



## City of York Local Plan

### Proposed Modifications and Evidence Base Consultation 2021

#### Representations received

#### Volume 3 of 11

#### Responses SID255 to 345

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

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

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

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

September 2021

[Redacted]

**From:** [Redacted]  
**Sent:** 06 July 2021 12:34  
**To:** localplan@york.gov.uk  
**Subject:** HBF response to City of York Local Plan Proposed Modifications and Evidence Base Consultation (2021)  
**Attachments:** 21-07-07 York Local Plan Additional Evidence1.docx

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Forward Planning Team,

Please find attached the response of the Home Builders Federation (HBF) to the Proposed Modification and Additional Evidence consultation.

It would be greatly appreciated if you could confirm receipt of this response.

If you have any questions or require any further information please feel free to get in touch with me at the details below.

Kind regards

[Redacted signature block]

[Redacted signature block]

[Redacted signature block]

---

**From:** localplan@york.gov.uk <localplan@york.gov.uk>  
**Sent:** 25 May 2021 17:27  
**Cc:** localplan@york.gov.uk  
**Subject:** City of York Local Plan Proposed Modifications and Evidence Base Consultation (2021)

Dear Sir/Madam,

**City of York Local Plan Proposed Modifications and Evidence Base Consultation (2021)**

**in compliance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012**

I am writing to inform you about the opportunity to comment on the Proposed Modifications (2021) to the City of York Local Plan and supporting evidence base. The emerging Local Plan aims to support the city’s economic growth, provide much needed housing and help shape future development over the next 15-years and beyond. It balances the need for housing and employment growth with protecting York’s unique natural and built environment.

The City of York Local Plan is currently in the process of Examination by Independent Planning Inspectors following submission of the plan to the Secretary of State for Housing, Communities and Local Government on 25 May 2018. Following the phase 1 hearing sessions held in December 2019 we are now publishing a series of proposed modifications to the City of York Local Plan and supporting evidence base.

This consultation gives York residents, businesses and other interested groups the opportunity to comment on the additional evidence and proposed modifications to the city's Local Plan prior to further hearing sessions as part of the Examination. The Planning Inspectors undertaking the Examination have asked for the consultation as they consider the proposed modifications to be fundamental to what they are examining - the soundness and legal compliance of the plan.

The consultation period for the proposed modifications starts on **Tuesday 25 May 2021 for a period of 6 weeks**. All consultation documents will be live on the Council's website ([www.york.gov.uk/LocalPlanConsultation](http://www.york.gov.uk/LocalPlanConsultation)). Printed copies of the consultation documents will be available at West Offices, if open in line with the Government's Coronavirus restrictions, by appointment only. Documents are also available to view electronically via Libraries, if open. Members of the library can book computer sessions up to a week in advance. Please see the [Statement of Representation Procedure](#), which accompanies this letter for more information.

Representations must be received by **midnight on Wednesday 7 July 2021** and should be made on a response form. You can complete an online response form via [www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation). Alternative format response forms are available by request.

Any representations received will be considered alongside the Local Plan Publication draft and the proposed modifications through the Examination in Public. The purpose of the Examination is to consider whether the Local Plan complies with relevant legal requirements for producing Local Plans, including the Duty to Cooperate, and meets the national tests of 'soundness' for Local Plans (see below). Therefore, representations submitted at this stage must only be made on these grounds and, where relevant, be supported with evidence to demonstrate why these tests have not been met.

### **Legal Compliance**

To be legally compliant the plan has to be prepared in accordance with the Duty to Cooperate and legal and procedural requirements, including the 2011 Localism Act and Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

### **Soundness**

Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector conducting the Examination in Public has to be satisfied that the Local Plan is 'sound' – namely that it is:

- **Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** - the plan should enable the delivery of sustainable development in accordance with the policies in the Framework (NPPF).

To help you respond, we have included Guidance Notes as part of the response form. We recommend that you read this note fully before responding. For more information please also see

our [Statement of Representation Procedure](#), which includes information regarding our privacy policy.

At this stage, unless you indicate you wish to appear at the Examination to make a representation you will not have the right to so do. Any written representations made will be considered by the independent Planning Inspectors.

All of the consultation and further evidence base documents published at previous rounds of consultation are also available on the Council's website at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan).

If you require any further information on the consultation please contact Forward Planning at [localplan@york.gov.uk](mailto:localplan@york.gov.uk) or on (01904) 552255.

We look forward to receiving your comments.

Yours faithfully

Mike Slater

Interim Assistant Director – Place Directorate

\*\*\*\*\*

Help protect the environment! - please don't print this email unless you really need to.

\*\*\*\*\*

This communication is from City of York Council.

The information contained within, and in any attachment(s), is confidential and legally privileged. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s), please note that any form of distribution, copying or use of this communication, or the information within, is strictly prohibited and may be unlawful. Equally, you must not disclose all, or part, of its contents to any other person.

If you have received this communication in error, please return it immediately to the sender, then delete and destroy any copies of it.

City of York Council disclaims any liability for action taken in reliance on the content of this communication.

City of York Council respects your privacy. For more information on how we use your personal data, please visit <https://www.york.gov.uk/privacy>

Local Plan  
City of York Council  
West Offices  
Station Rise  
York  
YO1 6GA

SENT BY EMAIL  
[localplan@york.gov.uk](mailto:localplan@york.gov.uk)  
06/07/2021

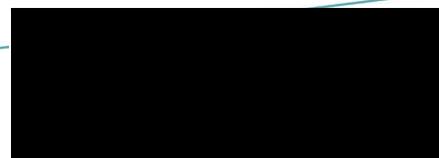
Dear Local Plan Team,

### **YORK LOCAL PLAN: PROPOSED MODIFICATIONS AND EVIDENCE BASE CONSULTATION**

1. Thank you for consulting with the Home Builders Federation (HBF) on the York Local Plan: Proposed Modifications and Evidence Base Consultation.
2. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.
3. The HBF is keen to work with the City of York to ensure that a sound Local Plan can be provided in a timely manner. This would be to the benefit of all concerned with the development and future economic success of the city.

#### **Housing Needs Update (September 2020) & Modifications Schedule April 2021** **PM50: Policy SS1, PM53: Policy SS1, PM54: Policy SS1, PM63a: Policy H1 Housing Allocations, PM63b: Policy H1 Housing Allocations**

4. Each of these Proposed Modifications (PM) follows from the modification to Policy SS1 to deliver a minimum average annual net provision of 822 dwellings per annum over the plan period, and 13,152 new homes over the whole period.
5. The proposed modification is based on the Housing Needs Update 2020; the Update was produced to take into consideration the 2018-based sub-national population and household projections from ONS and CLG. The Update highlights that there are issues with the household formation rates, same as there had been with the 2016-based projections, as they potentially lock-in recessionary trends during the period 2001 to 2011, the Update proposes a partial return to trend for the formation rates for certain age groups.
6. The major concern with regard to the latest household projections is that they will continue the trend of younger people forming households much later in life than in previous years. This posed a serious question for the Government as to whether it wants



to see these trends continue or whether housing delivery needs to be at a level that will improve affordability and deliver homes that will improve the trend in household formation amongst younger people. It is clear from the initiatives that the Government has introduced such as Help to Buy and First Homes that this issue is to be addressed. The Government also continues to state that its aspiration is to increase housing delivery to 300,00 dwellings per annum by the mid-2020s, and it has recognised that this will not be achieved if the Government uses the 2018 projections.

7. PPG sets out guidance on how to undertake a housing needs assessment, in relation to the Standard Method it states that *'any method which relies on using household projections more recently published than the 2014-based household projections will not be considered to be following the standard method as set out in paragraph 60 of the NPPF'*. As explained above, it is not considered that these projections provide an appropriate basis for use in the standard method. The PPG requires the continued use of the 2014-based household projections, as it states that this will provide stability for planning authorities and communities, ensure that historic under-delivery and declining affordability are reflected and will be consistent with the Government's objective of significantly boosting the supply of homes. Whilst we recognise that the principles set out in the PPG have been made in relation to the standard method, they provide a clear statement from Government that the 2016 and 2018 based projections should not be used for assessing housing needs. The impact of these lower household projections if applied using the approach to assessing housing need required by the 2012 NPPF and its associated guidance is no different to their application under the standard methodology. Indeed, the impact could be considered to be even more significant given that Councils have generally under-estimated the degree of uplift required to improve affordability in relation to market signals. What is clear from the PPG is that significant caution should be given to the use of the 2016 and 2018-based household projections.
8. The Update continues to use an economic growth of 650 jobs, the Update identifies that there is a need to increase the housing requirement to meet this economic growth. It proposes a figure of between 777 and 788dpa.
9. The Update also considers the Standard Method and identifies a total local housing need of 1,026dpa. It also considers the potential changes to the Standard Method that were consulted on in August 2020, however, these changes were not taken forward, and instead the original standard method was retained with an additional 35% uplift for the top 20 cities and urban centres.
10. The HBF does not consider these modifications to be sound, as they are not positively prepared, justified or consistent with national policy. The HBF continues to recommend that the policy is modified as follows: *'Deliver a minimum annual provision of **1,026 822** new dwellings over the plan period to ~~2032/33 and post-plan period to~~ 2037/38. This will enable the building of strong, sustainable communities through addressing the housing and community needs of York's current and future population'*.

#### **Modifications Schedule April 2021**

#### **PM55: Policy SS1 – Explanation**

11. This amendment updates the sources of supply over the plan period 2017 to 2032/33 and sets out the distribution of housing allocations. Table 1a identifies a housing requirement of 13,152 dwellings and a housing land supply of 18,294 dwellings including 3,578 commitments, 11,067 dwellings on strategic housing allocations, 1,452 allocations and 2,197 dwellings from windfall development. Table 1b provides the spatial strategy identifying the number of allocations in urban areas, in urban extensions, in village extensions and in new settlements.
12. The HBF is keen that the Council produces a plan which can deliver against its housing requirement. To do this it is important that a strategy is put in place which provides a sufficient range of sites to provide enough sales outlets to enable delivery to be maintained at the required levels throughout the plan period.
13. The HBF supports the Council in ensuring there is a supply of housing land over the housing requirement to provide a buffer. This buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites and to deal flexibly with any unforeseen circumstances. Such an approach would be consistent with the NPPF requirements for the plan to be positively prepared and flexible.
14. The HBF does not comment on the merits or otherwise of individual sites therefore our representations are submitted without prejudice to any comments made by other parties on the deliverability of specific sites included in the overall HLS, 5 YHLS and housing trajectories.
15. The housing supply makes an allowance for windfall sites of 169 dwellings per annum from 2020/21. This was evidenced by the Windfall Technical Paper. The HBF considers that the use of historic windfall in an area where there has been no adopted Plan may not provide the most appropriate basis for windfall development going forward, and recommends that this should be removed from the supply and instead used to provide flexibility.

**PM 66: Policy H5**

16. The proposed amendment requires applications for larger development sites of 5ha or more to provide a number of pitches within the site or to provide alternative land, it goes on to state that commuted sum payments will only be considered where on/off site delivery is proven unviable.
17. The HBF has concerns in relation to this policy and the proposed amendment, particularly in relation to the need for larger development sites to meet the needs of those Gypsies and Travellers households that do not meet the planning definition set out in Planning Policy for Traveller Sites. Further clarity is needed in relation to why provision is needed for those household no longer meeting the definition; whether a pitch on a strategic allocation is an appropriate location for these households particularly at the numbers proposed; what will happen to these pitches if no gypsy or traveller wishes to utilise them; and the management of these pitches.

18. The HBF does not consider this modification to be sound, as it is not justified or positively prepared and the HBF continues to recommend that part b of this policy relating to the requirements for larger development sites in providing gypsy and traveller sites should be deleted.

**City of York Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return**

19. The HBF notes the Council's paper in relation to the Council's housing monitoring and that reported as part of the Housing Flow Reconciliation (HFR). Given the significant difference (1,834 dwellings) between the two forms of reporting the HBF considers it may have been beneficial to have considered other forms of monitoring in the area that could have provided a comparator. The HBF considers it may have been useful for example to have noted the number of properties that had been added to the Council Tax list for each year, this would likely have been an over estimation as this would include temporary properties but may have provided more support for the housing completions identified by the Council.

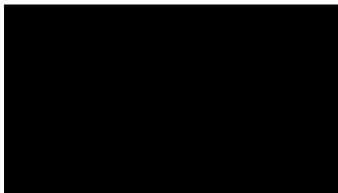
**Affordable Housing Note (February 2020)**

20. The HBF notes the content of the Affordable Housing Note. It highlights the potential supply of affordable housing from Policy H10 and from the Council's Housing Delivery Programme. The Council project that a total of 3,539 affordable homes will be provided with an average of 221 affordable dwellings per annum provided up to 2032/33. The 2016 SHMA identified a need for 573 affordable dwellings per annum. The Note highlights that the supply is only around 38.6% of the affordable housing need, and that historically affordable housing completions have been less than 10% of the total completions. The HBF is concerned that the evidence provided by the Council continues to identify that the affordable housing need will not be met. The HBF considers that it may be appropriate for the Council to consider a further uplift in the housing requirement to help to contribute to the delivery of affordable homes.

**Future Engagement**

21. I trust that the Council will find the foregoing comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.
22. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan, the examination and associated documents. Please use the contact details provided below for future correspondence.

Yours sincerely,



[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**Sent:** 07 July 2021 19:20  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 206117  
**Attachments:** Representation\_on\_behalf\_of\_HBD\_Letter\_070721.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

## Local Plan consultation May 2021

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

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

---

## About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

---

## Organisation or group details

Title:

Name: [REDACTED]

Email address: [REDACTED]

Telephone:

Organisation name: [REDACTED]

Organisation address: [REDACTED]

---

## Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Composite Modifications Schedule April 2021 (EX/CYC/58)

---

## **Your comments: Legal Compliance of the document**

**Do you consider the document to be legally compliant?:** Yes, I consider the document to be legally compliant

**Please justify why you consider the document to be legally compliant:** N/A

**Please justify why you do not consider the document to be legally compliant:**

---

## **Your comments: Duty to cooperate**

**Do you consider the document to comply with the Duty to Cooperate?:** Yes, I consider the document to comply with the Duty to Cooperate

**Please justify why you consider the document to be in compliance with the Duty to Cooperate:** N/A

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

---

## **Your comments: Whether the document is 'sound'**

**Do you consider the document to be 'sound'?:** Yes, I consider the document to be sound

**Please justify why you consider the document to be sound:** Insofar as they relate to HBS's land and interests, the Composite Modifications Schedule includes appropriate and logical amendments to the Submission Draft Local Plan. HBD's comments, included in the letter attached to these representations, conclude that the proposed modifications do not impact on the soundness of the emerging Local Plan. HBD's comments are focussed on proposals for a small area of land currently allocated for residential development in Policy H1.

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

---

## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or 'sound':** No changes proposed.

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

**If you do wish to participate at hearing sessions, please state why:** In order to provide background and up to date information on Terry's Expansion Site Phase 3 (allocation ST16).

---

## Supporting documentation

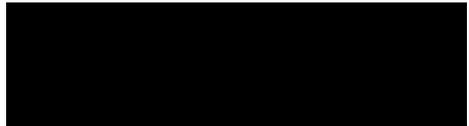
**Please provide any documents which support the comments made as part of this submission:**

Representation\_on\_behalf\_of\_HBD\_Letter\_070721.pdf

---



Local Plan  
City of York Council  
West Offices  
Station Rise  
York  
YO1 6GA



7<sup>th</sup> July 2021

Dear Sir/Madam,

**York Local Plan Examination  
New Local Plan Proposed Modifications and Evidence Base Consultation**

Introduction

We write on behalf of our client, Henry Boot Developments Limited t/a HBD (referred to as HBD hereafter), with regard to their land at the former Terry's Chocolate Factory site, Bishopthorpe Road, York.

Previous representations have also been made by HBD for the former Terry's Chocolate Factory Site.

The site is allocated for residential development within the Submission Draft Local Plan (CD001: City of York Local Plan Publication Draft (February 2018)) within Policy SS 14 : Terry's Extension Sites.

Policy SS14 includes three phases of development for the former manufacturing site:

- Terry's Extension Site (Phase 1) – Terry's Clock Tower,
- Terry's Extension Site (Phase 2) - Terry's Car Park; and
- Terry's Extension Site (Phase 3) - Land to the rear of Terry's Factory.

Phase 1 is currently under construction while options for Phase 2 are being developed.

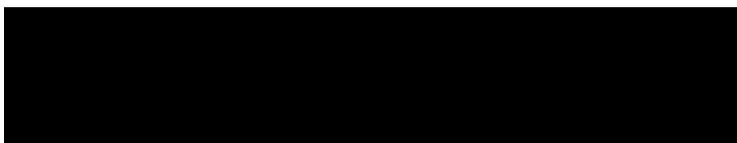
HBD maintains its support for the allocation for all three phases of the Terry's Extension site for housing.

Land on which Phase 3 is proposed is currently subject to a detailed design for a new Acquired Brain Injury hospital to be developed jointly by HBD and The Disabilities Trust (the Trust). The proposed facility will provide purpose built residential accommodation for the Trust which currently occupies York House, a wing of The Retreat on Heslington Road, York. The Trust's lease expires in May 2022 and the owners of The Retreat are currently marketing the property heightening the need for the Trust to relocate. Furthermore, The Retreat is a Grade II\* listed building and is no longer fit for purpose, given the complex needs of the Trust and its service users.

HBD and The Disabilities Trust are due to submit a full planning application on the site in the coming weeks with a submission date of mid-July 2021. Due to the upcoming lease expiry in May 2022, the Trust intend, if successful in their planning application, to begin on site and deliver the scheme as soon as possible in the interests of providing continuity to their service users.

New Local Plan Proposed Modifications and Evidence Base Consultation

City of York Council is undertaking a focussed consultation on additional evidence base documents and proposed modifications to the Submission Draft Local Plan following initial examination works undertaken in 2019 and 2020. It is understood that the Inspectors will only be accepting representations made on a discrete list of documents and will not be considering general comments on the Local Plan or on elements of the Local Plan or evidence base outside the scope of the consultation.



As set out above, HBD and The Disabilities Trust are in the process of preparing a planning application for a new Acquired Brain Injuries hospital on land allocated in the Submission Draft Local Plan (February 2018) (ref: CD001) for residential development. This is the site within the Submission draft referenced as Terry's Extension Site (Phase 3) - Land to the rear of Terry's Factory within Draft Policy SS14: Terry's Extension Site. Document CD001 does not fall within the scope of the current consultation.

However, as a residential allocation, the site is considered within a number of evidence base documents which do fall within the scope of this consultation. As such, HBD seeks to make the Inspectors aware of the implication of the development of the Phase 3 site for non-residential (use class C3) purposes. The relevant documents referenced in this representation are:

Document Title: City of York Local Plan Composite Modifications Schedule (April 2021)

Document Reference: EX/CYC/58: Composite Modifications Schedule April 2021

The Composite Modifications Schedule makes reference to the original Submission Draft Local Plan 2018 (CD001) and to a previous Proposed Modifications document dated June 2019 (EX/CYC/20).

Proposed Modifications (PMs) were set out in the 2019 Proposed Modifications document (EX/CYC/20) at PMs 18-22, however none of these PMs relate to allocation ST16 within draft Policy H1. Furthermore, no PMs were made to site-specific policy SS14 'Terry's Extension Sites'.

The April 2021 Composite Modifications Schedule PM62-65 set out modifications to Draft Policy H1. PM63 relates to Table 5.1 of Policy H1 (CD001) (list of allocations) and includes a new reference (denoted by a '#' symbol) for those sites which are in close proximity to a European designated site. Allocation ST16 is not included in this table, or in the previous 2019 Proposed Modifications table. As such, it is understood that Allocation ST16 remains unchanged from the original Submission Draft version i.e. Phase 3 Terry's Extension Site – Land to rear of Terry's Factory remains allocated for 56 housing units. HBD does not therefore object to PM63.

HBD and The Disabilities Trust have undertaken significant pre-application advice discussions with the Council and are in receipt of a response from the Council's policy team which indicates that the loss of 56 units from the supply proposed in the emerging Local Plan would not present a threat to the Plan's viability or deliverability. Furthermore, the policy team note that there are no significant unresolved objections to this element of the policy and Historic England believe the policy to be sound overall, including proposed residential development at the former Terry's site.

HBD agree with this position and agree that there is sufficient headroom within the housing land supply identified within the emerging local plan, including allocations and windfall allowances if the site was redeveloped for a hospital use. Nevertheless, it is important to state that HBD maintains the site must remain as a housing allocation and contribute to the housing land supply. The allocations included within Draft Policy H1 amount to almost 15,000 units, compared to an Objectively Assessed Need (OAN) of 867 dwellings per annum (dpa) in the Submission Draft Local Plan, an OAN of 790dpa in the 2019 Proposed Modifications or an OAN plus shortfall allowance totalling 822dpa in the 2021 Proposed Modifications, equating to approximately 17-19 years of supply through allocations alone.

Furthermore, Draft Policy H1 (CD001) is cautious in that it includes within its calculation of housing allocations the lower end of the scale for housing delivery of site ST5, York Central. York Central benefits from outline planning permission for 2,500 residential units. Site specific policy SS4 for York Central sets out a range of 1,700 – 2,500 units. However, an absolute figure of 1,700 units is presented in Policy H1. If Phase 3 of the Terry's site is not delivered for housing of 56 units, this is likely to be negated by the delivery of other sites eg York Central where up to 800 units more could be delivered beyond the housing supply identified in H1.

As such, HBD believes that were Phase 3 of the Terry’s Extension Sites not delivered for housing, the soundness of the plan would be unaffected.

Phase 3 of the Terry’s Extension Site is identified as likely to come forward in years 1-10 of the Local Plan. This is addressed below.

Document Title: Strategic Housing Land Availability Assessment: Housing Supply and Trajectory Update (April 2021)  
Document Reference: EX/CYC/56: Strategic Housing Land Availability Assessment Update (April 2021)

An updated Strategic Housing Land Availability Assessment (SHLAA) (EX/CYC/56) has been prepared to support the emerging Local Plan to take into account updated information in both housing land demand and supply in York since the original submission of the Publication Draft. The updated SHLAA would replace the 2018 version submitted in 2019.

The SHLAA confirms that the Council has adopted an OAN of 790dpa plus an allowance of 32 units per annum to make up a shortfall, resulting in a housing need figure of 822dpa (para 3.6). This results in a housing requirement of 13,152 within the plan period (16 years).

Table 3 of the SHLAA sets out the various housing allocations included within the emerging Local Plan. This includes 56 units to be delivered by Terry’s Extension Site Phase 3.

Figure 3 sets out the Detailed Housing Trajectory for York, setting out demand and supply for housing units to 2037/38. Units from Terry’s Extension Site Phase 3 are shown to be delivered as follows:

- 18 units in 2022/23
- 17 units in 2023/24 and
- 21 units in 2024/25

i.e. years three to five of the detailed trajectory.

The following Table 1 HBD sets out the implications if on the housing trajectory if Phase 3 was not delivered.

Table 1 HBD

Year	2022/23	2023/24	2024/25
Units delivered by Phase 3	18	17	21
Total Supply	1,492	1,845	1,307
Cumulative completions incl. windfalls	5,517	7,362	8,669
Total Demand	822	822	822
Cumulative Requirement	4,932	5,754	6,576
Cumulative Over/Under Supply	+585	+1,608	+2,093
<b>HBD Analysis</b>			
Total Supply without Phase 3	1,474 (-1.21%)	1,828 (-0.92%)	1,286 (-1.61%)
Cumulative Over/Under Supply without Phase 3	+567	+1,591	+2,072

As shown in Table 1HBD above, the Trajectory within EX/CYC/56 shows a surplus of delivery of 585 units above the cumulative housing requirement of 4,932 units in 2022/23. This pattern continues in the next two years of 2023/24 and 2024/25 with delivery exceeding the requirement by 1,608 units and 2,093 units respectively. This is further confirmed as supply outweighs the demand of 822 units per annum for each of the years presented above.

If the Phase 3 site is not delivered, it would result in a minor reduction in supply of units. However, there will continue to be an oversupply above demand for each of the three years identified with a surplus of 567 units still to be delivered in 2022/23 increasing each year thereafter. Therefore, the supply of housing land within the emerging Local Plan is such that if the 56 units are not delivered across three years, this will not materially impact on the deliverability of the plan including the overall housing supply or on the Council's five year housing land supply. Indeed, based on supply exceeding demand, if Site ST16 is not delivered for housing, it will not harm the requirement whatsoever.

HBD does not wish for site ST16 to be removed from the SHLAA or Policy H1 and SS14, but confirms that if the site was not to be delivered for housing, rather for an acquired brain injury hospital, it would not have an impact on the soundness of the Emerging Local Plan. It is important that the site continues to form part of the housing land supply as it has the potential to provide an opportunity for housing delivery, particularly if the hospital proposal does not come forward. Therefore, HBD's position and the allocation does not change.

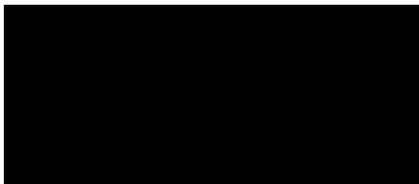
#### Conclusion

JLL is instructed by HBD to provide representations to the ongoing consultation of Proposed Modifications and evidence base documents of the emerging York Local Plan.

JLL is acting for HBD and the Disabilities Trust in the preparation of a planning application for a new Acquired Brain Injuries hospital at the former Terry's site, Bishopthorpe Road, York. The application site is included as a draft allocation for housing in the emerging Local Plan. The site in question is expected to provide 56 residential units and continues to be supported by HBD. The contribution forms a small proportion of the housing supply provided in the plan and a small proportion of sites anticipated to be delivered in the third, fourth and fifth years of the plans as set out in the trajectory. As such, HBD continues to support the allocation of the site within the draft local plan; has no objection to the Proposed Modifications; and supports the housing supply position and trajectory which forms this consultation. If the site is not delivered, for which it could be for housing, it would be of very limited impact in relation to the plan and does not impact on the soundness of the emerging Local Plan as a whole.

JLL asks that the Council confirms receipt of this objection and that it is kept informed of further stages of the development plan on this matter.

Yours faithfully,



**From:** [REDACTED]  
**Sent:** 07 July 2021 19:33  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 206122  
**Attachments:** Representation\_on\_behalf\_of\_HBD\_Letter\_070721.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

## Local Plan consultation May 2021

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

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

---

## About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

---

## Organisation or group details

Title:

Name: [REDACTED]

Email address: [REDACTED]

Telephone:

Organisation name: [REDACTED]

Organisation address: [REDACTED]

---

## Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Strategic Housing Land Availability Assessment Update (April 2021) (EX/CYC/56)

---

## **Your comments: Legal Compliance of the document**

**Do you consider the document to be legally compliant?:** Yes, I consider the document to be legally compliant

**Please justify why you consider the document to be legally compliant:** N/A

**Please justify why you do not consider the document to be legally compliant:**

---

## **Your comments: Duty to cooperate**

**Do you consider the document to comply with the Duty to Cooperate?:** Yes, I consider the document to comply with the Duty to Cooperate

**Please justify why you consider the document to be in compliance with the Duty to Cooperate:** N/A

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

---

## **Your comments: Whether the document is ‘sound’**

**Do you consider the document to be ‘sound’?:** Yes, I consider the document to be sound

**Please justify why you consider the document to be sound:** The updated SHLAA considers the housing land supply position within York for the lifetime of the Plan. The supply position includes a significant supply arising from allocated sites, including a site controlled by HBD. Site allocation ST16, Phase 3 is anticipated to contribute 56 homes across years 3, 4 and 5 of the Plan. HBD are progressing a planning application for a non-residential use on this site. In the context of the significant number of site allocated and the assumed timing of the 56 units, were these units to not come forward, the viability and soundness of the Local Plan would not be effected. Further detail is provided in the attached letter.

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

---

## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:** N/A no changes proposed.

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

**If you do wish to participate at hearing sessions, please state why:** To provide an update on the ST16 Phase 3 site if required.

---

## Supporting documentation

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

Representation\_on\_behalf\_of\_HBD\_Letter\_070721.pdf

---

Local Plan  
City of York Council  
West Offices  
Station Rise  
York  
YO1 6GA

7<sup>th</sup> July 2021

Dear Sir/Madam,

**York Local Plan Examination  
New Local Plan Proposed Modifications and Evidence Base Consultation**

Introduction

We write on behalf of our client, Henry Boot Developments Limited t/a HBD (referred to as HBD hereafter), with regard to their land at the former Terry's Chocolate Factory site, Bishopthorpe Road, York.

Previous representations have also been made by HBD for the former Terry's Chocolate Factory Site.

The site is allocated for residential development within the Submission Draft Local Plan (CD001: City of York Local Plan Publication Draft (February 2018)) within Policy SS 14 : Terry's Extension Sites.

Policy SS14 includes three phases of development for the former manufacturing site:

- Terry's Extension Site (Phase 1) – Terry's Clock Tower,
- Terry's Extension Site (Phase 2) - Terry's Car Park; and
- Terry's Extension Site (Phase 3) - Land to the rear of Terry's Factory.

Phase 1 is currently under construction while options for Phase 2 are being developed.

HBD maintains its support for the allocation for all three phases of the Terry's Extension site for housing.

Land on which Phase 3 is proposed is currently subject to a detailed design for a new Acquired Brain Injury hospital to be developed jointly by HBD and The Disabilities Trust (the Trust). The proposed facility will provide purpose built residential accommodation for the Trust which currently occupies York House, a wing of The Retreat on Heslington Road, York. The Trust's lease expires in May 2022 and the owners of The Retreat are currently marketing the property heightening the need for the Trust to relocate. Furthermore, The Retreat is a Grade II\* listed building and is no longer fit for purpose, given the complex needs of the Trust and its service users.

HBD and The Disabilities Trust are due to submit a full planning application on the site in the coming weeks with a submission date of mid-July 2021. Due to the upcoming lease expiry in May 2022, the Trust intend, if successful in their planning application, to begin on site and deliver the scheme as soon as possible in the interests of providing continuity to their service users.

New Local Plan Proposed Modifications and Evidence Base Consultation

City of York Council is undertaking a focussed consultation on additional evidence base documents and proposed modifications to the Submission Draft Local Plan following initial examination works undertaken in 2019 and 2020. It is understood that the Inspectors will only be accepting representations made on a discrete list of documents and will not be considering general comments on the Local Plan or on elements of the Local Plan or evidence base outside the scope of the consultation.

As set out above, HBD and The Disabilities Trust are in the process of preparing a planning application for a new Acquired Brain Injuries hospital on land allocated in the Submission Draft Local Plan (February 2018) (ref: CD001) for residential development. This is the site within the Submission draft referenced as Terry's Extension Site (Phase 3) - Land to the rear of Terry's Factory within Draft Policy SS14: Terry's Extension Site. Document CD001 does not fall within the scope of the current consultation.

However, as a residential allocation, the site is considered within a number of evidence base documents which do fall within the scope of this consultation. As such, HBD seeks to make the Inspectors aware of the implication of the development of the Phase 3 site for non-residential (use class C3) purposes. The relevant documents referenced in this representation are:

Document Title: City of York Local Plan Composite Modifications Schedule (April 2021)

Document Reference: EX/CYC/58: Composite Modifications Schedule April 2021

The Composite Modifications Schedule makes reference to the original Submission Draft Local Plan 2018 (CD001) and to a previous Proposed Modifications document dated June 2019 (EX/CYC/20).

Proposed Modifications (PMs) were set out in the 2019 Proposed Modifications document (EX/CYC/20) at PMs 18-22, however none of these PMs relate to allocation ST16 within draft Policy H1. Furthermore, no PMs were made to site-specific policy SS14 'Terry's Extension Sites'.

The April 2021 Composite Modifications Schedule PM62-65 set out modifications to Draft Policy H1. PM63 relates to Table 5.1 of Policy H1 (CD001) (list of allocations) and includes a new reference (denoted by a '#' symbol) for those sites which are in close proximity to a European designated site. Allocation ST16 is not included in this table, or in the previous 2019 Proposed Modifications table. As such, it is understood that Allocation ST16 remains unchanged from the original Submission Draft version i.e. Phase 3 Terry's Extension Site – Land to rear of Terry's Factory remains allocated for 56 housing units. HBD does not therefore object to PM63.

HBD and The Disabilities Trust have undertaken significant pre-application advice discussions with the Council and are in receipt of a response from the Council's policy team which indicates that the loss of 56 units from the supply proposed in the emerging Local Plan would not present a threat to the Plan's viability or deliverability. Furthermore, the policy team note that there are no significant unresolved objections to this element of the policy and Historic England believe the policy to be sound overall, including proposed residential development at the former Terry's site.

HBD agree with this position and agree that there is sufficient headroom within the housing land supply identified within the emerging local plan, including allocations and windfall allowances if the site was redeveloped for a hospital use. Nevertheless, it is important to state that HBD maintains the site must remain as a housing allocation and contribute to the housing land supply. The allocations included within Draft Policy H1 amount to almost 15,000 units, compared to an Objectively Assessed Need (OAN) of 867 dwellings per annum (dpa) in the Submission Draft Local Plan, an OAN of 790dpa in the 2019 Proposed Modifications or an OAN plus shortfall allowance totalling 822dpa in the 2021 Proposed Modifications, equating to approximately 17-19 years of supply through allocations alone.

Furthermore, Draft Policy H1 (CD001) is cautious in that it includes within its calculation of housing allocations the lower end of the scale for housing delivery of site ST5, York Central. York Central benefits from outline planning permission for 2,500 residential units. Site specific policy SS4 for York Central sets out a range of 1,700 – 2,500 units. However, an absolute figure of 1,700 units is presented in Policy H1. If Phase 3 of the Terry's site is not delivered for housing of 56 units, this is likely to be negated by the delivery of other sites eg York Central where up to 800 units more could be delivered beyond the housing supply identified in H1.

As such, HBD believes that were Phase 3 of the Terry’s Extension Sites not delivered for housing, the soundness of the plan would be unaffected.

Phase 3 of the Terry’s Extension Site is identified as likely to come forward in years 1-10 of the Local Plan. This is addressed below.

Document Title: Strategic Housing Land Availability Assessment: Housing Supply and Trajectory Update (April 2021)  
Document Reference: EX/CYC/56: Strategic Housing Land Availability Assessment Update (April 2021)

An updated Strategic Housing Land Availability Assessment (SHLAA) (EX/CYC/56) has been prepared to support the emerging Local Plan to take into account updated information in both housing land demand and supply in York since the original submission of the Publication Draft. The updated SHLAA would replace the 2018 version submitted in 2019.

The SHLAA confirms that the Council has adopted an OAN of 790dpa plus an allowance of 32 units per annum to make up a shortfall, resulting in a housing need figure of 822dpa (para 3.6). This results in a housing requirement of 13,152 within the plan period (16 years).

Table 3 of the SHLAA sets out the various housing allocations included within the emerging Local Plan. This includes 56 units to be delivered by Terry’s Extension Site Phase 3.

Figure 3 sets out the Detailed Housing Trajectory for York, setting out demand and supply for housing units to 2037/38. Units from Terry’s Extension Site Phase 3 are shown to be delivered as follows:

- 18 units in 2022/23
- 17 units in 2023/24 and
- 21 units in 2024/25

i.e. years three to five of the detailed trajectory.

The following Table 1 HBD sets out the implications if on the housing trajectory if Phase 3 was not delivered.

Table 1 HBD

Year	2022/23	2023/24	2024/25
Units delivered by Phase 3	18	17	21
Total Supply	1,492	1,845	1,307
Cumulative completions incl. windfalls	5,517	7,362	8,669
Total Demand	822	822	822
Cumulative Requirement	4,932	5,754	6,576
Cumulative Over/Under Supply	+585	+1,608	+2,093
<b>HBD Analysis</b>			
Total Supply without Phase 3	1,474 (-1.21%)	1,828 (-0.92%)	1,286 (-1.61%)
Cumulative Over/Under Supply without Phase 3	+567	+1,591	+2,072

As shown in Table 1HBD above, the Trajectory within EX/CYC/56 shows a surplus of delivery of 585 units above the cumulative housing requirement of 4,932 units in 2022/23. This pattern continues in the next two years of 2023/24 and 2024/25 with delivery exceeding the requirement by 1,608 units and 2,093 units respectively. This is further confirmed as supply outweighs the demand of 822 units per annum for each of the years presented above.

If the Phase 3 site is not delivered, it would result in a minor reduction in supply of units. However, there will continue to be an oversupply above demand for each of the three years identified with a surplus of 567 units still to be delivered in 2022/23 increasing each year thereafter. Therefore, the supply of housing land within the emerging Local Plan is such that if the 56 units are not delivered across three years, this will not materially impact on the deliverability of the plan including the overall housing supply or on the Council's five year housing land supply. Indeed, based on supply exceeding demand, if Site ST16 is not delivered for housing, it will not harm the requirement whatsoever.

HBD does not wish for site ST16 to be removed from the SHLAA or Policy H1 and SS14, but confirms that if the site was not to be delivered for housing, rather for an acquired brain injury hospital, it would not have an impact on the soundness of the Emerging Local Plan. It is important that the site continues to form part of the housing land supply as it has the potential to provide an opportunity for housing delivery, particularly if the hospital proposal does not come forward. Therefore, HBD's position and the allocation does not change.

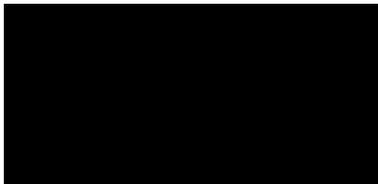
#### Conclusion

JLL is instructed by HBD to provide representations to the ongoing consultation of Proposed Modifications and evidence base documents of the emerging York Local Plan.

JLL is acting for HBD and the Disabilities Trust in the preparation of a planning application for a new Acquired Brain Injuries hospital at the former Terry's site, Bishopthorpe Road, York. The application site is included as a draft allocation for housing in the emerging Local Plan. The site in question is expected to provide 56 residential units and continues to be supported by HBD. The contribution forms a small proportion of the housing supply provided in the plan and a small proportion of sites anticipated to be delivered in the third, fourth and fifth years of the plans as set out in the trajectory. As such, HBD continues to support the allocation of the site within the draft local plan; has no objection to the Proposed Modifications; and supports the housing supply position and trajectory which forms this consultation. If the site is not delivered, for which it could be for housing, it would be of very limited impact in relation to the plan and does not impact on the soundness of the emerging Local Plan as a whole.

JLL asks that the Council confirms receipt of this objection and that it is kept informed of further stages of the development plan on this matter.

Yours faithfully,



**From:** [REDACTED]  
**Sent:** 05 July 2021 10:45  
**To:** localplan@york.gov.uk  
**Cc:** [REDACTED]  
**Subject:** RE: York Local Plan Examination: Modifications and Evidence Base consultation  
**Attachments:** Local Plan Proposed Modifications Consultation Response Form 2021.docx; 005.P17-0472. Level.YorkLPMods&Evidence.June21.pdf

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear [REDACTED] / Local Plan team,

Thank you for your email.

Please find attached the required response form and our detailed report. I trust both documents will be given full consideration by the Council and Inspectors.

I would be grateful if you could acknowledge safe receipt in due course.

Kind regards

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

---

**From:** [REDACTED] On Behalf Of localplan@york.gov.uk  
**Sent:** 02 July 2021 18:28  
**To:** [REDACTED]  
**Cc:** [REDACTED] localplan@york.gov.uk  
**Subject:** RE: York Local Plan Examination: Modifications and Evidence Base consultation

Hi [REDACTED],

Many thanks for your submission.

Please could I request that you complete the attached response form to supplement your submission. This response form approach was advised and endorsed by our Programme Officer to ensure that the information submitted to the Inspectors was clear in respect of the issues being raised and to ensure we receive the requisite data we require to ensure conformity with the Town and Country Planning Regulations (namely Reg 22, 24) as we proceed through the process.

We also request that one Part C per issue be submitted and that this is fully completed. I understand that you have submitted additional evidence but on the response form we request that this still sets out/summarises the points which are relevant to legal compliance, soundness and modifications proposed under the relevant questions (Q 6.3, 7.3 and 8.1). We are not accepting a generic reference to “see other submitted documents” to be used without the specific detail being provided in these questions, otherwise these details may not be fully recorded and/or the form may be returned to you for clarification. This approach not only helps the Inspectors understand the issues raised clearly up front but also helps in the processing of the representations by the Council to ensure we capture all of the pertinent issues raised effectively.

Kind regards

[Redacted signature]

[Redacted text]

[Redacted text]

---

[Redacted text]

**Sent:** 02 July 2021 16:22

**To:** [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

**Cc:** [Redacted text]

**Subject:** York Local Plan Examination: Modifications and Evidence Base consultation

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir / Madam,

Please find attached response to the York Local Plan Modifications and Evidence base consultation. I would be grateful if you could acknowledge safe receipt in due course.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

  [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Help protect the environment! - please don't print this email unless you really need to.

\*\*\*\*\*

This communication is from City of York Council.

The information contained within, and in any attachment(s), is confidential and legally privileged. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s), please note that any form of distribution, copying or use of this communication, or the information within, is strictly prohibited and may be unlawful. Equally, you must not disclose all, or part, of its contents to any other person.

If you have received this communication in error, please return it immediately to the sender, then delete and destroy any copies of it.

City of York Council disclaims any liability for action taken in reliance on the content of this communication.

City of York Council respects your privacy. For more information on how we use your personal data, please visit <https://www.york.gov.uk/privacy>

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

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.**

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

## Part A - How we will use your Personal Information

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

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

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

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination<sup>1</sup>. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

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



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

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

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

**How long will we keep the information:** The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan<sup>2</sup>. When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

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

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

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

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

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

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

Signature



Date 05/07/21

## Part B - Personal Details

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

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

# Guidance note

## Where do I send my completed form?

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

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

You can also complete the form online at:

[www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation).

## What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

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

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspectors to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each topic or issue you wish to comment on**. You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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

## Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part B of this form the group you are representing.

## Do I need to attend the Public Examination?

The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant. You can indicate if you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Consultation documents?

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

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

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

# Part C -Your Representation

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



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

Proposed Modification Reference:

PM48

Document:

Page Number:

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes  No

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

Yes  No

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

N/A

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.



**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes  No

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

(tick all that apply)

**Positively prepared** ✓  **Justified**

**Effective**  **Consistent with national policy** ✓

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

Please use extra sheets if necessary

The amendment clarifies that the plan period runs from 2017 to 2032/23. This is not considered sound as it is not justified, positively prepared, effective nor consistent with national policy.

Due to the continued delays to plan-making within York the plan is unlikely to be adopted until 2022 at the earliest, meaning the post-adoption timeframe will be less than 11 years. This is not considered adequate to provide a clear and effective framework to deliver much needed development within York. Paragraph 157 of the NPPF identifies that a 15-year timeframe is preferable. The Council's departure from this is not explained. It is notable that the 2019 version of the NPPF strengthened this requirement (paragraph 22) identifying strategic policies should look ahead over a minimum 15-year period post adoption.

The 2019 NPPF does provide a requirement for strategic policies to be reviewed at least once every 5-years (para. 33). This may help rectify the situation. However, given the recent history of plan-making within the city this is far from guaranteed.

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

To overcome this issue the end date of the plan should be increased until at least 2037/38. This would have consequential impacts for housing, employment, and other allocations.

# Part C -Your Representation

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



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

Proposed Modification Reference:

PM50, PM53, PM54

Document:

Page Number:

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes ✓

No

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

Yes

No ✓

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

The proposed amendments seek to clarify the proposed housing requirement as 822 dwellings per annum (dpa). Whilst the clarification is welcome the proposed requirement is considered too low. The proposed housing requirement is, therefore, considered unsound as it is neither justified nor effective.

The Council has not engaged with other Council's to determine how this deficit in the housing requirement can be met.

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes  No

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

(tick all that apply)

**Positively prepared** ✓

**Justified** ✓

**Effective** ✓

**Consistent with national policy** ✓

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

Please use extra sheets if necessary

The following provides a summary of our response, the full response is available in the accompanying report (paragraphs 2.7 to 2.12 and 3.1 to 3.17). I also refer to our matter 2 hearing statement which identifies that a figure in excess of 1,000 dwellings per annum should be utilized. The key issue with the modifications is that the housing requirement remains too low, we deal with this issue in greater detail in relation to the Housing Needs Update (EX/CYC/43a).

It is understood that the housing requirement has been derived through a combination of the evidence base document 'City of York Housing Needs Update (January 2020)' which identified a objectively assessed housing need (OAHN) of 790dpa and an uplift of 32dpa to take account of historic under-delivery between 2012 and 2017.

The addition of 32dpa is based upon net delivery over the period 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2017. An undersupply of 518 dwellings was accrued based upon 790dpa. This undersupply is then spread over the remaining 16 years of the plan period (2017/18 to 2032/33). However, none of the evidence provided by the Council assesses need over this period.

Due to the lack of comparative data it is impossible to analyse whether the need identified for period 2012 to 2017 is correct. Indeed, given the most recent assessments in September 2020 and July 2019 are based upon the 2016 and 2018 based subnational projections the figures are largely self-prophesising. This is because there are known populations, based upon the ONS published population estimates, incorporated into each projection from 2012 to 2016 and 2012 to 2018 respectively.

It cannot be assumed that these fixed populations were reflective of need. Indeed, given the poor levels of delivery and lack of a local plan it is considered to be quite the contrary.

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

A re-assessment of the housing need over the whole plan period be undertaken.

# Part C -Your Representation

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



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

Proposed Modification Reference:

PM63

Document:

Page Number:

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes ✓

No

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

Yes ✓

No

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

N/A

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.



**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes  No

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

(tick all that apply)

**Positively prepared**

**Justified**

**Effective**

**Consistent with national policy**

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

Please use extra sheets if necessary

The following provides a summary of our response. The full response can be read in the accompanying report, paragraphs 2.13 to 2.18.

The modification removes two sites from Strensall. These being ST35: Queen Elizabeth Barracks and H59 Queen Elizabeth Barracks, Howard Road. It is understood the deletion of these sites is due to the potential impact upon Strensall Common SAC. Whilst our client does not dispute the removal of these two sites the lack of consideration of alternative sites within Strensall is considered to be unjustified and as such unsound.

Strensall has a population of over 6,000 residents<sup>1</sup> and provides a wide range of services and facilities. It is also identified as part of the 'Main Built-Up Area of York'. Throughout the different stages of the Local Plan, Strensall has consistently been identified as a Settlement that can accommodate growth and the removal of the Queen Elizabeth Barracks site provides a requirement for alternative allocations to be made to ensure continued sustainable growth in the settlement.

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Our client is promoting two adjacent sites within the plan which can be delivered either together or independent of each other. These are considered appropriate alternatives to the two deleted sites. Full details can be found with our previous hearing statements and paragraphs 2.13 to 2.18 of our accompanying report.

# Part C -Your Representation

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



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

Proposed Modification Reference:

PM70, PM71

Document:

Page Number:

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes ✓

No

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

Yes ✓

No

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

N/A

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.



**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes  No

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

(tick all that apply)

**Positively prepared**

**Justified**

**Effective**

**Consistent with national policy**

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

Please use extra sheets if necessary

The following provides a summary of our response. The full response is available in our accompanying report (paragraphs 2.19 to 2.21) new policy is based upon the recommendations of the October 2020 Habitats Regulations Assessment (HRA) of the City of York Council Local Plan (EX/CYC/45). This policy applies a 400m exclusion zone for residential development from the boundary of the SAC. This exclusion zone is denoted within PM71. The exclusion zone is applied without consideration to potential access to the SAC. This is considered unsound as it is not justified.

The HRA (para. 4.3.212) bases the exclusion zone not on probable impact but on ‘experience’ from elsewhere, noting:

*“From experience around the country, a 400m distance has become accepted as a suitable threshold to restrict new development, one which is supported by appropriate policies in land use plan (e.g Breckland, East Devon, Cannock and Wealden amongst others)...”*

The 400m exclusion zone is provided to reduce impact of urban edge and recreational pressure. There is, however, no consideration of ease of access from a site to the Common. Surely this should be a factor for consideration. If the common cannot be easily accessed from a site within the 400m exclusion zone, either via existing features or through scheme design, this should be considered in the development appraisal.

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

If the common cannot be easily accessed from a site within the 400m exclusion zone, either via existing features or through scheme design, this should be considered in the development appraisal. Our client is promoting sites which are either outside the exclusion zone or can be delivered to restrict access to the common.

# Part C -Your Representation

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



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

Proposed Modification Reference:

Document:

Housing Needs Update (EX/CYC/43a)

Page Number:

Various

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes ✓

No

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

Yes

No ✓

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

Housing requirement too low. No agreement with neighbouring authorities to meet unmet needs.

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.



**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes  No

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

(tick all that apply)

**Positively prepared** ✓

**Justified** ✓

**Effective** ✓

**Consistent with national policy** ✓

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

Please use extra sheets if necessary

The following is a summary of our representations, paragraphs 3.1 to 3.16 of accompanying representations provide the full detail.

Our key concerns are:

- Rate of jobs growth in Economic-led housing need is unduly pessimistic;
- Market signals uplift should be applied to all scenarios not just the demographic starting point;
- Market signals uplift should be at least 25%; and
- Assessment should cover whole plan period.

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

The aforementioned concerns being addressed. This is likely to lead to a plan requirement in excess of 1,000dpa.

# Part C -Your Representation

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



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

Proposed Modification Reference:

Document:

York Economic Outlook (EX/CYC/29)

Page Number:

Various

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes ✓

No

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

Yes ✓

No

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

N/A

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.



**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes  No

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

(tick all that apply)

**Positively prepared**  **Justified**

**Effective**  **Consistent with national policy**

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

Please use extra sheets if necessary

The following provides a summary of our response. The full response can be seen at paragraphs 4.1 to 4.4 of accompanying report.

In terms of past rates of jobs growth it is notable, figure 13 (York Economic Outlook) that jobs growth over the period 2014 to 2018 was 1,110 jobs per annum, over 37% greater than anticipated in the equivalent 2015 study and over 70% greater than the 650 jobs anticipated each year in the Local Plan. Indeed the 2019 assessment anticipates greater jobs growth under all scenarios compared to the 2015 report (figure 13).

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Given the above increases it is unclear why the 650 jobs per annum has been retained. To ensure that housing and economic strategies are aligned any increase in employment aspirations would require a consequent increase in housing growth.

# Part C -Your Representation

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



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

Proposed Modification Reference:

Document:

SHLAA: Housing Supply & Trajectory (EX/CYC/56)

Page Number:

Various

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes  No

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

Yes   No

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

N/A

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.



**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes  No

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

(tick all that apply)

**Positively prepared** ✓

**Justified** ✓

**Effective** ✓

**Consistent with national policy**

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

Please use extra sheets if necessary

The Strategic Housing Land Availability Assessment (SHLAA) update provides an updated housing trajectory. This trajectory suggests that the majority of Housing Allocations (both H sites and ST) sites will commence delivery next year (2022/23). Given that many of these sites remain within the Green Belt and do not yet benefit from any form of permission this is considered highly optimistic.

As noted within our comments upon the 'Composite Modifications Schedule' (PM48) it is unlikely the plan will be adopted until 2022. The likelihood of applying, gaining permission and starting on site within a year is extremely unrealistic. A more realistic scenario would be to push delivery back by at least two more years.

The implication of this is two-fold. Firstly, several of the allocations are unlikely to deliver their full plan requirement over the plan period (by 2032/33). This is likely to lead to a shortfall in delivery against the plan requirement. This issue can be addressed through additional allocations.

Secondly it appears likely that upon adoption the Council will be unable to demonstrate a five-year supply. The five-year supply will be assessed against the 2019 version of the NPPF and the annex definition of a deliverable site. In the absence of a five-year housing land supply the tilted balance will be applied.

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Realistic lead-in times provided and additional allocations to deliver the housing requirement.

# Part C -Your Representation

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



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

Proposed Modification Reference:

Document:

Topic Paper 1: Green Belt Addendum (EX/CYC/59)

Page Number:

Various

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes  No

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

Yes   No

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

N/A

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.



**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes  No

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

(tick all that apply)

**Positively prepared** ✓

**Justified** ✓

**Effective** ✓

**Consistent with national policy** ✓

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

Please use extra sheets if necessary

The following provides a summary of our full response. This can be seen at paragraphs 6.1 to 6.8 of our accompanying report.

It is notable that the Green Belt boundaries relating to the updated methodology remain virtually unchanged. The retrofitting of a methodology to known conclusion has inevitably led to bias in the conclusions.

The amended topic paper was also supposed to be an attempt to simplify and clarify the methodology. This has not been achieved. This is due to the constant cross-referencing with other documents and confusion of criterion against differing purposes.

There are several areas where the assessment appears inconsistent with the purpose. For example, in relation to 'Purpose 4: Preserving the Setting and Special Character of Historic Towns' there is continued reference to the Minster and views thereof. Whilst these are important in relation to the setting of the Minster the view in itself does not provide any interpretation of how the city has grown and as such are not considered part of the special character and setting of the historic town. There is also reference (para. 8.27) to other 'Landmark Monuments' including boundary stones, herdsman huts and Roman camps. Without interpretation it cannot be assumed that land needs to be kept open to understand their significance nor that they assist in retaining the setting and special character of the historic town.

Purpose 1 relating to sprawl is also applied inconsistently. This is highlighted in the confused description of our client's site (see table 6.1 of our associated report). There is also no justification for the choice of boundary. Once again this is highlighted by the treatment of our clients site (see paragraphs 6.6 to 6.8 and table 6.1 of our associated report).

Whilst these comments relate directly to our client's site they are considered symptomatic of the Council's attempt to retrofit a revised methodology to existing conclusions.

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

New unbiased Green Belt assessment undertaken.

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

### 9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination ✓

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspectors by way of written representations.

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

The new evidence and proposed modifications have significant implications for our client. It is considered that participation is necessary to enable the content of our client's representations to be fully understood and engage in the wider discussion upon the soundness of the plan. It is also considered essential to enable our client to respond to any further issues raised either by the Council or other parties.

Our client was previously represented at the original hearing sessions in 2019.

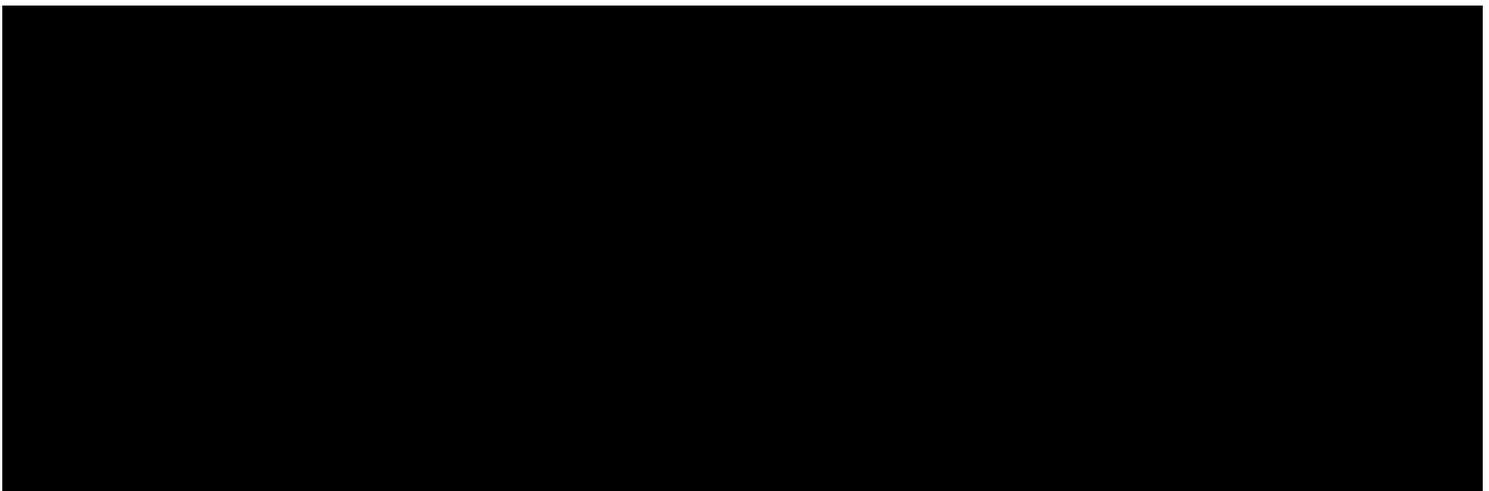
**Please note:** the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

# **YORK LOCAL PLAN EXAMINATION: MODIFICATIONS AND EVIDENCE BASE**

**ON BEHALF OF LEVEL DEVELOPMENTS LTD (REF: 260 (CD014A))**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE ACT 2004**

**Prepared by: **



## **CONTENTS:**

Page No:

<b>1.0 Introduction .....</b>	<b>1</b>
<b>2.0 Composite Modifications Schedule April 2021 .....</b>	<b>2</b>
<b>3.0 Housing Needs Update September 2020 .....</b>	<b>8</b>
<b>4.0 York Economic Outlook .....</b>	<b>13</b>
<b>5.0 Strategic Housing Land Availability Assessment: Housing Supply and Trajectory Update (April 2021) (EX/CYC/56) .....</b>	<b>14</b>
<b>6.0 Topic Paper 1: Approach to Defining York’s Green Belt: Addendum, January 2021 (EX/CYC/59) .....</b>	<b>15</b>

## **1.0 Introduction**

1.1 This response is provided on behalf of our client Lovel Developments Ltd. It is made in respect of selected documents which are part of the 'Local Plan Modifications and Evidence Base Consultation'. This response should be read in conjunction with our associated response form.

1.2 Lovel Developments Ltd are promoting one site through this local plan, this being Land to the South of Strensall, York (site ref: 119).

1.3 Our Client is an important stakeholder in the plan making process and wishes to ensure that the York Local Plan is prepared in a robust manner that passes the tests of soundness contained in the National Planning Policy Framework (NPPF), namely that the plan is:

- Positively Prepared;
- Justified;
- Effective; and
- Consistent with national policy.

1.4 In accordance with the transitional arrangements set out in Annex 1 of the National Planning Policy Framework (February 2019), it is understood that the plan is being examined against the previous 2012 version of the Framework. All references within this hearing statement to the National Planning Policy Framework (NPPF) therefore relate to the 2012 version, unless otherwise stated.

1.5 Whilst the tests of soundness remain similar between the two versions of the NPPF numerous changes have been made. The continued delays to plan-making in York have led to a situation where 3 years after the 2012 version of the NPPF was superseded, initially by the July 2018 version, the York Local Plan continues to be examined against a dated version of the NPPF. Our client considers this to be a very unsatisfactory position.

1.6 Whilst our client has the above concerns, we do welcome the opportunity to comment on the proposed modifications and evidence base.

---

## 2.0 Composite Modifications Schedule April 2021 (EX/CYC/58)

2.1 In providing comments upon the 'Composite Modifications Schedule' we draw upon and make reference to specific evidence base documents (these are clearly referenced throughout this response). It should be noted that we also consider elements of the evidence base to be unsound. In this regard we also make separate comments upon elements of the evidence base, later in this response, as necessary.

2.2 The lack of a response to a proposed modification or evidence base document should not be construed as agreement with the proposed modification or evidence.

### **PM48 and consequent amendments**

2.3 The amendment clarifies that the plan period runs from 2017 to 2032/23. This is not considered sound as it is not justified, positively prepared, effective nor consistent with national policy.

2.4 Due to the continued delays to plan-making within York the plan is unlikely to be adopted until 2022 at the earliest, meaning the post-adoption timeframe will be less than 11 years. This is not considered adequate to provide a clear and effective framework to deliver much needed development within York. Paragraph 157 of the NPPF identifies that a 15-year timeframe is preferable. The Council's departure from this is not explained. It is notable that the 2019 version of the NPPF strengthened this requirement (paragraph 22) identifying strategic policies should look ahead over a minimum 15-year period post adoption.

2.5 The 2019 NPPF does provide a requirement for strategic policies to be reviewed at least once every 5-years (para. 33). This may help rectify the situation. However, given the recent history of plan-making within the city this is far from guaranteed.

2.6 To overcome this issue the end date of the plan should be increased until at least 2037/38. This would have consequential impacts for housing, employment, and other allocations.

### PM50: Policy SS1 / PM53: Policy SS1 / PM54: Policy SS1 Explanation

- 2.7 The proposed amendments seek to clarify the proposed housing requirement as 822 dwellings per annum (dpa). Whilst the clarification is welcome the proposed requirement is considered too low. The proposed housing requirement is, therefore, considered unsound as it is neither justified nor effective.
- 2.8 We address the housing requirement within our Matter 2 Examination Hearing Statement and the Publication Draft and Proposed Modifications versions of the plan. Within these responses we identify that a figure more than 1,000dpa should be utilised. Whilst it is noted that additional evidence has been provided by the Council (Housing Needs Update, September 2020 (EX/CYC/43a)) our conclusions remain unaltered. A separate response is provided to the Housing Needs Update, September 2020 below.
- 2.9 It is understood that the housing requirement has been derived through a combination of the evidence base document 'City of York Housing Needs Update (January 2020)' which identified a objectively assessed housing need (OAHN) of 790dpa and an uplift of 32dpa to take account of historic under-delivery between 2012 and 2017. The OAHN elements are discussed in more detail later in this response.
- 2.10 The addition of 32dpa is based upon net delivery over the period 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2017 (3,432 dwellings) compared to the OAHN figure of 790dpa (3,950 dwellings over the above period). This represents an undersupply of 518 dwellings. This undersupply is then spread over the remaining 16 years of the plan period (2017/18 to 2032/33). However, none of the evidence provided by the Council assesses need over this period. The following table considers the periods assessed in each study of the three most recent studies.

*Table 2.1: Assessed period in each study*

Study	Periods Assessed	Identified OAHN (dpa)
September 2020 Housing Needs Update (EX/CYC/43a)	2017 to 2033	779
	2012 to 2037	788
July 2019 Housing Needs Update (EX/CYC/9)	2012 to 2037	790
September 2017 Strategic Housing	2012 to 2032	953

Market Assessment Update (SD050)		
----------------------------------	--	--

2.11 Due to the lack of comparative data it is impossible to analyse whether the need identified for period 2012 to 2017 is correct. Indeed, given that the most recent assessments in September 2020 and July 2019 are based upon the 2016 and 2018 based subnational projections the figures are largely self-prophesising. This is because there are known populations, based upon the ONS published population estimates, incorporated into each projection from 2012 to 2016 and 2012 to 2018 respectively.

2.12 It cannot be assumed that these fixed populations were reflective of those who would have resided in the area if sufficient housing had been delivered. Indeed, given the poor levels of delivery and lack of a local plan it is considered to be quite the contrary. The high rates of jobs growth (1,110 per annum) over the period 2014 to 2018 (figure 3, York Economic Outlook (EX/CYC/29)) provide an indication that a greater need would have been appropriate over this time period.

### **PM63: Policy H1; Table 5.1 Housing Allocations**

2.13 The modification removes two sites from Strensall. These being ST35: Queen Elizabeth Barracks and H59 Queen Elizabeth Barracks, Howard Road. It is understood the deletion of these sites is due to the potential impact upon Strensall Common SAC. Whilst our client does not dispute the removal of these two sites the lack of consideration of alternative sites within Strensall is considered to be unjustified and as such unsound.

2.14 Strensall has a population of over 6,000 residents<sup>1</sup> and provides a wide range of services and facilities. It is also identified as part of the 'Main Built-Up Area of York'<sup>2</sup>. Throughout the different stages of the Local Plan, Strensall has consistently been identified as a Settlement that can accommodate growth and the removal of the Queen Elizabeth Barracks site provides a requirement for alternative allocations to be made to ensure continued sustainable growth in the settlement.

---

<sup>1</sup> 2011 census

<sup>2</sup> Local Plan Key Diagram

- 2.15 Our clients site was identified in the 2014 Local Plan Preferred Options Document the clients site as safeguarded land in order to meet development in the longer term, beyond the plan period. Therefore, it is clearly a site that the Council have previously thought appropriate for Green Belt release.
- 2.16 Our client is promoting two adjacent sites within the plan which can be delivered either together or independent of each other. The southern element of the site (figure 2.1) is enclosed on three sides meaning that the Green Belt could be easily re-defined by using the physical features that are readily recognisable and likely to be permanent.

*Figure 2.1: Southern Parcel Land South of Strensall*



- 2.17 The northern element (see figure 2.2) of the site is enclosed on all sides and sits comfortably outside the 400m exclusion zone identified around Strensall Common SAC, fulfilling the requirements of new Policy GI2a (see PM70 / PM71). There is also no direct access towards Strensall Common SAC from the site due to the presence of the railway line bounding the southern element of the site. All other requirements of new Policy GI2a can be provided on site.
- 2.18 The northern parcel represents an area of land which is well connected to the existing settlement and has clearly defined boundaries by virtue of existing residential development and the railway line to the south. The site can therefore be released from the Green Belt without causing harm to the openness of the Green Belt and resulting in unrestricted urban sprawl.

Figure 2.2: Northern Parcel



### **PM70: New Policy GI2a / PM71 – New Policy GI2a Justification**

- 2.19 This new policy is based upon the recommendations of the October 2020 Habitats Regulations Assessment (HRA) of the City of York Council Local Plan (EX/CYC/45). This policy applies a 400m exclusion zone for residential development from the boundary of the SAC. This exclusion zone is denoted within PM71. The exclusion zone is applied without consideration to potential access to the SAC. This is considered unsound as it is not justified.
- 2.20 The HRA (para. 4.3.212) bases the exclusion zone not on probable impact but on 'experience' from elsewhere, noting:
- "From experience around the country, a 400m distance has become accepted as a suitable threshold to restrict new development, one which is supported by appropriate policies in land use plan (e.g Breckland, East Devon, Cannock and Wealden amongst others)..."*
- 2.21 The 400m exclusion zone is provided to reduce impact of urban edge and recreational pressure. There is, however, no consideration of ease of access

from a site to the Common. Surely this should be a factor for consideration. If the common cannot be easily accessed from a site within the 400m exclusion zone, either via existing features or through scheme design, this should be considered in the development appraisal. Our client is firmly of the opinion that the southern parcel being promoted, see figure 2.1 can be delivered in a manner which restricts access onto the Common. The northern parcel promoted by our client (figure 2.2) is not within the exclusion zone.

---

### 3.0 Housing Needs Update September 2020 (EX/CYC/43a)

- 3.1 The updated assessment considers the implications of the 2018 subnational population and household projections upon the OAHN for York. This analysis concludes that the current OAHN of 790dpa remains valid for the Local Plan. We dispute this finding and consider that a higher housing requirement remains valid.
- 3.2 Prior to examining the updated evidence, it is worth noting that were the Local Plan to be considered against the 2019 NPPF the minimum housing requirement as determined by the current standard method for assessing local housing need would be 1,013dpa<sup>3</sup>. A total of 223dpa greater than the Local Plan OAHN and 191dpa greater than the proposed housing requirement. This figure more closely accords with our conclusions upon housing need within York.

#### Demographic Starting Point

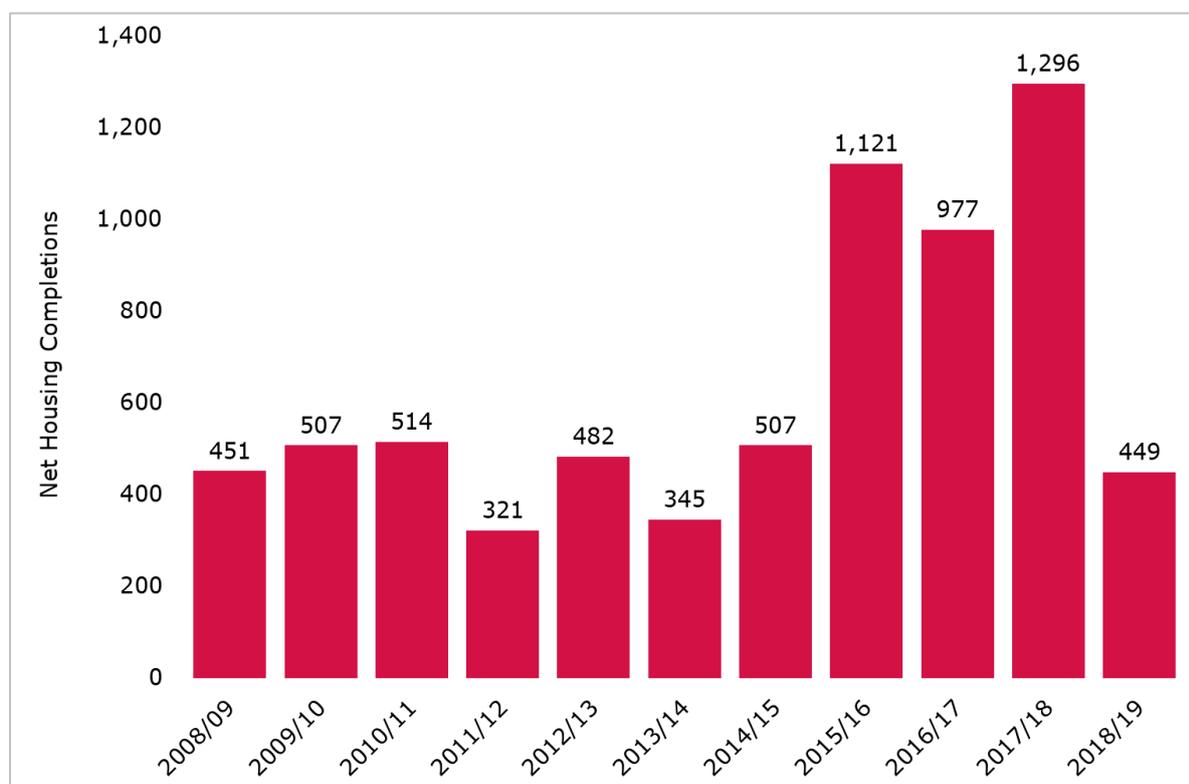
- 3.3 Like previous iterations of Housing Needs Update this update considers variants upon the 'Principal' population projections. These are:
- i. 10-year Migrant Variant; and
  - ii. Alternative Internal Migrant Variant
- 3.4 The difference between these variants and the 'Principal' projection are that they examine migration trends over a longer period, these being (i) 10-years and (ii) 5-years, as opposed to the 2-years in the 'Principal' projection. The Housing Need Update is correct in identifying that the ONS themselves recognise the difficulty in drawing trends from just two years of data.
- 3.5 Rates of house building have been volatile in York over the years preceding the projection base date, as demonstrated in the figure below. The availability of housing will inevitably impact upon migration rates. Due to this volatility, it is considered that the '10-year Migrant Variant' is the most appropriate demographic scenario within York. This is because it will help 'smooth' this volatility out of the projections, taking account of peaks and troughs. The Housing Need Update correctly identifies (para. 2.7) that the use of these

---

<sup>3</sup> Utilising 2021 base date

alternative projections is methodologically more robust than the 'Principal' projection.

Figure 3.1: York's Net Housing Completions, 2008/09-2018/19



- 3.6 The Housing Needs update also includes a part-return to previous trends for the 25-34 and 35-44 age cohorts. In conformity with our previous comments<sup>4</sup> we agree that such a change is justified.

### **Economic-Led Housing Need**

- 3.7 The Housing Needs Update correctly applies an uplift to the demographic scenarios to take account of jobs growth. This is based upon 650 jobs per annum (para. 3.2). This figure builds upon evidence provided by the Oxford Economics 'York Economic Outlook', December 2019 (EX/CYC/29) report. Within our brief comments upon this document, we question whether the rate of jobs growth is unduly pessimistic taking account of past trends. An increase in jobs growth would inevitably lead to a greater housing requirement.

<sup>4</sup> See our matter 2 hearing statement

---

## Market Signals

- 3.8 The update does not update the market signals data because the preferred economic-led need is 157% higher than the demographic starting point (para. 5.7). This is considered unsound.
- 3.9 The 2019 version of the Housing Needs Update (EX/CYC/9) suggests that an uplift in the region of 15% would seem reasonable for York (paragraph 4.34). However, the uplift is only applied to the demographic baseline, and not the adjusted demographic growth and the economic growth scenarios. This principle is fed through into the 2020 Housing Needs Update.
- 3.10 The principle of a market signals uplift is supported. However, the application of the 15% uplift solely to the demographic starting point is not considered positive nor justified by the available evidence. Within our previous comments we have highlighted that affordability within York is significantly worse than the regional and national averages. Indeed, York is one of the least affordable authority areas in Yorkshire and Humber.
- 3.11 The 15% uplift is applied utilising examples from previous Local Plan examinations (para. 4.33, 2019 Housing Needs Update). These examples draw upon the median affordability ratio. All three Local Plans used as examples were adopted prior to the introduction of the revised NPPF in July 2018. This is important as the 2018 NPPF introduced the standard method for assessing local housing need. The standard method for calculating local housing need, as described by the updated PPG (ID 2a-004-20201216) provided a formula for identifying the relevant uplift based upon median affordability and therefore provided a clear steer by Government on the amount of uplift required.
- 3.12 Whilst it is recognised the Local Plan OAHN is not being tested against the standard method the affordability uplift described in the PPG does provide a useful proxy for market signals uplift. In the case of York, the 2020 median house price to workplace-based earnings identifies an affordability ratio of 8.04 (2020). Utilising the method identified in the PPG this would suggest an uplift of circa 25%. This is considered a more appropriate level of uplift. The implications of this uplift are set out in table 3.1 below.
- 3.13 The Housing Needs Update applied the market signals uplift solely to the

demographic starting point as identified by the 2018 household projections. As noted in our matter 2 statement, we are of the opinion that the 2014 household projections should be used in preference to either the 2016 or 2018 projections. Within section 2 of the 2020 Housing Need Update GL Hearn provide convincing arguments for a range of demographic growth scenarios but does not test the impact of a market signals uplift against these different projections. This is counter-intuitive given that the 2020 Housing Needs Update and its earlier counterparts identify that the '10-year Migrant Variant' and 'Alternative Internal Migration Variant' are more robust than the 'Principal' projection, paragraph 2.7.

- 3.14 Furthermore, the PPG notes that the market signals uplift relates to improving affordability and does not stipulate that market signals should be applied solely to the demographic starting point;

*"The housing need number suggested by household projections (the starting point) should be adjusted to reflect appropriate market signals, **as well as** other market indicators of the balance between the demand for and supply of dwellings..."* (Pegasus emphasis, PPG ID 2a-019-20140306).

- 3.15 Clearly the provision of additional jobs will increase demand for homes as residents seek to either move into the area to take up the employment opportunities or seek to move out of the family home having accessed relevant employment. It is extremely unlikely the proposed uplift for economic growth would facilitate improvements in affordability. On this basis it is considered that the market signals uplift should be applied to all scenarios.

- 3.16 As demonstrated by Table 3.1 below the application of a 25% market signals uplift to the preferred growth scenario would produce a OAHN of 974dpa. This would also more closely relate to recent levels of housing delivery. It is notable that both economic led OAHN scenarios and the '10-year Migrant' Variant all produce figures in excess of the 790dpa OAHN proposed in the plan.

- 3.17 Due to the reasons stated above it is our firm view that a 25% market signals uplift should be applied to the economic-led scenarios. This produced an OAHN in excess of 958dpa over the plan period. Once under-delivery over the period 2012 to 2017 has been considered the housing requirement would be over 1,000dpa.

Table 3.1: Application of 15% and 25% market signals uplift (2017-2033)

Scenario	Projection	15% market signals uplift	25% market signals uplift
<b>Demographic scenarios (Part Return to Trend)</b>			
Principal	501	576	626
10-Year Migration	669	769	836
Alternative Internal	598	688	748
<b>Economic Led Housing Need</b>			
Census Commuting Ratio	766	881	958
1:1 Commuting Ratio	779	896	974

---

## **4.0 York Economic Outlook (EX/CYC/29)**

- 4.1 The plan, and its housing requirement, is based in part upon jobs growth of 650 jobs per annum within York. This is supported by two papers by Oxford Economics, the most recent being the 2019 York Economic Outlook (EX/CYC/29).
- 4.2 Whilst we do not seek to challenge most of this evidence, we do question whether a target of 650 jobs per annum represents a positively prepared plan. It is also notable that due to the protracted nature of the Local Plan examination there have been some fundamental changes to the economy in the wake of the Covid-19 pandemic and the signing of a Brexit deal. The plan should seek to positively address these issues by providing a supportive framework for jobs growth.
- 4.3 In terms of past rates of jobs growth it is notable, figure 13 (York Economic Outlook) that jobs growth over the period 2014 to 2018 was 1,110 jobs per annum, over 37% greater than anticipated in the equivalent 2015 study and over 70% greater than the 650 jobs anticipated each year in the Local Plan. Indeed the 2019 assessment anticipates greater jobs growth under all scenarios compared to the 2015 report (figure 13).
- 4.4 Given these increases it is unclear why the 650 jobs per annum has been retained. To ensure that housing and economic strategies are aligned any increase in employment aspirations would require a consequent increase in housing growth.

---

## **5.0 Strategic Housing Land Availability Assessment: Housing Supply and Trajectory Update (April 2021) (EX/CYC/56)**

- 5.1 The Strategic Housing Land Availability Assessment (SHLAA) update provides an updated housing trajectory. This trajectory suggests that the majority of Housing Allocations (both H sites and ST) sites will commence delivery next year (2022/23). Given that many of these sites remain within the Green Belt and do not yet benefit from any form of permission this is considered highly optimistic.
- 5.2 As noted within our comments upon the 'Composite Modifications Schedule' it is unlikely the plan will be adopted until 2022. The likelihood of applying, gaining permission and starting on site within a year is extremely unrealistic. A more realistic scenario would be to push delivery back by at least two more years.
- 5.3 The implication of this is two-fold. Firstly, several of the allocations are unlikely to deliver their full plan requirement over the plan period (by 2032/33). This is likely to lead to a shortfall in delivery against the plan requirement. This issue can be addressed through additional allocations.
- 5.4 Secondly it appears likely that upon adoption the Council will be unable to demonstrate a five-year supply. The five-year supply will be assessed against the 2019 version of the NPPF and the annex definition of a deliverable site. In the absence of a five-year housing land supply the tilted balance will be applied.

---

## 6.0 **Topic Paper 1: Approach to Defining York's Green Belt: Addendum, January 2021 (EX/CYC/59)**

- 6.1 This addendum is provided in an attempt to overcome a number of fundamental concerns raised by the Inspectors in their letter to the Council dated 12<sup>th</sup> June 2020. Whilst the Council has sought to address the Inspectors concerns it appears to have done so via retrofitting a new methodology to the original conclusions rather than undertaking a new assessment. Indeed, it is notable that the Green Belt boundaries relating to the updated methodology remain virtually unchanged. The retrofitting of a methodology to known conclusion has inevitably led to bias in the conclusions.
- 6.2 The amended topic paper was also supposed to be an attempt to simplify and clarify the methodology. This has not been achieved. This is due to the constant cross-referencing with other documents and confusion of criterion against differing purposes.
- 6.3 There are several areas where the assessment appears inconsistent with the purpose. For example, in relation to '*Purpose 4: Preserving the Setting and Special Character of Historic Towns*' there is continued reference to the Minster and views thereof. Whilst these are important in relation to the setting of the Minster the view in itself does not provide any interpretation of how the city has grown and as such are not considered part of the special character and setting of the historic town.
- 6.4 Under this purpose the paper also discusses Landmark Monuments including the Minster. However, paragraph 8.27 references other structures such as boundary stones, herdsman huts and Roman camps in this discussion. These are not Landmark Monuments. Criterion 2 to Purpose 4 "*Does the land need to be kept permanently open to contribute to the understanding and significance of a building, landmark or monument?*" It cannot be assumed without proper interpretation that land needs to be kept open to understand their significance. For example, a boundary stone simply states the extent of the settlement at a point in time. It does not necessarily need to be kept open to allow such interpretation. It appears that the Council is using Green Belt to preserve an historic structure rather than determining if this structure and its open setting is required to understand the setting and special character of the historic town.

---

6.5 In terms of *'Purpose 1: To check the unrestricted sprawl of large built-up areas'* the criterion appears to have been applied inconsistently. A good example of the confused nature of the Council's response relates to our clients site as is identified in table 4.1 below.

**Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt**

6.6 Our client has a direct interest in Annex 4 of the Topic Paper *'Other Densely Developed Areas in the General Extent of the Green Belt'* and in particular Strensall. The site our client is promoting the site identified as site 119 and various elements thereof. The whole site is covered by a single Green Belt boundary (boundary 4) despite there being two clear parcels bisected by the railway line. Whilst these comments relate directly to our client's site they are considered symptomatic of the Council's attempt to retrofit a revised methodology to existing conclusions.

6.7 The Council provides no clear justification for its boundary choices. Our client's site is a good example of this. Boundary 4 is a 'horse-shoe' shaped section. The northern elements of which are bisected from the south by a railway line. The northern element is also in close proximity to the main settlement and has clearly defined boundaries on 4 sides. Whilst we consider all elements of the site can be developed without impacting upon the openness and character of the Green Belt, these variations suggest that the boundary should have been split into smaller sections. The inclusion of both parcels in a single boundary leads to an inappropriate assessment. The appraisal also seems to conflate various Green Belt purposes. For example, purpose 4 discussed issues of coalescence rather than impact upon heritage.

6.8 The following table considers the evidence provided upon Strensall boundary 4. Our analysis identifies that the development of these two parcels would not have any significant effects upon the openness and character of the Green Belt.

Table 6.1: Analysis of Strensall Boundary 4 Assessment

GB Purpose	Boundary 4 summary	Pegasus Comment Northern Parcel	Pegasus Comment Southern Parcel
<p><b>Purpose 4: Preserving the setting and special character of historic towns - Compactness</b></p>	<p>Acknowledged contained on 3 sides but would impact upon compactness and have a significant effect on form and character of the village. Including coalescence of The Village, Moor Lane and Lords Moor Lane. Northern section would impact upon historic core of the village and area to south to be kept open to understand significance of conservation area.</p>	<p>The northern parcel is contained on all four sides and would provide a clear 'rounding' of the settlement north of the railway line. It would retain a compact feel to the settlement.</p> <p>The references to historic character and form all relate directly to the Strensall Conservation Area rather than the setting of the historic city of York and its setting. These are not, therefore, considered relevant. Furthermore, there is no explanation why this is important. These are issues which could be dealt with through a development control application.</p> <p>Development of this parcel would have little or no impact upon the compactness of the village or the wider setting of York.</p>	<p>The southern element is contained on 3 sides but would not extend beyond the existing built form of the settlement.</p> <p>The discussion of coalescence between different parts of the same settlement is misleading as it does not directly relate this to the setting and special character of historic towns. The development of this area would not extend the developed area of the settlement beyond that existing.</p>
<p><b>Purpose 4: Preserving the</b></p>	<p>Land does not need to be kept permanently open to contribute to</p>	<p>Agreed</p>	<p>Agreed</p>

<b>setting and special character of historic towns – Landmark Monuments</b>	the understanding and significance of a building, landmark or monument.		
<b>Purpose 4: Preserving the setting and special character of historic towns – Landscape and Setting</b>	Land needs to be kept permanently open to protect the setting and special character of Strensall village and as part of the wider landscape associated with the historic character and setting of York, to aid the understanding of the historical relationship of the city to its hinterland, particularly as perceived from open approaches.	<p>No specific discussion of boundary 4, therefore difficult to understand how this area is assessed.</p> <p>It should however be noted that the presence of the railway line has an urbanising effect upon the settlement in this location.</p>	<p>No specific discussion of boundary 4, therefore difficult to understand how this area is assessed.</p> <p>It is notable that the site would not extend the built-up area limits of the existing settlement.</p>
<b>Purpose 1: Checking unrestricted sprawl</b>	Substantial area of open agricultural land. Surrounded on 3 sides which could limit the extent to which sprawl could take place. But potential for sprawl within the 'horseshoe shape'.	<p>The Council's description is confused and unclear on the one hand suggesting sprawl would be limited but on the other suggesting it will take place.</p> <p>The northern element is completely contained on all four sides and as such development would be clearly contained. No sprawl would take place.</p>	<p>The southern element is contained on three sides and would not extend beyond the limits of the existing built-up area. As such no sprawl would take place.</p>
<b>Purpose 3: Safeguarding the countryside from</b>	General absence of built development, predominantly open rural land. Railway line runs through the open land beyond but	Agreed limited built development, however, this is characteristic of many of the proposed allocations.	

---

<b>encroachment</b>	does not detract from the countryside setting and constitutes an acceptable use within it.	The railway line creates a clear boundary for the northern parcel. Given the site is otherwise bounded by development this conclusion is unjustified and appears to simply be due to the methodology being retrofitted to the conclusions.	
---------------------	--	--	--

**From:** [REDACTED]  
**Sent:** 07 July 2021 17:23  
**To:** localplan@york.gov.uk  
**Cc:** [REDACTED]  
**Subject:** York Main Modifications Consultation Response - Land at Askham Lane, Acomb  
**Attachments:** Appendix A.PDF; Appendix B.PDF; Local Plan Proposed Modifications Consultation Response Form.pdf

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam

Please find enclosed the following documents, on behalf of the York Diocesan Board of Finance Limited and The York and Ainsty Hunt, which comprise representations to the City of York Local Plan Proposed Modifications Consultation:

- City of York Local Plan Proposed Modifications Consultation Response Form
  - o Appendix A – Location Plan
  - o Appendix B – Green Belt Site Review prepared by TPM Landscape Architects

We would greatly appreciate confirmation of receipt of the enclosed representation.

Please do not hesitate to contact myself or [REDACTED] (cc'd) should you have any additional queries.

Kind Regards,

[REDACTED]

[REDACTED]



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

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.**

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

## Part A - How we will use your Personal Information

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

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

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

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination<sup>1</sup>. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

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

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

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

**How long will we keep the information:** The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan<sup>2</sup>. When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

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

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

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

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

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

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

Signature

Date

07/07/2021

## Part B - Personal Details

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

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

# Guidance note

## Where do I send my completed form?

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

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

You can also complete the form online at:

[www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation).

## What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

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

### **Do I have to use the response form?**

Yes please. This is because further changes to the plan will be a matter for a Planning Inspectors to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each topic or issue you wish to comment on**. You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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

### **Can I submit representations on behalf of a group or neighbourhood?**

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part B of this form the group you are representing.

### **Do I need to attend the Public Examination?**

The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant. You can indicate if you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

### **Where can I view the Consultation documents?**

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

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

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

# Part C -Your Representation

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



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

Proposed Modification Reference:

Document:

Topic Paper TP1: Approach to defining York's Green Belt (Addendum)  
(January 2021) Annex 3: Inner Boundaries (Part: 1 March 2021 [EX/CYC/59c])

Page Number:

39-52

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes

No

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

Yes

No

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

n/a

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.



**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes  No

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

(tick all that apply)

**Positively prepared**  **Justified**

**Effective**  **Consistent with national policy**

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

Please use extra sheets if necessary

Savills (UK) Limited, on behalf of the York Diocesan Board of Finance Limited (YDBF) and The York and Ainsty Hunt (The Hunt) ("the landowners"), jointly submit the following representations to the City of York Local Plan Proposed Modifications Consultation (July 2021).

Due to the existing, tightly set Green Belt boundaries, the Council are reviewing the Green Belt to assess where Green Belt land should be deleted to enable to Council to meet its proposed identified housing needs. Notwithstanding this, as set out in the NPPF (para 139c&e) it is vital that, when reviewing the Green Belt boundaries where exceptional circumstances are justified (whereby we agree and support that this is such a case), the Council must seek to delete an appropriate amount of land from the Green Belt to ensure that there is housing land available during and beyond the Plan period to meet the objectively assessed housing need (in accordance with para 136 of the NPPF).

As the Green Belt boundaries were last set out in the now-defunct Yorkshire and Humber regional spatial strategy we fully support and endorse this additional consultation in relation to the updated green belt information and any other modifications proposed.

Our comments therefore relate to the Topic Paper TP1: Approach to defining York's Green Belt (Addendum) (January 2021) Annex 3: Inner Boundaries (Part: 1 March 2021 [EX/CYC/59c]) which assesses our clients landholding - Land South of Foxwood Lane, Acomb'. Please see location plan attached at Appendix A.

It is our understanding that the consultation relating to Green Belt is intended to define the existing Green Belt boundary. 'Topic Paper 1: Approach to defining York's Green Belt Addendum (2021)' sets out the Council's own conclusions to the settlement boundaries and the importance of the Green Belt within and outside the ring road.

Our clients' land is located within the ring road and, together, are committed to working alongside the City of York Council to bring forward deliverable housing sites under their ownership. When reviewing the Topic Paper Annex's relating to the sites within the Inner Boundaries (Annex 3) we note comments which we consider to be inaccurate and therefore have the following comments / objections to raise:

Our Clients land south of Foxwood Lane Acomb is identified within site area (1-6) in Annex 3.

The Topic Paper has considered the Green Belt around York with regard to the sites presented in the Preferred Options review of sites.

In this Topic Paper, the Council conclude that, in respect of our clients land:

*“...the majority of the land between the proposed boundary and the York Outer Ring Road is identified in the Green Belt appraisal work as being of primary importance to the setting of the historic city, as part of an area Protecting the Rural Setting (F3)[SD107]. Therefore the majority of the land between the proposed boundary and the outer ring road is not suitable for development in line with the Local Plan strategy.*

*In 2013 there was a small amendment to the area F3 designated as being of primary importance to protecting the rural setting of York [SD106] to reflect height contours to the south of Foxwood Lane and enable potential development to be considered in this small area (former H9). Subsequently, this was not taken forward as an allocation.”*

When reviewing the more detailed assessment of our client’s land as per pages 39-52 of the Topic Paper TP1: Approach to defining York’s Green Belt (Addendum) (January 2021) Annex 3: Inner Boundaries (Part: 1 March 2021 [EX/CYC/59c], it is our that the subject site does not accord with assessment in the Green Belt Topic Paper Review for the following reasons:

- With regard to Items 2-1 and 2-2. The GB Area (1-6) which includes the proposal site, was considered in the site Preferred Options sites for a number of sites, all of which were considerably larger than the proposal site, and also breached Askham Lane. In contrast, the proposal site is a relatively modest site area, and is contained within Askham Lane.
- In terms of purpose 3, the Proposal Site is located directly adjacent to the rear gardens of the properties of Stirrups Close, which forms a weak green belt boundary (defined by the NPPF para139f.), and is not defined by strong features such as roads, rivers, or hedgerows. Were the site to be removed from the Green Belt, then the new Green Belt boundary would be formed with Askham Lane, which is lined by thick and tall intact hedgerow and would therefore create a much stronger and permanent Green Belt boundary.
- For purpose 1, the land identified in GB Area 1-6 (including the proposal site) is identified as a site that will not impact on Urban Sprawl, making it one of the lesser sensitive sites on the western boundary.
- Regarding purpose 4, an assessment has been undertaken of views towards York from the rural landscape to the west of York, between York and Tadcaster. The report appended with this response has concluded that there are **no locations** beyond the Outer Ring Road to the east west of York from which the Minster (or even the edge of the city centre) can be viewed from in this landscape setting. This combined with the modest scale of the proposal site, and its location to the east of Askham Lane will mean that there are no locations where development of the proposal site would be visible in a view beyond the Outer Ring Road west of York.
- Finally, regarding the permanence of the site, a review of historic mapping (See Figure 5 of the appended Green Belt Site Review by TPM Landscape), indicates that all the land in the vicinity of the site was historically farmland, and that there is not historic pattern of the Green Belt which would add to its permanence in this location.

In conclusion, the findings of the GB Topic Paper are not applicable to our client’s site. Please see the independent Green Belt Assessment of our client’s land prepared by TPM Landscape (Chartered Landscape Architects) attached which reinforces, and provides additional details on, the above points (Appendix B).

We therefore respectfully request that the Council reassesses our client’s land in terms of Green Belt as, in our view, the land does not comply with the 5 Green Belt purposes set out in paragraph 134 of the NPPF. Following this, it is considered that the land is suitable for deletion from the Green Belt and should therefore be either allocated for residential development as part of the plan period or at least deleted from the Green Belt and safeguarded for future development beyond the plan period in accordance with paragraph 139c&d of the NPPF.

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

It is considered that, based on the assessment of the way that York City Council has assessed our client's land at Acomb in terms of its purposes relating to the Green Belt, our clients land is a suitable site to be deleted from the Green Belt to accommodate future development.

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

**9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspectors by way of written representations.

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

**Please note:** the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.





Ordnance Survey © Crown Copyright 2017. All rights reserved.  
Licence number 100022432. Plotid Scale - 1:7500

The plan is published for convenience only. Although thought to be correct its accuracy cannot be guaranteed and it does not form part of the contract.



## GREEN BELT SITE REVIEW

Land off Foxwood Lane/ Askham Lane Acomb, York

Project Ref: 3923-501

July 2021



#### BACKGROUND

TPM Landscape are appointed to prepare an appraisal of a site located within the western fringe of York Green Belt. The purpose of the report is to consider how the site performs Green Belt function, in the context of the wider York Green Belt, and with particular regard to the recent review of Green Belt boundaries prepared by York City Council: Topic Paper 1: Approach to defining York's Green Belt Addendum (2021) Annex 3: Inner Boundaries - Part 1: Sections 1 to 4.

#### SITE CONTEXT

The site is located at the junction of Foxwood Lane and Askham Lane, Acomb, which is located approximately 3km to the west of York city centre.

#### THE SITE

The site comprises a single agricultural arable field, and is contained by intact hedgerows on the southern boundary with the adjacent agricultural land, and the western boundary with Askham Lane, and by intermittent hedgerow abutting Foxwood Lane on the northern boundary, and the rear boundaries of properties located on the eastern boundary with Stirrup Close. The site forms part of a wider area of land to the south which rises gently and creates a small undulation between the Woodthorpe area and Askham Lane. The majority of the wider land area slopes facing the open countryside to the west, however the land of the Proposal Site is orientated north-eastwards towards Foxwood Lane and the existing edge of York settlement. There are some trees located within the boundary hedgerows, however none in the field.

#### LANDSCAPE DESIGNATION

The proposal site is located within Green Belt land, but does not have any local or national landscape designations, such as National Park or Area of Outstanding Natural Beauty.

#### VISUAL AMENITY

The site is generally contained by intact hedgerow, although has an open aspect to Foxwood Lane. The hedgerows restrict views into the site from the adjacent roads and from the wider countryside to the west of York.

#### GREEN BELT FUNCTION

Green Belt is described in the National Planning Policy Framework Section 13: Protecting Green Belt Land, through paragraphs 133 to 142.

#### Paragraph 133 states:

*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

Paragraph 134 states that Green Belt serves five purposes:

- a) to check the **unrestricted sprawl of large built up areas.**
- b) to prevent **neighbouring towns merging into one another.**
- c) to assist in **safeguarding countryside from encroachment.**
- d) to preserve the **setting and special character of historic towns.**
- e) to assist in **Urban Regeneration, by encouraging the recycling of derelict and other urban land.**

The above functions are described in the York Topic Paper as Purposes 1-5

#### Paragraph 139 states:

*When defining Green Belt boundaries, plans should:*

- a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;

- b) not include land which it is unnecessary to keep permanently open;

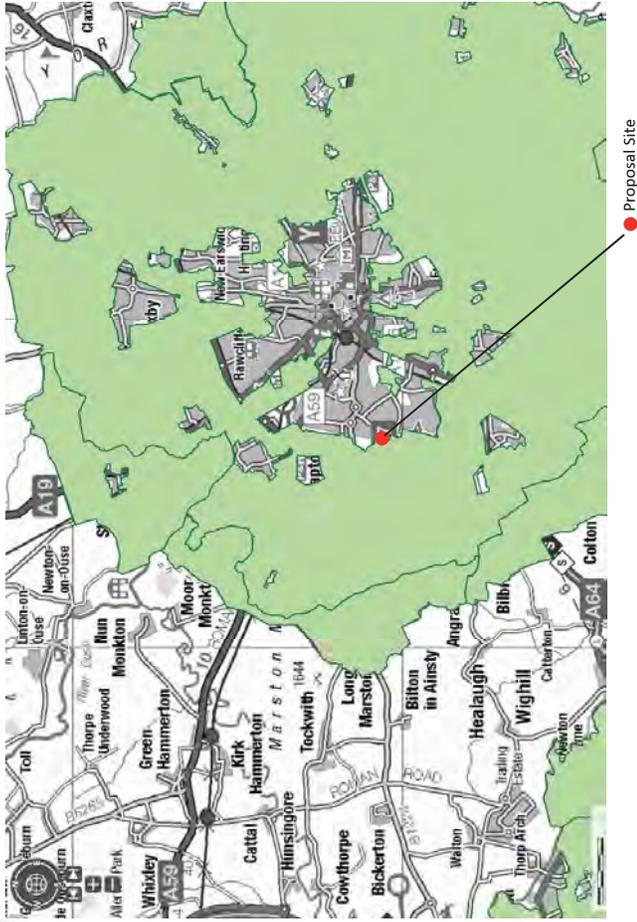
- c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;

- d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;

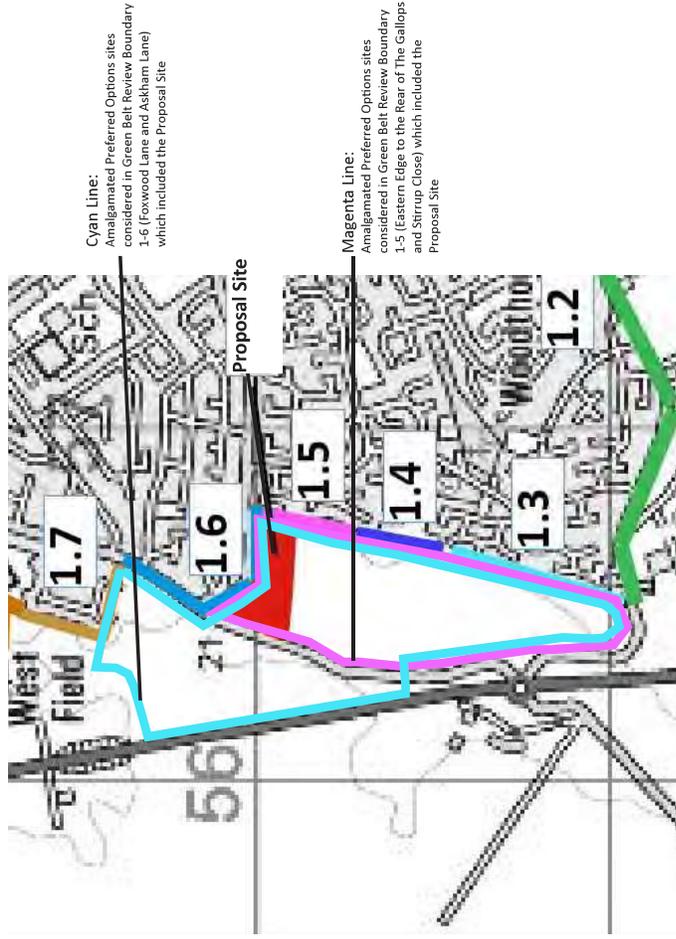
- e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and

- f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

**Fig 1** Extract Map of Green Belt surrounding York (source - <https://magic.defra.gov.uk/>)

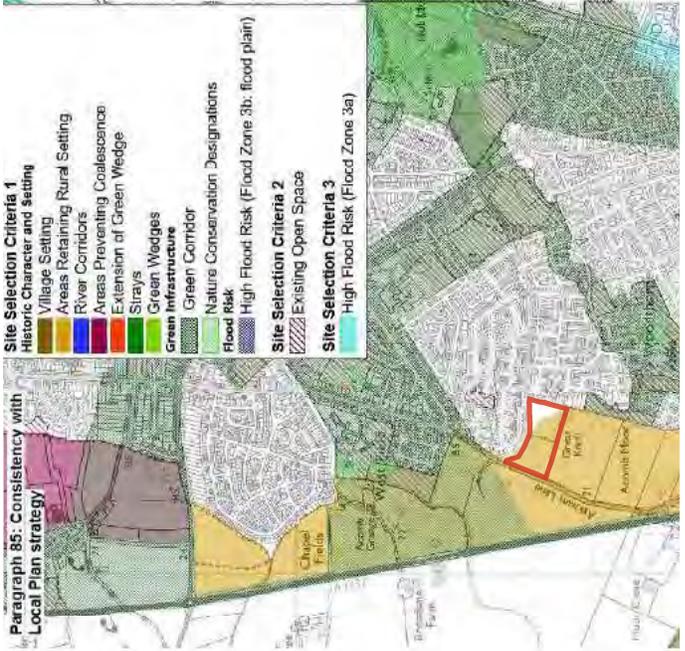


**Fig 2** Map illustrating Green Belt boundaries reviewed in York CC Topic Paper 1: Approach to defining York's Green Belt Addendum (2021) Annex 3: Inner Boundaries Part 1: Sections 1-4



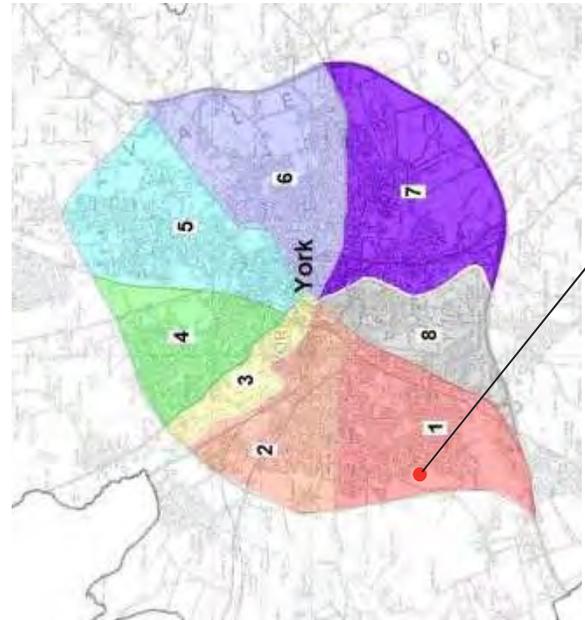
**Cyan Line:**  
Amalgamated Preferred Options sites considered in Green Belt Review Boundary 1-6 (Foxwood Lane and Askham Lane) which included the Proposal Site

**Magenta Line:**  
Amalgamated Preferred Options sites considered in Green Belt Review Boundary 1-5 (Eastern Edge to the Rear of The Gallops and Strup Close) which included the Proposal Site



**Fig 3** Map illustrating Site Selection Criteria 1 (Historic Character and Setting) as reviewed in York CC Topic Paper 1: Approach to defining York's Green Belt Addendum (2021) Annex 3: Inner Boundaries Part 1: Sections 1-4. Part of the Proposal Site is identified in land considered to be an 'Area Retaining Rural Setting'.

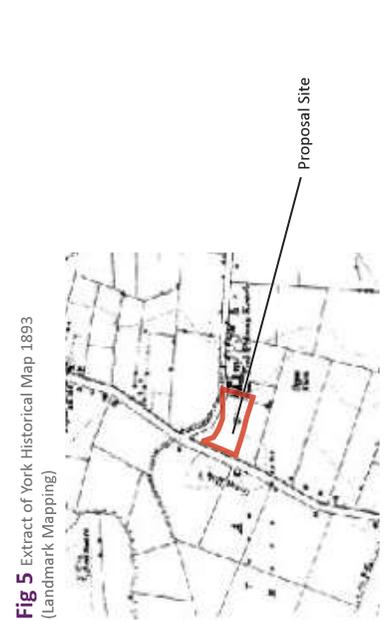
### 3 REVIEW OF 'TOPIC PAPER 1: APPROACH TO DEFINING YORK'S GREEN BELT ADDENDUM (2021)'



**Inner boundary sections within outer ring road**

- Section 1
- Section 2
- Section 3
- Section 4
- Section 5
- Section 6
- Section 8
- Section 7

**Fig 4** Extract of York CC Topic Paper: Approach to defining York's Green Belt Addendum (2021)



**Fig 5** Extract of York Historical Map 1893 (Landmark Mapping)

**BACKGROUND**  
The Topic Paper: Approach to defining York's Green Belt Addendum (2021) States the following objectives:

*'This annex presents is intended to present the detailed justifications for York's detailed inner Green Belt boundaries. The city has been split into 8 sections and each section is split into individually assessed boundaries. This annex presents sections 1-4 on the west side of York.'*

**APPRAISAL**  
This review by TPM Landscape does not seek to challenge the overall methodology and findings of the Green Belt Review process assessed in the Topic Paper, which was necessarily undertaken at a more strategic level when considering the potential effects of 'Preferred Options Sites' put forward in the Local Plan, where it was necessary to combine findings for multiple sites in relation to the current Green Belt boundary.

This review sets out a more refined assessment of how the Proposal Site performs Green Belt function as assessed in the Green Belt Topic Paper with regard to the Proposal Site specifically, and its located at the junction of Foxwood Lane and Askham Lane.

The York CC Topic Paper has not described the potential effects of the Preferred Options Sites with regard to Purpose 2 (to prevent neighbouring towns from merging into one another), or Purpose 5 (assisting in Urban Regeneration) of any boundaries associated with Sections 1-4 on the west of York (see Fig 4), and has restricted the assessment to the consideration of effects with regard to the following NPPT Green Belt purposes:

- Purpose 1) to check the unrestricted sprawl of large built up areas.**
- Purpose 3) to assist in safeguarding countryside from encroachment.**
- Purpose 4) to preserve the setting and special character of historic towns.**

The Topic Paper also considers how the Green Belt boundaries relate to the following Green Belt criteria:

**Local Permanence**

**Strategic Permanence - Consistency with the Local Plan Strategy and Site Selection**

The proposal site is located in Section 1 of the Topic Paper and adjoins to of the boundaries assessed in 1-5 (Eastern Edge to the Rear of The Gallops and Stirrup Close, and 1-6 (Foxwood Lane and Askham Lane). See Figures 2 and 6 which locate these boundaries and give an extract of the Topic Paper for reference.

Section 1 - Boundary 5 (Eastern Edge to the Rear of the The Gallops and Stirrup Close) and Boundary 6 (Foxwood Lane and Askham Lane) have a similar assessment in the Topic Paper, and in order to avoid repetition, only the characteristics described in Boundary 5 are responded to directly in this report, and only the parts of that assessment which are relevant to the Proposal Site of this report have been reviewed.

The Topic Paper considers the following with regard to the Green Belt Boundaries:

**PURPOSE 4) PRESERVING THE SETTING AND SPECIAL CHARACTER OF HISTORIC TOWNS**

**Compactness - Criterion 1**

**1.1 The land is sensitive as part of a wider view of a dense compact city in an open or rural landscape.**

The land between the urban edge and the outer ring road to the west contains undulating agricultural fields. It is relatively flat, with open views across it, making this a prominent edge to the city. The outer ring road to the west is an important open approach for viewing and understanding the city. Maintaining open rural land in the foreground to this route allows an understanding of the compact city within original countryside context. Land in this location enables a strong impression of the historic city situated within its rural setting. The proposed boundary allows the compactness of the city and its contained concentric form to be understood. This is emphasised by the Minster evidently dominant in the skyline. These are key to the significance and identity of York as identified in the Central Historic Core Conservation Area Appraisal (Annex 1 – Evidence 13) and the Heritage Topic Paper (Annex 1 – Evidence 12). The land contained within this boundary is part of a general long distance view from the west of Tadcaster, across the City of York Authority area, of York Minster in its wider setting of a compact city and open countryside (Annex 1 – Evidence 13a - YCHCAA).

**1.2 The land should be kept permanently open as part of maintaining the scale, identity and distribution of settlements around York.**

The edge of the main urban area to the east of the proposed boundary is created by modern development of Woodthorpe with a suburban feel and falls within character area 76 (Annex 1 – Evidence 14 - York Historic Environment Characterisation Project). Beyond the outer ring road to the south west of the proposed boundary is the medieval linear village of Askham Bryan (Annex 1 – Evidence 19b and 19d - The North Yorkshire and Lower Tees Valley Historic Landscape Characterisation Project). Land in this location is important to the historic character and setting of York. The open land to the west of the majority of the proposed boundary is identified as area F3 (Annex 1 – Evidence 11 - GB Appraisal) as an area important to retain the rural setting of the city. Open countryside is visible from the outer ring road and Askham Lane; the latter an historic route between Acomb and Askham Bryan on the 1852 OS Map, enabling views of the city for which the historic character is particularly important. Land in this location affords good views of the Minster and contributes to giving an impression of an historic city within its rural setting. Given the topography at the northern most extent of the boundary and views from the south, the 2013 update to the green belt appraisal work (Annex 1 – Evidence 11) concluded this area of land should be removed from the historic character and setting designation.

### 1.3 The land should be kept permanently open to maintain a connection to open and historic setting and to constrain development from coalescing.

Land to the west of the boundary is identified as an area important to retaining the rural setting of the city (Annex 1 – Evidence 11 - GB Appraisal). The semi-rural character at the fringes of the urban area is important in understanding the development of the area and maintaining an open feel. Undeveloped land to the west of the boundary provides an impression of a historic city set within a rural setting. This connection to open and historic setting is understood from the open approaches to the city. This is experienced broadly from the York outer ring road when travelling around York but as a more specific journey when entering the city from the countryside. The open agricultural landscape in this location also retains a rural setting to Askham Lane, an historic route between the settlements of Acomb and Askham Bryan. The medieval linear village of Askham Bryan lies beyond the outer ring road to the south west. Land in this location functions in maintaining the separation between the edge of the city and the village setting of Askham Bryan.

#### Landmark Monuments (Criterion 2)

### 2.1 + 2.2 The land contributes to understanding the original siting and context of York Minster, and its visual dominance over the landscape.

There are general views across this area from the west of Tadcaster, with the Minster as a focus within its setting of the city (Annex 1 – Evidence 13a - YCHCA). These help to understand how the Minster would be viewed as a prominent landmark from surrounding settlements and drew people to the area. The landscape here is exceptionally flat, and the openness to the most southern part of the boundary enables clear dynamic views from the outer ring road and Askham Lane of landmark buildings including the Minster, Terns factory / Racecourse buildings, dominant on the city skyline and the city within a rural setting in juxtaposition.

2.3 Not applicable

#### Landscape and Setting (Criterion 3)

### 3.1 The land should be kept permanently open to aid the understanding of the historical relationship of the city to its hinterland.

The land to the west of this boundary is part of the open countryside and contributes to the open approach of the A1237, and the historic route between Acomb and Askham Bryan (Askham Lane). There are views into this land from these open approaches. The topography in this location is undulating and ground levels rise towards the outer ring road towards the south west and as such this rural landscape character is visually prominent and contributes towards experiencing the historic city situated within its rural setting. The flat open landscape in this area is historically known as Acomb Moor, and has been in agricultural use since the Medieval period (Annex 1 – Evidence 14 - City of York Historic Characterisation Project). The open land to the west of the proposed boundary is identified by the North Yorkshire and Lower Tees Valley Historic Landscape Characterisation Project as being planned large scale parliamentary enclosure from the medieval period with partial legitimacy to its original form (Annex 1 - Evidence 19). The resulting semi-rural character at the fringes of the urban area are important in understanding the development of the area and maintain an open feel.

3.2 Not applicable.

### PURPOSE 1): to check the unrestricted sprawl of large built-up areas.

#### Urban Sprawl - Criterion 4

### 4.1 Land is connected to/within proximity to the urban area and therefore relevant for sprawl.

Figure ground data (Annex 1 - Evidence 3) in this location shows the contrasts in context of areas with land immediately to the east of the boundary having dense built structures of the urban area, and land to the west of the boundary being open in nature with the absence of built structures.

### 4.2 The land does not have an increased risk of sprawl occurring through the presence of existing structures.

There are no built structures on the land between the proposed boundary and Askham Lane to the west and the outer ring road further west.

### 4.3 Land is unconstrained by built development or strong boundaries on more than one side, and therefore not contained or enclosed in a way which would prevent sprawl.

Land is not contained, development in this location would result in sprawl and the loss of compactness. It would impact on the open approach of Askham Lane which is the historic route between Acomb and Askham Bryan and would bring development closer to the outer ring road reducing compactness.

#### PURPOSE 3): Safeguarding the countryside from encroachment

#### Encroachment- Criterion 5

### 5.1 + 5.2 The land is characterised by an absence of built development or urbanising influences and functions as part of the countryside in terms of relationships and acceptable uses within it.

The land to the west of the proposed boundary has a sense of openness to it and no structures or significant visual obstructions. Land further to the west however does contain some negative human influences in the form of Askham Lane and further to the west the A1237 York outer ring road, its traffic and congestion. Both roads do have some vegetation screening to minimise their impact. The open land to the west of the proposed boundary is in agricultural use.

### 5.3 The land contributes to the character of the countryside through openness, views and accessibility.

The open land to the west of the proposed boundary has open views across it which connect with open land to the west – beyond the outer ring road.

#### LOCAL PERMANENCE:

#### Recognisability of proposed boundary

The proposed boundary line follows a permanent and established feature by following the existing edge of built development (the rear boundary of properties The Gallops and Stirrup Close). The boundary historically follows field patterns and agricultural open fields remain beyond the urban area. While there is a small area of land to the north western edge of the proposed boundary which had its rural setting designation amended in 2013 (to follow the topography and contour lines of the area) (Annex 1 – Evidence

11 – GB Appraisal), this does not provide a recognisable or robust edge and therefore cannot be considered an alternative boundary. The nearest next potential boundary is Askham Lane. Development here would result in sprawl and the loss of compactness. It would impact on the open approach of Askham Lane which is the historic route between Acomb and Askham Bryan and would bring development closer to the outer ring road reducing compactness.

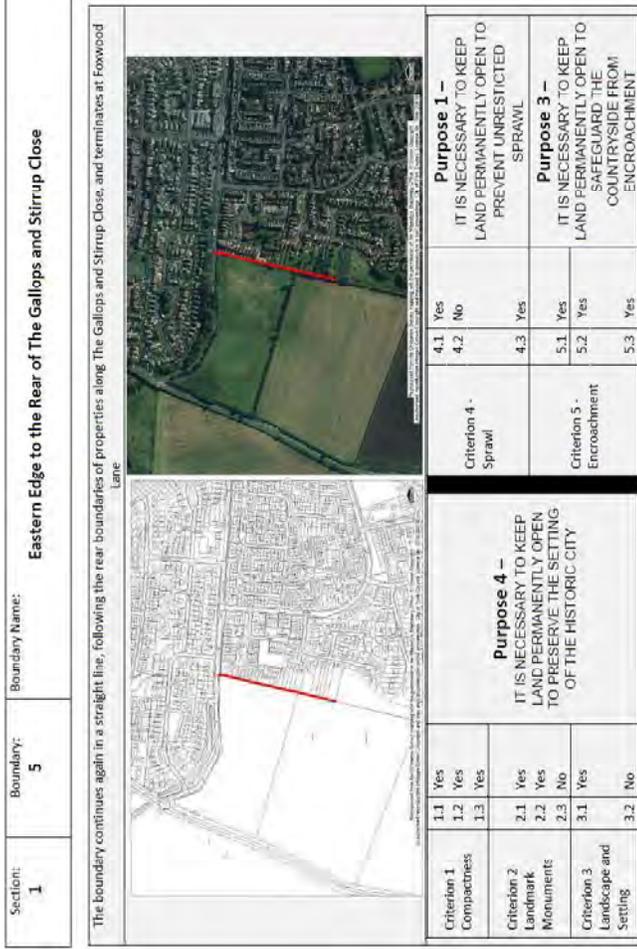
#### Permanence

A boundary line has been present in this location since the 1852 OS Map, marking the division of fields in a continuous alignment from south to north. Today the existing line marking the edge of the urban area follows this historic alignment. There is a strong and legible boundary line proposed between the edge of housing at the west edge of the city and the agricultural fields beyond. There are no planning permissions on the enclosed land proposed for inclusion within the Green Belt that would change the nature of the area.

