

RAPLEYS

**Examination of City of York Local Plan
Phase 2 Hearing Sessions
Matters, Issues and Questions for the Examination**

WRITTEN STATEMENTS

Prepared by Rapleys on behalf of British Sugar

March 2022

Our Ref: 1119/114/3

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Appendix 1 Site Location Plan

QUALITY ASSURANCE

This report has been prepared within the quality system operated at Rapleys LLP according to British Standard ISO 9001:2008.

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**FOR AND ON BEHALF OF RAPLEYS LLP
MARCH 2022**

1 INTRODUCTION

- 1.1 These Written Statements have been prepared and submitted by Rapleys LLP on behalf of British Sugar Plc (British Sugar).
- 1.2 British Sugar is the owner of the Former British Sugar site (the Site), Boroughbridge Road, York. A site location plan is included at Appendix 1.
- 1.3 The British Sugar site forms the substantial part of site ST1 (British Sugar / Manor School) in the draft Local Plan. The sites, together, are identified within draft Policy SS6 as delivering approximately 1,200 dwellings as part of a residential led mixed use development incorporating associated community and neighbourhood facilities.
- 1.4 British Sugar has worked with City of York Council (CYC) since the closure of the former British Sugar site in 2007 to progress its sustainable redevelopment for residential led mixed uses. British Sugar has secured outline and full planning permissions (see below) to enable the residential led mixed use development of the site.
- Outline planning permission (ref 15/00524/OUTM, Appeal Ref 3177821) for up to 1,100 residential units and associated community uses
 - Full planning permission (ref 20/00774/FULM) for engineering works, remediation and reclamation of the Site
 - Full planning permission (ref 17/01072/FUL) for the construction of access roads at Boroughbridge Road and Millfield Lane and across the Former Manor School site
- 1.5 British Sugar remains committed to the delivery of the redevelopment of the Site. The current target timetable for the delivery of development and new homes on the British Sugar site, as enabled by the above permissions, is set out below.

Site Address	YEAR												
	1	2	3	4	5	6	7	8	9	10	11	12	13
British Sugar site	2021 /22	2022 /23	2023 /24	2024 /25	2025 /26	2026 /27	2027 /28	2028 /29	2029 /30	2030 /31	2031 /32	2032/33	2033/34
						150	150	150	150	150	150	150	50

- 1.6 These Written Statements should be read in conjunction with all previous representations made to the draft Local Plan, previous draft Core Strategy, and other relevant CYC draft policy documents by Rapleys on behalf of British Sugar as follows: -
- City of York Publication Draft (February 2018)
 - City of York Pre-Submission Draft (October 2017);
 - City of York Local Plan Assessment Update (October 2016);
 - City of York Local Plan Preferred Sites Consultation (July 2016);
 - Housing Implementation Survey Representations (December 2015);
 - City of York Plan Further Sites Consultation Representation (July 2014);
 - Local Plan Preferred Option Representations (July 2013);
 - Core Strategy Representations (November 2011); and
 - Formal British Sugar/Former Manor School Supplementary Planning Document Representations (November 2010 and January 2011).

1.7 In this context, British Sugar now provides these further statements and has requested to appear in respect of the following Matters/ Sessions:

Date	Day	AM Session	PM Session
TBC	1	Inspectors Opening Matter 1: Strategic Vision, Outcomes and Development Principles: Policies DP1 – DP4	Matter 1: Strategic Vision, Outcomes and Development Principles: Policies DP1 – DP4 (continuing)
TBC	2	Matter 2: Housing Need and Requirement: Policy SS1	Matter 2: Housing Need and Requirement: Policy SS1 (continuing)
TBC	5	Matter 4: Spatial Strategy – Site Selection Process: Policies SS1 – SS5	Matter 4: Spatial Strategy – Site Selection Process: Policies SS1 – SS5 (continuing)
TBC	6	Matter 5: Housing Land Supply	Matter 5: Housing Land Supply (continuing)
TBC	7	Matter 6: Infrastructure Requirements, Delivery and Development Viability: Policy DM1	Matter 6: Infrastructure Requirements, Delivery and Development Viability: Policy DM1 (continuing)

1.8 The following Written Statements provide the further comments and representations of British Sugar on the above Matters, where appropriate. British Sugar has sought to comment only on those Matters and Questions that are considered necessary and relevant to the delivery of the British Sugar site.

