

Huntington Parish Neighbourhood Development Plan 2017-2032/33

**A report to the City of York Council on the
Huntington Parish Neighbourhood Development
Plan**

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Executive Summary

- 1 I was appointed by the City of York Council in October 2019 to carry out the independent examination of the Huntington Parish Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 28 November 2019.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character in general terms, and the general extent of the York Green Belt in particular. It provides a context within which new dwellings can be accommodated. It also proposes a series of local green spaces. In the round the Plan has successfully identified a range of issues where it can add value to the strategic context provided by the general extent of the Green Belt and the emerging City of York Local Plan.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Huntington Parish Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
21 February 2020

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Huntington Neighbourhood Development Plan 2017-2032/33 (the 'Plan').
- 1.2 The Plan has been submitted to the City of York Council (CYC) by Huntington Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms. In addition, it has a clear focus on maintaining the integrity of the neighbourhood area in general, and its relationship with the general extent of the York Green Belt in particular.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the Plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by CYC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both CYC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
 - (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
 - the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan;
- the supporting evidence documents;
- the Basic Conditions Statement;
- the Consultation Statement;
- the CYC SEA and HRA screening report;
- the Parish Council's responses to my Clarification Note;
- the City of York Council's responses to my Clarification Note;
- the representations made to the Plan;
- the saved elements of the Regional Strategy for Yorkshire and Humber;
- the City of York Draft Local Plan incorporating the Fourth Set of Changes Development Control Local Plan (April 2005);
- the submitted City of York Local Plan 2017-2033;
- the National Planning Policy Framework (February 2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 28 November 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised CYC of this decision after I had received the responses to the clarification note.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement sets out the mechanisms used to engage all concerned in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (January to March 2018). Its key feature is the way in which it captures the key issues in a proportionate way and is then underpinned by more detailed appendices.
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- the discussion at the Parish Council meeting (October 2015);
 - the community questionnaire (June/July 2016);
 - the drop-in exhibition (July 2016);
 - the use of the Parish Council website;
 - the use of posters; and
 - the inclusion of updates about the Plan in the Parish newsletter.
- 4.4 Appendix E of the Statement also provides details of the way in which the Parish Council engaged with statutory bodies. It is clear that the process has been proportionate and robust.
- 4.5 Appendix H of the Statement provide specific details on the comments received as part of the consultation process on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. They help to describe the way in which the plan has been refined in response to this important part of the plan-making process.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. CYC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.8 Consultation on the submitted plan was undertaken by CYC for a six-week period that ended on 18 November 2019. This exercise generated comments from a range of organisations as follows:

- Highways Agency
- CPRE North Yorkshire
- York Consortium of Drainage
- Foss Internal Drainage
- Coal Authority
- Historic England
- Gladman Developments
- Barratt and David Wilson Homes
- North Lane Developments
- Taylor Wimpey
- Pilcher Homes
- City of York Council
- Galtres Garden City
- Redrow Homes
- Other Land owners (adjacent to the site promoted by Redrow Homes)

4.9 Four representations were also received from local residents. I have taken all the representations into account in examining the Plan. Where it is appropriate to do so I make specific reference to certain representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Huntington. Its population in 2011 was 9371 persons living in 4247 houses. It was designated as a neighbourhood area on 28 September 2015. It is an irregular area located in the north-eastern part of the City of York. The River Foss runs through the neighbourhood area in a southerly direction. It joins the River Ouse in the City Centre.
- 5.2 Huntington is an area of great interest and contrasts. Its western part is primarily residential in nature and is based on and around the Huntington Road, New Road and North Moor/Strensall Roads as they run to the north out of the City Centre. This part of the neighbourhood area includes the Huntington Conservation Area based around The Old Village and St Mary's Church. The south-eastern part of the neighbourhood area is primarily retail in nature and is based around the Vangarde Shopping Park and the Monks Cross Shopping Park. Both of these shopping parks operate within a sub-regional capacity.
- 5.3 The remainder of the neighbourhood area consists of an attractive agricultural hinterland. It is located both within and outside the York Outer Ring Road (A1237).

Development Plan Context

- 5.4 The development plan context is both complex and unusual. It consists of two saved policies from the Regional Spatial Strategy for Yorkshire and Humber as follows:
- Policy YH9: Green Belts – the definition of the inner boundaries of the Green Belt around York
- Policy Y1: York sub area – the definition of detailed boundaries of the outstanding sections of the green belt and the inner boundary and the protection and enhancement of the historical and environment character of York
- These saved policies will apply in the neighbourhood area until they replaced by the emerging City of York Local Plan.
- 5.5 The CYC does not have a formally adopted Local Plan. The City of York Draft Local Plan incorporating the Fourth Set of Changes Local Plan (April 2005) was approved for development management purposes. Its policies are capable of being material planning considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. This has proved to be particularly useful in the application of Green Belt policy.
- 5.6 The Basic Conditions Statement highlights the policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It also explains the complicated context within which the neighbourhood plan has been prepared.

- 5.7 The emerging City of York Local Plan (2017-2033) was making good progress at the time of this examination. It was submitted for its own examination in May 2018. Consultation took place on proposed Main Modifications to that Plan in June/July 2019.
- 5.8 The submitted Plan has been designed to run concurrently with the emerging York Local Plan. This follows important national advice in Planning Practice Guidance.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 28 November 2019. I approached from the A64 to the immediate east of York. This gave me an initial impression of the setting and character of the neighbourhood area. It also highlighted its connection to the strategic road system and to the wider City of York
- 5.10 I looked initially at Huntington Old Village. I saw the way in which it is distinctive in character and appearance from the main road to its immediate east. I saw its range of fine brick buildings, mainly with clay pantile roofs. I walked along Church Lane to All Saint's Church. I saw its well-maintained churchyard and the war memorial. I saw the River Foss and the popularity of its adjacent footpaths for local people in general, and dog walkers in particular. I then walked along the paths to the north. I took time to look at the proposed Local Green Spaces to the east of the River Foss.
- 5.12 Thereafter I looked at the range of commercial and community facilities along Strensall Road and North Moor Road. I saw the impressive former Board School (1877), now the Huntington Community Centre, the Primary School Academy, the post office and the Library. I saw their collective and individual importance to the wider local community.
- 5.13 I then drove towards the City Centre along Huntington Road. I saw the various housing types and the Tesco Express shop. I also took the opportunity to look at the Brockfield Park local shopping centre, the nearby Orchard Park Community Centre and Orchard Park itself. I also saw the Huntington School and the Community Sports facility on the opposite side of the main road.
- 5.14 I then took time to look at the proposed Local Green Spaces to the west of the main road leading up to the River Foss. I saw their different sizes and uses. In general terms I saw their strong and functional relationships with the River Foss.
- 5.15 Thereafter I drove along Garth Road so that I could see the proposed strategic housing site included in the submitted City of York Local Plan in the neighbourhood area. Thereafter I drove to Jockey Lane. I saw its variety of retail and car sales related activities. I saw the way in which it provided access to the Monks Cross and Vangarde Retail Parks to the north-east and south-east respectively.
- 5.16 I then looked at the Monks Cross and Vangarde Retail Parks. I saw their popularity and vibrancy in the pre-Christmas period. As the Plan describes, I saw the way in which they were providing for a sub-regional market. I finished my visit by driving to the part