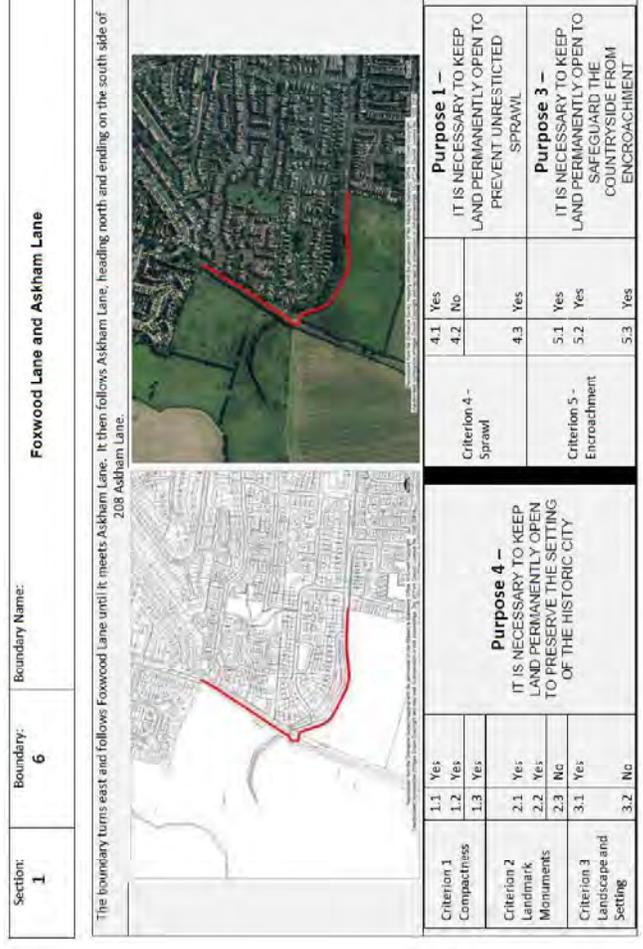
#### STRATEGIC PERMANENCE - Consistency With The Local Plan Strategy And Site Selection

The land of the York Green Belt approaching this extent of the York main urban area is not currently developed and has access to services within 800m. It therefore has potential to provide a sustainable location for growth which would focus development towards the urban area or areas within the Green Belt (in line with NPPF para 85) to be able to contribute to the long term permanence.

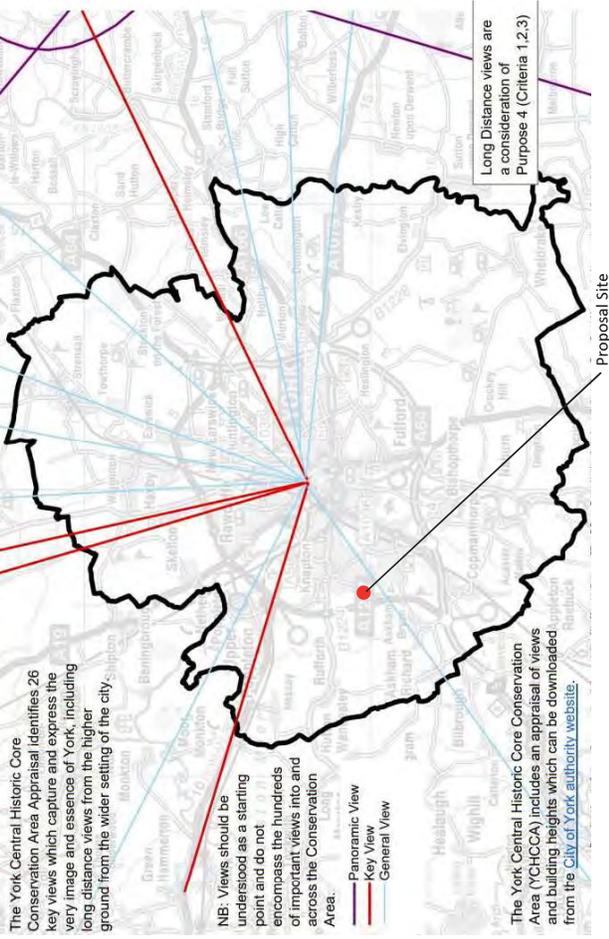
However, while the land to the west of the proposed boundary is not identified as being open space, or of specific designated nature conservation value, the majority of the land between the proposed boundary and the York Outer Ring Road is identified in the Green Belt appraisal work as being of primary importance to the setting of the historic city, as part of an area Protecting the Rural Setting (F3)(SD107). Therefore the majority of the land between the proposed boundary and the outer ring road is not suitable for development in line with the Local Plan strategy. In 2013 there was a small amendment to the area F3 designated as being of primary importance to protecting the rural setting of York (SD106) to reflect height contours to the south of Foxwood Lane and enable potential development to be considered in this small area (former H9). Subsequently, this was not taken forward as an allocation.



**Fig 6** Extract of the boundaries adjacent to the Proposal Site, considered in York CC Topic Paper 1: Approach to defining York's Green Belt Addendum (2021) Annex 3: Inner Boundaries Part 1: Sections 1-4. Section 1-Boundary 5 above, Section 1 - Boundary 6 below

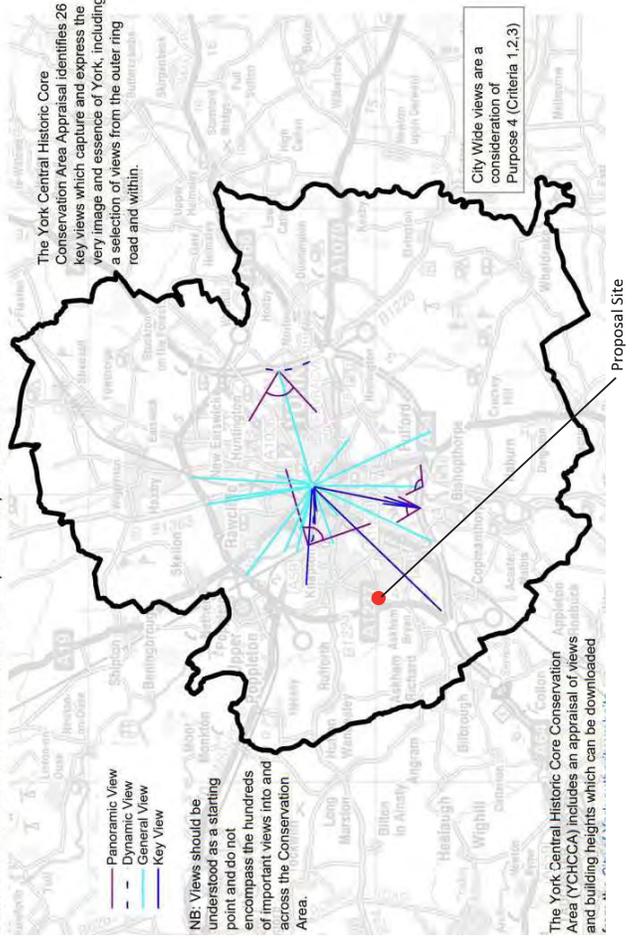


**13a. Central Historic Core Views Analysis - Long Distance Views**



**Fig 7** Extract of the boundaries adjacent to the Proposal Site, considered in York CC Topic Paper 1: Approach to defining York's Green Belt Addendum (2021) Annex 1 – Evidence 13a – YCHCCA: Above: 13a Long Distance Views, Below 13b City Wide Views

**13b. Central Historic Core Views Analysis - City Wide Views**



<p><b>TPM Landscape Assessment</b></p> <p>The assessment criteria applied in the York City Council Topic Paper have been considered below, following site visits and review of the evidence base which informed the Topic Paper.</p> <p>The Topic Paper assessment of the how the Preferred Options sites performed Green Belt function comprised of an amalgamation of sites under consideration into larger land parcels which relate to the identified Green Belt boundary.</p> <p>The assessment below follows the same format as the Topic Paper, but are the assessments made by TPM Landscape on a site specific basis, and relate to the Proposal Site alone, rather than the wider amalgamated area.</p> <p><b>PURPOSE 4: Preserving the setting and special character of historic towns</b></p> <p><b>Compactness - Criterion 1</b></p> <p><i>1.1 The land is sensitive as part of a wider view of a dense compact city in an open or rural landscape.</i></p> <p><i>1.2 The land should be kept permanently open as part of maintaining the scale, identity and distribution of settlements around York.</i></p> <p><i>1.3 The land should be kept permanently open to maintain a connection to open and historic setting and to constrain development from coalescing.</i></p> <p><b>Landmark Monuments (Criterion 2)</b></p> <p><i>2.1 + 2.2 The land contributes to understanding the original siting and context of York Minster, and its visual dominance over the landscape.</i></p> <p><b>Landscape and Setting (Criterion 3)</b></p> <p><i>3.1 The land should be kept permanently open to aid the understanding of the historical relationship of the city to its hinterland.</i></p> <p><b>ASSESSMENT</b></p> <p>The Proposal Site is located in a field contained by tall hedgerows on gently rising land which in the main part faces the existing settlement. The more open land located immediately to the south of the Proposal site presents a face to the open countryside located to the west of York. This can be observed in Views V1 and V2 of this review.</p> <p>The Outer Ring Road to the west is entirely contained in hedgerows, which together with the hedgerows lining Askham Lane directly adjacent to the site prevent any possible views of the site from the outer ring road. This can be observed in Views V3 and V4 of this review.</p> <p>The York Topic Paper has assessed that the sites along this boundary will impact on key views from the east of York, and specifically assesses that it is part of land which 'enables a strong impression of the city within its rural setting', and that 'the existing (proposed) boundary allows the compactness of the city and its concentric form to be understood', and further states that 'this is emphasised by the Minster evidently dominant in the skyline'.</p> <p>It identifies that these factors are key to significance and identity of York' and references Annex 1 - Evidence 13a. An extract of Annex 1- Evidence 13 a and 13b is extracted in this report (Figure 7). Evidence 13a includes a "General View" from the direction of Tadcaster, not a key view. All the long distance views included within</p>	<p>Annex 1-Evidence 13a are from areas outside of the ring road. Site survey work for this report could not find any public locations where the Minster is 'evidently dominant' in the skyline, and examples of the views from the wider countryside in the direction of Tadcaster are described in Views V5 to V11 of this report. Evidence 13b includes City Wide Views, and Figure 7 which extracts this evidence demonstrates that the proposal site is not located in an area which would impact on the key or general views from these locations.</p> <p>It is not considered that the Minster is 'evidently dominant in the skyline' of any views from public roads or footpaths where the Proposal Site would form a part of the view, or from any location to the west of York. This can be demonstrated in Views V5 to V11 of this review.</p> <p>It is considered that the assessment in the York Topic Paper relates to the amalgamated sites of the Preferred Options which includes a much larger site area than the Proposal Site itself, and that the Proposal Site does <u>not</u> contribute to the understanding of the city within original countryside, since it would not be readily visible in the context of the historic city.</p> <p>For the above reasons, it is considered that with regard to 'preserving the setting and special character of historic towns' the land of the Proposal Site would have substantially less impact than the amalgamated sites considered within the York City Council Topic Paper: Approach to defining York's Green Belt. Addendum (2021), and that the site is <u>not</u> sensitive as part of a wider view of a dense compact city in an open rural landscape, and does <u>not</u> contribute to understanding the original siting and context of York Minster, and development of the site would <u>not</u> impact on views of York Minster from the wider landscape to the west of York.</p> <p><b>PURPOSE 1: To check the unrestricted sprawl of large built up areas</b></p> <p><b>Urban Sprawl - Criterion 4</b></p> <p><i>4.1 Land is connected to/within proximity to the urban area and therefore relevant for sprawl.</i></p> <p><i>4.2 The land does not have an increased risk of sprawl occurring through the presence of existing structures.</i></p> <p><i>4.3 Land is unconstrained by built development or strong boundaries on more than one side, and therefore not contained or enclosed in a way which would prevent sprawl.</i></p> <p><b>ASSESSMENT</b></p> <p>The Proposal Site is located directly adjacent to the rear gardens of the properties on Stirrups Close, which forms a weak Green Belt boundary. Were the site to be removed from the Green Belt, the new boundary would be Askham Lane, which is lined by thick and high hedgerows, and would therefore create a much stronger Green belt boundary than the existing situation.</p> <p><b>PURPOSE 3: Safeguarding the countryside from encroachment</b></p> <p><b>Encroachment - Criterion 5</b></p> <p><i>5.1 + 5.2 The land is characterised by an absence of built development or urbanising influences and functions as part of the countryside in terms of relationships and acceptable uses within it.</i></p> <p><i>5.3 The land contributes to the character of the countryside through openness, views and accessibility.</i></p>
--	--

<p>The southern Proposal Site boundary comprises intact hedgerow which is a natural boundary which means that the land is contained. The land of the Proposal Site is topographically different to the land directly adjacent to the south, as the slope is orientated to the existing settlement, whereas the land to the south is on a slope which faces the open countryside to the west. The difference between the land for the Proposal Site and the adjacent land to the south can be observed in Views V1 and V2 of this report.</p> <p>For the above reason it is considered that the Proposal Site performs substantially less Green Belt function with regard to Purpose 3 (Safeguarding the countryside from encroachment), than the much wider amalgamated sites which were considered in the York Topic Paper review of Green Belt</p> <p><b>LOCAL PERMANENCE:</b></p> <p><b>Recognisability of proposed boundary</b></p> <p>The York Topic Paper assessment states that the existing (and proposed) Green Belt boundary follows a permanent and established feature by following the existing edge of built development (the rear boundaries of properties The Gallups and Stirrup Close) and further states that the boundary historically follows field patterns and agricultural open fields remain beyond the urban area.</p> <p>This assessment considers that the existing boundary with The Gallups and Stirrup Close is a weak Green belt boundary as there are no natural features restricting sprawl. Furthermore, it is generally considered that sustainable locations for new development tend to adjoin existing settlements rather than sitting alone in the countryside where there would be impacts on landscape character, which indicates that this is a sustainable location,</p> <p>Removing the Proposal Site from the Green Belt would mean that the remaining Green Belt follows field patterns, and that agricultural fields would still remain beyond the urban area.</p> <p>The Topic Paper states that development adjacent to Askham Lane would 'impact on the open approach of Askham Lane', however specific site survey as part of this report indicates that the hedgerow adjoining Askham Lane is high (5+ metres), and that there are no open views in this location. It is therefore considered that removal of the Proposal Site from the Green Belt would create a stronger and more recognisable Green Belt boundary long Askham Lane than the existing situation.</p> <p><b>Permanence</b></p> <p>The Topic Paper states that 'a boundary has been present in this location since the 1852 OS Map, marking the division of fields in a continuous alignment from north to south. Today the existing line marking the edge of the urban area follows this historic alignment.'</p> <p>Figure 5 provides an extract of the 1893 map of the wider Proposal Site area, where it can be clearly seen that all the land in the vicinity of this area was farmland at this time, so it is unclear to what the above is referring. This assessment does not consider that there is a historical pattern of development in this location which makes the existing boundary more permanent than any other location in the area.</p> <p>The Topic Paper further states 'There is a strong and legible boundary line proposed (existing) between the edge of housing at the west edge of the city and the agricultural fields beyond'. The Green Belt boundary to Stirrup Close comprises the rear garden fences of the properties. Not only is this considered to be a weak existing and non-natural boundary, or a strong feature boundary such as a road or river, but it is also contrary to NPPF para 139 (f). It is considered that removal of the Proposal Site from the Green Belt would create a more permanent boundary on Askham Lane, reinforced by natural hedgerows.</p>	<p>Annex 1-Evidence 13a are from areas outside of the ring road. Site survey work for this report could not find any public locations where the Minster is 'evidently dominant' in the skyline, and examples of the views from the wider countryside in the direction of Tadcaster are described in Views V5 to V11 of this report. Evidence 13b includes City Wide Views, and Figure 7 which extracts this evidence demonstrates that the proposal site is not located in an area which would impact on the key or general views from these locations.</p> <p>It is not considered that the Minster is 'evidently dominant in the skyline' of any views from public roads or footpaths where the Proposal Site would form a part of the view, or from any location to the west of York. This can be demonstrated in Views V5 to V11 of this review.</p> <p>It is considered that the assessment in the York Topic Paper relates to the amalgamated sites of the Preferred Options which includes a much larger site area than the Proposal Site itself, and that the Proposal Site does <u>not</u> contribute to the understanding of the city within original countryside, since it would not be readily visible in the context of the historic city.</p> <p>For the above reasons, it is considered that with regard to 'preserving the setting and special character of historic towns' the land of the Proposal Site would have substantially less impact than the amalgamated sites considered within the York City Council Topic Paper: Approach to defining York's Green Belt. Addendum (2021), and that the site is <u>not</u> sensitive as part of a wider view of a dense compact city in an open rural landscape, and does <u>not</u> contribute to understanding the original siting and context of York Minster, and development of the site would <u>not</u> impact on views of York Minster from the wider landscape to the west of York.</p> <p><b>PURPOSE 1: To check the unrestricted sprawl of large built up areas</b></p> <p><b>Urban Sprawl - Criterion 4</b></p> <p><i>4.1 Land is connected to/within proximity to the urban area and therefore relevant for sprawl.</i></p> <p><i>4.2 The land does not have an increased risk of sprawl occurring through the presence of existing structures.</i></p> <p><i>4.3 Land is unconstrained by built development or strong boundaries on more than one side, and therefore not contained or enclosed in a way which would prevent sprawl.</i></p> <p><b>ASSESSMENT</b></p> <p>The Proposal Site is located directly adjacent to the rear gardens of the properties on Stirrups Close, which forms a weak Green Belt boundary. Were the site to be removed from the Green Belt, the new boundary would be Askham Lane, which is lined by thick and high hedgerows, and would therefore create a much stronger Green belt boundary than the existing situation.</p> <p><b>PURPOSE 3: Safeguarding the countryside from encroachment</b></p> <p><b>Encroachment - Criterion 5</b></p> <p><i>5.1 + 5.2 The land is characterised by an absence of built development or urbanising influences and functions as part of the countryside in terms of relationships and acceptable uses within it.</i></p> <p><i>5.3 The land contributes to the character of the countryside through openness, views and accessibility.</i></p>
---	--

## **STRATEGIC PERMANENCE – Consistency With The Local Plan Strategy And Site Selection**

The York CC Topic Paper states that ‘the majority of land between the existing Green belt boundary and the Outer Ring Road is identified as being part of an area ‘Protecting the Rural Setting’ of the historic city, as part of an area ‘Protecting the Rural Setting’ and further states ‘In 2013 there was a small amendment to the area F3 designated as being of primary importance to protecting the rural setting of York (SD106) to reflect height contours to the south of Foxwood Lane and enable potential development to be considered in this small area (former H9). Subsequently, this was not taken forward as an allocation.’

The Proposal Site includes the land which was removed from the area which contributes to ‘Protecting the Rural Setting’, an extract of which is included in Figure 3 of this report. The area which was removed follows a 5m contour line on a map, and it is therefore considered to be a rather crude method of assessing which land contributes to the protection and which does not. Further assessment of the Proposal Site as part of this assessment considers that the field of the Proposal Site has different characteristics than the adjacent fields to the south, due to the orientation of the slope being towards the existing settlement rather than facing the land to the west (as is the case for the fields in the south). Additionally, the Proposal Site is contained by hedgerows to the agricultural fields to the south and west, and has an open aspect to the settlement to the north and east. The adjacent settlement on Foxwood Lane and Stirrups Close (where there is an open aspect) is modern development, and it is not considered that it contributes to the understanding of York Minster in its wider setting of a compact city and open countryside.

This assessment concludes that the whole of the Proposal Site is not located in an area which is necessary to be retained to ‘Protect the Rural Setting’ of York, due to the orientation of the land, the hedgerows which contain the site, and the lack of any views from the wider landscape to the west.

# 4 VISUAL APPRAISAL

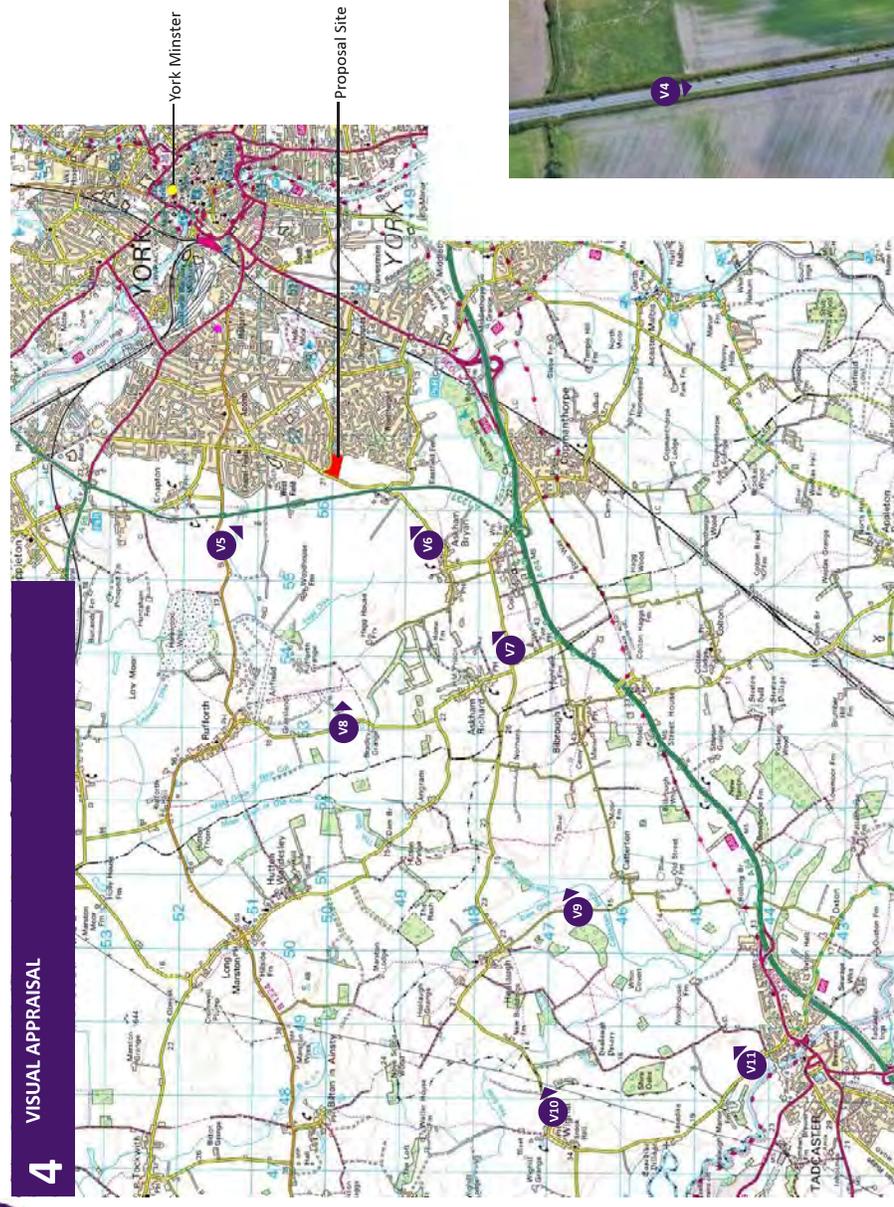


Fig 8 Viewpoint Location OS Map – Wider area



Fig 9 Viewpoint Location Aerial Photograph – Proposal Site



**V1** View from within the Proposal Site looking east towards York centre



**V2** View from the adjacent land to the south of the Proposal Site, looking west.



**V3** View from Askham Lane looking north. The Proposal Site is located behind the hedgerows to the right of the photograph



**V4** View looking south along the A1237 York Ring Road. This image is taken from Google Streetview to demonstrate the level of hedgerow cover during winter months. The Proposal Site is located beyond hedgerows and land to the left of the viewpoint location.



**V5** View from the B1224 Wetherby Road to the east of Rufforth. The edge of Acomb settlement becomes visible from approximately 200m west of the ring road, however this does not include land of the Proposal Site which is located beyond settlement and trees to the right of the photograph. York city Centre and the Minster do not form part of this view (the Minster is located approximately 4.5km away)



**V6** View from the eastern edge of Askham Bryan. The Proposal Site is located approximately 1.2km beyond the trees, hedgerows and undulating landform. There is no part of York City settlement which can be viewed from this location, including the Minster (located approximately 4.5km away)



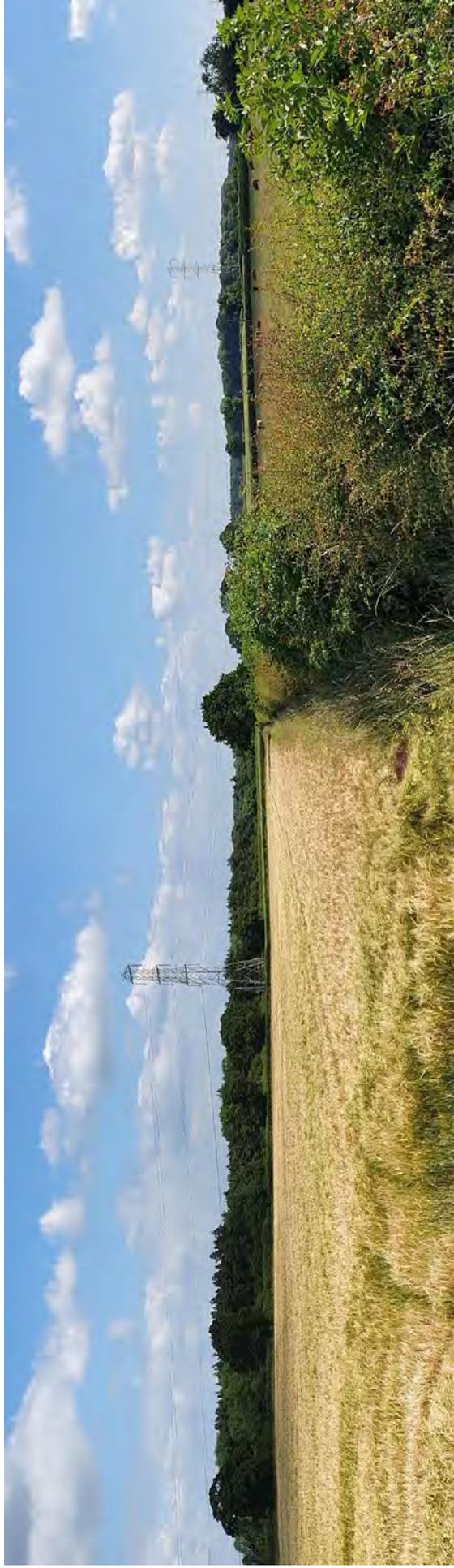
**V7** View from the country lane to the south of Askham Richard settlement. The Proposal Site is located approximately 2.5km beyond the trees, hedgerows and undulating landform. There is no part of York City settlement which can be viewed from this location, including the Minster (located approximately 6.5km away)



**V8** View from Bradley Lane to the south of Rufforth, looking across the flat open land of the Glider Club airfield. The Proposal Site is located approximately 3km beyond the trees, hedgerows and landform. There is no part of York City settlement which can be viewed from this location, including the Minster (located approximately 7km away)



**V9** View from Catterton Lane looking east in the direction of York centre. The Proposal Site is located approximately 6km beyond the trees, hedgerows and undulating landform. There is no part of York City settlement which can be viewed from this location, including the Minster (located approximately 10km away).



**V10** View from Wighill Lane, on the eastern edge of Wighill settlement looking east in the direction of York centre. The Proposal Site is located approximately 8.5km beyond the trees, hedgerows and undulating landform. There is no part of York City settlement which can be viewed from this location, including the Minster (located approximately 12km away).



**V11** View from the north-eastern edge of Tadcaster looking east in the direction of York centre. The Proposal Site is located approximately 9km beyond the trees, hedgerows and undulating landform. There is no part of York City settlement which can be viewed from this location, including the Minster (located approximately 12km away).



**V12** View from Foxwood Lane looking west, showing the site context with regard to the adjacent residential properties

## SUMMARY

This review of how the Proposal Site performs Green Belt function has been prepared in consideration of the National Planning Policy Framework (NPPF) (para 133 to 142) ‘Protecting Green Belt Land’, and with regard to the York City Council Topic Paper 1: Approach to defining York’s Green Belt Addendum (2021) Annex 3: Inner Boundaries - Part 1 - Sections 1 to 4 (referred to here as ‘The Topic Paper’)

The Proposal Site assessed in this report was included as a Preferred Option Site (792) submitted for Preferred options Consultation 2013. The Topic Paper presented a review of the Green Belt boundaries and how they accord with Green Belt function expressed in the NPPF, amalgamated sites where they abutted an identified Green Belt boundary, and the assessments of the potential impacts on Green Belt function were considered in the Topic Paper for the amalgamated sites.

This assessment has been prepared for the Proposal Site alone, not as part of a wider amalgamated site in order to ascertain whether it is considered that the Proposal Site would have less impacts on Green Belt function than those described within the Topic Paper for the wider amalgamated areas. This assessment has sought to establish whether there are differences between the Proposal Site and the wider amalgamated area, and whether these have an impact on how assessment of Green Belt function.

This assessment concludes that the site performs Green Belt function to a much lesser degree than the York Topic Paper assessment for the wider amalgamated areas, as described in Section 1 - Boundary 5 (Eastern Edge to the Rear of The Gallops) and Boundary 6 Foxwood Lane and Askham Lane).

This Review has considered the Proposal Site with criteria set out in the York Topic Paper, and considers the following with regard to Green Belt Function:

### Purpose 4: Preserving the setting and special character of historic towns

Much of the York Topic Paper assessment criteria used in establishing the relationship of the setting of York as a compact historic town appears to have been based on Annex 1 - Evidence 13a, as this is constantly referenced throughout the Topic Paper. An extract of which has been produced in this report (Figure 7), from which it can be noted that there is a light blue line from York Minster in the rough direction of Tadcaster, and is described as a ‘General View’, not a Key View or Panoramic View. It was not possible to obtain an example of the ‘type’ of view that this was meant to represent, however as part of this assessment by TPM Landscape the roads and footpaths in the vicinity of this potential ‘General View’ were visited, and the views from these locations are included in this report in Views V5 to V11. There were no locations from beyond the Outer Ring Road to the west of York where it was possible to obtain a view of the Minster or even of the city edge. Consequently there are no locations where development of the Proposal Site would impact on the views of York or the Minster from beyond the Outer Ring Road. This is particularly relevant of the Proposal Site, which is contained by high hedgerows on Askham Lane and to the adjacent agricultural land to the south, to a greater degree than the wider amalgamated sites which were considered in the York Topic Paper.

For the above reasons, it is considered that the with regard to ‘preserving the setting and special character of historic towns’, the land of the Proposal Site would have

substantially impact than was assessed for the amalgamated sites considered within the York Topic Paper. Furthermore, and contrary to the findings of the York Topic Paper assessment, it is not considered that the Proposal Site is located in an area which is sensitive as part of a wider view of a dense compact city in an open rural landscape, and does not contribute to understanding the original siting and context of York Minster, and development of the site would not impact on views of York Minster from the wider landscape to the west of York.

For the above reasons, it is considered that removal of the Proposal Site would not significantly reduce Green Belt function with regard to Purpose 4: Preserving the setting and special character of historic towns.

### Purpose 1: To check the unrestricted sprawl of large built up areas

The Proposal Site is located directly adjacent to the rear gardens of the properties of Stirrups Close, which forms a weak green belt boundary (defined by the NPPF para 139 (f)), and is not defined by strong features such as roads, rivers, or hedgerows. Were the site to be removed from the Green Belt then the new Green Belt boundary would be formed with Askham Lane, which is lined by thick and tall intact hedgerow and would therefore create a much stronger and permanent Green Belt boundary.

It is therefore considered that removal of the Proposal Site from the Green Belt would allow only very minor expansion of the existing settlement, however would result in a more resilient and permanent Green Belt boundary.

### Purpose 3: Safeguarding the Countryside from Encroachment

The southern Proposal Site boundary comprises intact hedgerow which is a natural boundary which means that the land is contained. The land of the Proposal Site is topographically different to the land directly adjacent to the south, as the slope is orientated to the existing settlement, whereas the land to the south is on a slope which faces the open countryside to the west. The difference between the land for the Proposal Site and the adjacent land to the south can be observed in Views V1 and V2 of this report.

For the above reason it is considered that the Proposal Site performs substantially less Green Belt function with regard to Purpose 3 (Safeguarding the countryside from encroachment), than the much wider amalgamated sites which were considered in the York Topic Paper review of Green Belt

### Permanence

The York Topic Paper has made reference to the existing Green Belt boundary follows a historic alignment of a settlement line which the Topic Paper states as being of relevance to its current permanence, referencing historic mapping from 1852. A review of historic mapping (See Figure 5 of this report), indicates that all the land in the vicinity of the site was historically farmland, and that there is not historic pattern of the Green Belt which would add to its permanence in this location.

Additionally, and as mentioned in Purpose 3, it is considered that the existing boundary

with Stirrups Close is weak, and contrary to Para 139 (f) of the NPPF which states that when defining Green Belt boundaries, plans should ‘define boundaries clearly, using physical features that are readily recognisable and likely to be permanent’.

This assessment considers that the hedgerow lined boundary of Askham Lane is a much clearer, boundary defined by a physical and readily recognisable boundary.

For the above reasons, it is considered that the Proposal Site performs Green Belt function to a much lesser degree than has been assessed for the amalgamated Preferred Options sites assessed in York City Council Topic Paper 1: Approach to defining York’s Green Belt Addendum (2021) Annex 3: Inner Boundaries.

Furthermore, it is considered that removal of the site from the Green Belt would result in a more permanent Green Belt boundary with Askham Lane.

**From:** [REDACTED]  
**Sent:** 07 July 2021 01:44  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, INDIVIDUAL - reference: 205834

## Local Plan consultation May 2021

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

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

---

## About your comments

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

---

## Your personal information

**Title:** Mrs.

**Name:** Janet Hopton

**Email address:** [REDACTED]

**Telephone:** [REDACTED]

**Address:** [REDACTED]

---

## Key Evidence and Supporting Documentation

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

---

## Your comments: Legal Compliance of the document

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

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

**Please justify why you do not consider the document to be legally compliant:** Reference: Upper Poppleton/Nether Poppleton. Green Belt. Boundary 2. Related plan: 2005 Local Plan showing Upper Poppleton/Nether Poppleton Village Settlement Boundaries. The new Village Settlement Boundary will be different from that of the Poppleton Neighbourhood Plan adopted by City of York Council 2017.

---

## **Your comments: Duty to cooperate**

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

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

**Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:** Although this Duty is with other local authorities and key organisations, it is surprising that a pre-consultation was not also carried out with Upper Poppleton and Nether Poppleton Parish Councils and their Poppleton Neighbourhood Plan committee, considering this Plan has been adopted as a Planning document for Development Control.

---

## **Your comments: Whether the document is ‘sound’**

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

**Please justify why you consider the document to be sound:**

**Please justify why you do not consider the document to be sound:** Reference Boundary 2 Green Belt Upper Poppleton/Nether Poppleton. Differing protections are proposed for the sites which together form the important open green wedge along this boundary, between Blairgowrie and All Saints Church, allocated as Open Space within the village settlement limit in the 2005 Local Plan. All are in the Upper Poppleton Conservation Area. These sites have now been put into the Green Belt with the exception of Blairgowrie and the adjacent Field with its Barn, behind the Surgery, which remain within the village settlement boundary. No explanation is given and there is no justification for treating them differently. Whilst the other sites in the wedge have strengthened their protection with Green Belt status, this different treatment leaves these two sites with weaker protection, more vulnerable to future housing development proposals from which they have been protected for almost thirty years. I have been aware of Blairgowrie’s vulnerability since 1995 when on [REDACTED], and later, as a [REDACTED]. It is difficult to understand why Blairgowrie and the Field are treated differently. Blairgowrie is listed as a Housing Allocation in the Poppleton Neighbourhood Plan, but makes it clear that one dwelling only is acceptable. This does not, therefore, preclude Blairgowrie being included in the Green Belt with the other Open Space sites.

---

## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:** The sites comprising the Open Space wedge in the 2005 Local Plan should be treated the same, with the same level of protection: either all put into the Green Belt or all kept within the Village Settlement Boundary. If in the Green Belt, the different village settlement boundaries shown in the new Local Plan and the Poppleton Neighbourhood Plan will have to be resolved.

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

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

---

## **Supporting documentation**

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

---

**From:** [REDACTED]  
**Sent:** 07 July 2021 06:56  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 205844  
**Attachments:** WPC\_Local\_Plan\_consultation\_response\_July\_2021.pdf

## Local Plan consultation May 2021

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

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

---

## About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

---

## Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

---

## Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Approach to defining Green Belt Addendum January 2021 (EX/CYC/59)

---

## Your comments: Legal Compliance of the document

**Do you consider the document to be legally compliant?:** Yes, I consider the document to be legally compliant

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

**Please justify why you do not consider the document to be legally compliant:**

---

## **Your comments: Duty to cooperate**

**Do you consider the document to comply with the Duty to Cooperate?:** Yes, I consider the document to comply with the Duty to Cooperate

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

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

---

## **Your comments: Whether the document is ‘sound’**

**Do you consider the document to be ‘sound’?:** Yes, I consider the document to be sound

**Please justify why you consider the document to be sound:** See attached

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

---

## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:** Not applicable.

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

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

---

## **Supporting documentation**

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

WPC\_Local\_Plan\_consultation\_response\_July\_2021.pdf

---



Planning Inspectorate

By email: localplan@york.gov.uk

7 July 2021

Re: City of York Local Plan Proposed modifications

Dear Sir/Madam,

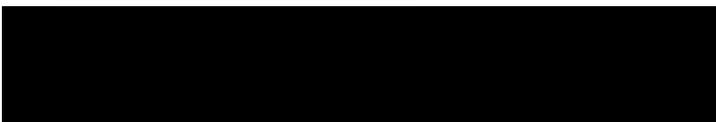
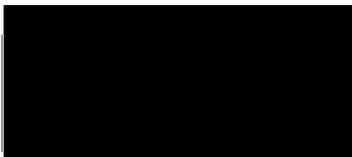
At its meeting of 23 June 2021 Wigginton Parish Council resolved to support the City of York Local Plan Proposed Modifications.

The City of York has very special circumstances. It is a compact historic city surrounded by the green belt and views of the Minster. Wigginton Parish Council considers it of the utmost importance that the local plan is adopted in order for the green belt to be afforded protection. The delineation of the green belt is supported by Wigginton Parish Council.

The Local Plan's relatively low housing numbers would protect the green belt against further encroachment and would ensure that brownfield will be developed first.

In conclusion, Wigginton Parish Council considers that the City of York Local Plan should be adopted at the earliest opportunity.

Yours faithfully



**From:** [Redacted]  
**Sent:** 05 July 2021 11:52  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 205186

## Local Plan consultation May 2021

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

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

---

## About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

---

## Organisation or group details

Title: [Redacted]

Name: [Redacted]

Email address: [Redacted]

Telephone: [Redacted]

Organisation name: [Redacted]

Organisation address: [Redacted]

---

## Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary Part 2 Sections 5 to 6 (EX/CYC/59d)

---

## Your comments: Legal Compliance of the document

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

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

**Please justify why you do not consider the document to be legally compliant:** Page 16 Sites 18 - 68. Proposed housing on land adjacent to A1237 and junction with this and Haxby Road. Where will the access roads be?

---

## **Your comments: Duty to cooperate**

**Do you consider the document to comply with the Duty to Cooperate?:** Yes, I consider the document to comply with the Duty to Cooperate

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

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

---

## **Your comments: Whether the document is ‘sound’**

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

**Please justify why you consider the document to be sound:**

**Please justify why you do not consider the document to be sound:** Document is not fit for purpose. Does not show good judgement relating to H46 PM81. Not justified.

---

## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:** Keep this area of land as the last area of open space in the historic garden village of New Earswick.

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

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

---

## **Supporting documentation**

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



**From:** [REDACTED]  
**Sent:** 05 July 2021 12:02  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 205200

## Local Plan consultation May 2021

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

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

---

## About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

---

## Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

---

## Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary Part 2 Sections 5 to 6 (EX/CYC/59d)

---

## Your comments: Legal Compliance of the document

**Do you consider the document to be legally compliant?:** Yes, I consider the document to be legally compliant

**Please justify why you consider the document to be legally compliant:** Consultation process undertaken.

**Please justify why you do not consider the document to be legally compliant:**

---

## **Your comments: Duty to cooperate**

**Do you consider the document to comply with the Duty to Cooperate?:** Yes, I consider the document to comply with the Duty to Cooperate

**Please justify why you consider the document to be in compliance with the Duty to Cooperate:** Consultation process.

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

---

## **Your comments: Whether the document is ‘sound’**

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

**Please justify why you consider the document to be sound:**

**Please justify why you do not consider the document to be sound:** This is the only remaining area of open land in the historic garden village of New Earswick. There have been numerous objections to this area being developed during the process of the development of the Local Plan. Traffic congestion is a major concern and the loss of public amenity space. The urban development will mean that there is only a brief view of open land from the A1237. Inconsistent with the green belt being reduced.

---

## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:** This area known locally as the Old School Field should remain as open land for the benefit of the residents and visitors to the historic garden village of New Earswick.

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

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

---

## **Supporting documentation**

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

---

**From:** [REDACTED]  
**Sent:** 07 July 2021 13:38  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 205986

## Local Plan consultation May 2021

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

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

---

## About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

---

## Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

---

## Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary Part 2 Sections 5 to 6 (EX/CYC/59d)

---

## Your comments: Legal Compliance of the document

**Do you consider the document to be legally compliant?:** Yes, I consider the document to be legally compliant

**Please justify why you consider the document to be legally compliant:** Consultation has taken place.

**Please justify why you do not consider the document to be legally compliant:**

---

## **Your comments: Duty to cooperate**

**Do you consider the document to comply with the Duty to Cooperate?:** Yes, I consider the document to comply with the Duty to Cooperate

**Please justify why you consider the document to be in compliance with the Duty to Cooperate:** Consultation process.

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

---

## **Your comments: Whether the document is ‘sound’**

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

**Please justify why you consider the document to be sound:**

**Please justify why you do not consider the document to be sound:** Strong objections to this proposed development of H46/PM81. Not sound or justified for the historic garden village of New Earswick. Page 21 Emerging Local Plan as potential housing site. Already a presumptive application for 117 properties on this last remaining area of open land. A significant construction of 104 units is under way within the Parish. This is not sustainable development. Text pages 16/19/20/21 all have contradictions to the area being developed. Therefore, not sound or justified for the garden village.

---

## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:** That this last remaining area of open land in New Earswick should not be included for development.

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

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

---

## **Supporting documentation**

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

---

**From:** [REDACTED]  
**Sent:** 07 July 2021 12:01  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 205935  
**Attachments:** City\_of\_York\_Local\_plan\_Consultation\_July\_2021.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

## Local Plan consultation May 2021

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

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

---

## About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

---

## Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

---

## Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 1 Evidence Base (EX/CYC/59a)

## **Your comments: Legal Compliance of the document**

**Do you consider the document to be legally compliant?:** Yes, I consider the document to be legally compliant

**Please justify why you consider the document to be legally compliant:** It meets Government requirements.

**Please justify why you do not consider the document to be legally compliant:**

---

## **Your comments: Duty to cooperate**

**Do you consider the document to comply with the Duty to Cooperate?:** Yes, I consider the document to comply with the Duty to Cooperate

**Please justify why you consider the document to be in compliance with the Duty to Cooperate:** it meets Government requirements.

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

---

## **Your comments: Whether the document is 'sound'**

**Do you consider the document to be 'sound'?:** Yes, I consider the document to be sound

**Please justify why you consider the document to be sound:** As with earlier submissions of the York Local Plan it meets Government requirements

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

---

## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or 'sound':** We agree with the minor changes to the green belt in the Huntington area.

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

**If you do wish to participate at hearing sessions, please state why:** As Councillors for Huntington and New Earswick it is our elected responsibility to represent them.

---

## **Supporting documentation**

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

City\_of\_York\_Local\_plan\_Consultation\_July\_2021.docx

---

# City of York Local plan Consultation July 2021

**Cllrs Keith Orrell, Carol Runciman and Chris Cullwick,  
Huntington and New Earswick Ward.**

## **Huntington**

We support the minor changes to the green belt boundaries in the latest Local Plan proposals for Huntington.

We would also confirm the objections we have made to previous Local Plan consultations with reference to the land described as Huntington South Moor and ST18. There has been a recent application to develop 300 houses on this land before the Local Plan has been examined. Despite the restrictions of covid 19 residents from across Huntington have objected to this application.

Some of the objections refer to -

- That with the development of the Vangarde retail park, the Community Stadium retail complex and the extension of the park and ride facility this is only area of green land in south Huntington.
- The Vangarde retail park has increased the volume of traffic considerably throughout Huntington.
- The Community Stadium retail complex will now further increase traffic particularly on match days. Additionally as the Stadium is designated for community use and the sports and retail facilities will be in use 7 days a week traffic levels will increase 7 days a week.
- The area suffers from poor drainage and has sewerage problems. There have been occasions when raw sewage has spewed into gardens and drives.

As Ward Councillors we believe residents of this area have already had to cope with more than is reasonable in terms of development in this part of Huntington and it would be inequitable for them to have to have yet another development in their area. As one resident put it to us during a previous consultation “enough is enough.”

We therefore believe this land is not suitable for housing development.

It is worth noting that Huntington has had considerable development in recent years with 3 housing developments, the Vangarde shopping development and the Stadium retail complex. All this development has considerably increased traffic in our area and the pressures on our services.

In addition ST8, land off Monks Cross Link Road, is designated for nearly 1000 houses which would add further pressures on all our infrastructure. This is currently green belt land and was added to the Local Plan to meet Government housing number requirements. It does, however, act as a water retention area with parts being under water at times of heavy rainfall and for long periods during winter months. In terms of overall flood management for the York area it would be preferable for this land to be retained as green belt should housing number requirements be reduced.

The Huntington Neighbourhood Plan which was recently approved by Huntington residents in a Referendum is in line with the Local Plan proposals.

## **New Earswick**

Ward councillors are aware that there are strong objections to any possible development on The Old School Field, Willow Bank, New Earswick (H14). Both local residents and the members of New Earswick Parish Council are concerned about the potential traffic congestion on what is already a busy road, especially when children are going into and out of Joseph Rowntree School and also the tail backs caused by traffic travelling towards Haxby when the railway crossing to the North of the site on the other side of the ring road closes. Any building on the Old School Field site will create access and ingress issues unless the allotments are sacrificed, and they are a well-used and much appreciated local facility.

It is also pointed out that building on this site will create the appearance of continuous urban development from the ring road all the way through New Earswick. This area was designed by Joseph Rowntree as a garden village, the concept of which seems to have been lost with recent developments although it is mentioned in the LP documents.

There are serious concerns about flooding as houses to the north of New Earswick just before reaching the Ring Road suffered serious flooding in recent years and the Old School Field itself is well known for flooding particularly in the area nearest the school.

This concern re flooding was confirmed by Richard Wells, Senior Flood Risk Manager at City of York Council in reference to a recent application to build 118 properties on this land. Concluding his assessment Richard wrote

**“On the basis of our above comments we are unable to recommend the granting of planning permission.”**

Richard Wells | Senior Flood Risk Engineer  
Email only: [richard.wells@york.gov.uk](mailto:richard.wells@york.gov.uk)

We therefore believe that as Huntington and New Earswick has had considerable development in recent years further development in our area should be kept to a minimum.

Cllrs Keith Orrell, Carol Runciman and Chris Cullwick

July 5<sup>th</sup> 2021

**From:** [REDACTED]  
**Sent:** 06 July 2021 20:12  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 205807  
**Attachments:** DPC\_Response\_to\_CYC\_Local\_Plan\_6\_July\_2021\_2\_.pdf

## Local Plan consultation May 2021

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

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

---

## About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

---

## Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

---

## Key Evidence and Supporting Documentation

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

---

## Your comments: Legal Compliance of the document

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

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

**Please justify why you do not consider the document to be legally compliant:** Not sufficiently qualified to comment.

---

## **Your comments: Duty to cooperate**

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

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

**Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:** Not sufficiently qualified to comment.

---

## **Your comments: Whether the document is ‘sound’**

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

**Please justify why you consider the document to be sound:**

**Please justify why you do not consider the document to be sound:** Not sufficiently qualified to comment.

---

## **Your comments: Necessary changes**

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

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

**If you do wish to participate at hearing sessions, please state why:** To further enhance and qualify our comments.

---

## **Supporting documentation**

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

DPC\_Response\_to\_CYC\_Local\_Plan\_6\_July\_2021\_2\_.pdf



# Dunnington Parish Council

Forward Planning Team  
City of York Council  
West Offices  
Station Rise  
YORK  
YO1 6GA

6 July 2021

Dear Sir/Madam

**York Local Plan  
Proposed Modifications and Evidence Base Consultations (2021)  
Topic Paper 1: Approach to Defining York's Green Belt - Addendum (2021)  
Annex 4: Other Developed Areas**

Dunnington Parish Council wishes to express its very strong objections to the proposed changes to the Green Belt boundary so far as it effects the village itself as shown on page A4:65 of the above Topic Paper.

This proposed boundary change has obviously been brought about to conveniently retrospectively accommodate the outstanding planning application 20/01626/FULM on Eastfield Lane which is known as H31. Dunnington Parish Council also strongly objected to this planning application and still maintains the same position.

The proposed boundary change contradicts existing planning policy and guidelines:

- The site meets the requirements as set out in the paragraph 134 on Green Belt purposes in the National Planning Policy Framework (NPPF). The NPPF makes it clear that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also explicitly states that once established, Green Belt boundaries should only be altered in exceptional circumstances. There are no exceptional grounds to justify the removal of the site from the Green Belt. It continues to perform strongly against all the five Green Belt purposes as set out in the National Planning Policy Framework; in

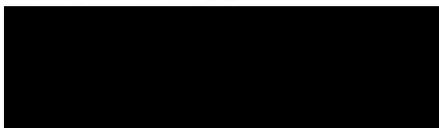
particular, to check the unrestricted sprawl of large built-up areas; to assist in safeguarding the countryside from encroachment and maintain open countryside; to preserve the setting and special character of historic towns and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- NPPF Paragraph 136 advises that when reviewing Green Belt boundaries local planning authorities need to promote sustainable patterns of development which should be taken into account. Its removal from the Green Belt and allocation for housing will be contrary to this aim. It is a greenfield site, on the edge of a village, and in an unsustainable and rural location. Its development would cause significant harm to the character, appearance, amenity, biodiversity and heritage of the village which has limited services. It would not promote sustainable transport choices as, for example, its location will mean that journey by car will be the primary means of travel should it be developed. It is simply not a suitable or sustainable location for development.
- The Green Belt boundary here and more widely has been drawn around the built-up part of Dunnington. This green field is physically and functionally separate and distinct from the main built up part of the village and represents accessible and attractive countryside. The existing boundary is sensible, defensible and long established. The proposed intrusion into the countryside represents urban sprawl and undermines the existing logical Green Belt boundary.
- The NPPF further advises in paragraph 136 that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified. For the reasons stated above and other sound and compelling reasons we do not consider that this modification has been fully evidenced and justified.

Dunnington Parish Council cannot and will not support this proposed change to the Green Belt boundary and therefore submit that there should not be any change at all made to the Green Belt boundary as it presently exists especially at this location.

Dunnington Parish Council however supports the proposal for the Green Belt boundary in respect of Derwent Valley Industrial Estate as shown on page A4:48.

Yours faithfully



**From:** [REDACTED]  
**Sent:** 06 July 2021 11:57  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 205588  
**Attachments:** ST7\_JULY\_2021.docx

## Local Plan consultation May 2021

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

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

---

## About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

---

## Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]  
[REDACTED]

---

## Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Housing Needs Update September 2020 (EX/CYC/43a)

---

## Your comments: Legal Compliance of the document

**Do you consider the document to be legally compliant?:** Yes, I consider the document to be legally compliant

**Please justify why you consider the document to be legally compliant:** It has been prepared to Statutory Regulations

**Please justify why you do not consider the document to be legally compliant:**

---

## **Your comments: Duty to cooperate**

**Do you consider the document to comply with the Duty to Cooperate?:** Yes, I consider the document to comply with the Duty to Cooperate

**Please justify why you consider the document to be in compliance with the Duty to Cooperate:** The New Local Plan has been prepared in line with the Duty to Cooperate Statement

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

---

## **Your comments: Whether the document is ‘sound’**

**Do you consider the document to be ‘sound’?:** Yes, I consider the document to be sound

**Please justify why you consider the document to be sound:** The plan is in line with NPPF 4 tests

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

---

## **Your comments: Necessary changes**

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

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

**If you do wish to participate at hearing sessions, please state why:** Murton village will be greatly affected by traffic issues relating to the development of ST7

---

## **Supporting documentation**

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

ST7\_JULY\_2021.docx



## ST7: Consequences of enhanced traffic on Murton Parish

Among the planning policies in the NPPF<sup>1</sup> which most concern Murton Parish are those relating to transport that:

- *support ‘an appropriate mix of uses across an area, and within larger scale sites, to minimize the number and length of journeys needed for employment ; • ensure that there is ‘active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned’;*
- *‘identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development’;*
- *‘provide for high quality walking and cycling networks and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans)’*

The village of Murton is in the centre of the Parish and is served by three roads, Murton Way (from Osbaldwick), Murton Lane (from the A166 York-Stamford Bridge Road) and Moor Lane (from Holtby, Stockton on the Forest and York). All three are narrow single carriageway roads with fast traffic.

Replies to six questionnaires used during the consultation period for the development of our Neighbourhood Plan indicate that the volume and speed of traffic is arguably the most contentious issue for residents. For example, 95% of the village resident response showed concern about speeding along Murton Way and 92% in the village itself. The free responses, where residents could add further comments to their answers, may be even more indicative of

---

<sup>1</sup> National Planning Policy Framework Ministry of Housing, Communications and Local Government. February 2019 Paragraph 104

this concern. 51% cited traffic speed and 36% chose other traffic issues. Likewise, traffic dominated the concerns of residents of dwellings on the southern periphery of the Parish. For example, 80% of the residents in Tranby Avenue are highly concerned or concerned about speeding traffic and well over half the whole population in this area is concerned about speeding along the A1079 Hull Road.

While these specific concerns are outside the competence of the Neighbourhood Plan, the concerns are pertinent to development and thus the Local Plan. Although the Parish is not itself contributing significantly towards increasing the housing stock in York, the Parish abuts two significant developments, Land East of Metcalfe Lane (ca 845 dwellings) (ST7<sup>2</sup> and Land adjacent to Hull Road (ca 211 dwellings) (ST4). To give some perspective, the former has about six times the number of dwellings in the village and three times of that of the whole Parish, which will inevitably lead to increased traffic in the Parish. The development East of Metcalfe Lane will be the more significant, with vehicular access 'planned from Stockton Lane to the north of the site and/or Murton Way to the south of the site with a small proportion of public transport potentially served off Bad Bargain Lane. Access between Stockton Lane and Murton Way will be limited to public transport and walking/cycling links only'.

There are statements that 'high quality, frequent and accessible public transport services through the whole site will be sought enabling upwards of 15% trips to be undertaken using public transport'. It is the other 85% that concerns the Parish. Although it is likely that the impact on the Parish will be

---

<sup>2</sup> City of York Local Plan Pre-Publication Draft Regulation 19 Consultation, February 2018 Policy SS 9 p 243

less than on neighbouring parishes, it will provide severe added strain on the village roads in the Parish, principally Murton Way and Murton Lane. In a Planning Inspectorate report in 2016, in which traffic was of major concern, the Inspector's report notes that the data produced by the City of York Council on traffic flows along Murton Way are both sparse and old (dating back to 2003).'

It is not possible to comment further in any meaningful way as the precise access points from the proposed developments are not indicated, as the emerging City of York Local Plan simply says that they 'will need to be assessed in more detail'. Further, it is noted that 'Travel planning measures may reduce the motor vehicle trip generation but adequate transport links will need to be in place to make such measures effective'. This is against a background in which Murton village has only 3 buses a day into York, except for Sundays when there are none. If access were to be from Murton Way, substantial improvements would be needed to the road for the safety of cyclists and pedestrians and in the interests of local residents<sup>3</sup>. Its increased use will then have grave implications for the wider network of rural roads in the area.

The viability of the larger development (ST7) depends on a ***robust and independent***<sup>4</sup> transport assessment in relation to this site. Indeed, the survey must address the potential impact on the wider network of rural roads on the east side of York before any decision about this site can be made. The problem crystallizes when the authors of the emerging City of York Local Plan write that '...level of improvement required, including the associated

---

<sup>3</sup> City of York Local Plan Annex 19 Site Selection Paper 147

<sup>4</sup> Please refer to Planning Inspectorate Report APP/C2741/W/15/3135274

improvements/upgrades to junctions, carriageways and footpath widths etc.<sup>5</sup> will be informed by a traffic assessment. With that, the rural vision for our Parish disappears.

The emerging Local Plan also recognises that Murton is on the National Cycle Network, Route 66, heavily used both by leisure cyclists and commuters although two of the three narrow rural roads to and from the village do not have footpaths and the third has a width that only allows walking in single file. At peak times there is a heavy and constant flow of traffic which conflicts with pedestrians, cyclists and horse riders and much of the road system is derestricted. ST7 is likely to contribute further to the problems that cyclist face in the Parish.

---

<sup>5</sup> City of York Local Plan Pre-Publication Draft Regulation 19 Consultation February 2018 p47 para 3.49

**From:** [REDACTED]  
**Sent:** 06 July 2021 09:49  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, INDIVIDUAL - reference: 205511

## Local Plan consultation May 2021

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

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

---

## About your comments

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

---

## Your personal information

**Title:** DR

**Name:** ALISON STEAD

**Email address:** [REDACTED]

**Telephone:** [REDACTED]

**Address:** [REDACTED]

---

## Key Evidence and Supporting Documentation

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

---

## Your comments: Legal Compliance of the document

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

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

**Please justify why you do not consider the document to be legally compliant:** At no point during the original (and now new) Local plan has there been direct consultation and co-operation between CYC officials and with Elvington parish council, the statutory body elected by Elvington residents. The document is Not legally compliant with respect to Duty to co-operate and Consistent with national policy ( further details provided in appropriate sections).

---

## **Your comments: Duty to cooperate**

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

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

**Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:** At no point during the original (and now new) Local plan has there been formal co-operation with Elvington parish council, the statutory body elected by Elvington residents. I am not aware of any formal visit by CYC officials to the village to establish the situation on the ground: inferences seem to have been taken from the observation of Google maps rather than the working of the village in reality. There are key residential areas to the west of the village centre and I believe that the building of residential houses between the two areas would help coalesce the Elvington community as a whole. The CYC proposal in this Greenbelt addendum would impose a formal division of the village against the wishes of the community. The inset should run the length of the village from Sutton bridge to The Conifers ( at Wheldrake lane).

---

## **Your comments: Whether the document is ‘sound’**

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

**Please justify why you consider the document to be sound:**

**Please justify why you do not consider the document to be sound:** Test 1: Not positively prepared. The CYC has presented a view on how the village should grow without taking into account the social interactions already existing between the north and south ends of the village and how these could be enhanced. Test 2: Not justified . CYC has proposed Site 95 Elvington (allocated as H39) for removal from the greenbelt, in order to add a number of dwellings to the existing residential estate. This has been both proposed by CYC in a previous Local plan and examined and rejected by the Inspector. It would make the existing residential estate too large for a single exit and the site is contiguous with Church Lane, Elvington, part of which is in the Conservation area [Annex 1, Evidence 16] and which is referred to in the CYC plan as 'an integral part of the character of the village. In addition the hedgerow of Church Lane is a designated SINC ( E50 ) in the York Biodiversity Action plan for Life. I do not understand why this site is being proposed again: the arguments against it remain the same. The originally proposed Site 55 would be a more suitable site with space for more houses (Former H26, sited next to Elvington primary school). I, along with many other residents and the Parish Council , supported this site but it was not accepted by CYC despite having been originally "set aside" for development from the days of Selby DC. CYC reasoning for not including this site is based on the erroneous supposition that

this site provides the break between the residential and non residential ( so called 'outlying Business Park' ) parts of Elvington village. This is not borne out by fact and therefore is not justified. There are significant residential areas and amenity activities of the village in the area west of Boundary 1 including the medical centre, sports and social club and playing fields as well as a poorly maintained woodland with derelict RAF munitions stores. My comments on Site 55 depend on any further development of ST15, this proposed 159ha "Garden Village", with 3339 dwellings, currently abuts Elvington Parish Boundary. Given the size, if Site 55 goes ahead then there seems to be no justification for building in Elvington. The CYC plan acknowledges the importance of Elvington in retaining its rural character, and thus making a contribution to the overall York environment, with 'it's clockface of smaller compact villages'. Test 4: Not Consistent with national policy: The proposal to remove SP1 from Greenbelt (to which I have previously objected) elsewhere in the Plan does not comply with the National Planning Policy Framework specifically "Policy E: Traveller sites in Green Belt" of the Planning policy for Traveller sites. This states that "Traveller sites (definition includes travelling show people) (temporary or permanent) in the Green Belt are inappropriate development." The planning inspector who granted a temporary consent on site SP1 said there were no exceptional circumstances why SP1 should be given a permanent consent and CYC should find suitable alternative sites which they haven't done and this is now the exceptional circumstance!

---

## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or 'sound':** The inset for Elvington should be extended to cover the village from The Conifers development through to Sutton Bridge, (see plan: EPC Green Belt Proposal) i.e. Boundary 1 should be extended west to the Conifers. ( =Appropriate wording for rewording of CYC Plan) This will ensure that the residential areas along this section of Elvington Lane will be joined into the core of the village along with the doctor's surgery, sports and social club and playing fields which all exist between the existing proposed Boundary 1 and the Conifers. This will make the plan sound as it will be based on the socio and geographical evidence in the village. The Boundary 3 should be refigured so that the conservation area designated along parts of church lane are in Green belt and not classified as inset. This will make the Plan sound bringing together conservation designations viz SINC (E50) designated in the York Biodiversity action plan and CYC green belt designations. Site 95 (Allocated as H39) should not be removed from the Greenbelt as it would spoil the quintessential rural nature of Church Lane and would render Beckside more of a large and disproportionately sized housing estate not in keeping with the rest of the village. Again this ensures soundness of the CYC Plan and follows previous rulings by the national Inspector. I and many other residents of Elvington village are however not opposed to appropriate development and Elvington PC has already proposed site H26 to be removed from the Green Belt as this offers the chance for more homes to be built of various sizes to cater for the demand for both starter and larger family homes which are under-represented within the village; development on this site would furthermore have virtually no visual impact upon the village and minimal environmental impact (including ease of walking children to school). SP1 to remain in the Greenbelt as it is not complaint with National planning policy.

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

**If you do wish to participate at hearing sessions, please state why:** I have extensive ecological knowledge of the hedgerow designated SINC (E50) in the York biodiversity action plan and which lies along church lane adjacent to the proposed building Site95 and which would be adversely affected by any dwellings put on that field.

---

## **Supporting documentation**

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

---

**From:** [REDACTED]  
**Sent:** 07 July 2021 12:06  
**To:** localplan@york.gov.uk  
**Subject:** Re: City of York local plan proposed modifications consultation - (2021)  
**Attachments:** Local Plan Proposed Modifications Consultation Response Form 2021-1.pdf

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Thank you for your reply. Please see attached completed form. I had to convert to pdf - hope it's ok.

best regards,

Alan Cook

On Wednesday, 7 July 2021, 11:02:32 GMT+1, localplan@york.gov.uk <localplan@york.gov.uk> wrote:

Dear Alan

Many thanks for your response to the consultation; we welcome your submission to us.

However, please could we request that you complete Part A and B of the response form (attached) - Part A is required to ensure we have your agreement as to how we will use the information provided in accordance with data protection and Part B must be completed for the representation to meet our regulations in relation to contact details for next stages of the process. We also encourage completion of Part C to include your answer submitted via email but if not, we will use the response you have submitted already.

Many thanks

**Forward Planning Team**

**City of York Council** | Directorate of Place

West Offices | Station Rise | York | YO1 6GA

[www.york.gov.uk](http://www.york.gov.uk) | [facebook.com/cityofyork](https://facebook.com/cityofyork) | [@CityofYork](https://twitter.com/CityofYork)

---

**From:** Alan Cook [REDACTED] >  
**Sent:** 07 July 2021 06:19  
**To:** localplan@york.gov.uk  
**Subject:** City of York local plan proposed modifications consultation - (2021)

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

**For the attention of :** [REDACTED]

Dear Sir,

I welcome the proposed modifications to the Green Belt boundary north of Murton Way and Osbaldwick Village (ref PM33 attached), which also includes part of my own back garden.

These modifications will preserve the environmentally valuable ridge and furrow fields known as Osbaldwick Meadows, in combination with the adjoining candidate SINC site, for the benefit of the local community and wildlife conservation. Many members of the public enjoy the open countryside when walking along the PRow footpath which crosses the fields.

The Revised Green Belt boundary will also serve to protect the fields from developments such as those currently proposed by developers. Plans have been prepared to construct a new road through the candidate SINC site and the ridge and furrow fields, to gain access to an expansion of the proposed ST7 housing development site (plans attached).

The road will also encroach on the Osbaldwick Conservation Area.

I agree with the outcomes in Topic Paper: Approach to defining York's Green Belt. Addendum (2021) Annex 3: Inner boundaries. Part 2: Sections 5-6 (copy attached).

*Purpose 1. It is necessary to keep land permanently open to prevent unrestricted sprawl.*

*Purpose 3. It is necessary to keep land permanently open to safeguard the countryside from encroachment.*

*Purpose 4. It is necessary to keep land permanently open to preserve the setting of the historic city*

I have no reason to believe the proposed modifications are not legally compliant.

I consider the proposed modifications have been positively prepared and are sound.

Yours faithfully,

Alan Cook

[Redacted signature block]

\*\*\*\*\*  
Help protect the environment! - please don't print this email unless you really need to.  
\*\*\*\*\*

This communication is from City of York Council.

The information contained within, and in any attachment(s), is confidential and legally privileged. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s), please note that any form of distribution, copying or use of this communication, or the information within, is strictly prohibited and may be unlawful. Equally, you must not disclose all, or part, of its contents to any other person.

If you have received this communication in error, please return it immediately to the sender, then delete and destroy any copies of it.

City of York Council disclaims any liability for action taken in reliance on the content of this communication.

City of York Council respects your privacy. For more information on how we use your personal data, please visit <https://www.york.gov.uk/privacy>

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

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.**

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

## Part A - How we will use your Personal Information

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

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

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

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination<sup>1</sup>. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

<sup>1</sup> Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17, 22, 35 & 36 Town and Country Planning  
Representations must be received by Wednesday 7 July 2021, up until midnight.  
Representations received after this time will not be considered duly made.

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

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

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

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

**How long will we keep the information:** The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan<sup>2</sup>. When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

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

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

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

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

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

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

Signature

Date

## PartB - Personal Details

Please complete in full; in order for the Inspectorsto consider your representationsyou must provide your name and postal address.

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

# Guidance note

## Where do I send my completed form?

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

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

You can also complete the form online at:

[www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation).

## What can I make comment on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

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

### **Do I have to use the response form?**

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each topic or issue you wish to comment on**. You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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

### **Can I submit representations on behalf of a group or neighbourhood?**

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part B of this form the group you are representing.

### **Do I need to attend the Public Examination?**

The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant. You can indicate if you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

### **Where can I view the Consultation documents?**

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

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

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

# Part C - Your Representation

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



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

Proposed Modification Reference:

policies map north-pm33  
topic paper 1

Document:

annex 3:inner boundaries

Page Number:

part 2: section 5-6

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes

No

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

Yes

No

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

I have no reason to believe it is not.  
I have no reason to consider it does not.

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared**- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified**– the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.



**Effective**– the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy**– the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes  No

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

(tick all that apply)

<b>Positively prepared</b>	<input checked="" type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
<b>Effective</b>	<input type="checkbox"/>	<b>Consistent with national policy</b>	<input type="checkbox"/>

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

Please use extra sheets if necessary

Please see my email.

8. (1)



**Plasesetoutanychange(s)youconsidernecessarytomaketheCity of YorkLocal Planlegallycompliantorsound, havingregardtothetestsyouhaveidentifiedatQuestion 7wherethisrelatesto soundness.**

You willneedtosaywhythismodificationwillmaketheplanlegallycompliantorsound.Itwill behelpfulifyoucouldputforwardyoursuggestedrevisedwordingofanypolicyortext and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

implement the proposed modifications

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

**9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No**, I do not wish to participate at the hearing sessions at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspectors by way of written representations.

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

**Please note:** the Inspectors will determine the most appropriate procedure to adopt to hear those who

have indicated that they wish to participate at the hearing session of the examination.



**From:** [REDACTED]  
**Sent:** 07 July 2021 15:55  
**To:** localplan@york.gov.uk  
**Cc:** [REDACTED]  
**Subject:** Local Plan Proposed Modifications Consultation  
**Attachments:** Response Form.pdf; 25859.A5.JRH.YLPProposedMods.210707.pdf

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon

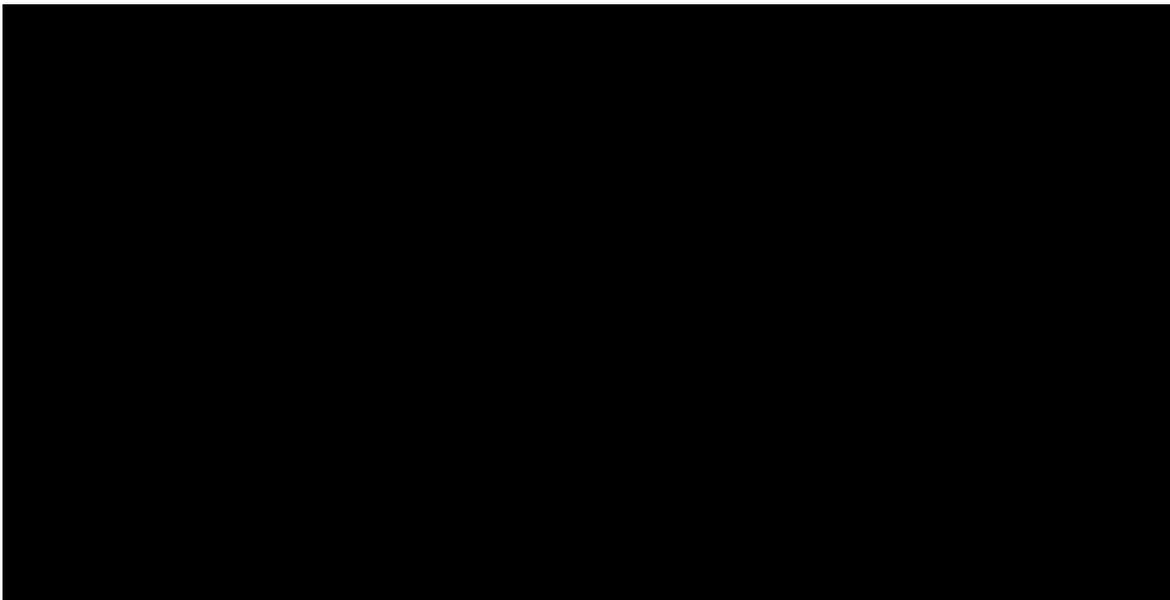
Please see attached for our representations on behalf of our client Barratt David Wilson Homes. The representations are submitted in response to the consultation which is currently open for the Proposed Modifications to the emerging York Local Plan. For reference the following is attached:

- Response Form
- Written representations (25859/A5/JRH/SN)

I would be grateful if you could please confirm receipt of the attached.

Regards

[REDACTED]



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

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.**

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

## Part A - How we will use your Personal Information

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

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

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

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination<sup>1</sup>. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

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

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

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

**How long will we keep the information:** The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan<sup>2</sup>. When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

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

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

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

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

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

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

Signature

Date

07/07/2021

## Part B - Personal Details

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

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

# Guidance note

## Where do I send my completed form?

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

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

You can also complete the form online at:

[www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation).

## What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

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

### **Do I have to use the response form?**

Yes please. This is because further changes to the plan will be a matter for a Planning Inspectors to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each topic or issue you wish to comment on**. You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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

### **Can I submit representations on behalf of a group or neighbourhood?**

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part B of this form the group you are representing.

### **Do I need to attend the Public Examination?**

The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant. You can indicate if you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

### **Where can I view the Consultation documents?**

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

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

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

# Part C -Your Representation

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



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

Proposed Modification Reference:

Document:

Affordable Housing Note – EX/CYC/36  
Audit Trail of Sites 35-100 Hectares (June 2020) – EX/CYC/37  
Housing Needs Update – EX/CYC/43a  
SHLAA update (April 2021) – EX/CYC/56  
Topic Paper 1 Addendum EX/CYC/59, 59a, 59d

Page Number:

## What does ‘legally compliant’ mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes

No

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

Yes

No

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

## What does ‘Sound’ mean?

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

## What makes a Local Plan “sound”?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes  No

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

(tick all that apply)

**Positively prepared**  **Justified**

**Effective**  **Consistent with national policy**

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

Please use extra sheets if necessary

Please refer to the attached written representations for further detail (reference: 25859/A5/JRH/SN). To summarise:

As per our previous representations, our client still has concerns regarding the Council's approach to establishing the area's housing requirements (EX/CYC/36, EX/CYC/43a, EX/CYC/56).

The Council's emerging trajectory also shows a housing shortfall over the plan period. As a result, either more sites need to be allocated, or more housing needs to be allocated sites which have already been identified as allocations. For example, the number of dwellings proposed under draft allocation ST14 (Land North of Clifton Moor) and draft allocation ST7 (Metcalfe Lane, Osbaldwick) should be increased.

In terms of the updates to the Green Belt assessment evidence base (EX/CYC/59, EX/CYC/59d), we note the updates referenced to the Council's methodology. Whilst we have no significant concerns regarding the methodology overall, it is clear that the methodology has not been applied correctly to some sites including our client's land at New Lane Huntington (ST11) and Metcalfe Lane, Osbaldwick (ST7). Representations relating to Land at Metcalfe Lane have been prepared on behalf of the developer consortium responsible for promoting the site which is included at Appendix A of the attached representations for reference.

Therefore as currently drafted, the plan is unsound as some of the draft policies and evidence base fails to meet the tests of soundness outlined in paragraph 35 of the NPPF. Our client therefore considers certain elements to be ineffective and deems the emerging Local Plan **unsound**.

We trust that our Clients comments will be duly considered and that we are able to discuss our **objections** and concerns further during future consultants and Examinations in Public.

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Increase the number of dwellings proposed at ST7 and ST14.

Allocate Land at New Lane, Huntington for 300 dwellings (previous reference ST11).

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

**9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspectors by way of written representations.

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

It is considered necessary to participate orally to allow the Inspector to ask any relevant questions in relation to ST7 and ST14.

**Please note:** the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

---

# **York Local Plan Proposed Modifications and Evidence Base Regulation 19 Consultation**

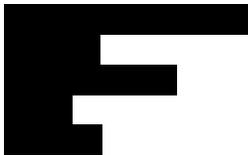
Prepared on behalf of  
Barratt and David Wilson Homes

July 2021

**York Local Plan  
Proposed Modifications and Evidence Base  
Regulation 19 Consultation**

**Prepared on Behalf of  
Barratt and David Wilson Homes**

<b>Status:</b>	Draft	Final
<b>Issue/Rev:</b>	01	02
<b>Date:</b>	July 2021	July 2021
<b>Prepared by:</b>	JRH	JRH
<b>Checked by:</b>	SN	SN
<b>Authorised by:</b>	SN	SN



Date: July 2021

COPYRIGHT

The contents of this document must not be copied or reproduced in whole or in part without the written consent of Barton Willmore LLP.

All Barton Willmore stationery is produced using recycled or FSC paper and vegetable oil-based inks.

## **Contents**

	<b>Page</b>	
1.0	Introduction	1
2.0	Updated Green Belt Assessment	2
3.0	Updated SHLAA and Housing Trajectory	13
4.0	Updated Housing Need	19
5.0	Updated Affordable Housing Need	20
6.0	Assessment of Sites over 35 Hectares	24
7.0	Summary	25

## **Tables**

1.1	Barratt's Sites in York
3.1	Breakdown of Unimplemented Consents
3.2	Housing Trajectory Timescales Comparison with Planning Application Stages
5.1	Council's Proposed Distribution of Affordable Housing

## **Appendices**

A	ST7 Developer Consortium Representations (June 2021)
---	--

## 1.0 INTRODUCTION

- 1.1 Barton Willmore has been instructed by Barratt David Wilson Homes (our Client) to make representations to the York Local Plan Proposed Modifications Consultation (Regulation 19) which is currently open until 07 July 2021.
- 1.2 As a national housebuilder and one of the main house builders within Yorkshire, our Client represents a key stakeholder and is keen to invest in the District with land interests in the sites set out in Table 1.1 below.

**Table 1.1: Barratt's Sites in York**

Site Address	Council's Reference	Site	Local Plan (2018) Preferred Options Status
Manor Heath, Copmanthorpe	ST12		Green Belt
Moor Lane, Copmanthorpe	H29		Allocation H29 for 88 dwellings
Riverside Gardens, Elvington	SF10		Green Belt
Eastfield Lane, Dunnington	H31		Allocation H31 for 76 dwellings
Metcalfe Lane, Osbaldwick	ST7		Allocation ST7 for 845 dwellings
New Lane, Huntington	ST11		Green Belt
North of Monks Cross	ST8		Allocation ST8 for 845 dwellings
North of Haxby	ST9		Allocation ST9 for 735 dwellings
North of Clifton Moor	ST14		Allocation for 1,348 dwellings

- 1.3 The remainder of this report sets out our Client's representations to the Proposed Modifications. As the draft Local Plan is at the publication stage of the plan making process, we also outline where the proposed policies and evidence base fails to meet the tests of soundness as set out in paragraph 35 of the National Planning Policy Framework (NPPF).
- 1.4 The representations are structured as follows:
- Section 2: Updated Green Belt Assessment
  - Section 3: Updated SHLAA and Housing Trajectory
  - Section 4: Updated Housing Need
  - Section 5: Updated Affordable Housing Need
  - Section 6: Assessment of Sites over 35 Hectares

## **2.0 UPDATED GREEN BELT ASSESSMENT**

- 2.1 The revised TP1 addendum seeks to clarify the position in relation to the Council's approach to defining the Green Belt following the Examination in Public held in December 2019. The Addendum also includes six appendices, which consider specific boundaries in more detail.
- 2.2 The Council's previous approach sought to allocate all land outside of the main urban areas as Green Belt, followed by demonstrating exceptional circumstances to remove land from that defined area in order to allocate it for housing or employment. This approach was considered unsound and subsequently confirmed by the Inspector.
- 2.3 The concerns raised by the Inspectors following the examination are clear to see in their correspondence. The guidance to the Council in what is required is also clear and is therefore not repeated in detail.
- 2.4 In setting the detailed boundaries the Council need to establish an inner boundary, an outer boundary, the boundaries for inset villages and also boundaries for new stand alone settlements. It is now an agreed position that the Council are setting the Green Belt boundaries for the first time, therefore exceptional circumstances are not required. In defining the boundaries for the first time, regard must be had to settlement policies (para 83 NPPF), promoting sustainable patterns of development (para 84 NPPF) and ensuring consistency with the Local Plan strategy for meeting identified requirements for sustainable development (para 85 NPPF).
- 2.5 Further to this the overarching principles of the five purposes of the Green Belt and not including land, which is not necessary to be kept permanently open must be considered, as is the need to ensure that boundaries endure beyond the plan period.

### **Section 5- Methodology**

- 2.6 There were clear concerns over the Council's previous methodology, the evidence behind the methodology and its application, particularly the detailed site assessments. Paragraph 5.6 of the TP1 addendum confirms that the Council has now 'simplified and clarified' its approach, together with explaining the link between the methodology and the site specific assessment. As a result of this, the Council have focussed on purposes 1, 3 and 4, to determine the most appropriate boundaries for the Green Belt.

### **Purpose 4 – Historic Character and Setting of York**

- 2.7 The Councils approach was and remains a binary approach, whereby all other land is considered to be suitable for Green Belt designation if not required for development, excluding the potential for white land and/or safeguarded land.
- 2.8 During the limited discussion at the examination on site specific matters, two sites were referenced on behalf of Our Client in this respect, ST7 Metcalfe Lane Osbaldwick and New Lane Huntington, a site proposed as Green Belt.
- 2.9 One of the main concerns raised previously related to land at New Lane Huntington, which was considered to have no impact on any of the purposes of including land in the Green Belt following the Stage 1 assessment, however due to the presence of a listed building and SAM was considered necessary to include within the Green Belt. This point was explicitly referenced in paragraph 47 of the Inspectors letter, dated June 2020, which noted the following:
- “It is difficult to see how, for example, the presence or absence of a listed building on a parcel of land is relevant to the question of whether or not it should be within or outside the Green Belt boundary. We acknowledge that there may be cases where this could be pertinent to the Green Belt purpose of “preserving the setting and special character of historic towns”. However, on the whole, it seems unlikely that the presence of such features would have a significant influence. The problem here, again, is that the assessment criteria do not have a clear and unequivocal connection to the Green Belt purposes.”**
- 2.10 Similarly ST7, whilst included as a draft allocation includes an area of land to the west of the allocation, which is proposed to retain as Green Belt. During the examination, this land was cited as necessary for development management purposes to protect heritage assets, which is very different to meeting the tests of the Green Belt.
- 2.11 In response to the criticisms of the previous work, the Council have now produced a new methodology. Paragraph 5.15 of the TP1 addendum now states that areas previously not identified in Figure 3 (a plan showing the areas necessary to remain open for heritage purposes) may still be important to the historic character and setting of York and that more detailed assessment was included in the Heritage Topic Paper, despite it predating the Green Belt Assessments.
- 2.12 Paragraph 5.20 notes that the Heritage Topic Paper identifies six principal characteristics of York and at 5.22 notes the most important in relation to the Green Belt are compactness, landmark monuments and landscape and setting. These three characteristics are therefore identified as being the most appropriate considerations for whether a site contributes to the historic setting of the city for Green belt purposes.

## **Section 8 – Defining Detailed Boundaries**

- 2.13 Following on from the newly introduced Heritage Topic Paper characteristics, paragraphs 8.11 – 8.30 seek to provide detail on the new assessment criteria and its application to individual sites.
- 2.14 Despite the clear guidance that heritage assets themselves are not considered an appropriate methodology for determining whether land should be included in the Green Belt, paragraphs 8.11 – 8.15 give detailed analysis of the way heritage assets should be considered, including buildings, monuments and landscapes. It is clear that the Council have previously allocated land as Green Belt due to the presence of heritage assets and the revised methodology seeks to retrospectively justify this through a new approach. Our Client **objects** to this and considers that any allocation of Green belt land due to the impact on a specific heritage asset, rather than the historic setting of the city is unsound.

### **Criteria 1 – Compactness**

- 2.15 As a principal theme, the Heritage Topic Paper (p39) considers compactness as a contained concentric form, identifying the outer ring road accentuating the city form and the walls enclosing the historic core. This is further defined as having long distance views in and out of the city core, including views of the Minster, arterial routes out of the city and a dense urban fabric. In terms of the settlement hierarchy, it notes identifiable compact districts within the city, urban villages with their own identity and planned rural villages.
- 2.16 In simple terms it defines a city that has grown from its historic core out to the outer ring road, made up of distinct compact districts, outlying settlements and planned smaller villages. This description fits with the Councils approach to allocating land on the edge of the city, within the ring road, defining and expanding the urban villages and identifying potential new settlements.
- 2.17 The Councils approach to this criteria provides three questions:
- 1.1 Does the land need to be kept permanently open as part of a wider view of a dense compact city or village in an open or rural landscape?
  - 1.2 Does the land need to be kept permanently open to maintain the scale or identity of a compact district or village?
  - 1.3 Does the land need to be kept permanently open to constrain development from coalescing or by maintaining a connection to open or historic setting?
- 2.18 These three questions broadly appear to meet the Heritage Topic Paper in considering wider views of the city or free standing settlement and ensuring that the defined hierarchy of

settlement and growth remains. As will be considered in individual site assessments it appears that the assessment of this criteria has not been carried in the simple manner intended.

### **Criteria 2 – Landmark Monuments**

- 2.19 Paragraph 8.24 notes that the city contains many important landmarks, buildings and monuments, including at 8.26 the Minster. Paragraph 8.27 however notes that other smaller buildings monuments and landmarks likewise add to the story and context of the city, as the openness of the setting and links the wider city setting may explain the reason for their placement or add to their significance. Herdsman huts, roman camps or boundary stones for example aid the understanding of the historical themes of the city, their original siting and context would have been governed by the open context of the area. Maintaining this openness aids understanding of the asset and enhances its significance. Each asset must be considered and assessed individually.
- 2.20 This in turn also results in three specific questions to consider if landmark monuments are impacted:
- 2.1 Does land need to be kept permanently open to understand the original siting or context of a building, landmark or monument?
  - 2.2 Does land need to be kept permanently open to understand the visual dominance, prominence or role of a focal point of the building, landmark or monument?
  - 2.3 Does the land need to be kept permanently open as part of the tranquillity, remoteness or wildness of the asset?
- 2.21 In order to fully understand these criteria, the Council should define what a landmark building is. In simple terms this would be considered a building of significant merit in a wide context or a building used to navigate a location in a town or city, rather than simply a heritage asset. For example, the Minster, Cliffords Tower or the city walls. To simply apply the tests to all heritage assets would diminish the description of landmark building.
- 2.22 Given the Councils revised methodology is based on the previously not reference Heritage Topic Paper it is appropriate for a guide to be taken from that document in relation to the application of these questions. In this respect, the table at pages 44-46 provides detailed examples of landmark buildings, none of which are simply listed buildings, buildings in conservation areas or Scheduled Monuments. The landmark buildings are almost if not exclusively within the walls of the historic city.

- 2.23 As referenced earlier, the Inspectors letter of June 2020 confirmed that the presence of a listed building on a site would have such a significant influence to require land to be included in the Green Belt.
- 2.24 In terms of these questions regard must be had to those definitions, however it is considered this is not the case and the definition of landmark buildings has been extended to include listed buildings. Question three provides no guidance on how the tranquillity of an asset will be assessed, no methodology for anyone to consider and is not relevant to the Green Belt purpose.
- 2.25 This was confirmed by the Inspector in absolute terms in writing to the Council in June 2020 and the Councils attempts to circumvent this through reference to vague and generalised impacts on assets is disappointing and frustrating. On this basis, the methodology is currently unsound and should be altered to focus on the setting of the historic city itself.

### **Criteria 3 – Landscape Setting**

- 2.26 The references to landscape setting in the Heritage Topic Paper predominantly referred to defined landscapes, very similar to those previously assessed by the Council and included in Figure 3. Notwithstanding this, the Council have identified two questions for the new assessment to consider:
- 3.1 Does the land need to remain permanently open to aid the understanding of the historical relationship of the city to its hinterland, particularly as perceived from open approaches?
  - 3.2 Does the land need to remain permanently open to aid the understanding or significance for the situation of a designated landscape, park or garden?
- 2.27 These questions are considered very generic, are subjective assessments and provide no guidance for assessment to be made. Question 3.2 is linked to heritage assets and the previous assessment, however question 3.1 is so open ended it essentially allows the decision maker to determine any land is necessary simply because it is on the edge of York. This is particularly true of the land at new Lane Huntington and Metcalfe Lane, Osbaldwick both of which are reference later in these representations.

### **Purpose 1 -To check the unrestricted sprawl of large built-up areas**

- 2.28 The Framework is clear that Green Belt boundaries can be amended and in many locations are amended, similarly when setting boundaries for the first time it acknowledges the need to have regard to sustainable patterns of development. The Green Belt is not as simple as drawing a boundary around the existing built up area, if it were there would be no need for

assessment. Paragraph 8.31 notes the definition of sprawl as being the spreading out in a large or untidy way, therefore it is clear that expansion, rounding off or infill is not and should not be considered sprawl.

- 2.29 The Council consider in Paragraph 8.32 that it is possible to argue all Green Belt prevents the unrestricted sprawl. This is simply not true and cannot be the case otherwise by definition the boundaries would never change. The Councils analysis does however try to rectify this by considering the site specifics, mainly through consideration of the openness of the site and considering the level of development on each side.
- 2.30 It is noted that these assessments are more likely to be relevant to the inner boundary and this approach is broadly supported. Outside of the main built up area it is noted that the towns and villages are not considered main built upon area of the city and as per paragraph 8.34 the development of land adjacent to those settlements is less likely to impact on urban sprawl.

### **Purpose 3 – Safeguarding the countryside from encroachment**

- 2.31 Again it would be inappropriate to apply this as a simple approach to all countryside land as it would mean all greenfield land immediately results in being located in the Green Belt. The reference to countryside uses, access and functionality are considered an appropriate assessment.

### **Section 9 – Consistency with the Local Plan Strategy and Site Selection**

- 2.32 This section purports to identify how the boundaries have been selected, including the identification of allocated sites. The main flaw with this statement is that the Councils sole approach to setting the Green Belt boundaries appears to be the allocation of sites.
- 2.33 In many authorities this is the case as they are amending boundaries and need to show exceptional circumstances, however in York the boundaries are being set for the first time. The Councils previous approach was unsound and continuing to consider the Green belt as all land not required for development is contrary to national policy and unsound. The approach can be seen in the conclusions that the Council come to.
- 2.34 In terms of the inner boundary, the Council have effectively drawn this around the existing built up area, with limited assessment of those sites and whether the land is necessary to be in the Green Belt (New Lane Huntington, Metcalfe Lane, Osbaldwick). The outer boundary has been taken to the full extent of the administrative boundary, in some locations where neighbouring authorities have defined the boundary this has extended even further. An

example of this being Wheldrake, where in the neighbouring authority land to the south of Wheldrake is not Green Belt but in the York boundary it is.

- 2.35 Finally in terms of inset settlements, this again appears to set boundaries focussed on the level of homes needed, rather than appropriate boundaries (Elvington being an example from our previous representations).

### **Section 10 – Enduring Boundaries and Safeguarding**

- 2.36 A key consideration for the Green Belt boundary is to ensure that it endures beyond the plan period. The Council in paragraph 7.29 consider that five years is an appropriate timescale and rather than safeguarding land have chosen to allocate land for a further five years beyond the plan period (2038).
- 2.37 In terms off this timescale, it is not considered long enough. At present the plan is almost five years behind adoption from its start date of 2017. The date of adoption is considered some way off and 2038 is likely to be a date within 15 years of adoption, rather than years 15-20.
- 2.38 Further to this, given the Councils track record of plan making to only provide for five years beyond the plan is considered inappropriate. As per comments in these representations on the trajectory it is considered that a number of sites are needed to ensure delivery in the plan period. Equally given the concerns over delivery, the impacts that this could have on a five year supply and delivery of homes safeguarded land would provide the flexibility needed.
- 2.39 As drafted if no safeguarded land is allocated there is no ability to react if housing delivery is insufficient. Nearly all local authorities in the surrounding area have allocated safeguarded land in their plans and York should do the same.

### **Applying the new methodology**

- 2.40 Our Client has a number of sites that are allocated in the plan, however there are four main concerns that are considered unsound and objections are raised as a result of the current consultation. These are considered as follows:
- New Lane Huntington, Inner Boundary 30-31 (EX\_CYC\_59d);
  - Land at Manor Heath, Copmanthorpe (EX\_CYC\_59f);
  - ST7 – Metcalfe Lane (EX\_CYC\_59g); and
  - ST14 – West of Wiggington Road (EX\_CYC\_59g).

### **New Lane Huntington**

- 2.41 New Lane Huntington is a discreet and well contained field surrounded on three sides by existing residential development and the new football stadium. The site has been subject to a recent planning application and has no outstanding technical matters, including no objections from the Councils landscape officer of Historic England in relation to the impact on heritage assets.
- 2.42 The Council previously sought to allocate the site, reference ST11 and a long history of evidence shows it as having no impact upon the purposes of the Green Belt, including the Councils previous TP1 and appendices. TP1 assessed the site as Boundaries 30-31 and concluded that whilst there was no impact upon any purposes of the Green Belt from a site visit it was considered redevelopment of the site could have an adverse impact on a listed building and SAM. As shown by the recent planning application, the Councils original evidence suggesting appropriate mitigation has been demonstrated.
- 2.43 TP1 confirms at paragraph 9.18 that each site was subject to a site specific Heritage Impact Assessment to assess overall impact on the purposes of Green belt and harm to the historic setting of the city. Given the weight the Council are giving to the Heritage Impact Assessment in showing how analysis was carried out, this work provides an independent historical evidence base, which should not be altered. In this respect Appendix 2, confirms the following:

**A2.4 Land at New Lane, Huntington (ST11)**

**A2.4.1 ST11 was previously considered at preferred options stage. Following further consideration of the site it was considered that the site performed a significant role in preserving the character and setting of Huntington, keeping an important gap between the existing residential area of Huntington and the commercial area of Monks Cross. Further, the area has a lack of green space, and the site has local amenity value as well as providing a green wedge into the City. The site also contains a Scheduled Ancient Monument (Roman Camp) which should be preserved along with Huntington Grange and the cemetery which would need room for future expansion. ST11 was therefore deleted at Preferred Sites stage and removed as a potential allocation.**

- 2.44 It is clear that none of these comments related to the purposes of the Green Belt or to the questions now being asked. Further to this, the previous boundary assessment in the appendices to TP1 also confirmed, that the site made no contribution to the purposes of the Green Belt. Notwithstanding this, the revised assessment in EX\_CYC\_59d has disregarded both of the previous independent assessment and altered the findings to demonstrate non compliance with three purposes of the Green Belt.
- 2.45 In terms of the new assessment we object as follows:
- 2.46 **Compactness** – The site is surrounded entirely on three sides, including by a new football stadium to the east. The specific question relates to wider views of the countryside or a compact city. Standing in or adjacent to the site provides visibility of neighbouring houses, a

large football stadium or a road and can in no rational way be described as making up part of the wider countryside setting of York.

- 2.47 The second question relates to ensuring distinct districts and settlements can be maintained. The assessment states that this is an important site separating the residential development from the retail/commercial development at Monks Cross. Again this is simply incorrect. The north of the site is adjacent to a small residential estate immediately abutting commercial development, itself adjacent to further housing. The commercial and retail development is intrinsically linked to the residential development. A simple search of properties within the retail park and even the new park and ride all show them with an address of Huntington.
- 2.48 It is therefore completely irrational to state that the infill of a gap in Huntington to join two parts of the same settlement, all proven by postal addresses would harm the distinctive district of Huntington.
- 2.49 **Landmark Monuments** – The assessment makes reference to views of the Minster, which have only been noted in this assessment of the site. The heritage appraisal submitted with the application raises no issues with the Minster and Historic England raise no objections to development of the site. In terms of long distance views these have all been removed by the development of a new stadium, with no concerns by the Council over its impact on the minster. Similarly the public views from the footpaths in the area all remain intact.
- 2.50 The assessment also references Monk Stray and views of the Minster from that location, which is to the south of the road and outside the assessment area, which is misleading. This again is a prime example of the Council misunderstanding setting a Green belt boundary for the first time. IF the land is not designated as Green Belt it can simply be white land. Unfortunately it appears that an overarching objection to building on a site has resulted in an inappropriate assessment of Green Belt purposes.
- 2.51 **Landscape and setting** – The Councils assessment is considered significantly flawed. The Councils landscape officer has no objections to the development of the site, references to camps and ridge and furrow fields do not warrant Green belt designation and comments on it being historically undeveloped land are somewhat redundant with the recent completion fo a football stadium enclosing a third side of the land.
- 2.52 **Urban Sprawl** – the Councils own assessment at paragraph 4.2 confirms that the land does not have an increased risk of sprawl and at paragraph 4.3 of the assessment confirms that the site is constrained on three sides by these boundaries, which serve to contain and enclose the land which would prevent sprawl.

- 2.53 Question 4.3 of the Councils methodology states, 'Is the land unconstrained by built development or strong boundaries on more than one side, and therefore not enclosed in a way which would prevent sprawl.' This site is surrounded on three sides, as noted in the Councils assessment at which point the only answer to this question is no. Notwithstanding this the report inexplicably concludes that it is sufficient size that sprawl could take place within it, subsequently being considered to have an impact upon the purpose of Green Belt. Again this implies that rather than a fair and objective analysis of the site, the evidence is drafted to support the previous findings, which were clearly inappropriate as per the Inspectors previous letter.
- 2.54 **Encroachment** – Finally the site is now also considered to have an adverse impact on encroachment, contrary to the previous evidence. In response to question one it is confirmed that the land is characterised by a lack of urbanising influences, despite its full enclosure and recent football stadium development immediately adjacent to it. Whilst the land is a field, this applies equally to every field in the city. Its context is an infill site surrounded by large development. In response to the second question the Council state that despite being surrounded on three sides it has very few urbanising influences. Similarly when assessing its open views the assessment states that the land contributes to the character of the wider countryside.
- 2.55 The site was previously allocated and deleted at the request of the local ward member at a committee meeting. All evidence up to that point supported allocation and the site not meeting any purposes of the Green Belt, resulting in the draft allocation.
- 2.56 Following that the Councils assessment listed the impact on heritage assets on site as being reason for the land to be in the Green Belt, an approach clearly dismissed by the Inspector in the June 2020 letter. Despite this, the Council have now deemed that the site contributes to three purposes of the Green Belt, including conclusions that are contrary to their own heritage Impact Assessment, consultation responses from landscape officers and Historic England on a current planning application and in one instance (question 4.3) simply ignoring the answer to the question.
- 2.57 Whilst the Council may not want the site to be allocated, that does not mean it should be included in the Green Belt. This site should be assessed the same as all others and the methodology applied fairly. As drafted Our Client objects to the assessment and the Green belt boundary in this area is clearly unsound.

**Land at Manor Heath, Copmanthorpe (EX CYC 59f)**

- 2.58 Land at Manor Heath Copmanthorpe was equally previously allocated and subsequently removed. The site was shown to have no contribution to any purposes of the Green Belt. Our

previous objections to this site remain and given our comments on the need for more homes, this is a suitable site that can deliver homes.

**Metcalfe Lane (Site ST7) (EX CYC 59g)**

- 2.59 Our Client forms part of a consortium to deliver this site including TW Fields and Taylor Wimpey. Through discussions with that consortium it is considered that the evidence basis and plan as drafted in relation to the site are unsound and an alternative boundary should be provided. Our client objects to the current boundaries as they are considered unsound. The representations prepared on behalf of the Consortium are included at Appendix A for reference.
- 2.60 Of specific relevance at this time is the area of land between the site and the existing urban area that is to remain as Green Belt. This land makes no contribution to the purposes of Green Belt and as such should either be white land or included in the allocation.
- 2.61 In light of the concerns over the level of homes that can be delivered in the plan period, this site could be increased to make up the shortfall.

**West of Wiggington Road (Site ST14) (EX CYC 59g)**

- 2.62 As per our previous representations, which we continue to rely upon, the land West of Wiggington Road is supported, however objections are raised to the soundness of the allocation boundary. As per previous representations, the site can deliver more homes and the boundary should be enlarged to meet the shortfall in the plan.

### 3.0 UPDATED SHLAA AND HOUSING TRAJECTORY

- 3.1 The Council have published the *Strategic Housing Land Availability Assessment: Housing Supply and Trajectory Update (April 2021)* (EX/CYC/56) to address the inspectors' requests for further information.
- 3.2 The Council have accounted for net housing completions and new consents since 2017 in order to inform assumptions for the build out rates of strategic allocations in terms of when they can be delivered over the plan period (paragraph 1.3).
- 3.3 To summarise:
- **Housing Completions** - In terms of housing completions, the Council conclude that **2,305** net dwellings have been completed between 2017 and 2020, including 104 dwellings through communal establishments and student accommodation (paragraph 2.4).
  - **Housing Requirement** - The objectively assessed need of 790 dwellings per annum (dpa) and an overall requirement of 822 dpa (paragraph 3.6). This equates to **13,152** dwellings over the plan period (paragraph 3.7)
  - **Future Housing Supply** - Based on the draft housing allocations currently proposed within the emerging Local Plan, Table 3 identifies a capacity for a total of **11,202** dwellings during the plan period to 2033 through housing and strategic allocations, with a further 3,202 homes due to be completed beyond the plan period to 2038 (paragraph 4.3). This represents a shortfall of **1,950** dwellings (13,152 – 11,202).
  - **Unimplemented Housing Consents** - 8,201 dwellings have consent but have not been implemented (paragraph 4.3). Of the unimplemented consents Table 3.1 below sets out the types of housing covered within this figure (paragraph 4.4). The Council acknowledges that the figures include double counted housing (1,912, 294 and 783 – in bold below) (paragraph 4.5). Therefore 2,989 of the dwellings are from unimplemented permissions.

**Table 3.1: Breakdown of Unimplemented Consents**

Type of Site	No. of Dwellings
Non-allocated sites	<b>1,912</b>
Allocated sites in the Local Plan with full / outline consent	5,388
Resolution to grant planning permission subject to the execution of a S106 agreement	901 (includes <b>294</b> on non-allocated sites and 607 on allocated sites)
Communal Establishments and University Managed Student Accommodated	<b>783</b>

<b>TOTAL</b>	<b>8,201</b>
--------------	--------------

### **Windfall Allowance**

- 3.4 A revised figure for windfall housing has been calculated at **182** dpa. The previous windfall figure was 152 dpa (according to the now superseded *Annex 4: City of York Local Plan Windfall Allowance Technical Paper 2016*).
- 3.5 A high windfall allowance is generally a result of a lack of deliverable housing sites being identified in an up-to-date local plan. York has not had an up-to-date plan for decades, and inevitably this has resulted in a high level of windfall housing delivery. This does not mean a high windfall allowance should continue to be relied upon to deliver housing. Whilst windfall housing can make a contribution to a local authority's housing supply, there should not be an over reliance on this type of housing. The NPPF requires there to be 'compelling evidence' to justify an allowance for windfall sites (paragraph 70). The fact that York has been unable to demonstrate a 5YHLS in recent years shows that continuing to rely on windfall housing is not an effective housing delivery solution and therefore does not contribute to effective plan making in accordance with paragraph 35 of the NPPF.
- 3.6 The Council's previous reliance on windfall housing has likely relied upon the conversion of existing buildings (including office to residential developments) and small infill plots. Due to the reliance on these types of sites over the past few years whilst York has not had an up-to-date development plan, the supply of windfall housing sites is likely to have reduced and cannot be sustained over the plan period to 2033. As such it is likely there will be a shortfall of appropriate windfall sites. This approach also does not provide enough certainty in terms of delivering housing as strategic housing sites which can deliver a larger volume of housing with added community benefits such as open space, biodiversity enhancements and funding towards local infrastructure.
- 3.7 It is therefore clear from York's low level of housing supply in recent years that the housing delivery strategy instead needs to focus on delivering allocated housing sites, rather than continuing to rely on windfall housing sites.

### **Non-Implementation Rate**

- 3.8 We acknowledge the Council's position on the non-implementation rate set out in paragraph 6.2:

**Whilst there are a significant number of extant planning applications at 1st April 2020, it is reasonable to assume that a proportion of them will not progress to full completion. It is apparent that when considering the use of a non-**

**implementation rate, a balance is required to ensure the most appropriate figure is applied, where demonstrated necessary.**

### **Housing Under Delivery**

- 3.9 The Council's under delivery of housing is set out between paragraphs 6.6 - 6.10. The Council's intention is to address the housing shortfall in recent years over the course of the plan period using the Liverpool method, as opposed to seeking to address the housing backlog in the first five years of the plan.
- 3.10 Our client **objects** to this approach. Due to the acute housing shortage situation within York, which is worsened by affordability issues within the city, there is a need to address the shortfall within the first 5 years of the plan.
- 3.11 The Council calculates that it needs to deliver an additional **479** dwellings across the plan period to address the previous shortfall (paragraph 6.14). Spreading the shortfall over the remaining plan period (13 years) results in the need for an additional **37 dpa** ( $479 / 13 = 37$ ).
- 3.12 However, if the Council instead chose to address the housing shortage within the first five years of the plan period, this would result in a requirement of **96 dpa** ( $479 / 5 = 96$ ).
- 3.13 This can be achieved by allocating more housing sites or increasing the capacity of the existing sites that have been identified. Sites that were previously identified in the 2013 version of the Local Plan could be reinstated within the emerging Local Plan to provide the additional housing in the first five years of the plan period:
- ST11 – New Lane, Huntington for 300 dwellings (the 2013 draft allocation was for 411 dwellings however the site capacity has since been deemed to include 300 dwellings).
  - ST12 – Manor Heath, Copmanthorpe for 250 dwellings (as per 2013 draft allocation).

### **Housing Buffer**

- 3.14 We agree with the proposed 20% buffer to the housing trajectory (paragraph 6.19). 6 years' worth of housing in first 5 years results in a requirement for an additional 822 dwellings.

### **Housing Trajectory**

- 3.15 The Council's updated housing trajectory using 2020/21 as the baseline is shown graphically in Figures 1, 2 and 3. Looking at these figures, it is clear that some of the housing is not deliverable in the timescales shown, which will result in an undersupply of both market and affordable homes in the plan period. On this basis the trajectory demonstrates that the plan is unsound and Our Client objects.

- 3.16 The problems of housing delivery in York are well documented, particularly the lack of affordable homes and the impact that this has had. The Local plan is a key element to reversing this and Our Client supports its progression, however it has to be done in a suitable evidenced way to ensure that sufficient homes are delivered. The trajectory is a prime example of this as it shows the level of homes from each category and when they will be delivered. This in turn shows how many homes will be delivered each year, within the plan period and beyond.
- 3.17 The trajectory should not be used as a generic list of sites attributed to dates to show how homes could be delivered, it should be evidenced and justified. If the document is wrong then the whole basis of the plan is flawed in its level of homes, allocations and delivery.
- 3.18 The lead in times on many of the sites are clearly over estimated and not deliverable, in turn resulting in homes being pushed out of the plan period. This is particularly the case given the trajectory extends beyond the plan period of 2033 up to 2038 already.
- 3.19 Figure 1 shows the trajectory and the level of homes from each category, windfall, consented sites, allocations etc. Figure 2 shows the general level of homes for each category and Figure 3 shows the individual sites. Figure 3 is the most relevant as it shows how the Council have come to these conclusions.
- 3.20 As an immediate concern, the Council sets out that between 2021 to 2024 the cumulative level of completions will increase by 4357 from 3005 homes to 7362 homes. Included in this will be over 1000 homes from allocated sites under 5 hectares and over 2000 homes from allocated sites over 5 hectares.
- 3.21 Our Clients have a number of allocations and are committed to bringing them forward as quickly as possible, however this is limited due to the progress of the plan. Applications have been submitted for some of the draft allocations including our client's Sites H29 (Land at Moor Lane, Copmanthorpe) and H31 (Eastfield Lane, Dunnington), however they are yet to be determined.
- 3.22 The application in Copmanthorpe was submitted in March 2019 (Council reference: 19/00602/FULM) and the application in Dunnington was in September 2020 (Council reference: 20/01626/FULM). The applications have both been pending determination for 16 and 10 months respectively. Following this, the sites will require s106 obligations to be agreed, conditions discharged and site preparation before delivering homes. Delivering 35 homes in 2022/23 is therefore ambitious despite our client's best efforts.
- 3.23 Whilst this does not affect the plan as a whole as the homes will be delivered in the early parts of the plan, it does highlight the inappropriate lead in times provided, which when applied to larger sites does have an impact on overall delivery.

- 3.24 As a further example, Site ST9, Land North of Haxby is allocated for 735 dwellings and is shown as delivering housing from 2022/23 (initially 35 dpa). Whilst our client is fully committed to delivering housing on this site, an outline application has not yet been submitted for the site due to uncertainties relating to the local plan.
- 3.25 To deliver in accordance with the trajectory, our client would need to start construction by April 2022 (based on delivering 35 dwellings over one). Even if an application was submitted now, it is unlikely that 35 dwellings could be completed by March 2023 due to the need to submit and gain approval for an outline application, finalise and secure a s106 agreement with the Council, wait for the 6 week judicial review period, discharge any pre-commencement outline planning conditions and obtain permission for reserved matters consent. Table 3.2 shows the necessary timetable to meet the Councils trajectory and a more realistic timetable.

**Table 3.2: Housing Trajectory Timescales Comparison with Planning Application Stages**

Planning Stage	Council's Trajectory Timescales	Actual Timescales	Predicted Timescales
Submit and obtain approval for outline permission	July 2021 – October 2021	December 2021 – September 2022	
Finalise and secure a s106 agreement	November 2021	January 2023	
6-week judicial review period	December 2021 – January 2022	January – February 2023	
Discharge pre-commencement outline planning conditions	February – March 2022	March – May 2023	
Submit and obtain approval for reserved matters permission	February – May 2022	March – June 2023	

- 3.26 The trajectory shows 70 dpa being delivered on the site, which is possible, however moving the start date back two years as a minimum removes 140 homes from the Local Plan.
- 3.27 This issue is increased further with York central, which is anticipated to deliver 43 homes this year despite building not starting. Of greater concern however is Site ST15, a new settlement of 3339 homes, which the Council anticipate starting on site in 2023. We have no objections to that site or its inclusion, however no planning application has been lodged. It is not appropriate to consider it suitable to suggest that an outline planning application, subject to EIA can be prepared submitted and approved ahead of the plan adoption, followed by approval of Reserved Matters, discharge of conditions, site preparation all in the next 22 months.
- 3.28 For every year moved on in the trajectory 280 homes are removed from the delivery in the plan. Based on a sensible five year period from now to delivering the first home 980 homes should be removed from the trajectory. Again this doesn't mean the site is unsound as large

sites like this should contribute in the next plan period, however it shows the lack of delivery now.

- 3.29 Our concerns on the level of homes to be provided annually from sites remain and some of the larger sites are unlikely to deliver 280 homes per annum. However from a sensible approach to the lead in times it is clear that the level of homes needed in the plan period will not be delivered.

**Summary**

- 3.30 The suggested windfall allowance figure of 183 dpa should be reduced. It is not an effective strategy to continue to rely on this type of housing nor will this provide a reliable source of housing supply. This strategy is therefore not sound and does not accord with the requirements of paragraph 35.
- 3.31 The housing trajectory as currently shown is likely to result in a shortfall of housing. There are two potential means of addressing this:
- Increase the size of existing allocations, for example by adding homes to the existing allocation towards the end of the plan period; and / or
  - Reinstate previously deleted housing allocations including Sites ST11 and ST12. This would ensure there is an even balance of sites to deliver housing.

## 4.0 UPDATED HOUSING NEED

- 4.1 The Council have published the *Housing Need Update (06 October 2020)* (EX/CYC/43) to address requests for further information from the inspectors.
- 4.2 The Housing Need Update (2020) concludes that the Council can continue to support an Objectively Assessed Need (OAN) of 790 dpa plus an additional 32 dwellings to meet the shortfall identified. This results in an overall requirement of **822** dpa.
- 4.3 Based upon this housing requirement, York's needs to deliver 13,152 dwellings in the plan period.
- 4.4 We previously raised concerns regarding how the housing need figure has been calculated and the reliance on household projections that are not considered sound. Our previous concerns relating to the soundness of the Council's approach to calculating housing need remain, even with the updated figures set out in the Housing Need Update (2020).
- 4.5 Whilst we do not want to repeat these points it is noted that the assessment of the Standard Method figure for calculating housing need is incorrect. We note this is as a result of the report being superseded by Government announcement, however for clarity the Standard method requirement is 1,013 homes not the 743 homes listed in the updated note.
- 4.6 Whilst the Council were not relying on this figure it was used to try and show the number they are promoting is in line with the Standard Method. In reality it remains significantly below that level.

## 5.0 UPDATED AFFORDABLE HOUSING NEED

- 5.1 The Council have published *Affordable Housing Note* (EX/CYC/36) to address requests for further information from the inspectors.
- 5.2 There is an acute need for affordable housing within York and there has been a persistent under delivery of housing in recent years, which has contributed to the lack of affordable housing. The failure to deliver enough housing is contrary to the national planning policy imperative to 'boost significantly the supply' to meet the current objectively assessed needs for market and affordable housing.
- 5.3 The lack of open housing market and delivery of homes had had an even greater social impact on the affordability of homes in York, both in terms of the price of a house in relation to income and also the shortfall of affordable homes for those most in need.
- 5.4 Draft Policy H10 sets out the required proportion of affordable housing as follows:
- Brownfield sites – 15 dwellings will provide 20% affordable homes on-site; and
  - Greenfield sites – 15 dwellings will provide 30% affordable homes on-site.
- 5.5 However, it is clear that the Council are not going to deliver the amount of affordable housing that is required by Policy H10. Further to this the windfall contribution equates to approximately 1.5% affordable homes and the inclusion of student accommodation provides no affordable homes. Without a specific approach delivery will continue to fall below levels required.
- 5.6 The Council set out that a total of **3,539** affordable homes will be provided with an average of 221 affordable dpa from these sources up to 2032/33. The Council's proposed delivery of affordable housing is summarised in Table 5.1 below, based on a baseline date from 2017 to 2022.

**Table 5.1: Council's Proposed Distribution of Affordable Housing**

Sites	Council's Trajectory – No. of Homes	Of which will be affordable	Affordable %
Housing Sites (H Sites)	11,067	2,534	22.9%
Strategic Sites (ST Sites)	1,452	429	29.55%
Affordable Housing from extant Consent at 01 April 2017	3,578	380	10.62%
Council owned sites	600	70	11.66%
Affordable Housing from Approvals granted since 01 April 2017		12	
Older Persons Programme		83	

Windfall Housing	120	31	25.83%
<b>TOTAL</b>		<b>3,539</b>	

- 5.7 3,539 affordable homes over the plan period equates to 221 affordable dpa over 16 years. This represents a deficiency of **352** affordable dpa based on the affordable housing needs set out within the SHMA (or approximately **5,632** dwellings in total).
- 5.8 Our client has concerns regarding the delivery of 20% affordable housing from brownfield sites due to viability issues. It is unlikely that brownfield sites can consistently deliver 20% affordable housing on site. This is in light of extant permissions which are only delivering on average 10.62% affordable housing (paragraph 22). If this is applied to the brownfield allocations, the actual delivery levels will be lower.

### **SHMA Affordable Housing Need**

- 5.9 The Strategic Housing Market Assessment (SHMA) (2016) sets out a need for 573 affordable homes per annum (paragraph 40). The Council estimates a delivery of 221 affordable dpa, providing around 38% of the affordable housing need requirement (paragraph 44).
- 5.10 In considering this the Council do note that the Framework requires an uplift but not necessarily to fully meet the needs. Whilst this may be the case and other authorities have successfully argued the point, regard must be had to local circumstances. Our previous evidence demonstrates the huge shortfall and also the significant impact this has had on affordability. The Councils reduced housing targets as a result of using the old Framework and if submitted now would be subject to the Standard Method.
- 5.11 The Council's assessment at paragraph 44 severely underestimates the impact that the lack of affordable housing is having on York. To cite the fact that national guidance requires a 'consideration' of uplift but does not 'automatically require a mechanistic increase' to the overall housing requirement to achieve all affordable housing needs ignores the severe affordable housing crisis in York.
- 5.12 There is such a deficiency of affordable housing in York that the Council's strategy is not suitable. The Council needs to make an adjustment to provide enough affordable housing and to make up for the shortfall in recent years.