1.9 In addition, Rapleys, on behalf of British Sugar, will prepare further Written Statements and request to appear at the further Examination Hearing Sessions as follows:

- Phase 3 Hearing Sessions
- Phase 4 Hearing Sessions

Tests of Soundness

1.10 The City of York Local Plan is being assessed against the 2012 National Planning Policy Framework (NPPF 2012) which at Paragraph 182 states that:

“The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” - namely that it is:

- Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

-
- Effective - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - Consistent with national policy - the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”

1.11 In addition, British Sugar wishes to reserve the right to comment, where appropriate, on the latest version of the NPPF (July 2021), if this proves to be relevant through the engagement in the further Hearing Sessions.

1.12 The comments and representations included in these Written Statement have therefore been provided in this context.

2 WRITTEN STATEMENT - MATTER 1 - STRATEGIC VISION, OUTCOMES AND DEVELOPMENT PRINCIPLES

2.1 This Written Statement is prepared on behalf of British Sugar. It sets out the submissions to be made in respect of the Inspector's Matters, Issues and Questions concerning **Matter 1 - Strategic Vision, Outcomes and Development Principles**.

2.2 As explained above in Section 1, the comments and representations are provided in respect only of those Questions that are of relevance to British Sugar. The representations should be read in conjunction with the previous representations on the draft Local Plan made by Rapleys LLP on behalf of British Sugar.

Q 1.1 - Does the Strategic Vision, Outcomes and Development Principles set out within Section 2 and provided in policies DP1, DP2 and DP3 of the Plan provide a clear and appropriate framework for the strategic policies set out primarily within Sections 2 and 3 of the Plan?

Q 1.2 Are the Development Principles set out in the Plan justified, effective and in accordance with national policy?

Q 1.3 Is the overall strategic approach, in terms of the vision, outcomes and principles relating to development, its management and delivering the Plan's development requirements positively prepared, justified, effective and consistent with the Framework?

2.3 The following paragraphs provide a composite response to the three Inspector's Questions identified above.

2.4 British Sugar, in previous representations as identified in Section 1 above, has provided comment focussed on the Spatial Strategy (Section 3 of the Plan) and British Sugar / Manor School strategic site allocation (SS6, ST1). This Spatial Strategy and the strategic site allocation follow from the Strategic Vision, Outcomes and Development Principles set out at Section 2 of the Plan.

2.5 In this context, the Strategic Vision refers (at paragraph 2.5) to the delivery of the major sustainable urban extension at British Sugar. Therefore, to the extent that the Strategic Vision, Outcome and Development Principles in Section 2 of the Plan result in the allocation of the British Sugar site as the substantial part of strategic site allocation ST1 in the Spatial Strategy, they are supported, and it is considered they provide a clear and appropriate framework for the strategic policies that relate to the development of the British Sugar site.

2.6 This is considered to represent a justified approach, on the basis that the inclusion of the British Sugar site as one of the strategic site allocations represents the most appropriate strategy for achieving the Strategic Vision. This approach is based on robust evidence (in the form of previous representations promoting the deliverability of the Site, the extant planning permissions that enable its development, and British Sugar's confirmed commitment to the Site's delivery as set out at Section 1 above). It is also considered to represent an effective approach, on the grounds that the delivery of the British Sugar site has been tested, through the assessment of the now approved planning permissions, and been proven as deliverable over the Plan period. Lastly it is considered to be an approach that is consistent with national policy, on the basis that the development of the British Sugar site will enable the delivery of sustainable development in accordance with the policies in the Framework.

2.7 It is noted that Policy DP3 (Sustainable Communities) seeks to ensure that new development, including the allocated sites, should **where appropriate** (*Rapleys emphasis*), address the overarching development principles as set out in the Policy. This recognition of the development principles as objectives that development sites should have regard to and address where appropriate (rather than policy requirements that must be adhered to in each

and every development proposal) is reflective of the flexibility that must be applied to ensure the new development is not stymied by overly onerous requirements. This is considered to be an effective approach that can ensure delivery of development with suitable flexibility in the application of policy.

- 2.8 The detailed policy requirements for the allocated sites are set out in the later sections of the Local Plan (Spatial Strategy and Site Allocations). Therefore, British Sugar provides detailed comments in relation to the Spatial Strategy (Section 3) in the further Written Statements below, as it relates to the British Sugar site (Policy SS1, SS6, Site ST1). In addition, British Sugar reserves the right to provide further Written Statements in relation to the further planned Hearing Sessions (Sessions 3 and 4) which will include consideration of the Site-Specific allocations and 'Development Management' policies.