of the neighbourhood area between the York Outer Ring Road and the A64. I saw its flat agricultural nature.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in February 2019. This approach is reflected in the submitted Basic Conditions Statement.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Huntington Parish Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and existing development plan context as described in section 5 of this report;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. In particular it includes a policy to safeguard the general extent of the existing York Green Belt within its administrative area. It also includes a series of policies which address the scale and nature of new development. It identifies key principles for new residential development and proposes a number of local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for both housing employment and retail development (Policies H1-3, H6 and H10-13 respectively). In the social role, it includes policies on community facilities (Policies H8/9) and on local green spaces (Policy H15). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy H4), on heritage assets (Policy H5), on the River Foss (Policy H16) and on biodiversity (Policy H17). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in the City of York in paragraphs 5.4 to 5.8 of this report. I am satisfied that subject to the incorporation of the modifications recommended in this report that the submitted Plan is in general conformity with the strategic policies in the development plan. In particular it has sought to take account of the emerging Local Plan and the way in which that Plan proposes a strategic development site within the neighbourhood area.
- 6.13 I also consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement CYC undertook a screening exercise on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA. It reaches this conclusion for the following reasons:
- the submitted Plan is a lower-tier plan;
 - it does not directly allocate any sites for development; and
 - its policies do not directly affect any special features or designated areas within the neighbourhood area.
- 6.16 The screening report includes a separate Habitats Regulations Assessment (HRA) of the Plan. It takes account of the likely effects of development in the neighbourhood area on the Strensall Common SAC and on the Humber Estuary SPA, SAC and Ramsar site. It concludes that the Plan is not considered to have the potential to cause a likely significant adverse effect on a European protected site. It also concludes that there will be no likely significant in-combination effects. Its level of detail provides assurance that this important matter has been comprehensively addressed.
- 6.17 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations. The work undertaken on HRA screening is exemplary.
- 6.18 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on

Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.19 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Sections 1-3)

- 7.8 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a very professional way. It makes a very effective use of well-selected photographs. A very clear distinction is made between its policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.
- 7.9 The Introduction (Section 1) comments generally about the neighbourhood area and how it lends itself to the development of a neighbourhood plan. It also comments about how the Plan fits into the wider planning system. It does so to good effect. It identifies the Plan period.
- 7.10 Section 2 comments about the neighbourhood area and a range of matters which have influenced the preparation of the Plan. It has a particular focus on its history, the village amenities, the character of the village and its demography.
- 7.11 Section 3 incorporates the Vision Statement and the resulting eleven principles which underpin the Vision. In their different ways these matters flow into the submitted planning policies.

7.12 Sections 4 and 5 detail the resulting planning policies and arrangements for the monitoring and review of the Plan.

7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy H1 Meeting housing need

7.14 This is an important policy in the Plan. It sets out a series of design and planning criteria to influence and to shape the development of new homes in the Plan period. It has two potentially overlapping roles. In the first instance it seeks to make an overlap with the emerging Local Plan in general, and its proposed inclusion of a strategic housing allocation to the north of Monks Cross in particular. In the second instance it provides a comprehensive series of more general criteria that would apply to all future housing sites.

7.15 In general terms the policy has regard to national planning policy by promoting housing schemes and boosting the supply of housing land (NPPF paragraphs 59 and 60). In addition, the provision of a range of homes to meet the needs of present and future generations is one of the key attributes of the social objective of sustainable development.

7.16 I do however have reservations about the practicability and clarity of the detailed policy wording, which is not fully compliant with national policy. I have particular concerns about the way in which the accompanying justification and evidence base for the policy is dominated by the strategic housing delivery issues which are being addressed in the emerging Local Plan in general, and the proposed strategic site to the north of Monks Cross in particular. In addition, the supporting text has its own internal inconsistencies. On the one hand paragraph 54 is clear that the Plan does not seek to allocate land for housing and comments that this is best done through the Local Plan process. However, on the other hand paragraph 56 comments that the policy has been developed in the context that the Monks Cross site will be included in an adopted Local Plan. This is reinforced in the comments in paragraph 58 that the policy 'will be used to shape and influence any future housing allocation made through the Local Plan should it be the site north of the site Land North of Monks Cross or an alternative'

7.17 I sought advice from the Parish Council through the clarification note process about the potential for the policy and elements of the supporting text to take a more neutral and general approach towards future housing development. Clearly this approach would avoid the need make specific reference to the debate about potential housing allocations in the emerging Local Plan. The Parish Council responded positively to this approach. I recommend accordingly and based on the details in the following paragraphs of this report.

7.18 In the context of the modified policy the majority of the proposed planning and design criteria continue to be appropriate. Nevertheless, I recommend that they are applied in a way that takes account of the scale, nature and the location of development

proposals on a case-by-case basis. Clearly in some cases most of the criteria will apply. In other cases, mainly involving smaller development proposals, only some of the criteria would be triggered. This will ultimately be a matter of judgement for CYC. In the event that the adopted Local Plan includes strategic housing sites in the neighbourhood area the various criteria would be applied to detailed development proposals insofar as they are consistent and/or not overtaken by the criteria in the detailed site-by-site policies in the Local Plan.

- 7.19 I recommend the replacement of the second criterion with one which requires that development proposals are 'well-related' to Huntington Village. As submitted the criterion requires that proposals are 'functionally and physically' connected to Huntington village. This approach is very prescriptive in general terms and may prevent otherwise acceptable development from coming forward. In addition, this matter of fact approach would be in conflict with CYC's proposals for the Monks Cross site in the emerging Local Plan. In that context, the site is identified as being part of an important transitional area between the existing urban area at Huntington and more modern and commercial developments at Monks Cross. As such it is proposed to be separated from the existing urban area by a green wedge to protect the setting of Huntington, maintaining the separate identities of the existing and new neighbourhoods. This will reinforce the special circumstances found in the wider City where the general extent of the green belt provides a landscape and visual context for component settlements such as Huntington in order to protect the special character of the historic city. To remedy this potential conflict between the application of general planning design principles and the specific requirements of a strategic site at Monks Cross I recommend that the supporting text clarifies that the second criterion in the policy would not apply to the Monks Cross site.
- 7.20 I recommend other consequential changes to other elements of the supporting text.
- 7.21 I also recommend modifications to the other criteria. In the main they are grammatical and take account of the wording used in the modified initial part of the policy. In other cases, they bring the clarity required for a development plan policy.

