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**EXAMINATION OF THE CITY OF YORK LOCAL PLAN 2017 – 2033 SCHEDULE OF MATTERS,
ISSUES AND QUESTIONS FOR THE EXAMINATION PHASE 5 HEARINGS**

Dear Mr Berkeley and Mr Griffiths,

The Councils approach to providing suitable gypsy provision has caused significant concern amongst the GTAA and also the Inspectors, particularly in the ability to meet the needs both in the short term and in the plan period, with questions relating to the suitability of expanding existing sites, the approach in Policy H5 and the ability to deliver sites through the strategic housing allocations.

These representations are made on behalf of Barratt and David Wilson Homes, who are promoting a number of strategic sites, including an application that is currently pending on ST9, land to the north of Haxby.

BDWH have made representations previously on this, including those made by PB Planning recommending alternatives, such as a local plan review and/or alternative wording, which are supported. These comments relate solely to the strategic housing allocation policies and link to Policy H5.

ST9 has a number of constraints that guide the design of the site and the amount of developable land, with Policy SS11 providing a number of specific policy requirements for what needs to be delivered on site. These include the retention of trees and hedges, a large area of new open space, a minimum of 735 homes, landscape buffers, on site drainage and open space and through discussions with the Council a new primary school, not required during the examination. All of these requirements are explicit policy requirements, that are required to be delivered.

Given the constraints, the large areas of landscaping and the significant land take for a school not previously envisaged it is not possible to provide the appropriate level of pitches without the removal of some of the policy requirements in ST9, for example a reduction in open space.

The provision of gypsy pitches is not required through Policy SS11 but rather Policy H5, which provides a clear sequential approach. In this respect not delivering on site pitches is not in conflict with policy. This is applicable to all strategic sites and as such could result in those pitches needing to be delivered elsewhere if they cannot be accommodated on site.

Policy H5 allows for a sequential approach, to provide pitches on site, on alternative land that the applicant can deliver or through a commuted sum to be spent on strategic options. With regards the application at Haxby, the sequential approach in Policy H5 was applied to show that the site cannot accommodate the necessary level of pitches and that either alternative land or a commuted sum could be provided.

Through discussions both a commuted sum and off site provision have been discussed and dismissed by the Council, solely on the basis that any alternative land would be in the Green Belt and therefore would constitute inappropriate development that the Council could not support. Taking such a simplistic approach raises significant questions about the deliverability and effectiveness of Policy H5.

Notwithstanding this it is considered that a solution can be achieved through modification to the Policy.

The Councils evidence base suggests that the provision on strategic sites will not be delivered until at least years 6-10 of the plan, therefore any modifications impacting these sites do not stall short term delivery.

Policy H5C provides a number of locational tests for the provision of new sites, with a notable absence of Green Belt as a restrictive issue. It is acknowledged that the plan should be read as whole so Green Belt policies still apply, however given the Councils tightly drawn boundaries it is almost inevitable that any application made under Policy H5 would need to be in the Green Belt.

Notwithstanding this, the Councils main issue with alternative land being proposed or a commuted sum being paid appears to be the lack of availability of non Green Belt land and a restriction of developing sites in the Green Belt as they would comprise inappropriate development, which could not be supported. It is inappropriate to simply dismiss the principle of developing in the Green Belt without a consideration of what the VSC's could be to outweigh that harm.

In simple terms it is considered that showing a clear identified need, a lack of alternative land for that provision to be met and a lack of non Green Belt sites to meet that need would show VSC's.

The Council themselves acknowledge this in the Local Plan by allocating sites in the Green Belt and including provision on the strategic sites, both meeting the test of exceptional circumstances, the Local Plan equivalent of VSC's.

To expressly acknowledge the difficulties and state that VSC's could exist through a lack of alternatives would enable Green Belt sites to be looked at in principle, subject to compliance with the other requirements of Policy H5C. Given the timescales for the anticipated delivery, there is clear time to explore all other alternatives as part of this application process.

Precedent does exist for providing a guide on what could comprise VSC's nationally, with the Framework identifying that the provision of renewables could provide VSC's in the Green Belt (para 156).

Referencing that the need and lack of alternatives could constitute VSC's in Policy H5C, would still require evidence on need, a lack of alternatives and compliance with Policy H5C but would also allow alternative sites to be considered and commuted sums to be spent from the strategic sites, therefore making that policy effective.

Regards,

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