3 WRITTEN STATEMENT - MATTER 2 - HOUSING NEED AND REQUIREMENT

3.1 This Written Statement is prepared on behalf of British Sugar. It sets out the submissions to be made in respect of the Inspector's Matters, Issues and Questions concerning **Matter 2 - Housing Need and Requirement**.

3.2 As explained above in Section 1, the comments and representations are provided in respect only of those Questions that are of relevance to British Sugar and the British Sugar site. The representations should be read in conjunction with the previous representations to the draft Local Plan made by Rapleys LLP on behalf of British Sugar.

The Housing Requirement

Q 2.6 Overall, is the housing requirement figure now proposed underpinned by robust evidence and adequately justified?

3.3 British Sugar considers that there is no evidence to justify the adoption of a lower (or indeed a significantly higher) housing requirement figure than the 822 dpa housing requirement figure proposed. British Sugar supports the Council's conclusion that the 'Housing Need Update 2020' does not provide a 'meaningful change in the housing situation' that would justify a reduction from this figure. In accordance with relevant policy and guidance, this figure should be adopted as the minimum annual housing requirement over the plan period.

4 WRITTEN STATEMENT - MATTER 4 - SPATIAL STRATEGY AND SITE SELECTION PROCESS

4.1 This Written Statement is prepared on behalf of British Sugar. It sets out the submissions to be made in respect of the Inspector's Matters, Issues and Questions concerning **Matter 4 - Spatial Strategy and Site Selection Process**.

4.2 As explained above in Section 1, the comments and representations are provided in respect only of those Questions that are of relevance to British Sugar. The representations should be read in conjunction with the previous representations on the draft Local Plan made by Rapleys LLP on behalf of British Sugar.

Spatial strategy

Q 4.1 Is the Spatial Strategy set out in the Plan based on an appropriate and reasonable assessment and justified by robust evidence?

Q 4.2 Is the approach taken in informing the Spatial Strategy and the distribution of development across the Plan area justified, effective and in accordance with national policy?

4.3 The following paragraphs provide a composite response to the two Inspectors questions identified above.

4.4 To the extent that the Spatial Strategy leads to the identification of the British Sugar site as the substantial part of strategic site allocation ST1, British Sugar considers that it is based on an appropriate and reasonable assessment, and in particular is justified by robust evidence (in the form of previous representations promoting the deliverability of the Site, the extant planning permissions that enable its development, and British Sugar's confirmed commitment to the Site's delivery as set out at Section 1 above). British Sugar is therefore in general terms supportive of the Spatial Strategy as set out in the Draft Plan.

4.5 Similarly, the approach taken in informing the Spatial Strategy, and the distribution of development across the Plan area, to the extent that it informs the identification of the British Sugar site as a strategic site allocation, is considered to be: a) justified, in that it results in the allocation of the British Sugar site, a sustainable brownfield development site which therefore contributes to the most appropriate strategy based on robust and proportionate evidence; b) effective, on the basis that the development of the British Sugar site can be delivered over the Plan period, in accordance with the extant planning permissions and target timetable for delivery as set out in Section 1; and c) consistent with national policy on the basis that development of the British Sugar site will enable the delivery of sustainable development in accordance with the policies in the Framework.

4.6 Notwithstanding the above, British Sugar has made previous representations through the emerging Local Plan process in relation to the specific draft policy requirements as set out in Policy SS6, relating to site ST1, and will be providing further Written Statements on the site-specific allocation policies as part of the further hearing sessions, where it is considered that these have not been fully taken into account in the Proposed Modifications to the draft Plan.

Q 4.3 Does Policy SS1 provide an appropriate basis for the delivery of sustainable development and growth within the City of York?

4.7 British Sugar considers that the inclusion of the British Sugar site as the substantial part of Strategic Site allocation ST1, which forms a key part of the Spatial Strategy identified within the Policy SS1, provides an appropriate basis for the delivery of sustainable development and growth within the City of York. This is on the grounds that the delivery of the British Sugar site will bring forward the sustainable development of a brownfield site, and, (together with the Former Manor School site) provide new homes and associated community and neighbourhood facilities on a well located and accessible site.