Replace the opening part of the policy with:

'As appropriate to their scale, nature and location within the neighbourhood area development proposals for new residential development should:'

In criterion 1 replace 'Provides' with 'Provide' and delete 'in Huntington'

Replace criterion 2 with 'Be well-related to the existing urban area of Huntington in terms of their location, design and internal layout'

In criterion 3 replace 'Provides' with 'Provide'

In criterion 4 replace 'Considers' with 'Consider'

Replace criterion 5 with 'Delivers any necessary new school provision, new or enhanced medical facilities and sports and recreational facilities;'

In criterion 6 replace 'Promotes' with 'Promote' and 'accommodates' with 'accommodate'

In criterion 7 replace 'Provides' with 'Provide'

In criterion 8 replace ‘Includes’ with ‘Include’ and delete the second part of the criterion after the semi-colon

In criterion 9 replace ‘Retains.....improves’ with ‘Retain and where practicable improve’

In criterion 10 replace ‘Seeks to create’ with ‘Result in’

In criterion 11 replace ‘Has an’ with ‘Incorporate an’

In criterion 12 replace ‘Includes satisfactory’ with ‘Include appropriate and site-specific’

In criterion 13 replace ‘Provides for adequate parking’ with ‘Incorporate car parking arrangement to the most up to date City of York Council standards’

At the end of paragraph 54 add:

‘In this context Policy H1 has been specifically designed to have a general effect. It incorporates a series of design and planning criteria which will apply to new residential developments in the Plan period. The policy comments they that they should be applied in a way that takes account of the scale, nature and the location of development proposals on a case-by-case basis. This will ultimately be a matter of judgement for the City of York Council throughout the Plan period. In the event that the adopted Local Plan includes strategic housing sites in the neighbourhood area the various criteria would be applied to detailed development proposals that emerge on those sites insofar as they are consistent and/or not overtaken by detailed criteria in the detailed site-by-site policies in the Local Plan. In this context the proposed strategic site at Monk’s Cross as currently included in the emerging Local Plan is proposed to be separated from the existing urban area at Huntington by a green wedge to protect the setting of Huntington. This will reinforce the special circumstances found in the wider City where the general extent of the green belt provides a landscape and visual context for component settlements such as Huntington in order to protect the special character of the historic city. In these circumstances the second criterion in the policy would not apply to the Monks Cross site. Its development would be determined primarily by its detailed policy in the emerging Local Plan’

In paragraph 56 replace the second sentence with:

‘In the context already set out in paragraph 54 of this Plan Policy H1 has general effect. Nevertheless, it has been designed to accommodate the development of a strategic housing allocation to the north of Monks Cross (subject to the contents of paragraph 54 of this Plan) in the event that such a development is included in the adopted version of the currently emerging City of York Local Plan.

In paragraph 56 delete the third sentence.

Delete paragraph 57.

Policy H2 Housing mix

- 7.22 This policy comments about the need for new developments to provide a mix of housing types, sizes and tenures. It requires developers to demonstrate that their proposals have regard to up-to-date evidence on housing needs in the context of site

and market conditions. It also indicates that 'priority should be given' to the provision of smaller homes suitable for young families as well as older persons (including those wishing to downsize).

- 7.23 In general terms the policy has regard to national planning policy by ensuring that housing schemes cater for the identified needs of different groups within the community, including those in affordable housing need (NPPF paragraphs 61 and 62). In the round the provision of a range of homes to meet the needs of present and future generations is one of the key attributes of the social objective of sustainable development.
- 7.24 I do however have reservations about the practicality and clarity of the policy wording. In my judgement it is not fully compliant with national policy. I also have concerns about the way in which the accompanying justification and evidence base for the policy has been incorporated into the policy itself.
- 7.25 Firstly the policy takes no account of the scale and the nature of new housing developments. As submitted, it would apply to all such developments irrespective of their size. This matter is also reinforced given that the neighbourhood area may deliver new housing proposals from the very local and modest at one level to potential strategic proposals at the other level. In this context a strategic housing site at Monks Cross is included in the emerging Local Plan. In order to remedy this matter, I recommend a modification that provides appropriate flexibility for the application of the policy. It takes account of the greater opportunities for a larger development to provide the type of houses as specified in the policy. This would also reinforce the market considerations element of the submitted policy. I also recommend a modification to the supporting text that would acknowledge that any strategic sites which may come forward in the neighbourhood area will, by definition, be catering for City-wide housing needs rather than simply those which exist within the designated neighbourhood area.
- 7.26 Secondly the policy is unclear on its expectation that 'priority should be given' to the provision of smaller homes suitable for young families as well as older persons (including those wishing to downsize). Whilst the accuracy of the supporting information is not disputed by the development industry, several representations comment that the approach taken is prescriptive. The representations also comment that the policy approach does not properly take account of the discussion which may take place on developments with CYC on a case-by-case basis either at pre-application stage or as part of the determination of planning applications. This is an important consideration given that national policy gives priority to the delivery of new homes. To remedy this issue, I recommend that the final part of the policy more simply offers support for smaller homes rather than 'giving priority' to their development.
- 7.27 I also recommend that for consistency purposes that the date of the Housing Needs report in paragraph is changed to October 2017. This would relate to the date of the report itself.

At the beginning of the first sentence add: ‘As appropriate to their scale, nature and location’

In the second sentence replace ‘will be required to’ with ‘should’ and delete ‘in the Parish’

In the third sentence:

- **replace ‘Priority will be given to the provision of’ with ‘Development proposals that deliver’**
- **add at the end ‘will be particularly supported’**

At the end of paragraph 67 add: ‘Policy H2 seeks to ensure that new residential development in the Plan period responds to these important matters. It recognises that larger developments will have greater potential to provide a focus for the delivery of smaller homes. In this context any strategic sites which may come forward in the neighbourhood area will, by definition, be catering for City-wide needs rather than simply those which exist in the neighbourhood area’

In paragraph 69 replace ‘December’ with ‘October’