**The updated market signals show that affordability is a worsening issue in York and therefore in accordance with the PPG an uplift to the demographic projections is appropriate and considering the evidence, GL Hearn proposes a 15% uplift. When applied to the demographic starting point (484 dpa) this 15% uplift would result in an OAN of 557 dpa which is some way short of both the adjusted demographic growth (679) the economic led need (790). GL Hearn conclude that the OAN should remain at 790 to achieve both improvements to**

---

**household formation and economic growth which represents a 63% uplift on the demographic starting point.**

- 5.13 The Council's argument at paragraph 43 is that based on applying a 15% uplift to the demographic starting point, this would be a lower level than the homes currently planned for. This is incorrect, the Standard method would actually require 1,013 homes per annum. Using the Council's figure of 30% affordable on greenfield sites, this would result in approximately 100 more affordable homes per annum.
- 5.14 The council sets out that it is seeking to provide significant uplift to the provision of affordable homes secured through the application of policy H10 and the provision of rural exception sites through the application of policy GB4. It is clear however that the Council are not generally supportive of rural exception schemes. An application submitted by Karbon Homes for 60 affordable dwellings on a site that is considered to be within the Green Belt by the Council was recommended for refusal and then refused at Committee on 11 September 2020 (Council reference: 20/00752/FULM).
- 5.15 The Council also notes that the figures do not account for affordable housing contributions that will be received by the Council or housing from further source of supply through Housing Associations and Govt led schemes. Again, these are unlikely to make up the shortfall.

**Summary**

- 5.16 The lack of affordable housing in York is significant and the impact on affordability has risen far higher than national and regional averages. The lack of a Local Plan, lack of delivery of new homes and lack of market driven affordable homes is a clear result of this.
- 5.17 The affordable housing paper shows that in the last four years approved planning permissions have contributed 12 affordable homes (table 4), at an average of three a year. The problem is worsening and the Council are avoiding the simplest way to reduce the problem.
- 5.18 The plan as drafted notes that it will only meet 38% of need, resulting in 6 out of every 10 people in need not being assisted. The Council note that rural exception sites and other mechanisms will help deliver, however this is in no way considered to be sufficient.
- 5.19 The plan reduces its requirement by 182 homes per annum due to an increase in windfall, with only 1.5% of those homes being affordable, as opposed to 30% if allocated sites. Simply allowing windfall as a bonus and allocating an extra 182 homes per annum would result in an increase of 50 affordable homes per year or 750 over the plan period.
- 5.20 Similarly increasing the housing requirement to similar to the Standard Method would result in a further 100 affordable homes per annum. The sites are available and have been consulted

upon. The solutions to increase affordable homes are relatively straight forward and without an increase to the level of homes provided the plan is considered unsound.

## 6.0 ASSESSMENT OF SITES OVER 35 HECTARES

- 6.1 Following the Stage 1 examination hearings the Council were required to undertake the following in terms of assessing the audit trail of sites submitted and assessed between 35-100 hectares:
- To check site selection to ensure that all sites between 35-100ha have been assessed appropriately as part of the process.
  - CYC to set out clarification note to present site audit trail building on that already provided within Annex K to the Sustainability Appraisal.
- 6.2 In response to this, the Council have published *Audit Trail of Sites Submitted and Assessment Between 35-100 Hectares (June 2020)* (EX/CYC/37) to address requests for further information from the inspectors.
- 6.3 Previously the Council were assessing sites over 100ha as 'self sustaining' sites that could provide a minimum of 3,000 dwellings that would have the capacity to provide local services including a primary school, local shops and services, open space and sustainable transport (paragraph 2.17). The identification of these self sustaining sites over 100ha was referred to as the 'secondary sieve' of sites.
- 6.4 As the preparation of the Local Plan progress, this secondary sieve was refined to 35 ha as set out within the SHLAA (2018). This change reflected the updated evidence base that was made available to the Council including information that set out that sites of 35ha or more could also be capable of delivering the necessary infrastructure to be self sustaining and as such sustainable. This included best practice examples and national publications such as *Locally-Led Garden Villages, Towns and Cities (2016)* which indicated that the size of a stand-alone "self-sustaining" garden village could be from around 1,500 to 10,000 dwellings.
- 6.5 The Council's SHLAA (2018) sets out sites over 35 ha are anticipated to be capable of providing facilities and transport connections (paragraph 2.3.14). Annex 2 of the SHLAA sets out a flow diagram demonstrating the process and scoring mechanism for assessing sites.
- 6.6 The additional assessment work undertaken by the Council in the Audit Trail (June 2021) is noted. The Council's approach is therefore considered to be **sound** and clarifies the previous discrepancy.

---

## 7.0 SUMMARY

- 7.1 As per our previous representations, our client still has concerns regarding the Council's approach to establishing the area's housing requirements (EX/CYC/36, EX/CYC/43a, EX/CYC/56).
- 7.2 The Council's emerging trajectory also shows a housing shortfall over the plan period. As a result, either more sites need to be allocated, or more housing needs to be allocated sites which have already been identified as allocations. For example, the number of dwellings proposed under draft allocation ST7 (Metcalfe Lane, Osbaldwick) and draft allocation ST14 (Land North of Clifton Moor) should be increased.
- 7.3 In terms of the updates to the Green Belt assessment evidence base (EX/CYC/59, EX/CYC/59d), we note the updates referenced to the Council's methodology. Whilst we have no significant concerns regarding the methodology overall, it is clear that the methodology has not been applied correctly to some sites including our client's land at New Lane Huntington (ST11) and Metcalfe Lane, Osbaldwick (ST7). Representations relating to Land at Metcalfe Lane have been prepared on behalf of the developer consortium responsible for promoting the site which is included at Appendix A for reference.
- 7.4 Therefore as currently drafted, the plan is unsound as some of the draft policies and evidence base fails to meet the tests of soundness outlined in paragraph 35 of the NPPF. Our client therefore considers certain elements to be ineffective and deems the emerging Local Plan **unsound**.
- 7.5 We trust that our Clients comments will be duly considered and that we are able to discuss our **objections** and concerns further during future consultations and Examinations in Public.

## **APPENDIX A**

### **ST7 Developer Consortium Representations (June 2021)**

# CITY OF YORK LOCAL PLAN

## PROPOSED MODIFICATIONS AND EVIDENCE BASE CONSULTATION

### LAND AT ST7, EAST OF METCALF LANE, YORK

On Behalf of ST7 Developer Consortium:

- Barratt David Wilson Homes
- Taylor Wimpey
- TW Fields

June 2021

**BARTON  
WILLMORE**



## **CONTENTS**

1. INTRODUCTION
2. HOUSING NEEDS UPDATE
3. HRA 2020
4. GREEN BELT ADDENDUM
5. HERITAGE CONSIDERATIONS
6. CONCLUSIONS AND ALTERNATIVE DEVELOPMENT OPTIONS

### Appendices

1. Representations on Housing Matters – Lichfields
2. Review of Green Belt Matters – SLR
3. Review of Heritage Matters – Pegasus
4. Alternative Development Options – Plans
5. Assessment of Alternative Development Options against Draft Policy SS9

## 1. INTRODUCTION

1.1 This response has been prepared on behalf a consortium of developers and landowners with collective land interests in the proposed ST7 Allocation. The consortium comprises the following three companies represented by the following consultants.

- **Barratt David Wilson Homes (Barton Willmore)**
- **Taylor Wimpey (Johnson Mowat)**
- **TW Fields (PB Planning)**

1.2 The three parties mentioned above over the period of 2018 and 2019 have made various representations to the Local Plan regarding the proposed allocation of ST7. Those submissions have been individual representations and more often than not, not fully aligned with one another. Both Taylor Wimpey and Barratt David Wilson Homes have consistently objected on the grounds of ST7 as currently drafted being too small and may not be capable of delivering the quantum of development expected by the Council, whilst still delivering high quality design and garden village feel. However, in more recent times the three named parties above have become more co-ordinated, with the aim of delivering ST7. The parties continue to disagree with the Council's proposed allocation as currently drafted.

1.3 The primary objections remain as follows:

- The site access roads are too long and no doubt costly. Extending the limit of development in the allocation to reduce the access roads would improve deliverability.
- The developers do not accept the land between the allocation and the edge of the main urban area needs to be Green Belt and collectively request the Council entertain a slightly expanded ST7 (expanded westwards) to marginally reduce the gap whilst maintaining a degree of separation.
- Whilst the developers are prepared to support the garden village concept in its current shape and form, however the dwellings likely to be delivered are unlikely to be able to sustain the community facilities sought by the Council which then may undermine the principal of the garden village. In short, the allocation needs to be slightly larger.

1.4 To assist the Inspectors and the Council the three developers have agreed this joint submission and have jointly appointed experts including architects, landscape architects and heritage

consultants. Work of the Landscape Consultant and Heritage Consultant is appended to this submission. In addition, via a separate consortium, Taylor Wimpey have commissioned Lichfields to provide a critique of the Council's House Needs Update evidence. All of these technical documents are referenced in the following submission and are appended.

- 1.5 The developers have now agreed a joint response to this evidence base update and are collectively working with the architect to bring forward a more robust boundary for ST7 which respects the gap, its landscape qualities, heritage qualities and ecological qualities. That work will be presented at the Stage 2 Examination.
- 1.6 In the following submission we reference the Lichfields housing critique but are not repeating it in full in this response. This will no doubt be a matter for Lichfields to address themselves at the Examination.
- 1.7 All three ST7 parties through this joint response wish to maintain their right to speak individually on the ST7 allocation at the Local Plan Examination. That said, with now a higher degree of co-ordination, those parties will seek to liaise to reduce any repetition. Assuming the Council are open to dialogue regarding an alternative boundary, the ST7 Consortium look forward to constructing a Statement of Common Ground with the Council for the Stage 2 Examination Hearings.

## 2. HOUSING NEEDS UPDATE

### **Proposed Modifications PM50, PM53, PM54, PM63a and PM63B**

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

and demand for market / affordable housing in the City. This includes comments on the following documents.

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

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

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

2.8 In conclusion the Lichfields analysis states:

*“The evidence provided by the council is not sufficient to demonstrate that the housing requirement over the first five years of the Plan will be achieved. When a more realistic OAHN of 1,010 dpa is factored into the calculation, as well as reasonable adjustments relating to windfalls and the Sedgefield approach to backlog, it is clear that the Council cannot demonstrate a 5 year housing land supply. This could fall to as low as 3 years even before a detailed interrogation of the deliverability of sites is undertaken.”*

- 2.9 Should it be determined through the Examination process that the housing requirements of the Local Plan are required to be increased, ST7 could be expanded to contribute to meeting this need.

### 3. HRA 2020

- 3.1 The Council's updated Habitat Regulations Assessment (REF. EX/CYC/45 HRA 2020) identifies that the Osbaldwick site is situated approximately 4.8km from the most convenient access point to Strensall Common.
- 3.2 The HRA states that the development of the site would have a 1.6% increase in visitor pressures to Strensall Common, in combination with Site Ref. H46 and Site Ref. ST17.
- 3.3 In response the HRA identifies that the policy text for the site should be amended to ensure that the impacts identified in the HRA as a result of recreational pressure on Strensall Common are mitigated. Accordingly, the Council have proposed a modification to include the following additional criteria within Policy SS9 of the Local Plan: -

#### **PM58**

*xi. Provide a detailed site wide recreation and open space strategy and demonstrate its application in site masterplanning. This must include: -*

- *Creation of a new open space (as shown on policies map as allocation OS7) to protect the setting of the Millennium Way that runs through the site. Millennium Way is a historic footpath which follows Bad Bargain Lane and is a footpath linking York's strays and should be kept open. A 50m green buffer has been included along the route of the Millennium Way that runs through the site to provide protection to this Public Right of Way and a suitable setting for the new development.*
  
- *Open space provision that satisfies policies GI2a and GI6*

- 3.4 We have no objection to the amended policy wording for the site, as there are a number of specific measures that the site would deliver that will reduce the need and desire for future residents to visit Strensall Common to a negligible level including: -

- A minimum of 10.72ha of public open space, green corridors and recreational facilities as part of the development proposals.
- The retention and enhancement of existing hedgerows and trees located within and surrounding the site. Appropriate accessibility into these areas will be provided.

- The provision of substantial levels of new landscape planting within and surrounding the site. Appropriate accessibility into these areas will be provided.
- New walking and cycling routes will be provided to connect the site to the wider York footpath and cycle network. The HRA identifies these as *Bad Bargain Lane a public bridleway that connects south via a Public Right of Way (PRoW) to the Sustrans Route 66 (Foss Island dismantled railway) and onwards west to St Nicholas Fields Local Nature Reserve a few hundred metres away. All comprise part of the Millennium Way, a 37 kilometre walking route linking the historic open strays of York.*
- The setting of Millennium Way will be preserved and enhanced through a series of green corridors proposed within the development masterplan. Including a large strategic greenspace located in the central area of the site in accordance with CYC's proposals.
- The walking and cycling routes in and around the site would be in excess of 5km in length and therefore remove any day to day need or desire to visit Strensall Common for general recreation purposes (including dog walking).

3.5 Furthermore, any strategic issues, such as the disposal of wastewater are effectively screened out through adhering to the requirements of Local Plan Policy GI2 (vii). In particular, the Drainage Strategy for the development proposals will ensure that the water quality of the site and surrounding area is not negatively affected through the provision of three phase Sustainable Urban Drainage Systems and the removal of silt and chemical inputs. A Construction Environment Management Plan will also be produced to demonstrate that construction run-off will be attenuated to prevent silt or diffuse pollutants entering the wider catchment area.

3.6 The distance of the Osbaldwick site from Strensall Common; the provision of a substantial quantity of high quality on-site publicly accessible open space; and the provision of sustainable urban drainage systems will ensure that the development has a negligible impact on Strensall Common, which is no greater than any other part of the City.

3.7 The above measures would of course be provided to meet the requirements of Policy GI6, Policy GI2a and Policy SS9 of the Local Plan.

## 4. GREEN BELT ADDENDUM

### Topic Paper 1 Approach to defining Green Belt Addendum January 2021

EX/CYC/59	TP1 Addendum
EX/CYC/59a	TP1 Addendum Annex 1
EX/CYC/59c	TP1 Addendum Annex 3 Inner Boundary Part 2 S5-6
EX/CYC/59g	TP1 Addendum Annex 5 Freestanding Sites

- 4.1 The ST7 Developer Consortium have appointed SLR to undertake a review of the Council's updated evidence base regarding how the York Green Belt boundaries have been drawn and justified, specifically in relation to landscape. The full report is contained at Appendix 2.
- 4.2 SLR state that the methodology described in the TP1 Addendum is not a standard approach to appraising against the NPPF Green Belt purposes. A number of issues are raised with the Council's methodology and resultant approach to defining Green Belt boundaries. In particular relation to the land west of ST7, the assessment does not define parcels of land and so is unable to quantify how much land extending from the suburban edge should be kept open to safeguard against sprawl, encroachment etc. The assessment does not appear to take account of the proposed freestanding settlement (ST7) which would be located directly to the east of these boundaries and therefore no judgements have been made as to how much land should be kept open between the existing suburban edge and the proposed new settlement to ensure functionality of them and against the NPPF purposes of the Green Belt.
- 4.3 The Council's assessment does not provide any justification for retaining land between the suburban edge and ST7 within the Green Belt.
- 4.4 An alternative approach to defining land in between the suburban edge and ST7 in the Green Belt is proposed by SLR. It is considered that a more appropriate and sensible alternative approach would be to designate the land as a Strategic or Local Gap to ensure that a sense of separation between the edge of York and the proposed freestanding settlement ST7 remains. A Strategic or Local Gap policy does not preclude development but would enable the extent of proposed development within the proposed freestanding settlement ST7 to be tested against established criteria to ensure that a physical and perceptual sense of separation between areas of settlement remains.
- 4.5 It is recommended that further analysis is undertaken to understand the openness of land between the suburban edge and the proposed freestanding settlement (ST7). The TP1 Addendum update only assesses boundaries.

## 5. HERITAGE CONSIDERATIONS

- 5.1 Pegasus have been appointed by the ST7 Developer Consortium to review the Council's methodology as set out in the TP1 Addendum in relation to matters of heritage and the defining of Green Belt boundaries with respect to the draft ST7 allocation. The full Heritage Report is contained at Appendix 3
- 5.2 Pegasus highlight a number of concerns with the Council's revised TP1 Addendum. There are criticisms regarding the continued complexity of the Addendum information. The outcomes of the methodology are not substantively different to that presented in the 2019 TP1 Addendum documentation and the effect of the 2021 TP1 Addendum revisions has made no material difference to the outcome of the Green Belt boundaries, as put forward in 2019.
- 5.3 There are criticisms of how the Council's methodology regarding the 5 criteria relates to the bearing of purpose 4 of Green Belt ('to preserve the setting and special character of historic towns'). For example, in relation to the Landmark Monuments criteria it is noted that not all views of the Minster will contribute in the same way to the understanding and significance of the historic core, with not every single view of the Minster being significant or worthy of protection or contributing towards the understanding of the historic core.
- 5.4 In particular relation to question 2 of the Landmark Monuments criteria – *Does the land need to be kept permanently open to contribute to the understanding and significance of a building, landmark or monument?* Pegasus point out that this question has no bearing on Purpose 4 of Green Belt and refer to the purpose of Green Belt not being to protect individual buildings, landmarks or monuments.
- 5.5 Queries are raised regarding the methodology which seems to consider the entire built-up area of York as being the historic town, including all areas of modern development, industrial, commercial, retail etc that encircle the historic core. Whilst it is not in doubt that the historic core of York could be identified as having interest commensurate with a heritage asset, this cannot be said to cover the entire built-up area of York.
- 5.6 It is not considered that the methodology is robust in identifying Green Belt boundaries that would serve the function of purpose 4 of Green Belt.
- 5.7 In relation to the proposed Green Belt west of Site ST7 it is noted that the inner boundary at this location is all bordered by modern residential housing estates, with no appreciation of any element of the historic core of York from within this wedge of land, nor is there an appreciation of Osbaldwick from within this wedge.

- 5.8 In response to the Council's consideration that the historic field boundaries and patterns provide the setting of the historic settlements by providing evidence of the historic surroundings, Pegasus remark that the remainder of a small area of strip fields in an area abutted by modern development all along its western boundary, whilst providing an indication of former surroundings, does not provide the setting of the settlement. The area is not an area within which the historic settlement can be understood or experienced.
- 5.9 Land west of ST7 is not identified as an area contributing to the special character and setting of York in Figure 3 of the TP1 Addendum (EX/CYC/59). Every one of the boundaries adjacent to the inner boundary relevant to the land west of ST7 is located directly abutting modern development. It is maintained that this area of land does not contribute to the historic character due to the separation between the historic core of York and the wedge of land formed by extensive modern development, including very recently constructed development within Osbaldwick.
- 5.10 It is not agreed that the land in between the existing urban edge and ST7 will preserve the perception of a compact city in a rural hinterland. The thin strip of land will have no relation to the historic core, nor will it preserve the idea of a compact city preserved in a rural hinterland, as the land will be encompassed on all sides by modern development. The land will not serve purpose 4 of Green Belt.
- 5.11 In relation to long-distance views of the Minster, it is noted in the Council's documentation that it is likely the Minster would still be visible. It is maintained that the proposed development of ST7 will maintain the assessed key east - west views of the Minster. There are no key views from within the land west of ST7 towards the Minster.
- 5.12 The setting of the Osbaldwick Conservation Area is already protected through the normal planning mechanisms and it is not necessary for the Green Belt to cover this area.
- 5.13 It is concluded that there is inadequate justification for the inclusion of the area of land west of Site ST7 within the Green Belt. The justification for the boundaries is weak. It has not taken into account the context of the area which would be a thin wedge of land between two areas of modern development, thus not preserving the understanding of the compact, historic city within a rural hinterland. The area would be surrounded by development on all sides. The Council's own evidence has not shown that this area serves the purpose of Green Belt purpose 4 and it is considered that this area does not demonstrate the essential characteristics of Green Belt.

## **6. ALTERNATIVE DEVELOPMENT OPTIONS AND CONCLUSIONS**

- 6.1 Whilst the ST7 Developer Consortium remain supportive of the identification of Osbaldwick ST7 site as a new Garden Village within the emerging City of York Local Plan, they remain concerned with the size of the current site allocation boundary.
- 6.2 Whilst the site could deliver 845 homes within the plan period within CYC's proposed site allocation boundary, the consortium remain of the view that the current boundary should be expanded in order to enhance the community and green infrastructure that the site can deliver in respect of the policy aspirations required by Policy SS9 of the Local Plan. Particularly in relation to design and density; increased areas of public recreation and open space; internal and external areas of landscaping; and the viable delivery of the required infrastructure through ensuring that the critical mass for the site is achieved.
- 6.3 In relation to housing need, the Lichfields critique of the Council's Housing Need Update concludes that the Local Plan housing requirement (790 dpa) fails to meet the full OAHN. Lichfields calculate the OAHN at 1,010 dpa and a housing requirement of 1,111 dpa which factors in shortfall of housing delivery. Should it be determined through the Examination process that the housing requirements of the Local Plan are required to be increased, the Osbaldwick site could be expanded to contribute to meeting this need.
- 6.4 One member of the consortium (TW Fields) previously presented three potential development options to the Council to provide a new Garden Village of either 845 homes; 975 homes; or 1,225 homes alongside the delivery of significant community infrastructure. All of these options retain a gap between the existing urban edge and the ST7 allocation in line with the Council's Garden Village approach.
- 6.5 The net developable residential area of each of the proposed options are similar in size to the current allocation site area identified within the Local Plan. The westward expansion of the site required to deliver each of the proposed options would not require a significant amount of further land when considered against the wider extent of the proposed boundaries of the York Green Belt.
- 6.6 The previously proposed option to deliver 975 homes within a site area of 44ha was endorsed by the Council's Officers in their report to the Council's Local Plan Working Group on the 10<sup>th</sup> July 2017. The reasoning behind the recommendation was as follows: -

***“This reflects developers/landowners concerns raised regarding the viability/deliverability of the site, the related ability to deliver the planning principles including provision of educational and community facilities and concerns over the provision of site access to the south of the site. Officers consider that this boundary amendment could improve the viability of the site and ensure that the planning principles can be delivered.”***

- 6.7 This option was also put forward by the Council’s Officers as a potential change to the Local Plan ahead of consultation in respect of the Publication Draft Local Plan at CYC’s Local Plan Working Group on the 23<sup>rd</sup> January 2018.
- 6.8 Whilst the recommendations of Officers were not approved on either occasion, there remains a strong case for the expansion of the site to deliver each of the aspirations of Policy SS9 of the Local Plan and to ensure that the development is viable and achieves the necessary critical mass.
- 6.9 The potential expansion of the site will be discussed further as part of the Phase 2 hearing sessions; however, for ease the following plans are again enclosed at Appendix 4, providing further details of each of the proposed options: -
- 845 Home Garden Village Masterplan
  - 975 Home Garden Village Masterplan
  - 1,225 Home Garden Village Masterplan
- 6.10 The previously submitted assessment of the three proposed development options against the site-specific policy parameters identified within Local Plan Policy SS9 is enclosed at Appendix 5.
- 6.11 SLR have assessed the Council’s TP1 Green Belt Addendum documentation in specific relation to landscape. The methodology does not define parcels of land and is therefore unable to quantify how much land extending from the suburban edge should be kept open. The Council’s assessment does not provide any justification for retaining land between the suburban edge and ST7 within the Green Belt. Further analysis is recommended to understand the openness of land west of ST7. TP1 currently only assesses boundaries. It is suggested that a more appropriate and sensible alternative approach would be to designate land west of ST7 as a Strategic or Local Gap. A Strategic or Local Gap policy does not preclude development but would enable the extent of proposed development within the proposed freestanding settlement

ST7 to be tested against established criteria to ensure that a physical and perceptual sense of separation between areas of settlement remains.

- 6.12 In relation to heritage considerations, it is concluded that there is inadequate justification for the inclusion of the area of land west of ST7 within the Green Belt. The land does not demonstrate essential characteristics of Green Belt and it is noted that there are existing planning policy controls that would ensure the green wedge (albeit reduced) would largely remain free from development, further rendering the inclusion in Green Belt as redundant and contrary to policy.
- 6.13 An increase in the size of the ST7 allocation is justified and would ensure the delivery of the Local Plan's site-specific policy parameters for the site, alongside the proportionate uplift in socio-economic benefits to the City. This would of course include an uplift in the delivery of much needed affordable housing.

**From:** [REDACTED]  
**Sent:** 07 July 2021 23:48  
**To:** localplan@york.gov.uk  
**Subject:** Local Plan Proposed Modifications Consultation Response 2021

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello,

Please find attached my response to the above, can you please provide confirmation that it has been received?

Regards

Andy



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

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.**

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

## Part A - How we will use your Personal Information

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

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

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

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination<sup>1</sup>. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

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

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

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

**How long will we keep the information:** The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan<sup>2</sup>. When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

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

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

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

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

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



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



Signature

Date

## Part B - Personal Details

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

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

# Guidance note

## Where do I send my completed form?

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

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

You can also complete the form online at:

[www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation).

## What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

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

### **Do I have to use the response form?**

Yes please. This is because further changes to the plan will be a matter for a Planning Inspectors to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each topic or issue you wish to comment on**. You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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

### **Can I submit representations on behalf of a group or neighbourhood?**

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part B of this form the group you are representing.

### **Do I need to attend the Public Examination?**

The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant. You can indicate if you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

### **Where can I view the Consultation documents?**

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

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

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

# Part C -Your Representation

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



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

Proposed Modification Reference:

EX/CYC/59f

Document:

Annex 4: Other Urban Areas within the General Extent

Page Number:

A4:301 – A4:318

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes

No

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

Yes

No

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

I consider the Local Plan to be Legally compliant in so far as it has followed procedure even if some of the procedural requirements are flawed such as the SA.

I consider the Local Plan complies with the Duty to Cooperate in so far as CYC have agreed with other LA's to not cooperate in the production of Local Plans which will fail to properly mitigate the impact from development that relies on cross boundary services and infrastructure

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.



**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes  No

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

(tick all that apply)

**Positively prepared**

**Justified**

**Effective**

**Consistent with national policy**

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

Please use extra sheets if necessary

Within Wheldrake the plan fails to protect the character of the village which is an important element in the overall historic setting and character of York.

*"The character of Wheldrake retains the strongly rural, pastoral character of a linear village founded in agriculture. It exhibits a classic medieval village "toft and croft" layout, of houses in set in their own enclosed field or grounds. Its legacy of historic buildings and the qualities of its streetscape also generate a distinct sense of place, of arrival from the isolated countryside. The medieval form and layout of the village survives, with long narrow plots of land extending from Main Street to the "back lanes", North Lane and Back Lane South. The latter retains its open setting beyond, but residential development now comes right up to much of both back lanes, and extends further beyond North Lane in small residential estates, and offers little more than glimpsed views within and around the village."*

The south side of the village is described as having an open setting beyond Back Lane South and strong rural agricultural character therefore any development or change of Green Belt boundary on that side of the village would completely erode that character as it already has on the North side of the village and it would impact upon the Conservation Areas of Main Street and Back Lane south.

The Green Belt boundaries were defined through the York Green Belt Local Plan and Public Inquiry report in the mid 90's which was approved and adopted by North Yorkshire County Council in 1995 as an interim policy. Under the Planning and Compensation Act of 1991, this did not require the approval of the Secretary of State although they did still retain power to intervene where they did not agree.

This is further reinforced with the Secretary of States approval of neighboring Local Plans that all make reference to this adoption of the York Green Belt boundaries as interim policy for example the Harrogate Local Plan states:-

*"5.9 The extent of Green Belt in Harrogate District has been established in earlier development plans. The*

Green Belt between Harrogate and Knaresborough and along the southern boundary of the district was originally established by the West Riding County Development Plan: First Review (1966). With respect to the boundaries of the West Yorkshire Green Belt approved as part of the Harrogate and Knaresborough Local Plan, a slight amendment has been made to exclude the site of the former Pannal Auction Mart, now redeveloped for housing. The Green Belt around the City of York was approved in principle in 1980 as part of the North Yorkshire County Structure Plan. **The detailed boundary of this Green Belt has been defined through the York Green Belt Local Plan, approved by the County Council in March 1995 as interim policy for development control purposes."**

In addition to the neighboring authorities Local Plans approved by the Secretary of State, the CYC's 2005 Adopted Local Plan for the purposes of Development Control states in Chapter 5:-

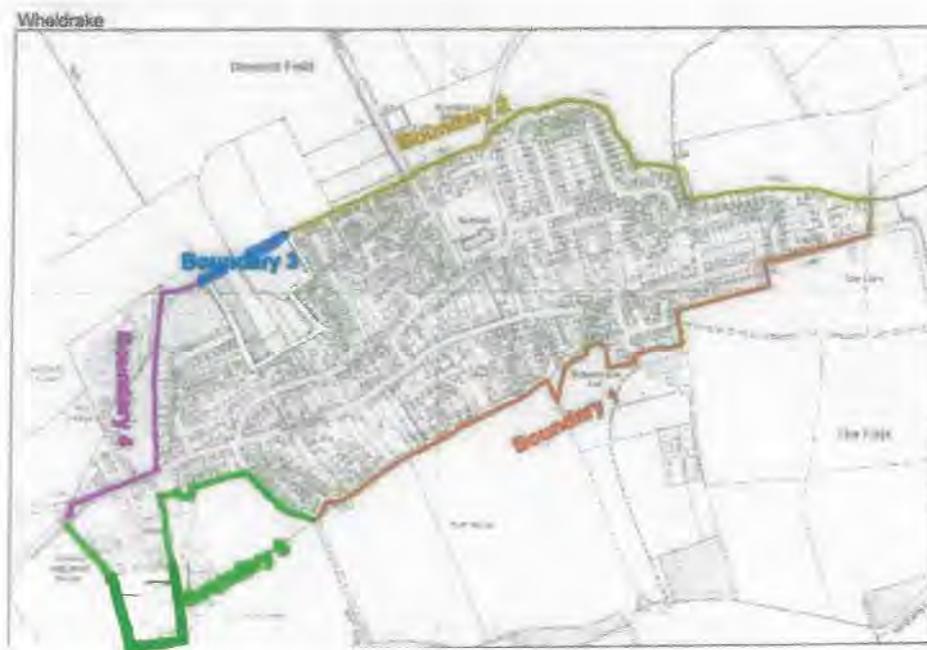
*"5.10 Whilst remaining broadly consistent with the draft York Green Belt Local Plan, the Local Plan has taken the Inspector's Report to the York Green Belt Public Inquiry as its starting point for the consideration of detailed boundaries and has updated existing policies to take into account the revised guidance contained in the latest version of PPG2 (1995) and the approved Structure Plan."*

With site specific detail of that report listed in Appendix J of the 2005 York Local Plan.

The current boundary around Wheldrake is depicted incorrectly in Annex 4, land to the North of North Lane (H28)/D80 in Appendix J is not included in the Green Belt and including it would therefore be creating New Green Belt with no justification and no compliance with point 82 of the 2012 NPPF.

The proposed change to the South Eastern boundary and inclusion of ST33 is also unjustified and not compliant with points 87 and 88 of the 2012 NPPF especially with land already not included in the Green Belt and previously allocated for housing such as land North of North Lane(H28).

The current/starting boundaries are therefore as follows:-



The initial boundary 5 description is missing some key information:-

*“Boundary 5 - the boundary continues south around the recognisable western boundary of Millfield Industrial Estate before running in an east-west direction to the south of the existing units on the industrial estate then along the eastern side of the industrial estate (but excluding the large unit to the south east, which remains in the Green Belt) before running along the rear boundary of properties on Main Street, Millfield Court and Dykeland Close. The boundary is recognisable as the side and rear boundaries of properties easily determined on OS maps and on the ground”*

There is no mention of the boundary running along Back Lane South from the properties on the corner of Main Street/Back Lane South to join up with boundary 1. Both Main Street and Back Lane South are Conservation Areas, where the latter retains its open setting as soon as you are past those properties. The historic setting and character of York also extends to the individual characteristics of its surrounding villages and it is therefore just as important to protect these individual characteristics.

The whole section depicting specific site boundaries is flawed and incomplete. Dates are not consistent, for example Site 11/H28 was allocated in 2013, site 13(H49) and 817(H49) were previously rejected, site 817 did not take part in the Further Sites Consultation as it was submitted at the close of business on the last day of that consultation period. The “see 855” is a deflection tactic so as not to highlight these rejections, but site 855/ST33 does not exist. Its existence has been raised numerous times before and now CYC confirm the same in the SHLAA, (see my other submission).

Site 600/E8 is allocated for Employment but again doesn't exist as the Landowners have now turned into a woodland area because it can't be developed on due to the water main running under it. Site 701 is missing but is the south eastern corner of the Industrial Estate and has now had some development on it to the existing Industrial Unit (18/02128/FUL ). Site 599 is incorrect, it did not take up the whole southern area of the Industrial Estate and it was previously allocated as E7 but that was removed and combined with Site 701 and H49/13/817 to create ST33/855 however E7/599 has since become an employment site as indicated in the SHLAA.

Given there is now no Employment sites, no development can be considered to be sustainable within Wheldrake as per the NPPF:-

**103.** *The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.*

**104.** *Planning policies should:*

*(a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;*

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

The whole section needs properly re-working, given that ST33 does not exist and the land north of North Lane does not exist it could just be as simple as using the boundaries I've provided in the previous section, adding in H28 as it was previously allocated and the land is not within the Green Belt, and removing ST33, especially as it suggests that the land is already open and would encroach into the open countryside, it also indicates that the hedgerow along the longest side is not a defensible boundary as any development there would need to significantly reinforce that boundary and landscape it out from the open countryside.

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

**9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspectors by way of written representations.

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

Previous objections/comments have either not been addressed or have now been partially acknowledge but still need to be properly clarified and it seems the only way to get this done is in the hearings.

**Please note:** the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

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

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

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.**

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

## Part A - How we will use your Personal Information

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

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

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

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination<sup>1</sup>. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

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

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

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

**How long will we keep the information:** The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan<sup>2</sup>. When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

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

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

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

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

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



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



Signature

Date

## Part B - Personal Details

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

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

# Guidance note

## Where do I send my completed form?

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

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

You can also complete the form online at:

[www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation).

## What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

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

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspectors to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each topic or issue you wish to comment on**. You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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

## Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part B of this form the group you are representing.

## Do I need to attend the Public Examination?

The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant. You can indicate if you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Consultation documents?

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

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

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

# Part C - Your Representation

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



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

Proposed Modification Reference:

Document:

SHLAA Update (April 2021)

Page Number:

pg 8, Figure 3 & Allocation Reference ST33

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes

No

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

Yes

No

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

I consider the Local Plan to be Legally compliant in so far as it has followed procedure even if some of the procedural requirements are flawed such as the SA.

I consider the Local Plan complies with the Duty to Cooperate in so far as CYC have agreed with other LA's to not cooperate in the production of Local Plans which will fail to properly mitigate the impact from development that relies on cross boundary services and infrastructure

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes  No

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

(tick all that apply)

<b>Positively prepared</b>	<input checked="" type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
<b>Effective</b>	<input checked="" type="checkbox"/>	<b>Consistent with national policy</b>	<input checked="" type="checkbox"/>

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

Please use extra sheets if necessary

ST33 does not exist, the SHLAA draws attention to this under the Recent Planning Application Heading:-

*“N.B. Application 20/00761/FUL for the change of use of outdoor area to play area in association with use of building as a nursery, including the erection of 4no. outdoor classrooms, perimeter fence and installation of 3no. doors to south elevation that forms part of the larger site was approved in July 2020 (this will affect the boundary and capacity of the draft allocation?).”*

In addition to this Planning Application, immediately after submission of the Local Plan in 2018 there was also 18/02128/FUL for an extension to an existing Industrial Unit within the ST33 site boundary. In previous consultation submissions it has always been maintained that this site does not actually exist and the only reason it came about was to expand H49 into a strategic site to avoid the under 5ha site assessment as per the Site Selection Flow Diagram as comments had already been raised as to its sustainability score and significant holes in that had already been presented.

When I presented this argument to a Planning Officer at one of the previous drop-in sessions, they confirmed this was the case.

Under ID354 of the 2018 Consultation Response, I do not see any comment submitted that relates to the developable area so not sure where that has come from but comments have been made on that point before and having made amendments to submission of H49 to finally get it over the line having been previously rejected on numerous occasions, there are numerous references to the developable area as been 3.9ha of the H49's 4.7ha site submission with the remaining 0.8ha been used to screen out the anomaly as described in the 2021 TP1 Addendum Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt document known as the Industrial Estate that is already screened out. Clearly the 147 dwellings is also flawed as 147 over 70% of 3.9 would be 54 dph which is significantly over the allowed 35dph as per Policy H2. This would only allow for 96 dwellings and would impact the Scoring in

the Sustainability Appraisal and hence why the site was increased to 6ha by adding on land enclosed within the perimeter of the Industrial Estate.

Given the question of the actual site boundary is raised within this document it clearly can't be said to be Positively Prepared, Justified, Effective or consistent with National Planning Policy as it does not allow for ambiguity.

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

In respect of Wheldrake, ST33 needs to be removed as it does not exist, it should NOT be replaced with the original H49 proposal either but instead replaced with H28, land to the north of North Lane as that is not in the Green Belt as per the comments in my other submissions to this Consultation phase.

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

**9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspectors by way of written representations.

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

Previous objections/comments have either not been addressed or have now been partially acknowledge but still need to be properly clarified and it seems the only way to get this done is in the hearings.

**Please note:** the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

---

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

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

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.**

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

## Part A - How we will use your Personal Information

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

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

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

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination<sup>1</sup>. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

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

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

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

**How long will we keep the information:** The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan<sup>2</sup>. When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

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

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

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

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

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



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



Signature

Date

## Part B - Personal Details

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

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

# Guidance note

## Where do I send my completed form?

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

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

You can also complete the form online at:

[www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation).

## What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

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

## Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspectors to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each topic or issue you wish to comment on**. You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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

## Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part B of this form the group you are representing.

## Do I need to attend the Public Examination?

The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant. You can indicate if you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

## Where can I view the Consultation documents?

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

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

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

# Part C - Your Representation

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



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

Proposed Modification Reference:

Document:

Key Diagram Update (January 2021)

Page Number:

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes

No

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

Yes

No

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

I consider the Local Plan to be Legally compliant in so far as it has followed procedure even if some of the procedural requirements are flawed such as the SA.

I consider the Local Plan complies with the Duty to Cooperate in so far as CYC have agreed with other LA's to not cooperate in the production of Local Plans which will fail to properly mitigate the impact from development that relies on cross boundary services and infrastructure

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.



**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes  No

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

(tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

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

Please use extra sheets if necessary

Within Wheldrake the plan fails to protect the character of the village which is an important element in the overall historic setting and character of York.

*“The character of Wheldrake retains the strongly rural, pastoral character of a linear village founded in agriculture. It exhibits a classic medieval village “toft and croft” layout, of houses in set in their own enclosed field or grounds. Its legacy of historic buildings and the qualities of its streetscape also generate a distinct sense of place, of arrival from the isolated countryside. The medieval form and layout of the village survives, with long narrow plots of land extending from Main Street to the “back lanes”, North Lane and Back Lane South. The latter retains its open setting beyond, but residential development now comes right up to much of both back lanes, and extends further beyond North Lane in small residential estates, and offers little more than glimpsed views within and around the village.”*

The south side of the village is described as having an open setting beyond Back Lane South and strong rural agricultural character therefore any development or change of Green Belt boundary on that side of the village would completely erode that character as it already has on the North side of the village and it would impact upon the Conservation Areas of Main Street and Back Lane south.

The Green Belt boundaries were defined through the York Green Belt Local Plan and Public Inquiry report in the mid 90's which was approved and adopted by North Yorkshire County Council in 1995 as an interim policy. Under the Planning and Compensation Act of 1991, this did not require the approval of the Secretary of State although they did still retain power to intervene where they did not agree.

This is further reinforced with the Secretary of States approval of neighboring Local Plans that all make reference to this adoption of the York Green Belt boundaries as interim policy for example the Harrogate Local Plan states:-

*“5.9 The extent of Green Belt in Harrogate District has been established in earlier development plans. The*

*Green Belt between Harrogate and Knaresborough and along the southern boundary of the district was originally established by the West Riding County Development Plan: First Review (1966). With respect to the boundaries of the West Yorkshire Green Belt approved as part of the Harrogate and Knaresborough Local Plan, a slight amendment has been made to exclude the site of the former Pannal Auction Mart, now redeveloped for housing. The Green Belt around the City of York was approved in principle in 1980 as part of the North Yorkshire County Structure Plan. The detailed boundary of this Green Belt has been defined through the York Green Belt Local Plan, approved by the County Council in March 1995 as interim policy for development control purposes."*

In addition to the neighboring authorities Local Plans approved by the Secretary of State, the CYC's 2005 Adopted Local Plan for the purposes of Development Control states in Chapter 5:-

*"5.10 Whilst remaining broadly consistent with the draft York Green Belt Local Plan, the Local Plan has taken the Inspector's Report to the York Green Belt Public Inquiry as its starting point for the consideration of detailed boundaries and has updated existing policies to take into account the revised guidance contained in the latest version of PPG2 (1995) and the approved Structure Plan."*

With site specific detail of that report listed in Appendix J of the 2005 York Local Plan.

The current boundary around Wheldrake is depicted incorrectly in the Key Diagram, land to the North of North Lane (H28)/D80 in Appendix J is not included in the Green Belt and including it would therefore be creating New Green Belt with no justification and no compliance with point 82 of the 2012 NPPF.

The proposed change to the South Eastern boundary and inclusion of ST33 is also unjustified and not compliant with points 87 and 88 of the 2012 NPPF especially with land already not included in the Green Belt and previously allocated for housing such as land North of North Lane(H28).

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

In respect of Wheldrake the Key Diagram should be as proposed in the 2013 Key Diagram (<https://www.york.gov.uk/downloads/file/1423/sd005-city-of-york-local-plan-preferred-options-june-2013->) :-



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

**9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspectors by way of written representations.

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

Previous objections/comments have either not been addressed or have now been partially acknowledge but still need to be properly clarified and it seems the only way to get this done is in the hearings.

**Please note:** the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

---

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

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 22 June 2021 15:31  
**To:** localplan@york.gov.uk  
**Subject:** City of York Local Plan: Proposed Modifications and Evidence Base Consultation  
**Attachments:** 22.06.21 York CC - LP Main Mods May-Jun 21.pdf; 22.06.21 York CC - LP Main Mods Asset Map ST1 May-Jun 21.pdf; 22.06.21 York CC - LP Main Mods Asset Map ST9 May-Jun 21.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir / Madam

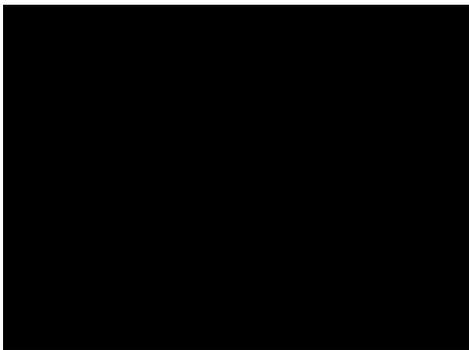
We write to you with regards to the current consultation as detailed above in respect of our client, National Grid.

Please find attached our letter of representation. Please do not hesitate to contact me via [REDACTED] if you require any further information or clarification.

Kind regards

[REDACTED]

[REDACTED]



22 June 2021

City of York Council  
[localplan@york.gov.uk](mailto:localplan@york.gov.uk)  
**via email only**

Dear Sir / Madam

**City of York Local Plan: Proposed Modifications and Evidence Base Consultation  
May – June 2021  
Representations on behalf of National Grid**

National Grid has appointed Avison Young to review and respond to local planning authority Development Plan Document consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

**About National Grid**

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators, so it can reach homes and businesses.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid Ventures (NGV) is separate from National Grid's core regulated businesses. NGV develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States.

**Proposed development sites crossed or in close proximity to National Grid assets:**

Following a review of the above Development Plan Document, we have identified that one or more proposed development sites are crossed or in close proximity to National Grid assets.

Details of the sites affecting National Grid assets are provided below.





**Electricity Transmission**

Development Plan Document Site Reference	Asset Description
ST9 – North of Haxby	YR ROUTE TWR (001 - 040): 400Kv Overhead Transmission Line route: NORTON - OSBALDWICK 1
Site ST1 - British Sugar / Manor School	XCP ROUTE: 275Kv Overhead Transmission Line route: MONK FRYSTON - POPPLETON 1

A plan showing details of the site locations and details of National Grid's assets is attached to this letter. Please note that this plan is illustrative only.

Please also see attached information outlining further guidance on development close to National Grid assets.

**Further Advice**

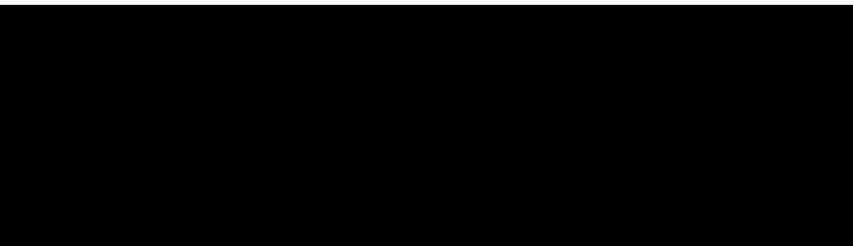
National Grid is happy to provide advice and guidance to the Council concerning their networks. If we can be of any assistance to you in providing informal comments in confidence during your policy development, please do not hesitate to contact us.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect their assets. Please remember to consult National Grid on any Development Plan Document (DPD) or site-specific proposals that could affect National Grid's assets. We would be grateful if you could check that our details as shown below are included on your consultation database:



If you require any further information in respect of this letter, then please contact us.

Yours faithfully,





  
For and on behalf of Avison Young





## **Guidance on development near National Grid assets**

National Grid is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

### Electricity assets

Developers of sites crossed or in close proximity to National Grid assets should be aware that it is National Grid policy to retain existing overhead lines in-situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.

National Grid's *'Guidelines for Development near pylons and high voltage overhead power lines'* promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise the impact of overhead lines whilst promoting a quality environment. The guidelines can be downloaded here: <https://www.nationalgridet.com/document/130626/download>

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

National Grid's statutory safety clearances are detailed in their *'Guidelines when working near National Grid Electricity Transmission assets'*, which can be downloaded here: [www.nationalgridet.com/network-and-assets/working-near-our-assets](http://www.nationalgridet.com/network-and-assets/working-near-our-assets)

### Gas assets

High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.

National Grid have land rights for each asset which prevents the erection of permanent/temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Grid's 12.2m building proximity distance, and a deed of consent is required for any crossing of the easement.

National Grid's *'Guidelines when working near National Grid Gas assets'* can be downloaded here: [www.nationalgridgas.com/land-and-assets/working-near-our-assets](http://www.nationalgridgas.com/land-and-assets/working-near-our-assets)

### How to contact National Grid

If you require any further information in relation to the above and/or if you would like to check if National Grid's transmission networks may be affected by a proposed development, please contact:





- National Grid's Plant Protection team: [plantprotection@nationalgrid.com](mailto:plantprotection@nationalgrid.com)

Cadent Plant Protection Team

Block 1

Brick Kiln Street

Hinckley

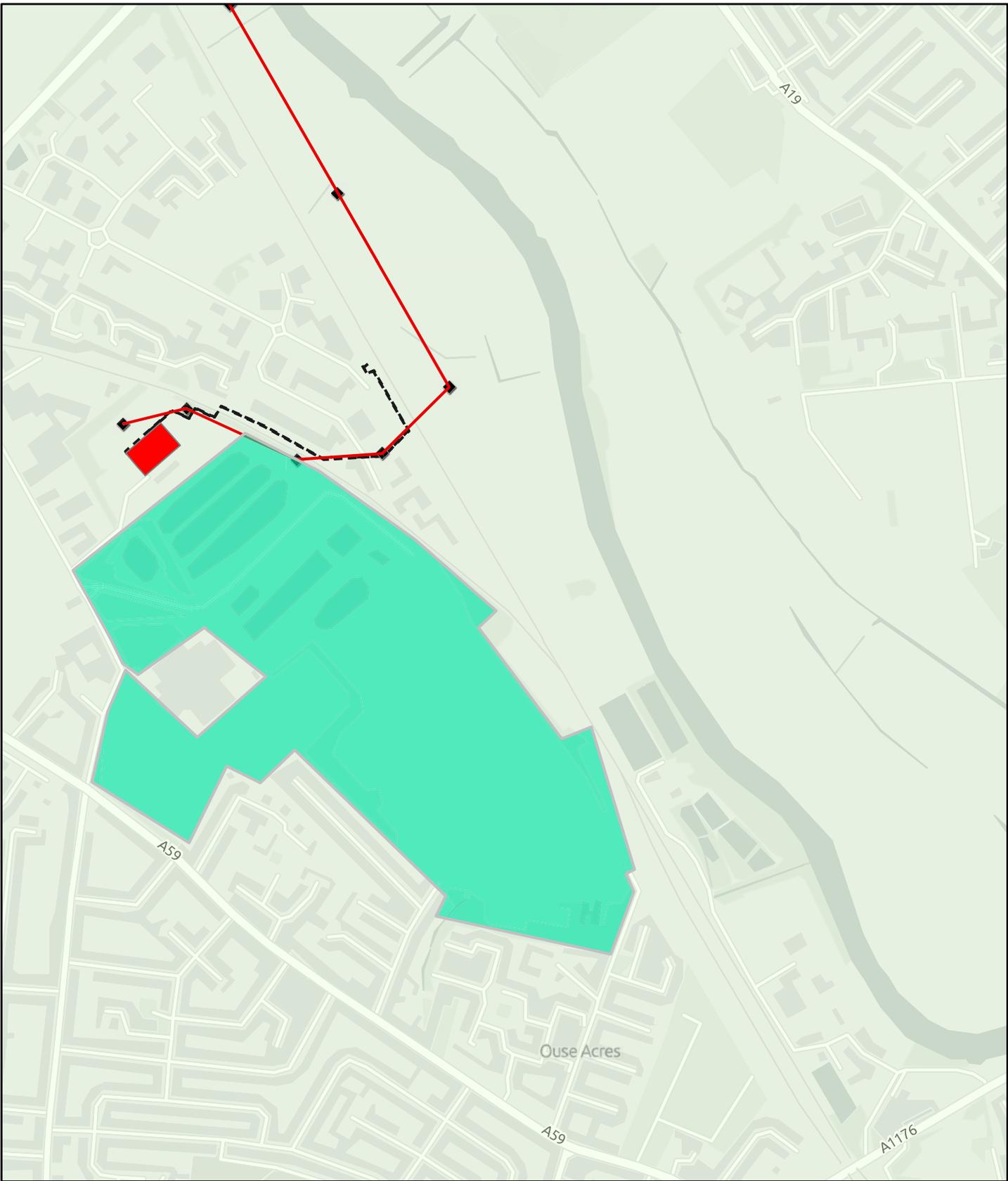
LE10 0NA

0800 688 588

or visit the website: <https://www.beforeyoudig.cadentgas.com/login.aspx>



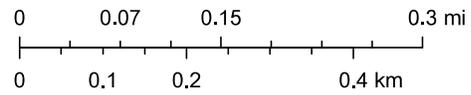
# Site ST1 - British Sugar / Manor School



22/06/2021, 15:26:03

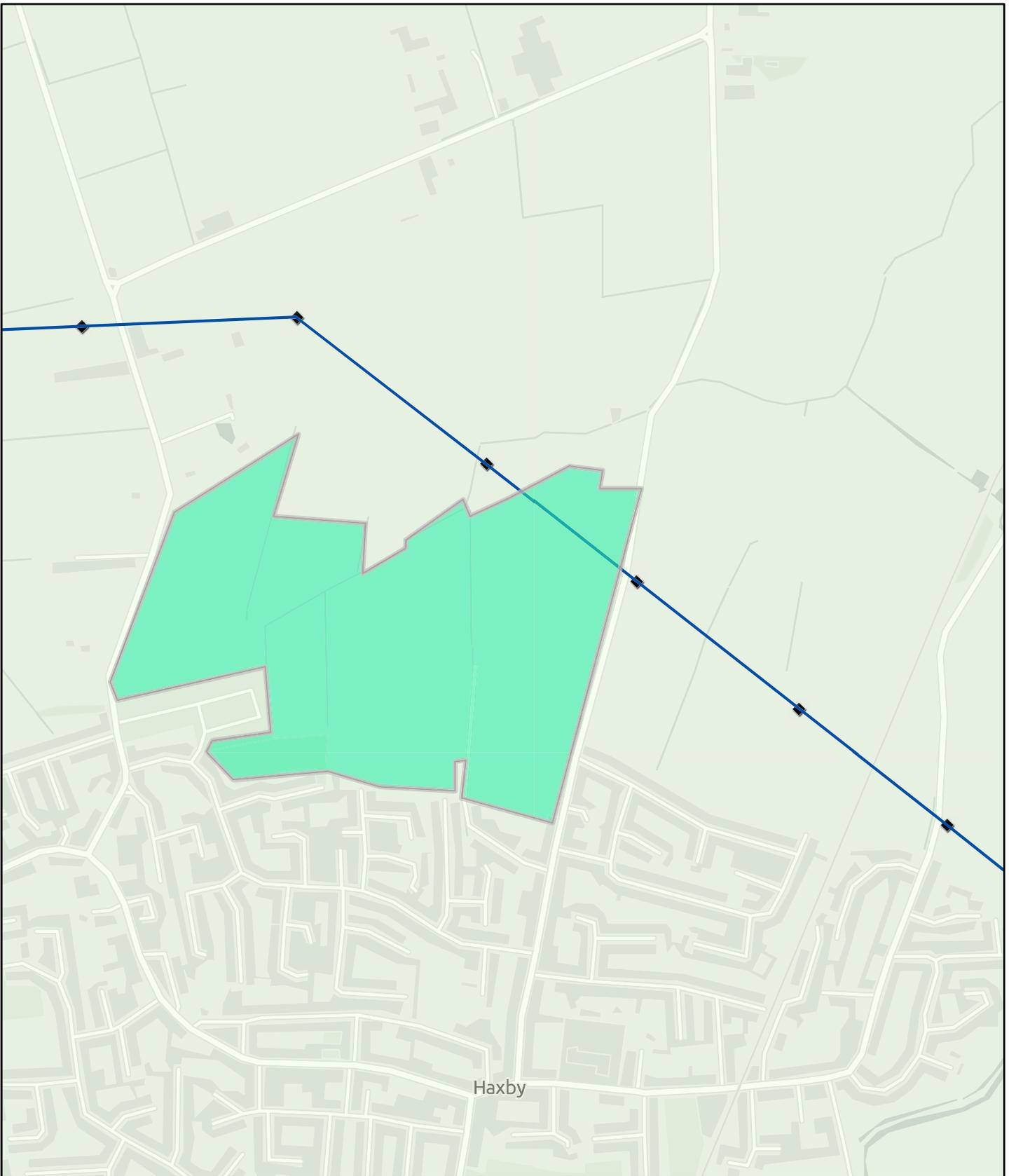
1:9,009

- █ Override 1
- █ Electric\_Assets\_3956
- Electric\_Assets\_4020
- 275
- ◆ Electric\_Assets\_1587
- - - Electric\_Assets\_7634
- - - 132 & Below
- █ Development\_Plan\_Monitoring\_v2\_977



Contains OS data © Crown Copyright and database right 2020  
Contains data from OS Zoomstack

# Site ST9 - North of Haxby



22/06/2021, 15:18:11

Development\_Plan\_Monitoring\_Sites\_vw\_9270

Development\_Plan\_Monitoring\_v2\_7386

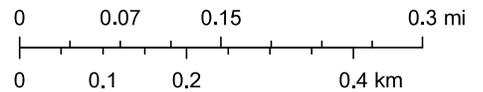
Electric\_Assets\_4020

400

Electric\_Assets\_1587

Development\_Plan\_Monitoring\_v2\_977

1:9,009



Contains OS data © Crown Copyright and database right 2020  
Contains data from OS Zoomstack

**From:** [Redacted]  
**Sent:** 07 July 2021 21:19  
**To:** localplan@york.gov.uk  
**Cc:** [Redacted]  
**Subject:** DIO Response to York Local Plan Additional Consultation July 2021  
**Attachments:** Response Form DIO PM Key Diagram.pdf; Response Form DIO PMs GB Boundaries.pdf; Response Form DIO PMs Housing Need.pdf; Response Form DIO PMs on HRA.pdf  
**Importance:** High  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/ Madam,

Please find within the following link representations from the Defence Infrastructure Organisation to the current consultation on the New Local Plan Proposed Modifications.

[Redacted]

This includes completed response forms (which are also attached) and DIO's supporting representations.

I would be grateful if you could confirm receipt.

If you have any issues accessing the documents or have any further queries please do not hesitate to contact me.

Kind regards,

[Redacted]

[Redacted]

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

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.**

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

## Part A - How we will use your Personal Information

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

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

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

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination<sup>1</sup>. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

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

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

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

**How long will we keep the information:** The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan<sup>2</sup>. When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

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

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

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

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

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



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



Signature



Date

7 July 2021

<sup>2</sup>Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012.

## Part A - Personal Details

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

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

# Guidance note

## Where do I send my completed form?

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

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

You can also complete the form online at:

[www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation).

## What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

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

### **Do I have to use the response form?**

Yes please. This is because further changes to the plan will be a matter for a Planning Inspectors to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each topic or issue you wish to comment on**. You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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

### **Can I submit representations on behalf of a group or neighbourhood?**

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part B of this form the group you are representing.

### **Do I need to attend the Public Examination?**

The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant. You can indicate if you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

### **Where can I view the Consultation documents?**

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

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

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

# Part C -Your Representation

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



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

Proposed Modification Reference:

PM56 and PM57

Document:

EX/CYC/46

Page Number:

See attached Representations

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes  No

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

Yes  No

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

N/A

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes

No

If yes, go to question 5.(3). If no, go to question 5.(2).

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

(tick all that apply)

**Positively prepared**

**Justified**

**Effective**

**Consistent with national policy**

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

Please use extra sheets if necessary

See attached Representations

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

See attached Representations

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

**9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspectors by way of written representations.

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

DIO participation is necessary because it has a land owning interest in sites that are directly affected by the Modifications and the issues that need to be assessed are complex and require debate.

**Please note:** the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

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

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.**

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

## Part A - How we will use your Personal Information

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

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

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

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination<sup>1</sup>. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

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

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

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

**How long will we keep the information:** The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan<sup>2</sup>. When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

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

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

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

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

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



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



Signature

Date

7 July 2021

<sup>2</sup>Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012.

## Part A - Personal Details

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

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

# Guidance note

## Where do I send my completed form?

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

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

You can also complete the form online at:

[www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation).

## What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

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

### **Do I have to use the response form?**

Yes please. This is because further changes to the plan will be a matter for a Planning Inspectors to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each topic or issue you wish to comment on**. You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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

### **Can I submit representations on behalf of a group or neighbourhood?**

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part B of this form the group you are representing.

### **Do I need to attend the Public Examination?**

The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant. You can indicate if you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

### **Where can I view the Consultation documents?**

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

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

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

# Part C -Your Representation

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



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

Proposed Modification Reference:

PM90 & PM101

Document:

EX/CYC/59, 59a, 59b, 59e, 59f, 59h

Page Number:

See attached Representations

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes  No

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

Yes  No

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

N/A

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes

No

If yes, go to question 5.(3). If no, go to question 5.(2).

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

(tick all that apply)

**Positively prepared**

**Justified**

**Effective**

**Consistent with national policy**

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

Please use extra sheets if necessary

See attached Representations

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

See attached Representations

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

**9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**No**, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspectors by way of written representations.

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

DIO participation is necessary because it has a land owning interest in sites that are directly affected by the Modifications and the issues that need to be assessed are complex and require debate.

**Please note:** the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

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

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.**

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

## Part A - How we will use your Personal Information

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

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

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

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination<sup>1</sup>. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

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

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

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

**How long will we keep the information:** The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan<sup>2</sup>. When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

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

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

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

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

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



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



Signature

Date

7 July 2021

<sup>2</sup>Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012.

## Part A - Personal Details

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

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

# Guidance note

## Where do I send my completed form?

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

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

You can also complete the form online at:

[www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation).

## What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

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

### **Do I have to use the response form?**

Yes please. This is because further changes to the plan will be a matter for a Planning Inspectors to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each topic or issue you wish to comment on**. You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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

### **Can I submit representations on behalf of a group or neighbourhood?**

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part B of this form the group you are representing.

### **Do I need to attend the Public Examination?**

The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant. You can indicate if you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

### **Where can I view the Consultation documents?**

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

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

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

# Part C -Your Representation

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



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

Proposed Modification Reference:

PM50, PM53, PM54 and PM55

Document:

EX/CYC/43a

Page Number:

See attached Representations

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes  No

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

Yes  No

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

N/A

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes  No

If yes, go to question 5.(3). If no, go to question 5.(2).

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

(tick all that apply)

<b>Positively prepared</b>	<input checked="" type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
<b>Effective</b>	<input checked="" type="checkbox"/>	<b>Consistent with national policy</b>	<input type="checkbox"/>

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

Please use extra sheets if necessary

See attached Representations

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

See attached Representations

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

**9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

<b>No</b> , I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation	<input type="checkbox"/>	<b>Yes</b> , I wish to appear at the examination	<input checked="" type="checkbox"/>
---	--------------------------	--	-------------------------------------

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspectors by way of written representations.

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

DIO participation is necessary because it has a land owning interest in sites that are directly affected by the Modifications and the issues that need to be assessed are complex and require debate.

**Please note:** the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

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

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.**

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

## Part A - How we will use your Personal Information

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

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

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

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination<sup>1</sup>. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

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

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

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

**How long will we keep the information:** The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan<sup>2</sup>. When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

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

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

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

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

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



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



Signature

Date

7 July 2021

<sup>2</sup>Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012.

## Part A - Personal Details

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

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

# Guidance note

## Where do I send my completed form?

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

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

You can also complete the form online at:

[www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation).

## What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

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

### **Do I have to use the response form?**

Yes please. This is because further changes to the plan will be a matter for a Planning Inspectors to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each topic or issue you wish to comment on**. You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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

### **Can I submit representations on behalf of a group or neighbourhood?**

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part B of this form the group you are representing.

### **Do I need to attend the Public Examination?**

The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant. You can indicate if you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

### **Where can I view the Consultation documents?**

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

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

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

# Part C -Your Representation

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



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

Proposed Modification Reference:	PMs 13, 14, 18, 19, 58, 59, 60, 61, 63, 65, 70 and 71
Document:	EX/CYC/45 & EX/CYC/45a
Page Number:	See attached Representations

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes  No

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

Yes  No

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

See attached Representations

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes  No

If yes, go to question 5.(3). If no, go to question 5.(2).

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

(tick all that apply)

<b>Positively prepared</b>	<input checked="" type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
<b>Effective</b>	<input type="checkbox"/>	<b>Consistent with national policy</b>	<input type="checkbox"/>

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

Please use extra sheets if necessary

See attached Representations

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

See attached Representations

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

**9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

<b>No</b> , I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation	<input type="checkbox"/>	<b>Yes</b> , I wish to appear at the examination	<input checked="" type="checkbox"/>
---	--------------------------	--	-------------------------------------

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspectors by way of written representations.

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

DIO participation is necessary because it has a land owning interest in sites that are directly affected by the Modifications and the issues that need to be assessed are complex and require debate.

**Please note:** the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

**From:** [REDACTED]  
**Sent:** 07 July 2021 23:14  
**To:** localplan@york.gov.uk  
**Cc:** [REDACTED]  
**Subject:** DIO Response to York Local Plan Additional Consultation July 2021 (Part 2/3)  
**Attachments:** 210707 DIO Response to York Additional Consultation With Appendices Part 2 of 3.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/ Madam,

Further to the below, I also attach DIO's Representations in case you are unable to access the files via the link below (Part 2/3).

Kind regards,

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 07 July 2021 21:19  
**To:** [localplan@york.gov.uk](mailto:localplan@york.gov.uk)  
**Cc:** [REDACTED]  
**Subject:** DIO Response to York Local Plan Additional Consultation July 2021  
**Importance:** High

Dear Sir/ Madam,

Please find within the following link representations from the Defence Infrastructure Organisation to the current consultation on the New Local Plan Proposed Modifications.

[REDACTED]

This includes completed response forms (which are also attached) and DIO's supporting representations.

I would be grateful if you could confirm receipt.

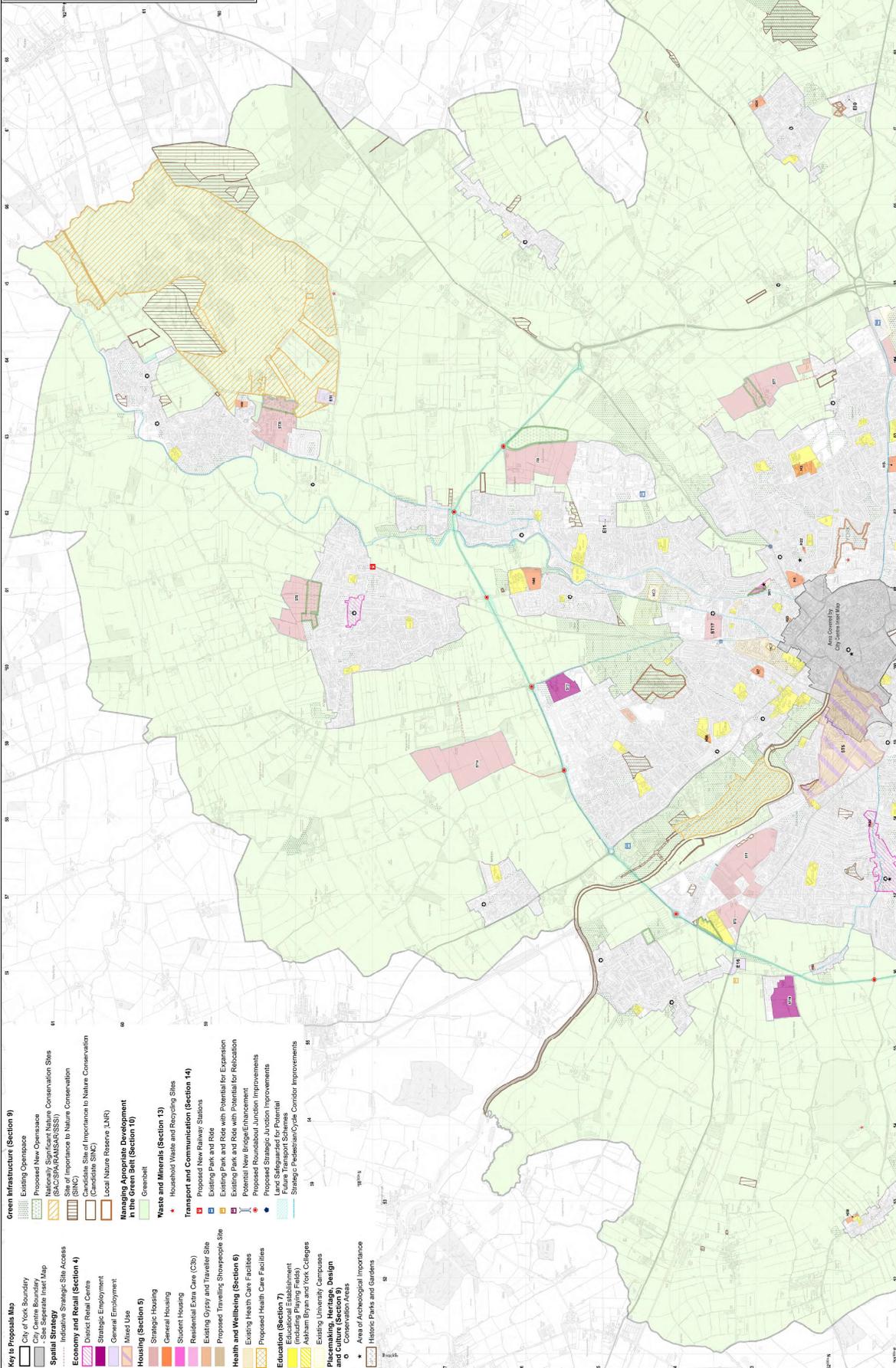
If you have any issues accessing the documents or have any further queries please do not hesitate to contact me.

Kind regards,



July 2021

**Appendix F – City of York Publication Draft Local Plan Policies Maps**



- Key to Proposals Map**
- City of York Boundary
  - City Centre Boundary
  - Site of Special Interest
  - Local Nature Reserve
  - Strategic Employment
  - Mixed Use
  - General Employment
  - Local Nature Reserve (LNR)
  - Candidate Site of Importance to Nature Conservation (SINC)
  - Site of Importance to Nature Conservation (SINC)
  - Proposed New Open Space
  - Existing Open Space
  - Green Belt
  - Strategic Housing
  - General Housing
  - Student Housing
  - Residential Extra Care (ECR)
  - Existing Gypsy and Traveller Site
  - Proposed Travelling Showpeople Site
  - Proposed Travelling Showpeople Site
  - Existing Health Care Facilities
  - Proposed Health Care Facilities
  - Area of Archaeological Importance
  - Historic Parks and Gardens

- Green Infrastructure (Section 9)**
- Proposed New Open Space
  - Existing Open Space
  - Green Belt
  - Strategic Housing
  - General Housing
  - Student Housing
  - Residential Extra Care (ECR)
  - Existing Gypsy and Traveller Site
  - Proposed Travelling Showpeople Site
  - Proposed Travelling Showpeople Site
  - Existing Health Care Facilities
  - Proposed Health Care Facilities
  - Area of Archaeological Importance
  - Historic Parks and Gardens
- Waste and Minerals (Section 13)**
- Household Waste and Recycling Sites
  - Proposed New Railway Stations
  - Existing Park and Ride
  - Existing Park and Ride with Potential for Expansion
  - Potential New Bridge/Enhancement
  - Proposed Roundabout/Junction Improvements
  - Proposed Strategic Junction Improvements
  - Future Transport Schemes
  - Strategic Pedestrian/Cycle Corridor Improvements
- Transport and Communication (Section 14)**
- Proposed New Railway Stations
  - Existing Park and Ride
  - Existing Park and Ride with Potential for Expansion
  - Potential New Bridge/Enhancement
  - Proposed Roundabout/Junction Improvements
  - Proposed Strategic Junction Improvements
  - Future Transport Schemes
  - Strategic Pedestrian/Cycle Corridor Improvements

- Economy and Retail (Section 4)**
- Strategic Employment
  - Mixed Use
  - General Employment
  - Local Nature Reserve (LNR)
  - Candidate Site of Importance to Nature Conservation (SINC)
  - Site of Importance to Nature Conservation (SINC)
- Managing Appropriate Development in the Green Belt (Section 10)**
- Green Belt

- Education (Section 7)**
- Area of Archaeological Importance
  - Historic Parks and Gardens
- Placemaking, Heritage, Design and Conservation Areas**
- Area of Archaeological Importance
  - Historic Parks and Gardens

- Green Infrastructure (Section 9)**
- Proposed New Open Space
  - Existing Open Space
  - Green Belt
  - Strategic Housing
  - General Housing
  - Student Housing
  - Residential Extra Care (ECR)
  - Existing Gypsy and Traveller Site
  - Proposed Travelling Showpeople Site
  - Proposed Travelling Showpeople Site
  - Existing Health Care Facilities
  - Proposed Health Care Facilities
  - Area of Archaeological Importance
  - Historic Parks and Gardens

- Waste and Minerals (Section 13)**
- Household Waste and Recycling Sites
  - Proposed New Railway Stations
  - Existing Park and Ride
  - Existing Park and Ride with Potential for Expansion
  - Potential New Bridge/Enhancement
  - Proposed Roundabout/Junction Improvements
  - Proposed Strategic Junction Improvements
  - Future Transport Schemes
  - Strategic Pedestrian/Cycle Corridor Improvements

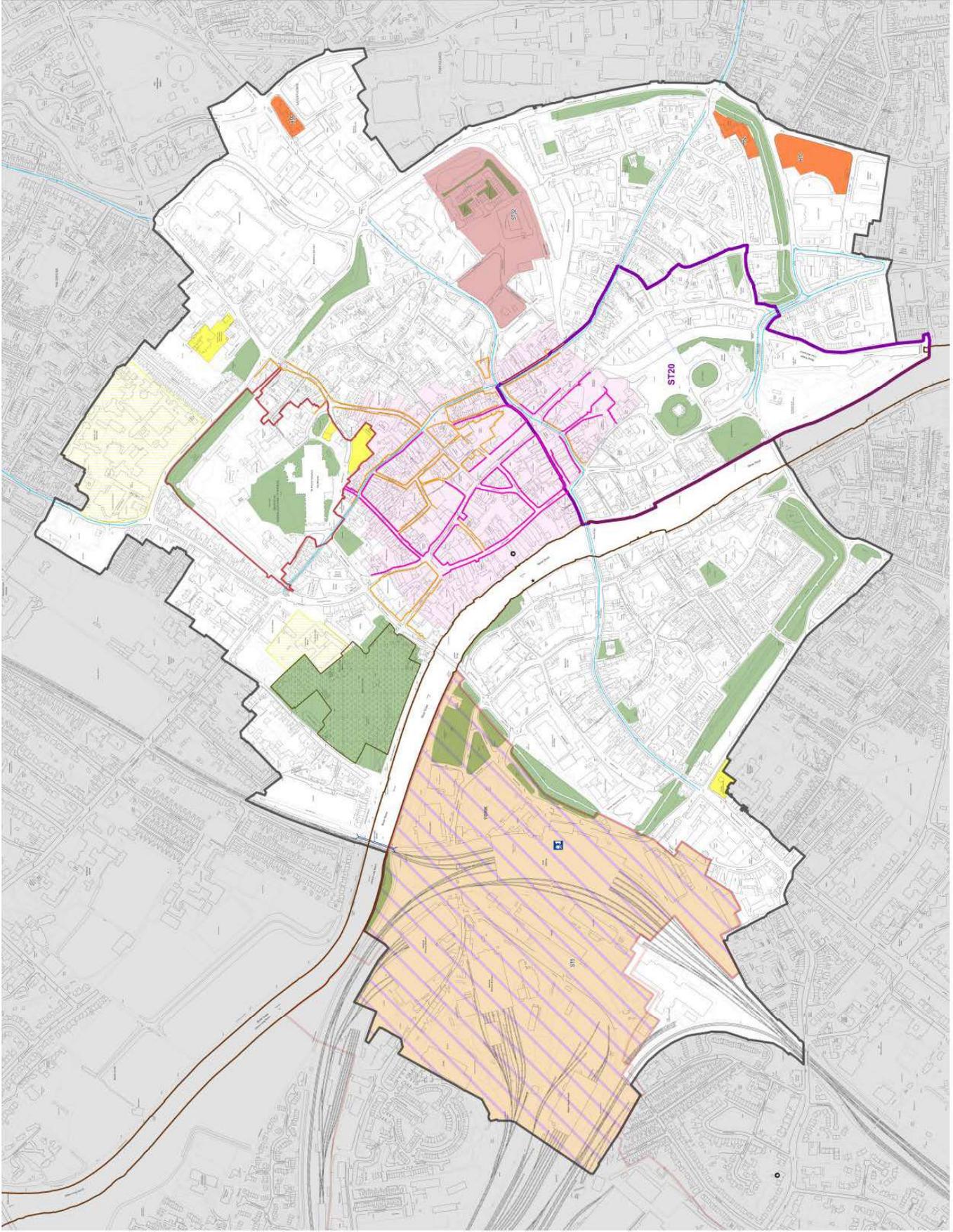
- Transport and Communication (Section 14)**
- Proposed New Railway Stations
  - Existing Park and Ride
  - Existing Park and Ride with Potential for Expansion
  - Potential New Bridge/Enhancement
  - Proposed Roundabout/Junction Improvements
  - Proposed Strategic Junction Improvements
  - Future Transport Schemes
  - Strategic Pedestrian/Cycle Corridor Improvements

- Economy and Retail (Section 4)**
- Strategic Employment
  - Mixed Use
  - General Employment
  - Local Nature Reserve (LNR)
  - Candidate Site of Importance to Nature Conservation (SINC)
  - Site of Importance to Nature Conservation (SINC)



**KEY TO PROPOSALS MAP**  
**(City Centre Inset)**

- Land Outside City Centre (See Proposals Map North and South)
- City Centre Boundary
- Economy and Retail (Section 4)**
  - Primary Shopping Frontage
  - Secondary Shopping Frontage
  - York - Primary Shopping Area
  - Mixed Use Site (ST5)
  - Castle Gateway Opportunity Area (ST20)
- Housing (Section 5)**
  - Strategic Housing
  - General Housing
- Education (Section 7)**
  - Educational Establishment (Including Playing Fields)
  - University Campus
- Placemaking, Heritage, Design and Culture (Section 8)**
  - Area of Archaeological Importance
  - Conservation Area
  - Historic Park and Garden
  - Minster Precinct
- Green Infrastructure (Section 9)**
  - Existing Openspace
  - Candidate Site of Importance to Nature Conservation (Candidate SINC)
- Transport and Communication (Section 14)**
  - York Railway Station
  - Potential New Bridge/Enhancement
  - Indicative Location for Potential New Bridge
  - Strategic Pedestrian and Cycle Improvement Corridor



**From:** [REDACTED]  
**Sent:** 07 July 2021 23:13  
**To:** localplan@york.gov.uk  
**Cc:** [REDACTED]  
**Subject:** DIO Response to York Local Plan Additional Consultation July 2021 (Part 1/3)  
**Attachments:** Response Form DIO PM Key Diagram.pdf; Response Form DIO PMs GB Boundaries.pdf; Response Form DIO PMs Housing Need.pdf; Response Form DIO PMs on HRA.pdf; 210707 DIO Response to York Additional Consultation With Appendix 1 Part 1 of 3.pdf  
**Importance:** High  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/ Madam,

Further to the below, I also attach DIO's Representations in case you are unable to access the files via the link below (Part 1/3).

Kind regards,

[REDACTED]

**Sent:** 07 July 2021 21:19  
**To:** [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

**Subject:** DIO Response to York Local Plan Additional Consultation July 2021  
**Importance:** High

Dear Sir/ Madam,

Please find within the following link representations from the Defence Infrastructure Organisation to the current consultation on the New Local Plan Proposed Modifications.

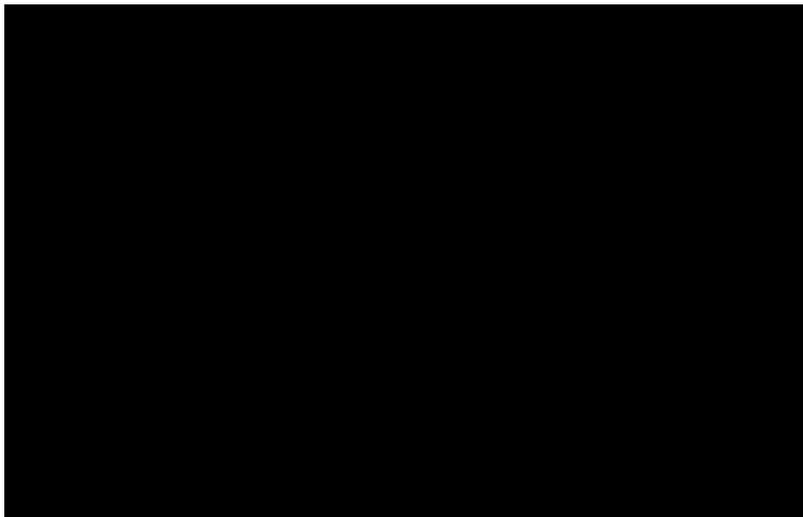
[REDACTED]

This includes completed response forms (which are also attached) and DIO's supporting representations.

I would be grateful if you could confirm receipt.

If you have any issues accessing the documents or have any further queries please do not hesitate to contact me.

Kind regards,



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

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.**

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

## Part A - How we will use your Personal Information

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

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

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

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination<sup>1</sup>. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

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

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

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

**How long will we keep the information:** The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan<sup>2</sup>. When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

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

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

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

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

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



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



Signature

Date

7 July 2021

<sup>2</sup>Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012.

## Part A - Personal Details

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

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

# Guidance note

## Where do I send my completed form?

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

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

You can also complete the form online at:

[www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation).

## What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

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

### **Do I have to use the response form?**

Yes please. This is because further changes to the plan will be a matter for a Planning Inspectors to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each topic or issue you wish to comment on**. You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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

### **Can I submit representations on behalf of a group or neighbourhood?**

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part B of this form the group you are representing.

### **Do I need to attend the Public Examination?**

The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant. You can indicate if you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

### **Where can I view the Consultation documents?**

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

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

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

# Part C -Your Representation

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



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

Proposed Modification Reference:

PM56 and PM57

Document:

EX/CYC/46

Page Number:

See attached Representations

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes  No

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

Yes  No

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

N/A

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes  No

If yes, go to question 5.(3). If no, go to question 5.(2).

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

(tick all that apply)

<b>Positively prepared</b>	<input checked="" type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
<b>Effective</b>	<input type="checkbox"/>	<b>Consistent with national policy</b>	<input checked="" type="checkbox"/>

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

Please use extra sheets if necessary

See attached Representations

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

See attached Representations

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

**9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

<b>No</b> , I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation	<input type="checkbox"/>	<b>Yes</b> , I wish to appear at the examination	<input checked="" type="checkbox"/>
---	--------------------------	--	-------------------------------------

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspectors by way of written representations.

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

DIO participation is necessary because it has a land owning interest in sites that are directly affected by the Modifications and the issues that need to be assessed are complex and require debate.

**Please note:** the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

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

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.**

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

## Part A - How we will use your Personal Information

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

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

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

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination<sup>1</sup>. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

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

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

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

**How long will we keep the information:** The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan<sup>2</sup>. When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

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

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

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

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

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



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



Signature



Date

7 July 2021

<sup>2</sup>Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012.

## Part A - Personal Details

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

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

# Guidance note

## Where do I send my completed form?

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

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

You can also complete the form online at:

[www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation).

## What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

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

### **Do I have to use the response form?**

Yes please. This is because further changes to the plan will be a matter for a Planning Inspectors to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each topic or issue you wish to comment on**. You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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

### **Can I submit representations on behalf of a group or neighbourhood?**

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part B of this form the group you are representing.

### **Do I need to attend the Public Examination?**

The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant. You can indicate if you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

### **Where can I view the Consultation documents?**

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

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

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

# Part C -Your Representation

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



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

Proposed Modification Reference:

PM90 & PM101

Document:

EX/CYC/59, 59a, 59b, 59e, 59f, 59h

Page Number:

See attached Representations

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes  No

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

Yes  No

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

N/A

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes  No

If yes, go to question 5.(3). If no, go to question 5.(2).

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

(tick all that apply)

<b>Positively prepared</b>	<input checked="" type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
<b>Effective</b>	<input type="checkbox"/>	<b>Consistent with national policy</b>	<input checked="" type="checkbox"/>

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

Please use extra sheets if necessary

See attached Representations

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

See attached Representations

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

**9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

<b>No</b> , I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation	<input type="checkbox"/>	<b>Yes</b> , I wish to appear at the examination	<input checked="" type="checkbox"/>
---	--------------------------	--	-------------------------------------

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspectors by way of written representations.

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

DIO participation is necessary because it has a land owning interest in sites that are directly affected by the Modifications and the issues that need to be assessed are complex and require debate.

**Please note:** the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

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

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.**

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

## Part A - How we will use your Personal Information

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

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

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

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination<sup>1</sup>. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

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

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

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

**How long will we keep the information:** The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan<sup>2</sup>. When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

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

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

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

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

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



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



Signature

Date

7 July 2021

<sup>2</sup>Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012.

## Part A - Personal Details

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

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

# Guidance note

## Where do I send my completed form?

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

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

You can also complete the form online at:

[www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation).

## What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

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

### **Do I have to use the response form?**

Yes please. This is because further changes to the plan will be a matter for a Planning Inspectors to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each topic or issue you wish to comment on**. You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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

### **Can I submit representations on behalf of a group or neighbourhood?**

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part B of this form the group you are representing.

### **Do I need to attend the Public Examination?**

The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant. You can indicate if you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

### **Where can I view the Consultation documents?**

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

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

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

# Part C -Your Representation

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



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

Proposed Modification Reference:

PM50, PM53, PM54 and PM55

Document:

EX/CYC/43a

Page Number:

See attached Representations

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes  No

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

Yes  No

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

N/A

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes  No

If yes, go to question 5.(3). If no, go to question 5.(2).

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

(tick all that apply)

<b>Positively prepared</b>	<input checked="" type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
<b>Effective</b>	<input checked="" type="checkbox"/>	<b>Consistent with national policy</b>	<input type="checkbox"/>

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

Please use extra sheets if necessary

See attached Representations

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

See attached Representations

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

**9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

<b>No</b> , I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation	<input type="checkbox"/>	<b>Yes</b> , I wish to appear at the examination	<input checked="" type="checkbox"/>
---	--------------------------	--	-------------------------------------

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspectors by way of written representations.

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

DIO participation is necessary because it has a land owning interest in sites that are directly affected by the Modifications and the issues that need to be assessed are complex and require debate.

**Please note:** the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

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

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

**Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.**

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

## Part A - How we will use your Personal Information

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

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

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

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination<sup>1</sup>. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

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

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

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

**How long will we keep the information:** The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan<sup>2</sup>. When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

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

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

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

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

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



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



Signature

Date

7 July 2021

<sup>2</sup>Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012.

## Part A - Personal Details

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

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

# Guidance note

## Where do I send my completed form?

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

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

You can also complete the form online at:

[www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation).

## What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

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

### **Do I have to use the response form?**

Yes please. This is because further changes to the plan will be a matter for a Planning Inspectors to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each topic or issue you wish to comment on**. You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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

### **Can I submit representations on behalf of a group or neighbourhood?**

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part B of this form the group you are representing.

### **Do I need to attend the Public Examination?**

The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant. You can indicate if you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

### **Where can I view the Consultation documents?**

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

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

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

# Part C -Your Representation

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



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

Proposed Modification Reference:

PMs 13, 14, 18, 19, 58, 59, 60, 61, 63, 65, 70 and 71

Document:

EX/CYC/45 & EX/CYC/45a

Page Number:

See attached Representations

## What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) or sent by request.

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

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

Yes  No

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

Yes  No

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

See attached Representations

## What does 'Sound' mean?

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

## What makes a Local Plan "sound"?

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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

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

Yes  No

If yes, go to question 5.(3). If no, go to question 5.(2).

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

(tick all that apply)

<b>Positively prepared</b>	<input checked="" type="checkbox"/>	<b>Justified</b>	<input checked="" type="checkbox"/>
<b>Effective</b>	<input type="checkbox"/>	<b>Consistent with national policy</b>	<input type="checkbox"/>

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

Please use extra sheets if necessary

See attached Representations

**8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.**

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

See attached Representations

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

**9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

<b>No</b> , I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation	<input type="checkbox"/>	<b>Yes</b> , I wish to appear at the examination	<input checked="" type="checkbox"/>
---	--------------------------	--	-------------------------------------

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspectors by way of written representations.

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

DIO participation is necessary because it has a land owning interest in sites that are directly affected by the Modifications and the issues that need to be assessed are complex and require debate.

**Please note:** the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

---

# **DIO Response to York Additional Consultation**

July 2021

## Contents

1.	Introduction .....	3
2.	Housing Need and Housing Land Supply .....	9
3.	Habitat Regulations Assessment and the QEB Allocations .....	11
4.	PM70 – Proposed Policy GI2A.....	43
5.	Green Belt Matters.....	46
6.	Changes Required to Make the Plan Legally Compliant and Sound.....	78

## Appendices

Appendix I Housing Need Technical Note (RPS)

Appendix II Shadow HRA (Capita)

**Prepared By:** [REDACTED]

**Reviewed By:** [REDACTED]

**Status:** Final

**Date:** 7 July 2021

**For and on behalf of Avison Young (UK) Limited**

# 1. Introduction

- 1.1 Avison Young is instructed by Defence Infrastructure Organisation (“DIO”) to consider and comment on the City of York Council’s (“CYCs”) Additional Consultation on evidence supporting the emerging York Local Plan. The Additional Consultation commenced on 25 May and the closing date for representations is 7 July 2021.
- 1.2 Avison Young has been assisted in the preparation of these representations by: Tim Buley QC, who is instructed to support DIO through the EiP process and who represented DIO at the December 2019 Examination Hearing Sessions; Capita on HRA and related matters; and RPS on matters of housing need.

## DIOs Objectives

- 1.3 As CYC and the Inspectors are aware, DIO is part of the Ministry of Defence (“MoD”). It is the estate expert for MoD and plays a vital role in supporting our armed forces by building, maintaining and servicing the infrastructure they need. The Secretary of State for Defence announced his intention to vacate and dispose of three MoD sites in York (Queen Elizabeth Barracks (“QEB”), Towthorpe Lines and Imphal Barracks) in November 2016 and, since then, DIO has been promoting all three for allocation in the emerging Local Plan<sup>1</sup>. DIO remains fully committed to facilitating the redevelopment of these sites. Its ambitions are fully aligned with Government objectives to make the best possible use of surplus, brownfield, public sector land and working sites through the planning system to develop sites in a sustainable manner and significantly boost the supply of new housing.

## Background and Way Forward

- 1.4 York has not had a Local Plan since the 1950s. CYC has attempted on several occasions to produce one but has never been able to prepare a Plan that has satisfied the relevant legal and policy tests.
- 1.5 Work on this latest Plan began in around 2012, nearly 10 years ago. A full draft Plan was submitted for Examination in May 2018 but CYC needed to do a substantial amount of additional work post-submission and it was not until December 2019 that the first set of Hearing Sessions were held. These explored: the relevant legal requirements; housing need; the housing requirement and the distribution of housing; and the approach taken to defining Green Belt boundaries. It quickly became clear that there were major issues with both the Plan and CYCs evidence base. As the December

---

<sup>1</sup> QEB and Towthorpe Lines are to be vacated by 2024 and Imphal Barracks by 2031

Hearing Sessions came to a close, CYC was asked by the Inspectors to produce 9 pieces of 'homework', including a new Habitat Regulations Assessment ("HRA") and a clarification note on the approach that CYC had taken to defining Green Belt boundaries. All of this additional work should have been completed by the end of March 2020 but it was not.

1.6 Some of the homework was completed and submitted to the Inspectors in June 2020, including a note that attempted to clarify CYCs approach to defining Green Belt boundaries. The HRA did not appear at that point.

1.7 Shortly after receiving the June documents, the Inspectors wrote to CYC setting out a number of concerns that they had about Green Belt matters. Essentially, they confirmed what DIO and other interested parties had said at the December Hearing Sessions - that is the approach that CYC had taken appeared to be inconsistent with national planning policy and therefore unsound. The Inspectors went on to describe three 'potentially realistic options' that were available to the Council. These were:

- a) *to convincingly explain to us how we have misunderstood the methodology and that it adequately justifies the proposed Green Belt boundaries;*
- b) *to demonstrate that, notwithstanding the methodological flaws, the Green Belt boundaries proposed are justified and reasonable; or*
- c) *withdraw the Local Plan from examination.*

1.8 The Inspectors did not recommend a way forward but did say this:

*In light of the difficulties associated with replacing such a fundamental element of the Local Plan's evidence base, if the Council finds itself seriously considering the need for fresh Green Belt boundary assessments, we would recommend withdrawing the Local Plan.*

1.9 The additional Green Belt evidence, and the revised HRA, had still not been produced by November 2020 and, in December 2020, a year after the first set of Hearing Sessions were held, the Inspectors wrote again to the Council expressing concerns about the delay. In their letter they repeated the points they had made about the 3 options listed above and went on to say:

*Whilst we acknowledge that it is not always possible and practicable, it is always highly desirable that the examination is brought to completion in relatively short order. If swift and meaningful progress cannot be made in the respects that we have set out above, it is very likely that the objective of getting an up-to-date Local Plan for York in place is not best served by prolonging this*

*examination. On that basis, it may be that withdrawal of the submitted Plan and proceeding to examination with a fresh Plan is the most appropriate way forward.*

*We recognise the difficulties associated with replacing such a fundamental element of the Local Plan's evidence base and the other matters we have raised concerning the production of updated evidence and the lengthy timescale of the examination moving forward as a consequence. In light of this, we consider that these matters point to a reduced likelihood of adopting a truly up to date development plan for York. As such, we ask the Council to now give serious consideration to the possible withdrawal of the submitted Plan. This would enable the Council to undertake the required work alongside any necessary updating of other aspects of the evidence base outside the examination process.*

- 1.10 A completely new Green Belt assessment, consisting of 1,600 pages of material, was eventually presented to the Inspectors in two parts, in January and May 2021. Unfortunately, as we come on to explain later in these representations, CYCs Green Belt assessment is still fundamentally flawed.
- 1.11 The HRA, another critical part of the evidence base, has also had to be re-written (and bolstered with additional supplementary material). CYCs latest HRA is dated October 2020 but has not been consulted on until now. Moreover, at no point during the preparation of this document has CYC engaged with DIO as Mr Elvin promised it would during the December Hearing Sessions. CYC appears instead to have simply attempted to produce a document that it hopes will justify the deletion of housing allocations ST35 and H59. As we demonstrate later, the HRA is flawed and does not justify the deletion of ST35 and H59.

## **Legal Context**

- 1.12 When the Local Plan was submitted for examination, CYC must have been satisfied that it was sound. Indeed, this will be the starting point adopted by the Inspectors based on the statutory provisions governing this process. S.20(2) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") provides that an authority must not submit a draft plan for examination "*unless (a) they have complied with any relevant requirements contained in regulations under this Part, and (b) they think the document is ready for independent examination*".
- 1.13 The Submitted Plan includes the QEB allocations. CYC now invites main modifications to delete these allocations. S.20(7C) of the 2004 Act only allows such main modifications to be made if they are adjudged by the Inspectors as being *necessary* to make the Submitted Plan sound and/or legally compliant. That is to say the Inspectors must take the view that: (i) the Submitted Plan with these allocations included would be unsound or legally non-compliant; and (ii) the main modifications

deleting these allocations would make the Submitted Plan sound and/or legally compliant: see e.g. para 1.3 of Procedure Guide for Local Plan Examinations: The Planning Inspectorate June 2019 (5th Edition). The position is made clear by a paragraph no longer contained in this guidance but which was in the previous version (June 2016 (4th Edition v.1)) and which said *“In order for the Inspector to take forward any change (in effect a proposed main modification) initiated by the LPA (or any other party in the examination), the requirements of section 20(7B) and (7C) of the PCPA must be met. For example, a LPA’s change of preferred approach to a policy (including a site allocation) could not be accommodated unless the policy/site as submitted is, in the Inspector’s view, unsound or not legally compliant and the proposed change initiated by the LPA (or any other party) would make the plan sound/compliant.”* This remains a correct account of the law.

## Soundness

1.14 For the Local Plan to be found sound, it must be:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

1.15 For the avoidance of doubt, and notwithstanding the general comments made above about key pieces of CYCs evidence, DIO submits that (as far as its interests are concerned) the Submitted Plan can be made sound with modifications to:

- a) Policies SS19 and H1 which clarify the approach that is required in respect of SAC related mitigation; and
- b) the Green Belt boundaries around Strensall (in the vicinity of Queen Elizabeth Barracks (“QEB”) and Imphal Barracks.

1.16 It is important to note at the outset that there is no evidence to justify PM70 and proposed Policy GI2A is not required to make the Plan sound. This Modification should be rejected.

## Structure of Representations and Appendices

1.17 DIOs response to the consultation is structured as follows:

- Section 1 - Housing Need and Housing Land Supply;
- Section 2 – Habitat Regulations Assessment and the QEB Allocations;
- Section 3 – PM70 (Proposed Policy GI2A);
- Section 4 – Green Belt Matters; and
- Section 5 – Amendments required to make the Plan sound

1.18 Appended to this document are the following:

- a Technical Note prepared by RPS on housing need; and
- a Shadow HRA produced by Capita (incorporating a document prepared by Planit.ie which illustrates how on-site and on-Common mitigation measures could be deployed in association with the development of Sites ST35 and H59).

1.19 These representations should be read in conjunction with those submitted by DIO at the Regulation 19 stage, and during 2019 in response to (i) CYCs then Proposed Modifications; (ii) the MIQs issued by the Inspectors ahead of the December 2019 Hearing Sessions; and (iii) discussions had during the Hearing Sessions about the provision, by DIO, of Alternative Green Space.

## 2. Housing Need and Housing Land Supply

### Housing Need

- 2.1 DIO continues to be advised by RPS on matters relating to housing need and RPS has produced a detailed Technical Note on the additional evidence that the Council has published on this topic. A copy of the RPS Note is attached at Appendix 1. RPS's principal findings are as follows:
- a) the 2014-based population and household projections correlate closely with housing delivery rates achieved in York, as well as reflecting more accurately the change seen in York's population since 2011. This is not evident in the later, 2016-based projections which the Council relies on for the purposes of calculating its OAN for housing. The 2016-based projections show a significant divergence from recent housing delivery trends (2014-19) and use of these projections has the effect of constraining rather than boosting housing supply. Housing supply would be constrained even further if the 2018-based projections are used to calculate the OAN;
  - b) there are clear inconsistencies in how certain assumptions have been applied in the Council's preferred OAN, particularly in respect of migration, which undermines the assessment method employed across the various iterations of the evidence and, ultimately, impacts on the soundness of the Council's overall approach to OAN matters. It is also noted that there has been no update to the Council's evidence on market signals or affordable housing, nor any explanation as to why this hasn't been produced. Evidence contained in the attached Technical Note shows that affordability remains a major challenge in York and that this has worsened, particularly for lower income households;
  - c) the need for affordable housing, as calculated by the Council (573 dpa) is almost certainly a significant under-estimate of the actual need, given the difficulties that households currently living in the private rented sector are having, and will continue to have, in respect of access to home ownership. Whilst other local authorities have examined the issues faced by those in the private rented sector as part of their work on affordable housing, this Council has not. Moreover, the Council has given no explanation as to why it doesn't consider this relevant;
  - d) the delivery of affordable housing has fallen significantly short of what has been needed every year since 2012, meaning that many households remain in unsuitable housing that fails to meet their needs. This is a situation that will not be addressed by the Local Plan as currently drafted. The 32 dpa adjustment that is proposed to account for under-delivery since 2012 will do little to address this specific issue;

- e) the use of only one economic-led scenario (using Oxford Econometrics forecasts) is not adequate and the data generated by it does not reflect the potential for additional employment growth based on alternative trends since 2000. Use of the Oxford Econometrics forecasts leads to a reduction in expected jobs growth and suppression of the OAN;
- f) the Council should revert back to use of the 2014-based projections for the purposes of calculating York's OAN. If the 2016-based projections are preferred, upward adjustments should be made to account for market signals and affordable housing in order to elevate the OAN to a level that can address the pressing need for affordable housing, and to ensure that sufficient homes are provided to meet wider employment growth aspirations; and
- g) on the basis of a correct calculation, the housing requirement for York should be set at a level not lower than 1,040 dpa

## **Housing Land Supply**

- 2.2 DIO has made a number of general comments about housing land supply previously. These remain relevant. If the Examination continues and housing land supply is a matter debated at EiP Hearing Sessions, DIO will make detailed submissions in response to the questions posed by the Inspectors.

### 3. Habitat Regulations Assessment and the QEB Allocations

#### Background and Context

- 3.1 Sites ST35 and H59 appear as housing allocations in the Submission version of the Local Plan. That Plan was accompanied by an HRA which considered the potential for the development of these sites to cause harm to the integrity of the adjacent Special Area of Conservation (SAC) and found that the likelihood of such harm occurring could be ruled out with mitigation. Post-submission, NE raised concerns about the impact that new housing at QEB might have on the adjacent SAC. In response, CYC commissioned a survey that was intended to (i) provide it with a better understanding of how the Common is used and (ii) quantify the threat or risk posed to the SAC by additional housing proposed nearby. On receipt of the results of the survey, CYC commissioned a review of its HRA and the revised HRA concluded that CYC could not actually rule out the possibility of development at QEB having an adverse effect on the integrity of the SAC. CYC subsequently resolved to promote Modifications to the Local Plan which, if agreed and endorsed by the Local Plan Inspectors, will result in the QEB allocations being omitted from the Plan.
- 3.2 During the 2019 EIP Hearing Sessions, DIO noted a number of flaws in the revised HRA, including failings in the way that the HRA had considered the potential threat posed to the integrity of the SAC by other sites that CYC proposed to allocate for housing. CYC admitted that the HRA was defective and was asked by the Inspectors to amend it. It also committed to engaging with DIO as this work progressed but never did. The amended HRA is dated October 2020 but has only now been consulted on.
- 3.3 At the screening stage, the HRA concludes that:
- a) *likely significant effects could not be ruled out alone for the following policies: SS13/ST15, SS18/ST33, SS19/ST35, E18, H59(A), SS9/ST7, SS10/ST8, SS11/ST9, SS12/ST14, SS15/ST17 & SS17/ST32, and H1a(A), H1b(A), H3(A), H7(A), H22(A), H23(A), H31(A), H46(A), H55(A), H56(A), H58(A), SH1 and H1 in terms of a range of effects on one or more of Strensall Common, Skipwith Common, the Lower Derwent Valley and the River Derwent;*
  - b) *regarding Policies SS19/ST35, E18 and H59(A), likely significant effects could not be ruled out because of anticipated increases in recreational pressure (including urban-edge effects), effects on wetland features from construction and the effect of air pollution on the adjacent Strensall Common SAC; and*

- c) *likely significant effects could not be ruled out alone for Policies SS9/ST7, SS10/ST8, SS11/ST9, SS12/ST14, SS15/ST17 & SS17/ST32, and H1a(A), H1b(A), H3(A), H7(A), H22(A), H23(A), H31(A), H46(A), H55(A), H56(A), H58(A), SH1 and H1 because of anticipated increases in recreational pressure on Strensall Common SAC.*

3.4 Following Appropriate Assessment, the HRA concludes that:

- a) *the addition of mitigation measures to E18, SS9/ST7, SS10/ST8, SS11/ST9 and SS12/ST14 would be sufficient to remove the threat of an adverse effect on the integrity of the site [Strensall Common SAC] from these policies;*
- b) *In terms of SS15/ST17 & SS17/ST32, and H1a(A), H1b(A), H3(A), H7(A), H22(A), H23(A), H31(A), H46(A), H55(A), H56(A), H58(A) and SH1, adverse effects could be ruled out without the need for mitigation;*
- c) *this was not the case with Policies SS19/ST35 and H59(A). Given reasonable scientific doubt concerning the effectiveness of possible mitigation measures at locations in such close proximity to the SAC, it was not possible to be certain that adverse effects could be avoided. **The only remaining option, therefore, is to remove Policies SS19/SS19/ST35 and H59(A) from the Plan.***

3.5 In addition to recommending the deletion of ST35 and H59, the HRA goes on to recommend modifications to the Policies for Sites SS9/ST7, SS10/ST8, SS11/ST9 and SS12/ST14, and the insertion of a new Policy (GI2A) which prohibits residential development within 400m of the SAC and requires an assessment of the likely effects (on the SAC) of all other housing proposals within 5.5km of the SAC. These changes are then addressed by CYC in proposed Main Modifications.

3.6 Therefore, we have essentially returned to the point we were at in 2019, with ST35 and H59 proposed to be deleted from the Plan, albeit with a new HRA and additional Modifications proposed to deal with the potential threat posed by other developments contemplated in the Plan.

## DIOs Position

3.7 DIO has reviewed all of CYCs new evidence and its position remains unaltered. For example, it remains of the view that it is absolutely not necessary to delete ST35 and H59 from the Plan in order to make it sound.

3.8 QEB is a large, brownfield public sector asset that will be vacant in 3 years. The objective of all involved in this plan-making process should be to facilitate its redevelopment with housing, thus helping to deliver on Government priorities for making efficient use of redundant brownfield land and significantly boosting the supply of new homes. To that end, we should all be striving to find solutions

to problems, not obstacles to place in the way of sustainable development. Unfortunately, the HRA has plainly been compiled as a means of frustrating development, rather than a means of exploring and then finding solutions to the problems that are holding it back.

- 3.9 Notwithstanding this, DIO remains fully committed to working with CYC and NE to define and as necessary refine a package of mitigation measures for the QEB developments and is absolutely prepared to commit to their delivery through the application of Local Plan policy and, later, planning conditions and / or obligations.

## Key Issues with the HRA

- 3.10 DIO has conducted a detailed examination of the HRA and has identified a large number of issues with it. We return to a number of these later in these representations, but the key issues are as follows:
- a) CYC would like the Inspectors to believe that the SAC is under either considerable or intense recreational pressure, yet there is no evidence of this and Waterman has not attempted within the HRA to set the existing use of the Common in any form of relevant context. It has not, for example, considered how many people are using the SAC currently and how this compares with other protected sites where schemes of mitigation are in place and are proving effective;
  - b) Waterman says very little about the condition of the Common and, in spite of the HRA not having been published until 25 May, it has failed to take account of the latest assessment of its condition, conducted by NE earlier this year. This has concluded that all components of the SAC are now in favourable condition (the HRA records that parts of the SAC are in favourable and parts in unfavourable – recovering condition. This is now out of date information);
  - c) Waterman has made no attempt to catalogue or quantify the ‘incidents’ or issues that it notes have occurred on the Common, or indeed when they occurred. It has observed none itself and has been totally reliant on Footprint’s observations and hearsay / anecdotal evidence. Waterman also fails to acknowledge that, in spite of there having been some inappropriate behaviour on the Common, none of this has impacted adversely on it. The reality is, there have been a very small number of incidents over a long period of time, rather than frequent and repeated abuse of the SAC. This is important because like (a) and (b) above it goes to the baseline, the level of risk posed to the SAC, and its resilience in the face of existing levels of use;
  - d) Waterman identifies the correct legal authorities governing the preparation of HRAs, and the correct tests to be applied. However, it fails to apply appropriate professional judgements when

addressing itself to the tests and appears to us to confuse '*beyond reasonable scientific doubt*' with '*absolute certainty as to lack of effects*'<sup>2</sup>. The latter is not the legal test. In addition, its judgements are overly pessimistic when it comes to examining the comprehensive and significant package of mitigation measures being offered in association with Sites ST35 and H59, but then, by comparison, overly optimistic when it examines the mitigation being offered in respect of other sites. There is a clear lack of consistency. Its judgements are also often without supporting evidence or justification. Critically, Waterman also does not acknowledge that the level of assessment required at the plan making stage is less than would be required for a planning application and does not apply its judgements in a way that is appropriate to the Plan-making process;

- e) Waterman has raised potential issues with typical and other species without assessing whether harm caused to these would in turn cause harm to the qualifying features of the SAC. Whilst, adverse effects on typical and other species may be a material consideration at the planning application stage, if harm to these would not demonstrably impact on the integrity of the SAC, such harm is not a matter for the HRA (and it is only on HRA grounds that CYC is arguing ST35 and H59 need to be removed from the Plan)<sup>3</sup>. The concerns it raises about the Dark Bordered Beauty Moth and certain species of bird, for example, are misleading;
- f) Waterman's assessment of the likely efficacy of mitigation measures taken in combination is almost non-existent. This is a significant flaw in the assessment. Any fair and reasonable analysis of the combined effect of the mitigation measures proposed, conducted in the light of how, actually, the Common is being used and the condition it is in, will confirm that the package that is proposed is more than adequate to mitigate against inappropriate behaviour to the extent necessary to protect the integrity of the SAC;
- g) Waterman has failed to properly apply itself to the question of whether there are alternative or additional mitigation measures that could be deployed, or different ways of dealing with the proposed developments themselves. For example, it has assumed that it is only possible to develop ST35 with homes backing on to the SAC. It has made that assumption because DIO suggested in previous submissions that this might be one way of limiting the number of people with access to the boundary. Waterman highlights concerns about such a layout but does not consider alternatives. DIO has considered alternatives and these are illustrated in the Planit.ie document (appended to the Shadow HRA) and include boundary and edge treatments that will

---

<sup>2</sup> Waterman confirm that it has sought absolute certainty in respect of ST35 and H59 where, in paragraph 6.1.5, it states: "*it was not possible to be certain that adverse effects could be avoided*"

<sup>3</sup> See *Holohan v An Bord Pleanala* [2019] PTSR 1054, [2019] Env LR 16, at paragraph 40

prevent indiscriminate access to the Common and require residents wanting to access the Common to do so via Scott Montcrieff Road (where Waterman admit there would be much greater ability to control behaviours). Such measures would be made even more robust with the appointment of a Warden or Wardens;

- h) Waterman (and Footprint) has tried repeatedly to discredit DIO's assessment of the origin of the 400m buffer policy and its relevance to Strensall Common. But the fact is the 400m buffer was first defined having regard to the typical distance over which domestic cats will travel to hunt (cat predation being one of the primary matters of concern within the SPAs where the buffer was first used). Cat predation is not an issue for this HRA. We note Waterman's references to 'urban edge' effects being more likely to arise when development is allowed within 400m of a protected site but this does not stand up to scrutiny. There is no evidence, that DIO is aware of, which demonstrates that the main perpetrators of arson, vandalism, and fly tipping live within 400m of protected sites. Moreover, there are already a not insignificant number of people living within 400m of Strensall Common and yet there is no evidence that any of these residents has been responsible for the small number of inappropriate incidents that have occurred within the SAC. DIO accepts entirely that people that live on the edge of a protected site are more likely to visit it more often than people that live further away, but it does not accept, and neither should the Inspectors accept without clear, irrefutable evidence, that people who live on the edge of these environments are more likely to abuse them. Indeed, applying a reasonable professional judgement, one would conclude that people who live adjacent to a protected site are more likely to treasure it, come to understand its special features and the rules around its use, be familiar with the routes that can be taken to avoid adverse impacts, and become familiar to any Wardens that are appointed;
- i) Waterman assert that people who live within 400m of a protected site are more difficult to control than people who live more than 400m away. This cannot be right, particularly if the residents that live within 400m can be made to access the protected site via a single point which is the same as many existing visitors use. Once visitors are on the protected site, it would be difficult to argue that one should be any more difficult to control than another. But if anything, for the reasons given at (h) above, one would expect local people to be easier to control with appropriate boundary and edge treatments;
- j) the HRA is specifically concerned with the possible effects of ST35, H59 and the other sites listed at paragraph 4.3 above. It has not addressed itself to the question of whether no housing development should be allowed within 400m of the SAC – that was never its purpose. The

evidence contained within the HRA does not support a Main Modification in the form of Policy GI2A;

- k) Waterman still appears to have some concerns about precisely what is on offer in terms of mitigation measures and how these will be delivered / can be guaranteed. Whilst it should not be necessary, at the Plan-making stage, to provide precise details of possible mitigation measures or to define exactly how these could be delivered, we set out in these representations yet more information on these matters. It should be noted that most, if not all of the measures that DIO is proposing are being used elsewhere in the Country, including as recommended by NE and Footprint. And we repeat again that DIO would be very happy to discuss with CYC and its advisers how these might be refined or added to.

## Context and Baseline

- 3.11 As noted above, it is important that the risk or threat posed by ST35 and H59 is set in the correct context. We do that here.
- 3.12 The SAC extends to 569ha and lies to the immediate east of Strensall village. There are no other settlements lying adjacent to the SAC. To the north, east and south is open countryside. The SACs qualifying features are its wet and dry heaths. It is not designated for any qualifying species. Typical species found within the SAC are characteristic species associated with the wet and dry heath. Specifically named species are: marsh gentian *Gentiana pneumonanthe*, pillwort *Pilularia globulifera*, dark bordered beauty moth *Epione vesperaria*, pond mud snail *Omphiscola glabra*, and petty whin *Genista anglica*. The integrity of the qualifying features of the SAC is not dependent on the presence of these typical species.
- 3.13 The vast majority of the SAC lies to the east and south east of the road that is variously named Strensall Road, Ox Carr Lane, Flaxton Road, and Lords Moor Lane. The entirety of this main part of the SAC is owned by the Secretary of State for Defence. The land is used as a military training area. Public access to this part of the SAC is restricted in line with military activity. Towards the southern end of the SAC are six c600m live firing ranges where members of the public are not allowed at all, and an associated 'Danger Area' within which members of the public are not allowed when firing is occurring. The rest of the land owned by the Secretary of State is used for other forms of 'ground' training. Although QEB is being vacated and disposed of, the training area is not. It will continue to be used by the MoD and the Secretary of State has no intention of disposing of this important military asset.
- 3.14 There are only a small number of points of access into the SAC. These consist of car parks on Scott Montcrieff Road (the Scott Montcrieff Car Park) and Lords Moor Lane (the Galtres car park), laybys in

the north eastern and north western corners of the SAC on York Lane, and a pedestrian gate at the eastern end of Howard Road.

- 3.15 We do not know how many people currently visit the SAC for recreation or how many visits are made to it on average in a typical year. Neither Waterman, NE nor Footprint have attempted to quantify visitor numbers per annum and have criticised DIO's attempt at this as it appears in the PCP Report (c124,000 visits per annum). This is disappointing given that Footprint admit<sup>4</sup> that without an accurate figure for the number of current visitors, estimating future numbers is not possible. And, of course, if one doesn't know how many people are using the SAC for recreation, forecast increases represented by % are meaningless. DIO fully accepts that there are potential issues with the PCPs estimate – it is based on a relatively small sample of data for example. But this is the same data that Waterman is relying on for the purposes of its analysis and the conclusions it draws on the likely efficacy of mitigation measures. It is also data that Waterman accepts has been collected on the basis of an appropriate methodology (which is very similar to that employed by Footprint). So DIO is satisfied that the PCP estimate is fair and reasonable. It is certainly the best available and based on a sound set of logical calculations.
- 3.16 The 124,000 visits that PCP estimates are occurring annually at Strensall, compares with 1.7 million which was the annual visitor estimate for Cannock Chase SAC in 2010-2011, calculated by Footprint (see Footnote 7 below). When Footprint looked at Cannock Chase in its 2019 Report it was considering how to mitigate the effect of a 15% increase in visitors from within the 15km zone of influence it had identified through previous work (and as detailed in the relevant Local Plans). This 15%, it calculated, equated to an additional 191,250 visits per annum. This is relevant because it puts into context the scale of the issue we are dealing with at Strensall. It is minute in comparison to the challenges faced at SACs like the one at Cannock and yet, at Cannock, mitigation measures recommended by Footprint (like the ones being proposed by DIO here) are being implemented and are proving effective.
- 3.17 So far as DIO is aware, there is no log of 'incidents' that have occurred within the SAC, there is only hearsay, press reports and comments that have been made during meetings of the Strensall Training Area Conservation Group (a Group established and chaired by DIO). Over the last 10 years, the following has been reported to the Conservation Group or noted by NE:
- **2011** – no incidents

---

<sup>4</sup> Cannock Chase SAC – Planning Evidence Review (2017) (Liley and Hoskin; Footprint) (para .2.17)

- **2012** – incidents of sheep worrying (minutes do not catalogue the number of incidents but words used imply more than one occurrence); minutes also mention sheep theft / poaching but do not quantify or detail;
- **2013** – incident of sheep worrying (minutes do not indicate whether this was a single incident or more than a single incident); minutes also mention a sheep theft;
- **2014** – one incident of poaching (assumed sheep but not specified);
- **2015** – no incidents reported;
- **2016** – no incidents reported;
- **2017** – one fire reported; one report of motorbikes accessing the SAC (location not recorded);
- **2018** – one report of unauthorised vehicles (location not specified); one fire; one reference to various instances of fly tipping (locations not recorded);
- **2019** – a reference to ‘3 or 4 fires’ [Note: NE noted 2 fires in 2019] and 1 incident of sheep worrying;
- **2020** – two fires reported;
- **2021** – report of oil in ditch adjacent to golf course

3.18 In summary, the records kept by the Conservation Group indicate that, over the last 10 years, there have been up to 8 fires, two incidents of unauthorised vehicles and several incidents of sheep worrying and sheep theft, although only one report of worrying since 2013 and no thefts since 2014. This is not evidence of significant levels of inappropriate behaviour and / or abuse of the SAC.