4.8 **Q 4.4 Policy SS1 sets out a spatial principle for sustainable modes of transport and Paragraph 3.12 of the submitted Plan says support will be provided for a pattern of development that favours and facilitates the use of more sustainable transport to minimise the future growth of traffic.**

a) How does the Plan deliver this?

4.9 The Spatial Strategy includes the identification of the British Sugar site as the substantial part of Strategic Site Allocation ST1 (pursuant to Policy SS6). The development of the British Sugar site will promote the use of sustainable transport to minimise future growth in traffic. The development of the Site will include the provision of educational and community facilities on site, within easy access of existing and new residents, together with improvements to existing bus services required through s106 obligations linked to the planning permissions for the site. The planning permissions for the development of the Site have therefore demonstrated that the Site can provide sustainable development that will provide for a pattern of development that will favour and facilitate the use of more sustainable transport and will not impose adverse demands on the local highway network, in accordance with Policy SS1.

b) What evidence is there that the Spatial Strategy delivers what Paragraph 3.12 of the submitted Plan says?

4.10 Paragraph 3.12 states the importance of future development not leading to an unconstrained increase in traffic as this would impose a substantial demand on the highway network. The development of the British Sugar site will promote the use of sustainable transport to minimise future growth in traffic. The development of the Site will include the provision of educational and community facilities on site, within easy access of existing and new residents, together with improvements to existing bus services required through s106 obligations linked to the planning permissions for the Site. The planning permissions for the development of the Site have therefore demonstrated that the Site can provide sustainable development that will provide for a pattern of development that will favour and facilitate the use of more sustainable transport and will not impose adverse demands on the local highway network, in accordance with Paragraph 3.12 and Policy SS1.

Q 4.5 Is the proposed approach to new development and its location, as outlined by Policy SS1, sufficiently clear within the submitted Plan and is it supported by a robust and up to date evidence base?

4.11 The proposed approach to new development and its location, as outlined by Policy SS1, leads to the identification of the British Sugar site as the substantial part of Strategic Site allocation (ST1). The British Sugar site benefits from extant planning permissions as summarised at section 1 of these Written Statements, and British Sugar continues to promote the Site and work to ensure that its redevelopment will be achieved in accordance with the target timescales outlined in the Council's Housing Trajectory Update. In this respect, the Spatial Strategy approach, in so far as it includes for the redevelopment of the British Sugar site, is clear and supported by a robust and up to date evidence base.

Spatial distribution of development

Q 4.6 Are the (broad) locations for new development the most appropriate locations when considered against all reasonable alternatives?

4.12 The locations for new development identified in the Spatial Strategy include the identification of the British Sugar site as the substantial part of Strategic Site allocation (ST1). The British Sugar site benefits from extant planning permissions as summarised at section 1 of these Written Statements, and British Sugar continue to promote the Site and work to ensure that its redevelopment will be achieved in accordance with the target timescales outlined in the Council's Housing Trajectory Update. In this respect, the locations for new development, in so far as they relate to the redevelopment of the British Sugar site, are supported and considered to be in the most appropriate locations.

Q 4.7 What factors have influenced the distribution of development proposed?

- 4.13 In respect of the British Sugar site, there are existing planning permissions in place that will enable the development of the Site in accordance with Policy SS1 and the Spatial Strategy, and therefore the distribution of development, in so far as it identifies new residential led mixed use development on the British Sugar site, is appropriate.

Q 4.9 With regard to the impact of distribution of development on the transport network:

c) What are the cumulative impacts on the transport network of the spatial distribution of development set out in the Plan and are any adverse impacts severe? If so, how has that been addressed?

- 4.14 In respect of the British Sugar site, transport impacts associated with the development of the Site have been assessed in detailed through a site-specific Transport Assessment and Travel Plan that were submitted in support of the now approved planning applications for the redevelopment of the Site. Suitable mitigation measures are included within the Travel Plan, including contributions towards improvements in local bus services at relevant ‘milestones’ of the housing delivery on site. Therefore, in respect of the British Sugar site, impacts have been assessed and appropriate mitigation will be provided to ensure sustainable development will be achieved.

Site selection process

Q 4.11 With regard to the sites proposed for all types of development (i.e. housing and non-housing):

a) How have the sites been identified, assessed and selected?

- 4.15 The British Sugar site has been actively and robustly promoted as a deliverable, sustainable brownfield development site throughout the drafting of the Local Plan, and benefits from extant planning permissions which enable its redevelopment for residential led mixed use development. Its inclusion as the significant part of strategic site allocation ST1 in the draft Plan is therefore appropriate and reflects the existing planning permissions.

b) Is the methodology used for each justified?

