



City of York Local Plan

Proposed Modifications and Evidence Base Consultation 2021

Representations received

Volume 4 of 11

Responses SID350 to 375

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

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

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

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

September 2021

From: [REDACTED]
Sent: 07 July 2021 15:22
To: localplan@york.gov.uk
Cc: [REDACTED]
Subject: York Local Plan Proposed Modifications Consultation
Attachments: 070721 Response Form - Picton.docx.pdf; 070721 York Local Plan Reg 19 Representations - Picton.pdf; Appendix 2 - 190722 - Picton Reprs- 2019 modifications - final.pdf; Appendix 1 - 180404 - Picton reps - final.pdf

Importance: High

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

Dear Sirs,

Please find attached representations on behalf of Picton.

I would be grateful if you could confirm receipt of this e-mail and the attached form and documents.

Kind Regards

[REDACTED]

Classification L2 - Business Data

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

OFFICE USE ONLY:

ID reference:

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

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

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

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

Part A - How we will use your Personal Information

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

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

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

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination¹. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

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

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

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

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

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

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

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

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

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

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

Signature



Date

07/07/2021

Part B - Personal Details

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

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

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

Guidance note

Where do I send my completed form?

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

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

You can also complete the form online at:

www.york.gov.uk/form/LocalPlanConsultation.

What can I make comments on?

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

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

Do I have to use the response form?

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

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

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

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

Do I need to attend the Public Examination?

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

Where can I view the Consultation documents?

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

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

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

Part C - Your Representation

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



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

Proposed Modification Reference:

PM50-PM54

Document:

See attached Carter Jonas representations for list of document

Page Number:

N/A

What does 'legally compliant' mean?

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

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

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

Yes

No

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

Yes

No

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

Please see attached Carter Jonas statement of representations and appendices.

What does 'Sound' mean?

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

What makes a Local Plan "sound"?

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

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



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

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

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

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

Yes

No

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

(tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

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

Please use extra sheets if necessary

Please see attached Carter Jonas statement of representations and appendices.

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



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

Please see attached Carter Jonas statement of representations and appendices.

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

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

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

Yes, I wish to appear at the Examination

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

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

Given the significant issues under consideration by Picton Capital it is appropriate for them to participate directly by attending the relevant hearing sessions.

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

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

**CITY OF YORK LOCAL PLAN
PROPOSED MODIFICATIONS AND
EVIDENCE BASE CONSULTATION
(25 MAY – 7 JULY 2021)**

**REGULATION 19 CONSULTATION
RESPONSE**

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Appendix 1: Publication Draft York Local Plan (the PDP) (Regulation 19 Representations March 2018)

Appendix 2: Proposed Modifications (Regulation 19 Representations July 2019)

1.0 INTRODUCTION AND EXECUTIVE SUMMARY

- 1.01. Carter Jonas LLP welcomes the opportunity to make representations upon the May 2021 City of York Local Plan Proposed Modifications (the PMs) and evidence base consultation on behalf of Picton. These representations are submitted in support of their interest in housing provision and need across the city and premises at Kettlestring Lane, Clifton Moor, SHLAA Site Reference 959.
- 1.02. These representations are pursuant to and cross-reference to previous representations by Carter Jonas to the Publication Draft York Local Plan (the PDP) (Regulation 19 Representations March 2018) (Appendix 1), and the Proposed Modifications (Regulation 19 Representations July 2019) (Appendix 2).
- 1.03. We have significant concerns over the additional PMs currently proposed and the overall soundness of the plan which will impact upon the timetable and prolong the continued failure to plan for the development needs of the City of York. We are also concerned at the length of time it has taken for the Council to respond to the concerns raised by the Inspectors and the fact that a large amount of the evidence base is now becoming outdated.
- 1.04. Our specific concerns arising from this PMs consultation (along with the Plan as submitted) relate to the following, with cross-reference to the modifications main document and/or evidence base where appropriate:
- **PM50-54 and associated evidence base**
 - EX/CYC/29: York Economic Outlook December 2019
 - EX/CYC/36: Affordable Housing Note Final February 2020
 - EX/CYC/43a: Housing Needs Update September 2020
 - EX/CYC/32: CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return 2019
- 1.05. Our representations in response to the consultation are structured as follows:
- Section 2 covers spatial strategy and the housing requirement
 - Section 4 summarises our conclusions
- 1.06. We have completed a representation form to which this statement is attached and includes the request to participate in the examination.

2.0 THE SPATIAL STRATEGY AND HOUSING REQUIREMENT

PM50-54 and Policy SS1: York Housing Needs and Delivering Sustainable Growth for York and associated evidence base

- 2.01 We continue to consider that Policy SS1 is not sound as it is not positively prepared, effective or consistent with national policy for the reasons set below which reiterate our previous representations (enclosed in Appendix 1 and 2). This is despite the new evidence base documents and associated proposed modifications PM50, PM53 and PM54.
- 2.02 We continue to object to the OAHN of 790 homes per annum set out in PM 54 and the housing requirements being set at 882 dwellings over the plan period to 2023/33 which the Council state in PM54 includes “*an allowance for a shortfall in housing provision from the period 2021 to 2017*”. Based on the CJ Housing Needs and Supply Report submitted as part of the Proposed Modifications (Regulation 19 Representations July 2019) (see Appendix 1 - 3) we consider that the OAN should be at a baseline minimum of 1,066 dpa.
- 2.03 In terms of calculating housing need, Planning Practice Guidance sets out that the Government’s stance in relation to the use of the 2016 and 2018 based household projections when calculating the Standard Method, identifying that the 2014-based projections are more appropriate. Whilst these principles relate to the Standard Method it does however highlight issues with 2016 and 2018 data and that caution should be taken when using these projections. The GL Hearn (September 2020) Housing Needs Update: City of York Council [EX/CYC/43a] report used to support the Council’s continued use of the 790 dwellings per annum (DPA) over the plan period therefore raises concern over the use of the 2018-based household projections.
- 2.04 We also note that the GL Hearn Housing Needs Update September 2020 (EX/CYC/43a) continues to use an economic growth of 650 jobs. Whilst the Council have undertaken an Economic Outlook Report dated December 2019 (EX/CYC/29) to validate this we understand that this figure originally derived from a baseline forecast produced in 2015. This highlights the fact that a large amount of the baseline data used to initially inform the Local Plan is now becoming significantly out of date and is therefore questionable.
- 2.05 It is well documented (see CJ Housing Needs and Supply Report submitted as part of the Proposed Modifications (Regulation 19 Representations July 2019 attached in Appendix 2) and was also highlighted at the Hearing Sessions in December 2019 that the City is suffering from an acute affordable need following years of under provision with no clear evidence of any recent improvement in this respect. This goes against the NPPF core planning principle at paragraph 17, bullet point 3. The Affordable Housing Note Final February 2020 (EX/CYC/36) provided by the Council continues to show that affordable housing need will not be met. The report highlights a supply of only 38.6% of the affordable housing need of 573 dwellings per annum, with historical completions of less than 10% of the total completions highlighted. This demonstrates a serious flaw within the Council’s approach to housing need and affordability. It shows a lack of understanding on the Council’s behalf

to acknowledge the seriousness of the issue and look for possible solutions in the form of an uplift to the housing requirement to aid the delivery of affordable homes.

- 2.06 We remain of the view that to address acute shortages in affordable housing provision a figure of 1,26 dpa set out in the CJ Housing Needs and Supply Report submitted as part of the Proposed Modifications (Regulation 19 Representations July 2019 attached in Appendix 1 should be used in the interest of meeting extreme and historic housing need and planning positively for the future development needs of the city.
- 2.07 The Council's Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return 2019 (EX/CYC/32) also raises concerns. There are significant differences in the two forms of data which raises questions over the validity of such data as part of the evidence base used to inform modifications to the Local Plan and the need for an alternative form of data to support the housing completions identified.
- 2.08 The proposed modifications at PM50 – PM54 are therefore based upon an unrealistically low OAHN and as a result Policy SS1 remains wholly unsound. We continue to consider that this could be resolved through proposed housing requirement based on a minimum OAN of 1,069 dpa. The Council should therefore consider additional sites to allow flexibility. Sites on the urban area of York such as our client's site at Kettlestring Lane, Clifton Moor. SHLAA Site Reference 959 should be considered for allocation.

3.0 CONCLUSION

3.01. These representations highlight that the Proposed Modifications and supporting revised evidence base fails to make the Proposed Plan sound nor do they meet the requirements of paragraph 157 of the NPPF.

3.02. Our concerns relate to:

- Continued proposed OAN of 790 per annum producing a minimum average annual net provision of 822 dwellings
- over the plan period to 2032/33
- a severe shortfall of affordable housing and lack of measures to address this issue; and
- insufficient land allocated for housing including provision of affordable housing

3.03. These would combine to hold back growth to unreasonably low levels and exacerbate the existing significant housing delivery and affordability issues further.

3.04. We expect that further main modifications will be needed and in particular additional housing land allocations to meet a significantly higher OAN to address the issues highlighted. We consider that our client's site at Kettlestring Lane, Clifton Moor is fully deliverable and represents an appropriate site allocation for housing when considered against reasonable alternatives. The land should be allocated for housing within the plan period for the extensive reasons noted within these representations and in particular to supplement draft housing allocations to meet an objectively assessed need for housing that will increase significantly during the progress toward local plan adoption.

**APPENDIX 1: PUBLICATION DRAFT YORK LOCAL PLAN (THE PDP)
(REGULATION 19 REPRESENTATIONS MARCH 2018)**

**APPENDIX 2: THE PROPOSED MODIFICATIONS (REGULATION 19
REPRESENTATIONS JULY 2019)**

**CITY OF YORK LOCAL PLAN
PUBLICATION DRAFT (FEB 2018)
REGULATION 19 CONSULTATION**

REPRESENTATIONS

March 2018
On behalf of Picton Capital
J0006955

Carter Jonas

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Appendices

Appendix 1: October 2017 representations for Picton Capital

1.0 INTRODUCTION & EXECUTIVE SUMMARY

- 1.1 Carter Jonas LLP welcomes the opportunity to make representations upon the February 2018 City of York Local Plan Publication Draft (the PDP) on behalf of Picton Capital Ltd.). These representations are pursuant to and cross-reference with previous representations by Carter Jonas at Pre-Publication Draft (Regulation 18) stage (as enclosed at Appendix 1 for ease of reference).
- 1.2 Picton owns land and premises at Kettlestring Lane, which we again propose for allocation for housing. The land is now Site Reference 959: Land at Kettlestring Lane, Clifton Moor within the Strategic Housing Land Availability Assessment (SHLAA) (2017). Our client is keen to work with the City of York Council to help ensure a sound Local Plan can be adopted as soon as possible. We will be pleased to engage with the Council upon matters of housing need and delivery, and site-specific matters to facilitate swift progress.
- 1.3 We note that the Minister for Housing, Communities and Local Government (HCLG) has confirmed (as of 23 March 2018) the council is not one of those selected for local plan intervention. However, a watching brief will be maintained by HCLG to ensure the Council continues to meet the published timetable set out within the Local Development Scheme. Notwithstanding this, we have major concerns over the soundness of the plan as currently proposed which will impact upon the timetable for Plan and prolong the continued failure to plan to meet the needs of the City of York.
- 1.4 In summary our main representations are as follows:

Vision, Spatial Strategy and the Housing Requirement

- The Vision and Outcomes are not justified or effective as they are not backed by evidence and positive policies to meet the identified housing need.
- The housing requirement and the predicted housing supply is not justified, effective or consistent with national planning policy or even the council's own evidence base.
- In particular, the minimum annual provision of 867 new dwellings per annum is not based upon any robust objective assessment of need – even the council's own evidence base gives an OAN of 953dpa.
- As a result, the draft plan will not deliver sufficient new housing or the much needed boost to the level of supply indicated by the available evidence.
- Based on the available evidence, the plan should provide for a minimum of 1,000 new dwellings per annum.
- Even founded on a figure of 867dpa the plan proposes insufficient housing land to meet its proposed requirement.
 - The spatial strategy relies too heavily on a number of key large and/or complex sites and over-optimistic and unsupported assumptions over both timing and number of dwellings to be delivered.

- The draft plan also includes over-optimistic assumptions over the predicted level of windfall.
- Indicative densities are too high, giving unrealistic yield per hectare assumptions and potentially resulting in poor quality development and lack of new housing choice.

Site selection and the case for Land at Kettlestring Lane, Clifton Moor

- Our client's land at Land at Kettlestring Lane, Clifton Moor is fully deliverable and represents one of the most appropriate sites for allocation when considered against reasonable alternatives and our client and the relevant landowners are willing parties.
- We demonstrate that:
 - The site occupies a highly sustainable location within close proximity to the existing facilities and services of Clifton District Centre;
 - It is well connected via existing sustainable transport network, including bus stops nearby providing access to the City Centre;
 - The development will deliver new and much needed affordable housing;
- Site ref. 959 should be allocated for housing.

1.5 We have completed a representation form which is attached to this statement and request to participate in the examination.

2.0 THE OVERALL DOCUMENT & GENERAL POLICIES

Background

- 2.1 Within this response, our comments are directed at specific parts of the Publication Draft Plan, which we consider make the document 'unsound'. Our response addresses the issues of soundness set out in paragraph 182 of the National Planning Policy Framework (NPPF) (2012). These require that the Plan should be: -
- Positively Prepared;
 - Justified;
 - Effective and
 - Consistent with national planning policy.
- 2.2 We have some initial comments in regards the document as a whole. Principally the concerns are as follows: -
- Following a long and troubled preparation over many years and as a result of recent Council decisions on growth the Publication Draft Plan is not sufficiently strategic in focus and fails to provide a clear strategic direction for the City;
 - In view of the unreasonably low level of housing growth proposed recent it fails to respond to the direction of travel contained within CLG's White Paper 'Fixing our Broken Housing Market' (Feb 2017), 'Planning for the Right Homes in the Right Places: Consultation Paper' (September 2017) and the recent draft National Planning Policy Framework and Planning Policy Guidance issued in March 2018 and associated documents.
- 2.3 It is considered that a significant amount of work still needs to be done to make the Local Plan sound. As it stands, the document is:
- Not justified because is not based on an robust and credible evidence base, and is not the most appropriate strategy when considered against reasonable alternatives;
 - Not effective due to issues of flexibility and does not plan properly to meet the identified needs; and
 - Not consistent with current and emerging national planning policy.
- 2.4 Our specific comments are set out below on a section-by-section basis.

Section 2: Vision and Development Principles

- 2.5 The Vision and Outcomes at p16 are fairly generic and fail to say anything about the need for housing growth to help both deliver and underpin the sustainable development aims and objectives.
- 2.6 Paragraphs 2.1 and 2.2 promote the key role of York in leading Sub-Regional economic growth and new job creation whilst as safeguarding existing employment provision. The aim is to deliver 650 new jobs per annum. Paragraph 2.5 acknowledges the need to provide new homes in the form of “sufficient land for 867 dwellings per annum. Specific reference is made to ‘garden village’ developments at three locations plus “major sustainable urban extensions such as British Sugar and York Central.”
- 2.7 Policies DP1 and DP2 of the Publication Draft Plan acknowledge the need for development to meet housing needs. DP1 aims to ensure:
- The housing needs of the City of York’s current and future population including that arising from economic and institutional growth is met within the York local authority area.*
- 2.8 We wholeheartedly welcome this aim, although for the Vision to be ‘sound’ it should also explicitly acknowledge the need to provide affordable housing and diversify the housing market.
- 2.9 We have significant concerns that the Plan will not effectively meet the development principles of Policy DP1 aims, as set out above. It is well documented that the housing target set out within the publication Plan is not appropriately justified and should be increased to seek to meet the housing needs and economic growth in the area

3.0 SPATIAL STRATEGY AND THE HOUSING REQUIREMENT

Policy SS1: Delivering Sustainable Growth for York

- 3.1 Policy SS1 is not considered to be sound as it is not positively prepared, effective or consistent with national policy for the following reasons. Our client objects to the housing requirement being set at 867 dwellings per annum. The GL Hearn Strategic Housing Market Assessment (May 2017 - the SHMA) clearly recommends that, based on their assessment of market signals evidence and some recent Inspectors decisions, the council should include a 10% market signals adjustment to the 867 figure, resulting in a requirement of 953 dwellings per annum.
- 3.2 There is no justification for not making an adjustment for market signals. The Publication Draft Plan text at paragraph 3.3: Housing Growth is silent on the methodology behind the selection of the 867dpa figure. There are significant issues of housing affordability within the city and no evidence of any recent improvement in this respect. This is in breach of the NPPF core planning principle at paragraph 17, bullet point 4. The decision makers at City of York Council Local Plan Working Group and Executive meetings in January 2018 had every opportunity to aim for a more reasonable, justified and positive target for housing delivery, including the potential housing allocation of Site 959. This would have been fully supported and justified by the SHMA evidence base, officer recommendations (incorporating suggested additional housing sites, including Site 959) and statements of case by many representors. However, the members of those committees failed to take this opportunity, choosing a figure based on only part of the GL Hearn findings. This approach is wholly unjustified and in breach of the aims and objectives of draft Policy DP1 as noted above.
- 3.3 As such, the housing requirement of 867 fails to comply with Planning Practice Guidance and as a result the Publication Draft Plan fundamentally fails to provide for the evidenced housing growth requirement and is therefore patently unsound.
- 3.4 Furthermore, an additional uplift based upon representations from businesses and bodies such as the York Chamber of Commerce should reflect the confirmed role of York as a “key economic driver”. The York Economic Strategy 2016 to 2020 also indicates the need for a further uplift. The lack of reasonable explanation for not including economic uplift is contrary to PPG advice at Paragraph: 004 Reference ID: 2a-004-20140306, as follows:

...the use of this standard methodology set out in this guidance is strongly recommended because it will ensure that the assessment findings are transparently prepared. Local planning authorities may consider departing from the methodology, but they should explain why their particular local circumstances have led them to adopt a different approach where this is the case.

- 3.5 The Publication Draft Plan housing requirement of 867 dwellings per annum wholly fails to meet the requirements of NPPF paragraph 182 in that it is not positively prepared, justified, effective and consistent with national planning policy.
- 3.6 Given the real prospects of the plan being found unsound at the earliest juncture, the council should allow for a significant increase from the 867 figure towards the 1,070dpa confirmed within the Planning for the Right Homes Publication Data spreadsheet. As a result, we consider the OAN figure for York is closer to 1,000 dwellings per annum to meet demographic needs and provide reasonable necessary response to market signals, which should be planned for in the dual interests of flexibility of supply and positive planning.

Spatial Strategy: Key Housing Sites - Policies SS4 – SS20

- 3.7 Whilst we do not go into detail on each of the key sites set out between pages 32-69 of the Publication Draft Plan we have deep-seated concerns in respect of (1) the over-reliance on large, strategic sites (including new settlements) and (2) the unrealistic yields being suggested.

Policy SS4: York Central

- 3.8 Whilst we do not go into the details behind Policy SS4 at this stage we note that the suggested yield includes a significant degree of optimism in terms of programme and delivery rates on the one hand and an unreasonably broad range of potential housing yield, spanning a potential 850 dwellings on the other. In particular, the suggested “1,700 – 2,500 dwellings, of which a minimum of 1,500 dwellings will be delivered in the plan period” represents a lack of clear understanding of true site potential and likely yield during the plan period.
- 3.9 It is worth noting that the suggested range of 1,700 – 2,500 dwellings doesn’t correlate with the council’s own York Central webpage which states:

The current proposals are subject to further technical work and consultation, but current suggestions include 1,000 to 2,500 homes...

Policy SS6: British Sugar/Manor School

- 3.10 As with SS4 above we do not go into the details behind Policy SS6 at this stage. However, consider the suggested 1,200 dwelling yield includes a significant degree of over-optimism. This is highlighted through the October 2017 Planning Committee report for the undetermined planning application ref. 15/00524/OUTM which refers to “up to 1,100 dwellings” and then with the subsequent January 2018 Design and Access Statement setting out a range of scenarios resulting in as few as 675 units (Option A, at 35dph), up to a maximum of 1,076 units (Option C, at 45dph).

4.0 HOUSING

Policy H1: Housing Allocations

- 4.1 This section of the plan seeks to set out *the “policies and allocations to positively meet the housing development needs of the city”*. We maintain for the reasons given above, the proposed housing allocations will not meet the appropriate level of OAN for the City over the plan period. In this respect the plan is not sound, justified, effective or in accordance with national policy.
- 4.2 It is vital the Council produces a plan which can deliver against its full housing requirement. To do this it is important that a strategy is put in place which provides a sufficient range of sites to provide enough sales outlets to enable delivery to be maintained at the required levels throughout the plan period and that the plan allocates more sites than required to meet the housing requirement as a buffer. To meet NPPF requirements for the plan to be positively prepared and flexible the buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites. We suggest a contingency of at least 10% to the overall housing land supply to provide sufficient flexibility for unforeseen circumstances and in acknowledgement that the housing requirement is proposed as a minimum not a maximum figure.
- 4.3 As far as we are aware, the Council has not provided a robust assessment of trajectory for the housing allocations and therefore it is difficult to provide a detailed analysis of the likely delivery rates of the individual sites. However on the limited information available it is considered that the Publication Draft Plan significantly underestimates the length of time it will take for the housing allocations to start delivering completions. A significant amount of supply is based upon the regeneration sites and large strategic allocations set out within Section 3: Spatial Strategy and therefore are likely to take a number of years to achieve detailed planning permission given the requirements for, *inter alia*, remediation, Environmental Impact Assessment and complexities of the likely Section 106 Agreements involving the delivery of new schools, local centres and significant pieces of infrastructures etc.
- 4.4 Furthermore, a number of the sites are under multiple ownerships and therefore may take many years for land assembly to take place and the drawing up contractual agreements with developers. These combined factors mean that a large number of the housing allocations are unlikely to start delivering completions within the first 5 years of the plan period.
- 4.5 Our client is concerned that the methodology used for determining the capacity of the proposed allocations has overestimated the amount of housing that will be delivered on the sites and as such the reliance on these sites could render the Plan ineffective due to more realistic lower yields. It is considered that the build out rates and density levels contained in the SHLAA are not realistic or robust. To illustrate this it is worth noting the very broad estimated 1-10 year phasing within Table 5.1 for key sites such as H1: Heworth Green Gas Works and H7: Bootham Crescent. In addition, the SHLAA overestimates gross to net site ratios, which is a particular problem for large sites which will require substantial on-site infrastructure and ancillary uses such as public open

space, schools, local services and facilities, flood attenuation ponds and swales, significant adoptable road networks etc. The assumptions used in the SHLAA do not appear to be supported by any local evidence.

- 4.6 As evidenced by the Windfall Technical Paper, the housing supply makes an allowance for windfall sites of 169 dwellings per annum from plan year 4. As noted above, previously developed land is a finite resource and, similarly, historic rates of windfall are most unlikely to be maintained for the plan period. Furthermore, we note the allocation of smaller sites (e.g. Site H53 Land at Knapton Village for 4 dwellings). In the past these smaller sites for only a handful of units might otherwise have been considered as windfall should they come forward and as a result their allocation would detract from projected windfall based on historic rates. As a result, Picton therefore objects to the inclusion of over 2,000 units of windfall within supply to be wholly unsupported, unsound and lacking justification.
- 4.7 The above will necessitate additional housing allocations being identified. Failure to identify additional housing will impact upon the overall delivery of the Local Plan aims and objectives to meeting housing need.

Policy H2: Density of Residential Development

- 4.8 We envisage that the high housing densities within Policy H2 represent part of the council's case to minimise housing land allocations and thus the need to remove land from the General Extent of Green Belt. Development densities of 100 dwellings per hectare within the city centre and 50 dwellings per hectare within the wider urban area are unrealistically high and would lead to lack of choice and poor standards. As currently drafted, Policy H2 is not considered to be sound as it is not effective, justified or consistent with national policy.
- 4.9 Whilst the NPPF, paragraph 47, does indicate local authorities can set out their own approach to housing density this should be based upon local circumstances and not harm the overall objective of boosting significantly housing supply.

5.0 THE CASE FOR THE ALLOCATION OF LAND AT KETTLESTRING LANE, CLIFTON MOOR

5.1 These representations are pursuant to the previous representations for Picton and seek to establish that the site is suitable for allocation and represents the most appropriate option for allocation when considered against reasonable alternatives.

5.2 In all planning respects the proposal is sustainable and addresses all planning policy, environmental and technical considerations.

The Proposal - Summary

5.3 The site is 3.2 ha hectares in size and could readily accommodate up to 100 dwellings (at a net density of 32dph). There is sufficient land to enable the delivery of a high quality and sustainable development, relating well to the surrounding context. The site is currently comprised of one large commercial building and one smaller employment unit. The buildings are under-occupied because of their nature, layout and location makes them unattractive to modern commercial occupiers.

5.4 These representations seek to establish that the site is suitable for allocation and represents the most appropriate option for allocation when considered against reasonable alternatives. In doing so, the representations will provide details of the sites' deliverability, suitability for development and achievability in terms of its ability to be brought forward to meet the city's housing requirement.

5.5 The site is encircled by a highway and is surrounded by a range of commercial and residential uses. The commercial uses include B1a offices, retail warehousing, storage and distribution, and light industrial uses. As a result, none of these uses represent a significant constraint on the residential use of the site. Furthermore there has been a significant amount of residential development immediately neighbouring site in Pioneer Business Park and Clifton Technology Centre. As a result, the residential re-use of the site is clearly compatible with surroundings and context.

2.4 The scheme will provide a mixture of house types, sizes, and tenures including affordable housing. The proposed scheme will provide public open space and additional landscaping.

The Deliverability of the Land at Kettlespring Lane, Clifton Moor

2.5 The land at Kettlespring Lane, Clifton Moor is fully 'deliverable' in accordance with Paragraph 47 of the Framework. Our comments have been framed by the Council's published Residential and Employment Site Selection Methodology. In summary it is: -

- a) Available now;
- b) A suitable location for development now; and

- c) Is achievable with a realistic prospect that housing will be delivered on the site.

6.0 CONCLUSION

6.1 These representations set out fundamental flaws in the Publication Draft Plan and explain why it is unsound. In particular, the Plan fails to meet the NPPF paragraph 157 requirement to

...plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework...

6.2 The most significant concerns are the proposed low annual housing provision, tightly drawn Green Belt boundaries and insufficiency of housing land allocation would combine to hold back growth to unreasonably low levels and exacerbate the existing significant affordability issues further.

6.3 Our client's land at Kettlestring Lane, Clifton is fully deliverable and represents one of the most appropriate sites for allocation when considered against reasonable alternatives.

6.4 Picton respectfully maintains that Land at Kettlestring Lane, Clifton, SHLAA ref. 959 should be designated as a housing allocation.

**CITY OF YORK LOCAL PLAN
PROPOSED MODIFICATIONS
(JUNE 2019)
REGULATION 19 CONSULTATION
RESPONSE**

REPRESENTATIONS

July 2019
On behalf of Picton

Carter Jonas

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2	Housing Needs and Supply Report	

1.0 INTRODUCTION

- 1.1 Carter Jonas LLP (CJ) welcomes the opportunity to make representations in respect of the June 2019 City of York Local Plan Proposed Modifications (the PMs) on Picton Capital (Picton). These representations are submitted in support of their interest in housing provision and need across the city and premises at Kettlestring Lane, Clifton Moor, SHLAA Site Reference 959. These representations are pursuant to and cross-reference with previous representations by Carter Jonas at Publication Draft (Regulation 19) stage (as enclosed at Appendix 1 for ease of reference).
- 1.2 We have significant concerns over the PMs currently proposed and the overall soundness of the plan which will impact upon the timetable and prolong the continued failure to plan for the development needs of the City of York. Our specific concerns arising from this PMs consultation (along with the Plan as submitted) relate to the following, with cross-reference to the modifications main document and/or evidence base where appropriate:
- PPM3-PM5 and associated amendments – The January 2019 Housing Needs Update and the Revised Objectively Assessed Housing Need (OAHN)
 - The associated 'Garden Village' strategy for delivery of sufficient land to meet the OAHN
- 1.4 Our representations in response to the PMs consultation are structured as follows:
- Section 2 covers spatial strategy and the housing requirement
 - Section 3 summarises our conclusions
- 1.5 We have completed a representation form to which this statement is attached and includes the request to participate in the examination.

2.0 SPATIAL STRATEGY AND THE HOUSING REQUIREMENT

PM3 – PM5 and Policy SS1: York Housing Needs and Delivering Sustainable Growth for York

- 2.1 Policy SS1 is not considered sound as it is not positively prepared, effective or consistent with national policy. The PMs and updated/new supporting evidence do nothing to resolve this – quite the contrary as the proposed reduction to the minimum annual provision of new dwellings of 790 dwellings per annum pushes in the opposite direction. In short summary, the council is seeking to use the more favourable and up-to-date household projection figures on the one hand and the ‘old rules’ methodology for calculating OAHN on the other (i.e. prior to the 2018 NPPF revisions).
- 2.2 We consider that by adhering to the ‘old rules’ and despite the new 2108 NPPF methodology having been known for a significant length of time (2 years), this represents a negative approach to plan-making. Pursuant to the CJ Housing Needs and Supply Report at Appendix 1, Picton objects to the housing requirement being set at 790 dwellings per annum (dpa) and concludes that the OAN should be at a baseline minimum of 1,066 dpa. Taking into account acute need for affordable housing provision the most appropriate figure is circa 1,226 dpa.
- 2.3 The Council’s previous evidence base, in the form of the GL Hearn Strategic Housing Market Assessment (May 2017 - the SHMA) clearly recommends that, based on their assessment of market signals evidence and some recent Inspectors decisions, the council should include a 10% market signals adjustment to the 867 figure, resulting in a requirement of 953 dwellings per annum. The revised OAN ignores previous supporting evidence base conclusions and provides no clear or sound justification for not making a 10% affordable housing and adjustment for market signals in light of Government guidance. The Publication Draft Plan text at paragraph 3.3: Housing Growth is silent on the methodology behind the selection of the 867dpa figure.
- 2.4 There are significant issues of housing affordability within the city which needs to be addressed and there is no evidence of any recent improvement in this respect. This is in breach of the NPPF core planning principle at paragraph 17, bullet point 4. The decision makers at City of York Council Local Plan Working Group and Executive meetings in January 2018 had every opportunity to aim for a more reasonable, justified and positive target for housing delivery. This would have been fully supported and justified by the SHMA evidence base, officer recommendations (including suggested additional housing sites) and statements of case by many representors. However, the members of those committees failed to take this opportunity, choosing a figure based on only part of the GL Hearn findings.
- 2.5 That approach was wholly unjustified and in breach of the aims and objectives of draft Policy DP1 as noted above and a key indicator of the Council’s unreasonable and unrealistic approach to assessing housing need. As such, the previous housing requirement of 867 dpa and the currently suggested 790 dpa under PM3 and PM4 fail to comply with Planning Practice Guidance and as a result the Plan fundamentally fails to provide for the evidenced housing growth requirement and is therefore demonstrably unsound.
- 2.6 Given the real prospects of the plan being found unsound at pre-examination or EiP stage, the council should allow for a significant increase from the 867 figure towards the bare minimum of 1,066 dpa confirmed within the

attached Housing Needs and Supply Report. To help address acute shortages in affordable housing provision the 1,226 dpa figure noted above should be used in the interests of meeting extreme and historic housing need and planning positively for the future development needs of the city.