Policy H3 Affordable housing

- 7.28 This policy continues the approach towards new housing development in the Plan. In this case, it makes specific reference to the provision and the mix of affordable housing within development proposals. It has two principal parts. The first requires the provision of affordable housing to CYC requirements. The second includes a detailed breakdown on the size of affordable houses to be delivered, subject to viability issues and site-specific requirements.
- 7.29 The wider policy is underpinned by substantial supporting text (paragraphs 70 to 79). This includes detailed commentary in relation to the Strategic Housing Market Assessment (SHMA) 2016. In this context the policy addresses and has regard to an important issue in national policy (NPPF paragraphs 61-64).
- 7.30 The policy has attracted representations from two developers. Whilst the evidence base in the SHMA is not disputed concern is expressed about the very specific nature of the policy’s proposed distribution of affordable houses between different sizes. The representations consider this approach to be prescriptive. It is also suggested that the approach would be in conflict with CYC’s approach to this matter in its emerging Local Plan (Policy H10).
- 7.31 I have considered this matter very carefully. On the one hand, the submitted policy in the neighbourhood plan recognises that its proposed breakdown of affordable housing will be subject to viability and site-specific factors. In addition, there is no reason why a neighbourhood plan policy cannot produce further levels of detail beyond that in a corresponding local plan policy. On the other hand, the figures included within the policy are prescriptive. In addition, they rely predominantly on the more general SHMA

information rather than specific evidence relating to the neighbourhood area. On balance, I have concluded that there is insufficient local evidence relating to the neighbourhood area to justify the approach taken in the submitted policy.

7.32 In these circumstances I recommend a modification to the policy which deletes the specific references to the distribution of the affordable housing by property size. However, I recommend that this matter is repositioned into the supporting text. Plainly the eventual yield of affordable housing on any site will be subject to detailed discussions with CYC and will be determined both by evidence and site-specific considerations.

7.33 I also recommend the deletion of elements of supporting text from the policy.

Delete ‘To support.....the Parish’

Delete the second sentence.

In the third sentence insert ‘for the delivery of affordable housing’ between ‘The focus’ and ‘should’

At the end of paragraph 79 add:

‘The Plan recognises that detailed discussions will need to take place with the City of York Council on a site-by site-basis. Nevertheless, the Parish Council’s aspiration, in line with the findings of the Strategic Housing Market Assessment, is that [at this point insert the deleted second sentence of the policy]’

Policy H4 Design Principles

7.34 This policy is an important component of the Plan. It requires that development proposals should respect local character. The policy comments that this process should have regard to scale, density, massing and other related matters. It also addresses issues such as the amenity of neighbouring properties and the creation of safe and attractive public and private spaces.

7.35 The policy appropriately builds on the work undertaken as part of the preparation Huntington Parish Character Area Study and the Conservation Area Appraisal. This is best practice.

7.36 The policy is an excellent response to local circumstances. In particular it acknowledges that the bulk of development proposals in the Plan period will be of a modest nature and that they should be sensitively and well-designed.

7.37 I recommend detailed modifications to the wording used in the policy. They will ensure that it has the clarity required for a development plan policy. Otherwise it meets the basic conditions.

In the first paragraph of the policy replace:

- **‘the local character’ with ‘the character of their local environment’; and**
- **‘as appropriate’ with ‘as appropriate to their to their nature and location’**

In the second part of the policy replace ‘They’ with ‘Development proposals’

Policy H5 Character buildings and sites of local heritage interest

7.38 This policy identifies a series of buildings and sites as being of local interest. They are shown in Table 3 and on Map 1. Thereafter the policy has three related parts which seek to retain the importance of such buildings and heritage assets.

7.39 The process for identifying these local assets has been thorough and professional. The three identified assets are both important in their own rights and distinctive to the neighbourhood area.

7.40 I recommend modifications to the three component parts of the policy as follows:

- the incorporation of a modified first part of the policy at the end of the second part of the policy. This will ensure that it has regard to national policy which requires a balance to be struck between safeguarding heritage assets and the benefits which may arise from proposed development which may affect such assets;
- in the second part of the policy the deletion of the reference to important views towards and from the assets. The extent of such views is not otherwise defined in the policy and this approach might otherwise result in inconsistent planning decisions. Nevertheless, I recommend that reference to views is incorporated within the supporting text; and
- the deletion of the third component of the policy. It is a process matter rather than a policy. In any event it is already addressed in paragraph 99 of the Plan.

7.41 I also recommend that the reference in paragraph 99 to the CYC local heritage list. It is at draft stage rather than finalised.

Delete the first component of the policy (second paragraph)

In the second component of the policy (third paragraph) delete ‘including important views towards and from them’

**At the end of second component of the policy (third paragraph) add:
‘The effect of a proposed development on the significance of the non-designated heritage assets shown in Table 3 and on Map 1 should be taken into account in determining planning applications. In determining planning applications that directly or indirectly affect the identified non-designated heritage assets, a balanced judgement will be made having regard to the scale of any harm or loss and the significance of the heritage asset concerned’**

Delete the third component of the policy (fourth paragraph).

At the end of paragraph 97 add:

‘Where it is practicable to do so development proposals should take account of the wider visibility and accessibility of the non-designated heritage assets. This may include views both to and from the local heritage assets’

In paragraph 99 add ‘draft’ before ‘local heritage list’

Policy H6 Business and Employment

- 7.42 This policy refers to business and employment activity. As the supporting text (paragraphs 100-102) comments, the neighbourhood area has several centres of business activity in addition to its extensive retail employment base. They are concentrated in and around Jockey Lane.
- 7.43 The policy is general in nature. It supports the retention of existing land and buildings in employment use where there is a reasonable prospect of the site or building concerned being used for employment purposes.
- 7.44 As submitted there is a slight disjoint between the supporting text and the policy itself. On the one hand, paragraph 105 of the Plan comments about the importance of economic growth and supporting local employment business development. On the other hand, the policy has a more general approach towards supporting the retention of existing land and buildings in employment use.
- 7.45 In order to remedy this issue I recommend that the policy is modified so that it directly addresses the matters raised in paragraph 105 of the supporting text. In doing so I have acknowledged that some changes in business processes and/or extensions may not need planning permission. The recommended policy includes a series of environmental and traffic criteria.
- 7.46 I also recommend that paragraph 106 of the Plan is modified. As submitted, it does not fully reflect the approach in national policy on economic development in general, and in circumstances where there is no reasonable prospect of land or buildings being used for employment purposes in particular.

Replace the policy with:

‘Insofar as planning permission is required, proposals for the diversification of businesses uses and the extension and/or adaptation of business premises will be supported subject to the following criteria:

- **they are appropriate in terms of their design, height, scale and massing;**
- **they provide parking to the most up-to-date City of York Council parking standards and the parking provision itself is well-designed and integrated into the wider development;**
- **they can be satisfactorily incorporated into the local road network; and**

- **they do not have an unacceptable impact on the amenity of any residential properties in their immediate locality'**

In paragraph 105 replace 'The Plan' with 'Policy H6'

Replace paragraph 106 with 'National Planning policy attaches considerable importance to supporting a competitive economy. In particular paragraph 80 of the NPPF comments that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Policy H6 seeks to provide an important local dimension to this approach in general, and to the premises outlined in Section 4.3 of this Plan in particular. The Plan recognises that amongst other things paragraph 118 of the NPPF comments that plans and planning decisions should 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'. In the event that any such development proposals arise they will be determined on their merits and in the context of national and local planning policies.'

