

# **Statement of Common Ground**

## **Phase 4 Hearings**

**As agreed between City of York Council and Historic  
England**

09 September 2022

## **Introduction**

1. This Statement of Common Ground (SoCG) has been prepared jointly between City of York Council and Historic England. The purpose of this SoCG is to inform the Inspectors of areas of agreement between the two parties in relation to the matters to be heard during the Phase 4 hearings into the submitted draft York Local Plan (Local Plan) [CD001].
2. This is the third SocG between the parties and should be read alongside the Phase 1 SocG dated 4 December 2019 [EX/SoCG/3] and Phase 2 SoCG dated 30<sup>th</sup> March 2022 [EX/SoCG/3a]. Where areas of common ground set out at earlier phases remain relevant to phase 4 matters, they have been set out again in this statement.

## **Background**

3. Historic England is a statutory consultee on all aspects of the historic environment and its heritage assets. There has been ongoing engagement between the Council and Historic England during the preparation of the Local Plan and evidence base.

## **Areas of Agreement**

4. The following matters and issues have been identified as areas on which the parties agree are common ground. A full composite schedule of proposed modifications to date is set out in EX/CYC/111.

## York Local Plan EiP, Phase 4 - SoCG with Historic England

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<b>Matter 2 – University of York</b>							
Q2.5	135	Policy ED2	Unsound	<p>The architectural historian Pevsner considered that this was the best of the new University Campuses and the design and layout of the campus and its buildings are increasingly being recognised for their architectural and historic interest in terms of post-War University developments. Therefore, a Policy which would enable existing buildings on this campus to simply be demolished and replaced could result in considerable harm the overall design concept underpinning the original University and loss of key elements which contribute to understanding and appreciation of its architectural and historic interest.</p>	<p>Policy ED2 insert the following additional Criterion:-</p> <p><i>“Proposals for the redevelopment of existing buildings must be informed by an assessment of their architectural and historic interest and their contribution to the original campus design. Those buildings which are considered to be of architectural of historic interest should be retained and reused”.</i></p>	<p>Development will be assessed in the context of the Plan as a whole, alongside its supporting evidence.</p> <p>In consultation with the University of York the Council is proposing modifications to support limited intensification of the site (strongly caveated by the need for studies): referencing schedule of mods.</p> <p>Provide cross reference to <b><u>Policy D1, D5</u></b></p>	<p>Agreed on proposed modifications to Policy ED2.</p> <p>The requirements for proposals to be supported by an up to date development brief, and where appropriate heritage impact assessments, should be sufficient to ensure that the appropriate consideration of the historic environment informs development proposals.</p>
Q2.5-2.9	136	Policy ED3 – Proposed Expansion	Unsound	Notwithstanding the caveats within the Planning Principles regarding the limits on the development footprint of any new development	The future expansion of the University should be restricted to	No change	Agreed – no change required.

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				<p>and for an “<i>appropriately landscaped buffer between the site and the A64</i>”, this proposal could harm two elements which contribute to the special character of the historic City.</p> <p>Firstly, this area is prominent in views from the A64. The expansion of the University to the extent of the area identified would bring development very close to the Ring Road. This will fundamentally change the relationship which the southern edge of York has with the countryside to its south. It will also alter people’s perceptions when travelling along this route about the setting of the City within an area of open countryside.</p> <p>Moreover, it is by no means certain that the requirement for an “<i>appropriately landscaped buffer</i>” between the site and the A64, will not, itself, further harm the openness of the Green Belt in this location. Previous landscaping schemes by the University in this part of the City have simply resulted in earth bunding -an alien features</p>	<p>within the Campus East and consideration should be given to the expansion of the university in a northerly direction onto Site ST4 instead.</p>	

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				<p>in the flat landscape to the south of the City.</p> <p>Secondly, the expansion of the university towards the ring road could also harm the relationship which the historic city of York has to the surrounding villages - another element identified in the <i>Heritage Topic Paper</i> as contributing to the special character of York. This relationship relates to not simply the distance between the settlements but also the size of the villages themselves, and the fact that they are free-standing, clearly definable settlements.</p> <p>The expansion of the University would effectively reduce the gap between the edge of the built-up area of the City and the proposed new settlement at Elvington Lane (Site ST15) to 1.6km.</p>			
Q2.7-2.9	71	Policy SS22 – Site ST27 (University of York Expansion Site)	Unsound	Notwithstanding the caveats within the Planning Principles regarding the limits on the development footprint of any new development and for an “ <i>appropriately landscaped buffer between the site and the A64</i> ”, this proposal could	The future expansion of the University should be restricted to within the Campus East and consideration	<p>No change.</p> <p>The site area was reduced in 2016 in response to Further Sites/Preferred Options consultation, principally to:</p>	Disagree.

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				<p>harm two elements which contribute to the special character of the historic City.</p> <p>Firstly, this area is prominent in views from the A64. The expansion of the University to the extent of the area identified would bring development very close to the Ring Road. This will fundamentally change the relationship which the southern edge of York has with the countryside to its south. It will also alter people's perceptions when travelling along this route about the setting of the City within an area of open countryside.</p> <p>Moreover, it is by no means certain that the requirement for an <i>"appropriately landscaped buffer"</i> between the site and the A64, will not, itself, further harm the openness of the Green Belt in this location. Previous landscaping schemes by the University in this part of the City have simply resulted in earth bunding an alien features in the flat landscape to the south of the City.</p>	<p>should be given to the expansion of the university in a northerly direction onto Site ST4 instead.</p>	<ul style="list-style-type: none"> <li>- remove land west of Green Lane to increase the gap between the site and Heslington Village, and maintain views across the southern aspect of York.</li> </ul>	

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				<p>Secondly, the expansion of the university towards the ring road could also harm the relationship which the historic city of York has to the surrounding villages - another element identified in the <i>Heritage Topic Paper</i> as contributing to the special character of York. This relationship relates to not simply the distance between the settlements but also the size of the villages themselves, and the fact that they are free-standing, clearly definable settlements.</p> <p>The expansion of the University would effectively reduce the gap between the edge of the built up area of the City and this proposed new settlement west of Elvington Lane (Site ST15) to 1.6km.</p>			
<b>Matter 3 – Castle Gateway and York Central</b>							
Q3.1	38	Policy SS5 – Site ST20 (Castle Gateway), General introductory Paragraphs	Sound	<p>Subject to the amendments set out below, we broadly support this Policy which will assist in realising the potential of this important part of the City, especially:-</p> <ul style="list-style-type: none"> <li>• The intention that this regeneration will:- <ul style="list-style-type: none"> <li>○ Radically enhance the setting of Clifford's Tower</li> </ul> </li> </ul>	-	<p>Noted and welcomed</p> <p>Note minor wording changes proposed at Phase 4:</p> <p>...</p> <p><i>(Following text moved to Explanation)</i></p>	Agreed on proposed modifications to Policy SS5.

