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**From:** Langler, James [REDACTED]  
**Sent:** 27 March 2023 16:24  
**To:** [REDACTED]  
**Subject:** FW: Draft Local Plan MM Consultation  
**Attachments:** HE YorkLP Main Mods Mar23.pdf

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Dear Sir/Madam,

Please can you replace the response to the main modifications consultation sent with our e-mail at 13:08 today with the attached document. I would appreciate it if you could acknowledge receipt of this e-mail.

If you have any queries about any of the matters raised in our response or would like to discuss anything further, please do not hesitate to contact me.

Kind regards  
James

James Langler  
Historic Environment Planning Adviser, North East & Yorkshire Region  
Historic England  
[REDACTED]



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**From:** Langler, James  
**Sent:** 27 March 2023 13:08  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Draft Local Plan MM Consultation

Dear Sir/Madam,

Thank you for consulting Historic England about the Draft Local Plan Main Modifications Consultation. Please find attached our comments on that document.

If you have any queries about any of the matters raised in our response or would like to discuss anything further, please do not hesitate to contact me.

Regards

James Langler  
Historic Environment Planning Adviser, North East & Yorkshire Region  
Historic England





Our ref: PL00595504

Your ref:



27 March 2023

Dear Sir/Madam,

## PROPOSED MAIN MODIFICATIONS TO THE CITY OF YORK LOCAL PLAN

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

Thank you for consulting Historic England about the Schedule of Proposed Modifications to the City of York Local Plan (January 2023). We have the following comments to make on the suggested modifications to the Plan:

### General Comments

On the whole, Historic England supports the main and minor modifications proposed to the City of York Local Plan. For the most part the modifications proposed respond to the comments made by Historic England on the City of York Local Plan Publication Draft [CD001] and reflect the position agreed with City of York Council set out in Statements of Common Ground [EX/SoCG/3, EX/SoCG/3a & EX/SoCG/24], along with discussions held during the examination in public and post hearing correspondence [EX/CYC/114].

### Detailed Comments

Our detailed comments on the Schedule of Proposed Main Modifications (January 2023) to the City of York Local Plan Publication Draft are set out in **Appendix A**.

If you have any queries or would like to discuss anything further, please do not hesitate to contact me.

Yours faithfully

James Langler

Historic England, 

Please note that Historic England operates an access to information policy.  
Correspondence or information which you send us may therefore become publicly available.






Historic England

**James Langler**

Historic Environment Planning Adviser  
(North East and Yorkshire Region)



Historic England, 

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Correspondence or information which you send us may therefore become publicly available.



## Appendix A: Table of Historic England’s comments on the Schedule of Proposed Main Modifications to the City of York Local Plan (January 2023)

Mod. No.	Policy/Paragraph/ Site Ref.	Sound/ Unsound	Comments	Suggested Change
MM3.1	Policy SS1: Delivering Sustainable Growth for York	Unsound	In order to achieve sustainable growth in terms of York’s environmental assets, it is important that not only the locations of growth safeguard these assets, but also the scale of growth proposed in each area.	Policy SS1, second Paragraph amend the first sentence to read:  <i>“The location and scale of development through the plan ....”</i>
MM3.2	Policy SS1 explanation – new paragraphs	Sound	The proposed additional text to the supporting text of Policy SS1 help to clarify and explain the spatial strategy adopted in the Plan which safeguards the future of the historic environment.	-
MM3.2 – MM3.5	Policy SS1 explanation	Unsound	<p>The modifications proposed to the supporting text of do not address Historic England’s concerns regarding Figure 3.1.</p> <p>Whilst we would broadly concur that the areas identified on Figure 3.1 are the main ones which help to safeguard elements which contribute to the special character and setting of the historic city, one of the aspects which it fails to adequately depict is the contribution made by the wider rural landscape.</p> <p>As illustrated, Figure 3.1 could be interpreted as implying that no land beyond the ring road needs to be kept open in order to safeguard the rural setting of the historic City. This is clearly not the case. The rural setting of York is not restricted solely to land lying within the ring road and the special character of York could be harmed by development which went beyond it.</p> <p>Indeed, if it were to be the case that only land within the ring road contributed to the rural setting of York, there would be no requirement to define a Green Belt with an outer boundary six miles from the city centre.</p> <p>Historic England maintain the view that a modification is required which makes it clear that the ‘Areas Retaining Rural Setting’</p>	<p>Paragraph 3.5, add the following additional text after the penultimate sentence:</p> <p>“... are illustrated in Figure 3.1. However, many areas of the open countryside beyond the ring road also makes an important contribution to the wider rural setting of the historic city.”</p>