Policy H7 Existing community facilities and buildings

- 7.47 This policy seeks to retain existing community facilities and buildings unless one of two identified circumstances arise. These circumstances relate either to viability or to the provision of replacement facilities. The policy helpfully identifies the existing community facilities in the neighbourhood area.
- 7.48 I am satisfied that the policy takes an appropriate and balanced approach to this matter. I saw the importance of the various facilities during my visit. In particular the policy acknowledges that some of the facilities are commercial in their nature and includes a reference to viability issues. I recommend detailed modifications to the policy so that its connection with Table 4 is more obvious. I also recommend that the structure of the policy is re-ordered. Otherwise it meets the basic conditions.
- 7.49 Finally I recommend a correction to one of the titles of the community facilities in Table 4 as suggested by CYC.

Reverse the order of the two parts of the policy.

In the second part of the policy (as submitted) replace 'above' with 'in Table 4'

In Table 4 replace 'Flag and Hogs Head' with 'The Hogs Head'

Policy H8 New and enhanced community facilities and buildings

- 7.50 This policy continues the approach of the previous policy. In this case it offers support for new or enhanced community facilities in general terms, and for medical-related

facilities in particular. A second part of the policy requires that development proposals that place additional demands on existing services should provide proportionate facilities to meet the anticipated need.

- 7.51 In general terms I am satisfied that the first part of the policy meets the basic conditions subject to the incorporation of some detailed modifications.
- 7.52 I can understand the intentions of the second part of the policy. Nevertheless, it takes a matter of fact approach towards what is increasingly a complex matter. In particular health services are now frequently run on a commercial basis. This makes a traditional developer contribution approach more problematic. In any event CYC already has the ability to seek appropriate developer contributions towards community facilities where it is appropriate to do so. Over time this approach may become incorporated into Community Infrastructure Levy arrangements if the Council decided to adopt such an approach to this matter.
- 7.53 In addition as submitted the approach lacks the clarity required for a development plan policy. In particular it offers no guidance on the scale of ‘additional demands on existing services, the nature of ‘proportionate facilities’ and any ‘anticipated demand’. In these circumstances I recommend the deletion of this part of the policy.

In the first part of the policy delete ‘to City of York Council’ and replace ‘it meets’ with ‘they meet’

Delete the second part of the policy

Policy H9 Assets of community value

- 7.54 This policy comments about Assets of Community Value (ACV). It reinforces the approach taken in Policies H7 and H8. It has two related parts. The first supports the listing of ACV. The second indicates a commitment to support their longevity.
- 7.55 Paragraph 115 acknowledges that registering ACVs is a separate, non-planning legal process undertaken by CYC. I sought advice from the Parish Council about the extent to which the policy should be a community aspiration rather than a land use policy. On balance I am satisfied with its suggestion that, with modifications, the policy can become land use in its nature. I recommend accordingly. The modified policy takes account of the approach in paragraph 117 of the Plan about supporting the retention and the enhancements of ACVs.

**Replace the policy with:
‘Proposals that would safeguard, enhance or otherwise assist in securing the long-term accessibility and effectiveness of registered Asset of Community Value will be supported’**

At the end of paragraph 117 add:

'Policy H9 seeks to provide a supporting context towards securing the longevity of assets of community value. It has been designed to have general effect given that additional assets may be designated throughout the Plan period'

Policy H10 Vangarde/Monks Cross shopping parks

- 7.56 This is the first of a series of policies on the retail facilities in the neighbourhood area. In this case it is focused on the Vangarde and the Monks Cross Shopping Parks. As paragraphs 122 to 124 of the Plan comment they provide retail services on a sub-regional scale.
- 7.57 The policy is rather general in the way that it supports their continued roles as sub-regional centres. In particular it does not directly relate to the development management process. I sought advice from the Parish Council on its reasoning for the policy and the extent to which it should take a more proactive role in resisting uses that would detract from their sub-regional shopping function. The Parish Council confirmed that its intention was to safeguard the role and function of the two shopping parks in general, and to resist changes of use which would dilute their vitality and viability.
- 7.58 I recommend that the policy is modified accordingly. The resulting policy has been designed to ensure that it does not affect the restrictive conditions which apply to the sale of good in certain premises on the Monks Cross Shopping Park. I also recommend consequential additions and modifications to the supporting text. In particular the modifications to the supporting text highlight the relationship which would exist between this policy and the broader strategic approach to retail provision in the City included in the emerging Local Plan.

Replace the policy with:

'Proposals for non-retail uses or other uses which would detract from the retail vitality of the Vangarde and Monks Cross Shopping Parks will not be supported unless it can be demonstrated that the continued retail use of the premises concerned is not viable and that they have been professionally marketed for alternative or replacement retail use.'

Merge paragraph 123 and 124 into a single paragraph.

Replace paragraph 124 with:

'Policy H10 seeks to consolidate the existing roles of the Vangarde and the Monks Cross Shopping Parks and to retain their retail functions. Nevertheless, it recognises that there may be circumstances where the continued retail use of all the various premises may not be viable as the national and local retail environments evolve through the Plan period. The policy requires that any such premises have been professionally marketed for alternative or replacement retail use and that no such uses have been found as a result. The marketing period should be for a minimum of six months and relevant details should be included with the relevant planning applications. The policy has been designed to be complementary to the approach in the emerging

Local Plan on future retail provision. Whilst the emerging Local Plan recognises that developments such as these two retail parks are part of the established retail offer in the City, Policy R4 of that Plan sets out to protect the role of York city centre and to direct any new retail floorspace initially to the city centre through the application of a sequential test process'

Policy H11 Brockfield Park and North Moor Neighbourhood shopping parades

- 7.59 This policy relates to two identified neighbourhood shopping parades. I saw their local importance when I visited the neighbourhood area. The supporting text at paragraph 130 and 131 sets out their role and importance as shopping parades.
- 7.60 In a similar fashion to Policy H10 this policy has a rather general format in the way in which it seeks to protect and enhance the retail and community uses in these shopping parades. In several respects paragraph 131 is more a policy than supporting text and the policy itself is more supporting text. I recommend modifications to remedy this matter. In doing so this approach overcomes the text and shading issues in the submitted policy.