- 4.16 In respect of the British Sugar site, its selection reflects the ongoing promotion throughout the draft Local Plan process and the extant planning permissions relative to the redevelopment of the Site, and therefore its selection is justified accordingly.

Q 4.13 Have any other factors come forward - or steps been taken - since the sites identified in the Plan were selected which would exclude any sites from inclusion in the Plan for any particular reason? If so, what and why?

- 4.17 In relation to the British Sugar site, there are no other factors that have come forward since the Site was identified in the Plan which would exclude its inclusion in the Plan. Rather, the Site continues to be promoted by British Sugar for residential led mixed use development as per the site allocation in the Plan. More particularly, outline and full planning permissions to enable the redevelopment of the Site have been obtained by British Sugar, and work is underway to ensure the further necessary consents are secured to facilitate and bring forward the sustainable development of the Site consistent with the target programme identified in the Council’s Housing Trajectory.

5 WRITTEN STATEMENT - MATTER 5 - HOUSING LAND SUPPLY

5.1 This Written Statement is prepared on behalf of British Sugar. It sets out the submissions to be made in respect of the Inspector's Matters, Issues and Questions concerning **Matter 5 - Housing Land Supply**.

5.2 As explained above in Section 1, the comments and representations are provided in respect only of those Questions that are of relevance to British Sugar. The representations should be read in conjunction with the previous representations on the draft Local Plan made by Rapleys LLP on behalf of British Sugar

The housing land supply overall / Five-year housing land supply

Q 5.5 Are the suggested rates of planned housing development realistic and achievable when considered in the context of the past completion rates? What actions are being taken to accelerate housing delivery? Where is the evidence to support the approach adopted?

Q 5.6 Is the housing trajectory update [EX/CYC/69] realistic? In the context of footnote 11 of the NPPF, does it form an appropriate basis for assessing whether sites are deliverable?

Q 5.10 Does the five-year housing land supply position, as set out in the updated Housing Trajectory 2021 [EX/CYC/69], present the most up-to-date position? Is it consistent with all other remaining up-to-date housing evidence? If not, how is this to be addressed?

5.3 The following provides a composite response to the three Inspectors Questions identified above. In relation to the British Sugar site, the target trajectory for housing delivery as shown in the Detailed Housing Trajectory Update (EX/CYC/69) is supported and is based upon the latest available information regarding the delivery of development at the British Sugar site, in line with the extant planning permissions relative to the site. British Sugar remains committed to the delivery and development of the Site on this basis.

6 WRITTEN STATEMENT - MATTER 6 - INFRASTRUCTURE REQUIREMENTS, DELIVERY AND DEVELOPMENT VIABILITY

6.1 This Written Statement is prepared on behalf of British Sugar. It sets out the submissions to be made in respect of the Inspector's Matters, Issues and Questions concerning Matter 1 - Strategic Vision, Outcomes and Development Principles.

6.2 As explained above in Section 1, the comments and representations are provided in respect only of those Questions that are of relevance to British Sugar. The representations should be read in conjunction with the previous representations on the draft Local Plan made by Rapleys LLP on behalf of British Sugar

Q 6.3 The Council has provided an update to the infrastructure requirements for the planned growth set out in the Plan [EX/CYC/70] which builds upon the Infrastructure Plan 2018 (the IDP) [SD128] that was submitted with the Plan and a subsequent update to Annex 4 of the IDP, published and submitted in November 2018 [EX/CYC/7b and EX/CYC/7c]. What reassurances are there that the elements set out in this evidence can, and will, be delivered when and where they are needed?

6.3 In relation to the British Sugar site, the Infrastructure Plan (IDP) and associated updates refer to the provision of following infrastructure items:

- 300sq.m Community Hall / Built Sports Facility
- Primary School provision

6.4 These items are identified specifically within the obligations committed to through the s106 agreement relating to the approved planning permissions for the development of the site (see Section 1 above), and therefore, in respect of the British Sugar site and associated infrastructure provisions as identified in the IDP, there is a commitment to the delivery of, or appropriate contributions towards, the necessary infrastructure in line with the 'trigger points' identified in the relevant s106 clauses and obligations.

