



## City of York Local Plan

### Proposed Modifications and Evidence Base Consultation 2021

#### Representations received

#### Volume 1 of 11

#### Responses SID73 to 199

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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



**From:** [Redacted]  
**Sent:** 03 July 2021 15:39  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, INDIVIDUAL - reference: 204873

## 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

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## About your comments

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

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## Your personal information

**Title:** Mr

**Name:** Peter Heptinstall

**Email address:** [Redacted]

**Telephone:** [Redacted]

**Address:** [Redacted]

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## 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)

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## 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:** This document does not comply with NPP on the provision of TSP sites, which are inappropriate on greenbelt sites. "The stables" is on greenbelt as defined by your own documents. " To clarify that GB4 makes provision for small scale affordable sites for Gypsies and Travellers not meeting the PPTS definition of a Gypsy or Traveller, to address need that may not be accommodated on strategic sites through policy H5." Is it legally permissible to develop a local policy (GB4), which allows actions outside of the PPTS definitions of traveller? This does not seem legally sound. It is clear from this: - "Unlike a rural exception site, exception sites for affordable housing in the Green Belt can be mixed use, accommodating yards for Showpeople where appropriate." (PM68) That this is an attempt to circumnavigate the law on TSP sites by classifying it as affordable housing. This cannot be regarded as legally sound. The operative phrase here is surely "where appropriate". Under national planning policy, this is NOT appropriate. On A4;102 it says: - "it is important that land outwith boundaries 1 and 4 remains open in order to aid the understanding of the historical relationship of the city to its hinterland". Again, I point out that "the stables" lies along this boundary towards the main part of the village. Allowing development there is thus illogical and legally unsound. The TSP site is not "non-time limited" in the eyes of the national planning inspectorate and thus the local plan is not legally compliant. "The entirety of the business park and the land extending beyond all boundaries is within a District Green Corridor (number 5)." (A4:106) Thus the stables site is within a green corridor and development for mixed purpose TSP sites is legally inappropriate. A4:112 "To the north east of the business park, beyond boundary 1 and the access road into Brinkworth Hall, land is allocated to give non-time limited consent to use of the land as a plot for Travelling Showpeople (SP1). Although in close proximity, this is isolated development, disconnected from the business park, and has no relationship with the inset site. SP1 remains a green belt site." Whilst allocating this as a site for TSP, quite against NPP, the council clearly acknowledge that the site remains greenbelt. Again this is unsound planning and contradictory to national planning policy.

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## **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:** No attention whatsoever has been paid to the views of locals. The documents are unsound of internal content and illogical. In some places they are factually incorrect. The Plan still intends to deliver massive housing on land West of Elvington Lane. With this planned development there is opportunity to place a site which would accommodate all of CYC's gypsy and TSP needs. One would ask why this is not pursued as an option? Such an obvious plan can only be overlooked by the council for one of two reasons. First, that some TSP have an expressed preference for certain green belt sites or second, that CYC does not think that people would want to move into houses in an area which contains gypsies or travelling show people and so does not wish to inflict them on that site. It seems odd then that they wish to inflict them on residents of existing houses. Village boundaries set out in SP5 are factually incorrect. The village boundary for Elvington begins at the entrance to Elvington Airfield as demonstrated by the sign set at that location (presumably by CYC). The village of Elvington thus includes Brinkworth and the site known as "the stables", which contains now illegal TSP occupation. As Brinkworth exists within the boundaries of Elvington and page 59 of EX-CYC-59f states clearly that this is surrounded by

countryside which needs to remain open, development on the stables site is illogical and contrary to CYC's own stated aim for the village. It also reinforces the greenbelt site status of "the stables". The plan is therefore unsound in evidence. As the village of Elvington extends to encompass Brinkworth, I would suggest that the external boundary of the Greenbelt should extend that far and should encompass and surround the airfield industrial estate, becoming contiguous with the external extent of that estate (isolating it as an island of development within greenbelt.) As sites on the airfield industrial estate currently lie empty, there would seem to be little immediate need to further develop the area. According to the map on page 100 of EX-CYC-59f, the stables clearly lies outside of the area encompassed by the requirement for 2 or more services within 800m, which is marked for development on this basis. Thus, as one of the initial reasons for wanting development on the stables site was to allow easy access to services, CYC's support for any application is illogical by it's own subsequent criteria for ease of access. With relation to the information regarding the Airfield industrial estate, as identified by the map on page 107 of the pdf report (A4:100), the document incorrectly states that the village of Elvington is 1km away. As already noted the village boundary is at the airfield entrance. Thus the supposition that purpose A4 is factually flawed. Report EX-CYC-59f states clearly that "Boundary 1 is therefore particularly important in preventing development coalescing with Elvington Industrial Estate." (A4;101 – last sentence). It should be clearly noted that "the stables" lies along this boundary which CYC regards as so important to protect. Yet CYC is not enforcing a national planning inspectorate requirement to remove Travelling Show People from that site, thus raising not only issues of internal logic and factual correctness, but some potential legal issues. Again on A4;102 it says: - "it is important that land outwith boundaries 1 and 4 remains open in order to aid the understanding of the historical relationship of the city to its hinterland". Again, I point out that "the stables" lies along this boundary towards the main part of the village. Allowing development there is thus illogical and legally unsound. A4:105 first paragraph: "To the north east of the business park, beyond boundary 1 and the access road into Brinkworth Hall, land is allocated to give non-time limited consent to use of the land as a plot for Travelling Showpeople (SP1). Although in close proximity, this is isolated development, disconnected from the business park, and has no relationship with the inset site. SP1 remains a green belt site." The TSP site is not "non-time limited" in the eyes of the national planning inspectorate and thus the local plan is not legally compliant. Whether disconnected or not, it is towards the village along boundary 1, which your own report says must be protected from sprawl. The TSP site is sprawl of the least attractive kind and should not be allowed within your own policy. "The entirety of the business park and the land extending beyond all boundaries is within a District Green Corridor (number 5)." (A4:106) Thus the stables site is within a green corridor and development for mixed purpose TSP sites is legally inappropriate. A4:112 "To the north east of the business park, beyond boundary 1 and the access road into Brinkworth Hall, land is allocated to give non-time limited consent to use of the land as a plot for Travelling Showpeople (SP1). Although in close proximity, this is isolated development, disconnected from the business park, and has no relationship with the inset site. SP1 remains a green belt site." Whilst allocating this as a site for TSP, quite against NPP, the council clearly acknowledge that the site remains greenbelt. Again this is unsound planning and contradictory to national planning policy. The map SP5 on page A4:115 quite incorrectly identifies two areas of domestic housing as lying within the boundaries of the "Elvington industrial estate". The conifers and Elvington Park are residential and part of the village.

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## **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:** As detailed below, it is internally contradictory and factually incorrect: The Plan still intends to deliver massive housing on land West of Elvington Lane. With this planned development there is opportunity to place a site which would accommodate all of CYC's gypsy and TSP needs. One would ask why this is not pursued as an option? Such an obvious plan can only be overlooked by the council for one of two reasons. First, that some TSP have an expressed preference for certain green belt sites or second, that CYC does not think that people would want to move into houses in an area which contains gypsies or travelling show people and so does not wish to inflict them on that site. It seems odd then that they wish to inflict them on residents of existing houses. Village boundaries set out in SP5 are factually incorrect. The village boundary for Elvington begins at the entrance to Elvington Airfield as demonstrated by the sign set at that location (presumably by CYC). The village of Elvington thus includes Brinkworth and the site known as "the stables", which contains now illegal TSP occupation. As Brinkworth exists within the boundaries of Elvington and page 59 of EX-CYC-59f states clearly that this is surrounded by countryside which needs to remain open, development on the stables site is illogical and contrary to CYC's own stated aim for the village. It also reinforces the greenbelt site status of "the stables". The plan is therefore unsound in evidence. As the village of Elvington extends to encompass Brinkworth, I would suggest that the external boundary of the Greenbelt should extend that far and should encompass and surround the airfield industrial estate, becoming contiguous with the external extent of that estate (isolating it as an island of development within greenbelt.) As sites on the airfield industrial estate currently lie empty, there would seem to be little immediate need to further develop the area. According to the map on page 100 of EX-CYC-59f, the stables clearly lies outside of the area encompassed by the requirement for 2 or more services within 800m, which is marked for development on this basis. Thus, as one of the initial reasons for wanting development on the stables site was to allow easy access to services, CYC's support for any application is illogical by it's own subsequent criteria for ease of access. With relation to the information regarding the Airfield industrial estate, as identified by the map on page 107 of the pdf report (A4:100), the document incorrectly states that the village of Elvington is 1km away. As already noted the village boundary is at the airfield entrance. Thus the supposition that purpose A4 is factually flawed. Report EX-CYC-59f states clearly that "Boundary 1 is therefore particularly important in preventing development coalescing with Elvington Industrial Estate." (A4:101 – last sentence). It should be clearly noted that "the stables" lies along this boundary which CYC regards as so important to protect. Yet CYC is not enforcing a national planning inspectorate requirement to remove Travelling Show People from that site, thus raising not only issues of internal logic and factual correctness, but some potential legal issues. Again on A4:102 it says: - "it is important that land outwith boundaries 1 and 4 remains open in order to aid the understanding of the historical relationship of the city to its hinterland". Again, I point out that "the stables" lies along this boundary towards the main part of the village. Allowing development there is thus illogical and legally unsound. A4:105 first paragraph: "To the north east of the business park, beyond boundary 1 and the access road into Brinkworth Hall, land is allocated to give non-time limited consent to use of the land as a plot for Travelling Showpeople (SP1). Although in close proximity, this is isolated development, disconnected from the business park, and has no relationship with the inset site. SP1 remains a green belt site." The TSP site is not "non-time limited" in the eyes of the national planning inspectorate and thus the local plan is not legally compliant. Whether disconnected or not, it is towards the village along boundary 1, which your own report says must be protected from sprawl. The TSP site is sprawl of the least attractive kind and should not be allowed within your own policy. "The entirety of the business park and the land extending beyond all boundaries is within a District Green Corridor (number 5)." (A4:106) Thus the stables site is within a green corridor and development for mixed purpose TSP sites is legally inappropriate. A4:112 "To the north east of the business park, beyond boundary 1 and the access road into Brinkworth Hall, land is allocated to give non-time limited consent to use of the land as a plot for Travelling Showpeople (SP1). Although in close proximity, this is isolated development, disconnected from the business park, and has no relationship with the inset site. SP1 remains a green belt site." Whilst allocating this as a site for TSP, quite against NPP, the council clearly acknowledge that the site remains greenbelt.

Again this is unsound planning and contradictory to national planning policy. The map SP5 on page A4:115 quite incorrectly identifies two areas of domestic housing as lying within the boundaries of the “Elvington industrial estate”. The conifers and Elvington Park are residential and part of the village.

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## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:**

Removal of the TSP site known as the stables, Elvington, as it is contrary to national planning policy and inspectorate decisions.

**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:**

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## **Supporting documentation**

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

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**From:** [REDACTED]  
**Sent:** 06 July 2021 21:45  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 205821

## 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

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## About your comments

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

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## Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

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## Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 6 Proposed Modifications (EX/CYC/59h)

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## 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:** The proposal appears to have been prepared in line with statutory regulations, the duty to cooperate, legal procedural requirements such as the Sustainability Appraisal.

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

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## **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 above and the Council appear to have followed the guidelines in its duty to cooperate, for example making documents readily available.

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

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## **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:** Generally, Heslington Parish Council welcomes the defined Green Belt boundaries which present a clear logic as to how the inner boundary has been decided. The perception of the Green Belt could be further enhanced by viewing it not as an empty space, but as an active food producing belt around York. The rural character of Heslington, so important to its residents, depends largely on its setting within the Green Belt in productive agricultural land. This could provide locally sourced food, sustainably produced, impacting on carbon emissions as well as maintaining historic land use.

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## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:** The Green Belt is a positive resource for the City of York providing an active food producing belt close to the city thereby contributing to carbon emission reduction as well as maintaining the historic agricultural setting of the city.

**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:**

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## **Supporting documentation**

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

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**From:** [REDACTED]  
**Sent:** 06 July 2021 21:55  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 205825

## 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

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## About your comments

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

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## Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

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## 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)

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## 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:** The proposal appears to have been prepared in line with statutory regulations, the duty to cooperate, legal procedural requirements such as the Sustainability Appraisal.

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

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## **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 above and the Council appear to have followed the guidelines in its duty to cooperate, for example making documents readily available.

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

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## **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:** Heslington Parish Council welcomes reduction of proposed development site ST27 and maintenance of Green Belt status for the remains of the buffer zone between Campus East and Heslington Village. Heslington Parish Council has some concerns regarding the status of metalled roads running from built areas to development areas e.g. Low Lane between Heslington Village and ST27. Currently there is no access to Low Lane from Campus East in order to maintain the agreed buffer zone, and as protection for the village from through traffic. The Parish Council feels that it is important to maintain this as a no through traffic road. This protection needs to be made explicit in the Local Plan in order to maintain legal compliance with earlier ministerial decisions.

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## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:** The Green Belt is a positive resource for the City of York providing an active food producing belt close to the city thereby contributing to carbon emission reduction as well as maintaining the historic agricultural setting of the city.

**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:**

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## **Supporting documentation**

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

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**From:** [Redacted]  
**Sent:** 02 July 2021 15:43  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, INDIVIDUAL - reference: 204676

## 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

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## About your comments

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

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## Your personal information

**Title:** Mr

**Name:** Tim Tozer

**Email address:** [Redacted]

**Telephone:** [Redacted]

**Address:** [Redacted]

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## 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)

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## 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:** This document is not legally compliant and has not complied effectively with the Duty to Cooperate. Here we take this Duty to Cooperate as taking reasonable cognisance of views expressed directly by the villagers of Elvington and also in particular by their Parish Council; to engage and negotiate where appropriate and to consider, deal with and rebut or respond in a proactive, proportionate and balanced way to reasoned arguments presented – taking into account both their content and their strength of numbers. This has not happened, and only lip service has been paid to residents' comments. Enlargement regarding failure of duty to Cooperate is presented in the next section of this Response.

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## **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:** The document is not compliant with the Duty to Cooperate. Concerns of Elvington residents relate broadly to maintaining the rural character of their village, with detailed arguments put forward by very many of them at various response stages of the consultation process. These arguments are not all reiterated here, but may be viewed extensively in those responses, which are largely based on site-specific proposals. In particular, residents strongly opposed removal of site H39 from the greenbelt. And, to a good extent, supported development on site H26 as a viable alternative and less damaging option if required. For example, in the 1992 Consultation, 225 Objections were received regarding H39 (cf. only 1 or 2 Supports, from the landowner or their agent); since then villagers have reiterated their views several times although "consultation fatigue" has set in considerably. Another consultation phase [1999? 2017? Sorry have lost track!] yielded 92 Objections and 3 Supports. Such arguments and Objections to the removal of H39 from the Green Belt have been made repeatedly and in large numbers by local residents at every stage of the Local Plan processes; addressing principally the impact upon Church Lane and the impact of traffic in Beckside. This was also considered at length by the Inspector in the 1992/3 Inquiry, who very firmly rejected its removal [as site D75 at that time] and affirmed the value of it remaining in the Green Belt for the protection of the character of the village and the "important contribution to its setting". (He also pointed out inconsistencies in related boundary arguments made at the time). The Inspector concluded "Even if I were to consider that there was an overriding need to make further provision of land for future development, it would be inappropriate to exclude this site from the Green Belt when there are likely to be difficulties in relation to the provision of an access to the site which would not cause harm to the character of the village or the amenities of its existing residents". Despite this, NYCC and then CYC have since oscillated in their position, but clearly cannot resist such "low-hanging fruit" for housing numbers. Elvington Parish Council has continued to argue for retention of this site in the Green Belt, through submissions and correspondence to CYC. CYC consistently appears to ignore such legitimate representations, and has failed to provide reasonable or balanced counter-arguments in any of the Local Plan documents, whether in this latest phase or in earlier phases over many years. Rather it has attempted to steamroller over those objections and concerns, rather than engage with them. Here now, it couches the discussion about Elvington in new language dealing primarily with Boundaries; which purely as such have only featured peripherally in earlier documentation. The effect is the same however, and the concerns remain; although frankly few residents are likely

to find time or energy to re-cast their arguments yet again here in this much more opaque phase of the process. Indeed, this latest document, couched in terms of boundary description, goes further in that it fails to appreciate the integrity of the village including its business parks, and seeks to divide it along the B1228 in a manner which few would recognise on the ground. While sprawl is indeed undesirable, it might be better to consider Elvington an integrated whole of high quality rather than purely a compact core plus a sprawl. Those points are further identified by me in a later section of this response below. At no time in this process has CYC attempted to engage with local residents in any reciprocal way. And it has completely failed to involve Elvington Parish Council. The PC is a statutory body representing the village, it is not opposed to appropriate development and has made its views known at various phases. Yet CYC has never responded to or engaged with it. On the contrary: at a CYC Local Plan 'Roadshow' in one of the other villages a few years ago, a Planning Officer told me in answer to my query "Oh no! We don't talk to Parish Councils – They're all Nimbys!" – a response at the same time shocking, quite untrue in its depiction certainly of Elvington PC, yet sadly reflecting CYC's approach throughout. The descriptions here of the new Boundaries themselves are misguided in some details: e.g., the justification for the position of Boundary 1 and its application as it affects developments along the B1228 west of the village centre [see later for more detail]; and the subsequent re-drawing of Boundary 4 at its southern end. [See later]. It appears that much of this exercise is conducted remotely on a map rather than by direct reference to the social fabric of the village; and it also appears that it is largely contrived in order to satisfy prejudicial preferences regarding relevant sites. This represents a failure of duty to co-operate with those on the ground, whose community it is, who would be directly affected, and who have intimate and worthwhile knowledge & perspective on the local environment and their village.

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## **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 document is Not Positively Prepared and not Justified and not Effective, as outlined below. Initial Analysis and Commentary: The characterisation of Elvington village given in the document is perceptive in very large part, and fully acknowledges the importance of retaining the classical village character in terms of Green Belt Purposes. For example: in §5.3 "The land contributes to the character of the countryside through openness, views and tranquility " – and this also applies elsewhere around the village. However, the approach given here in terms of Boundaries feels contrived, and does not reflect the reality on the ground. There are also some inaccuracies. The main aspects are:- (a) The Boundary approach and the description of Elvington, coupled with the position of Boundary 1 as defined here, appear to separate the village into the historic core plus an "industrial area" or "business parks" [e.g. Compactness, pA4:82]. While of course we wish to protect the historic core, the description here is unhelpful and does not reflect the social geography of the village. Proceeding from York on the B1228, Elvington commences near the Airfield entrance with a speed limit, and is soon acknowledged by village signage, further speed restrictions and streetlight . Although nearly a mile from the historic village centre, there is the Conifers housing development (adjoining Wheldrake Lane) and then the Elvington Park housing development also on the right hand side; both are very much part of the village community & identity. And the community in this part of the village is palpable as it then includes the medical practice and the Sports Ground shortly further on together with several houses before one reaches the school and then the more compact village centre. However, the descriptions in the documents appear to consider Elvington Park as part of the Industrial Estate: it is not – but it is an integral part of the village, and indeed traditionally houses a significant number of the pupils at the school. The industrial units

themselves, on the north side of the road, are all set back behind houses, and indeed barely visible from the main road.; the description 'urban environment', used in these documents, is misleading and not one villagers would recognise. Perhaps Elvington would prefer to see itself all cherished in the same way, where small developments (housing, business or industrial) coexist in a proportionate way – rather than separate village + sprawl? Between the medical practice and the school the road is fronted by a short stretch of woodland, through which the remains of some small WW2 buildings can be discerned. It is behind this woodland that the village has suggested further residential development might occur; this is identified as site H26 (although the precise extent considered for development may have varied very slightly at various stages), and there is here a well-defined large field with established, and largely visually opaque, boundaries. Development here behind the boundary woodland strip alongside the B1228 could present virtually zero visual impact as viewed from there or the rest of the village. Its boundary constraints, shape and position mean it need not be regarded as sprawl or ribbon development; and if anything with suitable footpaths might be regarded as comfortable social cohesion between the above-mentioned residential areas. (This site had been identified for future housing development for many years in a number of non-statutory plans, e.g. from pre-1988 under Selby DC, but since then NYCC and then CYC have oscillated in support or opposition to its allocation.) Discussion of boundaries and the "shape" of Elvington took place around 1992 and H26 remained in the Green Belt at that time. What has however happened over the past years is: • The developments of Elvington Park and of the Conifers took place (and the latter subsequently expanded), together with that of Elvington Medical Centre – this has shifted the centre of gravity of Elvington population and social focus somewhat westward along the B1228; • The village has throughout expressed its willingness to continue contributing its fair share of development, and on balance considers that site H26 would be highly preferable to accomplish this instead of CYC's proposed site H39 – if trade-off there is to be. (Notwithstanding also the suggestion that should the massive ST15 take place so close to Elvington, then it may be all the more important to have no further development in the village). More positive and creative consideration should be given to relaxation of the Boundary 1 to permit development on this site if so required. This does not necessarily imply carte blanche to build further infill right up to the Wheldrake Lane junction, but could represent a pragmatic and positive option. b) The document includes the description of the Boundary 4 as in §4.2, 4.3 (page A4:103) and the field to the north of Church Lane (Site H39). It also says "Here, along the western boundary of the village, residential development faces open agricultural land and displays a recognisable boundary between built and open; there are no alternative features which could offer a defensible boundary. The boundary is recognisable as the rear boundaries of properties and the edge of the road carriageway easily determined on OS maps and on the ground." This is true. However, the statement on page A4:98, viz:- "The northern section of the boundary, while following the rear property line of late 20th century housing, does appear to follow field boundaries from around mid-19th century; this historic permanence is less apparent in the southern section of the boundary. " is unsupported. Reference to OS maps from the late 19th century show no field boundaries at all along the majority of Boundary 4 as drawn, and a quick look on the ground suggests that the northern part, apart from one oak tree, is purely a late 20th century boundary when the Becksides estate was built. The current boundary in the southern section – aligned about 100m to the east of the northern section – while less substantial is not insignificant (as evidenced currently by the remains of fencing still comprising some old railway sleepers). But this renders the remarks above concerning lack of defensible western boundary all the more pertinent. There are such remarks in several other places also about importance of strong western boundaries on any development. Indeed. (One notes on page A4:87 the sentence at the end of the penultimate para – under Purpose 1 – states "However, land to the east of boundary 4 in general would be unconstrained to Wheldrake lane across open fields and should be resisted.": one assumes this is a misprint and it means west of boundary 4?) b) Then we learn on page A4:97 that the Boundary 4 has been changed to provide allocation site H39. The arguments are not logical. While a linearised western boundary 4 may look convenient on a map, it bears no relation to the geography as seen from the ground, whether from Church Lane, Becksides or elsewhere; nor to any pre-existing features. What is significant however is the E-W

boundary on the south side of the Beckside estate which is ancient and substantive with mature hedgerow and trees (some with TPOs). This is largely visually opaque, and thus Site H39 has little or no visual correlation on the ground with the existing Beckside estate to the north; but does exhibit a great deal of association alongside the western part of Church Lane with its unique and quintessentially rural nature. It is clear that this proposal is based on a crude map-reading exercise more than experience on the ground. Very many Objections have been put forward by villagers in relation to this site – in other words to these boundary change proposals – during the earlier phases of this process (225 Objections in 1992; and 91 Objections again at a one of the later phases [1999, or was it 2017? – we lose track!]); the essence of these is the adverse effect of development upon this part of the lane as it leads out into countryside, as well as the negative impact on the Beckside estate due to traffic (which CYC has concurred could not under any imagination exit via Church Lane due to width and congestion). Green Belt purpose 3 (“to assist in safeguarding the countryside against encroachment”) should be taken into account here in relation not so much as to the distant countryside as viewed on a map, but more in relation to this part of Church Lane which in itself represents the countryside as walkers leave the village. The people involved, and for whom visual appearances matter, are of course the villagers who live in Elvington; they walk their dogs here along what is one of few byways leaving the village, and which represents an attractive transition from the Conservation Area into unspoilt countryside. They can see that a housing estate alongside would be highly detrimental. It does appear that these boundary arguments presented in this document are unbalanced and are being manipulated to serve pre-existing prejudices regarding available sites. c) The final para on page A4:87 speaks of development eastwards beyond Elvington Hall. This is simply nonsense of course, as the land is basically flood plain (and during floods one can only too well see this in relation to the position of the old properties); but the way it is put suggests a strong disconnect by the author(s) from reality of life as known in the village. Soundness: The proposals here are not Sound. 1/ The document is not positively prepared in respect of Elvington. It does not appear to be based on a clear top-down strategy, nor on bottom-up knowledge: but rather on inherited opportunism where landowners have sought to offer sites (or not). The aim seems to be simply to get as many houses in as can be managed wherever sites are readily offered. The cost of so doing is not properly balanced or assessed against the impact upon the village and insufficient weight is given to the general environmental impact and the lived experience of the villagers. Alternative village sites are not adequately considered. The proposals are not an objective assessment. 2/ The document is not entirely accurate in some of its descriptions, and in its loosely drawn conclusions. Despite some perceptive descriptions of Elvington, it shows little evidence of being prepared in collaboration with those who know the terrain. 3/ The document is not justified. In terms of the impact of its proposed changes it does not take into account proportionate evidence, including the input from many villagers and their representative, i.e. the Parish Council. And it does not explore alternative strategies in terms of site alternatives. Conclusions from analyses are not fully justified. As has been pointed out elsewhere, the plan to remove H39 is not the most appropriate strategy when considered against the reasonable alternative (should more housing be deemed necessary and appropriate) put forward by residents and the Parish Council, of site H26. That option avoids the environmental degradation of Church Lane and surrounding countryside; it offers potentially more dwellings; it has minimal visual impact (being behind trees and not visible from road); it does not degrade the existing Beckside development with through traffic; it is environmentally attractive in that traffic can exit to the highway towards York/Leeds without impacting the village centre; and children can safely walk to school. And in particular no reference or consideration is given here to the massive ST15 proposal in the close vicinity. The potential impact upon Elvington and upon its residents (including their access routes) does not appear to have been taken in account or analysed either directly in the ST15 proposal document, or indirectly in this document where the other sites cannot be viewed simply in isolation. Should ST15 go ahead in the location currently proposed, it is arguable that maintaining the rural character and integrity of the village becomes even more important. Although ST15 is dealt with in another document, it hangs over all of this and cannot be ignored. Overall, this is not a comprehensive objective assessment in relation to Elvington. 4/ Overall the document is not fit for

purpose as a high-quality and sustainable way forward for our community, and does not show sound judgement.

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## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:** I suggest the following changes to make the Local Plan legally compliant or sound: • The integrity and description of Elvington should be re-assessed, especially in relation to the so-called industrial areas west of the school along the B1228. A more accurate and agreed approach is called for in this area. • The need for housing in Elvington, proposed sites and impact, should be re-examined in the context of the overwhelming nearby ST15 proposal. • Full reasoned and balanced consideration should be given to the many representations made by villagers, especially in relation to site H39, and judgments made by consensus and based more on local knowledge and on-the-ground sensitivities. • Constructive and considerate dialogue should be engaged between CYC and the Parish Council. • The arguments presented here in terms of Boundaries (and impact upon specific sites) should be revisited in the light of the above and in a collaborative manner.

**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:**

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## **Supporting documentation**

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

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**From:** [REDACTED]  
**Sent:** 02 July 2021 23:34  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, INDIVIDUAL - reference: 204779

## 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

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## Your personal information

**Title:** Mr

**Name:** Tim Tozer

**Email address:** [REDACTED]

**Telephone:** [REDACTED]

**Address:** [REDACTED]

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## Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 5 Freestanding Sites (EX/CYC/59g)

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## 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:** This document is NOT legally compliant and has NOT complied sufficiently with the Duty to Cooperate in respect of site ST15 and its boundaries. It is hard to know how seriously to take this ST15 proposal. It is absolutely massive, and will have a profound impact in so many ways. Yet it is evident that there is little agreed top-down strategy here, and the location for this new town has been shunted around significantly as a result of objections, vested interests, pressure from landowners, other interests, environmentalists and so on. It seems to be currently resting atop Elvington Airfield, where perhaps it annoys fewer people than elsewhere but who knows where it will stay? Vast numbers of detailed and important Objections were aired in the consultation statement of September 2017 (<https://www.york.gov.uk/downloads/file/1369/cd013m-annex-12-city-of-york-local-plan-preferred-sites-consultation-statement-september-2017->) and elsewhere. It has been hard to keep track of where these led and what the responses or ripostes have been, if any. But there is surely no way that these can have been mostly resolved by now? Surely a development of this magnitude should be demanding the most thorough and proactive planning, consultation & analysis, engaging all stakeholders and nearby residents. Indeed, it could be a major civic project of pride. Yet it feels confined to just another entry in the arcane process in order to build up housing numbers. Minimal discussion in the Press. Little or no direct engagement with local Parish Councils and residents. It really is the elephant in the room, and CYC appears to be keeping its fingers crossed that it can just happen somehow, somewhere. The overall concept is broadly viable and not necessarily unwelcome; one wishes it to succeed. But surely this new town close to York is a huge opportunity to ensure the very best of planning design; and a showcase of environmental imagination & excellence in every respect. York is a go-ahead city with imagination & ambition, and arguably well placed to embark on such a venture. But why do we not get any feeling this is going to be the case? It does appear that CYC is simply out of its depth here. Why do we fear it will turn out something simply maximising profits for developers & landowners, and resulting in something pleasing almost nobody, rather than something everyone can be proud of? What we do not see is guarantees that this will be the case. Further comments below.

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## **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:** The document is NOT compliant with the Duty to Cooperate. Although submissions have been invited, and made, at stages in the Local Plan process, I can see no evidence that the responses have been addressed. Yet this Proposal carries on and will no doubt at some point be approved (or not). What then? Is this the most appropriate way to plan and manage a project of this magnitude? There is little evidence that this is a settlement planned by design or cooperative planning. At this stage ST15 appears to be something just to be placed wherever it can be. The document illustrates several previous planned locations for this town, which in itself suggests lack of clear direction and vision; however it fails to show the original (and in some ways most logical) location a, which was directly abutting the A64. That was the promoted position in 2014, and is the basis upon which many original representations were made. We have only learnt that it has moved closer to Elvington by happening to read this latest document Looking at just one aspect: the impact upon the nearby village of Elvington is briefly acknowledged, but dismissed in a few

sentences. The proposed ST15 site now sits partly upon Elvington Airfield main runway; it virtually abuts Elvington Air Museum. It is so close to the "entry" to Elvington on the B1228, that to suggest it will remain separate is fanciful. Such "airgap", or buffer zone, as may be mandated between ST15 and Elvington is going to be minimal and in practice unlikely to be sustained even in the medium term. The effect upon traffic within, and to- and from-, Elvington will be profound. Despite assertions about a new link road to the A64, it is hard to imagine traffic will not also swamp the B1228. And whatever the long-term plans, what consultations have taken place regarding the impact of the construction phases? None of this has been discussed directly with Elvington residents nor with Elvington Parish Council. Similarly, it must surely impact very heavily upon all local facilities, institutions and businesses – from shops to medical facilities and schools. Have these all been consulted? Inevitably, the environment, setting, and character of Elvington as a stand-alone village contributing to the overall character of the greater York area will be severely affected. This has not been jointly addressed. This demands a much higher Duty to Cooperate especially with local villages (Elvington and Wheldrake), their residents and their Parish Councils and any other representative bodies.

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## **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 document is NOT Sound. It is NOT fit for purpose and it does NOT show good judgement. This ST15 proposal takes up only about 14 pages in this specific document. And a similar amount of space in previous consultation documents some years ago, where the location was somewhere different. This is totally inadequate amount of planning and consideration for approval of a development of this magnitude and impact, and for all the related advance design aspects. It is NOT fit for purpose. The danger of course is that this will be approved in this Local Plan review by default, and then there will be very little leverage that can be applied to developers in order to deal with all the issues and to ensure high quality and appropriately minimal environmental impact. Those aspects do not appear to be built into the process. And as suggested above, it reads as a missed opportunity for an exciting development of the very highest standard. It is NOT positively prepared. It is made very clear in the document that ST15 is considered the lesser of two evils : the other being development targets spread around elsewhere. This warrants more detailed justification. Numerous conflicts and transgressions are acknowledged, but seem to be sidestepped due to "Exceptional Circumstances". This is NOT positive preparation. The location of ST15 is NOT Justified. The position so close to Elvington itself is wrong, and does not provide sufficient space between settlements. It has been pushed back from the A64 with arguments about not wishing to adversely affect York itself (by which they mean the City Centre and Heslington) in terms many issues; including visibility concerns (even though it need be scarcely visible there from Heslington due to the land contours). However, the impact upon Elvington is barely mentioned either here or elsewhere. And if ST15 goes ahead here, or close by, with 3000+ dwellings, consideration needs to be presented about the very need for further housing in Elvington itself. Given these numbers in this area, and coupled with the then surely increased imperative to retain the character of Elvington village as a truly independent rural settlement (with all that involves in contributing to the overall character of the greater York area), it may be argued that Elvington village needs NO further development in this context. We have not seen this discussion. In particular the latest proposed location of ST15, astride the airfield, is NOT justified, NOT positively prepared, and NOT effective. It needs be further west, away from the airfield. The boundary constraints are very weak and appear to be exaggerated. Principally, as is admitted, there are no boundary constraints along the length of the airfield itself. So what will be the nature

of those boundaries be? Apparently on the other side of the boundary fence (or whatever it may comprise), will be pieces of semi-derelict land including a vast concrete section of old runway, no use for anything. Pressure to expand sideways will be irresistible, provided that the economics of building upon a runway stack up at all in the first place. So no longer a "Garden Village" but a proper large town? Meanwhile, will those semi-concreted areas beyond the pale become a haven for wildlife, or a dumping ground, or another "Industrial area"? Will residents of the "Garden Village" look favourably over the boundary fence? This has not been thought through and is NOT positively prepared and NOT Justified. Also, it is crazy to build upon Elvington runway. It is purportedly very hard reinforced concrete, and, although details are hard to come by, rumour has it that it is over 12 ft thick. Firstly, this represents a loss of a major national asset; I have found no discussion about this. Secondly, is it economic to dig it up in order (presumably) to supplant parts of it with buildings, gardens or green spaces? Will this happen, or will it be left in parts for skateboard parks? Thirdly, if the runway is dug up, what is the environmental cost of so doing? At a rough estimate approximately 6 Ha of the proposed ST15 site appears to be existing runway (1 km length x 60 m wide). If say 4 m thick, that is a volume of 240,000 cubic metres to be excavated and disposed of. Or about 17,000 lorry loads (of say 14 cubic metres, about the largest "normal" truck size). Is this realistic? And where? Does anybody want that volume of traffic? (This takes no account of what will fill the hole created.....). (Elvington locals have got used to the nearby "A1 Haulage" trucks bringing hardcore onto their site and dominating the local roads: it is hard to imagine they still have capacity for this chopped-up runway, but wherever it goes it's going to be perhaps 70 lorries a day for a year?) Overall, this is NOT Effective, NOT Justified, and NOT Positively Prepared.

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## Your comments: Necessary changes

**I suggest the following changes to make the Local Plan legally compliant or 'sound':**

- This whole ST15 warrants a separate and major top-down planning process, more publicly conducted, proactively and transparently driven and not buffeted by the whims & agendas of landowners & developers, but positively directed by the City of York.
- Due consideration needs be given to all affected communities and groups in terms of environmental and other impact (including transport & traffic flows), and acceptable solutions put forward and agreed.
- This demands extensive further promotion, consultation and positive engagement, including with representatives such as nearby Parish Councils.
- If it is not to be an adjunct alongside the A64, then ST15 should be situated where it can be an independent settlement not adversely affecting any other. This means maintaining a good distance from Elvington and having more substantial natural boundaries in between.
- Placing the settlement across the airfield also seems detrimental in many ways and should be reviewed.
- The impact upon Elvington requires much greater work and any necessary solutions developed.
- Consideration also to be given as to how this affects the justification for further housing in Elvington itself.
- More detailed plans need to be presented and agreed before approval, even in principle, can be given to this new town.
- Strong guarantees need to be agreed & secured that this will be a development of the very highest quality and the highest possible environmental standards in every way. This is an opportunity not to be squandered simply to fulfil some numbers targets.

**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 been a resident of Elvington since 1987, and since that time have seen the village and the York area grow significantly. I have also had time to appreciate the positive aspects of the village, together with such growth, in terms of its life, character & environment – and how these relate to, and contribute to, the York area as a whole. Although I have no formal qualifications or background in planning,

Local Plan issues have concerned me throughout this period, and I presented evidence on behalf of the village at the 1992/3 Public Inquiry. I can help place into context both locally & temporally the background & some planning history of local sites, and help place into focus some of the representations made in the Local Plan proposals. I am happy to appear in public and share my views.

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## **Supporting documentation**

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

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[REDACTED]

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**From:** [REDACTED]  
**Sent:** 28 June 2021 11:21  
**To:** localplan@york.gov.uk  
**Cc:** [REDACTED]  
**Subject:** FW: Consultation Response Form to Topic Paper 1: Annex 4 in relation to Proposed GB Boundary 1, Haxby.  
**Attachments:** Representation Form.pdf; Representation 2021 H37 Haxby (002) (002).docx; 318-100 series-revJ-A1-landscape (2).pdf  
**Importance:** High

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 Sirs

Please see attached Representations to City of York Local Plan May 2021 on behalf of Westfield Lodge & Yaldara Ltd.

Please confirm receipt.

Yours Faithfully

[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.

<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

28/06/2021.

<sup>2</sup>Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012.

## 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		

# 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:

ANNEX 4 : APRIL 2021: EX/CYC/59F

Document:

EX/CYC/59F

Page Number: (5)

A4:143 - A4:163

## 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.

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Representations must be received by Wednesday 7 July 2021, up until midnight.  
Representations received after this time will not be considered duly made.

**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

SEE ATTACHED REPRESENTATIONS WHICH RELATE TO DEFINING BOUNDARY 1 HAXBY IN RELATION TO SITE 1437/SITE 6. DEFINITION OF GREENBELT BOUNDARY NOT SOUND. IN RELATION TO BOUNDARY 1 HAXBY. OF ANNEX 4.

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 REPRESENTATIONS :  
EXCLUDE H37/<sup>SITE 6</sup> FROM GREEN BELT.  
CURRENT GREEN BELT BOUNDARY I  
NOT SOUND.  
SEE ATTACHED PLAN: 318/1000J.  
THIS IS CONSISTENT WITH ALL  
PREVIOUS REPRESENTATIONS SUBMITTED.

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:

N/A.

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.

# 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](#)]

REPRESENTATIONS TO THE PROPOSED  
MODIFICATIONS & EVIDENCE BASE CONSULTATION  
2021

ON BEHALF OF

WESTFIELD LODGE & YALDARA LTD

REGARDING

LAND ADJACENT TO GREYSTONE COURT, HAXBY,  
YORKS

Site H37

## 1.0 Introduction

Our clients Westfield Lodge and Yaldara Ltd have been closely involved in the promotion of the subject site (H37) for Housing and Public Open Space through the emerging Local Plan since the start of the Local Plan Review in September 2012. Please refer to all previous related representations submitted in relation to this site.

This subject site was identified in the Preferred Options Consultation Draft of the York Local Plan 2013 under Policy H3 as Site H37. The site has since been removed from the allocated housing sites but Officers supported its inclusion in the Local Plan (LPWG 23<sup>rd</sup> Jan 2018) as it was considered technically appropriate for housing development and justified for removal from the Green Belt.

Since this time, there has been a significant reduction in the Council's forecast OAHN figures, yet affordability in the district remains challenging.

These representations respond to the latest Proposed Modifications 2021 of the City of York Local Plan and supporting evidence base.

Consistent with all previous representations submitted since 2018, we do not consider that the latest Proposed Modifications meet the national tests of soundness in relation to the OAHN nor in relation to the housing allocations or the defining of Green Belt boundaries.

These Representations relate specifically to the Proposed Modifications for the defining and establishing of the Green Belt boundary around Haxby with reference to Annex 4 of the Green Belt Addendum and the considerations of soundness.

## 2.0 Assessment of Proposed Modifications to Green Belt Addendum: Annex 4

These most recent Proposed Modifications 2021 set out the approach to defining Yorks Green Belt for this Local Plan, where detailed boundaries are being set for the first time.

The subject site, **H37** falls on the southern urban edge of the Haxby urban area (Boundary1) which is inset within the Green Belt. Previously the site has been proposed to be removed from the Green Belt as part of this Local Plan Review. However, the Publication Draft and the subsequent Proposed Modifications now propose to retain this formerly allocated site within the Green Belt. It is noted that in Annex 4 ( pg A4:156) the subject site has been re-numbered as **Site 6**.

Having reviewed the latest Proposed Modifications in Annex 4 we comment on the criteria for defining the detailed Green Belt boundaries below, specifically in relation to Boundary 1 south of Haxby, as this is relevant to Site H37/Site 6.

Annex 4 refers to new criteria used to define the detailed Green Belt boundaries, which we comment on below:

**(i) Compactness**

This criterion relates to the desirability to retain a compact village and avoid the risk of coalescence with New Earswick and preserve the setting of the City. The text incorrectly states that Boundary 1 (to south of Haxby) is bordered by an 'Area Preventing Coalescence'. (pg A4.144). This ignores the fact that Site H37/Site 6 which lies directly to the south of Boundary 1 (ref pg A4.156) is completely **excluded** from this 'area of coalescence' as previously this same site was identified to be removed from the Green Belt and identified for Housing (ref: pg A4:154). Previous representations have advised at length how the Site H37 would support some 47 new dwellings and a large part of the remainder of the site would be given over to landscaped Public Open Space to be dedicated in perpetuity to Haxby. The southern boundary of this POS would be demarcated by retained existing hedgerow. See attached Proposed Site Layout Plan ref: 318-1000J. This boundary was originally to define and demarcate the Green Belt boundary. The allocation of Site H37/Site 6 and the demarcation of the Green Belt boundary as originally proposed, would have no material impact on compactness of Haxby. Indeed, the POS would ensure a permanent green buffer at the southernmost part of Haxby which would not extend as far as the existing development located to the east.

**(ii) Landmark Monuments**

The exclusion of Site H37 from the Green Belt will have no material bearing on the perception of the siting and context of York Minster and its visual dominance over the landscape.

**(iii) Landscape & Setting**

The exclusion of Site H37 from the Green Belt will still not have any material impact on the relationship of Haxby to York. The village will still be free standing and defined and not affect the setting of York. To define the Green Belt boundary around H37, thereby including H37 within Haxby will still create a clear and distinguishable boundary, arguably far more distinguishable than that currently proposed. The proposed Boundary 1 is defined by the boundaries at the end of the rear gardens of a modern housing development. The POS and retained hedgerow would be far more distinguishable and serve to create a clear distinction between the built-up element and the countryside beyond.

**(iv) Prevent Unrestricted Sprawl**

The proposed exclusion of H37 from the Green Belt will retain overall compactness, preventing further sprawl though the extensive POS area proposed to the south. This site has already been excluded from the Area Preventing Coalescence. Boundary 1 should therefore exclude H37 from the Green Belt.

## (v) Safeguarding Countryside from Encroachment

Haxby already has existing development which encroaches into the countryside to the southeast. Boundary 1 has excluded this ribbon extension of development from the Green Belt. See Pg A4.160. The similar exclusion of H37 from the Green Belt would sit well within this ribbon extension and be surrounded by POS, safeguarding further encroachment.

### 3.0 Material Considerations

Having reviewed the Proposed Modifications to Annex 4 and the criteria used to define the proposed, detailed Green Belt boundaries around Haxby for the first time, it has been demonstrated that Boundary 1, as currently proposed, cannot be justified, based on these criteria.

As such, we do not consider this evidence being used to define Green Belt boundaries in detail for the first time is sound. It has not been positively prepared nor is it justified or consistent with national policy.

The proposed Boundary 1 on the southern edge of Haxby is illogical, given the Haxby Gate ribbon development (east of H37) protruding southwards. Accordingly we would request that Site H37 is included in Policy H1 of the Local Plan and that the detailed Green Belt boundary shown in Annex 4 ( pg A4: 160) is amended to **exclude** the subject site ( H37/ Site 6) from the Green Belt boundary. This would be justified on the evidence and the approach adopted in the Proposed Modifications 2021.

We consider that this is not a sound Plan and that in order to maximise the potential to deliver dwellings, particularly in the short term, to help meet the persistent under-delivery of housing, that the subject **Site H37/Site 6 should be excluded from the Green Belt and re-allocated for 47 dwellings, as originally proposed by York Council.**

We have previously demonstrated that this site is **deliverable and viable** and can be developed in the short term. The creation of a sizeable dedicated Open Space/Woodland walk area in perpetuity for the community of Haxby would ensure a defensible, permanent Green Belt boundary to safeguard against future coalescence, as previously recognised and accepted by Officers.

**We therefore respectfully request that this Housing Site H37/Site 6 is reinstated as an allocated site for housing and removed from the Green Belt. The Green Belt boundary (Boundary 1) in this location should instead be defined by the existing hedgerow demarcating the southern boundary of the proposed POS. The current approach, as outlined in the Proposed Modifications 2021, is not sound, in particular, it is not justified based on the evidence.**

## 4.0 Conclusions

- These representations demonstrate that the Proposed Modifications 2021 fail the 4 tests of soundness, namely: positively prepared; justified; effective and consistent with national policy.
- This latest OAHN conflicts with earlier Local Plan evidence spanning 6 years and the Government's own calculations and is questionable.
- Furthermore, the overall strategy cannot be justified with its over-reliance on large strategic sites to deliver most of the housing for the plan period. This relies on significant infrastructure funding before any development comes forward. There should be a greater reliance on smaller sites throughout the plan period to maximise delivery. This is not a sound strategy.
- To address these flaws in the soundness of the Proposed Modifications, we request the reinstatement of those housing allocations listed in Table 1- 3 and in particular site H37 of the Officer's Report LPWG 23<sup>rd</sup> January 2018. Site H37 has been thoroughly assessed technically by Officers of the Council and previously consulted upon and was considered technically appropriate for housing development and suitable for exclusion from the Green Belt.
- This is the appropriate time to release site H37 from the Green Belt through this Local Plan exercise, to review detailed green belt boundaries for the first time, in a planned manner, in order to address affordable housing and affordable market housing and persistent under provision of housing, for the local residents of the City of York.
- Site H37 is a modest, deliverable, short term housing allocation with the associated provision of dedicated public open space for the local community of Haxby. This in turn creates a defensible, permanent green belt boundary.
- If the subject site (H37) is not reinstated as a housing allocation, notwithstanding its previous identification for housing in earlier draft Local Plan versions, we request that the site is allocated as longer term "safeguarded land" for future growth.



VIEW FROM GREYSTONE COURT / ASHWOOD GLADE JUNCTION LOOKING SOUTHWARD TOWARD ACCESS INTO SITE (TIMBER GATES)



VIEW FROM GREYSTONE COURT / ASHWOOD GLADE JUNCTION LOOKING WESTWARD TOWARD ASHWOOD GLADE



VIEW FROM GREYSTONE COURT 'SPUR' LOOKING NORTHWARD ALONG GREYSTONE COURT TOWARD JUNCTION TO EASTFIELD AVENUE



SITE LAYOUT PLAN 1:500

ON-STREET PARKING DELINEATED BY CONTRASTING BLOCK EDGING AND FRAMED WITH LANDSCAPING

OFFERED LAND FOR EXTENSION OF EXISTING REAR GARDENS (5m DEPTH)

EXISTING PUBLIC PATH LEADING ON TO THE MILLENIUM WOODS

9 METER EASEMENT LINE FROM TOP OF BANK

ON-STREET PARKING DELINEATED BY CONTRASTING BLOCK EDGING

POTENTIAL FOR BENCHES TOGETHER WITH STREET TREES TO MANAGE PARKING SPACES



THE BRIDGE LINK OFFERS A CHANCE TO LINK UP THE EXISTING PUBLIC FOOTPATH ALONG WESTFIELD BECK TO THE HOUSING ESTATES WHICH LINKS LEISURE WALKS TO THE WESTFIELD WOODLANDS WALK BEYOND

LANDSCAPE OFFICER PROPOSED EASEMENT LINE

SUSTAINABLE URBAN DRAINAGE SYSTEM

POTENTIAL BRIDGE LINKING PUBLIC WALKING PATHS AND BEYOND TO WESTFIELD WOOD

PATH



THE SUSTAINABLE URBAN DRAINAGE SYSTEM 'WETLAND REEDBEDS' OFFERS CHANCE FOR A NATURE RESERVE WHICH COULD FORM A VENUE FOR LOCAL SCHOOL VISITS & ENHANCES THE LOCAL HABITAT FOR WILDLIFE

Please note: This plan is based on Ordnance Survey data and is not based on a full site topographical survey. Exact site boundary lines etc. yet to be verified.



THE STRUCTURAL TREE PLANTING & WOODLAND WALK NATURE RESERVE + BUFFER TO RETAIN PRIVACY FOR EXISTING HOUSES AND SHIELD THE PROPOSED DEVELOPMENT



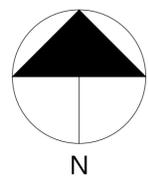
THE STRUCTURAL TREE PLANTING & WOODLAND WALK NATURE RESERVE + BUFFER TO RETAIN PRIVACY FOR EXISTING HOUSES AND SHIELD THE PROPOSED DEVELOPMENT



VANTAGE POINT 'B' - ELEVATED VIEW OF SITE TAKEN FROM RAILWAY BRIDGE ON A1237 YORK OUTER RING ROAD LOOKING NORTHWESTERLY



VANTAGE POINT 'A' VIEW FROM SITE LOOKING NORTHWARD TOWARD EXISTING NORTHERN BOUNDARY BUILDINGS IN BACKGROUND ARE THE EXISTING HOUSING ON GREYSTONE COURT AND HILBRA AVENUE



TOTAL SITE AREA:	35676 Sq. Metres	3.567 Ha	8.74 Acres
HOUSING ALLOCATION:	19500 Sq. Metres	54.6%	proportional land take
EXTENDED GARDENS OFFER:	433 Sq. Metres	1.2%	proportional land take
PUBLIC WOODLAND WALK + SUDS:	5495 Sq. Metres	15.43%	proportional land take
PUBLIC OPEN SPACE:	9748 Sq. Metres	28.77%	proportional land take



LAND ALLOCATIONS PLAN N.T.S.



SITE LOCATION PLAN 1:2500

# FOR ILLUSTRATIVE PURPOSES ONLY

DRAWN BY Butler	CHECKED BY Butler	PROJECT Residential Development Land adjacent to Greystone Court, Haxby, YORK
DATE April 2012	SCALE varies @ A1	TITLE Proposed Site Layout Plans
JOB NO. 318	DRG NO. 1000 J	<p>Unit 1 Westfield House Millfield Lane Haxby, York YO23 6GA TEL 01904 790244 www.pb-architects.co.uk</p>

NO.	DESCRIPTION	DATE	BY
1	PROPOSED WORKS	04/12/12	PB
2	LAND AREA REDUCED (SEALING) AND AREA RELEASED FROM SEQUENCING	04/12/12	PB
3	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
4	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
5	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
6	PLATE 11, 12 & 13 (REVISED)	04/12/12	PB
7	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
8	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
9	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
10	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
11	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
12	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
13	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
14	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
15	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
16	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
17	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
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25	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
26	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
27	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
28	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
29	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
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36	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
37	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
38	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
39	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
40	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
41	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
42	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
43	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
44	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
45	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
46	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB
47	REVISION: WOODLAND WALK BUFFER (RELOCATED) AND WOODLAND WALK	04/12/12	PB

**From:** [REDACTED]  
**Sent:** 05 July 2021 09:41  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 205119

## 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]

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## 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)

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## 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:** We do not believe that the document or the draft local plan for that matter is legally compliant as the City of York council has not followed the statutory duty to cooperate with either the Parish Council or the residents. See next section for our comments.

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## **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:** The Parish Council (PC) is a statutory body elected by the Parish residents to represent their views. At no time during the drafting of the local plan has City of York (CYC) council paid any more than lip service to the wishes of the village residents as expressed either through the Parish Council or as highly significant numbers of formal individual consultation responses to various stage of the Draft Plan. On first publication of the Draft local plan inc Site Selection, the Parish held a Drop-in session on the 25th June 2014, which was followed by numerous responses from residents and the PC to CYC. Further sessions were held in March 2015 & August 2016 as further drafts/publications were circulated and finally one on the 14th October 2017 including a questionnaire about the various sites being put. The overwhelming responses (over 90%) feel that Site 95 (allocated as H39) would be a detriment to the village largely due to traffic flows through an already overcrowded residential estate plus the detriment to Church Lane which borders the site to the south. This site was also previously examined and rejected by the Inspector at the previous Local Plan Public Enquiry due to the harm to the village. CYC has nevertheless persisted with putting forward H39 for removal from the greenbelt, purely to achieve dwelling numbers, without addressing these reasoned arguments. Furthermore, CYC has been disingenuous in reporting this in the document SD54 – SHLAA Sept 2017 Annexes, where they appear to balance the reasoned arguments of the Parish Council and many villagers against those of a single landowner. A more suitable site offering the ability to deliver a greater number of houses was Site 55 (Former H26, roughly the site behind the school) which the residents and Parish Council supported but was never accepted by CYC despite having been originally identified as suitable for development by Selby DC. The reasoning given by CYC is as follows: “There is a risk that, in allowing further expansion west along Elvington Lane (Boundary 1), the village will coalesce with its outlying Business Parks, significantly altering the experience of entering the village through rural landscape and impacting on compactness” The fact that CYC describes the mainly residential area to the West of the traditional village centre as the “outlying Business Park” highlights the officers' lack of knowledge and fails completely to take account of the ‘on the ground’ geography, the social geography and the social interactions within the village. They appear to be based on a remote map-reading exercise and do not reflect the reality. Thus, the Greenbelt addendum seeks to permanently divide the village against the wishes of the community. The inset should run from Sutton bridge to The Conifers.

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## 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:** 1. Positively Prepared: We do not believe the plan has been positively prepared, as more suitable sites offering more deliverable houses and less disruption to existing residents have been proposed (see our duty to cooperate comments) and rejected or ignored by CYC given their views on how they believe the village should grow. It is actually CYC that will be ultimately stifling the natural development of the village not the residents or the Parish Council. The Plan’s impact on the lives and welfare of those who live in Elvington, as well as the appearance and environment of the village, has not been considered in the preparation of the plan. Hence the plan fails the test of “Cooperation” and has not been positively prepared. 2. Justified: The elephant in the room in terms of any further development of Elvington is the allocation of ST15, a 159ha “Garden Village”, yielding 3339 dwellings, whose proposed boundary currently abuts the Parish Boundary. Garden Village seems a complete misnomer given it will be home to 8,000 people (based on ONS figures of occupancy) – broadly comparable in terms of population to the present town of Pocklington. Is there then any actual justification for any extra houses in Elvington given the close proximity of this? Given the acknowledged importance of Elvington retaining its rural character, and thus making a contribution to the overall York environment, we suggest that with the proposed massive ST15 site so close by, it is all the more important to retain such character; and that would suggest no further attrition of the greenbelt around the village. 4. Consistent with national policy: The proposal to remove SP1 from Greenbelt (to which the Parish Council 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. Which states that “Traveller sites (definition includes travelling showpeople) (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!

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## Your comments: Necessary changes

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:** The green belt for Elvington should be extended to cover the area for The Conifers development through to Sutton Bridge. The Village is already largely linear and the perceived rural gap between the poorly named “outlying Business Park” and the traditional village is already broken up with houses, offices, the Doctor’s surgery and some former RAF munitions stores set back but largely visible from the road; it does not offer the entirely rural landscape the officers seem to believe exists. 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. The village is however not opposed to appropriate development and 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 compliant with National planning policy. Given the above arguments EX/CYC/59f: Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other

Developed Areas is NOT Legally compliant due to lack of duty to co-operate; is NOT Positively Prepared; is NOT Justified.

**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 Chairman of the Parish Council I speak on behalf of the residents and so far nothing we have said has been taken into account so We wish to know why that is.

---

## **Supporting documentation**

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

---

**From:** [REDACTED]  
**Sent:** 06 July 2021 14:45  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 205696  
**Attachments:** Original\_ST15\_location\_2014.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 5 Freestanding Sites (EX/CYC/59g)

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## 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:** We do not believe that the plan complies with the duty to co-operate which we will discuss in more detail later on in our submission:

---

## **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:** We do not believe that the plan complies with the duty to co-operate. The plan proposes a “garden village but in reality should be “new town” of some 9,000 people within half a mile of the village boundary. Yet, at no point, have Elvington Parish Council or the residents of Elvington been properly consulted. Document CD13A states that area-based meetings were held with, inter-alia, Parish Councils. This is incorrect – No meetings have been held with Elvington Parish Council. Indeed, no CYC responses have ever been received to any comments made by Elvington Parish Council nor the local community despite there being general agreement at village meetings and drop-ins to the views put forward in our submissions to the plethora of previous consultations .

---

## **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:** We do not believe the Plan to be Sound. The presented evidence base is incomplete and hence inaccurate. The original proposed site for ST15 (see attached plan titled: Original ST15 location 2014) is omitted from the list of discussed options. This location was generally supported by the residents and Elvington Parish Council and which would deliver considerably less harm to the biodiversity of the area given the protected greenspace, see below. Likewise the separation would be consistent with the green belts aims of retaining Elvington as a rural village, whereas the current proposal would leave Elvington as a suburb of a new town, thus creating the urban landscape the plan seeks to avoid. We do not believe that the allocation of SST15 is in accordance with sustainable development principles given that: Document ex-cyc-62 Sustainability Appraisal (modifications) states that ST15 will have significant negative effect on the biodiversity of the area given that Elvington Airfield is identified as a Site of Importance for Nature Conservation (SINC) for birds such as Lapwings and Golden Plover’s. Likewise sections of the Airfield are designated as SINC for species-rich grassland. All would be either destroyed or adversely affected by the ST15 proposal and therefore this is conflict with National Policy Site ST15 as proposed would not

conserve or enhance York's historic environment, cultural heritage, character and setting, but destroy natural habitats and would effectively destroy one of York's biggest attractions Elvington Airfield.

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## Your comments: Necessary changes

**I suggest the following changes to make the Local Plan legally compliant or 'sound':** ST15 should return to its original 2014 proposed location given this would be consistent with the National and local policies in terms of local cooperation as this was our preferred option and sustainability given the reduced harm this would have on the biodiversity of the 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 chairman of the local parish council I believe our views are important to the process here and so far they have not been heard or accounted for.

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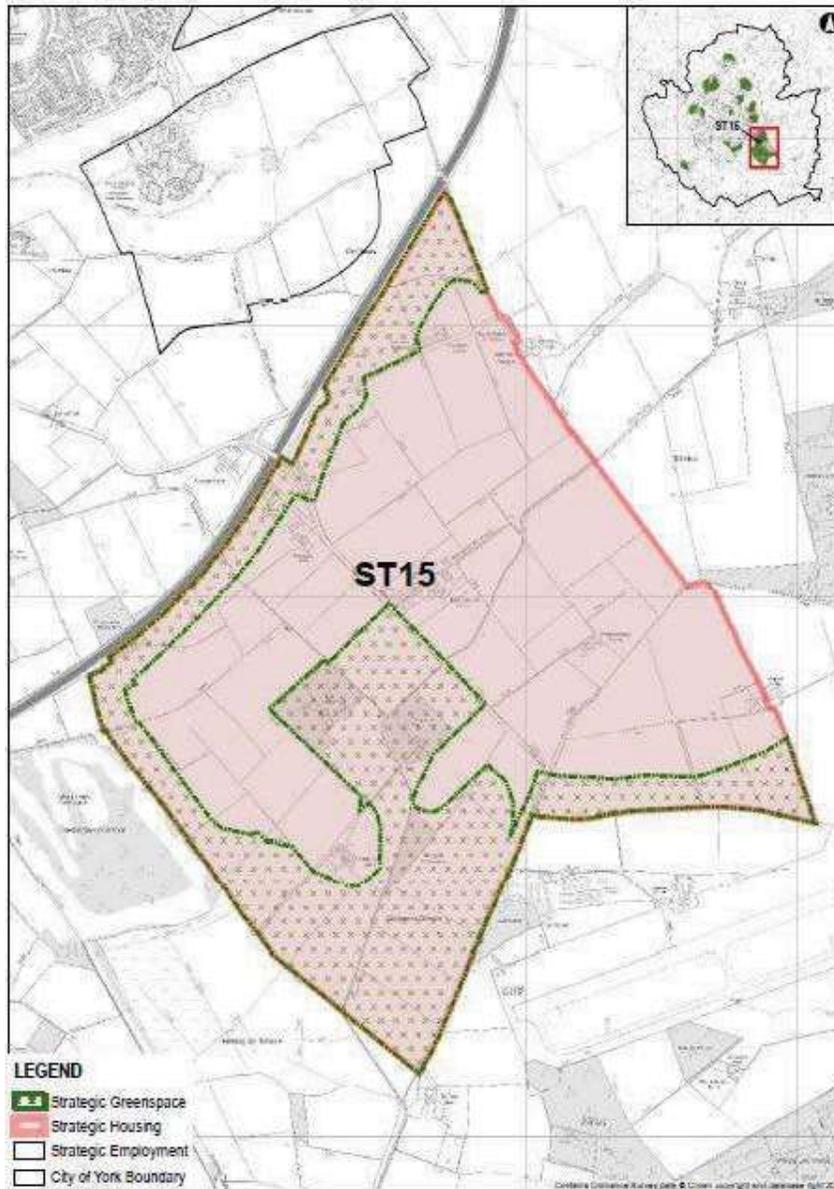
## Supporting documentation

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

Original\_ST15\_location\_2014.pdf

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<b>Site Reference</b>	ST15
<b>Site Name</b>	<b>Whinthorpe New Settlement</b>
<b>Site Size</b>	392ha



**Site Allocation Approach Description**

It is proposed that land identified on the proposals map be allocated for residential use, with ancillary community and commercial development, over the plan period.

The allocated site extent differs from previous iterations in the Preferred Options plan and further sites consultation in order to facilitate the delivery of a sustainable new settlement whilst including additional central land potentially available through willing landowners and including land required for provision of site access routes.

An additional area of some 50ha forming part of an ‘Eastern Quarter’ was proposed by site promoters in response to the Further Sites Consultation (and indicated by red dashed land on above plan), but this most easterly area of land is not reflected in the proposals map boundary due to concerns around landscape and ecology as set out in the relevant sections below.

**Site Allocation Approach Justification**

Work to date indicates that the land it is proposed be allocated is controlled by willing landowners, meets the Council's site selection criteria relating to land constraints and accessibility of services <sup>201</sup> transport, and is free of fundamental constraints to delivery.

The proposed allocation boundary reflects the comprehensive masterplan approach being pursued by site promoters, with the exception of land forming part of the eastern quarter which is discussed below

Site promoters submitted further evidence in respect of the eastern quarter setting out the case for a masterplan approach which would reduce landscape and ecological impacts, and outlining viability, critical mass and sustainable settlement related rationale for its inclusion within the allocated area. These issues are responded to below:

Landscape: A detailed landscaping approach to the eastern quarter was set out by site promoters in response to officer concerns. In spite of this detailed approach, officers still have fundamental concerns with the most easterly extent of the eastern quarter relating to the fact that the area currently presents a higher concentration of public rights of way and access to tranquil and relatively attractive countryside that is readily accessible for the communities of Fulford, Elvington, and Heslington especially. The potential concentration of development in the most easterly area and proximity to Elvington Lane was considered to have potential to seriously compromise the greenbelt in this south east zone irrespective of detailed landscape approach proposed. In response to these concerns, the most easterly part of the eastern quarter has been excluded from the proposed allocation, and a proposed strategic greenspace approach in response to the site promoters landscape assessment has been identified on the residual site area.

Ecology: Officers outlined concerns relating to the proximity of parts of the eastern quarter to Elvington Airfield SINC sites and Grimston Wood SLI. The landscape approach outlined by site promoters responded to these issues through creation of landscape buffers and connective green corridors. Whilst secondary to landscape concerns, the ecological impacts of inclusion of the whole of the eastern quarter within residential allocation area would require careful consideration. The proposed approach to partial allocation of the eastern quarter, excluding that land closest to the ecological designations, is considered to be an appropriate cautionary approach in the context of wider considerations around landscape and delivery.

Viability and Critical mass/ sustainable settlement: Although it is acknowledged that the eastern quarter represents a potentially deliverable area of land, more free of constraint than other parts of the Whinthorpe allocation, and which could potentially contribute to the critical mass of the southern settlement proposed in masterplanning work, loss of the small easterly extent of the Eastern Quarter is not considered to fundamentally prejudice the viability or deliverability of a sustainable settlement in this location, particularly when considered alongside the inclusion of additional developable land to the north which was previously identified at preferred options stage as safeguarded.

In terms of the residual site area it is proposed be allocated, on the basis of this proposed approach, technical work to date indicates that:

- The allocation is viable and deliverable in the context of site conditions and policy approach.
- An appropriate site access and sustainable transport approach is deliverable, and network impacts are mitigable as part of a strategic approach.
- It is feasible and viable to provide service infrastructure (including energy supply, water, open space and community facilities) for the site.
- The approach to ecological impact mitigation and enhancement, whilst needing further work prior to planning application, is broadly acceptable, and will be managed satisfactorily through masterplan and planning control approach.
- Landscape impacts can be managed through an appropriate masterplan approach, as indicated at high level in strategic greenspace approach in proposals map.
- Greenbelt and heritage impacts (as assessed through Heritage Impact Assessment) show potential for minor-serious harm to characteristics 2,3 & 4, as well as serious harm to characteristic 5 (archaeological complexity). These impacts are capable of mitigation through the detailed masterplanning and planning control processes.

Serious potential harm was also identified for the proposed allocation approach in terms of characteristic 6 – landscape and setting, primarily due to its role in the open countryside. 202

rural setting of York and the views afforded from and to the site. Detailed views retention, landscape and buffering recommendations are made in order to mitigate these impacts – these are deliverable as part of the development approach, and will be secured through masterplanning work and planning control

- It is feasible and viable to provide site drainage infrastructure compliant with Local Plan policy
- Known environmental issues associated with Air Quality, Noise, Light Pollution and Contamination have been subject of technical assessment and are considered to be mitigable through masterplan approach and planning agreements.

# 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

**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

[Redacted signature]

Date

28 / 6 / 21

<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	MR	
First Name	IAN	
Last Name	ANDERSON	
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		

# 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:

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

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

### **ANSWER TO 7(3)**

First of all may I say that as an ordinary citizen without any planning expertise but who has lived in York for over 80 years, I can only comment on these questions in laymen's terms. But it does seem that no consideration has been given to the effects of either Brexit or the pandemic on the whole scope of the Local Plan. The pandemic in particular has affected every aspect of our lives so must be taken into account, even to the extent (perish the thought!) of having to look at the Plan in its entirety. Also the Census, the results of which may be known by the time of the hearing, must be a factor which needs to be considered.

If "Build Back Better" means anything it must surely be that local residents' views not just on the scope of housing need but on the whole effect on the environment of the City must now be taken into account far more than previously.

**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.

[Empty box for response]

**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:**

TO REINFORCE TO THE HEARING MY  
PASSIONATE FEELING THAT THIS  
PLAN IS NO LONGER FIT  
FOR PURPOSE

**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:** 08 July 2021 22:55  
**To:** localplan@york.gov.uk  
**Subject:** Historic England Comments on modifications and evidence base  
**Attachments:** York Local Plan modifications HE consultation response.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 or Madam

Please find attached comments from Historic England on the proposed modifications and evidence base for the local plan.

Regards

[REDACTED]

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

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]



Historic England

Local Plan  
City of York Council  
West Offices  
Station Rise  
York



YO1 6GA

8 July 2021

Dear Sir or Madam

**City of York New Local Plan Proposed Modifications and Evidence Base Consultation**

Thank you for consulting Historic England about the proposed modifications and evidence base for the Local Plan.

City of York Council has consulted with Historic England during the local plan development process. We have worked collaboratively, providing a succession of comments throughout and agreed a statement of common ground in December 2019. Comments on the proposed modifications and evidence base should be read in light of these.

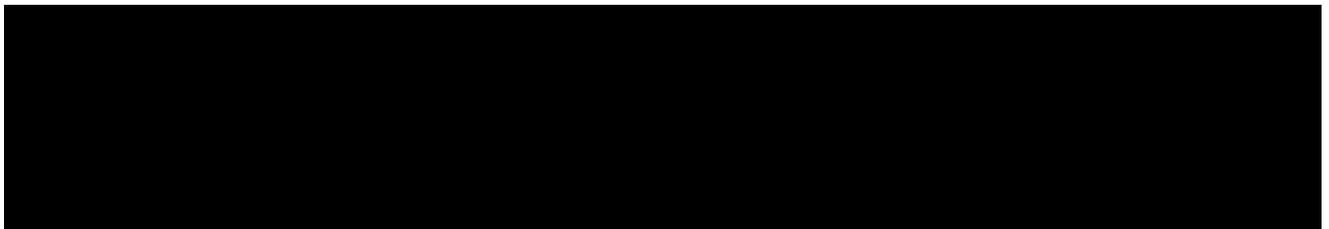
The comments below are focused on modifications and the refinements to the evidence base, specifically Topic paper TP1 addendum 'Approach to defining York's Green Belt' (January 2021). Issues previously raised that are unaffected by the modifications remain relevant.

**Methodology**

We are supportive of the proposed approach to simplify and clarify the methodology for delineating the proposed Green Belt boundaries.

The definition of five assessment criteria, each related directly to one of the three Green Belt purposes identified as relevant to York, provides a clear logical thread between the different stages of the methodology. The origin of the three criteria relating to Green Belt purpose 4 '*to preserve the setting and special character of historic towns*' lies in the Heritage Topic paper. Compactness, Landmark Monuments and Landscape Setting demonstrably contribute the special character of York to varying degrees depending on the location.

Reducing the number of considerations referred to and being clearer about the purpose of each, through explanation of their relevance, has provided a stronger and simpler rationale for the extent of the Green Belt.





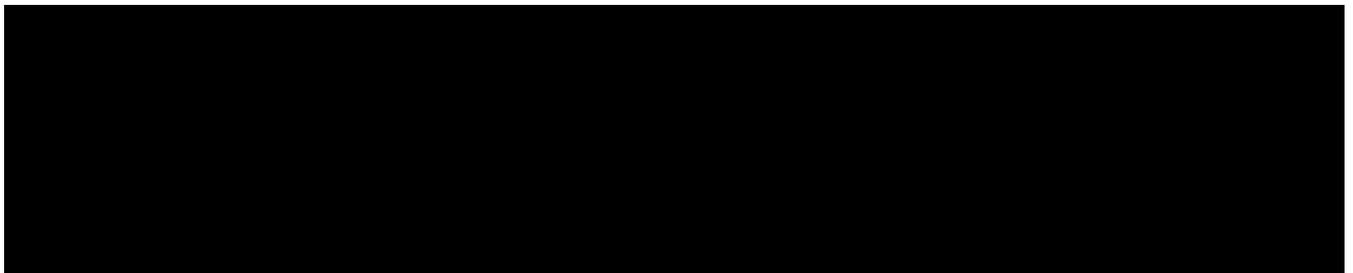
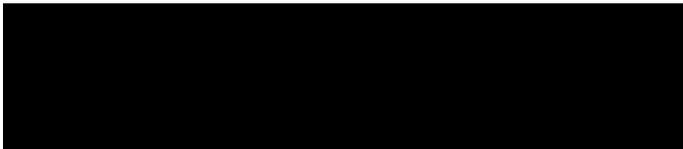
**Specific changes to the boundary**

We acknowledge and support proposed amendments to the boundaries around the University in order to align with clearly defined features as consistent with national policy. However, it is noted that Section 7 boundaries 7 and 8 are unchanged and it remains our view that Lakeside way would form appropriate boundary in accordance with the paragraph 8.47 of TP1.

That these are relatively brief comments is a reflection of the positive dialogue to date.

If you have any queries about the matters raised or wish to discuss anything further, please do not hesitate to contact me.

Yours faithfully



**From:** [REDACTED]  
**Sent:** 07 July 2021 16:16  
**To:** localplan@york.gov.uk  
**Subject:** RE: City of York Local Plan Proposed Modifications and Evidence Base Consultation (2021)  
**Attachments:** 20210707 EA Response.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 attached the Environment Agency's response to the above consultation. Please contact me should you have any queries.

Kind regards



Creating a better place  
for people and wildlife



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**From:** localplan@york.gov.uk [mailto:localplan@york.gov.uk]  
**Sent:** 25 May 2021 17:56  
**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 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

\*\*\*\*\*

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\*\*\*\*\*

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creating a better place



Environment  
Agency

Local Plan  
City of York Council

Our ref:  
Your ref:

localplan@york.gov.uk

Date: 07 July 2021

Dear Sir/Madam

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

Thank you for consulting the Environment Agency on the proposed modifications and evidence base in support of the City of York Local Plan, which we received on 25 May 2021.

**Proposed Modifications**

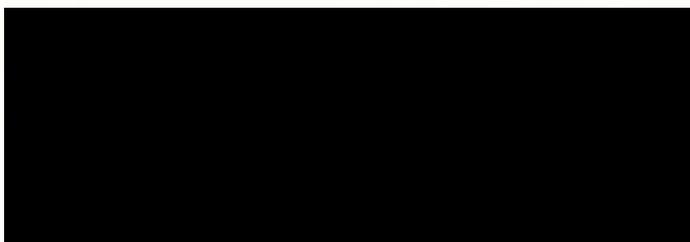
Having reviewed the proposed modifications we have no additional comments to make. We note that there has been no policy added in relation to the Water Framework Directive as requested in our Regulation 19 response (28 March 2018) and subsequently agreed in a Statement of Common Ground (SoCG) (6 December 2019) with the City of York Council (CoYC). We attended a Duty to Cooperate meeting with CoYC on 17 June 2021 and it was agreed that CoYC would address our concerns in-line with the SoCG later in the examination process.

**Evidence Base**

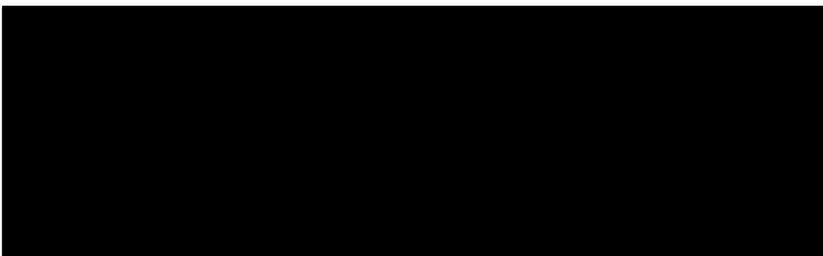
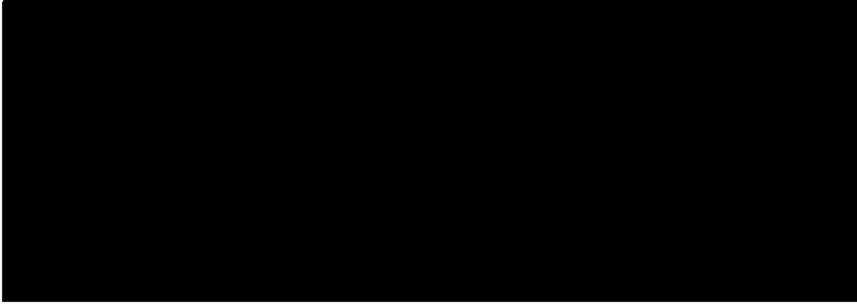
We have reviewed the revised evidence base documents submitted. The submitted Strategic Flood Risk Assessment (SFRA) is intended to supersede the previous version from 2013. We welcome the updating of the evidence base in relation to flood risk. Whilst we have some concerns with the revised SFRA, in the context of the Local Plan we consider it sound. We raised these concerns at the Duty to Cooperate meeting and subsequently provided feedback to CoYC on the document directly.

I hope that these comments are useful to you in further developing your local plan. We welcome any further discussion over the points we have raised. If I can be of any other assistance, please don't hesitate to contact me.

Yours sincerely



INVESTOR IN PEOPLE





**From:** [REDACTED]  
**Sent:** 07 July 2021 14:20  
**To:** localplan@york.gov.uk  
**Subject:** York Racecourse: New Local Plan Proposed Modifications and Evidence Base Consultation  
**Attachments:** CYC 07.07.21 YR.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

On behalf of our client, York Racecourse, please find attached our comments on the current proposed modifications. I would be grateful if you could confirm receipt, and please let me know if there is anything else required.

Kind regards

[REDACTED]

[REDACTED]

Forward Planning Team  
City of York Council  
West Offices  
Station Rise  
York  
YO1 6GA



Your ref: -

7<sup>th</sup> July 2021

Dear Sir/ Madam,

**York Racecourse: Response to New Local Plan Proposed Modifications and Evidence Base Consultation**

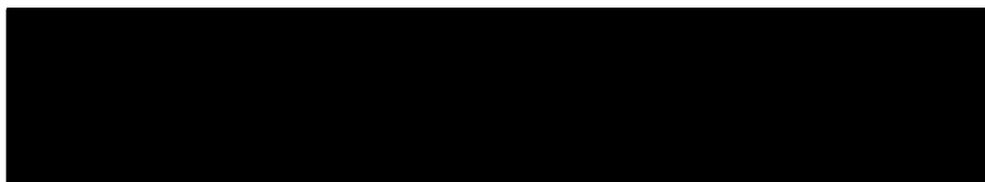
On behalf of our client, York Racecourse, I am writing to provide comments on proposed modifications PM93 and PM102 as set out in the Composite Modifications Schedule (EX/CYC/58) related to City of York Council's (CYC) Local Plan.

Throughout the Local Plan production process, we have been consistent in our position that the built footprint of development at the Racecourse should be removed from the Green Belt, and that the Council's position on the Green Belt was inconsistent and not compliant with the NPPF, and that the Plan was therefore unsound. We requested that CYC carry out a Green Belt Review to ensure consistency in its alteration of Green Belt boundaries and are pleased to see that this work has been completed.