3.19 NE, Footprint and PCP have surveyed the SAC. DIO also manages and maintains it on an ongoing basis (see below). Whilst inappropriate behaviours have been noted (in addition to the above, reference has been made to trampling, littering, dog fouling and graffiti / vandalism), none have recorded behaviours or incidents that have impacted adversely on the integrity of the SAC. Moreover, and contrary to what Waterman says, Footprint did not, in its 2019 Report, state that adverse effects on the SAC could not be ruled out on the back of increased use of it, it stated that adverse effects on the SAC could not be ruled out without mitigation. It then went on to suggest a number of mitigation measures that might be appropriate.

3.20 In its 2014 Site Improvement Plan, NE identified three issues affecting the SAC, specified measures to address these and listed the delivery bodies whose involvement would be required to implement the measures described. The issues identified by NE were: public access and disturbance, inappropriate scrub control and air pollution. The mitigation measures listed by NE were: wardening (which it described as the best way to tackle irresponsible recreational use); on-going scrub clearance through the agri-environment scheme; and the production of a site nitrogen action plan. The Plan went on to specify a number of sub-actions and provided cost estimates for each. These included: appointment of a range warden (£30,000); access strategy (£15,000); signage, education and awareness (£20,000); and scrub control through the Higher Level Stewardship agreement with the tenant farmer (£5,000 per year). At no point did NE say or even suggest that recreational use of the Common could not be managed in a satisfactory way.

3.21 MoD is a Competent Authority under the Conservation of Habitats and Species Regulation 2017 and has a statutory duty to help protect, conserve and restore the protected habitats and species of European sites. It will continue to have this duty as long as it owns the SAC and / or has any control over how it is used. MoD also has obligations under the NERC Act 2006 in respect of conserving biodiversity and duties in relation to the conservation and enhancement of the SSSI under the Wildlife and Countryside Act 1981. These various duties and obligations require the MoD to:

- manage the SAC in a manner that aims to protect, conserve and restore the designated habitats to achieve favourable condition;
- obtain permission from NE for operations that risk damaging the heaths before any such action is taken; and
- ensure that any actions permitted by third parties do not contravene the legislation protecting the site and qualifying habitats.

3.22 When NE assessed the condition of the SAC in 2011, parts of it were in favourable condition and parts of it were in unfavourable / recovering condition. NE has re-assessed the condition of the SAC this year and has found all units to be in favourable condition. It is MoDs management of the SAC, and the work of the tenant farmer (both in conjunction with NE), that has resulted in the condition of the Common improving over recent years. It has achieved this without any of the mitigation measures that are being offered in association with the development of Sites ST35 and H59 and, in particular, without any direct visitor management / control.

3.23 This contextual information is important because what it tells us is:

- a) the SAC is not permanently open to the public and is never available to the public without restrictions;
- b) the SAC is entered via a small number of access points;
- c) although the SAC is used by members of the public for recreation, this has resulted in only a small number of incidents that have had the potential to impact adversely on the integrity of the SAC and none of them have impact impacted adversely on the integrity of the SAC;
- d) the MoD manages and maintains the SAC in line with its statutory duties and will continue to do so;
- e) although the SAC is used for recreation, the small number of 'incidents' that have occurred, and the management of it, have combined to ensure that its condition has improved over recent years; and
- f) the SAC is resilient to recreational use and, based on the information we have on the number and type of incidents that have been reported, the risk of recreational use causing harm to its integrity is low.

3.24 If the Inspectors require any further assurance on the relevance of this information, they should review the Footprint work referenced above (see Footnote 7). There is a very helpful passage at paragraph 2.22 which reads as follows:

*Natural England provided very positive support to the Partnership in seeking to interpret the commissioned evidence alongside Natural England's understanding of the site, how its condition is evaluated, how to practically interpret and apply the conservation objectives and what expectations there should be for the achievement of those objectives over time. Natural England advised that the principal impact of visitor pressure is loss of the SAC dry heath vegetation to new paths, path expansion, associated erosion and eutrophication. Whilst noting that the current visitor use of the site is high, Natural England advised the Cannock Chase SAC Partnership that the existing levels of visitors were not adversely affecting the integrity of the site and that existing levels of visitor pressure should therefore be regarded as the baseline, from which the 15% visitor increase should be assessed, i.e. the risk is that the site could become adversely affected from increased recreation pressure, rather than increased pressure would lead to further deterioration.*

## Increases in Future Use

- 3.25 As noted above, we do not know precisely how many visits are made to the SAC for recreation currently, although PCP has estimated the total to be around 124,000 per annum. As noted above, and to place this in some form of context, this is less than 10% of the visitor numbers that Cannock Chase SAC receives<sup>5</sup>.
- 3.26 DIO accepts that when new homes are built in York, it is likely that there will be greater use of the SAC for recreation. In addition, DIO accepts that people that live closer to the SAC are more likely to use it, and use it more often, than people that live further away.
- 3.27 DIO notes that the only forecasts we have on future use of the SAC are contained in the Footprint and PCP studies and that these are based on a relatively small sample of interviews and counts. Accordingly, they represent only a snapshot of how the Common was being used when the surveys were undertaken. Therefore, DIO would urge caution in the use of the forecasts and, where they are relied on, that proper account be taken of the context referred to above.
- 3.28 DIO notes that the surveys suggest the following<sup>6</sup>:
- a) between 10% and 23% of existing users travel more than 7.5km to visit the Common<sup>7</sup>;
  - b) between 15% and 41% of existing users travel more than 5km to visit the Common;
  - c) between 18% and 23% of existing users travel less than 500m to visit the Common;
  - d) between 67% and 69% of visitors arrived by car;
  - e) the most common distance travelled by visitors to get to the SAC was between 4.6km and 5.1km;
  - f) it is estimated that between 22 and 34 people enter the Common per hour and between 71% and 73% of visitors stay for about an hour;
  - g) 32% of people interviewed visit the Common every day; and
  - h) between 72% and 73% of visitors were walking dogs.

---

<sup>5</sup> Cannock Chase Council currently estimates visitor numbers to the Chase as a whole (of which the SAC forms part) at around 2.5m p.a.

<sup>6</sup> The ranges quoted are taken from the different sets of data generated by the Footprint and PCP studies (see HRA Table 7)

<sup>7</sup> 7.5km (4.6 miles) is approx. a 10 minute drive during off peak times and so it is not surprising that there are users of the Common that live more than 7.5km away, and a significant number that are travelling up to 7.5km

3.29 Insofar as forecast increases in use are concerned, the combined Footprint / PCP data produced by Footprint and quoted by Waterman suggests that:

- i) visits to the Common would increase by 23.2% if sites ST35, H59, ST7, ST8, ST9, ST14, ST17 and H46 were to be built out (this is all proposed allocations within 5.5km of the SAC)<sup>8</sup>;
- j) visits to the Common would increase by 14.6% if only ST35 and H59 were to be built out within 5.5km of the Common;
- k) visits to the Common would increase by 8.6% if all proposed allocations within 5.5km save ST35 and H59 were to be built out; and
- l) if only Site H59 were to be built out, visits to the Common would increase by 1.2%;

3.30 None of the parties has estimated by how much the use of the Common would increase if only those sites that are proposed to be allocated between 5.5km and 7.5km from the SAC were to be built out. We assume this is because the forecast would be for a de minimis level of increase of well below 1%.

3.31 If the PCP estimate of annual visits is broadly accurate, a 23.2% increase would equate to an additional 29,000 visits per annum<sup>9</sup>.

3.32 As Waterman points out, some of count data and some of the forecast data is similar across the two surveys. But there are clearly also some notable differences, including amongst the raw count data. What is clear from both surveys though is that, during the survey period, which ultimately covered all days of the week, all daylight hours, school holidays and non-school holiday period, only small numbers of people were visiting the Common per hour. Moreover, the overwhelming majority visited for about an hour and most were walking dogs. Dog walkers and people visiting for about an hour are not the type of users that one would expect to generate urban edge effects. They might, however, cause sheep worrying and that is probably why Footprint identified this as the greatest risk to the SAC. However, as indicated above, there has been only one noted incident of sheep worrying since 2013 and relatively few in the preceding years.

3.33 The surveys also indicate that considerably more than half of visitors travel to the SAC by car (taking them into the SAC via the car parks), the overwhelming % of visitors travel more than 500m to get to the Common and a not insubstantial % of visitors travel more than 5km. This must mean that the forecasts (which predict that most of the visitor increase will derive from Sites ST35 and H59) indicate

---

<sup>8</sup> Although, as noted above, 23.2% of what, we do not know

<sup>9</sup> Just 15% of the number of visits that Footprint was grappling with when it was advising on mitigation measures to be deployed at Cannock Chase in 2017

that the majority of additional visits will be repeat visits by a relatively small number of people. All of this is helpful when it comes to designing mitigation measures and assessing how effective they are likely to be.

## The HRA and the QEB Allocations

- 3.34 Because, we suspect, Waterman has not properly assessed or understood the context described above (in particular, extent to which the SAC is actually used (over-stating the pressure it is under) the small number of inappropriate incidents that have occurred, the absence of adverse effects, and the improving condition of the SAC), it has wrongly assumed that any increase in use of the SAC for recreation poses an unacceptable risk to its integrity. This has led it to conclude that wherever there is potential for development to give rise to a measurable increase in use, this increase must be mitigated. Although Waterman does not say this explicitly, mitigation in this context must mean that either the increase in use is prevented altogether, or is managed within the SAC itself. This, we suggest, is the wrong test and goes back to the difference between 'reasonable scientific doubt' and 'absolute certainty'.
- 3.35 With this proposition in mind, and without any understanding of what the forecast % increases in use actually mean in reality, Waterman goes on to first consider the mitigation measures proposed in respect of Sites ST35 and H59 and then the mitigation measures that might be required in respect of other sites. We make a distinction here between what is proposed and what might be required because there is no evidence in the HRA of the promoters of other sites having given any serious thought to what impact their proposals might have on the SAC and what mitigation might be required to eliminate the threat that their developments pose.

## The HRA's Assessment of QEB Mitigation Measures (Not In Combination)

- 3.36 Waterman takes the QEB mitigation measures in turn and conducts assessments of their likely efficacy as standalone propositions. Elements of its assessment are flawed, unsubstantiated or simply at odds with what we know (and it accepts) to be common practice within SACs and SPAs elsewhere. Our primary concerns with this part of Waterman's assessment can be summarised as follows:

### Information / Education

- 3.37 Waterman accepts that signs and information boards are frequently employed in countryside locations and can be effective. Indeed, it goes on to state that "*it would be difficult to imagine an information programme without their presence*". It also notes that there are already information boards / signs in place within the SAC although it appears to admit that not all are in good condition. This is

indeed the case. In addition, not all are in ideal locations (relative to the main points of access and desire lines) and the information that they provide could be clearer. So there are improvements that could be made to what is already regarded generally as an effective mitigation measure. But Waterman goes on to cast doubt on their efficacy at Strensall because the visitor surveys noted incidents of dogs off leads, trespass, unauthorised use of vehicles, littering and fires. Of course, neither Footprint nor PCP actually observed trespass, unauthorised vehicles, littering or fires occurring but the most important point here is that Waterman grossly overstates the issues and fails to recognise that the overwhelming majority of visitors do not exhibit inappropriate behaviours and it is likely that signage and information will assist further. They also appear to afford little weight to the use / value of communicating via social media, even though this is now known to reach a high percentage of adults and teenagers and it was Footprint that suggested a Facebook page should be considered as a way to provide information on grazing for example<sup>10</sup>. Ultimately, and contrary to what Waterman say by way of opening (apparently based solely on the fact that a very small number of visitors to the SAC have behaved or behave inappropriately), Waterman concludes that reasonable doubts remain regarding the effectiveness of signs and information and their reliability in the short and long term. However, evidence here and elsewhere appears to suggest that well presented and well-located signage / information boards are a valuable, effective and essential part of any mitigation strategy.

### **Car Park Barriers**

3.38 In its 2019 representations, DIO proposed that there be an assessment of existing car park barriers with a view to determining whether these need improving or adding, a review of when / how they are used and whether they should be used more or differently. Waterman admits that the matter of car park barriers had not been considered before it was suggested by DIO and states that barriers can have a *"limited positive effect on visitor pressure and urban edge effects but only where installed and could become a target for vandalism and require frequent maintenance; they would not influence activities anywhere else on site"*. They also highlight concerns about barriers displacing vehicles to less secure parts of the SAC, and suggest that barriers might be capable of being bypassed by walkers and possibly even motorcycles. Waterman concludes that *"whilst car park barriers can be easily secured, promptly provided and readily maintained in perpetuity (though there is evidence this is not achieved at present), reasonable doubts remain regarding their future effectiveness and reliability in both the short and long term (because they would only influence behaviour in one part of the site)"*. The key points to note in respect of car park barriers are:

---

<sup>10</sup> EX/CYC/45a; para 10.14

- a) most visitors come to the SAC by car;
- b) there are two official car parks and only two other locations around the boundary where cars can sensibly park. The two 'other' locations are both laybys on York Lane to the north and can only accommodate a small number of vehicles. So far as we can tell, there are no other safe places for vehicles to park, so controlling the car parks is important and doing so in turn impacts on the majority of visitors;
- c) barriers can prevent, or at least help prevent urban edge effects by (i) deterring visits by vehicle (eg vehicles used for fly tipping) and (ii) deterring visits at times when inappropriate behaviours are more likely to occur;
- d) barriers will require maintenance but that can be addressed by an appropriate management and maintenance regime overseen by a Warden and is not a reason to doubt their efficacy;
- e) barriers would not influence behaviours across the SAC, that would not be their role, but they could have a material impact on visitor numbers and the timing of visits given the % of people that arrive by car;
- f) barriers will not prevent pedestrian access but that is not their role;
- g) barriers may not prevent all motorcycle access but there has only been one report of motorcycles on the Common in the last 10 years and that was 4 years ago;
- h) it was never DIOs intention that car park barriers be the only mitigation measure deployed, they need to be seen and assessed as part of an integrated package of measures; and
- i) it is wrong of Waterman to conclude that reasonable doubts remain regarding the future effectiveness and reliability of barriers in both the short and long term because they would only influence behaviour in one part of the site as a part of a package of mitigation measures.

## Wardening

3.39 Waterman start by stating, correctly, that *"wardening can be an effective tool for managing recreational pressure and is widely employed across the country.....especially when paired with other measures such as education, websites and signage alongside other physical measures as proposed"*. It goes on to state that wardening *"probably represents the most effective means of influencing visitor behaviour when adequately resourced"*. However, it goes on to raise concerns about the likely efficacy of wardening at Strensall and concludes that *"whilst a warden service could be established promptly, no guarantee is given that it will be funded in perpetuity and in any event reasonable doubts remain as to its effectiveness in both the*

*short and long terms given the scale of the tasks faced.*" (our emphasis). We return to the underlined text later but there are several assertions that Waterman makes in this part of the HRA that need to be addressed first. These are as follows [Note: Waterman's text appears in italics as quotes and our assessment follows]:

- a) *it is estimated here that the sum of £40,000 per annum suggested would be sufficient for just one, full-time member of staff* – a review of current warden and ranger jobs being advertised on countryside-jobs.com suggests that typically, wardens are paid between £19,000pa and £25,000pa but occasionally up to £28,000pa. NE assessed the cost of a warden at £30,000 in its SIP;
- b) *wardening proves most effective where residential development does not lie immediately adjacent to protected areas* – Waterman makes this assertion because it assumes that people that live immediately adjacent to the SAC will (i) have free access to the SAC boundary and will thus be able to enter at multiple points that are remote from the main pedestrian and car park accesses; (ii) access to the boundary increases the likelihood of certain urban edge effects occurring (such as the tipping of garden waste onto the SAC); and (iii) wardens wouldn't be able to adequately patrol the boundaries of Sites ST35 and H59. None of this is correct. As we describe below and demonstrate via the Planit.ie document, boundary and edge treatments can be designed and delivered that have the effect of (i) preventing indiscriminate access; (ii) preventing fly tipping over the boundary; (iii) preventing cats and dogs from accessing the SAC; and (iv) requiring residents of these sites to access the SAC via Scott Montcrieff Road, like most other visitors. Moreover, these boundaries could very easily be policed by a Warden. This means that the only question that remains is can sufficient wardening be provided to manage the increase in use that is forecast to occur. The answer to this must be yes given that wardening schemes are being used across other SACs and SPAs where there are considerably more visitors and far greater pressures than are being experienced at Strensall. In places such as Dorset Heaths and Thames Basin Heaths, wardening is having a positive effect through awareness raising, the recording of incidents and education;
- c) *Strensall is a relatively large site for northern lowland England and whilst access is typically focused around a handful of discrete points, entry (including unauthorised) is possible from several locations. Furthermore, visitors frequently walk relatively long distances, often with dogs running off the lead at all times of the day; automated cameras observed joggers, dog-walkers and others from 6am to 9pm or so* – this SAC is not large, indeed it is considerably smaller and less complex (it is flat with little tree cover) than many other SACs and SPAs where wardening is deemed an effective mitigation measure. In addition, whilst dogs plainly are being allowed to roam off their leads, there is little

evidence of uncontrolled dog behaviour and NEs own research on this<sup>11</sup> suggests that, in general, only between 6% and 18% of dogs off leads are not under control;

- d) *unauthorised activities such as the use of cars and motorbikes, and vandalism, often take place very late in the day or at night, often, and unsurprisingly, far from the busiest areas but can cause considerable damage from erosion, loss of habitat and disturbance of stock* – as noted above, there have only been 2 vehicle related incidents reported in the last 10 years and no worrying of theft incidents since 2014. The risk is again massively over-stated and it is far from clear why this sort of behaviour is more likely to be exhibited by the residents of ST35 and H59;
- e) *providing an effective wardening service to match this use could be challenging in terms of providing geographic, diurnal and seasonal cover, amongst others. Strensall Common is well used with little variation throughout the year and so the demands will be considerable and constant, and the financial cost high if it is to be effective would have to be maintained and guaranteed in perpetuity* – these are not reasons for questioning the efficacy of wardening, merely matters that would need to be addressed through the granting of any planning permissions. They are also challenges faced in all other locations where wardening has been recommended and supported by Footprint, NE and others. DIO is committed to delivering a suitably resourced scheme of wardening and will be happy to address this via planning obligation in due course;
- f) *evidence suggests that the impact of SS19/ST35 and H59(A) immediately adjacent to the Common would have a disproportionate effect on visitor number* – as is being demonstrated elsewhere in the country, wardening is effective even in locations where there are very significant numbers of visitors and where the environment is considerably more complex and challenging than at Strensall. Numbers of visitors is not an issue so long as the scheme of wardening is appropriately resourced. Critically, although there might be a disproportionate number of visits that originate from Sites ST35 and H59 when compared with other sites that are proposed to be allocated, we are still dealing with a small number of people and a small number of visits;
- g) *this could be particularly relevant in terms of managing the risk posed by dogs off the lead and the subsequent worrying or disturbance of livestock. The importance of an effective grazing regime should not be underestimated. Heathlands are best managed by extensive sheep and/or cattle grazing where the location, intensity and duration are carefully controlled to ensure the floristic and faunal diversity can be maintained and, where appropriate, restored* – this is all agreed. However, see above for the correct context on the extent of the sheep worrying issue. Worrying has had no discernible impact on grazing. Note also that the SAC is currently grazed by sheep and cattle but could be grazed by

---

<sup>11</sup> NE Research Report ENRR649

cattle only if it were ultimately deemed (wrongly in our view) that there is a real and significant threat posed to the grazing regime as a consequence of an increased risk of sheep worrying;

- h) *this pressure [from worrying] already exists and is identified in both Natural England's SIP, Supplementary Advice and recent Site Check for the site and it is unclear how one individual Warden, as proposed, would be able to influence the behaviour of dog owners during the appropriate seasons. For instance, the current behaviour of dog-owners would not seem to be the result of ignorance that could, in principle, be addressed by a warden and with suitable education. Evidence captured since 2017 shows that many owners keep their dogs on the lead upon arrival before releasing them when further onto the Common. This suggests awareness of the need but a general disregard when out of sight; this is not unique to Strensall and is repeated frequently, elsewhere. The ability of a single Warden to meaningfully influence this behaviour would be a challenge – the worrying issue is grossly overstated. DIO has never said that any wardening scheme should be restricted to a single warden. The evidence captured since 2017 is interesting because there has been only one report of a worrying incident in this time. In reality, Waterman has no idea how challenging a warden's job would be. Based on the number of incidents that have occurred, the chances of him or her encountering actions that need to be tackled are low. And, in any event, the task at Strensall would be no different or greater than at other sites and the scope of the job would simply need to be matched by an appropriate level of resource, all of which is controllable through the planning application process;*
- i) *whilst the presence of a warden at the car parks or random patrols across the site would no doubt modify the behaviour of some visitors, it is doubtful this could be guaranteed to be successful given the anticipated increase in visitor numbers – Waterman has not quantified the number of visitors that a warden would have to deal with and, again, numbers of visitors is simply a matter of resourcing. In addition, in its 2019 Report, Footprint stated that: "assuming that it might be possible that access is effectively pushed towards the main car-parks and entry points, then a number of measures could then potentially be implemented that will help absorb the additional recreation pressure and help to resolve the current issues identified above". Wardening was one such measure suggested by Footprint;*
- j) *over time, greater awareness may grow within the visiting community but given the disregard for existing rules, it is perhaps just as likely that dogs will be controlled when the warden is present and released when again out of sight – this is pure supposition. Waterman has no idea how people will behave once a warden is installed;*

- k) *it is relevant that the presence of a shepherd with the most direct interest in this matter does not appear to have significantly altered behaviours so far – the farmer does not patrol the SAC, and certainly does not engage with visitors in the way that a warden would; and*
- l) *similarly, it cannot be guaranteed that a warden could noticeably reduce unauthorised use of vehicles and vandalism or arson in more far flung corners of the site – yet again the risk / threat is grossly over-stated. These are not regular and frequent occurrences but absolutely, the presence of a warden would act as a further deterrent.*

3.40 There are two further matters that it is important to note about the Waterman assessment of wardening. First, it completely ignores the fact that the incidents that it repeatedly over emphasises have all occurred when there has been no active management of visitors. There has been no wardening to date (and yet still there have been few issues). Secondly, it completely ignores the fact that, technically, all the HRA needs to concern itself with is whether wardening could adequately mitigate the risks posed by the residents of ST35 and H59. This is to say, could wardening deal with the additional visits that these developments are expected to generate. This, we know, is forecast to be the equivalent of 14.6% of existing visit numbers. Based on the fact that 100% of existing visits are giving rise to a very small number of ‘incidents’, a 14.6% increase could be expected to generate less than one fifth of those encountered to date. Managing up to 14.6% of existing visitor numbers is plainly well within the capability of a warden or wardens. Of course, a scheme of wardening would have benefits that go way beyond controlling the additional visits flowing from ST35 and H59 and would also manage all existing visitors, as well as those expected from the other developments that are contemplated in the Local Plan. Only DIO can deliver this mitigation measure and this wide-ranging benefit.

### **Managed Access**

3.41 DIO has re-evaluated this measure and has concluded that it is not necessary to erect fencing to delineate compartments for grazing in order to safeguard the integrity of the SAC. This measure is therefore no longer proposed and should not be required.

### **Information Packs**

3.42 Waterman assert that information packs *“are affordable and readily deliverable but there is no evidence as far as is known that good behaviours have been secured as a consequence of their production and distribution”*. It goes on to conclude that *“whilst undeniably helpful.....reasonable doubts exist”* regarding the effectiveness and reliability of them over the long term. Accordingly, it concludes that little weight can be placed on them. DIO considers it important that all new residents of the QEB sites are

provided with information on the SAC, including in respect of its special features and what needs to be done to preserve it. Whilst DIO accepts that there is no hard evidence of their effectiveness, there is equally nothing to suggest that they do not have a positive role to play and DIO see them as an important part of a wide package of mitigation measures.

### **Public Open Space within QEB**

3.43 Waterman dismisses the effect that on-site public open space can play in reducing the number of visits to the SAC because, it says:

- a) it is unlikely to be large enough to provide residents with the length of walk that visitors to the Common normally undertake (2.5km to 3km);
- b) interaction between dog owners and other users could hinder the ability of the former to let their pets off leads, thus reducing its attractiveness;
- c) the proximity of the QEB sites to Strensall Road would detract from the natural setting of any open space provided;
- d) the attractiveness or function of greenspace is reduced when situated in such close proximity to the main destination (the use of alternative greenspace to deflect visitors from more fragile locations is widespread and can be successful but this is invariably found where development is more distant (beyond 400m) and where the greenspace can 'intercept' people and provide shorter journeys/easier access); and, ultimately,
- e) It is doubtful that the scale, design and location of the greenspace proposed will be sufficiently attractive to dissuade residents from walking a few hundred metres further to the Common itself (should the perimeter barrier prove effective) bringing with them a range of urban-edge effects. DIO fails to accurately address the importance of the 400m threshold.

3.44 As the Planit.ie document appended to the Shadow HRA clearly illustrates, the open spaces that the sites are capable of delivering could easily accommodate walking routes of the lengths discussed in the Footprint work. Certainly, one does not need 30ha – 40ha in order to create a suitable length walk and, if one did, none of the open spaces that are proposed to be created in association with the other Local Plan allocations would not do what is required of them. We return to the matter of the other sites below. In addition, the Planit.ie document helpfully illustrates how open spaces within the site could be laid out to deliver natural and semi natural spaces as well as formal sport and play areas. Site H59 is not adjacent to a main road and the proximity of ST35 to Strensall Road is most unlikely to impact on people's enjoyment of the spaces illustrated in the Planit.ie document.

3.45 As far as the 400m issues is concerned:

- a) DIO fully understands the origin of this and what it is designed to do. Its origin lies in analysis of cat predation (which is not an issue of concern at Strensall) but its application has been extended to deal with urban edge effects and as a measure of the distance beyond which people need to live from a protected site in order to facilitate better management of their access and use of a protected site;
- b) as DIO has made clear before, and the Planit.ie document illustrates, the QEB sites could be laid out so as to (i) ensure that there is a substantial green buffer between the proposed housing and the SAC boundary; (ii) ensure that the majority of new residents have to walk more than 400m to access the SAC; and (iii) they are required to access the SAC via Scott Montcrieff Road. Waterman cannot sensibly argue that the 400m threshold is critical and then suggest that residents of QEB would happily walk several hundred meters further than this to access the SAC, rather than stay on site. Either the 400m is relevant or it is not. And if it is, CYC needs simply to ensure that any proposals for these sites are designed in such a way that (i) as many homes as possible are more than a 400m walk from the entrance to the SAC and (ii) home owners do not live immediately adjacent to the boundary and cannot form indiscriminate accesses along the boundary into the SAC;
- c) the open spaces shown within the Planit.ie document would clearly be more convenient to residents than the SAC and would inevitably therefore capture some of the recreational use that would occur within the SAC if such spaces not provided. Moreover, because Waterman forecast such a high percentage of recreational visits to the SAC from the QEB sites, the open spaces within these sites need only divert a small number of people to make a significant difference; and
- d) there appears to be some inconsistency in Footprint's assessment of alternative green spaces. In the context of Strensall, it appears to be arguing that green spaces on the periphery of the SAC are unlikely to be effective, yet at Burnham Beeches SAC, Footprint has said *"the ideal SANG-type approach could well be provision of land near the periphery of Burnham Beeches, providing a dedicated area for dog walking and further visitor facilities, essentially buffering the core part of the SAC"*<sup>12</sup>. It is not clear why Footprint is taking a contradictory stance in respect of Strensall Common, particularly as there is little public open space / green infrastructure in the village itself and the AGS proposed in association with QEB would sit between the SAC and existing housing.

---

<sup>12</sup> Impacts of Urban Development at Burnham Beeches SAC and Options for Mitigation: update of evidence and potential housing growth (Footprint Ecology (D Liley), 2019); para 6.14

3.46 DIO remains firmly of the view that, if designed and laid out well, high quality open spaces could serve to capture some of the recreational activities that would otherwise occur within the SAC. Thus, on site open space will reduce the number of visits that residents of ST35 and H59 make to the SAC and because the forecasts predict that most of the additional visits to the SAC will be made by residents of these two sites, any capturing of recreational use on site is likely to have a material effect on visitor numbers. If, for example, just half of the residents predicted to use the SAC did half of their walks on site instead of within the SAC, the total forecast increase in use would drop by 25% to 11% - a not insignificant reduction achieved from a relatively modest diversion of use.

### **Residential Layout and Boundary Treatment**

3.47 In its 2019 Report, Footprint states that: *"for development in Strensall, and particularly H59 and SS19/ST35, it will be important to ensure access to the SAC is through the main access points, ensuring visitors walk or drive through the village rather than providing diffuse direct access onto the SAC boundary. This will require robust barriers to limit direct access...."* Waterman is concerned that it might not be possible to form a robust boundary between the QEB sites and the SAC, and for the maintenance of this to be guaranteed over the long term. The Planit.ie document provides an illustration of the type of layout and boundary / edge treatment that could be delivered. The scheme illustrated by Planit.ie would do exactly what Footprint suggested would be required and has five obvious benefits. These are: (i) preventing the formation of indiscriminate accesses to the SAC; (ii) providing a barrier to pets; (iii) preventing fly tipping over the boundary; (iv) forcing most residents to walk more than 400m to access the Common; and (v) forcing residents to access the Common via Scott Montcrieff Road where Waterman and Footprint accept visitors can best be managed. The delivery and maintenance of the boundary and edge treatments illustrated by Planet.ie could be secured over the long term via planning obligation. If needs be, MoD could retain ownership of the edges of the sites and manage them as part of its management of the Common.

### **Additional Fencing**

3.48 In its 2019 Report, Footprint stated that: *"some of the particular nature conservation interest at Strensall Common is associated with ponds and some of the key ponds are directly adjacent to well-used paths. It is clear from the automated counter images that many of the dogs leaving the site are wet and muddy, suggesting that even during dry conditions they were finding water to splash in. In the key pools, low fencing and signage may be necessary to deter dogs from entering the water or limiting the areas that become turbid (see Denton & Groome 2017 for options)"* (paragraph 10.18).

3.49 In response to Footprint's comments, DIO offered fencing around ponds in its 2019 submissions. However, further assessment has revealed that Pillwort, which is an aquatic fern and one of the SACs

typical species, grows over the bare mud around pond margins and benefits from trampling around these margins by livestock. Such trampling creates the bare margins that Pillwort thrives on and removes other plant species that compete for the same ground. Erecting fencing around the ponds to keep dogs away may have some ecological benefit but doing so would also prevent access by livestock, to the detriment of the Pillwort. On balance, DIO has concluded that there is greater advantage in helping the Pillwort to thrive than there is risk associated with dogs gaining access to the ponds and so this mitigation measure is no longer proposed.

## Bylaws

- 3.50 Waterman note that there are already Bylaws in place across the SAC but that these are not always adhered to and *“do not appear to be completely effective”*. What they fail to acknowledge is the fact that the current Bylaws are not enforced. As stated in other DIO submissions, we envisage the appointed Warden(s) being responsible for the enforcement of the Bylaws on site. Evidence suggests that where proper legal controls are introduced, and are enforced, they have a positive effect as reported by Footprint at Burnham Beeches where, first, Dog Control Orders were used and, more recently, Public Space Protection Orders were introduced. The latter seek to control fouling and limit areas within which dogs may be allowed off leads. Footprint notes that the introduction of these measures has resulted in a reduction in the number of dogs being taken to the site and the data collected by Footprint shows a general year on year reduction in the number of incidents encountered, in spite of most enforcement being informal (a discussion with the dog owner) rather than formal (prosecution)<sup>13</sup>.
- 3.51 Waterman go on to say: *“If byelaws are considered necessary and are to be considered as mitigation, it is imperative that they can be ‘made’ promptly and efficiently – and enforced. Given the resistance to other restrictions in the past, the former is not guaranteed, they can take years to pursue, and it is unclear how they would change behaviours that are already discouraged by non-statutory means. In contrast, they would, if implemented, have potential benefits across the entire site and could be secured in perpetuity. The desire for new byelaws has frequently been raised at the Conservation Group (Appendix G) but, perhaps reflecting the difficulty in pursuing them little concrete progress appears to have been made so far.”*
- 3.52 MoD has now begun the process of reviewing and updating the Bylaws for Strensall Common. Notice of this is given at <https://www.gov.uk/government/publications/north-yorkshire-byelaws>.

---

<sup>13</sup> Impacts of Urban Development at Burnham Beeches SAC and Options for Mitigation: update of evidence and potential housing growth (Footprint Ecology (D Liley), 2019); paras 5.9 – 5.14

## Alternative Green Space

3.53 Waterman appear to have misunderstood what is being offered in the way of alternative green space.

3.54 The matter of AGS was discussed during the December 2019 EiP Hearing Sessions and, on 13 December 2019, DIO wrote to CYC clarifying what was being offered. In that letter, DIO stated that:

*Further to the submissions made by Tim Buley QC during the Hearing Session on Matter 1, I write to confirm that DIO can and, if necessary, will make available as alternative green space the land referred to as AGS2 in our Mitigation Measures Report of November 2019 (EX/HS/M1/LR4 Appendix 1, paragraphs 6.9 – 6.12). This land extends to about 5.2ha and lies to the immediate north of Site ST35 and to the east and south of Site H59. For completeness, a plan showing the extent of the land (edged green) is attached.*

*As indicated within our Matter 1 Hearing Statement, we estimate that, if 545 new homes were to be constructed on Sites ST35 and H59, we would be able to deliver some 15ha of open space 'on site', about 7ha of which could be provided in a single block in accordance with Policy GI6 (EX/HAM1/LR4 page 6, point (f)). Overall, therefore, the proposals would deliver in the order of 20ha of open space.*

*The land that has been referred to as AGS1, lying to the immediate south of Site ST35, will be retained by DIO so as to facilitate its continued use by the tenant farmer who is responsible for grazing Strensall Common at certain times of the year. DIO will continue to work with the farmer, Natural England and City of York Council to ensure that the grazing of the Common is planned and carried out in a manner that delivers the greatest possible benefit to the health of the wet and dry heaths that give the area its special status.*

3.55 DIO is prepared to commit to the delivery of AGS2 from the outset (i.e. to deliver it as part of ST35 prior to the first occupation of any new dwelling). Providing it at the outset avoids the need for the monitoring of impacts and makes delivery more straightforward. It also addresses Waterman's concerns about timeliness.

3.56 We have dealt with the issues of the location of the green space relative to the SAC above. As the Planit.ie document clearly demonstrates, this block of land:

- a) would be located between the main ST35 site and the SAC and could be designed to form a natural extension to the on-site public open space shown at the eastern end of ST35. It would thus be easier and more convenient to get to than the SAC and would serve to intercept residents of ST35 exactly as Footprint suggest AGS could in the Burnham Beeches case; and

b) could be laid out and enclosed to the east and north so as to prevent it being used as a stepping stone between ST35 and the SAC.

3.57 Waterman ultimately concludes that, even if delivery of alternative green space could be guaranteed, *"reasonable doubts still remain regarding its effectiveness, reliability and timeliness"*. But there is no reason to doubt the positive role that the AGS2 land could play in the specific circumstances of QEB, as part of the package of mitigation measures proposed.

### **The HRA's Assessment of QEB Mitigation Measures (In Combination)**

3.58 Waterman accepts, in various paragraphs, that it would be wrong to simply assess the merits of the proposed mitigation measures as a series of individual, standalone interventions and that they need to be looked at as a package. Indeed, at paragraph 4.2.209, Waterman states as follows:

*Each proposed elements of mitigation has been considered in turn. However, this is not the best way to consider their overall effect. They are, after all, suggested as a package of measures and as the debate above shows, many are interlinked.*

3.59 So, over 2 pages, starting on page 100, Waterman presents what is purported to be an assessment of the effect that the proposed mitigation measures would have when combined with one another. Unfortunately, this assessment is woefully inadequate. Waterman accept at 4.2.210 that each of the proposed mitigation measures has the potential to contribute benefits of varying magnitude but then asserts that *"all have flaws when considered separately"* and *"even if all were implemented (and it is not clear that they would) it remains doubtful that they would provide the level of certainty required to allow the Council to conclude the absence of adverse effects"*. They say this even though they must know that the planning system is capable of requiring the delivery of mitigation measures (so there should be no question in respect of whether or not mitigation measures would be delivered if required) and even though they openly admit that the types of mitigation measures that DIO is proposing *"have been employed successfully, in different circumstances elsewhere"*.

3.60 Waterman apparently reaches the conclusion it does because of the proximity of ST35 and H59 to the SAC which, it says, *"increases the potential for urban-edge effects"* and *"also markedly increases the number of visits that will be made"*.

3.61 Waterman goes on to make the following points:

a) *where mitigation measures such as those proposed have proved to be effective are in relation to new development distant from the protected area (eg the Dorset Heaths and Cannock Chase). From experience around the country, a 400m distance has become accepted as a suitable threshold to*

*restrict new development, one which is supported by appropriate policies in land use plans (e.g Breckland, East Devon, Cannock and Wealden amongst others). It is notable that the 23.2% (Footprint 2020) predicted increase in use at Strensall (using pooled data) would be higher than the 15% predicted at Cannock which has adopted a policy requiring use of the 400m threshold;*

- b) Fundamentally this is because traditional approaches utilising wardening and open space struggle to provide and effectively influence behaviours with development adjacent to the site which in turn is driven by the increased number of visits and the potential for increased urban-edge effects;*
- c) Where development is proposed 400m away and beyond, the establishment of alternative greenspace can be strategically located and be of a sufficient size to genuinely represent an alternative destination for new residents, one that might have fewer restrictions than the protected area at risk; for instance, dogs may be permitted off the lead;*
- d) Within SS19/ST35, the open space proposed is restricted in size (and is smaller than the area proposed and rejected by the previous HRA) and by the multiple interests it will have to serve (e.g sports and play areas) and is unlikely to represent an alternative destination other than occasional visits. It is reasonable to assume that most residents will choose to access the common to jog, walk their dogs, play or explore; and*
- e) A further risk is that residents may create their own entrances through their back gardens or press to have formal access improved.*

3.62 None of this comprises an assessment of how mitigation measures might work together to tackle issues. Moreover, it contains errors. We have dealt with much of this earlier in these representations, but the key points to note are as follows:

- a) there is no 400m policy in operation at Cannock Chase. The local planning authorities surrounding this SAC each operate a policy by which all new housing developments within 15km of the SAC make financial contributions to a pool of mitigation measures designed to control / manage access and maintain the SACs qualifying features;
- b) Waterman argue that wardens struggle to influence the behaviours of residents that live close to SAC and that such residents present two issues – number of visits and urban edge effects. But Waterman does not consider how wardening can work in combination with all of the other measures that are proposed at QEB, including boundary and edge treatments, open space and AGS, improved signage / information and better waymarking etc. Plainly, what is needed is a combination of on-site measures that control the boundaries and control access (making visits

from QEB easier to manage (or certainly no more difficult to manage than any other visitor) linked to on-Common measures that control or manage behaviours within the SAC). Once people are on the SAC, they can be managed perfectly effectively using the types of measures (including wardening) that Waterman and Footprint admit are successful elsewhere. If there is a real and demonstrable concern about the volume of visitors (and Waterman has not indicated how many people we might be talking about here) then that can be addressed simply by adequate resourcing;

- c) Footprint accept that AGS provided on the edge of a SAC (rather than remote from it) can have an effect. The AGS proposed at QEB may not deliver perfect mitigation by itself but, when combined with all of the other measures that are being offered, it could play an important and effective part in reducing the number of visits that the residents of QEB make to the Common;
- d) The matter of 'residents forming their own accesses to the Common' can easily be addressed by a combination of boundary and edge treatments (as illustrated in the Planit.ie document) and wardening (which monitors the boundary and deals with breaches if they arise).

3.63 The reality is, DIO is proposing a very comprehensive package of mitigation measures that, when combined, are capable of dealing not only with urban edge effects but also the way in which people use the SAC when they are within it. None of the measures that are proposed are being delivered now (save Bylaws which are to be reviewed and updated in any event) and only DIO can deliver them. To dismiss their likely combined effect in the way that Waterman does, without proper analysis, is unacceptable and a major failing of the HRA.

### Mitigation Measures Proposed

3.64 The numerous mitigation measures proposed by DIO are described in more detail in the Planit.ie document which is appended to these representations. However, for the avoidance of doubt, the following is being offered:

Mitigation Measure	Location (On site, Adjacent On Common)	Control Mechanism
Separation between proposed homes and the SAC boundary	On Site	Parameter Plans, Planning Conditions and Reserved Matters

Provision of a minimum of 12ha of public open space on-site, including at least 8ha of natural and semi-natural greenspace	On Site	Parameter Plans, Planning Conditions and Reserved Matters
Provision of way-marked footpaths / leisure routes and fitness trails within Site ST35 creating circular walks not less than 2.5km in length	On Site	Planning Conditions and Reserved Matters
Provision of boundary and edge treatments which separate residents and pets of ST35 and H59 from the SAC	On Site	Parameter Plans, Planning Conditions and Reserved Matters
Provision of 4ha of natural AGS in the form of AGS2, containing footpaths / leisure routes with robust boundary and edge treatments to the boundaries with the SAC and Howard Road	Adjacent	Planning Condition or Obligation
Provision of Information Packs to new residents of ST35 and H59	On Site	Planning Condition
Implementation of scheme of wardening (number of wardens required to be determined at planning application stage)	On Common	Planning Obligation
Provision of additional and improved visitor signage /	On Common	Planning Obligation

information and interpretation boards		
Improved Waymarking for Permissive Routes	On Common	Planning Obligation
New and / or improved car park barriers to prevent access to the SAC by people in vehicles during unsociable hours	On Common	Planning Obligation
Review of Existing Site Infrastructure (gates, fencing etc) and replacement, repair or upgrading where required	On Common	Planning Obligation
Creation of addition boardwalks where required to mitigate trampling effects	On Common	Planning Obligation
Review and updating of Bylaws and enforcement of these by Wardens	On Common	Planning Obligation

3.65 Importantly, and as indicated elsewhere in these representations, the above measures build on the recommendations and suggestions made by Footprint and measures that NE has promoted both at Strensall and elsewhere.

### **Other Sites and the Consistency Across Waterman's Assessment**

3.66 DIO has three issues with Waterman's assessment of 'other' sites, i.e. other sites that are proposed to be allocated in the Local Plan for housing development, and windfalls.

3.67 First, as noted earlier in these representations, Waterman's starting point is that any increase in the use of the SAC for recreation poses an unacceptable threat to its integrity. DIO does not accept this and, furthermore, believes that, in taking this approach, Waterman has created an insurmountable

obstacle when it comes to other sites, none of which can offer mitigation measures within the SAC itself and some of which will not be able to offer any mitigation within their own developments.

3.68 Secondly, the HRA rules out the possibility of harm being caused to the SAC by developments that are planned within 7.5km, but more than 5.5km from it, and focuses therefore on how the effects of development within 5.5km of the SAC might be mitigated. Waterman's approach is not supported by the data. The data indicates that between 15% and 41% of existing users travel more than 5km to visit the Common and between 10% and 23% of existing users travel more than 7.5km. Using the PCP estimate of the total number of visits made to the Common, the data indicates that a minimum of 18,600 visits per annum originate from more than 5km away and a minimum of 12,400 visits from more than 7.5km away. These are not insignificant numbers. Clearly, there are a lot of visits made to the SAC from further afield and this is not a surprise when one considers that 7.5km is probably no more than a 10 minute drive from most locations. Accordingly, to simply assert that developments planned more than 5.5km away pose no threat to the SAC, when Waterman assumes that any increase in use poses a threat that must be mitigated, is flawed.

3.69 Thirdly, Waterman rules out the possibility of Sites ST17 and H46 having an adverse effect on the Common on the basis that (i) they both have access to existing green infrastructure; and (ii) these developments only account for 1.6% of the forecast increase in use of the SAC which, it says, equates to "*only a handful of [extra] people*" each day. However, the data on which Waterman is basing its assessment takes account of existing behaviours and the existence of green infrastructure elsewhere. It tells us that even though there is other green infrastructure in the City, which might be closer and easier to get to, people will still, occasionally, prefer to visit the SAC. So the existence of this other green infrastructure, on which Waterman relies to justify the discounting of these sites, is irrelevant. Perhaps more worryingly, Waterman dismisses the threat posed by a 1.6% increase in visits (without any mitigation) because this equates to just a handful of people each day, but rejects out of hand allowing a 1.2% increase from Site H59 notwithstanding the mitigation measures that are being offered in association with that development. This just isn't reasonable or consistent.

3.70 Fourthly, Waterman notes that Sites ST8, ST9 and ST14 are forecast to cause a 7% increase in visits to the Common but asserts that the risk associated with this additional use can be mitigated by the provision of public open space, either within or adjacent to each of these sites. But there are two major flaws in this approach. These are:

- a) all of the criticisms that Waterman makes in respect of the open space that is being offered in association with ST35 and H59 (not big enough, can't guarantee that dogs can be allowed off

leads, can't guarantee it will be as attractive, can't guarantee its management in perpetuity etc) can be applied equally to these other open spaces; and

- b) in its Burnham Beeches Report, Footprint make it very clear that AGS works *"as part of a mitigation package, dovetailing with measures (such as access management on the European sites), which can help deflect damaging activities to the alternative destinations. As such SANGs cannot be relied on in isolation but can play an important role can be useful and effective"*. In this HRA, Waterman is relying entirely on AGS and not just to reduce the number of people visiting the SAC, but to prevent any of this 7% increase occurring at all.

3.71 Waterman cannot possibly rule out any increase in visits to the SAC by requiring the provision of public open spaces within and adjacent to these developments. And because it cannot, it cannot pass its own test.

3.72 Waterman has, ultimately, made two major errors in this part of the HRA. It has set itself a test that no site can pass and it has applied its professional judgements inconsistently. It has, for example, applied an unnecessary level of scrutiny and pessimism to the likely effects of and mitigation measures proposed in respect of ST35 and H59, but has applied nowhere near the same level of scrutiny to the other sites that are proposed to be allocated in the Local Plan. In addition, it has applied more optimism when it has assessed them. What it should have done is take a more reasonable and pragmatic approach throughout the HRA. If it had done so, it would have found that:

- a) the SAC is not subject to significant recreational pressure currently;
- b) the SAC is not under any significant threat of adverse effects currently;
- c) a number of the housing developments proposed in the Local Plan are likely to result in use of the SAC for recreation increasing but that forecast levels of use are still expected to be low (a handful of additional people per day probably);
- d) with the mitigation measures proposed by DIO, the HRA can rule out the possibility of Sites ST35 and H59 causing harm to the integrity of the SAC;
- e) with the provision of on site or adjacent open space, the HRA can rule out the possibility of Sites ST7, ST9 and ST14 causing harm to the integrity of the SAC the number of visits;
- f) because the other proposed allocations are likely to generate very small numbers of additional visitors, the HRA can also rule out the possibility of these Sites causing harm to the integrity of the SAC.

3.73 Unfortunately, this is not what it has done and the assessment that it has produced to support the notion of deleting ST35 and H59 is fundamentally flawed.

## 4. PM70 – Proposed Policy GI2A

4.1 In the light of the HRA, CYC is proposing that a new Policy is added into the Local Plan via PM70. This would be Policy GI2A and it would read as follows:

***GI2a: Strensall Common Special Area of Conservation (SAC)***

*Development not directly connected with or necessary to the management of the SAC will only be permitted where it will not adversely affect the integrity of the Strensall Common SAC, either alone or in combination with other plans or projects. Proposals will be determined in accordance with the following principles:*

- a) There is an 'exclusion zone' set at 400m linear distance from the SAC boundary. Permission will not be granted for development that results in a net increase in residential units within this zone. Proposals for non-residential development within this zone must undertake Habitats Regulation Assessment to demonstrate that they will not harm the integrity of the SAC;*
- b) There is a 'zone of influence' between 400m and 5.5km linear distance from the SAC boundary
  - i) Where new residential development is proposed within the zone of influence on allocated housing sites SS9/ST7, SS10/ST8, SS11/ST9 and SS12/ST14, provision of open space must include or secure access to areas of suitable natural greenspace secured by way of mitigation prior to any occupation of new dwellings and secured in perpetuity*
  - ii) proposals for other housing development which are not within plan allocations will not be permitted unless it can be demonstrated that they will have no adverse effects on the integrity of the SAC, either alone or in combination with other plans or projects. Any necessary mitigation measures may be sought through planning contributions and must be secured prior to the occupation of any new dwellings and secured in perpetuity. Open space provision must also satisfy policy GI6**

4.2 There is an absolutely fundamental objection to the addition of this policy *at this stage of the plan-making process* (or at least that part of it which would create a 400m exclusion zone around Strensall Common). Modifications may only be brought forward at this stage on the basis that they are required to make the Plan *sound*. That in turn could only be so here if the additional protection that is proposed by way of an exclusion zone were required to avoid a breach of the Habitats Regulations.

4.3 DIO strenuously disagrees with CYC's in principle concerns over development within 400m of Strensall Common, for the reasons given in the previous section. However, even assuming that the Inspectors

were to agree with the Council's concerns, and were to approve the deletion of site allocations ST35 and H59 accordingly, it could not arguably be required to go further than this and include policy G12a(a). Such a policy could only be needed for this purpose if, without it, the adoption of the plan would breach the Habitats Regulations. By its nature, the policy could only be adopted *in addition to* the deletion of site allocations ST 35 and H59. But if these allocations are deleted, then the Plan will not contain any commitment or authorisation for development within 400m of Strensall Common such as would engage the obligation for appropriate assessment or the prohibition on the authorisation of such development. Accordingly, the obligations under the Habitats Regulations in relation to such development are not arguably engaged by the Plan<sup>14</sup>.

4.4 In short, this additional policy could only be considered necessary if the Inspectors have already agreed with CYC's position on the deletion of ST35 and H59. But, in that case, the Plan will contain no commitment to development of the kind referred to in G12a(a) (within 400m of Strensall Common), and hence such a policy is not arguably required for compliance with the Habitats Regulations.

4.5 There are further problems with PM70 as follows:

- a) the Policy derives from a recommendation made by Waterman in the HRA, but the HRA does not examine whether it is necessary to prohibit all housing development within 400m of the SAC boundary and neither does it contain an analysis that justifies such a conclusion;
- b) there is no Strensall specific, evidence either within the HRA or elsewhere, which demonstrates that any and all housing developments proposed within 400 linear metres of the boundary of the HRA would cause harm to the integrity of the SAC and that such harmful effects could not be prevented or mitigated;
- c) there is no evidence because in spite of what Waterman says, the 400m buffer has its origins in analysis of cat predation and intense development in areas with large populations which are not a concern at Strensall, and although Waterman argues that a 400m rule has been introduced elsewhere to tackle urban edge effects also, these can be ruled out through design and the control / management of behaviours;
- d) there is also no evidence because, so far as we are aware, there is not a single example of either an urban edge effect or other inappropriate behaviour being caused / committed by any of the existing residents that live within 400m and no data which demonstrates that those living within

---

<sup>14</sup> Regulation 63 of the Habitats Regulations provides for appropriate assessment of the implications of *development* for European Sites etc. However, if site allocations ST35 and H59 are removed, the Plan will contain no site allocations or approvals for such development, and the obligations under the Habitats Regulations will not arise.

400m of a protected site are more likely than anyone else to behave inappropriately towards it;  
and

e) on the available evidence in respect of current and forecast levels of use, part (b) of the Policy is simply not justified.

4.6 The primary effect of PM70 would be to forestall *any* future planning application for development within 400m of Strensall Common. Whatever conclusions the Inspectors reach on the current proposals at ST35 and H59, there is not arguably an evidential basis to support so sweeping a policy. Further, whatever the evidence, PM70 is not arguably needed for compliance with the Habitats Regulations and hence not needed to make the Plan sound.

4.7 PM70 should be rejected.

## 5. Green Belt Matters

### General Matters

5.1 On 12 June 2020, now more than 12 months ago, the Inspectors wrote to the Council<sup>15</sup> setting out:

- a) their conclusions on whether it is necessary for the Council to demonstrate that there are exceptional circumstances justifying all or parts of its proposed Green Belt boundaries;
- b) concerns they had about the evidence underpinning the approach the Council has taken to defining its proposed Green Belt boundaries; and
- c) a potential way forward

5.2 Insofar as (b) was concerned, the issues identified by the Inspectors mirrored those highlighted by DIO in its Representations in respect of the Council's Proposed Modifications (June 2019) and its Matter 3 Hearing Statement (November 2019).

5.3 At paragraph 48 of the letter, the Inspectors stated that:

*"...we consider that there are elements of the approach taken to delineating the Green Belt boundaries that are not adequately robust. Indeed, in our opinion, there are intrinsic flaws embedded in the methodology. Consequently, whilst as detailed in paragraph 29 above we are satisfied that the boundaries are, as a matter of broad principle at least, in general conformity with the RSS, we have serious concerns about the justification for the precise Green Belt boundaries proposed in the Local Plan, particularly in terms of their consistency with the NPPF."*

5.4 As regards (c), the Inspectors listed 3 'potentially realistic' options. These were:

- a) *to convincingly explain to us how we have misunderstood the methodology and that it adequately justifies the proposed Green Belt boundaries;*
- b) *to demonstrate that, notwithstanding the methodological flaws, the Green Belt boundaries proposed are justified and reasonable; or*
- c) *withdraw the Local Plan from examination.*

5.5 Importantly, the Inspectors went on to state that:

---

<sup>15</sup> EX/INS/15

*“We have considered whether we are able to provide you with a recommendation about the best way to proceed. Unfortunately, the problem is that much rests on the elements of the Green Belt boundary work that we have thus far not examined through hearings. We therefore cannot say whether pursuing option b) is a realistic proposition and likely to result in a positive outcome. We should point out, though, that this option would inevitably lead to a prolonged examination with a large number of hearing sessions. It would be necessary for us to consider at hearings each and every section of Green Belt boundary proposed in order to examine the justification for it in considerable forensic detail. Given our view about the methodology, in depth scrutiny of this kind will be essential. Overall, option b) should only be pursued if the Council is confident that the local assessments overcome the shortcomings we have identified in the methodology.*

*We have also considered the possibility of the Council undertaking a fresh assessment of the Green Belt boundaries. However, the production of such fundamental evidence as this is plan preparation work, and there would be a serious risk that such new evidence would lead to different outcomes. Given this, and the length of time it would in all likelihood take for you to undertake this work and for us to examine it, including the public consultation that would be necessary, we would not support following such a path as part of the current examination. In light of the difficulties associated with replacing such a fundamental element of the Local Plan’s evidence base, if the Council finds itself seriously considering the need for fresh Green Belt boundary assessments, we would recommend withdrawing the Local Plan. That would enable the required work to be done alongside any necessary updating of other aspects of the evidence base outside the examination process. It strikes us that this would be a more efficient way to proceed and would allow the Local Plan to be re-submitted for examination relatively quickly.”* (paragraphs 54 and 55) (our emphasis)

- 5.6 On 22 June 2020, the Council wrote back, indicating that there was a strong prospect of it being able to pursue Option (b), potentially with an element of (a). This was in spite of the reservations expressed by Inspectors’ as regards (b).
- 5.7 It took 6 months, from receipt of EX/INS/15, for the Council to issue the first tranche of its additional Green Belt work and a further 4 months to issue the second and final tranche. What is now out for consultation, some 18 months after the first set of Examination Hearing Sessions drew to a close in December 2019, is a body of documents that comprise just short of 1,600 pages of new evidence.
- 5.8 The Council will no doubt say that we have seen elements of this evidence before, and that may be true. But it is also true to say that:
- a) it is impossible to work out precisely what is new and what is not;

- b) this body of work neither contains an explanation as to why the Inspectors misunderstood the Council's original methodology, nor a simple demonstration that, notwithstanding the methodological flaws, the Green Belt boundaries proposed are justified and reasonable. The Council has not done what the Inspectors asked or recommended in June last year and, instead, has taken the course of action that the Inspectors counselled against;
- c) whilst elements of the original evidence are rolled over into this new work, what is now presented is effectively a brand new Green Belt assessment;
- d) the Inspectors warned against a fresh assessment in the light of concerns they had about outcomes and delays. They were right to have those concerns. The new work has led to different outcomes (the Council is promoting 73 changes to the Green Belt boundaries that were detailed in the Submission version of the Local Plan) and, as noted above, we are now 18 months on from the date of the last Hearing Session; and
- e) notwithstanding all this additional work, as we demonstrate below, the Green Belt assessment is still not fit for purpose.

## **Topic Paper TP1 Addendum (January 2021) (EX/CYC/59)**

- 5.9 We comment on the relevant elements of this document under the Section headings as they appear in the Addendum itself.

### **Local Plan Strategy and Development Needs**

- 5.10 DIO has stated in previous submissions that it is essential that the Green Belt boundaries defined through this Plan-making process provide for the delivery of an appropriate amount of new development and for this to be accommodated in the most sustainable locations.
- 5.11 EX/CYC/59 contains a description of what the Council believes its development requirements are, what the capacity of the urban areas is, and how it believes its development requirements need to be accommodated so as to deliver sustainable outcomes. DIO remains of the view that:
- a) the Council has grossly underestimated its need for new housing; and
  - b) the evidence base is still missing a clear, cross comparison of the sustainability credentials of the various settlements within the administrative area that enables interested parties, and the Inspectors, to determine whether the spatial distribution of development proposed by the Council

is indeed sustainable or, in NPPF 182 terms, the most sustainable strategy when compared against the reasonable alternatives.

- 5.12 Insofar as (a) is concerned, the Council is promoting a housing requirement of 822dpa. DIO calculates the housing requirement to be 1,040dpa. Over the 15 year plan period, this equates to a difference of 3,270 new homes. If DIO is right about the housing requirement, there will be a need, through this plan-making process, to adjust the Green Belt boundaries further, to accommodate the additional growth required.
- 5.13 With regard to (b), unless and until the Inspectors can be satisfied that the Council's proposed development allocations represent the most appropriate strategy (i.e. the most sustainable strategy), they cannot be certain that the Green Belt boundaries proposed in this latest evidence are sound. The provisions of Policy SS1 of the Local Plan, and its supporting text (as proposed to be modified), does not provide the evidence required to explain the approach that the Council has taken to the site selection process, and the description provided in Section 9 of the TP1 Addendum is opaque.

### **Methodology (1) Review of the General Extent of the Green Belt and Scoping**

- 5.14 The Council notes, at paragraph 5.7 of EX/CYC/59, that the Green Belt around York does not serve to prevent York from merging with neighbouring towns. However, it goes on at paragraph 5.13 to suggest that the desire to maintain separation between certain settlements has nonetheless played a part in how it has defined the Green Belt boundaries to date. This is inappropriate. Green Belts are strategic tools designed to play strategic roles. The words used in the second bullet point of NPPF paragraph 80 are very specific. This part of the NPPF is concerned with the merging of towns and not villages, or towns with villages. If there are gaps between settlements which the Council considers need to be preserved, these should be the subject of bespoke provisions, such as Area of Separation policies.
- 5.15 At paragraph 5.10 of EX/CYC/59, the Council states that Green Belt purposes 1, 3 and 4 are "*appropriate in examining the general extent of the Green Belt and justifying the proposed York Green Belt detailed boundaries*" but that primary emphasis should be placed on purpose 4. In other words, the Green Belt around York only serves three purposes and the role that it plays in preserving the setting and special character of the City is its primary purpose. DIO agrees with this assessment. We return later to how this impacts on boundary definition at the local level.

## **Methodology (3) Channelling Development to Urban Areas, Other Settlements and Beyond the Green Belt**

- 5.16 In Section 7 of EX/CYC/59, the Council emphasises the rigour with which it has searched for potential development sites within the built up areas, including how it reduced the site size threshold to 0.2ha to extend its search parameters. Notwithstanding this, it goes on to argue that it is appropriate to assume that, from year 3 of the housing trajectory, the built-up areas will yield 169 net new dwellings per annum from windfall sites. This is equivalent to more than 20% of the area's housing need (as calculated by the Council). DIO is concerned that the Council is over-estimating the amount of development that is likely to emerge in the form of windfalls and so is underestimating the amount of land it needs to identify for development in the Local Plan.
- 5.17 We note also that EX/CYC/59 assumes that sites proposed for allocation within the urban areas will deliver some 5,848 new homes in the period 2017 – 2038 (the Plan period plus 5 years). In addition to being concerned about the Council's continued reliance on a 2017 base date, it is concerned, as noted above, about whether the sites identified by the Council will indeed deliver the number of homes forecast. The Inspectors will need to satisfy themselves that each of these sites is free of impediments, and that anticipated lead in times and delivery rates are reasonable. In DIO's experience, local authorities regularly take a more optimistic view of housing trajectory matters than is sensible, leading to land supply issues in the future.

### **Enduring Boundaries and Safeguarding**

- 5.18 Paragraph 85 of the NPPF provides that, when defining Green Belt boundaries, local planning authorities should (where necessary) identify in their Plans areas of safeguarded land between the urban area and the Green Belt. The reason for doing so is to provide for longer term development needs "*stretching well beyond the plan period*" and to ensure that the boundaries they define will not need to be altered at the end of the plan period.
- 5.19 The Council gives no consideration at all to what the term "*stretching well beyond the plan period*" means, or indeed what its development requirements might look like over the long term. Instead, it has wedded itself to a notion that by identifying sufficient land to satisfy its NPPF 2012 based housing requirement over the plan period plus 5 years, it is (i) guaranteeing that the Green Belt boundaries will not need to be altered at the end of the plan period and (ii) this, in turn, means it is not necessary to identify safeguarded land. It is wrong not to have considered the specific requirements embedded in NPPF paragraph 85 and wrong to have assumed that satisfying its NPPF 2012 development requirements over an additional 5 year period satisfies these.

- 5.20 For the Local Plan to be sound, the Council must consider what the NPPF requires, why and how. The purpose of bullets 3 and 5 of NPPF paragraph 85 is to ensure that when Green Belts are defined in Local Plans, they have the essential characteristic of permanence (see NPPF paragraph 79). Permanence provides clarity and certainty. If a Green Belt authority does not take a critical look at the period well beyond the plan period, and consider what it might be required to deliver in the way of growth in such a period, it will fail to establish Green Belt boundaries that will endure and offer the permanence required by national policy.
- 5.21 Whilst the phrase “stretching well beyond the plan period” is not defined in either the NPPF or the NPPG, it must surely mean looking further ahead than the 5 year period that the Council has focussed on. Indeed, it would not be unreasonable in the unique circumstances faced in York, where definitive boundaries are being fixed for the first time, for the Council to look a full Local Plan cycle ahead (i.e. a minimum of 15 years). Indeed, looking a full plan cycle ahead might be the only real way in which the Council can guarantee that the boundaries will not need to be altered at the end of the present Plan period. If the Council only plans for the boundaries to endure 5 years beyond the life of the emerging Plan, they will absolutely have to be amended when it prepares any replacement Plan because that Plan will have to look more than 5 years further into the future.
- 5.22 Whatever period the Council is required to assess, it will also need to do so having regard to what its development requirements might look like in the future, as opposed to what they are now. Doing so is not without its challenges; nobody knows what the national planning policy framework will look like in 15 or 20 years' time, but we are assisted in this instance by the fact that we already know that the next Plan to replace this one will have to address the housing needs prescribed by the Standard Method. Moreover, we know that, even now, the Standard Method is telling us that the Council should be delivering over 200dpa more than the emerging Local Plan provides for. Accordingly, when looking at any period beyond 2033, the Council should assume that its housing requirement is going to be higher than it is now.
- 5.23 Establishing a Green Belt policy framework that is capable of being relevant and robust well beyond the current plan period is not easy and may make for an uncomfortable exercise, but the Council has an important obligation to implement national planning policy and define a Green Belt that can endure and offer the permanence required by the NPPF. As things currently stand, these critical policy requirements are not being satisfactorily addressed.

## Methodology (4): Defining Detailed Boundaries

- 5.24 Section 8 of EX/CYC/59 confirms that the detailed boundaries have been assessed in the light of the three Green Belt purposes referred to above (i.e. 1,3 and 4). For each purpose, the Council has identified specific criteria against which each element of each boundary has been tested. For each criterion there is a 'key question' and then a series of sub-questions.
- 5.25 Under purpose 4 (dealt with first because it is the most important), the Council has identified 3 assessment criteria and a total of 8 sub-questions. For purposes 1 and 2 there is only a single assessment criterion but each of these contains 3 sub-questions. So there are 5 'key questions' and 14 sub-questions that need to be answered for every part of the Green Belt boundary.
- 5.26 In addition, for each part of the boundary, the Council comments on whether the line it has chosen follows physical features that are readily recognisable and likely to be permanent and, finally, makes a statement on whether the development of land beyond the proposed boundary (i.e. proposed to be included within the Green Belt) would be consistent with the Local Plan strategy.
- 5.27 DIO has the following general concerns about the Council's approach to assessment and its assessment criteria:
- a) the Council appears to start from the premise that the land it is proposing to include within the Green Belt is all 'open'. This is illustrated by the way in which it has phrased many of its questions (e.g. Does the land need to be kept permanently open in order...). But clearly some of the land that is proposed to be included within the Green Belt is not 'open' and we provide two good examples of this below. Therefore, the Council's starting point is unsound;
  - b) purpose 4 of NPPF paragraph 80 is specifically concerned with the preservation of the setting and special character of historic towns. The Council has stretched this to include villages and other settlements, including villages and settlements that are not 'historic' (see our representations in respect of Strensall below). Doing so is wholly inappropriate, unless it can clearly be demonstrated that a village or other settlement must be 'contained' by Green Belt because its expansion would in some way harm the setting and special character of the City. In the overwhelming majority of cases, we find it hard to believe that the expansion of villages or other settlements would have such an effect;
  - c) the Council has overcomplicated the assessment by asking more questions than are required and, in some cases, asking questions that are not directly related to the purpose as defined in national planning policy; and

d) at no point does the Council explain how it the answers to the questions enable it to form conclusions. For example, it is not clear whether a parcel of land that is performing a role under purpose 4 criterion 1 (compactness) but is not performing any other role, could justifiably be designated as Green Belt.

### **Topic Paper TP1 Addendum; Annex 3: Inner Boundaries; Part 3: Section 7, Boundary 18 (2021) (EX/CYC/59e)**

5.28 Starting on page A3:741 of EX/CYC/59e, the Council sets out its rationale for how it proposes to define the Green Belt boundary in the vicinity of Imphal Barracks. The Inspectors will note that the boundary now being proposed is different to the one detailed in the Submission version of the Local Plan (see PM90 in EX/CYC/59h). Whilst DIO welcomes the Council's acknowledgement that its first attempt was unsound, the amended boundary, unfortunately, is still not NPPF compliant. In the paragraphs below we set out why.

#### **The Subject Land**

5.29 The full extent of Imphal Barracks is show in Figure 5.1 below (taken from page A3:749 of EX/CYC/59e):

[see over page]

**Fig. 5.1 Imphal Barracks Site Boundary**



5.30 The Barracks has been deemed surplus to military requirements and will be vacated by 2031. The majority of the site is proposed to be allocated in the Local Plan for housing development (Site: ST36).

5.31 In the Submission version of the Local Plan, the allocation and the Green Belt boundary were shown as per Figure 5.2 below:

**Fig. 5.2 Extract from York Local Plan Submission Policies Map**



5.32 In DIOs July and November 2019 submissions, it asserted that the part of Imphal Barracks shown lying within the Green Belt, is not 'open' land, performs no Green Belt function and does not need to be kept permanently open. Moreover, it was noted that the boundary line chosen by the Council did not follow any recognisable physical features that are likely to be permanent. Accordingly, an alternative Green Belt boundary was proposed by DIO as shown in Figure 5.3 below:

**Fig. 5.3 DIO's proposed alternative Green Belt boundary**



5.33 The Council has chosen either to ignore or disagree with DIOs assessment of the subject land and is now proposing the boundary shown in Figure 5.4.

**Fig.5.4 City of York Council Revised Boundary**



- 5.34 The land in dispute, that is the land which lies between the Council's proposed boundary and the Imphal Barracks site boundary to the east, contains:
- a) an indoor sports centre measuring some 30m x 49m (1,470 sq m) and standing the equivalent of 3 domestic storeys. It contains a large multi-function sports hall, climbing wall, gym, changing rooms, and storage facilities;
  - b) two outdoor, hard surfaced tennis courts within a 2.5m high fenced enclosure. The courts are floodlit by 9 lighting columns;
  - c) a full-size 3G football pitch with 2.5m high fencing and high-level floodlighting (8 light columns) and dug outs;
  - d) an outdoor assault course with 15 permanently stationed obstacles, also surrounded by 2.5m high fencing;
  - e) a small gas chamber training building;
  - f) a telecoms mast with associated ground level plant;
  - g) a full size grass football pitch;
  - h) a full size grass rugby pitch;
  - i) other grassed areas with the occasional mature tree;
  - j) a large outdoor storage area measuring approximately 60m x 30m with a hard surface containing grounds maintenance supplies, skips and building materials; and
  - k) various other hard standings.
- 5.35 The northern, eastern and southern boundaries of the subject land are marked by a mixture of low level post and rail fencing, hedges, mature trees and 1.8m high close boarded fencing. It is absolutely clear where the boundary of the Barracks runs and although occasional glimpses can be gained through the hedges and trees that mark most of the boundary, these provide an almost unbroken belt separating the Barracks from the existing housing to the south and Walmgate Stray to the north and east.

## Analysis

5.36 For completeness, we assess this part of the Green Belt boundary having regard to all 14 questions defined by the Council.

5.37 The Inspectors will have noted that all of the questions that the Council has formulated under Purpose 4 assume that the land in question is already open and could in theory be kept permanently open. As noted above, the land that is the subject of these representations is not open (or at least the majority of it is not open) and it has a very different character and appearance to the natural, open Stray that lies to the east. So the Council's starting point is wrong. We note this now, so that we do not have to repeat the point for each of the 8 questions that arise under Purpose 4.

### **Purpose 4: To preserve the setting and special character of historic towns**

#### **Compactness**

#### ***Does the land need to be kept permanently open as part of a wider view of a dense compact city or village in an open or rural landscape?***

5.38 This question requires the identification of a view in which one can see a substantial part of the City and gets the sense that it is a dense compact City sitting within an open or rural landscape. It must also be a view in which the subject land plays a part as an open area. The Council has completely failed to identify any such view in EX/CYC/59e. Instead, the Council has made a series of vague, unsupported and irrelevant assertions about the subject land providing physical separation between the more urban form of the Barracks and the Stray, and keeping the land open being important to the preservation of the setting and special character of the City.

5.39 The fact is the subject land does not form part of any view of the City. The City cannot be seen or perceived from that part of Walmgate Stray to the east of the Barracks. Looking north from Heslington Road, all one can see is the Stray itself (the grass, trees and bushes within it and those along its eastern and western edges) the very upper sections of two of the taller buildings within the Barracks, the tops of the floodlights to the football pitch and one of the Barracks' telecoms masts (all of which will be removed when the Barracks is redeveloped). No other part of the City is visible at this point. Beyond the first 'east / west running' hedge in the Stray, the upper parts of certain University buildings come into view on the right hand side and some of these views open up the further north you go. One has to walk north past Imphal Barracks before there is a glimpse of anything else. A boundary wall to The Retreat comes into view and roof tops of a small number of houses can be seen over to the left. But that is it. One cannot see the subject land from the stray, unless one walks right

on the boundary and pauses to peer through the occasional gap in the hedge line. And neither can one see the City or get any sense that a City lies beyond the Stray, let alone a compact one. So the subject land does not and cannot play any part in a wider view that gives the impression of York as a dense compact City in an open or rural landscape.

5.40 We should note also that the Council's reference to the subject land being part of a Green Wedge and earmarked as a potential extension to Walmgate Stray in its original Green Belt Appraisal (2003) (SD107A) was erroneous and is in any event irrelevant to this question. In addition, that proposal was only ever a proposal and was wholly without supporting analysis, evidence and justification. There is nothing in any of the Council's documents that evidences a direct historical, physical or functional link between Walmgate Stray and the subject land and certainly nothing which indicates that there are sound planning reasons for designating (or otherwise treating) the subject land as some form of extension to the Stray. We return to this below.

***Does the land need to be kept permanently open to maintain the scale or identity of a compact district or village?***

5.41 The Council answers this question and the one below by stating that the subject land is within the above mentioned Green Wedge and that Green Wedges function to contain the City and prevent coalescence between different parts of the urban area. There are several major problems with this.

5.42 First, the land is not designated as a Green Wedge in any adopted Policy. It was identified as falling within a Green Wedge and identified as a possible extension to Walmgate Stray in the Council's first Green Belt Appraisal in 2003, but this has no status other than as a piece of as yet untested evidence.

5.43 Secondly, the identification of the subject land as part of a Green Wedge was plainly erroneous. The Appraisal defined Green Wedges as areas of 'undeveloped land' with the following characteristics:

- a) undeveloped open space with a rural feel reaching close into the centre of the city;
- b) allow an open aspect and views towards important city landmarks including the Minster;
- c) physical separation between urban form of a different character;
- d) open areas which build upon the presence of the strays and form a more pronounced separation between areas of different urban form, character and history.

5.44 The subject land is not undeveloped, it does not have a rural feel, it does not have an open aspect, it does not form part of any views to City landmarks, and it does not play a role in separating different

parts of the City or areas with different characters. It is Walmgate Stray to the east, which has a wholly different character to the subject land, that performs this function.

5.45 So the land should never have been identified as either forming part of a Green Wedge or as a potential extension to Walmgate Stray. Unfortunately, there is no site specific analysis with the Council's original Appraisal which explains the conclusions it reached in 2003.

5.46 Thirdly, whether or not the subject land should have been identified as a Green Wedge is immaterial when it comes to answering the question that the Council has posed. The question simply requires a judgement as to whether, if the land were to be developed, the scale or identity of the City as a compact City would be compromised and, plainly, it would not. The built-up parts of the City extend roughly to 4,500ha and the subject land to just c.6.12ha, so development of the land would have no perceptible impact on the scale of the City. And, as far as its identity is concerned, for the reasons explained above, the City cannot be perceived from the subject land or the Stray to the east and it is most unlikely that development on the subject land would be visible or perceived either or, more importantly, would create the impression that York is a sprawling mass of a City, rather than a compact one. Development of the subject land would, for example, have a very different impact to a major new housing development either bolted onto the edge of the City or built a short distance from its outer edge.

***Does the land need to be kept permanently open to constrain development from coalescing or by maintaining a connection to open or historic setting?***

5.47 As indicated above, the Council has tried to answer this question by relying on the erroneous Green Wedge reference. Unfortunately, it doesn't supplement this with any site specific analysis which backs up its theory that developing the subject land would result in different parts of the City coalescing, or would remove a connection that the urban area has with any part of its open, historic setting. The reality is that the subject land does not perform a separating function and nor is it part of the historic setting of the City. It is part of the Barracks which have evolved and grown on this site since the late 1800s. It is Walmgate Stray to the east which forms part of the historic setting of the City and is important to retain for the purposes of keeping the opposing parts of the urban area apart.

**Landmark Monuments**

***Does land need to be kept permanently open to understand the original siting or context of a building, landmark or monument?***

5.48 The Council notes that this is not a relevant consideration and DIO agrees. This must be a key conclusion having regard to the fact that it is the number and density of historic buildings, landmarks and monuments which makes York the special City that it is.

***Does land need to be kept permanently open to understand the visual dominance, prominence or role of a focal point of the building, landmark or monument?***

5.49 As above.

***Does the land need to be kept permanently open as part of the tranquillity, remoteness or wildness of the asset?***

5.50 As above.

### **Landscape Setting**

5.50.1 ***Does the land need to remain permanently open to aid the understanding of the historical relationship of the city to its hinterland, particularly as perceived from open approaches?***

5.51 Again, the Council fails in EX/CYC/59e to answer its own question. It provides an interesting description of the history of the subject land, and the Stray, but it does not say how keeping the subject land free of development is necessary in order to help people understand the historical relationship between the City and its hinterland. It repeatedly, and erroneously, links the subject land with the Stray and conflates with the subject land the very different roles and characteristics exhibited by the Stray.

5.52 DIO has no doubt that Walmgate Stray plays a part in the setting and special character of the City, but it has a very different history, character and appearance to the subject land and the wider Imphal Barracks site. Moreover, the two are quite clearly distinct on the ground and a separated from one another by strong physical features.

5.53 In addition, the subject land plays no role at all in the wider open countryside surrounding the City or in any of the approaches to it. The subject land could be developed and this would have no impact whatsoever on people's ability to understand the relationship between the City and its historical Green Wedges which, in this particular part of the City, comprises Walmgate Stray.

***Does the land need to remain permanently open to aid the understanding or significance for the situation of a designated landscape, park or garden?***

5.54 The Council notes that this is not a relevant consideration in this instance and DIO agrees.

## **Purpose 1: To check the unrestricted sprawl of large built-up areas**

### ***Is land connected to or within proximity to the urban area and therefore relevant for sprawl?***

5.55 The subject land is not just connected to or within proximity to the urban area, it falls within it.

### ***Does the land have an increased risk of sprawl occurring through the presence of low-density, agricultural or recreational structures such as farms, isolated buildings or small clusters with a strong sense of openness, or the possibility of creating ribbon development?***

5.56 DIO fundamentally disagrees with the proposition that the development of the subject land would constitute urban sprawl. The land has been used exclusively for military purposes since the late 1800s and contains buildings and other structures with urban characteristics. The land has a clear physical and functional relationship with the rest of the Barracks site (and no such relationship with Walmgate Stray to the east). It is plainly already part of the urban area and no part of the natural open land to the east. Accordingly, developing the land further would not constitute sprawl.

### ***Is the land unconstrained by built development or strong boundaries on more than one side, and therefore not contained or enclosed in a way which would prevent sprawl?***

5.57 Whilst the Council breaks the question of sprawl down into several parts, the NPPF does not. What the NPPF says is that for land to serve Purpose 1 it must check the unrestricted sprawl of large built-up areas. In addition to not constituting sprawl, the development of the subject land would not be unrestricted. As indicated above, the northern, eastern and southern boundaries of the Barracks are very clearly defined by strong physical features. Each would restrict the development of the land and prevent development from spilling over into the Stray. There is also built development to the immediate south of the subject land preventing any further extension of the Barracks site in that direction.

5.58 The Council suggests that the subject land is not enclosed in a way that would prevent sprawl (i.e. prevent development extending onto the Stray), but this is simply not correct. If the subject land had an open boundary to the Stray, DIO could understand the Council's concerns. But this is not the case. The boundary is recognisable, strong and has stood the test of time i.e. it is permanent. Indeed, it has done a critical job of keeping members of the public out of a military base. The boundary is, therefore, more than adequate to serve as a barrier limiting the eastward expansion of the Barracks site.

### **Purpose 3: To assist in safeguarding the countryside from encroachment**

#### ***Is the land characterised by an absence of built development or urbanising influences?***

- 5.59 The Council describes the subject land as containing “open fields, sports pitches, tennis courts and an indoor squash court which are associated with the barracks”. The reference to open fields must be an error. The remainder of the description is inadequate.
- 5.60 It goes on to suggest that the “outdoor sports provision visually contributes to the feel of the countryside” and makes the irrelevant and incorrect point that it also provides “separation between the more urban form of the barracks and open land of the Stray”.
- 5.61 The reality, and the simple answer to the Council’s question, is that the subject land is not characterised by an absence of built development or urbanising influences. The site contains buildings, structures, hardstandings, plant, equipment, tall floodlighting columns and other urbanising features. Importantly, it also has development on two sides which greatly influence its character and how it feels when one is actually on the land. Again, it is totally different to the Stray or the countryside to the south of Heslington Road.

#### ***Does the land function as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters?***

- 5.62 The Council does not answer this question directly but that is probably because the answer is simply no – the subject land does not function as part of the countryside.

#### ***Does the land contribute to the character of the countryside through openness, views or accessibility?***

- 5.63 The subject land does not comprise open countryside and nor does it lie adjacent to land that has the character of open countryside. In addition, it does not have an open character that could in any way be said to contribute to the character of the countryside surrounding the City, it does not (as established above) contribute to views to or from any open countryside, and it does not provide access to open countryside. It also does not have an open visual connection to the land to the east of it.

## Local Permanence

- 5.64 The NPPF provides that, when defining Green Belt boundaries, local authorities should do so clearly, using physical features that are readily recognisable and likely to be permanent.
- 5.65 The Council states on page A3:747 of EX/CYC/59e that the proposed Green Belt boundary comprises: a tree lined hedge; a hard surface; a road and the rear boundary of houses fronting onto Bray Road (which consists of a combination of trees, hedges, a low post and rail timber fence and a 1.8m high close boarded fence).
- 5.66 The boundary proposed by the Council only in small part follows physical features that are readily recognisable and likely to be permanent. These are the tree lined hedge to the north, Hollands Road and the rear boundary of the properties on Bray Road. Between the point at which the boundary leaves the tree lined hedge in the north, and connects into Hollands Road to the immediate north west of the sports centre, the boundary appears to follow an internal Barracks security fence (2.5m high) which will serve no purpose when the Army vacates the site and so will be removed. At that point, there will be no recognisable, physical features along this part of the boundary, separating the housing allocation to the west from the Green Belt to the east.
- 5.67 In the light of the above analysis of the relevant purposes of the Green Belt, there is only one logical line for the Green Belt boundary to take here and that is as shown on Fig. 5.3 above. On this line, the boundary would follow the very clearly marked limits of Imphal Barracks. It is a boundary that is made up of clearly recognisable physical features (of a type which CYC accepts is appropriate at the northern end of the proposed new boundary line) and has already endured since the Secretary of State for Defence established the Barracks here in the late 1800s, confirming its permanence.

## Consistency with Local Plan Strategy – Site Selection

- 5.68 The Council's assessment of whether development of the subject land would be consistent with the Local Plan strategy is illogical and inadequate. The salient facts are that the land:
- a) Is, by definition, previously developed and contains buildings and structures;
  - b) lies within the City (i.e. within the main urban area);
  - c) lies just over 1 mile to the south of the City Centre. The Centre's services and facilities can be reached on foot in 25 minutes and by bicycle in under 10 minutes;
  - d) lies to the immediate west of Fulford Road which is a main bus route into the City Centre; and

- e) forms part of a developed site, the rest of which is proposed to be allocated for housing development in the Local Plan.

5.69 The subject land is, therefore, in a highly sustainable location and the development of it would be entirely consistent with the Local Plan strategy.

### **Conclusions on Imphal Barracks**

5.70 The Council is proposing that part of Imphal Barracks is washed over with Green Belt. The land contains a large building, hard standings, a large area used for open storage, a full size 3G football pitch with fencing and floodlighting, tennis courts with fencing and floodlighting, an assault course with large physical obstacles and grass rugby and football pitches. Therefore, the majority of the land is not 'open' and those parts of it that are open (i.e. the grass pitches) are located between built up parts of the Barracks to the west and north, and existing housing to the south.

5.71 There is no evidence to suggest that the land makes any form of tangible contribution to the special setting or character of York as a historic city, or that further development of the land would impact adversely on the setting or special character of the city. Indeed, the site and the city itself are hardly perceptible in any views from the north, south or the east. The reference to the land forming part of a Green Wedge is erroneous, without justification and irrelevant.

5.72 The subject land forms an integral part of the Barracks and lies within the urban area. The development of the land would not constitute sprawl and any development of the land would in any event be restricted by the site's existing boundaries.

5.73 The land is not open countryside and does not have the character of open countryside. Moreover, it does not lie adjacent to land that has the character of open countryside. The development of the site could not possibly constitute encroachment into the countryside.

5.74 The boundary line proposed by the Council does not follow physical features that are clear, readily recognisable and likely to be permanent and the development of the site as part of allocation ST36 would be entirely consistent with the Local Plan strategy.

5.75 There are no sound Green Belt policy reasons for including the subject land within the Green Belt and the route of the boundary proposed by the Council is not policy compliant. DIO remains firmly of the view that the Green Belt boundary should follow the boundary of the Imphal Barracks site as shown in Fig. 6.3 above.

## Topic Paper TP1 Addendum; Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt (2021); Strensall: Boundary 5 (EX/CYC/59f)

5.76 Starting on page A4:245 of EX/CYC/59f, the Council sets out its rationale for how it proposes to define the Green Belt boundary in the vicinity of Queen Elizabeth Barracks (“QEB”) at Strensall. The Inspectors will note that the boundary now being proposed is different to the one detailed in the Submission version of the Local Plan and is also different to the boundary proposed by way of PM39 published in 2019 (see PM101 in EX/CYC/59h). Whilst DIO welcomes the Council’s acknowledgement that PM39 was unsound, the amended boundary is still not NPPF compliant. In the paragraphs below we set out why.

### The Subject Land

The full extent of QEB is show in Figure 5.5 below:

**Fig. 5.5 Queen Elizabeth Barracks Site Location Plan**



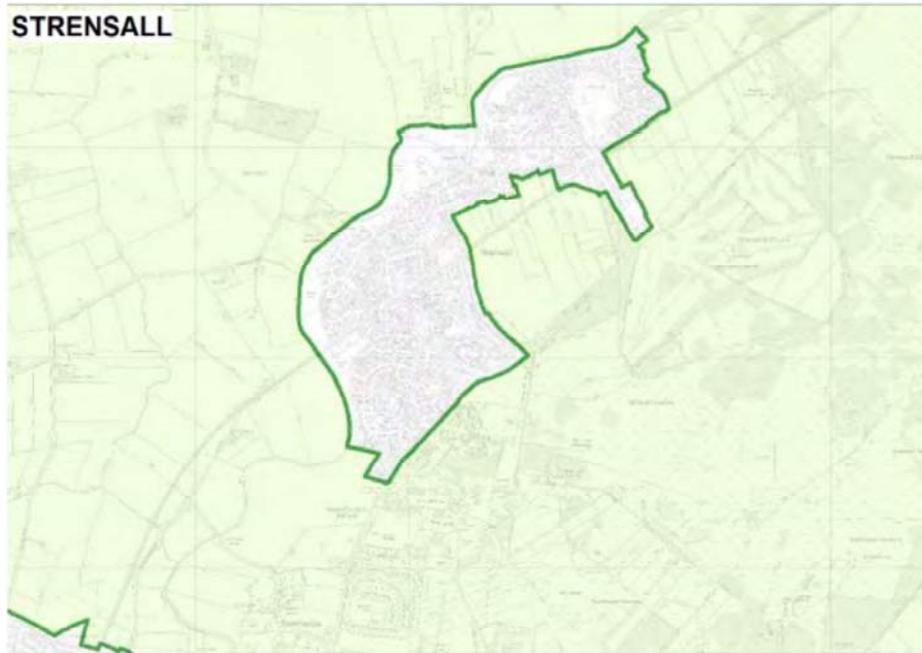
- 5.77 QEB has been declared surplus to military requirements and will be vacated by 2024. As noted earlier in this document, and as the Inspectors will be fully aware, the whole of the site is allocated for housing development in the Submission version of the Local Plan (Sites: ST35 and H59) but these allocations are now proposed to be deleted in the light of concerns that the Council has about possible adverse effects on the integrity of the adjacent Strensall Common SAC.
- 5.78 In the Submission version of the Local Plan, the allocation and the Green Belt boundary were shown as per Figure 5.6 below. The whole of QEB, and existing housing off Alexandra Way and Strensall Park to the immediate south of QEB, were correctly excluded from the Green Belt:

**Fig. 5.6 Extract from York Local Plan Submission Policies Map**



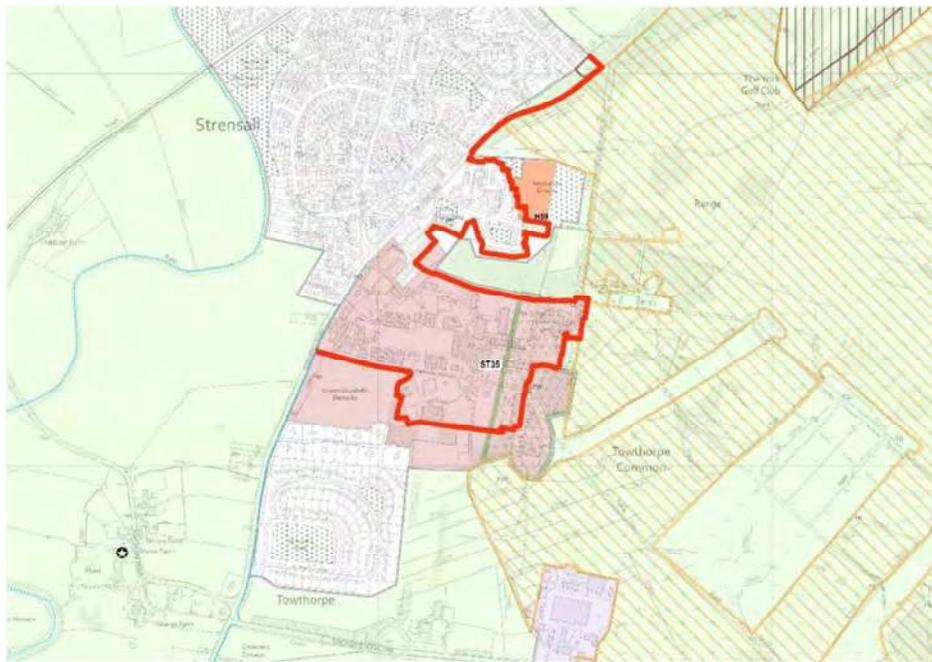
- 5.79 In the Proposed Modifications published by the Council in June 2019, it asserted that, with the proposed deletion of the ST35 and H59 allocations, the Green Belt boundary should be defined as shown in Figure 5.7 below. In this scenario, the whole of QEB and the existing housing to both the south and north was to be washed over with Green Belt.
- 5.80 DIO raised major concerns about the Council's proposals in both its July and November 2019 submissions. In doing so it noted that QEB does not comprise open land, no part of it performs a strategic role in keeping neighbouring towns apart, it does not comprise open countryside, it does not play a part in the setting of an historic city, and is urban brownfield land that will soon be vacant and washing it over with Green Belt would be counter intuitive and frustrate rather than further Green Belt objectives in respect of regeneration and sustainable development.

**Fig. 5.7 York Proposed Modification to Green Belt around Strensall**



5.81 The Council has since done a partial 'u-turn' and has reverted to a proposed Green Belt boundary that is somewhere between that proposed in the Submission version of the Local Plan that shown above in Figure 5.7. The boundary that the Council is currently proposing is shown in Figure 5.8.

**Fig. 5.8 City of York Council Revised Boundary**

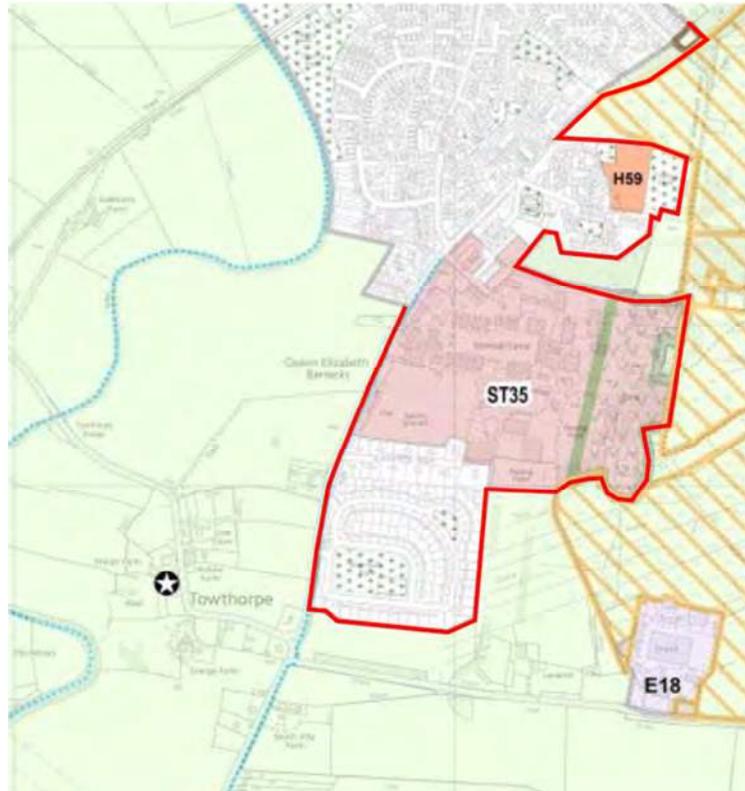


5.82 This new boundary excludes from the Green Belt the existing housing and the Church to the north of QEB, and the majority of the QEB site itself, but washes over with Green Belt:

- a) a children's outdoor play area linked to the existing housing to the immediate west of Site H59;
- b) the land allocated as Site H59 in the Submission version of the Local Plan and the former playing pitch to the immediate east of it;
- c) the Reserved Forces and Cadet Association (RFCA) training facility which is completely developed with 1, 2 and 3 storey buildings and an outdoor seating area and lies to the immediate east of QEB off Scott Moncrieff Road;
- d) land to the immediate south of the RFCA training facility which contains an outdoor assault course with a large number of large, permanently affixed obstacles and 3 permanently sited portacabin style buildings used as offices and stores;
- e) land to the south of the assault course containing a munitions storage facility with inner and outer securing fencing (2.5m high), including 6 bunkers and extensive mounding as well as two raised areas used for the modelling of battle strategies and a loop road. The boundary fencing is floodlit;
- f) a caged gas plant installation lying within an open area that also contains two large outdoor obstacles used for physical training;
- g) an open storage facility comprising hard standings and a large number of shipping containers and a large quantity of steel fencing and cages;
- h) several undeveloped parts of QEB, including its main sports pitches which lies between Cheshire Avenue, Strensall Road and the houses fronting onto Alexandra Road; and
- i) the 90 or so dwellings, and the hard sports courts that lie to the immediate south of QEB off Alexandra Avenue and Strensall Park Road.

5.83 It is our firm view that all of this land should be excluded from the Green Belt and, as such the Green Belt boundary should be defined as per Figure 5.9 below:

Fig. 5.9 DIO Proposed Green Belt Boundary



## Analysis

### Purpose 4: To preserve the setting and special character of historic towns

5.84 The fourth purpose of Green Belts is defined in national planning policy as “to preserve the setting and special character of historic towns”. In addition, and as the Council notes in EX/CYC/59:

*“the saved RSS policies refer to safeguarding both the ‘special character’ and ‘setting of the historic city’ as part of the York Green Belt (Policy YH9 CD031), and specifically reference the need to “protect and enhance the significant historic and environmental character of York”, referencing the historic setting, views of the minster and important open areas.” (paragraph 8.11)*

5.85 Notwithstanding the very clear and precise way in which NPPF paragraph 85 is worded, and the fact that the RSS refers only to York in the context of purpose 4, the Council has nonetheless assumed that it may apply purpose 4 to villages and other settlements, including villages and settlements that are not ‘historic’.

5.86 For example, the Council applies purpose 4 to Strensall, as if Strensall is a historic town that has a setting or special character that needs to be preserved by preventing its outward expansion (see

EX/CYC/59f pages A4:246 – 251). The Council's approach here is fundamentally flawed. Strensall is not a town, it is a village, and it is not an historic village that has a setting and / or a special character that has been defined in evidence and which can only be preserved by preventing the village from expanding. It is simply not a settlement to which purpose 4 applies in the way that the Council has applied it in this part of EX/CYC/59f.

- 5.87 The Council goes on to suggest that it is necessary to use the Green Belt to prevent the expansion of the village to maintain the settlement's compactness because:

*The relationship between York and its surrounding settlements, not simply in terms of the distance between the city and the settlements, but also the size of the villages themselves, and the fact they are free-standing and clearly defined, is set out in the Heritage Topic Paper (Annex 1, Evidence 12), as a key feature of the setting and special character of York. A clock face of smaller compact villages is a key attribute of York's character.*

- 5.88 So far as we can tell, the full extent of the Council's 'evidence' on the contribution that the settlements around York make to its setting, is contained in two short paragraphs on page 62 of the Council's Heritage Topic Paper Update (2014). These state that:

*The relationship of York to its surrounding settlements. 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.*

*The relationship of York to its surrounding settlements was identified as one of the elements which contributes to the special character of the City. The relationship of York to these settlements could be damaged by with the growth of the city or, conversely, the expansion of the villages.*

- 5.89 This is not a detailed analysis of the setting of York and the role the settlements in its hinterland play in defining its setting and its special character. It also does not reference Strensall or examine the specific role that Strensall plays in the setting of York. In addition, it does not say that the expansion of the settlements around York would harm its setting and its special character. It goes no further than stating that the relationship between York and these settlements could be damaged by the expansion of them (or indeed the City itself). But it does not say how, or why, or precisely where the greatest risks or issues lie.

- 5.90 It cannot be right, given the size of Strensall (relative to the City) and the distance between the City and the village, that any expansion of Strensall would harm the setting or special character of York. Indeed, there is no evidence which indicates that that would be the result.

- 5.91 Finally, it is perverse for the Council to now suggest that any expansion of Strensall would impact adversely on the setting and special character of York, when:
- a) in the Submission of the Local Plan it proposed the development of land at QEB that it is now suggesting should fall within the Green Belt; and
  - b) it is not promoting the deletion of the QEB allocations for reasons relating the impact that the development of this land would have had on the setting and special character of York.
- 5.92 The Council's approach to the application of purpose 4 around Strensall is unsound.

### **Purpose 1: To check the unrestricted sprawl of large built-up areas**

#### ***Is land connected to or within proximity to the urban area and therefore relevant for sprawl?***

- 5.93 The land that the Council proposes to wash over with Green Belt within and in the immediate vicinity of QEB is both connected to the urban area and the majority of it clearly forms part of the built-up area. Arguably, the only part of DIOs land that does not currently form part of the built-up area is Site H59 land and the former playing pitch to the immediate east of it.

#### ***Does the land have an increased risk of sprawl occurring through the presence of low-density, agricultural or recreational structures such as farms, isolated buildings or small clusters with a strong sense of openness, or the possibility of creating ribbon development?***

- 5.94 Development of Site H59 and the land to the immediate east of it has the potential to be regarded as sprawl, but not unrestricted sprawl (see below).
- 5.95 The development of the land occupied by the Army Cadet training facility could not constitute sprawl of any kind as the land is almost completely covered in buildings already.
- 5.95.1 The land within QEB that lies to the immediate east and south of the proposed Green Belt boundary contains buildings, the assault course, an ammunition storage facility (also containing buildings), an open storage facility, roads, hard standings, fencing, floodlighting, roads, footpaths, open spaces and playing pitches – all of which:
- a) are or contain structures or features which have urbanising influences;
  - b) form an integral part of QEB;
  - c) are clearly distinct from the genuinely open land of Strensall Common to the east;

d) if developed, would not extend the village any further east or south than it already extends.

5.96 The land to the immediate south of QEB is already developed with existing housing.

5.97 In the light of the above, DIO fundamentally disagrees with the proposition that the development of the land that the Council proposes to wash over with Green Belt would or could comprise sprawl.

***Is the land unconstrained by built development or strong boundaries on more than one side, and therefore not contained or enclosed in a way which would prevent sprawl?***

5.98 DIOs land to the north of Howard Road is contained by Scott Moncrieff Road and Strensall Common to the east, existing housing to the west and fencing and Strensall Common to the north. As indicated earlier in these representations, and illustrated in the attached Planit.ie document, DIO proposes to reinforce the northern and eastern boundaries of this land parcel. With or without such reinforcement, there is no prospect of development of this parcel being 'unrestricted' and giving rise to the potential for further outward expansion to the north or east on account of the adjacency of the SSSI / SAC.

5.99 The land occupied by the RFCA training facility is contained by existing development within QEB to the north, the QEB 'wire' (2.5m floodlit securing fencing) and the SSSI / SAC to the immediate east and the QEB to the south. Again, the re-development of this land could not possibly be said to be unrestricted.

5.100 The land containing the assault course, the ammunition storage facility, the open storage facility to the south east of the Officers Mess, and the open land to the east and west of this are all contained by the QEB boundary which comprises a 2.5m high floodlit security fence and separates QEB from Strensall Common immediately adjacent. Development of this land would also, therefore, not be unrestricted.

5.101 The playing pitches to the west of the Officers Mess are contained on all sides by built development and / or roads. To the west is Strensall Road, to the north is the QEB Guard House, Mess, barrack blocks and main car park (all of which the Council accepts should not be washed over with Green Belt) and to the south is existing housing off Alexandra Road and Strensall Park.

5.102 Finally, the above mentioned housing is an area of land that is already developed and has very clearly defined, permanent boundaries to the east, west and south.

5.103 Accordingly, were any of this land to be developed, it would certainly not be unrestricted. Washing this land over with Green Belt would, therefore, not serve the purpose intended by the NPPF.

### **Purpose 3: To assist in safeguarding the countryside from encroachment**

5.104 The Council admits that the land that it proposes to wash over with Green Belt immediately adjacent to Boundary 5 does not comprise open countryside. Designating the land as Green Belt would not, therefore, serve purpose 3 as defined in NPPF 85.

#### **Local Permanence**

5.105 The NPPF provides that, when defining Green Belt boundaries, local authorities do so clearly, using physical features that are readily recognisable and likely to be permanent.

5.106 The Council admits on pages A4:259 and 260 of EX/CYC/59f that its proposed Green Belt Boundary 5 does not entirely follow physical features that are readily recognisable and not all of the boundary could be said to offer an appropriate degree of permanence. This is somewhat of an understatement.

5.107 The boundary line proposed by the Council, following it north to south, is as follows:

- a) to immediate north of the area that DIO is concerned with, the proposed boundary follows Ox Carr Lane. It then leaves Ox Carr Lane at an indiscernible point just south of Pasture Close and heads east. There are no physical features marking the proposed Green Belt boundary at the point it leaves Ox Carr Lane – it is impossible to tell precisely where the boundary lies here;
- b) about 30m east of Ox Carr Lane, the proposed boundary appears to then connect into and follow the northern elevations of the houses on Cumbrian Avenue, although it could be following the outer edge of the footpath which leads to the front doors of these properties, it is not clear;
- c) at the end of this run of homes, the boundary turns south and either follows the eastern elevations of the homes on Humber Drive, or the line of the footpath which runs along the eastern edge of their front gardens, again it is not clear;
- d) at the end of the run of homes on Humber Drive, the proposed boundary routes around the edge of a hardstanding containing two blocks of 3 garages and the hardstandings on which additional garages once stood. There is no physical feature marking this part of the boundary apart from the edge of the hardstanding and the northern and eastern elevations of one of the garage buildings;
- e) the proposed boundary then heads east along Howard Road before turning south on the eastern side of 22 Howard Road. Again, it is not clear whether the boundary here follows the eastern elevation of the house, or the footpath adjacent to it;

- f) where the boundary meets the rear of No.22, it turns west, heading along the rear boundaries of these properties. The rear boundaries are marked by a 1.8m high brick wall;
- g) the proposed boundary then turns south on Hollis Crescent and again appears to follow the rear boundaries of these, similarly marked by brick walls;
- h) at the western end of Hollis Crescent, it is unclear precisely which route the boundary takes. There are no physical features here (apart from Howard Road to the north) which give an indication as to its likely direction. It appears though to somehow then connect with the eastern boundary of St Wilfrid's Church. It then appears to head south to the short length of road that provides access and parking for the Church. It appears as though the road is the proposed boundary line here (meaning the car parking area is not proposed to be washed over by Green Belt) but it is not clear;
- i) the boundary then turns south and follows St Wilfrid's Road for a short distance before then following a line tight to the rear boundaries of 29 – 34 St Wilfrid's Road. These are marked by 1.5m high close boarded fences;
- j) it then turns east and follows the line of a low wire mesh fence for a short distance before then crossing some open land where there are no physical features to follow and then picking up the northern 'wire' of QEB which consists of a 2.5 – 3m high security fence. It then follows this eastwards to Scott Moncrieff Road;
- k) at Scott Moncrieff Road, the proposed boundary first crosses it and then turns south so as to exclude from the Green Belt a large military building lying to the immediate east of the Road, just inside the wire. South of this building, the line returns to Scott Moncrieff Road and heads south then west then south again at a point immediately west of the RFCA buildings. It is not clear here whether the boundary follows the western elevation of these buildings or the line of the access road that runs to the immediate west of them but because the elevations of the buildings are staggered and the proposed boundary line is not, we assume that the Council has used the line of the access road. This road forms part of QEB and at the edge of the road there is no physical feature that one can identify as marking a boundary;
- l) at the southern end of the RFCA facility, the boundary heads west across open land (apparently following the line of a footpath but no other physical feature) back to Scott Moncrieff Road which, at this point is part of the internal road infrastructure on the Base and is absolutely not guaranteed to be a permanent feature;

- m) the boundary then appears to follow Scott Montrieff Road, heading south, to the point at which it meets the entrance to the ammunition storage area before picking up the fence line which marks the western boundary of this facility. This fence is a wire mesh security fence standing 2.5m high with floodlighting. It is internal to QEB and will be removed when the Base is vacated;
- n) the boundary follows this fence to the point at which it kinks south west before then turning west to the immediate south of existing QEB buildings. At this point it is not clear what the boundary follows. There are no physical features that a Green Belt boundary could pick up between this point and the road which loops around the Officer's Mess to the west; and
- o) at the Officer's Mess the boundary appears to follow the access road which passes the building on its southern side, and then passes two tennis courts. At the western end of the tennis court enclosure, the proposed boundary takes an inexplicable detour north and then west across part of a grassed area. There are no physical features marking a route here. The boundary then heads north, again following no physical feature or features, before wrapping around an existing building and then reconnecting with the access road to the west of the tennis courts. It then follows this road to Cheshire Avenue and Cheshire Avenue to Strensall Road. Again neither the access road nor Cheshire Avenue are necessarily permanent features.

5.108 It is interesting to note that the rather odd and tortuous route that the proposed boundary takes to the immediate west of the tennis courts prevents the proposed boundary meeting up with the rear boundaries of the houses on Alexandra Road. If the boundaries joined at this point, the QEB playing pitches, which CYC is proposing to wash over with Green Belt, would be completely severed from the rest of the land that CYC proposed to include within the Green Belt to the east.

5.109 What the above description does is highlight (i) the fact that there are numerous points at which the proposed boundary is not clear and does not follow existing physical features – this is particularly the case for long stretches of the boundary that run within QEB; and (ii) when within QEB, the boundary follows features that CYC cannot guarantee are permanent, consisting as they do of roads, footpaths and internal fences that are part of the on-base infrastructure that will not be needed past 2024.

5.110 Conversely, the boundary proposed by DIO would in all respects follow physical features that are clearly recognisable and are likely to be permanent. All of the boundaries are marked by fences and in large part these fence lines are reinforced by hedges and trees.

## Consistency with Local Plan Strategy – Site Selection

5.111 By allocating the QEB sites for development in the Submission version of the Local Plan, the Council accepted that the development of this land would be consistent with the Local Plan strategy. Subject to addressing the issues relating to the SAC, this remains the case. The land is:

- a) previously developed;
- b) within the existing built up area;
- c) well served by public transport; and
- d) within walking and cycling distance of a good range of local services and facilities.

5.112 The land is, therefore, in a sustainable location and the development of it would be entirely consistent with the Local Plan strategy.

## Conclusions on QEB

5.113 The Council is proposing that parts of QEB are washed over with Green Belt. The land contains buildings, roads, hard standings, open storage on a significant scale, an assault course, fenced plant, security fencing, formal landscaped areas, informal open spaces, and playing pitches. Therefore, the majority of the land is not 'open' and those parts of it that are open (i.e. the grass pitches and informal open spaces adjacent to the Officer's Mess) are surrounded by buildings and / or adjacent to urban and urbanising features.

5.114 The land plays no part in the setting or special character of York as a historic city.

5.115 The majority of the land forms an integral part of QEB and lies within the urban area. The development of the land would not constitute sprawl and any development of the land would in any event be restricted by built development and existing boundaries that comprise clearly recognisable physical features and are permanent.

5.116 The land is not open countryside and does not have the character of open countryside.

5.117 The boundary line proposed by the Council does not follow physical features that are clear, readily recognisable and likely to be permanent and the development of the QEB sites would be entirely consistent with the Local Plan strategy.

5.118 The land occupied by the RFCA training facility and the existing housing off Alexandra Road and Strensall Park are built-up.

5.119 There are no sound Green Belt policy reasons for including this land within the Green Belt and the route of the boundary proposed by the Council is not policy compliant. DIO remains firmly of the view that the Green Belt boundary should follow the boundary shown in Fig. 5.9 above.

## 6. Changes Required to Make the Plan Legally Compliant and Sound

6.1 As has been made clear throughout these Representations, DIO is firmly of the view that it is not necessary to delete Sites ST35 and H59 from the Local Plan in order to make it sound. However, in the light of the technical work that has been completed since the Plan was submitted, Policies SS19 and H1 do need to be modified in order to properly capture the approach that needs to be taken to mitigation. Accordingly, we set out below how we believe these Policies should be amended. The text that appears in bold is proposed new text and the text that is struck through is CYC text that we consider should be deleted. We have taken the opportunity at this important stage to suggest how SS19 could be 'tidied up' and linked better to other Policies in the Plan.

### Policy SS19: Queen Elizabeth Barracks, Strensall

Following the Defence Infrastructure Organisation's disposal of the site by 2021, Queen Elizabeth Barracks (ST35) will deliver **approximately** 500 dwellings at this rural development site. Development is anticipated to commence in 2024~~3~~. In addition to complying with the policies within this Local Plan, the site must be delivered in accordance with the following key principles.

- i. The mitigation hierarchy should be followed to ensure no net loss of biodiversity; where possible development should deliver biodiversity gain. Development will only be allowed where it can be demonstrated that it will not have an adverse impact, alone or in combination, upon the integrity of Strensall Common SAC and SSSI.
- ii. Take full account of the extent and quality of ecological interest of ~~a~~ Strensall Common **SAC** through the preparation of a comprehensive evidence base to support the required Habitat Regulations Assessment and ~~other assessments to be able to~~ fully understand and avoid ~~or~~, mitigate or ~~compensate~~ **adverse impacts on the integrity of the SAC**. To help deliver this, a detailed Visitor Impact Mitigation Strategy must be prepared, which will be informed by comprehensive and repeatable visitor surveys (to be repeated as necessary). The Strategy will identify effective measures which will encourage both the use of alternative sites instead of Strensall Common **for recreation** and measures **to mitigate the risk posed to the integrity of the SAC by inappropriate behaviours**. ~~less damaging visitor behaviour on the Common.~~ These ~~is~~ will include (but not be limited to) the following measures:
  - Within the site divert new users away from the SAC by:

- Providing **at least 12ha of public open space, including at least 8ha of natural and semi-natural green space that is** ~~within the site boundary~~ attractive to a range of users, **including** ~~particularly~~ dog walkers;
- **Providing** ~~The provision of a circular walk within the site~~ **with a minimum length of 2.5km;**
- **Providing a green buffer between any new homes and the boundary of the SAC and providing boundary and edge treatments to the boundary with the SAC which maintain separation between residents and the SAC;**
- **Ensuring that the boundary with the SAC is marked by a close mesh steel fence standing not less than 2m high with an internally facing overhang of not less than 60cm;**
- Ensuring **there is no direct** access throughout the life of the development either by vehicle, cycle or foot **from the site into the SAC;** ~~to adjoining land on the north, south and eastern site boundary;~~ and
- Providing **the occupiers of all new homes with information packs which describe the special features of the SAC, behaviours expected within the SAC, the location of waymarked routes within the SAC, and walking and cycling routes, dog walking areas and public open spaces elsewhere in the local area** ~~publicity, education and awareness to support these aims~~
- On Strensall Common ensure suitable behaviour by visitors by:
  - Implementing actions to manage recreational pressure at points of arrival, by type of activity and location of activity on site;
  - Ongoing monitoring that will specifically lead to the implementation of prompt remedial measures such as the closure of access points etc if adverse effects are identified;
  - **Providing improved signage and information boards at points of arrival and other key locations, and providing information online via a website or social media feed to better inform visitors about the social features of the SAC, the behaviours expected when visiting the SAC and restrictions applying when military training is occurring;** ~~Publicity, education and awareness,~~

- **Assessing the condition of gates and barriers at points of access and improving / reinforcing these where necessary to better control access to and the use of the SAC during unsociable hours;**
  - **Assessing the condition of fencing within the SAC and repairing / replacing this where necessary to keep visitors away from particularly sensitive areas and providing boardwalks where necessary to reduce trampling and focus walking and leisure activities on the waymarked routes;** and
  - The introduction of an efficient wardening service that ~~could~~ **supplements** the work of existing landholders **and provides to present a physical presence on site which monitors behaviours, educates visitors, monitors the condition of the infrastructure within the SAC, and enforces bylaws.** ~~and encourage good behaviours by the public~~
- **Adjacent to the site by:**
    - **Between ST35 and Howard Road, providing a 4ha area of natural, alternative green space containing footpaths and with robust boundaries to Howard Road and the SAC which prevent the alternative green space from being used as a route into the SAC from ST35**
- iii. Ensure all ecological avoidance, mitigation and compensation measures are fully operational and functioning prior to **the first occupation of any proposed home** ~~commencement of any development~~. Measures must be supported by a long term management plan which includes ongoing monitoring and remedial measures.
  - iv. Deliver a sustainable housing mix in accordance with the Council's most up to date Strategic Housing Market Assessment.
  - v. The development of the site ~~this area~~ must be informed by an **appropriate heritage assessment produced in accordance with Policy D7 and the relevant provisions of the NPPF.** ~~assessment of architectural interest of the site and its buildings. Those buildings which are considered to be of historic interest should be retained and reused.~~
  - vi. **The development must be** Be of a high design standard, ensuring the development has a distinct identity from Strensall village and not be just a continuation of the existing development. The site should have its own identity and character that in its layout and spaces, reflects the site's long use as a barracks, its landscape context, and the natural site assets.