- 2.7 We note that PM3 includes the statement that *“in addition the plan will optimise the delivery of affordable housing to meet identified need subject to not compromising viability of development sites; and address the needs of specific groups”*. The Carter Jonas Housing Needs and Supply Report at Appendix 1 has identified that York has a severe shortfall in the delivery of new affordable housing in recent years and this is illustrated by the delivery figures since 2015-16, set against Right to Buy losses to affordable housing stock:

	2015-16	2016-17	2017-18	Total
New-build	100	135	67	302
RtB Sales	68	79	72	219
Nett delivery	32	56	-5	83

- 2.8 The statistics are taken from Live Table 1011C: Additional Affordable Housing Supply; detailed breakdown by Local Authority, Completions 1, 2 and Table 685: Annual Right to Buy Sales: Sales by Local Authority: 1979-80 to 2017-18 12345
- 2.9 The proposed modifications at PM3 – PM5 are therefore based upon an unrealistically low OAN and as a result Policy SS1 remains wholly unsound. The Council should therefore consider additional sites to allow flexibility. Sites on the urban area of York such as our client’s site at Kettlestring Lane, Clifton Moor. SHLAA Site Reference 959 should be considered for allocation.

3.0 CONCLUSION

3.1 These representations highlight that the Proposed Modifications fail to make the Proposed Plan sound nor do they meet the requirements of paragraph 157 of the NPPF.

3.2 Our concerns relate to:

- the proposed even lower annual housing provision with an OAN of 790;
- a severe shortfall of affordable housing and lack of measures to address this issue; and
- insufficient land allocated for housing in general

3.3 These would combine to hold back growth to unreasonably low levels and exacerbate the existing significant housing delivery and affordability issues further.

3.4 We expect that further main modifications will be needed and in particular additional housing land allocations to meet a significantly higher OAN. In this we consider that our client's site at Kettlestring Lane, Clifton Moor is fully deliverable and represents an appropriate site allocation for housing when considered against reasonable alternatives. The land should be allocated for housing within the plan period for the extensive reasons noted within these representations and in particular to supplement draft housing allocations to meet an objectively assessed need for housing that will increase significantly during the progress toward local plan adoption.

CARTER JONAS
JULY 2019

APPENDIX 1: FEBRUARY 2018 REPRESENTATIONS

**CITY OF YORK LOCAL PLAN
PUBLICATION DRAFT (FEB 2018)
REGULATION 19 CONSULTATION**

REPRESENTATIONS

March 2018
On behalf of Picton Capital
J0006955

Carter Jonas

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6.0 Conclusion	18

Appendices

Appendix 1: October 2017 representations for Picton Capital

1.0 INTRODUCTION & EXECUTIVE SUMMARY

- 1.1 Carter Jonas LLP welcomes the opportunity to make representations upon the February 2018 City of York Local Plan Publication Draft (the PDP) on behalf of Picton Capital Ltd.). These representations are pursuant to and cross-reference with previous representations by Carter Jonas at Pre-Publication Draft (Regulation 18) stage (as enclosed at Appendix 1 for ease of reference).
- 1.2 Picton owns land and premises at Kettlestring Lane, which we again propose for allocation for housing. The land is now Site Reference 959: Land at Kettlestring Lane, Clifton Moor within the Strategic Housing Land Availability Assessment (SHLAA) (2017). Our client is keen to work with the City of York Council to help ensure a sound Local Plan can be adopted as soon as possible. We will be pleased to engage with the Council upon matters of housing need and delivery, and site-specific matters to facilitate swift progress.
- 1.3 We note that the Minister for Housing, Communities and Local Government (HCLG) has confirmed (as of 23 March 2018) the council is not one of those selected for local plan intervention. However, a watching brief will be maintained by HCLG to ensure the Council continues to meet the published timetable set out within the Local Development Scheme. Notwithstanding this, we have major concerns over the soundness of the plan as currently proposed which will impact upon the timetable for Plan and prolong the continued failure to plan to meet the needs of the City of York.
- 1.4 In summary our main representations are as follows:

Vision, Spatial Strategy and the Housing Requirement

- The Vision and Outcomes are not justified or effective as they are not backed by evidence and positive policies to meet the identified housing need.
- The housing requirement and the predicted housing supply is not justified, effective or consistent with national planning policy or even the council's own evidence base.
- In particular, the minimum annual provision of 867 new dwellings per annum is not based upon any robust objective assessment of need – even the council's own evidence base gives an OAN of 953dpa.
- As a result, the draft plan will not deliver sufficient new housing or the much needed boost to the level of supply indicated by the available evidence.
- Based on the available evidence, the plan should provide for a minimum of 1,000 new dwellings per annum.
- Even founded on a figure of 867dpa the plan proposes insufficient housing land to meet its proposed requirement.
 - The spatial strategy relies too heavily on a number of key large and/or complex sites and over-optimistic and unsupported assumptions over both timing and number of dwellings to be delivered.

- The draft plan also includes over-optimistic assumptions over the predicted level of windfall.
- Indicative densities are too high, giving unrealistic yield per hectare assumptions and potentially resulting in poor quality development and lack of new housing choice.

Site selection and the case for Land at Kettlestring Lane, Clifton Moor

- Our client's land at Land at Kettlestring Lane, Clifton Moor is fully deliverable and represents one of the most appropriate sites for allocation when considered against reasonable alternatives and our client and the relevant landowners are willing parties.
- We demonstrate that:
 - The site occupies a highly sustainable location within close proximity to the existing facilities and services of Clifton District Centre;
 - It is well connected via existing sustainable transport network, including bus stops nearby providing access to the City Centre;
 - The development will deliver new and much needed affordable housing;
- Site ref. 959 should be allocated for housing.

1.5 We have completed a representation form which is attached to this statement and request to participate in the examination.

2.0 THE OVERALL DOCUMENT & GENERAL POLICIES

Background

- 2.1 Within this response, our comments are directed at specific parts of the Publication Draft Plan, which we consider make the document 'unsound'. Our response addresses the issues of soundness set out in paragraph 182 of the National Planning Policy Framework (NPPF) (2012). These require that the Plan should be: -
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 - Consistent with national planning policy.
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- Following a long and troubled preparation over many years and as a result of recent Council decisions on growth the Publication Draft Plan is not sufficiently strategic in focus and fails to provide a clear strategic direction for the City;
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- 2.3 It is considered that a significant amount of work still needs to be done to make the Local Plan sound. As it stands, the document is:
- Not justified because is not based on an robust and credible evidence base, and is not the most appropriate strategy when considered against reasonable alternatives;
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- 2.4 Our specific comments are set out below on a section-by-section basis.

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- 2.5 The Vision and Outcomes at p16 are fairly generic and fail to say anything about the need for housing growth to help both deliver and underpin the sustainable development aims and objectives.
- 2.6 Paragraphs 2.1 and 2.2 promote the key role of York in leading Sub-Regional economic growth and new job creation whilst as safeguarding existing employment provision. The aim is to deliver 650 new jobs per annum. Paragraph 2.5 acknowledges the need to provide new homes in the form of “sufficient land for 867 dwellings per annum. Specific reference is made to ‘garden village’ developments at three locations plus “major sustainable urban extensions such as British Sugar and York Central.”
- 2.7 Policies DP1 and DP2 of the Publication Draft Plan acknowledge the need for development to meet housing needs. DP1 aims to ensure:
- The housing needs of the City of York’s current and future population including that arising from economic and institutional growth is met within the York local authority area.*
- 2.8 We wholeheartedly welcome this aim, although for the Vision to be ‘sound’ it should also explicitly acknowledge the need to provide affordable housing and diversify the housing market.
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- 3.2 There is no justification for not making an adjustment for market signals. The Publication Draft Plan text at paragraph 3.3: Housing Growth is silent on the methodology behind the selection of the 867dpa figure. There are significant issues of housing affordability within the city and no evidence of any recent improvement in this respect. This is in breach of the NPPF core planning principle at paragraph 17, bullet point 4. The decision makers at City of York Council Local Plan Working Group and Executive meetings in January 2018 had every opportunity to aim for a more reasonable, justified and positive target for housing delivery, including the potential housing allocation of Site 959. This would have been fully supported and justified by the SHMA evidence base, officer recommendations (incorporating suggested additional housing sites, including Site 959) and statements of case by many representors. However, the members of those committees failed to take this opportunity, choosing a figure based on only part of the GL Hearn findings. This approach is wholly unjustified and in breach of the aims and objectives of draft Policy DP1 as noted above.
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- 3.4 Furthermore, an additional uplift based upon representations from businesses and bodies such as the York Chamber of Commerce should reflect the confirmed role of York as a “key economic driver”. The York Economic Strategy 2016 to 2020 also indicates the need for a further uplift. The lack of reasonable explanation for not including economic uplift is contrary to PPG advice at Paragraph: 004 Reference ID: 2a-004-20140306, as follows:

...the use of this standard methodology set out in this guidance is strongly recommended because it will ensure that the assessment findings are transparently prepared. Local planning authorities may consider departing from the methodology, but they should explain why their particular local circumstances have led them to adopt a different approach where this is the case.

- 3.5 The Publication Draft Plan housing requirement of 867 dwellings per annum wholly fails to meet the requirements of NPPF paragraph 182 in that it is not positively prepared, justified, effective and consistent with national planning policy.
- 3.6 Given the real prospects of the plan being found unsound at the earliest juncture, the council should allow for a significant increase from the 867 figure towards the 1,070dpa confirmed within the Planning for the Right Homes Publication Data spreadsheet. As a result, we consider the OAN figure for York is closer to 1,000 dwellings per annum to meet demographic needs and provide reasonable necessary response to market signals, which should be planned for in the dual interests of flexibility of supply and positive planning.

Spatial Strategy: Key Housing Sites - Policies SS4 – SS20

- 3.7 Whilst we do not go into detail on each of the key sites set out between pages 32-69 of the Publication Draft Plan we have deep-seated concerns in respect of (1) the over-reliance on large, strategic sites (including new settlements) and (2) the unrealistic yields being suggested.

Policy SS4: York Central

- 3.8 Whilst we do not go into the details behind Policy SS4 at this stage we note that the suggested yield includes a significant degree of optimism in terms of programme and delivery rates on the one hand and an unreasonably broad range of potential housing yield, spanning a potential 850 dwellings on the other. In particular, the suggested “1,700 – 2,500 dwellings, of which a minimum of 1,500 dwellings will be delivered in the plan period” represents a lack of clear understanding of true site potential and likely yield during the plan period.
- 3.9 It is worth noting that the suggested range of 1,700 – 2,500 dwellings doesn’t correlate with the council’s own York Central webpage which states:

The current proposals are subject to further technical work and consultation, but current suggestions include 1,000 to 2,500 homes...

Policy SS6: British Sugar/Manor School

- 3.10 As with SS4 above we do not go into the details behind Policy SS6 at this stage. However, consider the suggested 1,200 dwelling yield includes a significant degree of over-optimism. This is highlighted through the October 2017 Planning Committee report for the undetermined planning application ref. 15/00524/OUTM which refers to “up to 1,100 dwellings” and then with the subsequent January 2018 Design and Access Statement setting out a range of scenarios resulting in as few as 675 units (Option A, at 35dph), up to a maximum of 1,076 units (Option C, at 45dph).

4.0 HOUSING

Policy H1: Housing Allocations

- 4.1 This section of the plan seeks to set out *the “policies and allocations to positively meet the housing development needs of the city”*. We maintain for the reasons given above, the proposed housing allocations will not meet the appropriate level of OAN for the City over the plan period. In this respect the plan is not sound, justified, effective or in accordance with national policy.
- 4.2 It is vital the Council produces a plan which can deliver against its full housing requirement. To do this it is important that a strategy is put in place which provides a sufficient range of sites to provide enough sales outlets to enable delivery to be maintained at the required levels throughout the plan period and that the plan allocates more sites than required to meet the housing requirement as a buffer. To meet NPPF requirements for the plan to be positively prepared and flexible the buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites. We suggest a contingency of at least 10% to the overall housing land supply to provide sufficient flexibility for unforeseen circumstances and in acknowledgement that the housing requirement is proposed as a minimum not a maximum figure.
- 4.3 As far as we are aware, the Council has not provided a robust assessment of trajectory for the housing allocations and therefore it is difficult to provide a detailed analysis of the likely delivery rates of the individual sites. However on the limited information available it is considered that the Publication Draft Plan significantly underestimates the length of time it will take for the housing allocations to start delivering completions. A significant amount of supply is based upon the regeneration sites and large strategic allocations set out within Section 3: Spatial Strategy and therefore are likely to take a number of years to achieve detailed planning permission given the requirements for, *inter alia*, remediation, Environmental Impact Assessment and complexities of the likely Section 106 Agreements involving the delivery of new schools, local centres and significant pieces of infrastructures etc.
- 4.4 Furthermore, a number of the sites are under multiple ownerships and therefore may take many years for land assembly to take place and the drawing up contractual agreements with developers. These combined factors mean that a large number of the housing allocations are unlikely to start delivering completions within the first 5 years of the plan period.
- 4.5 Our client is concerned that the methodology used for determining the capacity of the proposed allocations has overestimated the amount of housing that will be delivered on the sites and as such the reliance on these sites could render the Plan ineffective due to more realistic lower yields. It is considered that the build out rates and density levels contained in the SHLAA are not realistic or robust. To illustrate this it is worth noting the very broad estimated 1-10 year phasing within Table 5.1 for key sites such as H1: Heworth Green Gas Works and H7: Bootham Crescent. In addition, the SHLAA overestimates gross to net site ratios, which is a particular problem for large sites which will require substantial on-site infrastructure and ancillary uses such as public open

space, schools, local services and facilities, flood attenuation ponds and swales, significant adoptable road networks etc. The assumptions used in the SHLAA do not appear to be supported by any local evidence.

- 4.6 As evidenced by the Windfall Technical Paper, the housing supply makes an allowance for windfall sites of 169 dwellings per annum from plan year 4. As noted above, previously developed land is a finite resource and, similarly, historic rates of windfall are most unlikely to be maintained for the plan period. Furthermore, we note the allocation of smaller sites (e.g. Site H53 Land at Knapton Village for 4 dwellings). In the past these smaller sites for only a handful of units might otherwise have been considered as windfall should they come forward and as a result their allocation would detract from projected windfall based on historic rates. As a result, Picton therefore objects to the inclusion of over 2,000 units of windfall within supply to be wholly unsupported, unsound and lacking justification.
- 4.7 The above will necessitate additional housing allocations being identified. Failure to identify additional housing will impact upon the overall delivery of the Local Plan aims and objectives to meeting housing need.

Policy H2: Density of Residential Development

- 4.8 We envisage that the high housing densities within Policy H2 represent part of the council's case to minimise housing land allocations and thus the need to remove land from the General Extent of Green Belt. Development densities of 100 dwellings per hectare within the city centre and 50 dwellings per hectare within the wider urban area are unrealistically high and would lead to lack of choice and poor standards. As currently drafted, Policy H2 is not considered to be sound as it is not effective, justified or consistent with national policy.
- 4.9 Whilst the NPPF, paragraph 47, does indicate local authorities can set out their own approach to housing density this should be based upon local circumstances and not harm the overall objective of boosting significantly housing supply.

5.0 THE CASE FOR THE ALLOCATION OF LAND AT KETTLESTRING LANE, CLIFTON MOOR

5.1 These representations are pursuant to the previous representations for Picton and seek to establish that the site is suitable for allocation and represents the most appropriate option for allocation when considered against reasonable alternatives.

5.2 In all planning respects the proposal is sustainable and addresses all planning policy, environmental and technical considerations.

The Proposal - Summary

5.3 The site is 3.2 ha hectares in size and could readily accommodate up to 100 dwellings (at a net density of 32dph). There is sufficient land to enable the delivery of a high quality and sustainable development, relating well to the surrounding context. The site is currently comprised of one large commercial building and one smaller employment unit. The buildings are under-occupied because of their nature, layout and location makes them unattractive to modern commercial occupiers.

5.4 These representations seek to establish that the site is suitable for allocation and represents the most appropriate option for allocation when considered against reasonable alternatives. In doing so, the representations will provide details of the sites' deliverability, suitability for development and achievability in terms of its ability to be brought forward to meet the city's housing requirement.

5.5 The site is encircled by a highway and is surrounded by a range of commercial and residential uses. The commercial uses include B1a offices, retail warehousing, storage and distribution, and light industrial uses. As a result, none of these uses represent a significant constraint on the residential use of the site. Furthermore there has been a significant amount of residential development immediately neighbouring site in Pioneer Business Park and Clifton Technology Centre. As a result, the residential re-use of the site is clearly compatible with surroundings and context.

2.4 The scheme will provide a mixture of house types, sizes, and tenures including affordable housing. The proposed scheme will provide public open space and additional landscaping.

The Deliverability of the Land at Kettlespring Lane, Clifton Moor

2.5 The land at Kettlespring Lane, Clifton Moor is fully 'deliverable' in accordance with Paragraph 47 of the Framework. Our comments have been framed by the Council's published Residential and Employment Site Selection Methodology. In summary it is: -

- a) Available now;
- b) A suitable location for development now; and

- c) Is achievable with a realistic prospect that housing will be delivered on the site.

6.0 CONCLUSION

- 6.1 These representations set out fundamental flaws in the Publication Draft Plan and explain why it is unsound. In particular, the Plan fails to meet the NPPF paragraph 157 requirement to

...plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework...

- 6.2 The most significant concerns are the proposed low annual housing provision, tightly drawn Green Belt boundaries and insufficiency of housing land allocation would combine to hold back growth to unreasonably low levels and exacerbate the existing significant affordability issues further.
- 6.3 Our client's land at Kettlestring Lane, Clifton is fully deliverable and represents one of the most appropriate sites for allocation when considered against reasonable alternatives.
- 6.4 Picton respectfully maintains that Land at Kettlestring Lane, Clifton, SHLAA ref. 959 should be designated as a housing allocation.

APPENDIX 2: HOUSING NEEDS AND SUPPLY REPORT

**CITY OF YORK LOCAL PLAN
CONSULTATION ON 'PROPOSED MODIFICATIONS'**

HOUSING NEEDS AND SUPPLY REPORT

JULY 2019

Carter Jonas

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1.0 INTRODUCTION & EXECUTIVE SUMMARY

- 1.1 This report is submitted in relation to the proposed modification of the City of York Local Plan (“the plan”). City of York Council (“the Council”) has released a range of proposed modification one of which is to seek to reduce the Objectively Assessed Housing Need (OAHN) figure to 790 dwellings per annum.
- 1.2 In undertaking this assessment of objectively assessed need and associated issues, Carter Jonas LLP is instructed by various clients.
- 1.3 This report is in the context of continued review and updating of housing evidence on behalf of the Council from 2016 (and before) through 2017, and again in 2019. As such, it tracks the headlines in those reviews and updates. This tracking reveals that there has been under reporting and suppression of the housing needs.
- 1.4 It is recognised that the plan was submitted in May 2018 – under the 2012 National Planning Policy Framework (NPPF) – but there were strong indications of changes to national policy prior to this. Furthermore, the correspondence between the Inspectors and the Council makes it clear that we are in a changing and dynamic policy position and this latest consultation is being conducting post the publication of a new revised NPPF and supporting practice guidance in 2019.
- 1.5 There is an inherent conflict in the Council’s approach to attempt to use the most up-to-date data, but not the most recent national policy and guidance. The flaws in the SHMA and the tensions created by the Council’s approach can all be disregarded if the SHMA is set aside in preference for the ‘Standard Methodology’ for identifying housing need.
- 1.6 Notwithstanding this, should the Inspectors consider it reasonable to retain a SHMA based OAHN figure in the Local Plan it is respectfully suggested that the 2017 update and the GL Hearn conclusion that includes a 10% uplift to reflect market signals and engage with acute Affordable Housing need should be used as the starting point. This would ensure an OAHN of at least 953 dpa is included in the Local Plan. It is considered, however, that this is still under reporting the needs in the City of York.
- 1.7 The housing need figure should be a **minimum** of 1,066 dpa and the most appropriate figure is likely to be **1,226 dpa** to engage with the significant and acute need for Affordable Housing in York.

2.0 EVOLUTION OF THE CITY OF YORK STRATEGIC HOUSING MARKET ASSESSMENT

2.1 The submitted City of York Local Plan was supported by three assessments of housing need all produced on behalf of the Council by GL Hearn:

- City of York Strategic Housing Market Assessment (SHMA): (June 2016) – Examination reference: SD051;
- City of York SHMA Addendum (June 2016): Examination reference: SD052; and,
- City of York SHMA Update (2017): Examination reference: SD050.

2.2 Subsequently, the Council has published a further ‘Housing Needs Assessment Update’ again produced by GL Hearn in January 2019.

The SHMA (June 2016)

2.3 The SHMA (June 2016) Identified:

- A demographic baseline projected need of 833 dwellings per annum (dpa);
- An economic growth assessment to support 780-814 dpa;
- An affordable housing need of 573dpa (although no uplift was applied); and,
- A modest adjustment for household formation rates in the 25-34 age group.

2.4 The conclusion was that the Objectively Assessed Housing Need amounted to: 841 dpa (over the period 2012 – 2032)

The SHMA Addendum (June 2016)

2.5 The SHMA Addendum (June 2016) updated the ‘full’ SHMA in response to the publication of new demographic data: The 2014 based household projections. This iteration of the SHMA identified:

- An increased demographic baseline projected need of 889 dpa;
- No further assessments were made for economic growth;
- An increased affordable housing need of 627dpa (although no uplift was applied); and,
- A retention of the modest adjustment for household formation rates in the 25-34 age group.

2.6 The conclusion was that the Objectively Assessed Housing Need (OAHN) did not need to change from the 841 dpa (over the period 2012 – 2032).

2.7 Pausing at this stage, it is reasonable to reflect on the fact that the 2014 household projections published by the Department for Communities and Local Government show that the figures for the period 2012 – 2032 are 84,271 to 101,389 dwellings, or 856 per year, and this projection figure is higher than that identified as the OAHN for the City of York.

2.8 Furthermore, in order to meet the affordable housing needs in full (as a policy compliant ‘maximum’ of 30%) a total annual figure of 1,910 or 2,090 dwellings would be necessary, respectively, for each SHMA iteration. Therefore to conclude that no uplift was necessary to attempt, or go ‘some way,’ to meeting affordable housing needs is surprising at least, if not unsound.

- 2.9 The purpose of this report is not to analyse the 2016 versions of the SHMA in detail. However, the two observations above are sufficient to raise some concerns about the inputs and assumptions contained within them and, critically the conclusion drawn that 841 dpa is in fact a robust OAHN.

The SHMA Update (2017)

- 2.10 Turning to the City of York SHMA Update (2017), this identified that the latest mid-year population projections had – once again – increased the baseline demographic needs. The 2017 iteration of the SHMA also concluded that there was a need for an uplift in the housing needs figures to reflect the acute need for Affordable Houses. Reported at paragraphs 5.6 and 5.7 is the following:

“In response to both market signals and affordable housing need we have advocated a 10% uplift to the OAN. In line with the PPG this was set against the official starting point of 867dpa. The resultant housing need would therefore be 953dpa for the 2012-32 period.

“The level of housing need identified is somewhat higher than the previous SHMA reflecting the increased starting point but also the inclusion of a market signals uplift. This OAN would meet the demographic growth in the City as well as meet the needs of the local economy.”

- 2.11 However, the council added a preface to this report which stated:

“Members of the Council’s Executive at the meeting on 13th July 2017 resolved that on the basis of the housing analysis set out in paragraphs 82 - 92 of the Executive Report, the increased figure of 867 dwellings per annum, based on the latest revised sub national population and household projections published by the Office for National Statistics and the Department of Communities and Local Government, be accepted.

“Executive also resolved that the recommendation prepared by GL Hearn in the draft Strategic Housing Market Assessment, to apply a further 10% to the above figure for market signals (to 953 dwellings per annum), is not accepted on the basis that Hearn’s conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations.”

- 2.12 Observations of the conclusions in the SHMA include:

- First, that there is an apparent conflation of ‘market signals’ and ‘affordable housing’ to create a suggested uplift of 10%. The now superseded planning practice guidance suggested that this was a two-step and sequential process, albeit each element was a matter of judgement, so to combine the two considerations would not conform to the guidance.
- Second, the 2107 SHMA update reported (para. 3.17) the calculation of affordable housing need (573 dpa) against the proposed policy proportion of 30% requiring a plan target of 1,910 dwellings a year. Whilst it was correctly noted that there is no requirement to meet all of this need a 10% uplift to meet a significant challenge is derisory at best. The figure of 573 is 66% of the demographic baseline figure of 867 and moreover, there is no mention of the

increased Affordable Housing need identified in the 2016 addendum of 627 dpa.

- Third, it is surprising that it took three iterations of the SHMA (not including any previous versions created by 'Arup') to conclude that an uplift to engage with the challenge of affordable housing was necessary, but it is positive to see this assessment within the evidence base.

2.13 The Council Executive's response, however, to the SHMA 2017 is disappointing. The particular concern is the attempt to place a 'policy-on' assessment on the OAHN through the comment that the conclusions "*attach little or no weight to the special character and setting of York and other environmental considerations.*" It was not in the gift of the Council to make this decision as part of setting of objectively assessed needs, clearly this should have been part of the plan making exercise.

2.14 It is in the context of the SHMA published in 2016; its two 'updates' and, the council's response to them, that we must now consider the latest iteration of housing needs assessment.

3.0 HOUSING NEEDS ASSESSMENT UPDATE JANUARY 2019

3.1 At the beginning of 2019 the Council published a further update to its housing needs assessments. The purpose of this report was to support the submitted plan and its use of the 'latest' evidence, including the use of 2016 base population projections.

3.2 The plan was submitted under the 2012 version of the National Planning Policy Framework (NPPF). Therefore the relevant guidance to consider, in the first instance, is that associated with the first version of the NPPF. The now archived National Planning Practice Guidance (PPG) advised that Objectively Assessed Housing Need (OAHN) should be:

- a) Unconstrained (ID 2a-004-20140306); and,
- b) Assessed in relation to the relevant functional area known as the Housing Market Area (HMA) (ID 2a-008-20140306).

3.3 Regarding point a), there appears to be no attempt to constrain the OAHN in this iteration of the SHMA. This is unlike the 2017 update, as reported above. The HMA (point b) is not changed from the original drafts of the SHMA so it is assumed that this is still relevant and appropriate.

3.4 The PPG methodology to identify the OAHN figure is a four stage process comprising:

- I. Demographic (based on past population change and Household Formation Rates (HFR)) (ID 2a-014-20140306 to 2a-017-20140306) ;
- II. Economic (in order to accommodate and not jeopardise future job growth) (ID 2a-018-20140306) ;
- III. Market signals (to counter-act worsening affordability caused by undersupply relative to demand) (ID 2a-019-20140306 & 2a-020-20140306).
- IV. Whilst affordable housing need is separately assessed (ID 2a-022-20140306 to 2a-028-20140306). The delivery of affordable housing can be a consideration for increasing planned housing provision (ID 2a-029-20140306).

3.5 As mentioned above, the demographic baseline for the 2019 update is the 2016 based population projections. This results in a 'baseline' growth of 484 dpa. The economic growth assessment suggests a need for 790 dpa. Finally, the 'market signals' and 'affordable housing need' assessment suggests an uplift of 15% to 557 dpa.

3.6 The conclusion drawn is that 790 dpa is the most appropriate OAHN figure.

Use of 2016 Sub National Population Projections

3.7 As is explored in section 4.0 hereunder, Government's intention has long been to see the delivery of 300,000 new homes a year across the country by the mid-2020s. As part of this commitment it was signposted that a 'streamlined' approach to understanding housing need would be introduced: the 'Standard Methodology' and that the changes to demographic modelling and projections would mean that the use of the 2016 based numbers would not allow the Government to reach its target.

3.8 It is accepted that the plan was submitted under the 2012 NPPF but significant time has elapsed since then and indeed, the current consultation is being conducted against the backdrop of a revised and further reviewed NPPF in 2018 and 2019, with associated PPG also updated. It is therefore suggested that the baseline should be the 2014 based population projections and also that the standard methodology

should be adopted. The standard methodology is considered in more detail at section 6.0 of this report.

Economic uplift

- 3.9 The economic assessments presented in the 2019 update rely on the reports and conclusions drawn from documents drafted and published in 2016 and 2017. Whilst these assessments appear to be reasonably robust it is a concern that there has been no attempt to update the conclusions. It is difficult to fully assess the impacts of housing needs that are presented against demographic projections published two years after the associated job growth assessments. It is therefore suggested that, if the SHMA is to continue to be used as the evidence to underpin the City of York Local Plan that an associated update to economic need is undertaken.

Affordable housing need uplift

- 3.10 The Affordable Housing need has not been reassessed since the publication of the SHMA in 2016. The figure of 573 dpa is reapplied to the 2019 calculation update. There is no mention of the 627 dpa identified in the 2016 SHMA addendum. The same under appreciation of the scale of the challenge is applied to the OAHN figures in this latest iteration of the SHMA as with the version in 2017. Against a potential admittedly ‘theoretical’ need for 1,910 dpa a 15% uplift to only 557 dpa is suggested. This will not go far enough to either:

- “...meet the full, objectively assessed needs for market and affordable housing” of the NPPF (2012); or
- “...make sufficient provision for: a) housing (including affordable housing)...” of the NPPF (2019).

- 3.11 There is also a continued concern that the matters of ‘market signals’ and ‘Affordable Housing need’ are conflated into a single issue to provide only one suggested uplift to the OAHN figure and this is not in conformity with the four stage approach from the PPG as outline above.

Conclusion regarding SHMA

- 3.12 Whilst the plan was submitted under the previous – 2012 version – of the NPPF there was sufficient known at that time that there was due to be a change in understanding housing need and how figures were to be include in Local Plans. There has been sufficient concern raised about the content of the City of York SHMA; the subsequent updates; and, the Council’s obvious attempts to apply unjustified constraints to the OAHN figure that it is considered reasonable to move away from these SHMA and instead rely on the new ‘streamlined’ approach.

- 3.13 Notwithstanding this, should the Inspectors consider it reasonable to retain a SHMA based OAHN figure in the Local Plan it is respectfully suggested that the 2017 update and the GL Hearn conclusion that includes and uplift to engage with acute Affordable Housing need should be used as the starting point. This would ensure an OAHN of at least 953 dpa is included in the Local Plan. It is considered, however, that this is still under reporting the needs in the City of York.

4.0 CHANGES TO NATIONAL POLICY

- 4.1 It is reasonable to consider the changes in national policy that have occurred before, during and since the regulation 19 consultation for the City of York Local Plan (Feb. – April 2018) and its submission (May 2018).
- 4.2 In **March 2016** the Local Plan Experts Group published a report that include a proposed methodology for calculating housing need. This was a four stage process summarised as:
- Official projections used to determine baseline demographic need;
 - Mandatory uplift of Household Formation Rates (HFR) in younger age groups;
 - Using absolute measures of affordability a prescribed market signal uplift (additional to HFR uplift) is applied;
 - Further 10% uplift applied if affordable housing need exceeds figures calculated in preceding stages.
- 4.3 Although there is no economic uplift it may still be incorporated as a policy on consideration to increase the housing requirement.
- 4.4 In **February 2017** the Government's Housing White Paper was critical of any Council not undertaking an 'honest assessment' of housing needs. And it was at this stage that a standard methodology for the OAHN was proposed (subject to further consultation in September 2017).
- 4.5 Both of these were prior to the Regulation 19 publication consultation for the City of York Local Plan.
- 4.6 In **March 2018** Government responded to the Planning for the right homes in the right places consultation, and indicated its intention to require the use of the Standard Methodology using on the 2014 based housing projections to ensure meeting the target of 300,00 home per year.
- 4.7 This occurred during the Regulation 19 consultation.
- 4.8 In **July 2018** the revised NPPF was published including the Standard Methodology for identifying housing need.
- 4.9 In **October 2018** the Government conducted a consultation regarding the necessary use of the 2014 based demographic figures
- 4.10 In **February 2019** the NPPF and PPG were revised to include the 2014 figures.
- 4.11 These three later adjustments to national policy and guidance were post the submission of the Local Plan, but in advance of the current consultation and a relevant consideration in the situation at York, where the appropriate level of housing need is unclear.