Following the publication of the Green Belt Review, the inclusion of the two amendments referenced above allows the Racecourse to broadly support the adoption of the Local Plan. However, our detailed comments are set out below and contain suggested amendments to ensure the Plan is sound and compliant with CYC's published Green Belt methodology.

**PM93**

Modification PM93 proposes that the green belt boundary should follow the edge of the built footprint of dense development and the edge of the carriageway of Racecourse Road for



consistency with the Green Belt methodology, as shown on the extract at **Figure 1** below. The Racecourse supports the removal of its developed area from the Green Belt however it considers that the revised boundary should include the entire built-up area of the site rather than using the access road running through the site to define the boundary.

**Figure 1: PM93 Green Belt Boundary**



The current approach excludes the Weighing Room and associated buildings which are significant structures and does not create a rational boundary, instead drawing an arbitrary line through the operational estate. We propose that the boundary should follow the outside edge of the racetrack along the western boundary established in the former policy GB10: Major Developed Sites in the Green Belt. The suggested boundary is shown on the plan at Appendix 1.

Failure to include the whole of the built footprint of the Racecourse will not support its sustainable development and growth sufficiently in order to allow it to continue its important social, cultural and

economic contributions within the City. It will instead create confusion where parts of the same site fall under different planning designations and could prevent more comprehensive development projects coming forward.

Given that CYC's stated aim in Strategic Principle 12 of the Green Belt methodology is to avoid having to further alter the Green Belt boundary at the end of the Plan period in 2033, it would be prudent to exclude the whole of the main Racecourse site where future development is most likely to take place. This would ensure the Plan is sound and in accordance with paragraph 139 of the NPPF which states that Plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period. The NPPF further states that Green Belt designations should define boundaries clearly, and it is considered that the most rational boundary would follow the edge of the racetrack.

A revised boundary which excludes the whole of the developed footprint would make the Plan sound, and be consistent with the five purposes of the Green Belt as set out at paragraph 134 of the NPPF as well as the Strategic Principles set out in Topic Paper 1: Approach to Defining Green Belt Addendum (EX/CYC/59).

~~While the Racecourse agrees with the comments set out in Topic Paper 1 that the land to the west~~ of the proposed boundary and beyond is identified as being of primary importance to the setting of the historic city as part of an historic Stray, it considers that this clearly is not applicable to the developed footprint of the Weighing Room and adjacent buildings. This section of the Racecourse should therefore be excluded from the Green Belt.

#### **PM102**

Modification PM102 seeks to designate the open space at Campleshon Road under Policy G16 as a new Open Space (shown on the extract at **Figure 2**). This is to protect this site in conjunction with uses at York Racecourse following its removal from the Green Belt as part of PM93.

While the Racecourse does not object to the continued protection of this land from development, the wording of the revised Policy G16 must make clear that the land is used by the Racecourse operationally and that as a private, gated site it is not accessible as amenity space for the general

public. While the site is occasionally used as recreation space by local schools, this is only by prior arrangement and with the agreement of the Racecourse.

**Figure 2: Proposed Open Space Designation**

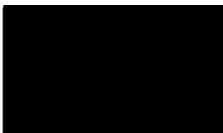


In conclusion, the Racecourse is broadly supportive of the amendments proposed however it considers that in order to make the Plan sound:

- the revised Green Belt boundary must exclude the whole of the developed footprint of the Racecourse; and
- policy GI6 must clarify that the Open Space at Campleshon Road is private, operational land rather than publicly accessible amenity space.

I trust the enclosed information is helpful in preparing revisions to the Green Belt boundary and Policy GI6, and the Racecourse looks forward to supporting the Plan fully with the inclusion of the proposed amendments.

Yours sincerely,



**APPENDIX 1: Proposed Green Belt Boundary**



**From:** [REDACTED]  
**Sent:** 07 July 2021 14:39  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 206006  
**Attachments:** CYC\_07.07.21\_YR.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?: Composite Modifications Schedule April 2021 (EX/CYC/58)

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## 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:** We have previously submitted comments stating that the Plan was unsound due to lack of evidence underpinning its Green Belt strategy and inconsistency in its proposed boundaries. These concerns have been resolved and as such we now consider the Plan to be broadly sound, albeit have included suggested amendments to improve soundness of policies relating to the Racecourse.

**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:**

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## **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:** Please see previous response.

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

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## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or 'sound':** The revised Green Belt boundary must exclude the whole of the developed footprint of the Racecourse Policy GI6 must clarify that the Open Space at Campleshon Road is private, operational land rather than publicly accessible amenity space. These amendments are covered in detail in our submission.

**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:**

---

## **Supporting documentation**

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

CYC\_07.07.21\_YR.pdf

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Forward Planning Team  
City of York Council  
West Offices  
Station Rise  
York  
YO1 6GA



Your ref: -

7<sup>th</sup> July 2021

Dear Sir/ Madam,

**York Racecourse: Response to New Local Plan Proposed Modifications and Evidence Base Consultation**

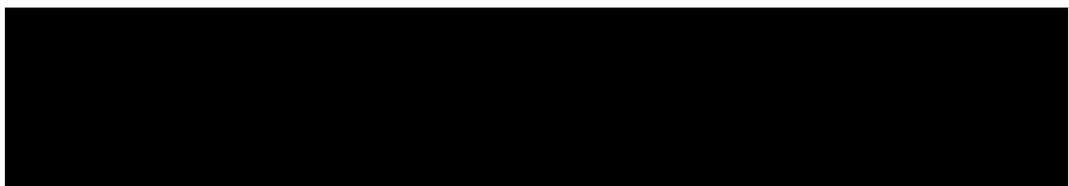
On behalf of our client, York Racecourse, I am writing to provide comments on proposed modifications PM93 and PM102 as set out in the Composite Modifications Schedule (EX/CYC/58) related to City of York Council's (CYC) Local Plan.

Throughout the Local Plan production process, we have been consistent in our position that the built footprint of development at the Racecourse should be removed from the Green Belt, and that the Council's position on the Green Belt was inconsistent and not compliant with the NPPF, and that the Plan was therefore unsound. We requested that CYC carry out a Green Belt Review to ensure consistency in its alteration of Green Belt boundaries and are pleased to see that this work has been completed.

Following the publication of the Green Belt Review, the inclusion of the two amendments referenced above allows the Racecourse to broadly support the adoption of the Local Plan. However, our detailed comments are set out below and contain suggested amendments to ensure the Plan is sound and compliant with CYC's published Green Belt methodology.

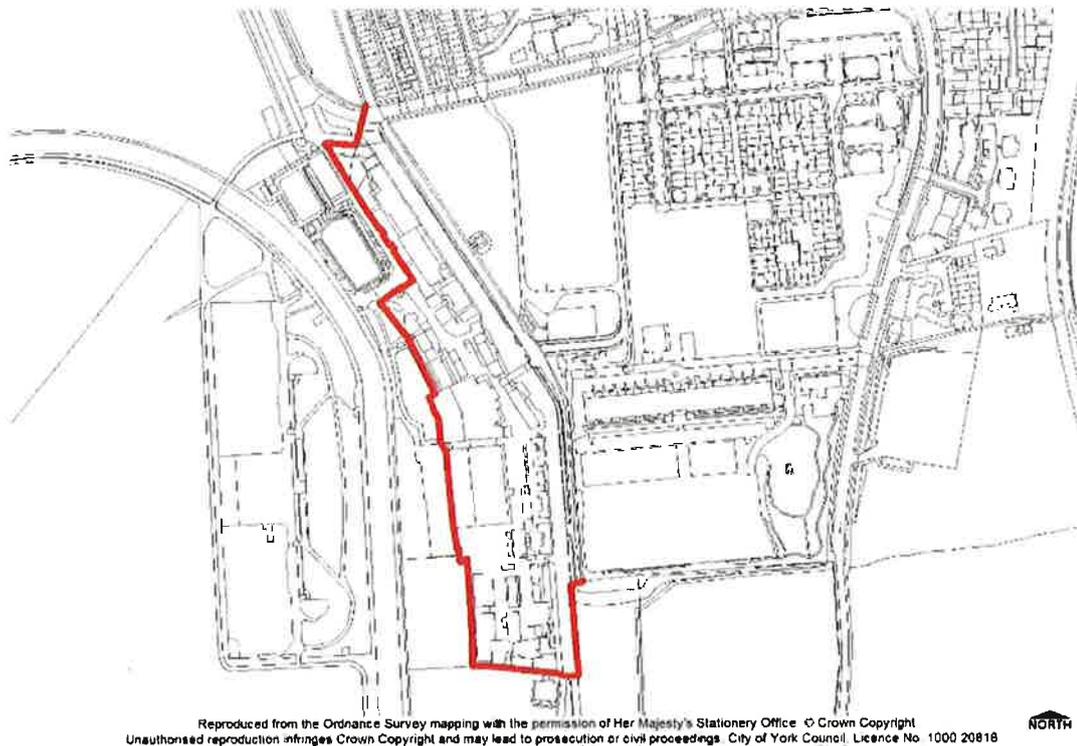
**PM93**

Modification PM93 proposes that the green belt boundary should follow the edge of the built footprint of dense development and the edge of the carriageway of Racecourse Road for



consistency with the Green Belt methodology, as shown on the extract at **Figure 1** below. The Racecourse supports the removal of its developed area from the Green Belt however it considers that the revised boundary should include the entire built-up area of the site rather than using the access road running through the site to define the boundary.

**Figure 1: PM93 Green Belt Boundary**



The current approach excludes the Weighing Room and associated buildings which are significant structures and does not create a rational boundary, instead drawing an arbitrary line through the operational estate. We propose that the boundary should follow the outside edge of the racetrack along the western boundary established in the former policy GB10: Major Developed Sites in the Green Belt. The suggested boundary is shown on the plan at Appendix 1.

Failure to include the whole of the built footprint of the Racecourse will not support its sustainable development and growth sufficiently in order to allow it to continue its important social, cultural and

economic contributions within the City. It will instead create confusion where parts of the same site fall under different planning designations and could prevent more comprehensive development projects coming forward.

Given that CYC's stated aim in Strategic Principle 12 of the Green Belt methodology is to avoid having to further alter the Green Belt boundary at the end of the Plan period in 2033, it would be prudent to exclude the whole of the main Racecourse site where future development is most likely to take place. This would ensure the Plan is sound and in accordance with paragraph 139 of the NPPF which states that Plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period. The NPPF further states that Green Belt designations should define boundaries clearly, and it is considered that the most rational boundary would follow the edge of the racetrack.

A revised boundary which excludes the whole of the developed footprint would make the Plan sound, and be consistent with the five purposes of the Green Belt as set out at paragraph 134 of the NPPF as well as the Strategic Principles set out in Topic Paper 1: Approach to Defining Green Belt Addendum (EX/CYC/59).

While the Racecourse agrees with the comments set out in Topic Paper 1 that the land to the west of the proposed boundary and beyond is identified as being of primary importance to the setting of the historic city as part of an historic Stray, it considers that this clearly is not applicable to the developed footprint of the Weighing Room and adjacent buildings. This section of the Racecourse should therefore be excluded from the Green Belt.

#### **PM102**

Modification PM102 seeks to designate the open space at Campleshon Road under Policy GI6 as a new Open Space (shown on the extract at **Figure 2**). This is to protect this site in conjunction with uses at York Racecourse following its removal from the Green Belt as part of PM93.

While the Racecourse does not object to the continued protection of this land from development, the wording of the revised Policy GI6 must make clear that the land is used by the Racecourse operationally and that as a private, gated site it is not accessible as amenity space for the general

public. While the site is occasionally used as recreation space by local schools, this is only by prior arrangement and with the agreement of the Racecourse.

**Figure 2: Proposed Open Space Designation**

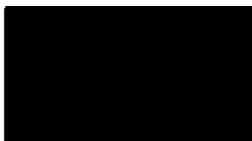


In conclusion, the Racecourse is broadly supportive of the amendments proposed however it considers that in order to make the Plan sound:

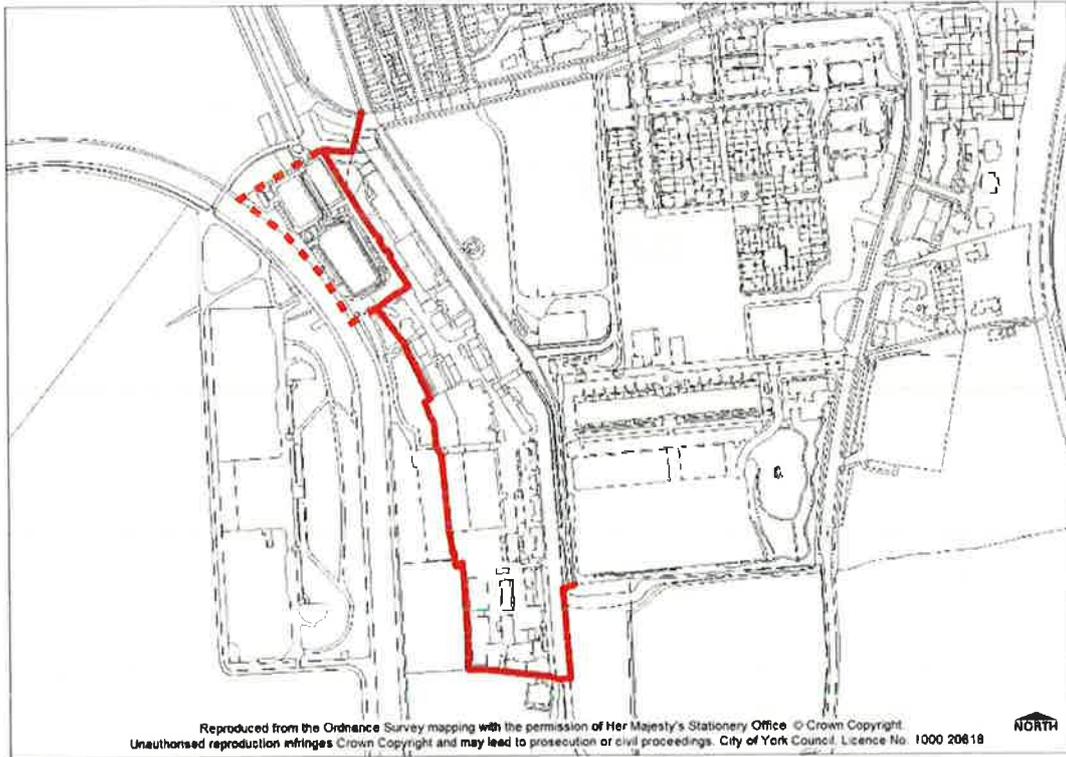
- the revised Green Belt boundary must exclude the whole of the developed footprint of the Racecourse; and
- policy GI6 must clarify that the Open Space at Campleshon Road is private, operational land rather than publicly accessible amenity space.

I trust the enclosed information is helpful in preparing revisions to the Green Belt boundary and Policy GI6, and the Racecourse looks forward to supporting the Plan fully with the inclusion of the proposed amendments.

Yours sincerely,



**APPENDIX 1: Proposed Green Belt Boundary**



**From:** [REDACTED]  
**Sent:** 22 June 2021 11:28  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, INDIVIDUAL - reference: 200476

## 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:** Mr

**Name:** Christopher Stapleton

**Email address:** [REDACTED]

**Telephone:** [REDACTED]

**Address:** [REDACTED]

---

## Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Sustainability Appraisal of the Composite Modifications Schedule (April 2021) (EX/CYC/62)

---

## 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:** Our overall representation is that the Local Plan, as currently presented, fails the tests of soundness in the following respects: “Positively Prepared” The Plan’s strategy leading to the allocation of site H39 (Site 95) is not based on comprehensively and consistently applied objectively assessed development and infrastructure considerations. “Justification” The Plan’s strategy leading to the allocation of site H39 (Site 95) is not the most appropriate strategy, when considered against reasonable alternative locations to this site, based on proportionate evidence. “Consistency with National Policy” The Plan’s strategy leading to the allocation of site H39 (Site 95) does not deliver sustainable development in accordance with the policies in the National Planning Policy Framework (NPPF). Our detailed representation is supported by the comments set out below.

---

## **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:** This consultation on the Proposed Modifications (2021) is also an opportunity to repeat our dissatisfaction with the nature of the Local Plan consultation process and public engagement, which has not been user-friendly or transparent in terms of decision-making. It must be said that the whole process of developing the Local Plan and the complexity and volume of detailed and technical information has been an exercise in excluding from any meaningful engagement all but the most persistent, informed, and skilled professional practitioners. This process (including the assumption of quite a high degree of IT competence) has been hostile towards ordinary members of the public, and the general impression is one of working back from the preferred site options with an emphasis on “process over product”. This has not been a genuine public consultation.

---

## **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:** Location of Sustainable Development & Sustainability Appraisal City Of York Local Plan: Preferred Sites Consultation Document (2016) With reference to this document the notes claim that what is now site H39 (Site 95) would reduce the impact on climate change, but given the lack of any published methodology this is no more than an unsupported assertion. The City of York Planning and Environmental Team does not explain how the development of this site would ameliorate climate change, particularly when Elvington has such limited local transport services (the notes refer to non-frequent transport routes within the centre of the village) and is so distant (compared with alternative sites) from where people work and spend their money. This will involve a great deal of reliance on the use of private cars. City of York Local Plan Pre-Publication draft (Regulation 18

Consultation, September 2017) In response to this document, and in particular the Sustainability Appraisal, we said the following: It is common practice in undertaking Sustainability Appraisals to select Sustainability Objectives and then divide them into a set of more detailed Sub-Objectives, which provide a consistent basis for testing the sustainability performance of proposed development sites. This is to remove some of the subjectivity otherwise inherent in appraisals at the strategic level. The methodology used by the City of York does not seem to have followed this approach. Furthermore, no attempt has been made to weight the sustainability scores and performance of alternative housing sites. It must be the case that some sustainability objectives (eg maintaining the openness and amenity of Green Belt) are more important than others. This criticism applies equally to the Wood City of York Local Plan: Sustainability Appraisal Report Addendum for the Proposed Modifications Consultation (June 2019). Sustainability Appraisal Appendix 'G' Residential Sites Paragraph 2.5 sets out Sustainability Appraisal criteria 1 to 4 (covering environmental considerations). They do not include "Green Belt", and this is an error of omission. The Sustainability Appraisal methodology has not been fully explained in rational terms. It simply asserts that sites must score 22 overall, without explaining why this cut-off is considered appropriate. Has it been selected because the Sustainability process would not otherwise identify sufficient land for residential development? If so, this is hardly scientific in terms of protecting environmental capital. The methodology also fails to incorporate a weighting of the scoring according to the relative importance of the individual sustainability criteria. It is not realistic to assume that all criteria are of the same importance. For example, protecting and maintaining the openness of Green Belt should be given more weight than other criteria. In these respects, the Sustainability Appraisal is not sufficiently objective. Sustainability Appraisal Appendix 'J' Managing Development in the Green Belt (GB1 to GB4) This Appendix states that there are "potential negative effects" on the Green Belt (because of providing housing to meet local needs), without explaining what these negative effects would be. This Appendix also states that "monitoring [the effects of housing on the Green Belt] can be applied", without saying whether the monitoring will actually be carried out, or how or when this would be carried out in time to have a meaningful influence on the Sustainability Appraisal process. Given the Green Belt Status of Site H39 this is a significant omission. At the Proposed Modifications (2021) stage there still appears to be no transparency about this monitoring, whether it has been carried out, and if so its influence on the Local Plan process. Sustainability Appraisal Appendix 'K' Policy Topic – Location of Housing Growth Page K103 sets out the approach to development in the Green Belt, but given the absence of Green Belt as a sustainability criterion there is no clarity over the influence of Green Belt in the Sustainability Appraisal process. Core Strategy Issues and Option, Option 2 (September 2007) states that when considering which areas are most suitable for exclusion from Green Belt, it may be necessary to apply different tests to different circumstances. This goes against a fundamental principle of Sustainability Appraisal, which is that all alternative housing sites should be appraised comprehensively and consistently against the same sustainability objective criteria, for a fair comparison of the sustainability performance of alternative sites. The correct methodological approach is to apply the same tests to different circumstances at all alternative sites to assess their sustainability performance. Page K108 in referring to consultation responses to the Local Plan Preferred Options (June 2015) states that there were a mixture of objections to the wording of Green Belt Policy. We take the view that there is a lack of clarity, definition and consistency in the application of Green Belt policy by York City Council within the Sustainability Appraisal process. City of York Local Plan Publication Draft 2018, Consultation Response Form, Part B Question 5.(4) (We submitted the official form and added an attachment). We were concerned to note that our comments on the inadequacy of the SA in respect of Green Belt issues (which we have set out above), were rather dismissively misrepresented and inadequately addressed within the LPPD process. Therefore, we continue to take the view that the SA is flawed and the LPPD is neither justified nor sound. The Wood City of York Local Plan: Sustainability Appraisal Report Addendum – Proposed modifications Consultation (June 2019) Furthermore, this addendum Sustainability Appraisal does not address or invalidate the above points. National Planning Policy Framework (NPPF) Sustainable development has economic, social and environmental objectives and in allocating new housing sites the Local Plan and

Sustainability Appraisal have to integrate housing allocations and transport planning. The residents of Elvington are not well-served by public transport and the existing residents rely on the private car to get to work, and for their shopping and other leisure activities. Adding to the population in this location is not sustainable development.

---

## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or 'sound':** The Sustainability Appraisal has to be carried out correctly, as set out in the comments above.

**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 not wish to participate at hearing sessions, please state why:** My comments will be considered by the planning inspector by way of my written representation.

---

## **Supporting documentation**

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

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**From:** [REDACTED]  
**Sent:** 22 June 2021 11:39  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, INDIVIDUAL - reference: 200495

## 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:** Mr

**Name:** Christopher Stapleton

**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:** Our overall representation is that the Local Plan, as currently presented, fails the tests of soundness in the following respects: “Positively Prepared” The Plan’s strategy leading to the allocation of site H39 (Site 95) is not based on comprehensively and consistently applied objectively assessed development and infrastructure requirements. “Justification” The Plan’s strategy leading to the allocation of site H39 (Site 95) is not the most appropriate strategy, when considered against reasonable alternative locations, based on proportionate evidence. “Consistency with National Policy” The Plan’s strategy leading to the allocation of site H39 (Site 95) does not deliver sustainable development in accordance with the policies in the National Planning Policy Framework (NPPF). Our detailed representation is supported by the comments set out below.

---

## **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:** This consultation on the Proposed Modifications (2021) is also an opportunity to repeat our dissatisfaction with the nature of the Local Plan consultation process and public engagement, which has not been user-friendly or transparent in terms of decision-making. It must be said that the whole process of developing the Local Plan and the complexity and volume of detailed and technical information has been an exercise in excluding from any meaningful engagement all but the most persistent, informed, and skilled professional practitioners. This process (including the assumption of quite a high degree of IT competence) has been hostile towards ordinary members of the public, and the general impression is one of working back from the preferred site options with an emphasis on “process over product”. This has not been a genuine public consultation.

---

## **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:** Green Belt City Of York Local Plan: Preferred Sites Consultation Document (2016) This document stated that that “the site represents a modest extension to the existing village of Elvington and would provide a logical rounding off of the settlement limits. Therefore, the site is not considered to serve greenbelt purposes.” This statement pre-empted the emerging Local Plan which was setting detailed Green Belt boundaries for the first time, and it revealed a prejudice against retaining the Green Belt at what is now known as site H39 (Site 95). The rounding off of settlements might appear to be convenient when looking at a map, but this does not negate the contribution of the land thus lost from the greenbelt. Furthermore, the rounding of settlements is not in itself a sustainability objective, and the variability of the urban fringe is a quality that contributes to the character of

landscape around villages in the greenbelt (see below). These points are supported by the notes to the consultation document, which state that a planning inspector had previously concluded that “this site served greenbelt purposes and that its development would radically alter the character of the village”. The Wood City of York Local Plan: Sustainability Appraisal Report Addendum – Proposed modifications Consultation (June 2019) Within the Sustainability Appraisal Addendum, the Sustainability Objectives for landscape make no reference to Green Belt. This reveals a potentially inconsistent and subjective analysis in respect of the implications of developing Green Belt within the Sustainability Appraisal. City of York Council: Topic Paper 1: Approach to Defining York’s Green Belt Addendum (2021) Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt Scoping Principle: SP5 states that Elvington village “does not contribute to the openness of the Green Belt” (page A4:81). However, parts of the village environs, like the land at site H39 (Site 95) do contribute to the openness of the Green Belt (see below). Green Belt purpose 1 (Criterion 4) (page A4:86) refers to the “presence of low-density residential buildings [in the vicinity of site H39 (Site 95)] with a strong sense of openness”. This is stated as an increased risk of “sprawl”, but the Green Belt analysis fails to recognise that the inner boundaries of site H39 (Site 95) represent a soft boundary and gradual transition from agriculture to village, which is a valuable visual amenity. In other words, there is an existing and well established “landscape buffer”. Green Belt purpose 1 (Criterion 4) (page A4:87) also states “Towards the south-western extent of the village, land at the former rectory and adjoining farm has seen infill development; the presence of a number of similarly large, detached properties in extensive grounds south of Church Lane risks further sprawl occurring”. It is not explained why the detached properties (which are otherwise said to contribute towards the strong sense of openness in this area (see Green Belt purpose 1, Criterion 4, above), are necessarily considered a risk of “further sprawl”. Green Belt purpose 3 (Criterion 5) (page A4:88) states that “while there are a number of isolated detached properties positioned along Church Lane, their setting in extensive grounds or agricultural use gives surrounding land a predominantly open and rural nature, in contrast to the more densely developed village edge to the north....” This again points to the existing visual amenity value of site H39 (Site 95) in this part of the Green Belt, which seems to have gone unremarked in the Green Belt analysis. This is something of an oversight when Church Lane is part of Wilberforce Way, a major recreational route used by so many people, including walkers, horse riders and cyclists, as well as being popular amongst residents of Elvington. Strategic Permanence (Consistency with Local Plan Strategy and NPPF para 85) (page A490) refers to “meeting identified requirements for sustainable development when defining Green Belt boundaries.... and directing development to the most sustainable locations”. It is stated that “Land to all edges of Elvington has access to two or more services within 800, and therefore could potentially provide a sustainable location for growth.” Quite apart from not stating what these services are, there is much more to sustainable development than the convenient availability of services. The Topic Paper does not explain how building houses in the Green Belt at site H39 (Site 95) can be considered sustainable development when Elvington has such limited local services (the notes refer to non-frequent transport routes within the centre of the village) and the village is so distant from where people work and spend their money. This will involve a great deal of reliance on the use of private cars. Determining a Clear and Defensible Boundary, Site Specific Considerations from Green Belt Analysis (page A4:95) refers to “potential for the village of Elvington to grow within a sustainable pattern of development, to the southern extent of Boundary 4; the site represents a modest extension to the existing village of Elvington”. As discussed above, the Topic Paper does not explain how building houses in the Green Belt at site H39 (Site 95) can be considered sustainable development or contributing towards a sustainable pattern (undefined) of development. Determining a Clear and Defensible Boundary, Permanence of Proposed Boundary (page A4:98) This refers to the need to create “landscape buffers” to the western boundary of the H39 (Site 95) allocation. This would be a consequence of building houses on land that currently has a strong sense of openness with an established soft boundary and gradual transition from agriculture to village, which is a valuable visual amenity. The introduction of an artificial “landscape buffer” for new houses would represent an obvious urban extension and loss of visual amenity. As with much of the apparently sophisticated land use planning theory presented in the

Local Plan process, this Topic Paper is an exercise in working back from the answer, ie conveniently “rounding off” the Green Belt at site H39 (Site 95). Unfortunately, in respect of this site, Topic Paper 1, Annex 4 presents an unsubstantiated, contradictory and subjective analysis that ignores the value of the existing Green Belt transition into Elvington village that is currently enjoyed by many people. National Planning Policy Framework (NPPF) Para 133 states that “the essential characteristics of Green Belts are their openness and permanence”. As explained above, the analysis leading to the allocation of site H39 (Site 95) does not acknowledge the important contribution that this site currently makes towards the openness in this part of Elvington. Para 136 states that “Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified....” The local plan process, despite the complexity and volume of detailed and technical information assembled, has not provided the evidence or justification for the proposed alteration of the Green Belt at site H39 (Site 95). In particular, the omission of Green Belt protection as a Sustainability Objective from the Sustainability Appraisal is a flaw in the methodology applied. Paras 145 (e) refers to limited “infilling” in villages as a permitted exception to the protection of Green Belt, but site H39 (Site 95) would be visually apparent as an obvious urban extension.

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## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:** The City of York Council: Topic Paper 1: Approach to Defining York’s Green Belt Addendum (2021) Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt has to be carried out with a consistent approach to Green Belt issues in respect of all sites, and without prejudice against site H39 (Site 95).

**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 not wish to participate at hearing sessions, please state why:** My comments will be considered by the planning inspector by way of written representation.

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## **Supporting documentation**

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

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**From:** [REDACTED]  
**Sent:** 22 June 2021 11:50  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, INDIVIDUAL - reference: 200517

## 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

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## About your comments

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

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## Your personal information

**Title:** Mr

**Name:** Christopher Stapleton

**Email address:** [REDACTED]

**Telephone:** [REDACTED]

**Address:** [REDACTED]

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## Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Habitats Regulations Assessment 2020 (EX/CYC/45) and Habitats Regulations Assessment 2020 Appendices (EX/CYC/45a)

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## 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:** Our overall representation is that the Local Plan, as currently presented, fails the tests of soundness in the following respects: “Positively Prepared” The Plan’s strategy leading to the allocation of site H39 (Site 95) is not based on comprehensively and consistently applied objectively assessed development and infrastructure requirements. “Justification” The Plan’s strategy leading to the allocation of site H39 (Site 95) is not the most appropriate strategy, when considered against reasonable alternative locations, based on proportionate evidence. “Consistency with National Policy” The Plan’s strategy leading to the allocation of site H39 (Site 95) does not deliver sustainable development in accordance with the policies in the National Planning Policy Framework (NPPF). Our detailed representation is supported by the comments set out below.

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## **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:** This consultation on the Proposed Modifications (2021) is also an opportunity to repeat our dissatisfaction with the nature of the Local Plan consultation process and public engagement, which has not been user-friendly or transparent in terms of decision-making. It must be said that the whole process of developing the Local Plan and the complexity and volume of detailed and technical information has been an exercise in excluding from any meaningful engagement all but the most persistent, informed, and skilled professional practitioners. This process (including the assumption of quite a high degree of IT competence) has been hostile towards ordinary members of the public, and the general impression is one of working back from the preferred site options with an emphasis on “process over product”. This has not been a genuine public consultation.

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## **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:** Habitats Regulations Assessment City Of York Local Plan: Preferred Sites Consultation Document (2016) In response to this document, we said that site HS39, now site H39 (Site95), lies within 250m of the River Derwent, a statutory nature conservation site of international (Ramsar), European (SAC/SPA), and national (SSSI) significance. Natural England’s condition assessment in 2009 found the River Derwent in an unfavourable condition and the Environment Agency is working with Natural England to restore the river and its environs to a favourable condition. At an occupancy rate of about 2.4 people per household, the development of about 32 houses would introduce about 77 new residents to the southern part of the village closest to the River Derwent. A significant number of these people will use the footpath by the Church (which is part of the Wilberforce Way) for

access to the countryside alongside the River Derwent, and this will include additional dog walkers. Pet predation of wildlife is a significant concern, particularly in respect of Ramsar and European habitats. At 2021 rates of household pet ownership (33% for dogs and 27% for cats, according to the Pet Food Manufacturers Association) the development of about 32 houses at site H39 (Site95) would introduce about 10 dogs and 8 cats. These figures are in addition to the people and pets already in the area, and in addition to users of the Wilberforce Way. Dog walkers are likely to use the public footpath from the church to the flood plain of the Derwent and allow them to run free on the floodplain. The dogs will chase wild animals and ground-nesting birds and introduce unwanted eutrophication by fouling. In respect of studies on the Thames Basin Heaths SPA, Natural England recognises that cats will roam within 400m of their keepers' homes, and possibly up to 1km. Most of the cats would be free to roam and the floodplain would form part of their territories. They are likely to predate mammals and birds. These additional pressures on the River Derwent (SSSI/SAC/SPA/Ramsar Site) are likely to work against the restoration of this habitat. At the time of the Preferred Sites Consultation Document (2016), we said that Site HS39 is therefore likely to require a Habitats Regulations Assessment (HRA) to determine whether the development would have a significant effect on the Ramsar/SAC/SPA. This was our reference to the likely need to carry out an Appropriate Assessment under the HRA. City of York Local Plan Pre-Publication draft (Regulation 18 Consultation (September 2017) In response to this document a Habitats Regulations Assessment was carried out by consultants in respect of new housing developments on the River Derwent SAC, and Site H39 was incorrectly screened out as having no conceivable effect on the condition of the SAC. At the time of the Local Plan Pre-Publication draft (September 2017), therefore, the Habitats Regulations Assessment had been carried out at a high (ie generalised) level, and the issues of recreational pressure and pet predation were not properly addressed. The Waterman Habitats Regulations Assessment of the City of York Council Local Plan (October 2020) In the Waterman Report (October 2020), the screening test under the Habitats Regulations (Regulation 105(1) refers) states that "Where a land use plan.... (a) is likely to have a significant effect on a European site.... (either alone or in-combination with plans or projects)." It should be noted that the Wilberforce Way is such an in-combination "project". The Waterman report (page 7) goes on to say that "likely" in the context of a "likely.... significant effect" is "a low threshold and simply means that there is a risk or doubt regarding such an effect". It is not clear what Waterman means by a "low threshold", and "simply means", but in general ecological practice, a precautionary approach is required for HRA screening for the protection of Ramsars, SACs, SPAs and SSSIs of national significance, like the River Derwent. The Waterman approach ("low threshold", and "simply means"), is not precautionary. Table 5 (page 34) of the Waterman report shows that site H39 (Site95) has been screened out from the need to carry out an Appropriate Assessment because this allocation is "not likely to have an effect on a European site". The table refers to "No conceivable effect on a European site". This is an exaggerated overstatement that is not based on any factual evidence. It ignores the precautionary principle and the evidence of increased recreational pressure and pet predation we have presented, (as far back as 2016) as set out above. Appendix B recognises that site H39 (Site 95) is situated a few hundred metres from the River Derwent but goes on to say that "Even in such close proximity, localised effects associated with development can be ruled out." However, no evidence has been put forward to support this assertion. Appendix B goes on to say that "Given the lack of access locally, the proximity of the allocation is considered to be largely inconsequential. Even where access can be gained, the European site is largely confined to the channel and regarded as relatively resilient to public pressure." Clearly, this is misleading. There is no lack of access locally, the Wilberforce Way follows Church Lane and the public footpath beside the church down to the River Derwent. That the European site is said by Waterman to be "largely confined to the channel and regarded as relatively resilient to public pressure" is not said in the Appropriate Assessments carried out for policies SS13/ST15 (Wheldrake) and SS18/ST33 (New Garden Village, Elvington), therefore this so-called resilience does not apply to recreational pressure from site H39 (Site 95). Table 5 (page 35) recognises the likely significant effects on the River Derwent as a result of recreational pressure arising from policies SS13/ST15 (Wheldrake) and SS18/ST33 (New Garden Village, Elvington), and Table 9 (page 136) states that "mitigation must be added" to these

policies, if they were to be pursued. The extensive mitigation measures considered to be appropriate for these sites by Waterman are set out in Table 8 (page 102). They are not mentioned in respect of site H39 (Site95). Summary In respect of site H39 (Site 95), the Habitats Regulations Assessment set out in the Waterman Report does not address with sufficient scientific certainty the potential effects of increased recreational pressures and pet predation on the designated features and conservation objectives of the River Derwent Ramsar, SAC/SPA and SSSI and its environs. The words use by Waterman (“No conceivable effect”, “localised effects can be ruled out”, and the “inconsequential” proximity of site H39 (Site 95) demonstrate a dismissive, rather than precautionary approach. An Appropriate Assessment was carried out for policies SS13/ST15 (Wheldrake) and SS18/ST33 (New Garden Village, Elvington), and mitigation measure proposed. Site H39 (Site 95) is closer to the River Derwent and would, when combined with the Wilberforce Way subject the River Derwent to increased recreational pressure. It is simply untrue that H39 (Site 95) would have “No conceivable effect on a European site”, as asserted by Waterman, based on no evidence whatsoever. In view of this, the HRA is flawed, because an Appropriate Assessment has not been carried out on Site H39 (Site 95) and no mitigation has been considered, bearing in mind that mitigation must be sufficient to remove all reasonable scientific doubt about the risk of potential effects, and the findings of an Appropriate Assessment require a high degree of scientific certainty.

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## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:** The Habitats Regulations Assessment should have included an evidence based Appropriate Assessment of recreational pressures and pet predation on the River Derwent statutory nature conservation site of international (Ramsar), European (SAC/SPA), and national (SSSI) significance.

**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 not wish to participate at hearing sessions, please state why:** My comments will be considered by the planning inspector by way of written representations.

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## **Supporting documentation**

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

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**From:** [REDACTED]  
**Sent:** 07 July 2021 12:00  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 205934  
**Attachments:** Appendix\_I\_Site\_Location\_Plan.pdf; Appendix\_III\_Publication\_Representations\_2018\_and\_2019.pdf; Appendix\_II\_Naburn\_Business\_Park\_Masterplan\_2013104100419.pdf; Appendix\_IV\_Hearing\_Statement\_29.11.19.pdf; Proposed\_Modifications\_July\_2021\_Representation\_070721\_Final\_.pdf; Appendix\_V\_Regeneris\_Addendum\_to\_Naburn\_Business\_Park\_Economic\_Case.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

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## About your comments

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

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## Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

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## 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?:** 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:** Please refer to Representation Letter and Appendices.

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## **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:** Please refer to Representation Letter and Appendices.

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## **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:** Please refer to Representation Letter and Appendices.

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## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:** Please refer to Representation Letter and Appendices.

**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:** The site promoted by our client (Oakgate Group PLC); land to the east of the York Designer Outlet, is a reasonable alternative for employment development and could help to address the shortfall. An application has been submitted to the Council on the 13th June 2019 under application reference 19/01260/OUTM. This application seeks permission for: “Outline planning permission for a business park up to 270,000sq.ft (Use Class B1) and an Innovation Centre up to 70,000sq.ft (Use Class B1/B2), with ancillary pavilion units up to 9,000sq.ft (Use Classes A1, A3, A4, D1 and D2), associated car parking, a park and ride facility, including park and ride amenity building up to

2,000sq.ft, hard and soft landscaping and highway alterations, all matters reserved apart from detailed access.”

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## Supporting documentation

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

Appendix\_I\_Site\_Location\_Plan.pdf,  
Appendix\_III\_Publication\_Representations\_2018\_and\_2019.pdf,  
Appendix\_II\_Naburn\_Business\_Park\_Masterplan\_2013104100419.pdf,  
Appendix\_IV\_Hearing\_Statement\_29.11.19.pdf,  
Proposed\_Modifications\_July\_2021\_Representation\_070721\_Final\_.pdf,  
Appendix\_V\_Regeneris\_Addendum\_to\_Naburn\_Business\_Park\_Economic\_Case.pdf

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**DEVELOPMENT BOUNDARY**  
 AREA = 18.200 HECTARES (44.987 ACRES)

**PROPOSED PARK AND RIDE**  
 Area includes car parking, bus drop off and associated infrastructure (including access, drainage and landscaping), and ornamental tree and shrub planting

**AREA = 2.288 HECTARES (5.683 ACRES)**  
 12.5% OF TOTAL SITE AREA

**COBS SITE WIDE GREEN INFRASTRUCTURE**  
 Area includes native tree and shrub planting, ornamental tree and shrub planting, amenity and meadow grass areas, ponds/wetland with native planting, and associated infrastructure including access and drainage

**AREA = 11.639 HECTARES (28.829 ACRES)**  
 63.4% OF TOTAL SITE AREA

**DEVELOPMENT PLOT INDICATIVE OPENSPACE**  
 Area includes ornamental tree and shrub planting and associated infrastructure including access and drainage

**AREA = 0.310 HECTARES (0.767 ACRES)**  
 1.7% OF TOTAL SITE AREA

**Schedule of Approximate Gross Floor Areas**

UNIT TYPE	AREA (SQ FT)	FLOOR LEVEL
UNIT A	20,000 SQ FT	2 STOREY
UNIT B	15,000 SQ FT	2 STOREY
UNIT C	15,000 SQ FT	2 STOREY
UNIT D	20,000 SQ FT	2 STOREY
UNIT E	12,000 SQ FT	2 STOREY
UNIT F	20,000 SQ FT	2 STOREY
UNIT G	20,000 SQ FT	2 STOREY
UNIT H	20,000 SQ FT	2 STOREY
UNIT I	15,000 SQ FT	2 STOREY
UNIT J	15,000 SQ FT	2 STOREY
UNIT K	15,000 SQ FT	2 STOREY
UNIT L	15,000 SQ FT	2 STOREY
UNIT M	15,000 SQ FT	2 STOREY
UNIT N	15,000 SQ FT	2 STOREY
UNIT O	15,000 SQ FT	2 STOREY
UNIT P	15,000 SQ FT	2 STOREY
UNIT Q	15,000 SQ FT	2 STOREY
<b>TOTAL</b>	<b>276,000 SQ FT</b>	

UNIT TYPE	AREA (SQ FT)	FLOOR LEVEL
UNIT R	70,000 SQ FT	2 STOREY
<b>TOTAL</b>	<b>346,000 SQ FT</b>	

**PARK AND RIDE FACILITY BUILDINGS**

UNIT TYPE	AREA (SQ FT)	FLOOR LEVEL
UNIT S	2,000 SQ FT	SINGLE STOREY PAVILION UNIT
UNIT T	3,000 SQ FT	2 STOREY PAVILION UNIT
UNIT U	3,000 SQ FT	2 STOREY PAVILION UNIT
UNIT V	5,000 SQ FT	2 STOREY PAVILION UNIT
<b>OVERALL TOTAL</b>	<b>13,000 SQ FT</b>	

On plot car and cycle parking will be provided in accordance with the City of York's car and cycle parking standards.

This is 1 car space per 30 sq m of accommodation.

This equates to circa 1,000 on plot car parking spaces.



Our ref: RPW/EJ/1498

28th March 2018

Planning Policy  
City of York Council

By email only:  
localplan@york.gov.uk

Dear Sir or Madam

**YORK LOCAL PLAN PUBLICATION REGULATION 19 CONSULTATION (FEBRUARY 2018)  
REPRESENTATIONS ON BEHALF OF OAKGATE/CADDICK GROUPS**

These representations have been prepared by HOW Planning LLP ("HOW") on behalf of Oakgate/Caddick Groups and refer to land to the east of the Designer Outlet ("the Naburn site"). The Naburn site extends to approximately 18 hectares and is illustrated edged red on the plan included at Appendix 1.

Through its appointed professional consultants Oakgate/Caddick Groups have engaged fully with City of York Council (CYC) at all key stages of the Local Plan process to date. This has included detailed representations to the Preferred Options Local Plan in summer 2013, the Preferred Sites Consultation in summer 2016 and the Pre-Publication Consultation in September 2017. This representation has been prepared in order to directly respond to the Publication Draft Local Plan February 2018 (the 'Publication Plan').

These representations explain the soundness concerns with the plan and sets out why the site should be allocated as an employment site for B1a office floorspace. This representation seeks to re-provide CYC with technical evidence demonstrating the suitability of the site, and sets out Oakgate/Caddick Groups' observations on the Publication Plan and, where appropriate, the changes which they wish to see in order to meet concerns and overcome major issues of soundness which the Local Plan currently faces.

At the Local Plan Working Group on 23rd January 2018 and also Executive on 25th January 2018, Officers reported to the Members the outcome of the Pre-publication Draft Local Plan Regulation 18 Consultation (September 2017) ('the Pre-publication Plan') and made a series of recommendations to make alterations to the plan allocations to increase housing numbers and employment land provision to take account of certain consultation comments. Members rejected most of the options presented by Officers and only accepted minor wording changes and changes proposed to increase density of York Central and reduce the number of dwellings at Queen Elizabeth Barracks to increase the on-site recreational buffer required to mitigate impacts on the nearby Strensall Common SAC. Various minor wording changes made for clarity were also approved to be made to the Publication Plan.

[Redacted signature block]

Thus, except for the minor wording changes and changes to the capacity of two proposed allocated sites, the Publication version of the plan remains virtually the same as the Pre-publication Local Plan consulted on in October 2017, despite the advice of the Council's own officers to increase the housing numbers and employment provision to make the plan more robust.

HOW Planning has significant concerns that the Council is proceeding with an unsound plan with an absence of key evidence to support the Council's approach. As presented, the Publication Plan cannot be found to be sound, or a sound approach which can be built upon, due to the absence of robust evidence to inform the promoted strategy.

## **EMPLOYMENT LAND SUPPLY**

### **Employment Land Review 2016 and 2017 Update**

On behalf of Oakgate/Caddick, at the Pre-publication stage Regeneris Consulting undertook an update addendum of their 2016 report (Appendix 2) to review the changes to the Local Plan and the underpinning evidence base, and revisit/update the conclusions from the original report in light of this new evidence published. There has been no change to the employment evidence base since that stage.

The Regeneris Addendum (Appendix 3) highlighted that the total amount of office floorspace (B1a) required to meet jobs growth increased significantly. Table 4.1 in the Publication Local Plan identifies the need to deliver a total of 107,081 sq m of B1a space (13.8 Ha), compared to 44,600 sq m in the Preferred Options Plan. This need for office floorspace was based on calculations in the Council's 2016 Employment Land Review (ELR) and the 2017 ELR update. Regeneris conclude that this increase represents a sound assessment of need and is consistent with CYC's growth aspirations for the City and therefore provides a sound basis for planning.

In addition to this increased quantitative requirement, the 2017 ELR update prepared by CYC Officers contains several findings that also point towards a qualitative requirement for additional B1a office supply to provide greater flexibility.

Paragraph 3.6 states:

*Flexibility requirements were discussed in the original ELR. A number of comments were received through the consultation that further work was needed on assessing flexibility requirements. Make it York stated that it will be important in confirming the employment allocations that the Council has ensured not only sufficient overall quantum but that there is sufficient range and flexibility to deliver land requirements throughout the whole plan period. Following what Make it York call 'significant losses' of office accommodation under permitted development (PD) rights, it has been suggested that there is a severe shortage of high quality Grade A office stock within the city centre and old stock being removed from the market that is not currently being replaced.*

Paragraph 4.2 states

*'The York and North Yorkshire Chambers of Commerce have suggested that on the basis of sites identified in the Preferred Sites Consultation (2016) it is unlikely that the future supply will offer a sufficient range of choices of location for potential occupiers and that there will be a risk that York would lose out on investment for potential occupiers. The Chamber feels that further land should be identified to broaden the portfolio of sites available to cater for York's diverse high value added business. Make it York suggested that allocating land flexibly amongst use classes will help mitigate risk of undersupply and is strongly welcomed.'*

and

*'However, the fact that the Preferred Sites document (2016) proposed to meet all B1a office need through a single allocation at York Central, may be perceived to undermine the objectives of building in*

*churn. Whilst development will be phased at York Central allowing multiple developers, outlets and phased schemes the partnership suggest that it may be appropriate for the Local Plan to allow small scale B1a uses to be accommodated on additional sites in the district.'*

Paragraph 5.2 of the ELR goes on to conclude:

*'In terms of the Local Plan it is important to ensure there is sufficient flexibility within the land supply for a range of scenarios rather than an exact single figure which one can precisely plan to with complete certainty. The case for further flexibility is enhanced by recent changes to permitted development enabling offices to be converted to housing without having to apply for planning permission.'*

### **Local Plan Working Group Agenda 10th July 2017**

In summarising the ELR the Officers report to Members stated:

*The case for further flexibility is enhanced by recent changes to permitted development enabling offices to be converted to housing without having to apply for planning permission. For York, based on completions only, there has been some 19,750sqm of office space lost to residential conversion over the last three monitoring years between 2014/15 and 2016/17. Records show that unimplemented Office to residential conversions (ORC) consents at 31st March 2017 include for the potential loss of a further 27,300sqm of office floorspace if implemented.*

At paragraph 93 CYC Officers state:

*The revised forecasts support the position taken in the Preferred Sites Consultation (2016). However, the report highlights that during consultation key organisations argued for increased flexibility in the proposed supply to provide choice. This includes addressing the loss of office space to residential development through ORC's and to provide additional choice for B1a (office) provision in the earlier part of the plan period as an alternative to the York Central sites. [our emphasis]*

### **Proposed Supply**

The ELR Update and Officers 10th July 2017 report to the Local Plan Working Group were unambiguous. In addition to the increased quantitative need, Officers consider that there is a clear qualitative justification for additional B1a office sites to be allocated to provide greater flexibility and reduce reliance upon one site York Central with its recognised delivery constraints. However, HOW noted in its representation to the Pre-publication plan that there was a major disconnect between this rationale and the strategic sites that were proposed to be allocated in the Pre-Publication Plan which allocated an undersupply of some 40,000 sqm and also retained the reliance on York Central as the key office location.

The York and North Yorkshire Chamber of Commerce continued to object to the Pre-publication plan stating:

*The identified employment land supply will not cater for York's future needs and this will constrain economic growth. In light of this, the Chamber feels that further land should be identified to broaden the portfolio of sites available to cater for York's diverse high value-added businesses. Such sites should be located in areas accessible by public transport and the major road network and be deliverable in the short term.*

At this Publication Plan stage, the Council has sought to address the shortfall in quantitative supply of B1a office employment through increasing the allocation of office floorspace at York Central by an additional 40,000 sqm. Paragraph 29 of the January 2018 Working Group Paper states that discussions with representatives from the York Central Partnership have indicated that York Central is capable of accommodating between 1700 and 2400 residential units and that the higher figure of 2500 units could be achieved through detailed applications by developers for individual plots and/or flexibility to increase

residential at the margins of the commercial core. It is stated that the figure of 1700 reflects land currently under the partnerships control; the higher figure includes land in private ownership or currently used for rail operations. It does not explain how the higher employment land figure can be achieved or why this has increased.

Table 1 below sets out the strategic employment land allocated in the Publication Plan and how it has altered throughout the most recent plan stages.

*Table 1: York Local Plan Employment Land Supply*

Site Ref.	2018 Publication Plan Sites Floorspace (sqm)	2017 Pre- Publication Sites Floorspace (Sqm)	2016 Preferred Sites Floorspace (Sqm)	Council's Comments
ST5: York Central	100,000 (B1a)	61,000 (B1a)	80,000	At the Pre-publication stage, Officer's stated that the outcome of work to date is suggesting that the site can deliver a minimum of 61,000 sq m of B1a office floorspace (GEA). This is a reduction to the position in the Preferred Sites Consultation which included up to 80,000 sqm B1a office <sup>1</sup> .  At Publication stage Officer's state that the amendment has been undertaken to reflect work carried out by the York Central Partnership <sup>2</sup>
ST19 Land at Northminster Business Park	49,500 (B1c, B2 and B8. May also be suitable for an element of B1a)	49,500 (B1c, B2 and B8. May also be suitable for an element of B1a)	60,000	At Pre-publication stage, Officer's highlighted that further assessment is required to understand the predicted significant highways impact around Poppleton. <sup>3</sup>
ST26 Land South of Elvington Airfield Business Park	25,080 (B1b/B1c/B2/B8)	25,080 (B1b/B1c/B2/B8)	30,400 (B1b/B1c/B2/B8)	The site will require detailed ecological assessment to manage and mitigate potential impacts. The site is adjacent to two site of local interest (SLI) and candidate SINC sites and previous surveys have indicated that there may be ecological interest around the site itself. The site is also within the River Derwent SSSI risk assessment zone and will need to be assessed through the Habitat Regulation Assessment process required to accompany the Plan. The proposal would result in material impacts on the highway network particularly on Elvington Lane and the Elvington Lane/A1079 and A1079/A64

<sup>1</sup> Local Plan Working Group Paper, July 2017

<sup>2</sup> Local Plan Working Group Paper, January 2018

<sup>3</sup> Local Plan Working Group Paper, July 2017

				Grimston Bar junctions. A detailed Transport Assessment and Travel Plan would be required. <sup>4</sup>
ST27 University of York Expansion	Up to 25ha for B1b	21,500 (B1b)	20,000 (B1b)	To meet the needs of the university alongside student housing and an academic research facility. Campus East and ST27 will across both sites deliver up to 25ha of B1b knowledge based businesses including research led science park uses identified in the existing planning permission for Campus East.
ST37 Whitehall Grange	33,330 (B8)	33,330 (B8)	0	Whitehall Grange site is allocated as a strategic employment site within the Local Plan to reflect the planning consent granted.

Regeneris note that potential investors looking for B1a accommodation will have a choice of just two large sites (York Central and Northminster Business Park). However, they question exactly how much B1a space will be available at Northminster Business Park, where the Draft Local Plan indicates the main focus will be on industrial development.

Whilst the Publication Plan has sought to address the shortfall by allocating the 'missing' 40,000 sqm B1 floorspace at York Central it clearly does not address the recognised qualitative need for an alternative to York Central in the early years of the plan. HOW also has significant concern that the proposed quantum of development at York Central has not been justified.

Regeneris has also evaluated the 2016 ELR and then the 2017 Update scoring of the market attractiveness of sites. This has exposed a number of flaws with the scoring framework and relative weightings given to different criteria, indeed Regeneris conclude that if inconsistencies were addressed Naburn Business Park would score higher than Northminster and would emerge as one of the most attractive sites for B1a development.

The Council's stance is deeply flawed. The evidence base prepared by Council Officers readily accepts that there is an increased quantitative need and a qualitative need for greater flexibility in the employment land supply to provide additional choice for B1a (office) provision in the earlier part of the plan period as an alternative to the York Central site and address the loss of office floorspace through office to residential conversions.

Having regard to York Central, it is concerning that the proposed quantum of employment floorspace has varied significantly between the 2016 Preferred Sites consultation, the 2017 Pre-publication consultation and the current Publication consultation and also that the developable area of the site has not been confirmed.

As recognised by the Council, York Central has significant infrastructure challenges, being entirely circumscribed by rail lines and restricted access points unable to serve a comprehensive redevelopment. The site is also in fragmented ownership, albeit the key public sector landowners have come together as York Central Partnership to assemble land for development and clear it of operational rail use.

Furthermore, there are heritage constraints that will restrict development and as such Historic England objected to the lesser quantum of development proposed at the Pre-publication stage in terms of the

<sup>4</sup> Local Plan Working Group Paper, July 2017

impact on the site's many heritage assets and also the potential knock-on to the city centre. They consider that a lot more work is needed to demonstrate how the quantum of development can be created on the site in a manner which would also be compatible with the need to safeguard the significance of the numerous heritage assets in its vicinity and the other elements which contribute to the special character of the city.

A masterplan is currently being consulted on by York Central Partnership which provides some indication of how the development might come forward at the site. A significant proportion of development is proposed on areas that are currently operational rail including the western access road. It has not yet been demonstrated how the quantum of development proposed will impact upon heritage assets in York.

We also note that the Sustainability Appendix I: Appraisal of Strategic Sites and Alternatives suggests that key assessment work which will impact upon viability and the amount of developable area is yet to be completed:

*This is a brownfield site which has predominantly been used for the railway industry. The site is known to have contamination issues from its railway heritage and there is a need to remediate any the land to ensure the health of residents. There therefore may be a risk of contamination which would need to be established through further ground conditions surveys.*

Clearly York Central is a complex site to deliver and the required access infrastructure alone is not estimated to be completed until at least 2021. The site subject to the injection of public funding to assist delivery due to the scale of constraints and infrastructure required. We understand that funding is promised by the West Yorkshire Transport Fund and that a funding application of £57 million to the Housing Infrastructure Fund is through to the final round, with decisions on the latter to be made in Autumn 2018. The Council state that this will speed up the delivery of houses at the site.

The Council estimate that York Central will take between 15 and 20 years to complete and it is unclear from the Publication Plan documents when the B1a office developments are likely to come forward. At the aborted Publication Local Plan (2014) stage, the Council provided the following assessment of York Central:

**York Central:** *This is likely to be an attractive site with significant investor appeal for HQ and other corporate requirements due to its central location and connectivity. However there are major deliverability challenges, which we believe could take a long time to address, including access issues and compulsory purchase orders. Crucially, there is not yet a developer in place and a number of questions have been asked about the viability of the scheme. As the Council has not published a viability of feasibility assessment, it has not been possible to ascertain the likely timescales for providing office space which is available for occupation. However, given the complexities associated with the site, we believe this could take at least ten years before any office development is delivered<sup>5</sup>. [our emphasis]*

Whilst the Publication plan appears to be silent about delivery timescales for York Central, it is stated at Sustainability Appraisal Appendix I: Appraisal of Strategic Sites and Alternatives:

*the mixed use development of this site is likely to provide long-term **jobs on site in the long-term**. The York central site benefits from Enterprise Zone status and therefore should be an attractive prospect for business. Both the allocation and alternative would provide 100,000sqm of floorspace and is therefore projected to provide approximately **8,000 jobs in the long-term**.*

HOW believe that the continued reliance on one site to provide for the majority of the needs of York entails significant risks which could see the City lose out on potential investment. The timescales for the

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<sup>5</sup> Local Plan Working Group Paper, July 2017

delivery of new office space at York Central remain unclear but it is still likely to be many years, with York City Council estimating that the development could take 15 to 20 years to complete.

The lack of commitment to early delivery of office development in the Local Plan is considered unsound particularly given the recent significant losses of office to residential in the city centre (due to the change in permitted development rights and the lack of alternative housing supply in York).

In addition, HOW consider that the Council has failed to justify how the quantum of B1a employment floorspace proposed at York Central will be delivered given the scale of constraints at the site and the outstanding assessment of these.

We are not aware of the timescales for delivery of new B1a office space at other sites such as Northminster Business Park. Although we note that paragraph 73 of the July 2017 Local Plan Working Group raised concerns about traffic: *“Initial transport modelling of potential residential and employment sites has shown that increased queues and delays are being forecast in the Poppleton area, exacerbated by the potential level of development projected for that area, including potential employment sites at Northminster Business Park (ST19), Land to the North of Northminster Business Park and the former Poppleton Garden Centre”*. This suggests there may be some delays in bringing forward new development in this location.

Regeneris's Addendum highlights that recent trends show a dwindling supply of office space across the city. This means that the city is facing a potential shortage of B1a office space in the short term which could act as a barrier to growth. Regeneris consider that it is important that areas provide a balanced portfolio of sites to reflect the needs of different markets and occupiers (who will have differing locational drivers). Whilst York Central will be a highly desirable location for many office occupiers, it will not suit the needs of those sectors with a higher dependency on car-borne occupiers who need quick access to the road network (either for commuting or for business reasons). Therefore, in addition to it being questionable that the plan can deliver sufficient quantity of land allocated for B1a development, the continued reliance on York Central means there would be insufficient choice for investors.

Regeneris conclude that it is therefore unlikely that the identified sites will meet demand for B1a office space in the short to medium term (particularly York Central). This means there is a risk of York losing out on potential investment in the next five or ten years if it does not have an “oven ready” product for occupiers.

In conclusion, the continued reliance upon only York Central to deliver future B1a office development would risk losing out on potential investment from those investors who are looking at space in the next five or ten years and those who are seeking a business park location but are deterred by congestion and quality of the environment elsewhere. The approach promoted within the Publication Plan consultation is not in accordance with paragraph 160 of the National Planning Policy Framework (NPPF), which advises that local planning authorities should assess the needs of land or floorspace for economic development, including both the quantitative and qualitative needs for all foreseeable types of economic activity over the Plan period. The current approach is not consistent with national policy and is not justified.

### **GREEN BELT DESIGNATION**

As far back as 2005 the Naburn site was identified as a suitable location for meeting development needs post 2011 and allocated as a ‘reserved’ site in the Draft 2005 Local Plan. However, in more recent iterations of the emerging plan the site has been allocated for Green Belt.

Paragraph 1.49 of the Publication Plan sets out that the York Local Plan is establishing the detailed boundaries of the Green Belt for the first time. It explains that the majority of land outside the built-up areas of York has been identified as draft Green Belt land since the 1950's, with the principle of York's Green Belt being established through a number of plans including the North Yorkshire County Structure Plan (1995-2006), and the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (2008). It

states that the overall purpose of York's Green Belt is to preserve the setting and special character of York, also helping to deliver the other purposes.

Whilst the Council does not have a formal adopted Local Plan which has set the Green Belt boundaries, the Draft 2005 Local Plan that was approved by the Council on 12th April 2005, represents the most advanced stage of the draft City of York Local Plan and was also approved for the purpose of making development control decisions in the City, for all applications submitted after the date of the Council meeting (12th April 2005). It was to be used for this purpose until such time as it was superseded by elements of the Local Development Framework (now the Local Plan).

The Draft 2005 Plan included detailed Green Belt boundaries and under Policy GP24a: Land Reserved for Possible Future Development, 9 hectares of the Naburn site was reserved until such time as the Local Plan is reviewed (post 2011) as shown in Figure 1 below.

Figure 1: Extract from Draft 2005 York Local Plan



The emerging Local Plan will now establish the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and define the inner boundary to establish long term development limits that safeguard the special character and setting of the historic city. It is therefore the role of the Local Plan to define what land is in the Green Belt and in doing so established detailed green belt boundaries.

### Green Belt Evidence Base

The Council's evidence base for setting the Green Belt boundaries dates back to 2003 and earlier: 'The Approach to the Green Belt Appraisal 2003'. This 2003 16 page long report states that the appraisal consisted of the following three component parts:

- Desk top study - comprising two parts: firstly a review of relevant written information including [now superseded] PPG2, the work of Baker of Associates in the East Midlands, and previous work undertaken by the City of York and North Yorkshire County Councils; and secondly, the detailed consideration of maps both historic and current of the City of York Council area.
- Field analysis - A considerable amount of time was spent in the field assessing the land outside the City's built up area.

- Data collation and analysis. The output from the two stages above was analysed and evaluated to determine which areas of land are most valuable in Green Belt terms. The results of this work are included within this document and illustrated in map form.

The report does not include the detailed evaluation outlined above and reads as a conclusion. It is considered unsound that the empirical evidence base upon which the Council's site selection process is based has not been made available and relies upon documents that are over 25 years old including the work of North Yorkshire County Council in their York Green Belt Local Plan, which was considered at a public inquiry between autumn 1992 and spring 1993.

The 2003 report states that it sought to identify those areas within York's Draft Green Belt that were key to the City's historic character and setting. The outcome was the identification of the following areas of land important to the historic character and setting of York:

- Areas preventing coalescence
- Village setting area
- Retaining the rural setting of the City
- River corridor
- Extension to the Green Wedge
- Green Wedge
- Stray

These areas of land, established in 2003, still form the basis of the Council's approach to site selection and Green Belt boundaries.

At that stage the Naburn site was not appraised as falling within any of the historic character areas and indeed it was subsequently partly allocated as a reserved site for development in the 2005 Draft Local Plan.

The 2003 assessment was updated in 2011 by the City of York LDF Historic Character and Setting Technical Paper (January 2011), the stated purpose of this was:

*'to consider potential changes to the boundaries proposed in the 2003 Appraisal document, in light of issues raised on historic character and setting designations as part of the consultation on the Core Strategy and Allocations DPD. It is not intended to readdress or reconsider the background principles in or behind the Appraisal or make any changes to the principles behind the designation of a piece of land.'* (paragraph 1.2, York Council Historic Character and Setting Technical Paper, 2011).'

The 2011 Technical Paper sets out that the work was undertaken as a response to the consultation response by Fulford Parish Council which included a review of Fulford's Green Belt Land and other consultation responses to the Core Strategy Preferred Options document and to the Allocations DPD Issues and Options document.

Notably, it did not comprehensively review all of the historic character areas, only responding to specific concerns raised. The only changes made were around the village of Fulford and reliant upon the Parish Council's assessment of the Green Belt. At this stage the status of the Naburn site changed in response to the Fulford Parish Council – LDF Submission including Review of Fulford's Green Belt Land.

That report states that the objector's response was as follows:

*That the Green Wedge (C4) be broadened to encompass the fields and open land of the A19 southern approach corridor, including both the arable field to the south of Naburn Lane and the field east of the A19 (adjacent to the Fordlands Road settlement). The arable field south of Naburn Lane contributes to the openness and rural character of the A19 corridor and prevents urban sprawl and assists in*

*safeguarding the countryside from encroachment. It also performs a valuable role in preventing coalescence between the Designer Outlet and housing at Naburn Lane.*

*The field between the A19 and Fordlands Road settlement acts as a green buffer zone between the housing at Fordlands Road and the busy A19 carriageway, whilst the trees along the field boundary serve to screen the washed over settlement from view. It therefore prevents sprawl of the built up area and safeguards the countryside from encroachment.*

And that:

*Officers agree that designating both suggested sites either side of the A19, north of the A64, as 'Green Wedge' would be appropriate and give a continuance of protection to the approaches to Fulford from the south. The A19 approach does give an open and rural feel as you enter Fulford – this is inferred by the Conservation Area Appraisal and the emerging Fulford Village Design Statement.*

Since 2011 further incremental updates have been undertaken to the Green Belt/Heritage evidence base:

- Historic Character and Setting Technical Paper Update (June 2013). This Update considered sites that had been submitted to the plan process and made a series of additions and deletions to the boundaries under the relevant historic character and setting designations. Again, it did not undertake a wholesale re-assessment of the historic character and setting areas.
- Heritage Topic Paper Update 2013 (June 2013). This states that:

*it is clear that the evidence base is incomplete and that there is a requirement for further specific studies which will provide more detailed evidence for this exploration of the special historic character of the city; and it is subjective and that at any one moment the constituent parts of the categories can change and be redefined. The results of any further studies will demand a review of this paper and the process of review may challenge parts of the narrative.*

This document examines and assesses existing evidence relating to the City of York's historic environment and how it can be used to develop a strategic understanding of the city's special qualities. This assessment proposes six principal characteristics of the historic environment that help define the special qualities of York. The 2013 Update sets out those factors and themes which have influenced York's evolution as a city and whilst it makes references to some sites within this, it does not comprise specific nor general site assessments.

- Heritage Topic Paper Update (September 2014). Appears identical to the Topic Paper 2013 Update. We note that the 2013 Topic Paper Update is no longer available on the Council's website only the 2014 document.
- Heritage Impact Assessment (September 2017). this document comprises a detailed assessment of the proposed Strategic Sites or planning policies against the six Principal Characteristics identified in the Heritage Topic Paper. It does not re-evaluate the historic character and setting areas.

Whilst the above evidence base sets out a series of incremental changes to the proposed designations of Green Belt 'areas of land important to the historic character and setting of York', largely in response to consultation responses, a full re-appraisal of the designations has not been carried out since 2003.

NPPF paragraph 83 allows for Green Belt boundaries to be altered in exceptional circumstances as part of the preparation or review of a Local Plan. Paragraph 84 confirms that when drawing up or reviewing

Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development and the consequences of channelling development towards non-Green Belt locations should be considered. Paragraph 84 also requires local planning authorities to satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period and to define boundaries clearly, using physical features that are readily recognisable and likely to be permanent. Paragraph 85 seeks (amongst other things) consistency with the strategy for meeting identified requirements for sustainable development, including longer term development needs "stretching well beyond the plan period".

Planning Practice Guidance Paragraph 014 Reference ID: 12-014-20140306 states that:

*'evidence needs to inform what is in the plan and shape its development rather than being collected retrospectively. It should also be kept up-to-date. For example, when approaching submission, if key studies are already reliant on data that is a few years old, they should be updated to reflect the most recent information available (and, if necessary, the plan adjusted in the light of this information and the comments received at the publication stage).*

Local planning authorities should publish documents that form part of the evidence base as they are completed, rather than waiting until options are published or a Local Plan is published for representations. This will help local communities and other interests consider the issues and engage with the authority at an early stage in developing the Local Plan.'

Given the national importance of the York Green Belt in heritage terms, an evidence base relying upon work carried out more than 25 years ago and not made available for review cannot be considered to be justified by appropriate and proportionate evidence base or in line with national policy on Green Belts which has changed since 2003 with the publication of NPPF. Given that the designations are based on changing factors such as views and landscape clearly this should have been updated by the Council and their failure to do so is unsound as is their failure to make the empirical site assessment available for scrutiny.

There is no definitive national guidance on how to undertake Green Belt studies. Documents prepared by the Planning Officers Society (POS)<sup>6</sup> and the Planning Advisory Service (PAS)<sup>7</sup> provide a useful discussion of some of the key issues associated with assessing Green Belt and reviewing/revising Green Belt boundaries.

The POS guidance advises using the following methodology for undertaking Green Belt review:

- identify areas that can be developed in a sustainable way. This will essentially be identifying transport nodes along high capacity public transport corridors that have the capacity, or the potential to economically create the capacity, to take additional journeys into the centre of the conurbation or other areas of significant economic activity. The growth of communities around these train, tube and tram stations will be a key feature of a GB review release strategy.
- In reviewing the GB it is important to understand the intrinsic quality of the land in terms of SSSI, SNCI, Heritage, alongside high quality landscape (AONB, SLA etc) and other features. The need is to understand the relative qualities of land so that informed decisions can be made about the acceptability of release.
- It is important to accept that the character of some landscapes will change in this process, so understanding the relative merits of landscape quality will be vital
- A GB review would also involve a review of all such similarly protected land to test what is the most appropriate land to release. This would be an exercise in ensuring that areas

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<sup>6</sup> Approach to Review of the Green Belt, Planning Officers Society

<sup>7</sup> Planning on the Doorstep: The Big Issues – Green Belt, Planning Advisor Service (2015)

remain well served by public open space, but looking carefully at areas where there may be an overprovision.

- Once all these factors are captured, spatial areas will emerge with the greatest potential for development in the most sustainable way.

HOW considers that the incremental updates to the 2003 Green Belt Study do not accord with the above methodology. In particular, the 2011 update which changed the designation around the Naburn site was not fully justified by an appraisal that carried out a full assessment of the various factors that are important to the purposes of Green Belts.

In addition to setting the detailed boundaries, HOW Planning also consider that exceptional circumstances exist which justify a general review of the extent of Green Belt boundaries around York. Indeed, the Plan does propose allocations that would be considered to site within the broad extent of the Green Belt as it currently stands.

### **Impact on the Green Belt**

The Publication Plan does not consider the Naburn site as a reasonable alternative, thus is silent on the reasons for it being discounted as a site. However, the site has been reviewed by Officers at previous stages of the plan, most recently the Local Plan Working Group Agenda (10 July 2017) Annex 4: Officers Assessment of Employment Sites following PSC states:

*The further landscaping evidence has been reviewed and it is still considered that the scheme would have a negative impact on the setting of the city as it would bring development right up to the A19 on a key approach to the city. It is acknowledged that the proposed landscaping scheme and the reduced height/density of this revised proposal could help to mitigate some impacts however there would still remain a solid development within what is currently a fluid landscape creating a visual impact on what are currently open fields viewed from the A19. The surrounding open countryside currently presents a rural approach to the city and to Fulford village.*

As at Pre-publication state, an Interim Landscape and Visual Briefing Note, prepared by Tyler Grange and previously submitted is included at Appendix 5. In summary, Tyler Grange identified three key issues:

- Maintaining separation between Fulford Village and the Designer Outlet area, both physical separation, separation of landscape character and visual/perceptive and separation;
- Maintaining the openness of the A64 and A19 approach road into York; and
- The site falls within a 'Green Wedge' within the Green Belt.

The character of Fulford Village and the existing Designer Outlet have their own "very distinct character." Due to this lack of inter-visibility between the two areas, it is not anticipated that changes to the site, which falls within the character of the area of the Designer Outlet, would have any effect on setting (positive or negative) of the landscape character within the area of the Fulford Village.

To further strengthen the separation between the two areas, Tyler Grange recommend that the following mitigation measures are implemented in developing the Naburn site:

- strengthen the existing boundary vegetation of all boundaries, including some evergreen species for year round screening;
- ensure building heights are limited to be no taller than that of the existing Designer Outlet so that built form does not appear in views from Fulford Village; and
- to make use of or locate the access parallel to the existing St Nicholas Avenue to access the site and strengthen existing or implement new screen planting alongside it.

With regards to the maintenance of the openness of the A64 and A19 approach road into York, the site is screened well from the A64 in the immediate locality and to the west when travelling eastbound. To the east, the eastern boundary of the site is visible from the A64 when travelling westbound. It is not considered that strengthening the existing eastern boundary vegetation to the Naburn site would have an effect (positive or negative) upon experiencing views of openness from the A64 in this location. The addition of new vegetation to existing with built development sitting behind it, would barely be perceptible from this location of the A64, particularly while travelling at speed.

The area surrounding the A19 and A64 Junction lacks an overall sense of openness compared with that further south along the A19 due to a combination of dense screen planting along the roads, as well as blocks of planting within fields. Some views towards the east remain open whereas the westward views are significantly diminished by existing screen planting. Although the Naburn site comprises two open fields which could contribute to the sense of openness, the views across them from the A64 and A19 are limited. The Naburn site is well contained to all of its boundaries. It is not anticipated that further strengthening the existing planted boundary against the A19 is likely to affect (positively or negatively) the sense of openness for people travelling along the A19 or A64.

To ensure the sense of openness is not further diminished in this location, the following mitigation measures are proposed to be implemented in developing the site:

- ensure a wide offset of built form from the eastern boundary;
- retain, maintain and supplement the existing planting eastern boundary; and
- retain and maintain the open offset between the road and the eastern boundary to maintain long views towards the junction and adjacent to the footpath.

The Interim Landscape and Visual Briefing Note concludes that through a full Landscape and Visual Impact Assessment (LVIA) the site would be suitable to accommodate the development type proposed with no adverse effects on the landscape and visual amenity. The road infrastructure has a great influence on the character to the south of Fulford Village. The area is already subject to large scale retail use to the immediate north west of the site at the Designer Outlet and built form exists along the A19 to the south of the site (Persimmon House). Screen planting along the A19 and wider area is a common feature within this area. The site could sit well within the existing landscape and result in minimal effects if the above described mitigation measures were carried out to ensure the existing landscape character is maintained. Opportunities exist to improve public access to the site; to introduce planting that could better reflect the characteristics of the local landscape along the boundaries and that internally tie in with that at the existing Designer outlet. Increased screen planting will add a further degree of prevention of physical or visual merging with Fulford Village, ensuring the divide between the two.

An indicative masterplan was produced which took into account the key opportunities and constraints of the site. This is included at Appendix 6.

### **THE CASE FOR A BUSINESS PARK AT NABURN**

Based upon the evidence HOW strongly believe that there is a strong economic case for new business park development at Naburn. The site offers the opportunity to provide a genuine range of choice for office occupiers which reflects the economic geography of York and its links to both the north and the south. At present there are no sites to the south of York, which Naburn would address. Furthermore, the site provides an employment site that would be attractive to the market, particularly for occupiers that are seeking an office based location but are deterred by traffic congestion at Monks Cross. The provision of high quality office space would also help to address the short to medium term shortfall of supply caused by the likely delays at York Central.

The main locational benefits of the site are as follows:

- It is in an easily accessible location by road without the problems of traffic jams to the north on the outer ring road. It is adjacent to an existing Park and Ride as part of the York Designer Outlet Shopping Centre and any scheme brought forward in the future would incorporate a fully functional and integrated Park and Ride.
- The location is well placed to draw upon the highly skilled workforce located to the south and east of York (particularly North East Leeds and Harrogate). Using Census data and travel time analysis, Regeneris estimate that there are over 170,000 people with degree level qualifications living within a 45 minute travel time of the site.
- The site is located on the 'right side' of York in terms of access to York University and the main science and technology hubs (York Science Park and the Heslington East Campus), which would be less than ten minutes' drive from the site.
- There is the potential to develop the site quickly in the short term to meet demand enabling continuity of employment land supply in the period before York Central comes forward as there is likely to be sufficient highways capacity at the junction with the A64.
- One of the most significant housing allocations - ST15: Land to the West of Elvington Lane - is in very close proximity to the Naburn site to the east. This provides the opportunity for new residents to live near an employment location, which presents sustainability benefits.
- A new business part at Naburn as part of the new Local Plan would result in a more balanced portfolio of sites catering for all market sectors. It would perform a complementary role to the York Central site.

With regards to key occupiers, there is no clear sector split between the occupiers of city centre and business park accommodation in York, therefore the site would potentially appeal to a wide range of sectors. The shortage of units in York capable of accommodating requirements from large investors also means that the site would appeal to HQ functions and large corporate occupiers. The connections to Leeds, access to a highly skilled workforce and quality of life in York would also appeal to these investors. Furthermore, the site would be attractive as a possible 'grow-on' space for firms located at York Science Park (YSP) or the Heslington East Campus. There is already some evidence that some firms at YSP have been lost to the city because of a lack of grow on space e.g. Avacta Group, which moved from YSP to Thorpe Arch (about 8 miles from York). The high rate of occupancy at YSP and the restrictions on the type of uses at Heslington East meant that there is no clear ladder of opportunity for those firms who want to expand in York, and to grow their office based administrative functions, while still maintaining close proximity to the science park and University. While the Naburn site could play this role, this is likely to be longer term role of the site. The Naburn site's location could be particularly advantageous if the cluster of science based firms in York continued to grow, and the Council's ambitions to be a leading science based city were realised.

In terms of planning principles set out in national guidance aimed at evaluating the suitability of sites for development, the following benefits are associated with allocating the site for business park use:

- The site exhibits all of the locational advantages for successful business parks across the UK as set out in paragraphs 4.4 to 4.8 of the report included at Appendix 2;
- The site is in single ownership and has excellent access to public transport and the A64. The site benefits from existing extensive infrastructure including a dual carriageway site access as well as an existing Park and Ride on part of the Designer Outlet car park. Any new development proposals would incorporate a new fully functional Park and Ride to enhance the accessibility of the Designer Outlet and business park.
- In light of the single ownership, existing excellent infrastructure and locational advantages of the site from a market perspective, the site is capable of being delivered in the short term and would make a major contribution towards new employment generation in the early part of the Plan period.
- The site has clear and defensible boundaries. A campus style business park development with extensive areas of landscaping - some of which are already well established from the Designer Outlet development, will enable an exceptional scheme to be designed which responds to the site's current Green Belt location.