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				<p>and the Eye of York to recognise and interpret their importance to York's unique history.</p> <ul style="list-style-type: none"> <li>o Integrate the area with the broader city centre.</li> <li>o Improve pedestrian and cycle flow throughout the area and in to the wider city.</li> <li>• That the development will be delivered through:- <ul style="list-style-type: none"> <li>o Removing the Castle Car Park to create new public spaces and a high-quality development opportunity.</li> <li>o The addition of a new landmark River Foss pedestrian cycle bridge.</li> <li>o Where possible, the opening up of both frontages of the River Foss with riverside walkways on one or both banks.</li> </ul> </li> </ul>		<p>To achieve these aims development in the Castle Gateway will be delivered through the following:-</p> <ul style="list-style-type: none"> <li>• Removing the Castle Car Park to create new public space and high quality development opportunities.-</li> <li>• Provision of a replacement car park within the Castle Gateway area.-</li> <li>• The addition of a new landmark River Foss pedestrian cycle bridge.-</li> <li>• Where possible, the opening up of both frontages of the River Foss with riverside walkways.-</li> <li>• Engagement with stakeholders in the development of masterplan and public realm proposals.-</li> <li>-Securing public realm, transport and infrastructure investment as a catalyst for wider social and economic improvement.-</li> <li>• Funding the implementation of public space, transport improvements and infrastructure through</li> </ul>	



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						<p><del>developer contributions and commercial uplift from development sites across the area.</del></p> <p>Development within the five Castle Gateway sub-areas will be <b>permitted delivered where having regard to the above regeneration objectives</b> and in accordance with the following principles, <b>as appropriate:</b></p> <p>...</p> <p>See also Policy SS3, R1, R2, D1, <b>D2</b>, D4, D5, D6, <b>ENV4, T1, and T5</b></p> <p>Note further modification proposed to explanation, as set out in EX/CYC/111</p>	
Q3.1	38	Policy SS5 – Site ST20 Criterion ix and xvii	Unsound	As worded Criteria ix and xvii would both support the provision of a new car park in this area. We would suggest that the car park proposed by Criterion ix is deleted. Instead the Castle Mills site should be identified as a potential residential development opportunity.	Amend Criterion ix accordingly.	No change. Although consent was granted for car park at St George's Field site (19/02063/FUL) a decision on the replacement car parking strategy that will allow Castle Car Park to close (including whether to build a car park at St	Agreed no change required.

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						George's Field) is not due until summer 2023.	
Q3.1	38	Policy SS5 – Site ST20 Criterion xi	Unsound	This Criterion would benefit from a slight amendment to improve its clarity.	Criterion xi amend to read:-  “... historic assets and their setting”	No change	Agreed – no change required.
Q3.1	38	Policy SS5 – Site ST20 Criterion xvi	Unsound	This Criterion would benefit from a slight amendment to improve its clarity.	Criterion xvii amend to read:-  “.. sightlines to, from and across the Castle Gateway”	No change	Agreed – no change required.
Q3.1	38	Policy SS5 – Site ST20 Castle and the Eye of York	Unsound	The redevelopment of this area offer huge potential to improve the access to the museums and the curation and display of their collections. However, none of this is recognised within the Policy	Amend accordingly	No change – opportunities are presented in the Castle Gateway Masterplan (2018)	Agreed – no change required.
Q3.1	38	Policy SS5 – Site ST20 (Castle Gateway), King's Staith/ Coppergate	Sound	We support the development principles for King's Staith/ Coppergate particularly the requirements that they should:- <ul style="list-style-type: none"> <li>• Improve the physical fabric, permeability and appearance of the Coppergate Centre to present an appropriate and well-designed aspect when viewed from Clifford's Tower</li> <li>• Improve the permeability of Coppergate as a key gateway</li> </ul>	-	Noted and welcomed	Agreed – no change required.

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				<p>into the area for pedestrians and cyclists.</p> <ul style="list-style-type: none"> <li>• Improve the Castlegate streetscape by reducing vehicle dominance and creating a pedestrian friendly environment.</li> </ul>			
Q3.1	38	Policy SS5 – Site ST20 (Castle Gateway), Castle and Eye of York	Sound	<p>We support the development principles for Castle and Eye of York particularly the requirements that they should:-</p> <ul style="list-style-type: none"> <li>• Create a public realm scheme for the Castle and Eye of York which celebrates the significance of historic assets and the setting of the historic Castle and prison.</li> <li>• Consider the opportunity to provide a new building to improve the southern aspect of the Coppergate Centre and service yard and enhance the setting of Clifford's Tower and the Eye of York.</li> <li>• Provide a new landmark bridge for pedestrians and cyclists across the River Foss linking the Castle and Eye of York with Piccadilly</li> <li>• Improve Tower Street to make it easier and safer to move</li> </ul>	-	Noted and welcomed	Agreed– no change required.

