

STATEMENT OF COMMON GROUND

LAND EAST OF METCALFE LANE, YORK – SITE REF. ST7

PHASE 2 HEARINGS

**AS AGREED BETWEEN CITY OF YORK COUNCIL, BARRATT HOMES, TAYLOR
WIMPEY UK LTD, AND TW FIELDS (OSBALDWICK) LTD**

16th May 2022

INTRODUCTION

1. This Statement of Common Ground (SoCG) has been prepared jointly between City of York Council, Barratt Homes, Taylor Wimpey UK Ltd, and TW Fields (Osballdwick) Ltd (the Developers). The purpose of this SoCG is to inform the Inspectors of areas of agreement and disagreement between the parties in relation to the matters to be heard during the phase two hearings into the submitted draft York Local Plan (Local Plan) [CD001].
2. The topics covered in this SoCG are in relation to the strategic matters for Phase 2 Hearings and issues where agreement has not been reached, but which are subject to discussion at later hearing stages.

BACKGROUND

3. There has been ongoing engagement between the Council and the Developers during the preparation of the Local Plan and evidence base.
4. The Developers have previously made representations to the City of York Council in respect of previous consultation exercises on the Local Plan. Throughout the plan making process these representations have demonstrated that the proposed housing allocation on land East of Metcalfe Lane, York (strategic housing site ref: ST7) is suitable for housing development, is available and that residential development is viable and achievable on the site. The site is situated in a suitable and highly sustainable location in respect of connectivity to existing jobs and services within the Main Urban Area of the City and importantly there are no technical or environmental (built and natural) constraints that would preclude the development of the site. Accordingly, the site is deliverable.
5. In addition to this SoCG the Developers have submitted specific responses to the Inspector's issues and questions as set out in the Schedule of Matters, Issues and Questions document (Ref: EX/INS/30).
6. The Local Plan supports a development of 845 homes at the site, alongside necessary social infrastructure. Whilst the Developers support the principle of this allocation, they consider that the defined boundary is unsound and support an alternative slightly larger scheme, which they consider is more viable and deliverable. In making representations to the Local Plan the Developers have presented potential alternative development options to the Council associated with a new Garden Village of either 845 homes, 975 homes or 1,225 homes. The final resolution of the precise boundary of the new settlement will be determined at the Phase 3 of the examination of the Local Plan.
7. The Developers have made representations regarding ST7 which can be regarded as a disagreement between the Developers and the Council. These are addressed in the detail of the Developers representations. The text below is a statement on the matters that are agreed.

Areas of Agreement

Matter 1: Strategic Vision, Outcomes and Development Principles

Areas of Agreement

- *Duty to Co-operate* - The Plan has been prepared in accordance with the 'duty to cooperate' imposed by Section 33A of the Planning & Compulsory Purchase Act 2004 in that it has co-operated with neighbouring authorities and prescribed bodies through constructive and on-going engagement on the impacts of sustainable development as set out in CD020 EX/CYC/7a and EX/CYC/23.
- *Sustainability Appraisal (SA)* - The City of York Local Plan Sustainability Appraisal has been prepared in accordance with Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations 2004 (statutory instrument 2004 No.1633). The Council has undertaken detailed Sustainability Appraisal work in respect of a number of different development site options for the Osbaldwick proposals ranging from 845 homes to 1,800 homes over a 10-year period. The updated Sustainability Appraisal (EX/CYC/62) again assesses the sustainability of the site and again supports its allocation as a strategic site for 845 homes. The focus of the update in respect of ST7 is in relation to the findings of the updated HRA and the proposed main modification to Policy SS9 which seeks to respond to them.
- *Heritage Impact Appraisal* - As an approach, the Heritage Impact Appraisal process has provided a good evaluation of the potential impact the submitted plan might have upon the six principal characteristics of the historic city identified in the Heritage Topic Paper. The use of this evaluation in Sustainability Appraisal (SA) Objective 14 (Heritage Assets) and Objective 15 (Landscape and Setting) is appropriate.
- *Habitats Regulations Assessment (HRA)* - The City of York Local Plan Habitats Regulations Assessment has been undertaken in accordance with the Conservation of Habitats and Species and Planning Regulations (various amendments) (England and Wales) (2017) and the European court case 'People Over Wind'. The Council's updated Habitat Regulations Assessment (REF/CYC/45 – HRA 2020) has comprehensively assessed the potential impact of the Local Plan and the proposed site allocations on Strensall Common. The updated HRA identifies that the Osbaldwick site is situated approximately 4.8km from the most convenient access point to Strensall Common.