## HIGHWAYS

In dismissing the site for inclusion as an allocation the Local Plan Working Group Agenda (10 July 2017) Annex 4: Officers Assessment of Employment Sites following PSC states:

*There are also significant transport constraints on the A19 which would be exacerbated through the further expansion of the Designer Outlet and the introduction of B1a (office) use and the associated trips. Whilst it is recognised that the adjacent Park and Ride would offer a sustainable alternative to car use there would still be a significant amount of peak hour trips created through the development of this site as proposed.*

Fore Consulting Strategic Access and Connectivity Report at Appendix 7 considers the strategic access and connectivity implications of the proposed allocation of the site at Naburn for an employment development with ancillary uses. They conclude that the site is well located to encourage trips to the adjacent existing retail facilities, wider surroundings and the city centre on foot or by cycle. The site is also well-served by the existing public transport network. Direct high frequency bus services connect the Designer Outlet Park and Ride to the city centre, as well as services providing additional local connections towards Selby.

In direct response to the Officer's comments Fore respond that it is likely that significant changes to improve Fulford Interchange will be required to safely and efficiently accommodate traffic associated with an allocation, bus priority measures and enhanced pedestrian and cycle connections. The promoters control the necessary land adjacent the junction that is likely to be required and on this basis, changes to Fulford Interchange to improve capacity are deliverable.

The impacts of traffic associated with an allocation on the wider network are considered to be of a scale that is capable of being satisfactorily accommodated, or mitigated.

## SUSTAINABILITY APPRAISAL

HOW prepared a Sustainability Appraisal of the site in February 2016 and submitted this to the Council for review and consideration. For ease of reference, the Sustainability Appraisal is submitted as part of these representations, included at Appendix 8.

In summary, the Sustainability Appraisal has considered the locational and physical attribute of the site in order that it can be allocated for new development to support the economic growth aspirations of York. The site is capable of providing a readily supply of employment opportunities for highly skilled existing and future residents. In particular, the site is strategically located to capitalise on:

- The strategic highways network and the excellent public transport provision;
- The huge growth ambitions of York and the wider region; and
- Capitalise on the co-location of future housing sites, sustainably located within the site's vicinity.
- The site is in single ownership, sustainable and deliverable. It does not have any significant constraints to development which could not be mitigated through appropriate technical assessments and best practice mitigation measures. The site has the potential to make a major contribution towards providing high-end office accommodation in a sustainable location to meet the future growth and aspirations of York as part of a balanced portfolio of sites.

## SUMMARY

This representation has been prepared by HOW Planning on behalf of Oakgate/Caddick Groups in relation to land east of the Designer Outlet and promotes it for a business park.

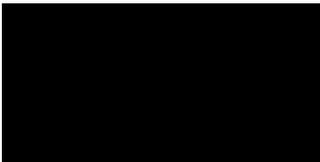
HOW object to the approach taken within the Publication Local Plan to the identification of employment land to meet development needs for the Plan period. The reliance upon only York Central to deliver future office development would risk losing out on potential investment from those investors who are looking at space in the next five or ten years and those who are seeking a business park location but are deterred by congestion and quality of the environment elsewhere. The approach promoted within the Publication Local Plan is not in accordance with paragraph 160 of the NPPF, which advises that local planning authorities should assess the needs of land or floorspace for economic development, including both the quantitative and qualitative needs for all foreseeable types of economic activity over the Plan period. The current approach is not consistent with national policy and is not justified.

Furthermore, at the forefront of the development of the Local Plan it must be noted that CYC is setting Green Belt boundaries for the first time. If sufficient land to meet development needs is not allocated within this Plan there is a real risk of increased pressure being put on Council to revise Green Belt boundaries before the end of the Local Plan period, which is not in accordance with the NPPF which seeks to ensure the long term permanence of Green Belt boundaries.

The technical issues previously identified by Officers have been addressed, with further work currently being undertaken by Oakgate/Caddick Groups, and it has been demonstrated that the site is suitable (with the proposed mitigation measures) to accommodate a business park site. Oakgate/Caddick Groups would welcome the opportunity to discuss the technical work with the Council's Officers in due course.

We trust this representation provides the Council will a sound understanding of the benefits of allocating land to the east of the Designer Outlet as a business park site within the Local Plan, and confidence that the site is entirely suitable. Oakgate/Caddick Groups is committed to working with the Council to ensure that an allocation within the Local Plan can be delivered within an entirely appropriate manner and would welcome a dialogue with the Council to discuss the information submitted as part of this representation.

Yours sincerely



Encl:

- Appendix 1: Site Location Plan
- Appendix 2: New business park in York Final Report
- Appendix 3: Naburn Economic Case Update
- Appendix 4: Naburn Business Park York Heritage Settings Assessment
- Appendix 5: Landscape and Visual Briefing Note
- Appendix 6: Masterplan
- Appendix 7: Strategic Access and Connectivity
- Appendix 8: Sustainability Appraisal



22 July 2019

Planning Policy  
City of York Council

By email only:  
localplan@york.gov.uk

Dear Sir / Madam,

## **YORK LOCAL PLAN PROPOSED MODIFICATIONS CONSULTATION (JUNE 2019)**

These representations have been prepared by Avison Young, previously HOW Planning LLP, on behalf of Oakgate Group PLC (Oakgate). They relate to land to the east of the Designer Outlet, Naburn (the site). A site location plan is included at **Appendix I**.

### **Naburn Business Park**

In June 2019, a planning application was submitted to the City of York Council (CYC) for a new business park on the site (application ref: 19/01260/OUTM). A masterplan is included at **Appendix II**.

The proposals will meet employment needs that have not been adequately addressed through the Local Plan, delivering 2,000 new jobs, an enhanced park and ride facility and better public access to the Green Belt. The application is yet to be determined.

### **Local Plan background**

Over several years, Oakgate has engaged with CYC at all stages of the Local Plan preparation process including:

- The Preferred Options Local Plan consultation (2013);
- The Preferred Sites consultation (2016);
- The Pre-Publication consultation (2017); and
- The Publication Draft Regulation 19 consultation (2018).

These representations relate to the latest consultation on "Proposed Modifications" to the Local Plan and should be read alongside previous submissions including those at **Appendix III**.

The Proposed Modifications do not go far enough to address the fundamental flaws identified with the Local Plan.

To be found sound, the flaws should be remedied now, with the opportunity for informed participation. This will require a comprehensive Green Belt



review and analysis of alternative options to meet employment (and housing) needs with the benefit of an essential evidence base. This would allow a detailed review of the deliverability of identified employment land and an assessment of the consequences of the proposed employment strategy on job creation to ensure that the Local Plan can be put forward as the most appropriate strategy in terms of overall sustainability. Without this analysis it is not possible to properly conclude the Local Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

## **Proposed Modifications 16 and 17**

Proposed modifications 16 and 17 relate to Policy EC1 (Employment Allocations), which seeks to deliver the forecast employment land requirement of 231,238 sqm, including 107,081 sqm of office floorspace, over the plan period. This is against a backdrop of severe historic undersupply of office space in York, which has led to a vacancy rate of less than 2%<sup>1</sup>.

The largest proposed allocation, by far, is York Central accounting for over 40% of all allocated employment land. We maintain that the Local Plan is over reliant on this single site, which has significant constraints, in terms of deliverability, but also the limited type of office floorspace it can deliver to the market.

The Proposed Modifications fail to reflect the latest position at York Central and continue to overstate the amount of office space that can be delivered:

- The planning permission for York Central, approved in March 2019, includes between 70,000sqm and 87,693 sqm of office space. The majority of which (anticipated 76,762sq.m) is intended to be delivered within Phases 3 and 4 of the scheme's phasing plan with Phases 1 and 2 focused on the delivery of residential development. Phases 3 and 4 are set to be completed by 2033 and have start dates ranging between 2023 and 2026.
- The proposed allocation for York Central in the draft Local Plan is for 100,000 sqm. This means at York Central there will be a shortfall of at least 12,000 sqm, and potentially up to 30,000sqm, of office floorspace against the draft Local Plan allocation. This is alongside, very little delivered in the early stages of the plan period (anticipated 8,525sq.m within Phase 1) with the majority focused within Phase 3 and 4, as demonstrated above.
- There are no other allocations included in the draft Local Plan that include a specific requirement for office floor space. This means, combined with the shortfall at York Central, there is potentially 37,000 sqm of office floor space unaccounted for in the draft Local Plan.
- Naburn Business Park includes 25,000sqm of office floorspace that could help plug the office floorspace gap we have identified in the draft Local Plan. An application has been submitted to CYC, which is supported by an EIA and a suite of technical documents which demonstrates how the proposals represent sustainable development, which could be delivered immediately to meet York's unmet employment needs.
- The employment allocations should identify a mix sites to reflect the needs of different markets and occupiers (who will have differing locational drivers). York Central will be a desirable location for some office occupiers, but it will not suit the needs of those sectors with a higher dependency on occupiers who need quick access to the road network (either for commuting or for business reasons). Other types of occupiers may also prefer a campus style business park environment to a city centre location for reasons of security or privacy, for example headquarters of large businesses, defence organisations and data centres, which the Naburn Business Park is designed to the meet the needs of.

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<sup>1</sup> Appendix IV - Regeneris Addendum to Naburn Business Park Economic Case – Figure 1.3 (CoStar)

We maintain, Policy EC1 has not been justified, is unlikely to be effective, does not represent positive planning and is not consistent with the NPPF.

## **Topic Paper 1 – Approach to defining York's Green Belt – Addendum (March 2019)**

The Topic Paper 1 Addendum is a selective review of the York's Green Belt and retrospectively seeks to justify the Local Plan strategy already adopted.

CYC acknowledge that the growth planned in the Local Plan cannot be accommodated without a review of Green Belt boundaries but, as submitted, the Local Plan evidence base only includes a selective review of York's Green Belt, which has been carried out retrospectively to justify a pre-existing employment (and housing) strategy.

CYC's approach of only assessing selected allocations means that more suitable land has potentially been overlooked and it is not possible to conclude that the Local Plan can be put forward as the most appropriate strategy in terms of overall sustainability.

All reasonable opportunities, including the Naburn Business Park site, should be reviewed prior to the allocation of sites. It is not appropriate that only proposed allocations sites have been considered. CYC should be in a position where they have the evidence to showcase that they have considered all reasonable alternatives and selected the most suitable and sustainable sites based on evidence, with justification for discounting others.

A comprehensive Green Belt review is necessary to ensure consistency with the spatial strategy and to ensure that the boundaries will not need to be reviewed again at the end of the plan period in accordance with NPPF paragraph 85. This is the same conclusion that the Inspector for the Leeds City Council Core Strategy reached in September 2014<sup>2</sup>.

This is particularly relevant in York because: a) it will be the first time that York's Green Belt has been properly defined; and b) the identified shortfall of employment land identified in Policy EC1.

### **Summary**

- The Proposed Modifications fail to address the shortfall of employment land identified in the draft Local Plan;
- The Council's proposed modifications fail to reflect the latest position at York Central and continue to overstate the amount of office space that can be delivered; and
- The further Green Belt evidence submitted as part of the Proposed Modifications, in the form of Topic Paper 1 Addendum, does not address our previous concerns over the methodology behind the site allocations and a comprehensive Green Belt review should be undertaken.

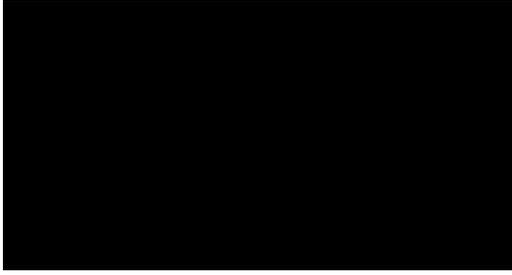
As drafted, the Local Plan put forward is the not most appropriate strategy in terms of overall sustainability. Without a comprehensive Green Belt review and subsequent analysis of employment allocations, it is not possible to properly conclude the Local Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

We trust the above comments will be taken into consideration in the next stages of the preparation of the Local Plan. Please do not hesitate to contact me if you have any questions or require any further information in relation to Oakgate.

Yours faithfully,

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<sup>2</sup> Mr A Thickett - Report on the Examination into Leeds City Council Core Strategy – 5<sup>th</sup> September 2014



**York Local Plan Hearing Statement:  
Matter 3 – Green Belt  
On behalf of Oakgate Group**

November 2019

## Contents

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[Redacted]

Final Date: November 2019

[Redacted]

# 1. Introduction

- 1.1 This Hearing Statement has been prepared on behalf of Oakgate Group in response to the issues and questions identified by the Inspectors in respect Matter 3: Green Belt.
- 1.2 Oakgate Group has engaged in the preparation of the York Local Plan over several years and has consistently argued that there is an under provision of employment space in York, quantitatively and qualitatively, which is damaging to the local economy.
- 1.3 The draft Plan fails to address York's employment needs by not allocating or safeguarding sufficient employment land as part of the review of Green Belt boundaries. This is a major failing of the draft Plan.
- 1.4 The draft Plan therefore cannot be considered the most appropriate strategy in terms of overall sustainability without a comprehensive Green Belt review and subsequent allocation of further land to meet the identified shortfall in employment land needs. As submitted, it is not possible to conclude that the draft Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

## **Naburn Business Park**

- 1.5 Oakgate Group own 18.2ha of land to the east of the York Designer Outlet, Naburn (the site).
- 1.6 In June 2019, a planning application was submitted to the City of York Council for a new business park on the site under application ref: 19/01260/OUTM ('the Naburn business Park').
- 1.7 The proposals will meet employment needs that have not been adequately addressed through the Local Plan, delivering 25,000sqm of office floor space and an innovation centre, 2,000 new jobs, an improved park and ride facility and enhanced public access to the Green Belt. The application is yet to be determined.

## 2. Matter 3 – Green Belt

Question 3.1 Paragraph 10.1 of the Plan states that “the plan creates a Green Belt for York that will provide a lasting framework to shape the future development of the city”. For the purposes of Paragraph 82 of the National Planning Policy Framework, is the Local Plan proposing to establish any new Green Belt?

- a) If so, what are the exceptional circumstances for so doing, and where is the evidence required by the five bullet points set out at Paragraph 82 of the Framework?
- b) If not, does the Local Plan propose to remove any land from the established general extent of the Green Belt? If it does, is it necessary to demonstrate that exceptional circumstances exist to warrant that approach? Or is it the case that the Local Plan establishes the Green Belt boundaries for the first time, such that the exclusion of land from the Green Belt – such as at the ‘garden villages’, for example – is a matter of Examination of the City of York Local Plan 2017-2033 establishing Green Belt boundaries rather than altering them, in the terms of Paragraph 82 of the Framework?

2.1 Because of York's long and complicated Local Plan history, the extent of the Green Belt has never been properly defined. As the boundaries are not defined, they cannot be altered, and therefore NPPF paragraph 83 should not apply. Notwithstanding this, exceptional circumstances have been justified by the Council to change the general extent of the Green Belt.

2.2 The “general extent” of the Green Belt was last set out in the now revoked Yorkshire and Humber Regional Spatial Strategy<sup>1</sup>. The RSS key diagram, which includes the general extent of the Green Belt, is not sufficiently detailed for development management purposes. This lack of policy detail has held back development in York.

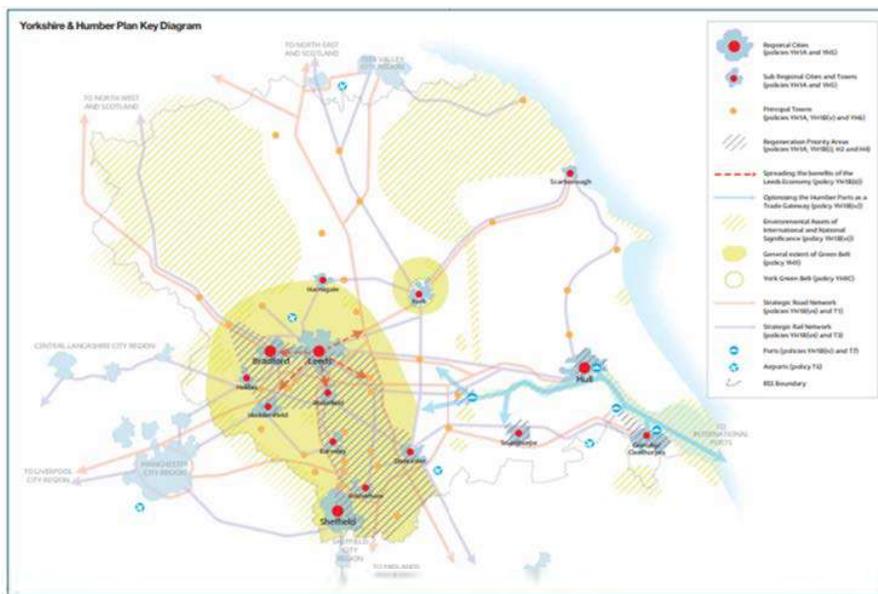


Figure 1: Partially Revoked Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (2008) Key Diagram

<sup>1</sup> When the RSS was revoked in 2013 the green belt policies and key diagram were saved from revocation

- 2.3 The submitted Plan will set York's detailed green belt boundaries for the first time – not just the inner and outer boundaries, but the land in between too which may not necessarily meet the NPPF Green Belt purposes to warrant inclusion. The setting of the Green Belt should only be done following an up-to-date comprehensive Green Belt assessment, which the Council has failed to do.

**Question 3.2 Paragraph 1.1.1 of the Council's "Approach to defining York's Green Belt" Topic Paper (TP1) [TP001] says "York's Local Plan will formally define the boundary of the York Green Belt for the first time." How has the Council approached the task of delineating the Green Belt boundaries shown on the Policies Map? In particular:**

**b) How has the need to promote sustainable patterns of development been taken into account?**

- 2.4 There are two key flaws to the Council's approach to promoting sustainable patterns of development:
- i. failure to undertake an up-to-date comprehensive Green Belt Review; and
  - ii. retrospectively seeking to prepare Green Belt evidence blinkered to reasonable alternatives and without proper consideration of the quality of the Green Belt land including factors like clearly defined boundaries, physical boundaries and likely permanence.
- 2.5 The Topic Paper 1 Addendum fails to demonstrate how the Council has assessed the Green Belt contribution of individual parcels of land and is absent of a robust scoring system. Instead the Council relies on historic and incomplete work on the Green Belt, including the 2003 'The Approach to the Green Belt Appraisal', which is just 16 pages long, and the subsequent 2011 update, which did not methodically review the 2003 Appraisal but was limited only to responding to comments submitted.
- 2.6 The Topic Paper 1 Addendum Annex 5 assesses sites proposed to be allocated by the Council. There is no equivalent Green Belt assessment of discounted sites in the Council's evidence base which demonstrates that comparative analysis of reasonable alternatives has been properly undertaken.
- 2.7 Land at Naburn which was assessed by the Council as not warranting inclusion in the Green Belt in 2003 and 2005 and only subsequently altered in 2011 following an objection from Fulford Parish Council with no comprehensive appraisal or justification.
- 2.8 The Council's backward approach to the Green Belt is evident by the sheer scale of the Topic Paper 1 Addendum and the fact that it was only available in March 2019 a year after the draft Plan was published (February 2018).

**c) With regard to Paragraph 84 of the Framework, how have the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary been considered?**

- 2.9 In order to be consistent with Paragraph 84 of the NPPF, the Council should consider and allocate further land to meet the employment development requirements as set out in the Local Plan, taking into account the shortfalls already evident in the proposed allocations and to ensure the long term endurance of Green Belt boundaries beyond the plan period. See question 3.2d below.

**d) How do the defined Green Belt boundaries ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development and/or include any land which it is unnecessary to keep permanently open?**

- 2.10 The proposed Green Belt boundaries are not consistent with the Local Plan strategy to support economic growth because the draft Plan fails to allocate enough land to meet identified employment needs.
- 2.11 The Council acknowledge that there is "a shortfall in the supply of suitable and available employment land within the urban area" , and therefore additional employment land can therefore only be delivered in the Green Belt.
- 2.12 We appreciate that the Phase 1 hearings have been convened to deal with strategic matters relating to housing strategy and Green Belt, however, to answer this question fully, it is necessary to briefly touch on draft employment allocations too.
- 2.13 Policy EC1 (Employment Allocations) identifies four sites to meet York's office floorspace requirement of 107,081sq.m, over the plan period.

ST5: York Central

- 2.14 The largest proposed allocation is York Central, accounting for 93% of the total office floorspace requirement.
- 2.15 The draft Plan fails to acknowledge the latest position at York Central and continues to overstate the amount of office space that can be delivered. An outline planning permission for York Central was approved in March 2019 (Ref: 18/01884/OUTM) and permits between 70,000sqm and 87,693 sqm of office space. Comparing this against the proposed allocation for York Central in the draft Plan at 100,000 sqm, this means at York Central there will be a shortfall of at least 12,000 sqm, and potentially up to 30,000sqm, of office floorspace against the proposed allocation.
- 2.16 The majority of this floorspace (76,762sq.m) will be delivered within Phases 3 and 4, with Phases 1 and 2 focused on the delivery of residential development. Phases 3 and 4 are not due to be completed until 2033 and have start dates ranging between 2023 and 2026. There is no floorspace proposed to be delivered post-plan period (post 2033).
- 2.17 Given the range proposed within the application approved (70,000sqm and 87,693 sqm), we have therefore assumed a median of 78,000sq.m as a more robust position for the expected delivery during the plan period.

ST19: Land at Northminster Business Park

- 2.18 Northminster Business Park is currently not an office development and is predominantly by B1c, B2 and B8 uses, including distribution, industrial and warehouse units.
- 2.19 Policy EC1 states that future development at this site will be focused on the expansion of the existing B1c, B2 and B8 uses.
- 2.20 For robustness however, with regard to Policy EC1 stating that 'an element of B1a may be appropriate', we have assumed a 5% of provision of office floorspace for the anticipated delivery.

E11: Annamine Nurseries, Jockey Lane

- 2.21 This site has been bought by the Shepherd Group who own the surrounding land. Future development on this site is anticipated to focus on the expansion of the existing portakabin business surrounding the site, with no new office space anticipated to be delivered.

E16: Poppleton Garden Centre

- 2.22 Poppleton is an active Garden Centre, purchased very recently by Dobbies from Wyevale in April 2019. The site is no longer considered a likely future employment site. In any case the Council has only identified that the site may be suitable for "an element of B1a". The Council has not justified that the site can be relied on to deliver any new office floorspace during the plan period.
- 2.23 Based on the above, there is potentially a shortfall of 26,606sq.m (against the target of 107,081sq.m) of office floorspace unaccounted for in the draft Plan. This is summarised in the table below:

Sites Allocated for B1a Employment in Draft Local Plan				
Sites	CYC allocation size (sqm)	CYC's view on suitable employment uses	AY comments	AY anticipated delivery (sqm)
ST5: York Central	100,000	<b>B1a</b>	An outline application approved has been approved (Ref: 18/01884/OUTM) which permits up to 70,000-87,693sq.m of B1a floorspace. The estimated delivery has been therefore been calculated as the median of this permitted range.	78,000
ST19: Land at Northminster Business Park	49,500	B1c, B2 and B8. May also be suitable for <b>an element of B1a.</b>	The most recent planning application for this site (Ref: 18/02919/FULM) permitted 1,188sq.m B1a. Based upon this and a further 'element' of B1a floorspace being delivered the expected delivery has been estimated as 5% of the total allocation.	2,475
E11: Annamine Nurseries, Jockey Lane	3,300	<b>B1a</b> , B1c, B2 and B8	The site has been bought by the Shepherd Group who own the surrounding land. Future development on this site is anticipated to focus on the expansion of the existing portakabin business surrounding the site, with no new office space delivered.	0
E16: Poppleton Garden Centre	9,240	B1c, B2 and B8. May also be suitable for <b>an element of B1a.</b>	The site has been bought by Dobbies and is currently being used as a garden centre. Based on the site being in active use and no plans for redevelopment, the anticipated delivery of B1a floorspace has been calculated as 0.	0
<b>Total</b>	<b>162,040</b>		<b>Total anticipated delivery</b>	<b>80,475</b>
<b>Total B1a required in Local Plan</b>	<b>107,081</b>		<b>Difference in anticipated delivery against Council's B1a target</b>	<b>-26,606</b>

- 2.24 Returning to the principal question of the Green Belt and why this all matters. By not planning to meet its identified employment needs it cannot be said that the Green Belt boundaries are consistent with the Local Plan strategy for meeting identified requirements for sustainable development. This fundamental flaw of the

draft Plan should be resolved before the Green Belt boundaries are defined permanently and further land should be allocated to ensure that the employment land targets, as set out in the Plan, are met with sufficient capacity for flexibility.

- 2.25 The Naburn Business Park is a live planning application that is deliverable in the short term to meet identified need now and could be identified in the Local Plan. The proposals comprise 25,000sqm of office floorspace and an innovation centre that could plug the identified office floorspace gap and the application is supported by a suite of technical documents which demonstrate how the proposals represent sustainable development.

**Question 3.3 Will the proposed Green Belt boundaries need to be altered at the end of the Plan period? To this end, are the boundaries clearly defined, using physical features that are readily recognisable and likely to be permanent? What approach has the Council taken in this regard?**

- 2.26 If the Council is to meet its identified development needs the Green Belt boundaries will undoubtedly need to be altered at the end of the Plan period, if not before. This is one of the biggest failings of the draft Plan and is particularly concerning given the protracted history of the Local Plan to date and the Council's inability to adopt an up-to-date plan since the 1950s.

- 2.27 We estimate that there is a potential a shortfall of 26,000sqm of office floorspace identified though the Local Plan. See Question 3.2 above. The draft Plan has therefore not allocated enough land to meet the employment land needs of York over the plan period, let alone beyond the Plan period

**Question 3.4 Should the Plan 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?**

- 2.28 Yes, the Local Plan should identify areas of safeguarded land between the urban area and the Green Belt to ensure that the Green Belt boundaries endure beyond the plan period and to ensure consistency with Paragraph 85 of the NPPF.

- 2.29 The Council's approach that "*it is not longer necessary to designate safeguarded land*" due to some of the strategic sites identified in the draft Plan having anticipated build out times beyond the 15 year trajectory is fundamentally flawed and unsound for several reasons:

- Other Local Plan Inspectors<sup>2</sup> have indicated that a 15-year plan period, followed by 10 to 15 years' worth of safeguarded land will ensure that Green Belt boundaries retain a degree of permanence.
- The draft Local Plan Incorporating the 4<sup>th</sup> Set of Changes (April 2005) recognised the merit in including safeguarded land. By proposing safeguarded land (including the Land at Naburn, Ref: Naburn Designer Outlet) the Council has expressly acknowledged that those areas do not perform a Green Belt function.

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2 Ashfield Local Plan; Cheshire East Local Plan Strategy; Leeds Core Strategy and Rotherham Core Strategy

- The need for safeguarded land was clearly stated in legal advice sought by Officers of the Council<sup>3</sup> which was clear that if no safeguarded land is identified the emerging Local Plan is likely to be found unsound.
- In terms of offices space, the submitted plan does not actually identify any strategic sites with supply stretching beyond the plan period. See Question 3.2 above, we estimate there will actually be an undersupply of office supply during the plan period, particularly in the short term.

2.30 The inclusion of safeguarded employment land is necessary so that the Plan has flexibility to adapt and respond to changing circumstances. This is especially important in York for where there is an acute demand for office space (less than 2% vacancy); an overall reliance on one allocation (York Central) to meet 93% of York's identified office floorspace needs; and a track record of failing to adopt new Local Plans, meaning it cannot be assumed that any future review or new Local Plan will be delivered in a timely fashion.

**Question 3.5 Overall, are the Green Belt boundaries in the plan appropriately defined and consistent with national policy in the National Planning Policy Framework, and is the Plan sound in this regard?**

2.31 As outlined in this statement and previous representations, there remains significant objection to the Council's approach to the Green Belt which fails to meet the following tests of soundness:

- The Local Plan has **not been positively prepared**. Fundamental technical work such as a comprehensive Green Belt assessment is incomplete; and much technical work has been undertaken after the site selection process was completed so evidence has been retrofitted to justify the pre-existing employment strategy and does not represent the most appropriate strategy;
- It is **not justified** as the Council's approach to defining the Green Belt simply fails to reflect its own evidence base. The Council is reliant on an out of date evidence which dates back to the 2003 Green Belt Appraisal and was formulated in the context of development requirements that bear no relation to present and forecast needs. There is no transparent logic or justification as to how the sites identified for allocation and their respective boundaries have been defined;
- The Local Plan is **not effective** as the plan fails to identify sufficient employment land to meet identified needs during the plan period. This failing is further compounded by the lack of safeguarded land to provide flexibility or ensure that Green Belt boundaries will endure well beyond the plan period; and
- The Local Plan's approach to Green Belt is **inconsistent with national policy** as the amount of employment land proposed to be released from the Green Belt is insufficient and further land is required in sustainable locations in order to meet the delivery of sustainable development objectives set out in the Framework.

**Question 3.6 Paragraph 83 of the National Planning Policy Framework is clear that Green Belt boundaries should only be altered in exceptional circumstances. It appears that the Plan proposes to 'release' some land from the Green Belt by altering its boundaries. In broad terms:**

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<sup>3</sup> As presented at the Local Plan Working Group – 29 January 2015

- a) **Do the necessary exceptional circumstances exist to warrant the proposed alterations to Green Belt boundaries, in terms of removing land from the Green Belt? If so, what are they?**

2.32 Notwithstanding comments above relating to the Green Belt being defined for the first time. It is agreed that exceptional circumstances are justified to warrant changes to the Green Belt.

- c) **What is the capacity of existing urban areas to meet the need for housing and employment uses?**

2.33 There is not enough capacity to meet York's developments needs within the existing urban area and without the removal of further land from the Green Belt the employment needs of the City cannot be met.

**Question 3.7: How was the land proposed to be removed from the Green Belt been selected? Has the process of selecting the land in question been based on a robust assessment methodology that:**

- a) **reflects the fundamental aim of Green Belts, being to prevent urban sprawl by keeping land permanently open;**
- b) **reflects the essential characteristics of Green Belts, being their openness and permanence;**
- c) **takes account of both the spatial and visual aspects of openness of the Green Belt, in the light of the judgments in Turner and Samuel Smith Old Brewery;**
- d) **reflects the five purposes that the Green Belt serves, as set out in paragraph 80 of the Framework; and**
- e) **takes account of the need to promote sustainable patterns of development.**

2.34 The Council's Green Belt evidence was, until recently, out of date and incomplete. The Council first reached a prejudged position on site allocations and has sought to retrofit Green Belt evidence to support its conclusions, blinkered to requirements of the NPPF and SEA.

2.35 The evidence has been retrospectively bolstered to fit the Council's preferred spatial strategy, but in doing so fails the NPPF tests of soundness as it cannot be said that the plan is "*the most appropriate strategy, when considered against the reasonable alternatives*".

2.36 The Inspectors will be familiar with the history of the York Local Plan, but below is a summary of some of the key events since 2003, which relate to the Green Belt evidence base and Oakgate's land at Naburn. The Council's approach to the assessment of land at Naburn has not been justified.

- In **2003** the Council prepared a document named 'The Approach to the Green Belt Appraisal'. This document relied on evidence largely prepared in connection with the York Green Belt Local Plan Deposit Draft 1991. In 2003, the Council concluded that Naburn Business Park site did not to serve any of the five purposes of the Green Belt and was subsequently not designated as such.
- In **2005** the Council produced the City of York Fourth Set of Changes (Development Management) Local Plan which was approved for Development Management purposes. This Plan represents the most advanced Local Plan document approved to date, in which the Naburn Business Park site was partly allocated (9ha) as a reserved site for development.

- In **2008**, the Yorkshire and Humber Regional Spatial Strategy (RSS) was adopted which set out the general extent of the York Green Belt. This comprised a high-level key diagram, with the area outside of the urban area of York identified as Green Belt. There was no detailed assessment of the quality of the Green Belt and it did not take into account York City Council Green Belt evidence which excluded Naburn Business Park from the Green Belt. This meant that by default the Naburn Business Park site has been treated Green Belt even though the exact extent of the Green Belt has never been defined.
- In **2011**, the City of York Historic Character and Setting Technical Paper was prepared which considered potential changes to the boundaries proposed in the 2003 Appraisal document, in light of comments raised primarily from Fulford Parish Council. In this document the Naburn Business Park site was altered to an Extension to the Green Wedge. The document did not comprehensively review all the historic character areas, only responding to specific comments raised, and no technical evidence was provided to support the changes made.
- In **2013**, the RSS was revoked except for the Policies YH9(C) and Y1 (C1 and C2) and the key diagram relating to the general extent of the Green Belt in York which were saved.
- **2019**, the Council is now defining the inner and outer boundaries of the Green Belt for the first time through the draft Local Plan supported by Topic Paper 1 (The approach to defining York's Green Belt) and the subsequent Addendum (including annexes). However, are still reliant on the general extent of the Green Belt as defined in the RSS of 2008 and the changes made to the 2003 Green Belt Appraisal document in 2011, allocating the Naburn Business Park Site within the Green Belt, as a Green Wedge with regard to historical character.

2.37 The above timeline demonstrates that since 2003 the Council has failed to objectively assess the quality of the York Green Belt through an up-to-date comprehensive Green Belt Review, which in turn can be used to properly define the Green Belt boundaries based on up-to-date development needs.

## Contact Details

[Redacted contact information]

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### **Avison Young**

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# 1. Addendum to Naburn Business Park Economic Case

## Purpose of Addendum

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- 1.1 The purpose of this addendum is to support a planning application for a new business park at Naburn. This addendum should be read in conjunction with our original report and takes in to account changes to the Local Plan and underpinning evidence base.

## Background

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- 1.2 In 2011, Regeneris Consulting was appointed by Oakgate Group plc to review the case for the development of a new business park on land to the south of York just off the A64 and adjacent to the York Designer Outlet Centre. This was intended to inform discussions between Oakgate plc and the City of York Council about potential site allocations in the new Local Plan.
- 1.3 In February 2018, the City of York Council (COYC) published its Publication Draft of the Local Plan (hereafter referred to as the Draft Local Plan). This included some changes to the assessed quantity of employment land that COYC will need to ensure is available between 2017 and 2032 and changes to the sites allocated for future development to meet this need.

## Employment Land Policies in Draft Local Plan

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### Demand for Office Space/Land

- 1.4 Policy SS1 of the Draft Local Plan states the aim of providing “*sufficient land to accommodate an annual provision of around 650 new jobs that will support sustainable economic growth*”. This is a lower rate of jobs growth than was previously assumed in the 2013 Preferred Options Local Plan (800 per year).
- 1.5 Despite this, the total amount of office floorspace (B1a) required to meet this jobs growth has increased significantly. Table 4.1 in the Draft Local Plan identifies the need to deliver a total of 107,000 sq m of B1a space (13.8 Ha), compared to 44,600 sq m in the Preferred Options Plan. This need for office floorspace is based on calculations in the 2016 Employment Land Review (ELR) and the 2017 ELR update.
- 1.6 These ELRs provide a number of explanations for why the need for B1a space has increased significantly from the Preferred Options Plan:
- the 107,000 sq m is based on the forecast need over a 21 year time period (2017 to 2038)<sup>1</sup>, while the previous estimate of 44,600 sq m was based on an 18 year period (2012-2030).
  - Although the overall rate of jobs growth is lower in the Draft Local Plan than previous estimates, the forecast growth rate of a number of office based sectors is higher than previous estimates and it is this that drives the need for extra office space. This includes ICT, professional, scientific and technical activities and real estate sectors.

<sup>1</sup> Although the Local Plan period is based on the period 2017 to 2032/33, the plan allows for a five year period after the end of the plan to “provide a degree of permanency for the Green Belt”

- The new estimate includes an upward adjustment of 34,500 sq m of B1a office space to replace the space which has been lost between 2012 and 2017 (mainly due to office to residential conversions).
  - The new estimate has also added a buffer for delays in sites coming forward (an additional two years supply<sup>2</sup>) which was not included in the estimates of need in the Preferred Options Plan.
- 1.7 Whilst the target for delivery of office space is larger than before, we consider that it represents a sound assessment of need and is consistent with COYC’s growth aspirations for the City and therefore provides a sound basis for planning. We also agree with the upward adjustments which have been made, which are consistent with the approach taken in ELRs in other parts of the country.

## Supply of Employment Land

- 1.8 Policy EC1 identifies the sites which it is proposed are allocated to meet future demand for office space (and other uses). The strategic sites are set out in Table 1.1. The only site which is allocated specifically for B1a development is York Central, which it is suggested can accommodate 100,000 sq m of office space (up from 80,000 sq m in the Preferred Options paper and 61,000 sq m in the Pre-Publication Draft published in 2017). It is not clear how why the estimated capacity of this site has fluctuated so much in various iterations of the plan.
- 1.9 Northminster Business Park may also be able to accommodate some B1a space, however the main focus of development at this site appears to be industrial uses, with the Local Plan only stating that it “*may be suitable for an element*” of B1a.

**Table 1.1 Strategic Sites Allocated in Draft Local Plan**

Site	Size	Suitable Employment Uses
ST5: York Central	100,000 sq m/3.33ha	B1a
ST19: Northminster Business Park	49,500 sq m/15ha	B1c, B2 and B8. May also be suitable for an element of B1a
ST27: University of York	21,500 sq m/21.5ha	B1b knowledge based activities including research-led science park uses
ST26: South of Elvington Airfield Business Park	25,080 sq m/7.6ha	B1b, B1c, B2 and B8
ST37: Whitehall Grange, Autohorn, Wiggington Rd	33,330 sq m/10.1ha	B8

Source: City of York Council (2018): Publication Draft of the Local Plan

- 1.10 In addition to these strategic sites, the Draft Local Plan also identifies a series of other smaller employment sites (see Table 1.2). The only site which could definitely accommodate B1a is Annamine Nurseries, a one hectare site which has also been allocated for industrial uses. The Poppleton Garden Centre may also include an element of B1a, but again is likely to be mainly for industrial uses.
- 1.11 There may also be scope to provide additional space on infill sites in York city centre, although it is unclear how much additional space this could provide.

<sup>2</sup> In practice this is a fairly modest buffer over a 22 year period (less than 10%)

**Table 1.2 Other sites allocated for employment uses**

E8: Wheldrake Industrial Estate	1,485 sq m/0.45ha	B1b, B1c, B2 and B8
E9: Elvington Industrial Estate	3,300 sq m/1ha	B1b, B1c, B2 and B8
E10: Chessingham Park, Dunnington	792 sq m/0.24ha	B1c, B2 and B8
E11: Annamine Nurseries, Jockey Lane	3,300 sq m/1ha	B1a, B1c, B2 and B8
E16: Poppleton Garden Centre	9,240 sq m/2.8ha	B1c, B2 and B8. May also be suitable for an element of B1a
E18: Towthorpe Lines, Strensall	13,200 sq m/4ha	B1c, B2 and B8 uses

Source: City of York Council (2017): Pre-Publication Draft of the Local Plan

1.12 To assess whether this supply of land and mix of sites is likely to meet the updated assessed needs of York's economy over the plan period, we have sought to answer three questions:

- Has a sufficient quantity of employment land been identified to meet the forecast need for B1a space (107,000 sq m)?
- Do the allocated sites meet market requirements and offer enough choice to potential investors?
- What are the likely timescales for delivery of the sites and will there be sufficient supply of employment land to meet demand in the short, medium and long term?

#### **Has a sufficient quantity of land been identified?**

1.13 Based on the evidence above, we cannot say definitively how much land has been allocated for B1a development in York, or how much office space this could support. However, based on the assumption that the Northminster Business Park site will be able to accommodate around 7,000 sq m of B1a floorspace, it seems likely that the proposed supply of employment land will **just be sufficient to meet the forecast demand for 107,000 sq m of B1a space** between 2017 and 2038. This is because the capacity at York Central has increased significantly from the earlier iterations of the plan.

#### **Do the allocated sites meet market requirements and offer enough choice to potential investors?**

1.14 Although the allocated sites have changed since our previous report it remains the case that potential investors looking for B1a accommodation will have a choice of just two large sites (York Central and Northminster Business Park). There is also a question over exactly how much B1a space will be available at Northminster Business Park, where the Draft Local Plan indicates the main focus will be on industrial development.

1.15 As we stated in our original report, it is important that areas provide a balanced portfolio of sites to reflect the needs of different markets and occupiers (who will have differing locational drivers). Whilst York Central will be a highly desirable location for many office occupiers, it will not suit the needs of those sectors with a higher dependency on car-borne occupiers who need quick access to the road network (either for commuting or for business reasons). Other types of occupiers may also prefer a campus style business park environment to a city centre location for reasons of security or privacy eg headquarters of

large businesses, defence organisations and data centres. Finally, given that York Central is likely to command high rental values, it may not suit the needs of small to medium enterprises which are more cost sensitive and tend to look for affordable and flexible premises.

**1.16 Therefore the continued reliance on York Central means there would be insufficient choice for investors.**

1.17 The market attractiveness of sites has been assessed through the application of a simple scoring framework used in the 2016 ELR and then the 2017 Update. This considers five criteria and attaches different weights to each based on the importance of these factors to B1 occupiers (based on the judgment of the ELR authors). These criteria and weighting are as follows:

- Travel time to motorway x1
- Travel time to York railway station (& city centre) x3
- Agglomeration with other businesses x2
- Size of site x2
- Assessment of current demand x2
- Proximity to research and knowledge assets x 2

1.18 The scores given to each of the sites allocated for B1a office space (including those with an element of B1a) are shown in Table 1.3. We have also included the scores for the Designer Outlet (which we assume to be the Naburn Business Park site). Naburn scores higher than both of the two smaller sites (Poppleton Garden Centre and Annamine Nurseries) but lower than York Central and Northminster Business Park.

1.19 York Central scores particularly high because of its city centre location and proximity to the railway station. As we stated in our original report, this is a highly attractive and sustainable location for B1a development which will be in high demand once developed. The key issue with this site is the timescales for delivery (see below).

1.20 The main difference between Northminster Business Park and the Designer Outlet is in the scores for agglomeration and the travel time to York railway station. In both cases, we believe there are flaws in the design of the scoring framework itself or in how the scores have been applied.

	Travel time to motorway	Travel time to rail station	Agglomeration	Size of site	Current demand	Proximity to R&D assets	Score for B1
York Central	1	15	8	10	6	4	44
Northminster	3	6	10	6	8	2	35
Designer Outlet (Naburn)	3	3	4	8	6	4	28
Poppleton Garden Centre	3	6	8	4	4	2	27
Annamine Nurseries	2	3	4	2	2	4	17

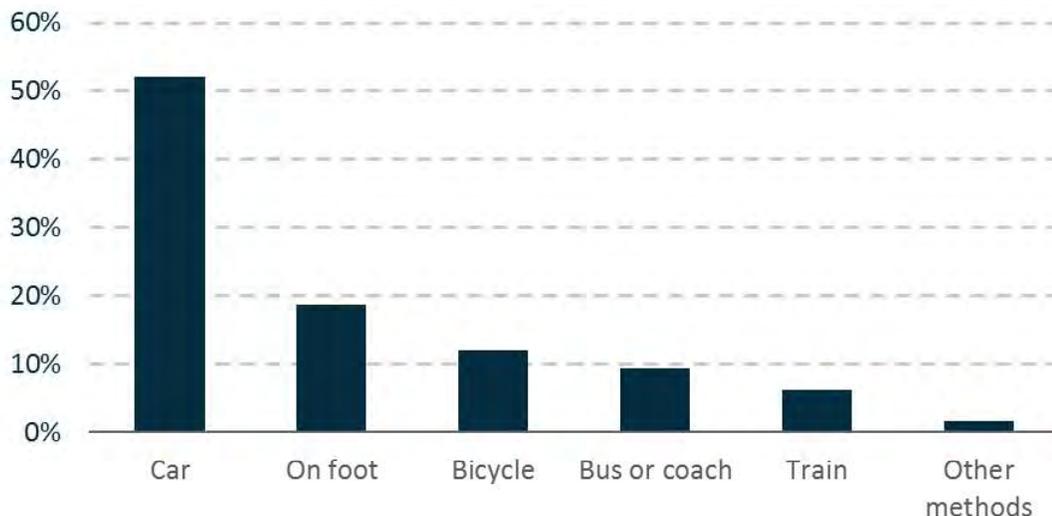
- 1.21 **We believe agglomeration of businesses is an unsuitable criteria for assessing the market appeal of a site, particularly in the way it has been defined in the 2016 ELR.**
- 1.22 Agglomeration effects refer to the productivity benefits that come when firms and people locate near one another eg to be closer to suppliers or customers or so that they can more easily attract or recruit workers. These effects help to explain why cities form and why certain industries tend to cluster together. However, the presence of a number of firms being located in close proximity is not sufficient for agglomeration benefits to occur, nor is it likely to be a key factor influencing most businesses' location decisions. The exceptions to this may be on business parks which have a specific industry focus (such as science parks) where businesses and workers work in similar fields so are more likely to form relationships and have an incentive to locate in close proximity to each other (commonly referred to as clustering rather than agglomeration, which tends to refer to towns and cities).
- 1.23 This is not what is being assessed in the ELRs, where sites can gain a score of 6 (after weighting) if there are "*several businesses present in the area within 5 minutes walking distance*" and will be awarded higher scores if a number of these businesses are "*high value*" (where high value can refer to any sector with median wages above the national average). There is no consideration of which sectors are located on sites or whether the businesses are working in related fields, which is where agglomeration benefits might arise.
- 1.24 This criteria is therefore flawed and, because of its double weighting, skews the results in favour of those sites which already have a number of businesses in the local area, even though there is no evidence this will increase the appeal of the site to new occupiers. In addition to the Northminster site, South of Airfield Business Park and Elvington Industrial Estate also achieve relatively high score from the ELR assessment and have been allocated for development. The latter two sites are particularly inaccessible from the strategic road network or public transport and have weak evidence of business demand but have been allocated for development because of a high score for agglomeration.
- 1.25 **The inclusion of the criterion for travel time to railway station is justified, however we disagree with the relative scores given to Northminster Business Park and Naburn (Designer Outlet).** According to our estimates (based on drivetime modelling in Google maps) both sites can be accessed from York Railway Station in under 20 minutes (both around 16-17 mins) and should both receive a score of six (after weighting). Yet Northminster achieves a score of 6 while Naburn receives a score of 3.
- 1.26 **Based on the above, if the two sites were both given a score of 6 and the agglomeration criteria was removed, Naburn Business Park would score higher than Northminster and would emerge as one of the most attractive sites for B1a development.**
- 1.27 We believe there are a number of other flaws with the scoring framework and relative weightings given to different criteria. These are set out below:
- **There is no explicit consideration of access to skilled workers:** the types of sectors which occupy B1a space tend to be highly skilled sectors such as ICT and professional services. Access to skilled workers is therefore a key factor influencing the location decisions of these firms. Although this is indirectly referred to in two of the criteria (travel time to motorway and travel time to rail station), this is so important that it should be a criteria in its own right. Our original report showed that Naburn Business Park was very well positioned to draw upon the highly skilled labour markets to the south west of York in the Leeds City Region (although the same could also be said of Northminster)
  - **The weighting of criteria understates the importance of road access to office occupiers:** because of the importance of access to workers, the travel time to the motorway is very important for assessing the market appeal of a site. However this

is given the lowest weighting of all the criteria in the scoring framework (x1). Data from the 2011 Census showed that over 50% of commuters working in office based sectors in York still used a car to get to work, compared to only 6% who used a train (see Figure 1.1). We agree that access to a rail station is very important in the context of York and therefore the triple-weighting is fair. However, given the continued importance of cars to a number of office occupiers, we would argue that this criteria should be brought in to line with the other four and be double-weighted.

- **Proximity to research and knowledge assets will only be an important locational factor for a small proportion of office occupiers:** Proximity to the University may be an important consideration for some businesses, particularly those in science based and R&D intensive industries such as bioscience. However this is likely to be of minor importance to the majority of office based businesses, who work in sectors such as public admin, ICT and professional services. This is also given a double weighting despite the fact it will only be important for a minority of businesses.
- **There is no consideration of access to amenities or the quality of the local environment:** our original report showed that local amenities (shops, cafes, restaurants), a landscaped environment and public transport connections can all enhance the appeal of a site for office uses, particularly for business parks. The scoring framework should therefore assess the potential to create a high quality office environment.

**1.28** As stated in our original report, Naburn site exhibits all of the locational advantages described above and in paragraphs 4.4 to 4.8 of our original report and has high potential to create a campus style business park development. **We therefore conclude it should receive a much higher score for market attractiveness and should be allocated to address the shortfall of B1a space.**

Figure 1.1 Method of Travel to Work for Commuters Working in Office Based Sectors



Source 2011 Census

Note: Office based sectors defined as ICT, financial services, professional, scientific and technical activities and admin and support service activities

## **Will there be sufficient supply of employment land to meet demand in the short, medium and long term?**

- 1.29 It is common practice for ELRs to assess the likelihood that sites will come forward, the nature of any barriers which need to be overcome and the implications for timescales for delivery. This is not considered in either the 2016 ELR or the 2017 update.
- 1.30 This is particularly important given the continued reliance on York Central to deliver the majority of B1a office space, which could take many years to complete. Our original report noted a number of concerns about the deliverability of this site (see paragraph 7.11) which are all still relevant. At the time the report was published, the Council had indicated that site works would commence in 2017 however this has not been the case.
- 1.31 The York Central Partnership submitted an application for planning permission in August 2018 which should be determined at Planning Committee in early 2019. A reserved matters application for the first phase of infrastructure should then follow. However the timescales for delivery of development are still highly uncertain and there are a number of potential obstacles to new development coming forward. In particular, Highways England has expressed doubts about the traffic management and impact on the wider city, and has ordered that a planning decision be postponed until its concerns on transport infrastructure are answered
- 1.32 We are not aware of the timescales for delivery of new B1a office space at other sites such as Northminster Business Park. Although we note that paragraph 73 of the Local Plan Working Group raised concerns about traffic: *“Initial transport modelling of potential residential and employment sites has shown that increased queues and delays are being forecast in the Poppleton area, exacerbated by the potential level of development projected for that area, including potential employment sites at Northminster Business Park (ST19), Land to the North of Northminster Business Park and the former Poppleton Garden Centre”*. This suggests there may be some delays in bringing forward new development in this location.
- 1.33 Recent trends show a dwindling supply of office space across the city (see below). This means that the city is facing a potential shortage of B1a office space in the short term which could act as a barrier to growth.
- 1.34 **It is therefore unlikely that the identified sites will meet demand for B1a office space in the short to medium term (particularly York Central). This means there is a risk of York losing out on potential investment in the next five or ten years if it does not have an “oven ready” product for occupiers.**

## **Recent office market trends**

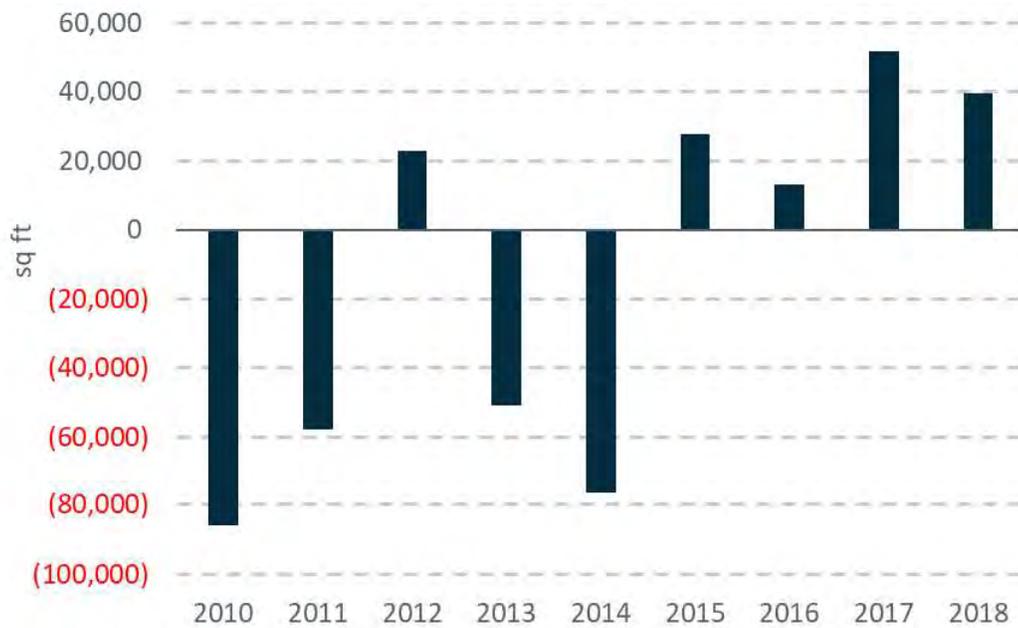
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- 1.35 Figure 1.2 shows recent trends in net take-up<sup>3</sup> of office space in York. It suggests demand was subdued for a long time period from 2010 to 2014. Since 2015 there is some evidence of an increase in demand, with net take-up of over 150,000 sq ft (14,000 sq m) of office space. Notable recent deals include BHP Chartered Accountants which took 40,000 sq ft of office space at Moorside (Monks Cross) and the Tees Esk Valley NHS Trust which took 19,000 sq ft at Huntington House on Jockey Lane.
- 1.36 These recent trends were borne out by local agents Lawrence Hannah (who handle around half of office deals in York including both of the above). They reported they had seen an increase in the number of enquiries and deals in the last three or four years, due to

<sup>3</sup> This measures the net change in occupied space over a given period of time, calculated by summing all the positive changes in occupancy (move ins) and subtracting all the negative changes in occupancy (move outs).

improving business confidence and investment from rail engineering businesses (a key sector in York) due to increased infrastructure spending by Government.

Figure 1.2 Net take-up of office space in York, 2010-2018



Source CoStar

- 1.37 Since 2014 there has been a sharp fall in the amount of vacant office space in York. There is currently just 50,000 sq ft (5,000 sq m) of space available, representing a vacancy rate of 1.4%. The drop is explained in part by an increase in net take-up since 2015 but also by the loss of large amounts of office space which has been converted to residential uses under permitted development rights (which is why we agree it is sensible for the Local Plan to address this loss of existing stock).
- 1.38 There is therefore very limited space available either in York city centre or in the outer business parks. This position has deteriorated since our original report and means there is a significant danger of losing investment in the short term.
- 1.39 Lawrence Hannah agents confirmed that they no longer have any office premises on their books and that there are no longer any premises offering over 10,000 sq ft of space across the whole of York. This means none of the larger requirements for space can currently be satisfied, which means York risks losing out on investment to other areas in the short to medium term. There was some anecdotal evidence that this is already happening.

Figure 1.3 Vacancy rate of office space in York, 2010-2019



Source CoStar

## Conclusions

1.40 There is a strong economic case for new business park development at Naburn on the following grounds:

- **Naburn Business Park would provide a genuine range of choice for office occupiers**, which reflects the fact that city centre space at York Central will not meet the needs of all occupiers, particularly cost sensitive SMEs and businesses that need good access to the road network.
- **Naburn Business Park would be attractive to the market**, being well located for the road network and accessing a skilled workforce, and capable of providing a high quality business park environment. A fair and objective assessment of Naburn would find that it is just as attractive to the market as Northminster Business Park.
- **Naburn Business Park could help to address the short to medium term shortfall of supply caused by the likely long delays at York Central**. Recent market evidence shows available supply has fallen even further since our original report, meaning there is a major risk of investment being lost to York unless new sites come forward.



07 July 2021

Planning Policy  
City of York Council

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Dear Sir / Madam,

## **YORK LOCAL PLAN PROPOSED MODIFICATIONS AND EVIDENCE BASE CONSULTATION (JULY 2021)**

These representations have been prepared by Avison Young, on behalf of Oakgate Group PLC (Oakgate). They relate to land to the east of the Designer Outlet, Naburn (the Site). A site location plan is included at **Appendix I**.

### **Naburn Business Park**

In June 2019, a planning application was submitted to the City of York Council (CYC) for a new business park on the site (application ref: 19/01260/OUTM). A masterplan is included at **Appendix II**.

The proposals will meet employment needs that have not been adequately addressed through the Local Plan, delivering 2,000 new jobs, an enhanced park and ride facility and better public access to the Green Belt. The application is yet to be determined.

### **Local Plan background**

Over several years, Oakgate has engaged with CYC at all stages of the Local Plan preparation process including:

- The Preferred Options Local Plan consultation (2013);
- The Preferred Sites consultation (2016);
- The Pre-Publication consultation (2017);
- The Publication Draft Regulation 19 consultation (2018);
- The Proposed Modifications Consultation (June 2019); and ,
- York Local Plan Examination Part One (December 2019).

These representations relate to the latest consultation on "Proposed Modifications and Evidence Base" to the Local Plan and should be read alongside previous submissions including those at **Appendix III** and **Appendix IV**.

The Proposed Modifications do not go far enough to address the fundamental flaws identified with the Local Plan.



The draft Plan fails to address York's employment needs by not allocating or safeguarding sufficient employment land as part of the review of Green Belt boundaries. This is a major failing of the draft Plan.

The draft Plan therefore cannot be considered the most appropriate strategy in terms of overall sustainability without a new comprehensive Green Belt review and subsequent allocation of further land to meet the identified shortfall in employment land needs.

As submitted, it is not possible to conclude that the draft Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

To be found sound, the flaws should be remedied now, with the opportunity for informed participation. This will require a new comprehensive Green Belt review and analysis of alternative options to meet employment (and housing) needs taking into account the current economic position of York in 2021. This would allow a detailed review of the deliverability of identified employment land and an assessment of the consequences of the proposed employment strategy on job creation to ensure that the Local Plan can be put forward as the most appropriate strategy in terms of overall sustainability. Without this analysis it is not possible to properly conclude the Local Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

## **Proposed Modifications 16 and 17**

Proposed modifications 16 and 17 relate to Policy EC1 (Employment Allocations), which seeks to deliver the forecast employment land requirement of 231,239 sqm, including 107,081 sqm of office floorspace, over the plan period. This is against a backdrop of severe historic undersupply of office space in York, which has led to a vacancy rate of less than 2%<sup>1</sup>.

The proposed modifications to Policy EC1 are minor and relate only to the footnote and explanatory text for Proposed Employment Allocation E18 (Towthorpe Lines, Strensall). The land identified for employment therefore remains unchanged within the Local Plan by virtue of the modifications proposed.

We therefore maintain that the Local Plan does not allocate sufficient office floorspace through the employment allocations identified. In particular, we would like to reiterate that the Council are over reliant on York Central which accounts for 93% of the total office floorspace requirement and over 40% of all allocated employment land within the Plan. York Central is considered to have significant constraints, in terms of deliverability, but is also limited by the type of office floorspace it can deliver to the market.

The Proposed Modifications fail to reflect the latest position at York Central and continue to overstate the amount of office space that can be delivered:

- The planning permission for York Central, approved in March 2019, includes between 70,000sqm and 87,693 sqm of office space. The majority of which (anticipated 76,762sq.m) is intended to be delivered within Phases 3 and 4 of the scheme's phasing plan with Phases 1 and 2 focused on the delivery of residential development. Phases 3 and 4 are set to be completed by 2033 and have start dates ranging between 2023 and 2026 (as of July 2021 no reserved matters applications have been submitted as of yet relating to office development).
- The proposed allocation for York Central in the draft Local Plan is for 100,000 sqm. This means at York Central there will be a shortfall of at least 12,000 sqm, and potentially up to 30,000sqm, of office floorspace against the draft Local Plan allocation. This is alongside, very little

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<sup>1</sup> Appendix V - Regeneris Addendum to Naburn Business Park Economic Case – Figure 1.3 (CoStar)

delivered in the early stages of the plan period (anticipated 8,525sq.m within Phase 1) with the majority focused within Phase 3 and 4, as demonstrated above.

In addition, the proposed modifications also do not alter the fact that there are no other allocations included in the draft Local Plan that include a specific requirement for office floor space. Each of the other remaining allocations within the draft Local Plan therefore only include for the potential for some B1 floorspace. There is no guarantee that office floorspace will be delivered at these remaining sites as ancillary to other uses which means combined with the shortfall at York Central, there is potentially 37,000sq.m of office floor space unaccounted for in the draft Local Plan.

As outlined in our hearing statements prepared in December 2019 (**Appendix IV**) each of the remaining office employment allocations have in addition been analysed based upon land ownership and tenancy which further demonstrates that the likelihood of office floorspace being delivered on these sites is severely limited.

Since the preparation of these hearing statements, an application at Northminster Business Park (Ref: 21/00796/FULM) has been approved with further substantiates our statements made previously and highlights the failure to provide office floorspace on allocated land. Northminster Business Park is allocated under Policy EC1 as ST19: Land at Northminster Business Park for 49,500sq.m of employment floorspace. The suitable employment uses for this site as set by the draft Local Plan include B1c, B2, B8 and an element of B1a. The application determined for this site at the CYC July 2021 committee nonetheless only approves permission for a 5,570sq.m distribution centre (Use Class B8). This application therefore demonstrates the highly likely scenario that outside of the York Central, limited office floorspace will actually be realised in the remaining employment allocations with a key focus of these sites falling within B2 and B8 uses.

Naburn Business Park includes 25,000sqm of office floorspace that could help plug the office floorspace gap we have identified in the draft Local Plan. An application has been submitted to CYC, which is supported by an EIA and a suite of technical documents which demonstrates how the proposals represent sustainable development, which could be delivered immediately to meet York's unmet employment needs.

Employment allocations in the draft Plan should identify a mix sites to reflect the needs of different markets and occupiers (who will have differing locational drivers). York Central will be a desirable location for some office occupiers, but it will not suit the needs of those sectors with a higher dependency on occupiers who need quick access to the road network (either for commuting or for business reasons). Other types of occupiers may also prefer a campus style business park environment to a city centre location for reasons of security or privacy, for example headquarters of large businesses, defence organisations and data centres, which the Naburn Business Park is designed to the meet the needs of.

We therefore maintain, Policy EC1 is not justified, is unlikely to be effective, does not represent positive planning and is not consistent with the NPPF. Policy EC1 should therefore be re-addressed taking into account the recent positions on each of the allocated sites and should allocate further employment sites to address the shortfall in office floorspace.

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Unfortunately, the Council have taken some significant time to respond to all outstanding matters and queries raised during the Hearings Stage 1 in December 2019 and we are now in a position whereby this document is once again out of date. The evidence base which underpins the Local Plan therefore does not account for the past year and a half which more importantly than just the passage of time, does not reflect one of the most pivotal periods of time for the world's economy due to the impact of Covid-19. It consequently cannot be said that the evidence base for the Local Plan, and most certainly this document, is reliable and it is not possible to properly conclude the Local Plan is justified, likely to be effective, positively prepared or consistent with the NPPF as a result.

An up to date and reliable economic evidence base is imperative to the Local Plan for various reasons but in particular when it comes to assessing the employment land allocated within the Plan. It is impossible to ensure only the most suitable and sustainable sites for employment have been chosen if the Council does not have a clear steer on the economy within York and where this is likely to be heading over the course of the Plan period.

Paragraph 80 of the NPPF states that *“planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt”* and *“significant weight should be placed on the need to support economic growth and productivity”*. The Plan for York should therefore *“set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth”, “enables a rapid response to change in economic circumstances”* and *“will meet anticipated needs over the Plan period”* (Paragraph 81, NPPF). In accordance with Paragraph 82 of the NPPF the Plan should also *“recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations”*.

An updated Economic Outlook report should thus be produced to inform the Local Plan and in particular Policy EC1 so that the sites allocated for employment can be assessed as to whether these are still the most suitable and sustainable sites for York's economy and the market sector going forward. It will be critical to understand not only whether the correct amount of floorspace has been allocated to kickstart the economy but also whether the correct locations have been chosen based upon the impacts of Covid-19 and the sectors currently seeking to invest.

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It is worth noting specifically in relation to general business/workspace demand that the industrial warehouse and distribution sectors continue to demonstrate high levels of demand nationally, regionally and locally. Employment land and building availability in York in this sector is currently only restricted to a handful of smaller sites going forward and thus the potential to capture jobs and investment from the larger internet based manufacturers/business's and distributors for York are currently limited.

Taking the proposed allocations at Northminster Business Park, Annamine Nurseries site and Poppleton Garden Centre which would be the only sites which could in theory support these companies going forward, as discussed in preceding paragraphs, it is proving impossible to see how these sites could cater for this growth. The Annimine Nurseries site is reserved by the Shepherd Group exclusively for the potential future use by their Portacabin business, the Poppleton Garden Centre is in full use by owner occupier Dobbies and the Northminster Business Park is focused on B8 uses with no current plans for office space.

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The Naburn Business Park would provide a genuine range of choice for a variety of occupiers, which reflects the fact that city centre space at York Central will not meet the needs of all occupiers, particularly cost sensitive SMEs and businesses that need good access to the road network (for example industrial warehouse and distribution companies). The Naburn site will therefore be attractive to the current market in light of Covid-19, being well located for the road network, accessing a skilled workforce and capable of providing a high quality business park environment and would help to address not only the quantitative shortfall in office floorspace as highlighted previously in these representations but the qualitative lack of alternative office locations outside of the centre of York.

### **Topic Paper 1 – Approach to defining York's Green Belt – Addendum (January 2021)**

The Topic Paper 1 Addendum January 2021 does little to build upon the previous Addendum submitted or address the concerns raised during the course of the examination of the Local Plan over the methodology behind the Green Belt review for York.

Topic Paper 1 Addendum and its subsequent Annex's is considered to provide a selective review of York's Green Belt and retrospectively seeks to justify the Local Plan strategy already adopted.

CYC acknowledge that the growth planned in the Local Plan cannot be accommodated without a review of Green Belt boundaries but, as submitted, the Local Plan evidence base only includes a selective review of York's Green Belt, which has been carried out retrospectively to justify a pre-existing employment (and housing) strategy.

CYC's approach of only assessing selected allocations means that more suitable land has potentially been overlooked and it is not possible to conclude that the Local Plan can be put forward as the most appropriate strategy in terms of overall sustainability.

The Topic Paper 1 Addendum fails to demonstrate how the Council has assessed the Green Belt contribution of individual parcels of land and is absent of a robust scoring system. Instead the Council relies on historic and incomplete work on the Green Belt, including the 2003 'The Approach to the Green Belt Appraisal', which is just 16 pages long, and the subsequent 2011 update, which did not methodically review the 2003 Appraisal but was limited only to responding to comments submitted.

The only referral to the review of individual sites sits within Annex 5 which assesses sites proposed to be allocated by the Council. There is again no equivalent Green Belt assessment of discounted sites in the Council's evidence base which demonstrates that comparative analysis of reasonable alternatives has been properly undertaken.

The Council's backward approach to the Green Belt is therefore evident by the sheer lack of availability of this data, and also by the time period it has taken the Council to even prepare an updated Addendum with Annex's showing their methodology which should have been readily available upon publication of the Local Plan (February 2018) but has instead taken over 3 years to formulate.

It is therefore considered a comprehensive Green Belt appraisal should be completed to allow for all reasonable alternatives to be considered. This should include Land at Naburn (Naburn Business Park) which was assessed by the Council as not warranting inclusion in the Green Belt in 2003 and 2005 and only subsequently altered in 2011 for inclusion within the Green Belt following an objection from Fulford Parish Council with no comprehensive appraisal or justification.

A comprehensive Green Belt review is necessary to ensure consistency with the spatial strategy and to ensure that the boundaries will not need to be reviewed again at the end of the plan period in accordance with NPPF paragraph 85. This is the same conclusion that the Inspector for the Leeds City Council Core Strategy reached in September 2014.

This is particularly relevant in York because: a) it will be the first time that York's Green Belt has been properly defined; and b) the identified shortfall of employment land identified in Policy EC1.

## Summary

- The Proposed Modifications fail to address the shortfall of employment land identified in the draft Local Plan;
- The Council's proposed modifications fail to reflect the latest position at each of the office employment allocation as identified by Policy EC1 in particular York Central and continue to overstate the amount of office space that can be delivered;
- The economic evidence base for the Local Plan, Economic Outlook 2019, is out of date and does not take into account the critical impact of Covid-19 on York's economy and the shift in the market to inform suitable and sustainable employment allocations. An updated Economic Outlook report should be published; and
- The further Green Belt evidence submitted in the form of Topic Paper 1 Addendum, does not address previous concerns over the methodology behind site allocations and a comprehensive Green Belt review should be undertaken.

As drafted, the Local Plan put forward is not the most appropriate strategy in terms of overall sustainability. Without a comprehensive Green Belt review, reliable and up to date evidence base and subsequent analysis of employment allocations, it is not possible to properly conclude the Local Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

We trust the above comments will be taken into consideration in the next stages of the preparation of the Local Plan. Please do not hesitate to contact me if you have any questions or require any further information in relation to Oakgate.

Yours faithfully,

[Redacted signature block]

**From:** [REDACTED]  
**Sent:** 07 July 2021 12:12  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 205953  
**Attachments:** Appendix\_I\_Site\_Location\_Plan.pdf; Appendix\_III\_Publication\_Representations\_2018\_and\_2019.pdf; Appendix\_IV\_Hearing\_Statement\_29.11.19.pdf; Appendix\_II\_Naburn\_Business\_Park\_Masterplan\_2013104100419.pdf; Appendix\_V\_Regeneris\_Addendum\_to\_Naburn\_Business\_Park\_Economic\_Case.pdf; Proposed\_Modifications\_July\_2021\_Representation\_070721\_Final\_.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

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## 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]

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## 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?:** 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:** Please refer to Representation Letter and Appendices.

---

## **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:** Please refer to Representation Letter and Appendices.

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## **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:** Please refer to Representation Letter and Appendices.

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## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:** Please refer to Representation Letter and Appendices.

**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:** The site promoted by our client (Oakgate Group PLC); land to the east of the York Designer Outlet, is a reasonable alternative for employment development and could help to address the shortfall. An application has been submitted to the Council on the 13th June 2019 under application reference 19/01260/OUTM. This application seeks permission for: “Outline planning permission for a business park up to 270,000sq.ft (Use Class B1) and an Innovation Centre up to 70,000sq.ft (Use Class B1/B2), with ancillary pavilion units up to 9,000sq.ft (Use Classes A1, A3, A4, D1 and D2), associated car parking, a park and ride facility, including park and ride amenity building up to

2,000sq.ft, hard and soft landscaping and highway alterations, all matters reserved apart from detailed access.”

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## **Supporting documentation**

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

Appendix\_I\_Site\_Location\_Plan.pdf,  
Appendix\_III\_Publication\_Representations\_2018\_and\_2019.pdf,  
Appendix\_IV\_Hearing\_Statement\_29.11.19.pdf,  
Appendix\_II\_Naburn\_Business\_Park\_Masterplan\_2013104100419.pdf,  
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Proposed\_Modifications\_July\_2021\_Representation\_070721\_Final\_.pdf

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07 July 2021

Planning Policy  
City of York Council

By email only:  
localplan@york.gov.uk


avisonyoung.co.uk

Dear Sir / Madam,

## **YORK LOCAL PLAN PROPOSED MODIFICATIONS AND EVIDENCE BASE CONSULTATION (JULY 2021)**

These representations have been prepared by Avison Young, on behalf of Oakgate Group PLC (Oakgate). They relate to land to the east of the Designer Outlet, Naburn (the Site). A site location plan is included at **Appendix I**.

### **Naburn Business Park**

In June 2019, a planning application was submitted to the City of York Council (CYC) for a new business park on the site (application ref: 19/01260/OUTM). A masterplan is included at **Appendix II**.

The proposals will meet employment needs that have not been adequately addressed through the Local Plan, delivering 2,000 new jobs, an enhanced park and ride facility and better public access to the Green Belt. The application is yet to be determined.

### **Local Plan background**

Over several years, Oakgate has engaged with CYC at all stages of the Local Plan preparation process including:

- The Preferred Options Local Plan consultation (2013);
- The Preferred Sites consultation (2016);
- The Pre-Publication consultation (2017);
- The Publication Draft Regulation 19 consultation (2018);
- The Proposed Modifications Consultation (June 2019); and ,
- York Local Plan Examination Part One (December 2019).

These representations relate to the latest consultation on "Proposed Modifications and Evidence Base" to the Local Plan and should be read alongside previous submissions including those at **Appendix III** and **Appendix IV**.

The Proposed Modifications do not go far enough to address the fundamental flaws identified with the Local Plan.



The draft Plan fails to address York's employment needs by not allocating or safeguarding sufficient employment land as part of the review of Green Belt boundaries. This is a major failing of the draft Plan.

The draft Plan therefore cannot be considered the most appropriate strategy in terms of overall sustainability without a new comprehensive Green Belt review and subsequent allocation of further land to meet the identified shortfall in employment land needs.

As submitted, it is not possible to conclude that the draft Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

To be found sound, the flaws should be remedied now, with the opportunity for informed participation. This will require a new comprehensive Green Belt review and analysis of alternative options to meet employment (and housing) needs taking into account the current economic position of York in 2021. This would allow a detailed review of the deliverability of identified employment land and an assessment of the consequences of the proposed employment strategy on job creation to ensure that the Local Plan can be put forward as the most appropriate strategy in terms of overall sustainability. Without this analysis it is not possible to properly conclude the Local Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

## **Proposed Modifications 16 and 17**

Proposed modifications 16 and 17 relate to Policy EC1 (Employment Allocations), which seeks to deliver the forecast employment land requirement of 231,239 sqm, including 107,081 sqm of office floorspace, over the plan period. This is against a backdrop of severe historic undersupply of office space in York, which has led to a vacancy rate of less than 2%<sup>1</sup>.

The proposed modifications to Policy EC1 are minor and relate only to the footnote and explanatory text for Proposed Employment Allocation E18 (Towthorpe Lines, Strensall). The land identified for employment therefore remains unchanged within the Local Plan by virtue of the modifications proposed.

We therefore maintain that the Local Plan does not allocate sufficient office floorspace through the employment allocations identified. In particular, we would like to reiterate that the Council are over reliant on York Central which accounts for 93% of the total office floorspace requirement and over 40% of all allocated employment land within the Plan. York Central is considered to have significant constraints, in terms of deliverability, but is also limited by the type of office floorspace it can deliver to the market.

The Proposed Modifications fail to reflect the latest position at York Central and continue to overstate the amount of office space that can be delivered:

- The planning permission for York Central, approved in March 2019, includes between 70,000sqm and 87,693 sqm of office space. The majority of which (anticipated 76,762sq.m) is intended to be delivered within Phases 3 and 4 of the scheme's phasing plan with Phases 1 and 2 focused on the delivery of residential development. Phases 3 and 4 are set to be completed by 2033 and have start dates ranging between 2023 and 2026 (as of July 2021 no reserved matters applications have been submitted as of yet relating to office development).
- The proposed allocation for York Central in the draft Local Plan is for 100,000 sqm. This means at York Central there will be a shortfall of at least 12,000 sqm, and potentially up to 30,000sqm, of office floorspace against the draft Local Plan allocation. This is alongside, very little

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delivered in the early stages of the plan period (anticipated 8,525sq.m within Phase 1) with the majority focused within Phase 3 and 4, as demonstrated above.

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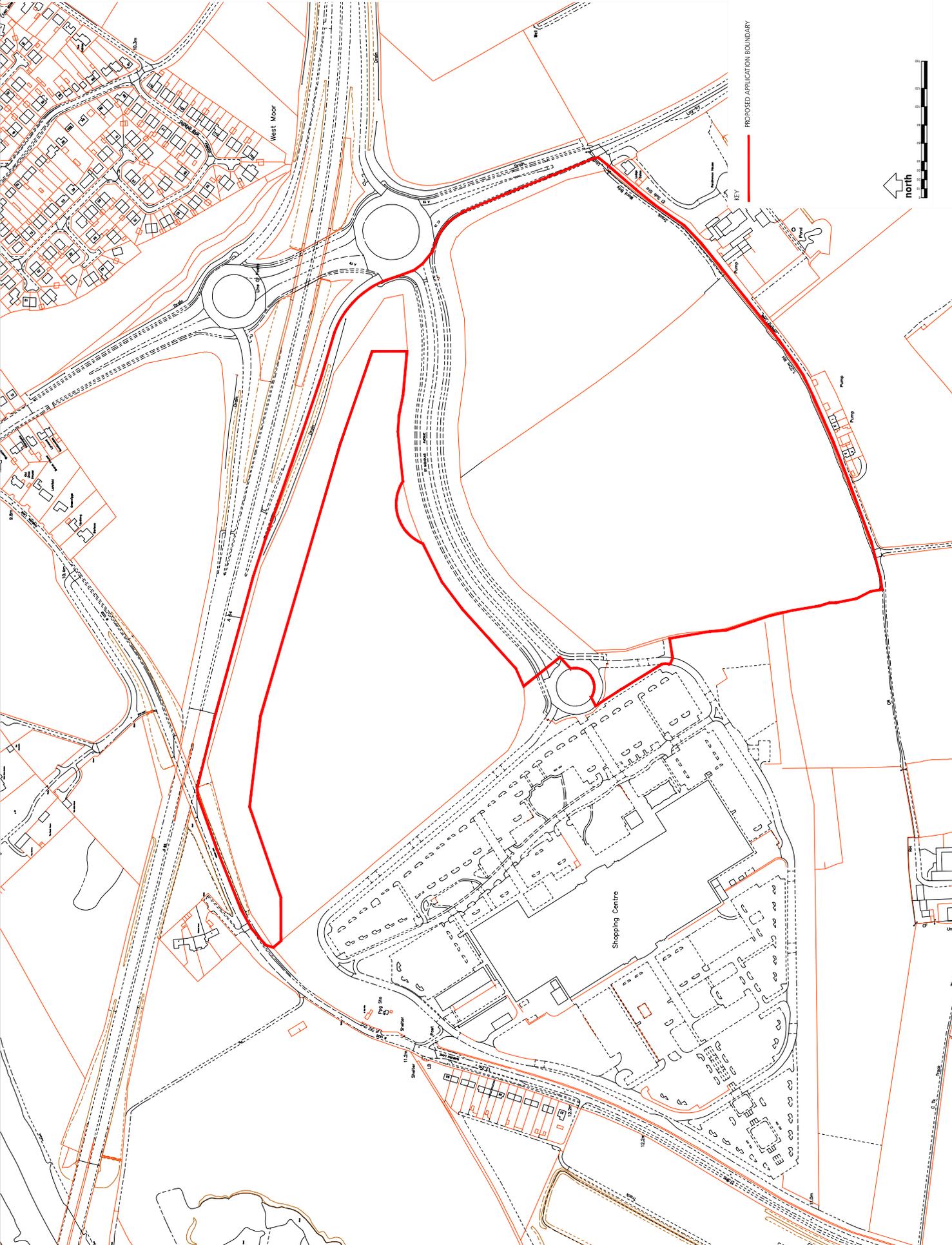
We trust the above comments will be taken into consideration in the next stages of the preparation of the Local Plan. Please do not hesitate to contact me if you have any questions or require any further information in relation to Oakgate.

