

RAPLEYS

Examination of City of York Local Plan
Phase 4 Hearing Sessions

Written Statements - August 2022

Prepared by Rapleys on behalf of British Sugar

**FORMER BRITISH SUGAR SITE,
BOROUGHBRIDGE ROAD,
YORK YO26 6XF**

August 2022

Our Ref: 1119/114/3



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Contents

- 1 INTRODUCTION 2
- 2 MATTER 5 - GREEN INFRASTRUCTURE 4
- 3 **MATTER 7 - TRANSPORT** 7
- 4 MATTER 8 - RETAIL 8
- 5 MATTER 9 - ENVIRONMENTAL MATTERS 9
- 6 MATTER 13 - CLIMATE CHANGE 10
- 8 MATTER 14 - HEALTH AND WELLBEING 11

QUALITY ASSURANCE

This report has been prepared within the quality system operated at Rapleys LLP according to British Standard ISO 9001:2008.

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1 INTRODUCTION

- 1.1 These Written Statements have been prepared and submitted by Rapleys LLP on behalf of British Sugar Plc (British Sugar).
- 1.2 British Sugar is the owner of the Former British Sugar site (the Site), Boroughbridge Road, York.
- 1.3 The British Sugar site forms the substantial part of site ST1 (British Sugar / Manor School) in the draft Local Plan. The British Sugar and Manor Schools sites, together, are identified within draft Policy SS6 as delivering approximately 1,200 dwellings as part of a residential led mixed use development incorporating associated community and neighbourhood facilities.
- 1.4 British Sugar has worked with City of York Council (CYC) since the closure of the former British Sugar site in 2007 to progress its sustainable redevelopment for residential led mixed uses. British Sugar has secured outline and full planning permissions (see below) to enable the residential led mixed use development of the site.
- Outline planning permission (ref 15/00524/OUTM, Appeal Ref 3177821) for up to 1,100 residential units and associated community uses;
 - Full planning permission (ref 20/00774/FULM) for engineering works, remediation and reclamation of the Site;
 - Full planning permission (ref 17/01072/FUL) for the construction of access roads at Boroughbridge Road and Millfield Lane and across the Former Manor School site.
- 1.5 The vast majority of the pre-commencement conditions relating to the remediation and reclamation works have been discharged with a view to commencing this work.
- 1.6 British Sugar is actively progressing the further work necessary to bring forward the development of the site.
- 1.7 These Phase 4 Written Statements should be read in conjunction with all previous representations made to the draft Local Plan, previous draft Core Strategy, and other relevant CYC draft policy documents by Rapleys on behalf of British Sugar as follows:
- City of York Publication Draft (February 2018);
 - City of York Pre-Submission Draft (October 2017);
 - City of York Local Plan Assessment Update (October 2016);
 - City of York Local Plan Preferred Sites Consultation (July 2016);
 - Housing Implementation Survey Representations (December 2015);
 - City of York Plan Further Sites Consultation Representation (July 2014);
 - Local Plan Preferred Option Representations (July 2013);
 - Core Strategy Representations (November 2011); and
 - Formal British Sugar/Former Manor School Supplementary Planning Document Representations (November 2010 and January 2011).

1.8 The following Written Statements provide the further comments and representations of British Sugar on the identified Matters, where appropriate.

2 MATTER 5 - GREEN INFRASTRUCTURE

Q 5.5 - Will Policy G14 offer appropriate protection for trees and hedgerows?

