

YORK

CITY OF YORK
Submission Draft
Statement to demonstrate compliance
with the Duty to co-operate
ADDENDUM
September 2019

Contents

1.0	INTRODUCTION	2
2.0	PROPOSED MODIFICATIONS CONSULTATION.....	3
3.0	CONCLUSION.....	12
	APPENDIX 1: UPDATE TO DUTY –TO-COOPERATE MATRIX.....	13

1.0 Introduction

- 1.1 The City of York Local Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 25 May 2018 for independent examination. Inspectors have been appointed by the Planning Inspectorate to conduct the examination into the City of York Local Plan to determine whether it is sound.
- 1.2 In March 2019 a letter was submitted to the Inspectors detailing 'proposed modifications' to the Local Plan, as a result of new evidence. The response letter from Inspectors in May acknowledged the substantial amount of work that had been undertaken and requested a further consultation on the new evidence and proposed modifications. This was due to new evidence being fundamental to the soundness of the Local Plan, particularly the Habitat Regulation Assessment, approach to the Green Belt and the assessed Objectively Assessed Housing Need.
- 1.3 The Local Plan Proposed Modifications consultation took place between 10 June to 22 July 2019. All comments made as part of this consultation will be sent to the Inspectors for their consideration.

Purpose of this Addendum

- 1.4 The purpose of this addendum is to provide an overview of the ongoing joint working to satisfy the requirements of the duty to co-operate (the Duty) in preparing the City of York Local Plan since its submission in May 2018. It provides a summary of the consultation undertaken with prescribed bodies as part of the proposed modifications consultation, setting out who was consulted, the outcomes of meetings undertaken and the responses received to the consultation.
- 1.5 This addendum should be read alongside the full Statement to Demonstrate Compliance with the Duty to Co-Operate (2018) [CD020], which was submitted to the Secretary of State alongside the Local Plan. This set out a detailed explanation of how cross boundary working has influenced the Local Plan, leading to positive outcomes and providing the foundation for proving that the relevant cross-boundary issues have been identified and addressed in showing how the Council has met the requirements of the Duty. The full Statement can be viewed via our Core Document library via our website: www.york.gov.uk/localplanexamination.

2.0 Proposed Modifications Consultation

2.1 The duty to co-operate requires local planning authorities, county councils and prescribed bodies to *'engage constructively, actively and on an ongoing basis [...]* in the preparation of development plan documents, or the preparation of other local development documents, with other local planning authorities. The geographical and functional extent for co-operation is set out in the full Statement to Demonstrate Compliance with the Duty to Co-Operate (2018) [CD020]. In accordance with this, the following local planning authorities, county council, prescribed bodies and other relevant organisations were consulted as part of the proposed modifications consultation:

- Ryedale District Council
- Harrogate Borough Council
- Selby District Council
- Hambleton District Council
- East Riding of Yorkshire Council
- North Yorkshire County Council
- York, North Yorkshire and East Riding Local Enterprise Partnership
- Leeds City Region Local Enterprise Partnership
- West Yorkshire Combined Authority
- Historic England
- Natural England
- Highways England
- Environment Agency
- Homes England
- National Grid
- Network Rail
- Yorkshire Water Services Ltd.
- National Grid Property
- York Teaching Hospital NHS Foundation Trust
- Tees, Esk and Wear Valleys NHS Foundation Trust
- The Coal Planning Authority
- Internal Drainage Board
- North Yorkshire Police
- Yorkshire Ambulance Service

2.2 The consultees listed above were sent an email/letter informing them of the opportunity to comment and details of the consultation web page and where to find more information.

2.3 A summary of the responses received from the above bodies through the City of York Local Plan Proposed Modifications consultation is set out overleaf in Table 1. This is in essence a continuation of Table 4.4 from the full Statement to Demonstrate Compliance with the Duty to Co-Operate (2018) which presents the issues raised by relevant bodies through the Local Plan Preferred Options (2013), the Local Plan Further Sites Consultation (2014), the Preferred Sites Consultation (2016) and Pre-Publication Consultation (2017), in relation to the Duty and resultant outcomes.