- vii. **The development must r**etain all identified good quality trees, with appropriate distance to tree canopy, unless they pose an unreasonable restriction on development and their contribution to the public amenity and amenity of the development is very limited, ~~and~~ or their loss is outweighed by the benefits and mitigation provided by the development.
- viii. **Proposals for the site must be supported by** Undertake an archaeological evaluation consisting of geophysical survey and excavation of trenches to identify the presence and assess the significances of archaeological deposits.
- ix. **Proposals for the site must be supported by** Prepare a Flood Risk Assessment and full drainage strategy. The strategy should be developed in conjunction with the Council and required statutory bodies and should ensure that the development will not exacerbate any existing issues with surface water and drainage. Hydrological studies that explore surface and sub-surface characteristics of the local hydrological regime would be required to identify the impact on the wet heath communities of Strensall Common SAC/SSSI and identify mitigation measures where required. Any hydrology plan/study also needs to consider impacts on water logged archaeological deposits
- ~~x. Increase the area and quality of open space within any proposed development – beyond that found at present in order to reduce the impact of recreational pressure on Strensall Common SSSI/SAC~~
- xi. **Proposals for the site must be supported by an audit of community facilities in Strensall village, an assessment of their capacity, and proposals for any mitigation / compensatory provision required in accordance with Policy HW2.** ~~Create new local facilities as required to meet the needs of future occupiers of the development~~
- xii. **Proposals for the site must provide for the delivery of any educational infrastructure needed to support the future residents of the development in accordance with Policy ED6** ~~Deliver sufficient education provision, including a new primary school, to meet the demand arising from the development. Further detailed assessments and associated viability work will be required~~
- ~~xiii.~~ Proposals for the site must be supported by a Transport Assessment which demonstrates that all relevant ~~Demonstrate that~~ all transport issues have been addressed, in consultation with the Council and Highways England as necessary, **including interventions required to provide future residents with appropriate access to sustainable modes of travel.** ~~to ensure sustainable transport provision at the site is achievable.~~ The impacts of the **proposals** site shall

- be assessed individually and cumulatively with sites **H59, ST7, ST8, ST9, ST14 and ST15. should be addressed**
- xiv. **The Transport Assessment should** Give further consideration **the matter of** to road safety at the Strensall Road/Towthorpe Moor Lane **junction**, in addition to the use of Towthorpe Moor Lane by through traffic. **Any mitigation identified as required, shall be delivered before new homes are occupied or before any alternative trigger agreed through the Transport Assessment. If identified as necessary, mitigation to Strensall Road/Towthorpe Moor Lane junction will be required**
- xv. **The proposed development shall o**Optimise pedestrian and cycle integration, connection and accessibility in and out of the site and connectivity to the city and surrounding area creating well connected internal streets and walkable neighbourhoods, to encourage the maximum take-up of these more 'active' forms of transport (walking and cycling). Cycle paths will need to be provided along the site frontages connecting into the site and also focus upon the route into the village and local facilities
- xvi. **Proposals for the site must be supported by** Undertake detailed noise and contamination assessments, including detailed assessment of the current and future use of the military training area adjacent to the site.

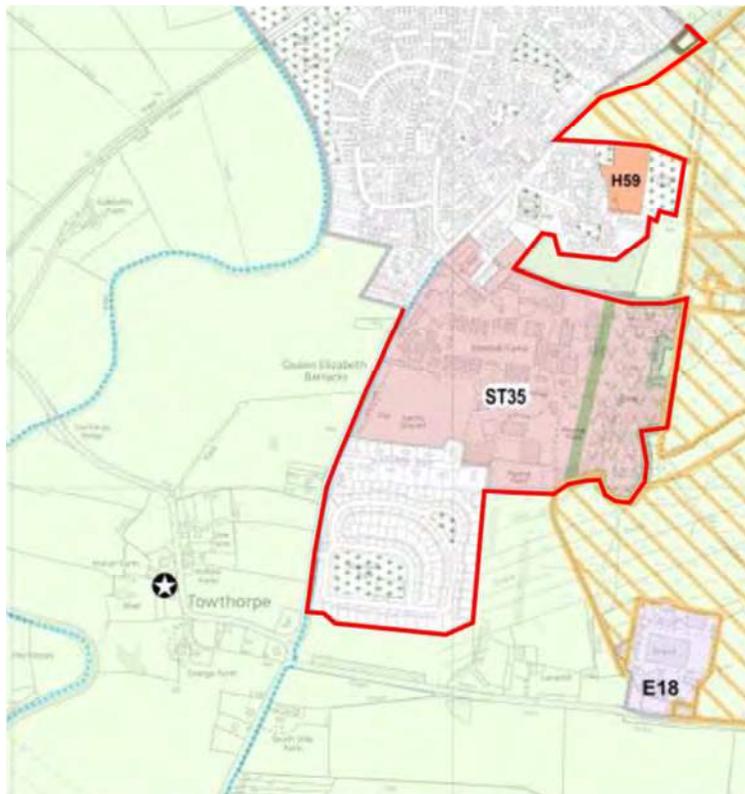
## Policy H1: Housing Allocations

Reject footnote proposed by CYC and replace with the following:

\*\*\* planning applications for this site will need to be accompanied by Habitat Regulations Assessment which considers the potential for the development of the land to cause harm to the integrity of Strensall Common SAC and determines whether mitigation measures need to be implemented. Any mitigation measures identified as necessary shall be implemented before any new homes are occupied. As a minimum, proposals for the site will need to incorporate a green buffer and robust boundary treatments which separate the proposed housing from the SAC boundary to the north. Such boundary treatments should stretch from Scott Montcrieff Road to Ox Carr Lane.

## Green Belt Boundaries

- 6.2 As noted in Section 5 above, modifications need to be made to the Green Belt boundaries specified in the submitted Plan. The Green Belt boundary in the vicinity of QEB should be defined as follows:



6.3 The Green Belt boundary in the vicinity of Imphal Barracks should be defined as follows:



## PM70

6.4 As noted in Section 4 above, PM70 is not required in order to make the Plan sound and is not supported by robust evidence, and should be rejected.

# Appendix I

## Housing Need Technical Note (RPS)

# CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS AND EVIDENCE BASE CONSULTATION

Technical Note on Housing Need

JBB8718.C7726

1

June 2021

## REPORT

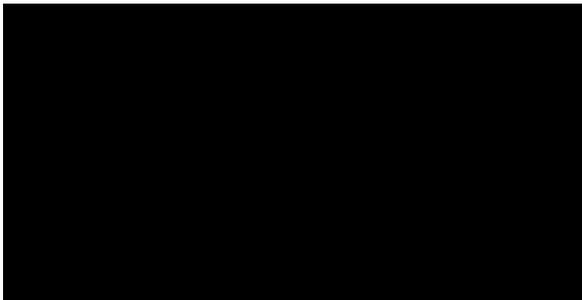
Document status					
	Purpose of document	Author ed by	Review ed by	Approv ed by	R ev ie w d at e
1	Technical note on OAN matters to inform PMM responses	DRO	CAF	CAF	25/06/2021

The report has been prepared for the exclusive use and benefit of our client and solely for the purpose for which it is provided. Unless otherwise agreed in writing by RPS Group Plc, any of its subsidiaries, or a related entity (collectively 'RPS') no part of this report should be reproduced, distributed or communicated to any third party. RPS does not accept any liability if this report is used for an alternative purpose from which it is intended, nor to any third party in respect of this report. The report does not account for any changes relating to the subject matter of the report, or any legislative or regulatory changes that have occurred since the report was produced and that may affect the report.

The report has been prepared using the information provided to RPS by its client, or others on behalf of its client. To the fullest extent permitted by law, RPS shall not be liable for any loss or damage suffered by the client arising from fraud, misrepresentation, withholding of information material relevant to the report or required by RPS, or other default relating to such information, whether on the client's part or that of the other information sources, unless such fraud, misrepresentation, withholding or such other default is evident to RPS without further enquiry. It is expressly stated that no independent verification of any documents or information supplied by the client or others on behalf of the client has been made. The report shall be used for general information only.

### Prepared by:

RPS



### Prepared for:

Defence Infrastructure Organisation (Instructed by Avison Young)

## Contents

1	INTRODUCTION .....	1
2	SUMMARY OF COUNCIL'S UPDATED POSITION .....	2
3	RPS CRITIQUE OF UPDATED EVIDENCE BASE.....	5
4	SUMMARY OF RPS POSITION AND RECOMMENDED CHANGES .....	17

## Appendices

Appendix 1 - Extract from Housing Enabling Strategy Central Bedfordshire Council Final Draft Report  
February 2019, Prepared by GL Hearn

## 1 INTRODUCTION

- 1.1 This Technical Note (“the Note”) has been prepared on behalf of Defence Infrastructure Organisation (“DIO”) with respect to their interests in land at QE Barracks, York. The Note provides a technical review of the Council’s updated evidence on matters relating to the Housing Need Update, September 2020 (EX/CYC/43a) and the Affordable Housing Note dated February 2020.
- 1.2 The purpose of the Note is two-fold; firstly, to undertake provide a direct response to the matters arising from the updated evidence, set out in section 3 of this Note; and secondly, to provide (in Section 4) a summary of the findings from Section 3 to inform and support the preparation of representations to the Council’s Proposed Main Modifications (“PMM”) Schedule dated April 2021 (EX/CYC/58).
- 1.3 For clarity, the PMM representations submitted at this stage are being prepared separately on behalf of DIO by Avison Young. This Note is referred to in, and appended to, those representations

## 2 SUMMARY OF COUNCIL'S UPDATED POSITION

2.1 This section of the Note presents a summary of the Council's Proposed Modifications (EX/CYC/58), and the updated evidence on OAN (EX/CYC/43a) and affordable housing (EX/CYC/36), all issued as part of the latest public consultation.

### Schedule of Modifications April 2021 (EX/CYC/58)

2.2 The key modifications of relevance to the consideration of overall housing need and affordable housing need are PM50, PM53 and PM54. Table 1 of EX/CYC/58 clarifies that these modifications are intended to supersede the two draft modifications (PM4 and PM5) previously consulted on during June 2019 (EX/CYC/20), following the first round of examination hearings that took place in December 2019.

2.3 PM50 and PM53 relate to Policy SS1, which now proposes a housing requirement of a minimum average annual net provision of 822 dwellings, equating to at least 13,152 dwellings over the plan period (2017-2033).

2.4 Through PM54, the Council now seeks to confirm the Objectively Assessed Housing Need ("OAN") figure of 790 dwellings per annum ("dpa"), which produces a housing requirement figure of 822 dpa when including an allowance of 32 dpa for the shortfall in housing provision between 2012 and 2017.

2.5 We note that the 'upward' adjustment of 32 dpa, which still results in a housing requirement 45 dpa lower than the 867dpa figure originally submitted in 2018, would represent just 4% uplift to the 790 OAN figure. This is an area of dispute, particularly in the light of the scale of affordable housing need evident in York.

### Updated Evidence on Objectively Assessed Housing Need (EX/CYC/43a)

2.6 The latest set of (2018-based) Sub-National Population Projections ("SNPP") were published by the Office for National Statistics ("ONS") in March 2020. Drawing from these, in June 2020, ONS published the 2018-based Sub-National Household Projections ("SNHP"). The GL Hearn ("GLH") report (EX/CYC/43a) seeks to assess the impact on housing need in the City of York as a result of the latest Household Projections.

2.7 The core analysis looked at housing need over the period 2017-33 to be consistent with the Local Plan period. Also, to align with previous studies carried out for the City, GLH has provided figures for the 2012 to 2037 period.

2.8 GLH recommend that CYC should continue with an OAN based on the 2016-based projections, rather than the 2018-based projections, because the difference between the two projections is not considered sufficient enough to demonstrate that a 'meaningful change' has occurred. Consequently, GLH conclude that there is no need for the Council to move away from their current

position (790dpa) based on this new data, which applies the 790 OAN figure as the basis for the preferred housing requirement (822 dpa)

2.9 The next section of this Note considers the GLH update in more detail.

**Affordable Housing Note (EX/CYC/36)**

2.10 CYC has issued a separate note on affordable housing provision, dated 3 March 2020 (EX/CYC/36). This note focuses on the various sources and quantum of affordable housing that CYC expects to deliver in order to address the affordable housing needs of York over the plan period.

2.11 It is apparent that CYC hasn't updated its evidence on affordable housing need, which remains at 573 affordable homes per annum (representing the affordable OAN) and is taken from the SHMA 2016 (ref. SD051) also prepared by GLH. Consequently, whilst it is not made clear in the note, we assume that the period to which the supply assumptions relate is 2017-2033, which aligns with the end date of the plan (PM48 now confirms the plan period as 2017-2033). This generates a total need for 9,168 net new affordable homes in York up to 2033.

2.12 The next section of this Note considers in more detail the latest evidence on OAN and affordable housing published by CYC.

**Table 2.1 Relevant Sections of the CYC Proposed Main Modifications**

<p><b>PM 50</b> - Policy SS1: <i>Note PM4 - [EX/CYC/20]</i></p>	<p>Page 26 of the Publication Draft Local Plan (February 2018)</p>	<p>Text amendment, 2nd bullet point, as follows:  <ul style="list-style-type: none"> <li>Deliver a minimum <b>average annual net provision of 867 new dwellings 790 822 dwellings per annum</b> over the plan period to 2032/33 and post plan period to 2037/38. <b>During the plan period provision has been made for a housing requirement of at least 13,152 new homes.</b> This will enable...</li></ul></p>	<p>Clarification of housing requirement over the plan period.</p>
<p><b>PM 53</b> - Policy SS1: <i>Note PM4 - [EX/CYC/20]</i></p>	<p>Whole Plan, where applicable</p>	<p>To clarify the Council's housing requirement, inclusive of shortfall. Amend household projections to '<b>minimum average annual net provision of 822 dwellings over the plan period to 2032/33</b>'.</p>	<p>Clarification of housing requirement over the plan period.</p>
<p><b>PM 54</b> - Policy SS1: Explanation <i>Note PM5 - [EX/CYC/20]</i></p>	<p>Para 3.3 Page 27 of the Publication Draft Local Plan (February 2018)</p>	<p>Text amendment, as follows:          Technical work has been carried out by GL Hearn in the Strategic Housing Market Assessment Update (2017). This work has updated the</p>	<p>Clarification of housing requirement over the plan period including an allowance for a shortfall in provision.</p>

		<p>demographic baseline for York based on the July 2016 household projections. to 867 790 per annum. Following consideration of the outcomes of this work, the Council aims to <b>address an objectively assessed housing need of 790 homes per annum. This produces a housing requirement amounting to</b> meet an objectively assessed housing need of 867 790 new dwellings per annum for the plan period to 2032/33, <b>a minimum average annual net provision of 822 dwellings over the plan period to 2032/33</b>, including an allowance for any a shortfall in housing provision against this need from the period 2012 to 2017. , and for the post plan period to 2037/38.</p>	
--	--	---	--

### 3 RPS CRITIQUE OF UPDATED EVIDENCE BASE

#### The Use of Sub-National Population Projections

- 3.1 As a transitional authority<sup>1</sup> for the purposes of plan-making, CYC remains wedded to the guidance on assessing housing need, set out in the Planning Practice Guidance published in 2014. As stated in that guidance, household projections published by Office for National Statistics (“ONS”), and previously by Government (now Ministry of Housing, Communities and Local Government), should provide the starting point for estimating overall housing need<sup>2</sup>.
- 3.2 As highlighted in previous submissions to this examination made on behalf of DIO, the Council’s preferred housing requirement (867 dwellings per annum) was originally underpinned by the 2014-based sub-national projections. During the course of the examination however, the Council proposed a shift to the 2016-based official projections. As previously stated, the 2016-based projections show a significant reduction in the projected growth in population and households up to 2032. Relying on the 2016-based projections downgrades the demographic-based starting point and is contrary to practice adopted in recent Local Plan examinations elsewhere. It also does not reflect the growth aspirations and objectives of the CYLP, which have remained broadly unchanged since the CYLP review process began in 2012. However, on 20 June 2020, the 2016 projections were superseded by new set of 2018-based projections. As discussed later in these Representations, this latest set of projections present an even more pessimistic view of future housing need in York. The question that now arises is whether a ‘meaningful change’ has occurred that justifies a change in approach and use of the 2018-based projections.
- 3.3 Given the relatively recent publication of the 2018-based projections, there are few examples of where local plan examinations have considered this key question. However, one such example is Braintree District and the North Essex Strategic Plan (“NESP”). In that case, the Local Plan Inspector accepted that the main reason for the fall in projected household growth in Braintree (between the 2014- and 2018-based projections) was that since the base date of the submitted Plan (2013), housing need had not been met. Not enough new homes had been built to meet the housing requirement, with the result that fewer people had been able to move into the District. As a result, in-migration had reduced, leading to lower forecast population and household growth. The Inspector ultimately concluded that:
- “For all these reasons, therefore, I consider that the 2018-based household projections do not provide a reliable basis for assessing Braintree’s housing requirements.” (NESP, IR, para 44)*
- 3.4 RPS contend there are certain parallels between the Braintree case and York. The general point here is that past trends are built into future projections and that where there are reductions in certain assumptions these can, logically, lead to reductions in the projection. For example, housing

---

<sup>1</sup> As set out in Paragraph 214 of the 2019 NPPF

<sup>2</sup> Paragraph: 015 Reference ID: 2a-015-20140306 Revision date: 06 03 2014

delivery in York between 2011 and 2016 totalled 2,776 net dwellings, an average of 555 dwellings per annum. This covers the five-year period that informed the 2016-based projections, which projected a lower growth (484 dpa) compared to the 2014-based projections (867 dpa). On this basis, it is entirely reasonable to suggest that lower rates of development during this period would have fed into these projections and contributed to the gradual decline of birth rates and also outmigration given people might need to go elsewhere to find the homes they need outside York.

3.5 Since then, delivery has increased with average completions between 2014 and 2019 totalling 870 dwellings per annum. This is more consistent with the 2014-based projection originally preferred by the Council.

3.6 Also, there would appear to be problems in relying on the 2018-based projections as these do not reflect the recent upturn in housing delivery during the two-year period that informed the projection (between 2016/17 and 2017/18) and which has in turn supported the recent increase in population in York (of 1,730 people) seen during 2017/18. This points to general instability in the most recent projections.

3.7 Ultimately, the Government has also expressed concerns about the 2018 projections. In its response to the 2020 consultation titled 'Changes to the Planning System' it stated that:

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

3.8 The Government recognise that there are areas where substantial change is recorded, as in York, and recommend taking the path which offers the most stability. We remain of the view that the use of the 2016-based projections is not credible and the demographic starting point should be rebased to the 2014-projections, as per earlier CYC assessments.

### **Demographic Change**

3.9 The Council's updated position on demographics is set out in Section 2 of its Housing Needs Update 2020 (EX/CYC/43a). Table 1 of the 2020 HNU provides a summary of the last four sets of official projections, across two different plan time periods. The table is copied below.

**Table 3.1 Population Growth by Projection and Different Periods – York (from Table 1 of 2020 HNHU)**

	2017	2033	Change	% Change	Change Per Annum
2018-based	208,163	215,595	7,432	3.6%	465
2016-based	208,163	221,715	13,552	6.5%	847
2014-based	208,163	232,392	24,229	11.6%	1,514
2012-based	208,163	225,436	17,273	8.3%	1,080
	2012	2037	Change	% Change	Change Per Annum
2018-based	199,567	215,944	16,377	8.2%	655
2016-based	199,567	223,603	24,036	12.0%	961
2014-based	199,567	236,366	36,799	18.4%	1,472
2012-based	199,567	228,952	29,385	14.7%	1,175

Source: ONS, 2020

- 3.10 It can be seen that the latest sub-national projections (2018-SNPP) indicate the lowest rate of population change in York across both time periods, estimated to be 465 persons per annum. The Council's referred projection (2016-based) shows a change of 847 persons per annum, with the higher rates expected in the 2014-based projections, at 1,514 persons per annum, which remains the Government's preferred set of projections for plan-making purposes.
- 3.11 The 2020 HNU provides no critical analysis of the lower rates of population change in the latest projections, simply stating (at paragraph 2.3) that they are consistent with the projections nationally. As a measure of whether these projections are either pessimistic or optimistic, we have compared them with recent changes in population based on mid-year estimates since 2011. These are set out below (Table 3.2).

**Table 3.2: Population change in York – based on Mid-year estimates**

MYE's York	Mid-2011	Mid-2012	Mid-2013	Mid-2014	Mid-2015	Mid-2016	Mid-2017	Mid-2018	Mid-2019	Av. Change (2011-19)
Population	197,783	199,567	202,113	203,654	205,784	206,920	208,163	209,893	210,618	
Change yr-on-yr		1,784	2,546	1,541	2,130	1,136	1,243	1,730	725	1,604

Source: ONS Mid-2019 Analysis of Population Estimates Tool (Summary Components of Change)

- 3.12 It can be seen that the population of York has increased by an annual average of more than 1,600 people over the period. Whilst the level of population increase fluctuates year-on-year, the average change is nearly four times that predicted in the 2018-based SNPP, and nearly double the 2016-based SNPP. It is notable that the recent changes broadly align with the 2014-based SNPP preferred by Government (and actually exceed them) which the Council has previously regarded as 'very much the outlier' of the various projections available (see paragraph 2.15 of EX/CYC/9). We refute this suggestion based on the evidence here.
- 3.13 The data presented here therefore raises clear questions as to whether the 2018-based SNPPs or the 2016-based SNPPs provide an adequate basis for assessing housing need in York, given that they depart so significantly from recent changes in population seen in York over the last 10 years.

## Migration

- 3.14 As noted in the 2020 HNU (see paragraph 2.5 of EX/CYC/43a) the latest 2018-based SNPPs only draw on internal migration trends over two years from 2016 to 2018, and that drawing trends over such a short period can distort the outputs of a projection if those years are particularly high or low. The ONS themselves recognises the difficulty in drawing trends from just two years of data on their website.
- 3.15 The Council now considers there to be a 'strong rationale' (see paragraph 2.7 of EX/CYC/43a) for looking at 10-year migration trend scenario (alongside other alternative migration scenarios). The extract taken from the 2020 HNU set out below shows the impact of these scenarios in relation to the 2018-based SNPPs.

**Table 3.3 Population Growth by Variant and Different Periods - York**

	2017	2033	Change	% Change	Change Per Annum
Principal	208,163	215,595	7,432	3.6%	465
10-Year	208,163	220,353	12,190	5.9%	762
Alternative Internal	208,163	217,787	9,624	4.6%	602
	2012	2037	Change	% Change	Change Per Annum
Principal	199,567	215,944	16,377	8.2%	655
10-Year	199,567	221,899	22,332	11.2%	893
Alternative Internal	199,567	218,613	19,046	9.5%	762

Source: ONS, 2020

- 3.16 It can be seen that there is a positive effect on the projection when using longer-term migration trends as the basis for alternative OAN scenarios, with as much as 11.2% increase based on the 10-year migration assumption. This is consistent with the findings of the previous 2019 HNU (EX/CYC/9, Table 5) which projected forward a 13.1% change in population when applying a 10-year trend.
- 3.17 However, despite the positive effect of the longer-term migration trend, it must be recognised that population change (average of 762-893 persons per annum) would still only be around 50% of the population increase seen in York since 2011 (based on figures in Table 3.2 above). Therefore, whilst we supports the principle of using a 10-year migration trend assumption as an input to the next stage in the OAN, the desired effect in supporting the boosting the supply of housing in overall terms is significantly undermined by the use of the 2016-based and 2018-based SNPPs, given these projections have such low baseline starting points.
- 3.18 Furthermore, it is noted that the 2020 HNU now supports the use of a 10-year migration scenario in the demographic-led OAN (see paragraph 2.22 of EX/CYC/43a). This differs from the position taken in the 2019 HNU, which did not take forward a migration-adjusted demographic-need scenario as a basis for the household projections at the time, despite this representing a more positive change (an increase of 26,078 people in the 2019 HNU versus 22,332 people in the 2020 HNU). The reasons for this are not set out anywhere in the Council's evidence. Similarly, it is also

noted that whilst now supporting the use of 10-year migration trend assumption, this has not been applied in the economic-led assessment (discussed further below).

- 3.19 There is clearly a lack consistency in how migration has been factored into the Council’s assessment of the OAN for York, which undermines the credibility of the Council’s evidence base and thus the soundness of the Council’s overall approach.

### Household Projections

- 3.20 We note the reference in the 2020 HNU to the latest (2018-based) sub-national household projections (“SNHP”) for York, which are informed by the sub-national population projections discussed above. The figures are summarised in Table 2 of the HNU, which is represented below.

**Table 3.4: 2018-based Principal Household Projections for York (2017-2033)**

	Start	End	Change	% Change	Households Per Annum	Dwellings Per Annum
2017-33	86,356	91,043	4,687	5%	293	302
2012-37	83,528	92,074	8,546	10%	342	352

Source: ONS, 2020

- 3.21 If the principal projections were accepted at face value, this would result in a paltry 302-352 dwellings per annum. In short, these projections represent an even more depressed outlook for household growth in York than expected under the previous projections (2016-based), which supported an increase of 484 dpa. On this basis alone, we do not support the use of the 2018-based SNPPs as the demographic starting point for the OAN in York.
- 3.22 Furthermore, when accounting for the 10-year migration trend adjustment and the part return to trend adjustment to the 2018-SNHP household representative rates (or “HRRs”), this would still only lead to an increase in the OAN to 669 dwellings per annum (2017-2033). The relevant figures from the 2020 HNU are represented below (from Table 5).

**Table 3.5: Selected 2018-based Projections with Part Return to Trend HRR - York**

	2017	2033	Change	% Change	Households Per Annum	Dwellings Per Annum
Principal	88,051	95,834	7,784	8.8%	486	501
10-Year Migration	88,051	98,450	10,399	11.8%	650	669
Alternative Internal	88,051	97,336	9,285	10.5%	580	598
	2012	2037	Change	% Change	Households Per Annum	Dwellings Per Annum
Principal	84,064	97,206	13,141	15.6%	526	541
10-Year Migration	84,064	100,316	16,252	19.3%	650	670
Alternative Internal	84,064	98,934	14,870	17.7%	595	613

Source: ONS, 2020 (starting figures differ to previous tables due to different HRR assumptions)

- 3.23 The Council argues (at para 2.20 of the 2020 HNU) that the increase from 302 to 669 dpa using the 2018-based projections represents a higher uplift on the adjustment to the demographic starting point compared to when using the 2016-based projections in the previous 2019 HNU

(EX/CYC/9) and that, for this reason, this somehow validates both sets of projections as basis for calculating York's OAN. However, it is important at this point to set these figures in their proper context.

- 3.24 The projected growth under the 2016- and 2018-based projections, whilst indicating a relative uplift on the baseline, both fall significantly short of the 867 dpa figure previously supported by the Council (in evidence documents SD050 and SD051) based on the Government's preferred projections (2014-based), as well as recent housing delivery seen in York. Notably, the latest housing monitoring figures up to April 2019<sup>3</sup> show that York has seen an average of 870 net new dwellings over the last five year period (2014-2019), which is not captured in the latest (2018-based) projections. Therefore, even after applying two separate uplifts (for migration and household suppression), the latest projections would in effect represent a brake on housing provision in York, inconsistent with the Government's objective of boosting the supply of housing (NPPF 2019, para 59).
- 3.25 On the other hand, as highlighted earlier, recent delivery rates in York reflect very closely the projected growth expected under the 2014-based projections. This provides further evidence that the 2016- and 2018-based projections for York will undermine the boost in housing supply that is required at the national level and that the 2014-based projections should be preferred.
- 3.26 Consequently, we contend that simply because the latest (2018-based) projections are even more pessimistic on future demographic change than the 2016-based projections this does not validate their continued use as the basis for the OAN in York. We have highlighted above that both sets of projections represent a marked change when compared to recent population growth and housing delivery in York (since 2011) and that the 2014-based projections provide a more consistent basis for the projection of need in York up to 2033.
- 3.27 The next section considers what further adjustments should be applied in light of the Council's updated evidence on affordability.

### **Affordability (uplift)**

- 3.28 The Council's updated evidence does not present any new information on market signals or affordability issue in York, instead relying on information set out in the previous 2019 HNU (EX/CYC/9). The 2019 HNU considered information up to 2018. We have therefore sought to identify any changes between 2018 and 2020 which would indicate a different approach should be taken to considering market signals in the OAN.

---

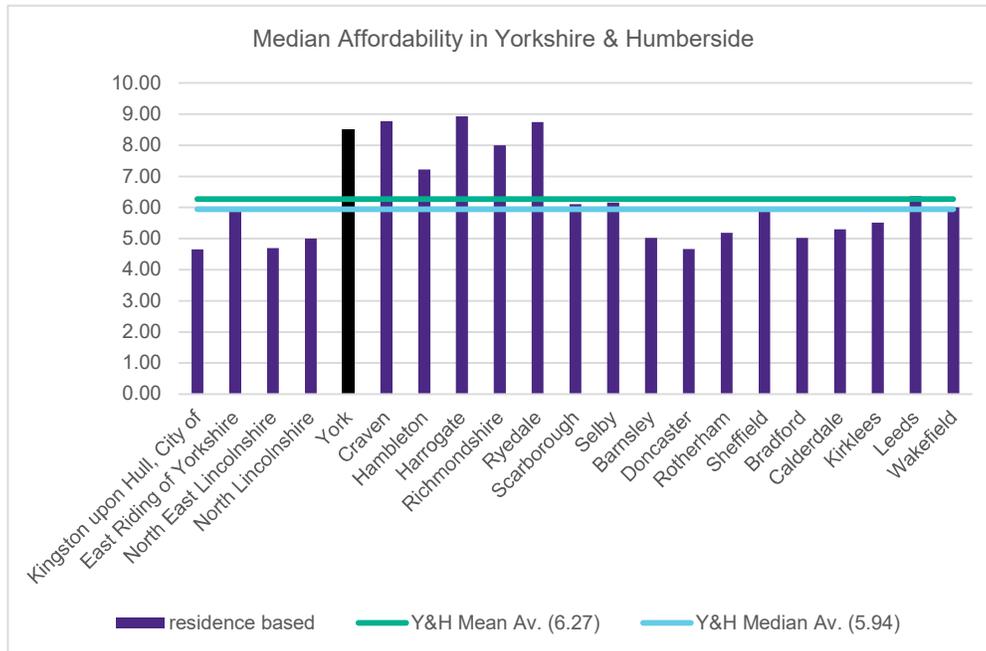
<sup>3</sup> CYC Full Year Housing Monitoring Update for Monitoring Year 2018/19, Table 6

**Affordability Ratio**

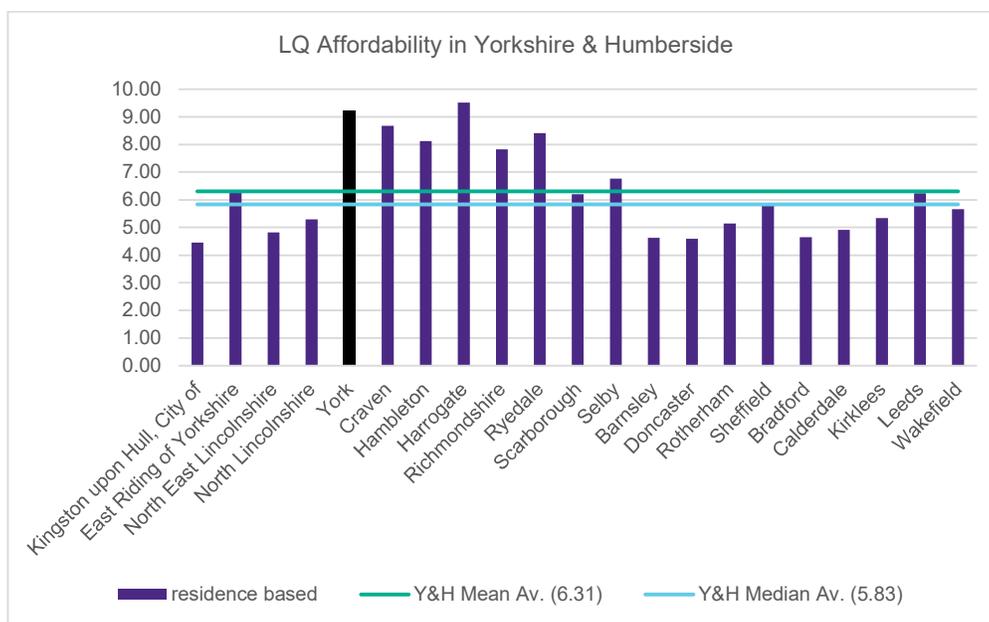
3.29 The latest published data on affordability shows that York remains an unaffordable place to live when compared to other parts of Yorkshire and Humberside.

3.30 The first image (Figure 3.1) below shows the current scale of unaffordability in York (residence-based) amongst median income households at 2020. The subsequent image shows the same data but for those in Lower Quartile income households.

**Figure 3.1 Housing Affordability 2020 – Median Households (Yorkshire & Humberside)**



**Figure 3.2 Housing Affordability 2020 – Lower Income Households (Yorkshire & Humberside)**



- 3.31 It can be seen for both middle-income (8.50) and, most significantly, lower income households (9.21) York remains one of most unaffordable areas in the Region, ranking in the top 3 or 4. Whilst there has been some improvement in housing affordability amongst median households (down from 8.81 in 2019) the unaffordability of housing is still more than twice the Governments preferred measure of price:income ratio (currently to a factor of 4).
- 3.32 For lower income households, unaffordability of housing is even worse and has seen a worsening in the last year (up from 8.88 in 2019). It also remains higher than it was at the start of the plan period (9.09).
- 3.33 Consequently, it is clear that the affordability crisis is impacting to a greater extent on those in the lower income bracket who find it more difficult to access the housing they need, whilst also still remaining problematic for those on middle incomes.

**Rental Affordability**

- 3.34 Recent evidence, notably relating to income and rental prices, further indicated a worsening of affordability in housing amongst lower income households. This is because evidence (taken from Private Rental Market Statistics published by ONS) suggests that the equivalent monthly cost of rental property has increased from £575 in 2015 to £650 by September 2020. This represents an increase of 13% over the five-year period.
- 3.35 Against this, data from the Annual Survey of Hours and Earnings show that incomes have only increased by 2.6% for those residents in the lower quartile income bracket in York over the same period. This is significant as it is these types of households who are most likely to be in need of affordable housing and who, due to the lack of available supply of suitable affordable homes, must rely on the private rented sector for their housing needs (or live in house shares, or remain at the parental home). This clearly shows the correlation between a lack of affordable supply and the increased demand for rental properties, which is likely to have contributed to increases in rental

costs over the recent years in York. The table below (Table 3.6) summarises the figures referred to above.

**Table 3.6: Lower Quartile Rental Prices and Incomes in York – 2015 - 2020**

	Private Rental Costs* (£/month)	Incomes** (£/week)
2015	575	269.5
2020	650	276
Change	13%	2.6%

\* Private Rental Market Statistics (VOA/ONS) Table 2.7: Summary of monthly rents recorded between 1 October 2019 to 30 September 2020 by administrative area for England. \*\* Annual Survey of Hours and Earnings - resident analysis (York, 25 percentile Weekly pay – gross)

- 3.36 On this basis, housing affordability remains a very challenging issue for households in York, and has worsened for those lower income households, now being amongst the highest rates in the region as well as being more than double the level considered by Government to represent an appropriate measure of affordability. This is despite delivery rates in York averaging 870 dwellings per annum since 2015.
- 3.37 In the light of the above, we consider that an uplift should be applied to the demographic-led OAN for market signals and this should be 20%.

### **Economic-led need**

- 3.38 The Council's latest position on economic-led housing need is set out in section 3 of the 2020 HNU (EX/CYC/43a). At paragraph 3.2 of EX/CYC/43a, CYC states that the economic growth assessment has not been updated but has simply incorporated more recent data assumptions and a maintaining of the 650 jobs per annum projection.
- 3.39 The Council concludes (at paragraph 3.11) that there remains a clear need to increase housing delivery in York to support the City's economic potential, and that the scenarios considered show this need to be in a fairly narrow range of 766 to 788 dpa, broadly comparable to the 790 dpa identified in the January 2019 HNU (EX/CYC/9).
- 3.40 Given that the Council has not sought to update the economic growth assessment as part of the updated evidence base at this stage, we maintain the view that, in terms of assessing the balance between housing need and jobs in the City of York, the Council only considers a single employment forecast specifically within the housing need calculation (650 jobs per annum, or 0.5% annual growth rate). It does not consider any evidence using alternative sources, notably past trends in jobs growth, as an input to the assessment of future employment growth (c 0.83% annual growth rate based on observed jobs growth between 2000 and 2017). The result is a job-led housing need estimate that appears at odds with the economic strategy in the York Local Plan and one which could under-estimate the need for additional homes to the detriment of the wider economy and sustainable development objectives.
- 3.41 Furthermore, there appears to be an inconsistency between the Council's projected growth in housing based on the job-led approach and the preferred assumptions applied in the

demographic-led projections. Notably, as highlighted above, the Council has now expressed a preference for a 10-year migration trend assumption, which is intended to minimise the potential short-term effects of the two-year migration trend that has informed the 2018-based projections from being locked into the projection of housing need over the plan period.

- 3.42 However, the latest update (see paragraph 3.8) suggests that the ‘alternative internal migration assumptions’ has been used in the latest job-led projection, which is derived from the ONS’s own variant projection, which in turn is based only on a five-year migration trend. The update does not contain any jobs-led scenario based on the 10-year migration trend which, as highlighted above, represents the most positive demographic-led projection (670 dpa), and so this represents a clear gap in that remains in the Council’s evidence base. It continues to be unclear whether a 10-year migration trend job-led scenario would produce a higher OAN figure than the 766-788 range or the preferred 790 dpa figure.
- 3.43 We maintain the view that the Council’s evidence base underpinning its preference for the 790 dpa figure is not justified and so is not sound.

### **Affordable Housing**

- 3.44 As highlighted above, the Council’s Affordable Housing Note (EX/CYC/36) has not sought to update the estimate of affordable housing need in York since the publication of the 2016 Strategic Housing Market Assessment (“SHMA”) [SD051], which identified a need for 573 affordable homes per annum. This generates a total need for 9,168 net new affordable homes in York up to 2033 based on the Council’s own evidence.
- 3.45 Against the scale of affordable need identified by GLH, the Council projects a total of 3,539 affordable homes will be provided, at an average of 221 affordable homes per annum from these sources up to 2033 (see Table 10 of EX/CYC/36). This represents 39% of the total affordable need in York. On this basis, the supply of affordable housing from all known sources would fall significantly below what is needed to address the pressing need for affordable housing in York. Worthy of note here is that the vast majority (83%) of the supply, anticipated to be 2,963 dwellings, would be secured on proposed strategic allocations and other housing allocations, which have yet to be properly tested through a planning application process and it is not uncommon for developers to negotiate down affordable housing provision on major sites. Only 576 dwellings are expected to be delivered on sites that have planning permission already.
- 3.46 The Council, at paragraph 44 of EX/CYC/36, accepts that the Plan will not satisfy the City’s full need for affordable housing, but that what will be delivered will nonetheless provide a ‘significant uplift’ to the provision of affordable homes secured through the application of Policy H10 and the provision of rural exceptions sites through the application of policy GB4. We dispute this assertion for the reasons set out below and argue for a specific adjustment to be applied to the housing figures in the CYLP to enable greater provision of affordable housing consistent with the 2014 PPG.

- 3.47 Firstly, more recent evidence discussed in the previous section on affordability (notably relating to lower quartile incomes and rental prices) indicates that the pressing need for affordable housing may well be greater than current estimates suggest. Furthermore, we suspect that there is a specific need for low-cost home-ownership homes (in addition to traditional affordable housing) to address the requirements of people who can afford to live in private rented housing (and so are not included in the basic needs assessment) but who cannot afford to purchase a home on the open market. This specific type of need has been examined and calculated by CYCs housing consultant (GL Hearn) elsewhere in the Country<sup>4</sup>, notably in Central Bedfordshire (see extract in Appendix 1) but has not been assessed at all in York, in spite of the significant need that the City has for affordable housing and the major challenges it faces in terms of affordability generally. Notably, the evidence base that supports the need figure of 573 dpa affordable housing need for York specifically excludes the needs of those 'households from other tenures living in the private sector' (SD051, Table 27). However, it is not clear in the published information as to why such an assessment shouldn't form part of the Council's updated evidence. This element of need is relevant to the overall assessment of affordable housing need given the change in definition of what constitutes affordable housing (brought forward through revisions to the NPPF in July 2018), which has widened the scope of affordable housing products now available to the market.
- 3.48 The analysis below, which follows the Central Bedfordshire approach<sup>5</sup>, clearly shows that when comparing the relative costs of housing to purchase and to rent, many households in York who can afford rented accommodation will be unable to buy a home on the open market and will most likely need financial assistance to do so.
- 3.49 Using the latest available data on prices and incomes in York, at September 2020, the average lower quartile private rent published by ONS shows a cost of £650 per month, or £7,800 per annum. Assuming households spend around 30% of their income on housing costs, this would equate to an annual income requirement of £26,000. At the same time, House Price Statistics for Small Areas ("HPSSAs") data published by ONS<sup>6</sup> shows a lower quartile house price in York of £196,000. Assuming a 10% deposit and 4 times mortgage multiplier, this would equate to an income requirement of £44,100.
- 3.50 By converting the income required to afford the rental cost back into an equivalent purchase price, this indicates what the affordable price would need to be for those households paying that rent. For lower quartile households, this gives an affordable purchase price up to £115,555 ( $(£26,000 \times 4) / 0.9$ ).
- 3.51 On this basis, it is reasonable to suggest a significant number of households in York, who currently rent, will be unable to access housing to buy on the open market without significant financial

---

<sup>4</sup> Housing Enabling Strategy, February 2019 Central Bedfordshire Council, Final Draft Report, GL Hearn

<sup>5</sup> See paragraphs 4.75 to 4.77 of the GLH report which sets out their approach

<sup>6</sup> ONS Ratio of house price to residence-based earnings (lower quartile and median), 2002 to 2020, Table 6a

assistance (either through a government-backed subsidy product, or through personal/family donations). However, these households have been specifically excluded from the Council's affordable housing need assessment. We contend it is likely therefore that true 'need' for affordable housing is much greater than the 573 dpa figure relied on by the Council, and provides further justification for a suitable uplift to be applied to the housing figures in the CYLP, in accordance with national planning guidance<sup>7</sup>.

- 3.52 Secondly, the uplift in the provision of affordable housing provided by the Plan must be considered in the context of the chronic under-delivery of affordable housing seen in York since 2009. Notably, a total of only 1,231 affordable homes have been completed between 2009 and 2019, an average of 112 affordable homes per annum. Since 2017, the base date for the CYLP, delivery from all sources has totalled 125 affordable dwellings, versus a need for 1,146 affordable homes (573 x two years). The Council's own figures (see Table 11 of EX/CYC/36) clearly demonstrate that affordable housing provision has historically lagged significantly behind the scale of need now being planned for in the CYLP, as well in the immediate term.
- 3.53 Thirdly, whilst acknowledging that the Council accepts that a shortfall in housing delivery has occurred in York since 2012, and now incorporates an allowance of 32 dwellings per annum in the proposed modifications to help claw some of this back (PM54), this will do very little to address the historic under-delivery of affordable housing in York. Over the plan period, such an allowance could deliver an additional 512 dwellings in total. Based on a policy requirement of 25-30% (under Policy H10) this could, theoretically, generate an additional 128 affordable dwellings if the minimum policy target is achieved on all sites, which is certainly not guaranteed. This would only increase the identified supply of affordable homes from 3,539 to 3,657 up to 2033, still significantly short of the total affordable need identified in the CYLP. Accordingly, we contend that the shortfall allowance (of 32 dpa) will be of limited benefit to those in need of affordable housing in York now, or in the future.
- 3.54 Based on the forgoing analysis, we maintain the view that the CYLP is not soundly-based as it ignores the significant level of affordable housing need identified in York, and likely to be considerably higher than current estimates suggest. We maintain the view that in order to make the CYLP sound, a specific adjustment should be applied to the housing requirement to facilitate additional supply of affordable housing in York. In order to achieve a suitable uplift to address this need, we recommend an additional 10% be added to the housing requirement, which we see as a reasonable uplift under the circumstances discussed here. We recommend that the relevant amendments are incorporated into PM50, PM53 and PM54 (and any other relevant modifications consequential to these recommended changes).

---

<sup>7</sup> Paragraph: 029 Reference ID: 2a-029-20140306 Revision date: 06 03 2014

## 4 SUMMARY OF RPS POSITION AND RECOMMENDED CHANGES

- 4.1 This section of the Note summarises the findings of the main analysis of the Council's updated evidence on York's OAN and affordable housing need. Also presented here is an update on DIO's position on OAN supported through these representations, with reference to the different projections that can form the starting point for the assessment of need in York.
- 4.2 This summary, alongside the main report, provide an input to the responses made on behalf of DIO to the latest consultation.
- 4.3 We have found that:
- a. there is no recognition in the updated evidence of the fact that both 2016-based and 2018-based projections mark a significant divergence from recent housing delivery trends in seen York (2014-19) which, if taken forward as a basis of the OAN, would represent a constraint on rather than a boost to housing supply;
  - b. no meaningful change has occurred justifying the use of the 2018-based projections;
  - c. the 2014-based projections correlate closely with recent delivery seen in York, as well as reflecting more accurately the change in population seen in York since 2011 and so the Council should revert back to using the 2014-based projections for the purposes of calculating York's OAN;.
  - d. there are clear inconsistencies in how certain assumptions have been applied in the Council's preferred OAN, particularly migration, which undermines the assessment method employed across the various iterations of the evidence and, ultimately, the soundness of the Council's overall approach on OAN;
  - e. there is no update to any evidence on market signals or affordable housing in the information presented and no explanation as to why this hasn't been updated;
  - f. more recent evidence suggests that affordability remains a major challenge in York and that affordability has worsened, particularly for lower income households. The affordability ratio for those on lower incomes resident in York is now (at September 2020) 9.21 (up from 8.8 in 2019). This will undoubtedly lead to the exclusion of even more households in York from having any realistic prospect of owning their own home in the foreseeable future. As a result, they will be forced to remain in private rented accommodation, the costs of which have increased by 13% since 2015, outstripping the increase in incomes of lower income households (2.6% over the same period). On this basis, a 20% uplift should be made to the OAN;
  - g. the need for affordable housing relied upon by the Council (573 dpa) almost certainly represents a significant under-estimate given the problems that households currently living in the private rented sector are having, and will have, in being able to afford housing on the open market in

the future. Work undertaken by GL Hearn (the Council's appointed OAN expert) for Central Bedfordshire District identified a significant additional need for affordable housing in that area. However, this matter has not been assessed at all in the Council's evidence for York, with no indication as to why this has not formed part of the assessment;

- h. the supply of affordable housing has fallen significantly below the identified need since 2012, meaning that many households remains in unsuitable housing that fails to meet their needs, a need that is unlikely to be addressed in the plan period. The adjustment of 32 dpa to account for under-delivery since 2012 will do little to address this problem. On this basis, that particular uplift is not an effective measure in addressing under-delivery and so is not soundly-based. The uplift should be considerably higher than 32 dpa and should take into account under-delivery in affordable housing;
- i. the updated evidence presents a continued reliance on a single jobs-led scenario based on Oxford Economics ("OE") forecast of 650 jobs per annum. The use of an economic-led scenario merely represents a barometer against which to measure the adequacy of the demographic-led scenarios (both 2016 and 2018- based) but does not reflect the potential for additional employment growth based on alternative trends (past trends since 2000) which indicates a higher rate of annual growth (0.83%) than suggested by the OE forecast. In light of the concerns raised here, and in previous submissions made on behalf of DIO, the OAN should revert back to the 2014-based SNP which were preferred at the time the CYLP was submitted. If this is done, then the jobs-led scenario becomes redundant because the baseline demographic-led need (867dpa) would already exceed the Councils preferred OAN of 790 dpa under the job-led scenario. Alternatively, if the Inspectors are minded recommending the OAN based on the job-led scenario than a suitable adjustment for affordable housing need should be incorporated into the housing requirement (as an alternative to the uplift of 32 dpa now proposed in the Main Modifications). This would then ensure that the CYLP is better placed to address the current and future needs of all households in York over the plan period.

4.4 On this basis, we present a number of alternative scenarios depending on which demographic-starting is preferred, which are set out below (Table 4.1).

**Table 4.1: York OAN Scenarios - RPS**

OAN figures for CYLP (2017-2033), dpa			
Principal Projections used	2014-based (preferred)	2016-based	2018-based
Demographic starting point	867	484	352
Migration Adjustment	-	-	481 (10-yr trend)
Official Household Formation Rates	-	590	-
Household Formation Adjustment (part return to previous trends in 25-34 and 35-44 age groups)	-	679	670
<b>Demographic-led OAN</b>	<b>867</b>	<b>679</b>	<b>670</b>
Market Signals Adjustment (MSA)	173 (20%)	136 (20%)	134 (20%)

<b>Housing-led OAN</b>	<b>1,040</b>	<b>815</b>	<b>804</b>
Economic-led OAN	na	790	777-788
Affordable Housing Need Adjustment	-	81 (10% of Housing-led OAN)	80 (10%)
<b>Full OAN (dpa)</b>	<b>1,040</b>	<b>896</b>	<b>884</b>

- 4.5 As can be seen above, the adjustments proposed in the OAN must reflect and be responsive to the respective starting points. For example, given the relatively positive starting point under the 2014-based projections, an uplift for market signals would be sufficient to increase the need to a level that can respond appropriately to the worsening affordability of housing for lower income households and assist in increasing supply of affordable housing, as well as support economic growth.
- 4.6 If the 2016-based projections were preferred, then we recommend that uplifts are added for both market signals and affordable housing in order to elevate the OAN to a level that can address the pressing need for affordable housing, and to ensure that sufficient homes are provided to meet wider employment growth aspirations.
- 4.7 DIO considers that, in order to make this aspect of the Plan sound, it is necessary to make Main Modifications that reflect the housing requirement derived from the 2014-based projections (1,040 dpa).

## Appendix 1

Housing Enabling Strategy Central Bedfordshire Council Final Draft Report February 2019 Prepared by  
GL Hearn (extract)



**GL Hearn**  
Part of Capita plc

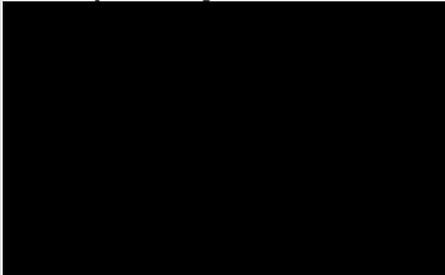
# Housing Enabling Strategy

**Central Bedfordshire Council**

Final Draft Report

February 2019

**Prepared by**

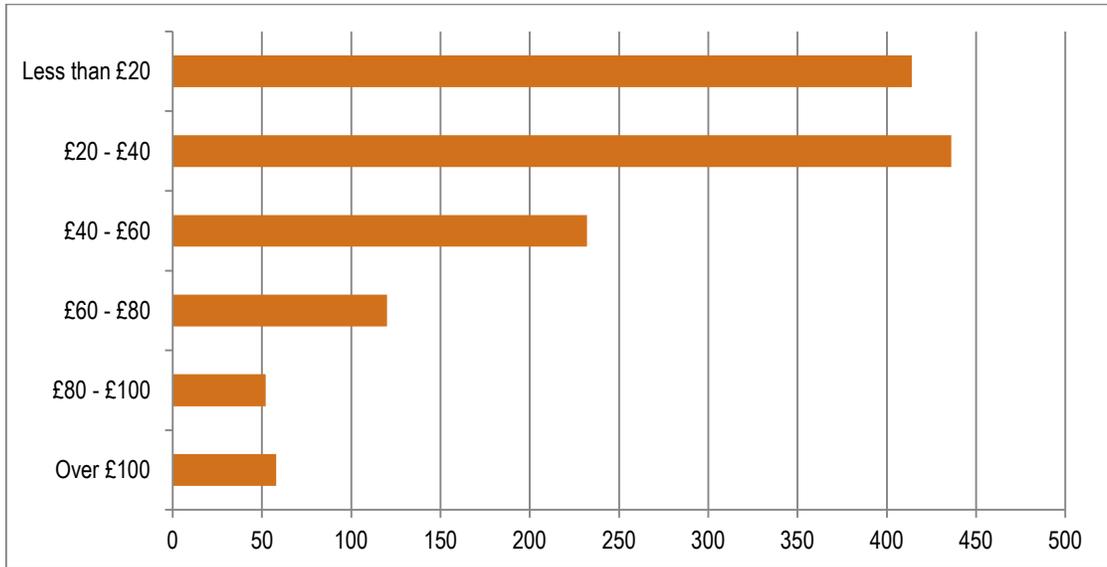


## Contents

Section	Page
<b>EXECUTIVE SUMMARY</b>	<b>4</b>
<b>1 INTRODUCTION</b>	<b>9</b>
<b>2 HOUSING BASELINE</b>	<b>13</b>
<b>3 MARKET SIGNALS</b>	<b>25</b>
<b>4 AFFORDABLE HOUSING NEED</b>	<b>35</b>
<b>5 HOUSING MIX (SIZE OF HOMES NEEDED)</b>	<b>59</b>
<b>6 HOUSING TECHNICAL STANDARDS AND SPECIFIC GROUPS</b>	<b>68</b>
<b>7 MARKET ENGAGEMENT</b>	<b>80</b>
<b>8 THE CHANGING DEVELOPMENT ENVIRONMENT</b>	<b>86</b>
<b>9 REVIEW OF DELIVERY OPTIONS</b>	<b>89</b>
<b>10 DIRECT PROVISION THROUGH THE HRA</b>	<b>90</b>
<b>11 DIRECT PROVISION THROUGH THE GENERAL FUND</b>	<b>96</b>
<b>12 PROVISION IN PARTNERSHIP WITH A PRP</b>	<b>97</b>
<b>13 PROVISION THROUGH A CONTROLLED COMPANY</b>	<b>99</b>
<b>14 PROVISION THROUGH A JOINT VENTURE COMPANY</b>	<b>106</b>
<b>15 COMPARISON OF ALTERNATIVE OPTIONS</b>	<b>107</b>
<b>16 CONCLUSIONS AND RECOMMENDATIONS</b>	<b>111</b>

4.68 The table below has been provided by the Council and clearly demonstrates that a large number of affordable housing tenants are paying more than their local housing allowance which itself is only granted when a particular affordability threshold is exceeded.

**Figure 27: Cases where Contractual Rent Exceeds LHA (Central Bedfordshire)**



Source: CBC revenues and benefits department, 2018

4.69 The table shows that the majority of tenants pay between £20 and £40 over and above the LHA in order to make rent payments. In some limited cases this can be up to £100 a week. This highlights the importance of delivering a supply of more affordable homes whose rents are more closely aligned with LHA levels or Living Rents.

### Subsidised home ownership – Widened NPPF definition of affordable housing

4.70 Using the previously established method to look at affordable need, it was estimated that there is a need for around 925 affordable homes per annum – this is for subsidised housing at a cost below that to access the private rented sector (i.e. for households unable to access any form of market housing without some form of subsidy). It would be expected that this housing would be delivered primarily as social/affordable rented housing.

4.71 The new NPPF introduces a new category of household in affordable housing need and widens the definition of affordable housing (as found in the NPPF – Annex 2). This includes affordable housing for rent, starter homes, discounted sales market housing and other affordable route to homeownership including shared ownership, relevant equity homes, other low-cost homes for sale and rent to buy.

- 4.72 It is considered that households falling into the definition would be suitable for Starter Homes or Discounted market sales housing, although other forms of affordable home ownership (such as shared ownership) might also be appropriate.
- 4.73 This section considers the level of need for these types of dwellings in Central Bedfordshire. The NPPF states *“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.”* (NPPF2, para 64).
- 4.74 The Planning Policy Guidance of September 2018 confirms a widening definition of those to be considered as in affordable need; now including *‘households which can afford to rent in the private rental market, but cannot afford to buy despite a preference for owning their own home’*. However, at the time of writing, there is no guidance about how the number of such households should be measured.
- 4.75 The methodology used in this report therefore draws on the current method, and includes an assessment of current needs, projected need (newly forming and existing households) and an estimate of the supply of housing. The key difference is that in looking at affordability an estimate of the number of households in the ‘gap’ between buying and renting is used i.e. they can afford to rent but not buy. For the supply of affordable home ownership, analysis of Land Registry has been undertaken with the supply figure taken to be an estimate of the number of homes sold at a price below the equivalent cost of private renting (see below).
- 4.76 Just by looking at the relative costs of housing to buy and to rent it is clear that there will be households in Central Bedfordshire who can currently rent but who may be unable to buy. In the year to March 2018, the ‘average’ lower quartile private rent is shown by VOA to cost around £715 a month, assuming a household spends no more than 31% of income on housing, this would equate to an income requirement of about £27,700. For the same period, Land Registry data records a lower quartile price in the study area of £237,000, which (assuming a 10% deposit and 4 times mortgage multiple) would equate to an income requirement of around £53,300.
- 4.77 If the rental figure is worked backwards into an equivalent purchase price, then this gives an affordable price to buy of about £123,000 (calculated as  $(£27,700 \times 4) \div 0.9$ ). Any home sold at or below £123,000 is considered to be able to contribute towards meeting the need for affordable home ownership (it should be noted that this is shown as an example with local data being used for each area).
- 4.78 The table below shows that following the stages of analysis there is an estimated need for around 872 units of affordable home ownership per annum. This figure should be seen as indicating the

potential demand for such accommodation, as it should be remembered that all of the households picked up in this analysis will be able to afford market housing in the private rented sector without subsidy.

**Table 23: Estimated Annual Level of Need for Affordable Home Ownership products (per annum) – households able to privately rent but not buy on the open market**

	Current need	Newly forming households	Existing households falling into need	Total Gross Need	Supply from existing stock	Net Need
Chiltern Vale	24	183	21	228	44	184
Ivel Valley	30	298	32	360	32	328
Leighton Buzzard	13	135	12	160	17	143
West Mid Beds	25	194	18	236	19	217
<b>Total</b>	<b>92</b>	<b>809</b>	<b>82</b>	<b>984</b>	<b>112</b>	<b>872</b>

Source: CoRe/2011 Census (numbers may not sum due to rounding)

- 4.79 On the basis of this analysis it seems reasonable to suggest that the Council should consider seeking 10% of all housing (on larger sites) to be affordable home ownership (as set out in the NPPF2).
- 4.80 However, given that the main analysis of affordable need also showed a notable level of need, and one involving households who cannot afford anything in the market without subsidy, it is not considered that there is any basis to increase the provision of affordable home ownership above the 10% figure.
- 4.81 It should also be noted that finding a ‘need’ for affordable home ownership does not have any impact on the overall need for housing. As is clear from both the NPPF2 and draft PPG, the additional group of households in need is simply a case of seeking to move households from one tenure to another (in this case from private renting to owner-occupation); there is therefore no net change in the total number of households, or the number of homes required.
- 4.82 Finally, it is worth discussing what sort of costs the affordable home ownership should be. The Annex 2 definitions suggest that such housing should be made available at a discount of at least 20% from Open Market Value (OMV). The problem with having a percentage discount is that it is possible in some locations or types of property that such a discount still means that housing is more expensive than that typically available in the open market.
- 4.83 The preferred approach in this report is to set out a series of affordable purchase costs for different sizes of accommodation. These are based on equivalising the private rent figures into a house price so that the sale price will meet the needs of all households in the gap between buying and renting. Setting higher prices would mean that such housing would not be available to many households for whom the Government is seeking to provide an ‘affordable’ option.

# Appendix II

## Shadow HRA (Capita)

# CAPITA



Defence  
Infrastructure  
Organisation

## Defence Estate Optimisation Programme

Information to Support a Habitats  
Regulations Assessment

Queen Elizabeth Barracks, Strensall

July 2021



July 2021

## Quality Management

<b>Job Number</b>	CS/099270		
<b>Project</b>	Defence Estate Optimisation Programme Strategic Environment and Technical Advisor (SETA)		
<b>Location</b>	Queen Elizabeth Barracks (QEB), Strensall, York		
<b>Document Title</b>	DIO York Sites: Queen Elizabeth Barracks Information to Support a Habitats Regulations Assessment		
<b>Document Ref</b>	CS/099270-13-1008-CAP-REP-002	<b>Revision / Status</b>	P01
<b>File Reference</b>	<a href="https://capita.sharepoint.com/sites/DIO-SETA/Shared%20Documents/Forms/AllItems.aspx?sortField=LinkFilename&amp;isAscending=true&amp;viewid=249d823d%202Da867%202D4b78%202Da8fa%202D8da2f43f3486&amp;id=%20sites%20DIO%20SETA%20Shared%20Documents%20F4%20E%20Delivery%20F14%20QEB%20Strensall%20%283%20E07%29%20F2%20E%20Deliverables%20F2%20E%20Stage%20%20F4%20E%20Phase%20%20Ecology%20F01%20E%20EIP%20FHRA">https://capita.sharepoint.com/sites/DIO-SETA/Shared%20Documents/Forms/AllItems.aspx?sortField=LinkFilename&amp;isAscending=true&amp;viewid=249d823d%202Da867%202D4b78%202Da8fa%202D8da2f43f3486&amp;id=%20sites%20DIO%20SETA%20Shared%20Documents%20F4%20E%20Delivery%20F14%20QEB%20Strensall%20%283%20E07%29%20F2%20E%20Deliverables%20F2%20E%20Stage%20%20F4%20E%20Phase%20%20Ecology%20F01%20E%20EIP%20FHRA</a>		
<b>Version Date</b>	07.07.2021		
<b>Prepared By</b>	 MCIEEM Technical Director – Ecology	<b>Signature</b>	
<b>Checked By</b>	 ACIEEM Principal Ecologist	<b>Signature</b>	
<b>Authorised By</b>	 Associate Director - Environment Planning	<b>Signature</b>	

## Revision Status / History

Rev	Date	Status/ Purpose	Prepared	Checked	Authorised
P01	07.07.2021	Submission for Regulation 19 Consultation			

July 2021

**Contents**

1	Introduction.....	2
1.1	Background .....	2
1.2	Site Location.....	2
1.3	This Report.....	3
1.4	Personnel and Quality Assurance .....	5
2	Approach to Habitats Regulations Assessment Process.....	6
2.1	Background .....	6
2.2	The Habitats Directive and Transposition to UK Legislation .....	6
2.3	Approach to HRA.....	8
3	Identification of European Sites .....	10
3.1	Scope of the Study .....	10
3.2	European Site Description .....	10
3.3	Conservation Objectives.....	11
3.4	Condition of Strensall Common SSSI/SAC.....	12
4	QEB Allocation Sites' Description .....	14
4.1	QEB – ST35 & H59 .....	14
4.2	Strensall Military Training Area & SAC .....	14
5	Local Legislation & Planning Policy .....	16
5.1	Background .....	16
5.2	Legislation covering Strensall Military Training Area .....	16
5.3	Proposed Planning Policies.....	18
5.4	Previous HRA of Proposed Planning Policies.....	27
5.5	Proposed “New Strensall Common Policy” for CYC Local Plan .....	29
6	Screening Assessment.....	38
6.1	General.....	38
6.2	Likely Significant Effects.....	38
6.3	Screening Conclusion.....	42
7	Appropriate Assessment.....	44
7.1	General.....	44
7.2	Existing Use - Visitor Surveys.....	44
7.3	Scope of Assessment.....	52
7.4	Potential Effects of Recreational Use .....	55
7.5	Forecast Increases in Recreational Pressure .....	64
7.6	Hydrology .....	78
7.7	Air Quality.....	78
7.8	Incidents Reported at Strensall Training Area .....	79
7.9	Appropriate Assessment (without mitigation) Conclusion .....	81

July 2021

8	Avoidance and Mitigation.....	82
8.1	ST35 & H59 - QEB Masterplan.....	82
8.2	Edge Effects.....	84
8.3	All Allocations - Recreational Impacts.....	89
8.4	Policy Modifications.....	98
8.5	Proposed New Policy G12a Strensall Common Special Area of Conservation (SAC).....	100
8.6	Appropriate Assessment (with mitigation) Conclusion.....	101
9	Appropriate Assessment Conclusion.....	103
9.1	Background.....	103
9.2	SS19/ST35 and H59.....	103
9.3	Policies up to 5.5 km of Strensall Common SAC.....	104
9.4	Proposed New Policy G12a.....	104
9.5	E18 Towthorpe Lines.....	104
10	References.....	106
11	Appendices.....	110
	Appendix A – Strensall Common SAC Map.....	110
	Appendix B – Strensall Common SAC Citation.....	111
	Appendix C – Strensall Common SAC Conservation Objectives.....	112
	Appendix D – Technical Note on the Condition of Strensall Common SSSI/SAC.....	113
	Appendix E – NE Condition Assessment for Strensall Common SSSI.....	114
	Appendix F – City of York Publication Draft Local Plan Policies Maps.....	115
	Appendix G – Queen Elizabeth Barracks Mitigation Masterplan.....	116
	Appendix H – DIO Access Information Panel.....	117
	Appendix I – Hydrology Assessment.....	118
	Appendix J – Air Quality Assessment.....	119

## Figures

Figure 1: QEB Site Location	3
Figure 2: Plan of the Recreation Ground Land at Strensall Military Training Area	17
Figure 3: Allocations ST35, H59 and E18. Strensall Common SAC shaded in orange hatching (CYC Publication Draft Local Plan Policies Map CD004A)	40
Figure 4: Summary of responses for other reasons to visit Strensall Common SAC from Footprint Ecology Visitor Survey	48
Figure 5: Location of Strensall Common SAC boundary (purple hatching) in relation to ST35 housing allocation. Arrow indicating area of SAC within ST35 allocation area (Map source: DEFRA Magic Online Interactive Map resource. Accessed 2021))	57
Figure 6: Illustration of 400m zone from western SAC boundary in relation to QEB (Map source: DEFRA Magic Online Interactive Map resource. Accessed 2021)	61
Figure 7: Access Gate into Danger Area	62
Figure 8: Bye-laws displayed on Strensall Common SAC site	63
Figure 9: Firebreaks used as pathways between heathland compartments	67
Figure 10: Red waymarked route on west of SAC through woodland	69

July 2021

Figure 11: Dog waste bin on black route on Strensall Common SAC and warning signs warning for cleaning up after dogs and keeping dogs on leads	76
Figure 12: Pond on red route on Strensall Common SAC	77
Figure 13: Boardwalk over wetter area on waymarked path	77
Figure 14: Profile illustration of buffer area between SAC and QEB ST35/SS19 site	87
Figure 15: Illustrative perspective view - landscape buffer treatment	88
Figure 16: Heathland at Strensall Common SAC	105

## Tables

Table 1: Key Stages of HRA	8
Table 2: Errata Addendum in proposed City of York Local Plan - Publication Draft February 2018 (Regulation 19 Consultation)	19
Table 3: City of York Local Plan Publication Draft – Schedule of Minor Modifications to May 2018	25 24
Table 4: City of York Proposed Modifications December 2020 - Proposed New Strensall Common Policy	30
Table 5: Proposed Modifications for Allocations within 5.5km of Strensall Common SAC(CYC. 2020b)	35
Table 6: Policies identified at the Screening stage that could result in Likely Significant Effects on Strensall Common SAC	38
Table 7: Footprint Ecology Visitor Survey 2018 Results	46
Table 8: Pickersgill Consultancy and Planning Ltd (PCP) 2019 Visitor Survey results	49
Table 9: Local Plan Allocations within 5.5 km of Strensall Common SAC at risk of causing adverse effects	52
Table 10: Summary of Mitigation Measures and assessment of efficacy	97

July 2021

**General Disclaimer**

This report has been prepared by Capita Property and Infrastructure Limited (Capita) in favour of the **Defence Infrastructure Organisation (DIO)** and any parties to whom Capita has provided a collateral warranty pursuant to its appointment with DIO relating to the provision of services in respect of the **Defence Estate Optimisations Portfolio** dated **5<sup>th</sup> November 2019** (including for the avoidance of doubt any assignees allowable under the appointment and/or collateral warranties) (together referred to as “the Beneficiaries”) and is for the sole use and benefit of the DIO and the Beneficiaries in accordance with the contract between the DIO and Capita under which Capita’s services were performed. Capita accepts no liability to any other party in respect of the contents of this report. This report may not be relied on by any other party without the express prior written consent of Capita.

Whilst care has been taken in the construction of this report, the conclusions and recommendations which it contains are based upon information provided by third parties (“Third Party Information”). Subject always to its duty to exercise the “Required Standard” under its contract of appointment, Capita has for the purposes of this report relied upon and assumed that the Third Party Information is accurate and complete and has not independently verified such information for the purposes of this report. Capita makes no representation, warranty or undertaking (express or implied) in the context of the Third Party Information and no responsibility is taken or accepted by Capita for the adequacy, completeness or accuracy of the report in the context of the Third Party Information on which it is based. For the avoidance of doubt information which has been provided to Capita by any sub-consultants appointed by Capita in respect of this appointment (including Stantec, Wessex Archaeology and Zetica) will not fall within the definition of Third Party Information.

This document is of UK origin and is © Capita Property and Infrastructure Limited. The contents of this document shall not in whole or in part be stored in any retrieval system nor be reproduced or transmitted in any form by photocopying or any optical, electronic, mechanical or other means, without the prior written permission of the Managing Director of Capita Property and Infrastructure Limited, 65 Gresham Street, London, EC2V 7NQ.

July 2021

## Summary

This report outlines an assessment of the City of York Local Plan - Publication Draft February 2018 (Regulation 19 Consultation) and subsequent proposed modifications in relation to impacts to Strensall Common Special Area of Conservation (SAC) owned by the Ministry of Defence (MOD) and used primarily as a Military Training Area. It is an assessment of the proposed policies and modifications affecting the Queen Elizabeth Barracks (QEB) site in Strensall under the Conservation of Habitats and Species Regulations 2017 (as amended) intended for submission during the Regulation 19 Consultation Period commencing on Tuesday 25 May 2021 for six weeks.

This has been compiled on behalf of the MOD's Defence Infrastructure Organisation (DIO) who is promoting the allocation of three sites, two of which, QEB and Towthorpe Lines, are adjacent to Strensall Common SAC under their Defence Estates Optimisation Portfolio (DEOP). This assessment has been compiled to provide more site-specific information in reference to previous visitor surveys, ongoing long-term site management and proposals. It has been compiled to demonstrate that with design and forward planning the risks of impacts can be mitigated in the particular situation of these sites where long-term management and ownership of the SAC and boundaries to a Military Training Area are secured.

The City of York Council has commissioned Habitats Regulations Assessments of the Local Plan, but as the authors of these have not consulted with DIO or MOD and are not aware of the particular circumstances of the site ownership and management, they have been high level assessments. Although usually sufficient for assessments for plans making, in this case the lack of detail has not led to a full assessment of where design and on site mitigation can address potential issues. It was felt this level of detail is required to aid the Planning Inspectors in fully understanding DIO's proposals for QEB and management of Strensall Common SAC. This is required to enable the Inspectors to undertake a comprehensive assessment of the proposals and required modifications for the Submission Local Plan to be compliant with the Habitats Regulations and how the QEB sites can be designed to avoid adverse effects on the integrity of Strensall Common SAC.

July 2021

# 1 Introduction

## 1.1 Background

- 1.1.1 The objective of the Defence Estates Optimisation Portfolio (DEOP) is to create a modern Defence estate designed by, and for, the Armed Forces. Part of the Better Defence Strategy (MOD, 2016) is to optimise the Defence estate by minimising the future running costs through site rationalisation and site disposal by 2040, which in turn will help deliver the government's housing target. Queen Elizabeth Barracks (QEB) and Towthorpe Lines in Strensall, City of York are two of these sites and both have disposal dates of 2024.
- 1.1.2 Capita Real Estate and Infrastructure with Avison Young are supporting the Defence Infrastructure Organisation (DIO) with DEOP. This includes Strategic Environmental and Technical Advisory (SETA) services to support DIO's disposal programme.
- 1.1.3 This document provides information to support a Habitats Regulations Assessment (HRA) of proposed policies within the City of York (CYC) Local Plan (February 2018) relating to the allocation of residential development that risk affecting Strensall Common SAC, owned by the Ministry of Defence (MOD). This has been prepared to provide detail for the Local Plan Examination to demonstrate how a strategic masterplan combined with long term mitigation on Strensall Common by the MOD could supplement the policies sought by DIO to dispose of military sites in line with the DEOP compatible with the Habitats Regulations and the long term conservation of the SAC. Particular focus is paid to two sites within the Queen Elizabeth Barracks (QEB) landholding for residential development; H59 north of Howard Road and SS19/ST35 within the main QEB site and also the allocation of employment use of the Towthorpe Lines site as well as those allocations that risk contributing to adverse effects within 7.5km of the SAC.
- 1.1.4 Strensall Common SAC lies adjacent to the QEB and Towthorpe Lines disposal sites and an assessment under the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) is needed to determine if these allocations would result in any likely significant effects, alone or in combination with other policies, to the protected site and if so, if they can be avoided or mitigated to amend the policies so that they are compliant with the Habitats Regulations.

## 1.2 Site Location

- 1.2.1 The QEB site is located off Strensall Road, Strensall, (national grid reference SE 63149 59251), approximately 8 km north of central York. The site location plan is provided in Figure 1.

July 2021



Figure 1: QEB Site Location

- 1.2.2 The entire QEB Site includes various military buildings, access roads, playing fields, amenity grassland, semi-improved grassland, scattered broadleaved and coniferous trees, small areas of broadleaved and mixed plantation woodland, bare ground, wet ditch and ephemeral standing water.
- 1.2.3 The wider environment includes Towthorpe Lines to the south, and some minor roads including Strensall Road which is adjacent to the Site to the west and separates it from the village of Strensall. The nearest main road is the A64, which is approximately 4.8km to the east of the Site.

**1.3 This Report**

- 1.3.1 This report is intended to provide information to support a Habitats Regulations Assessment (HRA) with added detail that puts the policies in context with the Strensall site. It was felt that this is needed as the previous assessments made broad assumptions based on past research of other European Sites across the county, but which are largely in intensely urban settings whereas Strensall Military Training Ground is in a largely rural setting.

July 2021

- 1.3.2 It is intended that this will be submitted during the consultation period for the CYC Local Plan Hearings to be referred to by the Competent Authority (i.e. CYC), the statutory consultees and the Planning Inspectors and provides information to assist in the consideration of detail that could assist in determining if the allocations can be upheld within the emerging Local Plan. It includes:
- Background information on the QEB site and the role of MOD in managing Strensall Common SAC
  - Details of the European Site considered at the screening and appropriate assessment stages, including information on conservation objectives, qualifying features and sensitivities of the European Site<sup>1</sup>
  - Details of the 'screening' assessment, identifying those sites or features that will not be affected by the development, alone and in combination with other allocations
  - Details of the site management and current baseline usage
  - Details of the masterplan for the site and identification of those measures proposed to manage impacts from the allocation of ST35 and H59 to Strensall Common SAC
  - An assessment of the effects of the scheme on the European Site and qualifying features that are vulnerable to the effects of the scheme, alone and in combination to determine whether the allocation and subsequent development of the site will result in any adverse effects on the integrity of the European Site.
- 1.3.3 This assessment is conducted with reference to:
- Visitor Surveys and impacts of recreation at Strensall Common SAC (Liley et al. 2019)
  - Strensall Common Visitor Survey Report (PCP. 2019)
  - QEB, Strensall, York Mitigation Strategy Masterplan Report (July 2021)
  - Review of Hearing Statement from DIO Relating to Matter 1, Legal Compliance (Liley. 2020).
- 1.3.4 The assessment includes a review of research and literature reviews forming the body of evidence of impacts to heathlands in the UK resulting from recreation and urbanisation.
- 1.3.5 The masterplan is illustrated at Appendix G.

---

<sup>1</sup> Following the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 the designated sites formerly referred to as part of the Natura 2000 ecological network are now part of the "national site network" in England and Wales. The term European Site is used to refer to the sites designated under the Nature Directives for ease of referring to these sites in this document.

July 2021

## 1.4 Personnel and Quality Assurance

- 1.4.1 All ecologists employed by Capita adopt best practice working methods in undertaking surveys including the Chartered Institute of Ecology and Environmental Management's (CIEEM) code of professional and all fieldwork is carried out in accordance with current best practice guidelines and under the supervision of senior staff and appropriately licensed ecologists.
- 1.4.2 The HRA has been compiled by Tabatha Boniface, Technical Director for Ecology and peer reviewed by Principal Ecologist, Andrea Sarkissian.
- 1.4.3 Tabatha Boniface is a Chartered Environmentalist and Full Member of CIEEM. She has worked in the conservation field for 20 years and was a Biodiversity Officer for Greater Manchester and Conservation Officer at Natural England before working as a freelance and consultant ecologist in the private sector for the last 14 years. Tabatha specialises in habitat survey and assessment, provision of ecological advice and mitigation and has carried out a number of Habitats Regulations for a variety of infrastructure schemes.
- 1.4.4 Andrea Sarkissian is a Senior Ecologist (and Associate Member of CIEEM) with eight years' experience in ecological consultancy. She has been involved in a range of projects from road and rail schemes to school developments and flood alleviation schemes. She has managed, surveyed and reported on a variety of schemes and influenced the design and implementation through client liaison and reporting. Her experience spans a range of ecological receptors and key skills include Phase 1 Habitat surveys and protected species surveys with subsequent impact assessment and mitigation (including birds, bats and reptiles).

## 2 Approach to Habitats Regulations Assessment Process

### 2.1 Background

- 2.1.1 This report details information to support a Habitats Regulations Assessment to be undertaken by the City of York as the Competent Authority in consultation with Natural England.
- 2.1.2 It explains the HRA process and provides relevant information for the Screening and Appropriate Assessment processes to support the conclusions in terms of any likely significant effects on the qualifying features of the European Site, Strensall Common SAC. This site lies adjacent to two sites allocated for residential development associated with Queen Elizabeth Barracks (QEB) in Strensall. This report aims to provide sufficient information to facilitate the Competent Authority to conclude their HRA.

### 2.2 The Habitats Directive and Transposition to UK Legislation

- 2.2.1 The European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (together with the Wild Birds Directive 2009/147/EC, referred to collectively in the UK as the Nature Directives) require member states to designate a network of habitats and species across Europe. These were formerly referred to as European Sites and comprise Special Areas of Conservation (SACs), principally protecting habitats (and species listed on Annex II) and Special Protection Areas (SPAs), protecting birds.
- 2.2.2 The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) transposed the Nature Directives into UK legislation. From 1 January 2021 the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (2019 Regulations) amended the 2017 Regulations to make them operable in England and Wales following the UK's exit from the European Union. SPAs and SACs are still designated in the UK but are now referred to as a "national site network" following the 2019 Regulations.
- 2.2.3 Article 2 of the Habitats Directive requires the maintenance or restoration of habitats and species of European interest at a favourable conservation status. That principle has led the UK to designate a network of SACs and SPAs to achieve that goal under the Conservation of Habitats and Species Regulation 2017 (as amended).
- 2.2.4 With the 2019 Regulations amendment, network objectives have been identified for the national site network of SACs and SPAs to:

July 2021

- Maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status (FCS)
- Contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.

2.2.5 The appropriate authorities must also have regard to the:

- Importance of European Sites
- Coherence of the national site network
- Threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs.

2.2.6 The network objectives contribute to the conservation of UK habitats and species that are also of pan-European importance, and to the achievement of their FCS within the UK. (DEFRA. 2021).

2.2.7 Regulation 63 of the Habitats Regulations requires a Competent Authority to make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which:

- Is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- Is not directly connected with or necessary to the management of that site.

2.2.8 Conservation objectives are produced by the Statutory Nature Conservation Organisations for Sites designated under the Habitats Regulations. They provide the objectives against which any Habitats Regulations Assessments, that a Competent Authority may be required to make, are assessed. In addition, they can be used to inform any measures necessary to conserve or restore the European Site and/or to prevent the deterioration or significant disturbance of its qualifying features as required under the provisions of Article 6(2) of the Habitats Directive and Articles 4(1) and 4(2) of the Wild Birds Directive respectively.

2.2.9 Additionally, it is a matter of policy throughout the UK that Ramsar sites, designated through the Ramsar Convention 1976 for wetlands of international importance, are assessed under the same process. These requirements are also extended to the consideration of effects on sites that are proposed for designation under the Conservation of Habitats and Species Regulation 2017, such as potential SPAs (pSPA) and candidate SACs (cSAC).

## 2.3 Approach to HRA

- 2.3.1 The approach used in this HRA document is based on guidance including the European Commission methodological guidance (European Commission, 2002), The Habitats Regulations Assessment of Local Development Documents, Revised Draft Guidance for Natural England (David Tyldesley & Associates. 2009), Methodological Approaches to the Habitats Regulations Assessment of Plans and Projects Requiring Multiple Consents (Tyldesley, D., 2011) and The Habitat Regulations Handbook (Tyldesley D and Chapman C. 2021). Guidance recommends that HRA is approached in three main stages as outlined in Table 1.
- 2.3.2 This report outlines the methods and findings for Stage 1 of the HRA process: Screening Assessment and Stage 2 of the HRA process: Appropriate Assessment (information to support).
- 2.3.3 The responsibility for signing off the HRA and ensuring compliance with the Habitats Regulations falls to the Competent Authority. It is usual for the Competent Authority to consult with the Statutory Nature Conservation Organisation for that country, being Natural England for this project, to obtain their statutory advice in relation to their conclusions of a Habitats Regulations Screening and Appropriate Assessment.

**Table 1: Key Stages of HRA**

Stage 1	
<b>Screening</b>	<ul style="list-style-type: none"> <li>• Identify European (and Ramsar) sites part of the national site network and qualifying features</li> <li>• Examine conservation objectives for the Site</li> <li>• Review proposals and consider potential effects on the integrity of the Site</li> <li>• Examine other plans and projects that could contribute to ‘in combination’ effects</li> </ul>
	<ul style="list-style-type: none"> <li>• If no effects likely – report no likely significant effects</li> <li>• If significant effects are judged likely or uncertainty exists, or if mitigation is likely to be required to ensure no adverse effect on the integrity of the Site, the precautionary principle applies - proceed to Stage 2</li> </ul>
Stage 2	
<b>Appropriate Assessment</b>	<ul style="list-style-type: none"> <li>• Complete additional scoping work including the collation of further information</li> <li>• Agree scope and method of Appropriate Assessment (AA) with Competent Authority (CA) (with advice from Natural England sought by CA)</li> <li>• Consider how effect on integrity of site could be avoided by changes to plan or project and the consideration of alternatives</li> <li>• Consider how proposals ‘in combination’ with other plans or projects will interact when implemented</li> </ul>

July 2021

	<ul style="list-style-type: none"> <li>• Develop mitigation measures (including timescale and mechanisms)</li> <li>• Report outcomes of AA including mitigation measures</li> <li>• If plan or project will not significantly affect the European/international site, proceed without further reference to Habitats Regulations.</li> </ul>
	<ul style="list-style-type: none"> <li>• If likely significant effects or uncertainty remain following the consideration of alternatives and development of mitigation proceed to stage 3</li> </ul>
<b>Stage 3</b>	
<p><b>Procedures where significant effect on integrity of international site remains</b></p>	<ul style="list-style-type: none"> <li>• Consider alternative solutions, delete from plan or project or modify</li> <li>• Consider if priority species/habitats affected</li> <li>• Identify 'Imperative Reasons of Overriding Public Interest' (IROPI) economic, social, environmental, human health, public safety</li> <li>• Notify DEFRA</li> <li>• Develop and secure compensatory measures.</li> </ul>

July 2021

## 3 Identification of European Sites

### 3.1 Scope of the Study

- 3.1.1 Strensall Common SAC is considered in this assessment because the proposed policies relating to the disposal of Queen Elizabeth Barracks (QEB) sites in the City of York Local Plan (CS001) have the risk of affecting this SAC alone, and in combination with other policies for allocations for residential development within 7.5 km of Strensall Common. The SAC lies directly adjacent to the QEB site on the north, east and south sides of the camp.
- 3.1.2 The location and extent of Strensall Common SAC is shown at Appendix A.
- 3.1.3 The proposed allocation sites are shown at Appendix F and explained further in Sections 4 and 5.

### 3.2 European Site Description

- 3.2.1 Strensall Common SAC covers 569.63 hectares and is an example of acidic lowland heath represented predominantly by *Erica tetralix* – *Sphagnum compactum* wet heath, although its extent has been reduced by drainage. It is a noted locality for marsh gentian *Gentiana pneumonanthe*, narrow buckler-fern *Dryopteris carthusiana* and the dark-bordered beauty moth *Epione vespertaria* as it is associated with creeping willow *Salix repens* on the wet heath. (English Nature. 2005).
- 3.2.2 There is also a complex mosaic of wet heaths with *Erica tetralix* and dry heath elements. The *Calluna vulgaris* – *Deschampsia flexuosa* dry heath is noted for petty whin *Genista anglica* and bird's-foot *Ornithopus perpusillus*<sup>2</sup>. (English Nature. 2005).
- 3.2.3 The citation for the SAC is listed at Appendix B.

#### Qualifying Features

- 3.2.4 The site is designated as it supports the following Annex I habitats:
- H4030 European dry heaths.
  - H4010 Northern Atlantic wet heaths with *Erica tetralix* (wet heathland with cross-leaved heath).
- 3.2.5 There are no other qualifying habitats or species.

---

<sup>2</sup> Although Natural England concede in their Supplementary Information for the SAC that this is not considered to be a viable population at Strensall Common SSSI/SAC.

July 2021

- 3.2.6 Natural England have identified several “typical species” associated with habitats at Strensall Common that are not qualifying features, but which are required to be considered with the Conservation Objectives.
- 3.2.7 The typical species are listed in Natural England’s “*European Site Conservation Objectives: Supplementary advice on conserving and restoring site features*” (Natural England. 2019) and include the following target for the typical species:
- Maintain the abundance of the typical species listed below to enable each of them to be a viable component of the Annex 1 habitat:
    - Constant and preferential plant species of the M16a *Erica tetralix-Sphagnum compactum* wet heath and M25a *Molinia caerulea-Potentilla erecta* mire, *Erica tetralix* sub-community National Vegetation Classification (NVC) vegetation types at this SAC
    - Plant species of particular note include marsh gentian *Gentiana pneumonanthe* and pillwort *Pilularia globulifera*
    - Dark bordered beauty moth *Epione vesperaria*
    - Pond mud snail *Omphiscola glabra*
    - Constant and preferential plant species of the H9a and H9e heathland NVC vegetation types at this SAC (species of particular note: petty whin).

### 3.3 Conservation Objectives

- 3.3.1 The Conservation Objectives for Strensall Common SAC are:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of the qualifying natural habitats
- The structure and function (including typical species) of the qualifying natural habitats, and
- The supporting processes on which the qualifying natural habitats rely. (Natural England. 2018)

- 3.3.2 The conservation objectives are shown at Appendix C.

July 2021

### 3.4 Condition of Strensall Common SSSI/SAC

- 3.4.1 Natural England is the statutory nature conservation organisation in England that monitors the health of all Sites of Special Scientific Interest (SSSI) and they have an objective to achieve “Favourable condition” for all SSSI. The monitoring of SSSIs is carried out under the JNCC Common Standards Monitoring Guidance (JNCC. 2003) to ensure consistency across all Statutory Nature Conservation Organisations in the UK. Monitoring of SSSIs should take place on at least a six-year cycle.
- 3.4.2 SSSIs underpin the majority of SACs and SPAs designated under the Conservation of Habitats and Species Regulations 2017 (as amended).
- 3.4.3 Natural England have carried out a condition assessment of Strensall Common SSSI dated 26 and 30 March 2021. The detailed monitoring report is not available at the time of writing, but all six live units of the SSSI have been assessed as being in Favourable Condition (see Appendix D).
- 3.4.4 This is a change from the previous condition assessment which was dated 20 September 2011. Units 3, 4, 5 and 8 were listed as “Unfavourable Recovering” and Units 6 and 7 were listed as “Favourable”. There was no detailed information on the assessment on the Designated Sites View Condition of SSSI Units for Strensall Common SSSI available nor were there any reasons for adverse condition listed. Unit 8 has declined from Favourable from the 2006 condition assessment to Unfavourable Recovering in the 2011 assessment.
- 3.4.5 Reviewing information relating to past condition assessments provided by the MOD Ecologist who manages Strensall Military Training Area, the 2006 Natural England assessment records some SSSI units as “Unfavourable Recovering” condition due to the lack of all stages of heather growth, notably old stage heather, attributed to be likely due to winter sheep grazing and recovering as active management has been secured on site. The area that was detailed as “Favourable” condition relates to the condition of wet heath in the north of the site.
- 3.4.6 Natural England has not raised any significant issues with recreational pressure in this or any assessment. There is mention of some negative impacts associated with fires (in 2002, 2003, 2004) and motorbikes (2006), but it has not been listed as a major contributory factor to the “Unfavourable” condition of the SSSI.
- 3.4.7 A summary of the current condition, management and usage of Strensall Common SSSI/SAC is at Appendix E.
- 3.4.8 The Natural England Site Improvement Plan (SIP) (Natural England. 2014) for Strensall Common identifies the following issues and actions:
- Public Pressure Access/Disturbance with wardening being considered the best way to tackle irresponsible recreational use

July 2021

- Inappropriate scrub control with ongoing scrub clearance through an agri-environment scheme<sup>3</sup> (currently HLS); and
- Air Pollution (atmospheric nitrogen deposition) with a recommended Site Nitrogen Action Plan, which has not been prepared, to date.

3.4.9 It is noted that there is no quantification of what the amount of public pressure and disturbance is, nor how that is affecting the SSSI/SAC.

---

<sup>3</sup> Scrub clearance was undertaken in the early stages of the current HLS agreement. MOD have continued scrub clearance outside of this agreement annually every year since 2018.

July 2021

## 4 QEB Allocation Sites' Description

### 4.1 QEB – ST35 & H59

- 4.1.1 The Queen Elizabeth Barracks (QEB) site is one of the sites included in the Defence Estates Optimisation Portfolio (DEOP) aimed at optimising the Defence estate by minimising the future running costs through site rationalisation and site disposal by 2040, which in turn will help deliver the government's 55,000 housing target. In February 2019, it was confirmed that QEB will be vacated by 2024, however the MOD will retain ownership and management responsibility for the Strensall Training Area (and of the SSSI/SAC).
- 4.1.2 Two areas, ST35 and H59 within the QEB site have been allocated for residential development; the strategic site policy SS19 covers ST35 within the emerging York Local Plan. These allocation sites are shown on the plan at Appendix F.
- 4.1.3 Towthorpe Lines is also part of the MOD Estate listed in the DEOP. It is allocated in the local plan for employment use (ref: E18) and lies to the south west of Strensall Military Training Area and the SAC; shown on the plan at Appendix F.
- 4.1.4 The proposed site allocations at submission stage (ST35 and H59) lie within the MOD landholding of Queen Elizabeth Barracks in the village of Strensall, approximately 6 km north-west of the city of York. QEB covers approximately 30 ha and lies adjacent to Strensall Common SAC, referred to by the MOD as the "*Strensall Military Training Area*", to the west of the SAC as shown in Appendix F. Other than Strensall Village which lies to the west of Strensall Common, the surrounding area is rural in character with existing or former agricultural buildings surrounded by agricultural land; some landholdings have been repurposed as recreational facilities such as golf courses, caravan and camping businesses.
- 4.1.5 The QEB site is an operational military training establishment with numerous buildings and associated hardstanding. A large number of mature parkland trees are scattered throughout areas of managed amenity grassland. There are also areas of semi-natural grassland and woodland towards the northern, eastern and southern boundaries creating something of a shielded edge to the camp from the land adjacent which includes tarmacked tracks leading to training and range facilities and the SAC itself.

### 4.2 Strensall Military Training Area & SAC

- 4.2.1 Strensall Military Training Area is a key site for the Armed Forces. It is primarily used for infantry tactics up to section and platoon level. There are seven live firing ranges, principally concentrated adjacent (east) to the QEB/Strensall Camp buildings, and a grenade range which is currently unused (north west near the Yorkshire Wildlife Trust (YWT) Reserve); those still in use are used most days of the week. The site is also open for live firing two weekends per month. The Dry Training area (all those areas outside the

July 2021

Danger Zone) is used throughout the year and is suitable for military training and includes a cargo dropping zone. (DIO. Undated).

- 4.2.2 The Strensall Training Area (covering the same area as the SAC) is primarily used for military training purposes. It is available for recreation, but due to the purchase of the site and rights under the Strensall Common Act 1884 and bye-laws relating to its use and management, this is secondary to its use for military training. Common rights do not extend to the Strensall Military Training Area despite it being referred to as “Strensall Common”.

July 2021

## 5 Local Legislation & Planning Policy

### 5.1 Background

- 5.1.1 Section 2 sets out the legislation covering the Habitats Regulations themselves. Below is additional legislation that has a bearing on Strensall Military Training Area and the proposed planning policies from the City of York Council's (CYC) proposed Local Plan being assessed against the Habitats Regulations.

### 5.2 Legislation covering Strensall Military Training Area

- 5.2.1 Strensall Military Training Area comprises the area of the SAC including the parcel to the north which is managed by Yorkshire Wildlife Trust. The site, while an open area of land with permissive paths across it, is subject to legislation and byelaws which restricts access to the general public.

#### Strensall Commons Act 1884

- 5.2.2 The Strensall Common Act 1884 sets out the rights over Strensall Common primarily for military purposes.
- 5.2.3 Strensall Common was bought by the Secretary of State for the War Department for military purposes and which, through the Military Forces Localisation Act 1872, overwrote any common or other rights existing or over Strensall Common.
- 5.2.4 In addition, the Act allows for any public or private roads in or through Strensall Common to be stopped up, diverted and altered as long as public convenience is maintained. However with respect to military operations on Strensall Common, as it is necessary for the safety of any person or persons passing along such road, any officer acting under the authority of the Act may stop traffic on any public or private road or way in or over the Common until such time as is considered necessary to maintain the safety of third parties. The road leading from York to Lilling is excluded from this provision.

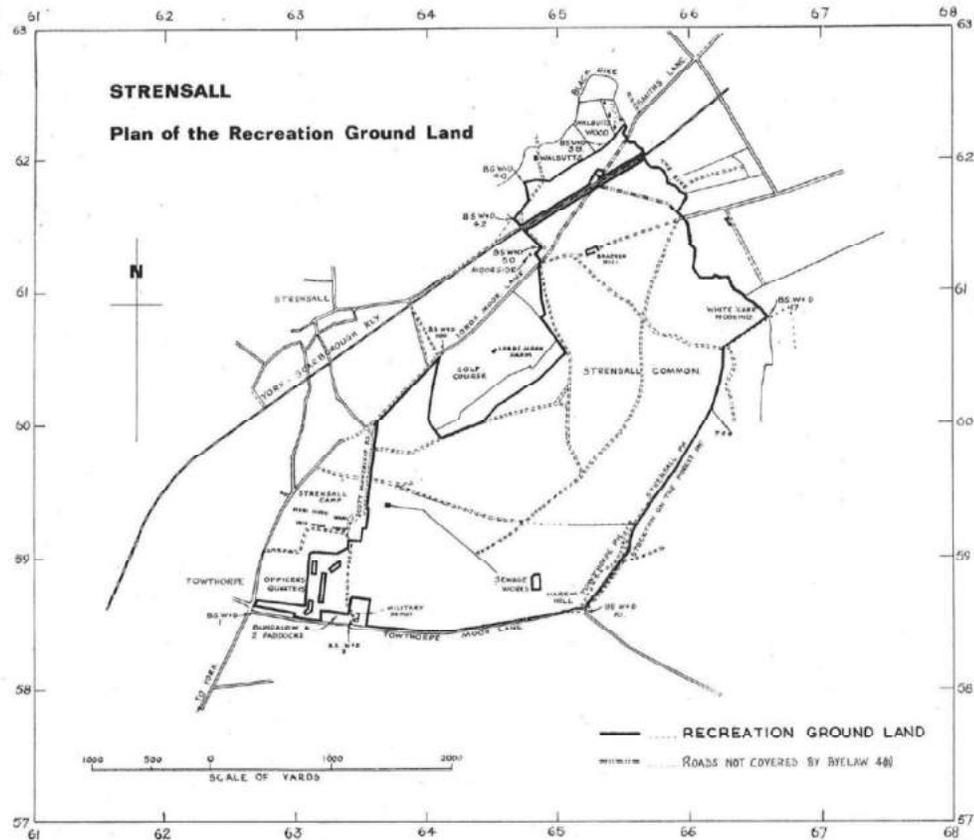
#### Strensall Common Byelaws

- 5.2.5 Byelaws<sup>4</sup> set out how the Strensall Military Training Area can be used for both military purposes, but also for recreation. Under these laws the "*Plan of the Recreation Ground Land*" (refer to Figure 2) is included which shows the land that can be used for exercise and recreation **when it is not in military use**.

---

<sup>4</sup>Strensall Common byelaws 1972 (programmed for review) Available: <https://www.gov.uk/government/publications/north-yorkshire-byelaws> ;

July 2021



**Figure 2: Plan of the Recreation Ground Land at Strensall Military Training Area**

5.2.6 The Strensall Common byelaws 1972 are those currently in force and are on the current programme to be reviewed.

- Activities that are prohibited (and that are helpful to the conservation management of the SAC) under this byelaw include:
- Dropping or leaving litter except in a receptacle provided for the purpose
- Any act which pollutes or is likely to pollute any water
- Climbing, damaging or interfering with fences, railings, structures, the Rifle Range Butts, Notice Boards and Range signals
- Obstructing any person in the execution of his duty in relation to the recreation ground land
- Wilfully disturbing, injuring or taking any animal, bird or egg.

5.2.7 Acts that are prohibited unless written permission is obtained:

July 2021

- Placing, erecting or using any tent, caravan or other encampment
- Lighting a fire or firework
- Any act causing or tending to cause an outbreak of fire
- Driving or riding, except on the roads shown in the Plan of the Recreation Ground Land, any vehicle other than:
  - An invalid carriage, or
  - Any other vehicle not mechanically propelled and no wheel of which (including any tyre) exceeds twenty inches in diameter
- Grazing any animal
- Cutting, digging, damaging or removing any grass, turf or growing crops
- Cutting, defacing or damaging any growing tree or shrub or removing any timber, tree, shrub or wild flower roots.

### 5.3 Proposed Planning Policies

- 5.3.1 In November 2016, the Defence Infrastructure Organisation (DIO) announced its intention to vacate and dispose of three MoD sites in York: Queen Elizabeth Barracks, Towthorpe Lines and Imphal Barracks. In February 2019, it was confirmed that QEB will be vacated by 2024.
- 5.3.2 DIO, supported by Avison Young, are promoting the allocation of these sites for development through City of York Council's (CYC's) emerging Local Plan (CYC. 2018) which were initially included in the earlier iteration of the Draft Local Plan.
- 5.3.3 The three proposed allocation sites focussed on in this report, residential development at ST35 and H59 and employment land at E18, are shown on the Policies Map (North) at Appendix Fa. All other allocations within 7.5 km of Strensall Common SAC are considered in combination with these.
- 5.3.4 The City of York Council formally submitted its Regulation 19 Publication Draft of its Local Plan in May 2018 (CD001). That included the following correction to Policy SS19 relating to the QEB site:

July 2021

**Table 2: Errata Addendum in proposed City of York Local Plan - Publication Draft February 2018 (Regulation 19 Consultation)**

Document and Section	Existing Wording	Proposed Change
Local Plan Publication Document. <b>Policy SS19: Queen Elizabeth Barracks, Strensall</b> Page 65, Paragraph Number 3.82.	ST35 covers circa 28ha with a net developable area of approximately 18ha and will deliver approximately 12ha of public open space and an estimated yield of circa 578 dwellings. There are no listed buildings or conservation areas currently designated within this site. However, as access to the area has always been restricted, no detailed assessment of the existing buildings has been carried out to determine if the buildings merit designation.	ST35 covers circa 28ha with a net developable area of approximately 18ha and will deliver approximately 12ha of public open space and an estimated yield of circa <del>578</del> 500 dwellings. There are no listed buildings or conservation areas currently designated within this site. However, as access to the area has always been restricted, no detailed assessment of the existing buildings has been carried out to determine if the buildings merit designation.

5.3.5 The policies relating to the allocations on the QEB and Towthorpe sites are listed below.

**Policy SS19 Queen Elizabeth Barracks, Strensall**

5.3.6 The specific policy wording of Policy SS19 is as detailed below:

<p>Policy SS19 Queen Elizabeth Barracks, Strensall page 63 Following the Defence Infrastructure Organisation’s disposal of the site by 2021, Queen Elizabeth Barracks (ST35) will deliver 500 dwellings at this rural development site. Development anticipated to commence in 2023. In addition to complying with the policies within this Local Plan, the site must be delivered in accordance with the following key principals.</p> <ul style="list-style-type: none"> <li>i. The mitigation hierarchy should be followed to ensure no net loss of biodiversity; where possible development should deliver biodiversity gain. Development will only be allowed where it can be demonstrated that it will not have an adverse impact, alone or in combination, upon the integrity of Strensall Common SAC and SSSI.</li> <li>ii. Take full account of the extent and quality of ecological interest on Strensall Common through the preparation of a comprehensive evidence base to support the required Habitat Regulations Assessment and other assessments to be able to fully understand and avoid, mitigate or compensate impacts. To help deliver this, a detailed Visitor Impact Mitigation Strategy must be prepared, which will be informed by comprehensive and repeatable visitor surveys (to be repeated as necessary). The Strategy will identify effective measures which will encourage both the use of alternative sites instead of Strensall Common and less damaging visitor behaviour on the Common. This will include (but not be limited to) the following measures:</li> </ul>
---

July 2021

- Within the site divert new users away from the SAC by:
  - Providing natural green space within the site boundary attractive to a range of users, particularly dog walkers;
  - The provision of a circular walk within the site;  
Ensuring no access throughout the life of the development either by vehicle, cycle or foot to adjoining land on the north, south and eastern site boundary, and  
Providing publicity, education and awareness to support these aims.
- On Strensall Common ensure suitable behaviour by visitors by:
  - Implementing actions to manage recreational pressure at points of arrival, by type of activity and location of activity on site;
  - Ongoing monitoring that will specifically lead to the implementation of prompt remedial measures such as the closure of access points etc if adverse effects are identified, and
  - Publicity, education and awareness.
- iii. Ensure all ecological avoidance, mitigation and compensation measures are fully operational and functioning prior to commencement of any development. Measures must be supported by a long term management plan which includes ongoing monitoring and remedial measures.
- iv. Deliver a sustainable housing mix in accordance with the Council's most up to date Strategic Housing Market Assessment.
- v. The development of this area must be informed by an assessment of architectural interest of the site and its buildings. Those buildings which are considered to be of historic interest should be retained and reused.
- vi. Be of a high design standard, ensuring the development has a distinct identity from Strensall village and not be just a continuation of the existing development. The site should have its own identity and character that in its layout and spaces, reflects the site's long use as a barracks, its landscape context, and the natural site assets.
- vii. Retain all identified good quality trees, with appropriate distance to tree canopy, unless they pose an unreasonable restriction on development and their contribution to the public amenity and amenity of the development is very limited, and their loss is outweighed by the benefits and mitigation provided by the development.
- viii. Undertake an archaeological evaluation consisting of geophysical survey and excavation of trenches to identify the presence and assess the significances of archaeological deposits.

July 2021

- ix. Prepare a Flood Risk Assessment and full drainage strategy. The strategy should be developed in conjunction with the Council and required statutory bodies and should ensure that the development will not exacerbate any existing issues with surface water and drainage. Hydrological studies that explore surface and sub-surface characteristics of the local hydrological regime would be required to identify the impact on the wet heath communities of Strensall Common SAC/SSSI and identify mitigation measures where required. Any hydrology plan/study also needs to consider impacts on waterlogged archaeological deposits.
- x. Increase the area and quality of open space within any proposed development beyond that found at present in order to reduce the impact of recreational pressure on Strensall Common SSSI/SAC.
- xi. Create new local facilities as required to meet the needs of future occupiers of the development.
- xii. Deliver sufficient education provision, including a new primary school, to meet the demand arising from the development. Further detailed assessments and associated viability work will be required.
- xiii. Demonstrate that all transport issues have been addressed, in consultation with the Council and Highways England as necessary, to ensure sustainable transport provision at the site is achievable. The impacts of the site individually and cumulatively with sites ST7, ST8, ST9, ST14 and ST15 should be addressed.
- xiv. Give further consideration to road safety at the Strensall Road/Towthorpe Moor Lane, in addition to the use of Towthorpe Moor Lane by through traffic. If identified as necessary, mitigation to Strensall Road/Towthorpe Moor Lane junction will be required.
- xv. Optimise pedestrian and cycle integration, connection and accessibility in and out of the site and connectivity to the city and surrounding area creating well connected internal streets and walkable neighbourhoods, to encourage the maximum take-up of these more 'active' forms of transport (walking and cycling). Cycle paths will need to be provided along the site frontages connecting into the site and also focus upon the route into the village and local facilities.
- xvi. Undertake detailed noise and contamination assessments, including detailed assessment of the current and future use of the military training area adjacent to the site.

**Explanation:**

ST35 covers circa 28ha with a net developable area of approximately 18ha and will deliver approximately 12ha of public open space and an estimated yield of circa 578 dwellings. There are no listed buildings or conservation areas currently designated within this site. However, as

July 2021

access to the area has always been restricted, no detailed assessment of the existing buildings has been carried out to determine if the buildings merit designation.

3.83 To address any heritage designations that may exist on the site it is recommended that Historic England are consulted, using their pre-application assessment service. With a site of this size it is important to consider the impact it will have on the historic nature of the city. The area needs to have a distinct identity from Strensall village and not be just a continuation of the existing development there. This was an important military site which played a wider role in its linkages to other military sites in the area and in the history of York's development as a garrison town. It is important that the area shouldn't lose the story of its identity as a military site and that careful consideration should be given to the kind of area/place being created. The context of the barracks is essentially rural, therefore the presentation of the site to Strensall Road and Strensall common is sensitive and this characteristic should be retained or enhanced. Strensall Common forms part of the site's wider landscape context and it is important to maintain its sense of place adjacent to this whilst taking consideration of its biodiversity value.

3.84 The location of this site adjacent to Strensall Common SAC means that a comprehensive evidence base to understand the potential impacts on biodiversity from further development is required. Strensall Common is designated for its heathland habitats but also has biodiversity value above its listed features in the SSSI/SAC designations that will need to be fully considered. Although the common is already under intense recreational pressure, there are birds of conservation concern amongst other species and habitats which could be harmed by the intensification of disturbance. In addition, the heathland habitat is vulnerable to changes in the hydrological regime which needs to be explored in detail. The mitigation hierarchy should be used to identify the measures required to first avoid impacts, then to mitigate unavoidable impacts or compensate for any unavoidable residual impacts, and be implemented in the masterplanning approach. Potential access points into the planned development also need to consider impacts on Strensall Common.

3.85 It will be necessary to identify the presence and assess the significances of archaeological deposits on the site. An archaeological evaluation consisting of geophysical survey and excavation of trenches will be required. This will be used to assess the significances of archaeological features and deposits and will allow decisions about the scale and form of future mitigation measures on the site. There is a reasonable potential for survival of prehistoric and Romano-British features and deposits as well as medieval and later exploitation and occupation of the site. There is a high potential for discovering water logged deposits which would be of high significance and may need to be preserved in situ – this needs to be taken into consideration through the hydrology plan/study.

3.86 The majority of the site is in flood zone 1 except for a small area to the north in flood zone 2. Given the scale of the site, a full Flood Risk Assessment and full drainage strategy will be needed. Infiltration Sustainable Drainage Systems (SuDS) would be compromised in this location but there is an opportunity to develop comprehensive SuDS for the potential new development. Good Surface Water SuDS can enhance development sites and increase the potential value of homes. The adoption and capacity to adopt these without funding.

July 2021

3.87 The nearest existing facilities are in Strensall, it is anticipated that a new primary school and community facilities including retail and community uses will be required within the site given the distance to existing services. This will need to be subject to further detailed viability assessment as part of the site masterplan.

3.88 Good bus network links already exist to York City Centre and Strensall Village along Strensall road. It will be necessary to examine the potential for bus services entering the site in order that public transport access is in line with best practise and policy requirements. There are currently very limited cycle links to Strensall to/from the outer ring road. The construction of a segregated subway to facilitate the crossing of the A1237 is included within the West Yorkshire Transport Fund upgrade scheme, due for completion by 2021/22. There is potential that contributions from this site could help to deliver a cycle link between the A1237 and Strensall.

**Delivery**

- Key Delivery Partners: City of York Council; landowners; developers; and infrastructure delivery partners.
- Implementation: Planning applications; and developer contributions.

**Policy H1: Housing Allocations - H59 Queen Elizabeth Barracks – Howard Road, Strensall; ST35 Queen Elizabeth Barracks, Strensall**

5.3.7 The policies relating specifically to the ST35 and H59 allocations are given below:

<p>Policy H1: Housing Allocations</p>
<p>In order to meet the housing requirement set out in Policy SS1 the following sites, as shown on the proposals map and set out in the schedule below are proposed for residential development.</p> <p>Planning applications for housing submitted for these allocations will be permitted if in accordance with the phasing indicated. An application on an allocated site in advance of its phasing will be approved if:</p> <ul style="list-style-type: none"> <li>• the allocation’s early release does not prejudice the delivery of other allocated sites phased in an earlier time period;</li> <li>• the release of the site is required now to maintain a five year supply of deliverable sites; and</li> <li>• the infrastructure requirements of the development can be satisfactorily addressed.</li> </ul> <p>Where developers are seeking revisions to existing planning permissions and associated conditions and S106 agreements, changes in market conditions will be taken into account.</p> <p>Where sites contain existing openspace this will be an important consideration in the development of the site and the open space needs of the area will need to be fully assessed.</p>

July 2021

This policy applies to all the sites listed in the Table 5.1 overleaf:				
<i>[which includes]</i>				
Allocation Reference	Site Name	Site Size (ha)	Estimated Yield (Dwellings)	Estimating Phasing
H59	Queen Elizabeth Barracks – Howard Road, Strensall	1.34	45	Medium to Long Term (Years 6-15)
ST35	Queen Elizabeth Barracks, Strensall	28.8	500	Medium to Long Term (Years 6-15)

**Policy EC1: Provision of Employment Land**

5.3.8 Provision for a range of employment uses during the plan period will be made on the following other site:

<b>E18: Towthorpe Lines, Strensall (4ha)</b>	<b>13,200sqm</b>	<b>B1c, B2 and B8 uses.</b>
--	------------------	-----------------------------

**City of York Local Plan Publication Draft – Schedule of Minor Modifications**

5.3.9 The following amendments to the policies affecting the QEB site were listed as a Schedule of Minor Modifications dated 25 May 2018 following the 2018 HRA.

**Table 3: City of York Local Plan Publication Draft – Schedule of Minor Modifications to 25 May 2018**

Plan Location	Proposed Minor Modification	Reason
SS19: Queen Elizabeth Barracks, Strensall  Criterion ii  Page 64	<p>ii. Take full account of the extent and quality of ecological interest on Strensall Common through the preparation of a comprehensive evidence base to support the required Habitat Regulations Assessment and other assessments to be able to fully understand and avoid, mitigate or compensate impacts. To help deliver this, a detailed Visitor Impact Mitigation Strategy must be prepared, which will be informed by comprehensive and repeatable visitor surveys (to be repeated as necessary). The Strategy will identify effective measures which will encourage both the use of alternative sites instead of Strensall Common and less damaging visitor behaviour on the Common. This will include (but not be limited to) the following measures:</p> <ul style="list-style-type: none"> <li>• Within the site divert new users away from the SAC by: <ul style="list-style-type: none"> <li>○ Providing natural green space within the site boundary attractive to a range of users, particularly dog walkers;</li> </ul> </li> </ul>	To clarify the mitigation required as detailed in the Habitat Regulation Assessment (2018)

July 2021

Plan Location	Proposed Minor Modification	Reason
	<ul style="list-style-type: none"> <li>○ The provision of a circular walk within the site;</li> <li>○ Ensuring no access throughout the life of the development either by vehicle, cycle or foot to adjoining land on the north, south and eastern site boundary, and</li> <li>○ Providing publicity, education and awareness to support these aims</li> <li>● On Strensall Common ensure suitable behaviour by visitors by:               <ul style="list-style-type: none"> <li>○ Implementing actions to manage recreational pressure at</li> <li>○ points of arrival, by type of activity and location of activity on site;</li> <li>○ Ongoing monitoring that will specifically lead to the</li> <li>○ implementation of prompt remedial measures such as the closure of access points etc if adverse effects are identified, and</li> <li>○ Publicity, education and awareness and</li> <li>○ The introduction of an efficient wardening service that could supplement the work of existing landholders to present a physical presence on site and encourage good behaviours by the public.</li> </ul> </li> </ul>	
<p>SS19: Queen Elizabeth Barracks, Strensall</p> <p>Explanatory text</p> <p>Page 65 Para 3.82</p>	<p>3.82 ST35 covers circa 28.8ha with a net developable area of approximately <del>48ha</del> <b>14.4ha</b> and will deliver approximately 12ha of public open space (<b>including OS12</b>) and an estimated yield of circa <b>578 500</b> dwellings. There are no listed buildings or conservation areas currently designated within this site. However, as access to the area has always been restricted, no yield of circa 578 500 dwellings. There are no listed buildings or conservation areas currently designated within this site. However, as access to the area has always been restricted, no detailed assessment of the existing buildings has been carried out to determine if the buildings merit designation</p>	<p>To correct the developable area and housing number referenced in the policy.</p>
<p>SS19: Queen</p>	<p>3.84 The location of this site adjacent to Strensall Common SAC means that a comprehensive evidence base to understand the potential impacts on biodiversity</p>	<p>To clarify the issues raised and mitigation</p>

July 2021

Plan Location	Proposed Minor Modification	Reason
<p>Elizabeth Barracks, Strensall Explanatory text Page 66 Para 3.84</p>	<p>from further development is required. Strensall Common is designated for its heathland habitats but also has biodiversity value above its listed features in the SSSI/SAC designations that will need to be fully considered. Although the common is already under intense recreational pressure, there are birds of conservation concern amongst other species and habitats which could be harmed by the intensification of disturbance. In addition, the heathland habitat is vulnerable to changes in the hydrological regime and air quality which needs to be explored in detail. The mitigation hierarchy should be used to identify the measures required to first avoid impacts, then to mitigate unavoidable impacts or compensate for any unavoidable residual impacts, and be implemented in the masterplanning approach. A recreational strategy and physical presence on site with the use of a warden could promote good behaviours by visitors, encouraging use of existing paths and ensuring dogs are properly controlled. The necessary costs for this would best be secured by an appropriate levy or similar on each development. Potential access points into the planned development also need to consider impacts on Strensall Common.</p>	<p>required as detailed in the Habitat Regulation Assessment (2018)</p>
<p>Policy EC1: Provision of employment land  Allocation E18 Page 76</p>	<p>E18: Towthorpe 13,200sqm B1c, B2 and B8 uses. Lines, Strensall (4ha)*  <b>* Policy SS19 points i. – ii. apply to this allocation in relation to assessing and mitigating impacts on Strensall Common SAC and must also take account of Policy GI2.</b></p>	<p>New footnote to clarify that this sites need to consider the applicable mitigation as set out in other plan polices. This cross referencing as detailed by the Habitat Regulation Assessment (2018)</p>

July 2021

Plan Location	Proposed Minor Modification					Reason
	Allocation Reference	Site Name	Site Size (ha)	Estimated yield (Dwellings)	Estimated Phasing	
Policy H1: Housing Allocations Allocation H59 Page 93	H59**/**	Queen Elizabeth Barracks – Howard Road, Strensall	1.34	45	Medium to Long Term (Years 6-15)	New footnote to clarify that this sites need to consider the applicable mitigation as set out in other plan polices. This cross referencing as detailed by the Habitat Regulation Assessment (2018)
Policy G12: Biodiversity and Access to Nature Explanatory text Page 167 Para 9.5	9.5 Although the protection of individual sites is essential, such sites do not occur in isolation as discrete, self-contained habitats, but influence and are influenced by their surroundings. The surrounding area can therefore be as important to the interest of the site as the feature itself, and changes to it could affect the integrity of that interest. In order to fully protect the site or interest, there may be a requirement to establish a suitable buffer area around it. The extent of that buffer could vary depending on the site, the type and value of the habitat present and the proposed change. In addition, whilst recognising the benefits to people provided from access to nature, where appropriate developments will be required to fully assess and mitigate for the impact of recreational disturbance on SSSIs, SACs and SPAs.					To clarify that residential amenity should be considered as part of overall design standards as part of the planning process.

