

**STATEMENT OF COMMON GROUND**

**LAND WEST OF WIGGINTON ROAD – SITE REF. ST14**

**PHASE 2 HEARINGS**

**AS AGREED BETWEEN CITY OF YORK COUNCIL, BARRATT HOMES, AND TW  
FIELDS (CLIFTON GATE) LTD**

16th May 2022

## **INTRODUCTION**

1. This Statement of Common Ground (SOCG) has been prepared jointly between City of York Council, Barratt Homes, and TW Fields (Clifton Gate) 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 particularly in relation to the strategic matters for the 2<sup>nd</sup> phase of Local Plan Hearing in May 2022 but also highlights those 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 West of Wigginton Road (strategic housing site ref: ST14) 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 at Clifton Moor and 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 1,348 homes at the site, alongside necessary social infrastructure. The Council's assessment of this allocation (which is the Council's preferred option) found it to be viable and deliverable.
7. Whilst the Developers support the principle of this allocation, they consider that the defined boundary is unsound and support an alternative 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 an expanded new Garden Village of either 1,350 homes, 1,725 homes or 2,200 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.
8. The areas of agreement and disagreement are outlined below.

## 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 Clifton Gate proposals ranging from 1,348 homes to 4,020 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 1,348 homes. The focus of the update in respect of ST14 is in relation to the findings of the updated HRA and the proposed main modification to Policy SS12 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 Clifton Gate site is situated approximately 4.6km 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 Clifton Gate site reflects the identified key characteristics of the City, through enabling a new settlement with its own identity to be created. It will be a well-designed to reflect the existing settlement form of villages around the main urban area of York, in-keeping with the existing urban form and York's unique character.
- The Clifton Gate 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

- Whist the Developers believe that the Council's estimated costs of the required infrastructure items for the Clifton Gate 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.
  - *Secondary Education* – Policy SS12 of the Local Plan identifies that the Clifton Gate site will secure developer contributions for secondary school places as necessary to meet the need for new places, as well as the provision of a safe walking and cycling route to the existing footpath and cycle network located within proximity of the site. Doc. Ref. EX/CYC/70 outlines the same approach for the Clifton Gate site. This approach 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* – Doc. Ref. EX/CYC/70 outlines that the site will be required to deliver highway enhancements, including Access from A1237 ORR and B1363 Wigginton Road. The funding of the vehicular access to the site from the upgraded Clifton Moor roundabout and the new access from Wigginton Road to the east, have been taken into account by the developers when undertaking their own viability appraisal for the site. Works to the Clifton Moor Roundabout (which include the works needed to deliver the 4<sup>th</sup> arm and pedestrian/cycle underpass to connect Clifton Moor to the Clifton Gate site) are due to be commenced by the Council as part of the wider dualling works being undertaken to the A1237 ORR in 2023. It is anticipated that they will take 2-years to complete. The required funding for these works is already in place. The works will deliver a key element of the Clifton Gate site's infrastructure requirements, when completed these works will accelerate the delivery of homes from the site.
  - *Community Hall/Space* – Policy SS12 of the Local Plan identifies that the Clifton Gate site will create a new local centre incorporating appropriate shops, services, and community facilities. Doc. Ref. EX/CYC/70 outlines that the site will be required to deliver a Community Hall/Space, the cost of which is estimated to be £0.9m. The development proposals currently seek to deliver a Village Centre which will include Community Hall/Space. The cost of which has been taken into account by the developers when undertaking their own viability appraisal for the site. These facilities can also be provided as part of the new Primary School facilities.

- *Other Matters* – There are a number of other key infrastructure requirements associated with the development of the Clifton Gate site. Including 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 and assessing the delivery of the site. 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 in Paragraph 30 of their letter to the Council dated 12<sup>th</sup> 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.
  
- Whilst the Developers maintain their objection to the Council’s findings in respect of their conclusions with regards to the proposed detailed boundaries of ST14, it

is agreed that an outcome of the Council's further work is that the expanded land area required to deliver each of the Developers proposed options for the site are not located within any areas of development constraint used as Site Selection Criteria by CYC, as identified on the plan shown on page A5:19 of Annex 5 of Topic Paper 1 (EX/CYC/59g).