Table 1: Summary of Responses to City of York Local Plan Proposed Modifications Consultation pertaining to strategic cross boundary issues (Addendum to Table 4.4 of the D-T-C Statement (2018))

Body	Representation
Ryedale District Council	The District Council fully understand the reasons why land at Strensall is proposed to be removed from the plan and has no objection to this. Notes the proposed modifications to reduce the OAN and the policy mechanism to address historic under delivery. The District Council reiterates its position that the City should meet its own housing needs and has no comments or objection to the proposed modification to the OAN. It will be vital that the City responds to any future under delivery accordingly.
Harrogate Borough Council	There is agreement amongst the Leeds City Region Authorities and North Yorkshire Authorities that each will plan to meet their housing needs within their own local authority boundaries. Harrogate Borough Council is planning to meet in full its objectively assessed need, it is not making provision to deal with undersupply elsewhere. City of York Council will need to satisfy itself that, in light of its refreshed evidence on housing need, the City of York Local Plan will meet the tests of soundness. Harrogate Borough Council has previously raised concerns regarding the longevity of the Green Belt boundary. City of York Council will need to satisfy itself that the approach it is taking will meet the tests of soundness.
Selby District Council	Satisfied that the amended housing figure is underpinned by robust evidence in the form of the updated SHMA which has applied an uplift to take account of economic growth.
Hambleton District Council	Having reviewed the York Green Belt methodology, the revised OAHN for York, the updated Habitats Regulation Assessment and the Proposed Modifications to the local plan and Sustainability Appraisal, confirm that the District Council has no issues to raise with any of these.
East Riding of Yorkshire Council	No objection to the findings of the updated HRA. Would be helpful to include explanation on how the HRA has considered Likely Significant Effects alone and in-combination where necessary and how these have been screened out to allow a clear record of how the HRA has reached its conclusions.
North Yorkshire County Council	Do not wish to question the annual housing provision. It is important that the Local Plan provides sufficient flexibility to enable City of York to deliver its objectives and to fulfil its role as a key economic driver over the plan period and beyond to ensure that York can continue to meet its identified housing needs. Recognising the Plan makes allocations for five years beyond the plan period it is important to make sure that the Plan makes sufficient provision to safeguard land needed to meet the city's growth well beyond the plan period and prevent any future growth detrimentally impacts on services and

Body	Representation
	infrastructure within the County.
York, North Yorkshire and East Riding Local Enterprise Partnership	Response not received.
Leeds City Region Local Enterprise Partnership	Satisfied the Local Plan meets all duty to cooperate requirements. Confirmed the Local Plan and the Proposed Modifications are in general conformity with the Leeds City Region Strategic Economic Plan and the principles of the West Yorkshire Transport Strategy. Note removal of ST35 and H59 but proposed modification not considered to significantly impact York's contribution to the collective City Region growth range ambition. Satisfied that the Local Plan is sound.
West Yorkshire Combined Authority	Satisfied the Local Plan meets all duty to cooperate requirements. Confirmed the Local Plan and the Proposed Modifications are in general conformity with the Leeds City Region Strategic Economic Plan and the principles of the West Yorkshire Transport Strategy. Note removal of ST35 and H59 but proposed modification not considered to significantly impact York's contribution to the collective City Region growth range ambition. Satisfied that the Local Plan is sound.
Historic England	No comments to make regarding the proposed modifications. Agree with the conclusions of the SA update screening process about which aspects of the Plan may need reviewing. Agree with the conclusions regarding the significant effects which the 'screened-in' modifications would be likely to have upon the historic environment. Detailed comments provided regarding TP1 Addendum around how the special character and setting of the city has been reflected, how the NPPF purposes of the green belt have been interpreted and the detailed boundaries in a number of places around the city.
Natural England	Welcomes the revised Habitats Regulations Assessment and agrees with the revised conclusions and is satisfied in this context that the Plan is legally compliant. NE welcome the proposed modifications to remove allocations ST35 and H59 along with supporting Policy SS19 and would be concerned if these allocations were retained in the Plan in the light of this evidence. Welcome clarification to Policy SS13, SS18 and EC1 which provides greater clarity regarding the necessary mitigation for allocations ST15, ST33 and E18. Satisfied that modification PM26 addresses the concerns raised regarding Policy GI2 in response to the publication draft of the plan. While the inclusion of criterion vii requiring developments to deliver net gain in Policy GI2 is welcomed, it is advised that the Council considers providing further details on how net gains for biodiversity will be delivered, either through the Local Plan or through supporting/supplementary plans and guidance. Welcomes the proposed inclusion of a target and indicator regarding pressures on Strensall Common SAC, Lower Derwent Valley

