.6km.
- Dominant Building Type: Three-storey 18th century former institutional building.



▲ **Figure 14:** Character Area 63: The Retreat and Walmgate Stray. Extracted map from City of York Historic Characterisation Project, 2013

- Other Key Building Types: One-storey 19th century former Herdsmen's Cottage and 20th century buildings.
- Designated Heritage Assets: Lamel Hill (SAM) and three Grade II listed buildings, Heslington Road Conservation Area and Lamel Hill Area of Archaeological Importance.
- Non-designated Heritage Assets: Fairfax House, Post-Medieval and possibly older hedgerow boundaries, First and Second World War military training remains, early 20th century allotments and Medieval and Post Medieval ridge and furrow.
- Key Views: Local views of The Retreat from the Stray and university buildings in particular Wentworth College and the Siwards Howe concrete tower from the Stray and Low Moor. Rural views to the south. Glimpses of Layerthorpe chimney and Rowntree/Nestle factory from highest points.
- Surviving historic roads and tracks: Heslington Road, Green Dikes Lane (now unnamed) and informal tracks running north- south-east across the Stray.



Visual Appraisal

3.1 VISUAL APPRAISAL



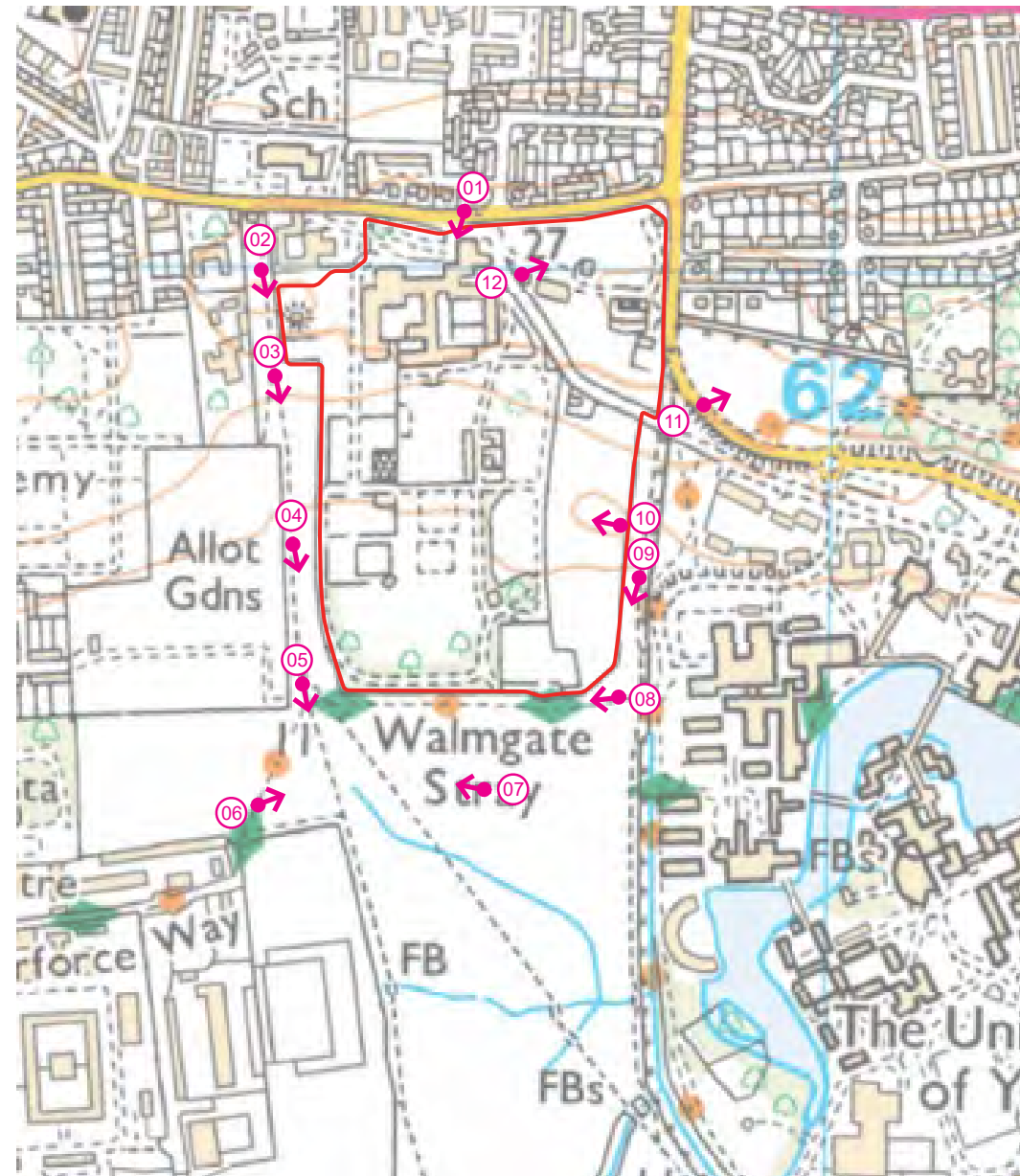
A field survey has been conducted from public receptors. A mix of short to long views were taken.

Public Rights of Way were walked on the day of the field assessment to assess the visibility of the site, its openness and character and its setting within the wider landscape.

The site survey was undertaken in August 2019 when trees were fully in leaf. It should be noted that the site would be more visible during the winter months, when the trees are bare of leaves.

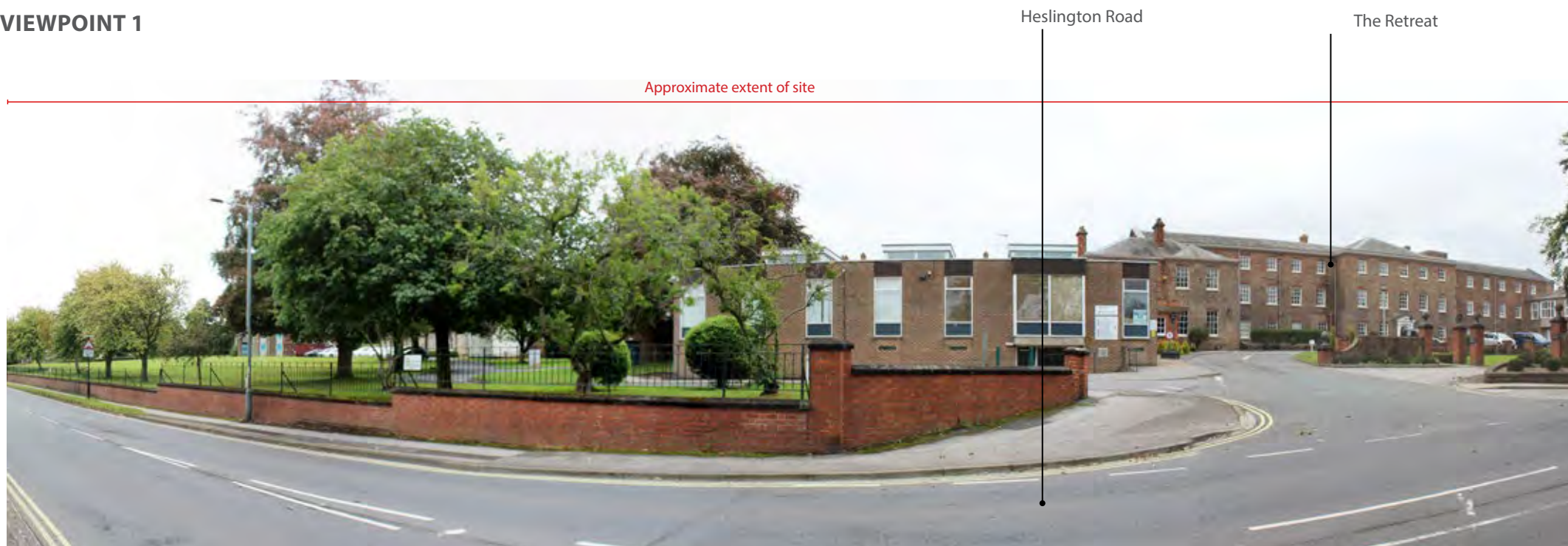
The level of openness is assessed following against the following criteria:

LEVEL OF OPENNESS	
HIGH	<i>The landscape character is very open with expansive long range views and good intervisibility. Built form and existing vegetation is at a scale which does not impeded long range views and retains a sense of remoteness.</i>
MODERATE	<i>The landscape has a degree of openness. Views may be medium to long range with a moderate level of screening by vegetation or built form.</i>
LOW	<i>The landscape is confined, contained or enclosed in character with few inward or outward views. Little inter-visibility with adjacent sensitive landscapes or viewpoints. Views are short range. Medium and long range views are screened by built form or dense/ mature vegetation.</i>



▲ Figure 15: Viewpoint locations

VIEWPOINT 1



▲ Looking south towards the site from entrance to The Retreat off Heslington Road

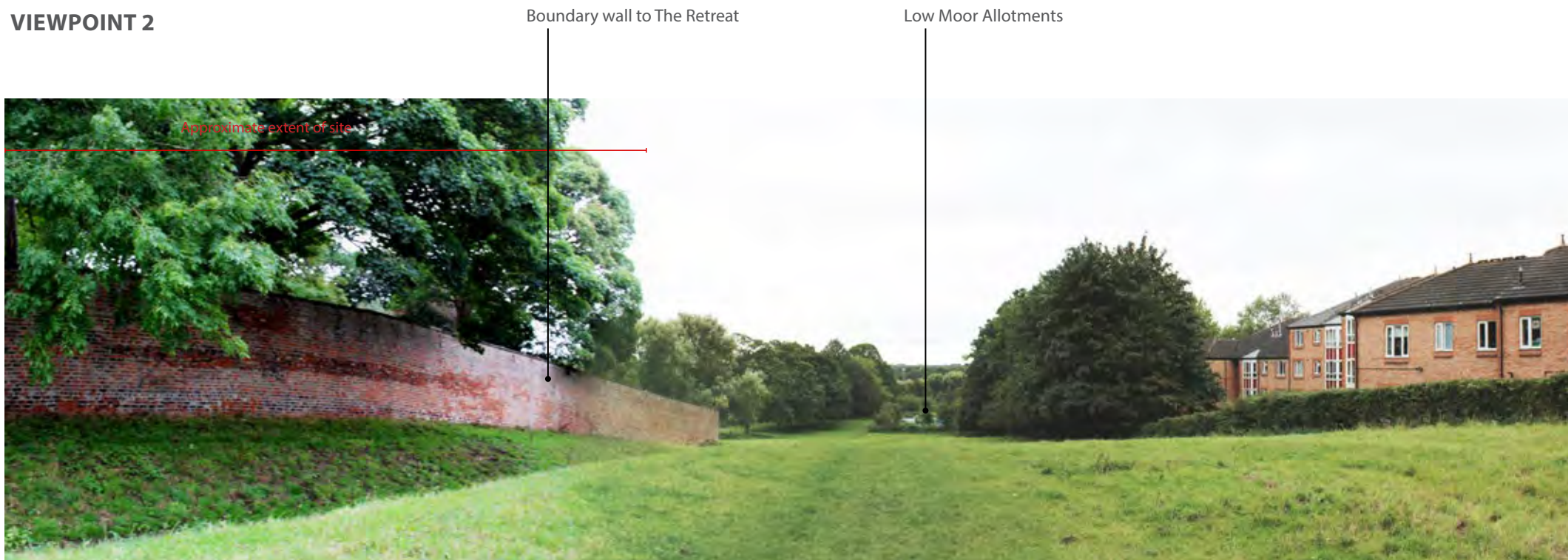
GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE616510	Residential , Recreational (PRoW)and Transport	7	30

This represents views south from Heslington Road looking into the site. The existing buildings and parking areas are visible, set back from the road behind the boundary wall and railings. The setting to the frontage with a large area of mown grass and existing mature trees breaks up views towards the built form.

LEVEL OF OPENNESS

Low	Moderate	High
Presence of built form and existing trees blocks medium/long range views.	Buildings are set back from the road and there are areas of open green space.	

VIEWPOINT 2



▲ Looking south towards Walmgate Stray on the western edge of site.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE614509	Recreational (PRoW)	20	32

This represents views from the northern extent of Walmgate Stray looking south. Residential housing is located to the west. Views into the site are prevented by the existing mature trees and high brick boundary wall of The Retreat.

LEVEL OF OPENNESS

Low	Moderate	High
	<p><i>This is an open area of grassland associated with Walmgate Stray. Long range views to the south are blocked by mature existing trees. Views are constrained by residential housing to the west and the boundary wall and mature trees of The Retreat to the east.</i></p>	

VIEWPOINT 3



▲ Looking south towards Walmgate Stray on the western edge of site.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE614509	Recreational (PRoW)	12	28

This represents views from the northern extent of Walmgate Stray looking south. Views into the site are screened by the existing mature trees and high brick boundary wall of The Retreat.

LEVEL OF OPENNESS

Low	Moderate	High
	<i>This is an open area of grassland associated with Walmgate Stray. Long range views to the south are blocked by mature existing trees. Views are constrained by the boundary wall and mature trees of The Retreat and a dominant line of mature trees within the Stray.</i>	

VIEWPOINT 4

Boundary wall to The Retreat

Low Moor Allotments



▲ Looking south towards Walmgate Stray adjacent to Low Moor allotments.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE614507	Recreational (PRow)	45	18.0

This represents views from the northern extent of Walmgate Stray looking south. Views into the site are screened by the existing mature trees and the boundary wall and railings of The Retreat. Low Moor allotments are to the west.

LEVEL OF OPENNESS

Low	Moderate	High
The landscape is enclosed by a dense line of mature trees and vegetation within the Stray adjacent to the Low Moor allotments. Views are constrained to short range only with glimpses through the canopy to the wider expanse of Walmgate Stray to the south.		

VIEWPOINT 5



▲ Looking south from Walmgate Stray

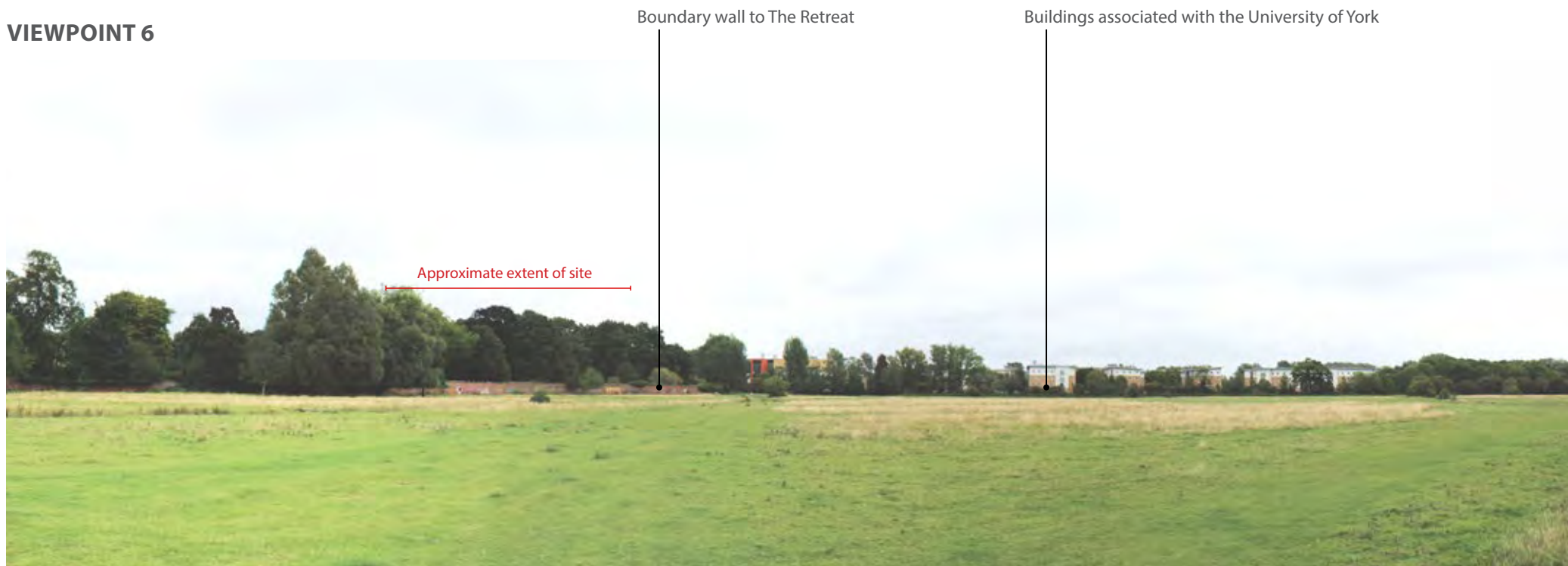
GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE614505	Recreational (PRoW)	46	11.0

This represents views from a formalised footpath running through Walmgate Stray. Long distance views are constrained by the presence of numerous mature trees within the Stray which also reduces the degree of openness. However, glimpsed long distance views south can be experienced through gaps in tree cover and under the canopies of trees.

LEVEL OF OPENNESS

<i>Low</i>	<i>Moderate</i>	<i>High</i>
	<i>This is an open area of grassland associated with Walmgate Stray. Long range views to the south are partially blocked existing trees.</i>	<i>Long range views south between and beneath tree canopies can be appreciated.</i>

VIEWPOINT 6



▲ Looking north east from Walmgate Stray

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE614504	Recreational (PRoW)	1600	13.0

This represents views looking northeast from Walmgate Stray. The landscape is very open in character with long range views in all directions. However, views of the site are screened behind the high brick boundary wall and dense tree canopy along The Retreat's southern boundary.

LEVEL OF OPENNESS

Low	Moderate	High
		Large expanse of grassland and lack of trees or built form within Walmgate Stray to block views.

Buildings associated with the University of York

Approximate extent of site

VIEWPOINT 7



▲ Looking west from Walmgate Stray

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE616504	Recreational (PRow)	83	11.0

This represents views looking west from Walmgate Stray. The landscape is very open in character with long range views. However, views north, towards the site are screened behind the wall and dense tree canopy along The Retreat's southern boundary. The site does not contribute to the openness of this view.

LEVEL OF OPENNESS

<i>Low</i>	<i>Moderate</i>	<i>High</i>
	<i>Views north are constrained by the existing wall and mature trees along the southern boundary of The Retreat.</i>	<i>Long range views south and east across a large expanse of grassland.</i>

Approximate extent of site

VIEWPOINT 8



▲ Looking west from footpath entrance to Walmgate stray from University campus.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE617505	Recreational (PRoW)	1600	35.0

This represents views from a footpath entering Walmgate Stray from the University campus. Views south are far reaching whilst views north and west are partially constrained by mature tree planting along The Retreat's eastern boundary.

LEVEL OF OPENNESS

Low	Moderate	High
	Views north and east are partially constrained by mature tree planting enclosing the space.	Long range views south across a large expanse of grassland.

Mature trees to the eastern boundary of the Stray

Approximate extent of site

VIEWPOINT 9



▲ Looking south from Walmgate Stray

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE(m)	ELEVATION (m AOD)
SE618506	Recreational (PRoW)	17	95.0

This represents views from an informal path running along the northern finger of Walmgate Stray adjacent to The Retreat's eastern boundary. The narrowed of the Stray and the presence of surrounding mature vegetation encloses the footpath and reduces the degree of openness. Views into the site are partially screened by mature trees however this site is more visible than from the west due to the lack of a high boundary wall.

LEVEL OF OPENNESS

Low	Moderate	High
	<i>This is narrowed area of open grassland associated with Walmgate Stray. Long range views to the south are blocked by mature existing trees. Views are constrained by the mature trees either side of which enclose the space</i>	

VIEWPOINT 10



▲ Looking west into the site from Walmgate Stray through a break in the boundary vegetation.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE617507	Recreational (PRoW)	1	17.0

This represents views looking into the site from the eastern boundary within Walmgate Stray. The vegetation cover along the site's eastern edge is broken in places providing unobstructed views into the site. The landscape character is more open due to the larger area of open grassland albeit constrained on all sides by a strong edge of mature trees.

LEVEL OF OPENNESS

Low	Moderate	High
	Long range views are constrained by a strong boundary of mature trees that enclose the space.	A large area of grassland providing an open character.

VIEWPOINT 11



▲ Looking north from University Road

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE618508	Residential , Recreational (PRoW)and Transport	23	26.0

This represents views looking north from University Road across an open area of grass adjacent to the site. The site can not be seen from this viewpoint. Although this view is outside City of York Green Belt it illustrates an open setting to the immediate context of the Green Belt.

LEVEL OF OPENNESS

Low	Moderate	High
	<i>The presence of a large area of grass with relatively little tree cover or built form provides a moderate level of openness and medium range views.</i>	

VIEWPOINT 12

Approximate extent of site



▲ Looking east from access road with The Retreat site.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE616510	Recreational (PRoW)	0	30.0

This represents views across an open area of mown grass at the frontage to The Retreat on the northern edge of the site. This is a relatively small area of open landscape surrounded by 20th century residential development along Heslington Road and The Retreat buildings.

LEVEL OF OPENNESS

Low	Moderate	High
Built form of The Retreat and adjacent residential properties enclose the space along with a level of mature trees prevent medium to long range views.	Presence of an open area of grass provides a degree of openness.	

Conclusion

4 CONCLUSION

The site's contribution to the openness of the City of York Greenbelt is limited by existing built form of The Retreat, the strong line of existing mature trees and the high brick walls that define the site's historic boundary. The findings of the Visual Appraisal conclude that:

- From the north, existing buildings within The Retreat screen views of the wider site and open landscape to the south.
- The mature trees and boundary walls to The Retreat largely screen views from the south and west, preventing any long distance views into the site from Walmgate Stray.
- To the east, glimpsed views into the site are permitted from the narrow "finger" of Walmgate Stray which runs along the site's eastern boundary, through gaps in boundary vegetation.

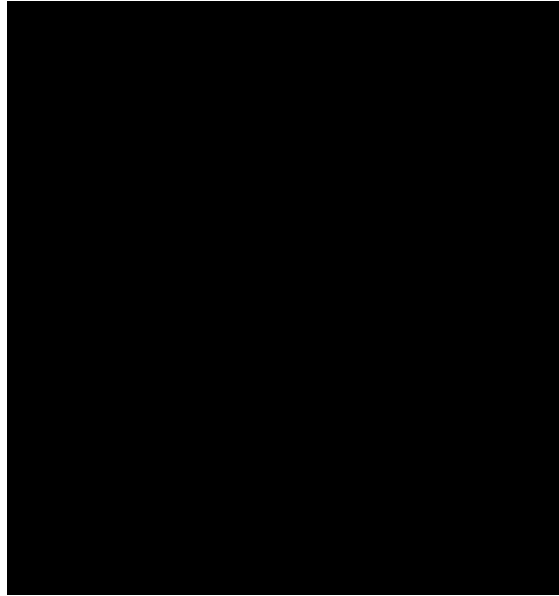
Within the northern part of the site, the large buildings of The Retreat screen views of the wider site from Heslington Road and reduce the sense of openness. Openness is further constrained by adjacent residential properties along Heslington Road and mature trees within the grounds of The Retreat. There is an area of open mown grassland to the frontage of The Retreat along Heslington Road which contributes to the perceived levels of openness. However, this is a relatively small area of open landscape, which is enclosed by the buildings of The Retreat and surrounding residential development.

Much of the surrounding landscape of Walmgate Stray to the south has strong sense of openness with a large expanse of open grassland with far reaching views. However, the northern "fingers" of the stray, that extend either side of The Retreat to the east and west, are constrained either side by built development and the presence of dense mature trees and vegetation. This, combined with the narrowed width of these "fingers" significantly reduces the perceived openness that is experienced compared to the expansive areas of the Stray to the south.

Within the south of The Retreat site is a large area of grassland including a cricket pitch which results in a moderate level of openness. However, the presence of the high brick boundary walls and mature trees along the boundaries of The Retreat prevent these open areas contributing to the perceived openness of the surrounding Stray to the south. There are limited long range views into the site from Walmgate Stray and a lack of intervisibility with the wider landscape. For this reason, the levels of openness associated with Walmgate Stray are not replicated within the site.

In conclusion, the site has a low contribution to the overall openness of the Green Belt. The site as illustrated on the parameter plan is well screened from the wider open landscape and largely enclosed within the existing historic defined boundary of brick walls and mature tree planting.







Appendix 4 Designations Plan



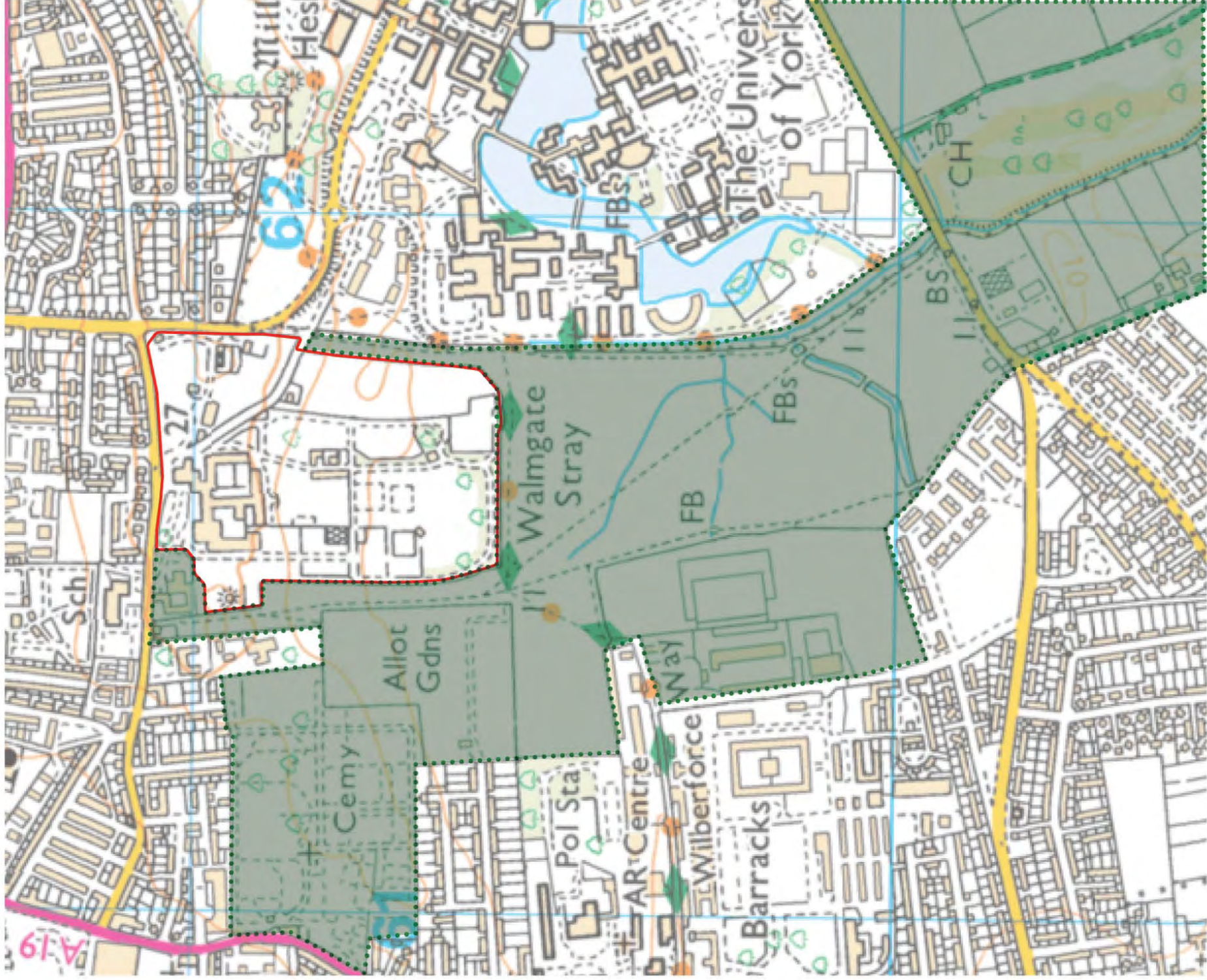
THE RETREAT: DESIGNATIONS

- Registered Park and Garden
- Boundary
- Grade II*
- Grade II
- Unlisted
- Scheduled Monument

This plan is not to scale



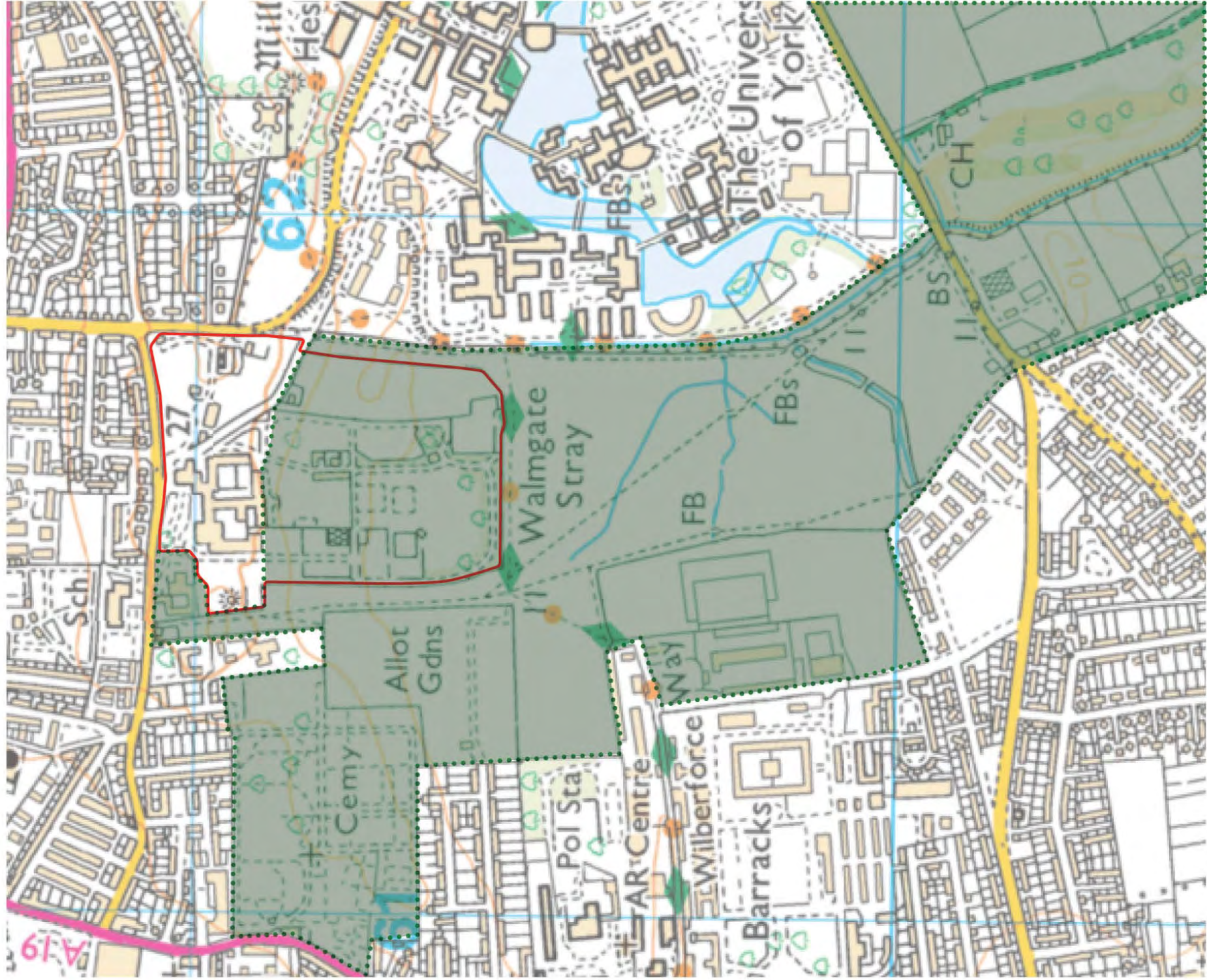
Appendix 5 Revised Proposed Green Belt Boundary



Proposed Green Belt Boundary - Option 1



Appendix 6
Alternative Revised Proposed Green Belt Boundary



Proposed Green Belt Boundary - Option 2

From: [REDACTED]
Sent: 06 July 2021 11:42
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205573
Attachments: Draft_Local_Plan_Proposed_Modifications_and_Evidence_Base_Consultation_Savills_July_2021_combined.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title:

Name: [REDACTED]

Email address: [REDACTED]

Telephone:

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Approach to defining Green Belt Addendum January 2021 (EX/CYC/59)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: No, I do not consider the document to be legally compliant

Please justify why you consider the document to be legally compliant:

Please justify why you do not consider the document to be legally compliant: Please see additional correspondence

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: Please see additional correspondence

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: Please see additional correspondence

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: Please see additional correspondence

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: Please see additional correspondence

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

Draft_Local_Plan_Proposed_Modifications_and_Evidence_Base_Consultation_Savills_July_2021_combined.pdf

Examination of the City of York Local Plan 2017 - 2033

New Local Plan Proposed Modifications and Evidence Base Consultation

Written Representations prepared by Savills on behalf of The Retreat, Heslington Road, York YO10 5BN



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1. Introduction	2
2. Detailed Green Belt Boundaries	7
3. Summary and Conclusion	11
Appendices	12
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Appendix 2 Savills Phase I Hearing Statement	14
Appendix 3 Landscape Appraisal and Assessment of Openness (prepared by the Landscape Agency)	15
Appendix 4 Designations Plan	16
Appendix 5 Revised Proposed Green Belt Boundary	17
Appendix 6 Alternative Revised Proposed Green Belt Boundary	18

Executive Summary

These Representations have been prepared by Savills (UK) Limited on behalf of The Retreat – a mental healthcare facility located at Heslington Road, York YO10 5BN.

We have previously set out during the Phase I Hearings (Examination Ref. EX/HS/M3/Prin/1) why we considered there to be serious deficiencies in the City of York Council evidence base where it relates to defining the detailed Green Belt boundaries. Our previous Hearing Statement set out in detail where these deficiencies lie. In essence, we do not consider that the evidence base contains sufficient assessment of land around York against the five Green Belt purposes as defined by the NPPF.

The Phase I Hearings took place in December 2019 whereby it became apparent that the appointed Inspectors shared this view therefore as part of the EiP process they requested that the Council provide additional evidence to justify their approach to the Green Belt within the Plan. The Council were therefore instructed to undertake further work on its Green Belt assessment methodology and to update Topic Paper 1: Approach to defining York's Green Belt (May 2018) [TP001] and the Topic Paper Addendum (March 2019) [Ex/CYC/18]. This additional work has now been undertaken and these Representations are made in response to the Consultation on this additional work.

In doing so, these Representations seek to provide a proper assessment of the land at The Retreat against the five Green Belt purposes which, irrespective of the Council's additional work referred to above, has never been undertaken before in sufficient detail. This Representation concludes that an alternative Green Belt boundary should be adopted. Such an approach would remove our objection to this Local Plan process.

1. Introduction

- 1.1. These written representations have been prepared by Savills (UK) Limited on behalf The Retreat - a mental healthcare facility located at Heslington Road, York YO10 5BN. A site location plan is contained as Appendix 1 of these Representations.
- 1.2. Crucially, these Representations must be read in conjunction with our Phase I Hearing Statement¹ dated November 2019 which is re-attached as Appendix 2. The evidence contained within this previous Statement and presented at the Phase I Hearings, in conjunction with others, was a significant factor in the formulation Inspector's letter 12th June 2020².
- 1.3. These Representations should also be read in conjunction with the Savills representations to the Proposed Main Modifications dated July 2019, the representations submitted by Carter Jonas at the Publication Draft Stage dated 4th April 2018 and the representations submitted by JLL at the Preferred Sites Stage dated 12 September 2016.
- 1.4. Contained within Appendix 3 to this Representation is a Landscape Appraisal and Assessment of Openness prepared by the Landscape Agency. This is a crucial piece of new evidence base and is referred to throughout.

Background and Context

- 1.5. The Retreat is an institutional campus consisting of a number of buildings set in mature grounds on Heslington Road, York. It has remained in its original use as a mental healthcare facility since its establishment in 1792 by the Society of Friends (known as Quakers) and today, promotes and supports the wellbeing of people affected by mental ill-health in a campus setting. The Retreat was a pioneer in the 'moral treatment', a more humane method of treatment, and influenced the development of care in the UK, North America and beyond. The main buildings have seen organic growth through extension over many years, some of which has been sympathetic to the character of the original main building and some significantly harmful.
- 1.6. The main health care facility is currently housed in the Grade II* listed Retreat building set within the wider site totalling circa 16ha (40 acres). The campus is bound by housing to the north-west, north and north-east. The University of York - Heslington Campus is situated to the east and south-east. To the west and south-west lie the urban greenspaces of York Cemetery and the Low Moor Allotments, with Walmgate Stray to the immediate south. Saint Lawrence's Primary School is also located opposite the site.

¹ Savills Phase I Hearing Statement (Examination Ref. EX/HS/M3/Prin/1)

² Inspector's Letter to CYC of 12th June 2020 (Examination Ref. EX-INS-15-letter-to-lpa-12-june-2020).

- 1.7. The existing buildings on The Retreat Estate are no longer considered fit for health related and clinical purposes. Following a detailed review of assets and approach to healthcare provisions, The Retreat is exploring potential development options for the remainder of the Estate. The Retreat has previously engaged in pre-application discussions with City of York Council (CYC) which concluded positively. Part of The Retreat Estate has since been marketed for sale and The Retreat are currently reviewing bids in detail to identify a suitable purchaser in this respect. The Retreat will retain ownership of part of The Estate and remain involved in the legacy and longevity of the wider site through a close working relationship with the selected purchaser.

Adopted Land Use, Heritage and Environmental Designations

- 1.8. The site in its entirety falls within the wider Retreat and Heslington Road Conservation Area, with a number of heritage designations (Listed Buildings and Scheduled Monuments) also situated across the wider site. In summary, the relevant built heritage designations are:
- a) The Retreat, Listed Grade II*;
 - b) Garrow Hill (aka Garrow House), Listed Grade II;
 - c) Summerhouse, Listed Grade II;
 - d) Various, including East Villa and the Cottage - Curtilage Listed;
 - e) The Tuke Centre - Non-designated Heritage Asset;
 - f) Lamel Hill, Scheduled Monument; and
 - g) Listed Park and Gardens.
- 1.9. A Designations Plan is included at Appendix 4 of this Representation which includes Walmgate Stray a designated Green Wedge.
- 1.10. The site is located within Flood Zone 1 (low probability). The nearest natural watercourse is circa 1.5km west of the site. Online resources confirm there are no environmental 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 also no Tree Preservation Orders covering the site although trees on site are afforded protection by the Conservation Area designation.
- 1.11. Non-definitive footpaths and a cycle path cross Walmgate Stray to the south. Public Rights of Way ref. 47/199/20 runs adjacent to the western boundary of the site and ref: 47/198/10 to the eastern boundary.

Non Adopted Designations

- 1.12. The detailed Green Belt boundaries for York have never been formally set. Self-evidently, identification of the general extent of the Green Belt did not comprise any detailed assessment of land against the five Green Belt purposes (in national policy) and never involved Ordnance Survey mapping. The mapping³ which accompanies the saved RSS policies is high level and individual sites and boundaries are indistinguishable. The 2005 'City of York Draft Local Plan Incorporating the 4th Set of Changes' is used by CYC for the purpose of development control. However, this Plan never achieved adopted status, is dated and never formally set detailed York Green Belt boundaries.
- 1.13. In our Phase I Examination Hearing Statement⁴ we drew attention to the deficiencies in the current approach to Green Belt boundary setting and the methodology uses. These Representations therefore focus on the additional evidence provided by CYC to justify the proposed Green Belt boundaries and outline the case for removing The Retreat from the proposed inclusion within the Green Belt. For completeness, these Representations have been prepared in response to the following documents:
- 1.14. Green Belt Topic Paper Addendum [EXCYC50] and its Annexes 1- 6 [EX/CYC/50a]

Modifications Proposed by CYC

- 1.15. In preparing the revised Green Belt Topic Paper Addendum and its Annexes, the Council have concluded that it would be appropriate to propose modifications to the boundaries originally identified. Annex 6 presents the proposed modifications which seek to *'correct drafting errors, reflect planning decisions made since the publication of previous work, ensure consistency in applying the updated methodology consistently in response to concerns'* ref: [EX-CYC-55].
- 1.16. Annex 3 details the proposed amendments within the Green Belt Inner Boundaries. Notably, Annex 3 proposes an amendment at The Retreat to exclude the main building from the proposed Green Belt. This is detailed at Section 7, Boundary 16 as follows:

³ Figure 2 Page 7 Approach to defining York's Green Belt (TP1)

⁴ Savills Phase I Hearing Statement (Examination Ref. EX/HS/M3/Prin/1) paragraphs 2.3-2.30

The Retreat, York

City of York Council– Local Plan Proposed Modifications and Evidence Base Consultation



Section: 7	Boundaries: 16	Boundary Name: University Road, Heslington Road and The Retreat
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The boundary then continues north along University Road until Thief Lane/Heslington Road. This then continues along to the west of Thief Lane/Heslington Road until the access road to The Retreat. It extends around the access road surrounding The Retreat before continuing west around the curtilage of Lamel Beeches joining back onto Heslington Road. The boundary then follows the tree line south to the rear of properties at William Plows Avenue until the allotments where it returns and carries on north to the southern point of Belle Vue Terrace.

This is a proposed modification from the boundary submitted in the City of York Local Plan (2018). Please see Annex 6 for further details



- 1.17. This is detailed as proposed modification Ref: PM 89 and is supported in principle, alongside the additional evidence provided however, we consider further modifications are required in order to make the draft Plan sound. The proposed amendments to the draft Green Belt boundary in this location does not go far enough.

Modifications Sought

- 1.18. We are seeking based on the evidence put forward in these Representations, changes to the proposed Green Belt boundary to exclude land at The Retreat altogether. The revised proposed Green Belt boundary is therefore shown on the Plan in Appendix 5.
- 1.19. Should the Inspectors not consider this proposed change appropriate, then an alternative proposed Green Belt boundary modification is shown on the Plan in Appendix 6. The Inspectors will note that with this proposed change, the Northern portion of the site with the majority of buildings would remain outside the Green Belt, but The Retreat land to the South would form part of the Green Belt. This would also be consistent with the Green Wedge designation.
- 1.20. The Green Wedge designation and all the land use, conservation and heritage designations identified above would remain unaltered.
- 1.21. Officers and the Inspectors are requested to note that a property known as Lamel Beeches is situated to the north east of The Retreat ownership. It is within the currently proposed Green Belt boundary but outside of the Green Wedge. If the Inspectors are minded to modify the proposed Green Belt inner boundary in a way that these Representations are seeking, then there may be merit in also removing this property from the proposed Green Belt. However, we would stress this is outside the scope of the interests these Representations represent.



- 1.22. Officers and the Inspectors are invited to undertake a detailed site visit to witness the features and situation on the ground. If necessary, access arrangements can be made via Savills.

2. Detailed Green Belt Boundaries

Green Belt Boundaries: Are the proposed detailed Green Belt boundaries appropriate in the context of the NPPF and the five purposes?

- 2.1. We object to the draft Local Plan on the basis the proposed detailed Green Belt boundaries have not been adequately assessed against the five Green Belt purposes. This exercise has recently been attempted for the first time as part of the Local Plan Proposed Modifications and Evidence Base Consultation which is the subject of these Representations. This exercise had not been undertaken as part of the preparation of the Local Plan prior to the previous Phase I Examination Hearings which took place in December 2019.
- 2.2. These representations and subsequent Examination therefore represent the opportunity for there to be a critical assessment of the exercise conducted by CYC in drawing up detailed Green Belt boundaries. Such an exercise should proceed on the basis of a robust analysis against the five Green Belt purposes set out at paragraph 80 of the NPPF. We contend that the assessment conducted by CYC is insufficient. In our original Hearing Statement⁵ we drew attention to the deficiencies in the CYC evidence base and the approach taken to setting Green Belt boundaries.
- 2.3. We have reviewed the approach undertaken by CYC in an attempt to define York's Green Belt Addendum: Annex 3: Inner Boundaries (Part 3: Sections 7-8) [EX_CYC-59e]. Notably, Section 7 Boundary 16 of this document.
- 2.4. We have also undertaken our own Green Belt assessment against the five purposes below. This exercise is limited in its scope to the land holdings of The Retreat and the immediate surrounding areas. This part of the Representations needs to be read in conjunction with the Landscape Appraisal and Assessment of Openness prepared by the Landscape Agency and is contained within Appendix 3.
- 2.5. The NPPF⁶ requires that the Green Belt serves five purposes. These are identified below along with our own assessment against these criteria.

Purpose 1 - to check the unrestricted sprawl of large built-up areas.

- 2.6. It is recognised that in many instances around York it is necessary to include land within the Green Belt in order to check unrestricted sprawl. However, this does not apply to the Retreat. The North of the site is already occupied by buildings and is not 'open' land in a Green Belt context. The existing buildings on site include the Grade II* main building, other listed buildings, non listed buildings, a Scheduled Ancient Monument and other structures. As is appropriate, very restrictive planning controls are associated with these heritage assets and designations. These heritage related designations should not be confused with Green Belt purposes.

⁵ Savills Phase I Hearing Statement (Examination Ref. EX/HS/M3/Prin/1) paragraphs 2.3-2.30

⁶ NPPF 2012 paragraph 80

2.7. The land at the Retreat does not fulfil Purpose 1 because it is already developed with buildings, other structures and curtilage land. It is part of the urban fabric of York. The critical question is if the Green Belt designation were removed from the Retreat site, would this facilitate unrestricted sprawl in this part of York. This answer is no. The site is already previously developed land and as is demonstrated in evidence below is not open and is of a typical density for this part of York. It should already be considered part of the urban fabric of York and it reads as such. In this regard alone, the inner Green Belt boundary is proposed to be incorrectly set. The Green Belt boundary should be set beyond The Retreat land.

2.8. In addition to the above, the restrictive heritage designations on site mean that very little change can take place on the site in any event. In summary, the City of York will not ‘sprawl’ because the site is already developed and levels of development on site are unlikely to materially alter because of the heritage designations.

Purpose 2 - to prevent neighbouring towns merging into one another.

2.9. York does not have any nearby major settlements which could merge. Draft allocated Green Belt land at the Retreat is not fulfilling any role under this purpose. This view aligns with that of CYC as detailed in the updated Topic Paper 1: Approach to defining Green Belt Addendum [EX_CYC_59].

Purpose 3 - to assist in safeguarding the countryside from encroachment.

2.10. The land at the Retreat does not meet Purpose 3 because it is not countryside. As set out above, it is a previously developed site with formal registered walled gardens. The land it is completely different in terms of character, appearance and openness when compared to the open countryside further to the South which is also subject to a Green Wedge designation. Draft allocated Green Belt land at The Retreat is not fulfilling any role under this purpose.

Purpose 4 - to preserve the setting and special character of historic towns.

2.11. See para 2.12 below.

Purpose 5 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

2.12. In the context of York there is very little derelict land. The central sites which are to be regenerated and recycled are well known, complex and proposals are being brought forward. The removal of The Retreat from the Green Belt will have no implications for these central sites. Purpose 5 is not relevant in this context.

2.13. The updated Topic Paper 1: Approach to defining Green Belt Addendum [EX_CYC_59] details that this purpose is considered to be achieved through the overall effect of the York Green Belt, rather than through the identification of particular parcels of land which must be kept permanently open. This view is supported.

Assessment Under Purpose 4 - to preserve the setting and special character of historic towns.

- 2.14. The updated Topic Paper 1: Approach to defining Green Belt Addendum [EX_CYC_59] outlines that CYC place a primary emphasis on the fourth NPPF Green Belt purpose and recognises this fourth purpose as the most appropriate in the context of York. This view is supported in principle however it is considered that this has not been adequately assessed in the evidence provided by CYC.
- 2.15. In order to thoroughly assess the land at The Retreat against purpose 4, the following further evidence is presented below :
- Landscape Appraisal and Assessment of Openness prepared by the Landscape Agency; and
 - Commentary on CYC Density Assessment.