## 5.4 Previous HRA of Proposed Planning Policies

- 5.4.1 The Regulation 19 Publication Draft of the City of York’s Local Plan was accompanied by an HRA dated April 2018. Following advice by Natural England and the production of new evidence, the 2018 HRA was replaced by a new version in February 2019 (Waterman. 2019) which was subsequently presented during the initial stages of the Examination in Public in December 2019.
- 5.4.2 As the Plan and HRAs evolved, the outcomes changed. These changes are important and are summarised below.
- 5.4.3 The 2018 HRA concluded that the Plan would not have an adverse effect on the integrity of any European sites. However, Natural England challenged this outcome in terms of possible impacts from recreational pressure at the Strensall Common, Skipwith Common, Lower Derwent Valley and River Derwent European sites, and from air pollution on

July 2021

Strensall Common and the River Derwent. This prompted the production of visitor surveys and the re-evaluation of existing air quality data.

- 5.4.4 The changes required to take account of this new advice and evidence prompted the 2019 HRA to be produced which recommended the deletion of policies SS19/ST35 and H59 from the Plan.
- 5.4.5 The 2019 Waterman HRA concluded that 'likely significant effects' on the SAC could not be ruled out in respect of Policies SS19/ST35, E18 and H59 because of anticipated increases in recreational pressure, changes to the hydrological regime and the effect of air pollution. As a result, an 'Appropriate Assessment' was undertaken, in accordance with the requirements of HRA. Subject to certain modifications being embedded within Policy E18, the HRA recommends that E18: Towthorpe Lines could be retained in the Local Plan.
- 5.4.6 The 2019 Waterman HRA however concluded that an adverse effect on integrity could not be ruled out in respect of a predicted increase in recreational pressure on the SAC posed by the proposed redevelopment of QEB for residential purposes (relating to site allocations ST35 and H59). Recreational use of the Common (number of visits) was predicted, by Footprint Ecology (Liley and Lake. 2019), to increase by 24%, predominantly related to new residents of a redeveloped QEB (all but 6% of that increase which was related to the other residential allocations up to 7.5 km from Strensall Common SAC). Additionally, it was noted that the number of dogs walked on the Common would also rise, and doubts were expressed in the HRA regarding the effectiveness of the framework of mitigation measures that were outlined in a precursor report to inform appropriate assessment that was prepared in 2017 (Amec Foster Wheeler. 2017).
- 5.4.7 As a result, the CYC Local Plan Proposed Modification (CYC. 2019), at Modification Reference Number PM13 and 14, proposes removal of Policy SS19 (which covers allocation ST35), following the outcome of an updated HRA, which had not been able to rule out adverse effects on the integrity of the SAC with this allocation.
- 5.4.8 Wood, on behalf of the DIO, produced Information to Support a Habitats Regulations Assessment (Wood. 2019) dated November 2019 to provide additional detail including assessments of hydrology and air quality as well as proposed mitigation measures that could be adopted to address recreational impacts.
- 5.4.9 Following the December 2019 hearing sessions, the Planning Inspector requested CYC to produce a body of work which included an updated HRA to take account of changes to confirm compliance with case law which resulted in the production of a further HRA produced by Waterman (Waterman. 2020) on behalf of CYC dated October 2020, made publicly available in May 2021.
- 5.4.10 This 2020 Waterman HRA concludes that all policies can be adopted with the exception of SS19/ST35 and H59(A) for which "it is not possible to be certain that adverse effects could be avoided because of reasonable scientific doubt concerning the effectiveness of

July 2021

mitigation measures at locations in such close proximity to Strensall Common SAC” (CYC. 2020a). Therefore the HRA recommends removal of these policies and the introduction of a new policy excluding residential development within 400m of Strensall Common SAC as well as amendments to policies within 5.5 km of Strensall Common SAC to include open natural greenspace to mitigate the effects on Strensall Common SAC that these allocations could create.

## 5.5 Proposed “New Strensall Common Policy” for CYC Local Plan

- 5.5.1 In January 2021 CYC produced a document detailing their proposed modifications to the Local Plan in “EX\_CYC\_47\_Post Hearings Proposed Modifications December 2020”. This follows the publication in January 2021 of the revised Waterman HRA (Waterman. 2020). In these modifications a new policy specific to Strensall Common is proposed as a modification to the Local Plan as detailed below:

July 2021

**Table 4: City of York Proposed Modifications December 2020 - Proposed New Strensall Common Policy**

Modification Reference Number	Plan Location	Proposed Modification	Reason for Changes
PM 70 – New Policy G12a	New Policy G12a	<p><b>New policy as follows:</b></p> <p><b>G12a: Strensall Common Special Area of Conservation (SAC)</b></p> <p>G12a: Strensall Common Special Area of Conservation (SAC)</p> <p>Development not directly connected with or necessary to the management of the SAC will only be permitted where it will not adversely affect the integrity of the Strensall Common SAC, either alone or in combination with other plans or projects. Proposals will be determined in accordance with the following principles:</p> <p>a) There is an 'exclusion zone' set at 400m linear distance from the SAC boundary. Permission will not be granted for development that results in a net increase in residential units within this zone. Proposals for non-residential development within this zone must undertake Habitats Regulation Assessment to demonstrate that they will not harm the integrity of the SAC.</p> <p>b) There is a 'zone of influence' between 400m and 5.5km linear distance from the SAC boundary.</p> <p>i. Where new residential development is proposed within the zone of influence on allocated housing sites SS9/ST7, SS10/ST8, SS11/ST9 and SS12/ST14, provision of open space must include or secure access to areas of suitable natural greenspace secured by way of mitigation prior to any occupation of new dwellings and secured in perpetuity.</p>	<p>Bespoke policy for Strensall Common to ensure adverse effects as a result of development is avoided and mitigated. This proposed modification complies with the outcomes and recommendations of the HRA (2020) for consistency.</p>

July 2021

Modification Reference Number	Plan Location	Proposed Modification	Reason for Changes
PM 70 – New Policy Justification		<p>ii. Proposals for other housing development which are not within plan allocations will not be permitted unless it can be demonstrated that they will have no adverse effects on the integrity of the SAC, either alone or in combination with other plans or projects. Any necessary mitigation measures may be sought through planning contributions and must be secured prior to the occupation of any new dwellings and secured in perpetuity. Open space provision must also satisfy policy G16.</p> <p><b>Justification</b></p> <p>Strensall Common is designated as a Special Area for Conservation (SAC) and Site of Special Scientific Interest (SSSI). It also has biodiversity value above its listed features in the SSSI/SAC designations that will need to be fully considered.</p> <p>At over 570ha, it supports one of the largest areas of lowland heath in northern England. Extensive areas of both wet and dry heath occur and form a complex habitat mosaic with grassland, woodlands/scrub and ponds. Grazing, by sheep and cattle is the key management tool with stock typically present during summer and autumn. The heathland supports a diverse flora and fauna including such characteristic (and vulnerable) species such as nightjar, woodlark, marsh gentian, pillwort, pond mud snail and dark bordered beauty moth, with Strensall Common representing the only site for this species in England.</p> <p>Strensall Common is managed by the Yorkshire Wildlife Trust and Ministry of Defence (MOD) who operate an extensive training facility and firing range within and adjacent to the European site.</p> <p>The heath is subject to considerable recreational pressure from visitors, especially those with dogs. Although an established network of paths and periodic closures of part of the</p>	

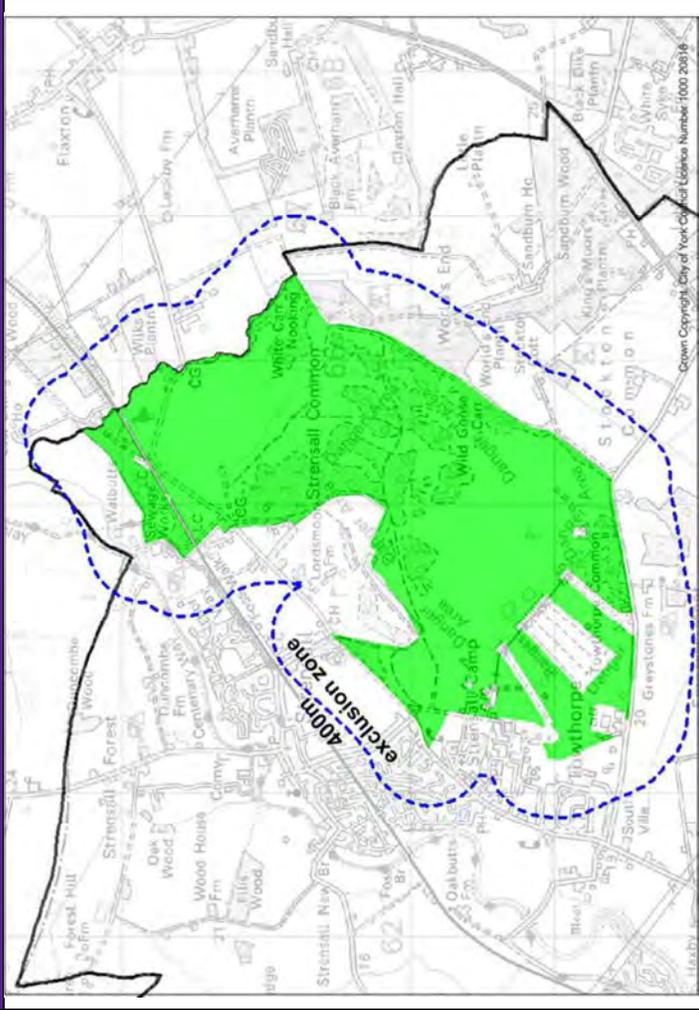
July 2021

Modification Reference Number	Plan Location	Proposed Modification	Reason for Changes
		<p>health by the MOD (to facilitate training activities) can influence visitor behaviour. However, both the dry and wet heath habitats are particularly vulnerable to trampling, erosion and vandalism such as fire, fly-tipping, pollution and other activities associated with visitor pressure. Although the common is already under intense recreational pressure, there are birds of conservation concern amongst other species and habitats which could be harmed by the intensification of disturbance.</p> <p>In 2011, all of Strensall Common SSSI was considered by Natural England to be in favourable or unfavourable-recovering condition. However, the corresponding Site Improvement Plan identifies a number of threats including, inter alia, public pressure and air pollution. Natural England's Supplementary Advice (2019) highlights the threat posed to the maintenance of the grazing regime by the worrying and subsequent disturbance of livestock by dogs brought by visitors.</p> <p>In addition, the heathland habitat is vulnerable to changes in the hydrological regime and air quality, which will need to be considered and assessed in detail for any proposed development.</p> <p>The Habitat Regulation Assessment (2020) has established that adverse effects on the integrity of the common cannot be ruled out without mitigation. The HRA suggests that residential development allocations (in Policy H1) within 5.5km of the common are likely to lead to an increase in recreational pressure which will require mitigation in the form of suitable natural greenspace and such other measures as may be considered necessary to prevent an adverse effect on the integrity of the SAC. Relevant policies/sites include strategic sites SS9 (ST7), SS10 (ST8), SS11 (ST9), SS12 (ST14), SS15 (ST17) and Policy H1 (allocation H46). The delivery of appropriate recreational open space on these sites will also need to be considered in line with policy G16. The HRA also anticipates that unallocated windfall development may come forward, although it is not possible at</p>	

July 2021

Modification Reference Number	Plan Location	Proposed Modification	Reason for Changes
		<p>this stage to predict precisely where it will be proposed. To ensure that it does not cause any adverse effect on the integrity of the SAC, the HRA recommends the following policy controls: (1) no net additional dwellings will be permitted within 400m of the SAC, as it is not considered possible to prevent adverse effects from development in such close proximity to the SA; (2) where windfall development is proposed between 400m and 5.5km from the SAC, permission will not be granted unless it can be demonstrated that the proposals will not have an adverse effect on the integrity of the SAC, both in respect of the proposals themselves and in combination with other development; (3) any necessary measures which avoid or reduce such effects must be provided before first occupation and established in perpetuity. The Council will have to consider whether planning obligations will be required, including financial contributions to secure such measures. Proposals must also comply with Policy GI6 which requires that all residential proposals contribute to the provision of open space, in particular helping to address deficiencies in the area surrounding a proposed development.</p> <p>Applicable 400m development exclusion zone:</p>	

July 2021

Modification Reference Number	Plan Location	Proposed Modification	Reason for Changes
			

July 2021

5.5.2

In addition, City of York Council have put forward the following proposed modifications for the current consultation period on the Local Plan. These relate to amendments CYC are proposing for allocations within 5.5 km, i.e.: SS9, SS10, SS11, SS12, H1 as follows:

**Table 5: Proposed Modifications for Allocations within 5.5km of Strensall Common SAC(CYC. 2020b)**

Modification Reference Number	Plan Location	Proposed Modification	Reason for Changes
PM 58 - Policy SS9	Page 46 of the Publication Draft Local Plan (February 2018)	<p>Amend bullet point ix to:</p> <p><b>xi. Provide a detailed site wide recreation and open space strategy and demonstrate its application in site masterplanning. This must include:</b></p> <ul style="list-style-type: none"> <li>o <del>Create</del><b>Creation of a new open space</b> (as shown on proposals <b>policies map as allocation OS7</b>) to protect the setting of the Millennium Way that runs through the site. Millennium Way is a historic footpath which follows Bad Bargain Lane and is a footpath linking York's strays and should be kept open. A 50m green buffer has been included along the route of the Millennium Way that runs through the site to provide protection to this Public Right of Way and a suitable setting for the new development.</li> <li>o <b>Open space provision that satisfies policies GI2a and GI6</b></li> </ul>	To ensure impacts identified in the HRA (2020) as a result of recreational pressure on Strensall Common SAC are mitigated.
PM 59 - Policy SS10	Page 48 of the Publication Draft Local Plan (February 2018)	<p>Amend bullet point vi to:</p> <p><b>vi. Provide a detailed site wide recreation and open space strategy and demonstrate its application in site masterplanning. This must include:</b></p> <ul style="list-style-type: none"> <li>o <del>Create</del><b>Creation of a new open space</b> on additional land to the east of the Monks Cross Link Road (as shown on the proposals <b>policies map as allocation OS8</b>). This land remains in the Green Belt. <del>Open space provision should still be provided to the</del> <b>required quantum within the main allocation boundary and traffic calming</b></li> </ul>	To ensure impacts identified in the HRA (2020) as a result of recreational pressure on Strensall Common SAC are mitigated.

July 2021

Modification Reference Number	Plan Location	Proposed Modification	Reason for Changes
		<p>measures should be provided along Monks Cross Link Road alongside the provision of pedestrian footways and safe crossing points. Ecological mitigation is also required on land to the east of the Link Road.</p> <ul style="list-style-type: none"> <li>o Open space provision that satisfies policies GI2a and GI6.</li> </ul>	
<p><b>PM 60 -</b> Policy SS11</p>	<p>Page 50 of the Publication Draft Local Plan (February 2018)</p>	<p>Amend bullet point iii to:</p> <p><b>iii. Provide a detailed site wide recreation and open space strategy and demonstrate its application in site masterplanning. This must include:</b></p> <ul style="list-style-type: none"> <li>o <del>Create</del> <b>Creation of a new open space</b> to the south of the site (as shown on the proposals <b>policies map as allocation OS9</b>) to reflect the needs of the Haxby and Wigginton ward including formal pitch provisions, informal amenity greenspace, play provision, cemeteries and allotments. The open space needs of the area should be assessed in detail, liaising with Haxby Town Council and Wigginton Parish Council, the neighbourhood plan group and local residents</li> <li>o <b>Open space provision that satisfies policies GI2a and GI6</b></li> </ul>	<p>To ensure impacts identified in the HRA (2020) as a result of recreational pressure on Strensall Common SAC are mitigated.</p>
<p><b>PM 61 – Policy</b> SS12</p>	<p>Page 54 of the Publication Draft Local Plan (February 2018)</p>	<p>New bullet point:</p> <p><b>xiv. Provide a detailed site wide recreation and open space strategy and demonstrate its application in site masterplanning. Open space provision must satisfy policies GI2a and GI6.</b></p>	<p>To ensure impacts identified in the HRA (2020) as a result of recreational pressure on Strensall Common SAC are mitigated.</p>

July 2021

Modification Reference Number	Plan Location	Proposed Modification	Reason for Changes
<p><b>PM 63</b> - Policy H1; Table 5.1 Housing Allocations Note <i>PM18</i> and <i>PM19</i> – [EX/CYC/20]</p>	<p>Page 92 of the Publication Draft Local Plan (February 2018)</p>	<p>Includes table with removal of H59# and ST35#  <b># Given the site’s proximity to a European Designated Nature Conservation Site (see explanatory text), this site must take account of Policy GI2 and GI2a.</b></p>	<p>Additional reference to those sites which will need to consider the impact on European designated sites within proximity in the context of development proposals brought forward</p>
<p><b>PM 65</b> – Policy H1: Explanation</p>	<p>Page 99 of the Publication Draft Local Plan (February 2018)</p>	<p>New paragraph:  <b>The development of residential site allocations within 5.5km of Strensall Common SAC has been found to lead to an increase in recreational pressure on Strensall Common SAC. The development sites within this distance from the SAC must accord with Policy GI2a [New Strensall Common SAC Policy]</b></p>	<p>To ensure impacts identified in the HRA (2020) as a result of recreational pressure on Strensall Common SAC are mitigated.</p>

July 2021

## 6 Screening Assessment

### 6.1 General

- 6.1.1 It is acknowledged that the policies are not necessary for the management of the European Site and therefore must be assessed to determine whether or not significant effects on the European Site are likely, either alone or in-combination with other projects.
- 6.1.2 The screening exercise is a preliminary examination of likely significant effects of the policies within the City of York Draft Local Plan. Where further information is required to examine the extent of likely significant effects that is examined in the Appropriate Assessment section of this report.

### 6.2 Likely Significant Effects

- 6.2.1 Likely significant effects on Strensall Common SAC are considered below in relation to the proposed policies for allocation of sites for development that risk impacts to Strensall Common SAC. This includes all allocations up to 7.5 km, a distance it is reasonable to estimate residents could travel to the SAC for recreation:

**Table 6: Policies identified at the Screening stage that could result in Likely Significant Effects on Strensall Common SAC**

Policy Ref	Policy Title	Risk of Likely Significant Effect	Distance from SAC <sup>5</sup>
SS19/ST35	Queen Elizabeth Barracks, Strensall (500 dwellings)	Edge effects Increase in recreational pressure Air pollution Hydrology	Immediately adjacent
H59	Queen Elizabeth Barracks – Howard Road, Strensall (45 dwellings)	Edge effects Increase in recreational pressure Air pollution Hydrology	Immediately adjacent
E18	Towthorpe Lines, Strensall (employment development)	Edge effects Increase in recreational pressure Air pollution Hydrology	Immediately adjacent
SS11/ST9	Land North of Haxby (735 dwellings)		2.1 km

<sup>5</sup> As the crow flies. Travel by road may be more or less.

July 2021

Policy Ref	Policy Title	Risk of Likely Significant Effect	Distance from SAC <sup>5</sup>
SS10/ST8	Land North of Monks Cross (968 dwellings)	Increase in recreational pressure	2.5 km
H46	New Earswick (104 dwellings)		3.5 km
E11	Annamine Nurseries, Jockey Lane (industrial development)		4 km
SS12/ST14	Land West of Wigginton Road (1,348 dwellings)		4.6 km
SS9/ST7	East of Metcalfe Lane (845 dwellings)		4.8 km
SS15/ST17	Nestle South (863 dwellings)		5.5 km
H1 <sup>6</sup>	(Phases 1&2) 336 dwellings (271 H1 Phase 1 and 65 Phase 2) at former Gas Works site at Heworth Green		6 km
H31	Eastfield Lane, Dunnington (76 dwellings)		6 km
H55	Land at Layerthorpe (20 dwellings)		6 km
SH1	Student Housing at Heworth Court		6 km
H3 <sup>7</sup>	Burnholme School (72 dwellings)		6.1 km
H22	Former Heworth Lighthouse (15 dwellings)		6.4 km
H7	Bootham Crescent (856 dwellings)		6.6 km
H58	Clifton Without Primary School (25 dwellings)		6.6 km
E10	Chessingham Park, Dunnington (industrial development)		6.8 km
SS17/ST32 <sup>8</sup>	Hungate (483 – dwellings)		7 km
H23 <sup>9</sup>	11 dwellings at the Former Grove House EPH		7 km
H56 <sup>10</sup>	Land at Hull Road (70 dwellings)	7.3 km	

<sup>6</sup> Allocation already consented and construction commenced.

<sup>7</sup> Consent for an 80 bedroom care home granted in October 2017. Work commenced and due to be completed October 2020. Potential impacts to European sites not been addressed despite being within 6.1km of Strensall Common SAC. End use as care home likely to preclude issues arising.

<sup>8</sup> Allocation already consented, construction commenced and earlier phases completed.

<sup>9</sup> Allocation consented for development construction was due to commence in September 2019. No consultees commented regarding European sites despite it being within 7 km of Strensall Common SAC.

<sup>10</sup> Allocation consented for development construction was due to commence in Spring 2020. No consultees commented regarding European sites despite it being within 7.3 km of Strensall Common SAC.

July 2021

**Policies E10 and E11**

- 6.2.2 These policies have been screened out due to them being allocated for employment use where impacts will be more localised and lying 6.8 km and 4 km respectively, so sufficiently far enough from Strensall Common SAC not to have impacts on this European Site.

**Policies H3, H23**

- 6.2.3 These policies have been screened out as they have already been consented and completed, although it is noted that they were not assessed for impacts on Strensall Common SAC prior to being permitted.

**Policies SS19/ST35, H59 and E18**

- 6.2.4 Each of these policies and allocations (SS19/ST35, H59 and E18, shown in Figure 3 below) are assessed as being capable of resulting in likely significant effects alone on the qualifying natural habitats of Strensall Common SAC i.e. wet and dry heath. In addition, typical species where present, could also be affected.
- 6.2.5 All three of these policies cover land immediately adjacent to the SAC.



**Figure 3: Allocations ST35, H59 and E18. Strensall Common SAC shaded in orange hatching (CYC Publication Draft Local Plan Policies Map CD004A)**

- 6.2.6 The risk of likely significant effects results from risks of:
- Change to the local hydrological regime as a result of development immediately adjacent to the SAC (i.e. QEB alone). Potential effects could arise to the aquatic environment via localised changes to hydrology, hydrogeology and water chemistry, arising through surface/groundwater changes (i.e. run-off, sedimentation, erosion etc.)

July 2021

- Increased air pollution arising from increased road traffic from QEB and Towthorpe Lines.
- Recreational pressure, alone from QEB (ST35 and H59) and E18 Towthorpe Lines.

6.2.7 As these policies risk likely significant effects alone, they are considered in more detail in Sections 7 and 8 of this report that provides additional information to inform the Appropriate Assessment part of the HRA process.

**Policies SS9/ST7, SS10/ST8, SS11/ST9, SS12/ST14, SS15/ST17, SS17/ST32, H1, H7, H22, H31, H46, H55, H56, H58, SH1**

6.2.8 The above policies are screened in as being capable of resulting in likely significant effects as a result of increased recreational pressure which has been shown by visitor surveys could result from residential developments up to 7.5km.

6.2.9 It is noted that SS15/ST17 was not screened or assessed under the Habitats Regulations. Natural England did provide comment on this phase of this allocation which is Block H under Planning Application ref: 20/01867/EIASN summarised in the City of York Council Development Management Officer Report dated 4 December 2020: *"It is Natural England's advice, on the basis of the material supplied with the consultation, that significant effects on statutorily designated nature conservation sites or landscapes are unlikely. The proposed development is not located within or partly within any Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) or Ramsar Site and is not likely to significantly affect the notified interest features of such sites. The proposal is not located within or partly within a National Park, Area of Outstanding Natural Beauty or Heritage Coast and is unlikely to impact upon the purposes for which these areas are designated or defined"*.

July 2021

- 6.2.10 There is no mention in Natural England's assessment of the potential for this development to result in increased use of Strensall Common SAC, even though the site lies within the 5.5km zone of influence identified by the Footprint visitor survey commissioned in the light of Natural England's comments on the Local Plan.. Natural England have stated in correspondence associated with the QEB allocations in April 2020 that they do not believe developments over 5 km are likely to impact on Strensall Common SAC, however this is not supported by the evidence contained in the Footprint and PCP visitor surveys.
- 6.2.11 For H1, H3, H23, H56 these were also not assessed against the Habitats Regulations nor did any consultee comment on the need to assess these against the Habitats Regulations when planning applications were made despite these lying within 6.1 and 7 km from Strensall Common SAC. It would therefore appear that the adoption of the policy to disregard impacts from residential developments over 5.5 km from Strensall Common SAC proposed in the CYC Waterman HRA is already being implemented without an adopted Local Plan with such policies included, or the consideration of impacts to Strensall Common SAC is not being consistently applied.

### 6.3 Screening Conclusion

- 6.3.1 Policies E10, E11, H3 and H23 have been screened out and require no further assessment. H3 and H23 have been ruled out as they have been consented and completed, however it is noted several of these have not been assessed under the Habitats Regulations.
- 6.3.2 It has not been possible to rule out all likely significant effects during the screening stage for the following policies alone:
- SS19/ST35
  - H59
  - E18.
- 6.3.3 In addition, the following policies that lie within 7.5 km of Strensall Common SAC cannot be ruled out of the screening stage due to the risk of likely significant effects occurring due to their location principally relating to an increase in recreational pressure on Strensall Common SAC.
- SS9/ST7
  - SS10/ST8
  - SS11/ST9
  - SS12/ST14

July 2021

- SS15/ST17
- SS18/ST33
- H1, H7, H22, H31, H46, H55, H58
- SH1.

6.3.4 The People Over Wind and Sweetman v Coillte Teoranta (C-323/17) case, has clarified how avoidance and mitigation measures are considered for in the HRA process. The 'People Over Wind' judgement states that "*...it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects [mitigation] of the plan or project on that site*".

6.3.5 The consideration of likely significant effects is made without considering any avoidance or mitigation measures. These are examined in the Appropriate Assessment stage of the assessment (Section 7) in line with the above case law.

6.3.6 Appropriate Assessment is required to ascertain if avoidance or mitigation measures can be identified and implemented to ensure no adverse effect on the integrity of the protected site will occur as a result of these policies.

July 2021

## 7 Appropriate Assessment

### 7.1 General

- 7.1.1 The screening assessment concluded that there is a risk of likely significant effects on Strensall Common SAC from housing allocations within 7.5 km of the SAC. In particular, allocations SS19/ST35, H59 and E18 that lie adjacent to the SAC risk more significant impacts including effects on hydrology, air pollution and edge effects and increased recreational pressure from residents of the allocations. Those additional allocations that lie within 7.5 km also risk increasing recreation and increasing impacts on the SAC which could also create an adverse effect on the integrity of the SAC. Therefore, further information to inform an Appropriate Assessment is required.
- 7.1.2 The following information considers the policies against the European Site's conservation objectives to identify whether adverse effects on site integrity are likely and what, if any, measures can be adopted to avoid or mitigate adverse effects.
- 7.1.3 For the purposes of the SS19/ST35 and H59 policies it is clear that without a clear understanding of how these sites could be developed, and suitable Policy-based controls over certain aspects of the developments, these policies could risk adverse effects on the integrity of the SAC. The existing SS19 and minor modifications to the policy, dated 25 May 2018, describe a number of the measures that would be required, but there are further modifications that need to be made in order to achieve the level of control required to properly mitigate the risk of this development causing adverse effects. For this reason, DIO has developed a Mitigation Masterplan for ST35 and H59 (see Appendix G) which could be referenced within or reflected in amended policies.
- 7.1.4 In relation to the risk of adverse effects on the SAC and its typical species this is examined in each section below. Firstly, the identification of issues (Section 7.2 onwards) is presented followed by the avoidance and mitigation measures (Section 8) that DIO have identified that can be implemented to address these risks.

### 7.2 Existing Use - Visitor Surveys

- 7.2.1 A large part of the evidence base that informs the assessment is derived from the visitor surveys carried out by Footprint Ecology (Liley and Lake. 2019) and Pickersgill Consultancy and Planning Ltd (Pickersgill Consultancy. 2019).

July 2021

### Methodologies

7.2.2 There have been two visitor surveys undertaken in respect of the SAC, one commissioned in 2018 by CYC and undertaken by Footprint Ecology and one commissioned in 2019 by DIO and undertaken by Pickersgill Consultancy and Planning Ltd.

### Footprint Ecology Visitor Survey

7.2.3 The Footprint Surveys were carried out between July to September 2018 using a combination of surveys as listed below.

- Face-to-face interviews taking information from 199 interviewees over 64 hours in August and September 2018 at:
  - Scott Moncrieff Road car-park Main car-park(SE6358 5982 – western-most ‘P’, parking area shown on the map at Appendix H)
  - Galtres car-park Main car-park (SE6485 6120 northernmost ‘P’, parking area shown on the map at Appendix H)
  - On Foss Walk, YWT section by sewage works, at track junction and close to railway crossing. Likely to be low levels of use (SE6469 6161).
- Tally counts on the same days as questionnaires in August and September 2018
- Eight car park transects to count vehicles (July-September 2018)
- Two automated counters using camera traps; one at the south western boundary with the golf course and one on the brown route on the far eastern boundary of the SAC, were put out in July for the first one and July-September 2018 for the second, and habitat mapping between 13-15 September 2018.

### Pickersgill Consultancy Visitor Survey

7.2.4 The Pickersgill were carried out between June to September 2019 as follows:

- Face-to-face interviews with 251 visitors between June-August 2019 at the following locations:
  - Car Park 1: Scott Moncrieff Road car-park. Main car-park (SE 6358 5982)
  - Car Park 2: Galtres car-park Main car-park (SE 6485 6120)
  - Car Park 3: Corner of Common Road and Lord Moors Lane. Edge of site close to railway crossing (SE 6520 6183).
- Direct counts of visitors, dogs, horses, bicycles and vehicles

July 2021

- Counts of vehicles in car-parks and laybys June-August 2019
- Cameras or automated counters to capture 'everything that moves' at selected locations 27 June-11 July 2019 and 25 July-8 August 2019
- Counts made across all entry points to the Common using a mixture of cameras and fieldworkers with the objective of counting people, dogs and cars at all entry points to the Common, one firing weekday on 19 September 2019 and one non-firing weekday Friday 20 September 2019).

### Conclusions of the Visitor Surveys

7.2.5 A summary of the Footprint Ecology Visitor Survey found the results presented in Table 7 and Figure 4 below.

**Table 7: Footprint Ecology Visitor Survey 2018 Results**

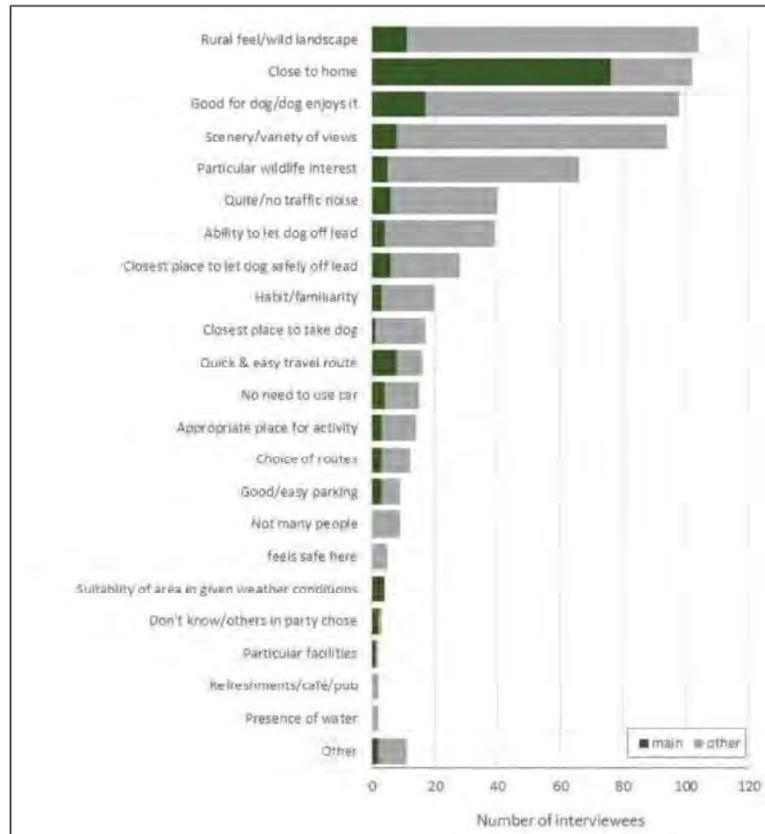
Category	Number of People/Groups	Percentage
Number of people/groups interviewed	199	N/a
Number of dogs observed	190	N/a
Interviewees staying less than 30 minutes	41	21%
Interviewees staying between 30 minutes to 1 hour	104	52%
Interviewees staying 1-2 hours	45	23%
Interviewees staying 2-3 hours	6	3%
Interviewees staying 4 hours+	3	2%
Interviewees had taken a day trip/short visit from home that day	190	95%
Interviewees were people staying away from, home with friends/family	5	3%
Interviewees that were on holiday or staying in second home/mobile home	4	2%
Interviewees visiting site alone	127	64%
Number of people/groups that had at least one dog with them	126	63%
Number of dogs off lead during interview <sup>11</sup>	85 (dogs)	45%
Interviewees travelled by car	134	67%
Interviewees arrived on foot	64	32%
Interviewees arrived by bike	1	1%
Visitors coming to SAC from 2.9 km radius	99.5	50%
Visitors coming to Strensall from radius of 5.5km	149	75%
Interviewees that stated all their visits took place at Strensall Common SAC itself	50	25%

<sup>11</sup> However, as interviews were undertaken at entry points and main car-parks numbers of dogs let off the lead is not indicative as they could have been off the lead when entering or leaving the site/cars and does not give a true reflection of whether they were on or off the lead during the walk.

July 2021

Category	Number of People/Groups	Percentage
Interviewees said 75% or more visits were to Strensall Common SAC	64	32%
<b>Activities:</b>		
Dog walking	139	70%
Walking at Strensall	28	14%
Walking at Foss Way	9.8	35%
Outing with family	11	6%
Jogging/power walking/running	9	5%
Cycling	3	3%
Meeting up with friends	3	3%
Other	3	3%
Photography	2	1%
Bird/wildlife watching	1	1%
<b>Reasons for visit:</b>		
Close to home	101	51%
Good for dog/dog enjoys it	94	47%
Scenery/variety of views	98	49%
Quiet/no traffic noise		See graph below
Rural feel/Wild landscape	103	52%
Particular wildlife interest		See graph below
Ability to let dog off lead		See graph below
Habitat/familiarity		See graph below
Closest place to take dog		See graph below
Quick & easy travel route		See graph below
No need to use car		See graph below
Appropriate place for activity		See graph below
Choice of routes		See graph below
Good/Easy Parking		See graph below
Not many people		See graph below
Feels safe here		See graph below
Suitability of area in given weather conditions		See graph below
Didn't know/others in my party chose		See graph below
Particular facilities		See graph below
Presence of water		See graph below
Other	11	6%

July 2021



**Figure 4: Summary of responses for other reasons to visit Strensall Common SAC from Footprint Ecology Visitor Survey**

7.2.6 The majority, 92%, of the Footprint Ecology interviews were conducted at the two main car parks with access to the Training Area at Scott Moncrieff Road and Galtres car parks. Interviews conducted on the two-person days of fieldwork undertaken in August amounted to 51%, with the remaining 45% undertaken on six-person days in September.

7.2.7 The most commonly used routes as illustrated by Map 11 in the Footprint Ecology Visitor Survey report (in order of density):

- Northern part of red route (15-100 interviewees)
- Circular route from Galtres car park down to south of red route and back up (0-100 interviewees)
- Parts of black route (15-100 interviewees)
- Southern red route (varies between 5-10 and 10-15 interviewees)
- Brown route (10-15 interviewees)

July 2021

- All others including desire-lines (0-5 interviewees).

7.2.8 The Footprint Ecology Visitor Survey estimated an increase from all residential housing allocations within the CYC Local Plan up to 7.5 km from Strensall Common SAC to amount to a 24% increase in recreational use. Of this 24% Footprint calculated that the ST35 and H59 allocations would be responsible for 18% and the remaining 6% would stem from other housing allocations proposed within 7.5km.

7.2.9 A summary of the PCP Visitor Survey is shown in Table 8 below.

**Table 8: Pickersgill Consultancy and Planning Ltd (PCP) 2019 Visitor Survey results**

Category	Number of People/Groups	Percentage
Number of people/groups interviewed	251	N/a
Number of dogs observed	236	N/a
Interviewees staying less than 30 minutes	45	18%
Interviewees staying between 30 minutes to 1 hour	133	53%
Interviewees staying 1-2 hours	58	23%
Interviewees staying 2-3 hours	8	3%
Interviewees staying 3-4 hours	3	1%
Interviewees staying 4 hours+	8	3%
Interviewees had taken a day trip/short visit from home that day	222	92%
Interviewees were people staying away from, home with friends/family	8	3%
Interviewees that were on holiday or staying in second home/mobile home	5	2%
Interviewees taking a break from work	5	2%
Interviewees - other	3	1%
Interviewees visiting site alone	163	65%
Number of people/groups that had dog with them	188	72%
Number of dogs off lead during interview	105	42%
Interviewees travelled by car	151	
Interviewees arrived on foot	69	
Interviewees arrived by bike	0	0
Median distance visitors travelled to SAC	2.5 km	
Visitors coming to Strensall from radius of 5.5km	152	
Interviewees that stated all their visits took place at Strensall Common SAC itself	60	24%
Interviewees said 75% or more visits were to Strensall Common SAC	68	27%
<b>Activities:</b>		
Dog walking	162	72%
Walking at Strensall	5	14%
Outing with family	Not recorded	

July 2021

Category	Number of People/Groups	Percentage
Jogging/power walking/running	5	2%
Cycling	Not recorded	
Meeting up with friends	Not recorded	
Other	16	6%
Photography	Not recorded	
Bird/wildlife watching	13	5%
Enjoying fresh air/scenery	5	2%
<b>Reasons for visit:</b>		
Close to home	143	57%
Good for dog/dog enjoys it	48	19%
Scenery/variety of views	30	12%
Good/Easy Parking	25	10%
Quiet, with no traffic noise	23	9%
Rural feel/Wild landscape	20	8%
Other	65	26%

7.2.10 The PCP Visitor Survey Interviews conducted were 49% from Scott Moncrieff car park, 43% from Galtres car park and 20 interviews (8%) were conducted at the Car Park Three area – nearest the YWT reserve.

7.2.11 There are similar density maps in the PCP Visitor Survey Report for both non-firing days and live firing days. This shows that respondents did keep to footpaths for much of the time although they rarely completed the whole of one of the waymarked routes. The paths most likely to be used on non-firing days were parts of the yellow route, the red route close to the Scott Moncrieff and Galtres car parks and the brown route closest to the laybys (routes shown on the map at Appendix H), closest to the YWT part of the site. On firing days, respondents' routes were most likely to include parts of the yellow, red and black routes closest to Scott Moncrieff car park, the yellow and red routes closest to Galtres car park and the brown route closest to the YWT part of the site.

7.2.12 The PCP Visitor Survey recorded the following frequency of use of the waymarked footpaths:

- Black route - 17% of respondents
- Red Route – 49% of respondents
- Brown route – 18% of respondents
- Yellow route – 20% of respondents
- White – 2% of respondents. (There is no white route marked on the DIO information panel, at Appendix H, so it is assumed that these are unmarked routes).

July 2021

7.2.13 A summary of other results from the PCP Visitor Survey found:

- An estimate of a total of 124,000 people, or 340 people per day, are likely to visit the Strensall Common SAC in 2019 for recreational purposes. In addition, 200 dogs, 14 bicycles and 30 vehicles are likely to enter the Common and pass beyond the car parks every day on average over the year.
- The majority of visitors enter via either the Scott Moncrieff Road Car Park (37%) or the Galtres Car Park Two (30%). However, Camera Point Seven (located on Howard Road to the west of Scott Moncrieff Road – NGR: SE 63466 59615) is also an important entry point, used by 19% of visitors.
- The number of visitors is estimated to be 95% higher on a non-firing weekday compared with a firing weekday, but 'only' 52% higher on a non-firing weekend compared with a firing weekend. This difference is also likely to be explained by the level of prior knowledge of firing days by visitors.
- An average of 10.7 vehicles at any one time were parked in one of the car parks or laybys allowing access to the Strensall Common site. Almost all (97%) of these vehicles were cars. Each vehicle brought an estimated 1.4 people to the Common.
- The PCP Visitor Survey estimated an increase of 23.6% of visitors to the Strensall Common SAC resulting from housing allocations within 7.5 km of the site. The breakdown for the ST35 and H59 allocations resulting in an increase of 14% with 9.6% from other allocations within 7.5km.

7.2.14 Both surveys found that:

- Just over half of visitors to the site came because it was close to home (51-57% of the survey samples)
- A total of 92-95% of visitors had visited the site for a short trip from home/day trip on the day interviewed.
- The largest proportion of use of the Strensall Training Area was for dog walking 70-72%.
- Walking was the second most frequent activity at 14% of both survey samples.
- Just over half (52-53%) the visitors to the site stayed for between 30 minutes and 1 hour.
- Visitor numbers are relatively constant throughout the summer and early autumn survey period (no surveys undertaken in winter and early spring however).

7.2.15 The visitor surveys (Footprint Ecology, 2018 and Pickersgill Consultancy, 2019) attempt to collect data in an objective way and apply statistical analysis to the data

July 2021

gathered, but there are several factors that need to be considered in interpreting the results of the surveys:

- The number of interviewees is a relatively small sample number (199 for the Footprint Ecology Visitor Survey in 2018 and 251 for the PCP Visitor Survey in 2019). Therefore, as the percentages to express proportions of use/increases can reflect artificially high changes with such small samples, the margin for error is high.
- There is a risk of bias in the results as visitors may be repeat visitors on the days questionnaires were carried out and the bias of their particular activity may be reflected in the results. i.e. if an individual or group visits daily to walk their dog that could show an over-representation of that one activity by one individual/group.
- The locations chosen for questionnaires focus on the most used access points to the site and are largely where visitors arrive by car and not majority pedestrian accesses like Howard Road. Therefore, there could be a bias in the results relating to these locations and therefore increases the margin for error.
- The surveys having been carried out on a restricted number of days means that both surveys provide a snapshot of activity at the SAC with a wide variety of variations. Below we use the data and provide some context of what these numbers and percentages mean in relation to the housing allocations.

## 7.3 Scope of Assessment

7.3.1 The following allocations for residential housing lie within 5.5km of Strensall Common SAC and have been screened in to be assessed for impacts to Strensall Common SAC as the visitor surveys have shown an increase of recreational use of the SAC will result from an increase in visitors from allocations up to 5.5 km from the SAC.

**Table 9: Local Plan Allocations within 5.5 km of Strensall Common SAC at risk of causing adverse effects**

Policy Ref	Policy Title	Risk of Likely Significant Effect	Distance from SAC <sup>12</sup>
SS19/ST35	Queen Elizabeth Barracks, Strensall (500 dwellings)	Edge effects Increase in recreational pressure Air pollution Hydrology	Immediately adjacent
H59	Queen Elizabeth Barracks – Howard Road, Strensall (45 dwellings)	Edge effects Increase in recreational pressure Air pollution Hydrology	Immediately adjacent

<sup>12</sup> As the crow flies. Travel by road may be more or less.

July 2021

Policy Ref	Policy Title	Risk of Likely Significant Effect	Distance from SAC <sup>12</sup>
E18	Towthorpe Lines, Strensall (employment development)	Edge effects Increase in recreational pressure Air pollution Hydrology	Immediately adjacent
SS11/ST9	Land North of Haxby (735 dwellings)	Increase in recreational pressure	2.1 km
SS10/ST8	Land North of Monks Cross (968 dwellings)		2.5 km
H46	New Earswick (104 dwellings)		3.5 km
SS12/ST14	Land West of Wigginton Road (1,348 dwellings)		4.6 km
SS9/ST7	East of Metcalfe Lane (845 dwellings)		4.8 km
SS15/ST17	Nestle South (863 dwellings)		5.5 km

- 7.3.2 This totals 5,408 residential units (excluding SH1 for which there is no capacity figure provided and excluding H2 and H23 which have already been built out).
- 7.3.3 The original Footprint Ecology Visitor Survey identified 6,653 new dwellings were proposed within 7.5km of the SAC, an overall increase of 14% of the housing stock of the area. Therefore, relating assessments using the Footprint Ecology data is now an overestimate, but does provide estimates on a precautionary basis.

### ST35, H59 and E18

- 7.3.4 These allocations were scoped in for assessment due to being adjacent to the SAC comprising 545 dwellings and at risk of leading to edge effects and an increase in recreational use by 13.4% at ST35 and to 1.2% at H59.
- 7.3.5 E18 is not anticipated to produce recreational impacts being allocated for employment use, but as it is adjacent to the boundary with the SAC a secure boundary must be installed to avoid any access by site users.

July 2021

**Allocations within 5.5 km of Strensall Common SAC**

- 7.3.6 SS9/ST7, SS10/ST8, SS11/ST9, SS12/ST14, SS15/ST17 and H46 allocations lie between 2.1 to 5.5 km comprising an anticipated 4,863 new dwellings.
- 7.3.7 These have the potential to create adverse effects alone as they comprise the remaining 8.6% anticipated increase in recreational pressure.
- 7.3.8 The anticipated increases in recreational use of the SAC resulting from each allocation are:
- SS10/ST8 - 3%
  - SS11/ST9 - 3%
  - SS12/ST14 - 1%
  - SS9/ST7, SS15/ST17 and H46(A) would contribute 1.6% between them.

**Allocations over 5.5km from Strensall Common SAC**

- 7.3.9 SS17/ST32, H1 Phases 1 and 2, H7, H22, H31, H55, H56, H58 and SH1 all lie between 6 km and 7.3 km from the SAC boundary comprising a total of 1,953 anticipated dwellings.
- 7.3.10 The Footprint Ecology data shows that those interviewed who had travelled to the SAC from a distance over 5.5 km distance were very few, 3 each, at each 500 m range up to 7-7.5 km, at which none were recorded. The PCP Visitor Survey found a much greater proportion of their interviewees had travelled more than 5 km to the Common (40.6%, 42 interviewees out of 221) compared to the Footprint Ecology dataset (15%). However when comparing these visit rates by distances there is no significant change to the level of risk of these causing adverse effects to the SAC.
- 7.3.11 Due to their distance from Strensall Common SAC, together with the low numbers of interviewees identified from these distances in the visitor surveys, the likely predicted increases in recreational pressure resulting from these allocations is negligible. These are therefore scoped out of further assessment.

July 2021

## 7.4 Potential Effects of Recreational Use

### Edge Effects

7.4.1 The most significant risks associated with residential housing being located next to a heathland SAC have been well documented<sup>13</sup> and comprise edge effects associated with urban development and the proximity of large populations. These usually manifest themselves in the form of:

- Residents creating their own accesses into the protected site which can damage habitats and are difficult to manage. Impacts resulting from recreational pressure from neighbouring residents is discussed below.
- Fly-tipping of rubbish and garden waste from properties neighbouring the protected site which can smother and alter the species composition and condition of qualifying habitats.
- Loss or degradation of qualifying habitats due to direct loss for construction or indirect effects such as altering ground conditions that reduce the quality of the habitats and reduce the ability of those habitats to support key species.
- Predation of qualifying species features by domestic pets (particularly cats), this has been particularly the case where those features are Annex I ground nesting birds.

### Proximity of Residential Development

7.4.2 The QEB site lies within the village of Strensall with an estimated population of 5,998 residents. The camp and the majority of its buildings are contained within a regularly maintained security fence lying between the camp and the SAC which it borders on its northern, eastern and southern sides. The boundaries running north and south from Howard Road bordering the SAC are largely also wooded creating an additional vegetative boundary between the camp and the SAC. The majority of existing buildings are located away from the SAC boundary within the QEB site with the existing Reserve Force and Cadet Association (RFCT) Building being the closest to the SAC, adjacent to the eastern boundary with the SAC.

---

<sup>13</sup> (Kirby & Tantram.1999) (Haskins. 2000) (Lily and Clarke. 2002) (Murison G. 2002) (Elsevier. 2003) (David Tyldesley & Associates. 2005) (Underhill-Day. 2005) (Liley et al. 2005a and b) (Rose & Clarke. 2005 and 2006) (Taylor et al. 2005) (Liley et al. 2005) (Liley D et al. 2006) (Clarke et al. 2006) (Liley et al. 2007)

July 2021

*Identification of Potential Impacts*

- 7.4.3 Locating residential development next to protected sites increases the risk of residents creating their own short-cuts and accesses on to the protected site from their properties. By having housing bordering a protected site the control of what happens from their boundaries can be hard to manage where sites are open to access and the boundaries are “soft”.
- 7.4.4 Properties being close to protected sites also raises the risk of residents fly-tipping waste and particularly garden waste over their boundaries and on to the protected site (as discussed below).
- 7.4.5 These are issues that have traditionally been difficult to prevent or manage due to it being too difficult to re-educate residents to stop them, too difficult to monitor boundaries regularly enough to spot any issues and deal with them and too difficult to regularly check for boundary breaches and rectify them before damage is done.
- 7.4.6 As the ST35 and H59 policies contain no level of detail of site layout there is a risk that without further restrictions the policies could create a situation where residential units could be built up against the SAC boundary and create a high risk of these effects occurring.
- 7.4.7 For E18 employment use allocation at Towthorpe Lines, as this is not residential use the risks of edge effects are considered to be much less but access and the risk of fly-tipping by site users do need to be considered.

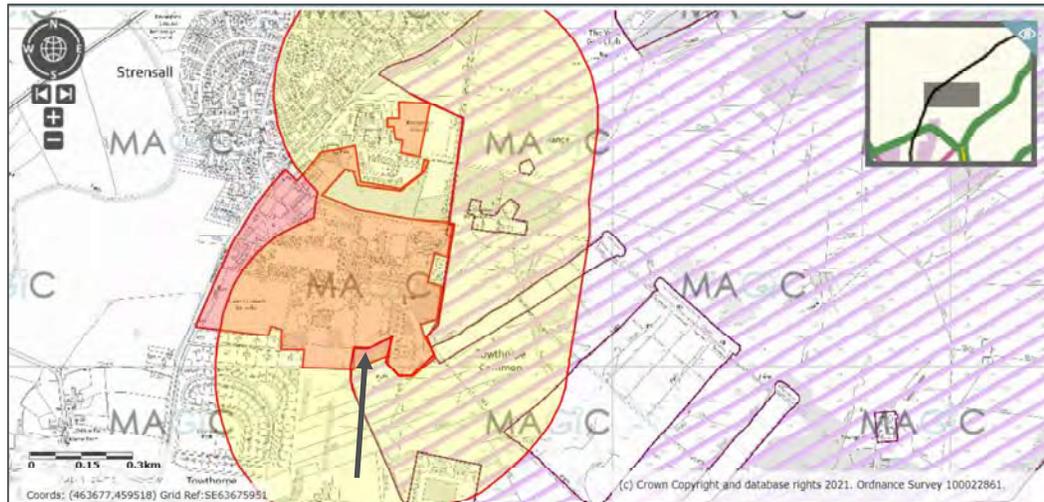
**Fly-tipping**

- 7.4.8 Fly-tipping of garden waste or rubbish directly from residential properties and gardens that back on to European Sites (Underhill-Day. 2005. David Tyldesley & Associates. 2005) can result in the loss and degradation of habitats through nutrient enrichment and the introduction of non-native and invasive species. There would be a high likelihood of this occurring if residential development was located immediately adjacent to the SAC boundary on the QEB site. As the ST35 and H59 policies contain no level of detail of site layout the assumption has been made in previous assessments of the proposed Local Plan that the policies would cause this effect on the assumption that properties would be built up to the edge of the QEB site which abuts the SAC boundary.
- 7.4.9 In relation to policy E18 Towthorpe Lines, this has been allocated for employment use therefore the difference in end use will affect how the site is used and where risks lie. The risk of fly-tipping arises from users and visitors of the site if occupants of the site dump rubbish over the boundary. As this is currently used as a military site it is already surrounded by a robust metal security fence which prevents access from the majority of the SAC. This could be altered slightly for the change of use by ensuring the fence is brought around the allocation site boundary as the north western section around which the fence borders currently lies within the SAC.

July 2021

### Loss or Degradation of SAC Habitats

- 7.4.10 The current ST35 allocation boundary has a section of Strensall Common SAC to the south included within its boundary as shown in Figure 5 below.



**Figure 5: Location of Strensall Common SAC boundary (purple hatching) in relation to ST35 housing allocation. Arrow indicating area of SAC within ST35 allocation area (Map source: DEFRA Magic Online Interactive Map resource. Accessed 2021<sup>14</sup>)**

- 7.4.11 DIO have confirmed they would have no intention of including that area of land for residential development and would clearly demarcate that boundary with fencing as described in Section 9 to ensure no edge effects or direct land take can occur.
- 7.4.12 No other parts of the SAC are included in the allocation; therefore no direct land take or loss of habitats is likely to result.
- 7.4.13 E18 Towthorpe Lines allocation site excludes any land within the SAC albeit lies adjacent to it. Therefore, no direct loss of habitats will result from this allocation.
- 7.4.14 The impacts on habitats relating to the risk of changes to hydrology are explored further below.

<sup>14</sup> Map produced by MAGIC on 7 June 2021. © Crown Copyright and database rights 2021. Ordnance Survey 100022861. Copyright resides with the data suppliers and the map must not be reproduced without their permission. Some information in MAGIC is a snapshot of information that is being maintained or continually updated by the originating organisation. Please refer to the documentation for details, as information may be illustrative or representative rather than definitive at this stage.

July 2021

### Domestic Cat Predation

7.4.15 Cat predation has been studied over many years to ascertain whether it poses a significant risk to the conservation of biodiversity. Generally speaking, research has found that:

- Approximately one quarter of households in the UK own at least one cat.
- Cats are generalist predators with their populations artificially raised due to them relying on humans for food so their populations are not limited.
- Cats primarily hunt and kill small mammals followed by birds, with reptiles, amphibians and invertebrates being preyed upon to a much lesser extent.
- Male cats tend to range further than female cats.
- Both sexes range further at night than during the day.
- Average distances of cats depend on a range of factors but are typically 300m to 1.5 km, with the average being 400m. (Underhill-Day. 2005. Floyd 2013).
- Effects on wildlife depends on whether cats are preying on animals that would have died anyway (compensatory) or the death of the animal is a loss to the population (additive) which is difficult to ascertain without detailed study of population dynamics.
- There is limited evidence that measures are effective in mitigation, but the following have shown to have some effectiveness:
  - Bells attached to collars reduced predation of mammals by 34% and birds by 41%<sup>15</sup> with some studies showing a reduction in predation by more than half
  - Ultra-sonic collars reduced mammal captures by 38%
  - Exclusion zones ranging from 300m-2.4 km dependent on rural or urban fringe locations, amount of development nearby and habitat types and the features to be protected
  - Fences of the following specifications have been shown to exclude cats as long as they are maintained intact:
    - Mesh of a gauge of 50mm would exclude both adult and juvenile cats<sup>16</sup>

---

<sup>15</sup> Floyd and Underhill-Day. 2013 referring to Nelson. 2005

<sup>16</sup> Floyd and Underhill-Day. 2013 referring to Day & MacGibbon. 2002

July 2021

- 1.8m high with a 60cm overhang
- 1.2m fence with a 1.5-2m angled top using fibreglass rods and plastic netting
- 2m fence with rolled sheet steel top attached horizontally and extending out from top of fence by 33cm
- (Floyd and Underhill-Day. 2013 referring to Robley 2006 and Day & MacGibbon 2007).

#### *Identification of Potential Impacts*

- 7.4.16 Much of the research underpinning these concerns in the UK stemmed from the urbanisation of heaths in Dorset originally, followed by the Thames Basins Heaths. These sites were first designated for a suite of Annex I bird species - nightjar, woodlark and Dartford warbler – which were found in numbers sufficient to designate the sites as Special Protection Areas (SPA) under the EC Birds Directive. Subsequent research has examined the range of domestic cats and the potential for them to affect these birds, stone curlew in Breckland, mammals and to a lesser degree reptiles, amphibians and invertebrates (Underhill-Day. 2005. Woods et al. Undated. Floyd & Underhill-Day. 2013.).
- 7.4.17 Strensall Common SAC is designated purely for its dry and wet heath habitats under the Habitats Regulations. There are no qualifying species or typical species identified that are likely to be affected by cat predation.
- 7.4.18 Cat predation could affect wider biodiversity that is associated with the SAC habitats including birds and small mammals and to a lesser extent reptiles and amphibians. Natural England have stated in their Supplementary Information for the SAC that there is “*a significant breeding bird community*” supported by Strensall Common SAC including “*woodlark, stonechat, curlew being regular breeding species and nightjar also being recorded as present*”. Referring to the Holohan case 2018<sup>17</sup> these species are not related to the consideration of impacts against the conservation objectives so not a feature that affects the conclusion of the HRA. The information is provided here to demonstrate an awareness of the wider implications for the site that could contribute a net loss of biodiversity which the MOD would wish to prevent as a matter of course.

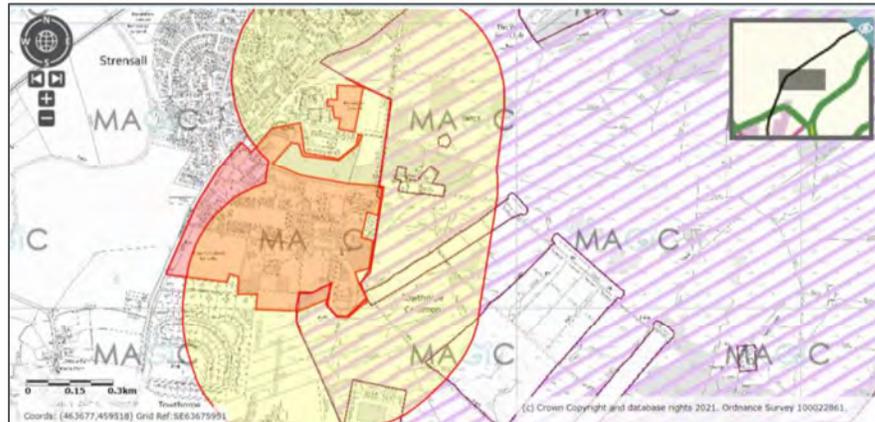
---

<sup>17</sup> Holohan v. An Bord Pleanála (C-461/17) 2018

July 2021

- 7.4.19 Domestic cats' typical ranging distance has been identified at 400m. The longest distance recorded for cats travelling between two points has been 1.5km, a mean of 1.107km for males and 806m for females (Underhill-Day 2005). For the purposes of protecting the Dorset and Thames Basins Heaths an approach has been adopted in planning policies to exclude any residential development within 400m of a SAC or SPA heathland site principally to protect the SPA features, but also to avoid impacts to the heathland habitats which have been shown to increase with intense urbanisation directly adjacent to protected sites. Other authorities have also considered adopting such a policy where ground nesting birds are a feature of the protected sites such as Breckland, Wealden District, East Hampshire District Council, East Devon. The Waterman HRA references a 400m policy operating around Cannock Chase SAC but this is not correct. There is no such policy in operation within any of the planning authority areas bordering the SAC.
- 7.4.20 The 400m zone from the SAC's western boundary as the crow flies covers the majority of the QEB ST35 site and all of the H59 site.
- 7.4.21 From the ST35 boundary, the 400m zone stretches into the SAC and includes areas of live firing range floors which are excluded from the SAC boundary and do not support heathland. The area of the SAC which lies outside the ranges is a mix of woodland and scrub, acid grassland, wet and dry heath. There are more wooded habitats on the SAC to the east and north of the QEB site with areas dominated by heathland to the south of the allocation boundary. The boundaries of the QEB site largely include mature wooded areas that act to shield the camp from the adjacent land and tracks running alongside the outer boundary and within the SAC acting as something of a vegetative buffer. The outer security fence also runs along the outside of the QEB camp.
- 7.4.22 The range floors (shown below in white as excluded from the SAC in Figure 6) rise up in landform at their eastern end creating the range stop butts ("bullet catchers"), i.e. a high bund at the end of the range.

July 2021



**Figure 6: Illustration of 400m zone from western SAC boundary in relation to QEB (Map source: DEFRA Magic Online Interactive Map resource<sup>18</sup>. Accessed 2021)**

- 7.4.23 If residential development was located immediately adjacent to the SAC on the QEB site it can be seen that the average ranging area of domestic cats would stretch into the SAC and the risk of predation on biodiversity would require mitigation and management.
- 7.4.24 In relation to allocation of E18 at Towthorpe Lines, this has been allocated for employment use, therefore it is not anticipated that edge effects, and particularly cat predation is an issue likely to result from the implementation of this allocation for employment use.

#### Further Pressure on Hydrology

- 7.4.25 Construction adjacent to a SAC with heathland habitats raises the risk of run-off and drainage issuing on to the SAC and pulling water from the SAC which could affect the habitats, particularly the wet heath.
- 7.4.26 This has been considered and assessed in previous information submitted through the hearings process and is appended at Appendix I.

#### Assessment of Edge Effects

- 7.4.27 No direct land take will occur as a result of the allocations as long as the allocation boundaries are clearly drawn outside the SAC boundary.

<sup>18</sup> Map produced by MAGIC on 7 June 2021. © Crown Copyright and database rights 2021. Ordnance Survey 100022861. Copyright resides with the data suppliers and the map must not be reproduced without their permission. Some information in MAGIC is a snapshot of information that is being maintained or continually updated by the originating organisation. Please refer to the documentation for details, as information may be illustrative or representative rather than definitive at this stage.

July 2021

- 7.4.28 Without further detail and specifications embedded within the relevant policies there is a risk that the site layout for ST35 and H59 could result in residential units being located immediately next to the boundary of the QEB site with the SAC. If this was to occur it would give rise to a risk of residents creating their own accesses on to the SAC damaging habitats, creating additional trampling effects and creating issues from fly-tipping waste or garden waste on to the SAC.
- 7.4.29 Further discussion on the recreational pressure that could arise from the residential units on the QEB site is discussed in Section 7.5 below.
- 7.4.30 There is a risk that without mitigation cat predation could affect biodiversity on the Strensall Training Area although there is no risk of cat predation affecting qualifying features or typical species that would affect the assessment of the plan against the conservation objectives for the SAC.

### Recreational Pressure

- 7.4.31 The Recreational Ground Area within the SAC, indicated in the bye-laws, can be used by the public when military training is not occurring.
- 7.4.32 The MOD have established a range of waymarked paths to aid visitors to find their way around the site when military training is not taking place, these are illustrated on information boards in the car parks and entrances to the site (see Appendix H).
- 7.4.33 When military training is occurring, access gates are locked and red flags are flown to warn visitors they cannot enter the training area.



**Figure 7: Access Gate into Danger Area**

- 7.4.34 Notices are also posted on noticeboards at the entrances to the site listing the live firing days to inform the public (example shown in Figure 8). The bye-laws are also reproduced and displayed at the access points.

July 2021



**Figure 8: Bye-laws displayed on Strensall Common SAC site**

### *Identification of Potential Impacts*

7.4.35 The range of impacts relating to the qualifying features of the SAC that could arise from recreational pressure at the Strensall Military Training Area have been identified as the following, which are further detailed in the sections below:

- Trampling, leading to vegetation wear, soil compaction, erosion
- Increased fire incidence
- Disturbance to grazing livestock, resulting in grazing animals avoiding areas requiring management and potential difficulties in achieving the right levels and types of grazing
- Nutrient enrichment from dog fouling
- Contamination of ponds
- Contamination from fly tipping, litter etc.
- Damage to infrastructure (gates etc.), whether through wear and tear or direct damage from vandalism.

7.4.36 These are also identified in the Footprint Ecology Visitor Survey Report (Liley and Lake. 2019).

7.4.37 Incidents such as those described above could be caused by any visitor to the SAC and so any increase in the use of the SAC for recreation brings with it an increased risk of incidents occurring. CYC Waterman HRA 2020 collates data from two visitor surveys (Footprint and PCP) and uses this to assess the increase in recreational use of

July 2021

the SAC that is likely to result from proposed housing allocations within 7.5 km from the SAC.

## 7.5 Forecast Increases in Recreational Pressure

- 7.5.1 The Footprint Ecology Visitor Survey predicted an increase of 24% of recreational pressure to the SAC from all housing allocations in the proposed Local Plan up to 7.5km, with 18% resulting from ST35 and H59 together and 6% from all other allocations.
- 7.5.2 PCP predicted an increase of 23.6% of recreational pressure to the SAC from all housing allocations up to 7.5 km with 12.9% from ST35, 1.1% from H59 and 9.6% from all other allocations. This reflects the higher percentage of visitors PCP recorded from distances further afield than the local residential population.
- 7.5.3 In Footprint Ecology's Review of DIO's Statement for Matter 1 of the previous Hearings (Lily. 2020) combined the information from the PCP surveys, the predicted increases were revised to 23.2% for all allocations within 7.5 km from the SAC with 13.4% of that increase resulting from ST35, 1.2% from H59 and 8.6% resulting from all other residential allocations up to 7.5 km from the SAC. These latter figures are what will be referred to throughout this assessment.
- 7.5.4 The increased recreational pressure predicted for each allocation considered in this assessments is:
- ST35 is 13.4%
  - H59 1.2%
  - SS10/ST8 - 3%
  - SS11/ST9 - 3%
  - SS12/ST14 - 1%
  - SS9/ST7, SS15/ST17 and H46(A) would contribute 1.6% between them.
- 7.5.5 The visitor surveys carried out on Strensall Common SAC to inform HRAs found that Strensall Common SAC is used frequently for recreation by both local residents and residents from further afield (up to 7.5 km) who both access the site, predominantly by car, and visitors on holidays.
- 7.5.6 Neither report commits to whether the level of recreation experienced at Strensall Common SAC is low or high and a much more comprehensive dataset would be required to draw these conclusions. The survey reports focus on the proportions of activities amongst the relatively small sample size of 199 or 251 interviewees for which percentages can be misleading on their own. We try to apply some context below.

July 2021

- 7.5.7 A large proportion of those interviewed in both surveys came from the home the day they were interviewed: 92-95%; 190 and 222 interviewees respectively. They visit predominantly to walk dogs or for recreational walking.
- 7.5.8 Fifty percent of those interviewed (99.5) in the Footprint Ecology survey travelled from 2.9 km – an area roughly equal to Strensall and Towthorpe Parish. The PCP Visitor Survey also found the 49% of their interviewees came from Strensall itself.
- 7.5.9 The population of Strensall and Towthorpe Parish is 5,998<sup>19</sup>. The proportion of visitors to the Strensall Common SAC interviewed from this zone would equate to 1.66% of the parish population (and this is assuming the 199 are unique visitors). Therefore, 98.34% of the parish do not visit the SAC for recreation.
- 7.5.10 It can be seen that only a small proportion of local residents actually visit Strensall Common SAC although this does constitute a high percentage of those visiting the SAC.
- 7.5.11 One of the main concerns of the housing allocations arises from the increase in residents occupying the 545 residential units proposed within the ST35 and H59 allocations that are likely to add additional recreational pressure to the SAC. Being nearer the European Site there is an assumption that they would use it more frequently; this assumption is supported by the figures in the visitor surveys showing half of those interviewed visiting the SAC come from within a relative walking distance.
- 7.5.12 From looking at the Strensall village population and assuming the same proportions (1.6%) would use the SAC from the QEB site<sup>20</sup> that would equate to an additional 27 people regularly visiting the SAC.
- 7.5.13 Therefore, an increase in visitor numbers is likely to occur but this is likely only to be a small proportion of the residents from the QEB site. Taking the visitor surveys as an evidence base, these are likely to be accessing the SAC on foot and by car to the main points of access at Howard Road (by foot), Scott Moncrieff car park either by foot or car and Galtres car park - most likely by car.
- 7.5.14 Strensall Common SAC is 569.63 ha in size. The waymarked paths cover 20.6 km in their entirety and cross the majority of the SAC.

---

<sup>19</sup> City Population using data for, UK Office for National Statistics Available:

[https://www.citypopulation.de/en/uk/yorkshireandthehumber/admin/york/E04010463\\_strensall\\_with\\_towthorpe/](https://www.citypopulation.de/en/uk/yorkshireandthehumber/admin/york/E04010463_strensall_with_towthorpe/)

<sup>20</sup> If we assume an average household number of 3 people ([Strensall, York Population](#)) in 545 residential units this would increase the population of Strensall by 1,635, taking the 2019 census population of 5,998 to 7,633.

July 2021

- 7.5.15 The majority of visits are short generally up to 1 hour (52-53%), but with another proportion of 23% up to 2 hours which are more likely to be walkers or other visitors visiting for other reasons.
- 7.5.16 The majority of routes chosen and those most frequently used align with the waymarked routes and are the red and yellow routes in the north and west of the site nearest the Scott Moncrieff and Galtres car parks as well as the black route which is easily accessible via tarmac tracks to start with from the Scott Moncrieff car park, although these do go south and into the ranges so access is restricted here on firing days. The brown route is also relatively frequently most often accessed from the lay-bys near the YWT reserve.
- 7.5.17 The short time spent on site by the majority of visitors is consistent with dog walking activities and aligns to the heat maps produced in both Visitor Surveys from which it can be seen the most frequently walked routes are the north part of the red route and the black route which are both the shorter routes across the site. It is likely, and this is supported by comments in the PCP Visitor Survey, that dog walkers do not always follow a circular route given the time spent as most of the waymarked routes would take 1 hour or more to walk in their entirety.
- 7.5.18 The level of recreation at present (the baseline) is concentrated in the west and north of the site predominantly emanating from the two main car parks, Scott Moncrieff in the west and Galtres in the north, along well-worn paths. Although this could be biased by the locations the surveys were undertaken, the other accesses into the site would enable fewer visitors to access the site so it is assumed this is relatively accurate.
- 7.5.19 The majority of the access is relatively short, quick walks up to an hour to walk dogs. The pathways leading from Scott Moncrieff car park going south are tarmac roads leading round the range training buildings. These do eventually go out on to the ranges and become more grassy in character the further south they go. The route from Galtres car park tracking south west is through well-established woodland for the first two-thirds of the walk along the red route. It does open out on to heathland, but the route follows a well-worn, waymarked pathway that is followed by the majority of visitors walking this way until it joins back at the Scott Moncrieff car park.
- 7.5.20 Given that 67-69% of visitors interviewed arrive by car (including both those from the local area and further afield up to 7.5 km) it is expected that the majority of these visitors will retrace their steps back to the car park as few of the waymarked circular routes can be achieved within an hour that the majority of visitors undertook.
- 7.5.21 Few negative impacts have actually been identified through the Visitor Surveys and site visits in relation to habitat damage resulting from access as usage is concentrated on the waymarked pathways that are already established and remain marked both by waymarker signs and mown pathways or firebreaks or trodden pathways. The site habitats are difficult to walk through being tussocky in nature and boggy in wet heath areas and they naturally lead to a concentration of access on these well-worn

July 2021

pathways that go through non-heathland habitats or are already established through the middle of heathland on firebreaks (see Figure 9 below) assented by Natural England. Judging from the heat maps, visitors consistently take similar and a small range of routes and there is no reason to doubt that wouldn't happen with any new visitors to the site.



**Figure 9: Firebreaks used as pathways between heathland compartments**

- 7.5.22 Judging from the instances of fires, sheep worrying, littering that have been recorded and Natural England's own condition assessments of the SSSI/SAC, recreational pressure at present is not so significant that it is contributing to the unfavourable condition of the SSSI/SAC; in fact all the live units of the SSSI are currently assessed as being favourable.
- 7.5.23 Some of the issues such as sheep worrying and loss of animals to dogs highlighted by Footprint Ecology in their visitor survey have been reported to them from third parties and have not been observed. Moreover, the only records that appear to be available (contained within the minutes of the Conservation Group) indicate that there has been one report of worrying since 2013. The perception of incidents and the risk of significant adverse effects is not borne out by the evidence.
- 7.5.24 From speaking with site managers, although recreational impacts are known to occur, they are not considered significant in affecting the site management and grazing regime for the SAC heathland.
- 7.5.25 Below, the individual elements of recreational pressure are examined.

#### **Trampling, leading to vegetation wear, soil compaction, erosion**

- 7.5.26 The "Recreation Ground Land" as indicated in the bye-laws is available to the public, but only when no military training is taking place.
- 7.5.27 The majority of the access to the site occurs from the Scott Moncrieff Road car park, Howard Road for pedestrian access only (in the west of the site) and the Galtres car

July 2021

park (in the north of the Training Area) and the lay-bys either side of the railway in the north for the YWT part of the SAC. The majority of access across the site is on well-established waymarked paths (yellow, black, red, brown – see the DIO Strensall Access Information Panel map at Appendix H).

- **Yellow path** – is a well-established path that has been established and maintained from successive trampling and is now largely bare ground through the wooded area from Galtres car park which opens out on to heathland towards the south western part of the path. It starts and ends at Galtres and Scott Moncrieff Road car parks. This appears to be little used.
- **Black path** – this path starts at Scott Moncrieff Road car park. The northern part of this path follows the tarmacked tracks around Strensall Camp range facilities. It follows the security fence boundary with the SAC on grass as it goes south on the edge of the ranges themselves. This is a well-trodden path that is largely grass in character with heathland either side of it along this southern section. This is shown to be one of the more heavily used pathways in the Footprint Ecology Visitor Survey of Strensall Common.
- **Red path** – the northern path is concentrated through trampled pathways, largely through woodland areas of the site. In places there are wetter areas which has resulted in deviations away from the path, widening the area affected by trampling. The southern red path is established over a wide area of largely mown grassland maintained for firebreaks as part of the firebreak mitigation strategy for the site. Some wetter areas are on boardwalks on this route although these could be extended in places to make a more coherent network. The red path starts and ends at Galtres and Scott Moncrieff Road car parks. This is shown to be one of the more heavily used pathways in the Footprint Ecology and PCP visitor surveys of Strensall Common.



July 2021

**Figure 10: Red waymarked route on west of SAC through woodland**

- The **brown path** follows the same area as the southern part of the red route but then goes across the heathland in the north east of the site along the site boundary around the YWT managed area south of the railway track. The brown route starts and ends at Galtres and Scott Moncrieff Road car parks. This is shown to be more heavily used in the Footprint Ecology and PCP visitor surveys of Strensall Common but does also coincide with the red path.

7.5.28 There is evidence that other desire-lines have been created across the site. These are used much less. In some instances, these are due to avoidance of wetter areas on paths. There also seems to be occurrences where way markers are not clear and it is highly likely that some visitors are deviating from the paths not realising which way the path is intended to be followed. Respondents in the PCP Visitor Survey amounting to 4% highlighted that they were unsure of the route. This lack of waymarking can lead to visitors to deviate from the permissive waymarked routes. The Footprint Ecology Visitor Survey of Strensall Common shows these other routes to be used by between 0-5 interviewees.

7.5.29 The nature of the heathland habitat is such that it is not easy to walk over as it is often tussocky in nature and damp in the wet heath areas, so the site lends itself to be accessed by the majority of visitors via these marked pathways and mown, grassy paths and firebreaks. This is borne out by the heat maps produced in both visitor surveys showing the main concentration of access is along existing routes, although the entire waymarked routes appear not to be followed in their entirety for most (short) visits.

#### Increased fire incidence

7.5.30 The risk of fires is a common concern for heathlands which can have a dominance of dry vegetation over which fire can spread easily. Frequent, deep burns would be detrimental to the condition and quality of the heathland habitats for which the SAC is designated.

7.5.31 Fires are usually caused by intentional arson through anti-social behaviour of visitors to the site, accidental fire resulting from discarding litter from which fires can start such as cigarettes, glass, lighting of camp-fires and, more often these days, disposable barbecues. There is also a risk that military training can cause fires. Fires have occurred at the Strensall site, however, there have been only a small number of fires over the last 15 years and there is no evidence to suggest that these have caused lasting damage to the SAC.

7.5.32 Fire incidences are not routinely recorded at present by MOD or any other bodies, a problem other heathland areas in the country have found to be an issue when trying to quantify issues such as at the Dorset and Thames Basins Heaths, but they now record these and other incidents via their network of Wardens and Rangers and contacts through social media. However, from performing a review of STACG minutes, incidents

July 2021

reported to DIO and MOD staff, comments in condition assessments from Natural England, an assessment of past incidences of fire is presented below. It should be noted that the STACG is a consultative grouping of parties reflecting their concerns which has the tendency to present subjective levels of concern; it is not an objective source of information.

- 7.5.33 Over the last 15 years between September 2006 to March 2021, 13 incidences of fires are recorded. The most frequent incidences of fire in any one year recorded are 3 or 4 (the record is not clear) in 2018 which appear to be related to anti-social activities by youths that were reported to the police.

July 2021

- 7.5.34 To put this in context, comparing this to the urban Dorset Heathlands (estimated at covering 6,100ha) where early research<sup>21</sup> to inform the issues facing heathlands in the UK was concentrated, the 2017-2018 Urban Heathland Partnership Heathland Mitigation Delivery Report shows the highest record of fires in any fiscal year from 2007 to be 176 fire incidences in 2010-2011 which has reduced to 45 per annum in 2015-2016 and 64 per annum in 2017-2018 following mitigation. No year has below 45 incidences of fire recorded. This shows that the experience of urban heaths differs significantly to that experienced at Strensall with them covering an area ten times the size of Strensall Common SAC and being located between much more significantly developed areas.
- 7.5.35 There are already fire warning signs at entrances to Strensall Training Area and firebreaks are created across the site to prevent the spread of fire, should it become established. Bins are provided across the Strensall Training Area both in car parks and at points further out to ensure there are receptacles to take people's litter as littering is a prohibited activity in the Strensall Common bye-laws.
- 7.5.36 The majority of littering and anti-social behaviour at Strensall has been recorded in association with the car parks, particularly the Galtres car park which is on hardstanding and surrounded by trees and woodland, or off tarmacked roads which are not directly on the heathland habitats. It is obvious that littering, drinking and smoking in tree covered areas are where the concentration of activities occur where fires are at risk of being set. Therefore, the majority of the sources for fires are likely to be off the heathland habitats, although it is acknowledged there is the risk of that spreading on to heathland habitats if left unchecked.
- 7.5.37 In the records of fires none are reported as having been frequent or deep or that have caused long term damage to the heathland habitats. In a recent comment from Natural England it appears the wetness of the heath is likely to have prevented a fire in 2019 having created any unrecoverable damage to the site and its qualifying features.
- 7.5.38 Concern has been raised in the CYC HRAs and Natural England comments through this consultative process about the prevalence of fires at Strensall Common that risk damaging the SAC and its qualifying features. Obviously it is acknowledged that any increase in access by the public could equally cause a risk in the increase of fires.
- 7.5.39 To gain some context of the significance of fire incidents, the 13 fires recorded over 15 years would mean there is a fire on average one in every 13 months. Although they do not occur evenly like this it shows this is not a high occurrence. It is also noted that it is the location of the fire (on or off the heathland) and the length and depth of burn that risks causing damage to the heathland habitats. To date there is little evidence fires that have caused significant damage has occurred to the detriment of the heathland.

---

<sup>21</sup> Kirby JS, Tantram DAS (1999) Monitoring heathland Fires in Dorset: Phase 1 and 2. Just Ecology Terra

July 2021

- 7.5.40 As a worst case scenario, if the rate of fire incidences increased by 23.2%, the figure that Footprint Ecology predicted as an increase in recreational pressure as a result of all housing allocations up to 7.5 km considered, this would result in one fire every 10 months, although that is somewhat overstated as not all visitors to the site that would make up that percentage increase would cause fires.
- 7.5.41 Obviously, the size, depth and duration of any fire determines the significance of its impacts to the heathland features of the SAC and this is where the mitigation of wardens and awareness raising described in Section 9 can have an effect on factors occurring that could lead to fire incidences.
- 7.5.42 It is acknowledged that an increase in visitors risks the increase in fires whether accidental or malicious; frequent, deep burns would be detrimental to the condition and quality of the heathland habitats for which the SAC is designated. The way this matter has been tackled in other areas of importance for heathland designated sites is through awareness raising with members of the public helping the public understand the sensitivities of the site and how their actions can lead to the risk of fires and why it is important they take responsibility for ensuring fires are not set deliberately or accidentally.
- 7.5.43 However, it can be seen from these figures that the level of risk of this impact is much lower than that experienced in areas past research has been focused, so the relative risk starts from a much lower baseline and proposals discussed later are aimed at implementing more focused awareness raising and monitoring to limit the likelihood of any increase in fires that could result from an increase in visitors to the site.

#### **Disturbance to grazing livestock**

- 7.5.44 Disturbance to livestock can result from humans and dogs particularly if they are off the lead and running uncontrollably at grazing animals. This can result in grazing animals being “put off” areas where this disturbance occurs which can affect the efficacy of grazing across those areas where it is required for conservation grazing, principally for scrub removal creating structure in the sward and achieving the right levels and types of grazing and can risk focusing grazing pressure on other areas.
- 7.5.45 Of 190 dogs observed during the 199 interviews of the Footprint Ecology Visitor Survey 85 (45%) were observed as being off the lead during the interview, but as these took place at entry points not long after arriving on the site and near the car parks there is an equal argument that more or less dogs would be off the lead during the walk. The Natural England Report “*Dogs access and nature conservation*” (Taylor et al. 2005) identifies that a low proportion of dogs, on average 6-18%, are out of control off the lead.

July 2021

- 7.5.46 Heathlands require constant management to keep scrub at bay which will naturally colonise and out-compete heathland species if left unchecked. Grazing is frequently used as the most effective management tool, especially on large sites, where mechanical mowing and the terrain can be unfeasible.
- 7.5.47 Strensall Common SAC is managed by a combination of grazing by the tenant farmer using both sheep and cattle and scrub clearance. There was a burning plan for Strensall, but this is not deployed currently and to avoid the risk of fires getting out of hand, it is not intended by MOD as the landowner to reinstate this plan. YWT manage the two northern sections of the SAC with Hebridean sheep grazing during the summer.
- 7.5.48 The tenant farmer has carried out the grazing of the site for many years and he has been in a Higher Level Stewardship (HLS) Scheme administered by Natural England for at least 10 years. It was previously grazed with sheep only, but it has more latterly been increased to a combination of sheep and cattle to ensure a diverse grazing regime is employed that brings better structural diversity to grazed areas and brings more robustness to the grazing herd as sheep are more disturbed by visitors and dogs than cattle. The HLS scheme requires that stock is removed each winter.
- 7.5.49 The awareness of the risks of dogs and sheep is understood by the public being cited as a factor in choosing routes across the site by respondents in the Footprint Ecology Visitor Survey.
- 7.5.50 There is a risk with a publicly accessible site that visitors and dogs could cause disturbance to animals through sheep worrying affecting grazing animals and the effectiveness of conservation management. Although there is no formal recording of incidences of sheep worrying, from a review of the STACG minutes over the 15 year period from 18 September 2006 to March 2021 there have been 5 incidences of sheep worrying recorded. This would equate to an average of one incident every three years. Three occurrences of sheep theft are also recorded. It is noted that the Footprint Ecology Visitor survey reports that *"the tenant farmer has issues with sheep worrying most years and the numbers of dogs has caused problems for stock management"*. However while incidents do occur, problems for stock management is not borne out by the review of records of incidents, nor is it confirmed from consulting with the site staff.
- 7.5.51 It is acknowledged that incidences of sheep worrying have not been systematically recorded and there may have been incidents that have gone unrecorded. However, the available evidence indicates that sheep worrying is not a significant issue and the risk that it poses to the grazing regime has been significantly over-stated.

July 2021

- 7.5.52 Natural England have not raised any issues with the effectiveness of grazing management in successive condition assessments (Natural England. 2006, 2011, 2021) and have recently (26 and 30 March 2021) allocated every SSSI unit on Strensall Common SSSI/SAC as Favourable Condition, indicating that they do not have any concerns about the management of the SSSI<sup>22</sup>. Natural England have raised in their letter dated 27 April 2020 that at a workshop in March 2017 Natural England “*emphasised that recreational pressure were likely to be a significant obstacle to the development of the QEB site*” however this conclusion appears to have been drawn from unquantified anecdotal information relating to dog worrying, dog fouling, numbers of visitors and walking of dogs as this was before the Footprint Ecology Visitor Survey had been commissioned.
- 7.5.53 The MOD, along with a range of non-governmental partners, successfully manage heathland sites within the Thames Basins Heaths. Partners have a range of cattle herds comprising native breeds which are tested for their resilience to humans, dogs and other human related factors such as littering. These are deployed on MOD heathland sites to graze the heathland (Pers comm: S Jupp. 2021). Cattle are used principally due to their resilience to disturbance.
- 7.5.54 Obviously, any increase in recreation and dog walking, which is by far the biggest activity recorded at Strensall, poses a potential problem of the risk of sheep worrying increasing in tandem with the increases in dogs being brought to the site. If applying the 23.2% increase of incidents resulting from all allocations within 7.5 km of the SAC this would result in an average of one sheep worrying incident every 36 months, still not significant but there are limitations of incidences recorded and not all people visiting the site will have a dog or have dogs out of control to cause this issue. There are indications that not all people that visit the site for dog walking are happy about using it for this purpose due to concerns of the presence of sheep, particularly in the lambing season, and concern of adders being present on site. However, there is so little greenspace in Strensall itself it seems there are few alternatives as borne out by the lack of alternative sites interviewees could consider when asked where else they would go if not to the Strensall Common site.
- 7.5.55 A recent planning application (20/02271/FUL<sup>23</sup>) has been granted for a field in Strensall to be changed to a dog walking area which indicates the need for such a facility outside of the SAC; one of the reasons cited as it having demand is “*there are also a lot of adders in Strensall Common and warned the poisonous snakes can kill dogs.*”

---

<sup>22</sup> At the time of writing the full detail of the condition assessment is not available.

<sup>23</sup> Yorkshire Post: Field in York set to be turned into dog walking site. Available:

<https://www.yorkshirepost.co.uk/news/politics/field-york-set-be-turned-dog-walking-site-where-owners-pay-walk-their-pets-3084740>

July 2021

**Nutrient enrichment from dog fouling**

- 7.5.56 Nutrient enrichment can occur on heathland, a relatively nutrient-poor habitat, where dog fouling and leaving this in situ rots down and releases nutrients which in turn changes the nutrient status of the soils and can lead to more vigorous, weedy species colonising the heathland. Ultimately this can lead to the poor condition of heathland and the colonisation of undesirable species. Dog faeces can take up to 2 months to decay (Taylor et al. 2005).
- 7.5.57 It is common practice for dog owners to clear up after their dogs as the awareness of the issues with leaving dog fouling out in the open have become more widely accepted. A high proportion (83%) of those interviewed in relation to the Dorset Heaths stated they were aware of dog bins and used them with 88% feeling that not cleaning up after their dogs not acceptable (Liley et al. 2006).
- 7.5.58 Former surveys for the Dorset Heaths have found that the majority of people (53%) (when asked) will state they always clear up after their dog with only 5% stating the never cleared up after their dog. A total of 33% of interviewees stated they cleared up after their dog only when it fouled on a main path.
- 7.5.59 It has been shown that dogs will foul within approximately 400m or 2 minutes of the site entrance or after arrival by car to a site. (Taylor et al. 2005).
- 7.5.60 The Footprint Ecology Visitor Survey found that 139 of the 199 interviewees (70%) visited the site to walk dogs. Fifty-eight interviewees (42%) were visiting the site daily with 29 (21%) visiting most days.
- 7.5.61 Seventy-nine interviewees amounting to 57% of all those visiting the site for dog walking spent between 30 minutes and 1 hour on site dog walking, showing that the majority of all walking of dogs are short visits. Given the timing of these walks a limited amount of the site is likely to be visited as three out of the four waymarked routes would take longer than 1 hour to complete in their entirety.
- 7.5.62 No issues with dog fouling at Strensall have been raised through the information available, however it is a risk associated with areas favoured for dog walking and there is a reasonable likelihood that this could increase with an increase in visitors that would need to be considered assuming a rise associated with increased visitors to the site. Some instances of dog owners not having picked up after their dog has fouled or have left “dog poo” bags on pathways have been observed but these are not frequent across the whole SAC.
- 7.5.63 There are dog waste bins already at entry points and across the Strensall site for disposal of dog foul bags. Notices are also signposted warning of the fines for dog fouling (example shown in Figure 11).

July 2021



**Figure 11: Dog waste bin on black route on Strensall Common SAC and warning signs warning for cleaning up after dogs and keeping dogs on leads**

- 7.5.64 The evidence from the visitor surveys does indicate that the most frequent use of the site is for local residents to visit the site to walk dogs with pure walking activity being the second most popular activity. There is very little publicly accessible open greenspace within Strensall village and this is obviously a contributory factor as to why Strensall Common SAC is frequently used for dog walking with the yellow, black and the north part of the red path nearest the two main car parks lending themselves to shorter dog walks.
- 7.5.65 There is also evidence that local residents have concerns about walking their dogs at the site due to the presence of sheep, particularly in the lambing season, as well as some concerns about the presence of adders that are known to be present on the site.
- 7.5.66 The increase in visitors to the site is predicted to be 23.2% and it is assumed for the purposes of this assessment that 70% of those could include dog walkers. Without considering the effect of having dedicated greenspace within the allocations accessible for dog walking, an increase of 13.92 people walking dogs on a daily basis and 6.96 who would walk dogs most days from developments up to 7.5km from Strensall may result. Breaking that down to the allocations at QEB it would be: 10.44 for daily walks and 5.22 for dog waking most days. However, it is also assumed that some dog walking activities would be absorbed within greenspace and pathways near to residential developments proposed within the Masterplan for the site.

### **Contamination of ponds**

- 7.5.67 There are several ponds on the SAC (example shown in Figure 12), some of which support “typical species” such as pillwort and pond mud snail. They also support a wide range of biodiversity including invertebrates. These can easily be reduced in quality by frequent disturbance by dogs or humans which stirs up the sediments, damages the bankside habitats and can disturb and damage/injure species associated with the ponds. The majority of the ponds are near established pathways so there is a risk that these could be affected by existing and increased visitors and their dogs.

July 2021



**Figure 12: Pond on red route on Strensall Common SAC**

**Contamination from fly tipping, litter etc.**

- 7.5.68 The majority of impacts from littering occurs around the car parks and at easily accessible areas such as just off metalled tracks.
- 7.5.69 Not only does litter contaminate habitats, smothering the vegetation and possibly enriching habitats (e.g. from food/organic waste) leading to negative changes, there is a risk that it can contain material that could cause fire.

**Damage to infrastructure (gates etc.), whether through wear and tear or direct damage from vandalism**

- 7.5.70 Wear and tear will occur as a result of recreation as it does now, and this will naturally increase with a higher number of visitors. This could impact habitats if new accesses are created that risk increased trampling of heathland habitats.
- 7.5.71 The MOD Access & Recreation Officer already has a role to gain an overview of matters relating to this subject area for Strensall Military Training Area and locally based range and estates staff regularly instruct works to maintain recreational infrastructure such as gates, boardwalks, etc carried out by contractors.



**Figure 13: Boardwalk over wetter area on waymarked path**

July 2021

- 7.5.72 Damage resulting from off-road cycling and motorbiking where they can gain access to the SAC can lead to soil erosion, loss and damage to habitats and disturbance of species supported by these habitats and car barriers are already in place to reduce this risk.
- 7.5.73 In reviewing the incidences of anti-social activities that risk harming the condition and quality of the heathland SAC, one record of a driving circuit having is mentioned in the STACG minutes. Bike tracks have also been observed and one mound of soil was observed in woodland on the west of the site that could have been used for off road bicycles, but there is not a significant amount of evidence that this is a frequent occurrence nor that it is damaging the qualifying habitats resulting from off-road bikes or motorbikes.
- 7.5.74 The existing bye-laws require any such access by vehicles to gain written permission to access the site for this activity. This would not be permitted therefore any access by off-road cycling or motorbiking would be unauthorised and breach the Strensall Common byelaws. However, at present this is difficult to enforce other than through involving the police.

## 7.6 Hydrology

- 7.6.1 The previous information provided to support an HRA by Wood in 2019 contained detailed hydrological reports assessing the risk of adverse effects occurring as a result of development adjacent to Strensall Common SAC. It has been accepted in the CYC Local Plan HRA 2020 that this information contributes to the evidence base with the resulting conclusion that harmful effects can be adequately mitigated in relation to hydrology. It is not summarised here to avoid repetition but is included at Appendix I.

## 7.7 Air Quality

- 7.7.1 The previous information provided to support an HRA by Wood in 2017 and 2019 contained detailed air quality reports assessing the risk of adverse effects occurring as a result of development adjacent to Strensall Common SAC. It has been accepted in the CYC Local Plan HRA 2020 which suggests that increases in nitrogen deposition caused by development proposed in the Plan would not result in a decline in species richness and can be interpreted to mean that an adverse effect on the integrity of the European site is avoided.
- 7.7.2 Based on the assessment summarised above, it is concluded that operation of both QEB and Towthorpe combined will not affect air quality parameters such that there could be an adverse effect on the integrity of the SAC features. It is also therefore possible to conclude that neither site individually could affect air quality parameters such that there could be an adverse effect on the integrity of the SAC features.
- 7.7.3 It is not summarised here to avoid repetition but included at Appendix J.

July 2021

## 7.8 Incidents Reported at Strensall Training Area

- 7.8.1 The Strensall Training Area includes the areas of the SAC immediately east of the QEB site.

### Natural England

- 7.8.2 The Natural England Site Improvement Plan (SIP) lists public access/disturbance as one of the issues they consider could affect Strensall Common SSSI (which lies within the same boundaries as the SAC). It summarises their concerns in the introductory paragraph under “1. Public Access/Disturbance: Strensall is a largely open access site, with large numbers of the public visiting, many with dogs. This affects ability of site to be managed with current tenant farmer loosing stock each year to dog attacks. This has the knock-on effect of threatening future agricultural management. If site was unable to be grazed this would adversely affect the wet and dry heath communities.” (Natural England. 2014). There is no quantification in the SIP of the level of recreation use experienced within the SAC, or the number of “stock” related incidents that had occurred, and no assessment of the threat that livestock worrying posed to the grazing regime.
- 7.8.3 Notwithstanding the SIP lists wardening as an action to tackle irresponsible recreational use and the provision of signage and education awareness as others action to tackle issues identified in the SIP.
- 7.8.4 Past condition assessments carried out by Natural England have detailed a small number of inappropriate incidents have occurred within the SAC (namely fires in 2002, 2003, 2004) and unauthorised access by motorbikes in 2006, but none appear to have played a part in the 2011 condition assessment concluding that some units of the SAC were in unfavourable condition due to the lack of diversity in the age structure of the heather.
- 7.8.5 The 2019 Site Check note (Natural England. 2019) carried out and compiled by Natural England lists another 2 instances of fire as follows: “A note was taken of visitor numbers and dogs whilst walking. A total of 17 individuals were noted (three of which were university researchers) during the course of 3 hours (10:45-13-45). Almost all visitors were accompanied by dogs a total of 9 dogs being recorded. Most were off the lead.” “Notes were also taken of any other signs of recreational damage and a fire site was noted just south of horse pastures. The large fire that took place in May 2019 was also visited. An extensive area (c.10ha) to north of the Common had been effected to the south of Flaxton Road. .... The area was beginning to green up and it appeared that the burn had been quick and shallow, perhaps explained by the fact that large areas of the area were damp underfoot. It is anticipated that the area should recover without long term damage to the site.” No other information is listed in relation to recreational impacts and the comment is made that “generally the site was looking in good condition”.

July 2021

- 7.8.6 This information, while identifying incidences that could have led to damage to the qualifying features of the SAC or impacted the grazing herd, provides no evidence that detrimental effects have occurred as a result of recreation.

### Reported Incidents

- 7.8.7 There is no one source of information that records all incidents that have occurred at Strensall Common SAC.

- 7.8.8 The most comprehensive record appears to be captured in records produced by the Strensall Training Area Conservation Group, which meets twice a year. During meetings of the Group, attendees have occasionally commented on incidents that have occurred and these have been noted in the relevant minutes. It is not possible to verify the comments that have been made about the incidents that are said to have occurred, and it is not possible to say whether the comments made to the Group have captured all of the incidents that have occurred. The minutes are lacking precision and detail on occasion. However, a review of the minutes of the Group from 18 September 2006 to March 2021:

- 2011 – no incidents
- 2012 – incidents of sheep worrying (minutes do not catalogue the number of incidents but words used imply more than one occurrence); minutes also mention sheep theft / poaching but do not quantify or detail;
- 2013 – incident of sheep worrying (minutes do not indicate whether this was a single incident or more than a single incident); minutes also mention a sheep theft;
- 2014 – one incident of poaching (assumed sheep but not specified);
- 2015 – no incidents reported;
- 2016 – no incidents reported;
- 2017 – one fire reported; one report of motorbikes accessing the SAC (location not recorded);
- 2018 – one report of unauthorised vehicles (location not specified); one fire; one reference to various instances of fly tipping (locations not recorded);
- 2019 – a reference to ‘3 or 4 fires’ [Note: NE noted 2 fires in 2019] and 1 incident of sheep worrying;
- 2020 – two fires reported;
- 2021 – report of oil in ditch adjacent to golf course

July 2021

- 7.8.9 The latest indications from Natural England's condition assessment of Strensall Common SSSI/SAC is that the condition has improved since their last assessment in 2011, therefore the incidents that have occurred in this window have not resulted in a detrimental impact to the SSSI/SAC.

## 7.9 Appropriate Assessment (without mitigation) Conclusion

### QEB Site - ST35 and H59

- 7.9.1 Without mitigation there is a risk that edge effects resulting from residential development of the QEB site (allocations ST35 and H59) could result in adverse effect on the integrity of Strensall Common SAC through affecting the extent, condition and structure and function of the qualifying natural habitats.
- 7.9.2 Without mitigation there is a risk of an adverse effect on the integrity of Strensall Common SAC arising from up to 14.6% increase in visits to the Common resulting from the residential development of the QEB site that could affect the extent, distribution, condition and structure and function of the qualifying natural habitats (including typical species).

### Allocations up to 5.5 km

- 7.9.3 A further 8.6% increase in visitors from allocations up to 5.5 km are likely to also contribute to increased pressure on the SAC and raise the risk of increased impacts as a result. This is assessed in Section 8.

### E18 Towthorpe Lines

- 7.9.4 As E18 is allocated for employment use, as long as the boundaries are secured to prevent access to the SAC and these are effective in preventing users of the site to access the SAC or fly-tip waste on to the SAC there should be no adverse effect on the integrity of the SAC as a result of this allocation.
- 7.9.5 It is concluded there it is no risk of an adverse effect resulting from the residential development of the QEB from hydrology and air pollution nor the employment use allocation at Towthorpe Lines.

July 2021

## 8 Avoidance and Mitigation

### 8.1 ST35 & H59 - QEB Masterplan

- 8.1.1 As concluded in the Section 7 of this report, there are risks of adverse effects on the integrity of Strensall Common SAC from all housing allocations within 5.5 km of the SAC as well as E18 Towthorpe for employment use.
- 8.1.2 To illustrate avoidance and mitigation a proposed masterplan that would be required to ensure the ST35 and H59 allocations could be realised on the QEB site without affecting the integrity of Strensall Common SAC, Planit-IE working with DIO have created the Mitigation Masterplan at Appendix G. This is based on the Local Plan allocations ST35 (estimated to deliver 500 dwellings) and H59 (estimated to deliver 45 dwellings) delivering a total of 545 properties. The total site area is approximately 30ha and, based on 545 properties, would deliver approximately 15ha of residential development and approximately 15ha of open space.
- 8.1.3 This masterplan has been created to provide a definitive scheme that addresses the concerns of edge effects from development of the QEB site and how an increase in recreation would be managed between QEB and Strensall Common SAC to ensure the site is appropriately monitored and managed to ensure negative impacts are not left unmanaged that would risk creating an adverse effect on the integrity of the SAC.
- 8.1.4 A summary of those avoidance and mitigation measures are:
- No direct land take of the SAC for development
  - Retention of the Reserve Forces and Cadet Association (RFCA) Building that lies adjacent to the SAC boundary and continuation of its current use for cadets
  - Site layout to ensure no residential development occurs adjacent to any boundary with the SAC
  - Site layout to include semi-natural and formal greenspace including habitat buffers ranging from 50-200m in width, varied landform, SUDS and waterbodies, pathways for all recreational users extending to 3.3 km within the QEB site
  - Secure and mesh fencing around the boundary of the SAC to prevent access by residents, visitors and domestic pets as well maintain a secure boundary to the military training area
  - Landscaping and landform buffers bordering the allocation sites closest to the SAC boundary to prevent access, shield views of the boundary fencing and ensure housing is not located adjacent to the SAC boundary

July 2021

- Survey of existing recreational infrastructure
- Implementation of better signage to raise awareness of the importance and sensitivities of the site, the appropriate behaviours, the restrictions to access and where and when live firing is taking place
- Installation of additional waymarkers to ensure access paths are clearly and consistently marked across the site to avoid deviation from paths
- Repairs or improvements to wetter areas of paths where access may deviate from the waymarked route
- Introduction of wardens who will monitor the site engaging with visitors helping them understand the importance of the site, the sensitivities, the routes, appropriate behaviours
- Wardens to engage and promote “ambassadors” from members of the public who can promote the appropriate usage of the site
- Information packs to householders and greater use of web based and social media to raise awareness of all the above.

8.1.5 How these measures can and will be implemented to address identified risks of impacts is detailed below.

8.1.6 If consultees agree with the proposals and the conclusions of this information to support an HRA, this masterplan will need to form part of the revised policies.

8.1.7 One of the main measures to assist with all the mitigation detailed below is the deployment of wardens. A minimum of two wardens would be employed to ensure cover for holidays and sickness.

8.1.8 Their role will be to:

- Monitor the Strensall Military Training Area for signs of impacts of recreation such as:
  - Boundary fence breaches
  - Fly-tipping, littering
  - Trampling off permissive footpath routes
  - Damage to habitat or site infrastructure
  - Action management to remedy any negative impacts
  - Engage with the public and QEB residents

July 2021

- Raise awareness of the importance and sensitivities of the Strensall site
- Assist visitors in understanding the areas accessible for recreation
- Raise awareness and tackle negative impacts from dog walking such as fouling, letting dogs off the lead
- Raise awareness of grazing practices on site and the need for appropriate behaviour such as keeping dogs on leads, disposing of waste appropriately not allowing dogs to “worry” grazing animals.

## 8.2 Edge Effects

8.2.1 To address the factors that risk increased impacts to the SAC, DIO have developed a masterplan to show how they believe these issues can be tackled at the QEB site. This reflects their unique situation in being the landowner of the SAC and Military Training Area and the need to maintain safe and robust boundaries for health and safety and also to delineate from the public areas and the military training areas, as well as having legal powers to enforce breaches in the Strensall Common Act 1884 and the bye-laws covering the site.

8.2.2 The boundary of the QEB site is already fenced for security along the majority of the boundary between ST35 and this will be retained and strengthened along the whole boundary with both ST35 and H59 where it is not currently in place to provide a clear boundary between the QEB site and the SAC and Military Training Area. This is required for safety so that the public do not cross unmanaged into the firing ranges, but being a high steel fence, it will also prevent the creation of unauthorised access points into the SAC. This will be monitored by the wardens proposed. By installing this effective barrier residents will only be able to access the SAC by the access points available now at Howard Road, Scott Moncrieff car park and further north, Galtres car park. Also see the measures below relating to site layout that directs the residential development away from the boundary with the SAC which has also been designed to avoid properties backing directly on to the SAC to avoid the above issues.

### Fly-tipping

8.2.3 For SS19/ST35 and H59, as the Mitigation Masterplan shows, no residential development will be constructed immediately adjacent to the SAC and will lie at least 200m from the boundary with ST35 on its eastern side. Buffers of at least 50m will be created by existing planting and landscaping to the south of ST35 and north of H59 where the allocation sites border the SAC. This is to avoid any risk of fly-tipping directly from properties on to the SAC and, in conjunction with the fencing of the boundary with the SAC, will prevent residents making unauthorised access on to the SAC.

8.2.4 The existing tree lined boundaries of the QEB site in conjunction with the habitat buffers incorporated into the Masterplan for the scheme including undulating landform

July 2021

and a SUDS feature is designed to create a physical barrier between the SAC and the residential area and make these buffers undesirable for access by residents on site. In addition, the landscape buffers that push the residential properties away from the SAC boundaries and the natural surveillance created by the development would deter residents walking across the site to tip rubbish over the boundary.

- 8.2.5 In addition, the constant presence of wardens who will monitor boundaries for evidence of fly-tipping or unauthorised access will ensure immediate management action is taken to remedy any occurrences of fly-tipping to avoid it lying on the ground and risking it leading to mothering or degradation of heathland habitats.
- 8.2.6 These measures are considered practical and fully implementable as long as the policy is amended to include the masterplan with the site layout ensuring residential development is not created adjacent to any of the SAC boundaries. In addition, boundary fencing will be maintained by both the MOD and developer.
- 8.2.7 In relation to E18 Towthorpe Lines, this has been allocated for employment use therefore the risk of fly-tipping differs from above and would only arise if occupants of the site dump rubbish over the boundary. There is already a robust metal security fence around the site which prevents access from the majority of the SAC. This will need to be altered for the change of use by ensuring the fence is brought around the allocation site boundary, as the north western section around which the fence borders currently lies within the SAC.
- 8.2.8 As long as the policy is amended to require appropriate fencing to be aligned around the allocation site, it is considered this would be effective in reducing the risk of fly-tipping from the site users and visitors as well as preventing access directly on to the SAC. The CYC HRA 2020 recommends for the E18 policy *“the introduction of a requirement to effectively, reliably and permanently restrict access to employees and bona fide business visitors allied with the creation of a suitable, robust, permanent barrier further restricting access from within the site then the risk of an adverse effect could be removed.”*. This is sufficient to ensure this matter is dealt with to ensure no adverse effect on the integrity of Strensall Common SAC will result from the allocation of Towthorpe Lines for Employment Use.

### Loss and Degradation of Habitats

- 8.2.9 The existing allocation boundaries are rather broadly drawn and include part of the SAC at the south for the ST35 allocation site. DIO confirms it will exclude the 0.56 ha southern area that is currently shown within the allocation boundary and is obviously part of the SAC. Therefore, no development or land take will result. The CYC Local Plan policy SS19/ST35 illustrative plans will need to be amended to ensure that the allocation site excludes all land within the SAC.
- 8.2.10 No loss of the extent of the SAC or its habitats will result from the development of the ST35 or H59 sites.

July 2021

- 8.2.11 The site layout proposed in the Mitigation Masterplan for ST35 is such that residential development would be restricted away from the boundaries with the SAC by landscaping buffers (the southern boundary is already densely wooded). The QEB site can accommodate 12.35 ha of public open space within its boundaries and an additional 4 ha of natural greenspace resulting in a total of 16.35 ha open greenspace including habitat buffers to the SAC boundaries between residential units and the SAC. This will be necessary detail to ensure that no residential buildings will be built directly adjacent to the SAC boundary that would raise the risk of garden waste or fly-tipping from properties directly on to the SAC which has also been a contributory edge effect leading to loss and degradation of SAC habitats in other locations.
- 8.2.12 For the H59 allocation, the site layout will also include a habitat buffer and fencing line the northern boundary that is adjacent to the SAC. No direct land-take will occur as a result of the allocation of this site.
- 8.2.13 These measures are considered fully implementable as MOD will retain ownership of Strensall Training Area in perpetuity and will need to maintain boundaries for safety reasons as well as those relating to the mitigation for the development of the QEB site.
- 8.2.14 For E18 Towthorpe Lines the allocation boundary excludes all areas of the SAC, therefore there will be no direct land take from the implementation of this policy.

### Boundary Treatments

- 8.2.15 The boundary treatments to mitigate edge effects are detailed in the QEB Mitigation Masterplan includes measures that would be implemented a below:
- Close mesh fencing (50mm) will be incorporated with the boundary fencing at least 1.5m high to the east boundary of the ST35 site and the eastern and northern boundary of the H59 site. This gauge is fine enough to prevent domestic pets accessing the SAC from the boundary (Underhill-Day. 2013).
  - Residential development to be allocated away from the SAC boundary at the southern and eastern boundary of ST35 with over 12 ha of greenspace and habitat buffer between it and the SAC as shown in the Masterplan design. Therefore, the average ranging distance for cats of 400 m would be contained within the QEB development where greenspace and the habitat buffers will be located, and stretch on to the SAC covering the training buildings and ranges (also the black waymarked route passes through here), the area east and north of Howard Road and the H59 allocation site which includes Scott Moncrieff car park and an area with a dominance of scrub and trees. Therefore, this is one of the more disturbed areas of the SAC.
  - The firing ranges will continue daily usage over weekdays and two weekends in every month thereby causing disturbance which would affect and be likely to reduce cat movements across this part of the Training Area during those periods.

July 2021

- Retention and continued use of the Army Cadet Training building that lies directly adjacent to the SAC boundary preventing residential development and its associated effects in this location.
- A habitat buffer incorporated within the design of the ST35 site (as shown in Figures 14 and 15) extending from the eastern boundary of the ST35 site with the SAC 200m to the west. This will incorporate a range of habitat planting an undulating landform and SUDS feature will be incorporated to create a naturalistic buffer between the residential development and the SAC and create an environment not conducive to public access or access by domestic pets. In addition, a greenspace area bordering the habitat buffer stretching to the residential development area – together creating zones from the SAC buffer in which no residential development will be built.



Figure 14: Profile illustration of buffer area between SAC and QEB ST35/SS19 site



July 2021

**Figure 15: Illustrative perspective view - landscape buffer treatment**

- 8.2.16 Cat predation will not affect the structure and function of the SAC designated habitats, nor would it affect the distribution of typical species listed in Natural England's attributes to assess the condition of the SAC. However, in order to address the risk of impacts to wider biodiversity across the SAC, the measures above are incorporated into the Masterplan for the QEB allocations. This in addition to the site layout with residential development further west within the QEB site and the site usage in proximity to the residential allocations for live firing training which will create disturbance in close proximity to the boundary with the allocation sites.
- 8.2.17 These measures are considered fully implementable as MOD will retain ownership of Strensall Training Area and ACT Building in perpetuity and need to maintain boundaries for safety reasons. The site developer would be responsible for the erection of the inner mesh fencing and would be required through a suitably worded Section 106 agreement to maintain and retain the fencing in perpetuity.

**Hydrology & Air Quality**

- 8.2.18 It is concluded that with mitigation there would not be any adverse effects on the integrity of the SAC. This has also been agreed in the previous CYC HRA assessments.
- 8.2.19 This mitigation for hydrological impacts includes, in the construction phase, incorporation of Sustainable Drainage Systems (SUDS) for the management of surface water, use of silt fencing (to trap sediment) and incorporation of best practice measures for pollution management, within a Construction Environment Management Plan (CEMP).
- 8.2.20 For the operation phase mitigation measures include design of suitable SuDS drainage system over the lifetime of the development (and to account for drainage failure) and appropriate stages of water quality treatment (including sediment removal) before discharge of surface water from the Site.
- 8.2.21 The previous assessments for air quality (see Appendix J) concluded that neither QEB (ST35, H59) or Towthorpe (E18) will affect air quality parameters such that there could be an adverse effect on the integrity of the SAC features.

July 2021

### 8.3 All Allocations - Recreational Impacts

#### Trampling, leading to vegetation wear, soil compaction, erosion

- 8.3.1 Concerns also arise from the increase in residents occupying the 545 properties proposed that are likely to add additional recreational pressure to the SAC. The visitor surveys found that approximately 50% of visitors to the SAC came from within 2.9 km which can be taken as the local area akin to the Strensall and Towthorpe Parish that these allocations will lie within. As only a small proportion of the local parish and Strensall village have been shown to visit the SAC, it is anticipated that the proportion of visitors from the QEB site will be equally small, especially when taken with the provision on on-site greenspace and walking routes that will attract a proportion of QEB residents and dog walkers.
- 8.3.2 The majority of the access to the site occurs from the Scott Moncrieff Road car park, Galtres car park, Howard Road in the west or north west of the site or the lay-bys by the railway for the Yorkshire Wildlife Trust part of the SAC in the north.
- 8.3.3 There is little evidence that access to Strensall Common SAC is causing detrimental effects on the qualifying habitats via trampling. The majority of access across the site is on well-established waymarked paths, principally through wooded areas, and firebreaks as detailed in the previous section.
- 8.3.4 These waymarked paths are suitable for accessing the majority of the site for the purposes of the recreational activity that visitors seek at Strensall Common SAC. However, there is a risk that not all pathways are sufficiently well marked across the whole site as shown by 13% of respondents in the PCP Visitor Survey stating they were not sure whether routes were waymarked. Therefore, to ensure that visitors are encouraged to use these paths and avoid trampling heathland habitats, risking the damage and deterioration of them the following will be implemented:
- Carry out a survey of existing waymarkers, signage and recreational infrastructure to identify:
    - Where additional waymarking is required to make the route of the path clearer
    - Where habitats are not heathland, consider marking out pathways by mowing a minimal amount of vegetation to make the pathway clear if it is not already clearly marked (there are existing mown pathways showing the delineation of routes)
    - Identify wetter areas of the pathways where the installation of boardwalks would be useful in directing access and avoiding the extension of trampling effects around such areas
    - Implement the results of that survey.

July 2021

- Update and improve signage and interpretation of the location of waymarked paths and the need to follow these.
- Include updated information on the value, importance and sensitivity of the site and the need for visitors to use the paths and avoid damaging the heathland.
- Wardens to engage with site visitors (face-to-face, social media) to help them understand the need to keep to established paths and locations so visitors are confident on the best ways to access the site and keep dogs to existing paths and on leads.
- Wardens will monitor trampling effects and instigate management to remediate any effects if any is observed in areas of heathland where access is not desirable.

### Increased fire incidence

8.3.5 Fire occurrences are not currently a significant issue affecting the favourable condition of the wet and dry heath of Strensall Common SAC with 13 fires recorded over 15 years in the information available; this is an average of one fire every 13 months. However, it is acknowledged that an increase in visitors risks resulting in an increase in fires from anti-social behaviour setting fires deliberately, littering causing accidental fires, misuse of barbecues, etc, although there is equally a proportion of the new QEB population that will have some pride in their locality and not create negative impacts such as this. While the anticipated risk of increase is not a significant rise, the following measures have been identified that provide a mechanism for recording incidences and monitoring the site to tackle any risk of fire incidences increasing via:

- The introduction of dedicated wardens who will:
  - Monitor the site daily for evidence of littering which could result in a risk of fires
  - Ensure littering or debris that could risk fires occurring are removed immediate and regularly
  - Engage with site visitors and residents in person to raise awareness of the value and sensitivity of the site and the need to avoid activities that could increase fires
  - Maintaining a web presence/social media raising awareness of the risk of fires and what can be done to avoid this risk.