- 2.1 Draft Policy G14 states that development will be supported where it (inter alia):
- i) Provides protection for overall tree cover as well as for existing trees worthy of retention in the immediate and longer term, and with conditions that would sustain the trees in good health and maturity.*
 - ii) retains trees and hedgerows that make a positive contribution to the character or setting of a conservation area or listed building, the setting of proposed development, are a significant element of a designed landscape, or value to the general public amenity, in terms of visual benefit, shading and screening.*
- 2.2 As drafted, Policy G14 does not offer suitable support for proposals which may result in the loss of such tree cover and existing trees, where this is required to enable sustainable development and where suitable mitigation, in the form of replacement planting and landscaping (or other measures), can be provided.
- 2.3 As part of the approved development of the British Sugar site, the permitted scheme seeks to ensure that all mature trees worthy of retention are retained, wherever possible, in the context of the need to remediate the site and provide level development platforms for future housing development.
- 2.4 Therefore, in order to be effective, and ensure that new development is not unduly stymied, this policy should recognise that such existing tree cover and trees worthy of retention should be retained wherever possible in the context of the necessary infrastructure provisions for future development, as informed by appropriate masterplanning, arboricultural survey and assessment. In addition, the policy should allow, where appropriate, for the loss of such existing tree cover, where this is necessary to enable development, and where appropriate mitigation in the form of replacement planting and landscaping (or other measures) can be provided.
- 2.5 The policy should therefore be reworded as follows:
- Development will be supported where it:*
- i) Provides protection for overall tree cover as well as for existing trees worthy of retention in the immediate and longer term wherever possible, and with conditions that would sustain the trees in good health in maturity.*
 - ii) retains trees and hedgerows that make a positive contribution to the character or setting of a conservation area or listed building, the setting of proposed development, are a significant element of a designed landscape, or value to the general public amenity, in terms of visual benefit, shading and screening, wherever possible.*
- Where the loss of existing tree cover and existing trees worthy of retention is necessary to enable development, this should be mitigated for through the provision of replacement planting and landscaping (or other measures) wherever possible.
- ### Q 5.6 - Does Policy G15 offer proper protection to open space and playing fields?
- 2.6 Draft Policy G15 (Protection of Open Space and Playing Fields) states that:
- Development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of environmental and/or recreational importance, unless the open space uses can be satisfactorily replaced in the area of benefit and in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost.*

Where replacement open space is to be provided in an alternative location (within the area of benefit) the replacement site/facility must be fully available for use before the area of open space to be lost can be redeveloped.

Development proposals will be supported which: (inter alia)

- Protects playing pitch provision except where a local area or surplus is indicated in the most up to date Playing Pitch strategy;
- Improves the quality of existing pitches and ensure that any new pitches are designed and implemented to a high standard and fully reflect an understanding of the issues affecting community sport: and
- Meets the deficit of pitches in [a] geographically appropriate and accessible way. This could be rectified through redesignation of any current surplus facilities in the area of benefit.

2.7 British Sugar has, as part of the permissions for the redevelopment of the British Sugar site, committed to providing a combination of on-site sports pitches and public open space, and contributions towards off-site facilities, informed by an assessment of need in the locality.

2.8 Appropriate timescales for the provision of these off-site facilities are committed in the s106 agreement. The timescales for the delivery of these facilities are in the control of the Council.

2.9 Therefore, in order to be effective, the draft policy should be reworded to ensure that there is appropriate flexibility around the timescales for provision of replacement open space facilities, to ensure that the delivery of development is not unduly delayed.

2.10 There is no definition within the policy or its supporting text as to the precise meaning of the words 'area of benefit'. In order for the policy to be effective, this must therefore be precisely clarified. We reserve the right to comment on this definition once it is available.

2.11 Notwithstanding the need for such definition, the draft policy should therefore be reworded as follows:

Development proposals will not be permitted which would harm the character of or lead to the loss of open space of environmental or recreational importance, unless the open space uses can be satisfactorily replaced in the area of benefit, and in terms of quality, quantity and access, with an equal or better standard than that which is proposed to be lost. Where replacement open space is to be provided in an alternative location within the area of benefit, the replacement site facility should be fully available for use before the area of open space to be lost can be redeveloped, or alternative appropriate timescales for the provision of the off-site facility should be confirmed via condition and / or s106 agreement.

Q5.7 Is the approach of Policy G16 to the provision of new open space sound?