5.0 CORRESPONDENCE BETWEEN THE COUNCIL AND INSPECTORS

- 5.1 The publication of the revised NPPF was a material consideration in the examination of the Local Plan and as such there was dialogue and communication between the appointed inspectors and the city council. One of the conclusions drawn from this dialogue appears to be that the housing needs require reassessment. This the council duly undertook and in a letter of 29 January 2019 (examination ref: EX CYC 8) and reached the following conclusion (with our emphasis):

“The enclosed SHMA Update report advises that York’s OAN is 790 dwellings per annum. This is based on a detailed review of the latest published evidence including the national population and household projections and the latest mid-year estimate. The review has been undertaken based on applying the requirements of the National Planning Practice Guidance in relation to the assessment of housing need, under the 2012 NPPF. This confirms to the Council that the 867 dwellings per annum proposed in the submitted Plan can be shown to robustly meet requirements.”

- 5.2 The decision in January appears to have been to retain the originally submitted housing target to support the then assumed economic growth assumptions (but no increase for Affordable Housing need). This decision, however, has since been reversed in a letter of March 2019 (EX CYC 13) and the main modifications consultation is now proposing the reduced figure of 790 dwellings per year, which is referenced in the quote above and is a result of the latest update to the York SHMA.
- 5.3 There is an inherent tension or conflict in the letters from the Council, and the subsequent updates to the SHMA. This conflict is the continued reference to the need to update the needs figures to ‘reflect the most up-to-date’ data but there is scant regard given to updated national policy. Furthermore, as is outlined above, whilst the baseline demographic have been updated, the economic trends and Affordable Housing needs have not been updated.
- 5.4 A simple approach that avoids this tension and could well enable the Council to manage its resource use in the near future, is to consider the ‘Standard Methodology’ and what it shows for housing need in York. Identifying the correct housing need figure, is after all, the first step and the ability to plan for and deliver that need is secondary.

6.0 STANDARD METHODOLOGY FOR HOUSING NEED

6.1 In the 2018 revision of the NPPF (and the subsequent changes in 2019) Government introduced a 'simpler' standardised approach to understanding local housing needs. This revision to national policy is supported by updated planning practice guidance.

6.2 The relevant guidance is reference ID: 2a-004-20190220: *How is a minimum annual local housing need figure calculated using the standard method?* This guidance has three steps, and each is taken in turn for York in the following paragraphs (with our emphasis in guidance when necessary).

Step 1 - Setting the baseline

6.3 Using the 2014 mid-year projections, calculate the projected average annual household growth over a 10 year period (this should be 10 consecutive years, with the current year being used as the starting point from which to calculate growth over that period):

(a) Current year (2019)	= 90,829
(b) Ten years hence (2029)	= 99,027
(c) Annual average	= 820 (b – a / 10)

Step 2 - An adjustment to take account of affordability

6.4 The most recent median workplace-based affordability ratios, published by the Office for National Statistics at a local authority level, should be used. No adjustment is applied where the ratio is 4 or below. For each 1% the ratio is above 4 (with a ratio of 8 representing a 100% increase), the average household growth should be increased by a quarter of a percent. To be able to apply the percentage increase adjustment to the projected growth figure we then need to add 1.

$$\text{Adjustment factor} = ((8.86 - 4) / 4) \times 0.25 + 1 = 1.303$$

6.5 The adjustment factor is therefore 1.303 and is used as:

Minimum annual local housing need figure = (adjustment factor) x projected household growth

$$\text{Minimum annual local housing need figure} = 1.303 \times 820$$

The resulting figure is **1,069**.

6.6 For a plan period of 19 years (i.e. 2019 – 2038) this would equate to a minimum of 20,311 dwellings.

Step 3 - Capping the level of any increase

6.7 A cap is then applied which limits the increases an individual local authority can face. How this is calculated depends on the current status of relevant strategic policies for housing.

6.8 Where these policies were adopted within the last 5 years (at the point of making the calculation), the local housing need figure is capped at 40% above the average annual housing requirement figure set out in the existing policies.

6.9 Where the relevant strategic policies for housing were adopted more than 5 years ago (at the point of making the calculation), the local housing need figure is capped at 40% above whichever is the higher of:

a. the projected household growth for the area over the 10 year period identified in step 1; or

b. the average annual housing requirement figure set out in the most recently adopted strategic policies (if a figure exists).

6.10 The extant housing target for York was adopted more than five years ago in 2005. Therefore the 40% increase cap described above is engaged. The housing target is identified in the chapter 7 of the City of York Local Plan at 8,775 dwellings or 675 dwellings per annum.

Scenario a: $820 \times 1.4 = 1,148$

Scenario b: $675 \times 1.4 = 945$

6.11 The guidance suggests that the cap should be set at the higher of the two scenarios above, which would be scenario a. The figure of 1,148, however, is higher than the minimum set out in the standard methodology.

6.12 There is no guidance for what to do in this situation. Therefore, the more reasonable approach could be to adopt the original minimum standard figure of **1069 dwellings per annum**.

6.13 It is accepted, however, that the PPG also references the ‘submission’ of the Local Plan at ID: 2a-008-20190220. Therefore, considering the information that was available at submission of the Local Plan:

(a) Current (*Submitted*) year (2018) = 89,966

(b) Ten years hence (2028) = 98,239

(c) Annual average = 827 (b – a / 10)

Adjustment factor = $((8.62 - 4) / 4) \times 0.25 + 1 = 1.289$

Minimum annual local housing need figure = 1.289×827

The resulting figure is **1,066**.

6.14 The PPG also indicates that the standard method for assessing housing need provides a minimum starting point in determining the number of homes needed in an area. It also indicates that there may be circumstances – such as economic growth and Affordable Housing need – where it is appropriate to consider whether actual housing need is higher than the standard method indicates. It is also worth noting that the new guidance continues makes clear the distinction between ‘affordability’ and Affordably Housing need and that they a considered separately.

Economic uplift

6.15 It is clear from the data explored in the SHMA that the economic led housing need scenarios using 2014-based projections generate a need for an uplift to the minimum starting point established through that document. It is vitally important that economic trends and household formation are aligned if a Local Plan is to successfully achieve sustainable growth.

- 6.16 The PPG confirms that the standard method does not attempt to predict changing economic circumstances that may affect demographic behaviour at ID: 2a-010-20190220.
- 6.17 The figures calculated in the SHMA suggest a range (variously) between 780-814 dpa. On the face of it this **does not** require an uplift to the minimum starting point of the Standard Methodology. However, as previously cited, the council's evidence is somewhat dated in this respect.

Affordable housing need uplift

- 6.18 The need for affordable housing in the City is significant.
- 6.19 The SHMA 2019 Update confirms the need at least 573 dpa, which is some 73% of the total local OAHN figure proposed by the Council of 790 dpa.
- 6.20 This is an unsustainable level of affordable housing need and the Council has made no adjustment to its local housing need figure to accommodate this. To exacerbate matters, the recent trend in 'Right to Buy' sales shows a significant increase in take-up, which means further Affordable Homes are being lost.
- 6.21 The ONS statistics (Live returns Table 685) show that sales of homes through the 'Right to Buy' in York, which were negligible from 2008 – 2012 (presumably because of the recession), have steadily increased to an average of 73 a year in the last three years. This latter period alone has resulted in the loss of 219 Affordable Houses and if this trend continues the supply of homes will decrease as the need continues to become more and more acute.
- 6.22 Looking further at Table 685 one can also draw a comparison with the surrounding districts where 'Right-to-buy' (RtB) sales have remained reasonably low and collectively, between 7 districts, at around 50 homes a year. This trend suggests that there is a pull towards York for Affordable Homes. This pull is reflective of people's desire to live there meaning the need to supply these homes, in the right place where people want to live is a social and NPPF imperative.
- 6.23 Comparative RtB losses to affordable housing stock for York UA and N Yorkshire authorities since 2010 are as follows:

	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	Total
York UA	10	6	24	53	52	68	79	72	364
Craven	..	..	..	..	..	..	..	..
Hambleton	..	..	..	..	..	..	..	..
Harrogate	5	1	10	13	17	12	26	24	108
Richmondshire	2	1	5	7	9	7	8	11	50
Ryedale	..	..	..	..	..	..	..	..
Scarborough	..	..	..	..	..	..	..	..
Selby	3	3	10	16	25	13	22	21	113
N Yorkshire (total)	10	5	25	36	51	32	56	56	271

- 6.24 We consider this is in no small part reflective of the strong housing market across the city which has been fuelled by under-delivery of new-build homes in recent years, both general market and affordable housing.
- 6.25 The NPPF 2019 places great emphasis on addressing affordable housing needs as part of the Plan making process. The Council's current policy approach to affordable housing delivery will see, at the highest level of the spectrum set out in draft Policy H10, 30% provision. Even if the 30% provision was to be applied to every residential scheme coming forward in York over the Plan period, which certainly will not be the case, the Council will only achieve 237 dpa. This will lead to a shortfall of at least 336 dpa.
- 6.26 To address the affordable housing need in full based on draft Policy H10 the OAHN would need to be increased to 1,910 dpa.
- 6.27 This clearly demonstrates a need to increase the OAN above the 790 dpa proposed by the Council and could be an indication to increase the minimum starting point established through the standard methodology.
- 6.28 At stages GL Hearn has suggested a 10% and 15% uplift to the demographic baseline. Taking these suggestions would provide the following OAHN figure (against the 2018 baseline calculation of 1,066):
- 10% uplift: 1,172 dpa or 23,440 homes across 20 years
 - 15% uplift: 1,226 dpa or 24,518 homes across 20 years

7.0 LAND CAPACITY IN YORK

- 7.1 The Council's latest Strategic Housing Land Availability Assessment (2018 – reference: SD049) suggests that there are '250 land parcels' that were deemed reasonable alternatives to be taken forward for Sustainability Appraisal. However, there does not appear to be a total land capacity assessment within the assessment to realistically understand if there is a prospect for the delivery of the housing need.
- 7.2 From 'Figure 6' the Plan Trajectory of page 38 there is a quoted number of "Cumulative Completions" that includes a windfall allowance. This totals 21,436 dwellings. This demonstrates that there is a reasonable expected capacity in York, which with addition of a limited number of additional sites could be elevated to achieve the 24,518 figure.
- 7.3 Should the Council not be able to identify the land capacity for its identified needs, of course, then the appropriate action is to work with its neighbours under the Duty to Co-operate and look to meet unmet needs elsewhere.

8.0 FIVE YEAR HOUSING LAND SUPPLY

- 8.1 A change to the identified housing need, will of course, have an impact on both the whole plan development trajectory but also the five year housing land supply.
- 8.2 The purpose of this report is not to analyse the deliverability of proposed allocated sites, or others identified in the five year supply. However, to take the Council's assessment (from page 39 of document SD049) at face value, but applying need figure scenarios resulting from applying the standard methodology provides the following:

Annual housing target across the Plan period	1,066	1,069	1,172	1,226
Cumulative Housing target (2017/18 - 2022/23)	5,330	5,345	5,860	6,130
20% Buffer required for flexibility	6,396	6,414	7,032	7,356
Total dwellings estimated to be complete within 5 years (2017/18-2022/23)	6,877	6,877	6,877	6,877
Under/over-supply of housing	+481	+463	-155	-479
Five year land supply	5.38	5.36	4.89	4.67

*NB under the standard methodology there is no need to consider previous under supply.

- 8.3 A review of the currently stated land supply position in York suggests that in the next five years, at least, there is capacity to set a housing target that reflects the standard methodology minimum. There could well be opportunities to support the uplifted figure to support the delivery of Affordable Housing.

9.0 CONCLUSION

- 9.1 This report has reflected on the evolution of housing needs assessments in York. The SHMA iterations that have been produced have conflated issues and under-represented need or indeed have been deliberately suppressed. The latest 2019 'update' to the SHMA uses data produced from those previous iterations and can only be considered to be flawed.
- 9.2 There is an inherent conflict in the Council's approach to attempt to use the most up-to-date data, but not the most recent national policy and guidance. The flaws in the SHMA and the tensions created by the Council's approach can all be disregarded if the SHMA is set aside in preference for the 'Standard Methodology' for identifying housing need.
- 9.3 Notwithstanding this, should the Inspectors consider it reasonable to retain a SHMA based OAHN figure in the Local Plan it is respectfully suggested that the 2017 update and the GL Hearn conclusion that includes and uplift to engage with acute Affordable Housing need should be used as the starting point. This would ensure an OAHN of at least 953 dpa is included in the Local Plan. It is considered, however, that this is still under reporting the needs in the City of York.
- 9.4 The housing need figure should be a **minimum** of 1,066 dpa and the most appropriate figure is likely to be **1,226 dpa** to engage with the significant and acute need for Affordable Housing in York.
- 9.5 The stated land supply of the 2018 SHLAA appears to suggest that the Council has the ability to identify sites (and include a windfall allowance) that is close to achieving the need figures. It should also be possible, with a review of the SHLAA, to update the plan and include a limited number of additional sites to fully meet the needs.

From: [REDACTED]
Sent: 07 July 2021 10:28
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205892
Attachments: 07.07.2021_Letter_to_YCC.pdf

Local Plan consultation May 2021

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

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

About your comments

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

Organisation or group details

Title:

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

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

Your comments: Legal Compliance of the document

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

Please justify why you consider the document to be legally compliant: Please refer to attached letter 3560/CYC1/NTR/MJC dated 7th July 2021.

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

Your comments: Duty to cooperate

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

Please justify why you consider the document to be in compliance with the Duty to Cooperate: Please refer to attached letter 3560/CYC1/NTR/MJC dated 7th July 2021.

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

Your comments: Whether the document is ‘sound’

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

Please justify why you consider the document to be sound: Please refer to attached letter 3560/CYC1/NTR/MJC dated 7th July 2021.

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

Your comments: Necessary changes

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

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

If you do wish to participate at hearing sessions, please state why: Please refer to attached letter 3560/CYC1/NTR/MJC dated 7th July 2021.

Supporting documentation

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

07.07.2021_Letter_to_YCC.pdf

7 July 2021

Submitted via email to - localplan@york.gov.uk

██████████
Forward Planning Team Manager
West Offices
Station Rise
York
YO1 6GA

Dear ██████████

Re: New Local Plan Proposed Modifications and Evidence Base Consultation

These representations are submitted on behalf of McArthurGlen in respect of the City of York Local Plan New Local Plan Proposed Modifications and Evidence Base Consultation Regulation 19 Consultation 2021.

The representations relate to the following documents:

- Ref. EX/CYC/59 'Topic Paper 1 Green Belt Addendum January 2021'
- Ref. EX/CYC/59f 'Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other Developed Areas.'

In summary, these representations support the removal of the York Designer Outlet (YDO) site from the Green Belt, its expansion on site, and the relocation of the YDO Park and Ride to land to the south. The following representations are made with this in mind.

Document Ref. EX/CYC/59 'Topic Paper 1 Green Belt Addendum January 2021'

We support the conclusion contained within the document summarised at Table 1, paragraph 6.29, page 51, that the YDO site should be excluded from the Green Belt.

The document clearly identifies the YDO as an area of high-density development (para 6.25) and an urban area to be excluded from the Green Belt. The document recognises the objective to maximise development potential in such urban areas (para 7.2) consistent with para 84 of The National Planning Policy Framework (The Framework) (para 7.1).



Document Ref. EX/CYC/59 'Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other Developed Areas'

Consistent with the methodology within EX/CYC/59 'Topic Paper 1 Green Belt Addendum January 2021', we support the conclusion on page A4:319 in respect of the YDO:

This densely developed area exhibits a low degree of openness, and does not contribute to the openness of the Green Belt. McArthurGlen Designer Outlet is therefore inset within the Green Belt.

And that:

York Designer Outlet is of an urbanised built up nature with a lack of openness and therefore offers an opportunity for focusing development towards an urban area within the Green Belt in line with NPPF para 85) in order to contribute to the long term permanence of the York Green Belt. (page A4:326)

This is consistent with the opportunity for growth at the YDO, as reflected in the document at page Q4:326:

In line with the Local Plan Spatial Strategy, opportunities for growth of the area would be within and beyond its current boundaries... given it is an existing employment/retail location, there could potentially be an opportunity for growth.

This opportunity for growth within the YDO should be reflected more clearly in the document, particularly in the section headed 'Determining a clear, defensible boundary' (see below).

The document also states that there is "limited potential *[for development]* to the south of the Designer Outlet" (page A4:326). The document does not suggest that the green belt boundary should be amended to accommodate this, however there should be greater recognition of the role that the site could play in accommodating development not considered inappropriate in principle within the green belt, and which is consistent with local plan and Framework policy – eg local transport infrastructure in the form of the relocated YDO P&R. Local Transport infrastructure which preserves Green Belt openness and does not conflict with the purposes of including land within it is not inappropriate development (para 146 of The Framework).

Emerging local plan policy refers to the P&R at the YDO as 'existing P&R with potential for relocation'. Any such relocation should logically be close to the existing provision at the YDO to retain existing functionality and synergies – there is no policy requirement for it to be located away from the YDO.

At page A4:330, the document concludes that 'In order to deliver long term permanence for the York Green Belt it has been determined that there is not potential for the Designer Outlet to grow within a sustainable pattern of development'. This conclusion appears inconsistent with the previous comments on the prospect for growth at the YDO. For clarity, we suggest that the section is reworded as follows:



Determining a clear, defensible boundary

The Green Belt boundary around the YDO has been defined to be clear and defensible. The removal of the YDO from the Green Belt allows for growth within this dense urban area in a sustainable manner consistent with the local plan spatial strategy. In order to deliver long term permanence for the York Green Belt it has been determined that there is not potential for the Green Belt boundary to be extended to the south beyond boundary 2, however there is potential here for the relocated YDO Park and Ride facility consistent with local plan policy. This results in the final Green Belt boundary for the village as follows:

We look forward to receiving your acknowledgement of these representations. In the meantime, we would be pleased to hear if you require any additional information or clarification, and welcome the opportunity to discuss these representations with you.

Yours faithfully



From: [REDACTED]
Sent: 07 July 2021 10:38
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205910
Attachments: 07.07.2021_Letter_to_YCC.pdf

Local Plan consultation May 2021

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

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

About your comments

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

Organisation or group details

Title:

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

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

Your comments: Legal Compliance of the document

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

Please justify why you consider the document to be legally compliant: Please refer to attached letter 3560/CYC1/NTR/MJC dated 7th July 2021.

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

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

Your comments: Whether the document is ‘sound’

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

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: Please refer to attached letter 3560/CYC1/NTR/MJC dated 7th July 2021.

Your comments: Necessary changes

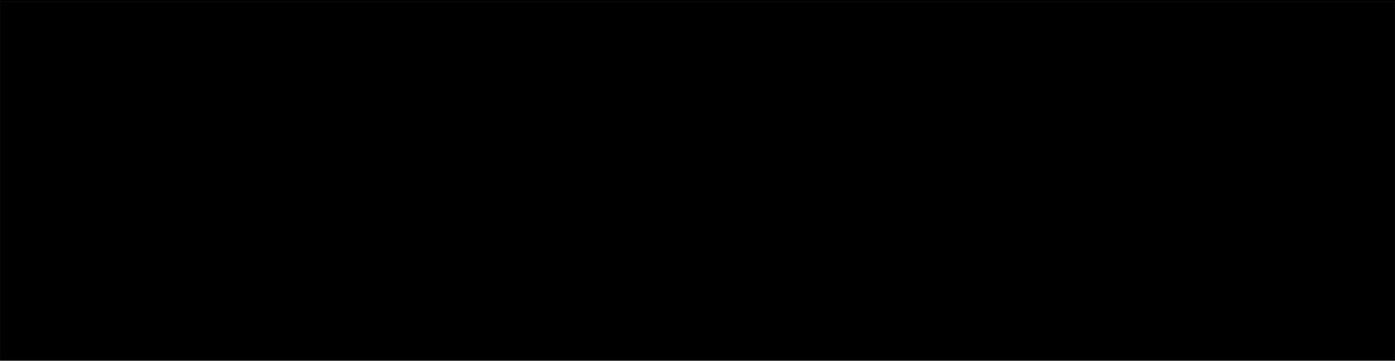
I suggest the following changes to make the Local Plan legally compliant or ‘sound’: Please refer to attached letter 3560/CYC1/NTR/MJC dated 7th July 2021.

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

If you do wish to participate at hearing sessions, please state why: Please refer to attached letter 3560/CYC1/NTR/MJC dated 7th July 2021.

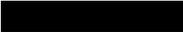
Supporting documentation

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



7th July 2021

Submitted via email to - localplan@york.gov.uk


Forward Planning Team Manager
West Offices
Station Rise
York
YO1 6GA

Dear 

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The representations relate to the following documents:

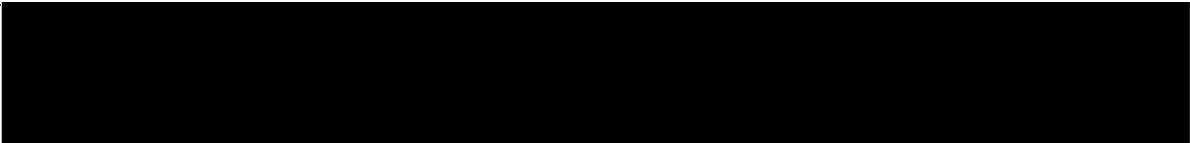
- Ref. EX/CYC/59 'Topic Paper 1 Green Belt Addendum January 2021'
- Ref. EX/CYC/59f 'Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other Developed Areas.'

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Document Ref. EX/CYC/59 'Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other Developed Areas'

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And that:

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This opportunity for growth within the YDO should be reflected more clearly in the document, particularly in the section headed 'Determining a clear, defensible boundary' (see below).

The document also states that there is "limited potential *[for development]* to the south of the Designer Outlet" (page A4:326). The document does not suggest that the green belt boundary should be amended to accommodate this, however there should be greater recognition of the role that the site could play in accommodating development not considered inappropriate in principle within the green belt, and which is consistent with local plan and Framework policy – eg local transport infrastructure in the form of the relocated YDO P&R. Local Transport infrastructure which preserves Green Belt openness and does not conflict with the purposes of including land within it is not inappropriate development (para 146 of The Framework).

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At page A4:330, the document concludes that 'In order to deliver long term permanence for the York Green Belt it has been determined that there is not potential for the Designer Outlet to grow within a sustainable pattern of development'. This conclusion appears inconsistent with the previous comments on the prospect for growth at the YDO. For clarity, we suggest that the section is reworded as follows:

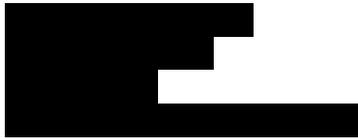


Determining a clear, defensible boundary

The Green Belt boundary around the YDO has been defined to be clear and defensible. The removal of the YDO from the Green Belt allows for growth within this dense urban area in a sustainable manner consistent with the local plan spatial strategy. In order to deliver long term permanence for the York Green Belt it has been determined that there is not potential for the Green Belt boundary to be extended to the south beyond boundary 2, however there is potential here for the relocated YDO Park and Ride facility consistent with local plan policy. This results in the final Green Belt boundary for the village as follows:

We look forward to receiving your acknowledgement of these representations. In the meantime, we would be pleased to hear if you require any additional information or clarification, and welcome the opportunity to discuss these representations with you.

Yours faithfully



From: [REDACTED]
Sent: 07 July 2021 09:17
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, THIRD PARTY - reference: 205868
Attachments: Comments_Topic_Paper_1_Green_Belt_Addendum_January_2021_Annex_4
_Other_Development_Areas_EX.CYC.59f.pdf;
Landscape_Visual_Appraisal_FINAL_V3.pdf; Greenacres_Murton_TN_Final_Issue_1.pdf

Local Plan consultation May 2021

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

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

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent another individual

Third party submission details

Title of person completing form: Mr

Name of person completing form: Doug Jennings

Contact email: [REDACTED]

Contact telephone: [REDACTED]

Title of the person you are representing: Mr

Name of the person you are representing: Mark Miller

Address of the person you are representing: [REDACTED]
[REDACTED]

Key Evidence and Supporting Documentation

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

Your comments: Legal Compliance of the document

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

Please justify why you consider the document to be legally compliant: I believe the correct procedures have been followed

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

Your comments: Duty to cooperate

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

Please justify why you consider the document to be in compliance with the Duty to Cooperate: I believe the Duty to Cooperate has been complied with.

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

Your comments: Whether the document is 'sound'

Do you consider the document to be 'sound'?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: In relation to the evaluation of the extent of the Green Belt in 'Other Densely Developed Areas - Topic Paper 1 Annex 4 we believe the analysis is flawed in relation to a site on Murton Lane Murton - previously site 795. Purpose 4 Compactness (Criterion 1) : It is not necessary to keep site 795 (214) undeveloped to maintain the scale and identity of Murton Industrial Estate to prevent the coalescence with Murton village or Dunnington. If developed the industrial estate would still be compact and contained within the outer ring road. Landscaping and Setting (Criterion 3) : A development of this site would not materially or adversely impact on the rural setting for the 'open approaches' of the outer ring road, the A64 and the A166. In previous submissions to the further sites consultation and draft policy EC1 arguments and evidence (including a landscape assessment) has been submitted to demonstrate that a development of the site would not result in a harmful impact. It would not harm the setting of Murton as a freestanding village or result in harmful coalescence with Dunnington. Checking Urban Sprawl (Criterion 4) : Those previous submissions to further sites consultation and draft policy EC1 demonstrate that a development of the site would not result in unrestricted sprawl. A carefully designed development with significant boundary landscaping based on the existing strong mature tree line along the south-eastern side of the site would enhance the setting of the Murton Industrial Estate by removing the current abrupt edge between buildings and the countryside. Purpose 3 Safeguarding the Countryside from Encroachment : As above the landscape analysis already submitted justifies a development and that there would be no adverse impact on openness and views from the A166. Proposed

Boundary Description and Recognisability Boundary 3 : The current southern boundary of the industrial estate on the east side of Murton Lane is a recent late twentieth century construct. A strengthened boundary based on the established mature tree line along the south-eastern boundary of site 795 (214) would provide a permanent and more aesthetically appealing boundary. It would seem logical to extend the boundary in a line across Murton Lane coinciding with the southern boundary of the line drawn on the west side of Murton Lane. The Landscape and transport documents submitted previously are again attached.

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: That the southern boundary of the Murton Industrial Estate (boundary 3) is amended to include site 795.

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

If you do wish to participate at hearing sessions, please state why: To explain further the comments expressed here and to participate in the debate.

Supporting documentation

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

Comments_Topic_Paper_1_Green_Belt_Addendum_January_2021_Annex_4_Other_Development_Areas_EX.CYC.59f.pdf, Landscape_Visual_Appraisal_FINAL_V3.pdf, Greenacres_Murton_TN_Final_Issue_1.pdf

Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other Developed Areas (EX/CYC/59f)

Comments by M Miller

Purpose 4 Compactness (Criterion 1) : It is not necessary to keep site 795 (214) undeveloped to maintain the scale and identity of Murton Industrial Estate to prevent the coalescence with Murton village or Dunnington. If developed the industrial estate would still be compact and contained within the outer ring road.

Landscaping and Setting (Criterion 3) : A development of this site would not materially or adversely impact on the rural setting for the 'open approaches' of the outer ring road, the A64 and the A166. In previous submissions to the further sites consultation and draft policy EC1 arguments and evidence (including a landscape assessment) has been submitted to demonstrate that a development of the site would not result in a harmful impact. It would not harm the setting of Murton as a freestanding village or result in harmful coalescence with Dunnington.

Checking Urban Sprawl (Criterion 4) : Those previous submissions to further sites consultation and draft policy EC1 demonstrate that a development of the site would not result in unrestricted sprawl. A carefully designed development with significant boundary landscaping based on the existing strong mature tree line along the south-eastern side of the site would enhance the setting of the Murton Industrial Estate by removing the current abrupt edge between buildings and the countryside.

Purpose 3 Safeguarding the Countryside from Encroachment : As above the landscape analysis already submitted justifies a development and that there would be no adverse impact on openness and views from the A166.

Proposed Boundary Description and Recognisability Boundary 3 : The current southern boundary of the industrial estate on the east side of Murton Lane is a recent late twentieth century construct. A strengthened boundary based on the established mature tree line along the south-eastern boundary of site 795 (214) would provide a permanent and more aesthetically appealing boundary.

It would seem logical to extend the boundary in a line across Murton Lane coinciding with the southern boundary of the line drawn on the west side of Murton Lane.



Surface

LANDSCAPE & VISUAL APPRAISAL

Land at Murton within City of York Council

Doug Jennings Planning Consultant
August 2016

Prepared by Surface Property



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CONCLUSIONS	7

1 INTRODUCTION

Surface Property ('Surface') has been appointed by Doug Jennings Planning Consultant (DJPC) to undertake a Landscape and Visual Appraisal (the 'Study') in relation to land ('the Site') to the east of Murton Lane and to the north of the A166 Stamford Bridge Road. The Site was submitted to City of York Council (CYC) by DJPC on behalf of the landowner, as proposed employment land to be included in the emerging Local Plan. The Site was rejected by CYC and the purpose of the Study is to provide additional information to CYC to support its inclusion in the Local Plan.

2 BACKGROUND

The Site, shown on Figure 1 is located within CYC Draft Green Belt and consists of a level, rectangular pasture field that is enclosed by a tall hedge to the east with a line of semi-mature black poplar along the southern boundary. The Site lies adjacent to existing employment land uses to the north and west.

The CYC Technical Officer's assessment of the Site indicates that it can be supported in principle for B2/B8 uses. However, the overall conclusion of the Technical Officer's assessment is that:

"The Site is currently green field that provides an openness that can be observed from the A166 although the Site is viewed against a back drop of sheds, warehouses etc. associated with Friars Close and the Livestock Centre. A landscape and visual appraisal should be conducted to investigate these aspects."

This Report describes the results of a Landscape and Visual Appraisal of the Site undertaken by Surface Chartered Landscape Architects. It provides an objective appraisal of landscape and visual resources at the Site and takes into account the influence of adjacent employment land uses on landscape character and visual amenity. It also considers the potential to utilise the existing landscape structure at the Site to accommodate a change of land use.

This report contains photographs of the site and surrounding area and Figures 1 to 3 showing the location of the photographs, hedges and other features mentioned in the main text. Figure 4 on Page 11 shows an Indicative Landscape Strategy to accommodate development at the Site.



Figure 1: Aerial showing extent of site

3 LANDSCAPE AND VISUAL APPRAISAL

A site visit was undertaken by a Chartered Landscape Architect on 26 July 2016 with a second site visit undertaken by both a Chartered Landscape Architect and Consultant Landscape Architect on 27 July 2016. The purpose of the site visit was to identify landscape features and elements of importance at the Site and in the surrounding area, and to assess visibility of the Site in views from the A166 and to consider the degree of openness that may be perceived at the Site.

3.1 Landscape Character

The Site is located within the Mixed Fringe Farmland Landscape Character Type (LCT) as identified in the York Landscape Appraisal¹.

Its key characteristics are described as:

- *"Low quality mix of arable and pasture;*
- *Small scale field pattern;*
- *Encroachment of new industrial and retail development;*
- *Influence of urban edges of York and new housing development;*
- *Scrubby 'wasteland';*
- *Amenity land;*
- *Fragmented hedgerows;*
- *Lacks a sense of place'."*

The industrial area adjacent to the Site is a notable feature identified in the York Landscape Appraisal.

¹Environment Consultancy University of Sheffield, (1996), York Landscape Appraisal.

The Site is typical of the prevailing landscape character and is strongly influenced by the industrial units to the north of the Site (See V2, page 4) on the south side of Fryors Close and the Auction Market to the west of the Site on the west side of Murton Lane. The landscape character of the Site is also influenced by the small industrial units to the south of the Site on the east side of Murton Lane and by the A166 which passes approximately 80m to the south of the Site.