Landscape Appraisal and Assessment of Openness prepared by the Landscape Agency

- 2.16. The site's contribution to the openness of the Green Belt is limited by existing built form of The Retreat, the strong line of existing mature trees and the high brick walls that define the site's historic boundary. The findings of the Visual Appraisal conclude that :
- Within the northern part of the site, the large buildings of The Retreat screen views of the wider site from Heslington Road and reduce the sense of openness. Openness is further constrained by adjacent residential properties along Heslington Road and mature trees within the grounds of The Retreat. There is an area of open mown grassland to the frontage of The Retreat along Heslington Road which contributes to the perceived levels of openness. However, this is a relatively small area of open landscape, which is enclosed by the buildings of The Retreat and surrounding residential development. It should be read as a small area of open space within the urban fabric of York.
 - Within the south of The Retreat site is a large area of grassland including a cricket pitch which results in a moderate level of openness. However, the presence of the high brick boundary walls and mature trees along the boundaries of The Retreat prevent these open areas contributing to the perceived openness of the surrounding Stray to the south. There are limited long range views into the site from Walmgate Stray and a lack of intervisibility with the wider landscape. For this reason, the levels of openness associated with Walmgate Stray are not replicated within the site.
 - Much of the surrounding landscape of Walmgate Stray to the south has strong sense of openness with a large expanse of open grassland with far reaching views. However, the northern "fingers" of the stray, that extend either side of The Retreat to the east and west, are constrained either side by built development and the presence of dense mature trees and vegetation. This, combined with the narrowed width of these "fingers" significantly reduces the perceived openness that is experienced compared to the expansive areas of the Stray to the south.
 - The Assessment concludes the site has a low contribution to the overall openness of the Green Belt.

CYC Density Assessment

- 2.17. As set out earlier in this Representation, The Retreat is a previously developed site with a number of significant historical and conservation designations. These designations do not mean it should automatically be within the Green Belt.
- 2.18. The draft Local Plan⁷ contains a density assessment. We did not comment on this assessment in our Phase I Hearing Statement and do so briefly here. There is not much detail, but in essence the exercise breaks York down into 250 square meter grids and then seeks to identify the urban area and then those areas with a density of 33 or more structures per 250 sqm and those which are less than 33 structures per 250 sqm. We believe this approach to be incorrect for the following reasons :
- i. It is not clear how the 250 square meter grid has been positioned on York. The positioning of each grid will have implications for the density within it. Clearly a grid square on the urban fringe could include a significant area of non developed land, then by definition the overall density within that square would be reduced even if the developed area within that same grid square was actually very dense. This cannot be right;
 - ii. We do not know what the threshold of 33 structures is based on;
 - iii. The number of structures is the incorrect measurement. A significant building such as The Retreat Main Building allows for significant dense forms of development / use, but it only counts as one structure. This cannot be right; and
 - iv. In many ways the higher the number of structures, the greater the openness because there will be gaps and views between buildings. Or to put it another way, a smaller number of larger structures will result in a less open townscape / landscape. Again, this points to the deficiencies in assessing Green Belt openness on the basis of densities.

⁷ Paragraph 64 (page 44), Topic Paper TP1 Addendum March 2019

3. Summary and Conclusion

- 3.1. Therefore, in conclusion, when the land at The Retreat is assessed against the five Green Belt purposes, it is clear that it does not perform a Green Belt function. The proposed designation of The Retreat within the Green Belt has been based on a confused assessment process which has utilised the restrictive heritage and conservation designations as being the basis for a Green Belt designation. This is clearly incorrect.
- 3.2. On the basis of the evidence contained within these Representations we therefore respectfully request the Council and appointed Inspectors to set the inner Green Belt boundary, insofar as it is relevant to The Retreat, in accordance with the Modifications Sought within this Representation.



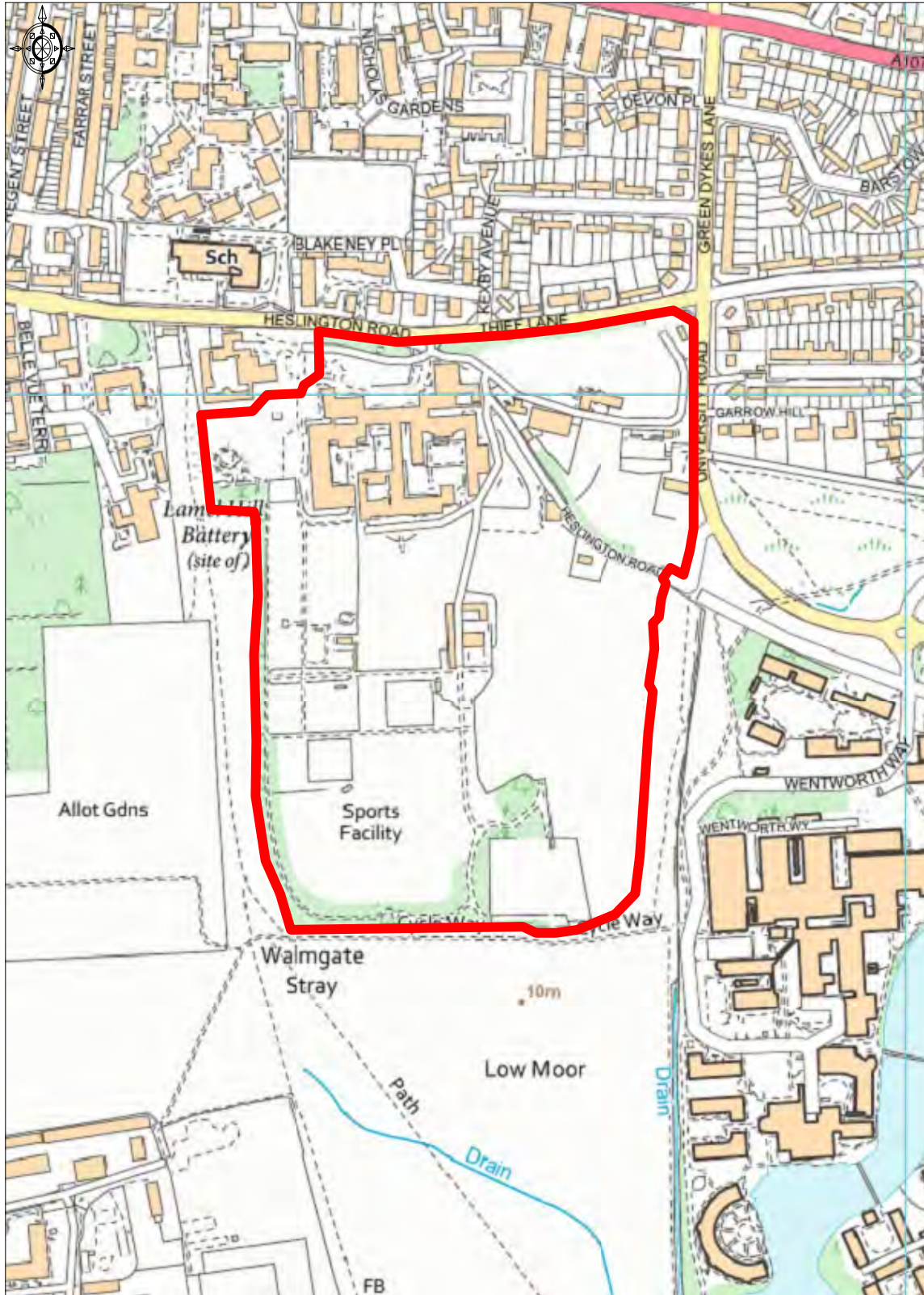
Appendices



Appendix 1 Site Location Plan

The Retreat, York

Site Location Plan





Appendix 2 Savills Phase I Hearing Statement

Examination of the City of York Local Plan 2017 - 2033

Examination in Public Hearing Statement – Phase I Hearings

Hearing Statement prepared by Savills on behalf of The Retreat,
Heslington Road, York YO10 5BN



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Executive Summary

This Hearing Statement has been prepared by Savills (UK) Limited on behalf of The Retreat – a mental healthcare facility located at Heslington Road, York YO10 5BN.

We consider there are serious deficiencies in the City of York Council evidence base where it relates to defining the detailed Green Belt boundaries. This Statement sets out in detail where these deficiencies lie. In essence, we do not consider that the evidence base contains any proper assessment of land around York against the five Green Belt purposes as defined by the NPPF. Accordingly, the emerging plan is neither justified nor consistent with national policy (as required by paragraph 182 of the Framework). These deficiencies go to the soundness of the Plan.

1. Introduction

- 1.1. This Hearing Statement has been prepared by Savills (UK) Limited on behalf The Retreat - a mental healthcare facility located at Heslington Road, York YO10 5BN. A site location plan is contained at Appendix 1 of this Statement.
- 1.2. This Statement should be read in conjunction with the Savills representations to the Proposed Main Modifications dated July 2019, the representations submitted by Carter Jonas at the Publication Draft Stage dated 4th April 2018 and the representations submitted by JLL at the Preferred Sites Stage dated 12 September 2016.
- 1.3. The Retreat is an institutional campus consisting of a number of buildings set in mature grounds on Heslington Road, York. It has remained in its original use as a mental healthcare facility since its establishment in 1792 by the Society of Friends (known as Quakers) and today, promotes and supports the wellbeing of people affected by mental ill-health in a campus setting. The Retreat was a pioneer in the 'moral treatment', a more humane method of treatment, and influenced the development of care in the UK, North America and beyond. The main buildings have seen organic growth through extension over many years, some of which has been sympathetic to the character of the original main building and some significantly harmful.
- 1.4. The main health care facility is currently housed in the Grade II* listed Retreat building set within the wider site totalling circa 16ha (40 acres). The campus is bound by housing to the north-west, north and north-east. The University of York - Heslington Campus is situated to the east and south-east. To the west and south-west lie the urban greenspaces of York Cemetery and the Low Moor Allotments, with Walmgate Stray to the immediate south. Saint Lawrence's Primary School is also located opposite the site.
- 1.5. The existing buildings on The Retreat Estate are no longer considered fit for health related and clinical purposes. Following a detailed review of assets and approach to healthcare provisions, The Retreat is exploring potential development options for the remainder of the Estate. The Retreat is currently engaged with positive pre-application discussions with City of York Council (CYC).

Adopted Land Use, Heritage and Environmental Designations

- 1.6. The site in its entirety falls within the wider Retreat and Heslington Road Conservation Area, with a number of heritage designations (Listed Buildings and Scheduled Monuments) also situated across the wider site. In summary, the relevant built heritage designations are:
- a) The Retreat, Listed Grade II*;
 - b) Garrow Hill (aka Garrow House), Listed Grade II;
 - c) Summerhouse, Listed Grade II;
 - d) Various, including East Villa and the Cottage - Curtilage Listed;
 - e) The Tuke Centre - Non-designated Heritage Asset;
 - f) Lamel Hill, Scheduled Monument; and
 - g) Listed Park and Gardens.
- 1.7. A Designations Plan is included at Appendix 2 of this Statement.
- 1.8. The site is located within Flood Zone 1 (low probability), and therefore the land is defined as having a less than 1 in 1,000 annual probability of flooding. The nearest natural watercourse is circa 1.5km west of the site. Online resources confirm there are no environmental 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 also no Tree Preservation Orders covering the site although trees on site are afforded protection by the Conservation Area designation.
- 1.9. Non-definitive footpaths and a cycle path cross Walmgate Stray to the south. Public Rights of Way ref. 47/199/20 runs adjacent to the western boundary of the site and ref: 47/198/10 to the eastern boundary.

Approach to the Examination in Public

- 1.10. This Statement is directed at specific matters, issues and questions raised for the Phase I Hearings. Broadly, this Statement is directed at CYC's approach and methodology for setting the detailed boundary of the Green Belt.
- 1.11. It is anticipated that a later phase of the examination in public will be concerned with site specific matters, including the question of whether or not the Site (or parts of the Site) should be included within the Green Belt. The Retreat will submit Hearing Statements in respect of any later phase of the examination in accordance with the Inspectors' directions.
- 1.12. Reference has been made to the following CYC documents in producing this Hearing Statement: -
- i. Approach to the Green Belt Appraisal – February 2003 – Ref SD107A;
 - ii. Approach to the Green Belt Appraisal South Map – February 2003 – Ref SD107C ;
 - iii. Green Belt Topic Paper 1 - May 2018 – Ref TP1;
 - iv. Green Belt Topic Paper 1 Addendum – March 2019 – Ref EX/CYC/18;
 - v. Green Belt Topic Paper 1 Annex 1 – March 2019 – Ref EX/CYC/18f;
 - vi. Green Belt Topic Paper 1 Annex 3 (Inner Boundary) – March 2019 – Ref EX/CYC/18d;



- vii. Green Belt Topic Paper 1 Annex 4 (Urban Areas in the Green Belt) – March 2019 – Ref EX/CYC/18c;
- viii. Green Belt Topic Paper 1 Annex 5 (Development Sites in the Green Belt) – March 2019 – Ref EX/CYC/18b; and
- ix. Green Belt Topic Paper 1 Annex 6 – March 2019 – Ref EX/CYC/18a;

2. Matter 3 – Green Belt

Matter 3 – Green Belt: principles, the approach to defining the Green Belt boundaries, exceptional circumstances and the approach to identifying land to be ‘released’ from the Green Belt for development

The questions concerning Green Belt are aimed at the strategic level. Later questions during the Phase 2 hearings will address the issue of exceptional circumstances and other issues in relation to specific sites. In responding to the following questions, consideration should be in the context of the Council’s Topic Paper 1 relating to the Green Belt [CD021], the Council’s Topic Paper 1: Addendum [EX/CYC/18] and the proposed alterations and modifications to the Plan resulting from that document, set out in Annex 6 [EX/CYC/18a].

Principles:

3.1 Paragraph 10.1 of the Plan states that “the plan creates a Green Belt for York that will provide a lasting framework to shape the future development of the city”. For the purposes of Paragraph 82 of the National Planning Policy Framework, is the Local Plan proposing to establish any new Green Belt?

b) If not, does the Local Plan propose to remove any land from the established general extent of the Green Belt? If it does, is it necessary to demonstrate that exceptional circumstances exist to warrant that approach? Or is it the case that the Local Plan establishes the Green Belt boundaries for the first time, such that the exclusion of land from the Green Belt – such as at the ‘garden villages’, for example – is a matter of establishing Green Belt boundaries rather than altering them, in the terms of Paragraph 82 of the Framework?

- 2.1. Whilst the general extent of the York Green Belt is identified through saved (“non-revoked”) Policies YH9c and Y1c of the Yorkshire and Humberside Regional Spatial Strategy, the detailed boundaries of the Green Belt are being set for the first time. The general extent of the Green Belt is identified by reference to an approximate 6 mile radius from the City Centre. Self-evidently, identification of the general extent of the Green Belt did not comprise any detailed assessment of land against the five Green Belt purposes (in national policy) and never involved Ordnance Survey mapping. The mapping¹ which accompanies the saved RSS policies is high level and individual sites and boundaries are indistinguishable.
- 2.2. The 2005 'City of York Draft Local Plan Incorporating the 4th Set of Changes' is used by CYC for the purpose of development control. However, this Plan never achieved adopted status, is dated and never formally set detailed York Green Belt boundaries.
- 2.3. This Examination therefore represents the opportunity for there to be a critical assessment of the exercise conducted by CYC in drawing up detailed Green Belt boundaries. Such an exercise should proceed on the basis of a robust analysis against the five Green Belt purposes set out at paragraph 80 of the NPPF. We contend that the assessment conducted by CYC is deficient. This is explored further below.

¹ Figure 2 Page 7 Approach to defining York’s Green Belt (TP1)

3.2 Paragraph 1.1.1 of the Council’s “Approach to defining York’s Green Belt” Topic Paper (TP1) [CD021] says “York’s Local Plan will formally define the boundary of the York Green Belt for the first time.” How has the Council approached the task of delineating the Green Belt boundaries shown on the Policies Map? In particular:

2.4. We agree with the acknowledgement at Paragraph 1.1.1. that this Local Plan will formally define the boundary of the York Green Belt for the first time. We address the question of how CYC has sought to define GB boundaries in the context of the emerging Local Plan in the commentary set out below.

3.5 Overall, are the Green Belt boundaries in the plan appropriately defined and consistent with national policy in the National Planning Policy Framework, and is the Plan sound in this regard?

2.5. We do not consider that the Green Belt boundaries in the draft Local Plan have been appropriately defined and nor are they consistent with national policy as set out in the NPPF. We have undertaken a detailed review of the evidence base relating to the York Green Belt and draw on the following evidence to support our position.

City of York Local Plan - Approach to the Green Belt Appraisal – February 2003 – Ref SD107A and Approach to the Green Belt Appraisal South Map – February 2003 – Ref SD107C;

2.6. This document is dated, but is referred to and relied upon in more recent evidence base documents which are considered below. The document sets out the five Green Belt purposes and then identifies², on a desk based assessment, a number of elements which the document considers defined the character and setting of the City. These are Open approaches to the City; Green Wedges, Views of the Minster, Character of the Landscape, Urban form, Relationship between the urban edge and the countryside and the Relationship with surrounding villages. The document then goes on³ to identify areas which retain, reinforce and extend the pattern of historic Green Wedges. Nowhere in this document are the identified areas of land assessed in terms of their performance against the five Green Belt purposes identified in national policy.

2.7. In terms of The Retreat, the accompanying map identifies the Southern portion of the site as falling within a Green Wedge with the identification of area C3⁴ as an extension to Walmgate Stray. The Northern portion of the site is excluded from these suggested designations. These aspects will be discussed in greater detail later in the Examination process.

Green Belt Topic Paper 1 - May 2018 – Ref TP1 – TP001

2.8. This document draws on the February 2003 Appraisal identified above⁵. However, as noted above, the February 2003 Appraisal failed to test the performance of parcels of land against the five Green Belt purposes.

² Section 4 Page 6

³ Section 6 Page 9

⁴ See map and Page 12

⁵ Figure 4 Page 15 and paragraph 4.3.12 Page 16

- 2.9. Whilst paragraph 4.2.4 of the Green Belt Topic Paper 1 records that, “The boundary of the Green Belt is the consequence of decisions about which land serves a Green Belt purpose and which can be allocated for development”, there is a continuing failure to assess parcels of land against Green Belt Purposes.
- 2.10. At paragraph 4.3.19 it is stated that Figure 7⁶, “shows how land around York contributes to one or more green belt purposes...”. Self-evidently, Figure 7 does not show how land around York contributes to one or more of the green belt purposes. In particular:
- i. there has been no assessment of individual parcels of land against the five Green Belt purposes. This is a fundamental flaw in the evidence base,
 - ii. whilst the NPPF⁷ identifies sustainable patterns of development as a relevant consideration when drawing up or reviewing Green Belt boundaries, the relevance of that factor does not dilute the requirement for an assessment against the five Green Belt purposes. The correct approach should be to assess the relevant land against the five Green Belt purposes and then to consider other factors (for example, as part of the process of identifying whether or not land should be made available for development),
 - iii. Figure 7 contains ‘islands’ of Green Belt within central York. The fact that CYC’s analysis (that purports to show land said to serve one or more Green Belt purposes) identifies islands of land in central York demonstrates the flaws in CYC’s approach. These spaces may perform other environmental roles, or have other open space designations or constraints, but this does not mean they perform a Green Belt purpose.
- 2.11. Table 1⁸ identifies the five Green Belt purposes and then applies site selection criteria. In terms of Green Belt purpose 1 – checking unrestricted sprawl and purpose 3 – safeguarding the countryside from encroachment, CYC appears to rely on other open space designations, access to services, sites of nature conservation, ancient woodland and flood zones as a proxy for measuring the performance of sites against Green Belt purposes. This approach is self-evidently incorrect. These other environmental designations are not the equivalent of Green Belt purposes.

Green Belt Topic Paper 1 Addendum – March 2019 – Ref EX/CYC/18

- 2.12. At paragraph 4.1 (page 11) of “the Addendum”, CYC states that its section 4 adds further detail to TP1, “in particular how the approach and evidence base relates to the five NPPF (2012) purposes of Green Belt”. This document at page 12 works through the five Green Belt purposes.
- 2.13. The analysis with regard to Purpose 4 relies, for the most part, on the 2003 Appraisal (commented on above).

⁶ Pages 20 and 22

⁷ NPPF 2012 para 84

⁸ Table 1 – Site Selection principles relevant to Green Belt Purposes – Page 24

- 2.14. With regard to Purpose 1, paragraphs 4.23 - 4.25 address the broad requirement of achieving sustainable development patterns as set out at paragraph 84 of the NPPF. That requirement is separate from the purposes to be served by land within the Green Belt. The exercise of drawing up Green Belt boundaries requires a clear assessment against the five Green Belt purposes. Other considerations (for example, related to sustainable patterns of development) are not a substitute for that assessment. In this document the assessment against Green Belt Purpose 1 appears to have been substituted by an assessment against NPPF paragraph 84.
- 2.15. With regard to Purpose 2, CYC states at paragraph 4.27 that, 'York does not have any major towns close to the general extent of the Green Belt, so the potential issue of towns merging does not arise'. However, at paragraph 4.29 CYC refers to other designations including Strays, and Common Land that form part of Green Wedges that are said to, "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". Self-evidently, that role is not the same as Purpose 2. Accordingly, there has been no clear assessment of the performance of land parcels against Purpose 2.
- 2.16. With regard to Purpose 3 at paragraphs 4.36 and 4.37, CYC identifies Nature Conservation Sites, Existing Open Space, Green Infrastructure Corridors and Ancient Woodlands as important features of the open countryside which should remain permanently open. Again, this approach fails to assess land against the Green Belt purpose. Whilst these other designations are relevant in their own right, they are not the equivalent of performing a Green Belt purpose. The NPPF⁹ states that 'once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land'. In other words, once land has been designated as Green Belt (because it performs a Green Belt purpose), steps should be taken to enhance its use (e.g. in landscape, recreation or ecological terms).
- 2.17. The same Figure 7 appears in the Addendum as appears in TP1. Paragraph 4.42 states that Figure 7, "shows land which, when assessed against the five purposes of Green Belt, has been identified as strategically important to keep permanently open." It is clear that by reference to TP1 and the Addendum, there has been no proper assessment of land against the 5 purposes of Green Belt.
- 2.18. Section 5 of the Addendum considers the identification of Green Belt boundaries and from paragraph 5.16 onwards considers the Inner boundary. Paragraph 5.16 records the appropriate objective ("to establish long term development limits to the built up area, and distinguish land that needs to be kept permanently open to meet the purposes of Green Belt..."). However, paragraph 5.17 simply sets out that the inner boundary is 'taken to be that which adjoins the main built up areas which radiates out from the historic core of the city'. Self-evidently, that is not the correct approach. Each parcel of land which is in or close to the inner boundary needs to be assessed against the five Green Belt purposes.
- 2.19. At paragraph 5.25 – 5.26 the Inner boundary is divided into eight main sections for analysis. The Retreat falls within Section 7 of Figure 15. The Inner boundary is said to be defined by the 'built up edge of York' (see "Summary" on page 30).

⁹ NPPF 2012 paragraph 81

- 2.20. Section 5c on page 31 identifies criteria for boundary delineation. On page 31 of the Addendum previous errors are repeated and compounded in that environmental and heritage designations are put forward as the equivalent to performance of the five Green Belt purposes (see part 1 of the “Openness Criteria”). As set out previously in this Statement, that approach is incorrect. These environmental and heritage designations are important in their own right, but they are not the same as performance of a Green Belt purpose.
- 2.21. Accordingly, contrary to paragraph 5.41 of the Addendum, land has not been identified by reference to its fulfilment of Green Belt purposes, whether in section 4 of the Addendum or anywhere else (for completeness, we note that the word ‘not’ in paragraph 5.39 is a typographical error).
- 2.22. Part 2 of the “Openness Criteria” (the “Local Assessment”) confuses matters further by referring to local historic assets as being somehow relevant to the designation of land as Green Belt. Paragraphs 5.46 – 5.48 refer again to local historic assets and in particular the identification of conservation areas, listed buildings, scheduled ancient monuments, historic park and gardens and city views. These assets and designations have significance in their own right but that significance is not the same as performance of a Green Belt purpose.
- 2.23. In a similar way paragraphs 5.59 – 5.60 identify other assets such as school playing fields which in some cases may be considered part of the urban environment, but in other cases part of the open countryside.
- 2.24. The suggestion (at paragraph 5.44) that, “Whilst some of these local considerations relate to the 5 purposes...they have been assessed broadly in relation to their contribution to overall openness” does not provide any adequate (or coherent) explanation to justify CYC’s flawed approach.

Safeguarded Land

- 2.25. We do have concerns that the setting of Green Belt boundaries are not being approached with sufficient longevity in mind. Green Belt boundaries are supposed to endure beyond Plan periods. It is important that the boundary endures not just for this Local Plan, but for at least the next one as well.
- 2.26. The Plan currently proposes to allocate enough land to endure for a minimum of 20 years to 2037 / 2038 i.e. beyond the Plan period of 2033¹⁰. Accordingly, the Green Belt boundary will be in need of review to meet further employment and housing needs by the end of the current Local Plan period (in order to make provision for the next Plan period). Even if the proposed allocations are not developed in their entirety during the emerging Local Plan period, they are insufficient, on their own, to accommodate the likely development needs for the next Plan period. Additional sites will need to be found and this is highly likely to require a further Green Belt review.
- 2.27. The proper means for avoiding that outcome is the identification in the emerging plan of Safeguarded Land.

¹⁰ Paragraph 7.15 – Green Belt TP1 Addendum - March 2019

Green Belt Topic Paper 1 Annex 3 (Inner Boundary) – March 2019 – Ref EX/CYC/18d

- 2.28. This document is more site specific in nature and for the first time in the evidence base, more detailed boundaries are considered based on Ordnance Survey mapping. We intend to submit a Hearing Statement on site specific boundaries for the Green Belt (that are relevant to the Retreat) at the appropriate time i.e. before the Phase 2 Hearings. We note at this stage that insofar as the drawing of detailed boundaries adopts and relies on the flawed approach in the TP1 and TP1 Addendum documents outlined above, then this exercise (set out in Annex 3) is also flawed.
- 2.29. In the meantime, we have the following initial comments to make : -
- i. even in this more detailed site specific analysis, there is still no proper assessment against the five Green Belt purposes,
 - ii. under the very brief commentary against purposes 4 & 2 reference is made to 'The Approach to the Green Belt Appraisal' 2003 on which we have already commented in this Statement and drawn attention to its lack of assessment against the five Green Belt purposes,
 - iii. the commentary in respect of The Retreat refers to 'adjacent land' as being important in terms of Green Wedges and Walmgate Stray. The presence of other designations on adjacent land does not support Green Belt designation of The Retreat,
 - iv. the analysis is factually incorrect. For example, there is a Scheduled Ancient Monument within the site, and,
 - v. it would appear that ECUS did not undertake a landscape appraisal of The Retreat.
- 2.30. As stated above, our site specific evidence in respect of The Retreat will be submitted in accordance with the Inspectors' directions directed at later Examination Hearing sessions.



Appendices



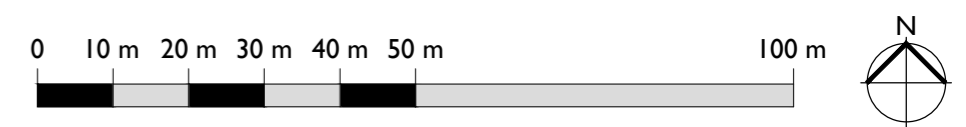
Appendix 1 Site Location Plan



I Site Plan
005 I:1000

- Key:**
- Extent of The Retreat Ownership
 - Existing Buildings
 - Building to be demolished
 - Roads, Paths, Parking
 - Green Space

- Indicative Parameters:**
- Zone 2a South Garrow Triangle
 - Zone 2b North Garrow Triangle
 - Zone 3 Main Building - Residential Use or Hotel Use
 - Zone 4
 - Zone 5



Notes:
Drawings are based on survey data and may not accurately represent what is physically present.
Do not scale from this drawing. All dimensions are to be verified on site before proceeding with the work.
All dimensions are in millimeters unless noted otherwise.
Purcell shall be notified in writing of any discrepancies.

B	07/12/2018	JHB	JHB	
A	27/11/2018	DZ	JHB	
C	08/08/2019	TB	TB	
First Issue	06/11/18	RM		
ISSUE	DATE	DRAWN	CHECKED	DESCRIPTION

CLIENT
The Retreat York

PROJECT
The Retreat York

DRAWING TITLE
Parameters Plan

SIZE & SCALE
A1L

DRAWING STATUS
Work in Progress

JOB NUMBER 238382

DRAWING NO. 005 recover

REVISION F

PURCELL



Appendix 2 Designations Plan



THE RETREAT: DESIGNATIONS

- Registered Park and Garden
- Boundary
- Grade II*
- Grade II
- Unlisted
- Scheduled Monument

This plan is not to scale



Appendix 3 Landscape Appraisal and Assessment of Openness (prepared by the Landscape Agency)



The Retreat, York
Landscape Appraisal and Assessment of Openness
City of York Council – Local Plan

Document Title	Project Number	Prepared for	Prepared by	Date	Reviewed by
Landscape Appraisal and Assessment of Openness	1322	Savills	Ed.Payne	September 2020	Patrick James

Revision	Description	Prepared by	Date	Reviewed by
A	Document updated following comments from client.	Rosie Turner	25.09.2020	Ed.Payne
B	Document updated following comments from client.	Rosie Turner	30.09.2020	Ed.Payne
C	Document updated following comments from client.	Rosie Turner	05.10.2020	Ed.Payne

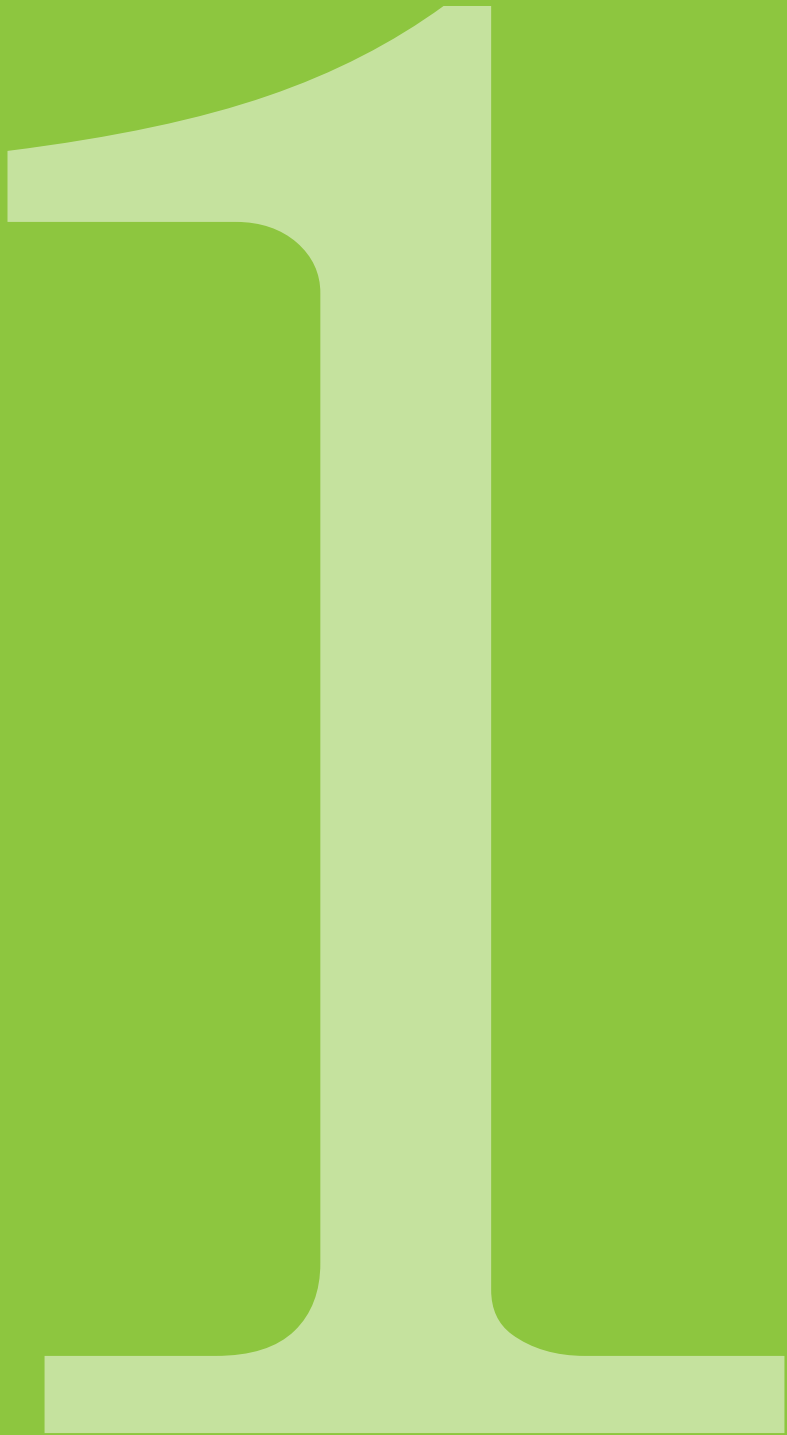









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Introduction

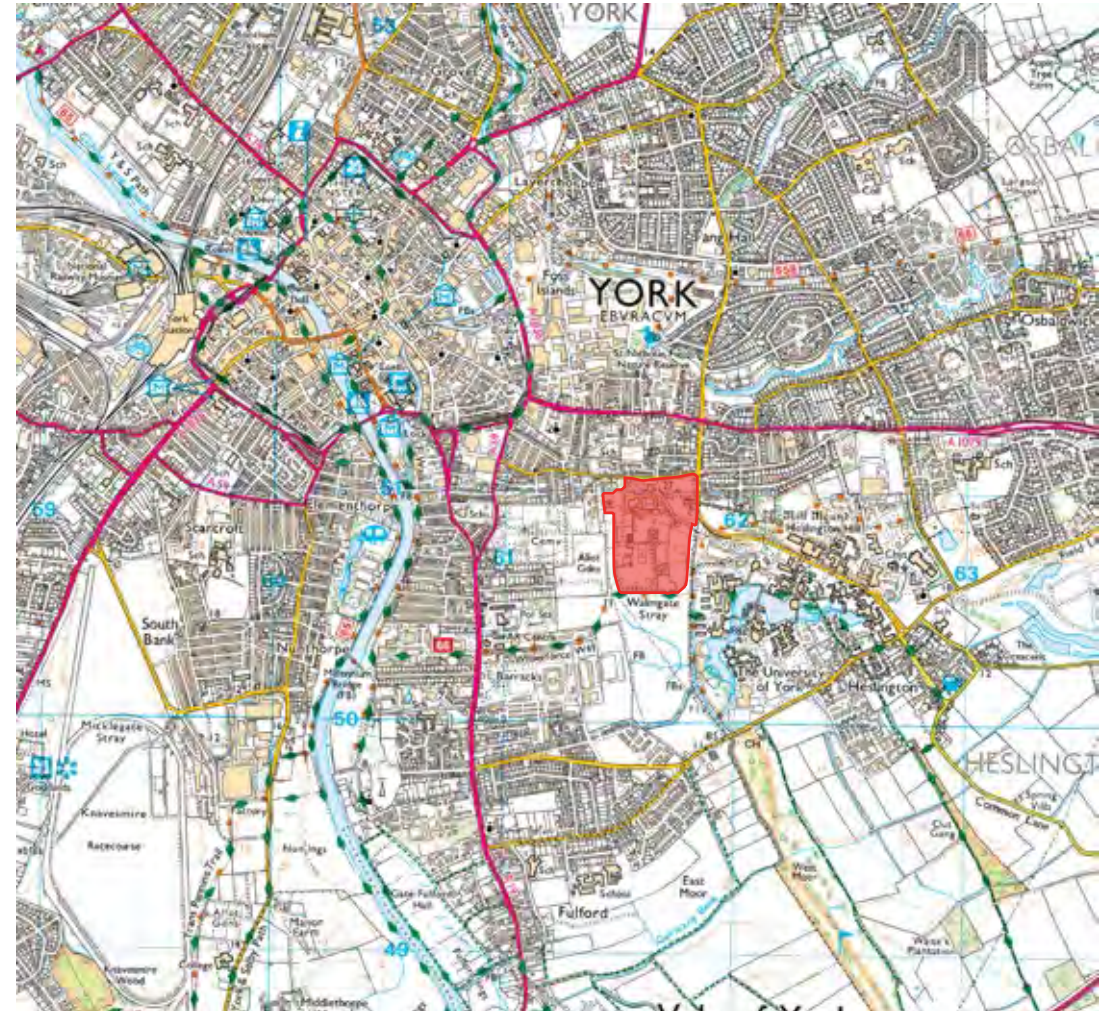


1.1 PURPOSE OF THE DOCUMENT

The Landscape Agency has been commissioned by Savills Ltd. to undertake an initial Landscape Appraisal and Assessment of Openness to support an Examination in Public as part of the City of York's Council's emerging Local Plan process.

The project involves development proposals for The Retreat, a historic mental healthcare facility set within extensive mature gardens and grounds, on Heslington Road, York. The main aims of this report are to:

- Develop an understanding of the context, including landscape designations, history and landscape character of the site and its immediate setting.
- Assess the visibility of the site from key public receptors including public roads and Rights of Way.
- Assess the visual openness of the site and its contribution to the Green Belt including impacts on long and short distance views and visual links to the wider City of York Council Green Belt.



▲ Figure 1. Site location



SAINT LAWRENCE'S
PRIMARY SCHOOL

HESLINGTON ROAD

THEIR LANE



THE RETREAT

YORK CEMENTARY

UNIVERSITY ROAD

LOW MOOR ALLOTMENTS

UNIVERSITY OF
YORK

▲ Figure 2. Aerial Map of site

1.2 THE SITE

The site is located at The Retreat, a historic mental health unit located on Heslington Road adjacent to the University of York. The main health care facility is located within the Grade II* listed Retreat buildings set within the wider estate totalling approximately 16ha (40 acres). Much of the site is also a Grade II* listed Registered Park and Garden .

The site is bound by housing to the north-west, north and north-east. Saint Lawrence's Primary School is located to the north of the site on the opposite side of Heslington Road. The University of York - Heslington Campus is situated to the east and south-east. To the west and south-west lie the urban greenspaces of York Cemetery and the Low Moor Allotments. Walmgate Stray, a historic area of open common land is located to the immediate south.

The existing mental health facility at The Retreat is no longer considered fit for purpose. Following a detailed review of assets and approach to healthcare provisions, The Retreat is exploring potential residential development options for the Estate and is currently engaged with positive pre-application discussions with City of York Council (CYC).

Current proposals comprise the following plots:

Plot 1 - Daffodil Field

Mix of 3 and 4 storey blocks

Plot 2a - South Garrow Triangle

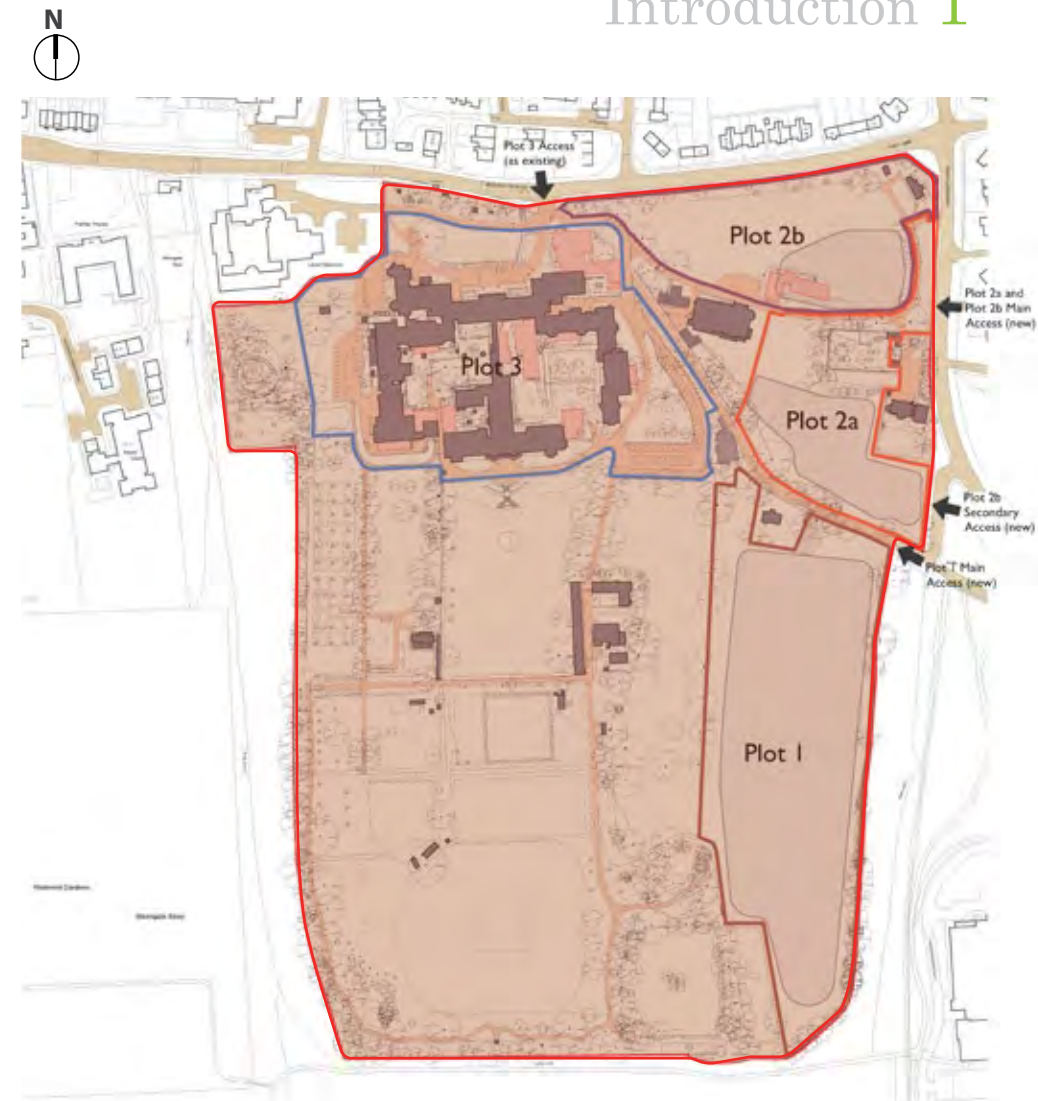
3 storey building

Plot 2b - North Garrow Triangle

2 storey building

Plot 3 - Main Building - Residential Use

Approximately 150no. 2 bed units



▲ **Figure 3.** The Site

1.3 SITE PHOTOGRAPHS



▲ **Figure 4.** Photo viewpoint locations



▲ **A.** High brick boundary wall with archway entrance adjacent to Heslington Road.



▲ **B.** Brick retaining wall with metal railings adjacent to Heslington Road near the entrance to The Retreat.



▲ C. High brick boundary wall running along western boundary adjacent to Walmgate Stray.



▲ E. The high brick wall along the western edge reduces in height and is replaced with railings for a portion of the boundary before returning to a high wall.



▲ D. High brick boundary wall running along southern boundary adjacent to Walmgate Stray.



▲ F. The entrance to The Retreat along Heslington Road.



Landscape Baseline



2.1 LANDSCAPE DESIGNATIONS

This section outlines the statutory designations that cover the site and its immediate context. It summarises designations, both at a national and local level.

Designations include:

Green Belt
the site is covered by the City of York Council's Green Belt which is currently under review as part of the Local Plan examination process. Refer to section 2.2 for further details.

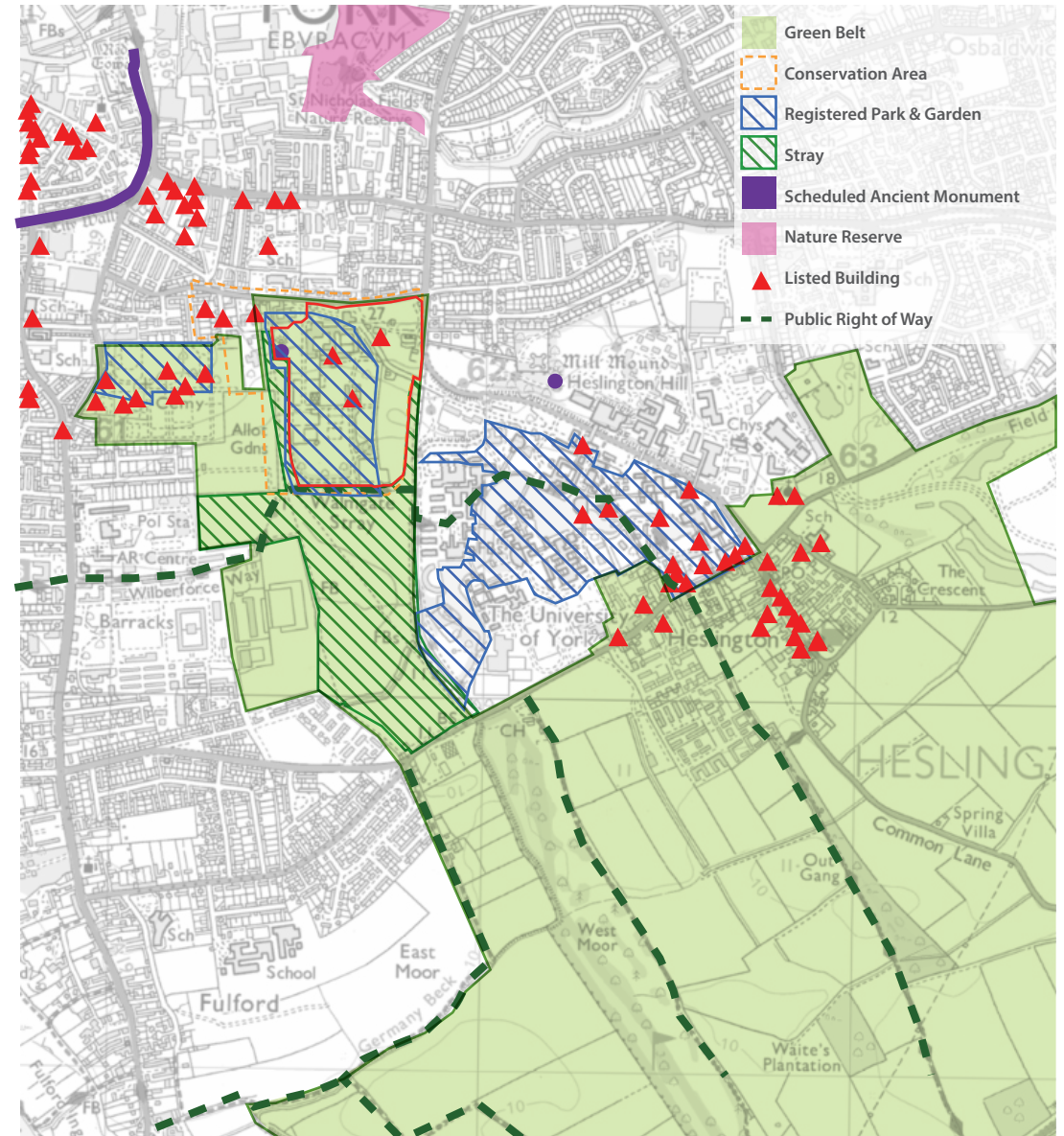
Conservation Area
The entirety of the site falls within The Retreat and Heslington Road Conservation Area, designated to manage and protect the areas special architectural and historic interest. Refer to section 2.3 for further details.