Matter 2 – Housing Need and Requirement

Areas of Agreement

- It is considered appropriate that the York Local Plan seeks to meet its own objectively assessed housing need within the authority boundary.

Matter 4 – Spatial Strategy and Site Selection Process

Areas of Agreement

- Policy SS1 is appropriate in determining the location of development in York.
- The Local Plan's Spatial Strategy and distribution of development across the plan area is appropriate and reasonable when considered against the character of the City and the requirements of national planning guidance.
- The City of York Local Plan's development strategy as set out in Policy SS1 [CD001 as modified by EX/CYC/58] reflects the most appropriate strategy, when considered against the reasonable alternatives in the Sustainability Appraisal [CD008, CD011 and EX/CYC/24a], based on proportionate and updated evidence.
- The spatial strategy principles have been appropriately used to develop the pattern of development as identified on the key diagram. The Local Plan Spatial Strategy [CD001 as modified by EX/CYC/58] will help to safeguard the size and compact nature of the historic city, the perception of York being a free-standing historic city set within a rural hinterland, key views towards York from the ring road, and the relationship of the main built-up area of York to its surrounding settlements.
- As part of the strategy for accommodating York's assessed development needs, there is considerable merit in the potential offered by the proposed new settlements.
- The allocation of the Osbaldwick site reflects the historic development pattern of the City through the delivery of a new settlement inside of the Outer York Ring Road (such as Knapton), and in doing so ensures that the historic and landscape character of this area of the City is preserved and enhanced where possible.
- The Osbaldwick development proposal is one of the City's most appropriate locations for the development of a new settlement when considered against all reasonable alternatives.

Matter 5 – Housing Land Supply

Areas of Agreement

- In the context of the guidance presented in Footnote 11 of Paragraph 47 of NPPF (2012) the site is considered deliverable, as it is available now, offers a suitable location for development now, and is achievable and viable now as there is a realistic prospect that housing will be delivered on the site within five years.
- The site will deliver new homes within the first 5-years of the Local Plan period. Site specific lead-in-times and annual delivery rates have been agreed by both parties. Details of which are enclosed in Appendix A.

Matter 6 – Infrastructure Requirements, Delivery and Development Viability

Areas of Agreement

- Whilst the Developers believe that the Council's estimated costs of the required infrastructure items for the Osbaldwick site (as outlined in Doc Ref. EX/CYC/70) are reasonably accurate, there are areas where further detail can be provided by the developers and which can be discussed at the Phase 3 hearing sessions. However, the following areas of agreement are provided below for the purpose of the Phase 2 SoCG: -
 - *Early Years and SEND Education* – provision for both early years and SEND will need to be considered as part of the proposals. CYC and the developers will jointly work to agree appropriate provision is secured.
 - *Primary Education* – Policy SS9 of the Local Plan identifies that the Osbaldwick site may be required to deliver a new primary facility on-site. Whereas document Ref. EX/CYC/70 outlines that the Osbaldwick site will secure developer contributions for primary school places as necessary to meet the need for new places. The Council's updated position in respect of primary education is agreed. The site is located within the catchment areas of Hempland Primary School and Osbaldwick primary school and is within the 2 mile safe walking route for the catchment school. It is understood that both of these schools will be accessible from the new pedestrian/cycle connections that will be delivered as part of the development proposals, with Osbaldwick Primary being accessible by a walking/cycling link to Murton Way.
 - *Secondary Education* – Document. Ref. EX/CYC/70 identifies that the Osbaldwick site will secure developer contributions for secondary school places as necessary to meet the need for new places. This approach is agreed and it has been taken into account by the developers when undertaking their own viability appraisal for the site. The final figures will be calculated and finalised as part of the future planning application for the site when the number of homes that the development will deliver is confirmed.
 - *Highways* – Document Ref. EX/CYC/70 outlines that the site will be required to deliver highway enhancements, including vehicle access from Stockton Lane and/or Murton Way. The funding of the vehicular access to the site from Stockton Lane and Murton Way have been taken into account by the developers when undertaking their own viability appraisal for the site.
 - *Other Matters* – There are a number of other key infrastructure requirements associated with the development of the Osbaldwick site. Including a local centre, pedestrian/cycle and bus infrastructure, services, telecommunications, drainage, and other engineering works. We can confirm that these have been taken into account by the developers when undertaking their own viability appraisal for the site. There will also be a number of other S106 developer contributions associated with the development of the site. From reviewing recent developments in the City, and from discussions with

the Council, the developers have a sound understanding of what these costs will be and we can confirm that they have also been taken into account by the developers when undertaking their own viability appraisal for the site.

