

## **CITY OF YORK LOCAL PLAN PHASE 3 HEARINGS**

### **RESPONSE TO INSPECTORS' MIQs**

#### **FROM HESLINGTON PARISH COUNCIL**

**JUNE 2022**

### **Matter 7 – Land West of Elvington Lane**

#### **7.1 Is the allocation and associated Policy SS13 relating to ST15 soundly based?**

ST15 is not soundly based for 4 main reasons.

1. The mitigation/compensation/protection for 4 SINC sites (3 on the airfield and 1 at the nearby golf course) an SSSI and SPA/Ramsar site is not detailed sufficiently to ensure harm is avoided

There is no detailed plan for the comprehensive mitigation measures required (7.3 below) nor for the necessary ecological review 5 years prior to commencement, (HRA2018 SS13(vii)). There is no detailed mitigation plan for SINC sites within ST15, adjacent, or nearby, nor for the extensive infrastructure requirements.

2. Major infrastructure plans with mitigation requirements, have not yet been agreed and costed

With the current inflation in building costs, and undisclosed infrastructure costs, it is likely that ST15 is unviable and undeliverable. The cost of providing the mitigation and compensation measures for this ecologically significant site five years before commencement and monitored in perpetuity, (LP Page55 paragraph vii), should also be added.

3. the CYC approach has been inconsistent in a) its approach to ST15 and ST35 in Plan Modifications 2019, and (b) within the draft LP 2018 in terms of protection of important areas for nature conservation

ST35 has been deleted for nature conservation reasons although it is very similar to ST15 in being close to an SSSI and other sites important for nature conservation. HRA has not been able to rule out harm for either ST35 or ST15. (HRA Feb2019 p1. 63 and repeated HRA2020). The approach to assessment of ST15 and ST35 therefore appears to be inconsistent.

The draft local plan itself implies that ST15 would be unsuitable: "For this reason, internationally, nationally and locally significant nature conservation sites will be excluded when considering future development locations," (LP p28 para 3.6). The LP seeks to "Create and/or enhance existing corridors and steppingstones to improve links between existing corridors." (LP p168 para 10). ST15 is in a recognised green corridor. It is surrounded by sites important for nature conservation (see 7.3 below). It forms part of the network between them. The Porter Planning report gave this site an amber classification for viability in 2018.

#### 4. The CYC has been inconsistent in applying PM24

Every owned and tenanted farm and business in the area will be affected i.e. 10 working farms and as many other businesses. Noisy traffic will be brought into previously agricultural green field land by the ST15 site and its infrastructure. Overall, the increase in pollution from traffic, noise and light is certain to rise.

Elsewhere SS13 (xiii) p55 the LP states that there will be no vehicular access into Heslington Village. For existing residents and businesses in the area south of Heslington, there is no resolution of how vehicular access will be managed. It is indicated that "the community" will decide without specifying who "the community" is. This lack of planning for existing residents and businesses risks a significant impairment of their amenity and enjoyment of their properties.

In summary, HPC suggests that this plan for a very large settlement has started from availability of land, rather than with reference to the best location, the ecological impact and the infrastructure potential. The allocation of ST15 on a predominantly green field site plus essential mitigation via OS10, removes 352 of Hectares of "the best and most versatile" (NPPF 2012) food producing land, close to York City, at a time when food security has become an issue. Extensive infrastructure requirements will remove many further Hectares of productive greenbelt land. HPC do not feel that CYC have demonstrated that "significant development of agricultural land is demonstrated to be necessary" (NPPF 2012 p.26 para 112), and even if this were the case, "local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

### 7.3 Does the proposed allocation respond adequately to the presence of the SINC?

CYC have not followed Policy G12 "Mitigation and compensation should be a last resort" (PM26 2019). ST15 is surrounded by, internationally, nationally and locally significant nature conservation sites. There are 3 ratified SINC's on Elvington Airfield (Sites of Importance for Nature Conservation Review CYC 2017), plus a further SINC nearby at the SE boundary of Fulford Golf Course. In addition, there is Heslington Tilmire SSSI approximately half a mile away to the SW, and the Lower Derwent SPA/Ramsar sites. HPC wish to broaden question 7.3 to consider this network of interlinked sites and the OS10 mitigation site, rather than a SINC in isolation.