Yours faithfully,

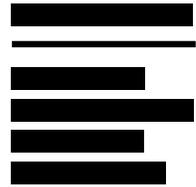
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Our ref: RPW/EJ/1498

28th March 2018

Planning Policy  
City of York Council

By email only:  
localplan@york.gov.uk

Dear Sir or Madam

**YORK LOCAL PLAN PUBLICATION REGULATION 19 CONSULTATION (FEBRUARY 2018)  
REPRESENTATIONS ON BEHALF OF OAKGATE/CADDICK GROUPS**

These representations have been prepared by HOW Planning LLP ("HOW") on behalf of Oakgate/Caddick Groups and refer to land to the east of the Designer Outlet ("the Naburn site"). The Naburn site extends to approximately 18 hectares and is illustrated edged red on the plan included at Appendix 1.

Through its appointed professional consultants Oakgate/Caddick Groups have engaged fully with City of York Council (CYC) at all key stages of the Local Plan process to date. This has included detailed representations to the Preferred Options Local Plan in summer 2013, the Preferred Sites Consultation in summer 2016 and the Pre-Publication Consultation in September 2017. This representation has been prepared in order to directly respond to the Publication Draft Local Plan February 2018 (the 'Publication Plan').

These representations explain the soundness concerns with the plan and sets out why the site should be allocated as an employment site for B1a office floorspace. This representation seeks to re-provide CYC with technical evidence demonstrating the suitability of the site, and sets out Oakgate/Caddick Groups' observations on the Publication Plan and, where appropriate, the changes which they wish to see in order to meet concerns and overcome major issues of soundness which the Local Plan currently faces.

At the Local Plan Working Group on 23rd January 2018 and also Executive on 25th January 2018, Officers reported to the Members the outcome of the Pre-publication Draft Local Plan Regulation 18 Consultation (September 2017) ('the Pre-publication Plan') and made a series of recommendations to make alterations to the plan allocations to increase housing numbers and employment land provision to take account of certain consultation comments. Members rejected most of the options presented by Officers and only accepted minor wording changes and changes proposed to increase density of York Central and reduce the number of dwellings at Queen Elizabeth Barracks to increase the on-site recreational buffer required to mitigate impacts on the nearby Strensall Common SAC. Various minor wording changes made for clarity were also approved to be made to the Publication Plan.



Thus, except for the minor wording changes and changes to the capacity of two proposed allocated sites, the Publication version of the plan remains virtually the same as the Pre-publication Local Plan consulted on in October 2017, despite the advice of the Council's own officers to increase the housing numbers and employment provision to make the plan more robust.

HOW Planning has significant concerns that the Council is proceeding with an unsound plan with an absence of key evidence to support the Council's approach. As presented, the Publication Plan cannot be found to be sound, or a sound approach which can be built upon, due to the absence of robust evidence to inform the promoted strategy.

## **EMPLOYMENT LAND SUPPLY**

### **Employment Land Review 2016 and 2017 Update**

On behalf of Oakgate/Caddick, at the Pre-publication stage Regeneris Consulting undertook an update addendum of their 2016 report (Appendix 2) to review the changes to the Local Plan and the underpinning evidence base, and revisit/update the conclusions from the original report in light of this new evidence published. There has been no change to the employment evidence base since that stage.

The Regeneris Addendum (Appendix 3) highlighted that the total amount of office floorspace (B1a) required to meet jobs growth increased significantly. Table 4.1 in the Publication Local Plan identifies the need to deliver a total of 107,081 sq m of B1a space (13.8 Ha), compared to 44,600 sq m in the Preferred Options Plan. This need for office floorspace was based on calculations in the Council's 2016 Employment Land Review (ELR) and the 2017 ELR update. Regeneris conclude that this increase represents a sound assessment of need and is consistent with CYC's growth aspirations for the City and therefore provides a sound basis for planning.

In addition to this increased quantitative requirement, the 2017 ELR update prepared by CYC Officers contains several findings that also point towards a qualitative requirement for additional B1a office supply to provide greater flexibility.

Paragraph 3.6 states:

*Flexibility requirements were discussed in the original ELR. A number of comments were received through the consultation that further work was needed on assessing flexibility requirements. Make it York stated that it will be important in confirming the employment allocations that the Council has ensured not only sufficient overall quantum but that there is sufficient range and flexibility to deliver land requirements throughout the whole plan period. Following what Make it York call 'significant losses' of office accommodation under permitted development (PD) rights, it has been suggested that there is a severe shortage of high quality Grade A office stock within the city centre and old stock being removed from the market that is not currently being replaced.*

Paragraph 4.2 states

*'The York and North Yorkshire Chambers of Commerce have suggested that on the basis of sites identified in the Preferred Sites Consultation (2016) it is unlikely that the future supply will offer a sufficient range of choices of location for potential occupiers and that there will be a risk that York would lose out on investment for potential occupiers. The Chamber feels that further land should be identified to broaden the portfolio of sites available to cater for York's diverse high value added business. Make it York suggested that allocating land flexibly amongst use classes will help mitigate risk of undersupply and is strongly welcomed.'*

and

*'However, the fact that the Preferred Sites document (2016) proposed to meet all B1a office need through a single allocation at York Central, may be perceived to undermine the objectives of building in*

*churn. Whilst development will be phased at York Central allowing multiple developers, outlets and phased schemes the partnership suggest that it may be appropriate for the Local Plan to allow small scale B1a uses to be accommodated on additional sites in the district.'*

Paragraph 5.2 of the ELR goes on to conclude:

*'In terms of the Local Plan it is important to ensure there is sufficient flexibility within the land supply for a range of scenarios rather than an exact single figure which one can precisely plan to with complete certainty. The case for further flexibility is enhanced by recent changes to permitted development enabling offices to be converted to housing without having to apply for planning permission.'*

### **Local Plan Working Group Agenda 10th July 2017**

In summarising the ELR the Officers report to Members stated:

*The case for further flexibility is enhanced by recent changes to permitted development enabling offices to be converted to housing without having to apply for planning permission. For York, based on completions only, there has been some 19,750sqm of office space lost to residential conversion over the last three monitoring years between 2014/15 and 2016/17. Records show that unimplemented Office to residential conversions (ORC) consents at 31st March 2017 include for the potential loss of a further 27,300sqm of office floorspace if implemented.*

At paragraph 93 CYC Officers state:

*The revised forecasts support the position taken in the Preferred Sites Consultation (2016). However, the report highlights that during consultation key organisations argued for increased flexibility in the proposed supply to provide choice. This includes addressing the loss of office space to residential development through ORC's and to provide additional choice for B1a (office) provision in the earlier part of the plan period as an alternative to the York Central sites. [our emphasis]*

### **Proposed Supply**

The ELR Update and Officers 10th July 2017 report to the Local Plan Working Group were unambiguous. In addition to the increased quantitative need, Officers consider that there is a clear qualitative justification for additional B1a office sites to be allocated to provide greater flexibility and reduce reliance upon one site York Central with its recognised delivery constraints. However, HOW noted in its representation to the Pre-publication plan that there was a major disconnect between this rationale and the strategic sites that were proposed to be allocated in the Pre-Publication Plan which allocated an undersupply of some 40,000 sqm and also retained the reliance on York Central as the key office location.

The York and North Yorkshire Chamber of Commerce continued to object to the Pre-publication plan stating:

*The identified employment land supply will not cater for York's future needs and this will constrain economic growth. In light of this, the Chamber feels that further land should be identified to broaden the portfolio of sites available to cater for York's diverse high value-added businesses. Such sites should be located in areas accessible by public transport and the major road network and be deliverable in the short term.*

At this Publication Plan stage, the Council has sought to address the shortfall in quantitative supply of B1a office employment through increasing the allocation of office floorspace at York Central by an additional 40,000 sqm. Paragraph 29 of the January 2018 Working Group Paper states that discussions with representatives from the York Central Partnership have indicated that York Central is capable of accommodating between 1700 and 2400 residential units and that the higher figure of 2500 units could be achieved through detailed applications by developers for individual plots and/or flexibility to increase

residential at the margins of the commercial core. It is stated that the figure of 1700 reflects land currently under the partnerships control; the higher figure includes land in private ownership or currently used for rail operations. It does not explain how the higher employment land figure can be achieved or why this has increased.

Table 1 below sets out the strategic employment land allocated in the Publication Plan and how it has altered throughout the most recent plan stages.

*Table 1: York Local Plan Employment Land Supply*

Site Ref.	2018 Publication Plan Sites Floorspace (sqm)	2017 Pre- Publication Sites Floorspace (Sqm)	2016 Preferred Sites Floorspace (Sqm)	Council's Comments
ST5: York Central	100,000 (B1a)	61,000 (B1a)	80,000	At the Pre-publication stage, Officer's stated that the outcome of work to date is suggesting that the site can deliver a minimum of 61,000 sq m of B1a office floorspace (GEA). This is a reduction to the position in the Preferred Sites Consultation which included up to 80,000 sqm B1a office <sup>1</sup> .  At Publication stage Officer's state that the amendment has been undertaken to reflect work carried out by the York Central Partnership <sup>2</sup>
ST19 Land at Northminster Business Park	49,500 (B1c, B2 and B8. May also be suitable for an element of B1a)	49,500 (B1c, B2 and B8. May also be suitable for an element of B1a)	60,000	At Pre-publication stage, Officer's highlighted that further assessment is required to understand the predicted significant highways impact around Poppleton. <sup>3</sup>
ST26 Land South of Elvington Airfield Business Park	25,080 (B1b/B1c/B2/B8)	25,080 (B1b/B1c/B2/B8)	30,400 (B1b/B1c/B2/B8)	The site will require detailed ecological assessment to manage and mitigate potential impacts. The site is adjacent to two sites of local interest (SLI) and candidate SINC sites and previous surveys have indicated that there may be ecological interest around the site itself. The site is also within the River Derwent SSSI risk assessment zone and will need to be assessed through the Habitat Regulation Assessment process required to accompany the Plan. The proposal would result in material impacts on the highway network particularly on Elvington Lane and the Elvington Lane/A1079 and A1079/A64

<sup>1</sup> Local Plan Working Group Paper, July 2017

<sup>2</sup> Local Plan Working Group Paper, January 2018

<sup>3</sup> Local Plan Working Group Paper, July 2017

				Grimston Bar junctions. A detailed Transport Assessment and Travel Plan would be required. <sup>4</sup>
ST27 University of York Expansion	Up to 25ha for B1b	21,500 (B1b)	20,000 (B1b)	To meet the needs of the university alongside student housing and an academic research facility. Campus East and ST27 will across both sites deliver up to 25ha of B1b knowledge based businesses including research led science park uses identified in the existing planning permission for Campus East.
ST37 Whitehall Grange	33,330 (B8)	33,330 (B8)	0	Whitehall Grange site is allocated as a strategic employment site within the Local Plan to reflect the planning consent granted.

Regeneris note that potential investors looking for B1a accommodation will have a choice of just two large sites (York Central and Northminster Business Park). However, they question exactly how much B1a space will be available at Northminster Business Park, where the Draft Local Plan indicates the main focus will be on industrial development.

Whilst the Publication Plan has sought to address the shortfall by allocating the 'missing' 40,000 sqm B1 floorspace at York Central it clearly does not address the recognised qualitative need for an alternative to York Central in the early years of the plan. HOW also has significant concern that the proposed quantum of development at York Central has not been justified.

Regeneris has also evaluated the 2016 ELR and then the 2017 Update scoring of the market attractiveness of sites. This has exposed a number of flaws with the scoring framework and relative weightings given to different criteria, indeed Regeneris conclude that if inconsistencies were addressed Naburn Business Park would score higher than Northminster and would emerge as one of the most attractive sites for B1a development.

The Council's stance is deeply flawed. The evidence base prepared by Council Officers readily accepts that there is an increased quantitative need and a qualitative need for greater flexibility in the employment land supply to provide additional choice for B1a (office) provision in the earlier part of the plan period as an alternative to the York Central site and address the loss of office floorspace through office to residential conversions.

Having regard to York Central, it is concerning that the proposed quantum of employment floorspace has varied significantly between the 2016 Preferred Sites consultation, the 2017 Pre-publication consultation and the current Publication consultation and also that the developable area of the site has not been confirmed.

As recognised by the Council, York Central has significant infrastructure challenges, being entirely circumscribed by rail lines and restricted access points unable to serve a comprehensive redevelopment. The site is also in fragmented ownership, albeit the key public sector landowners have come together as York Central Partnership to assemble land for development and clear it of operational rail use.

Furthermore, there are heritage constraints that will restrict development and as such Historic England objected to the lesser quantum of development proposed at the Pre-publication stage in terms of the

<sup>4</sup> Local Plan Working Group Paper, July 2017

impact on the site's many heritage assets and also the potential knock-on to the city centre. They consider that a lot more work is needed to demonstrate how the quantum of development can be created on the site in a manner which would also be compatible with the need to safeguard the significance of the numerous heritage assets in its vicinity and the other elements which contribute to the special character of the city.

A masterplan is currently being consulted on by York Central Partnership which provides some indication of how the development might come forward at the site. A significant proportion of development is proposed on areas that are currently operational rail including the western access road. It has not yet been demonstrated how the quantum of development proposed will impact upon heritage assets in York.

We also note that the Sustainability Appendix I: Appraisal of Strategic Sites and Alternatives suggests that key assessment work which will impact upon viability and the amount of developable area is yet to be completed:

*This is a brownfield site which has predominantly been used for the railway industry. The site is known to have contamination issues from its railway heritage and there is a need to remediate any the land to ensure the health of residents. There therefore may be a risk of contamination which would need to be established through further ground conditions surveys.*

Clearly York Central is a complex site to deliver and the required access infrastructure alone is not estimated to be completed until at least 2021. The site subject to the injection of public funding to assist delivery due to the scale of constraints and infrastructure required. We understand that funding is promised by the West Yorkshire Transport Fund and that a funding application of £57 million to the Housing Infrastructure Fund is through to the final round, with decisions on the latter to be made in Autumn 2018. The Council state that this will speed up the delivery of houses at the site.

The Council estimate that York Central will take between 15 and 20 years to complete and it is unclear from the Publication Plan documents when the B1a office developments are likely to come forward. At the aborted Publication Local Plan (2014) stage, the Council provided the following assessment of York Central:

**York Central:** *This is likely to be an attractive site with significant investor appeal for HQ and other corporate requirements due to its central location and connectivity. However there are major deliverability challenges, which we believe could take a long time to address, including access issues and compulsory purchase orders. Crucially, there is not yet a developer in place and a number of questions have been asked about the viability of the scheme. As the Council has not published a viability of feasibility assessment, it has not been possible to ascertain the likely timescales for providing office space which is available for occupation. However, given the complexities associated with the site, we believe this could take at least ten years before any office development is delivered<sup>5</sup>. [our emphasis]*

Whilst the Publication plan appears to be silent about delivery timescales for York Central, it is stated at Sustainability Appraisal Appendix I: Appraisal of Strategic Sites and Alternatives:

*the mixed use development of this site is likely to provide long-term **jobs on site in the long-term**. The York central site benefits from Enterprise Zone status and therefore should be an attractive prospect for business. Both the allocation and alternative would provide 100,000sqm of floorspace and is therefore projected to provide approximately **8,000 jobs in the long-term**.*

HOW believe that the continued reliance on one site to provide for the majority of the needs of York entails significant risks which could see the City lose out on potential investment. The timescales for the

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<sup>5</sup> Local Plan Working Group Paper, July 2017

delivery of new office space at York Central remain unclear but it is still likely to be many years, with York City Council estimating that the development could take 15 to 20 years to complete.

The lack of commitment to early delivery of office development in the Local Plan is considered unsound particularly given the recent significant losses of office to residential in the city centre (due to the change in permitted development rights and the lack of alternative housing supply in York).

In addition, HOW consider that the Council has failed to justify how the quantum of B1a employment floorspace proposed at York Central will be delivered given the scale of constraints at the site and the outstanding assessment of these.

We are not aware of the timescales for delivery of new B1a office space at other sites such as Northminster Business Park. Although we note that paragraph 73 of the July 2017 Local Plan Working Group raised concerns about traffic: *“Initial transport modelling of potential residential and employment sites has shown that increased queues and delays are being forecast in the Poppleton area, exacerbated by the potential level of development projected for that area, including potential employment sites at Northminster Business Park (ST19), Land to the North of Northminster Business Park and the former Poppleton Garden Centre”*. This suggests there may be some delays in bringing forward new development in this location.

Regeneris's Addendum highlights that recent trends show a dwindling supply of office space across the city. This means that the city is facing a potential shortage of B1a office space in the short term which could act as a barrier to growth. Regeneris consider that it is important that areas provide a balanced portfolio of sites to reflect the needs of different markets and occupiers (who will have differing locational drivers). Whilst York Central will be a highly desirable location for many office occupiers, it will not suit the needs of those sectors with a higher dependency on car-borne occupiers who need quick access to the road network (either for commuting or for business reasons). Therefore, in addition to it being questionable that the plan can deliver sufficient quantity of land allocated for B1a development, the continued reliance on York Central means there would be insufficient choice for investors.

Regeneris conclude that it is therefore unlikely that the identified sites will meet demand for B1a office space in the short to medium term (particularly York Central). This means there is a risk of York losing out on potential investment in the next five or ten years if it does not have an “oven ready” product for occupiers.

In conclusion, the continued reliance upon only York Central to deliver future B1a office development would risk losing out on potential investment from those investors who are looking at space in the next five or ten years and those who are seeking a business park location but are deterred by congestion and quality of the environment elsewhere. The approach promoted within the Publication Plan consultation is not in accordance with paragraph 160 of the National Planning Policy Framework (NPPF), which advises that local planning authorities should assess the needs of land or floorspace for economic development, including both the quantitative and qualitative needs for all foreseeable types of economic activity over the Plan period. The current approach is not consistent with national policy and is not justified.

### **GREEN BELT DESIGNATION**

As far back as 2005 the Naburn site was identified as a suitable location for meeting development needs post 2011 and allocated as a ‘reserved’ site in the Draft 2005 Local Plan. However, in more recent iterations of the emerging plan the site has been allocated for Green Belt.

Paragraph 1.49 of the Publication Plan sets out that the York Local Plan is establishing the detailed boundaries of the Green Belt for the first time. It explains that the majority of land outside the built-up areas of York has been identified as draft Green Belt land since the 1950's, with the principle of York's Green Belt being established through a number of plans including the North Yorkshire County Structure Plan (1995-2006), and the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (2008). It

states that the overall purpose of York's Green Belt is to preserve the setting and special character of York, also helping to deliver the other purposes.

Whilst the Council does not have a formal adopted Local Plan which has set the Green Belt boundaries, the Draft 2005 Local Plan that was approved by the Council on 12th April 2005, represents the most advanced stage of the draft City of York Local Plan and was also approved for the purpose of making development control decisions in the City, for all applications submitted after the date of the Council meeting (12th April 2005). It was to be used for this purpose until such time as it was superseded by elements of the Local Development Framework (now the Local Plan).

The Draft 2005 Plan included detailed Green Belt boundaries and under Policy GP24a: Land Reserved for Possible Future Development, 9 hectares of the Naburn site was reserved until such time as the Local Plan is reviewed (post 2011) as shown in Figure 1 below.

Figure 1: Extract from Draft 2005 York Local Plan



The emerging Local Plan will now establish the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and define the inner boundary to establish long term development limits that safeguard the special character and setting of the historic city. It is therefore the role of the Local Plan to define what land is in the Green Belt and in doing so established detailed green belt boundaries.

### Green Belt Evidence Base

The Council's evidence base for setting the Green Belt boundaries dates back to 2003 and earlier: 'The Approach to the Green Belt Appraisal 2003'. This 2003 16 page long report states that the appraisal consisted of the following three component parts:

- Desk top study - comprising two parts: firstly a review of relevant written information including [now superseded] PPG2, the work of Baker of Associates in the East Midlands, and previous work undertaken by the City of York and North Yorkshire County Councils; and secondly, the detailed consideration of maps both historic and current of the City of York Council area.
- Field analysis - A considerable amount of time was spent in the field assessing the land outside the City's built up area.

- Data collation and analysis. The output from the two stages above was analysed and evaluated to determine which areas of land are most valuable in Green Belt terms. The results of this work are included within this document and illustrated in map form.

The report does not include the detailed evaluation outlined above and reads as a conclusion. It is considered unsound that the empirical evidence base upon which the Council's site selection process is based has not been made available and relies upon documents that are over 25 years old including the work of North Yorkshire County Council in their York Green Belt Local Plan, which was considered at a public inquiry between autumn 1992 and spring 1993.

The 2003 report states that it sought to identify those areas within York's Draft Green Belt that were key to the City's historic character and setting. The outcome was the identification of the following areas of land important to the historic character and setting of York:

- Areas preventing coalescence
- Village setting area
- Retaining the rural setting of the City
- River corridor
- Extension to the Green Wedge
- Green Wedge
- Stray

These areas of land, established in 2003, still form the basis of the Council's approach to site selection and Green Belt boundaries.

At that stage the Naburn site was not appraised as falling within any of the historic character areas and indeed it was subsequently partly allocated as a reserved site for development in the 2005 Draft Local Plan.

The 2003 assessment was updated in 2011 by the City of York LDF Historic Character and Setting Technical Paper (January 2011), the stated purpose of this was:

*'to consider potential changes to the boundaries proposed in the 2003 Appraisal document, in light of issues raised on historic character and setting designations as part of the consultation on the Core Strategy and Allocations DPD. It is not intended to readdress or reconsider the background principles in or behind the Appraisal or make any changes to the principles behind the designation of a piece of land.'* (paragraph 1.2, York Council Historic Character and Setting Technical Paper, 2011).'

The 2011 Technical Paper sets out that the work was undertaken as a response to the consultation response by Fulford Parish Council which included a review of Fulford's Green Belt Land and other consultation responses to the Core Strategy Preferred Options document and to the Allocations DPD Issues and Options document.

Notably, it did not comprehensively review all of the historic character areas, only responding to specific concerns raised. The only changes made were around the village of Fulford and reliant upon the Parish Council's assessment of the Green Belt. At this stage the status of the Naburn site changed in response to the Fulford Parish Council – LDF Submission including Review of Fulford's Green Belt Land.

That report states that the objector's response was as follows:

*That the Green Wedge (C4) be broadened to encompass the fields and open land of the A19 southern approach corridor, including both the arable field to the south of Naburn Lane and the field east of the A19 (adjacent to the Fordlands Road settlement). The arable field south of Naburn Lane contributes to the openness and rural character of the A19 corridor and prevents urban sprawl and assists in*

*safeguarding the countryside from encroachment. It also performs a valuable role in preventing coalescence between the Designer Outlet and housing at Naburn Lane.*

*The field between the A19 and Fordlands Road settlement acts as a green buffer zone between the housing at Fordlands Road and the busy A19 carriageway, whilst the trees along the field boundary serve to screen the washed over settlement from view. It therefore prevents sprawl of the built up area and safeguards the countryside from encroachment.*

And that:

*Officers agree that designating both suggested sites either side of the A19, north of the A64, as 'Green Wedge' would be appropriate and give a continuance of protection to the approaches to Fulford from the south. The A19 approach does give an open and rural feel as you enter Fulford – this is inferred by the Conservation Area Appraisal and the emerging Fulford Village Design Statement.*

Since 2011 further incremental updates have been undertaken to the Green Belt/Heritage evidence base:

- Historic Character and Setting Technical Paper Update (June 2013). This Update considered sites that had been submitted to the plan process and made a series of additions and deletions to the boundaries under the relevant historic character and setting designations. Again, it did not undertake a wholesale re-assessment of the historic character and setting areas.
- Heritage Topic Paper Update 2013 (June 2013). This states that:

*it is clear that the evidence base is incomplete and that there is a requirement for further specific studies which will provide more detailed evidence for this exploration of the special historic character of the city; and it is subjective and that at any one moment the constituent parts of the categories can change and be redefined. The results of any further studies will demand a review of this paper and the process of review may challenge parts of the narrative.*

This document examines and assesses existing evidence relating to the City of York's historic environment and how it can be used to develop a strategic understanding of the city's special qualities. This assessment proposes six principal characteristics of the historic environment that help define the special qualities of York. The 2013 Update sets out those factors and themes which have influenced York's evolution as a city and whilst it makes references to some sites within this, it does not comprise specific nor general site assessments.

- Heritage Topic Paper Update (September 2014). Appears identical to the Topic Paper 2013 Update. We note that the 2013 Topic Paper Update is no longer available on the Council's website only the 2014 document.
- Heritage Impact Assessment (September 2017). this document comprises a detailed assessment of the proposed Strategic Sites or planning policies against the six Principal Characteristics identified in the Heritage Topic Paper. It does not re-evaluate the historic character and setting areas.

Whilst the above evidence base sets out a series of incremental changes to the proposed designations of Green Belt 'areas of land important to the historic character and setting of York', largely in response to consultation responses, a full re-appraisal of the designations has not been carried out since 2003.

NPPF paragraph 83 allows for Green Belt boundaries to be altered in exceptional circumstances as part of the preparation or review of a Local Plan. Paragraph 84 confirms that when drawing up or reviewing

Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development and the consequences of channelling development towards non-Green Belt locations should be considered. Paragraph 84 also requires local planning authorities to satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period and to define boundaries clearly, using physical features that are readily recognisable and likely to be permanent. Paragraph 85 seeks (amongst other things) consistency with the strategy for meeting identified requirements for sustainable development, including longer term development needs "stretching well beyond the plan period".

Planning Practice Guidance Paragraph 014 Reference ID: 12-014-20140306 states that:

*'evidence needs to inform what is in the plan and shape its development rather than being collected retrospectively. It should also be kept up-to-date. For example, when approaching submission, if key studies are already reliant on data that is a few years old, they should be updated to reflect the most recent information available (and, if necessary, the plan adjusted in the light of this information and the comments received at the publication stage).'*

Local planning authorities should publish documents that form part of the evidence base as they are completed, rather than waiting until options are published or a Local Plan is published for representations. This will help local communities and other interests consider the issues and engage with the authority at an early stage in developing the Local Plan.'

Given the national importance of the York Green Belt in heritage terms, an evidence base relying upon work carried out more than 25 years ago and not made available for review cannot be considered to be justified by appropriate and proportionate evidence base or in line with national policy on Green Belts which has changed since 2003 with the publication of NPPF. Given that the designations are based on changing factors such as views and landscape clearly this should have been updated by the Council and their failure to do so is unsound as is their failure to make the empirical site assessment available for scrutiny.

There is no definitive national guidance on how to undertake Green Belt studies. Documents prepared by the Planning Officers Society (POS)<sup>6</sup> and the Planning Advisory Service (PAS)<sup>7</sup> provide a useful discussion of some of the key issues associated with assessing Green Belt and reviewing/revising Green Belt boundaries.

The POS guidance advises using the following methodology for undertaking Green Belt review:

- identify areas that can be developed in a sustainable way. This will essentially be identifying transport nodes along high capacity public transport corridors that have the capacity, or the potential to economically create the capacity, to take additional journeys into the centre of the conurbation or other areas of significant economic activity. The growth of communities around these train, tube and tram stations will be a key feature of a GB review release strategy.
- In reviewing the GB it is important to understand the intrinsic quality of the land in terms of SSSI, SNCI, Heritage, alongside high quality landscape (AONB, SLA etc) and other features. The need is to understand the relative qualities of land so that informed decisions can be made about the acceptability of release.
- It is important to accept that the character of some landscapes will change in this process, so understanding the relative merits of landscape quality will be vital
- A GB review would also involve a review of all such similarly protected land to test what is the most appropriate land to release. This would be an exercise in ensuring that areas

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<sup>6</sup> Approach to Review of the Green Belt, Planning Officers Society

<sup>7</sup> Planning on the Doorstep: The Big Issues – Green Belt, Planning Advisor Service (2015)

remain well served by public open space, but looking carefully at areas where there may be an overprovision.

- Once all these factors are captured, spatial areas will emerge with the greatest potential for development in the most sustainable way.

HOW considers that the incremental updates to the 2003 Green Belt Study do not accord with the above methodology. In particular, the 2011 update which changed the designation around the Naburn site was not fully justified by an appraisal that carried out a full assessment of the various factors that are important to the purposes of Green Belts.

In addition to setting the detailed boundaries, HOW Planning also consider that exceptional circumstances exist which justify a general review of the extent of Green Belt boundaries around York. Indeed, the Plan does propose allocations that would be considered to site within the broad extent of the Green Belt as it currently stands.

### **Impact on the Green Belt**

The Publication Plan does not consider the Naburn site as a reasonable alternative, thus is silent on the reasons for it being discounted as a site. However, the site has been reviewed by Officers at previous stages of the plan, most recently the Local Plan Working Group Agenda (10 July 2017) Annex 4: Officers Assessment of Employment Sites following PSC states:

*The further landscaping evidence has been reviewed and it is still considered that the scheme would have a negative impact on the setting of the city as it would bring development right up to the A19 on a key approach to the city. It is acknowledged that the proposed landscaping scheme and the reduced height/density of this revised proposal could help to mitigate some impacts however there would still remain a solid development within what is currently a fluid landscape creating a visual impact on what are currently open fields viewed from the A19. The surrounding open countryside currently presents a rural approach to the city and to Fulford village.*

As at Pre-publication state, an Interim Landscape and Visual Briefing Note, prepared by Tyler Grange and previously submitted is included at Appendix 5. In summary, Tyler Grange identified three key issues:

- Maintaining separation between Fulford Village and the Designer Outlet area, both physical separation, separation of landscape character and visual/perceptive and separation;
- Maintaining the openness of the A64 and A19 approach road into York; and
- The site falls within a 'Green Wedge' within the Green Belt.

The character of Fulford Village and the existing Designer Outlet have their own "very distinct character." Due to this lack of inter-visibility between the two areas, it is not anticipated that changes to the site, which falls within the character of the area of the Designer Outlet, would have any effect on setting (positive or negative) of the landscape character within the area of the Fulford Village.

To further strengthen the separation between the two areas, Tyler Grange recommend that the following mitigation measures are implemented in developing the Naburn site:

- strengthen the existing boundary vegetation of all boundaries, including some evergreen species for year round screening;
- ensure building heights are limited to be no taller than that of the existing Designer Outlet so that built form does not appear in views from Fulford Village; and
- to make use of or locate the access parallel to the existing St Nicholas Avenue to access the site and strengthen existing or implement new screen planting alongside it.

With regards to the maintenance of the openness of the A64 and A19 approach road into York, the site is screened well from the A64 in the immediate locality and to the west when travelling eastbound. To the east, the eastern boundary of the site is visible from the A64 when travelling westbound. It is not considered that strengthening the existing eastern boundary vegetation to the Naburn site would have an effect (positive or negative) upon experiencing views of openness from the A64 in this location. The addition of new vegetation to existing with built development sitting behind it, would barely be perceptible from this location of the A64, particularly while travelling at speed.

The area surrounding the A19 and A64 Junction lacks an overall sense of openness compared with that further south along the A19 due to a combination of dense screen planting along the roads, as well as blocks of planting within fields. Some views towards the east remain open whereas the westward views are significantly diminished by existing screen planting. Although the Naburn site comprises two open fields which could contribute to the sense of openness, the views across them from the A64 and A19 are limited. The Naburn site is well contained to all of its boundaries. It is not anticipated that further strengthening the existing planted boundary against the A19 is likely to affect (positively or negatively) the sense of openness for people travelling along the A19 or A64.

To ensure the sense of openness is not further diminished in this location, the following mitigation measures are proposed to be implemented in developing the site:

- ensure a wide offset of built form from the eastern boundary;
- retain, maintain and supplement the existing planting eastern boundary; and
- retain and maintain the open offset between the road and the eastern boundary to maintain long views towards the junction and adjacent to the footpath.

The Interim Landscape and Visual Briefing Note concludes that through a full Landscape and Visual Impact Assessment (LVIA) the site would be suitable to accommodate the development type proposed with no adverse effects on the landscape and visual amenity. The road infrastructure has a great influence on the character to the south of Fulford Village. The area is already subject to large scale retail use to the immediate north west of the site at the Designer Outlet and built form exists along the A19 to the south of the site (Persimmon House). Screen planting along the A19 and wider area is a common feature within this area. The site could sit well within the existing landscape and result in minimal effects if the above described mitigation measures were carried out to ensure the existing landscape character is maintained. Opportunities exist to improve public access to the site; to introduce planting that could better reflect the characteristics of the local landscape along the boundaries and that internally tie in with that at the existing Designer outlet. Increased screen planting will add a further degree of prevention of physical or visual merging with Fulford Village, ensuring the divide between the two.

An indicative masterplan was produced which took into account the key opportunities and constraints of the site. This is included at Appendix 6.

### **THE CASE FOR A BUSINESS PARK AT NABURN**

Based upon the evidence HOW strongly believe that there is a strong economic case for new business park development at Naburn. The site offers the opportunity to provide a genuine range of choice for office occupiers which reflects the economic geography of York and its links to both the north and the south. At present there are no sites to the south of York, which Naburn would address. Furthermore, the site provides an employment site that would be attractive to the market, particularly for occupiers that are seeking an office based location but are deterred by traffic congestion at Monks Cross. The provision of high quality office space would also help to address the short to medium term shortfall of supply caused by the likely delays at York Central.

The main locational benefits of the site are as follows:

- It is in an easily accessible location by road without the problems of traffic jams to the north on the outer ring road. It is adjacent to an existing Park and Ride as part of the York Designer Outlet Shopping Centre and any scheme brought forward in the future would incorporate a fully functional and integrated Park and Ride.
- The location is well placed to draw upon the highly skilled workforce located to the south and east of York (particularly North East Leeds and Harrogate). Using Census data and travel time analysis, Regeneris estimate that there are over 170,000 people with degree level qualifications living within a 45 minute travel time of the site.
- The site is located on the 'right side' of York in terms of access to York University and the main science and technology hubs (York Science Park and the Heslington East Campus), which would be less than ten minutes' drive from the site.
- There is the potential to develop the site quickly in the short term to meet demand enabling continuity of employment land supply in the period before York Central comes forward as there is likely to be sufficient highways capacity at the junction with the A64.
- One of the most significant housing allocations - ST15: Land to the West of Elvington Lane - is in very close proximity to the Naburn site to the east. This provides the opportunity for new residents to live near an employment location, which presents sustainability benefits.
- A new business part at Naburn as part of the new Local Plan would result in a more balanced portfolio of sites catering for all market sectors. It would perform a complementary role to the York Central site.

With regards to key occupiers, there is no clear sector split between the occupiers of city centre and business park accommodation in York, therefore the site would potentially appeal to a wide range of sectors. The shortage of units in York capable of accommodating requirements from large investors also means that the site would appeal to HQ functions and large corporate occupiers. The connections to Leeds, access to a highly skilled workforce and quality of life in York would also appeal to these investors. Furthermore, the site would be attractive as a possible 'grow-on' space for firms located at York Science Park (YSP) or the Heslington East Campus. There is already some evidence that some firms at YSP have been lost to the city because of a lack of grow on space e.g. Avacta Group, which moved from YSP to Thorpe Arch (about 8 miles from York). The high rate of occupancy at YSP and the restrictions on the type of uses at Heslington East meant that there is no clear ladder of opportunity for those firms who want to expand in York, and to grow their office based administrative functions, while still maintaining close proximity to the science park and University. While the Naburn site could play this role, this is likely to be longer term role of the site. The Naburn site's location could be particularly advantageous if the cluster of science based firms in York continued to grow, and the Council's ambitions to be a leading science based city were realised.

In terms of planning principles set out in national guidance aimed at evaluating the suitability of sites for development, the following benefits are associated with allocating the site for business park use:

- The site exhibits all of the locational advantages for successful business parks across the UK as set out in paragraphs 4.4 to 4.8 of the report included at Appendix 2;
- The site is in single ownership and has excellent access to public transport and the A64. The site benefits from existing extensive infrastructure including a dual carriageway site access as well as an existing Park and Ride on part of the Designer Outlet car park. Any new development proposals would incorporate a new fully functional Park and Ride to enhance the accessibility of the Designer Outlet and business park.
- In light of the single ownership, existing excellent infrastructure and locational advantages of the site from a market perspective, the site is capable of being delivered in the short term and would make a major contribution towards new employment generation in the early part of the Plan period.
- The site has clear and defensible boundaries. A campus style business park development with extensive areas of landscaping - some of which are already well established from the Designer Outlet development, will enable an exceptional scheme to be designed which responds to the site's current Green Belt location.

## HIGHWAYS

In dismissing the site for inclusion as an allocation the Local Plan Working Group Agenda (10 July 2017) Annex 4: Officers Assessment of Employment Sites following PSC states:

*There are also significant transport constraints on the A19 which would be exacerbated through the further expansion of the Designer Outlet and the introduction of B1a (office) use and the associated trips. Whilst it is recognised that the adjacent Park and Ride would offer a sustainable alternative to car use there would still be a significant amount of peak hour trips created through the development of this site as proposed.*

Fore Consulting Strategic Access and Connectivity Report at Appendix 7 considers the strategic access and connectivity implications of the proposed allocation of the site at Naburn for an employment development with ancillary uses. They conclude that the site is well located to encourage trips to the adjacent existing retail facilities, wider surroundings and the city centre on foot or by cycle. The site is also well-served by the existing public transport network. Direct high frequency bus services connect the Designer Outlet Park and Ride to the city centre, as well as services providing additional local connections towards Selby.

In direct response to the Officer's comments Fore respond that it is likely that significant changes to improve Fulford Interchange will be required to safely and efficiently accommodate traffic associated with an allocation, bus priority measures and enhanced pedestrian and cycle connections. The promoters control the necessary land adjacent the junction that is likely to be required and on this basis, changes to Fulford Interchange to improve capacity are deliverable.

The impacts of traffic associated with an allocation on the wider network are considered to be of a scale that is capable of being satisfactorily accommodated, or mitigated.

## SUSTAINABILITY APPRAISAL

HOW prepared a Sustainability Appraisal of the site in February 2016 and submitted this to the Council for review and consideration. For ease of reference, the Sustainability Appraisal is submitted as part of these representations, included at Appendix 8.

In summary, the Sustainability Appraisal has considered the locational and physical attribute of the site in order that it can be allocated for new development to support the economic growth aspirations of York. The site is capable of providing a readily supply of employment opportunities for highly skilled existing and future residents. In particular, the site is strategically located to capitalise on:

- The strategic highways network and the excellent public transport provision;
- The huge growth ambitions of York and the wider region; and
- Capitalise on the co-location of future housing sites, sustainably located within the site's vicinity.
- The site is in single ownership, sustainable and deliverable. It does not have any significant constraints to development which could not be mitigated through appropriate technical assessments and best practice mitigation measures. The site has the potential to make a major contribution towards providing high-end office accommodation in a sustainable location to meet the future growth and aspirations of York as part of a balanced portfolio of sites.

## SUMMARY

This representation has been prepared by HOW Planning on behalf of Oakgate/Caddick Groups in relation to land east of the Designer Outlet and promotes it for a business park.

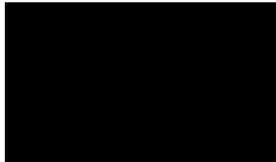
HOW object to the approach taken within the Publication Local Plan to the identification of employment land to meet development needs for the Plan period. The reliance upon only York Central to deliver future office development would risk losing out on potential investment from those investors who are looking at space in the next five or ten years and those who are seeking a business park location but are deterred by congestion and quality of the environment elsewhere. The approach promoted within the Publication Local Plan is not in accordance with paragraph 160 of the NPPF, which advises that local planning authorities should assess the needs of land or floorspace for economic development, including both the quantitative and qualitative needs for all foreseeable types of economic activity over the Plan period. The current approach is not consistent with national policy and is not justified.

Furthermore, at the forefront of the development of the Local Plan it must be noted that CYC is setting Green Belt boundaries for the first time. If sufficient land to meet development needs is not allocated within this Plan there is a real risk of increased pressure being put on Council to revise Green Belt boundaries before the end of the Local Plan period, which is not in accordance with the NPPF which seeks to ensure the long term permanence of Green Belt boundaries.

The technical issues previously identified by Officers have been addressed, with further work currently being undertaken by Oakgate/Caddick Groups, and it has been demonstrated that the site is suitable (with the proposed mitigation measures) to accommodate a business park site. Oakgate/Caddick Groups would welcome the opportunity to discuss the technical work with the Council's Officers in due course.

We trust this representation provides the Council will a sound understanding of the benefits of allocating land to the east of the Designer Outlet as a business park site within the Local Plan, and confidence that the site is entirely suitable. Oakgate/Caddick Groups is committed to working with the Council to ensure that an allocation within the Local Plan can be delivered within an entirely appropriate manner and would welcome a dialogue with the Council to discuss the information submitted as part of this representation.

Yours sincerely



- Encl:
- Appendix 1: Site Location Plan
  - Appendix 2: New business park in York Final Report
  - Appendix 3: Naburn Economic Case Update
  - Appendix 4: Naburn Business Park York Heritage Settings Assessment
  - Appendix 5: Landscape and Visual Briefing Note
  - Appendix 6: Masterplan
  - Appendix 7: Strategic Access and Connectivity
  - Appendix 8: Sustainability Appraisal



22 July 2019

Planning Policy  
City of York Council

By email only:  
localplan@york.gov.uk


avisonyoung.co.uk

Dear Sir / Madam,

## **YORK LOCAL PLAN PROPOSED MODIFICATIONS CONSULTATION (JUNE 2019)**

These representations have been prepared by Avison Young, previously HOW Planning LLP, on behalf of Oakgate Group PLC (Oakgate). They relate to land to the east of the Designer Outlet, Naburn (the site). A site location plan is included at **Appendix I**.

### **Naburn Business Park**

In June 2019, a planning application was submitted to the City of York Council (CYC) for a new business park on the site (application ref: 19/01260/OUTM). A masterplan is included at **Appendix II**.

The proposals will meet employment needs that have not been adequately addressed through the Local Plan, delivering 2,000 new jobs, an enhanced park and ride facility and better public access to the Green Belt. The application is yet to be determined.

### **Local Plan background**

Over several years, Oakgate has engaged with CYC at all stages of the Local Plan preparation process including:

- The Preferred Options Local Plan consultation (2013);
- The Preferred Sites consultation (2016);
- The Pre-Publication consultation (2017); and
- The Publication Draft Regulation 19 consultation (2018).

These representations relate to the latest consultation on "Proposed Modifications" to the Local Plan and should be read alongside previous submissions including those at **Appendix III**.

The Proposed Modifications do not go far enough to address the fundamental flaws identified with the Local Plan.

To be found sound, the flaws should be remedied now, with the opportunity for informed participation. This will require a comprehensive Green Belt



review and analysis of alternative options to meet employment (and housing) needs with the benefit of an essential evidence base. This would allow a detailed review of the deliverability of identified employment land and an assessment of the consequences of the proposed employment strategy on job creation to ensure that the Local Plan can be put forward as the most appropriate strategy in terms of overall sustainability. Without this analysis it is not possible to properly conclude the Local Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

## **Proposed Modifications 16 and 17**

Proposed modifications 16 and 17 relate to Policy EC1 (Employment Allocations), which seeks to deliver the forecast employment land requirement of 231,238 sqm, including 107,081 sqm of office floorspace, over the plan period. This is against a backdrop of severe historic undersupply of office space in York, which has led to a vacancy rate of less than 2%<sup>1</sup>.

The largest proposed allocation, by far, is York Central accounting for over 40% of all allocated employment land. We maintain that the Local Plan is over reliant on this single site, which has significant constraints, in terms of deliverability, but also the limited type of office floorspace it can deliver to the market.

The Proposed Modifications fail to reflect the latest position at York Central and continue to overstate the amount of office space that can be delivered:

- The planning permission for York Central, approved in March 2019, includes between 70,000sqm and 87,693 sqm of office space. The majority of which (anticipated 76,762sq.m) is intended to be delivered within Phases 3 and 4 of the scheme's phasing plan with Phases 1 and 2 focused on the delivery of residential development. Phases 3 and 4 are set to be completed by 2033 and have start dates ranging between 2023 and 2026.
- The proposed allocation for York Central in the draft Local Plan is for 100,000 sqm. This means at York Central there will be a shortfall of at least 12,000 sqm, and potentially up to 30,000sqm, of office floorspace against the draft Local Plan allocation. This is alongside, very little delivered in the early stages of the plan period (anticipated 8,525sq.m within Phase 1) with the majority focused within Phase 3 and 4, as demonstrated above.
- There are no other allocations included in the draft Local Plan that include a specific requirement for office floor space. This means, combined with the shortfall at York Central, there is potentially 37,000 sqm of office floor space unaccounted for in the draft Local Plan.
- Naburn Business Park includes 25,000sqm of office floorspace that could help plug the office floorspace gap we have identified in the draft Local Plan. An application has been submitted to CYC, which is supported by an EIA and a suite of technical documents which demonstrates how the proposals represent sustainable development, which could be delivered immediately to meet York's unmet employment needs.
- The employment allocations should identify a mix sites to reflect the needs of different markets and occupiers (who will have differing locational drivers). York Central will be a desirable location for some office occupiers, but it will not suit the needs of those sectors with a higher dependency on occupiers who need quick access to the road network (either for commuting or for business reasons). Other types of occupiers may also prefer a campus style business park environment to a city centre location for reasons of security or privacy, for example headquarters of large businesses, defence organisations and data centres, which the Naburn Business Park is designed to the meet the needs of.

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<sup>1</sup> Appendix IV - Regeneris Addendum to Naburn Business Park Economic Case – Figure 1.3 (CoStar)

We maintain, Policy EC1 has not been justified, is unlikely to be effective, does not represent positive planning and is not consistent with the NPPF.

## **Topic Paper 1 – Approach to defining York's Green Belt – Addendum (March 2019)**

The Topic Paper 1 Addendum is a selective review of the York's Green Belt and retrospectively seeks to justify the Local Plan strategy already adopted.

CYC acknowledge that the growth planned in the Local Plan cannot be accommodated without a review of Green Belt boundaries but, as submitted, the Local Plan evidence base only includes a selective review of York's Green Belt, which has been carried out retrospectively to justify a pre-existing employment (and housing) strategy.

CYC's approach of only assessing selected allocations means that more suitable land has potentially been overlooked and it is not possible to conclude that the Local Plan can be put forward as the most appropriate strategy in terms of overall sustainability.

All reasonable opportunities, including the Naburn Business Park site, should be reviewed prior to the allocation of sites. It is not appropriate that only proposed allocations sites have been considered. CYC should be in a position where they have the evidence to showcase that they have considered all reasonable alternatives and selected the most suitable and sustainable sites based on evidence, with justification for discounting others.

A comprehensive Green Belt review is necessary to ensure consistency with the spatial strategy and to ensure that the boundaries will not need to be reviewed again at the end of the plan period in accordance with NPPF paragraph 85. This is the same conclusion that the Inspector for the Leeds City Council Core Strategy reached in September 2014<sup>2</sup>.

This is particularly relevant in York because: a) it will be the first time that York's Green Belt has been properly defined; and b) the identified shortfall of employment land identified in Policy EC1.

### **Summary**

- The Proposed Modifications fail to address the shortfall of employment land identified in the draft Local Plan;
- The Council's proposed modifications fail to reflect the latest position at York Central and continue to overstate the amount of office space that can be delivered; and
- The further Green Belt evidence submitted as part of the Proposed Modifications, in the form of Topic Paper 1 Addendum, does not address our previous concerns over the methodology behind the site allocations and a comprehensive Green Belt review should be undertaken.

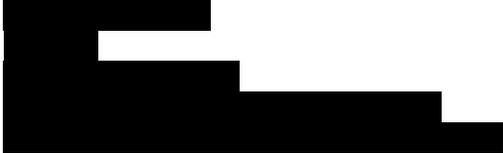
As drafted, the Local Plan put forward is the not most appropriate strategy in terms of overall sustainability. Without a comprehensive Green Belt review and subsequent analysis of employment allocations, it is not possible to properly conclude the Local Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

We trust the above comments will be taken into consideration in the next stages of the preparation of the Local Plan. Please do not hesitate to contact me if you have any questions or require any further information in relation to Oakgate.

Yours faithfully,

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<sup>2</sup> Mr A Thickett - Report on the Examination into Leeds City Council Core Strategy – 5<sup>th</sup> September 2014



**York Local Plan Hearing Statement:  
Matter 3 – Green Belt  
On behalf of Oakgate Group**

November 2019

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[Redacted]

Final Date: November 2019

[Redacted]

# 1. Introduction

- 1.1 This Hearing Statement has been prepared on behalf of Oakgate Group in response to the issues and questions identified by the Inspectors in respect Matter 3: Green Belt.
- 1.2 Oakgate Group has engaged in the preparation of the York Local Plan over several years and has consistently argued that there is an under provision of employment space in York, quantitatively and qualitatively, which is damaging to the local economy.
- 1.3 The draft Plan fails to address York's employment needs by not allocating or safeguarding sufficient employment land as part of the review of Green Belt boundaries. This is a major failing of the draft Plan.
- 1.4 The draft Plan therefore cannot be considered the most appropriate strategy in terms of overall sustainability without a comprehensive Green Belt review and subsequent allocation of further land to meet the identified shortfall in employment land needs. As submitted, it is not possible to conclude that the draft Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

## **Naburn Business Park**

- 1.5 Oakgate Group own 18.2ha of land to the east of the York Designer Outlet, Naburn (the site).
- 1.6 In June 2019, a planning application was submitted to the City of York Council for a new business park on the site under application ref: 19/01260/OUTM ('the Naburn business Park').
- 1.7 The proposals will meet employment needs that have not been adequately addressed through the Local Plan, delivering 25,000sqm of office floor space and an innovation centre, 2,000 new jobs, an improved park and ride facility and enhanced public access to the Green Belt. The application is yet to be determined.

## 2. Matter 3 – Green Belt

Question 3.1 Paragraph 10.1 of the Plan states that “the plan creates a Green Belt for York that will provide a lasting framework to shape the future development of the city”. For the purposes of Paragraph 82 of the National Planning Policy Framework, is the Local Plan proposing to establish any new Green Belt?

- a) If so, what are the exceptional circumstances for so doing, and where is the evidence required by the five bullet points set out at Paragraph 82 of the Framework?
- b) If not, does the Local Plan propose to remove any land from the established general extent of the Green Belt? If it does, is it necessary to demonstrate that exceptional circumstances exist to warrant that approach? Or is it the case that the Local Plan establishes the Green Belt boundaries for the first time, such that the exclusion of land from the Green Belt – such as at the ‘garden villages’, for example – is a matter of Examination of the City of York Local Plan 2017-2033 establishing Green Belt boundaries rather than altering them, in the terms of Paragraph 82 of the Framework?

2.1 Because of York's long and complicated Local Plan history, the extent of the Green Belt has never been properly defined. As the boundaries are not defined, they cannot be altered, and therefore NPPF paragraph 83 should not apply. Notwithstanding this, exceptional circumstances have been justified by the Council to change the general extent of the Green Belt.

2.2 The “general extent” of the Green Belt was last set out in the now revoked Yorkshire and Humber Regional Spatial Strategy<sup>1</sup>. The RSS key diagram, which includes the general extent of the Green Belt, is not sufficiently detailed for development management purposes. This lack of policy detail has held back development in York.

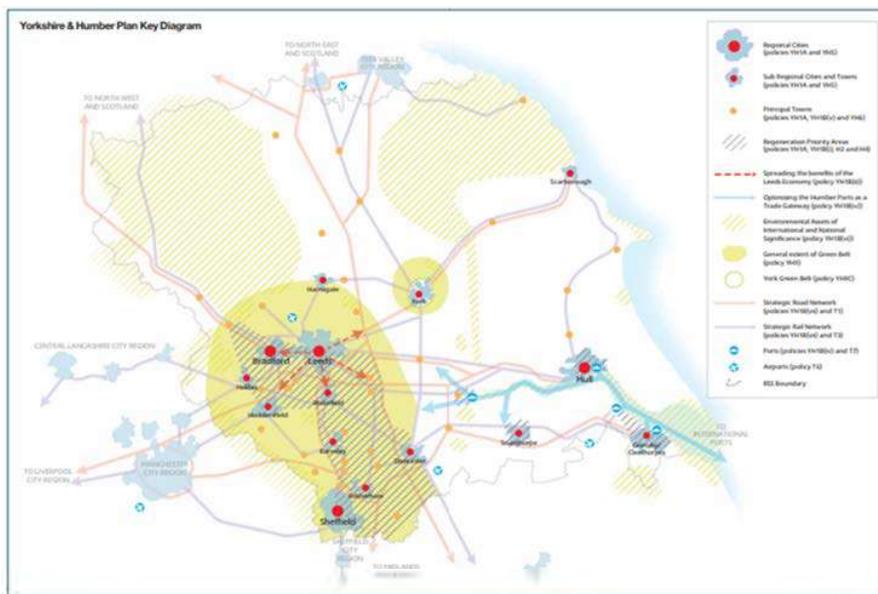


Figure 1: Partially Revoked Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (2008) Key Diagram

<sup>1</sup> When the RSS was revoked in 2013 the green belt policies and key diagram were saved from revocation

- 2.3 The submitted Plan will set York's detailed green belt boundaries for the first time – not just the inner and outer boundaries, but the land in between too which may not necessarily meet the NPPF Green Belt purposes to warrant inclusion. The setting of the Green Belt should only be done following an up-to-date comprehensive Green Belt assessment, which the Council has failed to do.

**Question 3.2 Paragraph 1.1.1 of the Council's "Approach to defining York's Green Belt" Topic Paper (TP1) [TP001] says "York's Local Plan will formally define the boundary of the York Green Belt for the first time." How has the Council approached the task of delineating the Green Belt boundaries shown on the Policies Map? In particular:**

**b) How has the need to promote sustainable patterns of development been taken into account?**

- 2.4 There are two key flaws to the Council's approach to promoting sustainable patterns of development:
- i. failure to undertake an up-to-date comprehensive Green Belt Review; and
  - ii. retrospectively seeking to prepare Green Belt evidence blinkered to reasonable alternatives and without proper consideration of the quality of the Green Belt land including factors like clearly defined boundaries, physical boundaries and likely permanence.
- 2.5 The Topic Paper 1 Addendum fails to demonstrate how the Council has assessed the Green Belt contribution of individual parcels of land and is absent of a robust scoring system. Instead the Council relies on historic and incomplete work on the Green Belt, including the 2003 'The Approach to the Green Belt Appraisal', which is just 16 pages long, and the subsequent 2011 update, which did not methodically review the 2003 Appraisal but was limited only to responding to comments submitted.
- 2.6 The Topic Paper 1 Addendum Annex 5 assesses sites proposed to be allocated by the Council. There is no equivalent Green Belt assessment of discounted sites in the Council's evidence base which demonstrates that comparative analysis of reasonable alternatives has been properly undertaken.
- 2.7 Land at Naburn which was assessed by the Council as not warranting inclusion in the Green Belt in 2003 and 2005 and only subsequently altered in 2011 following an objection from Fulford Parish Council with no comprehensive appraisal or justification.
- 2.8 The Council's backward approach to the Green Belt is evident by the sheer scale of the Topic Paper 1 Addendum and the fact that it was only available in March 2019 a year after the draft Plan was published (February 2018).

**c) With regard to Paragraph 84 of the Framework, how have the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary been considered?**

- 2.9 In order to be consistent with Paragraph 84 of the NPPF, the Council should consider and allocate further land to meet the employment development requirements as set out in the Local Plan, taking into account the shortfalls already evident in the proposed allocations and to ensure the long term endurance of Green Belt boundaries beyond the plan period. See question 3.2d below.

**d) How do the defined Green Belt boundaries ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development and/or include any land which it is unnecessary to keep permanently open?**

- 2.10 The proposed Green Belt boundaries are not consistent with the Local Plan strategy to support economic growth because the draft Plan fails to allocate enough land to meet identified employment needs.
- 2.11 The Council acknowledge that there is "a shortfall in the supply of suitable and available employment land within the urban area" , and therefore additional employment land can therefore only be delivered in the Green Belt.
- 2.12 We appreciate that the Phase 1 hearings have been convened to deal with strategic matters relating to housing strategy and Green Belt, however, to answer this question fully, it is necessary to briefly touch on draft employment allocations too.
- 2.13 Policy EC1 (Employment Allocations) identifies four sites to meet York's office floorspace requirement of 107,081sq.m, over the plan period.

ST5: York Central

- 2.14 The largest proposed allocation is York Central, accounting for 93% of the total office floorspace requirement.
- 2.15 The draft Plan fails to acknowledge the latest position at York Central and continues to overstate the amount of office space that can be delivered. An outline planning permission for York Central was approved in March 2019 (Ref: 18/01884/OUTM) and permits between 70,000sqm and 87,693 sqm of office space. Comparing this against the proposed allocation for York Central in the draft Plan at 100,000 sqm, this means at York Central there will be a shortfall of at least 12,000 sqm, and potentially up to 30,000sqm, of office floorspace against the proposed allocation.
- 2.16 The majority of this floorspace (76,762sq.m) will be delivered within Phases 3 and 4, with Phases 1 and 2 focused on the delivery of residential development. Phases 3 and 4 are not due to be completed until 2033 and have start dates ranging between 2023 and 2026. There is no floorspace proposed to be delivered post-plan period (post 2033).
- 2.17 Given the range proposed within the application approved (70,000sqm and 87,693 sqm), we have therefore assumed a median of 78,000sq.m as a more robust position for the expected delivery during the plan period.

ST19: Land at Northminster Business Park

- 2.18 Northminster Business Park is currently not an office development and is predominantly by B1c, B2 and B8 uses, including distribution, industrial and warehouse units.
- 2.19 Policy EC1 states that future development at this site will be focused on the expansion of the existing B1c, B2 and B8 uses.
- 2.20 For robustness however, with regard to Policy EC1 stating that 'an element of B1a may be appropriate', we have assumed a 5% of provision of office floorspace for the anticipated delivery.

E11: Annamine Nurseries, Jockey Lane

- 2.21 This site has been bought by the Shepherd Group who own the surrounding land. Future development on this site is anticipated to focus on the expansion of the existing portakabin business surrounding the site, with no new office space anticipated to be delivered.

E16: Poppleton Garden Centre

- 2.22 Poppleton is an active Garden Centre, purchased very recently by Dobbies from Wyevale in April 2019. The site is no longer considered a likely future employment site. In any case the Council has only identified that the site may be suitable for "an element of B1a". The Council has not justified that the site can be relied on to deliver any new office floorspace during the plan period.
- 2.23 Based on the above, there is potentially a shortfall of 26,606sq.m (against the target of 107,081sq.m) of office floorspace unaccounted for in the draft Plan. This is summarised in the table below:

Sites Allocated for B1a Employment in Draft Local Plan				
Sites	CYC allocation size (sqm)	CYC's view on suitable employment uses	AY comments	AY anticipated delivery (sqm)
ST5: York Central	100,000	<b>B1a</b>	An outline application approved has been approved (Ref: 18/01884/OUTM) which permits up to 70,000-87,693sq.m of B1a floorspace. The estimated delivery has been therefore been calculated as the median of this permitted range.	78,000
ST19: Land at Northminster Business Park	49,500	B1c, B2 and B8. May also be suitable for <b>an element of B1a.</b>	The most recent planning application for this site (Ref: 18/02919/FULM) permitted 1,188sq.m B1a. Based upon this and a further 'element' of B1a floorspace being delivered the expected delivery has been estimated as 5% of the total allocation.	2,475
E11: Annamine Nurseries, Jockey Lane	3,300	<b>B1a</b> , B1c, B2 and B8	The site has been bought by the Shepherd Group who own the surrounding land. Future development on this site is anticipated to focus on the expansion of the existing portakabin business surrounding the site, with no new office space delivered.	0
E16: Poppleton Garden Centre	9,240	B1c, B2 and B8. May also be suitable for <b>an element of B1a.</b>	The site has been bought by Dobbies and is currently being used as a garden centre. Based on the site being in active use and no plans for redevelopment, the anticipated delivery of B1a floorspace has been calculated as 0.	0
<b>Total</b>	<b>162,040</b>		<b>Total anticipated delivery</b>	<b>80,475</b>
<b>Total B1a required in Local Plan</b>	<b>107,081</b>		<b>Difference in anticipated delivery against Council's B1a target</b>	<b>-26,606</b>

- 2.24 Returning to the principal question of the Green Belt and why this all matters. By not planning to meet its identified employment needs it cannot be said that the Green Belt boundaries are consistent with the Local Plan strategy for meeting identified requirements for sustainable development. This fundamental flaw of the

draft Plan should be resolved before the Green Belt boundaries are defined permanently and further land should be allocated to ensure that the employment land targets, as set out in the Plan, are met with sufficient capacity for flexibility.

- 2.25 The Naburn Business Park is a live planning application that is deliverable in the short term to meet identified need now and could be identified in the Local Plan. The proposals comprise 25,000sqm of office floorspace and an innovation centre that could plug the identified office floorspace gap and the application is supported by a suite of technical documents which demonstrate how the proposals represent sustainable development.

**Question 3.3 Will the proposed Green Belt boundaries need to be altered at the end of the Plan period? To this end, are the boundaries clearly defined, using physical features that are readily recognisable and likely to be permanent? What approach has the Council taken in this regard?**

- 2.26 If the Council is to meet its identified development needs the Green Belt boundaries will undoubtedly need to be altered at the end of the Plan period, if not before. This is one of the biggest failings of the draft Plan and is particularly concerning given the protracted history of the Local Plan to date and the Council's inability to adopt an up-to-date plan since the 1950s.
- 2.27 We estimate that there is a potential a shortfall of 26,000sqm of office floorspace identified though the Local Plan. See Question 3.2 above. The draft Plan has therefore not allocated enough land to meet the employment land needs of York over the plan period, let alone beyond the Plan period

**Question 3.4 Should the Plan 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?**

- 2.28 Yes, the Local Plan should identify areas of safeguarded land between the urban area and the Green Belt to ensure that the Green Belt boundaries endure beyond the plan period and to ensure consistency with Paragraph 85 of the NPPF.
- 2.29 The Council's approach that "*it is not longer necessary to designate safeguarded land*" due to some of the strategic sites identified in the draft Plan having anticipated build out times beyond the 15 year trajectory is fundamentally flawed and unsound for several reasons:
- Other Local Plan Inspectors<sup>2</sup> have indicated that a 15-year plan period, followed by 10 to 15 years' worth of safeguarded land will ensure that Green Belt boundaries retain a degree of permanence.
  - The draft Local Plan Incorporating the 4<sup>th</sup> Set of Changes (April 2005) recognised the merit in including safeguarded land. By proposing safeguarded land (including the Land at Naburn, Ref: Naburn Designer Outlet) the Council has expressly acknowledged that those areas do not perform a Green Belt function.

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2 Ashfield Local Plan; Cheshire East Local Plan Strategy; Leeds Core Strategy and Rotherham Core Strategy

- The need for safeguarded land was clearly stated in legal advice sought by Officers of the Council<sup>3</sup> which was clear that if no safeguarded land is identified the emerging Local Plan is likely to be found unsound.
- In terms of offices space, the submitted plan does not actually identify any strategic sites with supply stretching beyond the plan period. See Question 3.2 above, we estimate there will actually be an undersupply of office supply during the plan period, particularly in the short term.

2.30 The inclusion of safeguarded employment land is necessary so that the Plan has flexibility to adapt and respond to changing circumstances. This is especially important in York for where there is an acute demand for office space (less than 2% vacancy); an overall reliance on one allocation (York Central) to meet 93% of York's identified office floorspace needs; and a track record of failing to adopt new Local Plans, meaning it cannot be assumed that any future review or new Local Plan will be delivered in a timely fashion.

**Question 3.5 Overall, are the Green Belt boundaries in the plan appropriately defined and consistent with national policy in the National Planning Policy Framework, and is the Plan sound in this regard?**

2.31 As outlined in this statement and previous representations, there remains significant objection to the Council's approach to the Green Belt which fails to meet the following tests of soundness:

- The Local Plan has **not been positively prepared**. Fundamental technical work such as a comprehensive Green Belt assessment is incomplete; and much technical work has been undertaken after the site selection process was completed so evidence has been retrofitted to justify the pre-existing employment strategy and does not represent the most appropriate strategy;
- It is **not justified** as the Council's approach to defining the Green Belt simply fails to reflect its own evidence base. The Council is reliant on an out of date evidence which dates back to the 2003 Green Belt Appraisal and was formulated in the context of development requirements that bear no relation to present and forecast needs. There is no transparent logic or justification as to how the sites identified for allocation and their respective boundaries have been defined;
- The Local Plan is **not effective** as the plan fails to identify sufficient employment land to meet identified needs during the plan period. This failing is further compounded by the lack of safeguarded land to provide flexibility or ensure that Green Belt boundaries will endure well beyond the plan period; and
- The Local Plan's approach to Green Belt is **inconsistent with national policy** as the amount of employment land proposed to be released from the Green Belt is insufficient and further land is required in sustainable locations in order to meet the delivery of sustainable development objectives set out in the Framework.

**Question 3.6 Paragraph 83 of the National Planning Policy Framework is clear that Green Belt boundaries should only be altered in exceptional circumstances. It appears that the Plan proposes to 'release' some land from the Green Belt by altering its boundaries. In broad terms:**

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<sup>3</sup> As presented at the Local Plan Working Group – 29 January 2015

- a) **Do the necessary exceptional circumstances exist to warrant the proposed alterations to Green Belt boundaries, in terms of removing land from the Green Belt? If so, what are they?**

2.32 Notwithstanding comments above relating to the Green Belt being defined for the first time. It is agreed that exceptional circumstances are justified to warrant changes to the Green Belt.

- c) **What is the capacity of existing urban areas to meet the need for housing and employment uses?**

2.33 There is not enough capacity to meet York's developments needs within the existing urban area and without the removal of further land from the Green Belt the employment needs of the City cannot be met.

**Question 3.7: How was the land proposed to be removed from the Green Belt been selected? Has the process of selecting the land in question been based on a robust assessment methodology that:**

- a) **reflects the fundamental aim of Green Belts, being to prevent urban sprawl by keeping land permanently open;**
- b) **reflects the essential characteristics of Green Belts, being their openness and permanence;**
- c) **takes account of both the spatial and visual aspects of openness of the Green Belt, in the light of the judgments in Turner and Samuel Smith Old Brewery;**
- d) **reflects the five purposes that the Green Belt serves, as set out in paragraph 80 of the Framework; and**
- e) **takes account of the need to promote sustainable patterns of development.**

2.34 The Council's Green Belt evidence was, until recently, out of date and incomplete. The Council first reached a prejudged position on site allocations and has sought to retrofit Green Belt evidence to support its conclusions, blinkered to requirements of the NPPF and SEA.

2.35 The evidence has been retrospectively bolstered to fit the Council's preferred spatial strategy, but in doing so fails the NPPF tests of soundness as it cannot be said that the plan is "*the most appropriate strategy, when considered against the reasonable alternatives*".

2.36 The Inspectors will be familiar with the history of the York Local Plan, but below is a summary of some of the key events since 2003, which relate to the Green Belt evidence base and Oakgate's land at Naburn. The Council's approach to the assessment of land at Naburn has not been justified.

- In **2003** the Council prepared a document named 'The Approach to the Green Belt Appraisal'. This document relied on evidence largely prepared in connection with the York Green Belt Local Plan Deposit Draft 1991. In 2003, the Council concluded that Naburn Business Park site did not to serve any of the five purposes of the Green Belt and was subsequently not designated as such.
- In **2005** the Council produced the City of York Fourth Set of Changes (Development Management) Local Plan which was approved for Development Management purposes. This Plan represents the most advanced Local Plan document approved to date, in which the Naburn Business Park site was partly allocated (9ha) as a reserved site for development.

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- In **2008**, the Yorkshire and Humber Regional Spatial Strategy (RSS) was adopted which set out the general extent of the York Green Belt. This comprised a high-level key diagram, with the area outside of the urban area of York identified as Green Belt. There was no detailed assessment of the quality of the Green Belt and it did not take into account York City Council Green Belt evidence which excluded Naburn Business Park from the Green Belt. This meant that by default the Naburn Business Park site has been treated Green Belt even though the exact extent of the Green Belt has never been defined.
  - In **2011**, the City of York Historic Character and Setting Technical Paper was prepared which considered potential changes to the boundaries proposed in the 2003 Appraisal document, in light of comments raised primarily from Fulford Parish Council. In this document the Naburn Business Park site was altered to an Extension to the Green Wedge. The document did not comprehensively review all the historic character areas, only responding to specific comments raised, and no technical evidence was provided to support the changes made.
  - In **2013**, the RSS was revoked except for the Policies YH9(C) and Y1 (C1 and C2) and the key diagram relating to the general extent of the Green Belt in York which were saved.
  - **2019**, the Council is now defining the inner and outer boundaries of the Green Belt for the first time through the draft Local Plan supported by Topic Paper 1 (The approach to defining York's Green Belt) and the subsequent Addendum (including annexes). However, are still reliant on the general extent of the Green Belt as defined in the RSS of 2008 and the changes made to the 2003 Green Belt Appraisal document in 2011, allocating the Naburn Business Park Site within the Green Belt, as a Green Wedge with regard to historical character.

2.37 The above timeline demonstrates that since 2003 the Council has failed to objectively assess the quality of the York Green Belt through an up-to-date comprehensive Green Belt Review, which in turn can be used to properly define the Green Belt boundaries based on up-to-date development needs.

## Contact Details

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# 1. Addendum to Naburn Business Park Economic Case

## Purpose of Addendum

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- 1.1 The purpose of this addendum is to support a planning application for a new business park at Naburn. This addendum should be read in conjunction with our original report and takes in to account changes to the Local Plan and underpinning evidence base.

## Background

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- 1.2 In 2011, Regeneris Consulting was appointed by Oakgate Group plc to review the case for the development of a new business park on land to the south of York just off the A64 and adjacent to the York Designer Outlet Centre. This was intended to inform discussions between Oakgate plc and the City of York Council about potential site allocations in the new Local Plan.
- 1.3 In February 2018, the City of York Council (COYC) published its Publication Draft of the Local Plan (hereafter referred to as the Draft Local Plan). This included some changes to the assessed quantity of employment land that COYC will need to ensure is available between 2017 and 2032 and changes to the sites allocated for future development to meet this need.

## Employment Land Policies in Draft Local Plan

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### Demand for Office Space/Land

- 1.4 Policy SS1 of the Draft Local Plan states the aim of providing “*sufficient land to accommodate an annual provision of around 650 new jobs that will support sustainable economic growth*”. This is a lower rate of jobs growth than was previously assumed in the 2013 Preferred Options Local Plan (800 per year).
- 1.5 Despite this, the total amount of office floorspace (B1a) required to meet this jobs growth has increased significantly. Table 4.1 in the Draft Local Plan identifies the need to deliver a total of 107,000 sq m of B1a space (13.8 Ha), compared to 44,600 sq m in the Preferred Options Plan. This need for office floorspace is based on calculations in the 2016 Employment Land Review (ELR) and the 2017 ELR update.
- 1.6 These ELRs provide a number of explanations for why the need for B1a space has increased significantly from the Preferred Options Plan:
- the 107,000 sq m is based on the forecast need over a 21 year time period (2017 to 2038)<sup>1</sup>, while the previous estimate of 44,600 sq m was based on an 18 year period (2012-2030).
  - Although the overall rate of jobs growth is lower in the Draft Local Plan than previous estimates, the forecast growth rate of a number of office based sectors is higher than previous estimates and it is this that drives the need for extra office space. This includes ICT, professional, scientific and technical activities and real estate sectors.

<sup>1</sup> Although the Local Plan period is based on the period 2017 to 2032/33, the plan allows for a five year period after the end of the plan to “provide a degree of permanency for the Green Belt”

- The new estimate includes an upward adjustment of 34,500 sq m of B1a office space to replace the space which has been lost between 2012 and 2017 (mainly due to office to residential conversions).
  - The new estimate has also added a buffer for delays in sites coming forward (an additional two years supply<sup>2</sup>) which was not included in the estimates of need in the Preferred Options Plan.
- 1.7 Whilst the target for delivery of office space is larger than before, we consider that it represents a sound assessment of need and is consistent with COYC’s growth aspirations for the City and therefore provides a sound basis for planning. We also agree with the upward adjustments which have been made, which are consistent with the approach taken in ELRs in other parts of the country.

## Supply of Employment Land

- 1.8 Policy EC1 identifies the sites which it is proposed are allocated to meet future demand for office space (and other uses). The strategic sites are set out in Table 1.1. The only site which is allocated specifically for B1a development is York Central, which it is suggested can accommodate 100,000 sq m of office space (up from 80,000 sq m in the Preferred Options paper and 61,000 sq m in the Pre-Publication Draft published in 2017). It is not clear how why the estimated capacity of this site has fluctuated so much in various iterations of the plan.
- 1.9 Northminster Business Park may also be able to accommodate some B1a space, however the main focus of development at this site appears to be industrial uses, with the Local Plan only stating that it “*may be suitable for an element*” of B1a.

**Table 1.1 Strategic Sites Allocated in Draft Local Plan**

Site	Size	Suitable Employment Uses
ST5: York Central	100,000 sq m/3.33ha	B1a
ST19: Northminster Business Park	49,500 sq m/15ha	B1c, B2 and B8. May also be suitable for an element of B1a
ST27: University of York	21,500 sq m/21.5ha	B1b knowledge based activities including research-led science park uses
ST26: South of Elvington Airfield Business Park	25,080 sq m/7.6ha	B1b, B1c, B2 and B8
ST37: Whitehall Grange, Autohorn, Wiggington Rd	33,330 sq m/10.1ha	B8

Source: City of York Council (2018): Publication Draft of the Local Plan

- 1.10 In addition to these strategic sites, the Draft Local Plan also identifies a series of other smaller employment sites (see Table 1.2). The only site which could definitely accommodate B1a is Annamine Nurseries, a one hectare site which has also been allocated for industrial uses. The Poppleton Garden Centre may also include an element of B1a, but again is likely to be mainly for industrial uses.
- 1.11 There may also be scope to provide additional space on infill sites in York city centre, although it is unclear how much additional space this could provide.

<sup>2</sup> In practice this is a fairly modest buffer over a 22 year period (less than 10%)

**Table 1.2 Other sites allocated for employment uses**

E8: Wheldrake Industrial Estate	1,485 sq m/0.45ha	B1b, B1c, B2 and B8
E9: Elvington Industrial Estate	3,300 sq m/1ha	B1b, B1c, B2 and B8
E10: Chessingham Park, Dunnington	792 sq m/0.24ha	B1c, B2 and B8
E11: Annamine Nurseries, Jockey Lane	3,300 sq m/1ha	B1a, B1c, B2 and B8
E16: Poppleton Garden Centre	9,240 sq m/2.8ha	B1c, B2 and B8. May also be suitable for an element of B1a
E18: Towthorpe Lines, Strensall	13,200 sq m/4ha	B1c, B2 and B8 uses

Source: City of York Council (2017): Pre-Publication Draft of the Local Plan

1.12 To assess whether this supply of land and mix of sites is likely to meet the updated assessed needs of York's economy over the plan period, we have sought to answer three questions:

- Has a sufficient quantity of employment land been identified to meet the forecast need for B1a space (107,000 sq m)?
- Do the allocated sites meet market requirements and offer enough choice to potential investors?
- What are the likely timescales for delivery of the sites and will there be sufficient supply of employment land to meet demand in the short, medium and long term?

**Has a sufficient quantity of land been identified?**

1.13 Based on the evidence above, we cannot say definitively how much land has been allocated for B1a development in York, or how much office space this could support. However, based on the assumption that the Northminster Business Park site will be able to accommodate around 7,000 sq m of B1a floorspace, it seems likely that the proposed supply of employment land will **just be sufficient to meet the forecast demand for 107,000 sq m of B1a space** between 2017 and 2038. This is because the capacity at York Central has increased significantly from the earlier iterations of the plan.

**Do the allocated sites meet market requirements and offer enough choice to potential investors?**

1.14 Although the allocated sites have changed since our previous report it remains the case that potential investors looking for B1a accommodation will have a choice of just two large sites (York Central and Northminster Business Park). There is also a question over exactly how much B1a space will be available at Northminster Business Park, where the Draft Local Plan indicates the main focus will be on industrial development.

1.15 As we stated in our original report, it is important that areas provide a balanced portfolio of sites to reflect the needs of different markets and occupiers (who will have differing locational drivers). Whilst York Central will be a highly desirable location for many office occupiers, it will not suit the needs of those sectors with a higher dependency on car-borne occupiers who need quick access to the road network (either for commuting or for business reasons). Other types of occupiers may also prefer a campus style business park environment to a city centre location for reasons of security or privacy eg headquarters of

large businesses, defence organisations and data centres. Finally, given that York Central is likely to command high rental values, it may not suit the needs of small to medium enterprises which are more cost sensitive and tend to look for affordable and flexible premises.

**1.16 Therefore the continued reliance on York Central means there would be insufficient choice for investors.**

1.17 The market attractiveness of sites has been assessed through the application of a simple scoring framework used in the 2016 ELR and then the 2017 Update. This considers five criteria and attaches different weights to each based on the importance of these factors to B1 occupiers (based on the judgment of the ELR authors). These criteria and weighting are as follows:

- Travel time to motorway x1
- Travel time to York railway station (& city centre) x3
- Agglomeration with other businesses x2
- Size of site x2
- Assessment of current demand x2
- Proximity to research and knowledge assets x 2

1.18 The scores given to each of the sites allocated for B1a office space (including those with an element of B1a) are shown in Table 1.3. We have also included the scores for the Designer Outlet (which we assume to be the Naburn Business Park site). Naburn scores higher than both of the two smaller sites (Poppleton Garden Centre and Annamine Nurseries) but lower than York Central and Northminster Business Park.

1.19 York Central scores particularly high because of its city centre location and proximity to the railway station. As we stated in our original report, this is a highly attractive and sustainable location for B1a development which will be in high demand once developed. The key issue with this site is the timescales for delivery (see below).