- CYC Viability Work – It is agreed that the evidence presented in Appendix 2 of the Council’s Phase 2 Matter 6 hearing statement (Ref. HS/P2/M6/IR/1b) is a guide for potential development costs in testing the Local Plan. This is because the scheme design and/or infrastructure requirements (and capacity of existing infrastructure) may change.

Matter 7 – Approach to Setting Green Belt Boundaries

Areas of Agreement

- The City of York Local Plan approach to the York Green Belt is appropriate and in compliance with the National Planning Policy Framework.
- There is no requirement to demonstrate exceptional circumstances to allow for the removal of the site from the Green Belt as the Inspectors concluded Paragraph 30 of their letter to the Council dated 12th June 2020 (Ref. EX/INS/15) that: *- We consider that this Local Plan neither seeks to establish new Green Belt nor proposes to alter established Green Belt boundaries. We therefore conclude that for the purposes of consistency with national planning policy, it is not necessary for any of the Green Belt boundaries proposed in the Local Plan to be justified by the existence of exceptional circumstances. We also conclude that, with the caveats regarding the need for further detailed scrutiny set out above, the Green Belt boundaries proposed are, as a matter of broad principle at least, in general conformity with the RSS. It will, of course, remain necessary for them to be found to be consistent with the NPPF, and sound overall.*
- The size and location of the new settlements has taken into account the relationship which York has with its existing surrounding villages – an element which has been identified in the Heritage Topic Paper [SD103] as being part of the character of the city. They have been designed to ensure that they do not harm the compact form of York’s main urban area, or the individual identity or rural setting of their neighbouring villages, the green wedges that penetrate into the urban area, and important views towards the historic city from the ring road.

Endorsement

City of York Council		
<i>Name and Position</i>	<i>Signature</i>	<i>Date</i>
Neil Ferris Corporate Director of Place		17 May 2022
ST7 Developer Consortium		
<i>Name and Position</i>	<i>Signature</i>	<i>Date</i>

<p>Paul Butler Director PB Planning</p> <p>obo ST7 Developer Consortium</p>		<p>16th May 2022</p>
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APPENDIX A – AGREED HOUSING TRAJECTORY

Lead-in-time: -

- Period 1 – Pre-Submission of Planning Application: -
 - Finalise technical reports to support a hybrid planning application. Reports to be prepared based on the larger developer desired allocation boundary to ensure that the ‘maximum’ area/scenario is covered.
 - Undertake ‘pre-application’ work with CYC as part of SoCG work associated with the Local Plan.
 - Undertake community consultation work.
 - Resolution of final allocation boundary as part of the Local Plan process is expected before end of 2022.
 - Submit planning application prior to end of March 2023.
 - **Total Period = 10 months (Monitoring Year Period 2022/2023)**

- Period 2 – Post-Submission Timescales: -
 - Local Plan adopted in 2023.
 - Determination of the planning application (and signing of S106) expected to take up to 12months but this could be quicker based on site’s allocation in the Local Plan & ‘Pre-App’ work undertaken as part of Local Plan SoCG work.
 - Land negotiations expected to take place within the same period due to historical discussions that have taken place.
 - **Total Period = 12 Months (Monitoring Year Period 2023/2024)**

- Period 3 – Post-Determination Timescales: -
 - Discharge of Planning Conditions - 6 months
 - Construction of access roads to the site expected to take 6-12months.
 - Simultaneous construction of other required initial site delivery/infrastructure works for first phases including roads, sewers, and foundations served by temporary access road (6-12months)
 - **Total Period = 18 Months (Monitoring Year Period 2024/2025 to 2025/2026)**

- Completion of First Phases of Homes in the monitoring year **2025/2026**

- Overall – **Proposed Lead in Time of 3.5 years to 4-years**

Annual Delivery Rates: -

- Based on 3-4 selling outlets delivering 30% affordable homes across a mix of 1,2, 3, 4 & 5 bedroom homes:-
 1. Taylor Wimpey Homes – 40 Homes Per Annum
 2. Barratt Homes – 40 Homes Per Annum
 3. David Wilson Homes - 40 Homes Per Annum
 4. Smaller/Sub-Regional Housebuilder as required by CYC policy – treated as an addition to the above due to the small number of homes from this 'sales outlet' in total.

Site Ref. ST7 – Agreed Housing Trajectory

Current Local Plan Allocation

Total	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33
845	0	0	0	0	50	90	120	120	120	120	120	105
Cumulative	0	0	0	0	50	140	260	380	500	620	740	845

Developers Proposed Allocation

Total	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
975	0	0	0	0	50	90	120	120	120	120	120	120	115
Cumulative	0	0	0	0	50	140	260	380	500	620	740	860	975