2.12 Draft Policy G16 (New Open Space Provision) states that 'where there are deficiencies in certain types of open space provision in the area surrounding a proposed development, the Council will seek variations in the component elements to be provided by the developer in order to help overcome them'.

2.13 As part of the approved planning consents for the development of the British Sugar site, the open space requirement has been assessed in detail, with Officers, identifying the need for the provision of new open space provision, and the typologies within this, as part of the redevelopment of the site. British Sugar is committed to the appropriate provision of such facilities.

2.14 However, the provision of such open space facilities, as part of new development, must accord with the requirements of CIL Regulation 122. In particular, therefore it must be directly

related to the development itself. In this respect reference in this draft policy to addressing existing deficiencies is not justified or consistent with national policy and should be deleted.

3 MATTER 7 - TRANSPORT

Q7.2 Are Policies T1 to T9 justified and would they be effective?

- 3.1 Policy T5 (Strategic Cycle and Pedestrian Network Links and Improvements) lists the strategic cycle and pedestrian network links and improvements, as identified on the Proposals Map, to be implemented in accordance with the timescales shown.
- 3.2 In this respect, there is no reference in the listed improvements in the draft Policy to the annotation included on the draft Proposals Map, at the north of Site ST1 (British Sugar / Manor School), which identifies a potential new bridge / enhancement across the Harrogate Rail Line, adjoining land safeguarded for potential future transport schemes.
- 3.3 Consistent with previous representations and Written Statements made by British Sugar, the provision of this identified improvement is not a requirement of the approved planning permissions for the redevelopment of the British Sugar site. There is no evidence of funding currently available for these potential future transport improvements.
- 3.4 On this basis, whilst it is understood that the Council has an aspiration to provide these improvements in the future, there is no current funding for these improvements, the potential bridge is not listed in Policy T5, and there is no obligation on British Sugar to provide or make contributions towards this item.
- 3.5 Thus, the inclusion of this specific annotation on the draft proposals map is not justified and should be removed.

4 MATTER 8 - RETAIL

Q8.2 Do Policies R1 to R4 deal effectively with the retail sector?

- 4.1 Rapleys on behalf of British Sugar, has previously made representations in support of draft Strategic Policy SS6 (British Sugar / Manor School). Draft Policy SS6 sets out that the development of this strategic site will be delivered in accordance with the identified key principles, which include the following:

‘Provide new social infrastructure, which meets the needs of future residents of ST1, and where viable, surrounding communities, including local retail, health, community space, educational facilities, and sports provision.

- 4.2 Therefore, Policy SS6 supports the provision of appropriate local retail facilities at site ST1 (British Sugar / Manor School) as part of the stated key principles.

- 4.3 Accordingly, in order to ensure that the draft retail policies are consistent with Policy SS6, they must reflect the support for appropriate retail provision on strategic site ST1 and be positively prepared to support the delivery of such facilities on the site.

- 4.4 In these terms, there is currently no reference in the draft retail policies to support for local retail facilities as identified in the key principles for Strategic site ST1. This should be rectified in order to ensure the policies are consistent and positively prepared.

- 4.5 Policy R1 (Retail Hierarchy and Sequential Approach) should therefore be reworded as follows (additional wording shown underlined):

In order to safeguard and enhance the established retail hierarchy any proposals for additional retail provision outside the defined city, district and local centres, or not in accordance with the Strategic Site policies, will be subject to the requirements set out in Policy R4.

Main town centre uses will be directed to the city, district and local centres defined in this policy, and relevant strategic sites, in accordance with other Local Plan policies in relation to specific uses.

Proposals for main town centre uses outside a defined city, district or local centre, or not in accordance with the strategic site policies, must be subject to an impact assessment where the floorspace of the proposed development exceeds the following thresholds:

- *outside York city centre: greater than 1,500 sqm gross floorspace.*
- *outside a district centre: greater than 500 sqm gross floorspace.*
- *outside a local centre: greater than 200 sqm gross floorspace.*

5 MATTER 9 - ENVIRONMENTAL MATTERS

Q9.1 Will Policy ENV2 properly manage environmental quality?