The level topography of the Site and its enclosure on three sides by high hedges and industrial units mean that it is not a conspicuous feature in the landscape and makes a limited contribution to landscape character. In other words it does not exhibit rare or unique characteristics that set it apart from the prevailing character of the area. It does provide a localised area of open space by virtue of the fact that it is a pasture field.

3.2 Visual Character

As mentioned in Section 3.1, the Site is enclosed by hedges and industrial units on three sides. The enclosure of the Site combined with the level topography of the Site and surrounding area and the prevalence of industrial development mean that views of the Site from the surrounding area are limited and restricted to short range views from Murton Lane and glimpsed views through a gap in the hedge (H5) that runs along the eastern boundary of the field to the south of the Site and on the northern side (H6) of the A166.

Murton Lane is the route of National Cycle Network Route Number 66 which passes through the village of Dunnington to the east before crossing the A1079 and A166 past the Yorkshire Museum of Farming and



V1: View of the York Auction Centre from Murton Lane



V2: View northeast across the site from Murton Lane



Figure 2: Aerial showing hedge & viewpoint locations

then through the village of Murton before heading west to York. The Site is visible (see V3, page 6) from a short section of the NCN Route Number 66 and is seen in the context of the industrial land uses and infrastructure in the surrounding area.

Views from the A166 are restricted by hedges (H5) growing on the north side of the road and by the mature hedges growing along the eastern (H2) and southern (H3) boundaries of the Site. There are glimpsed views of the Site through a gap in the hedge (H5) that runs along the eastern boundary of the field to the south of the Site and on the northern side (H6) of the A166. Where there are glimpsed views of the Site from the east (see V4, page 6) it is seen in the context of the existing industrial / commercial buildings that lie immediately to the north of the Site and to the south of Fryors Close.

3.3 Openness

As discussed in Sections 3.1 and 3.2 the Site is enclosed by either hedges or industrial land uses on all sides. As a result it is not readily visible from surrounding areas. There are glimpsed views from the A166 (see V4, V5, page 6)) and clear views from a short stretch of NCN Route Number 66 (see V3, page 6). As such the Site does not contribute to a discernible pattern of interconnected open spaces, nor does it contribute to the sense of openness experienced in the wider countryside to the east of the Site.

While the field does constitute a small area of open space at the edge of an industrial / commercial area, it is not important to the setting of the industrial area nor does it contribute to the wider landscape setting of York or the openness of the area of countryside within which it is set.

4 POTENTIAL FOR DEVELOPMENT AT THE SITE

The Landscape and visual Appraisal described in Section 3 indicates the following key characteristics at the Site:

- Prevailing landscape character of industrial / commercial land uses in adjoining areas;
- Level topography;
- Good landscape structure in the form of trees and hedges along Site boundaries;
- Restricted intervisibility to and from surrounding landscape and countryside;
- Limited visibility of the Site from the A166 due to screening by hedges and trees;
- Visibility of the Site from Murton Lane and NCN Route Number 66; and
- Localised open space function and lack of continuity with surrounding landscape character and open countryside.

Given these factors it is considered that employment land uses could be accommodated at the Site with limited effects on landscape character, visual amenity and openness. The effects of allocating the Site for employment land use would be very localised and when considered in the context of the adjacent industrial / commercial area would be in keeping with prevailing landscape character and would be a logical extension to the existing area. Allocation of the Site as employment land would result in a noticeable change to landscape character within the Site itself. However, the field lies between two existing areas of industrial / commercial development and its eastern extents do not extend beyond



V3: View east across the site from Murton Lane



V7: View west along H3 to industrial units on Murton Lane



V4: View west from the A166



V5: View of hedge gap in H5 from A166



V6: View of hedge H6 from A166



Figure 3: Aerial showing hedge & viewpoint locations

the present eastern boundary of the adjacent industrial / commercial area that lies immediately to the north of the Site.

In addition to showing continuity with adjacent land uses and landscape character and limited effects on visual amenity and openness, the existing landscape structure at the Site presents an opportunity to design an appropriate Landscape Strategy to accommodate new development. Such a Strategy should seek to maximise the potential of existing landscape features at the Site to integrate development into the landscape and provide screening from adjacent areas where views are obtained. At this stage it is proposed that a Landscape Strategy for the Site should adopt the following principles:

1. Design of development should retain all vegetation along field boundaries and ensure that it is protected during construction in accordance with BS 5837:2012 Trees in Relation to Design, Development and Construction Recommendations
2. The black poplar hedge along the southern boundary should be monitored to check for disease and / or other factors affecting their viability. The trees should be managed to avoid them becoming over-mature and should be underplanted with other species to ensure succession.
3. The native hedge along the eastern boundary should be maintained at present height thereby contributing to screening in views from the east.
4. The native hedge along the northern boundary should be maintained at its current height as it provides landscape integration and screening for the single property adjacent to Murton Lane.

5. Additional tree planting along the western boundary to the Site would assist in screening development and would provide continuity with the established tree planting on the west side of Murton Lane.

5 CONCLUSIONS

The Landscape and Visual Appraisal of the Site indicates that there is potential to accommodate employment land uses at this location with limited effects on landscape character and visual amenity. The Site is a logical extension to the existing adjacent industrial / commercial land uses and a change in use at the Site would not compromise landscape character or openness of the countryside. The robust landscape structure at the Site could form the basis of a Landscape Strategy that aims to integrate the development into the landscape while retaining features of importance and adopting a landscape management strategy that would ensure long term viability of existing vegetation and proposed planting.



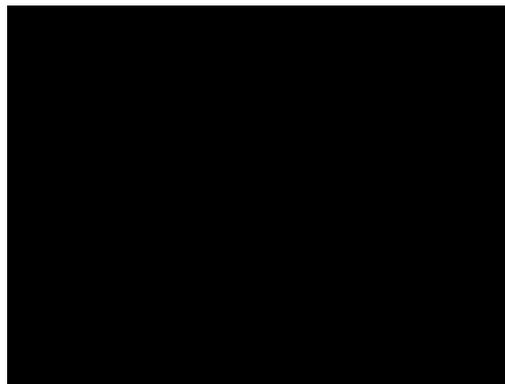
|||||Surface



Doug Jennings

**Potential BI/B2/B8 Development
Greenacres, Murton
Transport Note**

September 2016



Doug Jennings

Potential B1/B2/B8 Development Greenacres, Murton Transport Note

September 2016

Client Commission

Client: Doug Jennings

Date Commissioned: August 2016

Commissioned By: Doug Jennings

LTP Quality Control

Job No: LTP/16/2545

File Ref: Greenacres Murton TN Final Issue 1

Issue	Revision	Description	Originated	Checked	Date
1	-	Final issue for planning	MR	SW	07/09/2016
Authorised for Issue:					AM

LTP PROJECT TEAM

As part of our commitment to quality the following team of transport professionals was assembled specifically for the delivery of this project. Relevant qualifications are shown and CV's are available upon request to demonstrate our experience and credentials.

Team Member	LTP Designation	Qualifications
[REDACTED]	Director (Project Manager)	BA(Hons) MSc FIHE MCIHT CMILT
[REDACTED]	Senior Transport Planner	BSc(Hons) MSc(Eng) MCIHT MIHE
[REDACTED]	Transport Planner	BA(Hons) MIHE

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POTENTIAL B1/B2/B8 DEVELOPMENT GREENACRES, MURTON TRANSPORT NOTE

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INTRODUCTION

1.1 Background

- 1.1.1 Local Transport Projects Ltd has been commissioned to produce a Transport Note (TN) to assess the suitability, in transport terms, of providing B1 (Light Industry), B2 (General Industry) and B8 (Storage/Distribution) development on land to be accessed via Murton Lane in the village of Murton situated approximately 6km to the east of York city centre.
- 1.1.2 A technical officer assessment for the site has previously been undertaken by City of York Council (CYC, 2014) as part of the 'Further Sites Consultation - Appendix 3: Employment/Retail Site Assessments Proformas - June 2014' (CYC, 2014). The assessment noted that: *'the site is not highly sustainable and as such a transport assessment is required to assess the viability of travelling to work by bus, bike and walking'*. This report provides an assessment of the sustainable travel options available local to the site, in relation to the above comments, in order to present a case for its inclusion within the City of York Local Plan.

1.2 Scope

- 1.2.1 The scope of this TN has been agreed with the Client, as outlined below:
- **Introduction & Description of Proposals:**
 - Description of the development site, including location and existing access arrangements;
 - Summary of relevant planning and allocation history for the site;
 - Description of the proposed development including site layout, pedestrian/cycle facilities and proposed access arrangements.
 - **Site Assessment:**
 - Site assessments to determine existing traffic conditions, such as posted speed limits, road restrictions, highway geometry, on-street parking restrictions and any other relevant features of the local area;
 - Assessment of the sustainable transport infrastructure (pedestrian, cycle and public transport) local to the site.
 - **Conclusions:** Conclusions summarising the outcomes of the TN, including a commentary on the suitability of development at the site in terms of access to the site via sustainable modes.
- 1.2.2 This report has been prepared in accordance with the above scope and reference has been made to the following documents where appropriate:
- City of York Local Plan - Preferred Sites Consultation July 2016 (CYC, 2016);
 - Planning Practice Guide (DCLG, 2014);
 - City of York Local Plan Further Sites Consultation - Appendix 3: Employment/Retail Site Assessments Proformas (CYC, 2014);

- National Planning Policy Framework (DCLG, 2012);
- Manual for Streets 2: Wider Application of the Principles (CIHT, 2010);
- Guidance on Transport Assessment (DfT, 2007a); and
- Manual for Streets (DfT, 2007b).

I.3 Site Location & Existing Use

1.3.1 The potential development site is located in the village of Murton, situated approximately 6km east of York city centre and accessed via Murton Lane. The site is bound by Murton Lane to the south-west, agricultural fields to the north-east, an existing farm and associated outbuildings to the south-east and B1/B2/B8 uses to the north-west. The approximate boundary of the site is highlighted in Figure 1:

Figure 1: Site Location



Source Imagery: Copyright Google Earth Pro (License Key-JCPMR5M58LXF2GE)

I.4 Planning History

- 1.4.1 It is understood that there have been no relevant planning applications relating to the potential development site. The site (ref: 795) is not currently allocated in the 'Preferred Sites Consultation July 2016' (CYC, 2016).
- 1.4.2 As mentioned previously the technical officer assessment (CYC, 2014) highlighted the requirement to produce a report which would assess the viability of travelling to the site by public transport, bicycle and on foot.

I.5 Development Proposals & Access Arrangements

- 1.5.1 From information provided by the Client, the indicative proposals for the site involve B1/B2/B8 development which would be accessed via Murton Lane. It is envisaged that the proposed site access point(s) will be simple priority T-junctions, and would be subject to further design discussions with CYC Highways.
- 1.5.2 The internal highway network of the site would need to be designed in accordance with the requirements of CYC Highways to ensure that refuse and any service vehicles can utilise the highway alignment and turning heads to enter and exit the site in a forward gear. The level of parking provision serving the development would also need to be consistent with CYC's local parking standards.

2.0 SITE ASSESSMENT

2.1 Local Highway Network

- 2.1.1 It is envisaged that the site would be accessed by all modes via a priority junction with Murton Lane. Murton Lane is a two-way single carriageway that is approximately 6.8m in width within the vicinity of the site. There is a weight limit restriction of 7.5 tonne present approximately 550m north of the Murton Lane/A166 junction. The road is subject to a 40mph speed limit and appears to be in good condition. Waiting is prohibited on the grassed verges by means of a No Stopping order.

Photo 1: Murton Lane



- 2.1.2 York Lorry Park which provides secure lorry parking is located on the west side of Murton Lane approximately 150m from the site.
- 2.1.3 The A166 is a two-way single carriageway that is approximately 7.2m wide and subject to a 40mph speed limit within the vicinity of the junction with Murton Lane. The A166 provides access to the A64/A1079 roundabout to the west and the town of Driffield to the east.

Photo 2: A166



- 2.1.4 Bore Tree Baulk is a two-way single carriageway that is approximately 6m in width and provides access to the A166 to the north and the A1079 to the south. The road is subject to a 7.5 tonne weight limit.
- 2.1.5 The A1079 is a two-way single carriageway that is approximately 7.2m in the vicinity of the junction with Bore Tree Baulk. The A1079 provides a connection between the cities of York and Kingston upon Hull.
- 2.1.6 The A64 is a trunk road that is located approximately 700m from the proposed site and connects Leeds to the south-west and Scarborough to the north-east. The A64 also provides good access to the Strategic Road Network (SRN), in the form of the A1(M). It is felt that the site is situated in a good location, with a direct link to the A64 and access to the SRN, avoiding residential streets.

2.2 Pedestrian Provision

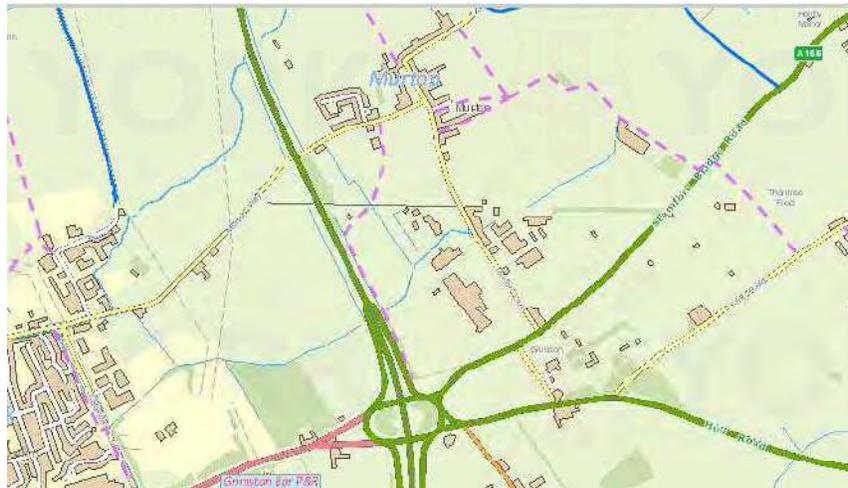
- 2.2.1 Guidance from Chartered Institution of Highways & Transportation (CIHT) suggests a preferred maximum walking distance of 2km for a number of trips, including commuting and school trips (IHT, 2000).
- 2.2.2 There are no footways along the site boundary on Murton Lane, however there may be potential to provide footways along the western boundary of the site fronting Murton Lane within the existing grassed verge.

Photo 3: Grassed Verge on Murton Lane



- 2.2.3 To the north, the rural nature of the road means there is a lack of footways connecting to the pedestrian provision in the village of Murton. There is a Public Right of Way (PRoW) approximately 550m to the north of the site which connects Murton Lane to the A166 and Moor Lane. An extract of the CYC PRoW map highlighting existing footpaths and bridleways (shown in pink and blue respectively) is provided in Figure 2.

Figure 2: Extract of CYC PRoW Map



Source: CYC PRoW Map (CYC, 2016)

2.2.4 Given the rural location of the site and the lack of footways within its immediate vicinity it is considered that walking is unlikely to represent a realistic mode of travel for many potential employees at the site as is the case for existing staff at the B1/B2/B8 employment sites which currently operate along Murton Lane.

2.3 Cycle Provision

2.3.1 Cycling is a low cost and healthy alternative to car use, which can substitute for short car trips, or can form part of a longer journey by public transport. The DfT state that “in common with other modes, many utility cycle journeys are under three miles (5km), although, for commuter journeys, a trip distance of over five miles (8km) is not uncommon” (DfT, 2008).

2.3.2 The site is located adjacent to the National Cycle Network (NCN) Route 66 on Murton Lane. This forms the ‘Way of the Roses’ cycle route which runs between central Manchester and Spurn Point via Leeds, York, Beverley and Kingston upon Hull.

Photo 4: NCN Route 66



- 2.3.3 There are formal off-road cycle facilities within the vicinity of the site at the Murton Lane/A166 junction. This provision continues for approximately 80m on the northern side of the A166 to the west of the junction.

Photo 5: Off-Road Cycle Provision on the A166



- 2.3.4 From this point the provision continues along the southern side connected via a central refuge to aid crossing of the A166. This provision provides access to Bore Tree Baulk which connects the off-road facilities on the A166 to the A1079 provision. The A1079 features a dedicated off-road cycle route which provides access to the Grimston Bar Park & Ride facility located approximately 1.4km to the south-west of the site. From here there are a variety of cycle route options to the University of York and city centre.

Photo 5: Central Refuge on the A166



2.3.5 To the north of the site, the NCN Route 66 continues along Murton Way and Osbaldwick Village connecting with the 'Foss Islands Route' which is located approximately 2.9km to the west of the site. This route provides an off-road cycle facility between York city centre and Metcalfe Lane. An extract of the York Cycle Route Map (CYC, 2014) is provided in Figure 3 (site indicated by the blue star), with red routes showing dedicated off-road route, pink routes are advisory routes for cyclists and amber routes are on-road cycle lanes. Cycle times between Murton and the city centre are indicated on the York Cycle Route Map as between 18 and 30 minutes.

Figure 3: Extract of York Cycle Route Map



Source: York Cycle Route Map (CYC, 2014)

2.4 Public Transport Provision

2.4.1 The nearest bus stops are the east/westbound stops on the A1079 located approximately 500m from the site. There are further stops to the north on Murton Way approximately 700m from the site. The bus services available from the local stops on the A1079 and Murton Way are outlined in Table 1.

Table 1: Local Bus Services

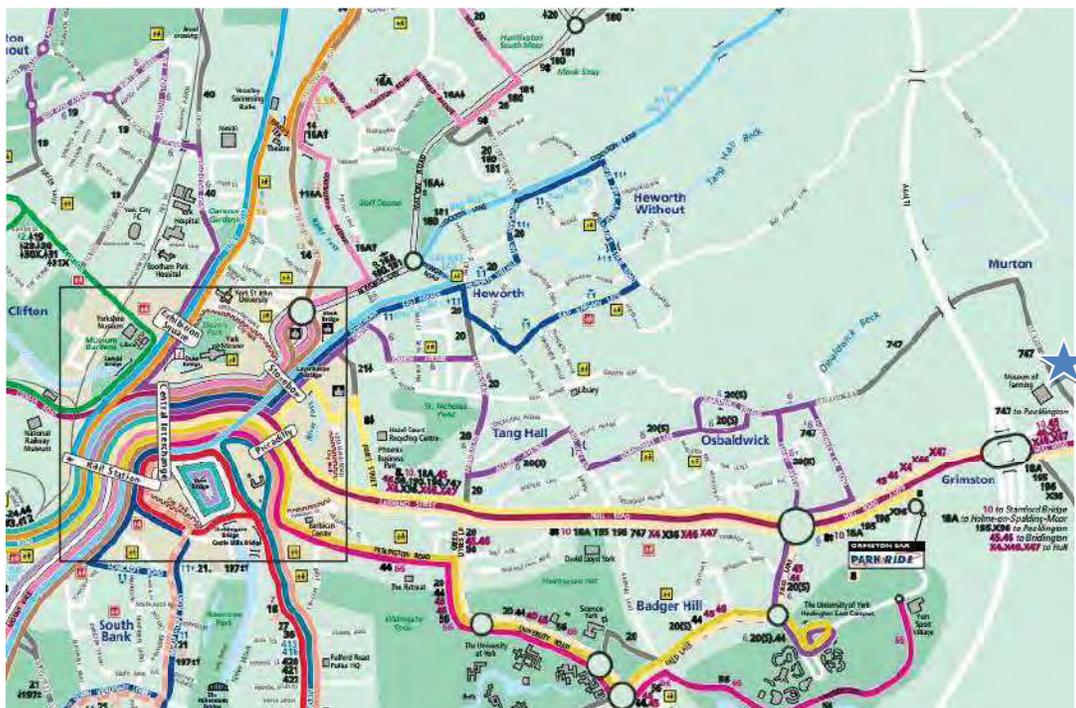
Service No.	Route	Mon-Sat Daytime Frequency	First Arrivals (Mon-Sat)	Last Departures (Mon-Sat)
Bus services accessible from the A1079 bus stops (500m from the site)				
10	Poppleton - York City Centre - Dunnington - Stamford Bridge	Every 30 mins	From Poppleton: 06:42 From Stamford Bridge: 06:19	To Poppleton: 23:17 To Stamford Bridge: 23:36
45/46	York - Pocklington - Market Weighton - Driffild - Bridlington	Hourly	From Bridlington: 07:22 From York:	To York: 22:44 To Bridlington:
X4	Hull - Brough - Market Weighton - York	5 daily services (each way)	From Hull: 07:20 From York: 08:36	To Hull: 18:09 To York: 17:15

Service No.	Route	Mon-Sat Daytime Frequency	First Arrivals (Mon-Sat)	Last Departures (Mon-Sat)
X46/47	Hull - Beverley - Market Weighton - Pocklington - York	Hourly	From Hull: 06:14 From York: 06:51	To York: 21:31 To Hull: 22:39
Bus service accessible from Murton Way bus stops (700m from the site)				
747	Pocklington - Stamford Bridge - Murton - York	7 daily services	From Pocklington: 08:00 From York: 09:20	To Pocklington: 17:35 To York: 14:42

* Daytime frequency relates to typical weekday approximately 08:00-18:00

2.4.2 Table 1 demonstrates that there are a number of services available from stops on the A1079 and Murton Way, including services to the cities of York and Kingston upon Hull and towns of Pocklington and Market Weighton. The #747 service travels along Murton Lane and therefore future discussions with CYC and the bus operator could be held to establish whether a bus stop on Murton Lane outside the potential development site could be provided which could serve the site and also the other employment sites on Murton Lane. This could help to make bus travel between the city centre and a variety of residential areas within York, to the development site, a more viable transport option for commuters. An extract of the York Bus Route Map (CYC, 2015) is provide in Figure 4 (site indicated by the blue star).

Figure 4: Extract of York Bus Route Map



Source: York Bus Route Map (CYC, 2015)

2.4.3 The nearest rail station is situated in York, approximately 6.5km from the site. The station accommodates Virgin East Coast, TransPennine and Northern Rail services to a wide range of local, regional and national destinations.

2.5 Car Sharing

2.5.1 Car sharing is a sustainable mode of travel that can reduce the number of single occupant vehicle trips generated by a site. As well as the environmental benefits, people who car share save money by reducing their spend on fuel as well as on other associated running costs.

2.5.2 www.liftshare.com is a useful car sharing database and information website. Liftshare suggests that there are several benefits to car sharing, including:

- It can save you money;
- It can reduce pollution from car emissions;
- It gives you company;
- It can reduce local congestion;
- It can save you time;
- It can be safer (e.g. having company if your vehicle breaks down);
- You can make new friends and meet your neighbours; and
- It can reduce the use of limited fossil fuels.

2.5.3 It should be noted that York has its own dedicated car sharing scheme (www.carshareyork.com). It is felt that due to the site's rural location that car sharing could form a viable mode of travel for potential members of staff. There is also the opportunity to collaborate with other companies situated on Murton Lane to expand the potential interest in relation to potential car sharing partners.

2.6 Workplace Travel Planning

2.6.1 A workplace Travel Plan can be a useful tool to minimise the number of staff vehicle trips to/from the site. The aims of a workplace Travel Plan for the proposed site would be similar to those outlined below:

- To encourage the use of alternative modes of transport to the private car and to better manage private car usage in order to reduce environmental impact for all journeys associated with the development;
- To deliver a long-term commitment to changing travel habits by minimising the percentage of journeys to/from the development made by single occupancy vehicles, and maximise the number of trips to the development made by public transport, car share, on foot and by cycle;
- Identify and achieve the support of stakeholders for the Travel Plan, and set in place foundations for a sustainable transport policy for the development, which would develop over the lifetime of the Travel Plan;
- To educate employees about the health benefits of cycling and walking;
- Reduce the number of vehicle trips generated by the development; and
- Promote healthy lifestyles and vibrant communities.

- 2.6.2 It should be noted that a workplace Travel Plan was produced for the approved planning application (ref: 11/03259/FULM) for the *'Development of new abattoir and food production facility with associated landscaping and access following demolition of existing abattoir'* on the western side of Murton Lane approximately 190m from the site. Due to the number of existing employment sites along Murton Lane it is felt that there is also the opportunity to collaborate with other companies to enhance sustainable travel facilities in the local area.
- 2.6.3 There is a personalised journey planning tool on the i-Travel York website (<http://www.itravelyork.info/planner/>) which would allow future employees to assess the sustainable travel options available to them from their place of residence to the site.

2.7 Sustainable Travel Summary

- 2.7.1 Taking the above information into account it is felt that there is some scope to travel to the site by sustainable modes, in particular by bicycle and by bus. There are good cycle facilities in the vicinity of the site including the 'Foss Islands Route' that provides an off-road facility between York city centre and Metcalfe Lane. There is also off-road cycle provision on the A1079 which provides access to Grimston Bar Park & Ride.
- 2.7.2 Public transport is also considered accessible from the site and there are a number of bus services available from stops on the A1079 and Murton Way. These services provide access to the cities of York and Kingston upon Hull and the towns of Pocklington and Market Weighton respectively; therefore the site possesses a large potential catchment area from which travel to the site by bus is a viable option.
- 2.7.3 Due to its rural nature access by foot is fairly limited, however there is a PRoW approximately 550m to the north of the site which connects Murton Lane to the A166 and Moor Lane.
- 2.7.4 It is considered that the development of a workplace Travel Plan offers considerable potential to increase the viability and take-up of sustainable travel options to the site in particular cycling trips and travel by bus.

3.0 CONCLUSIONS

- 3.1.1 This Transport Note (TN) provides an assessment, in transport terms, in regards to the feasibility of B1 (Light Industry), B2 (General Industry) and B8 (Storage/Distribution) development on land to the east of Murton Lane in the village of Murton situated approximately 6km to the east of York city centre.
- 3.1.2 A technical officer assessment for the site has previously been undertaken by City of York Council (CYC, 2014) as part of the *'Further Sites Consultation - Appendix 3: Employment/Retail Site Assessments Proformas - June 2014'* (CYC, 2014). The assessment noted that the *'site is not highly sustainable and as such a transport assessment is required to assess the viability of travelling to work by bus, bike and walking'*. This report provides an assessment of the sustainable travel options available at the site, in relation to the above comments, in order to present a case for its inclusion within the City of York Local Plan.
- 3.1.3 From information provided by the Client, the indicative proposals for the site involve B1/B2/B8 development which would be accessed via Murton Lane. It is envisaged that the proposed site access point(s) will form a simple priority T-junction(s), and would be subject to further design discussions with CYC Highways.
- 3.1.4 The A64 is located approximately 700m from the proposed site and connects Leeds to the south-west and Scarborough to the north-east. It also provides good access to the SRN, in the form of the A1(M). It is therefore felt that the site is situated in a good location, with a direct link to the A64 and access to the SRN, avoiding residential streets.
- 3.1.5 There are no footways along the site boundary on Murton Lane. There is a PRoW approximately 550m to the north of the site which connects Murton Lane to the A166 and Moor Lane. Due to the rural nature of the site it is considered that walking is unlikely to represent a realistic mode of travel for many potential employees at the site as is the case for existing staff at the B1/B2/B8 employment sites which currently operate along Murton Lane.
- 3.1.6 The site is located adjacent to the NCN Route 66 on Murton Lane. This forms the 'Way of the Roses' cycle route which runs between central Manchester and Spurn Point via Leeds, York, Beverley and Kingston upon Hull. There are formal off-road cycle facilities within the vicinity of the site at the Murton Lane/A166 junction providing access to Bore Tree Balk which connects the off-road facility on the A166 to the north and the A1079 provision to the south. The 'Foss Islands Route' provides an off-road route between Metcalfe Lane and York city centre and the A1079 provision provides access to the Grimston Bar Park & Ride facility.

-
- 3.1.7 There are bus stops on the A1079 located approximately 500m from the site, with further stops located on Murton Way approximately 700m from the site. The #747 service travels along Murton Lane and therefore there is potential to provide a bus stop on Murton Lane to serve the potential development site and also the existing employment sites. The nearest rail station is situated in York and is approximately 6.5km to the west of the site. The station accommodates Virgin East Coast, TransPennine and Northern Rail services to a wide range of local, regional and national destinations.
- 3.1.8 It is felt that there is scope to travel to the site via sustainable modes, in particular by bicycle and bus. There are good cycle facilities within the vicinity of the site, including the 'Foss Islands Route' providing access to York city centre. Bus travel is also accessible from the site with a number of services available from stops on the A1079 and Murton Way respectively. These services provide access to the cities of York and Kingston upon Hull and the towns of Pocklington and Market Weighton respectively, therefore the site possesses a large catchment area which could travel by bicycle or bus to the site. However, access by foot is fairly limited at the site due to its rural nature.
- 3.1.9 It is thought that the development of a workplace Travel Plan for the proposed site offers considerable potential to increase the viability and take-up of sustainable travel options to the site in particular car sharing, cycling trips and travel by bus.
- 3.1.10 From an assessment of the sustainable travel options available, development of a workplace Travel Plan and the number of existing B1/B2/B8 employment sites along Murton Lane, it is concluded that sustainable development could be facilitated at the site and therefore it is considered that this site should be included within the City of York Local Plan.

4.0 REFERENCES

- CIHT (Chartered Institution of Highways and Transportation), 2010. Manual for Streets 2: Wider Application of the Principles.
- CYC (City of York Council), 2016. CYC Local Plan 'Preferred Sites Consultation July 2016'
- CYC, 2015. York Bus Route Map.
- CYC, 2014. York Cycle Route Map.
- CYC, 2014. City of York Local Plan Further Sites Consultation - Appendix 3: Employment/Retail Site Assessments Proformas.
- DCLG (Department for Communities and Local Government), 2014. Planning Practice Guidance – Travel Plans, Transport Assessments and Statements in Decision-Taking (ID: 42-06/03/2014).
- DCLG, 2012. National Planning Policy Framework.
- DfT (Department for Transport), 2007a. Guidance on Transport Assessment.
- DfT, 2007b. Manual for Streets.
- DfT, 2002. Inclusive Mobility.
- IHT (Institution of Highways and Transportation), 2000. Guidelines for Providing for Journeys on Foot.
- IHT, 1999. Guidelines for Public Transport in Development.

From: [REDACTED]
Sent: 05 July 2021 11:40
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205181
Attachments: York_Local_Plan_reps.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Local Plan consultation May 2021

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

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

About your comments

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

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]
[REDACTED]

Key Evidence and Supporting Documentation

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

Your comments: Legal Compliance of the document

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

Please justify why you consider the document to be legally compliant: No comments regarding legal compliance

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

Your comments: Duty to cooperate

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

Please justify why you consider the document to be in compliance with the Duty to Cooperate: No comments regarding Duty to Cooperate

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

Your comments: Whether the document is 'sound'

Do you consider the document to be 'sound'?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: Whilst we strongly support the principal of the proposed amendment to the Green Belt at Clifton Park Hospital, we do not consider the plan to be sound for the following reasons; Not positively prepared: The plan is not positively prepared as proposed Green Belt boundary at Clifton Park Hospital (PM78) is wrapped tightly around the existing built-up area and, therefore, intentionally seeks to restrict opportunities for appropriate development in a sustainable location on land which is no longer in line with the characteristics of the Green Belt. Not consistent with national planning policy: national planning policy within the NPPF regarding Green Belt boundaries is clear that land which unnecessary to keep permanently open should not be included within the Green Belt.

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or 'sound': The proposed boundary around Clifton Park Hospital should be amended to follow the clear physical barriers of the site and to include land that no longer serves the purposes of the Green Belt. A plan showing that suggested amendments are provided in our supporting letter.