Replace the policy with:

'Proposals for retail, retail - related uses and community uses will be supported within the defined Brockfield Park and North Moor Neighbourhood shopping parades (as shown on Map 3) where, as appropriate to their scale and nature they would:

At this point include the four bullet points from paragraph 131 with the following modifications:

- **replace 'consolidates.... upon' with 'consolidate, maintain or improve' (first bullet point);**
- **replace 'is of' with 'are of' (second bullet point – first part);**
- **replace 'maintain or enhances' with 'maintain or enhance' (second bullet point – second part);**
- **break the second bullet point into two separate bullet points;**
- **replace 'contributes' with 'contribute' (third bullet point); and**
- **replace 'does not.... detrimental impact' with 'do not have an unacceptable detrimental impact'**

Replace paragraph 131 with: 'Policy H11 sets out a policy context that will help to support the role and vibrancy of the two neighbourhood shopping parades. It has been designed to be consistent with the City of York Council's Retail Study'

Policy H12 Other shops

- 7.61 This policy seeks to safeguard other shops outside the two shopping parks and the neighbourhood shopping parades. It takes appropriate account of viability issues and the requirement for owners to be able to demonstrate that positive attempts have been made to market the premises concerned for alternative retail use.

7.62 I recommend the deletion of the process-related elements of the policy. They are unnecessary within the policy itself. Otherwise it meets the basic conditions.

Delete ‘to the...Parish Council’

Policy H13 Hot food takeaways

7.63 This policy comments about hot food takeaways. Its approach is that any further takeaways should be located within the Vangarde/Monks Cross shopping parks or within the defined neighbourhood parades. This approach is appropriate given that in both shopping parks the availability of food and drink outlets complements the wider retail offer of such locations in general, and of the Vangarde/Monks Cross Shopping Parks in particular. Nevertheless, I recommend that this policy makes reference to the wider policy for the two shopping parks (Policy H10).

7.64 I sought advice from the Parish Council on the wider implications of the policy. It confirmed that it intended to resist the opening of such facilities elsewhere in the neighbourhood area. I recommend the inclusion of an additional element in the policy to take account of this clarification.

7.65 The second part of the policy comments about litter and litter bins associated with takeaways. Plainly this is an important environmental consideration. However, it is not directly related to the planning process. I recommend its deletion from the policy. However, I recommend that it is incorporated into the supporting text. The provision or otherwise of a litter bin associated with any new such facilities will be a matter for consideration on a case-by-case basis.

In the first part of the policy add ‘subject to the provisions of Policies H10 and H11 respectively’ after ‘Parades’

Delete the second part of the policy.

**Insert a new element of the policy to read:
‘Proposals for new hot food takeaways elsewhere in the neighbourhood area will not be supported’**

*At the end of paragraph 134 add:
‘As appropriate to their scale and location [at this point insert the deleted element of the submitted policy]’*

Policy H14 Green Belt

7.66 This policy recognises the importance of parts of the neighbourhood area to the general extent of the York Green Belt as shown on Map 3. Paragraphs 142 and 143 of the supporting text comment about the long-standing arrangements for the definition of the Green Belt in the City. In addition, paragraph 144 explains that the identification and the modification of Green Belt boundaries is a strategic matter for the local

planning authority (here CYC) to determine. This process is currently being undertaken through the preparation of the emerging City of York Local Plan.

- 7.67 Several landowners/potential developers have argued that a more flexible approach should be taken. This is understandable given the progress that has been made on the emerging Plan and its package of proposed strategic housing allocations. Nevertheless, that Plan has yet to be examined. In addition, national policy is clear that Green Belt boundaries are to be determined in local plans rather than in neighbourhood plans. In any event paragraph 147 of the submitted Plan comments that any 'made' neighbourhood plan will be reviewed once the emerging Local Plan has been adopted. In this context I have also recommended modifications to Section 5 of the submitted Plan which addresses its review and monitoring more broadly.
- 7.68 In summary I am satisfied that the approach in the policy meets the basic conditions in general terms. However, I recommend that the initial sentence of the policy is deleted. There is no need for the Plan to comment that it supports the continued designation of the majority of the neighbourhood area as green belt. In any event that support is captured in the policy itself. I also recommend a consequential modification to the wider construction of the policy itself.
- 7.69 Finally for accuracy I recommend that the adoption date of the RSS in paragraph 142 is corrected from 2007 to 2008.

Delete the first sentence of the first paragraph of the policy.

Incorporate the retained second sentence of the first paragraph of the policy into the beginning of the second paragraph of the policy.

In paragraph 142 replace '2007' with '2008'

Policy H15 Local Green Spaces

- 7.70 This policy acknowledges the importance of green and open spaces to the character and the appearance of the neighbourhood area. On this basis it proposes the designation of a series of 24 local green spaces (LGSs). Whilst they are located throughout the neighbourhood area several are concentrated around the River Foss.
- 7.71 The Parish Council has produced a separate document which assesses each of the proposed LGSs against the criteria in paragraph 99 of the NPPF. It is a very comprehensive approach to this important matter.
- 7.72 The proposed LGSs are shown on Map 3. However due to the scale of that map and the adjoining nature of several of the individual LGSs their separate definition is not readily apparent. The Parish Council and CYC prepared a replacement map which provides clarity on this matter. I recommend that the revised maps replace Map 3 in the submitted version of the Plan.

- 7.73 On the basis of all the evidence available to me I am satisfied that the proposed LGSs meet the three criteria in the NPPF. The replacement maps provided during the examination process provided me with the assurance that two of the proposed LGSs which had attracted representations on their size are local in scale and not extensive tracts of land.
- 7.74 In addition, I am satisfied that their designation accords with the more general elements of paragraph 99 of the NPPF. Firstly, the package of sites is consistent with the local planning of sustainable development. The Plan has sought to take account of the emerging City of York Local Plan in general and the way in which addresses strategic housing issues in particular. The package of proposed LGSs are unaffected by alternative development proposals. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, in many cases they are established elements of the local environment and are sensitively managed as green spaces in ways appropriate to their particular uses.
- 7.75 In general terms the policy takes the matter of fact approach in the NPPF on LGS designation. Nevertheless, I recommend that its format is modified so that it explicitly designates the various spaces as LGS. This will result in the clarity required by the NPPF. Otherwise the effect and coverage of the policy is unaffected.

**Replace the opening part of the policy with:
 ‘The Plan designates the following green spaces as shown on Maps [insert numbers] as Local Green Spaces.’**

**After the schedule of sites add:
 ‘Development proposals that would affect the designated Local Green Spaces will only be supported in very special circumstances’**

Replace Map 3 with the maps provided by CYC and the Parish Council as a response to the clarification note

Policy H16 River Foss

- 7.76 This policy recognises the importance of the River Foss within the neighbourhood area. It takes an approach intended to safeguard the environmental and ecological value of the River Foss. The details of the policy require that any development proposals that adjoin or are within the vicinity of the River Foss should conserve and enhance its biodiversity value, provide a green buffer between the river itself and any new development and protect existing pedestrian access and/or links.
- 7.77 In the first of the three detailed elements of the policy I recommend a modification which would acknowledge that in certain circumstances development will be able to conserve the biodiversity, landscape and recreational value of the river but that its ‘enhancement’ will not be practicable. I also recommend consequential modifications to the supporting text. Otherwise the policy takes an exemplary approach to this

important element of the natural environment of the neighbourhood area and meets the basic conditions.