Body	Representation
	SPA/SAC/Ramsar and Skipwith Common SAC. Welcomes the update SA.
Highways England	Removal of allocations should reduce the scale of impact on the Strategic Road Network. Still require details of any traffic mitigation required along the A64 and those which take account of proposed access arrangements to the Strategic Road Network for ST15. Currently building a traffic model in conjunction with City of York Council which should be available to assist with the assessment of the impact local Plan sites on the Strategic Road Network.
Environment Agency	Response not received.
The Coal Planning Authority	No specific comments to make.
Homes England	Response not received.
National Grid	Response not received.
Network Rail	Response not received.
Yorkshire Water Services Ltd.	Response not received.
National Grid Property	Response not received.
York Teaching Hospital NHS Foundation Trust	Response not received.
Tees, Esk and Wear Valleys NHS Foundation Trust	Response not received.
Internal Drainage Board	Response not received.
North Yorkshire Police	Response not received.
Yorkshire Ambulance Service	Response not received.

- 2.4 In addition to the more formal approaches for cooperating with prescribed bodies and other relevant organisations, as detailed in the full Statement to Demonstrate Compliance with the Duty to Co-Operate (2018) [CD020], City of York Council has engaged on an on-going basis through an extensive series of informal (but recorded) meetings with such bodies and organisations, on a largely one-to-one basis, in relation to the Duty for preparing the City of York Local Plan. This has continued since the Local Plan was submitted to the Secretary of State with ongoing meetings with Highways England, Historic England and Natural England, alongside a number of meetings with sub regional groups of neighbouring local authorities and other bodies as part of the proposed modifications consultation. This engagement is summarised in Table 2 overleaf and should be read alongside Table 4.5 in the main 2018 statement of compliance.
- 2.5 As presented in Table 2, City of York Council presented papers to the Leeds City Region LEP and York, North Yorkshire and East Riding LEP through a series of officer meetings. Additional 1-2-1 meetings offered to Ryedale District Council, Harrogate Borough Council, Selby District Council and North Yorkshire County Council were declined on the basis that the presentation through these sub-groups were deemed sufficient.
- 2.6 In addition, a further meeting was facilitated by City of York Council between the Council Natural England and the Defence Infrastructure Organisation, as requested by the Inspectors in their letter dated 7 May 2019. This took place on 11 July 2019 to discuss the published Habitat Regulation Assessment (2019) incorporating the visitor survey evidence, the conclusions of the HRA and proposed modifications to the Local Plan to remove site allocations ST35 and H59.

Table 2: Index of discussions with prescribed body or other organisation since submission of the City of York Local Plan and as part of the proposed modifications consultation (Addendum to Table 4.5 of D-T-C Statement (2018))

Body	Purpose/Topic	Date	Outcome
Highways England	To discuss the submitted local plan, Infrastructure Delivery Plan and Transport Topic Paper and to explore the impacts of the local plan on the Strategic Road Network (Primarily the A64)	21 June 2018	Agreed that the Infrastructure Delivery Plan is to be a 'living document' and the version submitted is 'snapshot'. It is likely to be subject to further discussion / revision at appropriate stages during the plan making process and beyond. Advised that Highways England will need to consider more detailed technical aspects in relation to the impacts on the Strategic Road Network. Agreed that the Council forward traffic additional modelling outputs to Systra as necessary and to continue ongoing discussion with Systra /Highway England to resolve technical queries.
Highways England	The latest position on the City of York Local Plan and modelling requirements for identifying the impacts of the Local Plan on the Strategic Road Network (Primarily the A64)	22 October 2018	An overview of the current status of the Local Plan was given and the modelling requirements for identifying the impacts of the Local Plan on the Strategic Road Network (Primarily the A64) were discussed. Advised that further MESOscopic modelling of the A64 will be required to sufficiently assess whether there would (for the A64) be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
Natural England	To discuss the outcomes of the Visitors Surveys and consequential changes to the Habitat regulation Assessment	04 February 2019	The outcomes of the Visitor Surveys undertaken by Footprint Ecology were presented. In considering the outcomes of the assessment, the proposed approach and potential conclusions of the updated HRA were discussed. It was agreed that the draft HRA would be circulated to NE when finalised for comment.