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				<p>between the Eye of York, Tower Gardens and St George's Field, by reducing vehicle dominance and creating a more pedestrian-friendly environment.</p> <ul style="list-style-type: none"> <li>Consider important sightlines across the Castle Gateway area..</li> </ul>			
Q3.2-3.3	35	Policy SS4 Site ST5 ( York Central), proposed amounts of development	Unsound	<p>The amount of development required on the edge of the City and in its surrounding settlements is very much predicated, in part, on being able to deliver a sizeable proportion of the plan's new housing requirements within the York Central site. Whilst we wholeheartedly support the principle of the redevelopment of this large brownfield site and in maximising its development potential, we are extremely concerned about the potential impact which the quantum of development being proposed might have upon the city's heritage. There has been nothing provided as part of the Evidence Base to demonstrate that this site is capable of accommodating 2,500 dwellings and 100,000sq m of office</p>	<p>The Evidence Base needs to demonstrate that the volume of development being suggested (and the resultant heights and massing of the buildings) will not harm the setting of the heritage assets in its vicinity or those elements identified in the Heritage Topic Paper as contributing to the special character and setting of York. It will also be necessary to show how the amount of</p>	<p>No change</p> <p>Site ST5 York Central is allocated within the context of Policy SS4, the wider Local Plan and contemporary best practice, including:</p> <ul style="list-style-type: none"> <li>- Section 8 and Policy D1 'Placemaking', which set the Plan's expectations for design quality in the context of York, providing strong references to the Heritage Topic Paper and other evidence (including Conservation Area Appraisals) in defining York's special characteristics and analysing character and significance. D1 is clear that "Development proposals that fail to take account of York's special qualities, fail to make a</li> </ul>	<p>Partial agreement.</p> <p>Whilst outline permission has been granted for this site, Historic England maintain concerns about the potential impact accommodating the scale of development proposed on this site might have on the city's heritage. However, it is agreed that the Local Plan policies, along with national planning policy on conserving and enhancing the</p>

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				<p>floorspace in a manner which would not result in a form of development whose scale, massing, design and impact upon the city's infrastructure (particularly the road network in and around the historic core) would not have a considerable adverse impact upon the centre of the City.</p> <p>Consequently, the Evidence Base needs to demonstrate that the volume of development being suggested (and the resultant heights and massing of the buildings) will not harm the setting of the heritage assets in its vicinity or those elements identified in the Heritage Topic Paper as contributing to the special character and setting of York. It will also be necessary to show how the amount of traffic generated by this scale of development (in conjunction with the other proposed developments in and around this sector of the City) will not result in increased congestion and worsening air quality - particularly given the fact that the light rail link originally proposed for</p>	<p>traffic generated by this scale of development (in conjunction with the other proposed developments in and around this sector of the City) will not result in increased congestion and worsening air quality - particularly given the fact that the light rail link originally proposed for this development is no longer a requirement.</p>	<p>positive design contribution to the city, or cause damage to the character and quality of an area will be refused.”</p> <ul style="list-style-type: none"> <li>- Section 12 contains policy to prevent unacceptable environmental impacts (including Air Quality) from development</li> <li>- Section 14 reflects the strategic themes of the Local Transport Plan, guiding development which facilitates the use of more sustainable transport modes.</li> </ul> <p>Outline planning permission (application reference no. 18/01884/OUTM) was granted in 2019. The general layout and distribution of uses is prescribed by a parameters plan, with the form, character and appearance of development subject to reserved matters. An illustrative masterplan has been prepared for the site.</p>	<p>historic environment, should provide sufficient safeguards to ensure that the detailed design of development (to be dealt with by way of reserved matters) takes appropriate steps to avoid and minimise harm to the historic environment, supported by a proportionate evidence.</p>

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				this development is no longer a requirement.			
Q3.2-3.3	35	Policy SS4 – Site ST5 (York Central), development principles	Sound	<p>We support the requirement that development within the York Central site will be permitted where it will comply with the following development principles:-</p> <ul style="list-style-type: none"> <li>• Enhance the quality of the cultural area around the National Railway Museum through high-quality public realm and improved connectivity to the wider city.</li> <li>• Create a distinctive new place of outstanding quality and design which complements the existing historic urban fabric of the city, respects those elements which contribute to its distinctive historic character, and assimilates into its setting and surrounding communities.</li> <li>• Conserve and enhance the special character and/or appearance of the adjacent Central Historic Core Conservation Area and St Paul's Square/ Holgate Road Conservation Area.</li> </ul>	-	Noted, and welcomed.	Agreed – no change required.

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				<ul style="list-style-type: none"> <li>Maximise the benefits of job creation and sustainable economic growth.</li> </ul> <p>However, whilst supporting the development principles for this area, we have significant concerns whether or not the amount of development is achievable in a manner consistent with conservation of those elements which contribute to the special character and setting of York.</p>			
<b>Matter 4 – Placemaking, Design, Heritage, and Culture</b>							
Q4.1	146	Policy D1	Sound	<p>Subject to the small modification set out below, we support this Policy. This should help to ensure that the elements which contribute to the special character of the City are safeguarded. We particularly welcome the requirement that development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused. Given the international importance of the historic city of York, it is absolutely right that developments</p>	-	Noted and welcomed	Agreed – no change required

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				which are likely to harm its character are refused.			
Q4.1	146	Policy D1, Criterion iv, first bullet-point	Unsound	It is unlikely that any development would “challenge ... the city centre roofscape”. Consequently, this bullet-point would benefit from a small amendment	Policy D1, Criterion iv, first bullet-point amend to read:-  “.. the Minster or harm the city centre roofscape”	Agreed. Modification proposed: <b>iv. Building Heights and Views</b> • respect York’s skyline by ensuring that development does not detract from challenge the visual dominance of the Minster or harm the city centre roofscape  Note also further modifications proposed [EX/CYC/111]	Agreement on this and the wider proposed modifications made to Policy D1.
Q4.2	149	Policy D2	Sound	We support this Policy. This should help to ensure that development proposals do not harm the landscape of the City and its wider setting.	-	Noted and welcomed  Note also further modifications proposed [EX/CYC/111]	Agreed on proposed modifications to Policy D2.
Q4.4	152	Policy D4	Sound	Subject to the changes set out below, we support this Policy. In its City Centre Conservation Area York has one of the Country’s most distinctive Conservation Areas and which provides the setting for some very significant historic assets. It is essential that the plan sets out a robust Policy framework for the management of this area and the other Conservation Areas across the City.	-	Noted	Agreed – no change required