1.20 The main difference between Northminster Business Park and the Designer Outlet is in the scores for agglomeration and the travel time to York railway station. In both cases, we believe there are flaws in the design of the scoring framework itself or in how the scores have been applied.

	Travel time to motorway	Travel time to rail station	Agglomeration	Size of site	Current demand	Proximity to R&D assets	Score for B1
York Central	1	15	8	10	6	4	44
Northminster	3	6	10	6	8	2	35
Designer Outlet (Naburn)	3	3	4	8	6	4	28
Poppleton Garden Centre	3	6	8	4	4	2	27
Annamine Nurseries	2	3	4	2	2	4	17

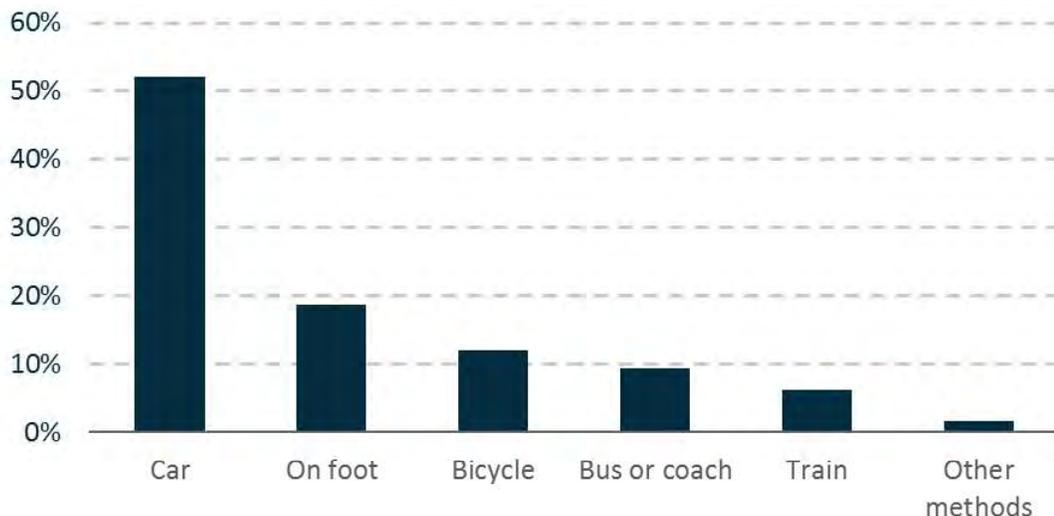
- 1.21 **We believe agglomeration of businesses is an unsuitable criteria for assessing the market appeal of a site, particularly in the way it has been defined in the 2016 ELR.**
- 1.22 Agglomeration effects refer to the productivity benefits that come when firms and people locate near one another eg to be closer to suppliers or customers or so that they can more easily attract or recruit workers. These effects help to explain why cities form and why certain industries tend to cluster together. However, the presence of a number of firms being located in close proximity is not sufficient for agglomeration benefits to occur, nor is it likely to be a key factor influencing most businesses' location decisions. The exceptions to this may be on business parks which have a specific industry focus (such as science parks) where businesses and workers work in similar fields so are more likely to form relationships and have an incentive to locate in close proximity to each other (commonly referred to as clustering rather than agglomeration, which tends to refer to towns and cities).
- 1.23 This is not what is being assessed in the ELRs, where sites can gain a score of 6 (after weighting) if there are "*several businesses present in the area within 5 minutes walking distance*" and will be awarded higher scores if a number of these businesses are "*high value*" (where high value can refer to any sector with median wages above the national average). There is no consideration of which sectors are located on sites or whether the businesses are working in related fields, which is where agglomeration benefits might arise.
- 1.24 This criteria is therefore flawed and, because of its double weighting, skews the results in favour of those sites which already have a number of businesses in the local area, even though there is no evidence this will increase the appeal of the site to new occupiers. In addition to the Northminster site, South of Airfield Business Park and Elvington Industrial Estate also achieve relatively high score from the ELR assessment and have been allocated for development. The latter two sites are particularly inaccessible from the strategic road network or public transport and have weak evidence of business demand but have been allocated for development because of a high score for agglomeration.
- 1.25 **The inclusion of the criterion for travel time to railway station is justified, however we disagree with the relative scores given to Northminster Business Park and Naburn (Designer Outlet).** According to our estimates (based on drivetime modelling in Google maps) both sites can be accessed from York Railway Station in under 20 minutes (both around 16-17 mins) and should both receive a score of six (after weighting). Yet Northminster achieves a score of 6 while Naburn receives a score of 3.
- 1.26 **Based on the above, if the two sites were both given a score of 6 and the agglomeration criteria was removed, Naburn Business Park would score higher than Northminster and would emerge as one of the most attractive sites for B1a development.**
- 1.27 We believe there are a number of other flaws with the scoring framework and relative weightings given to different criteria. These are set out below:
- **There is no explicit consideration of access to skilled workers:** the types of sectors which occupy B1a space tend to be highly skilled sectors such as ICT and professional services. Access to skilled workers is therefore a key factor influencing the location decisions of these firms. Although this is indirectly referred to in two of the criteria (travel time to motorway and travel time to rail station), this is so important that it should be a criteria in its own right. Our original report showed that Naburn Business Park was very well positioned to draw upon the highly skilled labour markets to the south west of York in the Leeds City Region (although the same could also be said of Northminster)
  - **The weighting of criteria understates the importance of road access to office occupiers:** because of the importance of access to workers, the travel time to the motorway is very important for assessing the market appeal of a site. However this

is given the lowest weighting of all the criteria in the scoring framework (x1). Data from the 2011 Census showed that over 50% of commuters working in office based sectors in York still used a car to get to work, compared to only 6% who used a train (see Figure 1.1). We agree that access to a rail station is very important in the context of York and therefore the triple-weighting is fair. However, given the continued importance of cars to a number of office occupiers, we would argue that this criteria should be brought in to line with the other four and be double-weighted.

- **Proximity to research and knowledge assets will only be an important locational factor for a small proportion of office occupiers:** Proximity to the University may be an important consideration for some businesses, particularly those in science based and R&D intensive industries such as bioscience. However this is likely to be of minor importance to the majority of office based businesses, who work in sectors such as public admin, ICT and professional services. This is also given a double weighting despite the fact it will only be important for a minority of businesses.
- **There is no consideration of access to amenities or the quality of the local environment:** our original report showed that local amenities (shops, cafes, restaurants), a landscaped environment and public transport connections can all enhance the appeal of a site for office uses, particularly for business parks. The scoring framework should therefore assess the potential to create a high quality office environment.

**1.28** As stated in our original report, Naburn site exhibits all of the locational advantages described above and in paragraphs 4.4 to 4.8 of our original report and has high potential to create a campus style business park development. **We therefore conclude it should receive a much higher score for market attractiveness and should be allocated to address the shortfall of B1a space.**

Figure 1.1 Method of Travel to Work for Commuters Working in Office Based Sectors



Source 2011 Census

Note: Office based sectors defined as ICT, financial services, professional, scientific and technical activities and admin and support service activities

## **Will there be sufficient supply of employment land to meet demand in the short, medium and long term?**

- 1.29 It is common practice for ELRs to assess the likelihood that sites will come forward, the nature of any barriers which need to be overcome and the implications for timescales for delivery. This is not considered in either the 2016 ELR or the 2017 update.
- 1.30 This is particularly important given the continued reliance on York Central to deliver the majority of B1a office space, which could take many years to complete. Our original report noted a number of concerns about the deliverability of this site (see paragraph 7.11) which are all still relevant. At the time the report was published, the Council had indicated that site works would commence in 2017 however this has not been the case.
- 1.31 The York Central Partnership submitted an application for planning permission in August 2018 which should be determined at Planning Committee in early 2019. A reserved matters application for the first phase of infrastructure should then follow. However the timescales for delivery of development are still highly uncertain and there are a number of potential obstacles to new development coming forward. In particular, Highways England has expressed doubts about the traffic management and impact on the wider city, and has ordered that a planning decision be postponed until its concerns on transport infrastructure are answered
- 1.32 We are not aware of the timescales for delivery of new B1a office space at other sites such as Northminster Business Park. Although we note that paragraph 73 of the Local Plan Working Group raised concerns about traffic: *“Initial transport modelling of potential residential and employment sites has shown that increased queues and delays are being forecast in the Poppleton area, exacerbated by the potential level of development projected for that area, including potential employment sites at Northminster Business Park (ST19), Land to the North of Northminster Business Park and the former Poppleton Garden Centre”*. This suggests there may be some delays in bringing forward new development in this location.
- 1.33 Recent trends show a dwindling supply of office space across the city (see below). This means that the city is facing a potential shortage of B1a office space in the short term which could act as a barrier to growth.
- 1.34 **It is therefore unlikely that the identified sites will meet demand for B1a office space in the short to medium term (particularly York Central). This means there is a risk of York losing out on potential investment in the next five or ten years if it does not have an “oven ready” product for occupiers.**

## **Recent office market trends**

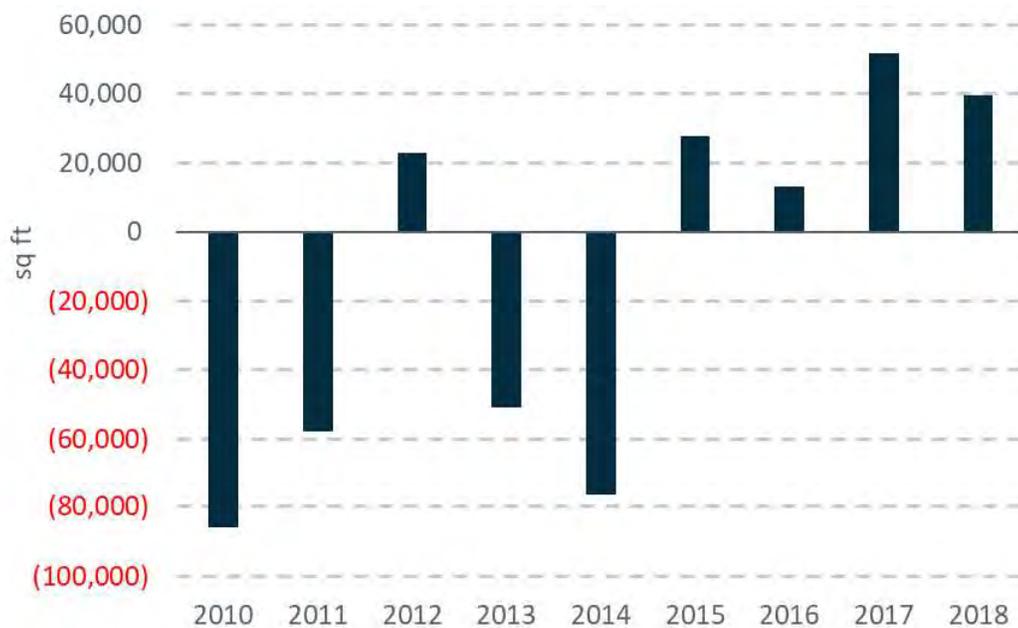
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- 1.35 Figure 1.2 shows recent trends in net take-up<sup>3</sup> of office space in York. It suggests demand was subdued for a long time period from 2010 to 2014. Since 2015 there is some evidence of an increase in demand, with net take-up of over 150,000 sq ft (14,000 sq m) of office space. Notable recent deals include BHP Chartered Accountants which took 40,000 sq ft of office space at Moorside (Monks Cross) and the Tees Esk Valley NHS Trust which took 19,000 sq ft at Huntington House on Jockey Lane.
- 1.36 These recent trends were borne out by local agents Lawrence Hannah (who handle around half of office deals in York including both of the above). They reported they had seen an increase in the number of enquiries and deals in the last three or four years, due to

<sup>3</sup> This measures the net change in occupied space over a given period of time, calculated by summing all the positive changes in occupancy (move ins) and subtracting all the negative changes in occupancy (move outs).

improving business confidence and investment from rail engineering businesses (a key sector in York) due to increased infrastructure spending by Government.

Figure 1.2 Net take-up of office space in York, 2010-2018



Source CoStar

- 1.37 Since 2014 there has been a sharp fall in the amount of vacant office space in York. There is currently just 50,000 sq ft (5,000 sq m) of space available, representing a vacancy rate of 1.4%. The drop is explained in part by an increase in net take-up since 2015 but also by the loss of large amounts of office space which has been converted to residential uses under permitted development rights (which is why we agree it is sensible for the Local Plan to address this loss of existing stock).
- 1.38 There is therefore very limited space available either in York city centre or in the outer business parks. This position has deteriorated since our original report and means there is a significant danger of losing investment in the short term.
- 1.39 Lawrence Hannah agents confirmed that they no longer have any office premises on their books and that there are no longer any premises offering over 10,000 sq ft of space across the whole of York. This means none of the larger requirements for space can currently be satisfied, which means York risks losing out on investment to other areas in the short to medium term. There was some anecdotal evidence that this is already happening.

Figure 1.3 Vacancy rate of office space in York, 2010-2019



Source CoStar

## Conclusions

1.40 There is a strong economic case for new business park development at Naburn on the following grounds:

- **Naburn Business Park would provide a genuine range of choice for office occupiers**, which reflects the fact that city centre space at York Central will not meet the needs of all occupiers, particularly cost sensitive SMEs and businesses that need good access to the road network.
- **Naburn Business Park would be attractive to the market**, being well located for the road network and accessing a skilled workforce, and capable of providing a high quality business park environment. A fair and objective assessment of Naburn would find that it is just as attractive to the market as Northminster Business Park.
- **Naburn Business Park could help to address the short to medium term shortfall of supply caused by the likely long delays at York Central**. Recent market evidence shows available supply has fallen even further since our original report, meaning there is a major risk of investment being lost to York unless new sites come forward.

**From:** [REDACTED]  
**Sent:** 07 July 2021 12:10  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 205945  
**Attachments:** Appendix\_I\_Site\_Location\_Plan.pdf; Appendix\_III\_Publication\_Representations\_2018\_and\_2019.pdf; Appendix\_IV\_Hearing\_Statement\_29.11.19.pdf; Appendix\_II\_Naburn\_Business\_Park\_Masterplan\_2013104100419.pdf; Appendix\_V\_Regeneris\_Addendum\_to\_Naburn\_Business\_Park\_Economic\_Case.pdf; Proposed\_Modifications\_July\_2021\_Representation\_070721\_Final\_.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?: York Economic Outlook December 2019 (EX/CYC/29)

## **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:** Please refer to Representation Letter and Appendices.

---

## **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:** Please refer to Representation Letter and Appendices.

---

## **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:** Please refer to Representation Letter and Appendices.

---

## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:** Please refer to Representation Letter and Appendices.

**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:** The site promoted by our client (Oakgate Group PLC); land to the east of the York Designer Outlet, is a reasonable alternative for employment development and could help to address the shortfall. An application has been submitted to the Council on the 13th June 2019 under application reference 19/01260/OUTM. This application seeks permission for: “Outline planning permission for a business park up to 270,000sq.ft (Use Class B1) and an Innovation Centre up to 70,000sq.ft (Use Class B1/B2), with ancillary pavilion units up to 9,000sq.ft (Use Classes A1, A3, A4, D1 and D2), associated car parking, a park and ride facility, including park and ride amenity building up to

2,000sq.ft, hard and soft landscaping and highway alterations, all matters reserved apart from detailed access.”

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## Supporting documentation

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

Appendix\_I\_Site\_Location\_Plan.pdf,  
Appendix\_III\_Publication\_Representations\_2018\_and\_2019.pdf,  
Appendix\_IV\_Hearing\_Statement\_29.11.19.pdf,  
Appendix\_II\_Naburn\_Business\_Park\_Masterplan\_2013104100419.pdf,  
Appendix\_V\_Regeneris\_Addendum\_to\_Naburn\_Business\_Park\_Economic\_Case.pdf,  
Proposed\_Modifications\_July\_2021\_Representation\_070721\_Final\_.pdf

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07 July 2021

Planning Policy  
City of York Council

By email only:  
localplan@york.gov.uk


avisonyoung.co.uk

Dear Sir / Madam,

## **YORK LOCAL PLAN PROPOSED MODIFICATIONS AND EVIDENCE BASE CONSULTATION (JULY 2021)**

These representations have been prepared by Avison Young, on behalf of Oakgate Group PLC (Oakgate). They relate to land to the east of the Designer Outlet, Naburn (the Site). A site location plan is included at **Appendix I**.

### **Naburn Business Park**

In June 2019, a planning application was submitted to the City of York Council (CYC) for a new business park on the site (application ref: 19/01260/OUTM). A masterplan is included at **Appendix II**.

The proposals will meet employment needs that have not been adequately addressed through the Local Plan, delivering 2,000 new jobs, an enhanced park and ride facility and better public access to the Green Belt. The application is yet to be determined.

### **Local Plan background**

Over several years, Oakgate has engaged with CYC at all stages of the Local Plan preparation process including:

- The Preferred Options Local Plan consultation (2013);
- The Preferred Sites consultation (2016);
- The Pre-Publication consultation (2017);
- The Publication Draft Regulation 19 consultation (2018);
- The Proposed Modifications Consultation (June 2019); and ,
- York Local Plan Examination Part One (December 2019).

These representations relate to the latest consultation on "Proposed Modifications and Evidence Base" to the Local Plan and should be read alongside previous submissions including those at **Appendix III** and **Appendix IV**.

The Proposed Modifications do not go far enough to address the fundamental flaws identified with the Local Plan.



The draft Plan fails to address York's employment needs by not allocating or safeguarding sufficient employment land as part of the review of Green Belt boundaries. This is a major failing of the draft Plan.

The draft Plan therefore cannot be considered the most appropriate strategy in terms of overall sustainability without a new comprehensive Green Belt review and subsequent allocation of further land to meet the identified shortfall in employment land needs.

As submitted, it is not possible to conclude that the draft Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

To be found sound, the flaws should be remedied now, with the opportunity for informed participation. This will require a new comprehensive Green Belt review and analysis of alternative options to meet employment (and housing) needs taking into account the current economic position of York in 2021. This would allow a detailed review of the deliverability of identified employment land and an assessment of the consequences of the proposed employment strategy on job creation to ensure that the Local Plan can be put forward as the most appropriate strategy in terms of overall sustainability. Without this analysis it is not possible to properly conclude the Local Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

## **Proposed Modifications 16 and 17**

Proposed modifications 16 and 17 relate to Policy EC1 (Employment Allocations), which seeks to deliver the forecast employment land requirement of 231,239 sqm, including 107,081 sqm of office floorspace, over the plan period. This is against a backdrop of severe historic undersupply of office space in York, which has led to a vacancy rate of less than 2%<sup>1</sup>.

The proposed modifications to Policy EC1 are minor and relate only to the footnote and explanatory text for Proposed Employment Allocation E18 (Towthorpe Lines, Strensall). The land identified for employment therefore remains unchanged within the Local Plan by virtue of the modifications proposed.

We therefore maintain that the Local Plan does not allocate sufficient office floorspace through the employment allocations identified. In particular, we would like to reiterate that the Council are over reliant on York Central which accounts for 93% of the total office floorspace requirement and over 40% of all allocated employment land within the Plan. York Central is considered to have significant constraints, in terms of deliverability, but is also limited by the type of office floorspace it can deliver to the market.

The Proposed Modifications fail to reflect the latest position at York Central and continue to overstate the amount of office space that can be delivered:

- The planning permission for York Central, approved in March 2019, includes between 70,000sqm and 87,693 sqm of office space. The majority of which (anticipated 76,762sq.m) is intended to be delivered within Phases 3 and 4 of the scheme's phasing plan with Phases 1 and 2 focused on the delivery of residential development. Phases 3 and 4 are set to be completed by 2033 and have start dates ranging between 2023 and 2026 (as of July 2021 no reserved matters applications have been submitted as of yet relating to office development).
- The proposed allocation for York Central in the draft Local Plan is for 100,000 sqm. This means at York Central there will be a shortfall of at least 12,000 sqm, and potentially up to 30,000sqm, of office floorspace against the draft Local Plan allocation. This is alongside, very little

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<sup>1</sup> Appendix V - Regeneris Addendum to Naburn Business Park Economic Case – Figure 1.3 (CoStar)

delivered in the early stages of the plan period (anticipated 8,525sq.m within Phase 1) with the majority focused within Phase 3 and 4, as demonstrated above.

In addition, the proposed modifications also do not alter the fact that there are no other allocations included in the draft Local Plan that include a specific requirement for office floor space. Each of the other remaining allocations within the draft Local Plan therefore only include for the potential for some B1 floorspace. There is no guarantee that office floorspace will be delivered at these remaining sites as ancillary to other uses which means combined with the shortfall at York Central, there is potentially 37,000sq.m of office floor space unaccounted for in the draft Local Plan.

As outlined in our hearing statements prepared in December 2019 (**Appendix IV**) each of the remaining office employment allocations have in addition been analysed based upon land ownership and tenancy which further demonstrates that the likelihood of office floorspace being delivered on these sites is severely limited.

Since the preparation of these hearing statements, an application at Northminster Business Park (Ref: 21/00796/FULM) has been approved with further substantiates our statements made previously and highlights the failure to provide office floorspace on allocated land. Northminster Business Park is allocated under Policy EC1 as ST19: Land at Northminster Business Park for 49,500sq.m of employment floorspace. The suitable employment uses for this site as set by the draft Local Plan include B1c, B2, B8 and an element of B1a. The application determined for this site at the CYC July 2021 committee nonetheless only approves permission for a 5,570sq.m distribution centre (Use Class B8). This application therefore demonstrates the highly likely scenario that outside of the York Central, limited office floorspace will actually be realised in the remaining employment allocations with a key focus of these sites falling within B2 and B8 uses.

Naburn Business Park includes 25,000sqm of office floorspace that could help plug the office floorspace gap we have identified in the draft Local Plan. An application has been submitted to CYC, which is supported by an EIA and a suite of technical documents which demonstrates how the proposals represent sustainable development, which could be delivered immediately to meet York's unmet employment needs.

Employment allocations in the draft Plan should identify a mix sites to reflect the needs of different markets and occupiers (who will have differing locational drivers). York Central will be a desirable location for some office occupiers, but it will not suit the needs of those sectors with a higher dependency on occupiers who need quick access to the road network (either for commuting or for business reasons). Other types of occupiers may also prefer a campus style business park environment to a city centre location for reasons of security or privacy, for example headquarters of large businesses, defence organisations and data centres, which the Naburn Business Park is designed to the meet the needs of.

We therefore maintain, Policy EC1 is not justified, is unlikely to be effective, does not represent positive planning and is not consistent with the NPPF. Policy EC1 should therefore be re-addressed taking into account the recent positions on each of the allocated sites and should allocate further employment sites to address the shortfall in office floorspace.

## **York Economic Outlook – Economic Outlook and Scenario Results for the York Economy – December 2019**

The York Economic Outlook report aims to provide an update to the 2015 results which were used to underpin the Local Plan. It is stated that the update is to understand the current outlook for York and assess whether there has been any significant change to the forecast since the Local Plan was produced.

Unfortunately, the Council have taken some significant time to respond to all outstanding matters and queries raised during the Hearings Stage 1 in December 2019 and we are now in a position whereby this document is once again out of date. The evidence base which underpins the Local Plan therefore does not account for the past year and a half which more importantly than just the passage of time, does not reflect one of the most pivotal periods of time for the world's economy due to the impact of Covid-19. It consequently cannot be said that the evidence base for the Local Plan, and most certainly this document, is reliable and it is not possible to properly conclude the Local Plan is justified, likely to be effective, positively prepared or consistent with the NPPF as a result.

An up to date and reliable economic evidence base is imperative to the Local Plan for various reasons but in particular when it comes to assessing the employment land allocated within the Plan. It is impossible to ensure only the most suitable and sustainable sites for employment have been chosen if the Council does not have a clear steer on the economy within York and where this is likely to be heading over the course of the Plan period.

Paragraph 80 of the NPPF states that *“planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt”* and *“significant weight should be placed on the need to support economic growth and productivity”*. The Plan for York should therefore *“set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth”, “enables a rapid response to change in economic circumstances”* and *“will meet anticipated needs over the Plan period”* (Paragraph 81, NPPF). In accordance with Paragraph 82 of the NPPF the Plan should also *“recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations”*.

An updated Economic Outlook report should thus be produced to inform the Local Plan and in particular Policy EC1 so that the sites allocated for employment can be assessed as to whether these are still the most suitable and sustainable sites for York's economy and the market sector going forward. It will be critical to understand not only whether the correct amount of floorspace has been allocated to kickstart the economy but also whether the correct locations have been chosen based upon the impacts of Covid-19 and the sectors currently seeking to invest.

It is clear to see that already the demand for office space within the centres of cities has slowed down as a result of Covid-19 and a key focus for all cities, including York, will be about ensuring sites are available in alternative locations to continue to attract and retain business in the city for those who may prefer sites which are located outside the centre and are better connected to good transport links.

It is worth noting specifically in relation to general business/workspace demand that the industrial warehouse and distribution sectors continue to demonstrate high levels of demand nationally, regionally and locally. Employment land and building availability in York in this sector is currently only restricted to a handful of smaller sites going forward and thus the potential to capture jobs and investment from the larger internet based manufacturers/business's and distributors for York are currently limited.

Taking the proposed allocations at Northminster Business Park, Annamine Nurseries site and Poppleton Garden Centre which would be the only sites which could in theory support these companies going forward, as discussed in preceding paragraphs, it is proving impossible to see how these sites could cater for this growth. The Annimine Nurseries site is reserved by the Shepherd Group exclusively for the potential future use by their Portacabin business, the Poppleton Garden Centre is in full use by owner occupier Dobbies and the Northminster Business Park is focused on B8 uses with no current plans for office space.

As an example, we are aware that Pavers Group have been looking for 20,000 sq ft of office building with a preference for the South side of the City. If we take this company therefore as a valid case

study of a successful and expanding York based manufacturing and internet sales group, then expansion options to bring together their sales & distribution services are extremely limited in York. These business's need floor and site area to work efficiently together with good road and infrastructure connectivity which is not currently provided by any of the allocations in the Local Plan. Resultingly, businesses like Pavers could quite easily consider a relocation in the medium term to cities such as Leeds which would result in lost business for York and cut the city off from further, desperately required, investment in this sector.

The Naburn Business Park would provide a genuine range of choice for a variety of occupiers, which reflects the fact that city centre space at York Central will not meet the needs of all occupiers, particularly cost sensitive SMEs and businesses that need good access to the road network (for example industrial warehouse and distribution companies). The Naburn site will therefore be attractive to the current market in light of Covid-19, being well located for the road network, accessing a skilled workforce and capable of providing a high quality business park environment and would help to address not only the quantitative shortfall in office floorspace as highlighted previously in these representations but the qualitative lack of alternative office locations outside of the centre of York.

### **Topic Paper 1 – Approach to defining York's Green Belt – Addendum (January 2021)**

The Topic Paper 1 Addendum January 2021 does little to build upon the previous Addendum submitted or address the concerns raised during the course of the examination of the Local Plan over the methodology behind the Green Belt review for York.

Topic Paper 1 Addendum and its subsequent Annex's is considered to provide a selective review of York's Green Belt and retrospectively seeks to justify the Local Plan strategy already adopted.

CYC acknowledge that the growth planned in the Local Plan cannot be accommodated without a review of Green Belt boundaries but, as submitted, the Local Plan evidence base only includes a selective review of York's Green Belt, which has been carried out retrospectively to justify a pre-existing employment (and housing) strategy.

CYC's approach of only assessing selected allocations means that more suitable land has potentially been overlooked and it is not possible to conclude that the Local Plan can be put forward as the most appropriate strategy in terms of overall sustainability.

The Topic Paper 1 Addendum fails to demonstrate how the Council has assessed the Green Belt contribution of individual parcels of land and is absent of a robust scoring system. Instead the Council relies on historic and incomplete work on the Green Belt, including the 2003 'The Approach to the Green Belt Appraisal', which is just 16 pages long, and the subsequent 2011 update, which did not methodically review the 2003 Appraisal but was limited only to responding to comments submitted.

The only referral to the review of individual sites sits within Annex 5 which assesses sites proposed to be allocated by the Council. There is again no equivalent Green Belt assessment of discounted sites in the Council's evidence base which demonstrates that comparative analysis of reasonable alternatives has been properly undertaken.

The Council's backward approach to the Green Belt is therefore evident by the sheer lack of availability of this data, and also by the time period it has taken the Council to even prepare an updated Addendum with Annex's showing their methodology which should have been readily available upon publication of the Local Plan (February 2018) but has instead taken over 3 years to formulate.

It is therefore considered a comprehensive Green Belt appraisal should be completed to allow for all reasonable alternatives to be considered. This should include Land at Naburn (Naburn Business Park) which was assessed by the Council as not warranting inclusion in the Green Belt in 2003 and 2005 and only subsequently altered in 2011 for inclusion within the Green Belt following an objection from Fulford Parish Council with no comprehensive appraisal or justification.

A comprehensive Green Belt review is necessary to ensure consistency with the spatial strategy and to ensure that the boundaries will not need to be reviewed again at the end of the plan period in accordance with NPPF paragraph 85. This is the same conclusion that the Inspector for the Leeds City Council Core Strategy reached in September 2014.

This is particularly relevant in York because: a) it will be the first time that York's Green Belt has been properly defined; and b) the identified shortfall of employment land identified in Policy EC1.

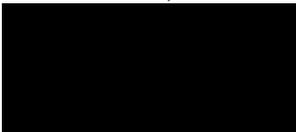
## Summary

- The Proposed Modifications fail to address the shortfall of employment land identified in the draft Local Plan;
- The Council's proposed modifications fail to reflect the latest position at each of the office employment allocation as identified by Policy EC1 in particular York Central and continue to overstate the amount of office space that can be delivered;
- The economic evidence base for the Local Plan, Economic Outlook 2019, is out of date and does not take into account the critical impact of Covid-19 on York's economy and the shift in the market to inform suitable and sustainable employment allocations. An updated Economic Outlook report should be published; and
- The further Green Belt evidence submitted in the form of Topic Paper 1 Addendum, does not address previous concerns over the methodology behind site allocations and a comprehensive Green Belt review should be undertaken.

As drafted, the Local Plan put forward is not the most appropriate strategy in terms of overall sustainability. Without a comprehensive Green Belt review, reliable and up to date evidence base and subsequent analysis of employment allocations, it is not possible to properly conclude the Local Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

We trust the above comments will be taken into consideration in the next stages of the preparation of the Local Plan. Please do not hesitate to contact me if you have any questions or require any further information in relation to Oakgate.

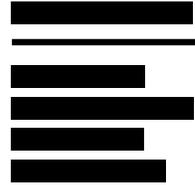
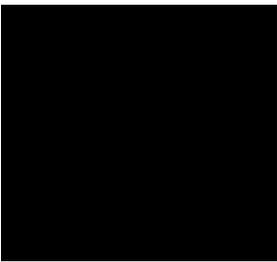
Yours faithfully,



**For and on behalf of Avison Young**







Our ref: RPW/EJ/1498

28th March 2018

Planning Policy  
City of York Council

By email only:  
localplan@york.gov.uk

Dear Sir or Madam

**YORK LOCAL PLAN PUBLICATION REGULATION 19 CONSULTATION (FEBRUARY 2018)  
REPRESENTATIONS ON BEHALF OF OAKGATE/CADDICK GROUPS**

These representations have been prepared by HOW Planning LLP ("HOW") on behalf of Oakgate/Caddick Groups and refer to land to the east of the Designer Outlet ("the Naburn site"). The Naburn site extends to approximately 18 hectares and is illustrated edged red on the plan included at Appendix 1.

Through its appointed professional consultants Oakgate/Caddick Groups have engaged fully with City of York Council (CYC) at all key stages of the Local Plan process to date. This has included detailed representations to the Preferred Options Local Plan in summer 2013, the Preferred Sites Consultation in summer 2016 and the Pre-Publication Consultation in September 2017. This representation has been prepared in order to directly respond to the Publication Draft Local Plan February 2018 (the 'Publication Plan').

These representations explain the soundness concerns with the plan and sets out why the site should be allocated as an employment site for B1a office floorspace. This representation seeks to re-provide CYC with technical evidence demonstrating the suitability of the site, and sets out Oakgate/Caddick Groups' observations on the Publication Plan and, where appropriate, the changes which they wish to see in order to meet concerns and overcome major issues of soundness which the Local Plan currently faces.

At the Local Plan Working Group on 23rd January 2018 and also Executive on 25th January 2018, Officers reported to the Members the outcome of the Pre-publication Draft Local Plan Regulation 18 Consultation (September 2017) ('the Pre-publication Plan') and made a series of recommendations to make alterations to the plan allocations to increase housing numbers and employment land provision to take account of certain consultation comments. Members rejected most of the options presented by Officers and only accepted minor wording changes and changes proposed to increase density of York Central and reduce the number of dwellings at Queen Elizabeth Barracks to increase the on-site recreational buffer required to mitigate impacts on the nearby Strensall Common SAC. Various minor wording changes made for clarity were also approved to be made to the Publication Plan.



Thus, except for the minor wording changes and changes to the capacity of two proposed allocated sites, the Publication version of the plan remains virtually the same as the Pre-publication Local Plan consulted on in October 2017, despite the advice of the Council's own officers to increase the housing numbers and employment provision to make the plan more robust.

HOW Planning has significant concerns that the Council is proceeding with an unsound plan with an absence of key evidence to support the Council's approach. As presented, the Publication Plan cannot be found to be sound, or a sound approach which can be built upon, due to the absence of robust evidence to inform the promoted strategy.

## **EMPLOYMENT LAND SUPPLY**

### **Employment Land Review 2016 and 2017 Update**

On behalf of Oakgate/Caddick, at the Pre-publication stage Regeneris Consulting undertook an update addendum of their 2016 report (Appendix 2) to review the changes to the Local Plan and the underpinning evidence base, and revisit/update the conclusions from the original report in light of this new evidence published. There has been no change to the employment evidence base since that stage.

The Regeneris Addendum (Appendix 3) highlighted that the total amount of office floorspace (B1a) required to meet jobs growth increased significantly. Table 4.1 in the Publication Local Plan identifies the need to deliver a total of 107,081 sq m of B1a space (13.8 Ha), compared to 44,600 sq m in the Preferred Options Plan. This need for office floorspace was based on calculations in the Council's 2016 Employment Land Review (ELR) and the 2017 ELR update. Regeneris conclude that this increase represents a sound assessment of need and is consistent with CYC's growth aspirations for the City and therefore provides a sound basis for planning.

In addition to this increased quantitative requirement, the 2017 ELR update prepared by CYC Officers contains several findings that also point towards a qualitative requirement for additional B1a office supply to provide greater flexibility.

Paragraph 3.6 states:

*Flexibility requirements were discussed in the original ELR. A number of comments were received through the consultation that further work was needed on assessing flexibility requirements. Make it York stated that it will be important in confirming the employment allocations that the Council has ensured not only sufficient overall quantum but that there is sufficient range and flexibility to deliver land requirements throughout the whole plan period. Following what Make it York call 'significant losses' of office accommodation under permitted development (PD) rights, it has been suggested that there is a severe shortage of high quality Grade A office stock within the city centre and old stock being removed from the market that is not currently being replaced.*

Paragraph 4.2 states

*'The York and North Yorkshire Chambers of Commerce have suggested that on the basis of sites identified in the Preferred Sites Consultation (2016) it is unlikely that the future supply will offer a sufficient range of choices of location for potential occupiers and that there will be a risk that York would lose out on investment for potential occupiers. The Chamber feels that further land should be identified to broaden the portfolio of sites available to cater for York's diverse high value added business. Make it York suggested that allocating land flexibly amongst use classes will help mitigate risk of undersupply and is strongly welcomed.'*

and

*'However, the fact that the Preferred Sites document (2016) proposed to meet all B1a office need through a single allocation at York Central, may be perceived to undermine the objectives of building in*

*churn. Whilst development will be phased at York Central allowing multiple developers, outlets and phased schemes the partnership suggest that it may be appropriate for the Local Plan to allow small scale B1a uses to be accommodated on additional sites in the district.'*

Paragraph 5.2 of the ELR goes on to conclude:

*'In terms of the Local Plan it is important to ensure there is sufficient flexibility within the land supply for a range of scenarios rather than an exact single figure which one can precisely plan to with complete certainty. The case for further flexibility is enhanced by recent changes to permitted development enabling offices to be converted to housing without having to apply for planning permission.'*

### **Local Plan Working Group Agenda 10th July 2017**

In summarising the ELR the Officers report to Members stated:

*The case for further flexibility is enhanced by recent changes to permitted development enabling offices to be converted to housing without having to apply for planning permission. For York, based on completions only, there has been some 19,750sqm of office space lost to residential conversion over the last three monitoring years between 2014/15 and 2016/17. Records show that unimplemented Office to residential conversions (ORC) consents at 31st March 2017 include for the potential loss of a further 27,300sqm of office floorspace if implemented.*

At paragraph 93 CYC Officers state:

*The revised forecasts support the position taken in the Preferred Sites Consultation (2016). However, the report highlights that during consultation key organisations argued for increased flexibility in the proposed supply to provide choice. This includes addressing the loss of office space to residential development through ORC's and to provide additional choice for B1a (office) provision in the earlier part of the plan period as an alternative to the York Central sites. [our emphasis]*

### **Proposed Supply**

The ELR Update and Officers 10th July 2017 report to the Local Plan Working Group were unambiguous. In addition to the increased quantitative need, Officers consider that there is a clear qualitative justification for additional B1a office sites to be allocated to provide greater flexibility and reduce reliance upon one site York Central with its recognised delivery constraints. However, HOW noted in its representation to the Pre-publication plan that there was a major disconnect between this rationale and the strategic sites that were proposed to be allocated in the Pre-Publication Plan which allocated an undersupply of some 40,000 sqm and also retained the reliance on York Central as the key office location.

The York and North Yorkshire Chamber of Commerce continued to object to the Pre-publication plan stating:

*The identified employment land supply will not cater for York's future needs and this will constrain economic growth. In light of this, the Chamber feels that further land should be identified to broaden the portfolio of sites available to cater for York's diverse high value-added businesses. Such sites should be located in areas accessible by public transport and the major road network and be deliverable in the short term.*

At this Publication Plan stage, the Council has sought to address the shortfall in quantitative supply of B1a office employment through increasing the allocation of office floorspace at York Central by an additional 40,000 sqm. Paragraph 29 of the January 2018 Working Group Paper states that discussions with representatives from the York Central Partnership have indicated that York Central is capable of accommodating between 1700 and 2400 residential units and that the higher figure of 2500 units could be achieved through detailed applications by developers for individual plots and/or flexibility to increase

residential at the margins of the commercial core. It is stated that the figure of 1700 reflects land currently under the partnerships control; the higher figure includes land in private ownership or currently used for rail operations. It does not explain how the higher employment land figure can be achieved or why this has increased.

Table 1 below sets out the strategic employment land allocated in the Publication Plan and how it has altered throughout the most recent plan stages.

*Table 1: York Local Plan Employment Land Supply*

Site Ref.	2018 Publication Plan Sites Floorspace (sqm)	2017 Pre- Publication Sites Floorspace (Sqm)	2016 Preferred Sites Floorspace (Sqm)	Council's Comments
ST5: York Central	100,000 (B1a)	61,000 (B1a)	80,000	At the Pre-publication stage, Officer's stated that the outcome of work to date is suggesting that the site can deliver a minimum of 61,000 sq m of B1a office floorspace (GEA). This is a reduction to the position in the Preferred Sites Consultation which included up to 80,000 sqm B1a office <sup>1</sup> .  At Publication stage Officer's state that the amendment has been undertaken to reflect work carried out by the York Central Partnership <sup>2</sup>
ST19 Land at Northminster Business Park	49,500 (B1c, B2 and B8. May also be suitable for an element of B1a)	49,500 (B1c, B2 and B8. May also be suitable for an element of B1a)	60,000	At Pre-publication stage, Officer's highlighted that further assessment is required to understand the predicted significant highways impact around Poppleton. <sup>3</sup>
ST26 Land South of Elvington Airfield Business Park	25,080 (B1b/B1c/B2/B8)	25,080 (B1b/B1c/B2/B8)	30,400 (B1b/B1c/B2/B8)	The site will require detailed ecological assessment to manage and mitigate potential impacts. The site is adjacent to two sites of local interest (SLI) and candidate SINC sites and previous surveys have indicated that there may be ecological interest around the site itself. The site is also within the River Derwent SSSI risk assessment zone and will need to be assessed through the Habitat Regulation Assessment process required to accompany the Plan. The proposal would result in material impacts on the highway network particularly on Elvington Lane and the Elvington Lane/A1079 and A1079/A64

<sup>1</sup> Local Plan Working Group Paper, July 2017

<sup>2</sup> Local Plan Working Group Paper, January 2018

<sup>3</sup> Local Plan Working Group Paper, July 2017

				Grimston Bar junctions. A detailed Transport Assessment and Travel Plan would be required. <sup>4</sup>
ST27 University of York Expansion	Up to 25ha for B1b	21,500 (B1b)	20,000 (B1b)	To meet the needs of the university alongside student housing and an academic research facility. Campus East and ST27 will across both sites deliver up to 25ha of B1b knowledge based businesses including research led science park uses identified in the existing planning permission for Campus East.
ST37 Whitehall Grange	33,330 (B8)	33,330 (B8)	0	Whitehall Grange site is allocated as a strategic employment site within the Local Plan to reflect the planning consent granted.

Regeneris note that potential investors looking for B1a accommodation will have a choice of just two large sites (York Central and Northminster Business Park). However, they question exactly how much B1a space will be available at Northminster Business Park, where the Draft Local Plan indicates the main focus will be on industrial development.

Whilst the Publication Plan has sought to address the shortfall by allocating the 'missing' 40,000 sqm B1 floorspace at York Central it clearly does not address the recognised qualitative need for an alternative to York Central in the early years of the plan. HOW also has significant concern that the proposed quantum of development at York Central has not been justified.

Regeneris has also evaluated the 2016 ELR and then the 2017 Update scoring of the market attractiveness of sites. This has exposed a number of flaws with the scoring framework and relative weightings given to different criteria, indeed Regeneris conclude that if inconsistencies were addressed Naburn Business Park would score higher than Northminster and would emerge as one of the most attractive sites for B1a development.

The Council's stance is deeply flawed. The evidence base prepared by Council Officers readily accepts that there is an increased quantitative need and a qualitative need for greater flexibility in the employment land supply to provide additional choice for B1a (office) provision in the earlier part of the plan period as an alternative to the York Central site and address the loss of office floorspace through office to residential conversions.

Having regard to York Central, it is concerning that the proposed quantum of employment floorspace has varied significantly between the 2016 Preferred Sites consultation, the 2017 Pre-publication consultation and the current Publication consultation and also that the developable area of the site has not been confirmed.

As recognised by the Council, York Central has significant infrastructure challenges, being entirely circumscribed by rail lines and restricted access points unable to serve a comprehensive redevelopment. The site is also in fragmented ownership, albeit the key public sector landowners have come together as York Central Partnership to assemble land for development and clear it of operational rail use.

Furthermore, there are heritage constraints that will restrict development and as such Historic England objected to the lesser quantum of development proposed at the Pre-publication stage in terms of the

<sup>4</sup> Local Plan Working Group Paper, July 2017

impact on the site's many heritage assets and also the potential knock-on to the city centre. They consider that a lot more work is needed to demonstrate how the quantum of development can be created on the site in a manner which would also be compatible with the need to safeguard the significance of the numerous heritage assets in its vicinity and the other elements which contribute to the special character of the city.

A masterplan is currently being consulted on by York Central Partnership which provides some indication of how the development might come forward at the site. A significant proportion of development is proposed on areas that are currently operational rail including the western access road. It has not yet been demonstrated how the quantum of development proposed will impact upon heritage assets in York.

We also note that the Sustainability Appendix I: Appraisal of Strategic Sites and Alternatives suggests that key assessment work which will impact upon viability and the amount of developable area is yet to be completed:

*This is a brownfield site which has predominantly been used for the railway industry. The site is known to have contamination issues from its railway heritage and there is a need to remediate any the land to ensure the health of residents. There therefore may be a risk of contamination which would need to be established through further ground conditions surveys.*

Clearly York Central is a complex site to deliver and the required access infrastructure alone is not estimated to be completed until at least 2021. The site subject to the injection of public funding to assist delivery due to the scale of constraints and infrastructure required. We understand that funding is promised by the West Yorkshire Transport Fund and that a funding application of £57 million to the Housing Infrastructure Fund is through to the final round, with decisions on the latter to be made in Autumn 2018. The Council state that this will speed up the delivery of houses at the site.

The Council estimate that York Central will take between 15 and 20 years to complete and it is unclear from the Publication Plan documents when the B1a office developments are likely to come forward. At the aborted Publication Local Plan (2014) stage, the Council provided the following assessment of York Central:

***York Central:*** *This is likely to be an attractive site with significant investor appeal for HQ and other corporate requirements due to its central location and connectivity. However there are major deliverability challenges, which we believe could take a long time to address, including access issues and compulsory purchase orders. Crucially, there is not yet a developer in place and a number of questions have been asked about the viability of the scheme. As the Council has not published a viability of feasibility assessment, it has not been possible to ascertain the likely timescales for providing office space which is available for occupation. However, given the complexities associated with the site, we believe this could take at least ten years before any office development is delivered<sup>5</sup>. [our emphasis]*

Whilst the Publication plan appears to be silent about delivery timescales for York Central, it is stated at Sustainability Appraisal Appendix I: Appraisal of Strategic Sites and Alternatives:

*the mixed use development of this site is likely to provide long-term **jobs on site in the long-term**. The York central site benefits from Enterprise Zone status and therefore should be an attractive prospect for business. Both the allocation and alternative would provide 100,000sqm of floorspace and is therefore projected to provide approximately **8,000 jobs in the long-term**.*

HOW believe that the continued reliance on one site to provide for the majority of the needs of York entails significant risks which could see the City lose out on potential investment. The timescales for the

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<sup>5</sup> Local Plan Working Group Paper, July 2017

delivery of new office space at York Central remain unclear but it is still likely to be many years, with York City Council estimating that the development could take 15 to 20 years to complete.

The lack of commitment to early delivery of office development in the Local Plan is considered unsound particularly given the recent significant losses of office to residential in the city centre (due to the change in permitted development rights and the lack of alternative housing supply in York).

In addition, HOW consider that the Council has failed to justify how the quantum of B1a employment floorspace proposed at York Central will be delivered given the scale of constraints at the site and the outstanding assessment of these.

We are not aware of the timescales for delivery of new B1a office space at other sites such as Northminster Business Park. Although we note that paragraph 73 of the July 2017 Local Plan Working Group raised concerns about traffic: *“Initial transport modelling of potential residential and employment sites has shown that increased queues and delays are being forecast in the Poppleton area, exacerbated by the potential level of development projected for that area, including potential employment sites at Northminster Business Park (ST19), Land to the North of Northminster Business Park and the former Poppleton Garden Centre”*. This suggests there may be some delays in bringing forward new development in this location.

Regeneris's Addendum highlights that recent trends show a dwindling supply of office space across the city. This means that the city is facing a potential shortage of B1a office space in the short term which could act as a barrier to growth. Regeneris consider that it is important that areas provide a balanced portfolio of sites to reflect the needs of different markets and occupiers (who will have differing locational drivers). Whilst York Central will be a highly desirable location for many office occupiers, it will not suit the needs of those sectors with a higher dependency on car-borne occupiers who need quick access to the road network (either for commuting or for business reasons). Therefore, in addition to it being questionable that the plan can deliver sufficient quantity of land allocated for B1a development, the continued reliance on York Central means there would be insufficient choice for investors.

Regeneris conclude that it is therefore unlikely that the identified sites will meet demand for B1a office space in the short to medium term (particularly York Central). This means there is a risk of York losing out on potential investment in the next five or ten years if it does not have an “oven ready” product for occupiers.

In conclusion, the continued reliance upon only York Central to deliver future B1a office development would risk losing out on potential investment from those investors who are looking at space in the next five or ten years and those who are seeking a business park location but are deterred by congestion and quality of the environment elsewhere. The approach promoted within the Publication Plan consultation is not in accordance with paragraph 160 of the National Planning Policy Framework (NPPF), which advises that local planning authorities should assess the needs of land or floorspace for economic development, including both the quantitative and qualitative needs for all foreseeable types of economic activity over the Plan period. The current approach is not consistent with national policy and is not justified.

### **GREEN BELT DESIGNATION**

As far back as 2005 the Naburn site was identified as a suitable location for meeting development needs post 2011 and allocated as a ‘reserved’ site in the Draft 2005 Local Plan. However, in more recent iterations of the emerging plan the site has been allocated for Green Belt.

Paragraph 1.49 of the Publication Plan sets out that the York Local Plan is establishing the detailed boundaries of the Green Belt for the first time. It explains that the majority of land outside the built-up areas of York has been identified as draft Green Belt land since the 1950's, with the principle of York's Green Belt being established through a number of plans including the North Yorkshire County Structure Plan (1995-2006), and the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (2008). It

states that the overall purpose of York's Green Belt is to preserve the setting and special character of York, also helping to deliver the other purposes.

Whilst the Council does not have a formal adopted Local Plan which has set the Green Belt boundaries, the Draft 2005 Local Plan that was approved by the Council on 12th April 2005, represents the most advanced stage of the draft City of York Local Plan and was also approved for the purpose of making development control decisions in the City, for all applications submitted after the date of the Council meeting (12th April 2005). It was to be used for this purpose until such time as it was superseded by elements of the Local Development Framework (now the Local Plan).

The Draft 2005 Plan included detailed Green Belt boundaries and under Policy GP24a: Land Reserved for Possible Future Development, 9 hectares of the Naburn site was reserved until such time as the Local Plan is reviewed (post 2011) as shown in Figure 1 below.

Figure 1: Extract from Draft 2005 York Local Plan



The emerging Local Plan will now establish the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and define the inner boundary to establish long term development limits that safeguard the special character and setting of the historic city. It is therefore the role of the Local Plan to define what land is in the Green Belt and in doing so established detailed green belt boundaries.

### Green Belt Evidence Base

The Council's evidence base for setting the Green Belt boundaries dates back to 2003 and earlier: 'The Approach to the Green Belt Appraisal 2003'. This 2003 16 page long report states that the appraisal consisted of the following three component parts:

- Desk top study - comprising two parts: firstly a review of relevant written information including [now superseded] PPG2, the work of Baker of Associates in the East Midlands, and previous work undertaken by the City of York and North Yorkshire County Councils; and secondly, the detailed consideration of maps both historic and current of the City of York Council area.
- Field analysis - A considerable amount of time was spent in the field assessing the land outside the City's built up area.

- Data collation and analysis. The output from the two stages above was analysed and evaluated to determine which areas of land are most valuable in Green Belt terms. The results of this work are included within this document and illustrated in map form.

The report does not include the detailed evaluation outlined above and reads as a conclusion. It is considered unsound that the empirical evidence base upon which the Council's site selection process is based has not been made available and relies upon documents that are over 25 years old including the work of North Yorkshire County Council in their York Green Belt Local Plan, which was considered at a public inquiry between autumn 1992 and spring 1993.

The 2003 report states that it sought to identify those areas within York's Draft Green Belt that were key to the City's historic character and setting. The outcome was the identification of the following areas of land important to the historic character and setting of York:

- Areas preventing coalescence
- Village setting area
- Retaining the rural setting of the City
- River corridor
- Extension to the Green Wedge
- Green Wedge
- Stray

These areas of land, established in 2003, still form the basis of the Council's approach to site selection and Green Belt boundaries.

At that stage the Naburn site was not appraised as falling within any of the historic character areas and indeed it was subsequently partly allocated as a reserved site for development in the 2005 Draft Local Plan.

The 2003 assessment was updated in 2011 by the City of York LDF Historic Character and Setting Technical Paper (January 2011), the stated purpose of this was:

*'to consider potential changes to the boundaries proposed in the 2003 Appraisal document, in light of issues raised on historic character and setting designations as part of the consultation on the Core Strategy and Allocations DPD. It is not intended to readdress or reconsider the background principles in or behind the Appraisal or make any changes to the principles behind the designation of a piece of land.'* (paragraph 1.2, York Council Historic Character and Setting Technical Paper, 2011).'

The 2011 Technical Paper sets out that the work was undertaken as a response to the consultation response by Fulford Parish Council which included a review of Fulford's Green Belt Land and other consultation responses to the Core Strategy Preferred Options document and to the Allocations DPD Issues and Options document.

Notably, it did not comprehensively review all of the historic character areas, only responding to specific concerns raised. The only changes made were around the village of Fulford and reliant upon the Parish Council's assessment of the Green Belt. At this stage the status of the Naburn site changed in response to the Fulford Parish Council – LDF Submission including Review of Fulford's Green Belt Land.

That report states that the objector's response was as follows:

*That the Green Wedge (C4) be broadened to encompass the fields and open land of the A19 southern approach corridor, including both the arable field to the south of Naburn Lane and the field east of the A19 (adjacent to the Fordlands Road settlement). The arable field south of Naburn Lane contributes to the openness and rural character of the A19 corridor and prevents urban sprawl and assists in*

*safeguarding the countryside from encroachment. It also performs a valuable role in preventing coalescence between the Designer Outlet and housing at Naburn Lane.*

*The field between the A19 and Fordlands Road settlement acts as a green buffer zone between the housing at Fordlands Road and the busy A19 carriageway, whilst the trees along the field boundary serve to screen the washed over settlement from view. It therefore prevents sprawl of the built up area and safeguards the countryside from encroachment.*

And that:

*Officers agree that designating both suggested sites either side of the A19, north of the A64, as 'Green Wedge' would be appropriate and give a continuance of protection to the approaches to Fulford from the south. The A19 approach does give an open and rural feel as you enter Fulford – this is inferred by the Conservation Area Appraisal and the emerging Fulford Village Design Statement.*

Since 2011 further incremental updates have been undertaken to the Green Belt/Heritage evidence base:

- Historic Character and Setting Technical Paper Update (June 2013). This Update considered sites that had been submitted to the plan process and made a series of additions and deletions to the boundaries under the relevant historic character and setting designations. Again, it did not undertake a wholesale re-assessment of the historic character and setting areas.
- Heritage Topic Paper Update 2013 (June 2013). This states that:

*it is clear that the evidence base is incomplete and that there is a requirement for further specific studies which will provide more detailed evidence for this exploration of the special historic character of the city; and it is subjective and that at any one moment the constituent parts of the categories can change and be redefined. The results of any further studies will demand a review of this paper and the process of review may challenge parts of the narrative.*

This document examines and assesses existing evidence relating to the City of York's historic environment and how it can be used to develop a strategic understanding of the city's special qualities. This assessment proposes six principal characteristics of the historic environment that help define the special qualities of York. The 2013 Update sets out those factors and themes which have influenced York's evolution as a city and whilst it makes references to some sites within this, it does not comprise specific nor general site assessments.

- Heritage Topic Paper Update (September 2014). Appears identical to the Topic Paper 2013 Update. We note that the 2013 Topic Paper Update is no longer available on the Council's website only the 2014 document.
- Heritage Impact Assessment (September 2017). this document comprises a detailed assessment of the proposed Strategic Sites or planning policies against the six Principal Characteristics identified in the Heritage Topic Paper. It does not re-evaluate the historic character and setting areas.

Whilst the above evidence base sets out a series of incremental changes to the proposed designations of Green Belt 'areas of land important to the historic character and setting of York', largely in response to consultation responses, a full re-appraisal of the designations has not been carried out since 2003.

NPPF paragraph 83 allows for Green Belt boundaries to be altered in exceptional circumstances as part of the preparation or review of a Local Plan. Paragraph 84 confirms that when drawing up or reviewing

Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development and the consequences of channelling development towards non-Green Belt locations should be considered. Paragraph 84 also requires local planning authorities to satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period and to define boundaries clearly, using physical features that are readily recognisable and likely to be permanent. Paragraph 85 seeks (amongst other things) consistency with the strategy for meeting identified requirements for sustainable development, including longer term development needs "stretching well beyond the plan period".

Planning Practice Guidance Paragraph 014 Reference ID: 12-014-20140306 states that:

*'evidence needs to inform what is in the plan and shape its development rather than being collected retrospectively. It should also be kept up-to-date. For example, when approaching submission, if key studies are already reliant on data that is a few years old, they should be updated to reflect the most recent information available (and, if necessary, the plan adjusted in the light of this information and the comments received at the publication stage).'*

Local planning authorities should publish documents that form part of the evidence base as they are completed, rather than waiting until options are published or a Local Plan is published for representations. This will help local communities and other interests consider the issues and engage with the authority at an early stage in developing the Local Plan.'

Given the national importance of the York Green Belt in heritage terms, an evidence base relying upon work carried out more than 25 years ago and not made available for review cannot be considered to be justified by appropriate and proportionate evidence base or in line with national policy on Green Belts which has changed since 2003 with the publication of NPPF. Given that the designations are based on changing factors such as views and landscape clearly this should have been updated by the Council and their failure to do so is unsound as is their failure to make the empirical site assessment available for scrutiny.

There is no definitive national guidance on how to undertake Green Belt studies. Documents prepared by the Planning Officers Society (POS)<sup>6</sup> and the Planning Advisory Service (PAS)<sup>7</sup> provide a useful discussion of some of the key issues associated with assessing Green Belt and reviewing/revising Green Belt boundaries.

The POS guidance advises using the following methodology for undertaking Green Belt review:

- identify areas that can be developed in a sustainable way. This will essentially be identifying transport nodes along high capacity public transport corridors that have the capacity, or the potential to economically create the capacity, to take additional journeys into the centre of the conurbation or other areas of significant economic activity. The growth of communities around these train, tube and tram stations will be a key feature of a GB review release strategy.
- In reviewing the GB it is important to understand the intrinsic quality of the land in terms of SSSI, SNCI, Heritage, alongside high quality landscape (AONB, SLA etc) and other features. The need is to understand the relative qualities of land so that informed decisions can be made about the acceptability of release.
- It is important to accept that the character of some landscapes will change in this process, so understanding the relative merits of landscape quality will be vital
- A GB review would also involve a review of all such similarly protected land to test what is the most appropriate land to release. This would be an exercise in ensuring that areas

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<sup>6</sup> Approach to Review of the Green Belt, Planning Officers Society

<sup>7</sup> Planning on the Doorstep: The Big Issues – Green Belt, Planning Advisor Service (2015)

remain well served by public open space, but looking carefully at areas where there may be an overprovision.

- Once all these factors are captured, spatial areas will emerge with the greatest potential for development in the most sustainable way.

HOW considers that the incremental updates to the 2003 Green Belt Study do not accord with the above methodology. In particular, the 2011 update which changed the designation around the Naburn site was not fully justified by an appraisal that carried out a full assessment of the various factors that are important to the purposes of Green Belts.

In addition to setting the detailed boundaries, HOW Planning also consider that exceptional circumstances exist which justify a general review of the extent of Green Belt boundaries around York. Indeed, the Plan does propose allocations that would be considered to site within the broad extent of the Green Belt as it currently stands.

### **Impact on the Green Belt**

The Publication Plan does not consider the Naburn site as a reasonable alternative, thus is silent on the reasons for it being discounted as a site. However, the site has been reviewed by Officers at previous stages of the plan, most recently the Local Plan Working Group Agenda (10 July 2017) Annex 4: Officers Assessment of Employment Sites following PSC states:

*The further landscaping evidence has been reviewed and it is still considered that the scheme would have a negative impact on the setting of the city as it would bring development right up to the A19 on a key approach to the city. It is acknowledged that the proposed landscaping scheme and the reduced height/density of this revised proposal could help to mitigate some impacts however there would still remain a solid development within what is currently a fluid landscape creating a visual impact on what are currently open fields viewed from the A19. The surrounding open countryside currently presents a rural approach to the city and to Fulford village.*

As at Pre-publication state, an Interim Landscape and Visual Briefing Note, prepared by Tyler Grange and previously submitted is included at Appendix 5. In summary, Tyler Grange identified three key issues:

- Maintaining separation between Fulford Village and the Designer Outlet area, both physical separation, separation of landscape character and visual/perceptive and separation;
- Maintaining the openness of the A64 and A19 approach road into York; and
- The site falls within a 'Green Wedge' within the Green Belt.

The character of Fulford Village and the existing Designer Outlet have their own "very distinct character." Due to this lack of inter-visibility between the two areas, it is not anticipated that changes to the site, which falls within the character of the area of the Designer Outlet, would have any effect on setting (positive or negative) of the landscape character within the area of the Fulford Village.

To further strengthen the separation between the two areas, Tyler Grange recommend that the following mitigation measures are implemented in developing the Naburn site:

- strengthen the existing boundary vegetation of all boundaries, including some evergreen species for year round screening;
- ensure building heights are limited to be no taller than that of the existing Designer Outlet so that built form does not appear in views from Fulford Village; and
- to make use of or locate the access parallel to the existing St Nicholas Avenue to access the site and strengthen existing or implement new screen planting alongside it.

With regards to the maintenance of the openness of the A64 and A19 approach road into York, the site is screened well from the A64 in the immediate locality and to the west when travelling eastbound. To the east, the eastern boundary of the site is visible from the A64 when travelling westbound. It is not considered that strengthening the existing eastern boundary vegetation to the Naburn site would have an effect (positive or negative) upon experiencing views of openness from the A64 in this location. The addition of new vegetation to existing with built development sitting behind it, would barely be perceptible from this location of the A64, particularly while travelling at speed.

The area surrounding the A19 and A64 Junction lacks an overall sense of openness compared with that further south along the A19 due to a combination of dense screen planting along the roads, as well as blocks of planting within fields. Some views towards the east remain open whereas the westward views are significantly diminished by existing screen planting. Although the Naburn site comprises two open fields which could contribute to the sense of openness, the views across them from the A64 and A19 are limited. The Naburn site is well contained to all of its boundaries. It is not anticipated that further strengthening the existing planted boundary against the A19 is likely to affect (positively or negatively) the sense of openness for people travelling along the A19 or A64.

To ensure the sense of openness is not further diminished in this location, the following mitigation measures are proposed to be implemented in developing the site:

- ensure a wide offset of built form from the eastern boundary;
- retain, maintain and supplement the existing planting eastern boundary; and
- retain and maintain the open offset between the road and the eastern boundary to maintain long views towards the junction and adjacent to the footpath.

The Interim Landscape and Visual Briefing Note concludes that through a full Landscape and Visual Impact Assessment (LVIA) the site would be suitable to accommodate the development type proposed with no adverse effects on the landscape and visual amenity. The road infrastructure has a great influence on the character to the south of Fulford Village. The area is already subject to large scale retail use to the immediate north west of the site at the Designer Outlet and built form exists along the A19 to the south of the site (Persimmon House). Screen planting along the A19 and wider area is a common feature within this area. The site could sit well within the existing landscape and result in minimal effects if the above described mitigation measures were carried out to ensure the existing landscape character is maintained. Opportunities exist to improve public access to the site; to introduce planting that could better reflect the characteristics of the local landscape along the boundaries and that internally tie in with that at the existing Designer outlet. Increased screen planting will add a further degree of prevention of physical or visual merging with Fulford Village, ensuring the divide between the two.

An indicative masterplan was produced which took into account the key opportunities and constraints of the site. This is included at Appendix 6.

### **THE CASE FOR A BUSINESS PARK AT NABURN**

Based upon the evidence HOW strongly believe that there is a strong economic case for new business park development at Naburn. The site offers the opportunity to provide a genuine range of choice for office occupiers which reflects the economic geography of York and its links to both the north and the south. At present there are no sites to the south of York, which Naburn would address. Furthermore, the site provides an employment site that would be attractive to the market, particularly for occupiers that are seeking an office based location but are deterred by traffic congestion at Monks Cross. The provision of high quality office space would also help to address the short to medium term shortfall of supply caused by the likely delays at York Central.

The main locational benefits of the site are as follows:

- It is in an easily accessible location by road without the problems of traffic jams to the north on the outer ring road. It is adjacent to an existing Park and Ride as part of the York Designer Outlet Shopping Centre and any scheme brought forward in the future would incorporate a fully functional and integrated Park and Ride.
- The location is well placed to draw upon the highly skilled workforce located to the south and east of York (particularly North East Leeds and Harrogate). Using Census data and travel time analysis, Regeneris estimate that there are over 170,000 people with degree level qualifications living within a 45 minute travel time of the site.
- The site is located on the 'right side' of York in terms of access to York University and the main science and technology hubs (York Science Park and the Heslington East Campus), which would be less than ten minutes' drive from the site.
- There is the potential to develop the site quickly in the short term to meet demand enabling continuity of employment land supply in the period before York Central comes forward as there is likely to be sufficient highways capacity at the junction with the A64.
- One of the most significant housing allocations - ST15: Land to the West of Elvington Lane - is in very close proximity to the Naburn site to the east. This provides the opportunity for new residents to live near an employment location, which presents sustainability benefits.
- A new business part at Naburn as part of the new Local Plan would result in a more balanced portfolio of sites catering for all market sectors. It would perform a complementary role to the York Central site.

With regards to key occupiers, there is no clear sector split between the occupiers of city centre and business park accommodation in York, therefore the site would potentially appeal to a wide range of sectors. The shortage of units in York capable of accommodating requirements from large investors also means that the site would appeal to HQ functions and large corporate occupiers. The connections to Leeds, access to a highly skilled workforce and quality of life in York would also appeal to these investors. Furthermore, the site would be attractive as a possible 'grow-on' space for firms located at York Science Park (YSP) or the Heslington East Campus. There is already some evidence that some firms at YSP have been lost to the city because of a lack of grow on space e.g. Avacta Group, which moved from YSP to Thorpe Arch (about 8 miles from York). The high rate of occupancy at YSP and the restrictions on the type of uses at Heslington East meant that there is no clear ladder of opportunity for those firms who want to expand in York, and to grow their office based administrative functions, while still maintaining close proximity to the science park and University. While the Naburn site could play this role, this is likely to be longer term role of the site. The Naburn site's location could be particularly advantageous if the cluster of science based firms in York continued to grow, and the Council's ambitions to be a leading science based city were realised.

In terms of planning principles set out in national guidance aimed at evaluating the suitability of sites for development, the following benefits are associated with allocating the site for business park use:

- The site exhibits all of the locational advantages for successful business parks across the UK as set out in paragraphs 4.4 to 4.8 of the report included at Appendix 2;
- The site is in single ownership and has excellent access to public transport and the A64. The site benefits from existing extensive infrastructure including a dual carriageway site access as well as an existing Park and Ride on part of the Designer Outlet car park. Any new development proposals would incorporate a new fully functional Park and Ride to enhance the accessibility of the Designer Outlet and business park.
- In light of the single ownership, existing excellent infrastructure and locational advantages of the site from a market perspective, the site is capable of being delivered in the short term and would make a major contribution towards new employment generation in the early part of the Plan period.
- The site has clear and defensible boundaries. A campus style business park development with extensive areas of landscaping - some of which are already well established from the Designer Outlet development, will enable an exceptional scheme to be designed which responds to the site's current Green Belt location.

## HIGHWAYS

In dismissing the site for inclusion as an allocation the Local Plan Working Group Agenda (10 July 2017) Annex 4: Officers Assessment of Employment Sites following PSC states:

*There are also significant transport constraints on the A19 which would be exacerbated through the further expansion of the Designer Outlet and the introduction of B1a (office) use and the associated trips. Whilst it is recognised that the adjacent Park and Ride would offer a sustainable alternative to car use there would still be a significant amount of peak hour trips created through the development of this site as proposed.*

Fore Consulting Strategic Access and Connectivity Report at Appendix 7 considers the strategic access and connectivity implications of the proposed allocation of the site at Naburn for an employment development with ancillary uses. They conclude that the site is well located to encourage trips to the adjacent existing retail facilities, wider surroundings and the city centre on foot or by cycle. The site is also well-served by the existing public transport network. Direct high frequency bus services connect the Designer Outlet Park and Ride to the city centre, as well as services providing additional local connections towards Selby.

In direct response to the Officer's comments Fore respond that it is likely that significant changes to improve Fulford Interchange will be required to safely and efficiently accommodate traffic associated with an allocation, bus priority measures and enhanced pedestrian and cycle connections. The promoters control the necessary land adjacent the junction that is likely to be required and on this basis, changes to Fulford Interchange to improve capacity are deliverable.

The impacts of traffic associated with an allocation on the wider network are considered to be of a scale that is capable of being satisfactorily accommodated, or mitigated.

## SUSTAINABILITY APPRAISAL

HOW prepared a Sustainability Appraisal of the site in February 2016 and submitted this to the Council for review and consideration. For ease of reference, the Sustainability Appraisal is submitted as part of these representations, included at Appendix 8.

In summary, the Sustainability Appraisal has considered the locational and physical attribute of the site in order that it can be allocated for new development to support the economic growth aspirations of York. The site is capable of providing a readily supply of employment opportunities for highly skilled existing and future residents. In particular, the site is strategically located to capitalise on:

- The strategic highways network and the excellent public transport provision;
- The huge growth ambitions of York and the wider region; and
- Capitalise on the co-location of future housing sites, sustainably located within the site's vicinity.
- The site is in single ownership, sustainable and deliverable. It does not have any significant constraints to development which could not be mitigated through appropriate technical assessments and best practice mitigation measures. The site has the potential to make a major contribution towards providing high-end office accommodation in a sustainable location to meet the future growth and aspirations of York as part of a balanced portfolio of sites.

## SUMMARY

This representation has been prepared by HOW Planning on behalf of Oakgate/Caddick Groups in relation to land east of the Designer Outlet and promotes it for a business park.

HOW object to the approach taken within the Publication Local Plan to the identification of employment land to meet development needs for the Plan period. The reliance upon only York Central to deliver future office development would risk losing out on potential investment from those investors who are looking at space in the next five or ten years and those who are seeking a business park location but are deterred by congestion and quality of the environment elsewhere. The approach promoted within the Publication Local Plan is not in accordance with paragraph 160 of the NPPF, which advises that local planning authorities should assess the needs of land or floorspace for economic development, including both the quantitative and qualitative needs for all foreseeable types of economic activity over the Plan period. The current approach is not consistent with national policy and is not justified.

Furthermore, at the forefront of the development of the Local Plan it must be noted that CYC is setting Green Belt boundaries for the first time. If sufficient land to meet development needs is not allocated within this Plan there is a real risk of increased pressure being put on Council to revise Green Belt boundaries before the end of the Local Plan period, which is not in accordance with the NPPF which seeks to ensure the long term permanence of Green Belt boundaries.

The technical issues previously identified by Officers have been addressed, with further work currently being undertaken by Oakgate/Caddick Groups, and it has been demonstrated that the site is suitable (with the proposed mitigation measures) to accommodate a business park site. Oakgate/Caddick Groups would welcome the opportunity to discuss the technical work with the Council's Officers in due course.

We trust this representation provides the Council will a sound understanding of the benefits of allocating land to the east of the Designer Outlet as a business park site within the Local Plan, and confidence that the site is entirely suitable. Oakgate/Caddick Groups is committed to working with the Council to ensure that an allocation within the Local Plan can be delivered within an entirely appropriate manner and would welcome a dialogue with the Council to discuss the information submitted as part of this representation.

Yours sincerely



Encl:

- Appendix 1: Site Location Plan
- Appendix 2: New business park in York Final Report
- Appendix 3: Naburn Economic Case Update
- Appendix 4: Naburn Business Park York Heritage Settings Assessment
- Appendix 5: Landscape and Visual Briefing Note
- Appendix 6: Masterplan
- Appendix 7: Strategic Access and Connectivity
- Appendix 8: Sustainability Appraisal



avisonyoung.co.uk

22 July 2019

Planning Policy  
City of York Council

By email only:  
localplan@york.gov.uk

Dear Sir / Madam,

## **YORK LOCAL PLAN PROPOSED MODIFICATIONS CONSULTATION (JUNE 2019)**

These representations have been prepared by Avison Young, previously HOW Planning LLP, on behalf of Oakgate Group PLC (Oakgate). They relate to land to the east of the Designer Outlet, Naburn (the site). A site location plan is included at **Appendix I**.

### **Naburn Business Park**

In June 2019, a planning application was submitted to the City of York Council (CYC) for a new business park on the site (application ref: 19/01260/OUTM). A masterplan is included at **Appendix II**.

The proposals will meet employment needs that have not been adequately addressed through the Local Plan, delivering 2,000 new jobs, an enhanced park and ride facility and better public access to the Green Belt. The application is yet to be determined.

### **Local Plan background**

Over several years, Oakgate has engaged with CYC at all stages of the Local Plan preparation process including:

- The Preferred Options Local Plan consultation (2013);
- The Preferred Sites consultation (2016);
- The Pre-Publication consultation (2017); and
- The Publication Draft Regulation 19 consultation (2018).

These representations relate to the latest consultation on "Proposed Modifications" to the Local Plan and should be read alongside previous submissions including those at **Appendix III**.

The Proposed Modifications do not go far enough to address the fundamental flaws identified with the Local Plan.

To be found sound, the flaws should be remedied now, with the opportunity for informed participation. This will require a comprehensive Green Belt



review and analysis of alternative options to meet employment (and housing) needs with the benefit of an essential evidence base. This would allow a detailed review of the deliverability of identified employment land and an assessment of the consequences of the proposed employment strategy on job creation to ensure that the Local Plan can be put forward as the most appropriate strategy in terms of overall sustainability. Without this analysis it is not possible to properly conclude the Local Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

## **Proposed Modifications 16 and 17**

Proposed modifications 16 and 17 relate to Policy EC1 (Employment Allocations), which seeks to deliver the forecast employment land requirement of 231,238 sqm, including 107,081 sqm of office floorspace, over the plan period. This is against a backdrop of severe historic undersupply of office space in York, which has led to a vacancy rate of less than 2%<sup>1</sup>.

The largest proposed allocation, by far, is York Central accounting for over 40% of all allocated employment land. We maintain that the Local Plan is over reliant on this single site, which has significant constraints, in terms of deliverability, but also the limited type of office floorspace it can deliver to the market.

The Proposed Modifications fail to reflect the latest position at York Central and continue to overstate the amount of office space that can be delivered:

- The planning permission for York Central, approved in March 2019, includes between 70,000sqm and 87,693 sqm of office space. The majority of which (anticipated 76,762sq.m) is intended to be delivered within Phases 3 and 4 of the scheme's phasing plan with Phases 1 and 2 focused on the delivery of residential development. Phases 3 and 4 are set to be completed by 2033 and have start dates ranging between 2023 and 2026.
- The proposed allocation for York Central in the draft Local Plan is for 100,000 sqm. This means at York Central there will be a shortfall of at least 12,000 sqm, and potentially up to 30,000sqm, of office floorspace against the draft Local Plan allocation. This is alongside, very little delivered in the early stages of the plan period (anticipated 8,525sq.m within Phase 1) with the majority focused within Phase 3 and 4, as demonstrated above.
- There are no other allocations included in the draft Local Plan that include a specific requirement for office floor space. This means, combined with the shortfall at York Central, there is potentially 37,000 sqm of office floor space unaccounted for in the draft Local Plan.
- Naburn Business Park includes 25,000sqm of office floorspace that could help plug the office floorspace gap we have identified in the draft Local Plan. An application has been submitted to CYC, which is supported by an EIA and a suite of technical documents which demonstrates how the proposals represent sustainable development, which could be delivered immediately to meet York's unmet employment needs.
- The employment allocations should identify a mix sites to reflect the needs of different markets and occupiers (who will have differing locational drivers). York Central will be a desirable location for some office occupiers, but it will not suit the needs of those sectors with a higher dependency on occupiers who need quick access to the road network (either for commuting or for business reasons). Other types of occupiers may also prefer a campus style business park environment to a city centre location for reasons of security or privacy, for example headquarters of large businesses, defence organisations and data centres, which the Naburn Business Park is designed to the meet the needs of.

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<sup>1</sup> Appendix IV - Regeneris Addendum to Naburn Business Park Economic Case – Figure 1.3 (CoStar)

We maintain, Policy EC1 has not been justified, is unlikely to be effective, does not represent positive planning and is not consistent with the NPPF.

## **Topic Paper 1 – Approach to defining York's Green Belt – Addendum (March 2019)**

The Topic Paper 1 Addendum is a selective review of the York's Green Belt and retrospectively seeks to justify the Local Plan strategy already adopted.

CYC acknowledge that the growth planned in the Local Plan cannot be accommodated without a review of Green Belt boundaries but, as submitted, the Local Plan evidence base only includes a selective review of York's Green Belt, which has been carried out retrospectively to justify a pre-existing employment (and housing) strategy.

CYC's approach of only assessing selected allocations means that more suitable land has potentially been overlooked and it is not possible to conclude that the Local Plan can be put forward as the most appropriate strategy in terms of overall sustainability.

All reasonable opportunities, including the Naburn Business Park site, should be reviewed prior to the allocation of sites. It is not appropriate that only proposed allocations sites have been considered. CYC should be in a position where they have the evidence to showcase that they have considered all reasonable alternatives and selected the most suitable and sustainable sites based on evidence, with justification for discounting others.

A comprehensive Green Belt review is necessary to ensure consistency with the spatial strategy and to ensure that the boundaries will not need to be reviewed again at the end of the plan period in accordance with NPPF paragraph 85. This is the same conclusion that the Inspector for the Leeds City Council Core Strategy reached in September 2014<sup>2</sup>.

This is particularly relevant in York because: a) it will be the first time that York's Green Belt has been properly defined; and b) the identified shortfall of employment land identified in Policy EC1.

### **Summary**

- The Proposed Modifications fail to address the shortfall of employment land identified in the draft Local Plan;
- The Council's proposed modifications fail to reflect the latest position at York Central and continue to overstate the amount of office space that can be delivered; and
- The further Green Belt evidence submitted as part of the Proposed Modifications, in the form of Topic Paper 1 Addendum, does not address our previous concerns over the methodology behind the site allocations and a comprehensive Green Belt review should be undertaken.