City of York Local Plan
Statement to Demonstrate Compliance with the Duty to Co-Operate Addendum September 2019

Body	Purpose/Topic	Date	Outcome
Leeds City Region Officer Group	To discuss the Local Plan proposed modifications consultation	11 June 2019	An update was given on the City of York Local Plan examination and the Council's proposed modifications to the submitted Local Plan which will be the subject of a 6 week consultation compliant with Regulation 19.
Leeds City Region Heads of Planning	To discuss the Local Plan proposed modifications consultation	14 June 2019	An update was given on the City of York Local Plan examination and the Council's proposed modifications to the submitted Local Plan which will be the subject of a 6 week consultation compliant with Regulation 19. The heads of planning were asked to provide a response to the consultation on behalf of their authority. The approach taken by City of York Council in meeting the requirements of the Duty to co-operate in the plan making process was endorsed.
Natural England	To discuss the Local Plan proposed modifications consultation, specifically the Habitat Regulation Assessment and associated modifications to the Local Plan.	21 June 2019	An update as to the conclusions reached and actions taken to satisfy the requirements of the HRA were provided. This included discussion in relation to the proposed modifications included for consultation resulting from the conclusions of the HRA and Visitor Surveys. Clarification was also provided by Natural England confirming that no further air quality assessment was required as a result of the proposed changes. Natural England endorsed the approach and committed to responding formally to the consultation.
Historic England	To discuss the Local Plan proposed modifications consultation	2 July 2019	An overview of the proposed modifications consultation was provided and an opportunity to seek clarification on any issues prior to submitting a response. Discussion around the TP1 Green Belt Addendum and how the approach has considered the historic character and setting of York. Historic England confirmed that they would provide detailed

City of York Local Plan
Statement to Demonstrate Compliance with the Duty to Co-Operate Addendum September 2019

Body	Purpose/Topic	Date	Outcome
			comments in a representation to the consultation and their views on this matter reflects this discussion.
East Riding of Yorkshire	To discuss the Local Plan proposed modifications consultation	5 July 2019	An overview of the proposed modifications consultation was provided and an opportunity to seek clarification on any issues prior to submitting a response. Discussion around the Housing Needs Update and Habitat Regulations Assessment was reflected in their response to the consultation.
Leeds City Region Directors of Development	To discuss the Local Plan proposed modifications consultation	5 July 2019	An update on the City of York Local Plan examination and the Council's proposed modifications to the submitted Local Plan which will be the subject of a 6 week consultation compliant with Regulation 19. Officers were asked to note and offer comment on the proposed modifications and endorse the approach taken by City of York Council in meeting the requirements of the Duty to co-operate in the plan making process. Recommendations noted and report endorsed
Hambleton District Council	To discuss the Local Plan proposed modifications consultation	10 July 2019	An overview of the proposed modifications consultation was provided and an opportunity to seek clarification on any issues prior to submitting a response.
Highways England	To discuss the Local Plan proposed modifications consultation and update on the Local Plan Transport Topic Paper. Highways England/Systra to Provide update on the A64 Mesoscopic transport model.	15 July 2019	An overview of the proposed modifications consultation was provided. The submitted Transport Topic Paper update was discussed, confirmed that the modelling undertaken is based on the Publication Draft Plan trajectory not the Proposed Modifications trajectory. Highways England/Systra advised that the council may need to reassess the transport impacts based on the Proposed Modifications Trajectory.

City of York Local Plan
Statement to Demonstrate Compliance with the Duty to Co-Operate Addendum September 2019

Body	Purpose/Topic	Date	Outcome
			Advised that a joint position statement could be prepared in relation to work that has been done and is ongoing to identify and mitigate the impacts of the Local Plan on the A64. Detailed discussions took place in relation to A64 junction modelling.
North Yorkshire, Hull and East Riding Heads of Planning	To discuss the Local Plan proposed modifications consultation	19 July 2019	An update on the City of York Local Plan examination and the Council's proposed modifications to the submitted Local Plan which will be the subject of a 6 week consultation compliant with Regulation 19. Officers were asked to note and offer comment on the proposed modifications and endorse the approach taken by City of York Council in meeting the requirements of the Duty to co-operate in the plan making process. Recommendations noted and report endorsed
West Yorkshire Combined Authority Place Panel	To discuss the Local Plan proposed modifications consultation	30 July 2019	The Panel considered a report providing an update on the York Local Plan Proposed Modifications Consultation. The Panel was asked to endorse the approach to the duty to co-operate, as set out in the City of York Council's report.