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

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

Supporting documentation

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

York_Local_Plan_reps.pdf

5th July 2021

Forward Planning Team
West Offices
Station Rise
York
YO1 6GA

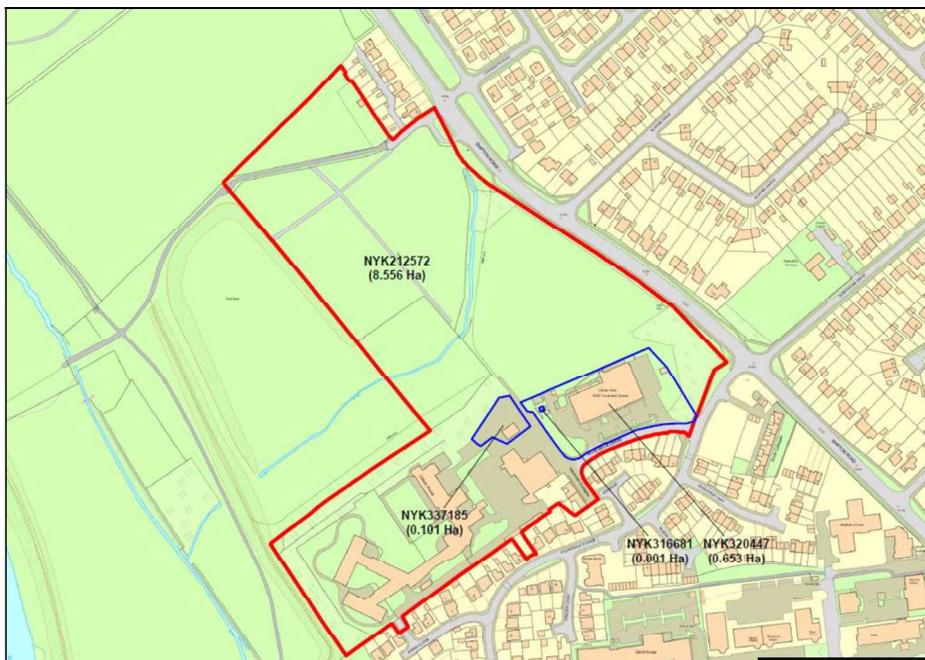
Dear Sir/ Madam,

New Local Plan Proposed Modifications and Evidence Base (May 2021) - Regulation 19 Consultation

I write on behalf of our client, NHS Property Services Ltd, in response to City of York Council's ('CoYC') Proposed Modifications to the City of York Local Plan and Evidence Base, which was published for consultation on 25th May 2021.

Our client owns approximately 8.56 ha of land located to the west of Shipton Road and to the north of Fylingdale Avenue/ Blue Beck Drive, which currently falls within the designated Green Belt. Part of the site is occupied by medical facilities and buildings that historically formed part of the former Clifton Park Hospital complex (Clifton House Forensic Unit, Blue Beck House, Verandah Cottages and Clifton Park Hospital). The remainder of our client's site is predominantly greenfield land situated to the north of the built up area.

The plan below shows the extent of land within our client's ownership (edged in red).



Land Ownership Plan (NHS Property Services Ltd.)

We have reviewed the key evidence and supporting documentation, published as part of the New Local Plan Proposed Modifications and Evidence Base Consultation, and provide comments with specific regard to the proposed amendment to the Green Belt boundary at land identified as 'Clifton Park Hospital' (Ref: PM78) in the Composite Modifications Schedule (EX/CYC/58).

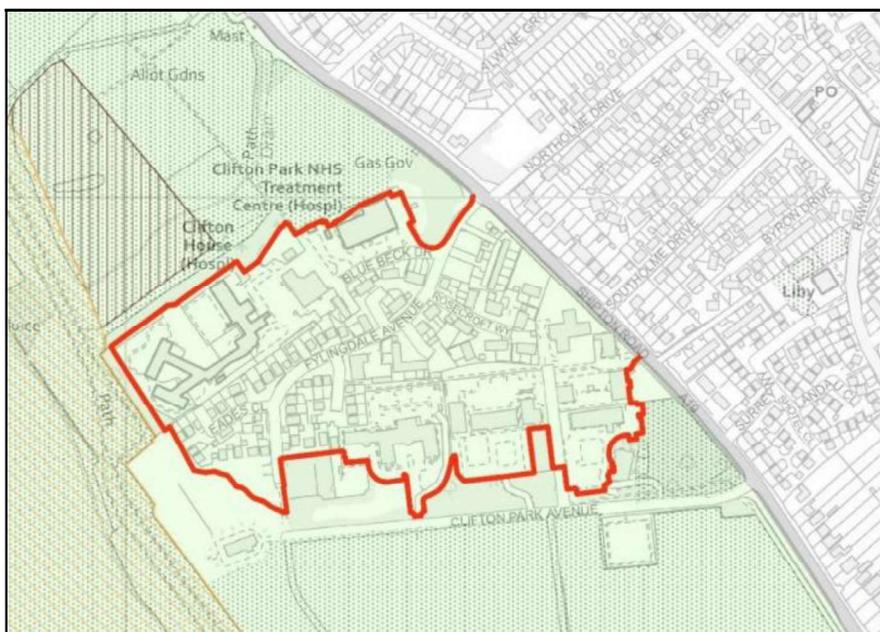
In line with national planning policy guidance set out in the National Planning Policy Framework (NPPF), our comments (and suggested amendments) relate to the four tests of soundness, namely whether the proposed modifications ensure the new Local Plan is:

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

The comments within this letter are also provided in a separate online form in order to assist the Inspector of the Local Plan.

EX/CYC/58: Composite Modifications Schedule (April 2021) - PM78 Clifton Park Hospital

The Composite Modifications Schedule (EX/CYC/58) shows a proposed amendment to the Green Belt boundary at land identified as 'PM78 - Clifton Park Hospital', which is provided below for ease of reference:



Proposed Modification to the Green Belt Boundary: PM78 – Clifton Park Hospital

The proposed modification to the Green Belt boundary would take land at the former hospital site out of the designated Green Belt, including land within our client's ownership (Clifton House, Blue Beck House, Verandah Cottages, Clifton Park Hospital and the associated areas of hard standing and car parking provision - shown on the ownership plan above).

We **strongly support** the principle of the proposed modification of the Green Belt boundary at Clifton Park Hospital, which will assist in ensuring that future development will be located in the most sustainable locations in and around York. In this regard, the former hospital site represents part of the main built up area of York; is located just 2.5km to the north of York city centre; and is

well served by public transport (from Shipton Road). This approach is consistent with national planning policy set out at paragraph 138 of the NPPF, which states:

*“When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policymaking authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. **Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport**”.*

Notwithstanding the above, having reviewed the details of the consultation documents, we wish to register our comments and suggest amendments to the proposed Green Belt boundaries around the Clifton Park Hospital site in order to ensure that the proposed modifications are consistent with national planning policy guidance set out in paragraph 139 of the NPPF.

Our Comments

As shown on the plan above (and below), the proposed boundary at Clifton Park Hospital is wrapped tightly around the existing built-up area. In particular, the proposed northern boundary follows the line of Fylingdale Avenue then moves northwards to encompass the Clifton Park Hospital building, Blue Beck House and Clifton House, leaving an area of land (approx. 0.3ha within our client’s ownership) adjacent to Shipton Road within the designated Green Belt. For clarity, this area of land is highlighted in blue on the plan below:



Reference to the proposed boundaries around Clifton Park Hospital is made within *Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary Part 1 Sections 1 to 4'* (EX/CYC/59c), which states:

“Further sprawl in this area represents a threat to the Green Wedge and needs to be carefully controlled through this clear boundary demarcating the development from the surrounding open land”.

Whilst we understand that the proposed boundary (as drawn) follows the boundaries of the existing built up area at Clifton Park Hospital, we suggest that a more logical northern boundary would be to follow the building line of the existing buildings (Clifton House, Blue Beck House and Clifton Park Hospital) and include the area of land between Clifton Park Hospital and Shipton Road within the

boundary. In this regard, paragraph 139 of the NPPF states that when defining Green Belt boundaries, plans should (inter alia):

“b) not include land which it is unnecessary to keep permanently open”; and

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

With regard to point b (of paragraph 139 of the NPPF), it is unnecessary to keep the area of land adjacent to Shipton Road permanently open as it is bound on three sides by the existing built-up area – Clifton Park Hospital to the west, Shipton Road (and the urban area beyond) to the east, and Fylingdale Avenue (and the urban area beyond) to the south. As such, the land does not retain a strong sense of openness, which is one of the essential characteristics of Green Belts (NPPF – paragraph 133). This is evidenced in the google street image of the site below (taken from Fylingdale Avenue looking north west).

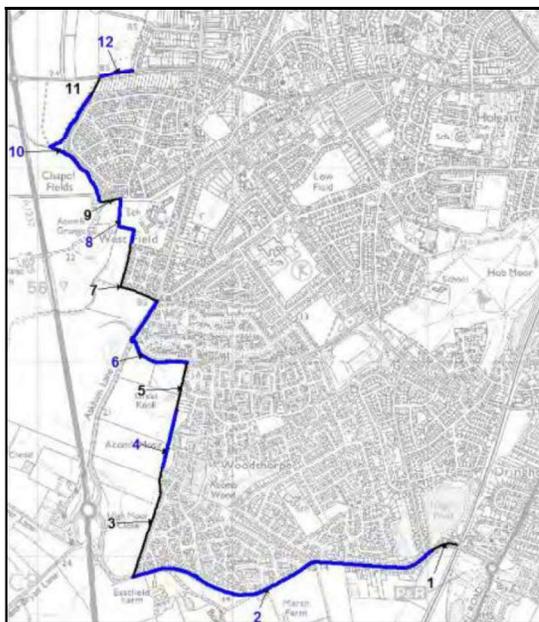


Google Image (2012) of land between Shipton Road and Clifton Park Hospital

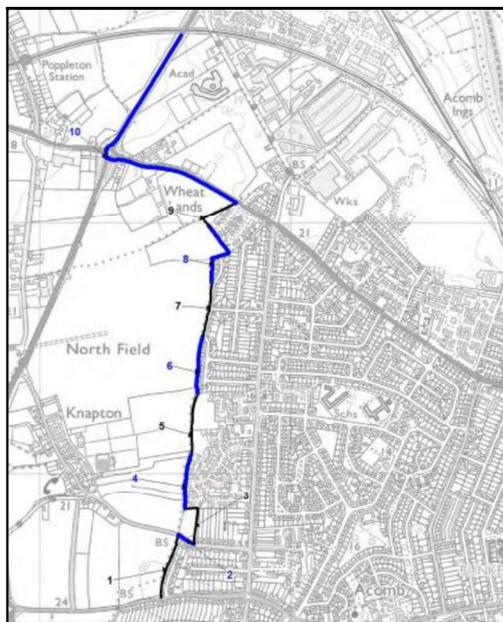
In accordance with point f (of paragraph 139 of the NPPF), the northern boundary should follow the building line of the existing built-up area across to Shipton Road in order to provide a coherent and logical Green Belt boundary. Likewise, the southern boundary should follow the line of Clifton Park Avenue, which provides a clear physical boundary to the Green Belt. Such an approach would provide a stronger degree of permanence than if the boundary were to be wrapped tightly around the existing built up area (as currently proposed).

As illustrated in the plans below, it is notable that the majority of the proposed inner Green Belt boundaries around York are coherent (straight) boundaries that follow existing building lines, roads and other physical features, and which logically round off the boundaries of the urban area.

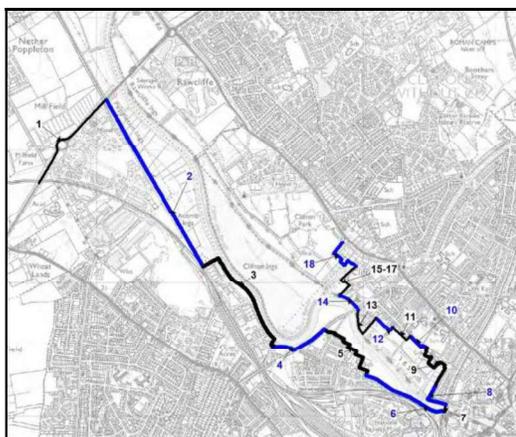
Proposed Inner Boundaries Sections 1 to 4 (Topic Paper 1: Annex 3):



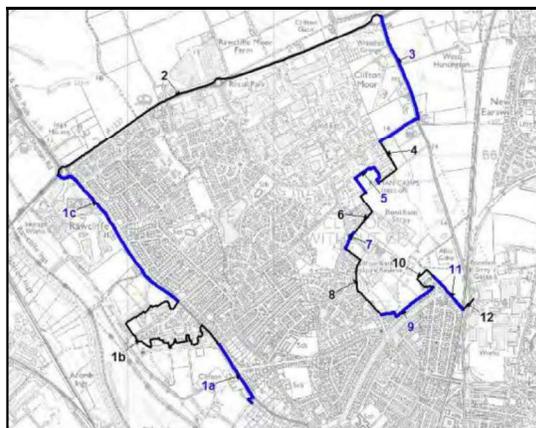
Inner Boundary Section 1



Inner Boundary Section 2



Inner Boundary Section 3



Inner Boundary Section 4 (showing Clifton Park Hospital)

The plans above illustrate that the boundary around Clifton Park Hospital (shown in Section 4 - 1b) is one of the very few parts of the Green Belt boundary that does not follow strong physical features (such as roads and building lines), but instead is wrapped tightly and somewhat haphazardly around the existing built-up area.

In light of the above, **whilst we support the principle** of the proposed modification of the Green Belt boundary to include the former Clifton Park Hospital site, we wish to suggest amendments to the proposed boundary (as drawn) on the grounds that it does not follow national planning policy guidance on defining Green Belt boundaries, and will limit opportunities for suitable infill development in a sustainable location.

Suggested Amendments

In line with our comments, we suggest that the proposed boundary around Clifton Park Hospital is amended to follow the clear physical barriers of the site and to include land that no longer serves the purposes of the Green Belt. The suggested amendments to the boundary are provided on the plan below:



Clifton Park Hospital: Suggested Amendments to the proposed Green Belt boundary

Tests of Soundness

To summarise, whilst we strongly support the principal of the proposed amendment to the Green Belt at Clifton Park Hospital we do not consider the plan to be sound for the following reasons;

- **Not positively prepared:** The plan is not positively prepared as proposed Green Belt boundary at Clifton Park Hospital is wrapped tightly around the existing built-up area and, therefore, intentionally seeks to restrict opportunities for appropriate development in a sustainable location on land which is no longer in line with the characteristics of the Green Belt.
- **Not consistent with national planning policy:** national planning policy within the NPPF regarding Green Belt boundaries is clear that land which unnecessary to keep permanently open should not be included within the Green Belt.

I trust you will consider these comments in taking the Local Plan forward.

Should you require any further information, please don't hesitate to get in touch.

Yours faithfully

[Redacted signature block]

[Redacted contact information]

From: [REDACTED]
Sent: 04 July 2021 23:46
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, INDIVIDUAL - reference: 205086

Local Plan consultation May 2021

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

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

About your comments

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

Your personal information

Title: Cllr

Name: Andy D'Agorne

Email address: [REDACTED]

Telephone: [REDACTED]

Address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary Part 3 Sections 7 to 8 (EX/CYC/59e)

Your comments: Legal Compliance of the document

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

Please justify why you consider the document to be legally compliant: The proposed boundaries proposed in Section 7, 8 affect the margins of the Fishergate ward which I have represented since 2003 and within which I have lived throughout this time. Over these years residents have strongly supported the protection of the semi natural open space that makes up much of the area proposed to be identified as Green Belt and in many cases they have formed 'Friends' groups to coordinate litter picking, wildflower planting and woodland management to enhance their value to nature and for recreational use by residents. I have read the Council submission and strongly endorse the approach taken to defining the inner boundary of the Green Belt, selecting boundaries that help to fulfil the purposes of establishing the Green Belt drawing on historical evidence such as the 1852 Ordinance Survey and the natural margins to the traditional common land areas. In the case of Section 7, Boundary 15 and 19 protect the rural link from Walmgate Stray to the open countryside, maintaining the historic 'Green Wedge' reaching towards the city centre as well as the vista south towards open countryside from the Registered Park and Garden surrounding the Retreat. It also protects the views of many thousands of people who regularly walk or cycle across the stray at its northern end across what is experienced as natural open space with views to open countryside. This is a very busy walking and cycling route to and from the University campus but is also used by many for recreational purposes on circular walks at all times of the year. The semi natural open space is managed for biodiversity yet is easily accessible from the urban area to the west, the north and the south. Boundary 16 is designed to protect the setting of the Retreat in a prominent hilltop position as surrounded by countryside or parkland on three sides and maintains the green wedge connection to the Herdsman's Cottage which is actually fronting onto Heslington Rd. Boundary 17 inclusion of the allotments site maintains the green link between York Cemetery (which is registered park and garden with established mature trees) and the Stray and open countryside beyond. The railings and high walls of the cemetery on the West and North respectively make a strong clear well-established boundary to the Green Belt. Boundary 18 largely follows the secure boundary to the Barracks site, and I believe is right to maintain the sports fields within the Green Belt since this serves to enhance its openness and visual connection across the Low Moor even though there has been some inappropriate addition of flood lighting which detracts from the Stray at night. The boundary then follows historic hedge and fence margin to the urban area (boundary 19) to the south, including a small group of new housing (at the junction with Broadway) within the urban area. Section 8 Boundaries 7- 10 These proposed boundaries offer the strongest delineation to prevent urban sprawl from encroaching towards the green riverside corridor which stretches in from the Ings and open countryside towards the city centre. This open corridor provides views towards the Minster and south west to the Terry's Clock Tower and open countryside, so is important for the setting of the city. The boundary follows the margin of built development and is important to limit the risk of increased sprawl: Boundary 7 has historical precedent as the edge of urban development. The field to the west was originally excavated as a clay pit, landfilled and is currently used as recreational/ dog walking open space but with radio masts on it which are due to be removed within the plan period enhancing its recreational and potential Green Belt value. The former travellers site is now occupied by retirement static mobile homes, which residents value as being within a rural Green Belt setting. The boundary north of the field continues to mark the edge of residential development on the former school site, with a communal heritage orchard maintained by residents to the west of the boundary. Danesmead Orchard was created about 30 years ago and merges beyond the fence into 'Danesmead Wood' which has a friends group that was established some years ago to undertake wildflower planting, litter removal and woodland management. Lilac House is an isolated Victorian house within the edge of the woodland area and with vehicle access to Fulford Cross. Boundary 8 continues to represent the margin between urban development with an open playing field to the west. Boundary 9 makes an important contribution to the Green Wedge C4, covering the 'Danesgate Nature Reserve' and the allotments area. It provides a rural aspect and setting for the narrower stretch of land on either side of the River Ouse and from the slightly elevated approach from Fulford Cross offers a distinct transition from urban to rural open space with views towards the south and west. The walled garden within the allotment area has a historical link with the 19th century house that stood on the site of the

Danesgate Community and the area forms part of a local green corridor that links from Fulford Rd through to the regional green corridor on the River Ouse. Boundary 10 is clearly defined by the boundary wall to Hospital Fields Industrial Estate, with land to the west being in recreational use and liable to flooding. It is important in providing an open rural setting for the Millennium Bridge (opened in 2000). This provides a valuable East – West walking and cycling route to the University via Walmgate Stray as well as recreational use, with views north towards the city centre and south towards the Terry’s Clock Tower and open countryside. Extending the Green Belt to the North ensures that it can retain the rural setting, and links Boundary 11 to the railings that define the southern edge of the perimeter fencing around Rowntrees Park. Boundary 11 connects to Boundary 10 at the point where historic railway lines emerge from the Barracks site and run towards the river. These narrow gauge tracks are marked by a plaque and were used in connection with moving military ordinance by river over 100 years ago. There is also a historic boundary stone at the corner of this wall.

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

Your comments: Duty to cooperate

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

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

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

Your comments: Whether the document is ‘sound’

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

Please justify why you consider the document to be sound: The proposed boundaries proposed in Section 7, 8 affect the margins of the Fishergate ward which I have represented since 2003 and within which I have lived throughout this time. Over these years residents have strongly supported the protection of the semi natural open space that makes up much of the area proposed to be identified as Green Belt and in many cases they have formed ‘Friends’ groups to coordinate litter picking, wildflower planting and woodland management to enhance their value to nature and for recreational use by residents. I have read the Council submission and strongly endorse the approach taken to defining the inner boundary of the Green Belt, selecting boundaries that help to fulfil the purposes of establishing the Green Belt drawing on historical evidence such as the 1852 Ordinance Survey and the natural margins to the traditional common land areas. In the case of Section 7, Boundary 15 and 19 protect the rural link from Walmgate Stray to the open countryside, maintaining the historic ‘Green Wedge’ reaching towards the city centre as well as the vista south towards open countryside from the Registered Park and Garden surrounding the Retreat. It also protects the views of many thousands of people who regularly walk or cycle across the stray at its northern end across what is experienced as natural open space with views to open countryside. This is a very busy walking and cycling route to and from the University campus but is also used by many for recreational purposes on circular walks at all times of the year. The semi natural open space is managed for biodiversity yet is easily accessible

from the urban area to the west, the north and the south. Boundary 16 is designed to protect the setting of the Retreat in a prominent hilltop position as surrounded by countryside or parkland on three sides and maintains the green wedge connection to the Herdsman's Cottage which is actually fronting onto Heslington Rd. Boundary 17 inclusion of the allotments site maintains the green link between York Cemetery (which is registered park and garden with established mature trees) and the Stray and open countryside beyond. The railings and high walls of the cemetery on the West and North respectively make a strong clear well-established boundary to the Green Belt. Boundary 18 largely follows the secure boundary to the Barracks site, and I believe is right to maintain the sports fields within the Green Belt since this serves to enhance its openness and visual connection across the Low Moor even though there has been some inappropriate addition of flood lighting which detracts from the Stray at night. The boundary then follows historic hedge and fence margin to the urban area (boundary 19) to the south, including a small group of new housing (at the junction with Broadway) within the urban area. Section 8 Boundaries 7- 10 These proposed boundaries offer the strongest delineation to prevent urban sprawl from encroaching towards the green riverside corridor which stretches in from the lngs and open countryside towards the city centre. This open corridor provides views towards the Minster and south west to the Terry's Clock Tower and open countryside, so is important for the setting of the city. The boundary follows the margin of built development and is important to limit the risk of increased sprawl: Boundary 7 has historical precedent as the edge of urban development. The field to the west was originally excavated as a clay pit, landfilled and is currently used as recreational/ dog walking open space but with radio masts on it which are due to be removed within the plan period enhancing its recreational and potential Green Belt value. The former travellers site is now occupied by retirement static mobile homes, which residents value as being within a rural Green Belt setting. The boundary north of the field continues to mark the edge of residential development on the former school site, with a communal heritage orchard maintained by residents to the west of the boundary. Danesmead Orchard was created about 30 years ago and merges beyond the fence into 'Danesmead Wood' which has a friends group that was established some years ago to undertake wildflower planting, litter removal and woodland management. Lilac House is an isolated Victorian house within the edge of the woodland area and with vehicle access to Fulford Cross. Boundary 8 continues to represent the margin between urban development with an open playing field to the west. Boundary 9 makes an important contribution to the Green Wedge C4, covering the 'Danesgate Nature Reserve' and the allotments area. It provides a rural aspect and setting for the narrower stretch of land on either side of the River Ouse and from the slightly elevated approach from Fulford Cross offers a distinct transition from urban to rural open space with views towards the south and west. The walled garden within the allotment area has a historical link with the 19th century house that stood on the site of the Danesgate Community and the area forms part of a local green corridor that links from Fulford Rd through to the regional green corridor on the River Ouse. Boundary 10 is clearly defined by the boundary wall to Hospital Fields Industrial Estate, with land to the west being in recreational use and liable to flooding. It is important in providing an open rural setting for the Millennium Bridge (opened in 2000). This provides a valuable East – West walking and cycling route to the University via Walmgate Stray as well as recreational use, with views north towards the city centre and south towards the Terry's Clock Tower and open countryside. Extending the Green Belt to the North ensures that it can retain the rural setting, and links Boundary 11 to the railings that define the southern edge of the perimeter fencing around Rowntrees Park. Boundary 11 connects to Boundary 10 at the point where historic railway lines emerge from the Barracks site and run towards the river. These narrow gauge tracks are marked by a plaque and were used in connection with moving military ordinance by river over 100 years ago. There is also a historic boundary stone at the corner of this wall.

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

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or 'sound': None in respect of the latest consultation on the inner boundaries of the Green Belt. Previous representations on other aspects of the plan remain unchanged.

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

If you do wish to participate at hearing sessions, please state why: In order to be able to respond to any counter- representations from developers to make changes to the boundary. In later stages to respond on previous submissions in respect of the plan.

Supporting documentation

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

From: [REDACTED]
Sent: 07 July 2021 18:59
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 206104
Attachments: YLP_2021_final_resp_on_Proposed_Modifications.docx

Local Plan consultation May 2021

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

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

About your comments

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

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

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

Your comments: Legal Compliance of the document

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

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

Please justify why you do not consider the document to be legally compliant: I am not in a position to comment on the legal aspects.

Your comments: Duty to cooperate

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

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

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate: We are not convinced that the Council had adequately discussed the long term implications of the very tight green belt, lack of safeguarded land, and extremely short remaining life of the proposed local plan with only five year future housing land supply at the Plan's end in 2033 in terms of the future housing demands and transport impacts that will then potentially be required of those Councils and the poor sustainability of such a solution.

Your comments: Whether the document is 'sound'

Do you consider the document to be 'sound'?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: We do not consider the document and plan is sound for a number of reasons that we state in the appended attachment.

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or 'sound': We suggest a number of changes in the attached document.

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

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

Supporting documentation

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

YLP_2021_final_resp_on_Proposed_Modifications.docx

City of York Local plan
Publication Draft 2018
First Modifications 2019
Current modifications 2021
Consultation Response Form
25th May – 7th July April

Response from York Labour Party/Labour Group York City
Council/Rachael Maskell MP York Central

Our Representation

1. Do you consider the document sound - No
2. Please tell us which tests of soundness the document fails to meet

Positively prepared - fail
Justified - fail
Effective - fail
Consistent with national Policy - fail

3. If you are making comments on whether the document is unsound to which part of the document do they relate

Policy reference PM47 – PM50, PM52 - PM57 (including the key diagram), PM62 – PM63b

4. Please give reasons for your answers to the earlier questions

Please note this response has the support of York Labour Party, the Labour Group on the City of York Council and the York Central MP Rachael Maskell.

York Labour Party consulted over 3,000 local members on our first draft response to this plan, and we made a researched and informed final response supported by the Party Executive and members of the Local Party. The 2019 modified Local Plan proposals to which we also responded made a bad situation worse, and these further modifications again failed to properly cater for the needs of the York population, both present and future. Circumstances have also significantly changed since some of the documents justifying these

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become more sustainable and reduce the city's carbon footprint, and how to address rather than exacerbate the social inequalities, related housing / affordable housing crisis, population displacement and impact on the ability of key sectors of the local economy like hospitality and care to recruit staff.

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2.1 We repeat our previous comment regarding the stated vision for sustainable development. We believe the plan fails to deliver on the overriding objective of prosperity for all. It lacks any analysis of how different groups in the community are affected by the proposals. It fails to heal the highly unequal conditions of, or deliver opportunities for, all the residents of York. The plan also fails to follow up on the implications of sustainability (see later comments on this issue and the Green Belt below). It chooses employment and housing options without referencing how they impact on community or environmental sustainability. There is no credible and comprehensive transport strategy to address existing transport and access problems, leaving aside those arising from the proposed new developments.

3. The Economy

3.1 The Council's latest modifications fail to address any of our previous points.

4. Housing provision

4.1 The City continues to face some of the highest increases in house prices and rents in the country. Only last week the local paper reported that house prices in York had increased by 11.4% in the last year from April 2020 (See: [First time buyers pay £24,000 more for a York home than a year ago | York Press](#)), and a linked front page article referred to house prices rising by an average £29k to £286,987 in April 2021 based on land registry figures, which the local Hudson Moody Estate Agents linked to people moving to York from London and the South East as a result of being able to work from home. The slightly older ONS figures for September 2020 also show

the extremely serious problem in the lower part of the market with the Local Affordability ratio (lower quartile) climbing to 9.09 against an England Wales figure of 7.01 and a Yorkshire and Humber regional figure of 5.65, and the median York figure of 8.04.

4.2 We believe this in part reflects the on-going imbalance in the nature of new housing being built in the city, with far too large a proportion being built in the form of very expensive medium rise apartments for the student (off campus student accommodation totaling 887 units represented a quarter of all completions from and including 2016 through to mid 2020), and also for the London & South East downsizing, buy to let Airbnb and holiday lets markets, and far too little being built for the local York residential market, particularly for families. This in turn reflects the concentration of the market on expensive to develop brownfield sites in the main urban area, and insufficient more suburban sites, which is why we strongly object to the reinforcement of that bias in the reworded plan policy (ref. PM 52), and in the related allocations and delivery profiles (PM62-63b). This is continued in the proposed local plan with its particular reliance on the now permissioned, large and high density York Central site, very close to York railway station with its excellent connections to London. The new housing will be particularly vulnerable to simply accommodating downsizers from London and buy to let, rather than local residents, who probably wouldn't be able to afford the properties anyway. Hence it is vital that the Local Policies are amended to ensure the first priority is on providing the right mix of brownfield and previously undeveloped land over the plan period that's required to deliver the balance of housing types and prices to address all parts of York's housing needs as evidenced in the SHMA and in our own and others submissions.

4.3 We further note the new paper on affordable housing broadly confirms our previous representations that the loss of Council housing through right to buy sales wipes out a very high proportion of the new "affordable" housing overall, and certainly means a significant accumulating net loss of "affordable" properties to rent, given the very low proportion of so called "affordable" housing that is provided for social rent, which is the only affordable option for many low paid workers. We reiterate the warnings and legitimate concerns of many groups and individuals in the City on this, and note that they were echoed by the Council's own Head of Housing in a paper to the January 2020 Scrutiny committee (before the pandemic) that said,

whilst "Many households in York are housed securely in homes they own and have benefitted from lower prices in earlier decades and/or low current interest rates reducing mortgage costs. By contrast a significant minority of households face a worsening of affordability as costs of home ownership and private rents both rise faster than local incomes". To that we would add that our elected representatives are well aware of the consequences in terms of insecure accommodation situations, sofa surfing, etc. Despite this, the Council is proposing in the modifications to the Publication draft to both further reduce overall future housing provision further (ref. PM50), and to only deliver 38.6% of the Hearn affordable need estimate (which we have previously challenged as being an underestimate). This is totally unsound public policy.

4.4 Whilst we understand the legal position that Local Plan's do not need to demonstrate that the whole affordable housing need has to be met, we consider that both the proposed overall provision should be significantly higher and that a much larger volume needs to be in the form of housing for social rent given the evidence. With the previously referenced Head of Housing reporting a then 1030 people being in either the Emergency, Gold or Silver Bands on its waiting list (see: <https://democracy.york.gov.uk/documents/s137707/Annex%20A%20-%20January%202020%20Housing%20Needs%20and%20Availability%20Update.pdf>), it is essential a much much larger element of social housing provision is delivered by the plan for it any way to be effective or sound.

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5.1 The Council's latest modifications again fail to address any of our previous points, and it still fails to adhere to the Government's March 2015 guidance on the Transport evidence base for local Plans.

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6.1 We repeat our previous points. The plan states that it will achieve sustainable development, but it doesn't. The only way to achieve genuine sustainability is to cluster new developments. Clusters can

work (1) around existing facilities that can take expansion to serve the additional population or (2) when new developments are built on a scale that means new facilities and effective sustainable transport linkages can be provided.