HPC feels that CYC's plan for mitigation, compensation and protection from harm of these sites is inadequate for the following 3 main reasons:

1. CYC's response to concerns about allocation ST15 from English Nature, HRAs 2020, 2019, 2018, Yorkshire Wildlife Trust, York Ornithological Club, Heslington and Fulford Parish Councils and others, has been vague and lacking a positive attitude and consistency of approach. Increase in public access and recreational visits to delicate ecologies is a common thread amongst concerns.

Natural England (Comments 2017) asks on what evidence the CYC has based its decision that wider sustainability reasons outweigh threats from ST15 to Heslington Tilmire SSSI. It is not clear how this comment has been responded to by CYC.

HRA 2020 p128 emphasises the importance of OS10 being preserved as a mitigation open space and not a recreation open space to avoid risk of increased footfall harming mitigation for Lower Derwent. The HRA's focus is on distance of ST15 from Lower Derwent SPA/Ramsar site. But HPC's focus is on the far shorter distance of ST15 from Heslington Tilmire SSSI and 4 SINC's. The same arguments should apply. It is unclear why HRA 2020 has no reference to Heslington Tilmire SSSI. The HRA of 2018 clearly identifies the need for a barrier to increased footfall on Tilmire SSSI. What benefit will "A further modification to clarify provision of recreational open space in policy GI6" (HRA 2020) bring if there is free access to Heslington Tilmire on foot, horse, cycle, or motorcycle (see 7.4 below), from a far larger population than has occurred before? Opening up cycle/pedestrian routes from ST15 linked through to Elvington and Wheldrake is certain to increase ingress onto the Tilmire SSSI.

HPC asks what exactly will be the status of OS10?

HRA2018 Proposed mitigation measures for ST15 Heslington Tilmire SSSI and the Lower Derwent Valley SPA/Ramsar (OS10) a nature conservation area, a buffer of wetland habitats, a barrier to the movement of people and domestic pets on to the SSSI. What options have CYC considered in designating this area for mitigation? It clearly cannot fulfil its role as mitigation for Heslington Tilmire SSSI and the Lower Derwent Valley SPA/Ramsar if there is any infrastructure building across it, but can it continue to produce food? It is already a successful HLS area developed in conjunction with Natural England. Using appropriate regenerative farming approaches would build on the many years of enhanced stewardship already in place.

If OS10 is to be left as an un-farmed area, how will grazing animals necessary for the preservation of the Tilmire SSSI be able to continue their essential function? (Yorkshire Wildlife Trust 2017 Consultation). How will avoidance of public disturbance of OS10 be prevented if it is not under frequent supervision? Who will take responsibility for care of the land?

The southern boundary of ST15 as per the Submission LP should be absolute preserving an open green space including the SINC for skylarks. CYC should, further, consider a buffer area within ST15 to protect the SINC.

2. Key factors required for mitigation and compensation have been omitted
  - i) **HRA2020 Only with OS10 in place as nature conservation area can harm from ST15 be mitigated.** The allocation of ST15 is contingent on OS10. It cannot fulfil its role as mitigation for Lower Derwent Valley SPA/Ramsar, and protection for Tilmire SSSI and associated SINCs, if a road link to A64 runs through it, and therefore this **must be explicitly ruled out as an option.**
  - ii) **A full understanding of the proposed recreational routes is required at an early stage.”** HPC asks what work has CYC done on this? What progress has been made? **No masterplan has yet been published.** In fact, by contrast, some aspects of the LP actively increase recreational usage of ecologically sensitive areas, including the SSSI, as described above and in 7.4 below.  
HRA2018 Appendix C SS13, “provision of a detailed site wide recreation and access strategy to minimise indirect recreational disturbance resulting from development and complement the wetland habitat buffer area which will be retained and monitored in perpetuity.”