Q 6.4 Has the cost of these infrastructure elements been estimated reasonably, robustly and with justification and are appropriate and realistic funding sources identified?

6.5 In respect of the CYC Infrastructure Delivery Plan 2018 [EX/CYC/70] and subsequent updates [EX/CYC/7b and EX/CYC/7c], the evidence base does provide estimates for the proposed infrastructure requirements over the plan period. However, the evidence base is now considered to be dated, being at least 4 years old. The Council do state 'cost estimates will be updated and refined at appropriate stages during the plan making process and beyond'. On this basis, in order that the cost estimates are appropriately evidenced based and justified, the Council should provide updated cost estimates and supporting evidence for these costs, so that these can be adequately assessed and confirmed.

6.6 In terms of the specific infrastructure items identified as relating to the delivery of the British Sugar site, these items were assessed in detail through the consideration and subsequent approval, at appeal, of the outline planning permission for the redevelopment of the site (see Section 1 above). The contributions required from the development of the British Sugar site towards these items are therefore identified within the site specific s106 agreement and can be delivered pursuant to the relevant clauses and obligations as identified therein.

Q 6.5 Does the evidence base support the site allocations overall and demonstrate that they are viable and deliverable, having regard to all of the policies contained within the Plan, including in relation to the provision of necessary infrastructure?

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- 6.7 The overarching methodology approach for area wide viability testing, based on the 2012 NPPF and supporting guidance is in our opinion sound, however the evidence base is very historic. For the Infrastructure Delivery Plan this is c.4-5 years old and the Local Plan Viability Final Report (April 2018) utilises evidence for residential sales and build costs as far back as 2014/15. As such, whilst the methodology adopted is considered reasonable in principle, the outputs of the Council evidence base viability testing, which makes allowances for anticipated infrastructure costs, needs to be updated in order to ensure the soundness of the conclusions that have been drawn.
- 6.8 With specific reference to the viability and delivery of the British Sugar site, there are extant planning permissions informed by a bespoke site-specific viability assessment which demonstrate that the assumptions adopted by the Council in the Plan viability testing for this particular site are not accurate, particularly in respect of site preparation costs. The extant site-specific planning permissions are subject to a s106 agreement that includes a bespoke viability review mechanism which ensures that the necessary planning obligations are provided for, and the maximum viable quantum of affordable housing will be provided, by the British Sugar development, over the development period.
- 6.9 In this context, a thorough assessment of the viability and deliverability of the British Sugar site has been undertaken, including an assessment of the planning obligations and infrastructure deemed necessary to make the development acceptable in planning terms, as part of the consideration and approval of the extant planning permissions relating to the site. Therefore, the site-specific allocations and development management policies relating to the site should have regard to the site-specific assessment undertaken as part of this planning approval process.
- 6.10 British Sugar has made previous representations through the emerging Local Plan process in relation to the specific draft policy requirements as set out in Policy SS6, relating to site ST1, and will be providing further Written Statements on the site-specific allocation policies as part of the further hearing sessions, where it is considered that these have not been fully taken into account in the Proposed Modifications to the draft Plan

Q 6.6 In terms of the provision of necessary infrastructure, are the viability assessments contained within the evidence base sufficiently robust and are they based on reasonable assumptions? In particular:

a) do the viability assessments adequately reflect the nature and circumstances of the proposed allocations?

b) has the cost of the full range of expected requirements on new housing been taken into account, including those arising through policy requirements identified by the Plan (e.g., affordable housing and infrastructure)?

- 6.11 The following paragraphs provide a composite response to the questions identified above. The Council Local Plan viability assessments are based on a layering approach to test the cumulative impact of proposed policies against the proposed allocations. There are five policy layers tested against each residential typology site. Allowances have been made in respect of policy requirements for the expected requirements, and therefore, in terms of an approach, we support the general methodology. However, we but remain of the opinion that the evidence base is too historic to make an accurate assessment of viability, as set out in the responses to Q.6.4 and Q6.5 above.

c) have the costs of upgrading the strategic transport infrastructure and public transport services been suitably identified in the Infrastructure Delivery Plan (IDP) and have necessary mechanisms for securing it been incorporated into the Plan? If not, why not and what are the implications for the delivery of the Plan?