3.0 Conclusion

- 3.1 There is a long history of joint working and co-operation between City of York Council and its neighbouring authorities and key stakeholders to achieve better spatial planning outcomes. This has continued in the preparation of the Local Plan. As detailed in the full Statement to Demonstrate Compliance with the Duty to Co-Operate (2018), on-going and constructive engagement with neighbouring authorities and relevant organisations has taken place at all stages of plan preparation.
- 3.2 This addendum has provided an update in relation to ongoing engagement that has taken place in accordance with the Duty since submission of the Local Plan to the Secretary of State in May 2018. In particular it provides a summary of the recent proposed modifications consultation with regards neighbouring local authorities, the county council, prescribed bodies and other organisations.
- 3.3 It is the Council's view that it has complied with the requirements of the Duty to cooperate. In order to ensure this compliance is ongoing, the Council will continue to meet with other authorities and relevant bodies to discuss strategic cross boundary issues.

Appendix 1: Update to Duty –to-Cooperate Matrix

(Appendix 2 of the D-T-C Statement (2018) [CD020])

Red Text = New Text

Ref	Strategic Issue	Impact	Areas affected	Evidence	Where & when issue discussed	Resolution / Mitigation	Monitoring	Actions / Response	Resulting positive outcome
<i>Ref</i>	<i>Summary of the issue (the topics below all should be considered along with any other locally identified strategic priority)</i>	<i>Description of why it is an issue for neighbouring authorities</i>	<i>Details of the authorities affected by the issue</i>	<i>Evidence to show there is an issue (including links to source documents)</i>	<i>Details of where or how the issue was discussed (see also index of discussions with prescribed bodies and individual records of engagement)</i>	<i>Details of how the issue can be overcome or managed</i>	<i>How the issue will be monitored including key indicators and trigger points</i>	<i>Agreed actions (including who lead & timescale)</i>	<i>Expected positive outcome from agreed actions</i>
1	<p>Scale of housing growth</p> <p><u>Proposed modifications Consultation (2019):</u> OAN = 790 dpa + shortfall</p>	<ul style="list-style-type: none"> Sufficient land identified in York to meet long-term need and establish Green Belt boundaries Change of objectively assessment need for housing as a result of updated evidence. York seeking meet OAN identified plus 5 years to 	<ul style="list-style-type: none"> SHMA geography York Sub-area (Part) comprising the City of York and parts of the following: <ul style="list-style-type: none"> Harrogate Borough Ryedale District East Riding of Yorkshire Selby District Hambleton District NYMNP 	<ul style="list-style-type: none"> Representations to Local Plan Publication Consultation (Reg 19) (2018): <ul style="list-style-type: none"> Historic England Environment Agency Natural England East Riding of Yorkshire Council Hambleton District Council Harrogate Borough Council Ryedale District Council Selby District Council York, North Yorkshire and East Riding LEP Leeds City Region LEP Housing Needs Update (2019) produced by 	<ul style="list-style-type: none"> Leeds City Region Officer group, Heads of Planning and Directors of Development <ul style="list-style-type: none"> 11 June 2019 14 June 2019 5 July 2019 West Yorkshire Combined Authority Place Panel <ul style="list-style-type: none"> 30 July 2019 York, North Yorkshire and East Riding LEP <ul style="list-style-type: none"> 19 July 2019 Natural England <ul style="list-style-type: none"> 4 February 2019 21 June 2019 East Riding of 	<ul style="list-style-type: none"> Neighbouring authorities have noted changes to figures and seek to ensure that housing supply is met. YNYER and LCR groups noted and endorsed the reports taken to their meetings. 	<ul style="list-style-type: none"> Annual housing completions 5-year completions to trigger review of development targets 	<ul style="list-style-type: none"> Updated OAN submitted to Planning Inspectors for consideration. Consideration of evidence and consultation responses at EIP. 	<ul style="list-style-type: none"> Revised OAN generally endorsed by neighbouring authorities and LEPS.