Mod. No.	Policy/Paragraph/ Site Ref.	Sound/ Unsound	Comments	Suggested Change
			identified in Figure 3.1 do not include those areas outside of the ring road that perform this function.	
MM3.58	Policy SS13 explanation – paragraph 3.67	Unsound	<p>It is essential that the infrastructure necessary to deliver this scale of development in this location can be achieved in a manner which does not harm other elements which contribute to the special character and setting of York. This needs to be better reflected within this Criterion.</p> <p>Whilst it is acknowledged that development in the Green Belt will be determined against the provisions of national policy in the NPPF and Local Plan Policy GB1. However, given the primary purpose of the York Green Belt to preserve the setting and special character of the historic city, we would ask that a modification is made to paragraph 3.67 similar to that proposed to the supporting text for Policy SS12 under MM3.46. This additional text would provide clarity on the wider access considerations of this site.</p>	<p>Paragraph 3.67, add the following sentence to the end of the paragraph:</p> <p><i>'The design and layout of the road should minimise the impact upon the openness of the Green Belt and demonstrate how it would safeguard those elements which contribute to the special character and setting of the historic City.'</i></p>
MM3.74	Policy SS20: Imphal Barracks	Unsound	<p>Imphal Barracks represents a well-preserved example of a purpose-built Victorian Regimental Depot laid out under the Cardwell Reforms. It is clear from the First Edition OS Map just how intact the infantry barracks built between 1877 to 1880 are today.</p> <p>The Keep is a Grade II Listed Building and the eastern part of the site adjacent to Fulford Road lies within the Fulford Road Conservation Area.</p> <p>The barracks are of considerable historic interest and are an important element of the social history of the City. Of key importance is the relationship of buildings to open spaces and, particular, the parade round.</p> <p>The starting point for any development of this site must be a better understanding of significance of this site and its buildings. Although many of the buildings have been altered in the hundred or so years since their construction, nevertheless, it may well be the case that several of the buildings are of national importance.</p>	<p>Policy SS20, amend the first bullet point under modified criterion iii to read:</p> <p><i>'- an assessment of the architectural and historic interest of the site...'</i></p>

Mod. No.	Policy/Paragraph/ Site Ref.	Sound/ Unsound	Comments	Suggested Change
			<p>Notwithstanding this, the barracks is of considerable architectural and historic interest</p> <p>As currently worded the modified policy criteria does not make it explicitly clear that the applicant will be expected to undertake a separate proportionate assessment of the architectural and historic interest of the site, which should in turn be used to inform the development of a masterplan.</p>	
MM3.77	Policy SS22: University of York Expansion	Unsound	<p>Historic England maintain the position that it would be preferable for this parcel of land to remain undeveloped in order to preserve the setting and special character of the historic city of York - as set out in our hearing statement on Matter 2 [HS/P3/M2/U&amp;C/11].</p> <p>However, should site ST27 be allocated in the Local Plan we would welcome the proposed modification to the first criteria of Policy SS22 which acknowledges the need to provide an appropriate landscaped buffer to the A64 in order to mitigate the heritage and landscape impacts of development.</p>	-
MM3.78	Policy SS22 explanation	Sound subject to change	<p>Should site ST27 be allocated in the Local Plan we would welcome the inclusion of paragraph 3.98a (as amended – see below and suggested change). This additional paragraph recognises the importance of this land to the setting and special character of the historic city of York - in particular its contribution to the principal characteristics of the city's compactness and its landscape and setting.</p> <p>However, much of paragraph 3.99a (namely the second, third and fourth sentences) is a repetition of text contained within paragraph 3.98a. To avoid unnecessary repetition paragraphs 3.98a and 3.99a of the proposed modifications can simply be combined.</p>	<p>Supporting text to Policy SS22:</p> <p>a) Paragraph 3.98a, amend to read:</p> <p><i>'ST27 plays a critical part in the attractive setting of the city. The site has a distinctive landscape quality and provides accessible countryside to walkers and cyclists on the land and public footpaths. The land to the west is particularly important for maintaining the setting of Heslington village and key views. it has a distinctive landscape quality and provides accessible countryside to walkers and cyclists on the land and public footpaths. The expansion will bring development close to the A64 Ring Road with implications for the interface between the</i></p>