6.2 The proposed plan fails in both ways because it supports over-development in the urban core where balanced and sustainable provision is not possible, in particular notably failing to provide the appropriate open space, leisure and sports facility requirements for those new developments, often in parts of the city where existing provision is already seriously inadequate. Developments proposed on the periphery are generally too small and will not sustain an appropriate range of new facilities (e.g. ST14 and ST15), and/or overload existing ones. This is true about community facilities, including green space, and transport equally. A recent workshop on sustainable communities run by York Civic Trust highlighted the need for adequate size of communities to ensure the provision of a local primary school, shops and other services, local employment sites, plus both a reasonable seven day a week bus service including evening services to the city and major service locations, and dedicated cycle (and walking) routes providing off road links.

6.3 This strongly argues for a different pattern of future development from that proposed in the draft local plan. The plan should focus on providing a couple of much larger new developments that have the range of land use allocations to provide genuinely sustainable new communities - the Town and Country Planning Association's "Creating Garden Cities and Suburbs Today - a guide for councils" highlights the considerations and approaches on which these could be provided. The reduction in site allocations ST15 should be re-looked at in conjunction with the nearby previous draft plan "Whinthorpe" site towards this end and a larger site excluded from the Green Belt, including appropriate safeguarded land allocations for the longer term, capable of delivering a genuinely sustainable new community in this location. The reduction in ST14 and the tight green belt boundary round it should also be reconsidered for similar reasons.

6.4 This would also help to address the failure of the current plan to think beyond the end of the current plan period reflected in the fact that the lack of safeguarded land for future development will either precipitate an immediate review of the so called permanent green

belt in around barely over a decade from now in 2033 when there will only be a 5 year housing supply left (ref. the PM49 modification) or require York's future housing and employment needs to be met by surrounding Council areas. The consequences of the latter approach can be seen by looking at a good parallel in Oxford's latest Local plan – the very tight Green Belt and limited remaining developable land with the city has led to a failure to meet all of its calculated 24k housing needs despite the most extreme housing pressures and prices in the Country – and despite the surrounding Council areas collectively matching the total of new housing provision in Oxford itself in their own areas (10k housing units each). Because the new external housing allocations are quite some distance from the city and beyond even reasonable cycling distance, there will consequential be a massive and totally unsustainable increase in commuting that will potentially cause major difficulties for the already overloaded outer ring road / local trunk road network as evidenced in Oxfordshire's Local Transport Plan(see: https://www.oxford.gov.uk/downloads/download/1176/oxford_local_plan_2016-2036 and [Background CA JUN2816R07 Connecting Oxfordshire vol 1 - Policy and Overall Strategy.pdf](#)). We do not consider this is the way for York to go, and a change in approach to genuinely planning for sustainability, including adequately catering for York's longer-term future and a much more permanent green belt is required. In this regard the plan is unsound, failing all four soundness tests.

6.5 We'd also note that the Council has still not responded to any of our previous points on sustainability aspects.

From: [REDACTED]
Sent: 07 July 2021 19:09
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 206112
Attachments: YLP_2021_final_resp_on_Proposed_Modifications.docx

Local Plan consultation May 2021

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

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

About your comments

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

Organisation or group details

Title: [REDACTED]

Name: [REDACTED] t

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Affordable Housing Note Final February 2020 (EX/CYC/36)

Your comments: Legal Compliance of the document

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

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

Please justify why you do not consider the document to be legally compliant: I am not expert enough to comment on this.

Your comments: Duty to cooperate

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

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

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate: No comment.

Your comments: Whether the document is ‘sound’

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

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: We do not think the document is up to date in terms of the implications of COVID on Jobs, incomes, and housing affordability. Neither does it adequately cover the need for social renting as against other forms of so called affordable housing or the lack of affordability for substantial proportion of local resident of other forms of so called "affordable" housing - see our fuller comments in the appended document.

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: Please see our comments in the appended document.

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

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

Supporting documentation

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

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City of York Local plan
Publication Draft 2018
First Modifications 2019
Current modifications 2021
Consultation Response Form
25th May – 7th July April

Response from York Labour Party/Labour Group York City
Council/Rachael Maskell MP York Central

Our Representation

1. Do you consider the document sound - No
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Positively prepared – fail
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Consistent with national Policy – fail

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From: [REDACTED]
Sent: 07 July 2021 19:16
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 206119
Attachments: YLP_2021_final_resp_on_Proposed_Modifications.docx

Local Plan consultation May 2021

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

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

About your comments

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

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Housing Needs Update September 2020 (EX/CYC/43a)

Your comments: Legal Compliance of the document

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

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

Please justify why you do not consider the document to be legally compliant: I am not legally expert enough to comment on this.

Your comments: Duty to cooperate

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

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

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate: No comment.

Your comments: Whether the document is ‘sound’

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

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: We do not think the document is up to date in terms of the implications of COVID on Jobs, incomes, and housing affordability, the impact of the volume of off campus purpose built student accommodation, inward immigration from downsizers from London and the South East, the increase in airbnb and holiday lets, etc on both housing supply and house prices and rent levels in York - as covered in our appended document.

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: Please see our appended document.

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

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

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

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Consultation Response Form
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4.1 The City continues to face some of the highest increases in house prices and rents in the country. Only last week the local paper reported that house prices in York had increased by 11.4% in the last year from April 2020 (See: [First time buyers pay £24,000 more for a York home than a year ago | York Press](#)), and a linked front page article referred to house prices rising by an average £29k to £286,987 in April 2021 based on land registry figures, which the local Hudson Moody Estate Agents linked to people moving to York from London and the South East as a result of being able to work from home. The slightly older ONS figures for September 2020 also show

the extremely serious problem in the lower part of the market with the Local Affordability ratio (lower quartile) climbing to 9.09 against an England Wales figure of 7.01 and a Yorkshire and Humber regional figure of 5.65, and the median York figure of 8.04.

4.2 We believe this in part reflects the on-going imbalance in the nature of new housing being built in the city, with far too large a proportion being built in the form of very expensive medium rise apartments for the student (off campus student accommodation totaling 887 units represented a quarter of all completions from and including 2016 through to mid 2020), and also for the London & South East downsizing, buy to let Airbnb and holiday lets markets, and far too little being built for the local York residential market, particularly for families. This in turn reflects the concentration of the market on expensive to develop brownfield sites in the main urban area, and insufficient more suburban sites, which is why we strongly object to the reinforcement of that bias in the reworded plan policy (ref. PM 52), and in the related allocations and delivery profiles (PM62-63b). This is continued in the proposed local plan with its particular reliance on the now permissioned, large and high density York Central site, very close to York railway station with its excellent connections to London. The new housing will be particularly vulnerable to simply accommodating downsizers from London and buy to let, rather than local residents, who probably wouldn't be able to afford the properties anyway. Hence it is vital that the Local Policies are amended to ensure the first priority is on providing the right mix of brownfield and previously undeveloped land over the plan period that's required to deliver the balance of housing types and prices to address all parts of York's housing needs as evidenced in the SHMA and in our own and others submissions.

4.3 We further note the new paper on affordable housing broadly confirms our previous representations that the loss of Council housing through right to buy sales wipes out a very high proportion of the new "affordable" housing overall, and certainly means a significant accumulating net loss of "affordable" properties to rent, given the very low proportion of so called "affordable" housing that is provided for social rent, which is the only affordable option for many low paid workers. We reiterate the warnings and legitimate concerns of many groups and individuals in the City on this, and note that they were echoed by the Council's own Head of Housing in a paper to the January 2020 Scrutiny committee (before the pandemic) that said,

whilst "Many households in York are housed securely in homes they own and have benefitted from lower prices in earlier decades and/or low current interest rates reducing mortgage costs. By contrast a significant minority of households face a worsening of affordability as costs of home ownership and private rents both rise faster than local incomes". To that we would add that our elected representatives are well aware of the consequences in terms of insecure accommodation situations, sofa surfing, etc. Despite this, the Council is proposing in the modifications to the Publication draft to both further reduce overall future housing provision further (ref. PM50), and to only deliver 38.6% of the Hearn affordable need estimate (which we have previously challenged as being an underestimate). This is totally unsound public policy.

4.4 Whilst we understand the legal position that Local Plan's do not need to demonstrate that the whole affordable housing need has to be met, we consider that both the proposed overall provision should be significantly higher and that a much larger volume needs to be in the form of housing for social rent given the evidence. With the previously referenced Head of Housing reporting a then 1030 people being in either the Emergency, Gold or Silver Bands on its waiting list (see: <https://democracy.york.gov.uk/documents/s137707/Annex%20A%20-%20January%202020%20Housing%20Needs%20and%20Availability%20Update.pdf>), it is essential a much much larger element of social housing provision is delivered by the plan for it any way to be effective or sound.

5. Transport

5.1 The Council's latest modifications again fail to address any of our previous points, and it still fails to adhere to the Government's March 2015 guidance on the Transport evidence base for local Plans.

6. Sustainable Communities and the Green Belt

6.1 We repeat our previous points. The plan states that it will achieve sustainable development, but it doesn't. The only way to achieve genuine sustainability is to cluster new developments. Clusters can

work (1) around existing facilities that can take expansion to serve the additional population or (2) when new developments are built on a scale that means new facilities and effective sustainable transport linkages can be provided.

6.2 The proposed plan fails in both ways because it supports over-development in the urban core where balanced and sustainable provision is not possible, in particular notably failing to provide the appropriate open space, leisure and sports facility requirements for those new developments, often in parts of the city where existing provision is already seriously inadequate. Developments proposed on the periphery are generally too small and will not sustain an appropriate range of new facilities (e.g. ST14 and ST15), and/or overload existing ones. This is true about community facilities, including green space, and transport equally. A recent workshop on sustainable communities run by York Civic Trust highlighted the need for adequate size of communities to ensure the provision of a local primary school, shops and other services, local employment sites, plus both a reasonable seven day a week bus service including evening services to the city and major service locations, and dedicated cycle (and walking) routes providing off road links.

6.3 This strongly argues for a different pattern of future development from that proposed in the draft local plan. The plan should focus on providing a couple of much larger new developments that have the range of land use allocations to provide genuinely sustainable new communities - the Town and Country Planning Association's "Creating Garden Cities and Suburbs Today - a guide for councils" highlights the considerations and approaches on which these could be provided. The reduction in site allocations ST15 should be re-looked at in conjunction with the nearby previous draft plan "Whinthorpe" site towards this end and a larger site excluded from the Green Belt, including appropriate safeguarded land allocations for the longer term, capable of delivering a genuinely sustainable new community in this location. The reduction in ST14 and the tight green belt boundary round it should also be reconsidered for similar reasons.

6.4 This would also help to address the failure of the current plan to think beyond the end of the current plan period reflected in the fact that the lack of safeguarded land for future development will either precipitate an immediate review of the so called permanent green

belt in around barely over a decade from now in 2033 when there will only be a 5 year housing supply left (ref. the PM49 modification) or require York's future housing and employment needs to be met by surrounding Council areas. The consequences of the latter approach can be seen by looking at a good parallel in Oxford's latest Local plan – the very tight Green Belt and limited remaining developable land with the city has led to a failure to meet all of its calculated 24k housing needs despite the most extreme housing pressures and prices in the Country – and despite the surrounding Council areas collectively matching the total of new housing provision in Oxford itself in their own areas (10k housing units each). Because the new external housing allocations are quite some distance from the city and beyond even reasonable cycling distance, there will consequential be a massive and totally unsustainable increase in commuting that will potentially cause major difficulties for the already overloaded outer ring road / local trunk road network as evidenced in Oxfordshire's Local Transport Plan(see: https://www.oxford.gov.uk/downloads/download/1176/oxford_local_plan_2016-2036 and [Background CA JUN2816R07 Connecting Oxfordshire vol 1 - Policy and Overall Strategy.pdf](#)). We do not consider this is the way for York to go, and a change in approach to genuinely planning for sustainability, including adequately catering for York's longer-term future and a much more permanent green belt is required. In this regard the plan is unsound, failing all four soundness tests.

6.5 We'd also note that the Council has still not responded to any of our previous points on sustainability aspects.

From: [REDACTED]
Sent: 07 July 2021 19:25
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 206121
Attachments: YLP_2021_final_resp_on_Proposed_Modifications.docx

Local Plan consultation May 2021

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

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

About your comments

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

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

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

Your comments: Legal Compliance of the document

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

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

Please justify why you do not consider the document to be legally compliant: I am not legally expert enough to comment on this.

Your comments: Duty to cooperate

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

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

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate: No comment.

Your comments: Whether the document is ‘sound’

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

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: Please see our comments in the appended document.

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: Please see our comments in the appended document.

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

If you do wish to participate at hearing sessions, please state why: To pursue our case, and to respond to other contributors as appropriate.

Supporting documentation

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

City of York Local plan
Publication Draft 2018
First Modifications 2019
Current modifications 2021
Consultation Response Form
25th May – 7th July April

Response from York Labour Party/Labour Group York City
Council/Rachael Maskell MP York Central

Our Representation

1. Do you consider the document sound - No
2. Please tell us which tests of soundness the document fails to meet

Positively prepared - fail
Justified - fail
Effective - fail
Consistent with national Policy - fail

3. If you are making comments on whether the document is unsound to which part of the document do they relate

Policy reference PM47 – PM50, PM52 - PM57 (including the key diagram), PM62 – PM63b

4. Please give reasons for your answers to the earlier questions

Please note this response has the support of York Labour Party, the Labour Group on the City of York Council and the York Central MP Rachael Maskell.

York Labour Party consulted over 3,000 local members on our first draft response to this plan, and we made a researched and informed final response supported by the Party Executive and members of the Local Party. The 2019 modified Local Plan proposals to which we also responded made a bad situation worse, and these further modifications again failed to properly cater for the needs of the York population, both present and future. Circumstances have also significantly changed since some of the documents justifying these

latest modifications were produced due to the advent of the COVID 19 pandemic, which has significantly changed work and retail patterns, both short term and as indicated by major forecasters, albeit to a lesser extent, medium to long term too. The consequences of the pandemic on jobs and incomes, particular on those in insecure ones and particularly in the significant leisure, visitor, retail and hospitality sectors are likely to last a long time, perhaps permanently. This has further exacerbated income inequalities and circumstance, which ratchets York's existing housing and housing affordability crisis, that we described in our previous submissions, up several further notches. None of this is recognized in these documents, although much of it was already clear in terms of significance before the publication of these latest modifications.

Neither has the widespread recognition of the Climate Crisis, which led to the City of York Council declaring a Climate Emergency in March 2019 (see minute 68 – motion iv here: <https://democracy.york.gov.uk/mgAi.aspx?ID=50283>), committing the Council “to a target of making York carbon neutral by 2030, taking into account both production and consumption emissions (scope 1, 2 and 3 of the Greenhouse Gas Protocol).” been taken into account. Similarly the legally binding October 2019 Government order amending the Climate Change Act to set a net zero target for 2050 nationally (see: <https://www.legislation.gov.uk/ukdsi/2019/9780111187654>), the implications of various court cases relating to how the target should be taken into account, or the sixth carbon budget laid in Parliament on April 21st appear to have been considered in these modifications or in the Sustainability Appraisal.

We repeat the general assertions we made in our original submission and response to the 2019 modifications (representations here should be read in conjunction with those), and comment on how far the Council has responded to our points in regard to these latest modifications.

1. Policy SS1 states that it will deliver Sustainable Growth for York and is the most important single strategy in the Local Plan because it ties together the City vision, the economy, housing and transport. We are extremely concerned that the plan fails to address the major challenges facing the city over the plan period, not least how to

become more sustainable and reduce the city's carbon footprint, and how to address rather than exacerbate the social inequalities, related housing / affordable housing crisis, population displacement and impact on the ability of key sectors of the local economy like hospitality and care to recruit staff.

2. Vision

2.1 We repeat our previous comment regarding the stated vision for sustainable development. We believe the plan fails to deliver on the overriding objective of prosperity for all. It lacks any analysis of how different groups in the community are affected by the proposals. It fails to heal the highly unequal conditions of, or deliver opportunities for, all the residents of York. The plan also fails to follow up on the implications of sustainability (see later comments on this issue and the Green Belt below). It chooses employment and housing options without referencing how they impact on community or environmental sustainability. There is no credible and comprehensive transport strategy to address existing transport and access problems, leaving aside those arising from the proposed new developments.

3. The Economy

3.1 The Council's latest modifications fail to address any of our previous points.

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4.1 The City continues to face some of the highest increases in house prices and rents in the country. Only last week the local paper reported that house prices in York had increased by 11.4% in the last year from April 2020 (See: [First time buyers pay £24,000 more for a York home than a year ago | York Press](#)), and a linked front page article referred to house prices rising by an average £29k to £286,987 in April 2021 based on land registry figures, which the local Hudson Moody Estate Agents linked to people moving to York from London and the South East as a result of being able to work from home. The slightly older ONS figures for September 2020 also show

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6.5 We'd also note that the Council has still not responded to any of our previous points on sustainability aspects.

From: [REDACTED]
Sent: 07 July 2021 19:31
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 206123
Attachments: YLP_2021_final_resp_on_Proposed_Modifications.docx

Local Plan consultation May 2021

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

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

About your comments

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

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: York Economic Outlook December 2019 (EX/CYC/29)

Your comments: Legal Compliance of the document

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

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

Please justify why you do not consider the document to be legally compliant: I am not legally expert enough to comment.

Your comments: Duty to cooperate

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

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

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate: No comment

Your comments: Whether the document is ‘sound’

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

Please justify why you consider the document to be sound:

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

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: Please see the appended document and our previous representations.

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

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

Supporting documentation

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City of York Local plan
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Current modifications 2021
Consultation Response Form
25th May – 7th July April

Response from York Labour Party/Labour Group York City
Council/Rachael Maskell MP York Central

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whilst "Many households in York are housed securely in homes they own and have benefitted from lower prices in earlier decades and/or low current interest rates reducing mortgage costs. By contrast a significant minority of households face a worsening of affordability as costs of home ownership and private rents both rise faster than local incomes". To that we would add that our elected representatives are well aware of the consequences in terms of insecure accommodation situations, sofa surfing, etc. Despite this, the Council is proposing in the modifications to the Publication draft to both further reduce overall future housing provision further (ref. PM50), and to only deliver 38.6% of the Hearn affordable need estimate (which we have previously challenged as being an underestimate). This is totally unsound public policy.

4.4 Whilst we understand the legal position that Local Plan's do not need to demonstrate that the whole affordable housing need has to be met, we consider that both the proposed overall provision should be significantly higher and that a much larger volume needs to be in the form of housing for social rent given the evidence. With the previously referenced Head of Housing reporting a then 1030 people being in either the Emergency, Gold or Silver Bands on its waiting list (see: <https://democracy.york.gov.uk/documents/s137707/Annex%20A%20-%20January%202020%20Housing%20Needs%20and%20Availability%20Update.pdf>), it is essential a much much larger element of social housing provision is delivered by the plan for it any way to be effective or sound.

5. Transport

5.1 The Council's latest modifications again fail to address any of our previous points, and it still fails to adhere to the Government's March 2015 guidance on the Transport evidence base for local Plans.

6. Sustainable Communities and the Green Belt

6.1 We repeat our previous points. The plan states that it will achieve sustainable development, but it doesn't. The only way to achieve genuine sustainability is to cluster new developments. Clusters can

work (1) around existing facilities that can take expansion to serve the additional population or (2) when new developments are built on a scale that means new facilities and effective sustainable transport linkages can be provided.

6.2 The proposed plan fails in both ways because it supports over-development in the urban core where balanced and sustainable provision is not possible, in particular notably failing to provide the appropriate open space, leisure and sports facility requirements for those new developments, often in parts of the city where existing provision is already seriously inadequate. Developments proposed on the periphery are generally too small and will not sustain an appropriate range of new facilities (e.g. ST14 and ST15), and/or overload existing ones. This is true about community facilities, including green space, and transport equally. A recent workshop on sustainable communities run by York Civic Trust highlighted the need for adequate size of communities to ensure the provision of a local primary school, shops and other services, local employment sites, plus both a reasonable seven day a week bus service including evening services to the city and major service locations, and dedicated cycle (and walking) routes providing off road links.

6.3 This strongly argues for a different pattern of future development from that proposed in the draft local plan. The plan should focus on providing a couple of much larger new developments that have the range of land use allocations to provide genuinely sustainable new communities - the Town and Country Planning Association's "Creating Garden Cities and Suburbs Today - a guide for councils" highlights the considerations and approaches on which these could be provided. The reduction in site allocations ST15 should be re-looked at in conjunction with the nearby previous draft plan "Whinthorpe" site towards this end and a larger site excluded from the Green Belt, including appropriate safeguarded land allocations for the longer term, capable of delivering a genuinely sustainable new community in this location. The reduction in ST14 and the tight green belt boundary round it should also be reconsidered for similar reasons.

6.4 This would also help to address the failure of the current plan to think beyond the end of the current plan period reflected in the fact that the lack of safeguarded land for future development will either precipitate an immediate review of the so called permanent green

belt in around barely over a decade from now in 2033 when there will only be a 5 year housing supply left (ref. the PM49 modification) or require York's future housing and employment needs to be met by surrounding Council areas. The consequences of the latter approach can be seen by looking at a good parallel in Oxford's latest Local plan – the very tight Green Belt and limited remaining developable land with the city has led to a failure to meet all of its calculated 24k housing needs despite the most extreme housing pressures and prices in the Country – and despite the surrounding Council areas collectively matching the total of new housing provision in Oxford itself in their own areas (10k housing units each). Because the new external housing allocations are quite some distance from the city and beyond even reasonable cycling distance, there will consequential be a massive and totally unsustainable increase in commuting that will potentially cause major difficulties for the already overloaded outer ring road / local trunk road network as evidenced in Oxfordshire's Local Transport Plan(see: https://www.oxford.gov.uk/downloads/download/1176/oxford_local_plan_2016-2036 and [Background CA JUN2816R07 Connecting Oxfordshire vol 1 - Policy and Overall Strategy.pdf](#)). We do not consider this is the way for York to go, and a change in approach to genuinely planning for sustainability, including adequately catering for York's longer-term future and a much more permanent green belt is required. In this regard the plan is unsound, failing all four soundness tests.

6.5 We'd also note that the Council has still not responded to any of our previous points on sustainability aspects.

From: [REDACTED]
Sent: 07 July 2021 19:37
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 206125
Attachments: YLP_2021_final_resp_on_Proposed_Modifications.docx

Local Plan consultation May 2021

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

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

About your comments

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

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

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

Your comments: Legal Compliance of the document

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

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

Please justify why you do not consider the document to be legally compliant: I am not legally qualified enough to comment.

Your comments: Duty to cooperate

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

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

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate: We are not convinced the implications of this approach to the green belt have been properly explored (cf our related comment on the Composite Modifications schedule)

Your comments: Whether the document is ‘sound’

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

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: Please see the appended document.

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: Please see the appended document

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

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

Supporting documentation

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

City of York Local plan
Publication Draft 2018
First Modifications 2019
Current modifications 2021
Consultation Response Form
25th May – 7th July April

Response from York Labour Party/Labour Group York City
Council/Rachael Maskell MP York Central

Our Representation

1. Do you consider the document sound - No
2. Please tell us which tests of soundness the document fails to meet

Positively prepared - fail
Justified - fail
Effective - fail
Consistent with national Policy - fail

3. If you are making comments on whether the document is unsound to which part of the document do they relate

Policy reference PM47 – PM50, PM52 - PM57 (including the key diagram), PM62 – PM63b

4. Please give reasons for your answers to the earlier questions

Please note this response has the support of York Labour Party, the Labour Group on the City of York Council and the York Central MP Rachael Maskell.

York Labour Party consulted over 3,000 local members on our first draft response to this plan, and we made a researched and informed final response supported by the Party Executive and members of the Local Party. The 2019 modified Local Plan proposals to which we also responded made a bad situation worse, and these further modifications again failed to properly cater for the needs of the York population, both present and future. Circumstances have also significantly changed since some of the documents justifying these

latest modifications were produced due to the advent of the COVID 19 pandemic, which has significantly changed work and retail patterns, both short term and as indicated by major forecasters, albeit to a lesser extent, medium to long term too. The consequences of the pandemic on jobs and incomes, particular on those in insecure ones and particularly in the significant leisure, visitor, retail and hospitality sectors are likely to last a long time, perhaps permanently. This has further exacerbated income inequalities and circumstance, which ratchets York's existing housing and housing affordability crisis, that we described in our previous submissions, up several further notches. None of this is recognized in these documents, although much of it was already clear in terms of significance before the publication of these latest modifications.

Neither has the widespread recognition of the Climate Crisis, which led to the City of York Council declaring a Climate Emergency in March 2019 (see minute 68 – motion iv here: <https://democracy.york.gov.uk/mgAi.aspx?ID=50283>), committing the Council “to a target of making York carbon neutral by 2030, taking into account both production and consumption emissions (scope 1, 2 and 3 of the Greenhouse Gas Protocol).” been taken into account. Similarly the legally binding October 2019 Government order amending the Climate Change Act to set a net zero target for 2050 nationally (see: <https://www.legislation.gov.uk/ukdsi/2019/9780111187654>), the implications of various court cases relating to how the target should be taken into account, or the sixth carbon budget laid in Parliament on April 21st appear to have been considered in these modifications or in the Sustainability Appraisal.

We repeat the general assertions we made in our original submission and response to the 2019 modifications (representations here should be read in conjunction with those), and comment on how far the Council has responded to our points in regard to these latest modifications.

1. Policy SS1 states that it will deliver Sustainable Growth for York and is the most important single strategy in the Local Plan because it ties together the City vision, the economy, housing and transport. We are extremely concerned that the plan fails to address the major challenges facing the city over the plan period, not least how to

become more sustainable and reduce the city's carbon footprint, and how to address rather than exacerbate the social inequalities, related housing / affordable housing crisis, population displacement and impact on the ability of key sectors of the local economy like hospitality and care to recruit staff.

2. Vision

2.1 We repeat our previous comment regarding the stated vision for sustainable development. We believe the plan fails to deliver on the overriding objective of prosperity for all. It lacks any analysis of how different groups in the community are affected by the proposals. It fails to heal the highly unequal conditions of, or deliver opportunities for, all the residents of York. The plan also fails to follow up on the implications of sustainability (see later comments on this issue and the Green Belt below). It chooses employment and housing options without referencing how they impact on community or environmental sustainability. There is no credible and comprehensive transport strategy to address existing transport and access problems, leaving aside those arising from the proposed new developments.

3. The Economy

3.1 The Council's latest modifications fail to address any of our previous points.

4. Housing provision

4.1 The City continues to face some of the highest increases in house prices and rents in the country. Only last week the local paper reported that house prices in York had increased by 11.4% in the last year from April 2020 (See: [First time buyers pay £24,000 more for a York home than a year ago | York Press](#)), and a linked front page article referred to house prices rising by an average £29k to £286,987 in April 2021 based on land registry figures, which the local Hudson Moody Estate Agents linked to people moving to York from London and the South East as a result of being able to work from home. The slightly older ONS figures for September 2020 also show

the extremely serious problem in the lower part of the market with the Local Affordability ratio (lower quartile) climbing to 9.09 against an England Wales figure of 7.01 and a Yorkshire and Humber regional figure of 5.65, and the median York figure of 8.04.

4.2 We believe this in part reflects the on-going imbalance in the nature of new housing being built in the city, with far too large a proportion being built in the form of very expensive medium rise apartments for the student (off campus student accommodation totaling 887 units represented a quarter of all completions from and including 2016 through to mid 2020), and also for the London & South East downsizing, buy to let Airbnb and holiday lets markets, and far too little being built for the local York residential market, particularly for families. This in turn reflects the concentration of the market on expensive to develop brownfield sites in the main urban area, and insufficient more suburban sites, which is why we strongly object to the reinforcement of that bias in the reworded plan policy (ref. PM 52), and in the related allocations and delivery profiles (PM62-63b). This is continued in the proposed local plan with its particular reliance on the now permissioned, large and high density York Central site, very close to York railway station with its excellent connections to London. The new housing will be particularly vulnerable to simply accommodating downsizers from London and buy to let, rather than local residents, who probably wouldn't be able to afford the properties anyway. Hence it is vital that the Local Policies are amended to ensure the first priority is on providing the right mix of brownfield and previously undeveloped land over the plan period that's required to deliver the balance of housing types and prices to address all parts of York's housing needs as evidenced in the SHMA and in our own and others submissions.

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From: [REDACTED]
Sent: 07 July 2021 19:41
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 206127
Attachments: YLP_2021_final_resp_on_Proposed_Modifications.docx

Local Plan consultation May 2021

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

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

About your comments

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

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return 2019 (EX/CYC/32)

Your comments: Legal Compliance of the document

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

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

Please justify why you do not consider the document to be legally compliant: I am not legally expert enough to comment.

Your comments: Duty to cooperate

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

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

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate: No comment

Your comments: Whether the document is ‘sound’

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

Please justify why you consider the document to be sound:

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

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: Please see the attached document.

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

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City of York Local plan
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Consultation Response Form
25th May – 7th July April

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Council/Rachael Maskell MP York Central

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6.2 The proposed plan fails in both ways because it supports over-development in the urban core where balanced and sustainable provision is not possible, in particular notably failing to provide the appropriate open space, leisure and sports facility requirements for those new developments, often in parts of the city where existing provision is already seriously inadequate. Developments proposed on the periphery are generally too small and will not sustain an appropriate range of new facilities (e.g. ST14 and ST15), and/or overload existing ones. This is true about community facilities, including green space, and transport equally. A recent workshop on sustainable communities run by York Civic Trust highlighted the need for adequate size of communities to ensure the provision of a local primary school, shops and other services, local employment sites, plus both a reasonable seven day a week bus service including evening services to the city and major service locations, and dedicated cycle (and walking) routes providing off road links.

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6.4 This would also help to address the failure of the current plan to think beyond the end of the current plan period reflected in the fact that the lack of safeguarded land for future development will either precipitate an immediate review of the so called permanent green

belt in around barely over a decade from now in 2033 when there will only be a 5 year housing supply left (ref. the PM49 modification) or require York's future housing and employment needs to be met by surrounding Council areas. The consequences of the latter approach can be seen by looking at a good parallel in Oxford's latest Local plan – the very tight Green Belt and limited remaining developable land with the city has led to a failure to meet all of its calculated 24k housing needs despite the most extreme housing pressures and prices in the Country – and despite the surrounding Council areas collectively matching the total of new housing provision in Oxford itself in their own areas (10k housing units each). Because the new external housing allocations are quite some distance from the city and beyond even reasonable cycling distance, there will consequential be a massive and totally unsustainable increase in commuting that will potentially cause major difficulties for the already overloaded outer ring road / local trunk road network as evidenced in Oxfordshire's Local Transport Plan(see: https://www.oxford.gov.uk/downloads/download/1176/oxford_local_plan_2016-2036 and [Background CA JUN2816R07 Connecting Oxfordshire vol 1 - Policy and Overall Strategy.pdf](#)). We do not consider this is the way for York to go, and a change in approach to genuinely planning for sustainability, including adequately catering for York's longer-term future and a much more permanent green belt is required. In this regard the plan is unsound, failing all four soundness tests.

6.5 We'd also note that the Council has still not responded to any of our previous points on sustainability aspects.

From: [REDACTED]
Sent: 07 July 2021 19:45
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 206128
Attachments: YLP_2021_final_resp_on_Proposed_Modifications.docx

Local Plan consultation May 2021

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

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

About your comments

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

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Joint Position Statement between CYC and Selby District Council Housing Market Area April 2020 (EX/CYC/38)

Your comments: Legal Compliance of the document

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

Please justify why you consider the document to be legally compliant: I am not legally expert enough to comment.