Natural England 2017 “with regards to SS13, Natural England considers the mitigation of recreational impacts on Heslington Tilmire SSSI to be of the upmost importance. Therefore....we advise that the council considers whether this mitigation should be set out through a masterplan at the plan stage in order to ensure delivery. While masterplanning is not always necessary at the plan stage, we consider that it would be appropriate in the context of **such a large allocation in such a sensitive location.**”

“Problems on nature reserves which nearby developments can cause. A masterplan for the site will be essential to show whether such impacts can be mitigated or compensated for” (Yorkshire Wildlife Trust 2017 consultation).

- iii) Proposed **mitigation measures for ST15 Heslington Tilmire SSSI** and the Lower Derwent Valley SPA/Ramsar (vi) “barrier to the movement of people and domestic pets on to the SSSI.” (HRA2018 SS13 (vi)). **What further assessment has been carried out to allow this part of HRA to be omitted from the 2020 version?**
- iv) “Deliver ecological mitigation and compensation measures **5 years prior to commencement** of any development... supported by a long term management plan, and be retained and monitored in perpetuity,” (HRA2018). This clause has been **omitted in PM10** p11 of Proposed Modifications 2019. It should be re-instated as a vital part of the HRA.
- v) **No Independent ecological study of the whole green belt area SE of Heslington Village and ST15 allocation and its relationship to, and impact on, the Tilmire SSSI, appears to have been done.** This is the largest housing allocation in the Local Plan, and requires extensive road building and other infrastructure, and is

located in a most sensitive ecological area. The whole area should be independently ecologically surveyed including for nocturnal insects, birds and animals given its relatively dark skies, to document its diverse wildlife. We need to record what is there before an irrevocable decision is made to destroy it by noise, carbon emissions, light pollution and greatly increased footfall.

3. The infrastructure requirements for ST15 and their impact on nature conservation have not been sufficiently addressed

As stated in 2(i) above, OS10 cannot fulfil its necessary mitigation role if a road link to A64 runs through it, and therefore this must be explicitly ruled out as an option.

LP SS13 (xiii) p55: Retain Common Lane/Long Lane/Langwith Stray as cycle/pedestrian routes only. Yorkshire Wildlife Trust 2017 "If this route becomes the main cycle and pedestrian route to the city there will be increased disturbance to the compensation area and greater likelihood that there will be increased visitor pressure on the Tilmire SSSI." Increased active travel from Wheldrake, Elvington and ST15 into the lanes leading to Tilmire SSSI, as proposed by CYC, including in the LP infrastructure for ST15, conflicts directly with any efforts to reduce the movement of people and domestic pets on to the SSSI. SS13 (xiii) should be deleted.

The addition of an elevated grade separated junction, lit link roads to it, the traffic on them, and the cumulative effect of these with ST27 and ST15 will completely change the character of the land south of Heslington. What is now a rural idyll, off the beaten track with relatively dark skies and somewhat unknown to the population of York, will become another anonymous suburban sprawl. Almost without fail, delivery drivers and visitors comment on how special this area is and often that they had never been here before. Sadly, the fact that it is largely unknown and hidden, has left the area vulnerable to a sweep of the pen.

In summary, the SINC at the southern end of the airfield, is merely the most directly threatened area in a Green Corridor which encompasses the whole 500 acre airfield (LP Fig 3.2 p29). Red listed ground nesting birds prefer extensive tree free areas in which to make their nests as it gives some protection from the increasing number of predators. The airfield is part of a chain of wildlife sights which includes Wheldrake Ings, The Heslington Tilmire SSSI, Fulford Golf Course with its SINC and onwards to Low Moor. It would be extremely difficult for any mitigation or compensation measures to recreate these conditions. It has taken more than 60 years, since the airfield was extended, to get to the favourable wildlife position that we now are in.

#### 7.4 Is the allocation viable and deliverable given the infrastructure requirements, in particular?

HPC do not consider ST15 to be viable because of infrastructure requirements, ecological mitigation needs and the time scale for them, the unacceptable loss of hundreds of Hectares

of the best and most versatile agricultural land and the irreversible damage to York's rural hinterland.