## **Areas of Disagreement**

### ***Matter 2 – Housing Need and Requirement***

#### Areas of Disagreement

- It is the Developers view that the Local Plan's proposed Objectively Assessed Housing Need (OAHN) of 790 homes per annum is not justified by compelling evidence and the methodological approach to calculating the OAHN on account it does not align with the requirements of national planning guidance NPPF 2012. A more accurate representation of the OAHN for the City would lead to an increase in the number of homes that the Local Plan should seek to deliver. With regards to the Council's Housing Needs Update (Doc.Ref EX/CYC/43a) and the resulting proposed modifications relating to the annual net housing provision in Policy SS1, it is the Developer's view that the housing requirement is increased to reflect the most up to date Standard Method. The current Local Housing Need (LHN) for York generated by the standard methodology is calculated using the 2014-based household projections for 2021-2031, which equates to household growth of 809 per annum, plus a market signals uplift of 25.25% equating to 1,013 dpa.
- It is the Council's view that the City of York Housing Needs Update (Ref. EX/CYC/43a) is a robust evidence based approach prepared in accordance with the PPG under the NPPF (2012), applying transitional arrangements. The OAHN has been derived through a robust assessment of housing need which as per the PPG examines demographic need, economic growth, market signals and affordable housing.

### ***Matter 6 – Infrastructure Requirements, Delivery and Development Viability***

#### Areas of Disagreement

- Policy SS12 of the Local Plan identifies that the Clifton Gate site will deliver on-site, accessible, combined nursery and primary education facilities. Doc. Ref. EX/CYC/70 outlines that the site will be required to deliver a 2-3 form Primary School at the site.
- The development proposals currently seek to deliver a 2-form entry primary school (including nursery provision) and school playing fields. The cost of which has been taken into account by the Developers when undertaking their own viability appraisal for the site. The Developers are happy to work with the Council moving forward to agree the final primary education provision required for the site, however, such discussions will need to take place in the context of the availability of land within the current site allocation boundary (including the need to provide

the other land-uses required by Policy SS12); the increased costs; and the Developers' position that the number of homes on site needs to increase to ensure the provision of a sustainable community in association with critical mass. Indeed, it is the Developer's view that an increase in the number of homes to 1,725 would be more aligned to delivering the critical mass/number of pupils needed to sustain a 3-form entry school.

- Doc. Ref. EX/CYC/70 outlines that the Primary School will be provided in the period 2028-2031. The Council's housing trajectory for the site identifies that only 735 homes will be delivered by 2031. This differs to the Developers' housing trajectory for the site, which is a matter which will be discussed at the Phase 3 hearing sessions in more detail. However, for the avoidance of any doubt, the Developers will work with the Council to ensure that the Primary School will be delivered at the site when required.

### **Matter 7 – Approach to Setting Green Belt Boundaries**

#### Areas of Disagreement

- There remain areas of disagreement around the detailed Green Belt boundaries. However, it is acknowledged that this SoCG relates to matters regarding Phase 2 hearings only, and that it is the Phase 3 hearings which will address issues in relation to specific parts of the boundaries proposed, including those around development sites. All parties are committed to on-going discussions regarding detailed boundaries and site allocations.

#### **Endorsement**

<b>City of York Council</b>		
<i>Name and Position</i>	<i>Signature</i>	<i>Date</i>
Neil Ferris  Corporate Director of Place		17th May 2022
<b>ST14 Developer Consortium</b>		
<i>Name and Position</i>	<i>Signature</i>	<i>Date</i>
Paul Butler Director PB Planning  obo ST14 Developer Consortium		16 <sup>th</sup> May 2022

## STATEMENT OF COMMON GROUND

### LAND EAST OF METCALFE LANE, YORK – SITE REF. ST14

#### 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)
  - CYC Construction of A1237 ORR access works to the site including roundabout & pedestrian/cycle underpass (6-18 months).
  - Simultaneous construction of access roads (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 Rate: -**

- Based on 4-5 selling outlets delivering 30% affordable homes across a mix of 1,2, 3, 4 & 5 bedroom homes:-
  1. Barratt Homes – 40 Homes Per Annum
  2. David Wilson Homes - 40 Homes Per Annum
  3. Other National Housebuilder – 40 Homes Per Annum
  4. Other National Housebuilder – 40 Homes Per Annum
  5. 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. ST14 – 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	2033/34	2034/35
1348	0	0	0	0	60	60	160	160	160	160	160	160	160	108
Cumulative	0	0	0	0	80	120	280	440	600	760	920	1080	1240	<b>1348</b>

**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	2034/35	2035/36	2036/37
1725	0	0	0	0	60	60	160	160	160	160	160	160	160	160	160	165
Cumulative	0	0	0	0	80	120	280	440	600	760	920	1080	1240	1400	1560	<b>1725</b>