- 7.78 CYC has suggested that the 8-metre natural green buffer included in the second criterion of the policy should be 9 metres. This is based on advice from its own technical specialists and from the Foss Internal Drainage Board. In addition, it comments that the safeguarded buffer is for maintenance purposes. I recommend that the 8-metre buffer criterion is modified to 9 metres. In doing so I am satisfied that the practical implications of doing so are minimal. I also recommend consequential modifications to paragraphs 161 and 162. In the former I retain the submitted reference to the ecological and conservation purposes of buffer zones. There is no inherent conflict between buffer zones providing overlapping opportunities for ecological safeguarding, conservation and maintenance purposes.

In a) replace ‘and enhance’ with ‘and where practicable enhance’

In b) replace ‘8-metres’ with ‘9-metres’

In the final sentence of paragraph 160 replace ‘enhances’ with ‘conserves and where practicable enhances’

In paragraph 161:

- *replace ‘8-metres’ with ‘9-metres’*
- *replace the final sentence with: ‘The 9-metres should be measured from the top of the riverbank to any proposed development. This approach will safeguard land both for ecological and conservation purposes (as recommended by the Environment Agency) and for maintenance purposes (as recommended by the Foss Internal Drainage Board)’*

In paragraph 162 replace ‘8-metres’ with ‘9-metres’

Policy H17 Biodiversity

- 7.79 This policy addresses biodiversity issues. It does so to good effect. Paragraphs 163 to 172 provide a comprehensive level of detail on the existing habitats in the neighbourhood area. The policy identifies measures that development proposals should incorporate into their design and layout.
- 7.80 I recommend two detailed modifications to the policy so that it has the clarity required by the NPPF. The first would apply its provisions only in relevant circumstances. As submitted the policy would apply to all development including proposals which had no impact on biodiversity. The second clarifies the ‘maintain and enhance’ approach in the first criterion. In some cases, proposals will be able both to maintain and enhance biodiversity. In other cases, enhancement may not be practicable.
- 7.81 I also recommend that the opening part of the policy is modified so that it uses more appropriate policy wording. Otherwise the policy meets the basic conditions.

7.82 Finally I recommend a series of technical modifications to the supporting text on the details of the various habitats. They have been suggested by CYC. In some cases, they update the terminology used. In other cases, they correct the information in the submitted Plan.

In the opening part of the policy replace ‘will be expected to’ with ‘should, as appropriate to their scale, nature and location’

In a) inset ‘where practicable’ between ‘and’ and ‘enhance’

At the beginning of b) add ‘Where practicable’

In paragraph 164 replace ‘UK Biodiversity Action Plan (BAP) priority....UK BAP’ with ‘Priority Species and Habitats included in section 41 (England) of the Natural Environment and Rural Communities Act (2006).

In paragraph 167 delete ‘white-clawed crayfish’

*In paragraph 168 replace the final sentence and the following bullet point with:
‘A review of the SINC’s in 2017 ratified the Huntington Field and the New Lane Meadows sites. The North Lane Meadows site is considered to be a candidate SINC’*

Policy H18 Flooding and water management

7.83 This policy comments about flooding and water management. Paragraphs 173 to 180 of the Plan provide evidence about existing flood risk issues in the neighbourhood area. They also relate local evidence to the City of York Strategic Flood Risk Assessment.

7.84 The policy effectively takes a precautionary approach. Its design has regard to national policy (NPPF 155 to 165). It has a focus on the management of surface water, new development incorporating sustainable drainage techniques where practicable and the protection of watercourses and wetlands.

7.85 I recommend the deletion of the process-related elements of the policy which are unnecessary. Otherwise it meets the basic conditions.

Replace ‘where required by the City of York Council’ with ‘where appropriate’

Policy H19 Transport and traffic management

7.86 This policy addresses transport and traffic management issues. It has a specific focus on works which might arise from the expansion of the shopping parks and the widening/dualling of the York Outer Ring Road.

- 7.87 Paragraphs 186 to 188 of the Plan comment about the concerns of local residents about traffic levels in the neighbourhood area generally, and those associated with the two shopping parks and their accessibility to the A1237 in particular.
- 7.88 I sought clarification from the Parish Council on the nature of the proposals included in the policy. I was advised that the proposals for the dualling of the York Outer Ring Road (A1237) from the A19 to Hopgrove Roundabout (the junction of the A1237 and the A64) have 'Programme Entry Status with the Department for Transport'. I was also advised that the emerging Local Plan also highlights junction improvements on all roundabouts on the A1237. In these circumstances I am satisfied that the projects are likely to proceed within the Plan period.
- 7.89 At this stage it is not possible to determine whether some or all of the highway improvements will need planning permission or will be permitted development as they fall within the highway. I recommend that the policy is modified to take account of the possibility that some or all of the works may not need planning permission.
- 7.90 I also recommend that the policy is more neutral on the types of development which may generate additional traffic. This is associated with consequential modifications to the supporting text.

At the beginning of the policy add: 'Insofar as planning permission is required' Replace 'the expansion of.... Monks Cross' with 'strategic developments'

In paragraph 188 insert the following text between 'that' and 'the' in the first sentence: 'strategic developments within the Plan period could have an impact on the capacity of the local highway network. This could include'

Thereafter:

- *add 'which' after 'Monks Cross'*
- *replace 'will severely' with 'will have the ability to'*

Policy H20 Car Parking

- 7.91 This policy has two related parts. The first requires that new developments incorporate safe and convenient car parking to CYC standards. The second comments about the limited circumstances in which proposals that would result in the loss of existing car parking provision will be supported.
- 7.92 The first part of the policy comments that parking provision should be at the highest level of standards wherever possible and practicable. This matter is also reinforced in paragraph 192 where this approach is highlighted in 'those parts of the neighbourhood area where the lack of car parking spaces is having the greatest negative impact on the character and quality of life of an area'.
- 7.93 I appreciate the spirit in which this approach has been promoted in the Plan. However, neither the policy nor the supporting text highlights the areas of greatest concern. As such this part of the policy does not have the clarity required by the NPPF. As such I

recommend that this element of the policy is deleted. Nevertheless, I am satisfied that the supporting text element can remain. It will be a detailed matter for CYC and the Parish Council to determine on a case-by-case basis.

7.94 I also recommend that the first part of the policy relates to the most up-to-date car parking standards rather than agreed standards.