We await a Statement of Common Ground between LDP and both CYC and National Highways. The infrastructure requirements for ST15 are huge. Any doubt as to infrastructure deliverability would render the allocation unviable. There is no agreement between NH and CYC on the cost of a grade separated junction (EX/SoCG/10). Crucially, there is no indication of where a major junction might be, or how ST15 would link to it, or what mitigation /compensation requirements there will be.

Policies SS13, SS22 and their infrastructure in combination result in a damaging urbanisation of the current rural landscape south of Heslington Village. This includes noise and light pollution into a currently remote and tranquil area much loved and valued by those who know it. The elevated nature of grade separated junctions makes it inevitable that sight lines and views will be impaired. Heslington has more strategic sites and more housing development allocated in its parish than anywhere else in York. The cumulative effect of these needs to be addressed in terms of congestion, air quality, the carbon zero ambitions of CYC and the impact on the amenities of existing York residents and businesses. CYC have not adequately balanced the need for housing with the need for protected green spaces and wildlife, risking irreversible ecological harm.

The Porter Planning report classified ST15 amber for viability in 2018. Considering current inflation in building costs and uncertain infrastructure costs, there is a strong likelihood that this site is unviable and therefore undeliverable. Necessary mitigation and compensation measures for this ecologically significant site are a further risk for viability and deliverability.

The allocation of ST15 is contingent on OS10 being designated a Nature Reserve free of recreational footfall. OS10 cannot fulfil its role as mitigation for Lower Derwent Valley SPA/Ramsar, and protection for Tilmire SSSI if a road link to A64 runs through it, and therefore this route must be excluded as an option, further impacting the viability of ST15. It is unclear how far other options have been explored, for example, land availability.

There are significant concerns about the plan to retain Common Lane/Long Lane/Langwith Stray as cycle/pedestrian routes only (LP p.55 SS13 (xiii)).

- Leaving aside ecological considerations above, HPC feels that the proposal is poorly conceived. The historic lanes consist of nearly 3 miles of single-track road, largely too narrow for cycles and vehicles to pass safely, with very high verges with channels dug out of them for drainage, making it impossible to quickly move off the road to safety. Common Lane, in addition, has poor sight lines. The traffic may be light in terms of numbers, but the vehicles can be exceptionally heavy and slow to stop or manoeuvre. The 10 farms served by the lanes often have large, wide machinery, and very large lorries, travelling to and from fields. There are also a number of other businesses, including horse liverys, at several locations along the route, all with associated traffic. **At present, the mixture of domestic, business, farm, horse and cycle traffic works because of the small numbers involved.** It becomes riskier as

numbers of walkers and cyclists increase, as was experienced during the recent pandemic lockdowns.

- Outside of the LP, CYC proposes linking cycle/pedestrian routes via Heslington's lanes through to Elvington and Wheldrake. Sustrans agree that there is no means of limiting the routes to cyclists rather than motorcycles. We predict that motorcyclists will prefer this direct route avoiding Grimston Bar from the three settlements of ST15, Elvington and Wheldrake and from more distant villages. Therefore the proposed route will fail to protect the character of Heslington Village as intended.
- SS13 (xiii) ignores submissions from respected nature conservation groups listed in 7.3 point 1 above, flagging up the risk to Tilmire SSSI and OS10 mitigation site of increased recreational ingress from the lanes.
- Extensive road surface improvement would be needed and more passing places/refuges as well as significant verge work. This work would need to be added into the costing for ST15.
- It is unclear whether the proposal for cycle routes would require lighting and how this would impact on nocturnal ecology. Until an independent study of the ecology of the area has been carried out it will not be possible to know what harm would be caused.

CYC stated that they would be creating separated cycle routes alongside vehicular infrastructure for ST15 (Phase 2 Hearings). HPC suggests that SS13 (xiii) be removed in the interests of safety for cyclists and drivers alike, to prevent urbanisation of sensitive countryside and to prevent through traffic in Heslington Village. Cycle and pedestrian routes from ST15 and surrounding villages into York should be separated from road traffic and this should be agreed at this stage, as a necessary part of the LP infrastructure, if the plan is to be viable.