Registered Park and Garden
The historic grounds of The Retreat are also designated a Grade II* Registered Park and Garden. Refer to section 2.5 for further details.

The Victorian York Cemetery to the west of the site is also a Grade II* Listed Registered Park and Garden and much of the original designed landscape at the University of York Campus West to the east of The Retreat is a Grade II listed Registered Park and Garden.

Scheduled Ancient Monuments: A designated Scheduled Ancient Monument, Lamel Hill, is located within The Retreat site boundary, towards the north west of the site. The Anglo-Saxon burial mound was used as a gun emplacement during the siege of York in the Civil War.

Within the wider setting, Scheduled Ancient Monuments in close proximity to The Retreat include Siwards How at Heslington Hill and a section of the City Walls to the north west.



▲ Figure 5. Landscape Designations



▲ Walmgate Stray



▲ Walmgate Stray

LANDSCAPE DESIGNATIONS (Cont.)

▣ Walmgate Stray

Walmgate stray, a historic area of open pasture, lies immediately to the south of The Retreat. Walmgate stray is one of four historic strays within the city, which in total encompass approximately 800 acres (323 ha) of land. Historically, the Freeman of York held established grazing rights across the strays and Walmgate Stray is still grazed in part today. The stray has also been retained for public use with a network of footpaths and is now managed by the City of York Council. The stray forms an important open landscape within the city and is a valuable remnant of York's historic landscape. Refer to section 2.3 for further details.

▲ Listed Buildings

The Retreat is Grade II* Listed. This listing covers a range of the historic built features including the boundary walls. Additional listed buildings within the site boundary include the Grade II listed Garrow Hill (aka Garrow House) towards the north east corner, a Grade II listed Summerhouse within grounds to the north west and the Grade II listed Stables and coach house with attached mortuary within the grounds to the east. Refer to section 2.5 for a detailed location plan.

There are a large number of listed buildings within the historic urban setting surrounding the site.

Tree Preservation Orders:

Many of the large mature trees along the boundaries of The Retreat and within Walmgate Stray have been served Tree Preservation Orders (TPOs).

■ Nature Reserve:

St Nicholas Field Nature Reserve is located approximately 500m to the north of The Retreat. The former landfill site was transformed in the 1990's to provide a local nature reserve in the heart of the city.

■ ■ ■ Public Rights of Way:

There are no Public Right of Way within The Retreat site. However, a public right of way runs along the site's southern boundary within Walmgate Stray, providing a footpath and cycle link from the University and Heslington to Fulford linking to Millennium bridge. Further Public Rights of Way are located to the south of the Stray and provide footpath links to Heslington Common and the Minster Way.

2.2 THE CITY OF YORK GREEN BELT

The National Planning Policy Framework (NPPF) sets out government's planning policies for England and how these are expected to be applied. Paragraph 134 of the NPPF defines the five purposes of the green belt:

1. To check the unrestricted sprawl of large built-up areas;
2. To prevent neighbouring towns from 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.

The City of York Council's Local Plan is currently under examination and will formally define the boundary of the York Green Belt for the first time. In May 2018, as part of the evidence to support the Local Plan, The City of York Council published 'Topic Paper (TP1) - Approach to Defining York's Green Belt. This paper describes the methodology used to determine an appropriate boundary, maintaining openness and preserving the special character and setting of the historic City.

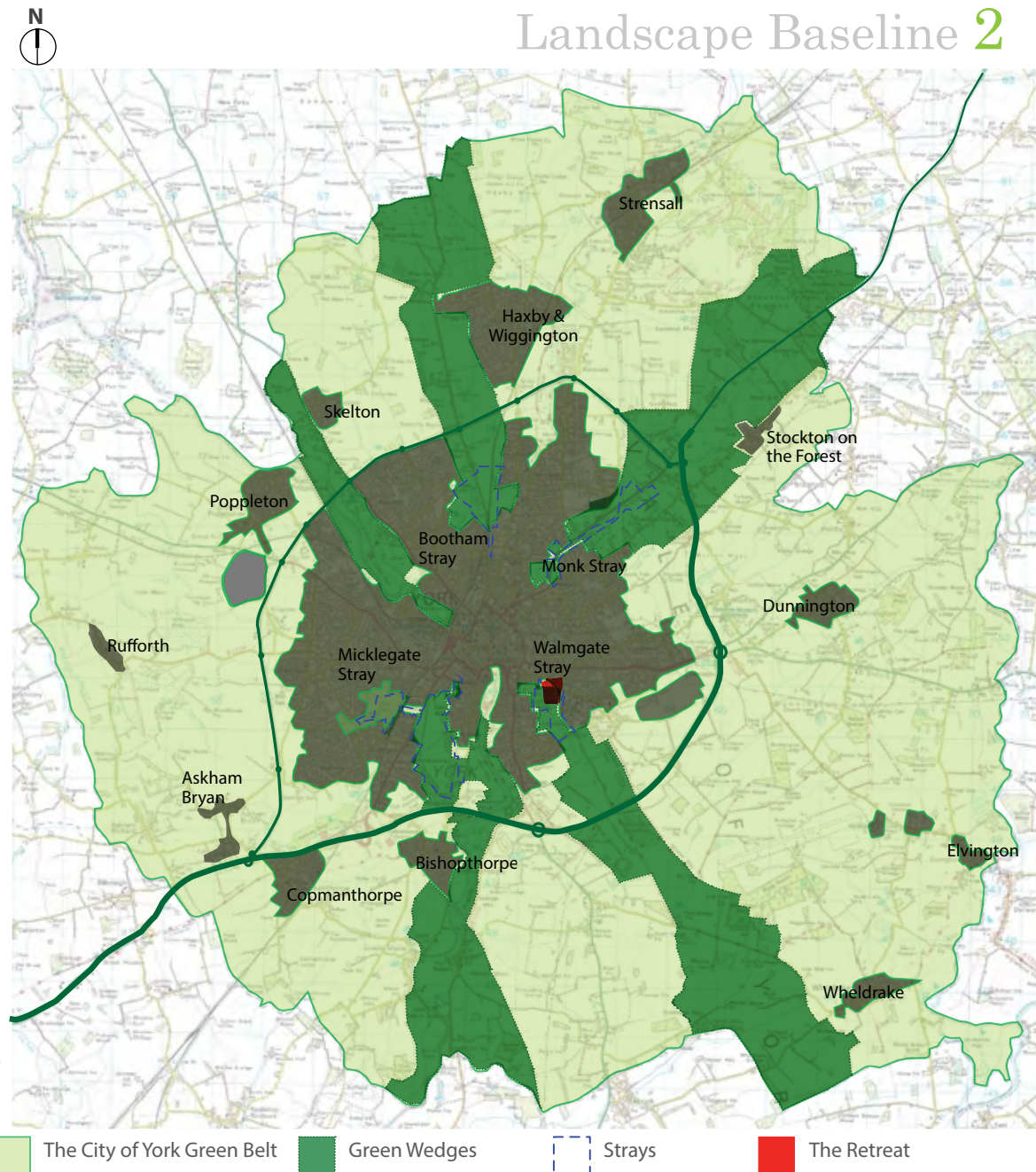
The Green Belt includes five Green Wedges, broad tracts of undeveloped extending from the countryside into the City. The Green Wedges are usually bounded on three sides by urban development, part of which comprises the historic Strays and Ings and river floodplains.

"The Green Wedges prevent the lateral coalescence of different parts of the urban area, and help 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 City Centre, allowing views to be enjoyed, including those towards the Minster.

Green Wedges have helped 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 City of York Council published 'Topic Paper (TP1) Approach to Defining York's Green Belt.



▲ **Figure6:** City of York Green Belt

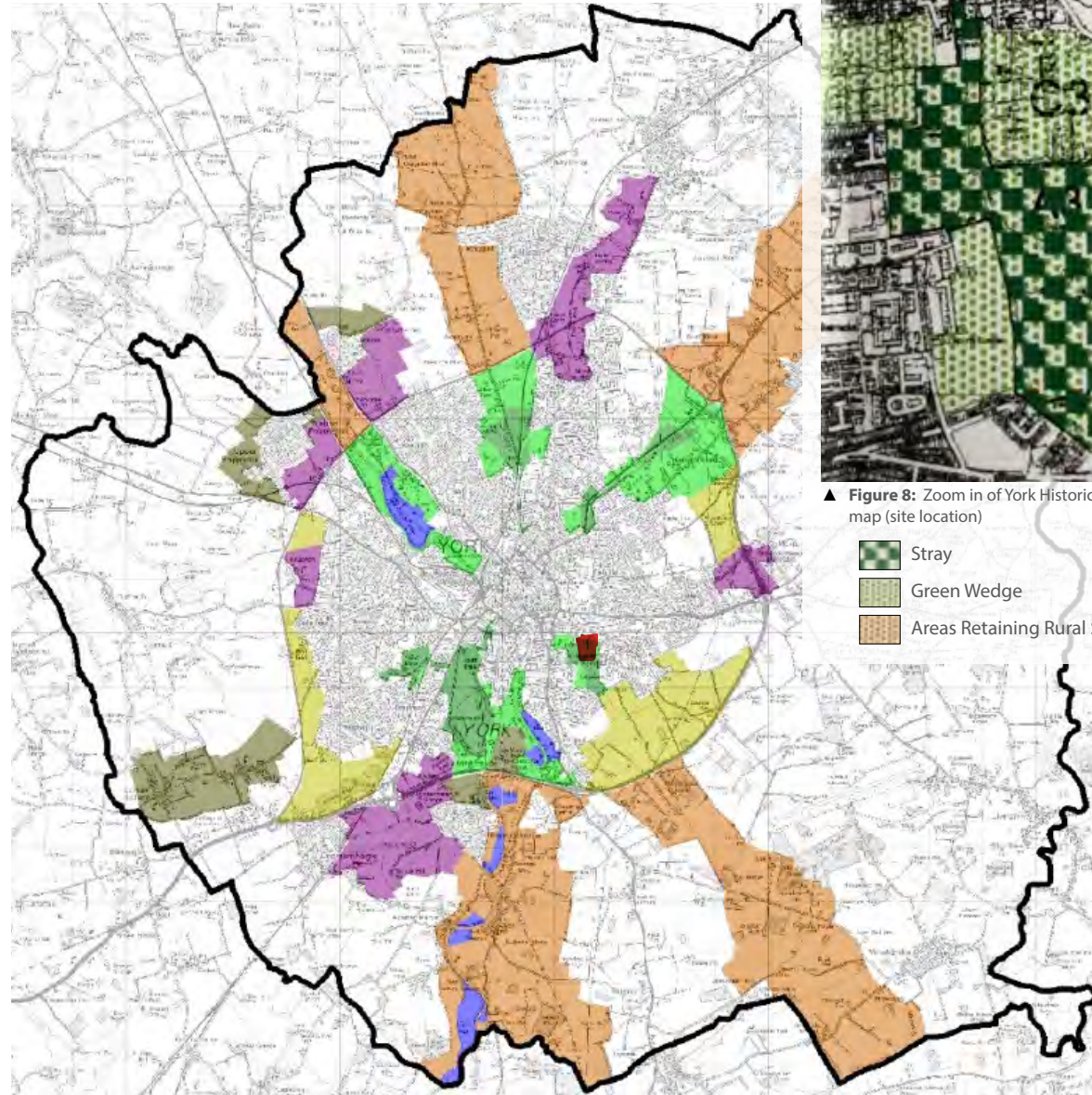
THE CITY OF YORK GREEN BELT (Cont.)

Within TP1 the Council concluded that the historic character and setting of the City in the context of the Green Belt could be defined in terms of the following elements:

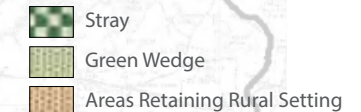
- Areas which retain, reinforce and extend the pattern of historic green wedges.
- The setting of villages whose traditional form, character and relationship with the surrounding agricultural landscape is substantially changed.
- Areas which provide an impression of a historic City situated within a rural setting.
- Areas which prevent the coalescence of settlements to retain their individual identity

Figure 7 opposite, extracted from TP1, demonstrates survey work carried out by the Council identifying land outside the existing built up areas that should be retained as open land, protected by the Green Belt, due to their role in preserving the historic character and setting of York.

In terms of The Retreat, the southern section of The Retreat falls within a Green Wedge as an extension to Walmgate Stray. However, the presence of the historic brick boundary walls to the east and south of The Retreat prevent the grounds of The Retreat extending into Walmgate Stray.



▲ **Figure 8:** Zoom in of York Historic Character and Setting map (site location)



▲ **Figure 7:** Historic Character and Setting map extracted from City of York Local Plan - Approach to defining York's Green Belt (TP1)

2.3 THE RETREAT / HESLINGTON ROAD CONSERVATION AREA

The Retreat/Heslington Road Conservation Area covers 22 ha of land occupying the highest ground south of the City and commands views northwards across the City of York and southwards over Walmgate Stray towards Fulford. The Conservation Area was designated in 1975.

The entire Retreat site falls within the Conservation Area including the designated Scheduled Ancient Monument, Lamel Hill, a large mound raised during the Civil war. The area around the mound includes an extensive late Roman or Anglian cemetery, because of this Lamel Hill has also been designated an Area of Archaeological Importance.

The Retreat is the focal point of the Conservation Area.

Defining Characteristics

The main elements of the character and appearance of the area are:

1. The Retreat - set in parkland **surrounded by high obscuring walls** but with views out. The Retreat grounds were enclosed with high walls to keep the patients safe inside the garden areas.
2. A series of **gardens and adjoining parkland** surrounding The Retreat. These were laid out with numerous ornamental and shrubs and with hedges in a series of gardens and parkland. In the 1850s further areas were purchased and the hospital extended whilst still retaining its parkland setting.
3. Pleasant Victorian suburban housing on Belle Vue Terrace, some of which are listed, **forms an edge to the open space.**
4. The **open character of the Conservation Area extends west to York Cemetery, south to Walmgate Stray and east to the landscaped campus of the University.** It consists mainly of open greenspace on the edge of the city located within the City of York Council's Green Belt.



▲ Figure 9: The Retreat / Heslington Road Conservation Area

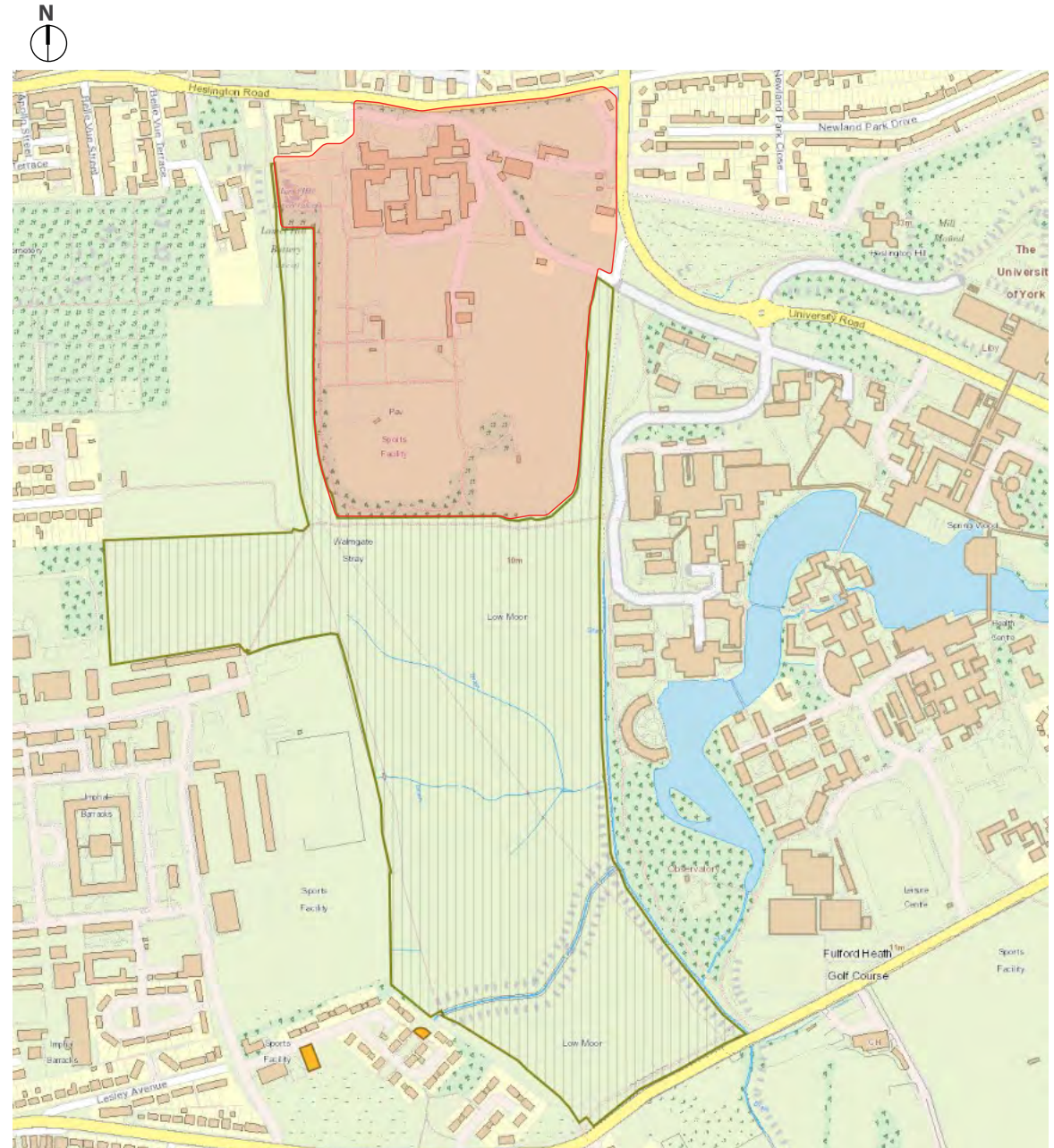
2.4 WALMGATE STRAY

Walmgate Stray is located immediately to the south of The Retreat, a historic area of open common. Walmgate Stray is one of four historic strays in the City which also include Micklegate Stray (which includes the Knavesmire and Hob Moor), Bootham Stray and Monk Stray.

Walmgate Stray consists of around 32 hectares (79 acres) of pasture, located immediately to the south of The Retreat. The main area of Walmgate Stray, between the southern boundary of The Retreat and Heslington Lane, is known as Low Moor. Although the Stray remains largely open pasture, a large part of its north-western corner is occupied by council allotment plots, known as Low Moor Allotments.

The Strays are the remains of much greater areas of common land on which the hereditary Freemen of the City had the right to graze cattle. After the Parliamentary Enclosures of the eighteenth and early nineteenth centuries, whereby commons were enclosed and rights of pasturage extinguished, areas of grazing land were allotted to the Freemen in lieu of their existing rights. Together with the Knavesmire and Hob Moor, land already used by the City for pasturage, these areas became the Strays, land vested in the Corporation to be held in trust for the Freemen of each of the original four Wards of the City.

Walmgate Stray is now managed by City of York Council in consultation with Freemen of the City. It is still grazed for part of the year by Cattle and represents an important link with the past to which great value is attached. Low Moor is crossed by a series of informal public footpaths and provides a valuable space for connectivity and recreation. There is also a hard surfaced shared use footpath which runs between York University and the A19 which leads to Millenium Bridge



▲ Figure 10: Walmgate Stray

2.5 THE REGISTERED PARK AND GARDEN

The grounds associated with The Retreat of 1794 to 1797, enlarged in 1828, are registered at Grade II* on Historic England's 'Register of Historic Parks and Gardens of Special Historic Interest in England'. It has been registered for the following principal reasons:

HISTORIC INTEREST:

As the prototype therapeutic asylum landscape which was to directly influence the design for all future asylum landscapes.

DESIGN INTEREST:

The grounds were designed for the benefit of the patients both through recreation and exercise, being landscaped with gardens and walks, kitchen gardens and a small farm in the manner of a small country house estate, and later in the nineteenth century with an increased provision of sports facilities.

SURVIVAL:

The extent, character and legibility of the historic landscape remains and the grounds still continue in their therapeutic use for the benefit of patients.

HISTORICAL ASSOCIATION:

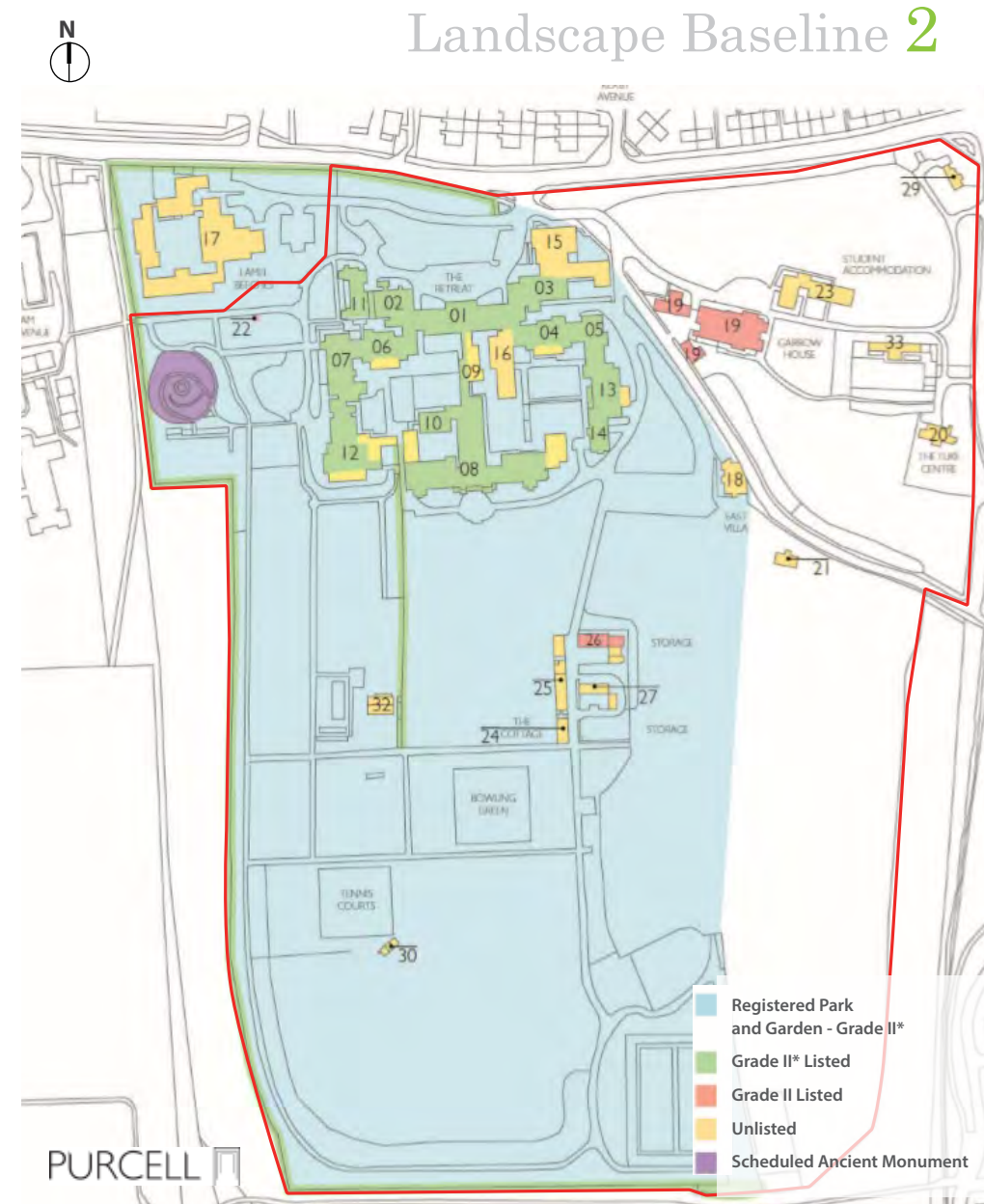
Devised by the asylum reformer William Tuke as a fundamental component of his more enlightened and humane treatment of the insane which was hugely influential in future provision of care for the mentally ill.

INFLUENCE:

The humane treatment pioneered at The Retreat led to the Asylums Act of 1808, the publication by Samuel Tuke in 1813 of a 'Description of The Retreat', including the grounds, led to its wide dissemination both here and abroad, and William Tuke's evidence to the Select Committee on Madhouses (1814 to 1816) contributed to its support of the new reforming ideology and led to the creation of county asylums.

GROUP VALUE:

For its strong historic, aesthetic and functional group value with The Retreat, a pioneering mental asylum in the humane treatment of the mentally ill, listed at Grade II*, with hospital and grounds continuing to be run by the Quakers and providing care for the mentally ill to the present day.



▲ **Figure 11:** Plan illustrating Registered Park and Garden boundary and listed features produced by Purcell. Extracted from Examination of the City of York Local Plan 2017 - 2033 Examination in Public Hearing Statement – Phase I Hearings Hearing Statement, Nov 2019 prepared by Savills on behalf of The Retreat



▲ Figure 12: Extract from the 6-inch OS Map, published in 1853



2.6 HISTORIC APPRAISAL

A brief overview of the historic development of the landscape has been carried out to better understand the Site and its designed landscape setting.

The Retreat was established as a hospital for the mentally ill between 1793 and 1797 by the Society of Friends (Quakers) on a previously undeveloped site. William Tuke, the Societies founding member, a Quaker tea-merchant and philanthropist, was a notable asylum reformer. He pioneered the kind and moral treatment of the insane which was hugely influential in future provision of care for the mentally ill. The Society's Vision for The Retreat was to provide humane treatment for the mentally ill, in airy surroundings with access to gardens and farm animals.

The original asylum building was completed in 1796 to designs by John Bevans, a Quaker architect from London, in consultation with William Tuke. The construction was supervised by Peter Atkinson of York. It was then extended in 1799 and altered over the course of the nineteenth and twentieth centuries.

From the outset the landscape setting and the grounds were as important as the building itself. The founding Quakers had aspirations for the grounds to promote the health and wellbeing of patients through recreation and exercise. Most of the grounds lay to the south, or rear of the building with two long strips of fields stretching down towards Walmgate Stray. These were extensively landscaped as exercise fields with walks, large kitchen gardens and a small farm in the manner of a small country house estate. The frontage of the buildings to the north was laid out as ornamental pleasure grounds with serpentine walks, a shrubbery and shaped flower beds. The care taken over the landscaping of the grounds is shown in the purchase of 768 plants from notable York nurseries in 1794, when building work was still in its initial stages. These included 100 Beeches, 30 Black Poplars, 50 Lombardy Poplars, 25 Oaks, 25 Larches, 2 Horse Chestnuts, 2 American Spruce, and many others, as well as shrubs such as honeysuckles and guelder roses. In 1828 an extra strip of fields was purchased on the west side incorporating Lamel Hill. Later in the nineteenth century a variety of increased provision of sports facilities were added including multiple tennis courts, bowling green, croquet lawns and a large cricket field to the south.



▲ Figure13: Extract from the 6-inch OS map, revised in 1929



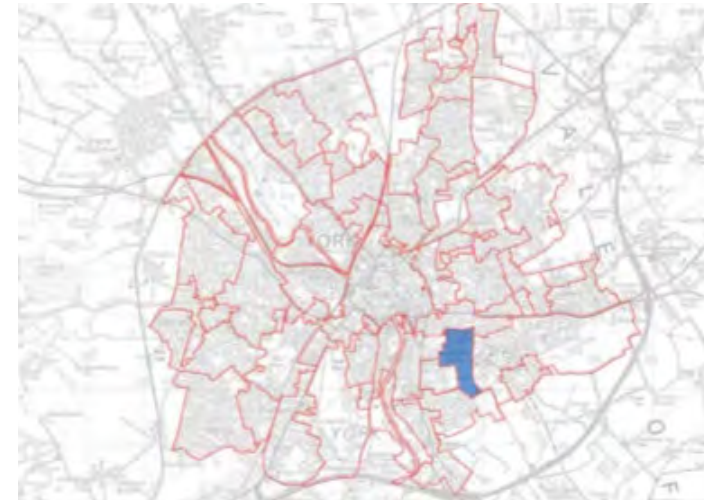
2.7 LANDSCAPE CHARACTER

The 'City of York Historic Environment Characterisation Project' (YHECP) was undertaken in 2013 as part of English Heritage's Characterisation Programme. The project identifies 24 Character Areas across the historic core of the city and 52 Character Areas for Suburban York (areas 25 to 76) from the edges of the Historic Core Conservation Area to the outer ring road with corresponding Character Statements for each area.

The Retreat falls within Area 63: ***The Retreat & Walmgate Stray***

Defining characteristics include:

- Large open public green space with scattered trees and historic hedgerows incorporating Walmgate Stray and Low Moor as well as private parkland area of The Retreat.
- Buildings are generally late 18th to early 19th century and relate to The Retreat or the Stray.
- The Retreat occupies high ground with views north of the city and south over Walmgate Stray, land slopes down towards the south and Low Moor.
- Stray is historically important as common grazing land.
- Important recreational and aesthetic green space – one of York's principal characteristics
- Includes Area of Archaeological Importance – Lamel Hill.
- Extant rural boundaries dating to at least 1750.
- Remains of First and Second World War military training areas.
- Approximate walking/cycling distance to the city centre from the centre of entrance to Walmgate Stray on Heslington Road is 1.6km.
- Dominant Building Type: Three-storey 18th century former institutional building.



▲ **Figure 14:** Character Area 63: The Retreat and Walmgate Stray. Extracted map from City of York Historic Characterisation Project, 2013

- Other Key Building Types: One-storey 19th century former Herdsmen's Cottage and 20th century buildings.
- Designated Heritage Assets: Lamel Hill (SAM) and three Grade II listed buildings, Heslington Road Conservation Area and Lamel Hill Area of Archaeological Importance.
- Non-designated Heritage Assets: Fairfax House, Post-Medieval and possibly older hedgerow boundaries, First and Second World War military training remains, early 20th century allotments and Medieval and Post Medieval ridge and furrow.
- Key Views: Local views of The Retreat from the Stray and university buildings in particular Wentworth College and the Siwards Howe concrete tower from the Stray and Low Moor. Rural views to the south. Glimpses of Layerthorpe chimney and Rowntree/Nestle factory from highest points.
- Surviving historic roads and tracks: Heslington Road, Green Dikes Lane (now unnamed) and informal tracks running north- south-east across the Stray.



Visual Appraisal

3.1 VISUAL APPRAISAL



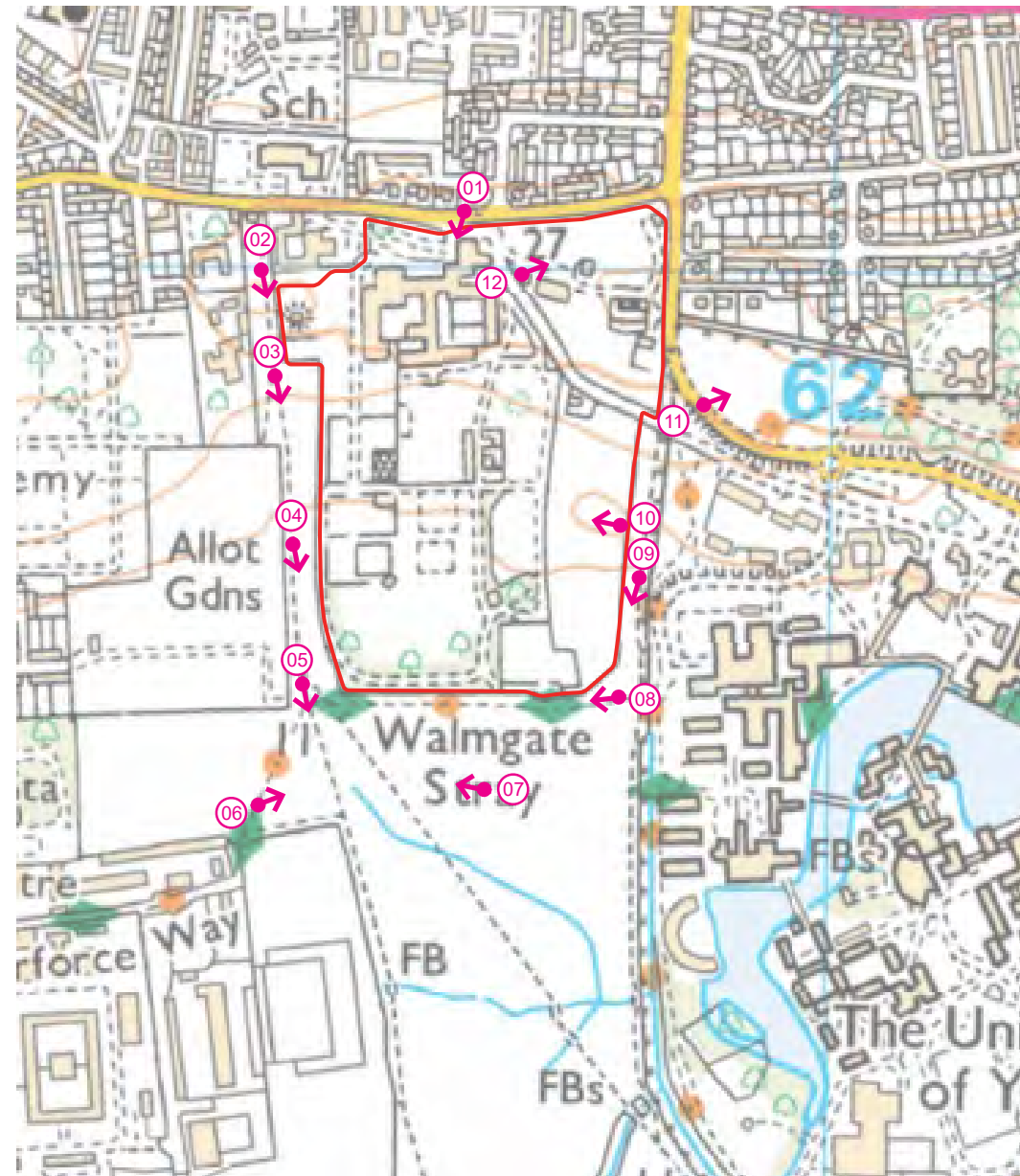
A field survey has been conducted from public receptors. A mix of short to long views were taken.

Public Rights of Way were walked on the day of the field assessment to assess the visibility of the site, its openness and character and its setting within the wider landscape.

The site survey was undertaken in August 2019 when trees were fully in leaf. It should be noted that the site would be more visible during the winter months, when the trees are bare of leaves.

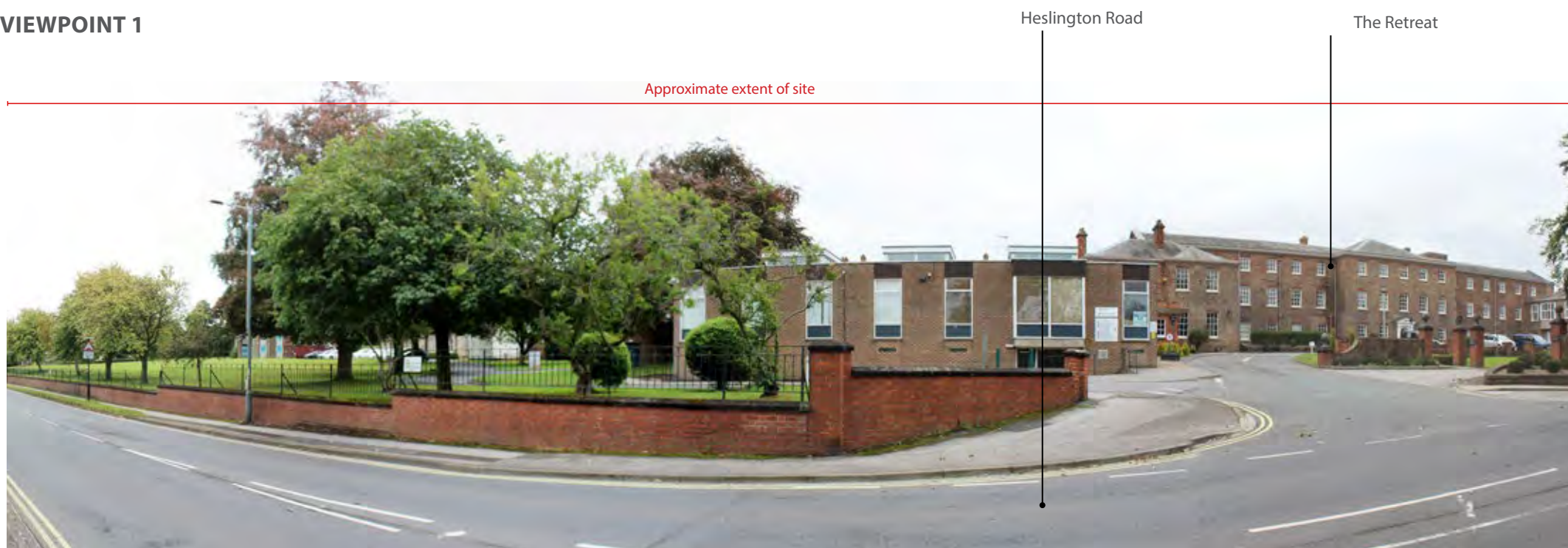
The level of openness is assessed following against the following criteria:

LEVEL OF OPENNESS	
HIGH	<i>The landscape character is very open with expansive long range views and good intervisibility. Built form and existing vegetation is at a scale which does not impeded long range views and retains a sense of remoteness.</i>
MODERATE	<i>The landscape has a degree of openness. Views may be medium to long range with a moderate level of screening by vegetation or built form.</i>
LOW	<i>The landscape is confined, contained or enclosed in character with few inward or outward views. Little inter-visibility with adjacent sensitive landscapes or viewpoints. Views are short range. Medium and long range views are screened by built form or dense/ mature vegetation.</i>



▲ Figure 15: Viewpoint locations

VIEWPOINT 1



▲ Looking south towards the site from entrance to The Retreat off Heslington Road

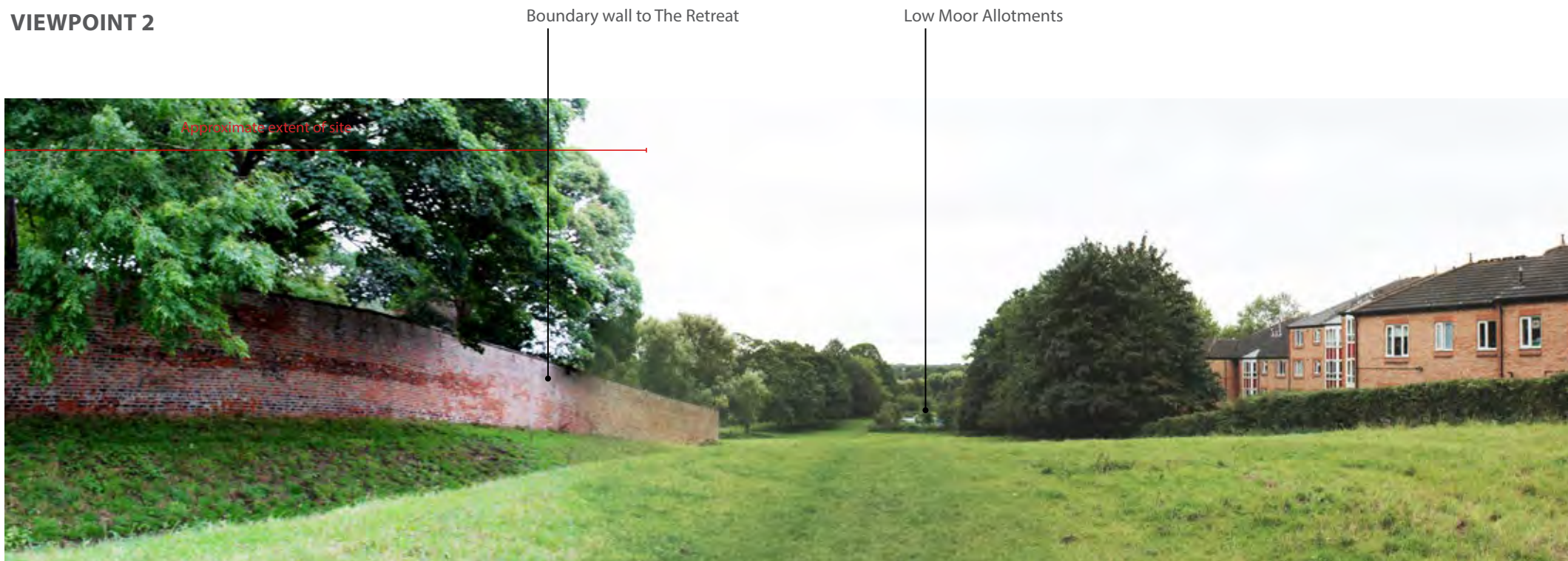
GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE616510	Residential , Recreational (PRoW)and Transport	7	30

This represents views south from Heslington Road looking into the site. The existing buildings and parking areas are visible, set back from the road behind the boundary wall and railings. The setting to the frontage with a large area of mown grass and existing mature trees breaks up views towards the built form.

LEVEL OF OPENNESS

Low	Moderate	High
Presence of built form and existing trees blocks medium/long range views.	Buildings are set back from the road and there are areas of open green space.	

VIEWPOINT 2



▲ Looking south towards Walmgate Stray on the western edge of site.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE614509	Recreational (PRoW)	20	32

This represents views from the northern extent of Walmgate Stray looking south. Residential housing is located to the west. Views into the site are prevented by the existing mature trees and high brick boundary wall of The Retreat.

LEVEL OF OPENNESS

Low	Moderate	High
	<p><i>This is an open area of grassland associated with Walmgate Stray. Long range views to the south are blocked by mature existing trees. Views are constrained by residential housing to the west and the boundary wall and mature trees of The Retreat to the east.</i></p>	

VIEWPOINT 3



▲ Looking south towards Walmgate Stray on the western edge of site.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE614509	Recreational (PRoW)	12	28

This represents views from the northern extent of Walmgate Stray looking south. Views into the site are screened by the existing mature trees and high brick boundary wall of The Retreat.

LEVEL OF OPENNESS

Low	Moderate	High
	<i>This is an open area of grassland associated with Walmgate Stray. Long range views to the south are blocked by mature existing trees. Views are constrained by the boundary wall and mature trees of The Retreat and a dominant line of mature trees within the Stray.</i>	

VIEWPOINT 4



▲ Looking south towards Walmgate Stray adjacent to Low Moor allotments.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE614507	Recreational (PRoW)	45	18.0

This represents views from the northern extent of Walmgate Stray looking south. Views into the site are screened by the existing mature trees and the boundary wall and railings of The Retreat. Low Moor allotments are to the west.

LEVEL OF OPENNESS

Low	Moderate	High
The landscape is enclosed by a dense line of mature trees and vegetation within the Stray adjacent to the Low Moor allotments. Views are constrained to short range only with glimpses through the canopy to the wider expanse of Walmgate Stray to the south.		

VIEWPOINT 5



▲ Looking south from Walmgate Stray

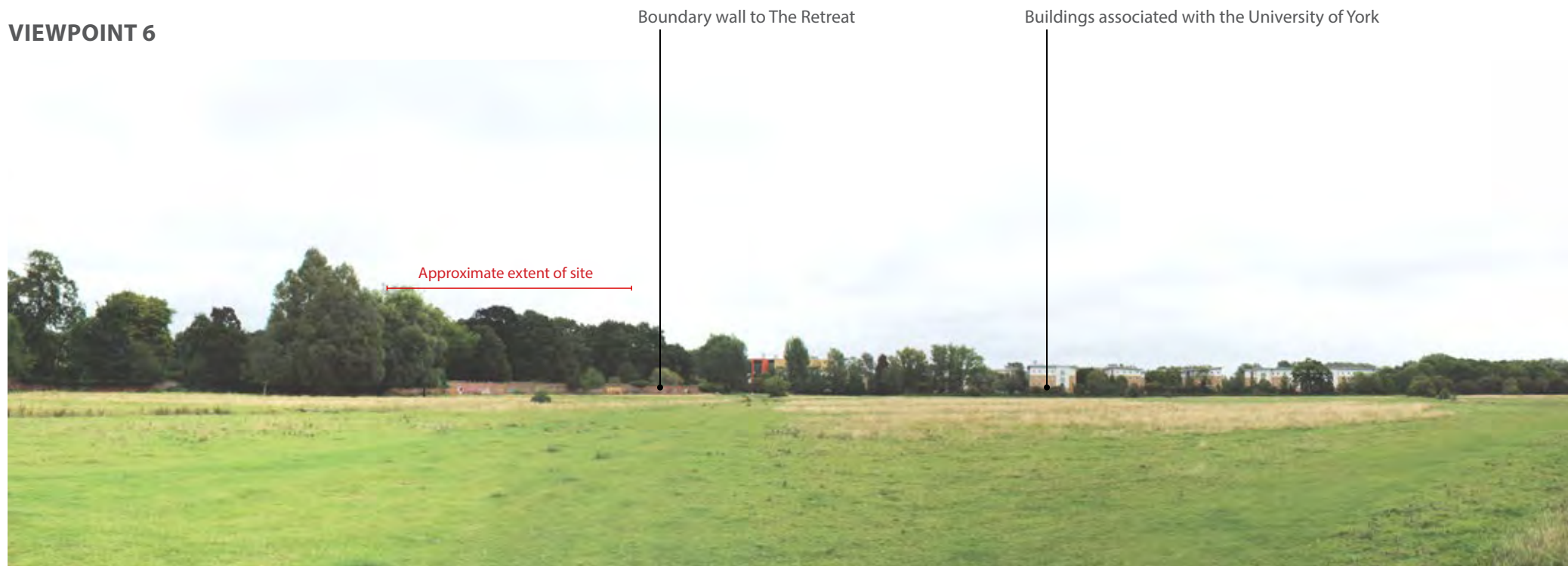
GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE614505	Recreational (PRoW)	46	11.0

This represents views from a formalised footpath running through Walmgate Stray. Long distance views are constrained by the presence of numerous mature trees within the Stray which also reduces the degree of openness. However, glimpsed long distance views south can be experienced through gaps in tree cover and under the canopies of trees.

LEVEL OF OPENNESS

<i>Low</i>	<i>Moderate</i>	<i>High</i>
	<i>This is an open area of grassland associated with Walmgate Stray. Long range views to the south are partially blocked existing trees.</i>	<i>Long range views south between and beneath tree canopies can be appreciated.</i>

VIEWPOINT 6



▲ Looking north east from Walmgate Stray

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE614504	Recreational (PRoW)	1600	13.0

This represents views looking northeast from Walmgate Stray. The landscape is very open in character with long range views in all directions. However, views of the site are screened behind the high brick boundary wall and dense tree canopy along The Retreat's southern boundary.

LEVEL OF OPENNESS

Low	Moderate	High
		Large expanse of grassland and lack of trees or built form within Walmgate Stray to block views.

Buildings associated with the University of York

Approximate extent of site

VIEWPOINT 7



▲ Looking west from Walmgate Stray

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE616504	Recreational (PRow)	83	11.0

This represents views looking west from Walmgate Stray. The landscape is very open in character with long range views. However, views north, towards the site are screened behind the wall and dense tree canopy along The Retreat's southern boundary. The site does not contribute to the openness of this view.

LEVEL OF OPENNESS

Low	Moderate	High
	Views north are constrained by the existing wall and mature trees along the southern boundary of The Retreat.	Long range views south and east across a large expanse of grassland.

Approximate extent of site

VIEWPOINT 8



▲ Looking west from footpath entrance to Walmgate stray from University campus.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE617505	Recreational (PRoW)	1600	35.0

This represents views from a footpath entering Walmgate Stray from the University campus. Views south are far reaching whilst views north and west are partially constrained by mature tree planting along The Retreat's eastern boundary.