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

Your comments: Duty to cooperate

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

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

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate: No comment

Your comments: Whether the document is ‘sound’

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

Please justify why you consider the document to be sound:

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

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: Please see attached document

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

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

Supporting documentation

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

YLP_2021_final_resp_on_Proposed_Modifications.docx

City of York Local plan
Publication Draft 2018
First Modifications 2019
Current modifications 2021
Consultation Response Form
25th May – 7th July April

Response from York Labour Party/Labour Group York City
Council/Rachael Maskell MP York Central

Our Representation

1. Do you consider the document sound - No
2. Please tell us which tests of soundness the document fails to meet

Positively prepared - fail
Justified - fail
Effective - fail
Consistent with national Policy - fail

3. If you are making comments on whether the document is unsound to which part of the document do they relate

Policy reference PM47 – PM50, PM52 - PM57 (including the key diagram), PM62 – PM63b

4. Please give reasons for your answers to the earlier questions

Please note this response has the support of York Labour Party, the Labour Group on the City of York Council and the York Central MP Rachael Maskell.

York Labour Party consulted over 3,000 local members on our first draft response to this plan, and we made a researched and informed final response supported by the Party Executive and members of the Local Party. The 2019 modified Local Plan proposals to which we also responded made a bad situation worse, and these further modifications again failed to properly cater for the needs of the York population, both present and future. Circumstances have also significantly changed since some of the documents justifying these

latest modifications were produced due to the advent of the COVID 19 pandemic, which has significantly changed work and retail patterns, both short term and as indicated by major forecasters, albeit to a lesser extent, medium to long term too. The consequences of the pandemic on jobs and incomes, particular on those in insecure ones and particularly in the significant leisure, visitor, retail and hospitality sectors are likely to last a long time, perhaps permanently. This has further exacerbated income inequalities and circumstance, which ratchets York's existing housing and housing affordability crisis, that we described in our previous submissions, up several further notches. None of this is recognized in these documents, although much of it was already clear in terms of significance before the publication of these latest modifications.

Neither has the widespread recognition of the Climate Crisis, which led to the City of York Council declaring a Climate Emergency in March 2019 (see minute 68 – motion iv here: <https://democracy.york.gov.uk/mgAi.aspx?ID=50283>), committing the Council “to a target of making York carbon neutral by 2030, taking into account both production and consumption emissions (scope 1, 2 and 3 of the Greenhouse Gas Protocol).” been taken into account. Similarly the legally binding October 2019 Government order amending the Climate Change Act to set a net zero target for 2050 nationally (see: <https://www.legislation.gov.uk/ukdsi/2019/9780111187654>), the implications of various court cases relating to how the target should be taken into account, or the sixth carbon budget laid in Parliament on April 21st appear to have been considered in these modifications or in the Sustainability Appraisal.

We repeat the general assertions we made in our original submission and response to the 2019 modifications (representations here should be read in conjunction with those), and comment on how far the Council has responded to our points in regard to these latest modifications.

1. Policy SS1 states that it will deliver Sustainable Growth for York and is the most important single strategy in the Local Plan because it ties together the City vision, the economy, housing and transport. We are extremely concerned that the plan fails to address the major challenges facing the city over the plan period, not least how to

become more sustainable and reduce the city's carbon footprint, and how to address rather than exacerbate the social inequalities, related housing / affordable housing crisis, population displacement and impact on the ability of key sectors of the local economy like hospitality and care to recruit staff.

2. Vision

2.1 We repeat our previous comment regarding the stated vision for sustainable development. We believe the plan fails to deliver on the overriding objective of prosperity for all. It lacks any analysis of how different groups in the community are affected by the proposals. It fails to heal the highly unequal conditions of, or deliver opportunities for, all the residents of York. The plan also fails to follow up on the implications of sustainability (see later comments on this issue and the Green Belt below). It chooses employment and housing options without referencing how they impact on community or environmental sustainability. There is no credible and comprehensive transport strategy to address existing transport and access problems, leaving aside those arising from the proposed new developments.

3. The Economy

3.1 The Council's latest modifications fail to address any of our previous points.

4. Housing provision

4.1 The City continues to face some of the highest increases in house prices and rents in the country. Only last week the local paper reported that house prices in York had increased by 11.4% in the last year from April 2020 (See: [First time buyers pay £24,000 more for a York home than a year ago | York Press](#)), and a linked front page article referred to house prices rising by an average £29k to £286,987 in April 2021 based on land registry figures, which the local Hudson Moody Estate Agents linked to people moving to York from London and the South East as a result of being able to work from home. The slightly older ONS figures for September 2020 also show

the extremely serious problem in the lower part of the market with the Local Affordability ratio (lower quartile) climbing to 9.09 against an England Wales figure of 7.01 and a Yorkshire and Humber regional figure of 5.65, and the median York figure of 8.04.

4.2 We believe this in part reflects the on-going imbalance in the nature of new housing being built in the city, with far too large a proportion being built in the form of very expensive medium rise apartments for the student (off campus student accommodation totaling 887 units represented a quarter of all completions from and including 2016 through to mid 2020), and also for the London & South East downsizing, buy to let Airbnb and holiday lets markets, and far too little being built for the local York residential market, particularly for families. This in turn reflects the concentration of the market on expensive to develop brownfield sites in the main urban area, and insufficient more suburban sites, which is why we strongly object to the reinforcement of that bias in the reworded plan policy (ref. PM 52), and in the related allocations and delivery profiles (PM62-63b). This is continued in the proposed local plan with its particular reliance on the now permissioned, large and high density York Central site, very close to York railway station with its excellent connections to London. The new housing will be particularly vulnerable to simply accommodating downsizers from London and buy to let, rather than local residents, who probably wouldn't be able to afford the properties anyway. Hence it is vital that the Local Policies are amended to ensure the first priority is on providing the right mix of brownfield and previously undeveloped land over the plan period that's required to deliver the balance of housing types and prices to address all parts of York's housing needs as evidenced in the SHMA and in our own and others submissions.

4.3 We further note the new paper on affordable housing broadly confirms our previous representations that the loss of Council housing through right to buy sales wipes out a very high proportion of the new "affordable" housing overall, and certainly means a significant accumulating net loss of "affordable" properties to rent, given the very low proportion of so called "affordable" housing that is provided for social rent, which is the only affordable option for many low paid workers. We reiterate the warnings and legitimate concerns of many groups and individuals in the City on this, and note that they were echoed by the Council's own Head of Housing in a paper to the January 2020 Scrutiny committee (before the pandemic) that said,

whilst "Many households in York are housed securely in homes they own and have benefitted from lower prices in earlier decades and/or low current interest rates reducing mortgage costs. By contrast a significant minority of households face a worsening of affordability as costs of home ownership and private rents both rise faster than local incomes". To that we would add that our elected representatives are well aware of the consequences in terms of insecure accommodation situations, sofa surfing, etc. Despite this, the Council is proposing in the modifications to the Publication draft to both further reduce overall future housing provision further (ref. PM50), and to only deliver 38.6% of the Hearn affordable need estimate (which we have previously challenged as being an underestimate). This is totally unsound public policy.

4.4 Whilst we understand the legal position that Local Plan's do not need to demonstrate that the whole affordable housing need has to be met, we consider that both the proposed overall provision should be significantly higher and that a much larger volume needs to be in the form of housing for social rent given the evidence. With the previously referenced Head of Housing reporting a then 1030 people being in either the Emergency, Gold or Silver Bands on its waiting list (see: <https://democracy.york.gov.uk/documents/s137707/Annex%20A%20-%20January%202020%20Housing%20Needs%20and%20Availability%20Update.pdf>), it is essential a much much larger element of social housing provision is delivered by the plan for it any way to be effective or sound.

5. Transport

5.1 The Council's latest modifications again fail to address any of our previous points, and it still fails to adhere to the Government's March 2015 guidance on the Transport evidence base for local Plans.

6. Sustainable Communities and the Green Belt

6.1 We repeat our previous points. The plan states that it will achieve sustainable development, but it doesn't. The only way to achieve genuine sustainability is to cluster new developments. Clusters can

work (1) around existing facilities that can take expansion to serve the additional population or (2) when new developments are built on a scale that means new facilities and effective sustainable transport linkages can be provided.

6.2 The proposed plan fails in both ways because it supports over-development in the urban core where balanced and sustainable provision is not possible, in particular notably failing to provide the appropriate open space, leisure and sports facility requirements for those new developments, often in parts of the city where existing provision is already seriously inadequate. Developments proposed on the periphery are generally too small and will not sustain an appropriate range of new facilities (e.g. ST14 and ST15), and/or overload existing ones. This is true about community facilities, including green space, and transport equally. A recent workshop on sustainable communities run by York Civic Trust highlighted the need for adequate size of communities to ensure the provision of a local primary school, shops and other services, local employment sites, plus both a reasonable seven day a week bus service including evening services to the city and major service locations, and dedicated cycle (and walking) routes providing off road links.

6.3 This strongly argues for a different pattern of future development from that proposed in the draft local plan. The plan should focus on providing a couple of much larger new developments that have the range of land use allocations to provide genuinely sustainable new communities - the Town and Country Planning Association's "Creating Garden Cities and Suburbs Today - a guide for councils" highlights the considerations and approaches on which these could be provided. The reduction in site allocations ST15 should be re-looked at in conjunction with the nearby previous draft plan "Whinthorpe" site towards this end and a larger site excluded from the Green Belt, including appropriate safeguarded land allocations for the longer term, capable of delivering a genuinely sustainable new community in this location. The reduction in ST14 and the tight green belt boundary round it should also be reconsidered for similar reasons.

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belt in around barely over a decade from now in 2033 when there will only be a 5 year housing supply left (ref. the PM49 modification) or require York's future housing and employment needs to be met by surrounding Council areas. The consequences of the latter approach can be seen by looking at a good parallel in Oxford's latest Local plan – the very tight Green Belt and limited remaining developable land with the city has led to a failure to meet all of its calculated 24k housing needs despite the most extreme housing pressures and prices in the Country – and despite the surrounding Council areas collectively matching the total of new housing provision in Oxford itself in their own areas (10k housing units each). Because the new external housing allocations are quite some distance from the city and beyond even reasonable cycling distance, there will consequential be a massive and totally unsustainable increase in commuting that will potentially cause major difficulties for the already overloaded outer ring road / local trunk road network as evidenced in Oxfordshire's Local Transport Plan(see: https://www.oxford.gov.uk/downloads/download/1176/oxford_local_plan_2016-2036 and [Background CA JUN2816R07 Connecting Oxfordshire vol 1 - Policy and Overall Strategy.pdf](#)). We do not consider this is the way for York to go, and a change in approach to genuinely planning for sustainability, including adequately catering for York's longer-term future and a much more permanent green belt is required. In this regard the plan is unsound, failing all four soundness tests.

6.5 We'd also note that the Council has still not responded to any of our previous points on sustainability aspects.

From: [REDACTED]
Sent: 07 July 2021 19:49
To: localplan@york.gov.uk
Subject: RE: New Local Plan Consultation submission, ORGANISATION - reference: 197816
Attachments: Appendix 1.pdf; Proposed Modifications and Evidence Base Consultation Submission 080621.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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

Dear Sir/Madam,
I have added some further information into the form below in red text as requested. I have reattached the supporting letter and appendix for reference.
I would be grateful if you could acknowledge safe receipt of this email.
Kind regards,

[REDACTED]

[REDACTED]

[REDACTED] On Behalf Of localplan@york.gov.uk

Sent: 29 June 2021 14:38
To: [REDACTED]
Subject: [EXTERNAL] RE: New Local Plan Consultation submission, ORGANISATION - reference: 197816

Dear [REDACTED]

Many thanks for your submission to the York Local Plan consultation on behalf of the NHS. We have received your submission as below.

We are keen that we process the response submissions appropriately and effectively. In the response form and the guidance we have requested that the response form is fully completed or this may be returned for further information.

Please could I draw your attention to the justification section on whether the plan is 'sound' and detail for the proposed modifications; currently these are not complete and rely on the supporting evidence. Whilst we will consider the entirety of your response, please could I request that you fully complete the response form by outlining the issues you are raising to add detail to these sections. This is to avoid us interpreting the information submitted to ensure your response is accurately documented and the correct detail from the supporting information is collated.

Should you have any queries in relation to the above, please don't hesitate to contact us.

Forward Planning Team

t: 01904 552255 | e: localplan@york.gov.uk

City of York Council | Directorate of Place

West Offices | Station Rise | York | YO1 6GA

www.york.gov.uk | facebook.com/cityofyork | [@CityofYork](https://twitter.com/CityofYork)

From: [REDACTED] > On Behalf Of eforms@york.gov.uk

Sent: 08 June 2021 16:52

To: localplan@york.gov.uk

Subject: New Local Plan Consultation submission, ORGANISATION - reference: 197816

Local Plan consultation May 2021

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

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

About your comments

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

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone:

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary Part 1 Sections 1 to 4 (EX/CYC/59c)

Your comments: Legal Compliance of the document

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

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

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

Your comments: Duty to cooperate

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

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

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

Your comments: Whether the document is 'sound'

Do you consider the document to be 'sound'?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: As set out in our representations, we do not consider the evidence relating to the Inner Green Belt to be sound on the basis that it is not positively prepared, is not justified, is not effective and is not consistent with national policy. NHS Property Services own Lime Trees, a healthcare facility on Shipton Road, York. The site lies to the north of York Sports Club. The site would fall within the Green Belt as set out in the Inner Green Belt Boundary evidence submitted as part of the ongoing public consultation. As set out in detail in our supporting evidence, NHS Property Services consider this evidence to have been prepared in a manner inconsistent with national planning policy and is thus unsound. Other sites, for example residential development to the south of the Sports Club and Clifton Hospital to the north of the site are proposed to be excluded from the Green Belt despite having similar characteristics to the Lime Trees site. Lime Trees is contiguous with existing development on Shipton Road and includes significant built development, in line with residential development to the south of the Sport Club. Clifton Hospital is not however contiguous with development on the west of Shipton Road. The removal of Clifton Hospital could result in far greater impact on the purposes and function of the Green Belt than the removal of Lime Trees would.

Our client agrees that restricting sprawl, protecting open space and protecting the special historic setting of York is fundamental to the purposes of the Green Belt however they strongly disagree that this cannot be achieved were Lime Trees and/or the Sports Club building be removed from the Green Belt. Doing so would allow the owners of both sites some flexibility to adapt to changing circumstances and requirements while the objectives of the Council in this area (retaining open space, protecting the setting of the city etc.) can be equally achieved by the proper application of national and local planning policies.

The Council's approach is therefore considered to be inconsistent with national policy, unjustified, is not effective and is thus unsound.

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or 'sound': See details within supporting documents. NHS Property Services proposed the removal of Lime Trees from the Green Belt. Our supporting information includes a number of options for how this could be achieved.

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

If you do not wish to participate at hearing sessions, please state why:

Supporting documentation

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

Proposed_Modifications_and_Evidence_Base_Consultation_Submission_080621.pdf,
Appendix_1.pdf

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

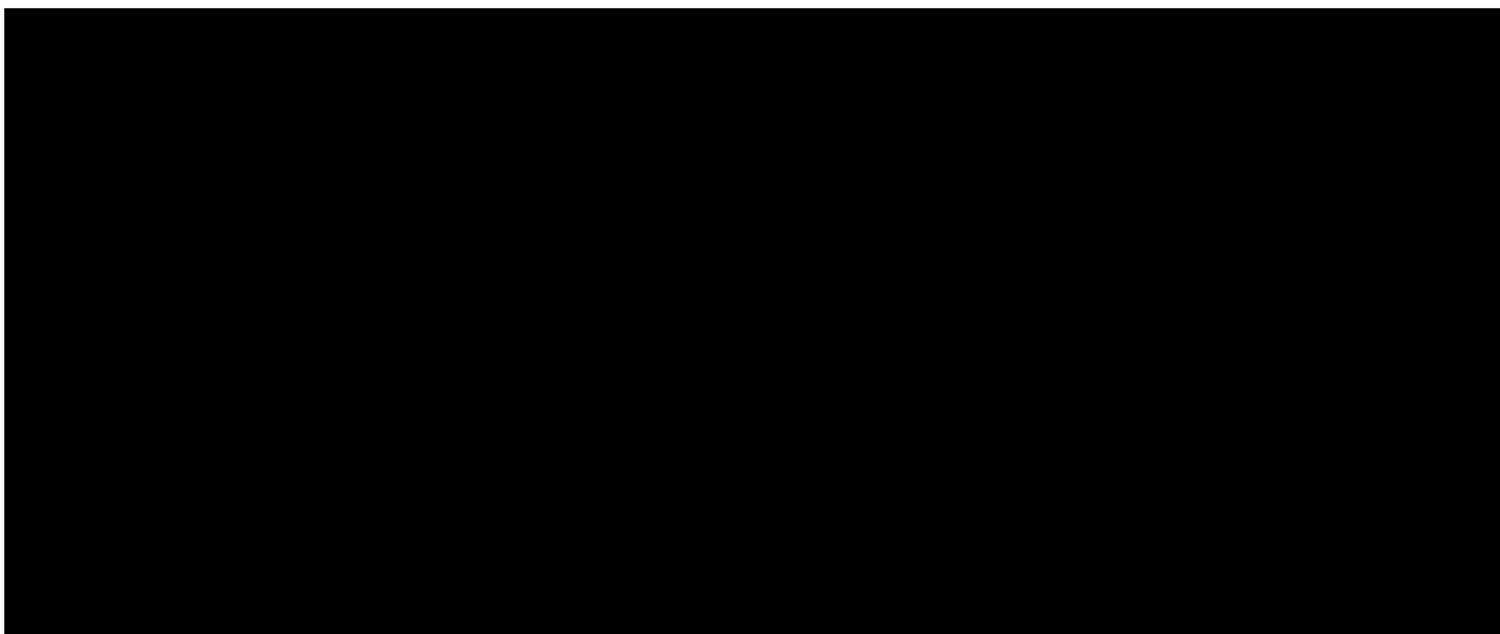
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Local Plan Examination
Forward Planning Team
West Offices
Station Rise
York YO1 6GA

4th June 2021

Dear Sir/Madam,

New Local Plan Proposed Modifications and Evidence Base Consultation

Introduction

We write on behalf of our client, NHS Property Services, with regard to their property, Lime Trees, a purpose built medical facility on Shipton Road in the north of York.

Our client understands that New Local Plan Proposed Modifications and Evidence Base Consultation is ongoing and wishes to make a number of representations relating to the above site, as set out in this letter. Our client notes that work on the Outer Boundaries (EX/CYC/52) in March 2021 and the first section of work addressing the Inner Boundaries (EX/CYC/59) in April 2021 has been carried and subsequently published for consultation.

Site Background

Until recently, the property has a secured long-term tenant, the Tees, Esk and Wear Valleys NHS Foundation Trust, which occupied the site to provide Child and Adolescent Mental Health Services (CAMHS). The Trust has recently obtained alternative accommodation, returning the site to NHS Property Services, a publicly owned company tasked with managing the NHS property portfolio. NHS Property Services is considering a range of options and in reviewing the existing and emerging planning policy position has identified an opportunity to highlight the site in question to the Council.

The site lies to the west of Shipton Road and to the east of York Sports Club. The site is bounded to the south by sports buildings, to the west and north by mature vegetation and to the east by Shipton Road. The site is well established and has existed in its current state for many years. It is our client's position that as a well established site with strong boundaries, the site is a strong candidate for removal from the Green Belt in the Council's ongoing review of the York Green Belt inner boundary review.

It is noted that the site has been included within the Green Belt in the Council's recent submission to the Inspectors and has been grouped with York Sports Club which has also been included within the Green Belt at Section 4, Boundary 1a of Topic Paper 1: Approach to defining York's Green Belt Addendum (2021), Annex 3: Inner Boundaries Part 1: Sections 1 - 4 (EX/CYC/59)

Discussion

The five purposes of the Green Belt are set out in the NPPF as follows:

1. to check the unrestricted sprawl of large built-up areas;
2. to prevent neighbouring towns merging into one another;
3. to assist in safeguarding the countryside from encroachment;
4. to preserve the setting and special character of historic towns; and
5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

As set out above, the site in question is well established and has existed for many years. In addition, it benefits from strong boundaries. As such, its removal from the Green Belt is not considered to present a risk to any of the above



five purposes of the Green Belt. The removal of the site from the Green Belt would not lead to unfettered development on the site as the site remains constrained by a number of factors including proximity to a conservation area, trees subject to protection orders, impact on the openness of the retained Green Belt, neighbouring amenity and general physical constraints of the site. These matters would limit any future development of the site during the development management process through the application of local and national planning policies and legislation.

It is well established in case law, for example by Sales LJ para 86 R (Luton BC) v Central Bedfordshire Council [2015] EWCA Civ 5371 that the ‘exceptional circumstances’ test required in the NPPF for the removal of sites from the Green Belt is a less demanding threshold than the ‘very special circumstances’ for permitting development in the Green Belt. As set out by Jay J at para 20 of Calverton Parish Council v Nottingham City Council [2015] EWHC 10782, there is no set definition of what constitutes ‘exceptional circumstances’. Ouseley J sets out that this is a deliberate policy decision and that ‘It is deliberately broad, and not susceptible to dictionary definition’ (para 68 Compton PC v Guildford BC and Others [2019]3). Recent cases have urged against over analysis and attempts to define ‘exceptional circumstances’ as Ouseley J highlighted in the Compton PC v Guildford BC and Others [2019] “*There is however a danger of the simple question of whether there are “exceptional circumstances” being judicially over-analysed*”.

The Guildford case also sets out that ‘exceptional circumstances’ can be found in a combination or cumulation of circumstances and although meeting housing needs is a common justification, it is not the only justification for the removal of sites from the Green Belt.

The assessment of Boundary 1a groups a significant stretch of the western side of Shipton Road as ‘York Sports Club’ which is a broad and misleading characterisation. The land occupied by the Sports Club varies from buildings and infrastructure, maintained sports pitches and semi-natural open space. This does not sufficiently acknowledge that the Boundary 1a is also formed by our client’s Lime Trees site and Clifton Park itself. While the assessment of Boundary 1a does note the presence of Lime Trees and the Sports Club building, the assessment jumps to the protection of the green wedge and open space which lie beyond. It is entirely possible to distinguish the Lime Trees and/or Sports Club buildings, which are clearly different in type, nature, form and appearance, from the surrounding areas of open space, sports pitches and river flood plain. This is particularly true of the Lime Trees property, which benefits from a clear and strong boundary of mature trees and vegetation, providing clear delineation between a functional healthcare site, Lime Trees, and the open land beyond.

Our client’s position is, therefore, that the Lime Trees site should be removed from the Green Belt. The Council has chosen to remove 27 Shipton Road, which lies directly to the south of the Sports Club, from the Green Belt on the basis that 27 Shipton Road ‘*represents a newer addition to the landscape has been excluded from the Green Belt as it follows the existing building line of the residential properties to the south of it and has a clearly defined curtilage*’⁴. The same points can be made of the Sports Club and Lime Trees buildings in so far as they are contiguous with development to the south and are clearly delineated from the open undeveloped Green Belt to the west with the exception that they are not in residential use however this is not a consideration in determining which sites should be removed from the Green Belt.

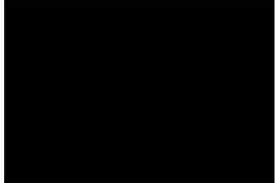
Allowing properties to the south of the Sports Club to be removed from the Green Belt but not the remaining built areas north of this i.e. the Sports Club and Lime Trees is inconsistent and arbitrary. The argument proposed is that retaining these properties within the Green Belt would prevent ‘urban sprawl’ when in fact these sites are already built. Retaining these properties within the Green Belt would make no difference to urban sprawl as the sites are

¹ <https://www.bailii.org/ew/cases/EWCA/Civ/2015/537.html>

² <https://www.bailii.org/ew/cases/EWHC/Admin/2015/1078.html>

³ <https://www.bailii.org/ew/cases/EWHC/Admin/2019/3242.html>

⁴ EX/CYC/54a A3:265



already developed and so the 'sprawl' has already occurred. The Council offers a brief discussion of alternatives at A3:268 *'An alternative boundary would be to utilise the sports club, squash buildings and Lime trees and exclude these from the Green Belt however if development is not checked in this location, where a distinction between urban and recreational uses can be made, development could easily connect up along the road, gradually expanding the urban edge'*. This argument is limited as the buildings in question are contiguous with what the Council considers 'urban' however that the buildings are considered to be in leisure use (no mention is made of the Lime Trees facility being a healthcare use) is irrelevant as they are contiguous with the built form of Shipton Road. 'Leisure' does not mean 'not urban' just as 'residential' does not automatically mean 'urban'. The Council's brief dismissal of an alternative option for the proposed Green Belt boundary in this location is flawed.

This is particularly true when the proposed Green Belt boundary to the north is considered i.e. Section 4, Boundary 1b at Clifton Park. The Council propose removing the built footprint of Clifton Hospital from the Green Belt. This site is considerably larger and developed to a far denser degree than Lime Trees and York Sports Club and is an island site, being unconnected to existing development to the north, south, east or west and the only 'connection' being on the east side of Shipton Road. By the Council's logic, this site is less 'urban' than the Lime Trees site. Furthermore, the removal of the Clifton Park site could result in larger, denser development. This would have a far greater potential impact on the surrounding area and, in particular, the setting of the historic city centre when viewed from the south than the removal of the Lime Trees site by virtue of greater scale and few constraints, such as the TPOs and proximity to a Conservation Area in the case of Lime Trees. The proposed removal of the Clifton Park site from the Green Belt further demonstrates an inconsistent approach to the review of the inner Green Belt boundary.

Our client agrees that restricting sprawl, protecting open space and protecting the special historic setting of York is fundamental to the purposes of the Green Belt however they strongly disagree that this cannot be achieved were Lime Trees and/or the Sports Club building be removed from the Green Belt. Doing so would allow the owners of both sites some flexibility to adapt to changing circumstances and requirements while the objectives of the Council in this area (retaining open space, protecting the setting of the city etc.) can be equally achieved by the proper application of national and local planning policies.

Alternative Proposals

The plans and proposed boundaries included in the Council's most recent submissions include aerial images which are by necessity of lower resolution in order that the documents can be uploaded and viewed by all parties and without creating unnecessarily large documents. For this reason, however the exact location of the proposed boundary is not clear. Nonetheless, our client has prepared a draft alternative to the Council's proposals, included below and in better resolution at Appendix 1 of this letter.

JLL represent NHS Property Services but does not represent York Sports Club and as such, any details relating to the Sports Club are without prejudice and are a matter for the Council to consider. The red line shows the Council's proposed boundary. The yellow line shows one option to remove the whole Lime Trees site from the Green Belt while the cyan line presents an alternative option for the developed area of the site to be removed only. The green line presents a high level option to remove the Sports Club buildings from the Green Belt however JLL and NHS Property Services do not represent York Sports Club.



Conclusion

JLL has recently been instructed by NHS Property Services to advise on planning matters at its Lime Trees facility on Shipton Road in York. Until recently, the Tees, Esk and Wear Valleys NHS Foundation Trust occupied the site to provide Child and Adolescent Mental Health Services (CAMHS). The Trust has recently secured alternative, purpose built accommodation elsewhere in the city.

The Council proposed that site in question is retained within the Green Belt, the detailed inner boundaries for which are being proposed for the first time. As set out above, our client believes that the Council have offered an inconsistent and arbitrary approach to defining the Green Belt in this location and that the removal of the Lime Trees site from the Green Belt would present a more consistent approach without risking an erosion of the Green Belt to the detriment of the wider York Green Belt. Our client considers this approach to be unsound on the basis that it is not positively prepared, is not justified, is not effective and is not consistent with national policy.

On behalf of NHS Property Services, JLL therefore objects to the proposed Green Belt boundary, inner area along Shipton Road and proposes that this is reconsidered and amended as set out in Appendix 1.

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

Yours faithfully,

[Redacted signature block]



created on **edozo**

Plotted Scale - 1:1,250

This plan is published for the convenience of identification only and although believed to be correct is not guaranteed and it does not form any part of any contract.



From: [REDACTED]
Sent: 07 July 2021 10:41
To: localplan@york.gov.uk; [REDACTED]
Cc: [REDACTED]
Subject: York City New Local Plan Examination - Proposed modifications and new evidence to the Local Plan - Gladman Developments
Attachments: York New Local Plan - Proposed Modifications and Evidence Base Consultation - Gladman Representations.pdf; Local Plan Proposed Modifications Consultation Response Form 2021 EXCYC59A Annex 1 Evidence Base - Gladman Developments .pdf; Local Plan Proposed Modifications Consultation Response Form 2021 EXCYC59F Topic Paper 1 Annex 4 Other Developed Areas - Gladman Developments.pdf; Local Plan Proposed Modifications Consultation Response Form 2021 - PM66 - Gladman Developments .pdf; Local Plan Proposed Modifications Consultation Response Form 2021 - EXCYC59 Topic paper 1 - Gladman Developments.pdf

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

Good morning,

Please find attached Gladman Development's response to the Proposed Modifications and New Evidence consultation.

The representations are set out in separate forms as per the Council's request, attached alongside is a representation with all Gladman's responses collated.

I would be grateful if you could confirm receipt of this email and the attached documents.

Many thanks,

[REDACTED]

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

OFFICE USE ONLY:

ID reference:

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

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

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

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

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination¹. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

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

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

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

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

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

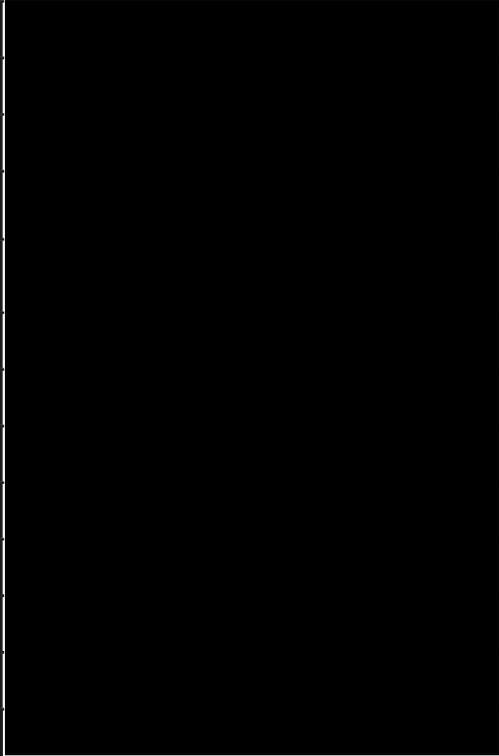
2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature

Date

Part B - Personal Details

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

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

Guidance note

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Where can I view the Consultation documents?

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

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

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

Part C -Your Representation

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



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

Proposed Modification Reference:

N/A

Document:

EX/CYC/59a: Topic Paper 1 Green Belt Addendum
January 2021 Annex 1 Evidence Base

Page Number:

Whole document

What does 'legally compliant' mean?

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

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

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

Yes

No

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

Yes

No

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

No comment.

What does 'Sound' mean?

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

What makes a Local Plan "sound"?

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

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

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

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

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

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

Yes No

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

(tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

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

Please use extra sheets if necessary

Gladman wish to reiterate comments made in the Matter 3 Hearing Statement in relation to a number of the documents which make up the evidence base, it is highlighted that:

- The 2003 Appraisal fails to provide a complete assessment of the York Green Belt against all Green Belt purposes, focussing only on purposes 2 and 4;
- The 2011 and 2013 updates do not seek to assess the York Green Belt beyond the consideration of historical character and setting and as such do not provide for a complete Green Belt assessment;
- The assessment continues to rely on The York Landscape Character Assessment which was produced in 1996. Since this time the landscape of York has changed significantly with numerous development schemes having been delivered.

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



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

N/A

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

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

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

Yes, I wish to appear at the examination

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

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

Gladman have land interests in York City which are allocated at Site ST31 (Policy SS16) and which the Green Belt boundaries are set to be altered around.