8.3.6 The existing bye-laws prohibit the lighting of fires or fireworks. It is also anticipated that when the bye-laws for the site are updated (they are currently programmed for review) these will be clearer in the activities not permitted on site including lighting or causing fires. The wardens will be given enforcement powers as an “Enforcement Officer” under the bye-laws which, together with the more regular presence and monitoring of

July 2021

the site, provides an effective and long term method of tackling the issue of fire incidences should they increase from the development of the QEB site.

**Disturbance to grazing livestock, resulting in grazing animals avoiding areas of the heathland and potential difficulties in achieving the right levels and types of grazing**

- 8.3.7 As has been explained above, the impact of visitors on grazing is not as significant an issue as has been perceived and reported in the previous CYC HRAs and Natural England correspondence, consulting with site staff and a review of reported incidents to date.
- 8.3.8 Natural England have not raised any issues with grazing management in successive condition assessments (Natural England. 2006, 2011) and have recently (March 2021) allocated every SSSI unit on Strensall Common SSSI/SAC as Favourable Condition indicating they do not have any concerns about the current management of the SSSI.
- 8.3.9 The Strensall Training Area is grazed by sheep and cattle by the tenant farmer under an HLS Scheme and YWT manage two units with Hebridean sheep. The grazing management by the tenant's farmer's herd has been a longstanding arrangement which is to continue for the foreseeable future and why MOD have not had to arrange for other farmers or bodies to manage grazing of the site.
- 8.3.10 MOD along with a range of non-governmental partners have a track record of successfully managing heathland sites within the Thames Basins Heaths where sites are much more affected by public access and urbanisation. NGO partners have a range of cattle herds which are tested for their resilience to humans, dogs and other human related factors such as littering. These are deployed on MOD heathland sites to graze the heathland which they do successfully creating a diverse age structure and habitat mosaics for a wide range of biodiversity (Pers comm: S Jupp, MOD Ecologist. 2021).
- 8.3.11 However, where people and dogs access areas where grazing occurs there is always a risk of disturbance to grazing stock and, worse, injury to grazing animals so mitigation is considered necessary in case the predicted increase in visitors to Strensall Training Area results in more disturbance to sheep or (less likely) cattle.
- 8.3.12 To put the risk of incidents in context there have only been five recorded incidences of sheep worrying in 15 years<sup>24</sup>; this makes it an average of one incident every three years. This is not an issue that site managers have reported is affecting their ability to manage the site.

---

<sup>24</sup> From a review of STACG minutes, newspaper articles, experiences from MOD staff and the tenant farmer.

July 2021

- 8.3.13 The risk of grazing affecting the dark-bordered beauty moth, one of the SAC's typical species, has also been raised in the Footprint Ecology Visitor Survey. The annual monitoring of the species has also raised that the installation of ganguard exclosures have been necessary to prevent access by grazing animals as they will graze the creeping willow on which the species relies (Mayhew. 2020). The management of the site for heathland and the management for the dark-bordered beauty moth does raise a conflict with grazing; i.e. the reduction of scrub required for heathland management conflicts with the need for creeping willow (effectively scrub) to survive and regenerate on the site. Grazing pressure needs to be managed in particular locations allowing the creeping willow to regenerate. The success of the growth of creeping willow has been positively affected in recent years by fire with vigorous growth of creeping willow observed after a fire in 2019. No recreational impacts are currently affecting the success of this species breeding.
- 8.3.14 However, to ensure the grazing regime on site if as effective as it can be the following measures, pending agreement from NE in relation to the HLS agreement and management of the SSSI, would be implemented:
- Develop and implement a comprehensive grazing strategy understood by all site managers with the focus on co-ordinating effective conservation management of the heathland.  
  
Increase the use of hardy species more resilient to disturbance such as cattle and/or robust species of sheep such as Hebridean sheep.
  - Increase information via on site noticeboards, web presence/social media and face-to-face engagement by wardens of the risks to grazing animals, appropriate behaviour while on the SAC and the location of grazing which addresses feedback from the Visitor Survey about site visitors lack of clarity on these matters.
  - Awareness raising of the issues with visitor access and dogs in relation to grazing animals via in-person engagement, notices, web presence/social media.
  - The use of public "Ambassadors" who know the site and its sensitivities that influence site users in a less formal manner than wardens and MOD staff on the appropriate behaviours while visiting the site.
- 8.3.15 The existing bye-laws prohibit wilfully disturbing, injuring any animal. It is also anticipated that when the bye-laws for the site are updated (they are currently programmed for review) these will be clearer in the activities not permitted on site including keeping animals under control, killing animals. Wardens would also be authorised "Enforcement Officers" under the bye-laws.
- 8.3.16 These are considered fully practical and implementable measures that DIO are committed to undertake given their ownership and management of Strensall Training

July 2021

Area in perpetuity and their legal and ethical commitments to managing and conserving the SSSI/SAC as required of a government department.

### **Nutrient enrichment from dog fouling**

- 8.3.17 It is not apparent that this is a particular problem affecting the qualifying features at Strensall Common SAC. Some evidence has been seen of dog waste bags being left on site and not disposed of the bins, but this has not been reported as a significant issue.
- 8.3.18 Dogs will typically defecate within 2 minutes of being released from a car or lead or 10 minutes of starting a walk. Most deposition tends to occur within 400m of a site entrance (Taylor et al. 2005). At Strensall Training Area the public access points tend to be the three car parks with most visitors accessing from Scott Moncrieff and Galtres car parks and Howard Road by foot. The 400m area from the two car parks are in areas where heathland is not the dominant habitat i.e. the 400m from Galtres is almost entirely wooded. It is also where waymarked paths are clearly used. Therefore, if dog fouling occurs there is a high likelihood it will occur in areas where heathland habitats will not be affected. However, surveys have shown that there is a high degree of responsibility amongst dog walkers with 88% believing that not clearing up after their dogs is unacceptable (Durwyn L et al. 2006). Therefore, it is assessed that the vast majority of visitors to the Strensall Common SAC will deal with dog fouling appropriately.
- 8.3.19 Obviously if more dog walkers visit the site as a result of the QEB development there is more risk of the 18% of irresponsible dog walkers to cause problems although not all increase in visitors will be dog walkers. Therefore, to ensure the risk of any increase of dog fouling impacts is monitored and dealt with the following measures are proposed.
- 8.3.20 Dog waste bins are already provided across the site. A review of infrastructure will assess if these are sufficient and emptied frequently enough to ensure they are used.
- 8.3.21 To increase awareness of the need for owners to pick up and responsibly dispose of this waste Wardens would engage in awareness raising with visitors, residents and through a range of other media such as web based presence, signs and one-to-one engagement on site.
- 8.3.22 In addition, site monitoring walks by the wardens can inspect areas for this issue and remediate it where necessary.
- 8.3.23 The wardens will instigate a programme of identifying local “Ambassadors” to engage with site visitors to raise awareness of the value and sensitivity of the site and promote the need for dog owners to pick up after their dogs and dispose of waste appropriately.
- 8.3.24 These are not only implementable measures to address any increased resulting from residential development but also addresses some concerns raised in the visitor surveys

July 2021

relating to cleanliness of the site with 9% of respondents wanting to see more bins on the site and 4% wanting to see better enforcement of clearing up after dogs.

- 8.3.25 While the existing bye-laws relate to prohibiting dropping or leaving litter and any act that pollutes water it is not explicit relating to dog fouling. When the bye-laws for the site are updated (they are currently programmed for review) these will be clearer in the activities prohibited on site including failing to remove any waste created by a dog and keeping dogs under control.

### Contamination of ponds

- 8.3.26 There are several ponds on the SAC, some of which support typical species such as pillwort and the mud snail. The pond at SE6501 5942 is reported as having an extensive pillwort population (Liley D et al. 2019). They often lie near waymarked paths across the site. There are no reports of incidents causing issues but it is an obvious receptor that open to impacts currently. The Footprint Ecology Visitor Survey does not report any specific issues in their assessment of the site as the ponds were largely dry during their visits.
- 8.3.27 Fencing the ponds was considered as a mitigation measure, but pillwort does require pond margins to be accessible for poaching by cattle which helps maintain conditions suitable for pillwort and limit other species which can affect the pillwort's success. Signage to interpret the value of the ponds for biodiversity and the need to not disturb them will also be employed.
- 8.3.28 The regular monitoring of the site by the wardens will also aid in engaging with visitors to raise awareness of this issue and the need to avoid disturbing the ponds.
- 8.3.29 While the existing bye-laws prohibits any act that pollutes or is likely to pollute any water it is not explicit relating to the contamination of ponds, but this could be used to enforce this activity.

### Contamination from fly tipping, litter etc.

- 8.3.30 The majority of impacts from littering occurs around the car parks and at easily accessible areas such as just off metalled tracks. It is not reported as a factor attributed to the reduction in condition of the heathland habitats on site currently. An increase in fly-tipping and litter could reasonably be expected with more visitors to the site, however, it is also reasonably expected that this will continue to be localised and mostly associated with the access points to the site. However, to ensure there are measures in place to address any increase in this and to make sure it does not result in adverse effects on the integrity of the SAC the following measures will be implemented:
- The wardens will regularly monitor the site raising awareness for visitors to take litter away with them or dispose of in the waste bins provided or identify where litter has been disposed of and arrange for its immediate removal.

July 2021

- In addition, they will monitor the site for any cases of people leaving litter and be equipped with enforcement powers.

8.3.31 The existing bye-laws already prohibit the dropping or leaving litter except in a receptacle provided for the purpose. This will be better enforced by the monitoring from wardens on site and them being appointed as “Enforcement Officers” under the bye-laws.

**Damage to infrastructure (gates etc.), whether through wear and tear or direct damage from vandalism.**

8.3.32 The Strensall Military Training Area is already managed by the MOD with Yorkshire Wildlife Trust managing the northern part of the site. This will continue in perpetuity. Part of that regular management is to maintain the gates and recreational infrastructure and that will continue.

8.3.33 With an increase in visitors to the SAC it is reasonable to assume that an increase in the wear and tear of infrastructure on site will occur. These are currently well-maintained across the site especially fencing marking out the danger area and access points into it for which an element of safety management ensures fences and gates are regularly monitored and repaired.

8.3.34 As detailed in the Mitigation Masterplan, MOD propose to introduce dedicated Wardens to monitor the Strensall Military Training Area and manage any increased impacts from recreation including that of wear and tear of site access infrastructure. They will regularly monitor the site for issues such as:

- Boundary fence breaches
- Fly-tipping, littering
- Trampling off permissive footpath routes
- Damage to habitat or site infrastructure

8.3.35 They will action management to remedy any need for repairs to site infrastructure.

8.3.36 Introducing Wardens will also fulfil one of the actions of Natural England’s Site Improvement Plan.

8.3.37 Car parks are not intended to be enlarged to avoid providing more capacity for visitors to the site and these are under constant monitoring by the MOD and can be closed at any time if issues are experienced. As the primary use of the site is for military training, the MOD will adopt more stringent measures to stop the general public accessing the site if this interferes with military training.

July 2021

8.3.38 This package of mitigation measures is considered to be fully implementable and likely to be successful due to:

- The control the MOD have over the Strensall Training Area and SAC to ensure access is directed to existing access points and no new access points can be made to the SAC and enforce bye-laws to restrict access and behaviours that can have a negative impact on the SAC
- The existing mechanisms the MOD has with an existing maintenance regime that includes maintenance and repair of gates and fencing that will be tailored to address any additional requirement for maintenance.
- The ability for the Planning Authority to agree and implement a suitably worded Section 106 agreement with the future land owners and developers
- The design of the site to avoid the risk of fly-tipping
- The ability to design the site so that residents cannot enter the SAC other than via existing access points currently used by the general public
- The use of awareness raising through wardens, rangers and individuals and groups from the general public which has been shown to be successful around the Dorset Heaths and Thames Basins Heaths (Panter & Caals. 2020 and Southgate et al. 2018) the latter showing an increase in visitors to the 56 SANGs across the area, in highlighting the issues of heathland sites and what behaviours are required while using the SAC, the availability of alternative greenspace that may be better for some recreational activities particularly dog walking.
- Better communication of restrictions on site through live firing and the areas that can be visited or avoided at different times.
- Consistent site monitoring by site staff and wardens to identify any risks of negative impacts and actioning management to address them before any negative impacts occur.

8.3.39 Table 10 below summarises the mitigation measures proposed in this document and summarised in the Masterplan at Appendix G and assess the robustness of the proposals.

July 2021

**Table 10: Summary of Mitigation Measures and assessment of efficacy**

Mitigation Measure	Effective	Reliable	Timely	Guaranteed	Long Term	Legality	Can Reasonable doubt be removed
Site layout and boundary treatment	✓	✓	✓	✓	✓	✓	✓
Fencing	✓	✓	✓	✓	✓	✓	✓
Alternative greenspace/paths	✓	✓	✓	✓	✓	✓	✓
Awareness raising including: <ul style="list-style-type: none"> <li>• Wardens</li> <li>• Information packs</li> <li>• Web presence/social media</li> </ul>	✓	✓	✓	✓	✓	✓	✓
Site monitoring via wardening resource	✓	✓	✓	✓	✓	✓	✓
Enforcement of bye-laws through wardening resource	✓	✓	✓	✓	✓	✓	✓

July 2021

## 8.4 Policy Modifications

8.4.1 In order for the Local Plan to be able to ensure no adverse effects will occur as a result of the policies the following amendments will be required. The proposed policy amendments are written in detail in the DIO Representations submitted during the consultation period.

### SS19/ST35

8.4.2 For the policies to ensure no adverse effect on the integrity of Strensall Common SAC they must require the implementation of the QEB Masterplan achieving key measures on implantation such as the secure boundary and layout of residential development as far from the SAC boundaries as possible. Therefore SS19/ST35 (and H59 under H1) should be retained, but amended to ensure that these allocations can only be implemented in line with the QEB Mitigation Strategy (Planit-IE 2021) prior to occupation.

8.4.3 Without policies SS19/ST35 and H59 no on-site mitigation is secured through the remaining policies for sites up to 5.5 km from the SAC that will result in an 8.6% increase in recreational pressure and risk adverse effects on Strensall Common SAC. As discussed below, greenspace associated with the strategic housing sites can be secured which is likely to absorb some, but not all, recreational impacts by offering greenspace close to home, but that will not replicate the character of Strensall Common SAC or address the on site impacts other than through the existing management regime which does not demonstrate a full mitigation strategy for residential development up to 5.5 km from the SAC.

### H1 – H59 & H46

8.4.4 These allocations number 45 dwellings at H59 and 104 at H46. The compliance of H1 in relation to H59 can be secured through the reference to the implementation of the QEB Masterplan as detailed above for SS19/ST35.

8.4.5 H46 lies 3.5 km from Strensall Common SAC and is assessed as contributing to part of the 1.6% increase in recreational pressure along with SS9/ST7 and SS15/ST17.

8.4.6 The proposed modifications for H1 which includes H59 and H46 (CYC. 2020b) adds footnotes:

- *“Given the site’s proximity to a European Designated Nature Conservation Site (see explanatory text), this site must take account of Policy GI2 and GI2a.*
- *See also Policy GI2, GI2a GI5 and GI6.”*

8.4.7 The explanatory text to GI2 (CYC. 2018a) refers to *“developments will be required to fully assess and mitigate for the impact of recreational disturbance on SSSIs, SACs and SPAs”*. Reference to new proposed policy G12a is therefore not required.

July 2021

8.4.8 Reference to policies G12 and G16 are considered appropriate to accommodate the inclusion of greenspace to assist in deflecting visitors from H46 given the small amount of additional recreational pressure likely to result from this allocation.

**Allocations up to 5.5 km - SS9/ST7, SS10/ST8, SS11/ST9, SS12/ST14**

8.4.9 The strategic allocations within 5.5 km of Strensall Common SAC require mitigation to rule out the risk of adverse effects to Strensall Common SAC.

8.4.10 It is noted that open greenspace is already allocated in the Draft Local Plan to the policies below:

- OS7: Land at Minster Way at ST7
- OS8: New Parkland to the East of ST8
- OS9: New Recreation and Sports Provision to the south of ST9

8.4.11 The proposed modifications for SS9, SS10, SS11, SS12 (CYC. 2020b) policies include amended wording: *“Provide a detailed site wide recreation and open space strategy and demonstrate its application in site masterplanning”*. SS12/ST14 does not have an obligation for greenspace, other than this general policy for *“All residential development proposals should contribute to the provision of open space for recreation and amenity.”*

8.4.12 While this wording addresses the provision of greenspace within or nearer to these strategic allocations, G16 and the proposed modifications do not specify it needs to be *“natural or semi-natural in form and of sufficient quality to attract new residents in preference to visiting Strensall Common”* as recommended in the CYC HRA 2020. So, there is doubt that the policies as they are currently worded would achieve fully effective mitigation.

8.4.13 It has been repeatedly stated that if alternative greenspace is to be effective in reducing recreational pressure on Strensall Common SAC it must be able to create the *“semi-natural feel”* (Liley & Lake. 2019) that would be required to replicate the rural/wild landscape that was a key factor cited in visitors visiting Strensall Common.

8.4.14 The policy wording of these proposed allocations will need to be altered to include the requirement for on-site greenspace to be designed with natural or semi-natural character to manage recreational impacts and for the standards for the characteristics and quality of that greenspace to be specified within the policies. These should also include a requirement that a long term management plan for the maintenance and conservation of these new greenspaces are compiled and implemented in full and that monitoring is undertaken to ensure these are conserved for the long term.

8.4.15 The reliance on the new proposed policy G12a is not considered necessary.

July 2021

8.4.16 If the above are amended satisfactorily it is assessed that these allocations can be implemented without resulting in adverse effects on the integrity of Strensall Common SAC.

## 8.5 Proposed New Policy G12a Strensall Common Special Area of Conservation (SAC)

8.5.1 In light of the foregoing assessment, PM70 (proposed Policy G12A) is not required.

July 2021

## 8.6 Appropriate Assessment (with mitigation) Conclusion

- 8.6.1 The predicted increase in visitors from the QEB site is considered unlikely to cause a significant amount of intense additional pressure that cannot be managed using existing established pathways and supplementing these with more focused site management and awareness raising to influence behaviours to limit negative impacts. This will ensure that routes used are largely those not on the heathland qualifying features minimising the risk of loss of extent of the heathland.
- 8.6.2 Although edge effects have been difficult to manage at other heathland sites, QEB has greater existing infrastructure that will be maintained in perpetuity and added to to address the specific risks from residential development. The MOD's ownership and management of Strensall Training Area and SAC provides confidence that this can be relied upon for the long term. Specific long-term requirements for the QEB development can be secured by planning conditions and appropriately worded Section 106 agreements.
- 8.6.3 The risk remains that any recreational visitors to the site could create incidents that cause damage to the qualifying habitats and for this reason a package of mitigation measures are proposed to ensure:
- Regular monitoring of the site is conducted to monitor and record the recreational use and where any incidents are observed to ensure appropriate management is implemented to remedy any negative impacts to avoid them becoming significant.
  - Awareness raising is promoted through the wardening service, engagement with residents and users of the SAC of:
    - The sensitivity and importance of the site for its heathland habitats and associated species
    - The sensitivity of the site for safety reasons when live firing and military training are being conducted
    - The locations and timings access is permitted
    - The restrictions required (e.g. not entering the live firing areas on specific days/when the red flags are flying), keeping dogs on leads to avoid sheep worrying, attack of sheep, concern over the presence of adders.
  - Public open space of 12.35 ha and an additional 4 ha of natural AGS resulting in a total of 16.35 ha open space is incorporated within the QEB site to provide additional resources for the Strensall community including the new residents of QEB for walking and dog exercising to absorb those visitors who prefer an even closer to home experience without the concerns the Military Training Area raises in terms of restrictions on access and affecting the sheep grazing and lambing

July 2021

seasons. This will also absorb some of the recreational users currently using the SAC as there are few alternatives locally.

- 8.6.4 For the employment use allocation at E18 Towthorpe Lines it will be necessary for the fencing of the allocation site to be secured around the site to prevent access and fly-tipping on to the SAC as the existing fencing does not entirely exclude access to the SAC.
- 8.6.5 Through the focus of a site with restricted access to the public and managing recreation to established entry points and on waymarked routes as well as employing regular monitoring these measures will ensure that:
- No loss of extent or distribution of the qualifying features will occur.
  - The level of increased recreational pressure managed in this way is not anticipated to cause harm to the structure and function of the qualifying habitats or their typical species
  - The supporting processes of the habitats will not be disrupted.
- 8.6.6 Provided the package of mitigation measures outlined above and illustrated within the Masterplan for the ST35 and H59 allocations on the QEB site are incorporated within the SS19/ST35 and H9 policies and fully implemented and consistently monitored on site, it is concluded that the policies can be made compliant with the Habitats Regulations and there will be no impacts will occur at such a level that will lead to adverse effects on the integrity of Strensall Common SAC.
- 8.6.7 The addition of a requirement for greenspace in allocations SS9, SS10, SS11, SS12 to include natural greenspace to the semi-natural feel of Strensall Common and the requirement for these to compile Habitats Regulations Assessments will make these policies robust to ensure these will not result in an adverse effects on Strensall Common SAC.

July 2021

## 9 Appropriate Assessment Conclusion

### 9.1 Background

- 9.1.1 Following a review of all information relating to the allocation of residential housing policies at the QEB site with allocations up to 5.5 km from Strensall Common SAC including avoidance and mitigation proposals that are proposed to be incorporated within the scheme, it is concluded that there will be no adverse effect on the integrity of Strensall Common SAC provided the policies are amended as detailed below and the avoidance and mitigation measures detailed in Section 8 of this report are fully implemented.
- 9.1.2 It will be necessary for the Competent Authority to make their own assessment and the information included within this report is compiled to assist them with that process.
- 9.1.3 It will be necessary for the Competent Authority to consult with Natural England on their conclusions to gain their statutory advice.

### 9.2 SS19/ST35 and H59

- 9.2.1 It is assessed that the particular circumstances of the long term land ownership of Strensall Common SAC by the MOD in relation to the Strensall Training Area site facilitate the realistic and effective implementation of measures that will limit the effects of impacts resulting from increased recreational access that is predicted to arise as a result of residential development of ST35 and H59 allocations plus those within 7.5 km of the SAC.
- 9.2.2 It is assessed that with modifications to the policies within the revised City of York Local Plan these allocations will not result in an adverse effect on the integrity of Strensall Common.
- 9.2.3 If the allocations are adopted the Local Plan would need to action the following:
- Policies SS19/ST35 and H59 under H1 would need to be retained but amended with the wording that these allocations can only be implemented in line with the Mitigation Strategy (Planit-IE 2021) prior to occupation.
- 9.2.4 It is concluded there it is no risk of an adverse effect resulting from the residential development of the QEB from hydrology and air pollution.

July 2021

### 9.3 Policies up to 5.5 km of Strensall Common SAC

- 9.3.1 The policies for SS9/ST7, SS10/ST8, SS11/ST9, SS12/ST14, SS17/ST32 and H1 including H46, will all need to be amended to include wording that suitable natural or semi-natural greenspace must form part of the masterplan for the site of sufficient quality to attract new residents in preference to visiting Strensall Common and for that to be implemented prior to occupation.
- 9.3.2 In addition, all these policies should include wording to ensure these allocations when they come to planning submissions are assessed under the Habitats Regulations to assess likely significant effects and any further information to detail mitigation measures to ensure they are robust and avoid adverse effects on the integrity of Strensall Common SAC. This latter requirement can be covered by the modifications to policy GI2 already proposed or highlighted within this report.

### 9.4 Proposed New Policy GI2a

- 9.4.1 The proposed new GI2a Strensall Common Special Area of Conservation (SAC) policy is not required.

### 9.5 E18 Towthorpe Lines

- 9.5.1 The E18 allocation at Towthorpe Lines is for 4ha or 13,200sqm employment development. This assessment and the previous HRA compiled by Waterman for City of York concluded that the policies would not result in an adverse effect on site integrity of Strensall Common. However, modifications to the policy are required in terms of:
- Ensuring the “*introduction of a requirement to effectively, reliably and permanently restrict access to employees and bona fide business visitors allied with the creation of a suitable, robust, permanent barrier further restricting access from within the site then the risk of an adverse effect could be removed*” (Waterman. 2020).
  - This also needs to ensure a suitably robust boundary is installed that prevents fly-tipping on to the SAC.

July 2021



**Figure 16: Heathland at Strensall Common SAC**

July 2021

## 10 References

Amec Foster Wheeler (2017). *DIO York sites: Queen Elizabeth Barracks (QEB). Information to support a Habitats Regulations Assessment*

C-461/17 *Holohan and others (The Kilkenny Northern By-pass)*. *Holohan v. An Bord Pleanála* 7 November 2018

City of York (2018a) *Publication Draft Regulation 19 Consultation (February 2018)*

City of York (2018b) *Local Plan Publication Draft – Schedule of Minor Modifications to 25th May 2018*

City of York (2019) *City of York Local Plan Proposed Modifications June 2019*  
Available: <https://www.york.gov.uk/downloads/file/1828/ex-cyc-20-proposed-modifications-june-2019>

City of York (2020a) *EX\_CYC\_44\_Letter to Inspectors 22 December 2020*

City of York (2020b) *Proposed Modifications post Phase 1 Hearings (December 2020)*

Clarke R, Liley D, Underhill-Day J, Rose R (2006) *English Nature Research Reports 683: Visitor access patterns on the Dorset Heaths*

David Tyldesley & Associates (2005) *English Nature Research Reports 622 Urban Impacts on Dorset Heaths. A review of authoritative planning and related decisions*

David Tyldesley and Associates for the Countryside Council for Wales (November 2009): *Guidance for Plan Making Authorities in Wales – the Appraisal of Plans under the Habitats Directive*

David Tyldesley and Associates for the Countryside Council for Wales (May 2011): *Guidance Note – Methodological Approaches to the Habitats Regulations Assessment of Plans and Projects Requiring Multiple Consents*

DEFRA (2021) *Policy paper: Changes to the Habitats Regulations 2017* Published 1 January 2021

DIO (Undated) *Strensall Military Training Area Public Information Display Panel*

Elsevier (2003) *The Impacts of Urban Development and human disturbance on the numbers of nightjar on heathlands in Dorset, England*

English Nature (2005) *Strensall Common SAC UK0030284 Compilation date: May 2005 Version: 1 Designation citation*

European Commission. (2002). *Assessment of plans and Projects Significantly affecting Natura 2000 Sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*. Available:

July 2021

[https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura\\_2000\\_assess\\_en.pdf](https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf)

Floyd, L, Underhill-Day, J C (2013). *Literature Review on the effects of cats on nearby protected wildlife sites*. Unpublished report by Footprint Ecology for Breckland Council.

Haskins L. (2000) *Heathlands in an urban setting – effects of urban development on heathlands of south-east Dorset*. British Wildlife, April 2000, 229 – 237.

JNCC (2003) *Common Standards Monitoring: Introduction to the Guidance Manual*, JNCC, Peterborough

Kirby JS, Tantram DAS (1999) *Monitoring heathland Fires in Dorset: Phase 1 and 2*. Just Ecology Terra

Lily D and Clarke RT. (2002) *English Nature Research Report 463 Urban development adjacent to heathland sites in Dorset: the effect on the density and settlement patterns of Annex 1 bird species*

Liley D, Clarke R T (2003) *The impact of urban development and human disturbance on the numbers of nightjar *Caprimulgus europaeus* on heathlands in Dorset, England*. Published by Elsevier Ltd

Liley D, Jackson D & Underhill-Day J (2005a) *English Nature Research Reports 682 Visitor Access Patterns on The Thames Basin Heaths*

Liley D, Mallord, J & Lobley M J (2005b) *English Nature Research Report The “Quality” of Green Space, features that attract people to open spaces in the Thames Basin Heaths area*. English Nature, Peterborough.

Liley D, Clarke R T, Mallord J W & Bullock J M. (2006) *The effect of urban development and recreational access on the distribution and abundance of nightjars on the Thames Basin and Dorset Heaths*

Liley D, Underhill-Day J & Squirrell N (2006) *English Nature Research Report 713 Dog-walkers on the Dorset Heaths Analysis of questionnaire data collected by wardens on Dorset’s Urban Heaths*

Liley D, Clarke R, Tyldesley D, Underhill-Day J & Lowen J (2007) *Evidence to support Appropriate Assessment of development plans and projects in south-east Dorset* Footprint Ecology

Liley, D, Underhill-Day J, White J. & Sharp J. (2009) *Evidence Base relating to Cannock Chase SAC and the Appropriate Assessment of Local Authority Core Strategies*. Footprint Ecology.

Liley D and Lake S (2019) *Visitor surveys and impacts of recreation at Strensall Common SAC*. Unpublished report by Footprint Ecology for City of York Council

July 2021

- Lily D (2020) *City of York Local Plan; review of Hearing Statement from DIO relating to Matter 1, Legal Compliance*. Unpublished report by Footprint Ecology.
- Mayhew P (2020) *Dark Bordered Beauty at Strensall in 2020*. Monitoring Report 2 August 2020.
- Murison G. (2002) English Nature Research Report 483 *The impact of human disturbance on the breeding success of nightjar *Caprimulgus europaeus* on heathlands in south Dorset, England* RSPB
- Natural England (2014) Strensall Common. Site Improvement Plan
- Natural England (June 2018) *Update to the City of York Local Plan Habitats Regulations Assessment dated April 2018 including updated air quality evidence* (examination reference EX/CYC/1)
- Natural England (2018) *European Site Conservation Objectives for Strensall Common Special Area of Conservation Site code: UK0030284*. Publication date: 27 November 2018 (version 3).
- Natural England (2019) *European Site Conservation Objectives: Supplementary advice on conserving and restoring site features Strensall Common Special Area of Conservation (SAC) Site Code: UK0030284*. Date of Publication: 15 March 2019
- Natural England (2019) *Strensall Common Site Check 5 July 2019*. Simon Christian. 17 July 2019.
- Natural England (2020) *Letter to Planning Inspector re: EX-OTH-13* 27 April 2020
- Panter C & Caals Z (2020) *Dorset Heaths 2019 Visitor Survey*. Unpublished report for the Urban Heaths Partnership by Footprint Ecology.
- Pickersgill Consultancy and Planning Ltd. (2019). *Strensall Common Visitor Survey Report*. An unpublished report for DIO
- Planit-IE (2021) *Queen Elizabeth Barracks, Strensall, York Mitigation Strategy Masterplan Report* ref: 2201.05
- Rose R J & Clarke R T (2005) *English Nature Research Reports 624 Urban impacts on Dorset Heathlands: Analysis of the heathland visitor questionnaire survey and heathland fires incidence data sets*
- Rose R J & Clarke R T (2006) *English Nature Research Reports Number 714 Urban impacts on Dorset Heathlands: Analysis of the Urban Heath Life Project heathland visitor questionnaire survey for 2004*
- Southgate J, Brookbank R, Cammack K and Mitchell J. (2018) *Visitor Access Patterns on the Thames Basin Heaths SPA: Visitor Questionnaire Survey 2018. Natural England Commissioned Report*. Ecological Planning & Research Ltd, Winchester

July 2021

Taylor K, Anderson P, Taylor R, Longden K, Fisher P (2005) *English Nature Research Reports Number 649 Dogs, access and nature conservation*

Tyldesley D and Chapman C (2021) *The Habitats Regulations Handbook* June 2021 edition UK: DTA Publications Limited

Underhill-Day JC (2005) *English Nature Research Reports Number 623 A literature review of urban effects on lowland heaths and their wildlife Part 1 and 2* RSPB

Underhill-Day J. & Liley D. (2012). *Cannock Chase Visitor Impacts Mitigation Report. Footprint Ecology*. Unpublished report. Footprint Ecology

Waterman (2019) *Habitats Regulations Assessment of the City of York Council Local Plan 19 February 2019* Document Reference: WIE13194-104-1-1. Project Number: WIE13194-102

Waterman (2020) *HRA of City of York Local Plan (October 2020)* Project Number: WIE13194-104 Document Reference: WIE13194-104-3-1

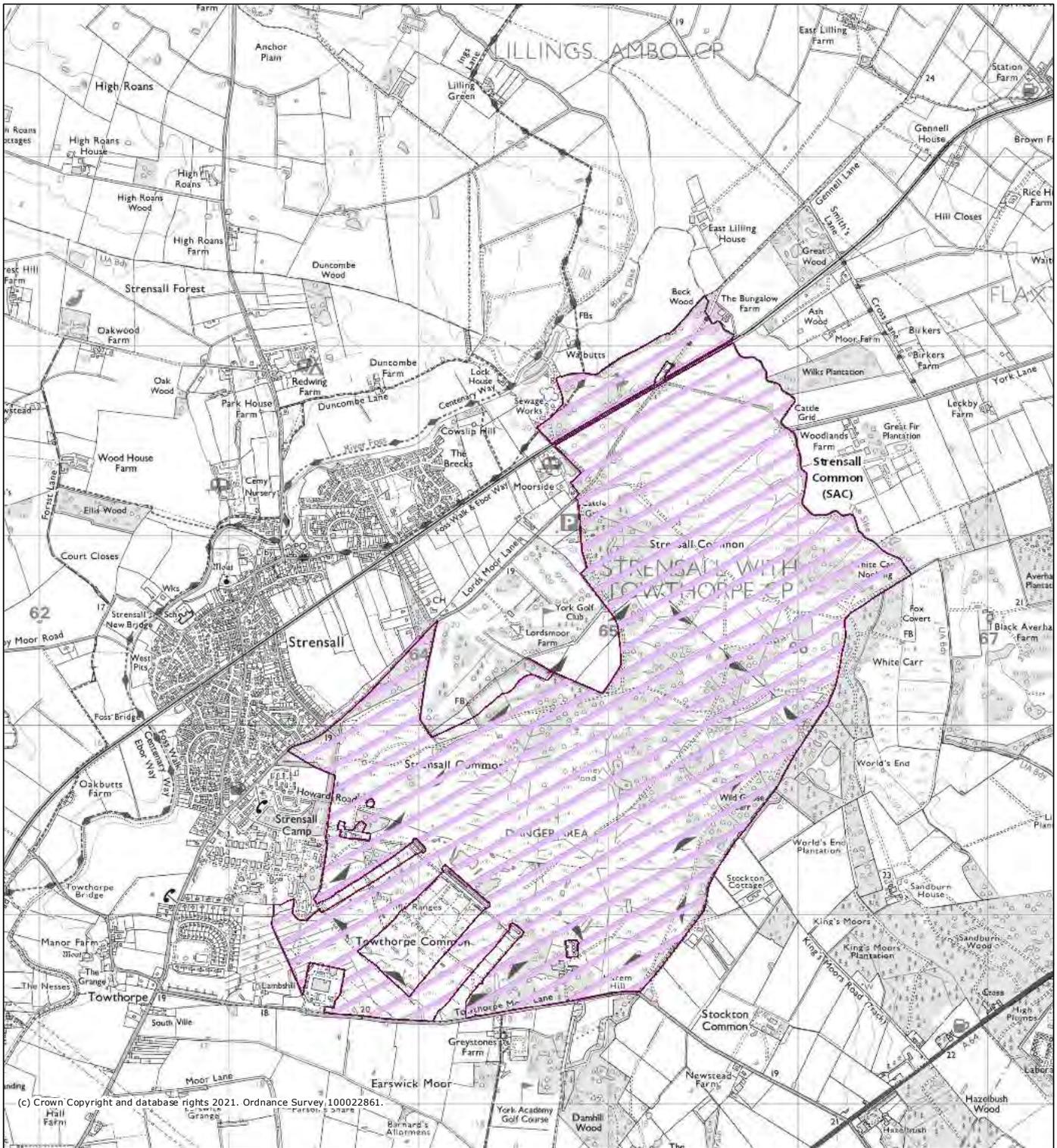
Wood (2019) *DIO York Sites: Queen Elizabeth Barracks Information to Support a Habitats Regulations Assessment*

Woods M, Robbie A, McDonald RA and Harris S (Undated) *Domestic Cat Predation on Wildlife* The Mammal Society

July 2021

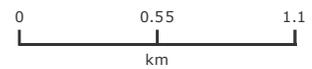
# 11 Appendices

Appendix A – Strensall Common SAC Map



**Legend**

 Special Areas of Conservation (England)



Projection = OSGB36  
 xmin = 460600  
 ymin = 459000  
 xmax = 468600  
 ymax = 462500

Map produced by MAGIC on 28 June, 2021.  
 Copyright resides with the data suppliers and the map must not be reproduced without their permission. Some information in MAGIC is a snapshot of the information that is being maintained or continually updated by the originating organisation. Please refer to the metadata for details as information may be illustrative or representative rather than definitive at this stage.

July 2021

## Appendix B – Strensall Common SAC Citation

# EC Directive 92/43 on the Conservation of Natural Habitats and of Wild Fauna and Flora

## Citation for Special Area of Conservation (SAC)

**Name:** Strensall Common  
**Unitary Authority/County:** York  
**SAC status:** Designated on 1 April 2005  
**Grid reference:** SE651598  
**SAC EU code:** UK0030284  
**Area (ha):** 569.63  
**Component SSSI:** Strensall Common SSSI

### Site description:

Strensall Common is an example of acidic lowland heath represented predominantly by *Erica tetralix* – *Sphagnum compactum* wet heath, although its extent has been reduced by drainage. It is a noted locality for marsh gentian *Gentiana pneumonanthe*, narrow buckler-fern *Dryopteris carthusiana* and the dark-bordered beauty moth *Epione vespertaria* as it is associated with creeping willow *Salix repens* on the wet heath.

There is also a complex mosaic of wet heaths with *Erica tetralix* and dry heath elements. The *Calluna vulgaris* – *Deschampsia flexuosa* dry heath is noted for petty whin *Genista anglica* and bird's-foot *Ornithopus perpusillus*.

**Qualifying habitats:** The site is designated under **article 4(4)** of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:

- European dry heaths.
- Northern Atlantic wet heaths with *Erica tetralix* (wet heathland with cross-leaved heath).

This citation relates to a site entered in the Register of European Sites for Great Britain.  
Register reference number: UK0030284  
Date of registration: 14 June 2005  
Signed: [REDACTED]  
On behalf of the Secretary of State for Environment, Food and Rural Affairs

July 2021

## Appendix C – Strensall Common SAC Conservation Objectives

**European Site Conservation Objectives for  
Strensall Common Special Area of Conservation  
Site code: UK0030284**



With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

**Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;**

- **The extent and distribution of the qualifying natural habitats**
- **The structure and function (including typical species) of the qualifying natural habitats, and,**
- **The supporting processes on which the qualifying natural habitats rely**

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

**Qualifying Features:**

H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath  
H4030. European dry heaths

## Explanatory Notes: European Site Conservation Objectives

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2017 as amended from time to time (the “Habitats Regulations”). They must be considered when a competent authority is required to make a ‘Habitats Regulations Assessment’, including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives and the accompanying Supplementary Advice (where available) will also provide a framework to inform the measures needed to conserve or restore the European Site and the prevention of deterioration or significant disturbance of its qualifying features.

These Conservation Objectives are set for each habitat or species of a [Special Area of Conservation \(SAC\)](#). Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving Favourable Conservation Status for that species or habitat type at a UK level. The term ‘favourable conservation status’ is defined in regulation 3 of the Habitats Regulations.

**Publication date:** 27 November 2018 (version 3). This document updates and replaces an earlier version dated 30 June 2014 to reflect the consolidation of the Habitats Regulations in 2017.

July 2021

**Appendix D – Technical Note on the Condition of Strensall Common  
SSSI/SAC**



- [Home](#)
- [New notifications](#)
- [Search for site details](#)
- [Reports and statistics](#)
- [Whole of England](#)
- [Region](#)
- [County](#)
- [FA region](#)
- [Glossary](#)
- [Marine Glossary](#)
- [MPA CA Guidance](#)

# Designated Sites View

[Login](#) [Forgotten Password](#)

> [Search](#) > [Site list](#) > [Site detail](#) > [Unit Condition](#)

## Condition of SSSI Units for Site Strensall Common SSSI

See the [SSSI glossary](#) for an explanation of terms.

1 of 1 Find | Next

Report generated on: 28 Jun 2021

Main Habitat	Responsible Officer	Unit Number	Unit Id	Area (ha)	NNR Overlap Area (ha)	Latest Assessment Date	Assessment Description	Comment	Adverse Condition Reasons
<b>Strensall Common SSSI - NORTH YORKSHIRE (YORK)</b>									
DWARF SHRUB HEATH - Lowland	SIMON CHRISTIAN	003	1029585	54.4717	0.00	30/03/2021	Favourable		
DWARF SHRUB HEATH - Lowland	SIMON CHRISTIAN	004	1029586	155.5788	0.00	26/03/2021	Favourable		
DWARF SHRUB HEATH - Lowland	SIMON CHRISTIAN	005	1029587	155.9756	0.00	30/03/2021	Favourable		
DWARF SHRUB HEATH - Lowland	SIMON CHRISTIAN	006	1029588	163.7925	0.00	30/03/2021	Favourable		
DWARF SHRUB HEATH - Lowland	SIMON CHRISTIAN	007	1029589	20.721	0.00	26/03/2021	Favourable		
ACID GRASSLAND - Lowland	SIMON CHRISTIAN	008	1029590	22.2575	0.00	26/03/2021	Favourable	Detailed monitoring report available.	

July 2021

## Appendix E – NE Condition Assessment for Strensall Common SSSI

## Technical Note

### Queen Elizabeth Barracks, Strensall, York

Compiled by Tabatha Boniface CEnv MCIEEM  
Ecology Technical Director

16 June 2021

#### Characterisation of Strensall Common

##### Condition of Strensall Common SSSI/SAC

Natural England have an objective to achieve favourable condition for all Sites of Special Scientific Interest (SSSI). In the main they do not manage SSSIs themselves and work with landowners/managers to protect and enhance the SSSI's notified features (as well as those of the SAC) usually through agreeing management plans and advising on development proposals.

Condition is assessed against attributes and targets in line with the Joint Nature Conservation Committee (JNCC) Common Standards Monitoring Guidance for the habitats (or species) for which each SSSI is notified. This monitoring system assigns categories for condition based on the outcome of writing conservation objectives using the attributes and targets for habitats and species under this system. These are:

- Favourable – maintained
- Favourable – recovered
- Unfavourable – recovering
- Unfavourable – no change
- Unfavourable – declining
- Partially destroyed
- Destroyed.

The JNCC Common Standards Monitoring sets out that all statutory sites will be assessed at least once within a six year period. They have often attributed Unfavourable Recovering to units of SSSIs where approved management is in place even if no change in the condition of the habitat has been recorded.

For Strensall Common Natural England have outlined these targets for condition assessment in the *European Site Conservation Objectives: Supplementary advice on conserving and restoring site features Strensall Common Special Area of Conservation (SAC) Site Code: UK0030284*.

SSSI are split into “units” which are numbered. There are six live units listed on Natural England’s website<sup>1</sup>. However, it appears there were 8 units making up the entire Strensall Common SSSI at one time, units 1 and 2 are not listed in the condition assessments the presumption being that these have been amalgamated with others over time.

Based on publicly accessible information Strensall Common was last assessed on 26 and 30 March 2021. At the time of writing this technical note the detailed comments nor the monitoring report is available; we understand this is in the process of being written up. Therefore, it cannot be ascertained what Natural England have found in this latest assessment, however all SSSI units are listed as being in Favourable condition. This is a change from the previous assessment where units 3, 4, 5 and 8 were listed as unfavourable recovering. This Favourable condition status does suggest that Natural England consider the management of the site to be achieving the objectives outlined in the Supplementary Information for the SAC and that no factors are sufficiently being experienced that it leads to unfavourable condition of the wet and dry heath or its typical species. The main basis for this assessment is assumed that Natural England consider that:

- The extent and distribution of the following wet heath vegetation communities are being conserved:
  - 96.5 hectare (ha) of M16 *Erica tetralix-Sphagnum compactum* wet heath and
  - 85.64 ha of M25a *Molinia caerulea-Potentilla erecta* mire, *Erica tetralix* sub-community is being conserved
- The extent and distribution of the following dry heath communities are being conserved:
  - 15 ha of H9a *Calluna vulgaris* (heather) -*Deschampsia flexuosa* (wavy hair grass) *Hypnum cupressiforme* (*Hypnum* moss) sub community dry heath
  - 101.78 ha of H9e *Calluna vulgaris-Deschampsia flexuosa* (wavy hair grass) *Molinia caerulea* (purple moor-grass) sub-community
  - 0.76ha of H9e *Calluna vulgaris -Deschampsia flexuosa* (wavy hair grass) *Molinia caerulea* (purple moor-grass) sub-community/ M25a *Molinia caerulea-Potentilla erecta* mire, *Erica tetralix* sub-community.
  - 0.34 ha of H9d *Calluna vulgaris-Deschampsia flexuosa* (wavy hair grass) *Galium saxatile* (heath bedstraw) sub-community.
- The above wet heath habitats are demonstrating appropriate National Vegetation Classification (NVC) transitions between habitats and the dry heath is referable to the above NVC vegetation communities
- Maintenance of the cover, age and structural diversity of dwarf shrub species

---

<sup>1</sup> Natural England Designated Sites View: Strensall Common Available:  
<https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=S1004462&SiteName=strensall+common&countyCode=&responsiblePerson=&unitId=&SeaArea=&IFCAArea=>

- Negative species such as scrub, trees, gorse, bracken are below the thresholds in the attributes
- The abundance of typical species is maintained i.e.
  - Constant and preferential plant species of the M16a *Erica tetralix-Sphagnum compactum* wet heath and M25a *Molinia caerulea-Potentilla erecta* mire, *Erica tetralix* sub-community NVC vegetation types at this SAC
  - Plant species of particular note include marsh gentian *Gentiana pneumonanthe* and pillwort *Pilularia globulifera*
  - Dark bordered beauty moth *Epione vesperaria*
  - Pond mud snail *Omphiscola glabra*.
  - Constant and preferential plant species of the H9a and H9e heathland NVC vegetation types at this SAC.
  - Species of particular note associated with the dry heath include very local Petty whin *Genista anglica*<sup>2</sup>.
- The frequency/cover of undesirable species are kept to “acceptable levels” (listed in the attributes mostly relating to tree and scrub species as well as those indicating nutrient enrichment and non-native invasive species)
- The management measures for conservation management are maintained
- Adaption and resilience of the habitats and their underlying process to environmental change are maintained
- The properties of the underlying soil types are maintained
- Concentrations and depositions of air pollutants are maintained to, at or below site-level Critical Load
- Water quality and quantity is maintained to provide the conditions necessary to support the wet heath
- The natural hydrological regime is maintained or restored to provide conditions necessary to support the wet heath

---

<sup>2</sup> Natural England comments in relation to typical species on the dry heath: The historic records from the 1990s of bird's-foot *Ornithopus perpusillus* and, although referenced on the SAC citation, it is not considered to have viable population within the SAC.

The condition assessment of 30 September 2011 listed units 3, 4, 5 and 8 as Unfavourable Recovering and Units 6 and 7 as favourable. At the time of reviewing this condition assessment there was no detailed information on the assessment on the Designated Sites View Condition of SSSI Units for Strensall Common SSSI available, nor are there any reasons for adverse condition listed. Unit 8 had declined from Favourable from the 2006 condition assessment to Unfavourable Recovering in the 2011 assessment.

Information provided by Dr Moira Owen, the MOD Ecologist overseeing management of Strensall Common includes “*Strensall Common: Site Condition Assessments: 18 and 25 October 2006*”. This lists the units as follows:

- Unit 3 Strensall Ranges: **Unfavourable Recovering** due to lack of degenerate stage heather *Calluna* and dominance of purple moor-grass *Molinia*.
- Unit 4 Kidney Pond Unit: **Unfavourable Recovering** due to lack of degenerate stage heather and dominance of purple moor-grass in mires.
- Unit 5 Wild Goose Carr Unit: Site Condition: **Unfavourable Recovering** due to lack of degenerate stage heather and dominance of purple moor-grass in mires.
- Unit 6 Northern Drop Zone Unit: **Favourable**. The M16/M25 transitions have *Molinia* dominant, but the presence or abundance of key species indicate that this is a local variant.
- Unit 7 YWT South: Site Condition: **Favourable**. The M16/M25 transitions have *Molinia* dominant, but the presence or abundance of key species indicate that this is a local variant.
- Unit 8 YWT North: **Favourable**. The M16/M25 transitions have *Molinia* dominant, but the presence or abundance of key species indicate that this is a local variant. The site has been grazed heavily to reduce *Molinia* dominance. Grazing pressure will need to be reduced in the large paddock to allow *Calluna* to mature.

The previous condition assessments relating to unfavourable recovering condition appeared to be due to the lack of all stages of heather growth, notably old stage heather, attributed to be likely due to winter sheep grazing and the recovering element as active management had been secured on site. The favourable condition relates to the condition of wet heath in the north of the site. Natural England had not raised any significant issues with recreational pressure in this assessment. They mention some negative impacts associated with fires (in 2002, 2003, 2004) and motorbikes (2006), but it is not listed as a major contributory factor to the unfavourable condition of the SSSI. Natural England also compiled a note “Site Check 2019” which was submitted during the Local Plan Hearings.

Dr Owen states that NE’s concerns “*relate to pressures of recreational access by the general public and that this will increase with the allocation of QEB for housing*”. This is evidenced by the comments made in correspondence since Natural England started advising York City Council on the allocations for QEB and the emphasis in the City of York HRAs and the resulting Footprint Ecology Visitor Survey. However, the evidence that recreational impacts are causing impacts to condition of the SSSI/SAC is not evidenced in condition assessments and information to date accessible, as discussed below.

## Dark Bordered Beauty Moth

The research into the dark bordered beauty moth has shown there is no detrimental impact on the population of this species from fires. The latest monitoring report for dark bordered beauty moth (2020) highlights that there are issues with the success of the moth. It has been necessary to encourage the growth of creeping willow, the larval and foodplant of the moth, by installing ganguard enclosures to prevent access by grazing animals which are necessary for the management of the heathland, but will also graze creeping willow restricting its growth and spread. The success of the growth of willow is variable with original cages containing healthy patches of creeping willow, the northernmost cage burnt in a fire in 2019 resulting in vigorous growth and plants in section 7 and 8 of the site also large which is considered favourably in the monitoring, but in other areas the willow is weak and suffering from insect defoliation, pot grown willows that were propagated to boost the spread of the plants have died. New, smaller cages established in 2019 have healthy plants growing. However, plants outside the enclosures are suffering from grazing pressure and there is also evidence of concentrations of trampling where salt-lick buckets had been left out. Impacts relating to the grazing animals on site can be managed by the site managers and grazier. No impacts resulting from recreation appear to be affecting this species' success in breeding currently. Interestingly there is some evidence that a recent fire had had a positive effect on the regeneration of creeping willow with taller plants regenerating and comments in the SCCG minutes confirm fires are considered not to have an impact on this species.

## Recreational Access

Recreational access is often one of the main factors reducing condition of heathland habitats, however at present on site the recreational access is very concentrated to existing pathways and is actively managed by the installation of gates, fencing, boardwalks and signage. Some of the waymarking across the site could be improved as most pathways are signed, but then can peter out where they are not well used or where a well-trodden or mown path is not obvious or where multiple pathways have been established. Having clear directions/pathways across the site will assist in helping visitors keep to pathways and avoid diverting across heathland habitats.

There is no evidence that impacts from trampling and access to the Common are considered an issue which is supported by the changes from unfavourable to favourable condition. The heathland areas of the site do not lend themselves to walking as they are tussocky and difficult to walk across and, where wet heath dominates, it is wet or boggy underfoot. In fact, most of the pathways radiate from the two car parks in the north of the site and are heavily wooded from Galtres car park following the red route south west. Although recreation is likely to increase with more visitors, the site lends itself to impacts from walkers and dog walkers being concentrated at existing car parks and on existing, well-established pathways radiating from those which are the most commonly used routes shown on the heath maps in the Footprint and PCP Visitor Surveys.

Dog walking is by far the most frequent activity undertaken at Strensall and, due to a lack of greenspace in the village, it appears most people come to the Strensall Training Area either on foot or by car to walk dogs. These are usually short walks up to an hour. There is some concern about using Strensall Common due to the presence of sheep especially in the lambing season and the presence of adders which people perceive could be dangerous to their dogs. (See Yorkshire Post article [here](#) and responses to views on management from the Footprint Visitor Survey).

The incidence of other factors such as fires, sheep worrying, dog fouling are experienced, but it does not seem these are at a high level currently. Reviewing the Strensall Common Conservation Group (SCCG) minutes, monitoring reports for dark bordered beauty moth and NE's condition assessments, site check and newspaper articles over the 18 year period from 2002 to 2020, 17-18 incidences of fires between 2002-2020 can be extracted and 6 incidences of sheep worrying. It is believed these will be underestimates of incidences as there is no apparent formal recording of incidences available at this. Dog waste bins are installed around the site with particular focus at the car parks near where notices on site lay out the bye-laws, firing times and other information.

The research underpinning Natural England's opinion on urban edge effects includes concern in the increase in fires being set deliberately or negligently with increases in human residential population derived from research from 1999 (Monitoring Heathland Fires In Dorset Phases 1 and 2) and 2000 (Haskins L. 2000: Heathlands in an urban setting – effects of urban development on heathlands of south-east Dorset) which examines fires on the Dorset Heaths in a range of urban settings. These numbered hundreds of incidences per year, although it was acknowledged that research was incomplete too due to lack of consistent recording.

The situation at Strensall does differ from the Dorset Heaths in that the setting of Strensall Common is largely rural with the village of Strensall present on its western side separated by Flaxton Road, the golf course and fields with the remaining borders being largely unpopulated other than QEB and Towthorpe military camps and rural cottages/buildings (no residential development is immediately adjacent to the Common other than rural buildings at the north and eastern sides of the Common). This limited amount of residential development bordering and adjacent to the Common will limit the amount of edge effects that are often associated with residential development directly adjacent to heathlands.

### Management of Strensall Common SSSI/SAC

Another main negative factor in maintaining heathland habitats is the natural regeneration of scrub, trees and ultimately woodland. Much of the north western part of the site and in the middle of the site, at edges by the golf course and along southern and eastern boundaries is covered in mature trees that is more characteristic of woodland, this is particularly noticeable from the Galtres car park area. This would normally be removed in order to increase the extent of heathland habitats. However, this is well-established and may not be suitable for heathland restoration due to the time and expense that would be needed to restore that to heathland.

Dr Owen has stated that the current conservation objectives are to tolerate a maximum extent of woodland and scrub of 130 hectares<sup>3</sup> and to target scrub clearance activities to young regenerating scrub in order to maintain open heathland. This shows that a degree of woodland and scrub is anticipated to be a long term part of the site. DIO currently spends £10,000-£20,000 per annum on scrub removal. It is a perpetual management need for scrub to be removed and kept to a minimum on heathland sites and this will constitute necessary management. Woodland is not a designated feature of the SSSI or SAC and would be minimised in preference to the extent of heathland. Impacts resulting from recreational access in wooded areas would not be considered detrimental to the SAC's qualifying features.

---

<sup>3</sup> Listed in the Supplementary Information for Strensall Common SAC (Natural England. 2019)

There has been a controlled burning plan in operation for the heath to assist in the management of scrub and growth phases and structure of heather, however after concerns of this management method it has not been deployed and there is no intention to do so. Management of the heathland will continue with sheep and cattle grazing.

The existing management of the site is managed by the tenant farmer with sheep and cattle grazing. This has been under a Higher Level Stewardship Agreement in liaison with Natural England for at least 10 years. This mix of grazing is preferred as it is the most efficient way of managing a large site, the different animals graze differently which helps create structural diversity, habitat mosaics and control the prevalence of scrub where mechanical cutting would be difficult. The farmer has concerns on grazing timings and other issues relating to access and fencing for grazing and these appear to relate to a lack of joined up management of the site between the farmer, ecologists and MOD staff. He is not of the opinion that recreational pressure (disturbance, sheep worrying) is negatively affecting the management of the site.

Impacts to grazing animals on site, necessary for the management of the heathland, from disturbance of public access can influence the locations the grazing animals will concentrate and affect the effectiveness of grazing to keep scrub encroachment at bay. A particular concern is where sheep worrying by dogs let off the lead occurs and is necessary to be managed. There are a low number of instances (5 incidences over a 15-year period from 18 September 2006 to March 2021) evidenced in SCCG minutes, although it is understood the full number of instances may not be recorded in that information.

The current bye-laws have clauses to control activities on the Common and this is technically enforceable but is not always achieved due to the lack of awareness by the public and the lack of a constant presence on site and the resources available. Therefore, it is within the control of the landowners and managers to strictly enforce usage of the site by dog walkers and influence their behaviour, but the effectiveness of this is limited by the resources available currently.

## Conclusion

From Natural England's point of view Strensall Common SSSI and SAC is in favourable condition. Despite concerns they have raised in correspondence for the Local Plan hearings regarding recreational pressure, this does not appear to be a main factor affecting the nature conservation interest of the site currently. Their concerns lie with an increase that will result from the allocations on QEB, but statements that it is intense currently and will increase significantly do not appear to be founded on tangible evidence other than the results of the Footprint Visitor Survey.

Current site managers do not find significant issues with sheep worrying or fires negatively affecting the site. There are instances of visitors crossing through areas while firing is taking place and people letting dogs off the lead but on investigation these instances are not recorded as frequent and appear to relate to individuals. These factors do not appear to be negatively affecting the management of condition of the site.

Obviously, there is the risk that fires, disturbance to grazing animals and sheep worrying could increase with higher numbers of residents resulting from the development of the QEB site and accessing the Common. It all relates to individuals' behaviours who visit the Training Area. The issues with this occurring without mitigation risks more frequent issues that could lead to more trampling off paths, more dogs off the lead with the risk of sheep worrying, increased incidences of fire and damage to habitats.

However, with mitigation, impacts, if they arise as not every visitor to the site will create a negative impact, could be managed to ensure these occurrences do not result in significant impacts on the qualifying features.

This would require awareness raising of the importance of the site, the sensitivities and the behaviours necessary as a visitor to the site along with regular on site monitoring and management to identify issues and have the resources to implement immediate action to rectify them. If greater enforcement of bye-laws and restrictions on the site can be more regular than is currently regularly achieved this would help tackle the problem visitors/behaviours.

It should be noted that it is difficult to demonstrate the significance of recreational impacts and the ability of site management to manage these definitively which is an issue for the approval of the housing allocations as under the Conservation of Habitats and Species Regulations 2017 (as amended) as there needs to be no reasonable scientific doubt that these measures would not result in an adverse effect on the integrity of the SAC. However, this site is in a situation where the long term management of the Training Area will continue for both safety and training of military personnel as well as the conservation management of the SSSI/SAC. Therefore, if it can be demonstrated that mechanisms can be put in place that are effective, reliable and can be maintained for the long term this will bring more weight to the case that mitigation can be implemented at the QEB site and Strensall Common SSSI/SAC to ensure the protected site is not adversely affected by the development of QEB.

## References:

JNCC (2003) *Common Standards Monitoring Introduction to the Guidance Manual* Issue date: February 2004

Kirby Dr. J.S and Tantram D.A.S (1999) *Monitoring heathland fires in Dorset Phase 1* July 1999

Natural England (2019) *European Site Conservation Objectives: Supplementary advice on conserving and restoring site features Strensall Common Special Area of Conservation (SAC) Site Code: UK0030284* Date of Publication: 15 March 2019

Natural England (2021) Designated Sites View Available:

<https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=S1004462&SiteName=strensall+common&countyCode=&responsiblePerson=&unitId=&SeaArea=&IFCAArea=>

Mayhew P (2020) *Dark Bordered Beauty Moth Annual Monitoring Report*

Tantram D.A.S, Boobyer M.G, & Kirby Dr. J.S (1999) *Monitoring heathland fires in Dorset Phase 2* September 1999

**From:** [Redacted]  
**Sent:** 07 July 2021 23:20  
**To:** localplan@york.gov.uk  
**Cc:** [Redacted]  
**Subject:** DIO Response to York Local Plan Additional Consultation July 2021 (Part 3/3)  
**Attachments:** 210707 DIO Response to York Additional Consultation With Appendices Part 3 of 3.pdf  
**Importance:** High  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/ Madam,

Further to the below, I also attach DIO's Representations in case you are unable to access the files via the link below (Part 3/3).

Kind regards,

[Redacted]  
**Sent:** 07 July 2021 21:19  
**To:** [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

**Subject:** DIO Response to York Local Plan Additional Consultation July 2021  
**Importance:** High

Dear Sir/ Madam,

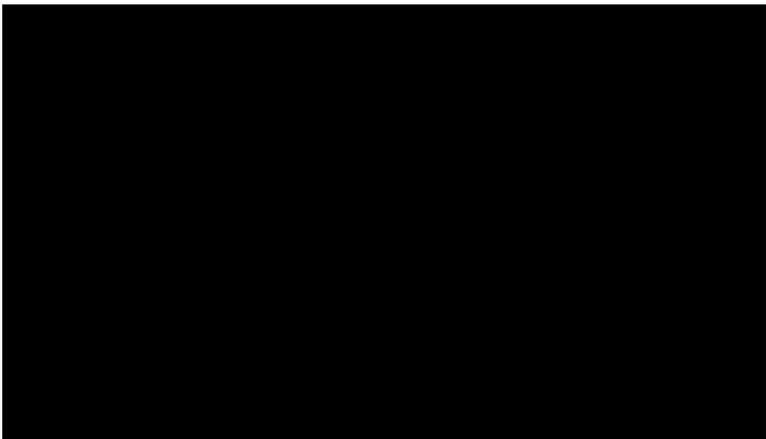
Please find within the following link representations from the Defence Infrastructure Organisation to the current consultation on the New Local Plan Proposed Modifications.

[Redacted]  
This includes completed response forms (which are also attached) and DIO's supporting representations.

I would be grateful if you could confirm receipt.

If you have any issues accessing the documents or have any further queries please do not hesitate to contact me.

Kind regards,



July 2021

## Appendix G – Queen Elizabeth Barracks Mitigation Masterplan



Defence  
Infrastructure  
Organisation

REFERENCE  
2201.05

PROJECT

# QUEEN ELIZABETH BARRACKS, STRENSALL, YORK

DOCUMENT

## MITIGATION STRATEGY MASTERPLAN REPORT

CLIENT

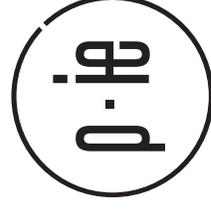
DEFENCE INFRASTRUCTURE  
ORGANISATION

STATUS

FINAL

DATE

07/07/21



# CAPITA

**DOCUMENT CONTROL**

FILE NAME

**2201-IN-001-02- QEB MITIGATION STRATEGY**

PREPARED BY (INITIALS)



CHECKED BY (INITIALS)

PLANNING

**AVISON YOUNG**

ECOLOGY

**WOOD/CAPITA**

# Contents

---

## **1 INTRODUCTION, SCOPE AND PURPOSE**

1.1 Background

1.2 Site Overview

1.2 Scope and Purpose

## **2 CONTEXT**

2.1 Strensall Common SAC

2.2 Existing Management

## **3 PROPOSED MITIGATION MEASURES FOR STRENSALL COMMON SAC**

3.1 Proposed Mitigation Measures for Strensall Common SAC

## **4 PROPOSED MITIGATION FOR SITES ST35 AND H5**

4.1 Objectives and Concept Masterplan

4.2 Mitigation through Open Space Provision

4.3 Mitigation through Boundary and Edge Treatments

4.4 Movement and Access

## **5 SUMMARY AND CONCLUSIONS**

5.1 Summary and Conclusions



# 1

INTRODUCTION, SCOPE  
AND PURPOSE

# 1.1 Introduction, Scope and Purpose

## BACKGROUND

QEB has been declared surplus to requirements and is due to be vacated by 2024. Since November 2016, DIO has been promoting QEB for housing development and is seeking appropriate allocations in the emerging York Local Plan. The Submission Version of the Local Plan proposes that two parcels of land at QEB are allocated for housing development. These are identified in the Plan as Sites ST35 and H59. ST35 has a notional capacity of 500 homes and H59 a notional capacity of 45 homes. However, the City of York Council is proposing that these allocations be deleted from the Plan in the light of concerns that it has about the developments impacting on the integrity of the SAC.

## SITE OVERVIEW

QEB is located on the southern edge of Strensall village about 8.8km (5.5 miles) north of York City Centre. The main QEB site covers just over 31ha and is accessed off Strensall Road, and also via St Wilfrid's Road. A much smaller part of QEB lies to the immediate north of Howard Road adjacent to service families accommodation. The main QEB site contains a large number of buildings, parking and outdoor storage areas, roads, plant and outdoor sport and recreation facilities. The smaller site comprises a parcel of rough open ground.

Strensall Training Area, known locally as Strensall Common, is situated to the east of the site and comprises 596.63 hectares of acidic lowland heath.

It is designated as a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). All but 42ha of the SAC is owned by the MoD and large parts of it are used for the training of troops. In the southern half of the SAC are a number of live firing ranges and an associated danger area where public access is restricted.

## SCOPE AND PURPOSE

This document has been produced by Planit IE to help illustrate how certain of the mitigation measures referred to in DIO's Mitigation Measures Report (November 2019) and discussed in Representations that are being submitted in response to the Council's additional consultation in July 2021, could be deployed. It also illustrates how additional land owned by DIO (lying between sites ST35 and H59 and referred to as alternative green space (AGS)) could be integrated with the proposed residential developments creating additional greenspace that is lacking in within Strensall village.

The plan opposite indicates the land areas considered within this report. These include the main QEB site, the land off Howard Road, the SAC and other land owned by MoD to the immediate north and south of the main QEB site. The latter (previously identified as a possible area of AGS ("AGS1") is referenced in the pages that follow but is not being offered as part of the mitigation measures associated with ST35 and H59 in the light of the role it plays in the grazing of the Common by the tenant farmer.

The rest of this document is structured as follows:

### Chapter 2: Context

This section describes Strensall Common SAC and the surrounding area as well as the role that DIO plays in terms of the management and maintenance of the SAC.

### Chapter 3: Proposed Mitigation Measures for Strensall Common SAC

This chapter describes the mitigation measures that DIO considers could be delivered within the SAC itself.

### Chapter 4: Proposed Mitigation for Sites ST35 and H59

This section explores how Sites ST35 and H59 could be masterplanned and developed so as to (i) provide future residents with high quality open spaces that are attractive and convenient to use; (ii) deliver boundary and edge treatments which prevent urban edge effects and the formation of uncontrolled accesses into the SAC; (iii) require the majority of residents to walk more than 400m to access the Common and require all residents to access the Common via Scott Montcrieff Road; and (iv) provide a comprehensive network of movement and circulation routes into the proposed masterplan for the site.

### Chapter 5: Summary and Conclusions



**KEY**

- ① Queen Elizabeth Barracks
- ② Proposed Alternative Green Space (AGS 2)
- ③ Lambshill - location of farm used by tenant

- Site boundary
- Danger zone
- Strensall Common SAC
- Yorkshire Wildlife Trust Reserve





# 2

---

CONTEXT

## 2.1 Strensall Common SAC

Strensall Common is an isolated site which contains internationally important lowland heath that lies within the Vale of York. The protected site supports a mosaic of wet heath, dry heath, mire, open water, woodland and acid grassland. Strensall Common is home to a host of biodiversity, including a nationally important population of dark-bordered beauty moth. Conservation management here is aimed at maintaining the open areas of wet and dry heath.

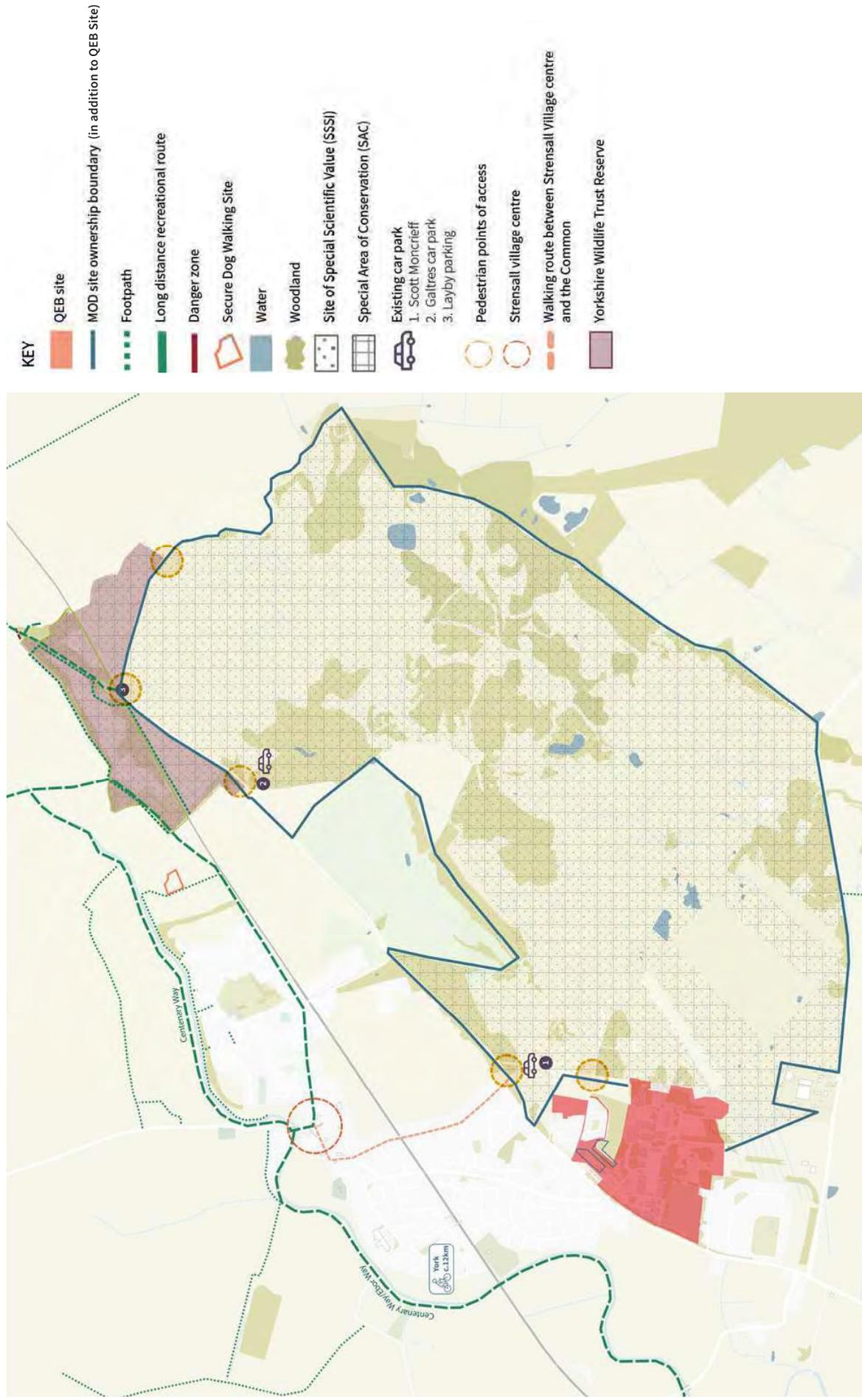
These routes are colour-coded, waymarked, and are of different lengths, providing a variety of access options. Two of the routes travel through the Range Danger Area, and are therefore only accessible when live firing is not taking place and red flags/lamps are not displayed. The other two routes are located on the dry training area and are accessible at all times, unless an urgent situation arises that necessitates their closure.

The SAC is served by two car parks (Scott Montcrieff and Galtres) which lie approximately 0.8km and 2.6km to the north east of QEB as the crow flies. These are the main points of access to the Common for recreational users. In addition, there is an informal parking area in a layby arrangement in the north western corner of the SAC off Lords Moor Lane and 'informal' pedestrian accesses at the eastern end of Howard Road (which leads onto Scott Montcrieff Road) and just of York Lane, on the northern boundary of the SAC, close to the Flaxton Meadows Campsite.

The Plan on Page 11 shows the extent of MoDs ownership, the extent of the SAC, the QEB site and the location of the main points of access to the SAC. It also shows the main footpaths that lie to the west of the Common, within and adjacent to the village.

On Page 12 we have included MoDs public access leaflet for Strensall Common which describes the Training Area, explains the safety precautions visitors need to observe and shows where the waymarked routes are relative to the firing ranges and danger area.

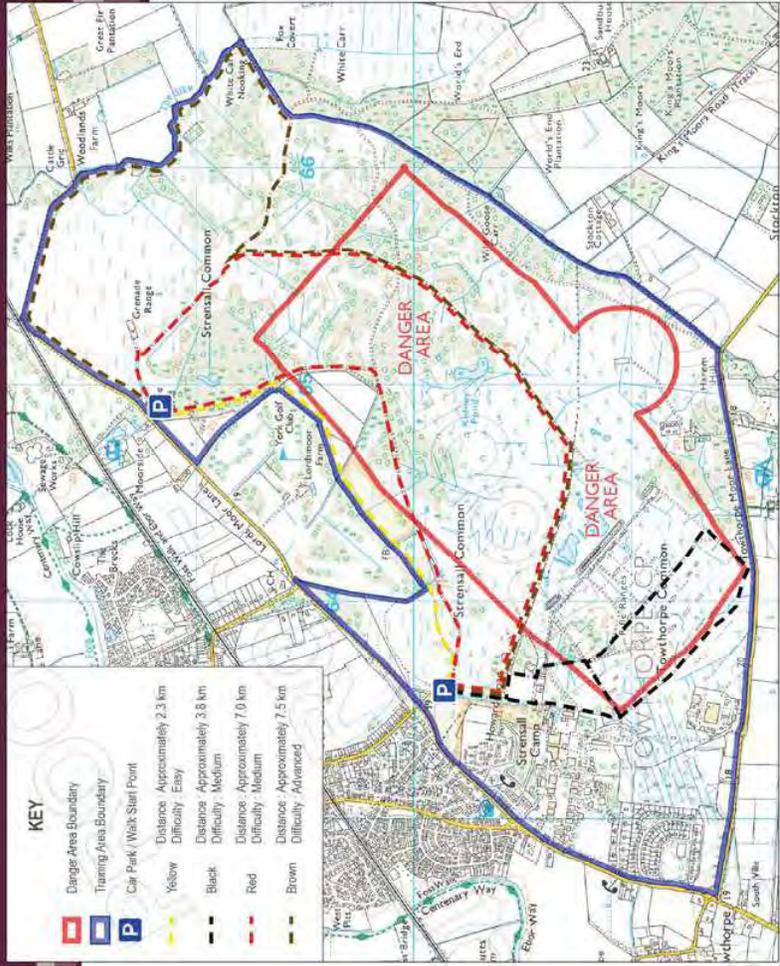
There are no Public Rights of Way within the SAC. There are, however, four permissive routes which have been created by the MOD.



WIDER SITE ANALYSIS - STRENSALL COMMON



# Strensall Military Training Area



**Description**  
 Strensall Military Training Area is a key site for the Armed Forces. The site provides an ideal location for a range of training regimes, but is primarily used for infantry tactics up to section and platoon level. There are seven live firing ranges and a Grenade range on the site which are used most days of the week. The site is also open for live firing two weekends per month. The Dry Training area is used throughout the year and is suitable for military training and includes a cargo dropping zone.

**Public Access and Safety Information**  
 The MOD welcomes you to use the Permissive Path Network around Strensall Military Training Area when it is safe to do so. Please keep to these simple rules.

- Observe all safety flags and signs
- Do not enter Range Danger Area when red flags are displayed
- Keep your dog under control at all times & please clean-up dog fouling
- Take all your litter home
- Do not light fires (Wildfire Danger)
- No Camping
- No Motor Vehicles (except in designated Car Parks)

Public Access is subject to the Strensall Common Military Byelaws 1972. Full copies on display around the site.

**THE RANGE DANGER AREA IS MARKED BY A PERIMETER FENCE, RANGE SAFETY SIGNS AND RED FLAGS (DAYTIME) AND RED LAMPS (AT NIGHT).**  
 Red flags are flown to show when access is not permitted within the Range Danger Area (during live Range Firing). Please observe the safety signs, red flags and lamps at all times when they are displayed, and any safety directions from MOD personnel.  
 If you see a fire please ring 995 (Fire Service).

To prevent disruption to military training we ask that all dogs be kept in sight and under effective control. We also ask that you respect the soldiers who use the site and clean up after your dog.



Warning - Soldiers, vehicles, or equipment may be present. This could include the use of live ammunition, including live firing, live fires and smoke emissions.

Strensall Military Training Area, Scott Moncrieff Rd, Towthorpe, York YO32 9XB

HQ SMITA: 01904 442994 – Range Control: 01904 442857

## 2.2 Existing Management

In accordance with its stewardship obligations, DIO (including in-house ecologists) works in partnership with a number of organisations, including CYC, Natural England and the Yorkshire Wildlife Trust, to ensure that the SAC is appropriately and effectively managed.

The Strensall Training Area Conservation Group, which DIO convenes and Chairs, meets twice yearly and is a forum through which the MoD engages with a variety of stakeholders voluntary bodies and academics including Freshwater Habitats Trust, Butterfly Conservation, Yorkshire Wildlife Trust, as well as Natural England.

Existing and ongoing management activities are outlined in DIO's 'Report on Mitigation Measures for the City of York Local Plan' (November 2019) produced by Wood and Avison Young, and are summarised below:

### Ongoing adaptive management and habitat enhancement

The MOD manage the estate carrying out regular monitoring and maintenance of the site infrastructure. Recent works include:

- Conservation grazing using cattle and sheep.
- Scrub clearance;
- Installation of boardwalks; and
- Provision of small enclosures to protect the food plant of the rare Dark Bordered Beauty Moth.

### Grazing regime

The MOD/DIO works with an agricultural tenant, who is responsible for grazing Strensall Training Area with a herd of Hebridean sheep. Grazing is managed in line with a Higher Level Stewardship Plan agreed and administered by Natural England at certain times during the course of the year (the Common is not grazed constantly). This is crucial for the conservation of the heathland and is an effective yet traditional method for keeping the scrub at bay and the heath open. The MOD manage the estate carrying out regular monitoring and maintenance of the site infrastructure.



# 3

---

PROPOSED MITIGATION  
MEASURES FOR STRENSALL  
COMMON SAC

## 3.1 Proposed Mitigation Measures for Strensall Common SAC

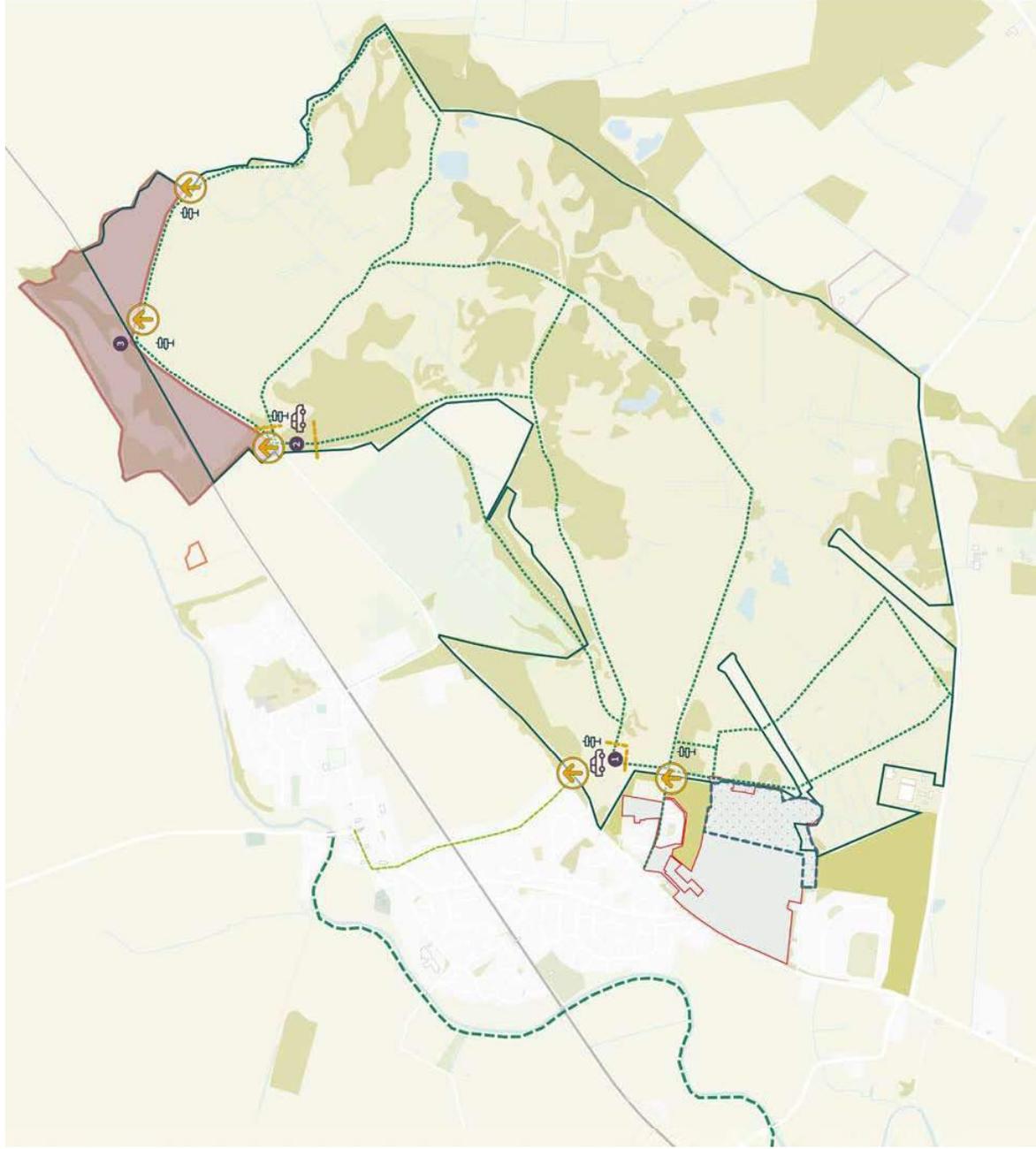
<p>DIO has identified a range of mitigation measures that could be implemented both on Strensall Common, and within/adjacent to Sites ST35 and H59. In this section, we describe the mitigation measures that could be deployed on the Common itself, and illustrate how these could be accommodated.</p>	<p>There will be a dedicated presence throughout the year with emphasis on engaging with site visitors particularly during the grazing season to help dog walkers and visitors understand where the sheep and cattle will be grazing and the need for them to keep dogs on leads and not disturb the sheep, especially the lambs.</p>	<p><b>Enhanced Signage / Information</b> Enhanced signage and interpretive information will be installed at all access points highlighting the value and sensitivity of the site and the desired behaviour required from visitors to assist in the awareness raising associated with the site in conjunction with wardening presence and engagement.</p>	<p><b>Managed Access</b> Information relating to areas where grazing animals will be present and the risks to them will be shared with site visitors by the Wardens so they can avoid these areas if a risk of disturbing them could arise.</p>
<p><b>Wardening</b> The mitigation measures will introduce a full time on-site presence of Wardens. They will be present to engage with the public and visitors to the site to help them understand the importance of the site, its habitats and species, where they can walk if they are not familiar with the area, where restrictions to access might lie i.e. on live firing days.</p>	<p>The Wardens will also encourage regular site visitors to act as volunteers / ambassadors to promote good behaviours relating to dog walking. Part of the Wardens role will also be to record any incidents on site that could affect the heathland and monitor the Strensall Military Training Area for signs of impacts of recreation and ensure appropriate management is put in place to remedy the risk of any negative impacts. This will be a proactive addition to the site and achieve one of Natural England's objectives. They can provide regular updates to NE's Conservation &amp; Land Management Advisor.</p>	<p>A review of on site waymarking and signage of the permissive paths will be undertaken to assess where better waymarking is required across the site. Where waymarking is lacking this will be updated to ensure the waymarked routes are clear to enable site visitors to follow them consistently.</p>	<p><b>Site Infrastructure</b> A review of the site's existing infrastructure will be carried out to assess whether any replacement / reinforcement of existing fencing or access gates is required. Where wetter areas of the permissive pathways are leading to deviations from the route, these will be boardwalked to prevent wider trampling effects.</p>
<p>They will be a regular and friendly presence encouraging desired behaviours from the public such as that required for dog walking and raising awareness on site as well as through online posts via social media. They will make regular checks across the site for general maintenance and upkeep, liaising with key stakeholders, regularly monitoring access points and boundary fences, trampling effects and fly tipping.</p>	<p>On the informal signage boards the Wardens will put up the latest information on where the sensitive areas for grazing are likely to be to assist site visitors who have dogs or are concerned about sheep worrying avoid these areas.</p>	<p>Interpretation of the need to avoid disturbing the ponds and waterbodies on site will be provided via the Wardens and appropriately placed interpretive signage.</p>	<p>In line with the review of site infrastructure the existing car park barriers and their use will be assessed to assess if improvements can be made in the deployment of them outside the main daytime visiting hours.</p>

### **Making of New Bylaws**

Existing bye-laws prohibit certain activities and restrict access to the “recreation ground land” at Strensall Training Area when not required for military use. All of the land under MOD ownership can be used for military training. The public are not permitted to access the fenced range danger area when red flags/lamps are shown. Gates in the danger area fence are locked when firing is taking place. If no live firing is happening the gates are open and red flags are down.

The existing bye-laws for Strensall Training Area are programmed for review which will update the existing bye-laws and provide greater clarity on the activities not permitted across the site. Awareness raising of these via the Wardens, signage and social media will assist in providing clarity to the public on the restrictions to access to the Training Area for recreation and can be monitored and influenced by the Wardens and public Ambassadors to promote appropriate behaviours and usage of the site avoiding negative impacts.

The Wardens will be given enforcement powers by an Appointed Person under the bylaws to provide a better on-site enforcement role to tackle any anti-social or inappropriate behaviours in conjunction with range staff and the police.



KEY

- Site boundary
  - Strensall SAC/SSSI
  - Yorkshire Wildlife Trust Reserve
  - Permissive footpath route within Common
  - Existing car parking area
    1. Scott Moncrieff
    2. Gaitres car park
    3. Layby (Foss Walk)
  - Pedestrian point of access
  - Walking route between Strensall Village centre and the Common
  - Off Site Secure Dog Walking Facility (proposed by others)
- Proposed Mitigation Measures**
- Enhanced signage/information At points of access.
  - Car park barriers Additional/improved car park barrier
  - Site Wide (Strensall Common)
    - Wardening To include but not be limited to existing pathways and QEB site boundary.
    - Managed Access 'Grazing zones' defined by dog-proof fencing. Visitor information on grazing areas to be avoided.
    - Additional Fencing Replacement/reinforcement of existing fencing where required (subject to survey) to discourage open access to Common

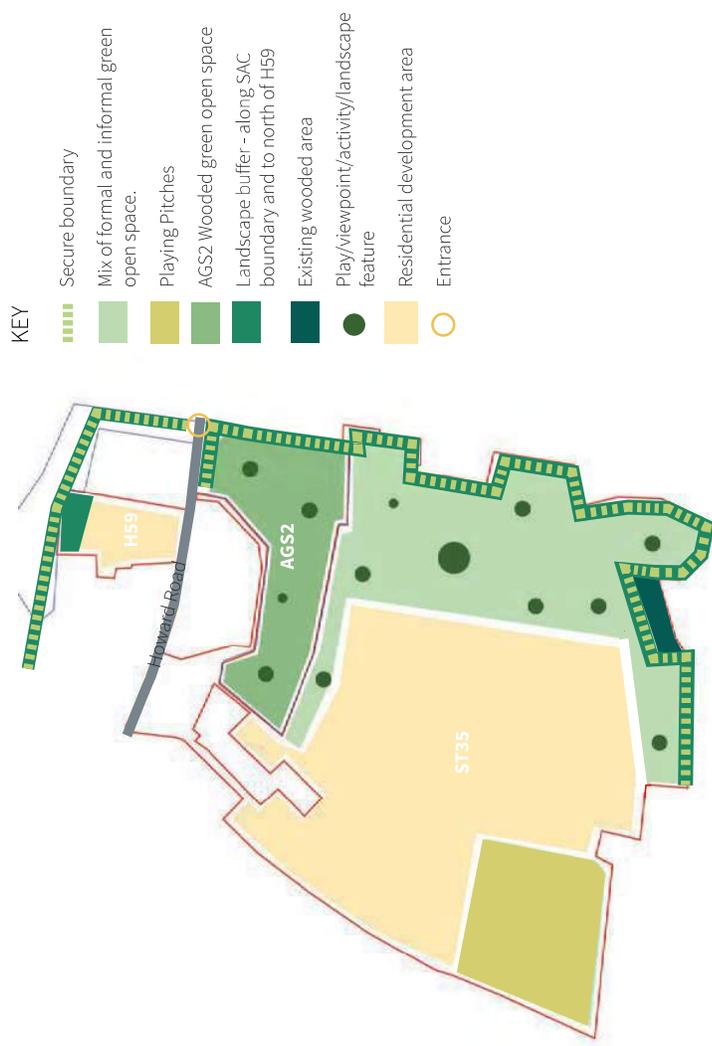
# 4

PROPOSED MITIGATION  
FOR SITES ST35 AND H59

## 4.1 Objectives and Concept Masterplan

DIO has given careful consideration to how developments on Sites ST35 and H59 could be laid out so as to (i) deliver a substantial number of new homes, thus making effective use of these major brownfield public sector assets and a material contribution to addressing the City's housing needs; (ii) deliver a significant amount of high quality formal and informal open space so as to limit the extent to which future residents feel the need to use the Common for recreation; (iii) separates the proposed housing from the Common and creates robust boundaries between the two; (iv) funnels those residents that want to access the SAC to the pedestrian link on Howard Road; and (v) makes it such that the majority of residents that want to access the SAC have to walk more than 400m to get there.

The masterplanning exercise that has been undertaken clearly demonstrate that there is the ability across the two QEB sites to deliver on all of the above objectives, through layout and design. As the Concept Masterplan opposite illustrates, and the more detailed masterplan that follows explains, they key components of a successful scheme will be: separation (between any proposed housing and the SAC, preventing direct access from houses into the protected site); boundary control; the creation of a variety of fully accessible, integrated and high quality open spaces that provide for sport, informal recreation and walking, including walking with dogs; and using the spaces and built form to direct users of the SAC to access it via Scott Montcrieff Road.



## 4.2 Illustrative Masterplan - Mitigation by Layout and Design

The illustrative masterplan opposite has been designed to deliver the SAC mitigation that is required, a significant number of new homes and a great place that is integrated with the existing village.

### KEY FEATURES

- 545 homes and land for a new Primary School;
- A green buffer between homes and the SAC boundary on ST35;
- 12.45ha of public open space on site (2.6ha of playing pitches and 9.85ha of informal open space and play areas);
- 2.5km of leisure routes available within Site ST35;
- Additional 4ha of natural AGS provided to the immediate north of ST35, increasing the length of available leisure routes to 3.3km;
- AGS accessible to existing Strensall residents via St Wilfred's Road;
- Estimated 11.1ha of open space and 1.36km of leisure routes;
- Robust boundary and edge treatments to the SAC boundary separated from areas that are accessible to the public (retained and maintained by MoD if necessary);
- Access from ST35 to SAC only permitted via St Wilfred's Road / Howard Road;
- Access to Army Cadet Force training facility maintained off Scott Montcrieff Road.



## 4.3 Edge Detail - ST35



Swale features set within grass/ heathland and native planting.

New boundary treatment, secure fencing / planting and swale water feature.

Large green space to be managed to promote a species rich semi-natural grassland and heathland.

ACF boundary retained in place with new boundary planting.

Mix of new pocket parks, gardens and play spaces immediately around the proposed new homes, with existing native mature trees retained.

Provision of 2.5km of footpath on ST35 edge which contributes to 3.3km provision overall.

New typical boundary treatment with defensive fencing / planting and swale water features.

New spaces to stop and rest with potential viewpoints out to Strensall Common SAC.

0.56ha of SAC currently included in ST35/SS19 policy should be removed from Local Plan allocation for residential development as it is part of Strensall Common SAC and will not be subject to development of the QEB site.

## 4.4 Edge Detail - AGS2 and H59



Reinforced tree/landscape buffer along northern site edge and secure fence line on the QEB side of the SAC boundary (outside the SAC). Low shrubs to include gorse *Ulex galii*, with Rowan *Sorbus aucuparia*.

New secure fence line set within existing trees along Scott Moncrieff road to the east.

New typical boundary treatment with defensive fencing and planting. Low shrubs to include gorse *Ulex galii*, with Rowan *Sorbus aucuparia*.

Nearest access point 430m from main body of the site (ST35 allocation).

New pond feature to create additional barrier to eastern edge.

Existing boundary reinforced to prevent indiscriminate access.

Over 0.8km of new and accessible internal paths and routes within AGS2.

## 4.5 Mitigation through Open Space Provision

The QEB site masterplan proposes high quality, varied green open space throughout the site, with an emphasis on attractive semi-natural greenspace.

Semi-natural green space within the QEB site will create an attractive environment for residents, and promote use of the site for recreational purposes, thus offering accessible and inclusive recreational and dog walking routes close to the residential area mitigating the lack of open green space in Strensall village and the need to go into Strensall Training Area for those that visit the SAC for walks that can be accommodated closer to home.



EDUCATIONAL RESOURCE AND ECOLOGICAL VALUE



WOODED LANDFORM AND SUDS WITH BOARDWALK ACCESS



NATURALISTIC PLAY



DOG WALKING AND RECREATIONAL ROUTES



TREE AND SHRUB PLANTING FORMING BARRIER TO MOVEMENT

## 4.6 Mitigation through Boundary and Edge Treatments

Concerns have been expressed about the proximity of Sites ST35 and H59 to the SAC. It has been suggested that because of their proximity, the residents of these developments are more likely to use the Common for recreation and are more likely to cause urban edge and other adverse effects. Moreover, the Council is now asserting that there should be a 400m cordon designated around the SAC, within which new housing developments should not be allowed. DIO disputes these suggestions and proposals for the reasons set out in its Representations.

However, it is clear that through appropriate design and site management, a development can be delivered at QEB in which the vast majority of residents have to travel more than 400m to access the Common which mitigates against the risk of urban edge effects occurring.

In the section, we examine how boundary and edge treatments can be designed and used to discourage use of the Common and address the issue of edge effects.

A robust boundary to the Common will do 4 things. First, it will prevent indiscriminate access and trampling into Strensall Common SAC across areas that are not waymarked and comprise heathland habitats. Second, it will force those that wish to access the Common to do so via one of the main public access points, where there will be detailed visitor information and guidance, waste bins etc. Thirdly, a robust boundary will force the majority of residents to travel more than 400m to the nearest access to the Common thus using the same access points that other visitors to the will and not creating additional pressure from new access points. Fourthly, a correctly specified boundary treatment will prevent cats and dogs from accessing the Common via the QEB site. In addition, designed well, the boundary will make a material contribution to habitat creation and biodiversity within the site.

### GENERAL DESIGN PRINCIPLES - SITE BOUNDARIES

The general approach to site boundaries will be the use of landscape treatment to create a secure edge to the QEB site, and prevent movement directly into Strensall Common. The secure fenceline will be regularly checked and maintained as necessary.

A key function of the landscape will be the role of visually screening the secure fence line that will physically prevent access to the Common from within the site. At the same time, the landscape will incorporate additional 'barrier' elements, including the use of landform, SUDS / damp meadow and grassland (subject to annual management to maintain grassland habitats), and dense planting (tree and shrub planting away from the SAC boundary to minimise for potential seed drop into the SAC). The SUDS will be designed to avoid potential draining of wet heath if adjacent to the site. SUDS design will form a potential enhancement opportunity, complementary to any nearby areas of wet heath.

The landscape treatment will vary around the periphery of the site, according to the presence or absence of existing built or landscape features. It will also work to create a diverse and attractive landscape to encourage use of green open space within the site by residents.



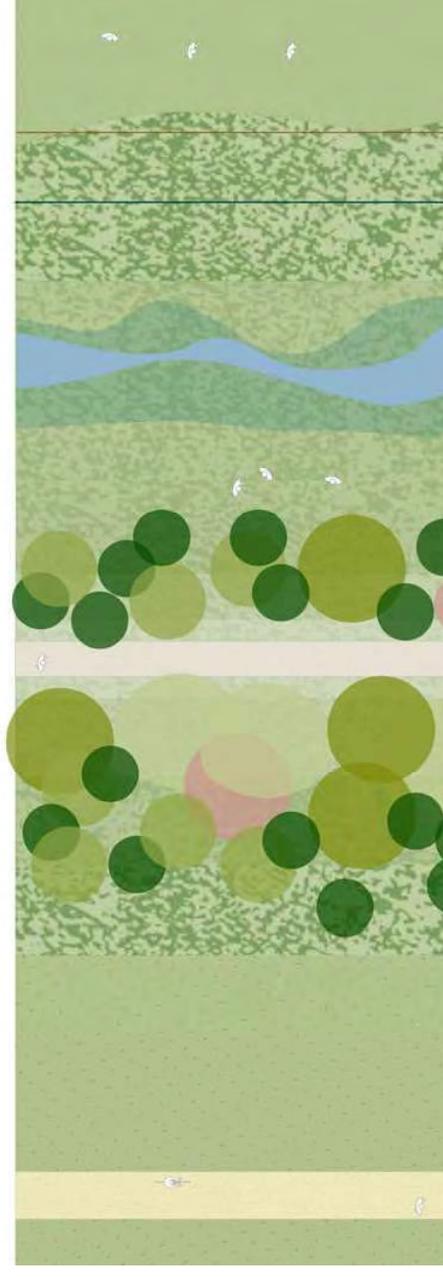
BOUNDARY TREATMENT KEY PLAN

### TYPICAL BOUNDARY TREATMENT

A typical boundary treatment would include the use of manipulated landform, planting and SUDS to create an attractive and naturalistic barrier to movement. Planting can be used to visually screen a secure fence line which, in addition to the landscape elements, will prevent ad-hoc entry into Strensall Common SAC from within the site. The key design principles are set out below.

#### Design Principles

- Manipulation of the landform to form a visual and physical barrier to movement towards Strensall Common. Where existing trees are present, landform manipulation will not be possible.
- Use of naturalistic native tree planting to create a woodland along the raised landform to reinforce the 'barrier' effect.
- Shrub under-story to the outer edge of the woodland to prevent pedestrian movement towards Strensall Common.
- Set-back of tree and shrub planting from SAC boundary to avoid potential seed drop and shrub encroachment.
- Use of SUDS to form a 'moat' around the site edge with damp meadow planting creating habitat potential and acting as a barrier to pedestrian movement towards The Common. SUDS designed to hold water and avoid potential draining water from wet heath.
- Secure fence line visually screened by native shrub planting.
- Low timber edge to subtly demarcate the edge to The Common.



ILLUSTRATIVE SECTION / PLAN: TYPICAL BOUNDARY TREATMENT

NOTES

- ① Queen Elizabeth Barracks (ST35) and H59 - public open space with 3m wide shared footpath / cycle path.
- ② Woodland edge low shrub and tall herb layer to allow visual permeability.
- ③ Mounded landform to form natural barrier to movement. Native woodland belt planting incorporating 1.5m pathway.
- ④ Native woodland planting with shrub layer to form a natural barrier to movement.
- ⑤ Wetland meadow incorporating grasses and native perennial species.
- ⑥ SUDS to form a 'moat' to discourage movement.
- ⑦ Native shrub barrier planting set back from SAC edge to avoid potential seed drop/shrub encroachment.
- ⑧ Secure fence line to prevent movement into Strensall Common SAC screened by planting. The fencing along the boundary with the SAC will be at least 1.5m high with 50mm gauge mesh fencing incorporated on the QEB side
- ⑨ Timber 3 bar field fence to Strensall Common SAC - preserving rural character.
- ⑩ Strensall Common SAC.

KEY

— Boundary to SAC



ILLUSTRATIVE PERSPECTIVE VIEW: LANDSCAPE BUFFER TREATMENT

## 4.7 Movement and Access

The design approach to movement within the site will encourage dog walking, walking, cycling and recreational use of the site, thereby reducing reliance on the SAC for recreation.

A comprehensive network of movement and circulation routes will be incorporated into the proposed masterplan for the site. This will allow residents to use the site for dog walking, as well as recreational uses such as walking, cycling and running. The new development will provide over **3.3km** of on-site walking and cycling routes.

Access to Strensall Common SAC will require residents to either walk to Strensall Road and enter Strensall Common SAC via the existing primary access points; via the Scott Moncrieff car park, or via the Howard Road secondary pedestrian gate. Howards Road is the closest access point into Strensall Common SAC, but this is still just over 400metres / 5 minute walk from the nearest home on the main site.

Strictly no direct pedestrian routes will be allowed from the site directly into the adjacent SAC, and the robust and comprehensive site boundary treatments will prevent indiscriminate access.

The development will provide a wealth of convenient on-site routes and features of interest that will encourage recreational use within the site which, combined with the walking distances to access Strensall Common SAC, will minimise any potential additional use. Inclusion of AGS 2 land could help reduce pressure on the Common further, by offering a closer, more convenient, safe and dog friendly natural environment.



ON-SITE MOVEMENT STRATEGY



### ACCESS

- Primary site access retained as existing, via Cheshire Avenue off Strensall Road.
- Access to Strensall Common via the primary entrance to the north (Scott Moncrieff car park) will be approximately 1.2km from the centre of the site.
- An existing informal pedestrian access is located along Howard Road. This route into Strensall Common is currently used by residents of Strensall. This access is 430m/5+ minute walking distance from the nearest proposed homes on the main site.
- There will be no direct access onto the Common from the main site, which will encourage residents to use the QEB site greenspace for recreational purposes, and absorb some additional use of the Strensall Common SAC.



### RECREATIONAL ROUTES

- A network of informal circulation routes will be created within the site, to actively encourage recreational use of the site. The development will offer over **3.3 km** of on-site pathways.
- The route network will be designed to facilitate a range of activities, including walking/dog-walking, cycling and fitness. Routes will be designed to connect to key entrances in order to facilitate wider linkages to Strensall Village and the Centenary Way/Ebor Way.
- Routes around the site will be designed to connect through different areas of green open space to create attractive and varied routes. Green spaces will focus on the provision of attractive semi-natural green spaces, and will include; wildflower meadow, grassland, native hedgerows and ponds.

# 5

## SUMMARY AND CONCLUSIONS

## 5.1 Summary and Conclusions

This document outlines a package of mitigation measures that DIO is proposing to deploy alongside the proposed development of ST35 and H59 for a combined total of 545 homes.

To summarise, the additional mitigation measures proposed include the following:

### Measures proposed for Strensall Common SAC

1. Wardening – a full time dedicated on-site presence of wardens throughout the year to encourage desired behaviours from the public and particularly walkers with dogs. This will include the creation of a log of incidents on site that could affect the heathland and ensure appropriate management is put in place to remedy the risk of negative effects.
2. Enhanced Signage / Information – in addition to existing signage include installation of new signage to highlight the value and sensitivity of the site and the desired behaviours required from visitors including around sensitive areas for grazing and seeking to avoid pond disturbance. A review of signage will also assist in ensuring waymarking routes are clearly defined and maintained.
3. Review of site infrastructure - A review of the sites existing infrastructure will be carried out to see whether any replacement/reinforcement of existing fencing or access gates are required and to determine whether improvements can be made to the existing car park barriers.

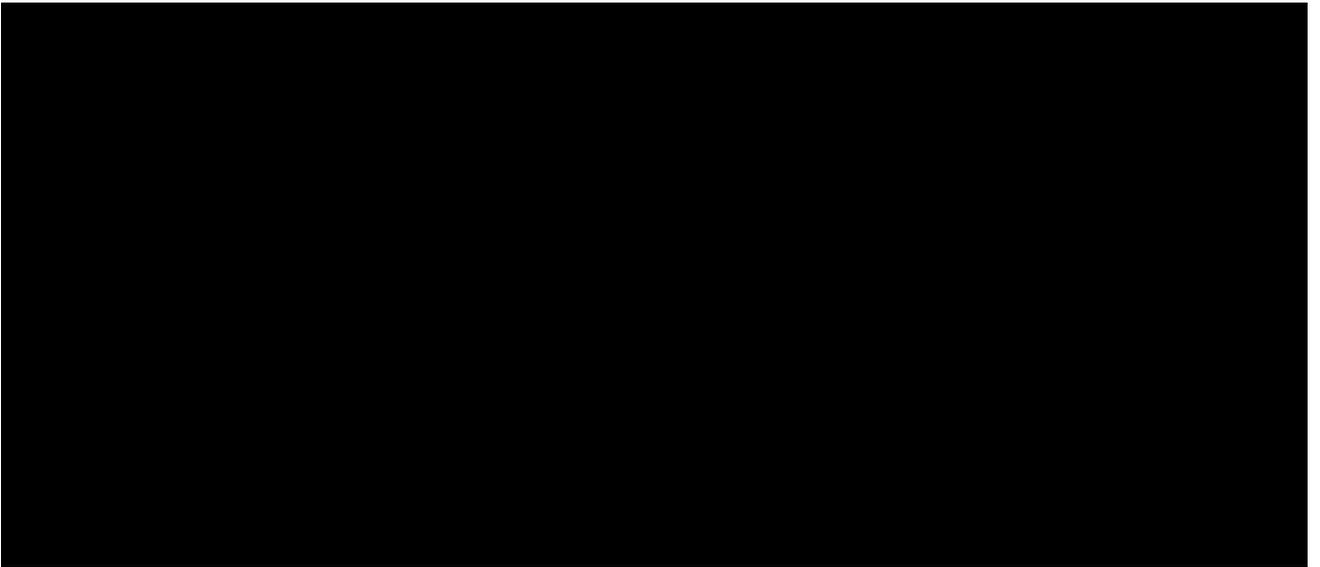
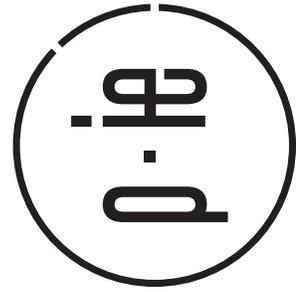
4. Making of New Bylaws – The existing bye-laws are programmed for review which will update the existing bye-laws and provide greater clarity of activities not permitted across the site. The Wardens (at 1) will be given enforcement powers to provide better on-site enforcement to tackle any inappropriate behaviours in conjunction with range staff and the police.

### Measures proposed for Sites ST35 and H59

5. Layout and Design – illustrative masterplan layout which incorporates a green buffer between homes and the SAC boundary and a site layout which avoids homes or gardens backing onto the SAC.
6. Open Space Provision – provision of high quality, varied open space with 12.35ha of public open space being provided on site and an additional 4ha of natural AGS resulting in a total of 16.35ha open space provision.
7. Boundary and Edge Treatments - Robust boundary and edge treatments are proposed to the SAC boundary incorporating a number of design principles such as the use of manipulated landform, planting and SUDS to create an attractive and naturalistic barrier to movements and a secure fence line visually screened by native shrub planting.
8. Access and movement - A total of 3.3km on-site leisure and walking routes with access to SAC only permitted through existing Howard Road entrance or via the Scott Moncrieff car parks. No direct pedestrian routes will be allowed from the site onto the adjacent SAC as secured by the boundary treatments at 7.

DIO is in a unique position being able to deploy a whole host of additional mitigation measures both on the Strensall Common SAC and directly associated with the design and layout of proposed development at QEB and the Common would benefit significantly with this additional package of mitigation measures.





July 2021

## Appendix H – DIO Access Information Panel



# Strensall Military Training Area

## Description

Strensall Military Training Area is a key site for the Armed Forces. The site provides an ideal location for a range of training regimes, but is primarily used for infantry tactics up to section and platoon level. There are seven live firing ranges and a Grenade range on the site which are used most days of the week. The site is also open for live firing two weekends per month. The Dry Training area is used throughout the year and is suitable for military training and includes a cargo dropping zone.

## Public Access and Safety Information

The MOD welcomes you to use the Permissive Path Network around Strensall Military Training Area when it is safe to do so. Please keep to these simple rules.

- Observe all safety flags and signs
- Do not enter Range Danger Area when red flags are displayed
- Keep your dog under control at all times & please clean-up dog fouling
- Take all your litter home
- Do not light fires (Wildfire Danger)
- No Camping
- No Motor Vehicles (except in designated Car Parks)

Public Access is subject to the Strensall Common Military Byelaws 1972. Full copies on display around the site.

## THE RANGE DANGER AREA IS MARKED BY A PERIMETER FENCE, RANGE SAFETY SIGNS AND RED FLAGS (DAYTIME) AND RED LAMPS (AT NIGHT).

Red flags are flown to show when access is not permitted within the Range Danger Area (during Live Range Firing). Please observe the safety signs, red flags and lamps at all times when they are displayed, and any safety directions from MOD personnel.

If you see a fire please ring 999 (Fire Service).

To prevent disruption to military training we ask that all dogs be kept in sight and under effective control. We also ask that you respect the soldiers who use the site and clean up after your dog.



No camping



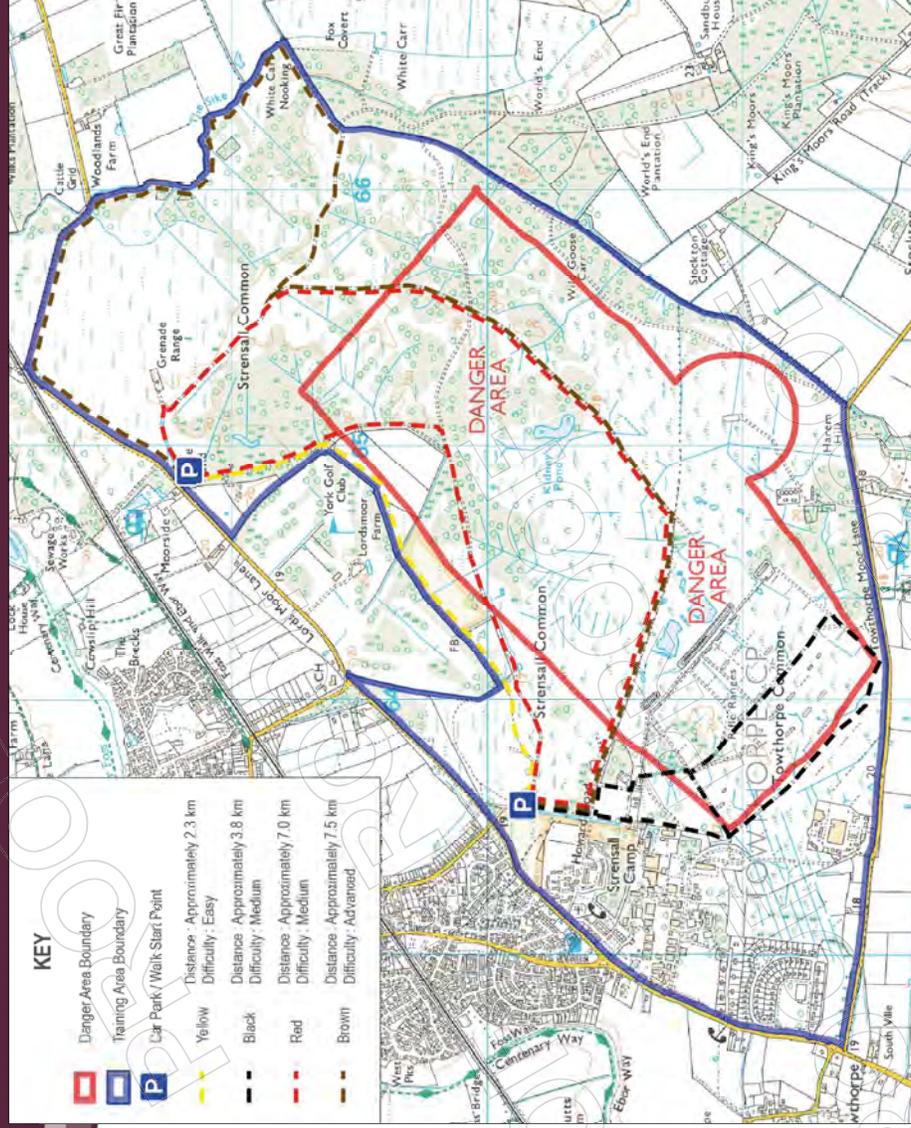
No open fires



No unauthorised vehicles



No dog fouling



You may come across military debris on or in the ground. Do not touch any suspicious objects. It may explode and harm you.  
Please report any suspicious object to the contact number below.



Please give way to military vehicles.



Warning Troops training - Troops may be training in this area and it may not be obvious where they are. This could include ambushing, blank firing and tactical manoeuvres.



Warning - Sudden noise, smoke or illumination possible.  
This could include the use of pyrotechnics including thunder flashes, trip flares and smoke emissions.

July 2021

## Appendix I – Hydrology Assessment

GVA / DIO

## DIO York Sites: Queen Elizabeth Barracks (QEB)

Hydrology assessment to support the Habitats Regulations Assessment



December 2017

Amec Foster Wheeler Environment  
& Infrastructure UK Limited



Report for  
GVA / DJO

Main contributors

[Redacted]

Issued by

[Redacted]

Approved by

[Redacted]

[Redacted]

### Copyright and non-disclosure notice

The contents and layout of this report are subject to copyright owned by Amec Foster Wheeler (© Amec Foster Wheeler Environment & Infrastructure UK Limited 2017) save to the extent that copyright has been legally assigned by us to another party or is used by Amec Foster Wheeler under licence. To the extent that we own the copyright in this report, it may not be copied or used without our prior written agreement for any purpose other than the purpose indicated in this report. The methodology (if any) contained in this report is provided to you in confidence and must not be disclosed or copied to third parties without the prior written agreement of Amec Foster Wheeler. Disclosure of that information may constitute an actionable breach of confidence or may otherwise prejudice our commercial interests. Any third party who obtains access to this report by any means will, in any event, be subject to the Third Party Disclaimer set out below.

### Third-party disclaimer

Any disclosure of this report to a third party is subject to this disclaimer. The report was prepared by Amec Foster Wheeler at the instruction of, and for use by, our client named on the front of the report. It does not in any way constitute advice to any third party who is able to access it by any means. Amec Foster Wheeler excludes to the fullest extent lawfully permitted all liability whatsoever for any loss or damage howsoever arising from reliance on the contents of this report. We do not however exclude our liability (if any) for personal injury or death resulting from our negligence, for fraud or any other matter in relation to which we cannot legally exclude liability.

### Management systems

This document has been produced by Amec Foster Wheeler Environment & Infrastructure UK Limited in full compliance with the management systems, which have been certified to ISO 9001, ISO 14001 and OHSAS 18001 by LRQA.

### Document revisions

No.	Details	Date
1	First draft (internal)	20/11/2017
2	Second draft (internal)	28/11/2017
3	Final draft for issue	04/12/2017
4	Updated terminology	28/11/19



# Executive summary

## Purpose of this report

This report has been prepared to support the allocation of a development site at Queen Elizabeth Barracks (QEB), Strensall, within the City of York Council Local Plan. The Habitats Regulations Assessment requires assessment of all European Sites (e.g. SACs) within 1 km of a proposed development. Strensall Common Special Area of Conservation (SAC), (UK0030284) is the only European Site within 1 km of QEB. Accordingly, the report has assessed the potential for likely significant effects of the proposed development at, on the hydrological environment of Strensall Common SAC, (UK0030284).