LEVEL OF OPENNESS

Low	Moderate	High
	Views north and east are partially constrained by mature tree planting enclosing the space.	Long range views south across a large expanse of grassland.

Mature trees to the eastern boundary of the Stray

Approximate extent of site

VIEWPOINT 9



▲ Looking south from Walmgate Stray

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE(m)	ELEVATION (m AOD)
SE618506	Recreational (PRoW)	17	95.0

This represents views from an informal path running along the northern finger of Walmgate Stray adjacent to The Retreat's eastern boundary. The narrowed of the Stray and the presence of surrounding mature vegetation encloses the footpath and reduces the degree of openness. Views into the site are partially screened by mature trees however this site is more visible than from the west due to the lack of a high boundary wall.

LEVEL OF OPENNESS

Low	Moderate	High
	<i>This is narrowed area of open grassland associated with Walmgate Stray. Long range views to the south are blocked by mature existing trees. Views are constrained by the mature trees either side of which enclose the space</i>	

VIEWPOINT 10



▲ Looking west into the site from Walmgate Stray through a break in the boundary vegetation.

This represents views looking into the site from the eastern boundary within Walmgate Stray. The vegetation cover along the site's eastern edge is broken in places providing unobstructed views into the site. The landscape character is more open due to the larger area of open grassland albeit constrained on all sides by a strong edge of mature trees.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE617507	Recreational (PRoW)	1	17.0

LEVEL OF OPENNESS

Low	Moderate	High
	Long range views are constrained by a strong boundary of mature trees that enclose the space.	A large area of grassland providing an open character.

VIEWPOINT 11



▲ Looking north from University Road

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE618508	Residential , Recreational (PRoW)and Transport	23	26.0

This represents views looking north from University Road across an open area of grass adjacent to the site. The site can not be seen from this viewpoint. Although this view is outside City of York Green Belt it illustrates an open setting to the immediate context of the Green Belt.

LEVEL OF OPENNESS

Low	Moderate	High
	<i>The presence of a large area of grass with relatively little tree cover or built form provides a moderate level of openness and medium range views.</i>	

VIEWPOINT 12

Approximate extent of site



▲ Looking east from access road with The Retreat site.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE616510	Recreational (PRoW)	0	30.0

This represents views across an open area of mown grass at the frontage to The Retreat on the northern edge of the site. This is a relatively small area of open landscape surrounded by 20th century residential development along Heslington Road and The Retreat buildings.

LEVEL OF OPENNESS

Low	Moderate	High
Built form of The Retreat and adjacent residential properties enclose the space along with a level of mature trees prevent medium to long range views.	Presence of an open area of grass provides a degree of openness.	

Conclusion

4 CONCLUSION

The site's contribution to the openness of the City of York Greenbelt is limited by existing built form of The Retreat, the strong line of existing mature trees and the high brick walls that define the site's historic boundary. The findings of the Visual Appraisal conclude that:

- From the north, existing buildings within The Retreat screen views of the wider site and open landscape to the south.
- The mature trees and boundary walls to The Retreat largely screen views from the south and west, preventing any long distance views into the site from Walmgate Stray.
- To the east, glimpsed views into the site are permitted from the narrow "finger" of Walmgate Stray which runs along the site's eastern boundary, through gaps in boundary vegetation.

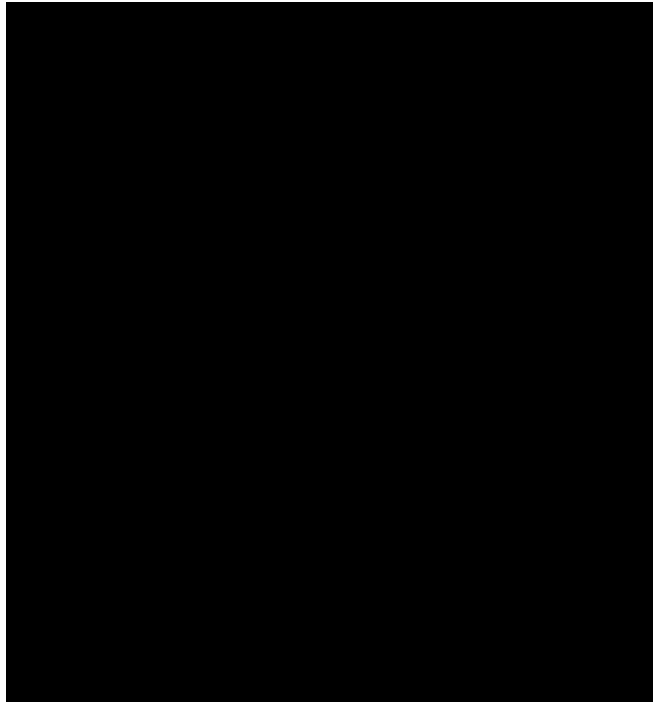
Within the northern part of the site, the large buildings of The Retreat screen views of the wider site from Heslington Road and reduce the sense of openness. Openness is further constrained by adjacent residential properties along Heslington Road and mature trees within the grounds of The Retreat. There is an area of open mown grassland to the frontage of The Retreat along Heslington Road which contributes to the perceived levels of openness. However, this is a relatively small area of open landscape, which is enclosed by the buildings of The Retreat and surrounding residential development.

Much of the surrounding landscape of Walmgate Stray to the south has strong sense of openness with a large expanse of open grassland with far reaching views. However, the northern "fingers" of the stray, that extend either side of The Retreat to the east and west, are constrained either side by built development and the presence of dense mature trees and vegetation. This, combined with the narrowed width of these "fingers" significantly reduces the perceived openness that is experienced compared to the expansive areas of the Stray to the south.

Within the south of The Retreat site is a large area of grassland including a cricket pitch which results in a moderate level of openness. However, the presence of the high brick boundary walls and mature trees along the boundaries of The Retreat prevent these open areas contributing to the perceived openness of the surrounding Stray to the south. There are limited long range views into the site from Walmgate Stray and a lack of intervisibility with the wider landscape. For this reason, the levels of openness associated with Walmgate Stray are not replicated within the site.

In conclusion, the site has a low contribution to the overall openness of the Green Belt. The site as illustrated on the parameter plan is well screened from the wider open landscape and largely enclosed within the existing historic defined boundary of brick walls and mature tree planting.







Appendix 4 Designations Plan



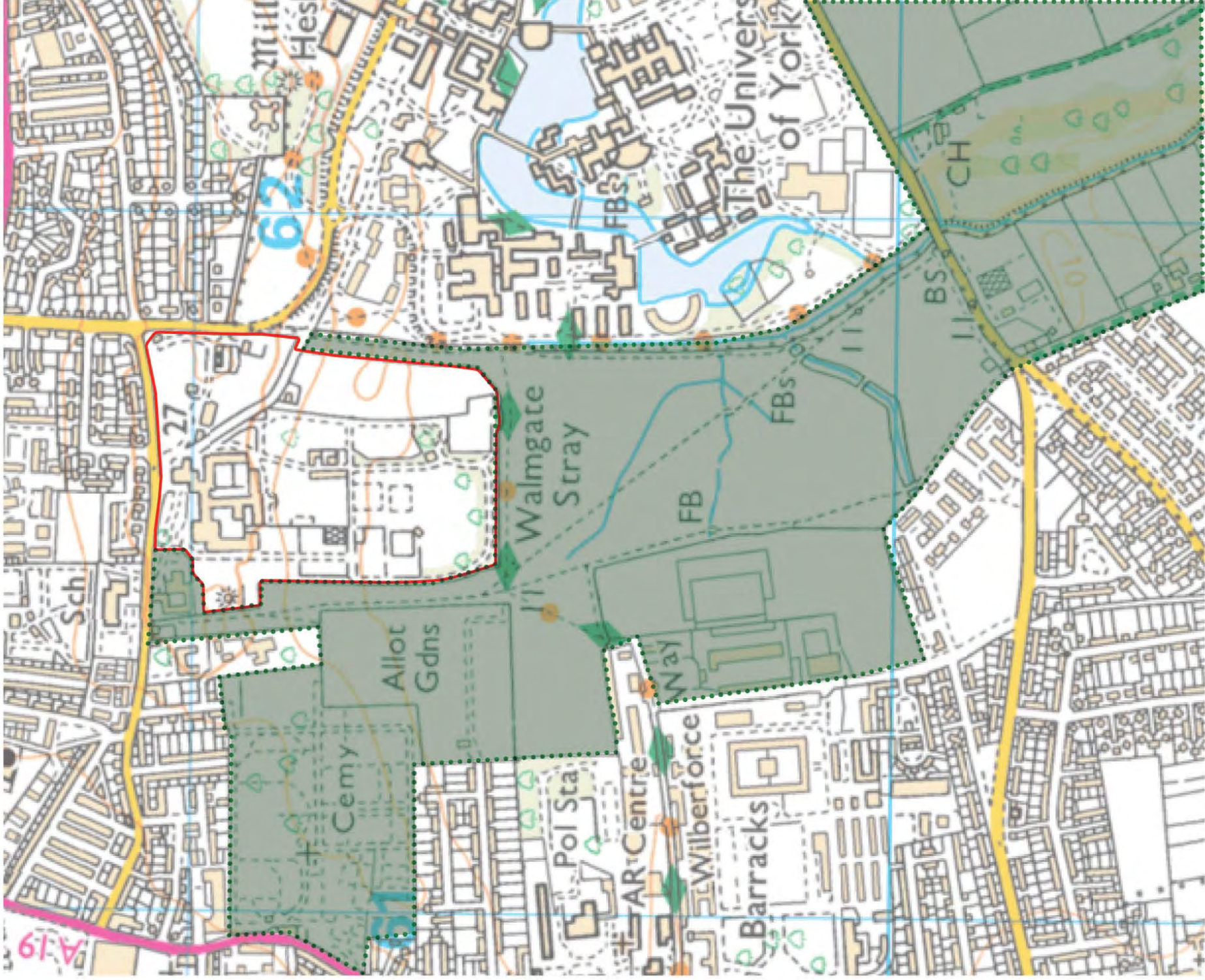
THE RETREAT: DESIGNATIONS

- Registered Park and Garden
- Boundary
- Grade II*
- Grade II
- Unlisted
- Scheduled Monument

This plan is not to scale



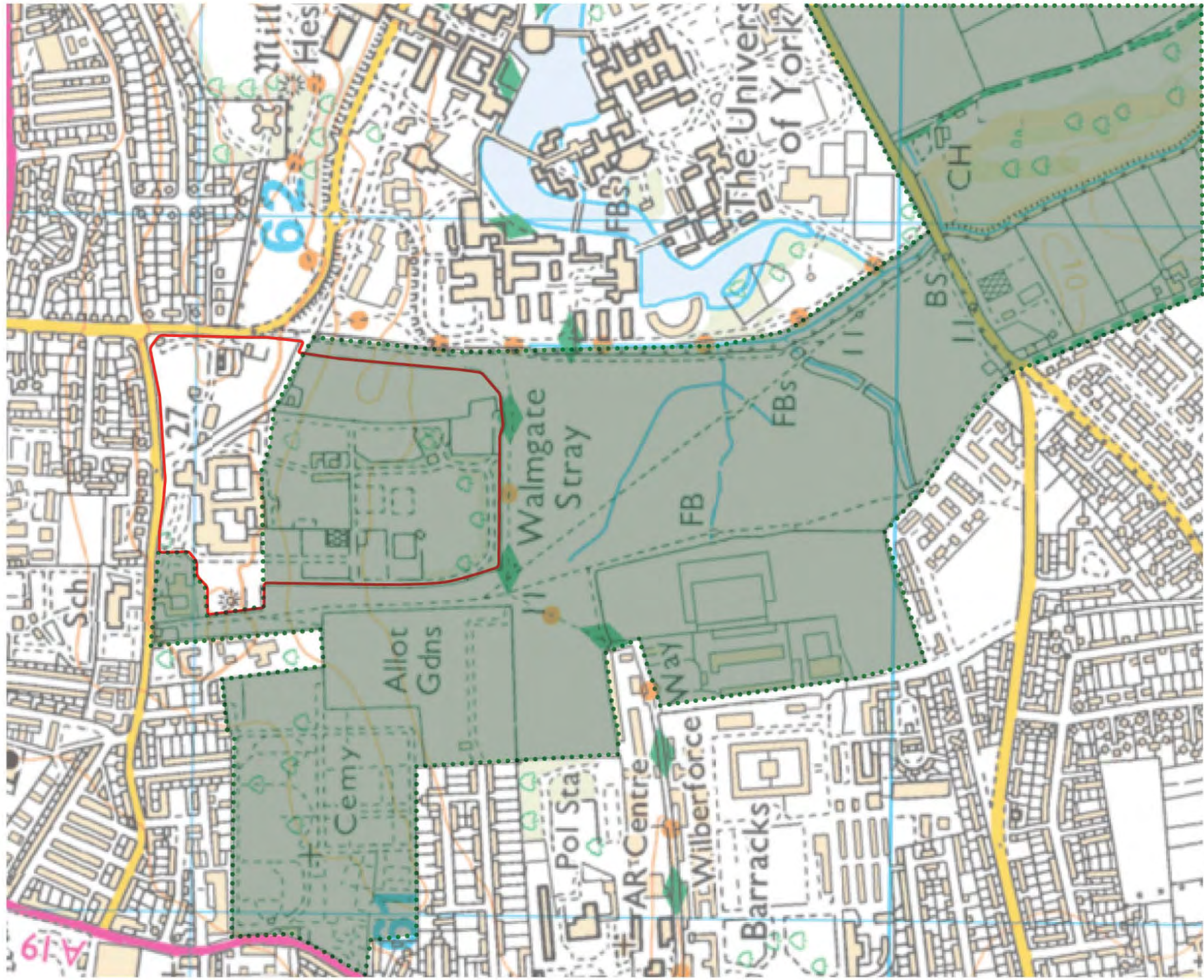
Appendix 5 Revised Proposed Green Belt Boundary



Proposed Green Belt Boundary - Option 1



Appendix 6
Alternative Revised Proposed Green Belt Boundary



Proposed Green Belt Boundary - Option 2

From: [Redacted]
Sent: 06 July 2021 11:49
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205586
Attachments: Draft_Local_Plan_Proposed_Modifications_and_Evidence_Base_Consultation_Savills_July_2021_combined.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title:

Name: [Redacted]

Email address: [Redacted]

Telephone:

Organisation name: [Redacted]

Organisation address: [Redacted]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 6 Proposed Modifications (EX/CYC/59h)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: No, I do not consider the document to be legally compliant

Please justify why you consider the document to be legally compliant:

Please justify why you do not consider the document to be legally compliant: Please see additional correspondence

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: Please see additional correspondence

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: Please see additional correspondence

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: Please see additional correspondence

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: Please see additional correspondence

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

Examination of the City of York Local Plan 2017 - 2033

New Local Plan Proposed Modifications and Evidence Base Consultation

Written Representations prepared by Savills on behalf of The Retreat, Heslington Road, York YO10 5BN



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Executive Summary

These Representations have been prepared by Savills (UK) Limited on behalf of The Retreat – a mental healthcare facility located at Heslington Road, York YO10 5BN.

We have previously set out during the Phase I Hearings (Examination Ref. EX/HS/M3/Prin/1) why we considered there to be serious deficiencies in the City of York Council evidence base where it relates to defining the detailed Green Belt boundaries. Our previous Hearing Statement set out in detail where these deficiencies lie. In essence, we do not consider that the evidence base contains sufficient assessment of land around York against the five Green Belt purposes as defined by the NPPF.

The Phase I Hearings took place in December 2019 whereby it became apparent that the appointed Inspectors shared this view therefore as part of the EiP process they requested that the Council provide additional evidence to justify their approach to the Green Belt within the Plan. The Council were therefore instructed to undertake further work on its Green Belt assessment methodology and to update Topic Paper 1: Approach to defining York's Green Belt (May 2018) [TP001] and the Topic Paper Addendum (March 2019) [Ex/CYC/18]. This additional work has now been undertaken and these Representations are made in response to the Consultation on this additional work.

In doing so, these Representations seek to provide a proper assessment of the land at The Retreat against the five Green Belt purposes which, irrespective of the Council's additional work referred to above, has never been undertaken before in sufficient detail. This Representation concludes that an alternative Green Belt boundary should be adopted. Such an approach would remove our objection to this Local Plan process.

1. Introduction

- 1.1. These written representations have been prepared by Savills (UK) Limited on behalf The Retreat - a mental healthcare facility located at Heslington Road, York YO10 5BN. A site location plan is contained as Appendix 1 of these Representations.
- 1.2. Crucially, these Representations must be read in conjunction with our Phase I Hearing Statement¹ dated November 2019 which is re-attached as Appendix 2. The evidence contained within this previous Statement and presented at the Phase I Hearings, in conjunction with others, was a significant factor in the formulation Inspector's letter 12th June 2020².
- 1.3. These Representations should also be read in conjunction with the Savills representations to the Proposed Main Modifications dated July 2019, the representations submitted by Carter Jonas at the Publication Draft Stage dated 4th April 2018 and the representations submitted by JLL at the Preferred Sites Stage dated 12 September 2016.
- 1.4. Contained within Appendix 3 to this Representation is a Landscape Appraisal and Assessment of Openness prepared by the Landscape Agency. This is a crucial piece of new evidence base and is referred to throughout.

Background and Context

- 1.5. The Retreat is an institutional campus consisting of a number of buildings set in mature grounds on Heslington Road, York. It has remained in its original use as a mental healthcare facility since its establishment in 1792 by the Society of Friends (known as Quakers) and today, promotes and supports the wellbeing of people affected by mental ill-health in a campus setting. The Retreat was a pioneer in the 'moral treatment', a more humane method of treatment, and influenced the development of care in the UK, North America and beyond. The main buildings have seen organic growth through extension over many years, some of which has been sympathetic to the character of the original main building and some significantly harmful.
- 1.6. The main health care facility is currently housed in the Grade II* listed Retreat building set within the wider site totalling circa 16ha (40 acres). The campus is bound by housing to the north-west, north and north-east. The University of York - Heslington Campus is situated to the east and south-east. To the west and south-west lie the urban greenspaces of York Cemetery and the Low Moor Allotments, with Walmgate Stray to the immediate south. Saint Lawrence's Primary School is also located opposite the site.

¹ Savills Phase I Hearing Statement (Examination Ref. EX/HS/M3/Prin/1)

² Inspector's Letter to CYC of 12th June 2020 (Examination Ref. EX-INS-15-letter-to-lpa-12-june-2020).

- 1.7. The existing buildings on The Retreat Estate are no longer considered fit for health related and clinical purposes. Following a detailed review of assets and approach to healthcare provisions, The Retreat is exploring potential development options for the remainder of the Estate. The Retreat has previously engaged in pre-application discussions with City of York Council (CYC) which concluded positively. Part of The Retreat Estate has since been marketed for sale and The Retreat are currently reviewing bids in detail to identify a suitable purchaser in this respect. The Retreat will retain ownership of part of The Estate and remain involved in the legacy and longevity of the wider site through a close working relationship with the selected purchaser.

Adopted Land Use, Heritage and Environmental Designations

- 1.8. The site in its entirety falls within the wider Retreat and Heslington Road Conservation Area, with a number of heritage designations (Listed Buildings and Scheduled Monuments) also situated across the wider site. In summary, the relevant built heritage designations are:
- a) The Retreat, Listed Grade II*;
 - b) Garrow Hill (aka Garrow House), Listed Grade II;
 - c) Summerhouse, Listed Grade II;
 - d) Various, including East Villa and the Cottage - Curtilage Listed;
 - e) The Tuke Centre - Non-designated Heritage Asset;
 - f) Lamel Hill, Scheduled Monument; and
 - g) Listed Park and Gardens.
- 1.9. A Designations Plan is included at Appendix 4 of this Representation which includes Walmgate Stray a designated Green Wedge.
- 1.10. The site is located within Flood Zone 1 (low probability). The nearest natural watercourse is circa 1.5km west of the site. Online resources confirm there are no environmental 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 also no Tree Preservation Orders covering the site although trees on site are afforded protection by the Conservation Area designation.
- 1.11. Non-definitive footpaths and a cycle path cross Walmgate Stray to the south. Public Rights of Way ref. 47/199/20 runs adjacent to the western boundary of the site and ref. 47/198/10 to the eastern boundary.

Non Adopted Designations

- 1.12. The detailed Green Belt boundaries for York have never been formally set. Self-evidently, identification of the general extent of the Green Belt did not comprise any detailed assessment of land against the five Green Belt purposes (in national policy) and never involved Ordnance Survey mapping. The mapping³ which accompanies the saved RSS policies is high level and individual sites and boundaries are indistinguishable. The 2005 'City of York Draft Local Plan Incorporating the 4th Set of Changes' is used by CYC for the purpose of development control. However, this Plan never achieved adopted status, is dated and never formally set detailed York Green Belt boundaries.
- 1.13. In our Phase I Examination Hearing Statement⁴ we drew attention to the deficiencies in the current approach to Green Belt boundary setting and the methodology uses. These Representations therefore focus on the additional evidence provided by CYC to justify the proposed Green Belt boundaries and outline the case for removing The Retreat from the proposed inclusion within the Green Belt. For completeness, these Representations have been prepared in response to the following documents:
- 1.14. Green Belt Topic Paper Addendum [EXCYC50] and its Annexes 1- 6 [EX/CYC/50a]

Modifications Proposed by CYC

- 1.15. In preparing the revised Green Belt Topic Paper Addendum and its Annexes, the Council have concluded that it would be appropriate to propose modifications to the boundaries originally identified. Annex 6 presents the proposed modifications which seek to *'correct drafting errors, reflect planning decisions made since the publication of previous work, ensure consistency in applying the updated methodology consistently in response to concerns'* ref. [EX-CYC-55].
- 1.16. Annex 3 details the proposed amendments within the Green Belt Inner Boundaries. Notably, Annex 3 proposes an amendment at The Retreat to exclude the main building from the proposed Green Belt. This is detailed at Section 7, Boundary 16 as follows:

³ Figure 2 Page 7 Approach to defining York's Green Belt (TP1)

⁴ Savills Phase I Hearing Statement (Examination Ref. EX/HS/M3/Prin/1) paragraphs 2.3-2.30

The Retreat, York



Section: 7	Boundaries: 16	Boundary Name: University Road, Heslington Road and The Retreat
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The boundary then continues north along University Road until Thief Lane/Heslington Road. This then continues along to the west of Thief Lane/Heslington Road until the access road to The Retreat. It extends around the access road surrounding The Retreat before continuing west around the curtilage of Lamel Beeches joining back onto Heslington Road. The boundary then follows the tree line south to the rear of properties at William Plows Avenue until the allotments where it returns and carries on north to the southern point of Belle Vue Terrace.

This is a proposed modification from the boundary submitted in the City of York Local Plan (2018). Please see Annex 6 for further details

1.17. This is detailed as proposed modification Ref: PM 89 and is supported in principle, alongside the additional evidence provided however, we consider further modifications are required in order to make the draft Plan sound. The proposed amendments to the draft Green Belt boundary in this location does not go far enough.

Modifications Sought

- 1.18. We are seeking based on the evidence put forward in these Representations, changes to the proposed Green Belt boundary to exclude land at The Retreat altogether. The revised proposed Green Belt boundary is therefore shown on the Plan in Appendix 5.
- 1.19. Should the Inspectors not consider this proposed change appropriate, then an alternative proposed Green Belt boundary modification is shown on the Plan in Appendix 6. The Inspectors will note that with this proposed change, the Northern portion of the site with the majority of buildings would remain outside the Green Belt, but The Retreat land to the South would form part of the Green Belt. This would also be consistent with the Green Wedge designation.
- 1.20. The Green Wedge designation and all the land use, conservation and heritage designations identified above would remain unaltered.
- 1.21. Officers and the Inspectors are requested to note that a property known as Lamel Beeches is situated to the north east of The Retreat ownership. It is within the currently proposed Green Belt boundary but outside of the Green Wedge. If the Inspectors are minded to modify the proposed Green Belt inner boundary in a way that these Representations are seeking, then there may be merit in also removing this property from the proposed Green Belt. However, we would stress this is outside the scope of the interests these Representations represent.

The Retreat, York

City of York Council – Local Plan Proposed Modifications and Evidence Base Consultation



- 1.22. Officers and the Inspectors are invited to undertake a detailed site visit to witness the features and situation on the ground. If necessary, access arrangements can be made via Savills.

2. Detailed Green Belt Boundaries

Green Belt Boundaries: Are the proposed detailed Green Belt boundaries appropriate in the context of the NPPF and the five purposes?

- 2.1. We object to the draft Local Plan on the basis the proposed detailed Green Belt boundaries have not been adequately assessed against the five Green Belt purposes. This exercise has recently been attempted for the first time as part of the Local Plan Proposed Modifications and Evidence Base Consultation which is the subject of these Representations. This exercise had not been undertaken as part of the preparation of the Local Plan prior to the previous Phase I Examination Hearings which took place in December 2019.
- 2.2. These representations and subsequent Examination therefore represent the opportunity for there to be a critical assessment of the exercise conducted by CYC in drawing up detailed Green Belt boundaries. Such an exercise should proceed on the basis of a robust analysis against the five Green Belt purposes set out at paragraph 80 of the NPPF. We contend that the assessment conducted by CYC is insufficient. In our original Hearing Statement⁵ we drew attention to the deficiencies in the CYC evidence base and the approach taken to setting Green Belt boundaries.
- 2.3. We have reviewed the approach undertaken by CYC in an attempt to define York's Green Belt Addendum: Annex 3: Inner Boundaries (Part 3: Sections 7-8) [EX_CYC-59e]. Notably, Section 7 Boundary 16 of this document.
- 2.4. We have also undertaken our own Green Belt assessment against the five purposes below. This exercise is limited in its scope to the land holdings of The Retreat and the immediate surrounding areas. This part of the Representations needs to be read in conjunction with the Landscape Appraisal and Assessment of Openness prepared by the Landscape Agency and is contained within Appendix 3.
- 2.5. The NPPF⁶ requires that the Green Belt serves five purposes. These are identified below along with our own assessment against these criteria.

Purpose 1 - to check the unrestricted sprawl of large built-up areas.

- 2.6. It is recognised that in many instances around York it is necessary to include land within the Green Belt in order to check unrestricted sprawl. However, this does not apply to the Retreat. The North of the site is already occupied by buildings and is not 'open' land in a Green Belt context. The existing buildings on site include the Grade II* main building, other listed buildings, non listed buildings, a Scheduled Ancient Monument and other structures. As is appropriate, very restrictive planning controls are associated with these heritage assets and designations. These heritage related designations should not be confused with Green Belt purposes.

⁵ Savills Phase I Hearing Statement (Examination Ref. EX/HS/M3/Prin/1) paragraphs 2.3-2.30

⁶ NPPF 2012 paragraph 80

2.7. The land at the Retreat does not fulfil Purpose 1 because it is already developed with buildings, other structures and curtilage land. It is part of the urban fabric of York. The critical question is if the Green Belt designation were removed from the Retreat site, would this facilitate unrestricted sprawl in this part of York. This answer is no. The site is already previously developed land and as is demonstrated in evidence below is not open and is of a typical density for this part of York. It should already be considered part of the urban fabric of York and it reads as such. In this regard alone, the inner Green Belt boundary is proposed to be incorrectly set. The Green Belt boundary should be set beyond The Retreat land.

2.8. In addition to the above, the restrictive heritage designations on site mean that very little change can take place on the site in any event. In summary, the City of York will not ‘sprawl’ because the site is already developed and levels of development on site are unlikely to materially alter because of the heritage designations.

Purpose 2 - to prevent neighbouring towns merging into one another.

2.9. York does not have any nearby major settlements which could merge. Draft allocated Green Belt land at the Retreat is not fulfilling any role under this purpose. This view aligns with that of CYC as detailed in the updated Topic Paper 1: Approach to defining Green Belt Addendum [EX_CYC_59].

Purpose 3 - to assist in safeguarding the countryside from encroachment.

2.10. The land at the Retreat does not meet Purpose 3 because it is not countryside. As set out above, it is a previously developed site with formal registered walled gardens. The land it is completely different in terms of character, appearance and openness when compared to the open countryside further to the South which is also subject to a Green Wedge designation. Draft allocated Green Belt land at The Retreat is not fulfilling any role under this purpose.

Purpose 4 - to preserve the setting and special character of historic towns.

2.11. See para 2.12 below.

Purpose 5 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

2.12. In the context of York there is very little derelict land. The central sites which are to be regenerated and recycled are well known, complex and proposals are being brought forward. The removal of The Retreat from the Green Belt will have no implications for these central sites. Purpose 5 is not relevant in this context.

2.13. The updated Topic Paper 1: Approach to defining Green Belt Addendum [EX_CYC_59] details that this purpose is considered to be achieved through the overall effect of the York Green Belt, rather than through the identification of particular parcels of land which must be kept permanently open. This view is supported.

Assessment Under Purpose 4 - to preserve the setting and special character of historic towns.

- 2.14. The updated Topic Paper 1: Approach to defining Green Belt Addendum [EX_CYC_59] outlines that CYC place a primary emphasis on the fourth NPPF Green Belt purpose and recognises this fourth purpose as the most appropriate in the context of York. This view is supported in principle however it is considered that this has not been adequately assessed in the evidence provided by CYC.
- 2.15. In order to thoroughly assess the land at The Retreat against purpose 4, the following further evidence is presented below :
- Landscape Appraisal and Assessment of Openness prepared by the Landscape Agency; and
 - Commentary on CYC Density Assessment.

Landscape Appraisal and Assessment of Openness prepared by the Landscape Agency

- 2.16. The site's contribution to the openness of the Green Belt is limited by existing built form of The Retreat, the strong line of existing mature trees and the high brick walls that define the site's historic boundary. The findings of the Visual Appraisal conclude that :
- Within the northern part of the site, the large buildings of The Retreat screen views of the wider site from Heslington Road and reduce the sense of openness. Openness is further constrained by adjacent residential properties along Heslington Road and mature trees within the grounds of The Retreat. There is an area of open mown grassland to the frontage of The Retreat along Heslington Road which contributes to the perceived levels of openness. However, this is a relatively small area of open landscape, which is enclosed by the buildings of The Retreat and surrounding residential development. It should be read as a small area of open space within the urban fabric of York.
 - Within the south of The Retreat site is a large area of grassland including a cricket pitch which results in a moderate level of openness. However, the presence of the high brick boundary walls and mature trees along the boundaries of The Retreat prevent these open areas contributing to the perceived openness of the surrounding Stray to the south. There are limited long range views into the site from Walmgate Stray and a lack of intervisibility with the wider landscape. For this reason, the levels of openness associated with Walmgate Stray are not replicated within the site.
 - Much of the surrounding landscape of Walmgate Stray to the south has strong sense of openness with a large expanse of open grassland with far reaching views. However, the northern "fingers" of the stray, that extend either side of The Retreat to the east and west, are constrained either side by built development and the presence of dense mature trees and vegetation. This, combined with the narrowed width of these "fingers" significantly reduces the perceived openness that is experienced compared to the expansive areas of the Stray to the south.
 - The Assessment concludes the site has a low contribution to the overall openness of the Green Belt.

CYC Density Assessment

- 2.17. As set out earlier in this Representation, The Retreat is a previously developed site with a number of significant historical and conservation designations. These designations do not mean it should automatically be within the Green Belt.
- 2.18. The draft Local Plan⁷ contains a density assessment. We did not comment on this assessment in our Phase I Hearing Statement and do so briefly here. There is not much detail, but in essence the exercise breaks York down into 250 square meter grids and then seeks to identify the urban area and then those areas with a density of 33 or more structures per 250 sqm and those which are less than 33 structures per 250 sqm. We believe this approach to be incorrect for the following reasons :
- i. It is not clear how the 250 square meter grid has been positioned on York. The positioning of each grid will have implications for the density within it. Clearly a grid square on the urban fringe could include a significant area of non developed land, then by definition the overall density within that square would be reduced even if the developed area within that same grid square was actually very dense. This cannot be right;
 - ii. We do not know what the threshold of 33 structures is based on;
 - iii. The number of structures is the incorrect measurement. A significant building such as The Retreat Main Building allows for significant dense forms of development / use, but it only counts as one structure. This cannot be right; and
 - iv. In many ways the higher the number of structures, the greater the openness because there will be gaps and views between buildings. Or to put it another way, a smaller number of larger structures will result in a less open townscape / landscape. Again, this points to the deficiencies in assessing Green Belt openness on the basis of densities.

⁷ Paragraph 64 (page 44), Topic Paper TP1 Addendum March 2019



3. Summary and Conclusion

- 3.1. Therefore, in conclusion, when the land at The Retreat is assessed against the five Green Belt purposes, it is clear that it does not perform a Green Belt function. The proposed designation of The Retreat within the Green Belt has been based on a confused assessment process which has utilised the restrictive heritage and conservation designations as being the basis for a Green Belt designation. This is clearly incorrect.

- 3.2. On the basis of the evidence contained within these Representations we therefore respectfully request the Council and appointed Inspectors to set the inner Green Belt boundary, insofar as it is relevant to The Retreat, in accordance with the Modifications Sought within this Representation.



Appendices



Appendix 1
Site Location Plan

The Retreat, York

Site Location Plan





Appendix 2
Savills Phase I Hearing Statement

Examination of the City of York Local Plan 2017 - 2033

Examination in Public Hearing Statement – Phase I Hearings

Hearing Statement prepared by Savills on behalf of The Retreat,
Heslington Road, York YO10 5BN



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Executive Summary

This Hearing Statement has been prepared by Savills (UK) Limited on behalf of The Retreat – a mental healthcare facility located at Heslington Road, York YO10 5BN.

We consider there are serious deficiencies in the City of York Council evidence base where it relates to defining the detailed Green Belt boundaries. This Statement sets out in detail where these deficiencies lie. In essence, we do not consider that the evidence base contains any proper assessment of land around York against the five Green Belt purposes as defined by the NPPF. Accordingly, the emerging plan is neither justified nor consistent with national policy (as required by paragraph 182 of the Framework). These deficiencies go to the soundness of the Plan.

1. Introduction

- 1.1. This Hearing Statement has been prepared by Savills (UK) Limited on behalf The Retreat - a mental healthcare facility located at Heslington Road, York YO10 5BN. A site location plan is contained at Appendix 1 of this Statement.
- 1.2. This Statement should be read in conjunction with the Savills representations to the Proposed Main Modifications dated July 2019, the representations submitted by Carter Jonas at the Publication Draft Stage dated 4th April 2018 and the representations submitted by JLL at the Preferred Sites Stage dated 12 September 2016.
- 1.3. The Retreat is an institutional campus consisting of a number of buildings set in mature grounds on Heslington Road, York. It has remained in its original use as a mental healthcare facility since its establishment in 1792 by the Society of Friends (known as Quakers) and today, promotes and supports the wellbeing of people affected by mental ill-health in a campus setting. The Retreat was a pioneer in the 'moral treatment', a more humane method of treatment, and influenced the development of care in the UK, North America and beyond. The main buildings have seen organic growth through extension over many years, some of which has been sympathetic to the character of the original main building and some significantly harmful.
- 1.4. The main health care facility is currently housed in the Grade II* listed Retreat building set within the wider site totalling circa 16ha (40 acres). The campus is bound by housing to the north-west, north and north-east. The University of York - Heslington Campus is situated to the east and south-east. To the west and south-west lie the urban greenspaces of York Cemetery and the Low Moor Allotments, with Walmgate Stray to the immediate south. Saint Lawrence's Primary School is also located opposite the site.
- 1.5. The existing buildings on The Retreat Estate are no longer considered fit for health related and clinical purposes. Following a detailed review of assets and approach to healthcare provisions, The Retreat is exploring potential development options for the remainder of the Estate. The Retreat is currently engaged with positive pre-application discussions with City of York Council (CYC).

Adopted Land Use, Heritage and Environmental Designations

- 1.6. The site in its entirety falls within the wider Retreat and Heslington Road Conservation Area, with a number of heritage designations (Listed Buildings and Scheduled Monuments) also situated across the wider site. In summary, the relevant built heritage designations are:
- a) The Retreat, Listed Grade II*;
 - b) Garrow Hill (aka Garrow House), Listed Grade II;
 - c) Summerhouse, Listed Grade II;
 - d) Various, including East Villa and the Cottage - Curtilage Listed;
 - e) The Tuke Centre - Non-designated Heritage Asset;
 - f) Lamel Hill, Scheduled Monument; and
 - g) Listed Park and Gardens.
- 1.7. A Designations Plan is included at Appendix 2 of this Statement.
- 1.8. The site is located within Flood Zone 1 (low probability), and therefore the land is defined as having a less than 1 in 1,000 annual probability of flooding. The nearest natural watercourse is circa 1.5km west of the site. Online resources confirm there are no environmental 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 also no Tree Preservation Orders covering the site although trees on site are afforded protection by the Conservation Area designation.
- 1.9. Non-definitive footpaths and a cycle path cross Walmgate Stray to the south. Public Rights of Way ref. 47/199/20 runs adjacent to the western boundary of the site and ref: 47/198/10 to the eastern boundary.

Approach to the Examination in Public

- 1.10. This Statement is directed at specific matters, issues and questions raised for the Phase I Hearings. Broadly, this Statement is directed at CYC's approach and methodology for setting the detailed boundary of the Green Belt.
- 1.11. It is anticipated that a later phase of the examination in public will be concerned with site specific matters, including the question of whether or not the Site (or parts of the Site) should be included within the Green Belt. The Retreat will submit Hearing Statements in respect of any later phase of the examination in accordance with the Inspectors' directions.
- 1.12. Reference has been made to the following CYC documents in producing this Hearing Statement: -
- i. Approach to the Green Belt Appraisal – February 2003 – Ref SD107A;
 - ii. Approach to the Green Belt Appraisal South Map – February 2003 – Ref SD107C ;
 - iii. Green Belt Topic Paper 1 - May 2018 – Ref TP1;
 - iv. Green Belt Topic Paper 1 Addendum – March 2019 – Ref EX/CYC/18;
 - v. Green Belt Topic Paper 1 Annex 1 – March 2019 – Ref EX/CYC/18f;
 - vi. Green Belt Topic Paper 1 Annex 3 (Inner Boundary) – March 2019 – Ref EX/CYC/18d;



- vii. Green Belt Topic Paper 1 Annex 4 (Urban Areas in the Green Belt) – March 2019 – Ref EX/CYC/18c;
- viii. Green Belt Topic Paper 1 Annex 5 (Development Sites in the Green Belt) – March 2019 – Ref EX/CYC/18b; and
- ix. Green Belt Topic Paper 1 Annex 6 – March 2019 – Ref EX/CYC/18a;

2. Matter 3 – Green Belt

Matter 3 – Green Belt: principles, the approach to defining the Green Belt boundaries, exceptional circumstances and the approach to identifying land to be ‘released’ from the Green Belt for development

The questions concerning Green Belt are aimed at the strategic level. Later questions during the Phase 2 hearings will address the issue of exceptional circumstances and other issues in relation to specific sites. In responding to the following questions, consideration should be in the context of the Council’s Topic Paper 1 relating to the Green Belt [CD021], the Council’s Topic Paper 1: Addendum [EX/CYC/18] and the proposed alterations and modifications to the Plan resulting from that document, set out in Annex 6 [EX/CYC/18a].

Principles:

3.1 Paragraph 10.1 of the Plan states that “the plan creates a Green Belt for York that will provide a lasting framework to shape the future development of the city”. For the purposes of Paragraph 82 of the National Planning Policy Framework, is the Local Plan proposing to establish any new Green Belt?

b) If not, does the Local Plan propose to remove any land from the established general extent of the Green Belt? If it does, is it necessary to demonstrate that exceptional circumstances exist to warrant that approach? Or is it the case that the Local Plan establishes the Green Belt boundaries for the first time, such that the exclusion of land from the Green Belt – such as at the ‘garden villages’, for example – is a matter of establishing Green Belt boundaries rather than altering them, in the terms of Paragraph 82 of the Framework?

- 2.1. Whilst the general extent of the York Green Belt is identified through saved (“non-revoked”) Policies YH9c and Y1c of the Yorkshire and Humberside Regional Spatial Strategy, the detailed boundaries of the Green Belt are being set for the first time. The general extent of the Green Belt is identified by reference to an approximate 6 mile radius from the City Centre. Self-evidently, identification of the general extent of the Green Belt did not comprise any detailed assessment of land against the five Green Belt purposes (in national policy) and never involved Ordnance Survey mapping. The mapping¹ which accompanies the saved RSS policies is high level and individual sites and boundaries are indistinguishable.
- 2.2. The 2005 'City of York Draft Local Plan Incorporating the 4th Set of Changes' is used by CYC for the purpose of development control. However, this Plan never achieved adopted status, is dated and never formally set detailed York Green Belt boundaries.
- 2.3. This Examination therefore represents the opportunity for there to be a critical assessment of the exercise conducted by CYC in drawing up detailed Green Belt boundaries. Such an exercise should proceed on the basis of a robust analysis against the five Green Belt purposes set out at paragraph 80 of the NPPF. We contend that the assessment conducted by CYC is deficient. This is explored further below.

¹ Figure 2 Page 7 Approach to defining York’s Green Belt (TP1)

3.2 Paragraph 1.1.1 of the Council's "Approach to defining York's Green Belt" Topic Paper (TP1) [CD021] says "York's Local Plan will formally define the boundary of the York Green Belt for the first time." How has the Council approached the task of delineating the Green Belt boundaries shown on the Policies Map? In particular:

2.4. We agree with the acknowledgement at Paragraph 1.1.1. that this Local Plan will formally define the boundary of the York Green Belt for the first time. We address the question of how CYC has sought to define GB boundaries in the context of the emerging Local Plan in the commentary set out below.

3.5 Overall, are the Green Belt boundaries in the plan appropriately defined and consistent with national policy in the National Planning Policy Framework, and is the Plan sound in this regard?

2.5. We do not consider that the Green Belt boundaries in the draft Local Plan have been appropriately defined and nor are they consistent with national policy as set out in the NPPF. We have undertaken a detailed review of the evidence base relating to the York Green Belt and draw on the following evidence to support our position.

City of York Local Plan - Approach to the Green Belt Appraisal – February 2003 – Ref SD107A and Approach to the Green Belt Appraisal South Map – February 2003 – Ref SD107C;

2.6. This document is dated, but is referred to and relied upon in more recent evidence base documents which are considered below. The document sets out the five Green Belt purposes and then identifies², on a desk based assessment, a number of elements which the document considers defined the character and setting of the City. These are Open approaches to the City; Green Wedges, Views of the Minster, Character of the Landscape, Urban form, Relationship between the urban edge and the countryside and the Relationship with surrounding villages. The document then goes on³ to identify areas which retain, reinforce and extend the pattern of historic Green Wedges. Nowhere in this document are the identified areas of land assessed in terms of their performance against the five Green Belt purposes identified in national policy.

2.7. In terms of The Retreat, the accompanying map identifies the Southern portion of the site as falling within a Green Wedge with the identification of area C3⁴ as an extension to Walmgate Stray. The Northern portion of the site is excluded from these suggested designations. These aspects will be discussed in greater detail later in the Examination process.

Green Belt Topic Paper 1 - May 2018 – Ref TP1 – TP001

2.8. This document draws on the February 2003 Appraisal identified above⁵. However, as noted above, the February 2003 Appraisal failed to test the performance of parcels of land against the five Green Belt purposes.

² Section 4 Page 6

³ Section 6 Page 9

⁴ See map and Page 12

⁵ Figure 4 Page 15 and paragraph 4.3.12 Page 16

- 2.9. Whilst paragraph 4.2.4 of the Green Belt Topic Paper 1 records that, “The boundary of the Green Belt is the consequence of decisions about which land serves a Green Belt purpose and which can be allocated for development”, there is a continuing failure to assess parcels of land against Green Belt Purposes.
- 2.10. At paragraph 4.3.19 it is stated that Figure 7⁶, “shows how land around York contributes to one or more green belt purposes...”. Self-evidently, Figure 7 does not show how land around York contributes to one or more of the green belt purposes. In particular:
- i. there has been no assessment of individual parcels of land against the five Green Belt purposes. This is a fundamental flaw in the evidence base,
 - ii. whilst the NPPF⁷ identifies sustainable patterns of development as a relevant consideration when drawing up or reviewing Green Belt boundaries, the relevance of that factor does not dilute the requirement for an assessment against the five Green Belt purposes. The correct approach should be to assess the relevant land against the five Green Belt purposes and then to consider other factors (for example, as part of the process of identifying whether or not land should be made available for development),
 - iii. Figure 7 contains ‘islands’ of Green Belt within central York. The fact that CYC’s analysis (that purports to show land said to serve one or more Green Belt purposes) identifies islands of land in central York demonstrates the flaws in CYC’s approach. These spaces may perform other environmental roles, or have other open space designations or constraints, but this does not mean they perform a Green Belt purpose.
- 2.11. Table 1⁸ identifies the five Green Belt purposes and then applies site selection criteria. In terms of Green Belt purpose 1 – checking unrestricted sprawl and purpose 3 – safeguarding the countryside from encroachment, CYC appears to rely on other open space designations, access to services, sites of nature conservation, ancient woodland and flood zones as a proxy for measuring the performance of sites against Green Belt purposes. This approach is self-evidently incorrect. These other environmental designations are not the equivalent of Green Belt purposes.

Green Belt Topic Paper 1 Addendum – March 2019 – Ref EX/CYC/18

- 2.12. At paragraph 4.1 (page 11) of “the Addendum”, CYC states that its section 4 adds further detail to TP1, “in particular how the approach and evidence base relates to the five NPPF (2012) purposes of Green Belt”. This document at page 12 works through the five Green Belt purposes.
- 2.13. The analysis with regard to Purpose 4 relies, for the most part, on the 2003 Appraisal (commented on above).

⁶ Pages 20 and 22

⁷ NPPF 2012 para 84

⁸ Table 1 – Site Selection principles relevant to Green Belt Purposes – Page 24

- 2.14. With regard to Purpose 1, paragraphs 4.23 - 4.25 address the broad requirement of achieving sustainable development patterns as set out at paragraph 84 of the NPPF. That requirement is separate from the purposes to be served by land within the Green Belt. The exercise of drawing up Green Belt boundaries requires a clear assessment against the five Green Belt purposes. Other considerations (for example, related to sustainable patterns of development) are not a substitute for that assessment. In this document the assessment against Green Belt Purpose 1 appears to have been substituted by an assessment against NPPF paragraph 84.
- 2.15. With regard to Purpose 2, CYC states at paragraph 4.27 that, 'York does not have any major towns close to the general extent of the Green Belt, so the potential issue of towns merging does not arise'. However, at paragraph 4.29 CYC refers to other designations including Strays, and Common Land that form part of Green Wedges that are said to, "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". Self-evidently, that role is not the same as Purpose 2. Accordingly, there has been no clear assessment of the performance of land parcels against Purpose 2.
- 2.16. With regard to Purpose 3 at paragraphs 4.36 and 4.37, CYC identifies Nature Conservation Sites, Existing Open Space, Green Infrastructure Corridors and Ancient Woodlands as important features of the open countryside which should remain permanently open. Again, this approach fails to assess land against the Green Belt purpose. Whilst these other designations are relevant in their own right, they are not the equivalent of performing a Green Belt purpose. The NPPF⁹ states that 'once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land'. In other words, once land has been designated as Green Belt (because it performs a Green Belt purpose), steps should be taken to enhance its use (e.g. in landscape, recreation or ecological terms).
- 2.17. The same Figure 7 appears in the Addendum as appears in TP1. Paragraph 4.42 states that Figure 7, "shows land which, when assessed against the five purposes of Green Belt, has been identified as strategically important to keep permanently open." It is clear that by reference to TP1 and the Addendum, there has been no proper assessment of land against the 5 purposes of Green Belt.
- 2.18. Section 5 of the Addendum considers the identification of Green Belt boundaries and from paragraph 5.16 onwards considers the Inner boundary. Paragraph 5.16 records the appropriate objective ("to establish long term development limits to the built up area, and distinguish land that needs to be kept permanently open to meet the purposes of Green Belt..."). However, paragraph 5.17 simply sets out that the inner boundary is 'taken to be that which adjoins the main built up areas which radiates out from the historic core of the city'. Self-evidently, that is not the correct approach. Each parcel of land which is in or close to the inner boundary needs to be assessed against the five Green Belt purposes.
- 2.19. At paragraph 5.25 – 5.26 the Inner boundary is divided into eight main sections for analysis. The Retreat falls within Section 7 of Figure 15. The Inner boundary is said to be defined by the 'built up edge of York' (see "Summary" on page 30).