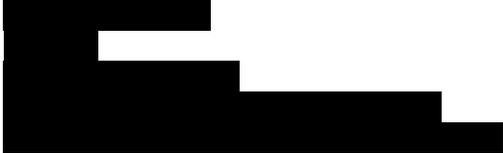
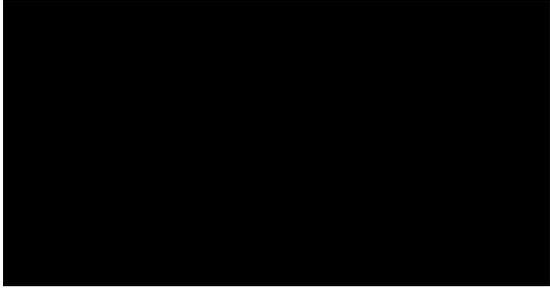
As drafted, the Local Plan put forward is the not most appropriate strategy in terms of overall sustainability. Without a comprehensive Green Belt review and subsequent analysis of employment allocations, it is not possible to properly conclude the Local Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

We trust the above comments will be taken into consideration in the next stages of the preparation of the Local Plan. Please do not hesitate to contact me if you have any questions or require any further information in relation to Oakgate.

Yours faithfully,

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<sup>2</sup> Mr A Thickett - Report on the Examination into Leeds City Council Core Strategy – 5<sup>th</sup> September 2014



**York Local Plan Hearing Statement:  
Matter 3 – Green Belt  
On behalf of Oakgate Group**

November 2019

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[Redacted]

Final Date: November 2019

[Redacted]

# 1. Introduction

- 1.1 This Hearing Statement has been prepared on behalf of Oakgate Group in response to the issues and questions identified by the Inspectors in respect Matter 3: Green Belt.
- 1.2 Oakgate Group has engaged in the preparation of the York Local Plan over several years and has consistently argued that there is an under provision of employment space in York, quantitatively and qualitatively, which is damaging to the local economy.
- 1.3 The draft Plan fails to address York's employment needs by not allocating or safeguarding sufficient employment land as part of the review of Green Belt boundaries. This is a major failing of the draft Plan.
- 1.4 The draft Plan therefore cannot be considered the most appropriate strategy in terms of overall sustainability without a comprehensive Green Belt review and subsequent allocation of further land to meet the identified shortfall in employment land needs. As submitted, it is not possible to conclude that the draft Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

## **Naburn Business Park**

- 1.5 Oakgate Group own 18.2ha of land to the east of the York Designer Outlet, Naburn (the site).
- 1.6 In June 2019, a planning application was submitted to the City of York Council for a new business park on the site under application ref: 19/01260/OUTM ('the Naburn business Park').
- 1.7 The proposals will meet employment needs that have not been adequately addressed through the Local Plan, delivering 25,000sqm of office floor space and an innovation centre, 2,000 new jobs, an improved park and ride facility and enhanced public access to the Green Belt. The application is yet to be determined.

## 2. Matter 3 – Green Belt

Question 3.1 Paragraph 10.1 of the Plan states that “the plan creates a Green Belt for York that will provide a lasting framework to shape the future development of the city”. For the purposes of Paragraph 82 of the National Planning Policy Framework, is the Local Plan proposing to establish any new Green Belt?

- a) If so, what are the exceptional circumstances for so doing, and where is the evidence required by the five bullet points set out at Paragraph 82 of the Framework?
- b) If not, does the Local Plan propose to remove any land from the established general extent of the Green Belt? If it does, is it necessary to demonstrate that exceptional circumstances exist to warrant that approach? Or is it the case that the Local Plan establishes the Green Belt boundaries for the first time, such that the exclusion of land from the Green Belt – such as at the ‘garden villages’, for example – is a matter of Examination of the City of York Local Plan 2017-2033 establishing Green Belt boundaries rather than altering them, in the terms of Paragraph 82 of the Framework?

2.1 Because of York's long and complicated Local Plan history, the extent of the Green Belt has never been properly defined. As the boundaries are not defined, they cannot be altered, and therefore NPPF paragraph 83 should not apply. Notwithstanding this, exceptional circumstances have been justified by the Council to change the general extent of the Green Belt.

2.2 The “general extent” of the Green Belt was last set out in the now revoked Yorkshire and Humber Regional Spatial Strategy<sup>1</sup>. The RSS key diagram, which includes the general extent of the Green Belt, is not sufficiently detailed for development management purposes. This lack of policy detail has held back development in York.

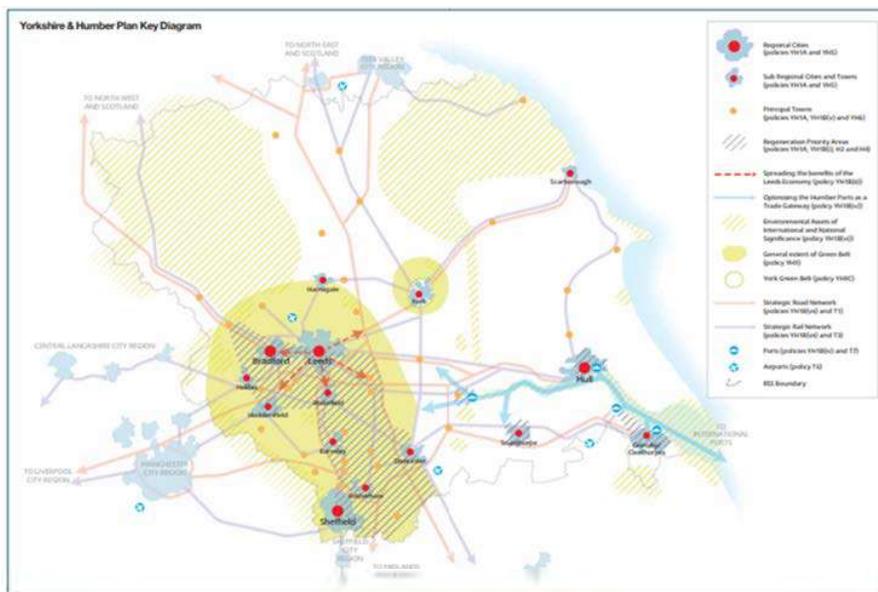


Figure 1: Partially Revoked Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (2008) Key Diagram

<sup>1</sup> When the RSS was revoked in 2013 the green belt policies and key diagram were saved from revocation

- 2.3 The submitted Plan will set York's detailed green belt boundaries for the first time – not just the inner and outer boundaries, but the land in between too which may not necessarily meet the NPPF Green Belt purposes to warrant inclusion. The setting of the Green Belt should only be done following an up-to-date comprehensive Green Belt assessment, which the Council has failed to do.

**Question 3.2 Paragraph 1.1.1 of the Council's "Approach to defining York's Green Belt" Topic Paper (TP1) [TP001] says "York's Local Plan will formally define the boundary of the York Green Belt for the first time." How has the Council approached the task of delineating the Green Belt boundaries shown on the Policies Map? In particular:**

**b) How has the need to promote sustainable patterns of development been taken into account?**

- 2.4 There are two key flaws to the Council's approach to promoting sustainable patterns of development:
- i. failure to undertake an up-to-date comprehensive Green Belt Review; and
  - ii. retrospectively seeking to prepare Green Belt evidence blinkered to reasonable alternatives and without proper consideration of the quality of the Green Belt land including factors like clearly defined boundaries, physical boundaries and likely permanence.
- 2.5 The Topic Paper 1 Addendum fails to demonstrate how the Council has assessed the Green Belt contribution of individual parcels of land and is absent of a robust scoring system. Instead the Council relies on historic and incomplete work on the Green Belt, including the 2003 'The Approach to the Green Belt Appraisal', which is just 16 pages long, and the subsequent 2011 update, which did not methodically review the 2003 Appraisal but was limited only to responding to comments submitted.
- 2.6 The Topic Paper 1 Addendum Annex 5 assesses sites proposed to be allocated by the Council. There is no equivalent Green Belt assessment of discounted sites in the Council's evidence base which demonstrates that comparative analysis of reasonable alternatives has been properly undertaken.
- 2.7 Land at Naburn which was assessed by the Council as not warranting inclusion in the Green Belt in 2003 and 2005 and only subsequently altered in 2011 following an objection from Fulford Parish Council with no comprehensive appraisal or justification.
- 2.8 The Council's backward approach to the Green Belt is evident by the sheer scale of the Topic Paper 1 Addendum and the fact that it was only available in March 2019 a year after the draft Plan was published (February 2018).

**c) With regard to Paragraph 84 of the Framework, how have the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary been considered?**

- 2.9 In order to be consistent with Paragraph 84 of the NPPF, the Council should consider and allocate further land to meet the employment development requirements as set out in the Local Plan, taking into account the shortfalls already evident in the proposed allocations and to ensure the long term endurance of Green Belt boundaries beyond the plan period. See question 3.2d below.

**d) How do the defined Green Belt boundaries ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development and/or include any land which it is unnecessary to keep permanently open?**

- 2.10 The proposed Green Belt boundaries are not consistent with the Local Plan strategy to support economic growth because the draft Plan fails to allocate enough land to meet identified employment needs.
- 2.11 The Council acknowledge that there is "a shortfall in the supply of suitable and available employment land within the urban area" , and therefore additional employment land can therefore only be delivered in the Green Belt.
- 2.12 We appreciate that the Phase 1 hearings have been convened to deal with strategic matters relating to housing strategy and Green Belt, however, to answer this question fully, it is necessary to briefly touch on draft employment allocations too.
- 2.13 Policy EC1 (Employment Allocations) identifies four sites to meet York's office floorspace requirement of 107,081sq.m, over the plan period.

ST5: York Central

- 2.14 The largest proposed allocation is York Central, accounting for 93% of the total office floorspace requirement.
- 2.15 The draft Plan fails to acknowledge the latest position at York Central and continues to overstate the amount of office space that can be delivered. An outline planning permission for York Central was approved in March 2019 (Ref: 18/01884/OUTM) and permits between 70,000sqm and 87,693 sqm of office space. Comparing this against the proposed allocation for York Central in the draft Plan at 100,000 sqm, this means at York Central there will be a shortfall of at least 12,000 sqm, and potentially up to 30,000sqm, of office floorspace against the proposed allocation.
- 2.16 The majority of this floorspace (76,762sq.m) will be delivered within Phases 3 and 4, with Phases 1 and 2 focused on the delivery of residential development. Phases 3 and 4 are not due to be completed until 2033 and have start dates ranging between 2023 and 2026. There is no floorspace proposed to be delivered post-plan period (post 2033).
- 2.17 Given the range proposed within the application approved (70,000sqm and 87,693 sqm), we have therefore assumed a median of 78,000sq.m as a more robust position for the expected delivery during the plan period.

ST19: Land at Northminster Business Park

- 2.18 Northminster Business Park is currently not an office development and is predominantly by B1c, B2 and B8 uses, including distribution, industrial and warehouse units.
- 2.19 Policy EC1 states that future development at this site will be focused on the expansion of the existing B1c, B2 and B8 uses.
- 2.20 For robustness however, with regard to Policy EC1 stating that 'an element of B1a may be appropriate', we have assumed a 5% of provision of office floorspace for the anticipated delivery.

E11: Annamine Nurseries, Jockey Lane

- 2.21 This site has been bought by the Shepherd Group who own the surrounding land. Future development on this site is anticipated to focus on the expansion of the existing portakabin business surrounding the site, with no new office space anticipated to be delivered.

E16: Poppleton Garden Centre

- 2.22 Poppleton is an active Garden Centre, purchased very recently by Dobbies from Wyevale in April 2019. The site is no longer considered a likely future employment site. In any case the Council has only identified that the site may be suitable for "an element of B1a". The Council has not justified that the site can be relied on to deliver any new office floorspace during the plan period.
- 2.23 Based on the above, there is potentially a shortfall of 26,606sq.m (against the target of 107,081sq.m) of office floorspace unaccounted for in the draft Plan. This is summarised in the table below:

Sites Allocated for B1a Employment in Draft Local Plan				
Sites	CYC allocation size (sqm)	CYC's view on suitable employment uses	AY comments	AY anticipated delivery (sqm)
ST5: York Central	100,000	<b>B1a</b>	An outline application approved has been approved (Ref: 18/01884/OUTM) which permits up to 70,000-87,693sq.m of B1a floorspace. The estimated delivery has been therefore been calculated as the median of this permitted range.	78,000
ST19: Land at Northminster Business Park	49,500	B1c, B2 and B8. May also be suitable for <b>an element of B1a.</b>	The most recent planning application for this site (Ref: 18/02919/FULM) permitted 1,188sq.m B1a. Based upon this and a further 'element' of B1a floorspace being delivered the expected delivery has been estimated as 5% of the total allocation.	2,475
E11: Annamine Nurseries, Jockey Lane	3,300	<b>B1a</b> , B1c, B2 and B8	The site has been bought by the Shepherd Group who own the surrounding land. Future development on this site is anticipated to focus on the expansion of the existing portakabin business surrounding the site, with no new office space delivered.	0
E16: Poppleton Garden Centre	9,240	B1c, B2 and B8. May also be suitable for <b>an element of B1a.</b>	The site has been bought by Dobbies and is currently being used as a garden centre. Based on the site being in active use and no plans for redevelopment, the anticipated delivery of B1a floorspace has been calculated as 0.	0
<b>Total</b>	<b>162,040</b>		<b>Total anticipated delivery</b>	<b>80,475</b>
<b>Total B1a required in Local Plan</b>	<b>107,081</b>		<b>Difference in anticipated delivery against Council's B1a target</b>	<b>-26,606</b>

- 2.24 Returning to the principal question of the Green Belt and why this all matters. By not planning to meet its identified employment needs it cannot be said that the Green Belt boundaries are consistent with the Local Plan strategy for meeting identified requirements for sustainable development. This fundamental flaw of the

draft Plan should be resolved before the Green Belt boundaries are defined permanently and further land should be allocated to ensure that the employment land targets, as set out in the Plan, are met with sufficient capacity for flexibility.

- 2.25 The Naburn Business Park is a live planning application that is deliverable in the short term to meet identified need now and could be identified in the Local Plan. The proposals comprise 25,000sqm of office floorspace and an innovation centre that could plug the identified office floorspace gap and the application is supported by a suite of technical documents which demonstrate how the proposals represent sustainable development.

**Question 3.3 Will the proposed Green Belt boundaries need to be altered at the end of the Plan period? To this end, are the boundaries clearly defined, using physical features that are readily recognisable and likely to be permanent? What approach has the Council taken in this regard?**

- 2.26 If the Council is to meet its identified development needs the Green Belt boundaries will undoubtedly need to be altered at the end of the Plan period, if not before. This is one of the biggest failings of the draft Plan and is particularly concerning given the protracted history of the Local Plan to date and the Council's inability to adopt an up-to-date plan since the 1950s.
- 2.27 We estimate that there is a potential a shortfall of 26,000sqm of office floorspace identified though the Local Plan. See Question 3.2 above. The draft Plan has therefore not allocated enough land to meet the employment land needs of York over the plan period, let alone beyond the Plan period

**Question 3.4 Should the Plan 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?**

- 2.28 Yes, the Local Plan should identify areas of safeguarded land between the urban area and the Green Belt to ensure that the Green Belt boundaries endure beyond the plan period and to ensure consistency with Paragraph 85 of the NPPF.
- 2.29 The Council's approach that "*it is not longer necessary to designate safeguarded land*" due to some of the strategic sites identified in the draft Plan having anticipated build out times beyond the 15 year trajectory is fundamentally flawed and unsound for several reasons:
- Other Local Plan Inspectors<sup>2</sup> have indicated that a 15-year plan period, followed by 10 to 15 years' worth of safeguarded land will ensure that Green Belt boundaries retain a degree of permanence.
  - The draft Local Plan Incorporating the 4<sup>th</sup> Set of Changes (April 2005) recognised the merit in including safeguarded land. By proposing safeguarded land (including the Land at Naburn, Ref: Naburn Designer Outlet) the Council has expressly acknowledged that those areas do not perform a Green Belt function.

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2 Ashfield Local Plan; Cheshire East Local Plan Strategy; Leeds Core Strategy and Rotherham Core Strategy

- The need for safeguarded land was clearly stated in legal advice sought by Officers of the Council<sup>3</sup> which was clear that if no safeguarded land is identified the emerging Local Plan is likely to be found unsound.
- In terms of offices space, the submitted plan does not actually identify any strategic sites with supply stretching beyond the plan period. See Question 3.2 above, we estimate there will actually be an undersupply of office supply during the plan period, particularly in the short term.

2.30 The inclusion of safeguarded employment land is necessary so that the Plan has flexibility to adapt and respond to changing circumstances. This is especially important in York for where there is an acute demand for office space (less than 2% vacancy); an overall reliance on one allocation (York Central) to meet 93% of York's identified office floorspace needs; and a track record of failing to adopt new Local Plans, meaning it cannot be assumed that any future review or new Local Plan will be delivered in a timely fashion.

**Question 3.5 Overall, are the Green Belt boundaries in the plan appropriately defined and consistent with national policy in the National Planning Policy Framework, and is the Plan sound in this regard?**

2.31 As outlined in this statement and previous representations, there remains significant objection to the Council's approach to the Green Belt which fails to meet the following tests of soundness:

- The Local Plan has **not been positively prepared**. Fundamental technical work such as a comprehensive Green Belt assessment is incomplete; and much technical work has been undertaken after the site selection process was completed so evidence has been retrofitted to justify the pre-existing employment strategy and does not represent the most appropriate strategy;
- It is **not justified** as the Council's approach to defining the Green Belt simply fails to reflect its own evidence base. The Council is reliant on an out of date evidence which dates back to the 2003 Green Belt Appraisal and was formulated in the context of development requirements that bear no relation to present and forecast needs. There is no transparent logic or justification as to how the sites identified for allocation and their respective boundaries have been defined;
- The Local Plan is **not effective** as the plan fails to identify sufficient employment land to meet identified needs during the plan period. This failing is further compounded by the lack of safeguarded land to provide flexibility or ensure that Green Belt boundaries will endure well beyond the plan period; and
- The Local Plan's approach to Green Belt is **inconsistent with national policy** as the amount of employment land proposed to be released from the Green Belt is insufficient and further land is required in sustainable locations in order to meet the delivery of sustainable development objectives set out in the Framework.

**Question 3.6 Paragraph 83 of the National Planning Policy Framework is clear that Green Belt boundaries should only be altered in exceptional circumstances. It appears that the Plan proposes to 'release' some land from the Green Belt by altering its boundaries. In broad terms:**

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<sup>3</sup> As presented at the Local Plan Working Group – 29 January 2015

- a) **Do the necessary exceptional circumstances exist to warrant the proposed alterations to Green Belt boundaries, in terms of removing land from the Green Belt? If so, what are they?**

2.32 Notwithstanding comments above relating to the Green Belt being defined for the first time. It is agreed that exceptional circumstances are justified to warrant changes to the Green Belt.

- c) **What is the capacity of existing urban areas to meet the need for housing and employment uses?**

2.33 There is not enough capacity to meet York's developments needs within the existing urban area and without the removal of further land from the Green Belt the employment needs of the City cannot be met.

**Question 3.7: How was the land proposed to be removed from the Green Belt been selected? Has the process of selecting the land in question been based on a robust assessment methodology that:**

- a) **reflects the fundamental aim of Green Belts, being to prevent urban sprawl by keeping land permanently open;**
- b) **reflects the essential characteristics of Green Belts, being their openness and permanence;**
- c) **takes account of both the spatial and visual aspects of openness of the Green Belt, in the light of the judgments in Turner and Samuel Smith Old Brewery;**
- d) **reflects the five purposes that the Green Belt serves, as set out in paragraph 80 of the Framework; and**
- e) **takes account of the need to promote sustainable patterns of development.**

2.34 The Council's Green Belt evidence was, until recently, out of date and incomplete. The Council first reached a prejudged position on site allocations and has sought to retrofit Green Belt evidence to support its conclusions, blinkered to requirements of the NPPF and SEA.

2.35 The evidence has been retrospectively bolstered to fit the Council's preferred spatial strategy, but in doing so fails the NPPF tests of soundness as it cannot be said that the plan is "*the most appropriate strategy, when considered against the reasonable alternatives*".

2.36 The Inspectors will be familiar with the history of the York Local Plan, but below is a summary of some of the key events since 2003, which relate to the Green Belt evidence base and Oakgate's land at Naburn. The Council's approach to the assessment of land at Naburn has not been justified.

- In **2003** the Council prepared a document named 'The Approach to the Green Belt Appraisal'. This document relied on evidence largely prepared in connection with the York Green Belt Local Plan Deposit Draft 1991. In 2003, the Council concluded that Naburn Business Park site did not to serve any of the five purposes of the Green Belt and was subsequently not designated as such.
- In **2005** the Council produced the City of York Fourth Set of Changes (Development Management) Local Plan which was approved for Development Management purposes. This Plan represents the most advanced Local Plan document approved to date, in which the Naburn Business Park site was partly allocated (9ha) as a reserved site for development.

- In **2008**, the Yorkshire and Humber Regional Spatial Strategy (RSS) was adopted which set out the general extent of the York Green Belt. This comprised a high-level key diagram, with the area outside of the urban area of York identified as Green Belt. There was no detailed assessment of the quality of the Green Belt and it did not take into account York City Council Green Belt evidence which excluded Naburn Business Park from the Green Belt. This meant that by default the Naburn Business Park site has been treated Green Belt even though the exact extent of the Green Belt has never been defined.
- In **2011**, the City of York Historic Character and Setting Technical Paper was prepared which considered potential changes to the boundaries proposed in the 2003 Appraisal document, in light of comments raised primarily from Fulford Parish Council. In this document the Naburn Business Park site was altered to an Extension to the Green Wedge. The document did not comprehensively review all the historic character areas, only responding to specific comments raised, and no technical evidence was provided to support the changes made.
- In **2013**, the RSS was revoked except for the Policies YH9(C) and Y1 (C1 and C2) and the key diagram relating to the general extent of the Green Belt in York which were saved.
- **2019**, the Council is now defining the inner and outer boundaries of the Green Belt for the first time through the draft Local Plan supported by Topic Paper 1 (The approach to defining York's Green Belt) and the subsequent Addendum (including annexes). However, are still reliant on the general extent of the Green Belt as defined in the RSS of 2008 and the changes made to the 2003 Green Belt Appraisal document in 2011, allocating the Naburn Business Park Site within the Green Belt, as a Green Wedge with regard to historical character.

2.37 The above timeline demonstrates that since 2003 the Council has failed to objectively assess the quality of the York Green Belt through an up-to-date comprehensive Green Belt Review, which in turn can be used to properly define the Green Belt boundaries based on up-to-date development needs.

## Contact Details

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# 1. Addendum to Naburn Business Park Economic Case

## Purpose of Addendum

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- 1.1 The purpose of this addendum is to support a planning application for a new business park at Naburn. This addendum should be read in conjunction with our original report and takes in to account changes to the Local Plan and underpinning evidence base.

## Background

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- 1.2 In 2011, Regeneris Consulting was appointed by Oakgate Group plc to review the case for the development of a new business park on land to the south of York just off the A64 and adjacent to the York Designer Outlet Centre. This was intended to inform discussions between Oakgate plc and the City of York Council about potential site allocations in the new Local Plan.
- 1.3 In February 2018, the City of York Council (COYC) published its Publication Draft of the Local Plan (hereafter referred to as the Draft Local Plan). This included some changes to the assessed quantity of employment land that COYC will need to ensure is available between 2017 and 2032 and changes to the sites allocated for future development to meet this need.

## Employment Land Policies in Draft Local Plan

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### Demand for Office Space/Land

- 1.4 Policy SS1 of the Draft Local Plan states the aim of providing “*sufficient land to accommodate an annual provision of around 650 new jobs that will support sustainable economic growth*”. This is a lower rate of jobs growth than was previously assumed in the 2013 Preferred Options Local Plan (800 per year).
- 1.5 Despite this, the total amount of office floorspace (B1a) required to meet this jobs growth has increased significantly. Table 4.1 in the Draft Local Plan identifies the need to deliver a total of 107,000 sq m of B1a space (13.8 Ha), compared to 44,600 sq m in the Preferred Options Plan. This need for office floorspace is based on calculations in the 2016 Employment Land Review (ELR) and the 2017 ELR update.
- 1.6 These ELRs provide a number of explanations for why the need for B1a space has increased significantly from the Preferred Options Plan:
- the 107,000 sq m is based on the forecast need over a 21 year time period (2017 to 2038)<sup>1</sup>, while the previous estimate of 44,600 sq m was based on an 18 year period (2012-2030).
  - Although the overall rate of jobs growth is lower in the Draft Local Plan than previous estimates, the forecast growth rate of a number of office based sectors is higher than previous estimates and it is this that drives the need for extra office space. This includes ICT, professional, scientific and technical activities and real estate sectors.

<sup>1</sup> Although the Local Plan period is based on the period 2017 to 2032/33, the plan allows for a five year period after the end of the plan to “provide a degree of permanency for the Green Belt”

- The new estimate includes an upward adjustment of 34,500 sq m of B1a office space to replace the space which has been lost between 2012 and 2017 (mainly due to office to residential conversions).
  - The new estimate has also added a buffer for delays in sites coming forward (an additional two years supply<sup>2</sup>) which was not included in the estimates of need in the Preferred Options Plan.
- 1.7 Whilst the target for delivery of office space is larger than before, we consider that it represents a sound assessment of need and is consistent with COYC’s growth aspirations for the City and therefore provides a sound basis for planning. We also agree with the upward adjustments which have been made, which are consistent with the approach taken in ELRs in other parts of the country.

## Supply of Employment Land

- 1.8 Policy EC1 identifies the sites which it is proposed are allocated to meet future demand for office space (and other uses). The strategic sites are set out in Table 1.1. The only site which is allocated specifically for B1a development is York Central, which it is suggested can accommodate 100,000 sq m of office space (up from 80,000 sq m in the Preferred Options paper and 61,000 sq m in the Pre-Publication Draft published in 2017). It is not clear how why the estimated capacity of this site has fluctuated so much in various iterations of the plan.
- 1.9 Northminster Business Park may also be able to accommodate some B1a space, however the main focus of development at this site appears to be industrial uses, with the Local Plan only stating that it “*may be suitable for an element*” of B1a.

**Table 1.1 Strategic Sites Allocated in Draft Local Plan**

Site	Size	Suitable Employment Uses
ST5: York Central	100,000 sq m/3.33ha	B1a
ST19: Northminster Business Park	49,500 sq m/15ha	B1c, B2 and B8. May also be suitable for an element of B1a
ST27: University of York	21,500 sq m/21.5ha	B1b knowledge based activities including research-led science park uses
ST26: South of Elvington Airfield Business Park	25,080 sq m/7.6ha	B1b, B1c, B2 and B8
ST37: Whitehall Grange, Autohorn, Wiggington Rd	33,330 sq m/10.1ha	B8

Source: City of York Council (2018): Publication Draft of the Local Plan

- 1.10 In addition to these strategic sites, the Draft Local Plan also identifies a series of other smaller employment sites (see Table 1.2). The only site which could definitely accommodate B1a is Annamine Nurseries, a one hectare site which has also been allocated for industrial uses. The Poppleton Garden Centre may also include an element of B1a, but again is likely to be mainly for industrial uses.
- 1.11 There may also be scope to provide additional space on infill sites in York city centre, although it is unclear how much additional space this could provide.

<sup>2</sup> In practice this is a fairly modest buffer over a 22 year period (less than 10%)

**Table 1.2 Other sites allocated for employment uses**

E8: Wheldrake Industrial Estate	1,485 sq m/0.45ha	B1b, B1c, B2 and B8
E9: Elvington Industrial Estate	3,300 sq m/1ha	B1b, B1c, B2 and B8
E10: Chessingham Park, Dunnington	792 sq m/0.24ha	B1c, B2 and B8
E11: Annamine Nurseries, Jockey Lane	3,300 sq m/1ha	B1a, B1c, B2 and B8
E16: Poppleton Garden Centre	9,240 sq m/2.8ha	B1c, B2 and B8. May also be suitable for an element of B1a
E18: Towthorpe Lines, Strensall	13,200 sq m/4ha	B1c, B2 and B8 uses

Source: City of York Council (2017): Pre-Publication Draft of the Local Plan

1.12 To assess whether this supply of land and mix of sites is likely to meet the updated assessed needs of York's economy over the plan period, we have sought to answer three questions:

- Has a sufficient quantity of employment land been identified to meet the forecast need for B1a space (107,000 sq m)?
- Do the allocated sites meet market requirements and offer enough choice to potential investors?
- What are the likely timescales for delivery of the sites and will there be sufficient supply of employment land to meet demand in the short, medium and long term?

#### **Has a sufficient quantity of land been identified?**

1.13 Based on the evidence above, we cannot say definitively how much land has been allocated for B1a development in York, or how much office space this could support. However, based on the assumption that the Northminster Business Park site will be able to accommodate around 7,000 sq m of B1a floorspace, it seems likely that the proposed supply of employment land will **just be sufficient to meet the forecast demand for 107,000 sq m of B1a space** between 2017 and 2038. This is because the capacity at York Central has increased significantly from the earlier iterations of the plan.

#### **Do the allocated sites meet market requirements and offer enough choice to potential investors?**

1.14 Although the allocated sites have changed since our previous report it remains the case that potential investors looking for B1a accommodation will have a choice of just two large sites (York Central and Northminster Business Park). There is also a question over exactly how much B1a space will be available at Northminster Business Park, where the Draft Local Plan indicates the main focus will be on industrial development.

1.15 As we stated in our original report, it is important that areas provide a balanced portfolio of sites to reflect the needs of different markets and occupiers (who will have differing locational drivers). Whilst York Central will be a highly desirable location for many office occupiers, it will not suit the needs of those sectors with a higher dependency on car-borne occupiers who need quick access to the road network (either for commuting or for business reasons). Other types of occupiers may also prefer a campus style business park environment to a city centre location for reasons of security or privacy eg headquarters of

large businesses, defence organisations and data centres. Finally, given that York Central is likely to command high rental values, it may not suit the needs of small to medium enterprises which are more cost sensitive and tend to look for affordable and flexible premises.

**1.16 Therefore the continued reliance on York Central means there would be insufficient choice for investors.**

1.17 The market attractiveness of sites has been assessed through the application of a simple scoring framework used in the 2016 ELR and then the 2017 Update. This considers five criteria and attaches different weights to each based on the importance of these factors to B1 occupiers (based on the judgment of the ELR authors). These criteria and weighting are as follows:

- Travel time to motorway x1
- Travel time to York railway station (& city centre) x3
- Agglomeration with other businesses x2
- Size of site x2
- Assessment of current demand x2
- Proximity to research and knowledge assets x 2

1.18 The scores given to each of the sites allocated for B1a office space (including those with an element of B1a) are shown in Table 1.3. We have also included the scores for the Designer Outlet (which we assume to be the Naburn Business Park site). Naburn scores higher than both of the two smaller sites (Poppleton Garden Centre and Annamine Nurseries) but lower than York Central and Northminster Business Park.

1.19 York Central scores particularly high because of its city centre location and proximity to the railway station. As we stated in our original report, this is a highly attractive and sustainable location for B1a development which will be in high demand once developed. The key issue with this site is the timescales for delivery (see below).

1.20 The main difference between Northminster Business Park and the Designer Outlet is in the scores for agglomeration and the travel time to York railway station. In both cases, we believe there are flaws in the design of the scoring framework itself or in how the scores have been applied.

	Travel time to motorway	Travel time to rail station	Agglomeration	Size of site	Current demand	Proximity to R&D assets	Score for B1
York Central	1	15	8	10	6	4	44
Northminster	3	6	10	6	8	2	35
Designer Outlet (Naburn)	3	3	4	8	6	4	28
Poppleton Garden Centre	3	6	8	4	4	2	27
Annamine Nurseries	2	3	4	2	2	4	17

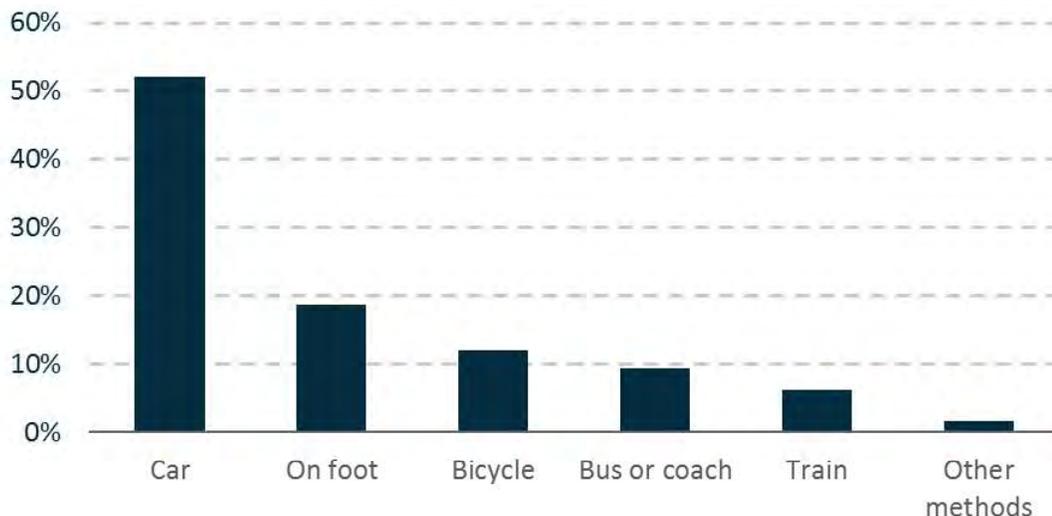
- 1.21 **We believe agglomeration of businesses is an unsuitable criteria for assessing the market appeal of a site, particularly in the way it has been defined in the 2016 ELR.**
- 1.22 Agglomeration effects refer to the productivity benefits that come when firms and people locate near one another eg to be closer to suppliers or customers or so that they can more easily attract or recruit workers. These effects help to explain why cities form and why certain industries tend to cluster together. However, the presence of a number of firms being located in close proximity is not sufficient for agglomeration benefits to occur, nor is it likely to be a key factor influencing most businesses' location decisions. The exceptions to this may be on business parks which have a specific industry focus (such as science parks) where businesses and workers work in similar fields so are more likely to form relationships and have an incentive to locate in close proximity to each other (commonly referred to as clustering rather than agglomeration, which tends to refer to towns and cities).
- 1.23 This is not what is being assessed in the ELRs, where sites can gain a score of 6 (after weighting) if there are "*several businesses present in the area within 5 minutes walking distance*" and will be awarded higher scores if a number of these businesses are "*high value*" (where high value can refer to any sector with median wages above the national average). There is no consideration of which sectors are located on sites or whether the businesses are working in related fields, which is where agglomeration benefits might arise.
- 1.24 This criteria is therefore flawed and, because of its double weighting, skews the results in favour of those sites which already have a number of businesses in the local area, even though there is no evidence this will increase the appeal of the site to new occupiers. In addition to the Northminster site, South of Airfield Business Park and Elvington Industrial Estate also achieve relatively high score from the ELR assessment and have been allocated for development. The latter two sites are particularly inaccessible from the strategic road network or public transport and have weak evidence of business demand but have been allocated for development because of a high score for agglomeration.
- 1.25 **The inclusion of the criterion for travel time to railway station is justified, however we disagree with the relative scores given to Northminster Business Park and Naburn (Designer Outlet).** According to our estimates (based on drivetime modelling in Google maps) both sites can be accessed from York Railway Station in under 20 minutes (both around 16-17 mins) and should both receive a score of six (after weighting). Yet Northminster achieves a score of 6 while Naburn receives a score of 3.
- 1.26 **Based on the above, if the two sites were both given a score of 6 and the agglomeration criteria was removed, Naburn Business Park would score higher than Northminster and would emerge as one of the most attractive sites for B1a development.**
- 1.27 We believe there are a number of other flaws with the scoring framework and relative weightings given to different criteria. These are set out below:
- **There is no explicit consideration of access to skilled workers:** the types of sectors which occupy B1a space tend to be highly skilled sectors such as ICT and professional services. Access to skilled workers is therefore a key factor influencing the location decisions of these firms. Although this is indirectly referred to in two of the criteria (travel time to motorway and travel time to rail station), this is so important that it should be a criteria in its own right. Our original report showed that Naburn Business Park was very well positioned to draw upon the highly skilled labour markets to the south west of York in the Leeds City Region (although the same could also be said of Northminster)
  - **The weighting of criteria understates the importance of road access to office occupiers:** because of the importance of access to workers, the travel time to the motorway is very important for assessing the market appeal of a site. However this

is given the lowest weighting of all the criteria in the scoring framework (x1). Data from the 2011 Census showed that over 50% of commuters working in office based sectors in York still used a car to get to work, compared to only 6% who used a train (see Figure 1.1). We agree that access to a rail station is very important in the context of York and therefore the triple-weighting is fair. However, given the continued importance of cars to a number of office occupiers, we would argue that this criteria should be brought in to line with the other four and be double-weighted.

- **Proximity to research and knowledge assets will only be an important locational factor for a small proportion of office occupiers:** Proximity to the University may be an important consideration for some businesses, particularly those in science based and R&D intensive industries such as bioscience. However this is likely to be of minor importance to the majority of office based businesses, who work in sectors such as public admin, ICT and professional services. This is also given a double weighting despite the fact it will only be important for a minority of businesses.
- **There is no consideration of access to amenities or the quality of the local environment:** our original report showed that local amenities (shops, cafes, restaurants), a landscaped environment and public transport connections can all enhance the appeal of a site for office uses, particularly for business parks. The scoring framework should therefore assess the potential to create a high quality office environment.

**1.28** As stated in our original report, Naburn site exhibits all of the locational advantages described above and in paragraphs 4.4 to 4.8 of our original report and has high potential to create a campus style business park development. **We therefore conclude it should receive a much higher score for market attractiveness and should be allocated to address the shortfall of B1a space.**

Figure 1.1 Method of Travel to Work for Commuters Working in Office Based Sectors



Source 2011 Census

Note: Office based sectors defined as ICT, financial services, professional, scientific and technical activities and admin and support service activities

## **Will there be sufficient supply of employment land to meet demand in the short, medium and long term?**

- 1.29 It is common practice for ELRs to assess the likelihood that sites will come forward, the nature of any barriers which need to be overcome and the implications for timescales for delivery. This is not considered in either the 2016 ELR or the 2017 update.
- 1.30 This is particularly important given the continued reliance on York Central to deliver the majority of B1a office space, which could take many years to complete. Our original report noted a number of concerns about the deliverability of this site (see paragraph 7.11) which are all still relevant. At the time the report was published, the Council had indicated that site works would commence in 2017 however this has not been the case.
- 1.31 The York Central Partnership submitted an application for planning permission in August 2018 which should be determined at Planning Committee in early 2019. A reserved matters application for the first phase of infrastructure should then follow. However the timescales for delivery of development are still highly uncertain and there are a number of potential obstacles to new development coming forward. In particular, Highways England has expressed doubts about the traffic management and impact on the wider city, and has ordered that a planning decision be postponed until its concerns on transport infrastructure are answered
- 1.32 We are not aware of the timescales for delivery of new B1a office space at other sites such as Northminster Business Park. Although we note that paragraph 73 of the Local Plan Working Group raised concerns about traffic: *“Initial transport modelling of potential residential and employment sites has shown that increased queues and delays are being forecast in the Poppleton area, exacerbated by the potential level of development projected for that area, including potential employment sites at Northminster Business Park (ST19), Land to the North of Northminster Business Park and the former Poppleton Garden Centre”*. This suggests there may be some delays in bringing forward new development in this location.
- 1.33 Recent trends show a dwindling supply of office space across the city (see below). This means that the city is facing a potential shortage of B1a office space in the short term which could act as a barrier to growth.
- 1.34 **It is therefore unlikely that the identified sites will meet demand for B1a office space in the short to medium term (particularly York Central). This means there is a risk of York losing out on potential investment in the next five or ten years if it does not have an “oven ready” product for occupiers.**

## **Recent office market trends**

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- 1.35 Figure 1.2 shows recent trends in net take-up<sup>3</sup> of office space in York. It suggests demand was subdued for a long time period from 2010 to 2014. Since 2015 there is some evidence of an increase in demand, with net take-up of over 150,000 sq ft (14,000 sq m) of office space. Notable recent deals include BHP Chartered Accountants which took 40,000 sq ft of office space at Moorside (Monks Cross) and the Tees Esk Valley NHS Trust which took 19,000 sq ft at Huntington House on Jockey Lane.
- 1.36 These recent trends were borne out by local agents Lawrence Hannah (who handle around half of office deals in York including both of the above). They reported they had seen an increase in the number of enquiries and deals in the last three or four years, due to

<sup>3</sup> This measures the net change in occupied space over a given period of time, calculated by summing all the positive changes in occupancy (move ins) and subtracting all the negative changes in occupancy (move outs).

improving business confidence and investment from rail engineering businesses (a key sector in York) due to increased infrastructure spending by Government.

Figure 1.2 Net take-up of office space in York, 2010-2018



Source CoStar

- 1.37 Since 2014 there has been a sharp fall in the amount of vacant office space in York. There is currently just 50,000 sq ft (5,000 sq m) of space available, representing a vacancy rate of 1.4%. The drop is explained in part by an increase in net take-up since 2015 but also by the loss of large amounts of office space which has been converted to residential uses under permitted development rights (which is why we agree it is sensible for the Local Plan to address this loss of existing stock).
- 1.38 There is therefore very limited space available either in York city centre or in the outer business parks. This position has deteriorated since our original report and means there is a significant danger of losing investment in the short term.
- 1.39 Lawrence Hannah agents confirmed that they no longer have any office premises on their books and that there are no longer any premises offering over 10,000 sq ft of space across the whole of York. This means none of the larger requirements for space can currently be satisfied, which means York risks losing out on investment to other areas in the short to medium term. There was some anecdotal evidence that this is already happening.

Figure 1.3 Vacancy rate of office space in York, 2010-2019



Source CoStar

## Conclusions

1.40 There is a strong economic case for new business park development at Naburn on the following grounds:

- **Naburn Business Park would provide a genuine range of choice for office occupiers**, which reflects the fact that city centre space at York Central will not meet the needs of all occupiers, particularly cost sensitive SMEs and businesses that need good access to the road network.
- **Naburn Business Park would be attractive to the market**, being well located for the road network and accessing a skilled workforce, and capable of providing a high quality business park environment. A fair and objective assessment of Naburn would find that it is just as attractive to the market as Northminster Business Park.
- **Naburn Business Park could help to address the short to medium term shortfall of supply caused by the likely long delays at York Central**. Recent market evidence shows available supply has fallen even further since our original report, meaning there is a major risk of investment being lost to York unless new sites come forward.

**From:** [REDACTED]  
**Sent:** 07 July 2021 12:33  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 205964  
**Attachments:** Appendix\_I\_Site\_Location\_Plan.pdf; Appendix\_III\_Publication\_Representations\_2018\_and\_2019.pdf; Appendix\_II\_Naburn\_Business\_Park\_Masterplan\_2013104100419.pdf; Appendix\_IV\_Hearing\_Statement\_29.11.19.pdf; Appendix\_V\_Regeneris\_Addendum\_to\_Naburn\_Business\_Park\_Economic\_Case.pdf; Proposed\_Modifications\_July\_2021\_Representation\_070721\_Final\_.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

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## About your comments

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

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## Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

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## 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?:** 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:** Please refer to Representation Letter and Appendices.

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## **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:** Please refer to Representation Letter and Appendices.

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## **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:** Please refer to Representation Letter and Appendices.

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## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:** Please refer to Representation Letter and Appendices.

**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:** The site promoted by our client (Oakgate Group PLC); land to the east of the York Designer Outlet, is a reasonable alternative for employment development and could help to address the shortfall. An application has been submitted to the Council on the 13th June 2019 under application reference 19/01260/OUTM. This application seeks permission for: “Outline planning permission for a business park up to 270,000sq.ft (Use Class B1) and an Innovation Centre up to 70,000sq.ft (Use Class B1/B2), with ancillary pavilion units up to 9,000sq.ft (Use Classes A1, A3, A4, D1 and D2), associated car parking, a park and ride facility, including park and ride amenity building up to

2,000sq.ft, hard and soft landscaping and highway alterations, all matters reserved apart from detailed access.”

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## **Supporting documentation**

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

Appendix\_I\_Site\_Location\_Plan.pdf,  
Appendix\_III\_Publication\_Representations\_2018\_and\_2019.pdf,  
Appendix\_II\_Naburn\_Business\_Park\_Masterplan\_2013104100419.pdf,  
Appendix\_IV\_Hearing\_Statement\_29.11.19.pdf,  
Appendix\_V\_Regeneris\_Addendum\_to\_Naburn\_Business\_Park\_Economic\_Case.pdf,  
Proposed\_Modifications\_July\_2021\_Representation\_070721\_Final\_.pdf

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07 July 2021

Planning Policy  
City of York Council

By email only:  
localplan@york.gov.uk


avisonyoung.co.uk

Dear Sir / Madam,

## **YORK LOCAL PLAN PROPOSED MODIFICATIONS AND EVIDENCE BASE CONSULTATION (JULY 2021)**

These representations have been prepared by Avison Young, on behalf of Oakgate Group PLC (Oakgate). They relate to land to the east of the Designer Outlet, Naburn (the Site). A site location plan is included at **Appendix I**.

### **Naburn Business Park**

In June 2019, a planning application was submitted to the City of York Council (CYC) for a new business park on the site (application ref: 19/01260/OUTM). A masterplan is included at **Appendix II**.

The proposals will meet employment needs that have not been adequately addressed through the Local Plan, delivering 2,000 new jobs, an enhanced park and ride facility and better public access to the Green Belt. The application is yet to be determined.

### **Local Plan background**

Over several years, Oakgate has engaged with CYC at all stages of the Local Plan preparation process including:

- The Preferred Options Local Plan consultation (2013);
- The Preferred Sites consultation (2016);
- The Pre-Publication consultation (2017);
- The Publication Draft Regulation 19 consultation (2018);
- The Proposed Modifications Consultation (June 2019); and ,
- York Local Plan Examination Part One (December 2019).

These representations relate to the latest consultation on "Proposed Modifications and Evidence Base" to the Local Plan and should be read alongside previous submissions including those at **Appendix III** and **Appendix IV**.

The Proposed Modifications do not go far enough to address the fundamental flaws identified with the Local Plan.



The draft Plan fails to address York's employment needs by not allocating or safeguarding sufficient employment land as part of the review of Green Belt boundaries. This is a major failing of the draft Plan.

The draft Plan therefore cannot be considered the most appropriate strategy in terms of overall sustainability without a new comprehensive Green Belt review and subsequent allocation of further land to meet the identified shortfall in employment land needs.

As submitted, it is not possible to conclude that the draft Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

To be found sound, the flaws should be remedied now, with the opportunity for informed participation. This will require a new comprehensive Green Belt review and analysis of alternative options to meet employment (and housing) needs taking into account the current economic position of York in 2021. This would allow a detailed review of the deliverability of identified employment land and an assessment of the consequences of the proposed employment strategy on job creation to ensure that the Local Plan can be put forward as the most appropriate strategy in terms of overall sustainability. Without this analysis it is not possible to properly conclude the Local Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

## **Proposed Modifications 16 and 17**

Proposed modifications 16 and 17 relate to Policy EC1 (Employment Allocations), which seeks to deliver the forecast employment land requirement of 231,239 sqm, including 107,081 sqm of office floorspace, over the plan period. This is against a backdrop of severe historic undersupply of office space in York, which has led to a vacancy rate of less than 2%<sup>1</sup>.

The proposed modifications to Policy EC1 are minor and relate only to the footnote and explanatory text for Proposed Employment Allocation E18 (Towthorpe Lines, Strensall). The land identified for employment therefore remains unchanged within the Local Plan by virtue of the modifications proposed.

We therefore maintain that the Local Plan does not allocate sufficient office floorspace through the employment allocations identified. In particular, we would like to reiterate that the Council are over reliant on York Central which accounts for 93% of the total office floorspace requirement and over 40% of all allocated employment land within the Plan. York Central is considered to have significant constraints, in terms of deliverability, but is also limited by the type of office floorspace it can deliver to the market.

The Proposed Modifications fail to reflect the latest position at York Central and continue to overstate the amount of office space that can be delivered:

- The planning permission for York Central, approved in March 2019, includes between 70,000sqm and 87,693 sqm of office space. The majority of which (anticipated 76,762sq.m) is intended to be delivered within Phases 3 and 4 of the scheme's phasing plan with Phases 1 and 2 focused on the delivery of residential development. Phases 3 and 4 are set to be completed by 2033 and have start dates ranging between 2023 and 2026 (as of July 2021 no reserved matters applications have been submitted as of yet relating to office development).
- The proposed allocation for York Central in the draft Local Plan is for 100,000 sqm. This means at York Central there will be a shortfall of at least 12,000 sqm, and potentially up to 30,000sqm, of office floorspace against the draft Local Plan allocation. This is alongside, very little

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<sup>1</sup> Appendix V - Regeneris Addendum to Naburn Business Park Economic Case – Figure 1.3 (CoStar)

delivered in the early stages of the plan period (anticipated 8,525sq.m within Phase 1) with the majority focused within Phase 3 and 4, as demonstrated above.

In addition, the proposed modifications also do not alter the fact that there are no other allocations included in the draft Local Plan that include a specific requirement for office floor space. Each of the other remaining allocations within the draft Local Plan therefore only include for the potential for some B1 floorspace. There is no guarantee that office floorspace will be delivered at these remaining sites as ancillary to other uses which means combined with the shortfall at York Central, there is potentially 37,000sq.m of office floor space unaccounted for in the draft Local Plan.

As outlined in our hearing statements prepared in December 2019 (**Appendix IV**) each of the remaining office employment allocations have in addition been analysed based upon land ownership and tenancy which further demonstrates that the likelihood of office floorspace being delivered on these sites is severely limited.

Since the preparation of these hearing statements, an application at Northminster Business Park (Ref: 21/00796/FULM) has been approved with further substantiates our statements made previously and highlights the failure to provide office floorspace on allocated land. Northminster Business Park is allocated under Policy EC1 as ST19: Land at Northminster Business Park for 49,500sq.m of employment floorspace. The suitable employment uses for this site as set by the draft Local Plan include B1c, B2, B8 and an element of B1a. The application determined for this site at the CYC July 2021 committee nonetheless only approves permission for a 5,570sq.m distribution centre (Use Class B8). This application therefore demonstrates the highly likely scenario that outside of the York Central, limited office floorspace will actually be realised in the remaining employment allocations with a key focus of these sites falling within B2 and B8 uses.

Naburn Business Park includes 25,000sqm of office floorspace that could help plug the office floorspace gap we have identified in the draft Local Plan. An application has been submitted to CYC, which is supported by an EIA and a suite of technical documents which demonstrates how the proposals represent sustainable development, which could be delivered immediately to meet York's unmet employment needs.

Employment allocations in the draft Plan should identify a mix sites to reflect the needs of different markets and occupiers (who will have differing locational drivers). York Central will be a desirable location for some office occupiers, but it will not suit the needs of those sectors with a higher dependency on occupiers who need quick access to the road network (either for commuting or for business reasons). Other types of occupiers may also prefer a campus style business park environment to a city centre location for reasons of security or privacy, for example headquarters of large businesses, defence organisations and data centres, which the Naburn Business Park is designed to the meet the needs of.

We therefore maintain, Policy EC1 is not justified, is unlikely to be effective, does not represent positive planning and is not consistent with the NPPF. Policy EC1 should therefore be re-addressed taking into account the recent positions on each of the allocated sites and should allocate further employment sites to address the shortfall in office floorspace.

## **York Economic Outlook – Economic Outlook and Scenario Results for the York Economy – December 2019**

The York Economic Outlook report aims to provide an update to the 2015 results which were used to underpin the Local Plan. It is stated that the update is to understand the current outlook for York and assess whether there has been any significant change to the forecast since the Local Plan was produced.

Unfortunately, the Council have taken some significant time to respond to all outstanding matters and queries raised during the Hearings Stage 1 in December 2019 and we are now in a position whereby this document is once again out of date. The evidence base which underpins the Local Plan therefore does not account for the past year and a half which more importantly than just the passage of time, does not reflect one of the most pivotal periods of time for the world's economy due to the impact of Covid-19. It consequently cannot be said that the evidence base for the Local Plan, and most certainly this document, is reliable and it is not possible to properly conclude the Local Plan is justified, likely to be effective, positively prepared or consistent with the NPPF as a result.

An up to date and reliable economic evidence base is imperative to the Local Plan for various reasons but in particular when it comes to assessing the employment land allocated within the Plan. It is impossible to ensure only the most suitable and sustainable sites for employment have been chosen if the Council does not have a clear steer on the economy within York and where this is likely to be heading over the course of the Plan period.

Paragraph 80 of the NPPF states that *"planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt"* and *"significant weight should be placed on the need to support economic growth and productivity"*. The Plan for York should therefore *"set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth"*, *"enables a rapid response to change in economic circumstances"* and *"will meet anticipated needs over the Plan period"* (Paragraph 81, NPPF). In accordance with Paragraph 82 of the NPPF the Plan should also *"recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations"*.

An updated Economic Outlook report should thus be produced to inform the Local Plan and in particular Policy EC1 so that the sites allocated for employment can be assessed as to whether these are still the most suitable and sustainable sites for York's economy and the market sector going forward. It will be critical to understand not only whether the correct amount of floorspace has been allocated to kickstart the economy but also whether the correct locations have been chosen based upon the impacts of Covid-19 and the sectors currently seeking to invest.

It is clear to see that already the demand for office space within the centres of cities has slowed down as a result of Covid-19 and a key focus for all cities, including York, will be about ensuring sites are available in alternative locations to continue to attract and retain business in the city for those who may prefer sites which are located outside the centre and are better connected to good transport links.

It is worth noting specifically in relation to general business/workspace demand that the industrial warehouse and distribution sectors continue to demonstrate high levels of demand nationally, regionally and locally. Employment land and building availability in York in this sector is currently only restricted to a handful of smaller sites going forward and thus the potential to capture jobs and investment from the larger internet based manufacturers/business's and distributors for York are currently limited.

Taking the proposed allocations at Northminster Business Park, Annamine Nurseries site and Poppleton Garden Centre which would be the only sites which could in theory support these companies going forward, as discussed in preceding paragraphs, it is proving impossible to see how these sites could cater for this growth. The Annimine Nurseries site is reserved by the Shepherd Group exclusively for the potential future use by their Portacabin business, the Poppleton Garden Centre is in full use by owner occupier Dobbies and the Northminster Business Park is focused on B8 uses with no current plans for office space.

As an example, we are aware that Pavers Group have been looking for 20,000 sq ft of office building with a preference for the South side of the City. If we take this company therefore as a valid case

study of a successful and expanding York based manufacturing and internet sales group, then expansion options to bring together their sales & distribution services are extremely limited in York. These business's need floor and site area to work efficiently together with good road and infrastructure connectivity which is not currently provided by any of the allocations in the Local Plan. Resultingly, businesses like Pavers could quite easily consider a relocation in the medium term to cities such as Leeds which would result in lost business for York and cut the city off from further, desperately required, investment in this sector.

The Naburn Business Park would provide a genuine range of choice for a variety of occupiers, which reflects the fact that city centre space at York Central will not meet the needs of all occupiers, particularly cost sensitive SMEs and businesses that need good access to the road network (for example industrial warehouse and distribution companies). The Naburn site will therefore be attractive to the current market in light of Covid-19, being well located for the road network, accessing a skilled workforce and capable of providing a high quality business park environment and would help to address not only the quantitative shortfall in office floorspace as highlighted previously in these representations but the qualitative lack of alternative office locations outside of the centre of York.

### **Topic Paper 1 – Approach to defining York's Green Belt – Addendum (January 2021)**

The Topic Paper 1 Addendum January 2021 does little to build upon the previous Addendum submitted or address the concerns raised during the course of the examination of the Local Plan over the methodology behind the Green Belt review for York.

Topic Paper 1 Addendum and its subsequent Annex's is considered to provide a selective review of York's Green Belt and retrospectively seeks to justify the Local Plan strategy already adopted.

CYC acknowledge that the growth planned in the Local Plan cannot be accommodated without a review of Green Belt boundaries but, as submitted, the Local Plan evidence base only includes a selective review of York's Green Belt, which has been carried out retrospectively to justify a pre-existing employment (and housing) strategy.

CYC's approach of only assessing selected allocations means that more suitable land has potentially been overlooked and it is not possible to conclude that the Local Plan can be put forward as the most appropriate strategy in terms of overall sustainability.

The Topic Paper 1 Addendum fails to demonstrate how the Council has assessed the Green Belt contribution of individual parcels of land and is absent of a robust scoring system. Instead the Council relies on historic and incomplete work on the Green Belt, including the 2003 'The Approach to the Green Belt Appraisal', which is just 16 pages long, and the subsequent 2011 update, which did not methodically review the 2003 Appraisal but was limited only to responding to comments submitted.

The only referral to the review of individual sites sits within Annex 5 which assesses sites proposed to be allocated by the Council. There is again no equivalent Green Belt assessment of discounted sites in the Council's evidence base which demonstrates that comparative analysis of reasonable alternatives has been properly undertaken.

The Council's backward approach to the Green Belt is therefore evident by the sheer lack of availability of this data, and also by the time period it has taken the Council to even prepare an updated Addendum with Annex's showing their methodology which should have been readily available upon publication of the Local Plan (February 2018) but has instead taken over 3 years to formulate.

It is therefore considered a comprehensive Green Belt appraisal should be completed to allow for all reasonable alternatives to be considered. This should include Land at Naburn (Naburn Business Park) which was assessed by the Council as not warranting inclusion in the Green Belt in 2003 and 2005 and only subsequently altered in 2011 for inclusion within the Green Belt following an objection from Fulford Parish Council with no comprehensive appraisal or justification.

A comprehensive Green Belt review is necessary to ensure consistency with the spatial strategy and to ensure that the boundaries will not need to be reviewed again at the end of the plan period in accordance with NPPF paragraph 85. This is the same conclusion that the Inspector for the Leeds City Council Core Strategy reached in September 2014.

This is particularly relevant in York because: a) it will be the first time that York's Green Belt has been properly defined; and b) the identified shortfall of employment land identified in Policy EC1.

## Summary

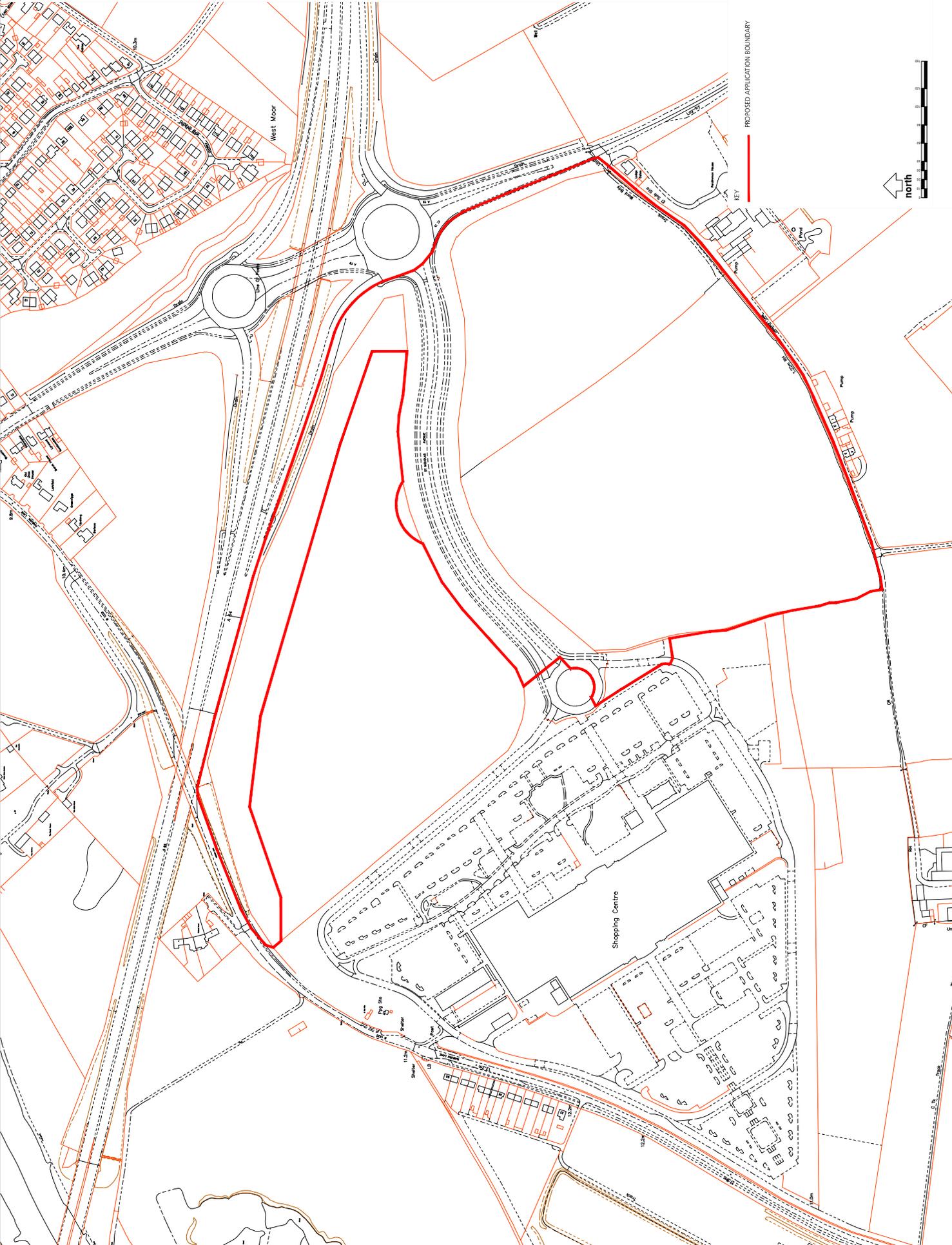
- The Proposed Modifications fail to address the shortfall of employment land identified in the draft Local Plan;
- The Council's proposed modifications fail to reflect the latest position at each of the office employment allocation as identified by Policy EC1 in particular York Central and continue to overstate the amount of office space that can be delivered;
- The economic evidence base for the Local Plan, Economic Outlook 2019, is out of date and does not take into account the critical impact of Covid-19 on York's economy and the shift in the market to inform suitable and sustainable employment allocations. An updated Economic Outlook report should be published; and
- The further Green Belt evidence submitted in the form of Topic Paper 1 Addendum, does not address previous concerns over the methodology behind site allocations and a comprehensive Green Belt review should be undertaken.

As drafted, the Local Plan put forward is not the most appropriate strategy in terms of overall sustainability. Without a comprehensive Green Belt review, reliable and up to date evidence base and subsequent analysis of employment allocations, it is not possible to properly conclude the Local Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

We trust the above comments will be taken into consideration in the next stages of the preparation of the Local Plan. Please do not hesitate to contact me if you have any questions or require any further information in relation to Oakgate.

Yours faithfully,

[Redacted signature block]







Our ref: RPW/EJ/1498

28th March 2018

Planning Policy  
City of York Council

By email only:  
localplan@york.gov.uk

Dear Sir or Madam

**YORK LOCAL PLAN PUBLICATION REGULATION 19 CONSULTATION (FEBRUARY 2018)  
REPRESENTATIONS ON BEHALF OF OAKGATE/CADDICK GROUPS**

These representations have been prepared by HOW Planning LLP ("HOW") on behalf of Oakgate/Caddick Groups and refer to land to the east of the Designer Outlet ("the Naburn site"). The Naburn site extends to approximately 18 hectares and is illustrated edged red on the plan included at Appendix 1.

Through its appointed professional consultants Oakgate/Caddick Groups have engaged fully with City of York Council (CYC) at all key stages of the Local Plan process to date. This has included detailed representations to the Preferred Options Local Plan in summer 2013, the Preferred Sites Consultation in summer 2016 and the Pre-Publication Consultation in September 2017. This representation has been prepared in order to directly respond to the Publication Draft Local Plan February 2018 (the 'Publication Plan').

These representations explain the soundness concerns with the plan and sets out why the site should be allocated as an employment site for B1a office floorspace. This representation seeks to re-provide CYC with technical evidence demonstrating the suitability of the site, and sets out Oakgate/Caddick Groups' observations on the Publication Plan and, where appropriate, the changes which they wish to see in order to meet concerns and overcome major issues of soundness which the Local Plan currently faces.

At the Local Plan Working Group on 23rd January 2018 and also Executive on 25th January 2018, Officers reported to the Members the outcome of the Pre-publication Draft Local Plan Regulation 18 Consultation (September 2017) ('the Pre-publication Plan') and made a series of recommendations to make alterations to the plan allocations to increase housing numbers and employment land provision to take account of certain consultation comments. Members rejected most of the options presented by Officers and only accepted minor wording changes and changes proposed to increase density of York Central and reduce the number of dwellings at Queen Elizabeth Barracks to increase the on-site recreational buffer required to mitigate impacts on the nearby Strensall Common SAC. Various minor wording changes made for clarity were also approved to be made to the Publication Plan.



Thus, except for the minor wording changes and changes to the capacity of two proposed allocated sites, the Publication version of the plan remains virtually the same as the Pre-publication Local Plan consulted on in October 2017, despite the advice of the Council's own officers to increase the housing numbers and employment provision to make the plan more robust.

HOW Planning has significant concerns that the Council is proceeding with an unsound plan with an absence of key evidence to support the Council's approach. As presented, the Publication Plan cannot be found to be sound, or a sound approach which can be built upon, due to the absence of robust evidence to inform the promoted strategy.

## **EMPLOYMENT LAND SUPPLY**

### **Employment Land Review 2016 and 2017 Update**

On behalf of Oakgate/Caddick, at the Pre-publication stage Regeneris Consulting undertook an update addendum of their 2016 report (Appendix 2) to review the changes to the Local Plan and the underpinning evidence base, and revisit/update the conclusions from the original report in light of this new evidence published. There has been no change to the employment evidence base since that stage.

The Regeneris Addendum (Appendix 3) highlighted that the total amount of office floorspace (B1a) required to meet jobs growth increased significantly. Table 4.1 in the Publication Local Plan identifies the need to deliver a total of 107,081 sq m of B1a space (13.8 Ha), compared to 44,600 sq m in the Preferred Options Plan. This need for office floorspace was based on calculations in the Council's 2016 Employment Land Review (ELR) and the 2017 ELR update. Regeneris conclude that this increase represents a sound assessment of need and is consistent with CYC's growth aspirations for the City and therefore provides a sound basis for planning.

In addition to this increased quantitative requirement, the 2017 ELR update prepared by CYC Officers contains several findings that also point towards a qualitative requirement for additional B1a office supply to provide greater flexibility.

Paragraph 3.6 states:

*Flexibility requirements were discussed in the original ELR. A number of comments were received through the consultation that further work was needed on assessing flexibility requirements. Make it York stated that it will be important in confirming the employment allocations that the Council has ensured not only sufficient overall quantum but that there is sufficient range and flexibility to deliver land requirements throughout the whole plan period. Following what Make it York call 'significant losses' of office accommodation under permitted development (PD) rights, it has been suggested that there is a severe shortage of high quality Grade A office stock within the city centre and old stock being removed from the market that is not currently being replaced.*

Paragraph 4.2 states

*'The York and North Yorkshire Chambers of Commerce have suggested that on the basis of sites identified in the Preferred Sites Consultation (2016) it is unlikely that the future supply will offer a sufficient range of choices of location for potential occupiers and that there will be a risk that York would lose out on investment for potential occupiers. The Chamber feels that further land should be identified to broaden the portfolio of sites available to cater for York's diverse high value added business. Make it York suggested that allocating land flexibly amongst use classes will help mitigate risk of undersupply and is strongly welcomed.'*

and

*'However, the fact that the Preferred Sites document (2016) proposed to meet all B1a office need through a single allocation at York Central, may be perceived to undermine the objectives of building in*

*churn. Whilst development will be phased at York Central allowing multiple developers, outlets and phased schemes the partnership suggest that it may be appropriate for the Local Plan to allow small scale B1a uses to be accommodated on additional sites in the district.'*

Paragraph 5.2 of the ELR goes on to conclude:

*'In terms of the Local Plan it is important to ensure there is sufficient flexibility within the land supply for a range of scenarios rather than an exact single figure which one can precisely plan to with complete certainty. The case for further flexibility is enhanced by recent changes to permitted development enabling offices to be converted to housing without having to apply for planning permission.'*

### **Local Plan Working Group Agenda 10th July 2017**

In summarising the ELR the Officers report to Members stated:

*The case for further flexibility is enhanced by recent changes to permitted development enabling offices to be converted to housing without having to apply for planning permission. For York, based on completions only, there has been some 19,750sqm of office space lost to residential conversion over the last three monitoring years between 2014/15 and 2016/17. Records show that unimplemented Office to residential conversions (ORC) consents at 31st March 2017 include for the potential loss of a further 27,300sqm of office floorspace if implemented.*

At paragraph 93 CYC Officers state:

*The revised forecasts support the position taken in the Preferred Sites Consultation (2016). However, the report highlights that during consultation key organisations argued for increased flexibility in the proposed supply to provide choice. This includes addressing the loss of office space to residential development through ORC's and to provide additional choice for B1a (office) provision in the earlier part of the plan period as an alternative to the York Central sites. [our emphasis]*

### **Proposed Supply**

The ELR Update and Officers 10th July 2017 report to the Local Plan Working Group were unambiguous. In addition to the increased quantitative need, Officers consider that there is a clear qualitative justification for additional B1a office sites to be allocated to provide greater flexibility and reduce reliance upon one site York Central with its recognised delivery constraints. However, HOW noted in its representation to the Pre-publication plan that there was a major disconnect between this rationale and the strategic sites that were proposed to be allocated in the Pre-Publication Plan which allocated an undersupply of some 40,000 sqm and also retained the reliance on York Central as the key office location.

The York and North Yorkshire Chamber of Commerce continued to object to the Pre-publication plan stating:

*The identified employment land supply will not cater for York's future needs and this will constrain economic growth. In light of this, the Chamber feels that further land should be identified to broaden the portfolio of sites available to cater for York's diverse high value-added businesses. Such sites should be located in areas accessible by public transport and the major road network and be deliverable in the short term.*

At this Publication Plan stage, the Council has sought to address the shortfall in quantitative supply of B1a office employment through increasing the allocation of office floorspace at York Central by an additional 40,000 sqm. Paragraph 29 of the January 2018 Working Group Paper states that discussions with representatives from the York Central Partnership have indicated that York Central is capable of accommodating between 1700 and 2400 residential units and that the higher figure of 2500 units could be achieved through detailed applications by developers for individual plots and/or flexibility to increase

residential at the margins of the commercial core. It is stated that the figure of 1700 reflects land currently under the partnerships control; the higher figure includes land in private ownership or currently used for rail operations. It does not explain how the higher employment land figure can be achieved or why this has increased.

Table 1 below sets out the strategic employment land allocated in the Publication Plan and how it has altered throughout the most recent plan stages.

*Table 1: York Local Plan Employment Land Supply*

Site Ref.	2018 Publication Plan Sites Floorspace (sqm)	2017 Pre- Publication Sites Floorspace (Sqm)	2016 Preferred Sites Floorspace (Sqm)	Council's Comments
ST5: York Central	100,000 (B1a)	61,000 (B1a)	80,000	At the Pre-publication stage, Officer's stated that the outcome of work to date is suggesting that the site can deliver a minimum of 61,000 sq m of B1a office floorspace (GEA). This is a reduction to the position in the Preferred Sites Consultation which included up to 80,000 sqm B1a office <sup>1</sup> .  At Publication stage Officer's state that the amendment has been undertaken to reflect work carried out by the York Central Partnership <sup>2</sup>
ST19 Land at Northminster Business Park	49,500 (B1c, B2 and B8. May also be suitable for an element of B1a)	49,500 (B1c, B2 and B8. May also be suitable for an element of B1a)	60,000	At Pre-publication stage, Officer's highlighted that further assessment is required to understand the predicted significant highways impact around Poppleton. <sup>3</sup>
ST26 Land South of Elvington Airfield Business Park	25,080 (B1b/B1c/B2/B8)	25,080 (B1b/B1c/B2/B8)	30,400 (B1b/B1c/B2/B8)	The site will require detailed ecological assessment to manage and mitigate potential impacts. The site is adjacent to two sites of local interest (SLI) and candidate SINC sites and previous surveys have indicated that there may be ecological interest around the site itself. The site is also within the River Derwent SSSI risk assessment zone and will need to be assessed through the Habitat Regulation Assessment process required to accompany the Plan. The proposal would result in material impacts on the highway network particularly on Elvington Lane and the Elvington Lane/A1079 and A1079/A64

<sup>1</sup> Local Plan Working Group Paper, July 2017

<sup>2</sup> Local Plan Working Group Paper, January 2018

<sup>3</sup> Local Plan Working Group Paper, July 2017

				Grimston Bar junctions. A detailed Transport Assessment and Travel Plan would be required. <sup>4</sup>
ST27 University of York Expansion	Up to 25ha for B1b	21,500 (B1b)	20,000 (B1b)	To meet the needs of the university alongside student housing and an academic research facility. Campus East and ST27 will across both sites deliver up to 25ha of B1b knowledge based businesses including research led science park uses identified in the existing planning permission for Campus East.
ST37 Whitehall Grange	33,330 (B8)	33,330 (B8)	0	Whitehall Grange site is allocated as a strategic employment site within the Local Plan to reflect the planning consent granted.

Regeneris note that potential investors looking for B1a accommodation will have a choice of just two large sites (York Central and Northminster Business Park). However, they question exactly how much B1a space will be available at Northminster Business Park, where the Draft Local Plan indicates the main focus will be on industrial development.

Whilst the Publication Plan has sought to address the shortfall by allocating the 'missing' 40,000 sqm B1 floorspace at York Central it clearly does not address the recognised qualitative need for an alternative to York Central in the early years of the plan. HOW also has significant concern that the proposed quantum of development at York Central has not been justified.

Regeneris has also evaluated the 2016 ELR and then the 2017 Update scoring of the market attractiveness of sites. This has exposed a number of flaws with the scoring framework and relative weightings given to different criteria, indeed Regeneris conclude that if inconsistencies were addressed Naburn Business Park would score higher than Northminster and would emerge as one of the most attractive sites for B1a development.

The Council's stance is deeply flawed. The evidence base prepared by Council Officers readily accepts that there is an increased quantitative need and a qualitative need for greater flexibility in the employment land supply to provide additional choice for B1a (office) provision in the earlier part of the plan period as an alternative to the York Central site and address the loss of office floorspace through office to residential conversions.

Having regard to York Central, it is concerning that the proposed quantum of employment floorspace has varied significantly between the 2016 Preferred Sites consultation, the 2017 Pre-publication consultation and the current Publication consultation and also that the developable area of the site has not been confirmed.

As recognised by the Council, York Central has significant infrastructure challenges, being entirely circumscribed by rail lines and restricted access points unable to serve a comprehensive redevelopment. The site is also in fragmented ownership, albeit the key public sector landowners have come together as York Central Partnership to assemble land for development and clear it of operational rail use.

Furthermore, there are heritage constraints that will restrict development and as such Historic England objected to the lesser quantum of development proposed at the Pre-publication stage in terms of the

<sup>4</sup> Local Plan Working Group Paper, July 2017

impact on the site's many heritage assets and also the potential knock-on to the city centre. They consider that a lot more work is needed to demonstrate how the quantum of development can be created on the site in a manner which would also be compatible with the need to safeguard the significance of the numerous heritage assets in its vicinity and the other elements which contribute to the special character of the city.

A masterplan is currently being consulted on by York Central Partnership which provides some indication of how the development might come forward at the site. A significant proportion of development is proposed on areas that are currently operational rail including the western access road. It has not yet been demonstrated how the quantum of development proposed will impact upon heritage assets in York.

We also note that the Sustainability Appendix I: Appraisal of Strategic Sites and Alternatives suggests that key assessment work which will impact upon viability and the amount of developable area is yet to be completed:

*This is a brownfield site which has predominantly been used for the railway industry. The site is known to have contamination issues from its railway heritage and there is a need to remediate any the land to ensure the health of residents. There therefore may be a risk of contamination which would need to be established through further ground conditions surveys.*

Clearly York Central is a complex site to deliver and the required access infrastructure alone is not estimated to be completed until at least 2021. The site subject to the injection of public funding to assist delivery due to the scale of constraints and infrastructure required. We understand that funding is promised by the West Yorkshire Transport Fund and that a funding application of £57 million to the Housing Infrastructure Fund is through to the final round, with decisions on the latter to be made in Autumn 2018. The Council state that this will speed up the delivery of houses at the site.

The Council estimate that York Central will take between 15 and 20 years to complete and it is unclear from the Publication Plan documents when the B1a office developments are likely to come forward. At the aborted Publication Local Plan (2014) stage, the Council provided the following assessment of York Central:

**York Central:** *This is likely to be an attractive site with significant investor appeal for HQ and other corporate requirements due to its central location and connectivity. However there are major deliverability challenges, which we believe could take a long time to address, including access issues and compulsory purchase orders. Crucially, there is not yet a developer in place and a number of questions have been asked about the viability of the scheme. As the Council has not published a viability of feasibility assessment, it has not been possible to ascertain the likely timescales for providing office space which is available for occupation. However, given the complexities associated with the site, we believe this could take at least ten years before any office development is delivered<sup>5</sup>. [our emphasis]*

Whilst the Publication plan appears to be silent about delivery timescales for York Central, it is stated at Sustainability Appraisal Appendix I: Appraisal of Strategic Sites and Alternatives:

*the mixed use development of this site is likely to provide long-term **jobs on site in the long-term**. The York central site benefits from Enterprise Zone status and therefore should be an attractive prospect for business. Both the allocation and alternative would provide 100,000sqm of floorspace and is therefore projected to provide approximately **8,000 jobs in the long-term**.*

HOW believe that the continued reliance on one site to provide for the majority of the needs of York entails significant risks which could see the City lose out on potential investment. The timescales for the

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<sup>5</sup> Local Plan Working Group Paper, July 2017

delivery of new office space at York Central remain unclear but it is still likely to be many years, with York City Council estimating that the development could take 15 to 20 years to complete.

The lack of commitment to early delivery of office development in the Local Plan is considered unsound particularly given the recent significant losses of office to residential in the city centre (due to the change in permitted development rights and the lack of alternative housing supply in York).

In addition, HOW consider that the Council has failed to justify how the quantum of B1a employment floorspace proposed at York Central will be delivered given the scale of constraints at the site and the outstanding assessment of these.

