

City of York Local Plan

Schedule of Revisions to Main Modifications

May 2023

Consultation of the proposed Main Modifications to the Local Plan ran for 6 weeks from 13th February to 27th March 2023. Many of the representations received included recommendations for alternative wording. Following review of these comments, the table below identifies those revisions that the Council supports. It does not consider these changes to be of such significance to warrant either additional consultation or further amendment to the Sustainability Appraisal or Habitat Regulation Assessment reports. They are matters that the Inspectors can address as they see fit in the final set of Main Modifications to be published in their Inspectors' Report.

Mod Ref	Proposed main modification revisions	Reason for change
MM3.7 Policy SS3: York City Centre	<p>Within the city centre, as defined on the Proposals Policies Map, the following development types are acceptable in principle:</p> <p>Retail (A1 E) – within the designated Primary Shopping Area (PSA). Outside of the PSA the sequential test and impact tests will apply in order to protect the vitality and viability of the city centre;</p> <p>Office (B1a E);</p> <p>Food and Drink (A3/A4/A5 E, and sui generis pubs/ drinking establishments and hot food takeaways);</p>	<p>Addition of sui generis pubs/ drinking establishments and hot food takeaways to reflect previously acceptable use classes A4 and A5.</p>
MM3.27 Policy SS10: Land North of Monks Cross	<p>iv. Explore the creation of Provide a new green wedge to the west of the site south of Garth Road to play an important role in protecting ecological assets, safeguarding the historic character and setting of the city and conserving on-site heritage assets including Ridge and Furrow, archaeology, hedgerows and trees that contribute to the setting of Huntington. It should be linked into the adjacent new</p>	<p>To recognise that Garth Road is in third party ownership and a link cannot therefore be guaranteed.</p>

	housing scheme currently under construction development at Windy Ridge/Brecks Lane...	
MM3.74 Policy SS20: Imphal Barracks, Fulford Road	<p>iii. An agreed masterplan to ensure the site's redevelopment will make a positive contribution to the character and distinctiveness of the local area, informed by:</p> <ul style="list-style-type: none"> ▫ an assessment of the architectural and historic interest of the site and its buildings, including the parade ground and other open areas, related to the site's military use and York's development as a garrison town; and. 	To include 'an assessment of the' prior to architectural and historic interest, in response to comments made by Historic England.
MM3.79 Policy SS23: Land at Northminster Business Park	vi. Provide a high quality landscape scheme in order, as appropriate, either to mitigate impacts and screen the development and/or to provide providing an appropriate relationship with the surrounding landscape. Attention should be given to the site's relationship with the countryside to the west of the site, to the southern boundary of the site, with Moor Lane (bridleway) and the village of Knapton.	Minor changes to correct drafting errors.
MM6.4 Policy HW1 explanation – paragraph 6.10	The Local Plan has an important role to play in ensuring that community facilities are provided in the most effective and accessible way. Existing services must be protected as much as possible, however, it is also important to ensure that existing facilities are 'fit for purpose'. Changes in the economic climate may mean that some commercial facilities (such as public houses) are no longer financially viable. Only in such circumstances, and when no alternative community use is possible, will a loss of commercial facilities will be permitted. Evidence that the facilities have been appropriately marketed for a minimum of a two years year without success will be required to demonstrate they are unviable. This should consist of (as a minimum) a report explaining the marketing process and its outcomes, including the terms offered, any interest	Minor changes to correct drafting errors.