⁹ NPPF 2012 paragraph 81

- 2.20. Section 5c on page 31 identifies criteria for boundary delineation. On page 31 of the Addendum previous errors are repeated and compounded in that environmental and heritage designations are put forward as the equivalent to performance of the five Green Belt purposes (see part 1 of the “Openness Criteria”). As set out previously in this Statement, that approach is incorrect. These environmental and heritage designations are important in their own right, but they are not the same as performance of a Green Belt purpose.
- 2.21. Accordingly, contrary to paragraph 5.41 of the Addendum, land has not been identified by reference to its fulfilment of Green Belt purposes, whether in section 4 of the Addendum or anywhere else (for completeness, we note that the word ‘not’ in paragraph 5.39 is a typographical error).
- 2.22. Part 2 of the “Openness Criteria” (the “Local Assessment”) confuses matters further by referring to local historic assets as being somehow relevant to the designation of land as Green Belt. Paragraphs 5.46 – 5.48 refer again to local historic assets and in particular the identification of conservation areas, listed buildings, scheduled ancient monuments, historic park and gardens and city views. These assets and designations have significance in their own right but that significance is not the same as performance of a Green Belt purpose.
- 2.23. In a similar way paragraphs 5.59 – 5.60 identify other assets such as school playing fields which in some cases may be considered part of the urban environment, but in other cases part of the open countryside.
- 2.24. The suggestion (at paragraph 5.44) that, “Whilst some of these local considerations relate to the 5 purposes...they have been assessed broadly in relation to their contribution to overall openness” does not provide any adequate (or coherent) explanation to justify CYC’s flawed approach.

Safeguarded Land

- 2.25. We do have concerns that the setting of Green Belt boundaries are not being approached with sufficient longevity in mind. Green Belt boundaries are supposed to endure beyond Plan periods. It is important that the boundary endures not just for this Local Plan, but for at least the next one as well.
- 2.26. The Plan currently proposes to allocate enough land to endure for a minimum of 20 years to 2037 / 2038 i.e. beyond the Plan period of 2033¹⁰. Accordingly, the Green Belt boundary will be in need of review to meet further employment and housing needs by the end of the current Local Plan period (in order to make provision for the next Plan period). Even if the proposed allocations are not developed in their entirety during the emerging Local Plan period, they are insufficient, on their own, to accommodate the likely development needs for the next Plan period. Additional sites will need to be found and this is highly likely to require a further Green Belt review.
- 2.27. The proper means for avoiding that outcome is the identification in the emerging plan of Safeguarded Land.

¹⁰ Paragraph 7.15 – Green Belt TP1 Addendum - March 2019

Green Belt Topic Paper 1 Annex 3 (Inner Boundary) – March 2019 – Ref EX/CYC/18d

- 2.28. This document is more site specific in nature and for the first time in the evidence base, more detailed boundaries are considered based on Ordnance Survey mapping. We intend to submit a Hearing Statement on site specific boundaries for the Green Belt (that are relevant to the Retreat) at the appropriate time i.e. before the Phase 2 Hearings. We note at this stage that insofar as the drawing of detailed boundaries adopts and relies on the flawed approach in the TP1 and TP1 Addendum documents outlined above, then this exercise (set out in Annex 3) is also flawed.
- 2.29. In the meantime, we have the following initial comments to make : -
- i. even in this more detailed site specific analysis, there is still no proper assessment against the five Green Belt purposes,
 - ii. under the very brief commentary against purposes 4 & 2 reference is made to 'The Approach to the Green Belt Appraisal' 2003 on which we have already commented in this Statement and drawn attention to its lack of assessment against the five Green Belt purposes,
 - iii. the commentary in respect of The Retreat refers to 'adjacent land' as being important in terms of Green Wedges and Walmgate Stray. The presence of other designations on adjacent land does not support Green Belt designation of The Retreat,
 - iv. the analysis is factually incorrect. For example, there is a Scheduled Ancient Monument within the site, and,
 - v. it would appear that ECUS did not undertake a landscape appraisal of The Retreat.
- 2.30. As stated above, our site specific evidence in respect of The Retreat will be submitted in accordance with the Inspectors' directions directed at later Examination Hearing sessions.



Appendices



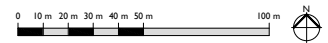
Appendix 1
Site Location Plan



I Site Plan
005 I:1000

- Key:**
- Extent of The Retreat Ownership
 - Existing Buildings
 - Building to be demolished
 - Roads, Paths, Parking
 - Green Space

- Indicative Parameters:**
- Zone 2a South Garrow Triangle
 - Zone 2b North Garrow Triangle
 - Zone 3 Main Building - Residential Use or Hotel Use
 - Zone 4
 - Zone 5



Notes:
 Drawings are based on survey data and may not accurately represent what is physically present.
 Do not scale from this drawing. All dimensions are to be verified on site before proceeding with the work.
 All dimensions are in millimeters unless noted otherwise.
 Purcell shall be notified in writing of any discrepancies.

R	07/12/2018	JHB	JHB	
A	27/11/2018	DC	JHB	
C	08/08/2019	TB	TB	
First Issue	06/11/18	RM		
ISSUE	DATE	DRAWN	CHECKED	DESCRIPTION

CLIENT
 The Retreat York

PROJECT
 The Retreat York

DRAWING TITLE
 Parameters Plan


SIZE & SCALE
 A1L

DRAWING STATUS Work in Progress

JOB NUMBER 238382

DRAWING NO. 005 recover

REVISION F





Appendix 2 Designations Plan

THE RETREAT: DESIGNATIONS

- Registered Park and Garden
- Boundary
- Grade II*
- Grade II
- Unlisted
- Scheduled Monument

This plan is not to scale





Appendix 3
Landscape Appraisal and Assessment of Openness
(prepared by the Landscape Agency)



The Retreat, York

Landscape Appraisal and Assessment of Openness

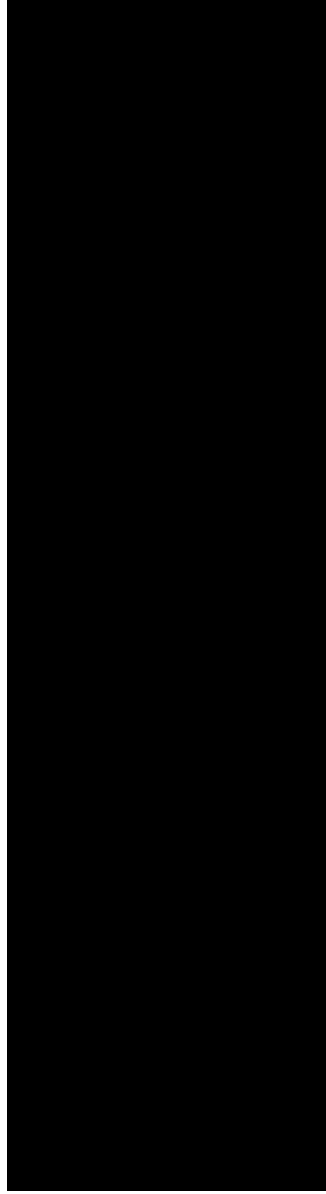
City of York Council – Local Plan

October 2020

1322 - RP01c

Document Title	Project Number	Prepared for	Prepared by	Date	Reviewed by
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Introduction



1.1 PURPOSE OF THE DOCUMENT

The Landscape Agency has been commissioned by Savills Ltd. to undertake an initial Landscape Appraisal and Assessment of Openness to support an Examination in Public as part of the City of York's Council's emerging Local Plan process.

The project involves development proposals for The Retreat, a historic mental healthcare facility set within extensive mature gardens and grounds, on Heslington Road, York. The main aims of this report are to:

- Develop an understanding of the context, including landscape designations, history and landscape character of the site and its immediate setting.
- Assess the visibility of the site from key public receptors including public roads and Rights of Way.
- Assess the visual openness of the site and its contribution to the Green Belt including impacts on long and short distance views and visual links to the wider City of York Council Green Belt.



▲ Figure 1. Site location



SAINT LAWRENCE'S
PRIMARY SCHOOL

HESLINGTON ROAD

THEIR LANE

UNIVERSITY ROAD

THE RETREAT

YORK CEMENTARY

LOW MOOR ALLOTMENTS

UNIVERSITY OF
YORK

▲ Figure 2 Aerial Map of site

Introduction 1



1.2 THE SITE

The site is located at The Retreat, a historic mental health unit located on Heslington Road adjacent to the University of York. The main health care facility is located within the Grade II* listed Retreat buildings set within the wider estate totalling approximately 16ha (40 acres). Much of the site is also a Grade II* listed Registered Park and Garden.

The site is bound by housing to the north-west, north and north-east. Saint Lawrence's Primary School is located to the north of the site on the opposite side of Heslington Road. The University of York - Heslington Campus is situated to the east and south-east. To the west and south-west lie the urban green-spaces of York Cemetery and the Low Moor Allotments, Walmgate Stray, a historic area of open common land is located to the immediate south.

The existing mental health facility at The Retreat is no longer considered fit for purpose. Following a detailed review of assets and approach to healthcare provisions, The Retreat is exploring potential residential development options for the Estate and is currently engaged with positive pre-application discussions with City of York Council (CYC).

Current proposals comprise the following plots:

Plot 1 - Daffodil Field

Mix of 3 and 4 storey blocks

Plot 2a - South Garrow Triangle

3 storey building

Plot 2b - North Garrow Triangle

2 storey building

Plot 3 - Main Building - Residential Use

Approximately 150no. 2 bed units



▲ **Figure 3.** The Site

1.3 SITE PHOTOGRAPHS



▲ **Figure 4.** Photo viewpoint locations

The Retreat, York

The Landscape Agency



▲ **A.** High brick boundary wall with archway entrance adjacent to Heslington Road.



▲ **B.** Brick retaining wall with metal railings adjacent to Heslington Road near the entrance to The Retreat.

Introduction 1



▲ C. High brick boundary wall running along western boundary adjacent to Walmgate Stray.



▲ E. The high brick wall along the western edge reduces in height and is replaced with railings for a portion of the boundary before retuning to a high wall.



▲ D. High brick boundary wall running along southern boundary adjacent to Walmgate Stray.



▲ F. The entrance to The Retreat along Heslington Road.



Landscape Baseline



2.1 LANDSCAPE DESIGNATIONS

This section outlines the statutory designations that cover the site and its immediate context. It summarises designations, both at a national and local level.

Designations include:

Green Belt

the site is covered by the City of York Council's Green Belt which is currently under review as part of the Local Plan examination process. Refer to section 2.2 for further details.

Conservation Area

The entirety of the site falls within The Retreat and Heslington Road Conservation Area, designated to manage and protect the areas special architectural and historic interest. Refer to section 2.3 for further details.

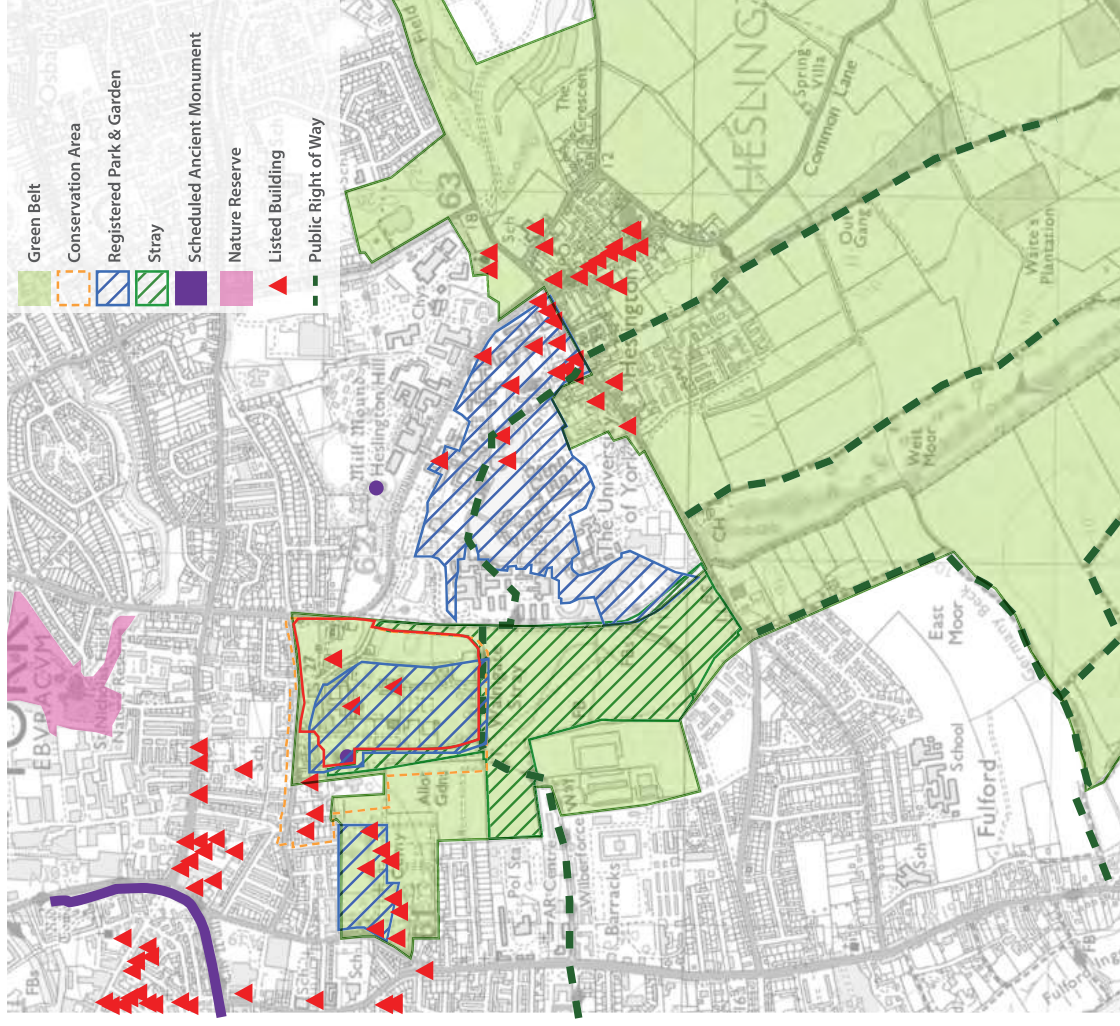
Registered Park and Garden

The historic grounds of The Retreat are also designated a Grade II* Registered Park and Garden. Refer to section 2.5 for further details.

The Victorian York Cemetery to the west of the site is also a Grade II* Listed Registered Park and Garden and much of the original designed landscape at the University of York Campus West to the east of The Retreat is a Grade II listed Registered Park and Garden.

Scheduled Ancient Monuments: A designated Scheduled Ancient Monument, Lamel Hill, is located within The Retreat site boundary, towards the north west of the site. The Anglo-Saxon burial mound was used as a gun emplacement during the siege of York in the Civil War.

Within the wider setting, Scheduled Ancient Monuments in close proximity to The Retreat include Siwards How at Heslington Hill and a section of the City Walls to the north west.



▲ Figure 5. Landscape Designations

LANDSCAPE DESIGNATIONS (Cont.)



Walmgate Stray

Walmgate stray, a historic area of open pasture, lies immediately to the south of The Retreat. Walmgate stray is one of four historic strays within the city, which in total encompass approximately 800 acres (323 ha) of land. Historically, the Freeman of York held established grazing rights across the strays and Walmgate Stray is still grazed in part today. The stray has also been retained for public use with a network of footpaths and is now managed by the City of York Council. The stray forms an important open landscape within the city and is a valuable remnant of York's historic landscape. Refer to section 2.3 for further details.



Listed Buildings

The Retreat is Grade II* Listed. This listing covers a range of the historic built features including the boundary walls. Additional listed buildings within the site boundary include the Grade II listed Garrow Hill (aka Garrow House) towards the north east corner, a Grade II listed Summerhouse within grounds to the north west and the Grade II listed Stables and coach house with attached mortuary within the grounds to the east. Refer to section 2.5 for a detailed location plan.

▲ Walmgate Stray



▲ Walmgate Stray

Tree Preservation Orders:

Many of the large mature trees along the boundaries of The Retreat and within Walmgate Stray have been served Tree Preservation Orders (TPOs).



Nature Reserve:

St Nicholas Field Nature Reserve is located approximately 500m to the north of The Retreat. The former landfill site was transformed in the 1990's to provide a local nature reserve in the heart of the city.



Public Rights of Way:

There are no Public Right of Way within The Retreat site. However, a public right of way runs along the site's southern boundary within Walmgate Stray, providing a footpath and cycle link from the University and Heslington to Fulford linking to Millennium bridge. Further Public Rights of Way are located to the south of the Stray and provide footpath links to Heslington Common and the Minster Way.

2.2 THE CITY OF YORK GREEN BELT

The National Planning Policy Framework (NPPF) sets out government's planning policies for England and how these are expected to be applied. Paragraph 134 of the NPPF defines the five purposes of the green belt:

1. To check the unrestricted sprawl of large built-up areas;
2. To prevent neighbouring towns from 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.

The City of York Council's Local Plan is currently under examination and will formally define the boundary of the York Green Belt for the first time. In May 2018, as part of the evidence to support the Local Plan, The City of York Council published 'Topic Paper (TP1) - Approach to Defining York's Green Belt. This paper describes the methodology used to determine an appropriate boundary, maintaining openness and preserving the special character and setting of the historic City.

The Green Belt includes five Green Wedges, broad tracts of undeveloped extending from the countryside into the City. The Green Wedges are usually bounded on three sides by urban development, part of which comprises the historic Strays and lngs and river floodplains.

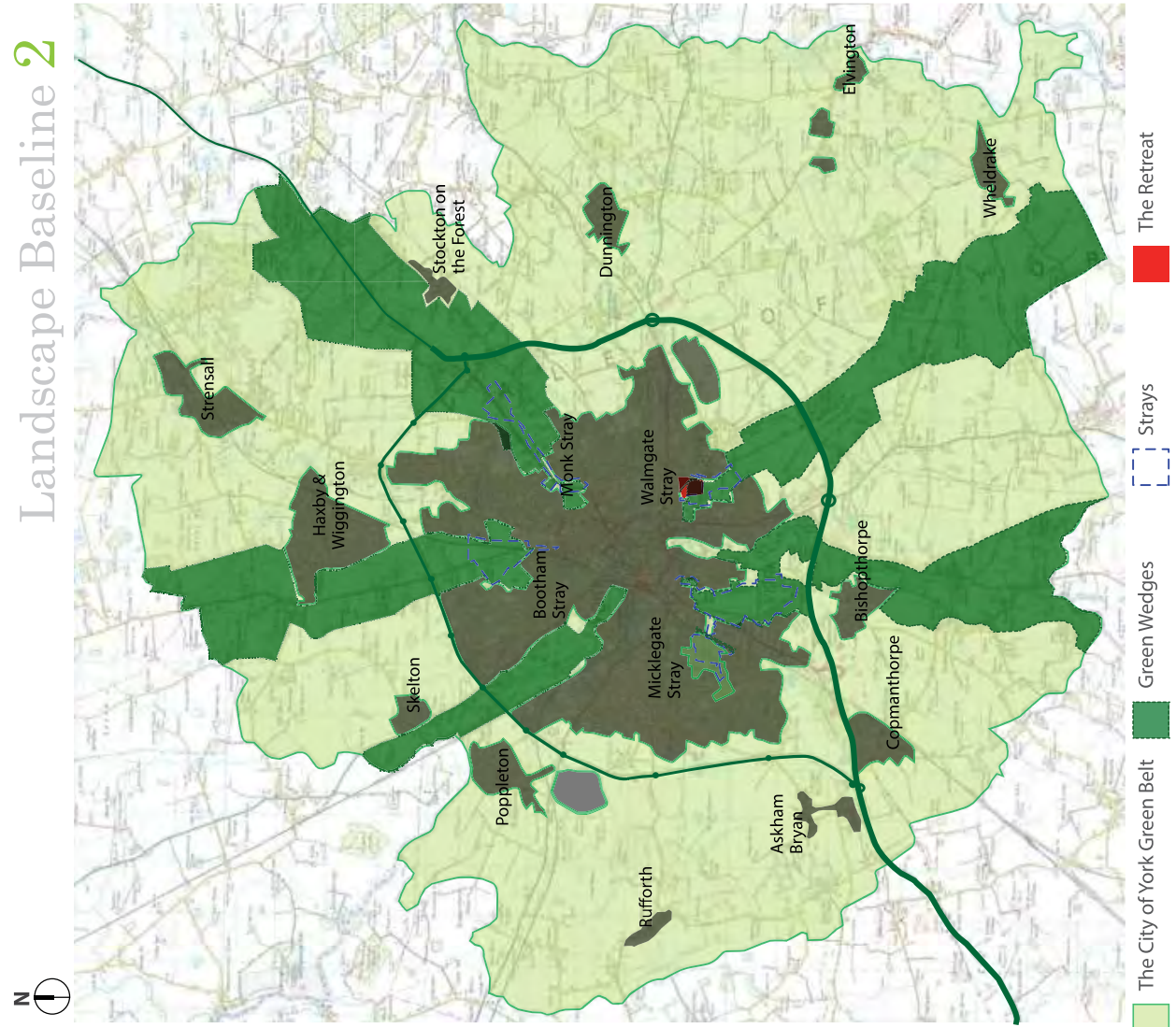
"The Green Wedges prevent the lateral coalescence of different parts of the urban area, and help retain the distinctive characteristics of earlier periods of individual settlements.

The Green Wedges bring a feeling of the countryside within a close proximity to the City Centre, allowing views to be enjoyed, including those towards the Minster.

Green Wedges have helped 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 City of York Council published 'Topic Paper (TP1) Approach to Defining York's Green Belt.

▲ **Figure6:** City of York Green Belt



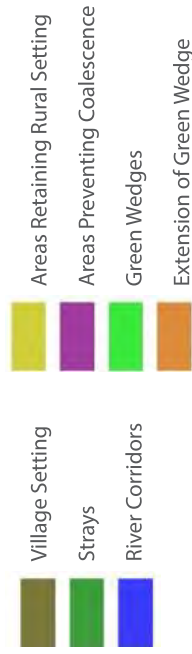
THE CITY OF YORK GREEN BELT (Cont.)

Within TP1 the Council concluded that the historic character and setting of the City in the context of the Green Belt could be defined in terms of the following elements:

- Areas which retain, reinforce and extend the pattern of historic green wedges.
- The setting of villages whose traditional form, character and relationship with the surrounding agricultural landscape is substantially changed.
- Areas which provide an impression of a historic City situated within a rural setting.
- Areas which prevent the coalescence of settlements to retain their individual identity

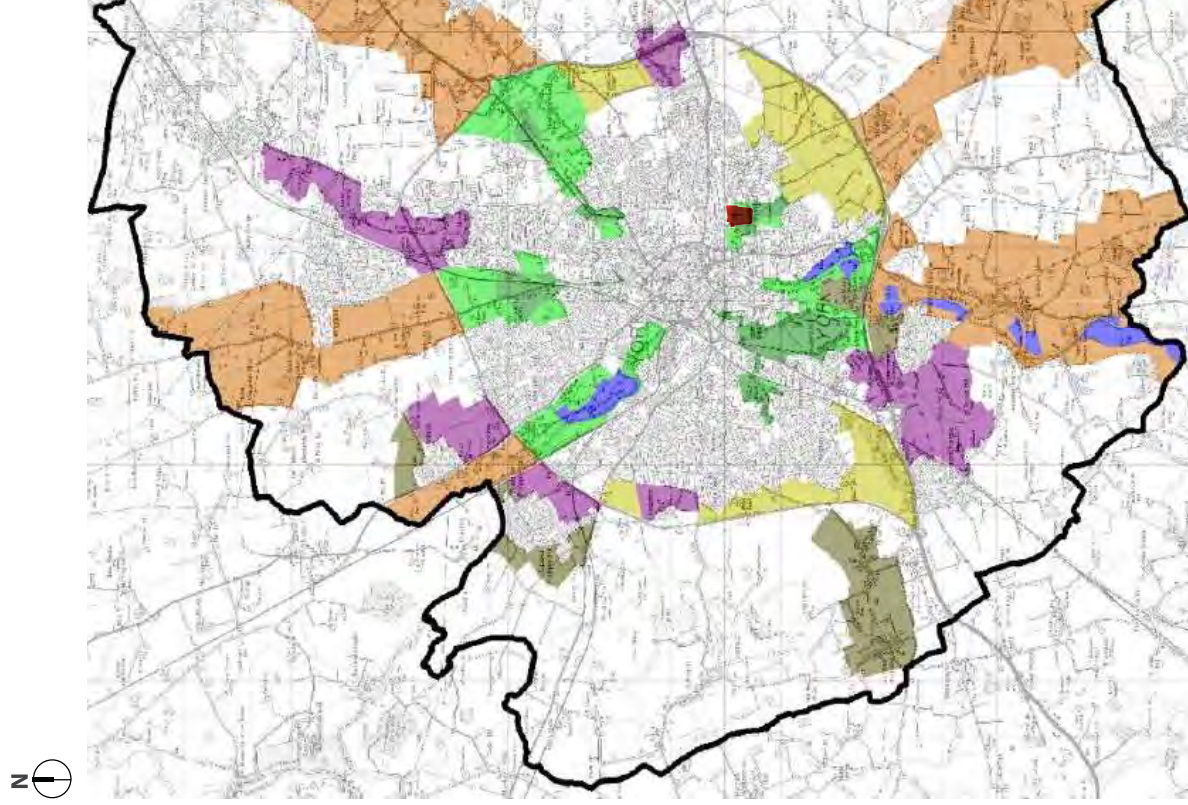
Figure 7 opposite, extracted from TP1, demonstrates survey work carried out by the Council identifying land outside the existing built up areas that should be retained as open land, protected by the Green Belt, due to their role in preserving the historic character and setting of York.

In terms of The Retreat, the southern section of The Retreat falls within a Green Wedge as an extension to Walmgate Stray. However, the presence of the historic brick boundary walls to the east and south of The Retreat prevent the grounds of The Retreat extending into Walmgate Stray.



The Retreat, York

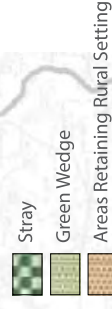
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▲ Figure 7: Historic Character and Setting map extracted from City of York Local Plan - Approach to defining York's Green Belt (TP1)



▲ Figure 8: Zoom in of York Historic Character and Setting map (site location)



2.3 THE RETREAT / HESLINGTON ROAD CONSERVATION AREA

The Retreat/Heslington Road Conservation Area covers 22 ha of land occupying the highest ground south of the City and commands views northwards across the City of York and southwards over Walmgate Stray towards Fulford. The Conservation Area was designated in 1975.

The entire Retreat site falls within the Conservation Area including the designated Scheduled Ancient Monument, Lamel Hill, a large mound raised during the Civil war. The area around the mound includes an extensive late Roman or Anglian cemetery, because of this Lamel Hill has also been designated an Area of Archaeological Importance.

The Retreat is the focal point of the Conservation Area.

Defining Characteristics

The main elements of the character and appearance of the area are:

1. The Retreat - set in parkland **surrounded by high obscuring walls** but with views out. The Retreat grounds were enclosed with high walls to keep the patients safe inside the garden areas.
2. A series of **gardens and adjoining parkland** surrounding The Retreat. These were laid out with numerous ornamental and shrubs and with hedges in a series of gardens and parkland. In the 1850s further areas were purchased and the hospital extended whilst still retaining its parkland setting.
3. Pleasant Victorian suburban housing on Belle Vue Terrace, some of which are listed, **forms an edge to the open space.**
4. The **open character of the Conservation Area extends west to York Cemetery, south to Walmgate Stray and east to the landscaped campus of the University.**

It consists mainly of open greenspace on the edge of the city located within the City of York Council's Green Belt.



▲ Figure 9: The Retreat / Heslington Road Conservation Area

2.4 WALMGATE STRAY

Walmgate Stray is located immediately to the south of The Retreat, a historic area of open common. Walmgate Stray is one of four historic strays in the City which also include Micklegate Stray (which includes the Knavesmire and Hob Moor), Bootham Stray and Monk Stray.

Walmgate Stray consists of around 32 hectares (79 acres) of pasture, located immediately to the south of The Retreat. The main area of Walmgate Stray, between the southern boundary of The Retreat and Heslington Lane, is known as Low Moor. Although the Stray remains largely open pasture, a large part of its north-western corner is occupied by council allotment plots, known as Low Moor Allotments.

The Strays are the remains of much greater areas of common land on which the hereditary Freemen of the City had the right to graze cattle. After the Parliamentary Enclosures of the eighteenth and early nineteenth centuries, whereby commons were enclosed and rights of pasturage extinguished, areas of grazing land were allotted to the Freemen in lieu of their existing rights. Together with the Knavesmire and Hob Moor, land already used by the City for pasturage, these areas became the Strays, land vested in the Corporation to be held in trust for the Freemen of each of the original four Wards of the City.

Walmgate Stray is now managed by City of York Council in consultation with Freemen of the City. It is still grazed for part of the year by Cattle and represents an important link with the past to which great value is attached. Low Moor is crossed by a series of informal public footpaths and provides a valuable space for connectivity and recreation. There is also a hard surfaced shared use footpath which runs between York University and the A19 which leads to Millenium Bridge



▲ Figure 10: Walmgate Stray

2.6 HISTORIC APPRAISAL

A brief overview of the historic development of the landscape has been carried out to better understand the Site and its designed landscape setting.

The Retreat was established as a hospital for the mentally ill between 1793 and 1797 by the Society of Friends (Quakers) on a previously undeveloped site. William Tuke, the Societies founding member, a Quaker tea-merchant and philanthropist, was a notable asylum reformer. He pioneered the kind and moral treatment of the insane which was hugely influential in future provision of care for the mentally ill. The Society's Vision for The Retreat was to provide humane treatment for the mentally ill, in airy surroundings with access to gardens and farm animals.

The original asylum building was completed in 1796 to designs by John Bevans, a Quaker architect from London, in consultation with William Tuke. The construction was supervised by Peter Atkinson of York. It was then extended in 1799 and altered over the course of the nineteenth and twentieth centuries.

From the outset the landscape setting and the grounds were as important as the building itself. The founding Quakers had aspirations for the grounds to promote the health and wellbeing of patients through recreation and exercise. Most of the grounds lay to the south, or rear of the building with two long strips of fields stretching down towards Walmgate Stray. These were extensively landscaped as exercise fields with walks, large kitchen gardens and a small farm in the manner of a small country house estate. The frontage of the buildings to the north was laid out as ornamental pleasure grounds with serpentine walks, a shrubbery and shaped flower beds. The care taken over the landscaping of the grounds is shown in the purchase of 768 plants from notable York nurseries in 1794, when building work was still in its initial stages. These included 100 Beeches, 30 Black Poplars, 50 Lombardy Poplars, 25 Oaks, 25 Larches, 2 Horse Chestnuts, 2 American Spruce, and many others, as well as shrubs such as honeysuckles and guilder roses. In 1828 an extra strip of fields was purchased on the west side incorporating Lamel Hill. Later in the nineteenth century a variety of increased provision of sports facilities were added including multiple tennis courts, bowling green, croquet lawns and a large cricket field to the south.



▲ **Figure 13:** Extract from the 6-inch OS map, revised in 1929



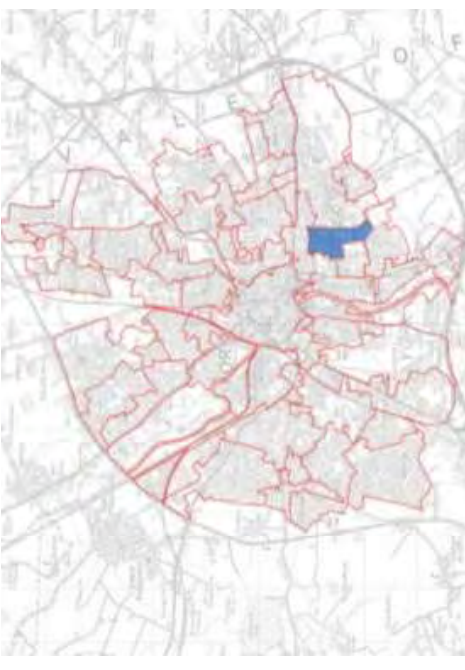
2.7 LANDSCAPE CHARACTER

The 'City of York Historic Environment Characterisation Project' (YHECP) was undertaken in 2013 as part of English Heritage's Characterisation Programme. The project identifies 24 Character Areas across the historic core of the city and 52 Character Areas for Suburban York (areas 25 to 76) from the edges of the Historic Core Conservation Area to the outer ring road with corresponding Character Statements for each area.

The Retreat falls within Area 63: **The Retreat & Walmgate Stray**

Defining characteristics include:

- Large open public green space with scattered trees and historic hedgerows incorporating Walmgate Stray and Low Moor as well as private parkland area of The Retreat.
- Buildings are generally late 18th to early 19th century and relate to The Retreat or the Stray.
- The Retreat occupies high ground with views north of the city and south over Walmgate Stray, land slopes down towards the south and Low Moor.
- Stray is historically important as common grazing land.
- Important recreational and aesthetic green space – one of York's principal characteristics
- Includes Area of Archaeological Importance – Lamel Hill.
- Extant rural boundaries dating to at least 1750.
- Remains of First and Second World War military training areas.
- Approximate walking/cycling distance to the city centre from the centre of entrance to Walmgate Stray on Heslington Road is 1.6km.
- Dominant Building Type: Three-storey 18th century former institutional building.



▲ **Figure 14:** Character Area 63: The Retreat and Walmgate Stray. Extracted map from City of York Historic Characterisation Project, 2013

- Other Key Building Types: One-storey 19th century former Herdsmen's Cottage and 20th century buildings.
- Designated Heritage Assets: Lamel Hill (SAM) and three Grade II listed buildings, Heslington Road Conservation Area and Lamel Hill Area of Archaeological Importance.
- Non-designated Heritage Assets: Fairfax House, Post-Medieval and possibly older hedgerow boundaries, First and Second World War military training remains, early 20th century allotments and Medieval and Post Medieval ridge and furrow.
- Key Views: Local views of The Retreat from the Stray and university buildings in particular Wentworth College and the Siwards Howe concrete tower from the Stray and Low Moor. Rural views to the south. Glimpses of Layerthorpe chimney and Rowntree/Nestle factory from highest points.
- Surviving historic roads and tracks: Heslington Road, Green Dikes Lane (now unnamed), and informal tracks running north-south-east across the Stray.



Visual Appraisal



3.1 VISUAL APPRAISAL

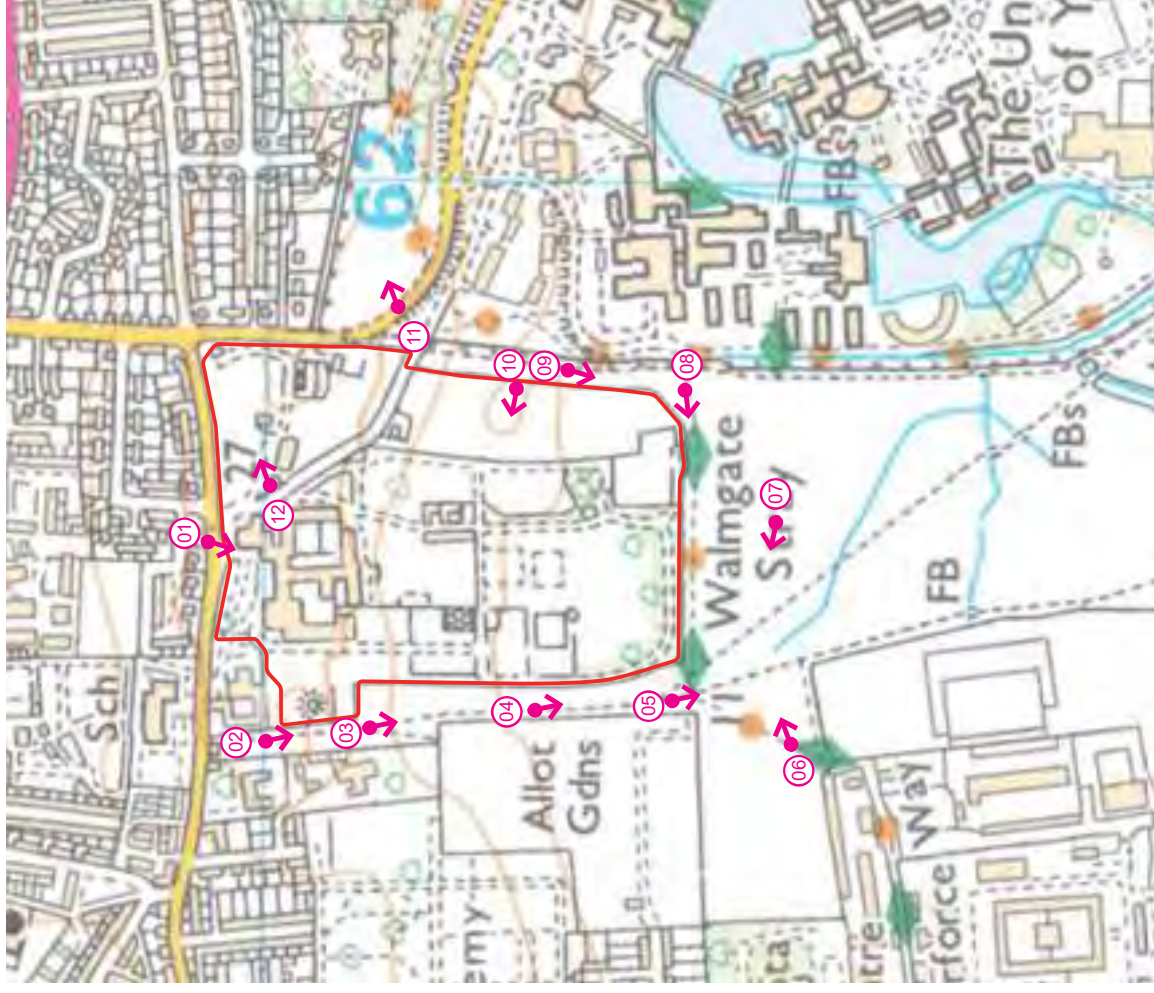
A field survey has been conducted from public receptors. A mix of short to long views were taken.

Public Rights of Way were walked on the day of the field assessment to assess the visibility of the site, its openness and character and its setting within the wider landscape.

The site survey was undertaken in August 2019 when trees were fully in leaf. It should be noted that the site would be more visible during the winter months, when the trees are bare of leaves.

The level of openness is assessed following against the following criteria:

LEVEL OF OPENNESS	
HIGH	<i>The landscape character is very open with expansive long range views and good intervisibility. Built form and existing vegetation is at a scale which does not impeded long range views and retains a sense of remoteness.</i>
MODERATE	<i>The landscape has a degree of openness. Views may be medium to long range with a moderate level of screening by vegetation or built form.</i>
LOW	<i>The landscape is confined, contained or enclosed in character with few inward or outward views. Little inter-visibility with adjacent sensitive landscapes or viewpoints. Views are short range. Medium and long range views are screened by built form or dense/mature vegetation.</i>



▲ Figure 15: Viewpoint locations

VIEWPOINT 1



▲ Looking south towards the site from entrance to The Retreat off Heslington Road

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE616510	Residential , Recreational (PRoW)and Transport	7	30

This represents views south from Heslington Road looking into the site. The existing buildings and parking areas are visible, set back from the road behind the boundary wall and railings. The setting to the frontage with a large area of mown grass and existing mature trees breaks up views towards the built form.

LEVEL OF OPENNESS

Low	Moderate	High
Presence of built form and existing trees blocks medium/long range views.	Buildings are set back from the road and there are areas of open green space.	

The Retreat, York

The Landscape Agency

VIEWPOINT 2

Low Moor Allotments

Boundary wall to The Retreat



▲ Looking south towards Walmgate Stray on the western edge of site.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE614509	Recreational (PRoW)	20	32

This represents views from the northern extent of Walmgate Stray looking south. Residential housing is located to the west. Views into the site are prevented by the existing mature trees and high brick boundary wall of The Retreat.

LEVEL OF OPENNESS

Low	Moderate	High
	<i>This is an open area of grassland associated with Walmgate Stray. Long range views to the south are blocked by mature existing trees. Views are constrained by residential housing to the west and the boundary wall and mature trees of The Retreat to the east.</i>	

VIEWPOINT 3



▲ Looking south towards Walmgate Stray on the western edge of site.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE614509	Recreational (PRoW)	12	28

This represents views from the northern extent of Walmgate Stray looking south. Views into the site are screened by the existing mature trees and high brick boundary wall of The Retreat.

LEVEL OF OPENNESS

<i>Low</i>		<i>Moderate</i>	<i>High</i>
	This is an open area of grassland associated with Walmgate Stray. Long range views to the south are blocked by mature existing trees. Views are constrained by the boundary wall and mature trees of The Retreat and a dominant line of mature trees within the Stray.		

Visual Appraisal 3

VIEWPOINT 4



▲ Looking south towards Walmgate Stray adjacent to Low Moor allotments.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE614507	Recreational (PRoW)	45	18.0

This represents views from the northern extent of Walmgate Stray looking south. Views into the site are screened by the existing mature trees and the boundary wall and railings of The Retreat. Low Moor allotments are to the west.

LEVEL OF OPENNESS

<i>Low</i>	<i>Moderate</i>	<i>High</i>
<i>Low</i>	<i>Moderate</i>	<i>High</i>
<i>Low</i>	<i>Moderate</i>	<i>High</i>

The landscape is enclosed by a dense line of mature trees and vegetation within the Stray adjacent to the Low Moor allotments. Views are constrained to short range only with glimpses through the canopy to the wider expanse of Walmgate Stray to the south.

VIEWPOINT 5



▲ Looking south from Walmgate Stray

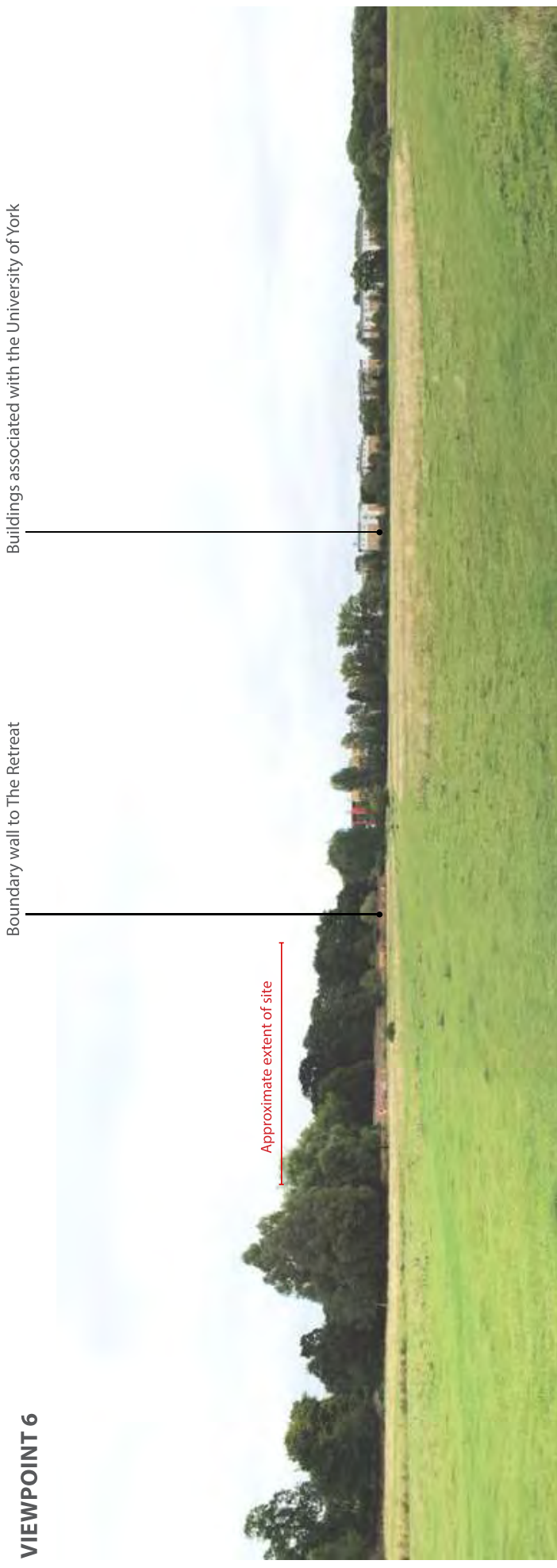
GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE614505	Recreational (PRoW)	46	11.0

This represents views from a formalised footpath running through Walmgate Stray. Long distance views are constrained by the presence of numerous mature trees within the Stray which also reduces the degree of openness. However, glimpsed long distance views south can be experienced through gaps in tree cover and under the canopies of trees.

LEVEL OF OPENNESS

Low	Moderate	High
	<i>This is an open area of grassland associated with Walmgate Stray. Long range views to the south are partially blocked existing trees.</i>	<i>Long range views south between and beneath tree canopies can be appreciated.</i>

VIEWPOINT 6



▲ Looking north east from Walmgate Stray

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE614504	Recreational (PROW)	1600	13.0

LEVEL OF OPENNESS

Low	Moderate	High
Large expanse of grassland and lack of trees or built form within Walmgate Stray to block views.		

This represents views looking northeast from Walmgate Stray. The landscape is very open in character with long range views in all directions. However, views of the site are screened behind the high brick boundary wall and dense tree canopy along The Retreat's southern boundary.

VIEWPOINT 7

Buildings associated with the University of York

Approximate extent of site



▲ Looking west from Walmgate Stray

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE616504	Recreational (PRoW)	83	11.0

This represents views looking west from Walmgate Stray. The landscape is very open in character with long range views. However, views north, towards the site are screened behind the wall and dense tree canopy along The Retreat's southern boundary. The site does not contribute to the openness of this view.

LEVEL OF OPENNESS

<i>Low</i>		<i>Moderate</i>	<i>High</i>
	Views north are constrained by the existing wall and mature trees along the southern boundary of The Retreat.		Long range views south and east across a large expanse of grassland.

The Retreat, York

The Landscape Agency

Visual Appraisal 3

Approximate extent of site

VIEWPOINT 8



▲ Looking west from footpath entrance to Walmgate stray from University campus.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE617505	Recreational (PRoW)	1600	35.0

This represents views from a footpath entering Walmgate Stray from the University campus. Views south are far reaching whilst views north and west are partially constrained by mature tree planting along The Retreat's eastern boundary.

LEVEL OF OPENNESS

Low	Moderate	High
Views north and east are partially constrained by mature tree planting enclosing the space.	Long range views south across a large expanse of grassland.	

Mature trees to the eastern boundary of the Stray

Approximate extent of site

VIEWPOINT 9



▲ Looking south from Walmgate Stray

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE(m)	ELEVATION (m AOD)
5E618506	Recreational (PRoW)	17	95.0

LEVEL OF OPENNESS

Low	Moderate	High
	This is narrowed area of open grassland associated with Walmgate Stray. Long range views to the south are blocked by mature existing trees. Views are constrained by the mature trees either side of which enclose the space	

This represents views from an informal path running along the northern finger of Walmgate Stray adjacent to The Retreat's eastern boundary. The narrowed of the Stray and the presence of surrounding mature vegetation encloses the footpath and reduces the degree of openness. Views into the site are partially screened by mature trees however this site is more visible than from the west due to the lack of a high boundary wall.