6.12 With specific reference to the British Sugar site, the draft Proposals Map includes an annotation, to the north of site ST1, identifying a potential new bridge/ enhancement across the Harrogate rail line, adjoining land safeguarded for potential future transport schemes. Consistent with previous representations made by Rapleys on behalf British Sugar, the granting of the extant planning permissions for the British Sugar site confirmed that the provision of such improvements is not necessary to ensure that the proposed redevelopment of the British Sugar site is acceptable in planning terms. Consequently, no s106 planning obligation relating to the delivery of this infrastructure was required as part of the extant planning permissions. It is noted that there is no specific reference to this new bridge / enhancement infrastructure in the IDP updates, nor does there appear to be reference to any identified funding that can enable its delivery. Whilst the annotation on the Proposals Map is not objected to, it must be noted that this is not a requirement that should be funded directly through the development of the British Sugar site. British Sugar reserves the right to make further comments in relation to the Site-Specific policies (in hearing Sessions 3 and 4) to address this matter as appropriate.

d) have the costs of meeting education needs been identified in the IDP and has the necessary mechanism for funding been secured to provide for those needs? If not, why not and what are the implications for the delivery of the Plan?

6.13 In relation to the development of the British Sugar site, indicative costs for education infrastructure requirements are identified in the IDP. However as set out in the responses to Q.6.4 and Q6.5 above, these costs are not considered to be based on up-to-date information, and therefore in order to ensure that the evidence base is sound, this information should be updated. In terms of the mechanism for funding, the extant planning permissions for the development of the British Sugar site are subject to a s106 agreement which includes relevant clauses and obligations to ensure that the necessary contributions towards the identified education infrastructure requirements are provided for at the appropriate development 'trigger points'.

g) is there a reasonable prospect that the housing and economic development sites identified will come forward for development when anticipated during the Plan period?

6.14 In relation to the British Sugar site, the target trajectory for housing delivery as shown in the Detailed Housing Trajectory Update (EX/CYC/69) is supported and is based upon the latest available information regarding the delivery of development at the British Sugar site in line with the extant planning permissions relative to the site. British Sugar remains committed to the delivery of the site in line with this timescale. Therefore, it is confirmed that, in respect of the British Sugar site specifically, there is a reasonable prospect that the housing identified will come forward for development when anticipated during the Plan period.

Q 6.7 Is the development proposed in the Plan, as set out in Policy SS1, financially viable?

6.15 The development of the British Sugar site is identified as site ST1, to be delivered pursuant to policies SS1 and SS6. The viability and deliverability of the British Sugar site has been assessed in detailed and on a bespoke site-specific basis as part of the approval of the extant outline and full planning permissions relating to the site. Therefore, in respect of the British Sugar site, on the basis of the approved planning permissions and as informed by the bespoke viability review mechanism, which is detailed in the associated s106 agreement, the development is demonstrated to be financially viable.