## Findings

The assessment was based on identifying the potential changes in flood risk, water resource and water quality that could result in a likely significant effect on the conservation objectives of Strensall Common SAC. To provide a robust assessment on the receptors, the scope of the assessment considered the potential effects on Water Framework Directive (WFD) water bodies, as well as the SAC itself. This was due to the geographic overlap of the feature and the similar pressures they are under. Principally, this included Tang Hall Beck/Old Foss Beck catchment, tributary of the River Foss (GB104027063500) and Foss from the Syke to the River Ouse (GB104027063520) WFD surface water bodies, and the SUNO Sherwood Sandstone (GB40401G702100) WFD groundwater body. Based on the geographic overlaps and data availability, assessment of baseline conditions for the receptors was made based on Cycle 2 (2016) WFD status.

Baseline assessment showed that the hydrological characteristics of the receptors are varied. Under Cycle 2 (2016) of the WFD Tang Hall Beck/Old Foss Beck catchment, the surface water bodies tributary of the River Foss (GB104027063500) and Foss from the Syke to the River Ouse (GB104027063520) are both were classified as moderate ecological potential, failing on ecology. The SUNO Sherwood Sandstone (GB40401G702100) WFD groundwater body is of poor overall status due to failing Chemical Status. Strensall Common (SAC) is of good baseline status, with no immediate pressures on hydrology.

Potential likely significant effects were identified for flood risk, water quantity and water quality. The assessment considered Site-specific effects arising from the development itself from construction, operational and decommissioning activities, as well as in-combination effects from other development within vicinity of the receptors. Specific impacts that could impact on all three receptors included:

- ▶ Increased flood risk due to increased surface water discharges from site (causing flooding WFD water bodies, or of wet heath or dry heath habitats in Strensall Common SAC);
- ▶ Reduced water availability due to new surface water or groundwater abstractions; and
- ▶ Reduced water quality due to increased sediment inputs or pollution.

Where a likely significant effect was identified, potential mitigation measures were outlined. For the construction phase, these included the incorporation of Sustainable Drainage Systems (SuDS) for the management of surface water, use of silt fencing (to trap sediment), and incorporation of best practice measures for pollution management, within a Construction Environment Management Plan (CEMP). For the operational phase mitigation measures included design of a suitable SuDS drainage system over the lifetime of the development (to account for drainage failure) and appropriate stages of water quality treatment (including sediment removal), before discharge of surface water from the Site. For both the construction and decommissioning phases, and the operational phase, measures should be taken to reduce water demand. However, should new abstractions be required, then these would need to be agreed with the Environment Agency to mitigate against the reduction in water availability for receptors.



## Conclusion

Based on the review of available baseline data and the potential mitigation, the assessment concluded that the proposed development at QEB would not result in adverse effects on the water environment. From a water environment perspective, this should allow for the allocation of the QEB within the City of York Council Local Plan. However, the final proposals for the development Site would still be subject to further Site-specific assessment (e.g. Flood Risk Assessment, Environmental Impact Assessment). These assessments would need to identify any site-specific mitigation measures to be incorporated into the proposed development at the Site, subject to attainment of planning approval.



# Contents

---

<b>1.</b>	<b>Introduction</b>	<b>7</b>
1.1	Purpose and scope of this report	7
1.2	Site description	7
1.3	Hydrology context	7
	Topography and catchment	7
	Surface water features	7
	Surface water drainage	8
	Geology and hydrogeology	8
	Flood risk	8
1.4	Proposed development	8
	Description of proposed development	8
	Likely significant effects from the proposed development	9
<b>2.</b>	<b>Methodology</b>	<b>10</b>
2.1	Overview and scope	10
2.2	Assessment criteria	10
2.3	Study area	11
2.4	Identification of Receptors	11
	Statutory designated biodiversity Sites of international importance	11
	WFD water bodies	12
2.5	Receptors scoped in to assessment	12
2.6	Identification of likely significant effects on receptors	13
2.7	Identification of likely significant in-combination effects	13
2.8	Data sources	14
<b>3.</b>	<b>Baseline assessment</b>	<b>15</b>
3.1	WFD water bodies	15
	WFD Surface water bodies	15
	WFD Groundwater bodies	15
3.2	Strensall Common SAC	16
<b>4.</b>	<b>Assessment of likely significant effects (unmitigated)</b>	<b>17</b>
4.1	WFD water bodies	17
	Flood risk	17
	Water resources	17
	Water quality	17
4.2	Strensall Common SAC	17
	Flood risk	17
	Water quantity	17
	Water quality	17
	Results	18
<b>5.</b>	<b>Assessment of likely significant effects (with mitigation)</b>	<b>20</b>
5.1	Mitigation measures	20
	Flood Risk	21
	Water Resources	21
	Water Quality	21



5.2	Assessment of residual likely significant effects (with mitigation)	21
6.	<b>Conclusions of assessment</b>	<b>23</b>

---

Table 1.1	Likely significant effects arising from the development	9
Table 2.1	Receptors scoped into assessment	12
Table 2.2	Data sources used to inform this assessment	14
Table 3.1	Cycle 2 (2016) WFD Status: surface water bodies	15
Table 3.2	Cycle 2 (2016) WFD Status: groundwater bodies	16
Table 3.3	Main pressures and threats to Strensall Common SAC	16
Table 4.1	Assessment of likely significant effects on receptors	19
Table 5.1	Potential mitigation measures	20
Table 5.2	Assessment of adverse effects on receptors	22

---

Appendix A	Environment Agency Flood Risk Data
Appendix B	Queen Elizabeth Barracks: Concept Plan



# 1. Introduction

## 1.1 Purpose and scope of this report

GVA/DIO are promoting the allocation of Queen Elizabeth Barracks (referred to hereafter as QEB, or the Site) for development through City of York Council's (CYC's) emerging Local Plan<sup>1</sup>. This report has been produced to provide the evidence base for the hydrological environment<sup>2</sup> to support the Habitats Regulations Assessment (HRA). The HRA is required to demonstrate appropriate assessment of likely significant effects of the development on a European Site<sup>3</sup>. Specifically, this report only considers potential effects of the development on surface water features. The assessment considered likely significant effects arising from the proposed development on its own, and 'in combination' with other plans or projects.

## 1.2 Site description

The QEB is an active Ministry of Defence Site, located on the outskirts of Strensall, York. The QEB is located to the immediate east of Strensall Road and occupies an area of approximately 30 ha. Existing land use is mixed, including buildings used for training purposes, offices, storage, a medical training facility and recreational areas. There is also an area of hardstanding used for car parking, which is served by a network of roads. The landscaped parts of the Site incorporate open space in the form of playing fields, trees/ woodland, and areas of open grassland. There are also several surface water features within the Site boundary, including ponds and drainage ditches.

A Site location plan is provided in Figure 1.1 in Appendix A of the main report. As the Site is already developed, QEB is classified as a brownfield Site from a planning perspective.

## 1.3 Hydrology context

### Topography and catchment

The Site is located within the River Foss Catchment. Ordnance Survey mapping shows that the area surrounding QEB is predominantly flat, being located at or below 20 mAOD. Within this area the River Foss, and the wider surface water drainage network within the catchment, is managed by the Foss (2008) IDB.

### Surface water features

There is an extensive network of surface water features and drainage ditches within the vicinity of QEB, some of which intersect the Site boundary (marked as surface water features on Figure B.1). The greatest concentration of ditches is found to the south east of the Site. This series of ditches drains Strensall and Towthorpe Common, to the east of QEB and ultimately discharges to the River Foss, via private drainage ditches, and then the wider IDB network, including Camp Dyke. A drainage ditch also runs adjacent to Scott Moncrieff Road, located both within and to the north of the QEB Site boundary. This ditch appears to outfall to

---

<sup>1</sup> [https://www.york.gov.uk/downloads/download/4036/pre-publication\\_draft\\_local\\_plan\\_reg\\_18\\_consultation](https://www.york.gov.uk/downloads/download/4036/pre-publication_draft_local_plan_reg_18_consultation)

<sup>2</sup> Defined here as freshwater environment, comprising terrestrial surface water and groundwater only.

<sup>3</sup> Strictly, 'European Sites' are: any Special Area of Conservation (SAC) from the point at which the European Commission and the UK Government agree the Site as a 'Site of Community Importance' (SCI); any classified Special Protection Area (SPA); any candidate SAC (cSAC); and (exceptionally) any other Site or area that the Commission believes should be considered as an SAC but which has not been identified by the Government. However, the term is also commonly used when referring to potential SPAs (pSPAs), to which the provisions of Article 4(4) of Directive 2009/147/EC (the 'new wild birds directive') apply; and to possible SACs (pSACs) and listed Ramsar Sites, to which the provisions of the Habitats Regulations are applied a matter of Government policy (National Planning Policy Framework paragraph 118) when considering development proposals that may affect them. "European Site" is therefore used in its broadest sense, as an umbrella term for all of the above designated Sites.



Strensall Drain, approximately 800 m north of QEB. The CYC Surface Water Management Plan<sup>4</sup> notes that Strensall Drain is culverted for much of its length. Both Camp Dyke and Strensall Drain discharge to the River Foss, which is located 250 m to the north east of the Site boundary, at its closest point.

The CYC Surface Water Management Plan (SWMP, 2012)<sup>5</sup> advises that the MoD has riparian responsibility for ditches and culverts for highway infrastructure within QEB, and Strensall Common.

### Surface water drainage

Although the Site is located within the Yorkshire Water catchment area, existing on-site drainage serving QEB is managed by Severn Trent Water Service (STS). The on-site surface water network comprises several private surface water sewers, which discharge to the network of surface water ditches to the north, east, and south of the Site. The proportion of surface water drainage that goes to the off-site ditches is unknown, but there are discharges to the north, east and south of the Site (i.e. to the IDB network). Confirmation of a positive, existing connection to the IDB drainage network, the location of these connections and rates of discharge, would need to be undertaken by the developer at the outline planning stage.

### Geology and hydrogeology

As shown on the British geological Survey (BGS) Geology of Britain Viewer<sup>6</sup> bedrock at QEB, and much of the wider surrounding area, comprises sandstone of the Sherwood Sandstone Group. This is confined by Mercia Mudstone Group (mudstone), located approximately 1 km north of QEB. Superficial geology is composed of Sutton Sand formation (Quaternary deposits), which is punctuated by Alne Glaciolacustrine Formation clay and silt deposits, along Towthorpe Moor Lane (in the south east) and toward the River Foss (in the north and west). The current course of the Foss is flanked by alluvial sands and gravels.

Environment Agency Groundwater Vulnerability maps defines that the Sherwood Sandstone Group bedrock geology as Principal A Aquifer and the Mercia Mudstone Group is Secondary B Aquifer. Principal A Aquifers are defined as permeable rocks capable of providing a high level of water storage, and may support water supply and/or river base flow on a strategic scale. Secondary B Aquifers have lower permeability, and accordingly, have limited potential for groundwater storage.

The Site does not overly a Groundwater Source Protection Zone, associated with abstraction for public water supply.

### Flood risk

The Environment Agency flood Map centred on QEB (see Appendix B) identifies that the whole of the Site, and the wider surrounding area is within Flood Zone 1 (the low flood risk area). However, there are discrete areas of surface water flood risk associated with drainage ditches within QEB and the surrounding drainage network (see surface water flood map in Appendix B).

## 1.4 Proposed development

### Description of proposed development

Proposals for the Site entail approximately 18 ha of residential-led development to include the retention of some existing buildings, new-build housing and a primary school. The remaining 12 ha will be used for public open space and soft landscaping. A concept plan for the proposed development is shown on Figure 1.2 in the main report.

---

<sup>4</sup> City of York Council Surface Water Management Plan, (December 2012).

<sup>5</sup> CYC Surface Water Management Plan, (December 2012).

<sup>6</sup> British Geological Survey Geology of Britain Viewer. Available at: <http://www.bgs.ac.uk/data/mapViewers/home.html>. Accessed 30/11/2017.

## Likely significant effects from the proposed development

The main potential for changes to the water environment are as follows:

- ▶ Ground disturbance during the construction phase (e.g. generation of sediment);
- ▶ Changes to Site drainage (during construction, operational and decommissioning phases);
- ▶ Input of pollutants (spillage of contaminants during the construction phase); and
- ▶ Changes in water quantity due to additional inputs into ditches (e.g. dewatering) or new abstractions required for construction and/or decommissioning<sup>7</sup>.

Likely significant effects on the hydrology from the proposed development on downstream receptors have been grouped into three categories: flood risk, water quantity and water quality (full description of these categories is provided in the Methodology section). Table 1.1 lists the likely significant effects with regards to the proposed development.

Table 1.1 Likely significant effects arising from the development

Effect type	Development phase and potential effect	
	Construction and decommissioning*	Operations
<b>Flood risk (Increase in flood risk to downstream receptors)</b>	Increases in discharges (volume and rate) into local watercourses due to construction or decommissioning activities (e.g. from temporary compounds and laydown areas, or due to dewatering). This could result in an increase in flood risk to downstream receptors.	Increased discharge (volume and/or rate) from the Site surface water drainage system, presenting a flood risk to downstream receptor.  Residual risk from failure of the Site surface water drainage system. This could result in increased flood risk to downstream receptors.
<b>Water quantity (Reduction in water resource availability)</b>	Should water abstractions be required to facilitate the proposed development, then this could result in reduced water availability in downstream receptors.	Should abstractions be required for operations, this could lead to reduction in water quantity due to, resulting in reduced water availability in downstream receptors.
<b>Water quality (Degradation of water quality in receptors)</b>	Mobilisation of sediment during land clearance and enabling works (e.g. establishing new underground service). This could lead to a reduction in water quality in downstream receptors.  Spillage of hazardous materials and contaminants (e.g. oil/chemicals). This could lead to a reduction in water quality in downstream receptors.  Mobilisation of sediment due to soil stockpiling. This could lead to a reduction in water quality in downstream receptors.	Pollution of off-Site water features (e.g. drainage ditches), resulting in degradation of water quality in downstream receptors.

\*For the purposes of this assessment, construction and decommissioning phases have been assumed to be similar in scope and potential for likely significant effects. Generally, for most developments, the decommissioning phase is smaller in magnitude than construction.

<sup>7</sup> At the time of writing, it has not been established whether additional surface water or groundwater abstractions will be required as part of the constructions or operations phase. Applying a precautionary principle, these likely significant effects have been assessed. Should not abstractions be required, then this would not constitute a likely significant effect

## 2. Methodology

### 2.1 Overview and scope

This report considered the potential significant effects of the development at the Site, on the water environment, as well as in-combination with other plans/projects within the immediate surrounding area. This was done by providing an appropriate assessment of the potential effects of the proposed development on downstream receptors. Specifically, for the receptors it considered changes in:

- ▶ Flood risk from all sources including fluvial, surface water, groundwater and artificial sources (e.g. reservoirs and canals);
- ▶ Water resources (e.g. abstractions and discharges to watercourse); and
- ▶ Water quality (through WFD classifications).

A receptor was defined as any water feature or water body, habitat, designated Site, or third party which could be adversely effected by the development. Receptors were classified based on the three categories above (flood risk receptors, water resource receptors, and water quality receptors). Additionally, a single receptor could fall into several of the above categories.

For the purposes of this report, the Water Framework Directive (WFD) provides the main framework for managing the water environment within Europe. Under the WFD, a River Basin Management Plan (RBMP) must be developed for each river basin district. As well as information on classifications, pressures and mitigation measures, these plans are required to include a summary of measures needed for water dependent Natura 2000 Sites to meet their conservation objectives. As summarised in the Defra River Basin Management Plan Policy Paper<sup>8</sup>:

*“Under WFD the objectives for Natura 2000 protected areas are to protect or improve the status of the water environment to the extent necessary to contribute to the maintenance of, or restoration to, favourable conservation status of the water dependent interest features. Where a Natura 2000 protected area coincides with one or more water body, WFD ecological status objectives apply in addition to the requirement to achieve favourable conservation status of the water dependent interest features. Where objectives can be aligned, the most stringent objective applies. For example, if a certain concentration of phosphorus is needed to achieve good ecological status and a more stringent value is needed to achieve a Site’s conservation objectives, then the latter applies. Where Natura 2000 protected areas and water bodies coincide, the objectives will be complementary, so that good ecological status will support achievement of conservation objectives and vice versa. It is possible for a water body to meet the objectives for good status but fail the Natura 2000 protected area objective where that objective may be more stringent. It is also possible to meet the Natura 2000 protected area conservation objectives (for example, for a Special Protection Area (SPA) for wetland birds) but fail to achieve good status in a coincident water body because the WFD may require action to protect and restore a wider range of ecological elements”.*

Due to the lack of detailed site-specific data available, assessment of baseline conditions was made based on Cycle 2 (2016) WFD status.

### 2.2 Assessment criteria

With regards to hydrology, the condition of water dependent Natura 2000 Sites are intrinsically linked with WFD water body status. For this report, the identification of receptors, and assessment of changes in the baseline status of said receptors, was informed heavily by WFD water bodies. For SACs, consideration was also given to relevant Natura 2000 objectives.

---

<sup>8</sup> Defra, 2016. River Basin Management Plan Policy Paper. Available at: <https://www.gov.uk/government/publications/part-2-river-basin-management-planning-overview-and-additional-information>. Accessed 20/11/2017.

For each receptor, the assessment identified the baseline hydrology in terms of flood risk, water resource, and water quality. Consideration was made of the potential significant effects during the construction, operation and decommissioning phases of the proposed development. A source-pathway-receptor methodology was applied for the assessment to screen in those receptors which could be affected. Using this approach, all three elements (i.e. a source, a pathway and a receptor) had to be present for the receptor to be screened in. For instance, events during the construction phase of the project could include:

- ▶ Source – land use changes exposing soil;
- ▶ Pathway – storm events leading to sediment laden surface water drainage;
- ▶ Receptor – water bodies or surface water features receiving the sediment laden water;

In the above example, the potentially significant effect would be the deterioration in water quality status of the water body due to the increased sediment inputs.

## 2.3 Study area

As identified in the CYC Habitats Regulations Assessment of the Local Plan<sup>9</sup> the spatial scope of a HRA should be defined based on the likely environmental outcomes and the zone of influence of a specific development. The buffers applied around the Site to screen receptors into this assessment were commensurate with the scale of the receptor, and the relative hydrologic connectivity to the Site. The following buffers were applied:

- ▶ For surface water features a buffer of 500 m was applied;
- ▶ For WFD water bodies a buffer of 1 km was applied;
- ▶ For statutory designated biodiversity Sites of international importance (e.g. SACs), a buffer area of 1 km was applied.

## 2.4 Identification of Receptors

### Statutory designated biodiversity Sites of international importance

The only statutory designated Site of international importance within 1 km of the Site is Strensall Common SAC. This SAC is located to the immediate east of QEB (see Figure 1.1 in the main report) and covers an area of 572 ha. It has been designated based on two habitats: H4010 Northern Atlantic wet heaths with *Erica tetralix*, and H4030 European dry heaths. As noted there is habitat reliant on water inputs and as such the local hydrology is an important component supporting the natural habitat.

Although not directly assessed in this report the Strensall Common Site of Special Scientific Interest (SSSI) is a component of the Strensall Common SAC near the Site. It should be noted that whilst HRA assessment does not require explicit assessment of SSSIs, there will be significant overlap through assessment of likely effects on Strensall Common SAC. To this end, assessment of potential effects on the SAC can be deemed to assess potential effects on the SSSI, also.

Other designations including the Nitrates Directive, Urban Waste Water Treatment Directive, and Chemical Drinking Water Protected Area, have been scoped out of further assessment. These designations are not relevant to inform the HRA.

---

<sup>9</sup> City of York Council/ Amec Foster Wheeler (2014), Habitats Regulations Assessment of the Local Plan.

## WFD water bodies

### Surface water bodies

Under the WFD, QEB falls within the Humber River Basin District and is within the Swale, Ure, Nidd and Ouse (upper)<sup>10</sup> management catchment, and the Foss operational catchment. As established in section 1.3 of this report, QEB is in hydraulic connectivity with the wider surface water drainage network (see Figure B.1).

As identified by the Natural England Site Improvement Plan (Strensall Common)<sup>11</sup>, pertinent WFD water bodies are Tang Hall Beck/Old Foss Beck catchment, tributary of River Foss (GB104027063500), and The Syke from Source to the River Foss (GB104027063530). However, a review for this study indicates that the network of off-site water features falls within only two WFD surface water bodies: Tang Hall Beck/Old Foss Beck catchment, tributary of River Foss (GB104027063500), and Foss from the Syke to the River Ouse (GB104027063520). The next closest downstream water body is the Ouse from River Nidd to Stillingfleet Beck (GB104027069593), which is located 3.6 km downstream of QEB.

### Groundwater bodies

For groundwater, QEB is within the Humber Groundwater management catchment, and the SUNO Sherwood Sandstone operational catchment which is the same as the WFD groundwater body (GB40401G702100). The SUNO Sherwood Sandstone WFD groundwater body (GB40401G702100) covers the Site red line boundary and much of the wider surrounding area.

## 2.5 Receptors scoped in to assessment

Of the potential receptors noted above, four were identified that could be impacted by development at QEB due to their hydraulic connectivity. This included three WFD water bodies as well as the SAC itself. Table 2.1 and Figure B.2 show the receptors. It should be noted that there is significant physical cross-over between the WFD water bodies, and the SAC. For this reason, any likely significant effects that would impact on the WFD water bodies would therefore have potential to have a significant affect ON the SAC.

Table 2.1 Receptors scoped into assessment

Receptor type	Receptor name	Receptor ID	Approximate NGR	Size (km <sup>2</sup> or ha)
<b>WFD surface water body</b>	Tang Hall Beck/Old Foss Beck catchment, tributary of the River Foss	GB104027063500	SE6805757845	50.5 km <sup>2</sup>
<b>WFD surface water body</b>	Foss from the Syke to the River Ouse	GB104027063520	SE6184658881	31.1 km <sup>2</sup>
<b>WFD ground water body</b>	SUNO Sherwood Sandstone	GB40401G702100	SE4696759944	80303.1 ha groundwater area 803.0 km <sup>2</sup> surface water area
<b>SAC</b>	Strensall Common SAC	UK0030284	Content	572.0 ha

<sup>10</sup> Swale, Ure Nidd and Ouse (upper)

<sup>11</sup> Natural England, 2014.Improvement Programme for England's Natura 2000 Sites (IPENS), Planning for Future: Site Improvement Plan, Strensall Common, Available at: <http://publications.naturalengland.org.uk/publication/6435201697710080>. Accessed 20/11/2017.

Those WFD water bodies which fall within the SAC but beyond the 1 km buffer from QEB, have been scoped out from further assessment. It should be noted that this includes:

- ▶ Syke from Source to the River Foss (GB104027063530), which is 1.7 km to the north east of QEB, and is upstream of the Site; and
- ▶ Ouse from River Nidd to Stillingfleet Beck (GB104027069593) was scoped out of further assessment because of its distance from QEB. Any negative impacts on the upstream WFD water bodies would be highly unlikely to propagate 3.6 km downstream.

Whilst the SUNO Sherwood Sandstone (GB40401G702100) WFD groundwater body is not identified within the Natural England Site Improvement Plan (Strensall Common), based on the permeable geology (described in section 3.1), there is hydrologic continuity between this WFD groundwater body and Strensall Common SAC. The Natura 2000 Technical Report on the management of Northern Atlantic Wet heaths with *Erixa tetralix* (4010)<sup>12</sup> identifies that wet heathland typically has a water table that is at or above ground level for at least part of the year. The SUNO Sherwood Sandstone (GB40401G702100) WFD groundwater body has therefore been scoped into this assessment.

## 2.6 Identification of likely significant effects on receptors

The identification of likely significant effects was based on a worst-case scenario for each receptor and assumed that initially no mitigation would be in place. The assessments were recorded as:

- ✓ **Likely significant effect** – which indicated that the pressure could lead to an unacceptable impact on the receptor and would need mitigating; or
- ✗ **No likely significant effect** – which indicated that either the pressure was not significant.

Due to the close relationship between the SAC and hydraulically linked WFD surface water and groundwater bodies, any significant effects on flood risk, water quantity or water quality on the WFD water bodies, could affect baseline status of the SAC (which is assessed in Section 3). The Natura 2000 Technical Report on the management of Northern Atlantic Wet heaths with *Erixa tetralix* (4010) identifies the main threats to the wet heath. For hydrology, this includes the artificial drainage of wet heaths (due to lowering of the water table), and from groundwater extraction. Conversely, increases in surface water discharges could detrimentally affect European dry heath habitat. Both wet heath and dry heath habitats could be affected by changes the water quality of freshwater inputs; either due to one-off pollution incidents, or due to long-term pervasive pollution.

## 2.7 Identification of likely significant in-combination effects

At the time of writing this report the closest proposed major development (>1 ha), within a 1 km radius of QEB, is for Towthorpe Lines. Towthorpe Lines is an existing MoD Site, covering an area of approximately 4 ha and being located 240 m south east of QEB. Like QEB, Towthorpe Lines is also identified for disposal by MoD by 2021. It is anticipated that development at Towthorpe Lines will comprise employment use, through the retention of existing facilities. Further likely significant effects in-combination can therefore be scoped out from further assessment at this stage<sup>13</sup>.

---

<sup>12</sup> Natura 2000, 2008. Management of Natura 2000 habitats, Northern Atlantic wet heaths with *Erixa tetralix*, 4010. Directive 92/42/EEC on the conservation of natural habitats and of wild fauna and flora. Technical report 2008 08/24. [http://ec.europa.eu/environment/nature/natura2000/management/habitats/pdf/4010\\_Atlantic\\_wet\\_heaths.pdf](http://ec.europa.eu/environment/nature/natura2000/management/habitats/pdf/4010_Atlantic_wet_heaths.pdf). Accessed 20/11/2017.

<sup>13</sup> Potential for any additional cumulative effects should be assessed within an Environmental Impact Assessment (EIA), as part of the final planning application for the proposed development at QEB. This should account for any new developments, which may be proposed in the intervening period between publication of this report, and submission of the final planning application.

## 2.8 Data sources

This high-level, desk-based assessment has been made based on publicly available data. It is acknowledged that not all potential data (i.e. observed field data, or long-term monitoring records) were used. In lieu of observed field data, or extensive records pertaining to the study area, a precautionary approach has been applied, assuming the worst-case impacts. Therefore, the assessment has been made based on the best available evidence, and is commensurate to the level of assessment required to support site allocation in the Local Plan. Detailed assessment of potential effects of the proposed development, on receptors should be made as part of a formal Environmental Impact Assessment (EIA), as part of any planning application.

Table 2.2 summarises the data used to inform this assessment, and their sources.

**Table 2.2 Data sources used to inform this assessment**

<b>Data</b>	<b>Description</b>	<b>Organisation</b>	<b>Source</b>
<b>Flood risk mapping</b>	Flood Risk maps including: fluvial and tidal flooding, and surface water	Environment Agency	<a href="https://flood-map-for-planning.service.gov.uk/">https://flood-map-for-planning.service.gov.uk/</a>
<b>Geology mapping</b>	British Geological Survey Geology of Britain Viewer	British Geological Survey	<a href="http://www.bgs.ac.uk/data/mapViewers/home.html">http://www.bgs.ac.uk/data/mapViewers/home.html</a>
<b>Water quality</b>	Water Framework Directive classifications	Environment Agency	<a href="http://environment.data.gov.uk/catchment-planning/">http://environment.data.gov.uk/catchment-planning/</a>
<b>MAGIC web site</b>	Interactive online map of the UK natural environment and designations.	Defra UK	<a href="http://www.natureonthemap.naturalengland.org.uk/About_MAGIC.htm">http://www.natureonthemap.naturalengland.org.uk/About_MAGIC.htm</a>

### 3. Baseline assessment

#### 3.1 WFD water bodies

Baseline assessment of WFD surface water bodies and ground water bodies has been informed by the Environment Agency’s Catchment Data Explorer and the Cycle 2 (2016) River Basin Management Plan.

For surface water bodies, the WFD classifies the ‘Ecological Status’ or ‘Ecological Potential’ of all water bodies. Ecological status is assigned to those waterbodies for which achieving a near natural state is possible. Ecological Potential is assigned to those water bodies that have been designated as artificial or heavily modified. A heavily modified water body is defined where human modification has substantially altered its natural conditions, such that a different baseline is required. Both the Tang Hall Beck/Old Foss Beck catchment, tributary of the River Foss, (GB104027063500) and Foss from the Syke to the River Ouse, (GB104027063520) are designated as Heavily Modified Water Bodies (HMWB) as such need to achieve good ecological potential by no later than 2027.

For groundwater bodies, the WFD classifies ‘Quantitative Status’ and ‘Chemical Status’. Common status elements for include assessment of groundwater dependent terrestrial ecosystems, dependent surface water body status, and saline intrusion. For ‘Quantitative Status’ water balance is also considered. Analysis of water chemistry is used to inform the ‘Chemical Status’ of the groundwater body.

#### WFD Surface water bodies

Table 3.1 summarises WFD status for the Tang Hall Beck/Old Foss Beck catchment, tributary of the River Foss, (GB104027063500) and Foss from the Syke to the River Ouse, (GB104027063520) for Cycle 2 (2016). This indicates that both water bodies achieved an overall status of moderate, due to their ecological potential. The identified reasons for not achieving good potential are water quality and physical modifications to the watercourses (reflected in the failing elements identified in Table 3.1). Specific pressures within the catchments are noted to come from agricultural land use (diffuse pollution), as well as from a mixture of private and water company sewage discharges (none of which are known to be related to QEB).

Table 3.1 Cycle 2 (2016) WFD Status: surface water bodies

Water body name and ID	Overall status (or potential)	Ecological status	Chemical Status	Reasons for not achieving good status	Protected area designation
<b>Tang Hall Beck/Old Foss Beck catchment, tributary of the River Foss, (GB104027063500)</b>	Moderate	Moderate	Good	Poor Invertebrates; Poor Ammonia (Phys-Chem); High pH; High Temperature	Strensall Common SAC (UK0030284) Nitrates Directive
<b>Foss from the Syke to the River Ouse, (GB104027063520)</b>	Moderate	Moderate	Good	High Ammonia (Phys-Chem); High pH; High Temperature High specific pollutants (Arsenic, Copper, Iron, Triclosan and Zinc)	Strensall Common SAC (UK0030284) Nitrates Directive Urban Waste Water Treatment Directive (River Foss)

#### WFD Groundwater bodies

Table 3.2 shows the Cycle 2 (2016) WFD status for the SUNO Sherwood Sandstone (GB40401G702100) groundwater body. The ‘Overall Status’ was assessed to be ‘Poor’, due to failed assessment of its Chemical Status.

Table 3.2 Cycle 2 (2016) WFD Status: groundwater bodies

Water body name and ID	Overall status (or potential)	Quantitative Status	Chemical Status	Reasons for not achieving good status	Protected area designation	Overall water body objective (2027)	Considerations
SUNO Sherwood Sandstone, (GB40401G702100)	Poor	Good	Poor	Chemical Drinking Water Protected Area	Chemical Drinking Water Protected Area Nitrates Directive	Good	Disproportionately expensive

### 3.2 Strensall Common SAC

Baseline assessment of Strensall Common SAC (UK0030284) has been informed by its European Site Conservation Objectives, and Site Improvement Plan (SIP)<sup>14</sup>. The plan provides a high-level overview of issues affecting the SAC now, and a prediction of pressures expected to threaten its status into the future. The SIP identifies that:

*“Strensall Common SASC supports one of the largest areas of lowland heath in northern England. Extensive areas of both wet and dry heath occur and form a complex habitat mosaic with grassland, woodlands and ponds. The site has a diverse bird population with breeding curlew and woodlark. The site is noted for its population of marsh gentians. The site is renowned for its invertebrates and is the only site in England for the dark bordered beauty moth.”*

The SIP identifies three main pressures and threats that could impact the baseline status of Strensall Common SAC (Table 3.3). It should be noted that none of the identified pressures and threats directly relates to the water environment. However, the CYC Local Plan Working Group note that Strensall Common is sensitive to changes in hydrology<sup>15</sup>. Applying a conservative approach for the purposes of this assessment, the baseline hydrology conditions of Strensall Common SAC have been deemed as good.

Table 3.3 Main pressures and threats to Strensall Common SAC

Priority and issue	Pressure or threat	Features affected
Public access/ disturbance	Pressure	H4010 wet heathland with cross-leaved heath; H4030 European dry heaths
Inappropriate scrub control	Threat	H4010 wet heathland with cross-leaved heath; H4030 European dry heaths
Air pollution (atmospheric nitrogenic deposition)	Pressure	H4010 wet heathland with cross-leaved heath; H4030 European dry heaths

<sup>14</sup> Site Improvement Plan Strensall Common. Improvement Programme for England's Natura 2000 Sites (IPENS) Planning for the Future. Published 18/12/2014.

<sup>15</sup> City of York Council, Local Plan Working Group, City of York Local Plan – Update Report (January 2017), Available at <http://democracy.york.gov.uk/documents/s112080/Final%20LPWG%20report%20January%202017.pdf>. Accessed 25/11/2017.

## 4. Assessment of likely significant effects

Assessment has been made of the likely significant effects of the development on the WFD water bodies and the SAC. In accordance with the People Over Wind case, a precautionary approach has been applied, to assume that no mitigation measures are in place.

### 4.1 WFD water bodies

#### Flood risk

Flood risk to all identified WFD receptors (both surface water and groundwater) could be increased from the present-day baseline, due to increased discharge of surface water run-off, or dewatered groundwater volumes. This could result in temporary or long-term change to the baseline freshwater environment, and potential physical degradation of ecology these habitats support. The magnitude of the effect would be dependent on the scale of the flooding. For instance, the WFD water body would potentially be more resilient to an isolated flood event (from the construction phase), than it would to a long-term increase in flood risk due to sustained higher rates and/or volumes of discharge (during operations).

#### Water resources

Reduction in water quantity during constructions could arise due to the need for temporary surface water or groundwater abstractions. This could undermine the baseline status and sustainability of WFD surface water and groundwater bodies (e.g. the SUNO Sherwood Sandstone aquifer). Lower water availability could result in the detriment of ecology supported by the WFD water body.

#### Water quality

Reduction in water quality could arise due to the mobilisation of sediment in surface water run-off (subsequently effecting the dissolved and suspended solid concentrations in surface water and groundwater bodies). Similarly, spillage of pollutants and contaminants (e.g. oil or chemicals) could damage the receiving WFD water body. Reduction in water quantities could also result in a change in the baseline water chemistry. For example, an increase in concentration of pollutants due to less dilution or decreases in dissolved oxygen due to lower flows and mixing.

### 4.2 Strensall Common SAC

#### Flood risk

An increase in flood risk could result in the physical degradation of wet heath or the dry heath environment. As with the potential effects on WFD water bodies (above), the scale of the effect would be dependent on the temporal scale and magnitude of associated flooding.

#### Water quantity

Short-term changes in water quantity could pose a risk to the baseline status of the SAC. Reduced availability of water (e.g. due to abstraction) could result in wet heath drying out.

#### Water quality

As with WFD water bodies, additional sediment inputs or changes in chemistry could either temporarily or permanently result in a change in the qualifying characteristics of the wet and dry heath habitats.



## Results

If unmitigated, detrimental changes to any of the above elements (flood risk, water quantity and water quality), would degrade the status of the identified receptors, when compared with their baseline conditions. Results of the assessment are provided in Table 4.1.

Table 4.1 Assessment of likely significant effects on receptors

Receptor	Development Phase*	Flood Risk	Water Resources	Water Quality
Tang Hall Beck/Old Foss Beck catchment, tributary of the River Foss. (GB104027063500)	C & D  O	<ul style="list-style-type: none"> <li>✓ Likely significant effect - increased discharges of surface water run-off/ devalerated volumes, resulting in flooding of water body</li> <li>✓ Likely significant effect - increased flood risk due to discharges from proposed site drainage system to this water body</li> <li>✓ Likely significant effect - residual flood risk due to failure of the proposed site drainage system, leading to flooding of water body</li> </ul>	<ul style="list-style-type: none"> <li>✓ Likely significant effect - additional abstractions reduce water availability within water body during low flows</li> <li>✓ Likely significant effect - additional abstractions reduce water availability within water body during low flows</li> </ul>	<ul style="list-style-type: none"> <li>✓ Likely significant effect - due to increased sediment inputs into the water body</li> <li>✓ Likely significant effect - due to spillage of pollutants or contaminants</li> <li>✓ Likely significant effect - due to increased sediment inputs into the water body</li> </ul>
Foss from the Syle to the River Ouse. (GB104027063520)	C & D  O	<ul style="list-style-type: none"> <li>✓ Likely significant effect - increased discharges of surface water run-off/ devalerated volumes, resulting in flooding of water body</li> <li>✓ Likely significant effect - increased flood risk due to discharges from proposed site drainage system to this water body</li> <li>✓ Likely significant effect - residual flood risk due to failure of the proposed site drainage system, leading to flooding of water body</li> </ul>	<ul style="list-style-type: none"> <li>✓ Likely significant effect - additional abstractions reduce water availability within water body during low flows</li> <li>✓ Likely significant effect - additional abstractions reduce water availability within water body during low flows</li> </ul>	<ul style="list-style-type: none"> <li>✓ Likely significant effect - due to increased sediment inputs into the water body</li> <li>✓ Likely significant effect - due to spillage of pollutants or contaminants</li> <li>✓ Likely significant effect - due to increased sediment inputs into the water body</li> </ul>
SUNO Sherwood Sandstone, (GBK401G702100)	C & D  O	<ul style="list-style-type: none"> <li>✓ Likely significant effect - increased discharges of surface water run-off/ devalerated volumes, resulting in flooding of water body</li> <li>✓ Likely significant effect - increased flood risk due to discharges from proposed site drainage system to this water body</li> <li>✓ Likely significant effect - residual flood risk due to failure of the proposed site drainage system, leading to flooding of water body</li> </ul>	<ul style="list-style-type: none"> <li>✓ Likely significant effect - additional abstractions reduce water availability within water body during low flows</li> <li>✓ Likely significant effect - additional abstractions reduce water availability within water body during low flows</li> </ul>	<ul style="list-style-type: none"> <li>✓ Likely significant effect - due to increased sediment inputs into the water body</li> <li>✓ Likely significant effect - due to spillage of pollutants or contaminants</li> <li>✓ Likely significant effect - due to increased sediment inputs into the water body</li> </ul>
Strensall Common SAC, (UK0030284)	C & D  O	<ul style="list-style-type: none"> <li>✓ Likely significant effect - increased discharges of surface water run-off/ devalerated volumes, resulting in flooding of wet heath/dry heath</li> <li>✓ Likely significant effect - increased flood risk due to discharges from proposed site drainage system, leading to flooding of wet heath/dry heath</li> <li>✓ Likely significant effect - residual flood risk due to failure of the proposed site drainage system, resulting in flooding of wet heath/dry heath</li> </ul>	<ul style="list-style-type: none"> <li>✓ Likely significant effect - additional abstractions reduce water availability within wet heath during dry periods</li> <li>✓ Likely significant effect - additional abstractions reduce water availability within wet heath during dry periods</li> </ul>	<ul style="list-style-type: none"> <li>✓ Likely significant effect - due to increased sediment inputs into SAC</li> <li>✓ Likely significant effect - due to spillage of pollutants or contaminants into SAC</li> <li>✓ Likely significant effect - due to increased sediment inputs into SAC</li> </ul>

\*Development phases have been abbreviated as follows: C (Construction), O (Operational), and D (Decommissioning) ✓ = likely significant effect (cannot be excluded from further assessment)  
**x** = likely significant effect (can be excluded from further assessment)

## 5. Stage 2 Assessment

Where a likely significant effect has been identified then appropriate mitigation measures, that are compliant with standard best practice, have been identified.

### 5.1 Mitigation measures

Likely significant effects for the construction and decommissioning phases, and operational phase of the proposed development were identified in Section 4. These are the same for all receptors (WFD water bodies, and Strensall Common SAC), due to the significant physical overlap, and similar potential effects. Where a likely significant effect has been identified in Table 4.1, mitigation measures will be required. As the same likely significant effects have been identified for all four receptors, potential mitigation measures are outlined by the type of effect (e.g. flood risk, water resource, and water quality). These mitigation measures apply to all identified receptors. Table 5.1 identifies potential mitigation measures that could be incorporated to the proposed development and would be expected to minimise potential for any hydrological effects to occur.

Table 5.1 Potential mitigation measures

Effect type	Development Phase	Likely significant effect	Mitigation
<b>Flood Risk</b>	C & D	Increased discharges of surface water run-off/ dewatered volumes	Use of Sustainable Urban Drainage Systems (SuDS)  Agreement of rates/volumes of discharge with the Foss (2008) IDB  Secure best practice measures in Construction Environment Management Plan (CEMP)
	O	Increased flood risk due to discharges from proposed site drainage system	Use of Sustainable Urban Drainage Systems (SuDS)  Agreement of rates/volumes of discharge with the Foss (2008) IDB
		Residual flood risk due to failure of the proposed site drainage system	Design drainage system for failure (as part of Flood Risk Assessment)
<b>Water resources</b>	C & D	Additional surface water/groundwater abstractions	Minimise need for additional abstractions  Where required, agree abstractions with the Environment Agency  Secure best practice measures in Construction Environment Management Plan (CEMP)
	O	Additional surface water/groundwater abstractions	Minimise need for additional abstractions  Where required, agree abstractions with the Environment Agency
<b>Water Quality</b>	C & D	Mobilisation of sediment during land clearance and enabling works and soil stockpiling	Use of Sustainable Urban Drainage Systems (SuDS) and silt fences to remove sediment from run-off (secured through use of a CEMP)
		Spillage of pollutants or contaminants	Incorporate best-practice measures (e.g. drip trays)  Secure best practice measures in Construction Environment Management Plan (CEMP)
	O	Increased sediment and pollutants from surface runoff into the water body	Use of Sustainable Urban Drainage Systems (SuDS) to remove sediment

\*Development phases have been abbreviated as follows: C (Construction), O (Operational), and D (Decommissioning)

The potential mitigation measures outlined in Table 5.1 are examples mitigation measures that could be applied to the proposed development but is not an exhaustive list. They are provided here to demonstrate how likely significant effects could be successfully mitigated, to allow QEB to be allocated within the Local Plan. Site-specific mitigations should be identified for the Site, and secured through the planning application process (for example, flood risk and drainage measures should be identified as part as a site-specific Flood Risk Assessment).

## Flood Risk

Table 5.1 has identified potential flood risk mitigation measures for the construction and decommissioning phases. These would comprise the incorporation of SuDS for the sustainable management of surface water. This would control the rates and volume of surface water run-off, and reduce the risk of increased discharges downstream (i.e. to third party receptors). Efforts to capture and re-use run-off, on-site (for example the re-use of washdown water) should also be explored. The rates and volume, and location of discharge points to be made from the Site should be agreed with the Foss (2008) IDB, prior to commencement of construction works. The proposed best practice measures, including SuDS drainage arrangement for the construction (and decommissioning) phase should be secured through a Construction Environment Management Plan (CEMP).

The operational phase should incorporate SuDS drainage measures, to manage surface water run-off over the full life-cycle of the proposed development. Design should be made in accordance with the requirements of the Environment Agency, Foss (2008) IDB, and Lead Local Flood Authority (LLFA). Outline design of the proposed drainage system should be specified in a Flood Risk Assessment, accounting for the residual risk in the event of drainage system failure. This would minimise the risk of increased flooding to receptors for the operational phase.

## Water Resources

As far as possible the developer should seek to minimise the requirements for any new or increased surface water or groundwater abstractions (for either the construction and decommissioning, or operational phases). For the construction and decommissioning phase, it may be possible to minimise the demand for water, through the re-use of greywater on site. If any abstractions are required for either construction, decommissioning or operational phases, these must be agreed with the Environment Agency beforehand. Relevant water resource mitigation measures should be identified within the CEMP.

## Water Quality

The principal likely significant effects on water quality during the construction and decommissioning phases are the mobilisation of sediment in surface water run-off, and the potential for pollution from hazardous materials or contaminants (e.g. oil spills from construction vehicles). Sediment mobilisation could be mitigated by placing silt-fences adjacent to surface water features (to capture and remove sediment), and through use of SuDS for the management of surface water before discharge from the Site. Best practice measures could be incorporated to reduce the risk of pollution incidents (e.g. through oil/petrol spillages). Examples include the use of drip trays/plant nappies below heavy plant, or specifying designated areas for vehicle/plant refuelling. Any such measures should be identified and secured within the CEMP.

For the operational phase, a SuDS drainage system should allow for an appropriate level of water quality treatment. The precise number of stages of treatment would need to be agreed with the Environment Agency, Foss (2008) IDB, and the LLFA.

## 5.2 Assessment of adverse effect

The results in Table 5.2 show the assessment of likely significant effects, when accounting for the use of potential mitigation measures and represent the remaining residual risk to the identified receptors. The results show that, provided suitable mitigation measures are incorporated into the final site design, then all likely significant effects could be managed.

Table 5.2 Assessment of adverse effects on receptors

Receptor	Development Phase*	Flood Risk	Water Resources	Water Quality
Tang Hall Beck/Old Foss Beck catchment, tributary of the River Foss, (GB104027063500)	C & D  O	<p><b>X</b> No adverse effect - from discharges of surface water run-off/ devalerated volumes, through use of SuDs and agreement of rates/volume discharge with Foss (2008) IDB</p> <p><b>X</b> No adverse effect - from discharges from proposed site drainage system, through use of SuDs and agreement of rates/volume discharge with Foss (2008) IDB</p> <p><b>X</b> No adverse effect - from failure of the proposed site drainage system, due to appropriate design</p>	<p><b>X</b> No adverse effect - if additional abstractions need to agreed with the Environment Agency</p> <p><b>X</b> No adverse effect - if additional abstractions need to agreed with the Environment Agency</p>	<p><b>X</b> No adverse effect – if silt fencing/SuDs used and remove risk of additional sediment inputs</p> <p><b>X</b> No adverse effect - from spillage of pollutants or contaminants due to use of best practice measures</p> <p><b>X</b> No adverse effect – if SuDs used and removes risk of additional sediment inputs</p>
Foss from the Syke to the River Ouse, (GB104027063520)	C & D  O	<p><b>X</b> No adverse effect - from discharges of surface water run-off/ devalerated volumes, through use of SuDs and agreement of rates/volume discharge with Foss (2008) IDB</p> <p><b>X</b> No adverse effect - from discharges from proposed site drainage system, through use of SuDs and agreement of rates/volume discharge with Foss (2008) IDB</p> <p><b>X</b> No adverse effect - from failure of the proposed site drainage system, due to appropriate design</p>	<p><b>X</b> No adverse effect - if additional abstractions need to agreed with the Environment Agency</p> <p><b>X</b> No adverse effect - if additional abstractions need to agreed with the Environment Agency</p>	<p><b>X</b> No adverse effect – if silt fencing/SuDs used and remove risk of additional sediment inputs</p> <p><b>X</b> No adverse effect - from spillage of pollutants or contaminants due to use of best practice measures</p> <p><b>X</b> No adverse effect - if SuDs used and remove risk of additional sediment inputs</p>
SUNO Sherwood Sandstone, (GB4401G702100)	C & D  O	<p><b>X</b> No adverse effect - from discharges of surface water run-off/ devalerated volumes, through use of SuDs and agreement of rates/volume discharge with Foss (2008) IDB</p> <p><b>X</b> No adverse effect - from discharges from proposed site drainage system, through use of SuDs and agreement of rates/volume discharge with Foss (2008) IDB</p> <p><b>X</b> No adverse effect - from failure of the proposed site drainage system, due to appropriate design</p>	<p><b>X</b> No adverse effect - if additional abstractions need to agreed with the Environment Agency</p> <p><b>X</b> No adverse effect - if additional abstractions need to agreed with the Environment Agency</p>	<p><b>X</b> No adverse effect - if silt fencing/SuDs used and remove risk of additional sediment inputs</p> <p><b>X</b> No adverse effect - from spillage of pollutants or contaminants due to use of best practice measures</p> <p><b>X</b> No adverse effect - if SuDs used and removes risk of additional sediment inputs</p>
Strensall Common SAC, (UK0030284)	C & D  O	<p><b>X</b> No adverse effect - from discharges of surface water run-off/ devalerated volumes, through use of SuDs and agreement of rates/volume discharge with Foss (2008) IDB</p> <p><b>X</b> No adverse effect - from failure of the proposed site drainage system, due to appropriate design</p>	<p><b>X</b> No adverse effect - if additional abstractions need to agreed with the Environment Agency</p> <p><b>X</b> No adverse effect - if additional abstractions need to agreed with the Environment Agency</p>	<p><b>X</b> No adverse effect - if silt fencing/SuDs used and remove risk of additional sediment inputs</p> <p><b>X</b> No adverse effect - from spillage of pollutants or contaminants due to use of best practice measures</p> <p><b>X</b> No adverse effect - if SuDs used and removes risk of additional sediment inputs</p>

\*Development phases have been abbreviated as follows: C (Construction), O (Operations), and D (Decommissioning)

✓ = adverse effect on receptor integrity (cannot be excluded)

X = adverse effect on integrity (can be excluded)

## 6. Conclusions of assessment

This report has assessed the potential for likely significant effects of the proposed development at QEB, Strensall on the hydrological environment of the Strensall Common Special Area of Conservation (SAC), (UK0030284). Strensall Common SAC is the only European Site within 1 km of QEB, as required by the Habitats Regulations Assessment.

The assessment was based on identifying the potential flood risk, water resource and water quality impacts on receptors. To provide a robust assessment on the receptors the scope of the assessment considered the potential effects on Water Framework Directive (WFD) water bodies, as well as the SAC itself. This was due to the geographic overlap of the features and the similar pressures they are under. Principally, this included Tang Hall Beck/Old Foss Beck catchment, tributary of the River Foss (GB104027063500) and Foss from the Syke to the River Ouse (GB104027063520) WFD surface water bodies, and the SUNO Sherwood Sandstone (GB40401G702100) WFD groundwater body.

Baseline assessment indicated that the hydrological characteristics of these receptors are varied. Under Cycle 2 (2016) of the WFD Tang Hall Beck/Old Foss Beck catchment, tributary of the River Foss (GB104027063500) and Foss from the Syke to the River Ouse (GB104027063520) surface water bodies are both of moderate overall status, failing on ecological potential. SUNO Sherwood Sandstone (GB40401G702100) WFD groundwater body is of poor overall status due to failing Chemical Status. Strensall Common (SAC) is of good baseline status, with no immediate pressures on hydrology.

Potential likely significant effects were identified for flood risk, water quantity and water quality. The assessment considered Site-specific effects arising from the development itself from construction, operational and decommissioning activities, as well as in-combination effects from other development within vicinity of the receptors. Specific impacts that could impact on all three receptors included:

- ▶ Increased flood risk due to increased surface water discharges from site (causing flooding WFD water bodies, or of wet heath or dry heath habitats in Strensall Common SAC);
- ▶ Reduced water availability due to new surface water or groundwater abstractions; and
- ▶ Reduced water quality due to increased sediment inputs.

Where a likely significant effect was identified, the potential for mitigation measures has been outlined. For the construction phase, this includes the incorporation of Sustainable Drainage Systems (SuDS) for the management of surface water, use of silt fencing (to trap sediment), and incorporation of best practice measures for pollution management, within a Construction Environment Management Plan (CEMP). For the operations phase mitigation measures included design of suitable SuDS drainage system over the lifetime of the development (and to account for drainage failure). Appropriate stages of water quality treatment (including sediment removal), before discharge of surface water from the Site.

Whilst it is recognised that there are uncertainties in the baseline knowledge, in particular in respect of the proportion of surface water drainage from QEB that goes to off-site ditches, it is known that there are discharges to the north, east and south of QEB (i.e. to the IDB network). Determination of an existing positive connection to the IDB drainage network and the location of the connection and rates of discharge still need to be undertaken by the developer at the outline planning stage, however, there is no reason to conclude that these do not exist, or that they will not be capable of conveying the drainage from QEB. As a result it is concluded that the necessary mitigation measures can be designed to ensure no changes to the hydrological condition of the SAC and therefore, with the proposed mitigation, it can be concluded that the proposed development at QEB would not result in an adverse effect on the water environment of the SAC.

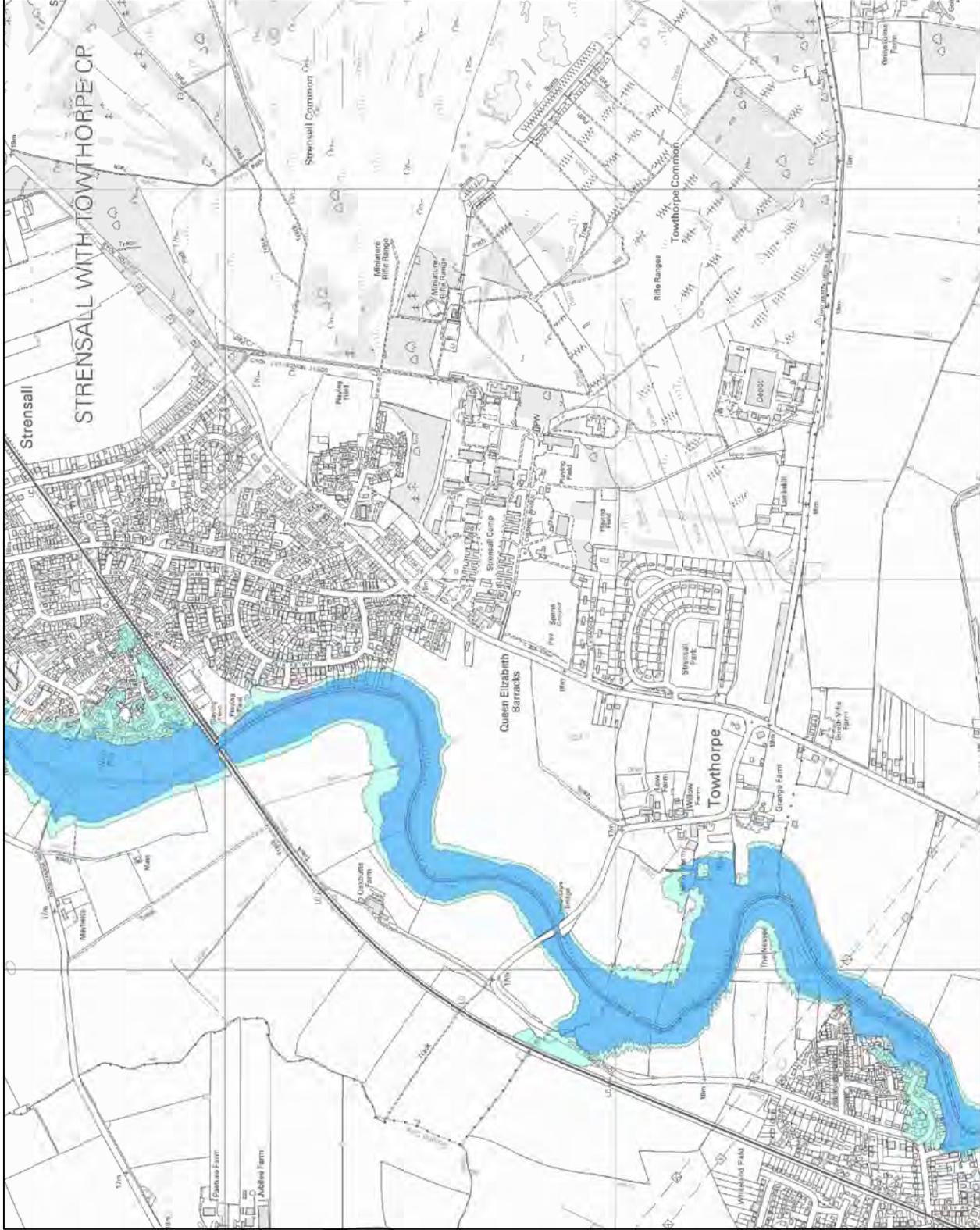
From a water environment perspective, this should allow for the allocation of QEB (i.e. allocations ST35 and H59) within the Local Plan. The final proposals for the development Site would be subject to further assessment (e.g. detailed Flood Risk Assessment and HRA). These assessments should confirm the design of Site-specific mitigation measures to be incorporated into the proposed development at the Site, subject to attainment of planning approval.



# Appendix A

## Environment Agency Flood Risk Data

# RFI/2017/64321 Flood Map centred on Queen Elizabeth Barracks, Strensall. Date created: 02/11/17



www.environment-agency.gov.uk

Scale: 1:10,000



## LEGEND

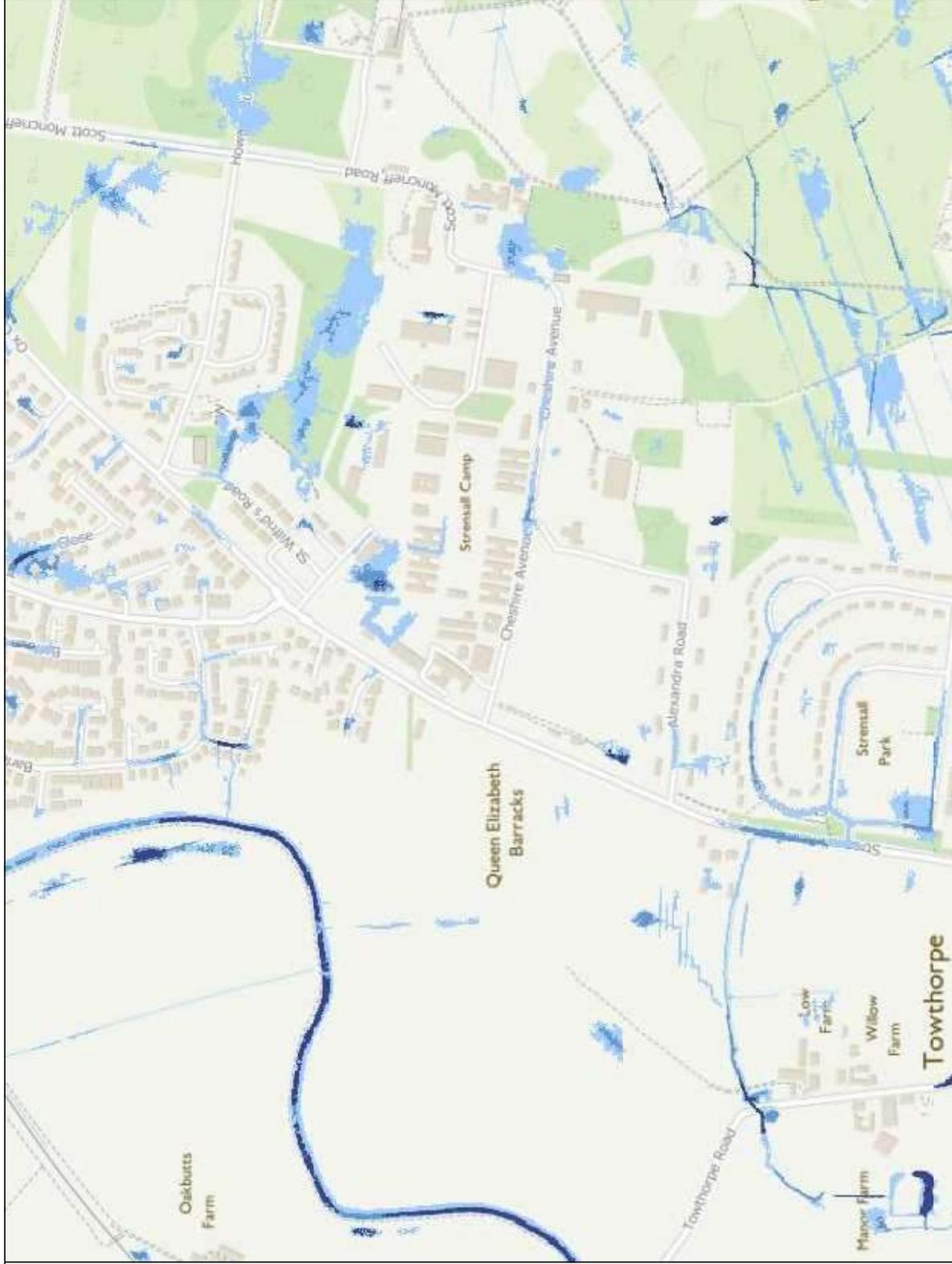
-  Main River
-  E-Bank Topping
-  Flood Storage Areas
-  Areas Benefiting From Flood Defences
-  Flood Zone 3 (FZ3)
-  Flood Zone 2 (FZ2)



# Appendix B

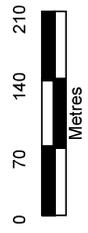
## Surface Water Flood Risk Map

# Surface Water Flood Risk Map centred on Queen Elizabeth Barracks, Strensall



## Legend

- Flood Extent 1 in 30
- Flood Extent 1 in 100
- Flood Extent 1 in 1000





July 2021

## Appendix J – Air Quality Assessment



# Appendix B

## Air Quality





# 1. Introduction

## 1.1 Purpose of this report

This chapter considers the impact on air quality as a result of the proposed construction of approximately 635 dwellings at Queen Elizabeth Barracks (QEB). Emissions of dust associated with construction activities will be considered, as well as the potential for nitrogen oxides and nitrogen deposition to impact on the Strensall Common SSSI/SAC. The location of the site in relation to the Strensall Common SSSI/SAC can be seen in Figure 1.1 in Appendix A in the main report.

## 2. Policy and Legislative Context

### 2.1 Relevant policy

Table B2.1 below sets out the relevant policies that have been considered throughout this assessment.

Table B2.1 Policies considered by this assessment

Policy Reference	Policy Issues
<b>National Policy</b>	
<b>National Planning Policy Framework (NPPF)<sup>1</sup></b>	The National Planning Policy Framework (NPPF) sets out the Government’s reform of the planning system. The NPPF states: <i>“Planning policies should sustain compliance with and contribute towards EU limits values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.”</i>
<b>National Planning Practice Guidance (NPPG)<sup>2</sup></b>	The Government’s online National Planning Practice Guidance (NPPG) states that air quality concerns are more likely to arise where development is proposed within an area of existing poor air quality, or where it would adversely impact upon the implementation of air quality strategies and / or action plans. It is stated in the NPPG that air quality is relevant to planning applications when the Development could: <i>“Expose people to existing sources of air pollutants. This could be by building new homes, workplaces or other development in places with poor air quality.”</i>
<b>Local Policy</b>	
<b>City of York Local Plan<sup>3</sup></b>	The Local Plan sets out the vision for future development across the City of York and provides guidelines as to the measures that will be considered when assessing a planning application. With regard to air quality, ‘Policy GP4b: Air Quality’ states that air quality impacts on recreational areas such as parks, gardens, play areas and open spaces should be taken into account.

### 2.2 Relevant Legislation

The legislative framework for air quality consists of legally enforceable EU Limit Values that are transposed into UK legislation as Air Quality Standards (AQS) that must be at least as challenging as the EU Limit Values. Action in the UK is then driven by the UK’s Air Quality Strategy<sup>4</sup> that sets the Air Quality Objectives (AQOs).

The EU Limit Values are set by the European directive on air quality and cleaner air for Europe (2008/50/EC)<sup>5</sup> and the European directive relating to arsenic, cadmium, mercury, nickel, and polycyclic aromatic hydrocarbons in ambient air (2004/107/EC)<sup>6</sup> as the principal instruments governing outdoor

<sup>1</sup> Department for Communities and local Government (DCLG), 2012. National Planning Policy Framework.

<sup>2</sup> Department for Communities and Local Government (DCLG), 2014. National Planning Practice guidance – Air Quality.

<sup>3</sup> City of York (2005) Local Plan.

<sup>4</sup> Defra in partnership with the Scottish Executive, Welsh Assembly Government and Department of the Environment Northern Ireland (2007) The Air Quality Strategy for England, Scotland, Wales and Northern Ireland.

<sup>5</sup> Official Journal of the European Union, (2008) Directive 2008/50/EC of the European Parliament and of The Council of 21 May 2008 on ambient air quality and cleaner air in Europe.

<sup>6</sup> Official Journal of the European Union, (2004) Directive 2004/107/EC of the European Parliament and of The Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

ambient air quality policy in the EU. The Limit Values are legally binding levels for concentrations of pollutants for outdoor air quality.

The two European directives, as well as the Council's decision on exchange of information were transposed into UK Law via the Air Quality Standards Regulations 2010<sup>7</sup>, which came into force in the UK on 11 June 2010, replacing the Air Quality Standards Regulations 2007<sup>8</sup>. Air Quality Standards are concentrations recorded over a given time period, which are considered to be acceptable in terms of what is scientifically known about the effects of each pollutant on health and on the environment. The Air Quality Strategy sets the AQOs, which give target dates and some interim target dates to help the UK move towards achievement of the EU Limit Values. The AQOs are a statement of policy intentions or policy targets and as such, there is no legal requirement to meet these objectives except in as far as they mirror any equivalent legally binding Limit Values in EU legislation. The most recent UK Air Quality Strategy for England, Scotland, Wales and Northern Ireland was published in July 2007.

Since Part IV of the Environment Act 1995<sup>9</sup> came into force, local authorities have been required to periodically review concentrations of the UK Air Quality Strategy pollutants within their areas and to identify areas where the AQOs may not be achieved by their relevant target dates. This process of Local Air Quality Management (LAQM) is an integral part of delivering the Government's AQOs detailed in the Strategy. When areas are identified where some or all of the AQOs might potentially be exceeded and where there is relevant public exposure, i.e. where members of the public would regularly be exposed over the appropriate averaging period, the local authority has a duty to declare an AQMA and to implement an Air Quality Action Plan (AQAP) to reduce air pollution levels towards the AQOs. The latest guidance on the LAQM process is given in Defra's 2016 Local Air Quality Management Technical Guidance (LAQM TG (16))<sup>10</sup>.

Oxides of nitrogen (NO<sub>x</sub>) associated with traffic emissions are considered in this assessment in relation to their impact on the Strensall Common SSSI and SAC.

Also, for the construction phase assessment, the concentration of PM<sub>10</sub> is considered, but not modelled. Table B2.2 below sets out the AQOs that are relevant to this assessment, and the dates by which they are to be achieved.

## 2.3 Relevant Guidance

### **Institute of Air Quality Management (IAQM) – Guidance on the assessment of dust from demolition and construction**

The Institute of Air Quality Management (IAQM)<sup>11</sup> has developed guidance regarding the assessment of the impacts of construction on air quality and the determination of their significance.

The IAQM guidance defines ecological receptors as any sensitive habitat affected by dust soiling, which includes direct dust deposition onto vegetation or aquatic ecosystems affecting ecological processes (e.g. photosynthesis).

Factors affecting dust emission from demolition and construction activities include:

- ▶ Activities being undertaken;
- ▶ Duration of activities;
- ▶ Size of the site;
- ▶ Meteorological conditions;

<sup>7</sup> The Stationery Office Limited (2010) Statutory Instrument 2010 No. 1001 Environmental Protection – The Air Quality Standards Regulation 2010.

<sup>8</sup> The Stationery Office Limited (2007) Statutory Instrument 2010 No. 64 Environmental Protection – The Air Quality Standards Regulation 2007.

<sup>9</sup> HMSO (1995) Environment Act 1995.

<sup>10</sup> Defra (2016) Local Air Quality Management Technical Guidance LAQM.TG (16).

<sup>11</sup> Institute of Air Quality Management (IAQM) (2014) – Guidance on the Assessment of Dust from Demolition and Construction.

- ▶ Proximity of receptors;
- ▶ Mitigation measures undertaken during works; and
- ▶ Sensitivity of the receptors to dust.

It is suggested that the impact of dust deposition on ecological receptors should be considered when the ecological receptor is with 50 m of the site boundary or within 50 m of routes used by construction vehicles up to 500 m from the site entrance (for a large site).

It is noted that emissions of dust relating to demolition and construction activities are temporary, therefore impacts will be temporary and will often be reversible once the works are completed.

## H1 Assessment Guidance

The Environment Agency's Horizontal Guidance Note H1<sup>12</sup> provides methods for quantifying the environmental impacts of emissions to all media. It should be noted that this methodology was withdrawn in February 2016, however is still widely used alongside other resources. Environment Agency webpages contain long and short-term Environmental Assessment Levels (EALs) and Environmental Quality Standards (EQS) for releases to air derived from a number of published UK and international sources. For the pollutants considered in this study, these EALs and EQS are equivalent to the AQS and AQOs set in force by the Air Quality Strategy for England, Scotland Wales and Northern Ireland.

## Design Manual for Roads and Bridges (DMRB)

The DMRB guidance<sup>13</sup> states that internationally designated biodiversity sites (Special Protection Areas, Special Areas of Conservation and Ramsar sites) and Sites of Special Scientific Interest (SSSIs) within 200m of an affected route or corridor, where there is expected to be an increase in >1000 daily vehicle movements, need to be considered within an assessment (Highways Agency 2007b). It should be noted that critical loads are not statutory standards which are to be achieved, but are an indicator of when harmful effects can occur for different habitat types.

In addition to the objectives for human health, a national objective relating to the protection of vegetation and ecosystems is prescribed for NO<sub>x</sub>. This is not a threshold in the sense that damage to vegetation is likely to occur when this concentration is exceeded but that, above this concentration, there is an increased risk of damage.

Furthermore, DMRB guidance states with regard to dust deposition that the most sensitive species of plant appear to be affected by dust levels above 1000 mg/m<sup>2</sup> per day, which is five times greater than the level at which dust deposition would cause nuisance to human receptors. However, the majority of species are not affected until levels are considerably higher than this threshold.

## Environmental Protection UK (EPUK) & Institute of Air Quality Management (IAQM) – Guidance on land-use planning and development control: Planning for air quality<sup>14</sup>

The guidance regarding the assessment of air quality issues within planning applications, which includes a summary of relevant legislation and the assessment of significance. Using this guidance, the magnitude of change due to an increase/decrease in the annual mean concentration of pollutants due to a development is described using specified criteria. The overall significance of the development is then determined using professional judgement. Significance criteria can be seen in Appendix C.

## Wealden District Council High Court Judgement<sup>15</sup>

The case concerned the importance of taking into consideration the in-combination effect of proposed developments when assessing the air quality impacts on ecologically sensitive areas, specifically designated

<sup>12</sup> Environment Agency (2011) Horizontal Guidance Note H1.

<sup>13</sup> Highways England (2007) Design manual for Roads and Bridges (Volume 11, Section 3).

<sup>14</sup> EPUK & IAQM (2017) Guidance on land-use planning and development control: Planning for air quality.

<sup>15</sup> The Planning Inspectorate (2015) Appeal decision

sites. Prior to the high court judgement, the DMRB threshold of an increase in more than 1000 AADT was used to scope out air quality assessments. This case concerned the cumulative impact of Local Plans produced by multiple councils impacting Ashdown Forest SAC. The Joint Core Strategy (JCS) prepared by Lewes District Council and South Downs National Park Authority, scoped out an air quality assessment as the AADT for the JCS was below 1000. However, the Judge decided that whilst the DMRB threshold was relevant to determine potential air quality impacts, the land allocations included in the JCS would impact the Ashdown Forest SAC and when considered in combination with the allocations in the Wealden District Council (WDC) Core Strategy the threshold would be breached.

This case set a precedent whereby the cumulative impact of proposed development should be assessed when there is the possibility of affecting ecologically sensitive sites, which has been demonstrated through subsequent court cases whereby planning permission has not been granted or allowed by appeal. Consequently, in March 2017, a judge quashed Policies SP1 and SP2 in the JCS due to the potential for increased nitrogen deposition adversely impacting Ashdown Forest SAC. This reduced the number of proposed residences in the JCS by 1,177 homes<sup>16</sup>.

As a consequence of this decision, it is important that local authorities thoroughly consider the cumulative effect of traffic associated with multiple developments. This is an on-going situation, so there are currently no guidelines as to the catchment for inclusion into the air quality assessment.

### Assessment Criteria

Table B2.2 shows the air quality standards, objectives and environmental assessment levels relevant to this assessment.

Table B2.2 Summary of relevant air quality standards and objectives

Pollutant	AQS/ AQO/ EAL	Objective (UK)	Averaging Period
NO <sub>x</sub>	AQS	30 µgm <sup>-3</sup>	Annual Mean
	EAL	75 µgm <sup>-3</sup>	Daily Mean

<sup>16</sup> <http://www.bailii.org/ew/cases/EWHC/Admin/2017/351.html>

## 3. Assessment Methodology

### 3.1 Construction dust assessment methodology

The IAQM guidance<sup>11</sup> provides a method to assess the significance of construction impacts by considering the annoyance due to dust soiling as well as harm to ecological receptors and the risk of health effects due to any significant increases of PM<sub>10</sub> or PM<sub>2.5</sub>. Site activities are divided into four types to reflect their different potential impacts:

- ▶ Demolition – an activity involved with the removal of an existing structure or structures;
- ▶ Earthworks – the processes of soil-stripping, ground-levelling, excavation and landscaping;
- ▶ Construction – an activity involved in the provision of a new structure; and
- ▶ Trackout – the transport of dust and dirt from the site onto the public road network. This arises when lorries leave site with dusty materials or transfer dust and dirt onto the road having travelled over muddy ground on-site.

A detailed assessment is deemed to be required where there is:

- ▶ An 'ecological receptor' located within: 50 m of the boundary of the site; or 50 m of the route(s) used by construction vehicles on the public highway, up to 500 m from the site entrance.

At this stage, there are not sufficient details in order to carry out a construction assessment, however it is likely that due to the size of the site and the potential proposed development that there will be a high risk of dust emission. Therefore, appropriate mitigation measures are included in Section 5.3.

### 3.2 Operational Phase assessment methodology

#### Dispersion Modelling

The ADMS-Roads dispersion model, developed by CERC<sup>6</sup>, is a tool for investigating air pollution problems due to small networks of roads that may be in combination with industrial sites, for instance small towns or rural road networks. It calculates pollutant concentrations over specified domains at high spatial resolution (street scale) and in a format suitable for direct comparison with a wide variety of air quality standards for the UK and other countries. The latest version of the model, version 4.1, was used in this study.

ADMS-Roads is referred to as an advanced Gaussian or, new generation, dispersion model as it incorporates the latest understanding of the boundary layer structure. It differs from old generation models such as ISC, R91 and CALINE in two main respects:

- ▶ It characterises the boundary layer structure and stability using the boundary layer depth and Monin-Obukhov length to calculate height-dependent wind speed and turbulence, rather than using the simpler Pasquill-Gifford stability category approach; and
- ▶ It uses a skewed-Gaussian vertical concentration profile in convective meteorological conditions to represent the effect of thermally generated turbulence.

#### The Road Network

Annual average daily traffic (AADT) flows were provided by Amec Foster Wheeler transport consultants, based on traffic counts carried out by the team. The cumulative AADT flows impact of QEB and TL were provided in order to predict a worst-case scenario. The following scenarios were modelled based on the traffic provided:

- ▶ Baseline 2017 scenario, which includes traffic from the site's current use;

- ▶ Future 2031 'without development' scenario, which does not include any traffic flows associated with the current or proposed future use; and
- ▶ Future 2031 'with development' scenario.

Flows can be seen in Appendix A. Emissions were calculated using the latest emission factors from Defra, Emissions Factor Toolkit v8.0<sup>17</sup>, which is used to predict emissions that are imported into ADMS-Roads. For the future scenarios, the year 2030 was used as this is the most distant year available.

It should be noted that traffic flows include the cumulative impact of committed developments as part of the Local Plan allocation. Further information can be found in the Transport Assessment<sup>1819</sup>.

### Receptors

The focus of this air quality assessment is the potential impact of air quality on the Strensall Common SSSI/ SAC. As the guidance states that ecological receptors may be affected by traffic emissions up to a distance of 200 m from the road, a transect has been used to model concentrations across this area. This has been carried out on Flaxton Road and Towthorpe Moor Lane at kerbside, 25 m, 50 m, 100 m, 150 m and 200 m from the road centreline. Receptor locations are shown in Table B3.1 and on Figure B.1.

Table B3.1 Transect Locations

Receptor	Road	Distance from the road (m)	X (m)	Y (m)
1a	Flaxton Road South	kerbside	463629	460070
1b	Flaxton Road South	25	463646	460055
1c	Flaxton Road South	50	463663	460037
1d	Flaxton Road South	100	463698	460001
1e	Flaxton Road South	150	463733	459965
1f	Flaxton Road South	200	463768	459930
1g	Flaxton Road North	kerbside	463625	460074
1h	Flaxton Road North	25	463608	460088
1i	Flaxton Road North	50	463592	460107
2a	Towthorpe Moor Lane North	kerbside	463704	458456
2b	Towthorpe Moor Lane North	25	463707	458478
2c	Towthorpe Moor Lane North	50	463709	458503
2d	Towthorpe Moor Lane North	100	463713	458552
2e	Towthorpe Moor Lane North	150	463717	458602
2f	Towthorpe Moor Lane North	200	463722	458652

Note: Flaxton Road north (1 g – i) was modelled to 50 m only and Towthorpe Moor Lane south due to the boundary of the SSSI/SAC.

<sup>17</sup> Defra (2017) Emissions Factor Toolkit v8.0.

<sup>18</sup> Amec Foster Wheeler (2017) York DIO Queen Elizabeth Barracks Transport Appraisal.

<sup>19</sup> Amec Foster Wheeler (2017) York DIO Towthorpe Lines Transport Appraisal.

Figure B.1 Modelled Transect Points

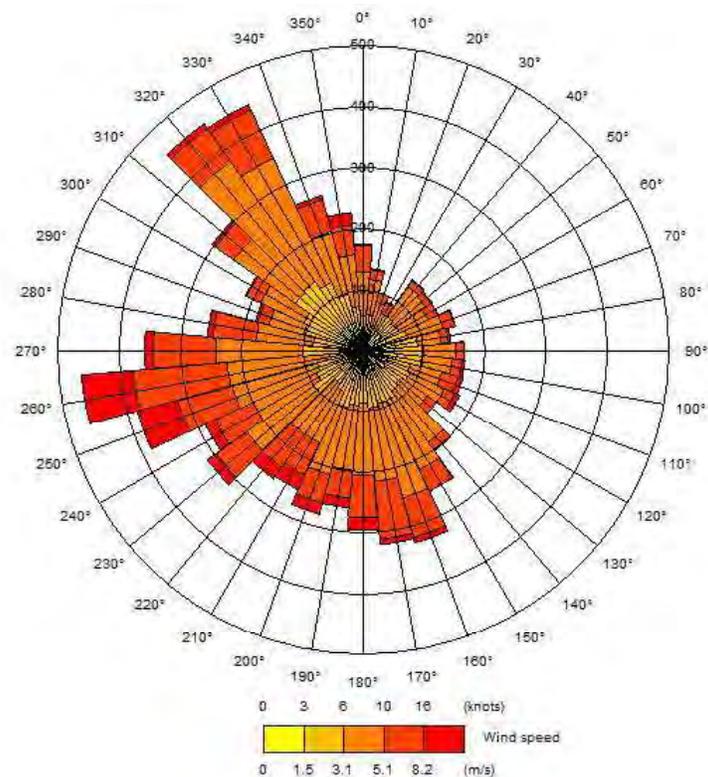


## Meteorology

Hourly sequential meteorological data from a nearby, representative observing station is required for dispersion modelling. For this assessment, five years of meteorological data was obtained from the Linton-on-Ouse weather station as this is considered to be most representative of conditions at the application site.

Figure B.2 shows the wind rose for Linton-on-Ouse for the period 2016 showing the frequency and distribution of wind directions and wind speeds.

Figure B.2 Linton on Ouse wind rose for 2016



## Surface Characteristics

The surface roughness is a model parameter related to the height of features, such as buildings and trees. The value of 0.5 m was used within the model to represent the area surrounding the Proposed Development as ADMS guidance states that this value would be appropriate for 'open suburbia'.

The concentrations of an emitted pollutant found in elevated, complex terrain differ from those found in simple level terrain. However, these effects are most pronounced when the terrain gradients exceed 1 in 10 i.e., a 100 m change in elevation per 1 km step in the horizontal plane. As there are no areas surrounding the site that meet this criterion, it was decided not to include terrain effects in the dispersion modelling. This is in line with the approach recommended in the LAQM.TG(16) Guidance.

## Model verification

Model verification enables an estimation of uncertainty and systematic errors associated with the dispersion modelling components of the air quality assessment to be considered. There are many explanations for these errors, which may stem from uncertainty in the modelled number of vehicles, speeds and vehicle fleet composition. Defra has provided guidance in terms of preferred methods for undertaking dispersion model

verification<sup>9</sup>. Model verification involves the comparison of modelled concentrations and local monitoring data.

Full details of the model verification procedure are provided in Appendix B. Model verification was carried out for the year 2016 as appropriate monitoring data, AADT flow and background concentrations were available. Due to the fact that the majority of monitoring stations are located in the centre of York, where congestion and traffic flows are likely to be far higher than at the proposed development, it was only possible to carry out model verification using one diffusion tube (B38). The verification process led to the use of a modelled Road-NO<sub>x</sub> adjustment factor of 2.27 as a conservative approach.

## Assessment Methodology

The assessment of nitrogen deposition from car emissions is set out as follows:

- ▶ Calculation of process contributions (PC);
- ▶ Estimation of predicted environmental concentrations (PEC); and
- ▶ Conclusions of impact assessment for emissions to air.

### Process Contribution

The Process Contribution (PC) is the ground level concentration of a substance released to air from the release points at any of the specific receptors with the value for the highest year at the receptor being quoted.

### Predicted Environmental Concentration

The Predicted Environmental Concentration (PEC) is calculated as the sum of the background of the substance in air and the process contribution:

$$\text{PEC}_{\text{air}} = \text{PC}_{\text{air}} + \text{background concentration}_{\text{air}}$$

### Critical Loads

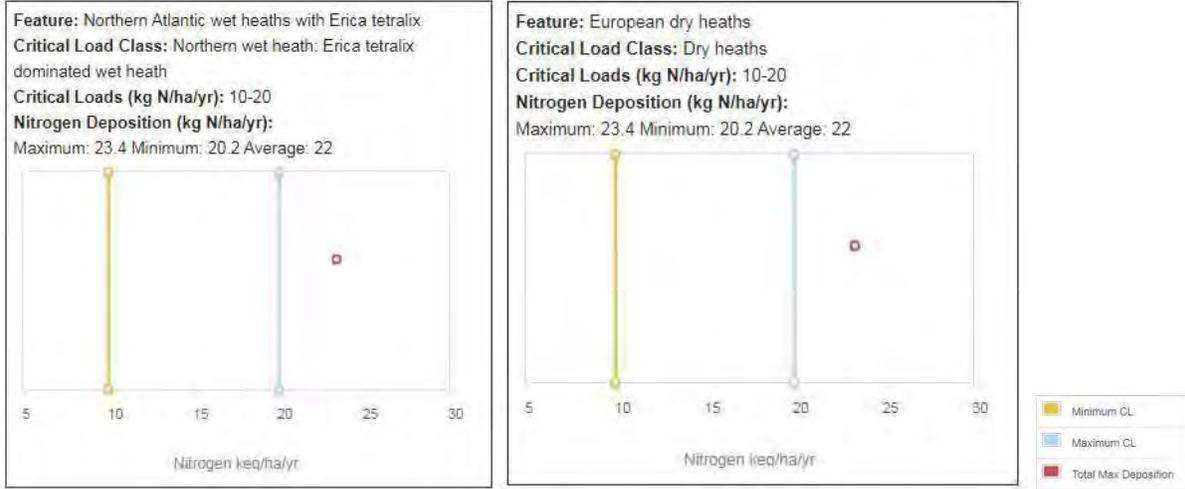
The Air Pollution Information System<sup>20</sup> (APIS) provides information on critical loads for specific designated areas, as well as for individual species. The Strensall Common SAC has been designated for the following interest features:

- ▶ H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath
- ▶ H4030. European dry heaths.

The critical loads for both habitats are shown in Figure B.3 below. Critical loads are a tool for assessing the risk of air pollution affecting different ecosystems. An increment of 1% or less of the critical load is generally considered insignificant, based on Environment Agency permitting.

<sup>20</sup> <http://www.apis.ac.uk/src/select-a-feature?site=UK0030284&SiteType=SAC&submit=Next>

Figure B.3 Critical load for Northern Atlantic wet heath and European dry heath habitats at Strensall Common



## 4. Baseline Air Quality

### 4.1 Local authority review and assessment

Local air quality management (LAQM) review and assessment by CYC led to the declaration of a number of air quality management areas (AQMA) for the exceedance of annual mean concentrations of NO<sub>2</sub>. All of these AQMAs are located in the centre of York City and were designated for an AQO that affects human receptors. Therefore, AQMAs are not assessed further as they are not relevant to this assessment.

### 4.2 Background deposition rates

#### Dust deposition

Dust deposition rates are not monitored extensively in the UK. Monitoring that is undertaken, is usually connected with specific activities such as mining and mineral extraction operations and major infrastructure projects. Dust monitoring may also be undertaken to investigate specific complaints received by local authorities, who are then empowered to investigate dust nuisance under the Environmental Protection Act (1990). No dust measurement data are available for the area surrounding the Development Site.

#### Nitrogen deposition

The Air Pollution Information System<sup>21</sup> (APIS) provides information on deposition rates and critical loads for specific designated areas, as well as for individual species. The Strensall Common SAC has been designated for the following interest features:

- ▶ H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath
- ▶ H4030. European dry heaths.

Both habitats are listed as being sensitive to nitrogen. The average deposition rate at Strensall Common SAC is 22 kg N/ha/year (Maximum: 23.38 kg N/ha/year / Minimum: 20.16 kg N/ha/year).

DMRB guidance states that background deposition rates are expected to decrease by 2% per year. However, due to disparity between predicted concentration decrease and actual concentration decrease, the baseline deposition rate is used to calculate future rates of nitrogen deposition. This is considered to be a conservative approach.

### 4.3 Estimated background concentrations

Defra has made estimates of background pollution concentrations on a 1km<sup>2</sup> grid for the UK for seven of the main pollutants, including NO<sub>x</sub>. Base data from 2015 was used to make projections for the years 2011 to 2030<sup>22</sup>. Table B4.1 below shows the predicted concentration for 2015 to 2017 at the two areas of the SAC that may be affected by traffic associated by the proposed development.

Table B4.1 Defra 2015 to 2017 predicted annual mean background concentrations (µg<sup>m</sup>-<sup>3</sup>)

Pollutant	2015	2016	2017
<b>465500, 461500</b>			
<b>NO<sub>x</sub></b>	10.16	9.82	9.48

<sup>21</sup> <http://www.apis.ac.uk/src1/select-a-feature?site=UK0030284&SiteType=SAC&submit=Next>

<sup>22</sup> <http://uk-air.defra.gov.uk/data/laqm-background-maps?year=2011> a.gov.uk/review-and-assessment/tools/background-maps.html



**463500, 458500**

<b>NO<sub>x</sub></b>	11.50	11.13	10.76
-----------------------	-------	-------	-------

All background concentrations and deposition rates used in this assessment to predict future concentrations are from 2017. This is considered to be a conservative estimate as it is expected that background levels will decrease year on year.

## 5. Assessment of Air Quality Effects

### 5.1 Construction phase assessment

As previously discussed, there is not sufficient information at this stage to carry out a construction phase assessment. However, it is likely due to the size of the development site, that the potential for dust emissions will be large. Therefore, possible mitigation measures have also been included.

### 5.2 Operational phase assessment

This section sets out the results of the dispersion modelling and compares predicted concentrations against air quality standards (AQS) and environmental assessment levels (EAL). The predicted concentrations resulting from the additional traffic flow (i.e. the process contribution (PC)) are presented along with background concentrations and the percentage contribution that the predicted environmental concentrations (PEC) would make towards the relevant standard, objective or guideline value.

#### Nitrogen Oxides (NO<sub>x</sub>)

##### Annual NO<sub>x</sub>

Table B5.1 shows the predicted annual mean concentration of NO<sub>x</sub> at the two transect locations: Flaxton Road (Receptor points 1a – i) and Towthorpe Moor Lane (Receptor points 2a – f).

Table B5.1 Predicted annual mean NO<sub>x</sub> concentration at transect points

Receptor	Distance from Road (m)	2017 Baseline (µgm <sup>-3</sup> )	2031 Without (µgm <sup>-3</sup> )	2031 With (µgm <sup>-3</sup> )	Difference (µgm <sup>-3</sup> )	Significance
1a	Kerbside	41.7	22.0	22.9	0.8	Negligible
1b	25	15.9	11.9	12.1	0.2	Negligible
1c	50	12.8	10.8	10.9	0.1	Negligible
1d	100	11.2	10.1	10.2	0.1	Negligible
1e	150	10.6	9.9	9.9	0.0	Negligible
1f	200	10.3	9.8	9.8	0.0	Negligible
1g	Kerbside	39.6	21.2	22.0	0.8	Negligible
1h	25	15.3	11.7	11.9	0.2	Negligible
1i	50	12.6	10.6	10.7	0.1	Negligible
2a	Kerbside	55.4	15.5	24.5	9.0	Moderate Adverse
2b	25	18.7	10.7	12.5	1.8	Slight Adverse
2c	50	14.4	10.1	11.1	0.9	Negligible
2d	100	12.0	9.8	10.3	0.5	Negligible
2e	150	11.1	9.7	10.0	0.3	Negligible
2f	200	10.7	9.7	9.9	0.2	Negligible

Note: **Bold** denotes exceedance of the assessment criteria.

As expected, annual mean concentrations of NO<sub>x</sub> are predicted to decrease with distance from the road. There is one exceedance of the 30 µg m<sup>-3</sup> AQO at the kerbside of Towthorpe Moor Lane in the Baseline scenario (2a). However, in the 2031 scenarios, there are not expected to be any exceedances of the AQO.

With regard to the EPUK & IAQM significance criteria in Appendix C, the change in concentration between the 'without' and 'with' scenarios for 2031 at Flaxton Road is considered to be Negligible. However, at kerbside on Towthorpe Moor Lane, the predicted increase in concentration of NO<sub>x</sub> is expected to have a Moderate Adverse impact on Strensall Common SSSI/SAC. The severity of impact decreases with distance from the road, with a Slight Adverse impact predicted at 25 m, which decreases to Negligible by 50 m.

### Daily NO<sub>x</sub>

Table B5.2 shows the predicted daily mean concentrations of NO<sub>x</sub> at points along the 200 m transect.

Table B5.2 Predicted daily mean NO<sub>x</sub> concentration at transect points

Receptor	Distance from Road (m)	2017 Baseline (µgm <sup>-3</sup> )	2031 Without (µgm <sup>-3</sup> )	2031 With (µgm <sup>-3</sup> )	Difference (µgm <sup>-3</sup> )
<b>1a</b>	Kerbside	<b>124.6</b>	54.4	57.3	3.0
<b>1b</b>	25	32.7	18.5	19.1	0.6
<b>1c</b>	50	22.3	14.4	14.8	0.3
<b>1d</b>	100	16.3	12.1	12.3	0.2
<b>1e</b>	150	14.2	11.3	11.4	0.1
<b>1f</b>	200	13.1	10.9	11.0	0.1
<b>1g</b>	Kerbside	<b>147.1</b>	62.4	66.2	3.7
<b>1h</b>	25	34.8	19.0	19.8	0.8
<b>1i</b>	50	23.8	14.7	15.3	0.6
<b>2a</b>	Kerbside	<b>192.0</b>	35.1	72.4	37.4
<b>2b</b>	25	43.0	14.0	20.6	6.7
<b>2c</b>	50	28.2	12.0	15.6	3.7
<b>2d</b>	100	19.7	10.8	12.8	2.0
<b>2e</b>	150	16.6	10.4	11.8	1.4
<b>2f</b>	200	15.0	10.2	11.3	1.1

Note: **Bold** denotes exceedance of assessment criteria.

Predicted daily mean concentrations of NO<sub>x</sub> exceeded the 75 µgm<sup>-3</sup> EAL at kerbside locations at both Flaxton Road and Towthorpe Moor Lane in the Baseline scenario (2017), which includes the traffic associated with the current use of the proposed development sites. However, by 25 m the daily mean concentration is predicted to significantly decrease to well below the EAL.

When considering the future scenarios, there are not predicted to be any exceedances of the EAL at any point modelled on the transect. The highest predicted daily mean concentration of NO<sub>x</sub> is in the future

scenario with the proposed developments at Towthorpe Moor Lane at the kerbside, but this is still 3% below the EAL.

### Nitrogen Deposition

Nitrogen deposition has been calculated using the predicted annual mean concentration of NO<sub>x</sub> and shown in Table B5.3.

Table B5.3 Critical load assessment of nitrogen deposition

Receptor	Distance from Road (m)	Minimum Critical load (MinCL) (kg N ha <sup>-1</sup> yr <sup>-1</sup> )	PC without (kg N ha <sup>-1</sup> yr <sup>-1</sup> )	PC with (kg N ha <sup>-1</sup> yr <sup>-1</sup> )	PEC (kg N ha <sup>-1</sup> yr <sup>-1</sup> )	increase in PC as a % of MinCL	% PEC of MinCL
1a	Kerbside	10	1.00	1.02	23.02	0%	228%
1b	25	10	0.77	0.77	22.77	0%	222%
1c	50	10	0.74	0.74	22.74	0%	221%
1d	100	10	0.72	0.72	22.72	0%	220%
1e	150	10	0.72	0.72	22.72	0%	220%
1f	200	10	0.72	0.72	22.72	0%	220%
1g	Kerbside	10	0.99	1.00	23.00	0%	228%
1h	25	10	0.76	0.77	22.77	0%	222%
1i	50	10	0.74	0.74	22.74	0%	221%
2a	Kerbside	10	0.92	1.13	23.13	2%	230%
2b	25	10	0.81	0.85	22.85	0%	222%
2c	50	10	0.79	0.82	22.82	0%	221%
2d	100	10	0.79	0.80	22.80	0%	221%
2e	150	10	0.78	0.79	22.79	0%	220%
2f	200	10	0.78	0.79	22.79	0%	220%

The nitrogen deposition at the Strensall Common SSSI/ SAC is above the minimum critical load value at all points across the transect at both Flaxton Road and Towthorpe Moor Lane. However, it should be noted that the background deposition rate is 120% above the 10 kg N ha<sup>-1</sup> yr<sup>-1</sup> minimum critical load before the process contribution associated with the additional traffic flow is considered.

Environment Agency guidance suggests that if the increase in PC as a result of the Proposed Development is 1% or less than the critical load, the change in nitrogen deposition will be insignificant. The predicted nitrogen deposition rates in Table B5.3 show that nitrogen deposition will be 2% higher at the roadside at Towthorpe Moor Lane (receptor point 2a), however at all other receptor points the increase was below 1%. Therefore, overall nitrogen deposition is expected to be insignificant.

It should be noted that this is considered to be a conservative estimate as the minimum critical load value was used.

### Acid deposition

The impacts of the proposed development on acid deposition have been assessed with reference to data obtained from the APIS website. Table B5.4 shows the nitrogen deposition in keq ha<sup>-1</sup> y<sup>-1</sup> at the ecological receptors.

The impact for the PC acid deposition at the receptor was calculated using the APIS Critical Load Function tool (APIS tool). Table B5.4 shows the input values used for the receptors and Table B5.5 shows the outputs.

**Table B5.4 Acidity critical load assessment, inputs to APIS critical load function tool**

Receptor	CLmaxS (keq ha <sup>-1</sup> y <sup>-1</sup> )	CLminN – CLmaxN (keq ha <sup>-1</sup> y <sup>-1</sup> )	PC N deposition (keq ha <sup>-1</sup> y <sup>-1</sup> )	S background (keq ha <sup>-1</sup> y <sup>-1</sup> )	N background (keq ha <sup>-1</sup> y <sup>-1</sup> )
1a	1.55	0.714 - 2.264	0.073	0.28	1.57
1b	1.55	0.714 - 2.264	0.055	0.28	1.57
1c	1.55	0.714 - 2.264	0.053	0.28	1.57
1d	1.55	0.714 - 2.264	0.052	0.28	1.57
1e	1.55	0.714 - 2.264	0.051	0.28	1.57
1f	1.55	0.714 - 2.264	0.051	0.28	1.57
1g	1.55	0.714 - 2.264	0.072	0.28	1.57
1h	1.55	0.714 - 2.264	0.055	0.28	1.57
1i	1.55	0.714 - 2.264	0.053	0.28	1.57
2a	1.55	0.714 - 2.264	0.081	0.28	1.57
2b	1.55	0.714 - 2.264	0.061	0.28	1.57
2c	1.55	0.714 - 2.264	0.058	0.28	1.57
2d	1.55	0.714 - 2.264	0.057	0.28	1.57
2e	1.55	0.714 - 2.264	0.056	0.28	1.57
2f	1.55	0.714 - 2.264	0.056	0.28	1.57

**Table B5.5 Output of APIS critical load function tool**

Receptor	Exceedance (keq ha <sup>-1</sup> y <sup>-1</sup> )			% of critical load function*		
	PC	Background	PEC	PC	Background	PEC
1a	no exceedance of CL function	no exceedance of CL function	no exceedance of CL function	3.1	81.7	84.8
1b	no exceedance of CL function	no exceedance of CL function	no exceedance of CL function	2.7	81.7	84.4
1c	no exceedance of CL function	no exceedance of CL function	no exceedance of CL function	2.2	81.7	83.9
1d	no exceedance of CL function	no exceedance of CL function	no exceedance of CL function	2.2	81.7	83.9

Receptor	Exceedance (keq ha <sup>-1</sup> y <sup>-1</sup> )			% of critical load function*		
	PC	Background	PEC	PC	Background	PEC
1e	no exceedance of CL function	no exceedance of CL function	no exceedance of CL function	2.2	81.7	83.9
1f	no exceedance of CL function	no exceedance of CL function	no exceedance of CL function	2.2	81.7	83.9
1g	no exceedance of CL function	no exceedance of CL function	no exceedance of CL function	3.1	81.7	84.8
1h	no exceedance of CL function	no exceedance of CL function	no exceedance of CL function	2.7	81.7	84.4
1i	no exceedance of CL function	no exceedance of CL function	no exceedance of CL function	2.2	81.7	83.9
2a	no exceedance of CL function	no exceedance of CL function	no exceedance of CL function	3.5	81.7	85.2
2b	no exceedance of CL function	no exceedance of CL function	no exceedance of CL function	2.7	81.7	84.4
2c	no exceedance of CL function	no exceedance of CL function	no exceedance of CL function	2.7	81.7	84.4
2d	no exceedance of CL function	no exceedance of CL function	no exceedance of CL function	2.7	81.7	84.4
2e	no exceedance of CL function	no exceedance of CL function	no exceedance of CL function	2.7	81.7	84.4
2f	no exceedance of CL function	no exceedance of CL function	no exceedance of CL function	2.7	81.7	84.4

\* % of CL function is calculated after the value of PEC relative to CLminN is taken into account. See detailed explanation for further information and justification.

Table B5.5 shows that the impact of the proposed facility on acid deposition is small, a maximum PC of 3.5% of the critical load function.

Overall, acid deposition rates at ecological receptors resulting from emissions from the proposed development are not expected to have a significant impact on the integrity of the designated ecological features of the sites.

### 5.3 Mitigation measures

#### Construction Phase

As it is not possible at this stage to carry out a construction assessment, mitigation methods suggested in the IAQM guidance are listed in Table B5.6. It is expected that mitigation measures will be implemented through a Construction Environmental Management Plan (CEMP).

Table B5.6 Potential mitigation measures for the construction phase

Mitigation area	Mitigation measures that may be incorporated
<b>Communications</b>	<p>Display the name and contact details of person(s) accountable for air quality and dust issues on the site boundary. This may be the environment manager/engineer or the Project Manager.</p> <p>Display the head or regional office contact information.</p> <p>Develop and implement a stakeholder communications plan that includes community engagement before work commences on-site.</p>
<b>Dust Management</b>	<p>Develop and implement a Dust Management Plan (DMP), which may include measures to control other emissions, approved by the Local Authority.</p>
<b>Site management</b>	<p>Record all dust and air quality complaints, identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken.</p> <p>Make the complaints log available to the local authority when asked.</p> <p>Record any exceptional incidents that cause dust and/or emissions, either on- or off-site and the action taken to resolve the situation in the log book.</p> <p>Hold regular liaison meetings with other high risk construction sites within 500 m of the site boundary, to ensure plans are coordinated and dust and particulate matter emissions are minimised. It is important to understand the interactions of the off-site transport/ deliveries which might be using the same strategic road network routes.</p>
<b>Monitoring</b>	<p>Carry out regular site inspections to monitor compliance with the AQMP, record inspection results, and make an inspection log available to the local authority when asked.</p> <p>Increase the frequency of site inspections by the person accountable for air quality and dust issues on-site when activities with a high potential to produce dust are being carried out and during prolonged dry or windy conditions.</p> <p>Undertake daily on-site and off-site inspection, where receptors (including roads) are nearby, to monitor dust, record inspection results, and make the log available to the local authority when asked.</p> <p>Agree dust deposition, dust flux, or real-time PM<sub>10</sub> continuous monitoring locations with the Local Authority. Where possible commence baseline monitoring at least three months before work commences on site or, if it a large site, before work on a phase commences. Further guidance is provided by IAQM on monitoring during demolition, earthworks and construction.</p>
<b>Preparing and maintaining site</b>	<p>Plan site layout so that machinery and dust causing activities are located away from receptors, as far as possible.</p> <p>Erect solid screens or barriers around dusty activities or the site boundary that are at least as high as any stockpiles on site.</p> <p>Avoid site runoff of water or mud.</p> <p>Fully enclose site or specific operations where there is a high potential for dust production and the site is active for an extensive period.</p> <p>Keep site fencing, barriers and scaffolding clean using wet methods.</p> <p>Remove materials that have a potential to produce dust from site as soon as possible, unless being re-used on site.</p> <p>Cover, seed or fence stockpiles to prevent wind whipping.</p>
<b>Operating vehicle/machinery</b>	<p>Ensure all Non-Road Mobile Machinery (NRMM) comply with the London NRMM Low Emission Zone standards.</p> <p>Ensure all vehicles switch off engines when stationary – no idling vehicles.</p> <p>Avoid the use of diesel or petrol powered generators and use mains electricity or battery powered equipment where practicable.</p> <p>Produce a Construction Logistics Plan to manage sustainable delivery of goods and materials.</p>



Mitigation area	Mitigation measures that may be incorporated
	<p>Impose and signpost a maximum-speed-limit of 15 mph on surfaced and 10 mph on un-surfaced haul roads and work areas.</p> <p>Implement a Travel Plan that supports and encourages sustainable travel (public transport, cycling, walking and car-sharing).</p>
<b>Operations</b>	<p>Only use cutting, grinding or sawing equipment fitted or in conjunction with suitable dust suppression techniques such as water sprays or local extraction e.g. suitable local exhaust ventilation systems.</p> <p>Ensure an adequate water supply on the site for effective dust/particulate matter suppression/mitigation, using non-potable water where possible and appropriate.</p> <p>Use enclosed chutes and conveyors, and covered skips.</p> <p>Minimise drop heights from conveyors, loading shovels, hoppers and other loading or handling equipment and use fine water sprays on such equipment wherever appropriate.</p> <p>Ensure equipment readily available on-site to clean any dry spillages, and clean up spillages as soon as reasonably practicable after the event, using wet cleaning methods.</p>
<b>Waste Management</b>	<p>Avoid bonfires and burning of waste materials</p>
<b>Demolition</b>	<p>Ensure effective water suppression is used during demolition operations. Hand held sprays are more effective than hoses attached to equipment as the water can be directed to where it is needed. In addition high volume water suppression systems, manually controlled, can produce fine water droplets that effectively bring the dust particles to the ground.</p> <p>Avoid explosive blasting, using appropriate manual or mechanical alternatives.</p> <p>Bag and remove any biological debris or damp down such material before demolition.</p> <p>Soft strip inside buildings before demolition (retaining walls and windows in the rest of the building where possible, to provide a screen against dust).</p>
<b>Earthworks</b>	<p>Re-vegetate earthworks and exposed areas/soil stockpiles to stabilise surfaces as soon as practicable.</p> <p>Use Hessian, mulches or trackifiers where it is not possible to re-vegetate or cover with topsoil, as soon as practicable.</p> <p>Only remove the cover in small areas during work and not all at once.</p>
<b>Construction</b>	<p>Ensure sand and other aggregates are stored in bunded areas and are not allowed to dry out, unless this is required for a particular process, in which case ensure that appropriate additional control measures are in place</p> <p>Avoid scabbing if possible.</p> <p>Ensure bulk cement and other fine powder materials are delivered in enclosed tankers and stored in silos with suitable emission control systems to prevent the escape of material and overfilling during delivery.</p> <p>For smaller supplies of fine powder materials, ensure bags are sealed after use and stored appropriately to prevent dust</p>
<b>Trackout</b>	<p>Access gates to be located at least 10m from receptors where possible.</p> <p>Use water-assisted dust sweeper(s) on the access and local roads, to remove, as necessary any material tracked out of the site. This may require the sweeper being continuously in use.</p> <p>Avoid dry sweeping of large areas.</p> <p>Ensure vehicles entering and leaving sites are covered to prevent escape of materials during transport.</p> <p>Record all inspections of haul routes and any subsequent action in a site log book.</p> <p>Implement a wheel washing system (with rumble grids to dislodge accumulated dust and mud prior to leaving the site where reasonably practicable).</p> <p>Inspect on-site haul routes for integrity and instigate necessary repairs to the surface as soon as reasonably practicable.</p> <p>Install hard surfaced haul routes, which are regularly damped down with fixed or mobile sprinkler systems, or mobile water bowsers and regularly cleaned.</p>



Mitigation area	Mitigation measures that may be incorporated
	Ensure there is an adequate area of hard surfaced road between the wheel wash facility and the site exit, wherever site size and layout permits.

## Operational phase

The EPUK & IAQM guidance states that developments may include the following mitigation measures as best practice:

- ▶ Residential;
  - ▶ All gas-fired boilers must meet a minimum standard of  $<40\text{mgNO}_x/\text{kWh}$ ;
  - ▶ One electric vehicle charging point per allocated parking space or one charging point per ten parking spaces if unallocated.
- ▶ Commercial/Retail/Industrial;
  - ▶ 10% of parking spaces should include electric vehicle charge points (may be phased to 5% initial provision, with an agreed rigger level for the remainder).

The inclusion of electric vehicle charging infrastructure should reduce the impact of the development as trips overall emissions would be lower with a higher proportion of electric vehicles than the average assumed in the emission calculations.

## 6. Conclusions

An assessment of the impact to air quality as a result of the proposed construction of circa. 635 dwellings at Queen Elizabeth barracks (QEB) has been conducted. Emissions of dust associated with construction activities have been considered as far as is possible, given that the development planning is at an early stage. Also, the potential for nitrogen oxides (NO<sub>x</sub>) and nitrogen deposition to impact on the Strensall Common SSSI and SAC due to an increase in traffic flows associated with the redevelopment of QEB and TL has been assessed.

In terms of the construction phase, it is considered that, due to the size of the QEB proposed development, the potential for dust emission from the site will be large. Therefore, suitable mitigation measures that may be considered as part of a CEMP have been suggested.

Oxides of nitrogen (NO<sub>x</sub>) concentrations were predicted using ADMS-Roads to determine whether additional traffic movements associated with the proposed development would impact Strensall Common SSSI/ SAC along a transect of points up to 200 m from the road. The cumulative impact of QEB and TL, as well as traffic associated with other committed development related to the Local Plan allocations, has been considered in light of the High Court Judgement concerning Ashdown Forest.

As expected, both the predicted annual and daily mean concentrations of NO<sub>x</sub> decrease along the transect with distance from the road. For the 2017 Baseline scenario, which included traffic associated with the current use of the development site, there were exceedances of the assessment criteria for the annual and daily mean at kerbside locations. In the future scenarios (2031), both without and with the proposed development, the predicted concentrations were below the assessment criteria. This is likely to be due to assumptions around reduction in future vehicle emissions incorporated into the Emissions Factor Toolkit.

With regard to the significance of impact, based on the predicted annual mean concentration as recommended in the EPUK & IAQM guidance, the impact at Flaxton Road is expected to be Negligible. Whereas, at Towthorpe Moor Lane, there is predicted to be a Moderate Adverse impact at the kerbside, reducing to Slight Adverse impact at 25 m, with further reduction to Negligible by 50 m.

Nitrogen deposition as a result of additional traffic associated with the proposed development was calculated. The Predicted Environmental Concentration (PEC) was calculated to be between 227 – 231% of the minimum critical load (MinCL) at all points along the 200 m transect. However, the background deposition rate was shown to be 120% higher than the minimum critical load associated with the ecological features of the SSSI/SAC. According to the Environment Agency insignificance threshold of 1% or less for the Process Contribution (PC) in relation to the critical load, nitrogen deposition is predicted to be inconsequential at all distances from the road at the Flaxton Road transect, and all but the immediate kerbside at Towthorpe Moor Lane.

Additionally, acid deposition rates at ecological receptors resulting from emissions from the proposed development are small (maximum 3.5 % of critical load) and not expected to have a significant impact on the integrity of the designated ecological features of the sites.



# Appendix A

## Modelling Input



## Traffic Data

Annual average daily traffic (AADT) flows were provided by AFW Transport Consultants and are shown in Table A.1 below.

Table A.1 Traffic Data

Link ID	2017 Baseline		2031 Without		2031 With	
	AADT	% HGV	AADT	% HGV	AADT	% HGV
<b>Towthorpe Moor Lane</b>	11,152	18	5,143	18	12,859	18
<b>Flaxton Road</b>	9,354	4	10,248	4	10,926	4

Note: The above data includes the cumulative flows of committed developments associated with the Local Plan allocations.



# Appendix B

## Model verification

The ADMS-Roads dispersion model has been widely validated for this type of assessment.

Model validation undertaken by the software developer (CERC) will not have included validation in the vicinity of the Proposed Development Site. It is therefore necessary to perform a comparison of modelled results with local monitoring data at relevant locations. This process of verification attempts to minimise modelling uncertainty and systematic error by correcting modelled results by an adjustment factor to gain greater confidence in the final results.

The predicted results from a dispersion model may differ from measured concentrations for a large number of reasons, including uncertainties associated with:

- ▶ Background concentration estimates;
- ▶ Meteorological data;
- ▶ Source activity data such as traffic flows and emissions factors;
- ▶ Model input parameters such as surface roughness length, minimum Monin-Obukhov length;
- ▶ Monitoring data, including locations; and
- ▶ Overall model limitations.

Model verification is the process by which these and other uncertainties are investigated and where possible minimised. In reality, the differences between modelled and monitored results are likely to be a combination of all of these aspects.

Model setup parameters and input data were checked prior to running the models in order to reduce these uncertainties. The following were checked to the extent possible to ensure accuracy:

- ▶ Traffic data;
- ▶ Road widths;
- ▶ Distance between sources and monitoring as represented in the model;
- ▶ Speed estimates on roads;
- ▶ Source types, such as elevated roads and street canyons;
- ▶ Selection of representative meteorological data;
- ▶ Background monitoring and background estimates; and
- ▶ Monitoring data.

### NO<sub>x</sub>/ NO<sub>2</sub>

Suitable local monitoring data for the purpose of verification is available for annual mean NO<sub>x</sub>/NO<sub>2</sub> concentrations as shown in Table B1 below. The diffusion tube B38 was used for verification purposes as it has associated traffic data available from the Department for Transport. It is recommended in TG (16) that a mixture of automatic monitoring and passive monitoring data are used for model verification purposes, however this was not possible as the majority of monitoring stations operated by CYC are located in the city centre, so would not be representative of the development site.

**Table B1** Local monitoring data suitable for ADMS-roads model verification

Location	2016 Annual Mean NO <sub>2</sub> (µgm <sup>-3</sup> )	OS Grid Reference
B38	20	463757, 455155

### Verification calculations

The verification of the modelling output was performed in accordance with the methodology provided in LAQM.TG (16) as far as possible. Table B2 shows that there was systematic under prediction of monitored concentrations at the diffusion tubes. It was therefore considered necessary to adjust modelled concentrations.

Table B2 Verification, modelled versus monitored

Site	2016 Modelled Annual Mean NO <sub>2</sub> (µgm <sup>-3</sup> )	2016 Monitored Annual Mean NO <sub>2</sub> (µgm <sup>-3</sup> )	% (Modelled-Monitored)/ Monitored
B38	20	17.4	-13%

Table B3 shows the comparison of modelled road-NO<sub>x</sub>, a direct output from the ADMS-Roads modelling, with the monitored road-NO<sub>x</sub>, determined from the LAQM NO<sub>x</sub> to NO<sub>2</sub> conversion tool. An adjustment factor, determined through regression, of 4.5 was used to adjust modelled results.

Table B3 Comparison of modelled and monitored road NO<sub>x</sub> to determine verification factor

Site	2016 Modelled Annual Mean Road NO <sub>x</sub> (µgm <sup>-3</sup> )	2016 Monitored Annual Mean Road NO <sub>x</sub> (µgm <sup>-3</sup> )	Ratio
B38	4.1	9.3	2.27

Therefore, an adjustment factor of 2.27 was applied to modelled concentrations of NO<sub>x</sub>.



# Appendix C

## Significance Criteria

The significance criteria used to assess the predicted change in annual mean concentration of NO<sub>x</sub> is shown in Table C.1.

Table C.2 Impact descriptors for individual receptors

Long term average concentration at receptor in assessment year	% Change in concentration relative to Air Quality Assessment Level (AQAL)			
	< 1	2-5	6 - 10	>10
75 % or less of AQAL	Negligible	Negligible	Slight	Moderate
76-94 % of AQAL	Negligible	Slight	Moderate	Moderate
95 – 102% of AQAL	Slight	Moderate	Moderate	Substantial
103 – 109 % of AQAL	Moderate	Moderate	Substantial	Substantial
110% or more of AQAL	Moderate	Substantial	Substantial	Substantial

Table Notes: When defining the concentration as a percentage of the AQAL, the ‘without scheme’ concentration is used where there is a decrease in pollutant concentration, and the ‘with scheme;’ concentration for an increase. The total concentration categories reflect the degree of potential harm by reference to the AQAL value. At exposure less than 75% of this value, i.e. well below, the degree of harm is likely to be small. As the exposure approaches and exceeds the AQAL, the degree of harm increases. This change naturally becomes more important when the result is an exposure that is approximately equal to, or greater than the AQAL. It is unwise to ascribe too much accuracy to incremental changes or background concentrations, and this is especially important when total concentrations are close to the AQAL. For a given year in the future, it is impossible to define the new total concentration without recognising the inherent uncertainty, which is why there is a category that has a range around the AQAL, rather than being exactly equal to it





# Appendix C

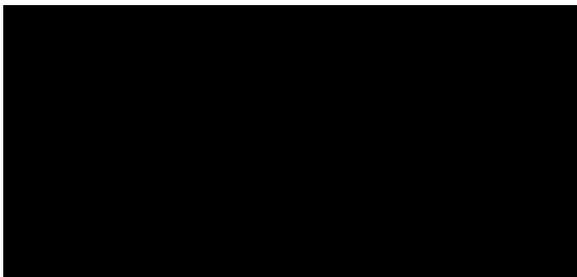
## Hydrology



# CAPITA



Defence  
Infrastructure  
Organisation



# Contact Details