We are not aware of the timescales for delivery of new B1a office space at other sites such as Northminster Business Park. Although we note that paragraph 73 of the July 2017 Local Plan Working Group raised concerns about traffic: *“Initial transport modelling of potential residential and employment sites has shown that increased queues and delays are being forecast in the Poppleton area, exacerbated by the potential level of development projected for that area, including potential employment sites at Northminster Business Park (ST19), Land to the North of Northminster Business Park and the former Poppleton Garden Centre”*. This suggests there may be some delays in bringing forward new development in this location.

Regeneris's Addendum highlights that recent trends show a dwindling supply of office space across the city. This means that the city is facing a potential shortage of B1a office space in the short term which could act as a barrier to growth. Regeneris consider that it is important that areas provide a balanced portfolio of sites to reflect the needs of different markets and occupiers (who will have differing locational drivers). Whilst York Central will be a highly desirable location for many office occupiers, it will not suit the needs of those sectors with a higher dependency on car-borne occupiers who need quick access to the road network (either for commuting or for business reasons). Therefore, in addition to it being questionable that the plan can deliver sufficient quantity of land allocated for B1a development, the continued reliance on York Central means there would be insufficient choice for investors.

Regeneris conclude that it is therefore unlikely that the identified sites will meet demand for B1a office space in the short to medium term (particularly York Central). This means there is a risk of York losing out on potential investment in the next five or ten years if it does not have an “oven ready” product for occupiers.

In conclusion, the continued reliance upon only York Central to deliver future B1a office development would risk losing out on potential investment from those investors who are looking at space in the next five or ten years and those who are seeking a business park location but are deterred by congestion and quality of the environment elsewhere. The approach promoted within the Publication Plan consultation is not in accordance with paragraph 160 of the National Planning Policy Framework (NPPF), which advises that local planning authorities should assess the needs of land or floorspace for economic development, including both the quantitative and qualitative needs for all foreseeable types of economic activity over the Plan period. The current approach is not consistent with national policy and is not justified.

### **GREEN BELT DESIGNATION**

As far back as 2005 the Naburn site was identified as a suitable location for meeting development needs post 2011 and allocated as a ‘reserved’ site in the Draft 2005 Local Plan. However, in more recent iterations of the emerging plan the site has been allocated for Green Belt.

Paragraph 1.49 of the Publication Plan sets out that the York Local Plan is establishing the detailed boundaries of the Green Belt for the first time. It explains that the majority of land outside the built-up areas of York has been identified as draft Green Belt land since the 1950's, with the principle of York's Green Belt being established through a number of plans including the North Yorkshire County Structure Plan (1995-2006), and the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (2008). It

states that the overall purpose of York's Green Belt is to preserve the setting and special character of York, also helping to deliver the other purposes.

Whilst the Council does not have a formal adopted Local Plan which has set the Green Belt boundaries, the Draft 2005 Local Plan that was approved by the Council on 12th April 2005, represents the most advanced stage of the draft City of York Local Plan and was also approved for the purpose of making development control decisions in the City, for all applications submitted after the date of the Council meeting (12th April 2005). It was to be used for this purpose until such time as it was superseded by elements of the Local Development Framework (now the Local Plan).

The Draft 2005 Plan included detailed Green Belt boundaries and under Policy GP24a: Land Reserved for Possible Future Development, 9 hectares of the Naburn site was reserved until such time as the Local Plan is reviewed (post 2011) as shown in Figure 1 below.

Figure 1: Extract from Draft 2005 York Local Plan



The emerging Local Plan will now establish the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and define the inner boundary to establish long term development limits that safeguard the special character and setting of the historic city. It is therefore the role of the Local Plan to define what land is in the Green Belt and in doing so established detailed green belt boundaries.

### Green Belt Evidence Base

The Council's evidence base for setting the Green Belt boundaries dates back to 2003 and earlier: 'The Approach to the Green Belt Appraisal 2003'. This 2003 16 page long report states that the appraisal consisted of the following three component parts:

- Desk top study - comprising two parts: firstly a review of relevant written information including [now superseded] PPG2, the work of Baker of Associates in the East Midlands, and previous work undertaken by the City of York and North Yorkshire County Councils; and secondly, the detailed consideration of maps both historic and current of the City of York Council area.
- Field analysis - A considerable amount of time was spent in the field assessing the land outside the City's built up area.

- Data collation and analysis. The output from the two stages above was analysed and evaluated to determine which areas of land are most valuable in Green Belt terms. The results of this work are included within this document and illustrated in map form.

The report does not include the detailed evaluation outlined above and reads as a conclusion. It is considered unsound that the empirical evidence base upon which the Council's site selection process is based has not been made available and relies upon documents that are over 25 years old including the work of North Yorkshire County Council in their York Green Belt Local Plan, which was considered at a public inquiry between autumn 1992 and spring 1993.

The 2003 report states that it sought to identify those areas within York's Draft Green Belt that were key to the City's historic character and setting. The outcome was the identification of the following areas of land important to the historic character and setting of York:

- Areas preventing coalescence
- Village setting area
- Retaining the rural setting of the City
- River corridor
- Extension to the Green Wedge
- Green Wedge
- Stray

These areas of land, established in 2003, still form the basis of the Council's approach to site selection and Green Belt boundaries.

At that stage the Naburn site was not appraised as falling within any of the historic character areas and indeed it was subsequently partly allocated as a reserved site for development in the 2005 Draft Local Plan.

The 2003 assessment was updated in 2011 by the City of York LDF Historic Character and Setting Technical Paper (January 2011), the stated purpose of this was:

*'to consider potential changes to the boundaries proposed in the 2003 Appraisal document, in light of issues raised on historic character and setting designations as part of the consultation on the Core Strategy and Allocations DPD. It is not intended to readdress or reconsider the background principles in or behind the Appraisal or make any changes to the principles behind the designation of a piece of land.'* (paragraph 1.2, York Council Historic Character and Setting Technical Paper, 2011).'

The 2011 Technical Paper sets out that the work was undertaken as a response to the consultation response by Fulford Parish Council which included a review of Fulford's Green Belt Land and other consultation responses to the Core Strategy Preferred Options document and to the Allocations DPD Issues and Options document.

Notably, it did not comprehensively review all of the historic character areas, only responding to specific concerns raised. The only changes made were around the village of Fulford and reliant upon the Parish Council's assessment of the Green Belt. At this stage the status of the Naburn site changed in response to the Fulford Parish Council – LDF Submission including Review of Fulford's Green Belt Land.

That report states that the objector's response was as follows:

*That the Green Wedge (C4) be broadened to encompass the fields and open land of the A19 southern approach corridor, including both the arable field to the south of Naburn Lane and the field east of the A19 (adjacent to the Fordlands Road settlement). The arable field south of Naburn Lane contributes to the openness and rural character of the A19 corridor and prevents urban sprawl and assists in*

*safeguarding the countryside from encroachment. It also performs a valuable role in preventing coalescence between the Designer Outlet and housing at Naburn Lane.*

*The field between the A19 and Fordlands Road settlement acts as a green buffer zone between the housing at Fordlands Road and the busy A19 carriageway, whilst the trees along the field boundary serve to screen the washed over settlement from view. It therefore prevents sprawl of the built up area and safeguards the countryside from encroachment.*

And that:

*Officers agree that designating both suggested sites either side of the A19, north of the A64, as 'Green Wedge' would be appropriate and give a continuance of protection to the approaches to Fulford from the south. The A19 approach does give an open and rural feel as you enter Fulford – this is inferred by the Conservation Area Appraisal and the emerging Fulford Village Design Statement.*

Since 2011 further incremental updates have been undertaken to the Green Belt/Heritage evidence base:

- Historic Character and Setting Technical Paper Update (June 2013). This Update considered sites that had been submitted to the plan process and made a series of additions and deletions to the boundaries under the relevant historic character and setting designations. Again, it did not undertake a wholesale re-assessment of the historic character and setting areas.
- Heritage Topic Paper Update 2013 (June 2013). This states that:

*it is clear that the evidence base is incomplete and that there is a requirement for further specific studies which will provide more detailed evidence for this exploration of the special historic character of the city; and it is subjective and that at any one moment the constituent parts of the categories can change and be redefined. The results of any further studies will demand a review of this paper and the process of review may challenge parts of the narrative.*

This document examines and assesses existing evidence relating to the City of York's historic environment and how it can be used to develop a strategic understanding of the city's special qualities. This assessment proposes six principal characteristics of the historic environment that help define the special qualities of York. The 2013 Update sets out those factors and themes which have influenced York's evolution as a city and whilst it makes references to some sites within this, it does not comprise specific nor general site assessments.

- Heritage Topic Paper Update (September 2014). Appears identical to the Topic Paper 2013 Update. We note that the 2013 Topic Paper Update is no longer available on the Council's website only the 2014 document.
- Heritage Impact Assessment (September 2017). this document comprises a detailed assessment of the proposed Strategic Sites or planning policies against the six Principal Characteristics identified in the Heritage Topic Paper. It does not re-evaluate the historic character and setting areas.

Whilst the above evidence base sets out a series of incremental changes to the proposed designations of Green Belt 'areas of land important to the historic character and setting of York', largely in response to consultation responses, a full re-appraisal of the designations has not been carried out since 2003.

NPPF paragraph 83 allows for Green Belt boundaries to be altered in exceptional circumstances as part of the preparation or review of a Local Plan. Paragraph 84 confirms that when drawing up or reviewing

Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development and the consequences of channelling development towards non-Green Belt locations should be considered. Paragraph 84 also requires local planning authorities to satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period and to define boundaries clearly, using physical features that are readily recognisable and likely to be permanent. Paragraph 85 seeks (amongst other things) consistency with the strategy for meeting identified requirements for sustainable development, including longer term development needs "stretching well beyond the plan period".

Planning Practice Guidance Paragraph 014 Reference ID: 12-014-20140306 states that:

*'evidence needs to inform what is in the plan and shape its development rather than being collected retrospectively. It should also be kept up-to-date. For example, when approaching submission, if key studies are already reliant on data that is a few years old, they should be updated to reflect the most recent information available (and, if necessary, the plan adjusted in the light of this information and the comments received at the publication stage).'*

Local planning authorities should publish documents that form part of the evidence base as they are completed, rather than waiting until options are published or a Local Plan is published for representations. This will help local communities and other interests consider the issues and engage with the authority at an early stage in developing the Local Plan.'

Given the national importance of the York Green Belt in heritage terms, an evidence base relying upon work carried out more than 25 years ago and not made available for review cannot be considered to be justified by appropriate and proportionate evidence base or in line with national policy on Green Belts which has changed since 2003 with the publication of NPPF. Given that the designations are based on changing factors such as views and landscape clearly this should have been updated by the Council and their failure to do so is unsound as is their failure to make the empirical site assessment available for scrutiny.

There is no definitive national guidance on how to undertake Green Belt studies. Documents prepared by the Planning Officers Society (POS)<sup>6</sup> and the Planning Advisory Service (PAS)<sup>7</sup> provide a useful discussion of some of the key issues associated with assessing Green Belt and reviewing/revising Green Belt boundaries.

The POS guidance advises using the following methodology for undertaking Green Belt review:

- identify areas that can be developed in a sustainable way. This will essentially be identifying transport nodes along high capacity public transport corridors that have the capacity, or the potential to economically create the capacity, to take additional journeys into the centre of the conurbation or other areas of significant economic activity. The growth of communities around these train, tube and tram stations will be a key feature of a GB review release strategy.
- In reviewing the GB it is important to understand the intrinsic quality of the land in terms of SSSI, SNCI, Heritage, alongside high quality landscape (AONB, SLA etc) and other features. The need is to understand the relative qualities of land so that informed decisions can be made about the acceptability of release.
- It is important to accept that the character of some landscapes will change in this process, so understanding the relative merits of landscape quality will be vital
- A GB review would also involve a review of all such similarly protected land to test what is the most appropriate land to release. This would be an exercise in ensuring that areas

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<sup>6</sup> Approach to Review of the Green Belt, Planning Officers Society

<sup>7</sup> Planning on the Doorstep: The Big Issues – Green Belt, Planning Advisor Service (2015)

remain well served by public open space, but looking carefully at areas where there may be an overprovision.

- Once all these factors are captured, spatial areas will emerge with the greatest potential for development in the most sustainable way.

HOW considers that the incremental updates to the 2003 Green Belt Study do not accord with the above methodology. In particular, the 2011 update which changed the designation around the Naburn site was not fully justified by an appraisal that carried out a full assessment of the various factors that are important to the purposes of Green Belts.

In addition to setting the detailed boundaries, HOW Planning also consider that exceptional circumstances exist which justify a general review of the extent of Green Belt boundaries around York. Indeed, the Plan does propose allocations that would be considered to site within the broad extent of the Green Belt as it currently stands.

### **Impact on the Green Belt**

The Publication Plan does not consider the Naburn site as a reasonable alternative, thus is silent on the reasons for it being discounted as a site. However, the site has been reviewed by Officers at previous stages of the plan, most recently the Local Plan Working Group Agenda (10 July 2017) Annex 4: Officers Assessment of Employment Sites following PSC states:

*The further landscaping evidence has been reviewed and it is still considered that the scheme would have a negative impact on the setting of the city as it would bring development right up to the A19 on a key approach to the city. It is acknowledged that the proposed landscaping scheme and the reduced height/density of this revised proposal could help to mitigate some impacts however there would still remain a solid development within what is currently a fluid landscape creating a visual impact on what are currently open fields viewed from the A19. The surrounding open countryside currently presents a rural approach to the city and to Fulford village.*

As at Pre-publication state, an Interim Landscape and Visual Briefing Note, prepared by Tyler Grange and previously submitted is included at Appendix 5. In summary, Tyler Grange identified three key issues:

- Maintaining separation between Fulford Village and the Designer Outlet area, both physical separation, separation of landscape character and visual/perceptive and separation;
- Maintaining the openness of the A64 and A19 approach road into York; and
- The site falls within a 'Green Wedge' within the Green Belt.

The character of Fulford Village and the existing Designer Outlet have their own "very distinct character." Due to this lack of inter-visibility between the two areas, it is not anticipated that changes to the site, which falls within the character of the area of the Designer Outlet, would have any effect on setting (positive or negative) of the landscape character within the area of the Fulford Village.

To further strengthen the separation between the two areas, Tyler Grange recommend that the following mitigation measures are implemented in developing the Naburn site:

- strengthen the existing boundary vegetation of all boundaries, including some evergreen species for year round screening;
- ensure building heights are limited to be no taller than that of the existing Designer Outlet so that built form does not appear in views from Fulford Village; and
- to make use of or locate the access parallel to the existing St Nicholas Avenue to access the site and strengthen existing or implement new screen planting alongside it.

With regards to the maintenance of the openness of the A64 and A19 approach road into York, the site is screened well from the A64 in the immediate locality and to the west when travelling eastbound. To the east, the eastern boundary of the site is visible from the A64 when travelling westbound. It is not considered that strengthening the existing eastern boundary vegetation to the Naburn site would have an effect (positive or negative) upon experiencing views of openness from the A64 in this location. The addition of new vegetation to existing with built development sitting behind it, would barely be perceptible from this location of the A64, particularly while travelling at speed.

The area surrounding the A19 and A64 Junction lacks an overall sense of openness compared with that further south along the A19 due to a combination of dense screen planting along the roads, as well as blocks of planting within fields. Some views towards the east remain open whereas the westward views are significantly diminished by existing screen planting. Although the Naburn site comprises two open fields which could contribute to the sense of openness, the views across them from the A64 and A19 are limited. The Naburn site is well contained to all of its boundaries. It is not anticipated that further strengthening the existing planted boundary against the A19 is likely to affect (positively or negatively) the sense of openness for people travelling along the A19 or A64.

To ensure the sense of openness is not further diminished in this location, the following mitigation measures are proposed to be implemented in developing the site:

- ensure a wide offset of built form from the eastern boundary;
- retain, maintain and supplement the existing planting eastern boundary; and
- retain and maintain the open offset between the road and the eastern boundary to maintain long views towards the junction and adjacent to the footpath.

The Interim Landscape and Visual Briefing Note concludes that through a full Landscape and Visual Impact Assessment (LVIA) the site would be suitable to accommodate the development type proposed with no adverse effects on the landscape and visual amenity. The road infrastructure has a great influence on the character to the south of Fulford Village. The area is already subject to large scale retail use to the immediate north west of the site at the Designer Outlet and built form exists along the A19 to the south of the site (Persimmon House). Screen planting along the A19 and wider area is a common feature within this area. The site could sit well within the existing landscape and result in minimal effects if the above described mitigation measures were carried out to ensure the existing landscape character is maintained. Opportunities exist to improve public access to the site; to introduce planting that could better reflect the characteristics of the local landscape along the boundaries and that internally tie in with that at the existing Designer outlet. Increased screen planting will add a further degree of prevention of physical or visual merging with Fulford Village, ensuring the divide between the two.

An indicative masterplan was produced which took into account the key opportunities and constraints of the site. This is included at Appendix 6.

### **THE CASE FOR A BUSINESS PARK AT NABURN**

Based upon the evidence HOW strongly believe that there is a strong economic case for new business park development at Naburn. The site offers the opportunity to provide a genuine range of choice for office occupiers which reflects the economic geography of York and its links to both the north and the south. At present there are no sites to the south of York, which Naburn would address. Furthermore, the site provides an employment site that would be attractive to the market, particularly for occupiers that are seeking an office based location but are deterred by traffic congestion at Monks Cross. The provision of high quality office space would also help to address the short to medium term shortfall of supply caused by the likely delays at York Central.

The main locational benefits of the site are as follows:

- It is in an easily accessible location by road without the problems of traffic jams to the north on the outer ring road. It is adjacent to an existing Park and Ride as part of the York Designer Outlet Shopping Centre and any scheme brought forward in the future would incorporate a fully functional and integrated Park and Ride.
- The location is well placed to draw upon the highly skilled workforce located to the south and east of York (particularly North East Leeds and Harrogate). Using Census data and travel time analysis, Regeneris estimate that there are over 170,000 people with degree level qualifications living within a 45 minute travel time of the site.
- The site is located on the 'right side' of York in terms of access to York University and the main science and technology hubs (York Science Park and the Heslington East Campus), which would be less than ten minutes' drive from the site.
- There is the potential to develop the site quickly in the short term to meet demand enabling continuity of employment land supply in the period before York Central comes forward as there is likely to be sufficient highways capacity at the junction with the A64.
- One of the most significant housing allocations - ST15: Land to the West of Elvington Lane - is in very close proximity to the Naburn site to the east. This provides the opportunity for new residents to live near an employment location, which presents sustainability benefits.
- A new business part at Naburn as part of the new Local Plan would result in a more balanced portfolio of sites catering for all market sectors. It would perform a complementary role to the York Central site.

With regards to key occupiers, there is no clear sector split between the occupiers of city centre and business park accommodation in York, therefore the site would potentially appeal to a wide range of sectors. The shortage of units in York capable of accommodating requirements from large investors also means that the site would appeal to HQ functions and large corporate occupiers. The connections to Leeds, access to a highly skilled workforce and quality of life in York would also appeal to these investors. Furthermore, the site would be attractive as a possible 'grow-on' space for firms located at York Science Park (YSP) or the Heslington East Campus. There is already some evidence that some firms at YSP have been lost to the city because of a lack of grow on space e.g. Avacta Group, which moved from YSP to Thorpe Arch (about 8 miles from York). The high rate of occupancy at YSP and the restrictions on the type of uses at Heslington East meant that there is no clear ladder of opportunity for those firms who want to expand in York, and to grow their office based administrative functions, while still maintaining close proximity to the science park and University. While the Naburn site could play this role, this is likely to be longer term role of the site. The Naburn site's location could be particularly advantageous if the cluster of science based firms in York continued to grow, and the Council's ambitions to be a leading science based city were realised.

In terms of planning principles set out in national guidance aimed at evaluating the suitability of sites for development, the following benefits are associated with allocating the site for business park use:

- The site exhibits all of the locational advantages for successful business parks across the UK as set out in paragraphs 4.4 to 4.8 of the report included at Appendix 2;
- The site is in single ownership and has excellent access to public transport and the A64. The site benefits from existing extensive infrastructure including a dual carriageway site access as well as an existing Park and Ride on part of the Designer Outlet car park. Any new development proposals would incorporate a new fully functional Park and Ride to enhance the accessibility of the Designer Outlet and business park.
- In light of the single ownership, existing excellent infrastructure and locational advantages of the site from a market perspective, the site is capable of being delivered in the short term and would make a major contribution towards new employment generation in the early part of the Plan period.
- The site has clear and defensible boundaries. A campus style business park development with extensive areas of landscaping - some of which are already well established from the Designer Outlet development, will enable an exceptional scheme to be designed which responds to the site's current Green Belt location.

## HIGHWAYS

In dismissing the site for inclusion as an allocation the Local Plan Working Group Agenda (10 July 2017) Annex 4: Officers Assessment of Employment Sites following PSC states:

*There are also significant transport constraints on the A19 which would be exacerbated through the further expansion of the Designer Outlet and the introduction of B1a (office) use and the associated trips. Whilst it is recognised that the adjacent Park and Ride would offer a sustainable alternative to car use there would still be a significant amount of peak hour trips created through the development of this site as proposed.*

Fore Consulting Strategic Access and Connectivity Report at Appendix 7 considers the strategic access and connectivity implications of the proposed allocation of the site at Naburn for an employment development with ancillary uses. They conclude that the site is well located to encourage trips to the adjacent existing retail facilities, wider surroundings and the city centre on foot or by cycle. The site is also well-served by the existing public transport network. Direct high frequency bus services connect the Designer Outlet Park and Ride to the city centre, as well as services providing additional local connections towards Selby.

In direct response to the Officer's comments Fore respond that it is likely that significant changes to improve Fulford Interchange will be required to safely and efficiently accommodate traffic associated with an allocation, bus priority measures and enhanced pedestrian and cycle connections. The promoters control the necessary land adjacent the junction that is likely to be required and on this basis, changes to Fulford Interchange to improve capacity are deliverable.

The impacts of traffic associated with an allocation on the wider network are considered to be of a scale that is capable of being satisfactorily accommodated, or mitigated.

## SUSTAINABILITY APPRAISAL

HOW prepared a Sustainability Appraisal of the site in February 2016 and submitted this to the Council for review and consideration. For ease of reference, the Sustainability Appraisal is submitted as part of these representations, included at Appendix 8.

In summary, the Sustainability Appraisal has considered the locational and physical attribute of the site in order that it can be allocated for new development to support the economic growth aspirations of York. The site is capable of providing a readily supply of employment opportunities for highly skilled existing and future residents. In particular, the site is strategically located to capitalise on:

- The strategic highways network and the excellent public transport provision;
- The huge growth ambitions of York and the wider region; and
- Capitalise on the co-location of future housing sites, sustainably located within the site's vicinity.
- The site is in single ownership, sustainable and deliverable. It does not have any significant constraints to development which could not be mitigated through appropriate technical assessments and best practice mitigation measures. The site has the potential to make a major contribution towards providing high-end office accommodation in a sustainable location to meet the future growth and aspirations of York as part of a balanced portfolio of sites.

## SUMMARY

This representation has been prepared by HOW Planning on behalf of Oakgate/Caddick Groups in relation to land east of the Designer Outlet and promotes it for a business park.

HOW object to the approach taken within the Publication Local Plan to the identification of employment land to meet development needs for the Plan period. The reliance upon only York Central to deliver future office development would risk losing out on potential investment from those investors who are looking at space in the next five or ten years and those who are seeking a business park location but are deterred by congestion and quality of the environment elsewhere. The approach promoted within the Publication Local Plan is not in accordance with paragraph 160 of the NPPF, which advises that local planning authorities should assess the needs of land or floorspace for economic development, including both the quantitative and qualitative needs for all foreseeable types of economic activity over the Plan period. The current approach is not consistent with national policy and is not justified.

Furthermore, at the forefront of the development of the Local Plan it must be noted that CYC is setting Green Belt boundaries for the first time. If sufficient land to meet development needs is not allocated within this Plan there is a real risk of increased pressure being put on Council to revise Green Belt boundaries before the end of the Local Plan period, which is not in accordance with the NPPF which seeks to ensure the long term permanence of Green Belt boundaries.

The technical issues previously identified by Officers have been addressed, with further work currently being undertaken by Oakgate/Caddick Groups, and it has been demonstrated that the site is suitable (with the proposed mitigation measures) to accommodate a business park site. Oakgate/Caddick Groups would welcome the opportunity to discuss the technical work with the Council's Officers in due course.

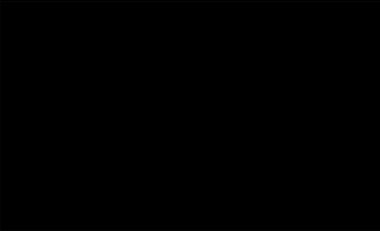
We trust this representation provides the Council will a sound understanding of the benefits of allocating land to the east of the Designer Outlet as a business park site within the Local Plan, and confidence that the site is entirely suitable. Oakgate/Caddick Groups is committed to working with the Council to ensure that an allocation within the Local Plan can be delivered within an entirely appropriate manner and would welcome a dialogue with the Council to discuss the information submitted as part of this representation.

Yours sincerely

A large black rectangular redaction box covers the signature area. Below it, four smaller black rectangular redaction boxes of varying widths are stacked vertically, covering the name and contact information of the signatory.

Encl:

- Appendix 1: Site Location Plan
- Appendix 2: New business park in York Final Report
- Appendix 3: Naburn Economic Case Update
- Appendix 4: Naburn Business Park York Heritage Settings Assessment
- Appendix 5: Landscape and Visual Briefing Note
- Appendix 6: Masterplan
- Appendix 7: Strategic Access and Connectivity
- Appendix 8: Sustainability Appraisal



22 July 2019

Planning Policy  
City of York Council

By email only:  
localplan@york.gov.uk


avisonyoung.co.uk

Dear Sir / Madam,

## **YORK LOCAL PLAN PROPOSED MODIFICATIONS CONSULTATION (JUNE 2019)**

These representations have been prepared by Avison Young, previously HOW Planning LLP, on behalf of Oakgate Group PLC (Oakgate). They relate to land to the east of the Designer Outlet, Naburn (the site). A site location plan is included at **Appendix I**.

### **Naburn Business Park**

In June 2019, a planning application was submitted to the City of York Council (CYC) for a new business park on the site (application ref: 19/01260/OUTM). A masterplan is included at **Appendix II**.

The proposals will meet employment needs that have not been adequately addressed through the Local Plan, delivering 2,000 new jobs, an enhanced park and ride facility and better public access to the Green Belt. The application is yet to be determined.

### **Local Plan background**

Over several years, Oakgate has engaged with CYC at all stages of the Local Plan preparation process including:

- The Preferred Options Local Plan consultation (2013);
- The Preferred Sites consultation (2016);
- The Pre-Publication consultation (2017); and
- The Publication Draft Regulation 19 consultation (2018).

These representations relate to the latest consultation on "Proposed Modifications" to the Local Plan and should be read alongside previous submissions including those at **Appendix III**.

The Proposed Modifications do not go far enough to address the fundamental flaws identified with the Local Plan.

To be found sound, the flaws should be remedied now, with the opportunity for informed participation. This will require a comprehensive Green Belt



review and analysis of alternative options to meet employment (and housing) needs with the benefit of an essential evidence base. This would allow a detailed review of the deliverability of identified employment land and an assessment of the consequences of the proposed employment strategy on job creation to ensure that the Local Plan can be put forward as the most appropriate strategy in terms of overall sustainability. Without this analysis it is not possible to properly conclude the Local Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

## **Proposed Modifications 16 and 17**

Proposed modifications 16 and 17 relate to Policy EC1 (Employment Allocations), which seeks to deliver the forecast employment land requirement of 231,238 sqm, including 107,081 sqm of office floorspace, over the plan period. This is against a backdrop of severe historic undersupply of office space in York, which has led to a vacancy rate of less than 2%<sup>1</sup>.

The largest proposed allocation, by far, is York Central accounting for over 40% of all allocated employment land. We maintain that the Local Plan is over reliant on this single site, which has significant constraints, in terms of deliverability, but also the limited type of office floorspace it can deliver to the market.

The Proposed Modifications fail to reflect the latest position at York Central and continue to overstate the amount of office space that can be delivered:

- The planning permission for York Central, approved in March 2019, includes between 70,000sqm and 87,693 sqm of office space. The majority of which (anticipated 76,762sq.m) is intended to be delivered within Phases 3 and 4 of the scheme's phasing plan with Phases 1 and 2 focused on the delivery of residential development. Phases 3 and 4 are set to be completed by 2033 and have start dates ranging between 2023 and 2026.
- The proposed allocation for York Central in the draft Local Plan is for 100,000 sqm. This means at York Central there will be a shortfall of at least 12,000 sqm, and potentially up to 30,000sqm, of office floorspace against the draft Local Plan allocation. This is alongside, very little delivered in the early stages of the plan period (anticipated 8,525sq.m within Phase 1) with the majority focused within Phase 3 and 4, as demonstrated above.
- There are no other allocations included in the draft Local Plan that include a specific requirement for office floor space. This means, combined with the shortfall at York Central, there is potentially 37,000 sqm of office floor space unaccounted for in the draft Local Plan.
- Naburn Business Park includes 25,000sqm of office floorspace that could help plug the office floorspace gap we have identified in the draft Local Plan. An application has been submitted to CYC, which is supported by an EIA and a suite of technical documents which demonstrates how the proposals represent sustainable development, which could be delivered immediately to meet York's unmet employment needs.
- The employment allocations should identify a mix sites to reflect the needs of different markets and occupiers (who will have differing locational drivers). York Central will be a desirable location for some office occupiers, but it will not suit the needs of those sectors with a higher dependency on occupiers who need quick access to the road network (either for commuting or for business reasons). Other types of occupiers may also prefer a campus style business park environment to a city centre location for reasons of security or privacy, for example headquarters of large businesses, defence organisations and data centres, which the Naburn Business Park is designed to the meet the needs of.

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<sup>1</sup> Appendix IV - Regeneris Addendum to Naburn Business Park Economic Case – Figure 1.3 (CoStar)

We maintain, Policy EC1 has not been justified, is unlikely to be effective, does not represent positive planning and is not consistent with the NPPF.

## **Topic Paper 1 – Approach to defining York's Green Belt – Addendum (March 2019)**

The Topic Paper 1 Addendum is a selective review of the York's Green Belt and retrospectively seeks to justify the Local Plan strategy already adopted.

CYC acknowledge that the growth planned in the Local Plan cannot be accommodated without a review of Green Belt boundaries but, as submitted, the Local Plan evidence base only includes a selective review of York's Green Belt, which has been carried out retrospectively to justify a pre-existing employment (and housing) strategy.

CYC's approach of only assessing selected allocations means that more suitable land has potentially been overlooked and it is not possible to conclude that the Local Plan can be put forward as the most appropriate strategy in terms of overall sustainability.

All reasonable opportunities, including the Naburn Business Park site, should be reviewed prior to the allocation of sites. It is not appropriate that only proposed allocations sites have been considered. CYC should be in a position where they have the evidence to showcase that they have considered all reasonable alternatives and selected the most suitable and sustainable sites based on evidence, with justification for discounting others.

A comprehensive Green Belt review is necessary to ensure consistency with the spatial strategy and to ensure that the boundaries will not need to be reviewed again at the end of the plan period in accordance with NPPF paragraph 85. This is the same conclusion that the Inspector for the Leeds City Council Core Strategy reached in September 2014<sup>2</sup>.

This is particularly relevant in York because: a) it will be the first time that York's Green Belt has been properly defined; and b) the identified shortfall of employment land identified in Policy EC1.

### **Summary**

- The Proposed Modifications fail to address the shortfall of employment land identified in the draft Local Plan;
- The Council's proposed modifications fail to reflect the latest position at York Central and continue to overstate the amount of office space that can be delivered; and
- The further Green Belt evidence submitted as part of the Proposed Modifications, in the form of Topic Paper 1 Addendum, does not address our previous concerns over the methodology behind the site allocations and a comprehensive Green Belt review should be undertaken.

As drafted, the Local Plan put forward is the not most appropriate strategy in terms of overall sustainability. Without a comprehensive Green Belt review and subsequent analysis of employment allocations, it is not possible to properly conclude the Local Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

We trust the above comments will be taken into consideration in the next stages of the preparation of the Local Plan. Please do not hesitate to contact me if you have any questions or require any further information in relation to Oakgate.

Yours faithfully,

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<sup>2</sup> Mr A Thickett - Report on the Examination into Leeds City Council Core Strategy – 5<sup>th</sup> September 2014



**York Local Plan Hearing Statement:  
Matter 3 – Green Belt  
On behalf of Oakgate Group**

November 2019

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[Redacted]

Final Date: November 2019

[Redacted]

# 1. Introduction

- 1.1 This Hearing Statement has been prepared on behalf of Oakgate Group in response to the issues and questions identified by the Inspectors in respect Matter 3: Green Belt.
- 1.2 Oakgate Group has engaged in the preparation of the York Local Plan over several years and has consistently argued that there is an under provision of employment space in York, quantitatively and qualitatively, which is damaging to the local economy.
- 1.3 The draft Plan fails to address York's employment needs by not allocating or safeguarding sufficient employment land as part of the review of Green Belt boundaries. This is a major failing of the draft Plan.
- 1.4 The draft Plan therefore cannot be considered the most appropriate strategy in terms of overall sustainability without a comprehensive Green Belt review and subsequent allocation of further land to meet the identified shortfall in employment land needs. As submitted, it is not possible to conclude that the draft Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

## **Naburn Business Park**

- 1.5 Oakgate Group own 18.2ha of land to the east of the York Designer Outlet, Naburn (the site).
- 1.6 In June 2019, a planning application was submitted to the City of York Council for a new business park on the site under application ref: 19/01260/OUTM ('the Naburn business Park').
- 1.7 The proposals will meet employment needs that have not been adequately addressed through the Local Plan, delivering 25,000sqm of office floor space and an innovation centre, 2,000 new jobs, an improved park and ride facility and enhanced public access to the Green Belt. The application is yet to be determined.

## 2. Matter 3 – Green Belt

Question 3.1 Paragraph 10.1 of the Plan states that “the plan creates a Green Belt for York that will provide a lasting framework to shape the future development of the city”. For the purposes of Paragraph 82 of the National Planning Policy Framework, is the Local Plan proposing to establish any new Green Belt?

- a) If so, what are the exceptional circumstances for so doing, and where is the evidence required by the five bullet points set out at Paragraph 82 of the Framework?
- b) If not, does the Local Plan propose to remove any land from the established general extent of the Green Belt? If it does, is it necessary to demonstrate that exceptional circumstances exist to warrant that approach? Or is it the case that the Local Plan establishes the Green Belt boundaries for the first time, such that the exclusion of land from the Green Belt – such as at the ‘garden villages’, for example – is a matter of Examination of the City of York Local Plan 2017-2033 establishing Green Belt boundaries rather than altering them, in the terms of Paragraph 82 of the Framework?

2.1 Because of York's long and complicated Local Plan history, the extent of the Green Belt has never been properly defined. As the boundaries are not defined, they cannot be altered, and therefore NPPF paragraph 83 should not apply. Notwithstanding this, exceptional circumstances have been justified by the Council to change the general extent of the Green Belt.

2.2 The “general extent” of the Green Belt was last set out in the now revoked Yorkshire and Humber Regional Spatial Strategy<sup>1</sup>. The RSS key diagram, which includes the general extent of the Green Belt, is not sufficiently detailed for development management purposes. This lack of policy detail has held back development in York.

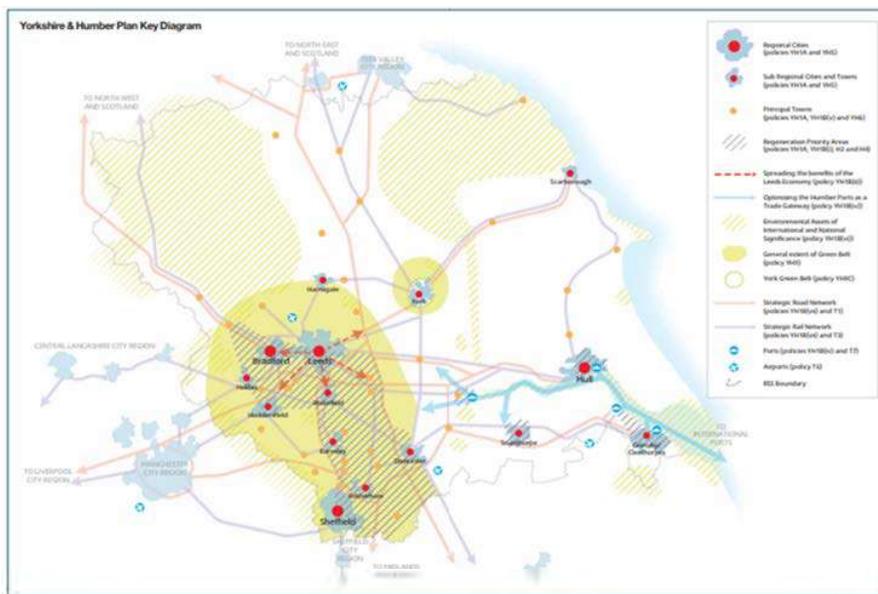


Figure 1: Partially Revoked Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (2008) Key Diagram

<sup>1</sup> When the RSS was revoked in 2013 the green belt policies and key diagram were saved from revocation

- 2.3 The submitted Plan will set York's detailed green belt boundaries for the first time – not just the inner and outer boundaries, but the land in between too which may not necessarily meet the NPPF Green Belt purposes to warrant inclusion. The setting of the Green Belt should only be done following an up-to-date comprehensive Green Belt assessment, which the Council has failed to do.

**Question 3.2 Paragraph 1.1.1 of the Council's "Approach to defining York's Green Belt" Topic Paper (TP1) [TP001] says "York's Local Plan will formally define the boundary of the York Green Belt for the first time." How has the Council approached the task of delineating the Green Belt boundaries shown on the Policies Map? In particular:**

**b) How has the need to promote sustainable patterns of development been taken into account?**

- 2.4 There are two key flaws to the Council's approach to promoting sustainable patterns of development:
- i. failure to undertake an up-to-date comprehensive Green Belt Review; and
  - ii. retrospectively seeking to prepare Green Belt evidence blinkered to reasonable alternatives and without proper consideration of the quality of the Green Belt land including factors like clearly defined boundaries, physical boundaries and likely permanence.
- 2.5 The Topic Paper 1 Addendum fails to demonstrate how the Council has assessed the Green Belt contribution of individual parcels of land and is absent of a robust scoring system. Instead the Council relies on historic and incomplete work on the Green Belt, including the 2003 'The Approach to the Green Belt Appraisal', which is just 16 pages long, and the subsequent 2011 update, which did not methodically review the 2003 Appraisal but was limited only to responding to comments submitted.
- 2.6 The Topic Paper 1 Addendum Annex 5 assesses sites proposed to be allocated by the Council. There is no equivalent Green Belt assessment of discounted sites in the Council's evidence base which demonstrates that comparative analysis of reasonable alternatives has been properly undertaken.
- 2.7 Land at Naburn which was assessed by the Council as not warranting inclusion in the Green Belt in 2003 and 2005 and only subsequently altered in 2011 following an objection from Fulford Parish Council with no comprehensive appraisal or justification.
- 2.8 The Council's backward approach to the Green Belt is evident by the sheer scale of the Topic Paper 1 Addendum and the fact that it was only available in March 2019 a year after the draft Plan was published (February 2018).

**c) With regard to Paragraph 84 of the Framework, how have the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary been considered?**

- 2.9 In order to be consistent with Paragraph 84 of the NPPF, the Council should consider and allocate further land to meet the employment development requirements as set out in the Local Plan, taking into account the shortfalls already evident in the proposed allocations and to ensure the long term endurance of Green Belt boundaries beyond the plan period. See question 3.2d below.

**d) How do the defined Green Belt boundaries ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development and/or include any land which it is unnecessary to keep permanently open?**

- 2.10 The proposed Green Belt boundaries are not consistent with the Local Plan strategy to support economic growth because the draft Plan fails to allocate enough land to meet identified employment needs.
- 2.11 The Council acknowledge that there is "a shortfall in the supply of suitable and available employment land within the urban area" , and therefore additional employment land can therefore only be delivered in the Green Belt.
- 2.12 We appreciate that the Phase 1 hearings have been convened to deal with strategic matters relating to housing strategy and Green Belt, however, to answer this question fully, it is necessary to briefly touch on draft employment allocations too.
- 2.13 Policy EC1 (Employment Allocations) identifies four sites to meet York's office floorspace requirement of 107,081sq.m, over the plan period.

ST5: York Central

- 2.14 The largest proposed allocation is York Central, accounting for 93% of the total office floorspace requirement.
- 2.15 The draft Plan fails to acknowledge the latest position at York Central and continues to overstate the amount of office space that can be delivered. An outline planning permission for York Central was approved in March 2019 (Ref: 18/01884/OUTM) and permits between 70,000sqm and 87,693 sqm of office space. Comparing this against the proposed allocation for York Central in the draft Plan at 100,000 sqm, this means at York Central there will be a shortfall of at least 12,000 sqm, and potentially up to 30,000sqm, of office floorspace against the proposed allocation.
- 2.16 The majority of this floorspace (76,762sq.m) will be delivered within Phases 3 and 4, with Phases 1 and 2 focused on the delivery of residential development. Phases 3 and 4 are not due to be completed until 2033 and have start dates ranging between 2023 and 2026. There is no floorspace proposed to be delivered post-plan period (post 2033).
- 2.17 Given the range proposed within the application approved (70,000sqm and 87,693 sqm), we have therefore assumed a median of 78,000sq.m as a more robust position for the expected delivery during the plan period.

ST19: Land at Northminster Business Park

- 2.18 Northminster Business Park is currently not an office development and is predominantly by B1c, B2 and B8 uses, including distribution, industrial and warehouse units.
- 2.19 Policy EC1 states that future development at this site will be focused on the expansion of the existing B1c, B2 and B8 uses.
- 2.20 For robustness however, with regard to Policy EC1 stating that 'an element of B1a may be appropriate', we have assumed a 5% of provision of office floorspace for the anticipated delivery.

E11: Annamine Nurseries, Jockey Lane

- 2.21 This site has been bought by the Shepherd Group who own the surrounding land. Future development on this site is anticipated to focus on the expansion of the existing portakabin business surrounding the site, with no new office space anticipated to be delivered.

E16: Poppleton Garden Centre

- 2.22 Poppleton is an active Garden Centre, purchased very recently by Dobbies from Wyevale in April 2019. The site is no longer considered a likely future employment site. In any case the Council has only identified that the site may be suitable for "an element of B1a". The Council has not justified that the site can be relied on to deliver any new office floorspace during the plan period.
- 2.23 Based on the above, there is potentially a shortfall of 26,606sq.m (against the target of 107,081sq.m) of office floorspace unaccounted for in the draft Plan. This is summarised in the table below:

Sites Allocated for B1a Employment in Draft Local Plan				
Sites	CYC allocation size (sqm)	CYC's view on suitable employment uses	AY comments	AY anticipated delivery (sqm)
ST5: York Central	100,000	<b>B1a</b>	An outline application approved has been approved (Ref: 18/01884/OUTM) which permits up to 70,000-87,693sq.m of B1a floorspace. The estimated delivery has been therefore been calculated as the median of this permitted range.	78,000
ST19: Land at Northminster Business Park	49,500	B1c, B2 and B8. May also be suitable for <b>an element of B1a.</b>	The most recent planning application for this site (Ref: 18/02919/FULM) permitted 1,188sq.m B1a. Based upon this and a further 'element' of B1a floorspace being delivered the expected delivery has been estimated as 5% of the total allocation.	2,475
E11: Annamine Nurseries, Jockey Lane	3,300	<b>B1a</b> , B1c, B2 and B8	The site has been bought by the Shepherd Group who own the surrounding land. Future development on this site is anticipated to focus on the expansion of the existing portakabin business surrounding the site, with no new office space delivered.	0
E16: Poppleton Garden Centre	9,240	B1c, B2 and B8. May also be suitable for <b>an element of B1a.</b>	The site has been bought by Dobbies and is currently being used as a garden centre. Based on the site being in active use and no plans for redevelopment, the anticipated delivery of B1a floorspace has been calculated as 0.	0
<b>Total</b>	<b>162,040</b>		<b>Total anticipated delivery</b>	<b>80,475</b>
<b>Total B1a required in Local Plan</b>	<b>107,081</b>		<b>Difference in anticipated delivery against Council's B1a target</b>	<b>-26,606</b>

- 2.24 Returning to the principal question of the Green Belt and why this all matters. By not planning to meet its identified employment needs it cannot be said that the Green Belt boundaries are consistent with the Local Plan strategy for meeting identified requirements for sustainable development. This fundamental flaw of the

draft Plan should be resolved before the Green Belt boundaries are defined permanently and further land should be allocated to ensure that the employment land targets, as set out in the Plan, are met with sufficient capacity for flexibility.

- 2.25 The Naburn Business Park is a live planning application that is deliverable in the short term to meet identified need now and could be identified in the Local Plan. The proposals comprise 25,000sqm of office floorspace and an innovation centre that could plug the identified office floorspace gap and the application is supported by a suite of technical documents which demonstrate how the proposals represent sustainable development.

**Question 3.3 Will the proposed Green Belt boundaries need to be altered at the end of the Plan period? To this end, are the boundaries clearly defined, using physical features that are readily recognisable and likely to be permanent? What approach has the Council taken in this regard?**

- 2.26 If the Council is to meet its identified development needs the Green Belt boundaries will undoubtedly need to be altered at the end of the Plan period, if not before. This is one of the biggest failings of the draft Plan and is particularly concerning given the protracted history of the Local Plan to date and the Council's inability to adopt an up-to-date plan since the 1950s.
- 2.27 We estimate that there is a potential a shortfall of 26,000sqm of office floorspace identified though the Local Plan. See Question 3.2 above. The draft Plan has therefore not allocated enough land to meet the employment land needs of York over the plan period, let alone beyond the Plan period

**Question 3.4 Should the Plan 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?**

- 2.28 Yes, the Local Plan should identify areas of safeguarded land between the urban area and the Green Belt to ensure that the Green Belt boundaries endure beyond the plan period and to ensure consistency with Paragraph 85 of the NPPF.
- 2.29 The Council's approach that "*it is not longer necessary to designate safeguarded land*" due to some of the strategic sites identified in the draft Plan having anticipated build out times beyond the 15 year trajectory is fundamentally flawed and unsound for several reasons:
- Other Local Plan Inspectors<sup>2</sup> have indicated that a 15-year plan period, followed by 10 to 15 years' worth of safeguarded land will ensure that Green Belt boundaries retain a degree of permanence.
  - The draft Local Plan Incorporating the 4<sup>th</sup> Set of Changes (April 2005) recognised the merit in including safeguarded land. By proposing safeguarded land (including the Land at Naburn, Ref: Naburn Designer Outlet) the Council has expressly acknowledged that those areas do not perform a Green Belt function.

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2 Ashfield Local Plan; Cheshire East Local Plan Strategy; Leeds Core Strategy and Rotherham Core Strategy

- The need for safeguarded land was clearly stated in legal advice sought by Officers of the Council<sup>3</sup> which was clear that if no safeguarded land is identified the emerging Local Plan is likely to be found unsound.
- In terms of offices space, the submitted plan does not actually identify any strategic sites with supply stretching beyond the plan period. See Question 3.2 above, we estimate there will actually be an undersupply of office supply during the plan period, particularly in the short term.

2.30 The inclusion of safeguarded employment land is necessary so that the Plan has flexibility to adapt and respond to changing circumstances. This is especially important in York for where there is an acute demand for office space (less than 2% vacancy); an overall reliance on one allocation (York Central) to meet 93% of York's identified office floorspace needs; and a track record of failing to adopt new Local Plans, meaning it cannot be assumed that any future review or new Local Plan will be delivered in a timely fashion.

**Question 3.5 Overall, are the Green Belt boundaries in the plan appropriately defined and consistent with national policy in the National Planning Policy Framework, and is the Plan sound in this regard?**

2.31 As outlined in this statement and previous representations, there remains significant objection to the Council's approach to the Green Belt which fails to meet the following tests of soundness:

- The Local Plan has **not been positively prepared**. Fundamental technical work such as a comprehensive Green Belt assessment is incomplete; and much technical work has been undertaken after the site selection process was completed so evidence has been retrofitted to justify the pre-existing employment strategy and does not represent the most appropriate strategy;
- It is **not justified** as the Council's approach to defining the Green Belt simply fails to reflect its own evidence base. The Council is reliant on an out of date evidence which dates back to the 2003 Green Belt Appraisal and was formulated in the context of development requirements that bear no relation to present and forecast needs. There is no transparent logic or justification as to how the sites identified for allocation and their respective boundaries have been defined;
- The Local Plan is **not effective** as the plan fails to identify sufficient employment land to meet identified needs during the plan period. This failing is further compounded by the lack of safeguarded land to provide flexibility or ensure that Green Belt boundaries will endure well beyond the plan period; and
- The Local Plan's approach to Green Belt is **inconsistent with national policy** as the amount of employment land proposed to be released from the Green Belt is insufficient and further land is required in sustainable locations in order to meet the delivery of sustainable development objectives set out in the Framework.

**Question 3.6 Paragraph 83 of the National Planning Policy Framework is clear that Green Belt boundaries should only be altered in exceptional circumstances. It appears that the Plan proposes to 'release' some land from the Green Belt by altering its boundaries. In broad terms:**

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<sup>3</sup> As presented at the Local Plan Working Group – 29 January 2015

- a) **Do the necessary exceptional circumstances exist to warrant the proposed alterations to Green Belt boundaries, in terms of removing land from the Green Belt? If so, what are they?**

2.32 Notwithstanding comments above relating to the Green Belt being defined for the first time. It is agreed that exceptional circumstances are justified to warrant changes to the Green Belt.

- c) **What is the capacity of existing urban areas to meet the need for housing and employment uses?**

2.33 There is not enough capacity to meet York's developments needs within the existing urban area and without the removal of further land from the Green Belt the employment needs of the City cannot be met.

**Question 3.7: How was the land proposed to be removed from the Green Belt been selected? Has the process of selecting the land in question been based on a robust assessment methodology that:**

- a) **reflects the fundamental aim of Green Belts, being to prevent urban sprawl by keeping land permanently open;**
- b) **reflects the essential characteristics of Green Belts, being their openness and permanence;**
- c) **takes account of both the spatial and visual aspects of openness of the Green Belt, in the light of the judgments in Turner and Samuel Smith Old Brewery;**
- d) **reflects the five purposes that the Green Belt serves, as set out in paragraph 80 of the Framework; and**
- e) **takes account of the need to promote sustainable patterns of development.**

2.34 The Council's Green Belt evidence was, until recently, out of date and incomplete. The Council first reached a prejudged position on site allocations and has sought to retrofit Green Belt evidence to support its conclusions, blinkered to requirements of the NPPF and SEA.

2.35 The evidence has been retrospectively bolstered to fit the Council's preferred spatial strategy, but in doing so fails the NPPF tests of soundness as it cannot be said that the plan is "*the most appropriate strategy, when considered against the reasonable alternatives*".

2.36 The Inspectors will be familiar with the history of the York Local Plan, but below is a summary of some of the key events since 2003, which relate to the Green Belt evidence base and Oakgate's land at Naburn. The Council's approach to the assessment of land at Naburn has not been justified.

- In **2003** the Council prepared a document named 'The Approach to the Green Belt Appraisal'. This document relied on evidence largely prepared in connection with the York Green Belt Local Plan Deposit Draft 1991. In 2003, the Council concluded that Naburn Business Park site did not to serve any of the five purposes of the Green Belt and was subsequently not designated as such.
- In **2005** the Council produced the City of York Fourth Set of Changes (Development Management) Local Plan which was approved for Development Management purposes. This Plan represents the most advanced Local Plan document approved to date, in which the Naburn Business Park site was partly allocated (9ha) as a reserved site for development.

- In **2008**, the Yorkshire and Humber Regional Spatial Strategy (RSS) was adopted which set out the general extent of the York Green Belt. This comprised a high-level key diagram, with the area outside of the urban area of York identified as Green Belt. There was no detailed assessment of the quality of the Green Belt and it did not take into account York City Council Green Belt evidence which excluded Naburn Business Park from the Green Belt. This meant that by default the Naburn Business Park site has been treated Green Belt even though the exact extent of the Green Belt has never been defined.
- In **2011**, the City of York Historic Character and Setting Technical Paper was prepared which considered potential changes to the boundaries proposed in the 2003 Appraisal document, in light of comments raised primarily from Fulford Parish Council. In this document the Naburn Business Park site was altered to an Extension to the Green Wedge. The document did not comprehensively review all the historic character areas, only responding to specific comments raised, and no technical evidence was provided to support the changes made.
- In **2013**, the RSS was revoked except for the Policies YH9(C) and Y1 (C1 and C2) and the key diagram relating to the general extent of the Green Belt in York which were saved.
- **2019**, the Council is now defining the inner and outer boundaries of the Green Belt for the first time through the draft Local Plan supported by Topic Paper 1 (The approach to defining York's Green Belt) and the subsequent Addendum (including annexes). However, are still reliant on the general extent of the Green Belt as defined in the RSS of 2008 and the changes made to the 2003 Green Belt Appraisal document in 2011, allocating the Naburn Business Park Site within the Green Belt, as a Green Wedge with regard to historical character.

2.37 The above timeline demonstrates that since 2003 the Council has failed to objectively assess the quality of the York Green Belt through an up-to-date comprehensive Green Belt Review, which in turn can be used to properly define the Green Belt boundaries based on up-to-date development needs.

## Contact Details

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# 1. Addendum to Naburn Business Park Economic Case

## Purpose of Addendum

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- 1.1 The purpose of this addendum is to support a planning application for a new business park at Naburn. This addendum should be read in conjunction with our original report and takes in to account changes to the Local Plan and underpinning evidence base.

## Background

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- 1.2 In 2011, Regeneris Consulting was appointed by Oakgate Group plc to review the case for the development of a new business park on land to the south of York just off the A64 and adjacent to the York Designer Outlet Centre. This was intended to inform discussions between Oakgate plc and the City of York Council about potential site allocations in the new Local Plan.
- 1.3 In February 2018, the City of York Council (COYC) published its Publication Draft of the Local Plan (hereafter referred to as the Draft Local Plan). This included some changes to the assessed quantity of employment land that COYC will need to ensure is available between 2017 and 2032 and changes to the sites allocated for future development to meet this need.

## Employment Land Policies in Draft Local Plan

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### Demand for Office Space/Land

- 1.4 Policy SS1 of the Draft Local Plan states the aim of providing “*sufficient land to accommodate an annual provision of around 650 new jobs that will support sustainable economic growth*”. This is a lower rate of jobs growth than was previously assumed in the 2013 Preferred Options Local Plan (800 per year).
- 1.5 Despite this, the total amount of office floorspace (B1a) required to meet this jobs growth has increased significantly. Table 4.1 in the Draft Local Plan identifies the need to deliver a total of 107,000 sq m of B1a space (13.8 Ha), compared to 44,600 sq m in the Preferred Options Plan. This need for office floorspace is based on calculations in the 2016 Employment Land Review (ELR) and the 2017 ELR update.
- 1.6 These ELRs provide a number of explanations for why the need for B1a space has increased significantly from the Preferred Options Plan:
- the 107,000 sq m is based on the forecast need over a 21 year time period (2017 to 2038)<sup>1</sup>, while the previous estimate of 44,600 sq m was based on an 18 year period (2012-2030).
  - Although the overall rate of jobs growth is lower in the Draft Local Plan than previous estimates, the forecast growth rate of a number of office based sectors is higher than previous estimates and it is this that drives the need for extra office space. This includes ICT, professional, scientific and technical activities and real estate sectors.

<sup>1</sup> Although the Local Plan period is based on the period 2017 to 2032/33, the plan allows for a five year period after the end of the plan to “provide a degree of permanency for the Green Belt”

- The new estimate includes an upward adjustment of 34,500 sq m of B1a office space to replace the space which has been lost between 2012 and 2017 (mainly due to office to residential conversions).
  - The new estimate has also added a buffer for delays in sites coming forward (an additional two years supply<sup>2</sup>) which was not included in the estimates of need in the Preferred Options Plan.
- 1.7 Whilst the target for delivery of office space is larger than before, we consider that it represents a sound assessment of need and is consistent with COYC’s growth aspirations for the City and therefore provides a sound basis for planning. We also agree with the upward adjustments which have been made, which are consistent with the approach taken in ELRs in other parts of the country.

## Supply of Employment Land

- 1.8 Policy EC1 identifies the sites which it is proposed are allocated to meet future demand for office space (and other uses). The strategic sites are set out in Table 1.1. The only site which is allocated specifically for B1a development is York Central, which it is suggested can accommodate 100,000 sq m of office space (up from 80,000 sq m in the Preferred Options paper and 61,000 sq m in the Pre-Publication Draft published in 2017). It is not clear how why the estimated capacity of this site has fluctuated so much in various iterations of the plan.
- 1.9 Northminster Business Park may also be able to accommodate some B1a space, however the main focus of development at this site appears to be industrial uses, with the Local Plan only stating that it “*may be suitable for an element*” of B1a.

Site	Size	Suitable Employment Uses
ST5: York Central	100,000 sq m/3.33ha	B1a
ST19: Northminster Business Park	49,500 sq m/15ha	B1c, B2 and B8. May also be suitable for an element of B1a
ST27: University of York	21,500 sq m/21.5ha	B1b knowledge based activities including research-led science park uses
ST26: South of Elvington Airfield Business Park	25,080 sq m/7.6ha	B1b, B1c, B2 and B8
ST37: Whitehall Grange, Autohorn, Wiggington Rd	33,330 sq m/10.1ha	B8

Source: City of York Council (2018): Publication Draft of the Local Plan

- 1.10 In addition to these strategic sites, the Draft Local Plan also identifies a series of other smaller employment sites (see Table 1.2). The only site which could definitely accommodate B1a is Annamine Nurseries, a one hectare site which has also been allocated for industrial uses. The Poppleton Garden Centre may also include an element of B1a, but again is likely to be mainly for industrial uses.
- 1.11 There may also be scope to provide additional space on infill sites in York city centre, although it is unclear how much additional space this could provide.

<sup>2</sup> In practice this is a fairly modest buffer over a 22 year period (less than 10%)

**Table 1.2 Other sites allocated for employment uses**

E8: Wheldrake Industrial Estate	1,485 sq m/0.45ha	B1b, B1c, B2 and B8
E9: Elvington Industrial Estate	3,300 sq m/1ha	B1b, B1c, B2 and B8
E10: Chessingham Park, Dunnington	792 sq m/0.24ha	B1c, B2 and B8
E11: Annamine Nurseries, Jockey Lane	3,300 sq m/1ha	B1a, B1c, B2 and B8
E16: Poppleton Garden Centre	9,240 sq m/2.8ha	B1c, B2 and B8. May also be suitable for an element of B1a
E18: Towthorpe Lines, Strensall	13,200 sq m/4ha	B1c, B2 and B8 uses

Source: City of York Council (2017): Pre-Publication Draft of the Local Plan

1.12 To assess whether this supply of land and mix of sites is likely to meet the updated assessed needs of York's economy over the plan period, we have sought to answer three questions:

- Has a sufficient quantity of employment land been identified to meet the forecast need for B1a space (107,000 sq m)?
- Do the allocated sites meet market requirements and offer enough choice to potential investors?
- What are the likely timescales for delivery of the sites and will there be sufficient supply of employment land to meet demand in the short, medium and long term?

**Has a sufficient quantity of land been identified?**

1.13 Based on the evidence above, we cannot say definitively how much land has been allocated for B1a development in York, or how much office space this could support. However, based on the assumption that the Northminster Business Park site will be able to accommodate around 7,000 sq m of B1a floorspace, it seems likely that the proposed supply of employment land will **just be sufficient to meet the forecast demand for 107,000 sq m of B1a space** between 2017 and 2038. This is because the capacity at York Central has increased significantly from the earlier iterations of the plan.

**Do the allocated sites meet market requirements and offer enough choice to potential investors?**

1.14 Although the allocated sites have changed since our previous report it remains the case that potential investors looking for B1a accommodation will have a choice of just two large sites (York Central and Northminster Business Park). There is also a question over exactly how much B1a space will be available at Northminster Business Park, where the Draft Local Plan indicates the main focus will be on industrial development.

1.15 As we stated in our original report, it is important that areas provide a balanced portfolio of sites to reflect the needs of different markets and occupiers (who will have differing locational drivers). Whilst York Central will be a highly desirable location for many office occupiers, it will not suit the needs of those sectors with a higher dependency on car-borne occupiers who need quick access to the road network (either for commuting or for business reasons). Other types of occupiers may also prefer a campus style business park environment to a city centre location for reasons of security or privacy eg headquarters of

large businesses, defence organisations and data centres. Finally, given that York Central is likely to command high rental values, it may not suit the needs of small to medium enterprises which are more cost sensitive and tend to look for affordable and flexible premises.

**1.16 Therefore the continued reliance on York Central means there would be insufficient choice for investors.**

1.17 The market attractiveness of sites has been assessed through the application of a simple scoring framework used in the 2016 ELR and then the 2017 Update. This considers five criteria and attaches different weights to each based on the importance of these factors to B1 occupiers (based on the judgment of the ELR authors). These criteria and weighting are as follows:

- Travel time to motorway x1
- Travel time to York railway station (& city centre) x3
- Agglomeration with other businesses x2
- Size of site x2
- Assessment of current demand x2
- Proximity to research and knowledge assets x 2

1.18 The scores given to each of the sites allocated for B1a office space (including those with an element of B1a) are shown in Table 1.3. We have also included the scores for the Designer Outlet (which we assume to be the Naburn Business Park site). Naburn scores higher than both of the two smaller sites (Poppleton Garden Centre and Annamine Nurseries) but lower than York Central and Northminster Business Park.

1.19 York Central scores particularly high because of its city centre location and proximity to the railway station. As we stated in our original report, this is a highly attractive and sustainable location for B1a development which will be in high demand once developed. The key issue with this site is the timescales for delivery (see below).

1.20 The main difference between Northminster Business Park and the Designer Outlet is in the scores for agglomeration and the travel time to York railway station. In both cases, we believe there are flaws in the design of the scoring framework itself or in how the scores have been applied.

	Travel time to motorway	Travel time to rail station	Agglomeration	Size of site	Current demand	Proximity to R&D assets	Score for B1
York Central	1	15	8	10	6	4	44
Northminster	3	6	10	6	8	2	35
Designer Outlet (Naburn)	3	3	4	8	6	4	28
Poppleton Garden Centre	3	6	8	4	4	2	27
Annamine Nurseries	2	3	4	2	2	4	17

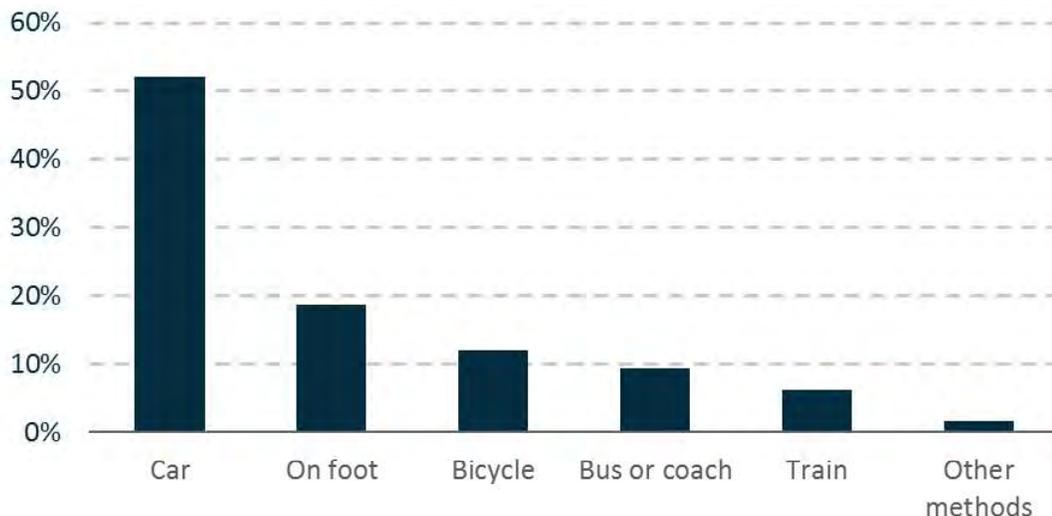
- 1.21 **We believe agglomeration of businesses is an unsuitable criteria for assessing the market appeal of a site, particularly in the way it has been defined in the 2016 ELR.**
- 1.22 Agglomeration effects refer to the productivity benefits that come when firms and people locate near one another eg to be closer to suppliers or customers or so that they can more easily attract or recruit workers. These effects help to explain why cities form and why certain industries tend to cluster together. However, the presence of a number of firms being located in close proximity is not sufficient for agglomeration benefits to occur, nor is it likely to be a key factor influencing most businesses' location decisions. The exceptions to this may be on business parks which have a specific industry focus (such as science parks) where businesses and workers work in similar fields so are more likely to form relationships and have an incentive to locate in close proximity to each other (commonly referred to as clustering rather than agglomeration, which tends to refer to towns and cities).
- 1.23 This is not what is being assessed in the ELRs, where sites can gain a score of 6 (after weighting) if there are "*several businesses present in the area within 5 minutes walking distance*" and will be awarded higher scores if a number of these businesses are "*high value*" (where high value can refer to any sector with median wages above the national average). There is no consideration of which sectors are located on sites or whether the businesses are working in related fields, which is where agglomeration benefits might arise.
- 1.24 This criteria is therefore flawed and, because of its double weighting, skews the results in favour of those sites which already have a number of businesses in the local area, even though there is no evidence this will increase the appeal of the site to new occupiers. In addition to the Northminster site, South of Airfield Business Park and Elvington Industrial Estate also achieve relatively high score from the ELR assessment and have been allocated for development. The latter two sites are particularly inaccessible from the strategic road network or public transport and have weak evidence of business demand but have been allocated for development because of a high score for agglomeration.
- 1.25 **The inclusion of the criterion for travel time to railway station is justified, however we disagree with the relative scores given to Northminster Business Park and Naburn (Designer Outlet).** According to our estimates (based on drivetime modelling in Google maps) both sites can be accessed from York Railway Station in under 20 minutes (both around 16-17 mins) and should both receive a score of six (after weighting). Yet Northminster achieves a score of 6 while Naburn receives a score of 3.
- 1.26 **Based on the above, if the two sites were both given a score of 6 and the agglomeration criteria was removed, Naburn Business Park would score higher than Northminster and would emerge as one of the most attractive sites for B1a development.**
- 1.27 We believe there are a number of other flaws with the scoring framework and relative weightings given to different criteria. These are set out below:
- **There is no explicit consideration of access to skilled workers:** the types of sectors which occupy B1a space tend to be highly skilled sectors such as ICT and professional services. Access to skilled workers is therefore a key factor influencing the location decisions of these firms. Although this is indirectly referred to in two of the criteria (travel time to motorway and travel time to rail station), this is so important that it should be a criteria in its own right. Our original report showed that Naburn Business Park was very well positioned to draw upon the highly skilled labour markets to the south west of York in the Leeds City Region (although the same could also be said of Northminster)
  - **The weighting of criteria understates the importance of road access to office occupiers:** because of the importance of access to workers, the travel time to the motorway is very important for assessing the market appeal of a site. However this

is given the lowest weighting of all the criteria in the scoring framework (x1). Data from the 2011 Census showed that over 50% of commuters working in office based sectors in York still used a car to get to work, compared to only 6% who used a train (see Figure 1.1). We agree that access to a rail station is very important in the context of York and therefore the triple-weighting is fair. However, given the continued importance of cars to a number of office occupiers, we would argue that this criteria should be brought in to line with the other four and be double-weighted.

- Proximity to research and knowledge assets will only be an important locational factor for a small proportion of office occupiers:** Proximity to the University may be an important consideration for some businesses, particularly those in science based and R&D intensive industries such as bioscience. However this is likely to be of minor importance to the majority of office based businesses, who work in sectors such as public admin, ICT and professional services. This is also given a double weighting despite the fact it will only be important for a minority of businesses.
- There is no consideration of access to amenities or the quality of the local environment:** our original report showed that local amenities (shops, cafes, restaurants), a landscaped environment and public transport connections can all enhance the appeal of a site for office uses, particularly for business parks. The scoring framework should therefore assess the potential to create a high quality office environment.

**1.28** As stated in our original report, Naburn site exhibits all of the locational advantages described above and in paragraphs 4.4 to 4.8 of our original report and has high potential to create a campus style business park development. **We therefore conclude it should receive a much higher score for market attractiveness and should be allocated to address the shortfall of B1a space.**

Figure 1.1 Method of Travel to Work for Commuters Working in Office Based Sectors



Source 2011 Census

Note: Office based sectors defined as ICT, financial services, professional, scientific and technical activities and admin and support service activities

## **Will there be sufficient supply of employment land to meet demand in the short, medium and long term?**

- 1.29 It is common practice for ELRs to assess the likelihood that sites will come forward, the nature of any barriers which need to be overcome and the implications for timescales for delivery. This is not considered in either the 2016 ELR or the 2017 update.
- 1.30 This is particularly important given the continued reliance on York Central to deliver the majority of B1a office space, which could take many years to complete. Our original report noted a number of concerns about the deliverability of this site (see paragraph 7.11) which are all still relevant. At the time the report was published, the Council had indicated that site works would commence in 2017 however this has not been the case.
- 1.31 The York Central Partnership submitted an application for planning permission in August 2018 which should be determined at Planning Committee in early 2019. A reserved matters application for the first phase of infrastructure should then follow. However the timescales for delivery of development are still highly uncertain and there are a number of potential obstacles to new development coming forward. In particular, Highways England has expressed doubts about the traffic management and impact on the wider city, and has ordered that a planning decision be postponed until its concerns on transport infrastructure are answered
- 1.32 We are not aware of the timescales for delivery of new B1a office space at other sites such as Northminster Business Park. Although we note that paragraph 73 of the Local Plan Working Group raised concerns about traffic: *“Initial transport modelling of potential residential and employment sites has shown that increased queues and delays are being forecast in the Poppleton area, exacerbated by the potential level of development projected for that area, including potential employment sites at Northminster Business Park (ST19), Land to the North of Northminster Business Park and the former Poppleton Garden Centre”*. This suggests there may be some delays in bringing forward new development in this location.
- 1.33 Recent trends show a dwindling supply of office space across the city (see below). This means that the city is facing a potential shortage of B1a office space in the short term which could act as a barrier to growth.
- 1.34 **It is therefore unlikely that the identified sites will meet demand for B1a office space in the short to medium term (particularly York Central). This means there is a risk of York losing out on potential investment in the next five or ten years if it does not have an “oven ready” product for occupiers.**

## **Recent office market trends**

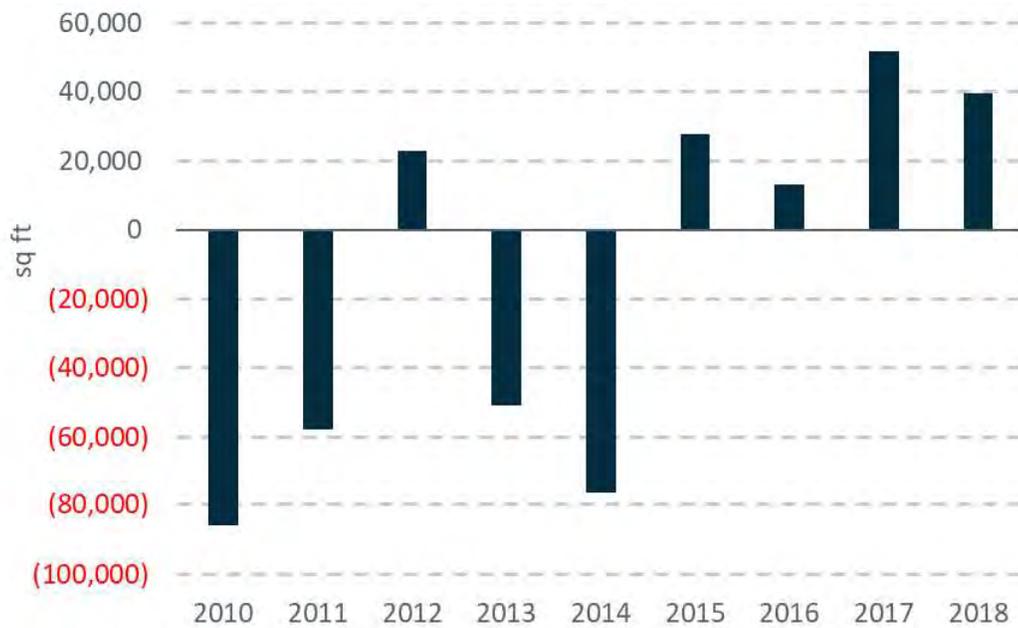
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- 1.35 Figure 1.2 shows recent trends in net take-up<sup>3</sup> of office space in York. It suggests demand was subdued for a long time period from 2010 to 2014. Since 2015 there is some evidence of an increase in demand, with net take-up of over 150,000 sq ft (14,000 sq m) of office space. Notable recent deals include BHP Chartered Accountants which took 40,000 sq ft of office space at Moorside (Monks Cross) and the Tees Esk Valley NHS Trust which took 19,000 sq ft at Huntington House on Jockey Lane.
- 1.36 These recent trends were borne out by local agents Lawrence Hannah (who handle around half of office deals in York including both of the above). They reported they had seen an increase in the number of enquiries and deals in the last three or four years, due to

<sup>3</sup> This measures the net change in occupied space over a given period of time, calculated by summing all the positive changes in occupancy (move ins) and subtracting all the negative changes in occupancy (move outs).

improving business confidence and investment from rail engineering businesses (a key sector in York) due to increased infrastructure spending by Government.

Figure 1.2 Net take-up of office space in York, 2010-2018



Source CoStar

- 1.37 Since 2014 there has been a sharp fall in the amount of vacant office space in York. There is currently just 50,000 sq ft (5,000 sq m) of space available, representing a vacancy rate of 1.4%. The drop is explained in part by an increase in net take-up since 2015 but also by the loss of large amounts of office space which has been converted to residential uses under permitted development rights (which is why we agree it is sensible for the Local Plan to address this loss of existing stock).
- 1.38 There is therefore very limited space available either in York city centre or in the outer business parks. This position has deteriorated since our original report and means there is a significant danger of losing investment in the short term.
- 1.39 Lawrence Hannah agents confirmed that they no longer have any office premises on their books and that there are no longer any premises offering over 10,000 sq ft of space across the whole of York. This means none of the larger requirements for space can currently be satisfied, which means York risks losing out on investment to other areas in the short to medium term. There was some anecdotal evidence that this is already happening.

Figure 1.3 Vacancy rate of office space in York, 2010-2019



Source CoStar

## Conclusions

1.40 There is a strong economic case for new business park development at Naburn on the following grounds:

- **Naburn Business Park would provide a genuine range of choice for office occupiers**, which reflects the fact that city centre space at York Central will not meet the needs of all occupiers, particularly cost sensitive SMEs and businesses that need good access to the road network.
- **Naburn Business Park would be attractive to the market**, being well located for the road network and accessing a skilled workforce, and capable of providing a high quality business park environment. A fair and objective assessment of Naburn would find that it is just as attractive to the market as Northminster Business Park.
- **Naburn Business Park could help to address the short to medium term shortfall of supply caused by the likely long delays at York Central**. Recent market evidence shows available supply has fallen even further since our original report, meaning there is a major risk of investment being lost to York unless new sites come forward.

**From:** [REDACTED]  
**Sent:** 07 July 2021 13:10  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 205973

## 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:** CPRENY consider that the GB topic paper addendum has been prepared in line with SA requirements and all statutory regulations and the DtC.

**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:** CPRENY has considered the amended DtC document and consider that the GB addendum document has been properly consulted on and prepared following consultation and work with neighbouring authorities, statutory consultees and interest groups

**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:** CPRENY consider the document is sound meeting the 4 tests as set out in the NPPF

**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’:** NA

**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 13:13  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 205976

## 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?: 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:** CPRENY consider the document is legally compliant

**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:** Having considered the revised DtC document submitted by the Council, CPRENY consider the document does comply with the DtC.

**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 proposed modifications are sound in that they meet the 4 tests as required by the NPPF.

**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?:** 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:**

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[Redacted]

**From:** [Redacted]

**Sent:** 05 July 2021 14:13

**To:** localplan@york.gov.uk

**Subject:** Representations of Gateway Developments (York) Limited [GATELEY-GW.FID5295268]

**Attachments:** PM56 - Local Plan Proposed Modifications Consultation Response Form 2021.pdf; PM62\_63 - Local Plan Proposed Modifications Consultation Response Form 2021.pdf; PM53 - Local Plan Proposed Modifications Consultation Response Form 2021.pdf; 47531172\_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.

Dear Sirs,

As per your request, please find attached our Representations and response forms to supplement our submission regarding Gateway Developments (York) Limited for your attention.

Kind regards,

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[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

05/07/21

<sup>2</sup>Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012.

## 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:

PM56

Document:

EX/CYC/59

Page Number:

All

## 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 plan is not sound because insufficient land is taken out of the Green Belt to meet housing need – see further below and also the separate statement of 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

**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

The approach to the Green Belt boundary fails to reflect the exceptional circumstances that exist to release land from the Green Belt in order to meet housing need. Further Green Belts are needed and the objector's land should be removed from the Green Belt and allocated for housing to meet the overriding level of need.

**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 land at Sim Balk Lane south of York College should be removed from the Green Belt.

**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.

# 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

05/07/21

<sup>2</sup>Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012.

## 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](#)]
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- 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>.

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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:

PM62/PM63

Document:

EX/CYC/58

Page Number:

11 onwards

## 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 plan is not sound and fails to meet housing need – see further below and also the separate statement of 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

**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

The objector's land at Sim Balk Lane south of York College should be allocated for residential purposes in order to meet housing need due to the lack of proposed allocations to address the level of housing required for the City of York over the 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 land at Sim Balk Lane south of York College should be an allocated housing site.

**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.

# 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

05/07/21

<sup>2</sup>Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012.

## 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:

PM53

Document:

EX/CYC/58

Page Number:

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)

The plan is not sound – see further below and also the separate statement of reasons.