	<p>received and why it was not successful. In addition, an open book based viability appraisal must be submitted to demonstrate that the facility is not viable, and could not reasonably be made viable</p>	
<p>MM8.5 Policy D4: Conservation Areas</p>	<p>ii. would enhance or better reveal its significance or would help secure a sustainable future for a building; and</p>	<p>Removal of text reflecting discussion in Phase 4 hearings</p>
<p>MM8.7 Policy D5: Listed Buildings</p>	<p>Proposals affecting a Listed Building or its setting will be supported where they:</p> <p>i. preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. The more important the building, the greater the weight that will be given to its conservation; and</p> <p>ii. help secure a sustainable future for a building at risk.</p> <p>iii. are accompanied by an appropriate, evidence based heritage statement, assessing the significance of the building.</p> <p>Changes of use will be supported where it has been demonstrated that the original use of the building is no longer viable and where the proposed new use <u>of the building</u> would not harm its significance.</p> <p>Harm to an element which contributes to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss of a Listed Building will be permitted only where it can be demonstrated that the <u>substantial harm or loss is necessary to achieve proposal would bring</u> substantial public benefits <u>that outweigh that harm or loss, or all of the following apply:</u></p> <ul style="list-style-type: none"> <u>● the nature of the heritage asset prevents all reasonable uses of the site; and</u> 	<p>A few of the changes forming part of MM8.7 were included in error and were not consistent with those agreed in the SOCG with Historic England and later at the hearing session. The Council recommends MM8.7 reflects text previously agreed through correction of the following:</p> <ul style="list-style-type: none"> ● reinstate bullet point ii; ● remove additional text from paragraph 2 - '...the proposed new use <u>of the building</u> would not harm its significance and would help secure a sustainable future for a building at risk.' ● remove additional text from paragraph 3 'Harm or substantial harm to <u>an element...</u>'

	<ul style="list-style-type: none"> ● no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and ● conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and ● the harm or loss is outweighed by the benefit of bringing the site back into use. <p>Applications should be accompanied by an appropriate, evidence based heritage statement, assessing the significance of the building sufficient to understand the potential impact of the proposal on the significance of the building.</p>	
MM8.10 Policy D6 explanation paragraph 8.31	<p>8.31 ...Within the historic core, substantial harm is defined as greater than 5% disturbance to the most significant buried archaeological deposits through foundation design and infrastructure development as described in the York Development and Archaeology Study (1990). Within the historic core, substantial harm to nationally-important remains will be permitted only where it meets this target and up to 95% of the most important deposits remain preserved in-situ or disturbance to buried archaeological deposits is minimised as far as possible, where it can be demonstrated that the proposal would bring substantial public benefits considered to outweigh the archaeological harm caused, and remaining deposits are preserved in-situ. This policy approach has been adopted to ensure both the continued economic vitality of the city centre and the preservation in-situ of these highly significant deposits. In all other parts of the City of York, substantial harm to or loss of designated or undesignated features or deposits of national importance will be permitted only where this is outweighed by the public benefits of the proposal.</p>	Following comments from, and informal discussion with, Historic England, minor changes have been proposed for clarification.

<p>MM8.12 Policy D7 Explanation – paragraphs 8.35 to 8.37</p>	<p>8.35 The National Planning Policy Framework (2012) encourages Local Authorities to consider the significance of non-designated all heritage assets. The concept of describing and appraising the significance of listed buildings, conservation areas and other 'designated assets' is longstanding in legislation and guidance, and is to be protected through the application of other policies in this section. There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes, conservation area appraisals and reviews and as part of the decision-making process on planning applications. Following adoption of a Local List, this will be used to identify non-designated heritage assets. However, prior to this applicants should consult relevant evidence alongside This the policy's however provides clear local criteria, to identify non-designated heritage assets. The policy criteria help guide development decisions, enabling applicants and decision makers to better understand what is meant by 'significance' in relation to local non-designated heritage assets and their settings. Any development proposals that relate to non-designated heritage assets and their settings must be accompanied by an assessment of their significance in line with the criteria in Policy D7.</p>	<p>Clarity provided that once adopted the Local List will be used to identify non-designated heritage assets.</p>
<p>MM9.6 Policy GI2a: Strensall Common Special Area of Conservation (SAC)</p>	<p>9.8g Queen Elizabeth Barracks in Strensall, currently occupied by the Defence Infrastructure Organisation British Army.....</p>	<p>Change proposed to reflect accurate situation.</p>