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Q4.4	152	Policy D4, first Paragraph, Criteria i	Unsound	<p>This Criterion is confusing. The opening sentence requires proposals to either preserve <u>or</u> enhance the character of a Conservation Area (reflecting S69 of the 1990 Act). Later on, by the inclusion of 'and', this sentence sets out a requirement that they also have to enhance or better reveal its significance.</p> <p>Moreover, S69 of the Act refers to "character or appearance" (not character and appearance).</p> <p>This Criterion needs amending to be consistent with primary legislation and to make its intentions more clear. It would also be preferable if it included reference to the "elements" which contribute to the character of the Conservation Area.</p>	<p>Policy D4, first Paragraph, replace Criteria i with the following:-</p> <p><i>"i. are designed to preserve or enhance those elements which contribute to the character or appearance of the Conservation Area</i></p> <p><i>ii would enhance or better reveal its significance or would help secure a sustainable future for a building at risk"</i></p>	<p>Agreed. Modifications proposed to D4:</p> <p>Development proposals within or affecting the setting of a conservation area will be supported where they:</p> <p>i. <b>are designed to preserve or enhance those elements which contribute to the character or appearance of the Conservation Area;</b> are designed to preserve or enhance the special character and appearance of the conservation area and would enhance or better reveal its significance;</p> <p>ii. <b>would enhance or better reveal its significance or would help secure a sustainable future for a building ; and ii.iii. safeguard important views guided by existing evidence, including in the York Central Historic Core Conservation Area Appraisal, and other local views. respect important views;</b> and iii. are accompanied by an appropriate evidence-based assessment of the conservation</p>	<p>Agreed on proposed modifications to Policy D4.</p>

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						<p>area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.</p> <p>Outline planning applications for development within or affecting the setting of conservation areas will only be supported if full design details are included, sufficient to show the likely impact of the proposals upon the significance character and appearance of the Conservation Area are included.</p> <p>Changes of use will be supported when it has been demonstrated that the primary uses of the building can no longer be sustained, where the proposed new use would not significantly harm the special qualities and significance of the conservation area.</p>	

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						<p>Harm to buildings, <b>plot form</b>, open spaces, trees, views or other elements which make a positive contribution to a Conservation Area will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a Conservation Area will be permitted only where it can be demonstrated that the <b>harm or loss is necessary to achieve</b> <del>proposal would bring</del> substantial public benefits <b>that outweigh that harm or loss.</b> Changes of use will be supported when it has been demonstrated that a <b>beneficial current</b> primary use of the building can no longer be sustained, where the proposed new use would not significantly harm <b>the prevailing character of the area.</b> <del>the special qualities and significance of the conservation area.</del></p> <p><b>Applications should be</b> are accompanied by an</p>	

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						<p>appropriate evidence based assessment of the conservation area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.</p> <p>Note also further modifications proposed to Explanation [EX/CYC/111]</p>	
Q4.4	152	Policy D4, first Paragraph, Criteria ii	Unsound	<p>As the City Centre Conservation Area Appraisal notes, views across the City are one of the most important yet fragile components of the City's historic townscape. The appraisal identified 26 Key Views which it states:-</p> <p><i>"The protection and enhancement of these views should be a material consideration in the determination of planning applications which might have an impact on them, and applicants should be required to demonstrate accurately how proposed development would impact on these Key Views as part of the pre-application process. This</i></p>	<p>Policy D4, first Paragraph, Criteria ii amend to read:-</p> <p><i>"safeguard the Key Views identified in the York Historic Core Conservation Area Appraisal and other Local Views"</i></p>	Agreed. See above.	Agreed on proposed modifications to Policy D4.

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				<i>should include accurately rendered images or a 3D model”.</i>			
Q4.4	152	Policy D4, first Paragraph, Criteria iii	Unsound	This Criterion is not about decision-making but, rather, the information that needs to be submitted in support of any application affecting a Conservation Area. As such it would be better taken out of this first part of the Policy and included later on.	Policy D4, first Paragraph, delete Criterion iii and insert the following at the end of the Policy:-  <i>“Applications should be accompanied by an appropriate evidence-based assessment of the conservation area’s special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood”.</i>	Agreed. See above.	Agreed on proposed modifications to Policy D4.
Q4.4	152	Policy D4, third Paragraph	Unsound	As worded, this Criterion would allow a change of use even if it caused harm to the significance of a Conservation Area. A proposal which resulted in any harm to the significance of a Conservation Area would not be “conserving it” and, therefore, would not be delivering	Policy D4, third Paragraph amend to read:-  <i>“Changes of use will be supported where it has been demonstrated that</i>	Agreed. See above.	Agreed on proposed modifications to Policy D4.

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				sustainable development in terms of the historic environment. In addition, it would be preferable to refer to the "original use" rather than the "primary use".	<i>the original use of the building is no longer viable or appropriate and where the proposed new use would not harm the significance of the area".</i>		
Q4.5	153	Policy D5	Sound	Subject to the change set out below, we support this Policy which will help to ensure that development proposals conserve the City Listed Buildings.	-	Noted.	Agreed – no change required
Q4.5	153	Policy D5, first Paragraph, Criterion iii	Unsound	This Criterion is not about decision-making but, rather, the information that needs to be submitted in support of any application affecting a Conservation Area. As such it would be better taken out of this first part of the Policy and included later on.	Policy D5, first Paragraph, delete Criterion iii and insert the following at the end of the Policy:-  <i>"Applications should be accompanied by an appropriate evidence-based heritage statement assessing the significance of the building".</i>	<b>Agreed. Modification proposed:</b>  <b>Proposals affecting a Listed Building or its setting will be supported where they:</b>  i. preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. <del>The more important the building, the greater the weight that will be given to its conservation;</del> and	Agreed on proposed modifications to Policy D5.