## 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 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

The approach of the plan will fail to meet the level of housing required in York over the plan period. Consequently, it is not consistent with plan policy and the proposals in the plan are neither justified nor effective and are not positively prepared. It will fail to meet the NPPF approach to housing delivery and particularly to significantly boosting the supply of housing.

**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 plan should provide for a minimum of 1026 dwellings per annum to meet housing need.

**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.

**REPRESENTATIONS OF GATEWAY DEVELOPMENTS (YORK) LIMITED  
TO CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS JUNE 2021**

**1. POLICY SS1**

- 1.1 The policy provides for a minimum average annual provision of 822 dwellings over the plan period, a total of 13,152. There is an undue level of reliance on the 2018 household projections. The policy should provide for a minimum of 1026 dwellings per annum over the plan period. The level of need is supported by the Housing Needs Update September 2020 and its application of the standard method. It is further supported by the SHMA 2016 which identifies the need for 573 affordable dwellings per annum and an historically low delivery of affordable housing of less than 10% of completions.

**2. GREEN BELT BOUNDARY AND HOUSING ALLOCATION**

- 2.1 Land south of York College and Sim Balk Lane between the new playing pitches and college should be allocated for development in line with our previous representations.
- 2.2 Proposed Modification PM95 proposes to amend the Green Belt boundary to “follow the currently identifiable features of the edge of the sports pitch to the east”. The same logic should be applied to the objector’s land so that the Green Belt boundary is redrawn and taken to the south of the playing fields and along the A64 eastwards to the point in which it intersects with Sim Balk Lane. This creates a clear and defensible Green Belt boundary and allows for the allocation of the Objector’s land to accommodate unmet housing need.
- 2.3 Land south of the A64 is open countryside fields and maintains a clear and distinct separation from the rural setting to Bishopsthorpe and Copmanthorpe. Land to the west comprises the extensive park and ride and beyond that open countryside separating Woodthorpe and Copmanthorpe. Land to the east of the college and Sim Balk Lane provides clear separation from Middlethorpe and Bishopthorpe and to the north comprises the open space of the racecourse. There is no loss of physical separation and the setting of the city will remain materially unchanged.
- 2.4 The proposed allocation does not result in unrestricted sprawl being sandwiched between the existing college buildings and the new playing pitches and the major strategic route of the A64 to the south. Due to its particular location and the separation from Copmanthorpe and Bishopthorpe there is no effect of merging neighbouring towns into one another. There is some limited loss of countryside, but that countryside is already heavily influenced by the scale of the college buildings to the north, the pitches and the strategic highway to the south and the extensive park and ride to the west. Similarly, because of the nature of its specific surroundings the site does not perform any function in preserving the setting or the special character of the City of York. The site has no purpose in assisting with urban regeneration.
- 2.5 Thus, it can be seen that the allocation of the site would not cause demonstrable harm to the purposes of the Green Belt and due to the manner in which it is contained would not result in pressure for any further Green Belt

releases. Rather it is an accessible and sustainable location for development, already having provided access to the adjoining playing field and should be removed from the Green Belt and allocated for housing, there being an exceptional case for doing so, evidenced by the acute housing need and the nature of the site itself.

  
**02 July 2021**

**From:** [Redacted]  
**Sent:** 07 July 2021 17:10  
**To:** localplan@york.gov.uk  
**Subject:** City of York Local Plan - Proposed Modifications - Consultation Response - KCS Chapelfields  
**Attachments:** KCS Chapelfields West - CYC Proposed Mods Form 07-07-21.pdf; KCS Chapelfields CYC Updated Evidence Response - July 2021.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 or Madam,

Please find attached a completed Consultation Response Form and Statement sent on behalf of KCS Development Limited in relation to their ongoing land interests east of Chapelfields, York.

Please could you acknowledge receipt of the attachments.

Kind regards

[Redacted signature block]

# 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.

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# 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 and Topic Paper 1 Addendum EX/CYC/59

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 see further detail in attached response.

Housing Need Update – Fails to meet the full OAHN.

TP1 Addendum – Issues with the methodology; inadequate justification for inclusion of land west of Chapelfields in the Green Belt.

**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 housing requirement. Otherwise recommend that upon Adoption a review of the Local Plan is immediately triggered.

Designate land west of Chapelfields outside the Green Belt.

**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:**

To allow the opportunity to present the case for the delivery and development of the site and to answer any questions of the Inspector.

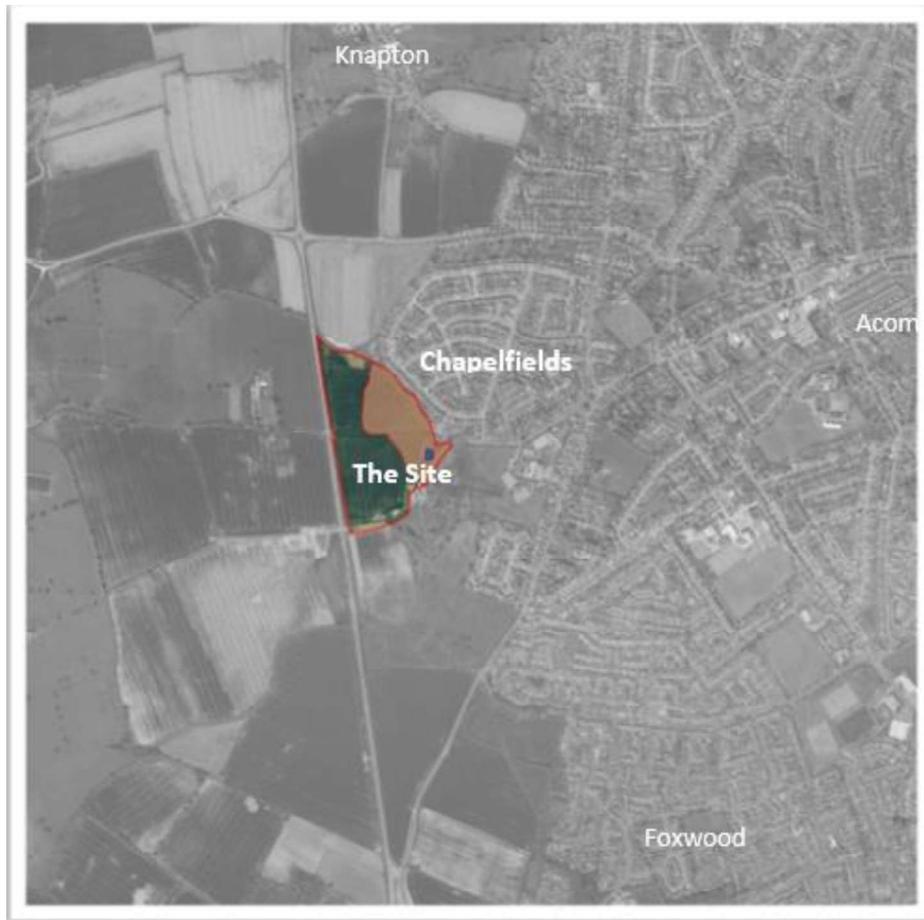
**Please note:** the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

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Representations must be received by Wednesday 7 July 2021, up until midnight.  
Representations received after this time will not be considered duly made.



**JohnsonMowat**  
Planning & Development Consultants



**CITY OF YORK LOCAL PLAN**

**PROPOSED MODIFICATIONS AND EVIDENCE BASE CONSULTATION**

**LAND TO THE WEST OF CHAPELFIELDS, YORK**

**On Behalf of KCS Development Ltd**

**June 2021**



## **CONTENTS**

1. INTRODUCTION
2. HOUSING NEED UPDATE – G L HEARN
3. GREEN BELT EVIDENCE – TP1 ADDENDUM

## **APPENDIX**

1. SITE PHOTOGRAPHS



## 1.0 Introduction

- 1.1 This response has been prepared on behalf of KCS Development Limited in relation to their land interests immediately west of Chapelfields on the western edge of York City. Previous submissions have been made to the various draft Local Plan iterations and Examination Hearing Statements, the content of which remains relevant.
- 1.2 It is maintained that the site at Chapelfields is available for the development of circa 90 dwellings and would create an urban extension to the existing settlement of Chapelfields.
- 1.3 The site at Chapelfields is an appropriate site for housing development given its proximity to key transport infrastructure such as bus routes as well as its proximity to existing services. The removal of this site from the draft Green Belt would result in minimal intrusion into the remaining open draft Green Belt as well as rounding off the settlement pattern creating a positive link with the surrounding countryside.
- 1.4 Despite over 2,000 pages of additional evidence provided as part of the proposed modifications and additional supporting evidence consultation, there is very little new material in the City of York Local Plan. The housing number remains unchanged, and the Council's Green Belt evidence addendum has not altered the approach to allocating sites and defining the Green Belt boundaries. It is not considered that the Green Belt Addendum provides a fully justified reasoning for the resultant Inner Green Belt boundaries.



## 2.0 G L Hearn Housing Needs update, September 2020 – EX/CYC/43a

### 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 We refer to previous comments made to the Proposed Modifications in June 2019 on behalf of KCS Development Ltd which raised concerns regarding the G L Hearn January 2019 Housing Needs Update. The September 2020 Housing Needs Update proposes no further changes 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 We are aware that the Government guidance for the continued use of the 2014-based projections relates to the calculating using the standard method in the updated NPPF, which differs from the City of York Local Plan, which has been submitted and is being examined under the transitional arrangements and against the 2012 NPPF. The housing requirement in the York Local Plan has therefore been calculated using the Objectively Assessed Needs identified through a SHMA. That said, it remains that it would logically apply that the Government's concern with the 2016 and 2018 based projections would also apply to Authorities calculating housing need under the transitional arrangements and OAN calculations.
- 2.5 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.



- 2.6 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 rise, 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.
- 2.7 We are aware that Lichfields have undertaken a critique of the G L Hearn HNA Update which concludes that the housing requirement fails to meet the full OAHN, which is considered to be significantly higher than the Council has estimated. Lichfields consider that a greater market signals uplift should be applied; considers a further 10% uplift would be appropriate to address affordable housing need; proposes an additional 92 dpa for student growth targets; and highlights concerns regarding the calculation of past housing delivery. As a result, Lichfields calculate the Local Plan requirement of 1,111 dpa which is not dissimilar to the 1,013 dpa Standard Method figure.

**Recommendation:**

**In order to make the Local Plan sound, it is recommended that the Housing Requirement in Policy SS1 is increased to a minimum of 1,013 in line with the Standard Method Local Housing Need calculation.**

**Should the Council continue to progress the Local Plan under the transitional arrangements and seek a lower housing requirement it is recommended that upon Adoption, a review of the Local Plan is immediately triggered to ensure the Local Plan is updated in line with the Standard Method and Framework.**

**We continue to recommend that the current undersupply of 512 units is annualised over the first 5 years of the Plan rather than over the Plan Period.**



### 3.0 Green Belt Evidence Update

#### Topic Paper TP1 Approach to defining York's Green Belt - Addendum January 2021 EX/CYC/59

- 3.1 The following section relates to the Green Belt Addendum evidence and highlights the concerns of KCS Development Ltd with the updated evidence and lack of consideration of land west of Chapelfields in defining the detailed Inner boundaries.
- 3.2 Appended to this response are a series of photographs of the site from various views along the Outer Ring Road to the west of the site and from the B1224 Wetherby Road to the north.
- 3.3 The Council through this Local Plan are setting the 'inner boundary' of the Green Belt that envelops the City for the first time. This is **not** a modification exercise that requires exceptional circumstances to be demonstrated to release land for housing that abuts the inner boundary.
- 3.4 The Green Belt TP1 Addendum clarifies the position that no exceptional circumstances are required for any of the Green Belt boundaries as the Local Plan is not proposing to establish any new Green Belt. The York Green Belt is already established and the Local Plan is not, as a matter of general principle, seeking to establish a new Green Belt. The York Local Plan is tasked with formally defining the detailed inner boundary and outstanding sections of the outer boundary of the York Green Belt for the first time. In our view the Council should be actively looking for opportunities to identify sites on the edge of the Urban Area which do not meet Green Belt criteria and require protection, as this is the most sustainable way the City can develop.
- 3.5 Paragraph 85 of the Framework (2012) states that when defining Green Belt boundaries, local planning authorities should not include land which it is unnecessary to keep permanently open, with paragraph 79 stating that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- 3.6 The land at Chapelfields which is being promoted for development, including a significant buffer to the Outer Ring Road, is not considered to be necessary to keep permanently open in order to protect the primary purpose of the York Green Belt, which is to protect the historic setting and character of York.
- 3.7 In considering the Green Belt purposes it is agreed that purpose 2 ("to prevent neighbouring towns merging into one another") does not apply in York, given that it does not have any major towns close to the general extent of the York Green Belt therefore the potential of towns merging is not applicable. It is also established and agreed in the TP1 Addendum that purpose 5 ("to assist in urban regeneration, by encouraging the recycling of derelict and other urban land") is



not considered a purpose of itself which assists materially in determining where any individual and detailed part of the boundary should be set (TP1 Addendum paragraph 5.8 - 5.9).

- 3.8 This leaves 3 purposes which are relevant for determining individual Green Belt boundaries in the City of York.
- To check the unrestricted sprawl of large built-up areas
  - To assist in safeguarding the countryside from encroachment; and
  - To preserve the setting and special character of historic towns.
- 3.9 The primary emphasis is placed on purpose 4 relating to the historic character and setting of York. In this context the site at Chapelfields is defined as lying in an area “Retaining Rural Setting” as identified in Figure 3 of the 2011 Green Belt Appraisal update. The 2003 Green Belt Appraisal analysed broad categories in assessing the historic character and setting in York. The broad category to which land west of Chapelfields relates to in terms of historic character and setting is ‘Areas which provide an impression of a historic City situated within a rural setting.’ It is maintained that the proposed (reduced) small extension to the west of Chapelfields with the proposed retained gap between the urban edge and the Outer Ring Road will not have an impact on rural setting.
- 3.10 Paragraph 5.32 of TP1 states that “The Green Belt Appraisal and Heritage Topic Paper highlight that *compactness* is a key contributor to York’s historic character and setting, with a key feature of the main urban area’s setting being that it is contained entirely within a band of open land set within the York Outer Ring Road, which offers a viewing platform of the city within its rural setting.”
- 3.11 The proposed Chapelfields site would retain open land between the edge of development and the Outer Ring Road, thereby respecting the compactness. Furthermore, as identified by the enclosed photographs of the site taken from the Outer Ring Road, the City is not visible from the Outer Ring Road at this location. There are no long distant views of the City, and certainly no existence of a ‘viewing platform.’ The Outer Ring Road adjacent to the proposed developable area of the Chapelfields site is set at a lower level to the inner open land. It is considered that the proposed developable area west of Chapelfields that has been put forward, with the retention of open land up to the Outer Ring Road as proposed, would not harm the key compactness contributor to the historic setting and character of York.
- 3.12 As evidenced by the photographs – the site is screened by existing landscaping along the inside edge of the Outer Ring Road at this location. There are only glimpses of the site available. It is not considered that the development of this site will detract from the openness, given the lack



of short and long-distance views of the site, and its relationship to the existing densely populated area within the York Outer Ring Road.

- 3.13 The site at Chapelfields aligns with the Council's strategic aims of channelling development towards urban areas and promoting sustainable patterns of development. A small urban extension of circa 90 dwellings, forming a natural extension to the existing urban edge would be contained within the Outer Ring Road and the retention of a landscaped buffer and open undeveloped land would maintain separation between the urban edge and the Outer Ring Road.

#### **TP1 Addendum – Section 8: Methodology – Defining Detailed Boundaries**

- 3.14 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.
- 3.15 In summary, the methodology identifies five criteria with which to assess individual boundaries which fall within the three established relevant Green Belt purposes. Three criteria relate to the primary Green Belt purpose 4 – preserving the setting and special character of historic towns. These are compactness; landmark monuments; and landscape and setting. One criterion is identified against each of the other relevant Green Belt purposes 1 and 3. These are urban sprawl and encroachment. There are a number of questions asked within each of these criteria which form the basis of the individual boundary analysis contained in the Addendum Annexes 3, 4 and 5. The relevant Annex in relation to land west of Chapelfields is Annex 3 (Inner Boundary).
- 3.16 There are criticisms of how the Council's methodology regarding the 5 criteria relates to the bearing of Green Belt purpose 4. For example, in relation to Landmark Monuments, 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. 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.
- 3.17 A criticism of the Methodology for defining detailed boundaries is the lack of explanation for the derivation of the boundaries that are individually analysed against the 5 criteria in the detailed TP1 Annexes. It is not clear how the individual boundaries have been decided. It is not explained in the Methodology Section, nor the individual Annexes and is particularly relevant in the context of land west of Chapelfields. It is considered that the lack of explanation for the



boundary derivation fails the justified and effective soundness tests. Further detail in relation to the individual boundary assessment of Inner Boundary Section 1 Boundary 10 is included later in this response. In short, boundary 10 should have been divided, as there are different characteristics within this boundary, therefore assessing the boundary and its adjacent land as a single entity is inappropriate and results in an incorrect overall conclusion against the criterion.

- 3.18 A further criticism of the Methodology is the lack of consideration of the potential development put forward and the potential for an alternative boundary which allows for appropriate development to be accommodated in the longer term. Whilst baseline mapping is referenced in TP1 Section 8 methodology, including ground data, topography and key approaches and access routes, there is no reference to the consideration of proposed development put forward by interested parties. For example, whilst the land at Chapelfields has been put forward as a site that extends to the Outer Ring Road, the information submitted identifies a potential developable area that is much smaller, and closely contained as a small extension to the existing built edge with the inclusion of a landscaped buffer and undeveloped area up to the Outer Ring Road. This level of detail does not appear to have been considered in the assessment of defining detailed boundaries.
- 3.19 The methodology 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. TP1 currently only assesses boundaries.
- 3.20 Proposals put forward by KCS Development Limited will result in the retention of a gap between the urban edge and the Outer Ring Road, the 'containment' and 'compactness' of the urban area will be maintained, and it is considered that the openness will not be compromised.

#### **TP1 Annex 1**

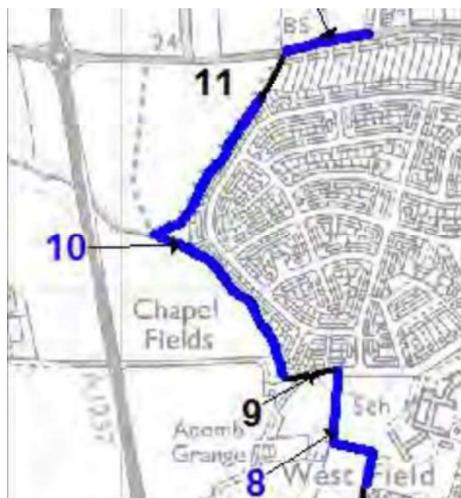
- 3.21 Within TP1 Addendum Annex 1, there are a number of baseline maps that have been prepared as a desktop exercise. We are informed that Annex 1 is a starting point to identify accessibility to different parcels of land on the periphery of the urban area, and that "they have also provided an indication of where these routes might form "open approaches" from which views might be important in enhancing the understanding or significance of York."
- 3.22 The land west of Chapelfields promoted by KCS Development Ltd is barely visible when travelling along the A1237 Outer Ring Road as evidenced in the site photographs (at Appendix 1). Whilst the Outer Ring Road is identified on Annex 1 Figure 6 as a 'Main Road Approach', the site itself is barely visible from the Outer Ring Road, nor is the extent of the rest of the City further east.

3.23 In relation to ‘Historic Core Views Analysis of Long Distance Views’ (Annex 1 figure 13a), the land west of Chapelfields is not crossed by any panoramic, key or general views. There are a number of panoramic, dynamic, general and key views identified in figure 13b, including a selection of views from the Outer Ring Road. The land west of Chapelfields is not contained within any of these city-wide views.

**TP1 Annex 3 Inner Boundary – Section 1**

3.24 The relevant boundaries that have been assessed against the 5 criterion set out in the Methodology for the Chapelfield developable area are Inner Boundary Section 1, Boundaries 9 and 10.

3.25 As previously referred, we have concern with how boundary 10 has been defined. This boundary wraps around the western boundary of properties on Chapelfields Road as shown overleaf.



3.26 The proposed small urban extension is located to the immediate west of the southern portion of Boundary 10.

3.27 From aerial imagery overleaf it is clear that the land between the existing urban edge of Chapelfields Road and the Outer Ring Road is in two distinct parcels, separated by hedging leading from the western most tip of the urban edge to the Outer Ring Road. The proposed development west of Chapelfields only relates to the southern portion of boundary 10. It is considered Boundary 10 should have been divided into two separate boundary's for assessment against the 5 criterion. The two distinct parcels are different in character, and their separate consideration against the 5 criterion would result in different results. The land adjacent to the northern half of boundary 10 is more visible from the Outer Ring Road and Wetherby

Road, whereas the southern portion, which is subject to the proposed urban extension, is significantly less visible from the Outer Ring Road and Wetherby Road due to a number of factors, topography, roadside screening and intervening development.



- 3.28 Land in the southern portion of boundary 10 (which includes the proposed developable area) is not visible from the Outer Ring Road, or the B1224 Wetherby Road due to existing screening on the Outer Ring Road when looking east, and existing development screens the developable area from Wetherby Road to the north. The Green Belt analysis in TP1 Addendum Annex 3, does not pick up on this nuance, as boundary 10 is considered as a whole.
- 3.29 The proposed developable area immediately adjacent to the southern portion of boundary 10 has been reduced throughout the lengthy Local Plan process, with the initial proposals extending development west up to the A1237 Outer Ring Road, with a capacity of 200 dwellings. The Council's Technical Officer Assessment of the then larger site at the early stages of the Local Plan preparation concluded that "some extension of Chapel Fields may be viable but not the extent proposed in the submitted material." The proposed developable site area was then significantly reduced, with the current proposed capacity being 89 dwellings. This results in a well contained site, which will maintain a significant rural gap between an extended settlement edge and the Outer Ring Road.

**Boundary 10 Assessment**



- 3.30 No consideration has been given to the creation of a new, more defensible Green Belt boundary by extending the urban edge at this location. The following text analyses the Council's assessment of boundary 10 against the 5 criterion outlined in the Methodology.

Criterion 1 – Compactness:

- 3.31 The alternative Green Belt boundary which would contain a small urban extension west of Chapelfields will not disturb the understanding of the compact city within the original countryside context. This site is not 'a complete field with no obvious divisions' as described on page 65 of Annex 3 in the context of the criterion 1 assessment. Nor would 'the loss of this boundary take development up to the ring road and remove the view of the dense city in its open rural landscape.' As explained, the proposals would retain a gap.
- 3.32 The Criterion 1 analysis states that "further development in this area would bring development closer to Bland Lane to the north of Wetherby Road. Bland Lane is one of the historic lanes leading to the village of Knapton ..." The proposed urban extension would not bring development closer to Bland Lane as it is contained in an enclave of existing built development adjacent to the southern half of Boundary 10. This error reinforces the point already made that the proposed development has not been considered in this analysis, and also reinforces the point that Boundary 10 should be considered as two individual boundary's.
- 3.33 Reference made to 'moving along Wetherby Road into the City (a key open approach), there is a need to maintain openness' is not applicable to the southern portion of Boundary 10. As evidenced in photographs 1 and 2, the proposed developable area is not visible from Wetherby Road as a result of the existing development on Chapelfields Road which projects westwards and obscures views of the developable area from Wetherby Road.

Criterion 2 – Landmark Monuments:

- 3.34 As stated in the Boundary 10 assessment, this criterion is not applicable. This is agreed.

Criterion 3 – Landscape and Setting:

- 3.35 Again, there is an error in the assessment of boundary 10 against this criterion, which describes the land west of the boundary as one large field. It is not. It is two separate fields. The assessment describes the land contributing "to the open approach of the A1237 and connects to the wider countryside beyond the Outer Ring Road through a sense of openness, visual links and farm tracks."
- 3.36 KCS Development Limited disagree with this analysis. As evidenced by the site photographs (photographs 7 and 8), land immediately adjacent to the southern half of boundary 10 is not

visible from the A1237 due to roadside screening and the fact that the road is set below the level of the adjacent land. The small urban extension would be barely visible when travelling along the A1237 and the 'open approach' would not be compromised.

Criterion 4 – Urban Sprawl:

- 3.37 The analysis against this criterion again incorrectly refers to there being no internal field boundaries. It also refers to the likelihood of development continuing up to Wetherby Road. This is not being proposed. Reference is also made to the risk of sprawl in relation to the proximity of Knapton to the north west. This is not considered to be the case given that the proposed developable area is contained adjacent to the southern portion of boundary 10 and would not project any further westwards than existing development off The Burn to the immediate north. The below extract of the proposed urban extension demonstrates this.



- 3.38 Furthermore, of relevance, over recent years KCS Development Ltd has worked very closely with the Rufforth and Knapton Neighbourhood Plan and has reached a stage with them where there is agreement between the parties that the Neighbourhood Plan Team agree that if Green Belt release is required within the Parish to meet York's housing target then this site is their preferred option. Although the Neighbourhood Plan does not identify the site as a housing allocation it states that it is the least damaging in terms of outlook and access to services and



if the City of York requires additional land to the west of the City to meet housing requirements (which we consider to be the case) the Neighbourhood Plan team may be prepared to reconsider this site.

- 3.39 It is not agreed that the existing rear curtilages of properties on Chapelfields Road forms a robust boundary, and it is considered that the proposed developable area to form a small extension west of Chapelfields provides the opportunity to create a much more defensible green belt boundary with a legible landscaped buffer, which would create a backstop to development, and maintain a gap between the urban edge and the Outer Ring Road, hence protecting the 'rural setting' of the City and preventing further sprawl.

Criterion 5 – Encroachment:

- 3.40 It is maintained that the scale of the proposed small extension to the immediate west of Chapelfields, adjacent to the southern portion of Boundary 10 will not result in significant encroachment into the countryside. The developable portion of the site is not visible from the Outer Ring Road and a gap between a new urban edge and the Outer Ring Road will be retained, with substantial landscaping.

Local Permanence:

- 3.41 The assessment refers to considering alternative boundary's and refers to the nearest next potential boundaries being the Outer Ring Road and Wetherby Road. The alternative boundary around a small urban extension west of Chapelfields has clearly not been considered here. A new boundary, including a landscaped buffer will contain a small urban extension, protect the compactness, and retain a gap between the urban edge and the Outer Ring Road.

**Conclusions**

- 3.42 The detailed analysis of the Council's TP1 Addendum update has found that there are flaws in the approach taken. The boundary's assessed have not been justified. The boundaries chosen have led to flawed analysis and incorrect conclusions as there is an attempt for one Conclusion to cover two very different parcels of land. The fair consideration of alternatives does not appear to have been taken into consideration. The proposed developable area west of Chapelfields is located in a sustainable location, and would align with the growth focus towards the urban area.
- 3.43 Concerns have been highlighted with the Council's Housing Need Update and it is considered that the Local Plan housing requirement (790 dpa) fails to meet the full OAHN. Should it be determined through the Examination process that the housing requirements of the Local Plan



are required to be increased, the land west of Chapelfields should be included as a suitable and deliverable site to meet this need.

- 3.44 There is the opportunity here to create a longer-term Green Belt boundary by including an urban extension west of Chapelfields and creating a robust, defensible and legible Green Belt boundary. The site photographs have highlighted the lack of visibility of the developable portion of this land west of Chapelfields, and it is maintained that a small urban extension would not have a detrimental effect to the setting of the historic City but could deliver a sustainable residential allocation.



## APPENDIX ONE

Photographs of land west of Chapelfields, taken from A1237 and B1224.

1.



4.



2.



5.



3.



6.



Photographs of land west of Chapelfields, taken from A1237 and B1224.

7.



8.



7.



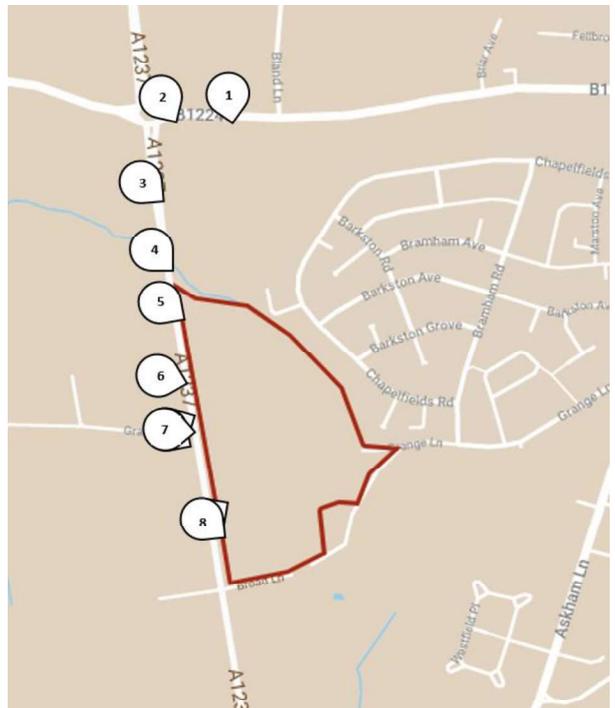
8.



7.



Camera Positions



**From:** [REDACTED]  
**Sent:** 05 July 2021 15:25  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, INDIVIDUAL - reference: 205338

## 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

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## About your comments

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

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## Your personal information

**Title:** Mr

**Name:** Martin Moorhouse

**Email address:** [REDACTED]

**Telephone:** [REDACTED]

**Address:** [REDACTED]

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## 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)

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## 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:** No true consultation has taken place with the residents and elected representatives of Elvington

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## **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:** No true consultation has taken place with the residents and elected representatives of Elvington

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## **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:** EX/CYC/59f: Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other Developed Areas. I refer to Elvington Airfield Business Park page 112 where the Greenbelt proposal is inconsistent and at odds with proposals elsewhere in draft documents. I note that this later paper retains SP1 within the Greenbelt whereas other papers within the overall plan documents propose its removal from Greenbelt. I believe it correct to retain SP1 within Greenbelt. Should SP1 not remain within the Greenbelt then I again request that, in the interests of equality and non-discrimination, then the adjoining residential properties (Oaktrees, Brinkworth Hall, Brinkworth Park House, The Old Coach House and Brinkworth Lodge and for consistency Hazel Lodge)) are also be removed from Greenbelt. Assuming the SP1 remains within Greenbelt then SP1 ceases to be an acceptable use of Greenbelt under various items of legislation and national policy and thus, should itself, be removed from the Plan.

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## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:** SP1 to be removed from the entire plan

**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:**

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## Supporting documentation

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

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[Redacted]

**From:** [Redacted]  
**Sent:** 06 July 2021 14:02  
**To:** localplan@york.gov.uk  
**Subject:** CYC proposed mods 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

Thank you for providing us with the opportunity to comment on the proposed modifications to the York Local Plan.

As a part of the Duty to Cooperate, discussions have been ongoing between Selby District Council and the City of York Council throughout the preparation of the Local Plan. Arising from these discussions is an agreement that both Selby and York will meet their own objectively assessed housing need within their own authority boundaries. This position has been formalised by Selby (and York) and all other Local Authorities comprising the Leeds City Region through the Leeds City Region Statement of Common Ground (March 2020), which sets out that:

- The unique geography of the City Region determines that partner Councils have a close, but not dependent, relationship on each other for accommodating housing need; and
- That each Local Planning Authority is planning for their own needs within their own boundaries. For the avoidance of doubt this means that there is no housing shortfall or distribution of unmet need required.

It is noted that the new evidence base produced for the City of York Council includes a housing figure of 822 dwellings per annum (Housing Needs Update, September 2020). This differs significantly from the standard methodology figure of 1,026 dwellings per annum.

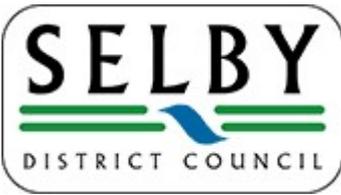
In light of the new evidence base, the standard method and York's complex housing supply position and to ensure that the agreed position of meeting need is delivered, it is essential that the Inspectors are confident that City of York can meet their own housing need within their own authority boundary. Whilst we are aware that City of York Council are being tested under the NPPF transitional arrangements, we wish to seek assurances that City of York Council are able to meet their future housing needs without impacting on Selby District.

If you should wish to discuss this, please contact [Redacted]  
[Redacted]

Regards

[Redacted]

[Redacted]



**From:** [REDACTED]  
**Sent:** 07 July 2021 12:20  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, THIRD PARTY - reference: 205960  
**Attachments:** York\_LP\_Proposed\_Modifications\_and\_Evidence\_Base\_Consultation\_Statement\_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 another individual

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## Third party submission details

Title of person completing form: Miss

Name of person completing form: Laura Fern

Contact email: [REDACTED]

Contact telephone: [REDACTED]

Title of the person you are representing: Mr

Name of the person you are representing: Jolyon Harrison

Address of the person you are representing: [REDACTED]  
[REDACTED]

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## 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)

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## 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:** Please refer to previous representations submitted by Airedon during the Local Plan Examination.

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## 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:** Please refer to previous representations submitted by Airedon during the Local Plan Examination.

---

## 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:** Please see the Statement prepared by Airedon Limited on behalf of Mr J Harrison, submitted with this form.

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## Your comments: Necessary changes

**I suggest the following changes to make the Local Plan legally compliant or 'sound':** Please see the Statement prepared by Airedon Limited on behalf of Mr J Harrison, submitted with this form.

**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:** Airedon Limited participated in the first set of hearing sessions on behalf of Mr J Harrison. Some of the further evidence base documents submitted by the Council have been prepared as a direct response to

Airedon's input into the hearing sessions and it would therefore be prudent for Airedon to be represented during the next set of hearing sessions.

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## **Supporting documentation**

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

York\_LP\_Proposed\_Modifications\_and\_Evidence\_Base\_Consultation\_Statement\_July\_2021.pdf

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**AIREDON**  
PLANNING & DESIGN

## York Local Plan Examination

Proposed Modifications and Evidence Base  
Consultation Statement

Mr J Harrison

July 2021





## **Proposed Modifications and Evidence Base Consultation**

### **1.0.1 Summary of representations:**

- **The Council has failed to apply its own methodology in assessing housing sites for potential site allocation through the site selection process. This failure of the Council to undertake a proper, objective assessment of the sustainability of sites coming forward for potential allocation fails to meet the requirements of national planning policy and renders the plan unsound. Furthermore, the Council has failed to provide justification for its methodology relating to the upper site size threshold (35ha) leading to a flawed evidence base and unsound Sustainability Appraisal.**
- **The Council has identified how the Green Belt was assessed at the start of the plan process, but then either failed to make the results sufficiently clear to follow, or simply ignored the findings when allocating land for development. The alternative is that the Green Belt assessments were insufficient as they only considered existing development and they were never designed to help to guide where development might be acceptable in the future. This means that there are allocations that do not follow the guidance which is set for existing development and there is no logic to the process. Similarly, whilst it is noted that Green Belt boundaries should follow established physical boundaries, in a number of cases they follow lines that have been drawn across fields where there is no physical boundary and there never has been a physical boundary even in the past. Some of the boundaries following field boundaries are also not acceptable as there are no physical features apart from the division between crops. The result is a Plan which fails to give sufficient weight to existing Green Belt land and will not give sufficient protection to Green Belt land in the future due to poorly considered decisions during the plan process.**
- **The Plan is fundamentally flawed. The only reasonable action that should be taken is a complete restructure of the Plan and to start again in the Plan making process.**



**Audit trail of sites submitted and assessed between 35-100 hectares (EX-CYC-37)**

- 1.1.1 As stated within previous representations submitted on behalf of Mr J Harrison, the general principle of York’s Sustainability Appraisal appears to be sound but the document(s) have been produced on the basis of a flawed evidence base and so cannot reasonably come to the correct conclusions in terms of assessing and testing of reasonable alternatives. This continues to be the case despite the further evidence and justification produced as part of the Council’s audit trail document, which cements our thoughts entirely. The Sustainability Appraisal and therefore the Plan itself is flawed and unsound on that basis.
- 1.1.2 Table 1 below provides a timeline of documents produced to support the preparation of the Local Plan in relation to the Council’s site selection methodology. It identifies the threshold site size used at that point in time to determine the sites to be fast tracked through the site selection process due to their apparent capability of accommodating on site facilities and services. The table also shows how the preparation of the various documents sits alongside the consultation exercise undertaken in respect of the Publication Draft Local Plan and the submission date of the Local Plan for Independent Examination.

*Table 1:*

Evidence document / consultation	Reference	Threshold
Site Selection Paper (2013)	SD072A (Para. 15.1)	100ha
Further Sites Consultation (2014)	SD015	No reference to threshold
Site Selection Paper Addendum (2014)	SD073	No reference to threshold
Publication Draft Sustainability Appraisal (February 2018)	CD008 (Table 2.7)	100ha
Sustainability Appraisal Addendum (April 2018)	CD011	No reference to threshold
Publication Draft Local Plan Consultation (21 <sup>st</sup> February – 4 <sup>th</sup> April 2018)		
Strategic Housing Land Availability Assessment (May 2018)	SD049A (Para. 2.3.14)	35ha
Local Plan submitted for Examination (25 <sup>th</sup> May 2018)		



CYC Examination Hearing Statement	EX/HS/M2/SD/0/CYC (Para. 2.9.10)	35ha
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- 1.1.3 Whilst it is acknowledged that amendments to the Local Plan can be made following the final consultation and prior to submission for Examination, the site threshold used in the preparation of the Local Plan is particularly important and should have been in place and correct throughout the Plan making process. Throughout the entire course of the preparation of the Local Plan, the threshold for larger sites exempt from the criteria based assessment has been 100ha. Only at the very last opportunity did CYC make the decision to significantly reduce the threshold to 35ha. This conveniently occurred after Airedon highlighted, in previous representations, the failure of the Council to apply its own site selection methodology in the assessment of ST14, which fell below the 100ha threshold but above the later 35ha threshold.
- 1.1.4 The failure in the Council's approach to this issue is amplified by the inconsistency between the May 2018 SHLAA and the submitted February 2018 Publication Draft Local Plan Sustainability Appraisal. On the one hand the Sustainability Appraisal, a key document in determining the soundness of the Local Plan, identifies the threshold to be 100ha and on the other hand the later SHLAA identifies the threshold to be 35ha, which is the figure that has since been put forward in further evidence base documents such as the Audit Trail, which is the subject of this consultation.
- 1.1.5 Paragraph 2.18 of the Audit Trail evidence base document seeks to provide justification for the very specific 35 hectare threshold applied and indeed amended from the previous 100 hectare threshold. The paragraph states that a number of factors contributed to the change, including the evolution of sites submitted at each consultation stage, technical evidence by the Council and submitted by developers, as well as iterative and collaborative working between Officers and site developers, and ongoing engagement in meetings and workshops.
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- 1.1.8 A site of approximately 35ha would be capable of bringing forward just 1,225 dwellings based on a density of 35dph without taking account of the provision of infrastructure and on-site



facilities and services. It is therefore impossible to suggest that a site of 35ha would be capable of bringing forward the level of facilities and services required to create a self-sustaining settlement with a minimum of 1,500 homes as suggested by the Council's reference to the national publication mentioned above.

1.1.9 Furthermore, as an example, ST14 at 55ha in size is only proposed to bring forward 1,348 homes, which is below the minimum threshold of 1,500 dwellings.

1.1.10 In summary, we reiterate the point that the Council has failed to apply its own site selection methodology in a fair, transparent and objective way, resulting in ST14 (land west of Wigginton Road) being put forward for strategic allocation when it should have failed at the initial stage of the process. This failure of the Council to undertake a proper, objective assessment of the sustainability of sites coming forward for potential allocation fails to meet the requirements of national planning policy and renders the plan unsound.

1.1.11 Furthermore, the 35ha threshold imposed by the Council is unrealistic. The threshold has been used to identify the sites which are large enough to provide their own on-site services and facilities, therefore deemed to be self-sustaining. It has been demonstrated above that 35ha is far below the size required to provide such a development and the Council's evidence base is therefore flawed which has led to an unsound Sustainability Appraisal of the Local Plan and its policies, and ST14 being incorrectly deemed appropriate for allocation.



**Topic Paper 1: Approach to defining Green Belt Addendum, January 2021 [EX/CYC/59]  
and associated Annexes [EX/CYC/59a – EX/CYC/59j]**

*Green Belt – initial assessment and processes.*

- 1.2.1 The 2014 NPPF (Paragraph 165) makes it clear that ‘planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area’. This paragraph also suggests that the sustainability appraisal should be integral and should ‘consider all the likely significant effects on the environment, economic and social factors’.
- 1.2.2 Paragraph 167 indicates that assessments should be proportionate but should be started early in the plan-making process. Paragraph 169 – 170 also indicate that the Historic environment should also be considered, as well as landscape character assessments, particularly ‘where there are major expansion options assessments of landscape sensitivity’.
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- 1.2.4 ‘Defining Green Belt’ produced in January 2021 clearly sets out how the Green Belt was taken into consideration in shaping the Preferred Options Stage. Paragraph 4.58 indicates that a ‘balanced’ approach would be taken, to protect and enhance the city’s built and natural environmental assets, avoiding significant negative effects and delivering economic growth. As a result (Paragraph 4.61) Option 1 of spatial distribution of growth was taken forward which would prioritise development within and/ or as an extension to the urban area and through the provision of a single new settlement.
- 1.2.5 It is therefore not surprising that the Wiggington Road site (ST14) was, at the Preferred Options Stage, clearly designed to be an extension to the urban area, and the one new settlement was ST15.
- 1.2.6 However, the Jan 2021 document also identifies (Paragraph 5.32) that:

“The Green Belt Appraisal and Heritage Topic Paper both highlight that compactness is a key contributor to York’s historic character and setting, with a key feature of the main urban area’s setting being that it is contained entirely within a band of open land set within the York Outer Ring Road, which offers a viewing platform of the city within its rural setting. This is illustrated



by the density analysis above. The shape and form of the surrounding villages are also identified as being compact and part of a distinct settlement pattern.”

- 1.2.7 Clearly this aspect of the Green Belt assessment was not carried through in a clear enough form in the assessment documents as it would have prevented the extension of ST14 over this essential open space around the main urban area which apparently both previous assessments identified as critical to the York Green Belt. However, the various Green Belt assessments clearly identify areas between the ring road and other development where land ‘prevents coalescence’ or creates a countryside setting for the city.
- 1.2.8 Having allocated a sustainable urban extension, that would provide a significant level of population that would support services and was connected to existing services and facilities inside the ring road. However, having failed to realise that it was precluded by the apparently identified need to retain open land around the main urban area, it might be thought that this should have triggered a significant reconsideration to be made.
- 1.2.9 Instead of this, the ST14 site was simply trimmed down so that it was further from the ring road to an arbitrary line and did not encroach upon the new area that ‘prevented coalescence’ to the east of Skelton. However, this means that the resultant settlement did not meet the original spatial distribution principles set out in the early stages of the plan and did not meet the sustainability requirements set at that stage. The site was significantly smaller than the ‘sustainable’ size identified (100ha at the time) and was no longer within the required distance of services and facilities.
- 1.2.10 At this stage one might have assumed that an assessment that looked at ST14 as though it was a settlement should be considered in relation to development in the Green Belt. Development on the southern side of Skelton is a modest 2 storey in height. Despite this, the early Green Belt assessments show that there is a need for a gap between the southern side of Skelton and the ring road of at least 1km. Although new development at ST14, if it is allowed to go ahead, is unlikely to be as low-level and will probably be 2.5 / 3 storeys, as is common for new development, the set back from the ring road is less than 600m. It is logical that, if development to the south of Skelton would result in coalescence, development that is closer than that to the main urban area would cause coalescence: there are no other circumstances that suggest that there should be a wider gap to the south of Skelton than ST14 in landscape terms.
- 1.2.11 If, however, development can be accommodated within 600m of the ring road, it is questionable whether all of the area to the south of Skelton (or within any other of the ‘areas



preventing coalescence or creating the countryside setting of the urban area) have been properly assessed in the original Green Belt assessment.

- 1.2.12 Indeed, it could be argued that it would be more logical to extend Skelton by some 400m to the south and extend it to the east of its current position: this would result in the extension of an existing urban area that would be much more sustainable, support existing services and facilities, and also accord with the original Spatial Growth option that was adopted at the start of the process. Similarly, there may be many other options for sustainable extensions that have not been properly considered due to the initial Green Belt assessment of existing development.
- 1.2.13 Alternatively, the original Green Belt assessment might be correct in identifying that it is necessary to keep 1000m between the ring road and any new development. In this case, ST14 would need to lose about half its length from north to south.
- 1.2.14 This indicates that the initial Green Belt assessment was not correct in its assessments or that the changes to ST14 after the Proposed Options stage do not meet the requirements that are set out in that assessment. It also clearly identifies that the York Local Plan process did not follow the processes set out in the Spatial Options and / or Green Belt Assessment if the Green Belt assessment identified a green ring around York as identified in the January 2021 document.
- 1.2.15 This also highlights an important aspect of the Green Belt Assessment. The Green Belt assessment was carried out to determine where the 'important' parts of Green Belt were to existing development: it did not ascertain whether parts of the Green Belt would be badly impacted if developed in other parts of the Green Belt. This led to the fundamental mistake of allocating an extension to York on the Wiggington Road site which contradicted the need to retain open land around the ring road. Clearly the initial report did not highlight this need sufficiently clearly for it to be taken into account at initial allocation stages. However, having made this mistake, no subsequent assessments have properly assessed whether the positive attributes of the Green Belt around York will be adversely affected by the proposed allocations.

#### *Views*

- 1.2.16 In relation to the allocation of ST14, the assessment indicates: "The Minster is visible from Manor Lane nearby however and views towards the core may be afforded from the higher patches of ground on site. Views of the Minster may be obstructed by existing and new development." The assessment fails to note that there is a public bridleway that runs along



the field boundary a field away from the northern edge of ST14. This bridleway offers access from Manor Lane, where views are restricted due to hedges etc, to Wiggington to the east, cutting off a longer road loop. The route offers attractive access through the countryside, with views of the Minster over the site of ST14. This will be completely changed by the proposed development with all views of the Minster lost.

### *Boundaries*

1.2.17 Paragraph 5.40 of the January 2021 'Approach to Defining Green Belt' identifies that a series of Strategic Principles were drawn up which 'inform subsequent stages of the methodology, in particular the detailed boundary setting exercise'. These include:

- SP1 - The primary purpose of the York Green Belt is to "safeguard the special character and setting of the historic city" (dealt with above in relation to the green ring identified as important around the main urban area);
- SP11 - Where new sites for development are identified these should be those which cause the least harm to the primary purpose of the York Green Belt and have regard to sustainability objectives expressed through the local plan strategy. (dealt with regarding to the environmental assessment); and
- SP13 - Detailed boundaries will be defined clearly, using physical features that are readily recognisable and likely to be permanent.

1.2.18 From this it is clear that the aim of the Plan is to define Green Belt boundaries that follow 'physical features that are readily recognisable'. This would suggest that boundaries such as hedge lines, rear boundaries to properties, railway lines, rivers and roads would all be features that might be considered as appropriate, if they formed a sufficiently significant feature that they are 'likely to be permanent'.

1.2.19 An example, below, shows how York have sought to implement this in relation to a new settlement, ST14, perhaps the easiest boundary to assess as it necessarily does not involve residential curtilages of varying sizes or other existing development that needs to be considered in relation to whether it should lie within or outside the Green Belt and adjoining settlement.

1.2.20 In relation to ST14, the boundaries are marked out on the plan following roughly the northern, eastern, southern, and western boundaries. Boundary 1 is said to 'follow historic field boundaries shown on 1852 OS Map'. This is rather a surprising statement as there is an



existing hedge line on this boundary – so the proposed boundary does follow an existing hedge line which is not an unreasonable boundary. Whilst the fact that the hedge line was there in 1852 shows that the hedge line has been there a long time, it does not result in more ‘permanence’ as in reality the hedge line to the north would be equally as good – or the one to the north of that – or the one beyond that. Realistically, this hedge line does not provide a boundary that is likely to restrict development which can simply be added on to the north of the proposed settlement when it is proven that the settlement at its current size, cannot provide a sustainable new settlement.

1.2.21 In relation to Boundary 2, along the eastern side of the proposed settlement, the assessment suggests: “This boundary follows the alignment of the Nova Scotia Plantation, identified on historical maps.” Whilst this is true for most of the boundary, the top section does not follow the edge of the plantation, it follows a hedge leading into it (although this is a good boundary with mature trees). However, to the south, the allocation continues further to the south than the plantation, but continues the alignment of the edge, cutting across a field. This follows a line that is not the edge of the plantation, is not the edge of an existing field, and does not even appear on any historical maps and does not, therefore, follow a physical feature that is readily recognisable and is therefore not a suitable Green Belt boundary based upon York’s own assessment.

1.2.22 Boundary 3 ‘follows historic field boundaries shown on 19<sup>th</sup> and 20<sup>th</sup> Century maps’. It is acknowledged that this line is on historic maps. However, the field boundary is mainly marked by a grass strip in between the two fields, with a couple of groups of bushes from the previous hedge which would have once lined this boundary. Even York identify that this boundary is ‘generally undefined on the ground’. Again, this is not a ‘physical feature that is readily recognisable and likely to be permanent’ notwithstanding the fact that it has been a line on a map for a long period of time.

1.2.23 Boundary 4 runs along the western boundary of the site and is said to ‘follow historic field boundaries shown on 19<sup>th</sup> and 20<sup>th</sup> Century Maps’. On the ground the boundary follows a hedge line for much of the distance from the south to the north, with a few mature trees here and there adding a degree of increased permanence to the ‘feature’. The boundary also follows a hedge that runs most of the way along the northern facing part of this boundary. However, the top western section of the boundary is in two parts – the top section runs along a hedge line and then the bottom section crosses a field to meet the intersection between the other fields to the south, resulting in a slight bend to this part of the boundary on the allocation. This part of the boundary follows no feature on the ground at the present time. Both the 1854 and 1950’s maps of this area show that this field is divided into two sections, but the boundary does not run to the intersection of the fields to the south as might be expected, it instead runs

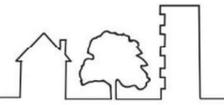


to a point to the east. This means that the allocation boundary in this location is, similarly to the section to the south, running across a field where there are no physical features and there has never been a boundary. Again, this does not accord with York's own methodology.

- 1.2.24 Of the four boundaries to this proposed site, only one is identified in the boundary assessment as offering permanence (the eastern boundary) and this boundary itself has a section that runs across a field, following no physical feature nor any line on an historic map. None of the other boundaries are identified as offering permanence in York's own assessment, and part of one cuts across a field and does not follow an historic field boundary. This does not accord with York's own methodology of boundary assessment and does not give any confidence that any of the Green Belt boundaries have been properly assessed or will offer the degree of permanence required by the NPPG. York's own assessment accords with this, recognising that "In defining a clear and defensible boundary for the new freestanding settlement, it is recommended that the existing boundaries are strengthened as part of the masterplanning of the site (for example through the creation of landscape buffers) in order to create a holistic single boundary, which acts as a defined and recognisable urban edge which will be permanent in the long term."

#### Conclusions

- 1.2.25 The Green Belt update papers produced in 2021 aim to demonstrate that the Green Belt was properly assessed before the plan was submitted. However, analysis demonstrates that either the documents did not say what the 2021 documents suggest, or that this was ignored in the early allocations in the plan. This led to a fundamental problem – i.e. the urban area of York being extended beyond the ring road at ST14.
- 1.2.26 Furthermore, this highlights the flaw in the process which allowed only the Green Belt importance of land in relation to existing development to be considered. This meant that sites were allocated on Green Belt land that did fulfil important purposes of Green Belt (as the redrawing of ST14 indicates) because parts of the Green Belt where development was being considered were not assessed for importance before sites were allocated.
- 1.2.27 Subsequent redrawing of ST14 boundaries does not apply the same assessment as was carried out to, for instance, land to the south of Skelton – otherwise the less than 600m to the ring road for the current boundary would have had to be increased to at least 1000m. It is unrealistic to expect new development, with no defined boundary to the south, to have less impact than low two storey development set over 1000m from the ring road.



1.2.28 These mistakes are compounded by the failure to follow the clear principles set out in their own documentation on the setting of new Green Belt boundaries, with boundaries being set that have no physical features, and some that do not even follow historic field boundaries.

**From:** [REDACTED]  
**Sent:** 07 July 2021 12:16  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, THIRD PARTY - reference: 205951  
**Attachments:** York\_LP\_Proposed\_Modifications\_and\_Evidence\_Base\_Consultation\_Statement\_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

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## About your comments

Whose views on the consultation documents do your comments represent?: My comments represent another individual

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## Third party submission details

Title of person completing form: Miss

Name of person completing form: Laura Fern

Contact email: [REDACTED]

Contact telephone: [REDACTED]

Title of the person you are representing: Mr

Name of the person you are representing: Jolyon Harrison

Address of the person you are representing: [REDACTED]  
[REDACTED]

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## Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Audit Trail of Sites 35 to 100 Hectares (EX/CYC/37)

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## **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:** Please refer to previous representations submitted in relation to the Local Plan Examination.

---

## **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:** Please refer to previous representations submitted in relation to the Local Plan Examination.

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## **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:** Please refer to the Statement prepared by Airedon Limited on behalf of Mr J Harrison, submitted with this form.

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## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:** Please see the Statement prepared by Airedon Limited on behalf of Mr J Harrison, submitted with this form.

**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:** Airedon Limited participated in the first set of hearing sessions on behalf of Mr J Harrison. Some of the further evidence base documents submitted by the Council have been prepared as a direct response to

Airedon's input into the hearing sessions and it would therefore be prudent for Airedon to be represented during the next set of hearing sessions.

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## **Supporting documentation**

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

York\_LP\_Proposed\_Modifications\_and\_Evidence\_Base\_Consultation\_Statement\_July\_2021.pdf

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**AIREDON**  
PLANNING & DESIGN

## York Local Plan Examination

Proposed Modifications and Evidence Base  
Consultation Statement

Mr J Harrison

July 2021





## **Proposed Modifications and Evidence Base Consultation**

### **1.0.1 Summary of representations:**

- **The Council has failed to apply its own methodology in assessing housing sites for potential site allocation through the site selection process. This failure of the Council to undertake a proper, objective assessment of the sustainability of sites coming forward for potential allocation fails to meet the requirements of national planning policy and renders the plan unsound. Furthermore, the Council has failed to provide justification for its methodology relating to the upper site size threshold (35ha) leading to a flawed evidence base and unsound Sustainability Appraisal.**
- **The Council has identified how the Green Belt was assessed at the start of the plan process, but then either failed to make the results sufficiently clear to follow, or simply ignored the findings when allocating land for development. The alternative is that the Green Belt assessments were insufficient as they only considered existing development and they were never designed to help to guide where development might be acceptable in the future. This means that there are allocations that do not follow the guidance which is set for existing development and there is no logic to the process. Similarly, whilst it is noted that Green Belt boundaries should follow established physical boundaries, in a number of cases they follow lines that have been drawn across fields where there is no physical boundary and there never has been a physical boundary even in the past. Some of the boundaries following field boundaries are also not acceptable as there are no physical features apart from the division between crops. The result is a Plan which fails to give sufficient weight to existing Green Belt land and will not give sufficient protection to Green Belt land in the future due to poorly considered decisions during the plan process.**
- **The Plan is fundamentally flawed. The only reasonable action that should be taken is a complete restructure of the Plan and to start again in the Plan making process.**



**Audit trail of sites submitted and assessed between 35-100 hectares (EX-CYC-37)**

- 1.1.1 As stated within previous representations submitted on behalf of Mr J Harrison, the general principle of York’s Sustainability Appraisal appears to be sound but the document(s) have been produced on the basis of a flawed evidence base and so cannot reasonably come to the correct conclusions in terms of assessing and testing of reasonable alternatives. This continues to be the case despite the further evidence and justification produced as part of the Council’s audit trail document, which cements our thoughts entirely. The Sustainability Appraisal and therefore the Plan itself is flawed and unsound on that basis.
- 1.1.2 Table 1 below provides a timeline of documents produced to support the preparation of the Local Plan in relation to the Council’s site selection methodology. It identifies the threshold site size used at that point in time to determine the sites to be fast tracked through the site selection process due to their apparent capability of accommodating on site facilities and services. The table also shows how the preparation of the various documents sits alongside the consultation exercise undertaken in respect of the Publication Draft Local Plan and the submission date of the Local Plan for Independent Examination.

*Table 1:*

Evidence document / consultation	Reference	Threshold
Site Selection Paper (2013)	SD072A (Para. 15.1)	100ha
Further Sites Consultation (2014)	SD015	No reference to threshold
Site Selection Paper Addendum (2014)	SD073	No reference to threshold
Publication Draft Sustainability Appraisal (February 2018)	CD008 (Table 2.7)	100ha
Sustainability Appraisal Addendum (April 2018)	CD011	No reference to threshold
Publication Draft Local Plan Consultation (21 <sup>st</sup> February – 4 <sup>th</sup> April 2018)		
Strategic Housing Land Availability Assessment (May 2018)	SD049A (Para. 2.3.14)	35ha
Local Plan submitted for Examination (25 <sup>th</sup> May 2018)		



CYC Examination Hearing Statement	EX/HS/M2/SD/0/CYC (Para. 2.9.10)	35ha
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- 1.1.3 Whilst it is acknowledged that amendments to the Local Plan can be made following the final consultation and prior to submission for Examination, the site threshold used in the preparation of the Local Plan is particularly important and should have been in place and correct throughout the Plan making process. Throughout the entire course of the preparation of the Local Plan, the threshold for larger sites exempt from the criteria based assessment has been 100ha. Only at the very last opportunity did CYC make the decision to significantly reduce the threshold to 35ha. This conveniently occurred after Airedon highlighted, in previous representations, the failure of the Council to apply its own site selection methodology in the assessment of ST14, which fell below the 100ha threshold but above the later 35ha threshold.
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facilities and services. It is therefore impossible to suggest that a site of 35ha would be capable of bringing forward the level of facilities and services required to create a self-sustaining settlement with a minimum of 1,500 homes as suggested by the Council's reference to the national publication mentioned above.

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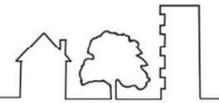


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1.2.21 In relation to Boundary 2, along the eastern side of the proposed settlement, the assessment suggests: “This boundary follows the alignment of the Nova Scotia Plantation, identified on historical maps.” Whilst this is true for most of the boundary, the top section does not follow the edge of the plantation, it follows a hedge leading into it (although this is a good boundary with mature trees). However, to the south, the allocation continues further to the south than the plantation, but continues the alignment of the edge, cutting across a field. This follows a line that is not the edge of the plantation, is not the edge of an existing field, and does not even appear on any historical maps and does not, therefore, follow a physical feature that is readily recognisable and is therefore not a suitable Green Belt boundary based upon York’s own assessment.

1.2.22 Boundary 3 ‘follows historic field boundaries shown on 19<sup>th</sup> and 20<sup>th</sup> Century maps’. It is acknowledged that this line is on historic maps. However, the field boundary is mainly marked by a grass strip in between the two fields, with a couple of groups of bushes from the previous hedge which would have once lined this boundary. Even York identify that this boundary is ‘generally undefined on the ground’. Again, this is not a ‘physical feature that is readily recognisable and likely to be permanent’ notwithstanding the fact that it has been a line on a map for a long period of time.

1.2.23 Boundary 4 runs along the western boundary of the site and is said to ‘follow historic field boundaries shown on 19<sup>th</sup> and 20<sup>th</sup> Century Maps’. On the ground the boundary follows a hedge line for much of the distance from the south to the north, with a few mature trees here and there adding a degree of increased permanence to the ‘feature’. The boundary also follows a hedge that runs most of the way along the northern facing part of this boundary. However, the top western section of the boundary is in two parts – the top section runs along a hedge line and then the bottom section crosses a field to meet the intersection between the other fields to the south, resulting in a slight bend to this part of the boundary on the allocation. This part of the boundary follows no feature on the ground at the present time. Both the 1854 and 1950’s maps of this area show that this field is divided into two sections, but the boundary does not run to the intersection of the fields to the south as might be expected, it instead runs

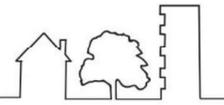


to a point to the east. This means that the allocation boundary in this location is, similarly to the section to the south, running across a field where there are no physical features and there has never been a boundary. Again, this does not accord with York's own methodology.

- 1.2.24 Of the four boundaries to this proposed site, only one is identified in the boundary assessment as offering permanence (the eastern boundary) and this boundary itself has a section that runs across a field, following no physical feature nor any line on an historic map. None of the other boundaries are identified as offering permanence in York's own assessment, and part of one cuts across a field and does not follow an historic field boundary. This does not accord with York's own methodology of boundary assessment and does not give any confidence that any of the Green Belt boundaries have been properly assessed or will offer the degree of permanence required by the NPPG. York's own assessment accords with this, recognising that "In defining a clear and defensible boundary for the new freestanding settlement, it is recommended that the existing boundaries are strengthened as part of the masterplanning of the site (for example through the creation of landscape buffers) in order to create a holistic single boundary, which acts as a defined and recognisable urban edge which will be permanent in the long term."

#### Conclusions

- 1.2.25 The Green Belt update papers produced in 2021 aim to demonstrate that the Green Belt was properly assessed before the plan was submitted. However, analysis demonstrates that either the documents did not say what the 2021 documents suggest, or that this was ignored in the early allocations in the plan. This led to a fundamental problem – i.e. the urban area of York being extended beyond the ring road at ST14.
- 1.2.26 Furthermore, this highlights the flaw in the process which allowed only the Green Belt importance of land in relation to existing development to be considered. This meant that sites were allocated on Green Belt land that did fulfil important purposes of Green Belt (as the redrawing of ST14 indicates) because parts of the Green Belt where development was being considered were not assessed for importance before sites were allocated.
- 1.2.27 Subsequent redrawing of ST14 boundaries does not apply the same assessment as was carried out to, for instance, land to the south of Skelton – otherwise the less than 600m to the ring road for the current boundary would have had to be increased to at least 1000m. It is unrealistic to expect new development, with no defined boundary to the south, to have less impact than low two storey development set over 1000m from the ring road.



1.2.28 These mistakes are compounded by the failure to follow the clear principles set out in their own documentation on the setting of new Green Belt boundaries, with boundaries being set that have no physical features, and some that do not even follow historic field boundaries.

**From:** [REDACTED]  
**Sent:** 07 July 2021 12:25  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, THIRD PARTY - reference: 205962  
**Attachments:** York\_LP\_Proposed\_Modifications\_and\_Evidence\_Base\_Consultation\_Statement\_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

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## About your comments

Whose views on the consultation documents do your comments represent?: My comments represent another individual

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## Third party submission details

Title of person completing form: Miss

Name of person completing form: Laura Fern

Contact email: [REDACTED]

Contact telephone: [REDACTED]

Title of the person you are representing: Mr

Name of the person you are representing: Jolyon Harrison

Address of the person you are representing: [REDACTED]  
[REDACTED]

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## Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 5 Freestanding Sites (EX/CYC/59g)

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## **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:** Please refer to previous representations submitted by Airedon Limited during the Local Plan Examination.

---

## **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:** Please refer to previous representations submitted by Airedon during the Local Plan Examination.

---

## **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:** Please see the Statement prepared by Airedon Limited on behalf of Mr J Harrison, submitted with this form.

---

## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:** Please see the Statement prepared by Airedon Limited on behalf of Mr J Harrison, submitted with this form.

**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:** Airedon Limited participated in the first set of hearing sessions on behalf of Mr J Harrison. Some of the further evidence base documents submitted by the Council have been prepared as a direct response to

Airedon's input into the hearing sessions and it would therefore be prudent for Airedon to be represented during the next set of hearing sessions.

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## **Supporting documentation**

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

York\_LP\_Proposed\_Modifications\_and\_Evidence\_Base\_Consultation\_Statement\_July\_2021.pdf

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**AIREDON**  
PLANNING & DESIGN

## York Local Plan Examination

Proposed Modifications and Evidence Base  
Consultation Statement

Mr J Harrison

July 2021





## **Proposed Modifications and Evidence Base Consultation**

### **1.0.1 Summary of representations:**

- **The Council has failed to apply its own methodology in assessing housing sites for potential site allocation through the site selection process. This failure of the Council to undertake a proper, objective assessment of the sustainability of sites coming forward for potential allocation fails to meet the requirements of national planning policy and renders the plan unsound. Furthermore, the Council has failed to provide justification for its methodology relating to the upper site size threshold (35ha) leading to a flawed evidence base and unsound Sustainability Appraisal.**
- **The Council has identified how the Green Belt was assessed at the start of the plan process, but then either failed to make the results sufficiently clear to follow, or simply ignored the findings when allocating land for development. The alternative is that the Green Belt assessments were insufficient as they only considered existing development and they were never designed to help to guide where development might be acceptable in the future. This means that there are allocations that do not follow the guidance which is set for existing development and there is no logic to the process. Similarly, whilst it is noted that Green Belt boundaries should follow established physical boundaries, in a number of cases they follow lines that have been drawn across fields where there is no physical boundary and there never has been a physical boundary even in the past. Some of the boundaries following field boundaries are also not acceptable as there are no physical features apart from the division between crops. The result is a Plan which fails to give sufficient weight to existing Green Belt land and will not give sufficient protection to Green Belt land in the future due to poorly considered decisions during the plan process.**
- **The Plan is fundamentally flawed. The only reasonable action that should be taken is a complete restructure of the Plan and to start again in the Plan making process.**



**Audit trail of sites submitted and assessed between 35-100 hectares (EX-CYC-37)**

- 1.1.1 As stated within previous representations submitted on behalf of Mr J Harrison, the general principle of York’s Sustainability Appraisal appears to be sound but the document(s) have been produced on the basis of a flawed evidence base and so cannot reasonably come to the correct conclusions in terms of assessing and testing of reasonable alternatives. This continues to be the case despite the further evidence and justification produced as part of the Council’s audit trail document, which cements our thoughts entirely. The Sustainability Appraisal and therefore the Plan itself is flawed and unsound on that basis.
- 1.1.2 Table 1 below provides a timeline of documents produced to support the preparation of the Local Plan in relation to the Council’s site selection methodology. It identifies the threshold site size used at that point in time to determine the sites to be fast tracked through the site selection process due to their apparent capability of accommodating on site facilities and services. The table also shows how the preparation of the various documents sits alongside the consultation exercise undertaken in respect of the Publication Draft Local Plan and the submission date of the Local Plan for Independent Examination.

*Table 1:*

Evidence document / consultation	Reference	Threshold
Site Selection Paper (2013)	SD072A (Para. 15.1)	100ha
Further Sites Consultation (2014)	SD015	No reference to threshold
Site Selection Paper Addendum (2014)	SD073	No reference to threshold
Publication Draft Sustainability Appraisal (February 2018)	CD008 (Table 2.7)	100ha
Sustainability Appraisal Addendum (April 2018)	CD011	No reference to threshold
Publication Draft Local Plan Consultation (21 <sup>st</sup> February – 4 <sup>th</sup> April 2018)		
Strategic Housing Land Availability Assessment (May 2018)	SD049A (Para. 2.3.14)	35ha
Local Plan submitted for Examination (25 <sup>th</sup> May 2018)		



CYC Examination Hearing Statement	EX/HS/M2/SD/0/CYC (Para. 2.9.10)	35ha
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- 1.1.3 Whilst it is acknowledged that amendments to the Local Plan can be made following the final consultation and prior to submission for Examination, the site threshold used in the preparation of the Local Plan is particularly important and should have been in place and correct throughout the Plan making process. Throughout the entire course of the preparation of the Local Plan, the threshold for larger sites exempt from the criteria based assessment has been 100ha. Only at the very last opportunity did CYC make the decision to significantly reduce the threshold to 35ha. This conveniently occurred after Airedon highlighted, in previous representations, the failure of the Council to apply its own site selection methodology in the assessment of ST14, which fell below the 100ha threshold but above the later 35ha threshold.
- 1.1.4 The failure in the Council's approach to this issue is amplified by the inconsistency between the May 2018 SHLAA and the submitted February 2018 Publication Draft Local Plan Sustainability Appraisal. On the one hand the Sustainability Appraisal, a key document in determining the soundness of the Local Plan, identifies the threshold to be 100ha and on the other hand the later SHLAA identifies the threshold to be 35ha, which is the figure that has since been put forward in further evidence base documents such as the Audit Trail, which is the subject of this consultation.
- 1.1.5 Paragraph 2.18 of the Audit Trail evidence base document seeks to provide justification for the very specific 35 hectare threshold applied and indeed amended from the previous 100 hectare threshold. The paragraph states that a number of factors contributed to the change, including the evolution of sites submitted at each consultation stage, technical evidence by the Council and submitted by developers, as well as iterative and collaborative working between Officers and site developers, and ongoing engagement in meetings and workshops.
- 1.1.6 The threshold determined by the Council is significant and changing it so dramatically has the ability to change the shape of the Local Plan entirely when considering the importance of strategic housing sites. At no point has the Council provided any concrete evidence to suggest that the radical, apparent shot-gun decision to alter the threshold is appropriate and justified. Given the lack of evidence, we are skeptical that any real thought has been attributed to it other than a desire to ensure that certain sites are included as allocations despite them failing their own site selection assessments.
- 1.1.7 The paragraph also suggests that Officers were also informed by best practice examples and national publications released such as 'Locally-Led Garden Villages, Towns and Cities' from 2016, which indicated that the size of stand-alone "self-sustaining" garden villages could be from around 1,500 to 10,000 homes.
- 1.1.8 A site of approximately 35ha would be capable of bringing forward just 1,225 dwellings based on a density of 35dph without taking account of the provision of infrastructure and on-site



facilities and services. It is therefore impossible to suggest that a site of 35ha would be capable of bringing forward the level of facilities and services required to create a self-sustaining settlement with a minimum of 1,500 homes as suggested by the Council's reference to the national publication mentioned above.

1.1.9 Furthermore, as an example, ST14 at 55ha in size is only proposed to bring forward 1,348 homes, which is below the minimum threshold of 1,500 dwellings.

1.1.10 In summary, we reiterate the point that the Council has failed to apply its own site selection methodology in a fair, transparent and objective way, resulting in ST14 (land west of Wigginton Road) being put forward for strategic allocation when it should have failed at the initial stage of the process. This failure of the Council to undertake a proper, objective assessment of the sustainability of sites coming forward for potential allocation fails to meet the requirements of national planning policy and renders the plan unsound.

1.1.11 Furthermore, the 35ha threshold imposed by the Council is unrealistic. The threshold has been used to identify the sites which are large enough to provide their own on-site services and facilities, therefore deemed to be self-sustaining. It has been demonstrated above that 35ha is far below the size required to provide such a development and the Council's evidence base is therefore flawed which has led to an unsound Sustainability Appraisal of the Local Plan and its policies, and ST14 being incorrectly deemed appropriate for allocation.



**Topic Paper 1: Approach to defining Green Belt Addendum, January 2021 [EX/CYC/59]  
and associated Annexes [EX/CYC/59a – EX/CYC/59j]**

*Green Belt – initial assessment and processes.*

- 1.2.1 The 2014 NPPF (Paragraph 165) makes it clear that ‘planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area’. This paragraph also suggests that the sustainability appraisal should be integral and should ‘consider all the likely significant effects on the environment, economic and social factors’.
- 1.2.2 Paragraph 167 indicates that assessments should be proportionate but should be started early in the plan-making process. Paragraph 169 – 170 also indicate that the Historic environment should also be considered, as well as landscape character assessments, particularly ‘where there are major expansion options assessments of landscape sensitivity’.
- 1.2.3 The Green Belt updates provided in January 2021 and addendums produced in May 2021 suggest that the Green Belt work was carried out prior to the plan production, despite not being produced until 2021.
- 1.2.4 ‘Defining Green Belt’ produced in January 2021 clearly sets out how the Green Belt was taken into consideration in shaping the Preferred Options Stage. Paragraph 4.58 indicates that a ‘balanced’ approach would be taken, to protect and enhance the city’s built and natural environmental assets, avoiding significant negative effects and delivering economic growth. As a result (Paragraph 4.61) Option 1 of spatial distribution of growth was taken forward which would prioritise development within and/ or as an extension to the urban area and through the provision of a single new settlement.
- 1.2.5 It is therefore not surprising that the Wiggington Road site (ST14) was, at the Preferred Options Stage, clearly designed to be an extension to the urban area, and the one new settlement was ST15.
- 1.2.6 However, the Jan 2021 document also identifies (Paragraph 5.32) that:

“The Green Belt Appraisal and Heritage Topic Paper both highlight that compactness is a key contributor to York’s historic character and setting, with a key feature of the main urban area’s setting being that it is contained entirely within a band of open land set within the York Outer Ring Road, which offers a viewing platform of the city within its rural setting. This is illustrated



by the density analysis above. The shape and form of the surrounding villages are also identified as being compact and part of a distinct settlement pattern.”

- 1.2.7 Clearly this aspect of the Green Belt assessment was not carried through in a clear enough form in the assessment documents as it would have prevented the extension of ST14 over this essential open space around the main urban area which apparently both previous assessments identified as critical to the York Green Belt. However, the various Green Belt assessments clearly identify areas between the ring road and other development where land ‘prevents coalescence’ or creates a countryside setting for the city.
- 1.2.8 Having allocated a sustainable urban extension, that would provide a significant level of population that would support services and was connected to existing services and facilities inside the ring road. However, having failed to realise that it was precluded by the apparently identified need to retain open land around the main urban area, it might be thought that this should have triggered a significant reconsideration to be made.
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1.2.20 In relation to ST14, the boundaries are marked out on the plan following roughly the northern, eastern, southern, and western boundaries. Boundary 1 is said to 'follow historic field boundaries shown on 1852 OS Map'. This is rather a surprising statement as there is an



existing hedge line on this boundary – so the proposed boundary does follow an existing hedge line which is not an unreasonable boundary. Whilst the fact that the hedge line was there in 1852 shows that the hedge line has been there a long time, it does not result in more ‘permanence’ as in reality the hedge line to the north would be equally as good – or the one to the north of that – or the one beyond that. Realistically, this hedge line does not provide a boundary that is likely to restrict development which can simply be added on to the north of the proposed settlement when it is proven that the settlement at its current size, cannot provide a sustainable new settlement.

1.2.21 In relation to Boundary 2, along the eastern side of the proposed settlement, the assessment suggests: “This boundary follows the alignment of the Nova Scotia Plantation, identified on historical maps.” Whilst this is true for most of the boundary, the top section does not follow the edge of the plantation, it follows a hedge leading into it (although this is a good boundary with mature trees). However, to the south, the allocation continues further to the south than the plantation, but continues the alignment of the edge, cutting across a field. This follows a line that is not the edge of the plantation, is not the edge of an existing field, and does not even appear on any historical maps and does not, therefore, follow a physical feature that is readily recognisable and is therefore not a suitable Green Belt boundary based upon York’s own assessment.

1.2.22 Boundary 3 ‘follows historic field boundaries shown on 19<sup>th</sup> and 20<sup>th</sup> Century maps’. It is acknowledged that this line is on historic maps. However, the field boundary is mainly marked by a grass strip in between the two fields, with a couple of groups of bushes from the previous hedge which would have once lined this boundary. Even York identify that this boundary is ‘generally undefined on the ground’. Again, this is not a ‘physical feature that is readily recognisable and likely to be permanent’ notwithstanding the fact that it has been a line on a map for a long period of time.

1.2.23 Boundary 4 runs along the western boundary of the site and is said to ‘follow historic field boundaries shown on 19<sup>th</sup> and 20<sup>th</sup> Century Maps’. On the ground the boundary follows a hedge line for much of the distance from the south to the north, with a few mature trees here and there adding a degree of increased permanence to the ‘feature’. The boundary also follows a hedge that runs most of the way along the northern facing part of this boundary. However, the top western section of the boundary is in two parts – the top section runs along a hedge line and then the bottom section crosses a field to meet the intersection between the other fields to the south, resulting in a slight bend to this part of the boundary on the allocation. This part of the boundary follows no feature on the ground at the present time. Both the 1854 and 1950’s maps of this area show that this field is divided into two sections, but the boundary does not run to the intersection of the fields to the south as might be expected, it instead runs

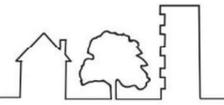


to a point to the east. This means that the allocation boundary in this location is, similarly to the section to the south, running across a field where there are no physical features and there has never been a boundary. Again, this does not accord with York's own methodology.

- 1.2.24 Of the four boundaries to this proposed site, only one is identified in the boundary assessment as offering permanence (the eastern boundary) and this boundary itself has a section that runs across a field, following no physical feature nor any line on an historic map. None of the other boundaries are identified as offering permanence in York's own assessment, and part of one cuts across a field and does not follow an historic field boundary. This does not accord with York's own methodology of boundary assessment and does not give any confidence that any of the Green Belt boundaries have been properly assessed or will offer the degree of permanence required by the NPPG. York's own assessment accords with this, recognising that "In defining a clear and defensible boundary for the new freestanding settlement, it is recommended that the existing boundaries are strengthened as part of the masterplanning of the site (for example through the creation of landscape buffers) in order to create a holistic single boundary, which acts as a defined and recognisable urban edge which will be permanent in the long term."

#### Conclusions

- 1.2.25 The Green Belt update papers produced in 2021 aim to demonstrate that the Green Belt was properly assessed before the plan was submitted. However, analysis demonstrates that either the documents did not say what the 2021 documents suggest, or that this was ignored in the early allocations in the plan. This led to a fundamental problem – i.e. the urban area of York being extended beyond the ring road at ST14.
- 1.2.26 Furthermore, this highlights the flaw in the process which allowed only the Green Belt importance of land in relation to existing development to be considered. This meant that sites were allocated on Green Belt land that did fulfil important purposes of Green Belt (as the redrawing of ST14 indicates) because parts of the Green Belt where development was being considered were not assessed for importance before sites were allocated.
- 1.2.27 Subsequent redrawing of ST14 boundaries does not apply the same assessment as was carried out to, for instance, land to the south of Skelton – otherwise the less than 600m to the ring road for the current boundary would have had to be increased to at least 1000m. It is unrealistic to expect new development, with no defined boundary to the south, to have less impact than low two storey development set over 1000m from the ring road.



1.2.28 These mistakes are compounded by the failure to follow the clear principles set out in their own documentation on the setting of new Green Belt boundaries, with boundaries being set that have no physical features, and some that do not even follow historic field boundaries.