Glimpsed views of The Retreat buildings

111 Heslington Road

VIEWPOINT 10

Approximate extent of site



▲ Looking west into the site from Walmgate Stray through a break in the boundary vegetation.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE617507	Recreational (PRoW)	1	17.0

LEVEL OF OPENNESS

<i>Low</i>	<i>Moderate</i>	<i>High</i>
<i>Low</i>	Long range views are constrained by a strong boundary of mature trees that enclose the space.	A large area of grassland providing an open character.

This represents views looking into the site from the eastern boundary within Walmgate Stray. The vegetation cover along the site's eastern edge is broken in places providing unobstructed views into the site. The landscape character is more open due to the larger area of open grassland albeit constrained on all sides by a strong edge of mature trees.

VIEWPOINT 11



▲ Looking north from University Road

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE618508	Residential, Recreational (PRoW) and Transport	23	26.0

This represents views looking north from University Road across an open area of grass adjacent to the site. The site can not be seen from this viewpoint. Although this view is outside City of York Green Belt it illustrates an open setting to the immediate context of the Green Belt.

LEVEL OF OPENNESS

Low	Moderate	High
	The presence of a large area of grass with relatively little tree cover or built form provides a moderate level of openness and medium range views.	

Approximate extent of site

VIEWPOINT 12



▲ Looking east from access road with The Retreat site.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE616510	Recreational (PRoW)	0	30.0

This represents views across an open area of mown grass at the frontage to The Retreat on the northern edge of the site. This is a relatively small area of open landscape surrounded by 20th century residential development along Heslington Road and The Retreat buildings.

LEVEL OF OPENNESS

Low	Moderate	High
Built form of The Retreat and adjacent residential properties enclose the space along with a level of mature trees prevent medium to long range views.	Presence of an open area of grass provides a degree of openness.	

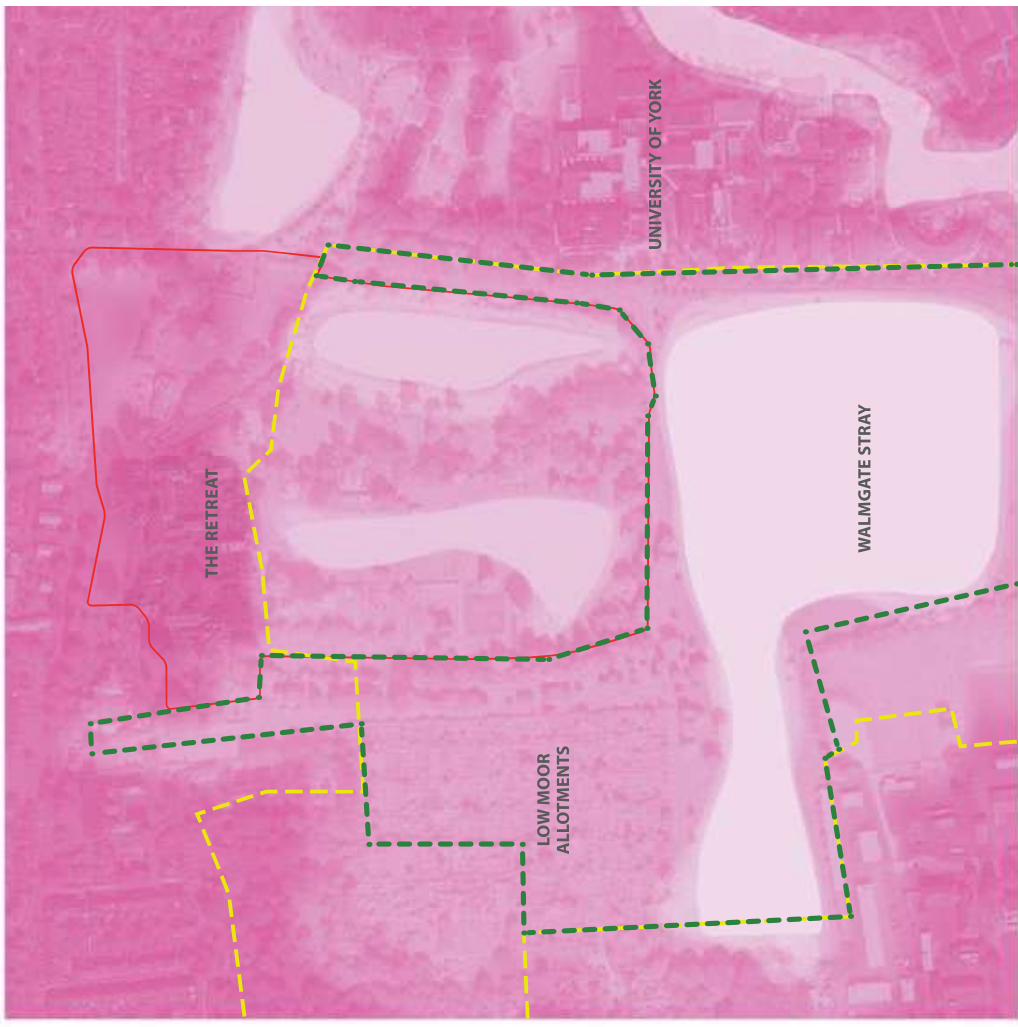
4 CONCLUSION

The site's contribution to the openness of the City of York Greenbelt is limited by existing built form of The Retreat, the strong line of existing mature trees and the high brick walls that define the site's historic boundary. The findings of the Visual Appraisal conclude that:

- From the north, existing buildings within The Retreat screen views of the wider site and open landscape to the south.
- The mature trees and boundary walls to The Retreat largely screen views from the south and west, preventing any long distance views into the site from Walmgate Stray.
- To the east, glimpsed views into the site are permitted from the narrow "finger" of Walmgate Stray which runs along the site's eastern boundary, through gaps in boundary vegetation.

Within the northern part of the site, the large buildings of The Retreat screen views of the wider site from Heslington Road and reduce the sense of openness. Openness is further constrained by adjacent residential properties along Heslington Road and mature trees within the grounds of The Retreat. There is an area of open mown grassland to the frontage of The Retreat along Heslington Road which contributes to the perceived levels of openness. However, this is a relatively small area of open landscape, which is enclosed by the buildings of The Retreat and surrounding residential development.

Conclusion



▲ Figure 16: Summary Openness Assessment

- Stray
- Green Wedge

Much of the surrounding landscape of Walmgate Stray to the south has strong sense of openness with a large expanse of open grassland with far reaching views. However, the northern "fingers" of the stray, that extend either side of The Retreat to the east and west, are constrained either side by built development and the presence of dense mature trees and vegetation. This, combined with the narrowed width of these "fingers" significantly reduces the perceived openness that is experienced compared to the expansive areas of the Stray to the south.

Within the south of The Retreat site is a large area of grassland including a cricket pitch which results in a moderate level of openness. However, the presence of the high brick boundary walls and mature trees along the boundaries of The Retreat prevent these open areas contributing to the perceived openness of the surrounding Stray to the south. There are limited long range views into the site from Walmgate Stray and a lack of intervisibility with the wider landscape. For this reason, the levels of openness associated with Walmgate Stray are not replicated within the site.

In conclusion, the site has a low contribution to the overall openness of the Green Belt. The site as illustrated on the parameter plan is well screened from the wider open landscape and largely enclosed within the existing historic defined boundary of brick walls and mature tree planting.





Appendix 4 Designations Plan

THE RETREAT: DESIGNATIONS

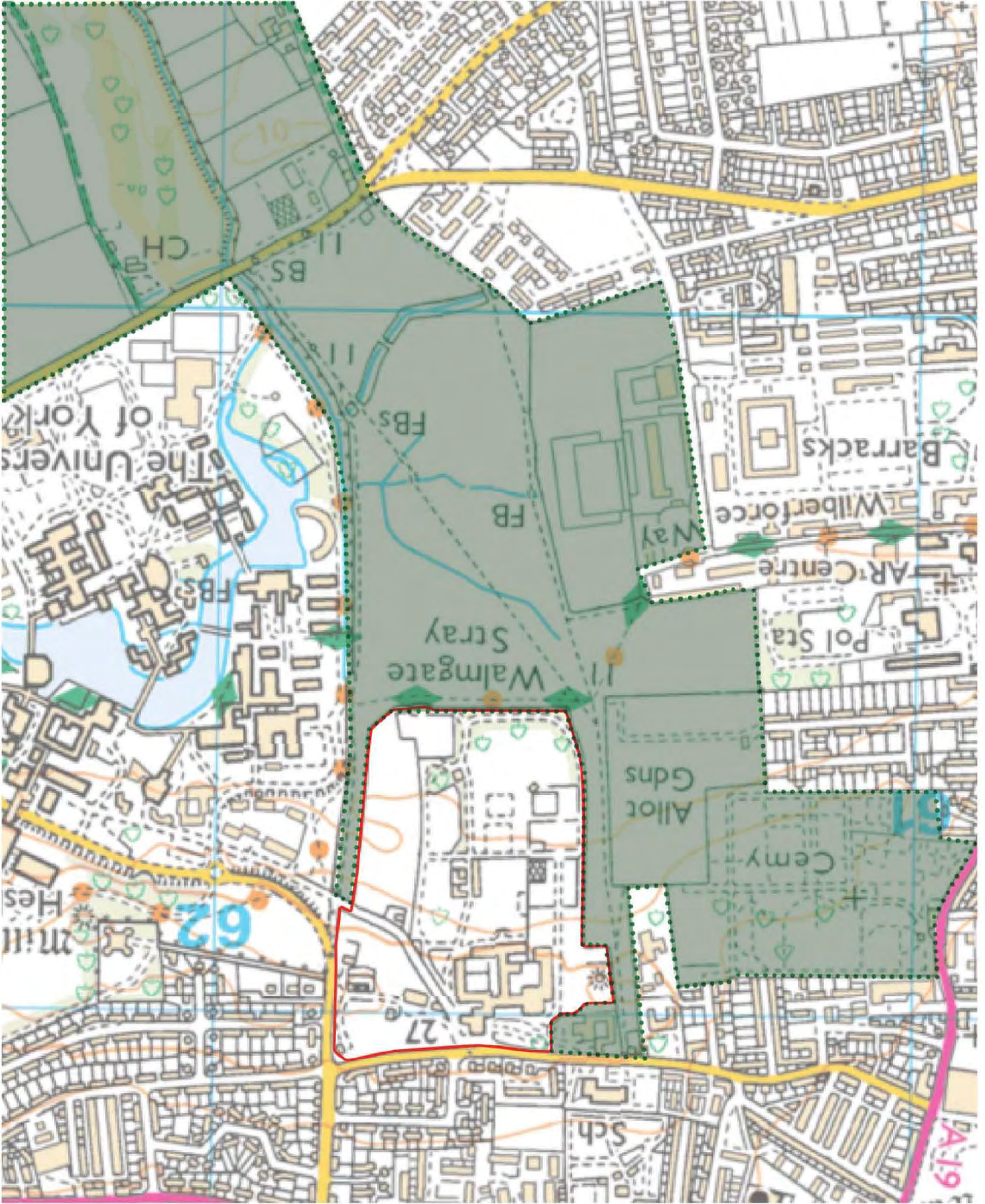
- Registered Park and Garden
- Boundary
- Grade II*
- Grade II
- Unlisted
- Scheduled Monument

This plan is not to scale



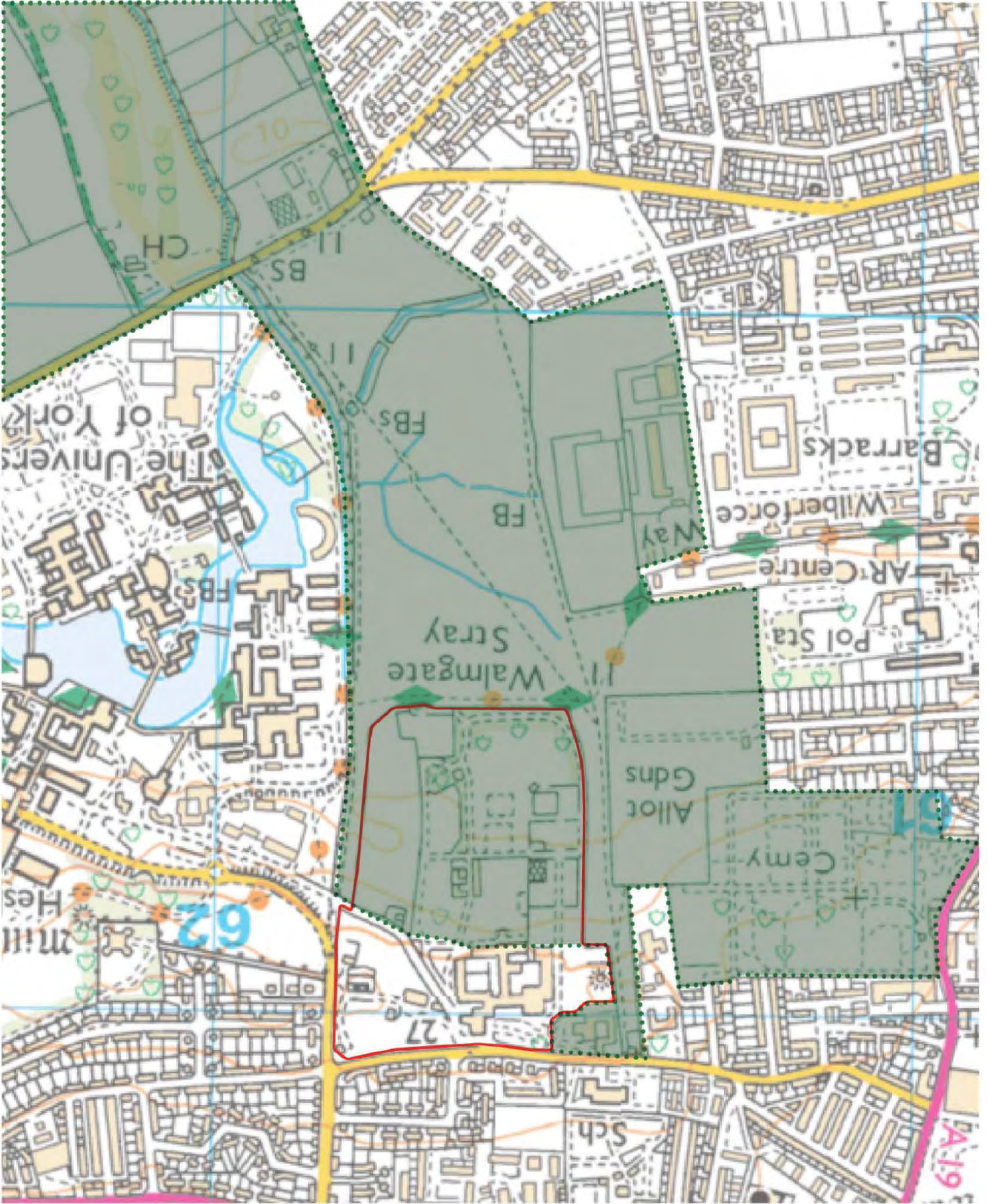


Appendix 5
Revised Proposed Green Belt Boundary





Appendix 6
Alternative Revised Proposed Green Belt Boundary



From: [REDACTED]
Sent: 06 July 2021 11:49
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205586
Attachments: Draft_Local_Plan_Proposed_Modifications_and_Evidence_Base_Consultation_Savills_July_2021_combined.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title:

Name: [REDACTED]

Email address: [REDACTED]

Telephone:

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 6 Proposed Modifications (EX/CYC/59h)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: No, I do not consider the document to be legally compliant

Please justify why you consider the document to be legally compliant:

Please justify why you do not consider the document to be legally compliant: Please see additional correspondence

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: Please see additional correspondence

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: Please see additional correspondence

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: Please see additional correspondence

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: Please see additional correspondence

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

Draft_Local_Plan_Proposed_Modifications_and_Evidence_Base_Consultation_Savills_July_2021_combined.pdf

Examination of the City of York Local Plan 2017 - 2033

New Local Plan Proposed Modifications and Evidence Base Consultation

Written Representations prepared by Savills on behalf of The Retreat, Heslington Road, York YO10 5BN



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Executive Summary

These Representations have been prepared by Savills (UK) Limited on behalf of The Retreat – a mental healthcare facility located at Heslington Road, York YO10 5BN.

We have previously set out during the Phase I Hearings (Examination Ref. EX/HS/M3/Prin/1) why we considered there to be serious deficiencies in the City of York Council evidence base where it relates to defining the detailed Green Belt boundaries. Our previous Hearing Statement set out in detail where these deficiencies lie. In essence, we do not consider that the evidence base contains sufficient assessment of land around York against the five Green Belt purposes as defined by the NPPF.

The Phase I Hearings took place in December 2019 whereby it became apparent that the appointed Inspectors shared this view therefore as part of the EiP process they requested that the Council provide additional evidence to justify their approach to the Green Belt within the Plan. The Council were therefore instructed to undertake further work on its Green Belt assessment methodology and to update Topic Paper 1: Approach to defining York's Green Belt (May 2018) [TP001] and the Topic Paper Addendum (March 2019) [Ex/CYC/18]. This additional work has now been undertaken and these Representations are made in response to the Consultation on this additional work.

In doing so, these Representations seek to provide a proper assessment of the land at The Retreat against the five Green Belt purposes which, irrespective of the Council's additional work referred to above, has never been undertaken before in sufficient detail. This Representation concludes that an alternative Green Belt boundary should be adopted. Such an approach would remove our objection to this Local Plan process.

1. Introduction

- 1.1. These written representations have been prepared by Savills (UK) Limited on behalf The Retreat - a mental healthcare facility located at Heslington Road, York YO10 5BN. A site location plan is contained as Appendix 1 of these Representations.
- 1.2. Crucially, these Representations must be read in conjunction with our Phase I Hearing Statement¹ dated November 2019 which is re-attached as Appendix 2. The evidence contained within this previous Statement and presented at the Phase I Hearings, in conjunction with others, was a significant factor in the formulation Inspector's letter 12th June 2020².
- 1.3. These Representations should also be read in conjunction with the Savills representations to the Proposed Main Modifications dated July 2019, the representations submitted by Carter Jonas at the Publication Draft Stage dated 4th April 2018 and the representations submitted by JLL at the Preferred Sites Stage dated 12 September 2016.
- 1.4. Contained within Appendix 3 to this Representation is a Landscape Appraisal and Assessment of Openness prepared by the Landscape Agency. This is a crucial piece of new evidence base and is referred to throughout.

Background and Context

- 1.5. The Retreat is an institutional campus consisting of a number of buildings set in mature grounds on Heslington Road, York. It has remained in its original use as a mental healthcare facility since its establishment in 1792 by the Society of Friends (known as Quakers) and today, promotes and supports the wellbeing of people affected by mental ill-health in a campus setting. The Retreat was a pioneer in the 'moral treatment', a more humane method of treatment, and influenced the development of care in the UK, North America and beyond. The main buildings have seen organic growth through extension over many years, some of which has been sympathetic to the character of the original main building and some significantly harmful.
- 1.6. The main health care facility is currently housed in the Grade II* listed Retreat building set within the wider site totalling circa 16ha (40 acres). The campus is bound by housing to the north-west, north and north-east. The University of York - Heslington Campus is situated to the east and south-east. To the west and south-west lie the urban greenspaces of York Cemetery and the Low Moor Allotments, with Walmgate Stray to the immediate south. Saint Lawrence's Primary School is also located opposite the site.

¹ Savills Phase I Hearing Statement (Examination Ref. EX/HS/M3/Prin/1)

² Inspector's Letter to CYC of 12th June 2020 (Examination Ref. EX-INS-15-letter-to-lpa-12-june-2020).

- 1.7. The existing buildings on The Retreat Estate are no longer considered fit for health related and clinical purposes. Following a detailed review of assets and approach to healthcare provisions, The Retreat is exploring potential development options for the remainder of the Estate. The Retreat has previously engaged in pre-application discussions with City of York Council (CYC) which concluded positively. Part of The Retreat Estate has since been marketed for sale and The Retreat are currently reviewing bids in detail to identify a suitable purchaser in this respect. The Retreat will retain ownership of part of The Estate and remain involved in the legacy and longevity of the wider site through a close working relationship with the selected purchaser.

Adopted Land Use, Heritage and Environmental Designations

- 1.8. The site in its entirety falls within the wider Retreat and Heslington Road Conservation Area, with a number of heritage designations (Listed Buildings and Scheduled Monuments) also situated across the wider site. In summary, the relevant built heritage designations are:
- a) The Retreat, Listed Grade II*;
 - b) Garrow Hill (aka Garrow House), Listed Grade II;
 - c) Summerhouse, Listed Grade II;
 - d) Various, including East Villa and the Cottage - Curtilage Listed;
 - e) The Tuke Centre - Non-designated Heritage Asset;
 - f) Lamel Hill, Scheduled Monument; and
 - g) Listed Park and Gardens.
- 1.9. A Designations Plan is included at Appendix 4 of this Representation which includes Walmgate Stray a designated Green Wedge.
- 1.10. The site is located within Flood Zone 1 (low probability). The nearest natural watercourse is circa 1.5km west of the site. Online resources confirm there are no environmental 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 also no Tree Preservation Orders covering the site although trees on site are afforded protection by the Conservation Area designation.
- 1.11. Non-definitive footpaths and a cycle path cross Walmgate Stray to the south. Public Rights of Way ref. 47/199/20 runs adjacent to the western boundary of the site and ref: 47/198/10 to the eastern boundary.

Non Adopted Designations

- 1.12. The detailed Green Belt boundaries for York have never been formally set. Self-evidently, identification of the general extent of the Green Belt did not comprise any detailed assessment of land against the five Green Belt purposes (in national policy) and never involved Ordnance Survey mapping. The mapping³ which accompanies the saved RSS policies is high level and individual sites and boundaries are indistinguishable. The 2005 'City of York Draft Local Plan Incorporating the 4th Set of Changes' is used by CYC for the purpose of development control. However, this Plan never achieved adopted status, is dated and never formally set detailed York Green Belt boundaries.
- 1.13. In our Phase I Examination Hearing Statement⁴ we drew attention to the deficiencies in the current approach to Green Belt boundary setting and the methodology uses. These Representations therefore focus on the additional evidence provided by CYC to justify the proposed Green Belt boundaries and outline the case for removing The Retreat from the proposed inclusion within the Green Belt. For completeness, these Representations have been prepared in response to the following documents:
- 1.14. Green Belt Topic Paper Addendum [EXCYC50] and its Annexes 1- 6 [EX/CYC/50a]

Modifications Proposed by CYC

- 1.15. In preparing the revised Green Belt Topic Paper Addendum and its Annexes, the Council have concluded that it would be appropriate to propose modifications to the boundaries originally identified. Annex 6 presents the proposed modifications which seek to *'correct drafting errors, reflect planning decisions made since the publication of previous work, ensure consistency in applying the updated methodology consistently in response to concerns'* ref: [EX-CYC-55].
- 1.16. Annex 3 details the proposed amendments within the Green Belt Inner Boundaries. Notably, Annex 3 proposes an amendment at The Retreat to exclude the main building from the proposed Green Belt. This is detailed at Section 7, Boundary 16 as follows:

³ Figure 2 Page 7 Approach to defining York's Green Belt (TP1)

⁴ Savills Phase I Hearing Statement (Examination Ref. EX/HS/M3/Prin/1) paragraphs 2.3-2.30

The Retreat, York

City of York Council– Local Plan Proposed Modifications and Evidence Base Consultation



Section: 7	Boundaries: 16	Boundary Name: University Road, Heslington Road and The Retreat
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The boundary then continues north along University Road until Thief Lane/Heslington Road. This then continues along to the west of Thief Lane/Heslington Road until the access road to The Retreat. It extends around the access road surrounding The Retreat before continuing west around the curtilage of Lamel Beeches joining back onto Heslington Road. The boundary then follows the tree line south to the rear of properties at William Plows Avenue until the allotments where it returns and carries on north to the southern point of Belle Vue Terrace.

This is a proposed modification from the boundary submitted in the City of York Local Plan (2018). Please see Annex 6 for further details



- 1.17. This is detailed as proposed modification Ref: PM 89 and is supported in principle, alongside the additional evidence provided however, we consider further modifications are required in order to make the draft Plan sound. The proposed amendments to the draft Green Belt boundary in this location does not go far enough.

Modifications Sought

- 1.18. We are seeking based on the evidence put forward in these Representations, changes to the proposed Green Belt boundary to exclude land at The Retreat altogether. The revised proposed Green Belt boundary is therefore shown on the Plan in Appendix 5.
- 1.19. Should the Inspectors not consider this proposed change appropriate, then an alternative proposed Green Belt boundary modification is shown on the Plan in Appendix 6. The Inspectors will note that with this proposed change, the Northern portion of the site with the majority of buildings would remain outside the Green Belt, but The Retreat land to the South would form part of the Green Belt. This would also be consistent with the Green Wedge designation.
- 1.20. The Green Wedge designation and all the land use, conservation and heritage designations identified above would remain unaltered.
- 1.21. Officers and the Inspectors are requested to note that a property known as Lamel Beeches is situated to the north east of The Retreat ownership. It is within the currently proposed Green Belt boundary but outside of the Green Wedge. If the Inspectors are minded to modify the proposed Green Belt inner boundary in a way that these Representations are seeking, then there may be merit in also removing this property from the proposed Green Belt. However, we would stress this is outside the scope of the interests these Representations represent.



- 1.22. Officers and the Inspectors are invited to undertake a detailed site visit to witness the features and situation on the ground. If necessary, access arrangements can be made via Savills.

2. Detailed Green Belt Boundaries

Green Belt Boundaries: Are the proposed detailed Green Belt boundaries appropriate in the context of the NPPF and the five purposes?

- 2.1. We object to the draft Local Plan on the basis the proposed detailed Green Belt boundaries have not been adequately assessed against the five Green Belt purposes. This exercise has recently been attempted for the first time as part of the Local Plan Proposed Modifications and Evidence Base Consultation which is the subject of these Representations. This exercise had not been undertaken as part of the preparation of the Local Plan prior to the previous Phase I Examination Hearings which took place in December 2019.
- 2.2. These representations and subsequent Examination therefore represent the opportunity for there to be a critical assessment of the exercise conducted by CYC in drawing up detailed Green Belt boundaries. Such an exercise should proceed on the basis of a robust analysis against the five Green Belt purposes set out at paragraph 80 of the NPPF. We contend that the assessment conducted by CYC is insufficient. In our original Hearing Statement⁵ we drew attention to the deficiencies in the CYC evidence base and the approach taken to setting Green Belt boundaries.
- 2.3. We have reviewed the approach undertaken by CYC in an attempt to define York's Green Belt Addendum: Annex 3: Inner Boundaries (Part 3: Sections 7-8) [EX_CYC-59e]. Notably, Section 7 Boundary 16 of this document.
- 2.4. We have also undertaken our own Green Belt assessment against the five purposes below. This exercise is limited in its scope to the land holdings of The Retreat and the immediate surrounding areas. This part of the Representations needs to be read in conjunction with the Landscape Appraisal and Assessment of Openness prepared by the Landscape Agency and is contained within Appendix 3.
- 2.5. The NPPF⁶ requires that the Green Belt serves five purposes. These are identified below along with our own assessment against these criteria.

Purpose 1 - to check the unrestricted sprawl of large built-up areas.

- 2.6. It is recognised that in many instances around York it is necessary to include land within the Green Belt in order to check unrestricted sprawl. However, this does not apply to the Retreat. The North of the site is already occupied by buildings and is not 'open' land in a Green Belt context. The existing buildings on site include the Grade II* main building, other listed buildings, non listed buildings, a Scheduled Ancient Monument and other structures. As is appropriate, very restrictive planning controls are associated with these heritage assets and designations. These heritage related designations should not be confused with Green Belt purposes.

⁵ Savills Phase I Hearing Statement (Examination Ref. EX/HS/M3/Prin/1) paragraphs 2.3-2.30

⁶ NPPF 2012 paragraph 80

2.7. The land at the Retreat does not fulfil Purpose 1 because it is already developed with buildings, other structures and curtilage land. It is part of the urban fabric of York. The critical question is if the Green Belt designation were removed from the Retreat site, would this facilitate unrestricted sprawl in this part of York. This answer is no. The site is already previously developed land and as is demonstrated in evidence below is not open and is of a typical density for this part of York. It should already be considered part of the urban fabric of York and it reads as such. In this regard alone, the inner Green Belt boundary is proposed to be incorrectly set. The Green Belt boundary should be set beyond The Retreat land.

2.8. In addition to the above, the restrictive heritage designations on site mean that very little change can take place on the site in any event. In summary, the City of York will not ‘sprawl’ because the site is already developed and levels of development on site are unlikely to materially alter because of the heritage designations.

Purpose 2 - to prevent neighbouring towns merging into one another.

2.9. York does not have any nearby major settlements which could merge. Draft allocated Green Belt land at the Retreat is not fulfilling any role under this purpose. This view aligns with that of CYC as detailed in the updated Topic Paper 1: Approach to defining Green Belt Addendum [EX_CYC_59].

Purpose 3 - to assist in safeguarding the countryside from encroachment.

2.10. The land at the Retreat does not meet Purpose 3 because it is not countryside. As set out above, it is a previously developed site with formal registered walled gardens. The land it is completely different in terms of character, appearance and openness when compared to the open countryside further to the South which is also subject to a Green Wedge designation. Draft allocated Green Belt land at The Retreat is not fulfilling any role under this purpose.

Purpose 4 - to preserve the setting and special character of historic towns.

2.11. See para 2.12 below.

Purpose 5 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

2.12. In the context of York there is very little derelict land. The central sites which are to be regenerated and recycled are well known, complex and proposals are being brought forward. The removal of The Retreat from the Green Belt will have no implications for these central sites. Purpose 5 is not relevant in this context.

2.13. The updated Topic Paper 1: Approach to defining Green Belt Addendum [EX_CYC_59] details that this purpose is considered to be achieved through the overall effect of the York Green Belt, rather than through the identification of particular parcels of land which must be kept permanently open. This view is supported.

Assessment Under Purpose 4 - to preserve the setting and special character of historic towns.

- 2.14. The updated Topic Paper 1: Approach to defining Green Belt Addendum [EX_CYC_59] outlines that CYC place a primary emphasis on the fourth NPPF Green Belt purpose and recognises this fourth purpose as the most appropriate in the context of York. This view is supported in principle however it is considered that this has not been adequately assessed in the evidence provided by CYC.
- 2.15. In order to thoroughly assess the land at The Retreat against purpose 4, the following further evidence is presented below :
- Landscape Appraisal and Assessment of Openness prepared by the Landscape Agency; and
 - Commentary on CYC Density Assessment.

Landscape Appraisal and Assessment of Openness prepared by the Landscape Agency

- 2.16. The site's contribution to the openness of the Green Belt is limited by existing built form of The Retreat, the strong line of existing mature trees and the high brick walls that define the site's historic boundary. The findings of the Visual Appraisal conclude that :
- Within the northern part of the site, the large buildings of The Retreat screen views of the wider site from Heslington Road and reduce the sense of openness. Openness is further constrained by adjacent residential properties along Heslington Road and mature trees within the grounds of The Retreat. There is an area of open mown grassland to the frontage of The Retreat along Heslington Road which contributes to the perceived levels of openness. However, this is a relatively small area of open landscape, which is enclosed by the buildings of The Retreat and surrounding residential development. It should be read as a small area of open space within the urban fabric of York.
 - Within the south of The Retreat site is a large area of grassland including a cricket pitch which results in a moderate level of openness. However, the presence of the high brick boundary walls and mature trees along the boundaries of The Retreat prevent these open areas contributing to the perceived openness of the surrounding Stray to the south. There are limited long range views into the site from Walmgate Stray and a lack of intervisibility with the wider landscape. For this reason, the levels of openness associated with Walmgate Stray are not replicated within the site.
 - Much of the surrounding landscape of Walmgate Stray to the south has strong sense of openness with a large expanse of open grassland with far reaching views. However, the northern "fingers" of the stray, that extend either side of The Retreat to the east and west, are constrained either side by built development and the presence of dense mature trees and vegetation. This, combined with the narrowed width of these "fingers" significantly reduces the perceived openness that is experienced compared to the expansive areas of the Stray to the south.
 - The Assessment concludes the site has a low contribution to the overall openness of the Green Belt.

CYC Density Assessment

- 2.17. As set out earlier in this Representation, The Retreat is a previously developed site with a number of significant historical and conservation designations. These designations do not mean it should automatically be within the Green Belt.
- 2.18. The draft Local Plan⁷ contains a density assessment. We did not comment on this assessment in our Phase I Hearing Statement and do so briefly here. There is not much detail, but in essence the exercise breaks York down into 250 square meter grids and then seeks to identify the urban area and then those areas with a density of 33 or more structures per 250 sqm and those which are less than 33 structures per 250 sqm. We believe this approach to be incorrect for the following reasons :
- i. It is not clear how the 250 square meter grid has been positioned on York. The positioning of each grid will have implications for the density within it. Clearly a grid square on the urban fringe could include a significant area of non developed land, then by definition the overall density within that square would be reduced even if the developed area within that same grid square was actually very dense. This cannot be right;
 - ii. We do not know what the threshold of 33 structures is based on;
 - iii. The number of structures is the incorrect measurement. A significant building such as The Retreat Main Building allows for significant dense forms of development / use, but it only counts as one structure. This cannot be right; and
 - iv. In many ways the higher the number of structures, the greater the openness because there will be gaps and views between buildings. Or to put it another way, a smaller number of larger structures will result in a less open townscape / landscape. Again, this points to the deficiencies in assessing Green Belt openness on the basis of densities.

⁷ Paragraph 64 (page 44), Topic Paper TP1 Addendum March 2019

3. Summary and Conclusion

- 3.1. Therefore, in conclusion, when the land at The Retreat is assessed against the five Green Belt purposes, it is clear that it does not perform a Green Belt function. The proposed designation of The Retreat within the Green Belt has been based on a confused assessment process which has utilised the restrictive heritage and conservation designations as being the basis for a Green Belt designation. This is clearly incorrect.
- 3.2. On the basis of the evidence contained within these Representations we therefore respectfully request the Council and appointed Inspectors to set the inner Green Belt boundary, insofar as it is relevant to The Retreat, in accordance with the Modifications Sought within this Representation.



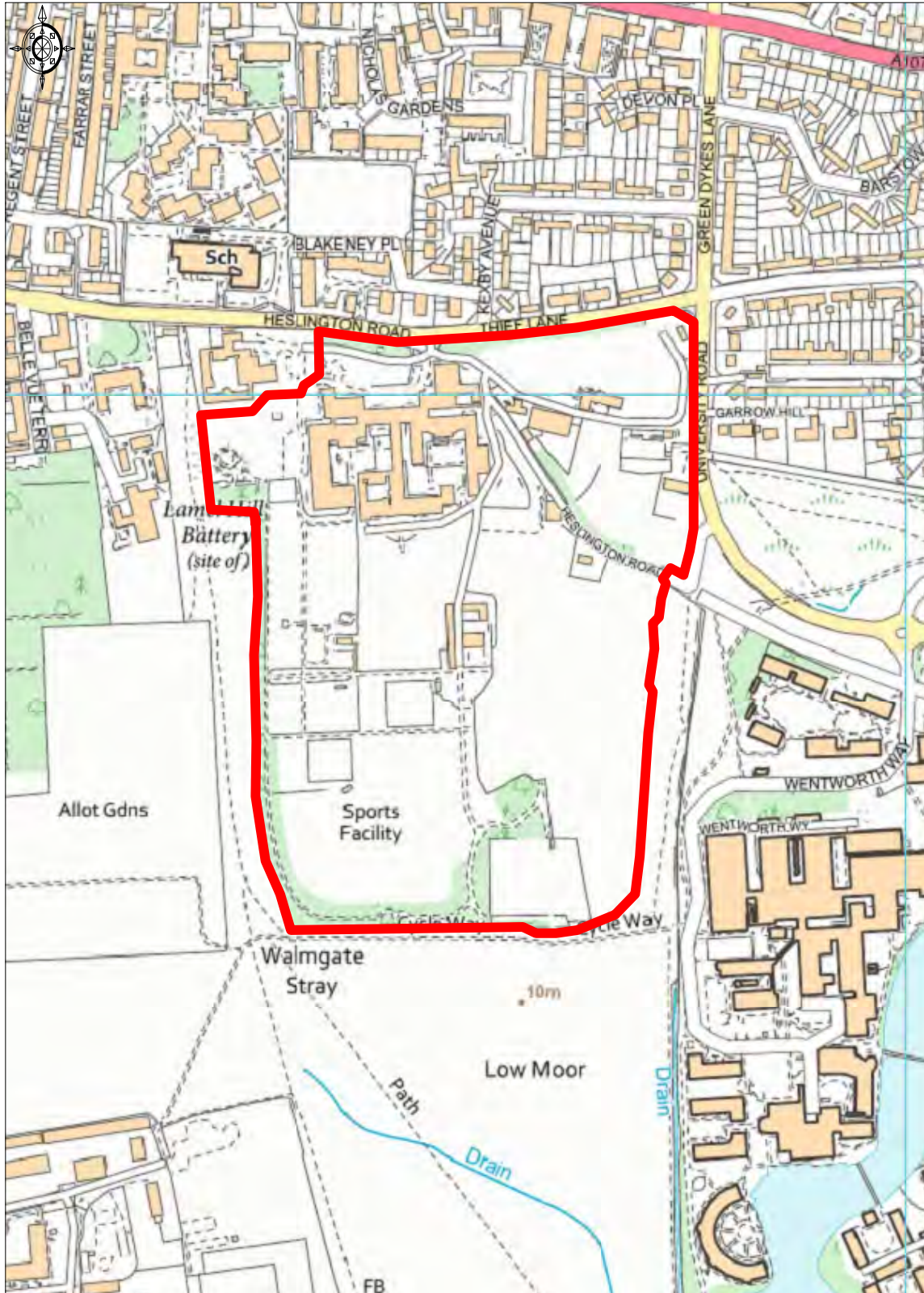
Appendices



Appendix 1 Site Location Plan

The Retreat, York

Site Location Plan





Appendix 2 Savills Phase I Hearing Statement

Examination of the City of York Local Plan 2017 - 2033

Examination in Public Hearing Statement – Phase I Hearings

Hearing Statement prepared by Savills on behalf of The Retreat,
Heslington Road, York YO10 5BN



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Executive Summary

This Hearing Statement has been prepared by Savills (UK) Limited on behalf of The Retreat – a mental healthcare facility located at Heslington Road, York YO10 5BN.

We consider there are serious deficiencies in the City of York Council evidence base where it relates to defining the detailed Green Belt boundaries. This Statement sets out in detail where these deficiencies lie. In essence, we do not consider that the evidence base contains any proper assessment of land around York against the five Green Belt purposes as defined by the NPPF. Accordingly, the emerging plan is neither justified nor consistent with national policy (as required by paragraph 182 of the Framework). These deficiencies go to the soundness of the Plan.

1. Introduction

- 1.1. This Hearing Statement has been prepared by Savills (UK) Limited on behalf The Retreat - a mental healthcare facility located at Heslington Road, York YO10 5BN. A site location plan is contained at Appendix 1 of this Statement.
- 1.2. This Statement should be read in conjunction with the Savills representations to the Proposed Main Modifications dated July 2019, the representations submitted by Carter Jonas at the Publication Draft Stage dated 4th April 2018 and the representations submitted by JLL at the Preferred Sites Stage dated 12 September 2016.
- 1.3. The Retreat is an institutional campus consisting of a number of buildings set in mature grounds on Heslington Road, York. It has remained in its original use as a mental healthcare facility since its establishment in 1792 by the Society of Friends (known as Quakers) and today, promotes and supports the wellbeing of people affected by mental ill-health in a campus setting. The Retreat was a pioneer in the 'moral treatment', a more humane method of treatment, and influenced the development of care in the UK, North America and beyond. The main buildings have seen organic growth through extension over many years, some of which has been sympathetic to the character of the original main building and some significantly harmful.
- 1.4. The main health care facility is currently housed in the Grade II* listed Retreat building set within the wider site totalling circa 16ha (40 acres). The campus is bound by housing to the north-west, north and north-east. The University of York - Heslington Campus is situated to the east and south-east. To the west and south-west lie the urban greenspaces of York Cemetery and the Low Moor Allotments, with Walmgate Stray to the immediate south. Saint Lawrence's Primary School is also located opposite the site.
- 1.5. The existing buildings on The Retreat Estate are no longer considered fit for health related and clinical purposes. Following a detailed review of assets and approach to healthcare provisions, The Retreat is exploring potential development options for the remainder of the Estate. The Retreat is currently engaged with positive pre-application discussions with City of York Council (CYC).

Adopted Land Use, Heritage and Environmental Designations

- 1.6. The site in its entirety falls within the wider Retreat and Heslington Road Conservation Area, with a number of heritage designations (Listed Buildings and Scheduled Monuments) also situated across the wider site. In summary, the relevant built heritage designations are:
- a) The Retreat, Listed Grade II*;
 - b) Garrow Hill (aka Garrow House), Listed Grade II;
 - c) Summerhouse, Listed Grade II;
 - d) Various, including East Villa and the Cottage - Curtilage Listed;
 - e) The Tuke Centre - Non-designated Heritage Asset;
 - f) Lamel Hill, Scheduled Monument; and
 - g) Listed Park and Gardens.
- 1.7. A Designations Plan is included at Appendix 2 of this Statement.
- 1.8. The site is located within Flood Zone 1 (low probability), and therefore the land is defined as having a less than 1 in 1,000 annual probability of flooding. The nearest natural watercourse is circa 1.5km west of the site. Online resources confirm there are no environmental 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 also no Tree Preservation Orders covering the site although trees on site are afforded protection by the Conservation Area designation.
- 1.9. Non-definitive footpaths and a cycle path cross Walmgate Stray to the south. Public Rights of Way ref. 47/199/20 runs adjacent to the western boundary of the site and ref: 47/198/10 to the eastern boundary.

Approach to the Examination in Public

- 1.10. This Statement is directed at specific matters, issues and questions raised for the Phase I Hearings. Broadly, this Statement is directed at CYC's approach and methodology for setting the detailed boundary of the Green Belt.
- 1.11. It is anticipated that a later phase of the examination in public will be concerned with site specific matters, including the question of whether or not the Site (or parts of the Site) should be included within the Green Belt. The Retreat will submit Hearing Statements in respect of any later phase of the examination in accordance with the Inspectors' directions.
- 1.12. Reference has been made to the following CYC documents in producing this Hearing Statement: -
- i. Approach to the Green Belt Appraisal – February 2003 – Ref SD107A;
 - ii. Approach to the Green Belt Appraisal South Map – February 2003 – Ref SD107C ;
 - iii. Green Belt Topic Paper 1 - May 2018 – Ref TP1;
 - iv. Green Belt Topic Paper 1 Addendum – March 2019 – Ref EX/CYC/18;
 - v. Green Belt Topic Paper 1 Annex 1 – March 2019 – Ref EX/CYC/18f;
 - vi. Green Belt Topic Paper 1 Annex 3 (Inner Boundary) – March 2019 – Ref EX/CYC/18d;



- vii. Green Belt Topic Paper 1 Annex 4 (Urban Areas in the Green Belt) – March 2019 – Ref EX/CYC/18c;
- viii. Green Belt Topic Paper 1 Annex 5 (Development Sites in the Green Belt) – March 2019 – Ref EX/CYC/18b; and
- ix. Green Belt Topic Paper 1 Annex 6 – March 2019 – Ref EX/CYC/18a;

2. Matter 3 – Green Belt

Matter 3 – Green Belt: principles, the approach to defining the Green Belt boundaries, exceptional circumstances and the approach to identifying land to be ‘released’ from the Green Belt for development

The questions concerning Green Belt are aimed at the strategic level. Later questions during the Phase 2 hearings will address the issue of exceptional circumstances and other issues in relation to specific sites. In responding to the following questions, consideration should be in the context of the Council’s Topic Paper 1 relating to the Green Belt [CD021], the Council’s Topic Paper 1: Addendum [EX/CYC/18] and the proposed alterations and modifications to the Plan resulting from that document, set out in Annex 6 [EX/CYC/18a].

Principles:

3.1 Paragraph 10.1 of the Plan states that “the plan creates a Green Belt for York that will provide a lasting framework to shape the future development of the city”. For the purposes of Paragraph 82 of the National Planning Policy Framework, is the Local Plan proposing to establish any new Green Belt?

b) If not, does the Local Plan propose to remove any land from the established general extent of the Green Belt? If it does, is it necessary to demonstrate that exceptional circumstances exist to warrant that approach? Or is it the case that the Local Plan establishes the Green Belt boundaries for the first time, such that the exclusion of land from the Green Belt – such as at the ‘garden villages’, for example – is a matter of establishing Green Belt boundaries rather than altering them, in the terms of Paragraph 82 of the Framework?

- 2.1. Whilst the general extent of the York Green Belt is identified through saved (“non-revoked”) Policies YH9c and Y1c of the Yorkshire and Humberside Regional Spatial Strategy, the detailed boundaries of the Green Belt are being set for the first time. The general extent of the Green Belt is identified by reference to an approximate 6 mile radius from the City Centre. Self-evidently, identification of the general extent of the Green Belt did not comprise any detailed assessment of land against the five Green Belt purposes (in national policy) and never involved Ordnance Survey mapping. The mapping¹ which accompanies the saved RSS policies is high level and individual sites and boundaries are indistinguishable.
- 2.2. The 2005 'City of York Draft Local Plan Incorporating the 4th Set of Changes' is used by CYC for the purpose of development control. However, this Plan never achieved adopted status, is dated and never formally set detailed York Green Belt boundaries.
- 2.3. This Examination therefore represents the opportunity for there to be a critical assessment of the exercise conducted by CYC in drawing up detailed Green Belt boundaries. Such an exercise should proceed on the basis of a robust analysis against the five Green Belt purposes set out at paragraph 80 of the NPPF. We contend that the assessment conducted by CYC is deficient. This is explored further below.

¹ Figure 2 Page 7 Approach to defining York’s Green Belt (TP1)

3.2 Paragraph 1.1.1 of the Council's "Approach to defining York's Green Belt" Topic Paper (TP1) [CD021] says "York's Local Plan will formally define the boundary of the York Green Belt for the first time." How has the Council approached the task of delineating the Green Belt boundaries shown on the Policies Map? In particular:

2.4. We agree with the acknowledgement at Paragraph 1.1.1. that this Local Plan will formally define the boundary of the York Green Belt for the first time. We address the question of how CYC has sought to define GB boundaries in the context of the emerging Local Plan in the commentary set out below.

3.5 Overall, are the Green Belt boundaries in the plan appropriately defined and consistent with national policy in the National Planning Policy Framework, and is the Plan sound in this regard?

2.5. We do not consider that the Green Belt boundaries in the draft Local Plan have been appropriately defined and nor are they consistent with national policy as set out in the NPPF. We have undertaken a detailed review of the evidence base relating to the York Green Belt and draw on the following evidence to support our position.

City of York Local Plan - Approach to the Green Belt Appraisal – February 2003 – Ref SD107A and Approach to the Green Belt Appraisal South Map – February 2003 – Ref SD107C;

2.6. This document is dated, but is referred to and relied upon in more recent evidence base documents which are considered below. The document sets out the five Green Belt purposes and then identifies², on a desk based assessment, a number of elements which the document considers defined the character and setting of the City. These are Open approaches to the City; Green Wedges, Views of the Minster, Character of the Landscape, Urban form, Relationship between the urban edge and the countryside and the Relationship with surrounding villages. The document then goes on³ to identify areas which retain, reinforce and extend the pattern of historic Green Wedges. Nowhere in this document are the identified areas of land assessed in terms of their performance against the five Green Belt purposes identified in national policy.