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					<p>ii. help secure a sustainable future for a building at risk.</p> <p>iii. are accompanied by an appropriate, evidence based heritage statement, assessing the significance of the building.</p> <p>Changes of use will be supported where it has been demonstrated that the original use of the building is no longer viable and where the proposed new use <b>of the building</b> would not harm its significance.</p> <p>Harm to an element which contributes to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss of a Listed Building will be permitted only where it can be demonstrated that the <b>substantial harm or loss is necessary to achieve</b> proposal would bring substantial public benefits <b>that outweigh that</b></p>	

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						<p><u>harm or loss, or all of the following apply:</u></p> <ul style="list-style-type: none"> <li>• <u>the nature of the heritage asset prevents all reasonable uses of the site; and</u></li> <li>• <u>no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and</u></li> <li>• <u>conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and</u></li> <li>• <u>the harm or loss is outweighed by the benefit of bringing the site back into use.</u></li> </ul> <p><u>Applications should be accompanied by an appropriate, evidence based heritage statement, assessing the significance of the building, sufficient to understand the potential impact of the proposal on the significance of the building.</u></p>	



MIQ	Historic England's Regulation 19 Comments				CYC proposed modifications [EX/CYC/111]	Common Ground Agreed	
	Page	Section	Sound/ Unsound	Comments			Suggested Changes
						Note also further modifications proposed to Explanation [EX/CYC/111]	
Q4.6	155	Policy D6	Unsound	Whilst we fully support much of the thrust of this Policy, it does not differentiate sufficiently between the approach that will be taken to Scheduled Monuments and other nationally-important archaeological sites compared to archaeological remains of less than national importance	Delete Criterion vi and add the following additional Paragraphs to the end of the Policy:-  <i>"Harm to an element which contributes to the significance of a Scheduled Monument or other nationally-important remains will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss of a Scheduled Monument or other nationally-important remains will be permitted only where it can be demonstrated that</i>	<p>Agreed/ Modification proposed:</p> <p>Development proposals that affect archaeological features and deposits will be supported where:</p> <p>i. they are accompanied by an evidence based heritage statement that describes the significance of the archaeological deposits affected and that includes a desk based assessment and, where necessary, reports on intrusive and nonintrusive surveys of the application site and its setting; including characterisation of waterlogged organic deposits, if present;</p> <p>ii. they will not result in harm to an element which contributes to the significance or setting of a Scheduled Monument or other nationally important</p>	Generally agreed on proposed modifications to Policy D6. However, Historic England still consider that criterion iv should be separated from the list and stand as a separate paragraph at the end of the policy text. This is because the criterion is not about decision-making but, rather, the mitigation that is required should a proposal be deemed acceptable in principle.

MIQ	Historic England's Regulation 19 Comments				CYC proposed modifications [EX/CYC/111]	Common Ground Agreed
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				<p><i>the proposal would bring substantial public benefits.</i></p> <p><i>Harm to archaeological remains of less than national importance will only be permitted where the benefits of the development outweigh the harm having regard to the scale of the harm and the significance of the archaeology.</i></p> <p><i>In those cases where development affecting an archaeological site is acceptable in principle, detailed mitigation measures will need to be agreed with the City of York Council that include, where appropriate, provision for deposit</i></p>	<p><b>remains, unless that harm is outweighed by the public benefits of the proposal. Substantial harm or total loss of a Scheduled Monument or other national important remains will be permitted only where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.</b> the significances of the site or its setting;</p> <p>iii. they are designed to enhance or better reveal the significances of an archaeological site or will help secure a sustainable future for an archaeological site at risk; and</p> <p>iv. <b>the impact of the proposal is acceptable in principle and</b> <del>harm to archaeological deposits is unavoidable;</del> detailed mitigation measures have been agreed with City of York Council that include, where appropriate, provision</p>	

MIQ	Historic England's Regulation 19 Comments				CYC proposed modifications [EX/CYC/111]	Common Ground Agreed	
	Page	Section	Sound/ Unsound	Comments			Suggested Changes
					<i>monitoring, investigation, recording, analysis, publication, archive deposition and community involvement</i> .	for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.  Note also further modifications proposed to Explanation [EX/CYC/111]	
Q4.6	155	Paragraph 8.31	Unsound	The 1990 York Development and Archaeology Study by Ove Arup Report was updated recently. This Paragraph may need reviewing and updating to better reflect that review. If necessary, this should also be reflected in Policy D6	Amend accordingly	Noted – while a review was conducted, this confirmed the target included in the earlier study. No change.	Agreed – no change required
Q4.7	155	Policy D7	Unsound	<p>Whilst we fully support much of the thrust of this Policy it is rather confusing since although it is headed 'non-designated heritage assets' it also deals with the historic environment more widely (in the opening Paragraph) and designated heritage assets (in the final Paragraph).</p> <p>The final Paragraph would be more appropriate included within Policy D9</p>	<p>(a) Delete the first Paragraph and replace with:-</p> <p><i>“Development proposals affecting a non-designated heritage asset or its setting will be supported where they conserve those elements which contribute to its significance.</i></p>	<p>Agreed. Modification proposed:</p> <p><b>Policy D7: The Significance of Non-Designated Heritage Assets</b></p> <p>Development proposals <b> affecting a non-designated heritage asset or its setting will be encouraged and supported where they conserve those elements which contribute to its significance.</b></p>	Agreed on proposed modifications to Policy D7.

MIQ	Historic England's Regulation 19 Comments				CYC proposed modifications [EX/CYC/111]	Common Ground Agreed	
	Page	Section	Sound/ Unsound	Comments			Suggested Changes
					<p>(b) Delete the final Paragraph and move to Policy D9</p>	<p>The significance of non-designated heritage assets and their settings should be assessed in development proposals against the following criteria, namely the:</p> <ul style="list-style-type: none"> <li>• special architectural or vernacular interest; and/or</li> <li>• townscape and landscape significance; and/or</li> <li>• historic interest; and/or</li> <li>• artistic significance; and/or</li> <li>• archaeological significance; and/or</li> <li>• age and rarity; and/or</li> <li>• community significance.</li> </ul> <p>Development which would remove, harm or undermine the significance of such assets, or their contribution to the character of a place, will only be permitted where the benefits of the development outweigh the harm having regard to the scale of the harm and significance of the heritage asset.</p> <p>Prior to the demolition, alteration, extension or restoration of heritage assets</p>	

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						<p><del>(both designated and on-designated)</del> appropriate building recording relevant to the asset's significance and the scope of works will be undertaken.</p> <p>Note also further modifications proposed to Explanation [EX/CYC/111]</p>	
Q4.8	158	Policy D8	Sound	We support this Policy which will help to ensure that development proposals conserve the City's Registered Historic Parks and Gardens.	-	<p>Noted and welcomed</p> <p>Modification proposed:</p> <p>...</p> <p>Harm to an element which <del>contributed</del> <b>contributes</b> to the significant <b>significance</b> of a Registered Historic Park and Garden will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a Registered Historic Park and Garden will be permitted only where it can be demonstrated that the <b>harm or loss is necessary to achieve</b> proposal <del>would bring</del> substantial public</p>	Agreed on proposed modifications to Policy D8.