City of York Local Plan
Statement to Demonstrate Compliance with the Duty to Co-Operate Addendum September 2019

Ref	Strategic Issue	Impact	Areas affected	Evidence	Where & when issue discussed	Resolution / Mitigation	Monitoring	Actions / Response	Resulting positive outcome
		create green belt permanence.		consultants GL Hearne. This used the OAN method in line with transitional arrangements to identify changes resulting from the 2016 based population projections (ONS, 2018). This identified a baseline growth figure of 484 dpa uplifted to 679 dwellings applying a part return to household formation trends to remove locked in formation trends. An economic uplift to meet job growth was required leading to a revised OAN of 790 dpa.	Yorkshire ○ 5 July 2019 ● Hambleton District Council ○ 10 July 2019				
6a	Physical infrastructure Transport <u>Proposed modifications Consultation (2019):</u>	● Traffic and congestion on the strategic road network (A64), A1237 and radial routes	<ul style="list-style-type: none"> ● A64 between its junction with the A1(M) and Scarborough ● Leeds City Region (part) ● North Yorkshire and York Sub-Region (part) ● York Sub-area comprising the City of York and parts of the following: <ul style="list-style-type: none"> ○ Ryedale District ○ East Riding of Yorkshire ○ Selby District ○ Hambleton 	<ul style="list-style-type: none"> ● Publication Consultation (Reg 19) responses (2018) ● Highways England correspondence <ul style="list-style-type: none"> ○ 29 August 2018 and CYC response 28 September 2018 ● Ongoing engagement with HE 	<ul style="list-style-type: none"> ● 1-2-1 meetings with Highways England <ul style="list-style-type: none"> ○ 21 June 2018 ○ 22 October 2018 ○ 15 July 2019 ● Ongoing engagement and meetings between CYC, Highways England and Systra. 	<ul style="list-style-type: none"> ● Ongoing engagement ● Further modelling work including additional scenario testing and A64 modelling. ● Site specific work to identify impacts on A64 	● As above	<ul style="list-style-type: none"> ● Ongoing engagement ● Further modelling work including additional scenario testing and A64 modelling. ● Site specific work to identify impacts on A64 	<ul style="list-style-type: none"> ● Positive and ongoing engagement regarding testing of impacts between CYC and HE to understand issues and seek resolution. <u>Work on joint position statement for EIP</u> ● Additional evidence base to be produced.

City of York Local Plan
Statement to Demonstrate Compliance with the Duty to Co-Operate Addendum September 2019

Ref	Strategic Issue	Impact	Areas affected	Evidence	Where & when issue discussed	Resolution / Mitigation	Monitoring	Actions / Response	Resulting positive outcome
			District o Harrogate Borough o Scarborough Borough						
12c	Natural Environment <u>Proposed Modifications Consultation (2019)</u>	<ul style="list-style-type: none"> Habitat Regulation Assessment (HRA) 	<ul style="list-style-type: none"> Natura 2000 designated sites Lower Derwent Valley Skipwith Common Strensall Common 	<ul style="list-style-type: none"> Publication Consultation (Reg 19) responses (2018) Natural England Correspondence 4 June 2018 Ongoing correspondence with Natural England Visitor Surveys (2019) Revised Habitat Regulation Assessment (2019) 	<ul style="list-style-type: none"> 1-2-1 meeting with Natural England <ul style="list-style-type: none"> 4 February 2019 21 June 2019 Ongoing engagement with Natural England 	<ul style="list-style-type: none"> Ongoing engagement with Natural England Proposed Modifications to the Local Plan submission version Ongoing engagement with site promoters in relation to site allocations 	Impacts on designated Natura 200 sites as defined in the HRA.	<ul style="list-style-type: none"> Ongoing engagement with Natural England Proposed Modifications to the Local Plan submission version Ongoing engagement with site promoters in relation to site allocations 	<ul style="list-style-type: none"> Proposed Modifications in the Local Plan. endorsed by Natural England Natural England consider the HRA legally compliant.