In the first part of the policy replaced ‘agreed’ with ‘the most up to date’

Delete the second sentence of the first part of the policy.

Policy H21 Walking and cycling

7.95 This policy comments about the opportunities that exist for new development proposals to incorporate improvements to the network of footpaths and cycleways into their designs. In particular it gives priority to proposals that would create or improve links between the main residential areas and key local services, the existing footpath network, and the proposed strategic development north of Monks Cross (as included in the emerging Local Plan).

7.96 The policy also acknowledges that equivalent improvements could be made off-site through developer contributions.

7.97 I am satisfied in principle that the policy is distinctive and appropriate to the neighbourhood area. It reflects the respective location of its residential areas in the west and its retail base in the east of the neighbourhood area. However, I recommend a series of modifications to ensure that the policy has the clarity required by the NPPF as follows:

- changing the emphasis of the first sentence so that it requires that new developments are designed to provide safe and convenient connections to the network of footpaths and cycleways in the immediate locality;
- separating the developer contribution/planning obligation element from the main component of the policy; and
- deleting any direct reference in the policy to the proposed Monks Cross strategic site in the emerging Local Plan.

7.98 I also recommend consequential modifications to the supporting text. In doing so I provide a degree of explanation about the issues addressed in the recommended modified policy.

Replace the first sentence with:

‘As appropriate to their scale and location development proposals should be designed to provide safe and convenient connections to the network of footpaths and cycleways in the immediate locality’

In the second sentence delete (iii).

Add a separate component of the policy to read:

‘As appropriate to their scale and location development proposals may be required to contribute to improvements to the network of footpaths and cycleways outside the development site and in the immediate locality’

At the end of paragraph 194 add:

‘Policy H21 sets out an approach to ensure that, where it is practicable to do so, new development is designed in a fashion to provide safe and convenient connections to the network of footpaths and cycleways in the immediate locality. This will require that consideration is given to how new developments are arranged both internally, and in their relationship with the surrounding environment. In some cases, this could be achieved through developer contributions towards off-site improvements. In other cases, the connectivity sought could be achieved through a combination of both on-site and off-site improvements and connections. In the event that the proposed Monks Cross strategic site comes forward as currently incorporated in the emerging Local Plan it will provide particular opportunities for such connectivity improvements.’

Policy H22 Developer contributions

7.99 This policy refers to developer contributions. Its approach is to highlight three priorities which the Parish Council will seek to secure contributions from developers. The policy acknowledges that this approach should only be applied where it is both possible and appropriate to do so. The three identified priorities are:

- open space, sport, community and recreation facilities;
- community infrastructure including medical facilities; and
- traffic management and pedestrian enhancement in the village of Huntington.

7.100 In general terms I am satisfied that the three priorities are distinctive to the neighbourhood area. In addition, they overlap with other elements of the wider Plan. However, the general elements of the policy which require developer contributions to be made ‘where possible and appropriate’ falls short of the clarity required by the NPPF. In particular it offers no indication of the scale and nature of the contributions to be sought and/or their relationship with the wider approach to be taken by CYC on this matter.

7.101 In order to remedy this matter I recommend that the policy is reconfigured so that it would support development proposals which contributed towards the three priorities as identified.

7.102 The final part of the policy encourages developers to engage with the Parish Council in advance of submitting any relevant applications. Such an approach is good practice and reflects national policy in the NPPF. However, it is more of a process issue than a direct policy issue. As such I recommend that it is repositioned in a revised format into the supporting text.

Replace the first part of the policy with:

‘Subject to other development plan policies proposals will be supported which would, as practicable and appropriate to their scale, nature and location, provide improvements to any or all of the following facilities in the neighbourhood area:

- **open space, sport, community and recreation facilities; and/or**
- **community infrastructure including medical facilities; and/or**
- **traffic management and pedestrian enhancements in Huntington Village’**

Delete the second part of the policy.

*At the end of paragraph 196 add the deleted section of the policy. Thereafter add:
‘This will also provide the opportunity for the approach to be consistent with the wider means by which the City of York Council will administer this process through the development management system.’*

Monitoring and Review

7.103 The Plan properly comments about how it will be monitored and reviewed. Section 5 takes account of the government’s agenda that any development plan is kept up-to-date.

7.104 The Plan anticipates that it will be reviewed on a five-yearly cycle or to coincide with the development and review of the Local Plan. Given the significance of the preparation of the Local Plan in general, and the particular way in which addresses Green Belt and strategic housing issues I recommend that paragraph 199 recognises that the eventual adoption of a new Local Plan for the City would represent an initial opportunity to assess whether any elements of a ‘made’ neighbourhood plan needed to be reviewed at that time.

At the end of paragraph 199 add: ‘The eventual adoption of the emerging City of York Local Plan would represent an initial opportunity to assess whether any elements of a made neighbourhood plan need to be reviewed at that time’.

Other matters - General

7.105 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for CYC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

Other Matters - Factual Updates

- 7.106 CYC has suggested a series of detailed and/or technical updates and amendments to the Plan. I have accommodated them on a policy-by-policy basis where they are necessary to ensure that the Plan meets the basic conditions.
- 7.107 CYC has also suggested a series of contextual changes to the supporting text in the Plan. Some of these comments relate to the general text in the introductory sections of the Plan. I have found the various suggestions to be very helpful both in my understanding of the Plan and in testing it against the basic conditions. In several cases they would update the Plan to ensure that it consistent with the most recent developments with regard to the emerging Local Plan. In addition, I have further updated the language used to take account of the passage of time since CYC prepared its comments on the neighbourhood plan.
- 7.108 As I have highlighted in paragraph 1.4 of this report my remit is limited to examining the Plan against the basic conditions. I cannot recommend modifications which would simply improve the Plan or which would result in it being presented in a different fashion. As such my recommended modifications below are related purely to the areas where modifications are necessary to ensure that the Plan meets the basic conditions. This follows the approach that I have taken to the more specific comments on a policy-by-policy basis.

Paragraph 19 – at the end of the text in the second bullet point (on the emerging Local Plan) add: ‘The emerging City of York Local Plan initial examination hearings took place in December 2019. The adoption date is currently unknown and will depend on outcome of the examination hearing sessions’

Paragraph 47 – replace ‘841’ with ‘790’

Paragraph 47 – replace the penultimate sentence with: ‘There is a proposal for development over 15 years (2017-2032/3) with the exception of Green Belt Boundaries which will endure up to 2037/38’

Paragraph 49 – replace ‘52’ with ‘approximately 40’ and replace ‘and cultural facilities’ with ‘retail and health facilities’

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2032/33. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Huntington Parish Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to the City of York Council that subject to the incorporation of the modifications set out in this report that the Huntington Parish Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by the City of York Council on 28 September 2015.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
21 February 2020