2.7. In terms of The Retreat, the accompanying map identifies the Southern portion of the site as falling within a Green Wedge with the identification of area C3⁴ as an extension to Walmgate Stray. The Northern portion of the site is excluded from these suggested designations. These aspects will be discussed in greater detail later in the Examination process.

Green Belt Topic Paper 1 - May 2018 – Ref TP1 – TP001

2.8. This document draws on the February 2003 Appraisal identified above⁵. However, as noted above, the February 2003 Appraisal failed to test the performance of parcels of land against the five Green Belt purposes.

² Section 4 Page 6

³ Section 6 Page 9

⁴ See map and Page 12

⁵ Figure 4 Page 15 and paragraph 4.3.12 Page 16

- 2.9. Whilst paragraph 4.2.4 of the Green Belt Topic Paper 1 records that, “The boundary of the Green Belt is the consequence of decisions about which land serves a Green Belt purpose and which can be allocated for development”, there is a continuing failure to assess parcels of land against Green Belt Purposes.
- 2.10. At paragraph 4.3.19 it is stated that Figure 7⁶, “shows how land around York contributes to one or more green belt purposes...”. Self-evidently, Figure 7 does not show how land around York contributes to one or more of the green belt purposes. In particular:
- i. there has been no assessment of individual parcels of land against the five Green Belt purposes. This is a fundamental flaw in the evidence base,
 - ii. whilst the NPPF⁷ identifies sustainable patterns of development as a relevant consideration when drawing up or reviewing Green Belt boundaries, the relevance of that factor does not dilute the requirement for an assessment against the five Green Belt purposes. The correct approach should be to assess the relevant land against the five Green Belt purposes and then to consider other factors (for example, as part of the process of identifying whether or not land should be made available for development),
 - iii. Figure 7 contains ‘islands’ of Green Belt within central York. The fact that CYC’s analysis (that purports to show land said to serve one or more Green Belt purposes) identifies islands of land in central York demonstrates the flaws in CYC’s approach. These spaces may perform other environmental roles, or have other open space designations or constraints, but this does not mean they perform a Green Belt purpose.
- 2.11. Table 1⁸ identifies the five Green Belt purposes and then applies site selection criteria. In terms of Green Belt purpose 1 – checking unrestricted sprawl and purpose 3 – safeguarding the countryside from encroachment, CYC appears to rely on other open space designations, access to services, sites of nature conservation, ancient woodland and flood zones as a proxy for measuring the performance of sites against Green Belt purposes. This approach is self-evidently incorrect. These other environmental designations are not the equivalent of Green Belt purposes.

Green Belt Topic Paper 1 Addendum – March 2019 – Ref EX/CYC/18

- 2.12. At paragraph 4.1 (page 11) of “the Addendum”, CYC states that its section 4 adds further detail to TP1, “in particular how the approach and evidence base relates to the five NPPF (2012) purposes of Green Belt”. This document at page 12 works through the five Green Belt purposes.
- 2.13. The analysis with regard to Purpose 4 relies, for the most part, on the 2003 Appraisal (commented on above).

⁶ Pages 20 and 22

⁷ NPPF 2012 para 84

⁸ Table 1 – Site Selection principles relevant to Green Belt Purposes – Page 24

- 2.14. With regard to Purpose 1, paragraphs 4.23 - 4.25 address the broad requirement of achieving sustainable development patterns as set out at paragraph 84 of the NPPF. That requirement is separate from the purposes to be served by land within the Green Belt. The exercise of drawing up Green Belt boundaries requires a clear assessment against the five Green Belt purposes. Other considerations (for example, related to sustainable patterns of development) are not a substitute for that assessment. In this document the assessment against Green Belt Purpose 1 appears to have been substituted by an assessment against NPPF paragraph 84.
- 2.15. With regard to Purpose 2, CYC states at paragraph 4.27 that, 'York does not have any major towns close to the general extent of the Green Belt, so the potential issue of towns merging does not arise'. However, at paragraph 4.29 CYC refers to other designations including Strays, and Common Land that form part of Green Wedges that are said to, "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". Self-evidently, that role is not the same as Purpose 2. Accordingly, there has been no clear assessment of the performance of land parcels against Purpose 2.
- 2.16. With regard to Purpose 3 at paragraphs 4.36 and 4.37, CYC identifies Nature Conservation Sites, Existing Open Space, Green Infrastructure Corridors and Ancient Woodlands as important features of the open countryside which should remain permanently open. Again, this approach fails to assess land against the Green Belt purpose. Whilst these other designations are relevant in their own right, they are not the equivalent of performing a Green Belt purpose. The NPPF⁹ states that 'once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land'. In other words, once land has been designated as Green Belt (because it performs a Green Belt purpose), steps should be taken to enhance its use (e.g. in landscape, recreation or ecological terms).
- 2.17. The same Figure 7 appears in the Addendum as appears in TP1. Paragraph 4.42 states that Figure 7, "shows land which, when assessed against the five purposes of Green Belt, has been identified as strategically important to keep permanently open." It is clear that by reference to TP1 and the Addendum, there has been no proper assessment of land against the 5 purposes of Green Belt.
- 2.18. Section 5 of the Addendum considers the identification of Green Belt boundaries and from paragraph 5.16 onwards considers the Inner boundary. Paragraph 5.16 records the appropriate objective ("to establish long term development limits to the built up area, and distinguish land that needs to be kept permanently open to meet the purposes of Green Belt..."). However, paragraph 5.17 simply sets out that the inner boundary is 'taken to be that which adjoins the main built up areas which radiates out from the historic core of the city'. Self-evidently, that is not the correct approach. Each parcel of land which is in or close to the inner boundary needs to be assessed against the five Green Belt purposes.
- 2.19. At paragraph 5.25 – 5.26 the Inner boundary is divided into eight main sections for analysis. The Retreat falls within Section 7 of Figure 15. The Inner boundary is said to be defined by the 'built up edge of York' (see "Summary" on page 30).

⁹ NPPF 2012 paragraph 81

- 2.20. Section 5c on page 31 identifies criteria for boundary delineation. On page 31 of the Addendum previous errors are repeated and compounded in that environmental and heritage designations are put forward as the equivalent to performance of the five Green Belt purposes (see part 1 of the “Openness Criteria”). As set out previously in this Statement, that approach is incorrect. These environmental and heritage designations are important in their own right, but they are not the same as performance of a Green Belt purpose.
- 2.21. Accordingly, contrary to paragraph 5.41 of the Addendum, land has not been identified by reference to its fulfilment of Green Belt purposes, whether in section 4 of the Addendum or anywhere else (for completeness, we note that the word ‘not’ in paragraph 5.39 is a typographical error).
- 2.22. Part 2 of the “Openness Criteria” (the “Local Assessment”) confuses matters further by referring to local historic assets as being somehow relevant to the designation of land as Green Belt. Paragraphs 5.46 – 5.48 refer again to local historic assets and in particular the identification of conservation areas, listed buildings, scheduled ancient monuments, historic park and gardens and city views. These assets and designations have significance in their own right but that significance is not the same as performance of a Green Belt purpose.
- 2.23. In a similar way paragraphs 5.59 – 5.60 identify other assets such as school playing fields which in some cases may be considered part of the urban environment, but in other cases part of the open countryside.
- 2.24. The suggestion (at paragraph 5.44) that, “Whilst some of these local considerations relate to the 5 purposes...they have been assessed broadly in relation to their contribution to overall openness” does not provide any adequate (or coherent) explanation to justify CYC’s flawed approach.

Safeguarded Land

- 2.25. We do have concerns that the setting of Green Belt boundaries are not being approached with sufficient longevity in mind. Green Belt boundaries are supposed to endure beyond Plan periods. It is important that the boundary endures not just for this Local Plan, but for at least the next one as well.
- 2.26. The Plan currently proposes to allocate enough land to endure for a minimum of 20 years to 2037 / 2038 i.e. beyond the Plan period of 2033¹⁰. Accordingly, the Green Belt boundary will be in need of review to meet further employment and housing needs by the end of the current Local Plan period (in order to make provision for the next Plan period). Even if the proposed allocations are not developed in their entirety during the emerging Local Plan period, they are insufficient, on their own, to accommodate the likely development needs for the next Plan period. Additional sites will need to be found and this is highly likely to require a further Green Belt review.
- 2.27. The proper means for avoiding that outcome is the identification in the emerging plan of Safeguarded Land.

¹⁰ Paragraph 7.15 – Green Belt TP1 Addendum - March 2019

Green Belt Topic Paper 1 Annex 3 (Inner Boundary) – March 2019 – Ref EX/CYC/18d

- 2.28. This document is more site specific in nature and for the first time in the evidence base, more detailed boundaries are considered based on Ordnance Survey mapping. We intend to submit a Hearing Statement on site specific boundaries for the Green Belt (that are relevant to the Retreat) at the appropriate time i.e. before the Phase 2 Hearings. We note at this stage that insofar as the drawing of detailed boundaries adopts and relies on the flawed approach in the TP1 and TP1 Addendum documents outlined above, then this exercise (set out in Annex 3) is also flawed.
- 2.29. In the meantime, we have the following initial comments to make : -
- i. even in this more detailed site specific analysis, there is still no proper assessment against the five Green Belt purposes,
 - ii. under the very brief commentary against purposes 4 & 2 reference is made to ‘The Approach to the Green Belt Appraisal’ 2003 on which we have already commented in this Statement and drawn attention to its lack of assessment against the five Green Belt purposes,
 - iii. the commentary in respect of The Retreat refers to ‘adjacent land’ as being important in terms of Green Wedges and Walmgate Stray. The presence of other designations on adjacent land does not support Green Belt designation of The Retreat,
 - iv. the analysis is factually incorrect. For example, there is a Scheduled Ancient Monument within the site, and,
 - v. it would appear that ECUS did not undertake a landscape appraisal of The Retreat.
- 2.30. As stated above, our site specific evidence in respect of The Retreat will be submitted in accordance with the Inspectors’ directions directed at later Examination Hearing sessions.



Appendices



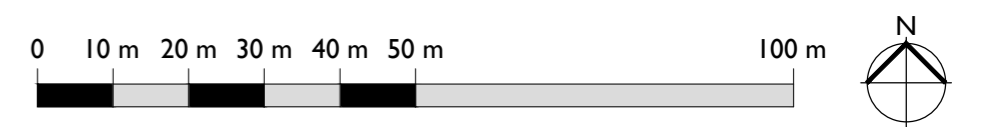
Appendix 1 Site Location Plan



I Site Plan
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- Key:**
- Extent of The Retreat Ownership
 - Existing Buildings
 - Building to be demolished
 - Roads, Paths, Parking
 - Green Space

- Indicative Parameters:**
- Zone 2a South Garrow Triangle
 - Zone 2b North Garrow Triangle
 - Zone 3 Main Building - Residential Use or Hotel Use
 - Zone 4
 - Zone 5



Notes:
Drawings are based on survey data and may not accurately represent what is physically present.
Do not scale from this drawing. All dimensions are to be verified on site before proceeding with the work.
All dimensions are in millimeters unless noted otherwise.
Purcell shall be notified in writing of any discrepancies.

B	07/12/2018	JHB	JHB	
A	27/11/2018	DZ	JHB	
C	08/08/2019	TB	TB	
First Issue	06/11/18	RM		
ISSUE	DATE	DRAWN	CHECKED	DESCRIPTION

CLIENT
The Retreat York

PROJECT
The Retreat York

DRAWING TITLE
Parameters Plan

SIZE & SCALE
A1L

DRAWING STATUS
Work in Progress

JOB NUMBER 238382

DRAWING NO. 005 recover

REVISION F

PURCELL



Appendix 2 Designations Plan



THE RETREAT: DESIGNATIONS

- Registered Park and Garden
- Boundary
- Grade II*
- Grade II
- Unlisted
- Scheduled Monument

This plan is not to scale



Appendix 3 Landscape Appraisal and Assessment of Openness (prepared by the Landscape Agency)



The Retreat, York
Landscape Appraisal and Assessment of Openness
City of York Council – Local Plan

Document Title	Project Number	Prepared for	Prepared by	Date	Reviewed by
Landscape Appraisal and Assessment of Openness	1322	Savills	Ed.Payne	September 2020	Patrick James

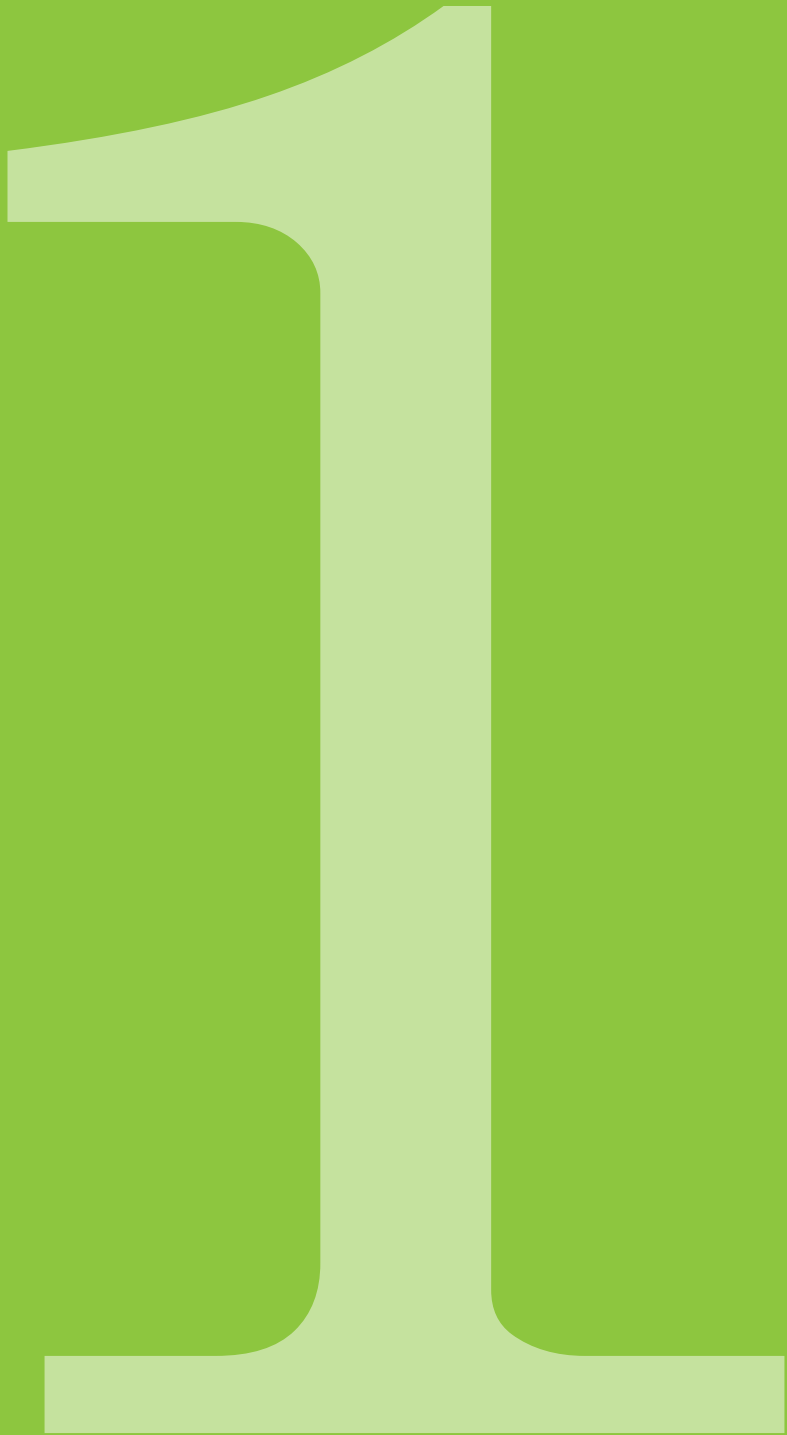
Revision	Description	Prepared by	Date	Reviewed by
A	Document updated following comments from client.	Rosie Turner	25.09.2020	Ed.Payne
B	Document updated following comments from client.	Rosie Turner	30.09.2020	Ed.Payne
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Introduction

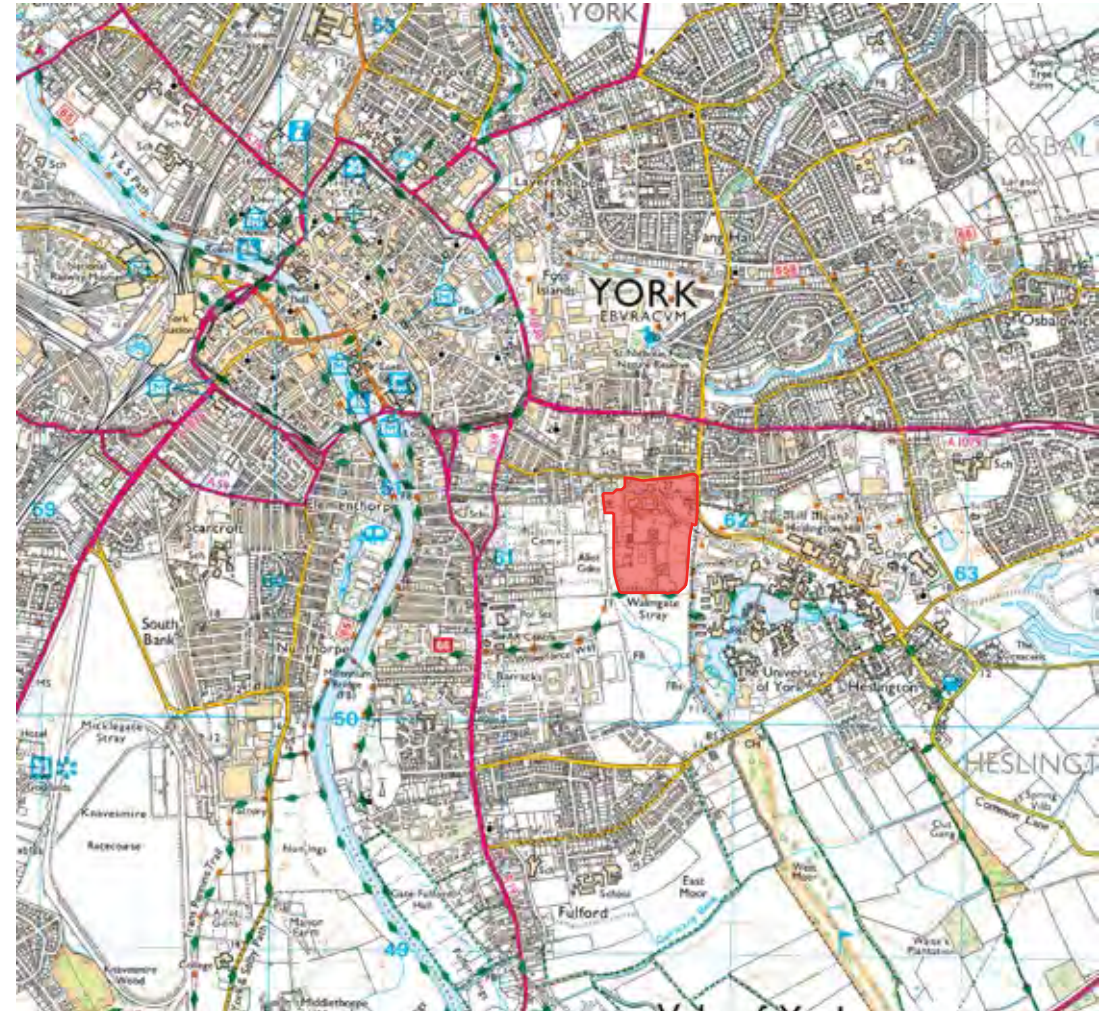


1.1 PURPOSE OF THE DOCUMENT

The Landscape Agency has been commissioned by Savills Ltd. to undertake an initial Landscape Appraisal and Assessment of Openness to support an Examination in Public as part of the City of York's Council's emerging Local Plan process.

The project involves development proposals for The Retreat, a historic mental healthcare facility set within extensive mature gardens and grounds, on Heslington Road, York. The main aims of this report are to:

- Develop an understanding of the context, including landscape designations, history and landscape character of the site and its immediate setting.
- Assess the visibility of the site from key public receptors including public roads and Rights of Way.
- Assess the visual openness of the site and its contribution to the Green Belt including impacts on long and short distance views and visual links to the wider City of York Council Green Belt.



▲ Figure 1. Site location



SAINT LAWRENCE'S
PRIMARY SCHOOL

HESLINGTON ROAD

THEIR LANE



THE RETREAT

YORK CEMENTARY

UNIVERSITY ROAD

LOW MOOR ALLOTMENTS

UNIVERSITY OF
YORK

▲ Figure 2. Aerial Map of site

1.2 THE SITE

The site is located at The Retreat, a historic mental health unit located on Heslington Road adjacent to the University of York. The main health care facility is located within the Grade II* listed Retreat buildings set within the wider estate totalling approximately 16ha (40 acres). Much of the site is also a Grade II* listed Registered Park and Garden .

The site is bound by housing to the north-west, north and north-east. Saint Lawrence's Primary School is located to the north of the site on the opposite side of Heslington Road. The University of York - Heslington Campus is situated to the east and south-east. To the west and south-west lie the urban greenspaces of York Cemetery and the Low Moor Allotments. Walmgate Stray, a historic area of open common land is located to the immediate south.

The existing mental health facility at The Retreat is no longer considered fit for purpose. Following a detailed review of assets and approach to healthcare provisions, The Retreat is exploring potential residential development options for the Estate and is currently engaged with positive pre-application discussions with City of York Council (CYC).

Current proposals comprise the following plots:

Plot 1 - Daffodil Field

Mix of 3 and 4 storey blocks

Plot 2a - South Garrow Triangle

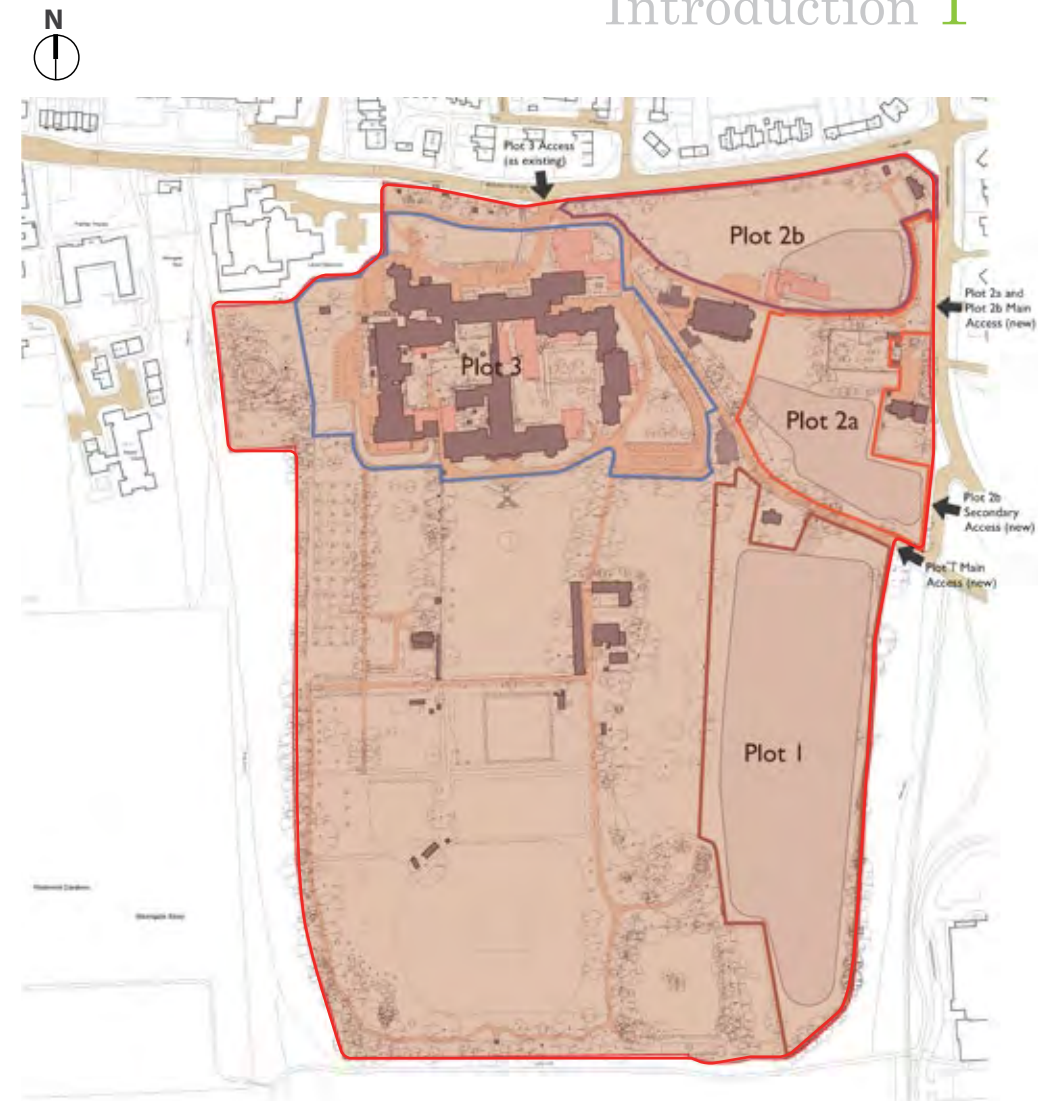
3 storey building

Plot 2b - North Garrow Triangle

2 storey building

Plot 3 - Main Building - Residential Use

Approximately 150no. 2 bed units



▲ **Figure 3.** The Site

1.3 SITE PHOTOGRAPHS



▲ **Figure 4.** Photo viewpoint locations



▲ **A.** High brick boundary wall with archway entrance adjacent to Heslington Road.



▲ **B.** Brick retaining wall with metal railings adjacent to Heslington Road near the entrance to The Retreat.



▲ C. High brick boundary wall running along western boundary adjacent to Walmgate Stray.



▲ E. The high brick wall along the western edge reduces in height and is replaced with railings for a portion of the boundary before returning to a high wall.



▲ D. High brick boundary wall running along southern boundary adjacent to Walmgate Stray.



▲ F. The entrance to The Retreat along Heslington Road.



Landscape Baseline



2.1 LANDSCAPE DESIGNATIONS

This section outlines the statutory designations that cover the site and its immediate context. It summarises designations, both at a national and local level.

Designations include:

Green Belt

the site is covered by the City of York Council's Green Belt which is currently under review as part of the Local Plan examination process. Refer to section 2.2 for further details.

Conservation Area

The entirety of the site falls within The Retreat and Heslington Road Conservation Area, designated to manage and protect the areas special architectural and historic interest. Refer to section 2.3 for further details.

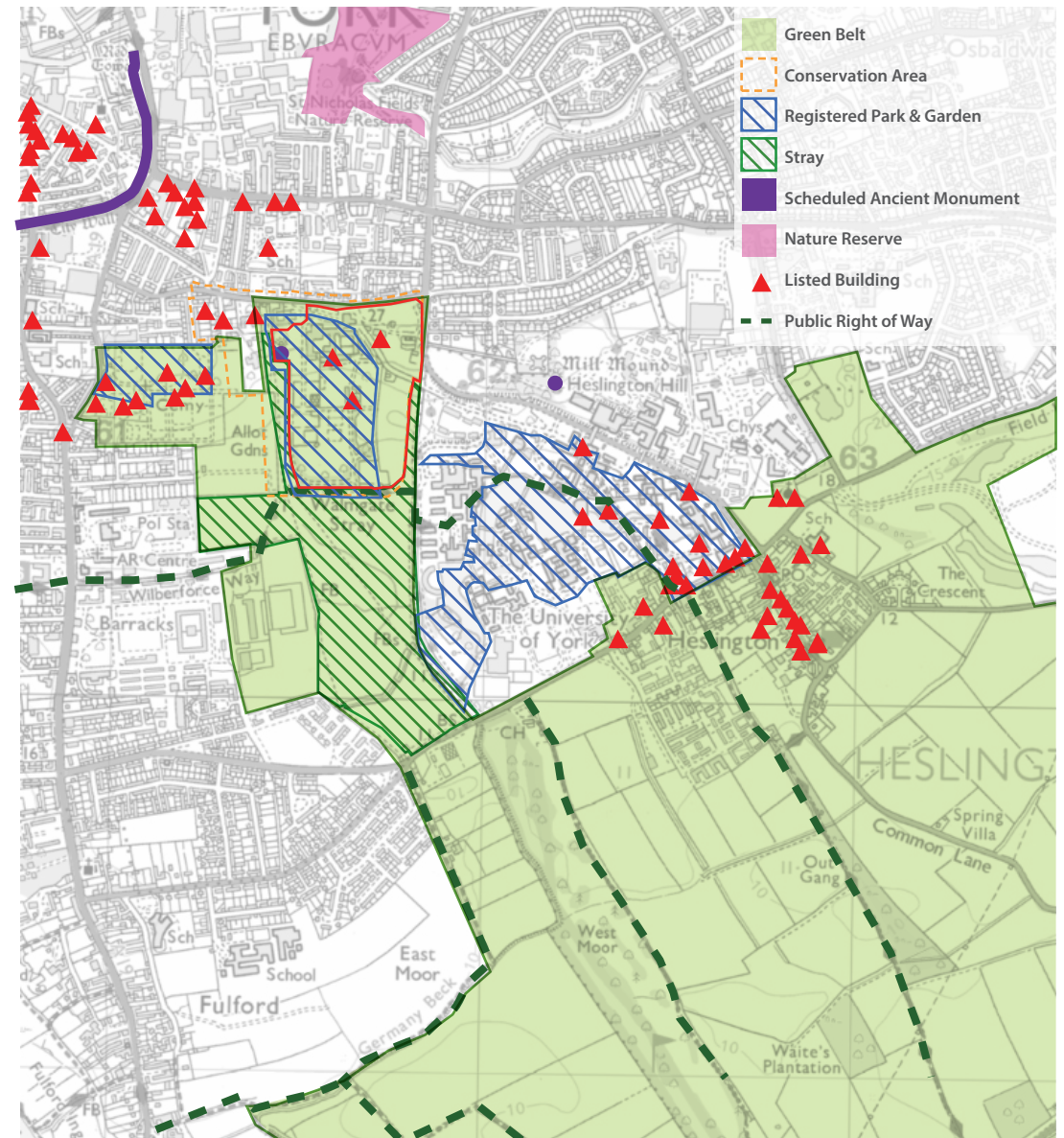
Registered Park and Garden

The historic grounds of The Retreat are also designated a Grade II* Registered Park and Garden. Refer to section 2.5 for further details.

The Victorian York Cemetery to the west of the site is also a Grade II* Listed Registered Park and Garden and much of the original designed landscape at the University of York Campus West to the east of The Retreat is a Grade II listed Registered Park and Garden.

Scheduled Ancient Monuments: A designated Scheduled Ancient Monument, Lamel Hill, is located within The Retreat site boundary, towards the north west of the site. The Anglo-Saxon burial mound was used as a gun emplacement during the siege of York in the Civil War.

Within the wider setting, Scheduled Ancient Monuments in close proximity to The Retreat include Siwards How at Heslington Hill and a section of the City Walls to the north west.



▲ Figure 5. Landscape Designations



▲ Walmgate Stray



▲ Walmgate Stray

LANDSCAPE DESIGNATIONS (Cont.)

▣ Walmgate Stray

Walmgate stray, a historic area of open pasture, lies immediately to the south of The Retreat. Walmgate stray is one of four historic strays within the city, which in total encompass approximately 800 acres (323 ha) of land. Historically, the Freeman of York held established grazing rights across the strays and Walmgate Stray is still grazed in part today. The stray has also been retained for public use with a network of footpaths and is now managed by the City of York Council. The stray forms an important open landscape within the city and is a valuable remnant of York's historic landscape. Refer to section 2.3 for further details.

▲ Listed Buildings

The Retreat is Grade II* Listed. This listing covers a range of the historic built features including the boundary walls. Additional listed buildings within the site boundary include the Grade II listed Garrow Hill (aka Garrow House) towards the north east corner, a Grade II listed Summerhouse within grounds to the north west and the Grade II listed Stables and coach house with attached mortuary within the grounds to the east. Refer to section 2.5 for a detailed location plan.

There are a large number of listed buildings within the historic urban setting surrounding the site.

Tree Preservation Orders:

Many of the large mature trees along the boundaries of The Retreat and within Walmgate Stray have been served Tree Preservation Orders (TPOs).

■ Nature Reserve:

St Nicholas Field Nature Reserve is located approximately 500m to the north of The Retreat. The former landfill site was transformed in the 1990's to provide a local nature reserve in the heart of the city.

■ ■ ■ Public Rights of Way:

There are no Public Right of Way within The Retreat site. However, a public right of way runs along the site's southern boundary within Walmgate Stray, providing a footpath and cycle link from the University and Heslington to Fulford linking to Millennium bridge. Further Public Rights of Way are located to the south of the Stray and provide footpath links to Heslington Common and the Minster Way.

2.2 THE CITY OF YORK GREEN BELT

The National Planning Policy Framework (NPPF) sets out government's planning policies for England and how these are expected to be applied. Paragraph 134 of the NPPF defines the five purposes of the green belt:

1. To check the unrestricted sprawl of large built-up areas;
2. To prevent neighbouring towns from 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.

The City of York Council's Local Plan is currently under examination and will formally define the boundary of the York Green Belt for the first time. In May 2018, as part of the evidence to support the Local Plan, The City of York Council published 'Topic Paper (TP1) - Approach to Defining York's Green Belt. This paper describes the methodology used to determine an appropriate boundary, maintaining openness and preserving the special character and setting of the historic City.

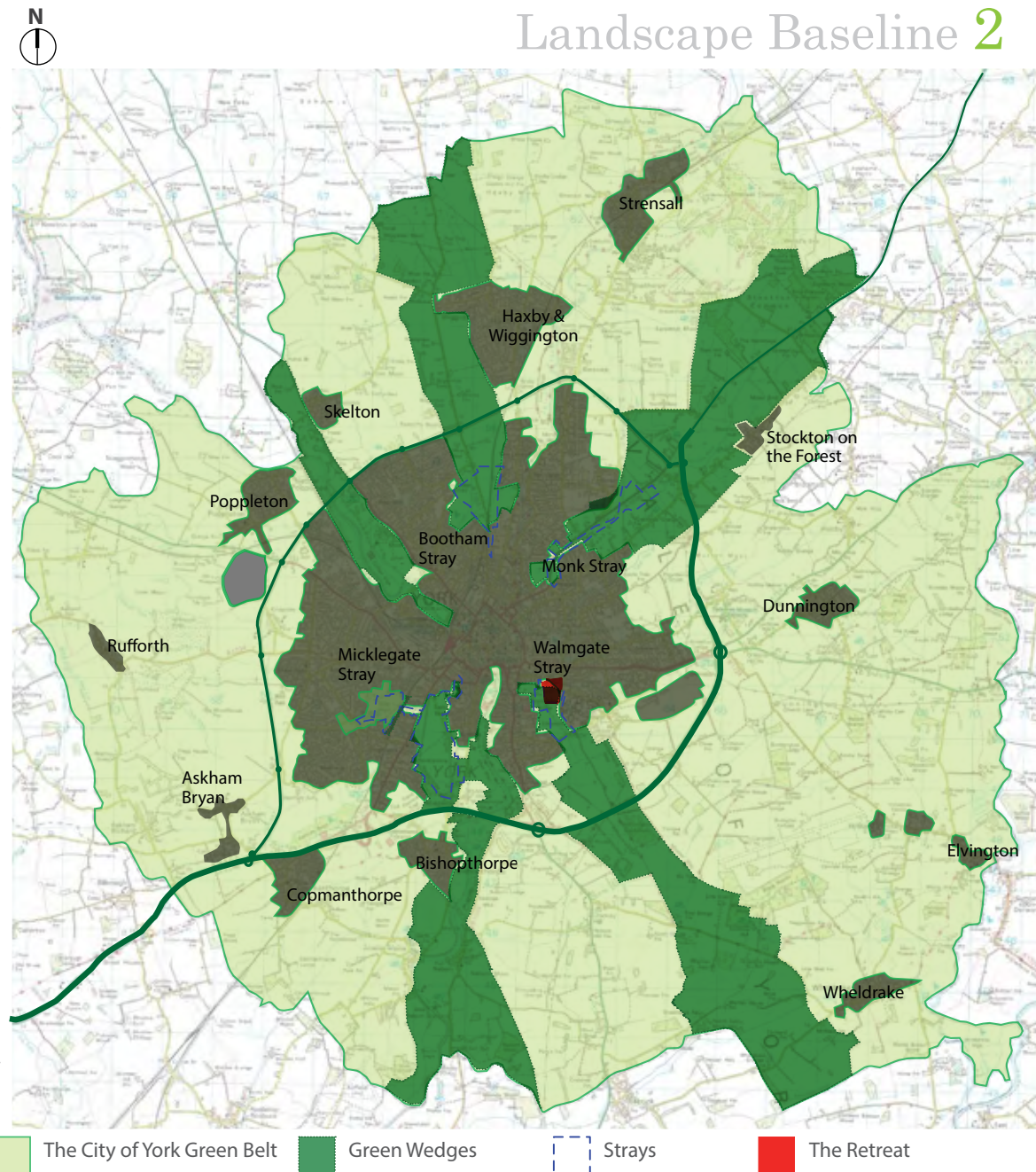
The Green Belt includes five Green Wedges, broad tracts of undeveloped extending from the countryside into the City. The Green Wedges are usually bounded on three sides by urban development, part of which comprises the historic Strays and Ings and river floodplains.

"The Green Wedges prevent the lateral coalescence of different parts of the urban area, and help 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 City Centre, allowing views to be enjoyed, including those towards the Minster.

Green Wedges have helped 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 City of York Council published 'Topic Paper (TP1) Approach to Defining York's Green Belt.



▲ **Figure6:** City of York Green Belt

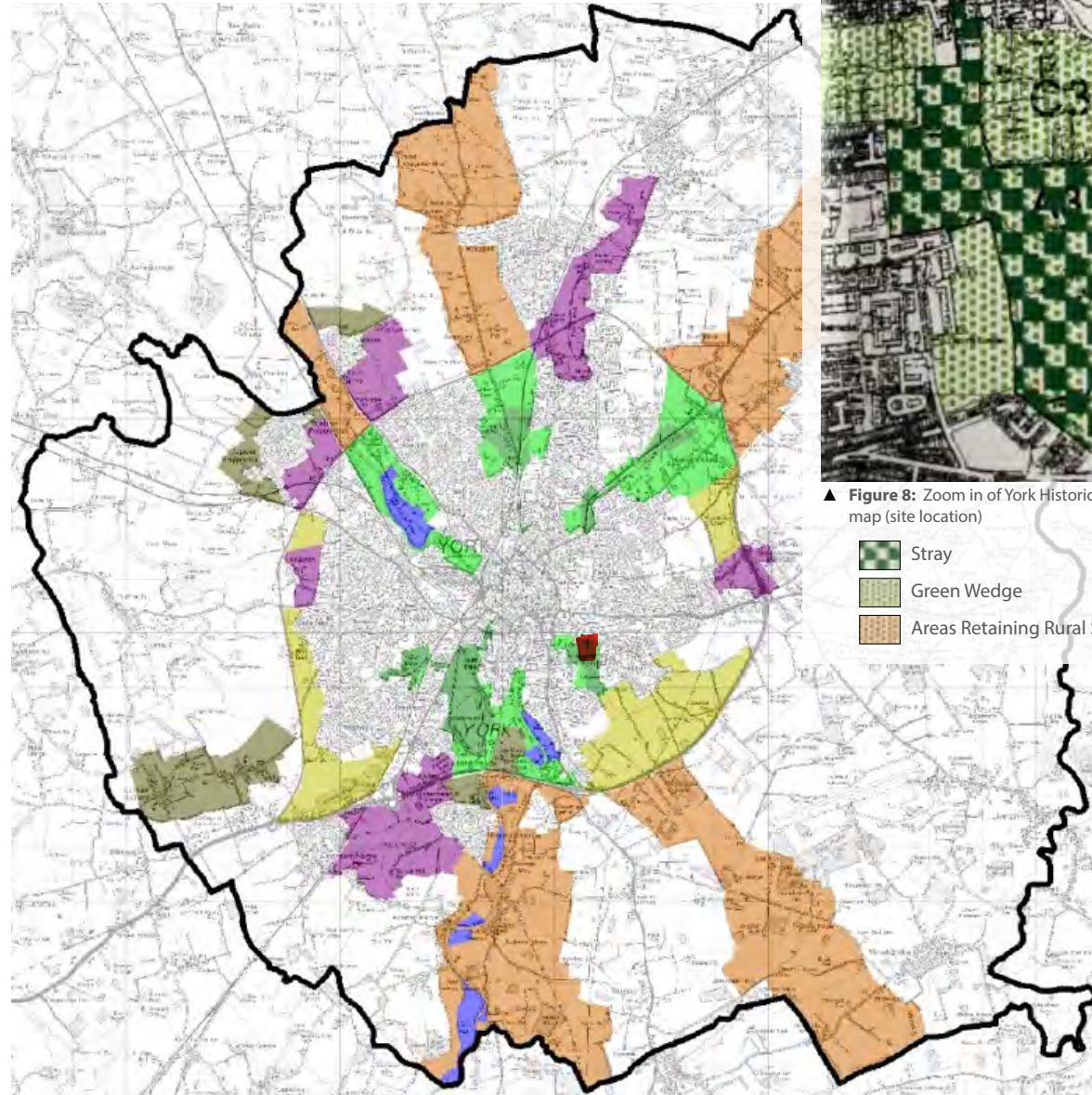
THE CITY OF YORK GREEN BELT (Cont.)

Within TP1 the Council concluded that the historic character and setting of the City in the context of the Green Belt could be defined in terms of the following elements:

- Areas which retain, reinforce and extend the pattern of historic green wedges.
- The setting of villages whose traditional form, character and relationship with the surrounding agricultural landscape is substantially changed.
- Areas which provide an impression of a historic City situated within a rural setting.
- Areas which prevent the coalescence of settlements to retain their individual identity

Figure 7 opposite, extracted from TP1, demonstrates survey work carried out by the Council identifying land outside the existing built up areas that should be retained as open land, protected by the Green Belt, due to their role in preserving the historic character and setting of York.

In terms of The Retreat, the southern section of The Retreat falls within a Green Wedge as an extension to Walmgate Stray. However, the presence of the historic brick boundary walls to the east and south of The Retreat prevent the grounds of The Retreat extending into Walmgate Stray.



▲ **Figure 7:** Historic Character and Setting map extracted from City of York Local Plan - Approach to defining York's Green Belt (TP1)



▲ **Figure 8:** Zoom in of York Historic Character and Setting map (site location)

- Stray
- Green Wedge
- Areas Retaining Rural Setting

- Village Setting
- Strays
- River Corridors
- Areas Retaining Rural Setting
- Areas Preventing Coalescence
- Green Wedges
- Extension of Green Wedge

2.3 THE RETREAT / HESLINGTON ROAD CONSERVATION AREA

The Retreat/Heslington Road Conservation Area covers 22 ha of land occupying the highest ground south of the City and commands views northwards across the City of York and southwards over Walmgate Stray towards Fulford. The Conservation Area was designated in 1975.

The entire Retreat site falls within the Conservation Area including the designated Scheduled Ancient Monument, Lamel Hill, a large mound raised during the Civil war. The area around the mound includes an extensive late Roman or Anglian cemetery, because of this Lamel Hill has also been designated an Area of Archaeological Importance.

The Retreat is the focal point of the Conservation Area.

Defining Characteristics

The main elements of the character and appearance of the area are:

1. The Retreat - set in parkland **surrounded by high obscuring walls** but with views out. The Retreat grounds were enclosed with high walls to keep the patients safe inside the garden areas.
2. A series of **gardens and adjoining parkland** surrounding The Retreat. These were laid out with numerous ornamental and shrubs and with hedges in a series of gardens and parkland. In the 1850s further areas were purchased and the hospital extended whilst still retaining its parkland setting.
3. Pleasant Victorian suburban housing on Belle Vue Terrace, some of which are listed, **forms an edge to the open space.**
4. The **open character of the Conservation Area extends west to York Cemetery, south to Walmgate Stray and east to the landscaped campus of the University.** It consists mainly of open greenspace on the edge of the city located within the City of York Council's Green Belt.



▲ Figure 9: The Retreat / Heslington Road Conservation Area

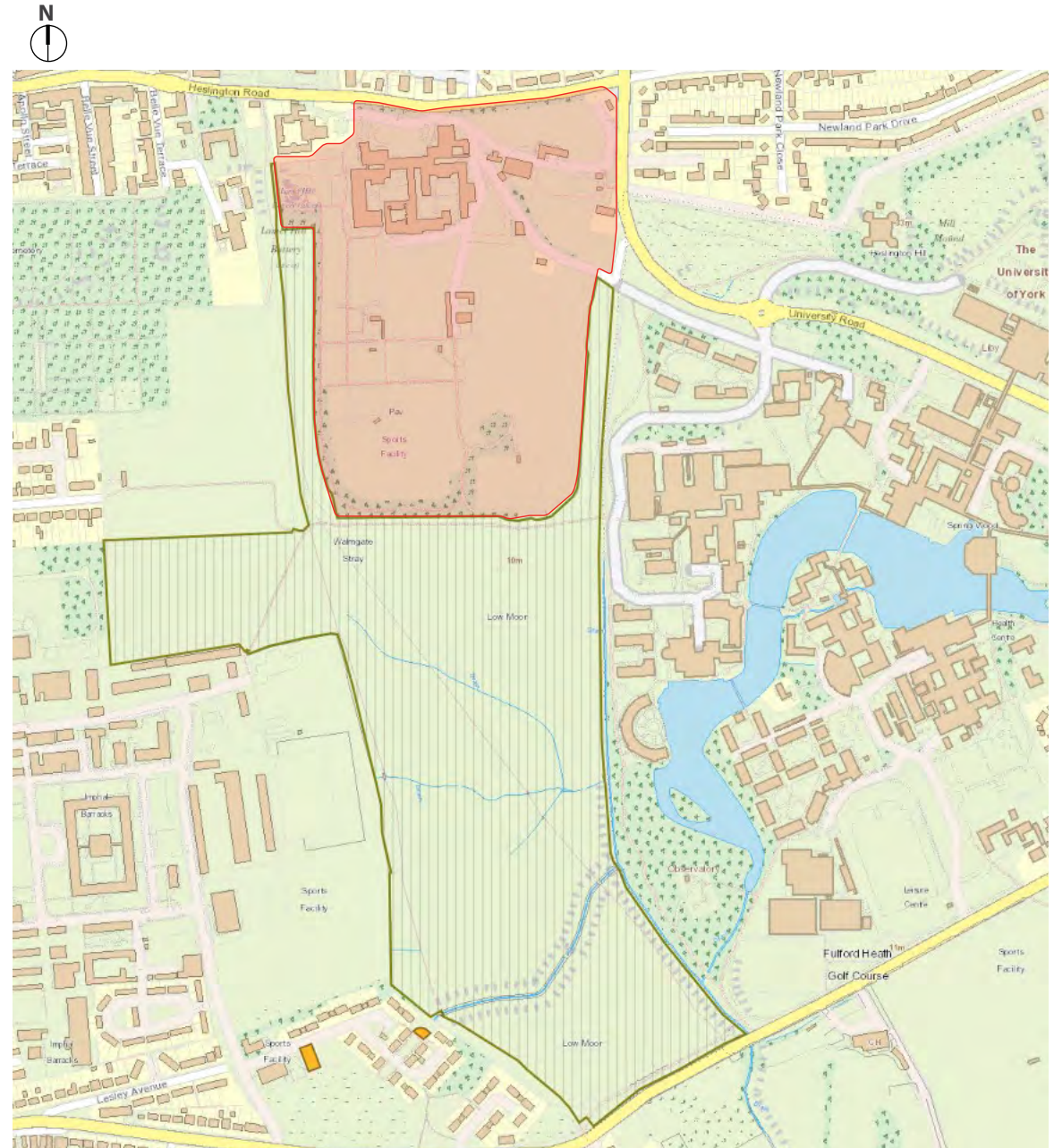
2.4 WALMGATE STRAY

Walmgate Stray is located immediately to the south of The Retreat, a historic area of open common. Walmgate Stray is one of four historic strays in the City which also include Micklegate Stray (which includes the Knavesmire and Hob Moor), Bootham Stray and Monk Stray.