5.1 Draft Policy EV2 states that (inter alia):

Development proposals for uses that are likely to have an environmental impact on the amenity of the surrounding area, including residential amenity, open countryside, local character and distinctiveness, and public spaces, must be accompanied by evidence that the impacts have been evaluated and the proposal will not result in loss of character, amenity or damage to human health, to either existing or new communities.

5.2 The policy should be consistent in its tests for the level of impact that is acceptable, in accordance with the NPPF, and the opening paragraph of the draft policy itself, which refers to development not giving rise to “significant adverse environmental impacts”. The second paragraph of the policy should therefore be re-worded accordingly, as follows (additional wording shown underlined).

Development proposals for uses that are likely to have an environmental impact on the amenity of the surrounding area, including residential amenity, open countryside, local character and distinctiveness, and public spaces, must be accompanied by evidence that the impacts have been evaluated and the proposal will not result in significant adverse environmental impacts, giving rise to loss of character, amenity or damage to human health, to either existing or new communities.

Q9.3 Does Policy ENV4 accord with national policy, and will it provide an appropriate response to flood risk?

5.3 Draft Policy ENV4 (Flood Risk) states that:

Where flood risk is present, development will only be permitted when the local planning authority is satisfied that any flood risk within the catchment will be successfully managed (through a management and maintenance plan for the lifetime of the development) and there are details of proposed necessary mitigation measures.

5.4 In order to accord with national policy and provide an appropriate response to flood risk, the policy wording must be amended to ensure it makes clear that only increases in flood risk arising as a direct result of the development proposal need be mitigated for. The wording of draft Policy ENV4 should therefore be re-worded as follows (additional wording shown underlined):

Where proposed development is shown to be at risk of flooding, or is shown to increase flooding elsewhere in the catchment, development will only be permitted when the local planning authority is satisfied that increases in flood risk as a result of the proposed development (either to the development itself or elsewhere within the catchment) will be successfully managed (through a management and maintenance plan for the lifetime of the development) and there are details of proposed necessary mitigation measures.

6 **MATTER 13 - CLIMATE CHANGE**

Q14.1 Is the suite of Policies CC1 to CC3 (as proposed for modification) a sufficiently comprehensive response to this issue?

Q14.2 Does the approach of Policy CC1 to renewable and low-carbon energy generation and storage appropriately reflect national policy?

Q14.3 Is the approach of Policy CC2 to sustainable design and construction justified?

6.1 Rapleys on behalf of British Sugar has previously made representations in relation to the climate change policies, in particular CC1 (Renewable and Low Carbon Energy Generation and Storage) as part of the draft Local Plan consultation.

6.2 It is understood that the Council proposes modifications to these climate change policies and that these modifications will be presented within the Council's forthcoming hearing statement.

6.3 However, at the time of writing these proposed modifications are not available for review. Therefore, British Sugar requests the opportunity to review and make further comment on these modifications, once available, as part of the Phase 4 Hearing session process.

8 MATTER 14 - HEALTH AND WELLBEING

Q15.2 Does Policy HW2 provide a sound basis for the provision of new community facilities?

8.1 Draft Policy HW2 states:

Applications for strategic residential developments must be accompanied by an audit of existing community facilities and their current capacity, prepared by the applicant. Developments that place additional demands on existing services will be required to provide proportionate new or expanded community facilities, to meet the needs of existing and future occupiers.

8.2 In order to be sound, the policy on the provision of such community facilities, as part of new development, must accord with the requirements of CIL Regulation 122, In particular, therefore, provision must be directly related to the development itself. In this respect reference in this policy to meeting the needs of ‘existing occupiers’ is not justified or in accordance with national policy and should be deleted.