MIQ	Historic England's Regulation 19 Comments					CYC proposed modifications [EX/CYC/111]	Common Ground Agreed
	Page	Section	Sound/ Unsound	Comments	Suggested Changes		
						benefits <b>that outweigh that harm or loss.</b>  Note also further modifications proposed to Explanation [EX/CYC/111]	
Q4.9	159	Policy D9	Sound	We support this Policy which will ensure that the results from any archaeological assessments or investigations are deposited in the HER. This will help to increase the understanding of the archaeology of York and assist in predicting the potential impacts of future development proposals across the City.	-	Noted and welcomed.  <b>Note further modifications proposed to Explanation</b> [EX/CYC/111]	Agreed – no further change required
Q4.10	160	Policy D10	Sound	Subject to the change set out below, we whole-heartedly support the inclusion of a Policy to manage change in the vicinity of the City Walls.	-	Noted.  Modifications proposed:  <b>Projects that set out to conserve and enhance the values and significances of York Walls will be supported.</b>  Development proposals within the areas of York Walls designated as Scheduled <del>Ancient</del> Monuments will be supported where they are for the specific purpose of	Agreed on proposed modifications to Policy D10.

MIQ	Historic England's Regulation 19 Comments				Suggested Changes	CYC proposed modifications [EX/CYC/111]	Common Ground Agreed
	Page	Section	Sound/ Unsound	Comments			
						<p>enhancing physical and intellectual access to York Walls.</p> <p><u>Harm to the significance of York Walls will be permitted only where this is demonstrably outweighed by the public benefits of the proposal.</u></p> <p>Development proposals adjacent to or likely to affect the setting of the City Walls designated as Scheduled Monuments will only be permitted where:</p> <p>i. they are accompanied by a Heritage Statement that clearly assesses the impact <del>which the proposals are likely to have upon the elements</del> <u>which contribute to their significance</u> and the principle characteristics <del>which contribute to their significance</del> and the six principle characteristics of the City as identified in the Heritage Topic Paper;</p>	

MIQ	Historic England's Regulation 19 Comments					CYC proposed modifications [EX/CYC/111]	Common Ground Agreed
	Page	Section	Sound/ Unsound	Comments	Suggested Changes		
						<p>ii. they are designed to be no higher than the city walls externally and not reduce their dominance;</p> <p>iii. they do not cause harm to those elements which contribute to the significance or the setting of York Walls; <del>and</del></p> <p>iv. they are of the highest design quality which, where possible, enhances or better reveals the significance of York Walls; <u>and,</u></p> <p><u>v any harm to the significance of the setting is demonstrably outweighed by the public benefits of the proposal.</u></p> <p>Note further modifications proposed to Explanation [EX/CYC/111]</p>	
Q4.10	160	Policy D10, third Paragraph	Minor modification	In order to ensure that there is no misunderstanding, this Criterion would benefit from a slight amendment.	Policy D10, third Paragraph amend to read:-	No change.	Agreed – no change required



MIQ	Historic England's Regulation 19 Comments					CYC proposed modifications [EX/CYC/111]	Common Ground Agreed
	Page	Section	Sound/ Unsound	Comments	Suggested Changes		
					<i>"Other development proposals adjacent to ..."</i>		
Q4.1 0	160	Policy D10, third Paragraph Criterion i	Unsound	This Criterion would benefit from a slight amendment to improve its clarity.	Policy D10, third Paragraph, Criterion i amend to read:-  <i>" ... the elements which contribute to their significance and the six principal characteristics of the City as identified in the 'Heritage Topic Paper'"</i>	Agreed. Modification proposed, as above.	Agreed on proposed modifications to Policy D10.
Q4.1 1	160	Policy D11	Sound	We support this Policy which will help to ensure that extensions and alterations to existing buildings take place in a manner which will safeguard those elements which contribute to the distinctive character of the City.	-	Noted and welcomed	Agreed – no change required
Q4.1 2	162	Policy D12	Sound	We support this Policy especially the protection that is given to the retention of high-quality or historic shop fronts. York has many fine historic shopfronts which make a valuable contribution to the distinctive character of their local area.	-	Noted and welcomed	Agreed – no change required

MIQ	Historic England's Regulation 19 Comments					CYC proposed modifications [EX/CYC/111]	Common Ground Agreed
	Page	Section	Sound/ Unsound	Comments	Suggested Changes		
Q4.1 3	163	Policy D13	Sound	We support this Policy which sets out a good framework for the control of advertisements. This should help to ensure that any proposals safeguard the distinctive character of the City.	-	Noted and welcomed.  Modification proposed:  ...  In addition, within conservation areas and on buildings identified as heritage assets, illumination will only be supported where the fittings, wiring and level of illumination are is-designed to preserve or enhance the historic character and appearance of the building, area and the premises trade as part of the evening economy  ...	Agreed on proposed modifications to Policy D13.
Q4.1 4	164	Policy D14	Sound	We support this Policy which sets out a good framework for the control of security shutters. Poorly-designed security shutters can considerably detract from the character of an area and its vitality. This Policy should help to ensure that the character of the City is maintained.	-	Noted and welcomed.  Modification proposed:  ...  In conservation areas or on buildings identified as heritage assets, security should be provided by laminated glass, secondary glazing or internal security film. Where internal see-through shutters are approved, shutter boxes should be positioned so as not to be visible form from the	Agreed on proposed modifications to Policy D14.