Walmgate Stray consists of around 32 hectares (79 acres) of pasture, located immediately to the south of The Retreat. The main area of Walmgate Stray, between the southern boundary of The Retreat and Heslington Lane, is known as Low Moor. Although the Stray remains largely open pasture, a large part of its north-western corner is occupied by council allotment plots, known as Low Moor Allotments.

The Strays are the remains of much greater areas of common land on which the hereditary Freemen of the City had the right to graze cattle. After the Parliamentary Enclosures of the eighteenth and early nineteenth centuries, whereby commons were enclosed and rights of pasturage extinguished, areas of grazing land were allotted to the Freemen in lieu of their existing rights. Together with the Knavesmire and Hob Moor, land already used by the City for pasturage, these areas became the Strays, land vested in the Corporation to be held in trust for the Freemen of each of the original four Wards of the City.

Walmgate Stray is now managed by City of York Council in consultation with Freemen of the City. It is still grazed for part of the year by Cattle and represents an important link with the past to which great value is attached. Low Moor is crossed by a series of informal public footpaths and provides a valuable space for connectivity and recreation. There is also a hard surfaced shared use footpath which runs between York University and the A19 which leads to Millenium Bridge



▲ Figure 10: Walmgate Stray

2.5 THE REGISTERED PARK AND GARDEN

The grounds associated with The Retreat of 1794 to 1797, enlarged in 1828, are registered at Grade II* on Historic England's 'Register of Historic Parks and Gardens of Special Historic Interest in England'. It has been registered for the following principal reasons:

HISTORIC INTEREST:

As the prototype therapeutic asylum landscape which was to directly influence the design for all future asylum landscapes.

DESIGN INTEREST:

The grounds were designed for the benefit of the patients both through recreation and exercise, being landscaped with gardens and walks, kitchen gardens and a small farm in the manner of a small country house estate, and later in the nineteenth century with an increased provision of sports facilities.

SURVIVAL:

The extent, character and legibility of the historic landscape remains and the grounds still continue in their therapeutic use for the benefit of patients.

HISTORICAL ASSOCIATION:

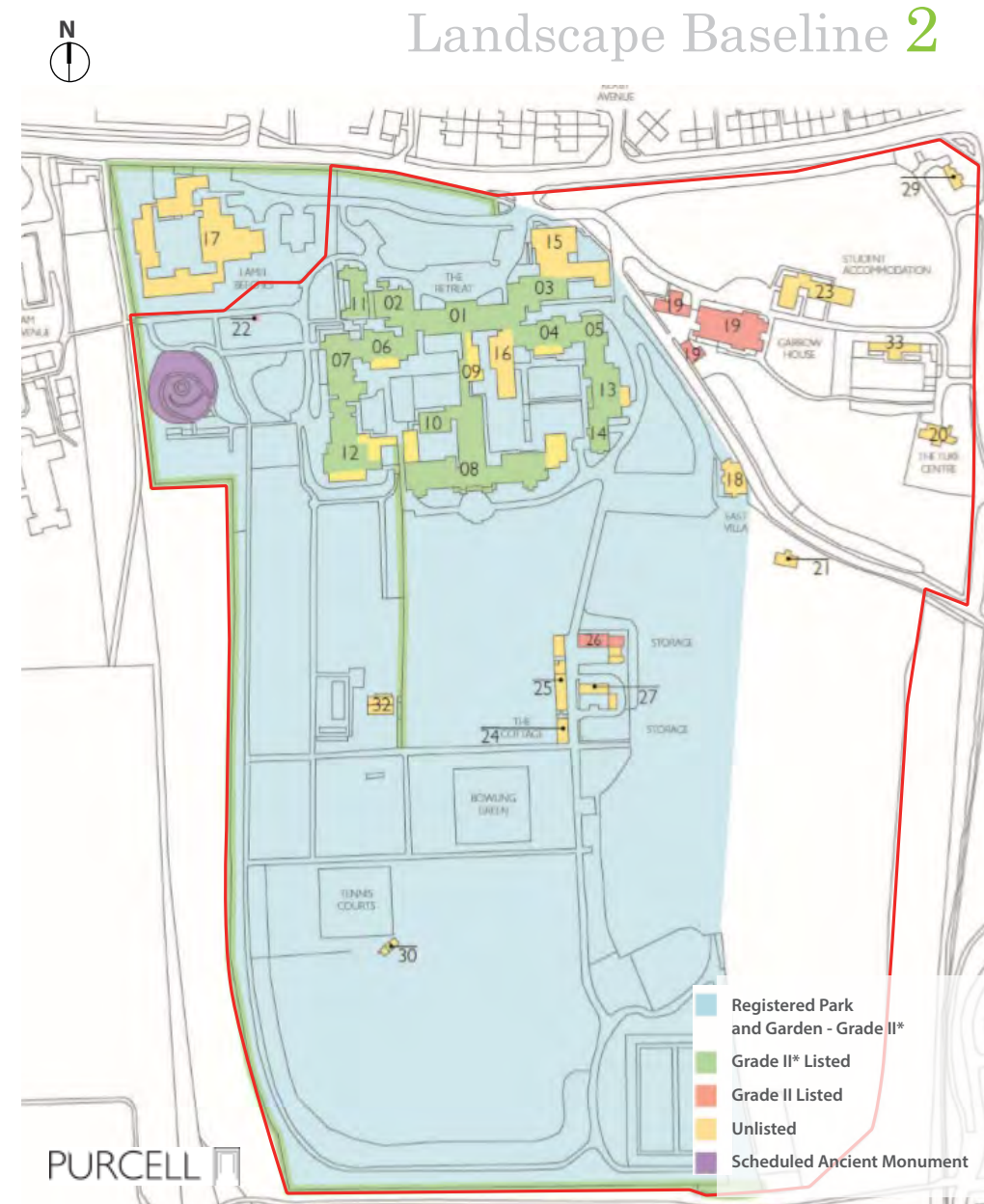
Devised by the asylum reformer William Tuke as a fundamental component of his more enlightened and humane treatment of the insane which was hugely influential in future provision of care for the mentally ill.

INFLUENCE:

The humane treatment pioneered at The Retreat led to the Asylums Act of 1808, the publication by Samuel Tuke in 1813 of a 'Description of The Retreat', including the grounds, led to its wide dissemination both here and abroad, and William Tuke's evidence to the Select Committee on Madhouses (1814 to 1816) contributed to its support of the new reforming ideology and led to the creation of county asylums.

GROUP VALUE:

For its strong historic, aesthetic and functional group value with The Retreat, a pioneering mental asylum in the humane treatment of the mentally ill, listed at Grade II*, with hospital and grounds continuing to be run by the Quakers and providing care for the mentally ill to the present day.



▲ **Figure 11:** Plan illustrating Registered Park and Garden boundary and listed features produced by Purcell. Extracted from Examination of the City of York Local Plan 2017 - 2033 Examination in Public Hearing Statement – Phase I Hearings Hearing Statement, Nov 2019 prepared by Savills on behalf of The Retreat



▲ Figure 12: Extract from the 6-inch OS Map, published in 1853



2.6 HISTORIC APPRAISAL

A brief overview of the historic development of the landscape has been carried out to better understand the Site and its designed landscape setting.

The Retreat was established as a hospital for the mentally ill between 1793 and 1797 by the Society of Friends (Quakers) on a previously undeveloped site. William Tuke, the Societies founding member, a Quaker tea-merchant and philanthropist, was a notable asylum reformer. He pioneered the kind and moral treatment of the insane which was hugely influential in future provision of care for the mentally ill. The Society's Vision for The Retreat was to provide humane treatment for the mentally ill, in airy surroundings with access to gardens and farm animals.

The original asylum building was completed in 1796 to designs by John Bevans, a Quaker architect from London, in consultation with William Tuke. The construction was supervised by Peter Atkinson of York. It was then extended in 1799 and altered over the course of the nineteenth and twentieth centuries.

From the outset the landscape setting and the grounds were as important as the building itself. The founding Quakers had aspirations for the grounds to promote the health and wellbeing of patients through recreation and exercise. Most of the grounds lay to the south, or rear of the building with two long strips of fields stretching down towards Walmgate Stray. These were extensively landscaped as exercise fields with walks, large kitchen gardens and a small farm in the manner of a small country house estate. The frontage of the buildings to the north was laid out as ornamental pleasure grounds with serpentine walks, a shrubbery and shaped flower beds. The care taken over the landscaping of the grounds is shown in the purchase of 768 plants from notable York nurseries in 1794, when building work was still in its initial stages. These included 100 Beeches, 30 Black Poplars, 50 Lombardy Poplars, 25 Oaks, 25 Larches, 2 Horse Chestnuts, 2 American Spruce, and many others, as well as shrubs such as honeysuckles and guelder roses. In 1828 an extra strip of fields was purchased on the west side incorporating Lamel Hill. Later in the nineteenth century a variety of increased provision of sports facilities were added including multiple tennis courts, bowling green, croquet lawns and a large cricket field to the south.



▲ Figure13: Extract from the 6-inch OS map, revised in 1929



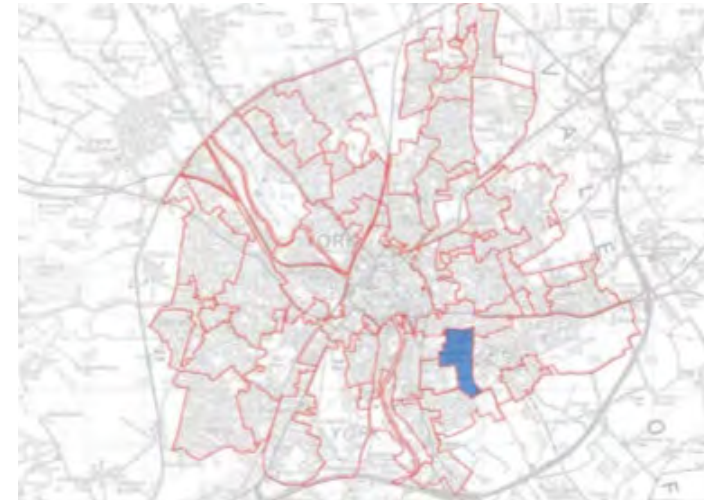
2.7 LANDSCAPE CHARACTER

The 'City of York Historic Environment Characterisation Project' (YHECP) was undertaken in 2013 as part of English Heritage's Characterisation Programme. The project identifies 24 Character Areas across the historic core of the city and 52 Character Areas for Suburban York (areas 25 to 76) from the edges of the Historic Core Conservation Area to the outer ring road with corresponding Character Statements for each area.

The Retreat falls within Area 63: ***The Retreat & Walmgate Stray***

Defining characteristics include:

- Large open public green space with scattered trees and historic hedgerows incorporating Walmgate Stray and Low Moor as well as private parkland area of The Retreat.
- Buildings are generally late 18th to early 19th century and relate to The Retreat or the Stray.
- The Retreat occupies high ground with views north of the city and south over Walmgate Stray, land slopes down towards the south and Low Moor.
- Stray is historically important as common grazing land.
- Important recreational and aesthetic green space – one of York's principal characteristics
- Includes Area of Archaeological Importance – Lamel Hill.
- Extant rural boundaries dating to at least 1750.
- Remains of First and Second World War military training areas.
- Approximate walking/cycling distance to the city centre from the centre of entrance to Walmgate Stray on Heslington Road is 1.6km.
- Dominant Building Type: Three-storey 18th century former institutional building.



▲ **Figure 14:** Character Area 63: The Retreat and Walmgate Stray. Extracted map from City of York Historic Characterisation Project, 2013

- Other Key Building Types: One-storey 19th century former Herdsmen's Cottage and 20th century buildings.
- Designated Heritage Assets: Lamel Hill (SAM) and three Grade II listed buildings, Heslington Road Conservation Area and Lamel Hill Area of Archaeological Importance.
- Non-designated Heritage Assets: Fairfax House, Post-Medieval and possibly older hedgerow boundaries, First and Second World War military training remains, early 20th century allotments and Medieval and Post Medieval ridge and furrow.
- Key Views: Local views of The Retreat from the Stray and university buildings in particular Wentworth College and the Siwards Howe concrete tower from the Stray and Low Moor. Rural views to the south. Glimpses of Layerthorpe chimney and Rowntree/Nestle factory from highest points.
- Surviving historic roads and tracks: Heslington Road, Green Dikes Lane (now unnamed) and informal tracks running north- south-east across the Stray.



Visual Appraisal

3.1 VISUAL APPRAISAL



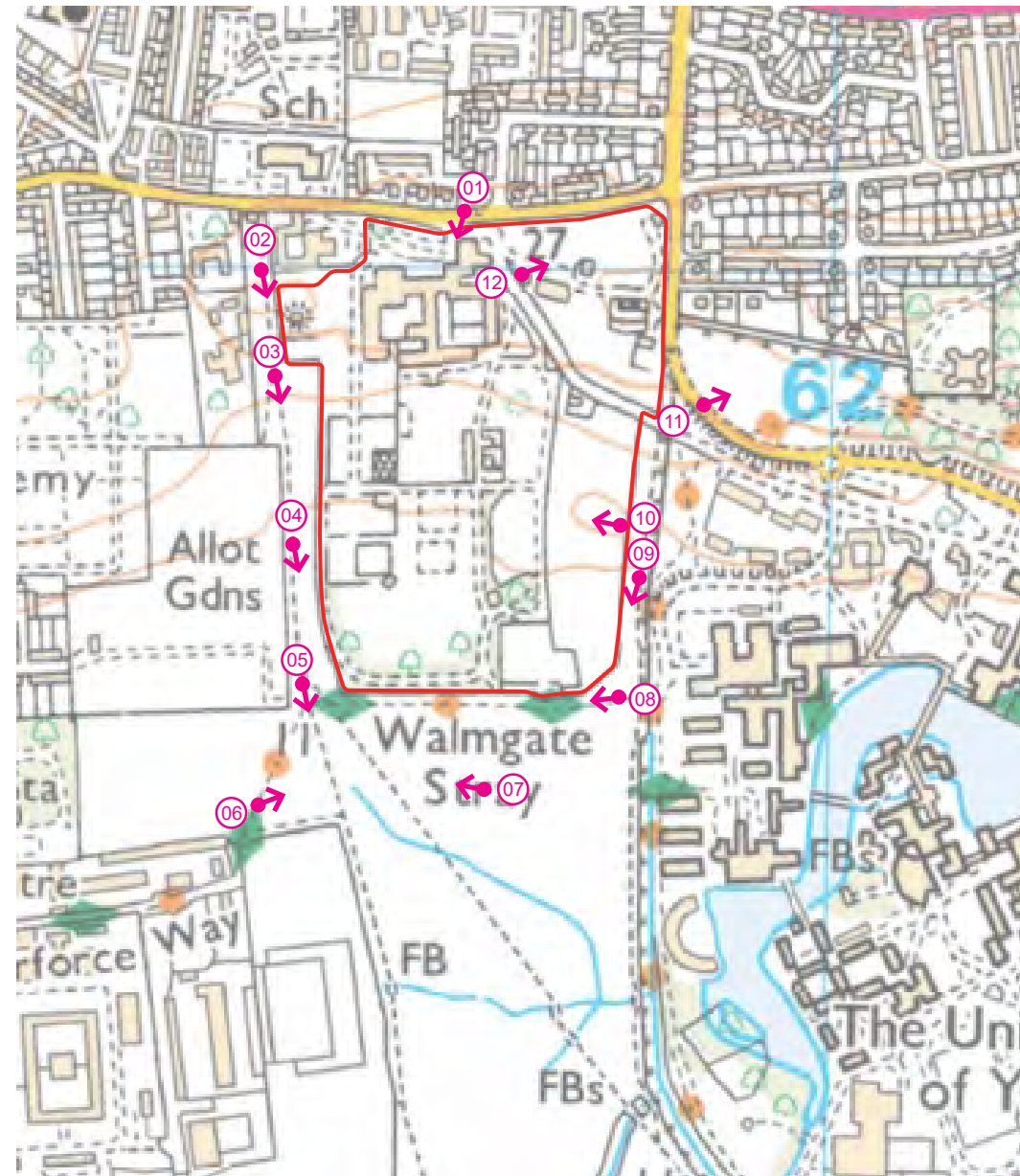
A field survey has been conducted from public receptors. A mix of short to long views were taken.

Public Rights of Way were walked on the day of the field assessment to assess the visibility of the site, its openness and character and its setting within the wider landscape.

The site survey was undertaken in August 2019 when trees were fully in leaf. It should be noted that the site would be more visible during the winter months, when the trees are bare of leaves.

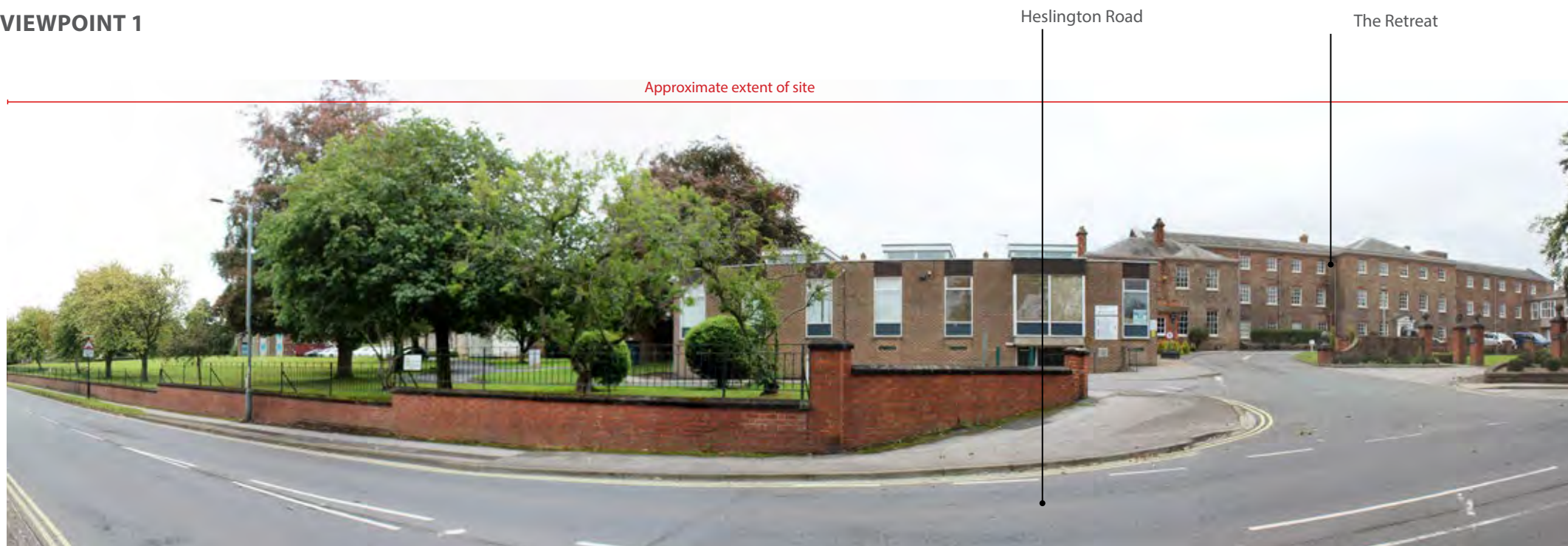
The level of openness is assessed following against the following criteria:

LEVEL OF OPENNESS	
HIGH	<i>The landscape character is very open with expansive long range views and good intervisibility. Built form and existing vegetation is at a scale which does not impeded long range views and retains a sense of remoteness.</i>
MODERATE	<i>The landscape has a degree of openness. Views may be medium to long range with a moderate level of screening by vegetation or built form.</i>
LOW	<i>The landscape is confined, contained or enclosed in character with few inward or outward views. Little inter-visibility with adjacent sensitive landscapes or viewpoints. Views are short range. Medium and long range views are screened by built form or dense/ mature vegetation.</i>



▲ Figure 15: Viewpoint locations

VIEWPOINT 1



▲ Looking south towards the site from entrance to The Retreat off Heslington Road

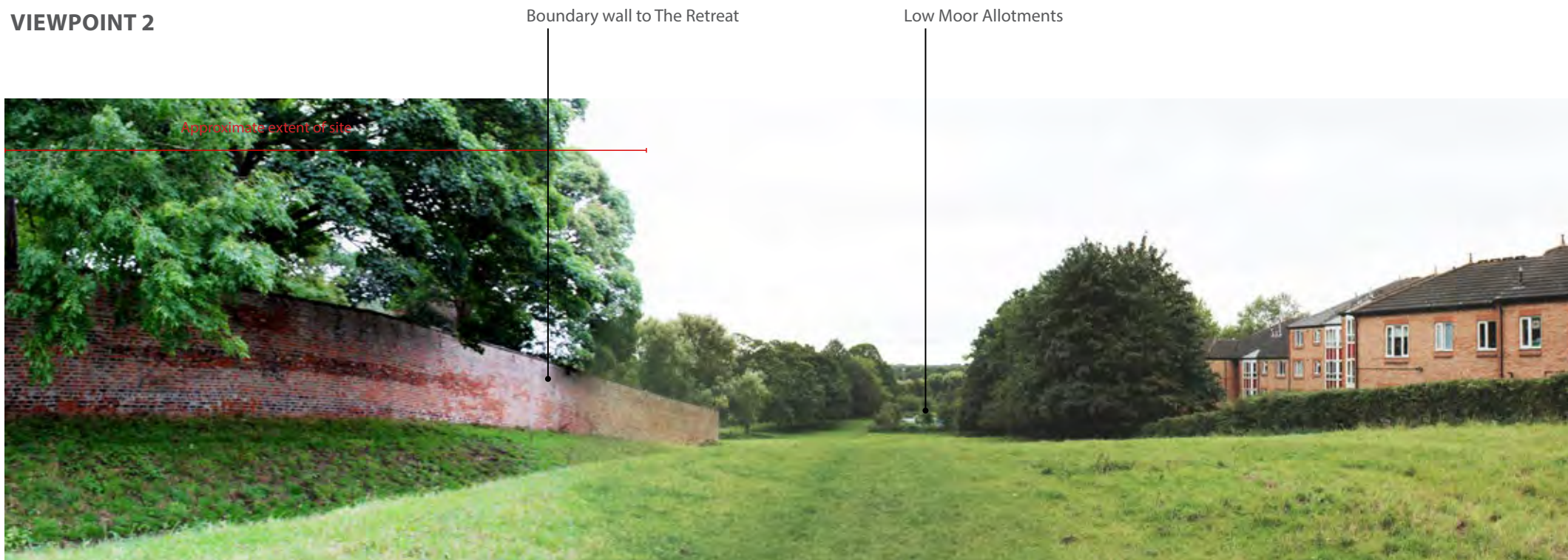
GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE616510	Residential , Recreational (PRoW)and Transport	7	30

This represents views south from Heslington Road looking into the site. The existing buildings and parking areas are visible, set back from the road behind the boundary wall and railings. The setting to the frontage with a large area of mown grass and existing mature trees breaks up views towards the built form.

LEVEL OF OPENNESS

Low	Moderate	High
Presence of built form and existing trees blocks medium/long range views.	Buildings are set back from the road and there are areas of open green space.	

VIEWPOINT 2



▲ Looking south towards Walmgate Stray on the western edge of site.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE614509	Recreational (PRoW)	20	32

This represents views from the northern extent of Walmgate Stray looking south. Residential housing is located to the west. Views into the site are prevented by the existing mature trees and high brick boundary wall of The Retreat.

LEVEL OF OPENNESS

Low	Moderate	High
	<p><i>This is an open area of grassland associated with Walmgate Stray. Long range views to the south are blocked by mature existing trees. Views are constrained by residential housing to the west and the boundary wall and mature trees of The Retreat to the east.</i></p>	

VIEWPOINT 3



▲ Looking south towards Walmgate Stray on the western edge of site.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE614509	Recreational (PRoW)	12	28

This represents views from the northern extent of Walmgate Stray looking south. Views into the site are screened by the existing mature trees and high brick boundary wall of The Retreat.

LEVEL OF OPENNESS

Low	Moderate	High
	<i>This is an open area of grassland associated with Walmgate Stray. Long range views to the south are blocked by mature existing trees. Views are constrained by the boundary wall and mature trees of The Retreat and a dominant line of mature trees within the Stray.</i>	

VIEWPOINT 4



▲ Looking south towards Walmgate Stray adjacent to Low Moor allotments.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE614507	Recreational (PRoW)	45	18.0

This represents views from the northern extent of Walmgate Stray looking south. Views into the site are screened by the existing mature trees and the boundary wall and railings of The Retreat. Low Moor allotments are to the west.

LEVEL OF OPENNESS

Low	Moderate	High
The landscape is enclosed by a dense line of mature trees and vegetation within the Stray adjacent to the Low Moor allotments. Views are constrained to short range only with glimpses through the canopy to the wider expanse of Walmgate Stray to the south.		

VIEWPOINT 5



▲ Looking south from Walmgate Stray

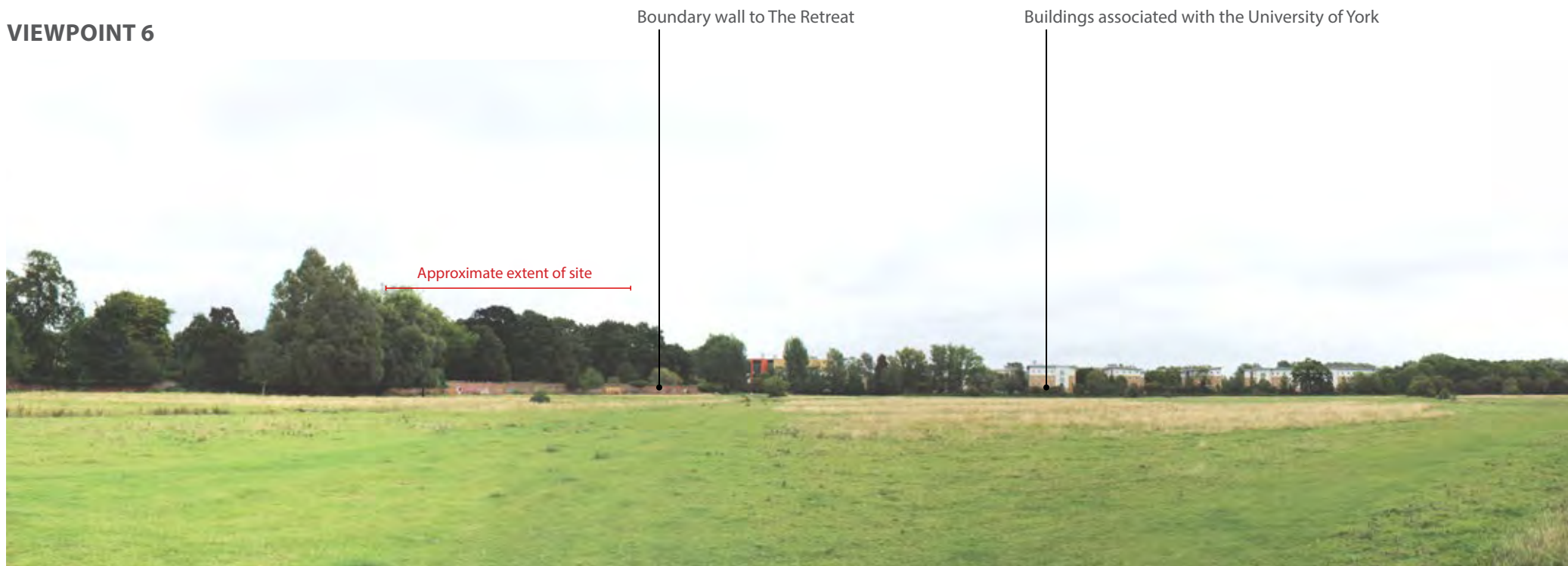
GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE614505	Recreational (PRoW)	46	11.0

This represents views from a formalised footpath running through Walmgate Stray. Long distance views are constrained by the presence of numerous mature trees within the Stray which also reduces the degree of openness. However, glimpsed long distance views south can be experienced through gaps in tree cover and under the canopies of trees.

LEVEL OF OPENNESS

<i>Low</i>	<i>Moderate</i>	<i>High</i>
	<i>This is an open area of grassland associated with Walmgate Stray. Long range views to the south are partially blocked existing trees.</i>	<i>Long range views south between and beneath tree canopies can be appreciated.</i>

VIEWPOINT 6



▲ Looking north east from Walmgate Stray

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE614504	Recreational (PRoW)	1600	13.0

This represents views looking northeast from Walmgate Stray. The landscape is very open in character with long range views in all directions. However, views of the site are screened behind the high brick boundary wall and dense tree canopy along The Retreat's southern boundary.

LEVEL OF OPENNESS

Low	Moderate	High
		Large expanse of grassland and lack of trees or built form within Walmgate Stray to block views.

Buildings associated with the University of York

Approximate extent of site

VIEWPOINT 7



▲ Looking west from Walmgate Stray

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE616504	Recreational (PRow)	83	11.0

This represents views looking west from Walmgate Stray. The landscape is very open in character with long range views. However, views north, towards the site are screened behind the wall and dense tree canopy along The Retreat's southern boundary. The site does not contribute to the openness of this view.

LEVEL OF OPENNESS

Low	Moderate	High
	Views north are constrained by the existing wall and mature trees along the southern boundary of The Retreat.	Long range views south and east across a large expanse of grassland.

Approximate extent of site

VIEWPOINT 8



▲ Looking west from footpath entrance to Walmgate stray from University campus.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE617505	Recreational (PRoW)	1600	35.0

This represents views from a footpath entering Walmgate Stray from the University campus. Views south are far reaching whilst views north and west are partially constrained by mature tree planting along The Retreat's eastern boundary.

LEVEL OF OPENNESS

Low	Moderate	High
	Views north and east are partially constrained by mature tree planting enclosing the space.	Long range views south across a large expanse of grassland.

Mature trees to the eastern boundary of the Stray

Approximate extent of site

VIEWPOINT 9



▲ Looking south from Walmgate Stray

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE(m)	ELEVATION (m AOD)
SE618506	Recreational (PRoW)	17	95.0

This represents views from an informal path running along the northern finger of Walmgate Stray adjacent to The Retreat's eastern boundary. The narrowed of the Stray and the presence of surrounding mature vegetation encloses the footpath and reduces the degree of openness. Views into the site are partially screened by mature trees however this site is more visible than from the west due to the lack of a high boundary wall.

LEVEL OF OPENNESS

Low	Moderate	High
	<i>This is narrowed area of open grassland associated with Walmgate Stray. Long range views to the south are blocked by mature existing trees. Views are constrained by the mature trees either side of which enclose the space</i>	

VIEWPOINT 10



▲ Looking west into the site from Walmgate Stray through a break in the boundary vegetation.

This represents views looking into the site from the eastern boundary within Walmgate Stray. The vegetation cover along the site's eastern edge is broken in places providing unobstructed views into the site. The landscape character is more open due to the larger area of open grassland albeit constrained on all sides by a strong edge of mature trees.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE617507	Recreational (PRoW)	1	17.0

LEVEL OF OPENNESS

Low	Moderate	High
	Long range views are constrained by a strong boundary of mature trees that enclose the space.	A large area of grassland providing an open character.

VIEWPOINT 11



▲ Looking north from University Road

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE618508	Residential , Recreational (PRoW)and Transport	23	26.0

This represents views looking north from University Road across an open area of grass adjacent to the site. The site can not be seen from this viewpoint. Although this view is outside City of York Green Belt it illustrates an open setting to the immediate context of the Green Belt.

LEVEL OF OPENNESS

Low	Moderate	High
	<i>The presence of a large area of grass with relatively little tree cover or built form provides a moderate level of openness and medium range views.</i>	

VIEWPOINT 12

Approximate extent of site



▲ Looking east from access road with The Retreat site.

GRID REFERENCE	RECEPTOR TYPE	DISTANCE FROM SITE (m)	ELEVATION (m AOD)
SE616510	Recreational (PRoW)	0	30.0

This represents views across an open area of mown grass at the frontage to The Retreat on the northern edge of the site. This is a relatively small area of open landscape surrounded by 20th century residential development along Heslington Road and The Retreat buildings.

LEVEL OF OPENNESS

Low	Moderate	High
Built form of The Retreat and adjacent residential properties enclose the space along with a level of mature trees prevent medium to long range views.	Presence of an open area of grass provides a degree of openness.	

Conclusion

4 CONCLUSION

The site's contribution to the openness of the City of York Greenbelt is limited by existing built form of The Retreat, the strong line of existing mature trees and the high brick walls that define the site's historic boundary. The findings of the Visual Appraisal conclude that:

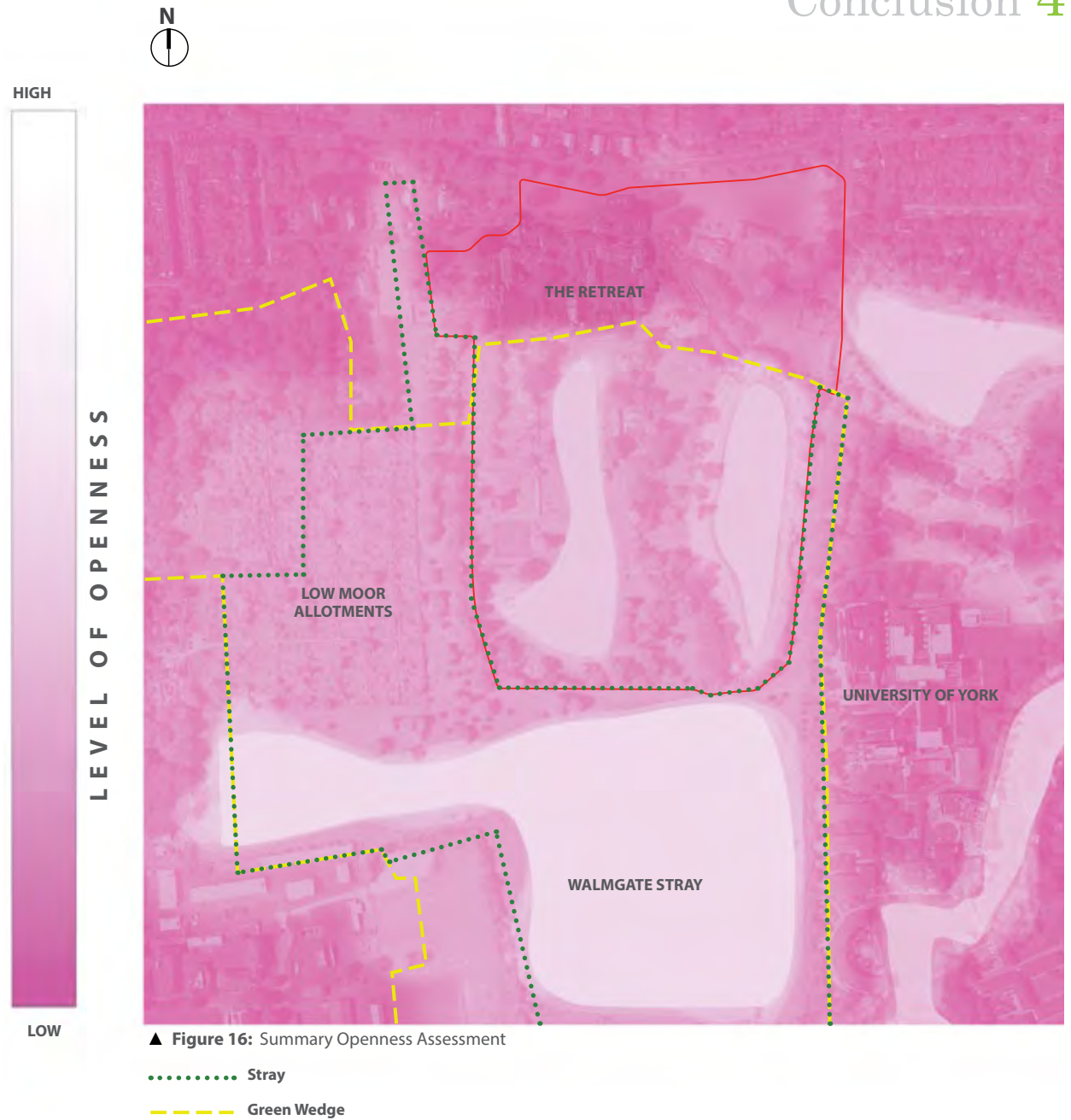
- From the north, existing buildings within The Retreat screen views of the wider site and open landscape to the south.
- The mature trees and boundary walls to The Retreat largely screen views from the south and west, preventing any long distance views into the site from Walmgate Stray.
- To the east, glimpsed views into the site are permitted from the narrow "finger" of Walmgate Stray which runs along the site's eastern boundary, through gaps in boundary vegetation.

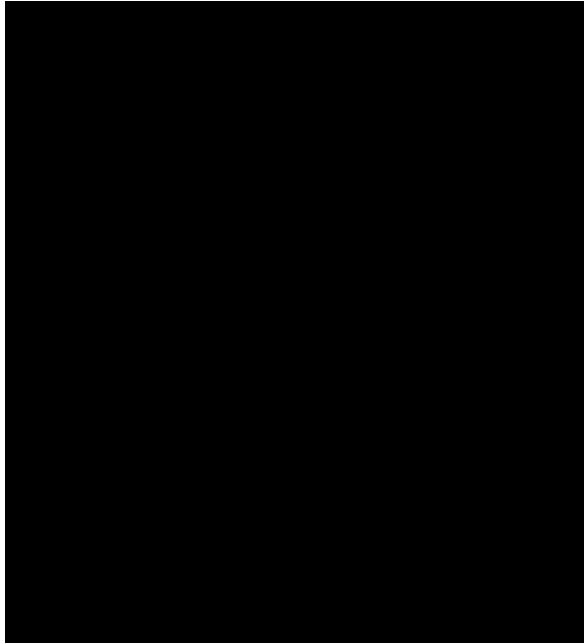
Within the northern part of the site, the large buildings of The Retreat screen views of the wider site from Heslington Road and reduce the sense of openness. Openness is further constrained by adjacent residential properties along Heslington Road and mature trees within the grounds of The Retreat. There is an area of open mown grassland to the frontage of The Retreat along Heslington Road which contributes to the perceived levels of openness. However, this is a relatively small area of open landscape, which is enclosed by the buildings of The Retreat and surrounding residential development.

Much of the surrounding landscape of Walmgate Stray to the south has strong sense of openness with a large expanse of open grassland with far reaching views. However, the northern "fingers" of the stray, that extend either side of The Retreat to the east and west, are constrained either side by built development and the presence of dense mature trees and vegetation. This, combined with the narrowed width of these "fingers" significantly reduces the perceived openness that is experienced compared to the expansive areas of the Stray to the south.

Within the south of The Retreat site is a large area of grassland including a cricket pitch which results in a moderate level of openness. However, the presence of the high brick boundary walls and mature trees along the boundaries of The Retreat prevent these open areas contributing to the perceived openness of the surrounding Stray to the south. There are limited long range views into the site from Walmgate Stray and a lack of intervisibility with the wider landscape. For this reason, the levels of openness associated with Walmgate Stray are not replicated within the site.

In conclusion, the site has a low contribution to the overall openness of the Green Belt. The site as illustrated on the parameter plan is well screened from the wider open landscape and largely enclosed within the existing historic defined boundary of brick walls and mature tree planting.







Appendix 4 Designations Plan



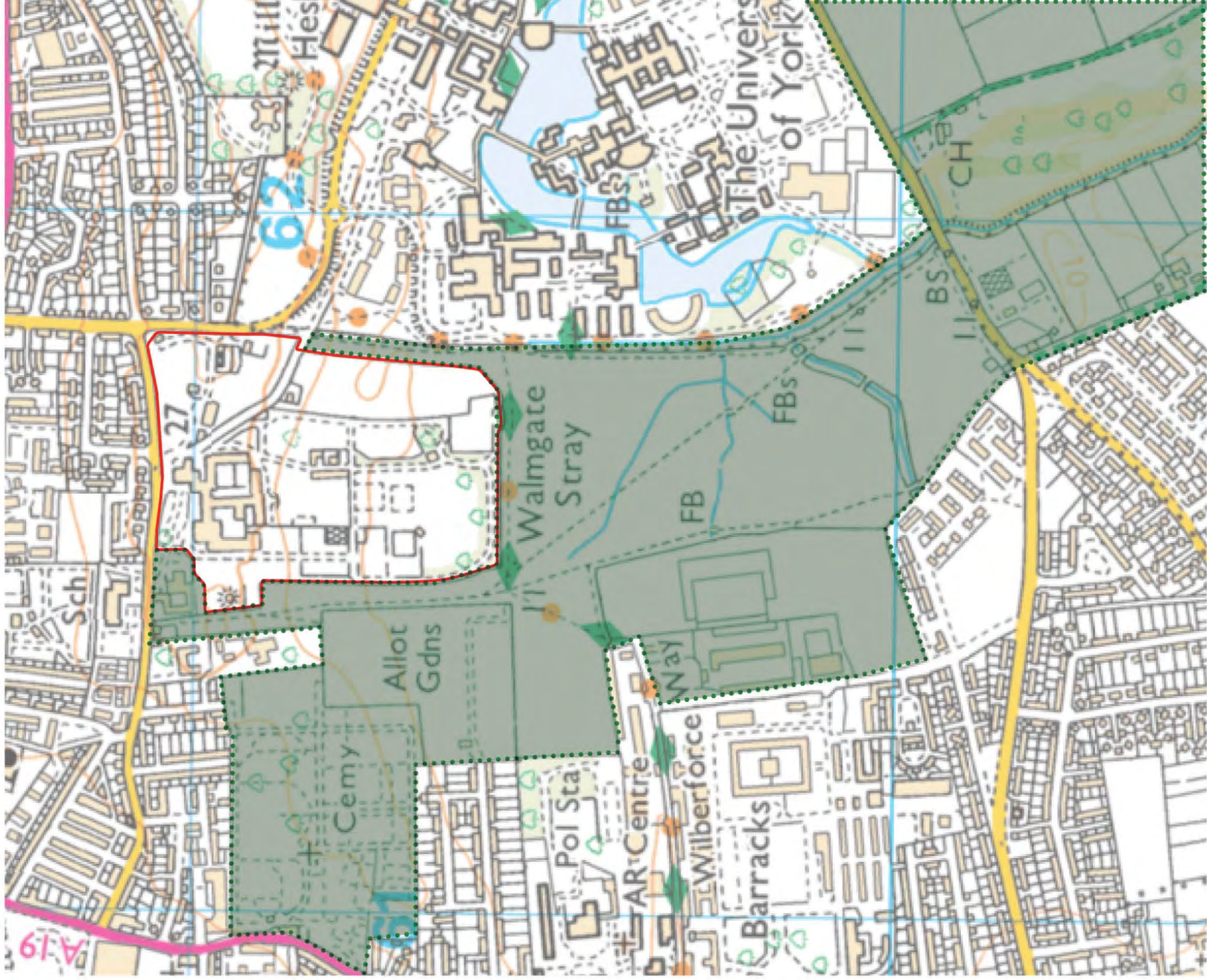
THE RETREAT: DESIGNATIONS

- Registered Park and Garden
- Boundary
- Grade II*
- Grade II
- Unlisted
- Scheduled Monument

This plan is not to scale



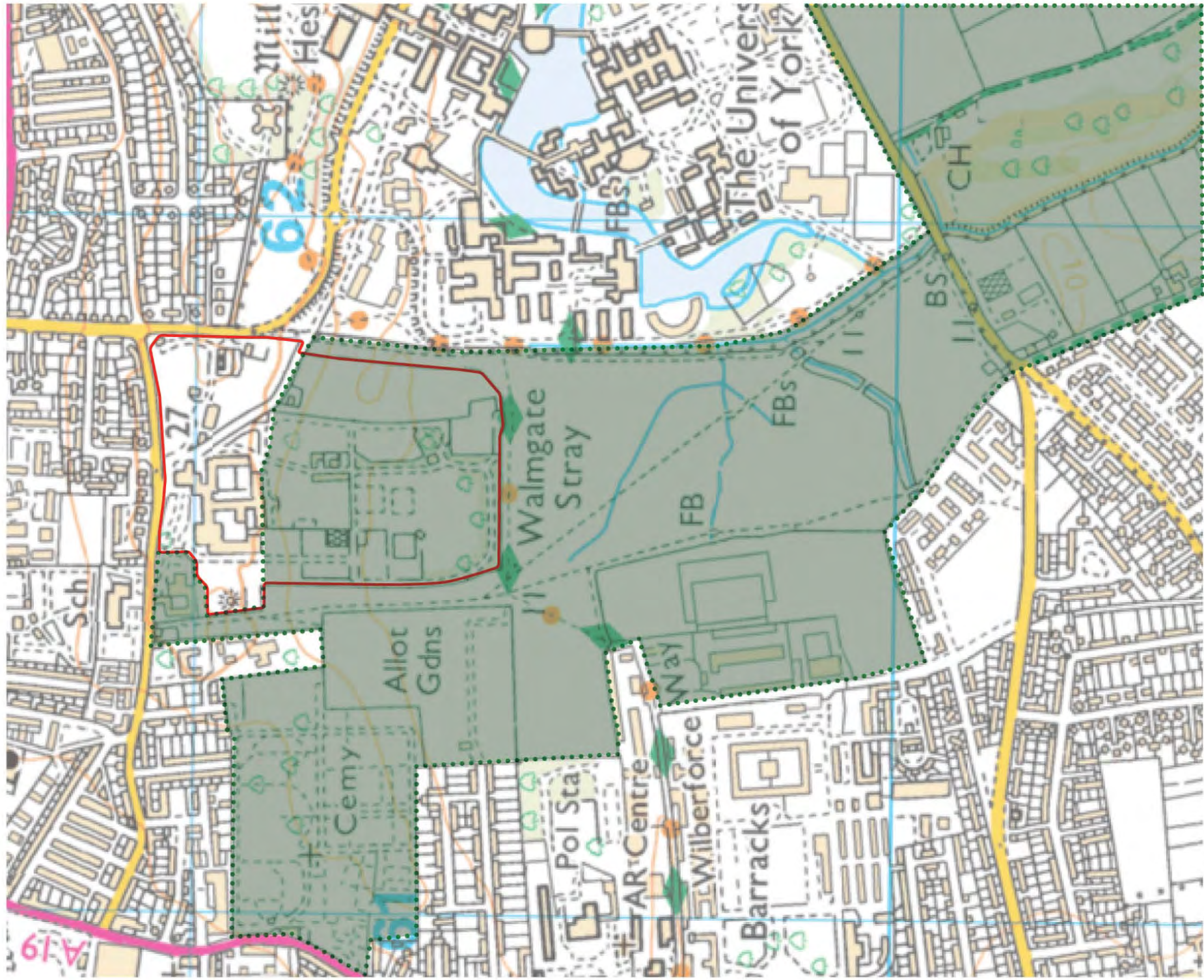
Appendix 5 Revised Proposed Green Belt Boundary



Proposed Green Belt Boundary - Option 1



Appendix 6
Alternative Revised Proposed Green Belt Boundary



Proposed Green Belt Boundary - Option 2