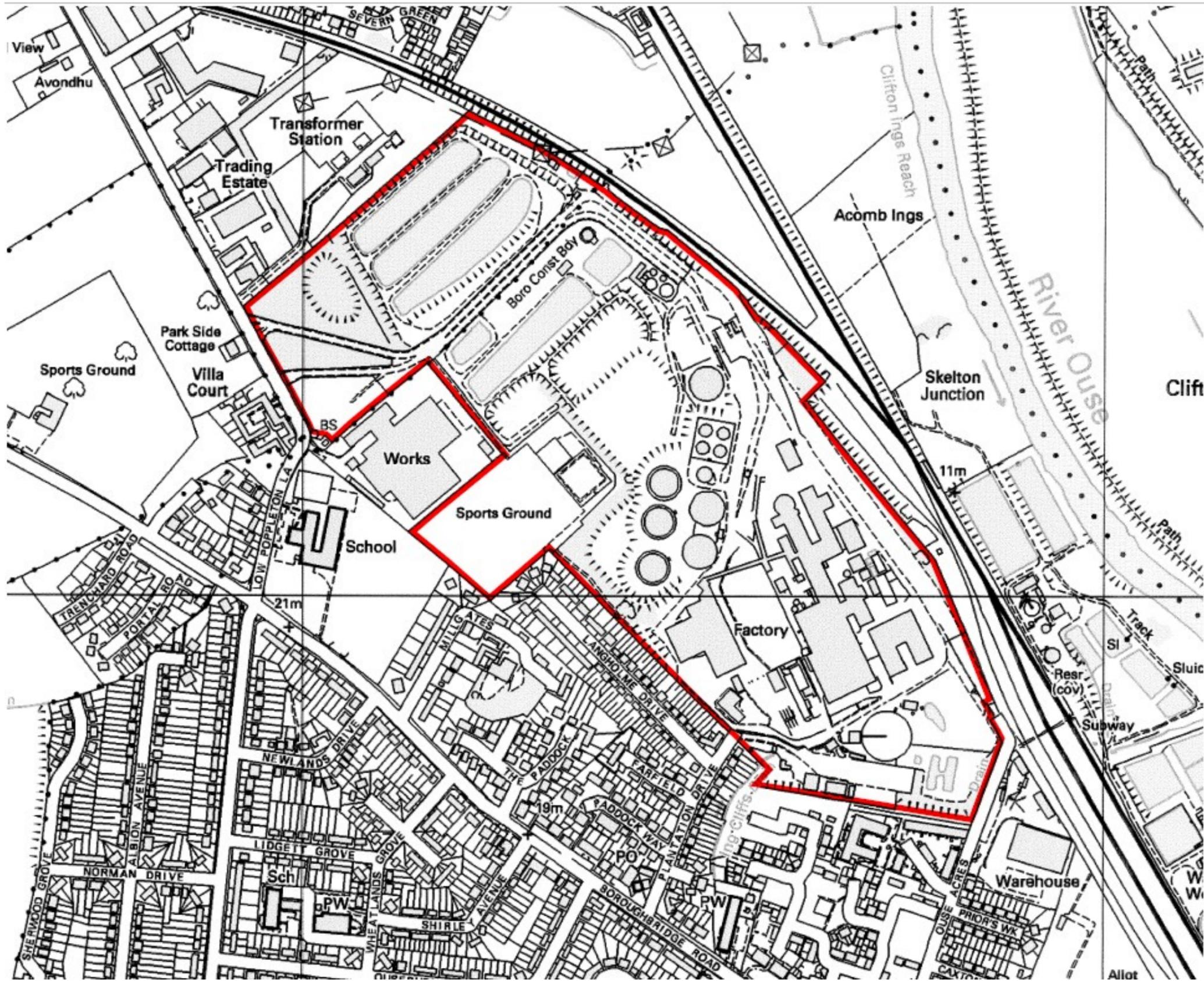
6.16 Notwithstanding the above, British Sugar has made previous representations through the emerging Local Plan process in relation to the specific draft policy requirements as set out in Policy SS6, relating to site ST1, and will be providing further Written Statements on the site-specific allocation policies as part of the further hearing sessions, where it is considered that these have not been fully taken into account in the Proposed Modifications to the draft Plan

7 CONCLUDING REMARKS

- 7.1 These Written Statements have been prepared and submitted by Rapleys LLP on behalf of British Sugar Plc (British Sugar).
- 7.2 British Sugar is the owner of the Former British Sugar site, Boroughbridge Road, York. British Sugar has worked with City of York Council (CYC) since the closure of the former British Sugar site in 2007 to progress its sustainable redevelopment.
- 7.3 British Sugar supports the inclusion of the British Sugar site as the substantial part of Strategic Site Allocation ST1 (pursuant to Policy SS6) within the draft Plan. This reflects the extensive Local Plan representations submitted by Rapleys on behalf of British Sugar in respect of the development of the Site to date and is justified by the extant planning permissions that will facilitate the delivery of residential led mixed use development at the Site.
- 7.4 British Sugar is currently progressing the necessary further consents and enabling works to bring forward the residential led development of the British Sugar site. The target timetable for the development of the site, and in particular new homes on the site, is identified at Section 1 of these Written Statements. British Sugar remains committed to the delivery of sustainable development at the Site.
- 7.5 In this context, Rapleys, on behalf of British Sugar continues to offer their support for the preparation and adoption of the CYC Local Plan, and the inclusion of the British Sugar site as the substantial part of allocation ST1 therein, subject to the incorporation of the detailed comments and representations set out in these Written Statements and Rapleys previous representations made on behalf of British Sugar (as identified in Section 1).
- 7.6 In addition, British Sugar will provide further Written Statements, and will request to appear at the further hearing sessions, in relation to the Site-Specific allocations and development management policies, to be addressed in hearing sessions 3 and 4.

Appendix 1

SITE LOCATION PLAN



SITE LOCATION PLAN
Former British Sugar Site
YORK



Scale @ A3 : 1:5000
Plan No. : 1119/114/1-SLP1_2017

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Final Audit Report

2022-03-25

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