Mod. No.	Policy/Paragraph/ Site Ref.	Sound/ Unsound	Comments	Suggested Change
				<p><i>southern edge of York and the countryside to its south. To mitigate any impacts on the historic character and setting of the city, the expansion site must provide a landscape buffer between development on the site and the A64. This can be provided within the site where parallel to the A64, but beyond it on the other boundaries – maximising the developable area while responding sensitively to the landscape setting. This will be established through the masterplanning of the site.'</i></p> <p>b). Delete Paragraph 3.99a.</p>
MM7.1	Policy ED1: University of York	Sound	We welcome the addition of criteria i, ii, iii, iv and vi to Policy ED1. The modified policy criteria will help to ensure that the significance of designated heritage assets on University of York Campus West and in its vicinity are appropriately conserved and enhanced.	-
MM7.3	Policy ED1 explanation – paragraphs 7.2a, 7.2b, 7.2c, 7.2d & 7.2e	Sound	<p>We welcome the addition of these supporting paragraphs to Policy ED1. The modified supporting text provides useful contextual information on the different parts of the university estate and an explanation for the policy requirements. The modified text also provides greater clarity on the expectations for development across the university estate, including the information that will be required to inform and justify proposals.</p> <p>In particular we support the requirement for a masterplanned approach to development at the Heslington campuses through the preparation of a development brief in consultation with Historic England.</p>	-
MM7.4	Policy ED2: Campus West	Sound	We support the modifications made to Policy ED2, specifically the addition of criterion i. In combination with the modifications proposed to Policy ED1, the policy requirements will help to ensure that the significance of designated heritage assets on	-



Mod. No.	Policy/Paragraph/ Site Ref.	Sound/ Unsound	Comments	Suggested Change
			University of York Campus West and in its vicinity are appropriately conserved and enhanced.	
MM7.5	Policy ED2 explanation – paragraph 7.4	Sound	We welcome the modifications proposed to paragraph 7.4. The modified text provides essential guidance on the approach that should be adopted when considering changes to the buildings and/or landscape of Campus West.	-
MM8.2	Policy D1: Placemaking	Sound	The changes to Policy D1 proposed in this modification reflect the common ground agreed between Historic England and the Council in the Phase 4 Statement of Common Ground [EX/SoCG/24].	-
MM8.5	Policy D4: Conservation Areas	Sound	The changes to Policy D4 proposed in this modification reflect the common ground agreed between Historic England and the Council in the Phase 4 Statement of Common Ground [EX/SoCG/24].	-
MM8.7	Policy D5: Listed Buildings	Unsound	<p>The changes to the opening paragraphs of Policy D5 proposed in this modification do not reflect the common ground agreed between Historic England and the Council in the Phase 4 Statement of Common Ground [EX/SoCG/24].</p> <p>The reference to securing a sustainable future for a building, previously included as a separate statement within the policy, has been tied to the statement on change of use.</p> <p>Securing a sustainable future for a building at risk can be achieved through other measures and interventions other than just a change of use to a building. As such, we would request that this point is de-coupled from the statement on change of use and included as a separate sentence.</p>	<p>Policy D6, amend first and second paragraphs of the modified policy text as follows:</p> <p><i>'Proposals affecting a Listed Building or its setting will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting.</i></p> <p><i>Changes of use will be supported where it has been demonstrated that the proposed new use of the building would not harm its significance.</i></p> <p><i>Proposals which help secure a sustainable future for a building at risk will also be supported.'</i></p>
MM8.10	Policy D6 explanation	Unsound	The York Development and Archaeology Study published in 1990 (YDAS) recommended that, on the majority of sites in the area of archaeological importance, the destruction of 5% of the volume of surviving archaeological deposit shall be regarded as	<p>Paragraph 8.31, amend to read:</p> <p><i>'The deep, wet, anoxic sub-surface archaeological features and deposits</i></p>