MIQ	Historic England's Regulation 19 Comments					CYC proposed modifications [EX/CYC/111]	Common Ground Agreed
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						outside, and the design of the shutter must sit comfortably with the design of the shopfront. ...	
<b>Matter 5 – Green Infrastructure</b>							
Q5.1	165	Policy GI1	Sound	We support this Policy and especially, in Criterion v, the recognition of the contribution which the City's heritage assets make to the Green Infrastructure network	-	Noted and welcomed	Agreed – no change required
Q5.4	168	Policy GI3	Sound	We support this Policy which should help to protect the integrity of York's Green Infrastructure network - a key element of the special character of the historic City.	-	Noted and welcomed	Agreed – no change required
Q5.5	169	Policy GI4	Sound	We support this Policy especially the requirement, in Criterion iii, that trees or hedgerows which contribute to the character of a Conservation Area or Listed Building or are an element of a designed landscape should be retained.	-	Noted and welcomed	Agreed – no change required
<b>Matter 6 – Development in the Green Belt</b>							
Q6.1	175	Policy GB1, first Paragraph, Criterion iii	Sound	We support this Criterion. This will help to ensure that any development in the Green Belt safeguards those elements which	-	Noted and welcomed	Agreed – no change required

MIQ	Historic England's Regulation 19 Comments					CYC proposed modifications [EX/CYC/111]	Common Ground Agreed
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				contribute to the special character and setting of the historic City.			
Q6.1	175	Policy GB1, second Paragraph, tenth bullet-point	Unsound	NPPF Paragraph 90 makes it clear that local transport infrastructure is only appropriate in a Green Belt <i>"where it can demonstrate a requirement for a Green Belt location"</i> . There is nothing in the NPPF which indicates that Park and Ride Sites as a matter of course are appropriate developments in the Green Belt	Policy GB1, second Paragraph, tenth bullet-point amend to read:-  <i>".. including highways work and Park and Ride facilities which can demonstrate a requirement for a Green Belt location"</i>	No change.	Disagree
<b>Matter 7 – Transport and Air Quality</b>							
Q7.2	213	Policy T2, Medium Term	Unsound	We have concerns about the impact which the following might have upon elements which contribute to the special character and setting of the historic City:- <ul style="list-style-type: none"> <li>• The expansion of the Park and Ride Sites at Askham Bar and Poppleton Bar</li> <li>• A segregated grade-separated bus route across the 1237</li> </ul>	(a) Policy T2, Medium Term, Criterion ii amend to read:-  <i>"... to match rising demand subject to minimising any impact upon the purposes of the Green Belt"</i>  (a) Policy T2, Medium Term, Criterion iii amend to read:-	No change.  Consideration of the impacts from development on the purposes of Green Belt, and on those elements which contribute to the special character and setting of York, is addressed in GB1.	Disagree

MIQ	Historic England's Regulation 19 Comments					CYC proposed modifications [EX/CYC/111]	Common Ground Agreed
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					<i>"... to the north west of the City subject to minimising any impact upon the purposes of the Green Belt"</i>		
Q7.2	216	Policy T3, Criteria I and ii	Sound	York Station is a Grade II* Listed Building. We welcome the requirements of these two Criteria which will assist in ensuring that improvements to the Station happen in a manner which conserves those elements which contribute to the significance of this building.	-	Noted and welcomed.	Agreed – no change required
Q7.2	223	Policy T6, sixth and seventh bullet-points	Sound	We welcome the requirement that development near public transport corridors should not have an adverse impact upon the historic environment or the purpose of the Green Belt. It is imperative that making the best use of public transport corridors does not harm the elements which make York distinctive.	-	Noted and welcomed.	Agreed – no change required
<b>Matter 8 – Economy and Retail</b>							
Q8.1	76	Policy EC1, site E16 (Poppleton	Unsound	Whilst we have no objection to the redevelopment of that part of the site which is currently occupied by buildings, employment	Reduce the extent of Site E16 to exclude the Poppleton Garden	No change	Disagree

MIQ	Historic England's Regulation 19 Comments				Suggested Changes	CYC proposed modifications [EX/CYC/111]	Common Ground Agreed
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		Garden Centre)		<p>development should not be allowed in the undeveloped including the Poppleton Garden Centre Car Park and the undeveloped area to the south of the existing buildings.</p> <p>The development of that open area would considerably reduce the gap between the Ring Road and what, in effect, would become the southern edge of the village of Poppleton. As such, it would harm a number of elements identified in the <i>Heritage Topic Paper Update</i> as contributing to the special character and setting of the City.</p> <p>With the development of Site ST2 on the southern side of the Ring Road this would result in a considerable alteration to the free-standing nature of Poppleton. This would harm the relationship of Poppleton to the City.</p> <p>It would also reduce the gap between what would be perceived as being the southern edge of the village of Poppleton and the Northminster Business Park leading</p>	Centre Car Park and the currently undeveloped area to the south of the existing buildings.		

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				to the threat of the coalescence of these two areas.			
Q8.2	81	Policy R1	Sound	We support the intention to maintain the City Centre as the main focus for future retail and commercial activity. The continued viability and vitality of the heart of the City is essential if its historic environment is to be maintained.	-	Noted and welcomed	Agreed – no change required
Q8.2	85	Policy R3, first Paragraph, third bullet- point	Sound	We support the requirement that permission for the reuse, reconfiguration and redevelopment of existing buildings would be subject to there being no historic building or conservation constraints. The rich townscape and the still largely-intact urban grain with its narrow plots that characterise the City Centre have been identified as key components of the special historic character of York. Whilst it is important that the retail economy is enabled to grow and adapt, this has to be consistent with the conservation of these important elements of the distinctive character of the City.	-	Noted and welcomed	Agreed – no change required
Q8.2	85	Policy R3, first Paragraph,	Sound	We support the intention to improve the appearance of the City Centre through improvements to the public realm. A high-quality	-	Noted and welcomed	Agreed – no change required

MIQ	Historic England's Regulation 19 Comments				CYC proposed modifications [EX/CYC/111]	Common Ground Agreed	
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		final bullet-point		environment is a key element of a successful City Centre and there are several areas within York which currently fall well- short of the standard one should expect of a historic City of this importance,			
Q8.3	32	Policy SS3	Sound	<p>We support the proposals for the City Centre particularly:-</p> <ul style="list-style-type: none"> <li>• The requirement that the economic and social aspirations for the City Centre will be achieved in a manner which conserves and enhances its special qualities and distinctiveness</li> <li>• The intention that the streets, places and spaces of the city centre will be revitalised</li> <li>• The requirement to prioritise pedestrian and cycle movement and improve linkages between key places such as the railway station, York Central and the National Railway Museum, the Minster, Castle Gateway, Hungate and the universities</li> <li>• The intention for the Council to work with the Minster authorities to future plan for its development to better reveal</li> </ul>	-	Noted and welcomed	Agreed – no change required