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

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

OFFICE USE ONLY:

ID reference:

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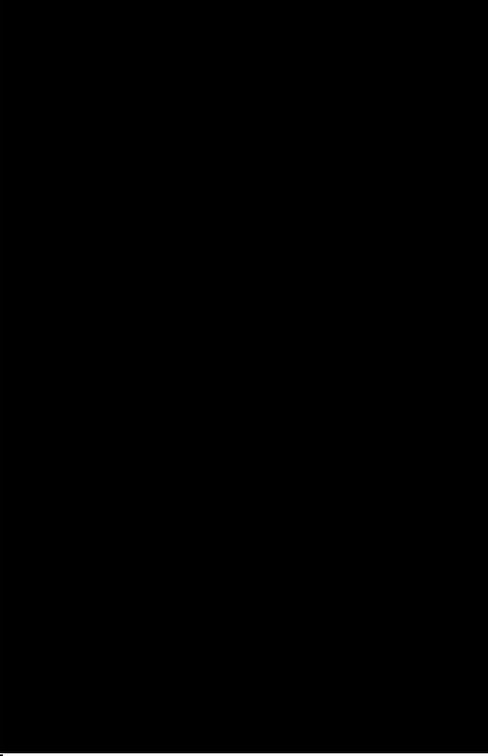
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Signature

Date

Part B - Personal Details

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

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

Guidance note

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

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Part C -Your Representation

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



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

Proposed Modification Reference:

N/A

Document:

EX/CYC/59f: Topic Paper 1 Green Belt Addendum
January 2021 Annex 4 Other Developed Areas

Page Number:

Whole Document

What does 'legally compliant' mean?

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

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

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

Yes

No

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

Yes

No

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

No comment.

What does 'Sound' mean?

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

What makes a Local Plan "sound"?

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

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



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

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

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

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

Yes No

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

(tick all that apply)

Positively prepared	<input type="checkbox"/>	Justified	<input checked="" type="checkbox"/>
Effective	<input type="checkbox"/>	Consistent with national policy	<input type="checkbox"/>

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

Please use extra sheets if necessary

This annex presents justification to identify detailed boundaries for York's villages and other densely developed areas against the methodology set out in Section 8 of EX/CYC/59.

Each settlement proforma assesses the relationship of the current built area/Green Belt boundaries against the Strategic Principles before looking at each Green Belt Purpose and the associated assessment criteria in turn.

Gladman reiterate that the detailed boundary assessments fail to consider all Green Belt purposes of national planning policy.

The proformas provide further clarity in the assessment of settlement boundaries which are inset from the Green Belt, describing how each edge of the settlement performs against the chosen Green Belt purposes and criteria with the corresponding text justifying the conclusions in determining a clear, defensible Green Belt boundary for the 'Other Developed Areas'.

While Gladman consider clarification has been provided regarding the methodology and assessment criteria, there remains concerns relating to the robustness and comprehensiveness of the assessments undertaken. Indeed, although the supporting text within the proformas sets out detailed descriptions of the inset settlement boundaries in relation to their functionality against the purposes of the Green Belt, a detailed scoring system is not provided. Furthermore, within the proformas there is no comparison of the sites that were submitted during the call for site process in order to justify and support the site allocations, Gladman consider that a degree of transparency is still missing from the Green Belt assessment process.

Notwithstanding the concerns relating to the transparency and robustness of the evidence base and assessments set out in Annex 4, Gladman believe that appropriate conclusions have been drawn and support the proposed boundaries within the Local Plan and summary sections of Annex 4, which promote the long-term permanence of the Green Belt and maintain the openness of the Green Belt, while site allocations do not fulfil strong Green Belt functions.

Indeed, Gladman reiterate comments made in the Matter 3 Hearing Statement alongside drawing commentary from the settlement proforma contained in Annex 4 in relation to ST31.

The allocation of ST31 prevents urban sprawl due its containment within existing permanent and prominent infrastructure and uses on all boundaries which cannot be easily or appropriately developed. These boundaries are already within the wider extent of the Copmanthorpe settlement boundaries as discussed in Annex 4. The Site is subject to a degree of openness owing to its current use for agriculture, however surrounding uses and development reduce the tranquillity of the Site with frequent passing trains, and traffic using the A64 and Tadcaster Road, and prominent residential development along the south-east boundary. These uses mean that the Site does not display the distinct open and rural feel as displayed by wider open countryside which is located to the east of the railway line. Additionally, it is evidenced by section 13b of EX-CYC-59a Annex 1 that Copmanthorpe and ST31 specifically is not identified as having key or long-distance views that capture and express the essence or wider setting of the city. In this regard, the site does not serve purpose 4 and should score well when assessed against criterion 3, yet it is not clear whether it does, highlighting the need for a clear scoring system in which to compare boundary and site-specific assessments.

Although the Council highlight the robust barriers to sprawl at ST31 owing to the rail line, A64 and Tadcaster road, Gladman consider that the site does not fulfil *any* of the five purposes of Green Belt.

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



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

Green Belt Addendum Documents Summary

Although the proposed detailed boundaries of the Green Belt have the ability to align with the requirements set out in paragraphs 79 and 80 of the NPPF, Gladman believe that further clarification is still required regarding the Green Belt methodology and associated assessments.

The Council has usefully provided clarification in relation to the methodological steps undertaken, including formatting the local aspects of assessing detailed Green Belt boundaries, but it is Gladman's concern that the assessments are not yet fully comprehensive, continue to rely on evidence that is not necessarily related to Green Belt functions and does not contain assessments against all five purposes of the Green Belt.

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

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

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

Yes, I wish to appear at the examination

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

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

Gladman have land interests in York City which are allocated at Site ST31 (Policy SS16) and which the Green Belt boundaries are set to be altered around.

Please note: the Inspectors will determine the most appropriate procedure to adopt to hear those who

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

have indicated that they wish to participate at the hearing session of the examination.



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

OFFICE USE ONLY:

ID reference:

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

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

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

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

Part A - How we will use your Personal Information

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

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

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

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination¹. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

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

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

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

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

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

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

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

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

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

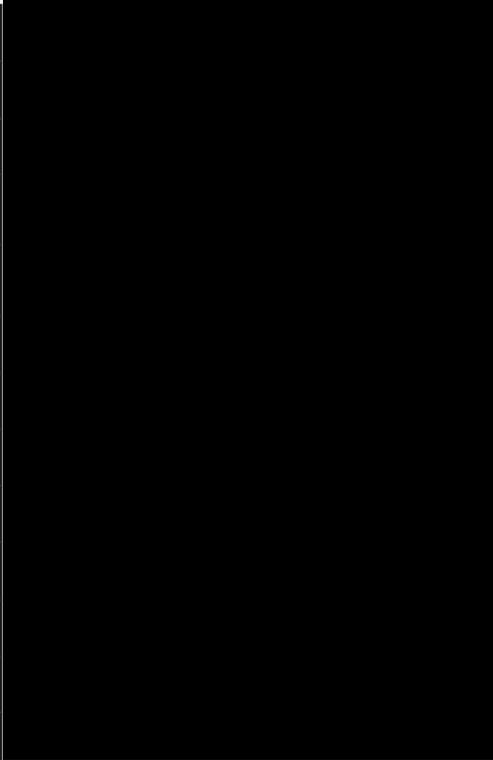
2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature

Date

Part B - Personal Details

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

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

Guidance note

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- City of York Local Plan Composite Modifications Schedule (May 2021) [[EX/CYC/58](#)] and City of York Local Plan Publication Draft (February 2018) [[CD001](#)] **to be read alongside the comprehensive schedule of proposed modifications only**
- York Economic Outlook (December 2019) Oxford Economics [[EX/CYC/29](#)]
- CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return (December 2019) [[EX/CYC/32](#)]
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- Statement of Community Involvement Update (November 2020) [[EX/CYC/49](#)]
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- Topic Paper TP1: Approach to defining York's Green Belt (Addendum) (January 2021) [[EX/CYC/59](#)]
 - Annex 1: Evidence Base (January 2021) [[EX/CYC/59a](#)]
 - Annex 2: Outer Boundary (February 2021) [[EX/CYC/59b](#)]
 - Annex 3: Inner Boundary (Part: 1 March 2021 [[EX/CYC/59c](#)], Part 2: April 2021 [[EX/CYC/59d](#)] and Part 3 April 2021) [[EX/CYC/59e](#)]
 - Annex 4: Other Urban Areas within the General Extent (April 2021) [[EX/CYC/59f](#)]
 - Annex 5: Freestanding Sites (March 2021) [[EX/CYC/59g](#)]
 - Annex 6: Proposed Modifications Summary (April 2021) [[EX/CYC/59h](#)]
 - Annex 7: Housing Supply Update (April 2021) [[EX/CYC/59i](#)] and Trajectory Summary (April 2021) [[EX/CYC/59j](#)]
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [[EX/CYC/60](#)]
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [[EX/CYC/61](#)]

Do I have to use the response form?

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

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

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

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

Do I need to attend the Public Examination?

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

Where can I view the Consultation documents?

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Part C -Your Representation

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



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

Proposed Modification Reference:

PM66

Document:

EX/CYC/58: Composite Modifications Schedule

Page Number:

15

What does 'legally compliant' mean?

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

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

Yes

No

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

Yes

No

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

What does 'Sound' mean?

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

What makes a Local Plan "sound"?

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

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

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

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

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

Yes

No

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

(tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

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

Please use extra sheets if necessary

PM 66 amends the Meeting Future Need section of Policy H5: Gypsies and Travellers in relation to strategic allocations in an attempt to strengthen the policy approach to on-site delivery for Gypsy and Travellers not meeting the Planning definition.

Gladman raise concerns regarding the proposed modifications to Policy H5 and the suggested application of the policy requirements across different sized allocated sites.

Firstly, the 2017 Gypsy and Traveller Accommodation Assessment Update sets out that there are 44 households that do not meet the Planning Definition of Gypsy and Travellers generating a need for 33 pitches up to 2032. Yet, the proposed amendments only make reference to 44 households, not the identified need for 33 pitches up to 2032.

Additionally, Appendix D of the 2017 Gypsy and Traveller Accommodation Assessment Update details the identified need over 5-year periods from 2016 to 2032, highlighting that 19 pitches were required between 2016 – 2021. Given that this period has now concluded it would be prudent to update the evidence to acknowledge the number of pitches that have come forward and the consequential impact on the need for pitches over the remaining plan period.

Secondly, Gladman do not consider that there is an inherent relationship between the delivery of strategic residential allocations and the need for onsite gypsy and traveller accommodation/pitches. Indeed, there is no information within the evidence base to justify this relationship or policy requirement including an assessment of the financial and delivery issues which may arise through this policy.

Neither is there any evidence demonstrating the need for such pitches at the specific residential site allocations, nor does the policy provide sufficient flexibility in relation to the policy provision only being required when a location specific need is evidenced. This would avoid over provision of such accommodation in certain locations and the potential for inefficient land use.

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



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

Gladman recommend that the aforementioned requirement should be deleted from Policy H5.

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

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

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

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

Gladman have land interests in York City which are allocated at Site ST31 (Policy SS16) and which are therefore subject to the above policy requirements.

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

Representations must be received by Wednesday 7 July 2021, up until midnight.
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City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

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

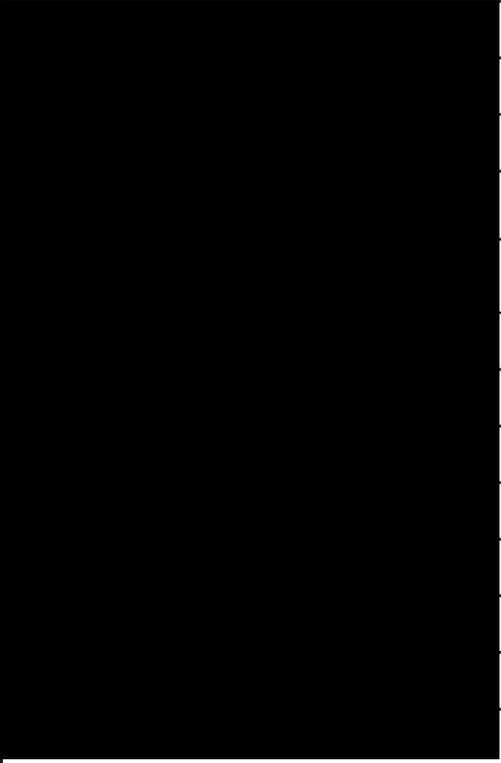
2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature

Date

Part B - Personal Details

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

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

Guidance note

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 - Annex 1: Evidence Base (January 2021) [[EX/CYC/59a](#)]
 - Annex 2: Outer Boundary (February 2021) [[EX/CYC/59b](#)]
 - Annex 3: Inner Boundary (Part: 1 March 2021 [[EX/CYC/59c](#)], Part 2: April 2021 [[EX/CYC/59d](#)] and Part 3 April 2021) [[EX/CYC/59e](#)]
 - Annex 4: Other Urban Areas within the General Extent (April 2021) [[EX/CYC/59f](#)]
 - Annex 5: Freestanding Sites (March 2021) [[EX/CYC/59g](#)]
 - Annex 6: Proposed Modifications Summary (April 2021) [[EX/CYC/59h](#)]
 - Annex 7: Housing Supply Update (April 2021) [[EX/CYC/59i](#)] and Trajectory Summary (April 2021) [[EX/CYC/59j](#)]
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [[EX/CYC/60](#)]
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [[EX/CYC/61](#)]

Do I have to use the response form?

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

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

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

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

Do I need to attend the Public Examination?

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

Where can I view the Consultation documents?

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

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

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

Part C -Your Representation

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



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

Proposed Modification Reference:

N/A

Document:

EX/CYC/59: Topic Paper 1 Approach to defining Green

Page Number:

Whole document

What does 'legally compliant' mean?

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

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

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

Yes

No

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

Yes

No

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

What does 'Sound' mean?

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

What makes a Local Plan "sound"?

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

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



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

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

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

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

Yes No

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

(tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

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

Please use extra sheets if necessary

It is accepted that the general extent of the York Green Belt exists as confirmed through the retained policies of the partially revoked Yorkshire and Humber RSS with the intention that the detailed inner and outer boundaries are to be set through adopted local plans.

As confirmed by the Inspectors' letter to the Council in June 2020 (EX/INS/15), it is not necessary for any of the Green Belt boundaries to be justified by the existence of exceptional circumstances, however it was considered that methodological flaws existed within the Green Belt assessments and evidence.

The Topic Paper (EX/CYC/59) seeks to clarify the methodology which was applied in the assessment of the proposed Green Belt boundaries at both a strategic level and detailed boundary setting at local level. Gladman will set out considerations to Sections 5 and 8 of EX/CYC/59 below:

Section 5 provides the methodology for the review of the general extent of the Green Belt and Scoping, setting out the Green Belt Purposes and Spatial Principles for consideration in determining the detailed boundaries of the Green Belt. In considering the general extent of the York Green Belt and justifying the proposed Green Belt boundaries the Council have determined that only purposes 1,3 and 4 are relevant¹. This is confirmed through the corresponding annexes which present justification and analysis against the assessment criteria and questions to determine the proposed detailed boundaries, only assessing boundaries against purposes 1,3 and 4.

Gladman consider that this is not a sound approach and does not enable or provide a full and robust assessment of specific Green Belt boundaries against all five purposes of Green Belt as set out in Paragraph 80 of the 2012 NPPF.

The Council reiterate within Section 5 the Green Belt assessment evidence base including the 2003 Green Belt Appraisal and subsequent 2011 and 2013 updates, alongside the 2014 Heritage Topic Paper. Gladman do not wish to make comments regarding this in relation to EX/CYC/59 but will make specific notes in relation to the application of these in relation to the corresponding annexes.

Finally, Section 5 c) sets out the strategic principles relating to the general extent of the York Green Belt which have informed the detailed boundary setting exercise. Gladman support these statements which provide clarity in the approach taken to set the detailed boundaries alongside summarising the context of Green Belt in York.

Section 8 details the relationship between the Green Belt Purposes, Strategic Principles and assessment evidence in forming criteria and assessment questions. Five criteria are identified in relation to Purposes 1,3 and 4 of the Green Belt which present a key overarching question before further detailed questions provide focus for the assessment of the role and function of land in the Green Belt.

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

Continued

Gladman reiterate that detailed boundary assessments have not evaluated all purposes of the Green Belt in accordance with the NPPF and therefore fail to undertake a comprehensive and full review.

Notwithstanding the above, the inclusion of 5 criteria alongside detailed assessment questions in order to assess sites against the purposes of Green Belt provides further justification and detail particularly in relation to the Heritage Topic Paper 2014. This provides both greater clarity on the assessment method and further opportunity to justify the proposed Green Belt boundaries. However, despite further detailed assessment questions within the criteria, the assessment evidence continues to rely on elements that are not necessarily significant to the purposes of Green Belt notably conservation appraisals and listed buildings, while the York Landscape Character Appraisal was published in 1996 and is significantly outdated. It is considered that further clarification and amendments may be required to address all of the concerns set out in the Inspectors' June 2020 letter (EX/INS/15)

Finally, Section 8 sets out the assessment questions asked in relation to boundary permanence. Gladman support this methodological section which is justified and soundly based in accordance with the NPPF.

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

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

It is considered that further clarification and amendments may be required to address all of the concerns set out in the Inspectors' June 2020 letter (EX/INS/15).

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

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

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

Yes, I wish to appear at the examination

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

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

Gladman have land interests in York City which are allocated at Site ST31 (Policy SS16) and which the Green Belt boundaries are set to be altered around.

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

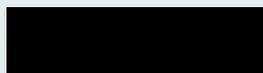




York City New Local Plan

Proposed Modifications and New Evidence to the Local Plan

July 2021



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1 INTRODUCTION

- 1.1.1 These representations are submitted in response to the York City Local Plan proposed modifications and new evidence consultation.
- 1.1.2 Gladman Developments Ltd specialise in the promotion of strategic land for residential development and associated community infrastructure and have considerable experience in contributing to the development plan preparation process having made representations on numerous planning documents throughout the UK alongside participating in many Examinations in Public.
- 1.1.3 The following sections of this representation will provide a response on individual documents which have been published within the New Local Plan Proposed Modifications and Evidence Base Consultation before providing an overall summary on the direction of the consultation.

2 PROPOSED MODIFICATIONS AND NEW KEY EVIDENCE DOCUMENTATION

2.1 EX/CYC/58: Composite Modifications Schedule

PM66 – Policy H5

- 2.1.1 PM 66 amends the Meeting Future Need section of Policy H5: Gypsies and Travellers in relation to strategic allocations in an attempt to strengthen the policy approach to on-site delivery for Gypsy and Travellers not meeting the Planning definition.
- 2.1.2 Gladman raise concerns regarding the proposed modifications to Policy H5 and the suggested application of the policy requirements across different sized allocated sites.
- 2.1.3 Firstly, the 2017 Gypsy and Traveller Accommodation Assessment Update sets out that there are 44 households that do not meet the Planning Definition of Gypsy and Travellers generating a need for 33 pitches up to 2032. Yet, the proposed amendments only make reference to 44 households, not the identified need for 33 pitches up to 2032.
- 2.1.4 Additionally, Appendix D of the 2017 Gypsy and Traveller Accommodation Assessment Update details the identified need over 5-year periods from 2016 to 2032, highlighting that 19 pitches were required between 2016 – 2021. Given that this period has now concluded it

would be prudent to update the evidence to acknowledge the number of pitches that have come forward and the consequential impact on the need for pitches over the remaining plan period.

2.1.5 Secondly, Gladman do not consider that there is an inherent relationship between the delivery of strategic residential allocations and the need for onsite gypsy and traveller accommodation/pitches. Indeed, there is no information within the evidence base to justify this relationship or policy requirement including an assessment of the financial and delivery issues which may arise through this policy.

2.1.6 Neither is there any evidence demonstrating the need for such pitches at the specific residential site allocations, nor does the policy provide sufficient flexibility in relation to the policy provision only being required when a location specific need is evidenced. This would avoid over provision of such accommodation in certain locations and the potential for inefficient land use.

2.1.7 Gladman do not believe that PM66 is soundly based or justified through the supporting evidence base.

2.2 EX/CYC/59: Topic Paper 1 Approach to defining Green Belt Addendum January 2021

2.2.1 It is accepted that the general extent of the York Green Belt exists as confirmed through the retained policies of the partially revoked Yorkshire and Humber RSS with the intention that the detailed inner and outer boundaries are to be set through adopted local plans.

2.2.2 As confirmed by the Inspectors' letter to the Council in June 2020 (EX/INS/15), it is not necessary for any of the Green Belt boundaries to be justified by the existence of exceptional circumstances, however it was considered that methodological flaws existed within the Green Belt assessments and evidence.

2.2.3 The Topic Paper (EX/CYC/59) seeks to clarify the methodology which was applied in the assessment of the proposed Green Belt boundaries at both a strategic level and detailed boundary setting at local level. Gladman will set out considerations to Sections 5 and 8 of EX/CYC/59 below:

- 2.2.4 Section 5 provides the methodology for the review of the general extent of the Green Belt and Scoping, setting out the Green Belt Purposes and Spatial Principles for consideration in determining the detailed boundaries of the Green Belt. In considering the general extent of the York Green Belt and justifying the proposed Green Belt boundaries the Council have determined that only purposes 1,3 and 4 are relevant¹. This is confirmed through the corresponding annexes which present justification and analysis against the assessment criteria and questions to determine the proposed detailed boundaries, only assessing boundaries against purposes 1,3 and 4.
- 2.2.5 Gladman consider that this is not a sound approach and does not enable or provide a full and robust assessment of specific Green Belt boundaries against all five purposes of Green Belt as set out in Paragraph 80 of the 2012 NPPF.
- 2.2.6 The Council reiterate within Section 5 the Green Belt assessment evidence base including the 2003 Green Belt Appraisal and subsequent 2011 and 2013 updates, alongside the 2014 Heritage Topic Paper. Gladman do not wish to make comments regarding this in relation to EX/CYC/59 but will make specific notes in relation to the application of these in relation to the corresponding annexes.
- 2.2.7 Finally, Section 5 c) sets out the strategic principles relating to the general extent of the York Green Belt which have informed the detailed boundary setting exercise. Gladman support these statements which provide clarity in the approach taken to set the detailed boundaries alongside summarising the context of Green Belt in York.
- 2.2.8 Section 8 details the relationship between the Green Belt Purposes, Strategic Principles and assessment evidence in forming criteria and assessment questions. Five criteria are identified in relation to Purposes 1,3 and 4 of the Green Belt which present a key overarching question before further detailed questions provide focus for the assessment of the role and function of land in the Green Belt.
- 2.2.9 Gladman reiterate that detailed boundary assessments have not evaluated all purposes of the Green Belt in accordance with the NPPF and therefore fail to undertake a comprehensive and full review.

¹ Paragraph 5.10 -

- 2.2.10 Notwithstanding the above, the inclusion of 5 criteria alongside detailed assessment questions in order to assess sites against the purposes of Green Belt provides further justification and detail particularly in relation to the Heritage Topic Paper 2014. This provides both greater clarity on the assessment method and further opportunity to justify the proposed Green Belt boundaries. However, despite further detailed assessment questions within the criteria, the assessment evidence continues to rely on elements that are not necessarily significant to the purposes of Green Belt notably conservation appraisals and listed buildings, while the York Landscape Character Appraisal was published in 1996 and is significantly outdated. It is considered that further clarification and amendments may be required to address all of the concerns set out in the Inspectors' June 2020 letter (EX/INS/15)
- 2.2.11 Finally, Section 8 sets out the assessment questions asked in relation to boundary permanence. Gladman support this methodological section which is justified and soundly based in accordance with the NPPF.

2.3 EX/CYC/59a: Topic Paper 1 Green Belt Addendum January 2021 Annex 1 Evidence Base

- 2.3.1 Gladman wish to reiterate comments made in the Matter 3 Hearing Statement in relation to a number of the documents which make up the evidence base, it is highlighted that:
- The 2003 Appraisal fails to provide a complete assessment of the York Green Belt against all Green Belt purposes, focussing only on purposes 2 and 4;
 - The 2011 and 2013 updates do not seek to assess the York Green Belt beyond the consideration of historical character and setting and as such do not provide for a complete Green Belt assessment;
 - The assessment continues to rely on The York Landscape Character Assessment which was produced in 1996. Since this time the landscape of York has changed significantly with numerous development schemes having been delivered.

2.4 EX/CYC/59f: Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other Developed Areas

- 2.4.1 This annex presents justification to identify detailed boundaries for York's villages and other densely developed areas against the methodology set out in Section 8 of EX/CYC/59.

-
- 2.4.2 Each settlement proforma assesses the relationship of the current built area/Green Belt boundaries against the Strategic Principles before looking at each Green Belt Purpose and the associated assessment criteria in turn.
- 2.4.3 Gladman reiterate that the detailed boundary assessments fail to consider all Green Belt purposes of national planning policy.
- 2.4.4 The proformas provide further clarity in the assessment of settlement boundaries which are inset from the Green Belt, describing how each edge of the settlement performs against the chosen Green Belt purposes and criteria with the corresponding text justifying the conclusions in determining a clear, defensible Green Belt boundary for the ‘Other Developed Areas’.
- 2.4.5 While Gladman consider clarification has been provided regarding the methodology and assessment criteria, there remains concerns relating to the robustness and comprehensiveness of the assessments undertaken. Indeed, although the supporting text within the proformas sets out detailed descriptions of the inset settlement boundaries in relation to their functionality against the purposes of the Green Belt, a detailed scoring system is not provided. Furthermore, within the proformas there is no comparison of the sites that were submitted during the call for site process in order to justify and support the site allocations, Gladman consider that a degree of transparency is still missing from the Green Belt assessment process.
- 2.4.6 Notwithstanding the concerns relating to the transparency and robustness of the evidence base and assessments set out in Annex 4, Gladman believe that appropriate conclusions have been drawn and support the proposed boundaries within the Local Plan and summary sections of Annex 4, which promote the long-term permanence of the Green Belt and maintain the openness of the Green Belt, while site allocations do not fulfil strong Green Belt functions.
- 2.4.7 Indeed, Gladman reiterate comments made in the Matter 3 Hearing Statement alongside drawing commentary from the settlement proforma contained in Annex 4 in relation to ST31.
- 2.4.8 The allocation of ST31 prevents urban sprawl due its containment within existing permanent and prominent infrastructure and uses on all boundaries which cannot be easily or appropriately developed. These boundaries are already within the wider extent of the

Copmanthorpe settlement boundaries as discussed in Annex 4. The Site is subject to a degree of openness owing to its current use for agriculture, however surrounding uses and development reduce the tranquillity of the Site with frequent passing trains, and traffic using the A64 and Tadcaster Road, and prominent residential development along the south-east boundary. These uses mean that the Site does not display the distinct open and rural feel as displayed by wider open countryside which is located to the east of the railway line. Additionally, it is evidenced by section 13b of EX-CYC-59a Annex 1 that Copmanthorpe and ST31 specifically is not identified as having key or long-distance views that capture and express the essence or wider setting of the city. In this regard, the site does not serve purpose 4 and should score well when assessed against criterion 3, yet it is not clear whether it does, highlighting the need for a clear scoring system in which to compare boundary and site-specific assessments.

2.4.9 Although the Council highlight the robust barriers to sprawl at ST31 owing to the rail line, A64 and Tadcaster road, Gladman consider that the site does not fulfil *any* of the five purposes of Green Belt.

2.5 Green Belt Addendum Documents Summary

2.5.1 Although the proposed detailed boundaries of the Green Belt have the ability to align with the requirements set out in paragraphs 79 and 80 of the NPPF, Gladman believe that further clarification is still required regarding the Green Belt methodology and associated assessments.

2.5.2 The Council has usefully provided clarification in relation to the methodological steps undertaken, including formatting the local aspects of assessing detailed Green Belt boundaries, but it is Gladman's concern that the assessments are not yet fully comprehensive, continue to rely on evidence that is not necessarily related to Green Belt functions and does not contain assessments against all five purposes of the Green Belt.



From: [REDACTED]
Sent: 07 July 2021 15:57
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 206030

Follow Up Flag: Follow up
Flag Status: Flagged

Local Plan consultation May 2021

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

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

About your comments

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

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Housing Needs Update September 2020 (EX/CYC/43a)

Your comments: Legal Compliance of the document

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

Please justify why you consider the document to be legally compliant: The sites identified are credible and in so far as Wheldrake Parish Council is concerned site ST33 is appropriate for housing albeit with caveats relating to this village extension. The following was agreed at the meeting of the Council on June 30th, 2021: • The Council recognised the need for additional housing within City of York and agreed that this housing should be disbursed across the City using in the first instance brown field sites such as the formerly railway land within Wheldrake. • This and the field between this land and Back Lane South presently within the Green Belt constituted the only viable site within Wheldrake for a village extension and it was important that no further significant housing development should be permitted within the Parish for the life of the Local Plan presently under development. • Wheldrake has an ageing population and few homes likely to be affordable by young adults. Therefore, the proposed development needs to include the provision of homes for first time buyers, including shared ownership. The development should also include an affordable letting portfolio. • The Council is concerned that the necessary expansion of the primary school is funded and provided in advance of the significant increase in the number of children of primary school age likely with the provision of 147 new homes. • Access from the development onto Main Street will require construction of a new junction which the Council would like to see delivered before any of the new homes are occupied and that these works should also provide for a pedestrian crossing to the North side of Main Street as there is no footpath on the South side of the street. • Access from the development to Back Lane South at its junction with South Ruddings Lane should be restricted to pedestrians, cyclists and, if alternative access is required, emergency service vehicles. • All Section 106 funding arising from the proposed development should be spent solely within Wheldrake to provide for mitigating the impact of the significant village extension on the existing village and ensuring that necessary infrastructure improvements arising from the new development are provided. • Mitigating the environmental impact of the new development should be addressed in a manner supporting delivery of the UK Government's plans to reduce reliance on fossil fuels for home heating and transport. • The Parish Council wishes to work with the developers of the village extension rather than oppose the principle of the development

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

Your comments: Duty to cooperate

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

Please justify why you consider the document to be in compliance with the Duty to Cooperate: Wheldrake Parish Council has had the opportunity to input this consultation and thus in so far as this matter relates to this Parish Council it is compliant.

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

Your comments: Whether the document is 'sound'

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

Please justify why you consider the document to be sound:

- The Council recognised the need for additional housing within City of York and agreed that this housing should be disbursed across the City using in the first instance brown field sites such as the formerly railway land within Wheldrake.
- This and the field between this land and Back Lane South presently within the Green Belt constituted the only viable site within Wheldrake for a village extension and it was important that no further significant housing development should be permitted within the Parish for the life of the Local Plan presently under development.
- Wheldrake has an ageing population and few homes likely to be affordable by young adults. Therefore, the proposed development needs to include the provision of homes for first time buyers, including shared ownership. The development should also include an affordable letting portfolio.
- The Council is concerned that the necessary expansion of the primary school is funded and provided in advance of the significant increase in the number of children of primary school age likely with the provision of 147 new homes.
- Access from the development onto Main Street will require construction of a new junction which the Council would like to see delivered before any of the new homes are occupied and that these works should also provide for a pedestrian crossing to the North side of Main Street as there is no footpath on the South side of the street.
- Access from the development to Back Lane South at its junction with South Ruddings Lane should be restricted to pedestrians, cyclists and, if alternative access is required, emergency service vehicles.
- All Section 106 funding arising from the proposed development should be spent solely within Wheldrake to provide for mitigating the impact of the significant village extension on the existing village and ensuring that necessary infrastructure improvements arising from the new development are provided.
- Mitigating the environmental impact of the new development should be addressed in a manner supporting delivery of the UK Government’s plans to reduce reliance on fossil fuels for home heating and transport.
- The Parish Council wishes to work with the developers of the village extension rather than oppose the principle of the development

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

Your comments: Necessary changes

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

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

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

Supporting documentation

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