Mod. No.	Policy/Paragraph/ Site Ref.	Sound/ Unsound	Comments	Suggested Change
			<p>an acceptable compromise between the need for preservation and the need for development. The report also stated that this 5% should normally be regarded as the maximum and not the norm, and that the location and form of destruction must also be carefully considered.</p> <p>The Review of 1991 York Development and Archaeology Study (2013) concluded that the 5% threshold on developments within the historic core is understood and accepted by developers and should be seen to have successfully achieved the intended aim to allow development to proceed.</p> <p>The proposed modifications to the third sentence of paragraph 8.31 adds the phrase ‘the most significant’ with regards to the buried archaeological remains that should be preserved. This measure is not something that was specified within either the original YDAS or its review. As the paragraph acknowledges, the vast majority of archaeological deposits within the historic core are of equivalent significance to scheduled monuments. The modification is therefore considered to be unnecessary and unhelpful.</p> <p>The proposed modifications to the fourth sentence of paragraph 8.31 also state that within the historic core, substantial harm to nationally-important remains will be permitted only where <u>up to 95% of the most important deposits remain preserved in situ or where it can be demonstrated that the proposals would bring substantial public benefits</u>. Historic England are concerned with the modified text for two reasons.</p> <p>Firstly, the phrase ‘up to 95%’ is ambiguous as it could equally be taken to mean 95% or 1% of the archaeological remains on a site are ultimately preserved. In all cases, the aim should be to avoid in the first instance, and where this is not possible minimise, harm to heritage assets (in this case Scheduled Monuments and/or non-designated heritage assets of archaeological interest which are demonstrably of equivalent</p>	<p><i>within the historic core of the City of York are designated as an Area of Archaeological Importance under the Ancient Monuments and Archaeological Areas Act 1979 and are of international importance and significance. The vast majority of these archaeological deposits are of equivalent significance to scheduled monuments. Within the historic core, substantial harm is defined as greater than 5% disturbance to buried archaeological deposits through foundation design and infrastructure development as described in the York Development and Archaeology Study (1990). Within the historic core, substantial harm to nationally-important remains will be permitted only where disturbance to buried archaeological deposits is minimised as far as possible, where it can be demonstrated that the proposal would bring substantial public benefits considered to outweigh the archaeological harm caused, and remaining deposits are preserved in-situ. This policy approach has been adopted to ensure both the continued economic vitality of the city centre and the preservation in-situ of these highly significant deposits. In all other parts of the City of York, substantial harm to or loss of designated or undesignated features or deposits of national importance will be permitted only where this is outweighed by the public benefits of the proposal.’</i></p>

Mod. No.	Policy/Paragraph/ Site Ref.	Sound/ Unsound	Comments	Suggested Change
			<p>significance to scheduled monuments in line with footnote 68 of NPPF 2021).</p> <p>Secondly, where a proposed development will lead to substantial harm to a designated heritage asset, permission should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss. There is no question of this being subject to any other conditions in an either/or situation, it is non-negotiable under national policy.</p> <p>Historic England suggest changes to the proposed modifications to paragraph 8.31 to address these concerns.</p>	