MIQ	Historic England's Regulation 19 Comments					CYC proposed modifications [EX/CYC/111]	Common Ground Agreed
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				the significances of the Minster's special character and appearance.			
Q8.3	32	Policy SS3, final Paragraph	Sound	We support the development principles which will be taken into account when considering proposals within the City Centre as set out on page 33, especially Criteria i to iv, vii, viii and xi. Together these principles should help to safeguard and enhance those elements which contribute to the special character of this part of York.		Noted and welcomed	Agreed – no change required
<b>Matter 11 – Communications Infrastructure</b>							
Q11. 1	230	Policy C1, Criterion iv	Sound	We support the statement that proposals for communications infrastructure will only be supported where there will be no demonstrable adverse impacts upon the landscape character, setting, views, heritage assets or Green Belt objectives. This will help to ensure that those elements which contribute to the character of York are retained.	-	Noted and welcomed	Agreed – no change required
<b>Matter 12 – General Development management</b>							
Q12. 1	20	Policy DP1, Criterion vi	Unsound	Whilst it is well recognised that the historic environment of York is “outstanding”, this it is not necessarily the case for its natural	(a) Policy DP1 move Criterion vi to the beginning of the list of Criteria	No change.	Disagree



MIQ	Historic England's Regulation 19 Comments				CYC proposed modifications [EX/CYC/111]	Common Ground Agreed
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				<p>environment. In view of the fact that the natural environment is already adequately addressed in Criterion vii, it would be far simpler (and more accurate) if Criterion vi simply dealt with the historic environment.</p> <p>In addition, the reason why York's historic environment should be conserved is only partially because of its contribution it makes to the economic welfare of this part of Yorkshire. The historic environment also makes a significant contribution to the quality of life enjoyed by the City's communities and in making York such an attractive, distinctive place. These elements should also be recognised within this Policy.</p> <p>Finally, York's historic environment plays such a key role in the economic well-being of the City, in the quality of life enjoyed by its communities, and in making York such an attractive, distinctive place, that the conservation and enhancement of the City's heritage assets should be the starting point</p>	<p>(b) Amend Policy DP1 Criterion vi to read:-</p> <p><i>"The City of York's outstanding historic environment will be conserved and, where appropriate, enhanced recognising its important contribution to the economic well fare of area, to the quality of life enjoyed by the City's communities and in making York such an attractive, distinctive place"</i></p>	

MIQ	Historic England's Regulation 19 Comments					CYC proposed modifications [EX/CYC/111]	Common Ground Agreed
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				for any Development Strategy for this City.			
Q12.1	20	Policy DP1, Criterion viii	Sound	We support this Criterion. The definition of a Green Belt around the city which will help safeguard its special historic character and setting is a key element of the Development Strategy for York.	-	Noted and welcomed	Agreed – no change required
Q12.2	22	Policy DP2, Criterion iii	Sound	We support this Criterion especially the first bullet-point. National policy guidance makes it clear that protecting and enhancing the historic environment is a key element of the environmental leg of sustainable development.	-	Noted and welcomed	Agreed – no change required
Q12.3	24	Policy DP3	Sound	We support this Policy which should help ensure that new development not only conserves those elements which contribute to the character of the City but also enhances its distinctive character. We particularly endorse the requirement that new development should:- <ul style="list-style-type: none"> <li>• respect and enhance the historic character, green spaces and landscape of York;</li> <li>• deliver high-quality design and appropriate density, layout and scale whilst ensuring</li> </ul>	-	Noted and welcomed	Agreed – no change required

MIQ	Historic England's Regulation 19 Comments				CYC proposed modifications [EX/CYC/111]	Common Ground Agreed	
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				<p>appropriate building materials are used;</p> <ul style="list-style-type: none"> <li>create a high-quality, locally-distinctive place which relates well to the surrounding area and its historic character, and exploits opportunities for creating new and enhancing existing key views;</li> </ul>			
<b>Matter 13 – Climate Change</b>							
Q13.1-13.2	182	Policy CC1	Sound	<p>Whilst we would broadly support the thrust of this Policy, applicants are required to do no more than “consider” the impact of any scheme upon the various elements set out in the seven Criteria of the Policy.</p> <p>In order to provide a framework to enable the decision-maker to determine how they ought to react to a development proposal, the wording of the sentence before the Criteria needs to be more positive.</p>	<p>Policy CC1, third Paragraph amend to read:-</p> <p><i>“Applications will be supported where they can demonstrate that they would not have an adverse impact upon...”</i></p>	<p>Agreed. Modification proposed (para 3):</p> <p>...</p> <p><b>All applications will also need to consider the impact the scheme may have on:</b></p> <p><b>Proposals for renewable and low carbon energy development, including ancillary development, will be permitted where impacts (direct, indirect, individual and cumulative) on the following considerations are demonstrated to be acceptable:</b></p> <p>...</p>	<p>Agreed on proposed modifications to Policy CC1.</p>

MIQ	Historic England's Regulation 19 Comments					CYC proposed modifications [EX/CYC/111]	Common Ground Agreed
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						Further modifications proposed to CC1. See EX/CYC/111	
Q13.3	185	Policy CC2, Conversion of Existing Buildings, second Paragraph	Sound	Whilst it may be possible to achieve BREEAM "very good" and "excellent" for some conversions, there may be historic properties where it is impossible to attain these standards without compromising elements which contribute to their significance. This Paragraph recognises that these standards would only be a requirement where they can be achieved in a manner consistent with the appropriate conservation of that asset.	-	<p>Noted and welcomed.</p> <p>Proposed modification to CC2, including:</p> <p><b>If proposals relate to buildings-heritage assets should demonstrate the maximum BREEAM score that can be achieved whilst conserving the significance of the asset.</b> of heritage and conservation value these standards would only be required where they can be achieved in a manner consistent with the appropriate conservation of that asset. The extent to which they can be achieved must be demonstrated by the applicant</p> <p>Note further modifications proposed to CC2, set out in EX/CYC/111</p>	Agreed on proposed modifications to Policy CC2.

## Endorsement

<b>City of York Council</b>		
<i>Name and Position</i>	<i>Signature</i>	<i>Date</i>
Neil Ferris  Corporate Director of Place		09 September 2022
<b>Historic England</b>		
<i>Name and Position</i>	<i>Signature</i>	<i>Date</i>
James Langler, Historic Environment Planning Adviser, Historic England		09 September 2022